

Three Years After Thoothukudi Burned



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1. Introduction

It is s been almost a year since the peaceful protestors in Thoothukudi were brutally killed. Eleven of them were killed at the Thodothukudi District Collectorate, four others in the streets of Thoothukudi by trigger happy Thoothukudi Police and a lady who died due to arson. May 22, 2018, marked the 100th day of peaceful demonstrations against the then proposed expansion of Vedanta's Sterlite Copper. Protests and dissent which have always been the strength of the Indian democracy were mercilessly and in the most inhumane manner murdered on May 22 in Thoothukudi. The image of a policeman in yellow shirt with a sniper on top of a vehicle shooting at Thoothukudi protestors continue to haunt us.

Almost a year later, justice for the people of Thoothukudi remains very distant. According to the National Human Rights Commission (NHRC) which was looking into this case concluded on October 25, 2018, *"Since adequate compensation has been paid to the victims and appropriate steps have been taken by the State Government to bring law and order situation under control, and the Judicial Commission is already looking into the angle of use of force / police excesses, if any, no further intervention in the matter is required."* Government of Tamil Nadu appointed Justice Aruna Jagadeesan headed Commission of Inquiry continues to be in operation. The Central Bureau of Investigation (CBI) is also investigating the matter after the direction of the Madurai Bench of the Madras High Court on August 14, 2018.

According to the NHRC, 'adequate compensation' was one of the parameters for it to close the case, conveniently choosing not to exercise its powers. The Government of Tamil Nadu had sanctioned financial assistance of Rs 20 Lakh each for the family of deceased persons, Rs Five Lakh each for the severely injured and Rs 1.5 Lakh each for other injured persons. Reports suggest that the compensation was paid before the end of May 2018 and this is totally credited to the initiative of two senior bureaucrats who took control of Thoothukudi before any minister could ever have the courage to enter Thoothukudi. Families of the deceased and those injured in Thoothukudi confirm that they have received this compensation without any payments having to be paid as is most often the known procedure in the state. This compensation paid from the Chief Minister's Fund at best is only an 'ex-gratia' payment to the victims and survivors of the horrifying acts of the State on May 22 and the following days.

The Government of Tamil Nadu had also promised to provide employment to one of the family members of the deceased. They did provide jobs to all except one family. However, this report will discuss the nature and kind of jobs provided by the government. It is unfortunate that despite one year no one is held accountable for what happened in Thoothukudi on May 22. What is more disturbing is that there is no information if there is any action contemplated or initiated by the Government of Tamil Nadu against the senior revenue and police officials in Thoothukudi. History of this country provides very less grounds for belief in justice through one person led commissions of enquiry. The parameters of justice have been reduced to ex-gratia compensation and jobs. The apex human rights body of this country which prides itself of having completed 25 years last year and claims to be an 'A' status National Human Rights Institution (NHRI) as accredited by the Global Alliance of NHRIs (GANHRI), in this case chose to be toothless. It did not register a single case related to May 22 events in Thoothukudi sent from People's Watch and groups closely associated with the on ground interventions. Sterlite despite its closure in Thoothukudi, cushioned by a well loaded public relation machinery and political backing, continue to advertise and promote itself through its 'Corporate Social Responsibility'.

This report by People's Watch is therefore an attempt to speak on behalf of the people of Thoothukudi and share the developments in Thoothukudi after the May 22 incident. Families of all the deceased and a sample from among the injured people (who wished still to speak) were individually met in Thoothukudi and their detailed statements were recorded. In their best interest and apprehending retaliations from State agencies, which has been the custom in Thoothukudi since May 22, the names are withheld. Review of the petitions before the Madurai Bench of the Madras High Court, Supreme Court, NHRC and National Green Tribunal was undertaken along with the review of the daily news from Thoothukudi.

Fear has taken a backseat in Tuticorin, people are resolute not to let the martyrdom fail. They continue to say – Ban Sterlite! Government of Tamil Nadu take back the land assigned to Vedantha - Prosecute Vedantha under criminal law for all legal violations to the environment – land, air and water.

2. Present Status of the CBI Inquiry

The Madurai Bench of Madras High Court ordered for inquiry by the Central Bureau of Investigation on August 14, 2018 into the incidents of police firing in Thoothukudi on May 22, 2018. The court ordered that the investigation should be complete by 4 months. Umber of accused

The CBI had registered two FIRs. One in RC 6 /S / 2018 / CBI / SCB / Chennai and another in RC 8 /S / 2018 / CBI / SCB / Chennai. On 31.12.2019 at 10.30 AM the CBI filed its first charge sheet in RC 6 /S / 2018 / CBI / SCB / Chennai, naming 27 accused (members of the public alone). This charge sheet was followed by a supplementary charge sheet being filed in the same FIR on 21.09.2020 (almost 9 months later) naming 34 further accused in the same case. Thus, the total number of accused from the public held responsible for the Thoothukudi violence on 22nd May are 71.

What is most significant is that though these two charge sheets naming 71 members of the public for the violence, there has been not a single official named in the second FIR, registered specifically on a complaint filed by Mr. Arjunan, District Secretary of Communist Party of India (Marxist). It is intriguing are the following:

1. Though the Madurai Bench of the Madras High Court had directed in its order that the CBI complete its investigation in 4 months which should therefore have been completed on or before 14.12.2018, it is now 29 months since the deadline has lapsed and yet the CBI is yet to name a single accused from the police or revenue and other officials to be held responsible for the brutal deaths caused.
2. Why is it that the CBI has accorded priority in its criminal investigation undertaken to find out who is responsible from the members of the public and not to find out the officials responsible. ?
3. As many as among the 71 named accused from the public are known to have also deposed.

There was a ray of hope among the citizens of Thoothukudi after the case was transferred to CBI. But now 36 months after the incident not a single police or revenue officer being named, as being responsible for the violence is only IMPUNITY.

Recommendations to the new DMK Government:

1. To immediately ensure that the Government intervenes in the Madurai Bench of the Madras High Court asking the Hon'ble Court to take over the monitoring of the CBI investigation ordered on 14th August, 2018 and asking the CBI to periodically report to the Court to ensure that the accused in the second CBI FIR (against officials) are named and the charge sheet laid within a period of 30 days.
2. In the absence of the CBI doing so, the Government should not hesitate to ask for the CBI investigation to be handed over to a specially constituted Special Investigation Team (SIT) an SIT to be constituted by the Court in consultation with the Government.

3. Progress made by Commission of Inquiry headed by Hon'ble Justice Tmt. Aruna Jagadeesan

A day after the police firing in Thoothukudi, the Tamil Nadu government appointed a Commission of Inquiry consisting of a single member, namely, Hon'ble Tmt. Justice Aruna Jagadeesan, Retired Judge of High Court of Madras, to inquire into the causes and circumstances leading to the opening of fire resulting in death and injuries to persons on 22.05.2018.

Terms of reference conferred to the Commission¹:

- i. To inquire into the causes and circumstances leading to the opening of fire resulting in death and injuries to persons on 22.05.2018 at Thoothukudi arising out of law and order disturbances including damage to public and private properties;
- ii. To determine whether appropriate force was used as warranted by the circumstances and whether all prescribed procedures were observed before opening of fire;
- iii. To ascertain whether there was any excess on the part of police officials and if so, to suggest action to be taken;
- iv. To recommend suitable measures to prevent the recurrence of such incidents in future.

The Commission was also mandated to complete its inquiry and submit its report to the Government within a period of three months from its appointment.

Mr. Arjunan, the District Secretary of Communist Party of India (Marxist) challenged the terms of reference conferred to the Commission of Inquiry in the Madras High Court². The terms of reference were then amended as follows³:

“the Government of Tamil Nadu in G.O.Ms.No.472, Public (Law & Order-F) Department, dated 04.07.2018 to widen the scope of the Hon'ble Tmt. Justice Aruna Jagadeesan Commission of Inquiry has amended the above said terms

¹ G.O.Ms.No. 368, Public (Law & Order-F) 23 May 2018 No.11(2)/ PuLO/481(C) 2018

² W.P.(MD). No.13231 of 2018 – Mr.K.S.Arjunan vs Mr.Praveen Sinha on 14.08.2018 – Madras High Court

³ Tamil Nadu government Press Release dated 05.07.2018

of reference empowering the Commission to enquire into the causes and circumstances leading to the opening of fire resulting in death and injuries to persons on 22.05.2018 and subsequent events at Thoothukudi and nearby areas including damages to public and private properties. Therefore, the General Public and victims can furnish the facts and information known to them either directly or indirectly through authorized person or representative to this Commission on or before 27.07.2018 relating to the above subject matter.”

The Commission of Inquiry operated from a well-staffed and furnished office in Chennai located on Greenways road (where the official residences of the Hon’ble Ministers and Hon’ble High Court Judges are located) and another camp office in Thoothukudi functioning from the Government Old Circuit House, South Beach Road, Thoothukudi.

The Commission has so far held 27 sittings, summoned 1059 witnesses, examined 719 of them and scrutinized 1126 documents. The details of its sittings as revealed through its periodic press releases are as follows:

1 st sitting 04 -06 June 2018	- 3 days
2 nd sitting 09-11 Aug 2018	- 3 days
3 rd sitting 27 - 29 Aug 2018	- 3 days
4 th sitting 22 - 25 Oct 2018.	- 4 days
5 th sitting 22 - 24 Nov 2018	- 3 days
6 th sitting 17 -19 Dec 2018	- 3 days
7 th sitting 21-25 Jan 2019	- 5 days
8 th sitting 18 -21 Feb 2019	- 4 days
9 th sitting 12-15 Mar 2019.	- 4 days
10 th sitting 08 -10 Apr 2019	- 3 days
11 th sitting 07 -10 May 2019	- 4 days
12 th sitting 18-21 Jun 2019	- 4 days
13 th sitting 15- 19 July 2019	- 5 days
14 th sitting 27-30 Aug 2019	- 4 days
15 th sitting 17 - 20 Sep 2019	- 4 days

16 th sitting	12 - 16 Oct 2019	- 5 days
17 th sitting	03 - 06 Dec 2019	- 4 days
18 th sitting	Jan 2020	- 5 days
19 th sitting	24 - 27 Feb 2020	- 4 days
20 th sitting	17 - 19 Mar 2020	- 3 days
21 st sitting	24 - 28 Aug 2020	- 5 days
22 nd sitting	23 - 26 Nov 2020	- 4 days
23 rd sitting	14 - 18 Dec 2020	- 5 days
24 th sitting	18 - 22 Jan 2021	- 5 days
25 th sitting	15 - 19 Feb 2021	- 5 days
26 th sitting	15 - 19 Mar 2021	- 5 days
27 th sitting	19 - 23 Apr 2021	- 5 days

Total No. of days : 111 days

The Commission has sought several extensions since it was originally supposed to have completed its task within three months of its appointment.

The modus operandi followed by the Commission as noticed from its functioning is as follows :

- It has held all its sittings only in Thoothukudi in what it terms as 27 sittings comprising a total of 111 days. Thus, out of the 1093 days that this Commission has been appointed (since 23.05.2018) it has had sittings only on 111 days so far.
- A careful analysis of the dates of the sittings indicates that the Commission has not engaged in more than one sitting a month – each of the sittings being a minimum of three days and a maximum of 5 days a month.
- The Commission has also not sat at all for 9 months in the 36 months of its existence; namely July (2018), September (2018), November (2019), from April to July (2020), September and October (2020). Thus, having been paid for 36 months so far, the Commission has not sat for 9 months and thus worked only for 27 months.
- It is extremely shocking to note that the following are yet to be examined by the Commission ; namely the then Collector, the then Superintendent of Police , the then

Sub Collector, the three Deputy Thasildars who were supposed to have given orders for police action and the over 400 policemen who are still to be examined. At the pace at which the Commission is presently functioning, and has examined only 719 witnesses in 27 months, the Commission cannot be expected to complete its mandate in another 2 years from now.

- When all Courts in the country from the Supreme Court down till the subordinate judiciary have been working online since 2020, it is surprising to note that the Commission headed by a retired High Court Judge, which could obtain its extension to complete its work, could not procure sufficient equipments to examine any of its witnesses online during the pandemic. During the pandemic and thereafter, the Commission could have very easily examined the official witnesses (police and revenue) if it had chosen to even holding its sittings in its Chennai office in order to avoid travel to Thoothukudi. The Commission which is also provided with the assistance of a Retired District Judge could have also directed the said District Judge (Retd) to examine most of these official witnesses.
- No efforts were seen to have been taken by the Commission after its resumed its functioning post the first Pandemic lockdown in August 2020. It continued its 5 day sitting a month with no sense of urgency indicated even then to increase its number of days of sitting.
- It is thus clear that there has been no special effort at all taken by the Commission to complete its mandate on time in order that the truth behind what had taken place in Thoothukudi is brought to the attention of the Government that appointed this Commission in May 2018. In addition, the Commission did not chose to even submit an interim report at the close of every year to the Government till 14th May 2021 when it chose to, after an enquiry for the same from the office of the present Hon'ble Chief Minister, Mr.M.K.Stalin.

Contents of the interim report of the Commission :

No one has had access to this interim report of the Commission claimed to be of 35 pages with a four-part annexure of supporting evidences such as video footage and other documents to the newly elected Government. The areas covered by the report that could be gathered from the media that is yet to be refuted by the Commission are the following :

- recommended that the government “withdraw 244 foisted cases against 400 youths, all in the age group of 18-35, illegally detained after the May 22 police firing”;
- payment of adequate compensation to the victims of police torture;
- “94 youths and boys were taken to the Vallanadu Police Firing Range near Thoothukudi and tortured. All these cases were just ‘pick and choose’ ones. They should be given ‘no objection certificates’ from the respective law enforcing authorities that detained them illegally and named them in FIRs so that they could continue with their studies and employments apart from getting Visas and Passports,”
- the jobs that were offered by the previous government to the kith and kin of those who were killed in police firing were not in line with their educational qualifications. “They were low profile jobs like assistants in VAO [Village Administrative Officer] offices and cooks in Anganwadi centres.
- Recommended Rs.20 lakh as compensation to the family of Justin (29), who was seriously injured in police action in May 2018 and died after five months of medical treatment.

The main three terms of reference of the Commission, namely 1 to 3 (stated above) have not yet been covered and cannot be covered till the official witnesses, especially the then Collector, the then Superintendent of Police, the then Sub Collector, the three Deputy Thasildars who were supposed to have given orders for police action have been examined by the Commission.

The Commission had already recommended to the District Collector to provide adequate medical treatment for Princeton, Vijayakumar⁴, Veerbaghu, Maria Judy Hema⁵ in the year 2018. Upon this recommendation, Rs. 1,51,042 was provided to Vijayakumar and Rs. 42,000 was provided to Maria Judy Hema for their treatments. Justin Selvamithish, who suffered head injury due to police attack with an iron rod succumbed to his injuries on 15.10.2018 is yet to be compensated. Though the Commission recommended⁶ Rs. 20 lacs as compensation and a government job to a member of his family, neither of the recommendation has been followed by the District Collector.

It is pertinent to note that there was no need for a recommendation to ‘withdraw 244 cases’ since the Hon’ble Madurai Bench of the Madras High Court on 2nd August 2018 in A. John Vincent Vs State of Tamil Nadu and Ors in W.P. No 15421 of 2018 & W.P.

No 15660 of 2018 hekd as follows:

'Para 13. A hundred and eighty five F.I.Rs. against particular individuals? Is one to obtain bail in one case only to be told that he is detained in another? Is this a message to the protestors of Thoothukudi - 'Don't you dare'? How brazen and insensitive can the State be? Is the State oblivious or uncaring of the position that by conducting itself in the manner informed, it is putting every person, even if he has played an ever so small part in the protests in fear of the midnight knock and arrest? Are family members, who have lost their near and dear ones, constantly to fear their arrest or that of their loved ones? Is the State being oblivious or is it the intent? Given the sadness of the Thoothukudi incident of 22.05.2018 why is the State, when it should be looking for the balm that heals, be raising the police palm that threatens?

Para 14. Though the petitioner in W.P.(MD) No. 15660 of 2018 has sought F.I.R. in other crime numbers be treated as 161(3) Cr.P.C. statement in Crime No.190 of 2018, this Court considers it appropriate to partly accede to the prayer in W.P.(MD) No.15660 of 2018 and direct that all F.I.Rs. registered in connection with happenings of 22.05.2018 and related in any manner to the Anti-Sterlite protests at Thoothukudi be treated as 161(3) Cr.P.C. statements in Crime No.191 of 2018, originally registered by the fifth respondent and presently on the file of third respondent.

*Para 15. Accordingly, these Writ Petitions are partly allowed. This **Court directs that complaints in all F.I.Rs. registered in connection with the happenings of 22.05.2018 and related in any manner to the Anti-Sterlite protests in and around Thoothukudi be treated as 161(3) Cr.P.C. statements in Crime No.191 of 2018.** As we are aware that a decision on the manner of investigation in the case is pending consideration of the Hon'ble First Bench at the Principal Seat, we would leave it to petitioners to later move afresh there regards, if need be. Consequently, connected Miscellaneous Petitions are closed. No costs.*

Thus it is clear there was no need of any recommendation of withdrawal of cases from the Commission since this was already an order of the Madras High Court as on 2nd August 2018. If there were consequences that required to be addressed by the previous Government, an interim report could have easily been provided by the Commission to the earlier Government as is being done now. It is also clear that the then Collector of

Thoothukudi has remained in active in terms of several recommendations for compensation to persons such as Justin (Dd) made by the Commission earlier. The same is as regards the recommendations for employment that were made even by the Commission earlier and also by People's Watch in its first year report in May 2019 and being reiterated below.

Intervention by People's Watch

'The Day Tuticorin Burned', a report by the Peoples Inquest on Thoothukudi Police Firing with 2400 pages and five volumes containing statements of families of deceased persons, injured persons, witnesses, medical documents, FIRs, findings from ground and recommendations were provided to the Commission of Inquiry. Henri Tiphagne has been submitted his detailed affidavit running to over 125 pages in January 2020 but is yet to be cross examined just as Dr. M.G. Devasahayam IAS (Retd). They were both summoned in March 2021 at short notice and thereafter not been ressumoned for cross examination.

Recommendations to the new Government :

- People's Watch is of the considered opinion that with the evidence of the performance by the Commission since its establishment in May 2018 till now, it is clearly evident that there have been no special efforts to hasten the process of the inquiry by either working on more days in a month, or by resorting to summoning police witnesses to its main office at Greenways Road or even by resorting to online examination of witnesses. At the present pace there is no chance of the Commission to complete its main terms of reference in another 24 months. Continuing with such an important Commission and terms of reference with such lethargy will not auger well for the new Government to reach at findings and recommendations that could bring justice to the people who engaged in the peaceful protest for the closure of Sterlite / Vedantha.
- In this age of right to information, the Government has a duty to let its citizens know what happened in Thoothukudi on 22nd May and thereafter. After the former Government had made known to the National Human Rights Commission that it had appointed the Commission of enquiry headed by Justice Aruna Jagadeesan, the Government now had a duty to either provide the findings or close the present Commission that was unable to deliver its terms of reference in 36 months.

- People's Watch therefore recommends :
 - that the present Government ensures that all pending recommendations of the Commission in relation to employment and compensation to the injured and deceased are immediately adhered to ;
 - that all the evidence that is gathered is made immediately available to the public in a spirit of transparency on a Government website ;
 - that the Government immediately passes orders for the discontinuation and closure of the functioning of the present Commission since its terms of reference have not been completed even partly after three years and it has only held 111 days of hearings in its existence for 1093 days. ;
 - that the Government constitutes a fresh Commission of inquiry with a fresh terms of reference directly related to the police firing and use of force to be headed by a retired Judge of the Supreme Court and assisted by a team of High Court Judges and more retired District Judges if required to assist in the examination of witnesses and with the assurance to complete their work and submit their final report within 6 months of their constitution.

4. A case of 'Reprisal' against Thirumurugan Gandhi for raising the issue in United Nations Human Rights Council in June 2018:

Mr. Thirumurugan Gandhi, a prominent human rights activist and defender in Tamil Nadu was arrested in Kempegowda International Airport, Bengaluru in August 2019. He was detained by the immigration officials of the airport, on the basis of a 'Look Out Circular' (LOC). The LOC was issued against him on the basis of instructions from the Tamil Nadu Police relating to previous cases he has been charged with. He was then handed over custody to the personnel of City Crime Branch (Cyber Crime Cell) of Chennai City Police at around 9.30 PM. Mr. Gandhi was then brought to Chennai on August 10, 2018 around 7.30 AM and was produced before Metropolitan Magistrate in Chennai. The court also refused to grant his custody to the police and stated that the charges against Mr. Gandhi were not made out prima facie. The court also questioned the basis on which he has been charged with the offence of sedition. However, the Metropolitan Magistrate permitted his custody for 24 hours to the police to conduct investigations and meanwhile told the police to submit their responses to five queries regarding the charges against Mr. Gandhi including to justify the charges against him merely for speaking at the United Nations. After which, he was taken to the police premises in the old Police Commissionerate near Pantheon Road in Chennai. After enquiring him, he was released by the Assistant Commissioner of Police, who is in-charge of this investigation around 6.30 PM. The moment he stepped out of the premises of the old Police Commissionerate, around 20 policemen surrounded Mr. Gandhi and roughed him up and threatened him to come with them without stating any reasons whatsoever and took him in vehicle No TN 01 G 6685 in the presence of Mr. Krishnamoorthy, Assistant Commissioner of police, Royapettah. When Mr. Gandhi asked them the reasons, he was forcefully taken in a police vehicle and was later arrested in an old case in which he was charged. The police also attempted to charge him under the Unlawful Activities (Prevention) Act which was refused by the Court.

Mr. Gandhi was returning to India after attending the recent UNHRC session and also attended formal meetings in the European Commission as well as other meetings in Europe. During the UNHRC sessions in June 2018, Mr. Gandhi had on record stated about the killings of 15 people in Thoothukudi due to police firing and other police actions upon the peaceful protestors against the Sterlite industry.

This incident of issuing a LOC on Mr. Gandhi and his possible arrest should be seen in context of the state terror that is being unleashed in Thoothukudi since the police firings against peaceful protestors on May 22, 2018. Human rights activists, members of civil society organisations are being persecuted with false cases by the police in Thoothukudi as also observed by the Madurai Bench of the Madras High Court and ordering quashing of the open FIRs. Six persons had been detained under the NSA by the police falsely claiming that they indulged in violence during the protests on May 22, 2018 against the Sterlite. Two lawyers who were providing legal aid to the persons who were illegally and arbitrarily detained by the police in Thoothukudi were also arrested and one of them under the NSA. Both of them as well as the others have been released by the orders of the Madurai Bench of the Madras High Court, which warned the police and the district administration of Thoothukudi not to arbitrarily detain persons under such preventive detention laws.

A complaint² on the reprisal of Mr. Gandhi was sent to National Human Rights Commission on August 9, 2018 which was registered as Case No. 1109/10/1/2018. The Commission upon looking into the complaint, disposed it off stating *“In these circumstances, the Commission finds it appropriate to forward a copy of the complaint to the Director General of Police, Tamil Nadu who is expected to look into the allegations levelled by the complainant and ensure that the victim is not subjected to any kind of harassment by the police officials and he is not implicated in false criminal case. With these observations, the case is disposed of”*.

Recommendations to the New Government :

People’s Watch recommends that the Government ensures that all criminal cases registered by the previous Government as a case of reprisal against Mr. Thirumurugan Gandhi for having addressed the meetings of the United Nations Human Rights Council and adequate compensation is paid for his incarceration in jail resulting from this false case registered.

5. Failure of the National Human Rights Commission to ensure justice to the victims :

Human Rights Defender's Alert – India had sent a complaint to the Focal Point on Human Rights Defenders on the evening of May 22, 2018 itself when the death toll was five at that time as per news received from ground zero at 2 PM. on May 23rd, 2018, People's Watch had sent a detailed complaint to the Hon'ble Commission explaining the series of incidents and violence that was unleashed and unfolded. Commission had initially on May 23, 2018 on the basis of reports appearing in the Times of India taken suo-motu cognizance of the incident citing the said newspaper report and registered a complaint with Case No: 907/22/41/2018 and issued notice to the Government of Tamil Nadu and immediate action was called for. One Mr. Rajarajan, an advocate had filed a Writ Petition before the Delhi High Court regarding the police firing and violence on people during the anti-Sterlite protest on May 22, 2018. The Hon'ble Delhi High Court had directed this Hon'ble Commission to respond to the advocate's plea, which was to send an independent investigation team to Thoothukudi and conduct an independent enquiry.

Many incidents which have happened after May 22, 2018 which are of serious concern relating to the Sterlite protest which the NHRC has failed to take cognizance of and has closed its own complaint since adequate compensation has been paid to the victims and appropriate steps have been taken by the State Government to bring law and order situation under control and no further intervention in the matter is required are as follows:

- a. The first instance was during the meetings of organizing team for the People's Inquest into Thoothukudi Police Firing – a 23-member team of retired judges, senior bureaucrats and police officers, and social activists to look in to the police violence. The team meetings were being held in the office of Mr. A.D.W. Tilak, President of Thoothukudi Bar Association to discuss the release of the report. There were continuous interruptions and surveillance by uniformed policemen, mostly from Thoothukudi South PS present in large numbers at the entrance of his office, threatening some of the participants for the meeting, and also 'serving' summons for appearances of 'witnesses' in the South PS on the road - even to highly respected women activists who are also senior citizens. This happened between 19 - 21 July 2018.

- b. The second instance was on 21 July 2018 when the Inspector of Police, SIPCOT police station, Mr. Sampath, 'rounded' up the staff of People's Watch and brought them to the office of District Superintendent of Police (SP). They were near the District Collectorate in Thoothukudi distributing pamphlets for the meeting on 22nd July to be addressed by Justice Gopala Gowda, Former Judge of the Supreme Court along with religious leaders and leaders of political parties on the event of the launch of People's Inquest report.
- c. There were numerous direct and indirect pressures from the Thoothukudi District Administration against the report release function of 'People's Inquest into Thoothukudi Police Firing'. As per the suggestion of the SP the organisers applied for permission for use of the 'Kalaingar Arangam', a private hall in Thoothukudi for the 22nd July 2018 for the report release - in an indoor meeting. This was because the police had earlier ensured that the owner Abirami Hall in Thoothukudi, that was assured to us earlier had cancelled the booking. The Inspector of SIPCOT police station had made very stringent, illegal conditions thereafter to ensure that we cannot have our meeting there in Kalaingar Arangam and hence it had to be shifted to a third venue at 12 Noon on the 22nd July for the meeting to take place at 4 PM that day thereby severely restricting the fundamental freedom to peaceful assembly as enshrined in the Constitution. The Thoothukudi police took major efforts, to which Justice Gopala Gowda, the religious and political leaders were an eye witness, to ensure that all people coming to this venue were video graphed at the entrance of the compound leading to the hall and Justice (Retd.) Gopala Gowda's presence was also recorded on a video camera by the police. The police were also stationed in large numbers at different places around the venue to prevent people from coming to this meeting.
- d. On 20 August 2018, a few days after the judgment of the Madurai Bench of the Madras High Court, a meeting was organized for the victims and witnesses of the police firing and violence which was informed to the respective SHOs of Thoothukudi with copies of the same also made to the Superintendent of Police and other senior police officers. The venue of the meeting was a private compound in Thoothukudi and even there the SHO of

the Thoothukudi South PS Mr. Muthu was present with a number of uniformed police personnel and it was only after a protest and bringing this to the attention of the Inspector General of Police (Intelligence) that the police personnel were withdrawn after along drawn argument. This was only an effort to indirectly threaten victims and witnesses from deposing and having access of justice efforts from lawyers.

- e. On November 20, 2018, a summons addressed to Henri Tiphagne had been delivered at People's Watch office at 32, Besant Road, Chokkikulam, Madurai to appear before the Deputy Superintendent of Police on 21.11.2018. The summon is regarding a complaint sent by People's Watch to the Tamil Nadu State Human Rights Commission (SHRC) on threats and intimidation to the persons who had testified regarding the police firing in Thoothukudi on the anti-Sterlite protest which happened on May 22, 2018. It is a fact that the Hon'ble Madurai Bench of Madras High Court on 14.08.2018 had ordered that all the cases regarding Sterlite police firing and violence to be transferred to the Central Bureau of Investigation. Hence, the Tamil Nadu Police Department had no jurisdiction pertaining to cases involving the protests and police firing during anti-Sterlite protests in Thoothukudi in May 22, 2018 as per the orders of the court. Since the matter is only about a complaint to the SHRC, it does not come under the ambit of Chapter XII of the Code of Criminal Procedure and hence the summon itself was an attempt to intimidate and influence the complaint by People's Watch before the SHRC. This is an example of how the government and police have ensured that the law and order situation in Thoothukudi is 'under control'.

A number of PILs in relation to this incident were also pending before the Madurai Bench of the Madras High Court at that point of time relating to a number of issues. They were in the following cases: W.P. (MD) Nos. 11391, 11394, 11396, 11397, 11398, 11399, 11401, 11402, 11502, 11661, 12297, 13231 and 13417 of 2018 and W.M.P.(MD) No.10382, 10383, 11543, 10389, 10390, 10391, 10392, 10393, 10394, 10398, 10479, 10480, 10481, 11178, 12064, 12223, 12224 and 12225 of 2018. The subjects that were covered in each of them all related to a variety of human rights violations such as indiscriminate killings by police men; non-following of the provisions of the Police Standing Orders relating to the order of police lathi charge; use of tear gas and ultimately firing; internet shut down for more than 4 days in three districts of

Thoothukudi, Tirunelveli and Kanyakumari; torture and illegal detention of several hundred people; need for second post-mortem ; quality treatment of injured in the government hospital etc. In cases of gross violation under Sec 12 (b) of the PHRA 1993, NHRC can intervene in any proceeding involving any allegation of human rights pending before a court with the approval of such a court.

The steps taken by the Government to bring in normalcy and law and order situation under control has only ended in more human rights violations and there is now a huge distrust among the citizens of Thoothukudi against the police, district administration and the government. The NHRC has overlooked all these issues which still exist and have prematurely closed this case without bringing justice to the victims only on the basis of a communication from the former Government to the NHRC dated September 2018. There has been no actions, prosecution or inquiry against the police officers and government officials on duty yet. The Commission while putting the onus on the Judicial Commission formed by the Government of Tamil Nadu has failed to use its own powers under the Protection of Human Rights which is more wide and powerful than the Terms of Reference of the Judicial Commission appointed by the Government of Tamil Nadu.

The NHRC has passed the following order on 25.10.2018. vide Case File No.907/22/41/2018, which reads :

“The instant case relates to the death of 11 persons due to police firing in Tuticorin district of Tamil Nadu on 22.05.18, reported by various newspapers and T.V. channels. The Commission took suo moto cognizance of the incident on 23.05.18 and observed that the victims’ right to life had been grossly violated. It also noticed that the police resorted to firing on unarmed protesters without following the Standard Operating Procedure, which tantamounts to serious violation of human rights. Accordingly, reports were called from various authorities. Vide its proceedings dated 29.05.18, the Commission directed to send its team for the spot investigation of the matter in the light of the orders passed by the Hon’ble High Court of Delhi in W.P. (C) No. 5779/18 filed by Shri A. Rajarajan, National Vice-President, National Union of Backward Classes, New Delhi. The Commission further directed to examine all the concerned, including family members of the victims and independent witnesses as it deems appropriate. Accordingly, the

Investigation Division of the Commission conducted a spot inquiry of the incident and submitted its report to the Commission.

According to the directions of the Commission, the Principal Secretary to the Govt. of Tamil Nadu (FAC), Public (Law & Order-D) Dept., Chennai vide communication dated 06.09.18 has submitted a detailed report regarding the background of Anti-Sterlite Protest in Thoothukudi, Tamil Nadu and action taken by the Govt. of Tamil Nadu. The Govt. of Tamil Nadu on 23.05.18 appointed Tmt. Justice Aruna Jagadeesan, retired Judge of High Court of Judicature, Madras as Commission of Inquiry to inquire into the causes and circumstances leading to the opening of fire resulting in death and injuries to persons on 22.05.18 and subsequent events at Thoothukudi and nearby areas arising out of law and order disturbances including damage to public and private properties. The Commission of Inquiry was also asked to examine whether the force used was appropriate and warranted by the circumstances and whether there were any excesses on the part of police officers, and if so, to suggest action to be taken. The report further states that the Govt. of Tamil Nadu has also sanctioned financial assistance of Rs. 20 Lakh each for the family of deceased persons and Rs. Five Lakhs each for the severely injured and Rs. 1.5 lakh each for other injured persons. The Govt. has also promised to provide employment to one of the family members of the deceased. The District Administration has taken adequate steps to restore normalcy in the District. The report concluded that appropriate steps had been taken by the State Govt. to bring a normal and peaceful situation in a short period of time.

The Commission considered the report and was of the opinion that adequate compensation had been paid to the victims and appropriate steps have been taken by the State Government to maintain law and order in the District, and the Judicial Commission was looking into the police excesses if any, and no further intervention in the matter is required. The report is taken on record, and the case stands closed.”

The NHRC could have in this case also insisted for asking for details of the disciplinary action initiated against those senior officers whose command was responsible for the actions that followed leading to over 16 persons being killed and several hundred injured. Not a single police officer has even been suspended in this matter since 22nd May 2018. Till date there is no FIR that names any police personnel

or officer responsible for the deaths that have occurred and the several hundred injured persons.

Despite serious concerns which still remain, and justice not been delivered to the victims and their families, the NHRC closed the case stating:

“Since adequate compensation has been paid to the victims and appropriate steps have been taken by the State Government to bring law and order situation under control, and the Judicial Commission is already looking into the angle of use of force/police excesses, if any, no further intervention in the matter is required. Report is taken on record and the case stands closed.”

Recommendations to the new Government :

1. That the Government of Tamil Nadu is able to address the NHRC to reopen its case in Case No.907/22/41/2018 stating clearly that the facts stated before it by the Principal Secretary to the Govt. of Tamil Nadu (FAC), Public (Law & Order-D) Dept., Chennai vide communication dated 06.09.18 were contrary to the truth; that the CBI is yet to file its charge sheet on the officials even after almost two years and nine months ; that the Justice Aruna Jagadeesan Commission of Inquiry will need another 2 years for completing its mandate if it works at the same pace ; and hence that it was of utmost importance that the NHRC makes public the report of its investigation team that went to Thoothukudi and submitted a complete report and proceed on the basis of the same. This is the duty that the new Government owes to the citizens of Thoothukudi because this is the only independent report that is available and yet not made public since the case was closed by the NHRC.

6. Need for criminal prosecution and other actions against

Vedantha by the new Government :

People's Watch calls upon the new Government to ensure that even while the appeal is pending in the apex court, the following criminal prosecutions and action are initiated without any further delay on matters relating to green belt, land fraud, air pollution monitoring, Sampling of Copper Concentrate Ore, hospital, Comprehensive Environmental Audit and Mass Balance, slag, slag disposal (unauthorized), Slag Disposal (Unapproved Use), Zero Liquid Discharge, false declaration regarding quantum of copper production, Unaccounted for ESP Dust, Unauthorised disposal of Scrubber Cake, Unauthorised disposal of ETP Slime/Nickel Sludge, Gypsum Disposal under provisions of the Air Act and Water Act.

	Nature of Offence	Grounds	Violation
1	Land Fraud	Section 42(1)(g) of Water Act - Penalty for making false statement Section 38(f) and (g) of Air Act Penalty for making false statement	False statement regarding extent of land available for de-bottlenecking project in Annexure 2 (Land Details) of Application for Consent to Establish dated: 9.9.2005 recorded in TNPCB Inspection Report for Expansion dated 28.12.2005
2	Green Belt	Failure to comply with Consent Condition and EC Conditions CTO (Air Act) dated 22.5.95. Annexure Condition No. 21 requiring provision of adequate space development of minimum 25 metre green belt around battery limit of industry. CTO (Air Act) dated 14.10.96, General Condition No. 8	The company has failed to develop a 25 metre greenbelt around the battery limits despite being reminded repeatedly by courts. the Board via Consent Conditions. The company has made false statement about having greened 43 ha (25%) of 172 ha.

		<p>requiring planting of trees at density of not less than 1000 trees per acre.</p> <p>CTO (Water Act) dated 14.10.96, Special Condition 16 requiring same as above.</p> <p>CTO (Water Act) dated 19.04.05, General Condition No. 8 requires planting of trees at the density of not less than 1000 trees per acre.</p> <p>CTO (Water Act) dated 19.04.05, Annexure 1 (Conditions based on NEERI recommendations), General Condition No. 49 requiring 25 metre greenbelt and covering 25% of area.</p> <p>CTO (Air Act) dated 05.10.2012-No. 13 and 14 requiring 25 metre greenbelt to an extent of 25% (43 ha) of total area of 172.17 ha.</p>	<p>The greenbelt requirement is particularly important in this case considering the location for the factory in a non-conforming plan area in close proximity to densely populated residential settlements.</p>
3	Air pollution monitoring	<p>CTO (Air Act) dated 19.04.2005 (Annexure II Conditions based on MoEF / NEERI recommendations) Condition No. 14 requires unit to replace all high volume samplers with continuous ambient air quality monitoring</p>	<p>Only 7 out of 13 sampling stations are continuous ambient air quality monitoring stations. The remainder are not. Fluorine is not being measured. Other locations are not online continuous monitors. This lapse has a material consequence as the Unit points to absence of data/evidence as evidence of the</p>

		stations for SPM, SO ₂ , NO _x and Fluorine.	absence of a problem. The failure to install continuous monitors and the absence of evidence that has resulted can be used by company to deny pollution.
4	Sampling of Copper Concentrate Ore	<p>CTO (Water Act) dated 19.04.2005 (Annexure 1 Conditions based on NEER1 Recommendations)</p> <p>Additional Main Condition No. 18 requires unit to automatically sample copper ore concentrate every 8 hours for concentration of heavy metal.</p> <p>On 14.09.2005, Board issued Show Cause Notice under for contravening Section 25 of Water Act for failure to collect samples of ore concentrate. (T7/TNPCB/22276/99/RUTTN/W)</p>	<p>Not done despite reminder and earlier SCN.</p> <p>This lapse has a material consequence as it allows the Board to ascertain the quality of ore concentrate fed into the furnace, and to verify mass balance in order to arrive at unaccounted releases to environment by calculation.</p>
5	Hospital	<p>CTO (Water Act) dated 19.04.2005</p> <p>(Annexure I Conditions based on SCN. NEERI Recommendations)</p> <p>General Conditions No. 39 requires unit to establish a hospital with free treatment with outpatient and inpatient facilities.</p>	Not done despite reminder and earlier SCN.

		<p>On 14.09.2005, Board issued Show Cause Notice under for contravening Section 25 of Water Act for failure to set up hospital.</p> <p>(T7/TNPCB/22276/99/RL/TT N/W)</p>	
6	Comprehensive Environmental Audit and Mass Balance	<p>CTO (Water Act) dated 19.04.2005 (Annexure 1 Conditions based on NEERI Recommendations)</p> <p>General Condition No. 41 requires unit to conduct an annual comprehensive Environmental Audit and submit report, including mass balance of all pollutants, and comprehensive EIA once in 5 years.</p> <p>General Condition 42 requires company to conduct a mass balance study of input raw material and pollutant discharge in respect of PAP and SAP.</p> <p>CTO (Air Act) dated 15.11.2006, Additional Specific Condition No. 17 requires unit to carry out detailed material, environmental and energy audit.</p>	<p>By failing to conduct these studies and by failing to present mass balance data, the company has avoided revealing that it has a high volume of unaccounted releases of heavy metals to the environment.</p> <p>It has also avoided generating recommendations that it would have to implement.</p>

7	Slag	<p>CTO (Water Act) dated 19.04.2005 (Annexure 1 Conditions based on NEERI Recommendations) Additional Main Condition No. 20 requires slag to be stored in an impervious platform before its final disposal.</p> <p>On 14.09.2005, Board issued Show Cause Notice under for contravening Section 25 of Water Act for failure to construct impervious strata for storage of slag. (T7/TNPCB/22276/99/RL/TTN/W)</p>	<p>Not done despite reminder.</p> <p>RoA of groundwater around slag yard and of soil samples taken from vicinity reveal high levels of toxic metals. Refer to TNPCB's RoA from open drain near Slag Yard taken in October 2018.</p>
8	Slag Disposal (unauthorised)	<p>CTO (Water Act) dt/20.5.1999 states that the "agency to whom the disposal of solid waste/sludge arising from the process/treatment is entrusted shall obtain the permission of Tamil Nadu Pollution Control Board under Section 24 of the <u>Water</u> (Prevention and Control of Pollution) Act, 1974 before disposal."</p> <p>CTO (Water Act) dt/15.11.2006 General Condition No. 27 requires the Unit to ensure that the agency to whom the disposal of solid waste/sludge arising from the process/treatment is</p>	<p>Between 2011 and 2014, between 28 lakh and 30 lakh tonnes of slag have been disposed without approval.</p> <p>Agencies that received the waste for disposal are required to have permission under Section 24 of Water Act. It is not known if the following agencies have such Consent:</p> <ol style="list-style-type: none"> 1. Rajalakshmi Salt Works (P) Ltd 2. Krishna & Co. 3. Shinago Infrastructures and Resources Ltd 4. Katvi Fly Ash Bricks

		<p>entrusted shall obtain the permission of TNPCB under Section 24 of Water Act, 1974.</p> <p>CTO (Water Act) dt/05.10.2012</p> <p>Condition No. 10 states "The Unit shall dispose the slag for beneficial uses such as road formation, shot blasting, abrasive production, cement aggregate making and other relevant areas of application, with approval from concerned agencies..."</p>	<ol style="list-style-type: none"> 5. R.R. Traders 6. Srivi Logistics P Ltd 7. V.V. Mineral 8. JKR & Co. 9. Vijayalakshmi Infrastructure & Logistics Pvt Ltd 10. Raja Agencies 11. Sri IVlasanamuthu Agencies 12. Bhomiaji Enterprises Ltd 13. Indhu Traders
9	Slag Disposal (Unapproved Use)	<p>CTO (Water Act) dt 20.5.1999 states that the "agency to whom the disposal of solid waste/sludge arising from the process/treatment is entrusted shall obtain the permission of Tamil Nadu Pollution Control Board under Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 before disposal."</p> <p>CTO (Water Act) dt/05.10.2012 Condition No. 10 states "The Unit shall dispose the slag for beneficial uses such as road formation, shot blasting, abrasive production, cement aggregate</p>	<p>According to Table titled "Details of Copper Slag Quantity Sold for Construction & Infrastructure Applications" submitted by Unit to NGT Committee, it has come to light that in 2012, 400,000 MT has been sold to M/s Katvi Fly Ash Bricks for bricks manufacturing. Use of fly ash in brick manufacturing is not an approved use.</p> <p>The end-users do not have permission of TNPCB under Section 24 of Water Act.</p>

		making and other relevant areas of application, with approval from concerted agencies.. ."	
10.	Zero Liquid Discharge	CTO (Water Act) dated 15.11.2006 Annexure 1, Additional Specific Condition No. 29 requires unit to ensure that adequate rain water catchment ponds are provided in the premises to avoid discharge outside the premises,	<p>It is observed that Unit has inadequate reservoir capacity for rainwater storage as rainwater harvesting has been designed for far lower 24-hour rainfall than an be expected in Thoothukudi. The inadequacy of rainwater storage, and separation of rainwater from effluents has been repeatedly brought to the unit's notice.</p> <p>NEERI's 2011 report (Page 109) observes that "the holding capacity of the existing rain water catchment reservoirs are inadequate to accommodate the quantum of runoff from the area during peak precipitation [of a meagre 70 min]."</p> <p>NEERI further observes that "In November 2010, due to heavy rains, the entire ETP area was flooded with storm water. The industry management, as an emergency measure, routed the flooded rainwater along with treated effluent for advanced treatment through U andRO system for recovery of</p>

			recyclable water. However, the capacity of the evaporation system was inadequate to handle the excess rejects generated treating the storm water hydraulic load. Thus, the quantity of reects generated from the handling of storm, water runoff during the heavy rainfall are stored in temporary storage ponds constructed to meet the exigency at the site acquired for proposed expansion project of M/s SIIL."									
11	False Declaration regarding quantum of Copper production	<p>Section 42(1)(g) of Water Act - Penalty for making false statement</p> <p>Section 38(f) and (g) of Air Act - I Penalty for making false statement</p>	<p>Form 4 submissions for years 2015-16, and 2016-17 do not tally with production quantities reported in Vedanta Resources Plc's Annual Reports of respective years. Anode production for year ending March 2016 is under-reported by 41,644 MT. and production for year ending March 2017 is under-reported by 65,354 MT.</p> <p>Table: Anode Production in MT</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Form 4 (TNPCB)</th> <th>Annual Report Vedanta Resources Plc (UK)</th> </tr> </thead> <tbody> <tr> <td>2015-16</td> <td>345,372</td> <td>387,016</td> </tr> <tr> <td>2016-17</td> <td>335,266</td> <td>400,620</td> </tr> </tbody> </table> <p>Under-reporting also means that the accounts submitted in Form 4 regarding hazardous waste generation arc for an under-</p>	Year	Form 4 (TNPCB)	Annual Report Vedanta Resources Plc (UK)	2015-16	345,372	387,016	2016-17	335,266	400,620
Year	Form 4 (TNPCB)	Annual Report Vedanta Resources Plc (UK)										
2015-16	345,372	387,016										
2016-17	335,266	400,620										

			reported production 1 quantity. This suggests that unit has not revealed the full extent of generation of hazardous wastes, or that excess pollutants have been released to environment rather than being fixed in various waste and hazardous waste streams.								
12	Unaccounted for ESP Dust	<p>Hazardous Waste Authorisation dated 10.07.2008 valid until 2013 states:</p> <p>"Waste Stream 7.2 (i) The process residue (ESP/Gas cooler/boiler dust) shall be collected, quantified and recycled back into the smelting process as reported."</p> <p>The Authorisation permits handling of upto 32,850 MT at the rate of 90 TPD of ESP dust for 1200 TM) anode production.</p>	<p>ESP dust quantum reported in Form 4 Annual Returns (Hazardous Waste Rules) for the years ending 2016 and 2017 are far lower than expected for the quantum of reported Anode production.</p> <p>Tables: ESP Dust Expected V. Generated 2016 Anode Production: 345,372 MT</p> <table border="1"> <thead> <tr> <th>Expected Generation (MT)</th> <th>Reported Generation (MT)</th> </tr> </thead> <tbody> <tr> <td>25,902</td> <td>8,329.88</td> </tr> </tbody> </table> <p>2017 Anode Production: 335, 266 MT</p> <table border="1"> <thead> <tr> <th>Expected Generation (MT)</th> <th>Reported Generation (MT)</th> </tr> </thead> <tbody> <tr> <td>25,145</td> <td>8,085.44</td> </tr> </tbody> </table> <p>ESP dust contains between 0.04 to 0.12 % arsenic.</p> <p>Reported generation of ESP dust is 17,572 tonnes less than expected generation in year ending 2016.</p>	Expected Generation (MT)	Reported Generation (MT)	25,902	8,329.88	Expected Generation (MT)	Reported Generation (MT)	25,145	8,085.44
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			<p>Between 7 and 21 tonnes of arsenic is unaccounted for or lost to the environment.</p> <p>Reported generation of ESP dust is 17,060 tonnes less than expected generation in year ending 2017.</p> <p>Between 6.82 and 20.5 tonnes of arsenic is unaccounted for or lost to the environment.</p> <p>This discrepancy suggests that ESP is not operated as per design. The difference between expected generation of ESP dust and actual generation is lost to the environment</p>
13	Unauthorised disposal of Scrubber Cake	<p>CTO (Water Act) dt/20.5.1999 states that the "agency to whom the disposal of solid waste/sludge arising from the process/treatment is entrusted shall obtain the permission of Tamil Nadu Pollution Control Board under Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 before disposal!"</p> <p>Scrubber Cake to be disposed as per HOW Rules, 2016, to authorised users. Agreement with authorised user, authorisation of user, transport manifests, and NOC from other State PCB in the event</p>	<p>No inspection of mixing facilities conducted.</p> <p>Details, such as letter of agreement and hazwaste authorisation, of users off-taking scrubber cake not provided despite reminders.</p> <p>Manifests, including transport manifests, not provided. Signed manifest from recipient of Scrubber Cake not provided,</p> <p>NOC from other State PCB, in the event recipient is out-of-state, has not been provided.</p> <p>Destination and fate of hazardous wastes unknown</p>

		<p>end-user in different state should be provided.</p> <p>Further, disposal for "beneficial uses" to be preceded by inspection by CPCB/SPCB of mixing</p>	
14	<p>Unauthorised disposal of ETP Slime/Nickel Sludge</p>	<p>Nickel sludge (Waste Category 7.4) to be disposed to authorised users only as per HOW Rules, 2016 to authorised users. Agreement with authorised user, authorisation of user, transport manifests, and NOC from other State PCB in the event end-user in different state should be provided.</p> <p>CTO (Water Act) dt/13.04.2016 Special Condition No. 7 states: "The Hazardous waste generated shall be disposed as per Hazardous Waste (MH&TM) Rules, 2008."</p> <p>CTO (Water Act) dt/15.11.2006 General Condition No. 27 requires the Unit to ensure that the agency to whom the disposal of solid waste/sludge arising from the process/treatment is entrusted shall obtain the permission of</p>	<p>In 2016-17, the Unit has disposed 1043.59 MT of ETP Slime to unauthorised agents in the guise of sale to recycler.</p> <p>In 2015-16, the Unit has disposed 1136.04 MT of ETP Slime to unauthorised agents in the guise of sale to recycler.</p> <p>Documentation, including name of alleged "recycler," recycler's authorisation status under Hazardous Waste Rules, Manifest of despatch to recycler, Manifest of receipt by recycle", NOC from other state PCB (if recycle! from out-of-state) etc has not been provided. The wastes are untraceable, and it is feared that the wastes have been disposed of illegally at some undisclosed location.</p> <p>The Unit claims to have disposed Nickel Sludge for recycling to M/s Suhans Chemical of Maharashtra.</p> <p>Page 3 Para 6(i) of the Consent issued to M/s Suhans Chemical by Maharashtra Pollution Control Board</p>

		<p>TNPCB under Section 24 of Water Act, 1974</p> <p>Nickel sludge (Waste Category 7.4) to be disposed to authorised users only as per HOW Rules, '2016 to authorised users. Agreement with authorised user, authorisation of user, transport manifests. and NOC from other State PCB in the event end-user in different state should be provided.</p> <p>CTO (Water Act) dt/13.04.2016 Special Condition No. 7 states: "The Hazardous waste generated shall be disposed as per Hazardous Waste (MH&TM) Rules, 2008."</p> <p>Section 42(1)(g) of Water Act - Penalty for making false statement</p>	<p>states that the Unit shall accept and process Spent Catalyst containing Nickel — 610 MTPA as raw material. Further, it is stated that the unit shall handle and dispose to Common TSDF wastes including "Item No. 35.3 as per Sch 1 & 2 - namely Chemical Sludge front WWT totaling 14.6 MTPA."</p> <p>Spent Catalyst is mentioned in Waste Categories No. 1.6. 4.2. 17.2, 18.1. 19.2, 26.5. 22.1, 28.2 and 29.5.</p> <p>Waste Category No. 7.4 generated by the Company is a non-ferrous metal-bearing sludge, and not in the form of Spent Nickel Catalyst.</p> <p>Vedanta is guilty not only of illegal and unauthorised disposal of hazardous wastes, but also of perjury (submission to NGT) and making false statement to TNPCB</p>
15	Gypsum Disposal	<p>CTO (Water Act) dt/20.5.1999 states that the "The unit shall dispose the solid waste like Gypsum generated from phosphoric acid plant containing soluble fluorides for soil</p>	<p>4.17 lakh MT of gypsum deadstock is lying on site.</p>

		conditions, gypsum based industry and cement industry in such a way that the entire gypsum shall be disposed off then and there to avoid accumulation of solid waste in the premises.”	
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People's Watch began its journey in 1995 as a program unit of the Centre for Promotion of Social Concerns based in the city of Madurai, Tamil Nadu. For the last 20 years, People's Watch has been to fulfil its vision to promote a society free of human discriminations, injustices and create socio-economic conditions for the realisation of human values and human rights. One of the principal objectives of the organisation is to cultivate a culture of human rights through education and social awakening. People's Watch is engaged in legal intervention, human rights education, campaigning, networking and rehabilitation. People's Watch also hosts national networks and coordinates interventions concerning human rights defenders and human rights institutions in India.



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