



Expose of judicial panel report on police firing on anti-Sterlite protestors: Cops invoke OSA against scribe

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Years after the incident of the Thoothukudi police firing, the Tamil Nadu police entered the magazine office for the inquiry into the incident of post published the findings and recommendations of the Commission of Inquiry report.

Chennai: The ghost of the Thoothukudi police firing, which claimed 13 lives in May 2018, continues to haunt the Tamil Nadu cops, who are after a journalist, who published the findings and recommendations of the Commission of inquiry report into the brutality even before it was tabled in the state Assembly. On a complaint to initiate action under the Official Secrets Act, police entered the magazine's office for inquiry. Meanwhile, the state government had told Madras High Court that disciplinary action has been initiated against 21 police personnel found guilty by the judicial panel.

More than six years have passed since the horrendous police firing on civilians demanding the shutting down of Sterlite's copper smelter plant alleging water and air pollution in the coastal city of Thoothukudi. And a year had passed as well since the report of the commission of inquiry, headed by retired High Court judge, Aruna Jagadeesan, was tabled in the state Assembly.

Criminal action as recommended by the panel is yet to be taken against senior police officials, from Police Superintendents to Inspector General. But, the police are pursuing a case under the Official Secrets Act, 1923 against senior journalist H Ilangoan of an English magazine for publishing vital portions of the commission's report even before it was tabled in the state assembly.

The panel submitted its interim report on May 15, 2021, shortly after Chief Minister MK Stalin assumed office following the DMK's victory in the Assembly election. The final report running into five volumes and 3000 pages, was submitted a year later on May 18, 2022. After its contents were published by the magazine, on August 22, 2023, it was tabled in the Assembly on October 18, 2023, along with the Justice Arumugasamy Commission of Inquiry, which probed the death of former Chief Minister J Jayalalithaa. The AIADMK had demanded an inquiry into the issue, while the DMK was upset.

While the Aruns Jagadeesan panel had recommended action against a total of 17 police officials and the then District Collector, N Verkatesh, the government had suspended only four cops, including a Deputy Superintendent of Police. The 17 top police personnel included the then 10, Shailesh Kumar Yadav, the then DIG, Kapil Kumar C Saratkar, SP of Thoothukudi, P. Mahendran, and Tirunelveli SP, Arun Sakthi Kumar

A city-based advocate, V Manikandan, owing allegiance to the AIADMK, filed a complaint with the police seeking action against the senior journalist under the Official Secrets Act. "He also secured a directive from a Magistrate court to the police to investigate the matter. Following this, the police issued a summons to the magazine editor to appear in person on April 18 this year. Subsequently, an Inspector of Police landed at the magazine's office to question me. But, since I was not there at the time, he was taken to the legal wing of our publication. Later, an explanation was sent to the police. But still, the cases pending without any closure, Ilangovan told ETV Bharat.

"We deny all the allegations of the complainant as bereft of truth and without any substance the document is not a classified document or a secret document and the subject is outside the scope of the Official Secrets Act, 1923. the complainant has no locus stand to prefer such complaint and he is not the authority to decide/confirm that the report is a classified report or that it attracts the provisions of the Official Secrets Act.

"We wish to state that the details were revealed to us from sources that are confidential and journalistic norms do not permit us to disclose the same." reads the legal response to the police, adding that the matter was not sourced through illegal means. It also asked for the closure of the investigation since no case has been made out

"Why the police are not closing the case is inexplicable since the Official Secrets Act is a draconian one," said Ilangovan, expressing apprehension.

Meanwhile, the Tamil Nadu government on Friday informed the Madras High Court that disciplinary action has been initiated against 21 officers, including the then collector N Venkatesh and the then IG, Shailesh Kumar Yadav. Advocate General A Shanmugasundaram submitted before a Division Bench during the hearing of the petition by human rights activist Henry Tiphagne, challenging the National Human Rights Commission (NHRC) closing its investigation into the police firing.

The NHRC had closed the probe following a report by its investigation unit and a report by the Tamil Nadu government. In the last hearing, the court had directed the state government to explain the action taken as per the recommendation of the Aruna Jagadeesan panel report. Posting the matter to December 11, the bench ordered the government to furnish the details of the charges against the 21 persons being prosecuted and their role in the police firing.

<https://www.etvbharat.com/english/state/tamil-nadu/expose-of-judicial-panel-report-on-police-firing-on-anti-sterlite-protestors-cops-invoke-osa-against-scribe/na2023117222500181181182>