

Counterview

News Blog

2018 Tuticorin police firing: CM Stalin asked to enquire into 'action taken, justice delivered'

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Counterview

Desk

Jury members of the independent fact-finding team led by Justice BG Kolse Patil, former judge, Bombay High Court, set up to look into the Tuticorin police firing on May 22, 2018, in a memorandum to MK Stalin, Tamil Nadu chief minister, have sought his immediate intervention to inquire into "the action taken and justice delivered" into the incident which had rocked the South Indian state.

The memorandum said, "It is not out of place to mention that you were the then Leader of the Opposition and had made a solemn promise during the general election campaign of 2021 that appropriate action will be taken against the people who were instrumental in causing the deaths and destroying the lives of the affected civilians."

Text:

This memorandum is being submitted by the [jury members](#) of the fact-finding team, set up in the name of People's Inquest, to inquire into the Tuticorin Police Firing, which resulted in the publication of a five-part report entitled, 'The day Tuticorin burned', which came out in July 2018. The [undersigned](#) jury members from various walks of life detailed all that transpired during the 100 days of protest undertaken by the people of Tuticorin against the continuance of the Sterlite factory and the firing that took place on May 22, 2018. The five-part report was prepared within two months of the occurrence, covering all the aspects of the incident. It was prepared under Hon'ble Justice Gopala Gowda, retired Judge of the Supreme Court, in the presence of Smt. Kanimozhi, Member of Parliament (MP), Lok Sabha, and Thirumathi P. Geetha Jeevan, Member of the Tamil Nadu Legislative Assembly. The report highlights the presence of sharp-shooters and snipers, the targeted killing of known anti-Sterlite protestors and the failure of the administration and police to resolve the matter despite the long notice of 100 days given by protestors. Coming down heavily on the district administration for being absent from the scene on May 22, 2018, the Inquest report said the Administration ceded all civilian authority and power to the police contributing to the violence and deaths that occurred.

The brief facts that necessitated the submission of this memorandum are as follows:
1) The National Human Rights Commission of India (NHRC) took suo moto cognisance of the incident on May 23, 2018, but closed the same on October 25, 2018, on the principal pretext that adequate compensation had been paid to the victims and

appropriate steps had been taken by the then State Government to bring about a normal and peaceful situation within a short period. Subsequently, Mr. Henri Tiphagne, Executive Director of People's Watch, filed a Writ Petition in W.P. (M.D.) No. 10526/2021 before the Madras High Court, praying for the re-opening of the case and a notice regarding this was issued simultaneously to the NHRC, which has not responded. The matter is still pending disposal.

2) The CBI which was entrusted with the task of investigating this case, through the order of the Madurai Bench of the Hon'ble High Court of Madras in Writ Petition (WP) No. 11391/2018, filed on August 14, 2018, had registered two FIRs. FIR RC. 6/S/2018/CBI/SCB/CHENNAI relating to 101 civilians is charged U/s 143, 147, 148, 149, 152, 323, 324, 332, 341, 353, 427, 435, 436, 447 and 506 (ii) r/w 34 IPC and Sec. 3 & 4 of TNPPDL Act. The above case is pending before the Chief Judicial Magistrate, Madurai, as P.R.C. No. 82/2020. A second FIR No. RC.8/2018/CBI/SCB/CHENNAI relates to police personnel namely R. Thirumalai S/o Ramasamy, the then Inspector of Police, Pudukottai PS, Thoothukudi district, presently working as Dy. SP / DCB, Ramanathapuram District (now under suspension), for charges U/s 166 – A IPC, Sec. 342 and 346 IPC. Chargesheet is filed against Mr. R. Thirumalai and the de facto complainant Mr. Arjunan is appearing at the Chief Judicial Magistrate, Madurai, upon the summons of the court. Further proceedings are pending.

***“Promise to initiate action against those
who had committed the heinous crime of
killing 13 innocent civilians remains
unfulfilled”***

3) The Government of Tamil Nadu, under the then Chief Minister Edappadi Palaniswami, ordered an inquiry appointing Justice Aruna Jagadeesan, retired Judge of the Madras High Court. The inquiry, which carried on for almost four years, came out with a detailed four-volume report. The Commission of Inquiry (Col) dealt with all



aspects of the incidents thoroughly as per the terms of reference and gave its detailed findings. It is pertinent to mention that Justice Aruna Jagadeesan visited the spots where the violence had taken place and the family members of the victims, and looked into the records maintained by the government authorities reflecting the insensitive behaviour of the officers concerned, despite their knowing well that there was going to be a public protest. When the report was tabled in the Legislative Assembly, the general public was shocked to learn about the developments that had occurred on May 22, as well as the events that both preceded and followed those grave incidents. The Chief Minister, who had facilitated the Col, made it clear that it has been accepted by the State Government and appropriate action as per its recommendations will be taken against the erring officials and others. Unfortunately, that promise to initiate

action against persons who had committed the heinous crime of killing 13 innocent civilians, which was made on the floor of the Assembly, remains unfulfilled.

4) It is not out of place to mention that you were the then Leader of the Opposition and had made a solemn promise during the general election campaign of 2021 that appropriate action will be taken against the people who were instrumental in causing the deaths and destroying the lives of the affected civilians. It is also pertinent to bring to your notice that Smt. Kanimozhi, the then MP of Rajya Sabha, was in full support of conducting the People's Inquest by the members of the jury and she also participated at the time of the release of the report, despite the disturbances caused by the police and revenue officials in their attempt to disrupt the proceedings. The people of the Tuticorin Parliamentary Constituency subsequently elected Smt. Kanimozhi as their MP in the hope that she would be their voice at all levels to get justice for the victims of the events just described. We, therefore, mark a copy of this memorandum to Smt. Kanimozhi, MP, representing Tuticorin Parliamentary Constituency, as well.

5) We also bring to your notice that 22.05.2023 will mark this carnage's fifth anniversary, which remains vividly etched in the memory of the people of Tuticorin. It is more than a year since the report of Justice Aruna Jagadeesan's Col was tabled in the Legislative Assembly and made public. We, therefore, submit this memorandum to remind you that the people and victims of Tuticorin are patiently expecting the recommendations made in the Col report to be carried out in letter and spirit. We consider it our duty to bring this to your notice as this action has not been taken despite the assurances given to the people of Tuticorin that these recommendations would be implemented. We therefore eagerly await your orders.

We would also like to suggest here that if the Government considers that there cannot be two CBI investigations into the same incident, we could approach the Hon'ble Madras High Court for a direction citing the change of circumstances and the recommendations of the Col. We want to also bring to your attention that inaction by the Government on this issue could become a topic of discussion during the upcoming election. We would, therefore, request you to consider this memorandum with the utmost urgency and take the necessary action as per the recommendations of the Col. For that act of good governance, we will be much obliged.

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