

Tamil Nadu is silencing anti-Sterlite protests by forcing hundreds of people to exit WhatsApp groups

Since August, the police have been summoning 10-15 people every day and checking their phones for social media messages.

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For many people across India, it seemed like another instance of official overreach when 28-year-old researcher Lois Sofia was arrested on September 3 for shouting an anti-Bharatiya Janata Party slogan at the party's Tamil Nadu president after the plane on which they both were travelling landed at Thoothukudi airport. But to many in the coastal city, this was only the latest step in a campaign by the police to avert the possibility of protests against the city's now-shuttered Sterlite Copper plant from flaring up again.

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Since August, the authorities say they have been summoning between 10 to 15 people to the South Police Station every day in an attempt to check the spread of social media messages about the Vedanta Group's Sterlite copper plant in Thoothukudi – a move that human rights activists claim is illegal.

The plant was ordered to be permanently shut by the state government shortly after police firing on protestors in the city on May 22 left 13 people dead. The killings were the culmination of an agitation that had started in February against Vedanta's plans to expand the plant, a move that residents contended would increase pollution to dangerous levels. But despite the state government closure order, Vedanta has said it is working with the authorities to **restart operations**.

This news has alarmed many Thoothukudi residents and their supporters, Lois Sofia among them. **Her father said** that Sofia, who had been had been writing articles about Sterlite in the media, had been “emotionally disturbed” by the police action and the company's efforts to start work again.

In an effort to stifle future protests against Sterlite, the police have been putting pressure on residents to exit WhatsApp groups that circulate information about the plant, rights activist said. The police, on their part, say that these measures are being taken to trace people who are spreading provocative messages that could lead to further violence.

“At least 10 to 15 people suspected to be sharing instigating messages are questioned every day,” said Murali Rambha, the Thoothukudi Superintendent of Police. “We try to find the origin of the message as part of our preventive measures.”

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Police officials who requested anonymity said that the authorities had prepared summons under Section 107 for nearly 300 people involved in the anti-Sterlite protests, but had not sent all of them out fearing a backlash. This section says that the executive magistrate has the power to detain people for up to a year if they are believed to be a threat to peace and public order.

Lawyers and activists say that these summons and such scrutiny are illegal. “It is to threaten people into not assembling and spreading their opinions,” said advocate Henri Tiphagne of a rights organisation called People’s Watch.

Police summons

The police launched this strategy in August, shortly after the Madras High Court ordered the Central Bureau of Investigation to take over the inquiry into the protests and the May police killings. Since then, the police have been summoning people every day via phone calls and notices to the South Police Station where a special team has been set up to scrutinise messages shared on social media, said a senior police official who requested anonymity.

At the police station, residents say, officials check their mobile phones for anti-Sterlite messages and ask them to fill a questionnaire that demands their personal information as well as details such as the model of their mobile phones, their expertise in social media and whether they are part of any WhatsApp groups.

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Among those who have made the trip to the South Police Station is a 34-year-old businessman from Mattakadai in Thoothukudi, who spoke to *Scroll.in* on condition of anonymity. One afternoon two weeks ago, he received a call summoning him to the police station at 5 pm that day, he said. He was asked to bring his mobile phone.

At the station, the businessman said that police officials took his phone and scanned his Facebook and Twitter posts and WhatsApp messages. “When they saw a message in one of my WhatsApp groups with a picture from the May 22 anti-Sterlite protest, they asked me to exit the group,” the businessman said. “The police noted the details of the WhatsApp administrator and names of the group members.”

The businessman said that the police had also summoned several other people to the station at the same time. “There were plumbers, electricians, photographers, fishermen and those working in the harbour,” he said.

The businessman was then asked to give the police a written statement that he would not share any anti-Sterlite messages. “Though I am not involved in any illegal activities, I am scared,” he said. “I have a family to support and I do not want to get into any trouble so I immediately exited from the WhatsApp groups they wanted me to leave.”

At the anti-Sterlite protests in Thoothukudi earlier this year. (Photo credit: PTI).

The written summons are sent even to those who live in areas that do not fall under the jurisdiction of the South Police Station. One of the notices reads: “While investigating the WhatsApp messages, it is found that you have shared and received illegal content. Hence, you will have to come in person to the police station for enquiry.”

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Some activists and lawyers have also received summons under Section 107 of the Code of Criminal Procedure. S Raja of the Tamil Nadu Vanigar Sangankalin Peravai merchants’ association said he has received 12 police summons since July 15. “At the police station, I was asked to provide written responses to their questionnaires,” he said. One of the notices he received was issued under Section 107. This related to a church service for those killed in the anti-Sterlite agitation that Raja had planned to attend. “I approached the High Court to get a stay order for this on September 5,” he said. Advocate E Athisaya Kumar, who represented Sofia for her bail petition, was also issued a notice under Section 107 for attending a memorial meeting that had been organised by

the Social Democratic Party of India on August 15.

‘Police doing its job’

Thoothukudi District Collector Sandeep Nanduri said that the police was simply doing its job. Several homes, private and government vehicles were burnt during the anti-Sterlite protests in May, he said, and several police and government officials were injured. “There is video evidence to show who the suspects are,” said Nanduri. “Based on this, the police are conducting the inquiry. Those sharing messages asking people to gather at a place without permission, which might lead to another situation, are called for an enquiry.”

Nanduri added that Thoothukudi had not seen any incident of violence since May 24. He said summons were being issued to some people under Section 107 to prevent any “untoward incident” and bind people to good behaviour. “I have not given any direction to check for any particular WhatsApp groups,” he said.

The Central Bureau of Investigation is investigating the protests in Thoothukudi and police firing in which 13 people were killed in May. (Photo credit: Twitter/MKStalin).

‘Illegal notices’

Advocate G **Hari Ragavan**, who is one of those accused by the state of engineering the anti-Sterlite protests, says at least five or six people have called him in the past week seeking legal advice. He said the notices were illegal. “These police notices are not

written on a letterhead,” he said. “There is no reference to any act or law under which the notice is sent.”

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Henri Tiphagne of People’s Watch reiterated this. He said that there is no provision in the Criminal Procedure Code or the Tamil Nadu Police Standing Orders that allows the police to issue notices to check WhatsApp messages. “They can call for witness for inquiry under 160 CrPC [Code of Criminal Procedure], summon a person to produce documents under Section 91 or under Section 41A when reasonable suspicion exists that he has committed a cognisable offence but when the arrest of that person is not required,” he said.

Human rights activist MA Britto compared the police actions in Thoothukudi to the situation in Kudankulam, further south, in 2011-’12, when the police cracked down on people protesting against the nuclear power plant there. The plant, he noted, was a Union government project. “In Thoothukudi, the people are protesting against a corporate firm,” he said. “This repression by the state in support of a corporate company is beyond our comprehension.”

He alleged that over the last year anyone speaking against Sterlite or Vedanta were being oppressed. “What is happening in Thoothukudi is a violation of our fundamental rights,” he said. “This is creating a fear psychosis. India is a democratic nation and is signatory to international conventions. Where are our basic rights and freedoms?”