

Madurai: Legal battles go on a year after death of 13 protesters

TNN | May 22, 2019, 09.25 AM IST



MADURAI: If it was not for the high court intervention and the timely judgments, things would have been worse in Thoothukudi," read a report from NGO People's Watch, which was released during the first anniversary of the Tuticorin police firings, in which 13 people were killed and hundreds injured.

The courts made several significant directives in the case which rattled the conscience of the public in recent times. If not for the court's intervention, the investigation would have still been with the state police and not much would have come out of it, said the NGO.

The first intervention, though delayed, was on May 23, 2018, a day after the police firing, which granted an interim stay on further construction for the expansion of the plant. The same day, the state government also passed a government order (GO) for the closure of the plant and disconnection of electricity.

Through the interim order, which denied permission for expansion of the plant, the Madras high court was batting for environment. "While on one hand, the economic benefits of encouraging industries cannot be ignored, the toll extracted on available resources, water and soil regimes by such industries, cannot also be lost sight of. There is yet another stakeholder before us, one that is invisible in the array of parties, the environment in itself," the court said, "We believe the interests of this hapless party be treated on par, if not paramount."

What followed subsequently were a series of petitions before the Madurai bench of the Madras high court on every facet concerning the victims and their families. While the courts were not accommodative of all the prayers sought before them, justice was possible in several instances because of the intervention of courts at the right time.

The court intervened when it was brought to its notice about the Tuticorin police's generous use of over 243 FIRs, registered in different police stations in the town to ensure thousands are included in each of the FIRs.

To this, a division bench of Justice C.T.Selvam and Justice A.M.Basheer Ahmed commented that the state was brazen and insensitive to the sentiments of the public and directed that all complaints be treated as one under a single FIR.

The same bench, on August 14, 2018 transferred investigations in the case to the Central Bureau of Investigation, posing several questions to the state to ponder and answer. "Caesar's wife must be above suspicion. Not only must justice be done; it must also be seen to be done," the division bench said and directed the CBI to register cases on complaints received against police officials and held that it will be the duty of CBI to get to the bottom of things and file charge sheet within four months. Almost a year after such a directive, no real progress has been made by the CBI yet is a matter of concern, said Henri Tiphagne, executive director, People's Watch.

The court also thwarted attempts made by police and district administration to book activists under the National Security Act. The district collector, Sandeep Nanduri, was summoned before the court and advised to not blindly follow the recommendations of police in matters related to preventive detention.

While appreciating the services of the District Legal Services Authority (DLSA) in Tuticorin in the subsequent days of the firing, People's Watch contends that detentions are continuing in Tuticorin and DLSA should intervene in the appointment of panel lawyers for every police station to ensure no such illegal detentions continue.