

Stop summoning protesters: HC to Thoothukudi police

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MADURAI, MAY 23, 2019 00:00 IST

Says peaceful protest is a fundamental right

The Madurai Bench of the Madras High Court on Wednesday directed the Sub-Collector of Thoothukudi not to pass any final orders pursuant to the proceedings initiated against anti-Sterlite protesters under Sections 107 and 111 of the CrPC.

As per Section 107 of the CrPC, when an executive magistrate receives information that any person is likely to disturb public tranquillity, the person may be asked to execute a bond, with or without sureties, for keeping peace. Section 111 of the CrPC states that the magistrate shall issue an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the number, character and class of sureties (if any) required.

A Division Bench of Justices S.S. Sundar and R. Hemalatha also directed the Thoothukudi police not to issue summons to the anti-Sterlite protesters. The court questioned why the protesters, who merely participated in the agitations, were being branded as offenders. It also sought a response from the State government and adjourned hearing by two weeks. "It is a fundamental right to protest peacefully. Even the State government has said that it was a policy decision to close the Sterlite plant," the court observed and asked why the people's right was being curbed. The court was hearing a public interest litigation petition filed by S. Mohan of Thoothukudi, who complained of continuous harassment of the people by the district administration.

He said that despite the High Court Bench granting permission to hold a homage event at Thoothukudi for the victims of the police firing, the district administration was trying to curtail the people's rights. Even the families of victims were being issued summons, he alleged. Activist Fatima Babu, who is

grieving the loss of her mother-in-law, was also issued summons, the petitioner said.

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He sought to restrain the district administration from “continuous harassment” of the people of Thoothukudi in the guise of inquiry.

Meanwhile, in connection with a related plea that sought a direction to conduct a procession and a public meeting in memory of the victims, the court directed the State government to respond to the petition. The State had earlier denied permission for the event. The High Court directed the State government to specify a particular date, time limit and place for the conduct of the event in Thoothukudi. It also sought details of the organisers and adjourned the hearing by a week. It may be recalled that the High Court Bench recently allowed a total of 500 people to participate in a homage event in Thoothukudi.