

'Errant Policemen Must Be Punished'

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'This government is not in the hands of M K Stalin but in the hands of the bureaucracy -- the IAS and IPS.'



When residents of Thoothukudi in southern Tamil Nadu came out in protest more than two decades after Sterlite Copper started operations, the trigger for it was that the company had announced the doubling of its capacity.

Why it made the announcement to the public is not known. When J Jayalalithaa as chief minister doubled the capacity of all thermal plants in the state, she did not announce it prior, but after it was done.

On May 22, 2018, when protests erupted, 12 people were killed in police firing; the next day one more person was killed.

Though the firing order was given at the collectorate compound when the protestors broke the police cordon, two people were killed in Thracepuram which is ten km from the collectorate. One gentleman who was distributing marriage cards for his daughter was shot dead in the town, very far from the collectorate.

It was as if the police had gone on a killing spree.

The state government gave Rs 20 lakh (Rs 2 million) to the family of the dead and also a government job. The injured got Rs 200,000, a pittance, for those who had lost a limb.

The National Human Rights Commission issued a clean chit to the police after speaking to the Tamil Nadu government. The outrage that followed forced the government to order a CBI enquiry. In spite of videos and photographs being available in the public domain showing the shooting and the police personnel involved, the CBI found just one person guilty.

The high court ordered a second enquiry. Again the CBI found only one person guilty. The Tamil Nadu government appointed a one-lady commission to enquire into the firing. Retired judge Aruna Jagadeesan was put in charge of the commission.

She spoke to the public, protestors, police and the revenue officials who had ordered the firing. She found 17 people guilty which included cops, revenue officials and one other person. She called the firing 'a dastardly act'.

Her report was filed in the assembly which passed a resolution demanding disciplinary action against those involved.

Six years have passed and the policemen and revenue officials are still at their jobs carrying on as if nothing has happened.

People's Watch, Madurai, has been following the case from day one and have been pursuing the case in the lower court, the Madurai bench of the Madras high court and the Supreme Court.

"There is an opportunity for Chief Justice Chandrachud to do justice about which he keeps talking about in his public speeches," **Henry Tiphange**, founder and secretary of People's Watch, human rights activist and seasoned lawyer, tells **A Ganesh Nadar/**[Rediff.com](https://www.rediff.com).

Your petition pleads for an NHRC probe into the Thoothukudi firings. Why another probe by th NHRC?

I had sent a message to NHRC the day the firing took place from Ground Zero on May 22, 2018. I followed it up with a small complaint the next day. The NHRC ignored my plea but ordered a *suo motu* inquiry based on a *Times of India* report. In October 2018 they closed the enquiry after taking a response only from Tamil Nadu government officials. They ended it with saying normalcy has returned.

The Aruna Jagadeesan commission had started work. The police case had been transferred from the state CB-CID to the CBI. As the CBI found only one person guilty and the TN government was not acting on the Aruna Jagadeesan report I asked what happened to my case.

In 2021 I went to the high court. At that time both the CBI and the Justice Aruna Jagadeesan commission were still working on the enquiry.

In 2023 I asked the court that if Justice Aruna Jagadeesan had indicted them, why have you not included them in the case?

The latest order of the court is to the DVAC (*Directorate of Vigilance and Anti-Corruption*) to investigate the assets of IPS and IAS officers who were in Tuticorin at that time.

We are not interested in the assets of senior officials. The police should be prosecuted. The CBI is useless. The Supreme Court has closed the case. There is an opportunity for Chief Justice Chandrachud to do justice about which he keeps talking about in his public speeches.

Are the NHRC's findings binding, actionable?

The recommendations of the NHRC under Section 18E of the Protection of Human Rights Act are binding on the government.

What is the maximum action that the NHRC can recommend?

My prayer to the NHRC was justice for the victims. That was our only demand.

Is the administration duty bound to accept and implement the NHRC's recommendations?

As per the full bench of the high court they have to act.

There are incriminating videos and photographs in the public domain and yet the NHRC gave them a clean chit.

Even the CBI did not find anything in spite of enquiring twice.

Why?

This government is in the hands of the executive which is protecting their brothers.

Justice Aruna Jagadeesan submitted the commission report to Chief Minister M K Stalin. She called the firing a dastardly act and yet the state government has not taken any action

Exactly! This government is not in the hands of M K Stalin but in the hands of the bureaucracy -- the IAS and IPS.

Anti-nuclear protestor S P Udayakumar told me that the Tamil Nadu police is not under the control of the chief minister but under the control of Union Home Minister Amit Shah.

I think it is the bureaucracy. If you are talking about financial corruption, why did IPS officers become jittery when the Supreme Court asked for their finances?

Do you think the DVAC investigation of IAS and IPS officers who were posted in Thoothukudi at that time will yield anything?

If they are expecting to find money lying in the banks they are going to be disappointed.

The high court said the police acted at the ['behest of an industrialist'](#).

The judge's comment was in court. Corporates never act directly. They always have agents in the middle between themselves and the government.

On May 21 night Section 144 was proclaimed but the joint SP came to know about it only the next morning.

It is clear that they were getting directions from different centres. The people who assembled did not know that 144 had been announced.

Is it possible that the Tamil Nadu police and the revenue official who gave the firing order acted on their own,

The revenue officials did not know what was happening. They were posted at a critical juncture. They were directed at the last minute. This was done by high ranking officials. The lower rung was used totally. Higher officers have misused the force.

Do you think that at some stage in the future the concerned policemen will be charge sheeted for murder? And the then SP and collector will be tried for conspiracy?

I am a firm believer in human rights. Ultimately we will ensure that the erring policemen are punished.

The firing happened during AIADMK rule and yet the present DMK government is not taking any action. How do you explain this?

The IAS and IPS control the government irrespective of who is in power. Transfer is the only action that is taken.

The common man in Tamil Nadu is scared of the police, but for some reason the present chief minister does not look like he wants to take any action against the erring cops. Critics allege that this is because he needs the cops too. Could that be true?

There is a matrix of IAS, IPS and someone close to the chief minister. Someone similar to what Sasikala was in Jayalalithaa's government.

There is a firewall between reality and the chief minister.

<https://www.rediff.com/news/interview/henry-tiphange-errant-policemen-must-be-punished/20240813.htm>