

## The Madras HC order on Thoothukudi firing brings into focus the industry-police nexus

Jul 29, 2024 08:50 PM IST

Political parties and human rights advocates have called for rigorous measures against officials deemed responsible by the inquiry, including their dismissal



The Madras High Court on Monday directed Tamil Nadu's directorate of vigilance and anti-corruption (DVAC) to investigate the assets of police and revenue personnel involved

in the 2018 Thoothukudi Sterlite police firing, in which 13 protesters were killed and 33 wounded. The directive has brought attention to the industry-police nexus in the state.

Acting on a petition filed on behalf of the families of the victims, the court said such nexuses brutally suppress the resistance of local communities striving to protect their lives, land, livelihoods, and the environment. The impact of this incident on the local community was significant and called for empathy from all quarters, it said.

The court said that it thought the police shooting outside the controversial copper plant had taken place at the behest of "one industrialist", without any provocation.

"It is inherently undemocratic for a corporation to finance, for private gain, state forces that claim to serve and protect the public. In this case, a state-corporate alliance facilitated violations of people's rights to clean air, water, and surroundings," Henry Tiphagne, a human rights activist approached the court on behalf of the victims' families.

Thoothukudy's Sterlite Copper Plant, a Vedanta Limited unit, was India's largest copper smelter until it closed in 2018. It began operations in 1997 within the State Industries Promotion Corporation of Tamil Nadu complex in Thoothukudi, located 25 kilometres from the ecologically sensitive Gulf of Mannar.

Throughout its operation, the plant encountered numerous protests from residents, environmentalists, and opposition political parties due to concerns about pollution including air and water quality degradation and a negative impact on fishing.

The protests escalated in early 2018 and continued daily in various forms, such as sit-ins, hunger strikes, and public meetings. On May 22, 2018, thousands of protesters marched towards the district collector's office to demand the immediate closure of the plant.

Police claimed that at one point during the agitation, the protest turned violent. As a result, the police opened fire, killing 12 people including two women; another man was killed the following day.

Six years later, a Division Bench of Justices S.S. Sundar and N. Senthilkumar has ordered that the assets acquired by the police and revenue officials involved in the incident, as well as by their spouses and close relatives -- two years before and two years after the police shooting -- must be gathered and submitted to the court.

Tiphagne approached the High Court in 2021 to challenge the closure of his complaint regarding the killing of protesters by the National Human Rights Commission.

During the case hearing, Justice Sundar expressed dissatisfaction with the Central Bureau of Investigation (CBI) investigation into the police firing. He said that one industrialist orchestrated the events to teach a lesson and that revenue and police personnel acted at his behest.

The CBI had filed a charge sheet against only one police inspector before the Chief Judicial Magistrate (CJM) in Madurai in December 2023. Despite the CJM refusing to accept the charge sheet and ordering reinvestigation, the CBI resubmitted the same charge sheet in June this year, claiming that no further criminal activity was discovered warranting a supplementary charge sheet.

Expressing his disappointment over the report filed before the CJM, the senior high court judge made a powerful statement, saying: "The CBI has failed. Is this how you conduct an investigation? No court will accept this. You are now hand in glove with the respondents (the police and revenue officials) here."

Since the incident, rights activists have questioned how the police claim that a peaceful protest that had been ongoing for nearly 100 days turned violent on the day of the shooting. Although it was claimed that the protesters attempted to vandalise the collectorate, they pointed out that one of them had been shot dead at Theresapuram, located about seven kilometres away.

The firing occurred during the previous AIADMK government's time, and the current ruling DMK benefited from using it as a campaign tool in the election. However, they have done very little so far to heal the wounds of the affected local people.

Furthermore, a senior IPS officer, against whom the Justice Aruna Jagadeesan Commission recommended action for his role in the firing, has been promoted to Director General of Police (DGP): Shailesh Kumar Yadav, ADGP (Idol Wing), has been promoted to DGP on December 28, 2023. Yadav a 1993-batch IPS officer was serving as the Inspector General of Police (South) when the firing occurred.

The commission, appointed soon after the incident by the AIADMK government, had recommended action against Yadav, then DIG C. Kapil Kumar, Thoothukudi SP P. Mahendran, and 14 others for their "acts of commission and omission."

The commission made strong remarks about Mahendran and Tirunelveli SP Arun Sakthi Kumar, accusing them of "playing truant" until 1:15 p.m. This left the IG and DIG, who were neither fluent in Tamil nor aware of the area's topography alone, making the situation worse. The revenue officials now investigating include the former Collector of Thoothukudi, N. Venkatesh, who is facing a charge of dereliction of duty.

"There is no evidence to show that the firing was only aimed at controlling a militant crowd of protesters. Groups of people had gathered to learn about the situation, presumably because of their concern. They, too, have been targeted," the commission observed.

Following the incident, the Sterlite Copper plant was closed a week later. The CBI, which investigated the firing as per a court order, filed charges only against R. Thirumalai. He was a police inspector in 2018 and was subsequently promoted to the post of Deputy Superintendent of Police (DSP).

The affected people claim that the CBI did not investigate officers like DSP Anil Kumar and Additional Superintendent of Police A. Selvanagarathinam. The documents the Thoothukudi district legal services authority prepared regarding the firing were also not scrutinised. The Commission of Inquiry blamed the police and revenue officials in contrast to the claims made by the then-Tamil Nadu government, particularly regarding the firing as a response to protester-instigated violence.

The commission report described the firing as disproportionate and largely unprovoked. It criticised Venkatesh for failing to engage properly with the protesters, particularly for not attending a peace committee meeting on May 20, 2018, to convince the protesters not to surround the collectorate two days later.

According to the commission, the shooting was deemed unprovoked because the potential harm that could have been prevented was not greater than the harm that would have occurred if gunfire had not been used as a last resort.

The commission noted that the majority of fatalities resulting from gunfire exhibited bullet wounds on the victims' faces, indicating that the police did not target below the waist. Likewise, the shooting primarily targeted demonstrators who were not directly endangering the police or were withdrawing from the area.

The panel explicitly highlighted the conduct of policeman Sudalaikannu fired 27 bullets from his firearms, resulting in the deaths of at least four of the 13 individuals killed.

Arokiasamy Vincent Raj, better known as 'Evidence' Kathir, a human rights defender based in Madurai, pointed out: "We need action against at least the 17 police officers found guilty by the commission. Now, the court has ordered a probe into the assets of the involved officials, which is a moral victory for the affected people. The entire political system favoured a flawed investigation because this is an industry versus local people case. Sadly, even the DMK government is not ready to fulfil its earlier promise to the people of Thoothukudy."

Many political parties and human rights advocates have called for rigorous measures to be taken against the officials deemed responsible by the inquiry, including their dismissal from their positions. In accordance with the inquiry commission's suggestion, they have also advocated for an increase in compensation for the relatives of the victims.

So far, the M.K. Stalin government has agreed only to increase the compensation by another ₹5 lakh on top of the ₹20 lakh already disbursed.

[https://www.hindustantimes.com/analysis/the-madras-hc-order-on-thoothukudi-firing-brings-into-focus-the-industry-police-nexus-101722265796241.html?utm\\_source=whatsapp&utm\\_medium=social&utm\\_campaign=ht AMP](https://www.hindustantimes.com/analysis/the-madras-hc-order-on-thoothukudi-firing-brings-into-focus-the-industry-police-nexus-101722265796241.html?utm_source=whatsapp&utm_medium=social&utm_campaign=ht AMP)