Thoothukudi Sterlite Plant to Remain Closed, Madras High Court Dismisses Vedanta Appeal

The order of the court comes after a sustained people’s movement demanding the closure of the plant for its adverse impact on the environment since the last 15 years.

In a major victory to the citizens of Thoothukudi, the Madras High Court has rejected the appeal of the Vedanta group to reopen the Sterlite Copper Smelter plant. The order of the court comes as a major relief as the pollution from the plant has adversely impacted the environment for several years. Political parties, civil society organisations and environmental activists have hailed the verdict while the Vedanta group expressed ‘disappointment’.

The Vedanta group has made its intention clear about approaching the apex court, while the petitioners in the case have vowed to continue the legal battle in the event of an appeal.

Earlier in May 2018, the police had fired at a peaceful march demanding the closure of the plant resulted in the killing of 13 people.

‘VICTORY FOR SUSTAINED STRUGGLE’

The verdict was pronounced on August 18 by a two member special bench, rejecting the appeal of the Vedanta group. The hearing concluded on January 8, 2020 after 42 days of uninterrupted hearing following which the judgement was reserved. The verdict has resulted in widespread celebrations across the district.

K Balakrishnan, the state secretary of the Communist Party of India (Marxist) [CPI(M)] told NewsClick, “The verdict is a victory of the sustained struggle of the people for almost 15 years demanding the closure of the highly polluting plant. The most unfortunate thing is the loss of lives after which the state government decided to close the plant.”

The CPI(M) through it’s Thoothukudi district secretary K S Arjunan and the Marumalarchi Dravida Munnetra Kazhagam (MDMK) led by Vaiko are the two political parties who had joined as petitioners in the case in the National Green Tribunal (NGT), Madras High Court and the Supreme Court.

‘CHANCES BLEAK IN APEX COURT’

The Vedanta group has made its intentions clear on approaching the SC demanding the reopening of the plant. The senior counsels who represented the group in the high court even termed the decision of the state government to close the plant as a ‘knee-jerk’ action.

Henry Tiphagne, founder and executive director of People’s Watch said, “The judgement has been addressed in such a manner that the chances in the SC are very bleak. The high court has approved all the orders passed by the state government. All the arguments put forth by Vedanta are thrown out. This is a great legal victory for the people.”
A writ petition filed by Prof Fathima Babu demanding the removal of the plant is pending, which has now been tagged on to the appeal of Vedanta challenging the land allocation in State Industries Promotion Corporation of Tamil Nadu (SIPCOT).

PARTIES WELCOME VERDICT

M K Stalin, the Dravida Munnetra Kazhagam (DMK) president has welcomed the judgement of the high court and insisted the state government to pass a legislation on the permanent closure of the plant.

Member of Parliament of Thoothukudi constituency K Kanimozhi tweeted that any development at the cost of the environment is dangerous. Rajya Sabha Member and MDMK supremo Vaiko, who argued in the case in person, has hailed the judgment as the victory for the people.

While the Congress, Pattali Makkal Katchi and Viduthalai Chiruthaigal Katchi welcomed the judgement, the Bharatiya Janata Party has refrained from commenting. There was no official statement from the party.

VEDANTA DESPERATE TO REOPEN PLANT

Meanwhile, the Vedanta group has left no stone unturned in its attempts to reopen the plant with appeals in NGT and SC. The NGT had earlier ordered the reopening of the plant and asked the TNPCB to renew the permission for the plant. The order was challenged by the Tamil Nadu government in the SC which set aside the NGT order. The SC directed the Vedanta group to approach the Madras High Court, since an appeal was pending.

“The governments should concentrate on implementing projects based on sustainable development. Development at the cost of polluting the environment and against the wishes of the people cannot exist for long,” added K Balakrishnan.

The Vedanta group has been accused of flouting norms at will and categorised as a repeat offender by the TNPCB. The state government and TNPCB submitted the same in the courts leading to the verdict.

The copper smelter plant was closed on May 28, 2018, following the orders of the state government and the Tamil Nadu Pollution Control Board (TNPCB).

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