



A Brief Look At The People's Inquest Report Into Thoothukudi Police Firing

The Summer That Shook Thoothukudi



Introduction

By the evening of May 22, 2018, eleven people were killed in police firings at Thoothukudi where people had gathered at the Collectorate to mark the 100th day of peaceful demonstrations against the proposed expansion of Vendata-owned copper smelting plant, Sterlite Copper. The government claimed that the firings were in response to the marchers resorting to violence. In the days that followed four more people lost their lives.

The evidence gathered from eye-witness accounts, images and videos caught on camera and contemporaneous reports in both national media and social media about the manner in which the police were said to have attacked the demonstrators and resorted to firing live ammunition into the crowds, raise several disturbing questions about the modus operandi of the district administration and police, prior to May 22, on May 22 and in the days that follows. The internet shutdown until May 25 and the imposition of Section 144 until May 27, were also questionable decisions since they restricted the gathering and flow of information from Thoothukudi.

Given the important ramifications that these findings had for Indian democracy and the functioning of the Indian state, a coalition of civil society organisations and individuals, under the banner of ‘Coordinating Committee of People’s Inquest (PI) into Thoothukudi Police Firing’ was set up. It organised an independent People’s Inquest (PI) on June 2-3, 2018, at Thoothukudi. The mandate of the PI was specifically to look at the events that led to the 100 days of peaceful protests in Thoothukudi; the rally to the Collectorate on May 22; and killings, arbitrary detentions, cases of torture and police initiation of May 22 and thereafter.

Observations



It was only after several failed attempts to meet the DC and submit a memorandum demanding the permanent closure of Sterlite Copper Smelting Plant that people decided to stage a march on May 22.



Women and many otherwise marginalised groups like Dalits and transgender persons came to play important leadership roles in these protests.



The irregularities by the District Administration in conducting 'peace talks' on May 20, indicate that the proposed march was perceived a 'disruption' that needed 'police action' than a citizen's movement.



The delayed imposition of Section 144 and the gross error on the part of the District Administration which waited for a crowd to gather before dispersing it led to an avoidable loss of lives.





The resistance emerged as a broad coalition of people from varying backgrounds that included different regions, castes, classes and location.



The first information reports filed in the cases of police firing reveal the Deputy Tahsildars who ordered the police to open fire had no jurisdiction over the area. The District Magistrate was absent from the headquarters.



After the gruesome incidents of May 22, there is a proven case of illegal detention of 97 persons, 32 of whom were juveniles. Injuries caused by police assault with lathis and wooden rods were seen.



The autopsy reports, videos and photos of the autopsy have not been made available to the families and the representatives of the deceased persons even after more than 50 days since the 'killings'.



Persons living with disability who took part in the protest were subjected to police force, despite having revealed their disabilities.





Conclusion

Based on people's testimonies, eyewitness accounts, documents and records available in the public domain to date, the People's Inquest finds that the following circumstances deserve the fullest administrative and criminal investigation in order that responsibility can be fixed at the earliest possible time and recompense provided to those who have suffered death, injury or rights violation. The People's Inquest finds that;

- Well before May 22, the administration had full knowledge of the preparations being made for it, its scale and intention but deliberately neglected to arrange for the safety of the rallyists.
- The administration did little or nothing to ensure that people were made aware of any last-minute Section 144 orders.
- By deliberately absenting themselves from the vicinity on May 22 the entire administration abnegated its duties in a cowardly manner and ceded all civilian authority and power to the police. This in our view amounts to dereliction of duty of public servants.



- The police, in its turn did not reach out to the rallyists nor make arrangements to accompany the peaceful march so that rallyists could exercise their fundamental right to peaceful protest in an orderly manner without fear of harm or disruption.
- The police did not follow standard operating procedures to disperse the crowd.
- The presence of sharpshooters/snipers placed strategically on rooftops and able to target the crowd who are widely believed to be policemen in plain clothes, is either evidence of unprecedented pre-meditated police planning with a view to maim and kill or it is a grave dereliction of duty on the part of the police and administration to allow the crowd to be prey to such 'disruptors'. Either way given the video footage and police movement and communications the truth is easily investigated and established. Consequently, there is sufficient cause to ground investigations into murder which must be initiated forthwith.



- The police used excess force in many separate places and at many different times against the marchers often without provocation. Eye-witness accounts strongly suggest police violence was not with the intention of dispersing the crowd but intended to intimidate, hurt and cause panic.
- Given that it is widely believed to have been the handiwork of the police, there is sufficient cause to initiate a murder investigation into the killing of Ms. Jhansi, a well-known anti-Sterlite organiser at Therespuram which is several miles away from the site of the rally.
- There is sufficient preliminary information and eye-witness accounts to merit investigating the allegation that stone-pelters and arsonists may have been from within the police itself. Even if untrue and exaggerated, in order to re-establish the communities' trust the government and the police establishment must hold independent publicly accessible inquiries into these allegations.

Police on the ground do not act without sanction from seniors. In the wake of 15 deaths and multiple injuries and assaults on women and children, an administrative inquiry must be initiated into the role of superior officers in relation to the many negligent or illegal actions of the police in the run up to the rally, during the rally and after it.

There is unequivocal evidence that immediately after May 22 in the aftermath of the rally police powers apparently unsupported by valid authority are being abused to conduct searches, make unjustified spot arrests, and hold people in custody in denial of their rights to be arrested for valid reason, be provided with representation and be brought before a judicial magistrate at the earliest. Widespread accusations of such repeated illegalities we believe amount to abuse of power and serious crimes under the IPC and amount to obstruction of justice as they prevent victims from accessing justice without fear or favour.



Sterlite Copper Smelting Plant, Thoothukudi, Tamil Nadu.

The use of 'open FIRs' lends itself to being used as a device to threaten, intimidate and entrap people at will and prevent victims, eyewitnesses and concerned citizens from filing complaints against the police in relation to the same and related incidents.

In the absence of any law and order problem in the area there is no need for continuing an enhanced police presence at Thoothukudi. Its continuation affirms public fears that the administration is motivated in its actions by an intention to break the movement against polluting industries wherein Sterlite is a prime contributor.

Recommendations

- Completely halt all operations of Sterlite.
- Look into the violation of Standard Operating Procedures (SOP).
- A complete examination of intelligence reports.
- Access to autopsy reports.
- An immediate exercise of judicial scrutiny in all the individual remand orders passed by the concerned Judicial Magistrates in the 239 FIRs registered by the inspectors of police.
- Prosecution and disciplinary action against police officers.
- Compensation to all affected including long-term rehabilitation.
- Cleanings up and restoration of air, water and soil pollution caused.





- The National Human Rights Commission (NHRC) must ensure that the report submitted by its investigation team is made available to all those who have petitioned before it which will allow them to undertake further actions at their end that they deem necessary.
- The NHRC should as a matter of grave importance and urgency, immediately make public if it has received the original order passed by the District Magistrate (DM) under section 144 containing all the grounds.
- The National Commission for Women (NCW) needs to speak to the women Thoothukudi about their experiences with the Sterlite plant, the health problems that have grown including concerning the health of their children, the polluted water and the increased incidence of infertility.
- The Tamil Nadu State Human Rights Commission (SHRC) should offer the services of its Honourable Members, its Director of Investigation, Senior Superintendent of Police and other staff, to assist the NHRC in any further investigations that are required in this matter.
- Enact a strong law, in compliance with international standards, for the recognition and protection of human rights defenders.

- The Tamil Nadu State Commission for Protection of Child Rights (SCPCR) should immediately undertake a detailed inquiry into all cases of illegal detention of juveniles in the pending 240 criminal cases.
- Government of India and state governments must take measures to adhere to the international human rights law to ensure the right of people to freely communicate including through the internet is maintained under all circumstances.
- The Tamil Nadu Chief Secretary should constitute a committee to develop detailed guidelines in handling force and firearms in accordance with the international standards on the use of force and fire arms.
- The National Voluntary Guidelines on business remain toothless and its only significant role is in terms of mandatory disclosure by companies in the form of Business Responsibility Reports (BRRs). It is important that an independent body is appointed to look at different aspects of the guidelines and initiate processes for creating statutory entitlements for the communities.
- Establishment and strengthening of business and human rights redressal systems in the National Human Rights Commission (NHRC) and National Human Rights Institutions (NHRI).





People's Inquest Organised By

The Coordinating Committee For
People's Inquest Into Thoothukudi
Police Firing.

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