

'The Day Tuticorin Burned' Released

Chennai, July 15: A Citizens' Fact Find Report into the incidents that led to the killings of 15 innocent people at Thoothukudi by police today slammed the Thoothukudi district administration for allowing the police to go berserk while derailing from its duty in the face of a widespread 100-day-long protest movement and a large rally on the day against the Sterile plant. .

The report, "The Day Tuticorin Burned" bases itself on extensive analysis of people's testimonies, eyewitness accounts, documents and records available in the public domain, emphasised that the circumstances that led to the killings, intimidation, torture and injuries to thousands of citizens deserve the fullest administrative and criminal investigation in order to fix the responsibility and compensate those who died or suffered due to gross violations of basic provisions granted by the Indian Constitution.

The release of the report marked the culmination of the Independent People's Inquest (PI) organised between June 2-3, 2018 at Thoothukudi district of Tamil Nadu, organised under the banner of 'Coordinating Committee for People's Inquest into Thoothukudi Police Firing & Anti-Sterlite People's Movement'.

The PI gathered 217 statements relating to the deaths in police firings, deaths due to torture, illegal detention and arrests, midnight knocks by police, detention in hospitals, gaps in post-mortem etc. The PI raised 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 followed. It also revealed a slew of extremely important issues that went much beyond the questions restricted to the firing on May 22 which were duly monitored with prior intimation.

The PI's mandate was to look at the events that led to the 100 days of peaceful protests in Thoothukudi (also referred to as Tuticorin) against the proposed expansion of Vedanta's Sterlite Copper, the rally to the Collectorate on May 22, 2018 and, killings, arbitrary detentions, cases of torture and police intimidation on May 22 and thereafter. On previous 99 days, people across Thoothukudi had staged protests against the expansion and had submitted petitions on the issue to the DC, Mr. N. Venkatesh, IAS. In the absence of any response from the district administration, they had planned to march towards the Collectorate on the 100th day. According to the Government of Tamil Nadu, eleven people were killed in the police firings that took place at the march.

The PI team has exposed several deliberate gaps in the ordering and implementation of Section 144 CrPC. The report suggests that well before the May 22 rally, the administration had full knowledge of the year - long preparations being made for it, its scale and intention, as well as full knowledge that there would be a large number of families, ordinary men, women, children and older people present, 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 amounts to dereliction of duty of public servants and was strongly contributory towards the deaths that occurred on May 22.

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. Police did not follow standard operating procedures to disperse the crowd and 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 panic them. 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'. There is sufficient cause to ground investigations into murder which must be initiated forthwith. In order to re-establish the communities' trust the government and the police establishment must hold independent publicly accessible inquiries into these allegations. In the wake of 14 deaths and multiple injuries and assaults on women and children on May 22 and afterwards, 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 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. 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.

It has been proven beyond doubt that the Sterlite is a serious violator which has severe implications for people's lives, why should such a company be given a license to operate at all? The same rationale was applicable to Dow when it took over from UCC to do business in India. Dow was, moreover, also harbouring a fugitive implicated by the court of law which itself is a crime. The basic question was the same then and remains the same now – why should the violators be given license to operate, not to speak of expanding operations?

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The report can be accessed at - <https://peoplesinquest.wordpress.com/reports/>