

2. Conclusions

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.

We find 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 in our view amounts to dereliction of duty of public servants and was strongly contributory for the violence of May 22 and for the deaths that occurred.
- 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 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 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'. 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.
- 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.

- 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. Jansy, a well-known anti-Sterlite organiser at Therespuram which is several miles away from the site of the rally as well as those of many others.

Police on the ground do not act without sanction from seniors. In the wake of 14 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.

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 police and the administration are motivated in their actions by an intention to break the movement against polluting industries wherein Sterlite is a prime contributor.

3. Observations

- The last 99 days of the Anti-Sterlite Protest in and around Thoothukudi, commencing on February 11, 2018, with the traders' association and other bodies taking the initiative, including the one-day dharna of March 24, 2018, ending with a candlelight ceremony and spontaneous and continuous sit-in struggles in several villages as well as different parts of the city had been totally peaceful. Neither the public nor the district administration has maintained that they were not peaceful.
- The PI team observes from testimonies that *pandals* came up in different neighbourhoods in the city like, Millerpuram, Third Mile, Fathima Nagar, where people took turns to stage sit-ins. Simultaneously, protests took place in several villages near the Sterlite plant. People testified that they have gathered under trees, pasted posters on their walls and that family members would even have school children participating after classes. It became obvious to the PI team that this was a very organized, peaceful, well thought-out protest covering the urban and rural populations, which had sustained itself over the years and had grown out of the personal pain, suffering, loss of life and loss of livelihood of the local people. They were convinced that it was only a peaceful struggle that will realise their dreams of living in a clean and toxin-free environment.
- The PI team further observes that after a number of failed attempts to try and meet the DC to submit a memorandum demanding the permanent closure of Sterlite, people from close to 18 villages, wards and about 15 unions held a meeting at Pandarampatti where it was decided that on May 22 -- the 100th day of the protest -- they would stage a march to the Collectorate demanding that the Sterlite Copper Smelter Plant be permanently shut down.
- The PI team notes that the present campaign was a grassroots one and arguably the first of its kind in post-independence India on the issue of corporate control and environmental safety. Four aspects were striking about the mobilisation. One, that public enthusiasm for resistance to the growing presence of Sterlite never waned during this period that spanned a little over three months, in fact it only grew. Two, it emerged as a broad coalition of people from varying backgrounds that included different religions, castes, classes and location. Interestingly, many otherwise marginalized groups like dalits and transgenders came to play important leadership roles in these protests. Three, it was completely peaceful. Everybody resolved to go ahead and drive Sterlite out, but in a totally non-violent way. Four, it was the women -- often women with young children -- who took the lead in several pockets and occasionally led the charge fearlessly, confronting policemen and public functionaries. They saw this as having a crucial bearing on their health, livelihoods and the future of their children.
- The PI team observes that on May 20 'peace talks' were called for by the District Administration and that this meeting was chaired by the District Superintendent of Police (SP), while the District Magistrate (DM), who is responsible for the law and order and who should have led the meeting and reached out to people, was absent. The PI team observes his absence seems to indicate that he was willingly leaving the handling of a large civilian gathering to the police and treating it as a 'disruption' that needed 'police action' rather than as a 'citizen's movement reflecting concern for the future of the land and its people'.

- The invitations for the 'peace meeting', the PI team observes, have been sent to "23 selected organisations". Leaders of some selected organisations, which are now being named by the State and District Administration, police authorities and some political leaders as being responsible for organising the rally to the Collectorate, such as Makkal Athikaram, Puthiya Jananayagam, Revolutionary Student and Youth Federation and the Human Rights Protection Center, were conspicuous by their absence at the 'peace meeting' because they were not officially invited. The PI team observes that not extending an invitation to the leaders of the said organisations and others -- who were in constant communication with the police and District Administration on earlier occasions in Thoothukudi -- was intentional and done by design.
- The PI team observes that District Administration's suggestion to hold the 100th day rally in a small school ground suggests that it had not grasped the level of people's concern for protecting their environment and health, nor indeed the depth of their long-standing sense of grievance against Sterlite. This indicates a deliberate refusal to comprehend the degree of public support or to 'manage' it by framing it as an event of short duration in a contained area, for the convenience of the administration.
- The PI team observes that allowing an assembly in one place and prohibiting it in another area close by, despite knowing that the rally participants wanted to march towards the Collectorate, appears to have been a strategic blunder which made Section 144 practically unenforceable. The PI team further observes that, if the District Administration was serious about imposing Section 144, it would have prevented even small groups from forming in the entire city of Thoothukudi. Waiting for a crowd to gather before thinking of dispersing it was a gross error on the part of the District Administration and led to an avoidable loss of lives.
- The PI team observes that the police made claims about extremists having infiltrated the anti-Sterlite movement. Had this been so, they had 99 days to isolate them, expose them or to take them into preventive custody. It is to be specially observed that there were no preventive arrests made by the administration in spite of the fact that they now speak of extremists having infiltrated the peaceful movement. This further leads to questions of intelligence failure.
- The PI team observes several gaps in the imposition of Section 144. The District Administration was fully aware of the rally, its route and its proportions as well as its participants well in advance. Nevertheless, they moved to discuss the potentially massive rally only the day before and this in a selective fashion as mentioned above. It was not until Sterlite had moved the Madras High Court did the District Administration seek to impose Section 144. It waited till the eve of the rally to impose Section 144.
- The PI team observes that the imposition of Section 144 at 8 pm on May 21, 2018 was not made known to the public in most areas of Thoothukudi and its suburbs. The channels of communication were therefore only the late-night television news on the May 21 and the newspapers the following day. People therefore had no way of knowing that there was any restriction being imposed. Given that Section 144 was imposed in only two police station jurisdictions, there was also no legal restriction on the protesters to walk for as many as 14 to 15 kilometres to enable them to reach and assemble at the Collectorate. There were also

no semi-permanent barricades posted along the entire route leading to the Collectorate. It is further observed that the gates of the Collectorate were not only opened but that there were no heavy, effective barricades at the gates or a larger contingent of policemen/women to effectively prevent the entry of people into the Collectorate campus.

- The PI team notes the deliberate absence of the senior administrative officers in the District Head Quarters when the DC had declared Section 144, who should have been in Thoothukudi to oversee its enforcement. This seems to indicate that they were of the view that it should be left to the police to deal with the rally participants. This also indicates that they had no intention to ensure the safety of the townspeople against anything untoward that may take place. This was a complete abrogation of duty which led to death, injury and destruction of property. Clearly the individuals who left their positions at the headquarters in a time of extraordinary risk to the population must be held liable for the consequences of their actions.
- The PI team further observes that the DM's order declaring Section 144 has till date not been made public, although under law the said order needs to be in writing, needs to be specific and definite in terms containing material facts. The prohibition has to be clearly stated and the said order has to be served under Section 144, is a matter known to law. It is further observed that two RTI petitions, one of May 31 and the other of June 6 under Section 7 (1) of the RTI Act of 2005, are yet to be responded to. The PI team therefore prefers to observe that the formal order under Section 144 had not been proclaimed as expected under the law of this country and everything else that follows from an improper promulgation of Section 144 is illegal and "non est" in law. The PI team further observes that the whole Executive Magisterial structure of Thoothukudi has manoeuvred to abdicate the duties vested in them by remaining absent from their headquarters which is a very serious dereliction of duty on their part. The DM was not in Thoothukudi but was away in a *jamabandhi* at Kovilpatti in the morning and Ottapidaram in the afternoon of May 22.
- The PI team is concerned that the magistracy in the state over the years has become a puppet in the hands of the police who sent officers in the rank of Additional Director General of Police and Inspector General of Police to overawe and subdue the DC who after all has sovereign authority and responsibility over law and order under the Criminal Procedure Code 1973 (CrPC). The police are bound to follow his directions only as the DM. The DM could at best be counselled by the police of whatever rank up to the Director General of Police. This statutory position has been upturned in Tamil Nadu mainly due to the cordial relationship that ruling regimes develop with the police for their own ends, as well as the recusing by DMs of the ultimate magisterial powers vested in them.
- The PI team observes from a variety of testimonies collected from the people that on the morning of the May 22, most of the participants in the rally were not aware of the imposition of an order under Section 144 and its limited imposition allowing people to march and gather at the Collectorate. Further, the District Administration had also not publicised the decision taken at the end of the 'peace talks' of May 20 to permit a demonstration in the SAV School grounds. The PI team observes that the main road from the city to the Collectorate and the lanes leading to the same were "traffic-blocked". Consequently there was free almost

unhindered movement of protesters marching towards the Collectorate. Though the PI team did hear testimonies of some people who were lathi-charged, it was also informed that the people were not prevented thereafter from moving forward to reach the Collectorate. The walk to the “Destination: Collectorate” was an almost peaceful yet long walk for most people who were determined to reach there.

- People’s testimonies consistently stated that women and children participated in large numbers in the rally and even carried food and bedding with them, indicating that the rally was supposed to be peaceful and carried out with an intention to petition the DC and nothing else. It was also revealed that in spite of the presence of such large numbers of women and children, a commensurate number of women police were not deployed.
- The PI team was told that the total police strength on the morning of May 22, prior to the firing, was 1,900 personnel and our assessment from all versions that we heard is that the crowd around the vicinity of the Collectorate was definitely over 50,000 persons. The PI team observes that since most police stations’ jurisdictions were not covered under Section 144, protestors could freely and legitimately march forward to their destination, ie, the Collectorate.
- The PI team categorically observes from testimonies both from villages and the town that in the march towards the Collectorate, there were limited, mild lathi-charges, no permanent barricades. While there was limited use of tear gas, there was no use of water cannons at all anywhere in the city on that day. There were also no testimonies of public announcements or bugle calls asking protestors to either disperse, not to proceed to the Collectorate, or instead to move to “the assigned protest area” by the District Administration.
- The PI team, after a lot of verification, cross-verification and very clear testimonies obtained from the police as well as the firemen, observes that when the protestors reached the Collectorate, the gates of the Collectorate were open, there were no preventive barricades placed to prevent the entry of people into the Collectorate and, as the crowd trickled in, they observed that the vehicles parked in the compound were already set on fire. Witnesses said that they observed some persons wearing white shirts with khaki pants carrying stones who posed as protestors and pelted stones. Later, when identified by the protestors, they ran away.
- The PI team observes with deep concern the accusations of targeted killing. Several eye witnesses at the rally individually testified to seeing snipers climbing on to rooftop level vantage points, and on a police vehicle, to take aim at rally participants. As confirmed by organisers of the rally and the general public, there were attempts to target individuals who had organised the rally and the 100th day of protest. The weapon used in firing was 7.62 Self Loading Rifle (SLR), which should never advisably be used against unarmed people and should not have been used in crowd management. It is further reported that even the people who used the SLR were plain clothed men and hence cannot be said to be policemen. Plain clothed policemen should never have been used to maintain law and order. Only uniformed personnel should have been deployed so as to distinguish policemen from miscreants.

- The PI team observes that the Madras Police Standing Orders 692-703 (Volume I, 1999) that deal with the preservation of peace were completely ignored and not followed. The PI team observes that the non-implementation of processes such as the issuing of prior warnings, etc., was the main reason for the heavy death toll of May 22.
- The PI team also observes the need for closely examining all the intelligence reports about the planning, preparation and conduct of the May 22 protest action against the Sterlite Copper smelter plant by the organisers to find out the actionable prognostic condense of the report and examine the quality, prudence and efficiency of follow-up action by the law enforcement agencies and the Executive Magistracy in the affected region.
- The PI team observes that individual Executive Magistrates employed in the area of the clashes did not pass the orders as alleged. The first information reports filed in the cases of police firing reveal they had been filed by different Deputy Tahsildars who had no jurisdiction over the area. Mr. Sekar, Executive Magistrate in Fathima Nagar, Lions Town, was the complainant at SIPCOT Police Station in FIR bearing Crime No. 191/2018, stating he was on duty near the Collectorate complex and ordered the police to open fire. However, the team observes that it was Mr. Rajkumar, Executive Magistrate, who was actually appointed to monitor the law and order situation at that location. Similarly, Mr. Kannan, appointed as Executive Magistrate in the areas of the TNPCB Office was the complainant in FIR bearing Crime No. 219/2018 in Thoothukudi North Police Station, stating he was on duty in Teresapuram (12 kilometres away from where he was actually supposed to be, officially deployed). In FIR bearing Crime No. 302/2018 of Thoothukudi South Police Station, the order to open fire was given by the Police Inspector present there, since he claimed that the Executive Magistrate was not present here.
- The PI team observes that there are no indications in any official record available to the public, including the FIRs of the Executive Magistrates, that the Deputy Tahsildars had briefed their DM over the phone and sought his stand on the situation, or having sent him a dispatch immediately after the firing.
- The PI team observes that if Section 144 was not imposed as expected under law or imposed without valid grounds, the police excesses and atrocities on May 22, May 23 and the subsequent days, are all reduced to being grossly illegal, making the policemen who indulged in the firings, the authorities including the Executive Magistrate and the police higher-ups who ordered them, liable for prosecution and punishment under Section 300, 302 Indian Penal Code (IPC) and other relevant sections under the law. In addition, since the trigger for this was provided by either a non-existing or defective order promulgating Section 144, the plot and conspiracy behind the Sterlite Company obtaining an order on this from Madurai High Court and the subsequent behaviour of the DM and the police indulging in wanton killing and terror, needs to be investigated and punished severely.
- The PI team also observes that after the gruesome incidents of May 22, there is a proven case of illegal detention of 97 persons, one of whom was also a lawyer, 32 of whom were juveniles. The District and Sessions Judge of Thoothukudi has in her bail order, dated May 24, categorically held that the provisions of arrest contemplated under Section 41A, 41B, 41C, 41D, 50, 54, 55 and 60A of CrPC have not been followed, and they were found to be

kept in illegal detention in the premises of the Valanadu police firing range. In addition, a meticulous reading of the remand order by the Judicial Magistrate in the same case indicates that almost all the 65 accused were arrested on May 22 and not on May 23 as claimed by the police. They also had injuries on their bodies proving a clear case of not only illegal detention, but torture after the incidents of May 22. These categorically prove allegations of illegal detention and torture therefore lending credence to what the PI team heard over and over again about the incidents post-May 22, of midnight knocks, abuse of women in the household and arrest of young men without any respect for the provisions of arrest as contemplated under Sections 41A, 41B, 41C, 41D, 50, 54, 54A, 55, 55A, 56, 57 and 60A of the CrPC

- The PI team further observes that the Thoothukudi police had registered over 240 FIRs as follows: all over the district from May 22 to 28, all of them related to the incidents of May 22 and thereafter. The PI team further observes that at the time of the registration of a large number of FIRs, the city police was directed by an Additional Director General of Police, four Inspector Generals of Police, two Deputy Inspector Generals of Police and 15 Superintendents of Police. Almost all these FIRs are under provisions of IPC with offences punishable with less than seven years imprisonment. The above facts, read with the judgment of the Supreme Court of India in Arnesk Kumar vs. State of Bihar, makes it mandatory that special reasons and materials which necessitated the arrest are put forth by the police to ensure that persons are not automatically remanded in judicial custody. However, the PI team was told while we were there and repeatedly thereafter, particularly after June 6, that hundreds of people were taken into custody at midnight from their homes, tortured on the way, their family members abused, and kept in illegal detention. This time, not in police stations, not in the police firing range, but in the Armed Reserve police buildings at Millerpuram in Thoothukudi. Our conclusions are proved by the petitions that have been filed to this effect before the Madurai Bench of the Madras High Court in this regard.
- The PI team would like to believe that torture was prevalent in yet another case of Mr. Bharath and Selva Soundher who were taken into custody from their house at Annanagar, 12th Street Thoothukudi on May 23 and assaulted by the police officials at Thoothukudi South Police Station. However, on the same day, the inspection of the Judicial Magistrate at the police station led them to be transferred to the Thoothukudi Central Police Station and produced before the Magistrate on May 24 at 6:30 pm. This remand report of the Judicial Magistrate in No. 170/2018 indicates that all the 13 accused who were produced before him, including the said Bharath, were seen to have injuries caused by police assault with lathis and wooden rods. The above documented evidence, once again of illegal detention and torture taken place in Thoothukudi between May 23 and 24, brings much more credence for the team believing every complaint of illegal detention that were alleged to it. This case of the ultimate death of Bharth in the Palayamkottai Central jail, the team observes, is not a case of suicide as being alleged but arising out of the torture sustained in the police and subsequently in judicial custody just before his death.
- The PI team also observes that the categorical assurance of the SP made to the PI team members led by Justice (Retd.) Hariparanthaman and comprising Mr. Kamal Kumar IPS (Retd.) and Dr. Christodoss Gandhi IAS (Retd.), that there will be no further complaints of

illegal detentions and torture henceforth and that the procedures of the law would be strictly adhered to, was not observed. The PI team is pained to note that the denial of such allegations by the SP in the first place has now been proven to be wrong with evidence forthcoming from the Judiciary. Further, while it is true that from the June 2 there was a total lull in such activities of arrests, 'midnight knocks', illegal detention and torture, the PI team concludes that this was only due to the presence of the National Human Rights Commission's (NHRC's) investigation team, the State Human Rights Commission (SHRC) and the one-person Judicial Commission headed by Justice Aruna Jagadeesan, who were all crisscrossing the city of Thoothukudi and its environs with their visits/investigations. However, immediately thereafter, from almost June 6 onwards, these illegal activities of the police continued till almost June 18, when they were challenged through continuous presentations made, public meetings and legal challenges before the Madurai Bench of Madras High Court by Mr. A W D Tilak.

- The PI team observed further that, though the hospital authorities conducted all their postmortem and re-postmortem autopsies adhering to the NHRC guidelines and textbooks of forensic medicine, which were videographed and photographed, there was no evidence to conclude that the initial autopsies were performed unscientifically and inaptly. The team also observed that the autopsies in every case were performed in the presence of a Judicial Magistrate who conducted the inquest as provided for under Section 176 (1) CrPC. The PI team further observes that while the abovementioned standards were observed, the autopsy reports, videos and photos of the autopsy were not made available to the relatives, the families or the representatives of the deceased persons as late as July 9, 2018, 48 days after the 'killings.'
- The PI team strongly observes that a re-postmortem/second postmortem should have been preferably avoided when there was no evidence to show that the first autopsy was not done properly. Further, such re-postmortem should not be done just to satisfy the whims and fancies of public interest litigants who have no relation to the deceased. In this case, the team observes that the expert called to perform the re postmortem on the orders of the Madras High Court was actually much junior in experience compared to the two forensic medicine experts who actually performed the first autopsy.
- The team further observed, and was struck to notice, the influx of VIPs to the Thoothukudi Medical College Hospital, to the wards where the injured were undergoing treatment. They ranged from his Excellency, the Governor of Tamil Nadu, the Hon'ble Deputy Chief Minister of the Government of Tamil Nadu and Hon'ble Ministers, to the Hon'ble Opposition leader and the leaders of almost every political party in the state. They came, not alone, but with their complete paraphernalia, accompanied sometimes by the district officials with media persons, photographers and videographers. Not only do such continuous visits result in the spread of infections, the subsequent questioning, photographing and videographing of ailing patients in the hospital caused them trauma and grave disturbance. The PI team observes that these visits also serve as a convenient opportunity for these VIPs to avoid meeting the public and the families of the injured. Patients who in their pain asked unpleasant questions to those in governance were scorned, side-lined and ignored over subsequent visits. Patients and their families need their privacy and hospitals cannot be converted into a playground for

political leaders who refuse to interact with the public at large or with representatives of people's organisations and movements, but take refuge in the protected and secure environs of a hospital only for their public relations purposes.

- The PI team wishes to observe that many people have become persons with disabilities after the May 22 police firing and excesses. However, what was particularly reprehensible was the brutality shown by the police towards even persons living with disability who took part in the protest. They were subjected to police force, despite having revealed their disabilities. The team would like to bring into consideration the case of Arokia Pradeep who was beaten by the police -- after hearing his declaration of his disability -- on his left lower limb, causing him to be completely immobile, and the case of Mr. Prabhu, who was already amputated and was shot on his amputated upper limb and was subjected to lathi blows on his upper chest. These patients, the PI team observes, definitely have a higher probability of developing a further disability in the future if they are not given treatment under trained physiotherapists and occupational therapists. The PI team observed that at the Thoothukudi Medical College Hospital level, the team of doctors was not sure about prospective residual functioning disability and there was an absolute lack of awareness on their part of the prognosis and the implications of functioning disability. The onus of dealing with this, the PI team felt, was left on the patients themselves due to the lack of standard operational procedures based on medical and rehabilitation protocols.
- The PI team observes through a visit to the Collectorate campus during the preliminary fact-finding, which was assisted by two very senior lawyers who provided us the following detailed observations: a) though thousands of persons are reported to have entered the Collectorate with an intention to set vehicles on fire, damage the Collectorate and commit other acts of vandalism, our observations were that even as on June 2, in the large campus comprising the Collectorate where there are barbed wire fences protecting small parks/gardens, none of the barbed wire fencing seems to have been damaged, plants were not damaged and the team was unable to observe footprints in the garden; b) none of the flex or signboards on the Collectorate campus were damaged; c) the silver hand grills were seen to have been removed and kept safe within the Collectorate, and the team observed that the cement around the points where the grills were removed were also not damaged; d) some of the glass panes in front of the office of the Collectorate were however found to be broken; e) there were four CCTV cameras fixed in the Collectorate and all of them were found to be intact and in place. The above observations lead us to believe that not as large a crowd as claimed by the police in the FIRs had actually entered the Collectorate and even if they had, they were not as violent as they are now projected to have been. While vehicles may have been set on fire and glass panes damaged, the entire campus was not by any stretch of the imagination in such bad repair that it could have provoked the police to shoot dead almost six persons.
- The PI team also, after the visit to the Sterlite residential quarters, found that the car parks in the front section of the building were burned and the vehicles parked in the ground floor, torched. The team observed that the CCTV cameras were destroyed in the entire campus and were told that "petrol bombs" were hurled at vehicles parked in the front section of the campus. Nobody could confirm to us that on-duty private guards of the apartments and police

personnel were injured. The PI team also observes, after a careful visit to the District Fire Service office, that four self-sufficient firefighting units were stationed on May 22 at the Collectorate, the Madathur Junction, Sterlite Copper premises and Therespuram. Testimonies of the fire service team revealed that the first distress call for assistance was from the Sterlite residential quarters, enabling effective intervention on their behalf to prevent greater damage to property and injury to people. However, the call from the Collectorate was received after the government vehicles parked inside the Collectorate were completely gutted. The PI team is perplexed as to why senior police officers deployed inside the Collectorate did not summon the fire service. This leads us to view with credence the several testimonies received by the team that the vehicles parked in the Collectorate were set on fire and were burning even while the protesting crowd had reached the Collectorate in order to justify the brutal police action that followed. A close perusal of the 15 fire accident reports lends credence to the said observation.

- The PI team is pleased to note the commendable role of the Thoothukudi District Legal Services Authority (DLSA). The testimonies, recorded both inside the district court buildings and heard by team members outside, revealed the speed, patience, prudence of documentation and actions undertaken by the DLSA in responding to the pleas for legal assistance from the members of the family of those in illegal detention. The DLSA, the PI team observes, possesses evidence of people rescued by the panel lawyers of the authorities from illegal police custody during the early days after the firing. The DLSA, the team observed, had also set up a special emergency counter to render legal assistance to the poor, in the government hospital (GH) as well as in the office of the DLSA itself, with panel lawyers, dedicatedly providing around the clock service, a model for the LSAs in the country to follow assisting people from the poorer sections of society at the time of their illegal detention in police stations.
- The PI team observes that many young men have been forced to leave their homes, as they fear arrest and torture at the hands of the police, even though they were not part of anti-Sterlite rally on May 22 or even before that. Those who took part in the protests apprehend arrest as police have filed open FIRs against thousands of unnamed persons. There have even been instances where all the members of a family have fled their home, fearing false cases by the police. The PI team witnessed a huge presence of police personnel and observed people living in terror even ten days after the rally. Testimonies also stated that the CCTV cameras in Thoothukudi South Police Station were covered with cloth when persons illegally detained were taken to its precincts.
- The PI team observes that from May 23 onwards, internet connectivity was cut off for 3 days in Tuticorin and in the adjoining districts of Kanyakumari and Tirunelveli and restored only after High Court order. This was an arbitrary restriction imposed by the Tamil Nadu Government which led to severe curtailment of the flow of information by the media and barring communication access by the people in most distressed time. Any restriction on fundamental rights must be proportionate to the threat posed, provided for by law, and strictly necessary to achieve a proper public purpose, such as public safety. It is up to the State to demonstrate that a network shutdown is proportionate to the threat proposed. In the case of internet shutdowns in Tuticorin, Kanyakumari and Tirunelveli, the 'threats

posed' is uncertain. internet shutdowns in critical situations tend to make people more vulnerable and they then unable to exercise any communication in cases of emergency. It also restricts the work of human rights defenders who are engaged in interventions, communication with families and providing relief in cases.

- The PI team observes that the response of the Thoothukudi Bar Association on the incidents from May 22 till date has been extremely encouraging for the pro bono services of the entire bar to anyone arrested and remanded as a result of the events of May 22, including paying of all costs. In addition, the Bar association generously came forward to bear the cost of court fee stamps, advocate fee stamps, etc. We understand, through testimonies of lawyers, of the long hours they worked on several days past midnight, moving bail applications for those remanded and waiting for the remand of many till as late as 4 am in the morning in the court premises. The team was shocked to receive testimonies from lawyers who were abused, who were detained illegally and who were tortured.
- The PI team wishes to appreciate every Judicial Officer in Thoothukudi and its environs who rose up to the occasion in their qualitative protection of persons in illegal custody at the time of their arrest, at the time of their remand, and their willingness to stand on the side of the law and not on the side of the police working long hours into the day and sometimes even into the night. If the DLSA succeeded and the bar association succeeded, it is only because the subordinate judiciary in Thoothukudi was willing to walk the extra mile.
- The PI team also observes the subsequent use of the preventive detention law against certain persons owing allegiance to certain specific organizations such as the Naam Tamilar Party, Makkal Athigaram etc. using provisions of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 and the National Security Act, 1980. It has to be noted that these laws are mostly used to curb the movements and activities of human rights defenders and grossly violates the fundamental rights enshrined in the Indian Constitution and the same appears prima facie in the arrests made in Tamil Nadu.