

Confidential



JUSTICE TMT. ARUNA JAGADEESAN COMMISSION OF INQUIRY

CONSTITUTED TO INQUIRE INTO THE CAUSES AND CIRCUMSTANCES
LEADING TO THE OPENING OF FIRE RESULTING IN DEATH AND
INJURIES TO PERSONS ON 22.05.2018 AT THOOTHUKUDI ARISING
OUT OF LAW AND ORDER DISTURBANCES INCLUDING DAMAGES
TO PUBLIC AND PRIVATE PROPERTIES.

**FINAL REPORT
VOLUME - II**

JUSTICE TMT. ARUNA JAGADEESAN



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COMMISSION OF INQUIRY**

FINAL REPORT

VOLUME - II

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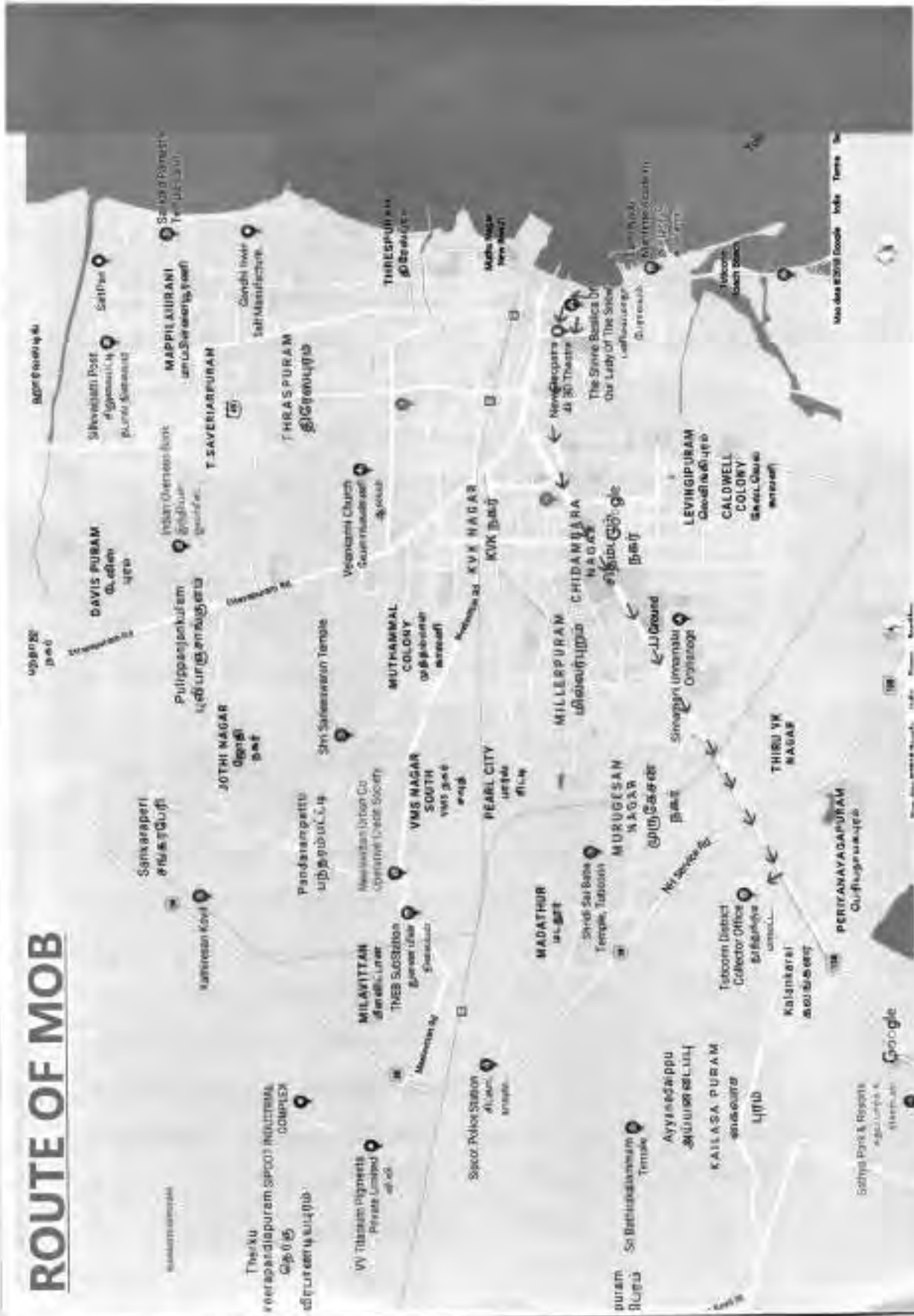
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THE FATEFUL OCCURRENCE – THE POLICE INACTION –
THE POLICE IN ACTION – DISASTROUS CONSEQUENCES.

a) EPISODE I – PANIMAYA MADHA CHURCH,

1. The plan of the protesters is to assemble in Panimāya Madha Church (Our Lady of Snow Church) and in this behalf groups of people started arriving at the church from Threspuram to begin with as also from the surrounding areas. Significantly the prohibitory orders under sec 144 Cr.P.C. was in force in Panimaya Madha Church area, while so it would be incumbent on the District authorities to ensure that no one assembled in Panimaya Madha Church and if need be resort to arrest of the protesters then itself when the crowd was far less say in hundreds. At this juncture the events that unfolded in Threspuram where no prohibitory orders were in force would be germane. The Inspector of Police Tr. Parthiban (**RW 214**) would depose before this Commission that at about 9.30 am on 22.05.2018, the people who gathered in Threspuram junction boarded in 15 to 20 vans, that about 50 youngsters in the gathering were keen that they should assemble in Panimaya Madha Church and so saying they entered into a wordy duel, that in the said gathering there were also persons who did not belong to Threspuram area whose identity was not known to him, that those persons were clad in 'T' shirts with the slogan "Ban Sterlite" printed on it, that an youngster by name Regan distributed the said 'T' shirts to the gathering, that he also harped

ROUTE OF MOB



upon saying that the gathering as a whole to move towards Panimaya Madha Church. He would add that he persuaded them not to proceed with their plan in view of the prohibitory order in force in Panimaya Madha Church, that the gathering alighted from the vans they were in and unmindful and undeterred by his persuasion and warning started proceeding to Panimaya Madha Church by walk. It was thereafter, near Indira Gandhi Statue in close proximity to Panimaya Madha Church a barricade was laid but to no avail. It may be pointed out that Tr. Parthiban (**RW 214**) Inspector of Police, North Police Station apprehended that the gathering in Threspuram where of course there was no prohibitory order was determined to proceed to Panimaya Madha Church where there was prohibitory order in force, he should have taken efforts in consultation with his Higher ups to preventively detain the groups of people in Threspuram itself. Alternatively preventive arrest could have been made when the crowd was comparatively smaller at Indira Gandhi Statue, then again in consultation with his Higher ups. Quixotically enough, the said Inspector of Police Tr. Parthiban (**RW 214**) who was grappling with situation in Threspuram was instructed by the Joint Superintendent of Police Tr. S. Selvanagarathinam I.P.S., (**RW 242**) to proceed to 3rd gate where 200 to 300 DMK partymen under the leadership of Tmt. Geetha Jeevan (**PW 383**), the then MLA were preparing to proceed in procession at 10.00 am on 22.05.2018, abandoning the efforts he had been taking to bring the situation under control,



PANNIMAYA MADHA CHURCH

Tr. Mayilerum Perumal (**RW 84**), the then Traffic Sub-Inspector would depose that between 9.00 a.m. and 9.30 a.m, people started moving from Threspuram to Panimaya Madha Church, that he virtually piloted them and reached Panimaya Madha Church. Tr. A. Karuppiah (**RW 23**), Police Constable would also depose that about 500 persons from Threspuram joined the gathering to reach Panimaya Madha Church and the police personnel walked the distance along with the gathering. This state of affairs has entailed the consequence of gathering from Threspuram to reach Panimaya Madha Church unhindered and without any resistance whatever from the police. The glaring lapse and the omission on the part of the police is that the police did not effect arrest in Threspuram itself or alternatively atleast near Indira Gandhi Statue in order that the gathering from Threspuram would not end up in Panimaya Madha Church thereby swelling the size of gathering in Panimaya Madha Church. Had such arrest been made in Threspuram or near Indira Gandhi Statue, such a course of action would have certainly had the salubrious effect of dissuading the gathering in Panimaya Madha Church and also in other places and would have served as a beacon light of warning to the protesters to desist from their course of conduct.

2. Tr. Sekar (**RW 182**), Special Executive Magistrate meant for Panimaya Madha Church, would say in his evidence that only about 200 to 250 people assembled in Panimaya Madha Church



PANNIMAYA MADHA CHURCH

around 9.00 am on 22.05.2018. May be, according to Tr. S. Selvanagarathinam I.P.S., JSP (**RW 242**) when he reached the Church after receipt of VHF information the crowd swelled to 2000 to 3000, still as spoken to by Tr. Sekar (**RW 182**) the crowd was in just 200 to 250 to begin with. Had the Police enforced the prohibitory orders in letter and spirit and proceeded to effect arrest of the volunteers who were clad in black 'T' shirts in Panimaya Madha Church, the police action would have sent enough signals to the people at large that should they ignore the prohibitory order it will then lead to their arrest as well and thus would have served as a deterrent and warning. There is a spectacle of police and District Administration allowing the gathering of the people unmindful of the prohibitory orders. Had they dealt with the situation then itself sternly the gathering of the people in huge numbers as time passed could have been averted. This is a classic instance of police inaction. Threspuram is the place wherein prohibitory order was not in force and wherefrom people started flowing towards Panimaya Madha Church and, whereas Kumarareddiapuram north west of the Collectorate is another place wherein prohibitory order was in force and wherefrom a group of people made their way towards Panimaya Madha Church. Thus people have been flowing towards Collectorate enroute Panimaya Madha Church irrespective of the prohibitory orders.



SAV GROUND

3. Tr. Rajkumar (**PW 122**) is a resident of Therkuveerapandiapuram in his evidence he would say that at about 9.00 - 9.30 am on 22.05.2018 he heard the police saying that the protesters were allowed to gather in S.A.V school grounds and would not be allowed to proceed to the Collectorate. He would say that several reminders to the Collectorate was of no avail, that it was decided to meet the Collector and present a memorandum to him. He would add that about 60 to 80 people left Kumareddiapuram escorted by the police, that they were on their feet towards Collectorate crossing Meelavittan railway track, by then the police blocked them and took them in a police bus to the South Police Station, that three women fainted and on the pretext of taking them to the Government Hospital alighted from the bus, and after giving first aid to the women and as soon as they regained consciousness left them there and the rest of them started walking towards the Collectorate and before they could reach the Collectorate near FCI roundana they came across the victims/injured being shifted to the hospital by ambulance and private two wheelers. The fact that the people from Kumareddiapuram had been taken in a police van to the South Police Station is in effect virtually facilitating the protesters to join the procession towards the Collectorate. Paradoxically the action of the police in this regard would appear to have turned counter productive:



PANNIMAYA MADHA CHURCH

4. RW 164 Tr. Dhanushkodi and **RW 94** Tr. Mohamed Mustafa are Gr I constables and they were on bandobust in a place 400m away from the Collectorate in front of District Employment Office in the four way Thoothukudi-Tirunelveli NH road. Both of them speak in the same line. They would say that at 12.00 noon about 2000 protesters emanated from the west of Collectorate to begin with peaceably, that by then smoke started billowing from the Collectorate, that there was chaos and confusion. They would further add that Tmt. Velankanni Udayareka, Inspector of Police incharge of that area told the protesters that they would not be permitted to proceed further in view of the prohibitory orders, that the protesters undeterred started going ahead and resorted to pelting of stones, that the said Inspector took away the women constables in her jeep asking the men constables to flee the place and remain safe, that the Police Constables including **RW 94** Tr. Mohamed Mustafa and **RW 164** Tr. Dhanushkodi ran away and took shelter in an old building behind the District Employment Office.

b) EPISODE II – PANDRAMPATTI AND MADATHUR,

5. The other two places wherefrom the protesters started flowing towards the Collectorate are Pandrampatti and Madathur. As per the bandobust scheme, both Dr. Arun Sakthi Kumar, I.P.S., (**RW 240**) Superintendent of Police, Tirunelveli and Tr. G. Suguna Singh, I.P.S., (**RW 234**) were incharge of Sterlite



PANNIMAYA MADHA CHURCH

Factory. However, for reasons best known to them Dr. Arun Sakthi Kumar., I.P.S., **(RW 240)** took charge of Pandarampatti and Tr. G. Suguna Singh, I.P.S., **(RW 234)** was incharge of Sterlite Factory. While so Tr. P. Mahendran **(RW 248)** Superintendent of Police, Thoothukudi received VHF message and information from the police personnel on duty in Pandrampatti area that in order to picket the Collectorate, protesters from Pandrampatti and the surrounding hamlets are heading to the Collectorate. Tr. P. Mahendran **(RW 248)** would state that the protesters in huge numbers were passing through Madathur Arch and in as much as the organizers of the protest belong to Pandrampatti and surrounding areas realizing the magnitude of the issue, he rushed to Madathur Arch with his Striking Force. His further evidence is that he formed a special team consisting of Sub Inspector of Police Tr. Rennis **(RW 198)** and five constables, who were on bandobust duty in Pudukottai, on that day that he asked them to come to Madathur. Superintendent of Police, Thoothukudi Tr. P. Mahendran **(RW 248)** would further depose that he along with Striking Force walked in the direction opposite to the direction in which the protesters were moving for about one km and tried his best to stop them from proceeding further, that the protesters were aggressive and frantic raising a hue and cry, that now and then they were hurling as missiles bottles and chappals at the police, that the womenfolk were in huge numbers among the protesters, that he was assuaging and pacifying them, that at about



PANNIMAYA MADHA CHURCH

10.00 am by which time the protesters reached Madathur Arch they were prevented by the Police from proceeding further by laying barricades. He engaged the protesters among whom were Tr. Vanchinathan Advocate (**PW 357**), Tr. Hariraghavan Advocate (**PW 381**) and Tmt. Vasanthi in a dialogue, that the protesters were held back till 11.15 am. It could be gathered from his evidence that he instructed Tr. Rennis (**RW 198**) and his team to proceed to the Collectorate saying that he would join them in the Collectorate and he proceeded to FCI roundana having been informed of the developments by DIG Tr. Kapil Kumar C Saratkar I.P.S., (**RW 246**) and Tr. S. Selvanagaratinam I.P.S., (**RW 242**), JSP that took place in VVD signal area where there was confrontation between the police and the protesters, involving lathi-charge on the protesters and the protesters retorting with pelting of stones.

6. In the view of this Commission, the Superintendent of Police, Thoothukudi Tr. P. Mahendran (**RW 248**) who in fact did his best to control the protesters in Madathur and succeeded to some extent in his endeavour to hold them back as ill luck would have it, abruptly left for FCI roundana without being asked to do so by any of his superiors or co-equals. This course of action on the part of Superintendent of Police, Thoothukudi Tr. P. Mahendran (**RW 248**) has entailed the consequence of protesters in Madathur Arch retreating only to find alternative routes to the Collectorate in pursuance of their plan of picketing the Collectorate. The better



DECEASED SNOWLIN IN
PANNIMAYA MADHA CHURCH

option would have been to continue to remain in Madathur and continue to do his best to hold them back. The materials on record when closely analyzed would only reveal that he and Dr. Arun Sakthi Kumar I.P.S., **(RW 240)** Superintendent of Police, Tirunelveli who already reached at FCI roundana did a little precious in FCI roundana except to take a round about and circuitous route to reach the Collectorate at about 1.00 pm long after the shooting incident at Collectorate.

7. At this juncture as to the happenings in Pandrampatti which area was incharge of Dr. Arun Sakthi Kumar I.P.S., **(RW 240)** Superintendent of Police, Tirunelveli certain facts need to be highlighted. According to him when he reached Pandrampatti village at 8.30am on 22.05.2018, he found about 600 protesters assembled there at, that he addressed the protesters through megaphone and told them that in as much as prohibitory orders under sec 144 Cr.P.C. is in force they should disperse and should they ignore instructions and proceed towards the Collectorate, the police would be constrained to resort to arrest. He would add that despite the police obstructing the protesters in two or three points they transgressed however, no arrest was effected except the warning. The crowd was quite thin at the beginning and there were only 600 protesters and had the police adopted the strategy of arresting the organizers, the job could have been done easier without encountering the difficulty in effecting arrest when arrest is resorted to after the crowd has swelled.



PANNIMAYA MADHA CHURCH

in size. This approach would have had a decisive effect in preventing the worsening of the situation.

8. Back to Panimaya Madha Church,
 Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** JSP speaks to certain developments in Panimaya Madha church where a prohibitory order was in force. The Joint Superintendent of Police Tr. S. Selvanagarathinam I.P.S., **(RW 242)** would claim that he appealed to the protesters not to proceed further in view of the prohibitory order, that in utter disregard of the appeal the protesters took a route behind Panimaya Madha Church and passed through the smaller roads and streets and lanes to reach the Collectorate, that he overtook them to prevent them from proceeding further and laid barricades on the road near Fire Service Station, that the protesters pushed aside the barricades as also the police personnel, there were about 3000 protesters of whom more than half were womenfolk. He would proceed to depose that in as much as the protesters were huge in number and there were only five police personnel, he did not effect any arrest as also could not prevent them from proceeding further since the police personnel were fewer in number. It could be gathered from the evidence of D.I.G, Tirunelveli Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)** that J.S.P Tr. S. Selvanagarathinam I.P.S., **(RW 242)** informed him of his inability to prevent the protesters from proceeding towards the



**TIRUNELVELI SP DR. ARUN SAKTHI KUMAR
IN PANDARAMPATTI**

Collectorate since there were not enough policemen at his disposal then. He would also add that the I.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** told him that his efforts to prevent the protesters from proceeding further near the Fire Service Station became futile. It is at this stage the D.I.G Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)** asked the I.S.P Tr. S. Selvanagarathinam I.P.S., **(RW 242)** to proceed to VVD signal and the D.I.G Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)** himself with his Striking Force arrived at the VVD Signal.

9. As to the occurrence that took place between Panimaya Madha Church and VVD signal **PW 61** Phinolin Priyanka would put forth as to what transpired. According to her the police personnel obstructed them in different points enroute to the Collectorate namely, Siluvai Kovil behind Panimaya Madha Church, Fire Service Station, St. Antony's Church and VVD signal. A cursory reading of her evidence would show that the womenfolk mostly young girls did not intend to indulge in any violence but only to express their protest. As a matter of fact on the way they came across a medical store which was kept open and when the male youngsters wanted it to be closed like any other shop, **PW 61** Phinolin Priyanka along with her father and the Deceased Snowlin and Infanta **PW 15** prevailed upon those youngsters not to compel the medical store to be closed for after all, should any need arise the medical store would be of use to the



PANDARAMPATTI

general public. **PW 15** Infanta would advert in her evidence more or less in similar terms to what transpired at that time. It can be seen from her evidence that while forming part of the procession of the protesters, they were quite light hearted, engaged in friendly exchanges all the time clapping their hands. It was then a stone pelted by someone hit her head and she sustained swelling and they proceeded undeterred.

C) EPISODE III – VVD SIGNAL

10. The happenings in VVD signal as spoken to by D.I.G Tr. Kapil Kumar C Saratkar I.P.S.,(**RW 246**) and J.S.P Tr. S. Selvanagaratinam I.P.S.,(**RW 242**) need to be set out in some detail. It may be recalled that the J.S.P.(**RW 242**) in response to the instruction of D.I.G. Tr. Kapil Kumar C Saratkar I.P.S.,(**RW 246**) reached VVD signal from Fire Service Station to join him, the efforts to prevent the crowd from proceeding to the Collectorate having aborted. The D.I.G Tr. Kapil Kumar C Saratkar I.P.S., (**RW 246**) was already with his team of 200 policemen. Barricades were laid across the road and the policemen stood by the barricades as the protesters were heading towards VVD signal. Some distance away from the barricades, the D.I.G (**RW 246**) and the J.S.P (**RW 242**) along with the Special Executive Magistrate, Tr. Sekar (**RW 182**) and Tr. Issakiraj (**RW 192**) told the surging protesters that prohibitory orders were in force, that they were free to assemble in S.A.V school



MADATHUR JUNCTION

grounds. The protesters unmindful of the appeal dashed ahead and pushing aside the barricades starting heading towards the Collectorate. It is at this stage, the police resorted to lathi-charge and protesters retreated. The Police should have continued this exercise, so that the protesters retreated to a distance from which they would not be able to stage a comeback and such a course of action would have served as a deterrent not only for the protesters who retreated but also the other protesters who were far behind in the procession. The police by not pursuing the manner in which it ought to have been pursued for reasons best known to them returned to the place of barricades which presumably led to the protesters gathering courage to stage a comeback to confront the police. It is in these circumstances as a sequel to the use of lathi-charge the unarmed protesters who dissipated into the lanes and by-lanes nearby would appear to have indulged in pelting of stones at the police due to which some police personnel sustained some injury or the other including the D.I.G Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)** who sustained a minor injury. The D.I.G **(RW 246)** and the J.S.P **(RW 242)** their exercise having proved futile in VVD signal headed for FCI roundana but not with the team of 200 policemen who are an organised entity which became totally disorganized. From the evidence of Joint Superintendent of Police Tr. S. Selvanagarathinam I.P.S., **(RW 242)** and Tr. Kapil Kumar C Saratkar I.P.S.,**(RW 246)** D.I.G it is crystal clear that the situation in VVD signal went out of



MADATHUR JUNCTION

control and J.S.P (**RW 242**) and D.I.G (**RW 246**) virtually fled from the scene to FCI roundana significantly and strangely enough without even giving any instructions to the police personnel who were deployed in VVD signal and these lesser mortals had been left to fend for themselves without anyone to whom they could look up for command and instruction particularly when among the police personnel approximately half of them were women police personnel.

11. It would be appropriate to deal with evidence of Tr. Deepak Chandru (**RW 57**) and Tr. Michael Christopher (**RW 58**) who belongs to Tamil Nadu Special Police (TSP). Both of them speak about their deployment in VVD signal. There were as many as 20 such police personnel from their battalion, they reported to a Lady Inspector of Police and remained there from 6.00 am in the morning. They were provided with lathis, helmet, bamboo shield and body protector. As the procession was moving towards the Collectorate, the policemen prevented the protesters from proceeding by laying barricades across the road. The protesters finding resistance from the police resorted to indiscriminate pelting of stones. There was virtually a rain of stones. The police not being able to withstand the onslaught started retreating. The policemen including Tr. Deepak Chandru (**RW 57**) and Tr. Michael Christopher (**RW 58**) withdrew themselves to a distance of 200 m and took shelter in the road abutting Axis Bank. Both these policemen found 60 to 70 policemen taking to their heels in the same direction. The protesters kept on chasing the policemen to some



MADATHUR

distance and resumed their march towards Collectorate. The fleeing policemen remained in the road near Axis Bank till 1.00 p.m and reached the South PS by walk and by then the fateful shooting in the Collectorate were over resulting five or six deaths. This graphic account of both these witnesses would expose the complete failure of the plan of action evolved by the police to meet such contingencies. It betrays a total lack of planning and faulty execution of bandobust arrangement. There is a spectacle of a sordid state of affairs where there was no higher officials in the scene who could boost the morale of the available policemen, infuse confidence in them, give appropriate commands and instructions dictated by the exigency of the situation in an atmosphere surcharged with chaos and confusion. It is noteworthy that though the TSP policemen were provided with enough safety gadgets such as body protector, bamboo or fiber shield, lathis, helmet, etc. they fumbled and retreated only on account of the conspicuous absence of higher officials who virtually had abdicated their responsibility and the morale of the police had sunk.

12. There is also available on record, the evidence of Woman Inspector of Police Tmt. Muthulakshmi **(RW 98)** dealing with the occurrence in VVD signal. She would speak about the factum of about 20 policemen deployed in VVD signal, the protesters resorted to pelting of stones etc. In this occurrence **(RW 15)** Valli, a Woman Head Constable sustained an injury on her right forearm and the said

PLACES WHERE POLICE TRIED TO STOP THE MOB



S.NO	STOPPED PLACES
1.	SNOWS CHURCH
2.	ST PETERS STREET
3.	FIRE SERVICE IN
4.	VVD IN
5.	3rd MILE
6.	FCI ROUNDANA
7.	COLLECTORATE ARCH
8.	COLLECTORATE

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injury is a minor injury namely an abrasion measuring 2x0.3cm as is evident from **EX P 916**, Accident Register copy of Thoothukudi Government Hospital. It could be seen from the said AR copy she was conscious at the time of examination by the Doctor and this would falsify the evidence of Tmt. Chellammal (**RW 114**) Woman Head Constable that the said Valli (**RW 15**) fainted on being hit by the stones. Tmt. Muthulakshmi (**RW 98**) would also say in her evidence that she witnessed the protesters upturning a police tempo traveller bearing Registration No TN 69 G 0616 about 150 feet away from the Axis Bank. She also witnessed the ransacking of a police booth there and two barricades laid there. More or less to the same effect is the evidence of **RW 15** Tmt. Valli who sustained a minor injury in stone throwing as also Inspector of Police Judi (**RW 97**), Tr. Pauldurai, (**RW 60**), Inspector of Police and Tmt. K. Arumalkani (**RW 59**)

13. The materials referred to supra in the shape of the evidence of the policemen deployed there would be testimony to the chaotic situation that prevailed in VVD signal. It is quite baffling and incomprehensible, as it were, as to why it did not occur to the mind of the D.I.G Tr. Kapil Kumar C Saratkar I.P.S., (**RW 246**) and I.G Tr. Shailesh Kumar Yadav, I.P.S., (**RW 247**) as also the J.S.P Tr. S. Selvanagarathinam, I.P.S., (**RW 242**) that the varun vehicles and the vajra vehicles which are intended to be pressed into service in such a scenario should be brought to VVD signal where for the first time the police had to encounter the protesters who were large in



VVD SIGNAL

numbers. The experience of the police in Panimaya Madha Church, the Fire Service and St Antony's Church, should have served as a lesson and should have put them on a course of action that should be adopted in VVD signal to tackle the swelling size of the crowd particularly by getting the vajra vehicles and varun vehicles and other Fire Service vehicles and positioned them strategically so that they could be made use of by splashing water by varun and Fire Service vehicles to disperse the crowd and resort to use of less lethal weapons for the purpose of dispersing the crowd and to avoid fatal injuries by means of opening fire arm with lethal weapons. There was a varun and vajra vehicle stationed in front of Sterlite factory and one vajra stationed near Collectorate and all these vehicles were readily available for being pressed into service should the occasion warranted such use. The availability of varun and vajra vehicles, Fire Service vehicles and ambulances in front of Sterlite is spoken to by Tr. Hariharan (**RW 213**) Inspector of Police and the relevant photograph is marked as EX.R **74** through him.

14. The happenings in VVD signal have been videographed by police personnel themselves and they are Tr. Jayakumar (**RW 129**) Head Constable and Tr. Perianayagam (**RW 130**) Gr I Constable and Tr. Muneeswaran (**RW 133**) Gr- I constable. In their evidence all the three of them would speak to the tussle between the police and the protesters in VVD signal, their videographing the scene then only for a few minutes, their withdrawal to the Axis Bank compound for



DIG IN VVD SIGNAL

safety. All the three handed over the memory card containing the video recordings to Technical section of the District Police.

15. A close consideration of what transpired in VVD signal impels this Commission to opine that the Higher ups in the police hierarchy have omitted to mobilize and keep ready sufficient number of police personnel having regard to the large turnout of the protesters as could have been estimated by the gathering of the protesters in Panimaya Madha Church itself and the likelihood of more and more protesters joining the fray as the procession progressed towards VVD signal. This position is compounded by the lapse on the part of the police in not getting the vajra and varun vehicles, Fire Service vehicles and ambulances to VVD signal so that the tumultuous situation that prevailed in VVD signal could have been dealt with effectively. It may be pointed out at the risk of repetition that though the bandobust scheme contemplated positioning of fire service and ambulance in VVD signal, the requirement of bandobust scheme has not been adhered and it only remained on paper. It would be appropriate to point out that Tr. Kapil Kumar C Saratkar., I.P.S., **(RW 246)**, the D.I.G., Tr. S. Selvanagarathinam., I.P.S., J.S.P., **(RW 242)** and other police officers abruptly fled from the VVD signal soon after stone throwing was resorted to abandoning the police personnel and leaving them clueless as to what is to be done next and they remained a lot



VVD SIGNAL

flabbergasted, disoriented and directionless. The cumulative effect is that there is manifest and palpable inaction on the part of the police.

16. At this juncture, the testimony of two persons namely, Tr. P. Praveen (**PW470**) who is running a lorry water supply service and whose office lies opposite to Neeratrur nilayam at VVD signal and Tr. Keniston (**PW 658**), working in Sun music channel as playout editor assumes important. They are examined as **PW 470** and **PW 658** respectively before the Commission. **PW 470** would say that on 22.05.2018 at 10.30 to 11.00 a.m. he was in Neeratrur Nilayam coincidental to the incident he was wearing black shirt and was engaged in issuing tickets for the lorries to draw water. At that time there was a tussle between the police and the protesters followed by pelting of stones by the protesters, that the police lathi-charged and he was also beaten and that he took a stone and threw on the police van which was seen pushed aside on the road. **PW 658** Tr. Keniston would say that the police jumped over the barricades in VVD signal and lathi-charged on the protesters, he also sustained injuries on his neck. He would further say that his cell phone fell down and got broken and that unable to bear the blows of the lathi-charge, he ran towards a by-lane and threw a stone on the Amma Unavagam. He admitted his image in the photos marked as **Ex. P 1108** series and further added that a police tempo van was already pushed aside on the road.



**DIG LATHI CHARGING IN
VVD SIGNAL**

17. It is no doubt true that the protesters resorted to stone pelting at the police but it has to be borne in mind that the response of the protesters was not voluntary and unprovoked but was the reaction on the part of the protesters to the obstruction initially put forth by the police to prevent them from proceeding further and the lathi-charge resorted to by the police against the protesters who were in a state of frenzy. The purpose of the protesters is not to harm the police for after all they could have had no grievance against them but only to facilitate their onward movement towards the Collectorate without being obstructed by the police. It is not as though the protesters as a whole resorted to pelting of stones at the police but only the frontliners of the protesters indulged in stone throwing, turning the police vehicle upside down and causing damage to the CCTV camera. It would appear that the protesters did not harbour ill will or animosity against the police and the confrontation between the police and the protesters was an inevitable development as the protesters continued with their plan of action to meet the Collector and submit the memorandum.

18. The police had a decisive opportunity of diverting the protesters in VVD signal itself so as to make them reach S.A.V school grounds by laying the requisite strong and formidable barricades as also positioning the vajra and varun vehicles and Fire Service vehicles besides ambulances in such a manner that the protesters proceeded to S.A.V school grounds and did not move towards the Collectorate.



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The positioning of the vehicles in the manner supra would serve a dual purpose namely to prevent the crowd from moving to the Collectorate and diverting them to S.A.V school grounds wherein the protesters were given the necessary permission to assemble and should there arise any need for using those vehicles which are intended for crowd management and riot controlling, they could be readily pressed into service to deal with the situation. In the Bandobust Scheme there is mention of provisions of bandobust arrangement in different points which include 3rd mile, 4th gate and FCI roundana as is evident from Bandobust Scheme marked as **EX.R 244** series marked through Superintendent of Police Tr. P. Mahendran (**RW 248**). When these points have been identified by the police it would have been in the fitness of things that elaborate bandobust arrangement such as vajra and varun vehicles and Fire Service vehicles with ambulance and with sufficient numbers of policemen were provided in each and every point so that depending on the exigency of the situation and the turn of events though not predictable the situation could have been tackled much more effectively.

19. The Superintendent of Police Tr. P. Mahendran (**RW 248**) had met Tr. Kapil Kumar C Saratkar., I.P.S., (**RW 246**) the D.I.G and Tr. Shallesh Kumar Yadav., I.P.S., (**RW 247**) I.G. on 20.05.2018 itself and informed them well in advance of the decision of certain protesters to go ahead with their plan of picketing the



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Collectorate and conveyed his apprehension that huge number of people would gather and join the procession. This part of the evidence of Superintendent of Police, Tr. P. Mahendran **(RW 248)** is to be read in conjunction with the evidence of Tr. Shailesh Kumar Yadav., I.P.S **(RW 247)** who would depose before the Commission that the people of Threspuram coming within the jurisdiction of North Police Station proceeded to Panimaya Madha Church disregarding the appeal made by the police to go to S.A.V school grounds for onwards movements to the Collectorate. He would add that the crowd of protesters undeterred advanced towards Fire station and further moved towards VVD signal where there was tussle between the police and the protesters and it was at this point of time he witnessed the whole happenings in the television and at about 10.50 a.m he got in touch with the D.I.G and S.P of Virudhunagar District, Kanyakumari District and Madurai District and instructed them to proceed to Thoothukudi with their respective Swift Action Force. He would also say that he conveyed the details of developments to ADGP (L&O) Tr. Vijay Kumar, I.P.S., **(RW 252)** and D.G.P Tr. T.K. Rajendran., I.P.S.,**(RW 253)**. His evidence is also that he instructed the Special Branch police to inform the D.I.G Tr. Kapil Kumar C Saratkar., I.P.S **(RW 246)** that the protesters should be prevented from crossing VVD signal. He would opine that had the D.I.G Tr. Kapil Kumar C Saratkar., I.P.S **(RW 246)** who was incharge of bandobust in VVD signal restrained the crowd from



PROTESTERS CHASED BY POLICE IN VVD

proceeding forward for some more time the additional police team could have arrived from different districts thus reinforcing the police strength. He would also depose that the efforts of D.I.G Tr. Kapil Kumar C Saratkar., I.P.S., **(RW 246)** in this regard failed and the procession crossed VVD signal and moved forward. The evidence of Tr. Shailesh Kumar Yadav I.P.S., **(RW 247)** IG would only reveal a total state of unpreparedness in as much as at the eleventh hour i.e. at 10.50 a.m, the I.G Tr. Shailesh Kumar Yadav I.P.S., **(RW 247)** would appear to have made efforts to reinforce the police strength to meet any eventuality. It was by then too late for after all the additional police strength could not reach Thoothukudi before ever the procession reached the Collectorate and which led to the police firing in the premises of the Collectorate resulting in loss of as many as six precious lives at the Collectorate premises. The Suave I.P.S Officers should have acted with sufficient foresight and strengthened the police force and also provided and ensured enough number of vajra and varun vehicles, Fire Service vehicles, ambulances and positioned them at all the points specified in the bandobust scheme. There is no purpose in making frantic efforts to strengthen the police force when there was little time left for such an exercise. This would only betray the lack of co-ordination between the District Administration and the Police Administration as also between the Police Officers inter se. The lack of co-ordination and the dismal failure to organize the police effectively to meet any contingency is



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compounded by the fact that the officials in the hierarchy failed to attach the significance to the intelligence input which it rightly deserved.

20. Be it as it may, the Superintendent of Police Tr. P. Mahendran (**RW 248**) in his evidence would say that after the Collector(**RW 243**) issued prohibitory order confirming to SIPCOT and South PS he impressed upon the Collector to impose prohibitory order for the entire district. The permission having been granted to assemble in S.A.V school grounds, how is that there could be prohibitory orders for the entire district particularly when in order to reach S.A.V school grounds the protesters had to necessarily traverse through areas covered by the prohibitory orders. The Superintendent of Police Tr. P. Mahendran (**RW 248**) would appear to have putforth impracticable preposition. It becomes relevant at this point of time to point out the fallacy of restricting the prohibitory orders to SIPCOT and South Police Station for after all the protesters will have the same problem of passing through areas covered by the prohibitory orders for reaching the S.A.V school grounds. The problem for the protesters becomes much more pronounced in reaching S.A.V school grounds in the absence of and an account of the omission of the police formulating a route map specifying the route to be taken by the protesters. There is a spectacle of either no or far inadequate publicity of the prohibitory orders resulting in the public remaining unaware of the prohibitory order or inadequately informed of the



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prohibitory orders, thus making the confusion more confounded. There is also a spectacle of police omitting to provide enough police strength in vulnerable points, namely Panimaya Madha Church, Fire Station, St. Antony's Church, Market Place, VVD signal, 3rd Mile, FCI Godown, FCI roundana and Collectorate which have been specified in the bandobust plan itself. The Commission has come across the visuals showing the poor deployment of police in the aforesaid points and the police themselves fleeing from the scene fearing attack by the protesters and taking shelter in the building in the vicinity. The police strength was no match to the surging crowd of the protester. The limited number of policemen who were then there without any guidance or command as to how to go about such a contingency in the context of Higher ups themselves not being available then and in the case at hand there was no one, not to speak of the Higher ups to guide and instruct the crest fallen policemen who looked thoroughly demoralized. The plight of the hapless policemen has virtually emboldened the protesters to pursue them to some distance by chasing them with a sense of contempt and sport which does not auger well for the police which is to be held in high esteem. The relatively docile crowd in Panimaya Madha Church and as it reached the VVD signal and further crossed the bridge to reach 3rd mile the crowd became rebellious and revolting and in a belligerent mood mounted an attack on the police who took to their heels to places of safety. This is certainly on account of the absence of a strong



VAN TOPPLED IN VVD SIGNAL

presence of police flaunting their weaponry and other equipments which would have had the effect of scaring and deterring the protesters from indulging in such reprehensible conduct.

D) EPISODE IV – THE THIRD MILE FIASCO.

21. It is noteworthy that no higher ranking police officers were available in 3rd mile. As a matter of fact the J.S.P Tr. S. Selvanagarathinam., I.P.S., **(RW 242)** and D.I.G Tr. Kapil Kumar C Saratkar., I.P.S., **(RW 246)** who were in the VVD signal tackling the crowd but unsuccessfully skipped third mile (3rd mile) and reached FCI roundana overlooking the need for crowd management in 3rd mile which forms an integral part of the bandobust scheme. It would appear that police personnel of lower rank such as Constables and Head Constables have been left to confront the protesters in the 3rd mile and the senior officers such as Inspectors, S.P, J.S.P, and D.I.G were conspicuous by their absence. Tr. R. Sivakumar **(RW 54)** a Grade I Constable in his evidence would say that the crowd was furious, that there was a vajra vehicle and a Striking Force van and there were some constables in it. On seeing the surging crowd the policemen were asked to lay the barricades across on either sides, that the Inspector of police, Arumuganeri Tr. Sampath **(RW 238)** arrived by then and warned the protesters not to proceed in view of prohibitory orders in force, that there was a vajra vehicle positioned behind the Striking Force vehicle. that the



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said vajra vehicle was taken forward and tear gas shells were fired at the protesters, that the teargas shells not having had the desired effect, the protesters started surging forward and started pelting stones. Those protesters who were in the by-lanes as also those who were perched on the bypass over bridge also resorted to pelting of stones at the police. The onslaught of the protesters on the small number of policemen available in 3rd mile whose morale was at its lowest ebb, was so heavy that the policemen without any stewardship ran helter shelter and took shelter in the nearby places of thorny bushes. **RW 65** is Tr. Pandiarajan AR police Constable, **RW 18** is M. Kalidoss Constable, and **RW 55** is Tr. Selvakumar Constable all these three witnesses who were deployed in 3rd mile would depose more or less in unison as to what transpired in 3rd mile. **RW 54** Tr. Sivakumar though conforms in his evidence with the other three witnesses in this behalf, his evidence to the extent that Inspector of Police, Arumuganeri Tr. Sampath (**RW 238**) addressed the protesters to disperse in view of the prohibitory orders is belied by the testimony of Tr. Sampath (**RW 238**) Inspector himself who would not speak about having addressed the protesters.

22. As to what transpired in the 3rd mile, some witnesses who are members of the public and who formed part of the gathering/ procession have been examined by this Commission. Of those witnesses this Commission would refer to the evidence of a few of them who shed light on the occurrence and the Commission shall deal



POLICE RETREATING

with their evidence here and now. Though so many witnesses from the public have been examined but in as much as their evidence is repetitive the Commission would deal with such of those witnesses throwing light on the happenings in 3rd mile. **PW 65** is Tmt. Subapriya, she is a sanitary worker in the Thoothukudi Municipal Corporation. Her evidence is that she joined the procession along with her minor son near St. Antony's Church, there was tussle between the police and the protesters in the VVD signal and there was a lathi-charge by the police, that the protesters pelted stones at the police, that the police having withdrawn from VVD signal she rejoined the procession, in 3rd mile police resorted to bursting of tear gas and rubber pellets, that she along with others retreated, that some people who were in the place where the bridge descended picked up the wooden logs used for centering purposes and supplied them to the protesters on the bridge and the protesters for their part threw them at the police and the policemen were hurt, the policemen started retreating and the crowd of protesters moved towards the Collectorate and found two motor cycles having been set on fire.

23. PW 116 is Daniel Raj a computer operator by profession. His evidence is that near FCI godown, that the protesters were passing through the bridge in 3rd mile, that by then a vajra vehicle reached the place, that the lathi wielding police constables were behind the vajra vehicle and they burst teargas shell four or five times towards the protesters at FCI godown, that some of the



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protesters developed irritation in their eyes, that the police pelted stones the protesters started running and then the people returned those pelted stones at the police and the police lathi charged indiscriminately and the people fled from the place but came back to the place, that the protesters started swelling in size and then the police started retreating that the protesters ran towards the Collectorate.

24. PW 94 Anamica @ Anu Tamilachi would say that till the crowd crossed the 3rd mile bridge there was no resistance by the police. **PW 88** is Maria Heartman Raj is working in a shipping company. He speaks to the fact that there were huge crowd ahead of him and behind him in the bridge in 3rd mile, that the police obstructed the crowd and lathi-charged them and it was followed by the noise "dum dum dum" thrice which heard, presumably referring to the bursting of teargas shells. He also speaks to the crowd moving forward and the police retreating as also he witnessed the two wheelers burning near the bypass bridge. Tr. Sahayam (**PW 199**) is a fisherman by profession. He speaks to his joining the procession in Panimaya Madha Church numbering about 1000 to 2000 persons mostly fishermen, the public and the farmers joined the procession in VVD signal, that the police obstructed them, that the protesters maintained a stand that they all will sit back and a few might be permitted to meet the Collector Tr. N. Venkatesh I.A.S., (**RW 243**) and submit a memorandum. The request fell on deaf ears of the

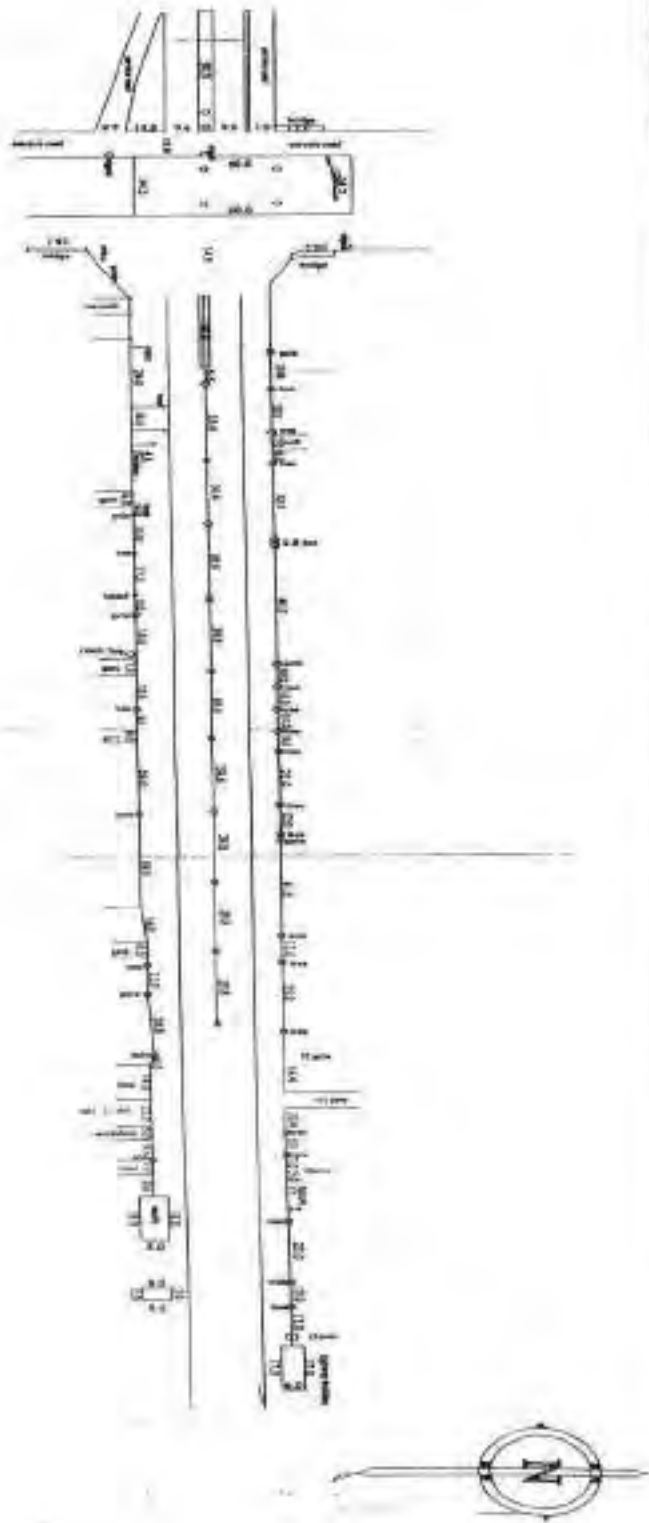


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police. While so certain persons who were wholly unconnected with the issue clad in white shirt and black pants in order to cause confusion pelted stones and the police mistook them as those who participated and rendered their support to public cause. The police pushed the womenfolk aside by their chest and this ignited a lot of disagreement and anger at the indecent handling of the womenfolk who are participants of the protest. According to him the purpose of participating in the protest is to ensure that the Sterlite Factory is closed for all times to come so that the posterity lives in perfect health and it is only in pursuance of the said resolve they had participated in the procession disregarding facing arrest and detention. **PW 42** Maria Judie Hema speaks in an identical terms. Her evidence assumes important in as much as she would candidly state that the police pushed the womenfolk by their chest and thus outraged their modesty. As a matter of fact even the transgenders picked up quarrel with the police enraged by the conduct of the police obstructing to the foul play by the police saying that they are proceeding to the Collectorate only to present a memorandum of their grievances. The witness would also speak to the factum of the police bursting of tear gas shells in the bridge in 3rd mile.

25. PW 10 is Clinton, working in a fishing unit. His evidence is that there was bursting of teargas shells in the 3rd mile, it was about 11.30 then. He would also speak to the fact that one of the retreating policemen was overpowered by the crowd and was about to be

3.10 - 3.11 (Brow)



assaulted by the crowd the witness, his brother and brother in law saved the solitary policeman from the clutches of the protesters and let him go.

26. PW 334 is Tr. Surjith a functionary in Revolutionary Youth Front and he speaks to the factum of his Organisation actively involved in the protest held for 100 days at different places against Sterlite Factory, that they were not invited for the Peace Committee Meeting though the District Administration was aware of their involvement in the protest, that on 22.5.2018 he along with the Deceased Tamilarasan participated in the procession from Panimaya Madha Church, that the police laid barricades and obstructed the protesters near Fire Service; and near Government Hospital, and that there was a tussle between the police and the protesters in VVD signal and that some unidentified persons pelted stones from the side where the police was standing, against the public followed by police lathi charging and one or two bulls were released into the procession causing injury to some protesters and that ignoring the same protesters marched ahead towards Collectorate and that when the protesters were descending down the 3rd mile bridge tear gas were bursted by the police and he realized that few unidentified persons mingled in the procession to cause confusion, and even before the crowd of protesters reached the bypass bridge, two wheelers parked near the bridge were burning.



3rd MILE

27. PW 16 is Tr. Ramachandran, a driver by profession. He would only reiterate the other witnesses as to what transpired in the 3rd mile culminating in the bursting of tear gas shells. He would also speak to the police taking to their heels and a policeman tread upon the gravel heaped there probably for laying the road and the witness lifted him up while so four woman Constables and one male Constable were held hostage by the protesters and five or six of them including the witness Tr. Ramachandran (**PW 16**), saved them from the onslaught of the protesters, took them to a house some distance away and left them safe. The policeman in turn expressed their gratitude to them. The oral evidence apart, there is also visual evidence to support the testimony of these witnesses.

E. EPISODE-V- THE EXUBERANT PROTESTERS AND THE DEMORALISED POLICE IN FCI ROUNDANA.

28. RW 172 Tr. Gnanasamandham Deputy Superintendent of Police was then incharge of FCI roundana. There were about 50 to 100 people gathered in the place opposite to FCI godown that is at the place where the 3rd mile bridge descended, that the Deputy Superintendent of Police at the instance of the J.S.P Tr. S. Selvanagarathinam, I.P.S., (**RW 242**) engaged in a dialogue with them at that time the procession of protesters was descending from the 3rd mile bridge and the slogan shouting protesters were aggressive, the protesters were raising slogans against the police and



3rd MILE

the Sterlite Management. Though the witness has not spoken as to what happened to those 50 to 100 people whom he engaged in talks still from the visuals it could be known that those protesters slowly dissipated presumably paying heed to the persuasion and warning that prohibitory orders were in force. The visuals would also disclose quite interestingly the presence of Kanthiah who was shot dead inside the Collectorate in the police firing. It is this Kanthiah though left the said place but had presumably rejoined the procession and marched towards the Collectorate only to meet his end. Tr. Gnanasamandham **(RW 172)**, would further speak about the events that happened in front of FCI godown, that the police positioned themselves behind vajra vehicle, tear gas shells were shot from the vajra, tear gas shells proved ineffective, the crowd of protesters picked up the gravel stones heaped on the side of the roads for laying roads and pelted them at the police. The witness left his official vehicle beyond the Collectorate in Korampallam and as soon as the stones were pelted at the police the police retreated, the witness virtually abandoned his responsibility and withdrew himself to a place beyond the bypass bridge leading to Thiruchendur road. He remained there for an hour and then sent for his vehicle and left for new bus stand on instruction from mini control room set up for this occasion.

29. Along with Deputy Superintendent Police Tr. Gnanasamandham **(RW 172)**, two other inspectors were engaged in talks with the crowd of 50 to 100 near FCI godown of



FCI GODOWN

whom **RW 208** Meenakshinathan, Inspector of Police is one. He was shown the visuals during examination before this Commission in which he was found alighting from his vehicle opposite to FCI godown and engaged in talks to persuade the people to disperse and Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** J.S.P also joined him to warn the crowd that if they do not disburse they would be forcibly removed. It could be seen from the visuals that by then the crowd were moving forcefully towards the Collectorate, that the police personnel were fleeing into the service road on the Southern side of the bypass bridge, that the vajra vehicle was also retreating. It could also be seen in the visuals that some of the protesters were carrying sticks and a few pelting stones, and a few other picking up the already pelted stones and pelted those stones at the police who were fleeing on the Southern side. It could also be seen that some policemen who were running towards south were found near shops with the shutters closed and some of the protesters tried to attack them with sticks and hands and some youngsters from among the protesters prevented them from attacking the police and sent them away. These details which have been gathered from the visuals are vouchsafed by the Inspector of Police Tr. Meenakshinathan **(RW 208)**.

30. It may be recalled that the protesters were progressing towards the Collectorate undeterred, that in 3rd mile there was of bursting of tear gas shells followed by pelting of stones by the



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protesters at the police, police retreating, some of the policemen sustaining injuries and some of them taking to their heels and effecting an escape from being attacked by the protesters. These police personnel who took to their heels and took shelter in a closed fast food/ tea shelter have been examined as **RW 61** S. Dural pandi, Tmt. Jothilakshmi (**RW 51**), Tmt. Ponmani (**RW 52**), P. Devaraj (**RW 9**), Lakshmi Netravathi (**RW 7**), N. Madharasi (**RW 6**), Kalalarasan (**RW 29**), Chokkalingam (**RW 119**) and kala (**RW 53**). These police personnel though they had claimed that they sustained injuries in the stone pelting but it is not supported by any medical documents such as Accident Register Copy or wound certificates issued by the Government Hospital. Of them **RW 9** is Devaraj, Gr I Constable. He was on duty in FCI roundana at the relevant time, His version is that the protesters were irresistible and braving the tear gas shells, the protesters pelted stones at the police, that the Superintendent of Police, Tirunelveli Dr. Arun Sakthi kumar, I.P.S., (**RW 240**) was there with his Striking Force, that he sustained contusion, that the Superintendent of Police Tirunelveli together with his Striking Force helplessly ran towards their vehicle, that the Superintendent of Police, Tirunelveli yelled at them to effect an escape by any means, that he ran towards his left and the women constables hid themselves with tarpolein sheet which was there in front of a fast food stall. **RW 52** Ponmani would depose that some of the protesters came to their rescue and saved



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them from the onslaught of some of the protesters. The police personnel who fled from the scene landed in an old house near Thiru Vi Ka Nagar and they have been examined as Rajamanikkam **(RW 88)**, Maheswaran **(RW 90)**, Vigneskumar **(RW 91)**, Gopalan **(RW 89)**, Mahendran **(RW 87)**, Murugesan **(RW 86)**, Tmt. Pandeas **(RW 63)**, Tmt. Gunasundari **(RW 4)** and Tmt. Chitradevi **(RW 5)**. Three others have hid themselves behind a bush and they were examined as Karthick **(RW 1)**, Suresh **(RW 19)**, M. mani **(RW 67)** and one M. Gurumurthy **(RW 28)** took shelter a lorry shed. Some of these policemen claimed to have been injured but their version is not supported by any medical certificate. What is evident from their testimony is that by and large none of them has suffered any injury worth the name, obviously on account of either fleeing from the scene or at the intervention of good Samaritans among the protesters.

31. Both the Superintendent of Police, Tirunelveli Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** and Superintendent of Police, Thoothukudi Tr. P. Mahendran **(RW 248)** had admittedly arrived at FCI roundana between 11.00 and 11.15 am one after another from Madathur. It would appear that before the arrival of Superintendent of Police, Thoothukudi Tr. P. Mahendran **(RW 248)** on the orders of Superintendent of Police, Tirunelveli **(RW 240)**, **RW 195** Vincilin Prabhu who forms part of Striking Force party of the Superintendent of Police, Tirunelveli **(RW 240)** fired 7 L.R shells at



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the protesters in order to prevent them from proceeding to the Collectorate. By then D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** had joined the Superintendent of Police, Tirunelveli **(RW 240)**, the former asked the latter to lay barricades in order to prevent entry of the protesters to proceed further towards the Collectorate and he proceeded to the Collectorate. It could be seen from the evidence of Superintendent of Police, Thoothukudi Tr. P Mahendran **(RW 248)** that at this point of time and place he joined the Superintendent of Police, Tirunelveli **(RW 240)**. In the melee, Babujan the gunman of D.I.G sustained a bleeding injury, The police started retreating. The protesters perched on the bypass bridge pelted stones at the police and the stones were also pelted on the northern side of the road. Left with no choice the Superintendent of Police, Tirunelveli **(RW 240)** along with his men proceeded in the service road south of the bypass bridge and as they were proceeding witnessed vehicles parked near bypass bridge being set on fire. The road in which they proceeded turned out to be blind ally, they came back only to find certain persons throwing fire lit petrol or kerosene filled bottles against them, the crowd did not heed his warning and hence he instructed **(RW 195)** Vincilin Prabhu to fire L.R. shell once again and the crowd did not disperse and such he instructed him to use rubber bullets through gas gun. The said Vincilin Prabhu **(RW 195)** shot the rubber bullets thrice on the floor to scare the crowd and the crowd dispersed. While so, when he continued to remain there he



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heard the gun shooting sound accompanied by hue and cry of the people. By then it would be between 12.30 p.m and 1.00 pm. The I.G and the D.I.G asked him to come to the Collectorate premises. There was a crowd of people and as such instead of proceeding from FCI roundana to the Collectorate straight, he took a circuitous route through Muthiapuram, reached the Collectorate through the back entrance and arrived at the portico portion of the Collectorate. It was 1.00 p.m by then. The Inspector General of Police Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** was there. The vehicles parked inside the Collectorate was set ablaze, in the nearby Sterlite Tamira quarters heavy black smoke was emanating. According to him Tr. P. Mahendran **(RW 248)** Superintendent of Police, Thoothukudi by then reached the Collectorate.

32. The evidence of **RW 248** Tr. P. Mahendran Superintendent of Police, Thoothukudi as regards this part of the testimony of Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** deserves to be set out. Superintendent of Police, Thoothukudi **(RW 248)** arrived at FCI roundana between 11.15 am and 11.30 am and joined Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** who was already there. Tr. Meenakshinathan **(RW 208)** Inspector of Police was also there. About 30 police constables was on duty. He found the crowd of protesters descending from 3rd mile bridge aggressively with sticks, stones and hurled at the police and the crowd was passing through the bypass bridge. He tried to prevent them from proceeding further



THOOTHUKUDI SP MAHENDRAN IN
FCI ROUNDANA

but in vain. The policemen were running helter skelter. Some sustained injuries as they fell down. He along with Superintendent of Police, Tirunelveli Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** hurriedly left the place to the road south of bypass and hid themselves behind a closed shops there at and held a discussion as to the further course of action. In as much as they could not penetrate the crowd in order to reach the Collectorate they preferred a circuitous route via Muthiapuram and Athimarapatti and reached the Collectorate between 1.00 pm and 1.15 pm by which time the police firing in the Collectorate was already over.

33. If the evidence of Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** Superintendent of Police, Tirunelveli is juxtaposed with that of Tr. P. Mahendran **(RW 248)** Superintendent of Police, Thoothukudi it would be apparent that on certain vital aspects one is at variance with the other. Nowhere in his evidence of Superintendent of Police, Tirunelveli **(RW 240)** of speaks to the factum of the presence of Tr. P. Mahendran, Superintendent of Police, Thoothukudi **(RW 248)** in FCI roundana whereas Superintendent of Police, Thoothukudi is categorical in saying that he joined Superintendent of Police, Tirunelveli **(RW 240)** in FCI roundana, acted in tandem with his colleague, took to his heels along with him when confronted with an aggressive crowd of protesters, retreated and after some distance held a discussion with his co-heart (companion) as to how to go about so on. Moreover, Superintendent of Police, Thoothukudi



TIRUNELVELI SP Dr. ARUN SAKTHI KUMAR
IN FCI ROUNDANA

Tr. P. Mahendran (**RW 248**) would not in his evidence speak about Superintendent of Police, Tirunelveli (**RW 240**) ordering his Striking Force personnel to fire L.R. Shells as many as 7 times and rubber bullets thrice. These discrepancies in their testimonies would only throw a cloud of doubt on the veracity of their statements before this Commission in the teeth of such discrepant evidence of officers who are co-equal whose testimony is to be preferred to whom, is the question which remains unanswered. All said and done the fact remains that Tr. P. Mahendran (**RW 248**), Superintendent of Police of the district in question. He appears to be corroborated by the evidence of **RW 9** and other police personnel who had been examined by this Commission. What is indisputable is both the Superintendents of Police abruptly left the place their efforts to prevent the surging crowd of protesters from proceeding towards Collectorate having aborted.

34. The Commission is impelled to make a comment on the manner in which the police right up to the SP of Police responded to a situation as spoken to by **RW 9** Devaraj. It is a matter of fact that the both Superintendents of Police left the place abruptly and while so leaving according to **RW 9** asking the other policemen to wriggle out of the situation by whatever means within their reach. This may hold good for a common man but would not be appropriate for a higher ranking police official. This will have the effect of dwindling down. The image of the police which would impinge ultimately on the



FCI ROUNDANA

credibility of the police force. This will not in any manner redound to the credit of the police in as much as such a course of conduct would have the effect of impairing the esteem, image and reputation of the uniformed service.

35. This Commission now would prefer to deal with the police personnel who had either sustained injuries or claimed to have been injured in the stone pelting incident at FCI roundana. They are examined as Kannan **(RW 21)**, D. Gnanarajan **(RW 13)** SI, M. Krishnakumar **(RW 20)**, Saranraj **(RW 3)**, Tr. P. Baskaran **(RW 8)** Gr-I Constable, T. Venkatesh Kumar **(RW 17)**, P. Sakthivel **(RW 30)**. They had been initially treated in the Thoothukudi Government Hospital and sent to Tirunelveli Medical College Hospital on the ground of safety of the police personnel. Since the members of the public who were injured in the police firing started pouring in to the Thoothukudi Government Hospital. The reason for sending them to Tirunelveli Medical College Hospital is that the presence of the injured police personnel in Thoothukudi Government Hospital might enrage the public. The doctors who treated the injured policemen at Thoothukudi Government Hospital had been examined as **PW 610** Dr. Aravind Hari and **PW 609** Dr. Nivash Maran through whom the AR copies and wound certificates relating to the injured police personnel have been marked as **EX. P. 898, Ex. P. 900, EX. P. 901, EX. P. 906, EX.P.909, EX.P.910, EX.P.917, EX.P.927 and EX.P.928** and corresponding AR copies and wound certificates issued



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by the doctor who treated the injured policemen on being shifted to Tirunelveli Medical College Hospital are **EX. P. 1053, EX.P.1054, EX.P.1055, EX.P.1056, EX.P.1057, EX.P.1058, EX.P.1059, EX.P.1060, EX.P.1068, EX.P.1069, EX.P.1070, EX.P.1071, EX.P.1072 and EX.P.1073** marked through Dr. Irene Edwin Aruna and Dr. Senthil Arumugam of Tirunelveli Medical College Hospital. A closer look at the AR copies and wound certificates would reveal that by and large the injuries sustained by the police personnel are either superficial or simple and at the worst only bone deep involving no fracture of the bones. Apart from this the only highlight of the evidence of these injured policemen is that these policemen arrived in FCI roundana as part of the Striking Force that by then the Superintendent of police, Thoothukudi Tr. P. Mahendran (**RW 248**) reached FCI roundana and walked towards 3rd mile bridge, that all on a sudden the Superintendent of Police together with his policemen started retreating, that the vajra vehicle which burst tear gas shells also started retreating not being able to withstand the stone pelting of the protesters, that the police personnel including the Superintendent of Police and his Swift Action Force ran towards a lorry shed for safety, that thereafter the crowd of protesters moved forward towards the Collectorate.

36. This Commission had dealt with in some detail as to the manner in which the police responded to the events near FCI roundana under the stewardship of Superintendent of Police,



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Tirunelveli Dr. Arun Sakthi Kumar, I.P.S., (**RW 240**). The comment this Commission has expressed in that case will hold good for what transpired under the stewardship of Superintendent of Police, Thoothukudi Tr. P. Mahendran (**RW 248**), at or about the same place and time as well.

37. Though the crowd of protesters was aggressive still there were men who prevailed upon those people who had a tendency to misbehave in fact misbehaved at some points in the course of the procession. Significantly enough as spoken to by some of the policemen and women constables who were about to be attacked by the protesters near a fast food hotel, some good Samaritans among the protesters rushed to their aid and retrieved them from the clutches of the indignant protesters. In this connection the humane touch with which Ramachandran (**PW 16**) rushed to the aid of the hapless police who faced the wrath of the protesters has to be mentioned. The said witness formed part of the protesters, reached 3rd mile bridge there was bursting of tear gas shells, there was dislocation, the police fled the scene, a policeman fell on the gravel heaped on the roadside the witness along with five or six like minded protesters lifted him up, they also rescued four women police and one men police from the clutches of the aggressive protesters and they took the police personnel to a house some distance away. **PW 10** is Clinton and his evidence is that there was bursting of tear gas shells in FCI roundana, at about 11.30 am, that braving the smoke he along



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with the other protesters moved forwards, that when they were near the bypass bridge they came across a solitary policeman in the clutches of the protesters, that some of them attempted to attack him, that the witness, his brother and brother-in-law rescued the policeman in distress and enabled him to extricate himself from the clutches of the aggressive protesters. There are also instances of the injured policemen being removed to places of safety and treatment by some of the well meaning protesters which indeed is a rare gesture which deserves to be placed on record.

**SKEWED APPROACH OF THE POLICE IN THE COLLECTORATE -
THE CYNOSURE OF THE CROWD OF PROTESTERS LEADING TO
THE DISASTER – MAN MADE.**

38. The events that unfolded in and around the Collectorate exposes the deficiency in the preparations which should have been made in the Collectorate aimed at preventing the protesters from gaining entry en masse into the Collectorate. This Commission of course in hind sight considers it appropriate to observe that the police in its wisdom ought to have brought to the scene the vajra vehicles one that was available in FCI roundana and another idly stationed in front of the Sterlite factory, varun vehicle which should have been brought to the Collectorate from other places, fire service vehicles in sufficient number along with varun vehicles to splash water at the crowd if need be. This strategy of positioning these vehicles across



FCI ROUNDANA

the road in front of the Collectorate or alternatively across the small bridge running over the channel leading to the Collectorate and reinforcing the positioning of those vehicles with weapon wielding policemen would have served as a deterrent for the surging crowd of protesters who were no doubt in an aggressive mood. At this juncture it may be pointed out that despite instructions of the I.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** to proceed to the Collectorate the vajra vehicles that was available in FCI roundana from which tear gas shells were burst in FCI roundana but unsuccessfully in as much as the crowd did not disperse, the vajra vehicles did not reach the Collectorate for being utilized should any need arise and sadly enough the vajra vehicle would appear to have been taken to a small road near Thattaparai a place far beyond the Collectorate in breach of the instructions of the I.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)**. How did it happen at all remains unexplained. In this behalf **RW 194** T.S Kabali and **RW 193** M. Marimuthu have been examined. Significantly no action would appear to have been taken against the police personnel incharge of the vajra vehicles by the police administration. Already there is a dearth of vajra vehicle only two of them were made available despite asking for by the Superintendent of police, Thoothukudi Tr. P. Mahendran, **(RW 248)** for five such vajra vehicles and paradoxically enough even those two vajra vehicle that were very much at the disposal of the police were omitted to be



pressed into service for being utilized in the Collectorate premises. There was a fire service vehicle available in the Collectorate premises initially and quixotically enough even the solitary fire service vehicle was taken to the District Police Office. It is astonishing as also agonizing to note that why the irreducible minimum of care by providing a barricading of the vehicles – varun, vajra, fire service vehicles and ambulances has not been taken by a suave high ranking police officers who were nonchalant in disregarding the imminent threat from the protesters that was staring at their face. It may be recalled that the D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** having fumbled in FCI roundana left the FCI roundana abruptly and proceeded to the DPO Office to meet the I.G., **(RW 247)** and the D.I.G **(RW 246)** should have explained in minute detail as to what transpired in FCI roundana, the mood of the mob, the factum of inadequacy of police strength to match the milling crowd of protesters, the strategy that is to be adopted to quell the protest with the least consequences. Such an animate and meaningful discussion should have set them on a swift course of action and made them think in terms of providing a formidable barricading as aforesaid i.e. barricade with varun, vajra, fire service vehicle and ambulances together with the weapon wielding policemen. This in the view of this Commission would have gone a long way in scaring the protesters and keep them at bay as also served as deterrent to the protesters forming the rear part of the procession. Topographically, there is a



PROTESTERS NEAR BYPASS

channel intercepting the Collectorate and the NH main road and to the width of channel there is a small bridge and the said bridge is the chief access of the Collectorate. The said channel is co-extensive with the length of the Collectorate complex and no one can have access to the Collectorate except through the small bridge. Though there is access to the Collectorate through the Heritage park on either side of the Collectorate, no one could have access to the heritage park except by descending into the channel to its depth and then climbing up to reach the heritage park – a truly laborious exercise which could not be undertaken in a scenario of the confrontation between the protesters and the police.

39. The omission to build a barricade of the kind dealt with *supra* in front of the Collectorate or atleast across the small bridge leading to the Collectorate would only betray a state of thorough unpreparedness in handling a situation of this magnitude. The police officers in general and the police officers up in the hierarchy are required to be circumspect, pragmatic and be resourceful enough to hammer out solution to suit the exigency of the situation. They no doubt have got to act on the spur of the moment but before ever the moment comes they should conduct themselves with enough foresight and provide for situations which might develop in their permutation and combination. It would be apposite at this point of time to refer the testimony of none other than the then ADGP (L & O) now D.G.P (Retired) Tr. Vijay Kumar I.P.S., **(RW 252)**. It is quite



BYPASS BRIDGE

enlightening to hear the response of Tr. Vijay Kumar I.P.S., **(RW 252)** who would respond to a question from this Commission as to the reason for the (99) ninety nine days of peaceful demonstration turning out to be a riot, his considered view as a senior and accomplished police officer is that depending on the situation a peaceable crowd of people might become a violent mob, that the manner of reaching out to the public, the kind of dialogue in which the public are engaged and adopting such other methods as are dictated by the exigency of the situation will go a long way in pacifying and prevailing upon the crowd of protesters. In his view the imposing look and countenance, and the personality of the police officers will have a significant role to play. He would opine that the art of controlling the crowd largely depends on the ability of the police officer to handle any given situation and the ability will vary from police officer to police officer. If the performance of the IG, DIG, Superintendents of Police, Tirunelveli and Thoothukudi, JSP and others down in the hierarchy is considered in the backdrop of the enlightening opinion of the ADGP (L & O) Tr. Vijay Kumar, I.P.S., **(RW 252)** it would be apparent that their planning was faulty, and the execution was ineffective and there was no close co-ordination as between the police officers on one hand and as between the police officers and the District Administration on the other. The conclusion in this behalf is fortified by the fact that it was only at about 10.50 am on 22.05.2018 that the Inspector General of Police Tr. Shailesh

FIRING SPOTS



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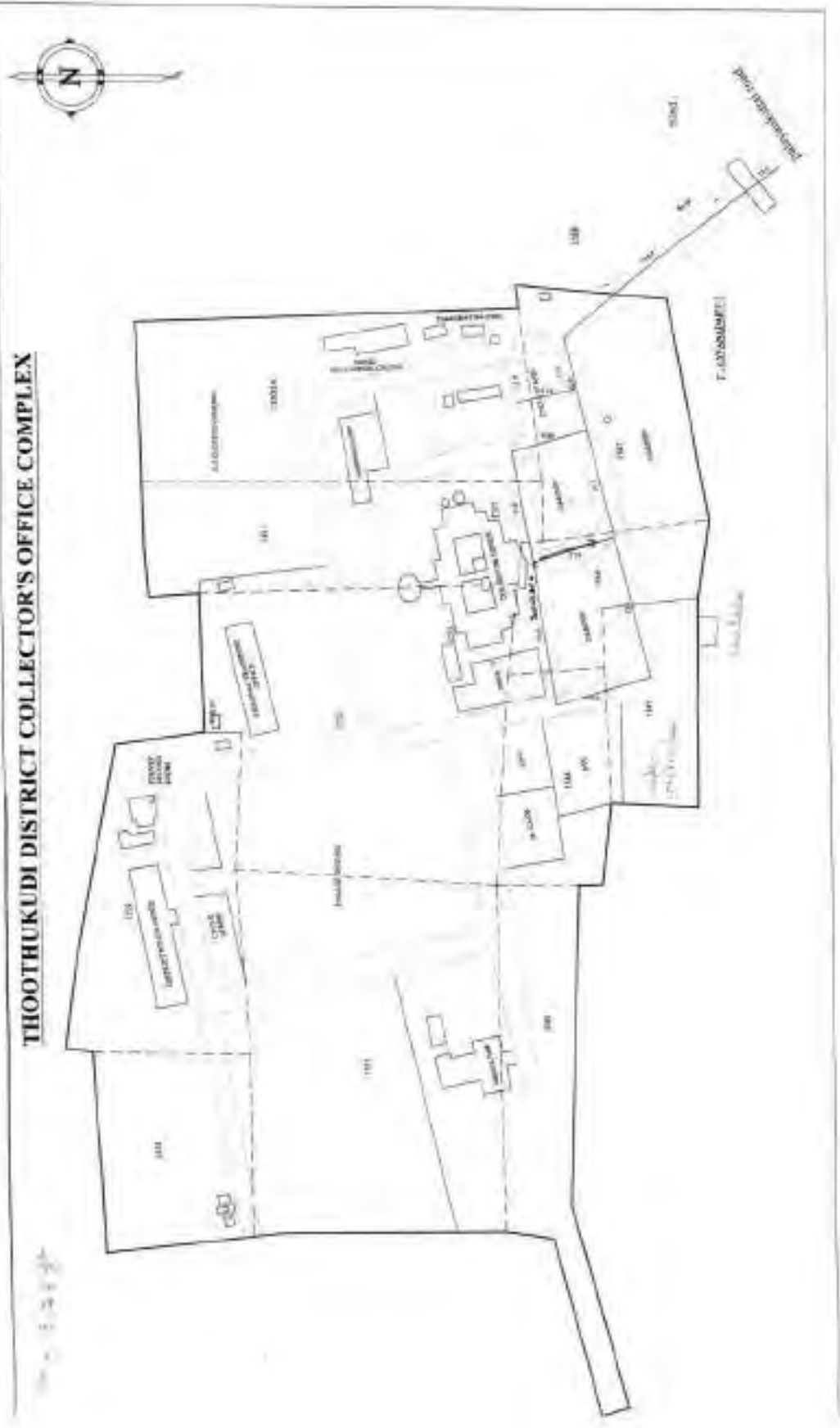
Map data ©2018 Google, India, Terms

Kumar Yadav, I.P.S., **(RW 247)** thought it fit to call upon the Superintendents of Police from different districts of Southern range under his control to rush to Thoothukudi with their respective Striking Force after viewing the Television and sensing the mood of the protesters and by then it was too late for after all those Superintendents of Police as aforesaid, and their Striking Force would not be in a position to reach Thoothukudi before ever any damage was done. This idea should have occurred to the IG much earlier at the latest when the crowd started swelling in Panimaya Madha Church itself, since the intelligence input strongly suggested that there was going to be a surge of the protesters who were planning to proceed to the Collectorate to meet the Collector and to ventilate their grievances. Had the IG instructed the Superintendents of Police as aforesaid, the Superintendents of Police and their Striking Force would have been left with sufficient time to reach Thoothukudi and could have reached the Collectorate itself and reinforced the police force available there at and such a course of action would have had a decisive impact on the entire occurrence and to occurrence would not have been as bad as it turned out to be.

40. It may be recalled that the Superintendents of Police Thoothukudi and Tirunelveli Tr. P. Mahendran **(RW 248)** and Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** were the first to leave FCI roundana but would not reach the Collectorate till 1.00 pm by which time the shooting inside the Collectorate was almost over. Their

conduct not only for deserting FCI roundana but also for belatedly reaching the Collectorate deserves to be adversely commented. If this is to be so the conduct of J.S.P Tr. S. Selvanagaratinam, I.P.S. **(RW 242)** would certainly invite an adverse comment in that he left the FCI roundana in his vehicle to the DPO at 12.00 noon finding no policemen available there for reasons best known to him proceeds to Madathur where, even according to him there were ADSP by name Tr. Ponram **(RW 146)**, D.S.P by name Tr. Muthamizh **(RW 217)** and 60 police constables and brought them all to the DPO at about 12.45 pm to 1.00 p.m. He found I.G. Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** near DRDA office along with D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)**. He would say in his evidence that he did not know that shooting took place in the Collectorate. He was instructed by the I.G. Tr. Shailesh Kumar Yadav **(RW 247)** to go and rescue 200 to 300 persons in sterlilte quarters which was ablaze and he along with D.S.P Tr. Muthamizh **(RW 217)** and Tr. Ponram **(RW 146)** ADSP reached sterlilte quarter by walk along with 50, 60 police constable by them it was 1.50 pm, he found broken glass pieces shrewn along the premises of the Collectorate, that he did not find any injured or dead in the way Collectorate premises and he found 50 rioters in the sterlilte quarters and 150 rioters outside quarters and drove them away. A few vehicles were ablaze and some fully burnt, all the three together visiting every block in the sterlilte quarters, rescued the residents and sent about 200 residents of the

THOOTHUKUDI DISTRICT COLLECTOR'S OFFICE COMPLEX



1000 - 1:250

quarters to the Collectorate premises. After the rescue operation in the sterlite quarters he along with D.S.P Tr. Muthamizh **(RW 217)** walked the distance 4 four way NH road, there they were informed of the shooting incident that took place in the Collectorate when he enquired about the reason for the whole area remaining desolate, and thereafter on instruction proceeded to Sorespuram and rescued the police personnel of Madurai Armed Reserve from a temple and came back to the Collectorate.

41. The veracity of the J.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** is to be examined in the context of the version of D.S.P Tr. Muthamizh **(RW 217)**. The J.S.P S. Selvanagarathinam, I.P.S., **(RW 242)** claimed that Tr. Muthamizh **(RW 217)** was one of the police officer available in Madathur Junction along with ADSP Tr. Ponram **(RW 146)** and other police constables. It was to fetch them to the Collectorate that the Joint Superintendent of Police Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** went to Madathur. The version of J.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** is completely belied by the D.S.P, Tr. Muthamizh **(RW 217)** who would not in his entire evidence refer to the visit of the Joint Superintendent of Police Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** to Madathur and in fact according to him that it was on the basis of instruction through VHF that they reached the Collectorate at 12.10 p.m. This is at glaring variance with the version of J.S.P Tr. S. Selvanagarathinam, I.P.S.,**(RW 242)** that he reached the



EXECUTIVE MAGISTRATE RAJKUMAR THANGASEELAN
BEFORE SHOOTING NEAR ARCH

Collectorate along with Tr. Muthamizh **(RW 217)** and Tr. Ponram **(RW 146)** and the police personnel between 12.45 and 1.00 pm. The claim of J.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)** that he came to know about the police firing in the Collectorate only after the so called rescue operations of the inhabitants of sterlite quarters and as he proceeded to the Collectorate is utterly false in as much as a shocking and chilling incident of shooting in which few lives have been lost could not have escaped the notice and knowledge of a police officer of his rank. To say that he had no knowledge before is nothing but feigning ignorance. The testimony of ADSP, Tr. Ponram **(RW 146)** is in tune with that of Tr. Muthamizh **(RW 217)** in almost all respects and consequently at variance with that of J.S.P Tr. S. Selvanagarathinam, I.P.S., **(RW 242)**. The claim of the J.S.P **(RW 242)** who arrived at 12.45 p.m and the Superintendents of Police Thoothukudi and Tirunelveli who arrived between 12.45 and 1.00 p.m. to the Collectorate would be susceptible to give an impression that they had been playing truant.

42. At or about the same time, we come across a scenario of the two wheelers belonging to the police personnel men and women, parked under the bypass bridge being set ablaze. It may be pointed out that those private two wheeler vehicles have been parked as aforesaid right in the procession route of the protesters. The owners of those vehicles should have been conscious that the exposure of those vehicles thus in all certainty would be damaged or burned down



OUTSIDE COLLECTORATE POLICE PERSONNEL
WITH IG, DIG AND JSP

by the crowd of protesters. The Commission is reminded of the celebrated doctrine of "Volenti non fit injuria" meaning voluntarily consenting to the risk in which event no compensation could be claimed for there could be no tortious liability to pay damages. It deserves to be stated that no one could be pinpointed even by the police personnel as to who the tort-feasors were. The mere fact that there was no insurance coverage or failure to renew the insurance would not be a circumstance to claim compensation from the state which would otherwise be payable by the insurance company.

43. After the dismal performance at the FCI roundana the D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** proceeded to the DPO's office and met the IG who instructed him to go to the Collectorate Arch to deal with the situation that prevailed there. The D.I.G accordingly reached the Arch and the IG followed suit. Both the I.G and D.I.G witnessed the crowd of protesters surging towards the Collectorate and the I.G leaving the D.I.G to handle the situation has withdrawn himself into the inside road immediately adjoining the portico of the Collectorate. It is disappointing to note that the I.G would not leave instructions as to how to go about the situation in which he found the police placed. The D.I.G for his part withdraws himself inside the arch. As the crowd started nearing the Collectorate, the police personnel deployed there would appear to have fled from the scene- westwards and inside the arch.



44. Tr. Thirumalai (**RW 197**) Inspector of Police and Tr. Sekar (**RW 182**) Special Executive Magistrate in their respective testimonies would putforth a version as though they were physically present in the scene interacted, and as the situation in the opinion of Tr. Sekar as Special Executive Magistrate warranted, Tr. Sekar ordered use of sten shells – tear gas shells on the crowd of protesters and Sub-Inspector of police Tr. Bhoomibalan (**RW 196**) fired two sten shells. The testimonies of twin witnesses (**RW 197 and RW 182**) already dealt with by this Commission in Volume I of the report and it has been substantiated on an analysis of the material available on record that their claim that they were physically present in the Collectorate complex and issued orders for opening fire was false and fictitious as could be evident from Tr. Sekar's answer to the queries put to him in the course of his examination before this Commission as also from the visuals with which he was confronted in which visuals nowhere he was to been seen nor Inspector of Police Tr. Thirumalai (**RW 197**). Both Tr. Sekar (**RW 182**) Special Executive Magistrate and Tr. Thirumalai (**RW 197**) Inspector of Police would speak in unison that before use of the sten shells, Tr. Thirumalai (**RW 197**) announced through megaphone that the crowd of protesters have become an unlawful assembly and if they do not disperse on their own the police would be constrained to resort to dispersal of the crowd by use of tear gas shells. But nowhere in the visuals produced by the police, the said Inspector of Police



COLLETORATE PROTICO

Tr. Thirumalai (**RW 197**) and Tr. Sekar (**RW 182**) Special Executive Magistrate could be seen and as a matter of fact Tr. Sekar (**RW 182**) and Tr. Thirumalai (**RW 197**) would admit in their evidence that in the visuals both of them are not found. As a whole, the testimony of both of them would not command credence even though they corroborate each other in as much as it is in the nature of a self serving piece of evidence. Assuming but not admitting that Tr. Thirumalai(**RW 197**), Inspector of Police did make such an announcement through megaphone when we have regard to the fact that at that point of time the crowd of protesters was 500m away as spoken to by Tr. Thirumalai (**RW 197**) himself. The Commission is left to wonder as to how the warning through megaphone would have reached the ears of the vociferous protesters who were bent upon marching to the Collectorate with a determination. The fact remains that there had been firing of sten shells but the claim of the twin witnesses that the sten shells were fired in the circumstances and the manner as spoken to by them could hardly be countenanced in as much as the very presence of those two witnesses at that point of time is not to be believed.

45. In the place of occurrence ADSP Tr. Marimuthu was present and he has been examined as **RW 225**. He would speak to the presence of Inspector of Police Tr. Thriumalai (**RW 197**) and Special Executive Magistrate Tr. Sekar (**RW 182**) in the said place of occurrence. He would also speak about issuance of order by



INSIDE COLLECTORATE

Tr. Sekar, **(RW 182)** Special Executive Magistrate to Inspector of Police Tr. Thirumalai **(RW 197)** to lathi-charge and fire tear gas shells at the crowd and Tr. Thirumalai **(RW 197)** announcing through megaphone instructed Sub-Inspector Tr. Boomibalan **(RW 196)** to fire tear gas shells and accordingly Tr. Boomibalan **(RW 196)** carried out the instructions. Strikingly enough, he would say that Tr. Sekar **(RW 182)** was coming along with the crowd of protesters in the procession and he did know Tr. Sekar **(RW 182)** before. However, when he was confronted with the visuals in the course of enquiry which shows the entire occurrence from FCI roundana to the Collectorate, he would admit that Tr. Sekar **(RW 182)** was not to be seen in the visual nor Tr. Thirumalai **(RW 197)** announcing through megaphone and on that basis, Tr. Thirumalai **(RW 197)** giving orders to Tr. Boomibalan **(RW 196)** and in pursuance thereof firing of two sten shells. ADSP Tr. Marimuthu **(RW 225)**, Inspector of police Tr. Thirumalai **(RW 197)** and Special Executive Magistrate Tr. Sekar **(RW 182)** have come out before this Commission with their respective version which are just parrot like repetition and would not stand the test of credibility and deserve acceptance. There is yet another circumstance and it is that when ADSP Tr. Marimuthu **(RW 225)** was physically present, he being the highest official available on the spot, how and why Special Executive Magistrate Tr. Sekar **(RW 182)** could make orders for firing tear gas shells and ask Inspector of Police Tr. Thirumalai **(RW 197)** to cause



INSIDE COLLECTORATE

the order to be carried out by Tr. Boomibalan (**RW 196**) disregarding the presence of ADSP Tr. Marimuthu (**RW 225**) remains unexplained. This would only go to show that the theory put forth by Tr. Sekar (**RW 182**) and Tr. Thirumalai (**RW 197**) sought to be buttressed by ADSP Tr. Marimuthu (**RW 225**) and Sub-Inspector of Police, Tr. Boomibalan (**RW 196**) would stand discredited.

46. There is a spectacle of visuals being at variance with the oral testimony of the police officers and the Special Executive Magistrate. As already pointed out the official witnesses ADSP Tr. Marimuthu (**RW 225**), Tr. Thirumalai (**RW 197**), Tr. Sekar (**RW 182**) and Tr. Boomibalan Sub-Inspector of Police have spoken in a manner substantially corroborating each other as regards the incident in the Palayamkottai road in front of the Collectorate Arch. This Commission for reasons set out before has disbelieved their version as to the manner in which the police responded to the crowd of protesters.

47. As to the incongruity between the visuals on the one hand and the oral testimony of witnesses on the other hand which would prevail is the question? Visuals would reflect only what was there at the time of recording the events provided it is not meddled with. As to the oral testimony it could be tuned by the deponent to suit his case and there is enough scope for tutoring, manipulating and window dressing unlike the visuals which would only portray the



INSIDE COLLECTORATE

ground realities. The dictum is "men may lie but not the circumstances". It is the rule of not only evidence but a rule of prudence and diligence as well. If so, the visuals reflecting the true state of things at the time of recording has to be preferred to the oral testimony more so, when the visual recordings had emanated from the police itself.

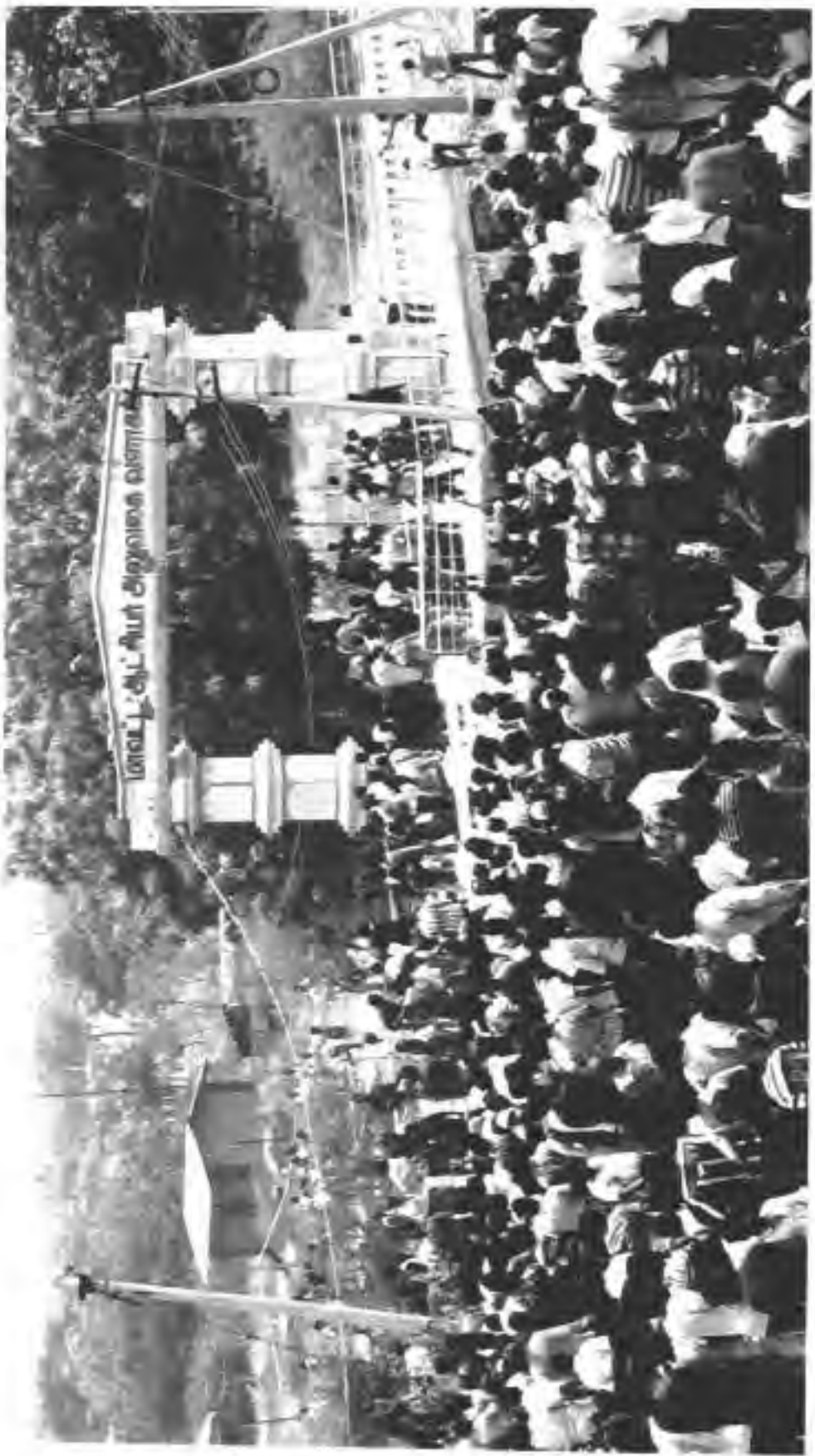
48. At this juncture Tr. Senthilkumar, **(RW 223)** the then Sub-Inspector of Police Armed Reserve Police attached to the Superintendent of Police Tirunelveli in his evidence speak about the various arms and ammunitions had with the police in the Striking Force vehicle intended for being used if the situation warranted. He would pointedly state that before ever resorting to shooting at rioters they should be warned through megaphone as also flaunting a warning flag red in colour with 5 feet length and 2 feet width, the flag containing letters white in colour reading "நீங்கள் சம்பந்தம் இல்லாதவர்கள். இப்போது உடனடியாக கைவிட்டு செல்லுங்கள். இல்லாவிட்டால் கண்ணீர் புகை குண்டு உபயோகித்து கைவக்க நேரிடும்". It means that the crowd of protesters is to be warned that they constitute an unlawful assembly and that unless they disperse forthwith the police will resort to use of tear gas shells. There is absolutely no material on record to show that such a method of holding out a warning in the shape of a red flag with white letters was ever displayed for, after all even if any announcement made through a megaphone/public address system it



POLICE RETREATING

fail to reach the protesters by being inaudible in the din of the crowd, a display of the red flag with white letters would have a far greater visual effect on the protesters. Such a measure is not intended to be an empty formality but designed to draw the attention of the crowd pointedly to the warning from the side of the police. As a matter of fact if such a red flag with the white letters containing a decisive warning had been displayed in VVD signal itself or in FCI roundana or certainly in the NH road in front of the Collectorate it would have served as a deterrent for the protesters from going ahead with their plan. It could be gathered from the evidence of **RW 223** Tr. Senthilkumar such red flag would be available in all Striking Force van attached to SP, D.I.G and I.G and it is quite baffling as to why those red flags were not displayed in the manner it ought to be displayed.

49. It is worthwhile to consider the evidence of Tr. Thirumalai (**RW 197**) Inspector of Police Pudukottai and Tr. Boomibalan (**RW 196**) in juxtaposition with the evidence of D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., (**RW 246**) and I.G., Tr. Shailesh Kumar Yadav (**RW 247**) for the purpose of arriving at the right conclusion as regards the police firing that took place inside the Collectorate which claimed five lives. The version of Tr. Boomibalan (**RW 196**) Sub-Inspector of Police is that he along with the D.I.G (**RW 246**) not being able to withstand the stone pelting of the protesters retreated



to the small road leading to the portico of the Collectorate, that the restive crowd was advancing towards the Collectorate pelting stones, that on the instructions of the D.I.G **(RW 246)** he fired sten shells twice but of no avail, that they further retreated and the police took to their heels it was 11.50 am by then. There was smoke emanating from the cycle stand situate east of the Collectorate, the fire was raging, a man in civil dress rushed to the D.I.G **(RW 246)** and had a talk with him, he came to know later that it was Tahsildar, Tr. Sekar **(RW 182)**. On the orders of the D.I.G **(RW 246)** PC 1160 Raja **(RW 200)** fired buckshot once from his 410 musket rifle, the crowd swelled in size and the police retreated westwards, the vehicles parked in the Collectorate premises were ablaze. The policemen who were scattered came together and rushed through the Collectorate portico and chased the crowd. By then he heard sound of firing here and there, the people ran helter shelter. He sighted dark thick smoke emanating from east of the Collectorate obviously referring to the Sterlite quarters. The D.I.G Tr. Kapil Kumar C Saratkar J.P.S., **(RW 246)** took his Striking Force party including the witness and reached the Sterlite quarters by walk.

50. The testimony of Inspector of Police Tr. Thirumalai **(RW 196)** and Tr. Sekar **(RW 182)**, Special Executive Magistrate speak perfectly in tune with what Tr. Boomibalan **(RW 196)** had spoken. Let us now examine the veracity of these witnesses. At this juncture a pertinent reference may be made to the evidence of D.I.G



NEAR COLLECTORATE MAIN ARCH

Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)**. At the time of his examination he was shown the relevant CCTV recordings. The CCTV camera 3 recording has commenced at 10.49 am and lasted till 12.09 noon. In the said recording it could be seen that the said Tr. Sekar **(RW 182)** hurriedly proceeded towards the portico of the Collectorate and entered into the Collectorate building and nothing more. This has lasted for just one minute i.e. from 11.46 am and 11.47 am. He was not to be seen thereafter anywhere in the Collectorate. The D.I.G Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)** would admit this factum. If the testimony of those three witnesses is considered in the backdrop of the candid answer elicited by this Commission from the D.I.G **(RW 246)** would certainly have the effect of discrediting the versions putforth by those three witnesses, notwithstanding the fact that all the three of them in chorus speak as to the events that took place. The testimony of these three is to the effect that shooting was resorted to by the police after bursting of tear gas shells as also after the protesters set fire to the vehicles parked in the Collectorate and the two wheelers which were parked in the cycle stand east of the Collectorate. Their endeavour would appear to give an impression that the stone pelting crowd of protesters indulged in arson and other vandalism which necessitated the opening of fire with lethal weapons by the police. The evidence of I.G. Tr. Shallesh Kumar Yadav I.P.S., **(RW 247)** and D.I.G Tr. Kapil Kumar C Saratkar I.P.S., **(RW 246)** when looked at closely



PUBLIC SCATTERED NEAR COLLECTORATE MAIN ARCH

give an unambiguous and unequivocal impression that the shooting incident preceded the setting of fire to the vehicles parked in the Collectorate premises and in the cycle stand intended for parking two wheelers in close proximity to the Collectorate. It is significant to note that the vehicles in the Sterlite quarters were set ablaze only after the shooting incident in the Collectorate. This is laid bare by the testimony of the inmates of the Sterlite quarters as also that of the police personnel who were on duty then. The Police personnel who speak about the same are **RW 81** Sophia, **RW 92** Jaisankar, **RW 93** M. Murugan, **RW 135** P. Muthu, **RW 137** Tmt. Veerakali, **RW 138** Ponnambala Raja, **RW 139** Rajasekar, **RW 140** Ganesan and **RW 165** Tmt. Selvi, Inspector of Police who was placed in charge of Sterlite quarters as per bandobust scheme **EX. R. 49**. Her official vehicle was also devoured by the fire. The inmates of Sterlite staff quarters have deposed that vehicles in the staff quarters were set ablaze after the shooting inside the Collectorate. They are, **PW 730** Tr. Arunprasath and **PW 776** Tr. V. Raja Krishnan, residing at J2 Block, **PW 744** Tr. Jitendra Thakur and **PW 746** Tr. Chaitanya Kunnam, residing at J1 Block, **PW 754** Tr. S. Kartheesan, residing at H1 Block, **PW 753** Tmt. Jothi R. Krishna, **PW 766** Tr. Sumit Burma and **PW 767** Tr. Titun Kumar Pobi, residing at H2 Block **PW 764** Tr. D. Dhanavel, and **PW 765** Tr. P. Dhivakaran, residing at G Block.

51. The visuals produced before this Commission would certainly enable this Commission to visualize the true occurrence in



PROTESTERS NEAR NH ROAD

all its dimensions. At the risk of repetition it may be recalled that men may lie but not the circumstances and as such the visuals having been recorded as the occurrence took place would certainly be entitled to be relied upon in preference the ipsi-dixit of the witnesses putforth at the time of examination. The visuals would show that there had been police firing resulting in the instant death of Kanthiah and Tamilarasan on the spot and their dead bodies lying on the ground. Significantly at that point of time the vehicles parked in the Collectorate and those in the cycle stand nearby were all intact-safe and secured. A few vehicles have been found uprooted but not set ablaze. The scenes in the visuals would indubitably establish that the police firing was resorted to before ever the vehicles were set ablaze and not the other way about. The version of the police witnesses that the setting fire of the vehicles and the incessant pelling of stones led to the police resorting to opening of fire is belied.

52. No doubt, the crowd of protesters inside the Collectorate indulged in stone throwing and reprehensible behaviour but then what deserves to be borne in mind is that whether such a state of affairs warranted the opening of fire resulting in the death of as many as six protesters inside the Collectorate. In other words, was there such a compelling circumstance posing an imminent danger or threat to the life or limb to have recourse to opening of fire with lethal weapons is to be ascertained from the attendant circumstances and the factual matrix. A close consideration of the facts and



CROWD OF PROTESTERS WITH BANNER ENTERING INTO
THE COLLECTORATE MAIN ARCH

circumstances including the materials on record in the shape of oral and documentary and visual evidence would lead this Commission to the irresistible and inevitable conclusion that the police have resorted to firing which would only be a disproportionate response to the danger apprehended. It is not as though a stone pelting crowd of people could be encountered with the response so brutal in nature though the crowd was indulging in stone pelting. They were by and large unarmed except with the stones and small sticks while pitted against a mighty police force armed to its teeth. Demonstrably some of the protesters had set the two wheelers and other vehicles on fire in the Collectorate and the Sterlite staff quarters having been enraged by the objectionable conduct of the police in opening fire which to the knowledge of the police would certainly cost the precious lives of the public.

53. Of course, some persons post the shooting incident indulged in arson in the premises of the Collectorate and in the Sterlite quarters but unfortunately the identity of those mischief mongers could not be established unerringly either by the jurisdiction police or even by the CBI to whom the investigation was handed over subsequently. The Commission for its part made an honest endeavour to identify those miscreants by sending the photographs taken from the CCTV visuals to the Superintendent of Police Thoothukudi as also to the CBI. Both the authorities regretted their inability to identify those person with certainty. The Commission in



PROTESTERS RETREATING IN COLLECTORATE MAIN ARCH

the course of examination of different witnesses from the public came across a view that a handful of men who stealthily intruded into the crowd of protesters and indulged in vandalism are men set up for the purpose at the behest of the Sterlite Management in collusion with the police, could not be light heartedly brushed aside. It is certainly a matter to be pursued by the authorities concerned.

54. The version of D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** as regards the incident at the arch of the Collectorate resulting in opening of fire is that the stone pelting crowd of protesters entered into the arch, he was by then 150m away from there with his Striking Force, that there was large scale stone pelting and as such the police including the D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** moved to the corner of the road leading to the portico of the Collectorate, that the protesters pelted stones at them as also at the Collectorate building by passing through the Social Welfare Office. His further version is that on his instruction Tr. Boomibalan **(RW 196)** fired sten shells and threw hand grenades at the protesters, but to no avail, that on the orders of the Special Executive Magistrate Tr. Sekar **(RW 182)** who was there by then, Tr. Raja **(RW 200)** fired buckshots thrice at the crowd with 0.410 musket, that the crowd numbering about 200 remaining unmoved and on his instruction his Striking Force constable Tr. Thandavamurthy **(RW 199)** fired plastic bullets thrice through 0.303 rifle and on his further instructions Tr. Raja **(RW 200)** again



DIG INSIDE COLLECTORATE

fired ball rounds through 0.410 musket once. He would proceed to depose that the crowd of protesters indulged in all round pelting of stones and the police party withdrew to the DRDA office through the portico of the Collectorate and it was by then the Inspector General of Police Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** entered into the Collectorate building through the portico. The protesters pelted stones at the Collectorate causing damage to the glass works, that the police party started chasing them and the crowd ran towards east from the portico area and another gang of people joined and started pelting stones at the police and on his instructions **RW 201** Tr. Shankar gunman of DIG fired five times with his 9mm pistol at the protesters. He found the Sub-Inspector **RW 198** Tr. Rennis was on the run wielding his pistol and he fired at the protesters. He found in another five minutes a person clad in white dhoti and white shirt lying opposite to the Aavin booth with gunshot injuries whose identity was later ascertained and he was one 'Kanthiah'. West of the arch a person clad in red shirt was lying injured and his identity was later ascertained and he was 'Tamilarasan'. Both of them were lying motionless and immobile. As soon as the opening of fire was over the protesters dispersed and ran towards the arch. The police party pursued them. The protesters remained near the arch.

55. The I.G Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** enters the scene. He entered into the arch and virtually waded through the protesters and reached the portico of the Collectorate



INSIDE COLLECTORATE

along with his Striking Force and at the point of time when there was torrential flow of stones he went inside the Collector's office building. By the time the I.G Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** remerged in the portico along with Striking Force party, on the instructions of the D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** the shooting as spoken to by the D.I.G **(RW 246)** in his evidence had taken place resulting in the instant death of 5 persons. Before entering into Collector's office building as spoken to by the I.G **(RW 247)** himself in his evidence he moved towards the protesters on the eastern side and made an attempt to appease the militant protesters and in that behalf walked towards them with his hands outstretched in gesture of peace. He would appear to have believed that the protesters would oblige him and give up their protest having regard to his uniform and his position as the top cop.

56. In the view of this Commission the approach of the I.G Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** in the circumstances then prevailed would be quite inappropriate since to expect the protesters who are in a frenzied state of mind to respond to his gesture would be far fetched and would appear to be bordering on naivety i.e. lack of experience, lack of wisdom and lack of judgment. This Commission is impelled to observe that the DIG had resorted to firing allegedly on the orders of Special Executive Magistrate Tr. Sekar significantly without any consultation with or discussion with the I.G Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** who was



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CAR PARKING IN COLLECTORATE

very much present in the place. The DIG would appear to have acted capriciously without a sense of responsibility and his conduct would only invite a comment that he was whimsical rather than guided by the exigencies of the situation. The D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., (**RW 246**) in his evidence would only speak to the death of two persons namely, Kanthiah and Tamilarasan falling down dead to the bullets but would not speak about three other persons namely, Karthick, Snowlin and Ranjith Kumar who met with the similar fate as victims of the bullets of the police. The video footage of the victims namely, Karthick, Snowlin and Ranjith Kumar who had been carried in two wheeler and Nallathambi ambulance respectively confirm that they fell victims inside the Collectorate in the opening of fire by the police. Those victims were brought to the Government Hospital Thoothukudi at 12.15 pm, 12.20 pm and 12.25 pm respectively with gunshot injuries which proved fatal. When we have regard to the timing of the first shooting between 11.57 am and 12.06 noon and the timing of the victims being brought to Government Hospital at 12.15 pm, 12.20 pm and 12.25 pm, the inescapable conclusion is that all of them were shot dead in the first shooting in the Collectorate between 11.57 and 12.06 noon. Thus it could be safely concluded that the death of the aforesaid was occasioned by the gunshot injuries sustained in the first police firing.

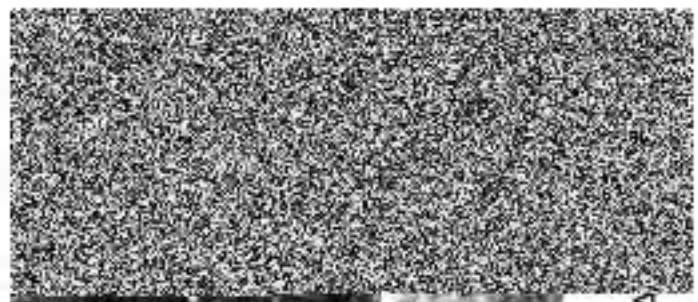
57. It may be reiterated that no doubt there was incessant pelting of stones at the police, and that onslaught of the protesters



LECTORATE



LECTORATE



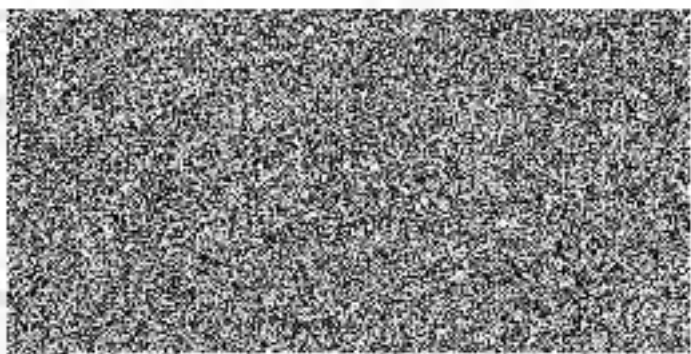
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was not that organized as to cause a grave threat to life or limb of the police who were themselves supposed to be heavily armed with weapons. The mere fact that the police retreated on account of raining of stones at the police would not be a circumstance entitling the police to have recourse to opening of fire using lethal weapons especially when the protesters were not possessed of any dangerous weapons the use of which would be a potential threat and a challenge to the police who are equipped with all weaponry to ward off such threat or challenge.

58. There was threat perception and the question that crops up for consideration is as to whether the threat perception was such that it warranted use of lethal weapons to counter it. It would be in the

fitness of things that any measure to be adopted by the police is to opening of fire using lethal weapons to opening of fire using lethal weapons

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INSIDE COLLECTORATE

permutation and combination. The pelting of stones in the manner it had been done by the protesters when analyzed in the backdrop of the bit of advice supra it would be manifest that the response of the police is certainly disproportionate to the threat perception thus deserving the description that it is a police excess.

59. The police personnel who have been examined by this Commission namely, **RW 32** Tr. Manikandan, **RW 33** Tmt. S. Sasikala, **RW 34** Tr. Velappan, **RW 35** Tmt. Mariammal, **RW 36** Tmt. Maheshwari, **RW 38** Tmt. Sanmuganisha, **RW 39** Tmt. Maheshwari, **RW 40** Tmt. S. Bhagavathiammal, **RW 41** Tmt. Amuthasurya, **RW 42** Tmt. Kalaiselvi, **RW 43** Tmt. Karpagavalli, **RW 44** Tr. Aarumugam, **RW 45** Tr. Rabinraj Sasikumar, **RW 46** Tr. M. Bala Krishnan, **RW 47** Tr. Balamurugan, **RW 48** Tr. Murukesan, **RW 68** Tr. Saravanan, **RW 69** Tr. Veerapandiyan, **RW 71** Tr. Vignesh, **RW 72** Tr. M. Sasikumar, **RW 73** Tr. S. Prabhu, **RW 74** Tr. J. Harish Christopher, **RW 75** Tr. Saravanapandi, **RW 76** Tr. P. Senthilkumar, **RW 77**, Tr. Karthick, **RW 78** Tr. Sathyamurthy, **RW 79** Tr. Arun Kumar, **RW 80** Tr. R. Manirathinam, **RW 100** Tr. Anandraj, **RW 158** Tmt. Aajitha, **RW 160** Selvi Nithya, **RW 162** Tmt. Sawra Banu, **RW 166** Tmt. Selvarani, **RW 168** Tmt. M. Mary Jemitha, **RW 170** Tmt. Grace Mariammal would depose more or less in the same tone that unable to withstand the stone pelting, they withdrew from their places of deployment and never to return back to their respective



INSIDE COLLECTORATE

places and the highlight is that they were unaware of the developments that took place leading to the opening of fire in which as many 5 lives have been lost. A cursory glance of the evidence of these police personnel would show that none except one sustained grievous injuries nor any injury worth a name have been sustained. The one police personnel by name Tr. Manikandan **(RW 32)** who sustained a grievous injury on the lips as also to the teeth has incurred expenditure for his treatment in a private hospital. He deserves medical reimbursement and compensation.

60. Coming back to the first shooting inside the Collectorate the DIG would say in his evidence that the protesters dissipated and ran towards the arch, the police personnel were chasing them the protesters gathered near the arch. The police then moved towards west and remained in the corner of the road running east west inside the Collectorate , the protesters staged a comeback from the west and from the arch and the police unable to withstand the onslaught of the protesters receded to the DRDA office . This time the protesters resorted to profuse pelting of stones. They also set fire to the vehicles. At that point of time smoke started emanating from the Sterlite staff quarters Tamira II. The police started chasing the protesters, the protesters ran helter shelter. The D.I.G **(RW 246)** asked Tr. Thandavamurthy of his Striking Force party to open fire at the crowd in the arch area from the first bend to Collectorate since he found that the huge collection of protesters in the arch area was a



INJURED PC MANIKANDAN

hindrance to go outside and reach the Sterlite staff quarters. The said Tr. Thandavamurthy fired with his 0.303 rifle once, the crowd remained unmoved, and on his instructions he fired thrice all the three times it misfired. The D.I.G Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** asked Tr. Sudalaikannu **(RW 207)** whose name he did not know then and came to know later to open fire. Sudalaikannu, upon being instructed to act on the instructions of DIG opened fire not just once but thrice. The crowd started running in different directions, the police reached the fourway road through the arch.

61. At or about the same time, according to I.G. Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** who was inside the Collectorate building emerged from it, and reached the two wheeler parking. The DIG Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)** met him and informed him that he had already opened fire at the protesters on the strength of the orders of the Special Executive Magistrate. By then there were no protesters found inside the Collectorate. However the protesters reemerged near the arch and started pelting stones and petrol bombs. About 49 police personnel were injured including the ADSP Tr. Marimuthu **(RW 225)**. The protesters started chasing the police and the police including the I.G., Tr. Shailesh Kumar Yadav., I.P.S., **(RW 247)** withdrew into the DPO's office at about 12.05/12.06 noon. From the DPO's office he could see the protesters hurling petrol bombs. The I.G., Tr. Shailesh Kumar Yadav., I.P.S., **(RW 247)**



PROTESTERS CARRY PC MANIKANDAN WITH INJURY

came to know from ADSP Tr. Marimuthu **(RW 225)** and Tr. Lingathirumaran **(RW 212)** that there were no riot control weapons available there by then. The Superintendents of Police, Thoothukudi and Tirunelveli, J.S.P., Thoothukudi, Deputy Commissioner of Police, Tirunelveli were yet to reach the Collectorate and the D.I.G, ADSP and the two DySPs alone were with him left to fend for themselves. He sent word through Special Control Room situate in the DPO to send riot control weapons to the Collectorate. In the meantime I.G. got two firearms, one Bolt action and another 0.303 rifle through Inspector of Police Tmt. Vanitha Rani Incharge of Special Control Room. The Bolt action rifle was handed over to guard commander Sornamani **(RW 211)** and other weapon handed over to PC Tr. Sudalaikannu an A.R Constable. At that time the I.G. **(RW 247)** noticed the vehicles in Collectorate set ablaze and heard through Selvi **(RW 16)** Inspector of Police on duty in Tamira quarters through VHF that the vehicles in the Sterlite staff quarters Tamira II have been set on fire. The DIG **(RW 246)** led his team of policemen towards the arch, Tr. Lingathirumaran DSP **(RW 212)** led his team westwards in the Collectorate and the I.G., **(RW 247)** led his team further west- all the three teams engaged themselves in dispersing the protesters. The I.G. **(RW 247)** came to know of opening fire on the instructions of Tr. Lingathirumaran **(RW 212)**. He also came to know of yet another firing on the instructions of DIG Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)**. The I.G. spotted a miscreant indulging



**PROTESTERS GATHERED NEAR ARCH AFTER INITIAL SHOOTING
INSIDE COLLECTORATE RAISING SLOGANS**

in violence and instructed Tr. Sornamani SI **(RW 211)** to shoot him below the waist and the miscreant sustained an injury on his leg and limping and a few people physically lifted and carried him towards the arch. On the instructions of the I.G., Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)**, Tr. Sathish Kumar **(RW 202)** who formed part of I.G's team opened fire at the crowd which was found in the 1st bend of the Collectorate twice one after another with interval with 410 musket, since the crowd from the west started progressing, on instructions from the I.G, Tr. Sathish Kumar **(RW 202)** again opened fire towards west. He fired twice with the same 410 musket at interval below the waist.

62. As spoken to by I.G.**(RW 247)** three teams of police personnel, one headed by the IG, the other headed by the D.I.G and yet another headed by Tr. Lingathirumaran **(RW 212)** left in different directions to disperse the crowd and to that end opened fire. What the DSP, Tr. Lingathirumaran **(RW 212)** would say in this regard in his evidence could be dealt with now. The moment the women constables as also the constables belonging to regular law and order sighted the surging crowd took to their heels it was then at about 11.45 am to 12.00 noon. The I.G and D.I.G felt that no purpose would be served by chasing the crowd and as such Tr. Lingathirumaran **(RW 212)** instructed Tr. Sudalaikannu **(RW 207)** of the Armed Reserve Constable who was then having 0.303 rifle whose identity the DSP ascertained later, to open fire



NEAR COLLECTORATE ARCH

towards south and west for the purpose of warning. It was then about 12.10 noon. Tr. Lingathirumaran (**RW 212**) heard that just before this, there was shooting in the Collectorate premises and two persons were injured. When Tr. Sudalaikannu (**RW 207**) fired a round westward it landed on the ground and burst. None was injured. The crowd dispersed, and ran towards west and then to the NH Palayamkottai road. Since the vehicles parked in the place of east of the Collectorate and in the portico were set on fire in order to disperse the crowd and for the purpose of warning on instructions of Tr. Lingathirumaran (**RW 212**), Tr. Sudalaikannu (**RW 207**) fired totally four rounds.

63. Inside the Collectorate for the first time, on the instructions of the D.I.G (**RW 246**), shooting had taken place. This shooting resulted in the death of as many as five (5) protesters inside the Collectorate. Even according to D.I.G (**RW 246**) 2 protesters were found dead, presumably the D.I.G (**RW 246**) would not have been told about three others who could have been removed by the protesters themselves to the hospital. But the fact remains that as many as 5 persons had fallen dead to the bullets of the police. It is thereafter the anxiety-ridden protesters who were already chased to the arch some of whom made a re-entry into the Collectorate premises to find out whether there were anyone injured or dead in the shooting. It is noteworthy that the police did not go to the aid of the injured or the dead soon after the shooting and the omission in



this behalf is a glaring violation of the requirements of the relevant PSOs. It is only in this context some of the protesters ventured into the Collectorate at this point of time to rush to the aid of the injured or the dead after the shooting between 11.51 am to 12.06 noon. It would appear that some hooligans numbering about 25 to 30 have mingled with the protesters and had a free entry and virtually indulged in vandalism in the Collectorate by setting fire to the vehicles parked in the Collectorate as also to the motorcycles parked in the nearby.

64. It is at this juncture, the bullet ridden Kanthiah was lying in a pool of blood with no one around him to go to his aid though he was virtually breathing his last. Paradoxically enough the police whose duty it is as per police standing orders to remove the dead or injured to the hospital was unmoving and immovable and was totally impervious to the sufferings of the person in abysmal distress. It is indeed a heart-rending scene.

65. Yet another instance is the badly wounded Tr. Santhosh Raj (**PW 73**) profusely bleeding from head to foot due to the injuries sustained by him in the incident, he was crying for help for being taken outside and eventually to the hospital. His hue and cry fell on deaf ears and the police though physically present in the vicinity did not think it fit to go to him and particularly when the premises of the Collectorate was virtually in the control of the police. The cry of



Tr. Santhosh Raj (**RW 73**) in such a dire situation was a cry in wilderness.

66. When the police was in control of the entire premises, how come a band of men in the guise of protesters gained entry into the premises and indulged in vandalism despite the strong presence of the police in such a tension ridden situation. This would only probablise the views of a cross section of the public who have been examined before this Commission that those band of men are hired goondas set up by the vested interest to tarnish the image of the well meaning protesters who formed an integral part of the public. This Commission in anxiety its to establish the identity of those band of men who indulged in vandallism wrote to the SP, Thoothukudi as also to the CBI who is also interested with the responsibility of making an investigation and filing a final report. It is unfortunate that neither the District Police nor the CBI would identify those vandals/hooligans and both the authorities have expressed their inability to identify those men who actually set the vehicles on fire not only inside the Collectorate but also in Sterlite staff quarters. The CBI and the District Police have been provided by law with all the infrastructure facilities to launch extensive investigation to unearth materials for the purpose of arriving at just conclusions, in particular the identity of an offender. Both the authorities have pleaded inability to identify such persons does not redound to their credit. It is quite disappointing that



DAMAGED AMBULANCE AFTGER INCIDENT

the CBI to whom the public at large turn to with great expectation that agency would unravel any mystery and shirk its responsibility.

67. The police have resorted to the extreme step of shooting in the Colléctorate with full knowledge that such a course of action would result in grievous or fatal injuries to the protesters. It would then be incumbent on them that the protesters are warned of the shooting to an extent that they do not persist in the protest and withdraw from the place. The warning should be real and substantial and not illusory or ceremonious.

68. The police ought to have in the circumstances of the case, made an announcement through megaphone warning the protesters that they should disperse lest the police will be constrained to use force including shooting and only after issuance of such a warning and in case, the protesters are relentless and intransigent and act in defiance then and only then the police would be justified in resorting to use of force to the degree of opening fire as a last resort. Had the manner in which the police resorted to shooting been made known to the protesters, that would have had a decisive impact on the protesters in dissuading them from persisting in the protest and quit the place in the interest of their safety and security. Assuming for a while that the police action in resorting to shooting is known to some of the protesters who formed the frontline of the protest still



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POLICE NOT IN UNIFORM

thousands of other protesters who constitute the rear portion of the protesters could not have known about the police action.

69. To meet the requirement of an effective announcement in such a manner audible enough to reach as many protesters as possible a megaphone should have been used by the police and the police should have made the announcement by the megaphone from top of the buildings namely the Collector's office, DRDA office, Social Welfare Officer all in one campus. Obviously the police has floundered and omitted to make the announcement so as to be audible to a many protesters as possible. There are no materials available on record to show that there had been effective use of megaphone or any amplifier in this regard.

70. Here is a case of police indulging in shooting from their hideouts at the protesters who were far away from them. There are materials in the shape of ballistic report that the shooting was long range shooting and not short range which is suggestive of the fact that the police went into hiding in the heritage park inside the Collectorate wherefrom they have opened fire resulting in the casualties and grievous injuries to the protesters. Does it deserve a comment that it is a dastardly act, the Commission is left to wonder.



DECEASED KARTHIC CARRIED BY PROTESTERS

**THE VICTIMS OF POLICE FIRING WHO BORE THE BRUNT
INSIDE THE COLLECTORATE.**

1. The Deceased Karthic.

71. One Karthick aged about 21 years is one of the five victims who had received fatal injuries in the shooting in the Collectorate. He has sustained the following antemortem injuries as per the post mortem certificate **EX.C.38** marked through Dr. Ambika Prasad Patra of JIPMER medical college and hospital, Pondicherry,

72. A lacerated circular punctured wound of 3x2 cm in diameter over the right side front of head with inverted and abraded wound margin 160 cm above the right side heel lever suggestive of missile entry wound.

The opinion of the postmortem Doctor is thus:

73. The internal aspect of scalp corresponding to external injury had contusion mingled with bony fragments which could have been caused due to high velocity missile travel. Examination of remnant revealed brain haemorrhage and laceration due to missile impact.

74. The nature and size of the wound suggest the firearm might have been fired from distant range, the bullet could have been fired straight from the right side of the front of head and travelled



**DECEASED KARTHIC BROUGHT TO HOSPITAL
BY THE PROTESTERS**

diagonally opposite to left end of head without exiting out of the cranial cavity.

75. The opinion of the Ballistic expert Dr. G. Thirunavukarasur examined as **CW 10** is that the lead piece found inside the cranial cavity could be the mangled projectile of a 0.410 inch ball ammunition/cartridge. This is borne out by his report marked as **Ex. C 50**. The cumulative effect of the post mortem certificate and the ballistic expert's report together with the oral testimony of the expert witnesses would inevitably lead to the conclusion that the death has been caused only on account of injuries sustained by the Deceased Karthic by the use of firearm from a long range. The video footage produced before the Commission would show that the Deceased Karthic after he sustained the injuries was carried by the protesters to Nallathambi Hospital opposite to the Collectorate at 12.15 pm (noon) as spoken to by **PW 116** Daniel Raj and thereafter to the Government Hospital by a two wheeler in a sinking state. Admittedly it is on account of the police action that Karthic was grievously injured and was fighting for life but it is only the protesters who moved him to the hospital and the police whose duty it is to rush to the aid of a person in distress, the distress having been occasioned by police action, remained a mute spectator and consciously and deliberately omitted to act on time to save a life from being extinguished. NO 108 ambulance was brought to the scene nor any attempt was made by the police to rush the profusely bleeding



**DECEASED KARTHIC CARRIED BY PROTESTERS
IN MOTOR CYCLE**

Karthic to the hospital as a last minute effort to save the injured from the clutches of death. It is a culpable omission on the part of the police and is in negation of the legal requirements of the police standing orders which contemplate the police to readily respond to a situation and rush, relief and succour in display of humaneness and compassion. The situs of the injury is the front forehead of Deceased Karthic, the bullet has pierced through his head having been shot at with high velocity ammunition.

76. Whose bullet the head injury to the Deceased Karthic which proved fatal is to be ascertained from the materials available on record. On the instructions of the DIG, Raja **(RW 200)** who forms part of the DIG's Striking Force team had fired three buckshots and after five minutes again he fired ball from a 0.410 musket. It may be recalled that the ballistic expert has opined that the fragments bullet extracted from the cranial cavity of Karthic could be the mangled projectile of a 0.410 inch ball ammunition/cartridge. Raja **(RW 200)** would appear to have used the firearm namely 0.410 musket between 11.57pm and 12.10 pm (noon). **If, we have regard to the time of carrying the Deceased Karthic i.e. between 12.15 pm (noon), this decisive circumstance would only point the accusing finger towards the said Raja (RW 200) Police Constable who wielded 0.410 musket at the time as aforesaid.**



77. Two aspects come up for consideration. The first is that the police in similar situation is required by law if at all they decide to open fire, to fire below the waist and in the instant case there could be no reason why the forehead of the protester should be aimed at. May be that the police might not intend to cause such a bodily injury to Karthic but the fact remain that by opening fire not below the waist but on the head the police is to be attributed the knowledge and mens rea to cause death by operation of the doctrine of "universal malice".

78. The other aspect is that it would be incumbent on the police as to why they preferred the use of a high velocity ammunition instead of a comparatively a lesser velocity ammunition for after all the object of the police is not to kill the protesters but only to disperse them. It is not as though any material is available with the police that the Karthic was notorious or that his antecedents are so bad as to deserve a destiny of this kind at the hands of the police.

79. The protesters are not alien enemies to the police nor are they a potential threat to peace and tranquility, the safety and security of the nation. They are very much an integral part of the proud citizenry of this country and in a democratic polity every citizen has a constitutionally guarantee, freedom of expression including staging demonstration and protest. May be in an environment of war with the country of alien enemy there could be every endeavour to



POLICE NEAR KORAMPALLAM ROAD

subjugate, win over, overpower irrespective of means by which the end is sought to be achieved for the saying is everything is fair in love and war and such a saying could hardly be invoked in the instant case.

2. The Deceased Tamilarasan

80. He is aged about 45 years and he is one of the five victims who had received fatal bullet injuries inside the Collectorate. The following antemortem external injuries as per the postmortem certificate **Ex. C. 40** marked through **CW 08** Dr. Ambika Prasad Patra. The following antemortem injuries are as below:

- 1) A circular punctured laceration wound of 1cm diameter with inverted abraded margin was found at the end of the right mastoid tail of cranial autopsy suture 153cm above the left side heel suggestive of missile entry wound.
- 2) An excavated sutured, lacerated wound of size 3cmx1.5cmx cranium deep was present over right side front of head 158cm from right great-toe level. Removing the suture and examining, the margins were everted and contused suggestive of missile exit wound.
- 3) Multiple abraded contusions and abrasions of varying shapes and size from 4cmx2cmx1cm over the right side of the face and left forehead.



DECEASED TAMILARASAN INSIDE COLLECTORATE

Internal Findings:

81. An excavated punched out fracture was found over the left mastoid bone with laceration of adjoining soft tissues indicative of missile entry wound. The part of skull base on the right side upto the front of the skull had comminuted fracture suggestive of missile track. Gross disruption, laceration, right anterior part of skull and scalp corresponding to external injury no. 2 suggestive of missile exit wound track. On examination of dissected brain remnants showed hemorrhage and laceration due to fire arm missile.

Opinion:

82. All injuries mentioned above are antemortem injuries and consistent with the fire arm wounds. The death of the deceased could have been caused due to head injuries and its complications. The external injury No.3 might have been caused due to hard and rough surface or object.

83. The Deceased Tamilarasan had died of head injuries caused by the bullet fired by the police. In this case unlike Karthic there is a wound of entry as also a corresponding wound of exit and in as much as the bullet exited, there is no scope for obtaining the opinion of a Ballistic report.

84. It is worthwhile to recall that on the orders of the DIG, his gunman Tr. Shankar (**RW 201**) opened fire at the protesters at the



DECEASED TAMILARASAN

south west portico portion of the Collectorate. At or about the same time, Tr. Renees SI **(RW 198)** opened fire purporting to act on the orders of Tr. Thirumalai Inspector of Police **(RW 197)** who claims that he was given the requisite orders to open fire by the Special Executive Magistrate Tr. Sekar **(RW 182)** with which this Commission has dealt in the earlier paragraphs of the report. Admittedly Tr. Renees SI **(RW 198)** has fired six rounds and Shankar **(RW 201)** has fired five rounds in the Collectorate portico. The shootings - spree by these two police personnel commenced at 11.57pm and lasted till 12.10pm. It is pertinent to note that a charge memo had been issued by the DIG to the said Tr. Renees **(RW 198)** saying that the Tr. Renees **(RW 198)** volunteered to come to the Collectorate portico from Madathur and without the orders of the Higher ups and without adhering to police standing orders, on his own whimsically fired (6) rounds as he was running with 9mm pistol bearing butt No 50, Sl. No 16105215. This would only expose the recalcitrant and self impelled and irresponsible attitude and conduct of a police personnel. **Having regard to the timing of opening of fire i.e. between 11.57 pm and 12.10 pm and the time by which Tamilarasan was taken to the hospital and the Doctor certifying that he was brought dead, it could safely be concluded that Tamilarasan should have succumbed to the gun shot injuries sustained by him on account of the shooting either by Shankar (RW 201) or by Tr. Renees (RW 198).**



DECEASED TAMILARASAN INSIDE COLLECTORATE

85. This Commission could not resist making a reference to the requisite CCTV visuals captured in the Collectorate portico that he was shot dead point blank by the police as he was fleeing presumably to avoid being targeted by the police. Equally irresistible is to say that the police should have had the irreducible minimum of humanity and should have avoided firing at a hapless and fugitive protester on the run fearing for life or limb. The comment of this made with regard to the Deceased Karthic in every other respect would hold good for Tamilarasan also as also for those who got killed more or less in the same manner in the entire episode that was enacted before the Collectorate.

86. Before we close the discussion on Tamilarasan, it would be beneficial to refer to the oral evidence of a few witnesses on the side of the public. The evidence of **PW 94** Anamica is that the protesters including Tamilarasan entered the arch of the Collectorate at the time of protest, that after a few minutes she saw a man running towards the arch with injury, that Tamilarasan who was running by the side of the said injured was shot by the police and he fell on his back **PW 94** Anamica found the red shirt worn by Tamilarasan covered his face and he was removed to the hospital by some of the protesters.

87. PW 106 Kebiston is one of the protester who entered into the arch he found 10 to 15 lathi and rifle wielding policemen. According to him the police started shooting against the protesters



DECEASED TAMILARASAN CARRIED BY PROTESTERS BY THEIR TWO WHEELERS

and Tr. Tamilarasan sustained gunshot injury and fell down. He would add that the police targeted only a chosen few and spared those who actually indulged in vandalism. It would appear that Tamilarasan clad in red shirt owed allegiance to the communist ideology and in the view of the public this would have been a circumstance for targeting Tr. Tamilarasan. **PW 334** Tr. Surjith speaks about Tamilarasan being taken to the hospital at about 12.00 noon.

88. PW 10 Clinton himself an injured in the police firing inside the Collectorate would speak to the factum of two persons lying dead inside the Collectorate as far as he knows.

89. The inevitable conclusion is that Tamilarasan got killed in police firing inside the Collectorate, that the firing itself is unprovoked and disproportionate to the danger sought to be averted, that the police could have resorted to a far less harsh measure of dealing with the protesters who were by and large unarmed.

3. The Deceased Kanthiah

90. The third in the series is Kanthiah aged about 55 years and was shot dead in the same manner as Tamilarasan was done to death by either Tr. Renees (**RW 198**) or Shankar (**RW 201**) purporting to act on the orders of Thirumalai Inspector of Police (**RW 197**) and DIG (**RW 246**) respectively.



**DECEASED KANTHIAH FOUND WITH
POOL OF BLOOD UNATTENDED**

91. The injuries found on the body of kanthiah are as follows:

- 1) A circular 1 cm diameter punctured laceration wound with inverted, abraded and contused margin present over left side shoulder blade area 129cm from left heel suggestive of missile entry wound.
- 2) An elliptical excavated punctured lacerated wound of size 2cmx1cmx chest cavity deep was found at left side of third rib space, 132 cm above the left heel, suggestive missile exit wound.
- 3) A circular punctured lacerated wound of 1cm diameter with inverted abraded and contused margin was present over the dorsum of right wrist area, 26cm down the right elbow, suggestive of missile entry wound.
- 4) An oval excavated punctured, lacerated wound of size of 1.5cmx1cmx radius deep was present over the dorsum of right hand, 29cm distal to the elbow prominence, suggestive of missile exit wound.

92. Internal Findings:

- 1) Soft tissue, laceration and contusion involving the left chest wall at T5 – T6 level posteriorly and fifth rib anteriorly corresponding to external injuries No. 1 & 2 suggestive of missile wound track. The lobe of left lung, vertebrae and ribs disrupted along the missile track.
- 2) The soft tissues and right radius bone lacerated/fractured corresponding to external injuries No 3 & 4 suggestive of missile wound track.

93. The injuries are ante mortem. The situs of the injuries is quite significant. The wound of entry is on the back of the chest and the wound of exit is on the chest thus it is apparent that the bullet



SANTHOSH RAJ ALONG WITH DECEASED KANTHIAH
INSIDE COLLECTORATE

entered in the back of Kanthiah pierced through his body and exited from the chest. If the head injuries sustained by Tamilarasan are shockingly grievous, no less shocking and no less grievous are the injuries inflicted on Kanthiah who would appear to have died instantly and whose mortal remains was left to the exposed in the Collectorate unattended till 1.00 noon. A look at the visuals would show the horrific and tragic end Kanthiah met with all on account of the highly reprehensible conduct of the police by not only killing him, but also omitting to take any steps to remove the dying man to the hospital for making last minute efforts to save a sinking life dictated by considerations of humanity. **If we have regard to the time and place where Kanthiah was shot at, it could be safely concluded that Kanthiah died of gunshot injuries fired either by Shanker (PW 201) or Rennes (RW 198) SI.**

94. The testimony of Santhosh Raj (PW 73) sheds some light on the manner and the circumstances in which Kanthiah met with his end. It is indeed a moving tale of woes. Santhosh Raj (PW 73) entered the arch of the Collectorate along with the other protesters. He saw five or six policemen wielding big rifles. At that point of time he found the vehicles parked in the Collectorate were very much intact meaning thereby that before the shooting was resorted to, the vehicles were quite safe and were at ablaze only after the shooting by the police. He found some protesters indulging in stone throwing at the Bolero jeep belonging to the police and at that point of time



SANTHOSH RAJ INSIDE COLLECTORATE

about 50 policemen came running from the portico of the Collectorate and started lathi charging and he shouted at the top of his voice that the protesters wanted to stage a demonstration, the cry of the protesters went unheeded. He witnessed a policeman spotting Kanthiah and shooting him with a hand pistol and Kanthiah fell to the bullet in front of Aavin booth. The Police lathi charged those who resisted the police action but pursued only those protesters who started fleeing. He was badly injured in the lathi charge and was profusely bleeding. He wanted to be taken out of the Collectorate but no one came to his aid. He walked all the distance to a nearby canteen inside the Collectorate with all his bleeding injuries and he was physically lifted and taken to the hospital by some of the protesters. Kanthiah was brought dead at 1.35 pm by a private ambulance.

95. The testimony of Tr.Santhosh Raj (**PW 73**) who is an eye witness would speak volumes about the sordid state of affairs that prevailed in the Collectorate. It would only amply explain the dreadful manner in which the firing was resorted to in which Kanthiah suffered fatal injuries – his physical frame shattered. It would also expose the total lack of humane instincts which are required to be forthcoming from the police standing orders. This Commission in the earlier part of the report placed on record its appreciation for some of the good Samaritans from the protesters rushing to the aid of injured police personnel but a reciprocal gesture from the police had not been



DECEASED SNOWLIN

forthcoming from the police which is a disciplined force and a force comprising men and women presumably with considerations of concern for fellow human beings. This state of affairs only reminds the Commission of the dictum what is to be eliminated is not what little humanity left in the individual but only the criminality in him and this dictum is to be adopted "mutatis mutandis" to the police force as well. It is quite disappointing that the police instead of displaying humaneness at a time when it is strictly warranted has remained impervious to the sufferings of those in distress - the police was unmoving and immovable in going to the aid of those who were engulfed in abysmal misery.

4. The Deceased Snowlin

96. The fourth in the series is Snowlin, aged about 18 years, a girl in the prime of her youth. She has sustained the following fatal injuries as spoken to by the Doctor who conducted post mortem Dr. Ambika Prasad Patra examined as **CW 08** of JIPMER Medical College and Hospital, Pondicherry. The following are the injuries:

- 1) A circular punctured wound of 4mm diameter with abraded contused and inverted margin was present over the nape of neck right side of the midline, 135cm above the right side heel, suggestive of bullet entry wound.
- 2) An excavated, irregular, lacerated wound of size 2.5 cm x 2cm x left mandible deep with comminuted fracture



**DECEASED SNOWLIN CARRIED BY THE
PROTESTERS**

underlying left jaw bone, 134cm above the right side heel suggestive of missile exit wound.

- 3) A horizontally placed punched out lacerated wound size 1cmx0.6cmxskull deep with abraded, contused and inverted margin parallel to the right eye-brow, 141 cm from the right heel and suggestive of bullet graze injury,
- 4) Multiple abrasions and abraded contusions of varying shapes and size ranging from 3cmx1cm upto 2cmx1cm were present over the left knee prominence and dorsum of right foot.

INTERNAL FINDINGS ARE AS BELOW:

97. Neck soft issue laceration and fracture of C3 vertebrae corresponding to external injury No. 1& 2 suggestive of missile track. Gross soft tissue disruption with damage to the adjoining bones and cartilages in left side mouth and spine corresponding to external injury No.2 suggestive of missile exit track.

98. He would opine that all injuries are antemortem injuries consistent with the firearm wounds. The death of the Deceased could have been caused due to cervical injuries and its complications. The external injury No. 3 might have been sustained before injury No. 1 &2. Injury No 1& 2 could have been caused due to use of a firearm. The third injury could have been caused by the use of a different firearm. Both the firearms could have been used within a short span of time with intervals.



DECEASED SNOWLIN IN HOSPITAL

99. In continuation of shooting by Tr. Shankar (RW 201) and Tr. Rennes (RW 198), then Thandavamurthy (RW 199) and Tr. Sudalaikannu (RW 207) would appear to have opened fire at the protesters. The firing by these policemen would appear to have been resorted to after the entry of some unidentified miscreants who set fire to the vehicles parked therein. There are materials on record to show that both these policemen have wielded 0.303 rifle and opened fire at the protesters towards the first bend from the arch to the Collectorate. The fourth in the series of protesters dying of gunshot injuries is Snowlin in her teens while on retreating from the venue of protest along with her friends who have been examined by this Commission. In the case of Snowlin there is a wound of entry of the bullet and corresponding wound of exit of the bullet in the cervical region which proved fatal. A close consideration of the evidence of the post mortem doctor would show that Snowlin was shot twice with two firearms within a short span of time one after another. The situs of the injury would go to show that she was shot at right on her cheek and the bullet traversed the front portion of the cheek virtually smashing it. **The fatal injuries could have been caused to Snowlin only on account of the use of firearm by the said Tr. Thandavamurthy (RW 199) and Tr. Sudalaikannu (RW 207) who opened fire on the instructions of the DIG (RW 246), Tr. Lingathirumaran (RW 212) DySP respectively.** The visuals when looked at would show that the badly and grievously injured



DECEASED RANJITH AND DECEASED SNOWLIN IN THE
NALLATHAMBI AMBULANCE

Snowlin fighting for life was taken to Nallathambi Hospital opposite to Collectorate initially by the protesters themselves and then to the Government Hospital, Thoothukudi only to breathe her last. She was brought to the hospital only in a private ambulance at 12.20 noon.

100. Snowlin was accompanied by Dishani (**PW 43**), Phinolin Priyanka (**PW 61**) and Infanta (**PW 15**) her mother Vanitha (**PW 08**) and Manoharan (**PW 70**) and few others. **PW 43** is Dishani. She entered the Collectorate arch and was about to spread a blanket near a place where aadhar cards are issued in the Collectorate. Their plan was to meet the Collector and present the memorandum. While so, her mother cried that she heard the sound of the shooting and she wanted her to quit the place but by then the police shot at Snowlin and Snowlin was bleeding from her mouth. At that time Infanta (**PW 15**) asked her to sit down and by then a bullet came from no where and landed on the railings in the pathway on the east. They got up and started running out of the arch and it was by then a policeman caught hold of her left hand and twisted it. She got native treatment for 3 days and her pain did not subside and she got admitted in the Government Hospital on 29.05.2018 and was discharged after treatment on 13.06.2018.

101. PW 61 is Phinolin Priyanka. She was also in the company of Snowlin at the relevant time and found Snowlin with gunshot injuries profusely bleeding and being taken to the hospital by some of



NEAR BIKE PARKING INSIDE COLLECTORATE

the protesters. She also speaks about the gunshot injuries sustained by one protester on his waist and another on his right thigh. She also received a hit on her head. She fainted and when she regained her consciousness she found herself in Nallathambi hospital. **PW 70** Manoharan and **PW 109** Packiaraj would only corroborate the evidence of **PW 43** Dishanji and **PW 61** Phinolin Priyanka. **PW 70** also received gunshot injury on his left knee;

102. On analyse of the above evidence it is apparent that the Deceased Snowlin was in the company of her friends and entered into the Collectorate arch only to join the protesters for highlighting a burning issue of Thoothukudi. Those girls were all in their twenties. They have walked all the distance from Panimaya Madha Church to the Collectorate in expression of their solidarity to the protesters. There is absolutely no material on record that they were indulging in any unlawful activity except shouting of slogans. It is at this band of girls who gathered inside the arch of the Collectorate to espouse a public cause that has been targeted by the police. It is in the evidence that these girls on coming to know of the police action started retreating and was as a matter of fact retracing their steps to move away from the venue of the protest apprehensive of police action. It was indeed a bolt from the blues that those young girls found the police resorting to firing in such an unprovoked manner especially when there was no imminent threat of life or limb or



DECEASED RANJITH CARRIED BY PROTESTERS

property of anyone including the police personnel. It is only against these fleeing young girls that the firing has been opened.

103. As could be seen from the situs of the fatal injuries suffered by Snowlin and the evidence of the post mortem doctor, two different firearms have been used to cause injuries on the cervical region including the cheek of the hapless Snowlin. If at all there was any compelling circumstance to resort to shooting why did not the police shot below the waist as required by the relevant Police Standing Orders remains unexplained. Equally inexplicable is the reprehensive conduct of the police in shooting at this young girl Snowlin and also her companions in as much as a bullet has landed fortunately on the railings of the pathway in the Collectorate and not on yet another girl. As is the wont, Snowlin also having been badly injured in the shooting was removed to the hospital only by good Samaritan protesters and significantly not by any police personnel whose duty it is to act instantly to remove such a person to the hospital at the earliest without missing the golden time.

5. The Deceased Ranjith Kumar

104. The fifth and the last inside the Collectorate to succumb to the gunshot injuries in police firing is Ranjith Kumar aged about 25 years.

The following are the antemortem injuries:



**DECEASED RANJITH BROUGHT TO HOSPITAL
BY PROTESTERS**

- 1) A circular perforated wound (bullet entry wound) of diameter 4mm with surrounding abrasion width of 2mm all around the wound noted in the left occipital region which is 8cm from the left mastoid process and 3cm away from the midline. The wound margin is inverted. The wound is 174cms away from the right heel.
- 2) An irregular lacerated perforated wound (bullet exit wound) of size 2cmx1cmxbrain deep seen over the left side of head which is 7cms above the left ear and 7cm away from the midline. The wound margin is everted.
- 3) An abrasion size 3.5cmx1.5cm seen below the right eye.
- 4) An abrasion size 3cmx2cm seen in the outer aspect of right angle of mouth.
- 5) An abrasion size 1cmx1cm seen in the right side of forehead.
- 6) An abrasion size 4cmx3cm seen over the left cheek.
- 7) An abrasion size 2cmx1cm seen over the chin.
- 8) An abrasion size 4cmx2.5cm seen over the outer aspect of upper one third of right arm.
- 9) An abrasion size 6cmx2cm seen over the back of middle of left forearm.

105. The post mortem doctor examined as Dr. C. Manoharan (CW 6) would opine that the Deceased Ranjith Kumar would appear to have died of penetrating injury to the brain due to firearm bullet injury on the back of the head.

106. He was found lying having been badly injured on the head on the eastern side of North South road inside the Collectorate near



DECEASED RANJITH

the District Social Welfare Office building at about 12.10 pm (noon). **It is at or about the same time on the instructions of I.G., Tr. Sornamani SI (RW 211) had opened fire with bolt action rifle and Tr. Sudalaikannu (RW 207) Police constable purporting to act on the instructions of Tr. Lingathirumaran DySP (RW 212) opened fire towards this area as borne out by the evidence of I.G, Tr. Lingathirumaran (RW 212), Sornamani (RW 211) and Tr. Sudalaikannu (RW 207). In the facts and circumstances of this case the death of Ranjith Kumar is to be attributed to the these shooters namely, Tr. Sornamani (RW 211) SI and Tr. Sudalaikannu (RW 207).** The situs of the injury which proved fatal in the back of the head of the Deceased Ranjith Kumar which would only go to establish that the Deceased was fleeing from the scene and the police unmindful of fact that he was not a troubleshooter and has taken to his heels so as to withdraw from the venue of protest, relentlessly pursued him and inflicted a fatal injury on his head causing his instant death. Does the police think that it is an act of bravery or prowess to pursue a fleeing man and fire on his head behind his back and liquidate him even without any ostensible reason? It is indeed an act of cowardice rather than an act of bravery or prowess doing any credit to the police force.

107. The Deceased Ranjith Kumar was lying in a pool of blood and no policemen came to his rescue in order to remove him to the hospital and it was only Tr. Muthukrishnan **(PW 92)** who along with



a photographer and 2 others lifted and carried Ranjith Kumar to a private ambulance readily available near the arch and Ranjith Kumar was taken Government Hospital, Thoothukudi along with Snowlin the other Deceased at 12.25 pm (noon).

108. We have so far dealt with the case of persons who received fatal injuries in the incident that took place inside the Collectorate. In the self same incident in the shooting a number of protesters have suffered grievous gunshot injuries of whom seven injured appeared before this Commission and they have been examined. They are **PW 4** Nelson Raj, **PW 5** Shanmugara], **PW 10** Clinton, **PW 11** Paramasivan, **PW 16**, Ramachandran, **PW 23** Evin Victoria and **PW 70** Manoharan. The nature of injuries sustained by them and the relief by way compensation if to be granted to them will be dealt with at the appropriate place in the report.

109. There are also protesters who suffered injuries on account of lathi charge resorted to by the police inside the Collectorate. They are **PW 15** Infanta, **PW 42** Mariya Judi Hema, **PW 61** Phinolin Priyanka, **PW 69**, Ulaganathaperumal, **PW 73** Santhosh raj, and **PW 75** Antony.



ARRETES TAKEN IN POLICE VAN AFTER
SHOOTING IN COLLECTORATE

**THE UNPROVOKED FIRING OUTSIDE THE COLLECTORATE
CLOSE ON THE HEELS OF THE SHOOTING INSIDE THE
COLLECTORATE.**

110. No sooner the IG Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** wriggled himself out from the cobweb of police action inside the Collectorate came outside the arch only to land in yet another mess. He chases a section of the crowd of protesters westwards in the four way Palayamkottai road and it was by then JSP Tr. Selvanagarathinam, I.P.S., **(RW 242)** arrived with his team. He was asked to rush to Sterlite staff quarters where there was a raging fire. It was by then 12.40pm. Just before that time, the IG received through VHF information that a fire fighting vehicle proceeding towards Sterlite staff quarters was set on fire by the protesters. In the meantime, in the four way Palayamkottai road from west to east an Inspector of Police was proceeding in his vehicle, a violent mob attempted to set fire to the said vehicle as such he ordered Sornamani to open fire and he accordingly opened fire with bolt action rifle once. The crowd dispersed. The police rescued the Inspector of Police Tr. Vijaya Kumar **(RW 120)** and it was between 12.45 pm and 12.50 pm by then. The crowd that was in the arch area dispersed and moved towards east. By then the SP,



Virudhunagar Tr. Rajarajan, I.P.S., **(RW 231)**, DIG, Madurai Tr. Pradeep Kumar, I.P.S., **(RW 241)**, SP, Kanyakumari Tr. Shreenatha, I.P.S., **(RW 228)** arrived one after another. He instructed Tr. Rajarajan, I.P.S., **(RW 231)** to proceed to the Government Hospital, Thoothukudi and Tr. Shreenatha, I.P.S., **(RW 228)** to a house near bypass bridge to rescue the police personnel who took asylum therein. He instructed DIG Tr. Pradeep Kumar, I.P.S., also to proceed to the Government Hospital, Thoothukudi. He instructed Tr. Manivannan SP, Madurai to proceed to South Police Station area. Then he himself reached the District Police Office and it was 1.30pm.

111. The DIG for his part would putforth his version that he reached the four way Palayamkottai road through the Collectorate arch along with his team. While so, he found a gathering of protesters 100m east of the arch in the four way road. Some were squatting on the road leading to the Sterlite staff quarters. It was 1.00 pm then. He ordered Tr. Sudalaikannu **(RW 207)** to open fire for dispersing the crowd. Tr. Sudalaikannu positioned himself in the four way road near the arch and opened fire from west to east with his 0.303 rifle thrice. The DIG would not know whether anyone was injured. The crowd dispersed and the DIG with his team reached



Tamira quarters where they found the vehicles set on fire. Thereafter the DIG and his team after driving away the protesters about 10 in number reached the arch area.

112. It is plain from the testimony of both the high ranking officials namely, IG and DIG, that the shooters opened fire on their orders twice outside the arch, in the four way Palayamkottai road. The Shooters were Tr. Sornamani and Tr. Sudalaikannu. Tr. Sornamani (**RW 211**) shoots on the orders of IG and Tr. Sudalaikannu (**RW 207**) on the orders of DIG. Thus admittedly fire has been opened at the instance of those two Higher ups. Equally admittedly three protesters have fallen dead to the bullets of the police. They are Manirajan, Glaston and Jeyaraman.

6. THE DECEASED MANIRAJAN

113. The deceased Manirajan aged 34 years. The following are the injuries sustained by the Deceased Manirajan.

The following antemortem injuries were noted;

- 1) A circular perforated wound (**bullet entry wound**) of diameter 4mm with surrounding abrasion width of 3mm all round the wound noted in the right forehead which is 2.5cms away from the midline and 1cm above



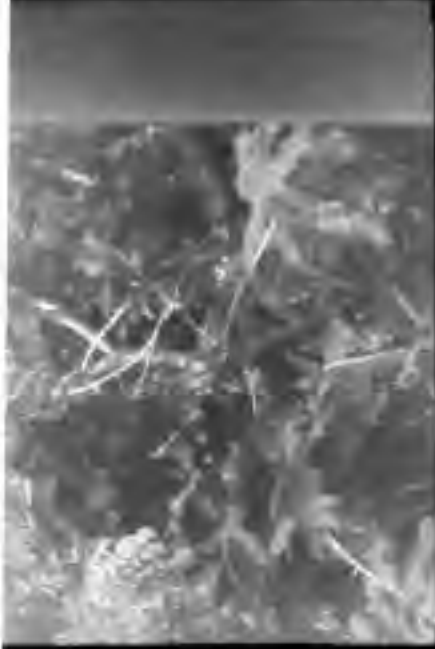
DECEASED MANIRAJ OUTSIDE COLLECTORATE

the right eye brow. The wound margin is inverted. The wound is 158cms away from the right heel.

- 2) An irregular lacerated perforated wound (**bullet exit wound**) of size 3cm x 3cm x brain deep seen over the left occipital parietal region which is 6cms lateral and back to the left mastoid process and 12cms away from the mid line. The brain matter and bone chips oozing from the wound. The wound margin is everted.

114. In the opinion of the post mortem Doctor Dr. C Manoharan (**CW 06**) the Deceased would appear to have died of penetrating injury to the brain due to the firearm bullet injury on the right side of forehead and the bullet exited through occipital-parietal bone.

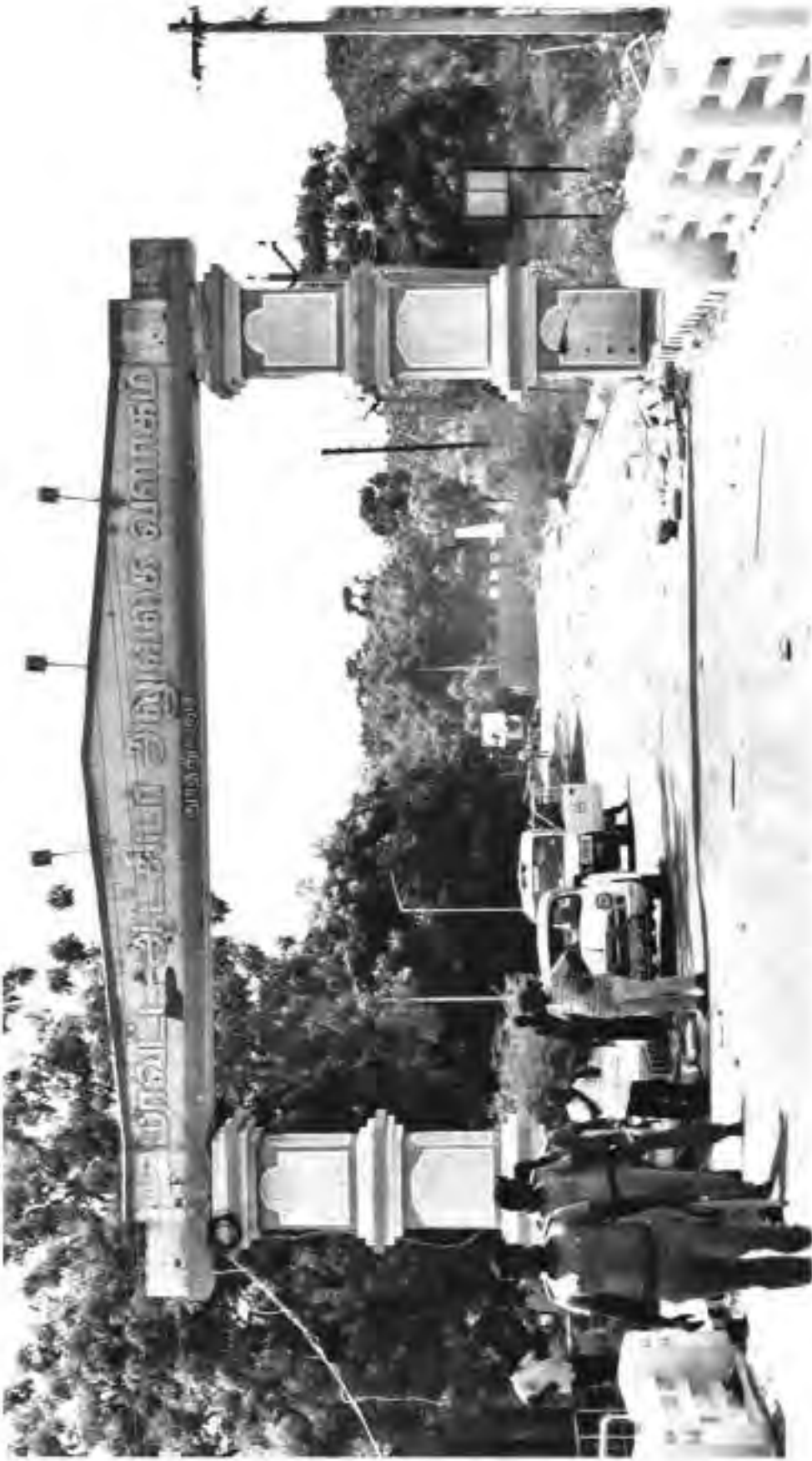
115. Manirajan little realizing what in store for him participated in the protest espousing an issue of paramount public importance. It is in the evidence of IG and DIG that after they came out of the arch there were not a huge number of protesters who were indulging in any objectionable activity. None of the protesters vandalized even according to the police. It is quite baffling and incomprehensible as to why the police should have resorted to shooting that too aiming not below the waist of the protester but right on the head. The manner in which the police wielded their weapons would only cast a cloud



INSIDE COLLECTORATE
UNIDENTIFIED MAN

of doubt on the bonafides of the police in dealing with the situation of its kind. It impels this Commission to think that by the use of firearm in the manner it has been used and in the circumstances it has been so used , that the police for reasons best known to them was determined to physically liquidate a few of the protesters in order to keep them at bay. It would not appear to be a case of the police taking to arms to control a militant crowd, belligerent and rebellious as it were, but would look to be a case of harbouring anger against the protesters who were irrepressible in the matter of expressing their protest to the Sterlite Management and give vent to their pent up anger in as much the protesters had an edge over the police throughout the route of the procession during which the police lathi-charged the protesters and the protesters responded by pelting of stones which was their only arsenal. **Of the two shooters, it was only Sudalaikannu who opened fire towards east, in all probability the injury sustained by Manirajan could be attributed to Tr. Sudalaikannu (RW 207) who went on a shooting spree both inside and outside the Collectorate.**

116. As to Manirajan sustaining gunshot injury, the testimony of two witnesses from the public would be germane.



COLLECTORATE MAIN ARCH AFTER INCIDENT

PW 14 is Anandakannan aged about 35 years, a painter by profession. He is an eye witness and quite significantly sustained an injury in the occurrence itself. He found fire raging near by-pass bridge. Curious to know what was happening he rushed to the place along with others. It was then he heard a deafening sound and he turned back only to see a person falling down having been hit by a bullet on the forehead. The dazed Anandakannan (**PW 14**) lifted the injured, it was not known wherefrom he was shot. He also sustained a gunshot injury on his left knee. While so an ambulance belonging to Tamil Nadu Muslim Munnetra Kazagham (TMMK) came by that side and took him to the Government Hospital along with three others who suffered gunshot injuries.

117. The driver of the private ambulance belonging to TMMK has been examined as **PW 285**. He has taken the Deceased Manirajan to the Government Hospital, Thoothukudi and it is the same driver of the ambulance who has removed the body of Deceased Kanthiah who was shot dead inside the Collectorate to the Government Hospital, Thoothukudi.



DECEASED GLASTON IN GH

7. THE DECEASED GLASTON

118. The Deceased Glaston aged 40 years is the second to fall a victim to the police firing outside the Collectorate.

The following antemortem are as follows:

- 1) An oblique lacerated wound of size 2cmx0.5cm to 1cm x scalp deep seen over right side of forehead with black colour marginal abrasion. It lies 1cm above right eye brow, 2cm above and right to bridge of nose and 1cm right to anterior midline. Breadth of the wound is broader about 1cm in the lower half and narrower about 0.5cm in the upper half. This wound lies 163cm from the soles of feet.
- 2) A circular lacerated punctured wound (bullet entry wound) of diameter 1cmx pleural cavity deep seen over the front of left side chest, 5cm inner and below to left nipple, 15cm below the suprasternal notch, 4cm left to the anterior midline and 23cm above the umbilicus. The margin of black in colour. This wound lies 125cm from the soles of feet.
- 3) An irregular lacerated punctured wound (bullet exit wound) of size vertically 1cm and horizontally 0.5cmxpleural cavity deep seen over the left side of lower part of back chest, 3cm left to the posterior midline and 24cm below to nape of neck margin of the wound was irregular and everted. This wound lies 119cm from the soles of feet.



INJURED PERSON WITH POLICE

119. The Post Mortem Doctor Dr. Vinod Ashok Choudry working in JIPMER, Pondicherry examined as **CW 9** would opine that the Deceased could have died due to shock and haemorrhage due to lacerated and punctured wound in the region of left side of chest. The findings are consistent with firearm bullet injury.

120. It has to be ascertained to the extent possible from the materials available on record as to who shot at the Deceased Glaston. It may be recalled that Tr. Sornamani SI (**RW 211**) on the instructions of IG, shot westwards outside the arch in the four way National Highway. If so, he could not have shot at Deceased Glaston who was at that point of time on the eastern side immediately outside the arch. **If so, the other two shooters Sudalaikannu who had opened fire from the west towards east on the orders of DIG or Tr. Sathish Kumar (RW 202) who opened fire from near inside the arch four times on being so directed by the IG (RW 247) to open fire eastwards should have shot at the Deceased Glaston.**

121. The eye witness to this occurrence is **PW 475** C. Robust. He speaks about the police opening fire within the



PROTESTERS CARRY DECEASED

precincts of the Collectorate. He had witnessed the police opening fire on the people gathered in the road outside the arch. While so a person aged 30 obviously referring to the Deceased Glaston who was standing in the service road having received a gunshot injury on the chest fell down. When the witness and another try to lift him, the witness felt as though something brushed against his forehead and there was bleeding.

122. It is thus apparent that the Deceased Glaston died of gunshot injuries sustained by him in the police shooting outside the Collectorate arch in the four way National Highway.

8.THE DECEASED JAYARAMAN

123. The Deceased Jayaraman 42 years old is the third to die in the vicinity. The following are the antemortem injuries noted by the Post Mortem Doctor Dr. Vinod Ashok Choudry of JIPMER Hospital, Pondicherry.

The following antemortem injuries are as follows:

124. A sutured wound of length 1cm seen over the right side of face, 2cm front of midline of the right ear, 8cm above angle of mandible on right side and 7cm behind the right eye. The wound was 156cm above the right sole. On removal of suture, a lacerated punctured wound (**bullet entry wound**) of



DECEASED CARRIED BY PROTESTERS IN THEIR TWO WHEELER

size 1x0.8cm with brownish black abrasion collar of thickness 0.3cm seen in the upper part of the wound and 0.5cm seen in the lower part of the wound.

125. Though there is a wound of entry in the head, there is no wound of exit in as much as the bullet penetrated the brain and remained in the cranial cavity (head). The cause of death according to the Doctor was the lacerated penetrating wound to the cranio cerebral region and the findings are consistent with firearm bullet injury. The remnants of the bullet would appear to have been extracted from the cranial cavity and was subjected to ballistic examination. The Ballistic expert Tr. Thirunavukarasu (**CW 10**) Deputy Director of Forensic Sciences, Chennai would opine that the mangled lead piece could have been the fired ball (projectile) portion of a 0.410 inch ball ammunition/ cartridge.

126. When we have regard to the testimonies of the witnesses referred to supra it would be manifestly clear that the Deceased Jayaraman should have died having been shot at by Tr. Sathish Kumar in as much as the mangled projectile portion of the bullet extracted from the cranial cavity of the Deceased should have been fired



INJURED CARRIED BY PROTESTERS

only with a 0.410 musket and the said firearm had been wielded only by Tr. Sathish Kumar and not by Tr. Sudalaikannu, not to speak of Tr. Sornamani who had opened fire westwards. It is noteworthy that it was on the orders of the IG (RW 247), Tr. Sathish Kumar (RW 202) has opened fire aforesaid.

127. PW 6 Muthuraj, a mason by profession is the eye witness. He along with his friend Selvam reached the arch of the Collectorate and both of them were sipping water. Then they heard shooting sound in the Collectorate campus. The people were rushing out. While so an elderly man standing by his side outside and near the arch was shot by the police. His head was shattered. The witness bowed down to lift the injured person and then a bullet brushed against his left cheek and he fell down along with the injured elderly man obviously referring to the Deceased Jayaraman. There was no warning by the police and there was no lathi-charge. His friend Selvam who accompanied him took the witness in his motorcycle to the Government Hospital, Thoothukudi.

128. PW 302 is Sathish who owes allegiance to the movement by name Makkal Adhigaram. It deserves to be



**PARAMASIVAM AFTER RECEIVING GUNSHOT INJURY
OUTSIDE THE COLLECTORATE**

started that the Deceased Jayaraman who is from Usilampatti was his comrade. The witness Sathish was marching towards the Collectorate in the procession, he was 500m away from the Collectorate. While so in another five minutes one of his comrade fell down having been hit by a bullet on the head. The witness lifted him and placed him in a vehicle intended for the disabled and driven by the disabled and sent him to the Government Hospital, Thoothukudi. He walked the distance to the Hospital. He came to know that his name was Jayaraman.

129. There is a spectacle of the police aiming and shooting either on the head or the chest of the protesters in all these three cases of instant death. This would only betray the determination on the part of the police to cause such bodily injury as are in all probability likely to cause death and with knowledge that the injuries are grievous enough to bring about the death of the victims. It is not as though there was any provocation on the part of the protesters in order to justify the opening of fire, particularly after the crowd has dispersed soon after the firing that took place inside the Collectorate and such a gruesome tragedy has overtaken the protesters they would not persist in the vehement protest and would only be in a mood to wriggle out of the situation and as such would not pose any



PROTESTER WITH GUNSHOT INJURY

threat to life or limb including that of the police personnel. The mere razzmatazz of the protesters who are aggrieved that their long pending grievances have remained unresolved by itself would not be enough provocation for the police to react in a manner that the police has reacted. Significantly the shooting outside the Collectorate in the four way National Highway was not preceded by any warning to the protesters over again. No announcement was also made through megaphone. Thus ended the unfortunate event outside the Collectorate near the arch.

THE EXCESSES INDULGED IN BY THE POLICE - AND THE RESULTANT IMPAIRMENT OF ITS IMAGE.

130. RW 205 is Sakthivel Special Sub Inspector. He was incharge of Bell of Arms. He was told by Armed Reserve Inspector Krishnamurthy that for the purpose of putting down the Anti Sterlite riot, weapons were required urgently and that the weapons were to be taken to the Collectorate. Head Constable Tr. Raja (**RW 203**), Head Constable Tr. Lakshmikanthan, Constable Tr. Murugan (**RW 204**), Gr-I Constable Tr. Jayaprakash who were engaged in cooking food for the police personnel were taken by the witness Sakthivel with SLR numbering 5 and 50 bullets and reached the



INJURED TAKEN TO HOSPITAL

Collectorate at about 12.50 pm. Tr. Hariharan Inspector of Police **(RW 213)** and a DySP were available. They reported to Tr. Hariharan Inspector of Police **(RW 213)**. Tr. Hariharan asked the witness to hand over the firearms. He made a record of it in the register and parted with the firearms – one to Raja **(RW 203)** one to Tr. Lakshmikanthan and yet another to Tr. Murugan **(RW 204)**. Thus he handed over one SLR to each of the three together with 10 bullets each. On the instruction of Inspector of Police Tr. Hariharan, one SLR rifle with 30 bullets were handed over to Tr. Sudalaikannu **(RW 207)**. It was then 12.50 pm. The witness would explain that the firearm and bullets were demanded by Tr. Sudalaikannu saying that since he is accompanying SP Thoothukudi he needs them. The witness initially declined but it was only on the instruction of Inspector of Police Tr. Hariharan **(RW 213)**, Sudalaikannu was handed over the arms and ammunitions aforesaid. Thus Tr. Sudalaikannu **(RW 207)**, a far subaltern policeman was enabled to be armed to the teeth in a circumstance which did not warrant it. It is quite baffling to note that how the Inspector of Police Tr. Hariharan **(RW 213)** could call upon the policeman incharge of the weaponry to part with weapon and 30 bullets to Tr. Sudalaikannu to this extent in the context of senior officials



A PROTESTERS WITH GUNSHOT INJURY

being present in the vicinity whose instruction should have been sought for while arming a Police Constable to this level. It is imperative to note that what was handed over to Tr. Sudalaikannu (**RW 207**) was a Self Loading Rifle and as many 30 bullets with which one could play a havoc and in the instant case it did happen as the events unfolded.

131. If this is to be a circumstance shocking the conscience of this Commission, to add to the agony is the handing over of another SLR (Self Loading Rifle) to Tr. Raja Head Constable (**RW 203**) who resorted to shooting from the top of the police Eicher vehicle in which food for the police was brought along with the weapons. Is the weaponry also food for the police besides the food brought in the Eicher, the Commission is left to wonder. It may be borne in mind that it was on the orders of the IG, the highest in the hierarchy in the place the weapons were brought. While so, if the situation dictated the use of the firearm so brought the natural course of conduct of the subordinate officers is to seek advice, guidance or instructions as to whether weapons such as SLRs are handed over to the policemen at all or which weapon is to be handed over to which policeman. Alternatively instructions should have been obtained atleast from the DIG or SP who were very much



FIRE SERVICE ROAD

available and accessible. The conduct of Tr. Hariharan deserves the description that it was whimsical, arbitrary, capricious and authoritarian. The officers up in the hierarchy are expected to show him his place in the scheme of things. The Higher ups would do well to initiate necessary action against the said Inspector of Police Tr. Hariharan (**RW 213**), Tr. Raja Head Constable (**RW 203**) and Tr. Sudalaikannu (**RW207**) for their irresponsible, reckless and authoritarian attitude which has caused the precious lives.

132. The said Raja was not in uniform and he acted at the instance of Inspector of Police Tr. Hariharan (**RW 213**) got on to the top of the Eicher van and opened fire twice according to the visual though he claims he fired only once. May be, that bullets that left the SLR might or might not have hit anyone but opening fire blind foldedly presumably in a show of heroism is condemnable in no uncertain terms. Whether or not anyone was hit by the bullet fired by him, this factum could not be ascertained with certainty in the circumstances. The shooting by Raja has virtually become a cino sure and went viral soon after the entire episode came to an end. As a matter of fact it hit the headlines in the newspapers and was subjects of debate on the floor of the assembly as well,



FIRE SERVICE ROAD

133. Outside the arch of the Collectorate in the occurrence apart from the three causalities dealt with supra a few of the protesters have suffered gunshot injuries as well. They are, **PW 3** Suburaj, **PW 6** Muthuraj, **PW 14**, Ananthakannan, **PW 17** Raja, **PW 18** Beniston, **PW 25** Sugumar, **PW 76** Rajesekar, and **PW 85** Father Leo Jeyaseelan.

134. The nature of injuries sustained by them and the relief by way of compensation if any to be granted to them would be dealt with at the appropriate place in the report.

135. There are also protesters who suffered injuries on account of lathi charge resorted to by the police outside the Collectorate. They are **PW 9** Maria Siluvai Esther, **PW 21** Justin Selva Mithesh, **PW 34** Poolpandi, **PW 35** Isaki Muthu Harish, **PW 43** Disani, **PW 56** Manikam, **PW 58** Kenady, **PW 63** felix and **PW 65** Yogeshram.

THE DECEASED SELVASEKAR

136. As dealt with supra, three protesters- Manirajan, Glaston and Jayaraman succumbed to the gunshot injuries outside the Collectorate arch in the four way National Highway. Yet another person Selvasekar received injuries in the stampede in the vicinity and he succumbed to the injuries the next day.



FIRE SERVICE ROAD

Though he had not sustained gunshot injuries, he has sustained the injuries in the stampede as borne out from the evidence of Post Mortem Doctor Dr. Ambika Prasad Patra, JIPMER Medical College and Hospital. The identity of the Deceased has been ascertained. He is Selvasekar aged 42 years. The following are the antemortem injuries noted by the Post Mortem Doctor.

- 1) A sutured wound of length 3cm seen over top of head 16cm above glabella. On removal, it was scalp deep lacerated wound and margins found contused. On dissection of scalp, red colour contusion over an area of 8cmx7cm seen over fronto-parietal region in top of head.
- 2) On removal of plaster of paris slab over right lower limb small hospital dressing seen over front of upper part of right leg. Red colours graze abrasion of size 1 to 2cm x 1.5cm seen over front of upper part of right tibia with surrounding contusion. Red colour contusion over an area of 21cmx10cm over muscle plane of inner aspect of middle of right leg.
- 3) Red colour abraded contusion of size 2cmx1cm seen over front of upper part of left leg, 2cm below left knee. On dissection red colour contusion over an area of 13cmx7cm seen over muscle plane of upper part of left leg and 8cmx6cm seen over muscle plane of lower part of front of left leg.



FIRE SERVICE ROAD

137. The Post Mortem Doctor would opine that all antemortem injuries are consistent with blunt trauma and would have been due to hard and rough forces such as stampede wounds. The death of the Deceased could have been caused due to complications of multiple blunt trauma involving chest, head and extremities. It needs to be highlighted that there was fracture of the left first rib and collapse of the corresponding lobe of left lungs. This feature is to be read with the revelations elicited from the Doctor who performed the first Post Mortem. In the first Post Mortem it has been opined that death would have been caused due to the blunt injuries inflicted on the left side of the chest and the consequential loss of blood as also the trauma. It has further been opined that the injuries found on the chest could have been caused by pressure being given repeatedly with an object which was heavy and blunt. It has been elicited from the first Post Mortem Doctor that the aforesaid injuries on the chest would have been caused by stamping with boots clad legs and by hitting hard with the rifle butt portion. As far the injuries on the head, it has been elicited from the first Post Mortem Doctor that those injuries could be caused by hitting hard with the lathi on the head. It has further been elicited that the contusion on the leg and the fracture



FIRE SERVICE ROAD

could have been caused by hitting with the hind portion of the rifle.

138. Both the Post Mortem Doctors would opine candidly that the injuries suffered by the Deceased Selvasekar could have been sustained by hitting forcefully on the head and the chest with the butt portion of the rifle and with lathis as also by stamping hard on the chest with boots clad leg. Here and now the testimonies of **PW 41** Jayakumar and **PW 97** Devapriyan would be of paramount consideration. **PW 41** Jayakumar is the cousin of the Deceased Selvasekar. His evidence is that the sister of the Deceased Selvasekar by name Santha telephoned to him and told him that the Deceased Selvasekar spoke to Santha and informed her that 10 policemen encircled him and mounted an attack on him, that he sustained injuries on the head and was bleeding, that the police stamped him on the chest repeatedly, that he would not survive for long, that he was lying near Senthil Murugan fruit stall in the main road adjoining the Collectorate, that he asked her to save him. Subsequently the witness received a phone call again from Santha informing him that the badly wounded Selvasekar was removed to Government Hospital, Thoothukudi in an ambulance.



ANTHONIYAR CHURCH

139. PW 97 Devapriyan looks like an eye witness to the occurrence. He found the police resorting to lathi charge and the protesters ran in different directions. He ran towards the west. He witnessed from near Kanda vilas fruit stall that more than 10 policemen encircled a protester, hit him hard with lathi and stamped him on the chest forcibly. He ran towards him. The person so hit by the police cried aloud not being able to bear the pain.

140. He entreated the policemen to spare him with his folded hands. He heard the shooting sound in the meantime. The police without any warning and without bursting teargas shells started shooting. The Deceased Selvasekar then injured was taken to Government Hospital, Thoothukudi in an ambulance.

141. The evidence of **PW 41** Jayakumar would have a great significance in that he places on record a statement made by the Deceased to his own sister Santha as to how he was subjected to a wicked assault by the police and his helplessness and his hue and cry for help. Would it be a circumstance to treat the statement of the Deceased Selvasekar made to his sister Santha now narrated by the witness **PW 41** Jayakumar as a



ANTHONIYAR CHURCH

dying declaration or on par with a dying declaration is a moot point that calls for serious consideration.

142. The Accident Register (AR) copy relating to the Deceased is **EX.P 1136** wherein it has been recorded by the Doctor "alleged h/o of assault by approximately 40 unknown persons by wooden log around 12.45 pm on 22.05.2018". The entry made by the Doctor **PW 609** Dr. Nivay Maran deserves to be commented upon. It was to the knowledge of all concerned including the Doctors that there was a protest on 22.05.2018, that there was confrontation between the protesters and the police, that there was lathi charge, bursting of teargas shells as also shooting by the police. The Doctor no doubt is required to note in the Accident Register the details he has gathered from the injured/patient/persons accompanying him. No one including the then injured Selvasekar could have furnished such an information to the Doctor. They would only be in an exited state of mind very much keen to save the life of the injured Selvasekar. They would not verify then the correctness of what is recorded by the Doctor. If so, a duty is cast on the doctor, both legal and ethical as it were, to make an accurate record in the Accident Register especially when he should have known pertly well that the injuries had been sustained on account of



THE CHENNAI SILKS

police action. If so, to record that the Deceased was assaulted by 40 unknown persons by wooden log would only amount to sweeping under the carpet the true state of affairs.

143. If this is to be the scenario in the case of Deceased Selvasekar, in the case of those who had received gunshot injuries on account of police shooting the Doctor adopts the same strategy by making a stereotyped recording saying assault by unknown person around 1.15 pm (gunshot injury) near the FCI ground as is borne out by **EX P.1** Accident Register Copy relating to **PW 1** Sermaraj who sustained gunshot injury in police shooting. Yet another instance is the Accident Register Copy **EX P 17** relating to Maria Siluvai Esthar examined as **PW 9** wherein it has been recorded thus. "Alleged h/o of assault by approximately 40 unknown persons by using stones and wooden log around 11.00 pm near Collector office". Even in a turbulent situation of this kind, the Doctor for reasons best known to him goes too far obliged the police virtually feigning total ignorance of what is going on around him. Certainly the Doctor owes an explanation.

144. It is highly probable that the Deceased Selvasekar sustained injuries in the attack mounted on him by the police in



THE CHENNAI SILK

the incident that occurred in the four way National Highway opposite to the Collectorate near a fruit stall. This conclusion will be fortified by the fact that the injured Selvasekar was removed to the hospital from this place as spoken to by Tr. Mohamad Abdul Khader **PW 285** who was informed by his fellow driver Asik Ali **PW 294** driving the private ambulance belonging to Tamil Nadu Muslim Munnetra Kazagham. He would say in his evidence that Asik Ali (**PW 294**) told him that he took the injured to the Government Hospital, Thoothukudi in his ambulance from the place opposite to the Collectorate and that the next day the injured succumbed to the injuries.

145. The cumulative effect of bits and pieces of evidence, oral and documentary including the Medical evidence would conclusively establish that Selvasekar formed part of the protesters, that he was mercilessly and brutally beaten by the police, that he sustained the injuries in an attack on him in the Highway in front of the Collectorate. Consequently the version putforth by the police that in a stampede Selvasekar was trampled upon and thus sustained injuries is stated only to be rejected in limine.



ROYAL FURNITURE

THE MELTING CROWD – THE RETREATING PROTESTERS

WHY THEN THE OPENING OF FIRE?

146. It was indeed the design of destiny that in two instances of police firing both inside the Collectorate and outside eight lives have been lost. The agony would not abate. Inspector of Police Tr. Meenakshinathan (**RW 208**) would come out with his version of the occurrence near FCI roundana. At about 12.55 pm on 22.05.2018 about 3000 protesters proceeded towards FCI roundana from the Collectorate. The crowd of protesters started attacking Inspector of Police Tr. Meenakshinathan and other policemen. Those protesters who were perched on the by-pass bridge also indulged in stone throwing resulting in swelling to Inspector of Police Tr. Meenakshinathan and other policemen. He warned through public addressing system that the crowd is an unlawful assembly and they should disperse immediately and warned them thrice. He heard the protesters saying that in Collectorate the police lathi charged the protesters and caused them injuries and as such 4 policemen should be killed. The Executive Magistrate was absent and as such ordered bursting of teargas and accordingly teargas was burst north and southwards. By then it was 1.00pm. The crowd of protesters numbering 100 to



MARKET ROAD

200 entered the FCI godown and they pelted stones at the police. In order to save themselves and the public property after warning the protesters, on his instructions constable Kannan **(RW 21)** fired shots from 0.410 musket. He did not know whether or not anyone was injured. In ten minutes i.e at about 1.10 pm the SP, Thoothukudi Tr. P. Mahendran, I.P.S., **(RW 248)** and SP, Tirunelveli Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** arrived with their Striking Force party.

147. The version of Tr. Meenakshinathan is to be considered in the backdrop of evidence of Tr. Gopal **(RW 185)** Special Executive Magistrate for FCI roundana and 3rd mile. It is his version that headquarters Tahsildar Tmt. Sivagamasundari **(RW 181)** called him over phone at 1.30 pm and ascertained from him as to whether there was any problem in the area of his charge and he answered in the negative. He would say in his evidence so long as he was there in 3rd mile there was no problem in FCI godown and roundana area and no one informed him over phone any such problem.

148. Soon after the occurrences inside and outside the Collectorate were a fait accompli, the IG Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** was engaged in monitoring the



**DECEASED JAYARAMAN IN THE PROCESSION
IN MARKET ROAD**

movement of the dispersing crowd, there arrived one after another SP, Virudhunagar Tr. Rajarajan **(RW 231)**, SP, Kanyakumari Tr. Shreenatha, I.P.S., **(RW 228)**, SP, Madurai Tr. Manivannan **(RW 239)** and DIG, Madurai Tr. Pradeep Kumar, I.P.S., **(RW 241)**. The IG deputed Tr. Rajarajan **(RW 231)** and DIG Tr. Pradeep Kumar **(RW 241)** to the Government Hospital, Thoothukudi to take care of the situation in Government Hospital, Thoothukudi . The SP, Kanyakumari Tr. Shreenatha, I.P.S., was entrusted with the responsibility of rescuing the police personnel who took asylum in a house near bypass bridge. The SP, Madurai Tr. Manivannan **(RW 239)** was asked to proceed to South Police Station. The IG returned to DPO and by then it was 1.30pm. He ordered strengthening of security in all the parts of the city since he felt the protesters would have been angered by the incidents of opening of fire. In pursuance of the instructions of the IG, the aforesaid High ranking officers moved to their respective destinations.

149. The DIG of Madurai Tr. Pradeep Kumar, I.P.S., **(RW 241)** putforth a strategy to the IG Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)**. It was suggested that the police should take a circuitous route via Madathur and get on to the left side of bypass bridge and disperse the crowd if any there at.



SOUTH POLICE STATION

The suggestion was well received by the IG Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)**, Tr. G. Suguna Singh, I.P.S., **(RW 234)** the then Deputy Commissioner, Tirunelveli and the witness Tr. Pradeep Kumar **(RW 241)** were deputed for the said purpose. Both of them with their respective Striking Force reached the southern side of the bypass bridge. As they climbed on the bypass bridge they so arranged their vehicles as to ensure that the vehicles in which both the officers travelled were escorted on either side by the Striking Force vehicles so as to form a line of vehicles as many as four in number. The said vehicles progressed towards the crowd and the crowd at the sight of those police vehicles dispersed. It was then those policemen who were just below the bridge could cross the bridge to reach the town. The witness sighted a fire fighting vehicle itself was on fire and he came to know that it was a private fire fighting vehicle belonging to the Sterlite Factory. The witness Tr. Pradeep Kumar **(RW 241)** proceeded with his team of men to a house in Thiru Vi Ka Nagar wherein 25 to 30 policemen belonging to Tamil Nadu Special Police and Armed Reserve police were held up since morning and rescued them.

150. The Superintendent of Police, Kanyakumari Tr. Shreenatha, I.P.S., **(RW 228)** reached the bypass bridge



SOUTH POLICE STATION

and dispersed the protesters gathered here and there. He proceeded towards Thoothukudi town and found the public and the Advocates gathered near the premises of the court. His enquiry revealed that there was no problem. He instructed them to withdraw into the court premises and then left to South Police Station. On his way he did not find much of a crowd and he found a few people standing in the by-lanes. But he found a little larger crowd in the by-lane near the South Police Station. By then Tr. G. Suguna Singh, I.P.S., **(RW 234)** was already there.

151. Yet another officer of the rank of SP Tr. Manivannan **(RW 239)** reached Thoothukudi around 2.00 pm and proceeded straight to VVD signal. He met the IG Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** there who directed him to proceed to Government Hospital, Thoothukudi where the protesters were causing hindrance to the police and the patients. The IG told the witness that already Tr. Rajarajan **(RW 231)** SP, Virudhunagar was already in the hospital with his men. The witness Tr. Manivannan **(RW 239)** while was on bandobust duty in the hospital a section of the people tried to enter the hospital and the police chased them away. Some people indulged in stone pelting and they were also chased away. There was no untoward incident worth the name. On



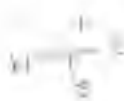
SOUTH POLICE STATION

instructions of the DIG Tr. Kapil Kumar C Saratkar, I.P.S., **(RW 246)**, he left for Threspuram.

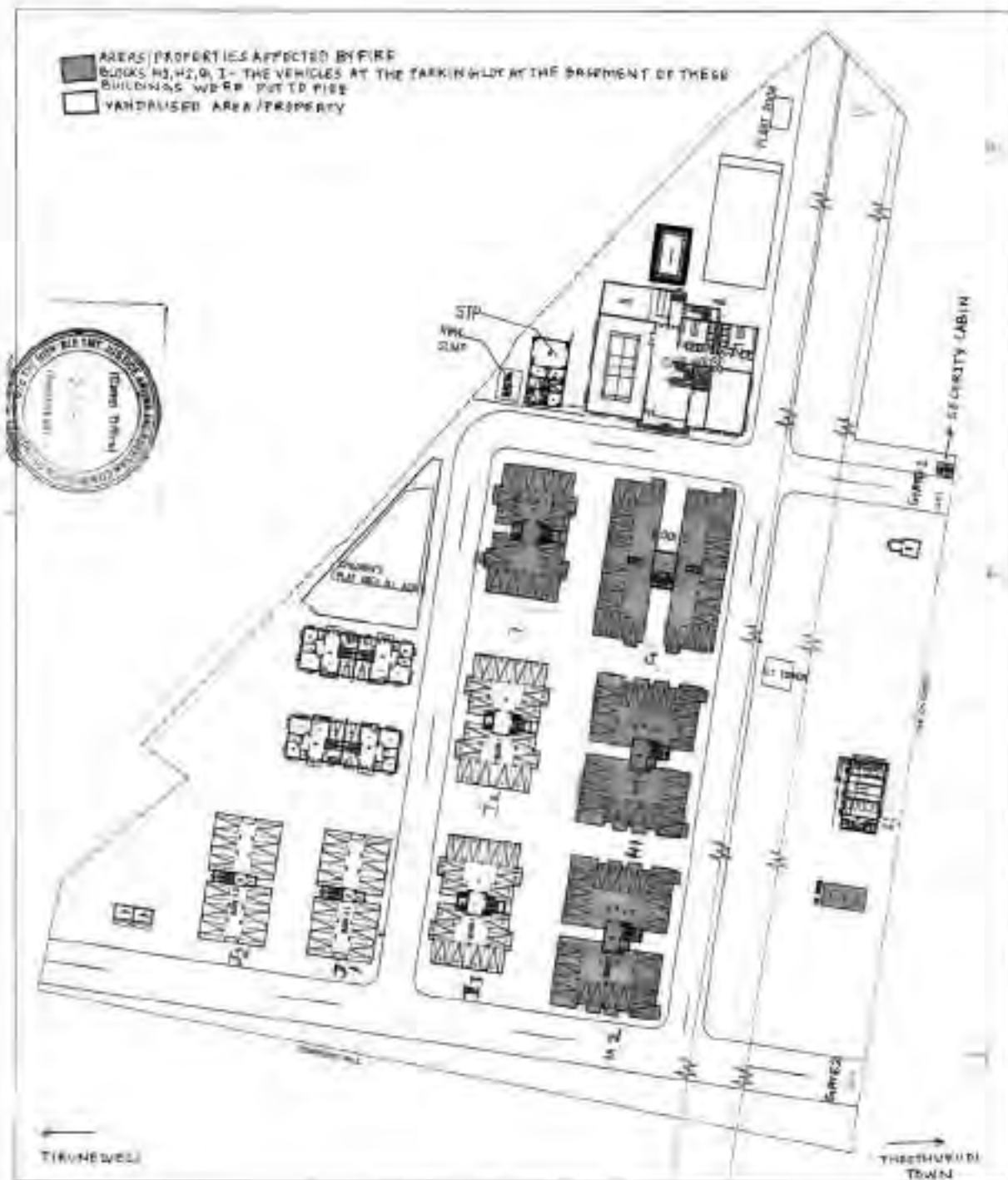
152. It may be pointed out that IG Tr. Shailesh Kumar Yadav, I.P.S., **(RW 247)** was in VVD signal well before 2.00 pm as spoken to **RW 239** Tr. Manivannan SP, Madurai. Obviously he had not encountered any difficulty on his way to VVD signal. DIG Tr. Pradeep Kumar **(RW 241)** and SP Tr. G. Suguna Singh, I.P.S., **(RW 234)** could reach their respective destinations as instructed by the IG. On their way when they met with some difficulty they adopted a strategy of dispersing them effectively and could make their way to reach the places assigned for them by the IG. This would only go to establish that the three top ranking police officials IG, DIG Madurai, SP Kanniyakumari did not come across any resistance formidable as it were, to reach their respective places. It is not as though there was violence, arson or any large scale criminal activity which endanger the life or limb or property of the public warranting resorting to police firing over and over again as it had turned out to be on the arrival of SP Tr. P. Mahendran **(RW 248)** in the scene. There was no doubt sporadic gathering of people enroute to the Government Hospital, Thoothukudi. In as much as there was no incident worth mentioning in the entire

ANNEXURE - 4

STERLITE COPPER - ROUGH PLAN OF TAMIRA-2 (TO INSIDE)



SOPT 1



TIRUPUR

route, there would have been no need or occasion for resorting to fire and a mere outburst of anger of the people on account of the shooting in which several lives have been lost within the Collectorate and outside the Collectorate would not be a circumstance to take to the arms without much of a provocation – not to speak of a matching provocation. Even according to Head Constable Tr. Raja (**RW 203**) who recklessly fired at the protesters with no justification, after distributing food packets to the policemen at about 1.30 pm, he left for Millerpuram armory office via FCI roundana, 3rd mile bridge, Government Polytechnique, teachers colony junction and found no untoward incident taking place in the route traversed by him. This would only lend credence to the view that there had been no incidence which necessitated or dictated the opening of fire by the Police.

153. PW 285 Mohamed Abdul Khader about whose evidence a reference has already been made, a good Samaritan private ambulance driver speaks about the state of affairs that then prevailed in the entire route from the Collectorate to the Government Hospital, Thoothukudi at that time. He has transported the dead and the injured in the private ambulance belonging to TMMK. He would say that in the places ascending and descending in the 3rd mile bridge there was no crowd of



STERLITE QUARTERS

people and some distance away there were about 50 people talking as between themselves. The policemen were also there. He did not witness any incidence of violence. **PW 422** Tr. Senthil Kumar has transported the injured in a private ambulance belonging to Nallathambi Hospital as many as four times to Government Hospital. He would not also speak about any violence resorted to by the protesters.

154. The testimonies of these two private witnesses would only have the effect of substantiating that the entire route from the Collectorate to Government Hospital, Thoothukudi post shooting was free from major incidence of violence. A small and insignificant expression of the wrath of the protesters would not justify the opening of fire after the twin incidents of opening of fire inside and outside the Collectorate.

THE SHOOTING THAT TOOK PLACE AT THE INSTANCE OF SUPERINTENDENT OF POLICE, THOOTHUKUDI TR. P. MAHENDRAN- WAS IT WARRANTED?

155. There was shooting at the instance of SP Tr. P. Mahendran (**RW 248**) commencing from FCI roundana and spreading over to the other end of 3rd mile beyond Madathur Junction. Two people have sustained gunshot



STERLITE QUARTERS

injuries-1. Shanmugam at the place where 3rd mile bridge starts ascending from FCI godown. The other is Antony Selvaraj who received gunshot injuries beyond but near Madathur Junction after 3rd mile bridge. It has got to be ascertained who was responsible for the gunshot injuries which proved fatal for both the injured. Here and now reference may be made to the testimony of none other than the SP Tr. P. Mahendran who gives an account of the number of rounds fired on his instruction by the infamous shooter Tr. Sudalaikannu **(RW 207)**. The SP would say that Tr. Sudalaikannu **(RW 207)** fired five rounds near FCI roundana and another (4) four rounds where from 3rd mile bridge starts ascending from FCI godown. In Striking contrast with the testimony of SP Tr. P. Mahendran as to the number of rounds fired Tr. Sudalaikannu **(RW 207)** in his evidence would say that he fired eleven (11) rounds in FCI roundana and another six rounds in the place where from 3rd mile bridge starts ascending from FCI godown. Thus there is an apparent conflict as to the number of rounds fired by Tr. Sudalaikannu. The SP **(RW 248)** on whose instruction fire was opened by Tr. Sudalaikannu would be duty bound to explain as to whether Tr. Sudalaikannu defied the instructions of the SP by firing seventeen (17) rounds in contra distinction with the



**RESIDENTS OF STERLITE STAFF QUARTERS
AFTER INCIDENT**

version of SP that he instructed Tr. Sudalaikannu to fire 9 rounds.

156. The SP would say that he asked Tr. Sudalaikannu to open fire in the air every time except twice when he asked Tr. Sudalaikannu to fire towards the ground. It may be pointed out that opening fire in the air is prohibited in terms of Police Standing Orders. In as much as two lives have been lost in this series of mindless firing the discrepancy as to the number of firing assumes significance in fastening liability. All through the route from FCI roundana it would appear there had been opening of fire on the instructions of the SP especially when there was no incident even as spoken to by the High ranking official witnesses as also the ambulance drivers who transported the dead and the injured to the hospital warranting the use of firearms. It remains unanswered as to why a constable Tr. Sudalaikannu should have been preferred by the SP **(RW 248)** for accompanying him armed with an SLR with 30 bullets, to any number of police personnel at his disposal.

157. The SP, Thoothukudi Tr. P. Mahendran **(RW 248)** and SP, Tirunelveli Dr. Arun Sakthi Kumar, I.P.S., **(RW 240)** reemerged in the vicinity of Collectorate at about 1.15 pm after



POLICE PERSONNEL NEAR BYPASS

the twin episodes of firing inside and outside the Collectorate were over. It passes one's comprehension as to why the duo (both the SPs) left the DIG and IG, who are from other states and who would not be that conversant with the behavioural pattern of the protesters besides the language unlike both those two SPs who have the benefit of being the sons of the soil for whom language would not be a barrier as well, to fend for themselves. Their belated arrival at the scene has left this Commission guessing.

158. The SP, Thoothukudi Tr. P. Mahendran (**RW 248**) plunges into action. He accompanied by his team in particular Tr. Sudalaikannu who not even belonged to his team sets foot on an expedition ostensibly to repress a violent mob which it was not to be as dealt with supra. "To be or not to be" was the question in Shakeshpeare's Hamlet. To use or not to use – lethal weapons was the question before the police in Thoothukudi. The decisive factor in such a scenario is whether the relative harm that would be caused by dispensing with the use of lethal weapons would be alarmingly more than the harm that would inevitably flow from the use of those lethal weapons. In the instant case the preponderance of probability tends more towards avoidance of recourse to use of lethal weapons as has



UNDER THE BYPASS BRIDGE

been substantiated in the earlier part of this report. The choice is between two evils and prudence requires that the lesser evil is chosen.

159. There should be method even in madness, it is said in a lighter vein. The method is wholly lacking in Tr. Sudalaikannu (**RW 207**) firing as many as 17 rounds allegedly on the instructions of SP, Thoothukudi – the SP, Thoothukudi restricting the instructions to 9 rounds. The number of rounds notwithstanding, the fact remains that there had been a shooting spree and though the SP (**RW 246**) would claim that he did not know whether any one got killed or injured, two fell dead and many sustained gunshot injuries which could doubtlessly be attributed to the mindless and reckless firing indulged in by Tr. Sudalaikannu (**RW 207**) on the orders of the SP, Thoothukudi. The firing fortunately claimed two lives in this episode, and had it claimed as many lives as there are number of bullets, to put it hypothetically, a far more number of precious lives would have been lost. (Thanks to Tr. Sudalaikannu) a "hunter par excellence". He is not on a hunting expedition in a forest and protesters are no animals to be dealt with in the manner he has done. Nor is he in the war front fighting in defence of the country to justify the saying



OUTSIDE COLLECTORATE

"Everything is fair in love and war". Tr. Sudalaikannu would appear to have had some craving for shooting having been imparted the training in Sathyamangalam operations. However the craving is not to be allowed to deteriorate into perversity bordering on insanity.

160. There is an imperative need to channelize the energy, enthusiasm and the exuberance of the young blood in the police force by driving home the need for putting them in perspective. They need to be told that they are protectors of the society of which they are an integral part and they should not become predators. They need to be told that they do not have an existence independent of the society for whose welfare they are chosen by the society.

161. Of the two who succumbed to the gunshot injuries Tr. Shanmugam aged 40 years was spotted in the place ascending the 3rd mile bridge from FCI godown with the following antemortem injuries.

162. An oval lacerated punctured wound (**bullet entry wound**) of maximum diameter of 0.8cm seen over the upper part of back of left side chest. The entry wound is located 9cms left to the posterior midline, 10cm below and lateral to the nape



INSIDE COLLECTORATE

of the neck. The margin of the wound is inverted. The margin of the wound shows abrasion collar and grease collar of 2mm width all around the wound showed brownish black in colour.

163. An irregular lacerated punctured wound (**bullet exit wound**) of size 3 to 5cms x 3 to 4cms x thoracic cavity deep seen over the left side of upper part of front of chest over left collar bone area. Underlying left collar bone and first rib found fractured in its middle and shattered bony pieces found protruding out. The margin was irregular and everted. X-Ray chest showed no foreign bodies.

164. The Post Mortem Doctor Dr. Sudalaimuthu (**CW 11**) and Dr. T. Somasundaram would opine that the Deceased would appear to have died of shock and haemorrhage due to lacerated punctured wound to the region of left side of chest. The findings are consistent with firearm bullet injury.

165. The other who was dead was Anthony Selvaraj aged 46 years located in the place beyond Madathur junction as one goes from FCI godown. The following are the antemortem injuries.

166. An irregular oval shaped lacerated wound (**bullet entry wound**) measuring 1.2cms X 1.1cm cm with an abrasion



INSIDE COLLECTORATE

collar black in color of 1mm width all around the wound in the front of left side chest which is 143cm from the heel 3cm from midline and 9cm from the suprasternal notch. The wound was oozing. The margin of the wound was inverted. There was no exit wound noted anywhere in the body.

167. The ballistic expert Tr. Thirunavukarasu (**CW 10**) would opine that item 1 namely one damaged fired jacketed bullet weighing 9.59 mm is a fired jacketed bullet of 7.62 mm caliber and was fired either from a 7.62 mm caliber Self Loading Rifle (SLR) or 7.62mm caliber bolt action rifle.

168. A close consideration of the post mortem report relating to Tr. Shanmugam would reveal that a bullet has entered the back of the Deceased and exited through the chest. In other words the bullet has pierced and travelled right from the back to the front side of the chest and exited. There is a wound of entry and a corresponding wound of exit. It could be gathered from the materials available on record in the shape of the witnesses representing the public that Tr. Shanmugam was shot at when he was engaged in a chat with a woman in the place where he was found lying in a pool of blood. The evidence of **PW 649**



DECEASED SHANMUGAM

Tr. Periasamy who is one of the protesters is on the point. He was ascending the 3rd mile bridge from FCI godown and turned right and was returning. A person who was in no way connected with the protest was engaged in a chat with a woman. A policeman opened fire from a police van white in colour towards east and he found the said person falling dead due to gunshot injury. It is not to be disputed that the policeman he was obviously referring to is Tr. Sudalaikannu who opened fire. Equally it is not in dispute that Tr. Shanmugam received gunshot injuries as aforesaid. The inevitable inference is that Tr. Shanmugam was shot at his back by Tr. Sudalaikannu and the bullet pierced his body resulting in his instant death.

169. Antony Selvaraj, the other victim as could be gathered from the post mortem report died of gunshot injuries inflicted on his chest. **There is a wound of entry with no corresponding wound of exit unlike the case of the other victim Tr. Shanmugam.** The remnants of the bullet extracted from the body of Antony Selvaraj would point to the conclusion that the bullet has been fired from an SLR rifle and he who wielded the SLR rifle in the vicinity is to be fastened with the liability for inflicting the fatal gunshot injuries. In the case at hand it was only **Tr. Sudalaikannu** who wielded weapon of the



**ANTONY SELVARAJ DEAD AFTER
GUNSHOT INJURY**

kind of SLR rifle and the death of Antony Selvaraj is to be attributed only to **Tr. Sudalaikannu** – the surrounding circumstances pointing unerringly to the shooting indulged in by Tr. Sudalaikannu on the purported instructions of SP, Thoothukudi Tr. P. Mahendran (**RW 248**).

170. The evidence of **PW 88** Maria Heartman Raj would have a definite bearing on the circumstances surrounding the death of Antony Selvaraj. The said Maria Heartman Raj purport to be the employer of Deceased Antony Selvaraj. The deceased goes to his employer only to extend an invitation to attend a puberty ceremony of his daughter to be held on 28.05.2018. He would express his inability to his employer to attend the office on account of preoccupation in connection with his daughter's puberty ceremony. He got on to his two wheeler only to find a vehicle set ablaze. He spoke to his wife who is employed in a private school over his mobile asking her to be ready to accompany him for distributing the invitation little realizing that destiny would have it otherwise. It was then he was shot at by the policemen who arrived therein in two wheelers and Antony Selvaraj collapsed instantly. He was removed to the hospital by the staff of the nearby Axis bank and a friend of the witness. The evidence of **PW 88 Maria Heartman Raj** though partakes



the character of hearsay evidence at a point still to the extent it is consistent and conducive with the proved circumstances of the case, reliance could be placed to that extent without subjecting it to strict principles of evidence but guided by the rule of prudence. It is noteworthy that the version put forth supra by **PW 88 Maria Heartman Raj** remains unchallenged in cross examination. The curtain is down on the causalities that occurred on account of police firing on either side of the 3rd mile bridge with the death of Shanmugam and Antony Selvaraj.

THE PROVOKED PROTESTERS IN THRESPURAM AND THE EVENTUAL OPENING OF FIRE – THE RESULTANT DEATH OF JANSI RANI A FISHERWOMAN – A HOME MAKER.

171. The penultimate shooting in Threspuram followed by the last and final shooting in Anna Nagar on 23.05.2018 has claimed the life of fisherwoman Jansi Rani – a home maker. The circumstances leading to the said incident are spoken to by the SP, Thoothukudi Tr. P. Mahendran (**RW 248**). The Superintendent of Police was engaged in patrolling between 2.30 pm and 2.45 pm. He received an information that the protesters in Threspuram were planning to attack the camp office of SP, the camp office of the Collector (meaning the

residences of the SP and the Collector). Already the Inspector of Police North Police Station Tr. Parthiban (**RW 214**), JSP Tr. S. Selvanagarathinam, I.P.S., (**RW 242**), Rural ADSP Muthamizh (**RW 217**) and about 10 to 15 policemen were there near the Pakil odai. On either of the odai the protesters gathered and indulged in stone and fire balls throwing and were shouting slogans against the police. The Inspector of Police Tr. Parthiban (**RW 214**) sustained a minor injury. The SP (**RW 248**) and the Inspector of Police Tr. Parthiban (**RW 214**) were engaged in controlling the crowd but unsuccessfully. The Inspector of Police Tr. Parthiban (**RW 214**) informed the SP that the Special Executive Magistrate Tr. Kannan (**RW 187**) ordered lathi charge and if the crowd did not disperse, to resort to opening of fire. On the orders of the Special Executive Magistrate and on the instructions of Inspector of Police Tr. Parthiban (**RW 214**) teargas shells were burst by Tr. Arumugasami Constable. The crowd having not dispersed, the constables accompanying the SP including Tr. Sudalaikannu (**RW 207**) and one M. Kannan (**RW 210**) moved to the front. Tr. Sudalaikannu (**RW 207**) and Tr. M. Kannan (**RW 210**) were armed with weapons. Thereafter the SP heard that the said Constables Tr. M. Kannan (**RW 210**) and Tr. Sudalaikannu



17 TRESPURAM_JN

THRESPURAM JUNCTION

(RW 207) opened fire. The SP could not witness the opening of fire since he was away at some distance and was engaged in controlling the crowd that was flowing from another direction. He noticed after the crowd dispersed an injured woman lying down. She was removed to the hospital in a police vehicle and she succumbed to the injuries in the hospital. Her identity was ascertained and she was Jansi Rani from Threspuram.

172. The evidence of Inspector of Police Tr. Parthiban **(RW 214)** is much more graphic and contains much more details than that of SP Tr. P. Mahendran **(RW 248)**. The Inspector of Police Tr. Parthiban **(RW 214)** got the requisite orders from the SP and on the instructions of Tr. Parthiban **(RW 214)**, Armed Reserve Constable Thangadurai in order to scare the crowd fired plastic bullets at the crowd. This was followed by firing of 3 rounds of plastic bullets and having been fired the crowd undeterred indulged in stone and fire balls throwing at the police. Hence on the instructions of Inspector Tr. Parthiban **(RW 214)** and Tr. M. Kannan **(RW 210)** opened ball rounds of fire with 0.410 musket. The crowd did not disperse and was very aggressive.



THERSPURAM

173. On the instructions of Inspector of Police Tr. Parthiban (**RW 214**), Tr. Sudalaikannu (**RW 207**) fired one round in the air with SLR (Self Loading Rifle). After an interval he again fired another round and the crowd remained restive. Then again on his instructions the said Tr. Sudalaikannu (**RW 207**) fired another round aiming downwards and a woman sustained a head injury and fell down.

174. At the outset it has to be examined as to whether the requisite order emanated from the Special Executive Magistrate intended for Threspuram namely Tr. Sekar. Obviously Tr. Sekar was not at all available in Threspuram and his claim that he moved to the Collectorate and assumed jurisdiction and gave orders for shooting in the Collectorate in the place of Tr. Raj Kumar Thangaseelan has been discountenanced by this Commission.

175. There is no reason why Kannan, the Special Executive Magistrate intended for Pollution Control Board office and Madathur Junction should come forward to claim that he had given the orders of opening fire in Threspuram especially when the non-availability of Tr. Sekar has not been explained – not even adverted to. Tr. Kannan's (**RW 187**) claim is that the



THERSPURAM

Headquarters Tahsildar notified him as Special Executive Magistrate of Threspuram. It would be pertinent to refer to the evidence of Headquarters Tahsildar Tmt. Sivagama Sundari **(RW 181)** who would admit in candid terms that nine Special Executive Magistrates have been appointed and none of them have been shuffled in any manner either in writing or orally by the Sub- Collector Tr. M.S. Prasanth, I.A.S., **(RW 244)**. She would assert that Tr. Kannan was not appointed as Special Executive Magistrate to be incharge of Threspuram either by orders in writing or orally. She would be emphatic that it was Tr. Sekar who was appointed as Special Executive Magistrate for Threspuram and Tr. Kannan was not at all appointed for Threspuram. The version of Tr. Kannan **(RW 187)** if tested in backdrop of the evidence of Headquarters Tahsildar Tmt. Sivagama Sudari the falsity of the version of Tr. Kannan would get exposed. It would only lead an irresistible inference that Tr. Kannan **(RW 187)** was nowhere in Threspuram at the relevant time and he has been planted only to satisfy the technical requirements of the Police Standing Orders which prescribe an order to be passed by the Special Executive Magistrate before ever opening of fire take place. Special Executive Magistrate Tr. Rajkumar Thangaseelan presumably



INSIDE COLLECTORATE MAIN ARCH

did not oblige the police and the police thought it fit to get Tr. Sekar Special Executive Magistrate planted in his place. Again presumably Tr. Sekar for reasons best known to him willingly obliged the police. The other Special Executive Magistrate who would readily oblige the police is Tr. Kannan **(RW 187)** and as much he has been planted in the episode in Threspuram. For after all, Tr. Sekar's services could not be availed for Threspuram as well since Tr. Sekar having served the purpose of the police in the Collectorate episode.

Now herein after the testimony of public witnesses could be adverted to.

176. PW 650 Jesu Panimaya John is a fisherman by profession. He appears to have been actively involved in the protest. He speaks about the factum of the protesters belonging to Threspuram getting hurt in the police firing in the Collectorate and one of them by name Glaston succumbing to the injuries. The police entered a house in Threspuram and picked up three men and this angered the people of Threspuram. He would also speak about a young boy breaking a CCTV camera and as a matter of fact he aided him. The witness speaks about the arrival of police in two police tempo traveller



vehicles. The police who alighted from the vehicles went on a shooting spree on the Pakil odai bridge as also in the streets. While so, one of the bullets entered the head of Jansi Rani who was returning after delivering fish for cooking to her daughter. The bullet smashed her head and the brain was out on the ground all the while pulsating.

177. PW 22 Selvam is again a fisherman significantly he himself is the injured in the police firing. He has seen 50 to 60 men and women on the run having been driven by the police. While so, he heard sound of the shooting. He also took to his heels on sighting the police and in the process he sustained an injury in the right ribs. He fell down. The church bell started ringing to caution the people that a police shooting was taking place. He was taken in a motor cycle to his house first, then to the hospital.

178. PW 37 is Jesu Anand a welder by profession. He was resting in his house at about 1.00 pm. He heard a lot of noise outside and he stirred out of the house out of curiosity. He started running back towards his house. The police started shooting and he sustained gunshot injuries on his neck and right thigh. He was taken to American Hospital where he was given



PROTESTERS DAMAGING GOVERNMENT VEHICLES

first aid since the police objected to the admission of those who come with gunshot injuries he stayed overnight in his house. Next morning he got first aid from ESI hospital in Threspuram, then he got admitted in Government Hospital, Thoothukudi where he was inpatient for 23 days.

179. There is a spectacle of SP **(RW 248)** wriggling out of the situation asking the Inspector of Police Tr. Parthiban **(RW 214)** to take hold of the happenings. It is the said Inspector of Police Tr. Parthiban **(RW 214)** who keeps on instructing the policemen to resort to use of force, first with throwing of hand grenades, then firing of plastic bullets so on and ultimately use of SLR which is a lethal weapon. What is conspicuous by its absence is that the SP would not appear to have had, on the spot discussion with the Inspector of Police Tr. Parthiban**(RW 214)** to arrive at a decision to open fire – especially when in the different episodes of firing that preceded one in Threspuram they had a lot to learn and the lessons should have served as a deterrent in the choice of use of firearm be it teargas, buck shot and so on while resorting to repression of the agitated crowd agitated over loss of lives and grievous gunshot injuries sustained by some of the protesters.



DISTRICT INDUSTRIAL CENTRE
VEHICLE BURNT

180. It is to the knowledge of SP, Thoothukudi Tr. P. Mahendran (**RW 248**) and his compatriots (fellow policemen) that there had been opening of fire both inside and outside the Collectorate, in the 3rd mile, in Madathur Junction and precious lives had been lost. It should have been equally within their knowledge that opening of fire in Threspuram was also likely to result in loss of life. Would it not then be incumbent on the weapon wielding armed to their teeth to be circumspect and avoid use of lethal weapons and instead employ methods of persuasion if need be appeasement of the indignant mass of protesters involving the elders or Nattanmais of the area who would ensure reason to prevail over emotion.

181. At this juncture it would be appropriate to refer to the testimony of Tr. V. Baskaran I.P.S (**RW 229**), the then SP, Theni District. The shooting in Threspuram has entailed the instant death of Jansi Rani. The mood of the people of Threspuram was surcharged with emotion and indignation. It was a turbulent and volatile situation purely of the making of the police. It is in such a dire situation the SPs Madurai, Theni, Virudhunagar besides SP, Thoothukudi converge in Threspuram to solvage the situation. The SP, Theni District addressed the protesters through public addressing system in a strikingly



DISTRICT INDUSTRIAL CENTRE

conciliatory tone. He made it candidly clear to the people that the police force was intended for ensuring the safety of the people. It was at that time when the people of Threspuram were in utter disbelief and there was loss of faith in the police that the SPs engaged themselves in a dialogue through the public addressing system with the people assembled one after another.

182. It was then a retired defense personnel ventured to walk towards the police crossing the police – now that a bridge of report has been laid between the police and the people of Threspuram. No doubt initially there was heated exchanges between the police and the people but the talks of truce having been pursued by the police unrelentingly the self same retired defense personnel addressed the people through the public addressing system of the police. The gesture of the retired defense personnel fetched four more elderly men to his side. It is indeed a confidence building measure and it worked out remarkably well. A compromise was struck and the terms of the compromise are the people of Threspuram would not cross over the bridge and would not indulge in any problematic activity – equally the police ought not to enter the Threspuram village since the people are in the grip of a fear psychosis. The



conciliatory tone continued and the elderly undertook to bring about normalcy. The crowd dispersed and this episode ended there.

The Deceased Jansi Rani

183. The Deceased Jansi Rani aged 40 years. The following are the antemortem injuries.

1. An irregular lacerated wound (**bullet entry wound**) of size 2.5cm x 2cms x brain deep seen over the right ear pinna, located 6cms above the right mastoid process, 16cms from the midline and 149cms from the right heel. The margin of the wound is inverted. The margin of the wound shows abrasion collar and grease collar of 2mm seen around the entry wound.
2. An irregular burst open laceration (bullet) seen over the left side of head starting from the lateral aspect of left orbit (eyebrow), back of the pinna of the left ear, left mastoid process, occipital protuberance, left occipital region and left parietal region. It is 6cm towards the left midline.

On dissection it pierces and enter into the right ear pinna and enter into the cranial cavity base of the skull, left side of the facial bone found fractured into multiple pieces except mandible. Brain matter and brain tissue found missing. Both the



eyeballs were found to be shrunken. The track of the wound is directed towards the left.

Other injuries : 1. An abrasion of size 16x6cm seen over the back of upper 2/3rd of left forearm dark brown in color.

X-ray skull showed: Fracture in the right temporal bone and shattered in left, frontal, parietal temporal, occipital; and facial bones.

184. The post mortem doctor Dr. Vinod Ashok Chaudhari **(CW 9)** and Dr. R. Mohamed Nazim **(CW 7)** would opine that the Deceased would have died of shock and haemorrhage due to firearm bullet injury to the head. It could be seen from the evidence of Inspector of Police Tr. Parthiban **(RW 214)** that on his orders fire was opened in the air but at a point of time when the crowd was unrelenting on his instructions the SLR was used to fire at the ground. Here and now it may be pointed out that if the version of the Inspector Tr. Parthiban is true it passes ones comprehension as to how an injury of the kind sustained by the Deceased Jansi Rani could have been caused to her. In other words when the bullet is fired at and lands on the ground it remains unexplained and it is quite strange that the Deceased Jansi Rani should have sustained an injury on the head resulting in the brain matter getting displaced from the head and falling on the floor pulsating. **The circumstances attending the**

STOCK



causation of the injuries would only pointedly indicate that it was a case of shooting point blank and that too on the head of the Deceased by the firearm used by Tr. Sudalaikannu (RW 207). It does not look to be a case of aiming at a different part of the body but by chance landing on the head. This Commission had already adverted to the evidence of residents of Threspuram who sustained gunshot injuries in the incident.

185. The testimonies of injured witnesses which are entitled to credence since their presence in the scene of occurrence could not be doubted, together with the Deceased sustaining gunshot injuries on the head resulting in the brain matter smashed and dislodged and falling on the ground – a horrendous sight in deed, would go a long way to establish that the occurrence had taken place not in the manner as putforth by the police but rather in a manner consistent with the version of the injured witnesses.

THE UNFORESEEN EVENT THAT UNFOLDED IN ANNA NAGAR ON 23.05.2018 – THE FINALE

186. On 23.05.2018, in the Government Hospital, Thoothukudi celebrities like actor cum political leader Tr. Kamal

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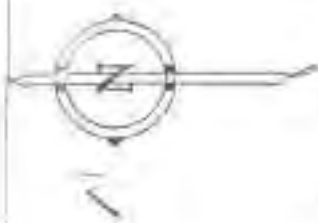


Hasan turned up to console the families of the Deceased and the injured who were inpatients. There was commotion in the hospital. It was then Tr. Arun Balagopalan, I.P.S., **(RW 232)** the then Deputy Commissioner, Traffic Madurai city who was on duty along with the other senior police officers in Government Hospital, Thoothukudi found about 200 members of the public raised slogans and entered into verbal duel with him. The crowd was picking up in strength. Some miscreants started throwing stones at the police in the hospital and they were lathi charged and dispersed. But they reassembled and indulged in pelting of stones. They were again chased away. Those who were thus chased entered Bryant Nagar and Anna Nagar areas. At about 1.30 pm he received information through VHF that a police bus was attempted to be set on fire in Bryant Nagar. He heard through VHF again that at about 1.30 pm that there was commotion in Anna Nagar area and a Tasmac shop was attempted to be set on fire. On the orders of IG, Tr. Shanmuga Rajeswaran he reached Anna Nagar area. SP, Thoothukudi Tr. P. Mahendran **(RW 248)** was already there. There was crowd in Anna Nagar 3rd, 4th, 5th, 6th and 7th streets and they indulged in pelting stones at the police.

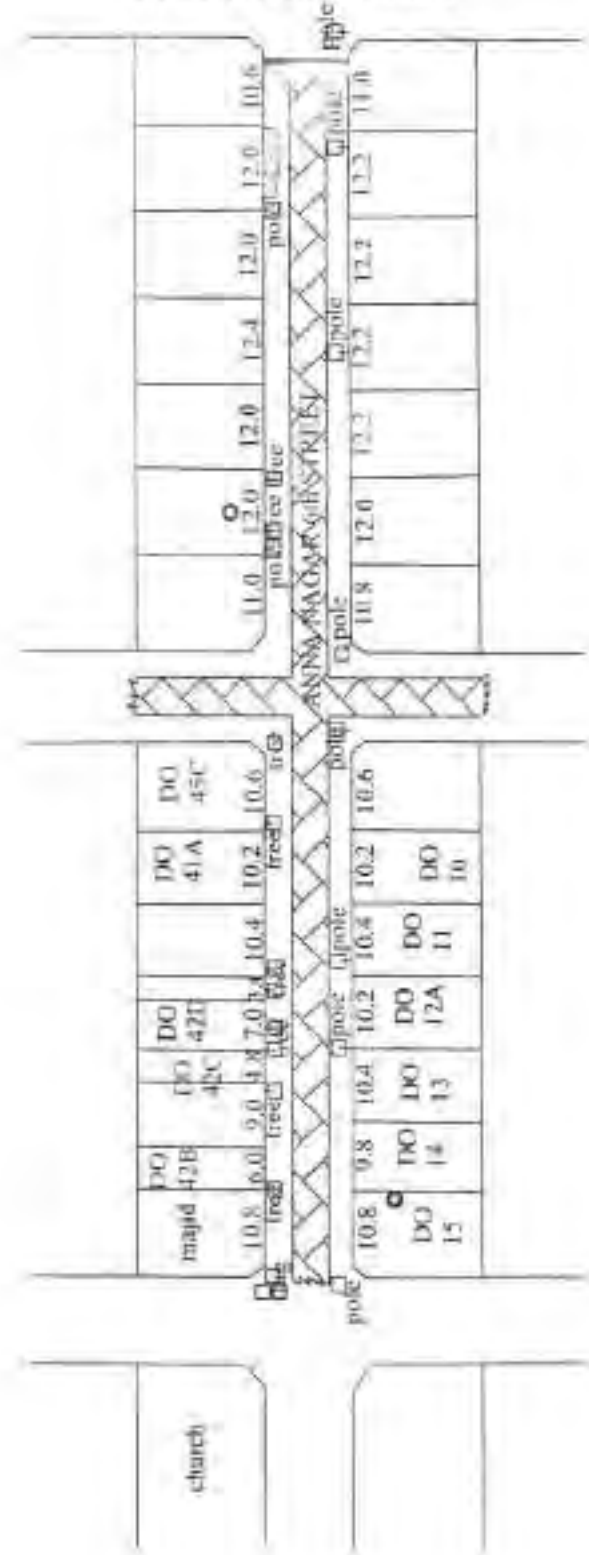


187. They set fire to tyres of vehicle and rolled them towards the police. They threw at the police fire lit petrol filled bottles. Special Executive Magistrate issued a warning through public addressing system and the crowd exceeded easily 2000. Thus it is evident that the incident in the Government Hospital, Thoothukudi would appear to be a prelude to the shooting incident in Anna Nagar.

188. A Special Executive Magistrate Tr. Chandran (**RW 184**) would claim that he was asked by the SP, Thoothukudi Tr. P. Mahendran (**RW 248**) to be available in Anna Nagar obviously for issuing orders if any to use force. However SP, Thoothukudi Tr. P. Mahendran (**RW 248**) would say in his evidence that he has seen the Special Executive Magistrate Tr. Chandran (**RW 184**) in Anna Nagar and he would not say that it was on his request Tr. Chandran (**RW 184**) would make himself available in Anna Nagar. It deserves to be mentioned that the Special Executive Magistrates being a revenue official is required to take instructions only from his officials up in the hierarchy as for instance Headquarters Tahsildar, Sub - Collector, DRO or Collector and not from the SP. To say that at the instance of the SP the Special Executive Magistrate Tr. Chandran reached Anna Nagar would look to be



ANNA NAGAR MAINROAD



church

too far fetched. It would only give room for an inference that he has been planted in an endeavour to give an impression that the requirements of the PSO have been satisfied.

189. The testimony of SP, Thoothukudi Tr. P. Mahendran **(RW 248)** as to the occurrence in Anna Nagar is that the crowd indulged in large scale stone pelting and arson, that the crowd ransacked a TASMAL shop at Toovipuram and set fire to it, that he along with his Striking Force team tried to chase them away, that he caused the crowd to be warned through the public addressing system by Tr. Jayapandi **(RW 218)**. But to no avail. That the crowd engaged the police by indulging in hide and seek, that the Special Executive Magistrate Tr. Chandran **(RW 184)** at this point of time suggested the use of firearm.

190. It was at this juncture Tr. Mariappan **(RW 209)** in SP's Striking Force I fired 10 rounds of TSM shells followed by two rounds of sten shell and nine rounds of gas gun rubber bullets in Anna Nagar main road. Tr. M. Kannan **(RW 210)** in SP's Striking Force I fire 5 rounds of rubber bullets through 12 bore gun in the 7th street Anna Nagar. The same Tr. Kannan fired 4 rubber bullets through 12 bore gun in the main road. On instructions of SP, Thoothukudi, Tr. Thangadurai fired 9 rounds



DECEASED KALIYAPPAN IN GH

of plastic bullets in main road and 9 rounds of plastic bullets in 6th street by using 0.303 rifle which is a lethal weapon. M. Raja **(RW 224)** threw two (2) TSM grenade at the crowd.

191. The use of force as detailed above had proved futile. The SP, Tr. P. Mahendran **(RW 248)** was in his helmet and a stone pelted by the crowd landed on his helmet and fiber portion of the helmet was torn off. He became disoriented. He steadied himself, got from his gunman Stalin **(RW 226)** a 9mm pistol fired and opened fire twice in the air in the 5th street with an interval of five minutes again fired five times in the 6th street and twice in the same street altogether 9 rounds. He claims that none was injured. The crowd continued to indulge in pelting stones and in the process he sustained an injury on his left leg and he was profusely bleeding. Thereafter he realized the worsening situation and ordered Tr. Mathivannan, a constable **(RW 221)** to open fire. Tr. Mathivannan opened fire on the air first and then towards the crowd. A person in the crowd sustained an injury and fell down who succumbed to the injury later. His identity was ascertained as Kaliyappan.

192. The factum of shooting in Anna Nagar is spoken to by **PW 2** Kalimuthu. He was passing through 6th street Anna



ANNA NAGAR

Nagar. He found a crowd of people in 8th street also. According to him that the police was then engaged in opening fire. The people also were indulging in stone pelting and as he was walking along he heard a sound and he found himself injured on his right thigh and he was bleeding. He was removed to the hospital.

193. The other injured is **PW 44** Tr. Veerabagu @ Sundar, a 17 years old ITI student. He sustained a gunshot injury in the shooting incident on the upper portion of the left thigh. He was initially treated at the Government Hospital, Thoothukudi and later referred to Madurai Rajaji hospital for further treatment. He underwent vascular surgery and was an inpatient for 60 days. He is now also undergoing treatment. He has sustained the aforesaid injuries having been chased by the police towards Anna Nagar from the Government Hospital, Thoothukudi where he visited to enquire about the child of his relative who was admitted in the hospital.

194. PW 40 Manthiram was in the midst of the crowd in 7th street, Anna Nagar when the shooting was resorted to by the police. He sustained an injury in his left leg and he was removed to the Government Hospital, Thoothukudi by his



relative Karuppasamy who himself was a disabled person. The bullet had pierced his left thigh and exited out.

195. PW 27 Sakthivel was in the General hospital premises at the relevant time. The Police resorted to lathi charge. He was on his way to his house via Anna Nagar. The police was lathi charging the crowd there also. All of a sudden they started shooting in the main road. He was moving through 6th street Anna Nagar in his motor cycle and the police started opening fire. He parked his two wheeler near a house and by then the police continued to shoot and were on the run. In the process he sustained a gunshot injury on his left elbow. He was removed to Government Hospital, Thoothukudi and x-ray was taken and was referred to Government Rajaji hospital, Madurai through 108 ambulance. A CT scan was taken and a surgery was performed on him and the remnants of a bullet measuring 2cmx1cm was extracted from his left forearm. He was hospitalized for 40 days.

196. PW 52, Christy mala is the mother of injured Akash. Akash 2nd year student of Arts College in Coimbatore. He was in Thoothukudi on a holiday. He was passing through the 6th street Anna Nagar in his scooter. He found the police chasing a crowd



of youngsters. He parked his two wheeler by the side of the road. While so he sustained a gunshot injury in the left thigh and fell down. He was removed to the Government Hospital, Thoothukudi. The CT scan revealed that a two inch bullet was inside his thigh femur bone.

197. The testimonies of these witnesses who are the members of the public and who had also been injured and who had been awarded interim compensation for the gunshot injuries would go to show that they were physically present in Anna Nagar at the relevant time and had some role or the other to play in the protest even though they would claim in one voice that they were only onlookers. Most of the injured in Anna Nagar are unfortunately youngsters and their evidence could be looked into to the extent that it adverts to the occurrence and the role of the police in the occurrence. The fact that they are injured in the occurrence would entitle their testimonies to credence to that extent. This Commission had an occasion to go through the visuals shot by the media covering the incident and the same would show that the urchins of the Anna Nagar area enraged by the police action in the Government Hospital, Thoothukudi resulting in injuries to some of them had reacted impulsively by resorting to pelting of stones and may be even



hurling fire lit petrol filled bottles at the police. It is not as though in Anna Nagar the police did not act with the restraint and the protesters were docile. The protesters behaved highhandedly and the police responded with the matching use of force but what could have been avoided by the police is the resort to use of lethal weapons paving the way to loss of life and grievous gunshot injuries to a few of them, jeopardizing their livelihood.

The Deceased Kaliappan

198. As dealt with the above, this Commission came across a spectacle of the indiscriminate use of fire arms by the police personnel as detailed supra. The SP, Thoothukudi **RW 248** himself not being able to resist the use of a pistol borrowed from his own gunman and fired 9 rounds. This is independent of shooting resorted to by constable Tr. Mathivannan (**RW 221**) with an SLR (Self Loading Rifle) causing grievous injuries to some of the protestors. **The fatal injury inflicted on the Deceased could safely be attributed to the said constable Tr. Mathivannan in as much as it was the said Tr. Mathivannan who wielded the SLR rifle and the mangled pieces of the bullet extracted from the body of the Deceased Kaliyappan, according to the ballistic expert, could**



DECEASED KALIYAPPAN IN ANNA NAGAR

have been fired by a SLR rifle as will be dealt with shortly. In the shooting spree of the SP, Thoothukudi who fired as many as 9 rounds himself to claim that no one has suffered any injury could not be countenanced. If the bullet that left the barrel of Tr. Mathivannan could kill or cause grievous injury to the protesters equally that of SP could also have had the same consequences.

The following Antemortem injuries were noted:

199. There was a circular punctured wound (**entry wound**) measuring 4mm diameter with an abrasion collar of 1mm width all around the wound in the back of left lower chest which is 6cm away from the midline and 3cm below the left scapula bone. The wound was bleeding. The margin of the wound was inverted.

There was **no exit wound** noted anywhere in the body.

200. X-Ray chest revealed a radio opaque well defined foreign body in the left shoulder with surrounding multiple radio opaque substances with irregular margins.

On dissection of thorax and Exploration of entry wound:

201. Left thoracic cavity contained about 800ml of blood. After removal of blood, thoracic cavity and its contents were examined. The entry wound was noted in the 11th rib area of the left posterior thoracic wall. 11th rib fractured. Then the track pierced the adjacent pleura showed a perforating wound of size 0.4cm and the both lobes



of left lung lacerated (size 10cmx8cm) and left lung found collapsed. Then fractured the 4,5,6,7 and 8 ribs of left chest wall in its lateral side. Then the track passed upwards deep to the pectoral group of muscles and hit the coracoid process causing comminuted fracture. The pectoral muscles contused. A damaged copper colored metal bullet (size 1.5cmx0.5cm) was found below the fractured coracoid process. The bullet was carefully collected by hand and preserved for ballistic study.

202. The direction of the wound track was from back to front, obliquely upwards towards left and then below upwards. The length of the track was 26cms.

203. The Post mortem doctor Dr. C. Manoharan would opine that the Deceased would appear to have died of shock and haemorrhage due to firearm bullet injury to the back of left side of chest. There is an wound of entry and no corresponding wound of exit. The remnants of the bullet was collected by hand and preserved for ballistic study. The Ballistic expert Dr. Thirunavukarasu (**CW 10**) after examination of the bullet would opine thus:

204. The fragmented portion of a fired jacketed bullet of 7.62mm caliber was fired either from a 7.62 mm caliber Self Loading Rifle or 7.62 mm caliber bolt action rifle. In the case at hand admittedly SLR firearm was pressed into service by none other than constable **Tr. Mathivannan (RW 221)**. **The fragmented portion**



DECEASED KALIYAPPAN IN ANNA NAGAR

of the fired bullet extracted from the body of the Deceased Tr. Kaliyappan could be attributed only to the said SLR handled by Tr. Mathivannan (RW 221). The conclusion is thus irresistible that the liability is to be fastened on the constable Tr. Mathivannan (RW 221) on the instructions of SP, Thoothukudi Tr. P. Mahendran (RW 248)

205. This Commission looked at the visuals shot during the occurrence in Anna Nagar, Tr. Kaliyappan having been hit by the bullet right on his back side of the chest fell down near the front tyre of the parked four wheeler. It was still to be known whether he was alive or dead. It was still to be ascertained was he fit to be shifted to the hospital in the last minute effort to save a sinking man. It is in police action that a life being snatched away by a bullet fired by the police. Shockingly and to the dismay of any onlooker, the body of Tr. Kaliyappan was being dragged by the police by his legs and removed to the side of the road, one of the policeman commenting with sarcasim that the Deceased was malingering. Assuming for a while Tr. Kaliyappan was by then dead is it to be the way to deal with the mortal remains of a man alive and ajele sometime ago - not to speak of such an inhuman treatment being meted out to Tr. Kallyappan, had the police believed him to be alive then. It is not the carcass of an animal that the policemen were dealing with but the body of a person in flesh and blood some time ago. To deny dignity



DECEASED KALIYAPPAN PULLED BY
HIS LEGS INHUMANLY

to a dead person is certainly a heinous act to be condemned unsparingly and in unambiguous terms.

THE ARMS AND AMMUNITIONS PUT TO USE IN ALL THE EPISODES OF THE FIRING PUT TOGETHER.

I -SET

206. The Ballistic expert Dr. Thirunavukarasu in his report **Ex. C. 70** has set out in detail the arms and ammunition received by him for examination. They are items 1 to 31 as details below.

Item 1	:	One 410 Musket with stamped SI.No. '76324 B', marked, "P.R.No.439/18 CBCID Cr. No.4/18, TCP 160" and labeled, "Sipcot PS Cr.No.191/18 TCP 160 (1) 76324B-410 Musket".
Items 2 to 5	:	Four number of 0.410 inch fired cartridge cases [bearing head stamp "KF 86 410 I" -2Nos.;"KF 11.410 I" No.; and, K F 52 410 I" – 1No]. They were kept in a self-sealed polythene cover labeled, "Sipcot P.S. CrNo-191/18 Thoothukudi CBCID Cr No.4/18 410 Ball & 410 Buck shot FC – 4 (2) PR.No.439/18...".
Item 6	:	One 0.303 inch caliber bolt action Rifle bearing No.64051 H, labeled, "Sipcop PS Cr.No:191/18 Tirunelveli-Armed Reserved-124 (3) 64051 H. " and marked, "P.R.No.439/18 CBCID Cr.No.4/18 ... Tirunelveli-Armed Reserved-124".
Items 7 to 10	:	Four numbers of 0.303 inch caliber fired cartridge cases [bearing head stamp "OK 97 7Z" – 3 Numbers and, "OK 05 7Z" – 1No]. They were kept in a self-



UN UNIFORMED POLICE PERSONNEL WITH RIFLE

		sealed polythene cover labeled, "Sipcot P.S.Cr.No.191/18 (Thoothukudi CBCID Cr.No.4/18) (4) .303 FC - 4" and which in turn kept in a self-sealed polythene cover labeled, "PR No.439/18 CBCID Cr. No.4/18
Items 11 to 13	:	Three numbers of 0.303 inch caliber misfired cartridges each bearing the head stamp "OK 057Z"; they were kept in a self-sealed polythene cover labelled, "Sipcot P.S.Cr No.191/18 (5) (Thoothukudi CBCID Cr. No.4/18) .303 misfired - C-3 PR.No.439/18 CBCID Cr.No 4/18".
Item 14	:	One 9mm Caliber Semi-Automatic Pistol bearing No."16105215" and letter impressions "PISTOL AUTO 9mm IA R.F.I"; it is marked, "Thoothukudi 50 PR No.439/18 CBCID Cr No.4/18" and labelled, "Sipcot PS.. Thoothukudi 16105215 (6)....".
Item 15	:	One 9mm Caliber Semi-Automatic Pistol bearing No."16349843" and letter impressions "PISTOL AUTO 9mm IA BDL 2004"; it is marked, "Tirunelveli Armed Reserved 219 PR No.439/18 CBCID Cr No.4/18" and labelled, "Sipcot PS Cr No191/18 (7) Tirunelveli-219 9mm Pistol 1634 9843..".
Item 16	:	One 0.303inch caliber bolt action Rifle bearing No."FTR A 8051", labelled "Sipcot PS Cr.No:191/18 Thoothukudi-181 FTR A 8051 - FC - NIL .303 Rifle ... (8)" and marked, "P.R.No.439/18 CBCID Cr.No 4/18.. Thoothukudi 181 III".
Item 17	:	One 7.62mm caliber bolt action Rifle bearing No."W2447", labelled, "Sipcot PS Cr.No:191/18 Thoothukudi-59 (IV) W2447.." and marked, "P.R.No.439/18 CBCID Cr.No 4/18.. Thoothukudi 59



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	IV".
Item 18	: Two numbers of 7.62mm caliber fired cartridge cases each bearing the head stamp "7.62 OFV 14 M80"; they were kept in a self-sealed polythene cover labelled, "Sipcot P.S Cr. No.191/18 Thoothukudi-59 (IV) W244 (10) FC-2 BOLT ACTION 7.62mm PR No.439/18 CBCID Cr.No 4/18".
Item 19	: One .410 Musket bearing No."V24296", marked, "P.R.No.439/18 CBCID Cr. No 4/18 ... MD-10" and labelled, "Sipcot P.S Cr.No:191/18 (11) MD-10 V24296-4Fc".
Items 20 to 23	: Four numbers of .410 inch caliber fired cartridge cases, each bearing the head stamp "KF 04 .410 I". They were kept in a self-sealed polythene cover labeled, "Sipcot P.S.Cr.No.191/18 Madurai-10 (12) V24296 - 4FC ...".
Item 24	: One 7.62mm caliber Self Loading Rifle bearing No. "15136169", marked "PR.No 439/18 CBCID Cr.No 4/18... Thoothukudi 2 1" and labelled, "SIPCOT P.S. Cr. No. 191/18 Thoothukudi - 2(1) 15136169 SLR 7.62 mm FC - NIL . (13).
Item 25	: One teargas gun bearing the impressions "38.8 TEAR GAS GUN 137110690 R.F.I IN 2015...", marked "PR No 439/18 CBCID Cr. No 4/18.. TIN - 55" and labelled, "SIPCOT P.S Cr No: 191/18 TIN 55 TEAR GAS GUN 137110690 RFI - IN 2015 (14)
Item 26 to 29	: Four numbers of fired tear gas shells (40-2;41-1;48-1); they were kept in a self-sealed polythene cover labelled, "SIPCOT P.S> Cr No 191/18 (Thoothukudi CBCID Cr.No 4/18(15) stub shell FC - 4 PR.No 439/18..."



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Item 30	: Three numbers of metallic safety keys/pins, each with a ring; they were kept in a self-sealed polythene cover, labelled; "SICOT P.S. Cr No 191/18 (Thoothukudi CBCID Cr.No 4/18) (16) dye marker 04 safety key with ring – 3 PR.No 439/18..."
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Note: (Items 1 to 30 were kept in a sealed white plastic sack marked "P.R.No 439/18 CBCID Cr.No 4/18" and which in turn kept in the above described wooden box)

Item 31	: Jacket portion of a bullet; it was wrapped in a tissue paper marked, "Fired bullet in Cr.No 191/18" and kept in a self-sealed polythene cover along with a label "SIPCOT PS Cr.No 191/18.. The above polythene cover was kept in the aforesaid paper cover marked, "Thoothukudi CBCID Cr. No 4/2018 (SIPCOT PS Cr.No. 191/2018) PR.No 446/2018..."
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207. The Ballistic expert would opine that items 1 and 19 are 410 muskets; combustion products of smokeless powder were detected in the swabbings of the each of the barrel indicating that the above muskets were used for firing. He would observe that test firing experiments showed that the said muskets were in working condition and the effective range of firing was about 75 yards.



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- (i)** Items 6 and 16 are 0.303 inch caliber bolt action rifle; combustion products of smokeless powder were detected in the swabbings of barrel indicating that the above rifles were used for firing. He would observe that test firing experiments showed that the said rifles were in working condition; the effective range of firing of 0.303 inch caliber rifles was about 550 yards.
- (ii)** Items 14 and 15 are 9mm caliber semi automatic pistols; combustion products of smokeless were detected in the swabbings of the barrel of their indicating that the above pistols were used for firing the said pistols were found to be in working condition; and the effective range of firing of the 9mm caliber pistol was about 50 yards.
- (iii)** Items 17 is 7.62mm caliber bolt action rifle and item 24 is 7.62mm caliber Self Loading rifle; combustion products of smokeless powder were detected in the barrel indicating that they were used for firing. He would observe that the test firing experiments showed that the rifles were in working condition; the effective range of firing was about 850 yards.
- (iv)** Item 25 is the teargas gun; combustion products of smokeless powder were detected in the barrel indicating that the above gun was used for firing. He would observe that test firing experiments showed that the said gun was in a working condition.



NEWS 18

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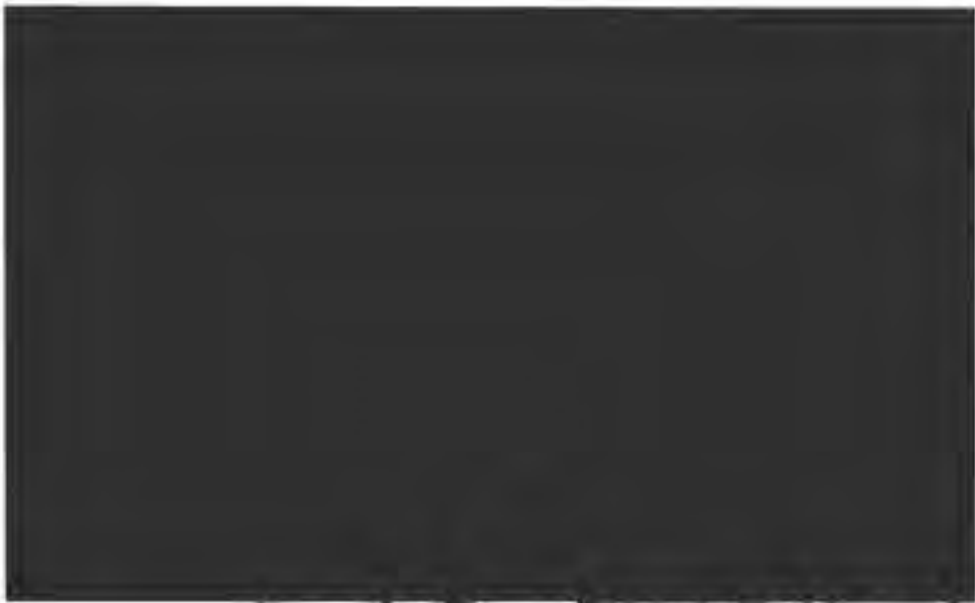
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- (v) Item 26 to 29 were the firing pin marks on the fired teargas shells.
- (vi) Item 30 was the safety keys/pins used in teargas grenades.
- (vii) Item 31 is jacket portion of a 0.303 inch caliber bullet unidentifiable.

208. With the aid of the materials in the shape of **EX C 70**, the Ballistic expert's report together with the evidence of the police personnel and the extracts of Armoury Registers obtained from the police department, the identity of the police personnel who wielded the different weapons detailed in **EX C 70** report could be ascertained with certainty .

- (i) Item 1 - 0.410 musket bearing no 76324 B was handled by **RW 200** Raja PC 1160 who was in the Striking Force party of DIG, Tirunelveli.
- (ii) Item 6 - 0.303 inch caliber, bolt action rifle bearing no 64051 H was handled by Tr. Thandavamurthy (**RW 199**) PC 1158 who was in the Striking Force party of DIG, Tirunelveli.
- (iii) Item 14 - 9mm caliber semi automatic pistol bearing no 16105215 was handled by Rennes (**RW 198**) SI, Thattaparai police station.
- (iv) Item 15 - 9mm caliber semi automatic pistol bearing no 16349843 was handed by M. Shankar PC 2074 (**RW 201**) gunman AR, Tirunelveli DIG.
- (v) Item 16 - 0.303 inch caliber FTR A 8051 bolt action rifle was handled by Tr. Sudalaikannu PC 3200 AR.



constable Tirunelveli.

- (vi) Item 17 – 7.62mm caliber bolt action rifle bearing No W 2447 was handled by Tr. Sornamani **(RW 211)** SI AR, Thoothukudi.
- (vii) Item 19 – 0.410 musket bearing no V 296 24 was handled by Tr. Satheesh Kumar PC 355 AR **(RW 202)** Madurai with Striking Force party of IG.
- (viii) Item 24 – 0.762 mm caliber Self Loading Rifle bearing No 15136169 was handled by Raja HC 413 AR, Thoothukudi **(RW 203)**.

II- Set of Firearms

Items 1 to 41 **EX C 72**

Item 1	:	One 410 Musket bearing No. 'J 76828', marked, "CBCID Cr.No.5/18 P.R.No.438 ... TIN-AR 1" and labelled, "Thoothukudi South PS Cr.No.302/18 (1) (Thoothukudi CBCID Cr No 5/18) 410 Musket Body No J7
Item 2&3	:	Two numbers of 410 fired cartridge cases bearing head stamp "KF 79 410 L 1T" and "KF 86 410 L 1T". They were kept in a self-sealed polythene cover labelled, "Cr.No.302/18 (2) Thoothukudi South P.S. CBCID Cr.No.5/18 410 blank Empty case (2) P.R.No.438/18 .."
Item 4	:	One 7.62mm caliber 1A1 Self Loading Rifle bearing No. "15409482", marked, "P.R.No. 438/18 CBCID Cr.No.5/18... Thoothukudi 33 III" and labelled, "Thoothukudi South PS Cr.No. 302/18 (Thoothukudi CBCID Cr.No. 5/18 SLR 7.62 Rifle 1(3)".



Item 5	:	One 0.303 inch caliber bolt action Rifle bearing No."C 22979", marked, "P.R.No. 438/18 CBCID Cr.No.5/18... Thoothukudi - 23-1" and labelled, "Thoothukudi South P.S Cr.No. 302/18 (Thoothukudi CBCID Cr.No.5/18) (4) .303 rifle".
Item 6 to 33	:	Twenty eight numbers of 0.303 inch calibre fired cartridge cases [bearing head stamp "OK 97 7Z" - 22 Nos. and "OK 95 7Z" - 6 Nos]. They were kept in a self-sealed polythene cover labelled, "Thoothukudi South P.S Cr.No.302/18 (Thoothukudi CBCID Cr.No. 5/18).303 Plastic Bullet FC -28 (5) p.r.No. 438/18....".
Item 34	:	One 410 Musket bearing No."28896 B", marked, "P.R.No.438/18 cbcid Cr.No. 5/18 ... Thoothukudi 15 Armed Reserve" and labeled, "Thoothukudi South PS Cr.No.302/18 (Thoothukudi CBCID Cr.No. 5/18) (6).410Musket - 1".
Items 35 & 36	:	Two numbers of 410 fired cartridge cases, each bearing the head stamp, "KF 04 .410 I". They were kept in a self-sealed polythene cover labeled, "Thoothukudi South PS Cr.No.302/18 (Thoothukudi CBCID Cr.No 5/18 .410 ball FC-2 (7) PR.No.438/18".
Item 37	:	One Tear Gas Gun bearing the impressions "38.8 TEAR GAS GUN 137106813 RFI IN 2014 _", marked "P.R.No.438/18 CBCID Cr.No.5/18 - Thoothukudi-35" and labelled, "Thoothukudi South P.S Cr.No.302/18 ... Tear Gas Gun - 1(8)".
Items 38 to 41	:	Four numbers of fired tear gas shells/cases (41-1, 49-1; 50-2). They were kept in a self-sealed polythene cover labelled, "Stun shell FC - (4) item (9) Thoothukudi South P.S Cr.No.302/18 Thoothukudi CBCID Cr.No 5/18 ... PR.No 438/18".



INJURED PERSON

209. The Ballistic expert would opine that item 1 and item 34 are 0.0410 muskets; combustion products of smokeless powder were found in the swabbings of the barrel item 34 and combustion products of the propellant residues were absent in the barrel of musket item 1 suggesting item 1- 0.410 musket would have been cleaned after it was used for firing.

He would observe that test firing experiments showed that the muskets were in working condition and the effective range of firing was about 75 yards.

- (i) Item 4 is a 7.62 mm caliber Self Loading Rifle; combustion products of smokeless powder were detected in the swabbings of barrel of it indicating that the above SLR was used for firing. He would observe that test firing experiments showed that the said rifle was in working condition and the effective range of firing is about 850 yards.
- (ii) Item 5 is a 0.303 caliber bolt action rifle; combustion products of smokeless powder were detected in the swabbings of barrel indicating that the said rifle was used for firing. He would observe that test firing experiments showed that the said rifle was in working condition and the effective range of firing is about 550 yards.
- (iii) Item 37 is a teargas gun; combustion products of smokeless powder were detected in the swabbings of barrel indicating that the above teargas gun was used for firing. He would observe that test firing



NEAR GOVERNMENT HOSPITAL THOOTHUKUDI

experiments showed that the said teargas gun was in working condition and the maximum range of the above gun is about 100 yards.

- (iv) The firing pin marks on the fired teargas shells/cases items 38 to 41 were identified as the ones fired in the teargas gun, item 37.

210. With the aid of the materials in the shape stated in **EX C 72** the ballistic expert's report together with the evidence of the police personnel and the extracts of Armoury Registers obtained from the police department, the identity of the police personnel who wielded the different weapons detailed in **EX C 72** report could be ascertained with certainty.

- (i) Item 1- 0.410 musket bearing No J 76828 was handled by Tr. Balamurugan (**RW 206**) PC 2248 who was in Striking Force of Tirunelveli, SP, Vinclin Prabu PC 1730 (**RW 195**) and Tr. Senthikumar RSI (**RW 223**).
- (ii) Item 4 - one 7.62 mm caliber 1 A1 Self Loading Rifle bearing No 15409482 was handled by Tr. Sudalaikannu (**RW 207**) PC 3200 AR Tirunelveli.
- (iii) Item 5, one 0.303 inch caliber bolt action rifle bearing no C 22979 was handled by Thangadurai HC 479 AR Thoothukudi (**RW 219**)
- (iv) Item 34, one 0.410 musket bearing No 28896 B was handled by Tr. Kannan PC 1085 (**RW 210**) who was in AR Thoothukudi.
- (v) Item 37 one teargas gun bearing the impressions 38.8 teargas gun 137106813 RFI in 2014 was handled by



NEAR GOVERNMENT HOSPITAL THOOTHUKUDI

Mariappan PC 2522 who was in AR Thoothukudi.

III- Set of firearms

Items 1 to 10	:	Ten numbers of fired tear gas shells/cases (49-9 Nos.; 50-1 No.). They were kept in a self – sealed polythene cover labelled, "Thoothukudi South PS Cr 312/18 TSM Shell FC-10 (1) PR.No.437/2018 ..." .
Items 11 to 19	:	Nine numbers of fired cartridge cases bearing the printed impressions, "CARTRIDGE, 38 mm ANTI-RIOT WITH RUBBER BULLET A.F.K.- PUNE - 3 ..." . They were kept in a self-sealed polythene cover labelled, "Thoothukudi South P.S Cr No 312/18 38 mm rubber Bullet FC – 9 P.R No.437/2018 ..." and which inturn kept in a white synthetic corrugated box with black synthetic strap printed, "TEAR SMOKE MUNITIONS EXPLOSIVE CLASS - 3" and marked, "... Thoothukudi South PS Cr No 312/18".
Item 20	:	One 12 bore pump action shotgun bearing No. "14 PG 18762", marked, "CBCID Cr.No.8/18 P.R.No.437/18 ... Thoothukudi - 45", and labelled, "South PS Cr No 312/18 (3)".
Items 21 to 29	:	Nine numbers of 12 bore fired cartridge cases each with head stamp "KF 12"; they were



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		kept in a self-sealed polythene cover labelled, "South PS Cr.No.312/18 Thoothukudi - 45 item No 4 FC - Rubber Bullet - (9) PR No.437/18".
Item 30	:	Two numbers of safety keys/pins, each with a ring; they were kept in a self-sealed polythene cover with a label, "Thoothukudi South P.S. Cr No 312/18 TSG safety key with ring - 2 (5) PR.No.437/2018".
Item 31	:	One 9mm caliber Semi-Automatic Pistol bearing No." T 352187', marked, "PR No.437/18 CBCID Cr.No.8/18 Thoothukudi 1" and labelled, "..., South PS Cr No.312/18 item No.(6)".
Item 32	:	One 7.62mm caliber 1A1 Self Loading Rifle bearing No. "15412482", marked "P.R.No. 437/18 CBCID Cr.No.8/18 ... Thoothukudi 38 III" and labelled, "South PS Cr.No.312/18 ... (7)".
Items 33 to 39	:	Seven numbers of 7.62mm caliber fired cartridge cases each bearing the head stamp "0FV 14 M80 7.62"; they were kept in a self-sealed polythene cover labelled, "South PS Cr No 312/18 Thoothukudi - 38/III - Body 15412482 item 8 SLR FC - (7) P.R.No 437/18".
Items 40 and 41	:	Two numbers of 9mm caliber fired cartridge cases each bearing the head stamp "KF 16 9mm 2Z"; they were kept in a self-sealed



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		polythene cover labelled, "Thoothukudi South PS Cr No 312/18 Thoothukudi CBCID Cr No 08/2018 PR.No:444/18 ...".
Item 42	:	One 7.62mm caliber fired cartridge case with head stamp "0FV 14 M80 7.62". It was kept in a self-sealed polythene cover labelled, "CBCID Cr.No 08/18 South PS Cr. No 312/18 ... Form 91:0025233 (1)".
Item 43	:	One fragmented jacket portion of a bullet; it was kept in a self-sealed polythene cover labelled, "CBCID Cr.No 08/18 South PS Cr No 312/18 ... Form 91:0025234 (1)".
Item 44	:	One mangled jacketed bullet with adhering cement plaster particles; it was wrapped in a piece of tissue paper and kept in a self-sealed polythene cover labelled, "CBCID Cr.No 08/18 South PS Cr.No 312/18 ... Form 91:0025235 (1)".

211. The Ballistic expert would opine that items 1 to 10 were the fired teargas shells/cases, items 11 to 19 were the fired cartridge cases. He would observe that items 1 to 19 were identified as the ones fired in the teargas gun, Item 37.

(ii) Item 20 is a 12 gauge single barrel pump action shotgun; combustion products of smokeless powder were not detected in the swabbings of barrel of it. He would opine that absence of any



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propellant residue in the barrel of the above gun suggested that the barrel would have been cleaned after the said shotgun was used for firing. He would observe that the test firing experiments showed that the said gun was in working condition and the effective range of firing of 12 gauge shotgun is about 75 yards when shot gun slug was used for firing. He would further observe that cartridge cases items 21 to 29 were identified as the ones fired in the shot gun item 20. The safety keys/pins items 30 could have been the safety pins used in teargas grenades.

(ii) Item 31 is a 9mm caliber semi automatic pistol; combustion products of smokeless powder were not detected in the swabbings of barrel. He would observe that the absence of any propellant residue suggested that the barrel would have been cleaned after the said pistol was used for firing. He would observe that test firing experiments showed that the said pistol item 31 was in working condition and the effective range of firing of 9 mm caliber semi automatic pistol was about 50 yards.

(iii) Item 32 is a 7.62m caliber Self Loading Rifle; combustion products of smokeless powder were detected in the swabbings of barrel of it indicating that the above rifle was used for firing. He would observe that test firing experiments showed that the said rifle was in working condition and the effective range of firing of 7.62 mm caliber rifle was about 850 yards.



INJURED VEERABAGHU (AGE 17)

212. The marks of firing pin, breech and ejector on the 7.62mm caliber fired cartridge cases items 33 to 39 and 42 compared with those on the test cartridge cases, obtained from the item 32 rifle, were found to be similar, items 33 to 39 and 42 were identified as the ones fired from the item 32 rifle. With the aid of the materials in the shape of ballistics experts report in **EX C 73** together with the evidence of the police personnel and the extracts of the armoury registers obtained from the police department, the identity of the police personnel who wielded the different weapons detailed in **EX C 73** report could be ascertained with certainty.

- (i) Item 20 is a bore pump action handled by Kannan PC 1085 with AR Thoothukudi (**RW 210**).
- (ii) Item 31 is one 9mm caliber semi automatic pistol bearing No T 352187 handled by Stalin PC 2631 AR, Thoothukudi (gunman of SP, Thoothukudi) **RW 226**.
- (iii) Item 40 and 41 were the fired cartridges fired from 9mm handled by Stalin (**RW 226**) and opened fire by SP.
- (iv) Item 32 is one 7.62 mm caliber 1 A1 Self Loading Rifle bearing No 15412482 was handled by Tr. Mathivannan PC 1298 AR Thoothukudi (**RW 221**).
- (v) Item no 33 to 39 caliber fired cartridges were fired by Tr. Mathiyannan from the SLR he was handling.
- (vi) Items 42 to 44 fragmented jacketed bullet not identifiable to any firearm.



INJURED VEERABAGHU CARRIED BY PROTESTERS

INEPT HANDLING OF THE VAJRA, VARUN AND FIRE SERVICE VEHICLES.

213. This Commission has already dealt with the inept handling of vajra and fire service vehicles in the earlier paragraphs. The vajra vehicle that was stationed in front of the Sterlite Factory was idle with no incident taking place at the relevant time. In the FCI roundana another vajra vehicle was stationed to tackle the eventuality of the protesters indulging in any kind of excesses. This vajra vehicle did nothing except bursting a few teargas shells and retreated to a far off place namely Thattaparai significantly enough without any damage to the vajra vehicle or to its operators **RW 193** M. Marimuthu and **RW 194** T.S. Kapali. The operators are themselves police personnel and it is quite disheartening to note that both of them withdrew to a place of safety. The proper course of action would have been for them to move to the Collectorate premises for tackling the situation – the Collectorate premises remaining the choice of the protesters to gather obviously to submit a memorandum of grievances about the havoc caused by the Sterlite Factory and for its eventual closure. The conduct of the operators of the vajra is quite reprehensible in as much as they have acted in disregard of the instructions of JSP,



INJURED PERSON IN GH

Tr. S. Selvanagarathinam, I.P.S., (**RW 242**) to proceed to the Collectorate premises. Prudence would dictate that the vajra idly kept near Sterlite Factory should have been brought to the Collectorate premises together with the one that was in FCI roundana and both the vajra vehicles put together along with the fire service vehicles could have served as a formidable weaponry to dissuade the protesters from indulging in any kind of excess either by bursting teargas shells or by splashing of water from the fire service vehicles.

214. PSO 419 contemplates forming of tear smoke squad in terms of the said provision two section with one HC and 6 constables each will be formed and attached to the headquarters of the wing of the District Armed Reserve. The aforesaid two teams will be under the control of the headquarter RSI. It may be recalled that the vajra vehicles from which teargas shells were burst and other modes of teargas shells would not appear to have been manned as required in PSO 419. The non-compliance with the requirement of this PSO would appear to have rendered the tear smoke squad ineffective and consequently there could not be effective riot control.



INJURED PERSON IN GH

215. Varun vehicles are intended to dissipate the crowd by splashing of water and often times varun vehicles have been proving to be of great effect without causing loss of life or injury to the protesters. As a matter of fact, the then Hon'ble Chief Minister was quoted by the IG Intelligence Tr. K.N. Sathiyamurthy, I.P.S., **(RW 249)** as to whether splashing of water obviously meaning use of varun vehicles was resorted to. Thus varun vehicles should have joined vajra and fire service vehicle and all together could have had a decisive effect on the protesters who had a tendency to indulge in activities detrimental to public peace and tranquillity. It is this state of affairs which invites the comment from this Commission that it is an instance of inept handling of the vajra, varun and fire service vehicles.

216. This Commission is of the view that the operators of the vajra vehicle namely RW 193 Tr. Marimuthu and RW 194 T.S. Kapali render themselves liable for action being taken against them.



HIGHER OFFICERS IN ANNA NAGAR
AFTER INCIDENT

THE MISDEMEANOUR OF THE POLICE PERSONNEL IN RECEIPT AND SURRENDER OF FIRE ARMS AND ALSO IN HANDLING THE WEAPONS.

a) Tr. Raja Head Constable 413 (RW 203).

217. Though a policeman, he has been incharge of cooking food for the police. He is instructed to bring extra weapons to the Collectorate. He brings with the food pockets the weapons also. He was not in police uniform. He arrived at the Collectorate and on the instructions of Inspector Tr. Hariharan (**RW 213**) got on to the top of the Eicher vehicle and opened fire with an SLR. This is in flagrant violation of the provisions of the PSO 704 which mandates that the police personnel in mob operations are to be only in police uniform. Though it is claimed that Raja opened only one round of fire still the visuals would show that he had fired two rounds which he would admit in his evidence while deposing before this Commission.

218. The discrepant versions in this behalf is reflected in the Armoury Register **EX R 68** itself wherein initially '20' rounds have been written, and subsequently corrected as '10' and on account of the said alteration, consequential alterations have



been made in the subsequent entries such as '20' corrected as '10', '19' is corrected as 09 – the entry relating to HC 2341 Tr. Lakshimikanth '10' corrected as '20'. Admittedly HC 2341 Tr. Lakshimikanth has not fired any rounds still the correction has been made.

219. This Commission is of the view that the requisite action is to be initiated against HC 413 Raja (RW 203) for opening two rounds of fire with SLR without being in uniform and for causing the corrections in the entries in the Armoury Register.

b) Tr. Rennes - Sub-Inspector (RW 198)

220. He was Sub-Inspector of Police, Thattaparai at the relevant time. He was in the special team of Superintendent of Police. He has opened fire with 9mm pistol bearing Butt No 50 inside the Collectorate purportedly on the instructions of Inspector Tr. Thirumalai. His version is that he fired six rounds with the 9mm pistol.

221. However he has been served with a charge memo by the police department. It has been stated therein that Tr. Rennes then Sub-Inspector (**RW 198**) without any instructions from his Higher ups and without any orders from them as also



without adhering to the PSO's, on his own volition handled 9mm pistol, Butt No 50 and fired six rounds as he was running. After exhausting the bullets he demanded for more bullets from the PSO to DIG, Tirunelveli as also in a disobedient manner asked the DIG himself for some more bullets. He has also not returned the fired cases and deposited only the 9mm pistol. This course of conduct would only disclose that he was indifferent, disregarded the instructions of the Higher ups and failed to obtain the requisite orders from them at the appropriate time. He has also been charged that when he was enquired about the shooting incident and the details of mob operation, he answered that he did not know about mock drill and the consequences that would follow use of firearm. The charges as framed above, ipso facto goes to show that the said Tr. Rennes (**RW 198**) acted high handedly, and without regard or respect for his own superiors - of course subject to proof of those charges in an inquiry. Though Rennes would claim that he had been instructed by Inspector, Tr. Thirumalai still in view of the charges framed against Rennes his version could not be countenanced. As a matter of fact the visuals would disclose that Rennes was pursuing the protesters by shooting at them as he was running. The departmental action having already been initiated it will no



doubt take its own course. **This is independent of any criminal action which is to be initiated against Rennes for this Commission has observed that it was only on account of shooting resorted to by Tr. Rennes (RW 198) and Tr. Shankar (RW 201) that Kanthiah, Tamilarasan sustained fatal injuries and certain others received grievous gunshot injuries.**

c) TR. SUDALAIKANNU (RW 207)

222. This Commission has in the preceding paragraph has dealt with in detail the manner in which police constable Tr. Sudalaikannu **(RW 207)** – The Ace/prime shooter conducted himself in the different episodes of firing in Thoothukudi on 22.05.2018. In his exuberance of enthusiasm he would approach the guard incharge of the weapons in the Collectorate at the time of the (first) shooting inside the Collectorate as also in the shooting outside the Collectorate purportedly on the instructions of JG got 10 rounds with 0.303 rifle and exhausted each one of the rounds resulting in the death of as many as four protesters besides causing gunshot injuries to a few others. No sooner the operations inside and outside the Collectorate were over Tr. Sudalaikannu would



appear to have returned the 0.303 rifle and significantly enough did not hand over the fired cases to the weapon incharge Tr. Nangayarmurthy. The twin instances of aforesaid firing having been completed, the policemen engaged in the operations dispersed except the solitary Tr. Sudalaikannu who would appear to have waited till the arrival of SP, Thoothukudi Tr. P. Mahendran (**RW 248**) at about 1.15pm and got on to his bandwagon only to launch another shooting spree in 3rd mile and Threspuram, after collecting Self Loading Rifle and 30 rounds of bullets from the weapon incharge Tr. Sakthivel (**RW 205**). Though the later was reluctant to part with 30 rounds, persuaded by Inspector Tr. Hariharan (**RW 213**) the weapon incharge Tr. Sakthivel (**RW 205**) parted with all the 30 rounds. The said Tr. Sudalaikannu accompanied the SP to 3rd mile and Threspuram and on the alleged ground of quelling a violent mob here and there opened fire exhausting 17 rounds in the 3rd mile and 3 rounds in Threspuram which eventually led to the death of three (3) protesters besides causing gunshot injuries to a few others. Tr. Sudalaikannu would not return the fired cases in this instance of shooting as is his wont. Even a cursorial glance at the Armoury Register **EX R 68** would show that there had been meddling with the entries made therein.



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Entries have been erased and there are over writing. The conduct of Tr. Sudalaikannu is highly reprehensible for having acted in a highhanded manner without having regard or respect for the procedures established by law. **The requisite legal proceedings including disciplinary action deserve to be initiated against police constable PC 3200 Tr. Sudalaikannu (RW 207) for his acts of omission and Commission.**

POLICE LATHI CHARGE IN AVM HOSPITAL

223. AVM Hospital is a private hospital situate near South police station, Thoothukudi. On 22.05.2018 after the shooting incident was over in the Collectorate, at about 2.00pm there was lathi charge inside the AVM hospital. The police would appear to have pursued a miscreant inside the AVM Hospital. There had been indiscriminate lathi charging inside the hospital. The SP, Thoothukudi at the relevant time Tr. Murali Rambha, I.P.S., **(RW 237)** as per the requisition from this Commission furnished a list of police personnel who indulged in the lathi charge inside the private hospital. They are as follows Tr. Sambath **(RW 238)** Inspector, Tr. Shyam Sundar SI, Tr. Senthilkumar SI **(RW 223)** RSI, Tr. Rajram HC 528,



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Tr. Thangadurai (**RW 219**) HC 479, Tr. Sudalaikannu (**RW 207**) PC 3200, Tr. Kannan (**RW 210**) PC 1085, Tr. Sankara Narayanan PC 2598, Tr. Mariappan (**RW 209**) PC 2522, Tr. Pappu Raj PC 1219 and Tr. Chellappa PC 662 which includes an Inspector of Police and an SI besides Tr. Sudalaikannu (**RW 207**). The manner in which the said police personnel conducted themselves inside the hospital is spoken to by A. Johnson (**RW 45**), Receptionist incharge and electrical supervisor cum security Tr. Mariappan (**RW 46**). The other witness adverting to the occurrence is **PW 12** Tr. Chandrabose, who sustained injury on the head in the lathi charge. There are two others who sustained injuries. They are **PW 62** Tr. Saravanan and **PW 68** Selvi Maria Delpha. These persons have sustained minor injuries.

224. The Receptionist **PW 45** would depose that 10 to 15 policemen entered the hospital, that the request of the receptionist to restrict the policemen to one to two was ignored, that the police assaulted the attenders of the patients who were clad in black shirts, that Tr. Chandrabose who was there to visit his relative a patient questioned the police action but he was also not spared. He sustained a bleeding injury and was treated in the same hospital. The police had also attacked apart from



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PW 12 Tr. Chandrabose, **PW 62** Tr. Saravanan, Vargheese Raja, Rajkumar and Rajasekar and were treated as outpatients.

PW 46 Tr. Mariappan Security cum electrical supervisor would corroborate the version of **PW 45** receptionist. The testimonies of the witnesses examined in this behalf would amply demonstrate the highhandedness with which the police conducted themselves. This is quite disheartening to note the police should conduct themselves in such an objectionable manner even before the blood in the shooting incident dried up. The conduct of the police only deserves to be condemned when this Commission takes note of the fact that the patients undergoing treatment in the hospital would already be in a state of distress and the police action inside the hospital is nothing short of adding insult to injury. A glance at the visuals recorded by the CCTV and transformed as CD **EX P 24** would show how the in-patients, outpatients as also the staff of the hospital were panic stricken. This is not an atmosphere which can prevail in a hospital. Even in a war like situation hospitals are spared and it is strange that the police indulged in lathi charge inside the hospital unmindful of and in utter disregard of the consequences.

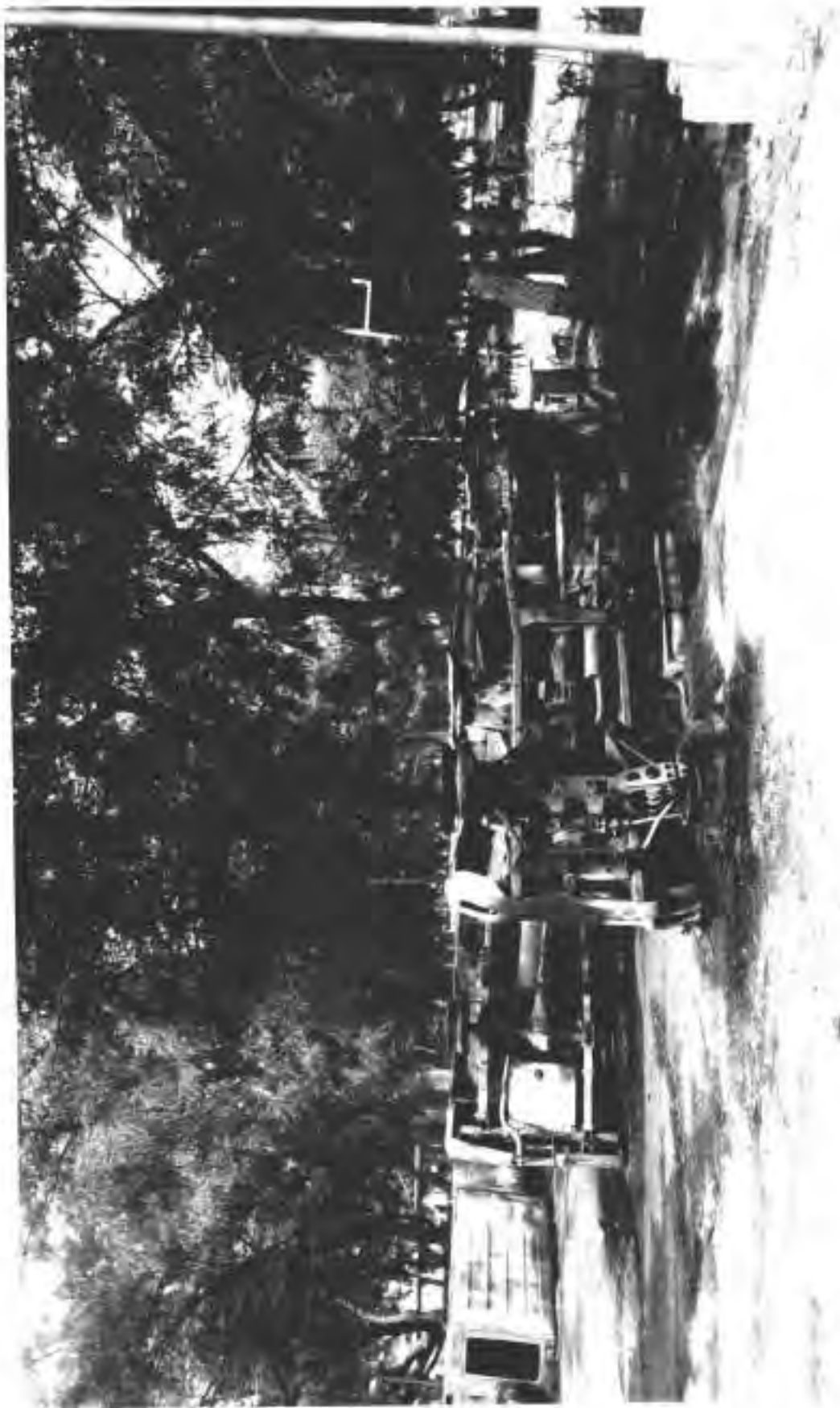


AVM HOSPITAL

CCTV FOOTAGES COVERING THE EPISODES

225. In the premises of the Collectorate there were as many as 4 CCTV cameras which were operational. It may be recalled that the earliest shooting was at 11.57 am inside the Collectorate and at or about the same time cameras 1 and 2 were broken. The other two cameras 3 and 4 continue to record the happenings till 12.15 noon at or about which time those two cameras were also broken. The SP Tr. Murali Rambha, I.P.S **(RW 237)** produced before this Commission those recordings till they were broken. The contents of the visuals were examined by this Commission and were certainly of much use for appreciating the facts and circumstances of the case.

226. In the 3rd mile there were two cameras and one of them was broken by the protesters at 11.20 am before ever the protesters reached the Collectorate. The other CCTV camera No 2 was operational till 12.53 pm (noon) and thereafter there was no recording from 12.59pm. The available recording of the above CCTV footage till 12.53 pm was viewed by this Commission. There are recordings that the protesters were retreating peacefully presumably having been chased away by the police, the two wheelers moving here and there and the



ambulances belonging to TMMK and Nallathambi private hospital ferrying the injured to the Government Hospital, Thoothukudi. It did not look as though there was any commotion or tension. Initially the CB CID police was entrusted with the investigation and later the investigation was handed over to CBI under orders of High Court. The CB CID would appear to have handed over the CCTV recordings relating to 3rd mile to the CBI and the CBI for its part forwarded it to Center for Development of Advanced Computing, Techno Park Campus, Thiruvananthapuram for cyber forensic analysis. The report is **EX. C 89**. The relevant portion of the said report is extracted for better appreciation.

227. "The CCTV footages for the dates 22.05.2018 and 23.05.2018 from all DVRs/NVRs hard Disks except for **Evidence Number 01 (a), Evidence Number 01(b) and Evidence Number 02 (c)** were extracted and stored into two external hard disks (labeled as **DISK01 AND DISK02**) which is attached along with this report". A pdf document report of each of these extracted video files for the dates 22.05.2018 and 23.05.2018, containing file details and Cryptographic Hash Algorithm value (MD5 and SHA – 1) is generated and stored to two external hard disks along with extracted video files.



INSIDE COLLECTORATE

Evd No	Item Description	Video Files	Extracted location
Evd 02(a)	Hard Disk - Seagate Model: ST4000VX007 Serial No. WDH107FQ (obtained from NVR Model: unv SI.No 210235C1BKF16200 0012.	13 number of files in 9 channels on 22.05.2018 and 73 number of files in 19 channels on 23.05.2018	DISK01/Evidence 02(a)/Q1
Evd 02(b)	Hard Disk - Seagate Model: ST4000VX007 Serial No. ZGY0HMHX (obtained from NVR Model: unv SI.No 210235C1BKF16200 0012.	2670 number of files in 26 channels on 22.05.2018 and 1888 number of files in 21 channels on 23.05.2018	DISK01/Evidence 02(b)/Q1
Evd 03	Hard Disk - Seagate Model: ST4000VM000 Serial No. WDH1QCFB (obtained from NVR Model: Dahua SI.No 2L055EEPAEQ826Q	182 number of files in 16 channels on 22.05.2018 and 406 number of files in 16 channels on 23.05.2018	DISK02/Evidence 03/Q1
Evd 04	Hard Disk - Seagate Model: ST4000VM000 Serial No. WDH1QWTV (obtained from NVR Model: Dahua	170 number of files in 16 channels on 22.05.2018 and 509 number of files in 14 channels on	DISK02/Evidence 04/Q1



	SI.No 2L055EEPAEDNEDS)	23.05.2018	
Evd 05	Hard Disk – WD Model: WCC7K1JJXDER Serial No. WDH1QWTV (obtained from NVR Model: Dahua SI.No 3E06927PAMS7S19	166 number of files in 09 channels on 22.05.2018 and 126 number of files in 6 channels on 23.05.2018	DISK02/Evide nce 05/Q1
Evd 06	Hard Disk – Seagate Model: ST2000VX000 Serial No. S1E2PK54 (obtained from DVR Model: hikvision. SI.No 421293114	68 number of files in 17 channels on 22.05.2018 and 70 number of files in 16 channels on 23.05.2018	DISK01/Evide nce 06/Q1
Evd 07	Hard Disk – Toshiba Model: HDEUR11ZSA51 Serial No. 481QK00QFB3B3G (obtained from NVR Model: DAHUA SI.No 3J05C96PAM2C599)	466 number of files in 10 channels on 22.05.2018 and 302 number of files in 7 channels on 23.05.2018	DISK01/Evide nce 07/Q1
Evd 08	Hard Disk – Tosiba Model: HDEUR11ZSA51 Serial No. 481PK003FB3G (obtained from NVR Model: Dahua SI.No 3J05C96PAMDA848)	409 number of files in 13 channels on 22.05.2018 and 286 number of files in 9 channels on 23.05.2018	DISK01/Evide nce 08/Q1
Evd	Hard Disk – WD	92 number of	DISK02/Evide



INSIDE COLLECTORATE

09	Model: WD10PURZ-85U8XY0 Serial No. WCC4J3NLY2SJ (obtained from DVR Model: Dahua SI.No 3H0373CPBQAH0ZW)	files in 6 channels on 22.05.2018. No video clips were found corresponding to date 23.05.2018	nce 09/Q1
Evd 10	Hard Disk - WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J2UJ3UEJ (obtained from NVR Model: Dahua SI.No 3H0373CPBQ627XF)	76 number of files in 4 channels on 22.05.2018 and 52 number of files in 4 channels on 23.05.2018	DISK02/Evidence 10/Q1
Evd 11	Hard Disk - WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J20VZ7UJA (obtained from DVR Model: Dahua SI.No WCC4J0VZ7UJA)	72 number of files in 4 channels on 22.05.2018. No video clips were found corresponding to date 23.05.2018	DISK02/Evidence 11/Q1
Evd 12	Hard Disk - WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J2UJ3UE2V (obtained from DVR Model: Dahua SI.No 3H04F83PBQK52D4)	72 number of files in 4 channels on 22.05.2018 and 52 number of files in 4 channels on 23.05.2018	DISK02/Evidence 12/Q1
Evd	Hard Disk - WD	68 number of	DISK02/Evide



INSIDE COLLECTORATE

13	Model: WD10PURZ-85U8XY0 Serial No. WCC4J0TX4KPA (obtained from DVR Model: Dahua SI.No 3G0007APA528693)	files in 4channels on 22.05.2018 and 40 number of files in 4 channels on 23.05.2018	nce 13/Q1
Evd 14	Hard Disk – WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J2XFAJE7 (obtained from DVR Model: Dahua SI.No 3H0373CPBQXA3CH)	81 number of files in 5 channels on 22.05.2018 and 52 number of files in 4 channels on 23.05.2018	DISK02/Evidence 14/Q1
Evd 15	Hard Disk –Seagate Model: ST6000VX0023 Serial No. ZAD4794P (obtained from DVR Model: Dahua SI.No 182071531)	220 number of files in 1 channels on22.05.2018 and 227 number of files in 1 channels on 23.05.2018	DISK01/Evidence 15/Q1

The missing video clips are as follows :

Evidence No	Item Description	Missing Video Clips	
		From	To
Evd 02(a)	Hard Disk – Seagate Model: ST4000VX007 Serial No. WDH107FQ (obtained from NVR	22.05.2018	23.05.2018
		02:53:15	06:05:10
		22.05.2018	23.05.2018
		06:58:37	18:17:19



COLLECTOR OFFICE DAMAGE

	Model: unv SI.No 210235C1BKF16200001 2.	22.05.2018 21:432:17 23.05.2018 00:00:0 23.05.2018 19:09:45	23.05.2018 23:59:59 23.05.2018 03:19:01 23.05.2018 23:59:59
Evd 02(b)	Hard Disk – Seagate Model: ST4000VX007 Serial No. ZGY0HMHX (obtained from NVR Model: unv SI.No 210235C1BKF16200001 2.	22.05.2018 12:51:22	23.05.2018 23:59:59
Evd 03	Hard Disk – Seagate Model: ST4000VM000 Serial No. WDH1QCFB (obtained from NVR Model: Dahua SI.No 2L055EEPAEQ826Q	22.05.2018 00:00:00 23.05.2018 15:45:22	22.05.2018 17:20:14 23.05.2018 23:59:59

Those with no missing video clips are as follows:

Evidence No	Item Description	Missing Video Clips
Evd 04	Hard Disk – Seagate Model: ST4000VM000 Serial No. WDH1QWTV	No missing video clips were found for the dates 22.05.2018 and



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	(obtained from NVR Model: Dahua SI.No 2L055EEPAEDNEDS)	23.05.2018	
Evd 05	Hard Disk – WD Model: WCC7K1JJXDER Serial No. WDH1QWTV (obtained from NVR Model: Dahua SI.No 3E06927PAMS7S19)	No missing video clips were found for the dates 22.05.2018 and 23.05.2018	
Evd 06	Hard Disk – Seagate Model: ST2000VX000 Serial No. S1E2PK54 (obtained from DVR Model: hikvision SI.No 421293114)	No missing video clips were found for the dates 22.05.2018 and 23.05.2018	
Evd 07	Hard Disk – Toshiba Model: HDEUR11ZSA51 Serial No. 481QK00QFB3B3G (obtained from NVR Model: DAHUA SI.No 3J05C96PAM2C599)	No missing video clips were found for the dates 22.05.2018 and 23.05.2018	
Evd 08	Hard Disk – Tosiba Model: HDEUR11ZSA51 Serial No. 481PK003FB3G (obtained from NVR Model: Dahua SI.No 3J05C96PAMDA848)	No missing video clips were found for the dates 22.05.2018 and 23.05.2018	
Evd 09	Hard Disk – WD	22.05.2018	23.05.2018



	Model: WD10PURZ-85U8XY0 Serial No. WCC4J3NLY2SJ (obtained from DVR Model: Dahua SI.No 3H0373CPBQAH0ZW)	12:51:22	23:59:59
Evd 10	Hard Disk – WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J2UJ3UEJ (obtained from NVR Model: Dahua SI.No 3H0373CPBQ627XF)	22.05.2018 14:26:34	22.05.2018 21:29:37
		23.05.2018 11:59:07	23.05.2018 23:59:59
Evd 11	Hard Disk – WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J20VZ7UJA (obtained from DVR Model: Dahua SI.No WCC4J0VZ7UJA)	22.05.2018 14:26:47	22.05.2018 21:30:11
		22.05.2018 22:29:15	22.05.2018 23:59:59
		23.05.2018 00:00:00	23.05.2018 23:59:59
Evd12	Hard Disk – WD Model: WD10PURZ-85U8XY0 Serial No. WCC4J2UJ3UE2V (obtained from DVR Model: Dahua SI.No3H04F83PBQK52D4)	22.05.2018 14:30:31	22.05.2018 21:31:50
		23.05.2018 12:10:10	23.05.2018 23:59:59



POLICE VEHICLE DAMAGE

Evd 13	Hard Disk – WD Model: WD10PURZ-85U8XY0	22.05.2018 10:29:05	22.05.2018 19:00:56
	Serial No. WCC4J0TX4KPA (obtained from DVR Model: Dahua SI.No 3G0007APA528693)	23.05.2018 08:19:03	23.05.2018 23:59:59
Evd 14	Hard Disk – WD Model: WD10PURZ-85U8XY0	22.05.2018 14:26:42	22.05.2018 21:23:27
	Serial No. WCC4J2XFAJE7 (obtained from DVR Model: Dahua SI.No 3H0373CPBQXA3CH)	23.05.2018 12:05:22	23.05.2018 23:59:59
Evd 15	Hard Disk – Seagate Model: ST6000VX0023 Serial No. ZAD4794P (obtained From DVR Model: Dahua SI.No 182071531)	22.05.2018 12:51:22	23.05.2018 23:59:59

228. A close of consideration of **EX.C 89** cyber forensic analysis report and a view of those visuals by this Commission would only reveal that the video clips are not an uninterrupted one and the missing video clips would only represent the interruptions in the video clips. The video clips are invariably a homogenous continuing kind of visual permitting no



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interruptions and the factum of there being interruptions would only throw a cloud of doubt on the credibility of the video clips. It would also inevitably lead to an inference that if the missing links are brought forth by any means it would be against the version put forth by the police.

229. This Commission as a matter of fact called upon the CBI by its communication dated 29.07.2021 as to whether the CCTV camera footage recorded in 3rd mile check post 02 after 12.59pm (noon) was available with them and as to whether the said CCTV footage was not submitted to the CBI by the officials of CBCID or Superintendent of Police, Thoothukudi. The response of the CBI dated 23.08.2021 **EX C 93** was that none of the NVR/DVR meaning the footages were opened and only cross checking of serial nos and model nos were made and was forwarded to C-DAC, Thiruvanthapuram for forensic analysis. The further response was that no other CCTV footage "with specific regard to 3rd mile check post 02" was handed over by the police authorities to CBI. The CBI would also in the same communication informed the Commission that the present SP, Thoothukudi had been requested to submit its reply in this regard to this Commission directly. However this Commission has not received any reply from the SP, Thoothukudi.



230. Thus it is evident that this Commission has made every endeavour to retrieve the missing video clips from the CBCID, CBI and the SP, Thoothukudi but in vain. Had the missing video clips after 12.59 p.m been made available to this Commission such video clips would have thrown a flood of light on the happenings in the 3rd mile in those crucial hours between 1.00 pm and 3.00 pm. This would arouse the suspicion of the Commission that the missing video clips had been withheld from the Commission only in a bid to screen them leading to an inference that if produced they will turn out to be against their interest.

THE IMPACT OF THE PROTEST ON THE INHABITANTS OF THE STERLITE TAMIRA QUARTERS II.

231. In the vicinity of the Collectorate is the residential quarters of the staff of the Sterlite Factory. The shooting incidents in the Collectorate few dead and a few more injured enraged the protesters and whipped up the passion of the participants in the protest. It is in order to give vent to their indignation some of the protesters would appear to have entered into the staff quarters and set the two wheelers and



four wheelers belonging to the inhabitants on fire. Quite significantly none of the inhabitants has been physically harmed and the wrath of the protesters manifested itself in setting ablaze the vehicles. There were number of inhabitants of the quarters of whom 51 have been examined as **PW 730 to PW 781**. These witnesses whose vehicles two wheelers – four wheelers have been set ablaze would appear to be employed at different levels in the hierarchy. The Sterlite Management has provided them with accommodation and the vehicles belong to the staff members individually with the requisite insurance. Any well meaning protester would not indulge in such acts of arson or vandalism, but then as could happen in any such protest miscreants could always find their way in and in execution of their hidden agenda would indulge in such heinous acts. But at the same time it should be said to the credit of the police that the police even in the teeth of a heightened tension still ventured to go to the aid of the inhabitants of the staff quarters and salvaged the situation by extricating them and sending them to places of safety of their choice. Of course the safety of the vehicles could not be ensured on account of the belated arrival of the fire service vehicles. As a matter of fact even those police personnel including women Inspector and Constable



had to be rescued on the intervention of the higher officials from the clutches of the miscreants – a sorry state of affairs indeed.

232. This Commission bestowed its consideration on the claims that would be putforth by the inhabitants of the quarters on account of their vehicles having been set on fire. Fortunately the vehicles by and large are covered by insurance and as a matter of fact all the insurance claims have been satisfied by the issuance company as could be gathered from the evidence of various witnesses examined as **PW 730** onwards upto **PW 781**. The claims of these witnesses in regard to the damage caused to their vehicles having been met by the insurance company nothing would survive for consideration by this Commission except to place on record the Commission's empathy for the inhabitants of the quarters and their kith and kin who were panic stricken and were in a trauma for sometime. **Though this incident is fit to be condemned in no uncertain terms and legal action to be initiated still it was in a melee that this incident formed part and it might not be possible to fix the identity of the miscreants and no penal action could be initiated as of now. This is without prejudice to the CBI making a probe in this direction also to bring to book the real culprits.**

DAMAGE TO VEHICLES – BELONGING TO THE TRANSPORT CORPORATION AS ALSO PRIVATE VEHICLES

A) TRANSPORT CORPORATION VEHICLE

233. Soon after the shooting incident dealt with supra the buses belonging to Tamil Nadu Transport Corporation were targeted by the miscreants and damage has been caused to as many as 16 vehicles. The drivers and conductors and the branch manager have been examined as **PW 269 to PW 281, PW 283, PW 284 and PW 717**. They have spoken to in their evidence as to the damage caused to the vehicles and registration of FIRs in different police stations and the FIRs have also been marked through them. **The witnesses themselves would not identify the miscreants who indulged in acts of vandalism. The cases having already been registered, suffice it to say that the law will take its own course.**

B) PRIVATE VEHICLES

234. At the relevant time inside and outside the Collectorate in the places set apart for them, the two wheelers belonging to the staff of the Collectorate were parked. It is no doubt true that the employer is duty bound to provide places of safety for parking the vehicles and the members of the staff

would be entitled to make use of the spaces. In the unfortunate incident in the Collectorate enraged by the shooting of the police leading to loss of lives and injury to a few of the protesters, some miscreants among the protesters had set fire to those two wheelers. The question that is to be resolved is whether or not, the owners of the vehicles would be entitled to damages? This again turns on the question whether those vehicles were insured with the insurance company? A scrutiny of the record would reveal that in none of the cases the insurance has been renewed from time to time and as of now there is no insurance coverage except in two cases where there was insurance as against risk to 3rd parties with which we are not concerned. As already indicated it would be incumbent on the employer namely the District Administration to provide a safe and secured environment for their employees which would certainly encompass safety of the property of the employees such as two wheelers. Those vehicles are of day to day utility for the members of the staff for – "to and fro" in the discharge of their responsibilities this would be independent of whether or not the vehicles have "own insurance", still the employer would not be able to avoid paying a reasonable compensation for the damage done to the vehicle in an occurrence of the kind that

has taken place in the Collectorate. It was a regular working and the employees whose vehicles have suffered damage have not in any manner contributed to the damage caused to the vehicle nor are they in any manner responsible for the situation they landed,

235. The miscreants who caused damage to the vehicles could not be identified even according to the police. If so, this Commission is of the view that reasonable compensation deserve to be paid by the District Administration or the State subject of course to proof of the involvement of the vehicle in the rioting, the extent of damage caused to the vehicle, the value of the vehicle having regard to the year of manufacture etc. which would be relevant criteria for assessment of compensation to be paid to the owners of the vehicles.

C) GOVERNMENT VEHICLES

236. The District Collector, Thoothukudi Tr. Sandeep Nanduri, I.A.S., (**RW 235**) has produced before this Commission when he was examined as **RW 235** a list of four wheelers with damage assessment belonging to the State Government which have been burnt and another list of vehicles which have been

damaged. It is unfortunate that such an extensive damage of public property has resulted. This Commission cannot resist making a comment that the District Administration, sensing the mood of the protesters from Panimaya madha Church itself, could have with sufficient foresight removed all the vehicles from the procession route as also from the Collectorate to a safer place and prevented such damage to the vehicles. As for instance, a four wheeler belonging to the Vigilance and Anti-Corruption department by passing through the venue of protest exposed itself to the wrath of the protesters and the vehicle was eventually turned upside down and later burnt. It is this kind of foolhardiness (foolish risk) that should have been avoided in a tensed up situation that prevailed then opposite to the Collectorate.

237. Another equally glaring instance of mindlessly exposing the two wheelers to the risk of damage is the parking of two wheelers under the bypass bridge by none other than the police personnel themselves. It is in the procession route that those vehicles were parked by the police personnel both men and women and to do so at a time when the protesters were antagonistic towards the police for all the resistance they putforth in the process routes leading to the Collectorate. It was

only to give vent to their indignation that a section of protesters damaged those vehicles. This again an instance of imprudence on the part of the policemen and women who were owners of those vehicles themselves. If so, in the opinion of this Commission no compensation could be claimed in this behalf.

238. Admittedly extensive damage had been caused to the doors, windows, glass panes etc. and certain fixtures of the Government building including the Collectorate and the TASMAL. It is no doubt true that several Organizations and entities espoused the cause of anti-sterlite movement and protesters owing allegiance to those organizations involved themselves in the demonstration and the protest and it is only in these protests and demonstrations that damage to property has come about. Still, it could not be fixed with precision as to who owing allegiance to which organization indulged in excesses resulting in the damage to the property.

239. The question that may arise incidentally for consideration is whether the leaders of various organizations including a few political parties are to be held responsible for the damage caused to the public and private properties in the incident. This Commission has examined in the enquiry the

founder leader of Naam Tamilar Katchi Tr. Seeman (**PW 378**) who would candidly depose that in the protest that took place on 22.05.2018 those belonging to his party did take part, that some of them sustained injury. He would strikingly depose that he did not issue any instructions to his cadres to participate in the protest. He would add quite significantly that even though his cadres participated in the protest it was only on account of the fact that they are integral part of the population of Thoothukudi and on that score came forward to take part in the protest voluntarily and with spontaneity.

240. Tmt. Geetha Jeevan, the then M.L.A (**PW 383**) belonging to the DMK party would only reiterate the version of Tr. Seeman saying that the various protests launched on various dates were in spontaneous expression of their dissent against Sterlite factory with no political party organizing the protest. She would clarify that in order to respect the sentiments of the protesters she in her capacity as M.L.A extended her support.

241. Tr. Kider Bismi (**PW 335**) is a functionary in the political outfit known as "Tamilaga Valvurimai Katchi". His version would be consisted with the version of the other two. He

would candidly clarify that no individual party or organization led the protest and it was an instance of the people at large surging forward and rising upto the occasion. As a matter of fact the founder leader of Tamilaga Valuvurimai Katchi or the leader of any other party were conspicuous by their absence in the protest and none of them had been invited to participate in the protest.

242. PW 334 Tr. Sujith is again a functionary of Puratchikara Ilagnar Munnani and as a matter of fact his colleague in the party Tr. Tamilarasan is one of the thirteen (13) who lost his life in the police firing. His evidence is that the protest on 22.05.2018 and the various protests over a period of 99 days preceding 22.05.2018 were undertaken by the people at large who were from Thoothukudi town and the surrounding hamlets namely, Madathur, Kumareddiapuram, Pandarampatti, Meelavittan, Silverpuram, Ceylon colony, 3rd mile. His pointed evidence is that no individual organization or political party by themselves espoused the cause of the protest and it was the people at large who continued the protest in 19 sit-in sessions.

243. PW 337 Tr. Krishnamurthy is a functionary in "Amaippu Saara Tholilalar Kootamaippu". He is also a

representative and "Anti Sterlite Aalai Edhirupu Makkal Kootamaippu". He would be emphatic that it was not as though people commenced their protest from Panimaya Madha Church alone. According to him thousands of people in families with children from different areas and hamlets set their foot towards the Collectorate.

244. To being with no doubt the political parties of different hues, other outfits and organizations espoused the Anti Sterlite cause. They certainly served as platforms wherefrom they endeavoured to create awareness among the public as to the health hazards emanating from the operations of Sterlite and the consequential adverse impact on the welfare and well being of the people at large. But at no point of time they organized, much less spearheading the protests imparting them a political or other complexion. Those entities by efflux of time, as the protests were in progress over a period of 100 days, paled into oblivion and the protesters regardless of their affiliation to different organizations, came under one umbrella with a singular agenda i.e. relentless and unyielding resistance to the continued operations of Sterlite undeterred by the enormity of the havoc it caused to the public health.

245. Thus the initial initiatives of these entities over a period of time as spoken to by **PW 378, PW 383, PW 335, PW 334,** and **PW 337** got transformed into a people's movement. If so, none of those entities could be fastened with any liability for any damage to properties – public or private. The damage then is owing to causes akin to Act of God or is it due to act of man – the Commission is left to wonder. In any event the Government may have to take it in its studies and move on of course learning lessons from the irreversible past events to prevent recurrence by evolving fitting strategies. The idea is not to be pedantic or magniloquent but to put things in right perspective.

246. As a matter of fact the evidence of Tr. Vanchinathan (**PW 357**) is of germane consideration. He would advert in his evidence about his anxiety to proceed with the protest in such a manner as to be incident free. He apprehended that people were likely to assemble in large numbers which necessitated certain decision being taken to ensure that the procession was organized and peaceful. He has formulated as many as seven guidelines intended for the protesters,

(i) the first of which is to the frontliners of the protest should avoid getting preventively arrested,

(ii) the secondly, in the event of police preventing the people coming from different areas the protesters should squat on the same place and engage themselves in peaceful demonstration and avoid confrontation with the police

(iii) thirdly, if the police proceed to arrest the protesters should get arrested,

(iv) fourthly, if the police allow the protesters they should reach the Collectorate and engage themselves in sit in protests before the Collectorate and the demonstration should be as peaceful as protest in favour of Jallikattu,

(v) fifthly 30 persons from among the protesters should be chosen and meet the Collector for a dialogue,

(vi) sixthly if any of the protesters entertains a suspicion that miscreants intruded in the gathering, video graphing is to be recorded and Seventhly in as much as women and children participate in the protest it should be ensured that food and water bottles are brought by themselves and in case dinner is needed they should approach merchants association.

247. The well meaning approach of Tr. Vanchinathan (**PW 357**) who would appear to have formulated the seven point charter for the protesters would go a long way in proving the bonafides of the protesters in particular those who were spearheading the protest. It may be borne in mind that Tr. Vanchinathan and his associates were prevented from proceeding to the Collectorate at Madathur arch itself on 22.05.2018 and they reached after the shooting was over. He would explain in his evidence having been recalled by this Commission that in as much as prohibitory orders were in force in Thoothukudi he was not able to proceed to the Collectorate with the 30 member representative body for meeting the Collector, in response to a query from the Commission as envisaged in the seven point charter. It is his explanation at the time of examination that it was not as though any organization or entity or body of persons took the lead in the protest and just like Jallikattu protest, the protesters gathered and organized on their own through social media and on line propelled by a common cause.

248. Viewed in the light of the explanation of Tr. Vanchinathan no liability could be fastened on the frontliners

or the protesters-the identity of the miscreants not being capable of being ascertained even by the police.

249. At this juncture, the views expressed by Tr. Rajinikanth a popular actor of South India on the incidents of police firing that took place on 22.05.2018 that was widely reported both print and visual-media to be seen. His comment in the 1st interview from his residence was that there was total failure of state machinery including intelligence, that the police exceeded their limit and attacked the protesters brutally. In the second interview in Chennai Airport his comment was that anti-social elements intruded in the protest march and it was only the anti-social elements who attacked the police, damaged the Collectorate building and set fire to Sterlite staff quarters. In response to a questionnaire sent by this Commission to Tr. Rajinikanth, he would adverting to the first comment, answer that the very fact that the extraordinary happenings took place in Thoothukudi would bear testimony to his comment, that has due and proper precaution been taken , the untoward incidents could have been averted. As to the next comment his response is that he came to know about the news of anti-social elements intruding in the protest from different media reports and such news formed the basis of his comment.

He would add that in as much as he believed that only anti-social elements could have unleashed violence, he made such a comment. He had expressed in unambiguous terms that he has no materials whatsoever to form the basis of his comment. He would prefer not to express any view as to whether or not innocent and gullible public were instigated by anti-social elements. He would candidly state that he is not possessed of any documents, supporting materials, media reports and daily news paper reports.

250. To a specific question put to him by the Commission in the questionnaire as to whether he had viewed any video footage or CCTV recordings of the procession/incident before making his statement to the media, he would answer in a circuitous fashion meaning thereby that he does not have any materials to form the basis of his comments.

251. A popular actor of the stature of Tr. Rajinikanth is not expected to act on the spur of the moment. When he makes a statement to which the gullible public attach significance he is to be sure of the source of the information. He has made a statement of far reaching consequences and he will do well to verify the correctness of the material on the basis of which such

statements are made. Arbitrary, capricious and whimsical statements trotted out by celebrities have a tendency to mislead the public and would create more problems than they solve. The celebrities should act with restraint and with the sense of responsibility. The ipse-dixit of individuals have no place in the public domain and is to be scrupulously avoided more so in the case of film celebrities and those in public life.

252. The then Chief Minister Tr. Edappadi K. Palaniswami is quoted as having told the reporters of the media that he came to know of the shooting in Thoothukudi only through the media just like anybody else. It may be pointed out that there are materials available before this Commission in the shape of evidence of the then Chief Secretary Tmt. Girija Vaidyanathan., I.A.S. **(RW 251)**, the then DGP Tr. K. Rajendran I.P.S., **(RW 253)**, the then IG Intelligence Tr. K.N. Sathiyamurthy., I.P.S., **(RW 249)** have been updating the Chief Minister Tr. Edapadi K. Palanisamy with minute to minute development which took place in Thoothukudi and as such to say that the then Chief Minister come to know of the shooting only through the media would be incorrect or inaccurate - the Commission would opine.

POST 22.05.2018/23.05.2018 EVENTS

253. This Commission has already submitted to the State Government a detailed interim report covering the events that took place subsequent to 22.05.2018 and 23.05.2018 including the arrest and detention of the some of the protesters. This has been acted upon by the Government of Tamil Nadu and as a matter of fact on the basis of recommendation of this Commission the State Government was pleased to award compensation of Rs. 1 lakh to each of the 93 persons who were detained illegally in Vallanadu shooting range and Rs. 2 Lakh to one Bharatraj who died on account of police excess in prison. Sufficient annex the interim with this main report for the purpose of completion of the report.

254. In regard to the registration of FIRs certain factual positions need to be clarified. Initially a number of FIRs were registered on the basis of number of complaints and on the orders of the High Court in W.P. 11391 and 12 other W.Ps No dated 14.08.2018 all the FIRs were clubbed together and brought under one crime number namely Cr.No 191/18 of SIPCOT PS Thoothukudi registered on the complaint of Tr. Sekar Deputy Tahsildar, the other complaints having been directed to

be treated as statements u/s 161 (3) Cr.pc. It has also been directed that the CBI shall register case/ cases on the complaints received against official/ police in respect of occurrences in Thoothukudi on 22.05.2018 and cause investigation thereon. In and by the same order of the High Court the investigation of the case had been transferred to the CBI. Accordingly the CBI proceeded to take the case on file and renumbered it as RC 6 of 2018 marked as **Ex. C 75** and the investigation is in progress. While so, K.S. Arjunan, Secretary of the District Committee of CPI (M) of Thoothukudi preferred a complaint directly to the CBI and on his complaint, the CBI registered a case in RC No.8 of 2018 marked as **Ex. C 76**.

255. In the case registered on the complaint of Tr. Sekar Deputy Tahsildar it has been alleged that persons owing allegiance to Naam Tamilar Katchi, Makkal Adhigaram and Puratchigara Ilaingar Munnani indulged in violence. His complaint has been translated from Tamil to English and a verbatim translation is incorporated in the FIR registered by the CBI. But quite strikingly in the FIR **Ex. C 76** filed on the strength of the complaint of K.S. Arjunan in RC No 8 of 2018 notwithstanding the disclosure of the identity of the officials against whom allegations have been made namely the Special

Executive Magistrates Tr. Sekar, Tr. Kannan, Tr. Chandran, SP, Thoothukudi Tr. P. Mahendran, Inspector Tr. Parthiban, Inspector Tr. Hariharan an Inspector Tr. Meenakshinathan, the then IG and DIG though not by name, not only that a verbatim translation of the complaint of K.S. Arjunan has been omitted to be incorporated but also the identity of the accused named in the complaint has been misstated as "unknown persons and public servants from police and Revenue Departments" as found in column 7 of FIR in RC No 8 of 2018.

256. This discriminatory approach on the part of CBI raises the eyebrows of the public at large. It is for the CBI to continue to uphold its image and reputation in the minds of the public. This Commission would express its confidence that the investigation of the CBI would be fair and just in order to hold the scales of justice even.

257. In the CBI investigation so far three charge sheets have been laid against the protesters numbering 101 on different dates marked before this Commission as **Ex. C. 77 and Ex. C 78.** In RC 8 of 2018, registered on the complaint preferred by K.S. Arjunan a charge sheet has been laid against Tr. R. Thirumalai Inspector of Police on 28.12.2020 before **Chief**

Judicial Magistrate marked as EX.C 79. The investigation by the CBI is in progress it is needless to point out that it will be in the domain of the CBI to file supplementary charge sheet against the protesters or officials of course depending on the materials the CBI gathers in the course of its investigation.



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