



**JUSTICE TMT. ARUNA JAGADEESAN
COMMISSION OF INQUIRY**

FINAL REPORT

VOLUME - III

Reference (i) and (ii)

- (i) 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 damage to public and private properties;**
- (ii) To determine whether appropriate force was used as warranted by the circumstances and whether all prescribed procedures were observed before opening of fire;**

To sum up for the purpose of answering the terms of Reference:

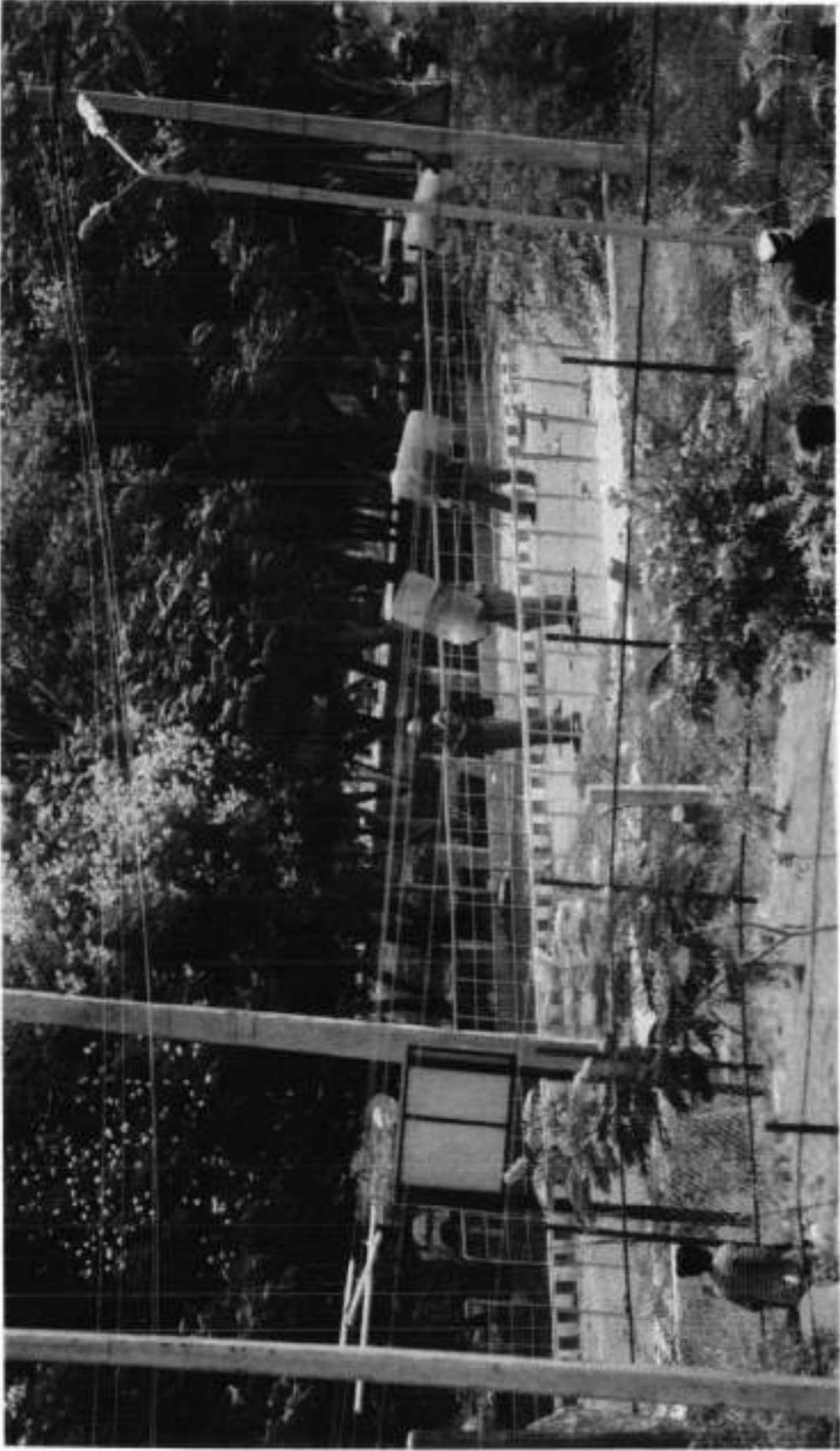
This Commission has adverted to each and every circumstance that led to the opening of fire resulting in death and injuries to persons on 22.05.2018 and 23.05.2018. The Commission has also dealt with the incidental law and order disturbances including damage to public and private properties - vide Volume I and II.



The salient aspects of the discussion supra on the points are thus:

1. Ineffective and ill represented Peace Committee Meeting held on 20.05.2018 – All the stake holders were not invited and involved in the peace talks - Absence of follow up action - Viewed in the backdrop of the versions of the various official witnesses it would be candidly clear that there was a vertical split among the protesters and such a scenario should have served as an eye opener to the District Administration to swing into further action since 22.05.2018 was not far off then. There is no material on which this Commission would lay hands on to show that any serious attempt was made to contain the volatile situation then prevailed except the ipse-dixit of the official witnesses - Volume I (Para. 58 at Pg. No. 50).

2. The failure to effect preventive arrest well ahead of 21.05.2018 or at the latest even on 22.05.2018 - So long as there was no breach of peace there was no issue. However, on political parties, Makkal Adhigaram, Makkal Kalai Ilakiya Panpattu Kazhagam, Youth Front owing allegiance to the leftist



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philosophy joining the fray, there was likelihood of such organizations whipping up passions and intensifying the protest. These aspects are spoken to by none other than the DGP in his evidence the top cop. These gradual but steady developments should have weighed with the power that be to evolve a strategy by which the mischief mongers could be identified and preventively detained. This course of action could have gone a long way in dissuading the protesters from going ahead with their plan of action. Obviously, as is evident from the materials available on record there had not been a guarded approach in stultifying the efforts of the mischief mongers to proceed with the picketing of the Collectorate. This is clearly a lapse on the part of the police compounded by a lethargy and indifference on the part of the District Administration- Volume I (Para. 64 at Pg. No. 59).

3. Though there was no intelligence failure, the intelligence input was not attached the significance it deserved - Unfortunately, the well meaning efforts of the Intelligence Chief did not yield any result in as much as no



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follow up action was taken immediately thereafter to defuse the situation- Volume I (Para. 37 at Pg .No. 29).

4. There was either no proper promulgation of prohibitory order u/s 144 Cr.pc or the infirmities were so grave as to render it nugatory. There is a spectacle of the authorities promulgating the order under section 144 Cr.P.C. in respect of two police limits and at the same time permitting demonstration against sterlite factory in S.A.V school grounds which is an integral part of the Thoothukudi town and this peculiar and odd approach has obviously resulted in confusion in the minds of general public whether an order under Section 144 Cr.P.C. has been promulgated at all and this state of affairs has been compounded by the total lack of knowledge of the public of the promulgation due to the inordinate delay in passing the Ordinance, despite the orders of the Hon'ble High Court as early as on 18.05.2018 in W.P.(MD) No. 11190/2018 directing the District Collector Tr. N. Venkatesh, I.A.S., **(RW 243)** to invoke the provisions of section 144 Cr.P.C., should the exigency of the situation



**POLICE SHOOTING INSIDE COLLECORATE
(PROTESTERS ARE SCATTERED)**

warranted and then leaving it to the Collector to act having due regard to the ground realities. To put it pithily the ball was in the Collector's Court. When the promulgation itself is not in order and is not in consonance with the settled time tested and binding standards and norms, the question of intentionally defying the ordinance would not arise, for after all, no knowledge could be attributed to the people. Volume - 1 (Para. 65 at Pg.No.61).

5. There was total lack of coordination between the District Administration and the police. Detailed guidelines have been set out in Thoothukudi Riot scheme marked as **EX R 95** before the Commission through **RW 232** Tr. Arun Balagopalan I.P.S.,. Though the said scheme had been formulated with specific reference to caste and communal clashes in Thoothukudi District, still there are more than enough guidelines which require to be scrupulously adhered to in the matter of riot control in general.

6. Those elaborate guidelines would not appear to have been invoked in riot control operations on account



REENIS WITH PISTOL NEAR PROTICO

of Anti – Sterlite agitation. The District Administration and the Police ought to have co-ordinated effectively, discussed about the Dos and Don'ts mandated in the Riot scheme 2013, educated the officials of the District Administration and the Police Officials as to the implementation of the Riot scheme which would have certainly gone a long way in effective riot control management. There is a demonstrable failure on the part of the officials concerned in complying with the requirements of the Riot scheme which would also be a cause and circumstance for allowing the situation go from bad to worse.

7. The Bureau of Police Research and Development sets out in detail the guidelines on crowd control and it is thus:

- 1.a. The police should first resort to psychological control to disperse the crowd having regard to its nature and tendency.
- b. The psychological methods are not exhaustive but invariably include persuasive appeals to the crowd, humorous, witty and light hearted remarks involving no innuendos.



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- c. Police attitude with a sense of confidence.
 - d. Making the crowd wait and thereby weaken their will.
 - e. Causing unexpected distraction and thereby disorient the crowd.
2. If only the psychological tactics supra fail, police can resort to use of force for dispersal of crowd.
 3. In the event of failure of psychological methods of persuasion, warning and advice and the use of force is inevitable, then the police is required to use the minimum possible force so that damage to life and property is the least.

8. The non-observance of strategies on crowd control formulated by the Bureau of Police Research and Development in the vulnerable points in the procession route.

9. The failure on the part of the Police to gauge the mood of the protesters and to prevent the protesters from gathering in huge numbers in Panimaya Madha Church area itself in view of the promulgation of prohibitory orders u/s 144 Cr.pc. The



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police was thoroughly unprepared in as much as there is a glaring omission on their part to provide for all conceivable contingencies which led to poor police planning and the consequential lapses on the field operations.

10. The very decision to impose prohibitory order in SIPCOT Police limits and in South Police Station limits disregarding the request of Tr. P. Mahendran **(RW 248)**, the Superintendent of Police for imposition of the prohibitory order for the entire Thoothukudi District, exposes itself to the comment that it is an ill-conceived decision taken by Tr. N. Venkatesh, I.A.S., **(RW 243)**, the District Collector oblivious of the ground realities and it only betrays the lack of appreciation of the prevalent situation. It is significant to note that permission had been granted to the protesters for demonstration on 22.05.2018 in S.A.V school grounds, all the while virtually sealing the access to the said S.A.V school grounds by imposing prohibitory order and thereby disabling the protesters to assemble in S.A.V school grounds. There is a



PC SUDALAIKANNU INSIDE COLLECTORATE

spectacle of grant of permission to assemble in S.A.V school grounds and then imposition of prohibitory order enroute to S.A.V school grounds in total negation of permission granted to assemble in S.A.V school grounds and thus the permission rendered nugatory. Volume 1 – (para. 69 at Pg.No. 64 & 65).

11. The wrong choice of SAV School grounds as venue of protest and at the same time rendering it inaccessible by imposing prohibitory orders around the surrounding areas.

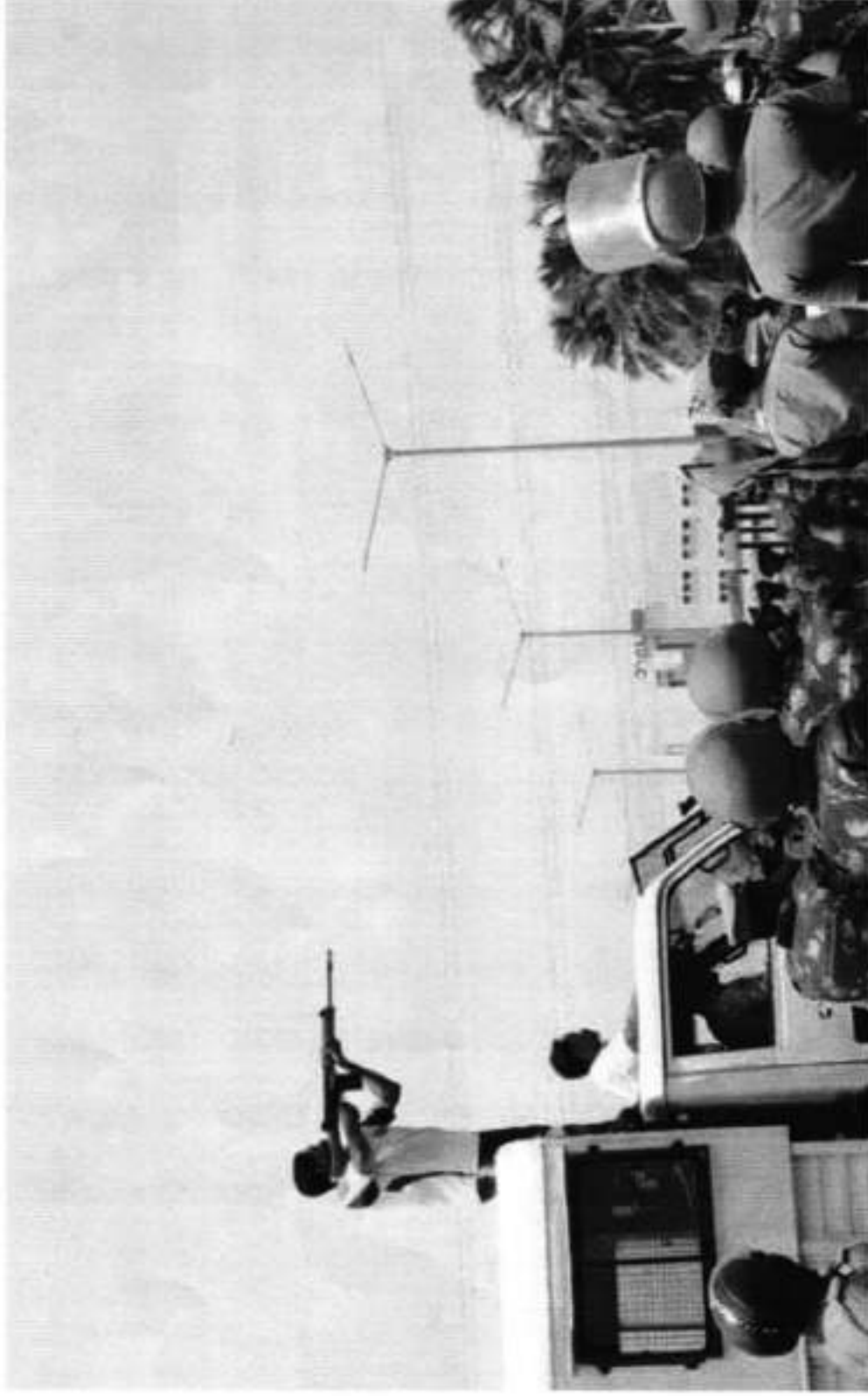
12. When there is imposition of prohibitory order in respect of SIPCOT and South Police Station limits and in as much as accessing S.A.V school grounds would entail the necessity of traversing through areas covered by the prohibitory order, it would, but be in the fitness of things, sane and sensible as it were to specify the routes through which the protesters could reach the venue of protest permitted by the District Administration namely S.A.V school grounds. The District Administration together with the police ought to have thought in terms of a route by which the protesters could make



TWO POLICE PERSONNEL IN GUN WITH DIG

their way to the protest avenue and specify the routes for reaching the venue without giving room for violating the prohibitory orders..... All said and done that the fact remains that the Superintendent of Police had failed in specifying the routes which the protesters could take to reach the venue of protest i.e. the S.A.V school grounds and precisely this omission has led to the consequence of the protesters violating the prohibitory order. It looks as though the authorities imposed the prohibitory order and ironically enough facilitated its violation which ultimately resulted in the otherwise avoidable occurrence. It was the 'cause of causans'. Volume 1 – (para. 71 at Pg.No. 66 & 67).

13. The police had the opportunity of dissuading the protesters from proceeding towards the Collectorate but by their ineffective handling floundered in every vulnerable point such as Panimaya Madha Church, VVD signal, 3rd mile, FCI Roundana and the Collectorate.



**HC RAJA SHOOTING OUTSIDE COLLECTORATE
WITH SLR**

14. The omission to provide and station sufficient number of varun, vajra vehicles, fire service vehicles and ambulances fully equipped to form a formidable front against the protesters and to resort to bursting teargas shells as also splashing of water to disperse the crowd.

15. There was a tussle between the police and the protesters at VVD signal and the only vajra vehicle which was pressed into service to control a massive crowd of protesters was hardly sufficient and ineffective. Had there been more number of such vajra vehicles, the crowd could have been controlled much more effectively. As a matter of fact the crowd at which tear gas shells were fired dispersed only to reassemble on the other side of the road and proceeded towards the District Collectorate. This would not have happened had there been another vajra vehicle ready for being pressed into service, in such an event the crowd could have been tackled effectively and the crowd of protesters could have melted away and got dissipated. It has come to be



**HC RAJA AND PC MURUGAN IN UN UNIFORM ON
TOP OF VAN WITH SLR**

known that of the two vajra vehicles one alone was in the four way Palayamkottai Road (Near FCI Roundana) and the other one was stationed in Sterlite factory far away from the FCI Roundana. The said vajra vehicle remained idle and no steps would appear to have been taken to move the said vajra vehicle also to the scene of turbulence even after finding a large crowd of people descending down the third mile road. Volume 1- (Para. 72 at Pg.No. 70 – 71).

16. The omission to display and raise riot flags, to warn through megaphone and to sound bugles so as to serve as a signal that the police is sure to resort to use of firearms.

17. There is manifest non compliance with the requirements of Police Standing Orders. PSO 705 (d) pointedly provides for preparation of two types of riot flags – one carrying the general warning to be given before the commencement of mob operation and the other carrying the warning to be given before actual opening of fire. There is great wisdom in this provision. The idea is to provide the mob



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POLICE NOT IN UNIFORM

with a last opportunity to withdraw from indulging in violence and only if such an opportunity is not availed of by the protesters and if they persist wilfully in their reprehensible conduct and left with no choice the second display of riot flag before resorting to opening of fire is contemplated. The rationale behind such a requirement is that the police cannot act impulsively and under no circumstance lose its equipoise. The police should act with self restraint.

18. Non adherence of cardinal principles set out in 5(b) of PSO 703. They are

- i. Firing should be resorted to only when all other means of mob dispersal fails.
- ii. Firing should be selective and controlled. The senior – most officer will watch the reaction of the crowd after each round or set of rounds is fired. As soon as the mob shows signs of dispersal he should order cease fire.
- iii. Under no circumstances should blank rounds be used or rounds fired in the air as warning shots. Once firing is decided upon it should be effective.
- iv. Aim should be kept low preferably well below the waist level and directed against the most threatening part of the mob. and



POLICE PERSONNEL NOT IN UNIFORM WITH RIFLE

- v. The police force should exercise strict restraint and self- control even under the gravest provocation and it must under no circumstances take action in a retaliatory or revengeful manner.

19. It deserves to be noted that the police personnel who opened fire claimed that they had fired in the air on instructions from their higher officers in gross violation of PSO 703 (5)(b).

20. The police have resorted to the extreme step of shooting in the Collectorate 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.

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

22. 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



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namely the Collector's office, DRDA office, Social Welfare Office 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.

23. 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



PERSONNEL WITH RIFLE

resorting to shooting. There might have been some circumstances even justifying the use of firearm but by avoiding such an use will a greater harm be occasioned is the decisive question - The answer is, of the two evils, the lesser evil is to be preferred and in the instant case the lesser evil is avoiding the use of fire arm.

25. The State Government has laid down certain guidelines for the purpose of regulating the action of the police engaged in the suppression of riot. The guidelines are contained in the Drill and Training manual paper XIV published by the Tamil Nadu Police Academy, Vandalur, Chennai -127. Those guidelines visualise situations in their permutation and combination and prescribe the manner in which a mob is to be confronted – be it with teargas or lathi or fire arms. Clause 25 is on the point

26. When a police party is formed for dispersing an unlawful assembly, it should be numbered and split off into two or more sections. Each section should be under the



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charge of an officer. All commands to the police are to be given by the officer in command of the party. The police are not on any account to open fire except by word of command of their officer, who has to exercise extreme caution and discretion regarding the extent and the line of fire.

27. If even after the warning if the mob does not disperse, the order to fire may be given. If the officer in command of the party is of the opinion that it will suffice if orders to only one or two files are given, he may accordingly order specifying the files that are to open fire. Firing should be well controlled and officers ordering firing should always indicate the number of rounds that should be fired at any particular time.

28. Evidently there are no materials on record to show that these guidelines of paramount importance were adhered to in as much as firing was resorted to by different police personnel purportedly on the orders of different higher ups without coordination and orderliness and in total disregard of clause 25 supra.



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29. This Commission has succinctly referred to the salient aspects supra ranging from the ineffective and ill represented peace talks on 20.05.2018 to the opening of fire on 22.05.2018 and 23.05.2018 which was uncalled for and avoidable. The cumulative effect of the various aspects would only impel this Commission to come to the conclusion that it is not an instance of the police using appropriate force but has certainly exceeded the limit. There are procedurally commissions and omissions as dealt with in the appropriate places of this report attending the opening of fire.

The clauses (i) and (ii) of the terms of the reference are answered accordingly.

Reference (iii): To ascertain whether there was any excess on the part of police officials and if so, to suggest action to be taken;

NEWS 18

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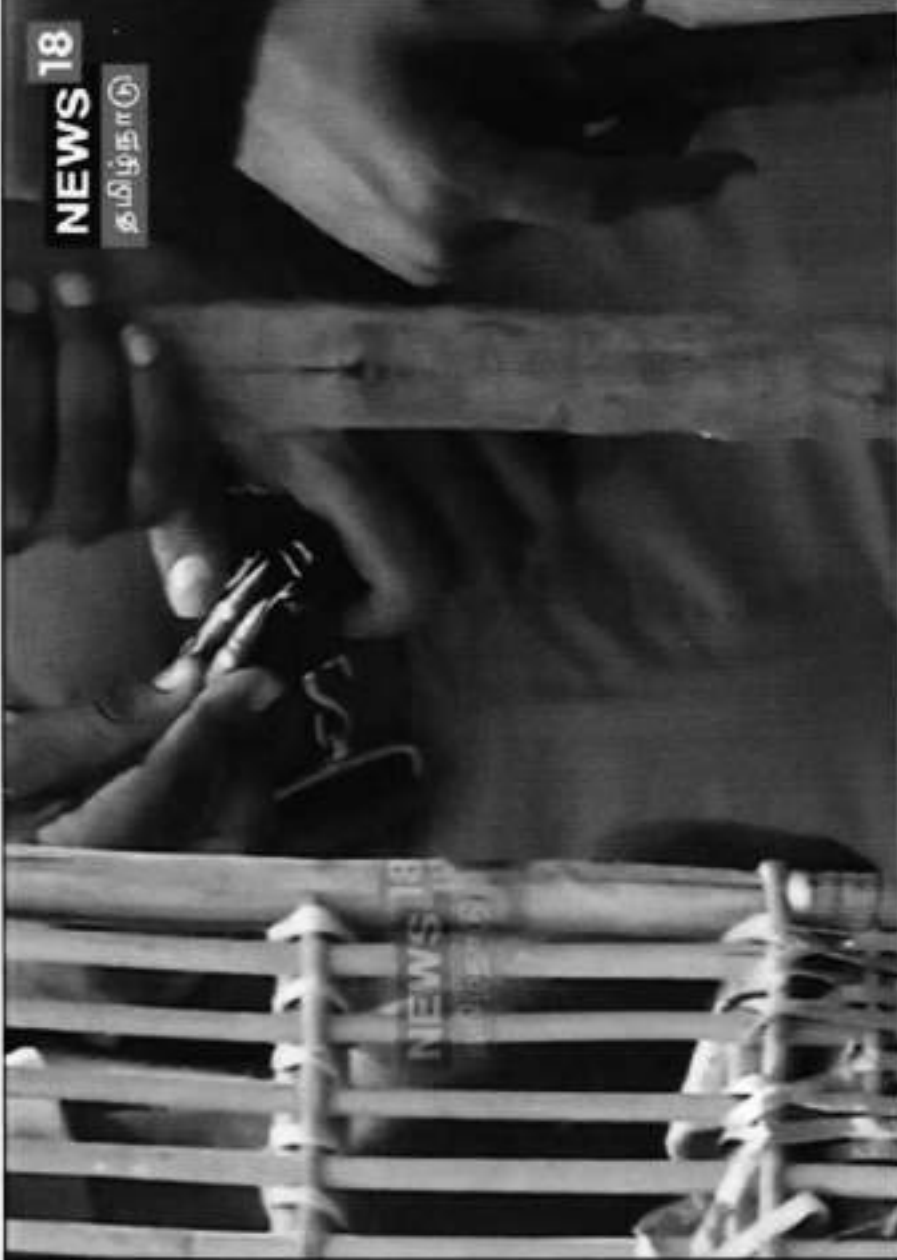
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The following are the circumstances which weigh with this Commission in arriving at a conclusion that there has been certainly excess on the part of the police officials.

1. In the shooting incident inside the Collectorate five (5) protesters succumbed to the fatal injuries and a few others sustained grievous gunshot injuries. The protesters therein were unarmed and they indulged only in pelting of stones at the police. There was no imminent threat to the life or limb of the policemen. Significantly, no policeman sustained fatal injuries nor suffered any injury grave in nature except one Tr. Manikandan who sustained grievous injury. In almost all cases of policemen claiming to have been injured, either the injuries were too minor to be taken note of or no injury at all except small swelling or tenderness. As a matter of fact the vehicles parked in the Collectorate and the Sterlite staff quarters were torched by the protesters enraged by the shooting resulting in deaths and it is not the other way about. In the view of this Commission the police should have

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focussed on the use of non-lethal weapons including bursting of teargas shells, splashing of water with varun vehicles and should this yield no result, move on to the use of less lethal weapons and only in the event of protesters turn out to be a menace which could not be otherwise dealt with, resort to the use of firearms. This graded and measured approach which ought to have been made, has been omitted to be made.

2. The police personnel under the orders of the higher officials as dealt with extensively in Volume II supra had fired on the fleeing protesters, fleeing for their lives as borne out by the situs of the gunshot injuries i.e. wound of entry on the back, wound of exit on the chest, and wound of entry on the back portion of the head with corresponding wound on the frontal area of head.

3. The requirement is that if at all the shooting is resorted to, it should be below the waist, but the nature of injuries sustained by the deceased would only demonstrate that the requisite PSO had been violated.



4. There was no proper warning to the protesters that shooting would be resorted to by means of Public Addressing System, audible Megaphone and display of Riot flag.

5. There had been a demonstrable failure on the part of the police Higher ups to organize the police personnel properly and to issue commands effectively so that in a tumultuous situation the commands are duly conveyed, promptly received and dedicatedly carried out. It would appear that there was total lack of coordination between the police officials in the hierarchy in as much as the shooting at the instance of the DIG Tr. Kapil Kumar C. Saratkar, I.P.S., **(RW 246)** and the Deputy Superintendent of Police Tr. Lingathirumaran **(RW 212)** was not to the knowledge of the IG, the highest in the hierarchy in that place. Equally the shooting indulged in by Tr. Rennes **(RW 198)** SI, purportedly on the instructions of Inspector Tr. Thirumalai **(RW 197)** was also not to the knowledge of IG. This is apart from the Ace shooter Tr. Sudalaikannu **(RW 207)** opening fire on the instructions of the IG, Tr. Shailesh Kumar



Yadav, I.P.S., **(RW 247)** as also DySP, Tr. Lingathirumaran **(RW 212)**. This is besides Tr. Shankar gunman of DIG shooting 5 rounds with 9mm pistol on the instructions of DIG **(RW 246)** which again is not to the knowledge of the IG Tr. Shailesh Kumar Yadav, I.P.S.,**(RW 247)**. Thus there is a spectacle of the DIG disregarding even the presence of IG **(RW 247)** and arrogating to himself the authority to issue directions for shooting.

6. The lack of co-ordination as between the top ranking police officials inter se has led to lack of preparedness to meet any eventuality. The IG **(RW 247)** also has his own share of blame for, he had failed to evolve fitting strategies on the receipt of intelligence inputs strongly suggesting that there was a great likelihood of breach of peace. After the initial shooting inside the Collectorate which claimed 5 lives, the scene shifted to outside the Collectorate. The IG **(RW 247)** by then noticing that a police vehicle with Inspector of Morappanadu in it approaching the Collectorate being targeted by the protesters, ordered opening of fire



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merely on apprehension of violence and SI Tr. Sornamani opened fire as also Tr. Sudalaikannu **(RW 207)** on the orders of DIG **(RW 246)** outside the Collectorate in which incident three (3) sustained fatal injuries. **This in the considered view of this Commission would certainly be an excess in that the harm that was sought to be warded off was not more than the harm that was inflicted on the protesters.**

7. The SP, Thoothukudi Tr. P. Mahendran **(RW 248)** who was away along with SP, Tirunelveli Dr. Arun Sakthi Kumar, I.P.S **(RW 240)** during the crucial time of shooting inside and outside the Collectorate – both of them playing truant till 1.15 pm leaving the IG and DIG who were non-Tamilians and not very much conversant with the language and topography to fend for themselves, reached FCI godown and without taking instruction from the IG had gone on a shooting spree with the Ace shooter Tr. Sudalaikannu **(RW 207)** who willingly and exuberantly accompanied SP, Thoothukudi **(RW 248)** killing 2 members



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of the public and one in Threspuram. There is no material on record to show that it was only to deal with a **militant crowd of protesters** that the opening of fire was resorted to and as a matter of fact groups of people here and there had assembled presumably in their anxiety to know more about the fate that had befallen them and it is at these groups of persons **as many as 17 rounds** had been fired by the solitary shooter Tr. Sudalaikannu (**RW 207**) who alone wielded a Self Loading Rifle (SLR)

8. Another instance of police excess, is the reprehensible conduct of the police personnel who gained entry into AVM hospital, a private hospital and indulged in indiscriminate beating of the people there as spoken to by the Receptionist and security guard of the hospital besides some of the public who were injured.

9. The SP, Thoothukudi Tr. P. Mahendran (**RW 248**) was no doubt at the receiving end in Anna Nagar the next day i.e. on 23.05.2018 and his helmet was broken and he sustained a bleeding injury on his left leg, but that by itself



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would not be a circumstance to borrow the pistol from his gunman Tr. Stalin and to open 9 rounds of fire which could have been responsible for the injuries sustained by a few over enthusiastic youngsters who would have acted impulsively having been angered by the series of shooting and resultant deaths and injuries.

10. The conclusion then becomes irresistible that there had been excess on the part of the police. The totality of the facts and circumstances would not suggest that the police had been acting in exercise of right of private defence. As a matter of fact it is not even the version of police.

11. The police officials in the hierarchy who are jointly and severally accountable are:

- | | | | |
|-----|--------------------|--------------------------------------------------------|-----------------------------------------------------|
| i | IG | Tr. Shailesh Kumar Yadav,
I.P.S., (RW 247) | Collectorate |
| ii | DIG | Tr. Kapil Kumar C
Saratkar, I.P.S., (RW 246) | Collectorate |
| iii | SP,
Thoothukudi | Tr. P.Mahendran
(RW 248) | 3 rd Mile,
Threspuram &
Anna Nagar |



**POLICE TARGETTING PROTESTERS IN ANNA NAGAR
BEFORE KALIYAPPAN GOT INJURED**

iv	DYSP	Tr. Lingathirumaran (RW 212)	Collectorate
v	Inspector	Tr. Thirumalai (RW 197)	Collectorate
vi	Inspector	Tr. Hariharan (RW 213)	Outside Collectorate
vii	Inspector	Tr. Parthiban (RW 214)	Threspuram
viii	Sub- Inspector	Tr. Sornamani (RW 211)	Outside Collectorate
ix	Sub- Inspector	Tr. Rennes (RW 198)	Inside Collectorate
x	Gr-II PC- 1160	Tr. Raja (RW 200)	Inside Collectorate
xi	Gr-I PC- 1244	Tr. Shankar (RW 201)	Inside Collectorate
xii	Gr-I PC- 3200	Tr. Sudalaikannu (RW 207)	Collectorate, 3 rd Mile, Threspuram
xiii	Gr-II PC- 1158	Tr. Thandavamurthy (RW199)	Collectorate
xiv	Gr-I PC- 3083	Tr. Satheesh Kumar (RW 202)	Inside Collectorate
xv	HC - 413	Tr. A. Raja (RW 203)	Outside Collectorate (from top of the van)
xvi	Gr-I PC- 1085	Tr. M. Kannan (RW 210)	Anna Nagar
xvii	PC- 1298	Tr. Mathivanan (RW 221)	Anna Nagar



**PC MATIVANAN WITH SLR IN
ANNA NAGAR**

12. This Commission suggests that action be taken against the aforesaid police officers for their acts of commission and omission departmentally without prejudice to launching criminal action.

13. This Commission has come out with a tabular form on the basis of materials available on record in "Annexure I" containing the names of the police personnel who handled the weapon, on whose instructions the weapon was handled and the victims who suffered fatal injuries.

14. The firing sequence (Dummy and Live) are given in Annexure I (A).

15. What is agonizing is that the District Collector Tr. N. Venkatesh., I.A.S **(RW 243)** grappled with the sensational issue has thought it fit to abstain from presiding over the Peace Committee Meeting and left it to be light heartedly dealt with by the third in order, Tr. M.S. Prasanth., I.A.S.,**(RW 244)** the Sub-Collector. At this juncture a pertinent reference may be



**ANNA NAGAR – PC MATHIVANA SHOOTING UNDER ORDERS OF
SP THOOTHUKUDI MAHENDREN WITH SLR**

made to **Ex. R 124**, dated 13.07.2018 addressed to the Collector by the Commission as to his availability on the said date and **Ex. R 125**, the reply thereto dated 18.07.2018. It is candidly clear from **Ex. R 125** that the Collector was very much available in the camp office that is his official residence on 20.05.2018 which would only mean that he has avoided attending the meeting for reasons best known to him. Volume 1 – (Para. 46 at Pg.No. 40).

16. The District Collector, Tr. N. Venkatesh, I.A.S., (**RW 243**) would depose that on the previous day (21.05.2018) he discussed with the Superintendent of Police Tr. P. Mahendran (**RW 248**) and the Sub-Collector Tr. M.S. Prasanth, I.A.S., (**RW 244**) about the bandobust arrangements to be made to the Call Attention protest which was to be held on 22.05.2018 in S.A.V school grounds over mobile phone. The highlight is that the self same District Collector would add that till 21.05.2018 he was not in the know of the picketing plan of the District Collectorate. This does not command credence at all and will not stand a moment's



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scrutiny for after all, the Superintendent of Police, DIG and IG were all physically present in Thoothukudi on 21.05.2018 itself and all those three top ranking police officials, according to Tr. K.N. Sathiyamurthy, I.P.S., **(RW 249)** the IG Intelligence, have been posted with the crucial information/ intelligence that the situation on ground was going from bad to worse. It would appear that the claim of the District Collector that neither the IG, South Zone nor the DIG Tirunelveli range , nor the Superintendent of Police shared with him the intelligence input is only to be rejected in the threshold itself. The earlier Peace Committee talks presided over by Tr. M.S. Prasanth, I.A.S., **(RW 244)** the Sub-Collector having ended in a fiasco, it should have been immediately followed by another Peace Committee Meeting by, Tr. N. Venkatesh, I.A.S., **(RW 243)** the District Collector which was contemplated even on the earlier peace talks. It is for reasons best known to the District Administration in particular the District Collector as to why the next Peace Committee talks were not held. To putforth a plea that only a short period of time i.e. a couple of days was



**SP MAHENDRAN AIMING WITH 9MM PISTOL
(FROM HIS GUNMAN STALIN)**

available between 20.05.2018 and 22.05.2018 could hardly be countenanced for after all depending on the exigencies of the situation that the District Administration ought to have organised another Peace Committee talks expeditiously, the first Peace Committee talks having aborted. It is not as though there was an error of judgement in assessing the gravity of the situation and the view of this Commission is that there is total inaction, lethargy, complacency and dereliction of duty on the part of District Collector. Volume 1- (Para. 59 at Pg.No. 50-52).

17. Though the terms of reference confines itself to police officials, the commissions and the omissions on the part of the District Collector assumes importance and as a matter of fact enough ink has been spilt on the manner in which District Collector had conducted himself and this Commission would not like to be repetitive and would only suggest that the requisite departmental action be taken against the District Collector Tr. Venkatesh, I.A.S also, having



SUB INSPECTOR IN PILLION WITH PISTOL

regard to the observations of this Commission about his style of functioning reminiscent of abdication of his responsibility.

18. The protest plan on 22.05.2018 was round the corner. The Sub-Collector, Thoothukudi designated by his order dated 21.05.2018 Tahsildar/Deputy Tahsildars as Special Executive Magistrates and set apart areas for them to be incharge in order to coordinate with the police. It may be recalled that most of these Special Executive Magistrates did not adhere strictly to their respective jurisdiction and claimed that they have moved to the other jurisdiction either on their own or on instructions from their higher ups. This Commission in Volume I of the report has dealt with extensively as to why the claim of the Special Executive Magistrates in particular **Tr. Sekar, Deputy Tahsildar, Election, Thoothukudi, Tr. Chandran, Divisional Excise Officer, Thoothukudi, Tr. Kannan, Zonal Deputy Tahsildar, Thoothukudi could not be countenanced.** This Commission opined that the aforesaid Special Executive Magistrates had been planted in a

jurisdiction to suit the version of the police that the use of firearms was resorted to on the orders of one Special Executive Magistrate or the other regardless of the territorial limits or jurisdiction. These three Special Executive Magistrates owe an explanation as to why they absented themselves from their respective jurisdictions and allegedly moved on to other jurisdictions sans any orders from the District Collector, Sub-Collector or the Headquarters Tahsildar, in the process reducing to a mockery the proceedings of the Sub-Collector designating them to different jurisdictions. Thus there is a spectacle of the Special Executive Magistrates inspite of **EX. R 49** order not adhering to the directions contained therein and **EX. R 49** had been honoured more in the breach than in observance and the Special Executive Magistrates designated in **EX. R 49** have been marshalled and planted wherever necessary for their tailormade version that the firing was preceded by compliance with the requirement of Police Standing Orders- issuance of the necessary orders by the Special Executive Magistrates

before ever shooting is resorted to. Volume 1 – (para. 96 at Pg.No. 103 – 104).

19. This Commission would suggest initiation of departmental action and other actions known to law as against these three Special Executive Magistrates/ Deputy Tahsildars.

20. In a welfare State it would be the plain and inalienable duty of the Power-that-be, to ceaselessly and unabatedly wipe out every tear from every eye and this will go on so long as there are tears to be wiped out.

21. The benevolent hand of the State has to extend to soothe the agony, pain and sufferings of those in distress. The families in most of the cases have lost their breadwinners and they are deprived of their means of livelihood. This is besides a number of persons who sustained grievous gunshot injuries and are in the grip of agonising physical pain and subject to disabilities of varying degrees. For some of them their existence is worse than death. Most of them are in the

prime of the youth or in the threshold of youth. For these men and women who bore the brunt of the wrath of the police, this Commission would certainly empathize, for them monetary compensation may at best be only a solace and by no means a substitute. Still in this materialistic world compensation in terms of money would be appropriate and would thereby meet the ends of justice – for after all loss of precious life or the agony to which the kith and kin of the deceased are subject and the agony of those who suffered grievous gunshot injuries could never be estimated in terms of money. It would be consistent with all canons of justice and fair play that the State is magnanimous and liberal in awarding compensation. Such a course of action would only promote the cause of justice and never retard it.

22. This Commission at this juncture recalls what an American journalist graphically and vividly expressed to drive home the point that in a fight between unequals it would be the plain duty and obligation of the State to hold the scales of justice even.

It is thus:

"If law and justice are to be enjoyed by the rich alone as a doubtful luxury;

If he who needs it most cannot have it;

If a golden key alone will unlock the doors of justice;

Remember you are sowing the seeds of a revolution".

23. May these words of practical wisdom serve as a beacon light in ensuring social and economic justice and serve as a leveller of inequities, inequalities and disparities.

24. This Commission places on record its appreciation for the gesture of providing employment on compassionate ground to the eligible kin of the deceased.

25. In this perspective this Commission would recommend prompted by consideration of justice, equity and fair play and above all humanity to award a compensation of Rs. 50 lakh to the kin/legal heirs of

the deceased, of course, deducting the amount of Rs. 20 lakh already paid.

26. As for the injured, this Commission without going into the minute details of the nature of injuries, degree of disability, the placement of the person in society etc. would consider it fit to recommend a compensation of Rs. 10 lakh each less the amount of compensation i.e. Rs 5 lakh already paid to them.

27. The amounts suggested by this Commission would be neither illusory nor on the higher side but realistic. It deserves to be recalled that the incumbent Hon'ble Chief Minister Tr. M.K. Stalin when he was the leader of the opposition, adverting to the quantum of compensation for the victims of Thoothukudi police firing incidents, expressed that an award of Rs. 1 crore to the kin of each of the deceased would be appropriate. The said suggestion as to the quantum of compensation has been made having regard to all these facts and circumstances.

28. Yet another instance of a member of the public succumbing to the injuries sustained in the lathi charge by the police is that of **Justin Selva Mithesh aged 29 years** examined as **PW 21**. The said Justin Selva Mithesh is no more now and he died two months after his examination before this Commission. He would appear to have sustained multiple fractures namely (1) fracture of nasal bone (2) fracture of frontal bone (3) fracture of left parietal bone with swelling in mid frontal and left parietal region. He was hospitalized on 22.05.2018 in Government Hospital, Thoothukudi and was discharged on 07.06.2018. He died on 15.10.2018. In the interregnum he was admitted to Tirunelveli medical college hospital on 23.09.2018 and was referred to Madurai Rajaji Government Hospital on 09.10.2018 for further treatment and was discharged. He was again admitted in Tirunelveli medical college hospital on 14.10.2018. Thus he was in and out of the hospital till he died on 15.10.2018 - the medical treatment having not yielded the desired result. The AR copy has been marked as **EX P 38**.

29. It could be gathered from the discharge summary that he was a known case of chronic kidney disease and was undergoing non-allopathic treatment for three long years. Obviously the bad shape of his health became worse with Justin Selva Mithesh sustaining grievous lathi charge injuries on his head inflicted on him by the police in the incident that took place on 22.05.2018. In these days of medical breakthrough, the deceased Justin Selva Mithesh could have been effectively treated and the treatment could have contributed to the longevity of his life. As a matter of fact when he was examined before this Commission he could not speak coherently on account of the head injuries sustained by him in the lathi charge.

30. It could be seen from his evidence that he was still to be married and studied upto 12th std, that he was employed as fork lift operator in Diamond Shipping agency in Thattaparai.

31. He would also speak about the incident in which he sustained injuries. He was on his way to his brother's house

in a motorcycle and opposite to good shepherd school the police intercepted him and hit him on his head with lathi forcibly. He was admitted in the hospital and regained consciousness after two days. He was an in- patient for 20 days.

32. It is no doubt true that he was a chronic kidney patient. At the risk of repetition it may be stated that the deceased Justin Selva Mithesh could have lived for a long number of years with appropriate medical treatment and the grievous injuries inflicted on him by the police on his head certainly accounted for accelerating his death. Significantly there had been profuse bleeding and loss of blood and the deceased became anemic and it was only in that state of affairs his health deteriorated fast resulting in his pre mature death. The proximate cause of death would appear to be the injuries inflicted on him in the lathi charge and his frail health would have been a contributory factor and would have been an impediment in the recovery process. In other words had

he not sustained the injuries in the lathi charge, death would not occur so soon.

33. The deceased was from a poor social and economic background. He would appear to have contributed to the upkeep and maintenance of the family. As destiny would have it, he had succumbed to the injuries though not immediately but after prolonged treatment for over 5 months and in the course of the treatment he had undergone the agony, pain and suffering. These are all germane considerations to weigh with the Government in arriving at a reasonable compensation. He has already been awarded a sum of Rs 5 lakh by way of compensation. **This Commission is of the considered view that the deceased Justin Selva Mithesh could be treated on par with the 13 deceased who succumbed to gunshot injuries. His next of kin may be awarded appropriate compensation to be quantified by the Government.**

34. The mother of the deceased has studied upto 8th std. She has been deprived of love and affection of

her son as also the contribution he was making to the upkeep and maintenance of the family. The Government may be good enough to consider giving her an employment commensurate with her qualification and suitability.

35. On the side of the Police, the lone grievously injured is Tr. Manikandan (**RW 32**) a police constable, attached to Perambalur AR who had sustained some grievous injuries in the incident on 22.05.2018. He speaks about the manner in which he sustained the injuries. His version is that he sustained the injuries in stone pelting. He was treated initially in the Government Hospital, Thoothukudi as an inpatient for a day and was taken to Tirunelveli medical college and hospital and was under treatment for a day. He was discharged on his request. Thereafter he was admitted in Maruthi hospital in Trichy as an in- patient till 28.05.2018. He later got himself shifted to ABC hospital in Trichy and was in-patient for a day.

36. Dr. A. Satheesh Kumar who treated him in ABC hospital, Trichy has been examined as **RW 96**. The wound certificate issued by ABC hospital and other documents have been marked as **Ex. R 9** series. The following injuries were found on Tr. Manikandan (**RW 32**) during treatment.

They are:

1. 2cm sutured wound left eyebrow
2. 1cm sutured wound above left eyebrow
3. 3cm sutured wound nasolabial fold.
4. Inner aspect of upper lip laceration (+).
5. Loss aspect of upper two canine and incisors
6. 4cm sutured wound right parital region
7. 2cm sutured wound right temporal region.
8. Small abdrasion occipital left temporal region.
9. Multiple sutured wound scalp. Face, lip.
10. Pus discharge from sutured wound upper lip
11. Abnormal mobility maxilla
12. Avulsed laceration of the vermilion/ philtrum, upper lip.
13. 3cmx1cm lacerated in the inner upper lip.

37. He had a sutured wound on the upper lip with pus formation. He had lost canine teeth and two incisors. CT scan

revealed fracture of maxilla bone and he had undergone a surgery for this purpose. The loss of teeth and fracture of maxilla bone are injuries grievous in nature. He had taken treatment in Thoothukudi, Tirunelveli Government hospitals as also in two private hospitals in Trichy. He had undergone the agony, pain and suffering not only in sustaining the injuries but also in undergoing treatment. He had spent to the tune of Rs. 2 lakhs and more so far and he continuous to be under treatment. Obviously he has sustained all these injuries only in the course of his employment and in discharge of his duties. This Commission would only empathize with the police personnel who had sustained grievous injuries. **The Government may consider his claim and award suitable compensation to be estimated by it having due regard to all relevant considerations. This is besides reimbursing him the medical expenses he has so far incurred and also the future medical expenses to be incurred by him in this regard.**

38. For the purpose of award of compensation as aforesaid, a list of the deceased numbering 13 as also a list of persons with gunshot injuries numbering forty three (43) and two grievous lathi charge injuries are furnished in "Annexure II, II (A) and III, III (A) respectively for ready reference and for necessary follow up action.

The Commission would only quote the Greece philosopher, Aristotle.

"It is in Justice that the ordering society is centered"

Annexure – I

SI. No	Name of the Police Personnel who handled the weapon and the kind of weapon	Under whose orders fire was opened	Victim who suffered fatal Injuries
1.	Tr. Raja, Gr II PC 1160 (RW 200) (0.410 musket)	Tr. Kapil Kumar C. Saratkar, I.P.S.,DIG, (RW 246) (Inside Collectorate)	'Deceased' Karthic aged 20
2.	a) Tr. Shankar , Gr II PC 1244 (RW201) → Gunman of DIG (9 mm Pistol) or b) Tr. Rennes, SI (RW 198) → SP Special team, (9 mm Pistol)	Tr. Kapil Kumar C. Saratkar, I.P.S., DIG, (RW 246) Tr. Tirumalai Inspector of Police, (RW 197) (Inside Collectorate)	'Deceased' Tamilarasan aged 45
3.	a) Tr. Shankar, Gr II PC 1244 (RW201) → Gunman of DIG (9 mm Pistol) or b) Tr. Rennes, SI (RW 198) → SP Special team, (9 mm Pistol)	Tr. Kapil Kumar C. Saratkar, I.P.S., DIG, (RW 246) Tr. Tirumalai Inspector of Police, (RW 197) (Inside Collectorate)	'Deceased' Kanthiah aged 55
4.	a) Tr. Sornamani, SI (RW 211) → (Bolt action rifle) or b) Tr. Sudalaikannu, PC 3200 (RW 207) → AR Tirunelveli (0.303 rifle)	Tr. Shailesh Kumar Yadhav, I.P.S., Inspector General of Police, (RW 247) Tr. Kapil Kumar C. Saratkar, I.P.S., DIG, (RW 246) (Inside Collectorate)	'Deceased' Ranjith Kumar aged 22

5.	a) Tr. Thandavamurthy GR II PC 1158, (RW 199) DIG SF → (0.303 rifle) or b) Tr. Sudalaikannu, PC 3200 (RW 207) → AR Tirunelveli (0.303 rifle)	Tr.Lingathirumaran, Deputy Superintendent of Police (RW 212) Tr. Kapil Kumar C. Saratkar, I.P.S., DIG, (RW 246) (Inside Collectorate)	'Deceased' Snowlin aged 18
6.	Tr. Sudalaikannu, PC 3200 (RW 207) AR Tirunelveli (0.303 rifle)	Tr. Kapil Kumar C. Saratkar, I.P.S., DIG, (RW 246) (Outside Collectorate)	'Deceased' Manirajan aged 34
7.	a) Tr. Sudalaikannu, PC 3200 (RW 207) → AR Tirunelveli (0.303 rifle) or b) Tr. Sathish Kumar, GR I PC 3083 (RW 202) SF IG → 0.410 Ball musket	Tr. Kapil Kumar C. Saratkar, I.P.S., DIG, (RW 246) Tr. Shailesh Kumar Yadhav, I.P.S., Inspector General of Police, (RW 247) (Outside Collectorate)	'Deceased' Glaston aged 40
8.	Tr.Sathish Kumar, GR I PC 3083 (RW 202) SF IG 0.410 Ball musket	Tr. Shailesh Kumar Yadhav, I.P.S., Inspector General of Police, (RW 247) (Outside Collectorate)	'Deceased' Jayaraman aged 42
9.	Tr.Sudalaikannu, PC 3200 (RW 207) AR Tirunelveli Self loading rifle (SLR)	Tr. Mahendran, (RW 248) Superintendent of Police, Thoothukudi (3 rd mile)	'Deceased' Shanmugam aged 40
10.	Tr.Sudalaikannu, PC 3200 (RW 207) AR Tirunelveli Self loading rifle (SLR)	Tr. Mahendran, (RW 248) Superintendent of Police, Thoothukudi (3 rd mile)	'Deceased' Antony Selvaraj aged 46

11.	Tr. Sudalaikannu, PC 3200 (RW 207) AR Tirunelveli Self loading rifle (SLR)	Tr. Mahendran, (RW 248) Superintendent of Police, Thoothukudi (Threspuram)	'Deceased' Jansi Rani aged 40
12.	Tr. Mathivanan, PC 1298 (RW 221) with SF, SP of Police Thoothukudi Self loading rifle (SLR)	Tr. Mahendran, (RW 248) Superintendent of Police, Thoothukudi (Anna Nagar)	'Deceased' Kaliyappan aged 22
13.	Stamped by Police Personnel	—	'Deceased' Selvasekar aged 42

Annexure – I (A)

Firing location & presence of officers	Time	Firer	Position of Firer	Arms	Rounds
FCI Roundana 11.10 – 11.35 Tr.S.Selvanaga rathinam, I.P.S., -JSP. Tr. Kapil Kumar C Saratkar,I.P.S – DIG. Tr. Arun Sakthi Kumar – SP, Tirunelveli.	11.10	Tr.Marimuthu Tirunelveli Vajra	FCI Roundana	SR Sten	3 2
	11.30	Tr. Kabali Tirunelveli Vajra	W-FCI Roundana	SR Sten	3 3
	11.30	Tr. Vincilin Prabhu Tirunelveli SP SF	FCI West gate	TSM LR	7
	11.30	Tr. Vincilin Prabhu	Near prema Mess	TSM LR	1
	11.30	Tr. Vincilin Prabhu		Gas- Rubber 38mm	3
Main Arch 11.40 – 11.45 DIG & Thirumalai – Inspector	11.40- 11.45	Tr. Bhoomipalan – SI Tirunelveli AR with DIG	Main Arch	Sten shell DMG throw	2 2
Inside Collectorate 11.50 – 12.20 IG, DIG & Tr. Thirumalai - Inspector	11.50	Tr. Bhoomipalan with DIG	Inside arch 1 st left turn to Collectorate	Sten shell DMG throw	2 2
	11.53	Tr. Raja PC 1160 DIG SF	SW corner – DPO road.	410 buck shot	3
	11.53	Tr. Thandava murthy DIG SF		303 plastic	3
	11.54	Tr. Raja 1160		410 ball	1

	11.55	Tr. Rennes SI SP Special Team, Thoothukudi (No order for firing)	SW of Collectorate Portico	9mm	5
	11.55	Tr. Renees SI	Collectorate Portico	9mm	1
	11.56	Tr. Sankar DIG Gunman with DIG	Collectorate Portico	9mm	5
	12.10	Tr. Swarnamani SI AR, Thoothukudi with IG	SW corner – DPO road	Bolt Action	1
	12.10	Tr. Sudalaikannu Tirunelveli City AR with IG	SW corner – DPO road towards west	303 live	1+1
	12.20	Tr. Sudalaikannu with IG	SW corner – DPO road, (towards Arch -to Collectorate – 1 st turning)	303 live	2
Inside Arch and near Arch. 12.40 to 01.05 DIG	12.40	Tr. Thandava murthy DIG SF	1 st bend to Collectorate	303 live	1+3 MF
	12.40	Tr. Sudalaikannu (with IG)	1 st bend to Collectorate	303 live	3
	12.40	Tr. Sathish Kumar with IG	1 st bend to Collectorate (fire towards main arch)	410 ball	4
	12.45	Tr. Swarnamani with IG	Jyothipuram Bus stop	Bolt Action	1
	12.50	Tr. Sudalaikannu (with D IG)	Main Arch	303 live	1+1+1

	01.05	Tr. A. Raja HC with Tr. Hariharan, Inspector	Main Arch (towards vacant land) from top of the bus	SLR live	1
FCI Roundana Tr. Meenakshinathan - Inspector	12.30-01.15	Tr. Mariyappan with Tr. Meenakshinathan	FCI Roundana	Sten shell	2
	01.00	Tr. M. Kannan with Tr. Meenakshinathan	FCI Roundana	410 Ball	1
Arch to 3 rd mile and inside GH 01.05 to 01.40 SP, Thoothukudi.	1.00-1.05	Tr. Balamurugan Tirunelveli SP SF	W side of bypass bridge (near ATK lorry service)	410 blank	2
	01.15	Tr. Sudalaikannu with SP, Thoothukudi	Near ATK lorry service	SLR live	5+1
	01.10	Tr. Thangadurai with SP, Thoothukudi	Near ATK lorry service	303 plastic	3
	01.15	Tr. Sudalaikannu with SP, Thoothukudi	FCI Roundana - Towards bypass bridge	SLR live	5
	01.20	Tr. Sudalaikannu	FCI gate near rail bridge	SLR live	3
	01.25	Tr. Thangadurai with SP, Thoothukudi	3 rd mile bridge	303 plastic	3

	1.22-1.38	Tr. Sudalaikannu with SP, Thoothukudi	E side of 3 rd mile	SLR	2+1
	02.10	Tr. Balamurugan Tirunelveli SP SF	Inside GH, near Mortuary Gate towards outside	410 Blank	1+1 MF
Threspuram	03.00	Tr. Arumughasami	S.E side of Threspuram bridge	TSM Grenade (Throw)	2
03.00 p.m. to 03.30 pm SP, Thoothukudi		Tr. Thangadurai	S.E side of Threspuram bridge	303 plastic	4
Tr.S. Selvanagarathinam, JSP.		Tr. M.Kannan SF-1	S.E side of Threspuram bridge	410 ball	1
Tr.Parthiban Inspector	03.30	Tr. Sudalaikannu	S.W side of Threspuram bridge	SLR	3
Tr. Sambath Inspector					
23.05.2018 GH and Brayant Nagar SP, Thirunelveli	23.05.2018 11.30	Tr. Vincilin Prabu Tirunelveli SP SF	In front of GH	410 blank	3+1 MF
	12.00	Tr. Vincilin Prabu	Bryant Nagar 2 nd street	TSM LR	4
		Tr. Karthik		12 bore rubber	1
	12.30	Tr. Senthil Kumar , SI		410 blank	1
	12.45	Tr. Mariyappan SF-1	Main Road	TSM shell	10
		Tr. Mariyappan		Sten shell	2

23.05.2018 ANNA NAGAR 12.45 to 02.00 Pm SP Thoothukudi, SP Thirunelveli		Tr. Mariyyappan		Gas gun rubber 38 mm	9
		Tr. M.Kannan SF-1	7 th street	12 bore Rubber	5
		Tr. M.Kannan	Main Road	12 bore Rubber	4
		PC 1050 Tr. M. Raja	6 th street	TSM Grenade (throw)	2
		Tr. Thangadurai	Main Road	303 Plastic	9
		Tr. Thangadurai	6 th street	303 Plastic	9
		SP, Thoothukudi	6 th street	9 mm	9
		Tr. Mathivanan PC 1298	Main Road	SLR live	2
			7 th street	SLR live	3
	around 1.50 pm		6 th street	SLR live	4

ANNEXURE – II

Sl. No	Name of Deceased	Kin of Deceased	Exhibit marked by relative	PM Doctors	Exhibit marked by P.M Doctors
1)	Karthic	Tr. Muthu Pandi, (P.W. 209) , (Father)	Copy of P.M certificate of Ex.P.362/ P.W.209	Dr.Ambika Prasad Patra, (C.W.8) Dr.R.Mohamed Nazim, (C.W.7) Dr.Mummorthy	Xerox copy of re-post mortem Certificate dated 01.06.2018 of Karthic Ex.C.38/ C.W.8,
2)	Tamilarasan	Tmt.Rama lakshmi (P.W. 51) , (Mother)	A.R. Copy Ex.p.103/P.W.5 1, Copy of P.M certificate Ex.p.104/P.W.5 1, Message through cellphone Ex.P.105/P.W.5 1. Copy of Photo Ex.P.106	Dr.Ambika Prasad Patra, (C.W.8) Dr.R.Mohamed Nazim, (C.W.7) Dr.Mummorthy	Xerox copy of re-postmortem Certificate dated 01.06.2018 of Tamilarasan Ex.C.41/ C.W.8.
3)	Ranjith kumar	Tr. Basker, (P.W. 33) , (Father)	Copy of P.M certificate Ex.p.59/P.W.33.	Dr. C.Manoharan, (C.W.6) Dr. Mummorthy Dr. Vinod Ashok Chaudhari, (C.W.9)	Xerox copy of requisition of Judicial Magistrate No.I, Kovilpattid. 06.06.2018 for postmortem examination. Ex.C.19/ C.W.6, Xerox copy of death report dated 06.06.2018 given by the Judicial Magistrate No.I, Kovilpatti Ex.C.20/

					<p>C.W.6,</p> <p>Xerox copy of Form No.86 dt. 06.06.2018, given by Judicial Magistrate No.I, Kovilpatti for Postmortem Ex.P.21/ C.W.6,</p> <p>Xerox copy of postmortem report of Ranjith Kumar Ex.P.22/ C.W.6,</p>
4)	Kanthiah	Tmt. Selvamani, (P.W. 49), (wife)	Copy of P.M certificate Ex.P.98/P.W.49,	<p>Dr.Ambika Prasad Patra, (C.W.8)</p> <p>Dr. R. Sudalaimuthu, (C.W.11)</p> <p>Dr. Soma Sundaram</p>	<p>Xerox copy of re-postmortem Certificate dated 01.06.2018 of Kanthiah Ex.C.40/ C.W.8.</p>
5)	Snowlin	Tmt. Vanitha, (P.W. 8), (Mother)	Deceased Snowlin Diary (book) Published by Bharathi Puthakalayam Ex.P.16/P.W.8.	<p>Dr.Ambika Prasad Patra, (C.W.8)</p> <p>Dr. C.Manoharan, (C.W.6)</p> <p>Dr.Prabhu</p>	<p>Xerox copy of requisition of DSP, Thoothukudi dated 24.05.2018 for postmortem examination Ex.C.23/ C.W.6,</p> <p>Xerox copy of requisition of Judicial Magistrate No.I, Thoothukudi for Postmortem</p>

					<p>Ex.C.24/ C.W.6,</p> <p>Xerox copy of history of case given by the Judicial Magistrate No.1, Thoothukudi dated 24.05.2018</p> <p>Ex.C.25/ C.W.6,</p> <p>Xerox copy of Form - 86 given by the Judicial Magistrate No.1, Thoothukudi dated 24.05.2018 for postmortem</p> <p>Ex.C.26/ C.W.6,</p> <p>Xerox copy of postmortem Certificate of Snowlin dated 25.05.2018</p> <p>Ex.C.27/ C.W.6,</p> <p>Xerox copy of re-postmortem Certificate dated 01.06.2018 of Snowlin</p> <p>Ex.C.39/ C.W.8</p>
6)	Manirajan	Tmt. Peatchi ammal, (P.W. 32), (Wife)	Copy of P.M certificate Ex.P.58/P.W.32	Dr. C.Manoharan, (C.W.6)	Xerox copy of requisition of District Collector, Thoothukudi

		Tr. Jeyakumar, (P.W. 78) , (Brother)		Dr. Vinod Ashok Chaudhari, (C.W.9) Dr. Mummorthy	sent to the Dean, Govt. Thoothukudi Medical college Ex.C.14/ C.W.6 , Xerox copy of requisition of Judicial Magistrate No.I, Thoothukudi dated 06.06.2018 for postmortem examination Ex.C.15/ C.W.6 , Xerox copy of History of the case dated. 06.06.2018 Ex.C.16/ C.W.6 , Xerox copy of Form No.86 for postmortem dt.06.06.2018 Ex.C.17/ C.W.6 , Postmortem report of Manirajan dated 07.06.2018 Ex.C.18/ C.W.6 .
7)	Glaston	Tmt. Jesu Rani, (P.W. 24) , (Wife)	Copy of P.M certificate Ex.P.43/P.W.24.	Dr. Vinod Ashok Chaudhari, (C.W.9) Dr. R. Sudalaimuthu, (C.W.11) Dr.Soma Sundaram	Xerox copy of postmortem certificate dated 07.06.2018 of Glaston Ex.C.44/ C.W.9
8)	Jayaraman	Tmt. Balammal, (P.W. 111) ,	Copy of P.M certificate Ex.P.239/	Dr. Vinod Ashok Chaudhari,	Xerox copy of postmortem certificate

		(Wife)	P.W.111, Copy of Appointment order as Village Assistant Ex.P.240/ P.W.111, Death certificate deceased Jayaraman Ex.P.244/P.W.1 11, Death intimation of Deceased Jayaraman issued by the Thoothukudi Govt. Hospital Ex.P.245/ P.W.111.	(C.W.9) Dr. R. Sudalaimuthu, (C.W.11) Dr.Soma Sundaram	dated 07.06.2018 of Jayaraman Ex.P.45/ C.W.9
9)	Selvasekar	Tr. Jeyakumar, (P.W. 41), (Cousin)	Copy of P.M certificate Ex.P.81/P.W.41.	Dr. Ambika Prasad Patra, (C.W.8) Dr. R. Sudalaimuthu, (C.W.11) Dr.Prabhu	Xerox copy of re-post mortem Certificate dated 01.06.2018 of Selvasekar Ex.C.43/ C.W.8
10)	Jansi Rani	Tr. Jesubalan, (P.W. 28), (Husband)	Copy of P.M certificate Ex.P.49/P.W.28.	Dr. R. Mohamed Nazim, (C.W.7) Dr. Vinod Ashok Chaudhari, (C.W.9) Dr. Prabhu	Xerox copy of requisition dated 06.06.2018 of Judicial Magistrate No.II, Thoothukudi for Postmortem Ex.c.32/ C.W.7, Xerox copy of postmortem certificate dated 07.06.2018 of Jancy Ex.P.33/ C.W.7,
11)	Kaliyappan	Tmt. Maheshwari,	Copy of P.M certificate	Dr. Ambika Prasad Patra,	Xerox copy of requisition

		(P.W. 47), (Mother)	Ex.P.93/P.W.47.	(C.W.8) Dr. C.Manoharan, (C.W.6) Dr.Prabhu	dated 24.05.2018 of Judicial Magistrate, Tiruchendur for postmortem Ex.C.28/ C.W.6, Xerox copy of history of case given by the Judicial Magistrate, Tiruchendur dated 24.05.2018 Ex.C.29/ C.W.6, Xerox copy of Form-86 given by the Judicial Magistrate, Tiruchendur dated 24.05.2018 for postmortem Ex.C.30/ C.W.6, Xerox copy of postmortem Certificate of Kaliappan dated 25.05.2018 Ex.c.31/ C.W.6, Xerox copy of re-post mortem Certificate dated 01.06.2018 of Kaliappan Ex.c.42/ C.W.8,
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12)	Antony Selavarj	Not Examined		<p>Dr. R. Mohamed Nazim, (C.W.7)</p> <p>Dr. Vinod Ashok Chaudhari, (C.W.9)</p> <p>Dr.Prabhu</p>	<p>Xerox copy of requisition dated 06.06.2018 of Judicial Magistrate No.I, Kovilpatti for Postmortem Ex.C.34/ C.W.7,</p> <p>Xerox copy of death report dated 06.06.2018 given by the Judicial Magistrate No.I, Kovilpatti Ex.P.35/ C.W.7,</p> <p>Xerox copy of postmortem certificate dated 06.06.2018 of Antony Selvaraj Ex.P.36/ C.W.7,</p>
13)	Shanmugam	Not Examined		<p>Dr. Ambika Prasad Patra, (C.W.8)</p> <p>Dr. R. Sudalaimuthu, (C.W.11)</p> <p>Dr. Soma Sundaram</p>	<p>Xerox copy of re-post mortem Certificate dated 01.06.2018 of Shanmugam Ex.c.37/ C.W.8,</p>

ANNEXURE – II (A)

Sl. No	Name of Deceased	Kin of Deceased	Exhibit marked by relative	PM Doctors	Exhibit marked by P.M Doctors	Injuries in the lathi charge
1.	Justin Selva Mithesh	Tmt. P. Kayalvizhi (Mother)	Ex.P 38	Died of grievous injuries 5 months later.	-	(i) Fracture of Nasal bone (ii)Fracture of left frontal bone and (iii) fracture of left parietal bone and swelling was noted at mid frontal and left parietal region. He was also bleeding from frontal extra-axil and also had hemorrhagic contusion in the left parietal lobe.

ANNEXURE – III

Sl.No	Persons Injured	Rank of witness	Nature of Injures	Corrected Exhibit
1)	Sermaraj	P.W.1	Injured (Gun shot) , at service road near Collector office.	A.R. Copy Ex.P.1 , Discharge summary copy Ex.P.2
2)	Kalimuthu	P.W.2	Injured (Gun shot) at Anna Nagar 6 th Street.	A.R. Copy Ex.P.3 , Copy of Discharge summary issued by Rajaji Hospital Ex.P.4
3)	Subburaj	P.W.3	Gun shot injury near Collector office.	A.R. Copy issued by Govt. Hospital Thoothukudi Ex.P.5
4)	Nelsonraj	P.W.4	Gun shot injury near Collector office arch.	A.R. Copy Ex.P.6 , Discharge summary and certificate copy issued by Velammal Medical College hospital Ex.P.7,8.
5)	Shanmugaraj	P.W.5	Gun shot near canteen.	A.R. Copy issued by Govt. Hospital Thoothukudi Ex.P.9
6)	Muthuraj	P.W.6	Injured (Gun shot) near Collector office arch.	A.R. Copy Ex.P.10 , Medical documents Ex.P. 11 series.
7)	Vijaya kumar	P.W.7	Injured (Gun shot) near Chitra Bulk.	A.R. Copy Ex.P.12 , Discharge summary copy Ex.P.13 , copy of colour Doppler scan report Ex.P.14 , Discharge summary copy Ex.P.15.
8)	Clinton	P.W.10	Injured (Gun shot) at Collector office.	A.R. Copy Ex.P.18 , Medical documents Ex.P. 19.

9)	Parama sivam	P.W.11	Injured (Gun shot) Collector arch.	(Gun near office	A.R. Copy Ex.P.20 , Discharge summary copy Ex.P.21.
10)	Balakumar	P.W.13	Injured (Gun shot) near godown.	(Gun near FCI	A.R. Copy Ex.P.25 , Discharge summary copy Ex.P.26.
11)	Ananda Kannan	P.W.14	Injured (Gun shot) near godown.	(Gun near FCI	A.R. Copy Ex.P.27 , Discharge summary copy Ex.P.44.
12)	Rama chandran	P.W.16	(Gun shot) Injury at Collector office.		Discharge summary copy Ex.P.29 , Photo copies of treatment Ex.P.30 series
13)	Raja	P.W.17	(Gun shot) Injury near GRT Hotel.		A.R. Copy Ex.P.31 , Discharge summary copy Ex.P.32.
14)	Benistan @Daniel	P.W.18	(Gun shot) Injury near Collector office petrol bulk.		Discharge summary copy Ex.P.33.
15)	Rajasingh	P.W.19	Injured (Gun shot) Collector corner.	(Gun near office	A.R. Copy Ex.P.34 , Discharge summary copy Ex.P.35.
16)	Siluvai	P.W.20	Gun shot injury near 3 rd Mile bridge.		A.R. Copy Ex.P.36 , Discharge summary copy Ex.P.37.
17)	Selvam	P.W.22	Gun shot injury at Threspuram.		A.R. Copy Ex.P.39 , Discharge summary copy Ex.P.40.
18)	Evulin Victoria	P.W.23	Injured (Gun shot) Collector arch.	(Gun near office	A.R. Copy Ex.P.41 , Discharge summary copy Ex.P.42.
19)	Sukumar	P.W.25	Gun shot injury near Venkateswara weighting station near Collector office.		Copy of A.R. and files of treatment Ex.P.45.

20)	Antony Michel Raj	P.W.26	Gun shot injury near Hero Honda show room.	Discharge summary copy Ex.P.46.
21)	Sakthivel	P.W..27	Gun shot injury at Anna Nagar 6 th street.	Copy of medical documents Ex.P. 47 , series Treatment particulars Ex.P.48.
22)	JesuAnand	P.W.37	Gun shot injury near Thomaiyar church.	A.R. Copy Ex.P.69 , W.C. copy Ex.P.70 , Discharge summary copy Ex.P.71.
23)	Manthiram	P.W.40	Gun shot injury at Anna Nagar 7 th street.	A.R. Copy Ex.P.78 , W.C. copy Ex.P.79 , Discharge summary and MRI report copy Ex.P.80 series.
24)	Veerabaghu @ Sundar	P.W.44	Gun shot injury at Anna Nagar 6 th street.	A.R. Copy Ex.P.88 , W.C. copy Ex.P.89 Treatment documentscopy Ex.P.90
25)	Sakthivel	P.W.48	Gun shot injury near Mariamman temple.	A.R. Copy Ex.P.94 , W.C. copy Ex.P.95 , Discharge summary copy Ex.P.96 , Medical documents copy Ex.P.97.
26)	Christy Mala	P.W.52	Gun shot injury at Anna Nagar 6 th street.	A.R. Copy Ex.P.107 , W.C. copy Ex.P.108 , Discharge summary copy Ex.P.109.
27)	Princeton	P.W.53	Gun shot injury near Govt. Polytechnic.	A.R. Copy Ex.P.110 , Discharge summary copy Ex.P.111 , Permanent disability certificates copy Ex.P.112 series , Disability I.D. card Xerox Ex.P.113 , Copy of appointment

				order for Village Assistant Ex.P. 114 , Petition with copy of Certificate Ex.P.115 series , Copy of press report Ex.P.116 .
28)	Antony samy	P.W.67	Gun shot injury between Collector office and bypass bridge.	Certificate issued by Thiraviam Hospital Ex.P. 160 .
29)	Manoharan	P.W.70	Gun shot at Collector office campus.	A.R. Copy and Treatment documents Ex.P.168 series , C.D Ex.P.169 .
30)	Solomon Prasanth	P.W.72	Gun shot injury near 3 rd mile bridge.	A.R. Copy Ex.P.173 , W.C. copy Ex.P.174 , Discharge summary copy Ex.P.175 .
31)	Rajasekar	P.W.76	Gun shot injury opposite side road of Chit ra Bulk.	A.R. Copy Ex.P.181 , W.C. copy Ex.P.182 , Discharge summary with scan report copy Ex.P.183 series .
32)	Fr.Leo Jeyaseelan (Died)	P.W.85	Gun shot injury Near Chitra Bulk.	A.R. Copy Ex.P.202 , W.C. copy Ex.P.203 , Discharge summary copy Ex.P.204 , C.T. Scan report and medical documents Ex.P. 205 series .
33)	Arunkumar	P.W.86	Gun shot injury Near Chitra Bulk.	A.R. Copy Ex.P.206 , Medical documents Ex.P.207 series , Discharge summary and other medical documents Ex.P.208 series , Copy of appointment order Ex.P.209 .

34)	Justin Selva Mithish (Died)	P.W.21	Assault by wood and stone near good shepherd school.	A.R copy Ex.P.38
35)	Bala murugan	P.W. 29	Injured (Stick, lathi) at Collector office campus.	A.R. Copy Ex.P. 50 W.C Copy Ex.P.51 , copy of discharge summary and X-ray report Ex.P. 52 series.
36)	Poolpandi	P.W 34	Injured near Collector office arch.	A.R. Copy Ex.P.60 W.C Copy Ex.P.61 , Discharge summary Ex.P.62
37)	Thanga Easwaran	P.W. 38	Injured – Lathi and wooden log at police station.	A.R. Copy Ex.P.72 W.C Copy Ex.P.73 , Discharge summary copy Ex.P.74 series.
38)	Dishani (Juvenile)	P.W. 43	Injured – Assault by unknown person at Collector office.	A.R Copy Ex.P.96 , Discharge summary Ex.P.87 .
39)	Thangam	P.W.71	Injured by assault at Collector office campus.	A.R. Copy Ex.P.170 Copy of X-ray report Ex.P.171 , Discharge summary copy Ex. P. 172 .


Note: Of the forty three (43) injured, thirty nine (39) have been examined by this Commission. Of the thirty nine (39) examined, thirty three (33) have sustained Gunshot Injuries. Of the thirty three (33), thirty one (31) sustained grievous injuries and were awarded Rs.5 lakh each already by way of compensation by the government– The remaining two

(2) have been paid Rs.1.5 lakh each since the injuries were relatively less grievous.

Of the forty three (43) injured, six (6) have suffered grievous injuries on account of lathi charge and each of the six has been paid Rs.5 lakh by way of compensation.

ANNEXURE III (A)

Sl.No	Persons Injured	Rank of witness	Nature of Injures	Corrected Exhibit
1.	Tr. Manikandan	R.W 32	Injured Assault by protesters	A.R Copy Ex. P. 913 , copy of case sheets Ex P 914 marked through PW 610 (Dr. Aravind Hari).A. R Copy Ex.P. 1086 , copy of case sheets Ex P 1087 marked through PW 640 (Dr. Senthil Arumugam) Xerox of case sheet issued by Maruthi hospital trichy Ex R 8 series , Xerox copy of case sheet and wound certificate issued by ABC hospital Trichy Ex R 9 series , Xerox copy of case sheet issued by perambalur jayamani hospital Ex R 10 series , marked through RW 32.


HON'BLE TMT. JUSTICE ARUNA JAGADEESAN
COMMISSION OF INQUIRY
CHENNAI - 600 028