



संयुक्त राष्ट्र कार्यालयों में
भारत का स्थायी मिशन, जिनेवा
Permanent Mission of India to the
United Nations Offices at Geneva
9, Rue du Valais, 1202 Geneva
Tel: 022 906 86 86 ; Fax: 022 906 86 96
E-mail: india.geneva@mea.gov.in

NV. GEN/PMI/353/10/2019

30 December 2019

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the latter's Communication Nos. UA IND 9/2019 dated 2 April 2019 and UA IND 12/2018 dated 29 May 2018 on alleged killing of 12 demonstrators by the Police in the district of Tuticorin, State of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting. The following information may be brought to the attention of the concerned Special Procedures.

2. It is informed that thousands of protesters demanding closure of Vedanta's Sterlite Copper plant had reportedly gathered to mark the 100th day of the agitation at Kumarattiyapuram village on the outskirts of the city. The district administration had granted permission only for staging a protest at the SAV School ground which was turned down by a majority of the protesters following which, the District Collector imposed regulatory orders u/s 144 Cr.P.C and around 1500 police personnel were deployed to maintain the law and order.

3. The National Human Rights Commission (NHRC) opined that the authorities probably failed to foresee the tragic violence which took place on 22 May 2018 as the agitation against the alleged polluting unit was on for more than three months. The Commission issued notice on 23 May 2018 to the Chief Secretary and the Director General of Police, [REDACTED] calling for a detailed report in the matter within two weeks along with the status of treatment being provided to the persons who were injured in the police firing. The Commission also received an order passed by the Hon'ble High Court of Delhi on W.P. (C) 5779/2018 filed by [REDACTED]n. The petitioner had made a prayer before the Court that the representation dated 23 May 2018 relating to death of protestors in Tuticorin district of [REDACTED] be taken up for consideration by the National Human Rights Commission at the earliest. The High Court of Delhi passed the order dated 25 May 2018, *inter-alia*, directing the following:

- a) According to the petitioner, the respondent/NHRC should consider the representation made by the petitioner and trigger an independent inquiry based on the provisions of Sections 14 and 17 of the Protection of Human Rights Act, 1993.
- b) Having regard to the facts and circumstances of the case and; given the fact that the respondent/NHRC has called for reports, at this stage, the Court is inclined only to give liberty to the petitioner to appear before the respondent/ NHRC for obtaining suitable directions.
- c) Accordingly, the aforementioned representation filed by the petitioner will be placed before the respondent/ NHRC on 29 May 2018 for appropriate directions.
- d) It is made clear that nothing stated hereinabove will impact the merits of the case.

4. The National Human Rights Commission examined the request of ██████████ dated 23 May 2018 and the orders of the Delhi High Court dated 25 May 2018. The Commission while taking 'Suo-motu' cognizance of the matter stated that it has already expressed that the death of the protestors in police firing in such a large number is a matter of concern for it and that the Right to Life of the victims have been grossly violated.

5. Considering the request made by ██████████, the National Vice-President of the National Union of Backward Classes, New Delhi and in the light of the orders passed by the Hon'ble High Court of Delhi, the Commission on 29 May 2018 directed sending its own team for an on the spot investigation of the matter. The Commission requested its Director General (Investigation) to depute a team headed by an officer not below the rank of Senior Superintendent of Police assisted by three more officers of the rank of Deputy Superintendent of Police and Inspectors for making a fact finding inquiry/ investigation in the district Tuticorin of Tamil Nadu regarding the incident of police firing that occurred on 22 May 2018 causing death of more than 11 protesters. The NHRC Investigation team is examining all the concerned including family members of the victims and independent witnesses on the matter.

6. The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

The Secretariat of the Human Rights Council,
(Kind attn: Chief of the Special Procedures Branch)
8-14 Avenue de la Paix
Palais des Nations
CH-1211 Geneva 10, Switzerland
Email: registry@ohchr.org

