



# General Assembly

Distr.: General  
23 February 2017

English only

---

## Human Rights Council

### Thirty-fourth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Tourner la page, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2017]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-03003(E)



\* 1 7 0 3 0 0 3 \*

Please recycle



## **The Special Rapporteur on the implications for human rights of environmentally sound management and disposal of hazardous substances and wastes\***

The villagers of Idinthakarai, in Tamil Nadu state, have been protesting against the nuclear power plant at Koodankulam, Tamilnadu, India, since the late 1988, when it was proposed as a joint venture of India and the erstwhile USSR.

This nuclear programme is a costly exercise that endangers the lives of millions especially the fishermen.

When the plant was planned, the government promised windmills, running water, schools, colleges, hospitals, a harbor and more. So far, none of these have been delivered.

Police were dispatched to Idinthakarai to keep the protests in check. They used tear gas and fired into the crowd, killing five people.

Many of the residents, including the village chief, have been arrested on sedition charges. Passports have been seized and bank accounts of protest leaders scrutinised.

None of the villagers, have ever seen the government's disaster plans or heard of any evacuation exercises in the village.

Faced with the public demand for answers, the atomic energy establishment, including NPCIL, started sharing basic information about its projects with the people while withholding the crucial site evaluation and safety analysis reports despite an order from the Central Information Commissioner.

Due the protest, Idinthakarai's children are put to a lot of difficulties. It is more than a year since public transport was withdrawn from this area

The fishing community too had apprehensions regarding threat to their livelihood from the project to preserve the biological diversity of the Mannar Bay adjacent to Kudankulam.

In Kudankulam protests, the number of people who were charged under Section 121 (waging war against the government) and Section 124A (sedition) of the Indian Penal Code (IPC) was more than 40,000, or more than the number of cases on Maoists and militants in the country. And the person who faced maximum number of cases including sedition was Mr. Udayakumar – 101 cases – all except 35 cases remain pending in its initial stages of investigation without chargesheets and trials even after half a decade.

At the peak of Kudankulam protests six years ago, 182 people including women were arrested, many charged under sedition. A total of 8,000 cases have been registered. They faced charges for mobilising people, raising slogans against the then Prime Minister Manmohan Singh etc. Most common charges imposed on villagers were Section 121 (Waging, or attempting to wage war, or abetting waging of war, against the Government of India), 124 (A) (Sedition) and 153 (A) (Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) of IPC and other charges such as unlawful assembly.

And recently, the National Human Right Commission (NHRC) fined Rs 300,000 on the NPCIL, an amount to be paid to the victims.

In May 2013, 60 eminent scientists from premier national science institutes in India petitioned to the Chief Ministers of Tamil Nadu and Kerala, requesting them to demand an independent safety audit of Kudankulam.

The authorities have shared no information with the people on their disaster management plan, compensation etc

Residents have a right to be worried. Nuclear accidents can have very destructive public health consequences. The impacts of Fukushima can be gauged only over the long term but are certain to be grave. Although some nuclear advocates quote the absurdly low and misleading figure of 57 direct deaths in Chernobyl, the World Health Organisation (WHO) estimated about 9,000 excess deaths due to cancer globally.

Taking the agitation against the Kudankulam nuclear plant in Tirunelveli district in Tamil Nadu to a new level, a Chennai-based solidarity group has faulted the National Human Rights Commission and the State Human Rights Commission for their silence with regard to the alleged violation of human rights by police and the district administration.

The Chennai Solidarity Group for Kudankulam Struggle has prepared a report on the basis of a public hearing conducted by a committee headed by former chief justice of Madras and Delhi high courts, Justice A P Shah, and called for withdrawal of all sedition and other charges against the agitators.

Instead of allaying their concerns, authorities have accused over 50,000 people of sedition, waging or abetting war against the state, disrupting harmony, insulting national honor, criminal trespass, and unlawful assembly. Over 300 police First Information Reports (FIRs) were filed, but after two years, Tamil Nadu police have brought charges in only two cases. Police have yet to file charges in any of the sedition cases.

While the police reports accuse several people by name, thousands are unnamed, allowing the authorities to abuse their powers by arbitrarily adding other names later. In just one example, FIR 195/12, filed on May 7, 2012, lists S.P. Udayakumar and 25 others by name, and 2,225 unnamed people as the accused.

#### Repression by the State Continues Unabated

The Tamil Nadu police are abusing legal tools and employing force to subvert the movement, which has engaged only in peaceful protest. Not a single instance of violence has been reported since the first phase of the indefinite strike began in September 2011.

False cases have been filed against the protesters, as their leaders have been charged with sedition and waging war against the government. Prohibitory orders have been issued within a seven kilometre radius of the plant. The police shot down an unarmed man named Anthony John in the coastal village of Manappadu. Several people including a small baby are said to be missing. In some instances, both parents were arrested, leaving the children alone. A mentally challenged person was arrested despite documentary evidence of his mental illness. The aged and the physically challenged too were taken into custody; no one was spared.

#### Gross Violations of Human Rights

A fact-finding team led by B. G. Kolse Patil, a former Bombay High Court judge, slammed Tamil Nadu police for desecrating Saint Lourdes Matha Church in Idinthakarai by breaking an idol of Mother Mary and urinating inside the church premises.

In its most damning finding, the team, which included Kalpana Sharma, a senior journalist, and R. N. Joe D'Cruz, a noted Tamil writer, said that the desecration of a church by the police was a "dangerous and deplorable act." Police officers had barged into the church looking for protesters there.

The team said that the use of force against peaceful protesters was unjustified. Police had used their batons to beat protesters who wanted work on the nuclear plant to be stopped. The team also found that police, while trying to control the agitation, looted and damaged private and public property.

#### Some of the just demands of the people are:

- Sedition and 'war against the state' cases against members of Koodankulam People's Movement Against Nuclear Energy must be dropped and Section 144 lifted.
- International safety regulations for the nuclear plant must be followed.
- All reports, reviews and information related to the nuclear plant must be transparent and accessible to the public.

**This is not just a domestic and national issue, but a global and human concern. People's basic human rights and environmental safety procedures in the construction of a major nuclear power plant have been appallingly abused.**

**This petition demands a commitment and definite time-frame as to the following:**

- 1] The ongoing work at the Koodankulam Nuclear Power Plant (KKNPP) must be halted and the following steps must be taken immediately.
- 2] As the Central Information Commission (CIC) has instructed the Department of Atomic Energy (DAE) and the Nuclear Power Corporation of India Ltd. (NPCIL), the accurate and full versions of the Safety Analysis Report and the Site Evaluation Report must be released to the public immediately. And the full and final post-Fukushima safety audit report must also be released to the press and the public.
- 3] A new and comprehensive Environmental Impact Assessment (EIA) report must be commissioned as the one that the DAE has released after 23 years of struggle is incomplete, erroneous and outdated. The Tamil and Malayalam translations of the new EIA must be shared with the local people and the Press in Tamil Nadu and Kerala.
- 4] The opinions and preferences of the project-affected people must be heard by a competent authority in an open, transparent and democratic manner.
- 5] An independent national committee must be constituted to study the issues of geology, hydrology, oceanography and seismology involved in the Koodankulam nuclear power plant.
- 6] Disaster management training and evacuation exercises must be conducted in the 30-km radius of the Koodankulam plants and beyond in the wake of the recent earthquake all over Tamil Nadu and India.

---

\*Naam Tamilar Katchi (Tamil Nadu), NGO without consultative status, also shares the views expressed in this statement.