Silent Emergency in Koodankulam

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For the villagers around the Koodankulam Nuclear Power Plant in Tamil Nadu who are agitating against its commissioning, it is as if they are facing a second Emergency, albeit a silent one. False cases have been slapped against them, their leaders have been charged with sedition and waging war against the government, prohibitory orders have been issued within a seven-km radius of the plant and the government continues to spread stories that the struggle is being funded by foreign sources.

On 26 June, S P Udayakumar and M Pushparayan activists protesting against the Koodankulam Nuclear Power Plant (KNPP) completed 100 days of their “self-exile” in the small coastal village of Idinthakarai in the Tirunelveli district of southern Tamil Nadu even as the 37th anniversary of the Emergency passed by. They stay in the “quarter-km-radius prison” as Udayakumar, coordinator of the People’s Movement against Nuclear Energy (PMANE) calls it. Thousands of people keep vigil around the house through the nights should the police come to arrest the duo.

It is as if the eerie silence of the dark days after 26 June 1975 still resounds in every corner as a “Silent Emergency” is being surreptitiously declared with the accompanying human rights violations. Prohibitory orders have been imposed from 19 March within a five-km radius of the KNPP. These orders were later extended to seven km and until August with a posse of armed policemen guarding the town and restricting the people’s movements.

More than 300 kms away in Trichy, Thamizhaga Ilaingar Ezhuchi Paasari (Resurgent Youth Movement of Tamil Nadu) state coordinator A Sathish Kumar and environmental activist Muhilan who were released on conditional bail have to report once a week to the police in Chennai. While Kumar was incarcerated for nearly two and a half months and remanded in five cases, Muhilan faced six criminal charges; an additional 13 cases have been filed against him. Kumar was blindfolded and beaten for nearly six hours, leaving his shoulder dislocated. Both men now face charges of waging war against the Government of India since they are supporters of the anti-nuclear struggle in Koodankulam.

Emulating the mode of repression in Chhattisgarh and Orissa, the Tamil Nadu police are using the tools of sedition and waging war against Government of India cases to subvert the movement, which has hitherto been a peaceful protest. Not a single instance of violence has been reported since the first phase of the indefinite strike began in September 2011. The government keeps asserting that the people’s movement is receiving foreign funds and labelling those protesting against the nuclear plant as schizophrenic and paranoid. While doing so it is forcing a nuclear project on the people that they clearly do not want.
False Propaganda

The allegations of foreign funding are strongly countered by the villagers, who point out that they contribute 10% of their earnings to the movement. Anthony Xavier Amma of Idinthakarai says that she rolls beedis for a living and contributes 10% of her earnings:

We are capable of collecting funds of up to Rs one crore through contribution from villagers. This is how each one of us supports the movement. This is how we built the church in our village. Every festival in our village is organised only through our contributions. If we can organise festivals every year, we can also support the movement with our earnings. Allegations of foreign funds are baseless.

Another villager Merlet, who has stood in the forefront of the struggle, says:

Every nuclear plant is inherently hazardous and we do not want to lose our livelihood. We would anyway die a slow death because of radiation after the nuclear plant is commissioned. It is better that we die fighting against it.

Such is the anger of the people in the villages near the plant.

This struggle has attracted lakhs of people from across the country to this small village of Idinthakarai. It has grabbed the world’s attention and hence the State’s response to the movement. So far, more than 300 false cases have been filed against the leaders of the PMANE and the villagers involved in the struggle against the commissioning of the project.

The dark days of the Emergency seem to have set in at Idinthakarai. Udayar kumar says:

There was complete absence of freedom of speech, press and assembly, and most importantly, freedom from fear. People were afraid to speak their minds, and society was enveloped by a thin layer of fear and suspicion. Never did I imagine even in my wildest nightmares that I would find myself in a similar but silent emergency after 37 years of freedom.

After the Tamil Nadu government imposed Section 144 in the area, access to food, water, electricity and other essential commodities was blocked. “I had to feed sugar water to my grandchild. There was no food and no access to essential commodities. We were completely cut off from the world”, recalls Merlet.

The Tamil Nadu government is going out of its way to crack down on the anti-nuclear struggle. So virulent is its reaction that the Koodankulam police station has registered fabricated cases against more than 50,000 people. At least 21 Sections of the Indian Penal Code (IPC) have been used, including Section 121 (Waging War against the Government of India) against 3,600 people and Section 124A (Sedition) against 3,200 people. These arrests have led to a number of disturbing effects. 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.

According to the Human Rights Protection Centre (HRPC – TN), which consists of a group of lawyers providing legal aid to people until 20 April there were 287 cases registered against various people in two police stations including the Koodankulam and the Pazhavur police stations.

The jury at the public hearing on Koodankulam and the State Suppression of Democratic Rights comprising former chief justice of Madras and Delhi High Courts justice A P Shah; Madras High Court advocate Geeta Ramaseshan and the Irular Tribes Protection Association member Prabha Kalvimani reported that people who came before them alleged systematic registration of various cases against the protestors charging them with sedition, waging war against the Government of India, promoting enmity between different groups, and other provisions of the IPC.

“The jury found that many arrests made were arbitrary. This indicates that the issue was not that the persons concerned had committed an offence but was more to prevent any kind of legitimate protest or difference of opinion against the nuclear plant”, the report stated. The public hearing was held on 14 May at the Lawrence Sundaram Hall, Loyala College in Chennai.

Interestingly, Prime Minister Manmohan Singh, Chief Minister J Jayalalithaa, the Tirunelveli district collector and many other officials have regularly met the people.
charged with sedition and waging war against the Government of India. Many of the ministers too have met the members of the struggle committee regularly. “Doesn’t that make them co-conspirators in our crime?”, asks Udayakumar.

A list of the meeting schedules between 15 September 2011 and 29 February is worth looking at:

15 September 2011: Tamil Nadu ministers Chellapandian, Chenthr Pandian, Shanmuganathan, and Members of Legislative Assembly (MLAs) Nainar Nagendran and Rajendran came along with the District Collector, the District Inspector General, the Superintendent of Police, the Revenue Divisional Officer and a few other officials to Radhapuram to meet the struggle committee members.

21 September 2011: Tamil Nadu Chief Minister J Jayalalithaa met the struggle committee members in her office and got a cabinet resolution passed the next day asking the central government to halt all work until the fears and concerns of the local people were allayed.

7 October 2011: The struggle committee members along with the Catholic Bishops of Kottar and Thoothukudi and the Church of South India Bishops of Thirunelveli and Thoothukudi, Tamil Nadu politicians, members of parliament (MPs) and Tamil Nadu ministers met with the Prime Minister of India Manmohan Singh under the leadership of the Tamil Nadu Finance Minister O Panneerselvam. The Minister of State V Narayanaswamy, Sreekumar Banerjee, the head of the Department of Atomic Energy, S K Jain, the head of the Nuclear Power Corporation of India, and Shivsankar Menon, the National Security Advisor were also present.

1 and 7 November 2011: Some members of the struggle committee were at the collector’s office.

8 and 18 November 2011: M Pushparayan and Mi Pa Jesuraj met the central government’s expert group and held talks at the collector’s office.

29 February: M Pushparayan, S Sivasubramanian, R Ramesh and S P Udayakumar met the chief minister.

A closer look clearly shows that fabricated cases were slapped against the people involved in the struggle against the nuclear power project. By doing this, the government has imposed a silent Emergency in this region curtailing the fundamental rights of the people.

**Fundamental Rights Thwarted**

People living near the nuclear plant have expressed reservations about its commissioning. The jury headed by former justice A P Shah has recorded from the testimonies that after 19 March the police made public announcements in Thirunelveli that anyone who spoke against the power project would be deemed to be anti-national and arrested. Clear instructions were given to hall and hotel owners in the district that they should not permit any meetings against the nuclear plant to be held in their premises. They were threatened with arrest if they did so. When the prohibitory order was in place, protestors were denied food supply by the right to movement, education, health and livelihood due to the roads being blocked.

The public hearing brought out the fact that the government had placed complete restriction on their freedom of movement and denied information concerning the safety of the plant. The protestors were not even provided copies of the site evaluation report, the safety analysis report or a fresh environmental impact assessment (EIA). They wanted an independent national committee of experts to look into the hydro-geological and marine issues connected with the plant.

The jury recommended that the protestors cannot be branded as anti-national and unpatriotic and that peaceful protests cannot be equated with sedition or waging war against the state. “The deliberate targeting of the protestors in criminal cases must stop and all cases filed under Waging War against India State, Sedition, Promoting Enmity, etc, must be withdrawn immediately”, the jury said.

**Why Resistance?**

People living near the nuclear plant have expressed concern over the safety measures adopted by the NPCIL. They allege that no training has been conducted in the eventuality of emergencies considering the area is densely populated with nearly 70,000 people living within a five-km radius of the plant. There is fear of radiation among people living within a 30-km radius. Denial of information on the liability clause contained in the Indo-Russian agreement has added to their fears.

M G Devasahayam, a former Indian Administrative Service (IAS) officer and managing trustee of the Citizens Alliance for Sustainable Living, Chennai, and Nityanand Jayaraman, an environmental researcher and Chennai-based activist have analysed and listed out both legal violations and safety issues that could prove fatal. They have raised issues related to the design of the plant, legality of the EIA and site-related issues as well.

They note The Koodankulam Nuclear Power Plant (KKNPP) is being commissioned without any legal Environmental Impact Assessment (EIA), a fact admitted by the Ministry of Environment & Forests in a sworn affidavit filed in the Madras High Court. According to this affidavit, environmental clearance for Units 1 and 2 was given ‘as early as 9 May 1989’ and renewed on 6 September 2001. Since EIA Notification under Environmental Protection Act came into existence only on 27 January 1994 and provision for public hearing was introduced only on 10 April 1997 there was no need for KKNPP to go through these critical processes.

They also note that according to documents published in 2006, there was no weld on the beltline (middle portion) of the reactor pressure vessel (RPV). Now the Atomic Energy Regulatory Board says that there are two welds on the beltline of the RPV installed at the power plant exposing it to high failure risk that could lead to offsite radiological contamination. From a safety perspective, the International Atomic Energy Agency (IAEA) mandated study of pressurised thermal shock has to be done before commissioning the reactors at Koodankulam.

For a nuclear plant, pure fresh water during operation as well as safety of the spent fuel are critical inputs. Koodankulam is perhaps the world’s sole nuclear plant without independent freshwater supply. The scientific report of PMANE’s expert committee has noted:

While approval for the plant was given in 1989, AERB mandated accessing of fresh water from two reservoirs through pipelines with an on-campus reserve of 60,000 cubic meters, sufficient to maintain the spent fuel pool and the reactor cores (under shutdown mode) for 30 days. These sources are not...
any such drill was held. They have taken written which sent a fact-fi nding delegation found it was a mock evacuation drill. But signed from the people and announced the People’s Union of Civil Liberties. As against the IAEA norms that the volatile must not have experienced any volcanic eruptions during the past 10 million years, four volcanic eruptions were recorded within 32 to 75 kms from the Koodankulam reactor campus between 1998 and 2001.

Besides, mock evacuation drills within 30 km or at least 26 km are a pre-requisite before commissioning of the plant. These rules have been completely ignored: the Tirunelveli district administration and the NPCIL got some papers signed from the people and announced it was a mock evacuation drill. But the People’s Union of Civil Liberties which sent a fact-finding delegation found that no such drill was conducted in Nakkangeri. They have written affidavits from villagers denying that any such drill was held.

From denying complete information to the public to not responding to their genuine queries, the government has only promulgated half-truths, thereby misleading the people. Not satisfied with the use of force and registering fabricated cases against people, they have gone a step ahead to seek help from the National Institute of Mental Health and Neurosciences (NIMHANS) to counsel the people.

Role of the Media

Though sections of the media initially covered the issue objectively by publishing the opinions of both the government and the struggle committee, later it began exercising self-censorship in covering the events. This came to light after some media persons gave their (confidential) testimonies to the jury headed by justice Shah. On the other hand, the jury found that a section of the media had started a vicious campaign against the movement and in particular against Udayakumar. This is what the jury said:

His phone numbers were printed in a newspaper and reports were published that sought to attack his reputation, to bring discredit to him and to the campaign against the plant. A section of the electronic media constantly branded three young men having different political affiliations but with a common cause against the nuclear plant as ‘Maoists’ with news bulletins claiming that they had taken over the anti-plant struggle and as in Nandigram, they had ‘infiltrated the region’ and the entire struggle is now under their influence. The views of the protestors and the objections raised by them were not even considered. This clearly indicated that a section of the media that was on the side of the Government had lost their sense of objectivity. In a confidential submission made to the jury, one media professional spoke of direct interference by the Intelligence Bureau leading to self-censorship in his agency.

In this regard, writer V Geetha complained to the Press Council of India chairperson former justice Markandey Katju on 25 March 2012. She has pointed out the complicit and silent pact between certain sections of the media and the police to discredit the anti-Koodankulam plant struggle. Her letter said:

It appears that the police and the governments at the Centre and state levels are now determined to use the one weapon in their arsenal that is bound to either silence or render non-credible perfectly democratic and constitutional struggles – the charge of ‘Maoism’. That the media instead of challenging these attempts of the state to malign its own people should participate in it is deeply disturbing. Equally disturbing is the manner in which the media, at times, behaves like a juror and a court, and passes judgment, even before it is clear what the cases are all about and when the courts of this land are yet to decide on the merits and demerits of such cases.

Undeterred by all this, the people are determined to continue their struggle till the closure of the nuclear plant. From environmentalists to students, visitors to Idinthakarai in support of this struggle continue to pour in. The question remains: When super-powers like Japan cut down the share of electricity production from nuclear plants to 2% from 31%, why is India insisting on raising the bar for energy generation from nuclear projects to 25% by 2050?