

Madras High Court says those responsible for 2018 Sterlite firing should be "prosecuted for murder"

The Court was hearing a plea by activist Henri Tiphagne seeking a direction to the NHRC to reopen the probe into the firing, which took the lives of 13 protesters.



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The Madras High Court on Monday observed that the police authorities responsible for the [2018 firing at the Sterlite copper plant in Thoothukudi](#), Tamil Nadu should be "prosecuted for committing murder."

A Bench of Justices **SS Sundar** and **N Senthil Kumar** made the comment while hearing a petition [filed by activist Henri Tiphagne](#) seeking that the probe into the incident conducted by the National Human Rights Commission (NHRC), which was closed on October 25, 2018, be re-opened.

Tiphagne had filed the petition in 2021 challenging the NHRC's decision to abruptly close its *suo motu* probe into the incident.

During the hearing, the Thoothukudi Police argued that the NHRC has no power of review or to re-open such investigation. It further said that the Commission of Inquiry headed by Justice **Aruna Jagadesan** had already considered the issue and its report had been already tabled in the State Assembly in 2022. The police argued that the NHRC cannot inquire into any matter which is pending before, or has been inquired into by a State Commission or any other commission duly constituted under any law.

Tiphagne, however, argued that as per Regulation 32(b) of the National Human Rights Commission (Procedure) Amendment Regulations 1997, if any application seeking modification or review of an order or proceedings passed by the Commission is received, the same shall as far as possible be placed before the same bench which made the order. He thus argued that the NHRC could look into its own orders.

At this point, counsel appearing for the Thoothukudi Police began to interrupt Tiphagne.

This prompted the Court to intervene and Justice Sundar clarified that the Regulation talked about a review. When the police's counsel continued to object, the Bench said, "This is a serious issue. Is this how you treat the common public? You (officers) all should be prosecuted for committing murder. None of you have felt sorry yet."

The Court then adjourned the hearing to July 15 and asked Tiphagne to respond to all objections raised by the respondents by then.

Thirteen people, including two women, were killed between May 22 and 23, 2018, when the police opened fire at a group of workers and villagers who were raising environmental concerns and protesting against the Sterlite copper plant inside the State Industries Promotion Corporation of Tamil Nadu complex in Thoothukudi. 102 people were injured in the firing.

In June 2018, the High Court had issued notice in a PIL praying for the constitution of a Special Investigation Team (SIT) to probe the police atrocities that led to thirteen deaths.

While hearing Tiphagne's plea in 2021, the Court had termed the incident as a "*scar* on democracy" and must not be forgotten.

<https://www.barandbench.com/news/litigation/madras-high-court-those-responsible-2018-sterlite-firing-prosecuted-for-murder>