

2018 Firing At Anti-Sterlite Protests | Supreme Court Stays Madras HC Order For Probe Into Assets Of Police & Govt Officials

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The Supreme Court on August 2 stayed the Madras High Court order which directed a fresh investigation by the Tamil Nadu Directorate of Vigilance and Anti-Corruption (DVAC) into the assets of the police and government officials accused in the 2018 Thoothukudi Police Firing at the anti-Sterlite protests.



The High Court had passed the direction in a plea challenging the National Human Rights Commission's closure of the suo moto investigation into the matter.

Senior Advocate Kapil Sibal appearing for the police officials accused in the firing submitted that the report of the NHRC was in fact in their favour. He stated that while the protests were going on for 99 days, it was only on the 100th day that the police did the firing upon imposition of [S.144 of CrPC](#). He added that the NHRC report itself mentions that the police officials were attacked by the protestors who were larger in numbers and overpowered the officials.

It may be noted that the [protests in 2018](#) were done by Tuticorin agitators against Vendanta Group's proposed expansion of a copper smelter plant of Sterlite company. The agitators protested against the pollution caused by the smelter which had contaminated regional water bodies and led to severe health problems for the residents. 13 persons died in the alleged police firing on May 22, 2018.

The bench led by **CJI DY Chandrachud comprising Justices JB Pardiwala and Manoj Misra** agreed to consider the matter and directed that the impugned order shall remain stayed till the next date of hearing.

Before the High Court, a petition was filed by Executive Director of People's Watch, Henri Tiphagne, seeking directions to the NHRC to reopen the case of killing unarmed protestors. Tiphagne had challenged the NHRC's closure of the suo moto investigation into the matter. [On July 15](#) the High Court directed the Tamil Nadu Directorate of Vigilance and Anti-Corruption (DVAC) to investigate the assets of all police and government officers named as accused in connection with the firing.

[On July 29](#), the Madras High Court expressed dissatisfaction over the CBI's failure to bring to light the original culprits in the 2018 Thoothukudi Police Firing during the Anti-Sterlite protests. The Director of DVAC was granted three months to complete a fresh inquiry and submit its report to the bench.

The CBI report was submitted to the Chief Judicial Magistrate (CJM) of Madurai. In December 2023 the CJM rejected the chargesheet of CBI and reordered a fresh investigation. It noted that contrary to the multiple names mentioned in the original complaint filed by one Mr Arjunan, the CBI had filed a final report against only inspector R Thirumalai

Observations By The Madra High Court

The bench of **Justice SS Sundar and Justice N Senthilkumar** said that the CBI had failed miserably and the fact that the agency had named only one inspector in its charge sheet would only lead to the conclusion that the agency was not acting independently. The bench [stated](#) that the firing was with an agenda, the police officials were working for the 'industrialists' .

During the course of the hearing, the court highlighted that its intention was to prevent such an incident in the future. The court said that it was "unable to digest" the fact that the police had targeted and chased unarmed protestors all for one individual who was running a system which was bad for the people and the society. The court added that the authorities had taken the death of 13 persons in the firing very casually, which was painful.

The High Court added that there were serious lapses in the investigation conducted by the agency as it had not considered important events and had even failed to consider the findings of the Justice Aruna Jagadeesan committee report. The court said that the investigating agency's report was unreliable and unrealistic.

Justice Jagadeesan Committee report was tabled by the Tamil Nadu government in the Assembly in 2018. The report disclosed that 13 people were killed in the firings and stated liability on the officials of the Tamil Nadu government for mismanagement. Department action was subsequently taken against the official involved

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