

Thoothukudi police firing | Madras HC questions Tamil Nadu govt. over NHRC investigation division's report

Justices J. Nisha Banu and N. Mala ask A-G R. Shunmugasundaram to get instructions by September 27 and find out the action taken by the government if it had received the report

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The Madras High Court on September 22 wanted to know whether the Tamil Nadu government had received a copy of a report submitted by the National Human Rights Commission's investigation division on the [May 22, 2018 police firing](#), in which 13 anti-Sterlite protesters were killed in Thoothukudi.

A Division Bench of Justices J. Nisha Banu and N. Mala asked Advocate-General R. Shunmugasundaram to obtain instructions from the government by September 27, besides finding out the further action taken by the State if it had already received the report that had been filed in a sealed cover before the court.



After opening the sealed cover and perusing the report, the judges directed the High Court Registry to issue a copy to the A-G too. The judges felt that the report of the investigation division need not have remained in a sealed cover since 2021 when activist Henri Tiphagne had filed a writ petition.

The writ petition had been filed against an order passed by the NHRC on October 25, 2018, closing the *suo motu* proceedings initiated by it with regard to the police firing. The activist had taken exception to the closure of the *suo motu* proceedings, within five months of the incident, on the basis of the State government's submissions.

When the writ petition was taken up for admission on June 25, 2021, a Division Bench comprising the then Chief Justice Sanjib Banerjee and Justice T.S. Sivagnanam (now the Chief Justice of Calcutta High Court) had taken note of the NHRC's investigation division having undertaken a spot investigation on May 29, 2018.

Though the investigation division had submitted its report to the NHRC, the latter's closure order, dated October 25, 2018, had no reference to it. Instead, the NHRC had closed the case after taking note of the State government's submission that the tense situation in the district had been brought under control through swift action.

The NHRC had also taken note of the government's submission that a judicial commission of inquiry had also been instituted to probe the issue and that the family members of each of the deceased had been paid a compensation of ₹20 lakh and the injured were given a compensation of ₹1.5 lakh each.

After going through the NHRC's closure order, the judges had called for the interim report submitted by the judicial commission of inquiry as well as the report filed by the NHRC's investigation division. They made it clear that the NHRC could file the report in a sealed cover if it was felt that the matter was delicate for the moment.

Authoring the order, Chief Justice Banerjee also wrote, "It is somewhat alarming that the State through its police fires at unarmed protesters and no one is booked some three years after the incident. It may not augur well for a civilised society governed by the constitutional principles that we have to merely throw money at the families of the victims and give closure to an incident of possible brutality and excessive police action."

<https://www.thehindu.com/news/national/tamil-nadu/thoothukudi-police-firing-madras-hc-questions-tamil-nadu-govt-over-nhrc-investigation-divisions-report/article67334059.ece>