



# THE HINDU

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# Did you get NHRC inquiry report on Thoothukudi firing, HC asks government

A Division Bench asks Advocate-General R. Shunmugasundaram to get instructions by September 27 and find out what action the government had taken if it had received the report

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**T**he Madras High Court on Friday wanted to know whether the Tamil Nadu government had received a copy of a report submitted by the investigation division of the National Human Rights Commission (NHRC) on the May 25, 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 received the report 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 Advocate-General, too. The judges felt that the report need not have remained in a sealed cover since 2021 when activist Henri Ti-



The judges felt the report need not have remained in a sealed cover since 2021 when a writ petition was filed against an order closing the *suo motu* proceedings initiated with regard to the police firing.

phagne had filed a writ petition.

The writ petition was 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 objected 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 closed the case after taking note of the State government's submission that the tense situation in the district was brought under control through swift action. The NHRC had also taken note of the government's submission that a judicial com-

mission of inquiry had also been instituted and 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."