

Thoothukudi Sterlite firing of 2018 a scar on democracy, we should never forget: Madras High Court
"Without meaning disrespect, yes, the protest may not have been legal or legitimate, but citizens cannot be fired on the behalf of any corporate body," the Chief Justice added.



Madras HC, Vedanta Sterlite Thoothukudi

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The 2018 police firing on unarmed civilians protesting against Vedanta Sterlite's copper smelting plant at Thoothukudi is a *scar* on democracy and must not be forgotten, the Madras High Court emphasized on Monday. (*Henri Tiphagne v. NHRC and ors*).

The Bench of Chief Justice **Sanjib Banerjee** and Justice **TS Sivagnanam** made the observation while hearing a plea to reopen the National Human Right Commission's (NHRC) probe into the matter.

"The incident is of the year 2018. It really has gone out of public mind but there were fifteen or sixteen citizens who lost their lives. That kind of incident should be a scar on the face of our democracy. We should never forget. If there can be something that can be done for families apart from what is done (let us do that)... there has to be closure...our system delays so much, that sometimes the entire idea is lost," Chief Justice Banerjee said.

He added that **if** there is the slightest indication that the firing was on behalf of any corporate body, it must be addressed. No one should feel that a corporate body has so much power that the State would fire on its behest, he said.

"We want an answer as to what instigated ... what were the circumstances? Without meaning disrespect, yes, the protest may not have been legal or legitimate, but citizens cannot be fired on the behalf of any

corporate body...That is very important for the citizens of the State to know...(we have to) try and see that this kind of an incident does not happen again," Chief Justice Banerjee remarked.

In an interim order passed today, the Bench also asked the State to take steps to further compensate and counsel the victims of the 2018 shooting, including the families of the deceased and those who were impaired for life.

"The State must be seen to be with the families and not an adversary despite whatever may have happened. The State needs to walk the extra mile for such purpose and the learned Advocate General is requested to ensure that appropriate measures are taken to assuage the feelings of the families of the victims," the Court said in its order.

Given that the Central Bureau of Investigation (CBI) is handling the probe into the firing, the Court directed that the matter should be given a meaningful closure.

"The matter should be brought to its logical end as expeditiously as possible to give a meaningful closure to the matter and the circumstances in which firing had to be resorted to against unarmed citizens must come out in the report."

Further, since considerable time has passed since the NHRC took up its investigation into the matter, the Court asked the Commission to report back on this aspect when the case is heard next.

The NHRC probe should be brought to its logical end and the Commission is expected to seek the report of its Investigation Division on an urgent basis, the Court said.

"The Commission is requested to report on what steps have been taken and as to the receipt of the report from its Investigation Division when the matter appears four weeks hence," the Court directed.

Pursuant to earlier directions, the NHRC's probe report so far was also furnished to the Court in a *sealed cover*. The Court ordered that the same be sent to the Additional Solicitor General's office, and copies of the same are to be circulated to the petitioner and the State. For the present, the report will not be made public, the Court said.

However, the Chief Justice hinted that the report may be put in the public domain in the future.

"There's nothing very sensitive. Transparency is the best thing. Ultimately, we may put it in the public domain," he orally remarked.

The petitioner, Advocate Henri Tiphagne, Executive Director of the NGO *People's Watch*, today informed the Court that NHRC appeared to have no objection to putting the report in the public domain, if the Court calls for the same. For now, however, the report will remain in sealed cover.

Additional Solicitor General **R Sankaranarayanan** appeared for the NHRC today, whereas Advocate General **R Shunmugasundaram** appeared for the State authorities.

The Court today also appreciated both senior counsel for not adopting an adversarial stance in the matter.

"We welcome the stand of the State and the Union. Because this is a collective shame for you and me together that we lost so many citizens. We will try and be constructive," the Chief Justice said.

