

Police Firing at Anti-Sterlite Protesters a Scar on Indian Democracy: Madras High Court

The bench also said that any pending cases against the protesters must be dropped immediately.



Smoke billows from the site of protests against the Sterlite unit in Thoothukudi. Photo: PTI/Files



The Wire Staff



LAW RIGHTS 5 HOURS AGO

New Delhi: The Madras high court on Monday directed the authorities concerned to drop all the cases registered against the protestors involved in the anti-Sterlite agitation in 2018, in which 13 persons were killed in alleged police firing, and ensure their future prospects.

The first bench of Chief Justice Sanjib Banerjee and Justice T.S. Sivagnanam also orally observed that firing upon the innocent public was a scar on Indian democracy and it should not be forgotten. “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, *according to Bar and Bench.*

The protest might not have been legal or legitimate, but citizens could not be fired at on behalf of a corporate body.

The state should ensure that this kind of an incident does not happen again, it added.

“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 continued.

The bench pointed out that the National Human Rights Commission (NHRC), in its report, had made certain recommendations.

When the matter came up on August 9, the court had directed NHRC to submit its report. Accordingly, the Commission submitted its report in a sealed cover to the bench today.

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“Since the report did not see the light of day or may not have been forwarded to the State, the recommendations have not been implemented. To the extent that the recommendations

remain relevant and it may be possible to implement the same, all agencies should carry the matter forward. Equally, as indicated in the affidavit filed by the NHRC, the cases against the protesters should be dropped and the institution of the cases should not stand in the way of the future prospects of any of the protesters to disqualify them from any employment or other opportunities that may be available,” the bench said.

The bench was passing further interim orders on a PIL petition from Henry Tiphagne, executive director of People’s Watch, an NGO, on Monday.

The PIL had contended that the NHRC was yet to disclose the contents of the report of its investigating team, which had conducted a probe at the site. The grounds for closing the case, taken up on its own, in its order was ill-advised and it must be reopened, the petitioner said. Accordingly, the matter was entrusted with the CBI.

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

It noted that the NHRC had also suggested certain further measures, including enhancing the compensation to the families of those who died and to those who were severely injured and are impaired for life. The State should consider a realistic quantum of compensation for either category, apart from others who suffered injuries. The State is requested to play the real parental role in providing counselling and psychiatric assistance to the members of the bereaved families, if necessary, the bench said, adding that that the State must be seen to be with the families and not an adversary, despite whatever may have happened.

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“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 bench said and posted the matter to October 25.

Protests by locals against Vedanta's copper unit Sterlite in Thoothukudi over pollution concerns peaked on May 22, 2018. Police fired at the crowd of protesters on that day, leading to 13 deaths.

(With PTI inputs)