

**W.P.(MD) No.10526 of 2021**

**THE HON'BLE CHIEF JUSTICE**  
**and**  
**T.S.SIVAGNAM, J.**

(Made by the Hon'ble Chief Justice)

The report submitted by the National Human Rights Commission, as recorded in the previous order of August 09, 2021 has been seen by the court. The report will be sealed by an officer of this court and made over to the representative of learned Additional Solicitor-General. Learned Additional Solicitor-General is requested to make over copies of the report to learned Advocate-General and Mr.Henri Tiphagne, the petitioner appearing in person.

2. At paragraph 9 of the report furnished by the NHRC, certain recommendations were made. Since the report did not see the light of the 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.

3. It is submitted by learned Advocate-General that the case pertaining to the firing and the deaths in firing is being investigated into by the Central Bureau of Investigation. 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.

4. The NHRC has also suggested certain further measures, including enhancing the compensation to the families of those who died and to the persons 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 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 learned Advocate-General is requested to ensure that appropriate measures are taken to assuage the feelings of the families of the victims.

5. At paragraph 19 of the Commission's affidavit, it has been indicated, inter alia, as follows:

"... On 2.11.2020 the NHRC had redirected Investigation Division to examine the petitioner's representation considering that 23.09.2019 proceedings was with a specific directions passed by the Commission prior to the Full Commission decision on 23.10.2019 (attached as annexure 11). ... the matter is still pending with the Investigation Division."

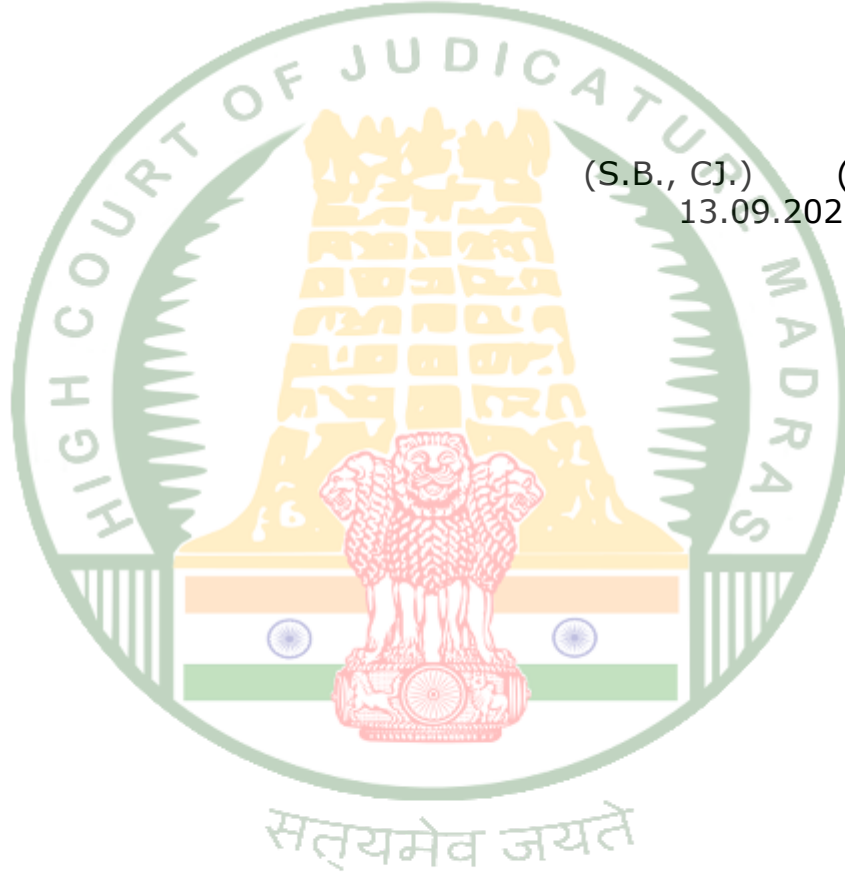
6. Since considerable time has passed between September, 2019 and now, the matter before the NHRC should also be brought to its logical end upon the Investigation Division's report being urgently sought. The Commission is requested to report on what steps

have

been taken and as to the receipt of the report from its Investigation Division when the matter appears next, four weeks hence.

7. List the matter on 25.10.2021.

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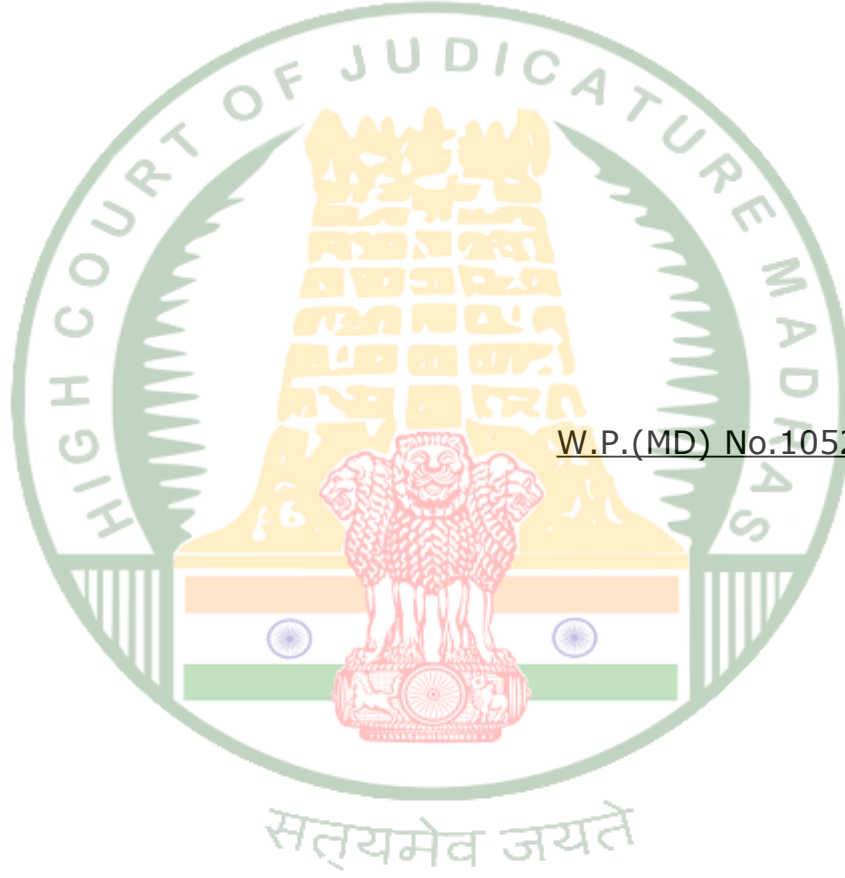
(S.B., CJ.) (T.S.S., J.)  
13.09.2021

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