

Release of Melavalavu Massacre Case Convicts

Why in news?

13 convicts in the Melavalavu massacre case, in which dalit men were hacked to death in 1996, were released from the Madurai Central Prison.

What is the case on?

- Melavalavu is a village in the Madurai District of Tamil Nadu.
- In 1996, Murugesan, a member of the SC community contested and won for the post of Melavalavu panchayat president.
- [The then district administration chose to reserve the post of Melavalavu panchayat president for SCs.]
- There was considerable communal tension between Dalits and intermediate castes at that time.
- So, the caste Hindus were agitated with the posting.
- Following this, 7 people, including Murugesan, were murdered by a gang in 1997.
- While 44 accused were charge-sheeted, 17 of them were given life sentence by the Sessions Court, which was upheld by the High Court.
- The Supreme Court confirmed the convictions in 2009.
- The state government had recently released 13 convicts in the case citing good conduct as part of the MGR centenary celebrations.
- Three other convicts in the case were also freed on Anna Birthday celebration earlier in 2008.
- With this, all the convicts, all of whom are caste Hindus, in the sensational murder case have been released.
- [Another convict, Jothi, died in prison in 2010.]

What was a similar precedent?

- In 2018, the AIADMK government convinced the Governor to agree to the release of 3 men in the Dharmapuri case.
- They were guilty of burning alive 3 students when they set fire to a bus in Dharmapuri during a caste protest in 2000.
- The Supreme Court had initially upheld the death penalty for the three but, on a review petition, commuted it to life.
- It cited their lack of intention to kill members of the public and said that they

had been gripped by “mob frenzy”.

What are the legal provisions?

- The Supreme Court has repeatedly clarified that ‘life sentence’ means imprisonment till the end of one’s natural life.
- However, the law also provides for remission of sentences, including life terms.
- This applies to those sentenced to life for an offence that also attracts the death penalty, or has had the death sentence reduced to life.
- Under Section 433A of the Code of Criminal Procedure, such convicts can be considered for release only after completing 14 years in jail.

What concerns has the release raised?

- The release of the convicts in Melavalavu massacre case has caused disquiet among activists and members of the Scheduled Castes.
- The Madras High Court has voiced its displeasure over the release of the convicts on grounds of ‘good conduct’ in prison.
- The HC has also asked the State government to produce the relevant orders.
- Decongesting prisons by freeing inmates, especially for good conduct, and after they have served specified years, is permissible in law.
- However, mass release without regard to the nature of the crimes committed is contentious.

What is to be done?

- Guidelines for remission do exclude those in prison for specified crimes such as terrorism, rape and economic offences.
- When those guilty of a caste atrocity such as the Melavalavu massacre are released, it is certain to send out an undesirable message.
- Ideally, mass release of prisoners should be avoided, and the desirability of freeing each one of them should be separately considered.
- The Advisory Board that recommends such release should have the benefit of a social impact report as well as the opinion of the trial court.

Source: The Hindu, ANI News