

The Khairlanji massacre is more than another murder story

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The recent verdict of the Bombay High Court in the Khairlanji massacre case, sentencing all the accused to life imprisonment, could have gone a long way in restoring ordinary people's faith in India's justice system and legal framework. The verdict could have marked a historic juncture in the life of the nation, announcing that the rule of law has been firmly established despite the inadequacies of the justice system in both crime investigation and trials. It could have ensured that Dalits and other underprivileged groups will face no discrimination, at least within the judicial system.

For all of these reasons, the verdict was long awaited. Unfortunately, in its final coming, it proved highly inadequate and farcical, rightfully outraging civil society. The outrage is highly misplaced however; the failure of justice is not rooted in the commuting of the death sentence of six convicts into life terms for twenty-five years, but in seeing their behavior as mere revenge killing.

Capital punishment is unacceptable in any civilized society, and it is quite painful to see some of the most genuine civil society members decrying the commuting to life terms and demanding for the death sentence to be awarded. Retributive justice is no justice, and no studies have confirmed any deterrence effect of capital punishment. Rather, statistics bear out that capital punishment is used mostly against the poorest and weakest sections of society. It is an official version of mob-lynching, with the poorest of the Indian society being the worst victims.

Therefore, the death sentence announced by the district court in 2008 (to be ratified by the Bombay High Court) in this case was no victory for social justice. Apparently convinced by the prosecution's shoddy investigation and poor arguments attempting to pass off the case as mere revenge killing, the judge held the case as 'revenge murder' and hence refused to invoke the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The travesty of justice lies here; the 2006 Khairlanji massacre was not just another among the 32,481 reported cases of murder tucked in the pages of the statistical records of the National Crime Records Bureau. Nor was it just one of 19,348 reported cases of rape (though the charges of rape were not invoked by the court). The gravity of the case did not lie in the gory instance of a mob bludgeoning an entire family to death while also raping women and mutilating their bodies.

The case was in fact a massacre to uphold feudal values in a modern, democratic India. The perpetrators did not massacre the family in a fit of rage; their anger was not momentary. It did not emanate from any personal enmity; the family had not done anything to provoke or annoy them. The only 'crime' the Bhotmanges had committed, was their effort to escape the low social status ascribed to their untouchable caste. Trying to come out of the dehumanized existence Dalits have been condemned to for centuries was enough provocation for the killers belonging to the dominant castes.

That the prosecution tried its best to destroy all evidence relating to caste based atrocities and did not apply the Scheduled Castes and Scheduled Tribes Act shows the systematic and institutionalized nature of casteism. Moreover, that the massacre took place in full public view without any opposition, indicates how deeply ingrained the ideology of caste is. Not holding these spectators, complicit in the crime by acts of omission at least if not commission, accountable in a court of law further reveals how state institutions tolerate caste-based atrocities. The case emphasizes that it is in fact the pre-modern, barbaric and regressive social structure of caste that rules the country under its democratic façade, and that the idea of modernity is a mere superimposition upon this primitive mode of social organization. It reminds us that Indians are decades, if not centuries, away from achieving the goals set on the night we made a tryst with destiny, of becoming a sovereign, secular, socialist and democratic republic.

The Khairlanji massacre is the negation of the very idea of India and its democracy. It reveals the decayed and deficient democracy we have evolved into. Unfortunately, it is no isolated case of rogue elements within the Indian society. Rather, it is one among many incidents, such as in Jhajjar, Haryana where five Dalits were lynched on the suspicion of trading cows, to Patan, Gujarat where a Dalit girl was repeatedly gang raped and intimidated in a teacher training school.

The response of the Indian state and civil society has remained the same in all these incidents; of outrage, making much noise, and then forgetting the issue until the next atrocious incident occurs. And precisely because of that, Khairlanji should shake us out of our deep slumber and make us reflect, and act, to put an immediate end to caste based atrocities. We must deal not only with the perpetrators, but also silent spectators approving the incident, as well as crack down on illegal institutions like 'khap panchayats' legitimizing caste. That would serve as a bigger deterrence than the death sentence, as caste communities would get to know that all of them would be punished, not only the 'heroes' carrying out their dictats!

Lest we forget, killing the demon of caste was the primary wish and clarion call of Dr BabaSaheb Ambedkar, the father of our constitution.

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