

## **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**