

West Bengal carries out first hanging in India in a decade

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Last month the Indian state of West Bengal carried out the country's first hanging since 1995. The state execution was particularly significant because it was carried out, not by an openly right-wing party, but by a "left" coalition led by the Stalinist Communist Party of India-Marxist (CPI-M).

Dhananjay Chatterjee, 43, was put to death on August 14 for the rape and murder of 14-year-old student Hetal Parekh in 1990, despite doubts about his conviction and appeals for clemency from his father and human rights organisations such as Amnesty International and the Asia Human Rights Commission (AHRC). The European Union (EU) also called on India to stop the execution and abolish capital punishment.

Chatterjee insisted right up to the end that he was innocent of all charges. There were no eyewitnesses to the actual crime. Several witnesses claimed to have seen Chatterjee going to Parekh's apartment while her parents were away. Police alleged that he committed the crime in revenge after she complained to her parents that he was harassing her. Chatterjee, who was employed as a security guard at the housing complex, fled after the murder and Parekh's watch was found in his village.

At the time that Chatterjee was convicted, no DNA testing was available. But when his defence lawyer later requested the procedure be carried out, the court rejected the petition.

A journalist with the *Telegraph* noted that the trial judge R.N. Kali appeared to be biased from the start. In an interview after the case had been put before him, the judge likened the crime to the murder of former Prime Minister Indira Gandhi who was assassinated by one of her own bodyguards.

"It would appear that the judge's mind was made up even before the defence could plead the case," he wrote in August, adding: "The evidence against the convict, as recalled by the judge, was not just circumstantial but also

does not appear to have been conclusive."

Chatterjee appealed to the High Court and Supreme Court and submitted pleas for mercy to the state governor and two Indian presidents, including the present incumbent. All were rejected. Chatterjee was too poor to hire decent lawyers. One of his appeals was reportedly written by a fellow prisoner who worked in the jail welfare department. Only during the final stages did Amnesty International help him obtain proper legal assistance.

In his final court appeal, Chatterjee's lawyers called for his sentence to be commuted to life imprisonment, citing previous cases where the execution had been delayed for a lengthy period. The Supreme Court rejected the argument, saying that Chatterjee, not the state, was responsible for the delay of 10 years.

Chatterjee is only the 55th person to be executed since Indian independence in 1947. In the face of significant opposition to state executions, trials and appeals in such cases are usually lengthy and the death sentence rarely carried out. Between 1991 and 1998, 700 people were sentenced to death, but most are still involved in judicial appeals or have been granted clemency.

In this case, West Bengal's Left Front government, backed by the media, waged an active campaign for the execution to be carried out, playing on sympathy for the victim and portraying Chatterjee as a dangerous psychopath. Despite the lack of evidence, one TV channel produced a one-sided serial dramatisation of the crime and screened it several times. Several other channels followed suit with their own biased programs.

The TV and newspapers attempted to whip up a hanging fever with detailed descriptions and illustrations of how the execution was to take place. This grotesque exercise tragically backfired with at least eight children, including six in West Bengal, dying in mock executions.

West Bengal chief minister and veteran Stalinist,

Buddhadev Bhattacharjee, led the campaign, declaring to the media: “The government and I are in favour of the death sentence in this particular case... The message should go loud and clear to the perpetrators of such crimes.” His wife Meera Bhattacharjee chimed in: “How can you still have thoughts of forgiving him?”

The state government actively sped up the execution. The final paperwork was pushed through several government departments—in a bureaucracy notorious for its lethargy and inaction—in just 11 days. Bhattacharjee oversaw the process, meeting with the chief secretary and home secretary to review the preparations for hanging. The execution was finally carried out on Chatterjee’s birthday.

The political character of the campaign was underscored by comments in the *Hindu* newspaper which pointed out that the Stalinist-led government ignored the case when Chatterjee’s first appeal for clemency to the president was rejected in 1994. It was only when a judicial department officer noticed in October 2003 that the High Court stay of execution had not been voided by the government that the campaign for a hanging suddenly began after 13 years.

The reactionary campaign to execute Chatterjee once against underscores the fact that the Stalinist CPI-M and its “left” allies have nothing to do with socialism. The CPI-M, which has held power in the state for more than two decades, has failed to address any of the burning social problems confronting the masses. Like its rivals in other Indian states, the Left Front government has pushed through economic restructuring measures in a bid to attract investment and in doing so has exacerbated the huge social gulf between rich and power.

In recent years, the CPI-M has been challenged by various right-wing parties, such as the Trinamool Congress, which have sought to win support by whipping up “law-and-order” as an issue and making populist promises. The CPI-M has responded in kind, seeking to demonstrate it is tough on crime as a means of diverting public attention from the complete failure of its social policies. The hanging of Chatterjee is the end result.

As the *Times of India* noted last month, the CPI-M took quite a different stance several years ago when a wealthy father and his son were convicted of murdering the son’s wife and sentenced to death. In that case, the West Bengal state government did not oppose commuting the death sentence to life imprisonment.

A number of commentators and human rights groups such as Amnesty International have pointed out that the

Indian judicial system, and the death penalty in particular, is generally biased against the poor, the illiterate and the marginalised. In 1982, a former Supreme Court chief justice, P. N. Bhagwati, commented that “the death penalty was unconstitutional because the overwhelming number of those so convicted are poor”.

The overwhelming majority of Indians cannot afford proper legal representation. An estimated one third of the country is illiterate and thus unable to defend themselves either. Chatterjee reportedly declared in his final days: “I would like to be reborn as a rich man, as justice favours only the rich.”

A number of prominent figures supported a vigorous campaign against the death penalty. Renowned film director Mrinal Sen told the *Frontline* magazine: “I have always been against capital punishment. The death penalty is a cruel and brutal practice.”

In the final days, the opposition to the execution began to have an impact. A *Hindustan Times* journalist commented: “Many people I know who were supporters of the death penalty suddenly began to have second thoughts as the drama unfolded on the TV channels. They felt as though they themselves were participating in killing a poor man.”

The CPI-M, however, was not swayed. Moreover, the Stalinists were backed by the rest of India’s political establishment. On July 2, the home minister for the newly-elected Congress-led national government, S. Patil, recommended to the Indian president that Chatterjee be executed. On August 4, President Abdul Kalam rejected the appeal for clemency. The Supreme Court rejected the final appeal on August 12, two days before the execution. The opposition Bharatiya Janata Party (BJP), which has repeatedly called for the death penalty in rape cases, offered no objection.

As the major bourgeois parties recognised, the CPI-M, with what remains of its tattered “left” credentials, carried out what they would have had political difficulty doing. By pressing ahead with the execution in the face of public opposition, the Stalinists have set a precedent that will undoubtedly be used by other governments, state and national, keen to divert growing political opposition by whipping up law-and-order hysteria.



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