

Why Must Dhananjay Chatterjee Die?

13 August 2004

At 4.30 am on 14th August, Dhananjay Chatterjee will be hanged till he dies. Dhananjay raped and brutally murdered a young girl in Kolkata in 1990. He was arrested in 1991 and was sentenced to death that very year. With the Supreme Court rejecting the final petition on 12th August 2004, all the doors of justice and compassion have been closed on the case.

Dhananjay has been living in the shadow of death for the last 13 years. Is it fair to hang a man who has already lived in prison for 13 years for a crime committed 14 years ago?

- ***Cruel and Inhuman punishment.*** Death penalty is a shockingly cruel and barbaric form of punishment. By hanging Dhananjay the Indian state makes it clear that it believes in revenge, rather than reform of the criminal; and seeks justice through an act as heinous as the crime. Frankly, if the punishment for rape and murder is death penalty, there is little to choose between the crime and its punishment.
- ***Right to life.*** What's more, death penalty violates the inviolable right to life. Since it cannot be undone, it perpetually carries the risk of error and misjudgement. The only way is to remove the punishment of death from the statutes, once and for all. 117 countries have either abolished death penalty or do not use it. The International Criminal Court, constituted by 120 countries, does not allow itself to hand down the death sentence even though it oversees large-scale, heinous crimes.
- ***No deterrence.*** An argument in favour of Dhananjay's hanging is that it will deter future criminals. But all that the existing data has shown that there is no such correlation between the crime rate and death penalty. In fact, better conviction rates, more transparent mechanisms, less corrupt investigation and judicial structures would be effective deterrents against heinous crime.

- ***Rarest of rare?*** In 1980, the Supreme Court had held that death penalty could be awarded only for "rarest of rare crimes". 'Rarest of rare' is a totally arbitrary category depending on the personal preferences of the judges hearing the case. It is clear that the political compulsions of the ruling party in West Bengal today has more to do with Dhananjay's hanging than the merits of the case.
- ***Death Penalty and Rape:*** Extreme violence on women is rooted in a deeper, structural, patriarchy, which, more often than not, is protected and promoted by the State. And it certainly cannot be done away with by even more violence by the State, in the form of symbolic or exemplary punishments. Condemnable as Dhananjay's crime is, death penalty is not the answer to the crime of rape and murder.
- ***Powerful go scot free while the poor are hanged:*** In India those awarded death penalty are as a rule poor people. The rich criminals are not considered similarly dispensable. For, they come from the same sections that constitute the social and political elites of our country. Instances of this abound: in the 1984 carnage of Sikhs in Delhi, the courts convicted a poor man to death while those who planned the killing of 2733 people were acquitted and are powerful leaders of the ruling party. Giving legitimacy to the state to kill by legal means can only result in such duplicity.

Friends, we must challenge the legitimacy of the State in committing violence in the name of justice. We have to prevent the State from enacting these spectacles of power and revenge in our name. We cannot be mute spectators and passive participants.

Let us join hands and demand the total abolition of death penalty.

**People's Union for Democratic Rights
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