

Chunduru: On the Road to Justice

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In terms of output, India is ranked 11th in the world and Pakistan 42nd. In terms of population, south Asia has a 1.5 billion market out of which about 300-400 million people could be considered middle class. If the existing impediments for trade and investment are removed, with the current economic growth in south Asia, many trade and investment activities can take place across the borders. The entire region can grow with more intra-regional trade and this can automatically trigger measures for deepening integration to move towards higher stages of regional economic cooperation. However, for this to happen there has to be a political will to see south Asia as a deeply integrated region. It is only then that economic connectivity in south Asia will achieve the status of contemporary Europe in the near future. [17]

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Chunduru: On the Road to Justice

As India prepared to celebrate 60 years of independence, a special court delivered its verdict on the case relating to the massacre of dalits in Andhra Pradesh in August 1991. This article goes back to the carnage and traces how the accused were convicted, thereby instilling a sense of hope and trust among the many victims of violence.

KALPANA KANNABIRAN

The most significant development as regards the deliverance of justice for Andhra Pradesh, and indeed for India, that marks the nation's 60th anniversary of independence, is the court verdict in the Chunduru dalit massacre case of August 1991. The special court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, convicted over 50 persons accused of attacking dalits in Chunduru, of whom 21 were found guilty of murder and imprisoned for life. The decision came 16 years after the attack, in what is the first major case in Andhra Pradesh to be brought under the SC and ST (Prevention of Atrocities) Act, 1989. This is in fact what set the case apart from the earlier cases of collective violence and grave assault against dalits in Karamchedu, Neerukonda and Padirikuppam.

Caste-Based Discrimination

Around noon on August 6, 1991, a mob of 400 persons belonging to the upper castes attacked dalits in the village of Chunduru in the most brutal manner, hacking to death eight persons and throwing the bodies into the Tungabhadra Drain Canal. A key eyewitness, Anil Kumar, was shot dead by the police within days of the massacre. Some of those assaulted survived. The reality of the violence was so gruesome that the doctor who performed the postmortem committed suicide soon after. It was widely believed that this was because he was unable to cope with what he had seen. The trigger of this attack, like the trigger of the attack on dalits in Karamchedu six years earlier was trivial, due to an altercation between youth of the two communities in a cinema theatre in the village. The people from the dominant

caste took exception to the dalit youth's feet accidentally touching the upper caste youth. The incident in the cinema hall symbolises a larger issue and this trigger was not indicative at all of the genesis of the violence or its snowballing into barbaric proportions that shocks the human conscience. There was national and international outrage at the attack. The dalit movement offered unstinting support to the victims and their families in the immediate aftermath of the attack, as did other peoples' movements.

"The struggle of man against power", said Milan Kundera, "is the struggle of memory against forgetting". The first thing one sees on entering the main village is an elevated ground with nine mud graves marked 'Raktakshetram' (Land of Blood) at the central crossroads – the place where the victims were buried, which serves as a grim daily reminder to the barbarity of the attack for all those living in the village – those who lived through the violence and the generation that was born since – and all visitors. The government's decision to allow the burial of victims here on August 10, 1991 met with stiff opposition from the highest quarters outside the village. It is not the lush green fields, the idyllic natural beauty that surrounds Chunduru that stays in the mind. In fact the violence of that beauty is chilling. The quiet, still faces of those who have lived with the reality of the violence – their quiet acknowledgement of moral support from visitors and the apparently unobtrusive, yet grave, defining presence of Raktakshetram rips through the placid, seductive landscape and interrupts coherent thought.

Struggle for Justice

For the dalit people of Chunduru, however, it has been a long, arduous and

painful struggle to wrest justice from a hostile system in a hostile society. Besides coping with the brutality of the attack and continuing to live in the same village, with the consequences and the memories they have had to devise strategies at every stage to clear the obstacles on the road to justice.

The first major struggle was to shift the venue of the special court under the Prevention of Atrocities Act to Chunduru. For people who have undergone enormous suffering and loss, when required by the court to recount the loss in accordance with norms that are completely alien to them, norms that do not make space for trauma of the experience or the retelling of that experience, the physical location of the court becomes vital in reassuring survivors (or in disempowering them). Dalits in Chunduru wanted the special court to be set up in the village itself and fought a legal battle in the high court to win that demand because predictably the accused resisted the move. There is no doubt that the moral courage and conviction of witnesses, survivors and indeed the entire dalit community in the village was strengthened by the reassuring presence of the court in their midst. The physical location of justice was no longer the distant town; participation in or even merely witnessing the proceedings no longer involved travel time and costs; most importantly, deliberations over justice happened at the site of loss.

The second major battle had to do with the appointment of the prosecutors. While generally human rights lawyers have been reluctant to represent the government specially when there is scant regard for the rule of law particularly in matters of state violence, the appointment of a person with a demonstrated commitment to human rights as the prosecutor was an important step towards victory – and one that was unsuccessfully challenged and opposed by the accused. This result underscores the importance of the presence of human rights advocates in prosecutorial offices in cases of collective, structural crime.

The final hurdle was placed when the accused petitioned the high court opposing the appointment of a judge to the special court on the ground that since he belonged to the dalit community he would be biased against the accused. This was an inversion of all official assumptions about the objectivity and neutrality of the judge in the justice delivery system. Even while the

matter was being heard in the high court, by a remarkable coincidence, the judge was administratively transferred out of the special court.

Keeping the Faith

The problems and consequences of delay in the commencement and completion of trial in criminal cases has been discussed and deliberated upon at great length in the legal academia. Chunduru too is no exception and demonstrates the painful and difficult consequences of delay as is common in cases of mass crime and atrocities against people who are poor and socially and politically vulnerable – especially those against dalits. Sixteen years is a long time. An entire generation did not live to experience the result. But for those that did, the struggle between the memory of loss and the imperatives of survival from day to day cannot be forgotten. Living as they did in the same village, with the people and the monuments that mark the loss – the families of those accused of the assault, the cinema theatre which was the immediate trigger and has since been converted into a school, the graves, the stupa in memory of Anil Kumar who was shot dead, the streets, the fields, the canal, indeed the village itself – the dalits of Chunduru have had to draw the balance between memory and survival and have

had to walk that tightrope at enormous personal cost for a decade and a half. As the public prosecutor, B Chandrasekhar observed in a personal conversation, the dalits of Chunduru have had to bear the burden of the national interest in the trial even while struggling from day to day and keeping their faith against all odds.

The struggles by mass movements for justice have been critical to enlarging the possibilities for justice itself – nowhere is this more evident than in the case of Chunduru. People like Jaladi Moses (who lost two brothers in the massacre) in Chunduru, human rights stalwart K G Kannabiran (who appeared in the high court every time the accused appealed on one ground or another) and prosecutors like Chandrasekhar who kept the case alive, are people who are committed to the annihilation of caste. In the face of atrocity, apart from mass protest, it is necessary to build alliances to keep prosecutions alive and effective – an effort which calls for an outlay of enormous time, intellectual and physical energy and material costs over a long period undergirded by the moral commitment to annihilate caste.

And justice itself is so many things – the “victory” in the court of trial is both the culmination of a struggle and the beginning of the delivery of justice. ■■■

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