

Chilakaluripeta Bus Burning Case – Mercy Plea to President of India

To
His Excellency
The President of India

Sir,

This is a plea for the exercise of your Constitutional power under Article 72 to grant commutation of death sentence in favour of Sathuluri Chalapathi Rao (20) and Gantela Vijayavardhana Rao (22)¹. The two young men in their twenties were convicted by the Sessions Court at Guntur. The court sentenced them to death. The death sentence was confirmed by the Andhra Pradesh High Court, and the convicts appeal to the Supreme Court has been dismissed on 28 August 1996 (Criminal Appeal No. 195/1996). Following the dismissal of the appeal, the Sessions Court of Guntur has issued a death warrant for the execution of the two convicts on 18-12-1996.

Both the young men belong to poor Scheduled Caste families of Guntur town. If they are hanged to death their families will be rendered destitute. Both these young men are victims of poverty and hunger. In order to get out of the dragnet of poverty and hunger they thought of resorting to robbery of a bus and in the process the bus caught fire killing 23 passengers. It is a case of poverty leading to robbery, robbery leading to an accident taking away innocent lives. We appeal to Your Excellency to look at the cause of the crime -- poverty -- and allow them to live to reform themselves as they have a long life ahead. Added to this they have no history of previous robbery, theft, jail life and not even of entering into police lockup. The caste-class nature of our society had driven them to this end. Therefore, they must be allowed to live and reform.

A Constitution Bench of the Supreme Court had held, in Bachan Singh Vs. State of Punjab (1980), that death sentence must not be awarded as a matter of course, but only in the 'rarest of rare cases, when the alternative option is unquestionably fore-closed'. Subsequently, what is it that distinguishes a case as 'rarest of rare' is a matter that has been agitating the Supreme Court. While the court has discussed the question again and again, the debate is not yet

¹ Their death sentences have since been commuted to life imprisonment. The two have been in prison for more than 18 years serving out their sentences. The AP government is as yet unwilling to give them the benefit of a premature release.

closed. However, in the present case all the courts have evidently concluded that since the crime has resulted in the death of 23 passengers the courts, without looking at the cause of deaths, felt that they must be given death sentence. The matter however, should be viewed from the moral and human angle as well.

The plain facts of the case are that Chalapathi Rao and Vijayavardhana Rao are youth with no previous criminal record, let alone previous conviction. This is the first time that they were at all booked in any criminal case. They are not habitual and hardened criminals whom society can get rid of only by physical extermination. The two were hard working labourers who belong to the Scheduled Caste. Both of them have old parents and other dependents to look after. With their death both the families will get ruined. They were tempted to take to robbery for the first time in their lives in an effort to meet their dire need of money. It was not 'lust for wealth' but dire need that motivated them, contrary to the interpretation the courts put on their act. Their aim was only to commit robbery and not kill any one. Lacking any previous 'experience' in committing robberies, they did not know how to set about the task they had assigned themselves. They read in a newspaper about somebody who had robbed a bus by using petrol to threaten the passengers, and decided to use the same technique. Their idea was to sprinkle petrol in the bus, threaten passengers with the show of setting fire, and rob them without causing injury to any of them. However, when one of them started sprinkling petrol along the floor of the bus as planned, an unforeseen thing happened. The driver smelt the petrol, shouted and braked the bus and switched on the lights. The passengers then woke up and started shouting. This scared the novice robbers who were paralysed by the unforeseen turn of events. They got scared that the passengers may lynch them. Their only thought was to escape unhurt. But the passengers too were in a hurry to get out of the bus. In the melee the petrol caught fire, and the horrible tragedy occurred in a matter of minutes.

In the Trial Court, the two accused took the usual plea that the whole charge against them was fabricated, and that even the charge of attempted robbery was not a fact. However, after being convicted by the Trial Court, they narrated to us the above facts as the true story of what happened. They are as much in the dark as everybody as how exactly the fire started. They insist that even in their panic they did not set the bus on fire. However, petrol being highly combustible, it need not occasion any surprise if it caught fire accidentally in the commotion caused by the scramble, perhaps with the ignitions from the engine. One of the accused, Vijayavardhana Rao, himself partly got burnt by the fire.

We do not ask for condonation of their crime. All that we say is that in the circumstances, the extreme penalty of death is not warranted. Life imprisonment, which will help them to repent the one act of crime they have committed in their lives, and become useful citizens and better human beings, is a more appropriate punishment, considering that they are not hardened criminals by any stretch of imagination, but only poverty stricken young men misled by their dire need of money. This is in truth a consideration that could have moved the courts too, in deciding whether the crime was of the 'rarest of rare' category for which the death sentence is warranted, but the courts were evidently carried away by the prosecution presentation of the case, in which the unintended happening is made to appear as an act of diabolical inhumanity. As the accused pleaded not guilty to all the charges, the courts did not have the benefit of a first person account of what actually transpired that night. Now the true narration been submitted to Your Excellency by the convicts in the pleas for mercy submitted by them, which we briefly summarised above. The narration indicates plainly that they had in mind only robbery and not the killing of a single passenger, let alone 23 of them, and that they did nothing to kill the passengers.

Vijayavardhana Rao was a rod-bender in building construction, and Chalapathi Rao a painter. Vijayavardhana Rao's father had died long ago, and this man was the sole support for his sickly mother. Chalapathi Rao's father is old and infirm, and that young man too was the bread-winner of his family, his wife and his younger sister. Neither of them earned anything for their family's survival by means of their honest toil. They were constantly tormented by poverty, which is the common lot of labourers in the unorganised sector of the Indian economy.

In a different milieu, perhaps, their thoughts would not have turned to crime, but we live an era where the political and media culture make it almost inevitable that indigent young men soon start thinking of short-cuts to earn money. Mass murders have been engineered in the city of Hyderabad to dislodge one Chief Minister and enthrone another. In a socio-economic milieu where the well to do and even the political leaders engineer criminality to earn more and more why should one then feel surprised if poverty stricken young men do not hesitate to commit crimes for the sake of some money? And the media (especially films, which even very poor people see) has made crime and vengeance heroic. If the politicians have bridged the gulf between public service and crime, our film world has, in its theatrics, dissolved the distinction between crime and just rebellion. It is no surprise that intelligent and impressionable young men like Chalapathi Rao and Vijayavardhana Rao should let the frustrations born of irremediable poverty drive them towards crimes of violence.

We no doubt rightly feel shocked at their irresponsible act, but has our society striven to preserve the human moral environment that would inhibit young men from taking recourse to such means? This is not to absolve them totally of their responsibility for the conscious choice they made, but only to point out that society should at last in part bear the burden of the crime they chose to commit, and the much bigger crime that resulted from their attempt. To hang the two young men is to absolve the society -- and all of us -- of all responsibility in the matter. To commute their sentence to a smaller one, and to hope that they will emerge penitent and better human beings from the incarceration, is to at least acknowledge that they are only part authors of the crime.

We, therefore, request you to commute their death sentence and allow them to live and reform.

***- Joint Action Committee for the Commutation of Death Sentence of
Chalapathi Rao and Vijayavardhana Rao, Andhra Pradesh.***

(Date of writing not known)