EXPLAINED THE DEATH PENALTY REPORT

■ High Court certifies the case

to be fit for appeal under Art

Supreme Court under Art 134

■ Mandatory appeal to

■ Supreme Court grants

special leave to appeal

132 or Art 134A

under Art 136

CAPITAL PUNISHMENT IN INDIA

Most on death row are poor, backward caste

First-of-its-kind report provides 360-degree view of the administration of capital punishment — who gets it, and what it is to live in death's shadow. A statistical snapshot

STAGES IN DEATH

SENTENCE CASES

CONFIRMATION BY

Mandatory

reference to

High Court

under CrPC

Sec 366(1)

HIGH COURT

TRIAL COURT

23

Terror Offences

(Convictions under TADA,

Prevention of Terrorism

Act, UAPA, and for Waging

War under IPC Sec 121)

Punjab

3

Rajasthan

25

Madhya Pradesh

(1 woman)

19

Gujarat

36

Maharashtra

(3 women)

Graphic: Mithun Chakraborty

18

Dacoity with Murder

(Convictions under IPC

Sec 396)

Defence Legislation

(Convictions under BSF

Act and Army Act)

6

Jammu &

Kashmir

10

Haryana

(1 woman)

45

Karnataka

(1 woman)

15

Kerala

Reason and scope of Study

THE NATIONAL Law University's Death Penalty Research Project has prepared a socio-economic profile of prisoners sentenced to death in India, using statistics and case studies, to help create a resource for an in-depth understanding of the administration of the death penalty in India.

Over the period July 2013 to January 2015, the Project was able to interview most prisoners on death row, and their families. There are no reliable numbers of the total number of death row prisoners in India. There is also no official record with any Ministry or agency of the total number of prisoners executed since Independence.

The researchers got help from the National Legal Services Authority (NLSA) and state- and district-level legal authorities, made prison visits, filed RTI applications, and got information from High Courts. They identified 385 prisoners, and got access to 373 of them. All interviews were essentially "conversations", during which notes were taken.

There is no exhaustive list of offences punishable by death. 59 sections in 18 central laws, including 12 sections under the Indian Penal Code, including both homicide and non-homicide offences, carry the death penalty. Provisions in state laws are separate, and have not been put together in one list. The constitutionality of the death penalty was last upheld in May 1980 by a fivejudge Bench of the Supreme Court that ruled that it did not violate the right to life guaranteed by Article 21; however, the death penalty should be imposed only in the "rarest of rare" cases. The Law Commission of India, in its 262nd Report in August 2015, recommended the abolition of the death penalty in phases, beginning with ending it for all offences except those related to terrorism.

HOUSING MOST ON DEATH ROW

Central Prison, Belgaum



OFFENCES FOR WHICH PRISONERS WERE CONVICTED 12 Non-Homicide Offences 361 Homicide Offences

Kidnapping with 213 Murder Simpliciter (Convictions under IPC Rape with Murder Section 300 (murder), or Sec 300 along with Arms **Act, Explosive Substances** Act, and SC/ST Act)

THE CONDEMNED A THIRD ARE OBCS Social profiles

24% General category

34.6% Other Backward Classes*

24.5% SCs/STs

Non-earning

Murder

20.7% Religious minorities

*Prisoners belonging to both OBCs, religious minorities counted under both heads. No info for 6 prisoners

MOSTLY SOLE, MAIN EARNERS andones of family on convict*

Sole earner	34.9%
Primary earner	28.2%
Neither sole nor primary earner	29.2%

*Only for economically vulnerable prisoners. No info for 65 prisoners

7.7%

LENGTH OF TRIAL

(Median durations)

APPEAL IN

SUPREME

Court

	TRIAL COURT	HIGH COURT	SUPREME COURT
Sexual offences	1 year 6 months	6 months	2 years 8 months
All crimes	3 years 2 months	11 months	1 year 10 months
Terror offences	8 years 4 months	3 years 10 months	2 years 4 months
All crimes	3 years 2 months	11 months	1 year 10 months

MOST TIME SPENT IN JAIL

(Prisoners whose mercy petitions have been rejected, including the time they spent as undertrials)

Navinder Singh	25 years*	
Champak	20 years 5 months	
Chittaranjan	20 years 5 months	
Murthi	20 years 5 months	
Lucius	20 years 5 months	
Dalvinder	20 years 4 months	
Aliasgar	19 years 10 months	
Girish Kumar	19 years 6 months	
Ainesh Singh, Sudish	19 years	

*Sentence commuted by SC on ground of inordinate delay

REVIEW

PETITION IN

CURATIVE

PETITION IN

30

filed mercy pleas)

270

Confirmation of

trial court

sentence pending

in High Court

Assam

21

rejected

SUPREME COURT

MERCY PLEA

PRESIDENT

BEFORE

52

PRISONERS SENTENCED TO DEATH

30

Delhi

(3 women)

5

Uttarakhand

Uttar Pradesh

(2 women)

53

Bihar

West Bengal

Andhra Pradesh

(including Telangana)

Andaman and

Nicobar Islands

Odisha

interview

☐ Maharashtra: No

all Muslim, on the

been convicted for

terror offences

no death row

prisoners

interview 5 prisoners,

ground that they had

■ States and UTs with

permission to

13

Jharkhand

16

Chhattisgarh

(1 woman)

Tamil Nadu

Sentence confirmed

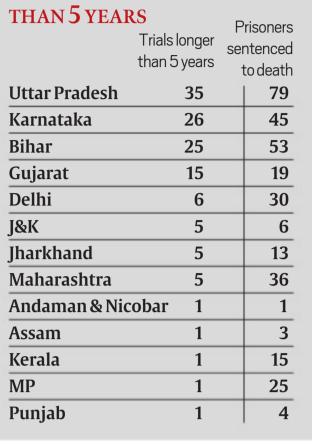
appeal pending in

by High Court,

Supreme Court

SUPREME COURT

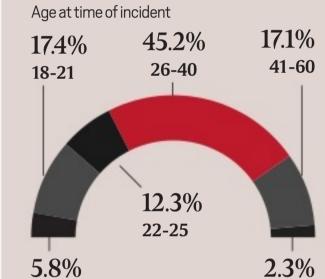
Review petition under Art 137



TRIALS LASTING MORE

WHO GETS THE DEATH PENALTY?

ALMOST HALF ARE 26-40



Less than 18* Above 60 Based on information on 310 prisoners; information for 63 not

*Age claimed by prisoner

MOSTLY FIRST-TIMERS

Prior Criminal History*

241 None



*Information on 276 prisoners; information for 97 not available

PREDOMINANTLY VULNERABLE GROUPS* Occupation of convicts

25.9% **Economically** non-vulnerable

74.1% **Economically** vulnerable

*Manual casual labourers (agricultural and non-agricultural); marginal and small cultivators (own or leased land less than 4 hectares); low-paying public/private salaried jobs; small own-account enterprises; students; unemployed persons. Information on 3 individuals not available.

MOSTLY SCHOOL DROPOUTS

Educational profiles of convicts



11% Higher secondary

8% Undergraduate 1.1% Postgraduate

0.8% Diploma/vocational

0.6% Professional course

*Includes 'Never went to school as well'. Information not available for 8 prisoners.

