

# 13 EXPLAINED THE DEATH PENALTY REPORT

## 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

### 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.

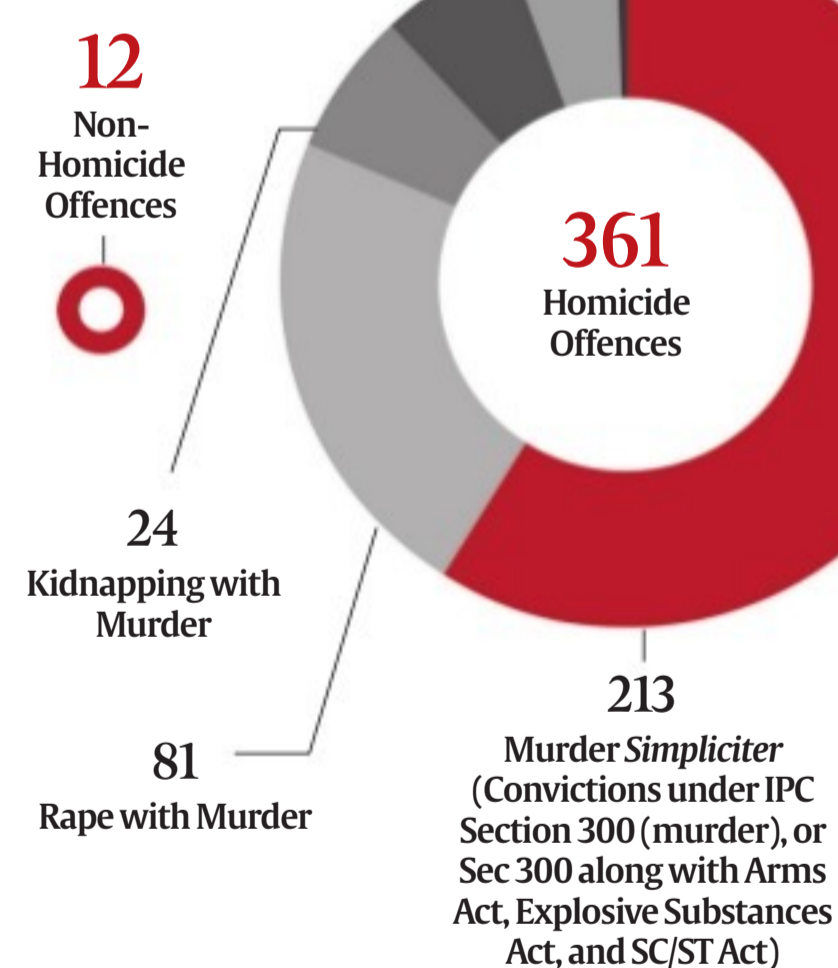
The researchers got help from the National Legal Services Authority (NLSA) and state- and district-level legal authorities, made prison visits, filed RTI applications, and got information from High Courts. They identified 385 prisoners, and got access to 373 of them. All interviews were essentially “conversations”, 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 five-judge 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	45
Central Jail, Tihar, Delhi	30
Yerwada Central Prison, Pune	22
Shahid Jubba Sahni Central Jail, Bhagalpur	21
Model Central Prison, Beur, Patna	14
Central Jail, Indore	14

### OFFENCES FOR WHICH PRISONERS WERE CONVICTED



### THE CONDEMNED A THIRD ARE OBCS

Social profiles

- 24% General category
- 34.6% Other Backward Classes\*
- 24.5% SCs/STs
- 20.7% Religious minorities

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

**MOSTLY SOLE, MAIN EARNERS**

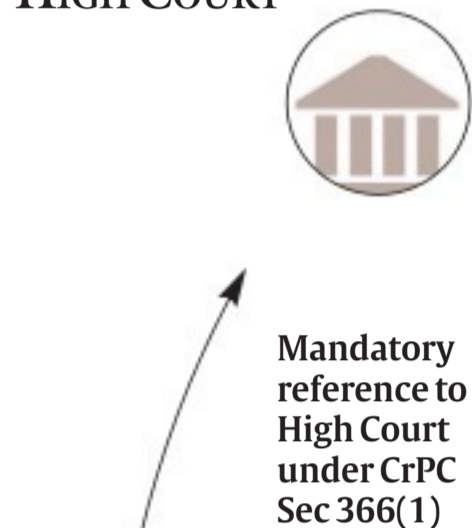
Dependence of family on convict\*

Sole earner	34.9%
Primary earner	28.2%
Neither sole nor primary earner	29.2%
Non-earning	7.7%

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

### STAGES IN DEATH SENTENCE CASES

#### CONFIRMATION BY HIGH COURT



#### TRIAL COURT

- High Court certifies the case to be fit for appeal under Art 132 or Art 134A
- Mandatory appeal to Supreme Court under Art 134
- Supreme Court grants special leave to appeal under Art 136

#### APPEAL IN SUPREME COURT

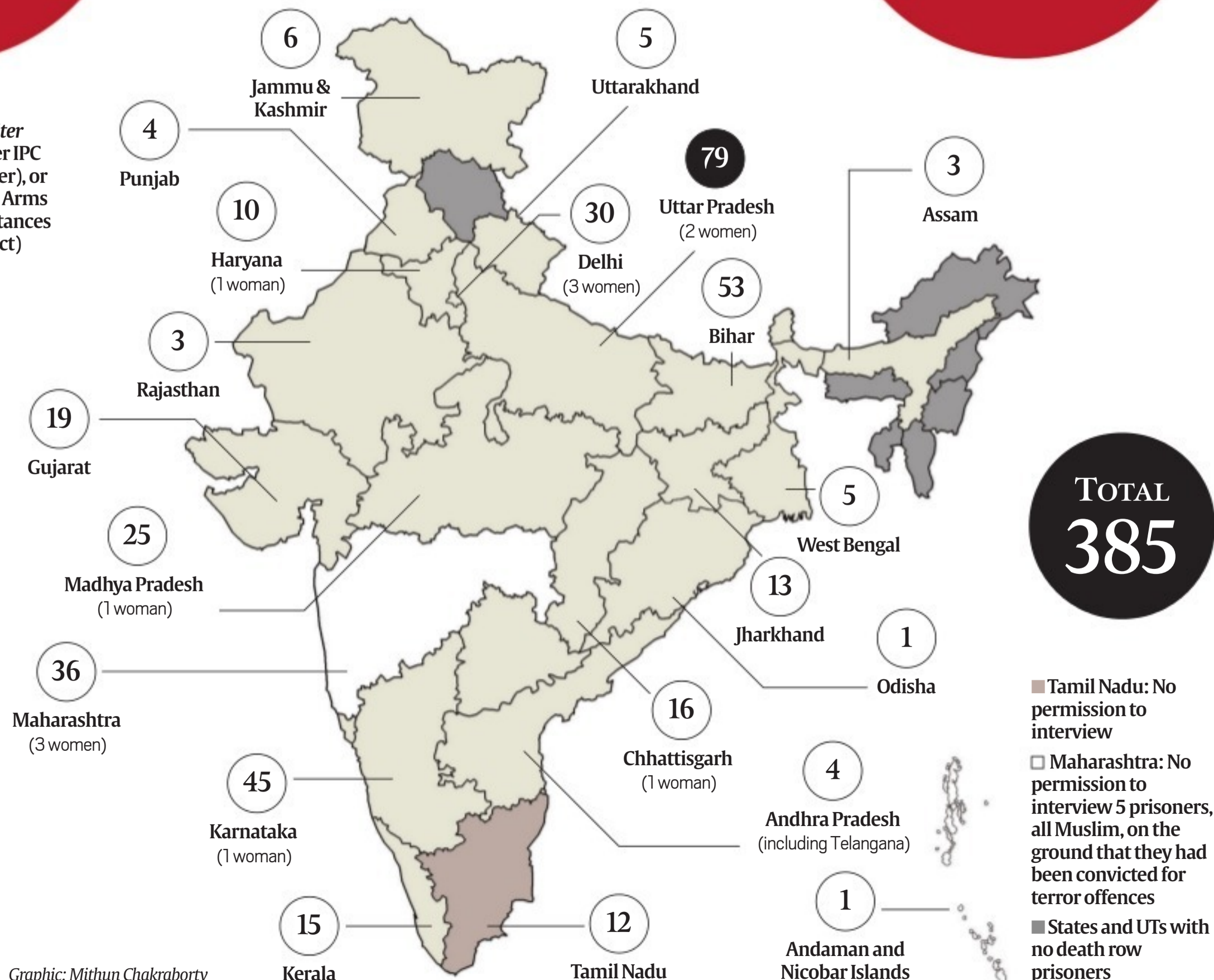
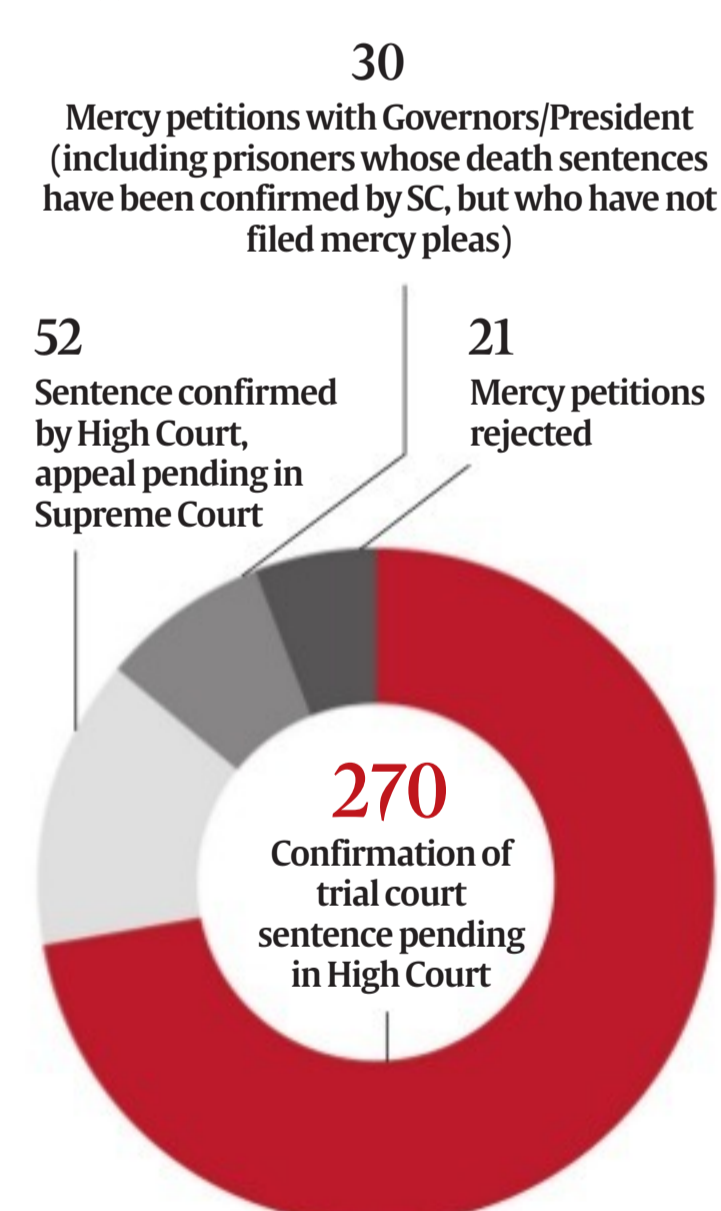
#### REVIEW PETITION UNDER ART 137



#### CURATIVE PETITION IN SUPREME COURT

#### MERCY PLEA BEFORE PRESIDENT

### AT WHICH STAGE ON DEATH ROW



**TOTAL 385**

- Tamil Nadu: No permission to interview
- Maharashtra: No permission to interview 5 prisoners, all Muslim, on the ground that they had been convicted for terror offences
- States and UTs with no death row prisoners

### LENGTH OF TRIAL

(Median durations)

	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)

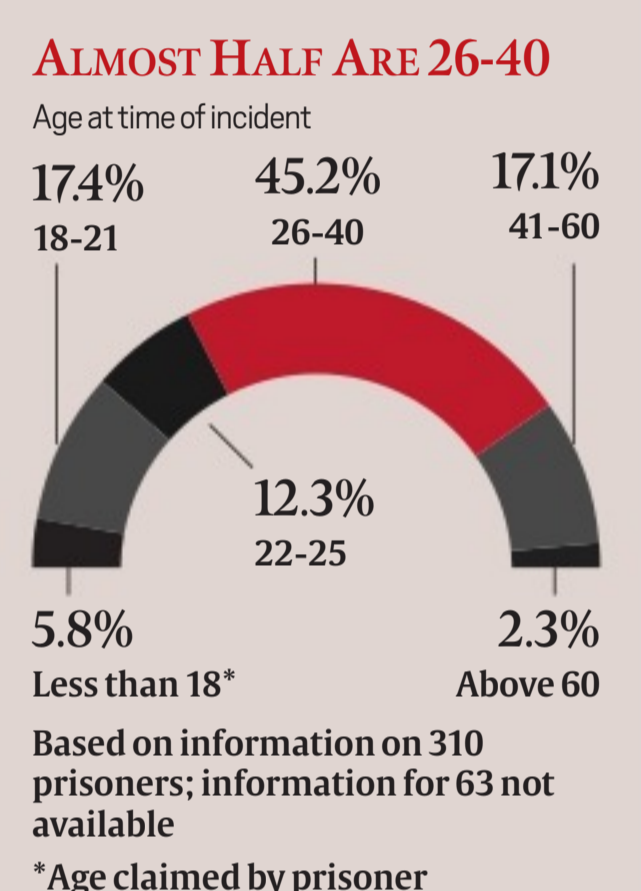
Navinder Singh	25 years*
Champak	20 years 5 months
Chittaranjan	20 years 5 months
Murthi	20 years 5 months
Lucius	20 years 5 months
Dalvinder	20 years 4 months
Aliasgar	19 years 10 months
Girish Kumar	19 years 6 months
Ainesh Singh, Sudish	19 years

\*Sentence commuted by SC on ground of inordinate delay

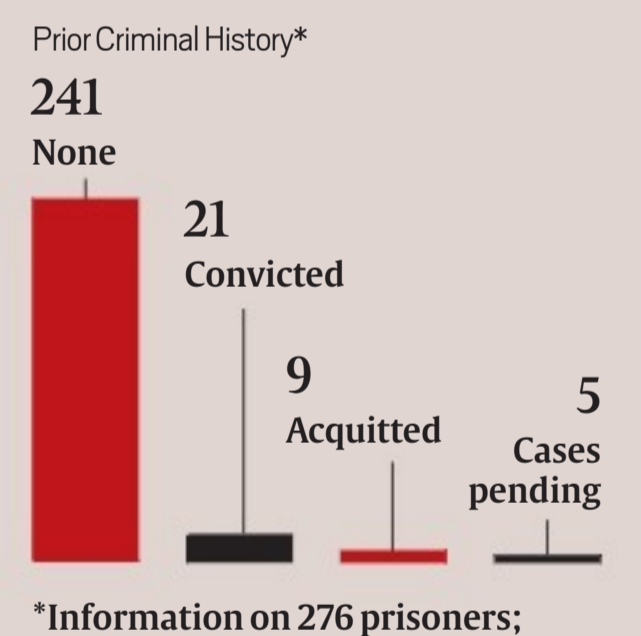
### TRIALS LASTING MORE THAN 5 YEARS

	Trials longer than 5 years	Prisoners sentenced to death
Uttar Pradesh	35	79
Karnataka	26	45
Bihar	25	53
Gujarat	15	19
Delhi	6	30
J&K	5	6
Jharkhand	5	13
Maharashtra	5	36
Andaman & Nicobar	1	1
Assam	1	3
Kerala	1	15
MP	1	25
Punjab	1	4

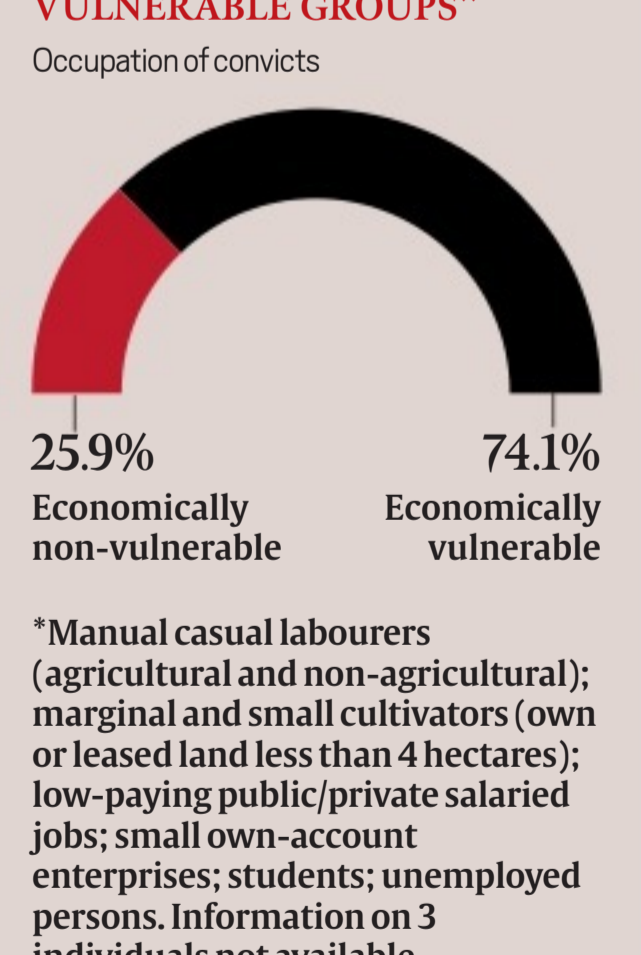
### WHO GETS THE DEATH PENALTY?



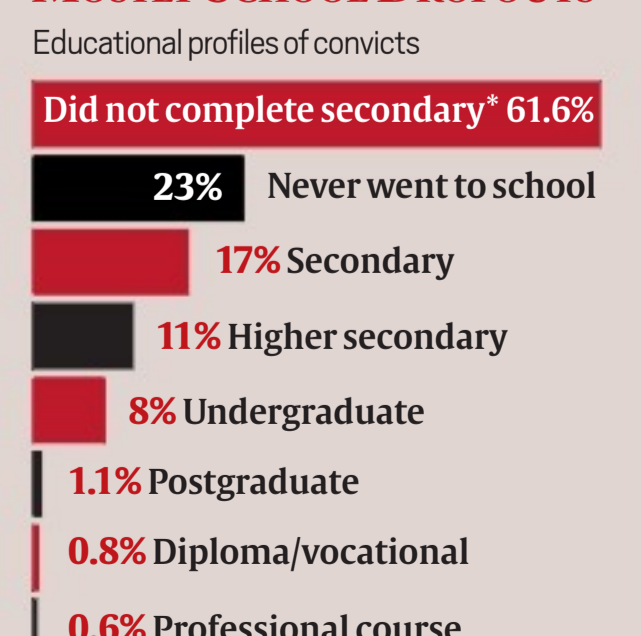
### MOSTLY FIRST-TIMERS



### PREDOMINANTLY VULNERABLE GROUPS\*



### MOSTLY SCHOOL DROPOUTS



Graphic: Mithun Chakraborty