



**INDIA: DEATH
PENALTY
HAS NO
DETERRENCE**



ASIAN CENTRE FOR HUMAN RIGHTS



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India: Death Penalty Has No Deterrence

Published by:

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First published August 2014

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ISBN: 978-81-88987-47-4

Suggested contribution Rs. 295/-

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1. Executive summary and recommendations

As on 1 August 2014, President Pranab Mukherjee considered 23 mercy pleas involving 31 death-row convicts after assuming the office of the President of India on 25 July 2012. Out of the 31 death row convicts, President Pranab Mukherjee commuted death penalty of only one convict, Atbir on 15 November 2012.¹ This implies that President Pranab Mukherjee has so far rejected 97% of the mercy petitions.

One of the key grounds for retention of death penalty is the perception that death penalty acts as a deterrent against gruesome and diabolical crimes. This perception is deep rooted and runs across the spectrum. However, this may prove fatal if any judge or bench of judges, the final interpreters of the “*rarest of rare*” case doctrine enshrined in *Bachan Singh* judgement [AIR 1980 SC 898], consider the death penalty as the panacea against gruesome and diabolical crimes, and use death penalty to express the society’s moral outrage against these crimes. There is no doubt that death penalty is awarded depending on the merits of each case but a bare perusal of judgements shows that that certain judges have been more inclined to award death penalty than others. Many judges consider death sentence as the panacea for tackling dowry deaths² and honour killings³.

However, the empirical evidence of the Government of India establishes that death penalty does not act as deterrent as explained below.

In India, death penalty is awarded mostly in cases of murder. Despite executions of an average of 128 death row convicts per year from 1953 to 1963 as per the 35th Report of the Law Commission, the decadal increase of murder cases during the same period as per the National Crimes Record Bureau (NCRB) was about 17% (See Table 1). Obviously, executions did not act as a deterrent. Rather, drastic reduction in award of death penalty and executions in the post *Bachan Singh*⁴ period drastically brought down murder cases. As per the NCRB which started collecting statistics on death penalty from 1995, the decadal decrease of murder cases during 1992 to 2002 was 12.43% in actual term despite decadal growth of India’s population by

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1. Please refer to “Statement of Mercy Petition Cases - Rejected as on 01.08.2014” at Annexure- I and the same is available at <http://rashtrapatisachivalaya.gov.in/pdfs/mercy.pdf>
 2. *Rajbir @ Raju & Anr vs State Of Haryana* on 22 November, 2010; Bench: Markandey Katju, Gyan Sudha Misra Petition(s) for Special Leave to Appeal (Crl)... 2010 CRLMP.NO(s). 23051
 3. *Bhagwan Dass vs State (Nct) Of Delhi* on 9 May, 2011; Author: M Katju, Bench: Markandey Katju, Gyan Sudha Misra, CRIMINAL APPEAL NO. 1117 OF 2011 @ SPECIAL LEAVE PETITION (CRL.) NO.1208 OF 2011
 4. *Bachan Singh vs State of Punjab* [AIR 1980 SC 898], [1980 CriLJ 636]

21.34% i.e. increase from 846.3 million in 1991 to 1.028 billion in 2001 (see Table 2)⁵. Similarly, the decadal decrease of murder cases during 2002-2012 was 1.99% in actual term despite increase of India's population from 1.028 billion in 2001 to 1.21 billion in 2011 (see Table 2).⁶

Death penalty failed to counter terror offences too. The Terrorist and Disruptive Activities (Prevention) Act (TADA) of 2002, the Prevention of Terrorism Act of 2002, the Unlawful Activities Prevention Act, 1967 etc provide death penalty. Many convicted under these Acts have been executed.

However, data of the Ministry of Home Affairs (MHA) of the Government of India indicates that though no convict under anti-terror laws from Jammu and Kashmir (J&K) has been executed from 1990 till execution of Afzal Guru in 2013, J&K recorded a significant decline of terror incidents with 5,247 incidents in 1993 to 220 incidents in 2012. The number of persons killed also declined from 2,255 persons in 1993 to 102 persons in 2012. During 1993 to 2002, about 43,085 terror incidents with 26,285 deaths were reported from J&K and it reduced to 12,970 incidents with 10,076 deaths during 2003-2012. Thus, there was a decadal decrease of 70% terror incidents and 61.66% of deaths in Jammu and Kashmir during 2003-2012 as against 1993-2002.⁷

Similarly, no terror convict has been executed in the North East India until today. However, terror incidents have been consistently reducing in the North East India for the last one and half decades. According to the Ministry of Home Affairs, 1561 incidents of violence were reported in 2008 which reduced to 1025 incidents in 2012. Similarly, the number of persons killed in insurgency related incidents in the North East reduced drastically. A total of 12,177 persons were killed during 1992-2001 which decreased to 7,825 during 2002-2011, indicating 35.7% reduction in deaths.⁸

Death penalty also does not act as a deterrent in non-homicidal offences. The execution of rape and murder convict Dhananjay Chatterjee in August 2004 did not reduce incidence of rape in West Bengal. As per NCRB data, 1,475 rape cases were reported in West Bengal in 2004 which increased to 1,686 cases in 2005; 1,731 cases in 2006; 2,106 cases in 2007; 2,263 cases in 2008;

5. See 'Census of India 2001' available at: http://censusindia.gov.in/Data_Products/Library/Provisional_Population_Total_Link/PDF_Links/chapter3.pdf

6. Census data of 2001 & 2011 available at: <http://censusindia.gov.in/>

7. See Annual Reports 2003-04 & 2012-13, Ministry of Home Affairs, Government of India

8. Annual Report 2012-13, Page 11, Ministry of Home Affairs, available at: [http://www.mha.nic.in/sites/upload_files/mha/files/AR\(E\)1213.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/AR(E)1213.pdf)

2,336 cases in 2009; 2,311 cases in 2010; 2,363 cases in 2011 and 2,046 cases in 2012. At national level, in 2004, 18,233 rape cases were reported from across India and it increased to 24,923 cases in 2012.⁹

Following the Nirbhaya gang rape case in Delhi on 16 December 2012, the Criminal Law (Amendment) Act, 2013 came into force from 3 February 2013 and it introduced death penalty for repeat offenders of rape under Section 376E of the Indian Penal Code (IPC).¹⁰ On 4 April 2014, a Sessions Court in Mumbai, Maharashtra became the first in the country to impose death penalty to three repeat offenders of rape under the new Section 376E of the IPC in the infamous Shakti Mill gang rape case. After the court ruling, Maharashtra Home Minister R. R. Patil said *“No one will dare commit such a crime after this verdict. The death penalty is necessary to deter such criminal acts.”*¹¹ However, the statistics provided by Mumbai Police show that 273 rape cases were reported in Mumbai from January – 15 June 2014¹² including 138 cases registered during January to March 2014.¹³ This means 135 rape cases were reported from April to 15 June 2014. This clearly suggests that the award of death penalty to those three convicts in the Mumbai’s Shakti Mill gang rape case had no deterrent impact on sexual predators.

Similarly, the award of death penalty to four adult accused found guilty by a fast track court in September 2013 in connection with the Delhi gang-rape case of December 2012 failed to act as a deterrent. According to data released by the Delhi Police, 616 rape cases were registered in Delhi from 1 January 2014 to 30 April 2014 i.e. six cases were reported every day. This is an increase of 36% compared to around 450 cases registered in the same period in 2013.¹⁴

With the exception of the Central Reserve Police Force Act, death penalty is provided in all the legislations establishing the Army, Air Force, Navy and

9. See Crime in India Report series, 2004 to 2012, National Crime Records Bureau at: <http://ncrb.nic.in/>
10. Criminal Law (Amendment) Act, 2013 is available at: <http://indiacode.nic.in/acts-in-pdf/132013.pdf>
11. See ‘Three repeat offenders get death penalty in Shakti Mills rape case’, The Hindu, 4 April 2014, at: <http://www.thehindu.com/news/national/three-repeat-offenders-get-death-penalty-in-shakti-mills-rape-case/article5871677.ece>
12. See ‘43% rise in rape cases in Mumbai but the police claims more than 90% “consensual”, Daily News and Analysis, 24 June 2014, at: <http://www.dnaindia.com/mumbai/report-43-rise-in-rape-cases-in-mumbai-but-the-police-claims-more-than-90-consensual-1997422>
13. See ‘In 2014, Mumbai has become more unsafe for women than last year, says statistics’. Daily News and Analysis, 29 April 2014, at: <http://www.dnaindia.com/mumbai/report-in-2014-mumbai-has-become-more-unsafe-for-women-than-last-year-says-statistics-1983111>
14. See ‘Six rapes daily in Delhi, says police data’, Hindustan Times, 26 May 2014 at: <http://www.hindustantimes.com/india-news/newdelhi/six-rapes-daily-in-capital-city-says-police-data/article1-1222882.aspx>

the central para-military forces for a number of military offences such as in relation to the enemy or terrorist, mutiny, desertion and aiding desertion and other offences such as murder including fratricide.¹⁵ Death penalty does not act as a deterrent including on incidents of fragging/fratricidal killings which are reported at regular intervals. The Ministry of Defence stated that 83 cases of fratricide were reported from the armed forces from 2000 to 2012 (till April). Majority of the cases were reported from the Army.¹⁶

Despite the Supreme Court striking down Section 303 IPC providing mandatory death penalty for offence of murder committed by a life convict as unconstitutional in *Mithu vs State of Punjab*¹⁷ case, mandatory death penalty is still prescribed under Section 3(1)(G)(i) of the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act (SUA), 2002 and Section 3(2)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In fact, even though the Bombay High Court read down Section 31A of the Narcotic Drugs and Psychotropic Substances (Prevention) Act of 1985 (NDPS Act), prescribing the death sentence, as an optional rather than a mandatory punishment on 16 June 2011¹⁸, in January 2012, Paramjit Singh was sentenced to death under Section 20(C) read with Section 31A of the NDPS Act while Balwinder Singh of Punjab was sentenced to death under Section 21(c) read with Section 31A of the NDPS Act in March 2012. Both were from Punjab.¹⁹

From the requirement of the courts to record the reasons for not imposing death penalty under the Criminal Procedure Code of 1898 to making life imprisonment as the rule and death sentence as an exception under the “*rarest of rare*” case doctrine of the *Bachan Singh* case, on paper, India did make some progressive move towards reduction of death penalty. However, in practice, death penalty is a everyday reality. As per the NCRB Annual Reports, from 2001 to 2012, death sentence of 1,552 convicts were confirmed while the death sentences for 4,382 convicts were commuted to life imprisonment. This implies that a total of 5,934 convicts were given death sentence in the

15. The sentence of death can be awarded under Section 69(a) of Army Act, Section 71(a) of Air Force Act, Section 77(1) of Navy Act, 1957, Section 49(a) of ITPB Act, Section 46(a) of BSF Act, Section 49(a) of SSB Act and Section 55(a) of the Assam Rifles Act

16. Information given by Minister of Defence Shri AK Antony in a written reply to Dr. Gyan Prakash Pilonia in the Rajya Sabha on 2 May 2012, available at: <http://pib.nic.in/newsite/erelease.aspx?relid=82918>

17. The judgment is available at: <http://www.indiankanoon.org/doc/590378/>

18. Why mandatory death penalty be not abolished? Supreme Court asks govt, The Times of India, 2 December 2012 available at <http://timesofindia.indiatimes.com/india/Why-mandatory-death-penalty-be-not-abolished-Supreme-Court-asks-govt/articleshow/17446507.cms>

19. Drug peddler gets death sentence, Hindustan Times, 26 March 2012, available at: <http://www.hindustantimes.com/punjab/chandigarh/drug-peddler-gets-death-sentence/article1-831175.aspx>

last 12 years i.e. about two convicts being given death sentence every working day of the judiciary.²⁰

Death penalty can never be a substitute to prevention, effective and prompt investigation and speedy justice delivery system against crimes. The Government of India has failed to act on all these issues but continues to mislead the people that death penalty acts as a deterrent. The time has come for amending all the laws that provide death penalty and replace the same with life imprisonment.

2. Laws providing death penalty in India

India retained the death penalty as one of the punishments in the Indian Penal Code, 1860 (IPC) after independence. Death penalty is also prescribed in special or local laws for various offences. Presently, death penalty is provided under the IPC for various offences such as Section 121,²¹ Section 132,²² Section 194,²³ Section 195A,²⁴ Section 302,²⁵ Section 305,²⁶ Section 307(2),²⁷ Section 364A,²⁸ Section 396,²⁹ Section 376E,³⁰ and Section 376A.³¹

The special or local laws which provide for death penalty are the Army Act, 1950;³² the Air Force Act, 1950;³³ the Navy Act, 1950;³⁴ the Indo Tibetan Border Police Act, 1992;³⁵ the Assam Rifles Act, 2006;³⁶ the Border Security Force Act, 1968;³⁷ the Sashastra Seema Bal Act, 2007;³⁸ the Defence

20. Please refer to Annexure -II for details.

21. Treason, for waging war against the Government of India

22. Abetment of mutiny actually committed

23. Perjury resulting in the conviction and death of an innocent person

24. Threatening or inducing any person to give false evidence resulting in the conviction and death of an innocent person

25. Murder

26. Abetment of suicide by a minor, insane person or intoxicated person

27. Attempted murder by a serving life-convict

28. Kidnapping for ransom

29. Dacoity with murder

30. Repeat offenders of rape

31. Person committing an offence of sexual assault and inflicting injury which causes death or causes the person to be in a persistent vegetative state

32. Section 34, Section 37, Section 38, Section 69

33. Section 34, Section 35, Section 38, Section 71

34. Section 34, Section 35, Section 36, Section 37, Section 38, Section 39, Section 43, Section 44, Section 49, Section 56, Section 59, Section 77

35. Section 16, Section 19, Section 20, Section 49

36. Section 21, Section 24, Section 55

37. Section 14, Section 15, Section 17, Section 18, Section 46

38. Section 16, Section 19, Section 20, Section 49

and Internal Security Act, 1971;³⁹ the Narcotic Drugs and Psychotropic Substances (Prevention) Act, 1985 as amended in 1988;⁴⁰ the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989;⁴¹ the Explosive Substances Act, 1908 as amended in 2001;⁴² the Unlawful Activities Prevention Act, 1967, as amended in 2004;⁴³ the Maharashtra Control of Organised Crime Act, 1999;⁴⁴ the Karnataka Control of Organised Crime Act, 2000;⁴⁵ the Andhra Pradesh Control of Organised Crime Act, 2001;⁴⁶ and the Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002.⁴⁷ A number of local laws such as the Arunachal Pradesh Control of Organised Crime Act, 2002 providing death penalty have been repealed.⁴⁸

Although various laws provides for the death penalty, it is mainly given under Section 302 IPC.

3. Trends of death penalty in India

i. Death penalty during pre-Bachan Singh judgement

Under Section 367(5) of Code of Criminal Procedure, 1898 (old code) the normal sentence for an offence of murder was death and the lesser sentence was the exception. The courts had to give reasons in case of not awarding death penalty to murder convicts. In 1955, this position was changed following the amendment of Section 367(5) of the Code of Criminal Procedure by the Criminal Procedure Code (Amendment) Act, 1955 (Act 26 of 1955). After the introduction of the amendment it was not obligatory for the court to state the reasons for not awarding death sentence in cases of murder and the discretion of the courts in deciding whether to impose a sentence of death or imprisonment for life became wider. The amendment came into force from 1 January 1956. Yet, an average of 128 persons were executed from 1956 to 1963, indicating that the lesser sentence was still the 'exception'.⁴⁹

39. Section 5

40. Section 31A

41. Section 3(2)(i)

42. Section 3(b)

43. Section 16(1)

44. Section 3(1)(i)

45. Section 3(1)(i)

46. Section 3(1)(i)

47. Section 3(1)(G)(i)

48. Section 3(1)(i)

49. As per the 35th Report (1967) of the Law Commission of India, 1131 persons were executed from

In an article written for a law journal, Justice K T Thomas, former judge of the Supreme Court stated that when he started his legal practice in 1960 “...many sessions judges were lavishly awarding death penalty on persons convicted for murder during those times. That situation continued upto 1965.”⁵⁰ There are no accurate statistics on execution after 1965. But it can be stated with certitude that the death sentence was still awarded routinely at least till 1980, when the Supreme Court propounded the ‘rarest of rare’ doctrine in the *Bachan Singh* case.

ii. Death penalty during post-Bachan Singh judgement

There is no doubt that following amendments of the Code of Criminal Procedure (CrPC) in 1973 and the *Bachan Singh* judgment the number of death penalties has reduced. The CrPC of 1973 introduced Section 354(3) requiring the judge to give “special reasons” for imposing a death sentence. However, this has had little impact on the sentencing practices of the judges across the spectrum. It was the *Bachan Singh* case in 1980 which held that life sentence was the norm and the death penalty is an exception that could be awarded only in the “rarest of rare” cases.⁵¹

As Justice K T Thomas stated, “However, this drastic curtailment of power to impose capital punishment remained only in paper. The Supreme Court itself began to dilute the rigors of the condition imposed in *Bachan Singh* case. Many judges employ semantics whenever and wherever they want to impose death penalty. All that the judges are required to do was to use some superlative degree words such as “brutal, atrocious, etc.” and then say that “I/we hold that this is one of the rarest of rare cases”. It became a matter of luck for an accused, depending vastly on the mind set or philosophy entertained by the individual judges. Soon after the majority judgment in *Bachan Singh* case was published, a smaller bench of two judges in *Machhi Singh Vs. State of Punjab* watered down the rigor of the rule of “rarest of rare” cases by enumerating some illustrative cases in which capital punishment would be justified. That bench identified illustrative cases that would fall within the ambit of the “rarest of rare” cases”.⁵²

1956 to 1963 i.e. 151 in 1956; 153 in 1957; 144 in 1958; 181 in 1959; 174 in 1960; 150 in 1961; 107 in 1962; and 71 in 1963. The 35th Report of the Law Commission of India, Ministry of Law, Government of India is available at: <http://lawcommissionofindia.nic.in/1-50/Report35Vol2.pdf>

50. See ‘Time to revisit Bachan Singh’, by K T Thomas, Livelaw.in, 25 June 2013, available at: <http://www.livelaw.in/constitutionality-of-death-penalty/>

51. See ‘Hanging on theories’, Frontline, Volume 29 - Issue 17 :: Aug. 25-Sep. 07, 2012, available at: <http://www.frontline.in/static/html/fl2917/stories/20120907291702900.htm>

52. See ‘Time to revisit Bachan Singh’, by K T Thomas, Livelaw.in, 25 June 2013, available at: <http://www.livelaw.in/constitutionality-of-death-penalty/>

4. Death has no deterrent effect for future crimes

There has been no scientific or empirical evidence to suggest that death penalty acts as a deterrent against any crime. There is also no evidence to suggest that the death penalty has brought down the crime rate in any country where the death penalty is retained.

i. Murder case increased despite more executions in India during 1953 to 1963

According to the 35th Report (1967) of the Law Commission of India, an average of 128 persons per year were executed during 1953 to 1963. But, the executions had almost no deterrent effect as murder rate consistently increased as can be seen from the Table 1.

An analysis of the 35th Report (1967) of the Law Commission of India shows that during this period despite large number of executions, murder cases reported an increase. For example, in 1955, 150 persons were executed but murder cases increased by 3.35% in 1956. Similarly, 151 persons were executed in 1956 but murder cases increased by 3.93% in 1957; 153 persons were hanged in 1957 but murder cases increased by 2.32% in 1958; 181 persons were hanged in 1959 but murder cases increased by 1.85% in 1960; 174 persons were hanged in 1960 but murder cases increased by 2.55% in 1961; 150 persons were hanged in 1961 but murder cases increased by 3.56% in 1962.

The above statistics establish that executions do not act as a deterrent.

ii. Murder cases decreased with virtual moratorium on death penalty in India during 1992-2012

While an average of 128 persons per year were executed during 1953 to 1963, it is generally acknowledged that the award of death sentence declined significantly post-*Bachan Singh* case.

According to the National Crime Records Bureau, a total of 1,552 persons or an average of 129 persons per year were awarded capital punishment in India from 2001 to 2012.⁵³ There was virtual moratorium on death penalty

53. These include 106 persons sentenced to death in 2001; 126 persons in 2002, 142 persons in 2003, 125 persons in 2004, 164 persons in 2005, 129 persons in 2006, 186 persons in 2007, 126 persons in 2008, 137 persons in 2009, 97 persons in 2010, 117 persons in 2011 and 97 persons in 2012. Please see Prison Statistics Report from 2001 to 2012 of the National Crime Records Bureau available at

following the execution of Dhananjoy Chatterjee in West Bengal in August 2004⁵⁴ which was resumed with execution of Mohammed Ajmal Amir Kasab in 2012⁵⁵ and Afzal Guru in 2013.⁵⁶

Yet, the decline in execution or death sentencing has not caused an increase in murder rates. According to the NCRB, murder cases have been declining for the last 20 years since 1992 as shown in the Table 2.

Table 2: Statistics of decrease of murder cases despite reduction of execution from 1992 to 2012

Year	Murder cases	Increase/decrease per year
1992	40105	
1993	38240	-4.65%
1994	38577	0.88%
1995	37464	-2.89%
1996	37671	0.55%
1997	37543	-0.34%
1998	38653	2.96%
1999	37170	-3.84%
2000	37399	0.62%
2001	36202	-3.20%
2002	35290	-2.52%
Decadal increase or decrease		-12.43%

<http://ncrb.nic.in/>

54. See 'The last hanging took 14 years after rape and murder', 26 December 2012', at: <http://archive.indianexpress.com/news/the-last-hanging-took-14-years-after-rape-and-murder/1050101/0>
55. See 'Ajmal Kasab hanged and buried in Pune's Yerwada Jail, The Times of India, 21 November 2012 at: <http://timesofindia.indiatimes.com/india/Ajmal-Kasab-hanged-and-buried-in-Punes-Yerwada-Jail/articleshow/17303820.cms>
56. See 'Afzal Guru hanged in secrecy, buried in Tihar Jail', The Hindu, 9 February 2013 at: <http://www.thehindu.com/news/national/afzal-guru-hanged-in-secrecy-buried-in-tihar-jail/article4396289.ece>

Year	Murder cases	Increase/decrease per year
2003	32716	-7.29%
2004	33608	2.73%
2005	32719	-2.65%
2006	32481	-0.73%
2007	32318	-0.50%
2008	32766	1.39%
2009	32369	-1.21%
2010	33335	2.98%
2011	34305	2.91%
2012	34434	0.38%
Decadal increase or decrease		-1.99%

The above statistics of the NCRB show that despite increase in population which is one of the yardsticks for determining crime rate, murder cases significantly decreased in the last two decades. The population of India increased from 846.3 million in 1991 to 1.028 billion in 2001 (decadal growth rate of 21.34%), but the murder cases reduced from 39,174 cases in 1991 to 36,202 cases in 2001.⁵⁷ Similarly, the population increased to 1.21 billion in 2011 over 1.028 billion in 2001 (decadal growth rate of 17.64%)⁵⁸, but the murder cases again indicated a decline i.e. 34,305 cases in 2011 compared to 36,202 cases in 2001.⁵⁹

iii. United States: murder rate is higher in the States having death penalty than the States without the death penalty

In the United States of America, the murder rate in States that have the death penalty is higher compared to States without the death penalty. According to Death Penalty Information Center (DPIC) data from 1991 to 2011, States without the death penalty have had consistently lower murder rates compared to States with the death penalty. The table below shows the murder rates in States with and without death penalty from 2001 to 2011⁶⁰:

57. See 'Crime in India' reports 1991 and 2001 available at: <http://ncrb.nic.in/>, and Census data of 1991 & 2001 available at: <http://censusindia.gov.in/>

58. Census data of 2001 & 2011 available at: <http://censusindia.gov.in/>

59. See 'Crime in India' reports 2001 & 2011 available at: <http://ncrb.nic.in/>, and Census data of 2001 & 2011 available at: <http://censusindia.gov.in/>

60. The data is available at: <http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates>

Table 3: Murder rates in the States with death penalty and murder rates in the States without death penalty

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Murder rate in death penalty States	5.82	5.82	5.91	5.71	5.87	5.90	5.83	5.72	5.26	5.00	4.89
Murder rate in non-death penalty States	4.25	4.27	4.10	4.02	4.03	4.22	4.10	4.05	3.90	4.01	4.13

Note: For the above figures DPIC states that “Populations are from the U.S. Census estimates for each year. Murder rates are from the FBI’s “Crime in the United States” and are per 100,000 populations. The murder rate for the region (death penalty states or non-death penalty states) is the total number of murders in the region divided by the total population (and then multiplied by 100,000) In calculations that include Kansas and New York, Kansas is counted as a death penalty state from 1994 and New York from 1996, since New York’s law did not become effective until September, 1995.”

iv. Death penalty does not act as deterrent to terror offences

The Government of India enacted a number of anti-terror legislations to deal with increasing terrorist activities in the country and also expanded the scope of the death penalty. The first such legislation was the now lapsed Terrorist and Disruptive Activities (Prevention) Act (TADA) which was enacted in 1985 to deal with the increasing Khalistani insurgency in Punjab. The TADA provided mandatory death sentence upon conviction under Section 3(2)(i). It was amended in 1987 wherein the alternative sentence of life imprisonment was provided. The TADA was allowed to lapse in 1995 but following several terrorist attacks, in particular the attack on the Parliament, the Prevention of Terrorism Act (POTA), 2002 was enacted. The POTA was repealed in 2004 and it was replaced by the Unlawful Activities (Prevention) Amendment Act, 2004. Both the POTA and the UAPA as amended in 2004 provide for death penalty and imprisonment for life. Other anti-terrorism laws which provides for death penalty include the Maharashtra Control of Organised Crime Act (MCOCA), 1999 which was enforced on 24 April 1999 to deal with organized crime and terrorism, and the Suppression of Unlawful Acts against safety of Maritime Navigation and Fixed Platforms on Continental Shelf, 2002 enacted to deal with terrorist acts at sea and acts of piracy, provides mandatory death penalty.

A number of persons were awarded capital punishment on conviction under the TADA and the POTA. Some of them included Sukhdev Singh and Nirmal Singh responsible for the killing of General A S Vaidya in 1986 in retaliation against the Operation Blue Star⁶¹, Devender Pal Singh Bhullar in the 1993 Delhi bomb blast case⁶²; Krishna Mochi, Bir Kuair Prasad, Dharmendra Singh @ Dharu Singh and Nanhe Lal in the killing of 35 persons at Bara, Bihar in 1992⁶³; Simons, Gnana Prakash, Madhiha and Bilavendra in the killing of 22 Police personnel through landmine blast in Karnataka in 1993⁶⁴; Yakub Abdul Rajak in the 1993 Mumbai serial blasts that killed 257 people⁶⁵; Afzal Guru convicted in the 2001 Parliament attack case⁶⁶; Mohammed Amir Ajmal Kasab in the 2012 Mumbai terror attack case⁶⁷; Santhan, Murugan and Perarivalan in the Rajiv Gandhi assassination case of 1991⁶⁸, etc.

However, experience has shown that the death penalty has not yielded the desired results. The execution of Kehar Singh and Satwant Singh convicted for the assassination of former Prime Minister Smt. Indira Gandhi⁶⁹ did not deter two Khalistani extremists namely Sukhdev Singh and Nirmal Singh from killing General A S Vaidya in retaliation against the Operation Blue Star,⁷⁰ or targeting innocent persons such as June 1991 attack on a passenger train by the Khalistani extremists in Punjab in which at least 55 persons were killed⁷¹, or September 1993 bombing in New Delhi targeting Indian Youth Congress President M S Bitta in which nine persons were killed.⁷² Similarly, the award of capital punishment to convicts of 1993 Bombay serial blast case did not prevent recurrence of similar terror attacks.

In an interview with *The Economic Times* on 11 February 2013 Justice V R Krishna Iyer, former Supreme Court judge stated, *“Even for terrorists, death penalty is not the answer. It does not deter terrorists from executing future terror strikes. It is foolish to think that death penalty to a terrorist would deter future terror*

61. State Of Maharashtra Etc. Etc vs Sukhdeo Singh And Anr, Supreme Court of India, 15 July 1992

62. (2002)5SCC234

63. 2001(3)CriminalCC190

64. (2004)2SCC694

65. Yakub Abdul Razak Memon vs State Of Maharashtra, Supreme Court of India, 21 March 2013

66. (2005)11SCC600

67. (2012)9SCC234

68. (1999)5SCC253

69. See ‘End of the road’ India Today, 31 January 1989 at: <http://indiatoday.intoday.in/story/indira-gandhi-assassination-trial-satwant-singh-and-kehar-singh-hanged/1/323031.html>

70. See State of Maharashtra Vs. Sukhdeo Singh & Anr, 15 July 1992

71. See ‘DEAD SILENCE: The Legacy of Human Rights Abuses in Punjab’, Human Rights Watch, May 1994 at: <http://www.hrw.org/sites/default/files/reports/India0594.pdf>

72. See *Devender Pal Singh Vs State NCT of Delhi and Anr*, 22 March 2002

attacks. People do these crimes driven by emotion or propaganda. So, death penalty can never be a deterrent to stop terror.....⁷³

Prevention is one of the key elements to counter terror attacks. It is also known to the Government of India that terror activities in India have reduced because of the peace-processes initiated, changes in geo-politics and cooperation of the neighbouring countries and international community, and not necessarily because of imposition of death penalty. The data of the Ministry of Home Affairs, Government of India indicates that terror activities in Jammu and Kashmir showed a significant decline with incidents of terrorist violence declining from 5,247 incidents in 1993 to 220 incidents in 2012. The number of persons killed also declined from 2255 in 1993 to 102 in 2012. A decadal analysis of the data shows that 43,085 incidents of terrorist violence with 26,285 deaths were reported from 1993 to 2002. But it reduced to 12,970 incidents with 10,076 deaths during 2003-2012. Thus, there was a decadal decrease of 70% incidents of terror incidents and 61.66% reduction in deaths during the period 2003-2012 as against 1993-2002.⁷⁴

Table 4: Statistics of terror related incidents in J&K

Year	Incidents	Death	Year	Incidents	Death
1993	5247	2255	2003	3401	3070
1994	5829	2616	2004	2565	1964
1995	5938	2600	2005	1990	1663
1996	5014	2734	2006	1667	1131
1997	3420	2239	2007	1092	740
1998	2932	2124	2008	708	505
1999	3071	2310	2009	499	389
2000	3074	2764	2010	488	348
2001	4522	3475	2011	340	164
2002	4038	3168	2012	220	102
Total	43085	26285	Total	12970	10076

Source: Ministry of Home Affairs, Annual Reports from 2003-04 to 2012-13

73. The interview is available at: http://articles.economicstimes.indiatimes.com/2013-02-11/news/37039183_1_death-penalty-padma-vibhushan-ajmal-kasab

74. See Annual Reports 2003-04 & 2012-13, Ministry of Home Affairs, Government of India

Similarly, the security situation in the North East India has been also improving during the last one and half decades. According to the Ministry of Home Affairs, 1,561 incidents of terror incidents were reported in 2008 which reduced to 1025 incidents in 2012.⁷⁵ Similarly, the number of persons killed in insurgency related incidents in the North East also reduced drastically. A total of 12,177 persons were killed in terror violence during 1992-2001 and it decreased to 7,825 during 2002-2011, indicating 35.7% reduction in deaths (See table 5). This reduction is a direct consequence of the peace talks initiated by the Ministry of Home Affairs with a number of insurgent groups, and not because of the imposition of death penalty.⁷⁶

Table 5: Insurgency related fatalities in North East India, 1992 - 2011

Year	Deaths	Year	Deaths
1992	492*	2002	1172**
1993	913*	2003	1107**
1994	1058*	2004	928**
1995	1071*	2005	868**
1996	1235*	2006	780**
1997	1680*	2007	1036*
1998	1431*	2008	1051*
1999	1216*	2009	852*
2000	1701*	2010	322*
2001	1347**	2011	246*
Total	12177	Total	7825

* South Asia Terrorism Portal, <http://www.satp.org/>

** 2006-07 Report of Ministry of Home Affairs, Govt. of India

v. Death penalty does not act as deterrent to non-homicide offences including rape

That death penalty does not act as a deterrent is clear from increase of rape incidents in West Bengal despite the execution of rape and murder convict Dhananjoy Chatterjee in August 2004. As per NCRB data, 1,475 rape cases were reported in West Bengal in 2004 which increased to 1,686 cases in 2005; 1,731 cases in 2006; 2,106 cases in 2007; 2,263 cases in 2008; 2,336 cases

75. Annual Report 2012-13, Page 11, Ministry of Home Affairs, available at: [http://www.mha.nic.in/sites/upload_files/mha/files/AR\(E\)1213.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/AR(E)1213.pdf)

76. See Status of Peace Process, Ministry of Home Affairs at: http://www.mha.nic.in/sites/upload_files/mha/files/Peaceprocess-300813.pdf

in 2009; 2,311 cases in 2010; 2,363 cases in 2011 and 2,046 cases in 2012. Clearly, West Bengal has been witnessing an increasing trend since 2004. There was no deterrent effect at national level either. In 2004, 18,233 rape cases were reported across India, which increased to 24,923 cases in 2012.⁷⁷

Following the Nirbhaya gang rape case in Delhi on 16 December 2012, the Government of India expanded the scope of the death penalty to include certain crimes of rape following the enactment of the Criminal Law (Amendment) Act, 2013. The Criminal Law (Amendment) Act, 2013, which came into force from 3 February 2013, introduced death penalty for repeat offenders of rape under Section 376E of the Indian Penal Code (IPC).⁷⁸

On 4 April 2014, a Sessions Court in Mumbai, Maharashtra became the first in the country to impose death penalty to three repeat offenders of rape under the new Section 376E of the IPC. After the court ruling, Maharashtra Home Minister R. R. Patil said *“No one will dare commit such a crime after this verdict. The death penalty is necessary to deter such criminal acts.”*⁷⁹ However, the statistics of the Mumbai Police showed that 273 rape cases were reported in Mumbai from January – 15 June 2014⁸⁰ including 138 cases registered during January to March 2014.⁸¹ This means 135 rape cases were reported from April to 15 June 2014. This clearly suggests that the award of death penalty to those three convicts by the Sessions Court in the Mumbai’s Shakti Mill gang rape case on 4 April 2014 had no deterrent impact on sexual predators.

Similarly, the award of death penalty to four adult accused found guilty by a fast track court in September 2013 in connection with the Nirbhaya gang-rape case of December 2012 failed to act as a deterrent. According to data released by the Delhi Police, a total of 616 rape cases were registered in Delhi from 1 January 2014 to 30 April 2014 i.e. six cases were reported every day. This was an increase of 36% in rape cases compared to around 450 cases registered in the same period in 2013.⁸²

77. See Crime in India Report series, 2004 to 2012, National Crime Records Bureau at: <http://ncrb.nic.in/>

78. Criminal Law (Amendment) Act, 2013 is available at: <http://indiacode.nic.in/acts-in-pdf/132013.pdf>

79. See ‘Three repeat offenders get death penalty in Shakti Mills rape case’, The Hindu, 4 April 2014, at: <http://www.thehindu.com/news/national/three-repeat-offenders-get-death-penalty-in-shakti-mills-rape-case/article5871677.ece>

80. See ‘43% rise in rape cases in Mumbai but the police claims more than 90% “consensual”, Daily News and Analysis, 24 June 2014, at: <http://www.dnaindia.com/mumbai/report-43-rise-in-rape-cases-in-mumbai-but-the-police-claims-more-than-90-consensual-1997422>

81. See ‘In 2014, Mumbai has become more unsafe for women than last year, says statistics’. Daily News and Analysis, 29 April 2014, at: <http://www.dnaindia.com/mumbai/report-in-2014-mumbai-has-become-more-unsafe-for-women-than-last-year-says-statistics-1983111>

82. See ‘Six rapes daily in Delhi, says police data’, Hindustan Times, 26 May 2014 at: <http://www.hindustantimes.com/india-news/newdelhi/six-rapes-daily-in-capital-city-says-police-data/>

vi. Death penalty has not reduced fragging/fratricidal killings in the security forces

Capital punishment is provided in various legislations relating to the establishment of the security forces such as the Army Act of 1950, the Air Force Act of 1950, the Navy Act of 1957, the Border Security Force Act of 1968, Assam Rifles Act of 2006, the *Sashastra Seema Bal* Act of 2007, and Indo-Tibetan Border Police Act of 1992 for a number of military offences such as in relation to the enemy or terrorist, mutiny, desertion and aiding desertion and other offences such as murder including fratricide.⁸³ However, award of death sentence under the military offences is rare except under the provision of civil offences for murder including fragging/fratricidal killings etc. The first death sentence awarded ever by an Army Court post-Independence was in September 1990 against jawan Devendra Nath Rai of the Armoured Regiment, in connection with a fratricidal killing.⁸⁴

The capital punishment in various legislations relating to the establishment of the security forces does not act as deterrent as incidents of fragging/fratricidal killings are reported at regular intervals. The Ministry of Defence stated that 83 cases of fratricide were reported from the armed forces from 2000 to 2012 (till April). Majority of the cases were reported from the Army.⁸⁵

The central paramilitary forces reported 44 incidents of fratricide from 2008 to 2011. Out of these 44 incidents, the Central Reserve Police Force (CRPF) reported highest number of 18 such incidents.⁸⁶

However, the Central Reserve Police Force⁸⁷ Act of 1949 does not have the provision of death penalty for any offence. If fragging/fratricidal incidents and other offences by the CRPF personnel who have the highest number of fratricidal killings among the Central para-military forces can be dealt with without death penalty, surely the provision of death penalty can be removed from other legislations relating to the establishment of various security forces.

article1-1222882.aspx

83. The sentence of death can be awarded under Section 69(a) of Army Act, Section 71(a) of Air Force Act, Section 77(1) of Navy Act, 1957, Section 49(a) of ITPB Act, Section 46(a) of BSF Act, Section 49(a) of SSB Act and Section 55(a) of the Assam Rifles Act
84. See 'Death penalty for Army jawan', Outlook, 2 March 2007, at: <http://www.outlookindia.com/news/article/Death-penalty-for-Army-jawan-/455049>
85. Information given by Minister of Defence Shri AK Antony in a written reply to Dr. Gyan Prakash Pilonia in the Rajya Sabha on 2 May 2012, available at: <http://pib.nic.in/newsite/erelease.aspx?relid=82918>
86. See 'Fratricide incident kills 3 CRPF jawans in J&K', India Today, 26 December 2011, at: <http://indiatoday.intoday.in/story/crpf-jawans-killed-in-fratricide-incident-srinagar/1/165800.html>
87. See *State Of Punjab vs Dalbir Singh*, Supreme Court of India, 1 February, 2012 at: <http://indiankanon.org/doc/166513655/>

vii. Even execution in public fails to reduce crimes

A number of countries such as Saudi Arabia, North Korea, Iran, Somalia, etc practice executions in public. These public executions are carried out by beheading, stoning or by firing in public to act as a deterrent. According to Amnesty International, Saudi Arabia executed an average of at least 80 persons from 2011 to 2013⁸⁸ and execution is carried out in public. However, despite the cruel, inhuman and barbaric nature of these executions, it failed to deter criminals as reflected from the high number of executions each year.

viii. Mandatory death sentence defeats the “rarest of rare” doctrine

A number of legislations provides for mandatory capital punishment. Some of them were declared unconstitutional while some are still in force.

In 1983, the Supreme Court struck down Section 303 IPC providing mandatory death penalty for offence of murder committed by a life convict as unconstitutional in *Mithu vs State of Punjab*.⁸⁹ Vide judgment dated 1 February 2012, the Supreme Court in *State of Punjab vs Dalbir Singh*⁹⁰ also declared Section 27(3) of Arms Act, 1959 which provided mandatory death penalty as unconstitutional. On 16 June 2011, the Bombay High Court read down Section 31A of the NDPS Act, prescribing the death sentence, as an optional rather than a mandatory punishment. The Supreme Court on appeal is currently examining the validity of Section 31A of the NDPS Act as well as other laws which provides mandatory death penalty.⁹¹ Mandatory death penalty is prescribed in the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act (SUA), 2002⁹² and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.⁹³

Mandatory death penalty does not act as a deterrent. For example, the NDPS Act, 1985 was amended to insert the provision of mandatory death penalty for repeat offence in 1989 with increase in cases. However, cases under the NDPS Act continue to pile up. According to NCRB, 13,917 persons were

88. See Death Sentences and Executions 2013, 2012, 2011 of Amnesty International at: <http://amnesty.org/en/death-penalty/death-sentences-and-executions-in-2011>

89. The judgment is available at: <http://www.indiankanoon.org/doc/590378/>

90. The judgment is available at: <http://indiankanoon.org/doc/166513655/>

91. See ‘Why mandatory death penalty be not abolished? Supreme Court asks govt, The Times of India, 2 December 2012 at: <http://timesofindia.indiatimes.com/india/Why-mandatory-death-penalty-be-not-abolished-Supreme-Court-asks-govt/articleshow/17446507.cms>

92. Section 3(1)(G)(i)

93. Section 3(2)(i)

arrested under the NDPS Act in 1989, which increased to arrest of 44,008 persons in 2013.⁹⁴

Mandatory death penalty rather defeats the “*rarest of rare*” doctrine. It fails to consider individual circumstances or mitigating factors. The Supreme Court in *Mithu v. State of Punjab* and *State Of Punjab vs Dalbir Singh* found the mandatory death sentencing to be arbitrary and unjust. Similarly, the Bombay High Court on 16 June 2011 has read down Section 31A of the NDPS Act, prescribing the death sentence, as an optional rather than a mandatory punishment. Yet, the trial courts failed to consider these landmark judgments and continued to award death penalty. In January 2012, Paramjit Singh of Punjab⁹⁵ was sentenced to death under Section 20(C) read with Section 31A of the NDPS Act while Balwinder Singh of Punjab was sentenced to death under Section 21(c) read with Section 31A of the NDPS Act in March 2012.⁹⁶

In fact, Section 3(1)(G)(i) of the SUA Act, 2002⁹⁷ and Section 3(2)(i) of the SC/ST (POA) Act, 1989⁹⁸ still provides mandatory death penalty on conviction.

5. Global trends towards reduction of death sentences

Across the world, death penalty is being reduced.

United States

In 2013, the United States remained the only country in the Americas to carry out executions. However, the number of executions in the country continued to decrease with 39 executions, about 10% drop over 2012 (43). Since the

94. See NCRB reports 1989 & 2013 available at: <http://ncrb.nic.in/>

95. Drug peddler gets death sentence, Hindustan Times, 26 March 2012, available at: <http://www.hindustantimes.com/punjab/chandigarh/drug-peddler-gets-death-sentence/article1-831175.aspx>

96. See ‘Drug peddler gets capital punishment’, Times of India, 29 January 2012, at: <http://timesofindia.indiatimes.com/city/chandigarh/Drug-peddler-gets-capital-punishment/articleshow/11670031.cms>

97. The SUA Act is available at: http://www.nia.gov.in/acts/The_Suppression_of_Unlawful_Acts_Against_Safety_of_Maritime_Navigation_Act_2002.pdf

98. Section 3(2)(i) states that whoever, not being a member of a Scheduled Caste or a Scheduled Tribe “gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with Death.

death penalty was reinstated in 1970s, the number of new death sentences was near its lowest level with 80 new death sentences in 2013, far fewer than 315 in 1996. The total population on death row has decreased every year since 2001. As of 1 April 2013, there were 3,108 inmates on death rows across the US, compared to 3,170 at the same time in 2012. In 2000, 3,670 inmates were under sentence of death. The number of States with capital punishment also decreased to 32 with Maryland State repealing the death penalty in 2013.⁹⁹

Although, support for capital punishment remains high in the United States, opposition to the death penalty is growing. Public opinion polls conducted by Gallup¹⁰⁰ and the Pew Research Center¹⁰¹ indicated that support for the death penalty in the United States has fallen by around 20 percent in the past two decades.¹⁰²

As stated above, the murder rate in States that have the death penalty is higher compared to States without the death penalty in the United States.

China: Reduction of scope of death penalty

The death penalty is a state secret in China. No statistics is published. It is estimated that between 5,000 to 8,000 are executed every year.¹⁰³ It is estimated that the numbers were well in excess of 10,000 a decade ago.¹⁰⁴ Though there is no information on death penalty the high number of execution every year indicates that the fear of execution has no bearing on the minds of criminals.

However, the scope of death penalty is being reduced in China. In its addendum dated 27 February 2014 to its second report to the UPR, China reiterated that it has been making legal and systematic efforts to gradually reduce the application of death penalty and will continue its efforts in this regard according to its economic and social development.¹⁰⁵ In its report to

99. See 'THE DEATH PENALTY IN 2013: YEAR END REPORT', Death Penalty Information Centre at: <http://deathpenaltyinfo.org/documents/YearEnd2013.pdf>

100. Gallup has been conducting public opinion polling in the United States since 1936, and has updated it periodically, including annual updates since 1999

101. Pew Research Center, a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping America and the world, conducts public opinion polling, demographic research, media content analysis and other empirical social science research

102. See 'Americans' Support for Death Penalty Wanes', Voice of America, 29 May 2014 at: <http://www.voanews.com/content/americans-support-for-death-penalty-wanes/1925523.html>

103. See China Chapter of World Report 2013, Human Rights Watch, available at: <http://www.hrw.org/world-report/2013/country-chapters/china>

104. See 'China Dismisses Amnesty's Death Penalty Report', The Diplomat, 28 March 2014, at: <http://thediplomat.com/2014/03/china-dismisses-amnestys-death-penalty-report/>

105. A/HRC/25/5/Add.1, 27 February 2014, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CNSession17.aspx>

the UPR of the UN Human Rights Council submitted on 5 August 2013, China stated that it had further reduced its application by taking a series of important measures to improve and perfect the evidence system in death penalty cases, reduce the number of capital crimes, and codify the standards for application of the death penalty and the procedures by which such cases are handled. In 2010, the Supreme People's Court and other organs of the Central Government jointly issued regulations on issues arising in connection with the examination and evaluation of evidence in death penalty cases and the exclusion of illegal evidence in criminal cases, emphasizing the need to eliminate all reasonable doubt regarding facts and evidence when applying the death penalty, and to apply strict standards when examining and evaluating evidence in such cases. Under Amendment (VIII) to the Criminal Law, adopted in 2011, China abolished the death penalty for thirteen separate non-violent economic crimes, accounting for 19.1 per cent of the capital crime category. The Amendment also provides that any person 75 years of age or older at the time of trial is exempt from its application. In 2012, Criminal Procedure Law (CPL) was amended to further improving and perfecting the death penalty review procedure. The CPL provides that the Supreme People's Court shall review death penalty cases and question defendants, that any requests from the counsel for the defense should be heard by the Court, and that the Supreme People's Procuratorate may provide advice to the Court.¹⁰⁶

6. Life imprisonment is an alternate to capital punishment

Asian Centre for Human Rights believes that life imprisonment is an equally efficacious alternative to death penalty, among others, because of the fact that in a series of judgments the Supreme Court has clarified that "*imprisonment for life*" means "*imprisonment for the whole of the remaining period of the convicted person's natural life*" subject to remission by the appropriate government. Further, under Section 376E of the Indian Penal Code introduced under the Criminal Law Amendment Act, 2013, clarified that "*imprisonment for life ... shall mean imprisonment for the remainder of that person's natural life*". Therefore, the fear that the convicts will pose a threat to the society if not awarded death penalty stands eliminated. Further, there is no data to show that any convict on death row whose sentence has been commuted to life imprisonment has been released by the Government of India. Even if released, there is no evidence to suggest that they were involved in recidivism though a few cases exist where

106. A/HRC/WG.6/17/CHN/1, 5 August 2013, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/169/58/PDF/G1316958.pdf?OpenElement>

undertrials charged with offences carrying death sentence committed murders and subsequently sentenced to death. The so-called threat to the society can be addressed through a stringent and periodic system of review of all prisoners before granting remission. As a trade off for abolition of death penalty, necessary amendments could be made into the laws to provide that no remission can be provided by the appropriate government where there is no possibility of reform of the convict and s/he shall serve the imprisonment for the remainder of her/his natural life.

Commutation of death sentence into life imprisonment remains the overwhelming national option for India. Out of 5,934 convicts who were given death sentence from 2001 to 2012, death sentences for 4,382 convicts were commuted into life imprisonment.¹⁰⁷ There is no evidence to suggest that these large scale commutations had led to increase in crimes.

Death penalty negates criminal justice system's core objectives i.e. to reform and rehabilitate offenders.

Finally, all the laws relating to the establishment of the Army, Navy, Air Force and Central paramilitary forces provide for death penalty¹⁰⁸. However, the Central Reserve Police Force (CRPF) Act does not contain any provision despite the CRPF reporting the highest number of 18 incidents of fratricide.¹⁰⁹ If the offences by the CRPF personnel can be dealt with without death penalty, there is no justification to continue with the provisions of death penalty in other legislations governing the law enforcement personnel.

107. The case for abolition of death penalty in India: ACHR's submission to the Law Commission of India on Capital Punishment, Asian Centre for Human Rights, 27 June 2014

108. The Army Act of 1950, the Air Force Act of 1950, the Navy Act of 1957, the Border Security Force Act of 1968, Assam Rifles Act of 2006, the Sashastra Seema Bal Act of 2007, and Indo-Tibetan Border Police Act of 1992 provide for death penalty for a number of crimes including fragging/fratricidal killings

109. See 'Fratricide incident kills 3 CRPF jawans in J&K', India Today, 26 December 2011, at: <http://indiatoday.intoday.in/story/crpf-jawans-killed-in-fratricide-incident-srinagar/1/165800.html>

Annexure I : Mercy petitions considered by President Pranab Mukherjee

As on 01.08.2014

Statement of Mercy Petition Cases - Rejected

Sl. No.	Name of Convict(s)	Date of Supreme Court Judgment	Date of recommendation received in President's Secretariat from	Date of Disposal	Remarks
1	Md. Ajmal Kasab	29.08.2012	17.10.2012	05.11.2012	The mercypetition wasrejected by thePresident.
2	Saibanna Ningappa Natikar	21.04.2005	03.10.2007 08.09.2011 05.11.2012	04.01.2013	The mercypetition wasrejected by thePresident.
3	Mohd. Afzal Guru	04.08.2005	04.08.2011 24.01.2013	03.02.2013	The mercy petition was rejected by the President.
4	Simon, Gnanaprakash, Madaiah and Bilavandra	29.01.2004	03.05.2005 30.05.2011 16.01.2013	08.02.2013	The mercy petition was rejected by the President.
5	Suresh and Ramji	02.03.2001	12.04.2004 22.06.2005 24.02.2011 16.01.2013	08.02.2013	The mercy petition was rejected by the President.
6	Gurmeet Singh	28.09.2005	22.05.2007 11.12.2009 16.01.2013	01.03.2013	The mercy petition was rejected by the President
7	Jafar Ali	05.04.2004	21.08.2006 03.11.2011 25.01.2013	14.03.2013	The mercy petition was rejected by the President
8	Dharampal	18.03.1999	09.02.2000 14.07.2005 15.09.2010 16.01.2013	25.03.2013	The mercy petition was rejected by the President
9	Praveen Kumar	15.10.2003	12.09.2005 18.07.2011 16.01.2013	26.03.2013	The mercy petition was rejected by the President
10	Sundar Singh	16.09.2010	07.02.2012 05.02.2013	31.03.2013	The mercy petition was rejected by thePresident
11	B.A. Umesh	01.02.2011	04.04.2013	12.05.2013	The mercy petition was rejected by thePresident
12	Sonia and Sanjeev	15.02.2007	12.02.2008 22.05.2009 20.01.2012 29.01.2013 06.06.2013	29.06.2013	The mercy petition was rejected by thePresident

Sl. No.	Name of Convict(s)	Date of Supreme Court Judgment	Date of recommendation received in President's Secretariat from	Date of Disposal	Remarks
13	Maganlal s/o Mangilal	09.01.2012	06.06.2013	16.07.2013	The mercy petition was rejected by thePresident
14	Shivu and Jadeswamy	13.02.2007	04.04.2013 24.06.2013	27.07.2013	The mercy petition was rejected by thePresident
15	Ajay Kumar Pal	16.03.2010	21.08.2013	27.10.2013	The mercy petition was rejected by thePresident
16	Yakub Abdul Razak Memon	21.03.2013	14.03.2014	11.04.2014	The mercy petition was rejected by thePresident
17	Sonu Sardar	23.02.2012	27.03.2014	05.05.2014	The mercy petition was rejected by thePresident
18	Holiram Bordoloi	08.04.2005	23.06.2014	05.07.2014	The mercy petition was rejected by thePresident
19	Renukabei @ Rinku @ Ratan AND Seema @ Devli Mohan Govit	31.08.2006	15.10.2013 26.06.2014	07.07.2014	The mercy petition was rejected by thePresident
20	Jagdish	18.09.2009	30.03.2014 26.06.2014	07.07.2014	The mercy petition was rejected by thePresident
21	Surender Koli	15.02.2011	26.06.2014	20.07.2014	The mercy petition was rejected by thePresident
22	Rajendra Pralhadrao Wasnik	29.02.2012	23.06.2014	31.07.2014	The mercy petition was rejected by thePresident

As on 01.08.2014

Statement of Mercy Petition Cases - Commuted

Sl. No.	Name of Convict(s)	Date of Supreme Court Judgment	Date of recommendation received in President's Secretariat from MHA	Date of Disposal	Remarks
1	Atbir	09.08.2010	19.06.2012	15.11.2012	Death Sentencecommuted tolife imprisonment.

Annexure II: Total number of convicts whose death sentences were considered from 2001 to 2012

(As per Annual Report, *Prison Statistics India*, of the National Crime Records Bureau, Ministry of Home Affairs, Government of India)

Year	No. of convicts sentenced to death	No. of convicts whose death sentence commuted to life imprisonment
2001	106	303
2002	126	301
2003	142	142
2004	125	179
2005	164	1241
2006	129	1020
2007	186	881
2008	126	46
2009	137	104
2010	97	62
2011	117	42
2012	97	61
Total	1552	4382

EXCERPTS FROM NCRB ANNUAL REPORTS ON PRISON STATISTICS

DETAILS OF DEATH SENTENCE AT THE END OF 2001

Sl No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMITTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	1	1	0
2	Arunachal Pradesh	-	-	-
3	Assam	3	2	0
4	Bihar	13	50	0
5	Chhattisgarh	1	21	0
6	Goa	0	0	0
7	Gujarat	3	1	0
8	Haryana	8	2	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	4	1	0
11	Jharkhand	0	0	0
12	Karnataka	0	0	0
13	Kerala	2	0	0
14	Madhya Pradesh	4	3	0
15	Maharashtra	7	1	0
16	Manipur	0	0	0
17	Meghalaya	0	1	0
18	Mizoram	0	0	0
19	Nagaland	0	6	0
20	Orissa	5	53	0
21	Punjab	11	24	0
22	Rajasthan	1	13	0
23	Sikkim	0	0	0
24	Tamil Nadu	16	1	0
25	Tripura	0	0	0
26	Uttar Pradesh	19	120	0
27	Uttaranchal	0	0	0
28	West Bengal	6	2	0
	TOTAL (STATES)	104	302	0
29	A&N Islands	0	0	0
30	Chandigarh	0	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	2	0	0
34	Lakswadweep	0	0	0
35	Pondichery	0	1	0
	TOTAL (UTs)	2	1	0
	TOTAL (ALL-INDIA)	106	303	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2002

Sl No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMITTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	3	1	0
2	Arunachal Pradesh	-	-	0
3	Assam	1	1	0
4	Bihar	20	89	0
5	Chhattisgarh	5	0	0
6	Goa	0	0	0
7	Gujarat	0	0	0
8	Haryana	2	8	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	0	0	0
11	Jharkhand	4	1	0
12	Karnataka	0	0	0
13	Kerala	0	0	0
14	Madhya Pradesh	4	17	0
15	Maharashtra	13	126	0
16	Manipur	1	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	4	0
20	Orissa	0	0	0
21	Punjab	0	0	0
22	Rajasthan	0	0	0
23	Sikkim	0	0	0
24	Tamil Nadu	24	6	0
25	Tripura	0	0	0
26	Uttar Pradesh	34	45	0
27	Uttaranchal	0	0	0
28	West Bengal	3	0	0
	TOTAL (STATES)	114	298	0
29	A&N Islands	0	0	0
30	Chandigarh	0	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	4	0	0
33	Delhi	8	2	0
34	Lakswadweep	0	1	0
35	Pondichery	0	0	0
	TOTAL (UTs)	12	3	0
	TOTAL (ALL-INDIA)	126	301	0

TABLE – 7.3 DETAILS OF DEATH SENTENCE AT THE END OF 2003

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	1	1	0
2	Arunachal Pradesh	-	-	0
3	Assam	1	3	0
4	Bihar	25	73	0
5	Chhattisgarh	2	2	0
6	Goa	0	0	0
7	Gujarat	5	0	0
8	Haryana	3	0	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	0	5	0
11	Jharkhand	0	0	0
12	Karnataka	0	0	0
13	Kerala	11	1	0
14	Madhya Pradesh	4	1	0
15	Maharashtra	14	12	0
16	Manipur	1	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	5	0
20	Orissa	0	0	0
21	Punjab	0	0	0
22	Rajasthan	11	3	0
23	Sikkim	0	0	0
24	Tamil Nadu	22	6	0
25	Tripura	0	0	0
26	Uttar Pradesh	35	18	0
27	Uttaranchal	2	9	0
28	West Bengal	0	0	0
	TOTAL (STATES)	137	139	0
29	A&N Islands	0	0	0
30	Chandigarh	0	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	5	3	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	5	3	0
	TOTAL (ALL-INDIA)	142	142	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2004

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMITTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	-	-	0
3	Assam	2	8	0
4	Bihar	16	6	0
5	Chhattisgarh	0	0	0
6	Goa	0	0	0
7	Gujarat	19	0	0
8	Haryana	3	3	0
9	Himachal Pradesh	1	0	0
10	Jammu & Kashmir	0	5	0
11	Jharkhand	15	44	0
12	Karnataka	7	0	0
13	Kerala	1	9	0
14	Madhya Pradesh	6	3	0
15	Maharashtra	4	16	0
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	5	0	0
21	Punjab	0	0	0
22	Rajasthan	2	2	0
23	Sikkim	0	0	0
24	Tamil Nadu	1	0	0
25	Tripura	0	0	0
26	Uttar Pradesh	33	82	0
27	Uttaranchal	0	0	0
28	West Bengal	3	1	1
	TOTAL (STATES)	118	179	1
29	A&N Islands	0	0	0
30	Chandigarh	0	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	7	0	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	7	0	0
	TOTAL (ALL-INDIA)	125	179	1

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2005

Sl No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	-	-	0
3	Assam	8	0	0
4	Bihar	2	33	0
5	Chhattisgarh	0	0	0
6	Goa	0	0	0
7	Gujarat	8	0	0
8	Haryana	0	0	0
9	Himachal Pradesh	1	0	0
10	Jammu & Kashmir	0	0	0
11	Jharkhand	21	132	0
12	Karnataka	14	0	0
13	Kerala	4	9	0
14	Madhya Pradesh	11	11	0
15	Maharashtra	4	2	0
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	0	0	0
21	Punjab	0	0	0
22	Rajasthan	6	1	0
23	Sikkim	0	0	0
24	Tamil Nadu	NA	NA	NA
25	Tripura	0	0	0
26	Uttar Pradesh	51	117	0
27	Uttaranchal	1	15	0
28	West Bengal	24	2	0
	TOTAL (STATES)	155	322	0
29	A&N Islands	0	0	0
30	Chandigarh	0	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	9	919	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	9	919	0
	TOTAL (ALL-INDIA)	164	1241	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2006

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMITTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	-	-	0
3	Assam	1	63	0
4	Bihar	6	27	0
5	Chhattisgarh	0	0	0
6	Goa	0	0	0
7	Gujarat	0	0	0
8	Haryana	0	3	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	0	3	0
11	Jharkhand	8	8	0
12	Karnataka	13	0	0
13	Kerala	3	1	0
14	Madhya Pradesh	9	0	0
15	Maharashtra	20	0	0
16	Manipur	0	0	0
17	Meghalaya	0	1	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	7	1	0
21	Punjab	0	0	0
22	Rajasthan	6	4	0
23	Sikkim	0	0	0
24	Tamil Nadu	10	0	0
25	Tripura	0	0	0
26	Uttar Pradesh	24	26	0
27	Uttaranchal	11	22	0
28	West Bengal	1	55	0
	TOTAL (STATES)	119	214	0
29	A&N Islands	0	0	0
30	Chandigarh	0	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	10	806	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	10	806	0
	TOTAL(ALL-INDIA)	129	1020	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2007

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	-	-	0
3	Assam	2	17	0
4	Bihar	14	8	0
5	Chhattisgarh	7	1	0
6	Goa	1	0	0
7	Gujarat	0	0	0
8	Haryana	3	2	0
9	Himachal Pradesh	1	1	0
10	Jammu & Kashmir	3	0	0
11	Jharkhand	2	92	0
12	Karnataka	14	0	0
13	Kerala	5	0	0
14	Madhya Pradesh	22	0	0
15	Maharashtra	29	0	0
16	Manipur	0	0	0
17	Meghalaya	3	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	14	14	0
21	Punjab	0	0	0
22	Rajasthan	3	3	0
23	Sikkim	0	0	0
24	Tamil Nadu	14	0	0
25	Tripura	2	8	0
26	Uttar Pradesh	30	8	0
27	Uttaranchal	0	0	0
28	West Bengal	6	0	0
	TOTAL (STATES)	175	154	0
29	A&N Islands	0	0	0
30	Chandigarh	2	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	9	726	0
34	Lakswadweep	0	1	0
35	Pondichery	0	0	0
	TOTAL (UTs)	11	727	0
	TOTAL (ALL-INDIA)	186	881	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2008

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	-	-	0
3	Assam	2	0	0
4	Bihar	25	21	0
5	Chhattisgarh	2	0	0
6	Goa	0	0	0
7	Gujarat	0	0	0
8	Haryana	3	2	0
9	Himachal Pradesh	0	1	0
10	Jammu & Kashmir	0	0	0
11	Jharkhand	6	1	0
12	Karnataka	22	2	0
13	Kerala	3	0	0
14	Madhya Pradesh	17	10	0
15	Maharashtra	12	1	0
16	Manipur	1	0	0
17	Meghalaya	3	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	0	0	0
21	Punjab	0	0	0
22	Rajasthan	3	2	0
23	Sikkim	0	0	0
24	Tamil Nadu	0	0	0
25	Tripura	0	0	0
26	Uttar Pradesh	15	5	0
27	Uttaranchal	0	0	0
28	West Bengal	8	1	0
	TOTAL (STATES)	122	46	0
29	A&N Islands	0	0	0
30	Chandigarh	1	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	3	0	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	4	0	0
	TOTAL (ALL-INDIA)	126	46	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2009

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	0	0	0
3	Assam	1	0	0
4	Bihar	5	20	0
5	Chhattisgarh	1	0	0
6	Goa	0	0	0
7	Gujarat	8	1	0
8	Haryana	5	2	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	3	0	0
11	Jharkhand	11	10	0
12	Karnataka	5	0	0
13	Kerala	5	0	0
14	Madhya Pradesh	2	15	0
15	Maharashtra	15	4	0
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	0	0	0
21	Punjab	0	0	0
22	Rajasthan	0	1	0
23	Sikkim	0	0	0
24	Tamil Nadu	4	8	0
25	Tripura	0	1	0
26	Uttar Pradesh	57	21	0
27	Uttaranchal	2	0	0
28	West Bengal	10	17	0
	TOTAL (STATES)	134	100	0
29	A&N Islands	0	0	0
30	Chandigarh	1	0	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	0	4	0
34	Lakswadweep	0	0	0
35	Pondichery	2	0	0
	TOTAL (UTs)	3	4	0
	TOTAL (ALL-INDIA)	137	104	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2010

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	0	0	0
2	Arunachal Pradesh	0	0	0
3	Assam	0	2	0
4	Bihar	4	12	0
5	Chhattisgarh	0	0	0
6	Goa	0	0	0
7	Gujarat	0	0	0
8	Haryana	0	1	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	1	3	0
11	Jharkhand	8	8	0
12	Karnataka	19	0	0
13	Kerala	0	0	0
14	Madhya Pradesh	4	2	0
15	Maharashtra	4	11	0
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	2	0	0
21	Punjab	0	0	0
22	Rajasthan	4	0	0
23	Sikkim	0	0	0
24	Tamil Nadu	4	1	0
25	Tripura	0	0	0
26	Uttar Pradesh	25	12	0
27	Uttaranchal	0	0	0
28	West Bengal	12	7	0
	TOTAL (STATES)	87	59	0
29	A&N Islands	0	0	0
30	Chandigarh	0	2	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	10	1	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	10	3	0
	TOTAL (ALL-INDIA)	97	62	0

TABLE – 7.3: DETAILS OF DEATH SENTENCE AT THE END OF 2011

SL No	State /UT	SENTENCED TO DEATH DURING THE YEAR	WHOSE SENTENCE COMMUTTED TO LIFE IMPRISONMENT	EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	Andhra Pradesh	3	0	0
2	Arunachal Pradesh	0	0	0
3	Assam	0	1	0
4	Bihar	2	4	0
5	Chhattisgarh	0	0	0
6	Goa	0	0	0
7	Gujarat	14	1	0
8	Haryana	4	0	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	9	1	0
11	Jharkhand	6	4	0
12	Karnataka	1	0	0
13	Kerala	0	3	0
14	Madhya Pradesh	4	0	0
15	Maharashtra	3	2	0
16	Manipur	0	1	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Orissa	0	0	0
21	Punjab	8	0	0
22	Rajasthan	2	4	0
23	Sikkim	0	0	0
24	Tamil Nadu	0	2	0
25	Tripura	0	0	0
26	Uttar Pradesh	47	4	0
27	Uttaranchal	0	0	0
28	West Bengal	6	13	0
	TOTAL (STATES)	109	40	0
29	A&N Islands	0	0	0
30	Chandigarh	0	1	0
31	D&N Haveli	0	0	0
32	Daman & Diu	0	0	0
33	Delhi	8	1	0
34	Lakswadweep	0	0	0
35	Pondichery	0	0	0
	TOTAL (UTs)	8	2	0
	TOTAL (ALL-INDIA)	117	42	0

DETAILS OF DEATH SENTENCE DURING 2012

SL No	State /UT	NUMBER OF PRISONERS AWARDED CAPITAL PUNISHMENT DURING THE YEAR	NUMBER OF PRISONERS WHOSE SENTENCE COMMUTED TO LIFE IMPRISONMENT DURING THE YEAR	NUMBER OF PRISONERS EXECUTED DURING THE YEAR
(1)	(2)	(3)	(4)	(5)
1	ANDHRA PRADESH	2	0	0
2	ARUNACHAL PRADESH	0	0	0
3	ASSAM	6	0	0
4	BIHAR	12	4	0
5	CHHATTISGARH	0	4	0
6	GOA	0	1	0
7	GUJARAT	3	2	0
8	HARYANA	3	7	0
9	HIMACHAL PRADESH	0	0	0
10	JAMMU & KASHMIR	0	0	0
11	JHARKHAND	1	3	0
12	KARNATAKA	8	1	0
13	KERALA	3	0	0
14	MADHYA PRADESH	7	5	0
15	MAHARASHTRA	4	0	1
16	MANIPUR	0	0	0
17	MEGHALAYA	0	0	0
18	MIZORAM	0	0	0
19	NAGALAND	0	0	0
20	ODISHA	0	2	0
21	PUNJAB	3	1	0
22	RAJASTHAN	2	4	0
23	SIKKIM	0	0	0
24	TAMIL NADU	3	4	0
25	TRIPURA	1	0	0
26	UTTAR PRADESH	25	14	0
27	UTTARAKHAND	1	0	0
28	WEST BENGAL	2	6	0
	TOTAL (STATES)	86	58	1
29	A & N ISLANDS	0	0	0
30	CHANDIGARH	2	0	0
31	D & N HAVELI	0	0	0
32	DAMAN & DIU	0	0	0
33	DELHI	9	3	0
34	LAKSHADWEEP	0	0	0
35	PUDUCHERRY	0	0	0
	TOTAL (UTs)	11	3	0
	TOTAL (ALL-INDIA)	97	61	1

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