DEATH PENALTY: A QUESTION FOR INQUEST AND INTROSPECTION

Written by ***Ms. Apoorva***

Student, LL.M. (Corporate and Commercial Laws), Chanakya National Law University, Patna, Bihar, India

DOI: doi.org/10.55662/IJLDAI.2023.9203

ABSTRACT

The execution and authenticity of capital punishment has been generally bantered on its hypothetical grounds. Contentions of profound quality lawfulness still remain the most pervasive in the exchanges of abolitionists. Yet this article brings up issues of potential examples in disavowal of capital punishment. In this article, the author has fundamentally centred upon the Indian situation in regards to capital punishment and how there is a hole between the substantive and procedural law. There is much open deliberation in regards to maintenance or annulment of the death penalty and on that the author has intentionally attempted to stay away from. Rather, it has been tried to look at the paradox in law through contextual investigations by method for direct records of convicts and their families and, obviously, through legitimate examination. The situation of the casualties and also the wrongdoers has been broken down and the conclusion touched base at similar to that there is powerless execution of law in such manner and deferrals in discipline prompts a unintended negative impact on the casualty, the guilty party, their separate families and definitely, the general public on the loose. The deferral in equity is the issue of great importance and should be tended to truly considering the way that a discipline as unforgiving, or maybe the harshest, as capital punishment is being referred to. Further, measures have been recommended for precise and rapid conveyance of equity and finally, the worldwide situation has been considered and expressed in like manner.

Keywords**:** Death Penalty, Victim, Reason, Judiciary, Crime.

INTRODUCTION

Human existence is the most valuable gift of nature and one that rightly deserves to be treated with reverence and absolute discretion. The right to life is invariably the most fundamental of all human rights since time immemorial. Many consider that death penalty should not be given irrespective of the character and quantum of the crime. Others think that it functions as a strong deterrent against heinous crimes and there is nothing wrong in legislative recommendation of the same as a mode of punishment. "The discussion on this subject became more intense in the 20th century and those belonging to the first school of thought succeeded in convincing the governments of 140 countries to abolish death sentencing."[i]

In India, death was prescribed as one of the punishments in the *Indian Penal Code*, 1860, (hereinafter referred to as IPC),[ii] and the same was retained after independence. However, IPC is not the only statute that provides for death sentence. "There are various legislations like *The Army Act*, 1950, *The Air Force Act*, 1950, *The Navy Act*, 1950, etc., that also provide for capital punishment in India."[iii] Keeping in view the old adage that man should be merciful to all living creatures, the "framers of *The Constitution of India,* 1950 (hereinafter referred to as the Constitution) enacted Articles 72 and 161 in the Constitution, under which the President or the Governor, as the case may be, can grant pardons, reprieves, respites or remission of punishment or suspend, remit or commute the sentence of any person convicted of any offence punishable with death sentence."

Further, the Law Commission of India has examined the issue of retention or abolition of death penalty from various angles and recommended that death penalty should be retained in the statute book.[iv] It further said that considering the circumstances in India, to the variety of the societal background of its population, to the inconsistency in the level of principles and education in the country, to the enormity of its area, to variety of its population and to the paramount need for maintaining law and order in the country at the present juncture, India cannot risk the experiment of abolition of capital punishment.[v]

The 26/11 Mumbai Attack terrorist, Ajmal Kasab hanged on 21 November 2012.[vi] "The execution of Afzal Guru who was convicted for the 13th December, 2001 attack on the Indian parliament at Tihar Jail, New Delhi on 9th February 2013 also exposed the discriminatory acts of the Government of India with respect to the treatment of death-row convicts.[vii] And more

recently, the execution of the four convicts of the Delhi gangrape case in the Tihar Jail in Delhi.[viii] These incidents have rejuvenated the debate of Capital Punishment in India.

Now, it is apparent that death penalty exists, and should exist, as a method of discipline in the correctional approach of India. Henceforth, the level headed discussion of maintenance or annulment stands replied here. A study of the substantive law shows that death penalty is an alternative and must be given in exceptional cases and not as the primary means of punishment.[ix] The recently added provisions in law by the *Criminal Law Amendment Act*, 2013 do not provide any room for discretion in socially abhorrent crimes like murder while committing rape, etc.[x] On the other hand, the procedural law in such cases lacks the effective implementation of the substantive law and this gap between the substantive and procedural law shall be carefully scrutinized.

THE JUDICIAL PERPLEXITY WITH DEATH PENALTY

For the first time, question regarding the constitutional validity of capital punishment was challenged in *Jagmohan* v. *State of U.P.*,[xi] wherein the court upheld the provisions that provide for capital punishment. With the development in this area of law, the Hon'ble Supreme Court laid down the *doctrine of rarest of rare cases* in the landmark judgment of *Bachan Singh* v. *State of Punjab*,[xii], which simply means that for awarding capital punishment the Court must record special reasons and explain in detail the aggravating and mitigating circumstances[xiii] which give rise to such a decision. The doctrine evolved in the above stated case has been applied in a plethora of cases.[xiv] It has been appreciated and followed as a well-settled law in the country. Till date, this has been the guiding light to decide cases involving offences punishable with death sentence.

DEATH PENALTY IN RAREST OF THE RARE CASES

In the landmark case of *Maneka Gandhi* v. *Union of India*[xv], the Supreme Court emphasized that be it the criminal procedure for imposing of punishment or its quantity and nature, the related legislation should keep in mind the fundamental rights guaranteed under *Articles. 21,*

19 and 14. Based on this judgement the Supreme Court in *Rajendra Prasad* v. *State of Uttar Pradesh,*[xvi] the specific reasons for granting of death penalty should be related to the crime doer and not to the crime.

Though a murder is proved, the manner of crime, the factors which caused the accused to commit the crime, his/her family background should also be taken in to consideration in awarding punishment. In *Bachan Singh* v. *State of Punjab,*[xvii] the Court "sought for the advice of *amicus curiae* to determine what are the mitigating circumstances and aggravating circumstances for the commitment of a crime. And later in the case of *Machi Singh* v. *State of Punjab*[xviii] the court held that "only after considering both the mitigating and aggravating circumstances of a crime and giving due importance for the mitigating circumstances that a decision can be made whether life imprisonment or death penalty should be imposed.

Hon'ble Justice Thakkar who gave judgement in this case[xix] also framed the guidelines for 'rarest of the rare' in the following manner:

A. *Manner of murder* (eg: Burning alive a person, cutting in to pieces the body etc).,
B. *Instigation for murder:* Acts which portray unethical and mean nature (eg: murder for money, killing someone for acquiring possession of his property, murder for betraying the country).
C. *Committing murder that is antisocial or hated by the society* (eg: murder of a person from Scheduled Castes or of minorities which kindles anger of the society, murder for obtaining dowry by force).
D. *Dimension of the murder* (eg: murder of all the members of a family or murder of all the persons belonging to a particular group or community).
E. *Personality of the deceased*(eg: an ignorant child, an orphan woman, a political leader loved by public murdered for political reasons and not personal).

These guidelines no doubt help us in providing us with a deep insight for the sound understanding of a crime.

In *Muniappan* v. *State of TamilNadu*[xx] the Supreme Court held that "*the reasons stated by the learned judge (Sessions Judge) for granting death penalty does not hold to the meaning of the*

provisions under Sec.354(3) of Criminal Procedure Code. We doubt whether he would have imposed death penalty if he had understood his great responsibility under this legal provision".

It must also be pointed in this regard that the Supreme Court's different understanding of what constitutes the rarest of rare case has led to anomaly and confusion. Examples also abound of a pattern of confusion, contradiction and aberrations in judgments in death penalty cases.[xxi] A study of Supreme Court judgments in death penalty cases from 1950 to 2006 shows that the cases in which death penalty were imposed are often indistinguishable from those in which it was commuted.[xxii]

While reformation of a criminal is only one side of the picture, rehabilitation of the victims and granting relief from the tortures and sufferings which are caused to them as a result of the offences committed by the criminals is a factor which seems to have been completely overlooked while defending the cause of the criminals for abolishing deterrent sentences.[xxiii] For example, where one person commits three murders, it is illogical to plead for the criminal and to argue that his life should be spared, without at all considering what has happened to the victims and their family.[xxiv]A person who has deprived another person completely of his liberty forever and has endangered the liberty of his family has no right to ask the court to uphold his liberty.[xxv] Liberty is not a one-sided concept, nor does Article 21 of the Constitution consider such an idea. If a person commits a criminal offence and punishment has been given to him by a procedure established by law which is free and fair and where the accused has been fully heard, no question of violation of Article 21 arises when the question of punishment is being considered.[xxvi] Hence, the earlier the sentence is enforced, the earlier is the justice delivered.

RECENT TRENDS AND PRACTICES OF DEATH PENALTY

Justice A.K. Ganguly had aptly stated that *"in the law relating to capital punishment the mitigating and aggravating circumstances can be structurally indicated and defined so that the courts become duty bound to consider them before awarding the death penalty"*.[xxvii]

The death sentence of Dhananjay Chatterjee[xxviii] was executed on 14th August 2004, and he was hanged till death, after affirmation by the Supreme Court and refusal of his mercy Petition by the Hon'ble President. In earlier days, our three successive presidents K.R. Narayanan,

A.P.J. Abdul Kalam and Pratibha Patil used these privileges to ensure that from 1999 to 2012, only one hanging took place in India. But in recent year, it has ensured that Ajmal Kasab[xxix] (convicted for the terrorist attack in Mumbai in 2008) and Afzal Guru[xxx] (convicted for the attack on the Indian Parliament in 2001) have been hanged. Pranab Mukherjee has also rejected the mercy petitions of Mahendra Nath Das, who was sentenced for murdering a man by beheading in 1996, and four men who killed 22 policemen in a landmine blast in 1993, the so-called Veerappan Gang.

The Justice Verma committee[xxxi], which was constituted to improvise the laws relating to the safety of the women which presently are no fiercer than a 'toothless tiger'. On a contradictory consideration, capital punishment surely serves as a violent admonition to potential criminals and can give them a tough grounds to be at their best. After the horrifying Delhi Gang Rape case, an individual is psychologically triggered at the pathetic state of affairs and instructs the court to set everything right with a single blow of gavel.

Capital punishment, went in dusty courts after arcane lawful contentions, is executed in the most extreme mystery behind high jail dividers at the break of day. Despite the fact that the privilege of the state to rebuff by slaughtering is bantered about seriously, the procedure that takes detainees from the phone to the platform remains covered in mystery. Since executions are done in our names-we have to know more about them and settle on educated decisions.

The Supreme Court's varied interpretation of what constitutes the rarest of rare case has led to anomaly and confusion. Examples also abound of a pattern of confusion, contradiction and aberrations in judgments in death penalty cases. There is a time-honoured principle of not confirming the death penalty if one of the judges on the Bench or any of the lower courts had either acquitted the accused or sentenced him to life imprisonment. There is a period valued guideline of not affirming capital punishment if one of the judges on the Seat or any of the lower courts had either justified the denounced or sentenced him to life detainment. A situation where a judge either clears the charged or grants a lesser sentence can't certainly be a rarest of uncommon situation where a lesser sentence is impossible.

However, in *Krishna Mochi*[xxxii](2002) and again in *Bhullar*[xxxiii] (2002), the Supreme Court confirmed the death sentence despite one of the judges having acquitted the appellants. In *Kheraj Ram*[xxxiv] (2003) and *Satish*[xxxv] (2005), the Supreme Court imposed the death sentence

on persons acquitted by the High Courts. In *Sattan*[xxxvi] (2009), the Supreme Court enhanced the sentence to death 15 years after the High Court had commuted it. A study of Supreme Court judgments in death penalty cases from 1950 to 2006 by Amnesty International and the People's Union for Civil Liberties (PUCL) shows that cases in which the death penalty was imposed are often indistinguishable from those in which it was commuted.[xxxvii] Nothing has changed since then. *Dharmendra Singh*[xxxviii] (2002) and *Kheraj Ram*[xxxix] (2003), doubting their spouses' fidelity and the parentage of their offspring, killed their wives and children. The former was sentenced to life imprisonment, the latter to death. *Vashram*[xl] (2002) and *Sudam*[xli](2011) murdered their wives and children because they were being nagged. The former's sentence was commuted, while the latter was sent to the gallows. Harassing was understood as a mitigating fact and continued aggravation in only one case though it was the reason of both murders. In two cases of child sacrifice, the court commuted the death penalty in one case but upheld it in the other. It commuted the death penalty in *Damu* [xlii](2000), where three children were killed, and upheld it in *Sushil Murmu* [xliii](2004), where one child was killed. The grounds for commutation — that the accused acted out of ignorance and superstition — applied squarely to *Murmu*[xliv] as well, which was also less heinous a case than Damu. In each of these comparisons, the court ignored its own precedent and imposed the death penalty in the subsequent case. Mohan (2008) was sentenced to death for the rape and murder of two minor girls, having earlier been convicted twice of raping other minor girls. Sebastian[xlv] (2010), described as a violent paedophile with previous convictions for molestation, kidnapping, rape and murder of a young child, was given life imprisonment for yet another rape and murder of a child. There is little to differentiate the case of Sebastian's from Mohan's, except the composition of the Bench.

Further, it can be said that both the organs of the government, namely the judiciary and the executive, treat the issue of death penalty in a different manner. Standards applied by the judiciary is the fulfilment of the 'Rarest of rare cases' (which obviously becomes subjective or judge-centric at times) while the standard of executive for commutation is unknown (which is even more subjective or emotive).

SUGGESTIONS TO IMPROVE CAPITAL PUNISHMENT IN INDIA

Capital punishment is a legal form of punishment in India for certain crimes. However, the use of the death penalty has been the subject of much debate and controversy in India and around the world, with many people arguing that it is a cruel and inhumane form of punishment that violates human rights. The author has attempted to suggest some reforms in the nature of both – policy-making and review of criminal justice system and capital punishments underlining that system:

1. **Hedging the purview of the doctrine of Rarest of Rare case by defining the scope**. The government should issue detailed guidelines as to what would suffice to come under the purview of the Doctrine of Rarest of Rare case and it should not be left up to the whims and fancies of the judges to have their own interpretations and misjudge the same situation in ways depending upon their own believes. A straight jacket formula should be laid down so that no two judges can have different opinions while deciding about the life of a person even though he might be a convict.

2. **Limitations and Alternatives**: The use of the death penalty should be limited to the most serious crimes, such as mass murder, terrorism or cases like the heinous Delhi Gangrape Case of 2012. They argue that the death penalty should only be used in cases where there is clear and convincing evidence of guilt, and that there should be strict safeguards to prevent wrongful convictions. Also, alternatives such as life imprisonment without parole, could be used for lesser grave crimes. They argue that life imprisonment is a more humane and effective form of punishment that can also provide a deterrent effect.

3. **Speedy executions** When capital punishment is awarded to any convict, it should be executed as soon as possible. If not done soon enough, it loses its efficacy. Even though the guidelines have been given regarding the time period[xlvi] for the implementation of the same, proper enforcement is the need of the hour.

4. **Transparency and Fairness:** The death penalty system in India should be made more transparent and accountable. They argue that there should be greater transparency in the judicial process, including the selection of judges and the criteria used to impose the death penalty. Additionally, there should be greater accountability for those involved in carrying out

executions, including prison officials and medical professionals. Further, there should be greater fairness in the legal system for imposing the death penalty. The accused should have access to competent legal counsel, and there should be strict safeguards to prevent wrongful convictions.

5. **Moratorium:** It is suggested that India should consider imposing a moratorium on the use of the death penalty. A moratorium would give policymakers and legal experts time to study the impact of the death penalty on different situations and cases and consider alternatives if there is scope for any.

6. **Review and Rehabilitation**: The Supreme Court should regularly review cases in which the death penalty has been imposed to ensure that the criteria for the death penalty are being applied consistently and fairly. In addition to punishment, the focus of the justice system should be on rehabilitation. Those who have committed crimes should be given opportunities to reform and reintegrate into society.

7. **Public awareness**: There should be greater public awareness about the impact of the death penalty on the accused, the victims, and society as a whole. The imposition of capital punishment should create a deterrent in the society so that criminals fear from crimes which are punished by the same. Awareness can help promote informed debate and decision-making about the employment of capital punishment in India.

Further, the prevailing law on terrorism in India needs to be revised and implemented in a more effective and desired manner. Under the anti-terrorism laws, there must be no deviation from the normal established rules of procedure and evidence so as to avoid any kind of arbitrary behavior on the part of law enforcing agencies. Cases involving terrorism should be tried by Special Courts on a speedier basis and as stated above must not deviate from the normal procedural and evidence rules.

Execution of the sentence of death should be speedier and be implemented immediately once the mercy petition is decided and the filing and deciding of such mercy petitions must be time barred. Law Commission or the legislators should look into the matter and lay down certain standards or guidelines based on which the pardoning power or commutation of the sentence should be done.

CONCLUSION

To solve the above stated problem, the legislators at the first hand must, statutorily, define rare of rarest cases to eliminate subjectivity and judicial discretion. Also, a law must be enacted which focuses on time bound delivery of justice in cases that fall within the defined concept of rare of rarest cases. Further, there must be established fast track criminal benches in the High Courts and the Supreme Court so that the whole process becomes speedier.

Considering the issue at the international level, it is pointed out that death penalty is not prohibited by the International Covenant on Civil and Political Rights, or any other virtually universal international treaty, though there are a number of instruments in force with fewer states parties that do abolish capital punishment. Customary International Law also provides certain protection and rights to the persons who are under a sentence of capital punishment. According to Article 6 of the ICCPR, there are certain restrictions on the implementation and execution of capital punishment and certain principles must not be overlooked which include:- "right to a fair trial before the imposition of death penalty, limitation of the death penalty to only the most serious crimes, prohibition against imposing the death penalty when other ICCPR rights have been violated, prohibition against retroactive imposition of the death penalty, right to seek pardon or commutation of a death penalty sentence, prohibition against the execution of persons who were under the age of eighteen at the time the offence was committed and prohibition against the execution of pregnant women".

It must be noted that 140 nations who have abolished death sentence have not totally banned it but have partially abolished i.e. abolition in cases of simple offences. Hence, India has not violated any principle of International Law by retaining capital punishment for most serious crimes. The only fallacy that exists in Indian law is delay of execution and no time bound laws for the same. Lastly, the author hopes that the given views be considered by the law makers and adjudicators for speedy and absolute delivery of justice.

BIBLIOGRAPHY

PRIMARY SOURCES

1. Indian Penal Code, 1860
2. The code of Criminal Procedure, 1973
3. The Constitution of India, 1950
4. The Criminal Amendment Act, 2013

BOOKS

1. WOODROFFE, COMMENTARIES ON CODE OF CRIMINAL PROCEDURE (2nd ed., Law Publishers Pvt. Ltd., Allahabad, 2005).
2. KATHURIA R.P., LAW OF CRIMES AND CRIMINOLOGY & CRITICAL COMMENTARY ON INDIAN PENAL CODE (Vinod Publications (P) Ltd., Delhi, 2007).
3. PARANJAPE N.V., CRIMINOLOGY AND PENOLOGY, (12th ed., Central Law Publications, Allahabad, 2006).
4. RAO, UTTAM & KESHAV RAO, IS CAPITAL PUNISHMENT NECESSARY (Universal Law Publishing Co. Pvt. Ltd., New Delhi, 1973).
5. Ratanlal & Dhirajal, The Code of Criminal Procedure, Wadhwa Nagpur, 2006, 18th enlarged ed.
6. Ratanlal & Dhirajlal, Law of Crimes, Bharat Law House, New Delhi, 25th edn.
7. Russell on Crimes, Vol. I Universal Law Publishing Co. Pvt. Ltd., 12th ed.

REPORTS

1. 35th Law Commission Report,1967 and
2. 187th Report on mode of execution, 2003
3. Law Commission Report NO. 262, 2015

ARTICLES

1. A. K. Dasgupta, *Statistics on Death Penalty*, Economic and Political Weekly, Vol. 40, No. 47 (2005).

2. Akhilendra Kumar Pandey, Mandatory Death Sentence: A Comparison of Judicial Perception, *The Banaras Law Journal*, Faculty of Law, Volume 41, 2012

3. Anne Katrine Mortensen, Abolition of the death penalty 31 (September, 2008).

4. Arnim Agarwal, Abolition or Retention of Death Penalty in India: A Critical Reappraisal 10 (2008)*available at* http://www.rsdr.ro/art-1-3-4-2008.pdf 10.

5. Frank G. Carrington, *Deterrence, Death, and the Victims of Crime: A Common Sense*

6. Michael l. Radelet, *Deterrence and the death penalty: the views of the experts,* The Journal of Criminal Law & Criminology, Vol. 87, No. 1, (1996).

7. MICHEL GUESDON, ON DEATH PENALTY, Economic and Political Weekly, Vol. 32, No. 39, 2430 (1997).

8. THE DEATH PENALTY IN INDIA: A LETHAL LOTTERY, A study of Supreme Court judgments in death penalty cases 1950-2006, (2008).

9. The Death Penalty under International Law: A Background Paper to the IBAHRI Resolution on the Abolition of the Death Penalty, International Bar Association, 3 (May, 2008).

10. The Death Row Phenomenon is a Violation of the Limitations Placed on Capital Punishment Under International Human Rights Law (2010) *available at* http://www.humanrightsadvocates.org/wp-content/uploads/2010/05/HRC_Hanowsky_Death-Row-Phenomenon.doc

ENDNOTES

[i]Devender Pal Singh Bhullar v. State (N.C.T Delhi), AIR 2013 SC 1975; Retrieved from http://www.infoplease.com/ipa/A0777460.html (last accessed on 31 March, 2023).
[ii]See §§ 121, 124-A, 132, 194, 302, 307, 364-A, 376-A, 376-E, 396 of the IPC.
[iii]N.V. PARANJAPE, CRIMINOLOGY AND PENOLOGY, p. 245 (14th ed., Central Law Publications, Allahabad, 2012); See §§ 34, 37of The Air force Act, 1950, §§ 34, 37, 38(1) and 67 of The Army Act, 1950, §§ 34-39, 43, 44, 49, 50 and 59 of The Navy Act, 1950, § 15 of The National Security Guards Act, 1986, § 51 of the Indo- Tibetan Border Police Act, 1992, § 4(1) of the Commission of Sati (Prevention) Act, 1987, § 31-A of the Narcotic, Drugs and Psychotropic Substances Act, 1985, § 30 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.
[iv]35TH REPORT OF THE LAW COMMISSION OF INDIA, p. 354 (Government of India, 1967).
[v]*Ibid.*
[vi]Available at http://www.kashmirlife.net/ajmal-kasab-hanged-protests-in-srinagar/ (last accessed on 31 March, 2023).
[vii]The State of Death Penalty in India 2013: Discriminatory treatment amongst the death row convicts, ASIAN CENTRE FOR HUMAN RIGHTS NEW DELHI, 1 (2013).

[viii] Mumbai Mirror, *Nirbhaya Rape Case Hanging: Everything you need to know*, *"Nirbhaya Rape Case Hanging: Everything you need to know". (Last accessed on 08 April, 2023)* .
[ix] Bachan Singh v. State of Punjab, AIR 1980 SC 898.
[x] Criminal Law Amendment Act, 2013. Act No. 13 of 2013.
[xi]Jagmohan v. State of U.P., AIR 1973 SC 917.
[xii]Bachan Singh v. State of Punjab, AIR 1980 SC 898.
[xiii] Ramnaresh & Ors. v. State of Chattisgarh, AIR 2012 SC 1357.
[xiv]Devender Pal Singh Bhullar v. State (N.C.T Delhi), AIR 2013 SC 1975; Machhi Singh v. State of Punjab, AIR 1983 SC 957; K.P. Mohd. v. State of Kerala, AIR 1983 (1) Crimes 796 SC; Maru Ram v. Union of India, AIR 1980 SC 2147.
[xv] Maneka Gandhi v. Union of India, AIR 1978 SC 597
[xvi] Rajendra Prasad v. State of Uttar Pradesh, 3 SC 646 1979.
[xvii] Bachan Singh v. State of Punjab, (1980) AIR 898.
[xviii] Machi Singh v. State of Punjab, (1983) 3 SC 470.
[xix] Machi Singh v. State of Punjab, (1983) 3 SC 470.
[xx] Muniappan v. State of TamilNadu, (1981) 3 SCC 11.
[xxi]Sudam v. State of Maharashtra (2011) 7 SCC 125 and State of Maharashtra v. Damu, (2000) 6 SCC 269, wherein the court ignored its own precedents. Facts in both the cases were similar, though not identical, grounds of defense pleaded were identical, but alas the judgments delivered were contrary to each other.
[xxii] 'Lethal Lottery: The death penalty in India' (Amnesty International and the People's Union for Civil Liberties, 2008), retrieved from <http://www.amnesty.org/en/for-media/press-releases/india-time-end-lethal-lottery-india%E2%80%99s-death-penalty-system-20080502> (last accessed on 31 March, 2023).

[xxiii] Maru Ram v. Union of India, AIR 1980 SC 2147.
[xxiv] Maru Ram v. Union of India, AIR 1980 SC 2147; 7, Devender Pal Singh Bhullar v. State (N.C.T Delhi), AIR 2013 SC 1975.
[xxv]Ibid.
[xxvi]Ibid; M.P. JAIN, INDIAN CONSTITUTIONAL LAW, p. 1188 (6th ed., Lexis Nexis Butterworths Wadhwa, Nagpur, 2010).
[xxvii]Suhrid Sankar Chattopadhyay, Criminal Justice system needs Overhaul Frontline Magazine, September 2012
[xxviii] Dhananjoy Chaterjee vs State Of W.B, 1994 SCC (2) 220.
[xxix] Ajamal Amir Kasab v State of Maharashtra, (2012) 9 SCC 1.
[xxx] State vs Mohd. Afzal And Ors., 2003 SCC OnLine Del 935.
[xxxi] Justice J.S. Verma et al, Report of the Committee on Amendments to Criminal Law, (January, 2013) [India].
[xxxii]Krishna Mochi v. State of Bihar, (2002) 5 SCC 203.
[xxxiii] Devender Pal Singh Bhullar & Anr vs State of NCT Of Delhi, Writ Petition (Criminal) D.No. 16039 of 2011.
[xxxiv]State of Rajasthan v. Kheraj Ram, (2003) 7 SCC 419
[xxxv]Court In State Of U.P. vs . Satish, [2005] 3 SCC 114
[xxxvi] State Of U.P vs Sattan @ Satyendra & Ors, [2009] INSC 445.
[xxxvii]Retrieved from <http://www.amnesty.org/en/for-media/press-releases/india-time-end-lethal-lottery-india%E2%80%99s-death-penalty-system-20080502> (last accessed on 31 March, 2023).
[xxxviii]Devender Pal Singh & Dharmender Singh v. NCT, Delhi (2003) 2 SCC 501.
[xxxix]*Supra,* Note 35.
[xl]Vashram Narsibhai v. State of Gujarat, (2002) 9 SCC 168.
[xli]Sudam v. State of Maharashtra, (2011) 7 SCC 125.
[xlii]State of Maharashtra v. Damu, (2000) 6 SCC 269.
[xliii]Sushil Murmu v. State of Jharkhand, (2004) 2 SCC 338.
[xliv] Sushil Murmu v. State of Jharkhand, (2004) 2 SCC 338.
[xlv] Sheila Sebastian v. R. Jawaharaj & Anr., Criminal Appeal Nos. 359-360 Of 2010.
[xlvi] Ministry of Home Affairs, Government of India, *Guidelines for Safeguarding the interest of the Death Row Convicts*, CS DIVISION, No. VII-17013/1/2014-PR, (2014).