

LEGALFOXES LAW TIMES

Execution of capital punishment - An analysis under Indian criminal Law

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ABSTRACT

For choosing the topic of capital punishment in India comes from two forums.

The first being a documentary about a inmate in a prison in Washington DC. It showed the psychological impact it has on a person . The person is confined to one place and how they are treated in the last 24 hours of their lives . It sparked an interest in me, whether how much heinous the crime is , does it give us a right to take someone's life , it raises a moral and spiritual question.

My second forum is the recent hanging of the Nirbhaya rape convicts, it took 7 years for the Indian Judicial system to take such a decision. However, after the hanging, even though most of the civilians rejoiced and celebrated their deaths as the crime they did was unforgivable. Exactly after a week of hanging , this issue started getting international attention . Many countries have removed capital punishment as a sense of punishment , however the punishment for rape is really rigorous in their country even when compared to death penalty. The United Nations advised India to forgo this practice and made an appeal to the Indian Judiciary.

"OUR MISSION YOUR SUCCESS"

These two forums inquisited me and made me choose this topic.

INTRODUCTION

Capital punishment also famously known as death penalty is given by the courts of law to convicts who have been found guilty of a heinous crime.

Death penalty should be differentiated from extrajudicial executions carried out without the due process of law.

The first case after independence of India was the death penalty of the men behind the death of Mahatma Gandhi , whose name is Nathuram Godse and Narain D .

Since Independence only 720 cases of death penalty have been given verdict, half of them being in Uttar Pradesh , 90 being in Haryana and 73 in Madhya Pradesh¹

However in the last decade and two only four death penalties have taken pace. The four who were given this capital punishments are the men found guilty of the rape of Nirbhaya. They were hanged till their death this year (2020) .

The first women who were given the punishment of death penalty were Seema Gavit and Renuka Shinde² . They were serial killers, the grounds on which they were prescribed with such harsh punishment was because they had resulted in 13 cases of kidnapping and killing nine children. President Pranab Mukherjee rejected their plea for mercy.

The first five years after the constitution was made, death penalty for murder was a normal punishment. It was under the formula of an eye for an eye, a soul for a soul , this moral constraint was put behind the death penalty . The whole country rejoiced after the first hanging after independence as it showed a control over our countries narrative and it punished the killers of our nations father;**Mohandas Karamchand Gandhi**.

BASIC UNDERSTANDING

Death Penalty in India is carried out by two ways ;

- I. Hanging
- II. Shooting

The basic procedure³ of death sentence says that a person need to be hanged by the neck till he dies . This came as a law during the British period , when an Indian was charged with offences against a British officer . To make an example out of him , the British court of Law decided to punish him in such a way that such acts of rebel and revolt against British would not not be stood by . It was decided that the Indian will have a public hanging (public hangings have been a common culture before democracy, it helped the rulers to make a public statement and also in certain cases such as rape , witchery, adultery it made as entertainment for the crowd. Public hangings still take place in 20 some countries such as Nigeria , Iran , Iraq and Saudi Arabia .)

¹ <https://www.procaffentation.com/reason-why-it-is-hang-till-death-and-not-just-to-be-hanged/>

² <https://timesofindia.indiatimes.com/city/pune/maharashtra-to-move-sc-against-order-in-rape-murder-case/articleshow/70442940.cms>

³ Section 354(5) of the Code of Criminal Procedure (1973).

Moti Lal Nehru was the advocate for the accused, Indian public was astonished that Moti Lal Nehru did not object the punishment .

It was not until as soon as the person was hung, Nehru instantaneously asked the authorities to haul the procedure . The matter was taken to the court, he made the argument that the person was “to be hung”⁴ . After finding such a loophole, the man was saved but however a big amendment came in the common law.

CRIMES UNDER WHICH DEATH PENALTY MAY BE GIVEN

SI. No.	SECTION NO.	DESCRIPTION
1	Section 121	Treason - for waging a war against the government.
2	Section 132	Abatement of mutiny committed
3	Section 194	Perjury resulting in conviction and death of an innocent person
4	Section 195A	For inducing or threatening a person to give false evidence which resulted in conviction or death of the person.
5	Section 302	Murder
6	Section 305	Abatement of suicide by minor, insane or intoxicated person
7	Section 307 (2)	Attempted murder by a serving life convict
8	Section 364A	kidnapping for ransom
9	Section 376A	Rape an injury which causes death or leaves the woman in persistent vegetative state
10	Section 376E	certain repeat offenders in the context of rape
11	Section 396	Dacoity with murder

Table :1

⁴ <https://www.procaffenation.com/reason-why-it-is-hang-till-death-and-not-just-to-be-hanged/>

SOURCE : India, law commission of India, Report no. 262 on Death Penalty, August 2015

SI. NO.	SECTION NO.	DESCRIPTION
1	Sections 34,37 and 38(1)	The Air Force Act, 1950
2	Section 3(1)(i)	The Andhra Pradesh Control of Organised Crime, 2001
3	Section 27(3)	The Arms Act,1959 (repealed)
4	Section 34,37 and 38(1)	The Army Act, 1950
5	Sections 21,24,25(1)(a) and 55	The Assam Rifles Act, 2006
6	Section 65A(2)	The Bombay Prohibition (Gujarat Amendment) Act.2009
7	Sections 14,17,18(1)(a) and 46	The Border Security Force Act, 1968
8	Sections 17 and 49	The Coast Guard Act, 1978
9	Section 4(1)	The Commission of Sati (Prevention) Act, 1987
10	Section 5	The Defence of India Act, 1971
11	Section 3	The Geneva Convention Act, 1960
12	Section 3(b)	The Explosive Substances Act, 1908
13	Sections 16,19,20(1)(a) and 49	The Indo-Tibetan Border Police Force Act, 1992
14	Section 3(i)	The Karnataka Control of Organised Crime Act, 2000
15	Section 3(i)	The Maharashtra Control of Organised Crime Act, 1999
16	Section 31A(1)	The Narcotics Drugs and Psychotropic Substances Act, 1985

17	Sections 34,35,36,37,38,39,43, 44, 49(a), 56(a) and 59	The Navy Act, 1957
18	Section15(4)	The Petroleum and Minerals Pipelines (Acquisition of rights of user in land) Act, 1962
19	Sections 16,19,20(1)(a) and 49	The Sashastra Seema Act, 2007
20	Section 3(2)(i)	The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
21	Section 3(1)(i)	The Suppression of Unlawful Acts against Safety of Marine Navigation and Fixed Platforms on Continental Shelf Act, 2002
22	Sections 10(b)(i) and 16(1)(a)	The Unlawful Activities Prevention Act, 1967

Table : 2

SOURCE : India, law commission of India, Report no. 262 on Death Penalty, August 2015

Highlight of 2020

LEGAL FOXES

Nirbhaya case

"OUR MISSION YOUR SUCCESS"

Jyoti Singh, a 23 year old female, was a physiotherapy intern coming home around midnight in the area of Munirka , a neighborhood in south Delhi . She was being accompanied by a male friend of hers (Awindra Pratap Pandey) . They were sitting in the back seat of a bus. Six men were also in the bus, including the driver who raped Jyoti Singh and belated Jyoti and Awindra. Jyoti was gang raper, tortured, and beaten and left naked on the street. It was a heartbreaking case that made the Indian public unite and fight for her case . This case also had generated widespread international coverage.

One of the accused named "Ram Singh" committed suicide in the Tihar jail in 2015 ⁵.

⁵ <https://www.indiatoday.in/delhi-gangrape/story/delhi-gangrape-accused-ram-singh-profile-155817-2013-03-11>

One was a juvenile whose name was protected under the POSCO act and was released after three years in a rigorous reform facility ⁶. It is a hotly debated topic till date . Many in the country debate that he should have been tried as an adult as he was mere months away from being 18 and was part of a heinous crime. However an act after passed after this which is '*Juvenile Justice (Care and Protection of Children) Act 2015:was passed in which juveniles in the age group of 16–18, involved in heinous offenses, can be tried as adults.*'

The other four convicts

- **Mukesh Singh**-*"A decent girl will not roam around at nine o'clock at night. A girl is far more responsible for rape than a boy. Housework and housekeeping are for girls, not roaming in discos and bars at night, doing wrong things, wearing wrong clothes,would make things even more dangerous for girls.Now when they rape, they will not leave the girl as we did. They will kill her."*⁷ he said
- **Vinay Sharma** - he was a fitness instructor and worked as a gym assistant. He had a school education and could converse in Hindi and English
- **Akshay Thakur** - he was a helper on the bus and tried to destroy evidence by washing the bus
- **Pawan Gupta** - he worked as as fruit seller. He said in court, *"done a horrible thing... I have done a bad thing, and I should be hanged."*

The four accused were hanged till death on **22 January 2020** ⁸

This case had people rejoicing outside the prison; they were distributing sweets . For them it felt like justice was served after 7 long years . Many politically acclaimed people such as the CM of Delhi **Arvind Kejriwal**⁹even put on tweets to a comrade the moment, and famous film stars such as **Sushmita Sen**¹⁰ and **Priti Zinta**¹¹showed their joy for hanging on their social media.

Such an incident raises a very important question whether the morally wrong death penalty is better for the country in terms of serving justice and keeping the country united.

⁶ <https://www.opindia.com/2020/03/nirbhaya-rape-case-juvenile-cook-sewing-machine-convicts-hanged/>

⁷bbcdocumentary :indias daughter

⁸ <https://www.businesstoday.in/latest/trends/nirbhaya-case-four-convicts-to-be-hanged-on-march-20/story/397622.html>

⁹ <https://www.ndtv.com/india-news/resolve-to-not-allow-nirbhaya-like-incident-again-arvind-kejriwal-after-convicts-hanging-2197739>

¹⁰ <https://www.hindustantimes.com/bollywood/nirbhaya-hanging-sushmita-sen-taapsee-pannu-preity-zinta-hail-execution-call-for-swifter-process/story-cYBULjJahuCsZYk776qMZN.html>

¹¹ <https://www.hindustantimes.com/bollywood/nirbhaya-hanging-sushmita-sen-taapsee-pannu-preity-zinta-hail-execution-call-for-swifter-process/story-cYBULjJahuCsZYk776qMZN.html>

This research paper will go in-depth and draw a parallel in both the scenarios with cases such as the nirbhaya cases and the psychological effect it has on the convicts and the public of the nation .

It is a moral question which intertwines with our judicial system .

Do we as humans have the right to take someone's life, one of the biggest religions which is the religion of Muhammad forbids taking someone's life for murder .However some historians of the Hindu religion believe that Krishan ji took a life for a life ¹². So can we compare ourselves to god ? Is it moral to take someones life after they are caught in a heinous crime? Is it true justice ? Does the death penalty actually help to put the convict as an example? Does it lower the crime rate ?

Notable Criminals given capital punishment

SI. NO.	NAME	Crime
1	Seema Gavit	Murder
2	Renuka Shinde	Murder
3	Yakub Memom	Conspiracy against the government, terrorism
4	Ajmal Kasab	Murder, possession of arms and waging war against India and 76 more
5	Afzal Guru	Terrorist
6	Auto Shankar	Terrorist
7	Dhananjay Chatterjee	murder and rape
8	Mahendra Nath Das	murder
9	Balwant Singh Rajoana	Terrorism
10	Akshay Thakur	Rape (Delhi Rape case)
11	Vinay Sharma	Rape (Delhi Rape case)
12	Nathuram Godse	Assassination of mahatma Gandhi
13	Pawan Gupta	Rape (Delhi Rape case)

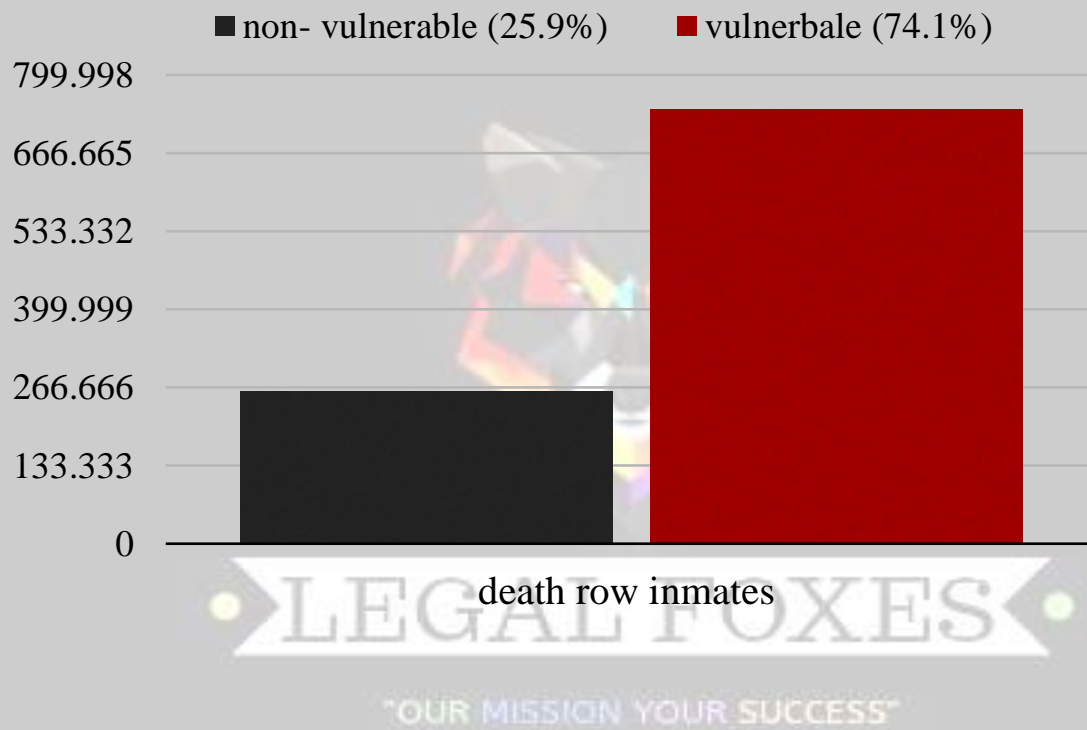
¹²bhagwatgeeta

14	Mukesh Singh	Rape (Delhi Rape case)
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Table : 3 IN-DEPTH STATISTICS OF DEATH ROW INMATES

Economic vulnerability¹³ :
Fig

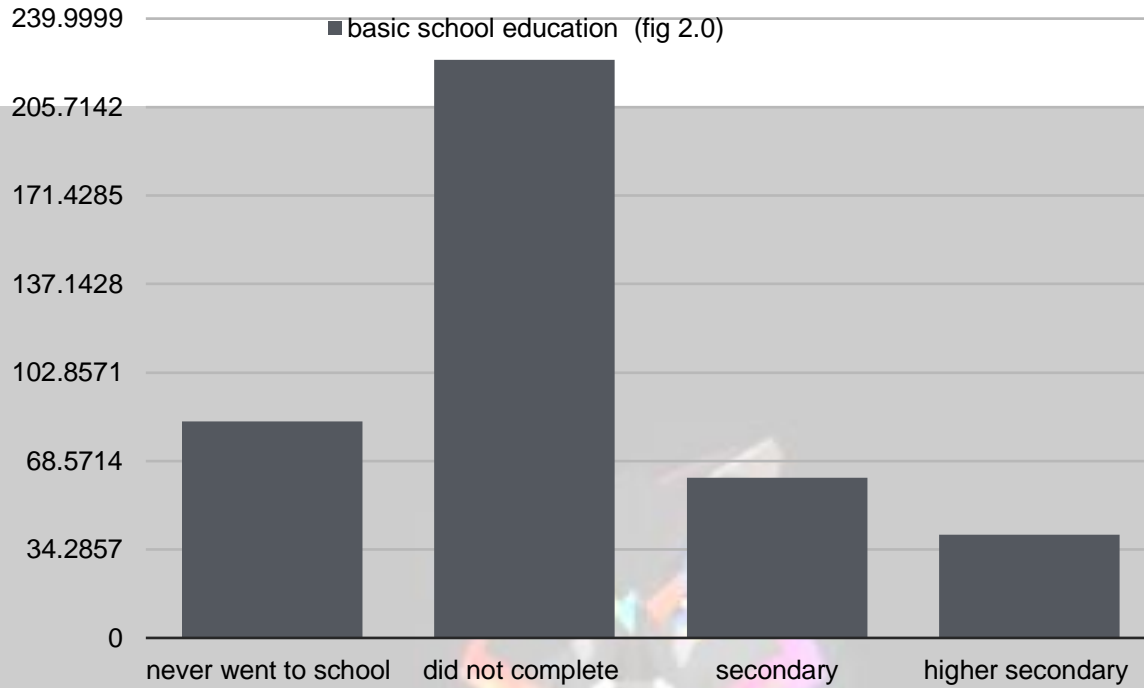
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¹³ <https://www.project39a.com/dpir>

Educational profile¹⁴

United Nations stand



United Nations, human rights committee, called on India to abolish this 'barbaric' act of death



¹⁴ <https://www.project39a.com/dpir>

penalty and join hands like other countries towards a peaceful justice system. This was after the infamous hanging of the Nirbhaya case convict on 22 January 2020.

On hearing about the hanging of the four rapists and murder of Jyoti Singh, United Nations general Antonio Guterres' spokesperson, Stephane Dujarric, exclaimed that all countries who still practice capital punishment should put a stop on it and walk towards a peaceful and humane way of punishing a culprit.

“Our position has been clear, is that we call on all States to halt the use of capital punishment or at least put a moratorium on this,” Dujarric said in a conference ¹⁵

160 members of the united nations and either stopped this practice or put a momentary hold on the death penalty. They, along with 160 nations, feel that the death penalty is cruel and inhumane, and do not provide true justice.

Many countries like India, Iran, Nigeria still turn towards the death penalty

UN Secretary-General Ban Ki-moon's remarks that countries with different culture, societies, traditions and legal system can unite on this front.

The **United Nations Human Rights** believe that that it contradicts the fundamental right, the wrong judgment might be given to an innocent and water it is a true deterrent of the crime.

Even after such a response from the united nations, the Indian judiciary or the Indian parliament had no rebuttal or response to it.

So is the silence and no response a reply to the continuing of this act without having a discussion about it.

Many Indians and jurist believe that the death penalty is given in the rarest of the rare cases ¹⁶

THE INTERNATIONAL FRAMEWORK

From the 1960s, *International Covenant on Civil and Political rights.(ICCPR)*¹⁷ was already working on the permanent stoppage of the death penalty in the various countries

¹⁵ https://www.business-standard.com/article/current-affairs/halt-use-of-capital-punishment-un-after-nirbhaya-convicts-execution-120032100281_1.html

¹⁶ <http://docs.manupatra.in/newsline/articles/upload/dfa397d3-b539-419d-a79b-28d367cfee09.pdf>

¹⁷ <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

The 6th article of the international covenant on civil and political rights gives the circumstance under which an individual can be granted the death penalty by the country. Part 3, article 6, sub article 22 reads as follows *“In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes following the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court”*¹⁸

The United Nations Economic And Social Council took on certain guidelines for shielding the various rights of a convict on the verge of being put to death as a death row inmate.¹⁹

The United Nations general assembly had adopted four resolutions in 2007²⁰, 2008²¹, 2010²², 2012²³, and 2013²⁴. The general assembly of united nations urged all the states part of the united nations to respect the international standards that will protect the rights and privileges of all those facing capital punishment. The basic concept of the policies it to limit the use of the death penalty and if to issue, then only in circumstances or offenses rare.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The united nations general assembly passed a **Universal Declaration Of Human Rights**²⁵ in 1948 in a summit in Paris. It sets out to protect the universal fundamental of humans. The document of the universal declarations of human rights has been translated into 500 languages. The drafting committee of the document has representatives from all over the world with different cultures, traditions, and different legal backgrounds. The document has around 30 articles.

The psychological effect

¹⁸ <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁹ <http://www.unrol.org/doc.aspx?d=2244>

²⁰ https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/62/149&Lang=E

²¹ https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/168&Lang=E

²² https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/206

²³ https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/176

²⁴ <https://www.undocs.org/A/RES/69/186>

²⁵ <https://www.un.org/en/universal-declaration-human-rights/index.html>

The psychological effect of being a death row inmate is not just on the convict but also on the families the accused, families of the victims, attorneys dealing with the case. death penalty can polarise the families of both the accused and the victim²⁶ . Studies have shown that families cannot cope with the death penalty. The families of the victim still feel that void and cannot accept what has happened. Major studies have been done in the united states of America by psychologists and researches regarding the impact of the death penalty. The execution does not help them heal!

Death row phenomenon

Convicts who are under long periods of being in the death row, with the execution of their lives hanging on their heads, it is known as the death row phenomena²⁷

Many convicts in India who are sentenced to capital punishment are not hanged for years. Example: Narayan Chetanaram Chuadary²⁸, a prisoner who has been given the death penalty but has been waiting for 25 years in the Pune's Yerwada central jail. There are still 371 prisoners on death row in Indian by 2017. The oldest case being from 1991, it is a 21-year-old case . This data has been published in the death penalty²⁹ in India published in the yearly month of 2018

Duration of imprisonment and on death row

Source: death penalty India report 2016³⁰

Category of prisoners	Median duration of incarceration	Median duration on death row	Longest incarceration
Appeal pending in the supreme court	6 years, 7 months	3 years, 8 months	21 years, 6 months
Mercy petition pending	12 years	8 years , 7 months	16 years , 4 months

²⁶ <https://deathpenaltyinfo.org/news/studies-death-penalty-adversely-affects-families-of-victims-and-defendants>

²⁷ <https://reprieve.org.uk/death-row-phenomenon-psychological-impact-shadow-execution/>

²⁸ <https://indianexpress.com/article/cities/delhi/murder-convict-model-prisoner-supreme-court-bombay-high-court-5809907/>

²⁹ <http://www.deathpenaltyindia.com/img/pages/resources/2017Statistics.pdf>

³⁰ http://www.deathpenaltyindia.com/img/pages/resources/Vol.I_Death%20Penalty%20Report.pdf

Mercy petition rejected	16 years , 9 months	10 years , 5 months	21 years , 1 month
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Table: 4

The death penalty has been abolished in 142 countries; however, countries like India, the United States of America, Malaysia, Singapore, Thailand, and other such 47 countries still practice it. ³¹

China over the years has awarded the death penalty in more than 1000 cases

India's neighbor, Pakistan has awarded the death penalty to over 200 people. ³²

Cost of the death penalty

The cost of the death penalty is not just the monetary value in the sense of the court hearings, numerous appeals. The cost is more than the sentence of life imprisonment. It cost double or in certain cases five times to see the end of the death penalty. The cost of death impales one's family's psychological health, the victims, and the accused. The appeal drags out for years as seem above and can leave all the bystanders in a turmoil. It is specially entailing on the children associated with the case (they can be the children of the accused or the victim; they can be the victims). Children of a certain age are not able to articulate their feelings and go in a deep hole and need years of therapy or meet a bad end ³³. The biggest cost is the view of India on the global scale, already ridiculed to be backwoods, does the death penalty put us a step backward?

Moral argument

Individuals who support the death penalty believe that those who have taken a life have forfeited their own life because they have taken someone's life. Furthermore, it is very well believed by them that capital punishment is a form of retribution not just for the victims, their family, but for the whole nation.

Individuals who do not support the death penalty argue that allowing for such a behavior to persist is counterproductive in the moral sense.

³¹ https://www.business-standard.com/article/current-affairs/371-indians-are-on-death-row-only-4-have-been-executed-in-13-years-118052800123_1.html

³² <https://www.amnesty.org/en/what-we-do/death-penalty/>

³³ <https://www.chronicle.com/article/Hidden-Victims-The-Effects/17325>

Even though death was given for crimes in many testaments, in today's world, no religions, faiths agree with the morality of the death penalty.

Pope John Paul jr termed it as a cruel and unnecessary punishment that can be dealt with in a better way.

Utilitarian argument

Supporters of the death penalty believe that it is an important deterrent effect on violent offenders for whom the death penalty is not enough. They need stronger punishment and need to be restrained from the rest of society.

Oppositions, however, believe that the death penalty is not an effective punishment that the alternative of life imprisonment.

Practical argument

There are two point of views like in the Moral argument and utilitarian argument, individuals who support the death penalty believe that it might be possible to fashion outlaws to punish only certain cases with the death penalty to those who truly deserve it they believe that death penalty can be administered in a manner which will be consistent with justice.

Opponents to the death penalty believe that according to historic recorded singling out, a crime will be arbitrary and discriminatory. They believe that death punishment can be fairly applied to the backward classes; people believe the poverty line, rural ethnic groups, prejudice.

Presidents who provided mercy petitions

<i>SI No.</i>	<i>Name of the President</i>	<i>Tenure</i>	<i>Number of Mercy Petitions Accepted</i>	<i>Number of Mercy Petitions Rejected</i>	<i>Total</i>
1	<i>Dr. Rajendra Prasad</i>	<i>26.1.1950 - 3.5.1962</i>	<i>180</i>	<i>1</i>	<i>181</i>
2	<i>Dr. Sarvapalli Radhakrishnan</i>	<i>13.5.1962- 13.5.1967</i>	<i>57</i>	<i>0</i>	<i>57</i>
3	<i>Dr. Zakir Hussain</i>	<i>13.5.1967 - 3.5.1969</i>	<i>22</i>	<i>0</i>	<i>22</i>

4	<i>Shri V.V. Giri</i>	3.5.1969 - 20.7.1969; 24.8.1969 - 24.8.1974	3	0	3
5	<i>Dr. Fakrudhin Ali Ahmed</i>	24.8.1974 - 11.2.1977	NA	NA	0
6	<i>Shri N Sanjeeva Reddy</i>	25.7.1977 – 5.7.1982	NA	NA	0
7	<i>GianiZail Singh</i>	25.7.1982 – 25.7.1987	2	30	32
8	<i>Shri R. Venkataraman</i>	25.7.1987 - 15.7.1992	5	45	50
9	<i>Dr. Shankar Dayal Sharma</i>	25.7.1992 - 25.7.1997	0	18	18
10	<i>Shri K.R. Narayanan</i>	25.7.1997 - 25.7.2002	0	0	0
11	<i>Dr. A.P.J. Abdul Kalam</i>	25.7.2002 - 25.7.2007	1	1	2
12	<i>Smt. Pratibha Devisingh Patil</i>	25.7.2007 - 25.7.2012	34	5	39
13	<i>Shri Pranab Mukherjee</i>	25.7.2012	2	31	33
	TOTAL		306	131	437

Table: 5

Interesting facts

- I. Pawan is a fourth-generation hangman and has become the only hangman in the history of our country to hang four men together³⁴
- II. It is a symbolic act to break the nib of the pen by the judge after signing a death sentence. This symbolic act was a custom taken from the British before independence. Many people believe that by doing this, the judge tries to denote that a pen which takes away a life should not be used for any other purpose³⁵
- III. The rope for the hanging of a convict especially comes from Bihar. The rope is made specially in **Buxar jail, Bihar**³⁶. This was practiced by the British rule and convicts. It is

³⁴ <https://punemirror.indiatimes.com/news/india/happy-to-execute-nirbhaya-convicts-says-hangman-pawan-jallad/articleshow/74722096.cms>

³⁵ <https://lawcorner.in/why-judges-break-the-nib-of-pen-after-death-sentence/>

³⁶ <https://www.indiatoday.in/news-analysis/story/godse-to-nirbhaya-rapists-why-only-buxar-jail-makes-hanging-rope-1634950-2020-01-08>

not a law but merely a custom that has been followed from the hanging of **Nathuram Godse** (the person responsible for the assassination of **Mahatma Gandhi**).

- IV. Black warrant: The black warrant constitutes the time, date, and place where the convicts will be hanged. After a black warrant is signed, no judicial plea can be granted!³⁷
- V. Convicts on the day of the hanging are woken up by four given new clothes to change into, and specially in India, they are given tee and good breakfast. However, all of them refused to take a bath, and one even refused the breakfast³⁸
- VI. It was for the second time that four people were hung together: **Nirbhaya case**³⁹
- VII. It is a mandatory law to hang the death row inmates first thing in the morning. This is done because of two reasons. **First** is that the day to day activities of the prison are not affected, the **second** reason is that it will be psychological torture if the convict has to wait for the day to end
- VIII. Before hanging the convict, weight and height are taken, and a sandbag of that size is hanged for checking whether the noose will stay stable
- IX. *'No man can be by law punished for the same crime twice.'*⁴⁰
- X. Many a time the person dies not from breaking of the neck but from cut of oxygen to the body after the hanging
- XI. A bag is put over the convict's face because some times the eyes bulge out, or the face turns blue.
- XII. It is a myth that hanging is the least painful death penalty⁴¹
- XIII. By the power granted by the constitution, according to article 72, any convict facing death row can ask the president for a mercy pardon. This has been showcased in table 3 of this document, which highlights the different presidents who have provided death row inmates with mercy petitions. It is a very difficult task, with presidents such as Pranab Mukherjee granting 24 mercy pardons also.

³⁷ gupta,sunil : blackwarrant- confession of a tihar jailer

³⁸ <https://mumbaimirror.indiatimes.com/news/india/nirbhaya-rape-case-hanging-everything-you-need-to-know/articleshow/74722958.cms>

³⁹ <https://www.bbc.com/news/world-asia-india-23434888>

⁴⁰ <http://lawtimesjournal.in/doctrine-of-double-jeopardy/>

⁴¹ <https://science.thewire.in/the-sciences/nirbhaya-convicts-hanging-tihar-jail-cervical-fracture-long-drop-method/>

XIV. Singapore is the first country to give death punishment to a man over a zoom call. Its history first-ever incident to take place. The man's name is PunithanGanesan; he is a 37-year-old Malaysian for his role in the 2011 heroin transaction.⁴²

CONCLUSION

All the major issues regarding capital punishment, aka the death penalty, have been noted down in this research. After careful analysis and research, it is in the best interest of the country to forgo this practice and establish a better system of legal punishment. The cruelty done to the victims should always be kept in mind, but the sincerity of the legal system and justness should never be ignored. Complete abolishment cannot be done, but systems can be amended for a crimeless and peaceful society.

Have the rapes in 2020 after the hanging of the four accused of the Nirbhaya cases came to a stop or even reduced? No, they have not.

So maybe the death penalty is not just the solution.

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1	Books and commentaries	
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		2 Black warrant: confessions of a Tihar jail jailer
		3 Bhagwat Geeta
		4 Hidden Victims: The Effects of the Death Penalty on Families of the Accused
2	Indian Statutes	

⁴²<https://www.theguardian.com/world/2020/may/20/singapore-sentences-man-to-death-via-zoom-call>

1	Books and commentaries	
		1 The constitution of India
		2 The Indian penal code
		3 Crpc
		4 Unlawful activities prevention act
3	Websites	
		1 Supreme Court cases
		2 Manupatra
		3 Bbc online
		4 United Nations human rights
		5 Bar and bench
		6 India legal
		7 https://www.un.org/en/universal-declaration-human-rights/index.html
		Indian kanoon