

Abolishing Death Penalty in India: Public Opinion, Ethics, and the Right to Life

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There is a worldwide movement on abolishing Death Penalty. The present study attempts to understand the public perception about Death Penalty in India. In India, death penalty is awarded in rarest of rare cases.¹ The rarest of rare doctrine prevents the Indian Judiciary from giving Death Penalty to convicts for all crimes. Only in certain crimes where the gravity is such that Death Penalty is the only remedy and no other alternative seems fit as a punishment. The Indian Supreme Court has allowed the death penalty to be carried out in only 4 instances since 1995.²

Based on literature review, a self-administered survey was formulated and administered on 25210 respondents and it was found that 20% of the total respondents (n= 5047) supported abolishing death penalty in all its form. The survey had been carried out using a random sampling method. The survey was also done by means of a convenient sample where the data was collected based on the social contacts of the author.

The objective of the research is to examine:

- The purpose was to assess public attitude towards capital abolishment, the level of support among various subpopulation and understanding the reasons, socio- psychological, attitudinal and demographic correlates for abolishing death penalty in India.
- To examine the reasons behind supporting abolishment of death penalty by Indian respondents which includes: Violates right to life, Barbaric & Inhumane, Uneconomical, Not act as a deterrent, Irretrievable in nature, Acts against poor & socially vulnerable, reduced reformative opportunities.
- Assessing alternative forms of penalties if death penalty is to be abolished even for ‘worst of the worst’ crimes.

The results and findings from the research conducted shows that only 20% of the Indian population wants death penalty to be abolished. Logistic regression and association rule analysis revealed that generally people who supported abolishing death penalty tend to be males, young and middle-aged, lower and middle economic status, Muslim, professionals & businessmen. It was further revealed that 16% favor abolishing death penalty because it violates right to life and 23% believed that no person should be subjected to barbaric and inhumane treatment.

¹ Bachan Singh v. Union of India (1980), AIR 1980 SC 898

² Law Commission of India,. (2014). Consultation Paper On Capital Punishment. Government of India.

This paper will look at the trend towards abolishing death penalty and give an analysis based on Right to life in Indian Perspective. It will trace the development of right to life and death penalty in India through the public opinion and Judgments of Indian Judiciary.

The perspective will be argued on the lines of Morality and Death penalty. It has been argued that taking away someone's life is immoral.³ Right to Life is a fundamental right of every human.⁴ and based on this many conventions and resolutions have been passed in United Nations. Death Penalty is considered a violation of a person's right to life and the right not to be subjected to cruel, inhumane, and degrading punishment.⁵ Despite the predominance of abolitionists in intellectual community, public support for the death penalty persists. The discussion critically reviews the impact of rehabilitation and reformation on crime and criminal justice, examines at length the questions concerning deterrence and morality of punishment.

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³ Nathanson, S. (2001). *An eye for an eye*. Lanham: Rowman & Littlefield.

⁴ Article 21 of Constitution of India, Article 6 of ICCPR, Universal Declaration on Human rights

⁵ International Bar Association, *The Death Penalty under International Law, A Background Paper to the IBAHRI Resolution on the Abolition of the Death Penalty* (2008). Retrieved from http://www.ibanet.org/Human_Rights_Institute/About_the_HRI/HRI_Activities/death_penalty_resolution.aspx