

Death Penalty - The practice and The Peril

Mains: GS II - Polity and governance /GS IV - Ethics

Why in News?

Recently, The Supreme Court heard the Union government's submission that it is still examining whether a more humane and less painful method of execution could replace hanging.

What is death penalty?

- **Death penalty** - The death penalty, or capital punishment, is the state-sanctioned killing of a person as a punishment for a crime.
- **Sanctioning authority** - A death sentence is handed down by a court of law for a serious crime, and the execution is the carrying out of that sentence.
- The practice is also known as judicial homicide.
- **Death row** - It is the state of an imprisoned person who has been sentenced to death and is awaiting execution.

What is the status of death penalty in India?

- **Recent development** - For the 3rd year in a row, the Supreme Court has not confirmed any death sentences.
- It acquitted 9 death row prisoners, commuting 5 to life imprisonment, and remanding 2 cases to the trial courts for fresh consideration.
- **Latest proposals** - The Supreme Court is listening to a proposal to give convicts on death row an option of choosing lethal injection as an alternative to death by hanging as a mode of execution.
- The top court expressed its displeasure with the government's unwillingness to evolve on the issue, after the Centre indicated that offering such an option might not be feasible.
- **Governments stand on hanging** - The Centre stands by hanging, calling it the "safest and quickest" option, but has hinted it is open to considering other methods.

- **Death row in India** - It is 564 and the highest in nearly two decades.
- Trial courts have sentenced more than 100 people to death annually in recent years, often without proper consideration of mitigating circumstances.
- **Supreme courts position** - The top court has reminded judges not to be swayed by the brutality of crimes or public outrage, reminding them that penology now centres on the preservation of human life.
- Significantly, some recent judgements show a preference for alternatives to execution.
 - **For example**, Life imprisonment without remission—brought in after the Nirbhaya case for aggravated rape—has increasingly become the middle path for serious crimes that could otherwise attract the death penalty.
- **Manoj vs State of Madhya Pradesh (2022)** - The top Court state that such factors must be evaluated to prevent retributive sentencing, compliance remains poor.
- **Supporting arguments** - Death penalty supporters often view it as society's way of answering extreme acts of cruelty by satisfying our collective sense of justice and warning against recurrence.
- **The grounded reality** - But experience shows it does not clearly prevent violent crime, nor does it ensure justice.
- The risk of wrongful execution, the inability to rehabilitate, and the moral contradiction of taking life in the name of law continue to shadow its practice.

How many people are executed every year?

- **World data** - Amnesty International recorded 1,153 executions in 2023, an increase of 31% from the 883 known executions in 2022.
- It was the highest figure recorded by Amnesty International since the exceptionally high number of 1,634 in 2015.
- **Missing records** - The report noted that known totals did not include the thousands of people believed to have been executed in China, which remained the world's leading executioner in 2023.
- There was a 20% increase in the number of death sentences handed out globally in 2023, taking the total to 2,428.

Which countries still use the death penalty?

- **Major countries** - About 55 nations still retain and implement the death

penalty.

- The United States, Japan, Taiwan, Singapore, Iran, Saudi Arabia, Egypt.
- Additionally, capital punishment is also carried out in China, India, and most Islamic states.
- Amnesty International also noted that North Korea was "likely to be using the death penalty at a sustained rate," but could not independently verify the claim.
- **Countries abolished death penalties** - While *over 70% of the world has abolished capital punishment* in law or practice.
- Amnesty's data show the *death penalty is not used at all in 112 countries*.
 - The practice was *fully abolished* by four countries in 2024- *Kazakhstan, Papua New Guinea, Sierra Leone and the Central African Republic*.
 - Two other nations, Equatorial Guinea and Zambia, have said they would only be used for the most serious crimes.
 - In April 2023, the Malaysian parliament also voted to remove the mandatory death penalty for 11 serious crimes, including murder and terrorism.
 - In July 2023, Ghana's parliament voted to abolish the death penalty altogether.

How do countries carry out the death penalty?

- **Existing methods** - Hanging, shooting, electrocution, lethal injection and beheading remain the most common methods of execution.
- **The lethal injection** - It generally consists of three chemicals:
 - **Sodium pentotal** (an anaesthetic),
 - **Pancuronium bromide** (used to paralyse the prisoner) and
 - **Potassium chloride** (used to stop the heart) - and is widely used by countries including China, Vietnam and the US.
- **Electrocution** - The prisoner is blindfolded and a jolt of between 500 and 2000 volts, which lasts for about 30 seconds, is repeatedly administered until the prisoner is declared dead.
- The US also commonly uses electrocution to carry out death sentences
- **Nitrogen hypoxia** - Some US states also use nitrogen gas as a method of capital punishment.
- It induces death by nitrogen hypoxia, which works by depriving the body of oxygen when an inmate is forced to breathe only nitrogen.
- **Hanging** - Most Asian and African nations, including Afghanistan, Bangladesh, Botswana, India, Iran, Iraq, Japan, Kuwait, Malaysia, Nigeria, Palestine authorities, South Sudan and Sudan, use hanging as a legal

method of capital punishment.

- The 'long drop' is the most commonly used hanging method.
- Some countries, such as Iran, use cranes to publicly hang the culprits.
- **Shooting** – Countries including China, Indonesia, North Korea, Saudi Arabia, Somalia, Taiwan and Yemen use shooting squads to execute prisoners.
- **Beheading** – Beheadings are carried out in public using a sword, usually in a town square or close to a prison.
- The condemned, who is blindfolded, handcuffed and often given a sedative, typically wears white - as does the executioner.
- As of 2022, only Saudi Arabia is known to use beheading as a form of execution.

What lies ahead?

- The larger constitutional issue of ensuring fairness and consistency in awarding death sentences—is before a Constitution Bench in a pending suo motu case.
- The overdue outcome will bring long-needed clarity to a system often marked by arbitrariness and moral unease.
- As over 113 countries move towards abolition, India's continued reliance on capital punishment appears increasingly out of step with moral progress.
- To focus only on the mechanics of execution, rather than on whether the state should kill at all, is to lose sight of justice's higher purpose to balance accountability with humanity.

References

1. [The Hindu| New Life for Life prisoners](#)
2. [The Indian Express| Rethink Death Penalty](#)