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Proposal for Guidelines to Execute Death Penalty

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Why in News

The Central government has filed a petition before the Supreme Court, seeking a time limit of seven days for death row convicts to file a mercy plea.

- The petition seeks appropriate modifications to the judgement passed in 2014, during the case of **Shatrughan Chauhan versus the Union of India and others**.
The above judgment **defined** the **procedure and guidelines** to be adopted in cases of prisoners on death row.
- The move comes in the backdrop of various pleas filed by convicts in the Nirbhaya gang-rape case (2012) that have delayed their hanging.

Other Demands

- Imposition of a time limit to file curative and review petitions for death row convicts.
- Mandatory issuance of death warrant of a convict within seven days of the rejection of his mercy petition by the competent courts, State governments, prison authorities in the country.
- **Execution of the death sentence within seven days** after the issuance of death warrant of the convict irrespective of the stage of **review petition/curative petition/mercy petition** of his co-convicts.

Background

- There are instances where the death sentence is not executed because the co-convicts either by default or by design choose to file review or curative or mercy petition one after the other, even at a belated stage. This causes a delay in the execution of the sentence of other co-convicts whose mercy petition has already been rejected.

- The existing guidelines to execute the death penalty are more "convict-centric" rather than "victim-centric". As these guidelines **do not take into account** an irreparable mental trauma of the **victims** and their family members, the **collective conscience of the nation**.
- Over the years, it has been observed that convicts of heinous crimes misuse **Article 21 (Right to life)** to delay the judicial proceedings and in turn death sentences.

Source: TH