



# Supreme Court Asks for Data on Humane Method of Execution

**For Prelims:** Prisoners Reforms, Code of Criminal Procedure, Death Penalty, Indian Penal Code, Article 72 of Indian Constitution.

**For Mains:** Major Issues Around Execution of Prisoners, Current Provision of Death Penalty in India.

## Why in News?

The [Supreme Court of India](#) has asked the Centre to provide data that may lead to a more **dignified, less painful, and socially acceptable method of executing prisoners** other than death by hanging.

- The court even suggested the **formation of an expert committee** to relook at India's current method **of putting criminals to death**.

## What are the Arguments Around Execution of Prisoners?

- The court **clarified that it was not questioning the constitutionality of the [death penalty](#) but rather the method of execution**.
  - The government had said the mode of execution is a "matter of legislative policy," and the **death penalty is awarded only in the [rarest of rare cases](#)**.
- The court was hearing a petition challenging the constitutionality of death by hanging as a mode of execution.
  - **Section 354 (5)** of the [Code of Criminal Procedure](#) mandates that a person sentenced to death shall **"be hanged by the neck till he is dead"**.
  - It is argued that there is a need to evolve a **"humane, quick, and decent alternative"** and termed hanging as **"cruel and barbarous" compared to lethal injection**.
- However, the Centre had filed an affidavit in 2018 **supporting death by hanging and had not found the method of execution "barbaric, inhuman, and cruel" compared to firing squads** and lethal injections.

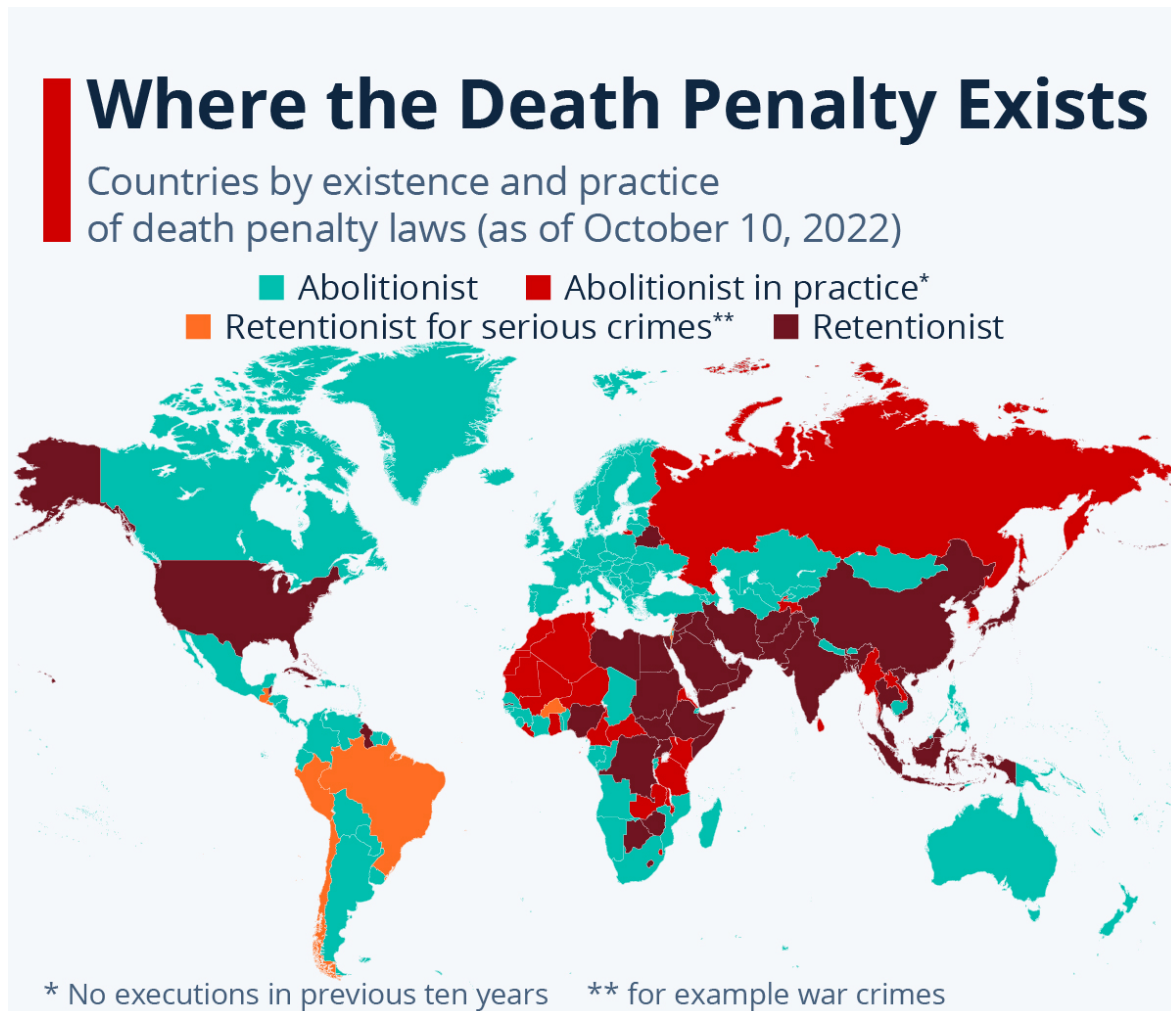
## What is the Current Provision of Death Penalty in India?

- Certain offences under [Indian Penal Code](#), for which the offenders can be sentenced to punishment of death are:
  - **Murder (Section 302)**
  - **Dacoity with murder (Section 396)**
  - **Criminal Conspiracy (Section 120B)**
  - **Waging war against the Government of India or attempting to do so (Section 121)**
  - **Abatement of mutiny (Section 132) and others**.
- The term **death penalty** is sometimes used interchangeably with **capital punishment**, though imposition of the penalty is not always followed by execution, it can be **commuted into life**

imprisonment or pardoned by the President under [Article 72 of Indian Constitution](#).

## Where does the Death Penalty Exist in the World?

- According to **Amnesty International**, the **death penalty** continues to be quite widespread Asia, with **China, India, Thailand, Singapore and Indonesia**, among others
  - The death penalty is **rare in Europe and the Americas** - with the notable exceptions of **Belarus, Guyana, Cuba and the United States**.
- 110 countries and territories around the world have abolished the death penalty, most recently **Sierra Leone, Papua New Guinea and Equatorial Guinea**.



### UPSC Civil Services Examination, Previous Year Question (PYQ)

**Q.** Instances of the President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time specified for the President to accept/reject such petitions? Analyse. **(2014)**

[Source: TH](#)

