



Research Paper

A Critical Analysis of Capital Punishment

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ABSTRACT:

India is a developing nation and while heading towards for becoming a developed nation a lot of activities are also increasing. Everyone is trying to be best on its own which is resulting in recklessness, negligent behaviour, competitiveness among the people etc. This recklessness becomes severe when it results in criminal activities. Crime rates in India are also increasing at an alarming rate. However, there are lot of legislations available to prevent and control crimes but at some situation they are still ineffective in controlling the same. One of the reasons behind the commission of these crimes/offences is insufficiency of punishment giving to the wrongdoer. The punishment should be given in such a way which sets an example for others to not commit that same offence again. There are different kinds of punishment given in India like capital punishment, life imprisonment, imprisonment which can be rigorous or simple, forfeiture of property and fine. Among these one of the harshest forms of punishment is capital punishment or death penalty. This paper focuses on analyzing the position of capital punishment in world as well as in India, the theories of punishment which were prevalent at the time when there were no set of prescribed laws and legislations, causes of commission of crimes, how the concept of capital punishment evolved in India, what are the current modes of execution of capital punishment, mercy petition etc. This paper also highlights the cases in which capital punishment is provided in India and also the methods of providing it. The paper also focuses on analyzing the doctrine of 'Rarest of the rare cases'.

KEYWORDS: Capital punishment, Mercy Petition, Clemency Power.

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I. INTRODUCTION

Capital Punishment also known as death penalty, which is being legally sanctioned by the government, it is one of the prescribed punishment given under the Indian Penal Code, 1860. In India death penalty can be awarded in two ways-either by hanging and shooting. According to the criminal procedure code of India hanging is the mode of execution of the convict in the civilian court system and under the Army Act, 1950 both hanging and shooting are considered as method of execution in the military court martial system for the death penalty. Death penalty is not a kind of punishment which can be given so easily, it generally given in the situations where the crimes are of very heinous or evil in nature, grievous and detestable crimes against the humanity. Crimes that are punishable by death are generally known as capital offences, capital crimes these offences generally include murder, aggravated cases of rape, child rape, terrorism, crimes against humanity, aggravated robbery, waging war against the government etc.

CASES REGISTERED IN THE YEAR 2019 IN COMPARISON WITH THE PREVIOUS YEAR:-

India is the second highest populated country across the world and with the increase in the population size the numbers of crimes have also been increased. According to the latest 2019 report of the NCRB, A total of 51,56,172 cognizable crimes comprising 32,25,701 Indian Penal Code (IPC) crimes and 19,30,471 Special & Local Laws (SLL) crimes were registered in the year of 2019. Which clearly shows an increase of 1.6% in registration of cases over 2018 (50,74,635 cases). Crime rate registered per lakh population has increased marginally from 383.5 in 2018 to 385.5 in 2019.

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List of few major crimes registered in the last two years²:-

Crimes	2018 (cases registered)	2019 (cases registered)	Percentage
1)Crimes against women	3,78,236	4,05,861	7.3% increase
2) Crimes against Children	1,41,764	1,48,185	4.5% increase
3) Murder	29,017	28,918	0.3% decrease
4) Cyber Crimes	27,248	44,546	63.5% increase
5) Offences against state	8,536	7,569	11.3% decrease

CAUSES OF CRIMES:-

Causes of crime are versatile and are not absolute in nature. Many studies around the world have given some of the most common reasons for why people commit crimes. Following are some of those common reasons:

- **Poverty:**

It is one of crucial reasons for commission of crime. Hunger and poor economic conditions often lead people to choose the wrong way to satisfy them. This creates frustration in them. UNICEF says more than 1 billion children are living in poverty worldwide. More than 20,000 children die due to poverty every day³. Economic deprivation instigates people to indulge in criminal activities.

- **Lack of education:**

I cannot be said that people who are educated don't commit crimes but lack of education doesn't provide the rationality of what is right and what is wrong. This lack of rationality often leads to wrong pace. People with lack of education tend to fall for criminal trap easily, lack of education leads to less chances in getting jobs which leads a person to choose the wrong path for earning easy money.

- **Drugs:**

Drugs addicts are often cannot get rid of their addiction leading them to bad habits and criminal acts. Generally, when the most violent criminals were asked about their crimes, they blamed drugs as the most common reason.

- **Deprivation:**

Deprivation is another crucial reason as when people are deprived of something, they tend to get it at any cost. Moreover, deprivation results in rising of voices, this leads to commission of crimes.

- **Virtual world:**

Digital platform and television also play huge role in telling people regarding how and when to commit crimes. It tells people how criminal acts brought to life.

THEORIES OF PUNISHMENT :-

The general meaning of punishment is the action or way of punishing somebody for their wrongdoings. Each society has its own way for dealing with the social issues .they form their own ways or set of laws and punishment for the same so that they can maintain a social peace and harmony among the people living in the society. In the earlier time when there were no proper set of rules and laws were framed. At that point of time there were certain numbers of punishment theories which were imposed on the wrongdoers for the misconduct, as a mode of protection of the society. They were-

a) **Deterrent theory**:-At the very earlier stage of that time when there were no set of rules and regulations, severe kind of punishments were awarded to the offender for deter him from repeating that crime again, a kind of fear was being generated in the mind of the offender and for setting examples in front of the society so that no one would ever dare to repeat that crime again.

b) **Retributive theory**:-‘An eye for eye’ This theory was considered as one of the most stringent and harsh of all the theories, the focus of this theory was on the ending of the crime in itself, rather than maintaining the social welfare and security among the society.

c) **Preventive theory**:-Different from the earlier theories, this theory aims to prevent the crime rather than avenging it. Preventive measures were taken to prevent the crime. But the main drawback of this theory was that small amount of punishments were not awarded to the offenders even for committing a small amount of offence the gravity of punishment were much bigger than that.

d) **Expiatory theory**:-The aim of this theory was not to punish the offender with big amount of punishments, it was more concentrated on the transformation of the offender by realising his/her mistake, it was a kind of ‘praayashchit’ where the offender puts under a guilt for his/her offence.

² India, National Crime records Bureau, Ministry of Home Affairs, Report on “ the crime in india-2019”, 67th Edition, p.g (11-14), (2019).

³ Childhood under threat: The state of the world’s children 2005; to be reached at: <https://www.unicef.org/sowc05/english/poverty.html> (last accessed December 10, 2020).

e) **Reformative theory:** This theory was based on the principle of introducing a change or reform in the mind of the offender, where he gets a proper time and chance for correcting his/her criminal behaviour, this theory is much more progressive in nature comparing with the other ones.

EVOLUTION OF CAPITAL PUNISHMENT:-

Ancient era:-

Although there is no perfect origin known for the evolution of giving capital punishment but the traces of it is found in certain laws around the world. In ancient times when the laws were not codified, the punishments were given by ruler of the people which also involved death penalty for heinous crimes. Jesus Christ was crucified by Romans in first century which provides the evidence of capital punishment.

In fifth century B.C. Roman law of twelfth tablets, the traces of death penalty can be seen. The description of death penalty is also given in 14th century B.C. Draconian Code of Athens which made it compulsory that crime should be only punished through death penalty.

Medieval era:-

Later, the king of Babylon also issued Hammurabi code which provided for imposition of death penalty. This was first written code and prescribed that the crime against high class people were considered as more serious than against poor people. The punishment of death was prescribed for crimes like murder, trespass etc.

HISTORY ON VALIDITY OF PROVIDING CAPITAL PUNISHMENT IN INDIA:-

In pre-independent India, the first attempt was made to abolish capital punishment from Indian judicial system by Shri Gaya Prasad Singh who introduced bill for the abolishment of death penalty for IPC offences.⁴ The 35th Report of Law Commission which was published in 1967 on Capital punishment recommended retaining death penalty under Indian Laws.⁵

a) Defining Constitutional validity of Capital punishment:-

The death penalty is continuously challenged all across the world on account of humanity, right to life, equality etc. In India, the first challenge for the constitutional validity was made in the case of *Jagmohan Singh v. State of U. P.*⁶ where death penalty was challenged on the grounds of violation of Article 14, 19, 21 of Constitution of India. In Jagmohan case, the Supreme Court found that the death penalty was a permissible punishment, and did not violate the Constitution.

The Court held that:

*“The impossibility of laying down standards is at the very core of the criminal law as administered in India, which invests the Judges with a very wide discretion in the matter of fixing the degree of punishment. That discretion in the matter sentences as already pointed out, is liable to be corrected by superior courts... The exercise of judicial discretion on well-recognised principles is, in the final analysis, the safest possible safeguard for the accused.”*⁷

b) Doctrine of rarest of rare cases:-

In India Doctrine of rarest of rare cases is to be considered as the yardstick for granting capital punishment. The Supreme Court in the case of *Bachan Singh v. State of Punjab*⁸, interpreted the amendment made in the Criminal Procedure Code (CrPc) which was enacted in the year 1973. A new amendment was made to Section 354(3), requiring “Special Reasons” to be given or mentioned while death sentence was imposed for an offence where punishment could be life imprisonment or death. With a new “doctrine of Rarest of the rare case was originated” where the supreme court interpreted that the normal sentence for murder should be imprisonment for life and not a death sentence and death sentence should only be given in the rarest of rare cases where the sentence should be based on the circumstances of the crime and criminal. The court in its decision held that:

“The expression ‘special reasons’ in the context of this provision, obviously means ‘exceptional reasons’ founded on the exceptionally grave circumstances of the particular case relating to the crime as well as the criminal.”

Also in the case of *Macchi Singh & Others V. State of Punjab*⁹ the judges follows the decision of case of Bachan Singh and held that the death penalty shall be given only in rarest of rare cases. It can be awarded if –

- The murder is committed so brutally which result in arising of intense aggression by the community.
- The murder is committed of a member of Schedule caste resulting in social disturbance.

⁴ India, Law Commission of India, Report No. 262th on the Death Penalty, August 2015, PP. 15.

⁵ India, Law Commission of India, Report No. 262th on the Death Penalty, August 2015, PP. 18

⁶ (1973) 1 SCC 20.

⁷ (1973) 1 SCC 20.

⁸ (1980) 2 SCC 684

⁹ 1983 AIR 957

- In the cases like death from dowry and burning of females for the same.
- When the crime is heinous.
- When the victim of murder is an innocent child or woman or unaided person due to illness.

Also the Supreme Court in the case of *Jagmohan Singh v. State of U.P.*¹⁰ held that death penalty is necessary not only to prevent crime but also to prevent the society and also India could not take the risk to abolish the same. The Court also held that it will be given as per circumstances of the case in order to protect security of state, public order and interest.

In the recent judgment the Supreme Court uphold the death penalty awarded to the accused of the Nirbhaya rape and murder case after calling it as 'rarest of rare' case. In the Nirbhaya judgment, the Supreme Court said that the 'rarest of the rare' case is one in which "the crime is committed... may result in intense and extreme indignation of the community and shock the collective conscience of the society".

CURRENT SCENARIO OF CAPITAL PUNISHMENT IN INDIA:-

In India, capital punishment is seen even in mythological era that is in Ramayana and in Mahabharata where the offender is punished through Vadhadand which means amputation by bits.

In the early decades of Nineteenth century, the British administration system followed death by hanging as legalised punishment in India. The Indian penal Code, 1860 and the Code of Criminal Procedure, 1898 which was given by British government are still sustained even after Independence. However, amendments have been made from time to time. The Indian Penal Code provides six punishments to be given and which includes death. Section 367(5), CrPC 1898 provides that Courts are required to record the reasons if the death penalty is not given. However, when the Code of Criminal Procedure, 1973 was enacted; Section 354(3) of it provides that Courts have to record special reasons for the cases in which death penalty are given.

MODES OF EXECUTION OF DEATH SENTENCE :-

The sentence that someone should be punished with death is referred to as death sentence whereas on the other hand the act of carrying out such death sentence is known as execution.

In the ancient era the execution of death sentence was performed under different ways and methods involving torture, burning at the Stake, Breaking on the wheel, slow strangulation, crushing under elephant's feet etc. but with the emergence of the various principles relating to fair procedure contained in the constitution which strongly promoted for the punishments which highly fair, equal and humane in nature. Later on, the punishments involving torture slowly get disappeared with the idea that punishments should be swift and humane.

The execution of death sentence in India is generally takes place under two modes- Hanging by neck till death and being shot by death. Once the death sentence is awarded and is also get confirmed even after applying all possible ways or remedies available for the convict but nothing gets changed for the same then in that case the execution is carried out in accordance with Section-354(5) of the code of criminal procedure 1973 i.e Hanging till death.

Section-368(1) of the criminal procedure code, 1898 provided for hanging by neck till death. This has been amended later by the criminal procedure code, 1973 section 354(5) which clearly states that- "When any person is sentenced to death, the sentence shall direct that he be hanged by neck till he is dead."

a) Execution in accordance with Army Act, Air Force Act and Navy Act¹¹:-

Section 34(a) of the Air Force Act, 1950 empowers the court martial to impose the death sentence for the offences mentioned in the Section 34(a) to (o) of the Act. Such execution of death sentence is based on the discretion of the court martial to determine whether the mode would be hanging or by being shot to death.

b) In Air Force Act, Section-163 provides for the form of the death sentence as :-

"In awarding a sentence of death, a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead or shall suffer death by being shot to death".

Similar sections are also present in the Army and Navy Act as well.

In the case of *Deena v. Union of India*¹², there has been a test laid down which provides that the execution of death sentence should satisfy the threefold test that is-

1. The act of execution should be as quick and simple as possible and free from anything that unnecessarily sharpens the poignancy of the prisoner's apprehension.
2. The act of the execution should produce immediate unconsciousness of the person passing quickly into the death.
3. It should be decent.

¹⁰ AIR 1973 SC 947

¹¹ India, Law Commission of India, Report No. 187th on the Mode of Death Penalty, October 2003, PP. 31-32

¹² (1983) 4 SCC 645

4. It should not involve mutilation.

In this case the constitutional validity of the section 354(5) was challenged on the ground that hanging by a rope was barbarous, inhuman therefore it is violation of Article-21. But the court in its decision held that section-354(5) of the IPC, which prescribed hanging as a mode of fair execution therefore it is a reasonable procedure within the meaning of Art.21 hence it is constitutional.

PROCEDURE FOR DEATH PENALTY :-

When the death verdict is awarded by Sessions Court, the ruling must be confirmed by High Court. After conviction by High Court, the convict has the option to make an appeal to Supreme Court. If the Supreme Court refuses the petition, the convict have last option to apply for 'mercy Petition' to President of India and Governor of State.

The clemency powers originate from section 295 of Government of India Act, 1935 which provides expressive power to governor general for being representative of crown. However, the makers of constitution retained this power with some modifications in Article 71 and 161 of Constitution of India.

PROCEDURE INVOLVED IN FILING MERCY PETITON:-

After dismissal of appeal or Special Leave petition by the Supreme Court, the Superintendent of Jail informs convict. After getting information, the convict can file mercy petition within period of 7 days of getting information.

The Ministry of Home affairs have power to decide the merits of petition along with State governments. After this consultation, the petition is sent back to President for their decision. Since, Article 72 and 161 do not provide exclusive powers of President and Governor of states and hence these powers are subject to advice of appropriate Government and their Council of ministers. The President can either accept or reject the mercy plea as per the advice by the council of ministers.

During the above mentioned period of 7 days, the Superintendent of Jail cannot execute death sentence. A convict can also file petition after period of 7 days in such exceptional cases which will decided by State government.

The last stage is judicial review of decision given by President regarding mercy plea. If Court found that the decision taken under article 72 is not arbitral then the decision is accepted.

CLEMENCY POWERS IN INDIA:-

Article 72 and 161 of constitution of India provides for clemency powers of the President and Governor of the States as "to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence". So if the Supreme Court of India turns down an appeal of the prisoner for the capital punishment, he may file mercy petition to the President of India and the governor of the State

Clemency power casts heavy responsibility on those who exercise this power for providing justice with full conscience.

Clemency powers usually come into play after a judicial conviction and sentencing of an offender. In exercise of these clemency powers, the President and Governor are empowered to scrutinize the record of the case and differ with the judicial verdict on the point of guilt or sentence.¹³

ABOLITIONIST AND RETENTIONIST COUNTRIES:-

Not all countries retained the death penalty and not all countries abolished the death penalty from their legal system. Various international statutes have recommended abolishing the death penalty as it is violation of human rights of prisoners. For example-

Article-5 of United Declaration of Human Rights states that 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'¹⁴. Similarly Article 6 of international covenant on civil and political rights provides for Right to life and said that death penalty should be given only in most serious crimes. Now the abolitionist and retentionist countries are divided in four categories as follows-

- Abolitionist for all crimes: Countries whose laws do not provide for death penalty for any crime.
- Abolitionist for ordinary crimes: Countries whose laws provides for death penalty for exceptional crime.
- Abolitionist in practice: Countries who retains death penalty for ordinary crimes but are heading towards abolishing it or has not provided death penalty from past 10 years.

¹³ India, Law Commission of India, Report No. 262th on the Death Penalty, August 2015, PP. 176-177.

¹⁴ United Declaration of Human Rights. (1947). Article 5

<https://www.un.org/en/universal-declaration-human-rights> (Last visited 04 oct, 2020)

- Retentionist countries: Countries which retains the death penalty for ordinary crimes.

Type of Country	Number
Abolitionist for all crimes	106
Abolitionist for ordinary crimes	7
Abolitionist in practice	29
Retentionist countries	56

¹⁵India still has not abolished death penalty and is still in the list of retentionist countries. However 262th Law commission report suggested to abolish death penalty except for terrorism.

LIST OF CASES IN WHICH DEATH PENALTY HAS BEEN GIVEN IN INDIA:-

As per its data on death penalty, as many as 720 prisoners have been executed in India since 1947. Half of these are accounted for by Uttar Pradesh, followed by Haryana, 90 and Madhya Pradesh with 73 executions.¹⁶

- ***Nathu Ram V. Godse vs The Crown***¹⁷

First death penalty in Independent India was given to Nathuram Godse and Narain D Apte, who were involved in the murder of Mahatma Gandhi. They were hanged on November 15, 1949.

- ***Dhananjay Chaterjee vs State Of W.B***¹⁸

On 15 August, 2004 Dhananjay Chaterjee, who was hanged for raping and murdering 14 years old girl at Bhowanipore on March 05, 2005. He was security guard of the complex where the girl used to live. The Supreme Court held that the crime was heinous and includes it in 'rarest of rare cases'.

- ***Md.Ajmal Md.Amir Kasab @Abu ... vs State Of Maharashtra***¹⁹

Mohammed Ajmal Amir Kasab, who was one of the attackers in 26/11 Mumbai terrorist attacks in 2008. The Supreme Court upheld the death sentence awarded to kasab, the only Pakistani terrorist who had caught alive after the 26/11 Mumbai massive attack that claimed 166 lives. The supreme court directly rejected the kasab contention where he said that the terror attack was against was a war against the government of India and not of the people of India. later on ,He was hanged on 21 November, 2012.

- ***Yakub Abdul Razak Memon vs State Of Maharashtra Th:Cbi ... on 21 March, 2013***

Yakub Abdul Razzaq Memon, who was convicted for financing 1993 Bombay Bombings, He was hanged on 30 July, 2015 in Nagpur.

- ***Mukesh & Anr vs State For Nct Of Delhi & Ors on 5 May, 2017***

The last punishment was given to four convicts involved in Nirbhaya Gang Rape case of 2012 relying on the doctrine of 'rarest of the rare' where they were hanged together in Tihar Jail on March 20, 2020.

ANNUAL STATISTICS REPORT ON DEATH ROW POPULATION:-

As per the report the Total numbers of the prisoners on death row as on the 31st December 2018 were more in numbers as compared to the 2019 numbers. 2018-'426' and 2019-'378'.

Total no. of Death sentences awarded in the year of 2018-'162' and in 2019-'102'.The trial courts in India delivered 102 death sentences in the year 2019, which is 60% lesser than previous year of 2018.

a) 2019 Data (As on 31st December):-

The Supreme Court in the year 2019 awarded the highest numbers of decisions on the capital punishment (27) cases since 2001, under the tenure of the former CJI Ranjan Gogoi's .In which there were 27 cases 6 were confirmed, 17 were commuted, 3 acquitted and 2 were being again remanded for fresh trial.

¹⁵Abolitionist and Retentionist countries, Death Penalty Information Centre, available at: <https://deathpenaltyinfo.org/policy-issues/international/abolitionist-and-retentionist-countries> (last accessed October 04, 2020).

¹⁶*Death penalties in India: Convictions and acquittals*, The Economic Times, available at: <https://economictimes.indiatimes.com/news/politics-and-nation/death-penalties-in-india-convictions-and-acquittals/about-720-executed-since-1947/slideshow/72834576.cms> (last accessed October 08, 2020)

¹⁷ 1949 CriLJ 834

¹⁸ 1994 SCR (1) 37

¹⁹ (2012) 9 SCC 1

Session courts	High courts	Supreme court
Death sentence in 2018-162	Confirmations-26(15)	Confirmations-6(6)
Death sentence in 2019-102	Commutations-56(35)	Commutations-17(17)
	Acquittals-32(17)	Acquittals-10(3)
	Remittals-7(15)	Remittals-2(2)

b) Legislative Developments on the Capital Punishment:-

The POSCO Act was again amended in the 2019 after the brutal gang rape and murder of a veterinarian in neighbouring telangana in 2019, the Andhra Pradesh Legislative assembly passed amendments to the Indian penal Code-1860, where they introduced the Clause of death penalty in case of non –homicide offence of penetrative sexual assault on the children.²⁰

The bill seeks to award death penalty to rape convicts and such cases must be heard and settled within 21 days. The bill amends the IPC section-376 mandating death penalty in case of rape. The newly added sections were 354E, 354F and 354G which clearly framed regarding the harassment of women, sexual assault of children and aggravated sexual assault on the children respectively.

LAWS ON DEATH PENALTY IN INDIA:-

In India capital punishment is generally given in the rarest of rare cases where the crime is of highly heinous or evil in nature, and also grievous and detestable crimes which are against the humanity. The punishment is given under the substantive penal legislation of India, the Indian penal code, 1860 as well as under other laws. Currently there are 378 prisoners in the death row, the latest death sentence execution was done in the Nirbhaya case 2020 where the four convicts were charged under the gangrape and murder of a young woman in Delhi in December 2012.

List of Capital offences (Indian Penal Code, 1860)

S.No.	Section Number	Description of the offence
1	Section 120B	Being a part to a conspiracy to commit a capital offence.
2	Section 121	Treason, for waging war against the government of India.
3	Section 132	Abetment of mutiny actually committed
4	Section 194	Perjury resulting in the conviction and death of an innocent person.
5	Section 195A	Threatening or inducing any person to give false evidence resulting in the conviction and death of an innocent person
6	Section 302	Murder
7	Section 305	Abetment of a suicide by a minor, insane person or intoxicated person.
8	Section 307(2)	Attempted murder by a serving life convict
9	Section 364A	Kidnapping for ransom
10	Section 376A	Rape and injury which causes death or leaves the woman in a persistent vegetative state.
11	Section 376B	Rape of a child below 12 years
12	Section 376E	Certain repeat offenders in the context of rape
13	Section 396	Dacoity with murder- in case where a group of five or more individuals commit dacoity and one of them commits murder in the course of that crime, all members will be held liable for the same.

Capital Offences in other Laws

S.NO.	SECTION NUMBER	ACT
1.	Sections 34, 37, 38(1)	The Air Force Act, 1950
2.	Section 3(1)(i)	The Andhra Pradesh control of organised crime Act, 2001.
3.	Section 27(3)	The Army Act, 1959(repealed)

²⁰ Annual Statistical Report , “Death Row Population” available at <http://www.project39a.com> (last visited on 13th Oct 2020)

4.	Section 21, 24, 25(1)(a), 55	The Assam Rifles Act, 2006
5.	Section 65A(2)	The Bombay Prohibition(Gujarat Amendment)Act,2009
6.	Sections 14, 17, 18(1)(a), 46	The Border Security Force, 1968
7.	Sections 17 and 49	The coast guard Act, 1978
8.	Sections 34, 37, and 38(1)	The Army Act, 1950
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.	Section 16, 19, 20(1)(a), and 49	The Indo-Tibetan Border Police Force Act, 1992
14.	Section 3(1)(i)	The Karnataka Control of Organised Crime Act, 2000
15.	Section3(1)(i)	The Maharashtra Control of Organised 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(2)(a) , 56(2) , and 59	The Navy Act, 1957
18.	Section 15(4)	The Petroleum and Minerals Pipelines Act, 1962.
19.	Sections 16, 19, 20(1)(a), and 49	The Sashastra Seema Bal 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 Universal Acts against Safety of Maritime Navigation and fixed platforms on Continental Shelf Act, 2002.
22.	Section 10(b)(i) and Section 16(1)(a)	The Universal Activities Prevention Act, 1967.

II. CONCLUSION

Through this paper we came across with number of provisions related to the capital Punishment in India, India is still in the favour of giving capital punishment. The basic ideology behind still keeping capital punishment is because of the gravity of crimes constituted in a society and it is considered as the last method to stop those crimes completely and also to maintain a balance in a society. As we have already studied that capital punishment is never given in normal circumstances it is usually given in the 'rarest of the rare cases' where the Crimes are against the humanity and highly heinous in nature. Previously, before the enforcement of the formal legislation, there were number of theories of punishment which were given at that time, but after the enforcement of Indian Penal Code, 1860 now we have the proper provisions where every type of crime and its punishment is mentioned and which is constitutionally valid also, so whenever any person commits any crime/offence he should also has the knowledge of its consequences. However the debate is still continue because of moral impact and its effect on criminal behaviour. Many argue that it is violation of Right to Life and is brutal. But for the offenders of crimes for whose imprisonment is not enough, Capital punishment is the only option for setting an example to other offenders. Despite the movement of its abolition, any countries still retained capital punishment along with extending its scope. In short, people can refrain from crime when they will fear the punishment. People scared from the death so death penalty is most effective deterrent.