EXECUTIVE SUMMARY

This Thesis entitled “Capital Punishment in India from Human Rights Perspective: Contemporary Development” has been very carefully conceived and meticulously and analytically prepared after due examination of the subject so as to enable the readers to understand it easily, swiftly and promptly. This Thesis is based on extensive research of the historical perspective with scientific evaluation of the human rights jurisprudence of the international, regional and national bodies; parliamentary debates in India; legislations; and, the most important, cases of the Supreme Court of India for the period 1950-2015. Few important decisions for the period 2016-2017 have also been discussed in the present study. Tremendous efforts have been made to present an up to date research work in a systematic manner.

This study has been divided into Eight Chapters with following themes:

Chapter-I deals with Introduction. This deals with introduction of topic of research, problem statement, research objective, research questions and research methods applied in the present work.

Chapter-II deals with Literature Review. This Chapter explores the available literature on the topic of present research. It provides a roadmap of all primary and secondary sources required for present research.

Chapter-III deals with Human Rights Jurisprudence of the International, Regional and National Bodies. This Chapter explores the Rule of Law in absence of State and Origin of Kingship/State in Ancient India. Thereafter, it deals with human rights jurisprudence of the International, Regional and National bodies concerning capital punishment.

Chapter-IV provides a sketch of Capital Punishment India. This Chapter provides a study on Object & Purpose of Punishment, influence of the religions on Capital Punishment, Legislative Development, Law relating to Capital Punishment, Pardoning Power, Imprisonment for Life, Remission of Sentence, Hearing of Death Penalty cases by Three-Judge Bench and Open Court Hearing of Review Petitions in Death Penalty cases.

Chapter-V deals with Socio-Economic Background of the Accused and the Victims.

Chapter-VI deals with jurisprudence of the Supreme Court of India from Human Rights perspective. This Chapter discusses International Covenants and the Constitution of India, Widening Scope of Article 21 of the Constitution, Constitutional validity of Death Sentence, Human Rights jurisprudence vis-à-vis Rarest of Rare Formula and various other related Safeguards/Guidelines laid down by the Supreme Court of India.

Chapter-VII is main limb and heart of this Research work. It deals with Analysis of Judicial Trends for the period 1950-2015 by formulating various
categories (Total: 19 categories) based on the decisions of the Supreme Court of India for the period 1950-2015. It also provides statistics relating to follow-up of the guidelines laid down in *Bachan Singh* and *Machhi Singh*. It also provides statistics involving women as victims and accused.

Chapter-VIII deals with Findings, Conclusion and Recommendations/Suggestions.

It is needless to mention here that the Researcher adopted the following methods for the purpose of presenting the analysis of the present research:

(i) Examined the decisions of the Supreme Court of India mainly for years 1950-2015 and few decisions for the years 2016-2017;

(ii) Analyzed year-wise statistics of the decisions of the Supreme Court of India;

(iii) Analyzed category-wise decisions by bifurcating the decisions in 19 categories;

(iv) Analyzed the decisions by bifurcating in Urban & Rural Areas;

(v) Analyzed the decisions to highlight Women Accused & Victims in cases;

(vi) Extracted data by making Tenure-wise & Judge-wise analysis; and

(vii) Prepared graphs & tables for all the statistics of the study.

This empirical Research work will set a benchmark in the field of capital sentencing. An attempt has been made to present a study which is usually discussed at all platforms but seldom tried to be explored or examined in reality. This study will surely be of great use for law students, law teachers, law professionals, judges and all other stakeholders in India and abroad. All the stakeholders will find some substance in this work. There is ample scope for future research on variety of subjects connected to this Research Work which may require institutional framework. The area of this Research seems to be simplistic but on the contrary the researcher found it to be an extremely sensitive and painstaking exercise. This Research work presents a true picture of Capital Sentencing in India. It is not merely a Research but service to the people of this country.

(Mukesh Kumar)