

2. NLU Report on Death Sentence

Prelims Level: Polity and Governance – Judiciary.

Mains Level: GS-II Structure, organization and functioning of the Judiciary.

Why in News?

- The fourth edition of ‘The Death Penalty in India: Annual Statistics’ was published by Project 39A of National Law University (NLU), Delhi recently.

Key Findings of the report:

- The report states that higher number of death sentences awarded in India in recent years relates to the cases of sexual offences. The number of death sentences awarded for murders involving sexual offences in 2019 was the highest in four years.
 - ✓ **Trial Courts:** Imposed 102 death sentences in 2019. The percentage of sexual offences in these cases increased from 41.35% in 2018 to 52.94% in 2019.
 - ✓ **High Courts:** 65.38% of cases of confirmations of death sentences involved sexual offences along with murder.
 - ✓ **Supreme Court:** In 2019, the SC dealt with 27 capital punishment cases, the highest number since 2001. It confirmed the death penalty of seven cases out of which four were of murder involving sexual offences.
 - ✓ **Warrants Issued:** Six death warrants were issued in 2019 against one in 2018, with all warrants eventually stayed by the courts.

Reasons Stated for the rise in death penalty against sexual offences:

- Amendment to the Protection of Children from Sexual Offences (POCSO) Act, introducing stringent mandatory minimum punishments and death penalty for penetrative sexual assault on children was a major development.
- Andhra Pradesh’s amendment to the Indian Penal Code to introduce the death penalty for rape under Disha Act.
- Widespread discussions on capital punishment in 2019 involving sexual offences against women and children.

About National Law University:

- It was established in 2008 under the National Law University Act, 2007 with the objective of imparting comprehensive and Interdisciplinary Legal Education.

Project 39A:

- It is inspired by Article 39-A of the Indian Constitution, a provision that furthers the intertwined values of equal justice and equal opportunity by removing economic and social barriers.
- Using empirical research to re-examine practices and policies in the criminal justice system, Project 39A aims to trigger new conversations on legal aid, torture, DNA forensics, mental health in prisons, and the death penalty.

