



**CAPITAL PUNISHMENT: A
COMPARATIVE STUDY BETWEEN
INDIA AND CHINA**

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- ❖ CHAPTER 2: Offences Punishable with Death in China.
- ❖ CHAPTER 3: Capital Punishment in India.
- ❖ CHAPTER 4: Offences Punishable with Death in India.
- ❖ CHAPTER 5: United Nation's view on Capital Punishment

RESEARCH OBJECTIVE:

The main objective of this research work is to critically examine the laws and procedure relating to Capital Punishment in India and China.

RESEARCH LIMITATIONS:

The research is limited to capital punishment in India and China. Further, the research is based on secondary sources i.e. no personal surveys are conducted to gather the views of the public on the pertained topic. Various Articles and Journals didn't have the name of their authors. Therefore, the research is done with the available information through the resources previously categorized to emphasize on the relevant issues related to the topic.

RESEARCH METHODOLOGY:

This research is a doctrinal research and secondary sources such as books and the resources available on the Internet are used as the main sources.

THESIS STATEMENT:

“Awarding Death penalty is an inhuman act”

TENTATIVE CHAPTERISATION:

- ❖ CHAPTER 1: Capital Punishment in China.

ABSTRACT

“Capital Punishment” or “Death Penalty” is the highest level of punishment awarded in any society or democracy to maintain law and order. But killing another human being in the name of justice is no better than murdering someone. We should focus on eliminating the crime not the criminal. China is the only country in the world where the practice of death penalty is still at its peak with over 1000 executions every year, whereas in India the doctrine of “Rarest of the Rare” is followed and often the death sentence gets commuted to life imprisonment. But still India has executed a total of 4 criminals from the period of 2002 to 2015. Both the countries have various similarities in the procedure and law of capital punishment, but in China once the death penalty is awarded it cannot be revoked. This is the reason why United Nation (UN) opposed the concept of death penalty and stated that “Life is precious, and death is irrevocable”. Further UN also said that killing another human being in the name of justice also kills the fact that we are human. We are no one to decide who gets to live and who gets to die. Therefore instead of hanging someone to death we should adapt a different approach i.e. the



reformatory approach so that one could improve himself and can live peacefully thereafter.

INTRODUCTION

‘Punishment’ is the coercion used to enforce the ‘law of land’ which acts as one of the pillars of modern civilization. It is the duty of the State to punish the criminals in order to maintain law and order in the society. In the past, there wasn’t any specific law or order for such crimes and the quantum and extent of punishment was largely dependent on the King. With time modern theories of punishment were developed and voluntary submission of our rights and power to maintain law and order was given to state. The most brutal or we can say the highest punishment awarded in present time is ‘Capital Punishment’.

Capital punishment is the punishment which involves legal killing of a person who has committed a certain crime prohibited by the law¹. Capital punishment is also known as ‘Death Penalty’ which is sanctioned by the government in which a person is put to death by the state as a punishment for the crime he committed.

The sentence condemning a convicted defendant to death is known as ‘Death Sentence’ and the act of carrying out the death sentence is known as ‘Execution’. Whenever, the court awards a punishment there is a theory or proposition on the basis

of which it passes its Judgment. These theories are known as ‘Theories of Punishment’ and are generally of five types:

1. Deterrent Theory
2. Reformatory Theory
3. Preventive Theory
4. Retributive Theory
5. Expiation Theory

The word ‘Abolition of Death Penalty’ is one of the most discussed topics in United Nation (UN) where Death Penalty is considered as a violation of Human Rights. UN laid more emphasis on Reformatory Theory of Punishment rather than the Deterrent Theory of Punishment.

Justice V.R. Krishna Iyer in the case of Rajendra Prasad V. State of Uttar Pradesh commented that-

“The special reason must relate, not to the crime but to the criminal. The crime may be shocking and yet the criminal may not deserve the Death Penalty²”.

If we take a look at the Theories of Punishment we can say that the Reformatory Theory has its fair share of advantage over Deterrent Theory. Because, in Reformatory Theory there is a ‘Scope of Improvement’ present whereas in Deterrent Theory this scope is completely absent.

In India, the prisoners of Tihar Jail make ‘Essence Sticks’ and ‘DhoopBatti’ which is a good way to make them adjust or flexible with the society. Whereas, on the other hand in Deterrent Theory there is no essence of

¹Roger Hood, Capital Punishment, Encyclopaedia Britannica, <https://www.britannica.com/topic/capital-punishment>

²Rajendra Prasad V. State of UP, 1979 AIR 916 (V.R. Krishnaiyer)



humanity neither it provides the scope for improvement.

Death Penalty is a very serious topic as it means taking away the life of a person which is a very sensitive issue. This is the reason why questions are raised against countries like China, India, USA, Arab countries for awarding Death Penalty.

Among these countries China alone carries out maximum number of executions with over 60% in number. Whereas in India Capital Punishment is given in rarest of rare cases. The punishment of death is extreme and severe; therefore it should only be used as a last resort.

If we discuss Capital Punishment with the members of our society then we will be getting two views from it-

There will be a section of people who believes that, the person who has committed the crime deserves to die. Whereas, on the other hand there will be people with the view that, the person who committed the crime should be given a second chance, it is not our place to decide who gets to live and who gets to die. Further, taking away a life of an individual in the name of law is not justice.

CHAPTER 1

CAPITAL PUNISHMENT IN CHINA

In mainland of People's Republic of China (PRC) Capital Punishment is a legal penalty. It is mostly awarded in cases of Murder and Drug Trafficking, and executions are mostly done using Lethal Injection and Gun Shots. As of 2016, a total of 140 countries out of 198 countries have

abolished the practice of Death Penalty. But still, The People's Republic of China executes the highest number of people annually. However, the number of death sentence in china remains a State Secret.

Historical background

China has a long history of Death Penalty. In China Capital Punishment was one of the classical Five Punishments. In Chinese philosophies capital punishment was supported by the Legalists and opposed by the Confucianists. The earliest evidence or the oldest evidence available dating back to Shang Dynasty (1700-1027 BC)³.

Classical punishment

1. The first type of punishment was a system of torture (Qin Dynasty).
2. The second type of punishment was a system of collective responsibility (Duke Wen).
3. The third type of system was revenge based (Qing Dynasty).
4. The fourth type was either 50 blows or death by hanging.
5. The fifth type was a system advocating amnesty, probation, and parole⁴.

China's Rule of Online Publication of Judgments

When the SPC came in power in the year 2011, it made some changes in judicial transparency policy of China for sharing the case judgments. The SPC in the year 2013 released a statement which stated that

³Natalia Mihailova, History of the death penalty in China, Crime (Dec 14, 2016 12:40 PM), <https://gbtimes.com/history-death-penalty-china>.

⁴Supra



“Judgment documents from more than 3,000 courts across China will be accessible and searchable through an online database⁵”.

By publishing judgement documents, the SPC said it expected that public supervision will promote justice and push judges to improve their work.

As another measure to promote the transparency of courts, the SPC asked courts at all levels to inform parties and the public about court proceedings through “a platform,” which could be a website, microblog and WeChat accounts, mobile phone texts or voice mail⁶.

Courts will publicize open trials through videos, audio, photos, texts and microblogs, the statement said.

Courts should allow parties of a lawsuit to follow the proceedings through a computer system and videotape all proceedings so that parties can view them.

Courts have also been asked to publish information on execution of judgements at their websites or through other channels so that parties of lawsuits and the public will know what steps courts have taken to implement judgements.

Later in the same year “The Rules of Online Publication of Court Judgments” were released by the SPC. On August 29, 2016, China’s highest court, the Supreme People’s

Court (SPC), revised rules concerning online publication of judgments of all Chinese courts⁷.

The revised Provisions on the Publication of Judgment Documents by the People’s Courts on the Internet went into effect on October 1, 2016. The previous version of the Provisions was issued in the year 2013 and required all Chinese courts to post their judgments on an SPC online platform, China Judgments Online⁸.

As of 2016, China Judgments Online published over 26 million judgment documents, among which about 20,000 are from the SPC itself.

Rates of execution in china

The rate of execution in China is far greater than any other country, though Iran executes more prisoners per capita. In 2007, the total number of executions was subsequently reduced after the Supreme People’s Court regained power to review all death sentences.

In China, the exact numbers of people executed remains a State Secret. However, Dui Hua foundation stated that-

1. A total of 12,000 people were executed in China in the year 2002.
2. 6500 people were executed in 2007.
3. 2400 people in 2013 & 2014⁹.

⁵Xinhua, Chinese Courts publish judgment documents online (2013-11-27 21:22), http://www.chinadaily.com.cn/china/2013-11/27/content_17136289.htm

⁶Ibid (5).

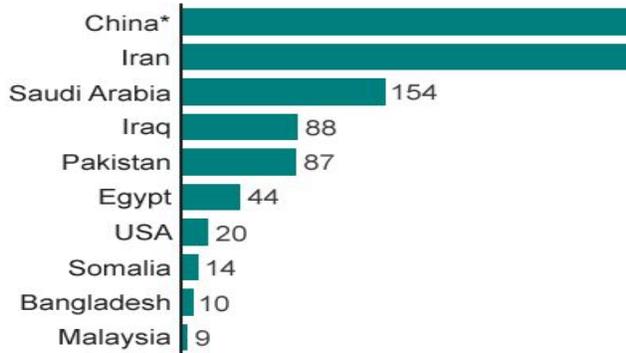
⁷Rules of Online Publication of Judgments, Global Legal Monitor, <http://www.loc.gov/law/foreign-news/article/china-rules-of-online-publication-of-court-judgments-revised/>

⁸Supra

⁹AI Act 50/001/2014



Executions around the world



*Official data unavailable, but Amnesty International estimates that exe

Source: Amnesty International

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Because of this inaccessibility to official data and statistics of the number of executions that occur within the death penalty system in China, the data provided by the NGOs like Amnesty International is the only authentic data regarding these executions. In 2009, Amnesty International counted 1718 executions between 2008 and 2009¹¹.

Legal Procedure

At first the trial is conducted by an intermediate people’s court and if the trial concludes with a death sentence, a double appeal process is followed. The first appeal is conducted by a high people’s court if the condemned appealed to it. Since 2007 another appeal is conducted automatically

by the Supreme People’s Court even if the condemned oppose the first appeal¹².

When a case is sent to SPC for mandatory review, the case is delegated to one of the court’s five divisions as per the geographical origin of the case.

Execution Procedure

The Execution procedure is defined under Article 252(34) of the Criminal Procedure Law of China.

- Death Sentences shall be executed by means of shooting or injecting.
- Death Sentences may be executed at the execution ground or in designated place of custody.
- Execution of death sentences shall be announced to the public, but shall not be held in public.
- The People’s Court that caused the death sentence to be executed shall submit the report of the execution to the SPC.
- The People’s Court that caused the death sentence to be executed shall, after the execution, notify the family of the criminal offender¹³.

Public Support

Capital Punishment is widely supported in China; it’s hasn’t been opposed by any group of society or government. According to the survey conducted by the Chinese Academy of Social Science in 1995, they found that 95% of the population supported the death penalty.

¹⁰Hong Lu, The Death Penalty in China (May 9, 2016), <https://cpianalysis.org/2016/05/09/the-death-penalty-in-china/>

¹¹Max Fisher, Capital Punishment in China (Sep 22, 2011), <https://www.theatlantic.com/international/archive/2011/09/capital-punishment-in-china/245520/>

¹²Supra.

¹³ Hong Lu, The Death Penalty in China (May 9, 2016), <https://cpianalysis.org/2016/05/09/the-death-penalty-in-china/>



Similarly, in 2005 a survey showed that out of 2000 people 82.1% supported death penalty while the rest 13.7% opposed it. In Chinese Tradition there are sayings like “a life for a life”, “killing one to warn a hundred”, “killing a chicken to warn a monkey”.

CHAPTER - 2

OFFENCES PUNISHABLE WITH DEATH IN CHINA

Offences punishable by death under “PRC Criminal Procedural Law, 2013”

1. Aggravated Murder:

Under Article 232 death penalty is generally applicable to murder but the degree of sentencing coupled with the directive for a lighter sentence where circumstances indicate a low level of culpability suggests that whether a murder is committed under aggravating circumstances is considered in sentencing¹⁴.

2. Murder:

Under Article 232 a person who intentionally commits homicide is punishable by death¹⁵.

3. Terrorism-Related offences Resulting In Death:

- China’s anti-terrorism laws treat those participating in lethal terrorist activities under the laws for murder, kidnapping, and other crimes affecting public safety¹⁶.
- A person can be sentenced to death for sabotaging means of

transportation, utilities, or certain construction equipment, if the consequences are serious¹⁷.

- Setting fire, breaching dikes, causing explosion, spreading poison, or employing other dangerous means that lead to death are punishable by death¹⁸.
- Airplane hijacking resulting in death is also punishable by death¹⁹.
- Illegal trade, manufacture or transport of nuclear materials or other weapons can be death-eligible if the circumstances are “serious”²⁰.

4. Other Offences Resulting In Death:

A person who commits arson, breaches a dike, causes explosion, spreads poisonous, radioactive substances or infectious pathogens and causes the death of another person is punishable by death²¹.

- Violently or forcefully hijacking an aircraft, causing the death of another person, is a death-eligible crime²².
- Producing or selling tainted food or fake medicine is punishable by death when the criminal act results in death²³.
- A person who causes the death of another person by intentionally inflicting injury is subject to the death penalty²⁴.

¹⁴ PRC Criminal Procedural Law 2013, art 232.

¹⁵ PRC Criminal Procedural Law 2013, art 232.

¹⁶ Id art 120

¹⁷ Id art 119

¹⁸ Id art 115

¹⁹ Id art 121

²⁰ Id art 125

²¹ Id art 115

²² Id art 121

²³ Id art 141

²⁴ Id art 234



- Abducting someone for extortion or holding someone hostage, thereby killing or causing the death of the victim, is punishable by death²⁵.
- A person who causes the death of an abducted woman or a child or his or her relatives.

5. Terrorism-Related Offenses Not Resulting in Death:

Other non-deadly terrorist activities that lead to serious injury or property loss affecting public safety are death-eligible offenses that could be characterized as terrorism-related including-

- Sabotage of transportation, utilities, or certain construction equipment²⁶.
- Setting fire, breaching dikes, causing explosions, spreading poison, or employing other dangerous means that lead to serious injuries or property loss²⁷.
- Airplane hijacking (resulting in serious injury or damage to the aircraft)²⁸.

6. Rape Not Resulting in Death.

- Multiple Rapes, public rape, causing serious injury from rape are all death-eligible offenses²⁹.

7. Rape of Child Not Resulting in Death

- Sexual relations with a girl under the age of 14 are a death-eligible offense if it involves multiple rapes, public

rape, or serious injury or other “serious” circumstances³⁰.

8. Kidnapping Not Resulting in Death.

A leader of a gang involved in abducting and trafficking women and children is subject to the death penalty, if the circumstances are additionally, abduction involving violence, coercion or anesthesia, or abduction resulting in serious harm is a death-eligible offense if the circumstances are “especially serious”³¹.

9. Drug Trafficking Not Resulting in Death.

Use of arms or violence to cover up drug trafficking crimes or to resist arrest or detention is punishable by death a death sentence may also be imposed when opium of not less than 1000 grams, heroin or methyl aniline of not less than 50 grams, or other narcotic drugs of large quantities are involved. Participants in international drug smuggling, leaders of trafficking groups, or government officials who divert state-controlled drugs for illegal sale may also be punished by death³².

CHAPTER 3

CAPITAL PUNISHMENT IN INDIA

“We are all the creation of god. I am not sure a human system created by a human being is competent to take away a life based on artificial and created evidence”.

- A.P.J. Abdul Kalam³³

²⁵ Id art 239

²⁶Id art 119

²⁷Id art 115

²⁸ Id art 121

²⁹ Id art 236

³⁰ Id art 236

³¹Id art 340

³²Id art 347

³³ 11th President of India from 2002 to 2007



Whenever a Punishment is awarded for the wrong doing there are two main reasons for inflicting such punishment;

- 1.) One is that the person who committed the wrong must suffer for it.
- 2.) And, the other one is that inflicting punishment on wrongdoer acts as an example for others.

In India deciding the case for death penalty is based on doctrine of “rarest of the rare test” which was stated in the case of Bachan Singh V. State of Punjab. Which means that death penalty will only be awarded in rarest of rare cases only³⁴.

Further, in the case of Macchi Singh & Others V. State of Punjab³⁵- the Three Judge Bench followed the decision of Bachan Singh and stated that only in rarest of rare cases when collective conscience of community is in such a way that it will expect the holders of the judicial powers to inflict death penalty then it can be awarded if-

- 1.) When the murder is committed in an extremely brutal, revolting or dastardly manner so as to arouse intense and extreme indignation of the community.
- 2.) When a murder of a member of a Scheduled caste is committed which arouse social wrath.
- 3.) In case of “Bride Burning” or “Dowry Death”.

4.) When the crime is enormous in proportion.

5.) When the victim of murder is-

- An Innocent child
- A Helpless Women or a Person rendered helpless by old age or infirmity.
- When the victim is a person in relation to whom the murderer is in position of domination or trust.
- When the victim is a public figure and murder is committed for political or similar reason rather than personal reason.

The Doctrine of “Rarest of Rare”

In the case of Bachan Singh V. State of Punjab³⁶, the Supreme Court pointed out its view regarding death penalty that death penalty should be awarded only in rarest of rare cases. This view of Supreme Court was highly supported as it aimed to reduce the use of Capital Punishment.

The Ratio Decidendi or the Rule of Law applied by the Supreme Court in the case of Bachan Singh is that- the death penalty is constitutional only if it acts as an alternative to life imprisonment. And same shall be applied in rarest of rare case when the alternative option is unquestionably foreclosed.

Further, in the case of Santosh Kumar Bariyar V. State of Maharashtra the Supreme Court further explained that “The rarest of rare dictum only serves as a guideline in enforcing the provisions mentioned in Section 354(3) of CrPC and entrenches the policy that life

³⁴Bachan Singh vs State Of Punjab, AIR 1980 SC 898 (Y Chandrachud, A Gupta, N Untwalia, P Bhagwati, R Sarkaria)

³⁵Machhi Singh And Others vs State Of Punjab, 1983 AIR 957 (Thakkar, M.P. (J)).

³⁶Id at 34



imprisonment is the rule and death punishment is an exception³⁷.

The Constitution of India under Article 21 states that no person shall be deprived of his 'Right to Life' unless done with due process of law³⁸. In the case of death penalty when the punishment of death is awarded then it also limits the scope of introduction of new facts or law in the case. If the punishment has been executed it is irrevocable.

Law Commission Report of 2015

India's Law Commission in its 262nd Report (August 2015) recommended that the concept of death penalty should be abolished for all crimes other than terrorism related offences to safeguard national security³⁹.

The Law Commission in its previous review in the year 1967, the commission concluded that India couldn't risk the "experiment of abolition of capital punishment". But in 2015 the Commission stated that "the commission feels that the time has come for India to move towards abolition of the death penalty"⁴⁰.

Despite the fact that death sentences are rarely executed in India, still the commission suggested that the penalty should be abolished. The commission gave following reasons:-

- 1.) Times have changed.
- 2.) It's not a Deterrent.
- 3.) India's justice system is flawed.

Rate of Execution and Commutation of Capital Punishment in India

In India, the concept of death penalty is present but there were only 7 executions done from year 1998-2018. Between 2004 and 2013 there were a total 1303 capital punishment verdicts but still only 3 convicts were executed between this period. From 2004 to 2012 not even a single execution was done.

In the last 20 years a total of 3751 death sentences were commuted to life imprisonment. In July, 2007 Yakub and 11 others were convicted with sentence to death. By special court for planning or carrying out the 1993 bombing in Mumbai which killed nearly 260 people and injured several others⁴¹.

In March, 2013 the SC upheld Memon's Death sentence, while commuting the death sentence of 10 others to life imprisonment while one died later.

In the past 14 years only 4 have been hung till death:

- 1.) Dhananjay Chatterjee (August 14, 2004).
- 2.) Mohammad Ajmal Amir Kasab (November 21, 2012).
- 3.) Afzal Guru (February 9, 2013).
- 4.) Yakub Memon (July 30, 2015).

• Commutation of Capital Punishment

³⁷Santosh Kumar Satishbhushan Bariyar vs State Of Maharashtra, 2009 (6 SCC 498) (S.B. Sinha, Cyriac Joseph)

³⁸Indian Constitution, Art. 21.

³⁹Report No. 262, The Death Penalty, Law Commission of India, 2015.

⁴⁰Id. at 39

⁴¹Id. at 39



The Constitution of India u/A 161 & 72 empower the Governor of any State and President of India to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence⁴².

- (a) in all cases where the punishment or sentence is by a Court Martial;
- (b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union/State extends;
- (c) in all cases where the sentence is a sentence of death.

Legal Procedure

Once the death sentence is awarded by a sessions (trial) court, the sentence must be confirmed by a High Court to make it final. Once confirmed by the High Court, the condemned convict has the option of appealing to the Supreme Court. If this is not possible, or if the Supreme Court turns down the appeal or refuses to hear the petition, the condemned person can submit a 'mercy petition' to the President of India and the Governor of the State.

The present day constitutional clemency powers of the President and Governors originate from the Government of India Act 1935 but, unlike the Governor-General, the President and Governors in independent India do not have any prerogative clemency powers.

Execution Procedure

- **Hanging**

Hanging is the method of execution in the civilian court system, according to the Indian Criminal Procedure Code.

- **Shooting**

Under the 1950 Army Act, hanging as well as shooting are both listed as official methods of execution in the military court-martial system.

CHAPTER – 4

OFFENCES PUNISHABLE WITH DEATH IN INDIA

Offences Punishable with death penalty Under IPC

- 1.) Section 121 of Indian Penal Code, 1860: Waging War against the Government
- 2.) Section 132 of Indian Penal Code, 1860: Abetment of Mutiny
- 3.) Section 194 of Indian Penal Code, 1860: Giving or fabricating false evidence leading to procure one's conviction for capital offense.
- 4.) Section 195A of Indian Penal Code, 1860: Threatening or inducing any person to give false evidence resulting in the conviction and death of an innocent person.
- 5.) Section 302 of Indian Penal Code, 1860: Murder
- 6.) Section 305 of Indian Penal Code, 1860: Abetment of suicide by child or insane person
- 7.) Section 307(2) of Indian Penal Code, 1860: Attempt to murder by a life convict, if hurt is caused.
- 8.) Section 376A of Indian Penal Code, 1860: Rape and Injury which causes

⁴²Indian Constitution, Art 161 & Art 72



death or leaves the woman in a persistent vegetative state.

- 9.) Section 376E of Indian Penal Code, 1860: Certain repeat offenders in the context of rape.
- 10.) Section 396 of Indian Penal Code, 1860: Dacoity with murder.
- 11.) Section 364A of Indian Penal Code, 1860: Kidnapping for ransom.

• **Chapter 28: Submission Of Death Sentences For Confirmation**

- 1.) Section 366 – Sentence of death to be submitted by Court of Session for confirmation
- 2.) Section 367 – Power to direct further inquiry to be made or additional evidence to be taken.
- 3.) Section 368 – Power of High Court to confirm sentence or annul conviction
- 4.) Section 369 – Confirmation or new sentence to be signed by two Judges
- 5.) Section 370 – Procedure in case of difference of opinion
- 6.) Section 371 – Procedure in cases submitted to High Court for confirmation

CHAPTER – 5

UNITED NATION'S VIEW ON CAPITAL PUNISHMENT

United Nation believes that death penalty breaches human rights, in particular the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment. Both of these rights are protected under Universal Declaration of Human Rights (UDHR).

UDHR in its Article 3 clearly states, “Everyone has the right to life”⁴³.

140 countries worldwide, more than two-thirds, are abolitionist in law or practice.

In 2015, four countries namely- Fiji, Madagascar, the Republic of Congo and Suriname abolished the death penalty for all crimes. As of now a total of 105 countries have dropped the concept of death penalty. In 2015, Mongolia also passed a new criminal code abolishing the death penalty which came into force in 2016.

Over time, the United Nation has adopted various instruments that ban the use of the death penalty, including the following:

- **Safeguards guaranteeing protection of the rights of those facing the death penalty**

In 1984, the United Nation Economic and Social Council adopted Safeguards guaranteeing the protection of the rights of those facing the death penalty⁴⁴.

- **Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty**

In 1989, 33 years after the adoption of the Covenant itself, the UN General Assembly adopted the Second Optional Protocol to the ICCPR that provided a new abolition decisive momentum. Member States which became parties to the Protocol agreed not to execute anyone within their jurisdiction⁴⁵.

⁴³Universal Declaration of Human Rights, Art. 3

⁴⁴United Nation Human Rights, Office of the High commissioner, Death penalty, <https://www.ohchr.org/EN/Issues/DeathPenalty/Pages/DPIIndex.aspx>

⁴⁵Id. at 44



CHAPTER – 5 **CONCLUSION**

“Life is precious and death is irrevocable”

When a death penalty is awarded to the accused it is more than mere a punishment, we are ending or killing a person in name of justice and law. Killing a person is immoral and it demonstrates the lack of respect towards human life. And opposing death penalty doesn't mean that someone is supporting the criminal. When a death penalty is awarded it eliminates the scope of improvement which could have changed the life of an individual, this is the reason why democracies around the world are supporting reformatory theory of punishment and abolishing deterrent theory of punishment.

“Even the vilest criminal remains a human being possessed of common human dignity” Therefore one should respect each and every human being. We are no one to decide who gets to live and who gets to die on the basis of rules and regulations which we made ourselves.

It is true that a criminal needs to be punished for the crimes he committed but we as a society need to eliminate the crime not the criminal. This is the main difference between human being and animals. We are given a precious gift – ‘we are a human’ and killing another human being falsify the mere purpose of being a human being.

We call ourselves a ‘civilized society’ but we kill another human being in the name of justice. The principle of death penalty is

based on deterrent theory which in generic terms set an example by inflicting fear on the mind of others but there are certain other ways by which a leading example can be set such as in reformatory theory.

The concept of capital punishment is ancient and barbaric and should be abolished as it involves killing of a human being which is immoral as life is precious and death is irrevocable. Democracies should thrive more on reformatory theory rather than deterrent theory as it provide a chance of improvement which can change the life of an individual and can offer him a chance to get back in the society and hence reformatory theory has its advantage over deterrent theory.

After looking at all the statistics and report we can conclude that China still has a long way to cover in order to abolish the concept of death penalty.

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