

EXPLANATION OF VOTE OF INDIA AFTER THE VOTE
ON RESOLUTION A/C.3/69/L.51/REV.1
(MORATORIUM ON THE USE OF THE DEATH PENALTY)
[November 21, 2014]

Madam Chairperson,

I thank you for giving me the floor and opportunity to make explain India's vote on the resolution **A/C.3/69/L.51/Rev.1** titled "Moratorium on the use of the death penalty".

In India, the death penalty is exercised in the 'rarest of rare' cases, where the crime committed is so heinous as to shock the conscience of society. Furthermore, Indian law provides for all requisite procedural safeguards, including the right to a fair hearing by an independent Court, the presumption of innocence, the minimum guarantees for the defence, and the right to review by a higher Court. Moreover, Indian laws have specific provisions for suspension of the death penalty in the case of pregnant women and has rulings that prohibited executions of persons with mental or intellectual disabilities, while juvenile offenders cannot be sentenced to death under any circumstances. Death sentences in India must also be confirmed by a superior court and an accused has the right to appeal to a High Court or the Supreme Court. The Supreme Court of India has adopted guidelines on clemency and the treatment of death row prisoners and that "poverty, socio-economic, psychic compulsions, undeserved adversities in life" constituted new mitigating factors to be considered by courts in commuting a death sentence to life imprisonment.

The President of India in all cases, and the Governors of States under their respective jurisdictions, have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence.

Madam Chairperson,

The resolution seeks to promote a moratorium on executions with a view to abolishing the death penalty. My delegation therefore, has voted against the resolution as a whole as it goes against our statutory law. The resolution fails to recognise the basic principle that each State has the sovereign right to determine its legal system and to punish criminals as per its laws. It is in this context that we voted in favour of the amendment L.66.

Thank you, Madam Chairperson.
