

**PUBLIC OPINION ON DEATH PENALTY- AN
EMPIRICAL STUDY IN BELAGAVI CITY,
KARNATAKA INDIA**

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Death penalty is an debatable issue across the world, as some people and organization like Amnesty international opposed it and some are in favor of it, hence to know the opinion of the citizens regarding death penalty, an empirical research has been conducted in Belagavi City, of Karnataka state India, primary data is been used to conduct the research, sample is drawn by using opportunistic sampling and the sample of the study was 200 and the types of research used were Quantitative, Descriptive and Exploratory research.

The result of the study is that most of the people are in favor of death penalty, 70% people agreed that it must be there in the present society and 84% people said Rape and murder must be punished with death sentence and 64% has agreed to be imposed on women and juvenile in heinous offenses, 56% have opposed to give commutation of death sentence, hence with this study concluded that in a country like India there must be death sentence as it has deterrence effect.

Key Words- Death penalty, Deterrence, Criminal Justice System

Introduction

State sanctioned practice of putting someone to death who has committed heinous crimes such crimes against humanity & crimes against country or state is known as capital punishment is also known as Death penalty. Here the government itself permits the criminal justice system to perform the constitutional killing of the criminal. A question is always been asked by the human rights organizations which are meant to upheld the very fundamental idea of humanity, that is state authorized execution is legitimate? Because every human have prime right of living no matter how they are, what they are. But in contrary law argues that "No person should be spared just because he or she is a human, & those have no any value of others humanity they should not be given excuse, and they have to be bring to justice by executing them with constitutional right of state killing". Capital

crimes have to be viewed in a capital punishment concern.

Capital punishment is a matter of active controversy in various countries & states. Criminologists and penologists are engaged in intensive study and research to know the answer to some perennially perplexing questions on Capital Punishment.

A. Whether capital punishment serves the objectives of Punishment?

B. Whether complete elimination of criminals through capital punishment will eliminate crime from society?

C. Whether complete elimination of crime from society is at all possible or imaginable?

Etymologically, the term capital derived from the Latin Capitalis, which means head. In this context it synonyms 'execution by beheading'. As per Wikipedia source, 56 countries retain capital punishment, 103 countries have completely abolished it in law, 6 countries have abolished it for ordinary crimes and 30 are abolitionist in practice.

Historically, capital punishment has been used in almost every part of the world. In 18 century BC, the code of king Hammurabi of Babylon codified the death penalty for twenty-five different crimes, although murder was not one of them. The first death sentence historically recorded occurred in 16 century BC Egypt where wrongdoer, a member of nobility, was accused of magic, and ordered to take his own life. During this period non-nobility was usually killed with an axe.

Some various death penalty types are,

Ancient & Medieval

1. Beheading.
2. Killing by inches.
3. Skinning.
4. Flogging and whipping.
5. Poisoning.
6. Hanging.
7. Crushing under elephant's feet.

Modern

1. Hanging
2. Shooting squad
3. Gas chamber
4. Lethal injection
5. Hara-kiri

Death penalty in India

Certain types of Offenses are punishable with death sentence under Indian Penal Code, 1860.

- Section 121: Waging War against the Government
- Section 132: Abetment of Mutiny
- Section 194: Giving or fabricating false evidence leading to procure one's conviction for capital offense.
- Section 302: Murder
- Section 305: Abetment of suicide by child or insane person
- Section 307: Attempt to murder by a life convict, if hurt is caused
- Section 396: Dacoit with murder
- Section 364A: Kidnapping for ransom

Until 1983, death sentence was mandatory only for murder committed by person while he is already undergoing a sentence for life imprisonment under

- Section 303 for other offences courts are not obligated to award death sentence and are free to award an alternative punishment.

Population- 1.2 billion Number of Individuals currently under sentence of death at least 477. According to a December 13, 2012 report, 477 people were on death row in India.

Based on the official statistics of the National Crimes Records Bureau, between 2001 and 2011, an average of 132 death sentences were handed down each year. However, the Supreme Court confirms barely 3 to 4 death sentences each year.

Present scenario across the world

Execution of death penalty in different countries (2015)

Methodology

1. Objective of the study-

Objective of the study is to know the opinion of public regarding death penalty and their reaction towards it.

2. Methods of data collection-

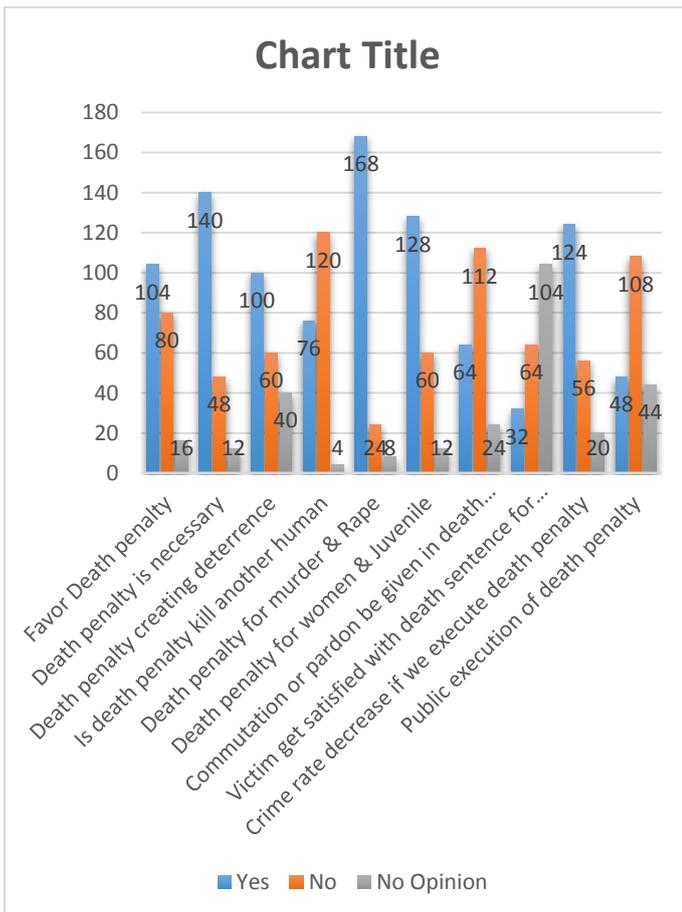
Secondary data is collected with questionnaire method & various types like exploratory & secondary methods been used as the methodology. On this basis the data is evaluated and an empirical study is been conducted.

Nations	Death penalty rates
China	1000
Iran	977
Pakistan	326
Saudi Arabia	158+
USA	28
Iraq	26+
Somalia	25
Egypt	22
Indonesia	14
Chad	10
Yemen	08
Taiwan	06
South Sudan	05
Bangladesh	04
Singapore	04
Sudan	03
Jordan	03
Jordan	02
Oman	02
India	01
USE	01
Afghanistan	01
Total	2601

Results and discussion

Sl no	Question	Responses			Total
		Yes	No	No Opinion	
1	Favor Death penalty	104	80	16	200
2	Death penalty is necessary	140	48	12	200
3	Death penalty creating deterrence	100	60	40	200
4	Is death penalty kill another human	76	120	04	200
5	Death penalty for murder & Rape	168	24	08	200

6	Death penalty for women & Juvenile	128	60	12	200
7	Commutation or pardon be given in death sentence	64	112	24	200
8	Victim get satisfied with death sentence for offender	32	64	104	200
9	Crime rate decrease if we execute death penalty	124	56	20	200
10	Public execution of death penalty	48	108	44	200
	Total	1092	788	184	2000



The people of the country are always deprived of the opportunity to share their opinion on punishment while framing the law in the country, hence these study has collected the opinion of the people on the debatable issue of death penalty whether to obligate it or not. Obligating

death sentence is almost discussed issue across the world, discussion is to whether the death sentence to be obligate on offenders or not and if we need to obligate then in which sort of cases do we obligate death sentence, for the reason that it is the fundamental or inalienable right of each and every individual, hence Amnesty International the NGO which internationally works for the human rights is against the death sentence and they demand for abolishing the death sentence, as it is a debatable issue in the world, hence it's been opted for the study to get the opinion of the people, because the concern of the citizens is very vital in framing laws in democratic country.

For conducting research questionnaire is prepared for which respondents has to answer in given options, the questionnaire is in the last part of the research and the result is been discussed below

When the respondents were asked about whether they support for death penalty or not 104 people agreed that they want death penalty in the society, it means 52% of people may be feeling that death penalty will be best for the prevention of the crime because of its deterrent effect or the criminal should be get punished for their act heinous act, where as 80 people which means 40% of people don't want death sentence in the society because they might be feeling that death penalty will not serve the aim of justice and instead we should opt for some reformatory method and give offender an fair chance of reforming him/herself , and 16 people which stands for 8% has not given their opinion.

When asked about whether the death penalty is necessary in the present scenario where war and other brutal offenses use to take place, 140 people which is 70% of the sample were agreed that death penalty is necessary in present world may be because the people who commit heinous offenses have no pity over victim and have very less chances of reformation in such cases we should award them with the death sentence, where as 48 people means 24% of people were opposed it because they may favor some reformatory measures for victim or other alternatives and 12 people which means 6% didn't given any opinion.

When asked about whether death penalty has any deterrent effect in the society 100 people agreed which stands for 50% it shows that people having fear for death sentence if they commit offenses, where as 60 people which is 30% say it wont have any deterrence effect because there is an increase in number of crimes though there is death sentence in the society and 40 people have not given any opinion.

When inquired about whether death penalty will be like killing of another human being as form of punishment or murder by the state 76 people which stands for 38% agreed, it means they are concerned about the right to life of the individual person, where as 120 i.e 60% people said no its just a punishment which may indicate that, offender has to no right to violate others rights and for his/her act of violence they are eligible for even death sentence if offense is serious in nature and 04 people has not given any opinion.

When asked about whether death penalty should be awarded for the offenses like Rape and murder, 168 people i.e 84% have agreed the use of death sentence in heinous offenses and want Lex Talionis (eyes for an eye) kind of punishment and people consider Rape and murder as serious offenses, where as 24 people i.e 12% didn't agreed because they may feel like a chance should be given for the offender or by taking the life of the offender can't bring back victim's life and 08 people have not given any opinion.

When asked about the Women and Juveniles should be punished with death penalty in heinous offenses like Rape, Murder etc 128 people have agreed with i.e 64%, it means they are less concerned about the age and gender they are just concerned about the type of offense committed by the offender, or in case of juvenile they might have thought they are mature enough to commit such offenses, where as 60 people i.e 30% opposed it may be they have concerned for women and juveniles and 12 people didn't given any opinion.

When we asked whether commutation of sentence or pardon by President of India and Governor of the state be given for death row convicts 64 people agreed i.e 32% it seems that people feels after a certain age of imprisonment the person will be unable to commit any further offense therefore instead of punishing him with death sentence it is better to commute or pardon the sentence, where as 112 people i.e 56% didn't agreed with it which indicates that offender once punished must be die in the prison or the execution of the sentence must be took place to it and 24 people have not given any opinion.

When inquired about whether death penalty satisfies victim of crime 32 i.e 16% people agrees that it satisfies victim it seems they feel victim of murder will be satisfied with the death sentence where as 64 people i.e 32% has said it can't satisfies victim as they have lost their loved ones and by awarding death sentence they can't be brought back, and 104 have not given any opinion because they can't feel the sufferings of victim.

When proceed further and asked about whether death penalty execution will result in decreasing of crime rate or not 124 people i.e 64% agreed it indicate that people have feeling that death sentence create deterrence among the society which resultantly prevent the crime, where as 56 people i.e 28% didn't agreed it means as per the death penalty won't have any deterrent effect in the society and crime use to increase though there is death penalty, and 20 people have not given any opinion.

When asked about execution of death penalty be made public like in Saudi Arabia or be it in prison 48 people i.e 24% agreed with it and want public execution it means they feel that public execution will deter potential offenders and public at large, where as 108 people opposed this, it and 44 people didn't provide any opinion.

Conclusion

The people of the country are always deprived of the opportunity to share their opinion on punishment while framing the law in the country, hence these study has collected the opinion of the people on the debatable issue of death penalty whether to provide it or not, resultantly found that the people of the Belagavi City are in favor of the death penalty and they feels that death penalty should be imposed on the offenders in the heinous offenses, they are even opined that women and juveniles also should be imposed death sentence in the heinous offenses like Rape and Murder, people agrees that there should not be pardon or commutation of sentence hence considering the opinion of the people death penalty should not be abolished in the country and for juveniles in between the age of 16 to 18 if they have committed offenses like Rape Murder and other serious offenses they must be awarded with death sentence, even if we see the Martinson's report regarding the reformation of offenders we have found out that correction and reformation have been failed, hence it will be better if we create deterrence on potential offenders as well as society at large.

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