



Shatrughan Chauhan and another v. Union of India and others

Writ Petition 55 of 2013

Country: India

Region: Asia

Year: 2014

Court: Supreme Court

Health Topics: Mental health, Prisons

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment, Right to liberty and security of person, Right to life

Facts

Fifteen criminal convicts sentenced to the death penalty challenged their sentences as in violation of Article 21 of the Indian Constitution, which protects the right to life. They claimed that the executive orders rejecting their mercy petitions were passed without considering supervening events, including delay, insanity, solitary confinement, and procedural lapses.

Two convicts alleged that the unconscionably long delay in deciding their mercy petitions caused the onset of chronic psychotic illness, and the execution of the death penalty would thus be inhuman. One had been diagnosed with undifferentiated schizophrenia.

Decision and Reasoning

The Court held that insanity and mental illness were a crucial supervening circumstance, which should be considered by a Court in deciding whether a death sentence could be commuted to life imprisonment. The Court reasoned that the International Covenant on Civil and Political Rights and general comments adopted by the United Nations General Assembly urge states to end the death penalty and not to impose death penalty sentences on persons with mental disabilities. Examining the evidence, the Court found that the convict who had been diagnosed with undifferentiated schizophrenia clearly had a mental disorder and thus could not be executed. The Court also commuted the sentence of the other prisoner who had a mental disorder to life imprisonment.

Decision Excerpts

"In addition, after it is established that the death convict is insane and it is duly certified by the competent doctor, undoubtedly, Article 21 protects him and such person cannot be executed without further clarification from the competent authority about his mental problems. It is also highlighted by relying on commentaries from various countries that civilized countries have not executed death penalty on an insane person. Learned counsel also relied on United Nations Resolution against execution of death sentence, debate of the General Assembly, the decisions of International Court of Justice, Treaties, European Conventions, 8th amendment in the United States which prohibits execution of death sentence on an insane person. In view of the well established laws both at national as well as international sphere, we are inclined to consider insanity as one of the supervening circumstances that warrants for commutation of death sentence to life imprisonment." Para. 79.

"We are satisfied that in view of the mental illness, he cannot be executed. On this ground, the death 123 Page 124 sentence has to be commuted to life imprisonment. If the condition of Sundar Singh requires further treatment, we direct the jail authorities to provide all such medical facilities to him." Para. 208.

"Another relevant event which was not noticed by the Home Ministry while considering the notes for approval of 136 Page 137 the President was that the petitioner filed SLP through legal aid and this Court did not grant special leave and dismissed the SLP in limine. As highlighted in the previous case, we reiterate that in case of death sentence, it is desirable to examine all the materials on record first hand in accordance with the time-bound practice of this Court and arrive at an independent conclusion on all the issues of fact and law irrespective of the findings of the trial court and the High Court. Such recourse was not adopted in this case. This was not highlighted in the notes prepared for the approval of the President. As stated earlier, the summary prepared by the Ministry of Home Affairs for the President fails to consider the mental illness as

well as the opinion offered by the Prison Superintendent in terms of the M.P. Prison Manual as a ground for commutation of sentence. For all these reasons, more particularly, with regard to his mental illness, we feel that ends of justice would be met by commuting the sentence of death into life imprisonment." Para. 244.

Copyright © 2015 www.GlobalHealthRights.org