

EXTERNAL (for general distribution)

**AI Index: ASA 20/39/91
Distr: UA/SC**

UA 302/91

Death Penalty

6 September 1991

INDIA:

**Sukumar BARMAN
Kartick SEAL**

Sukumar Barman and Kartick Seal were executed by hanging at Alipore Central Jail, West Bengal, on 21 August 1991. They were executed one day after their last appeal for clemency filed before the divisional bench of the Calcutta High Court, had been rejected. These hangings were the first to take place in the state of West Bengal for over 25 years.

Sukumar Barman and Kartick Seal were arrested in 1987 for the murder of seven members of a family at Balurghat in West Dinajpur district. They were sentenced to death by the Balurghat sessions court and the sentence was later upheld by the Calcutta High Court and Supreme Court. In addition, mercy petitions to the state Governor and President of India were rejected. The West Bengal Legal Aid Committee filed a petition hoping for an opportunity for further mercy petitions to the Governor and President of India, on the grounds that when submitted previously they had not been properly drafted. However, the petition was rejected by Justice Chatterjee of the Calcutta High Court on 10 June 1991 who stated that the earlier clemency appeal had sufficient details. The petition for a review was also rejected by a division bench of the Supreme Court.

BACKGROUND INFORMATION

The Indian Constitution protects the right to life. Yet on average over a dozen Indians are executed every year for criminal offences. Most of them are poor and illiterate.

The death penalty is usually carried out by hanging from the neck until dead. An attempt to challenge this method of execution failed before the Supreme Court, which stated in a 1983 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all these.

Although India's higher courts have ruled that the death penalty can only be applied in the "rarest of rare" cases, the number of offences carrying the death penalty has been extended in recent years. In 1984, several judges of the Supreme Court ruled that a death sentence, if not carried out for more than two years, should be automatically commuted to life imprisonment. Other Supreme Court judges, however, have ruled that no specific time limit could be set for converting a sentence of death into life imprisonment on grounds of delay in execution.

RECOMMENDED ACTION: Telegrams/telexes and airmail letters:

- regretting the execution of Sukumar Barman and Kartick Seal, particularly as these are reported to be the first executions in West Bengal for over 25 years;
- emphasizing that the United Nations have repeatedly called on states to progressively abolish the death penalty;

- urging the government to stop all executions and to commute outstanding death sentences, on the grounds that the punishment violates the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights;
- expressing Amnesty International's unconditional opposition to the death penalty.

APPEALS TO:

Some appeals should be sent in a personal or professional capacity.

1.

His Excellency
President Ramaswamy Venkataraman
[Salutation: Dear President]
Office of the President
Rashtrapati Bhavan
New Delhi 110 004
India

Telegrams: President Venkataraman, New Delhi, India
Telexes: 31 66427 RBND IN

2.

Mr Jyoti Basu
[Salutation: Dear Chief Minister]
Chief Minister of West Bengal
Office of the Chief Minister
Writers Building
Calcutta 600 001
India

Telegrams: Chief Minister West Bengal, Calcutta, India

3.

Mr M. M. Jacob
[Salutation: Dear Minister]
Minister of State for Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
India

Telegrams: Home Affairs Minister Jacob, New Delhi, India
Telexes: 3161879 FRGN IN) via Ministry of
3161880 FRGN IN) Foreign Affairs

COPIES TO: diplomatic representatives of India in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 18 October 1991.