

EXTERNAL (for general distribution)

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Death Penalty

2 December 1993

INDIA

Keshwar YADAV  
Rampravesh YADEV  
Brahmadeo YADEV  
Baburam YADEV  
Chandradeep YADEV  
Rajaram YADEV  
Jaganarayan YADEV  
Chitaman YADEV

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Amnesty International is concerned that the eight men named above have been sentenced to death for murdering 52 people from Dalalchak-Baghhaura village, Bihar. All are peasants from Baghhaura village, aged between 23 and 55 years-old. The murders took place in May 1987 apparently in retaliation for the killing of six peasant leaders by members of upper castes some time earlier.

The men were sentenced to death on 4 November 1992 by the Additional Sessions judge of Aurangabad district court. Their appeal is presently at the High Court in Patna, Bihar. Their lawyers are arguing that the evidence on which they were convicted is not substantial because "the conviction of the death penalty was passed only on the basis of the testimony of a sole eyewitness who is a child witness" [a boy of eight years] and that three of the convicts "were not present at the time of the occurrence in the village Baghhaura".

#### **BACKGROUND INFORMATION**

The Indian Constitution protects the right to life. However, on average a dozen executions are carried out in India every year for criminal offences. Most of those executed are poor and illiterate.

The death penalty is usually carried out by hanging. An attempt to challenge this method of execution failed before the Supreme Court, which stated in a 1981 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all of these.

Although India's highest courts have ruled that the death penalty can only be applied in the "rarest of the 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: Please send telegrams, faxes and airmail letters either in English or in your own language:**

- urging that the death sentence on the eight men be commuted to life imprisonment;
- expressing unconditional opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration

of Human Rights;

- pointing out that the death penalty has never been shown to have a special deterrent effect on crime.

**APPEALS TO:**

1) Prime Minister Narasimha Rao  
Office of the Prime Minister  
Gate NO 6, South Block  
New Delhi  
India

**Salutation: Dear Prime Minister**

**Telegrams: Prime Minister Narasimha Rao, New Delhi, India**

**Faxes: +91 11 301 6781**

2) Mr Laloo Prasad Yadav  
Chief Minister of Bihar  
Office of the Chief Minister  
Patna 800 001  
Bihar  
INDIA

**Salutation: Dear Chief Minister**

**Telegrams: Chief Minister Bihar, Patna, Bihar, India**

**COPIES OF YOUR APPEALS TO:**

Mr S.B Chavan  
Minister for Home Affairs  
Ministry for Home Affairs  
North Block  
New Delhi  
India

and to diplomatic representatives of India accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 12th January 1994.