



**PERMANENT MISSION OF INDIA  
TO THE UNITED NATIONS OFFICE  
9, RUE DU VALAIS  
1202 GENEVA  
Tel. : 022-9068686  
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NV. 69/2013

6 August 2013

The Permanent Mission of India to the Office of the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to its Joint Allegation Letter No.AL G/SO 214(3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) IND 3/2013 dated 12 March 2013 from the Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on extrajudicial summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of India requests that the response of the Government of India be presented in full to the Special Rapporteurs.

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



**Office of the High Commissioner for Human Rights  
(Attn: Special Procedures Branch)  
Palais des Nations  
1211 Geneva  
Fax: 022 -917 9006**

**OHCHR REGISTRY**

**06 AUG 2013**

Recipients: S. Lidome (Encl 2)  
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The Permanent Mission of India would like to state that in India, the death penalty is imposed in the "rarest of rare" cases of extreme brutality, depravity and those devoid of human compassion and where the crime committed is so heinous as to shock the conscience of society. Death sentence can be imposed when life imprisonment appears to be an altogether inadequate punishment. Article 21 of the Indian Constitution provides that no person shall be deprived of his/her life or personal liberty except according to procedure established by law. This is in conformity with Article 6 of the ICCPR.

Indian law provides for requisite procedural safeguards, including the right to a fair hearing by an independent Court, the presumption of innocence, the minimum guarantees for defence, and right to review by Higher Court. The death penalty, in fact has to be confirmed by a superior Court. The accused also has the right to appeal to the High Court and the Supreme Court. 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 remission of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. This is in accordance with Article 14 of the ICCPR that calls for States to guarantee a fair trial and due process established by law.

Muhammad Afzal Guru was convicted under Indian Penal Code sections 121 (Waging or attempting to wage war or abetting waging of war against the Government of India), 121 (A) (Conspiracy to commit offences punishable by Section 121), 120 (B) (Punishment of criminal conspiracy) and read with section 302 (Punishment of murder), 307 (Attempt to murder) and sub sections (2), (3) and (5) of Section 3 and 4(B) of Prevention of Terrorist Act (POTA) and sections 3 and 4 of Explosive Substances Act. He was awarded death sentence by designated Special Court and the death sentence was confirmed by the Supreme Court of India.

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