

## Opinion towards capital punishment: a comparative study between academicians, lawyers, police and public

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### ABSTRACT

The present study is an attempt to find out the opinion towards capital punishment of the societies various segments. The sample consists of 420 respondents from various streams like academicians, lawyers, police personnel and public, who were randomly selected from 5 districts around Mysuru region. The selected sample was administered both demographic data sheet and structured inventory. Data collected were analyzed using chi-square tests. Results revealed that majority of 87.6% the respondents opined that capital punishment law required for a democratic country like India, and it will create awareness about criminals in modern society (82.4%). Majority of 78.3% them agreed that capital punishment be given for criminal acts of pervert mindset, there is a need for legal amendment (81.7%) to settle the execution of capital punishment at the earliest and capital punishment law is a victory to the judicial system of our country. Respondents (55.5%) in large were of the opinion that life sentence should not be awarded instead of capital punishment and interference of human rights commission (65.7%) in the execution of capital punishment is not justified. There was ambiguity in the case of age limit for awarding capital punishment. Comparisons across groups indicated that academicians and public respondents more agreed for capital punishment creating awareness about criminals in modern society and disagreed for life sentence than lawyers and police personnel.

**Keywords:** *Capital Punishment, Opinion, Academicians, Lawyers, Police and Public*

Capital punishment, also called as death penalty (and many other names) is a complex issue which is being debated in contemporary times with considerable emotion. The supporters and abolitionists both put forward strong justifications and are persuasive. Added to this is the media sensation which also plays a crucial role in shaping and steering public opinion. The statistics on death punishment clearly revealed that in the past 30 years, there is a significant reduction in the number of countries implementing the death. Eighty of the world's 195 nations had planned to abolish capital punishment by 2003 itself. Twelve nations had instituted capital punishment only for extraordinary crimes, such as treason or

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war crimes; another 41 had instituted capital punishment but had not used it for a decade. As of now only 62 nations in the world are in practice of capital punishment (Hill, 2005).

In India, current criminal justice system is still based mainly on the English common law system, which allowed for capital punishment (Raghavan, 2004). For the crime of murder, Indian judges in the early 20th century could impose a sentence of death or of life in prison. A written justification was required for sentences of life in prison, but not for death sentences (Batra, 2004), hence, death sentences were more commonly imposed. Study on Indian students regarding capital punishment indicated that 44 percent of opposition to some extent, 13 percent were not sure, and 43 percent supported capital punishment (Lambert, Pasupuleti, Jiang, Karuppanan & Bhimarasetty (2008). An study in United States found that most Americans favor capital punishment since they feel that killing isn't right; their number one clarification is " a life for a life." A minority restrict capital punishment since they accept that executing by the state isn't right; their standard clarification is that it is " wrong to kill" (Gross, 1998)

There is a general increase in crimes in India due to various social, economic and other factors. At this point of time the Supreme Court of India has reiterated two crucial aspects. First one is that delay in execution per se dose not form a ground for demand for commutation of sentence from capital punishment to life imprisonment. The second is that life imprisonment means "life imprisonment" literally, meaning that the convict has to be behind bars for his/her entire life. All these and related developments constitute and contribute to excellent and relevant timing for consolidating the issue and dealing with it entirely. This study intends to take the opinions with due importance but focusing on the facts, logic, and objectivity to arrive at a well-informed stand. The timing of this study is thought to be very apt when India is witnessing a maniacal surge in rapes, gang rapes, rapes of infants and murder of victims. There are more than 300 prisoners sentenced to capital punishment and their fate is uncertain, with their cases being pursued at various levels of judicial and clemency procedures. A thorough search in literature did not give much information about attitude and opinion of Indian people towards capital punishment. There is a need to highlight the factors underlying support or opposition to the capital punishment (Lambert, Pasupuleti, Jiang, Karuppanan & Bhimarasetty (2008), namely by providing heretofore lacking insight into non-western views, the present study has been undertaken. It is hypothesized that academicians, lawyers, police and public differ in their views on capital punishment.

### **METHOD**

#### ***Participants***

The study comprised of 420 respondents among which 101 respondents were academicians, 107 lawyers, 107 police personnel and 105 public respondents were randomly selected from five districts of Mysuru region comprising of Mysuru, Mandya, Chamarajanagara, Kodagu, and Hassan.

#### ***Tool employed***

**Demographic Datasheet:** The demographic data comprised of information pertaining to name (optional), Age, Gender, profession and other details

**Structured inventory:** A structured inventory was developed by the researcher in consultation with the experts has been employed in the present study. The questionnaire

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consisted of 8 items regarding death punishment, validity, alternative options etc, related capital punishment.

**Procedure**

The first author personally visited all the respondent groups consisting of academicians, lawyers, police personnel and public in 5 districts of Mysuru region to collect the data. After taking the prior permission and consent from the respondents, structured inventory was given to them along with socio-demographic data sheet. Before administrating the questionnaire, they were assured of confidentiality. They were asked to answer all the questions. In case of difficulty in understanding the item/s, in order to get good response, they were made clear in their local language. Once the data were collected, they were scored and fed to the computer.

The data were analyzed using Chi-square tests and Table 1 provides the frequency and percent responses for various statements on capital punishment by academicians, lawyers, police and public and results of chi-square tests.

**Table 1 Frequency and percent responses for various statements on capital punishment by academicians, lawyers, police and public and results of chi-square tests**

Statement	Groups		Responses		Test statistics
			Yes	No	
Is capital punishment law required for a democratic country like ours	Academician	F	87	14	X <sup>2</sup> <sub>(o)</sub> =237.75; p=.001 X <sup>2</sup> <sub>(a)</sub> =3.99; p=.263
		%	86.1%	13.9%	
	Lawyers	F	89	18	
		%	83.2%	16.8%	
	Police	F	96	11	
		%	89.7%	10.3%	
	Public	F	96	9	
		%	91.4%	8.6%	
	Total	F	368	52	
		%	87.6%	12.4%	
Can capital punishment create awareness about criminals in modern society	Academician	F	95	6	X <sup>2</sup> <sub>(o)</sub> =176.15; p=.001 X <sup>2</sup> =27.251; p=.001
		%	94.1%	5.9%	
	Lawyers	F	72	35	
		%	67.3%	32.7%	
	Police	F	92	15	
		%	86.0%	14.0%	
	Public	F	87	18	
		%	82.9%	17.1%	
	Total	F	346	74	
		%	82.4%	17.6%	
Should there be age limit for awarding capital punishment	Academician	F	56	45	X <sup>2</sup> <sub>(o)</sub> =2.752; p=.097 X <sup>2</sup> <sub>(a)</sub> =3.285; p=.350
		%	55.4%	44.6%	
	Lawyers	F	57	50	
		%	53.3%	46.7%	
	Police	F	64	43	
		%	59.8%	40.2%	
	Public	F	50	55	
		%	47.6%	52.4%	
	Total	F	227	193	
		%	54.0%	46.0%	
Should capital punishment be given	Academician	F	90	11	X <sup>2</sup> <sub>(o)</sub> =134.87; p=.001
		%	89.1%	10.9%	

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Statement	Groups		Responses		Test statistics		
			Yes	No			
for criminal acts of pervert mindset	Lawyers	F	84	23	$X^2_{(a)}=10.321$ ; $p=.016$		
		%	78.5%	21.5%			
	Police	F	78	29			
		%	72.9%	27.1%			
	Public	F	77	28			
		%	73.3%	26.7%			
Total	F	329	91				
	%	78.3%	21.7%				
Can life sentence be awarded instead of capital punishment	Academician	F	33	68	$X^2_{(o)}=5.04$ ; $p=.025$ $X^2_{(a)}=16.947$ ; $p=.001$		
		%	32.7%	67.3%			
	Lawyers	F	62	45			
		%	57.9%	42.1%			
	Police	F	53	54			
		%	49.5%	50.5%			
	Public	F	39	66			
		%	37.1%	62.9%			
	Total	F	187	233			
		%	44.5%	55.5%			
	Do you feel that interference of human rights commission in the execution of capital punishment is justified	Academician	F	33		68	$X^2_{(o)}=41.49$ ; $p=.001$ $X^2_{(a)}=0.690$ ; $p=.876$
			%	32.7%		67.3%	
Lawyers		F	40	67			
		%	37.4%	62.6%			
Police		F	35	72			
		%	32.7%	67.3%			
Public		F	36	69			
		%	34.3%	65.7%			
Total		F	144	276			
		%	34.3%	65.7%			
Is there is need for legal amendment to settle the execution of capital punishment at the earliest		Academician	F	86	15	$X^2_{(o)}=168.47$ ; $p=.001$ $X^2_{(a)}=3.707$ ; $p=.295$	
			%	85.1%	14.9%		
	Lawyers	F	81	26			
		%	75.7%	24.3%			
	Police	F	88	19			
		%	82.2%	17.8%			
	Public	F	88	17			
		%	83.8%	16.2%			
	Total	F	343	77			
		%	81.7%	18.3%			
	Do you feel that capital punishment law is a victory to the judicial system of our country	Academician	F	73	28		$X^2_{(o)}=73.75$ ; $p=.001$ $X^2_{(a)}=5.141$ ; $p=.162$
			%	72.3%	27.7%		
Lawyers		F	72	35			
		%	67.3%	32.7%			
Police		F	84	23			
		%	78.5%	21.5%			
Public		F	69	36			
		%	65.7%	34.3%			
Total		F	298	122			
		%	71.0%	29.0%			

**Is capital punishment law required for a democratic country like ours:** Of the total sample selected a large majority of 87.6% of them felt capital punishment law is required for a democratic country like India and remaining 13.2% of them did not. Chi-square test revealed a significant difference between ‘yes’ and ‘no’ responses ( $X^2=237.75$ ;  $p=.001$ ), indicating a

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majority of the respondents agreeing with the statement. Group wise comparisons revealed a non-significant association between groups and responses ( $X^2=5.007$ ;  $p=.287$ ), indicating a similarity in their response pattern across groups.

**Can capital punishment create awareness about criminals in modern society:** In the entire sample, a majority of 82.4% of them felt that capital punishment create awareness about criminals in modern society and 17.6% of them did not. Chi-square test revealed a significant difference between 'yes' and 'no' responses ( $X^2=176.15$ ;  $p=.001$ ), indicating a majority of the respondents opining 'yes'. Group wise comparisons found that 94.1% of academicians, 67.3% of lawyers, 86.0% of police and 82.9% of public respondents indicated 'yes'. Chi-square test revealed a significant association between groups and responses ( $X^2=27.251$ ;  $p=.001$ ) where we find that lawyers had significantly less of 'yes' responses compared to rest of the groups.

**Should there be age limit for awarding capital punishment:** As far age limit for awarding capital punishment is considered, 54.0% of them indicated that there must be age limit for awarding capital punishment and remaining 46.0% of them did not. We find almost equal number of 'yes' and 'no' responses for the statement as revealed by a non-significant chi-square value ( $X^2=2.752$ ;  $p=.097$ ). Further. Group-wise comparisons revealed non-significant association between groups and their responses ( $X^2=3.285$ ;  $p=.350$ ).

**Should capital punishment be given for criminal acts pervert mindset:** A majority of the total sample of 78.3% of them opined 'yes' for capital punishment for criminal acts of pervert mindset, and remaining 21.7% of them did not. The 'yes' responses were found to be significantly higher than 'no' responses ( $X^2=134.87$ ;  $p=.001$ ). Group wise comparisons revealed a significant association between groups and responses ( $X^2=10.321$ ;  $p=.016$ ), academicians had more 'yes' responses compared to police and lawyers.

**Can life sentence be awarded instead of capital punishment is suitable:** Of the total sample selected, a total of 45.5% of them feel life sentence be awarded instead of capital punishment is suitable and remaining 55.5% of them opined 'no'. Chi-square test revealed a significant difference between 'yes' and 'no' responses having 'no' responses high ( $X^2=5.04$ ;  $p=.025$ ). Group wise comparison revealed a non-significant association between groups and responses ( $X^2=16.947$ ;  $p=.001$ ), where academicians and public were not for life sentence much as compared to lawyers and police.

**Do you feel that interference of human rights commission in the execution of capital punishment is justified? :** A majority of 65.7% of the total sample did not agree with the interference of human rights commission in the execution of capital punishment and remaining 34.3% of them agreed, which is supported by significant chi-square value ( $X^2=41.49$ ;  $p=.001$ ). When groups and their responses were associated, chi-square test revealed a non-significant association between groups and responses ( $X^2=0.690$ ;  $p=.876$ ), indicating a similarity in their response pattern.

**Is there is need for legal amendment to settle the execution of capital punishment at the earliest:** Of the total sample selected a large majority of 77.6% of them felt that there is need for legal amendment to settle the execution of capital punishment at the earliest and remaining 22.4% of them did not, which is further confirmed by a significant chi-square value ( $X^2=168.47$ ;  $p=.001$ ) Group wise comparisons revealed a similar kind of response

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patterns among academicians, lawyers, police and public as revealed by a non-significant association ( $X^2=3.707$ ;  $p=.295$ ).

**Do you feel that capital punishment law is a victory to the judicial system of our country:** 69.2% of the total sample felt that capital punishment law is a victory to the judicial system of our country and remaining 30.8% of them did not. Chi-square test revealed a significant frequency difference between 'yes' and 'no' responses having 'yes' responses high. Further, the association between groups and their responses for the statement was found to be non-significant ( $X^2=7.991$ ;  $p=.092$ ), indicating a similarity in their response pattern.

## **DISCUSSION**

### *Major findings of the study*

Majority of the respondents opined that capital punishment law required for a democratic country like India, and it will create awareness about criminals in modern society, Majority of them agreed that capital punishment be given for criminal acts of pervert mindset, there is a need for legal amendment to settle the execution of capital punishment at the earliest and capital punishment law is a victory to the judicial system of our country. Respondents in large were of the opinion that life sentence should not be awarded instead of capital punishment and interference of human rights commission in the execution of capital punishment is not justified. There was ambiguity in the case of age limit for awarding capital punishment. Academicians and public respondents more agreed for capital punishment creating awareness about criminals in modern society and disagreed for life sentence than lawyers and police personnel.

The present study found that capital punishment as a capital punishment supported by all the groups studied, even there was resistance to substantiate life imprisonment to capital punishment, which clearly reveals that Indians as a whole would support for capital punishment. However, there are not many studies to compare the views. According to Batra (2004), capital punishment is not seen as a pressing social issue in light of the numerous other issues, and in light of the fact that few executions have been occurring in India at this time.

Another finding from the present study is that stronger agreement for capital punishment and related issues were given by academicians and public, whereas lawyers and police personnel were not. This calls for further research as why respondents connected to legal framework are having lenient attitude towards capital punishment than academicians and general public. Maxwell and Rivera-Vazquez (1998), theorize that 'people's attitudes toward the capital punishment are driven primarily by their desires to reduce crime and protect society, and that the capital punishment is a means to achieve this end'.

The political and philosophical debates relevant to the capital punishment must be situated in the context of minute details about the processes involved and the structural realities of the criminal justice system. Those debates must also be informed by a substantial understanding about the nature of the capital punishment as a form of punishment. Very often we limit ourselves to thinking about the capital punishment purely in terms of an execution and hardly any attention is paid to the experience of living on death row. An attempt to truly understand that experience should inevitably lead us to a more searching examination of the relevant processes. We need to make much more of an effort to

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understand the nature of the capital punishment as a punishment. It would be grossly inadequate to understand the punishment as only the fact of 'taking of life' (Center on capital punishment, 2016).

Finally, in moving past this investigation, which utilized a few single-thing measures, future examinations, may incorporate multiple item measures for debilitation, abuse, and blamelessness, just as proportions of different purposes behind supporting or contradicting capital punishment. At last, as most examination here has zeroed in on the western countries, there is a need to investigate a more extensive scope of perspectives, particularly among other retentionist nations around the globe, to decide why individuals uphold or contradict the capital punishment.

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### Conflict of Interest

The author declared no conflict of interest.

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