

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO. 168 OF 2020 (PIL)
(Under Article 32 of the Constitution of India)
PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DR. SUBHASH VIJAYRAN ... PETITIONER

VERSUS

UNION OF INDIA & OTHERS ... RESPONDENTS

WITH

I.A. NO. 58086 OF 2020

(Application for permission to appear and argue the matter In-Person)

AND

I.A. NO. 58087 OF 2020

(Application for exemption from filing duly signed and attested/ notarized Affidavit)

PAPER- BOOK
FOR INDEX: KINDLY SEE INSIDE

Drafted & E-filed on: 27.06.2020 as Provisional Application No. 2429/2020

Entered on 29.06.2020 as Diary No-13512/2020

Registered on: 30.06.2020 as W.P. (Cr.) No. 168/2020

DRAFTED AND FILED BY:



DR. SUBHASH VIJAYRAN (ADVOCATE)
(PETITIONER-IN-PERSON)

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IN THE SUPREME COURT OF INDIA**PROFORMA FOR FIRST LISTING****SECTION: PIL (W)**

The case pertains to (Please tick/check the correct box):

☐ Central Act: **CONSTITUTION OF INDIA, 1950**

☐ Section: **ARTICLE 14 & 21**

☐ Central Rule:

☐ Rule No(s):

☐ State Act: (Title) NA

☐ Section: NA

☐ State Rule: (Title) NA

☐ Rule No(s): NA

☐ Impugned Interim Order: (Date) NA

☐ Impugned Final Order/Decree: NA

☐ High Court: NA

☐ Name of Judges: NA

☐ Tribunal/Authority: (Name) NA

1. Nature of Matter: Criminal

2.

(a) Petitioner/Appellant No-1: **Dr. Subhash Vijayran**

(b) E-mail ID: **drsubhashvijayran@gmail.com**

(c) Mobile phone number: **8920086150, 8285711205**

3.

(a) Respondent No-1: **Union of India**

(b) E-mail ID: **hshso@nic.in**

(c) Mobile phone number: **011-23092989,
011-23093031;
FAX: 011- 23093003**

4.
 - (a) Main Category classification: **08: Letter Petition & PIL Matters**
 - (b) Sub-classification: **0807: Matters relating to custody harassment, jails, complaint of harassment, custodial death, speedy trial, premature release, inaction by police, etc.**
5. Not to be listed before: NA
6.
 - (a) Similar disposed of matter with citation, if any, & case details:

Not in the knowledge of the Petitioner.
 - (b) Similar Pending matter with case details: **Not in the knowledge of the Petitioner.**
7. Criminal Matters: NA
 - (a) Whether accused/convict has surrendered: ☐ Yes ☐ No
 - (b) FIR No. NA Date: NA
 - (c) Police Station: NA
 - (d) Sentence Awarded: NA
 - (e) Sentence Undergone: NA
8. Land Acquisition Matters:
 - (a) Date of Section 4 Notification: NA
 - (b) Date of Section 6 Notification: NA
 - (c) Date of Section 17 Notification: NA
9. Tax Matters: State the tax effect: NA
10. Special category (first petitioner/appellant only):

☐ Senior Citizen > 65 years ☐ SC/ST ☐ Woman/Child ☐ Disabled ☐ Legal Aid Case ☐ In custody
11. Vehicle Number (in case of Motor Accident Claim matters):
NA

Dated: 27.06.2020



DR. SUBHASH VIJAYRAN (ADVOCATE)
(PETITIONER-IN-PERSON)

SYNOPSIS

In this petition, I am highlighting the arbitrary and whimsical manner in which death penalty is executed in our country.

I am particularly focusing on the case of the two child-murderer sisters Renuka and Seema – convicted of kidnapping and murdering, in the *most depraving manner* 5 helpless children – whose death sentences though confirmed by this Hon'ble Court, the President & the Governor - is stayed since 2014, as the *Bombay High Court* is hearing their post-mercy rejection Writ Petition in the most *lackadaisical* manner, with a *shocking* gap of more than 5 years 7 months between two hearing dates at *pre-admission* stage.

Reason: The parents of victims-children are *poor-slum dwellers*, who have neither the resources nor the reach to garner public support and to wake up our *hibernating* judicial system.

Now compare this with the recent Delhi gang-rape-cum-murder case. The victim's parents have had the resources and the reach to knock judicial doors and also to garner huge public support.

Result: Our Judicial System acted at supersonic speed. Mercy petition were rejected *within hours*, and death warrants were issued for the *very next day* after the mandatory 14 days gap period. Despite repeated postponements of death warrants, the accused were executed *within three months* of the first death warrant being issued.

Would I be wrong - if I say that our Judicial System *failed* the brutally murdered children of the poor slum-dwellers?

LIST OF DATES

1990 – 1996	<p>The two child-murderer sisters Renuka and Seema along with their mother Anjana went on rampage kidnapping and murdering 42 children in the <i>most heartless and depraved manner</i>.</p> <p>The prosecution brought charges for kidnapping 13 and murdering 9 children before the trial court. Mother Anjana died during the trial period.</p>
28.06.2001	The Additional Sessions Judge, Kolhapur, convicted the two sisters for kidnapping and murder of 6 children and imposed death penalty on them.
08.09.2004	Bombay High Court upheld conviction in 5 cases and confirmed death penalty.
31.08.2006	This Hon'ble Court upheld the order of Bombay High Court and confirmed death penalty.
2012	Governor rejects mercy petition.
14.08.2014	President rejects mercy petition.
19.08.2014	The two sisters filed Writ Petition (Criminal) No-3103 of 2014 before the Bombay High Court seeking stay of execution citing inordinate delay.
20.08.2014	High Court stays execution till the next date, i.e. till 09.09.2014, when it said it would finally hear and dispose the petition.
2014-till date	<p>The Bombay High Court never has had the occasion to dispose the Writ Petition.</p> <p>[LDOH: 21.01.2016; NDOH: 05.08.2021]</p> <p>In a Petition at <i>pre-admission</i> stage, where the very question before the High Court is <i>whether the death</i></p>

	<p><i>sentence of the convict-sisters be commuted to life on grounds of delay in execution; the High Court is hearing the matter in the most lackadaisical manner, with a shocking gap of more than 5 years 7 months between two hearing dates.</i></p> <p>As if the delay of 7 years by Governor & President was <i>not enough</i>; the Hon'ble High Court, by its apathy, is <i>actually ensuring the success of the petition</i> of the convict-sisters by sending the matter to its <i>fait accompli</i>.</p> <p>Just because the parents of the 42 deceased children are <i>poor slum dwellers</i> and do not have the means to pursue the case of their brutally murdered children; this is how the <i>Bombay High Court</i> is handling the matter.</p> <p>In contrast – in the Delhi gang-rape-cum-murder case, only because the parents of the deceased victim have had <i>the means</i> to aggressively pursue their daughter's case; <i>numerous hearings</i> were given by the trial court, the Delhi High Court and this Hon'ble Court, even in the middle of the night.</p> <p>Case details of WP (Cr.) No-3103 of 2014 as available on the website of Bombay High Court is annexed as <u>Annexure: P-1 (page-17)</u>.</p>
28.03.2020	<p>I sent a representation to Respondents No-1 & 2 via e-mail. True Copy of the same is annexed as <u>Annexure: P-2 (page-18 to 21)</u>.</p>
27.06.2020	<p>This PIL e-filed before this Hon'ble Court.</p>

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. 168 OF 2020 (PIL)
(Under Article 32 of the Constitution of India)
PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DR. SUBHASH VIJAYRAN (ADVOCATE)

Aged around 38 years, son of Smt. Rampyari & Sh. Jaipal Singh,
Occupation: Advocate [BCD Enrollment No- D/6633/2019],
R/o- H.No-105, Village Nithari, P.O. Sultanpuri,
New Delhi-110086
E-mail: drsubhashvijayran@gmail.com
Mobiles: 8920086150, 8285711205

...PETITIONER

VERSUS

1. UNION OF INDIA

Through its Secretary, Ministry of Home Affairs,
Govt. of India, Room No. 113, North Block,
New Delhi – 110001
Ph. No. 011-23092989, 011-23093031, FAX: 23093003
E-mail: hshso@nic.in

2. STATE OF MAHARASHTRA

Through its Chief Secretary, Government of Maharashtra,
Mantralaya, 6th Floor, Madame Cama Road, Mumbai – 400032
Phone: 022-22025042 / 22028762; Fax: 022 – 22028594
E-mail: cs@maharashtra.gov.in

3. HIGH COURT OF BOMBAY

Through its Registrar General, Bombay High Court,
Fort Area, Mumbai, Maharashtra 400032

Phone: 022-22617534

E-mail: hcbom.mah@nic.in

... RESPONDENTS

.....

Writ Petition in Public Interest [PIL] under Article 32 read with Article 14 & 21 of the Constitution of India seeking a writ of mandamus or any other appropriate writ or order to:

- **Issue guidelines *vis-à-vis* disposal of clemency/mercy petitions and exhaustion of “legal remedies” by death-row convicts and execution of sentence, in a time bound manner, for cases in which death penalty have been awarded, having regard to the judgments of this Court in *Shatrughan Chauhan v. Union of India* [(2014) 3 SCC 1] and *Shabnam v. Union of India* [(2015) 6 SCC 702].**
- **Direct Union of India and States to dispose, in a time bound manner, the clemency/mercy petitions (filed under Article-72 and/or 161 of the Constitution of India), if any, pending before them and send/ forward their respective recommendations to Union of India/ President of India/ Governor of State, as the case may be, as per the procedure.**
- **Direct Union of India and States to take necessary steps, in a time bound manner, in accordance with law to execute the sentence of death for those death-row convicts who have exhausted all their legal remedies as laid down by this**

Hon'ble Court in *Shabnam v. Union of India* [(2015) 6 SCC 702].

- Direct Union of India and States to issue notices to those death-row convicts who have not exhausted their legal remedies, directing them to exhaust the same, in a time bound manner, and thereafter take necessary steps, in a time bound manner, in accordance with law to execute the sentence of death for those convicts who are still on death-row after exhausting all their legal remedies.
- Direct High Court of Bombay to expediently dispose Writ Petition (Criminal) No. 3103 of 2014, titled “*Renuka @ Rinku @ Ratan Kiran Shinde & Another vs. Union of India & Others.*”
- Alternatively, declare the “*imposition of death penalty*” as unconstitutional on the grounds of “*inability*” of the state to execute the penalty in a fair, just and equitable manner *inter-se* the death-row-convicts, the same being violative of Article-14 of the Constitution of India.

.....

FUNDAMENTAL RIGHT VIOLATED:

ARTICLE-14 & 21 OF THE CONSTITUTION OF INDIA

.....

To

Hon'ble The Chief Justice of India and his Associate Justices of The Supreme Court of India. The Writ Petition of the Petitioner above-named **MOST RESPECTFULLY SHOWETH:**

1. This is a Writ Petition in Public Interest [PIL] under Article 32 read with Article 14 & 21 of the Constitution of India, seeking writs/ orders/ directions/ guidelines *vis-à-vis* disposal of clemency/ mercy petitions, exhaustion of “*legal remedies*” by death-row-convicts, and execution of death sentences, in a fair, equitable, and time bound manner, in light of the judgments of this Court in *Shatrughan Chauhan v. Union of India* [(2014) 3 SCC 1] and *Shabnam v. Union of India* [(2015) 6 SCC 702].

2. **Antecedents of the Petitioner:**

A. I am an Advocate by profession enrolled with Bar Council of Delhi. My details are:

- i. Bar Council of Delhi Enrollment No.: D/6633/2019
- ii. PAN No:
- iii. Aadhar No:
- iv. Voter I.D. Card No:
- v. Driving License No:
- vi. Passport No:
- vii. Annual Income:

B. I am filing this petition under Article 32 of the Constitution of India as Public Interest Litigation [PIL] in the interest of general public and have no personal interest in the same.

C. I am filing this petition on my own and not at the instance of someone else. The litigation costs, including travelling expenses, are being borne by me. As of now, due to lockdown, there are no travelling expenses, as I am able to file it sitting at my home.

D. In the prevailing circumstances of COVID-19 pandemic, I seek exemption from filing duly signed, affirmed and attested/ notarized affidavits. I undertake that upon normal functioning of this court, I shall file the same at the earliest. I have also filed an appropriate application in this regard with this petition.

E. I give my consent for the matter to be taken up through video-conferencing mode. I shall prefer to link to the Hon'ble Bench by video-conferencing through my own desktop/ laptop/ mobile phone. In case of any technical glitch in Video-Conferencing, I consent for teleconferencing by WhatsApp Video call on any of my WhatsApp numbers i.e. 8920086150 or 8285711205.

F. If required, I would inform the concerned authority for SCI VC Facilitation Room, 24 hours prior to scheduled hearing on email id: [video.conference@sci.nic.in], seeking to avail the SCI VC Facility at Rohini District Courts Complex situated in North-West Delhi.

3. **FACTS CONSTITUTING THE CAUSE OF ACTION:**

A. In this petition I am highlighting the arbitrary and whimsical manner in which death penalty is executed in our country.

B. I am particularly focusing on the case of the two child-murderer sisters Renuka and Seema – convicted of kidnapping and murdering, in the *most depraving manner* 5 helpless children – whose death sentences though

confirmed by this Hon'ble Court, the President & the Governor - is stayed since 2014, as the *Bombay High Court* is hearing their post-mercy rejection Writ Petition in the most *lackadaisical* manner, with a *shocking* gap of more than 5 years 7 months between two hearing dates at *pre-admission* stage.

- C. We neither abolish death penalty nor do we execute it fairly and equitably. Even after this Hon'ble Court confirms a death sentence, its execution depends upon the whims and fancies of the government. Firstly, we can't dispense speedy justice – we have miserably failed at that – and secondly, when justice is indeed dispensed by the courts, albeit lately, we don't execute the sentence.
- D. If a case is highlighted in media or there is public pressure or the government is personally interested, we work at supersonic speed to execute the sentence. Mercy petition is rejected within hours, and death warrants are issued for the very next day after the mandatory 14 days gap period. But, if there is no public uproar or the government is not interested, execution never materializes. Mercy petition lie pending for decades, and even after its rejection, neither the government nor the courts bother to execute the sentence.
- E. We have made mockery of the capital punishment and also of its deterrent effect. The selective executions are source of social discontent. The families of hanged convicts are angry with the system. Their discontent –

their kith and kin are selectively executed – while death row convicts convicted of more heinous offences are not executed.

F. Today, in capital punishment cases, it is uncertain whether the punishment would ever be executed. The fate of death-row convicts do not depend not upon the law but on their good luck and whims of the executive. Death penalty was meant to be a punishment for heinous crimes. But, now it is a rogue weapon in the hands of the executive.

G. The recent hanging of Delhi gang-rape-cum-murder convicts has highlighted two glaring systemic deficiencies:

- i. Firstly, their execution was biased. They were selectively executed, despite death row convicts charged with more heinous crimes awaiting execution before them.
- ii. Secondly, the loopholes of our judicial system were exploited to repeatedly postpone hanging at the eleventh hour. For over three months, our judicial system was mocked, when three death warrants have to be suspended in succession, to enable the convicts to exhaust all their “*legal remedies*”.

H. **THE CASE OF CHILD-MURDERER SISTERS:**

- i. During 1990 – 1996, two sisters Renuka and Seema along with their mother Anjana went on rampage kidnapping and murdering 42 children in the most heartless and depraved manner. The prosecution, however, brought charges for kidnapping 13 and murdering 9 children before the trial court. Mother Anjana died during the trial.
- ii. On 28.06.2001, the Additional Sessions Judge, Kolhapur, convicted the two sisters for kidnapping and murder of 6 children and imposed death penalty on them [Sessions Case No-55 & 56 of 1997]. On 08.09.2004, Bombay High Court upheld conviction in 5 cases and confirms death penalty [Criminal Appeal No-718 of 2001]. On 31.08.2006, this Hon'ble Court upheld the order of Bombay High Court and confirmed death penalty [Criminal Appeal No-722 of 2005].
- iii. In 2012, the Governor and, on 14.08.2014, the President, rejected their mercy petitions.
- iv. On, 19.08.2014, the two sisters filed Writ Petition (Criminal) No-3103 of 2014 before Bombay High Court seeking stay of execution citing inordinate delay. On 20.08.2014, the High Court stays execution till the next date, i.e. till 09.09.2014, when it said it would finally hear and dispose the petition. However, from 2014 - till date, the Bombay High Court never had the occasion to

dispose the Writ Petition [LDOH: 21.01.2016; NDOH: 05.08.2021].

- v. In a Writ Petition at pre-admission stage, where the very question before the High Court is “*whether the death sentence of the convict-sisters be commuted to life on grounds of delay in execution*”; the High Court is hearing the matter in the most *lackadaisical manner*, with a shocking gap of more than 5 years 7 months between two hearing dates.
- vi. As if the delay of 7 years by the Governor & President was not enough; the High Court, by its apathy, is *actually ensuring the success of the petition of the convict-sisters* by sending the matter to its *fait accompli*.
- vii. Just because the parents of the 42 deceased children are poor slum dwellers and do not have the means to pursue the case of their brutally murdered children; this is how the Bombay High Court is handling the case.
- viii. In contrast, in the Delhi gang-rape-cum-murder case, only because the parents of the deceased victim have had the means to aggressively pursue their daughter’s case; innumerable hearings were given by the trial court, the Delhi High Court and this Hon'ble Court, even in the middle of the night.

ix. Case details of WP (Cr.) No-3103 of 2014 as available on the website of Bombay High Court is annexed as **Annexure: P-1 (page-17).**

I. On 28.03.2020, I sent a representation to Respondents No-1 & 2, via e-mail. True Copy of the same is annexed as **Annexure: P-2 (page-18 to 21).**

4. **Source of information:**

A. (1) Death Penalty Reports by National Law University, Delhi. (2) Recent events – hanging of the four Delhi gang rape cum murder case convicts, Akshay, Vinay, Pawan & Mukesh. (3) News Paper articles, You Tube videos, on-line news items. (4) Judgments/Orders of this Hon'ble Court and of Bombay High Court.

B. I have personally verified the information by cross-checking the information on the websites of respective courts and also cross-verified by the information from multiple independent sources.

5. **Details of remedies exhausted:** I have sent a representation dated 28.03.2020, via e-mail to Respondent No-1 & 2. The natures of issues in this PIL are such that they would require directions by this court. As such there are no statutory and/or other remedies left to be availed.

6. **Nature and extent of injury caused or likely to be caused to the public:** The execution of death sentences in our country is arbitrary, unfair, and selective and depends upon the whims and fancies of the government. The fate of each death row convict

depends not upon the law but on his own luck and whims and fancies of the government of the day.

7. **Nature and extent of personal interest, if any, of the petitioners:** I have no personal interest except than to uphold the rule of law.
8. **Details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation:** No such litigation, past or present.
9. **Whether issue was raised earlier; if so, what result:**
 - A. I declare that the issues raised in this petition were neither dealt with nor decided by a Court of law either at my instance or, to the best of my knowledge, at the instance of any other person.
 - B. I declare that in no P.I.L., any cost has been ever been awarded to or imposed upon me, and no appreciation or stricture has ever been passed for/against me.
10. **Whether concerned Government Authority was moved for relief(s) sought in the petition and if so, with what result:** I have sent a representation dated 28.03.2020, via e-mail to Respondent No-1 & 2, over the issues raised in this petition. The natures of issues in this petition are such that they would require directions by this court. I declare that I have availed all statutory and other remedies. No reply has been received as of date from the respondents.

11. GROUNDS:

- A. Article- 14 of the Constitution mandates the State to give equal treatment to those who are similarly placed and equitably apply the laws on them. It is arbitrary, unfair, and violative of Article-14 when government selectively executes some specific death-row-convicts, while not bothering to execute the others for decades.
- B. If the courts of law and the government are unable to execute the death penalty in a fair and equitable manner, they should abolish it. But, if they are retaining the penalty, they are constitutionally bound to execute it in a fair and unbiased manner. They can't discriminate *inter-se* the death row convicts, all of whom are similarly placed. Such discrimination would be arbitrary, unfair, and violative of Article-14 of the Constitution.
- C. The mercy/clemency petitions cannot be left pending for decades. The death row-convicts cannot be allowed to exhaust their *legal remedies* as per their convenience and sweet will and use it as a tool to postpone their death warrant. They have to exhaust their legal remedies in a time bound manner so that there is certainty over imposing and execution of death sentence.
- D. It would thus be in the interest of justice if this Hon'ble Court in exercise of its powers under Article-32, read with 137 and 142 of Constitution, would frame guidelines, laying down reasonable time-limits within which the mercy/clemency petitions under Article-72 &

161 should be disposed off or deemed to be disposed off, and time limits within which death-row-convicts should exhaust their “*legal remedies*” having regard to the judgments of this Hon'ble Court delivered in *Shatrughan Chauhan v. Union of India* [(2014) 3 SCC 1] and *Shabnam v. Union of India* [(2015) 6 SCC 702].

12. **Grounds for interim relief:** No interim relief is prayed.

13. **MAIN PRAYER:** On the basis of the above premises, it is most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ or order or direction as follows:

A. Issue guidelines *vis-à-vis* disposal of clemency/mercy petitions and exhaustion of legal remedies by death-row-convicts and execution of sentence, in a time bound manner, for cases in which death penalty have been awarded, having regard to the judgments of this Hon'ble Court delivered in *Shatrughan Chauhan v. Union of India* [(2014) 3 SCC 1] and *Shabnam v. Union of India* [(2015) 6 SCC 702].

B. Direct Union of India and States to dispose, in a time bound manner, the clemency/mercy petitions (filed under Article-72 and/or 161 of the Constitution of India), if any, pending before them and send/ forward their respective recommendations to Union of India/ President of India/ Governor of State, as the case may be, as per the procedure.

- C. Direct Union of India and States to take necessary steps, in a time bound manner, in accordance with law to execute the sentence of death for those death-row convicts who have exhausted all their legal remedies as laid down by this Hon'ble Court in *Shabnam v. Union of India* [(2015) 6 SCC 702].
- D. Direct Union of India and States to issue notices to those death-row convicts who have not exhausted their legal remedies, directing them to exhaust the same, in a time bound manner, and thereafter take necessary steps, in a time bound manner, in accordance with law to execute the sentence of death for those convicts who are still on death-row after exhausting all their legal remedies.
- E. Direct Respondent No-3, High Court of Bombay, to expediently dispose Writ Petition (Criminal) No-3103 of 2014, titled “*Renuka @ Rinku @ Ratan Kiran Shinde & Anr. Vs. Union of India & Ors.*”

ALTERNATIVE PRAYER:

- F. In alternative to above prayers A to E; declare the *imposition of death penalty* as unconstitutional on the grounds of *inability* of the state to execute the penalty in a fair, just and equitable manner *inter-se* the death-row convicts, the same being violative of Article-14 of the Constitution of India.
- G. Pass any other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and

circumstances of the case in the interest of justice and to meet the ends of justice.

14. **Interim relief, if any:** No interim relief is prayed.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE PETITIONER, AS IN DUTY BOUND SHALL EVER PRAY

Place: New Delhi

Drafted on: 27.06.2020

E-filed on: 27.06.2020



DR. SUBHASH VIJAYRAN
(PETITIONER-IN-PERSON)

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION
WRIT PETITION (CRIMINAL) NO. 168 OF 2020 (PIL)

(Under Article 32 of the Constitution of India)

PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DR. SUBHASH VIJAYRAN

... PETITIONER

VERSUS

UNION OF INDIA & OTHERS

... RESPONDENTS

AFFIDAVIT

I, Dr. Subhash Vijayran son of Smt. Rampyari & Sh. Jaipal Singh, aged around 38 years, resident of H.No-105, Village Nithari, P.O. Sultanpuri, New Delhi-110086, do hereby solemnly affirm and declare as under:

1. I am a citizen of India and Petitioner in the above matter and as such I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. I have drafted this Writ Petition [PIL] along with the accompanying I.A.(s) and I have gone through its contents: Synopsis and List of Dates (pages B to D), Main WPC with Prayer (Para-1 to 14, pages 1 to 15), I.A.(s) (page-22 to 25) and I state that the contents of the same are true and correct to the best of my knowledge and belief.
3. There is no personal gain, private motive or oblique reason in filing the Public Interest Litigation.
4. The Annexures annexed with this petition are true and correct copies of the originals.
5. I usually sign in Hindi language, though I am well conversant with English and have myself drafted this application and gone through the same and I am and well conversant its contents and have understood them.



DEPONENT

VERIFICATION: Verified at New Delhi on 27.06.2020 that the contents of the affidavit is true and correct to the best of my knowledge and belief and no part thereof is false and no material has been concealed there from.

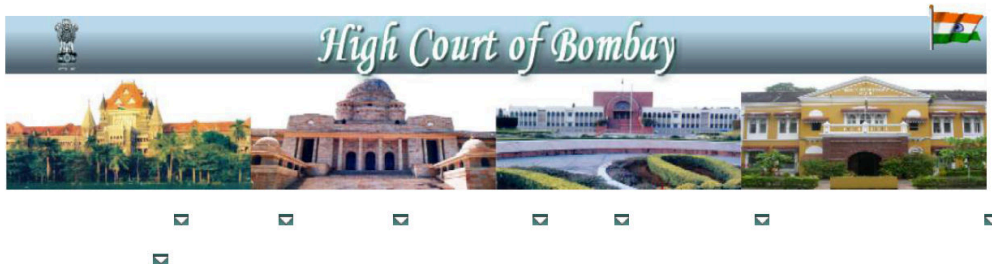


DEPONENT

Annexure: P-1

6/27/2020

Case Query - Details - High Court of Bombay

**Case Details****Bench:-Bombay****Presentation Date:-** 19/08/2014

Stamp No.:-	WPST/3103/2014	Filing Date:-	19/08/2014	Reg. No.:-	WP/3103/2014	Reg. Date:-	19/08/2014
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Petitioner:- RENUKA @ RINKU @ RATAN KIRAN SHINDE **Respondent:-** THE STATE OF MAHARASHTRA -

Petn. Adv.:- VIJAY HIREMATH (I5404) **Resp. Adv.:-** UMA SHAILESH PALSULEDESAI (RESP. NO.)
District:- PUNE**Bench:-** DIVISION**Status:-** Pre-Admission**Category:-** WP-For Direction**Next Date:-** 05/08/2021**Stage:-** FOR HEARING & FINAL DISPOSAL**Coram:-** ACCORDING TO SITTING LIST
ACCORDING TO SITTING LIST**Last Date:-** 21/01/2016**Stage:-** FOR ADMISSION - CIRCULATION
(CRIMINAL SIDE MATTERS)**Last Coram:-** HON'BLE SHRI JUSTICE RANJIT MORE
HON'BLE SHRI JUSTICE S.C. GUPTA**Act :-** Constitution of India**Under Section:-** 226

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Annexure: P-2

To,

1. Sh. Ajay Kumar Bhalla, Secretary to the Ministry of Home Affairs, Government of India, Room No. 113, North Block, New Delhi – 110001. Ph. No. 011-23092989, 011-23093031, FAX: 23093003. E-mail: hshso@nic.in
2. Mr. Sanjay Kumar, Additional Chief Secretary [Home-(A)], Government of Maharashtra, Mantralaya, Madam Cama Road, Hutatma Rajguru Chowk, Nariman Point, Mumbai, Maharashtra 400032. E-mail: acs.home@maharashtra.gov.in

Date: 28.03.2020

SUBJECT: **REPRESENTATION OVER DELAY IN
EXECUTION OF DEATH SENTENCE OF
RENUKA BAI @ RINKU @ RATAN AND SEEMA
@ DEVKI @ DEVL**

Dear Sir/ Madam,

1. The present case is a glaring example which highlights that the sense of justice and fairness of the executive of our country doesn't depends upon the gravity of the offence but on whether the case has received media attention and whether there is public pressure for execution of the sentence.
2. The recent hanging of the four convicts of the Nirbhaya Gang Rape and Murder case is a classic example, which proved that only because of public pressure and only because the media highlighted the case; the executive of our country didn't rested till the convicts were hanged. By saying this, I am not defending the convicts or sympathizing with them. They got what they deserved. What I am saying is that your sense of justice is not fair but is selective and biased.
3. By this representation, I will remind you of a case, wherein the convicts-sisters were sentenced to death by the trial court on 29.06.2001, confirmed by the Bombay High Court on 08.09.2004 [Criminal Appeal No-718 of 2001], and by the Supreme Court on 31.08.2006 [Criminal Appeal No-722 of 2005]. Their mercy petition was rejected by the President of India on 14.08.2014.
4. This was a case where between 1990 and 1996, three women (a mother and her two daughters) allegedly kidnapped and mercilessly murdered a total of around 42 children [Note: The mother died during the trial]. Out of

these 42 children, the prosecution charged them for 13 cases, and out of the 13 cases, kidnapping and murder of 6 children were proved before the trial court. Before the High Court convictions in 5 cases were confirmed, which were then upheld by the Supreme Court. Death Penalty was upheld. Most of the kidnapped and murdered children were around 9 months to 2 years of age. None was above 4 years. The mode in which they were murdered was most brutal, horrifying and deprave. They used to hold the child by legs and smash their heads on an electric pole or a wall or they will hold the child upside down by their legs and drown her in a toilet.

5. The Supreme Court while dismissing their appeals held:

“The appellants have been awarded capital punishment for committing these murders and their sentence was confirmed by the High Court. Going by the details of the case, we find no mitigating circumstances in favour of the appellant, except for the fact that they are women. Further, the nature of the crime and the systematic way in which each child was kidnapped and killed amply demonstrates the depravity of the mind of the appellants. These appellants indulged in criminal activities for a very long period and continued it till they were caught by the police. They very cleverly executed their plans of kidnapping the children and the moment they were no longer useful, they killed them and threw the dead body at some deserted place. The appellants had been a menace to the society and the people in the locality were completely horrified and they could not send their children even to schools. The appellants had not been committing these crimes under any compulsion but they took it very casually and killed all these children, least bothering about their lives or agony of their parents.

We have carefully considered the whole aspects of the case and are also alive to the new trends in the sentencing system in criminology. We do not think that these appellants are likely to be reformed. We confirm the conviction and also the death penalty imposed on them. The stay of execution of the capital punishment imposed on these appellants shall stand vacated and the authorities are directed to take such further steps as are necessary to carry out the execution of capital punishment imposed on these appellants.”

6. I am not against death penalty. But, when you selectively execute people with no sense of fairness *vis-a-vis* other death-row convicts who may have committed similar or even more horrifying crimes, you sow seeds for discontent and resentment in the society. You fail in your duty towards the society. You appear double faced and a hypocrite government, which executes sentences not based on its sense of justice and fairness but on its convenience. A medical student (Nirbhaya) was brutally gang-raped and

murdered. There was a mass public uproar. You worked at Supersonic speed and executed the convicts within a record period of seven years. Here, 42 helpless children of slum dwellers were kidnapped and murdered during 1990-1996 in the most brutal manner, out of which five murders have been proved till the Supreme Court. But in this case, you chose to go in hibernation and don't care to execute the sentence. Why? Because, the murdered children were of poor people? The public don't care for the children of slum dwellers, and obviously you, the government, won't care either. This is your sense of justice and fairness. I implore you to kindly act in a fair manner and give equal treatment to all. Don't be selective.

7. **PRAYER:** On the basis of the above premises, I pray and call upon you, the executive of my country, to:
 - a. Direct the Prison Department of The State of Maharashtra, where these two convicts Renuka Bai @ Rinku @ Ratan and Seema @ Devki @ Devli are lodged, to move an application before the concerned Session Court, seeking issuance of Death Warrant against the two convicts-sisters and execute the Death Sentence as soon as possible.
 - b. Further, I also request you to urgently seek from the all the State Governments, the list of death-row convicts across the country, who have exhausted all their legal remedies, and direct the Prison Authorities to apply for issuance of their Death Warrants from the respective Sessions Courts. Further, for those death-row convicts, who have not exhausted all their legal remedies, they be given a particular time frame within which to exhaust all their legal remedies, and thereafter execute them in a time bound manner in cases where they do not succeed in their remedies.
8. In case no action is taken by your worthy office within a reasonable time, I reserve my right to approach the Hon'ble Supreme Court or High Court under Article- 32 or 226, as the case may be, of The Constitution of India for appropriate directions and guidelines in the matter.

Thanking you,
Yours Sincerely,



Dr. Subhash Vijayran (Advocate),
R/o- H.No-105, Village Nithari,
P.O. Sultanpuri, New Delhi-110086
E-mail: drsubhashvijayran@gmail.com
Mobiles: 8920086150, 8285711205



Dr. Subhash Vijayran <drsubhashvijayran@gmail.com>

**REPRESENTATION OVER DELAY IN EXECUTION OF DEATH
SENTENCE OF RENUKA BAI @ RINKU @ RATAN AND SEEMA @
DEVKI @ DEVI**

1 message

Dr. Subhash Vijayran <drsubhashvijayran@gmail.com>
To: hshso@nic.in, acs.home@maharashtra.gov.in

Sat, Mar 28, 2020 at 12:01 AM

To,

1. Sh. Ajay Kumar Bhalla, Secretary to the Ministry of Home Affairs,
Government of India, Room No. 113, North Block, New Delhi – 110001
Ph. No. 011-23092989, 011-23093031, FAX: 23093003
E-mail:

2. Mr. Sanjay Kumar, Additional Chief Secretary [Home-(A)],
Government of Maharashtra, Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk, Nariman Point, Mumbai, Maharashtra 400032
E-mail: acs.home@maharashtra.gov.in

Date: 28.03.2020

Dear Sir/ Madam,

Please find attached a soft copy of a four-page representation over
the subject cited above.

Thanking You,
Yours Sincerely,

DR. SUBHASH VIJAYRAN (Advocate)
R/o. H.No-105, Village Nithari,
P.O. Sultanpuri, New Delhi-110086
E-mail: drsubhashvijayran@gmail.com
Mobile: 8920086150, 8285711205

Representation on Death Sentence.pdf
131K

Dr. Subhash Vijayran

// TRUE COPY //

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION

I.A. NO. 58086 OF 2020

(Application for permission to appear and argue
the matter in-person)

IN

WRIT PETITION (CRIMINAL) NO. 168 OF 2020 (PIL)

(Under Article 32 of the Constitution of India)

PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DR. SUBHASH VIJAYRAN

... PETITIONER

VERSUS

UNION OF INDIA & OTHERS

... RESPONDENTS

APPLICATION FOR PERMISSION TO APPEAR AND
ARGUE THE MATTER IN-PERSON

To

Hon'ble The Chief Justice of India and his Associate Justices of
The Supreme Court of India.

The Writ Petition of the Petitioner above-named MOST
RESPECTFULLY SHOWETH:

1. This is a Writ Petition in Public Interest [PIL] under Article 32
read with Article 14 & 21 of the Constitution of India, seeking

writs/ orders/ directions/ guidelines *vis-à-vis* disposal of clemency/ mercy petitions, exhaustion of “*legal remedies*” by death-row-convicts, and execution of death sentences, in a fair, equitable, and time bound manner, in light of the judgments of this Court in *Shatrughan Chauhan v. Union of India* [(2014) 3 SCC 1] and *Shabnam v. Union of India* [(2015) 6 SCC 702].

2. Since I am an Advocate by profession, I am in a position to assist this Hon'ble Court. I have myself drafted this petition and am well versed with the facts and relevant law of the case. I, thus, do not require aid of an advocate to represent me.
3. **PRAYER:** On the basis of the above premises, it is most humbly and respectfully prayed that this Hon'ble Court may be pleased to:

A. Grant permission to the Petitioner to appear and argue the matter in person.

B. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice and to meet the ends of justice.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE PETITIONER, AS IN DUTY BOUND SHALL EVER PRAY

Place: New Delhi

Drafted on: 27.06.2020

E-filed on: 27.06.2020



DR. SUBHASH VIJAYRAN
(PETITIONER-IN-PERSON)

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION

I.A. NO. 58087 OF 2020

(Application for exemption from filing duly signed and attested/
notarized Affidavit)

IN

WRIT PETITION (CRIMINAL) NO. _____ OF 2020 (PIL)

(Under Article 32 of the Constitution of India)

PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DR. SUBHASH VIJAYRAN

... PETITIONER

VERSUS

UNION OF INDIA & OTHERS

... RESPONDENTS

APPLICATION FOR EXEMPTION FROM FILING DULY
SIGNED AND ATTESTED/ NOTARIZED AFFIDAVIT

To

Hon'ble The Chief Justice of India and his Associate Justices of
The Supreme Court of India.

The Writ Petition of the Petitioner above-named MOST
RESPECTFULLY SHOWETH:

1. This is a Writ Petition in Public Interest [PIL] under Article 32 read with Article 14 & 21 of the Constitution of India, seeking writs/ orders/ directions/ guidelines *vis-à-vis* disposal of

clemency/ mercy petitions, exhaustion of “*legal remedies*” by death-row-convicts, and execution of death sentences, in a fair, equitable, and time bound manner, in light of the judgments of this Court in *Shatrughan Chauhan v. Union of India* [(2014) 3 SCC 1] and *Shabnam v. Union of India* [(2015) 6 SCC 702].

2. Owing to COVID-19 lockdown, this court is functioning limitedly via virtual mode. It is, thus, not possible to file duly signed and attested/ notarized Affidavit(s). I have however digitally signed this petition to authenticate the filing. I undertake to file duly signed and attested/ notarized Affidavit as soon as the court starts functioning normally.
3. **PRAYER:** On the basis of the above premises, it is most humbly and respectfully prayed that this Hon'ble Court may most kindly be pleased to:

A. Grant exemption from filing duly signed and attested/ notarized Affidavit(s).

B. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice and to meet the ends of justice.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE PETITIONER, AS IN DUTY BOUND SHALL EVER PRAY

Place: New Delhi

Drafted on: 27.06.2020

E-filed on: 27.06.2020



DR. SUBHASH VIJAYRAN
(PETITIONER-IN-PERSON)