

# Death Row: An In-Depth Examination of Life in a Death Cell and the Legitimacy of Capital Punishment

**Md. Imran Wahab**

IPS, Inspector General of Police, West Bengal

## **Abstract:**

The concept of "death row" in prisons highlights the intricate interplay of legal and ethical dilemmas related to capital punishment. These specialized cells, located in the secure areas of correctional facilities, are designed to oversee inmates sentenced to death through strict regulations and confinement. In 2023, India saw a notable increase in its death row population, partly due to new and pending death sentences. While awaiting execution, these prisoners often face prolonged isolation, resulting in serious psychological effects like depression and anxiety. Critics contend that such conditions constitute cruel and inhumane treatment, violating human rights. There have been many cases around the world where individuals who were executed were later exonerated. Ongoing debates about the effectiveness and moral implications of the death penalty have intensified calls for reform and its elimination, making death row a contentious aspect of modern correctional systems. International organizations are advocating for humane treatment and underscoring the need for judicial reforms and a re-evaluation of death row practices.

**Keywords:** Death Row, Isolation, Surveillance, Capital Punishment, Mental Health, Human Rights, Execution, Legal Framework, Psychological Impact, Reform.

## **1. Introduction:**

"Death row" denotes a section of the prison designated for inmates sentenced to death for serious offences. These prisoners have been convicted and are in the process of awaiting their scheduled executions or the outcomes of any appeals or commutation requests. The duration of time that individuals spend on death row can fluctuate greatly based on the appeal process, legal evaluations, or alterations in the law.

The phrase "death row" shows that we face serious moral and legal issues in a system that focuses on punishing criminals. The meaning of this term is so clear that trying to make it sound fancy, like using artistic punctuation, would be pointless. What does it mean to be close to death? The cells on death row are built with strict standards and have very strong security to make sure everything that happens inside is closely watched. The cramped conditions highlight the complex problems related to the death penalty. This situation calls for a careful review of the morality and legality of capital punishment, leading to important discussions about its place in today's world.

According to NCRB data on prisons, the number of death row inmates in India hit a 19-year high of 561 inmates in 2023, up from the previous top of 563 in 2004. According to Project 39 at Delhi's National Law University's annual report on the death penalty in India, this increase in 2023 over the previous years is

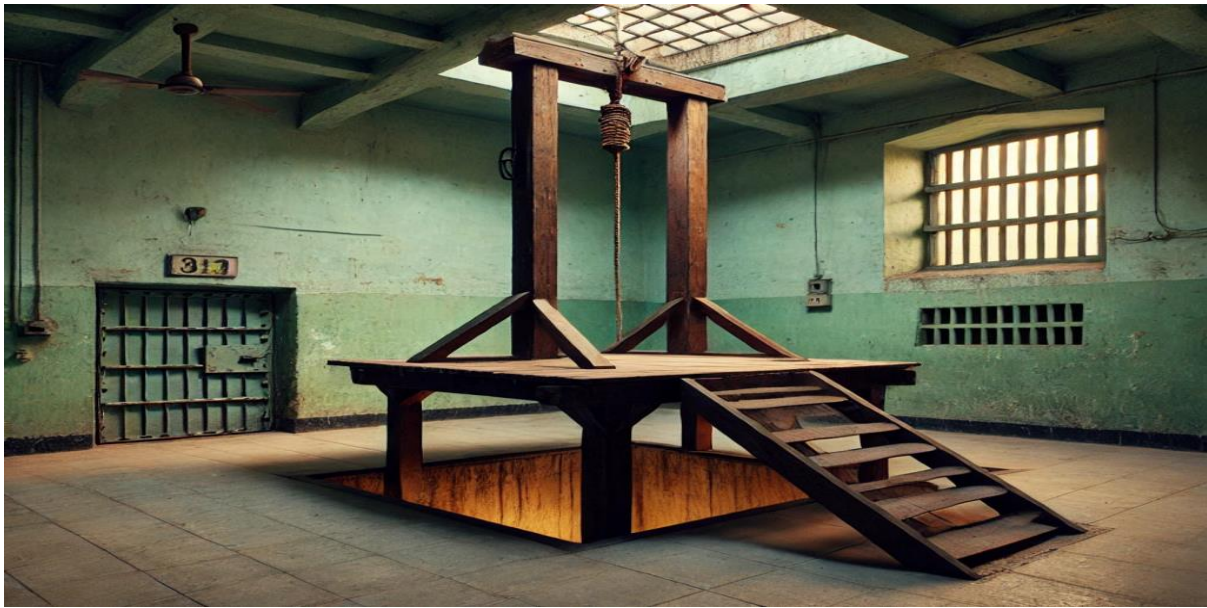
due to trial courts imposing 120 new death sentences in 2023 in addition to pending penalties from prior years.



Most Indian prisoners who initially received death sentences had those sentences reduced to life imprisonment during lengthy court proceedings that can extend for several years. This distinct prison system, characterized by heightened security and stringent limitations, typically comes into play immediately upon conviction, even before the death sentence is formally upheld.

## 2. Notable Cases of Individuals Who Were Executed but Later Exonerated:

- Timothy Evans (United Kingdom, 1950): In 1950, Timothy Evans was wrongfully executed for the murders of his wife and daughter. It was later discovered that John Christie, a notorious serial killer residing in the same building as Evans, was actually responsible. Christie's confessions about other murders ultimately confirmed Evans's innocence. In 1966, Evans was posthumously pardoned, and this case significantly contributed to the eventual abolition of the death penalty in the UK.
- Carlos DeLuna (United States, 1989): Carlos DeLuna was executed in Texas in 1989 for the murder of gas station attendant Wanda Lopez. Despite his insistence on being innocent, DeLuna was convicted based on questionable evidence. Investigative reports released years after his execution indicated that another man, Carlos Hernandez, was likely the true perpetrator. This case highlighted major shortcomings in the U.S. justice system, particularly in relation to the handling of capital punishment cases, and raised doubts about DeLuna's guilt.
- Cameron Todd Willingham (United States, 2004): In 2004, Cameron Todd Willingham was executed in Texas for supposedly setting a fire that led to the deaths of his three daughters. However, a report published in 2009 discredited the forensic evidence that convicted him, suggesting that the fire might have been accidental. This case remains highly controversial, often referenced as a glaring instance of wrongful execution, and underscores serious concerns about the use of unreliable forensic techniques in capital cases.



Although posthumous evidence of innocence has not officially cleared any executed person in India, a few of cases raise grave concerns about possible unjust convictions. Legal authorities criticized Dhananjay Chatterjee's execution in 2004 for the 1990 murder of a 14-year-old due to insufficient evidence. Surja Ram was convicted mostly on the basis of dubious witness testimony and was put to death in 1997 for committing four murders in Rajasthan. Similar accusations of torture plagued the trials of Rattan and Kuljit Singh, who were put to death in 1985 during political upheaval in Punjab. Despite the lack of formal postmortem reviews, these cases highlight serious problems in the legal system.

These incidents demonstrate the urgent need for the death penalty to be applied sparingly and only in the "rarest of rare" situations where the evidence is beyond dispute. Improved forensic standards are desperately needed, with a focus on using scientifically proven techniques rather than relying on shaky circumstantial or eyewitness testimony. Furthermore, as is done in certain nations, enacting laws allowing for postmortem reviews and exonerations may aid in the correction of erroneous convictions. When taken as a whole, these incidents have raised awareness of the dangers of the death sentence and the necessity of legislative changes to lessen the possibility of unfair executions.

Presently, the Indian judicial system lacks any procedures to assess and absolve individuals posthumously, even when substantial new evidence of innocence emerges. This limitation means there is no legal avenue available to officially vindicate a person's name, even in cases where serious doubts arise following an execution. Presently, the Indian judicial system lacks any procedures to assess and absolve individuals posthumously, even when substantial new evidence of innocence emerges. This limitation means there is no legal avenue available to officially vindicate a person's name, even in cases where serious doubts arise following an execution.

### **3. Location and Security:**

Due to important safety considerations for both inmates and staff, death row cells are situated apart from the general prison population in high-security areas. To deter escapes, self-harm, and violence, rigorous security measures are enforced, including constant surveillance, regular inspections, and restricted access. These facilities are specifically designed to minimize interactions among inmates, as such engagements can lead to violent confrontations or organized escape attempts. The overall priority of these arrangements is to ensure a secure environment for all involved while reducing any potential risks associated with inmate



interactions.

Legally, death row inmates must be under constant surveillance and are subject to searches twice a day. However, the Supreme Court prohibits their placement in solitary confinement except as a 14-day disciplinary measure. Inmates are expected to eat and interact with one another. Despite these regulations, prolonged isolation remains common, with reports from Project 39A indicating that some inmates have been held in solitary confinement for as long as ten years.

Inmates awaiting execution are isolated, with any potential self-harm items confiscated upon the issuance of the execution warrant. Strict prohibitions are in place against communication among inmates facing simultaneous executions. Access to religious services and mental health support is limited prior to the execution. These precautions are designed to uphold safety and order during the final execution procedures, while also addressing the psychological and spiritual needs of the inmates as appropriate. The primary objective is to establish a safe and secure environment throughout this crucial phase of the process, prioritizing the safety and well-being of everyone participating.

#### 4. Conditions:

Inmates on death row endure severe restrictions, with only one hour allocated for exercise in a limited area. For more than 22 hours daily, they are confined to their small, inadequately furnished cells. Their meals and personal belongings are tightly controlled, with tight limitations on essential items like radios, televisions, and books. Generally, these cells are equipped with just a bed, a toilet, and sometimes a small desk, emphasizing their bleak living conditions. The scarcity of resources and meagre furnishings further highlight the stringent limitations faced by these individuals, adding to the difficulties of their existence in prison.

#### 5. Isolation:



One of the most prominent features of death row is the extreme isolation experienced by inmates. Often placed in solitary confinement as a security measure, this situation can lead to severe psychological effects.

They typically have very limited social interaction and minimal contact with other inmates. Prolonged periods of isolation have been associated with various mental health issues, including anxiety, depression, and hallucinations. This is especially true for individuals on death row, where the absence of social engagement and stimulating experiences can intensify feelings of hopelessness and despair.

While opinions on the death penalty may vary, it is unquestionable that a warden has the responsibility to safeguard a prisoner's well-being until their execution. Shouldn't every inmate have the opportunity to prove their innocence prior to facing death, particularly given that numerous individuals have been exonerated after spending time on death row? Shouldn't they also be allowed to seek spiritual guidance, make amends for their wrongdoings, or spend precious moments with family in their final hours?

Solitary confinement is a harsh and inhumane practice that hinders inmates from participating in the actions society expects of them before their time expires. Even when awaiting execution, prisoners retain their humanity and should be treated with dignity. Rather than enduring the torturous isolation that solitary confinement entails, they deserve the opportunity to confront their fate. The prolonged suffering associated with isolation is an unjust punishment that undermines the principles of compassion and humanity in the justice system.

#### **6. Legal and Human Rights Issues:**

Advocates for the rights of prisoners argue that the harsh conditions often constitute cruel and unusual punishment, breaching both national and international regulations. The conditions and treatment of inmates on death row have sparked significant legal and human rights debates. Frequently discussed legal concerns include the duration inmates spend on death row, the quality of their legal representation, and the appeals process. Additionally, the prolonged uncertainty regarding their future exacerbates the psychological strain experienced by these individuals - some having remained on death row for decades.

#### **7. Execution Preparation:**

Several protocols are enacted to prepare inmates for their execution in the death chamber, where they spend their final hours. They may receive visits from spiritual leaders and counsellors to aid in their mental and spiritual readiness, and they are often permitted a final meal chosen within certain guidelines. While family visits are occasionally allowed, they are usually strictly controlled and emotional, offering a poignant farewell before the final act.

#### **8. Emotional and Psychological Impact:**

Life on death row has a profound negative effect on the mental and psychological well-being of inmates. The brutal experience of confinement and solitude, compounded by the ever-present threat of execution, often leads to significant mental health issues. The dreadful unpredictability of the appeals process, along with its frequent delays, fosters an environment of chronic stress, anxiety, and depression. As a result of these unique pressures, death row inmates experience far worse mental health outcomes compared to the general prison population, plunging them into a state of perpetual anxiety and underlining the grim ramifications of their situation.

Niranaram Chatanram Chaudhary of Jalabsar village in Bikaner district of Rajasthan, a death row inmate who was ultimately exonerated, shared that he sometimes feels out of place even in his own home. "I'm always worried about running into people in public," he remarked, highlighting the challenges he faces in social interactions. The prolonged isolation of living on death row has left him feeling socially awkward

after years spent in prison and other confined environments. "I need to be careful and start relearning how to live without restrictions," he added. He admitted to struggling with communication, particularly with women, stating, "I'm unsure of how to act or talk to them." He pondered, "How can I ask someone to guide me on how to approach women?" and expressed uncertainty with every conversation he has. During his lengthy imprisonment of 28 years, 6 months, and 23 days - amounting to 10,431 days - he occupied himself by reading, taking tests, and pacing in his 12-by-10-foot maximum-security cell. His activities were a means to prove that he had been convicted and sentenced before reaching the age of 18. Throughout this time, he sought to illustrate the circumstances surrounding his trial and the implications of being a minor during his sentencing.

### **9. Controversies and Reforms:**

The concept of detaining inmates in death row facilities has ignited heated debates and calls for reform. Opponents contend that the circumstances faced by those on death row merely emphasize the inherent brutality of capital punishment. The occurrence of individuals being exonerated after prolonged stays on death row due to wrongful convictions highlights the shortcomings of the legal system and bolsters the case against the death penalty.

In some regions, these controversies have led to changes, including improved living conditions for death row inmates, adjustments to the judicial process to minimize delays, and, in some cases, the complete abolition of capital punishment.

### **10. Famous Cases and Public Perception:**

The concerning circumstances surrounding death row have garnered considerable attention from the public, particularly through high-profile cases that have captured the media's focus. These media portrayals not only emphasize the profound emotional turmoil experienced by inmates but also shed light on the hardships faced by their families, significantly impacting how society perceives the issue. A diverse range of literature, articles, films, and various other forms of media play a crucial role in shaping public opinion and motivating deeper investigation into the complexities of capital punishment.

As public sentiment heavily sways political discussions regarding the death penalty, this heightened awareness contributes to meaningful advancements in legislation and improvements in policies associated with capital punishment. By initiating conversations and raising questions, these dynamics foster a greater understanding of the ethical implications and practical consequences of such practices, ultimately driving the pursuit of reforms.

### **11. Literature Review:**

A literature review on "death row" in correctional institutions examines various aspects related to prisoners awaiting execution, including conditions, legal frameworks, psychological effects and ethical implications. This topic can be approached from various perspectives such as human rights, penology and criminal justice reform. Below is a consolidated overview of the main topics related to cell death found in the academic and policy literature.

Death cell, commonly referred to as "death row", are designated places where prisoners sentenced to death await execution. These cells are generally characterized by prolonged isolation, restricted movement, and minimal interaction with other inmates or the outside world. The design and atmosphere of these spaces are deliberately austere, aimed at exercising control over the prisoners during their legal limbo. Such forms

of imprisonment can be found in various countries that maintain the death penalty, including the United States, India, and China.

Research shows that death row cells are not just a place of confinement; they also function as control mechanisms within the penal system. They embody the ultimate authority of the state over life and death, and their design reinforces a sense of inevitability and punishment (Radelet & Borg, 2000). The structure and conditions of death row also influence wider prison policy and practice, illustrating the link between punishment and social order (Johnson, 2019).

The physical environment of death row cells varies by jurisdiction, but common characteristics include small, windowless spaces that typically contain minimal amenities such as a metal bed and toilet. A notable aspect of these facilities is the limited access to natural light and fresh air. Studies suggest that these harsh conditions are intentionally severe as a means of thwarting escape and minimizing operational risks, but often exacerbate the psychological stress experienced by prisoners (Haney, 2003).

For example, in the United States, death row is often located in maximum security units where inmates are segregated 22 to 24 hours a day. The extreme segregation and lack of sensory stimulation raised concerns about the mental and physical well-being of death row inmates (Hood & Hoyle, 2015). Academics argue that brutal living conditions on death row constitute a form of psychological torture, especially for those held in such conditions for extended periods of time (Sunstein & Vermeule, 2005).

The psychological impacts of long-term confinement on death row have been extensively studied. Research indicates that due to the persistent uncertainty about their futures, inmates on death row often experience elevated levels of anxiety, despair, and post-traumatic stress disorder (PTSD). The drudgery and isolation inherent in death row living foster feelings of desperation and helplessness (Haney, 2016).

Haney (2003) discusses the "death row phenomenon," highlighting how the interplay of isolation, prolonged imprisonment, and the ongoing threat of execution leads to significant mental health challenges. Given that prolonged imprisonment on death row is considered cruel and degrading, the European Court of Human Rights recognized this concern in 1989 and determined in *Soering v. United Kingdom* that it contravenes the European Convention on Human Rights.

In 1989, the European Court of Human Rights recognized this issue, ruling in *Soering v. United Kingdom* that prolonged imprisonment on death row constitutes a violation of the European Convention on Human Rights, as it is considered cruel and degrading treatment.

In addition, prisoners often suffer from what is called "cell of death syndrome", a psychological condition characterized by significant mental deterioration due to extreme stress associated with the expectation of death for an extended period of time. In some cases, prisoners are considered unfit for execution due to the psychological impact of conditions on death row (Radelet, 1989).

In its landmark decision of *Soering v. United Kingdom* in 1989, the European Court of Human Rights addressed the contentious issue of capital punishment. The court emphasized that the conditions associated with the death penalty are inhumane and cannot be justified, labelling them as cruel and intolerable. Consequently, such practices violate the principles enshrined in the European Convention on Human Rights.

In the United States, which has the highest number of death row inmates, numerous lawsuits have been filed regarding prison conditions. In the notable case of *Ruiz v. Johnson* (1999), the court determined that the conditions on Texas' death row violated the Eighth Amendment of the US Constitution, constituting cruel and unusual punishment. Legal advocates contend that the death penalty system raises serious constitutional issues due to the prolonged isolation, severe living conditions, and psychological torment



experienced by inmates (Blume & Eisenberg, 2014).

On the other hand, some countries have either done away with or restricted the use of death row cells. In India, for instance, individuals awaiting execution are often housed among the general prison population, although their sentences may still lead to social isolation (Chowdhury, 2014). Due to the existence of an inequitable legal system, human rights advocates persist in urging the abolition of the death penalty.

International human rights organizations have recognized death row as a significant concern and are calling for the elimination of capital punishment. In their ongoing fight against the death penalty, entities like Amnesty International and the UN Human Rights Committee have highlighted the severe conditions often found in these facilities.

Conditions on death row often violate international human rights standards, including those specified in the International Covenant on Civil and Political Rights (ICCPR), which prohibits cruel, inhuman, or degrading treatment, as noted by Amnesty International (2021). The organization has seen a number of cases where individuals have spent extended periods of time on death row and endured conditions that can be described as psychological torture.

Furthermore, the lengthy periods between sentencing and execution in many countries, often prolonged by legal appeals, result in individuals remaining in death row cells for years or even decades. Given the substantial psychological and emotional effects that these delays inflict on inmates, numerous advocates are calling for reforms to the death penalty or even its complete elimination (Hood, 2016).

Given the increasing evidence about the harmful impacts of conditions on death row, many researchers and policymakers have called for changes in penal practices. Alternatives to prolonged confinement on death row include integrating individuals awaiting execution into the general prison population with appropriate security measures or reducing the duration of isolation (Bessler, 2017).

Certain jurisdictions have started to implement reforms aimed at mitigating the severity of conditions in death row cells. For example, Japan and India are currently considering adjustments to their death penalty systems to address the human rights issues associated with prolonged stays on death row. However, significant challenges persist in reconciling security considerations with human rights protections for individuals on death row (Sato, 2014).

Studies on the conditions of death row in prisons show an intricate connection between legal structures, psychological impacts, and human rights concerns. While death cells are used to manage inmates awaiting execution, they give rise to significant ethical questions about how prisoners are treated and the broader justice system. There is increasing support for reforming correctional practices and eliminating the death penalty, as research reveals the detrimental impacts of prolonged imprisonment on death row.

## 12. Indian Court Judgments:

- In the pivotal case of *State of Punjab v. Bachan Singh* (1980), the Supreme Court established the "rarest of the rare" doctrine regarding the imposition of the death penalty, stressing that it should be viewed as an exception rather than the norm, with life imprisonment being the standard punishment. This ruling had a considerable impact on how the death penalty is enforced and how death row inmates are treated.
- In the ruling of *Shatrughan Chauhan v. Union of India* (2014), the Supreme Court of India determined that a prolonged delay in carrying out a death sentence could warrant its conversion to life imprisonment. The Court acknowledged that the psychological distress endured by death row inmates due to extended delays violates Article 21, which protects the right to life and dignity.



- In *Triveniben v. State of Gujarat* (1988), the Supreme Court of India evaluated the implications of delays in enforcement and underscored that these delays should be treated as a significant factor. Furthermore, the Court stressed the necessity of humane treatment for death row prisoners.
- In the case of *Sunil Batra v. Delhi Administration* (1978), the Supreme Court of India ruled that death row inmates possess the same fundamental rights as other offenders, subject to limitations resulting from the nature of their sentences. This landmark ruling brought to light various issues regarding the treatment of death row inmates, notably concerning practices such as solitary confinement and torture.
- In *Javed Ahmed Abdul Hamid Pawala v. State of Maharashtra* (2017), the Bombay High Court examined the psychological consequences of prolonged incarceration while awaiting execution and consequently commuted the convict's death sentence to life imprisonment.

### 13. International Court Judgments:

- In the 1989 decision of *Soering v. the United Kingdom*, the European Court of Human Rights concluded that extraditing an individual to a nation where they could experience the "death row phenomenon" - defined by prolonged and severe confinement while awaiting execution - would constitute a breach of Article 3 of the ECHR Convention, which forbids torture and inhumane treatment.
- In the 1972 case of *Furman v. Georgia*, the US Supreme Court ruled that the imposition of the death penalty was unconstitutional under the Eighth and Fourteenth Amendments due to its characterization as cruel and unusual punishment. This decision prompted substantial reforms in capital punishment procedures and resulted in a temporary suspension of executions nationwide.
- In the case of *Giles v. California* (2008), the US Supreme Court examined the procedural aspects of the death penalty and determined that the right to cross-examine witnesses is crucial in trial courts. The Court noted that hearsay evidence is usually inadmissible unless the defendant has waived that right due to their own misconduct. Additionally, the significance of due process was emphasized in the 1993 case of *Catholic Commission for Justice and Peace in Zimbabwe v. Attorney General*, which focused on the legal principles related to the rights and procedures essential for justice.
- Prolonged imprisonment on death row is considered cruel and humiliating treatment, according to a ruling by Zimbabwe's Supreme Court. This ruling resulted from a case where prisoners were subjected to years of cruel treatment while they awaited death; the court found this to be unlawful.
- The American Court of Human Rights made a significant decision in the case of *Trinidad and Tobago v. Hilaire, Constantine, and Benjamin et al.* (2002). The court ruled that the compulsory imposition of the death penalty infringes on human rights as it fails to consider the individual circumstances of each situation. Additionally, it denounced the unequal treatment and harsh conditions endured by inmates on row.

### 14. Conclusion:

The death row facility represents an extreme form of punishment that isolates inmates and imposes strict limitations on their daily existence, resulting in significant psychological distress. This harsh reality creates a complex situation filled with legal complexities and pressing human rights concerns. Ongoing debates and advocacy for reform emphasize the urgent need to scrutinize the death penalty and the conditions for those condemned. For example, inmates often spend years, or even decades, in solitary confinement, leading to severe mental health issues such as anxiety, depression, and suicidal tendencies.

By examining the stark truths of life on death row, society can better address the ethical, legal, and humanitarian implications of capital punishment, prompting critical discussions about its validity in today's justice system.

**References:**

1. Bessler, J. D. (2017). *The death penalty's fatal flaw: The fates of death row prisoners*. University of Minnesota Press.
2. Blume, J. H., & Eisenberg, T. (Eds.). (2014). *A capital punishment anthology*. Foundation Press.
3. Chowdhury, S. R. (2014). *The death penalty in India: Cases and controversies*. Oxford University Press.
4. Haney, C. (2003). The psychological impact of incarceration: Implications for post-prison adjustment. In J. Travis & M. Waul (Eds.), *Prisoners once removed: The impact of incarceration and reentry on children, families, and communities* (pp. 33-66). Urban Institute Press.
5. Haney, C. (2016). Death row syndrome and the psychological consequences of impending execution. *Psychology, Public Policy, and Law*, 12(3), 133-157.
6. Hood, R., & Hoyle, C. (2015). *The death penalty: A worldwide perspective*. Oxford University Press.
7. Johnson, R. (2019). *Condemned to die: Life under sentence of death*. Waveland Press.
8. Radelet, M. L. (1989). *Facing the death penalty: Essays on a cruel and unusual punishment*. Temple University Press.
9. Sunstein, C. R., & Vermeule, A. (2005). Is capital punishment morally required? Acts, omissions, and life-life tradeoffs. *Stanford Law Review*, 58(3), 703-750.
10. BBC News. (2023, April 13). Rajasthan: A mistake led to an Indian teenager being sentenced to death row for 25 years.