



BISMUN 2026



**INDIAN SPECIAL
COMMISSION ON
CAPITAL PUNISHMENT**



STUDY GUIDE

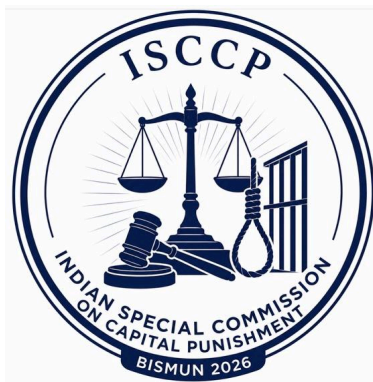


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LETTER FROM THE DIRECTORS

Dear Delegates,

It is our pleasure to welcome you to the Indian Special Commission on Capital Punishment (ISCCP) at BISMUN 2026, the first ever interschool conference held by the Bombay International School. Capital punishment remains one of the most controversial aspects of the Indian legal system, raising questions that extend far beyond the courtroom. For the purpose of this conference, delegates will represent a diverse range of legal, political, and social figures, each bringing their own perspectives to one of the most consequential debates in modern criminal justice.

Throughout the course of this committee, we will be examining the application of the death penalty in India through the re-evaluation of several high-profile cases. Rather than discussing capital punishment purely in theory, delegates will be tasked with analysing real-world situations, from the perspectives of those who were directly involved in their outcomes. As the committee progresses, discussions will move beyond individual cases and towards larger questions regarding the future of capital punishment in India.

This committee has been designed to challenge delegates not only to defend their own positions, but also to question them. The cases that will be discussed have been selected to explore different dimensions of capital punishment, including national security, terrorism, and equality under the law.

In a simulation like Model United Nations, it is easy to become detached from the issues being debated. Yet in this committee, perhaps more than any other, every argument, every vote, every decision represents consequences that extend far beyond paper and procedure. We encourage delegates to remember that behind every case are real human stakes, real victims, and real lives.

A bit about us: our names are Hriday Rajani and Tarini Misra, and we are recent graduates of the Bombay International School. We have both been involved in Model United Nations for over 5 years, having participated in, founded, hosted, and directed a wide range of conferences. It is our privilege to serve as the directors of this committee. We are incredibly excited to see the discussions, disagreements, and solutions that emerge over the course of the conference, and we hope to make this committee both intellectually challenging and thoroughly enjoyable for all delegates.

Whether you are a MUN veteran or a first-time delegate, we hope you walk away having gained the inspiration to turn your ideas into action, the courage to stand by your convictions, and the humility to recognise that there is always more to learn, more to understand, and more to become.

We look forward to being a part of your experience at BISMUN. If you have any questions or concerns regarding the committee, rules of procedure, research, or anything else, please do not hesitate to reach out to us at hridayrrajani@gmail.com and tarinimisra21@gmail.com

Until July,

Hriday Rajani and Tarini Misra

Directors

Indian Special Commission on Capital Punishment

LETTER FROM THE ASSISTANT DIRECTORS

Dear Delegates,

From being delegates ourselves, stepping up to deliver our first speeches, writing our first draft resolutions, making our first policy mistakes, and now serving as your Assistant Directors, Model United Nations has taken us on an incredible journey, and we are sure it will do the same for each of you.

It may seem tough at first. There may be moments where things do not go according to plan, or times when you feel you could have done better. But trust us, by the end of the first day, you will find yourself already thinking about the next session. The only thing on your mind will be writing speeches, refining ideas, and collaborating with allies. The passion and energy in this room will inspire you in ways you do not expect.

Creativity has always been a cornerstone of our approach to Model UN, and we encourage each of you to think outside the box as you work on resolutions and engage in debate. Innovative ideas often lead to breakthroughs that can transform discussions and create lasting impact. As we embark on our journey as your Assistant Directors for BISMUN 2026, we are filled with both excitement and determination. We are proud to be part of this experience and to support each of you on your individual journeys.

We truly look forward to seeing each one of you participate actively in committee, contributing your unique perspectives and making meaningful connections. We hope to create an environment where both chairs and delegates can thrive, learn, and grow together.

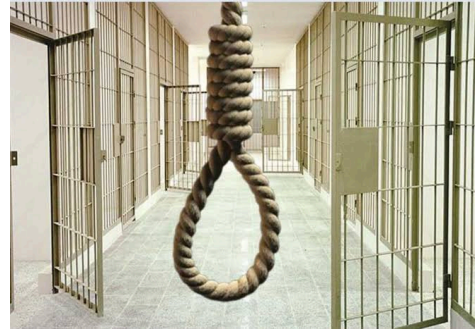
So prepare yourselves for a memorable experience filled with intellectual challenges, friendships, and the thrill of diplomacy. Let's make this conference a remarkable chapter in our collective Model UN journeys.

With great anticipation,

Div Kothari (div.2479@bis.edu.in) and Samaira Chanda (samaira.3332@bis.edu.in),
Assistant Directors,
Indian Special Commission on Capital Punishment

COMMITTEE OVERVIEW

The Indian Special Commission on Capital Punishment (ISCCP) is a special committee designed to review the implementation of capital punishment in the Indian legal system. Unlike a traditional court, the commission brings together legal, political, and social perspectives rather than relying solely on judicial interpretation. Delegates will be tasked with examining the facts of each case and determining both the appropriate verdict and, where applicable, the appropriate punishment.



Throughout the committee, delegates will take on the roles of prominent judges, lawyers, politicians, academics, activists, and public figures who have shaped or influenced conversations surrounding capital punishment in India. Each delegate will bring a unique perspective to the discussion, reflecting the diversity of opinions that exist on the issue.

The committee will primarily operate through the discussion of case studies. Delegates will be asked to analyse the facts of each case, consider the legal and ethical questions involved, and ultimately decide on a verdict, either applying or rejecting capital punishment. (More information on verdicts is mentioned later in this guide) While individual cases form the basis of discussion in committee, the broader goal of the committee is to decide on long term capital punishment policy.

As the committee progresses, discussions will move beyond the details of individual cases and into general policy. Delegates will be expected not only to evaluate certain situations, but also to consider what those decisions reveal about the strengths and weaknesses of the system as a whole.

The final objective of the commission is to produce a set of recommendations regarding the future of capital punishment in India. Whether delegates choose to support its implementation, fight for reform, or push for the abolition of the death penalty as a whole, they will be expected to justify their conclusions through the discussions and decisions made throughout the committee.

Delegates in the ISCCP will represent real individuals rather than countries. While delegates are encouraged to research and understand the views of their assigned character, the objective of the committee is not historical reenactment. Delegates may adapt their positions in response to debate and evidence presented during committee, provided their arguments remain broadly consistent with the perspective of the individual they represent.

The ISCCP has been designed to make delegates think beyond simple questions of guilt and punishment. This committee asks the difficult but important question of how justice should be defined when its impacts are final.

Committee Structure and Procedure

The ISCCP will proceed through a series of separate case discussions. Each case functions as a largely self contained mini-committee. This study guide provides delegates with the first 2 case files containing the facts, evidence, legal context, and relevant



information available to the commission at that point in time. Delegates will then debate the case and work towards determining an appropriate outcome.

Delegates may also receive additional information regarding their assigned character prior to committee. This information may include personal experiences, political considerations, or private objectives that may influence how a delegate approaches discussion. Delegates are free to reveal or conceal this information at their discretion.

At the end of each case, the commission will draft and pass a verdict, a document outlining the committee's conclusions regarding the case, including the verdict reached, the punishment imposed, and the reasoning behind those decisions. Verdicts in the ISCCP will function similarly to directives in regular crisis committees. These verdicts will serve as the official decisions of the commission and may influence future discussions.

As the committee progresses through multiple cases, delegates will be encouraged to identify patterns, inconsistencies, and broader themes that emerge from their decisions. The final session of committee will move away from individual cases and focus on the wider role of capital punishment within India, culminating in a final resolution regarding the future of the death penalty.

Unlike many crisis committees, the focus of ISCCP is not on reacting to rapidly changing events, but on analysis, argumentation, and decision making when some facts are known and others remain unknown. Delegates should therefore prioritize the quality of their reasoning and the consistency of their positions across multiple cases.

Decision-Making Framework

In committee, delegates will be required to make decisions in situations where legal precedent is in conflict with public opinion, national security concerns, and moral considerations. While there is no single correct answer, delegates are encouraged to adopt a consistent framework when evaluating each case.

In reaching a conclusion, delegates may wish to consider the following questions:

1. What was the nature and extent of the accused's involvement in the crime?
2. How reliable and conclusive is the evidence presented before the commission?
3. Are there external circumstances that should influence the verdict, such as age, cooperation with authorities, or foreign influence?
4. Does the crime satisfy the standards established under the rarest of rare doctrine?
5. To what extent should concerns surrounding national security affect judicial decision-making?
6. Should retribution guide the punishment for a crime? Or should rehabilitation be the primary focus?
7. How can consistency be maintained between different cases involving similar offences?
8. Is the possibility of judicial error accounted for when imposing the sentence?

Delegates are encouraged to develop clear principles and apply them consistently throughout committee, using the outcomes of individual cases to inform their broader views on the future of capital punishment in India.

BACKGROUND OF THE AGENDA

By analysing high-stakes legal cases ranging from terrorism to complex moral dilemmas, the delegates of ISCCP will be re-evaluating the application of capital punishment within the Indian legal system. As the committee debates the extent of judicial discretion, they are to have the object of deciding if state-sanctioned execution serves as a beacon of justice or failure of the judicial system. At the intersection of law, morality, and the reality of human error, you must decide: Is the State an instrument of retributive justice, or simply the final arbiter of life?

The Rarest of Rare Doctrine

In the context of the Indian legal system, the judiciary has attempted to navigate this complex balance through specific legal principles, most notably the rarest of rare doctrine.

Established by the Supreme Court in the 1980 case of Bachan Singh versus State of Punjab, this doctrine states that the death penalty should only be applied in exceptional cases where the crime is particularly heinous and the alternative option of life imprisonment is deemed inadequate. As a result, judges are required to reflect upon the intensity of the circumstances of the crime, such as its brutality or social impact, against the exceptional circumstances of the criminal, such as their potential for reform, age, or socio-economic background.



This framework was further clarified in the 1983 Machhi Singh case, which provided guidelines to help judges determine when this doctrine can be applied in practice. The goal of this doctrine is to limit the use of capital punishment to restrict the use of capital punishment to the most exceptional circumstances while balancing the nature of the crime against the circumstances of the offender.

Debate over Capital Punishment

Several key organizations continuously analyze the utility and morality of capital punishment to guide policy and judicial application. Internationally, groups like Amnesty International and Human Rights Watch argue that the death penalty fails to deter crime effectively and carries an irreversible risk of error, advocating for total global abolition.

Within the sphere of Indian law, Project 39A, a legal aid and research initiative based at National Law University Delhi, conducts deep empirical studies on the socio-economic backgrounds of death row prisoners, highlighting how the legal system disproportionately impacts vulnerable populations who lack access to quality representation.



GOVERNMENT OF INDIA

LAW COMMISSION OF INDIA

Report No.262 The Death Penalty

Moreover, it is important to note that the official advisory body, Law Commission of India (LCI), plays an equally vital role in assessing the system. According to its 262nd report published in 2015, the commission suggested immediate abolishment of the death penalty for crimes, excluding terrorism and waging war against the state, due to concerns of inconsistency and judicial error.

The question of capital punishment therefore remains highly contested within India. While judicial safeguards and legal doctrines have increasingly restricted its use, significant disagreement continues to exist regarding its effectiveness, morality, and place within a modern justice system. It is this ongoing debate that forms the basis of the discussions within the ISCCP.

Key Terms

Retributive Justice: A theory of punishment that holds that offenders should receive penalties proportional to the seriousness of their crimes. In debates on capital punishment, it is often used to argue that the death penalty is a just response to the most severe offences.

Judicial Discretion: The authority of judges to make decisions based on the specific facts and circumstances of a case within the limits of the law. This allows courts to consider factors such as intent, evidence, and mitigating circumstances when determining a sentence.

Due Process: The legal principle that guarantees every individual a fair, impartial, and transparent judicial process before being deprived of life, liberty, or property. It includes rights such as a fair trial, legal representation, and the opportunity to appeal a verdict.

Degree of Culpability: The extent to which an individual is legally and morally responsible for committing a crime. It is determined by factors such as intent, level of participation, and awareness of the consequences of their actions.

Mitigating Factor: A circumstance that reduces the perceived severity or moral culpability of an offence, even if it does not excuse the crime. Examples include mental illness, youth, coercion, cooperation or lack of prior criminal history, and such factors may lead to a reduced sentence.

CASES BEFORE THE COMMISSION

Important Note

While several of the cases discussed in committee are from real events, delegates should treat them as active cases rather than historical ones. The purpose of the commission is not to decide whether past courts made the correct decisions, but to decide for itself what verdict and punishment should be delivered based on the facts presented.

Each case will therefore have its own freeze date, meaning delegates should only consider facts and developments known up to that moment. The commission may consequently reach conclusions that differ from those reached in reality.

Delegates should also note that certain details and evidence contained within the case files may have been modified or added for committee purposes in order to facilitate discussion and introduce additional complexity. Some information within the case files has also been intentionally redacted to simulate the confidentiality of real investigations and encourage delegates to analyse the evidence critically. Additional details may be revealed throughout committee as the investigation progresses.

Furthermore, an additional case will be introduced during committee that does not appear in this study guide, and no prior research will be required for it.

CASE 1 - Mohd. Afzal Guru v. State of NCT of Delhi

FREEZE DATE: 15 October 2006

Summary of the Case

The 2001 Parliament Attack is regarded as one of the most significant terrorist attacks in India's history, targeting the very institution that represents the country's democratic framework. Emerging from the subsequent investigation is the case against Mohammad Afzal Guru.

On 13 December 2001, five heavily armed terrorists breached the Parliament complex in New Delhi using a vehicle bearing forged government credentials. The attack occurred shortly after both Houses of Parliament had adjourned, while numerous Members of Parliament, ministers, and staff remained within the premises. [REDACTED] however, were recorded leaving the premises earlier than expected that day. The attackers opened fire on security personnel and attempted to gain access to the main Parliament building.

The swift response of Parliament security forces prevented a potentially catastrophic loss of life. However, the attack claimed the lives of nine individuals, including security personnel and Parliament staff members, while all five attackers were neutralised at the scene. The incident triggered nationwide outrage and brought India and Pakistan to the brink of military confrontation.

Authorities allege that the attack was orchestrated by terrorist organisations Jaish-e-Mohammed and Lashkar-e-Taiba, with support from a wider network of facilitators operating in India. The conspiracy is believed to have involved the procurement of explosives and weapons, the creation of forged identification documents, logistical planning, and coordination of communication between operatives.

Within this larger conspiracy, Mohammad Afzal Guru, a former militant from Jammu and Kashmir, has been accused by the prosecution of playing a crucial logistical role. Investigators allege that he assisted the attackers by arranging [REDACTED], facilitating [REDACTED], procuring [REDACTED] devices, and coordinating with individuals directly involved in the execution of the attack. Phone records, financial transactions, and other circumstantial evidence have been cited by the prosecution to establish his involvement in the conspiracy.

However, the defence has challenged both the extent of Afzal Guru's involvement and the evidence used against him. A central point of contention is whether his alleged actions amount to active participation in terrorism or merely indirect involvement insufficient to warrant the harshest punishment under Indian law. Questions have also been raised regarding the reliability of certain pieces of evidence, the circumstances surrounding his confession, and whether the standards of due process were adequately upheld during the investigation and trial.

The case has been tried under the provisions of the Prevention of Terrorism Act (POTA) and relevant sections of the Indian Penal Code, reflecting the gravity of the offences charged. Following proceedings in the Trial Court and subsequent appeals, the case has generated extensive legal and ethical debate surrounding the use of capital punishment in terrorism-related offences.

This commission is tasked with determining both the degree of culpability and the appropriate sentence for Afzal Guru. In a context where national security, justice for victims, and legal safeguards remain in constant tension, it is up to the delegates of the ISCCP to decide whether the accused should be convicted with the harshest possible punishment in the Indian legal system.

Timeline of Events

13th December 2001: Five heavily armed terrorists attack the Parliament of India in New Delhi after breaching security using forged government credentials. Nine security personnel and Parliament staff members are killed before all five attackers are neutralised.

14th December 2001: The Delhi Police Special Cell launches a nationwide investigation. Multiple locations across Delhi and Jammu & Kashmir are searched, and several suspects are identified through recovered documents and communication records.

15-19th December 2001: Investigators recover mobile phones, SIM cards, forged identity documents, explosives, vehicle registration records and financial documents allegedly linked to the conspiracy. Intelligence agencies begin coordinating with foreign counterparts regarding possible cross-border involvement.

19th December 2001: Mohammad Afzal Guru, Shaukat Hussain Guru, S.A.R. Geelani and Afsan Guru are arrested under the Prevention of Terrorism Act (POTA).

May 2002: Formal charges are filed under POTA, the Indian Penal Code, and the Explosive Substances Act. Trial proceedings begin before the Special POTA Court.

18th December 2002: The Special POTA Court convicts Mohammad Afzal Guru and sentences him to death for conspiracy, waging war against the Government of India and offences under POTA.

2003-2004: Appeals are heard before the Delhi High Court, which upholds the conviction and sentence.

4th August 2005: The Supreme Court of India upholds Afzal Guru's conviction and death sentence, describing the attack as falling within the "rarest of rare" category.

January 2006: A mercy petition is submitted to the President of India. Public debate regarding the death penalty intensifies.

15th October 2006: FREEZE DATE

Evidence and Findings

During the course of the investigation, the prosecution presented a combination of physical, documentary, forensic, and circumstantial evidence to establish Mohammad Afzal Guru's alleged involvement in the conspiracy. The principal findings are summarised below:

- **Communication Records:** Mobile phone records and call logs allegedly showed repeated contact between Mohammad Afzal Guru and individuals believed to be directly involved in planning and executing the attack in the days leading up to 13 December 2001.
- **Accommodation and Logistics:** Investigators alleged that Afzal Guru arranged safe houses, transportation, and logistical support for members of the terrorist cell while they were in Delhi prior to the attack.
- **Recovery of Communication Devices:** Mobile phones, SIM cards, and telephone numbers allegedly used by the attackers were recovered during the investigation. Several of these

devices were claimed to have been linked to Afzal Guru through subscriber records and call data.

- **Financial Transactions:** Bank records, hawala transactions, and recovered cash were presented to suggest that funds were transferred to facilitate accommodation, transport, and procurement of operational materials.
- **Vehicle Procurement:** The Ambassador car used by the attackers to gain entry into the Parliament complex was allegedly procured with the assistance of individuals linked to the conspiracy. Investigators attempted to establish Afzal Guru's connection to this logistical chain.
- **Recovery of Explosives and Documents:** Explosives, ammunition, forged Ministry of Home Affairs identity cards, fake Parliament entry passes, maps, and handwritten notes were recovered from locations connected to the accused and alleged conspirators.
- **Forensic Evidence:** Fingerprint analysis, recovered documents, and forensic examination of seized materials were used to corroborate portions of the prosecution's narrative, although the evidentiary value of some items remains disputed.
- **Confessional Statement:** The prosecution relied in part on a confession allegedly made by Afzal Guru while in police custody. The defence contested both the voluntariness and admissibility of this confession, arguing that it should not be relied upon.
- **Conspiracy Allegation:** The prosecution argued that although Afzal Guru was not physically present during the attack, his alleged logistical assistance formed an essential part of the conspiracy, making him equally liable under Indian anti-terror legislation.

Key Questions Before the Commission

1. To what extent can logistical and indirect involvement be equated with responsibility for acts of terrorism?
2. Should concerns regarding procedural fairness and evidentiary standards influence sentencing in cases involving national security?
3. Does an attack on India's Parliament constitute a 'rarest of rare' offence warranting capital punishment?
4. Should the symbolic significance of the crime influence the severity of punishment imposed?
5. Does Mohammad Afzal Guru's alleged role within the conspiracy justify the imposition of the death penalty under Indian law?

Commission Mandate

Delegates must determine whether Mohammad Afzal Guru should receive the death penalty and, more broadly, what standards should govern the use of capital punishment in terrorism-related offences within the Republic of India.

CASE 2 - Yakub Abdul Razak Memon v. State of Maharashtra

FREEZE DATE: 20th March 2013

Summary of the Case

The 1993 Mumbai serial bomb blasts are considered one of the most devastating terror attacks in India's history. From this investigation emerges the case against Yaqub Razzak Abdul Memon. On 12 March 1993, a coordinated series of explosions targeted 12 key economic and public locations across Mumbai, named below:

- Bombay Stock Exchange
- Katha Bazaar
- Sena Bhavan
- Century Bazaar
- Mahim Causeway
- Air India Building
- Zaveri Bazaar
- Hotel Sea Rock
- Plaza Theatre
- Juhu Centaur Hotel
- Airport Bay-54
- Airport Centaur Hotel

A total of 257 human lives were lost, 713 persons were seriously injured and properties worth approximately Rs. 27 crores were destroyed in the serial bombings, triggering nationwide shock and an urgent, large-scale criminal investigation.

Authorities allege that the bombings were part of a conspiracy orchestrated by organized crime networks with transnational links. The primary alleged masterminds include [REDACTED], who are accused of planning the attacks from abroad with the support of a broader criminal syndicate (D-Company). The conspiracy is believed to have involved recruitment and training of operatives, procurement of explosives (including [REDACTED]), and coordination of logistics across multiple locations.

Within this larger conspiracy, Yaqub Memon, a chartered accountant by profession and brother of [REDACTED], has been accused by the prosecution of playing a significant financial and logistical role. Investigators claim that he was involved in managing funds used for the operation, facilitating financial transactions through informal channels such as hawala, and assisting in coordinating certain aspects of the conspiracy. It is also alleged that he had knowledge of the planned attacks and contributed to their execution by supporting key actors.

However, the defence has contested the extent and nature of Yaqub Memon's involvement. A central point of contention is whether his actions constitute active participation in terrorism or whether his role has been overstated due to his familial connections [REDACTED]. Another major issue raised is the circumstances under which he came into custody; while authorities maintain he was arrested, the defence has argued that he voluntarily returned to India and cooperated with investigative agencies, which they claim should be considered a mitigating factor.

The case has been tried under the stringent provisions of the Terrorist and Disruptive Activities Prevention Act (TADA), reflecting the gravity of the charges. The trial itself has been one of the longest-running in Indian legal history, involving hundreds of witnesses, extensive documentary evidence, and multiple accused individuals with varying degrees of alleged involvement.

Timeline of Events

12 March 1993: A series of 13 coordinated bomb blasts strike Mumbai, killing over 250 people and injuring hundreds

March-April 1993: Initial investigation by Mumbai Police links the attacks to an organised network; evidence begins pointing toward [REDACTED]

Late 1993: The case is transferred to the Central Bureau of Investigation (CBI) and charged under the Terrorist and Disruptive Activities (Prevention) Act (TADA)

1994: Yakub Memon is taken into custody; circumstances are disputed between arrest and voluntary return

1994-1995: A comprehensive chargesheet is filed against over 180 accused, outlining a large-scale conspiracy involving financing, training, and execution

1995: Trial begins before a designated TADA Court in Mumbai, marking one of India's longest and most complex criminal trials

1995-2000: Prosecution presents extensive evidence, including confessions, financial records, and witness testimony; defence challenges admissibility and level of involvement of the accused

2000-2006: Continued cross-examinations and final arguments focus on individual culpability of the accused within a broad conspiracy, especially the role of indirect actors

September 2006: The TADA Court begins delivering its judgment after over a decade of proceedings

July 2007: Sentencing is completed; Yakub Memon is awarded the death penalty, while several co-accused receive lesser sentences.

2007-2011: Appeals are filed before the Supreme Court of India by both the defence and the State of Maharashtra.

November 2011-August 2012: The Supreme Court conducts extensive hearings on appeals involving multiple accused and reserves judgment.

20th March 2013: FREEZE DATE - By 20 March 2013, the Supreme Court had concluded hearings on the appeals and reserved its judgment, with its final decision on Yakub Memon's conviction and sentence expected imminently.

Evidence and Findings

The courts concluded that Yakub Memon was not merely associated with the conspirators through family ties but had actively participated in the planning and execution of the conspiracy. The Supreme Court found that:

- He helped manage financial transactions used to support the attacks.
- He facilitated hawala transfers linked to the conspiracy.
- He handled and stored explosive materials such as [REDACTED]

- He acted as an important link between the masterminds and other participants.

Evidence included:

- Confessional statements of co-accused (under TADA)
- Financial records and hawala transaction trails of [REDACTED]
- Witness testimonies (accomplices and investigators) - Established his involvement in [REDACTED]
- Recovery of explosives, arms, and logistical materials - Confirmed the scale and organisation of the operation he was alleged to have supported
- Travel records and international links with [REDACTED]
- Leaked video of [REDACTED] from his official visit to [REDACTED]

Key Questions Before the Commission

As the court approaches its verdict, key questions remain unresolved:

1. To what extent can financial and indirect involvement be equated with responsibility for acts of terrorism?
2. How should the court interpret and apply the “rarest of rare” doctrine in cases involving indirect participation in terrorism?
3. How should the court weigh mitigating factors such as cooperation with authorities?
4. To what extent should sentencing reflect consistency among co-accused, especially when others with related roles receive lesser punishments?
5. Can reliance on confessional statements and circumstantial evidence meet the threshold required for awarding the death penalty?
6. Should the death penalty be imposed in this case, or would a lesser sentence, up to life imprisonment, better serve justice, proportionality, and due process?

Commission Mandate

The commission is mandated to examine the application of capital punishment in India, with a focus on its legality, consistency, and ethical implications in terrorism-related cases. It will assess judicial processes, evidentiary standards, and sentencing practices.

At this stage, the case stands at a critical moment: This commission is tasked with determining both the degree of culpability and the appropriate sentence, finding the delicate balance between national security, human rights, due legal process, and the principles of justice.

MEMBERS OF THE ISCCP

Please note that some of these descriptions mention events that happened after the freeze date - that has been included to help delegates understand their portfolio. Nothing that took place after the freeze date can be brought up in committee.



Justice P.D. Kode - Judge

Justice P.D. Kode served as the designated TADA Court judge who presided over the 1993 Mumbai serial blasts trial and sentenced Yakub Memon to death. He has generally taken a strict view on terrorism-related offences, emphasizing accountability and deterrence. Though he was not involved in the Parliament Attack case, his experience with one of India's largest terror trials makes him a strong advocate for harsh punishment in cases involving national security.

Justice S.N. Dhingra - Judge

Justice S.N. Dhingra presided over the Special POTA Court that conducted the trial of Mohammad Afzal Guru in the Parliament Attack case and awarded him the death sentence. Throughout his judicial career, he has maintained that capital punishment should remain available in the "rarest of rare" cases. While he had no direct role in the Yakub Memon case, his judicial philosophy supports strong punishment for acts of terrorism and crimes threatening the State.



Justice Dipak Misra - Judge

Justice Dipak Misra later became the 45th Chief Justice of India and played a crucial role in the final stages of Yakub Memon's case. He headed the bench that rejected Yakub Memon's last-minute plea to stay his execution in the unprecedented midnight hearing of July 2015. He generally upheld the constitutionality of capital punishment and emphasized adherence to due process. Although he was not directly involved in Afzal Guru's case, the execution of Afzal Guru was frequently cited during proceedings concerning Yakub Memon.

Justice Kurian Joseph - Judge

Justice Kurian Joseph served on the Supreme Court and became one of the most prominent judicial critics of the death penalty. During the final stages of Yakub Memon's case, he questioned procedural irregularities surrounding the issuance of the death warrant. After retiring, he publicly stated that capital punishment should be abolished and criticized the "collective conscience" doctrine used in Afzal Guru's case. Though he had no direct involvement in the Parliament Attack trial, his views make him one of the strongest anti-death penalty voices in the committee.





Gopal Subramaniam - Lawyer

Gopal Subramaniam is one of India's most distinguished senior advocates and served as the Special Public Prosecutor for the State in the Parliament Attack case against Mohammad Afzal Guru. He argued in favour of upholding the conviction and death sentence, emphasizing the gravity of crimes against the State. He later represented the prosecution in appeals arising from the 1993 Mumbai serial blasts case, including proceedings involving Yakub Memon. His legal philosophy prioritizes constitutional order and accountability, making him a strong proponent of capital punishment in exceptional terrorism cases.

Ram Jethmalani - Lawyer

Ram Jethmalani was one of India's most distinguished criminal lawyers and jurists, renowned for defending controversial clients. He publicly criticised the execution of Mohammad Afzal Guru, arguing that the process lacked transparency and questioning the reliance placed upon the doctrine of collective conscience. While he did not advocate for the abolition of capital punishment altogether, he consistently maintained that the death penalty should be imposed only in the rarest of circumstances and with the highest standards of judicial certainty.



Yug Mohit Chaudhry - Lawyer

Yug Mohit Chaudhry is a Senior Advocate and one of India's leading voices against capital punishment. As a prominent member of Project 39A and a long-time advocate for death penalty reform, he has extensively researched and critiqued the administration of capital punishment in India. His work highlights concerns regarding arbitrariness, socio-economic disparities, judicial inconsistency, and the irreversible nature of execution. Chaudhry strongly advocates for the abolition of the death penalty, arguing that systemic flaws within the criminal justice system make its application fundamentally unjust.

Jaspal Singh - Lawyer

Jaspal Singh served as defence counsel for Yakub Memon during proceedings related to the 1993 Mumbai serial blasts case. Throughout the case, he challenged the proportionality of the death sentence and emphasized mitigating factors, including Memon's cooperation with investigative agencies and questions surrounding consistency in sentencing among co-accused individuals. His legal approach underscores the importance of due process, individualized sentencing, and careful consideration of mitigating circumstances, making him a strong advocate for judicial restraint in the imposition of capital punishment.





Arundhati Roy - Author, Political Activist

Arundhati Roy approached capital punishment as an extension of state power rather than a neutral legal tool. As an activist, she argued that in cases like Afzal Guru, the justice system appeared to prioritise national sentiment rather than fairness of legal procedures, particularly through the invocation of ‘collective conscience.’ She framed such reasoning as politically motivated and spurred on by popular media portrayal. In the proceedings against Yakub Memon, Roy similarly raised concerns about selective accountability and the symbolic use of the death penalty to demonstrate state authority, rather than principled justice.

Teesta Setalvad - Journalist, human rights activist

Teesta Setalvad engaged with capital punishment from a rights-based perspective, focusing on systemic fairness and bias, particularly against minorities. In the case of Afzal Guru, she raised concerns about the adequacy of legal representation and standards of the trial. She argued that such cases demanded greater scrutiny, not deference to public pressure. In the Yakub Memon proceedings, Setalvad highlighted disparities among those accused. Her activism emphasised that the legitimacy of the justice system depended on due process, especially when the state sought the highest punishments.



Anup Surendranath - Legal academic, Researcher

Anup Surendranath was a legal reform-oriented activist, using empirical research to challenge application of capital punishment. He argued that the death penalty in India suffered from arbitrariness, with outcomes influenced by inconsistent judicial reasoning. In the context of Afzal Guru, his critique applied to the use of subjective standards like ‘collective conscience.’ In the Yakub Memon case, his work questioned whether similar evidentiary and sentencing standards were being applied across the accused in the case. His stance emphasised systemic unreliability, relying on research and evidence rather than purely a moral standpoint.

Maitreyi Misra - Psychologist, Academic

Maitreyi Misra approached capital punishment from a psychological perspective, examining how societies responded to crime and punishment. She argued that the demand for the death penalty in cases like Afzal Guru and the Yakub Memon proceedings reflected collective emotional responses, like fear, anger, and a desire for retribution, rather than purely rational legal reasoning. From this lens, she questioned whether the premise that executions served as effective deterrents has merit or whether capital punishment merely reinforced cycles of violence. Misra’s perspective highlighted how public opinion could shape judicial outcomes, raising concerns about whether capital punishment aligned with principles of justice or psychological well-being in society.





Pranab Mukherjee - Member of Parliament (Rajya Sabha)

Pranab Mukherjee acted as the ultimate executive authority on these executions during his tenure as the 13th President of India, where he maintained a strict, literal approach to mercy petitions. Following the institutional advice of the Union Home Ministry, he personally rejected the clemency pleas of both Afzal Guru in February 2013 and Yakub Memon in July 2015. By turning down these final appeals, Mukherjee effectively cleared the legal hurdles and authorized the state to proceed with their hangings.

Asaduddin Owaisi - Member of the Legislative Assembly

Owaisi fiercely opposed both the executions from a legal as well as political perspective by highlighting the discrimination and inconsistencies of the judiciary in the way capital punishment is being applied in India. In the case of Yakub Memon, Owaisi said that since Memon had assisted Indian intelligence agencies in uncovering the involvement of Pakistan in the 1993 Mumbai blasts, this cooperation should have been considered while commuting his death penalty. He frequently accused the state of fulfilling a “collective conscience” with hangings, and pointed out how rapidly these hangings took place compared to other communal violence cases.



Shashi Tharoor - Diplomat and Politician

Tharoor positioned himself as a vocal, principled opponent of the death penalty, openly breaking away from his party's official stance on the matter. On the day Yakub Memon was executed in 2015, Tharoor publicly condemned the act, arguing on social media that state-sponsored retribution and cold-blooded executions have never successfully deterred a terrorist attack anywhere in the world. His public dissent triggered an intense national political debate, forcing him to clarify that he was speaking strictly as a public intellectual and Member of Parliament, rather than as a representative of the Congress party line.

Sushil Kumar Shinde - Member of Rajya Sabha

Shinde was the direct political and administrative driver behind the execution of Afzal Guru during his time as the Union Home Minister under the UPA government. After the President sent Guru's file back for re-examination, Shinde swiftly recommended that the mercy plea be rejected and subsequently authorized Operation Three Star. Under his watch, this highly secretive plan ensured that Guru was hanged and buried inside Tihar Jail before his family or the media were given any prior official notice.





Mehbooba Mufti - Vice President of the Jammu & Kashmir Peoples Democratic Party

Mufti approached the issue through the lens of regional stability and human rights, strongly warning the central government against the execution of Afzal Guru. She argued that hanging Guru would deeply alienate the local population and trigger a severe, volatile political fallout across the Kashmir valley. Following his secret execution, Mufti publicly condemned the government's refusal to return Guru's body to his widow for a proper burial, labeling it a severe violation of basic humanitarian values that would only worsen local grievances.

B. Raman - Intelligence and Security Expert

B. Raman was one of India's foremost intelligence analysts, serving as a senior official within the Research and Analysis Wing (R&AW) and specializing in counter-terrorism and national security. Throughout his career, he frequently wrote on issues relating to terrorism, insurgency, and the protection of state institutions. While not directly involved in either the Afzal Guru or Yakub Memon cases, Raman consistently emphasized the severe threat posed by terrorism and the responsibility of the State to respond decisively to crimes that undermine national security.



Justice Markandey Katju - Judge and Public Intellectual

Justice Markandey Katju is a former judge of the Supreme Court of India known for his outspoken opinions on matters of law, politics, and public policy. Over the years, he has publicly criticized the inconsistent application of capital punishment and questioned the rationale behind imposing the death penalty in certain cases while commuting others. Although not an abolitionist in principle, Katju has repeatedly argued for greater judicial consistency, transparency, and restraint in sentencing. His views often challenge both the unquestioned use of capital punishment and the influence of public sentiment in determining judicial outcomes.

Kiran Bedi - Police Officer, Sports person, Public Figure

Kiran Bedi is a former Indian Police Service (IPS) officer, prison reform advocate, and public figure who has long been involved in discussions surrounding criminal justice and punishment. Drawing upon her experience in policing and prison administration, she has argued that the justice system must balance the rights of offenders with the interests of victims and society at large. While acknowledging the need for rehabilitation and reform, Bedi has also maintained that the death penalty may be justified in particularly heinous crimes and acts of terrorism. Her perspective brings practical insights into deterrence, public safety, and the functioning of India's correctional system.





Gopal Krishna Gandhi - Diplomat and Public Intellectual

Gopal Krishna Gandhi is a former diplomat, Governor of West Bengal, and prominent intellectual who emerged as one of India's most influential critics of capital punishment. He was among the leading voices opposing the execution of Yakub Memon, questioning the moral legitimacy of the State's power to take life. Through his writings and public interventions, Gandhi consistently argued that capital punishment is incompatible with modern notions of justice and human dignity. His philosophy emphasizes compassion, constitutional morality, and the possibility of reform, making him one of the strongest abolitionist voices within the commission.'

Justice V. R. Krishna Iyer - Judge

Justice V. R. Krishna Iyer was one of India's most influential jurists and among the earliest judicial voices to advocate for limiting the use of capital punishment. Throughout his career, he emphasized the principles of reformatory justice, judicial restraint, and the sanctity of human life, frequently questioning whether the State should possess the authority to impose irreversible punishment. Although he passed away in 2014, his judicial philosophy significantly influenced subsequent debates surrounding capital punishment and the development of safeguards governing its application.



Siddharth Varadarajan - Journalist

Siddharth Varadarajan is a journalist, editor, and political commentator who has extensively written on issues relating to civil liberties, state authority, and the administration of justice. He was among the prominent public voices who criticized the execution of Mohammad Afzal Guru, raising concerns regarding procedural fairness, transparency, and the role of public sentiment in capital punishment cases. Through his reporting and commentary, Varadarajan has consistently questioned the effectiveness and legitimacy of the death penalty, particularly in cases involving terrorism and national security.

PAPERWORK IN THE ISCCP

Position Papers

Delegates are expected to submit a position paper reflecting the perspectives, experiences, and broader philosophy of the individual they represent.

Delegates are encouraged to consider the values, principles, and experiences that shape their portfolio's approach towards questions of justice, punishment, and the role of the State. While references to the cases contained within this study guide may be made where relevant, delegates are not expected to take definitive positions on the outcomes of these cases prior to committee.

Instead, position papers should provide insight into the reasoning, priorities, and considerations that may guide a delegate's decision-making throughout committee.

Further details regarding formatting, word limits, and submission deadlines will be communicated separately.

Action Orders

Action Orders function similarly to communiques in crisis committees and may be used by delegates to obtain additional information relevant to a case. Delegates may request witness testimony, forensic analysis, investigative reports, expert opinions, or other information that could assist the commission in reaching a more informed decision. Action orders may also, in certain cases, be used by a delegate or several delegates to take covert action in committee using the powers of their portfolios.

Action Orders are submitted by individual delegates and do not require committee approval. Their outcome is determined at the discretion of the Executive Board, which may provide delegates with new information, clarifications, or developments based on the request made. Delegates are encouraged to ensure that Action Orders remain realistic and consistent with the expertise, influence, and authority of the individual they represent.

Verdicts

At the conclusion of each case, delegates will draft a Verdict outlining the commission's findings and conclusions.

A Verdict should contain:

- Proposers - Delegates who have authored the verdict (The number of allowed proposers will be conveyed in committee)
- Signatories - Delegates who would like the verdict to be brought up in committee
- Findings of Fact - What the commission believes occurred.
- Verdict - The commission's determination regarding the guilt or innocence of the accused.
- Sentencing - The punishment recommended by the commission.
- Justification - The reasoning behind the commission's decision.

A verdict should be around 1 to 2 pages in length and based on the committee discussions. Verdicts must be written by groups of delegates and will be voted upon by committee. Verdicts require a simple majority to be considered 'passed'. Only one verdict may be passed per case. When a verdict is passed, the case is considered complete and committee will move on to the next case.

Resolutions

Following the conclusion of the case discussions, delegates will move towards a broader policy debate on the future of capital punishment in India. This final session will culminate in the drafting of a Resolution, which will serve as the commission's recommendations regarding the role, scope, and application of the death penalty within the Indian legal system.

Unlike Verdicts, which concern the outcome of individual cases, the Resolution is intended to address long-term policy considerations. Delegates may choose to advocate for the retention, reform, restriction, or abolition of capital punishment, provided that their proposals are justified through the discussions, precedents, and conclusions reached throughout committee.

Like resolutions in other Model UN committees, the resolution will be expected to have authors, co-authors, signatories, preambulatory clauses and operative clauses. The number of authors and co-authors will be communicated to delegates during the conference.

QUESTIONS A RESOLUTION MUST ANSWER (QARMA)

While the ISCCP will debate individual cases throughout committee, its ultimate objective is to determine the future role of capital punishment in India. The following questions are intended to guide delegates in shaping the commission's final recommendations.

1. Should India continue with, restrict or abolish capital punishment?
2. What should be the main purpose of the death penalty - punishment, deterrence, incapacitation, or something else?
3. Can the state ever be morally justified in taking a life?
4. Can the death penalty coexist with the fundamental human right of life?
5. Should media and public pressure influence the justice system when it comes to capital punishment? If not, how can that be prevented?
6. Is the rarest of rare doctrine sufficient, or should a new standard be adopted?
7. What level of certainty should be required before imposing a death sentence?
8. What is the exact standard for the type of cases that require the death penalty?
9. Can the death penalty be applied consistently enough to avoid arbitrariness?
10. How should the justice system address disparities caused by socioeconomic background, legal representation, or political influence?
11. Should cooperation with authorities after a crime significantly reduce eligibility for capital punishment?
12. Should the possibility of wrongful conviction be grounds for abolishing the death penalty?
13. How should newly discovered evidence be handled after sentencing?

GUIDE TO FURTHER RESEARCH

1. Project 39A – Death Penalty India Report
<https://www.project39a.com/>
2. "THE DOCTRINE OF RAREST OF RARE": A CRITICAL ANALYSIS - *Indian Journal of Integrated Research in Law*
<https://ijirl.com/wp-content/uploads/2022/08/THE-DOCTRINE-OF-RAREST-OF-RARE-A-CRITICAL-ANALYSIS.pdf>

Case 1

1. Supreme Court Judgment – State (NCT of Delhi) v. Navjot Sandhu @ Afsan Guru (2005)
<https://indiankanoon.org/doc/1760327/>
2. Indian Express – What the Supreme Court said when it upheld death for Afzal Guru
<https://indianexpress.com/article/explained/parliament-attack-2001-what-sc-said-when-it-upheld-death-for-afzal-guru/>
3. Indian Express – 2001 Parliament attack, and what happened after
<https://indianexpress.com/article/explained/explained-2001-parliament-attack-and-what-happened-after-6164195/>

Case 2

1. Yakub Abdul Razak Memon vs State Of Maharashtra Th:Cbi Mumbai on 21 March, 2013
Supreme Court Case File
<https://indiankanoon.org/doc/160740668/>
2. Viewpoint: Why India was wrong to hang Yakub Memon - BBC
<https://www.bbc.com/news/world-asia-india-33772144>
3. 1993 Mumbai serial blasts: Timeline of events - The Indian Express -
<https://indianexpress.com/article/india/abu-salem-1993-mumbai-bomb-blasts-timeline-dawood-ibrahim-mumbai-verdict-tiger-memon-4833205/>
4. India: Execution of Yakub Memon cruel and inhuman - Amnesty International
<https://www.amnesty.org/en/latest/news/2015/07/india-execution-of-yakub-memon-cruel-and-inhuman/>

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