India votes against UN draft on death-penalty moratorium

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News

On 13 November 2026 (New York time), the Third Committee (Social, Humanitarian and Cultural) of the 81st UN General Assembly adopted, by 133 votes to 33 with 16 abstentions, the draft resolution on a 'moratorium on the use of the death penalty' (A/C.3/81/L.43); India voted against it. The resolution is moved every two years; according to ANI, India voted the same way in earlier rounds, including 2016, 2018 and 2024. The United States also voted no. India supported another resolution, on extrajudicial, summary or arbitrary executions (L.37), but dissociated itself from its operative paragraph 6 (OP 6). Bhavika Mangalanandan, First Secretary at India's Permanent Mission to the UN, said there is no international consensus against capital punishment, that it is imposed after due legal process, and that calling it 'state-inflicted death' is a travesty. The text adopted by the Third Committee goes to the full General Assembly for a final vote in December; General Assembly resolutions are not legally binding.

Key facts for the exam

Point	Details
Body	UNGA Third Committee (81st session)
Date	13 Nov 2026 (New York)
Resolution	A/C.3/81/L.43 – moratorium on death penalty (biennial)
India	Voted against (as in earlier rounds, including 2016, 2018, 2024)

Point	Details
India's speaker	Bhavika Mangalanandan, First Secretary
First resolution	2007 – UNGA resolution 62/149
Abolition treaty	Second Optional Protocol to ICCPR (1989) – India not a party
Law Commission	262nd Report (2015) – abolish except for terrorism and waging war
Pardon power	President – Article 72; Governor – Article 161

Background

- The six Main Committees of the UN General Assembly: First – disarmament and international security; Second – economic and financial; Third – social, humanitarian and cultural (human rights); Fourth – special political and decolonisation; Fifth – administrative and budgetary; Sixth – legal. The moratorium resolution was first adopted by the General Assembly in 2007 (resolution 62/149); led by countries including Italy, it now comes up every two years.
- International law: Article 6 of the International Covenant on Civil and Political Rights (ICCPR, 1966) protects the right to life. The ICCPR's 'Second Optional Protocol', aimed at abolishing the death penalty, was adopted on 15 December 1989; India has not joined it. The First Optional Protocol (1966) allows individual complaints.
- Indian law: the Bharatiya Nyaya Sanhita (2023) retains death as a punishment for some offences, including murder and waging war against the State. The 20th Law Commission, chaired by Justice A.P. Shah, recommended in its 262nd Report (August 2015) abolishing the death penalty for all crimes except terrorism and waging war. The President (Article 72) can pardon or commute a death sentence; the Governor has pardoning power under Article 161. In 2014 (Shatrughan Chauhan case) the Supreme Court held that inordinate delay in deciding mercy petitions can be a ground for commutation. The 'rarest of rare' test for the death sentence was laid down in Bachan Singh v. State of Punjab (1980).

Tamil Nadu link: On 18 February 2014 a Bench headed by Chief Justice P. Sathasivam (from Erode district) commuted the death sentences of Murugan, Santhan and Perarivalan in the Rajiv Gandhi assassination case to life imprisonment, citing the 11-year delay in deciding their mercy petitions (V. Sriharan @ Murugan v. Union of India). On 18 May 2022 the Supreme Court used Article 142 to release Perarivalan.

Frequently asked questions

What is this news about?

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What are the key facts to remember for the exam?

Body: UNGA Third Committee (81st session); Date: 13 Nov 2026 (New York); Resolution: A/C.3/81/L.43 – moratorium on death penalty (biennial); India: Voted against (as in earlier rounds, including 2016,

2018, 2024).

What is the background to this news?

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Practice questions (with answers)

1. Under Article 18 of the UN Charter, what majority does the General Assembly need on 'important questions' like the budget and new members?

A) Two-thirds

B) Simple majority

C) Unanimity

D) Three-fourths

Answer: A – Explanation: Two-thirds of members present and voting. Other resolutions, like the moratorium text, need a simple majority; each member has one vote.

2. Which international instrument aims at abolishing the death penalty? (India has not joined it)

A) ICCPR 2nd Opt. Protocol

B) Rome Statute

C) ICCPR 1st Opt. Protocol

D) Convention vs Torture

Answer: A – Explanation: ICCPR Second Optional Protocol (1989). The First Protocol allows individual complaints; the Rome Statute set up the International Criminal Court (1998).

3. Who chaired the Law Commission that recommended abolishing the death penalty except for terrorism and waging war?

A) Justice A.R. Lakshmanan

B) Justice B.S. Chauhan

C) Justice A.P. Shah

D) Justice R.R. Awasthi

Answer: C – Explanation: Justice A.P. Shah – 20th Law Commission, 262nd Report (2015). Lakshmanan headed the 18th; Chauhan the 21st; Awasthi the 22nd.

4. Which Article of the Constitution empowers the President to pardon or commute a death sentence?

A) Article 61

B) Article 123

C) Article 143

D) Article 72

Answer: D – Explanation: Article 72; for the Governor, Article 161. 61 – impeachment; 123 – ordinances; 143 – advisory opinion of the SC.

5. In which 2014 Supreme Court case were the death sentences of three Rajiv Gandhi case convicts commuted to life?

A) Shatrughan Chauhan case

B) V. Sriharan case

C) Mithu v. Punjab

D) Jagmohan Singh case

Answer: B – Explanation: V. Sriharan @ Murugan (18 Feb 2014) – on the ground of mercy-petition delay; Bench of CJI P. Sathasivam.

Sources: ANI via The Tribune – tribuneindia.com/news/bhavika-mangalanandan/travesty-to-term-capital-punishment-state-inflicted-death-india-votes-against-un-death-penalty-moratorium (14 Nov 2026); Outlook (14 Nov 2026); Open Magazine (vote tally 133–33–16); UN – un.org (GA resolution 62/149) and ohchr.org (ICCPR Second Optional Protocol); Law Commission of India – 262nd Report (lawcommissionofindia.nic.in); Al Jazeera – aljazeera.com/news/2014/2/20/killers-of-india-ex-pm-escape-death-sentence; Reuters (Feb 2014). © Shanmugam IAS Academy.