

## **Anup Surendranath**

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### **CURRENT POSITION AND EXPERIENCE**

Mar 2025- Present	Professor of Law, NALSAR University of Law, Hyderabad  Executive Director, The Square Circle Clinic (NALSAR's Criminal Justice Initiative)
Jun 2022-Mar 2025	Professor of Law, National Law University, Delhi
Mar 2022- Mar 2025	SK Malik Chair Professor on Access to Justice, National Law University, Delhi
Aug 2012- Jun 2022	Assistant Professor of Law, National Law University, Delhi
Aug 2014- Mar 2025	Founder & Executive Director, Project 39A, National Law University, Delhi
Mar 2018 onwards	Member, Advisory Council, Bonavero Institute of Human Rights, University of Oxford
May 2014- Jul 2015	Deputy Registrar (Research), Supreme Court of India
May 2013- May 2016	Director, Death Penalty Research Project, National Law University, Delhi

### **COURSES TAUGHT**

- Constitutional Law
- Criminal Law

## **EDUCATION**

- May 2013 PhD, University of Oxford  
Funded by the Felix Scholarship and the Gregory Kulkes  
Scholarship in Law (Balliol College, University of Oxford).
- May 2010 MPhil in Law (Distinction), University of Oxford  
Funded by the Peter Birks Memorial Scholarship (Faculty of  
Law, University of Oxford).
- July 2008 BCL (Distinction), University of Oxford  
Funded by the Felix Scholarship.
- May 2006 B.A., LL. B. (Hons.), NALSAR University of Law, Hyderabad

## **AREAS OF RESEARCH**

- Equality
- Non-Discrimination
- Reservations
- Right to Life and Personal Liberty
- Criminal Law and the Constitution
- Criminalisation and Punishment
- Legal Aid
- Sentencing
- Fair Trial Rights
- Administration of Criminal Justice

## **PUBLICATIONS**

## **Books**

- Forthcoming      Editor and contributing author, 'Death Penalty in India', Cambridge University Press.
- 2020              Anup Surendranath, Neetika Vishwanath, and Preeti Pratishruti Dash, *Death Penalty Sentencing in Trial Court: Madhya Pradesh, Delhi, and Maharashtra*, National Law University, Delhi Press.
- 2017              *Anup Surendranath et al., Matters of Judgment: A Judges' Opinion Study on the Death Penalty and the Criminal Justice System*, National Law University Delhi Press.
- 2016              *Anup Surendranath et al., Death Penalty India Report*, National Law University Delhi Press.

## **Book Chapters**

- Forthcoming      Anup Surendranath and Devina Malaviya, 'Executive Powers', The Cambridge Companion to the Constitution of India.
- 2016              Anup Surendranath, 'Life and Personal Liberty', in *The Oxford Handbook of the Indian Constitution*, edited by Sujit Choudhry, Madhav Khosla, and Pratap Bhanu Mehta, Oxford University Press.

## Journal Articles

- 2022      *Anup Surendranath and Shivani Misra, 'A Case for Different Standards in Age Determination Proceedings', National Law School of India Review, Vol. 34, No. 1.*
- Anup Surendranath and Gale Andrew, 'State Legal Aid and Undertrials: Are There No Takers?', Indian Law Review.*
- 2021      *Soumya AK, Maitreyi Misra, and Anup Surendranath, 'Shapeshifting and Erroneous: The Many Inconsistencies in the Insanity Defence in India', NUJS Law Review, Vol. 14, No. 2.*
- Anup Surendranath, Neetika Vishwanath, and Preeti Pratishruti Dash, 'Penological Justifications as Sentencing Factors in Death Penalty Sentencing', Journal of the National Law University Delhi, Vol. 6, No. 2.*
- 2020      *Anup Surendranath, Neetika Vishwanath, and Preeti Pratishruti Dash, 'The Enduring Gaps and Errors in Capital Sentencing in India', National Law School of India Review, Vol. 32.*
- Anup Surendranath, 'Limited Imagination on Reservation', Economic and Political Weekly, Vol. 55, No. 37.*
- Anup Surendranath, 'Abolition of the Death Penalty: A Tough Road Ahead for India', Economic and Political Weekly, Vol. 55, No. 10.*
- Anup Surendranath, Neetika Vishwanath and Preeti Pratishruti Dash, 'Human Sacrifice, Sentencing and the Death Penalty', Economic and Political Weekly, Vol. 55, No. 8.*

2016 *Anup Surendranath, 'Essential Practices Doctrine: Towards an Inevitable Constitutional Burial', Journal of the National Human Rights Commission, Vol. 15.*

## **Policy Papers**

2017 *Anup Surendranath, 'Understanding the Death Penalty in India: The Challenges and Potential of Empirical Research', Asian Law Centre, University of Melbourne, Briefing Paper Series No. 8.*

## **Others (Book Review/Blog/Op-ed)**

- Several op-eds published in *The Hindu, Frontline, The Indian Express, The Caravan, India Today, Outlook, Firstpost, Livemint, Scroll.in,* and *The Wire.*
- *Anup Surendranath and Rishika Sahgal, 'Fair Trial Rights and the Death Penalty in India', India Exclusion Report 2017–18, Yoda Press.*

## **Research Projects**

### **Research Projects Led**

May 2013- **Death Penalty Research Project** Led the first socio-economic survey of all prisoners sentenced to death in India, May 2016 which involved interviews with both prisoners and their families. The Death Penalty India Report (2016) has been repeatedly cited by the United Nations Secretary-General and United Nations High Commissioner of Human Rights in reports on the death penalty. In addition, the findings were relied upon by the Law Commission of India in its 262nd

Report, in which the Commission recommended that the death penalty be abolished for all offences except terror.

2016

**Death Penalty Sentencing Studies**

onwards

**Trial Court Sentencing Study- I** (May 2016- May 2020) A study of trial court sentencing practices in death penalty cases through an analysis of judgments from three states (Delhi, Maharashtra, Madhya Pradesh) between 2000 - 2015

**High Court Sentencing Study** An analysis of High Court sentencing practices in death penalty cases through an analysis of High Court judgments in appeal from the trial court death penalty cases documented in Sentencing I.

**Trial Court Sentencing Study II** (June 2021 onwards) Building on the findings of Sentencing I, a study of trial court sentencing practices in death penalty cases through an analysis of judgments across all states between 2018 - 2020

**Supreme Court Sentencing Study** (July 2021 onwards) A doctrinal analysis of Supreme Court death penalty cases between 2007 - 2021.

**Life Imprisonment Study** (Nov. 2021 onwards) A comparative analysis of sentencing practices of trial courts cases that result in either death penalty or life imprisonment through a study of s. 302 IPC cases from 2 states between 2017 - 2019.

July 2016

**Death Penalty Annual Statistics** Led the creation and management of a first-of-its-kind comprehensive database tracking all death sentences imposed in India since 2016. The Annual Statistics Reports covering the judicial and legislative developments on the death penalty have been cited by international organisations such as Amnesty International for their global report on the death penalty.

onwards

- 2016-2017 **Matters of Judgment** Led an opinion study with 60 former judges of the Supreme Court of India documenting their perspectives on the death penalty and the criminal justice system in India
- 2018-2020 Access to Justice
- **SCLSC Audits**- invited by the Supreme Court Legal Services Committee (SCLSC) to lead two performance audits of the institution towards assessing its efficiency and effectiveness
  - **Engagement with Legal Aid Institutions** led the engagement of Project 39A with the National Legal Services Authority (NALSA) and the District Legal Services Authorities (DLSAs) of Pune and Nagpur on necessary research on and reform of the legal aid system towards ensuring its efficacy, including trainings of panel advocates and paralegal volunteers

### Research Projects Supervised

- May 2020 onwards **Bail Study** In a study of bail practices by trial courts of Delhi in India between 2017 to 2019 towards identifying necessary reforms in pretrial detention practices in India
- 2020-2022 **Mapping of Torture** In examining the contours of the institutionalisation of torture in India based on existing literature to consider the persistence of torture and inform interventions geared towards torture prevention.
- 2018-2023 **Forensics Science India Report** On the utilisation of DNA and other forensics sciences in the Indian criminal justice system, towards promoting the use of scientifically valid and reliable forensic evidence for the purposes of criminal investigation and prosecution.
- 2016-2021 **Mental Health and Criminal Justice** On the intersection of mental health and criminal justice, with particular focus on mental illness and intellectual disability among prisoners.

## Legal Aid

- Aug 2014 onwards Pro Bono Representation of Prisoners Sentenced to Death
- Since August 2014, led a team of 10 lawyers and mitigation investigators in providing pro bono legal representation to nearly 150 prisoners sentenced to death in India before the Supreme Court and various High Courts, securing commutations of the death sentence for 30 prisoners and acquittals for 6 prisoners on death row.
- Jan 2019 onwards Pro Bono Representation of Undertrials
- Since January 2019, supervised a team of 20 Legal and Social Work Fellows in the Fair Trial Programme under Project 39A assisting the District Legal Services Authorities of Pune and Nagpur in providing legal representation to undertrial prisoners. In this period, the team has assisted nearly 3000 undertrial prisoners and secured the release of over 1000 from prison.

## Impact on Law

- 2015
- In *Shabnam v. Union of India* (2015), an intervention by Project 39A, the Supreme Court laid down procedural safeguards to be complied with for the issuance of a warrant for execution.
- 2016
- In *Mohd. Arif v. Registrar, Supreme Court of India* (2016), a case filed by Project 39A, the Supreme Court held that the right of prisoners sentenced to death to have review petitions reopened for oral hearing also applied to cases in which the curative petition had previously been dismissed.
- 2018
- In *In Re-Inhuman Conditions in 1382 Prisons* (2018), the Supreme Court allowed an application filed by Project 39A

seeking declaration of right to work and education for death row prisoners and to not be discriminated against in prisons. The Court also upheld that the solitary or segregated confinement of death sentenced prisoners was illegal and unconstitutional, and ordered all jail manuals to be amended to follow its directives in this judgement.

In *Babasaheb Maruti Kamble v. State of Maharashtra* (2018), the Supreme Court declared *in limine* dismissals unacceptable in capital appeals and held that the apex court must independently re-examine the merits of the case, and provide a reasoned order, at least on the point of sentence

2019

In *Mohd. Mannan v. State of Bihar* (2019), the Supreme Court acknowledged the role of mitigation investigators, social workers and mental health professionals in death penalty sentencing. The court took judicial notice of a psychiatrist's opinion on the strong possibility of mental illness of the convict, and also recognised the effect of being on death row on the mental health of an individual.

In *Accused X v. State of Maharashtra* (2019), another case handled by Project 39A, the Supreme Court acknowledged post-conviction mental illness and its role as a determining factor in commutation of death sentences. The Court again acknowledged the effect of being on death row on the mental health of prisoners and emphasised the importance of access to mental health practitioners for prisoners on death row.

2021

In two judgments (*Lochan Shrivastava v. State of Chhattisgarh* (2021), *Bhagchandra v. State of Madhya Pradesh* (2021)), the bench comprising Justices L. Nageswara Rao, B.R. Gavai and B.V. Nagarathna, based on arguments by Project 39A, drew attention to the sentencing errors of the trial courts in focusing solely on crime-based circumstances.

In three judgments (*Mofil Khan & Mobarak Khan v. State of Jharkhand* (2021), *Lochan Shrivastava v. State of Chhattisgarh* (2021), *Bhagchandra v. State of Madhya Pradesh* (2021)) the bench comprising Justices L. Nageswara Rao, B.R. Gavai and B.V. Nagarathna acknowledged and cited affidavits of the prisoners' family and community members prepared by Project 39A to establish the probability of reform of the convict.

In hearings between September – December 2021, based on arguments raised by Project 39A, the bench of the Supreme Court comprising Justices U.U. Lalit, S. Ravindra Bhat and Bela M. Trivedi through a series of orders across multiple cases (*Manoj v. State of Madhya Pradesh*, *Mohd. Firoz v. State of Madhya Pradesh*, *Rahul v. State of Delhi Ministry of Home*, *Irfan @ Bhayu Mevati v. State of Madhya Pradesh*), has now developed a practice of calling for reports from Probation Officers, prison authorities and mental health experts to address inadequate sentencing of courts below.

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