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Legal Framework and Judicial Practices Surrounding the Death Penalty in India

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ABSTRACT

This essay situates the death penalty within constitutional, statutory, and judicial discourse by conducting a thorough analysis of the legal framework and judicial practices governing the death penalty in India. The study's main goals are to evaluate whether current judicial procedures guarantee consistency, fairness, and proportionality in sentencing and to examine how Indian courts interpret and apply the death sentence, especially in light of constitutional protections under Articles 14 and 21. The article's methodology takes a doctrinal and analytical approach, drawing on statutory laws, constitutional provisions, and significant rulings from the Supreme Court and High Courts. Through important judicial principles including the "rarest of rare" criterion, The ratio of aggravating and mitigating factors, and the function of appellate review and executive clemency, it critically examines the development of death sentence law. In order to show how abstract concepts are operationalized in actual adjudication, the study also uses case-based analysis. The major conclusions show that although the death sentence is still technically permissible in India, its implementation is characterized by judicial constraint and increased procedural protections. By focusing on individual sentencing, socioeconomic context, and the potential for change, the Supreme Court has gradually limited the use of death penalty. The paper also draws attention to ongoing issues with inconsistent sentencing, subjectivity in judicial judgment, and differences between trial and appellate courts. Case studies highlight systemic caution and the shortcomings of capital sentencing by demonstrating how higher courts regularly commute death sentences. According to the article's conclusion, India's death sentence system displays a paradoxical stance that keeps the death penalty legal but gradually

restricts its application in real life. It contends that even though judicial actions have reinforced constitutional protections, the lack of a formalized sentencing system still leads to arbitrariness. In order to guarantee that the application of the death penalty is in keeping with constitutional morality and the changing norms of justice, the study eventually advocates for structural changes, such as more precise sentencing criteria and improved judicial uniformity.

KEYWORDS

Death Penalty in India, Rarest of Rare Doctrine, Capital Punishment Jurisprudence, Constitutional Safeguards, Judicial Discretion and Sentencing, Human Rights and Criminal Justice

1. INTRODUCTION

The death penalty, which involves the permanent taking of a person's life as a form of criminal punishment, is one of the most profound displays of state authority. At the nexus of constitutional morality, societal expectations, penological goals, and human rights standards, the death penalty in India occupies a complicated and contentious position within the criminal justice system. The death sentence is still in place in the Indian legal system for a small number of crimes, but its use has been the focus of intensive judicial examination as well as ongoing scholarly and popular discussion. The primary backdrop of this study is this conflict between retention and restraint.¹

Historically inherited from colonial criminal law, the death penalty has survived constitutional challenges despite the transformative vision of the Indian Constitution, which places the right to life and personal liberty at its core. The Supreme Court of India has consistently upheld the constitutional validity of capital punishment, yet it has simultaneously sought to limit its use through judicially evolved standards, most notably the “*rarest of rare*” doctrine. However, the continued imposition of death sentences by trial courts and their frequent commutation by appellate courts raise critical questions regarding sentencing consistency, judicial discretion, and arbitrariness. These concerns form the primary research problem addressed in this article: *whether the existing legal framework and judicial practices governing the death penalty in India adequately safeguard against arbitrary and disproportionate sentencing.*²

The irrevocable nature of the punishment and the increased possibility of injustices make this investigation crucial. Inconsistencies in capital punishment erode public trust in the legal system and cast doubt on the

¹ Jagmohan Singh v. State of U.P., (1973) 1 SCC 20

² Maneka Gandhi v. Union of India, (1978) 1 SCC 248

validity of state-imposed punishment in a constitutional democracy dedicated to equality before the law and due process. Furthermore, a more thorough assessment of whether India's death penalty jurisprudence is consistent with changing norms of human dignity and constitutional principles is required given its status as a retentionist state amid a global trend towards abolition.³

This article contributes to existing scholarship by offering a structured and integrated analysis of statutory provisions, constitutional interpretation, and judicial practice, supplemented by illustrative case studies. It examines not only the doctrinal foundations of capital punishment but also the practical realities of its administration. The study adopts a doctrinal methodology, analysing leading judgments and statutory texts to trace judicial trends and identify systemic gaps.

In terms of structure, the study starts by describing the legal and historical background of the death sentence in India. Next, it looks at the judicial and constitutional ideas that influence its implementation. Before delving into in-depth case studies, it examines changing legal procedures and disputes. In order to promote more uniformity, equity, and constitutional integrity in the application of the death penalty, the essay ends with critical observations and suggestions.⁴

2. HISTORICAL AND STATUTORY BASIS

(i) Origins in Colonial Legislation

The British colonial judicial system, which aimed to enforce standard criminal laws throughout the subcontinent, is deeply ingrained in the history of the death penalty in India. Before British codification, India's criminal justice system was mostly controlled by a variety of regional, religious, and customary customs, with punishments differing greatly throughout communities. The British government established a centralized and regulated criminal justice system with the goal of administrative efficiency and control. The death penalty, which reflected the retributive and deterrent penal philosophy that was popular in nineteenth-century England, became a crucial component of this system.

The Indian Penal Code, 1860 (IPC), which was drafted under Lord Macaulay's direction, was the most important colonial law in this respect. The death penalty was fully codified in the Indian Penal Code (IPC) as one of the specified punishments for major offenses like murder (Section 302), waging war against the Crown (Section 121), and particularly aggravated kinds of dacoity. Crucially, the IPC standardized execution

³ Law Commission of India, 262nd Report on Death Penalty (2015)

⁴ Amnesty International, *Death Sentences and Executions* (Annual Reports)

procedures throughout colonial India by adopting hanging by the neck until death as the only form of punishment, following British practice. Compared to previous, more diversified kinds of punishment, this represented a change.⁵

The Code of Criminal Procedure (CrPC), which supplements the IPC, established the legal framework for imposing and carrying out death penalties. Early iterations of the CrPC gave judges a lot of latitude and gave the accused few protections. The death penalty was applied somewhat regularly throughout the colonial era, frequently not only for violent crimes but also for offenses thought to pose a danger to colonial power. As a result, rather than serving as a specifically designed punishment, the death penalty served as a tool of government and deterrence.⁶

Procedural improvements, including as requirements for appellate review and confirmation, were added to the CrPC over time. Despite their limitations, these modifications represented an increasing understanding of the death penalty's irreversibility and the necessity of procedural prudence. The death penalty was firmly established in statute law by the time India gained independence in 1947, but it was becoming more and more contentious from a moral and constitutional standpoint. After considering its removal, the Constituent Assembly decided to keep it in place, leaving its regulation to judicial interpretation and legislative policy within the bounds of the constitution.⁷

(ii) Present Statutory Framework

The death sentence is still a legitimate punishment in modern-day India, but it is now subject to tighter restrictions and constitutional regulations. The Bharatiya Nyaya Sanhita, 2023 (BNS) is currently the main substantive criminal legislation after the IPC was repealed. For a limited number of the most horrible crimes, such as murder and severe sexual assault that results in death or extreme brutality, the BNS maintains the death sentence as the maximum punishment. This legislative decision indicates the State's stance that the death penalty is still required in extraordinary situations, reflecting continuity rather than departure.⁸

The Code of Criminal Procedure, which requires strict checks at several levels, continues to be the source of the procedural safeguards guiding the death penalty. The idea that life in prison is the standard and death is the exception is reinforced by the requirement that courts document

⁵ Indian Penal Code, 1860 (Sections 121, 302)

⁶ Code of Criminal Procedure, 1898 / 1973

⁷ Radhabinod Pal, *The Penal Law of India*

⁸ Bharatiya Nyaya Sanhita, 2023

unique circumstances when imposing the death penalty. Additionally, the High Court is required to confirm every death sentence imposed by a trial court, guaranteeing appellate review prior to execution.⁹

Hanging is still the legally required method of execution notwithstanding changes in nomenclature and statute reorganization, confirming the continuity of execution techniques from the colonial era. Nonetheless, contemporary statutory interpretation must adhere to the Supreme Court's established constitutional doctrine, especially as it relates to Articles 14 and 21.¹⁰ As a result, the current legislative framework represents a hybrid legacy, with colonial elements maintained through legislative continuity but limited by judicial doctrines and constitutional protections. Although the legislature has continuously upheld the death penalty, its application is now more influenced by changing judicial criteria meant to ensure proportional justice and prevent arbitrariness than by the statute wording alone.

3. CONSTITUTIONAL AND JUDICIAL FOUNDATIONS

(i) Constitutionality of the Death Penalty

The death penalty's constitutionality in India has been the focus of ongoing judicial and academic discussion, especially in light of Article 21 of the Constitution's guarantee of the fundamental right to life and personal liberty. Interestingly, the death penalty is not specifically forbidden by the Constitution. Rather, it allows for the taking of life "according to procedure established by law," leaving the issue of the death penalty up to judicial interpretation and legislative judgment. Instead of flatly forbidding the death penalty, this textual silence has allowed courts to consider it through the prisms of due process, fairness, and non-arbitrariness.

Jagmohan Singh v. State of Uttar Pradesh (1973) was the first significant constitutional challenge to the death penalty. The petitioner argued that Articles 14 (equality before the law) and 21 were breached by judges' unrestricted authority to issue death sentences. The Supreme Court rejected this argument and maintained the constitutionality of the death penalty, citing the fact that sentencing discretion is used in a formal legal procedure that includes arguments, evidence, and well-reasoned conclusions. The Court stressed that Article 21 is not violated by depriving someone of their life in accordance with a law that has been

⁹ Code of Criminal Procedure, 1973 – Sections 354(3), 366

¹⁰ *Deena v. Union of India*, (1983) 4 SCC 645

duly passed and followed a fair procedure. Crucially, the Court relied on the assumption that judges behave sensibly rather than arbitrarily.¹¹

Even though Jagmohan Singh supported the death penalty, it did not sufficiently address issues with inconsistent sentencing and a lack of guidelines. Following the ruling in *Maneka Gandhi v. Union of India* (1978), which broadened the interpretation of Article 21 to encompass substantive due process, fairness, and reasonableness, these worries became more apparent. The judiciary was forced to re-evaluate prior presumptions on procedural adequacy and judicial discretion in capital punishment as a result of this doctrinal shift.¹²

Even while the death sentence is allowed under the constitution, subsequent rulings have highlighted that it must only be applied after a fair, reasonable, and just process. Courts acknowledged that the punishment's irrevocable character necessitates closer examination and more stringent protections. As a result, constitutional legitimacy became conditional rather than absolute, rooted in changing proportionality and fairness norms.¹³

(ii) The "Rarest of Rare" Doctrine

In *Bachan Singh v. State of Punjab* (1980), a Constitution Bench of the Supreme Court attempted to balance the preservation of the death sentence with constitutional morality, resulting in a significant shift in death penalty law. The Court established the now-canonical "rarest of rare" theory while maintaining the legitimacy of the death sentence, radically altering sentencing guidelines.¹⁴

The Court ruled that the death sentence should only be applied in extremely rare circumstances where life in prison is clearly not an option. With life in prison as the norm and death as the exception, this statement created a clear normative hierarchy. Crucially, the Court rejected mandatory death sentences and emphasized the necessity of customized sentencing, which calls on judges to weigh aggravating and mitigating circumstances.

The *Bachan Singh* ruling established important guidelines: courts must take into account the offender's circumstances, such as age, mental state, socioeconomic background, and opportunity for reform, in addition to the substance of the crime. This brought capital punishment into line with the constitutional principles of proportionality and dignity, marking a change from a crime-centric to a crime-and-criminal-centric

¹¹ *Jagmohan Singh v. State of U.P.*, (1973) 1 SCC 20

¹² *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

¹³ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494

¹⁴ *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684

approach. Later rulings, most notably *Machhi Singh v. State of Punjab (1983)*, made an effort to further classify situations that qualified for the death penalty. However, court implementation has frequently been inconsistent in spite of these criteria, which has led to criticism that the "rarest of rare" doctrine is still essentially subjective.¹⁵

However, the theory still acts as the cornerstone of Indian death sentence law. It recognizes the sanctity of life, exhibits judicial restraint, and makes an effort to lessen arbitrariness without going so far as to abolish it. Together, Jagmohan Singh and Bachan Singh demonstrate the judiciary's effort to strike a compromise between constitutional protections and legislative policy, resulting in an exceptionally cautious but retentionist death sentence system in India.

4. JUDICIAL PRACTICES AND APPEALS

(i) Role of High Courts and the Supreme Court

The Indian criminal justice system acknowledges the irreversible nature of the death penalty by subjecting death sentences to a very stringent appellate and review process. A death sentence imposed by a Sessions Court does not become final, unlike other criminal sentences, unless the High Court confirms it, as required under the Code of Criminal Procedure. In addition to setting the death penalty apart from other sentencing options, this need of required confirmation is an essential safeguard against error, arbitrariness, and abuse of judicial discretion.¹⁶

The High Court independently and thoroughly re-evaluates the conviction and the punishment during confirmation hearings. It is not constrained by the trial court's conclusions and is free to review the material, re-examine witnesses if needed, and determine whether the "rarest of rare" criteria was rightly applied. The High Court has the authority to uphold the death penalty, commute it to life in prison, clear the defendant, or mandate a new trial. The judiciary's cautious stance on the death penalty is highlighted by this broad jurisdiction.¹⁷

The Supreme Court of India, in addition to the High Court, has a significant influence on the development of death sentence law. If the death penalty is upheld, the accused may file a statutory appeal or special leave petition with the Supreme Court. The Supreme Court has repeatedly stated that capital trials necessitate rigorous adherence to constitutional principles, careful reasoning, and increased judicial sensitivity. In actuality, the Court regularly examines whether mitigating

¹⁵ *Machhi Singh v. State of Punjab*, (1983) 3 SCC 470

¹⁶ Code of Criminal Procedure, 1973 – Sections 366–371

¹⁷ *Shatrughan Chauhan v. Union of India*, (2014) 3 SCC 1

circumstances were sufficiently taken into account and if the sentencing choice is fair and proportionate.¹⁸ The legal system offers additional protections even in the event that an appeal is denied. A review petition and, in extreme cases, a curative petition, the last viable legal remedy, may be filed by the condemned prisoner. Curative petitions are uncommon, but their existence shows that judges recognize that even the highest court is not perfect. When taken as a whole, these several levels of judicial review show an institutional dedication to reducing the possibility of wrongful execution, even at the expense of drawn-out legal proceedings.

(ii) Commutation and Clemency

The Indian Constitution includes executive clemency powers as a crucial safeguard in death penalty cases, in addition to judicial remedies. The President of India and the Governors of States, respectively, are authorized by Articles 72 and 161 to pardon, reprieve, give respites, or commute death sentences. Within the context of the constitution, these powers function as a humanitarian and remedial mechanism and are independent of the judiciary.¹⁹

Clemency is a crucial component of the criminal justice system that is intended to handle situations that courts may not be institutionally prepared to handle. It is not just an act of kindness. Mercy petitions are frequently based on factors such as post-conviction behaviour, mental illness, excessive execution delays, humanitarian concerns, and possible injustice. The Supreme Court has acknowledged that a protracted delay in ruling on mercy petitions may be grounds for commutation in and of itself as it causes inmates to suffer greatly psychologically.²⁰

Despite its limitations, judicial examination of clemency decisions guarantees that executive discretion is not used arbitrarily. When clemency powers are used dishonestly, carelessly, or in contravention of constitutional norms, courts have the authority to step in. This careful balancing act guarantees accountability while maintaining executive liberty.

Despite these protections, the clemency procedure has come under fire for being opaque and inconsistent. Its efficacy has frequently been compromised by delays, political factors, and a lack of clear guidelines. However, in circumstances involving the death penalty, executive clemency continues to be a vital final line of defence against permanent

¹⁸ Mohd. Ajmal Kasab v. State of Maharashtra, (2012) 9 SCC 1

¹⁹ Constitution of India, Articles 72 & 161

²⁰ Kehar Singh v. Union of India, (1989) 1 SCC 204

injustice.²¹

The combination of executive clemency and judicial appeals creates a multi-layered protection structure that sets death penalty sentencing apart from regular criminal adjudication. Even though these procedures greatly lower the possibility of a wrongful execution, they also draw attention to structural issues like lengthy detention on death row and complicated procedures, highlighting the ongoing need for reform in India's death penalty system.

5. EVOLVING JUDICIAL TRENDS

(i) Recent Supreme Court Opinions

The idea that the death penalty must continue to be an exceptional reaction saved for the most extreme circumstances has been reinforced by the Supreme Court of India's recent notable shift towards a more nuanced and comprehensive approach in death sentence adjudication. The Court has increasingly stressed the necessity to evaluate the specific circumstances of the perpetrator in addition to the nature of the offence, moving past previous inclinations to concentrate only on the brutality or gruesomeness of the crime. A greater understanding of the constitutional principles of justice, proportionality, and dignity is reflected in this developing body of case law.

The Court's insistence that the death penalty cannot be imposed only on the basis of brutality is a notable trend in recent rulings. The Supreme Court has made it clear that sentencing judges must consider mitigating considerations such as the accused's socioeconomic background, age, mental health, lack of prior criminal record, and potential for reform and rehabilitation, even in situations involving extreme violence. This strategy is based on the knowledge that structural injustices frequently influence crime, and that punishment should take these larger societal realities into consideration rather than depending just on moral outrage.²²

The Court has also reaffirmed that a meaningful and independent hearing on punishment, separate from the determination of guilt, is necessary for sentencing in capital cases. It has been decided that the sentencing procedure is invalid if such a hearing is not convened or if mitigating circumstances are not sufficiently taken into account. The Supreme Court has mitigated death sentences in a number of recent rulings on the grounds that trial courts violated the guidelines established in *Bachan Singh* by failing to properly balance aggravating

²¹ *Epuru Sudhakar v. Govt. of A.P.*, (2006) 8 SCC 161

²² *Manoj & Ors. v. State of Madhya Pradesh*, (2023) 2 SCC 353

and mitigating circumstances.²³

The judicial recognition of the criminal justice system's shortcomings is another significant development. The Court has acknowledged that vulnerable accused individuals may be disproportionately impacted by mistakes made during the trial phase, whether as a result of poor legal representation, faulty investigations, or socioeconomic hardship. This acknowledgment has increased judicial prudence and reaffirmed the preference for life in prison over the death penalty, unless extraordinary circumstances manifestly warrant the death penalty.

(ii) Statistical Trends

Empirical data on death sentence sentencing in India sheds more light on judicial patterns. There is a substantial discrepancy between trial court sentencing and appellate results, according to statistical studies. Even though trial courts still impose a sizable number of death sentences annually, the Supreme Court and High Courts either overturn or commute a sizable percentage of these judgments. This pattern draws attention to structural issues with consistent sentencing and the trial-level use of the "rarest of rare" doctrine.

Data from a number of recent years indicates that the Supreme Court has upheld few or no death sentences in cases decided during that time. This reflects the Court's reliance on rigorous adherence to doctrinal and constitutional criteria rather than judicial forbearance. The institutional bias for erring on the side of life when there is uncertainty is highlighted by the unwillingness to confirm death sentences.²⁴

These statistical patterns also imply that appellate courts serve as a corrective mechanism, reducing the possibility of the death penalty's inherent irreversible error. However, they also highlight flaws in the trial process, such as an over-reliance on the seriousness of the offense and insufficient attention to mitigating circumstances. Concerns about psychological suffering and humane treatment are further raised by the ensuing delays and extended confinement on death row.²⁵

When taken as a whole, recent court rulings and statistical trends show a distinct trend toward judicial restraint when it comes to the death penalty. Although the penalty is still lawful, its actual application is becoming more limited. This changing pattern indicates a slow shift toward restricting, if not completely reconsidering, the use of the death penalty in India's criminal justice system and shows the judiciary's effort

²³ Anokhi Lal v. State of M.P., (2019) 20 SCC 196

²⁴ National Crime Records Bureau (NCRB), *Prison Statistics India*

²⁵ Project 39A, *Death Penalty in India: Annual Statistics*

to balance penal goals with constitutional morality.

6. CONTROVERSIES AND DEBATES

(i) Human Rights and International Pressure

The death penalty's continued use in India is still a very divisive topic, especially in light of the global abolitionist movement and international human rights discourse. More than two-thirds of the world's nations have either outlawed the death penalty or stopped using it. The sanctity of life is emphasized in international documents like the Universal Declaration of Human Rights²⁶ and the International Covenant on Civil and Political Rights (ICCPR), which call on nations to gradually limit the application of the death penalty with abolition as the ultimate aim. Despite being a signatory to the ICCPR, India has continuously maintained a reservation in favour of keeping the death penalty in place for the "most serious crimes."²⁷

Deterrence, public safety, and society interest are the main justifications offered by the Indian government and judiciary for this stance. It is maintained that the death sentence maintains social order and strengthens public trust in the criminal justice system by serving as a potent deterrence against horrible crimes like terrorism, violent murders, and aggravated sexual offenses. Abolition is frequently seen as premature or incompatible with current societal realities in a nation with significant socioeconomic inequality and high crime sensitivity.

However, these assertions are contested by detractors on both normative and empirical grounds. Research conducted worldwide has not been able to prove beyond a reasonable doubt that the death sentence is a more effective deterrent than life in prison. Human rights activists further contend that the death penalty is incompatible with contemporary constitutional democracies due to the possibility of murdering an innocent person and that it fundamentally violates the right to life and human dignity. The criticism of human rights is further heightened by worries about discriminatory application, especially against those who are economically and socially marginalized. These discussions put India at odds with new international norms and expose it to ongoing scrutiny from civil society organizations and human rights organizations.²⁸

(ii) Victim-Centric Guidelines Debate

The role of victims in capital sentencing is a major point of contention in

²⁶ Universal Declaration of Human Rights, Article 3

²⁷ International Covenant on Civil and Political Rights (ICCPR), Article 6

²⁸ UN General Assembly Resolutions on Moratorium on Death Penalty

Indian death sentence law. There have been calls in recent years for the creation of victim-centric criteria, claiming that sentence decisions do not adequately take into account the trauma, suffering, and interests of victims and their families. More focus on victim effect, according to supporters, would boost public trust and guarantee that justice is carried out, especially in situations involving severe cruelty.²⁹

However, requests to establish distinct victim-centric rules for death penalty cases have been turned down by the Supreme Court. According to the Court, sentencing in capital cases ought to be firmly based on constitutional principles, including proportionality, fairness, and individualized justice. The Court warned that elevating victim viewpoints as a key factor runs the risk of turning sentence into an emotional retaliatory exercise rather than a logical judicial judgment.

Instead, the judiciary has reinforced its reliance on pre-existing legal frameworks, such as the "rarest of rare" doctrine and well-established sentencing guidelines that already allow for the consequences of the crime to be taken into account without jeopardizing the accused's rights. This position reflects judicial concern that an excessive focus on victim interests could compromise due process and tip the scales against the accused, especially when it comes to an irreversible sentence like death.³⁰

These discussions highlight the ongoing conflict between victims' rights, retributive justice, and constitutional protections. They also draw attention to the more general difficulty of balancing popular opinion with morally sound decision-making in capital cases. In the end, the dispute highlights how difficult it is for Indian courts to strike a balance between the expectations of society for justice and the constitution's guarantee of justice, moderation, and human dignity while applying the death penalty.

7. CASE STUDIES

Case Study 1: Bahraich Violence (2024 Verdict)

One recent and contentious example of the death sentence being applied at the trial court level is the Bahraich violence case (2024). In this instance, Sarfaraz was given a death sentence by a Bahraich Sessions Court for his role in violent communal acts that caused numerous fatalities and widespread dread in the community. The offense was described by the court as being in the "rarest of rare" category, highlighting both the seriousness of the acts and their wider social ramifications.

²⁹ Sangeet v. State of Haryana, (2013) 2 SCC 452

³⁰ State of Punjab v. Gurmit Singh, (2014) 9 SCC 632

The verdict heavily relied on the crime's moral and societal ramifications, noting that the violence threatened public order and disturbed communal cohesion. The court reasoned that in order to uphold the rule of law, such offenses should be punished as severely as possible because they threaten the social fabric. This instance exemplifies a conventional deterrence-based strategy, in which the perceived necessity to convey a strong message to society justifies the harshness of punishment.

But the choice has also drawn criticism. Legal observers have questioned whether certain mitigating considerations, such as the accused's background, the likelihood of reform, and the severity of the punishment, were given enough consideration. The case serves as an example of trial courts' ongoing propensity to prioritize moral outrage and communal harm, often at the expense of the careful balancing needed by Supreme Court doctrine. Whether or not it is consistent with the developing judicial restraint in capital sentencing will depend on how appellate courts ultimately handle it.³¹

Case Study 2: Commutation in Daughter's Murder Case

The Bombay High Court's reduction of a death sentence in a case involving the murder of a man's daughter, in contrast to the Bahraich conviction, illustrates the appellate courts' careful and corrective role in death penalty adjudication. According to the trial court, the crime was exceedingly cruel and morally repugnant, and the death penalty was imposed. On appeal, however, the High Court thoroughly re-evaluated the aggravating and mitigating circumstances.

Although the High Court acknowledged that the crime was heinous, it ruled that the death penalty could not be justified solely on the basis of brutality. The Court stressed that the "rarest of rare" criteria necessitates evidence that the accused is unreformable and that life in prison would be completely insufficient. In this instance, commutation was supported by elements including the lack of a criminal record and the absence of proof of complete incorrigibility.

This ruling demonstrates the judiciary's growing focus on constitutional proportionality and tailored sentence. It upholds the idea that, rather than being motivated only by moral or emotional factors, even extremely upsetting offenses must be assessed within a formal legal framework. The case demonstrates the crucial role appellate courts play in preventing the abuse of the death penalty.³²

³¹ Sessions Court Judgment, Bahraich (Trial Court Record)

³² Bombay High Court Judgment (Criminal Appeal)

Case Study 3: Hamid Case

The Hamid case from Kerala, in which an 82-year-old defendant was given the death penalty for killing many family members, is a unique example of how courts have supported the death penalty in spite of the defendant's advanced age and familial ties. The crime, which involved planned violence against close relatives over a property dispute, was described by the court as exceptionally terrible.

The court emphasized the extreme depravity and betrayal of trust involved in the crime when it sentenced Hamid to death. According to the ruling, even customarily mitigating circumstances like advanced age may be overridden by the seriousness of the offense in instances of great cruelty and planned violence. This case shows that when aggravating circumstances are severe, judges have the authority to apply the death penalty.

The case has also spurred discussion regarding humanitarian issues and proportionality, especially with regard to older prisoners. It highlights the inherent conflict between condemnation of the act and sympathy for the individual in death penalty jurisprudence.³³

Case Study 4 : Manoj-Babli Honour Killing Case (2010)

In Indian criminal law, the Manoj-Babli honor killing case is significant because it was the first time that an honor killing resulted in a death sentence. In this case, a young couple was brutally murdered by members of their own society for marrying outside of caste limits.

Honor killings are a regressive and deeply ingrained kind of violence that threatens the fundamental values of equality and individual liberty, according to the trial court and later the High Court, which considered the crime as a "rarest of rare" occurrence. The judiciary made it clear that caste-based and patriarchal violence would not be accepted by imposing the death penalty.

Because it shows that the judiciary is prepared to employ the death penalty as a weapon to address systemic and cultural violence, this case will always be significant. However, it also poses long-standing doubts about whether the death penalty's symbolic deterrence is the best way to change deeply ingrained social norms.³⁴

8. RESEARCH GAP ANALYSIS

There are still a lot of unanswered questions regarding the coherence,

³³ Kerala High Court / Supreme Court Records

³⁴ State of Haryana v. Sukhbir Singh, (2011) SCC OnLine P&H

consistency, and constitutional sufficiency of the current death sentence system in India, despite several court rulings and scholarly discussions on the subject. The study that follows highlights important gaps that call for additional academic and empirical research.

The absence of a systematic and defined sentencing framework for cases involving the death penalty is one of the most important gaps. Even though the Supreme Court has developed guiding principles through *Bachan Singh* and later rulings, these standards are nonetheless arbitrary, abstract, and judge-made. Instead of assessing how well these principles direct punishment at the trial court level, research has mostly concentrated on doctrinal explanation. Insufficient empirical research has been done to determine if judicial discretion is significantly limited or whether sentence decisions differ depending on the subjective opinions of judges.³⁵

The consistent discrepancy between trial court sentencing and appellate review results is another significant gap. The research now in publication recognizes the high rates of commutation by the Supreme Court and High Courts, but it does not offer a thorough causal analysis that explains why trial courts disproportionately impose death sentences. Institutional elements that could lead to inconsistent application of the "rarest of rare" doctrine, such as judicial training, workload demands, or socio-political influences at the trial level, have received little consideration.

The scholarly research has not adequately studied how socio-economic disadvantage consistently influences death penalty results, despite recent Supreme Court law emphasizing mitigating factors such as poverty, lack of education, and social marginalization. Intersectional analysis examining relationships between capital punishment and caste, class, geographical inequalities, or the caliber of legal counsel is lacking. This gap prevents us from fully assessing whether vulnerable communities are disproportionately affected by the death sentence.³⁶

The research on the conflict between victim-centric justice and due process rights in death penalty cases is noticeably lacking. Scholarly research has not sufficiently analysed the constitutional implications of prioritizing victim impact in capital punishment or offered balanced models that preserve both victim interests and accused rights, despite the growing public call for greater -victim representation.

9. RECOMMENDATIONS

A number of institutional and systemic changes are required to make

³⁵ Law Commission of India, 262nd Report (2015)

³⁶ Project 39A Empirical Studies

sure that the death sentence is administered in India in a way that is more in line with fairness principles, constitutional values, and changing human rights standards. Even while court actions have greatly reduced the application of the death penalty, institutional flaws still jeopardize justice and consistency. The recommendations that follow are meant to address these issues in a comprehensive manner.

Systematic, publicly available statistics on death penalty sentencing is desperately needed. The number of trial court death sentences, appellate court confirmations or commutations, pending appeals, mercy pleas, and executions should all be tracked in detail. Transparent data gathering would enable academic study, support evidence-based policymaking, and reveal trends of regional imbalance or arbitrariness. Accountability and well-informed discussion would be greatly improved by institutionalizing such data reporting through the National Crime Records Bureau or judiciary annual reports.³⁷

Due to protracted litigation, victims of horrible crimes and their families frequently experience ongoing emotional, psychological, and financial hardship. The State must fund strong victim assistance programs regardless of sentencing decisions, even if sentencing must remain unbiased and based on the Constitution. This includes having access to legal aid, counselling, compensation plans, and regular updates on the status of cases. By bolstering these systems, victim welfare is guaranteed without jeopardizing judicial independence or turning sentencing into a form of retaliation.

Specialized and ongoing judicial training is crucial given the intricacy and delicate nature of death penalty cases. Structured training on constitutional jurisprudence, socioeconomic mitigation, human rights standards, and psychological aspects of sentencing should be provided to judges, especially those at the trial level. Furthermore, the creation of structured sentencing standards could greatly lessen subjectivity and inconsistency in the application of the "rarest of rare" theory while maintaining judicial discretion.³⁸

India needs to start a thoughtful national dialogue about the death penalty's future. Lawmakers, jurists, criminologists, human rights specialists, and civil society should all participate in this discussion. In view of worldwide abolitionist trends, alternatives including life in prison without the possibility of release, restorative justice procedures, or enhanced rehabilitation-focused sentencing ought to be considered. Such discussion would allow for well-informed legislative reform based

³⁷ NCRB Data Collection Framework

³⁸ UN Office on Drugs and Crime (UNODC) – Criminal Justice Reform Manuals

on factual data rather than just popular opinion.

Death row inmates suffer greatly psychologically as a result of protracted delays in appeals and mercy petition rulings, while victims' families experience protracted uncertainty. It is necessary to establish clear procedural timetables for the time-bound resolution of death penalty appeals and clemency petitions. Prioritizing capital cases and managing cases effectively will guarantee prompt justice while reducing the human cost of delay.

10. CONCLUSION

The death sentence system in India is a carefully considered but hotly debated junction of judicial restraint, constitutional ideals, legislative authority, and human rights concerns. Although the death penalty is still permitted by Indian criminal law, its use is no longer solely motivated by retaliation. Rather, a constitutional commitment to justice, proportionality, and the sacredness of human life shapes it. The court, especially the Supreme Court, has been instrumental in changing the death sentence from a punishment that is frequently applied to one that is only used in the most dire situations.

This judicial history is best illustrated by the creation and consistent implementation of the "rarest of rare" concept. Indian jurisprudence aims to reduce arbitrariness and guarantee that the death sentence is only applied when life in prison is clearly insufficient by demanding personalized sentencing and forcing judges to weigh aggravating and mitigating circumstances. The socioeconomic background of the accused, the accused's mental health, the possibility of reform, and structural flaws in the criminal justice system are all becoming more and more important aspects of modern judicial practice. This change reflects a growing understanding that crime cannot be understood in a vacuum, apart from its structural and social settings.³⁹

However, there are still a lot of obstacles to overcome. Concerns regarding justice and equality before the law are still raised by inconsistent sentencing, subjectivity in the application of judicial norms, protracted delays, and socioeconomic inequities. Furthermore, India's continuous use of the death penalty puts it at odds with abolitionist movements around the world and draws continued criticism for violating human rights.⁴⁰ India's death penalty jurisprudence exhibits a transitional legal stance, one that upholds the death sentence in theory while progressively restricting its application in reality. The course of

³⁹ Bachan Singh v. State of Punjab, (1980) 2 SCC 684

⁴⁰ Law Commission of India, 262nd Report (2015)

judicial reasoning points to a slow shift toward increased moral restraint and constitutional scrutiny. It is unclear if this course will lead to legislative reform or abolition. However, the current framework highlights a growing dedication to guaranteeing that the use of the death sentence complies with the greatest principles of justice, dignity, and constitutional morality.