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Judicial Discretion in Capital Punishment Sentencing in India: A Critical Analysis of the Doctrine Of 'Rarest of Rare'

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ABSTRACT

One of the most heated debates in modern times revolve around capital punishment since India still enforces this punishment just like other select nations. The Supreme Court of India, in *Bachan Singh v. State of Punjab* (1980) established the 'rarest of rare' standard to restrict death penalty executions. The Supreme Court of India, in *Machhi Singh v. State of Punjab* (1983) further elaborated the Rarest of the Rare Doctrine. The Supreme Court of India designed this doctrine to protect death penalty use only for highly extraordinary situations. Many challenges exist in the application procedure which produces inconsistent outcomes that concern judicial freedom and arbitrary decisions as well as infringe upon fundamental rights.

The present investigation analyzes the ability of the 'rarest of rare' doctrine to create a capstone sentencing procedure which combines objectivity with fairness. The analysis determines if this doctrine created consistent judgments or made sentences more arbitrary because judges lack proper criteria when applying it. The study examines death penalty sentence determinations through Supreme Court rulings and statistical research reports which combine with international legal standards to analyze judicial decision-making subjectivity and possible biases. The study deepens its analysis by examining how both social elements and economic aspects as well as elements from politics determine judicial freedom in capital cases.

The study examines death penalty's constitutional effect on two major provisions found in Article 14 (Right to Equality) and Article 21 (Right to Life and Personal Liberty). Results from this study will help draft guidelines through policy reforms to lower uncritical capital punishment processes and keep legal decisions kosher to fundamental equality standards and fair judicial practices.

Keywords: *Capital Punishment, Hanging, Death Penalty, Deterrent Punishment, Crimes*

INTRODUCTION

The use of Death Penalty in India remains under constant legal scrutiny because courts in the country establish both its boundaries and execution protocols. The death penalty remains a legal practice in India yet its judicial handling has experienced important transformations especially since *Bachan Singh v. State of Punjab* (1980). Through this historic decision the Supreme Court created the 'rarest of rare' standard which explains that death penalty exists only for situations with unmatched inadequacy of life imprisonment as an alternative punishment. The doctrine provides no definite framework which allows judges to make discretionary decisions when applying it.

Subsequent judgments, such as *Machhi Singh v. In State of Punjab* (1983) the High Court sought to explain 'rarest of rare' doctrine application by describing elements that qualify as mitigation and aggravation factors. Although the rarest of rare doctrine exists as a principle it has experienced inconsistent implementation because Supreme Court benches and multiple High Courts have varied in their interpretations of it. The application of sentencing decisions seems to be influenced by public opinion and media pressure and personal judge moral standards which worries many citizens about unpredictable rulings.

The present work evaluates whether the 'rarest of rare' standard effectively prevents random sentencing practices or if it produces subjectively biased judicial decisions. Through studying real legal cases and statistical evidence and international legal investigations this research should provide essential insights for rebuilding better fair sentencing processes in capital punishment frameworks.

LITERATURE REVIEW

In 1980 the Supreme Court established the 'rarest of rare' doctrine through *Bachan Singh v. State of Punjab*. India started enforcing the death punishment regulation system through the *State of Punjab* (1980) ruling. Current research by Anup Surendranath (2015) and Upendra Baxi (1987) shows that the doctrine causes unreliable court decisions because it lacks specific rules. Researcher P.K. Tripathi (2005) suggests that the 1973 CrPC amendment

changed the Indian law to make life imprisonment the standard form of punishment while capital punishment remains an exceptional judgment. Although lawmakers conduct systematic efforts the freedom given to judges causes uneven application of justice principles.

Subsequent cases like *Machhi Singh v. State of Punjab* (1983) tried to explain the concept. *Abhishek Singhvi* (1995) pointed out that judges still apply subjective reasoning when handling these elements. Recent research from Project 39A and Amnesty International (2018) alongside research from Project 39A in 2016 and 2021 demonstrates that decisions about who receives the death penalty in India often depend on social status, media portrayal, and public reactions which result in unpredictable enforcement of the death penalty. According to the 2016 Death Penalty India Report from Anup Surendranath we can see that minority groups in India get unfairly sentenced to death and face fewer opportunities to receive justice.

Just by looking at how different nations handle capital sentences researchers can see that the United States uses formal sentencing rules from the *Gregg v. Georgia* case in 1976 style system. Despite similar US and European decisions to limit executions Georgia now has less predictable results compared to other nations who abolished the death penalty. David Garland and Carol Steiker support the utility of U.S. structured sentencing policies while Roger Hood (2015) states Europe ended capital punishment due to concerns about arbitrary rulings and mistake executions.

Using these rights at once calls the death penalty into question both as discrimination against all citizens and as a violation of their right to live. According to Aparna Chandra (2018) the 'rarest of rare' doctrine goes against Article 14 because judges use their personal discretion too inconsistently. Additionally, in *Maneka Gandhi v. Union of India* (1978) the Supreme Court decided that a law taking away life needs the strictest principles of fairness for which Capital Punishment practice in India lacks according to P.N. Bhagwati (1982) and scholars.

Several experts want to build a better sentencing system that works fairly for everyone. Siddharth Luthra (2010) and Arghya Sengupta suggest forming a sentencing plan that clearly defines the rules and standards for death penalty cases. Judges need better training while a committee should review sentences and we should drop life without parole as an alternative to death penalty. The analysis indicates that using the 'rarest of rare' standard does not protect death penalty procedures from unfair decisions in the Indian system. The need exists for updated laws combined with tougher rules and different punishment forms to make the death penalty system hold true to the nation's legal requirements.

RESEARCH OBJECTIVES

The research objectives are:

1. To understand how much discretion of the judicial system is involved in capital punishment in India, it is important to look into certain constitutional provisions, statutes and judicial decisions relating to sentencing provisions.
2. To critically look into the "rarest of the rare doctrine" and analyse the pros and cons of the said principles when implemented in the Indian Policies together with evaluating the cases of disparities, subjectivity of the judges, and the influence of socio-economic and political factors on the wheels of justice especially in convictions with severe penalties.
3. To suggest legal and policy proposals that can exemplify fair and systematic procedures of sentencing in a warrant that reduces arbitrariness and recognizes constitutional and human rights principles in the cases of death penalty.

RESEARCH QUESTIONS

The research follows these main questions as its guiding principles:

- What are the decision-making warrants of the Indian judiciary regarding the concept of 'rarest of rare' in the death penalty?
- Is it clear from the doctrine, that there will be some amount of judicial discretion that leads to arbitrariness or otherwise?
- What are the primary problems and biases that affect court officials when they exercise their freedom during death penalty verdicts in India?
- What standards and procedures do the Indian capital punishment rules implement in contrast to international systems for death penalty judgments?

STATEMENT OF RESEARCH PROBLEM

The research problem evaluated in this study examines the inconsistent and random use of the 'rarest of rare' doctrine by Indian courts during death penalty decisions. The structured methodology created by the Supreme Court aimed at capital sentencing failed to decrease the subjective nature of judiciary decisions which produces divergent results when evaluating similar cases. Some convicts get sentenced to death while others convicted of equivalent serious offenses receive life imprisonment because India lacks specific sentencing guidelines.

Judicial decisions are affected by socioeconomic factors along with political elements which produce dissimilar outcomes in sentencing cases. Research data reveals that persons belonging to disadvantaged communities alongside economically disadvantaged groups and particular religious and caste affiliations face higher chances of receiving a death sentence. Public reactions and media reports that influence legal decision-making procedures create doubts about sentencing equity.

This study examines the 'rarest of rare' doctrine to evaluate its success as a capital punishment system because it aims to ensure justice and fairness but also analyzes the observed judicial arbitrariness and subjectivity during practical implementation.

RESEARCH HYPOTHESIS

H₀: The 'rarest of rare' doctrine meets the ends of uniformity and objectivity in the application of the death penalty in India.

H₁: The 'rarest of rare' doctrine has failed to eliminate arbitrariness and has in itself become a source of arbitrary aspects of judicial discretion in capital sentencing.

RESEARCH METHODOLOGY

Both Doctrinal research and Empirical research are used for this dissertation.

The Doctrinal research methodology involves analyzing the current statutory provisions and legal cases in order to examine a legal proposal. Additionally, it entails the examination of precedent, organizing and categorizing legal principles, along with the investigation of legal establishments via logical legal analysis. The primary emphasis is on the legal jurisdiction and the underlying ideas pertaining to a particular aspect of law.

The Empirical research methodology integrates methodologies from other fields to provide empirical data that may be used to investigate research issues. Non-doctrinal research examines legal studies by considering several disciplines. It utilizes approaches and data from many sources to provide a complete perspective to law. Additionally, it derives its findings from original sources.

EVOLUTION OF DEATH PENALTY LAWS IN INDIA

The way India uses death penalty as punishment has changed over time because of specific changes to law and court decisions. Lawmakers in ancient times designed their legal texts to endorse death penalty for extreme crimes to prevent further offenses and protect state power. Under British administration the law began treating death punishment as a set method to responding against crown-related offenses. After gaining independence India kept the death penalty as part of the Indian Penal Code 1860 especially through Section 302 which deals with murder. In 1955 the Code of Criminal Procedure (CrPC) Amendment eliminated the judicial need to explain their decision against death sentences. Society continues to discuss the rightness and practicality of the death penalty because people disagree about the number of innocent people being executed and the unequal handling of justice.

The judiciary system has worked steadily to adjust how capital punishment is used. A landmark case, *Bachan Singh v. State of Punjab* 1980 the court set new rules that allowed death penalty only when life imprisonment fails to address serious crimes. In 1983 the Punjab State Supreme Court extended the rarest of rare principle further. In 1983 the State of Punjab court defined valid death penalty justification criteria including extreme physical cruelty or multiple murders. In various important verdicts *Jagmohan Singh v. State of Uttar Pradesh* (1973) the court maintained the legitimacy of executing convicted criminals. The Supreme Court of India made a new decision in *Shatrughan Chauhan v. Union of India* (2014) to grant mercy petition delays and change death sentences. These rulings show how judges are adjusting their power to sentence fairly and responsibly because once a death penalty is applied no changes can be made.

Judicial protections exist yet doubts persist about unfair death sentences and unfair sentencing treatment across diverse social backgrounds plus unjustly accused people raise fundamental questions about why India uses capital punishment. Research proves that minority members endure higher death sentences than others because their fair representation and justice remains blocked in the legal system. The public, politicians, and news outlets create uncertainty when sentencing through their direct impact. The Supreme Court keeps reminding us of the requirement for standard capital punishment rules because they produce better equal results across all capital trials. As a democratic nation that retains capital punishment India stands along some other nations which remains one of few democracies worldwide to preserve the death penalty despite most countries taking steps towards abolishing it or implementing a moratorium. India maintains capital punishment today because opponents and supporters of execution must balance how well it protects society and respects human dignity.

JUDICIAL DISCRETION IN CAPITAL PUNISHMENT IN INDIA

Thus, the power of discretion is an important element where capital punishment is delivered in India. Unlike most of the legal systems in the world where the death penalty is mandatory or else prohibited for usage, the Indian criminal justice system operates on the "death or life imprisonment" option where the judges given the authority to decide the extent of the punishment depending on the nature of the crime committed. This discretion is exercised within the framework of certain legal principles such as the 'rarest of rare' doctrine as set in *Bachan Singh v. State of Punjab* (1980). However, due to the mentioned principles there is still substantial judicial discretion which results in differential between-case sentences. Thus, feared impacts, personal ideologies of the handling judge, social perceptions, and political characteristics of a country are among the key influencers affecting capital sentencing. It is argued that lack of standard measures in the sentences forbid consistency in delivery which means that different benches will handle cases differently regarding the punishment to be meted out on the defaulter and the crime committed. This is so because it brings into question the fairness, impartiality, and effectiveness of the death penalty in India.

The area of judicial discretion involve several factors such as options outside the law which include; public opinion, media and the political power. Examples include cases that come to the media limelight of high profile cases will receive severe punishment, and the judges being moved by the magnitude of the crime rather by the law. For example, in the 2012 Nirbhaya case also known as the Delhi gang rape case, the SC affirmed the death sentence stating that the cultural and social offense is enormously heinous and affects the collective society's morality. While some regard such sentencing as a method of retribution the others one will say that it is more of populism rather than legal pragmatic. Further, on the issue of equality, it has been established that there is a wide differential in the judicial discretions occasioned by compromised quality legal services to the black population which predisposes the defendant to receive a death sentence. Research has attempted to demonstrate that the trend to which the death penalty is imposed by the court is unfair to the poor and the ethnic minorities, showing that the penalty involves bias.

To address these issues, the Supreme Court has tried to put in place measures to reign in on the discretion of the judiciary in capital punishment cases. In *Santosh Bariyar v. In State of Maharashtra* (2009), it seems that the court has made critical remarks on the dilemma of IRRD and stressed the importance of rationality. Similarly, in *Shatrughan Chauhan v. In Union of India* (2014), the court extended this aspect of judicial discretion and affirmed that delays in carrying out the death penalty are sufficiently valid reason for commutation. Nonetheless, it is significant to note that the matter of arbitrariness has not been addressed at heart. The Law Commission of India (2015) suggested that the death penalty should be removed from ordinary crimes because there is no concrete way of preventing unfairness in the discretionary powers for judgment. Some may still suggest that there should be immigration judges who can decide on a case by case basis so that if this individual is let go, the other immigrants, even if they are guilty of the same offense as the one who escaped justice, are not given a raw deal, then there are those who may propose that there should be clear laws that must be followed; these laws should not allow the judges to interpose and decide on what they deem right in any given situation. While India awaits the verdict of capital punishment, judicial discretion is still one of India's most contentious issues within its criminal jurisdiction.

ANALYSIS OF THE 'RAREST OF RARE' DOCTRINE

In *Bachan Singh v.*, the 'rarest of rare' doctrine was introduced. This was established as a judicial standard in *State of Punjab* (1980) to restrict the imposition of death penalty in India. In what can be considered as the ultimate example of ironical judgment, the Supreme Court determined that capital punishment should be meted out only in cases where a life term would be unfit, and the crime was so heinous, brutal and shocking as to make death penalty the need of the hour. It directed the process of judicial decision making with a goal to deprive capital sentencing of the arbitrariness. While 'rarest of rare' is undefined and arbitrary, judges are given considerable leeway in applying it. Sentencing under the doctrine is inconsistent as the doctrine does not provide clear criteria. It can be observed that for some cases of brutal murders, the charges attract life imprisonment and in some similar cases, it attracts the death penalty illustrating arcs in the judicial interpretation of the doctrine. One critical problem in realizing fairness and consistency to death penalty cases has been the lack of uniform sentencing guidelines.

Applying the doctrine of the 'rarest of rare' has been narrowed down through judicial precedents over a period of time. In *Machhi Singh v. In State of Punjab* (1983), the Supreme Court held that the death penalty may be justified only in five kinds of cases viz. extreme brutality, mass killings, crimes that shock the conscience of society, or any other exceptional case. Although such guidelines have issued, there is still no uniform standard for measuring the seriousness of criminal offenses, and so the judgments vary according to the judge's reading of the law. Besides, the socioeconomic background of the prosecutor, media and public pressure determine the judicial decision. Research reveals that those who appear to be poor or marginalized receive unfair treatment in the judicial system because they are unable to afford lawyers to represent them in trials. In addition, it has been observed that high profile victims and those cases which generate large scale public outrage tend to result in more severe sentences, which leads to concern that emotional and political influences find their way into judges' decisions.

The principle of 'rarest of rare' was brought in to ensure some structure and hence make the capital sentencing justifiable but it has not helped in eliminating arbitrariness in practice. The doctrine is known to have been applied inconsistently in several cases, and it has received the recognition of several Supreme Court judges who have called for more objective sentencing guidelines. The Law Commission of India (2015) had recommended the abolition of death penalty except in terrorism cases on the failure of doctrine to achieve the uniformity in death penalty. Despite these concerns, India still does not stop imposing capital punishment because there is a balance between retributive justice, deterrence, and human rights. A common plea is that the doctrine needs some legislative refinement to provide better guidance on when a crime is serious enough as well as guaranteeing proportionality in sentencing. This doctrine is a contested issue in India's criminal justice system because without such reforms, the fate of the persons sentenced under this doctrine is not certain.

THE SOCIOECONOMIC AND POLITICAL INFLUENCE ON CAPITAL PUNISHMENT

This chapter will show how socioeconomic and political factors are involved in the decision to apply the capital punishment in India, which has, in turn, created a lot of disparities in the sentencing and execution of some of the highest crimes in the world. Research has found that those from lower socioeconomic status, like the poor, marginalised communities and minorities, are more likely to be given the death penalty because of faulty legal representation, as well as systemic inequalities. Most accused are unable to afford lawyers who are competent enough to challenge their conviction and other defense mechanisms. Besides, the legal system also encourages harsher punishment to the underprivileged and facetious people get out of punishment including death sentence or they receive commutations. Various reports by organisations such as Project 39A (National Law University, Delhi), have pointed out that there is class and caste dimension in the death penalty sentencing, and a large number of prisoners on death row are dalit, adivasi and minority religious community. These are some glaring disparities in a capital punishment system that is by no means fair or equitable.

Besides that, political influences also take its part in deciding how and when capital punishment is exercised. Induced by both public sentiment and electoral considerations, governments occasionally call for more enforcement of the death penalty as a symbol of strength on crime. Because of rape, terrorism, or crimes against children, high profile cases frequently lead to a increase in political pressure to give death sentences. In the light of the 2012 Delhi gang rape case (Nirbhaya case), the criminal laws were amended and the convicts in the case were executed swiftly. Also, instances of terrorism such as Afzal Guru (Parliament attack case, 2001) and Yakub Memon (1993 Mumbai bomb blasts) were all executed after political and public anxiety had reached a peak. The critics also believe that these cases show that the death penalty is applied subjectively, with political and not necessarily legal considerations coming into play, sometimes resulting in a highly inconsistent and unfair system of capital sentencing.

While media cannot be dismissed in the process of forming the public opinion, and its impact on the judicial decisions is obvious. More and more territory devoted to sensationalized media coverage creates moral panic that forces courts and governments to tighten their stances on capital punishment. The demands for fast-track trials and swift executions can be dubbed as a backlash from public outrage for heinous crimes at the cost of a fair legal process. In the Dhananjay Chatterjee (1990) case and in the Nirbhaya case (2012), the Supreme Court reiterated the 'collective conscience doctrine', whereby the death penalty is awarded in cases where public outrage is such, that the society demands this punishment with the intention of providing objective justice. Such developments generate doubts as to whether the independence of the judiciary is compromised by the need to concur with prevailing public opinion instead of the only case of law. Though capital punishment is legitimized by arguments made of deterrence and retribution, in India, its practice is largely a social, economic and political exercise for which it is subject to mulling and criticism.

INTERNATIONAL PERSPECTIVES ON CAPITAL PUNISHMENT AND JUDICIAL DISCRETION

The issue of capital punishment remains controversial in various parts internationally with the countries involved having different approaches. Some nations have abolished the death penalty all together but retributive and deterrent justice still persists in other nations. In the United Nations (UN), its various human rights bodies, such as Organization of American States (OAS) and the Inter American Commission on Human Rights (Inter American Commission on Human Rights) are fighting the abolition of the death penalty citing factors such as wrongful convictions, human rights violations and inconsistent application. Also, instruments such as International Covenant on Civil and Political Rights (ICCPR) and Second Optional Protocol calls for global moratorium on executions. But the retentionist countries claim that the death penalty serves for deterrence and retribution in the face of murders, terrorism and drug trafficking. The death penalty is still in force in the US, China, Iran and Saudi Arabia, while countries such as the UK, Canada, Australia and most of Europe have abolished it, indicating a worldwide split on this matter.

As compared to other retentionist countries, the US is an exception as the death penalty is implemented at the state level and some states abolish it, unlike Texas and Florida, which use it. Debates have been raised on the fairness of U.S. capital sentencing due to the racial and socioeconomic biases. China, however, executes more than anyone and death sentences are not limited to the most serious of crimes, including for corruption and drug offenses. Under Sharia law, Saudi Arabia and Iran, Middle East countries, also impose the death penalty for crimes such as apostasy, blasphemy and adultery. The death penalty is strictly against the European Union (EU) because abolition is a requirement for joining the EU. Some countries such as South Africa and Argentina where previously capital punishment was practiced have turned against it in regards to historical injustices and human rights. The death penalty is marked by this multitude of global differences encompassing issues of both morality, legality, and culture.

Although India is a retentionist country, the question as to whether it is necessary and effective to retain the death penalty is still contested. It has greatly cut down on executions but unlike many other democracies it keeps capital penalty. Comparing abolitionist countries to countries where the death penalty still exists, one can challenge the argument founded in deterrence. No matter how many fatalities are perpetrated they show no spike in crime rate. Amnesty International and the UN Human Rights Committee are among international organizations which have called on India to abolish capital punishment and to conform to international human rights norms. Still, India argues that the death penalty is only used for the 'rarest of rare' cases, in order to prohibit arbitrary imposition. Global trends moving towards abolition are putting pressure on India to change its position on capital punishment in line with human rights concerns, but also keeping to domestic legal principles. Therefore, the future of death penalty in India is subject to judicial interpretation, political will and international influences.

CRITICAL ANALYSIS OF JUDICIAL DISCRETION IN CAPITAL PUNISHMENT IN INDIA WITH RESPECT TO THE "RAREST OF RARE" DOCTRINE

Indian courts base their capital punishment decisions on the strictest standards possible as expressed by the "rarest of rare" rule. In 1980 *Bachan Singh v State of Punjab* created the standard. The Supreme Court of India in *State of Punjab (1980)* decided death penalty must stay reserved for extreme instances when dangerous offenses deeply offend public opinion. Under this doctrine judges have too much power to decide which crimes fall into the smallest number of extreme cases. Without standard criteria judges apply death penalty unevenly since some murderers get executed for their acts while others receive life imprisonment sentences regardless of similar bad deeds. The case of *Machhi Singh v. In State of Punjab (1983)* the court outlined five types of crimes for death sentence but judges still use their discretion unevenly.

Judges use too much freedom when deciding death sentences because they provide unequal treatment to defendants. Judges base their case decisions on both their personal feelings and external influences while reading from the same law texts. For instance, in *Santosh Kumar Bariyar v. The Supreme Court of India* disliked in *State of Maharashtra (2009)* the mistakes judges made when giving out death sentences therefore called for fairer sentencing practices. Public rage against Afzal Guru (2013) prompted the judges to permit the death penalty despite its proper legal grounds.

The economic difference between people affects how the death penalty is given. Research from the Death Penalty India Report 2016 proves poor and marginalized groups including minority religious members make up most death row inmates in India today. The access to poor legal services makes it harder for these people to show valid reasons that should reduce their punishments. Judicial decision-making appears biased toward dominated groups since court rules often benefit more privileged society members. When people raise their voices against criminal offenders in media trials the judicial system sometimes hands down harsher sentences even if strong legal reasons do not exist.

Many legal experts and commissions urge changes to capital sentencing because judges make inconsistent decisions while working with their personal judgment. The Law Commission of India wants to end death sentences except for terrorist acts because judicial decisions about capital punishment show too much randomness. The Supreme Court has taken action multiple times by lowering death sentences because of how long inmates stay on death row and about their mental health issues. A Sentencing Commission should be created to make and enforce standard rules for capital punishment decisions across all courts. Authorities could maintain maximum harsh treatment through Life Imprisonment Without Parole as an alternative death penalty decision.

The rarest of rare doctrine was designed to restrict capital punishment yet since its application it creates varying decisions dependent on specific situations. The courts use their discretion to give unique sentences but this freedom produces uneven results and shows social preference when it comes to enforcing death penalties. Our justice system needs updated rules about sentencing and needs better protection of minority groups plus needs to look at Life Without Parole as an option instead of death.

CONCLUSION

Undoubtedly, capital punishment is one of the most debated legal and moral issues in India. Though the judiciary has been trying to restrict the ambit of the definition to 'rarest of rare' cases, inconsistencies in sentencing, economic and social biases, and also influencing of public opinion often still mar the system. At a crossroads whether to retain or abolish, India could go the global way and abolish the death penalty. This dilemma is exacerbated by the contradiction in judicial interpretations on whether the punishment should be retributive oriented or reformatory. At this point, it is important to gauge if capital punishment is consistent with the constitutional ideals of justice, equity and human dignity.

The greatest criticism death penalty unarguably suffers from is its irreversible nature as a result, a wrong conviction becomes a miscarriage of justice without a possibility of remedy. Several times innocent people have been sentenced to die because of bad legal representation, sloppy investigations, or poor evidence. Moreover, the data displayed by Project 39A's Death Penalty India Report shows that a big chunk of death row prisoners comes from economically weaker sections, thereby indicating systemic bias against the marginalized. Human rights activists and legal scholars have also concluded that the protracted psychological torment of living in estimations of execution have been inhumane and torturous. Even though there is no direct evidence to show that, capital punishment is an effective means to curb crimes when compared to life imprisonment, people feel it is the need for justice. The ethical question is raised: should the state continue to practise as punishment for practice that is fundamentally irreversible and flawed in its application?

Thus, with the growth of India, the requirement of a well thought out, consistent, and human approach to the matter of criminal justice is only increasing. Although the abolition of the death penalty is still beyond dreaming, it is imperative that certain judicial safeguards are made stronger, the trials become fairer and the law under which a man is awarded a death sentence is made less arbitrary. The increase in usage of reformatory justice will indicate that India will move further away from capital punishment in the future and toward alternative sentencing like life imprisonment without parole. The debate may be central, whether India ultimately abolishes or retains a more restricted approach to capital punishment, to discussions of criminal justice reform, constitutional morality, and human rights. Therefore, the ultimate goal must be that the justice system should rather focus on fairness, equity and rehabilitation and not become an instrument for vengeance and populist sentiment.

RECOMMENDATION

India should improve its death penalty system to support justice concepts and protect basic human rights. The "rarest of rare" doctrine authorizes execution decisions but they depend strongly on society's views and judges' personal opinions when combined with unequal sentencing for poor people. Other modern nations now prefer to eliminate the death penalty or find human-friendly alternatives so India should examine similar options that align with its life and dignity guarantees of the constitution. A legal system that includes both reformatory and rehabilitative justice practices would create a fairer justice delivery process. These suggestions will help law enforcement apply capital punishment responsibly and examine alternative justice systems that guard communities at the same time.

A big issue with death penalty in India comes from its poorly established rules for sentencing. In 1980 the Supreme Court devised its exceptional standards for death penalty through the Bachan Singh v. State of Punjab case. Judges across different courts often apply the ruling in State of Punjab (1980) differently which creates sentencing disparities. Offenders who receive death sentences from one court may receive just life imprisonment from another judging body due to inconsistent decisions. Establishing a Sentencing Commission will help India create fixed rules for implementing the death penalty. This method will prevent unfair decisions and make sure death penalty applies in extreme and severe crimes only. Crime sentences that lead to death must always go before Supreme Court review before prisoner execution becomes final. Judicial transparency and lower error rates are possible when this system becomes active.

The number of people impacted by this punishment grows most among people who live in poverty and are underprivileged. The Death Penalty India Report (2016) reveals most death row prisoners are low-income people who struggle to pay for good legal help. Because they cannot afford qualified

defense attorneys these prisoners face high risks of receiving unjust sentences from improper trials. The government needs to expand legal aid so qualified public defenders must represent all defendants facing capital punishment. A worker receiving this evaluation will determine if prisoners show signs of behavioral change before a sentence is made. Indian law safeguards will help lower mistake-based convictions and prevent the biased use of capital punishment for disadvantaged people.

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