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Case Analysis: Bachan Singh v. State of Punjab

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Case Overview

In the case of Bachan Singh v. State of Punjab, a five-judge panel of the Supreme Court, comprising **Justices Y.C. Chandrachud, A. Gupta, N. Untwalia, P.N. Bhagwati, and R. Sarkaria,** imposed significant constraints on the imposition of the death penalty by introducing the ***"rarest of the rare"*** doctrine. The court underscored a genuine concern for the sanctity of human life, asserting that resorting to the death penalty should be reserved for exceedingly exceptional cases where no alternative remains unequivocally viable. This landmark decision emphasized a cautious and sparing approach to capital punishment, reshaping the legal landscape surrounding the severity of sentencing in India.

Facts of the Case

Bachan Singh, a Punjab farmer, faced charges for murdering Basant Singh and Darshan Singh in 1979 following a crop-watering dispute. Convicted under Section 302 of the Indian Penal Code, he received the death penalty. His appeals to the High Court of Punjab and Haryana were unsuccessful. Bachan Singh then approached the Supreme Court, arguing the unconstitutionality of the death penalty under Article 21 of the Indian Constitution.

In 1983, a five-judge Supreme Court bench affirmed the death penalty's constitutionality while introducing the "rarest of rare" criterion. This guideline aimed to determine the exceptional circumstances justifying the death penalty. Despite upholding the constitutionality, the court commuted Bachan Singh's sentence to life imprisonment, emphasizing the necessity of careful considerations in capital punishment cases. This landmark decision significantly influenced the application of the death penalty in India, setting a precedent for evaluating the gravity of offenses before imposing the ultimate punishment.

Issues Raised

1. Constitutionality of Section 302 IPC: The primary issue at hand is whether Section 302 of the Indian Penal Code (IPC), which prescribes the death penalty for murder, is unconstitutional.
2. Legality of Sentencing Process in Section 354(3) CrPC, 1973: The second concern is whether the sentencing procedure outlined in Section 354(3) of the Code of Criminal Procedure (CrPC), 1973, is illegal. This provision grants courts considerable authority, potentially leading to arbitrary imposition of the death penalty for crimes punishable by death or life imprisonment.
3. Consideration of "Special Reasons" under Section 354(3) CrPC: Additionally, there is a question of whether the factual findings by lower courts can be deemed "special reasons" as required under Section 354(3) CrPC for awarding the death penalty. This brings into focus the adequacy of reasons provided for imposing the ultimate punishmen

Bachan Singh v. State of Punjab revolved around the following legal provisions: **Section 354 (3) of the Code of Criminal Procedure, 1973**, outlining the sentencing process; **Section 302 of the Indian Penal Code, 1860,** pertaining to the offense of murder; and constitutional dimensions under **Article 14 and 21**, which respectively address equality before the law and the right to life and personal liberty. The interplay of these statutory and constitutional elements became central to the court's deliberations and eventual pronouncement in the case.

Judgement Analysis

The Supreme Court of India declared the death penalty constitutional but established the "rarest of rare" principle. This means that the death penalty should only be applied in extremely exceptional cases where life imprisonment would be clearly insufficient, and death is deemed the only fitting punishment.

The court emphasized considering various factors, such as the nature of the crime, the offender's circumstances, and societal impact, before imposing the death penalty. This landmark decision marked a shift from previous practices, ensuring a more individualized and thoughtful approach to capital punishment in the Indian legal system. Notably, Bachan Singh's sentence was commuted to life imprisonment as a result of this judgment.

Aftermath and Conclusion

Bachan Singh v. State of Punjab remains a subject of contention, criticized for its lack of clear criteria in imposing the death penalty. Ambiguities in the judgment, particularly regarding the

interplay of aggravating and mitigating factors, have led to discretionary sentencing by judges.

The absence of a defined framework impacts procedural fairness. Contrary to global trends favoring abolition, India continues to retain the death penalty. Concerns about deterrence are challenged by surveys, including a UN study, revealing no conclusive evidence. Instances like Canada’s decreased homicide rate post-abolition and disparities in the USA question the efficacy of capital punishment.

The 262nd Law Commission Report in 2015 recommended abolishing the death penalty for ordinary crimes, reflecting a growing sentiment against it. Activists argue for a comprehensive abolition, emphasizing biases against marginalized groups. The constitutional challenge of the death penalty, including a potential clash with an individual’s right to life, remains a pressing issue.