Supreme Court in Death Penalty Cases

Mains: *GS-II – Polity*

Why in news?

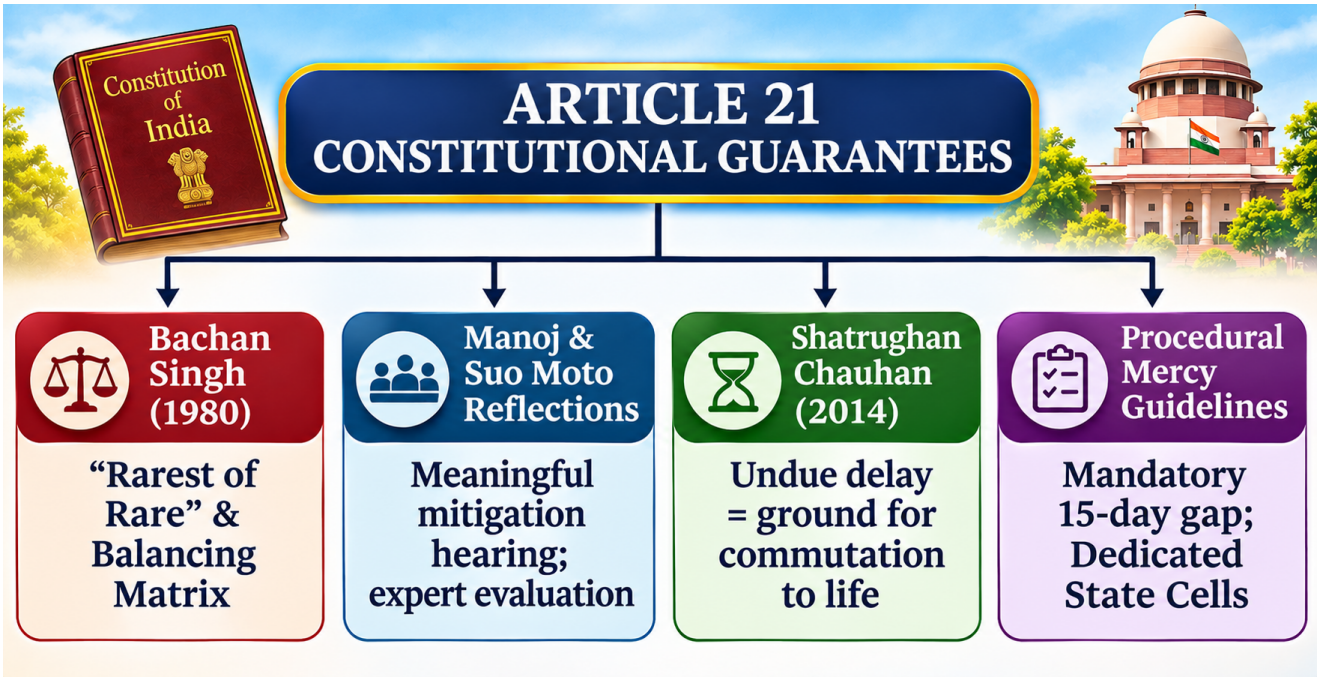
Supreme Court's evolving standards ensure that due process remains substantive, non-arbitrary, and procedurally rigorous at every stage of a capital case from trial sentencing to post-conviction remedies.

What is the core pillar?

- The foundation of modern death penalty jurisprudence in India was laid in the landmark **Bachan Singh v. State of Punjab (1980)** case.
- **Rarest of Rare Principle-** The death penalty should be awarded only in the most exceptional circumstances where the alternative option of life imprisonment is unquestionably foreclosed.
- **Balancing Aggravating and Mitigating Circumstances -** Courts are mandated to draw a balanced sheet weighing the circumstances of the crime (aggravating factors) against the circumstances of the criminal (mitigating factors).
- **Focus on Reformation -** Capital punishment can only be considered if the prosecution conclusively proves that the convict is beyond reform or rehabilitation.

What is the evolution of due process standards in capital cases?

- **Mandatory Separate & Meaningful Sentencing Hearing -** Under Section 235(2) of the CrPC (now section under BNSS), sentencing cannot be a mere mechanical formal step.
- The Supreme Court has repeatedly deprecated "same-day sentencing" (convicting and sentencing an accused on the same day), emphasizing that defense counsel needs adequate time and resources to gather mitigating background material.
- **Institutionalizing Mitigation Investigation -** The Court has mandated that trial courts collect comprehensive social-investigation reports, psychological evaluations, and prison conduct reports before deciding on a death sentence.
- Multi-disciplinary assessments examining early childhood trauma, socio-economic deprivation, and mental state—are now vital to determining rehabilitative potential.
- **Protection Against Executive & Inordinate Delay (*Shatrughan Chauhan v. Union of India, 2014*) -** Inordinate, unexplained, and excessive delay by the executive in deciding mercy petitions causes severe mental torture to death row prisoners.
- The apex court held that such delay violates Article 21 and constitutes a valid ground for commuting a death sentence to life imprisonment.
- **Procedural Guidelines for Execution & Mercy Petitions -** Mandatory minimum **15-day gap** between the rejection of a mercy petition/issuance of an execution warrant and the actual execution to allow convicts to settle affairs and seek legal remedies.
- Directives to establish dedicated cells within Home/Prison departments to handle mercy petitions efficiently, alongside mandatory legal aid provision at every post-conviction stage.



Comparative Framework

Dimension	Early Jurisprudence (Pre-1980)	Modern Substantive Due Process
Primary Focus	Nature and brutality of the crime committed	Dual focus: Nature of crime **AND** background/rehabilitative potential of offender
Sentencing Stage	Often conducted immediately after conviction on the same day	Separate, structured hearing with adequate time for mitigation evidence collection
Evidence for Sentencing	Limited to basic trial records and prosecution arguments	Comprehensive reports: psychiatric assessments, jail conduct, socio-economic history
Executive Delays	Considered an administrative outcome with minimal judicial review	Recognized as a constitutional violation of Article 21, leading to commutation

What are the key constitutional provisions?

- **Article 21 -** Guarantees protection of life and personal liberty, establishing that no person shall be deprived of life except according to procedure established by law (interpreted as fair, just, and reasonable procedure).
- **Article 72 & Article 161-** Executive clemency powers of the President and State Governors, respectively, which are subject to judicial review against arbitrary delay or political bias.
- **Section 354(3) CrPC / BNSS Equivalent-** Requires judges to state "special reasons" in writing when awarding a sentence of death instead of life imprisonment.

What are the challenges in implementing mitigation standards?

- **Capacity Constraints at Trial Court Level-** Subordinate courts often lack access to trained mitigation specialists, social workers, or psychological experts to compile thorough reports.
- **Inconsistent Application-** Lack of uniform application of the "rarest of rare" doctrine across different benches and courts has historically led to concerns over "judge-centric" sentencing.
- **Delayed Processing-** Administrative delays in gathering background material can prolong

pre-sentencing periods if not managed efficiently.

What is the way forward?

- **Institutionalizing Mitigation Specialists -** Establish defense mitigation units under Legal Services Authorities (NALSA/SALSA) to assist trial courts with background reports.
- **Standardized Sentencing Guidelines-** Finalize clear, objective procedural benchmarks via larger Supreme Court Constitution Bench rulings to harmonize death penalty sentencing across state judiciaries.
- **Sensitization of Trial Judiciary -** Conduct regular judicial training programs on psychological evaluation techniques and human rights frameworks in capital sentencing.

Reference

The Hindu | Death Penalty in SC

