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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

CAPITAL PUNISHMENT IN INDIA: EXAMINE THE CONTROVERSY SURROUNDING THE USE OF DEATH PENALTY IN INDIA.

AUTHORED BY - TANISHA SHARMA

BA LLB Student

Abstract:

This paper examines the controversial topic of capital punishment in India. It explores the historical context, legal framework, and ongoing debate surrounding the use of the death penalty. The paper covers the following key aspects: An overview of punishment theories, including retributive, deterrent, preventive, and reformative approaches, the history of capital punishment in India, from ancient times through the British colonial period to post-independence, the introduction of the 'rarest of rare' doctrine by the Supreme Court of India in 1980, which significantly shaped the application of capital punishment, recent developments in capital punishment laws, including provisions in the Bharatiya Nyaya Sanhita (BNS) 2023, a comparative analysis of two recent high-profile cases: the RG Kar Medical College Case and the Greeshma Case and arguments for and against capital punishment, considering factors such as deterrence, justice, human rights concerns, and the risk of wrongful convictions. The paper concludes by highlighting the ongoing debate on capital punishment in India, emphasizing its complexity and the significant implications for the country's justice system and ethical standing.

Keywords: Capital Punishment, Death Penalty, Punishment Theories, Retributive Theory, Deterrent Theory, Preventive Theory, Reformative Theory, Indian Penal Code (IPC), Bharatiya Nyaya Sanhita (BNS) 2023, Rarest of Rare Doctrine, Supreme Court of India, Human Rights, Criminal Justice System, Murder, Rape, Terrorism, Wrongful Conviction, Abolition, Deterrence and Retribution.

Aims & Objectives of Research:

Following are my aims & objectives from this paper:-

- 1) To understand arguments for and against of Death Penalty

- 2) To understand comparative analysis of ongoing case
- 3) To understand whether Death Penalty should be removed to avoid wrongly punishing the innocent and how death penalty is good for society.

Methodology:

The Research methodology used in this paper is majorly of Mixed method research which combines statistical data and personal stories to provide a comprehensive understanding of this complex issue. By integrating quantitative and qualitative data, explore individual experiences and gain a deeper understanding of the human perspective involved in the death penalty ongoing controversy.

Part 1: Introduction What is Punishment?

The imposition of penalties for wrongdoing is a complex phenomenon that has evolved significantly over time. Initially, punitive measures were often driven by a desire for retribution, with little consideration given to the severity of the offense. However, as societies developed and matured, the concept of proportionality in punishment emerged, where the severity of the penalty is commensurate with the gravity of the offense. In modern times, the administration of punishment has shifted from individualized retribution to a more formalized system of justice, where the state assumes responsibility for maintaining social order and imposing penalties for wrongdoing. This paradigm shift has led to the development of codified laws, formal judicial processes, and standardized penalties for various offenses. The range of punitive measures has also expanded over time, encompassing a broad spectrum of penalties, from severe measures such as capital punishment to more lenient measures like imprisonment, fines, and community service. Ultimately, the goal of punishment has evolved from mere retribution to a more complex approach that seeks to balance punishment with rehabilitation, restorative justice, and social reintegration.

Theories of Punishment

- 1) The Retributive Theory of Punishment is a fundamental concept that suggests punishing offenders in proportion to their wrongdoing. This approach is rooted in the doctrine of "an eye for an eye" (Lex talionis), which advocates for reciprocal punishment. In cases of heinous crimes, such as the Delhi gang rape case, many people believe that retributive punishment is necessary to deter similar crimes in the future.

Retributive justice is guided by three core principles:

1. Moral desert: Offenders deserve to suffer punishment proportional to their wrongdoing.
2. Intrinsic moral value: Punishing offenders is morally good in itself, regardless of other potential benefits.
3. Proportionality: Punishment should be proportionate to the offense, and it is morally wrong to punish the innocent or inflict excessive punishment.

The Nature of Retributive Punishment: While there are various types of punishment, all punishments have a retributive element. Even compensatory damages, such as those awarded in tort cases or for environmental violations, have a retributive aspect. However, not all retributive punishments are vengeful. Instead, they may be morally vengeful, imposing a punishment that reflects the seriousness of the offense.

Example: In cases of rape, capital punishment may be imposed as a retributive measure. While this punishment is not literally reciprocal, it serves as a form of moral vengeance, reflecting the severity of the offense.

- 2) Deterrent theory of punishment, the term "DETER" means to abstain from doing any wrongful act. The main aim of this theory is to "deter" (to prevent) the criminals from attempting any crime or repeating the same crime in future. So, it states that deterring crime by creating a fear is the objective; to set or establish an example for the individuals or the whole society by punishing the criminal.

That simply means, according to this theory if someone commits any crime and he/she is punished by a severe punishment, then, it may result maybe that the people of the society will be or may be aware of the severe punishments for certain kinds of crimes and because of this fear in the minds of the people of the society, the people may stop from committing any kind of crime or wrongful act. Here I used the phrase "may stop" instead of "will stop". We have a example of why deterrent theory is not successful in the case of "Nirbhaya Rape Case, 2012". This case is the foremost case to be mentioned while talking about deterrent theory of punishment. In this judgement, the Supreme Court sentenced four out of six offenders involved in the extremely heinous Delhi gang rape case to death. The Nirbhaya judgment and subsequent events suggest that severe punishments do not effectively deter crimes like rape. In fact, rape cases have continued to increase, undermining the theory's core objective.

- 3) The Preventive Theory of Punishment focuses on preventing future crimes by incapacitating offenders. This approach aims to transform criminals, either temporarily or permanently, through punishments like life imprisonment or death sentence. Utilitarian philosophers, such as Bentham, Mill, and Austin, supported the Preventive Theory due to its humanitarian nature. This theory posits that punishment should serve as a deterrent and prevent future crimes. Effective prevention relies on prompt punishment, which disables offenders from committing further crimes.

Types of Disablement: Disablement can take various forms, including:

1. Temporary disablement: Confining offenders to prison, limiting their ability to commit crimes.
2. Permanent disablement: Imposing death penalty, permanently removing offenders from society.

Imprisonment as a Preventive Measure, Imprisonment is considered an effective mode of crime prevention, as it:

1. Eliminates offenders from society,
2. Disables them from repeating crimes.

Death Penalty and Preventive Theory: The death penalty is also rooted in the Preventive Theory, aiming to permanently disable offenders from committing further crimes.

Case Law: Surjit Singh v State of Punjab

In this case, an accused policeman attempted to commit rape but was thwarted. The court held the accused liable under Section 450 of the Indian Penal Code. This case illustrates the application of the Preventive Theory, where punishment aims to disable offenders from committing future crimes.

- 4) The Reformatory Theory of Punishment is based on the hypothesis that the primary objective of punishment should be to reform and transform the offender. This approach is rooted in the humanistic principle that, despite committing a crime, an individual remains a human being and deserves an opportunity for redemption. The key principles of reformatory theory are as follows:
1. Individualization: Tailoring punishment to the specific needs and circumstances of the offender.
 2. Moral transformation: Aiming to bring about a positive change in the offender's behavior and character.
 3. Rehabilitation: Providing opportunities for the offender to acquire new skills, education, and personal growth.
- Following are the objectives as :
- To make the offender reflect on their wrongdoing and to provide opportunities for rehabilitation.
- Punishment should be inflicted judiciously, considering the offender's unique circumstances and needs. The Reformatory Theory offers a humane approach, focusing on rehabilitation and redemption. By understanding the various theories of punishment, we can work towards a more just and effective criminal

justice system.

Following are the Kinds of Punishment under The Bharatiya Nyaya Sanhita (BNS) 2023:

1. Death penalty
2. Imprisonment
3. Life imprisonment
4. Fine
5. Forfeiture of property
6. Community services

Part 2: Capital Punishment

Capital punishment, also referred to as the death penalty, is the legal process by which a government or state executes an individual as a penalty for committing certain crimes, which are typically classified as the most serious offenses. These crimes, known as capital crimes, often include murder, acts of terrorism, espionage, war crimes, or treason. However, the specific crimes that can result in a death sentence vary from country to country and can be influenced by cultural, legal, and political factors.

The history of capital punishment in India is long, complex, and deeply intertwined with the country's legal and political evolution. It has been used from ancient times through British colonial rule and into post-independence India, with varying practices, legal frameworks, and debates over its use. Here's a detailed overview of the history of capital punishment in India:

Ancient and Medieval India

In ancient India, capital punishment was practiced, but the methods and legal frameworks varied widely. **Manu Smriti**, an ancient Hindu text, mentions various forms of punishment for crimes, including capital punishment. **Ashoka**, the Mauryan emperor who ruled from 268 to 232 BCE, is famously known for his conversion to Buddhism and his efforts to promote moral governance. Under his reign, the use of the death penalty became less frequent, as he favored rehabilitation and peace over harsh punishment. However, his successors continued to employ the death penalty.

During medieval times, especially under Muslim rulers such as the Delhi Sultanate and Mughal Empire, capital punishment was widely used, particularly for crimes like treason, rebellion, and

serious offenses. **Akbar the Great**, known for his policies of religious tolerance, nonetheless upheld capital punishment for particularly severe crimes.

British Colonial Period

Under British rule (1858-1947), the legal system in India became more structured, and the use of capital punishment increased. The British colonial government codified laws related to crime and punishment, which included the death penalty for certain serious offenses.

The Indian Penal Code (IPC) of 1860

The Indian Penal Code, enacted in 1860 by the British government, introduced a uniform legal framework across India, including provisions for capital punishment. **Section 302** of the IPC prescribed the death penalty for the crime of murder. It allowed for a discretionary sentence of death or life imprisonment, depending on the circumstances of the crime and the judgment of the court.

High-Profile Executions

During the British period, there were numerous high-profile executions. One of the most famous executions was that of **Bhagat Singh, Rajguru, and Sukhdev** in 1931, who were hanged for their involvement in the killing of a British official, J.P. Saunders, in protest against British rule. Their execution galvanized the Indian independence movement and made them martyrs.

Another significant execution was that of **Lala Lajpat Rai**, whose death was indirectly caused by police brutality, which led to a public outcry and resistance to British rule.

Post-Independence India (1947-Present)

After India gained independence in 1947, the use of capital punishment continued, though it became subject to greater legal scrutiny. The death penalty was retained in the Indian Penal Code, but with a more restricted application.

The Indian Constitution, adopted in 1950, did not explicitly outlaw capital punishment. However, it allowed for the death penalty only for the "rarest of rare" cases.

The First Execution After Independence:

The first execution after India's independence was of **Nathuram Godse**, who assassinated Mahatma Gandhi on January 30, 1948. Godse and his co-conspirators were sentenced to death and executed by hanging.

Rarest of Rare Doctrine

In 1980, the Supreme Court of India introduced the "**rarest of rare**" doctrine, which significantly shaped the application of capital punishment. This doctrine was articulated in the case of **Bachan Singh vs. State of Punjab (1980)**, where the Court ruled that the death penalty should only be imposed in cases where the crime is exceptionally heinous and where life imprisonment is deemed insufficient to achieve justice. This decision became a key legal precedent for all subsequent capital punishment cases.

In **Machhi Singh vs. State of Punjab (1983)**, the Supreme Court further clarified the "rarest of rare" criteria, establishing factors such as the brutality of the crime, the social impact, and the likelihood of reoffending as key considerations in sentencing a person to death.

Notable Executions After Independence

While capital punishment is no longer as frequently carried out as it once was, some significant executions have taken place in post-independence India:

- **K.K. Aziz (1976):** He was the first person executed after the Bachan Singh ruling. He was convicted for the murder of a police officer during a robbery.
- **Dhananjay Chatterjee (2004):** He was the last person to be executed in India for a murder that took place in 1990. His case was notable because he had appealed for clemency, which was denied by the President of India.
- **The 2012 Nirbhaya Case:** The gang-rape and murder of a young woman in Delhi (referred to as the "Nirbhaya" case) led to nationwide protests and outrage. Four of the perpetrators were sentenced to death, and after numerous appeals, they were executed on March 20, 2020. This execution, which had been delayed for several years, marked a highly significant moment in the ongoing debate over the death penalty in India.

The **Bharatiya Nyaya Sanhita (BNS) 2023**, which came into effect on July 1, 2024, introduced several significant changes to India's criminal justice system, including

provisions related to capital punishment and the introduction of new offenses.

Capital Punishment Provisions in BNS 2023:

The BNS 2023 outlines specific offenses punishable by death, some of which are:

1. **Rape of a Child Below 12 Years of Age (Section 65(2)):** This section prescribes the death penalty for individuals convicted of raping a child under 12.
2. **Rape Resulting in Death or Persistent Vegetative State (Section 66):** Perpetrators of rape causing the victim's death or leaving them in a persistent vegetative state face capital punishment.
3. **Gang Rape of a Child Under 18 Years (Section 70(2)):** Gang rape involving victims under 18 is punishable by death.
4. **Repeat Offenses in Rape Cases (Section 71):** Repeat offenders in rape cases are subject to the death penalty.
5. **Murder (Section 103(1)):** The act of murder is classified as a capital offense.
6. **Lynching (Section 103(2)):** Participating in lynching that results in death is punishable by death.
7. **Murder by a Life Imprisonment Convict (Section 104):** A prisoner serving a life sentence who commits murder faces the death penalty.
8. **Abetment of Suicide of a Child or Person of Unsound Mind (Section 107):** Encouraging suicide in vulnerable individuals is a capital offense.
9. **Attempted Murder by a Life Imprisonment Convict (Section 109(2)):** Life sentence prisoners attempting murder are subject to the death penalty.
10. **Organized Crime Resulting in Death (Section 111(2)(a)):** Organized crimes leading to death are punishable by death.
11. **Terrorism Resulting in Death (Section 113(2)(a)):** Terrorist acts causing death are capital offenses.
12. **Kidnapping or Abduction for Murder or Ransom (Section 140(2)):** Kidnapping for these purposes is punishable by death.
13. **Treason Against the Government of India (Section 147):** Acts of treason are capital offenses.
14. **Abetment of Mutiny (Section 160):** Encouraging mutiny that occurs is punishable by death.
15. **Fabricating False Evidence Leading to Innocent's Death (Section 230(2)):**

Creating false evidence resulting in the wrongful execution of an innocent person is a capital crime.

16. Threatening False Evidence Leading to Innocent's Death (Section 232(2)):

Threats to fabricate false evidence causing the wrongful execution of an innocent person are punishable by death.

17. Felony Murder During Dacoity or Banditry (Section 310(3)): Murders committed during dacoity or banditry are capital offenses.

Comparative Analysis of the RG Kar Medical College Case (2024) – Murder of Dr. (Kolkata) and the Greeshma Case (2024) – Poisoning of Boyfriend

The **RG Kar Medical College Case** and the **Greeshma Case (2024)** represent two high-profile instances of violent crimes, but they are distinct in terms of their **nature, motives, and legal proceedings**. Below is a comparative analysis of these cases, focusing on the **crimes, victims, perpetrators, legal outcomes**, and the societal implications surrounding each.

1. RG Kar Medical College Case (2024) – Murder of a Doctor Key Facts:

- **Crime:** In the **RG Kar Medical College Case (2024)**, a **doctor** working at the medical college in Kolkata was **murdered**. The crime has been described as **violent and brutal**, and it is believed to have been a **targeted attack**, possibly driven by personal or professional conflict. The **exact motive** behind the murder is still being investigated, but it has been suggested that tensions related to **academic pressure** or **interpersonal relationships** may have played a role.
- **Victim:** The victim in this case was a **doctor** who worked at the medical college. The profession of the victim adds a significant layer to the case, as it raises concerns about **violence in academic institutions**, particularly in fields as high-pressure as medical education.
- **Perpetrator:** The suspected perpetrator is believed to be either a **student** or **staff member** connected to the college, and the motive could involve a **personal dispute** or **academic conflict**. However, the full details of the perpetrator's identity and motive are still under investigation.
- **Legal Outcome:** As of now, the case is in the early stages of investigation. While **murder charges** have been filed, it is still unclear whether the **death penalty** will be

sought. If the crime involves significant **aggravating factors** such as premeditation and extreme brutality, **capital punishment** may be considered.

- **Public Sentiment:** The case has raised concerns about the **safety of medical professionals** in high-pressure academic environments. Public reaction has been focused on the issue of **violence in educational settings**, though the specific call for **capital punishment** is not as strong as in cases involving **sexual violence**.

Nature of Crime:

- The RG Kar Medical College Case is a **murder** involving a **doctor**. The motive may be **personal** or **institutional**, and the violence appears to have been **intentional** but is not specifically rooted in gendered violence or sexual assault.

2. Greeshma Case (2024) – Poisoning of Boyfriend Key Facts:

- **Crime:** The **Greeshma Case** involves the **poisoning** of a man, **her boyfriend**, by a woman named **Greeshma**. In this case, Greeshma allegedly **poisoned** her boyfriend, resulting in his death. The motive for the crime appears to have been **personal**, possibly related to **relationship conflicts** or **revenge**. The exact circumstances of the crime are still being explored, but it is clear that the **act of poisoning** was premeditated.
- **Victim:** The victim in this case was Greeshma's **boyfriend**, whose death was caused by **poisoning**. The relationship between the victim and the perpetrator is central to understanding the **motive** behind the crime.
- **Perpetrator:** Greeshma, the accused, is said to have been involved in a **toxic relationship** with the victim. The reasons behind her decision to **poison** him may be tied to **personal reasons**, such as betrayal or a breakdown in the relationship.
- **Legal Outcome:** Greeshma was charged with **murder** and **poisoning**. Given the **premeditated nature** of the crime, she is facing severe legal consequences. While the **death penalty** is a possibility, it will depend on the court's evaluation of the crime's brutality and premeditation.
- **Public Sentiment:** The case has shocked the public due to the **use of poison** as a method of killing, which is often seen as a **less violent but equally sinister method** of murder. Public opinion on whether the **death penalty** should be applied is likely to be influenced by the **personal nature** of the crime and the societal concerns about

domestic violence and relationship dynamics.

Nature of Crime:

- The Greeshma case is centered around a **premeditated murder** where the weapon was **poison**. The **personal motive** is clear, and it appears to be driven by issues within the **relationship** between Greeshma and her boyfriend. Unlike the RG Kar case, this crime does not involve **violence in an academic setting** but rather a **domestic dispute**.

Comparative Analysis:

1. Nature of the Crimes:

- **RG Kar Medical College Case (2024)**: The **crime** is a **murder** that occurred in an **academic institution**. The nature of the crime is likely to be **violent** and driven by **personal or institutional conflict**. The violence may not have been **premeditated** to the same extent as the Greeshma case, but it is still considered a **serious act** of violence.
- **Greeshma Case (2024)**: The **Greeshma case** involved **poisoning**, which is typically seen as a more **premeditated** and **less direct** form of murder. While both cases involve **personal motives**, the method of execution in Greeshma's case is distinct in its **calculated nature**. Poisoning is often associated with **calm deliberation**, and the crime was **carried out in secret**, unlike a crime of **violent confrontation** like the RG Kar Medical College Case.

2. Legal Outcomes and Application of Capital Punishment:

- **RG Kar Medical College Case (2024)**: The **death penalty** may be considered if the crime is found to involve **extreme brutality** or **premeditation**, though it will depend on whether the crime is categorized as "**rarest of rare**" under Indian law. Given that the crime is tied to **institutional conflict**, the penalty may lean towards **life imprisonment** or other severe consequences, but the death penalty is less likely unless aggravating factors emerge.
- **Greeshma Case (2024)**: The **death penalty** could be considered in the **Greeshma case** given the **premeditation** and the **personal motive**. However, poisoning as a

method of murder may be seen as less **brutally violent** compared to other violent methods, which could affect the legal outcome. The **rarest of rare** doctrine may still apply depending on the **circumstances** and the court's evaluation of her intent.

3. Public Sentiment:

- **RG Kar Medical College Case (2024)**: Public attention in this case is likely to focus on **violence in academic institutions** and the **safety of medical professionals**. There is less emphasis on the **personal motive** of the crime compared to **gendered crimes** or **domestic violence**. While there is likely to be **outrage** over the murder, it may not be as intense as that in cases of **sexual violence** or **domestic abuse**.
- **Greeshma Case (2024)**: Public sentiment is likely to be strongly shaped by the **personal nature** of the crime, with **outrage** over **domestic violence** and the **poisoning** method of execution. The case may be seen as a **betrayal** of trust, and the public's opinion could be more divided on the appropriate punishment, depending on their views on **domestic violence** and **relationship dynamics**.

4. Societal Context and Implications:

- **RG Kar Medical College Case (2024)**: This case brings attention to **violence within educational institutions**, particularly in highly stressful environments like medical colleges. The case may spark discussions about the **mental health of students**, the **pressure on medical professionals**, and safety on campus.
- **Greeshma Case (2024)**: This case is part of the larger societal issue of **domestic violence** and **relationship-related crimes**. It highlights the need for greater awareness and legal protections in cases of **toxic relationships** and **personal disputes**. The use of **poisoning** reflects an increasing concern about more **calculated and premeditated forms** of violence in personal relationships.

Conclusion:

The **RG Kar Medical College Case (2024)** and the **Greeshma Case (2024)** are both serious **murder cases**, but they differ in **context, motive, and method**.

- **The RG Kar Case** involves a **violent confrontation** in an **academic setting** that may have been driven by **personal or professional conflicts**. It raises important questions about **violence within educational institutions** and the **safety of medical professionals**.
- **The Greeshma Case**, on the other hand, involves **premeditated poisoning** in a **domestic context**, driven by **personal or relational motives**. It highlights issues related to **domestic violence, toxic relationships, and personal betrayals**.

In terms of **legal outcomes**, the **death penalty** could potentially apply in both cases, depending on the **severity** and **aggravating factors** of the crimes. However, the **Greeshma Case** may face more public attention and outrage due to its **personal and gendered** nature, while the **RG Kar Case** may attract less intense public outcry but still raises significant concerns about **violence in academic settings**.

Arguments For and Against Capital Punishment Arguments in Favor:

1. **Deterrence of Crime:** Proponents argue that the death penalty serves as a deterrent to serious crimes, particularly murder and terrorism, by instilling fear of the ultimate punishment.
2. **Retribution and Justice:** Supporters believe that the death penalty serves as a form of retribution, ensuring that individuals who commit heinous crimes receive a punishment proportionate to their actions.
3. **Public Opinion:** In some countries, a significant portion of the public supports the death penalty, believing it is necessary to maintain law and order and deliver justice to victims and their families.
4. **Closure for Victims' Families:** Some argue that the death penalty provides a sense of closure for the families of murder victims, knowing that the perpetrator will be held accountable with the ultimate punishment.

Arguments Against:

1. **Risk of Wrongful Conviction:** One of the strongest arguments against capital punishment is the possibility of executing innocent individuals. Misidentifications, faulty evidence, and mistakes during trial proceedings can result in irreversible errors.
2. **Lack of Deterrence:** Many studies show that capital punishment does not effectively deter crime, particularly violent crime. Some research suggests that regions with the

death penalty do not experience lower murder rates than those without it.

- 3. Human Rights Concerns:** Many human rights organizations, including Amnesty International, argue that the death penalty violates the right to life and is a form of cruel and inhuman punishment.
- 4. Discriminatory Application:** In some regions, the death penalty is applied disproportionately to certain groups, such as racial minorities or individuals from disadvantaged backgrounds, leading to concerns about systemic bias and inequality.
- 5. Moral and Ethical Considerations:** Many people believe that the state should not have the power to take a life, regardless of the crime committed. This perspective is rooted in ethical and religious views that emphasize the sanctity of life.

ANNUAL STATISTICAL REPORT between 2020 and 2024, India witnessed notable developments concerning capital punishment, including fluctuations in death sentences, confirmations, and the death row population. Below is a summary of the annual statistics during this period, along with their sources.

1. Death Sentences Imposed by Trial Courts:

Year	Number of Death Sentences
2020	48
2021	60
2022	49
2023	120

2. Death Penalty Cases Disposed of by High Courts:

Year	Number of Cases Disposed
2020	Data not specified
2021	Data not specified
2022	Data not specified
2023	57

3. Death Row Population at Year's End:

Year	Number of Prisoners on Death Row
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2023 561

4. Supreme Court Confirmations of Death Sentences:

Year	Number of Confirmations
2022	2

5. High Courts' Handling of Death Penalty Cases:

Year	Cases Heard	Confirmations
2023	80	1

6. Global Context:

In 2021, India imposed at least 144 death sentences, marking an increase from 77 in 2020. However, this figure is significantly lower than the 162 death sentences imposed in 2018.

Observations:

- **Increase in Death Sentences (2023):** The sharp rise to 120 death sentences imposed by trial courts in 2023 is noteworthy. This surge may reflect changes in judicial approaches or case dynamics during that year. **High Courts' Confirmation Rate:** The significant decrease in the disposal rate of death penalty cases by High Courts in 2023, with only 57 cases disposed of compared to 68 in 2022, suggests a slowdown in processing such cases. **Death Row Population Peak:** The death row population reached 561 by the end of 2023, the highest in nearly two decades, highlighting the growing significance of capital punishment in India's judicial landscape. **Supreme Court Confirmations:** The Supreme Court confirmed only two death sentences in 2022, indicating a possible trend towards more stringent scrutiny or a reduction in capital punishment cases reaching the apex court.

Abolition and the Modern Debate (Conclusion):

In recent decades, the trend has been toward abolition of the death penalty worldwide. As of now, over two-thirds of countries have either abolished capital punishment or stopped using it in practice. However, the debate continues, with proponents of abolition arguing for reforms in the criminal justice system that focus on rehabilitation rather than retribution.

Some countries, such as Japan and the United States, maintain the death penalty despite the growing trend toward abolition in other parts of the world. The ongoing debate often centers on whether capital punishment is an effective deterrent, its morality, and the potential for irreversible mistakes.

In conclusion, capital punishment is a deeply controversial and complex issue with strong arguments on both sides. It remains a topic of moral, legal, and political debate around the globe, with significant implications for justice, human rights, and the value of human life.

The debate on capital punishment in India is multifaceted, involving legal, moral, and social considerations. While proponents argue that the death penalty serves as a necessary deterrent and form of justice, opponents raise concerns about its effectiveness, fairness, and the risk of irreversible mistakes. As the country continues to evolve in terms of human rights and the rule of law, the future of capital punishment will remain a critical and contentious issue. The direction India takes in this debate will have profound implications not only for its justice system but also for its moral and ethical standing on the global stage.

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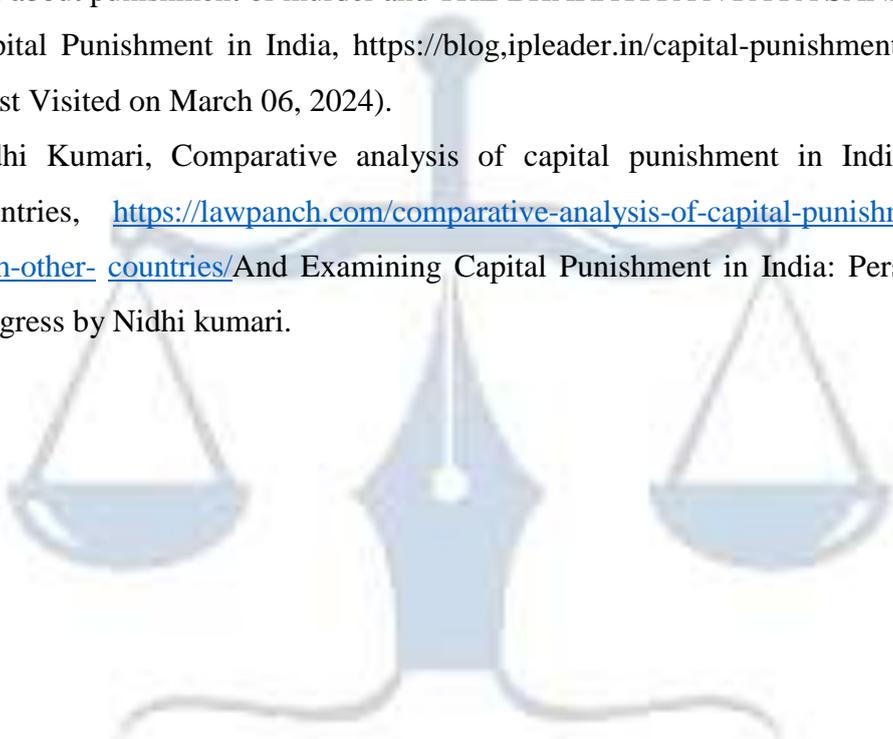
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