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BACHAN SINGH v. STATE OF PUNJAB

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INTRODUCTION

Capital punishment is one of the most crucial matters and touches on matters of individual liberty and statecraft. In the case *Bachan Singh v. State of Punjab* the Supreme Court of India deliberated on whether the death penalty's constitutional and laid out numerous crucial principles in death penalty jurisprudence. The Constitution Bench of the supreme court held that while life imprisonment should be the norm the death penalty was an exception and was not outright unconstitutional. The Supreme Court validated the constitutionality of Section 302 IPC by a verdict of four to one.¹ While *Bachan Singh* is more of a confirmation that the death penalty does not inherently violate any of the rights provided by the constitution, the judgment laid down guidelines for sentencing and that aggravating and mitigating circumstances must be taken into account by the court. It holds significance to this day as the old penal code and procedures have since been replaced by the *Bharatiya Nyaya Sanhita, 2023* (BNS) and the *Bharatiya Nagarik Suraksha Sanhita, 2023* (BNSS). Section 103 BNS covers punishment for murder and 393(3) BNSS requires the courts to note down reasons for a death sentence. The constitutional principles from *Bachan Singh* continue to have relevance in the new criminal law system.

¹ *Bachan Singh v. State of Punjab*, (1982) 2 S.C.C. 24.

FACTS OF THE CASE

Bachan Singh was charged with killing three people: Desa Singh, Durga Bai and Veeran Bai. The Sessions Court gave Bachan Singh a death sentence under Section 302 IPC and the High Court agreed with that sentence. The case went to the Supreme Court. Brought up big constitutional questions about whether the death penalty is valid and what sentencing rules should apply. The court had to look at how capital punishment relates to the rights that Articles 14, 19 and 21 guarantee.²

ISSUES BEFORE THE COURT

The principal issues before the Supreme Court were:

1. Whether Section 302 IPC, which allows the death penalty for murder is constitutionally valid.
2. Whether Section 354(3) CrPC, which demands reasons for the death penalty is constitutionally valid.
3. Whether the death penalty conflicts with Articles 14 19 and 21 of the Constitution.
4. What principles should guide sentencing in murder cases.
5. Whether the circumstances of the offender and the offender's possibility for reform must be considered before the death penalty is handed out.

JUDGMENT OF THE SUPREME COURT

The Constitution Bench of the Supreme Court held the death penalty as valid by a vote of four to one. They said the capital punishment is not per se, i.e. inherently, unconstitutional. Article 21, which says that none may be deprived of liberty and life except by due process of law does not totally prohibit punishment of death since deprivation of life is also not forbidden by the Constitution.³ However, when the Court laid down its judgment it imposed various restrictions on the death penalty. It was held that long term imprisonment is the norm and death penalty should be awarded only in the rarest of rare cases. The court must consider the possibility of

² INDIA CONST. art. 14, 19, 21.

³ INDIA CONST. art. 14, 19, 21.

reform and rehabilitation of the offender. Thus, in the case of Bachan Singh, the Court developed the doctrine of individualized sentencing.

THE "RAREST OF DOCTRINE"

THE "RAREST OF DOCTRINE" The "rarest of rare" doctrine is the main idea from Bachan Singh. The court said that not every murder deserves the death penalty. Aggravating circumstances mainly involve the way the offence was done the motive, the level of brutality and how big the crime was. Mitigating circumstances deal with the offender. Can include age, social and personal background relevant psychological factors and the chance for reform and rehabilitation. The court rejected a method that looks at how serious the offence is. The "rarest of doctrine is not a simple formula.

SECTION 354(3) CrPC AND THE PRESENT POSITION, UNDER BNSS

In the time of Bachan Singh, Section 354(3) CrPC demanded that the court write down reasons before giving the death penalty.⁴ This rule was important because it told us that death was meant to be a punishment. It also made sure that the judge would explain why this particular case needed death, of life imprisonment. Today under the criminal law Section 393(3) BNSS says the same thing. It requires that the court write down reasons when it gives a death sentence. This requirement is significant since it allows higher courts to review the case to ensure that in the trial court proceedings all mitigating facts were taken into account and the death penalty was imposed in accordance with the law.

SECTION 103 BNS. PUNISHMENT FOR MURDER

The old IPC has been replaced by the Bharatiya Nyaya Sanhita, 2023. Under Section 103 BNS a murder can be punished with death or life imprisonment. It may also carry a fine. Having death as a punishment does not mean it must be used in every murder case automatically. The court that gives the sentence still must follow the rules that the Supreme Court has set. Therefore Section 103 BNS must be read together with

⁴ Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1974, § 354(3) (repealed).

Article 21. The case law that started with Bachan Singh. Capital punishment still has to meet the checks and balances that come from interpretation.

SUBSEQUENT DEVELOPMENT OF THE DOCTRINE

The Supreme Court explained the "rarest of doctrine in many later decisions. In *Machhi Singh v. State of Punjab* the Court listed factors that could help decide if a case was in the category.⁵ Those factors were how the crime was carried out the motive, how anti-social or terrible the offence was how big the crime was and the personality of the victim. The sentencing judge must look at all the facts together.

In *Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra* the Supreme Court said that both aggravating and mitigating facts must be looked at.⁶ The Court warned against a method that focuses much on the crime facts and ignores the facts about the offender. In *Manoj v. State of Madhya Pradesh* the Supreme Court again stressed how important it is to gather mitigating evidence and to think about whether the offender could be reformed and rehabilitated before giving the death penalty.⁷ These decisions show that the doctrine has grown past a label of offences.

CONSTITUTIONAL SIGNIFICANCE

The constitutional base of the death-penalty law is mainly tied to Articles 14, 19 and 21. Article 14 says that everyone must be equal before the law and that the State must not act arbitrarily. Article 19 covers freedoms. Article 21 guards' life and personal liberty. It says that giving up these rights must follow a law-made procedure. *Bachan Singh* matters because the Court did not treat the availability of the death penalty as a reason to give it in any case. Instead, constitutional rules ask for a judge review of the facts around the offence and the offender. The rule that the court must record reasons makes judges more accountable and makes it easier for higher courts to review.

⁵ *Machhi Singh v. State of Punjab*, (1983) 3 S.C.C. 470.

⁶ *Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*, (2009) 6 S.C.C. 498.

⁷ *Manoj v. State of Madhya Pradesh*, (2023) 2 S.C.C. 353.

CRITICAL ANALYSIS

The main point of Bachan Singh is that it tries to balance the law that allows capital punishment with the promise that life and personal liberty are protected. The Court did not say that the death penalty was unconstitutional, nor did it allow it to be used freely. Instead, it made the "rarest of doctrine to limit how judges can decide. A big strength of the doctrine is its focus on one-to-one sentencing. A person found guilty of murder is not automatically judged by the crime facts. Their personal history, facts and chance for reform must also be looked at. Meanwhile "rarest of rare" does not give a numeric test. It needs look at the specific facts of each case. The transition from the IPC and CrPC to the BNS and BNSS changed the law. It does not by itself remove these constitutional safeguards.

CONCLUSION

Bachan Singh v. State of Punjab is a decision about capital punishment in India. The Supreme Court said the death penalty is constitutionally valid but it must only be used in the "rarest of cases. The chance that the offender can be reformed and rehabilitated is a factor, in deciding if the death penalty is justified. Under the criminal laws Section 103 BNS gives the statutory punishment for murder while Section 393(3) BNSS demands special reasons to be recorded for imposing a death sentence.⁸ Thus even though the IPC and CrPC have been replaced the constitutional principles that emerged from Bachan Singh still give the framework, for understanding capital sentencing. The central principle is that death sentence is a punishment and death sentence imposition requires individualized judicial consideration of the offence the offender and all relevant aggravating and mitigating circumstances.

⁸ The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46, Acts of Parliament, 2023, § 393(3).