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# Does the Death Penalty reduces Crime?

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## ABSTRACT

*India is a rapidly growing leader in every sector, but at the same time crimes are also increasing. To stop and prevent crimes, various legislation has come into force, even though the crime rates are increasing. Different punishments are there to punish the convicts like imprisonment, life imprisonment, death penalty, etc. People have come on the streets whenever a heinous crime took place for demanding the death penalty for the accused whenever heinous crimes took place such as Nirbhaya Rape Case, Disha Rape Case, Nikita Tomar Murder Case, etc. But there was no decrease in crime even after strengthening the laws. This paper analyses whether the death penalty works as a deterrence factor or not. This paper study theories related to crime, i.e. Deterrent theory, and Reformative theory. It also includes the analysis of statistics related to the death penalty. At last, recommendations are given on how the crime rate can be declined.*

**Keywords:** Murder, Crime, Theories

## I. INTRODUCTION

The death penalty, also known as capital punishment, is the harshest type of punishment available under any criminal statute in effect anywhere in the world. The legal process by which the state exercises its authority to take an individual's life is known as capital punishment. It is awarded for the most heinous and grievous offence. We have seen several times in India that if a crime is highlighted in the media, people take to the streets and demonstrate, demanding that the accused be sentenced to death, claiming that this is the only way to stop/reduce crime. As a result, the criminal amendment act of 2013, as well as the POCSO act of 2012, was enacted with harsher penalties. As a result, the number of cases should have decreased over time, but according to the NCRB, the number of cases rose from 24923 in 2012<sup>3</sup> to 32033 in 2019<sup>4</sup>.

As a result, the question arises: "Does the death penalty reduces crime?"

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<sup>3</sup> National Crime Records Bureau, "Crime in India 2012" 196 (2013).

<sup>4</sup> National Crime Records Bureau, "Crime in India 2019" 202 (2020).

**Statement of Problem**

The current research is an effort to comprehend the problem of the death penalty. It is the most serious penalty under Indian criminal law.

Is it, however, effective as a deterrent to crime? Is this the only way to make a difference in terms of crime reduction? Does the death penalty responsible for delaying other cases.

**Objective**

- To study for which offences the death penalty is given.
- To understand important judgments regarding the constitutionality of the death penalty.
- To study the stages of the death penalty.
- To understand whether there is a decrease in crimes due to the death penalty.

**Hypotheses**

As statistical evidence shows, the belief that the death penalty helps deter crime is a fallacy. Many times, the government has enforced stricter regulations, which have not only had little effect on reducing crime but have also increased it.

**Methodology**

This research is based on a doctrinal type pattern. Doctrinal research is also known as traditional research. Doctrinal research is divided into different types such as analytical and descriptive methods. This research is based on information that has been already available and analyzed those facts to make an evolution of this research. This research involves secondary data. In this research, the researcher mostly used books, articles, journals., etc.

**II. CONSTITUTIONAL VALIDITY**

S.367 (5) of the Criminal Procedure Code, 1898, before its amendment in 1955, required a court sentencing a person convicted of an offence punishable with death to punishment other than death to state the reasons why it was not awarding death sentence. The amendment deleted this provision but there was no indication in either the Cr.PC or the Indian Penal Code, 1860 (IPC) as to which cases called for life imprisonment and which the alternative – death penalty.

The constitutionality of the death penalty was challenged in numerous cases.

In **Jagmohan Singh vs. State of Uttar Pradesh**<sup>5</sup>, a five-judge Supreme Court bench unanimously upheld the constitutional validity of the death penalty, ruling that it did not violate Articles 14, 19, and 21 of the Constitution. The legitimacy of the death penalty was questioned in this case on the grounds that it was in violation of Articles 19 and 21 because no protocol was given. It was argued that the procedure outlined in the Cr. P.C. was limited to finding guilt and not imposing a death penalty. The Supreme Court ruled that the decision to penalty anyone to death is taken following the judicial process. It was noted that the judge determines whether to impose a death penalty or a life penalty based on the circumstances, evidence, and nature of the crime raised during the trial.

In another case, **Rajendra Prasad vs. State of Uttar Pradesh**<sup>6</sup>, Justice Krishna Iyer emphatically stated that the death penalty is a violation of articles 14, 19, and 21 of the Constitution. He went on to say that in order to enact the death penalty, two conditions must be met:

- The special justification for applying the death penalty in a case should be recorded.
- Only under exceptional cases should the death penalty be used.

The topic was revisited in **Bachan Singh vs State of Punjab**<sup>7</sup>, in which a five-judge Supreme Court bench overruled its earlier decision in Rajendra Prasad by a vote of 4 to 1 (Bhagwati J. dissenting). It stated that the death penalty, as an alternative punishment for murder, is not arbitrary and therefore does not violate Articles 14, 19, and 21 of the Indian Constitution, since the "public order" contemplated by clauses (2) to (4) of Article 19 is distinct from "law and order," and it also enunciated the principle of only imposing the death penalty in the "rarest of rare cases. In his dissenting opinion, Bhagwati J. argued that "the death penalty is not only illegal because it violates Articles 14 and 21, but it is also undesirable from several perspectives."

Despite the Court's hope in *Bachan Singh vs State of Punjab* that its guidelines will reduce the chance of arbitrary death penalty imposition, fears that capital punishment is "arbitrarily or freakishly enforced" continue to plague Indian death penalty law.

In the last decade itself, in cases like **Aloke Nath Dutta vs State of West Bengal**<sup>8</sup>,

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<sup>5</sup> (1973) AIR 947,SC 541.

<sup>6</sup>(1979) AIR SC 916.

<sup>7</sup> (1980) AIR SCC 898.

<sup>8</sup> (2007) 12 SCC 230.

Swamy Shraddhananda vs State of Karnataka<sup>9</sup>, Santosh Bariyar vs State of Maharashtra<sup>10</sup>, Mohd. Farooq Abdul Gafur vs State of Maharashtra<sup>11</sup>, Sangeet vs State of Haryana<sup>12</sup>, Shankar Khade vs State of Maharashtra<sup>13</sup>.

Even though *Bachan Singh vs State of Punjab* intended "principled sentencing," sentencing has now truly become judge-centric, the Supreme Court has admitted that the application of the death penalty is subjective and arbitrary.

Furthermore, in **Machhi Singh vs. State of Punjab**<sup>14</sup>, the Supreme Court outlined the general outlines of when the death penalty should be enforced. According to Justice Thakkar, speaking for the Court, five types of cases can be categorised as the rarest of rare cases, worthy of the most serious punishment.

They are:

*Firstly:* when a murder is committed in an exceptionally cruel way in order to arouse serious and severe outrage in the group, such as when the victim's house is set on fire to roast him alive, when the body is cut to bits, or when the victim is subjected to barbaric torture.

*Secondly:* Motive - When a murder is committed for a depraved or cruel intent, such as a hired gunman, a cold-blooded murder to inherit property or gain the power of a ward's property, or a murder committed for the betrayal of the motherland.

*Thirdly:* Anti-social or socially abhorrent nature of the crime - When a member of a scheduled caste or minority group is killed in circumstances that cause social outrages, such as bride burning for dowry or remarriage.

*Fourthly:* Magnitude of the Crime - Multiple murders of a family or members of a certain caste, community, or locality.

*Fifthly:* Personality of the victim of murder.

The death penalty is not a mandatory punishment for the crimes mentioned above, according to the *Mithu vs State of Punjab* verdict. The mandatory death penalty is also unconstitutional, according to the Supreme Court.

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<sup>9</sup> (2008) 13 SCC 767.

<sup>10</sup> (2009) 6 SCC 498.

<sup>11</sup> (2010) 14 SCC 641, at para 165.

<sup>12</sup> (2013) 2 SCC 452.

<sup>13</sup> (2013) 5 SCC 546.

<sup>14</sup> (1983) AIR SCC 957.

Further, in the case of **Santosh Kumar Bariyar vs State of Maharashtra**<sup>15</sup> the Supreme Court further explained that “The rarest of rare dictum only serves as a guideline in enforcing the provisions mentioned in Section 354(3) of CrPC and entrenches the policy that life imprisonment is the rule and death punishment is an exception.

### III. PUBLIC OPINION:

An important reason often cited by governments for retaining the death penalty is that public opinion demands the same. The 35th Report of the Law Commission also considered public opinion as an important factor in the context of the death penalty.

As India is a democratic country, the country is for the people, by the people, and for the people. It is self-evident that public opinion should be considered when making any decision. But is it always necessary to consider public opinion, which can be incorrect at times?

No, it's not. UN Human Rights High Commissioner, Navi Pillay, who says:

Human progress does not standstill. Popular support for the death penalty today does not mean that it will still be there tomorrow. There are undisputed historical precedents where laws, policies and practices that were inconsistent with human rights standards had the support of a majority of the people, but were proven wrong and eventually abolished or banned. Leaders must show the way how deeply incompatible the the death penalty is with human dignity.

The Supreme Court also ruled in **Dhananjay Chatterjee v. State of West Bengal**<sup>16</sup> that "imposition of effective punishment is the manner in which the courts react to society's cry for justice against offenders." The Supreme Court has since used the phrase "society's cry for justice" as a rationale for imposing the death penalty. As a result, it can be seen that the death penalty's largely motivated by public sentiment, which diverts attention away from the real issues of the criminal justice system, such as police reforms, quick and fair trials, and so on.

### IV. NATURE OF OFFENCES

#### 1. Indian Statutes

There are several provisions under the Indian Penal Code where the death penalty can be given. Below are the provisions mentioned for which the death penalty is given:-

*Table 1:- Capital punishment in the Indian Penal Code*<sup>17</sup>

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<sup>15</sup> (2009) 6 SCC 498.

<sup>16</sup> (1994) 2 SCC 220, at para 15.

<sup>17</sup> Capital Offences, India, available at [https://en.m.wikipedia.org/wiki/Capital\\_punishment\\_in\\_India](https://en.m.wikipedia.org/wiki/Capital_punishment_in_India).

<b>Section under IPC</b>	<b>Nature of offence</b>
120B of IPC	Being a party to a criminal conspiracy to commit a capital offence
121 of IPC	Treason for waging war against the Government of India
132 of IPC	Abetment of Mutiny committed
194 of IPC	Giving or fabricating false evidence with intent to procure a conviction of a capital offence
195A of IPC	Threatening or inducing any person false evidence resulting in the conviction and death of an innocent person
302 of IPC	Murder
305 of IPC	Abetting suicide by a minor, an insane or intoxicated person
307 (2) of IPC	Attempted murder by a serving life convict
364A of IPC	Kidnapping for Ransom
376A of IPC	Rape and injury which causes death or leaves women in a persistent vegetative state

376AB of IPC	Rape of a child below 12 years
376D of IPC	Gang rape of a child below 12 years of age
376E of IPC	Certain repeat offences in the context of rape
396 of IPC	Dacoity with murder – in cases where a group of five or more individuals commits dacoity and one of them commits murder in the course of that crime, all members of the group are liable for the death penalty.

#### Capital punishment in non-IPC offences

Name of Act	Section of Act	Offence Description
Andhra Pradesh Control of Organized Crime Act, 2001	3 (1)	Organized crime resulting in death of person
Army Act, 1950	34	Offences in relation to enemy and punishable with death
Army Act, 1950	37	Mutiny
Army Act, 1950	38 (1)	Desertion
Assam Rifles Act, 2006	21	Offences in relation to enemy and punishable with death
Assam Rifles Act, 2006	24	Mutiny

Assam Rifles Act, 2006	25 (1) (a)	Desertion
Assam Rifles Act, 2006	55	Civil offences
Bombay Prohibition (Gujarat Amendment) Act, 2009	65A (2)	Death caused by the consumption of Laththa
Border Security Force Act, 1968	14	Offences in relation to the enemy and punishable with death
Border Security Force Act, 1968	17	Mutiny
Border Security Force Act, 1968	18(1) (a)	Desertion
Border Security Force Act, 1968	46	Civil offences
Coast Guard Act, 1978	17	Mutiny
Coast Guard Act, 1978	49	Civil offences
The Commission of Sati (Prevention) Act, 1987	41	Abetting sati
The Defence of India, Act, 1971	5	Person contravening with intent to wage war or assist external aggression or any violation of provision made under S.3
The Geneva Convention Act 1960	3	Grave breaches of Geneva Conventions

The Explosive Substances Act, 1908	3 (b)	Punishment for special category of offences relating to explosive substances, likely to danger life or cause serious harm
The Indo-Tibetan Border Police Force, Act 1992	16	Offences in relation to enemy or terrorist
The Indo-Tibetan Border Police Force, Act 1992	19	Mutiny
The Indo-Tibetan Border Police Force, Act 1992	20 (1) (a)	Desertion
The Indo-Tibetan Border Police Force, Act 1992	49	Civil offences
The Karnataka Control of Organised Crime Act, 2000	3 (1) (i)	Organized Crime resulting in death of person
The Maharashtra Control of Organised Crime Act, 1999	3 (1) (i)	Organized Crime resulting in death of person
The Narcotics Drugs and Psychotropic Substances Act, 1985	31A (1)	Repeated commission of offences involving commercial quantity of any narcotic drug or psychotropic substance

## 2. International statutes

1. ECOSOC<sup>18</sup>, 1996 in its 15th resolution of encouraging the countries who are their members to abolish Capital Punishment also recommends that they provide speedy and fair trials to defendants.

<sup>18</sup> United Nation Economic and Social Council [ECOSOC]. (1996). Resolution No. 15. Retrieved from <http://www.un.org>

2. ICCPR<sup>19</sup>, 1966 says that " No one shall be subjected to torture, cruel and inhuman and degrading treatment and punishment"
3. UN ECOSOC<sup>20</sup>, 1948 says that:-
  - The member countries that had not abolished capital punishment may impose it only on the most heinous crimes.
  - Death Punishment should not be awarded to pregnant women or insane.
  - Minor below 16 years of age should not be awarded capital punishment
  - According to Article 14 of ICCPR capital punishment is only awarded after the fair procedure.

## **V. THE CRIMINOLOGICAL APPROACH OF CAPITAL PUNISHMENT IN INDIA**

**There are three types of theories behind capital punishment in India:**

### **1) Deterrent theory<sup>21</sup>:-**

Deterrence is a strategy for preventing people from breaking the law by instilling fear or the threat of punishment. The deterrent theory assumes that all people are reasonable and that they would commit a crime only if they believe the benefit they would reap from the crime would outweigh the pain they would feel from the criminal act's consequences.

The presumption is that when the penalty is as extreme as death, the deterrent effect is strengthened; no one in their right mind will commit an act that might result in the loss of life, the instinct of self-preservation is innate, biological, and insurmountable under normal circumstances.

For deterrence to work, certain prerequisites must be fulfilled:-

- 1) That potential offenders are aware of which crimes are punishable by death;
- 2) That potential offenders perform a cost-benefit analysis before or while committing the crime and consider the death penalty as a severe and significant cost.
- 3) The future criminals believe that if they commit the crime, they will almost certainly face the death penalty.
- 4) That future criminals are risk-averse rather than risk-takers.

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<sup>19</sup> United Declaration of Human Rights. (1947). Article 5. Retrieved from <http://www.un.org/en/documents/udhr/>

<sup>20</sup> United Nation Economic and Social Council [ECOSOC] (1996). Resolution No.50. Retrieved from <http://www.un.org>

<sup>21</sup> Law Commission of India, "262nd Report on The Death Penalty" (August,2015).

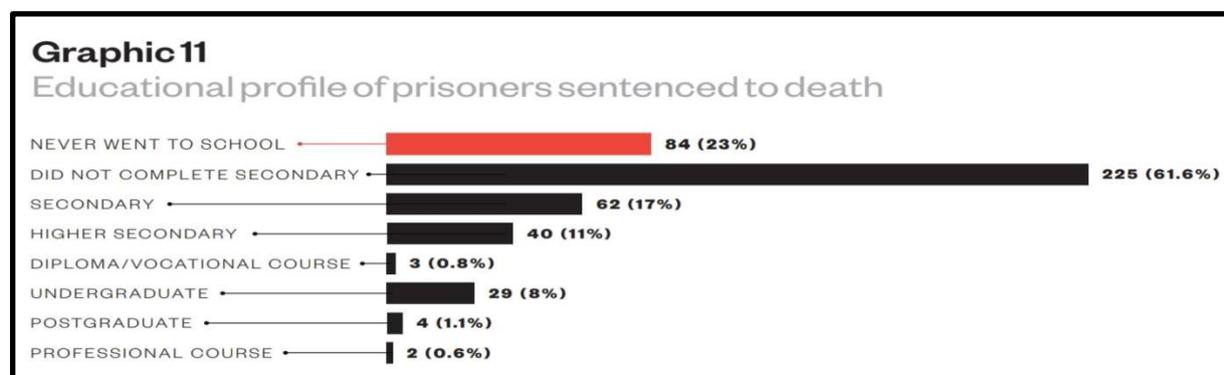
- 5) That future criminals weigh the risks more heavily than the rewards and decide not to commit the crime.

Experts, on the other hand, identified two major fallacies in these assumptions: Knowledge and Rationality Fallacies.

**a. Fallacies of Knowledge:**

Knowledge fallacies<sup>22</sup> lead to the belief that criminals are unaware of the consequences of the crimes they plan to commit. As a result, they are not deterred by harsh punishment. Deterrence, on the other hand, suggests that everyone is aware of the legal consequences of committing a crime. There is ample evidence that both the general public and future criminals are unaware of the punishment that could be imposed as according to Project 39A<sup>23</sup>, research report, 17.8% of prisoners who were sentenced to death, never went to school, 51.1% did not complete secondary, only 31.2 % of prisoners completed secondary or went on to pursue higher education or completed undergraduate, postgraduate, or any professional course, etc. So it can be concluded that only a small number of people were educated. Thus, Knowledge Fallacies go contrary to the assumption.

*Image 1:- Educational Profile of prisoners sentenced to death*



**b. Fallacies of Rationality:-<sup>24</sup>**

Deterrence theory is predicated on the premise that future criminals are reasonable decision-makers. However, many crimes are committed in fits of rage or indignation, or by people who are mentally depressed, or by people who are motivated by powerful emotions like vengeance or fear. Deterrence is unlikely to work in these situations because the actor is unlikely to offer due weight, or even a cursory consideration, to the consequences that may

<sup>22</sup> 291 David Anderson, The Deterrence Hypothesis and Picking Pockets at the Pick-Pockets Hanging, Amer. Law & Econ. Rev. 295 (2002).

<sup>23</sup> NLU Delhi, "Coverage of project" 23 (2019).

<sup>24</sup> Paul Robinson and John Darley, Does Criminal Law Deter, 24 Oxford Journal of Legal Studies 173, 174 (2004)

be levied on him/her as a result of his/her actions; the emphasis is on the emotion that is driving his/her state of mind.

## **2) Preventive theory:-**

The preventive principle aims to deter a crime by immobilising the perpetrator and to take steps that the accused person does not repeat the crime after the enjoyment of Punishment. The following is a list of the different types of preventive punishment:

1. By instilling a fear of retaliation
2. By preventing the criminal from committing any other crime, either permanently or temporarily.
3. Through re-education and/or reformation.

As stated earlier that fallacies on knowledge and rationality are just assumptions so it can be concluded that the death penalty is not in accordance with to above three points.

## **3) Reformatory Theory:-**

The idea behind the principle of punishment is not only to offer justice to those who have been wronged, but also to uphold society's protection and safety. Punishing a criminal does not only mean torturing or humiliating him; there is a greater goal to be accomplished, which is to create a peaceful society. This is known as reformatory theory. He may have committed a crime in unusual circumstances that would never happen again. As a result, during his imprisonment, an attempt should be made to transform him. The aim of punishment should be to motivate the offender to change himself. During his incarceration, he must be educated and taught some art or business so that when he is released, he will be able to restart his life.

The Supreme Court held the following in *Narotam Singh v. State of Punjab*:

“The goal of criminal law should be a reformatory approach to punishment in order to foster healing without breaching community conscience and to ensure social justice.”

Reformatory theory considers punishment to be curative more than to be deterrent.

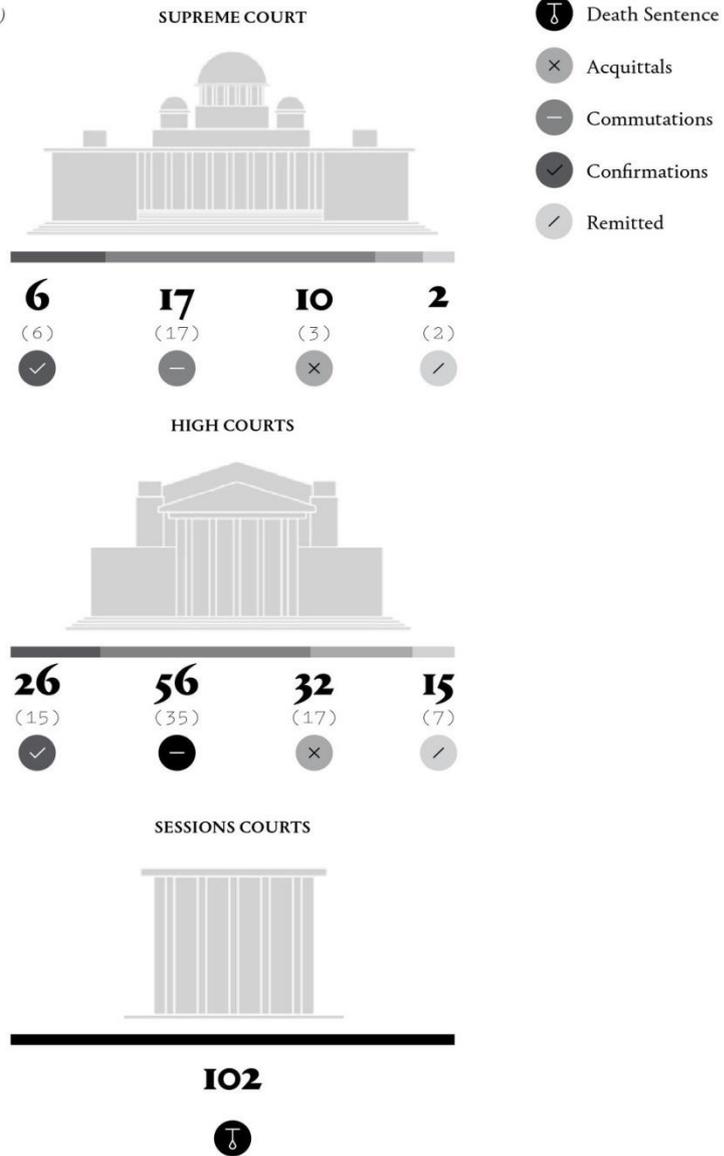
But if life of a person is deprived by law then the theory of reformation will not be succeed anyway.

## **Death penalty cases in Session, High and Supreme court**

*Image 2: Death penalty cases 2019*

# DEATH PENALTY CASES 2019

\*Data represented in the form of prisoners (cases)



Source: Project 39A Report, 2019 conducted by NLU Delhi.

Project 39A<sup>25</sup>, a research project undertaken by NLU Delhi, has collected data on death penalty cases in 2019. The session court sentenced 102 people to death; the high court confirmed 26 death penalties, 56 were commuted, 32 were acquitted, and 15 were remitted; and the Supreme Court confirmed 6 death penalties, 10 were acquitted, 17 were commuted, and 2 were remitted.

As a result, only 6 death penalties have been upheld by the Supreme Court. A total of 42 death penalties have been overturned by both the high court and the supreme court, which is a significant amount. If these cases had not been contested in higher courts, innocent persons may have been convicted. So it is necessary to have a chance to appeal to the accused, as the session courts are not so accurate.

The following study by Tittle, Waldo, and Chiricos will highlight better the side of the relationship between punishment certainty and severity.

## VI. IMPACT OF DEATH PENALTY CASES

*Table 2:- Crime rate in the United States (1960) on Certainty and Severity of crimes*

### BIVARIATE REGRESSIONS OF CRIME RATES IN STATES (1960) ON CERTAINTY AND SEVERITY FOR SEVEN CATEGORIES OF CRIME

Crime Category	Certainty			Severity		
	Slope	r	r <sup>2</sup>	Slope	r	r <sup>2</sup>
Murder	-4.3	-.19	.04	-.07	-.39	.15
Rape	-8.1	-.56	.31	.13	.30	.09
Robbery	-75.0	-.32	.10	.48	.10	.01
Assault	-118.2	-.27	.07	2.10	.18	.03
Burglary	-3639.8	-.40	.13	5.10	.09	.01

<sup>25</sup> NLU Delhi, "Death penalty India report summary" 11,12 (2019).

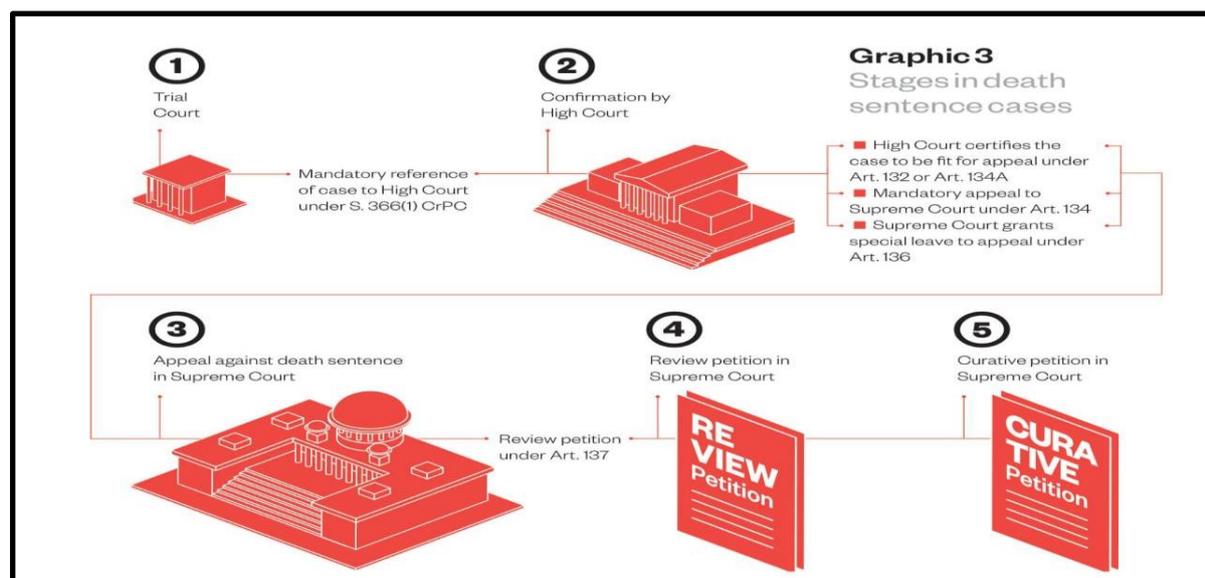
Larceny	-1441.7	-.36	.13	1.36	-.06	.00
Auto-Theft	-1807.3	-.30	.09	.49	.03	.00

In light of these findings, we can see that the "murder" associations are consistent with other findings, namely, that certainty and severity have a small negative association with homicide rates. Furthermore, these findings generally agree with those stated by Title, Waldo, and Chiricos for all seven categories of index crimes. Each of the seven forms of crime rate has a mild to moderate negative relationship with certainty, while severity has a poor positive relationship (with the exception of homicide). Unlike Tittle, we discovered a negative association between larceny crime rate and severity in our research. The magnitude of the correlation, however, is so small (-.06) that no conclusion about the sign can be made.

Based on the results in Table 2, the hypothesis that severity has a deterrent impact on crime will be rejected. The certainty of deterrence, on the other hand, has a greater influence on crime prevention. The imposition of the death penalty extends the time taken to resolve other cases, resulting in an increased case pending and affecting the certainty of punishment.

Now we'll look at how the death penalty lengthens the time it takes to resolve other crimes.

*Image 3:- Stages in death penalty cases<sup>26</sup>*



<sup>26</sup> NLU Delhi, "4th edition Project 39 report on the Death penalty in India: Annual statistics 2019" 10 (2019).

The death penalty is the procedure where an individual is deprived of his life.

So awarding the death penalty is neither a quick nor a simple procedure. It includes a bigger procedure to award a death sentence as the Indian Criminal Justice system is based on the belief 'Let Hundred Guilty Be Acquitted But One Innocent Should Not Be Convicted' and higher the punishment and greater the evidence'. As after reviewing the above tables and statistics, the time taken for death penalty cases, as well as the process for filing a review petition and a curative petition, is known. Therefore, the debate in India about the death penalty should not be limited to executions; it should also include the length of time it takes to get a fair trial and the processes. It demonstrates that a convict's death sentence is subject to a lengthy process because there is a mandatory provision for appeal in high courts, a provision for appeal in the Supreme Court, and then the accused have the opportunity to file a mercy petition before the governor or president, followed by the filing of four petitions. As a result of the death penalty trials, many other trials are delayed, and the number of cases pending increases rather than decreases. According to the National Judicial Data Grid (NJDG)<sup>27</sup>, there are already 26603243 criminal cases pending in India as of December 26, 2020. Also, Study by the death penalty report<sup>28</sup> also shows that 10 of 11 nations who have abolished the death penalty have shown a fall in crime rate. It's also fascinating to look at how long it takes for court proceedings to be concluded in cases where individuals have been sentenced to death. The cost of the criminal justice system on inmates and their families must be weighed when considering the consequences of lengthy court proceedings. Moreover, there were only 5 execution of death penalty from 2000-2015, where 2063 were sentenced to death by trial courts. It can be noted that a very small number are executed, so the question arises if the death penalty is not going to be executed even after a long procedure, then what purpose is it serving, also it is not a deterrent factor. Hence, death penalty does not reduce crimes.

## VII. CONCLUSION

In India, for a variety of IPC and non-IPC offences, the death penalty is a punishment reserved for the rare of the rarest cases. It is also the most serious penalty under the IPC, and it is used to deter crime. The majority of Indians believe that the death penalty would minimise crime. But it is not the actual case. Also theintended "principled sentencing," as per

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<sup>27</sup> NJDG Pending Dashboard, India, available at [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard) (last visited on December 26, 2020).

<sup>28</sup> Study: International Data Shows Declining Murder Rates After Abolition of Death Penalty, USA, available at <https://deathpenaltyinfo.org/news/study-international-data-shows-declining-murder-rates-after-abolition-of-death-penalty> (last visited on January 3, 2021).

Bacchan Singh vs State of Punjab sentencing has now truly become judge-centric, the Supreme Court has admitted that the application of the death penalty is subjective and arbitrary. The theories of criminology show that all the theories I.e.deterrentt, preventive and reformative are contrary to the death penalty. Also, as seen in Table 2, the above research shows that the certainty of deterrent has a greater impact on reducing crime. As we can see in Image 2, the death penalty takes a lot of court time, including trials and petitions, so it delays the proceedings and trials of other cases. It causes a rise in the number of pending criminal cases. As a consequence, death penalties produce ineffective certainty of punishment since fewer cases result in a conviction. As a consequence, it does not minimise crime rate.

### **VIII. RECOMMENDATIONS**

After the study, the researcher humbly submitting some recommendation regarding the death penalty which were found lacking in the Indian criminal system These are:

- 1) The police doing both the tasks has not been effective so, the police force should be split into two parts, one for investigation and the other for preserving law and order to make the investigation procedure effective as it plays an important role in a criminal case. Also, the vacancies in the police force should be filled rapidly as there is a lack of police force in the country.
- 2) There should be more fast-track courts set up to dispose the cases rapidly as there a huge number of cases pending in courts.

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