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BACHAN SINGH VS STATE OF PUNJAB (1980)

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Institution: Integral University, Lucknow

Designation: Student

CITATION: AIR 19802 SCC 684

DATE OF JUDGEMENT: 9th May, 1980

NAME OF THE COURT: Supreme Court of India

BENCH: Justices Y.C. Chandrachud, A. Gupta, N. Untwalia, P.N Bhagwati, and R. Sarkaria

INTRODUCTION

Bachan Singh vs. State of Punjab is a well known judgment by the Supreme Court of India regarding the validity of the death penalty in India. Bachan was found guilty of murder and sentence to death by the court. He appealed against the punishment but was dismissed by the Court. The main issue before the Supreme Court was whether the death penalty for murder under Section 302 of the IPC was unconstitutional.¹ The Court said that even though the death penalty was constitutional, it ought to be used in the “rarest of rare” circumstance in which a life sentence would be “unquestionably inadequate” as an alternative punishment. The Court established a set of criteria, including the offender’s nature, the severity of the crime, and the reason behind it, to decide whether a case qualifies as the “rarest of rare.” The ruling has drawn criticism for using the “rarest of rare” criterion inconsistently and without sufficient precision.

FACTS OF THE CASE

Bachan Singh, the petitioner who have previously been convicted for the murder of his wife under Section 302 of IPC and served his 14 years in prison. He was released after serving his sentence and was resided in his cousin’s house i.e., Hukum Singh. However, his cousin’s wife and kids were not in favour of his living in the house and opposed his decision.

¹Devadhe T, “Bachan Singh v. State of Punjab, 1982 AIR 1325, ‘Rarest of Rare’ Cases- Legal Vidhiya” (*Legal Vidhiya*-, April 7 2023) <<https://legalvidhiya.com/bachan-singh-v-state-of-punjab-1982-air-1325-rarest-of-rare-cases/>> accessed June 18 2024.

Later a tragedy happened on a horrible night where Vidya Bai was awakened by some noise and saw that her sister, Beeran Bai, getting hit by the appellant, Bachan Singh, by means of an axe. Vidya Bai bravely stepped in order to stop this horrific assault. She tried to grab the axe from his hand, but it pierced her viciously, which resulted in cutting her ear and face and rendering her senseless. Others were awakened from their sleep by the disturbance, and it was not ignored. The sharp screams woke up the two sleepers i.e., Diwan Singh and Gulab Singh, who told others what had happened. When they arrived to the site quickly, they observed something horrible. Desa Bai, the victim of Bachan Singh, remained upright, holding the bloody axe in his hands. Diwan Singh and Gulab made an immediate attempt to apprehend Bachan Singh in order to stop any further injuries. Bachan Singh had to make the painful choice to drop the axe and run when he realised he was surrounded and could be captured. Despite the seriousness of the situation, they chased Bachan Singh in an effort to bring him to justice. But they were unsuccessful as he managed to avoid them.

Bachan Singh was thus convicted for the murder of Veeran Bai, Durga Bai and Desa Singh by the Session Court under the Section of 302² of IPC. He appealed to the High Court but the court dismissed his appeal. Later, he appealed to Supreme Court and questioned whether the case falls under the context of special reasons mentioned under the Section 354(3) of Code of Criminal Procedure, 1973.³

ISSUES

1. Did the death punishment for murder stipulated in Section 302 of Indian Penal Code violate the constitution?
2. Does the sentencing process outlined in Section 354(3) of the CrPC 1973 violates the constitution because it grants judges unchecked authority and allows the arbitrary imposition of a death sentence on an person found guilty of murder, a crime for which the Indian Penal Code stipulates that the punishment is either life in prison or the death punishment?

² Indian Penal Code 1960, s 302

³ Code of Criminal Procedure 1973, s 354(3)

CONTENTIONS

ARGUMENTS BY THE PETITIONER

The petitioner argued that they believed that the death sentence mentioned under the Section 302 of the IPC is unconstitutional as it violates the Article 19 of the Constitution of India⁴. He maintained that the death penalty nullifies every right guaranteed by Article 19(a) (g). The death sentence does not promote any social goal and not constitute an unreasonable restriction. Drawing upon the principle of proportionality, the petitioner argued that the death penalty in this instance is an excessive punishment and ought to be applied only in the most exceptional circumstances where life in prison is deemed insufficient. The petitioner also used the Rajendra Prasad⁵ case to emphasize the importance of the “Rarest of the Rare” doctrine. According to him, the rights outlined in Article 21 of the Indian Constitution⁶ are violated when the accused person is forced to undergo the death penalty. He thus calls for a strict interpretation norm.⁷

ARGUMENTS BY THE RESPONDENT

In this case, the respondents, acting for the State of Punjab are in favour of Bachan Singh’s execution. They contend that the death sentence protects society by making potential offenders fearful, acting as a forceful deterrent against horrible acts like murder. The respondents stress how crucial it is to uphold judges’ discretion, guarantee that they are free to decide what punishments are appropriate for the particulars of each case, and achieve justice. They contend that because Bachan Singh committed extremely serious offences, the death penalty is appropriate in this instance for “special reasons”. Supporters of the death penalty argue that the death penalty is constitutional by pointing to the authority of the Constitution and current legal precedents.

JUDGEMENT

In *Bachan Singh v. State of Punjab* case, the petitioner argued that Section 302 of the iPC and Section 354(3) of the CrPC were unconstitutional. However, the Supreme Court dismissed this claim. The Court have established the doctrine of the “rarest of the rare,” which states that only cases falling under the rarest of rare categories could result in the death penalty. The court declared that the death sentence is an exception but life imprisonment is norm.

⁴ Constitution Of India, art. 19

⁵ *Rajendra Prasad v State Of Uttar Pradesh* [1979]

⁶ Constitution Of India, art 21

⁷ Verma R and Chitkara S “*Bachan Singh v. State of Punjab (1980) : case analysis*” (*iPleaders*, May 19 2024) <<https://blog.ipleaders.in/analysing-the-judgment-of-bachan-singh-v-state-of-punjab-1980/#:~:text=questions%20are%20ambiguous,-Bachan%20Singh%20v.,Articles%20of%20the%20Indian%20Constitution>> accessed 8 June 2024

The court determined that the rights outlined in Article 19 of the Indian Constitution are subject to reasonable limitations and are not unqualified. They are constrained in the sense that every person has the freedom to live in society and to exercise their rights without interfering with those of others.

Additionally, the Court specified the mitigating and aggravating conditions that are relevant considerations for judges when deciding whether to execute a guilty person, underlining the need of giving each component equal weight. The court also said that the severity of the crime may be considered on aggravating element, whereas the accused's age, background and absence of prior criminal history may be considered in mitigating factors.

RATIO DECIDENDI

It is constitutional if the ordinary punishment for murder is life in prison and the death sentence is specified as a substitute to that punishment. This implies that the "rarest of rare cases" might justify the death punishment when all other options have been exhausted. The death penalty, which is the alternate punishment for murder under Section 302, was found to be neither unreasonable nor unjustifiable. It does not contravene Article 19 of the Indian Constitution, either in text or spirit. The maxim "Sic utere tuo ut alienum non laedas," which states that one must utilize one's property in a way that it does not violate the legitimate rights of others.

The court further declared that the death sentence imposed in accordance with Indian Penal Code, 1860 section 302 was not arbitrary or unconstitutional. Both private interests and national policy were taken into consideration. The rulings in Rajendra Prasad⁸ and Jagmohan Singh⁹ were cited by the court. It was noted that the facts matched the case exactly, if not more so. According to the precedent set by these earlier judgements, Indian criminal law granted judges broad freedom in determining the severity of punishment, which was deemed to be the most secure protection for the accused.¹⁰

⁸Ibid.

⁹Jagmohan Singh v. The State of Uttar Pradesh [1972]

¹⁰Sreelakshmi M. "BACHAN SINGH v. STATE OF PUNJAB" (*Law Essentials*, 13 October 2021) <<https://lawessential.com/case-comments-1/f/bachan-singh-v-state-of-punjab>> accessed 8 June 2024

ANALYSIS

The court's ruling is acceptable since it clearly shows that the death penalty ought to be an exception rather than a general rule. Although, the court had considerable discretion in these cases, it sentenced the criminal only after carefully considering the aggravating elements and mitigating factors, as the Supreme Court correctly noted in addressing the exceptional reasons listed in Section 354(3) of the CrPC.

The court has provided important justification for why sections 302 and 354(3) of the IPC and CrPC respectively, do not violate fundamental rights. It has done this by drawing on earlier rulings. Moreover, it was found that the limitation of freedom that follows a conviction and sentence is an incidental byproduct of the conviction and punishment rather than a clear and unavoidable result of criminal legislation.

That is to say, in order to defend one's fundamental rights, one must not injure others. If this does happen, and the harm is severe, the offender must be executed. The appellant in this case was found guilty of several killings that were deemed to be so horrific that they should have resulted in death. However, because the court did not outline the standards for figure out what qualifies the "rarest of rare cases," it has nevertheless left opportunity for legal issues. The court has not provided evidence to support its decision in order to assess whether a certain situation constitutes as a "rarest of rare case."

DEFECTS

The concept of the "rarest of the rare" circumstances is not made clear in this case, therefore judges are free to interpret the facts however they see fit. This uncertainty has led to the application of the death penalty being applied arbitrarily and inconsistently in various situations and courts. Furthermore, by downplaying the possibility of offenders reforming or rehabilitating, the example departs from the reformatory view of punishment, which supports the former over the latter.

Another critical omission is the contempt for the human rights and dignity of prisoners while ignoring the violence and inhumanity connected to the death penalty. International Human Rights standards that prohibit torture and cruel, inhuman or humiliating treatment and this kind of punishment is against such standards. The Right to Life is also blatantly violated.¹¹

¹¹ "Bachan Singh v. State of Punjab – The AmicusQriae" (*The Amicus Qriae*) <<https://theamikusqriae.com/bachan-singh-v-state-of-punjab/>> accessed 8 June 2024

CONCLUSION

In this case, the Supreme Court rendered a landmark decision that altered basic assumptions regarding the death penalty's legality in the Indian legal system. The Court recognized the doctrine of the "rarest of the rare," which states that only cases falling under the rarest of rare categories could result in the death penalty. The court ordered the creation of an exhaustive balance sheet that carefully listed aggravating elements and mitigating factors. Notably, the court emphasized the necessity of giving mitigating circumstances full weight, emphasizing the call for a just and equitable stability between aggravating elements and mitigating factors.

