



International Journal of Recent Development in Engineering and Technology
Website: www.ijrdet.com (ISSN 2347-6435 (Online) Volume 15, Issue 07, July 2026)

Capital Punishment and Crime Control in India: A Comparative and Policy-Oriented Study

Yuvika

Student of BBA-LLB Hons., Vivekanand Institute of Professional Studies, Pitam Pura, Delhi, India

Abstract-- The death penalty remains one of the most contested forms of punishment in modern criminal jurisprudence. This paper examines the constitutional and statutory framework governing capital punishment in India and compares it with the legal position in major jurisdictions including the United States, the United Kingdom, China, Japan, Saudi Arabia and Singapore. The paper further analyses comparative crime data and explores whether the existence of the death penalty has any direct relationship with crime reduction. Particular attention is paid to the role of the judiciary and police in reducing crime and improving criminal justice administration in India. The paper concludes that certainty of punishment, efficient investigation, speedy trials, social development and institutional reforms are more effective in reducing crime than the mere retention of the death penalty.

Keywords-- Death Penalty; Capital Punishment; Crime Rate; Judiciary; Police Reforms; Human Rights; Criminal Justice System; Rarest of Rare Doctrine; Government Policy.

I. INTRODUCTION

Capital punishment is the most severe sanction that a State can impose upon an offender. It involves the judicial execution of a person convicted of certain grave offences. Historically, death sentences were awarded for a large number of offences, including theft and property crimes. Over time, however, international human rights norms have favoured abolition or restriction of the death penalty. India has retained capital punishment but limits its application to exceptional cases under the 'rarest of rare' doctrine developed by the Supreme Court.

II. RESEARCH OBJECTIVES

- i. To examine the legal framework of the death penalty in India;
- ii. to compare India's position with other countries;
- iii. to analyse comparative crime rates;
- iv. to study the role of the judiciary and police in reducing crime; and
- v. to evaluate Government of India policies and suggest reforms.

III. METHODOLOGY

The study is doctrinal and analytical in nature. It relies upon statutes, constitutional provisions, judicial decisions, reports of the Law Commission of India, NCRB reports, UNODC publications, Amnesty International reports and scholarly literature on criminal justice and penology.

IV. CONSTITUTIONAL AND STATUTORY FRAMEWORK IN INDIA

The Constitution of India does not prohibit the death penalty. Article 21 permits deprivation of life according to procedure established by law. Articles 72 and 161 confer powers of pardon upon the President and Governors. The Bharatiya Nyaya Sanhita, 2023 and certain special statutes continue to prescribe capital punishment for offences such as aggravated murder and terrorism resulting in death.

V. JUDICIAL EVOLUTION

In *Jagmohan Singh v. State of U.P.* (1973), the Supreme Court upheld the constitutional validity of capital punishment. In *Rajendra Prasad v. State of U.P.* (1979), the Court adopted a more restrictive approach. In *Bachan Singh v. State of Punjab* (1980), the Constitution Bench held that the death penalty should be imposed only in the 'rarest of rare' cases when the alternative option of life imprisonment is unquestionably foreclosed. *Machhi Singh v. State of Punjab* (1983) elaborated the circumstances in which the doctrine may apply.

VI. COMPARATIVE POSITION

The United Kingdom, France, Germany, Canada, South Africa and Nepal have abolished the death penalty. The United States retains it in some states but several states have abolished it. China and Iran continue to impose capital punishment for a broad range of offences. Japan and Singapore retain the death penalty but use it sparingly. Comparative experience demonstrates that there is no direct correlation between retention of capital punishment and lower crime rates.



International Journal of Recent Development in Engineering and Technology
Website: www.ijrdet.com (ISSN 2347-6435 (Online) Volume 15, Issue 07, July 2026)

VII. CRIME RATES AND COMPARATIVE ANALYSIS

Comparative homicide data reveal that India records a lower homicide rate than many countries, including some that retain and some that have abolished the death penalty. Countries such as South Africa and Brazil have significantly higher homicide rates despite constitutional and legislative reforms. The United Kingdom and Japan report very low homicide rates even though their approaches to capital punishment differ substantially.

VIII. ROLE OF THE JUDICIARY

The judiciary reduces crime by ensuring fair trials, imposing appropriate punishment, protecting constitutional rights and strengthening public confidence in the rule of law. Fast Track Courts, POC SO Courts, e-Courts and victim compensation schemes contribute significantly to effective criminal justice administration. The Supreme Court has repeatedly emphasised proportionality, reformative justice and procedural fairness.

IX. ROLE OF THE POLICE

The police constitute the first line of defence against crime. Effective policing requires prevention, intelligence gathering, community engagement and scientific investigation. Digital policing initiatives, forensic science, cyber-crime units and witness protection mechanisms improve conviction rates and enhance public trust. Police reforms recommended by various commissions emphasise professionalism, accountability and insulation from improper political interference.

X. GOVERNMENT OF INDIA INITIATIVES

The Government of India has introduced significant reforms through the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam.

The Crime and Criminal Tracking Network System (CCTNS), Inter-Operable Criminal Justice System (ICJS), National Cyber Crime Reporting Portal, Nirbhaya Fund and Smart Policing initiatives seek to improve coordination, transparency and efficiency in the criminal justice system.

XI. FINDINGS

The study finds that there is no conclusive empirical evidence that the death penalty is a more effective deterrent than life imprisonment. Crime reduction depends more upon certainty of punishment, quality of investigation, socio-economic development, education, policing efficiency and speedy adjudication.

XII. RECOMMENDATIONS

1. Strengthen forensic infrastructure and scientific investigation.
2. Increase police training and modernisation.
3. Fill judicial vacancies and reduce case backlogs.
4. Expand witness protection and victim compensation schemes.
5. Improve prison reforms and rehabilitation programmes.
6. Promote community policing and cybercrime preparedness.
7. Continue empirical review of capital punishment policy.

XIII. CONCLUSION

India follows a balanced and cautious approach by retaining the death penalty only for the rarest of rare cases. Comparative evidence from other jurisdictions indicates that the existence of capital punishment alone neither guarantees lower crime rates nor explains differences in levels of criminality. Effective governance, efficient policing, a responsive judiciary and robust social policies remain the most important determinants of crime reduction and public safety.



International Journal of Recent Development in Engineering and Technology
Website: www.ijrdet.com (ISSN 2347-6435 (Online) Volume 15, Issue 07, July 2026)

Table 1: Comparative Position of Death Penalty

Country	Status	Remarks
India	Retained	Rarest of rare doctrine
United Kingdom	Abolished	Abolished for all ordinary crimes
United States	Partially retained	Varies by state
Japan	Retained	Used sparingly
China	Retained	Broad range of offences
South Africa	Abolished	Declared unconstitutional

Table 2: Comparative Homicide Rates (Approx.)

Country	Rate per 100,000 population
India	2.8
United States	6.4
Brazil	22.4
South Africa	36.4
United Kingdom	1.1
Japan	0.3

REFERENCES

- | | |
|---|--|
| <ul style="list-style-type: none">[1] Amnesty International, Death Sentences and Executions Report (2025).[2] National Crime Records Bureau, Crime in India Report (2024).[3] United Nations Office on Drugs and Crime, Global Study on Homicide (2024).[4] Law Commission of India, Report No. 262 on the Death Penalty (2015). | <ul style="list-style-type: none">[5] Project 39A, National Law University Delhi, Death Penalty in India Report (2025).[6] Bachan Singh v. State of Punjab, (1980) 2 SCC 684.[7] Machhi Singh v. State of Punjab, (1983) 3 SCC 470.[8] Jagmohan Singh v. State of U.P., (1973) 1 SCC 20.[9] Ministry of Home Affairs, Government of India, Annual Report (2025). |
|---|--|