

Capital Punishment and Crime Control in India: A Comparative Study of the Death Penalty, Crime Rates, and the Role of Judiciary and Police

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Abstract-- The death penalty remains one of the most debated issues in criminal jurisprudence. While some nations have abolished capital punishment considering it a violation of human rights, others retain it for heinous crimes such as terrorism, murder, treason, and drug trafficking. India follows a middle path by retaining the death penalty only in the "rarest of rare cases." This paper examines the legal framework governing capital punishment in India, compares it with the policies of other countries, analyses crime rates in India vis-à-vis other nations, and evaluates the role of the judiciary and police in reducing crime. The paper also discusses various policies and initiatives of the Government of India aimed at crime prevention and criminal justice reforms. The study concludes that certainty of punishment and efficient criminal justice administration are more effective deterrents than the severity of punishment alone.

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

I. INTRODUCTION

The death penalty, also known as capital punishment, refers to the execution of a person by the State as punishment for certain offences. It is one of the oldest forms of punishment known to human civilization.

The issue has generated extensive debates among jurists, criminologists, human rights activists, and policymakers.

The principal arguments in favour of capital punishment are:

1. Deterrence of heinous crimes;
2. Retributive justice;
3. Protection of society from dangerous offenders.

Arguments against the death penalty include:

1. Violation of human dignity;
2. Possibility of judicial errors;
3. Lack of evidence regarding deterrent effects;
4. Discriminatory application.

II. DEATH PENALTY IN INDIA

Constitutional Provisions

The Constitution of India does not expressly prohibit the death penalty.

Relevant provisions include:

- *Article 21:* Protection of life and personal liberty.
- *Article 72:* Power of the President to grant pardon.
- *Article 161:* Power of Governor to grant pardon.

Offences Punishable with Death

Under Indian laws, death sentence may be awarded for:

Statute

Offence

Bharatiya Nyaya Sanhita, 2023 Murder, Terrorist acts causing death

Prevention of Terrorism Laws Certain terrorist offences

NDPS Act

Repeat offences involving large quantities of drugs

Army Act

Certain military offences

Anti-Hijacking Act

Resulting in death



III. EVOLUTION OF JUDICIAL APPROACH IN INDIA

Jagmohan Singh v. State of U.P. (1973)

The Supreme Court upheld the constitutional validity of the death penalty.

Bachan Singh v. State of Punjab (1980)

The Court evolved the "**Rarest of Rare Doctrine**" and held:

"Death sentence should be imposed only in exceptional cases".

Machhi Singh v. State of Punjab (1983)

The Court laid down guidelines:

- Manner of commission of murder;
- Motive;
- Magnitude of crime;
- Social abhorrence;
- Personality of victim.

IV. COUNTRIES ABOLISHING AND RETAINING DEATH PENALTY

Countries that have Abolished Death Penalty

Country	Year of Abolition
United Kingdom	1965
France	1981
Canada	1976
Germany	1949
South Africa	1995
Nepal	1997
Australia	1985

Countries Retaining Death Penalty

Country	Major Capital Offences
India	Murder, Terrorism
United States	Murder, Treason
China	Murder, Drug offences
Japan	Murder
Saudi Arabia	Murder, Drug offences
Iran	Murder, Drug offences
Singapore	Drug trafficking

V. COMPARATIVE POSITION OF DEATH PENALTY WORLDWIDE

According to Amnesty International (2025):

Status	Number of Countries
Abolished for all crimes	113
Abolished in practice	32
Retentionist countries	55

VI. CRIME RATE: INDIA COMPARED WITH OTHER COUNTRIES

The crime rate is generally measured per 100,000 population.

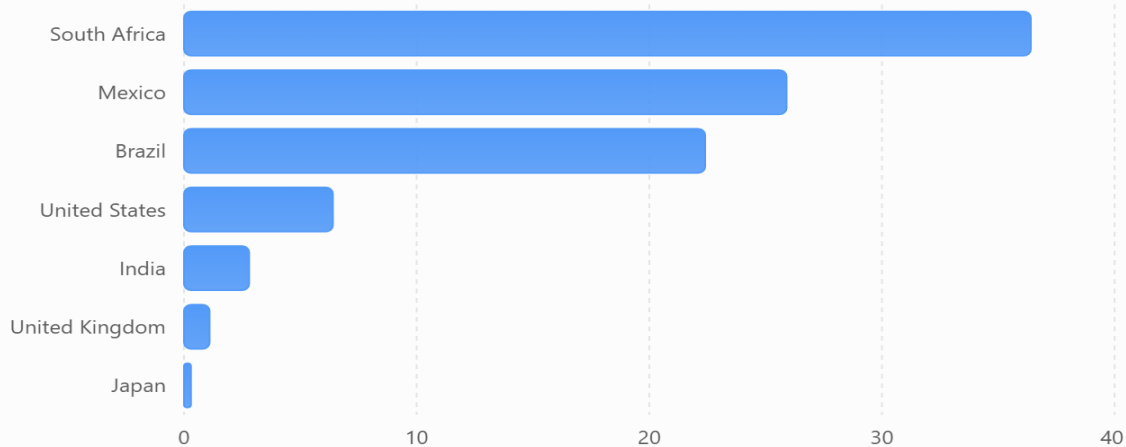
Country	Homicide Rate per 100,000 Population
India	2.8
United States	6.4
Brazil	22.4
South Africa	36.4
United Kingdom	1.1
Japan	0.3
Mexico	25.9

Observation

India's homicide rate remains significantly lower than many countries retaining or abolishing the death penalty.

Comparative homicide rates by country

Approximate homicide rate per 100,000 population.



VII. DEATH PENALTY AND DETERRENCE: EMPIRICAL DEBATE

Studies by the United Nations and various criminologists suggest:

1. No conclusive evidence exists that death penalty deters crime more effectively than life imprisonment.
2. Certainty of punishment is more important than severity.
3. Efficient investigation and speedy trials are stronger deterrents.

VIII. DEATH SENTENCES IN INDIA

Year Death Sentences Awarded by Trial Courts

2021 144

2022 165

2023 120

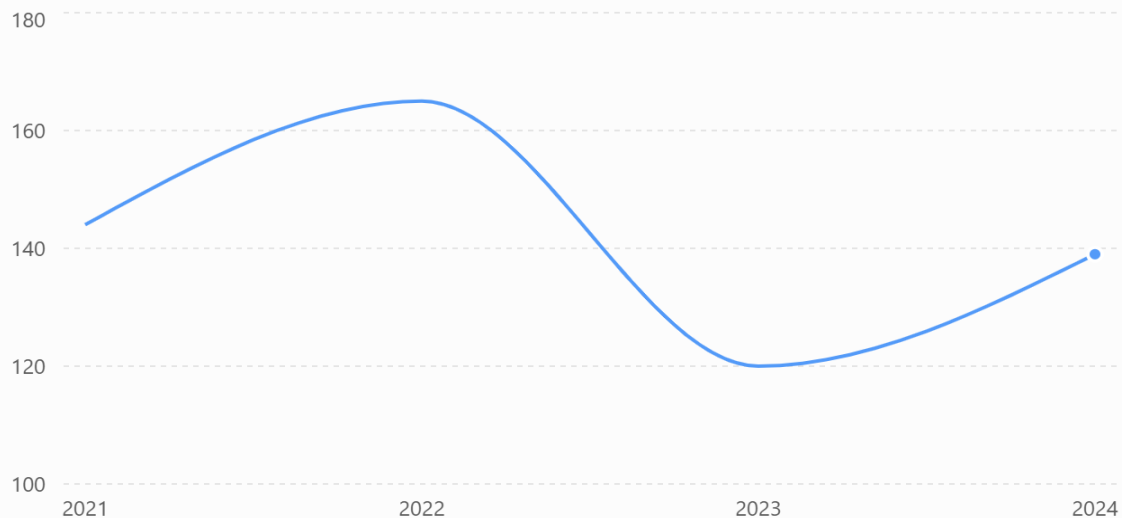
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(Source: Project 39A, National Law University Delhi)

Trend of Death Sentences in India

Death sentences awarded in India

Death sentences imposed by Indian trial courts.



IX. ROLE OF JUDICIARY IN REDUCING CRIME

The judiciary performs an indispensable role in crime reduction.

(a) Ensuring Rule of Law

Courts punish offenders and protect citizens' rights.

(b) Speedy Trial

Article 21 guarantees speedy justice.

(c) Victim Compensation

Section 396, Bharatiya Nagarik Suraksha Sanhita, 2023 provides compensation mechanisms.

(d) Judicial Innovations

- Fast Track Courts;
- POCSO Courts;
- Virtual Courts;
- e-Courts Mission.

(e) Sentencing Principles

The Supreme Court has emphasised:

- Reformatory justice;
- Proportionality;
- Victim rights.

X. ROLE OF POLICE IN CRIME REDUCTION

The police constitute the first line of defence against crime.

Preventive Functions

- Patrolling;
- Surveillance;
- Intelligence gathering;
- Community policing.

Investigative Functions

- Scientific investigation;
- Collection of evidence;
- Forensic analysis.

Modern Policing Measures

- CCTNS;
- ICJS;
- Cyber policing;
- Facial recognition systems;
- Crime mapping.



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XI. GOVERNMENT OF INDIA POLICIES TO REDUCE CRIME

1. Bharatiya Nyaya Sanhita, 2023

Modernises Criminal Law.

2. Bharatiya Nagarik Suraksha Sanhita, 2023

Provides:

- Electronic evidence;
- Time-bound investigations;
- Victim-centric justice.

3. Bharatiya Sakshya Adhiniyam, 2023

Recognises digital evidence.

4. Crime and Criminal Tracking Network System (CCTNS)

Digitisation of police records.

5. Inter-Operable Criminal Justice System (ICJS)

Integration Of:

- Police;
- Courts;
- Prisons;
- Prosecution.

6. Nirbhaya Fund

Strengthening Women's Safety.

7. National Cyber Crime Reporting Portal

Combating cyber crime.

8. Smart Policing Initiative

Introduced by the Ministry of Home Affairs.

XII. COMPARATIVE EVALUATION

Country	Death Penalty	Crime Rate Position
India	Retained (Rarest of Rare)	Moderate
UK	Abolished	Low
Japan	Retained	Very Low
USA	Partially Retained	Moderate-High
Brazil	Mostly Abolished	High
South Africa	Abolished	Very High

Conclusion from Comparative Study

The data indicates that the existence or abolition of the death penalty alone does not determine crime rates.

8. Prison reforms and rehabilitation.

9. Greater use of technology.

10. Victim-centric criminal justice policies.

XIII. RECOMMENDATIONS

1. Strengthening police investigation.
2. Increasing conviction rates.
3. Speedy disposal of criminal cases.
4. Greater use of forensic science.
5. Judicial reforms and filling vacancies.
6. Witness protection programmes.
7. Community policing.

XIV. CONCLUSION

India follows a balanced approach by retaining the death penalty only in the "rarest of rare" cases. Comparative evidence demonstrates that capital punishment is not by itself a decisive factor in reducing crime. Countries without the death penalty have both high and low crime rates, while countries retaining it also exhibit varying levels of criminality.



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The reduction of crime depends more upon:

- Efficient policing;
- Speedy justice;
- Certainty of punishment;
- Good governance;
- Social and economic development;
- Effective implementation of criminal laws.

The judiciary and police, supported by modern criminal justice reforms and technological innovations introduced by the Government of India, can significantly reduce crime and strengthen the rule of law.

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