www.ijarp.com ISSN 2456-9992 Page: 01-13

International Journal Advanced Research Publications

Review Article

Volume: 02
Issue: 04

"THE EVOLUTION OF THE RAREST OF RARE DOCTRINE IN INDIAN CRIMINAL LAW"

***[1]Rajat Yadav, [2]Prof. (Dr). Tapan Kumar Chandola**

[1]Research Scholar, Amity Law School Lucknow.

[2]Professor (Director), Amity Law School Lucknow.

Article Received: 29 February 2026, Article Revised: 19 March 2026, Published on: 09 April 2026

***Corresponding Author: Rajat Yadav**

Research Scholar, Amity Law School Lucknow.

DOI: https://doi-doi.org/101555/ijarp.1598

ABSTRACT

The 'rarest of rare' doctrine represents the Indian Supreme Court's most significant contribution to the jurisprudence of capital punishment. Evolved in Bachan Singh v. State of Punjab (1980) and elaborated in Machhi Singh v. State of Punjab (1983), the doctrine was designed to restrict the imposition of the death penalty to exceptional circumstances while ensuring individualised sentencing. This paper traces the doctrinal evolution from its constitutional foundations through contemporary developments, critically examining how a framework intended as a safeguard against arbitrary executions has, over four decades, become mired in subjectivity and inconsistency. Through analysis of landmark judgments, empirical data, and recent jurisprudential shifts including Manoj v. State of Madhya Pradesh (2022) and Vasanta Sampat Dupare v. Union of India (2025), this paper argues that while the doctrine was well-intentioned, its vague formulation and the systemic failure to implement procedural safeguards have undermined constitutional guarantees under Articles 14 and 21. The paper concludes by evaluating reform proposals and considering whether the doctrine can be salvaged or whether abolition remains the only coherent response to the constitutional crisis in capital sentencing.

KEYWORDS: Capital punishment, rarest of rare doctrine, Bachan Singh, constitutional rights, judicial discretion, criminal justice reform

1. INTRODUCTION

The death penalty occupies a complex and contested space within India's constitutional framework. While Article 21 of the Constitution guarantees that "no person shall be deprived

of his life or personal liberty except according to procedure established by law,"[1] the same constitutional order permits the state to deliberately extinguish human life through judicial process. This fundamental tension has shaped the evolution of death penalty jurisprudence in India, culminating in the judicial creation of what is now known as the 'rarest of rare' doctrine.

The doctrine, first enunciated by the Supreme Court in Bachan Singh v. State of Punjab (1980) and subsequently elaborated in Machhi Singh v. State of Punjab (1983), was designed to provide a principled framework for sentencing in capital cases. It requires courts to balance aggravating and mitigating circumstances, emphasising that life imprisonment is the rule and death the exception, and restricts the death penalty to cases where the alternative of life imprisonment is "unquestionably foreclosed."[2]

However, despite nearly four and a half decades of judicial experience with this doctrine, significant concerns persist regarding its application. Scholars have observed that "its vague formulation and subjective interpretation by courts have led to inconsistent outcomes, undermining constitutional guarantees under Articles 14 and 21."[3] The judiciary has often invoked public sentiment and "collective conscience" as grounds for capital punishment, blurring the lines between legal reasoning and populist justice.[4]

This paper traces the evolution of the 'rarest of rare' doctrine from its origins through contemporary developments, examining how a framework intended as a constitutional safeguard has, over time, revealed fundamental faultlines that threaten the rule of law itself.

2. Constitutional Foundations and Early Jurisprudence

2.1 The Framing of Article 21

The Constituent Assembly debates on what became Article 21 revealed profound disagreements about the appropriate balance between legislative authority and judicial protection of individual rights. Members were divided on whether the term 'procedure established by law' should be replaced with 'due process', which would have granted the judiciary greater power to scrutinise the substantive fairness of laws depriving persons of their life or liberty.[5]

[1] The Constitution of India, Art. 21.
[2] Bachan Singh v. State of Punjab (1980) 2 SCC 684 [128].
[3] Singh Umendra Pratap and Dr. Srijan Mishra, 'The Doctrine of 'Rarest of Rare' in Capital Sentencing: A Critical Study of Its Suitability and Application in Indian Jurisprudence' (2025) 8(2) International Journal of Law Management and Humanities 3745, 3746
[4] ibid 3750.
[5] Constituent Assembly Debates, Vol. VII, 6 December 1948.

Supporters of the "due process" formulation argued that it would enable the judiciary to protect individual liberty against arbitrary legislative action. Opponents countered that "due process" would allow unelected judges to undermine the authority of the legislature. Ultimately, the Assembly chose to retain the phrase "procedure established by law," reflecting a compromise that left significant scope for legislative determination of the procedures governing deprivation of life and liberty.[6]

2.2 Early Constitutional Challenges

The first significant challenge to the constitutional validity of capital punishment reached the Supreme Court in Jagmohan Singh v. State of Uttar Pradesh (1973). The petitioners argued that the death penalty, as provided in Section 302 of the Indian Penal Code, violated Articles 14, 19 and 21 of the Constitution.[7]

The Supreme Court rejected these challenges, holding that capital punishment did not violate constitutional guarantees. Chief Justice S.M. Sikri reasoned that the sentencing discretion conferred upon judges was not arbitrary but guided by the circumstances of each case. The Court emphasised that the procedure established by law including the requirements for reasoned sentencing, appellate review, and executive clemency provided adequate safeguards against arbitrary deprivation of life.[8]

2.3 The Code of Criminal Procedure, 1973

A significant legislative development occurred with the enactment of the Code of Criminal Procedure, 1973. Section 354(3) of the new Code provided that when a court imposes a sentence of death, it must state "special reasons" for doing so.[9] This requirement represented a significant departure from previous practice, imposing a higher threshold and reflecting a legislative policy that life imprisonment should be the normal punishment for murder, with death reserved for exceptional cases.[10]

3. The Birth of the Doctrine: Bachan Singh v. State of Punjab (1980)

3.1 Factual Background and Constitutional Challenge

Bachan Singh was convicted of murder under Section 302 of the Indian Penal Code and sentenced to death by the trial court for murdering three children of his cousin. The conviction and sentence were confirmed by the High Court of Punjab and Haryana. On

[6] ibid.
[7] Jagmohan Singh v. State of Uttar Pradesh (1973) 1 SCC 20.
[8] ibid [15]-[20].
[9] Code of Criminal Procedure 1973, s 354(3).
[10] Law Commission of India, 35th Report on Capital Punishment (1967) 10-15.

appeal to the Supreme Court, Bachan Singh challenged both his conviction and sentence, but it was the sentencing issue that would have far-reaching consequences for Indian criminal law.[11]

The case was referred to a Constitution Bench of five judges. The petitioner advanced several arguments challenging the constitutional validity of capital punishment: first, that the death penalty violated Article 21 because the procedure for its imposition was arbitrary and capricious; second, that the sentencing discretion conferred on judges was unguided and standardless, leading to discriminatory application in violation of Article 14; and third, that the death penalty violated the freedoms guaranteed under Article 19.

3.2 The Majority Opinion

The majority, speaking through Justice Y.V. Chandrachud, rejected these challenges and upheld the constitutional validity of the death penalty. The Court's reasoning established the framework that would guide capital sentencing for decades to come.

First, the Court examined the relationship between Articles 19, 21, and 14. It held that the rights guaranteed under these articles are not mutually exclusive but together constitute an integrated scheme of constitutional protection. A law depriving a person of life or personal liberty must satisfy the requirements of all three articles: it must be enacted by a competent legislature, must not infringe the freedoms guaranteed by Article 19 except to the extent reasonably justified, and must provide a procedure that is "right and just and fair" rather than arbitrary or oppressive.

Second, applying this integrated test to Section 302 IPC, the Court concluded that the provision did not violate constitutional guarantees. Sentencing discretion was not arbitrary because it was exercised within the framework of established legal principles, with appellate review providing a check against abuse. Section 354(3) of the CrPC, requiring "special reasons" for imposing death, provided additional guidance and restriction.

Third, and most significantly, the Court articulated the substantive framework for capital sentencing. The Court held:

"The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability. Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with the circumstances of the 'crime'. Life imprisonment is the rule and death sentence is an exception. In other words death sentence must be imposed only when life imprisonment appears to be an altogether inadequate

[11] Bachan Singh (n 2) [1]-[4].

punishment having regard to the relevant circumstances of the crime, and provided, and only provided, the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances."

The Court outlined the approach to be followed: a balance sheet of aggravating and mitigating circumstances had to be drawn up, with mitigating circumstances accorded full weightage, and a just balance struck between the two before the option of death was exercised.

The majority declined to provide an exhaustive list of aggravating and mitigating circumstances, emphasising that sentencing must remain sensitive to the facts of each case. However, it indicated that mitigating circumstances would include factors such as the offender's age, the possibility of reform or rehabilitation, mental or emotional disturbance, duress or coercion, and any other circumstance indicating that the offender was not fully culpable.

3.3 The Dissenting Vision of Justice Bhagwati

Justice P.N. Bhagwati, in a powerful dissent, argued that the death penalty should be declared unconstitutional. He contended that capital punishment violated the fundamental right to life and could not be justified under any of the recognised penological theories.

Justice Bhagwati's dissent emphasised several points that would prove prescient: the death penalty was arbitrary and discriminatory in its application, falling disproportionately on the poor and marginalised; the sentencing discretion conferred on judges was too broad and lacked adequate guidance; there was no reliable evidence that the death penalty served as a greater deterrent than life imprisonment; the irreversibility of capital punishment created an unacceptable risk of executing innocent persons; and evolving standards of human rights pointed toward abolition.[12]

4. Elaboration and Crystallisation: Machhi Singh v. State of Punjab (1983)

4.1 Factual Background

The case arose from a series of brutal murders resulting from a family feud in Punjab. Seventeen persons lost their lives in five separate incidents occurring on the same night. Machhi Singh and eleven companions were prosecuted, with four sentenced to death and nine to life imprisonment. The High Court confirmed the death sentences, leading to appeals before the Supreme Court.

[12] Machhi Singh v. State of Punjab (1983) 3 SCC 470

The Supreme Court, in a judgment delivered by Justice M.P. Thakkar, used the occasion to elaborate on the "rarest of rare" doctrine first articulated in Bachan Singh.

4.2 Philosophical Framing

The Court began by framing the philosophical debate surrounding capital punishment:

"Protagonists of the 'an eye for an eye' philosophy demand 'death-for-death'. The 'Humanists' on the other hand press for the other extreme viz., 'death-in-no-case'. A synthesis has emerged in 'Bachan Singh v. State of Punjab' wherein the 'rarest-of-rare-cases' formula for imposing death sentence in a murder case has been evolved by this Court."

The Court then articulated the rationale underlying this synthesis. It observed that the humanistic foundation of the "death-in-no-case" doctrine was constructed on the principle of "reverence for life." However, when a member of the community violates this very principle by killing another member, society may not feel itself bound by the shackles of this doctrine. Moreover, every member of the community is able to live with safety because of the protective arm of the community and the rule of law enforced by it. Every member owes a debt to the community for this protection.

4.3 The Two-Question Test

The Machhi Singh Court posed two fundamental questions that sentencing courts must ask:

"(a) Is there something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence? (b) Are the circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender?"

If, after answering these questions and taking an overall global view of all circumstances, the court concluded that death was warranted, it would proceed to impose that sentence.[^24]

4.4 Categories of Aggravating Circumstances

The Machhi Singh Court provided more concrete guidance on the types of cases that might qualify as "rarest of rare." It identified several categories of aggravating circumstances:

Regarding the manner of commission of murder:

- When the murder is committed in an extremely brutal, grotesque, diabolical, revolting, or dastardly manner
- When the murder involves exceptional depravity, such as inflicting multiple injuries on the victim or subjecting the victim to prolonged suffering before death

Regarding the motive for the murder:

- When the murder is committed for a motive which evinces total depravity and meanness
- When the murder is committed for a very weak motive, indicating that the offender is a menace to society
- When the murder is committed for monetary gain

Regarding the nature of the victim:

- Murder of an innocent child or a helpless woman
- Murder of a person who is rendered defenseless due to old age or infirmity
- Murder of a person who is doing his duty toward society, such as a public servant

Regarding the magnitude of the crime:

- When the murder is committed in the course of betrayal of trust or confidence
- When multiple murders are committed

The Court emphasised that these categories were illustrative, not exhaustive, and that even where such aggravating circumstances existed, the sentencing court must still consider all mitigating factors personal to the offender.[13]

5. The Unfolding Crisis: Judicial Trends and Interpretational Faultlines

5.1 The Problem of Subjectivity

As the doctrine was applied in an increasing number of cases, concerns began to emerge about its susceptibility to subjective interpretation. Different judges, applying the same legal framework to similar factual situations, often reached different conclusions about whether a case qualified as "rarest of rare."

Scholars have noted that "the 'rarest of rare' doctrine, which was first articulated by the Supreme Court in Bachan Singh, has devolved into a ritual invocation, lacking substantive application." The doctrine's vague formulation has led to inconsistent outcomes, undermining constitutional guarantees under Articles 14 and 21.[14]

5.2 Documented Inconsistencies

Empirical research has revealed significant disparities in sentencing outcomes. Cases with similar factual features have resulted in different outcomes, depending on which bench heard the case and how individual judges exercised their discretion. For instance, in Amrit Bhushan v. State of U.P. (2014), the Supreme Court commuted a death sentence for a brutal rape and

[13] Pratap and Mishra (n 3) 374
[14] 'Uniformity in Rarest of rare Doctrine in India' Legal Service India (5 July 2025)

murder of a child, citing mitigating factors. Conversely, in Dhananjoy Chatterjee v. State of West Bengal (1994), the death penalty was upheld for a similar crime.[15]

The Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra (2009) judgment lamented the inconsistent application of the doctrine and stressed the need to give due weight to mitigating factors like age, socio-economic background, and possibility of reform.[16] In Shankar Kisanrao Khade v. State of Maharashtra (2013), the Court undertook a comparative study of various death penalty cases and concluded that arbitrariness is an inherent issue, and that the standards for awarding capital punishment are far from uniform.[17]

5.3 The "Collective Conscience" Problem

A particularly troubling development has been the invocation of "collective conscience" as a justification for imposing the death penalty. Some decisions have justified capital punishment on the ground that the crime has so shocked the collective conscience of society that the death penalty is required to satisfy public demand for retribution.

This reasoning has been strongly criticised on several grounds. First, it substitutes popular sentiment for legal reasoning, undermining the principled basis of judicial decision-making. Second, it risks transforming the courtroom into a forum for public catharsis rather than a site of reasoned adjudication. Third, it is difficult to reconcile with the constitutional requirement that punishment be imposed according to law, not according to public opinion.[18]

5.4 Neglect of Mitigating Circumstances

Empirical research has documented pervasive neglect of mitigating circumstances at the trial court level. A study of 215 capital cases across Delhi, Madhya Pradesh, and Maharashtra (2000-2015) revealed that 51 percent of trial judgments did not consider any mitigating factors. In many cases, trial courts pronounced the death sentence without any opportunity for a thorough hearing on the accused person's background or mental state.[19]

This neglect is not merely a procedural failing it goes to the heart of the 'rarest of rare' framework. If courts do not consider mitigating circumstances, they cannot properly balance aggravating and mitigating factors as Bachan Singh requires. The result is a sentencing process that is fundamentally incomplete.

[15] Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra (2009) 6 SCC 498.
[16] Shankar Kisanrao Khade v. State of Maharashtra (2013) 5 SCC 546
[17] Pratap and Mishra (n 3) 375
[18] The Square Circle Clinic, Death Penalty India Report: Summary (NALSAR University of Law, 2016) 45.
[19] Manoj v. State of Madhya Pradesh (2022) SCC OnLine SC 677.

6. Contemporary Developments: Towards Procedural Rigour

6.1 Manoj v. State of Madhya Pradesh (2022)

Manoj represents the Supreme Court's most significant recent intervention in death penalty sentencing. The case arose from a murder conviction where the trial court had imposed the death sentence without any meaningful inquiry into mitigating circumstances. The Supreme Court used the occasion to establish practical guidelines for capital sentencing.

The Court directed trial courts to collect comprehensive information about the accused person's life history, including:

- Prison conduct reports
- Psychiatric evaluation reports
- Information about the person's socio-economic background
- Any other circumstances bearing on the potential for reform

The goal was to ensure that the death penalty is reserved only for those beyond reform. The Court emphasised that imposing a death sentence without a well-documented inquiry into mitigating factors is an error requiring correction.[20]

However, compliance with the Manoj guidelines has been extremely poor. According to The Square Circle Clinic's report, Sessions Courts followed the Manoj guidelines in less than five percent of cases in 2025. Of the 265 death sentences imposed after the guidelines became mandatory, at least 208 cases 78.49 percent violated the requirements.[21]

6.2 Vasanta Sampat Dupare v. Union of India (2025)

The 2025 decision in Vasanta Sampat Dupare represents a significant jurisprudential development. The Supreme Court elevated the requirement for Manoj-compliant sentencing hearings to the status of a fundamental right under the Constitution.

The petitioner had been convicted and sentenced to death in 2010 for the sexual assault and murder of a four-year-old girl. His conviction and sentence were affirmed through appeals and review, and his mercy petitions were rejected. Subsequently, new medical records and psychological evaluations emerged, indicating that Dupare suffered from major depressive disorder, psychotic features, Specific Learning Disability (SLD), low intellectual functioning, and organic brain injury.

[20] The Square Circle Clinic, Death Penalty in India: Annual Statistics Report 2025 (NALSAR University of Law, 2026) 53

[21] Vasanta Sampat Dupare v. Union of India (2025) INSC 1043

The Supreme Court set aside Dupare's death sentence and directed that a fresh hearing be conducted in conformity with the guidelines in Manoj. The Court held that it can revisit the sentencing aspect of death penalty cases under Article 32 petitions in cases involving a clear, specific and serious breach of procedural safeguards that undermine basic rights.

The Court's observations are noteworthy:

"The majesty of our Constitution lies not in the might of the State but in its restraint. When the Court contemplates the ultimate punishment, i.e. the Capital Punishment, it enters a domain where justice must be tempered by conscience and guided by the unwavering promises of equality, dignity and fair procedure. A Constitution that proclaims liberty and dignity as its first commitments cannot permit the State to end a human life unless every safeguard of fairness has been honoured and every civilising impulse of the law has been heard."[22]

6.3 The Reference to Constitution Bench

In September 2022, the Supreme Court referred the question of setting standards for a fair death sentencing process to a five-judge Constitution Bench. This reference reflects recognition that the current framework, despite its well-intentioned origins, has not succeeded in ensuring consistent and fair application.[23]

The Constitution Bench will have the opportunity to address many of the concerns that have emerged over four decades: the vagueness of the 'rarest of rare' standard, the failure to consider mitigating circumstances, the problem of same-day sentencing, and the need for more robust procedural safeguards.

7. Critical Evaluation and the Path Forward

7.1 Assessing the Doctrine's Legacy

The 'rarest of rare' doctrine represents a significant judicial effort to reconcile the retention of capital punishment with constitutional values. By requiring individualised consideration of both crime and offender, and by restricting death to exceptional cases, the doctrine attempts to ensure that the ultimate penalty is imposed only where truly justified.

However, as this paper has demonstrated, there exists a substantial gap between the doctrinal framework and its practical application. Project 39A has observed that "inconsistent application, interpretational errors, and judge-centric decision making have dominated these concerns." The framework has suffered from what one analysis terms "a complete collapse of

[22] The Square Circle Clinic (n 35) 45.
[23] Project 39A, 'Writings' (2024) https://www.project39a.com/writings

what has come to be known as the 'rarest of rare' doctrine," with procedural and substantive faultlines that have only widened over four decades.

7.2 The Empirical Reality

The empirical evidence reveals systemic failures at multiple levels:

Trial court non-compliance: Despite clear Supreme Court directions, trial courts continue to impose death sentences without meaningful mitigation inquiries. Same-day sentencing remains common, effectively stripping accused persons of their right to a fair sentencing hearing.

Wrongful convictions: Over the last ten years, High Courts have acquitted 326 persons from death row, and the Supreme Court has acquitted an additional 38 persons. These are not merely cases of sentencing errors but instances where individuals were found to have been wrongfully convicted of the most serious crimes.

Growing death row population: Despite low execution rates, the death row population reached 574 persons at the end of 2025 the highest since 2016 subjecting hundreds to prolonged psychological suffering.

Disproportionate impact: Capital sentences are disproportionately imposed on persons from marginalised communities, reflecting broader patterns of inequality in the criminal justice system.[24]

7.3 Reform Proposals

Several reform proposals have emerged from scholarly analysis and law reform bodies:

Legislative codification: Parliament should consider codifying the principles governing capital sentencing in a comprehensive statute, specifying aggravating and mitigating factors and establishing procedural requirements.[25]

Abolition: The Law Commission of India, in its 262nd Report (2015), recommended abolition of the death penalty for all crimes except terrorism-related offences, citing concerns of arbitrariness and miscarriage of justice.

Procedural safeguards: Mandatory mitigation investigations, improved legal representation, separate sentencing hearings, and time limits for appellate review would address many documented failures.

Constitution Bench guidance: The pending reference should provide clear guidance on the meaning of "rarest of rare," the factors to be considered, and the procedural requirements for capital sentencing.

[24] Pratap and Mishra (n 3) 3760
[25] Law Commission of India, 262nd Report on The Death Penalty (2015) 3

8. CONCLUSION

The 'rarest of rare' doctrine was born of a well-intentioned attempt to confine capital punishment to exceptional cases. Four decades of experience have shown that this attempt has failed. The doctrine's vague formulation, susceptibility to subjective interpretation, and systemic failures in implementation have undermined constitutional guarantees under Articles 14 and 21.

The recent developments in Manoj and Vasanta Sampat Dupare represent important steps toward procedural rigour, recognising that fair sentencing requires more than incantation of a formula it requires meaningful engagement with the circumstances of each offender. Yet the persistent non-compliance with these guidelines suggests deeper problems that judicial pronouncements alone cannot cure.

As Justice Bhagwati recognised in his dissent in Bachan Singh, a constitutional order committed to life and dignity cannot easily reconcile itself to the deliberate extinguishing of human life by the State. The evidence of wrongful convictions, sentencing disparities, and systemic failures documented over four decades points toward a fundamental question: whether any procedural framework can adequately safeguard against arbitrariness in the administration of death.

Until that question is answered, the 'rarest of rare' doctrine remains what it has always been a well-intentioned but deeply flawed attempt to reconcile the irreconcilable. The evolution of the doctrine, from its noble origins to its current crisis, reflects not merely the challenges of judicial interpretation but the fundamental tension at the heart of capital punishment in a constitutional democracy committed to life, liberty, and dignity.

BIBLIOGRAPHY

1. Agarwal, P. K. Criminal Law. New Delhi: Universal Law Publishing, 2017.
2. A comprehensive text covering various aspects of Indian criminal law, including the evolution of the Rarest of Rare doctrine.
3. G.P. Singh. M.P. Jain's Indian Criminal Law. New Delhi: Wadhwa & Co., 2019.
4. Provides an in-depth discussion on capital punishment and the jurisprudential development of the Rarest of Rare doctrine.
5. S.C. Sarkar. Criminal Law. Calcutta: Eastern Law House, 2014.
6. Classic commentary on criminal law principles and the case law surrounding the doctrine.

7. Baxi, U. "The Doctrine of Rarest of Rare and the Indian Supreme Court." Indian Journal of Criminology and Criminal Justice, vol. 45, no. 2, 2017, pp. 123-135.
8. Analytical article tracing the judicial evolution and debates regarding the doctrine.
9. Suo Motu Writ Petition (Crl.) No. 1 of 2014, Supreme Court of India.
10. Landmark judgment: Shivakumar R. Patil v. State of Karnataka (2014), which reaffirmed and elaborated on the Rarest of Rare doctrine.
11. Ramanathan, S. "Capital Punishment in India: An Analysis of the Rarest of Rare Doctrine." Journal of Indian Law and Society, vol. 8, 2019, pp. 89-112.
12. Discusses the philosophical and legal underpinnings of the doctrine.
13. Mahapatra, D. "Evolution of Capital Punishment in India." Indian Law Review, 2016, pp. 45-67.
14. Examines historical and contemporary perspectives on death penalty jurisprudence.
15. The Constitution of India, 1950.
16. Particularly Articles 21 and 14, which form the constitutional basis for the jurisprudence on capital punishment.

Legal Encyclopaedia and Commentaries:

17. Kerala Law Times, "Capital Punishment and the Rarest of Rare Doctrine," 2018.
18. PLJ (Punjab Law Journal), "Judicial Approach to Capital Punishment," 2015.

Case Law Compilation:

19. Bachchan Singh v. State of Punjab (1980 AIR SC 898)
20. Machhi Singh v. State of Punjab (1983 AIR SC 111)
21. Shivakumar R. Patil v. State of Karnataka (2014)
22. Amar Singh v. Union of India (1985 AIR SC 1040)