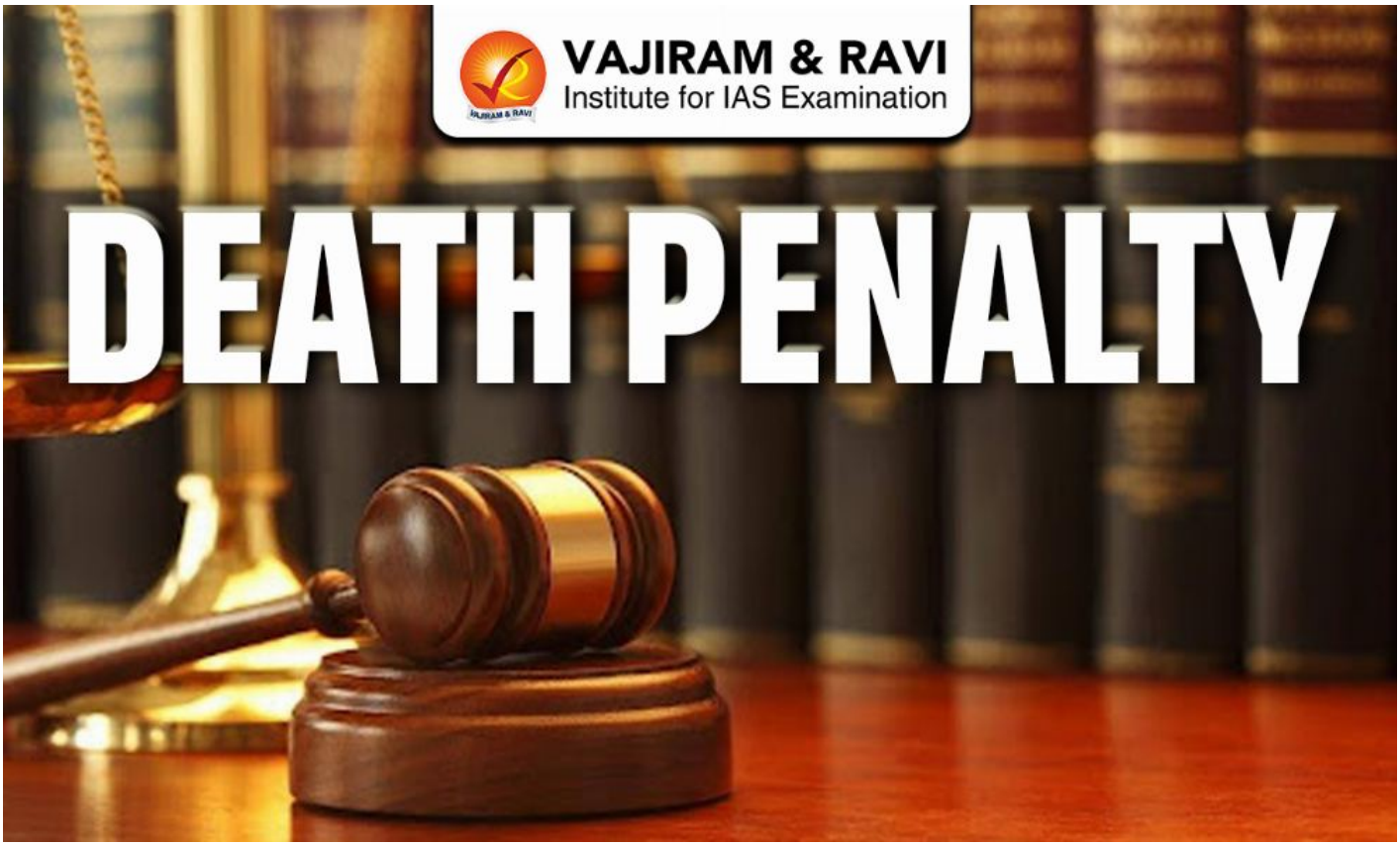
Death Penalty Jurisprudence in India – The Sriharan Vacuum Explained

April 13, 2026 • vajiramandravi.com



Death Penalty Latest News

- A recent trial court judgment in the Sattankulam custodial death case has reignited debate on sentencing limitations under the **Sriharan ruling**.

Death Penalty in India

- The death penalty in India is governed by judicial principles evolved through constitutional interpretation.
- The Supreme Court in the **Bachan Singh v State of Punjab (1980)** case laid down that capital punishment should be awarded only in the "**rarest of rare**" cases.
- This principle ensures that the death penalty is used sparingly and only when life imprisonment is considered inadequate.
- **Key features include:**
    - The death penalty is constitutionally valid under **Article 21**.

    - It is awarded only in exceptional cases involving extreme brutality.
    - Courts must consider mitigating factors such as background, mental health, and the circumstances of the accused.
- Over time, the judiciary has attempted to balance deterrence with human rights concerns.

Intermediate Sentencing and the Sriharan Doctrine

- The judiciary has developed an intermediate sentencing option to bridge the gap between life imprisonment and the death penalty.
- In **Swamy Shraddananda v State of Karnataka (2008)**, the Supreme Court introduced the concept of fixed-term life imprisonment without remission.
- Later, in **Union of India v V. Sriharan (2015)**, a Constitution Bench ruled that:
    - Only High Courts and the Supreme Court can impose such special sentences.
    - Trial courts (Sessions Courts) cannot award life imprisonment beyond statutory remission limits.
- This created a structural limitation in sentencing powers at the trial level.

News Summary

- The Madurai trial court sentenced nine policemen to death in the Sattankulam custodial death case involving the killing of a father and son in 2020.
- The judge invoked the “rarest of rare” doctrine, stating that life imprisonment was not an adequate punishment given the brutality of the crime.
- The trial court had only two options: life imprisonment or the death penalty. It could not impose a fixed-term sentence without remission, such as 20 or 30 years.
- This limitation arises from the Sriharan judgment, which restricts such intermediate sentencing powers to constitutional courts.
- The trial judge explicitly acknowledged this constraint. He noted that ordinary life imprisonment could allow the convicts to be released in about 14 years due to remission provisions under Section 433A of the Code of Criminal Procedure.
- The judge found this duration inadequate for the severity of the crime. However, since he could not impose a longer fixed-term sentence, he chose the death penalty.
- Legal experts describe this situation as the “**Sriharan vacuum**”, referring to the gap between a 14-year effective life sentence and capital punishment.
- The Supreme Court itself has acknowledged this gap. In cases like **Kiran v State of Karnataka** (2025), it noted that trial courts cannot bridge this sentencing gap.
- Higher courts frequently use the intermediate sentencing option. All commutations by the Supreme Court in 2025 resulted in life imprisonment without remission.
- Further, empirical studies show that trial courts often fail to adequately consider mitigating factors, despite Supreme Court guidelines in **Manoj v State of Madhya Pradesh** (2022).
- The Sattankulam case will now be reviewed by the Madras High Court, which has the authority to convert the death sentence into a fixed-term life sentence without remission.

Issues in the Current Sentencing Framework

- The Sriharan ruling has created structural and practical challenges.
    - **Sentencing Gap:** Trial courts face a binary choice between 14 years and death.
    - **Judicial Constraint:** Inability to impose proportionate punishment at the trial stage.
    - **Inconsistency:** Higher courts frequently use intermediate sentencing, creating disparity.
    - **Procedural Concerns:** Lack of proper mitigation hearings affects fairness.
- These issues highlight the need for reform in sentencing jurisprudence.

Way Forward

- A more coherent sentencing framework is required.
    - Extending powers of intermediate sentencing to trial courts.
    - Strengthening compliance with mitigation guidelines.
    - Ensuring uniformity through appellate review rather than restricting jurisdiction.
    - Revisiting the post-Bachan Singh framework to reduce arbitrariness.
- Such reforms can ensure proportionality and fairness in criminal justice.

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