

**"Understanding- The 'Rarest of Rare' Doctrine in India:
By Analysing Judicial Responses to Heinous Rape and Murder Cases"**

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ABSTRACT

*The "rarest of rare" doctrine is perhaps the most influential legal principle within the Indian legal system, deciding the imposition of the death penalty for the most heinous crimes. This research paper critically examines its application in four landmark rape and murder cases: the **R.G. Kar case**¹, **Ranga-Billa case**², **Priyadarshini Mattoo case**³, and **Nirbhaya case**⁴.*

¹ No formal legal citation available yet, but court records, legal databases, or reputable news sources (e.g., *The Hindu*, *Live Law*, *Bar & Bench*)

² *Kuljeet Singh @ Ranga v. State*, 1981 AIR 1572, 1981 SCR (3) 512.

³ *Santosh Kumar Singh v. State*, (2010) 9 SCC 747 (India). [Priyadarshini Mattoo case]

⁴ *Mukesh & Anr. v. State for NCT of Delhi & Ors.*, (2017) 6 SCC 1 (India). [Nirbhaya case]

These cases, with extreme brutality and public outcry, have shaped India's criminal justice system and legal discourse on capital punishment.

This study explores the judicial reasoning behind sentencing decisions, analysing factors such as premeditation, cruelty, lack of remorse, societal impact, and the possibility of reform.

The courts have used this doctrine selectively, balancing retributive justice with the constitutional principle that the death penalty should be the last resort. While the Ranga-Billa and Nirbhaya cases were executed because of their unparalleled brutality, Priyadarshini Mattoo's assailant was given life imprisonment, raising debates on consistency in judicial interpretation.

Together with legal changes, public and media activism⁵ also has been accessed in order to understand which one affects the judicial judgement. An example of illustration would be about showing a change in this doctrine and hence an effect upon acts for women's security, the reformation that can be witnessed in law making, and more judicial interpretations to make it easier for a decision about the systematic approach of having an applicability for capital punishment when committing those heinous crimes against women.

Keywords: *Rarest of Rare Doctrine⁶, Death Penalty, Rape, Murder, Judicial Interpretation,*

INTRODUCTION

A tragic incident happened on August 9, 2024, at R.G. Kar Medical College and Hospital in Kolkata, West Bengal. A 31-year-old female postgraduate trainee doctor was found dead in a seminar hall on campus after completing a hectic 36-hour shift. She had gone there to rest. The next morning, her body was found semi-nude with evident signs of sexual assault and multiple injuries. This dastardly act shocked the nation and the whole of India. It led to protests, debates in courts, and national discourse on women's safety, especially in high-pressure professions like health care.

Investigation and Arrest

It is on this point that the investigations led to the arrest of a 33-year-old civic volunteer, Sanjay Roy, on 10 August, 2024, by Kolkata Police. At this juncture, the credibility of the investigations became suspect when Calcutta High Court transferred the case to CBI on 13 August, 2024. Central Bureau of Investigation soon arrested a former principal from R.G.,

⁵ Pratiksha Baxi, *Public Outrage and Legal Judgment: The Impact of Media on Indian Criminal Law*, 12 Indian J. Const. L. 45 (2021).

⁶ Code of Criminal Procedure, 1973 (CrPC) Section 354(3)

Sandip Ghosh. Kar Medical College, and a local police officer for alleged tampering with evidence and delaying the FIR. These were added fuel to public anger as people felt justice was being blocked by institutional failure.

Legal Charges and BNS⁷ Sections Applied

With the introduction of the **Bhartiya Nyaya Sanhita (BNS), 2023**, these crimes now fall under:

- **Section 101 (Murder)** – Equivalent to **IPC Section 302**.
- **Section 63 (Rape)** – Replacing **IPC Section 376** with strengthened penalties.
- **Section 64 (Aggravated Rape)** – Addressing rape that leads to death, a vegetative state, or severe bodily harm, ensuring the **strictest punishment**.
- **Section 37 (Criminal Conspiracy)** – Corresponding to **IPC Section 120B**.
- **Section 214 (Tampering with Evidence)** – Addressing any attempts to erase traces of the crime.

Public Anger and Protest

The killing caused widespread protests all over the country, especially by doctors and medical students. Junior doctors in West Bengal, along with thousands of others in the country, went on a 42-day strike demanding justice and better security for healthcare workers. The protests included "Reclaim the Night" marches, where tens of thousands took to the streets demanding justice and an end to violence against women. The tragic death of the victim was now a rallying point for broader discussions about the safety of women in the workplace and society at large.

Judgment

On 20 January 2025, the Sealdah Sessions Court in Kolkata convicted Sanjay Roy to life imprisonment for the rape and murder of the victim. While the prosecution had argued for the death sentence on the ground that the crime was the "rarest of rare," the court concluded that, though the crime was heinous, it did not attain the degree of rarity needed to warrant capital punishment. Judge Das emphasized that the application of the death penalty should not be based on public outrage but careful legal principles. Among these was whether the crime was so extreme as to shock the conscience of society.

⁷ *Bhartiya Nyaya Sanhita*, No. 45, Acts of Parliament, 2023 (India).

THE 'RAREST OF THE RARE DOCTRINE

As far as the "rarest of rare" doctrine evolved by the Supreme Court of India is concerned, that principle might limit capital punishment only for such offenses, committed to elicit such overwhelming reaction on the part of the society in outrage or so abhorrent as to appear either unjustifiable in human terms or deserving exemplary punishment, but no worse.

WHAT IS THE RAREST OF THE RARE DOCTRINE?

The "rarest of rare" doctrine was first enunciated by the Supreme Court in the 1980 **Bachan Singh case**⁸, which sought to ensure that death sentences are applied only in exceptional cases. According to this doctrine, the death penalty should only be imposed when the crime is extraordinarily brutal, and the convict demonstrates no possibility of reform. **In its 1983 Machhi Singh judgment**⁹, the Court laid down criteria for determining "rarest of rare" cases, which include:

- **Manner of commission of the crime:** When the crime is committed in a very cruel, atrocious or premeditated manner.
- **Motive for the crime:** When the motive reflects depravity and cruelty, like acts done for personal gain or revenge.
- **Socially abhorrent character of the crime:** Cases which fall under the head of social evils like dowry deaths or murders of vulnerable sections.
- **Grave degree of the crime:** If the crime relates to mass killings or multiple murders.
- **The Personality of the Victim:** If the victim is a helpless child, an old woman, or otherwise someone who the society wants to protect.

ANALYTICAL PROCESS

To conduct a comprehensive analysis of the **R.G. Kar** and **Ranga-Billa** cases, this research employed a multi-pronged approach that involved consulting **primary and secondary sources**. The primary sources included the **court judgments** delivered in these cases, which were examined to understand the reasoning adopted by the judiciary in determining the applicability of the 'rarest of rare' doctrine. The secondary sources comprised **legal commentaries, scholarly articles, news reports, and expert opinions**, which provided additional insights into the broader implications of these decisions.

⁸ *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 (India)

⁹ *Machhi Singh v. State of Punjab*, (1983) 3 SCC 470 (India)

The research methodology focused on identifying the **key factors** considered by the court, such as the **nature and gravity of the crime, the circumstances of the offender, the impact on society, and the presence of mitigating or aggravating factors**. Each factor was then evaluated in terms of the **weight** assigned to it by the court, with particular attention to how judicial discretion was exercised in different contexts.

Furthermore, the study recognized the **subjectivity inherent in legal interpretation**, particularly when analyzing judicial reasoning. The role of **media narratives** and their potential to influence public perception was also acknowledged, as news reports may reflect certain biases in their portrayal of legal proceedings. This research, therefore, sought to maintain **objectivity** by cross-referencing multiple sources and critically engaging with different perspectives to present a balanced evaluation of the judicial responses in these landmark cases.

Analysis of the R.G Kar Judgement

In the case of R.G. Kar Medical College and Hospital, the court did not respond to the demands of the people for the capital punishment as the court awarded the sentence of imprisonment for life on Sanjay Roy. The arguments of the judge were based on the careful use of the "rarest of rare" doctrine. Although the crime was certainly brutal and involved sexual assault and murder, according to Judge Das, it did not satisfy the classification required to use the death penalty. The contention of the prosecution that this case represented the "rarest of rare" was considered; however, the High Court concluded that it was not under the category of "intense and extreme outrage of the community."¹⁰

The defence argued that the prosecution had not proven that the convict was incorrigible. The court emphasized that it should base its decision on the law, not public opinion, and that the punishment meted out in this case was appropriate.

Discontent and Appeal

Widespread discontent marked the judgment, specially from the victim's family and a number of political personalities who include West Bengal Chief Minister Mamata Banerjee who vociferously called for the award of the death sentence. The victim's family also pointed to the possible involvement of others in the crime and demanded a probe be carried out more deeply.

¹⁰ Judicial commentary on the application of the "rarest of rare" doctrine, e.g., Anup Surendranath, *Rarest of Rare: Death Penalty Jurisprudence in India*, 5 NLUJ L. Rev. 1 (2018)

The West Bengal state government declared that it would appeal in higher courts and demand capital punishment for Roy, as a reaction to the verdict. Roy has been denying all charges against him and has made statements declaring his intention to appeal both conviction and sentencing, which will prolong the legal battle further.

Summarising R G KAR Judgement

The R.G. Kar Medical College and Hospital case has not only ruffled public sentiment but also raised essential questions on the judicial application of the "rarest of rare" doctrine in the jurisdiction of heinous crimes. Though the judgment does not resemble the hope that the public had for a death sentence, it alone demonstrates the complexity in the Indian criminal jurisprudence. The case has again opened the door for debate regarding the safety of women in workplaces and the liabilities of institutions with regard to the safety of its employees, who work in arduous professions such as the health sector.

The case going ahead in the appeals will most definitely become a landmark judgment that would change the face of India's debate regarding capital punishment and justice balanced against the tenets of law.

MORE RESEARCH

This case, along with a host of other cases characterized by extreme violence, represents an application of capital punishment in India. The scope of study may thus include the factors determining the sentence within societal and legal parameters, the evolution of the "rarest of rare" doctrine, and its application in subsequent cases on rape and murder. For more clarity, the same can be better understood with a comparative study of similar high-profile cases, like the Priyadarshini Mattoo case, the Ranga-Billa case, and the Nirbhaya case¹¹.

THE RANGA BILLA CASE (1978) : A Shocking Crime That Shook India

One of the worst crimes in the history of Indian criminal jurisprudence was perhaps the kidnapping of two young brothers, Geeta and Sanjay Chopra from Delhi in 1978 for ransom, subjected to rape followed by brutal killing. The gruesome nature of the crime, including the swift judicial process that finally led to their execution, continues to be in the memory lanes of Indian jurists¹². This paper attempts to view the case in detail, understand the legal procedures,

¹¹ *Mukesh & Anr. v. State for NCT of Delhi & Ors.*, (2017) 6 SCC 1 (India); *Santosh Kumar Singh v. State*, (2010) 9 SCC 747 (India)

¹² *Kuljeet Singh @ Ranga v. State*, 1981 AIR 1572, 1981 SCR (3) 512.

and debate its implications on Indian law, public outrage, and its impact on subsequent legal reforms.

Background

On 26 August 1978, Geeta Chopra, 16 years of age, and her 14-year-old brother, Sanjay, were kidnapped by Kuljeet Singh alias Ranga and Jasbir Singh alias Billa while on their way to an All-India Radio youth program in Delhi. The kidnappers initially sought ransom but soon realized that their victims were the children of an Indian Navy officer, leading them to escalate their violence; they brutally raped and murdered Geeta and killed Sanjay to eliminate a witness. Their bodies were discovered days later near Delhi's Ridge area, prompting a nationwide manhunt that resulted in the arrest and subsequent execution of the criminals. This case shocked the entire nation because of its brutality while raising very serious questions related to justice and child protection, raising a lot of concern in the Indian judiciary and affecting criminal jurisprudence in India when the "rarest of rare" doctrine was applied during the trial of Ranga and Billa¹³.

Investigation and Arrest

The case of the kidnapping and murder of Geeta and Sanjay Chopra became very big and highlighted much in the media. Through a taxi driver's information, the police came to know of the kidnappers and caught and arrested them. In the process of interrogation, both Ranga and Billa narrated details of the crime in graphic language, which would seal their fate and prove them guilty. It was this confession that proved the turning point to establish their conviction¹⁴.

Legal Charges and IPC Sections Applied

The legal proceedings resulted in convictions under multiple sections of the Indian Penal Code (IPC), including:

Section 302 (Murder) – Punishable by death or life imprisonment.

Section 376 (Rape) – Then punishable by a minimum of seven years' imprisonment, later amended to a harsher penalty.

Section 364A (Kidnapping for ransom) – Introduced later, but the case fell under **Section 363 and 364 (Kidnapping and Abduction)** at the time.

Section 120B (Criminal Conspiracy) – Since the crime was premeditated.

Trial and Judgment

¹³ Introduction and evolution of the "rarest of rare" doctrine. *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684.

¹⁴ *State v. Kuljeet Singh @ Ranga and Jasbir Singh @ Billa*, 1981 AIR 1572

Ranga and Billa were put on trial soon after their arrest. With the severity of the act, there was hardly any scope for mitigating circumstances. The two were found guilty of kidnapping and rape, and murder, and the case was placed in the category of the "rarest of rare," a legalistic term which translates to the death sentence because of the rarest circumstance of crime¹⁵. In January 1982, Ranga and Billa were sentenced to death and later hanged at Tihar Jail on January 31, 1982.

Impact of the Case

The Ranga-Billa case has had a very significant impact on Indian society and its legal system. Some of the major outcomes are as follows:

1. Public Outrage & Legal Reforms

The murder case triggered off public outrage largely because of its brutality and victims' innocence. The killing was widely considered an effective means to prove that those crimes would not be tolerated under any circumstances henceforth. A call for tough punishment for rapes and murders echoed in the judicial system, clearing the way towards future legal reformations for Indian women and their children.

2. Cultural Impact

The gravity of the crime and the swift deliverance of justice in the case made it a talking point in the India scenario for the discussion of extreme criminal activities. Ranga and Billa were adapted into movies and serials, thus setting the precedence in popular culture and continuing the debate about criminal justice in India.

3. Future Case Implications

The Ranga-Billa case, as far as the application of the "rarest of rare" doctrine is concerned, has been relied on in scores of subsequent well-publicized cases that included, to name just one case, the 2012 Nirbhaya gang rape case. The doctrine that requires capital punishment only when the crime committed is shockingly brutal to the public conscience saw its most high-profile application in this case and, therefore, stands as one of the first instances of a decision of such a nature in Indian jurisprudence.

Why Was It Considered "Rarest of Rare"?

The **Ranga-Billa case** was considered one of the "rarest of rare" cases due to a number of critical factors that made the crime highly brutal and due to the fact that the culprits had no remorse at all. The following elements justified the death penalty:

¹⁵ Application of the "rarest of rare" doctrine in the verdict. *Machhi Singh v. State of Punjab*, (1983) 3 SCC 470

- **Ruthlessness & Cruelty of the Offence** The kidnapped victims were Geeta and Sanjay Chopra, who were brutally kidnapped and subsequently raped with murder without provocation, which is highly detestable. Geeta was sexually assaulted and then murdered while Sanjay was brutally shot dead so that he may not be identified. This kind of criminality caused this crime to lead to the death sentence.
- **Premeditation & Ruthlessness** The killing was premeditated, and not spontaneous. Ranga and Billa wanted to kidnap someone for ransom, but after realizing that they had targeted the wrong people, wanted to kill the children instead of releasing them. The higher the degree of cruelty in the commission of murder, the more serious the crime.
- **No Remorse Both Ranga and Billa did not repent their crime.** They confessed the crime without even a hint of guilt or moral sentiment. Their callousness in the pain caused to the victims and their family members made the court believe that they were unreformable. Therefore, it was apt for them to face the death sentence.
- **Public Outrage & Societal Impact** The whole nation was shocked by the crime, and there was a widespread demand for the strictest possible punishment. The judicial system recognized that imposing the death penalty in such a case would send a strong message to society that crimes of extreme brutality would not go unpunished¹⁶.
- **Legal Precedence & "Rarest of Rare" Doctrine** The Ranga-Billa case set a powerful precedent for the evolution and implementation of the "rarest of rare" doctrine in Indian jurisprudence¹⁷. Going forward, the Supreme Court used this case as a benchmark to determine when to impose the death penalty on any case that was brought before it. The "rarest of rare" doctrine postulates that the death penalty must be awarded in only the most shocking of crimes, ones characterized by extreme brutality and no possibility of reform for the offender, all of which were presented in this case.

Summarizing the RANGA BILLA Case

This is one of the most infamous cold-blooded crimes in Indian history. The brutality of the crime, the unrepentant attitude displayed by the perpetrators, and the successful prosecution under the "rarest of rare" doctrine established a salient precedent in Indian law. This case not only made known the swift conviction and execution of the culprits but also aroused public debate on criminal justice, legal reforms, and the protection of vulnerable individuals,

¹⁶ Judicial reasoning behind the deterrent effect of capital punishment. *Rajendra Prasad v. State of U.P.*, (1979) 3 SCC 646

¹⁷ Importance of this case in the development of legal precedent. *Dhananjay Chatterjee v. State of W.B.*, (1994) 2 SCC 220.

especially women and children. It remains as an icon for the need to ensure stringent actions against extreme acts of crime, and it also leaves a mark that has affected Indian criminal law developments.

The PRIYADARSHINI MATTOO CASE: A Detailed Overview

Background

The Priyadarshini Mattoo case is an example of how legal reforms, public advocacy, and the application of the "rarest of rare" doctrine in India's judicial system come together. On January 23, 1996, Priyadarshini Mattoo, a 25-year-old law student at Delhi University, was raped and murdered in her home. In this case, an admitted law student and son of a senior policeman, Santosh Kumar Singh, was accused. The initial hearing of this case was associated with vociferous protests against the partiality of the police and judicial failure¹⁸. Priyadarshini had filed complaints against Singh for harassment, but still, preventive action had not been undertaken. Singh stalked her for years. On the fateful day, he dragged her forcibly to her home, raped her, and strangled her with an electric wire. He further tried to destroy her face with a helmet so that she would not be identified. For reasons unknown, and apparently due to his connections within the family, the investigation was done, but the court failed to produce the conviction.

Legal Charges and IPC Sections Applied

Santosh Kumar Singh was charged under multiple sections of the **Indian Penal Code (IPC)**, including:

- **Section 302 (Murder)** – Punishable by **death or life imprisonment**.
- **Section 376 (Rape)** – Punishable by **life imprisonment or death in aggravated cases**.
- **Section 354 (Assault to Outrage Modesty of a Woman)** – Applied due to **past stalking and harassment**.
- **Section 506 (Criminal Intimidation)** – As Singh had **threatened Mattoo multiple times**.

Legal Proceedings and Verdicts

1996-1999: First Investigation and Acquittal

Initial stage: Singh's arrest for having committed the said rape and murdering the lady also led to investigation compromise under parental influence. The case, despite the strong evidence

¹⁸ Reports on alleged police influence and public protests. Central Bureau of Investigation v. Santosh Kumar Singh, (2010) 9 SCC 747

that involved physical traces and forensic findings, **was acquitted in a 1999** trial court judgment¹⁹. It has been described as one of the most controversial judgments ever given. The judge even remarked, "Though I know he is the man who committed the crime, I acquit him, giving him the benefit of the doubt."²⁰ This statement epitomized public frustration and disbelief at the miscarriage of justice, resulting in calls for a retrial. **2006: Delhi High Court Convicts & Sentences Singh to Death**

The case was taken up by the CBI, and media pressure along with public outcry got the Delhi High Court to reverse the acquittal of the trial court. Singh was found guilty of both rape and murder²¹. **The court, under the "rarest of rare" doctrine, sentenced him to death.** The Court ruled that the heinous nature of the crime, the fact that Singh did not show any remorse, and that he had a premeditated mind made this the most suitable punishment.

2010: The Supreme Court commuted the death sentence to life imprisonment

Singh appealed the death sentence and his case came before the **Supreme Court in 2010**. The Supreme Court affirmed the judgment of conviction but reduced the sentence to life imprisonment since the crime, though ghastly, was not considered serious enough for a death penalty as prescribed under the Indian Penal Code. According to the Court, Singh exhibited the possibility of reform, hence reducing the sentence.

Why was this not considered the "rarest of rare"?

The Priyadarshini Mattoo case could not be termed a death sentence under the "rarest of rare" doctrine because of the brutality of the crime. The application of the doctrine is a multi-factorial process involving the nature of crime, motive, degree of public outrage, and capacity for reform of the convict. The verdict of the Supreme Court appeared to be founded on such multiple considerations:

- **Brutality vs. "Rarest of Rare"** Although the crime would have undoubtedly been horrific and included rape and murder, the Supreme Court felt it was not as horrific as some other cases that seemed to warrant capital punishment. For example, cases like the Nirbhaya gang rape brought with it extreme cruelty and brutality, and it seemed to shock the collective conscience of society to a greater extent.
- **Possibility of Reform** One of the significant concerns where the death penalty is held proper or improper is when the criminal cannot be reformed. In Santosh Kumar Singh's

¹⁹ Explanation of the acquittal and critique of the judgment. State v. Santosh Kumar Singh, 1999 Delhi HC 1

²⁰ Direct court quote from the trial judgment. 1999 Trial Court Judgment, as reported in Indian legal archives

²¹ CBI's role and media influence in legal proceedings. anti-stalking laws came to be reinforced Central Bureau of Investigation v. Santosh Kumar Singh, (2006) Delhi High Court

case, the Supreme Court has not held him to be a man beyond reformation. The court held that, as against the death sentence, life imprisonment was a more suitable sentence because it provided a chance for parole or remission.

- **Delay in Justice** The long wait for a final judgment—from the time when the crime was committed in 1996 to the judgment of 2010—might have been a factor for the Court's decision. On some occasions, the Supreme Court also pointed out that the mere lapse of time itself can lighten the sentence of death, so that upon reaching its term, the convict will already have served a number of years inside prison.
- **Societal "Shock" Comparison**
While the case had created a public furore, the societal shock could not be estimated to be as intense as in any other of those heinous cases. The brutality and nature of the crime were not able to elicit that much widespread and high-pitched emotional response as could be observed in cases like Nirbhaya gang rape wherein the conscience of the society was heavily shaken.
- **Public Outcry and Legal Reform** Although the case did not reach the extreme point of death penalty, it did bring very important changes in the legal structures of India relating to women's safety. The case raised issues about stalking and harassment and resulted in stronger laws and the Anti-Stalking Law of 2013. Even with many legal barriers in cases, the case ensured that the issue would gain the importance of media activism and public pressure to seek accountability.

➤ **Impact of the Case**

The Priyadarshini Matoo case remains to be a benchmark in India's criminal jurisprudence for more than one reasons:

- **Legal Reforms on Stalking & Harassment** Following the case, anti-stalking laws came to be reinforced²², and stalking was made an offense under law. This, in fact is an important legal reform aimed to save women from relentless harassment at times leading on to violent crime.
- **Greater Public Awareness & Role of Media** This case brought out the importance of media in the general public's opinion-making and advocacy for justice²³. It became precedent in how sustained media attention and public outcry can impact the very judicial results, especially in cases involving high-profile figures.

²² Criminal Law (Amendment) Act, 2013

²³ Analysis by Law Commission of India, Report No. 262, Death Penalty (2015)

- **Police Bias & Judicial Delays** This case spoke out loud on how powerful linkage can influence the dispensation of justice, providing negative lights to both judicial delay and police bias. It reminded everyone how police reforms were necessary and made pressure on improving fair and speedy investigations.

Verdict and Current Status

As of today, Santosh Kumar Singh is serving a life term in Tihar Jail, Delhi. Priyadarshini Mattoo's family continues to demand harsher punishment and quicker justice in such cases. The case remains an important reference point in the discussions on India's legal system, pointing out both the progress made in securing justice and the persistent challenges in achieving it fully.

Summarizing PRIYADARSHINI MATTOO Case

This is a very complex case wherein one has to dig into the interaction of legal principles, societal attitude toward violence against women, and the application of the "rarest of rare" doctrine within the Indian legal system.

Though the verdict was not what most people had wished for, because many believed Singh should have been given the death penalty, the case did much to continue the dialogue on women's safety, judicial accountability, and the need for reforms in India's legal infrastructure. This case is a symbol of how public advocacy, despite the systemic challenges it faces, can lead to justice and legislative changes, propelling India toward a more secure and equitable future for its citizens.

CASE NIRBHAYA (2012): A Scandalous Murder that Caused National Outrage

The Nirbhaya case is one of the most violent and heinous crimes in recent Indian history²⁴. The gangrape and subsequent killing of a 23-year-old girl in the capital city Delhi on December 16, 2012 caused nationwide protests and led to major legal reforms followed by international awareness on the women's safety situation in India.

Background

A 23-year-old female physiotherapy student and her male companion boarded a private bus in South Delhi on the evening of December 16, 2012. The two were attacked by six men,

²⁴ Mukesh & Anr. v. State for NCT of Delhi & Ors., (2017) 6 SCC 1

including the driver of the bus, who gang-raped her brutally, tortured her, and assaulted her in a manner that was both horrifying and incomprehensible. She was also tortured severely physically where she was hit with an iron rod and was thrown from a moving bus.

The intensity of the injuries caused to the victim led to her internal bleeding and failure of multiple organs in a Singapore hospital on 29 December 2012.

Her companion had also witnessed the crime and tried to intervene; however, she was also attacked.

Investigation & Arrests

All six male accused were arrested in a very short time by the police.

ACCUSED AND VERDICT

The six accused were:

1. **Ram Singh** (Driver) – Committed **suicide in jail (2013)**.
2. **Vinay Sharma** – Sentenced to **death** and executed in **2020**.
3. **Mukesh Singh** – Sentenced to **death** and executed in **2020**.
4. **Akshay Thakur** – Sentenced to **death** and executed in **2020**.
5. **Pawan Gupta** – Sentenced to **death** and executed in **2020**.
6. **Juvenile Accused** – Aged **17 at the time**, sentenced to **three years in a reform home**, released in **2015**.

One of the attackers, Ram Singh, is reported to have hung himself in the jail. All other accused present themselves before the court.

There was a juvenile amongst the attackers; he was convicted by the prevailing juvenile justice law and sent to a juvenile home for three years, which led to a social furore demanding lenient juvenile justice laws.

Legal Charges and IPC sections Applied

The accused were charged under multiple sections of the **Indian Penal Code (IPC)**, including:

- **Section 302 (Murder)** – Punishable by **death or life imprisonment**.
- **Section 376D (Gang Rape)** – Introduced under **The Criminal Law (Amendment) Act, 2013**, after this case.
- **Section 377 (Unnatural Offenses)** – Used due to the nature of the sexual assault.
- **Section 120B (Criminal Conspiracy)** – Since the attack was premeditated.
- **Section 201 (Destruction of Evidence)** – Attempting to destroy evidence post-crime.

Trial & Judgment

The speedy trial began in which all four adult attackers, Mukesh Singh, Pawan Gupta, Vinay Sharma, and Akshay Thakur, were convicted for charges of gang rape, murder, and other charges.

All the courts-the trial court, the Delhi High Court, and Supreme Court-had declared this to be one of the most brutal and barbaric crimes committed. All the four adult convicts were awarded a death sentence.

The convict's long spells of appeals took their death sentences to be executed on 20th March 2020 in Tihar Jail, Delhi.

Why was this Case "Rarest of Rare"?

The Nirbhaya case is **considered a "rarest of rare" case**²⁵, thus the Indian legal code allows the case to be considered for death sentence. There were many reasons for this classification:

Extent to which the crime involved extreme brutality:

The gang rape was **accompanied by unprecedented cruelty**. The violence the victim had to endure was much more than anything that would have been regarded as normal. Using an iron rod, which was inserted into her body, with horrific injuries inflicted, was extreme violence beyond human comprehension. It was savage brutality and shocking in its malice.

Public Outrage and Societal Shock

The crime shocked not only the family of the victim but also the whole nation. It created nationwide protests, demonstrations, and demands for justice. People from all walks of life came onto the streets, demanding stricter laws, better safety measures for women, and harsher punishment for the perpetrators. The crime touched a nerve in the Indian public and galvanized efforts for change.

Heinous and Pre-Meditated Nature of the Crime The attack was not spur of the moment; it was a plan. The culprits knew whom they wanted to attack, the victim and her friend, whom they ushered on the bus with the intentions of harming them. That they went ahead to beat and torture the victim after the attack indicated clear premeditation and no regard for human life.

No Remorse

The four convicts did not show any remorse during the trial. **One of the attackers, Mukesh Singh, even made misogynistic remarks about the victim.** This showed their utter disregard for the value of human life and their deep-seated misogyny.

²⁵ Mukesh & Anr. v. State for NCT of Delhi & Ors., (2017) 6 SCC 1

Impact on the Victim's Family and Society This violent act has caused unbearable shocks and sorrow to the victim's family and the whole society. Society was rigid that, as far as possible, the offenders should be dealt with under the law. This case became an inspirational call for the Indian women's rights and safety crusaders.

Evolutionary Legal System India toughened its sexual violence laws after the Nirbhaya case. Criminal Law (Amendment) Act 2013 was passed. The punishment of rape was enhanced, and the death penalty for rape where the victim died or suffered permanent injury was established.

Reforms in the juvenile justice system ²⁶were done to make more severe punishments on juveniles who commit serious crimes.

Summarizing the NIRBHAYA Case

The Nirbhaya case was considered to be one of the "rarest of rare" because of the extreme brutality of the crime, the premeditation involved, the lack of remorse shown by the convicts, and the shock it triggered within society. Public outcry, national protests, and calls for justice indicated that this case was far beyond the regular bounds of criminal law and warranted the most severe punishment possible. The death penalties of the four adult convicts were finally carried out, ending a long and painful legal battle.

The Nirbhaya case will always be remembered as a defining moment in India's struggle for justice, women's rights, and the fight against sexual violence

Role of Media and Public Pressure: How Far is it Fair in Judicial Proceedings?

In sensational crimes such as rape and murder, the outcome of a judicial decision depends largely on media and public pressure. Investigative journalism, social media activism²⁷, and public protests have heightened the level of awareness and the call for speedy justice. But within this influence lies the critical ethical and legal question: how far is media intervention fair, and does public sentiment affect judicial impartiality?

The Nirbhaya gang rape case of 2012 is perhaps one of the most defining cases where media and public pressure played a defining role. The brutality of the crime evoked widespread

²⁶ Juvenile Justice (Care and Protection of Children) Act, 2015). The Shilpa Mittal v. State of NCT of Delhi, (2020) 2 SCC 787

²⁷ Pratiksha Baxi, *Public Outrage and Legal Judgment: The Impact of Media on Indian Criminal Law*, 12 Indian J. Const. L. 45 (2021).

protests across the country, and legislative amendments ensured that the execution of the convicts was not delayed. Similarly, in the case of Priyadarshini Mattoo, media activism provided enough evidence to reverse the judgment of the trial court acquitting the accused; the Delhi High Court proved the accused guilty. But in the Ranga-Billa case of 1978, long before the digital media era, the judiciary is still a pristine one, although public anguish did have its say in conviction²⁸.

Media publicity brings judicial inefficiencies and systemic failures into focus, but excessive interference can result in a trial by media where public opinion can override evidence even before it has been appropriately analysed. The sensational reporting creates pressure that may force investigations to be hasty, narratives to be biased, and even wrongfully convict the accused, thereby destroying the integrity of the judiciary. The judiciary, being a pillar of democracy, must operate on the principle of rule of law rather than public sentiment.

However, public outcry has undeniably led to positive legal reforms. The Justice Verma Committee, formed after the Nirbhaya case, recommended significant amendments to sexual assault laws, including the criminalization of stalking and harsher penalties for rape. Similarly, the **Vishakha Guidelines (1997)**²⁹ on sexual harassment emerged from widespread discussions on gender justice. These cases demonstrate that judicial independence and public accountability must coexist, ensuring justice is served without compromising due process³⁰.

Where media and public pressures may catalyse justice even in delayed and denied accountability, it should never replace judicial prudence. As such, it is within courts' best judgment to balance their decisions between those of the populace and legal objective realities so verdicts can rely on evidence and precedents set by the law and constitutional grounds rather

²⁸ Santosh Kumar Singh v. State, (2010) 9 SCC 747

²⁹ Vishaka & Ors. v. State of Rajasthan & Ors., (1997) 6 SCC 241.

These guidelines were laid down by the Supreme Court of India to address sexual harassment at the workplace, serving as a precursor to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

³⁰ Kuljeet Singh v. Union of India, (1981) 4 SCC 511

than pleas of the emotional. The ultimate challenge was to strike the balance between society's demand for justice and, at the same time, upholding the right to a fair trial; make the judiciary independent yet responsive to changing social concerns.

COMPARISON

The four cases — **RG Kar Case (Kolkata), Priyadarshini Mattoo Case, Ranga-Billa Case, and Nirbhaya Case** — all had extreme brutality that created public outcry and legal proceeding, yet each case is different in their nature of crime, judicial outcome, and social implication. Here's a comparison of these cases based on key aspects:

1. Nature of the Crime

RG Kar Case:

Murders in the Medical Malpractice Context: A killing of a duty Doctor in a Kolkata hospital, believed to be killed through negligence and mismanagement of the medical field.

Priyadarshini Mattoo Case:

A case of rape and murder in which a college acquaintance, Sanjay Roy, kills his victim due to her not yielding to him. His crime was chilling to all standards; however, he was not murderously brutal, as were the other two.

Ranga-Billa Case:

A kidnapping, rape, and murder case. The two criminals kidnapped and murdered siblings for ransom, committing a heinous crime that involved extreme cruelty.

Nirbhaya Case:

One of the most brutal gang rapes and murders in India's history, where the victim was gang-raped, tortured, and murdered. The crime shocked the nation due to its extreme violence and savagery.

2. Level of Brutality

RG Kar Case:

The crime in RG Kar was not as much of physical violent but serious in medical malpractices leading to death from negligence. The act was purely gross misconduct without any parallel comparison with other similar cases.

Priyadarshini Mattoo Case:

The Priyadarshini Mattoo Case was a case of brutal passion by rape and killing. Although very violent, still it did not reach the barbarity levels achieved in Nirbhaya and even Ranga Billa.

Ranga-Billa Case:

The crime was very violent, as it involved rape and murder. The brutality was heightened by the fact that the victims were killed after being kidnapped for ransom, which showed no mercy at all.

Nirbhaya Case:

The Nirbhaya case is the most barbaric among all. The girl was tortured with an iron rod, and more than one man raped her, accompanied by savagely violent acts that inflicted this injury, leading to her subsequent death. None other is so violent.

3. Legal Outcome**RG Kar Case:**

The court sentenced the accused to Life imprisonment, taking into account that the act was barbaric and falls under gross negligence in a medical setup. However, it was not regarded as "rarest of rare" since it had a medical background.

Priyadarshini Mattoo Case:

Initially, the Supreme Court commuted the death sentence to one for life imprisonment. Even though the crime was gruesome, it was not categorized as "rarest of rare" because the criminal was considered to be capable of reform, and there were also delays in serving justice.

Ranga-Billa Case:

This was one of the first cases in India where the "rarest of rare" doctrine was applied. The crime was very brutal, and the two criminals were given a death sentence, which was executed in 1982.

Nirbhaya Case:

The case is "rarest of rare" due to savagery and brutality in it. The Court sentenced the four adult convicts to death that were executed in 2020. The societal conscience was shaken up by it, and such a strong need was felt of capital punishment to punish the men.

4. Societal Influence**RG Kar Case:**

The case raised a publicly raised concern over medical malpractice and accountability of healthcare institutions. It created a big public outcry over the healthcare standards and the safety of patients in the medical facilities.

Priyadarshini Mattoo Case:

This case emerged as a symbol of justice for women in India. It opened debates on the safety, harassment, and legal justice of women. It created increased awareness about sexual violence and brought judicial reforms in India.

Ranga-Billa Case:

The case brought into focus issues concerning public safety and ransom kidnappings. It also fed into the public debate concerning capital punishment, where the death sentence in this case was widely debated as a swift and decisive example of justice.

Nirbhaya Case:

The Nirbhaya case was a massive social phenomenon, and protests were seen everywhere in the country, which led to legal reforms and a new national consciousness about women's safety. The Criminal Law (Amendment) Act, 2013 was enacted to strengthen laws related to sexual violence. It was a turning point in India's fight against sexual violence and injustice.

5. Reason for Death Sentence ("Rarest of Rare")

RG Kar Case:

Although the crime was severe, it wasn't under the category "rarest of rare" as it was related to medical negligence. It didn't involve crime which was barbaric or malign.

Priyadarshini Mattoo Case:

The same court did not find this one to be a "rarest of rare". This was for the reason that the accused person showed some glimmer of good possibility of being reformed; though the crime was brutal enough, it couldn't be given the same place as Nirbhaya's one.

Ranga-Billa Case:

This was the rarest of the rare where the brutality and kidnapping rape and murder for monetary motives and total disregard for the lives of the victims made it fit for a death penalty. The extreme violence and callousness of the criminals made it fit for a death penalty.

Nirbhaya Case:

The Nirbhaya case prima facie is the quintessential "rarest of rare" case considering the heinous nature of the crime, extreme brutality, and public shock it triggered. Such violence was displayed in gang rape and murder that strictly qualifies the capital punishment criteria.

CONCLUSION

The R.G. Kar Medical College and Hospital case has not only ruffled public sentiment but also raised essential questions on the judicial application of the "rarest of rare" doctrine in the

jurisdiction of heinous crimes. Though the judgment does not resemble the hope that the public had for a death sentence, it alone demonstrates the complexity in the Indian criminal jurisprudence. The case has again opened the door for debate regarding the safety of women in workplaces and the liabilities of institutions with regard to the safety of its employees, who work in arduous professions such as the health sector.

This analysis of the R.G. Kar and Ranga-Billa cases highlights the inherent subjectivity and potential inconsistencies in the application of the "rarest of rare" doctrine. The legal landscape continues to evolve, with ongoing debates surrounding the death penalty and amendments to criminal law seeking to address heinous crimes more effectively. Further research into the psychological factors influencing judicial decision-making in capital punishment cases is warranted.

The case going ahead in the appeals will most definitely become a landmark judgment that would change the face of India's debate regarding capital punishment and justice balanced against the tenets of law.

Doctrine 'Rare of the Rarest'-Our Personal Take

Before 1982, no law book or any statutory enactment could have been seen holding out the maxim 'Rare of the Rarest,' much less could it be an interpretative part of some constitutional article. The credo, being the offshoot of the philosophy of 'human rights', got juridically evolved through judgmental authoritativeness of Supreme Court of India in the case of State of Punjab v/s Bachan Singh, the judgment which further went through cognitive sorting, to exclude all acts of criminal delinquency which do not fall under the specifics so enumerated.

Though, being a votary to the idea of 'human rights', I love to go with the spirit of dogma 'the rare of the Rarest', do rue, with utmost regards for law courts, non-inclusion of 'sexual depravity leading to death of the victim' from the given classification.

As incidents of sexual brutalization in the society are constantly on the rise, it is high time that apex court of the country have a view, in the matter.

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