# IPC Section 303: Punishment for murder by life-convict.

Section 303 of the Indian Penal Code (IPC) dealt with the punishment for murder committed by a person already undergoing a life sentence. This provision prescribed a mandatory death penalty for such individuals, reflecting the extreme gravity with which the law viewed such offenses. However, this section has been declared unconstitutional and is no longer in force. This essay will delve into the history of Section 303, its rationale, the constitutional challenges it faced, the Supreme Court's decision striking it down, and the current legal position regarding the punishment for murders committed by life convicts.  
  
\*\*The Original Text of Section 303:\*\*  
  
The original text of Section 303 was as follows:  
  
"Whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death."  
  
\*\*Rationale Behind Section 303:\*\*  
  
The rationale behind this provision was based on the idea of deterrence and societal protection. It was argued that individuals already serving a life sentence had demonstrated a complete disregard for the law and posed an ongoing threat to society. The mandatory death penalty was seen as a necessary measure to prevent further acts of violence by such individuals and to protect other inmates and prison staff. The underlying presumption was that someone already serving a life sentence had nothing further to lose and therefore might be more inclined to commit further violent crimes, including murder.  
  
\*\*Constitutional Challenges to Section 303:\*\*  
  
Section 303 faced numerous challenges on constitutional grounds, primarily focusing on the following arguments:  
  
1. \*\*Violation of Article 14 (Equality Before Law):\*\* Critics argued that Section 303 violated the principle of equality before the law by creating an arbitrary classification between life convicts and other individuals convicted of murder. It mandated the death penalty for life convicts without considering the specific circumstances of the offense, while other individuals convicted of murder had the possibility of life imprisonment. This differential treatment was seen as discriminatory and unjust.  
  
2. \*\*Violation of Article 21 (Right to Life and Personal Liberty):\*\* It was argued that the mandatory death penalty under Section 303 violated the right to life and personal liberty by eliminating judicial discretion in sentencing. The absence of an opportunity for the court to consider mitigating factors and individual circumstances was seen as a violation of due process and a disproportionate punishment.  
  
3. \*\*Discriminatory and Excessive:\*\* Opponents of Section 303 argued that it was both discriminatory and excessive. It discriminated against life convicts by denying them the possibility of a lesser sentence, even in cases where mitigating circumstances existed. It was also considered excessive as it imposed the ultimate punishment without considering the specific facts of the case.  
  
\*\*Supreme Court's Decision in \*Mithu v. State of Punjab\* (1983):\*\*  
  
In the landmark case of \*Mithu v. State of Punjab\* (1983), the Supreme Court addressed the constitutional validity of Section 303. The Court carefully considered the arguments against the provision and ultimately declared it unconstitutional.  
  
The Court held that Section 303 violated Articles 14 and 21 of the Constitution. It reasoned that the mandatory death penalty deprived the courts of the discretion to consider the individual circumstances of each case and impose a sentence proportionate to the crime. The Court emphasized the importance of individualized sentencing and the need to consider both aggravating and mitigating factors before imposing the death penalty. The Court observed that even a life convict could have mitigating circumstances that would make the death penalty disproportionate and unjust. By eliminating judicial discretion, Section 303 created an arbitrary classification and violated the principles of fairness and equality.  
  
\*\*Current Legal Position:\*\*  
  
Following the Supreme Court's decision in \*Mithu v. State of Punjab\*, Section 303 was struck down and is no longer in force. Currently, if a person serving a life sentence commits murder, they are tried under Section 302 like any other individual accused of murder. The court has the discretion to impose either the death penalty or life imprisonment, considering the facts and circumstances of the case, as well as the aggravating and mitigating factors. The "rarest of rare" doctrine, established in \*Bachan Singh v. State of Punjab\*, applies to such cases as well.  
  
  
\*\*Impact of \*Mithu v. State of Punjab\*:\*\*  
  
The \*Mithu\* case had a significant impact on Indian criminal law. It reaffirmed the importance of individualized sentencing and judicial discretion in capital punishment cases. It also strengthened the protection of fundamental rights, particularly Articles 14 and 21, in the context of criminal justice.  
  
  
\*\*Conclusion:\*\*  
  
Section 303 of the IPC, which prescribed a mandatory death penalty for murders committed by life convicts, was declared unconstitutional by the Supreme Court in \*Mithu v. State of Punjab\*. This decision affirmed the importance of judicial discretion and the right to a fair trial, even for those already serving a life sentence. The current legal position mandates that such cases be tried under Section 302, with the court having the discretion to impose either the death penalty or life imprisonment based on the specific circumstances of the case, in line with the "rarest of rare" doctrine.