

**CHRIST**(DEEMED TO BE UNIVERSITY)
BANGALORE · INDIA

Notice for the PhD Viva-Voce Examination

Mr Anto Sebastian (Registration Number: 1760070), PhD scholar at the School of Law, CHRIST (Deemed to be University), Bangalore will defend his PhD thesis at the public viva-voce examination on Friday, 13 October 2023 at 3.00 pm in Room No. 044, Ground Floor, R & D Block, CHRIST (Deemed to be University), Bengaluru - 560029.

- Title of the Thesis** : **Equality Versus Discretion in Imposing Death Penalty in the Criminal Justice System: A Comparative Analysis between India, UK and USA**
- Discipline** : **Law**
- External Examiner (Outside Karnataka)** : **Dr Puneeth P**
Associate Professor
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- External Examiner (Within Karnataka)** : **Dr Suresh V Nadagoudar**
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- Supervisor** : **Dr Mallaiah M R**
Associate Professor
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The members of the Research Advisory Committee of the Scholar, the faculty members of the Department and the School, interested experts and research scholars of all the branches of research are cordially invited to attend this open viva-voce examination.

Place: Bengaluru

Date: 05 October 2023

Registrar

ABSTRACT

The criminal justice system has two phases, namely, pre-conviction and post-conviction, which are based on some theories which have to be exercised by the four major organs of administration of the criminal justice system, namely police (investigation), prosecution, defence and judiciary as well as correctional institutions. For this purpose, every legal system permits this mechanism to exercise equality and discretion at various phases such that justice is served according to the procedure established by law as it is required. The attempts to maintain a balance between the two in the sphere of criminal justice had begun long ago, although not succeeded yet by various countries. In the United States, more equality is emphasised in the post-conviction stage. It focuses on "offence egalitarianism" rather than "offender egalitarianism". In Europe, the position is almost contrary.

In India, strict adherence specifically to neither equality nor discretion at any step cannot be traced out. However, when it comes to sentencing cruel and heinous crimes, almost all countries fix a definite punishment where there is a broad scope for judicial discretion, often ending up squeezing the discretion to attain the idealistic concept of equality. This Study aims to discuss and point out the merits and demerits of the said system with suggestions.

Keywords: Criminal Justice, Equality, Judicial Discretion, Death Penalty, Sentencing.

Publications:

1. **Anto Sebastian**, "Ensuring accountability and transparency in the lower judiciary", International journal of transparency and accountability in governance, Vol. III ISSN No. 2395-4337
2. **Anto Sebastian**, "A critical study on equality and discretion in death penalty Jurisprudence in India". Bangalore University Law Journal
3. **Anto Sebastian**, "Sentencing policy and administration of criminal justice system in death penalty in India" CPJ Law Journal V. XIII July, 2023 (ISSN 0976-3562)