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Governance

Encounters

Supreme Court of India Guidelines

In **PUCL VS State of Maharashtra** SC had issued the following Guidelines in the matters of investigating police encounters as the standard procedure for thorough, effective and independent investigation.

- Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, **it shall be reduced into writing in some form (preferably into case diary) or in some electronic form**.
- If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay.
- An **independent investigation** into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter).
- **A Magisterial inquiry under Section 176 of the Code** must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to Judicial Magistrate having jurisdiction under Section 190 of the Code.
- The involvement of **NHRC is not necessary** unless there is serious doubt about independent and impartial investigation. However, the **information of the incident without any delay must be sent to NHRC** or the State Human Rights Commission, as the case may be.
- In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.
- If on the conclusion of investigation the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence under the IPC, **disciplinary action against such officer** must be promptly initiated and he be placed under suspension.
- The police officer(s) **concerned must surrender his/her weapons for forensic and ballistic analysis**, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.
- Other guidelines cover establishing the victim's identity, preservation of evidence on the spot, preparation of a rough sketch of the scene, recovery of fingerprints, videography of the autopsy.
- If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as above mentioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the concerned Sessions Judge shall look into the merits of the complaint and address the grievances raised therein.

Context

- Encounters in U.P. were not fake says Yogi

POLITY

Section 33(7) of the Representation of People's Act

Law

- **Section 33(7) of the Representation of People's Act** permits a candidate to contest any election (Parliamentary, State Assembly, Biennial Council, or bye-elections) from up to two constituencies.
- **The provision was introduced in 1996 prior to which there was no bar on the number of constituencies from which a candidate could contest.**

Examples

- Narendra Modi contested from two constituencies, Vadodara and Varanasi,
- Indira Gandhi contested from two constituencies, Medak and Rae Bareli, in 1980.
- N.T. Rama Rao, actor-turned-politician and founder of the Telugu Desam Party, contested in multiple seats
    - 1983, he contested from Gudivada and Tirupati, winning both of them
    - 1985, he repeated the feat in three seats, Gudivada, Hindupur and Nalgonda; retained Hindupur and relinquished the other two

Issues

The provision of allowing a candidate to contest from multiple seats is an absurd one.

- According to government records, in the 2009 Lok Sabha election, the per-constituency cost for conducting the poll was Rs 2-3 crore.
    - The estimates 2014 Lok Sabha elections are approximately Rs 5 crore per constituency.
    - By-elections cost more; unlike general elections, they don't have the economic advantages of scale.
- Apart from money, it is a waste of time for lakhs of voters
- It is also not fair to upcoming leaders, who have to vacate space to so that the bigger leaders can get their second seats. This is a violation of principle of equality,

EC

- **EC was in favor of not allowing politicians from contesting** from multiple seats saying it resulted in wastage of public money as when fresh election was conducted, the candidate had to vacate one seat after winning in both the constituencies.
- The Commission had already requested the Centre to amend the law for barring people from fighting election from multiple constituencies in an election.
- Earlier, the **Dinesh Goswami Committee report** in 1990 and the 170th report of the **Law Commission on "Electoral Reforms" in 1999** had included recommendations for restricting one contestant to one seat.

Alternative

- In 2004, the Chief Election Commissioner urged the Prime Minister for **amendment of Section 33(7)** to provide that a person cannot contest from more than one constituency for the same office simultaneously.
- The ECI alternatively suggested that if existing provisions are retained **then the candidate contesting from two seats should bear the cost of the bye-election to the seat** that the contestant decides to vacate in the event of his/her winning both seats.
- The amount in such an event could be Rs 5 lakh for assembly election and Rs 10 lakh for parliament election

Way forward

- The only way out is to make a leader's candidature void if he or she files a nomination from more than one

constituency.

- Like “one person, one vote”, the principle of “one leader, one constituency” should also be followed.

Context

- Patnaik to contest from two seats

IR

Maldives reaffirms ‘India first’ policy

Context

- Maldives reaffirmed its “India-First Policy”, saying it looks forward to working closely with India on all issues and will remain sensitive towards its security and strategic concerns during the meeting with Sushma Swaraj in Maldives

Details

- The Maldivian leaders also expressed commitment to support India’s efforts to combat terrorism, particularly cross-border terrorism, and crimes such as piracy, organised crime, narcotic drugs and human trafficking.
- The two foreign ministers agreed on the importance of maintaining peace and security in the Indian Ocean Region and to strengthen coordination in enhancing regional maritime security.
- India and the Maldives signed three agreements — on exemption from visa requirement for holders of diplomatic and official passports, regarding Indian grant assistance for implementation of high-impact community development projects through local bodies and on collaboration in the field of energy efficiency and renewable energy
- The Maldivian side expressed its support for India’s candidature for permanent membership of an expanded and reformed UNSC.
- The Maldivian side also reiterated support for India’s candidature for non-permanent seat for 2020-21.

GS3

SECURITY

The Mizoram Maintenance of Household Registers Bill, 2019

Context

- The Mizoram Assembly has unanimously passed a Bill that seeks to detect foreigners illegally residing in the north-eastern State as this has remained a serious concern for several decades.
- It was introduced as this influx resulted in an abnormal increase in the population which posed a serious threat to law and order as well as the State’s internal security

Features of the bill

- It defines “citizens” as a person registered as such, or having requisite qualification **as prescribed under the Citizenship Act, 1955**
- The household register will be **maintained by designated officials** as well as village councils, municipal bodies and

town committees.

- The registers which will be **updated every three months** will have two categories,
    - one for citizen residents and
    - One for non-citizen residents of the village.
- The measures proposed under the legislation are intended to provide credible individual identification system and to prevent "usurpation" of benefits of developmental schemes by those who are not entitled
- This will develop a comprehensive database in respect of all the residents of Mizoram — whether in villages or in towns and whether permanent or temporary — and **will ensure its updation and maintenance**

Benefits

- The update is required for improvement of the system of delivery of benefits of welfare schemes
- It will also help the security purposes by way of enumerations and verification from time to time.

GS4

Nothing here!

Editorials

GS 2

INDIAN POLITY AND GOVERNANCE

A Fatal Margin of Error

Note to Students:

- The issue surrounding capital punishment has been in the news for some time now.
- Here we cover this issues keeping three articles in mind that have been published by the Hindu over the past week, namely- "Back to life" (published on the 7th of March, 2019), "An abhorrent and unjust device" (published on the 15th of March, 2019) and "A Fatal Margin of Error" (published on the 19th of March, 2019).

- We at BYJU'S have covered a detailed video based analysis on the topic of capital punishment. The link is as below:

https://www.youtube.com/watch?v=5d9oJJGWhkY&t=8s

Larger Background:

The Criminal Law (Amendment) Bill, 2018

- The Bill amends the IPC, 1860 to increase the minimum punishment for rape of women from seven years to ten years.
- Rape and gang rape of girls below the age of 12 years will carry minimum imprisonment of twenty years and is extendable to life imprisonment or death.
- Rape of girls below the age of 16 years is punishable with imprisonment of twenty years or life imprisonment.
- The Bill amends the IPC, 1860 to increase the punishment for rape of girls. However, punishment for rape of boys has remained unchanged. This has resulted in greater difference in the quantum of

punishment for rape of minor boys and girls.

- The Bill imposes death penalty for rape of girls below the age of 12 years.
- It is important to note that there are differing views on death penalty for rape.
- Some argue that death penalty has a deterrence effect on the crime and therefore helps prevent it.
- Others argue that death penalty would be disproportionate punishment for rape.

A Closer Perspective:

- It is important to note that on March 5, 2019, a three-judge bench of the Supreme Court delivered verdicts in three different death penalty cases.
- As a matter of fact, in two of those the court entirely exonerated the suspects, while in the third it not only found the accused guilty of murder, but also deserving of capital punishment.
- Experts opine that when individually read, the judgments typify the deep penological confusion that pervades India's criminal justice system.
- ***Collectively, the cases demonstrate how arbitrary the death penalty is, how its application is mired by a belief in conflicting values, and how the fundamental requirement of precision in criminal law has been replaced by a rhetorical cry for avenging crime by invoking the "collective conscience" of society.***

A Look at Some of the Cases:

1. ***Digamber Vaishnav v. State of Chhattisgarh***

- In the first of the cases, ***Digamber Vaishnav v. State of Chhattisgarh***, two persons were convicted of murdering five women and were sentenced to death in 2014.
- A year later, the Chhattisgarh High Court affirmed these sentences.
- But the chief testimony, which formed the backbone of the prosecution's case, was that of a nine-year-old child, who was, shockingly, not even an eye-witness to the crime.
- This, the court therefore ruled, was effectively a conviction premised on surmise and conjecture.

2. ***Ankush Maruti Shinde v. State of Maharashtra***

- Some experts opine that the Ankush Maruti Shinde v. State of Maharashtra, the second of the cases, saw a gut-wrenching series of events being reduced to macabre farce.
- In 2006, a trial court found six persons guilty of rape and murder and sentenced each of them to death.
- A year later, the Bombay High Court confirmed the finding of guilt, but commuted the sentences imposed on three of the individuals to life imprisonment.
- However, in 2009, the Supreme Court not only dismissed the appeals filed by those sentenced to death, but also, astonishingly, enhanced the penalties of the three persons whose sentences had been commuted by ordering that they too be punished with death.
- In doing so, the court relied on a 1996 verdict, in Ravji v. State of Rajasthan, where it had ruled that in ***determining whether to award the death penalty "it is the nature and gravity of the crime" alone that demand consideration.***
- Although in May 2009, the Supreme Court had declared its earlier ruling in Ravji incorrect, by

holding that even in those cases where the crime is brutal and heinous the criminal's antecedents, including his economic and social background, must have a bearing on the award of the sentence, it took until October 2018 for the court to recall its order sentencing the six persons to death.

- During this time, as the court records, "The accused remained under constant stress and in the perpetual fear of death." What is more, one of them, who was later found to be a juvenile at the time when the alleged crime was committed, was kept in solitary confinement.
- He was not allowed to meet any of the other prisoners and was only allowed an occasional meeting with his mother.
- For their troubles — for having spent more than a decade on death row despite having committed no crime — the bench ordered that the state pay each of them a sum of ₹5 lakh.

Significance of this Case:

- The case, in itself, holds a strong argument against the retention of the death penalty on the statute book.
- Had the sentence against these six been carried out, the truth would have been buried with them.
- It is important to note that in recent years, the Supreme Court has been limiting the scope for resorting to the death penalty by a series of judgments that recognise the rights of death row convicts.
- As a matter of fact, a few years ago, it ruled that review petitions in cases of death sentence should be heard in open court.
- In a country notorious for "the law's delay", it is inevitable that the long wait on death row, either for a review hearing or for the disposal of a mercy petition, could ultimately redound to the benefit of the convicts and their death sentences altered to life terms.

A 'rarest of rare' case:

- Experts opine that if these decisions had shown us anything, it was that the judicial process is far from inerrant.
- However, the collective conscience of society, represented through the court's capital punishment jurisprudence, it appears, is still alive and kicking.
- For in the third of the cases, in ***Khushwinder Singh v. State of Punjab***, it not only affirmed the conviction of the accused, on charges of murdering six members of a family, but also gave its imprimatur to the award of the death penalty.
- The murders, the judgment holds, were "diabolical and dastardly" and the case fell into the "rarest of rare" categories where "there is no alternative punishment suitable, except the death sentence".

The "rarest of rare doctrine": A Perspective

- The rarest of rare doctrine has its origins in ***Bachan Singh v. State of Punjab (1980)***.
- There, the court declared ***Section 302 of the Indian Penal Code***, which prescribes the death penalty for murder, as constitutionally valid, but bounded its limits by holding that the punishment can only be prescribed in the rarest of rare cases.
- Since then, the court has repeatedly cautioned that capital punishment ought to only be decreed when the state can clearly establish that a convict is incapable of being reformed and rehabilitated.
- However, in Khushwinder Singh, the court does not place on record any such piece of evidence that the state was called on to produce.

- Indeed, the court does not so much as attempt to answer whether the accused was, in fact, capable of reformation or not.
- Instead, it merely endorses the death sentence by holding that there simply were no mitigating circumstances warranting an alternative penalty.

Victims of the system:

- Experts have opined that capital punishment serves no legitimate penological purpose.
- They further assert that there's almost no empirical evidence available showing that the death penalty actually deters crime.
- If anything, independent studies have repeatedly shown the converse to be true.
- In the U.S., for instance, States that employ capital punishment have had drastically higher rates of homicide in comparison with those States where the death penalty is no longer engaged.
- In India, evidence also points to a disproportionate application of the sentence, with the most economically and socially marginalised amongst us suffering the most.
- ***The Death Penalty India Report (DPIR),*** released on May 6, 2016, by Project 39A of the National Law University, Delhi, for example, shows that 74% of prisoners on death row, at the time of the study, were economically vulnerable, and 63% were either the primary or sole earners in their families.
- Further, more than 60% of those sentenced to death had not completed their secondary school education, and 23% had never attended school, a factor which, as the report states, "points to the alienation that they would experience from the legal process, in terms of the extent to which they are able to understand the case against them and engage with the criminal justice system."
- Just as distressingly, 76% of those sentenced to death belonged to backward classes and religious minorities, including all 12 female prisoners.
- Taking these factors into account, experts point out that the retention of capital punishment utterly undermines the country's moral foundations.
- Over the course of the last decade, the Supreme Court may well have expanded the rights of death row prisoners: delays by the President in disposing of mercy petitions now constitute a valid ground for commutation; review petitions filed by death row convicts now have to be mandatorily heard in open court.
- However, as the judgments delivered on March 5, 2019 reveal, the very preservation of the death penalty creates iniquitous results.
- ***Cases such as Ankush Maruti Shinde, where the accused, as the judgment records, were very poor labourers, "nomadic tribes coming from the lower strata of the society," ought to make it evident that the death penalty is an abhorrent and unjust device.***
- It is important to note that the Constitution of India promises to every person equality before the law. However, some experts have asserted that capital punishment renders this pledge hollow.

Editorial Analysis:

- On March 5, 2019, a three-judge bench of the Supreme Court headed by Justice A.K. Sikri (now retired) found Khushwinder Singh guilty and befitting of the death sentence (Khushwinder Singh v. State of Punjab).
- As a matter of fact, in 2013, the Fatehgarh Sahib sessions court had convicted and sentenced him to death for killing six relatives of his wife with the motive of committing theft.

- It is important to note that the last time the death penalty was upheld by the Supreme Court was in July 2018 in the Delhi gang rape case.
- Since then, the court has acquitted 10 death row prisoners and reduced the sentence to life imprisonment of 23 others.
- As Singh's case moves closer to the gallows, the judgment highlights the processes that cause cases to slip through the cracks of the 'rarest of the rare' doctrine, which mandates a consideration of both the crime and the criminal.
- The judgment exemplifies the varied standards of legal representation that impacts the imposition of the death penalty.

A contrasting Perspective:

- Experts point out that Singh's death sentence stands in contrast to nine cases decided by three-judge benches headed by Justice Sikri since November 2018 which resulted in six commutations to life imprisonment and eight acquittals.
- In these judgments, the duty of the court to conduct an effective sentencing hearing was emphasised and factors such as good conduct in custody, education, age, social, emotional and mental condition of the offender, and the possibility of reform were highlighted as relevant considerations in the sentencing scheme.
- However, some critics have pointed out that none of these factors appear to have been considered for Singh. As a matter of fact, the judgment declares at the outset that Singh's lawyer "is not in a position to point out any mitigating circumstance".
- Without commenting on the effect of that deficiency on the quality of the sentencing exercise being carried out by the court, it erroneously relies only on the pre-planned nature of the crime, its brutality and the number of victims to impose the death sentence. Grounds relating to the criminal such as his conduct in prison, his socio-economic and educational backgrounds, or the probability of reformation receive no comment from the court.
- In late 2018, another three-judge bench of the Supreme Court reversed its own finding in ***M.A. Antony v. State of Kerala***, involving the murder of six relatives of the accused. The court chose to commute the death penalty factoring the 'lack of evidence' to show that the convict was a hardened criminal or that he was beyond reform.
- Experts point out that the similarities in the nature of the crime between the cases of Singh and Antony is unfortunate and uncannily similar.
- In both cases, six family members lost their lives, including two children. The motive in both, according to the prosecution, was money and the victims were close relatives. Both convicts were middle-aged men with families of their own.
- While in Antony's case, his socio-economic conditions and lack of criminal antecedents were considered by the court in deciding that there was a probability of his reformation, in Singh's judgment, critics have pointed out that there is a complete silence on this aspect, providing yet another instance of the arbitrary imposition of the death penalty.

Eliciting information: A Perspective

- It is important to note that the irreversibility of the death penalty has fundamentally affected the jurisprudence around it.
- It is commonly accepted that a judge in adversarial proceedings cannot go on a 'truth searching exploration' beyond what is presented.
- Yet, death penalty jurisprudence is rife with examples where duty has been placed upon the courts to elicit information relating to the question of sentence, even if none is adduced before it.
- Justice K.S. Radhakrishnan's judgment in ***Ajay Pandit v. State of Maharashtra (2012)***, held that the court has a 'duty and obligation' to elicit relevant facts even if the accused was totally silent in such situations.
- In ***Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra (2009)***, while discussing the

responsibility of courts with respect to the sentencing scheme laid out in Bachan Singh v. State of Punjab, Justice Sinha opined that Bachan Singh makes no distinction on the roles and responsibility of appellate courts and therefore it was incumbent upon all courts to ensure the ratio laid down in Bachan Singh was 'scrupulously' followed, adding, "if anything, inverse pyramid of responsibility is applicable in death penalty cases".

- Unlike Khushwinder Singh's case, in the past few months the Supreme Court has rightly considered evidence about the criminal by calling for medical records, reports of prison conduct, including poetry written by a convict post-incarceration to ascertain the appropriate sentence.

This was not attempted in Singh's case.

- ***Some experts have opined that at the core of the arbitrariness in death penalty sentencing is the inconsistent approach to mitigating factors.***
- Critics have argued that the Supreme Court has, unfortunately, not developed any requirements that guide the collection, presentation and consideration of mitigating factors.
- Critics point out that very often, barely any mitigating factors are presented on behalf of death row prisoners; if they are, they are of poor quality. Judges are often left only with information concerning the crime to determine the punishment.
- As a matter of fact, some experts believe that Singh is a victim of this. He ended up being defined only by his crime with no other information about his life coming up before the judges.

Concluding Remarks:

- The quality of legal representation continues to affect the administration of the death penalty, even when cases are decided by pro-active and sensitive judges.
- Some experts have opined that the inconsistent and arbitrary application of the death penalty remains a matter of great concern to the judiciary.
- Justice Kurian Joseph's parting words in ***Chhannu Lal Verma v. State of Chhattisgarh***, calling for the gradual abolition of the death penalty, require serious introspection from the court and the body politic, and for us to recognise that the efforts to make the administration of the death penalty fairer are like chasing the wind.
- Experts have opined that our institutions may persist with attempts to 'tinker with the machinery of death' until there is a collective realization that the death penalty is untenable in a fair criminal justice system.
- Till such time, the setting of established benchmarks for practice, and a system of oversight are necessary to ensure that the quality of legal representation does not become the difference between a sentence of life and death.
- Lastly, in a system that many say favours the affluent and the influential, the likelihood of institutional bias against the socially and economically weak is quite high.
- Also, there is a perception that the way the "rarest of rare cases" norm is applied by various courts is arbitrary and inconsistent.
- The clamour for justice often becomes a call for the maximum sentence. In that sense, every death sentence throws up a moral dilemma on whether the truth has been sufficiently established.
- Perhaps the only way out of this is the abolition of the death penalty altogether.

GS 2

Indian Polity and Governance

Lokpal, at last

Larger Background:

- Institutions such as the Lokpal and Lokayukta were first conceptualized by the Administrative Reforms Commission (ARC) headed by Morarji Desai in its report published in 1966.
- It recommended the creation of two independent authorities - the Lokpal at the centre and the Lokayuktas in the states.
- The first Lokpal Bill was introduced in Parliament in 1968 but it lapsed with the dissolution of Lok Sabha. Later Bills also met a similar fate.
- Though the Lokpal could not be created as a national institution, the interest generated led to the enactment of various state legislations.
- Maharashtra became the first state to create a Lokayukta in 1972. Presently more than 50% of the states have Lokayuktas, though their powers, and consequently their functioning varies significantly across states.

Editorial Analysis:

Why in the news?

- Recently, Justice P.C. Ghose has been selected as the nation's first Lokpal.
- His name was cleared and recommended by a high-level selection committee chaired by Prime Minister, Narendra Modi.
- Other members of the committee are Chief Justice of India Ranjan Gogoi, Lok Sabha Speaker Sumitra Mahajan and eminent jurist Mukul Rohatgi.
- Leader of the Opposition in the Lok Sabha Mallikarjun Kharge, who is part of the committee, did not attend the meeting after he was invited as "special invitee." Mr. Kharge had refused to attend earlier meetings too, protesting against his being invited as a "special invitee."
- The government was prompted to make the selection after the Supreme Court set the February-end deadline.
- Mr. Ghose was appointed as judge of the Calcutta High Court in 1997 and went on to become Chief Justice of Andhra Pradesh before his elevation to the Supreme Court in 2013.

Analysis:

- The selection of Justice P.C. Ghose as the first Lokpal has come after an unjustified delay of five years.
- Nevertheless, experts have opined that it ought to be welcomed as a milestone in the cause of fighting corruption in high places.
- The concept of an institutional mechanism, or an anti-corruption ombudsman, has been around for over 50 years. It was finally enacted as a law in 2013, and came into effect on January 16, 2014.
- As a matter of fact, some of the credit for driving this legislation must be given to Anna Hazare's movement against what many saw as unreasonable levels of corruption under the previous UPA regime.
- However, since then, barring a report by the Standing Committee of Parliament and a couple of amendments passed in 2016 on the declaration of assets by public servants, there has been very little

progress.

- At one point, the government's lack of political will to establish a Lokpal became obvious, leading to the Supreme Court repeatedly asking it to show progress in its efforts.
- ***Ultimately, it was the court's stern ultimatum to appoint a Lokpal within a timeframe that worked.***

Brief Note on the Appointment System:

- The appointment system is quite long, a two-stage process.
- A search committee has to be formed.
- It recommends a panel of names to the high-power selection committee, which comprises the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition, the Chief Justice of India (or his nominee) and an eminent jurist.
- The selection panel has to choose from a short-list consisting of names for the posts of Lokpal chairperson, and judicial and non-judicial members.
- The government had initially taken the position that it was awaiting the passage of amendments based on the parliamentary committee report.
- One amendment pertained to including the leader of the largest party in the Opposition in the selection committee, in the absence of a recognised Leader of the Opposition.
- As a matter of fact, in a verdict in April 2017, the Supreme Court rejected the excuse and said there was no legal bar on the selection committee moving ahead even if there was a vacancy.
- It is not clear why this simple amendment, carried out in respect of selection committees for the posts of CBI Director and Chief Information Commissioner, was not made in the Lokpal Act.
- ***The Congress leader in the Lok Sabha, Mallikarjun Kharge, did not want to attend selection committee meetings as a 'special invitee' and wanted full membership.***

Concluding Remarks:

- Now that the Lokpal has been chosen, victims of corruption have a viable avenue of redress.
- The Lokpal will take over the work of sanctioning prosecution, besides exercising its power to order preliminary inquiries and full-fledged investigations by any agency, including the CBI.
- Finally, it may be unrealistic to expect any dramatic impact on the lives of the common people, but the Lokpal and other members have a historic responsibility to live up to popular expectations.

Tidbits

Life imprisonment is the rule, death penalty is the exception, says Supreme Court

- In a recent Judgement passed by SC, it said if a court finds it difficult to make a choice between death penalty and life imprisonment, it should opt for the lesser punishment
- The death sentence must be imposed only when life imprisonment appears to be an altogether inappropriate punishment, having regard to the relevant facts and circumstances of the crime

Background

- The judgment was based on an appeal filed by a man sentenced to death for the rape and murder of a five-year-old in Madhya Pradesh. He had promised her family to drop her at school where his own daughter was studying, but the victim did not return home that day. The school authorities informed the parents about the absence of the child. Her body was found in a well.
- Both the trial and high courts concluded the man, **Sachin Kumar Singhraha**, deserves death.

Current context

- Writing the judgment for the Bench, Justice Shantanagoudar agreed the man has indeed committed a horrifying crime. It was **both heinous and premeditated**.
- He had gained the trust of the victim's family on a false pretext. His intention was to gain custody of the child. By this, he had not only **abused the faith reposed in him but also** "exploited the innocence and helplessness of a child as young as five years of age."
- At the same time, Justice Shantanagoudar said there is a probability that the **man would reform, considering he never had prior criminal record**.
- The court also kept in mind his "overall conduct".
- The crime in question may not fall under the category of cases where the death sentence is necessarily to be imposed
- SC ordered, the convict to serve his life imprisonment with a minimum of 25 years' imprisonment without remission.

Prelims facts

G.B. Pant National Institute of Himalayan Environment & Sustainable Development

- It was established in 1988-89, during the birth centenary year of Bharat Ratna Pt. Govind Ballabh Pant
- It is an **autonomous Institute of the Ministry of Environment**, Forest & Climate Change (MoEF&CC), Govt. of India
- It has been identified as a focal agency to advance scientific knowledge, to evolve integrated management strategies, demonstrate their efficacy for conservation of natural resources, and to ensure environmentally sound development in the entire **Indian Himalayan Region (IHR).**

Liquid Propulsion Systems Centre

- It is a research and development centre functioning under Indian Space Research Organisation.
- It is the centre for design, development and realisation of liquid propulsion stages for ISRO's Launch Vehicles.
- It has two units located at Valiamala, in Thiruvananthapuram of Kerala, and Bengaluru of Karnataka.

UPSC Prelims Practice Questions

Mount Soputan recently seen in news is in

a) North Korea
b) Italy
c) Indonesia
d) Brazil

Ans: c

Which of the following reports are published by WEF?

1) Energy Transition Index
2) Environment Performance Index (EPI)
3) Global Financial Stability Report
4) World Economic Outlook

Options:

a) 1 and 2 only
b) 3 and 4 only
c) 1, 3 and 4 only
d) 1, 2 and 4 only

Ans: a

- Global Financial Stability Report and World Economic Outlook is by IMF

Gumti Wildlife Sanctuary is in the state of

a) Manipur
b) Tripura
c) Odisha
d) Assam

Ans: b

Consider the following about National Board for Wildlife

1) It was constituted under Environment (Protection) Act, 1986
2) No alteration of the boundaries of a National Park except on a recommendation of the National Board

The incorrect statement is:

a) 1 only
b) 2 only
c) Both
d) None

Ans: a

- National Board for Wildlife (NBWL) is constituted by the Central Government under Section 5 A of the Wildlife (Protection) Act, 1972 (WLPA).
- The WLPA mandates that without the approval/recommendation of the NBWL, construction of tourist lodges, alteration of the boundaries of PAs, destruction or diversion of wildlife habitat and de-notification of Tiger Reserves, cannot be done.
- The National Board for Wildlife has 47 members with the Prime Minister in the Chair. The Minister in charge of the Ministry of Environment & Forests in the Central Government is the Vice-Chairperson. The Additional Director General of Forests (WL) & Director, Wildlife Preservation is the Member-Secretary to the Board. The Board is

responsible for promotion of conservation and development of wildlife and forests.

UPSC Mains Practice Questions

1) Rarest of Rare Doctrine for death penalty needs a deeper introspection as there is no uniform understanding. Explain the same with relevant cases.
2) Discuss the Sendai framework for disaster risk reduction.
3) The representation of people act should be suitably amended to allow a candidate to contest from one constituency. Critically Analyze.