

APPROACH TO DEATH PENALTY: WHY SUPREME COURT HAS DECIDED TO SETTLE DIFFERENCES AMONG JUDGMENTS

Context

- The Supreme Court recently referred to a larger Bench, issues relating to **procedural norms** for imposing the death sentence. The intervention is seen as a major step in **plugging gaps** in the way in which trial courts award the death sentence.
- This present trajectory of judicial thinking will reaffirm the fundamentals of the rarest of rare principle and lead a new wave of thinking in the jurisprudence around capital punishment.

Background

- The SC has initiated a **suo motu writ petition (criminal)** to delve deep into the issues on key aspects surrounding the understanding of death penalty sentencing.
- The court is also looking at framing a **uniform policy** in the form of guidelines for sentencing.

About Capital Punishment

- Capital punishment, commonly known as the death penalty, is the execution of an offender sentenced to death after conviction of a criminal offense by a court of law.
- It is the **highest penalty** awardable to an offender as an **effective deterrent** for the worst crimes.
- Capital punishment in India has been limited to the rarest of rare cases- like **Section 121** (taking up arms against the state) and **Section 302** (murder) etc. of the **Indian Penal Code (IPC) 1860**.

Judgments related to Capital Punishment

What happens next?

- A five-judge Constitution Bench will effectively settle the debate on whether the fast-tracked hearings by trial courts awarding death sentences in a matter of days in some cases is legally justifiable. The ruling could also be a crucial step in raising the bar further in awarding the death sentence.

LIVE STREAMING OF SC PROCEEDINGS: THE RATIONALE AND THE CONCERNS

In News:

- Recently, the Supreme Court decided to live stream its proceedings in crucial Constitution Bench cases that will be heard from September 27.
- This decision came nearly four years after a plea was made in the interest of transparency.

History of the case:

- This year, on August 26, on the day of former Chief Justice of India (CJI) N V Ramana's retirement, the Supreme Court streamed its proceedings live.
- But, in the Swapnil Tripathi judgment, in September 2018, the SC had cleared the deck for live streaming of cases of national and constitutional importance.
 - In 20018, a three-judge Bench agreed to hear a public interest litigation (PIL) seeking live streaming of judicial proceedings.
 - The court had issued notice to the then Attorney General of India K K Venugopal, seeking his views on the issue.
 - After receiving the recommendation, the Supreme Court approved a set of guidelines, which included allowing transcripts and archiving the proceedings.

Recommended by A-G

- A-G had recommended introducing live streaming as a pilot project in Court No.1, which is the CJI's court, and only in Constitution Bench cases.
- However, the A-G suggested that the **court must retain the power to withhold** broadcasting, and to also **not permit it in cases involving:**
 - Matrimonial matters,
 - Matters involving interests of juveniles or the protection and safety of the private life of the young offenders,
 - Matters of National security,
 - To ensure that victims, witnesses or defendants can depose truthfully and without any fear.
- Special protection must be given to vulnerable or intimidated witnesses.

- It may provide for face distortion of the witness if she/he consents to the broadcast anonymously,
- To protect confidential or sensitive information, including all matters relating to sexual assault and rape,
- Matters where publicity would be antithetical (contrary) to the administration of justice, and
- Cases which may provoke sentiments and arouse passion and provoke enmity among communities.

Live streaming in HCs

- Following the SC's decision, Gujarat High Court began live streaming its proceedings in July 2021.
- Currently, the Jharkhand, Karnataka, Madhya Pradesh, Orissa, and Patna High Courts live stream their proceedings.

What happens elsewhere?

- **USA:**
 - While the US Supreme Court has rejected pleas for broadcast of its proceedings, it has since 1955 allowed audio recording and transcripts of oral arguments.
- **Australia:**
 - Live or delayed broadcasting is allowed but the practices and norms differ across courts.
- **Canada:**
 - Proceedings are broadcast live on Cable Parliamentary Affairs Channel, accompanied by explanations of each case and the overall processes and powers of the court.
- **United Kingdom:**
 - In 2005, the law was amended to remove contempt of court charges for recording proceedings of the Supreme Court.
 - Proceedings are broadcast live with a one-minute delay on the court's website, but coverage can be withdrawn in sensitive appeals.

Benefits of live streaming

- **Improves transparency**

- Broadcasting court proceedings is a step in the direction of transparency and greater access to the justice system.
- **Improves legal literacy of masses**
- Livestreaming the proceedings will not just increase legal literacy but potentially enhance the public's continuous engagement with the Constitution and laws.
- **Positive systemic corrections can be made**
- A research paper, which studied the audio proceedings of the US Supreme Court, found that judicial interactions at oral argument are highly gendered.
 - Women were interrupted at disproportionate rates by their male colleagues, as well as by male advocates.
- Later, the gendered disruptions identified by the study was addressed.
 - Now Justices ask questions according to seniority instead of interrupting in a random way.

Concerns around live streaming

- **Irresponsible use of the content**
- Video clips of proceedings from Indian courts are already on YouTube and other social media platforms with sensational titles and little context.
- There are fears that irresponsible use of content could spread disinformation among the public.
- **Impact on the behaviours of Justices**
- As 2018 research paper from Brazil concluded that justices behave like politicians when given free television time, they act to maximize their individual exposure.

BIHAR FREE OF NAXAL PRESENCE; THE FIGHT IS IN THE LAST STAGES IN JHARKHAND, SAYS CRPF CHIEF

In News:

- Director-General of Central Reserve Police Force (CRPF) said that Bihar is free of left-wing extremism now.

Left Wing Extremism (LWE)

- Left-wing extremism is the single internal security threat that affects the largest number of States in India.
- LWE aims to overthrow the existing democratic state structure with violence as their primary weapon, and mass mobilization and strategic united fronts as complementary components.
 - They plan to usher in So-called ‘New Democratic Revolution’ in India.
- Left-wing extremists are popularly known as Maoists worldwide and as Naxalites in India.

Causes for spread of LWE

• Land Related Factors:

- Encroachment and occupation of Government and Community lands (even the water-bodies) by powerful sections of society.
- Lack of title to public land cultivated by the landless poor.
- Poor implementation of laws prohibiting the transfer of tribal land to non-tribals in the Fifth Schedule areas.
- Non-regularisation of traditional land rights.

• Displacement and Forced Evictions:

- Eviction from lands traditionally used by tribals.
- Large scale land acquisition for ‘public purposes’ without appropriate compensation or rehabilitation.

• Livelihood Related Causes:

- Lack of food security – corruption in the Public Distribution System
- Disruption of traditional occupations and lack of alternative work opportunities.
- Deprivation of traditional rights in common property resources.

• Social Exclusion:

- Denial of dignity.
- Continued practice, in some areas, of untouchability in various forms.
- Poor implementation of special laws on prevention of atrocities, protection of civil rights and the abolition of bonded labour etc.

• Governance Related Factors:

- Corruption and inadequate provision or non-provision of essential public services including primary health care and education.
- Misuse of powers by the police and violations of the norms of law.
- Perversion of electoral politics and unsatisfactory working of local government institutions.

Steps Taken by the Govt.

- Though primarily a State subject, MHA has promulgated a ‘National Policy and Action Plan’ since 2015 to address the menace of LWE.
- The significant features of the policy are zero tolerance towards violence coupled with a big push to developmental activities.
- MHA is supporting the State Governments for Capacity Building and strengthening of Security Apparatus by deployment of Central Armed Police Forces (CAPF) Battalions, provision of helicopters and UAVs etc.
- Funds are also provided for modernization and training of State Police under
 - Modernization of Police Force (MPF),
 - Security Related Expenditure (SRE) Scheme and
 - Special Infrastructure Scheme (SIS).
- For development of LWE Affected States, Government has taken several developmental initiatives which include
 - sanction of 17,600 kms of road
 - installation of mobile tower in LWE affected districts
 - financial inclusion through opening of banks, ATMs etc.
 - imparting quality education to the youth with special focus on opening of Eklavya Model Residential Schools
- Under Special Central Assistance (SCA) Scheme for further impetus to development in the most affected districts, more than 10000 projects have been taken.

[RATAN TATA, JUSTICE K.T. THOMAS, KARIYA MUNDA APPOINTED TRUSTEES OF PM CARES FUND](#)

In News:

- The Central Government recently appointed Ratan Tata, a veteran industrialist, former Supreme Court judge K.T. Thomas and former Deputy Lok Sabha Speaker Kariya Munda as trustees of the PM CARES Fund.

PM CARES Fund:

- The Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM CARES Fund) was created as a dedicated fund on 27 March 2020 (and registered as a **Public Charitable Trust**), following the COVID-19 pandemic in India.
- The stated purpose of the fund is for combating, containment and relief efforts against the coronavirus outbreak and similar emergency or distress situations in the future.
- The fund is administered on an honorary basis by a Joint Secretary (Administration) in the Prime Minister's Office (PMO) as Secretary to the fund.

Constitution of the Trust:

- Although the documentation for the constitution of the fund has not been made public, the Government of India has stated that the Prime Minister is the ex-officio Chairman of the PM CARES Fund.
- The Minister of Defence, Minister of Home Affairs and Minister of Finance are ex-officio Trustees of the Fund.
- The Chairperson of the Board of Trustees (the Prime Minister) shall **have the authority to appoint 3 trustees to the Board of Trustees.**
- Any Trustee appointed shall serve on a **non-profit**
- The **PMO** provides the Trustees with administrative and secretarial support for the Trust's management and administration as needed.

Controversies:

- **Lack of transparency and accountability** in relation to its establishment, functioning and accounts.

- The total amount donated and the names of donors **have not been made public**, and the fund is being **audited privately**.
 - Even though the Fund uses government infrastructure and national emblem, the Government initially claimed that the fund is a private fund and is outside the purview of the Right to Information (RTI) Act 2005.
 - Later, the Government reversed its stance, admitting that the PM CARES Fund was a public fund but still refusing to disclose information about it under the RTI Act 2005.
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AMBEDKAR CIRCUIT

Union Tourism and Culture announced a special tourist train to cover the “Ambedkar Circuit”.



About:

- The modalities — such as the date of journey, ticket price, number of passengers —are still in the works.
- The government had first proposed the Ambedkar Circuit, or Panchteerth, in 2016.
- Prime Minister Narendra Modi had said the Panchteerth would include Janma Bhoomi, Ambedkar’s birthplace in Madhya Pradesh’s Mhow; Shiksha Bhoomi, the place in London where he stayed while studying in the UK; Deeksha Bhoomi in Nagpur where he embraced Buddhism; Mahaparinirvan Bhoomi or the place of his demise in Delhi; and Chaitya Bhoomi, the place of his cremation, in Mumbai.
- The idea is to attract tourists beyond the Dalit community, who mostly visit these places as a pilgrimage. The journey will include meals, ground transportation, and entry to the sites.

Focus on tourism circuits

- The government had identified 15 tourist circuits under the Swadesh Darshan scheme in 2014-15.
 - In terms of train collaboration, the Ramayana, Buddhist, and North East Circuits are already active, while Ambedkar will be fourth.
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PREVENTION OF CRUELTY TO ANIMALS (PCA) ACT, 1960

Last week, a doctor in Rajasthan's Jodhpur allegedly tied a dog to his car and dragged it across the city.



About:

- The doctor faces charges under Section 428 (mischief by killing or maiming animal) of the Indian Penal Code and Section 11 (treating animals cruelly) of The Prevention of Cruelty to Animals (PCA)

Act, 1960.

- If convicted under the PCA Act and found to be a first-time offender, he can be punished with a fine of Rs 10 to Rs 50. If it is found that this is not his first such crime within the past three years, the maximum punishment would be a fine between Rs 25 and Rs 100, a jail term of three months, or both.
- The Prevention of Cruelty to Animals Act, 1960 defines cruelty to animals — including acts of overburdening or overworking it, not providing the animal food, water and shelter, mutilating or killing an animal, etc.
- The Act has been criticised for being 'speciesist' (the assumption that humans are a superior species deserving more rights), for its quantum of punishment being negligible, for not defining 'cruelty' adequately, and for slapping a flat punishment without any gradation of crimes.

NATIONAL CONFERENCE OF ENVIRONMENT MINISTERS

Prime Minister Narendra Modi will inaugurate the National Conference of Environment Ministers in Ekta Nagar, Gujarat on 23rd September, 2022 via video conferencing.



About:

- Taking forward the spirit of cooperative federalism, Conference is being convened to create further synergy amongst the Central and State Governments in formulating better policies on environmental issues.

- The two day Conference being organised on 23rd and 24th September will have six thematic sessions with topics focusing on
 - LiFE- Lifestyle for Environment;
 - Combating Climate Change (Updating State Action Plans on Climate Change for Mitigation of Emissions and Adaptation to Climate Impacts) ;
 - PARIVESH (Single Window System for Integrated Green Clearances) ;
 - Forestry Management ;
 - Prevention and Control of Pollution; Wildlife Management ;
 - Plastics and Waste Management.
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DIVING SUPPORT VESSELS

Two Diving Support Vessels (Nistar & Nipun) being built by Hindustan Shipyard Ltd, Vishakapatnam for the Indian Navy, are scheduled to be launched on 22 September 2022.



About:

- The Diving Support Vessels (DSVs) are first of the kind, ships indigenously designed and built at HSL for the Indian Navy.
 - The vessels are 118.4 metres long, 22.8 metres at the broadest point and will have a displacement of 9,350 tons.
 - These ships would be deployed for deep sea diving operations. Additionally, with Deep Submergence Rescue Vehicle (DSRV) embarked, the DSVs are designed to undertake submarine rescue operations, in case requirement exists.
 - Furthermore, these ships will be capable of sustained patrolling, conducting Search & Rescue operations and carrying out Helicopter Operations at high seas.
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