



CURRENT AFFAIRS



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China rolls out high speed 600km/hr Maglev train (GS-1, The Hindu, urbanization)

Context:- China rolled out a high-speed maglev train in Qingdao which can run on 600km per hr.

What is Maglev Train:-

- It is also called the magnetic levitation train.
- It works on either electromagnetic attraction or repulsion.
- It was invented by inventor Robert Goddard.
- It works on the principle about magnetic forces—like magnetic poles repel each other, and opposite magnetic poles attract each other—to lift, propel, and guide a vehicle over a track (or guideway).
- The magnetic repulsion or Maglev propulsion and levitation may involve the use of superconducting materials, electromagnets, diamagnets, and rare-earth magnets.
- Currently, the maglev train is the fastest available ground vehicle in the world.

- This shows technological advancements which also include a 30% more efficient self-developed brake system.

Swarn Singh

Pegasus is India's Watergate moment (The Hindu, GS-2)

Context:- Pegasus spyware has made the news when it spied on more than a hundred people. This Pegasus software has surveillance a number of people by the government, mainly to tackle the politics and personal gain. There is more than has been said about international regulation of the unaccountable sale of spyware by shadowy entities such as the NSO Group.

What is the law in India about phone tapping?

- Section 92 of the CrPC (for call records, etc) authorized interception and monitoring of communications.
- Rule 419A of the Telegraph Rules.
- Rules formed under Sections 69 and 69B of the IT Act.
- It is unclear when the Telegraph Act applies and when the IT Act applies.

Why are we concerned about phone tapping? A brief history about misuse of phone tapping:-

- In 2012 the Himachal Pradesh government ordered the police agencies to recover over a lakh phone conversations of over a thousand people.
- Gujrat government was embroiled in a controversy dubbed “Snoopgate”, with phone recordings alleged to be of him speaking to the head of an antiterrorism unit to conduct covert surveillance on a young architect and her family members without any legal basis.
- The United Progressive Alliance government in 2009 swore in an affidavit in the Supreme Court that the CBDT had placed Niira Radia under surveillance due to fears of her being a foreign spy.
- Even private sector is not beyond such as the Essar group, have also been shown to engage in illegal surveillance.

What are the supreme court judgement regarding phone tapping:-

- Kharak Singh case:- Though S.C. Said that there is no right to privacy but it has increased the area of liberty under article 21.
- Puttaswamy Judgement:- Right to privacy is a fundamental right. Everyone has R2P and if violated, a person can move to supreme court.

What are the committees related to privacy:-

- A. P. shah committee report on privacy.
- B.N. Shri krishna committee recommendations.

What is the issue in the phone tapping:-

- Unbridled power with the state.
- Violation of privacy.
- A continuous surveillance by the state, thereby turning into an absolute state.

Way forward:-

- Intelligence agencies must be backed by the law.
- There must be a synthesis between privacy and surveillance.
- Accountability of government agencies such as a parliamentary oversight on it.

Swarn Singh

RIGHT TO LIFE and CAPITAL PUNISHMENT

GS PAPER-2, CONSTITUTIONALISM

SOURCE- The Hindu, Pib, prs.org

Introduction-

The right to life is a fundamental right governed by the constitution of India in 1950. The right to life is the belief that a human being has the right to live and it should not be killed by another entity including the government. The right to life has also been protected under the human rights act (universal declaration of human rights). On the other hand, Capital punishment where the accused who is charged of a crime or a wrongful act should be given the death penalty. The people who are opposing capital punishment argue that it is a violation of the right to life, while it is argued by the supporters that the death penalty is not a violation of the right to life because the said right to life should apply with regard to a sense of justice. The people who are opposing believe that capital punishment is the worst violation of human rights, because the right to life is the most important, and capital punishment completely violates it without necessity and impose to the convicted a psychological torture. Human rights activists directly oppose the death penalty, aiming it to be cruel, inhuman, and humiliating punishment”, and Amnesty International considers it to be “the

ultimate, irreversible denial of Human Rights”. The UN General Assembly has adopted, in 2007, 2008, 2010, 2012, 2014, and 2016 non-binding resolutions calling for a global prohibition on executions, with a view to abolishing it completely.

In the landmark Judgment of ‘Bachan Singh v/s State of Punjab (1980) 2SCJ475’, 1980, the Supreme Court penned down that the death penalty should only be used in the ‘rarest of rare’ cases, but does not give a clear definition as to what does ‘rarest of rare’ means. There has been a huge discussion around the world over the use of the death penalty; whether it should exist or not. Each and every man has a right to live. Article 21 of the Indian constitution provides that its citizens ‘protection of life and personal liberty – no person shall be deprived of his life or personal liberty except according to procedure established by law. This exception to life has created difficulty across the world.

Is the judiciary valuing innocent lives which have deteriorated to that of a person committing a heinous crime such as murder?

Do the criminals who commit a heinous crime such as murder lose the right to live on this earth?

Are innocent convicts being executed? What is the remedy to wrong executions? Does death penalty to a convict provide proper remedy to the family that has lost its member and gone through the horror and pain of losing

its loved one? These are just the few questions that are being asked across the world in each and every society over the legality or legitimacy of death penalty whether it must exist or be abolished. With the death penalty in consideration, Crime rates have not reduced in spite of death penalty or capital punishment in India or any other country..–

Many scholars and thinkers are up to a conclusion that the death penalty is partial in nature to individuals because Ajmal Kasab a terrorist from Pakistan who was one of the accused in the Mumbai attack, 2008 (also known as 26/11), who was arrested alive by the police and after due legal process and production of proper evidence he was found guilty for the brutal terrorist attack and later on charged for possession of dangerous weapons, was sentenced to death by the Supreme Court of India on 29th August 2012 but has not yet been executed. Instead, he had filed a mercy petition to the President but it was later on hanged after much delay on November 21, 2012. The mercy petition was rejected and later on, he was hanged to death

Another case is of the Nirbhaya case where Four labour class men convicted of the gang rape in a moving bus and brutal murder of a student in Delhi in 2012 have been hanged. The accused Akshay Thakur, Vinay Sharma, Pawan Gupta and his brother Mukesh Singh were awarded death sentence by a trial court in 2013. The four were hang till death in the New Delhi Tihar prison in the first executions in India since 2015

There are several mercy petitions pending before the President of India where some are old dated back 90's. The concept of right to life and death penalty is so contradictory and brings about a sense of partiality which forms a loophole in the judiciary of the country. The death penalty is implemented or

executed rarely. Out of 350 murderers only 1 gets a death penalty. Studies have shown that death penalty has not been a restraint because according latest death penalty and murder rates have a positive and co-related to each other which means; where death penalty lies murder rates are high. According to a survey report many police personnel and other law maker death penalty is not a deterrent to the people who commit violent crimes.

Recent case law on the death penalty was given to the accused who has brutally murdered her family. The accused Shabnam Ali and her lover Saleem were convicted in 2010 for killing seven persons in the Babankhedi village in Uttar Pradesh's Amroha. In April 2008, seven members of Shabnam's family — her mother, father, two brothers, sister-in-law, cousin and a 10-month-old nephew — were found murdered. They were given milk sedatives-mixed and, when they fell unconscious, their throats were slit by shabnam and her lover saleem. She was charged with murder and the supreme court has given her death penalty. Later on she filed a fresh mercy petition to the governor of Uttar Pradesh and the president of India which was later on rejected. Shabnam who is guilty of killing her own family of 7, might become the first woman to be hanged in Independent India.

People who commit murders do not think of the consequences or the punishment that they might go through. The reason behind that is the act done is mostly impulsively or an emotional outburst and is at the spur of the moment, it is very unlikely that they are mentally stable. According to a recent survey, life imprisonment costs 10 times less than when a person is executed for a long bureaucratic process that has to be undergone for a person to be executed. There is an opinion of a person that death penalty is the worst way of violating human rights, because right to live is the most important and a fundamental right. A bunch of them believe that judicial hanging is one of the

deterrent forms of punishment. The mental torture that a person goes through while being executed is far beyond one's imagination. It is inhuman and a monstrous act within the society.

Some of them also believe in this way :

“I think capital punishment works great. Every killer you kill never kills again” – Bill Mayer

But then there would be total destruction if the death penalty would be abolished because everyone has fears of death, who would want to end up their life? So here death penalty will act as a deterrent for the crimes that is going to be committed in the future. The people who contended that punishment of death penalty should be abolished because the life of a human is precious and cannot be compromised for anything and a human should be treated with dignity and not like an animal. A person who has committed a crime is well aware of his mistakes and he is only responsible for his act and its consequences. Executions are always done keeping in mind the health and safety of the public.

By execution of the death penalty to a convict may not bring back a person who is already dead, but executing the convict, so the future heinous acts may be stopped/ prevented. In order to completely abolish the death penalty in India, the public should be convinced that justice can be provided without executing the convict by brutality (there are attempts being made for executions that are less painful, but death is death and it is inevitable). However to abolish death penalty it may lead to rise in crime rates and the

laws will be broken more often and various kinds of wrongful activities may rise. There can be no end to this debate because until and unless heinous crime exists, there will be capital punishments (death penalty)

The Malawi Supreme Court of Appeal has declared in a leading case that the death penalty is unconstitutional. "The attribute of the right to life is life itself—the sanctity of life. Without the right to life, the other right does not exist. The death penalty not only negates; it abolishes the right. The court observed this in the judgment of the supreme court in a leading case. Awarding the Death penalty in heinous crimes is just and necessary, but must be with utmost care and caution.

Conclusion-

In conclusion, it can be observed that the death penalty should be given in the rarest of rare cases. We all want a criminal justice system that's sensible, effective, and creates to have a safe society with less crime—and evidence shows that the death penalty has no impact on public safety. ... By abolishing the death penalty, we could focus our time, energy and resources on supporting victims and families harmed by violence and will give them a better environment to live in so the vacuum of losing the loved one or the damage caused can be overcome.

Khyati Khare