



CURRENT AFFAIRS



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DEATH PENALTY BY HANGING

This article covers “Daily Current Affairs” and the topic details the issue of the Death Penalty. Recently the Supreme Court of India has asked the Union Government to report all such methods of the death penalty which are less painful than the present technique of hanging. The topic “Death Penalty by Hanging” has relevance in the Polity and Governance section of the UPSC CSE exam.

Relevance for UPSC-CSE

For Prelims:

- *Supreme Court cases on Death Penalty*
- *Techniques of the death penalty in various countries.*

For Mains:

- *GS 2: Polity and Governance*
- *Relevance of the death penalty in modern societies*

WHY IN THE NEWS?

Recently the Supreme Court (SC) has asked the government to suggest measures of awarding the death penalty that is more dignified and less painful compared to the present procedure of hanging. The Supreme Court also mooted the formation of a committee to give its suggestions on the other available practices in other countries. The court’s reasoning was in response to a petition challenging the constitutionality of the death penalty by hanging as a mode of execution. Section 354 of CrPC mandates that a person awarded the death penalty shall “be hanged by the neck till he is dead”.



Death Penalty

WHAT IS THE DEATH PENALTY?

Death penalty or capital punishment is a state-led execution of a person in response to a grave and heinous crime committed. The State in such an event becomes authorized to sentence the death penalty and execute a person because it thinks the existence of a person is a threat to other citizens. The State does this in 'rarest of the rare situations' when the right to life (as guaranteed under Article 21) of a person is superseded by the right of peaceful existence of the general public.



Issues with death by hanging

WHAT IS THE REASON BEHIND SC'S REASONING ON THE DEATH PENALTY?

A petition was filed that challenged the present method of the death penalty by hanging. The petition calls for a relook of the present procedure. With advancements in science and technology, it has become relevant to question the archaic method of the death penalty by hanging. The Supreme Court in response to the plea has asked the government to relook at the techniques and procedures present for awarding the death penalty. The idea behind this is to adopt a more humane, less painful, more dignified, and socially acceptable method of awarding the death penalty.

WHAT IS THE ISSUE WITH THE DEATH PENALTY BY HANGING?

The death penalty by hanging is a method of execution that has been used in various cultures throughout history. However, there are several issues associated with death by hanging, particularly in the context of modern criminal justice systems.

- **Slow and painful death:** One issue with hanging is that it can result in a slow and painful death if not carried out properly. If the drop length is too short, the person being hanged may suffocate as their airway is obstructed, leading to a prolonged and agonizing death. On the other hand, if the drop length is too long, the person's head may be severed from their body, which is both gruesome and violates the principle of humane treatment of prisoners.
- **Higher risk of unsuccessful executions:** Another issue is that hanging has been associated with a higher risk of unsuccessful and botched up executions compared to other methods such as lethal injection or electrocution. This is because the process requires precise calculations and equipment to ensure a quick and painless death, which may not always be available or properly maintained.
- **Symbol of violence and oppression:** In addition, hanging has been criticized for its cultural and historical associations with violence and oppression, particularly in the context of colonialism and slavery. For these reasons, many countries have abolished the use of hanging as a method of execution in favor of more humane alternatives.

WHAT ARE THE OTHER TECHNIQUES AVAILABLE FOR THE DEATH PENALTY?

The specific techniques available for the death penalty vary by country and jurisdiction. Here are some of the most common methods of execution:

- **Lethal Injection:** This is the most common method of execution in the United States and many other countries. It involves the injection of a lethal dose of drugs, usually a combination of an anesthetic, a paralytic agent, and a drug that stops the heart.

- **Electrocution:** This involves the use of an electric current to cause death. The person being executed is typically strapped to a chair and electrodes are attached to their body.
- **Gas Chamber:** This involves the use of lethal gas, typically hydrogen cyanide, to cause death. The person being executed is placed in a sealed chamber and the gas is released.
- **Firing Squad:** This involves a group of trained marksmen shooting the person being executed. This method is still used in a few countries, including Belarus.

What was the government's reply on the issue of death by hanging?

The government in 2018 noted that awarding the death penalty by hanging is a 'matter of legislative policy'. The government had earlier supported this process and had criticized the other available methods like firing squads and lethal injections as "barbaric, inhuman, and cruel". The reasons cited were:

- **Lethal Injections:** The government had studied the historical data related to lethal injections in the US and found out that they were unsuccessful and only gave the impression of the technique being less painful.
- **Firing Squads:** The government noted the horrors related, for example, if the shots missed the heart, the prisoners slowly bled to death.

WAY FORWARD

The Supreme Court in the matter clarified that it is not questioning the constitutionality of the death penalty. It is just asking the government to relook at the present method of the death penalty by hanging. But as Senior advocate Indira Jaisingh noted that the problem is not the technique of the death penalty but the death penalty itself. The government and the judiciary must relook at the constitutionality of the death penalty. Modern societies must adopt a rehabilitative approach against the present retributive approach. It's important to note that many countries have abolished the death penalty altogether or have suspended its use.

Sources:
The Hindu

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