Polity & Governance · GS - II

Examine the constitutional, legal and international dimensions of India's position on the global moratorium on the death penalty. How can India balance national sovereignty with evolving human rights concerns?

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
10	~150 words

Answer Hint

Constitutional morality, Article 21, rarest of rare doctrine, judicial safeguards, ICCPR, national sovereignty, international human rights, criminal justice reform.

Model Answer

Introduction

India retains capital punishment for exceptional cases, subject to constitutional safeguards and the Supreme Court's 'rarest of rare' doctrine.

Constitutional and Legal Framework

Article 21 permits deprivation of life only through a procedure established by law. In *Bachan Singh v. State of Punjab (1980)*, the Supreme Court restricted the death penalty to the rarest of rare cases. Judicial review, appeals, mercy petitions and procedural safeguards provide additional checks.

International Dimension

The ICCPR does not completely prohibit capital punishment, although it places restrictions on its application. The UN General Assembly has repeatedly advocated a global moratorium. India views criminal justice policy as a

matter of domestic legal sovereignty while engaging with international human rights obligations.

Way Forward

India should strengthen fair-trial guarantees, legal aid, sentencing consistency and safeguards against wrongful convictions. Greater transparency in capital sentencing and periodic review of its necessity can improve accountability.

Conclusion

National sovereignty and human rights need not be mutually exclusive. A constitutionally guided, evidence-based criminal justice system can protect individual rights while addressing the demands of justice and public safety.

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