Death by Hanging

Why in news?

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The Centre had told the Supreme Court that executing a death row convict by hanging was the most viable method.

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What was the petition?

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- A PIL had sought quashing of section 354(5) of the Criminal Procedure Code which specifies execution by hanging.
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- The plea had referred to a Report of the Law Commission advocating removal of the present mode of execution from the statute.
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- It has also referred to Article 21 (Right to Life) of the Constitution.
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- It stressed that Art 21 included the right of a condemned prisoner to have a dignified mode of execution so that death becomes less painful.
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- This means the right to a dignified life up to the point of death including a dignified procedure of death.
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- The PIL had also listed intravenous lethal injection, shooting, electrocution or gas chamber as other viable options in which death is just a matter of minutes.
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- It noted that the present practice of executing a death row convict by hanging involves prolonged pain and suffering.
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- Notably, in hanging, the entire execution process takes over 40 minutes to declare a prisoner dead.
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What was the SC's directive?

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- The Supreme Court had earlier adjourned the plea seeking abolition of executing a death row convict by hanging.
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- The SC had further urged the parliament to consider amending the Criminal Procedure Code to change the mode of execution to make death less painful.
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- It also asked the Centre to appraise it about the various modes of executing death row prisoners prevalent in other countries.
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- The court also made it clear that it is not questioning the constitutionality of death penalty but only the mode of execution.
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What is the Centre's response?

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- The Centre has said that there is no viable method at present other than hanging to execute condemned prisoners.
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- It noted that they had tested lethal injections, but it was not workable as there are instances of it failing.
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Source: The Hindu

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