

TARGET MAINS 2022

CURRENT AFFAIRS

POLITY-1



TOPICS:

1. Capital Punishment.
- ✓ 2. Shatrughan Chauhan Case.
- ✓ 3. Medical Termination of Pregnancy (Amendment) Act, 2021.
- ✓ 4. 'Essential Religious Practice' Doctrine.
- ✓ 5. Dowry Deaths.
- ✓ 6. Tribunals Reforms Act, 2021.
- ✓ 7. Role of a Governor.

Capital Punishment

Topic 1

OTHER STATES

2008 Ahmedabad serial blasts case: 38 sentenced to death



Mahesh Langa

FEBRUARY 18, 2022 12:28 IST

UPDATED: FEBRUARY 18, 2022 22:08 IST

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✓ 1. Retribution

First a reminder of the basic argument behind retribution and punishment:

- all guilty people deserve to be punished
- only guilty people deserve to be punished
- guilty people deserve to be punished in proportion to the severity of their crime

✗ 2. Deterrence

- Capital punishment is often justified with the argument that by executing convicted murderers, we will deter would-be murderers from killing people.

3. Rehabilitation

- Of course capital punishment doesn't rehabilitate the prisoner and return them to society. But there are many examples of persons condemned to death taking the opportunity of the time before execution to repent, express remorse, and very often experience profound spiritual rehabilitation.
- **Thomas Aquinas** noted that by accepting the punishment of death, the offender was able to expiate his evil deeds and so escape punishment in the next life.

4. Prevention of re-offending

- It is undeniable that those who are executed cannot commit further crimes.



↳ 5. Closure and vindication

- It is often argued that the death penalty provides closure for victims' families.

✓ 6. A Japanese argument

- From an ethical point of view this is the totally **consequentialist** argument that if executing a few people will lead to an aggregate increase in happiness then that is a good thing.

Cesare Beccaria - "An Essay on Crimes and Punishments."

Lord Macaulay views.

Santosh Kr. Bariar v. State of Maharashtra (2009)

PUNISHMENT

Deter

~~deter~~
~~crimes~~

deterrent

reform the offender.

Murder

US

Social Contract

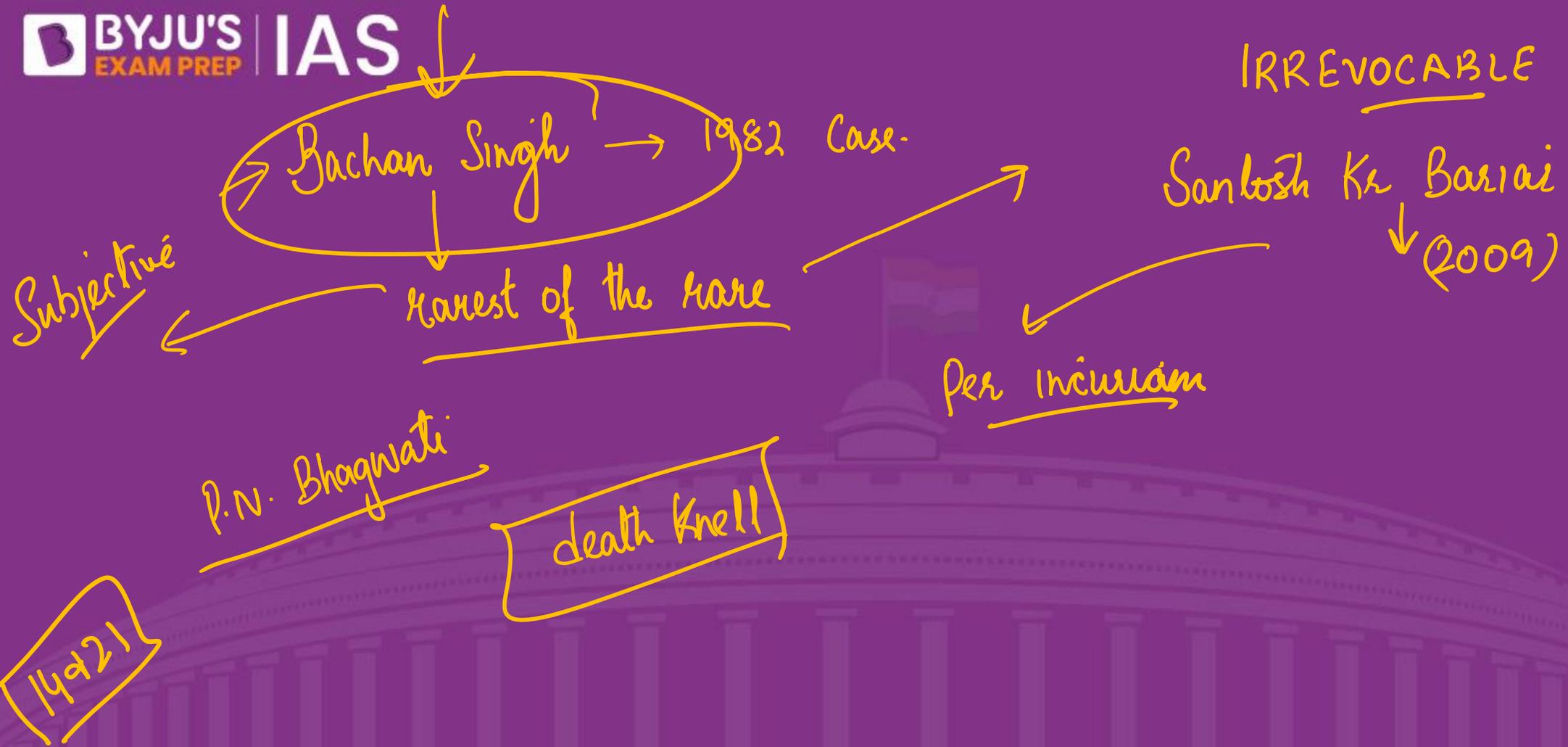
gang robbery }
→ rape

Murder

Inquisitions
↳ laws

harvest of race

↳ incoherence
in India's
penology





Shatrughan Chauhan versus Union of India (2014)

Topic 2



🕒 THIS STORY IS FROM JANUARY 18, 2022

Two sisters on death row spared the noose by Bombay HC

Swati Deshpande / TNN / Updated: Jan 19, 2022, 16:40 IST



Rules

1) Convict centric



Abortion Law in India

Topic 3

ABORTION LAW

India's amended abortion law still gives doctors, not women, the final say in terminating pregnancy

The liberalised law allows termination of pregnancy up to 24 weeks, but only for special categories of vulnerable women.

Akshita Nagpal, IndiaSpend.com

Apr 29, 2021 · 01:30 pm



↓ 1973

OPINION | COMMENT

Why the battle over Roe vs Wade signifies a struggle for America's future



Sonalde Desai

JUNE 07, 2022 12:16 IST

UPDATED: JUNE 07, 2022 15:59 IST

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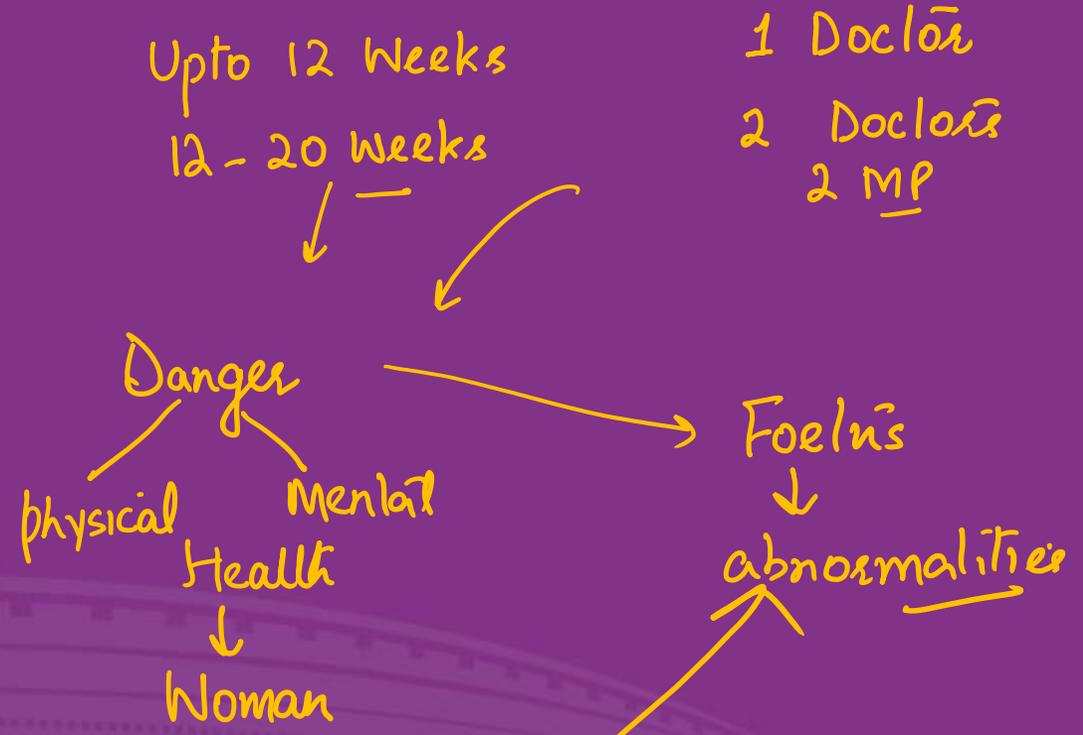
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WHY?

IPC (1860) – voluntary termination of pregnancy is a crime.

MTP, 1971 – Features.

According to the MTP (Amendment) Act 2021, for abortions up to 20 weeks, one doctor's approval is needed, for 20-24 weeks of the gestation period, sanction by two medical practitioners is necessary. Earlier, the law required one doctor for up to 12 weeks and two for between 12 and 20 weeks.



PRO CHOICE

PRO LIFE

Quack

ARGUMENTS IN FAVOUR

1. ✓ The State has an obligation to protect life.

rape survivors
↳

2. ✓ Unmarried Woman inclusion.

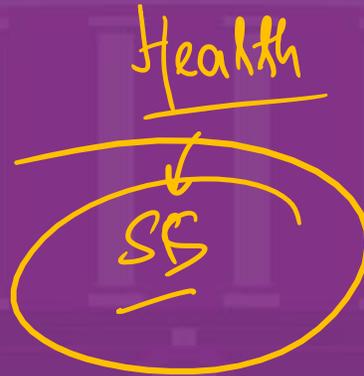
20 → 24 weeks

3. ✓ Increase in the Upper Limit. ←

4. States' powers safeguarded.

Health

SS





ARGUMENTS AGAINST/CHALLENGES

- ✓ 1. Choice of a pregnant woman.
- ✓ 2. 'Certain Categories of woman'.
- ✓ 3. Time Frame for Medical Boards.
- ✓ 4. Transgenders: Included or Not?
- ✓ 5. Unavailability of Qualified Doctors.
- ✓ 6. POCSO and Privacy.
- ✓ 7. Sex Determination.
- ✓ 8. Medical Practitioners' own morality.

20-24 weeks

Px

Govt → Rules.

Delegated legislation

The law is silent in the event of conflicting opinion given by 2 Doctors.

→ 53% → abortions → priv Hospitals
27% → Women at home.

WHO

1 doctor / 1000 pop.
1 doctor / 1531 people.

All India Rural Health Statistics (2018-19)

COMMUNITY HEALTH CENTRES

1351 doctor

440

4002 Doctor.

75% shortage



Doctrine of Essentiality

Topic 4





KARNATAKA

Hijab not an essential practice of Islam, rules Karnataka High Court



The Hindu Bureau

BENGALURU MARCH 15, 2022 10:46 IST

UPDATED: MARCH 15, 2022 15:16 IST



A seven-judge Bench of the Supreme Court invented the doctrine of “essentiality” in the **Shirur Mutt case in 1954.**

The court held that the term “religion” will cover all rituals and practices “integral” to a religion, and took upon itself the responsibility of determining the essential and non-essential practices of a religion.

The essentiality/integrality doctrine has tended to lead the court into an area that is beyond its competence, and given judges the power to decide purely religious questions.

The SC is right because it is final!

The SC is not final because it is right.

consistently inconsistent

1) Religious texts → to determine essential/non-essential

→ Temple Entry Case
→ Captivity & Worshipping
↓
divine Cobra

P.V. Kane →

2) empirical behaviour of its followers.

3) whether this practice was in existence when the religion originated.

ANANDA } 1955
MAR 91

Tandava } 1966
Dance

→ SABARIMALA
↓
INDU MALHOTRA

9-Judge
↓
SC

FGM → CLIT
↓
Health

ISMAIL FAROOQI

"Inward association of man with God"

Privacy (2017)
Joseph Shine (2018)
Navtej Johar (2018)

AUTONOMY

Resham v/s S. of Karnataka

- 1) HIJAB → Essential Religious Practice.
- 2) expression → reasonable restrictions
- 3) Dress → Derivative right → weaker.
- 4) School → Quasi-public space.
- 5) Uniform → Homogenous → Secularism

BLUE COLOR
↓
HIJAB
↓
BLUE

Doctrine of Proportionality

Doctrine of Reasonable Accommodation