

SC MOOTS DEEPER SCRUTINY BEFORE AWARD OF DEATH PENALTY

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Supreme Court on Friday asked Attorney General K.K. Venugopal for assistance to institutionalise a mechanism by which information crucial to decide whether a person should be condemned to death or not can be gathered and placed on record before trial judges.

A Bench led by Justice U.U. Lalit said courts may be opting for the death penalty too soon. In some cases, trial courts sentence a person to death merely hours after conviction. No effort is ever made to dig deeper into a convict's childhood experiences, multi-generational history of physical and mental health issues, exposure to traumatic events and other familial, social and cultural factors crucial in order to undertake an individualised sentencing enquiry, the court stated.

On Friday, the Bench said this 'one-size-fits-all' approach while considering mitigating factors during sentencing should end. A more enlightened approach has to be evolved.

The court said a "mitigation expert", a qualified professional with unhindered access to the convict's past, ought to be at the centre of this change in outlook.

Mitigating investigators would be experts in fields as varied as social work, sociology, anthropology, criminology, psychology and other social sciences. They could interview the convicts, their families, friends and other associated with the prisoners and their past to draw a complete picture. The information could then be placed before a trial judge.

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