

## Why can't hanging be stopped, asks SC

The court clarified that it was not questioning the constitutionality of the death penalty, which has been well-settled by the apex court, including in *Deena versus Union of India* and earlier in the Bachan Singh case reported in 1980.

The court said Section 354 (5) — which mandates death by hanging — of the Code of Criminal Procedure has already been upheld.

However, the provision of hanging to death may be re-considered as “the Constitution of India is an organic and compassionate document which recognises the sanctity of flexibility of law as situations change with the flux of time.”

The fundamental right to life and dignity enshrined under Article 21 of the Constitution also means the right to die with dignity, the court said.

The order comes on a writ petition filed by Delhi High Court lawyer Rishi Malhotra, who sought the court's intervention to reduce the suffering of condemned prisoners at the time of death.

Mr. Malhotra said a convict should not be compelled to suffer at the time of termination of his or her life.

END

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