Polity & Governance · GS - II

Examine the constitutional safeguards available to persons sentenced to death in India. How does judicial review help balance the demands of justice with the protection of fundamental rights?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 19/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 21, due process, appellate jurisdiction, review petition, curative petition, judicial scrutiny, rarest of rare doctrine, procedural fairness.

Model Answer

Introduction

The death penalty is the most severe form of criminal punishment in India. Its imposition and execution are subject to constitutional safeguards and judicial scrutiny.

Constitutional and Judicial Safeguards

1. **Article 21:** No person can be deprived of life or personal liberty except according to procedure established by law.
2. **Appellate scrutiny:** A death sentence awarded by a Sessions Court requires confirmation by the High Court under the applicable criminal procedure.
3. **Supreme Court jurisdiction:** The sentence may be challenged before the Supreme Court through legally available appellate or other proceedings.
4. **Review and curative remedies:** Subject to applicable legal requirements, these remedies can address errors in judicial decisions.

5. **Rarest of rare doctrine:** Established in *Bachan Singh v. State of Punjab* (1980), it restricts capital punishment to exceptional cases.

Role of Judicial Review

Judicial review helps examine legal errors, procedural irregularities and constitutional concerns. Staying an execution during pending proceedings can preserve the effectiveness of judicial remedies and reduce the risk of irreversible injustice.

Conclusion

A credible criminal justice system must ensure accountability for grave offences while protecting due process, fairness and the constitutional rights of every accused person.