

## Knowing the killer: On SC referring death penalty issues to Constitution Bench

The Supreme Court of India has done well to **seek** norms to present **mitigating factors** for **awarding** death

**Sentencing** after **conviction** **is** a **knotty** problem in cases relating to **capital offences**. Trial judges are **called upon** to make a decision on whether only a death sentence will meet the **ends** of justice, or a **life term** will be enough. As a **salutary** norm, the Supreme Court has **laid down** that the death penalty can be **imposed** only in the “rarest of rare” cases. Subsequent judgments have **sought** to **buttress** this principle by **holding** that the **gruesome** nature of the offence may not be the **sole** criterion to decide what brings it under the ‘rarest of rare’ category. The **offender**, his socio-economic background and his state of mind are also key factors **in this regard**. **In practice**, the sentencing part of the trial **takes place** after the court records a conviction. It is **often** done on the same day as the **verdict**, with only some limited arguments being heard on ‘mitigating circumstances’ from the **convict’s** side and on the ‘**aggravating** circumstances’ from the **prosecution**. The latest **order** of a three-judge Bench, referring to a Constitution Bench the issue of granting a meaningful opportunity to convicts on the question of sentence, **is** a big **stride** in **humanising** the sentencing process.

Same-day sentencing has been **upheld** by several judgments, with the Supreme Court often saying where a **meaningful** opportunity has been given to the convict to present mitigating factors, the **mere fact** that death was awarded on the same day **would** not **vitate** the sentence. Some High Courts have given a chance to convicts to present mitigating factors so that the **inadequacy** of the sentencing process in the trial court **does** not matter. Present thinking, however, is **veering** towards the view that courts must **elicit** reports from the jail authorities, **probation officers** and even trained psychologists to **assess** the mitigating factors in favour of not imposing the death penalty. In its referral order, the Bench has also raised the question as to the stage at which mitigating factors are to be presented. It has noted that the **scales are tilted** against the convicts now, as it is only after conviction that they are able to speak about mitigating circumstances. The **prosecution**, **on the other hand**, **presents** its case from the beginning on how **heinous** the crime was, and how much **the accused** deserved maximum punishment. The Constitution Bench may come up with new guidelines under which the trial courts themselves can **hold** a **comprehensive** investigation into factors related to the **upbringing**, education and socio-economic conditions of an offender before deciding the punishment. The legal and moral **dilemma** of sending someone to the **gallows**, of course, **will subsist** only as long as the death penalty remains on the **statute book**. **[Practice Exercise]**

- Red/blue coloring of words in the sentence indicates subject verb relationship; where ‘red’ denotes ‘subject’ and ‘blue’ denotes ‘verb’.

## Vocabulary

1. **Constitution bench** (noun) – Constitution bench is the name given to the benches of the Supreme Court of India which consist of at least five judges of the court which sit to decide any case “involving a substantial question of law as to the interpretation” of the Constitution of India
2. **Seek** (verb) – Ask for, call on, solicit, demand मांगना
3. **Mitigating factor** (noun) – Any fact or circumstance that lessens the severity or culpability of a criminal act.
4. **Award** (verb) – Give, present, bestow, confer, endow फैसला देना
5. **Sentencing** (noun) – system of punishing the guilty सजा
6. **Conviction** (noun) – the action of finding somebody guilty of a crime in a court of law दोषसिद्धि
7. **Knotty** (adjective) – complex, complicated, involved, difficult, intricate जटिल
8. **Capital offence** (noun) – an offense that is punishable by the death penalty
9. **Call upon/on** (phrasal verb) – demand that someone do something. अपील करना
10. **End** (noun) – Purpose, aim, objective, goal, intention उद्देश्य
11. **Life term** (noun) – the punishment of being kept in a prison for the rest of one's life. आजीवन कारावास
12. **Salutary** (adjective) – beneficial, good, salubrious हितकारी
13. **Lay down** (phrasal verb) – Formulate, ordain, set down, write down, put down, rule निर्धारित करना
14. **Impose** (verb) – enforce, inflict, levy, force, foist थोपना
15. **Seek** (verb) – try, aim, endeavour, strive कोशिश करना
16. **Buttress** (noun) – support, reinforce, brace, strengthen, prop, reinforce समर्थन देना
17. **Hold** (verb) – to decide legally.
18. **Gruesome** (adjective) – Grisly, ghastly, horrible, horrid, shocking, dreadful, frightening भीषण, भयंकर
19. **Sole** (adjective) – Only, solitary, single, singular, lone एकमात्र
20. **Offender** (noun) – Criminal, crook, lawbreaker, wrongdoer, delinquent अपराधी
21. **In this regard** (phrase) – in connection with the point previously mentioned इस संबंध में

22. **In practice** (phrase) – In fact, actually, in reality
23. **Take place** (phrase) – happen, occur, have effect, transpire घटित होना
24. **Often** (adjective) – Frequently, repeatedly, regularly, time and again अक्सर
25. **Verdict** (noun) – Decision, judgment, finding, result, outcome, ruling, decree निर्णय
26. **Convict** (noun) – Criminal, offender, prisoner, villain, felon, lawbreaker अपराधी
27. **Aggravating** (adjective) – Worsening, exacerbating, exaggerating, heightening, intensifying, magnifying, augmenting उत्तेजक
28. **Prosecution** (noun) – the process of officially charging somebody with a crime and of trying to show that he/she is guilty, in a court of law अभियोजन
29. **Stride** (noun) – Advance, progress, development, improvement, headway प्रगति
30. **Humanise** (verb) – make (something) more humane or civilized मानवीय बनाना
31. **Uphold** (verb) – Support, sustain, maintain, endorse, advocate, encourage बनाए रखना
32. **Mere** (adjective) – Meagre, simple, plain, only, just मात्र
33. **Vitiate** (verb) – to make something less effective; to spoil something विकृत करना; निरस्त करना,
34. **Inadequacy** (noun) – deficiency, insufficiency, incompetence, lack, inefficiency अपर्याप्तता
35. **Veer** (verb) – to change direction suddenly अचानक मुड़ जाना
36. **Elicit** (verb) – Draw, extract, obtain, educe, draw out, bring out निकालना
37. **Probation officer** (noun) – a person appointed to supervise offenders who are on probation.
38. **Assess** (verb) – evaluate, appraise, judge, measure, estimate आकलन करना
39. **Tilt the scales/balance** (phrase) – To change the balance of a situation, such that one side or element is favored or gains advantage.
40. **On the other hand** (phrase) – used to introduce a contrasting point of view, fact, or situation. दूसरी ओर
41. **Heinous** (adjective) – Atrocious, odious, terrible, dreadful, shocking, scandalous जघन्य
42. **The accused** (noun) – the person who is on trial in a law court अभियुक्त
43. **Hold** (verb) – Conduct, organize, convene

44. **Comprehensive** (adjective) – Complete, inclusive, full, all-inclusive, wide-ranging, broad विस्तृत
45. **Upbringing** (noun) – the way a child is treated and taught how to behave by his/her parents पालन-पोषण
46. **Dilemma** (noun) – Quandary, predicament, impasse, problem दुविधा
47. **Gallows** (noun) – a wooden frame used in the past for killing people by hanging फाँसी का तख़्ता
48. **Subsist** (verb) – Survive, live, exist, keep going प्रचलित रहना
49. **Statute book** (noun) – a book in which laws are written.

## Practice Exercise

**Direction (Q1 – Q3): Select the best express synonym of the given words** [Editorial page]

1. Sentencing after conviction is a **knotty** problem in cases relating to capital offences
  - A. Solicitous
  - B. Surreptitious
  - C. Thorny
  - D. Anguish
2. Subsequent judgments have sought to **buttress** this principle by holding that the gruesome nature of the offence may not be the sole criterion to decide what brings it under the 'rarest of rare' category
  - A. Cogent
  - B. Abate
  - C. Impervious
  - D. Prop
3. Present thinking, however, is veering towards the view that courts must **elicit** reports from the jail authorities, probation officers and even trained psychologists to assess the mitigating factors in favour of not imposing the death penalty
  - A. Extract
  - B. Inundate
  - C. Incisive
  - D. Admonish

#### 4. Idioms & Phrase

**Take one's foot off the pedal**

- A. Believe that someone is responsible for something.
  - B. To make less effort and start to relax
  - C. To say something clearly and with a lot of force so that you are certain people understand it
  - D. To accomplish something that most would deem impossible
5. **Direction: Six statements are given below, which are jumbled in any random order. These statements will form a coherent and meaningful paragraph, when arranged in the correct sequence. Arrange the sentences in the right order and answer the questions that follow.**
- India's industrial output rose 7.1 per cent year-on-year in April.**
- P.** The National Statistical Office's data tallies with what private consumer research firms have also been putting out.
- Q.** Kantar Worldpanel has reported volume contraction in the country's FMCG market for the last three consecutive quarters.
- R.** NielsenIQ has estimated India's fast-moving consumer goods (FMCG) sector to have registered minus 4.1 per cent year-on-year volume growth in January-March,
- S.** What's worrying, however, is consumer non-durables production growing by just 0.3 per cent in April, on top of 3.3 per cent for 2021-22.
- T.** minus 2.6 per cent in October-December, and 1.4 per cent in July-September.

U. Coming after a 11.4 per cent increase for the whole of 2021-22, it points to a recovery, albeit from the negative growth of the preceding lockdown-impacted fiscal.

Which among the following will be the **Second** sentence of the paragraph after the rearrangement?

- A. P            B.T            C.S            D.Q            E.R

**Direction (Q6 – Q9): Read the given sentences to find out whether there is any grammatical error in them**

6. A. Science has given us a lot, yet life is becoming more and more painful.  
B. She was startled to see in her drawing room a most popular film producer.  
C. He often tells us that he does not like anything more than sleeping peacefully.  
D. The manager put forward a number of criterions for the post.  
E. All are correct
7. A. It was no other than Indira Gandhi who evinced an exceptional ability to lead the country to fame  
B. She had no other hobby than that of wearing a dress of the latest design.  
C. He is the most successful man in the world I have ever known.  
D. The railway have made crossing tracks a punished offence.  
E. All are correct
8. A member shall be required (A)/ to pay interest at such rate (B)/ as is fixed by the committee. (C)/ No error (D)
9. Citizens cannot afford (A)/ to take the law (B)/ out of their hands. (C)/ No error(D)
10. **Find out the misspelt word**  
A. Plagiarize  
B. Inoculate  
C. Athiest  
D. Achieve

**Direction: Read the passage given below and answer the following questions.**

**(The Hindu Editorial: Shadow over Soren – 27 Aug, 2022)**

Uncertainty looms largely over Hemant Soren's continuation **(A)/** as Jharkhand Chief Minister as he is likely **(B)/** to be disqualified by the Governor as Member of the Legislative Assembly; the Governor has received **(C)/** the Election Commission of India's opinion on the question. **(D)**

But that technicality apart, it is a huge loss of face for him and the parties that form the ruling coalition in Jharkhand, i.e., the JMM, the Congress, and the RJD. **(1)/** The case against him has its roots in a mining lease that he gave himself as a Minister for Mines in 2021. **(2)/** He could also get elected in the meantime. **(3)/** Technically speaking, Mr. Soren could remain in the post for up to six months without being an MLA. **(4)/** The BJP complained to the Governor on February 11, 2022, that this act was in violation of Section 9(A) of the Representation of the People Act, 1951. The Governor referred the complaint to the Election Commission of India (ECI) for its opinion, as required by law, on March 28. On August 25, the ECI wrote to the Governor that Mr. Soren could be disqualified under Section 9(A). The awarding of a mining lease to himself was a \_\_\_\_\_**11**\_\_\_\_\_ act of self-service, misuse of

office and breach of people's trust. One cannot also not take note of the innocence of his thought that such a transparent act of corruption would go unnoticed or unpunished \_\_\_\_\_12\_\_\_\_\_ of his father Shibu Soren going to a bank and depositing the cash he had received as bribe. Mr. Soren's agonies may not end with disqualification. Two PILs against him are pending in the Jharkhand High Court which seek a **probe (A)** into the **alleged (B)** allotment of mining lease for a stone quarry in a 0.88-acre land parcel in the Angara Block of Ranchi and the alleged laundering of money via some shell companies said to be linked to his family members. On June 3, the High Court accepted the **maintainability (C)** of the PILs, holding that they did not suffer from any **anomaly (D)**.

In separate pleas, the High Court's decision was challenged by the Chief Minister and the State government in the Supreme Court, which on August 17 reserved its order in the matter and stayed the High Court proceedings. The BJP is waiting in the wings to \_\_\_\_\_13\_\_\_\_\_ the Jharkhand government, and has tasted blood. The arrest in July of three Jharkhand Congress MLAs in West Bengal with huge amounts of money they had allegedly received to defect was a smoking gun. \_\_\_\_\_14\_\_\_\_\_ by proceedings of disqualification as an MLA and potentially facing a corruption investigation, Mr. Soren will have diminished authority over the MLAs of the alliance. The honourable thing for him to do in this instance of disqualification would be to resign as Chief Minister. His absence from the central seat of power in the State will be a test for the alliance and its government.

**Fill in the blank with the most appropriate word given in the option (From Q11 – Q14)**

11. The awarding of a mining lease to himself was a \_\_\_\_\_11\_\_\_\_\_ act of self-service, misuse of office and breach of people's trust.
  - A. Desiccating
  - B. Elliptical
  - C. Disinterested
  - D. Brazen
12. One cannot also not take note of the innocence of his thought that such a transparent act of corruption would go unnoticed or unpunished \_\_\_\_\_12\_\_\_\_\_ of his father Shibu Soren going to a bank and depositing the cash he had received as bribe.
  - A. Reminiscent
  - B. Magnanimous
  - C. Dubious
  - D. Sequester
13. The BJP is waiting in the wings to \_\_\_\_\_13\_\_\_\_\_ the Jharkhand government, and has tasted blood.
  - A. Impetuous
  - B. Transgress
  - C. Upend
  - D. Rogue
14. \_\_\_\_\_14\_\_\_\_\_ by proceedings of disqualification as an MLA and potentially facing a corruption investigation, Mr. Soren will have diminished authority over the MLAs of the alliance.
  - A. Ebullient

- B. Cornered  
C. Salutary  
D. Frenetic
15. **The following sentence may or may not contain an error in one of its parts. Identify the part containing the error. If the sentence is correct, select 'No error' as your answers.**  
Uncertainty looms largely over Hemant Soren's continuation **(A)**/ as Jharkhand Chief Minister as he is likely **(B)**/ to be disqualified by the Governor as Member of the Legislative Assembly; the Governor has received **(C)**/ the Election Commission of India's opinion on the question. **(D)**
- A. (A)  
B. (B)  
C. (C)  
D. (D)  
E. No Error
16. **Rearrange the sentence to form a meaningful sentence.**  
But that technicality apart, it is a huge loss of face for him and the parties that form the ruling coalition in Jharkhand, i.e., the JMM, the Congress, and the RJD. **(1)**/ The case against him has its roots in a mining lease that he gave himself as a Minister for Mines in 2021. **(2)**/ He could also get elected in the meantime. **(3)**/ Technically speaking, Mr. Soren could remain in the post for up to six months without being an MLA. **(4)**
- A. 1234  
B. 2341  
C. 4312  
D. 2143  
E. 4231
17. **Find out the most effective word from the given options to fill in the blanks of the following question**
- (i) Congenital division of the left atrium is an unusual congenital \_\_\_\_\_.
- (ii) Flooding is an \_\_\_\_\_ in desert regions of Africa.
- (iii) The \_\_\_\_\_ of the social security system is that you sometimes have more money without a job.
- A. Investigation  
B. Allotment  
C. Association  
D. Anomaly  
E. None of the above
18. **In the following question, a sentence is given with four words marked as (A), (B), (C), and (D). These words may or may not be placed in the correct order. Four options with different arrangements of these have been provided. Mark the option with the correct arrangement as the answer. If no rearrangement is required, mark option (5) as your answer.**  
Two PILs against him are pending in the Jharkhand High Court which seek a **probe (A)** into the **alleged (B)** allotment of mining lease for a stone quarry in a 0.88-acre land parcel in the



Angara Block of Ranchi and the alleged laundering of money via some shell companies said to be linked to his family members. On June 3, the High Court accepted the **maintainability (C)** of the PILs, holding that they did not suffer from any **anomaly (D)**.

- A. ABCD
- B. CDAB
- C. ABDC
- D. DABC
- E. No arrangement

19. **Select the connector from the given options which can be used to form a single sentence from the two sentences given below, implying the same as expressed in the statement sentence.**

- (i) Going out with Herry has its risks.
  - (ii) Being with Jenny is as easy as falling off a log.
- A. However
  - B. Although
  - C. By comparison
  - D. Unless
  - E. Yet

20. **Fill the appropriate preposition in the given blanks**

I was fascinated \_\_\_\_\_ her because of her admirable manners.

- A. Of
- B. With
- C. By
- D. For

## Answers

1. C    2. D    3. A    4. B    5. C    6. D    7. D    8. B    9. C    10. C    11. D    12. A  
 13. C    14. B    15. A    16. C    17. D    18. E    19. C    20. B

[Practice Exercise]

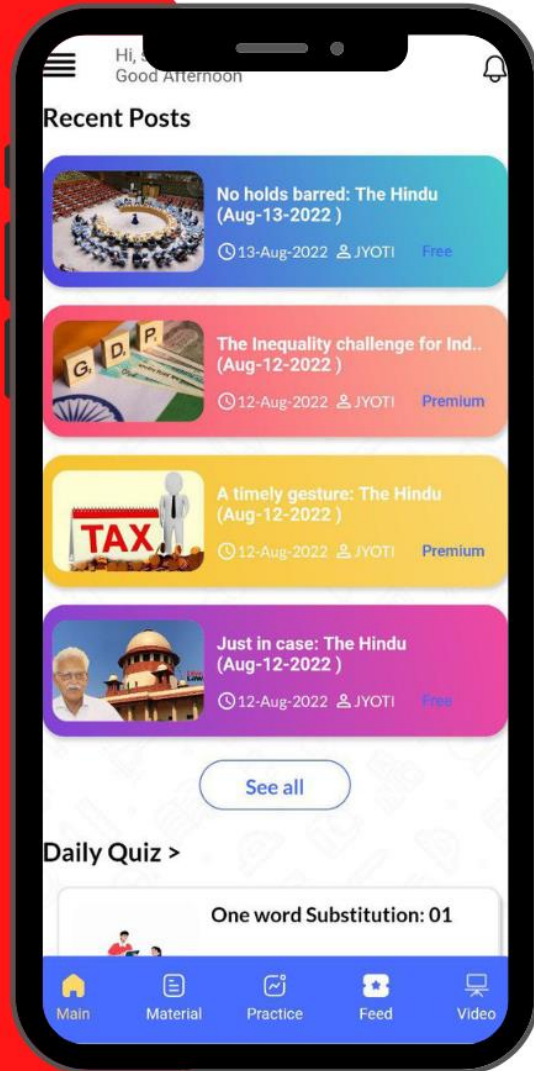
## Explanations

4. **Take one's foot off the pedal**(phrase) – to make less effort and start to relax आराम करना
5. **USPRTQ**  
 India's industrial output rose 7.1 per cent year-on-year in April. Coming after a 11.4 per cent increase for the whole of 2021-22, it points to a recovery, albeit from the negative growth of the preceding lockdown-impacted fiscal. What's worrying, however, is consumer non-durables production growing by just 0.3 per cent in April, on top of 3.3 per cent for 2021-22. The National Statistical Office's data tallies with what private consumer research firms have also been putting out. NielsenIQ has estimated India's fast-moving consumer goods (FMCG) sector to have registered minus 4.1 per cent year-on-year volume growth in January-March, minus 2.6 per cent in October-December, and 1.4 per cent in July-September. Kantar Worldpanel has reported volume contraction in the country's FMCG market for the last three consecutive quarters.
6. 'criterions' के बदले 'criteria' का प्रयोग होगा क्योंकि 'criterion' एक singular countable noun है जिसका plural 'criteria' होता है, न कि 'criterions'  
 ➤ 'criterions' will be used instead of 'criteria' because 'criterion' is a singular countable noun whose plural is 'criteria' and not 'criterions'.
7. 'punished' के बदले 'punishable' का प्रयोग होगा क्योंकि 'punishable offence' का अर्थ है 'दंडनीय अपराध'  
 ➤ 'punishable' will be used instead of 'punished'.
8. 'such rate' के बदले 'such a rate' का प्रयोग होगा क्योंकि such के बाद 'a/an' का प्रयोग होता है यदि इसके बाद singular countable noun का प्रयोग हो; जैसे-  
 i. Such a boy.  
 ii. Such a book.  
 ➤ 'such a rate' will be used instead of 'such rate' because 'a/an' is used after such if it is followed by a singular countable noun; like-  
 i. Such a boy.  
 ii. Such a book.
9. 'out of their hands' के बदले 'into their own hands' का प्रयोग होगा क्योंकि 'take the law into one's own hands' का अर्थ है 'कानून को अपने हाथ में लेना'  
 ➤ 'out of their hands' will be replaced with 'into their own hands'.
10. **Atheist** (noun) – Someone who denies the existence of god अनीश्वरवादी

11. **Reminiscent of** (phrase) – Similar to or suggestive of a particular person or thing. की याद दिलाना
12. **Brazen** (adjective) –bold and without shame. बेशर्मा
13. **Upend** (verb) – Overturn, topple, flip over, turn turtle उलट देना
14. **Corner** (verb) – to force a person into a place or situation from which there is no escape कठिनाई में डालना
15. Replace 'Loom largely' with 'Loom large' as 'loom large' is a phrase which means to become or seem more important and often cause worry.
16. (C) **4312**  
Technically speaking, Mr. Soren could remain in the post for up to six months without being an MLA. He could also get elected in the meantime. But that technicality apart, it is a huge loss of face for him and the parties that form the ruling coalition in Jharkhand, i.e., the JMM, the Congress, and the RJD. The case against him has its roots in a mining lease that he gave himself as a Minister for Mines in 2021.
17. **Anomaly** (noun) – abnormalcy, abnormality; deviation from the normal or common order or form or rule विसंगति
18. Two PILs against him are pending in the Jharkhand High Court which seek a probe into the alleged allotment of mining lease for a stone quarry in a 0.88-acre land parcel in the Angara Block of Ranchi and the alleged laundering of money via some shell companies said to be linked to his family members. On June 3, the High Court accepted the maintainability of the PILs, holding that they did not suffer from any anomaly.
19. Going out with Herry has its risks, **By comparison**, being with Jenny is as easy as falling off a log.

## Explanation of other important words

Sr.NO	Words		Meanings	
Q1	<b>Solicitous</b>	adjective	Eager and attentive, often to the point of hovering; anxiously caring or attentive	चिंताशील, उत्सुक और चौकस
	<b>Surreptitious</b>	adjective	Sneaky; secret	छल से किया हुआ
Q2	<b>Anguish</b>	noun	Agonizing physical or mental pain	पीड़ा, वेदना
	<b>Cogent</b>	adjective	Powerfully convincing	ठोस, यकीनी
	<b>Abate</b>	verb	To subside; to reduce	कम करना, रोक-थाम करना
Q3	<b>Impervious</b>	adjective	Not allowing anything to pass	अभेद्य, अप्रवेश्य
	<b>Inundate</b>	verb	To flood; to cover completely with water; to overwhelm	बाढ़ लाना
	<b>Incisive</b>	adjective	Cutting right to the heart of the matter	काटा हुआ
	<b>Admonish</b>	verb	To scold gently; to warn	डाँटना, चेताना
Q11	<b>Desiccate</b>	verb	To dry out	सूखना
	<b>Elliptical</b>	adjective	Oval; missing a word or words; obscure	अंडाकार
Q12	<b>Disinterested</b>	adjective	Not taking sides; unbiased	उदासीन, स्वार्थरहित
	<b>Magnanimous</b>	adjective	Forgiving; unresentful ; noble in spirit; generous	उदार
	<b>Dubious</b>	adjective	Full of doubt; uncertain	संदिग्ध
	<b>Sequester</b>	verb	To set or keep apart	पृथक, एकांत में रहना
	<b>Impetuous</b>	adjective	Impulsive; extremely impatient	अविवेकी
Q13	<b>Transgress</b>	verb	To violate (A law); to sin	उल्लंघन करना
	<b>Rogue</b>	noun	Criminally dishonest person; a scoundrel	दुष्ट
	<b>Ebullient</b>	adjective	Boiling; bubbling with excitement; exuberant	उत्तेजित, जोशीला
Q14	<b>Salutary</b>	adjective	Healthful; remedial; curative	लाभदायक, स्वास्थ्यप्रद
	<b>Frenetic</b>	adjective	Frantic; frenzied	उत्तेजित, क्रोधित



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