

HUL 360: Selected Topics in Philosophy
Ist Semester, 2018-19
Writing reflection

November 14, 2018

Instructions

This “writing reflection” is an opportunity to reflect over what you have got out of class, and gives me some feedback on how the course can be taught better in the future. It is due in-class during the major on Thursday, November 22, along with the old and new questionnaires on capital punishment.

Question 1 (300-500 words)

Fill out the Law Commission Questionnaire on capital punishment. Now look at your answers to the questionnaire which you filled out at the start of the semester. Have your answers to any of the questions changed substantially? If so, why do you think your views have changed?

Question 2 (300-500 words)

When you look back at the course as a whole, is there any particular topic or reading which you found especially interesting or challenging? Is there any which you really did not find engaging at all?

Question 3 (100-200 words)

Do you have any feedback or advice on the course plan in terms of the length/difficulty of readings, the course components and weightage (e.g. quizzes, minors, class notes, etc.)? Did you find any of the evaluation methods helpful in trying to understand the material?

Question 4 (200-300 words)

Do you have any advice for next year's batch of students? I will read it out to them at the start of class!

Name:

Title:

Profession / Occupation:

Institution:

Academic Qualifications:

Questionnaire on Capital Punishment

1. Are you in favour of retaining capital punishment on the statute book? (If in favour of retention, please see Q.2 & 3. If not in favour of retention, please see Q.4)

2. If you are in favour of retention of capital punishment, please indicate your reasons for the same -
 - a) Capital Punishment acts as a deterrent for future crimes
 - b) Retribution through death penalty is the most effective means of achieving justice for the victim and provide closure to the victim/victim's family and society
 - c) Capital Punishment ensures that the convicts are never released back into society as they may pose a threat in future
 - d) Capital punishment reduces the chances of convicts escaping from prison
 - e) Those accused of capital crimes do not deserve an opportunity for reformation
 - f) The severity of a crime should mandate an equally severe punishment
 - g) Capital Punishment ensures jails are not overpopulated/overcrowded as the current prison infrastructure is inadequate to accommodate too many prisoners for life
 - h) Capital Punishment may impose less financial burden on the State as the cost of imprisoning someone for life may be higher

- i) Any other reason.
3. Which of the above arguments in support of death penalty is the strongest?
- a) Deterrence
 - b) Justice
 - c) Satisfaction of effective punishment being delivered for victim/victim's families
 - d) Cost
4. If you are in favour of abolition of capital punishment, please indicate your reasons for the same -
- a) There is no conclusive proof that capital punishment acts as a deterrent for future crimes
 - b) Capital punishment imposes hardship and trauma for the convict's family who may have had no role in the crime
 - c) Capital punishment confuses the idea of retribution with justice and society must move away from the conception of "an eye for an eye"
 - d) Capital Punishment deprives people of the opportunity to reform
 - e) Most countries have abolished capital punishment
 - f) The imposition of capital punishment is not free from risk as there is a chance of innocent people being sentenced to death
 - g) The application of capital punishment is too judge centric and depends on a judge's personal belief against or in favour of death sentence
 - h) Economically and socially backward groups will always have greater chance of being subjected to capital punishment than the rich
 - i) Capital Punishment is a form of state sponsored violence
 - j) The mode of execution i.e. hanging by the neck until death is cruel
 - k) Any other reason .

5. In your opinion, can the sentence of life imprisonment as an alternate to capital punishment achieve the arguments mentioned in Q2 (if there is a stringent and periodic system of review of all prisoners before granting remission/reprieve/commutation)? Please indicate why.
6. The recent Criminal Law (Amendment) Act, 2013 introduces capital punishment for the repeat offence of rape (Section 376E). Should capital punishment extend to non-homicide offences? Please indicate your reasons for the same.
7. In your opinion, is the crime of murder as severe and abhorring as an act of terrorism?
8. Is it possible to divide murders into different categories for the purpose of sentencing, such that -
 - a) Murders punishable with death
 - b) Murders punishable with life imprisonmentIf so, what murders would you include in category a)?
9. Do you subscribe to the view that under normal circumstances the punishment of life imprisonment is adequate for murder but under aggravating circumstances, the Court may award death penalty?
10. Is it possible to divide offences into different categories for the purpose of sentencing, such that -
 - a) Terror Offences
 - b) Non terror OffencesIf so, do you think capital punishment should be retained for category a) and abolished for category b)?

11. Do you think the existing framework of police investigation and collection of evidence is full proof and guarantees zero room for erroneous convictions?
12. In your opinion, should crimes mandating capital punishment require a higher burden of proof over and above proof beyond reasonable doubt?
13. Do you believe that capital sentencing carries the risk of being judge centric?
14. In your opinion, should there be a provision for rehabilitation of families of criminals sentenced to death?
15. Do you agree with the current mode of execution i.e hanging by the neck until death? Please indicate why. Please suggest any other preferable mode of execution.
16. In your opinion, should mandatory guidelines be laid down for the Governor and President of India to exercise their powers of granting mercy under the Constitution of India in death penalty cases.