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**IAS MAINS
EXAMINATION**

From

13th April *to* 18th April 2026



INDEX

1. GENERAL STUDIES 1	01
1.1. CULTURE	01
1.1.1. Subhas Chandra Bose's Intellectual & Political Philosophy	01
1.2. GEOGRAPHY	04
1.2.1. Mining Sector in India	04
2. GENERAL STUDIES 2	08
2.1. POLITY & GOVERNANCE	08
2.1.1. On the Sabarimala Temple Entry Case and Review Petition	08
2.1.2. Capital Punishment and the "Middle Ground"	11
3. GENERAL STUDIES 4	23
3.1. ETHICS	23
3.1.1. Beyond Consent: Power, Legal Ambiguities and Ethical Dimensions of Abuse	23

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GENERAL STUDIES 1

1.1. CULTURE

1.1.1. SUBHAS CHANDRA BOSE'S INTELLECTUAL & POLITICAL PHILOSOPHY

Context:

Subhas Chandra Bose was not only a nationalist leader but also a **serious political thinker** who attempted a synthesis of **Eastern spirituality and Western materialism**. His thought represents a shift from **idealism** → **pragmatism** → **dialectical activism**.



1. Philosophical Foundations: From Vedanta to Dialectics

Bose's political actions were governed by a deep-seated philosophical evolution that moved from abstract spiritualism to "Revolutionary Pragmatism."

- **The Rejection of Maya:** Initially a follower of Shankaracharya's Vedanta, Bose eventually found the Doctrine of Maya (the world as an illusion) incompatible with revolutionary action. He argued that if the world is an illusion, the struggle for freedom loses its moral urgency.
- **The Reality of Spirit:** In his autobiography, *An Indian Pilgrim* (1937), he shifted toward the belief that the world is a manifestation of the **Spirit**. He defined the essential nature of this reality as **Love**.
- **Hegelian Influence:** Bose adopted **Hegelian Dialectics** (Thesis + Antithesis = Synthesis) as the law of progress. He believed India's mission was to find a "Higher Synthesis" between the spiritualism of the East and the material dynamism of the West.

2. Samyavada: The Doctrine of Harmonious Equality

Bose did not want India to blindly mimic Western "Isms." Instead, he proposed **Samyavada**—an indigenous socialist framework.

- **Etymology:** Derived from *Sāmya* (equality/harmony) and *Vāda* (doctrine).
- **The Third Way:** Bose viewed Fascism and Communism as competing stages in a dialectical process. He proposed a synthesis that would adopt the **economic planning** and **social equality** of Communism while retaining the **nationalistic discipline** and **cultural identity** often associated with strong-state systems.
- **Global Mission:** In *The Anti-Imperialist Struggle and Samyavada* (1933), he claimed that just as France gave "Liberty" and England "Constitutionalism," India's gift to the world would be the realization of Samyavada.

3. Economic Vision: Scientific Modernization

Bose was a staunch proponent of large-scale industrialization, often putting him at odds with the Gandhian "village economy" model.

- **National Planning:** As Congress President at the **Haripura Session (1938)**, he established the **National Planning Committee** (headed by Nehru). He believed poverty could only be eradicated through a "Scientific Blueprint."
- **Key Pillars of Reconstruction:**

- Social ownership and control of production and distribution.
- Abolition of landlordism (Zamidari system).
- Application of scientific methods to agriculture.
- Development of heavy industries alongside cottage industries.

4. Political Praxis: The "Strong State" Theory

Bose held a controversial but pragmatic view on the transition of power in a post-colonial society.

- **The Adarsha Sangh:** He believed that a fractured and impoverished India could not afford a slow, decentralized democracy immediately after independence.
- **Temporary Authoritarianism:** He advocated for a **Strong Central Government** with full powers for a "period of reconstruction." He pointed to the rapid transformations in Kemalist Turkey and Soviet Russia as evidence of the efficiency of centralized rule in modernization.
- **Definition of Freedom:** For Bose, independence was not merely political; it was the removal of caste, communalism, and wealth disparity.

5. Comparative Analysis: Bose vs. Gandhi

Feature	Mahatma Gandhi	Subhas Chandra Bose
Ideology	Spiritualism & Ethical Moralism	Revolutionary Pragmatism & Synthesis
Means	Absolute Non-Violence (Ahimsa)	Force as a legitimate moral necessity
Economy	Decentralized, Rural (Charkha)	Centralized, Industrial (Planning)
State	Skeptical of state power	Believed in a strong, centralized state

Critical Evaluation of Bose's Intellectual & Political Doctrine

1. Strengths: The Visionary Realist

- **Indigenization of Socialism:** Bridged the gap between Western Marxism and Indian tradition by framing *Samyavada* as "Harmonious Equality," making socialist ideals culturally resonant rather than a foreign import.
- **Early Architect of Planning:** Pioneered the shift from agitation to administration by establishing the **National Planning Committee (1938)**, recognizing that economic sovereignty is the backbone of political freedom.
- **Social Inclusivity:** Envisioned a radical *Purna Swaraj* that demanded the total eradication of caste and communalism, while actively mainstreaming women in combat and leadership (e.g., Rani of Jhansi Regiment).
- **Pragmatic Geopolitics:** Demonstrated sophisticated statesmanship by leveraging international power dynamics and alliances, viewing the global stage through the lens of strategic realism.

2. Weaknesses: The Risks of Authoritarianism

- **The Authoritarian Trap:** His proposal for a "strong central government" with absolute powers during reconstruction risks the "slippery slope" where temporary emergency rule evolves into permanent erosion of civil liberties.

- **Underestimation of Diversity:** A rigid, top-down "Adarsha Sangh" model arguably overlooked India's vast ethno-linguistic diversity, which required the flexible, federal democratic structure eventually adopted by the Constitution.
- **The "Synthesis" Dilemma:** Attempting to merge Fascism and Communism presents an ideological paradox, as both systems hold irreconcilable views on individual autonomy versus state supremacy.
- **Divergence from Mass Base:** By prioritizing revolutionary praxis and industrialization over Gandhian *Ahimsa* and rural empowerment, he risked de-linking from the agrarian masses that were the movement's primary engine.

Contemporary Relevance of Bose's Doctrine for India

- **Economic Sovereignty & "Atmanirbhar Bharat":** Bose's push for "scientific large-scale production" is mirrored in modern **Make in India** and **PLI schemes**. His legacy of strategic foresight continues through **NITI Aayog**, evolving from his original National Planning Committee (1938).
- **Strategic Autonomy & Multi-Alignment:** His pragmatic "national interest first" diplomacy serves as a precursor to India's current **Strategic Autonomy**. His focus on Southeast Asia remains a cornerstone of the **Act East Policy** and India's engagement in the **QUAD**.
- **Social Engineering & Inclusivity:** The **INA's** model of communal harmony provides a timeless blueprint for national integration. His creation of the **Rani of Jhansi Regiment** pioneered the vision of *Nari Shakti*, now realized through women's permanent commissions in the Armed Forces.
- **Governance & The "Strong State" Debate:** His demand for administrative efficiency aligns with the **"Minimum Government, Maximum Governance"** reform agenda. The debate over "decisive executive power" to bypass structural bottlenecks remains central to India's infrastructure and land reform discussions.
- **Technology and Governance:** As a modernist, Bose advocated applying science to social issues. This vision is manifested today in **Digital India**, where tools like UPI and Direct Benefit Transfer (DBT) utilize a "Scientific Blueprint" to ensure social justice.
- **National Character & Discipline:** Bose emphasized a disciplined "Adarsha Sangh" to lead national reconstruction. This focus on duty and disciplined citizenship resonates with modern initiatives like the **Fundamental Duties** awareness and youth mobilization through the **NCC/NSS** for nation-building.

Conclusion

Netaji's synthesis of **Vedantic idealism** and **scientific modernism** remains a blueprint for a self-reliant India. His legacy of **strategic autonomy**, **social harmony** and **industrial planning** continues to drive India's journey toward a developed, inclusive superpower.

Q. Subhas Chandra Bose's concept of Samyavada was an attempt to synthesize Eastern spiritual philosophy with Western political ideologies. Critically examine its relevance and limitations in the context of modern democratic India. 15 Marks

1.2. GEOGRAPHY

1.2.1. MINING SECTOR IN INDIA

Context:

As the backbone of India's industrial economy, the mining sector supplies essential raw materials for power, steel and cement. To achieve a **\$5 trillion economy** and **Net Zero by 2070**, the sector is shifting its focus from bulk minerals like coal to **strategic and critical minerals** like lithium and cobalt.



Significance of India's Mining Sector

1. Economic Significance: The "Primary Engine"

- **GDP & Industrial Impact:** Contributes **2.2%–2.5% to GDP** and accounts for **10%–11% of the Index of Industrial Production (IIP)**.
- **Multiplier Effect:** A **1% growth in mining** triggers a **1.2%–1.5% growth in manufacturing**.
- **Revenue:** Vital revenue stream for States via **royalties, auctions and District Mineral Foundation (DMF)** contributions.

2. Strategic Significance: Energy & Security

- **Core Input Security:** Provides essential raw materials for **Steel** (Iron ore), **Power** (Thermal coal – 70% of 2026 demand) and **Infrastructure** (Limestone).
- **Green Transition:** Facilitates **Net-Zero 2070** goals by supplying critical minerals (**Lithium, Cobalt, REEs**) for EVs, solar panels and semiconductors.
- **Strategic Autonomy:** Reduces reliance on imports (especially from China) to secure high-tech and defense supply chains.

3. Social and Regional Significance

- **Employment:** Employs **1 million directly** and **10–15 million indirectly**, absorbing labor in remote regions.
- **Regional Development:** Drives infrastructure (roads, rail, schools) in tribal and backward belts like **Odisha, Jharkhand and Chhattisgarh**.
- **Social Welfare:** The **PMKKKY** scheme utilizes DMF funds for local healthcare, drinking water, and education in mining-affected areas.

Geographical Distribution of India's Mining Sector

India is blessed with diverse geological terrains. The distribution is primarily concentrated in the following belts:

- **North-Eastern Plateau:** Jharkhand, West Bengal and Odisha. Rich in iron ore, coal, manganese and bauxite.
- **South-Western Plateau:** Karnataka, Goa, and parts of Tamil Nadu. High-grade iron ore and manganese.

- **North-Western Belt:** Rajasthan and Gujarat. Known for non-ferrous minerals like zinc, lead, silver and gypsum.
- **The Himalayan Belt:** Contains copper, lead, zinc and precious stones, though largely untapped due to ecological sensitivity.

Legislative & Policy Framework of India's Mining Sector

1. Constitutional Provisions

- **State List (Entry 23):** States own minerals within their boundaries.
- **Union List (Entry 54):** Central power to regulate mines in the public interest.
- **Union List (Entry 57):** Regulation of minerals in the **EEZ** and continental shelf.

2. MMDR (Amendment) Act, 2025: Latest Reform

- **NMET Expansion:** Rebranded as "**National Mineral Exploration and Development Trust**" with a global and offshore funding scope.
- **Contiguous Areas:** Holders can extend areas (10% for Mining Lease; 30% for Composite License) once without fresh auctions to prevent "locked" resources.
- **Captive Mine Flexibility:** Removed sale limits; surplus production can now enter the open market.

3. MMDR (Amendment) Act, 2023: Strategic Shift

- **Critical Minerals:** Identified **24 minerals** (Lithium, Cobalt, REEs) as "Critical and Strategic."
- **Private Entry:** Removed six minerals (e.g., Lithium, Titanium) from the "Atomic" list to allow private mining.
- **Exploration License (EL):** New license for **Deep-Seated Minerals** (Gold, Copper) to incentivize high-tech "junior" miners.

4. National Mineral Policy (NMP), 2019

- **Industry Status:** Granted to mining to improve commercial financing and reduce borrowing costs.
- **Inter-generational Equity:** Focuses on sustainable development for future resource availability.
- **Right of First Refusal:** Incentivizes exploration agencies with a share in auction premiums or priority rights.

5. Offshore Areas Mineral Act, 2023

- **Auction Regime:** Shifted from administrative allocation to **competitive bidding** for sea-bed minerals.
- **Composite License:** Single permit for both exploration and production in maritime zones.
- **Fixed Tenure:** Production leases set at **50 years** for long-term investment certainty.

6. Institutional Mechanisms

- **DMF & PMKKKY:** Statutory bodies utilizing royalties (10–30%) for local community welfare in mining districts.
- **Star Rating:** Evaluation system for mines based on environmental and social compliance.

- **Sashakt Portal:** Digital end-to-end monitoring using the **Mining Surveillance System (MSS)** to curb illegal activities.

Major Challenges Facing India's Mining Sector

1. Regulatory and Administrative Hurdles

- **Clearance Delays:** Overlapping Environmental (EC) and Forest (FC) clearances lack a true "single window," often delaying projects by 5–8 years from discovery to extraction.
- **Regulatory Risk & Friction:** Bureaucratic red tape and Center-State differences in political priorities create litigation risks and delay auction processes or lease renewals.

2. Environmental and Ecological Degradation

- **Biodiversity Loss:** Mining in dense forest belts (Odisha, Jharkhand) leads to massive deforestation, habitat fragmentation and loss of local flora and fauna.
- **Pollution & Waste:** Acid Mine Drainage (AMD) and unscientific disposal of "overburden" contaminate water bodies and degrade land, while dust severely impacts air quality.

3. Social Conflict and Tribal Welfare

- **The Resource Curse:** Mining-rich states suffer high poverty rates; inadequate rehabilitation and loss of traditional livelihoods fuel local resentment and Left-Wing Extremism (LWE).
- **Human Rights Concerns:** Illegal practices like "Rat-hole" mining in the North-East involve hazardous conditions and child labor, bypassing all safety protocols.

4. Technological and Exploration Gaps

- **Exploration Deficit:** India lacks the R&D and advanced technology required for **Deep-Seated Mining** (Gold, Copper), remaining largely restricted to surface-level extraction.
- **Data & Mapping Issues:** Outdated baseline geological data hinders "junior exploration" companies from accurately assessing the commercial viability of mineral blocks.

5. Illegal Mining and Nexus

- **Rampant Illegalities:** A nexus of local contractors drives widespread illegal sand and minor mineral mining, causing ecological damage and massive revenue loss.
- **Monitoring Gaps:** Despite the **Mining Surveillance System (MSS)**, tracking remote and scattered sites remains a significant logistical challenge for state administrations.

Case Study: Rat-Hole Mining in Meghalaya

Illegal, unscientific mining through narrow tunnels has led to frequent accidents and environmental degradation. The National Green Tribunal (NGT) banned it, highlighting the conflict between local livelihoods and safety/ecology.

Government Initiatives for Reform

- **MMDR Amendments (2023 & 2025):** Opened **Critical Minerals** (Lithium, Cobalt) to private players, introduced **Exploration Licenses (EL)** for deep-seated deposits, and allowed contiguous area expansion to prevent resource locking.
- **National Critical Minerals Mission (2025):** Focuses on securing green energy supply chains via domestic exploration, overseas asset acquisition through **KABIL** and indigenous processing.

- **PMKKKY:** Statutory mechanism utilizing mining royalties under the **Pradhan Mantri Khanij Kshetra Kalyan Yojana** for welfare (health, water, education) in mining-affected districts.
- **Star Rating & S-3 Strategy:** A sustainability framework that ranks mines on environmental compliance and social responsibility to incentivize **Sustainable Mining** practices.
- **MSS & Sashakt Portal:** Employs satellite-based **Mining Surveillance Systems** and a digital platform to ensure transparent concession management and curb illegal mining via real-time triggers.

Way Forward

- **Deep-Seated Exploration:** Shift to high-tech extraction of minerals like Gold and Copper by incentivizing "**junior miners**" and adopting advanced geophysical/geochemical mapping.
- **Circular Economy:** Promote "**Urban Mining**" and e-waste recycling (recovering Lithium/Cobalt) to minimize the extractive footprint and align with **Net-Zero 2070** goals.
- **Social License & ESG:** Ensure local communities are stakeholders through transparent **DMF spending** and strict adherence to Environmental, Social, and Governance (ESG) norms.
- **Downstream Value Addition:** Move from raw ore exports to domestic **processing hubs** for critical minerals to enhance strategic autonomy and the "Make in India" initiative.
- **Regulatory Streamlining:** Execute a time-bound "**Single Window Clearance**" that integrates environmental, forest, and wildlife approvals into a unified digital process.

Conclusion

The mining sector is vital for India's industrial growth and **Net-Zero 2070** goals. Balancing high-tech exploration with **sustainable practices** and community welfare will ensure mineral security, strategic autonomy and a resilient **Aatmanirbhar Bharat**.

Q. Despite India being one of the countries of the Gondwanaland, its mining industry contributes much less to Gross Domestic Product (GDP) in percentage. Discuss. 10 Marks

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2.1. POLITY & GOVERNANCE

2.1.1. ON THE SABARIMALA TEMPLE ENTRY CASE AND REVIEW PETITION

Context: The Nine-Judge Bench Review

The Sabarimala temple entry case represents one of the most profound constitutional dilemmas in contemporary India — the tension between **religious freedom and gender equality**. The 2018 judgment in *Indian Young Lawyers' Association v. State of Kerala* did not merely address the entry of women into a temple; it reopened foundational questions about the **scope of Articles 25–26**, the **Essential Religious Practices (ERP) doctrine**, and the **role of the judiciary in social reform**.



Evolution of Secularism

1. Comparative Models of Secularism

- **USA ("Wall of Separation"):** Based on the First Amendment; maintains **mutual exclusion** where the State and religion do not interfere in each other's affairs. It emphasizes **negative liberty**—protecting religious practice *from* state reach.
- **France ("Laïcité"):** Born from anti-clerical struggle; treats religion as a **strictly private** matter. The State asserts **primacy** by actively keeping the public sphere free of religious symbols.
- **India ("Principled Distance"):** Grounded in *Sarva Dharma Sambhava* (Equal respect). The State maintains a "principled distance," allowing **positive intervention** for social reform (e.g., banning Triple Talaq) and providing financial aid to religious schools.

2. Evolution of Indian Secularism

Phase I: Colonial & Nationalist Roots

- **Context:** Countered British "Divide and Rule" to unite a pluralistic society.
- **Decision:** The Constituent Assembly rejected "strict separation" to empower the State to reform religion-rooted social evils like untouchability.

Phase II: The Essential Religious Practices (ERP) Era (1954–1980s)

- **Shirur Mutt (1954):** Defined the **Essential Religious Practices (ERP)** doctrine; State regulates "secular" aspects (finance/admin) while protecting "essential" rituals.
- **S.R. Bommai (1994):** Reinforced the **42nd Amendment**, declaring secularism a part of the Constitution's **Basic Structure**.

Phase III: Transformative Constitutionalism (2015–Present)

- **Shift:** Priority moved from "tradition" to **Individual Dignity** (Arts. 14, 15, 21).
- **Sabarimala (2018):** Established that "Constitutional Morality" overrides even essential practices; individual rights now outweigh group/denominational autonomy.

Comparison: Article 25 vs. Article 26

Feature	Article 25	Article 26
Focus	Individual Right: Protects the person.	Group Right: Protects the "Religious Denomination."
Applicability	To " all persons " (citizens and non-citizens).	To every religious denomination or any section thereof.
Primary Scope	Freedom of conscience; right to profess, practice and propagate.	Right to manage religious affairs, own property and establish institutions.
Restrictive Clauses	Public order, morality, health, AND other Fundamental Rights.	Public order, morality, and health (NOT explicitly subject to other rights).
State Intervention	Allows State to regulate secular activities and provide for social reform.	Protects autonomy in " matters of religion " from State interference.

Essential Religious Practices (ERP) Doctrine

The **ERP Doctrine** is a judicial tool used by Indian courts to determine which religious practices are integral to a faith and thus protected under **Articles 25 and 26** of the Constitution.

1. Origin and Evolution

- **Shirur Mutt Case (1954):** The Supreme Court (SC) moved away from the "assertion of the community" and held that the Court would decide what constitutes an "essential" practice based on the tenets of that religion.
- **Objective:** To distinguish between **sacred rituals** (protected) and **secular activities** (associated with religion but open to State regulation, e.g., financial management).

2. The Test of Essentiality

To qualify as an ERP, a practice must satisfy the following:

- **Indispensability:** Would the fundamental character of the religion change if this practice were removed?
- **Scriptural/Tenet Basis:** Is the practice supported by the religion's foundational texts or long-standing traditions?
- **Integrity:** Is it a core belief rather than a peripheral or optional ritual?

3. Current Judicial Shift (2015–Present)

The doctrine has evolved from merely protecting tradition to being a tool for **Social Reform:**

- **From Ritual to Reason:** Earlier, courts protected most rituals. Now, they apply a **Constitutional Morality** filter.

- **Conflict with Rights:** If a practice (even if "essential") violates **Article 14 (Equality)** or **Article 21 (Dignity)**, the Court may strike it down (e.g., *Sabarimala Case*, *Triple Talaq*).
- **High Threshold:** In recent cases (*Adi Saiva Sivachariyargal*), the SC held that even pre-constitutional customs are not protected if they aren't core to the faith's identity.

Impact of the Supreme Court Judgment

1. Legal & Jurisprudential Impact

- **Constitutional Morality:** Redefined "morality" in Articles 25 and 26 to mean constitutional values (equality, liberty, dignity) rather than religious or individual standards.
- **ERP Scrutiny:** Raised the bar for **Essential Religious Practices**; a practice must now be "indispensable" to the faith. Exclusionary customs were labeled "backward rituals."
- **Article 17 Expansion:** Broadened "Untouchability" to include social exclusion based on biological factors like menstruation, not just caste.

2. Institutional Impact

- **Limited Autonomy:** Denied Ayyappa devotees "denominational" status, signaling that groups cannot use Article 26 to bypass equality laws.
- **Governance Reform:** Struck down **Rule 3(b)** of the Kerala Rules (1965), removing legal sanction for custom-based gender exclusion.

3. Social & Political Impact

- **Faith vs. Law:** In a deeply religious society, legal mandates that contradict long-standing traditions often face massive public resistance, making them difficult to enforce on the ground.
- **Polarization:** Sparked mass protests in Kerala; critics viewed it as secular "encroachment" on traditional faith.
- **Resistance:** Massive implementation challenges led to 60+ review petitions, necessitating the current nine-judge bench.

4. The "Sabarimala Legacy"

- **Broadened Review:** Opened a "Pandora's box," leading the SC to examine similar issues in other faiths (e.g., Entry of women into Mosques, Parsi Fire Temples, and Female Genital Mutilation Dawoodi Bohra community).
- **Substantive Equality:** Shifted focus from "formal equality" to dismantling structural oppression within religious institutions.

Way Forward

1. Harmonious Construction

- Seek a "**middle path**" where Article 25 (Individual Rights) and Article 26 (Group Autonomy) coexist.
- Religious autonomy should be respected unless it violates the core of human dignity and equality.

2. Refining the ERP Doctrine

- **Judicial Restraint:** Shift focus from interpreting scriptures to evaluating if a practice causes harm or discrimination.

- **Balanced Inquiry:** Consider both ancient texts and the **"living faith"** of the current community to determine what is essential.

3. Substantive Equality

- Move beyond "formal equality" to dismantle structural patriarchy and historical exclusion within religious spaces.
- Ensure "custom" is not used as a legal shield for discriminatory practices.

4. Internal Reform & Legislative Action

- **State Leadership:** The State should drive social reform through legislation (as per Art. 25(2)) rather than relying solely on judicial mandates.
- **Community Dialogue:** Encourage internal reforms led by religious leaders to reduce social resistance and ensure sustainable change.

5. Defining Constitutional Morality

- The Nine-Judge Bench must provide an **objective definition** of "Constitutional Morality."
- This creates a stable legal benchmark and prevents the term from being perceived as subjective judicial overreach.

Conclusion

While the Supreme Court pursues transformative justice, Hobbesian social contract theory warns that judicial intervention in deep-seated faith risks destabilizing the social order. Forcing secular reforms on religious "Leviathans" may undermine the communal stability that the state was originally contracted to protect.

Q. Judicial intervention in religious matters raises concerns of overreach as well as necessity. Discuss the challenges involved and suggest a way forward. 15 Word

2.1.2. CAPITAL PUNISHMENT AND THE "MIDDLE GROUND"

Context

The recent sentencing of nine suspended policemen to death by a Madurai trial court in the **Sattankulam custodial death case (CBI v. Sridhar)** has reignited the debate on India's sentencing architecture. While the judgment is seen as a stand against police brutality, it highlights a significant "sentencing trap" faced by trial courts in India.



Evolutionary Timeline of Intermediate Sentencing

The judiciary's shift from a binary "Life vs. Death" choice toward a trinary model highlights the development of the "middle ground."

- **1980: Bachan Singh v. State of Punjab** Established the **"Rarest of Rare"** doctrine. It ruled death should only be imposed when the alternative of life imprisonment is **"unquestionably foreclosed,"** creating the functional need for a more rigorous life-term alternative.

- **2008: Swamy Shraddananda v. State of Karnataka** Identified a "**hiatus**" in sentencing, noting standard life terms often resulted in release after 14 years via remission. The Court "invented" the **Special Category**: life imprisonment for a fixed term (e.g., 20–30 years) or **full natural life** without remission.
- **2015: Union of India v. V. Sriharan** A Constitution Bench formalized this "middle ground" but restricted its application. It ruled this power is an **inherent constitutional authority** of High Courts and the Supreme Court, remaining **strictly off-limits to Trial Courts**.
- **2022: Manoj v. State of Madhya Pradesh** Shifted focus to the **sentencing process**. It mandated that courts must actively investigate **mitigating circumstances** (mental health, social history) before choosing death, reinforcing the necessity of a calibrated sentencing path.
- **2025: Kiran v. State of Karnataka** Reaffirmed the **Sriharan barrier**, explicitly barring Sessions Courts from bridging the "gap between 14 years and death." This solidified the "**broken ladder**" effect, where the middle ground is accessible only at the appellate level.

Key Issue in Sentencing Powers of Trial Courts

The "Middle Ground" Paradox

The "**Middle Ground**" Paradox refers to the legal vacuum in India's sentencing architecture where a judge must choose between two extremes, despite the existence of a logical third option.

1. The Three Tiers of Punishment

In theory, Indian capital jurisprudence recognizes three levels of punishment, but only two are available to the judges who see the evidence first (Trial Courts).

- **Tier 1: Ordinary Life Imprisonment:** Technically "until death," but in practice, Section 433A of the CrPC allows for release after **14 years** through state remission.
- **Tier 2: The "Middle Ground":** Fixed-term life imprisonment (e.g., 30 years) **without the possibility of remission**.
- **Tier 3: The Death Penalty:** The "Rarest of Rare" execution.

2. The Nature of the Paradox

The paradox lies in the **Jurisdictional Barrier** established by the *Sriharan (2015)* judgment:

- **The Power Gap:** Trial Courts have the power to **end a life** (Death Penalty), but they lack the power to **limit a life** (Fixed-term without remission).
- **The All-or-Nothing Choice:** If a crime is too brutal for 14 years (Tier 1) but arguably doesn't meet the absolute peak of "Rarest of Rare" (Tier 3), the Trial Judge is trapped. They cannot legally choose the Middle Ground (Tier 2).
- **The Outcome:** To avoid a "lenient" 14-year sentence for a heinous crime, trial judges often feel "forced" to award the Death Penalty.

Jurisdictional Barriers: Trial Courts vs. Constitutional Courts

The Indian judiciary operates on a two-tier system for sentencing in capital cases. While both levels can award the death penalty, the "middle ground" is strictly partitioned.

Feature	Trial Courts (Sessions)	Constitutional Courts (HC/SC)
Death Penalty	Can award (subject to HC confirmation under Sec 366 CrPC / 407 BNSS).	Can award or confirm.
Standard Life Term	Can award (subject to statutory remission after 14 years).	Can award.
Fixed-Term Life	Strictly Prohibited (cannot award 20, 30, or 40 years without remission).	Authorized (can award "whole life" or fixed terms without remission).

Critical Challenges in Sentencing Reform

The Indian sentencing architecture faces structural hurdles leading to **"judicial arbitrariness"** in capital cases:

1. **"Sentencing Tool" Gap & Statutory Rigidity:** Current laws (CrPC/BNSS) offer only two extremes: Life Imprisonment or Death. The **Sriharan (2015)** constraint bars Trial Courts from the **"Middle Ground"** (fixed-term life without remission), creating an **"All-or-Nothing"** dilemma that often forces judges toward the death penalty to avoid perceived leniency.
2. **Institutional Failure of Mitigation:** Despite the **Manoj (2022)** mandate requiring "Probation Officer's Reports" and psychological profiles, data from **NALSAR's Square Circle Clinic** shows these are often ignored or treated as "tick-box" exercises, failing to provide a holistic view of the convict.
3. **The "Broken Ladder" Phenomenon:** A high reversal rate exists where Trial Courts award death sentences (due to lack of alternatives) which are then systematically commuted by Higher Courts. This **"yo-yo" effect** causes immense psychological toll on victims' families and prolongs legal uncertainty.
4. **Inconsistency in Judicial Discretion:** The absence of a legislated framework for "mitigating factors" (poverty, mental health, age) makes sentencing **judge-centric**. This leads to "idiosyncratic" outcomes where similar crimes receive vastly different punishments based on personal judicial philosophy.
5. **Systemic Police & Forensic Gaps:** Sentencing integrity is tied to **Police Reform**. As seen in the **Sattankulam** case, weak forensic standards and reliance on circumstantial evidence make death penalty decisions precarious; a shaky investigative foundation undermines the entire "sentencing edifice."
6. **Jurisdictional Conflict vs. Uniformity:** The Supreme Court justifies withholding fixed-term powers from Trial Courts to maintain **"Uniformity."** Critics argue uniformity should be achieved through **Appellate Review** (correction) rather than the pre-emptive denial of jurisdiction to the courts closest to the evidence.

Way Forward: Reforming the Sentencing Architecture

1. **Legislative Recognition of the "Middle Ground":** Amend the **BNSS (Bharatiya Nagarik Suraksha Sanhita)** to formally include "fixed-term life imprisonment without remission" as a statutory sentencing option available to **all courts**, including Sessions Courts.

2. **Devolution of Sentencing Power:** Overrule or modify the **Sriharan (2015)** constraint to empower Trial Courts with the full spectrum of sentencing tools. This would allow judges to bridge the "hiatus" between 14 years and death without being forced into an all-or-nothing binary.
3. **Institutionalizing Mitigation:** Transform the **Manoj (2022)** guidelines into a mandatory, standardized protocol. This includes creating a specialized cadre of **Mitigation Investigators** (social workers and psychologists) to assist courts in gathering comprehensive life-history data of the accused.
4. **Strengthening Forensic & Investigative Integrity:** Implement comprehensive **Police Reforms** to ensure that "Rarest of Rare" convictions are built on high-standard forensic evidence rather than circumstantial or torture-tainted confessions, reducing the risk of irreversible judicial error.
5. **Establishing a Sentencing Council:** Create an independent body to develop **Sentencing Guidelines**, similar to international models. This would minimize "judge-centric" variations and ensure that mitigating and aggravating factors are applied consistently across all judicial tiers.

Conclusion

The **Sattankulam verdict** underscores a "broken ladder" in sentencing. Empowering trial courts with fixed-term life options and institutionalizing mitigation is essential to resolve the "**all-or-nothing paradox**" and ensure a more calibrated, humane justice system.

Q. The restriction on trial courts in awarding intermediate sentences (life imprisonment without remission) creates a structural gap in India's criminal justice system. Critically examine in the light of recent judicial developments. 15 Words

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3.1. ETHICS

3.1.1. BEYOND CONSENT: POWER, LEGAL AMBIGUITIES AND ETHICAL DIMENSIONS OF ABUSE

Context:

Consent, often regarded as an expression of free will, becomes fragile in the presence of **power asymmetry and vulnerability**. When autonomy is shaped by influence, dependency and social conditioning, the idea of “choice” itself becomes ambiguous.

Survivor narratives and philosophical insights reveal that abuse is not merely an individual act but a **systemic condition enabled by power structures, legal gaps and societal attitudes**. Thus, the ethical question extends beyond whether consent was given to whether it was ever truly free.



The Pillars of Valid Consent

1. Consent vs Free Will (Ethics of Autonomy)

A. Ethical Foundation (Kantian Perspective)

- Consent is morally valid only when rooted in **genuine autonomy**.
- Individuals must be treated as **ends in themselves**, not as means for gratification.

B. Conditions for True Consent

- **Informed decision-making** leading to awareness of consequences and risks
- **Rational capacity** leading to independent and unbiased thinking
- **Emotional maturity** leading to ability to assess relationships critically
- **Absence of coercion** leading to freedom from pressure, fear, or influence

C. Violation in Power-Imbalanced Relationships

- **Age disparity**: Limits cognitive and emotional maturity
- **Power asymmetry**: Authority, influence, or dependency restricts choice
- **Psychological factors influencing consent**:
 - Fear: fear of harm or rejection
 - Admiration: idealization of authority figures
 - Desire for validation: need for approval
 - Emotional/economic dependency: inability to refuse

2. Consent–Coercion Continuum

A. Beyond Binary Understanding

- Relationships cannot be strictly categorized as either **fully consensual or entirely coercive**.

- Instead, they exist on a **continuum**, where varying degrees of influence, pressure and power shape individual choices.
- In such contexts, what appears as consent may actually be **partially influenced or constrained**, rather than completely free and voluntary.

B. Mechanisms of Subtle Coercion

- **Gradual normalization of exploitation:** The more powerful individual slowly builds trust and familiarity, progressively introducing inappropriate behaviour in a way that appears normal and acceptable over time.
- **Emotional dependency:** The victim develops emotional reliance on the other person, making refusal or withdrawal psychologically difficult due to fear of loss, rejection, or isolation.
- **Psychological conditioning:** Continuous influence reshapes how the individual perceives the relationship, often blurring the line between care and control, and making exploitation seem justified or natural.

The Philosophy of Free Will and Consent

1. Determinism

- This view holds that human actions are shaped by **prior causes such as biology, upbringing, social environment, and past experiences**.
- Individuals may believe they are making free choices, but their decisions are actually influenced by factors beyond their control.

2. Libertarianism

- Libertarianism emphasizes that humans possess **complete free will and agency**, allowing them to make independent and conscious choices.
- It forms the foundation of most **legal systems**, which assume that individuals are responsible for their actions if they have given consent.

3. Compatibilism

- Compatibilism offers a middle path, suggesting that **free will and external influences can coexist**.
- It argues that choices can still be considered “free” as long as there is **no direct or explicit coercion**, even if some background influences exist.

Challenges to Free Will in Consent

1. **Structural Power Inequalities: Constrained Choice:** Deep-rooted hierarchies based on age, authority, gender, or economic status limit the ability of individuals to make independent decisions. In such unequal relationships, the weaker party may feel compelled to comply, making consent **situational rather than truly voluntary**.
2. **Legal Ambiguities: Exploitable Grey Areas:** Variations in age of consent laws and lack of uniform legal standards create loopholes that can be misused. This weakens protection for vulnerable individuals and allows perpetrators to justify actions within **technical legality but ethical wrongdoing**.

3. **Social Conditioning → Normalization of Exploitation:** Cultural narratives often romanticize unequal relationships or portray vulnerability as maturity. Such conditioning shapes perceptions, making exploitative relationships appear acceptable and reducing the individual's ability to **critically evaluate their choices**.
4. **Psychological Constraints → Distorted Perception of Choice:** Factors such as emotional dependency, fear, desire for validation, and grooming can influence decision-making. Victims may internalize control and perceive their actions as voluntary, even when their autonomy is **subtly undermined**.
5. **Institutional and Ethical Failures → Weak Safeguards:** Lack of accountability, poor enforcement of laws, and absence of empathy within institutions fail to protect vulnerable individuals. This erodes trust and allows abuse of power, further restricting the conditions necessary for **genuine free will and informed consent**.

Way Forward: Strengthening Free Will and Ethical Consent

1. Legal Reforms Ensuring for Clarity and Protection:

- Harmonization of age of consent laws across jurisdictions
- Closing legal loopholes that enable exploitation
- Establishing **victim-friendly justice systems** with sensitivity and accessibility

2. Institutional Accountability to Curb Abuse of Power

- Strict accountability mechanisms for authority figures
- Clear **codes of conduct** in institutions (schools, workplaces, public offices)
- Independent oversight bodies to ensure enforcement

3. Ethical Governance Promoting Transparency and Responsibility

- Strengthening **integrity and probity** in public and private institutions
- Ensuring transparency in decision-making and grievance redressal
- Fixing responsibility on those in positions of power

4. Social Transformation through Changing Attitudes and Norms

- Public awareness on grooming, abuse, and power dynamics
- Challenging stereotypes that normalize unequal relationships
- Promoting **gender sensitivity and ethical awareness** through education

5. Promotion of Core Ethical Values

- **Integrity** → ethical and responsible use of power
- **Empathy** → understanding victims' lived realities
- **Compassion** → providing emotional and institutional support
- **Justice** → ensuring dignity and fairness for all
- **Responsibility** → holding the powerful accountable

Conclusion

The discourse on consent reveals that it cannot be treated as a **standalone moral or legal shield**, especially in contexts of power imbalance. Consent must be evaluated within a broader ethical framework of **autonomy, dignity, and justice**.

A society committed to ethical governance must move beyond asking *"Was there consent?"* to asking *"Was there true freedom, equality, and dignity behind that consent?"* Ultimately, **protecting the vulnerable and ensuring ethical responsibility of the powerful is the true measure of justice**.

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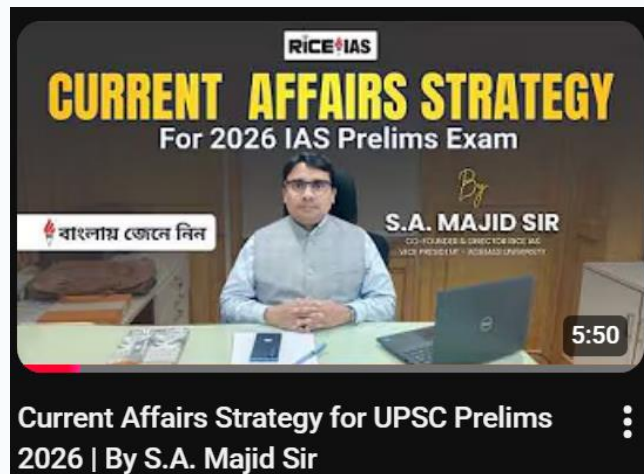
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