2.1 Literature reviews

Bhumika N. (2012). Had written in her article whether death penalty violating under article 19, 14 and 21 of the Indian constitution. Krishna Ayer judge express their view in Rajendra Prasad case death sentence is violated U/A 21,19,14 of Indian constitution. One more Jagmohan Singh case death penalty could not violated under article 19 of the Indian constitution. One must agree with the Hon’ble Krishna Ayer. Death penalty is violated under art 21,19,14. Constitution of India capital punishment is not rule it is an exception of judgments today one need to unanimous judgment so secure and protect the people and society.
Shallu B.A. (2010) has written in her article criminal or any person should not be leave without except when he might be more dangerous of set free after some period U/A 21 Indian constitution and it postulates person depressed of life in procedure, the death penalty is fair, reasonable and practical. Dr. Shallu has explained Rajiv Gandhi in the year 1991 in this case twenty six accused guilty committing crime under the POTA act 1987 death sentence to them in the year 1998. The supreme court in 1999. Rajiv Gandhi’s killer is waiting still for their execution. The president has not yet taken any decision on mercy petition or the social economical background of the person. One of the point delays the capital punishment it is delay in the execution mercy petition disposal against the principle of rule of law.

M.B. Biradar (2012) has written in his article about the rights of a man such as social right and cultural right, natural right as well as right to live death sentence condemns or curtails most of these rights. The human rights organization tries to improve the quality of life rather than to finish life. Death penalty is not necessary for no person is ever born criminal and everyman is born as a good child some circumstances or fanaticism compel him there to commit crime. The criminal jurisprudence says ‘Hate the crime and not the criminal’. There are many reasons in death penalty against the human rights as well as the abolition of capital punishment. Offence under the punishment is murder, highway dacoit, robbery, atrocities on women and child gang rape internet obscenity and economical offences or white collar offences. The first sentence will be to award life imprisonment and not death sentence India has retained the capital punishment in certain cases but the basic human right to life is well protected under the constitution.

Prerna D. S. (2013) has written in her article case death sentence is the law and the policy of ‘the rarest of the rare’ she has referred to Bachan Singh case law and Human right activities and NGOs are against the death sentence I.C.O.C.and P.R. suggest to abolish punishment countries move abolition of crime is correct to define that motive of the punishment ought to abolish crime and not the criminals capital punishment us exceptional and life imprisonment is the rule. She further give example of few cases which have been declared as ‘rarest of the rare’ case. Secondly swami Shraddananda V/S State Of Karnataka court held that accused murdered his wife cold blooded and it had been pre-planned. The court should consider and investigate the reasons behind the crime. Capital punishment should be considered as the last option and should not awarded first
for public pressure and political significance the cold blooded manner murder and crimes against women, especially from personal religion, caste based reasons and revengeful attitude must be very severely punished.

Anoop K. (2013) had written in his article the society has an angry cry for justice against the criminal, sexual offenders are often termed as monster, beasts and sex friends. By the society the special wrath against the social harmony trouble by sexual offences as rape are all inhuman acts. That the shake the root of the whole society, and so the society demands death penalty. The sexual offences are the most barbaric and brutal acts. Anoop kumar has explained rape and murder in detail he gives example of the Supreme Court case law surrender pal v/s state of Gujarat. The trial court originate the accused was responsible of the offence of rape. He was sentenced to death and it was definite by the high court. But the Supreme Court transformed punishment of death to life imprisonment on the ground case did not fit in to the rarest of the rare type.

Srivastava S. & Srivastava P.K. (2011) have written in their article some countries such as Britain and Germany are against the capital punishment they had abolished death sentence but India and America have retained death sentence and impose suggestion exceptional crime and special reasons. Death sentence is deprivation of one’s life which has been protected by under art. 21 the constitution of India. Court of law up held the constitutionality of capital punishment award in rarest case and special reasons. Death penalty could be awarded only in white collar offenders anti social offences and against the hardened criminals. Justice Bhagwati in Bachan Singh verses State of Punjab held death penalty as unconstitutional and violating of under art. 21, 19, 14 the constitution of India. It is brutal and cruel. Capital punishment is arbitrary and there is no legislative policy. Justice Bhagwati express his view it extend death penalty appears from the point of Indian constitution as if it were against the death penalty and a violating under article 14,19,21, of the constitution. Special reasons justifying death penalty and the rarest of the rare types of cases are yet to totally and exactly defines approximations give a special perspective as per the respectively of the concerned judges.

Arnim A. (2009) has written in his Human beings interrogate and appeal and control deviance. The criminologists, juri, social and lawful professional have a mixture
of aspect about offense and punishing system but there is no solution to control the crime has written history, execution of death penalty constitutionality of death penalty. He has written that there is a require for abolition of death penalty. Nextly death penalty for rape, terrible crime in opposition to women that question that death penalty abolition or retention.

Rustam S. (2012). Has written in his article the Mahatma Gandhi is the thrust of the reformatory theory of punishment. One line “An eye for an eye and the whole world blind” it was an old jungle law criminals as inhuman this theory is slowing the nature of the modern society. Rustam Singh has written in his article use phrase VR. KRISHNA IYER J. An innocent person is a crime against society, a man cruel, callous, pre-programmed when murdered. Such person forfeits his rights to life A.P. Sen. J. these two statements figure out that in Indian judiciary regarding the imposition of punishment upon the convicts.

Suhas C. (2013) has written in his article Asian centre for human rights in short (ACHR) he has written in his article Afzal Guru case the death row convicts. In the prison manual by the home ministry the disappointment to information to the family members. The government of India total of 1455 offenders were sentenced to death during an average year 132.27 criminals 2001 to 2011, Suhas Chakma gives (ACHR) One offender was given the death penalty in India as every third day on average less. He has explained the state wise by table of the death penalty in 2001 to 2011.

Murlidhar S. (1998). Has written in his book constitutional validity of death penalty. The law commission of Indian 1967 submits 35th Report to the government. It is not justified to retain the death and has also referred to about Jagmohan case law earlier. The death sentence extinguished all freedom guarantee U/A19 (1) (a) to (g) unreasonable. The second judge awarded either of the tow Legislation, policy or standard set of penalties or an abolition thirdly judges it violated under art. 14 the constitution of India since tow person were create culpable of murdered and suggested they must be treated different. The lack of established procedures under the law of life can be extinguished due to a violation of article 21.

Autrisaha & Pritika R. A. (2009) had written in book. The supreme court had suggested well come steps in Indians jurisprudence the revisits the case Bachan singh
case has written life imprisonment is rule and death penalty is exception and to the consent of rarest of rare saying in Santosh Bariayar case accused convict U/S 302,364B, 120B, of I.P.Code Bariyar to death sentence but two other Hon’ble judges declared the life imprisonment .The High Court observes that bariyar was the main architect the court observed that . In view of the history of any criminal offense in court, they are not professional killers nothing before them to show that reformed and rehabilited ,sentence him to life imprisonment this judgment is a well come step in the direction of abolition of death penalty .
Rajindar S. (2013) had written in his article. Dr. Ambedkar were opposed to death penalty he has respectfully follow them Kasab was involved in the terror attack. Two and expressed his desire to see his mother all this could be avoided before hanging. The family member were not give opportunity to meet the accused. That there are so many issues arising before the Indian government and judiciary is not taking any proper procedure. The basic problem remains whether such a hardened criminal be hanged for his cruelty against a country or he should be excused for his age and his religions ambitions whatever.

Hood (2002) pointed out, research literature almost exclusively focuses on the use of capital punishment for murder. Death penalty extensively (see, however, Avio 1979 and Layson 1983 Canadian study and the UK study Wolpin 1978) is where the vast majority of studies, the United States of America has been dealt with.

Shivam vij(2013). had written in his article. Death sentence does not serve beyond doubt two third of the world to abolish death sentence Indian judges sentence death and other have been life and still others are acquitted form death sentence is nothing but only a legal lottery. Committee for protection of democratic right held in favour of closing down death punishment. It is no specific rule and procedure to adopt in India, to pronounce the death punishment. At times the conviction or the acquittal is a matter of fate only.

Venkatesan V. (2011) had written about Ajit Singh Harmansingh Gujral v/s State of Maharashtra. The Supreme Court judgment says the most heinous and barbaric murder invariably the rarest of rare case burden of death. He had written in the case of Bachan Singh that the life imprisonment is rule. He refers to law commissions 35th report –Has
surveyed hard data and said. We study prisoner released from jail Supreme Court studies data of commission. The court power wishes to abolish death penalty it has not so for good quality of the prisoners who are out of prison after their respective punishments one may think in this article the parliament has power but does not act while the death penalty court wishes to avoid death penalty but has no power.

Justice S. K. had written in his article. He has referred the case law Ramnaresh v/s State of Chattisgarh relevant extract from the judgment the court provides certainty and a greater clarity and also the special reason, and rarest of rare case the court keep in brainpower that it is being sufficiently punitive and purposefully preventive he refers to Bachan Singh, Machi Singh, Naresh Giriv/s State of M.P.(2001)9 scc615) in this case crime is heinously committed in spite of that death sentence is replaced by to life imprisonment. One feels in this article that there are many case laws that define that death penalty’s conversion to life imprisonment is adopted because rarest of rare is not defined to pronounce death penalty hence it option for life imprisonment.--- Justice Swatanter Kumar(2012).

Shantanu J. & Hirdesh S. (2013). Had written in article. Had raised the issue whether the death penalty be abolished, whether Afzal Guru case is relevant other judicial decisions, whether death penalty alternative punishment for murder u/s302 of I.P.C., wheather u/s 302 of I.P.C. apposite nation of U/A 19,14 constitution of India these issue been vigorously debated on national in addition to international levels . He had written that Indian juri is a mix together of reformative and deterrent theories. He had written that English had abolished death penalty, death penalty act 1965 and soviet union death penalty was abolished in 1947. French penal code 1810 amend in 1959 retained death sentence. The capital punishment is a part of Indian law. In the international view the capital punishment should abolished there is no specific provision to define that capital punishment should not be imposed.
Rajendar S. (2010) had written in his article and give some important expression some thought by important personality Gandhiji who said “I do Ahinsa contrar’ll feel like a punishment. He who gives it and takes. Dr Ambedkar said “I have in this country is the right thing to do would be to abolish the death penalty completely moyars think this is “He had written in Canada death penalty was abolished in 1976 and in U.K. 1965 south Africa in 1995 A.P.J. Kalam said why all those on death raw were the poorest of the poor. Remain well known only for the sake of official unacknowledged. One has to think over the fact great philosophers and many countries are against death punishment. From human point of view it should be abolished sooner or later.

Soutik B. (2012) had written in his article India allows death penalty in rarest of rare crimes had written and explained Ajmal Qasabs attack on Mumbai and Bhartiya Janta party (B.J.P.) demanded execution of death for him for his war against country hence no mercy petition be allowed. The capital punishment says there is refusal proof to explain the death punishment deters crime. According amnesty international impose death sentence. It seems the countries against penalty are tow third of the whole world they favour of death penalty it is against the humanity no one has right to take life for one is able to give life to a dead person.

Chandrika P.S. (2004). She had written Benthan and Cesare Beccaria express sentence is an evil in South Africa the first judgment in 1995 to abolish the capital punishment in cruel, inhuman, degrading, today 68 countries have abolished the capital punishment for crimes. Wheather the capital punishment has deterrent quality or not answer that capital punishment should have maximum deterrent effect. The retention of capital punishment is more effective than any other penalty. Question there is always a as for as attitude is related it arises wheather the death penalty or retention we cannot be constantly adopted.

Rajindar S. (2012) had written. The worlds abolish the death penalty. The United nation passed a resolution on 20/11/2010 that all nation of on death penalty if they do not agree to abolish death penalty. He had presented one case Balwant singh award death
penalty for murder of the Punjab chief minister bent Singh in 1995. The ultimate denial of human right, and it violates the rights to life. The punishment of death will be life imprisonment. It is crystal clear that Justice Rajendra Prasad catches the starting point to put an end to the capital punishment there are so many cases but the government and parliament observed to abolish death punishment.

Yog M. C. (2013) had written in his article. Three social institutions the police which gathers evidence machinery the court which adjudicates guilt and poses sentence executive which thinks over mercy petition he had written in his article India is disgracefully corrupt, false, criminalized police force and the evidence is obtainable in the court by the police officer. The court considers evidence adjudicates or not he gives examples of many cases. It appears the court can take cognizance to the point of view, nature of the case but the some corrupted police officers never send correct reports.

Karthikeyan D.R. (2013) had written in his article. He had written question that death penalty retention or abolition. Man lives the society to protect the deviant of the society how for “eye for an eye”. “Tooth for tooth”. Emerged it is a jungle law. Innocent person also found guilty and convicted for it is based on wrong evidence and misconception of the circumstantial evidence. It seems that death penalty in India retention or abolish many question arising whether death penalty retention or abolish.

Mr. Gajendra S. (2013) had written in his article “capital punishment for rape”. Had written Hindu dharma talks of Narak for evil doors, Muslim talks of Jahannum and Christianity of hell every religion talks of reforms the act of rape is most heinous crime against human therefore the punishment should also be very painful. It seems that the crime and it is physical assault on a women she has to face mental torture, too along with physical injury. Indian court rules the ‘rarest of rare’ cases the person who has committed offence of rape must be led death.

Ahmad I.G. (2013) had written in his article capital punishment applied with special reason brutal murder and the gravest offences against state. He had written penological aspect deterrent theory, preventive theory, retributive theory, reformative theory and rehabilitative theory. He had written Indian scenario define Mithu v/s state of
Punjab. The apex court declared that u/s 303 of I.P.C. is unconstitutional. It is not tune article 14, 21, of constitution. He had given example of Jagmohan sing case and Rajendra Prasad case It seems that society wants peace, security and cleanliness for crime, there is no solution. The person was passed death penalty it is not solution punishment of death penalty to control the crime.

Sapre ,& Karmarkar M.D. (2012) had written in their article Ajmal kasab, sarobjeet singh and Afzal guru cases had written death penalty is commonly used in cases of heinous crimes. Capital punishment awarded U/s 121,132,194,302,303,305, 396, of I.P.C. they had define mode of execution in death question arise capital punishment retention or abolition. Third person point of view India peace loving country of the world our culture, traditional forget guilty and chance to give reform himself.

Suhrith P. (2013) Had written beccaria treatise publish treatise has two view 1)objectives of punishment states right to take life of a citizen opposed to the society drive its sovereignty lord Macauly drafted the Indian penal code in 1860. The only reason of murder was punishable with death rope was punishable mere imprisonment cannot be placed on the same class of murder the law reverts to deterrence and reformation for justification. It seems that we change the law for rape or any crimes and awarded the death sentence for the rapist.

Aknsha A. (2013) had written in his article many countries the thought is different in Arabic countries they choose retributive punishment “eye fo an eye” other including India restorative and reformist Indian grant capital punishment “rarest of rare cases” and hardened criminals he had explained case law. Third person point of view capital punishment should be abolished in India.

Raina S.M.N. (2012) had written abolition of death penalty had refer Jagmohansing case and Bachan Singh case observation of KRISHNA IYER.J in Rajendra Prasad consider the social ethical spiritual aspect of death penalty .Bhagwati .J. violation
of article of 14 and 21. It seems that death penalty is violation of article 14 and 21 of Indian constitution 1950.

Ghatak .N.M. (2011) had written “Between the death penalty and the execution of things” he had written in his article 35th report of law commission on death penalty 1967 and Royal commission on death penalty 1949-1953 three point are observed 1) less painful 2) quick 3) least mutilation of the body. He had define method of execution feet, throwing cliff, Boiling oil, Stoning till death, etc. In India adopted the method of execution of death is hanging by till death.

Dave M. (2012) had written in his article “a key domino? Indonesia death penalty politics”. Indonesia is at cross roads regarding death penalty whether to be abolish or not Indonesia has carried out 22 death penalties since 1998 Indonesia confuses that capital punishment with retention or abolish.


Jocelyn S. (2013) had written in his article” India gang rape sentencing death penalty explained”. Had written two execution 2008 death penalty 1) Mohammad Ajmal kasab Mumbai gun attack 2) 2013 Muhammad Afzal attacked Indian parliament had written Asian centre for human right 2001 to 2011, 455 convicts sentenced to death 203 rape resulting to death in case of rapist on pregnant women, mentally retarded or immature girls were sentenced to death.

Jayant S.& Bhavya N. (2012) had written in their article judicial review of clemency power vis-à-vis capital punishment most heinous and barbarous activities are common part in society where there are serious problems of youth. The capital
punishment penal provision in the rarest of the rare under article 72 article and article 161 constitution of India pardoning power of the president or governor they had given number of examples like Mohammad Afzal case, who was victim of both delay and at last being hanged to death.

Kannabiran K.G.(2012) had written in his book the death penalty was itself a grave crime some countries had abolished death penalty in all crimes. India could not risk to abolish death penalty because the maintaining social peace will be hard and there would be problems of law and power. Unfortunately the younger generation for various reasons has turned short tempered and less tolerant.

Mr. Ankur Gupta had written in his article civil social organizations and their increasing prominence in the supreme of human rights he thinks politics and governance the human life defined as theoretical constructs of the concept of civil society and also defines human rights activism and civil social organizations NGOs, CSO, and also define human rights breach in the face of terrorism the Parliament enact the prevention of terrorism (POTA), but there are many difficulties in it. The social organizations have their own views regarding the capital punishment.

Roger Hood had written in his article “capital punishment”. That historically considering the punishment of death executed generally in murder, arson, treason and rope. It is written in Islam law the quran declares capital punishment for more than a few offense include Robbery, Adultery, apostory of islam. The assassinate treated the law of Qisas (retaliation) it means the relatives of the victim decided the punishment of the criminal death or compensation. All religion of the world have defined death penalty from their various points of view.

Nagar and C. Parwani had written in their article capital punishment in india an assessment of its deterrent effect. They thinks causing death of human being by force is both legal and illegal. The judiciary followers the procedure establish by law there are
questions that arises that whether death sentence abolished and classification of Jeremy Bentham's approach of theories bantham opposed the death penalty.

V.N.Murlidharan had written in his articles 'life after death'. That gives interpretation and pronouncement of the High court and the Supreme court Madhuranatha v/s state of Karnataka, Sahib hussain case and Guruvial Singh case The trial court awarded death senence High court confirmed it but were reduced to life sentence by the supreme court. Gopal vinayak Godse case, dalbir singh case and kamalnanda are discussed and the prison act shows that do not have any rule to term of life imprisonment. It seems that court pronounced death and the other court acquitted the offender or turned the death sentence to life imprisonment.

Aditi Dalkoti has written in her article 'Moratorim on death penalty an Indian case’ she thinks when death sentence awarded in any case the judge adopts the doctrine of the rarest of rare. This doctrine is indistinguishable in the latest case of Santosh Bariyar and Sangeet cases where the sentence was commuted the trouble is in the term. The rarest of the rare for the concept is not clear it is not completely. The differentiation between the rarest of the rare and its relationship with a particular case are both ambiguous and clumsy.

M.B.Biradara had written in this article ‘Abolishment of death sentence emphasizing human birth as accidental on the eath person is born criminal every one born good. The death sentence commutes to life imprisonment he gives religious and spiritual explanation ‘Thou shall not steal thou shall not kill’. Mahatma Bashveshwara the article sterres and why the poor persons are only executed and the rich and the politicians are in most cases spared.

Dr. P.R.Kumar had written in his article ‘capital punishment’. A fractured conscience on life and death he thinks capital punishment has a place in modern democratic society the innocent victims of miscarriages of justice. He says let hundred guilty escape but let not a single innocent but punishment has a place in modern democratic society. The innocent victim of miscarriage of justice he says let hundred guilty escape but let not a single innocent be punished. He thinks oner the religious question in the judgement of maneka Gandhi case as fair just and reasonable.
Loseke (1999:16-17), had written in his article typifications "create humans that can be classified by means of the "“that we shall characterize the image." A “typify
“Sometimes, for example, to practice a wide range of cultural practices affecting indicates that about race and crime (i.e., more crime than whites, blacks

Recently, another group of persons exempt from capital punishment, insanity or mental retardation who meet the requirements. In 1986, Ford v. Wainwright (477 U.S. 399), the Supreme Court banned the execution of insane persons.

Then in 1989, Penry v. Lynaugh (492 U.S. 584), the Court did not violate the Eighth Amendment to execute persons with mental retardation was that. However, in Atkins v. Virginia 2002, (536 U.S. 304), the Court held that the opinion was opposed to the execution of the mentally retarded is cruel and unusual punishment and the punishment that violates the Eighth Amendment’s prohibition concluded.

A USA Today in May 2005 (June 2005) article in the Gallup Poll respondents parole (alternative sentence of life without the option is granted, 74% of the American public support for capital punishment, death penalty, but the backing drops to 56% that found in USA Today, June 2005). Multiple socio-economic factors affect not only as a punishment for supporting or opposing the death penalty; variables such as race, gender, class, age, and political perspective, this form of punishment and may account for the opinions.

Baker, Lambert, and Jenkins (2005) Women in the death of four-time ace, class is restricted to the fine than men, and were less likely to support region. Murray (2001) 1998 Gallup Poll (Jan.16-18) 24% higher in men than women have supported the death penalty to life in prison.

Bowman (2005), men and women and the death penalty for crimes committed by ruling a significant difference exists when compared to the same study found that the federal sentence. Men and women have the opportunity to see a one in ten chance of being convicted and sentenced to death was a single.
David and Carmichael (2002) Socio-economic class has played a significant role in supporting and opposing capital punishment. His overall perspective of the sentence, "racial and ethnic Underclass is shaped by the memory of the economic Underclass." They also high-middle and upper-classes based on their belief that there were more likely to support the death penalty for crimes committed because of deviance. Mainly in the lower socio-economic classes of crimes, economic, educational and political injustices are committed to the belief that opposition to the death penalty.
Similarly, Baker, Lambert, and Jenkins (2005) who classified themselves as middle to upper class and lower class than I have found a more suitable punishment.

Support for the death of two variables of gender and class, when you play a significant role. Hammond (2005), persons under 60 years of age older than 60 are more likely to be sentenced to the death penalty that is not found. Baker, Lambert, and Jenkins (2005) at the age of 45 than people under 45 were more likely to support capital punishment. In addition,

Baker et al. (2005) Older people are more likely to support the death penalty, which they are found, but they at least are likely to receive a death sentence.

A significant amount of research on the death penalty focuses on ethnicity variable. Baker, Lambert, and Jenkins (2005), black, age, gender, and educational level of control, while whites were more likely to oppose the death penalty. Jacobs and Carmichael (2005) was also opposed to the death penalty / support has played a major role. To the census data, interviews and court and legal documentation with text in black were mainly against the death penalty and executions were most likely to receive. Whites overall support of the death penalty and executions were sentenced to at least get a chance.

Murray (2001), all races of the death penalty, it should be little more than apply stated found. Three-quarters of the total black respondents racial prejudice in the administration of capital punishment is to be found in the reports Gallup and Newport (1991), states. Less than a half of white respondents felt the same way.

Young (2005), between black and white support for the death penalty justifications so different from that found in the back, black, mostly police, but the perception is related to the degree of trust, the capital cases of white and judicial system "responsibility" in favor of the sentence disparity.

For a summary of this study, a death sentence is likely to receive at least the same groups who are usually in favor of the death penalty. Is not likely to receive the death penalty, and most of you who do not fear, the research these groups are more likely to favor the death as a punishment that shows. The only exception is women. Women less
likely to receive the death penalty, yet a large degree of the punishment they report. Support or oppose capital punishment is yet another factor which an individual is viewing the matter of political perspective.

(Jacobs and Carmichael, 2001) "By the Conservatives, and the political parties are more conservative than their rivals, are more likely to support harsh sanctions."

Jacobs and Helms (1996) looked at changes in the jail and find the "Republican Party's political strength and the subsequent increase in the rate of growth of the produce."

Support and opposition to the death penalty sentence differences are found in the application. Race, gender, age and class to sit on the jury will weigh heavily on how the trial will be conducted, and how sentences are given below. Race also factors in sentencing convicted persons. RICHEY and Feldman (2005) found the process of racial prejudice may lead to capital cases. The two major capital cases, racial prejudice during jury selection were found or not found. Both cases were appealed and the defendants are tried by a jury of their peers later was not based on the realization was set free. Exonerated both men were black.

Radelet (1981) was restricted to the victim, the defendant was the capital of an indictment and punishment affects. Radelet (1981), but from 1930-1967, it operated 54%, nonmilitary; "non-white offenders are involved." Found

Key decisions of the defendant was an integral part of the play, but jurors and the victim's race, and will influence the final decision. Hammond (2005), the U.S. General Accounting Office, in a study, about 82% of the cases the victim was affected by the decisions of the review, it was found. Amnesty International (2005), the ruling of the Supreme Court, a defendant accused of an interracial capital crime,

"the prospective jurors knew the victim was and is entitled to a question on the issue of racial prejudice. " Have supported the idea that the jury may have been a factor in the crime was now facing is how hate crime may have been those who complain, it's also possible to set bias."
Ajmal Kasab's death penalty confirmation of the Naroda - Patiya massacre case and the Supreme Court's expression of helplessness in not awarding the death penalty, the human dignity of the judge Jyotsna Yagnik's invocation - 26/11 terrorist attack, the punishment - the death penalty, go to the heart of the constitutional unviability. We are qualitatively different, in terms of punishment he should receive, but our collective response associated with the two crimes culpability will struggle to make any meaningful difference. At sentencing the trial judge to invoke the concerns of human dignity proper to be discussed is whether the judge's ruling also inadvertently Yagnik's inherent unfairness of the death penalty has proved. He appeared before Judge ML Yagnik judge instead of the one cannot help wondering about the fate of Kasab's Tahiliani. Principled objections to the death penalty and it's definitely the heart of the judicial administration of the death penalty is the unpredictability and inconsistency.

Britain abolished capital punishment for murder (see, for example, Bailey2000), for over a century continued to talk, but finally in 1965, laws had to be removed. It was at this time that Australia has been deployed to the use of capital punishment. Shortly after, in 1968, the U.S. condemned this form of exercise refrained, and in 1972 the U.S. Supreme Court ruled capital punishment unconstitutional. Following the moratorium on capital punishment. States to reintroduce the death four years later, the court had accepted that some of the structural determinants of capital by changing its status, it set the stage. The suspension and subsequent reinstatement of capital punishment in the form of some States on the preventive effect of 'natural experiment' has created the conditions. By 2000, 13 jurisdictions (including the District of Columbia) reintroducing decided against the death penalty; 7 states have the death penalty again, but did not use it; further 24 States only used it occasionally (less than once per year).

and 239 executions (Snell 2001) with a suspension of 25 people were executed, where South Carolina, Texas, to the somewhat more frequent in 7 States. Not surprisingly, the deterrent effect of capital punishment in the U.S. to become the focus of research.

Jessy kurian had written in her article “Delhi Gange Rape World Wide Protest and Effective Laws”. A 23 yearsold student girl had been gang raped by six men in Delhi Indian
capital on Dec 2012. The young woman was dead and number of countries gave opinion of violence against woman must never be excepted, excused, tolerated. She had written and given examples in 1940 to 1980 Mathura rape, Bhanwari Devi gang rape. She had written verma commission report drafting ten main points punishment for rape, punishment for other sexual offence, complaints registering and medical examination, marriage should be registered Amendment in the Cr.P.C. A bill of right for women need review of the armed force special power act, police reforms, role of judiciary political reforms and had written the punishment of 7 years R.I. to life and did not recommend death penalty. public memory rise to a great storm after such event but with passage of time twens silent and in different. Those who demand death after a span of time demand that death penalty should not be in practice from human point of view.

Deva P.M. and Suchithra M.C. had written in their article right to health as human right in Indian constitution. The right to health is to be in liberalized economy in India and in the world. The article 12 of International convention on economic social and cultural rights 1966 and right of enjoyment of the highest right standard physical and mental health in India the largest populated country and the largest democracy should have civil right and political rights and social economical rights it is divided in two chapter 1) International frame work of the right to health as human rights 2) Conceptulisation of right to health under Indian constitution it is totally divided and makes Indian constitution part III and part IV the part III expresses civil and political rights and right to health and part IV deals with directive principles of the state policy.

Chakravarthy c.s had written in his article A study relating to gender violence in Indian Society with particular reference to Delhi gang rape of 16th December 2012. In south Delhi on 16 Dec. 2012 a 23 year young women Nizbhaya heinous rape in the world. The women are not safe in public places and need of system to change. There should be more police men on the streets better training more community policing, more street lights C C T.V, cameras inside bares and also fast track court to give more stringent punishment for the rapists several m.p? have joined public clamour demanding death penalty far the Rapists. Deterrence and chatter see, a security guard was havged for the rape and murder of 14 years girl this is the example of pronouncing the death penalty far rapisl, this rape cose is the rarest of the rare” categories. The Asian centre for human rights (ACHR) gives report for (2009-
Deepak has written in her article about welfare offences under criminal Law. A Brief note had been written. The state gives effect to its policy of condemning act either as antisocial are not acceptable the public welfare offence damages professional or trade practices smuggling is another problem with drinking and driving those offences there are somany laws made bat the criminal system the crime rate is not to less the criminal, so the parliament extended the punishment.

S. G. Groundappanavai had written in his article international treaties on terrorism the had written terrorism is a faceless and bodiless phenomenon and attacks on 9/11/2001 On the world trade centre in new York city. The commuter trains in Madrid in 2004 the suicide bomnings ion London 2005 Taj hotel attack on Mumbai on 26/11/2008. It is related to injury and death of innocent people. The state face activities of the terrorism. The –problem arises is both political not technical.

Raheda S.N had written in the article Political and legal representation and crimes against Women social and economical. The government of India has keen interest in empowerment of women The criminal justice system is more active in curtailing crime against women, in the system the police station women are working but political leaders participated in election, polities representation and criminal justice system. There are number of crimes registered against the women the categories Rape , kidnapping of women and girls, Sexual harassment, dowry deaths, cruelty by husband or relatives importation of women and girls. Prostitution, and giving and receiving diwrty , pornography etc. Police are responsible far disaduontage of groups.

Dr. Balavanth S.k had written in his article right to life and right to death Death is the best method top painful life. Indian penal code v/s 300 murder in Euthanosia or suicide had discussed persons suffering painful life and give own consent to death it also discussed v/s 306 of Abetment suicide as constitutional Euthanasis v/Aricl 21 no person shall be deprived
of his life and personal liberty except according to procedure established by law it is the and fundamental rights the constitution of India says right to die is not a fundamental right Ethuanasia is both positive on negative in these apects.

Dr. Mariamma A.k had written in his article human rights violations of rape victims, wome enjoy equal status with man, in fields of life women have attained high office, like, the president, prime minisler, speaker of loksabha and leader of opposition, today situation.

India is the most dangerous country in the world far women, day by day women of crime social norms had been written in this article and the given chart explaines the year 2008-2009 of all states of India crime rafes of raipe crime. Bharwada Bhoginbhai cose dicussed it many cases today need to change our judicial systems which established special court special inestigating agancies to speed up the results and punish the guilty.

survival, the core conception that man every man in quintessen-tially good and criminality is but dissolvable dress that Lynch-justice and lethal law are criminological cousins, that grave delinquency is sociopathy and so demands therapeutic, not thana-topic treatment such is the stream of cerebrations which makes the theme of our sublime conclave vital to contemporary mankind. Let us with humility and confidence and in all conscience, strive to lead kindly light amidst the encircling gloom. Be sure, where there is untruth persists, where there is darkness light persists, where there is death life persists. Our appeal is to the human spirit, our victory is in the womb of the future, our forces are dignity and divinity and our conviction is that the people of our planet will finally outlaw homicidal law whatever the penal codes, pro tempore may prescribe.

Human rights are the well-springs of progress and the Discovery of Man is the destination of Man. 'Ask thyself who am I?' 'Thou art That' echoes Vedic wisdom, affirmed by the Science of Creative Intelligence propounded by Maharishi Mahesh Yogi. The integral Yoga of criminology and consciousness is the luminous perspective, the loftier solution which I commend for thinking men's consideration in the dilemma of hidden human divinity versus hubristic death penalty.
Back to the beginning. My philosophical conviction against the retentionist doctrine springs from the spiritual secular reflection that taking a human life, even with subtle rites and sanction of the law, is retributive barbarity and violent futility, travesty of dignity and violation of divinity, bankrupt of deterrent dividends, revocative of correctional possibilities, myopically unscientific in that its focus is on the effect, not the cause and its basic is macabrely devoid even of moral alibi. My criminological conclusion against lex talionis is the convergence of responses to the problem of human justice and capital punishment, viewed from the social and ethical angles, from the utilitarian and humanitarian standpoints and from the evolutionary and visionary settings.

To fancy comfortably that capital sentence is a sovereign remedy for the criminal syndrome afflicting the current complex society is a sombre confusion about social defence a gin ignorance about executioner's impotence and a jural farewell u Ivan-cing human rights and civilised meaning?. The jungly heritage and cultural outrage implied in the neck breaking nostrum that homicidal State—action will heal man's murderous habits must be mercilessly exposed to clear the way for reaching the correct diagnosis and cure. Capital punishment is a cruelly callous investment by unsure and unkampt society in punitive dehumanization and cowardly strategy based on the horrendous superstition that cold blooded human sacrifice by professional Hangmen engaged by the State will propitiate the Goddess of Justice to bless Mother Earth with a crimeless community.

Can theta law become a decent society merely because the majority gullibly swallows the strange proposition that legislated savagery, anointed judicially, will, contrary to history, somehow suppress blindly explosive instantly inflammatory or even heartlessly planned commission of grave crime? Can fear of death deter or diminish patriotic heroism or treasonable projects organised by suicide squads or maddened terrorists, desperate 'guerillas' or hardened mafia? The extreme penalty's falsity and ferocity, its inhumanity and irreversibility, life's sanctity and society's safety and, above all finer criminology transformed by higher consciousness, argue for Jesus and against Moses. 'Thou shall not kill', must penologically overpower 'eye for an eye'. The authentic voice of the divinity and dignity of humanity, echoed in many national constitutions and now underscored in the Universal Declaration, has been that of Buddha and Gandhi and not of Manu and Hammurabi.
Beccaria and Bentham, not Bradlay and Bosanquet, are the torch bearers in this area. No great cause is ever lost, no sublime thought ever dies. The moving finger writes and having writ moves on, and the human story is a chronicle of moral consciousness fighting and losing and fighting and winning, in a rising zigzag. The battle is on, in parliaments and courts, in conferences and literatures. And the very stillness, chillness and silence of the cold cadaver—a quendam pulsating person of latent goodness, remember, one of us, urges the abolition of death sentence. That solemn summons has drawn us here to speak for our fellowmen in the death-grip of the law, though endowed with creativity suppressed circumstantially and to condemn decapitation, sanctioned by court seal, as stupid and satanic and, therefore, a crime of punishment. If obscu- rentism is dubiously legitimated as illumination, if 'unlaw', as ntriloquist of 'law' decrees death and, if socratal sadism is ublimated by 'institutionalised and constitutionalised lethality mankind may be doubly damaged, firstly by being doped into a dull delusion that crimes will be exiled by fear of follow-up death and secondly by being side-tracked from the search for the real diagnosis of the delinquencies of its members.

The pathology of mortal crime will remain unresolved and seeming solutions will fail to reveal the true etimology, viz. environmental pollutions, domestic tensions, social pressures, explosive stresses and psychic crises, breaking out into anti-social brutality, passionate violence and malignant aberration,—omitting for a moment, the qualitatively different daring deeds of those great cross-bearers of the ages who have, by suffering the extreme penalty and by defying brute force through soul force, promoted human progress and liberation. My emphatic entreaty, in the name of Man and God, is to liquidate life-taking lex talionis and spiritualise criminal jurisprudence. Social science and spiritual science substantiate this transformation. Since every saint has a past and every sinner a future, never write off the man wearing the criminal attire but remove the dangerous degeneracy in him, restore his retarded human potential by holistic healing of
his fevered, fatigued on frustrated inside and by repairing the repressive, though hidden, injustice of the social order which is vicariously guilty of the criminal behaviour of many innocent convicts law must rise with life and jurisprudence respond to humanism.

Stressologists tell us' by scientific and sociological research that the cause of crime in most cases is inner stress mental disharmony and unresolved tension. I have one more aspect to press in this context No man, hanged or shot or electrocuted, really dies, for post-mortem survival as astral personality, is a scientifically near-proven variety and killing by law is a crude misunderstanding of life and after life, based on a myth that the gross alone exists because it is s. sorry and the fine is invisible and so false.

f JKt out tersely ? f tender my grateful appreciation of Amnesty onals campaign for the abolition of killing by law's this harsh world of legal good behaviour forced through terror and horror. I also thank the organisation for affording me this opportunity to express my personal perspective.

Our developmental decade must turn its benignant eye on life's right to life as the basic condition of human development and as a problem of the third world's within every nation. Do remember that the blow of capital sentence often falls on the socially, mentally and economically backward, on the brave revolutionaries and patriotic dissenters, on the derelicts and desperates, on the lowliest and the lost and on those who have turned delinquent because society by its continued maltreatment, cultural perversion and environmental pollution, has made them so.

The villain of the peace, in the larger view is psychopathic society itself; the victims are the so-called criminals and the other sufferers of crime. And miscarriage of justice through judicial error, minimal may be, cannot be ruled out and so the bar and the mench must professionally purge themselves of the blood on the seal of justice. A narrow perspective misleads. A wider world-view illumines. Right's writ must run, in the long run even against Might's fist. With these prefatory observations I move on to a discussion of the divergent approaches all of which reach Destination Abolition.
B.M. Kubakaddi had written in his article human right of sexual harassment at work place human right is operative in their operative existence by birth and also irrespective of caste religion sex and nationality. It is the development of the society it is the protection to all individuals the holy Quran and the Vedas breach responsibilities and duties to protect the human being the constitutional poor women working in any place should get equal pay for equal work today the situation arising before women are not safe in case of Vishaka V/S State Of Rajasthan. The sexual harassment happened of work place in India under article 19(1)(g) every women has a right to participate in public employment this rights is abolished due to sexual harassment at work place and also violated under article 21 the right to life and personal liberty were written in his article Indian Penal Code and sexual harassment u/s 294,354,509,and one more indecent representation of women (prohibition ) Act1987 and insult or humiliate her With Books, Photographs, Paintings, Films, Pamphlets Packages etc. Today the need of judiciary is to amend the law to give hard punishment like death of the accused.

Atin K.D. had written in his article combating terrorism and protection of human rights as analytical study terrorism is a violent action criminal and political acts. Have written recently the 9/11 attacks on the world trade centre in united state of America and also the attacks Indian parliament and Malegaon blasts. The society wants life liberty and physical security. He had written to control of terrorism in Indian laws. TADAct 1987 and Prevention of Terrorist Activities Act 2002, and Unlawful Activities Prevention Act 1967. There are so many acts enacted to control the crime against the society it had been written in his article it is discusses as a land mark case law and also discusses Afzal Guru case the politically groups and some group demand death penalty some groups crushing death penalty it is needed to change the society and protect the human lives.

Kush Karla had written in his article should death penalty be abolished in India? Were words of the state should not punish with uengeance Emperor Ashoka. The fine or Punishment of death, to change the human beings. Several death petitions were pending before the precedent since 1981 the precedent disposed 98 only UN assembly suggests that
every nation had the sovereign right to determine its own legal system. India is one of the 78 countries to retained death penalty in only those cases that are the rarest of the rare and with a special reason the political crime was also discussed the history of the capital punishment and Indian laws like Indian penal code and criminal procedure code are too discussed the execution of capital punishment in India had two modes hanging by neck till death and shoot to death Army Act 1950 and the Navy Act 1957. It’s observed in this article if death penalty should be abolished in India or not except 78 countries other countries of the world abolished the capital punishment.

Dr. Arun K.S had written in his article terrorism and human rights some contesting issues terrorism is a global problem terrorism disturbs the existing social order the terrorism act is immoral inhuman violation of human rights it creates a sense of terror in the minds of common people there are relevant section that define under Indian penal code 1860 sec 120,120-B,121,131,153A,153B,216A,29A,and 384, and also discussed the law the explosive act 1884, the armsact1959, unlawful activities (prevention)act1967, the suppression of terrorism act 1993 TADA 1987, POTA 2002, in this act the person arrested under the act confesses to the police being admissible and bail was not easily obtained and the burden of proof was on the accused the various laws control crime but the crime range is not less in the society at present.

Dr. Areti K.K. has written in his book death penalty new dimensions she has written capital punishment under the Indian penal code u/s 121, 121-A, 194, 132, 302, 307, 303, of I.P.C. death penalty in three distinct the first pattern u/s 303, 307, it relates to sole punishment. The second pattern u/s 302 death penalty is only alternative like namely life imprisonment and third pattern like above offences choice of the sentence to pronounce the offenders u/s 303 only the whole Indian penal code

prescribes mandatory death sentence. She has written about provisions under criminal procedure code u/s 235(2) that gives opportunity to the convicted person. She has written Mithus case law u/s 235(2) or 303 of I.P.C. the capital punishment should be just and fair. She had written and discussed u/s 354 (3), 354(5), and article 21 of constitution of India and u/s 366 the confirmation of death penalty by the high court and also discussed the power of president to grant pardon and article 161 of constitution power of the government to grant pardon the court pronounces the sentence of death penalty but executive body the president or
the governor suspend remit or commute sentences being executive lead exercise the power. In a way it seems the problem of capital punishment becomes more complicated as law and justice wish to end the life where as the executive powers want the offender to be save from death this is every contradictory situation.

Bahrat J. had written should rape under international law be conceptualized as violation of sexual autonomy the united nation reports 250000 cases of rape in police records by annually this heinous crime in every world rape means imposition of intercourse by force sexual intercourse without her consent it is cruel and merciless violence against women. He had written rape and international laws. The convention on the elimination of all forms of discrimination against women (CEDAW)1979 and international convention on the elimination of all forms of racial discrimination (ICERD) 1963 and the convention on the rights of child international human rights law also says it is torture violation of human rights.

Michael Tonry had written in his book punishment and politics the evidence emulation in the making of English crime control policy he had written the offender, fairness consistency applicability and new penalties the government does not care about the fairness of offenders the government and judiciary have discretion over the sentence in the political and constitutional matter the government’s role is different from judiciary that imposes the sentence of lose offenders sentencing policy of the system is fair and with clear guidelines it is enacted as have been written in criminal justice act 2003 in this act the judge under the judiciary plays an administrative role and what guidelines drafted

in the status it is the need of the government and judiciary to make fair and clear guidelines to pronounce punishments especially when the decisions of the two are in contrast or opposition.

Velri R. had written in his book capital punishment concept and context he had written death sentence repels or retention riddle jurist Benthum Cesare Beccaria punishment is an evil. The punishment is the just and fair to cub the menace of crime in abolishing death penalty in 1965 was accepted by only 12 countries today 68 countries have abolished death penalty for all crime 14 for ordinary crimes in India death penalty is retained and abolishes only those cases heat movement grave and sudden provocation killing in the heat of passion culpable homicide u/s 367 of Cr.P.C. normal rule of death sentence the accused impose lesser
punishment as imprisonment for life with conditions of reasons to be recorded in writing for the capital punishment. Nextly the capital punishment is less painful by lethal injection hanging by firing by squad electrocution and gas chamber and invented for smooth killing. Hanging method is the oldest method of killing of the offenders. The capital punishment is failed as a deterrent.

Dr. N.Mudduraju had written in judicial review or exercise of presidents power under article 72 of constitution u/s 432 and 433(a) of Cr.P.C 1973 with guidelines for regulating the exercise of the power the president acted properly and carefully and added no court can ask for the mercy article 72 and 161 of the constitution when judicially reviewed the governor and president passed orders without application of mind and mala fide or irrelevant consideration earlier mercy petition has been pending before the president and number of petitions were dismissed regarding the execution of death sentence the action of the president and government is alleged to be against the constitution or the law. The judicial and the political power create more complication for law and justice thinks objectively whereas political power has every possibility of being either unguided or confused.

Dr. Chidananada Reddy S.P had written in Derogation of her person women in India are caught up in a legal cobweb. She is treated chattel by law. Abortion and decisional freedom v/s 312 of Indian panel code 1860 voluntarily catches a women with child to miscarry. The punished is 3 year or with fine both and punishment to 7 years and shall also able to fine to save life of the mother. Many illegal abortions are due to the health of thr pregnant women, but are they all real?, many cases lead to death in the process. The medical termination of pregnancy aef 1971 enaited the medical terminationer not being liable for the abortion. The pregnancy does not axceeds 12 weeks and does not exceed 20 weeks. If the child suffers physical or mental abnormality the abortion is to be carried with the consent of a woman. Today the situation arises that checking male or female child if the female child is to be born the offender are aborted th e wealthy female child.it is a year heinous crime against the society murders of a born child th e parliament should enael the law for the maximum punishment should be given.
V.B. Malleswai had written in his book ‘criminal justice and sentencing a critical study’. The author had written the role of theories of punishments in the policy of punishment after a trial where the accursed is convicted for wrong doing. The state having responsibility to punish wrongdoers or not the victims. There are three types of sentencing structure first (indeterminate sentencing second determinate sentencing and third presumptory sentencing). The punishment should be pronounced as per the seriousness of the offence. It is based upon aggravating and the mitigating circumstances. The sentencing legislation sets out principles, commissions. In some countries are playing role to develop sentencing guidelines, educating the judicial officers and advising the legislatures and courts on sentencing issues. There is a need of a uniform policy to ensure certainly in provide protection of the society.

H.L.A Hart had written ‘Punishment and responsibility criminal punishment and justice system requires money, time and energy, the punitive measures of the punishment the society by deterrence, by incapacitation, by rehabilitation. The guilt and innocence can figure principles for the criminal punishment. The punishment of nature involves guilt as well as suffering. The punishments are made for the wrong that voos committed. The punishment is awarded by vicarious and collative punishment the punishments as represented punishment and responsibility. The punishment carries heavy burden to justice it is a considered and intended response to wrong doers. The punishment that seeks restitution, reparation or apology from the wrong doers is the rule of law distinction between intended effects and the side effects of the actions. It is foreseen as certain, foreseen as probable and foreseen as possible. The Latin maxim actus non fait reum nisi means sit area (retroactive, secret and vague laws).

Aman Chibber and Mohita had written ; the theory of basic structure vis a vis emergency powers’ the basic structure of the constitution the supremacy of the constitution the judicial review and rule of law doctrine have separation of powers. The rule of law for secularism, federalism, democratic structure and free and fair elections and changing power there powers types of emergencies, financial emergency Article 360, state emergencies 356, national emergency article 352 by constitutional amendment (38)of 1975 and 44th amendment 1978 had discussed Minerva mill case. S.R.Bommai case in article 356 had written judicially record and fundamental right and emergency. The legislative executive that citizens normally
enjoy. They had discussed Makhan Singh case law part IIIrd and part IVth of the constitution. The judiciary and the law for protection and preservation, of social political rights. They are the fundamental rights freedom of the people which are two side of the same coin.

Babu Sarkar had written ‘Age of consent in sexual exploitation the law and lacunae’. The Protection Of Children From Sexual Offence Act 2012 Protected The Child For Sexual Exploitation And Abuse. The sexual crime currently covers and Indian Penal act provides stringent punishment, rigorous imprisonments or fine. It is the heinous offence in which sexual assault aggravated penetrative. The burden of proof shifted of the accused to make a special court for a trial investigation record of evidence lacunae in the P.C.S.O Act, child under the age of 13 years but recently Delhi high court raised the age of 16 to 18, which is regressive and draconian under the criminal law v/s 375 of I.P.C clearly shows that sexual relation of child under the 16 years a women under 16 is considered being capable of giving consent for sexual intercourse. It is contradiction between the PCSO Act and section 375 of I.P.C

Christophe jafferlot had written in her article Gujarat 2002 what justice for the victims the supreme court the sit the police and the state judiciary in 2002 the Sabarmati express passenger were burnt and in Ayodhya alive Gujarat create violence the police did not prevent rioters for three days Narendra Modi order to police officer Indian police service and the special investigation team intelligence reports from the official or chestration of the 2002 riots in Gujarat communal riot in Gujarat between Hindus and Muslims in retired judge similarly in 1993 in Mumbai Shrikrishna commission appointed to find roles of the BJP and Shiv Sena in Godhra incident the C.D.was handed over the commission the magistrates have favored the Modi government criminal justice system investigation prosecution adjudication and appeal . It seems in Gujarat Godhra the offender of the incident the death penalty must be pronounced of the offender.

Arie freberg wrote twenty years of changes the sentencing envorment and court responses the society and the law evolve to change social economical scientific and political envorment in the Australlia the law has commission or committees parliamentary inquires, organized public agitation the measure liberal and political system should be determined with continuity stability and predicatizophreny and cautions are important the judiciary and the
court sentences particularly summary level in the 10 years 1980 to 1990 economic rationalism was for social force with the idea to the society to privatization de-regulation small government competition and powerful force good governance administration and the criminal justice system were improved. It is the value of the economic efficiency effectiveness reliability and clarity of purpose. It seems that the parliament makes some changes in the society and to change sentence system of the court.

Navsharan.S and Urvashi B. had written challenging impurity on sexual violence. They had written on issue of sexual violence, the armed force (special power) act is for unlawful activities (prevention) act (Chhattisgarh special public security act). It is to protect states and security but today all are violative of human rights and mass violence. The partition in India in 1947 liberation war of Bangladesh in 1971 and south Asia cross board intend conflicts. The sexual violence is a weapon of war in India. The Kashmir women were raped with sexual violence. The needs protection dignity and justice shame and honor are powerful reasons of society. The strong normalcy should be reasons of society. The strong normalcy should be in interest Justice for women. Preserving their privacy, dignity and integrity. The crime against women is a horrific crime. The world should make the law for sexual violence against the women to protect their dignity poverty and security. How can the judiciary compensate for the crime done against them for the mental wounds remain for even after the crime?

Amit Bindal had written ‘Rethinking theoretical foundations of retributive theory of punishment the legal theory of punishment is based on revenge the retributive asserts the criminal gifts the core of fundamental right, justice, Jeremy bentham elaborates the formulations of the utilization view of punishment. According to him no actions are intrinsically good or bad in themselves, only pleasure and pain are distinction between retributive and utilitarian theories. The limits of punishment the killing of the innocent, cannot be justified. The failure to save lives of many. The theory of punishment based itself on the notions of justice rights and desert. The human being want special leinds of status in human rights in establish legal systems. This theory is based to secure society on peaceful and clear justice.
In India, the death sentence of execution is hanging. The Code of Criminal Procedure Code, Section 354 (5), 1973 (then known as the CrPC) any prisoner sentenced to death, the sentence He is dead, until he be hanged by the neck that will be directed to provide. Still the most common method of execution is hanging criminals. The Section 354 (3) related to the issue of the constitutionality of the India9 Deena v. Union was before the Supreme Court.

Ajmal Kasab's death penalty confirmation of the Naroda - Patiya massacre case and the Supreme Court's expression of helplessness in not awarding the death penalty, the human dignity of the judge Jyotsna Yagnik's invocation - 26/11 terrorist attack, the punishment - the death penalty, go to the heart of the constitutional unviability. We are qualitatively different, in terms of punishment he should receive, but our collective response associated with the two crimes culpability will struggle to make any meaningful difference. At sentencing the trial judge to invoke the concerns of human dignity proper to be discussed is whether the judge's ruling also inadvertently Yagnik's inherent unfairness of the death penalty has proved.

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