CHAPTER – I

ABSTRACT

Death sentence is still prevails in the judicial system of several countries in spite of strongly opposed by numerous organisations across the world as well as many countries’ recommendation to abolish this barbaric and inhuman punishment to the human beings. The death penalty or capital punishment is terrible in listening itself and when it is used for someone it horrify all those who hear this word. The pronunciation of the death penalty itself a word which makes uneasy to all those people in whose ear it enters. Although, the death penalty has been opposed by several organisations and still several organisations with the help of Governments of many countries are working to make the world free from death penalty/ capital punishment in any form either by hanging, shooting, stoning etc. because this is cruel form of punishment. According to those who are working against the capital punishment the death penalty is the end of life and a wrong doer does not get the chance to repent on the wrong committed by him or bring positive changes in his or her nature and personality but at the same time there are human beings who recommend and argue in favour of the capital punishment/ death penalty. According to them who are in favour the death penalty without hard punishment to the wrong doers there will be no fear in the minds of criminals and they continue with committing heinous crimes again and again and their courage increases every time and they become more cruel and dangerous for the society. Volume of crimes increase day by day without the fear in the minds of offenders and other side the common peace loving people in the society has to lead his life always under threat, in frightened state of mind and sense of insecurity all the time. They do not have courage even to oppose and complaint against the crime and criminals consequently the social disharmony will prevail perpetually and people will be bound to live in under stress, fear and unpleasant and uncomfortable feelings. Hence the death penalty is necessary part of the judicial system to maintain the law and order in the society. Due to fear of death penalty people of criminal minds remain under control and they abstain from committing crime. This is the reason despite internal opposition and pressure as well externally the India did not abolish the capital punishment. Keeping in view the circumstances existing today in India
especially crimes against women the necessity of deterrent punishment like death penalty has been felt by the people of the society as well as Government and Indian Judicial System and the recommendation for abolition of death penalty has been disapproved by the Judicial System of India.