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# DEATH PENALTY FOR RAPE – DOES IT ACTUALLY DETER?

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## ABSTRACT

The death penalty is one of the most contentious issues in Indian law. It has existed since ancient times and is currently practised in various major nations, including India. In India, the death penalty is only used in the rarest of situations, however, the actual meaning of the phrase "rarest of rare instances" has sparked significant debate. The ultimate goal of any punishment is to diminish crime and inflict some sort of consequence on the perpetrator. The death penalty entails the execution of a wrongdoer in the name of justice. A similar occurrence occurs in India, however, according to the Indian constitution, it is a breach of the requirements of the right to life and dignity established in Art. 21, although it is constitutionally legal. This document gives an overview of the death penalty in India. It also describes the history of the death penalty and numerous Law Commission studies on the subject. The article also discusses the Doctrine of the rarest of rare instances, which deals with numerous situations and techniques of execution of the death penalty to determine the purpose of the research. The investigation discovered that all of the judgments issued in terrible crimes were made with the public at large in mind, resulting in the conclusion that granting a capital penalty in the rarest of rare cases is reasonable and fair. The report also notes that it violates human rights principles, thus law should administer lethal punishment in a different method than the death sentence. For example, strict life imprisonment will be more effective.

**Keyword:** Death Penalty, Rape, Criminal Justice, Deterrent theory, Rarest of rare.

## **INTRODUCTION**

India, a rapidly expanding country, is currently mostly known for its rising crime rates and criminals. Capital punishment, commonly known as the death sentence, is the worst punishment available to criminals for their crimes. It is a legal procedure in which the state executes a wrongdoer for his crime. Death sentences are only carried out for severe and serious crimes like as murder, rape, and crimes against the state or nation, not for minor offences. All sanctions in every country are founded on the same ideology, which states that every offender must be punished for his crime. Every punishment is based mostly on two principles. For starters, a person who has done something illegal should suffer as a result of it, and the second notion is that the penalty for a crime instils dread in the minds of criminals and other people. As a result, it deters others from doing similar acts. Capital punishment, like all other penalties, is intended to deter future crime. The death penalty is available for egregious crimes against humanity. It varies from nation to nation. However, it is widely seen as a violation of the human rights guaranteed by Article 21 of India's constitution. According to Article 21, "No one shall be deprived of his life or personal liberty unless in accordance with the method prescribed by law." Even the United Nations (UN) has frequently explored the issue of "Abolition of the Death Penalty," which it considers to be a violation of human rights. The UN prioritises the Reformatory Theory of Punishment over the Deterrent Theory. In a case, J. V.R. Krishna Iyer remarked that- "The special reason must relate, not to the crime but to the criminal. The crime may be shocking and yet the criminal may not deserve the Death Penalty". The Indian constitution grants the president and governor of the nation or state mercy authority to forgive or postpone death sentences. Based on the facts of the case, the court may impose the death penalty if it determines that life imprisonment is insufficient punishment for the criminal.

## **APPROACH OF CAPITAL PUNISHMENT IN ANCIENT TIME**

The death penalty, or capital punishment, has been a source of contention in the judiciary not just in India, but also in the majority of modern countries. The death penalty has always been utilised to deliver justice in India by rulers of various kingdoms through the centuries. The Mauryan Dynasty adopted the Retributive Theory of Punishment, which is an eye for an eye, a hand for a hand, and so on. There were also various punishments in the form of the death penalty imposed by the kings of such kingdoms, such as chopping for the head or dragging the body by the horse until the individual died. However, from a global perspective, the death penalty was formalised in criminal laws for the first time in the 18th century by King

Hammurabi of Babylon. The death sentence is prescribed by the Hammurabi law for over 25 offences, including theft and perjury. The death punishment is also mentioned in the Hittite Code from the 14th century B.C., though not frequently. Only the most egregious offences carried the death penalty. Death penalty was the only punishment for all crimes during the era of The Draconian Code of Athens, in the 7th century B.C. As a result, the term Draconian is used to harsh punishment. Even in the 10th century, hanging was a common method of carrying out a death sentence in the United Kingdom. Capital crimes were on the rise in Britain during the period, with roughly 200 offences punishable by death in the 1700s. During the colonial era in the United States, the execution of the death sentence was documented for the first time in 1608, by officials of the Virginia government for suspected conspiracy to betray the British to the Spanish. In 1612, the death penalty had been used for even the minor offences. In 1655, The New York colony also directed the punishment of death penalty on the grounds that it did not believe in the name of true God, killed people without defence, sodomy, buggery, kidnapping, perjury etc. in the death penalty trial.<sup>1</sup>

### **WHY DEATH PENALTY IN RAPE?**

Perhaps more than any other crime, the historical use of the death penalty for rape highlights capital punishment's racially discriminatory nature in the United States, as well as its blatantly racist beginnings as a result of slavery and lynching. The American Civil Liberties Union, the ACLU of Louisiana, and the NAACP Legal Defense and Educational Fund filed an amicus brief in *Kennedy v. Louisiana*, the 2008 case in which the United States Supreme Court ruled that the death penalty was unconstitutional for any crime in which the victim was not killed, including child rape.

Historically, the death sentence for rape has been a Southern phenomenon, used mainly against black defendants and in situations involving claims of raping a white woman or child. DPIC is not aware of any example in which a white man was executed in the United States for raping but not murdering a black lady or kid. While raping a white woman was a deadly felony in all of the Slave States, no whites convicted of rape were executed under these laws. In most Slave States, attempting to rape a white woman was likewise a deadly penalty for blacks, but not for whites. A slave owner had the legal authority to force his slaves to have intercourse with him, and the rape of an enslaved black woman or girl by those who were not her master was

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<sup>1</sup> Shivani, "Execution of capital punishment in India: Is it a violation of human rights?" 8 *IJAR* 254 (2020).

considered a property crime. According to the ACLU/NAACP Legal Defense Fund amicus brief, the 1816 Georgia penal code “expressly provided that rape committed by a white man would be punished by a term of imprisonment of not more than twenty years, and attempted rape by a term of imprisonment of not more than five years, but that slaves and ‘free persons of colour’ were to be executed for the crimes of rape or attempted rape of a free white female.”

Following the Civil War and emancipation, extrajudicial executions lynchings were common. The Equal Justice Initiative’s report, *Lynching in America*, “documented 4075 racial terror lynchings in twelve Southern states between the end of Reconstruction in 1877 and 1950,” nearly one quarter of which were based on charges of sexual assault. Hundreds more blacks were lynched for minor social transgressions including unintentionally bumping into a white woman.

Judicial executions for rape in the 20th Century reflect the continuing link to race and the legacy of slavery and lynching. According to statistics compiled by the federal government, 455 people were executed for rape in the United States between 1930 and the Supreme Court’s decision overturning existing death penalty statutes in 1972. 405 (89.1%) were black. The use of the death penalty for rape remained almost exclusively a Southern phenomenon: 443 of the executions for rape (97.4%) occurred in former Confederate states.<sup>2</sup>

## **RAPE**

Rape is defined as sexual intercourse that is forced on another person without their permission or against their will. This act is illegal throughout the United States, though the legal word for it differs by state. This offence is known as rape in certain areas, while it is also known as sexual assault, sexual violence, or illegal sexual penetration in others. However, regardless of what a state labels this infraction, most agree on the concept of sexual penetration or sodomy without permission.

Most, if not all, states define sexual penetration as penetration of the vagina with a bodily part or an object. Oral sex - contact between the mouth and penis or female genitalia – or penetration of the anus with a bodily part or object – are both examples of sodomy.

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<sup>2</sup> Race, Rape, and the Death Penalty, available at: <https://deathpenaltyinfo.org/policy-issues/race/race-rape-andthe-death-penalty> (Last visited on June 08, 2021).

Rape or illegal sexual penetration does not generally entail heavy petting or other unwelcome sexual contact that does not entail penetration. It is still considered a crime, though it is less severe than one involving penetration. This less serious felony is sometimes known as criminal sexual contact, molestation, or sexual battery.

## **CONSENT**

The absence of consent is a critical component of sex crimes. Sexual touch becomes unlawful when it is not consented to, either because the offender compels another person to be physical against his or her choice, or because the other person is deemed incapable of consenting or has an impaired mental ability to provide permission. Minors under the age of fourteen or fifteen are considered incapable of consent, regardless of their mental skills to grasp the nature of the act and their ability to refuse (though see “Sexual Conduct with a Minor,” below). Furthermore, sex with the following persons is illegal if they lack the capacity to agree knowingly:

- a. a person with developmental disabilities
- b. someone who is mentally sick; and
- c. someone who is disabled – drugged, inebriated, or asleep – or otherwise physically powerless.

## **SEXUAL CONDUCT WITH A MINOR**

Sex with a minor beyond a specific age is only criminalised in some places if the perpetrator is more than a specific number of years older than the victim - more than three years, for example. This permits a 14-year-old girl to have sex with her 16-year-old boyfriend without the male's acts being considered unlawful. However, if a 21-year-old had intercourse with a 15-year-old in the same state, the conduct would be illegal.

## **SEXUAL CONDUCT BY A PERSON IN AUTHORITY OR A MENTAL HEALTH CARE PROVIDER**

Sex between a person in power, such as a teacher, police officer, or prison guard, and someone over whom that person has power, such as a student, a person in police custody, or a prisoner, is also illegal in many places. The justification for criminalising this behaviour is that the teacher's or another authority figure's power over the student or other individual reduces the capacity to consent.

Many states additionally outlaw sex between a psychotherapist or other mental health care practitioner and a client or patient, claiming that the nature of the connection, along with the client's vulnerable position, renders the client or patient incapable of knowing, voluntary consent.

## **DEFENSES**

Rape defendants have the same defences as all other criminal defendants, beginning with "Someone else committed this crime." A defendant may alternatively assert that the sexual conduct was voluntary. In a rape case, there may be serious difficulties concerning what constitutes consent or refuse. As a result, the infamous question of when does "No" mean "No" has arisen. Is the victim have to protest more forcefully if the word constitutes a lack of consent as soon as it is spoken?

Another conceivable defence is insanity, in which the defence claims that the accused is mentally ill and lacked the capacity to regulate his behaviour, create criminal intent, understand what he was doing, or recognise that his conduct were illegal.

## **PENALTIES: IMPRISONMENT**

Sexual assault laws pertaining to rape and illegal sexual penetration often classify this behaviour as a crime with severe consequences. Many states have different degrees of rape, such as first and second degree rape, based on the victim's susceptibility, the sort of force used, if the rape resulted in significant bodily damage, and if it was done with a dangerous weapon, such as a rape at gunpoint. Rape punishments can range from one year to life in prison, depending on the state's sentencing rules or guidelines, the victim's age or status, and the circumstances of the crime. Some states require a minimum prison sentence or that the court impose a prison sentence without the option of probation or early parole. In certain jurisdictions, the judge may have some discretion in determining the length of the sentence and whether the offender may spend any portion of the sentence on probation rather than in prison.

## **PENALTIES: TREATMENT**

A person convicted of a sex offence will incur fines in addition to imprisonment or prison time. Sex offenders are usually obliged to get therapy, either in jail or prison, or as a condition of probation.

**PENALTIES: SEXUAL OFFENDER REGISTRATION**

Every state in the United States has a scheme for registering and notifying sex offenders. Sex offender registration legislation demand that anybody convicted of a sex offence register with the sex offender registration in the state in which they live. Any crime that includes sexual penetration or sexual interaction as an element is considered a sex offence requiring registration.

To register as a sex offender, a person must have his or her name, address, and details about the offence on file with the registry. Some or all of the information is available to the public, and each state maintains a sex offender web site where the public can search. Being put on a sex offender register has substantial and perhaps life-long ramifications for the registrant, making it difficult to obtain work and housing.

**LEGAL REPRESENTATION**

A sex crime, especially rape or illegal sexual penetration, is a heinous offence. Defendants risk a lengthy jail sentence as well as the stigma of being a convicted felon (and felons lose the ability to vote or own firearms). Many view the requirement to register to be the most onerous penalty, because the name "sex offender" has such a terrible connotation in the public view.

For these reasons, defendants must get qualified counsel as soon as feasible. An expert criminal defence attorney will research your case completely, assist you in raising any viable defences, and lead you through the criminal court procedure. Because convictions for sexual assault result in sex offender registration, many of these instances result in pleas to lesser counts that do not need registration. Obtaining a favourable plea bargain, if that is the course you take, will necessitate the help of a specialist who is knowledgeable with how prosecutors and judges in your courtroom handle cases like yours.

**LAW COMMISSION OF INDIA REPORT ON DEATH PENALTY**

In 1967, The Law Commission issued its 35th Report on "Capital Punishment", "recommends the retention of the death penalty". The Commission also commented on the discretionary powers of the courts in order to impose the death sentence or life imprisonment, found that "the vesting of such discretion is necessary and the provisions conferring such discretion are working acceptably". The commission also said that in the present scenario, "India could not

take a risk by abolishing the death penalty that would put the lives of citizens in danger”. The report also states that “People who do not have sufficient financial capacity or other reasons cannot sue in court, the law seems to be unfair to them, and their focus is on legal aid rather than substantive criminal law.” The Commission also offered recommendations on the issue of a right to appeal to the Supreme Court in situations where the High Court upholds or imposes the death penalty, concluding that such a right is not required. The 35th Report also advocated for the retention of Section 303 of the IPC, which mandates the death penalty. However, in *Mithu v. State of Punjab*, the Supreme Court knocked down this clause in 1987.

In 2003, the Law Commission issued report no. 187th on the “Mode of Execution of Death and Incidental Matters”. This Report addressed the three issues:

- (a) the manner in which the death penalty is carried out
- (b) the process of reducing judicial discrepancies among Apex Court Judges in passing the death sentence; and
- (c) it is important to give the defendant with the right of appeal in a death sentence. After canvassing public opinion and researching experience in India and other countries on these matters, the Commission proposed amending Section 354(5) of the CrPC to allow for lethal injection as an alternative to hanging as a mode of execution.

In its 262nd Report on the Death Penalty, it recommended the elimination of the death penalty for all offences excluding terrorism and war crimes in August 2015.

## **RATE OF EXECUTION AND COMMUTATION OF CAPITAL PUNISHMENT IN INDIA**

The capital sentence is legal in India, however just seven people have been executed between 1998 and 2020. There were 1303 capital sentence convictions issued between 2004 and 2013, yet just three criminals were executed during this time period. From 2004 until 2012, not a single execution was carried out. In the previous two decades, a total of 3751 death sentences had been commuted to life terms. Yakub and 11 others were convicted and sentenced to death in July 2007. By a special court for planning or carrying out the 1993 Mumbai bombing, which killed over 260 people and wounded many more.



In March, 2013 the SC upheld Memon's Death sentence, while commuting the death sentence of 10 others to life imprisonment while one died later.

In the past 16 years only 5 have been hung till death:

1. Dhananjoy Chatterjee (August 14, 2004).
2. Mohammad Ajmal Amir Kasab (November 21, 2012).
3. Afzal Guru (February 9, 2013).
4. Yakub Memon (July 30, 2015).
5. Mukesh & Anr. ( March 20, 2020).

## LANDMARK JUDGEMENTS

### ➤ **Tukaram v. the State of Maharashtra**<sup>3</sup>

In this instance, the prosecution claimed that she was raped in the police station by accused 1 and accused 2, who fondled her private parts. Her brother had filed a report against her husband and in-law family members, so she was there. According to her allegation, the police policeman accused 1 separated her from her family and then raped her many times. The Supreme Court ruled that rape under section 375 of the IPC could not be substantiated in this instance. The court's conclusion was that there was no direct evidence to indicate any bodily damage or consent under fear because she was removed quietly in front of her family by the accused. Furthermore, she modified her statement several times during the trial, rendering it untrustworthy. As a result, the accused was found not guilty.

Following this case, the Criminal Law Amendment Act, 1983 was passed. The Act amended section 114A of the Indian Evidence Act, which stated that consent won't be presumed until given clearly. Section 376 of the IPC was also amended, and the punishment for custodial rape was extended to 7 years, also, the onus of proof was put on accused once sexual intercourse is proven.<sup>4</sup>

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<sup>3</sup> 1979 AIR 185, 1979 SCR (1) 810.

<sup>4</sup> Rachita Garg, "Landmark judgments on offences against women under the Indian Penal Code, 1860" *IBLOG PLEADER* (2020).

➤ **Vishaka & Ors. v. State of Rajasthan<sup>5</sup>**

This lawsuit was brought as part of a group of PILs to protect women at work from sexual harassment. The Court acknowledged that the right to a safe working environment is one of the fundamental rights guaranteed by Articles 14(2), 19(1)(g), and 21 of the Constitution. The Court also issued a number of critical suggestions for businesses to adopt in order to promote a healthy and safe working environment for women. Directives were sent to the states and the federal government to enforce those standards through enactments in parliament.

The Supreme Court determined the scope and scope of sexual harassment. Sexual harassment is defined by the court as physical touch or action, the presentation of pornography, any unpleasant insult or misbehaviour, or any sexual desire towards women or sexual favour. Under the directions provided, the court made it clear that a redressal procedure for any allegation of sexual harassment in the workplace must be established.

➤ **Laxmi v. Union Of India<sup>6</sup>**

This lawsuit was brought after the problem of acid assault under Section 307 came to light in the case of Naeem Khan v. State, 2013, when Laxmi, a 16-year-old girl, was made a victim of an atrocious acid assault by the accused. In terms of purpose and emotions, acid assault is considered a "crime of passion" motivated by vengeance or jealousy. It is assumed that this was done because throwing acid is a simple means of exacting retribution on a lady by disfiguring her physical appearance in exchange for demands such as sexual favours, marriage offers, and dowry demands. Perpetrators of acid assaults fulfil their goals for vengeance and envy by disfiguring and causing great bodily and mental agony to victims. The offender was found guilty, and the victim was compensated for her bodily and emotional anguish under Section 357(1)(b). As a result, the Laxmi lawsuit was brought in order to compensate victims for their losses and assist them in receiving necessary medical care. The punishment specified in the IPC is insufficient to bring the victim to justice because the survivor's anguish and anguish are significantly greater.

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<sup>5</sup> (1997) 6 SCC 241.

<sup>6</sup> (2014) 4 SCC

427.

<sup>7</sup> (2017) 6 SCC 1.

After being a victim to an acid attack herself, the victim Laxmi filed a PIL in the Supreme Court. In response to the PIL, the Indian Legislature and Supreme Court issued a series of judgements and directives in the form of guidelines for the humane provisioning and redressal of such acidattack survivors. The advances in Indian jurisprudence have an impact on a wide range of legislation, not only the IPC.

➤ **Mukesh & Anr Vs State for NCT Of Delhi (Nirbhaya Rape Case)<sup>7</sup>**

In this case, a girl was gang-raped while returning from a movie theatre with a friend. Six males assaulted and raped her, one of them was a 17-year-old juvenile. Her companion was also assaulted and beaten up by the inmates while attempting to defend her. Nirbhaya was gang-raped, and they inflicted diabolic injury on her body. They tore her guts out and disfigured her private parts. On December 29th, 2012, she died after nearly a month of therapy due to cardiac arrest, multiple organ failure, and internal haemorrhage.

The accused's cruel deed was recognised by the Supreme Court's three-judge panel. After considering the nature of their acts, how they disfigured her body, and how they ruined her dignity, the court sentenced her to death while recognising the case as a "rarest of the rare." Following this case, Indian criminal law experienced a multifaceted transformation. The most significant reform was the passage of the Criminal Law Amendment Act in 2013.

**DOES IT ACTUALLY DETER RAPE?**

The lower house of India's parliament approved a law that will result in the death sentence for someone convicted of raping a child under the age of 12. The change to the Prevention of Child Sexual Offences Act (POCSO) was made at the request of Women and Child Development Minister Maneka Gandhi, who stated that she hoped it would prevent sexual offences against minors.

It was the latest in a string of high-profile child-abuse cases, including the rape and murder of an eight-year-old girl in Indian-administered Kashmir and the rape of a little girl in the central Indian state of Madhya Pradesh. According to official crime statistics in India, the number of documented child rapes increased from 8,541 in 2012 to 19,765 in 2016. Following the outrage over the rape and murder of a medical student on a moving bus in the Indian city of Delhi in 2013, the government declared that anyone convicted of rape resulting in death would face the death penalty. The proposed laws would allow a judge to impose the death punishment on

someone guilty of raping a kid under the age of 12, even if the youngster does not die. Despite these modifications in the legislation, India remains a country that is hesitant to use the death sentence. It is now mandated only for the "rarest of rare" instances, with the interpretation left to the court. The country's latest execution occurred on March 20, 2020. Although widely applauded, the new amendment has been criticised by a handful of campaigners who doubt if the death sentence is truly an effective deterrent. Since a fatal gang rape in 2012, there has been increased scrutiny of sexual assault in India. This is an issue that has been argued all across the world: does toughening the punishment lessen crime? Some evidence from neighbouring nations suggests the opposite.

### **DOCTRINE OF RAREST OF THE RARE CASES**

The death sentence is allowed in India, however it is only used in the most egregious of instances or in other exceptional circumstances. Herein lies the controversy: neither the Act nor the Supreme Court define the word "rarest of rare cases." The expression "rarest of rare cases" first used in a Supreme Court judgement in 1983, in *Machhi Singh v. State of Punjab*. The expression "Rarest of the Rare Cases" refers to the fact that while considering a case in a criminal trial, the court must consider the type and seriousness of the offence in order to impose the proper sentence. The death sentence or life imprisonment is specified as a penalty for murder under Section 302 of the IPC. It is irrational and opposed to the public interest to believe that the death penalty may be utilised as an alternative punishment for murder. The method of the criminal law is the order of conviction of the accused, and to issue punishment or jail is completely tied to the order of conviction. As a result, Section 302 of the IPC does not meet the requirements of Article 19(1) of the Constitution. In the *Machhi Singh* case, the court established certain criteria for determining the circumstances of a case where a crime falls within the category of "Rarest of rare instances formula," as well as certain recommendations to be followed in order to determine the rarest of rare instances. In *Sabiana v. State of Karnataka*, the accused had previously been sentenced to life in prison for a crime. When he was on parole, he murdered his wife and daughter. The Supreme Court sentenced him to death and declared that the death penalty is required for criminals who are already serving a life term. However, in *Mithu v. State of Punjab*, the Supreme Court had struck down Section 303 of the IPC, which established the provision for mandatory death punishment for convicts serving a life sentence. The reasoning for this viewpoint is that since the death penalty is required, there is no sense in hearing the offender's perspective on the issue of sentencing, and it becomes

supplemental to present the grounds for giving the death sentence. While concluding their decision in *Bacchan Singh v. State of Punjab*, the Indian judiciary modified its stance on the death sentence, holding that it should only be used in the "rarest of rare circumstances" if no other recourse is available. This approach of the Supreme Court was praised in order to limit the usage of death penalty for offenders, but it appears that this strategy was met with opposition by legislators by introducing other offences in the penal code for which death penalty is awarded. "Until 1973, courts had to state the grounds for giving the alternative sentence of life imprisonment rather than death in capital offences." In *Jagmohan Singh v. State of Uttar Pradesh*, the Supreme Court held that "the death sentence, while assessing whether it is constitutional, will not only reduce crime but also prohibit society from committing such crimes." The supreme court, however, said unequivocally that the death penalty would be an exception based on the circumstances or case facts rather than judgement standards. "As a result, the new Code of Criminal Procedure, 1973, U/S 235(2) provided for the defendant's pre-trial hearing and required the Court to specify the rationale for giving the death sentence rather than life imprisonment."

## **CONCLUSION**

Capital punishment has long been a contentious social and moral issue across the world. Since death penalty is the process of executing a person convicted of a horrible crime in the name of justice, it is more than just a punishment since it is unjust and demonstrates a lack of regard for human life, according to the principles of human rights. Also, just because someone opposes the death penalty does not mean he or she supports the offender. When the death sentence is applied, the scope of improvement that might be witnessed in an individual's life is reduced, which is why democracies across the globe choose the reformatory theory of punishment over the deterrent theory of punishment. True, a criminal should be punished for his crime, but the goal of a civilised society should be to eliminate the offence, not the offender. We must educate and guide them in order to improve their lives and the lives of future generations. This is the primary distinction between humans and animals. Death penalty is legal in India and various other nations, while the same constitution also guarantees the right to life and human dignity. Despite the fact that the United Nations supports the elimination of the death penalty and that India is an active member of the UN, capital punishment remains a part of our legal system. This is due to the fact that in today's society, the conditions and circumstances of crime are terrible, with some of the most terrible incidents being the Delhi gang rape case, the Hyderabad

gang rape case, and the Unnao rape case. As a result, society expects justice to be as terrible as the crime committed. That is why India continues to use the death penalty. But we must recognise that even while we have the death penalty as a severe punishment for such horrible crimes, it is not effective in decreasing crime; instead, crime rates are fast growing year after year. As a result, while enacting any legislation, the legislature and court should consider that we need to abolish crime rather than criminals, and instead educate them for a better life. And, rather than the death sentence, severe punishment should be meted out for heinous crimes. This would be more effective since they would remember their crime every time they were imprisoned.