

ARGUMENTS FOR RETENTION OF CAPITAL PUNISHMENT

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INTRODUCTION

Capital punishment is the practice of executing someone as punishment for a specific crime after a proper legal trial. It can only be used by a state, so when non-state organizations speak of having ‘executed’ a person they have actually committed a murder. It is usually only used as punishment for particularly serious types of murder, but in some countries treason, types of fraud, adultery and rape are capital crimes. The phrase ‘capital punishment’ comes from the Latin word for the head. A ‘corporal’ punishment such as flogging, takes its name from the Latin word for the body.

PURPOSE

Capital punishment, also called death penalty, execution of an offender sentenced to death after conviction by a court of law of a criminal offence. Capital punishment should be distinguished from extrajudicial executions carried out without due process of law. The term death penalty is sometimes used interchangeably with capital punishment, though imposition of the penalty is not always followed by execution (even when it is upheld on appeal), because of the possibility of commutation to life imprisonment.

CAPITAL PUNISHMENT IS DETERRENT

No other punishment deters men so effectually from committing crimes as the punishment of Death. True, it cannot be proved by evidence. It is a conclusion that must be drawn from the general impression one gains from experience, from looking around the world, from seeing how things are done and how people feel. Lord Simon expressed he had no doubt that Capital Punishment prevented more murders to an extent that no other punishment could. It was not a matter of statistics but of the judgment and commonsense of every individual. In a speech in the House of Lords in 1948, Lord Jowitt said that “to his mind there was only one possible justification of Capital Punishment -that its potency as a deterrent reduced the number of

murders. He believed it did: he could not prove it: it must be matter of impression and one's own personal opinion. Lord Brideman based his belief in the deterrent force of the penalty "more on what I think is my knowledge of human nature than anything else, and Bishop of Truro thought that on the value of the death penalty as a deterrent.... his own feelings were a surer guide than any statistics from other countries.... and he was sure that the death penalty would be a great deterrent to him if he were contemplating murder.

The death penalty is a deterrent to premeditated murders. The experience of law enforcement Officers show that many offenders do not carry weapons because of their fear of death penalty. Statistical studies on the effectiveness of the death penalty have been inconclusive, and are in any case, unimportant. The public views Capital Punishment as both deterrent and denunciation of those who have committed the most terrible crime.

Receptionists further argue that Capital Punishment is a deterrent. Taking a realistic view, so long as the society does not become more refined, death sentence has to be retained. The security of the society and the security of the individual liberty has to be borne in mind. Capital Punishment is a deterrent because the deterrent force of Capital Punishment affects the conscious thoughts of an individual. Most people will not commit a crime if they know they may be executed as a result: this is an outgrowth of man's instinct for self-preservation

CAPITAL PUNISHMENT IS MORE HUMANE:

Capital Punishment is more humane and painless than life imprisonment. Making a person to Spend in jail throughout the remaining part of his life is more barbarous. Capital Punishment does not Prolong the agony of the prisoner as imprisonment of life does. However, if Capital Punishment is to be abolished the life imprisonment should be implemented strictly. Staying behind the bars all alone, Away from the family members till the life ends is more miserable than the death penalty

CAPITAL PUNISHMENT IS MORE ECONOMICAL

Capital Punishment is lest expensive. Public funds shall be saved. The death penalty is often Defended on the ground that it is less expensive than life imprisonment. The per capital cost of Imprisonment is about ten thousand dollars per year, and the life term may amount to an average of twenty years, making a total of two hundred thousand dollars

CAPITAL PUNISHMENT PREVENTS MURDERS

There is no other surest way to prevent crimes of violence and to reduce the number of professional criminals than implementation of Capital Punishment

CAPITAL PUNISHMENT SERVES ATONEMENT

Capital Punishment is the only just punishment, the only one capable of effacing an unpardonable crime.

MISCARRIAGE OF JUSTICE IS RULED OUT

The danger of miscarriage of justice is negligible under a well-oriented administration of criminal law. Mistakes are unlikely, the presence of judge at the trial and impartial review upon appeal provide adequate protection. Abolitionists show one or two instances. In the light of the existing safeguards of appellate review and the possibility of commutation, executing the innocent is unlikely. However, the modern judicial system has become so foolproof that the chances of an innocent person being hanged are extremely rare. Supreme Court and Government are there to look after such instances. However, one or two cases do not make history

CAPITAL PUNISHMENT HAS RELIGIOUS SANCTION

From the religious point of view, the death penalty is in large measure controversial. It is asserted by Catholic authors like Ermecke and Protestant writers like Gloege that the murderer has forfeited his life under the divine order as it is revealed in the scriptures; in consequence, the State, in carrying the death penalty, is only doing something which in any event has been preordained. The death penalty, moreover serves the balance out the disturbance to the moral order.

An incident on par with this argument is found in Mahabharata. Justifying the retention of death penalty King Dyumatsena observed that if the offenders were leniently let off, crimes were bound to multiply and that they therefore plead that the true ahimsa lay in the execution of unworthy persons. He further argued that the distinction between virtue and vice must not disappear and the evil element must be removed from the society.

A killer must be killed, though not in the same cruel way as he had dealt with the victim. It is law of nature, and the Gods too. The Bhagvad Gita reckons it as a sacred duty for which the God himself comes down to earth. A judge hanging the offender and the State executing him are exactly in the same position as the surgeon who straightaway removes the offensive limb of his body to save his life. It is a duty which both owe to the society as Brahmagnani Vishwamitra had emphasized when Rama was face to face with Tataka.

CONCLUSION

Capital punishment is a government sanctioned practice whereby a person is put to death by the state as a punishment for a crime. The sentence ordering that someone be punished in such a manner is referred to as a death sentence, whereas the act of carrying out such a sentence is known as an execution. A prisoner who has been sentenced to death and is awaiting execution is referred to as condemned and is said to be on death row. Crimes that are punishable by death are known as capital crimes, capital offences or capital felonies, and vary depending on the jurisdiction, commonly include serious offences such as murder, mass murder, aggravated cases of murder like child pesticide and in some cases, the most serious acts of recidivism, aggravated robbery and dacoity.