

# Case Reference Report

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## Top Matched References

1. A Quest for ?Justice? in Capital Punishment: A Socio-Legal Study of the Nirbhaya Gangrape Case

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## Abstract

The December 16, 2012 gang rape case in India?s capital ignited fierce discussion on women?s

rights, safety measures as well as the punishment for the rapists. A major question stemming from this case and elaborated in this paper is: is capital punishment for a rapist an effective measure, as a form of ?justice? for the victim? The paper concludes that capital punishment should be abolished even for gruesome crimes like rape and it further raises the question whether capital punishment can serve as a reform tool for the existing and oftentimes dysfunctional criminal system in India. Through a thorough analysis of Mukesh & Anot [source: rag\_model\_data.pdf]

2. ool for the existing and oftentimes dysfunctional criminal system in India. Through a thorough analysis of Mukesh & Another Vs

State of NCT of Delhi and others (known as the Nirbhaya gang rape case), the paper explores capital punishment for the rapist from a socio-legal and cultural perspective. The case particularly becomes important as, along with other issues, it is concerned with the question of rights of the victim vis-à-vis the rights of the offender. In other words, the paper delves deeper into the conflict between the victims? interests and the right of the offender in the justice system by examining who is responsible for what and to what extent. Taking a human rights approach,

the paper examines the human rights jurisprudence in India as well as in international laws.

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3. ims vis-à-vis the perpetrator, especially in light of the death sentence.

As the majority of countries in the world are moving towards banning the death penalty, the argument pertaining to the rights of perpetrators and that of the victims here investigates the IAFOR Journal of Cultural Studies

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issue by directing the attention on the right to life and how it is understood in the Indian context.

It further raises the question whether the legal system should be left to its own devices while dealing with this question. Capital punishment for rapists is questioned from a socio-legal and cultural perspective and the text discusses the Delhi gang rape case elaborately as it brought to

the fore questions related to the rights of victims and perpetrator

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4. man rights approach,

the paper examines the human rights jurisprudence in India as well as in international laws.

Further, it maps the social and historical perspective revolving around rape victimhood and gender along with arguments that have been predominant for and against capital punishment, particularly for rapists in an Indian context.

Keywords: capital punishment, culture, gang rape, gender, India, law, justice, Nirbhaya

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Introduction

The case under consideration in the following pages is about a rape victim, the pseudonym used for her is Nirbhaya (?The fearless one? in Hindi) as the rape laws in India do not allow to use a victim?s actual name. She was a 23-year-old female student who was brutally

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5. pent since the

incident and confirmed the death penalty for the perpetrators yet again.

Conclusion

It becomes apparent from the previous sections that the judgement in the Nirbhaya gang rape case needs to be understood relating to and read with other socio-cultural attributes like public pressure, media intensity, political and cultural milieu as well as the victim-oriented jurisprudence in India, and not solely through a legal lens. It is indispensable to do so in order to provide a mechanism of checks and balances to the legal system, which tends to capitulate to its own ideological proclivities. The shifting positions of the judges themselves over a period of time, along with the social-political and cultural contexts, highlights this dilemma. Providing a dissenting judgemen

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## AI Guidance

This document is an academic paper analyzing the Nirbhaya gang rape case and the death penalty imposed on the convicts. It doesn't directly concern a specific legal case needing immediate action, but rather discusses the broader legal and societal implications of capital punishment for rape in India. Therefore, I cannot provide points 3, 4, and 5 (Pros & cons, practical next steps, points to know) as they are not applicable to this academic research.

### \*\*1. Simple Explanation:\*\*

The paper examines the 2012 Nirbhaya gang rape case in Delhi, focusing on the debate surrounding the death penalty for the perpetrators. It explores whether capital punishment serves as effective justice for victims and whether it's a suitable tool for India's criminal justice system. The author analyzes the case through a socio-legal lens, considering its cultural context, the victim's rights versus the offenders' rights, and India's human rights jurisprudence. The paper also discusses the amendments to Indian rape laws that followed the Nirbhaya case, including the introduction of the death penalty for rape resulting in death or a vegetative state. Ultimately, the author argues against the death penalty for rape.

### \*\*2. Relevant IPC Sections/Acts/Cases:\*\*

The paper centers around the \*Mukesh & Another Vs. State of NCT of Delhi\* case (Nirbhaya case). The specific IPC sections amended in 2013 following the Nirbhaya case are not explicitly stated in the provided abstract and introduction. However, the amendments expanded the definition of "rape" beyond vaginal penetration and introduced/enhanced punishments for related offences like sexual harassment, voyeurism and acid attacks. The amendments likely involved changes to several sections within the Indian Penal Code (IPC), 1860, but determining the precise sections requires access to the full text of the 2013 amendments. The Criminal Law (Amendment) Act, 2013, is the relevant Act. Further, the paper mentions the Verma Committee report, which offered recommendations on laws concerning violence against women, but this report itself is not a legal case or statute.

I am unable to provide details on specific similar past case outcomes without access to the complete research paper and further legal research. The provided text only mentions the Nirbhaya case in detail.

**\*\*Disclaimer:\*\*** I am an AI and cannot provide legal advice. This information is for educational purposes only. To obtain specific legal advice, consult a qualified Indian lawyer.

## **Procedure & Indicative Costs**

Typical Initial Procedure:

- 1) Collect documents & evidence.
- 2) Draft complaint/pleading with counsel.
- 3) Identify forum/jurisdiction and file.
- 4) Court scrutiny & issuance of notice.
- 5) Respondent reply, rejoinder, framing of issues.
- 6) Evidence, arguments, judgment.

Indicative Early Costs (very rough):

- Drafting + Filing + First appearance: ₹3,000??15,000 (varies by city & counsel).
- Court fees/stamp duty: as per claim/value and local rules.

### **For consultation:**

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