

ABSTRACT

EFFICACY OF HARSH PUNISHMENT VIS A VIS CHILD SEXUAL ABUSE IN INDIA: AN ANALYSIS

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Punishing the wrong doer is one of the crucial functions of the criminal justice administration. However, in this civilised age, some people have started questioning the effectiveness of severe punishment. A punishment is excessive and unconstitutional if it is grossly out of proportion to the severity of the crime, or makes no measurable contribution to the acceptable goals of punishment. The issue regarding the efficacy of punishment exist in India lacks structural sentencing policies that have been raised either by the legislature or the judiciary. In the year 2003, a Committee on Reforms of Criminal Justice System popularly known as the Malimath Committee, a body established by the Ministry of Home Affairs, submitted a report with 158 suggestions that emphasized the need to have guidelines to enable the sentencing policy structurally, The Committee advised further that, to bring "predictability in the matter of sentencing," a statutory committee should be established "Further, in 2008, a four members panel on Draft National Policy on Criminal Justice headed by the Madhava Menon Committee, has suggested renovate complete criminal procedure system. Sexual violence against children has drawn a lot of anguish in the country and has been the core area by the legislative initiatives. The Union Cabinet passed the Criminal Law Amendment Act 2018, which prescribed death penalty to the accused in cases of rape of girls under age 12. But, this severe sentencing policy further debatable that, whether the punishment will prevent child rape in-country?

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Because it will make sure in most of the cases that the rapist will rape as well as prefer to kill the victim because he will be hanged only once. As per the report, in 93% of the incidents of sexual abused against children, the rapist is known to the victim or distance relative, teacher, neighbour, etc. In those cases to eliminate the evidence rapist try to kill the innocent minor.

In the present paper, the author analyses the efficacy of severe punishment to prevent child sexual abuse from society by analyzing various child protective laws. Finally ,the paper concluded with varous suggestive measures to control.

Keywords : *harsh, punishment, child ,sexual, abuse*