

**ABSTRACT**

**CAPITAL PUNISHMENT: A SHIFT TOWARDS AN ABOLITIONISTIC REGIME?**

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The essay deals with the recent shift of death penalty as a punishment in the Indian criminal jurisprudence towards a more Abolitionistic regime. Arguments for and against this heinous form of punishment have been elaborated upon by the author which are supplemented by accounts of various criminologists and jurists on the issue. Various international provisions provide for restriction of use of death penalty but many states have resorted to executing the criminal indicating death penalty as a prevalent practice in the contemporary society. With respect to Indian laws it is observed that even though the judiciary has consistently tried to establish a more progressive society through moderating upon execution as a punishment the provisions promulgated by the legislature is inclined towards retention of death penalty. An alternative form of punishment in place of death sentence along with the effect such a punishment has on the victim is another important aspect which has been looked upon in the essay. The idea of establishing restorative justice along with the recent movement for moratorium on death penalty is deliberated upon as an effective measure forwarded by the Abolitionists. Thereby, we argue the legitimacy of capital punishment in the contemporary society.

**KEYWORDS:** Death Penalty, Abolitionist, Retention, Moratorium, Legitimacy.