

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.



Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CHEMICAL CASTRATION- DOES IT HELP IN PREVENTING SEXUAL CRIMES?

AUTHORED BY - SHAANVI PANDEY & RAJDEEP PANDEY

ABSTRACT –

"The measure of a society is found in how they treat their weakest and most helpless citizens."

– *Jimmy*

Carter

This resonates with the notion that points out the ethical responsibility of a legal system to protect its most vulnerable members. The quote underscores the urgent need for effective legal and remedial measures in the context of this research to protect victims of sexual assault and prevent repeated assaults. The rising rate of sexual offenses in India highlights the imperative to develop effective legal and rehabilitative measures to check recidivism. This research assesses the relative effectiveness of chemical castration compared to existing sentencing and rehabilitative measures, critically analyzing its legal viability as an alternative to conventional punitive measures. By examining its constitutional validity, judicial interpretations, and legislative status, this study investigates the congruence of chemical castration with Indian legal frameworks. Further, by using empirical data and case studies to inform its potential implications in India, the study conducts a comparison of recidivism rates among offenders who undergo chemical castration and those who are subjected to traditional sanctions or rehabilitation programs. The paper provides insights into the viability of chemical castration in India's legal framework by examining international precedents where it has been employed, both mandator- applicable to repeat offenders and voluntary - as a condition of parole - applications. Further, human rights, medical, and ethical issues are investigated to offer a comprehensive assessment of its viability. The study concludes with policy recommendations that advocate legislative protection, medical oversight, and judicial oversight to regulate its ethical use. By investigating new but controversial approaches to preventing sexual violence, this study aims to contribute to the current debate regarding the enhancement of India's criminal justice system.

INTRODUCTION-

The rising rate of sexual offenses and recidivism has generated serious concerns about the efficacy of the current punitive measures in deterring repeat offenders. In spite of the existence of strict laws, such as the Protection of Children from Sexual Offences (POCSO) Act and the amendments to the Bhartiya Nyay Sanhita (BNS) that prescribe harsh punishments, such as life imprisonment and the death penalty, the rate of sexual offenses continues to increase, reflecting the failure in rehabilitation and deterrence. Classical punitive measures, such as imprisonment, tend to ignore the intrinsic behavioral and psychological factors of sexual offenses and result in high reoffending rates. Therefore, there is a need for alternative legal and rehabilitative measures that have the potential to reduce recidivism, bearing in mind the failure of classical punitive measures. One such effective alternative is Chemical Castration. It is the use of hormone therapy to block the production of sex hormones. The purpose of chemical castration is to lower the levels of male hormones, or androgens. Chemical castration can be done through injections, oral medicine, or a subcutaneous implant. The Hormone levels are considerably impacted as a result diminishing sexual urges in offenders. The administration of drugs such as Medroxyprogesterone Acetate to reduce the body's synthesis of androgens, particularly testosterone, significantly. Many nations have established laws allowing chemical castration on sexual offenders especially those with paraphilia and pedophilias. The 1940s saw the introduction of chemical castration as a means of reducing abnormal sexual behavior, with the first medication given to people being diethylstilbestrol (DES), which reduces testosterone levels. Chemical castration was used in the UK to "treat" homosexuality in the early 1950s under a now-defunct "gross indecency" rule that made intercourse between men illegal. Thousands of gay individuals were subjected to this method, including mathematician Alan Turing, who was found guilty of homosexuality in 1952. Sexologist John Money first used chemical castration on sexual offenders in the United States in 1966. Money gave medroxyprogesterone acetate (MPA), a medication that reduces paraphilic behavior (violent or potentially hazardous sexual impulses), to sex offenders. California added chemical castration as a penalty for anyone found guilty of sexually abusing kids in 1996, about 30 years later. Other states adopted similar laws after Florida did so in 1997. Many other nations, such as Australia, Belgium, France, Poland, Russia, Sweden, Turkey, and the United Kingdom, Pakistan also have laws that allow the use of chemical castration to control the behavior of sexual offenders.¹ In response to the escalating incidence of sexual offenses in India,

¹ Author, A. A. (n.d.). *Chemical Castration*. Encyclopedia Britannica

particularly in the aftermath of the heinous ²Nirbhaya rape case in 2012, the public became increasingly agitated for justice. As a result, they devised alternative punishments, including chemical castration. As a result of which Verma committee was formed headed by Justice J. S. Verma, a former Chief Justice of India. The committee's recommendation mentioned that maximum punishment for rape can be life imprisonment and not death as it doesn't signify deterrence. With the increasing rage of public to include chemical castration as a form of punishment, the committee rejected the inclusion of chemical castration as it fails to treat the social foundation of rape. This paper will throw light upon the inclusion of chemical castration as punishment with rehabilitative approach and how it will contribute decreasing the rate of recidivism.

RESEARCH METHODOLOGY-

This study uses a doctrinal research technique, concentrating on a thorough examination of laws, legislation, court decisions, and academic discussions about chemical castration and recidivism. A qualitative, secondary research approach is used because the research is legal and policy-oriented. It critically examines the viability of chemical castration as a legal and rehabilitative measure in India by drawing on case laws, existing literature, legislative frameworks, and empirical studies. This study is doctrinal in character, which means it is mostly theoretical and analytical and is founded on the analysis of academic literature, statutes, court rulings, and legal documents. In order to draw conclusions, the study examines current legal frameworks, policy papers, and comparative legal systems rather than gathering empirical data.

RESEARCH QUESTIONS-

1. How does chemical castration align with Indian legal framework and what is the legal status of chemical castration in India?
2. How do recidivism rates compare between offenders who undergo chemical castration and those who receive other form of punishment or rehabilitation?

1.] How does Chemical castration align with Indian legal framework and what is the legal status of chemical castration in India?

Various Indian states, including Madhya Pradesh and Rajasthan, have proposed legislation to

² Mukesh & Anr v. State for NCT of Delhi & Ors, (2017) SCC

provide voluntary chemical castration for repeat offenders, out of which none have been implemented. The foundation of the Indian legal system is found in the fundamental rights guaranteed by the constitution, especially Article 21, which safeguards a person's right to life and personal liberty. The concepts of proportionality, dignity, and bodily autonomy must all be upheld in any disciplinary action. Chemical castration was unequivocally rejected by the Justice J.S. Verma Committee (2013), which held that it insulted human dignity and could not be used as a mandatory punishment. Indian Judiciary has always supported the idea of reformatory justice over retaliatory actions. The Supreme Court reiterated that privacy and bodily integrity form a fundamental component of human dignity in the case of *K.S. Puttaswamy v. Union of India* (2017), and raised questions about whether or not coercive chemical castration would be constitutionally viable. But the advocates cite that chemical castration might be able to pass legal muster if done voluntarily, especially as a requirement of parole for convicted offenders. By making sure that the punishment comes in the form of a bargained condition of shorter sentences or earlier release instead of being a coercive procedure, the principle of informed consent could become a viable compromise. Proponents of chemical castration believe that chemical castration does serve as an effective deterrent to professional criminals, especially where child sex abuse and serial rape are concerned. The ineffectiveness of conventional sentencing patterns is testified to by the high recidivism rate of sex offenders. Advocates believe that making chemical castration a prerequisite to the possibility of parole could be an even more deterrent effect than punishment through confinement. Concerning chemical castration as a penal procedure, the Indian state has taken a conservative and responsive stance. The Justice Verma Committee, which was commissioned by the state to revise rape law, firmly disapproved of chemical castration as a punishment for rapists in 2013, in the aftermath of the heinous Delhi gang rape that triggered a national public outcry. The committee gave special weight to the fact that "it would be unconstitutional and inconsistent with basic human rights treaties for the state to subject any citizen without their consent to potentially hazardous medical side effects." This stance indicates a comprehensive assessment of international human rights norms and constitutional principles which India is committed to uphold. Besides legal reasons, the committee rejected the proposal on other grounds. They contended that "chemical castration fails to treat the social foundations of rape which is about power and sexually deviant behaviour." This is a critical realization that sexual violence does not take place in isolated social and psychological contexts but is a product of larger social and psychological contexts rather than merely the result of biological urges that could be severed by medical interventions. "We hold that mandatory chemical castration as a

punishment contradicts human rights standards," the committee asserted, thus bolstering its case. The government's stance seems to be changing despite its official rejection in 2013. In January 2025, the Supreme Court gave the Central government six weeks' time to reply to a Public Interest Litigation (PIL) seeking chemical castration as punishment for sexual crimes. Given the persistence of sexual violence in the nation and public calls for stronger penalties, this continued participation indicates that lawmakers are still debating this issue.

1.1) Legal Status of Chemical Castration in India

There are far-reaching differences of opinion among Indian lawyers on chemical castration, reflecting larger social tensions between rehabilitation and retribution. One extreme is the Supreme Court Women Lawyers Association (SCWLA), which has long urged the integration of chemical castration into India's legal system for sexual offenders. In 2018, the SCWLA wrote to the Prime Minister's Office upon public outrage over child rape cases in Kathua and Unnao that chemical castration "in addition to the death penalty, in the rarest of rare cases of sexual offences, is the need of the hour." The SCWLA has persisted in promoting their cause, as is clear from their recent Public Interest Litigation (PIL) filed with the Supreme Court in 2025, which demanded "nationwide guidelines to protect women, various reforms for the protection of women, and chemical castration of the offenders as a penalty in sexual offence cases." This stance by a top legal organization is in line with the perception that available deterrent punishments are not sufficient to prevent sexual offenses, especially against children. Their campaign led the Prime Minister's Office to refer their representation to the Ministry of Women and Child Development to take "appropriate action." In considering the SCWLA's petition, the Supreme Court suggested an extension of the consultation to incorporate the views of women lawyers from all parts of various High Courts and sections of society, as well as seeking a response from the government. This is a recognition of the complexity of the issue and the need for varied opinions before policy on such a controversial topic is determined. Certain Indian voices have proposed different methods for confronting sexual violence, especially in the debate on chemical castration. These methods are focused on restorative justice and rehabilitation rather than punitive methods. An academic examination of punishing sex offenders in India raised "whether punitive measures, such as chemical castration and the death penalty, provide the best way forward." In contrast, this argument favors "the use of restorative justice and the examination of sex offender treatment programs" as perhaps "more effective for solving the problem of sexual violence in India." This response acknowledges that although punitive methods can meet the public's short-term call for justice, they might not

resolve the reasons behind sexual violence or offer long-term preventive solutions. The search for stricter punishments continues despite these differences. Along with promoting chemical castration, the recent Public Interest Litigation (PIL) of the Supreme Court Women Lawyers Association also demands "a complete ban on online pornography and unfiltered obscenity on OTT platforms," "a 'no bail' provision in cases of such abhorrent crimes against women," and "the mandatory installation of CCTVs in workplaces." This multi-faceted approach indicates that even those who promote stricter sanctions recognize the need for various interventions beyond just giving heavier punishments in order to address sexual assault more effectively. Deep conflicts between retributive tendencies and rights-based approaches to justice are evident in the discussion around chemical castration in India. Although some members of the public and legal community still support chemical castration as a remedy for horrific sexual offenses, government committees, human rights groups, and medical professionals have voiced serious ethical, constitutional, and practical objections to such practices.

Q2.] How do recidivism rates compare between offenders who undergo chemical castration ?

Effectiveness of Chemical castration in reducing Recidivism- The effectiveness of chemical castration, which entails using anti-androgen medications to lower testosterone levels and lessen sexual cravings, in lowering recidivism rates among sexual offenders has varied. Research indicates that:

1. Treated offenders, including those undergoing chemical or surgical castration, exhibit 37% lower sexual recidivism rates compared to untreated offenders. This effect is most pronounced in biological treatment programs targeting offenders with paraphilic disorders (e.g., pedophilia or exhibitionism).
2. In certain situations, GnRH agonists, a more recent type of pharmacological castration, have shown great effectiveness in lowering testosterone levels and abnormal sexual cravings. However, the absence of randomized controlled trials means that the data is still equivocal.
3. For criminals without paraphilic illnesses who exhibit antisocial or psychopathic tendencies, chemical castration seems to be unsuccessful.

However, if chemical castration is clubbed with rehabilitative approach it will help considerably reducing and talking the issue.

Recidivism rates have been found to be lower for psychological therapy and rehabilitation programs that follow the "Risk-Need-Responsivity" (RNR) principles than for untreated

offenders. For example, one meta-analysis found that recidivism rates for treated criminals were 10.9% whereas those for untreated offenders were 19.2%. Instead of just stifling biological urges, rehabilitation programs target the psychological and societal issues that underlie sexual offenses. Cognitive-behavioral therapy and community reintegration initiatives are frequently included in these programs. Incarceration does not treat the underlying causes of deviant conduct, even while it stops immediate reoffending during the sentence period. Recidivism is more likely for released offenders who have not received rehabilitation. Chemical castration may be used as an adjunct rather than a stand-alone method to reduce sexual offenses in India. Several elements might determine how effective it is:

- 1. Targeted Use-** Criminal offenders or paraphilic offenders who exhibit deviant behavior owing to the presence of high levels of testosterone are the most appropriate candidates for chemical castration. Criminal offenders who are criminally motivated by needs or by power would be less effective. Chemical castration can be supplemented with social reintegration programmes and psychotherapy to derive the maximum benefit.
- 2. Implementation challenges-** resolving moral issues with coercion and voluntary participation. Establishing the infrastructure to track compliance with treatment after discharge. Resolving more endemic social issues that lead to sexual violence, e.g., poverty, stigma, and illiteracy.
- 3. Legal framework and Public Perception-** Due to the outcry by the public against heinous sexual offenses, the public might favor harsher punishment techniques such as chemical castration. In the interest of preventing legal challenges, its implementation should, however, be consistent with Article 21's basic safeguards for the right to life and liberty of a person.

CONCLUSION -

India's criminal justice system has to embrace innovation while continually upholding constitutional norms. As regulated with moral supervision, chemical castration could be a leap towards evidence-based deterrence and facilitate rehabilitative justice models. But bridging the gap between legal protection, medical accountability, and public enlightenment is the key to its success. By inviting interdisciplinary dialogue among legislators, medical professionals, and human rights advocates, India has the potential to become a template for reducing sexual assault while respecting the dignity of both victims and offenders. Ensuring that chemical castration does not become an end in itself but a harbinger of systemic reform, the analysis underlines the imperative of India attaining a harmonious convergence between innovation and

its reformatory justice heritage. While literature attests to chemical castration decreasing recidivism by some 37% among paraphilic offenders, its limited deployment among psychopathic or non-paraphilic offenders underscores the imperative of individualized therapeutic intervention. Prudent use is warranted considering the dearth of data on comprehensive long-term follow-ups and randomized trials. Chemical castration, if at times the darling of news headlines as a deterrent, can end up perceived as a punitive "quick fix" that misses addressing deeper structural problems like patriarchal norms and lack of effective mental health interventions. To curb the underlying behavioral and emotional impulses, chemical castration is optimally effective if coupled with psychiatric treatment, counseling, and social reintegration intervention. To ward off re-offending on parole, India's retributive criminal justice system needs to shift to one focusing on rehabilitation and ensuring that the convict gets proper medical treatment.

Policy Recommendations:-

1. Legislative Safeguards - Create legislation that allows repeat criminals or people with paraphilic illnesses to undergo voluntary chemical castration while maintaining medical supervision and judicial control.
2. Medical- Legal Collaboration - Create procedures for eligibility, managing side effects, and conducting recurring evaluations to strike a balance between effectiveness and moral principles.
3. Public Education - Present chemical castration as a therapeutic method as part of larger changes to address mental health and gender-based violence.

BIBLIOGRAPHY:-

1. 'Chemically Castrating' (healthline) <<https://www.healthline.com/health/chemically-castrating#definition>>.
2. Merriam-Webster. (n.d.). Chemical castration. In *Merriam-Webster.com dictionary*.
3. Vaillancourt, S. P. (2012). *Chemical castration: how a medical therapy became punishment and the bioethical imperative to return to a rehabilitative model for sex offenders* (Doctoral dissertation, Wake Forest University).
4. Ratkoceri, V. (2017). Chemical Castration of Child Molesters—Right or Wrong?!. *European Journal of Social Science Education and Research*, 4(3s), 70-76.
5. Sifferd, K. L. (2020). Chemical castration as punishment.

6. Weinberger, L. E., Sreenivasan, S., Garrick, T., & Osran, H. (2005). The impact of surgical castration on sexual recidivism risk among sexually violent predatory offenders. *Journal of the American Academy of Psychiatry and the Law Online*, 33(1), 16-36.

