Death for Rape - Conflicting Notions

What is the issue?

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- Recently, an ordinance was passed for mandating death penalty for those convicted for raping minors below the age of 12.
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- While some have welcomed this, some others have dismissed it as a political gimmick with little deterrent value.
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What are the views of the supporters of the ordinance?

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- The supporters believe that severity of punishment has a direct bearing on the reduction in the reduction in the commission of a crime due to fear.
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- Rational jurisprudence demands that punishment meted out should be in proportion to the crime.
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- Rape of a minor below 12 years of age is a heinous crime by any standard that severely damages the child’s physical and psychological wellbeing.
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- Hence, it is desired to present a more severe punishment to this category of offenders than those involved in other rapes.
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- The ordinance backers have also stated that debates regarding the same have been around since 2012-13 and hence it is not a knee-jerk reaction.
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What are the views of those criticising the ordinance?

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- People who oppose the ordinance vouch that it is a highly rushed through patchy legislation that will have little consequence on the crime.
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- They also stress that, as raping a minor and killing him/her would attract the same punishment, this might prompt the offender to murder the victim.
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- Notably, victims do constitute the primary evidence and their elimination could make the conviction of the perpetrators very difficult.
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- Additionally, the ordinance route for the bill is said to have bypassed the deserved parliamentary scrutiny, which is crucial to refine its provisions.
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- Moreover, in a considerable number of cases, the offender is a relative to the victim, and death penalty might put the victim's side in such cases under a moral dilemma on whether to report the case.
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What is the way ahead?

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- Increasing the severity of punishments hasn't always led to reduction in crime, and available data suggests that there is no concrete connection between both.
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- Either ways, just making a law doesn't change anything unless robust mechanisms are evolved to nail the offenders with surety.
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- There needs to be considerable improvements in our criminal justice system to ensure that criminals are brought to book through fair and swift trials.
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- Protection for victims and witnesses needs to improve and more sensitivity needs to be bred into our investigative forces to ease the pressure on victims.
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- Additionally, there is gross under-reporting of rapes in India due to social stigma, and concerted efforts are needed to overcome this.
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Source: The Hindu

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