Sustainable Solution to Curb Rapes

What is the issue?

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- The government has recently passed an ordinance mandating death penalty for those convicted of raping children below 12 years of age.
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- This is a classical case of playing to the gallaries rather than a substantive step to address the large malice that is plaguing our justice system.
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Why is the current move a mere political gimmick?

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- After every major incident of sexual violence, there is a palpable societal outrage, and the politicians immediately initiate a populist action.
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- Hence, the current ordinance regarding rape is nothing more than a mere political recipie to satiate the sentiments of the masses.
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- The rationale for mandating “death penalty” is premised on the belief that stringent laws will reduce crime, but there is no evidence for the same.
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- Sadly, populist actions has largely diverted our attention form the systemic failures that has been plaguing our justice delivery system.
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- Sloppy police investigations, low conviction rates, the overall slowness of the judiciary only adds to the woes of the victims.
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- Women organsiations have argued timely justice and greater focus on victim rehabilitation through medical and psychological support.
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- But sadly, there is little that India seems to be doing in these domains.
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What are the real problems that need to be addressed?

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- Rapes and sexual assaults on women and children have reached epidemic proportions, which mandate a review of our police and judicial institutions.
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- **Police -** Presently, insensitive methods of police investigation, tardy filing of charge sheets, insensitive counselling, disempower victims greatly.
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- Also, rape survivors are subjected to a traumatising experience in police stations and hospitals where medical examinations are carried out.
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- Such harassment gets into spotlight only in extreme cases, and efforts for improving this prevalent malice is severly lacking.
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- Further, there is unwarranted delay by the police in filing missing person complaints and registering written complaints of sexual assault survivors.
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- While the reasons such delays are many, it is often connected to prevailing biases of - class, caste, religion and gender.
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- Such delays gives perpetrators ample time to destroy crucial evidence and cover their tracks by influencing witnesses or even threating victims.
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- **Judiciary -** Aggressive cross-examination of the survivor and her witnesses and cumbersome court proceedings scar and scare the victims further.
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- There seems to be little recognition for the psychological trauma and agony that the victim has undergone, while being subjected to a hostile trial.
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What is the way ahead?

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- Instead of harping on the quantum and severity of punishment, we have to highlight the issue of a low conviction rate for rape.
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- There is a mounting lack of trust in the judiciary as the preprators seem to be enjoying a virtual impunity by using the loopholes in our justice system.
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- Notably, “National Crime Records Bureau” (NCRB) data has shown that

there is a high prevalence of repeat sexual offenders.
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- We hence need to enhance the judicial capacity and special fast-track courts for handling sexual offences could also be considered.
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- Additionally, we need to constitute structures for better care and rehabilitation for victims in order to ensure their good health and well being.
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Source: The Hindu

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