



Can 'Death penalty' deter child rapes?

Description

Theme:

- In April 2018, the Indian government approved the ordinance for awarding the death penalty for rapists of girls below 12 years of age.
- This decision is taken because the public was outraged at the brutal rape and murder of an 8-year-old girl child.

Points in favour of the death penalty for child rape:

- Sexual violence on children is on the rise these days. The death penalty instils fear and can deter crimes.
- Rapes of minors are different from the rapes of adults. Children who faced sexual harassment are not capable of dealing with the trauma. Child victims will have emotional pain and trauma throughout their life. It will impact their ability to do well in their life and relationships. Hence, child rapists do not deserve to live.
- If someone is committed a heinous crime such as raping an innocent child, he/she is not reformable and will be a threat to other children too. Hence eliminating the criminal from our society with the death penalty will save society.

Points in against to death penalty for child rape:

- Rapists may kill their victims after the crime because the punishment for both rape and murder are now the same.
- Human rights organizations worldwide term the death penalty as draconian.
- Imprisonment till death too will serve the purpose of saving society from these rapists. It was not proved in anywhere in the world that a death sentence is a better deterrent than life imprisonment.
- It is taking years to solve and do justice to the victims of rape. If the punishment is the death penalty, cases may be dragged even longer, because if the accused is falsely convicted,



innocent lives will be lost.

- The conviction rate in rape cases is already low. The death penalty may further lower the conviction rate.
- In 95% of the child rapes, the accused is a known person to the victim. The perpetrator of the crime happens to be a family member or relative or a closed one in many cases. The death penalty may discourage them to file the case. At present, only a few rape cases are reported in the police station. Capital punishment may worsen the situation.
- Punishments in a civilized society should not be awarded to take revenge. Rather they should be able to deter crimes, reform the criminal and protect society from them.
- Nirbhaya Act, 2013 is already stringent. But there are loopholes in implementation. Without fixing the loopholes, increasing the severity of punishment will be of no use.
- What happens if any innocent is accused falsely, and the death penalty is awarded to him? We cannot bring his life back when his innocence is proved.
- As per Nirbhaya Act, 2013, the death penalty is already there in the rarest of rare cases. The severity of punishment should be based on the brutality of the crime.
- Only girl child victims are mentioned in the ordinance, but male children are also vulnerable to rapes.
- Victims may face even more pressure and threats to withdraw from the case.
- Rich and powerful can afford good lawyers and may escape from the punishment whereas the poor cannot do that.

So, what is the solution:

The death penalty may not deter the crimes because there are many underlying issues that are leading to sexual violence. A multi-pronged approach is needed to save society from this menace. A combination of preventive measures and stringent punishments can reduce sexual crimes.

- The main cause of deviant behaviour is a lack of moral values. Children should be taught ethics and values from a young age. Parents and the education system should take this responsibility.
- Gender sensitization programs should be conducted at every place.
- India is still a patriarchal society. Men here are taught to be tough and over-powering. Because of this attitude, some people think that they are superior to women.
- Many families do not want to report rape because they think that it is a harm to their family honour. A positive environment should be created where the victim is not blamed.
- In India, sexual needs are not discussed openly. There is a lack of sex education. When there are no right sources, young people will get influenced by or adult websites. This needs to be addressed. They should be taught that intercourse should happen with the consent of both.
- FIR should be filed when a rape is reported and pieces of evidence should be collected immediately. If the police do not follow this, they should be punished.
- Victims should have access to women police officers to tell their case. More women should be recruited in police forces.
- Police should be trained to communicate with the victims.
- Victims should be protected from further threats and harassment.



- The investigation should involve better technology and intelligence. Infrastructure should be improved.
- Easy access to alcohol is also one of the reasons for increasing crimes.
- Graded punishments can help in deterring crimes. Punishments should be based on the brutality of the crimes. It is best to leave the severity of punishments to the discretion of courts because each case is different and punishments cannot be generalized.

Conclusion:

The main cause for the increasing child rapes is the low conviction rate. Rape cases are pending in courts for years. By fixing all the loopholes in the process of investigation, the government should take steps to provide speedy justice. The death penalty may not solve the problem. Rather, a speedy conviction will deter crimes and can instil fear in the perpetrators of crime.

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Your Turn...

Do you support capital punishment for child rape? Express your thoughts in the comment section below. Subscribe to our blog to read answers to the latest GD topics.

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