

Rapes and Death Sentence



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Walter Fernandes 23 April 2018 Updated 23 Apr 16079 views

Protests have been held in different cities against the atrocious rape and death of an eight year old girl near Khatua and the rape of another minor in Unnao and the murder of her [father](#) for demanding justice to his daughter. A protest march was held at Guwahti too. Many protestors demanded death penalty for the rapists of minors. The chairperson of the Delhi Commission for Women (DCW) went on a fast making this demand. The Union Government has responded to this outcry through an ordinance bringing in death penalty. It is time then to reflect on some issues that these events raise because rapes and murders continue. [One](#) cannot but appreciate the protests against these brutal crimes. Thanks to their outcry serious action was taken by the Union Government, by the State Governments and the police against some criminals. However what irks me is the demand of death for the rapists.

I appreciate the stand in support of the [victims](#) of such atrocities. But the urban middle class that makes this demand does not seem to realise that this “tooth for a tooth” demand of death penalty can have the opposite effect of perpetuating the climate of violence. The [fear](#) of death can motivate the rapist to [kill](#) the victim, the main witness to his crime. Moreover, there are enough studies to show that death penalty does not prevent murders and other crimes. For example, most States of the USA have death penalty and the country has the third biggest number of executions per year. But USA continues to have the biggest number of mass killings. Even individual murders and rapes is among the highest in the world. The same holds good for China and Saudi Arabia that are the first two in the number of executions. On the other side, countries like [UK](#), France and Germany that have banned death penalty have relatively few murders and rapes. [India](#) has death penalty but one sees no reduction in these crimes. Kneejerk reaction of demanding death penalty can satisfy one’s thirst for revenge but far from reducing the number of crimes it may increase them.

By questioning this demand I do not mean that no solution should be [found](#). I hold that a lasting solution should be based not on emotional reaction to these atrocities but on an understanding of our social fabric that creates such crimes. Not every child is raped and murdered. Such crimes are relatively few against middle and upper class children and most of them are committed by their relatives and acquaintances who also pressurise them into not reporting them in order to protect the family's honour. Most children who are abused and killed by strangers are dalit, tribal or [Muslim](#). The little girl in Khatua, for example, was got rid of because she was [Muslim](#) from a nomadic tribe. The perpetrators of the crime wanted their action to force her community to leave their area. The Unnao crime was committed by a man who controls his village and was certain to escape punishment for it. The protest marches and public pressure got the State to order a CBI inquiry. After the public outcry brought the crime to its notice the Allahabad High Court took suo moto action and ordered the [criminal](#)'s arrest. Because of pressure the first step of a CBI inquiry has been taken, but one is not certain that the agency will not [dance](#) to the tune of its master and go the way of the judgements on the Mecca Masjid and Gujarat massacres and fake encounters. [One](#) says this after knowing that the State Government that ordered this inquiry also withdrew a few days ago all cases against the perpetrators of the Muzaffarnagar communal riots. Earlier the same Government had withdrawn all cases against the Chief Minister. In spite of it [one](#) has to give credit to the demonstrators for forcing the hand of the Government.

While appreciating these protests, [one](#) believes that [one](#) has to go beyond the individual events to look at the social systems that legitimise such crimes and even make them possible. It is important not to [stop](#) at these protests but realise that gender and caste combine in these cases to victimise mainly dalit and tribal children. [One](#) has, therefore, to look beyond these single events and begin a sustained campaign against caste and gender based discrimination and against the communal attitudes that legitimise such crimes. [One](#) has also to take a stand against the political system that not only condones the crimes but even encourages them. Protests against individual crimes are important but [one](#) has to ask whether time has come to begin a sustained campaign against the social system of caste and gender based discrimination and the communal atmosphere which creates the environment leading to such crimes. Our social conscience has to take a serious look at the social, political and economic systems that expose the poor to such crimes and often force them into silence about them. It is a public secret that not more than [ten](#) percent of rapes are reported. A better legal system can encourage the [victims](#) to break their silence but a social process is more important for a long-term solution.

[One](#) has also to look at regional imbalance. There have been as many crimes against women and children in the Northeast as in mainland [India](#). But they get very little attention. The middle class understandably takes up only those that get publicity in the major cities. [One](#) needs to ask why the mainstream media ignore the crimes in the Northeast or at best relegate them to a two-inch column in an inner page. As though that were not enough some legislators of Assam give it a communal colour by stating that most rapists belong to a certain community. In so doing they give themselves a good conscience by ignoring gender and caste based discrimination that legitimises such crimes.

It is therefore of utmost importance to create a social atmosphere that goes beyond protests against individual crimes. [One](#) has to find ways of preventing them. Protest against the social system that makes them possible is the first step. Rape is viewed only as crime against women. [One](#) has to realise that children's upbringing socialises both boys and [girls](#) into internalising women's subordinate role and eventually treating them as sex objects. Our society take the caste system for granted. Children's upbringing has to reverse caste and gender inequalities to get boys and [girls](#) to accept human equality. Only such a social process can take one towards a long-term solution.

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