

Topic: Justice that is Rehabilitative

As the juvenile rapist of Nirbhaya prepared to walk free now, the bill to amend the Juvenile Justice Act remains stuck in Rajya Sabha because of persistent disruptions by the Opposition. The new Act will have provisions to treat heinous crimes by minors as adult acts and accordingly punish them. The juvenile offender, on whom a changed law can't be applied retrospectively, was believed to be the **most brutal of the six convicted in the 16/12 case**, and his imminent release has triggered nationwide outrage.

On December 16, 2012, six men, including the juvenile, picked up a **23-year-old** physiotherapy student and her boyfriend from South Delhi's Munirka. The six raped and beat the woman and her boyfriend and threw them off the bus. She succumbed to her horrific injuries 13 days after the assault. **The case came to be known as the 'Nirbhaya' case.**

While the death sentence awarded to the five adult convicts - Ram, Mukesh, Vinay, Pawan and Akshay - the juvenile had escaped being tried along with them as **he was six months short of 18**. **The proposed amendment in the Juvenile Justice Act** gives a magistrate power to decide if a minor between ages 16 and 18, accused of heinous crimes like rape and murder, **can be tried as an adult** in a regular court by measuring his mental maturity. Unless it is passed, more such minors guilty of heinous crimes will be let off lightly. After the Delhi High Court said the juvenile's **three-year sentence could not be extended** under current rules. He will be free to meet his family and leave the observation home he was lodged in. The report said he will be given **Rs 10,000 as one-time grant to set up a tailoring shop** since he had trained in cutting and tailoring. It said he will require financial assistance for an initial period of about six months. The report also said he "should lead a new life with a new identity provided by the appropriate government as applicable" to "avoid any backlash or violent reaction. No juvenile can now be sentenced to more than three years and can only be lodged in a correctional home. **The bill is pending in parliament for the past one year and three months** after it was cleared by the cabinet on August 6, 2014. The Lok Sabha has approved the bill but the Rajya Sabha is yet to take it up, thanks to sustained disruptions by the Opposition.

CURRENT STATUS OF CRIMES:

Crimes involving juveniles has jumped by **50.6 per cent between 2005 and 2014**. Nearly **49,000** juveniles were arrested across the country last year. The figure was **27,936 in 2013** and rose to **31,725 in 2014**.

Improvements in legal system

In December 2012, due to huge public protests, a judicial inquiry committee was set up so as to study the scenario and make recommendations to amend the present laws for effective prosecution of sex offenders. More than **80,000 suggestions** from the public were considered and the committee submitted a report in which it was mentioned that the root causes behind crimes against women were the failures on the part of the Government and police. Subsequently, **the Criminal Law (Amendment) Ordinance, 2013 was promulgated.**

Topic
Introduction

Certain stringent changes in laws have been made and **six new fast-track courts** were set up only for rape cases. The objective was to reduce the number of rapes and sexual harassment cases. The amended laws have made it clear that there is now harsh sentence for rape convicts, which include death as well as life term penalty, stringent punishment for other offences against women like eve teasing, acid attacks, stalking and voyeurism. Various sections of the Indian Penal Code, the Indian Evidence Act, the Code of Criminal Procedure, and the Protection of Children from Sexual Offences Act have also been amended by the Government. According to law, **a rape convict can be sentenced to imprisonment for not less than 20 years**, and can extend till his natural death. Rape convicts who are repeat offenders can be sentenced to death. Stalking and voyeurism, for the first time, have been considered as non-bailable offences, while an **acid attack** convict can be sentenced to **a 10-year imprisonment**.

Let us look at the punishments for rape convicts in different countries:

- **Saudi Arabia:** The punishment for rape, or for that matter any other crime like murder, drug trafficking, sodomy, robbery, and apostasy is **public beheading**. It is said that while beheading, the victim is given a sedative. This is done in a public place where the victim is made to kneel down facing Mecca and his head is beheaded with a single stroke by the police.
- **China:** In China too, strict punishment is given to rapists. Rape is a brutal crime and a death penalty is declared once the rapist is convicted. This is done by **firing a single bullet at the spinal cord joining the neck**. Another punishment given to the rapists in China is castration. The same punishment is given for other heinous crimes too. It is worth noting that the court proceedings are very quick.
- **USA:** In USA, punishments are enacted depending on the different types of sexual assault, which also include rape. Punishment is categorised as **1st, 2nd and 3rd degree** rape punishments. The maximum sentence for rape is life imprisonment, which could be **30 years** in jail.
- Iran, Saudi Arabia and Sudan are the only three countries where **Juvenile is given death penalty for rape**.

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<http://www.thehindu.com/news/cities/Delhi/juvenile-convict-in-december-16-2012-gangrape-case-released/article8010923.ece>

<http://www.ibnlive.com/news/india/law-was-adhered-to-in-nirbhaya-case-says-maneka-gandhi-as-juvenile-convict-is-set-to-be-free-in-december-1159822.html>