

## Justice Verma Committee recommendations are comprehensive and visionary

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The recommendations of the [Justice Verma Committee](#) are comprehensive and visionary. The committee has significantly expanded the list of [crimes against women](#) (CAW). Offences such as voyeurism, stalking, disrobing and trafficking of women have been added to this list.

Moreover, the committee has proposed drastic increase in the punishment for various crimes. But it will be a mistake to believe the menace of CAW can be eliminated by expanding the scope of the law and increasing the penalty. As empirical research shows, for effective deterrence, the certainty of punishment matters more than its magnitude. To achieve certainty of punishment, it is crucial that most crimes get reported, investigated and adjudicated without delay.

Examination of CAW reported by the media during December 2012 points to several systemic problems, which will require more than reclassification of crimes and penalties. As the accompanying graphic shows, in a number of crimes, the perpetrator is someone known to the victim. But the actual proportion is much larger.

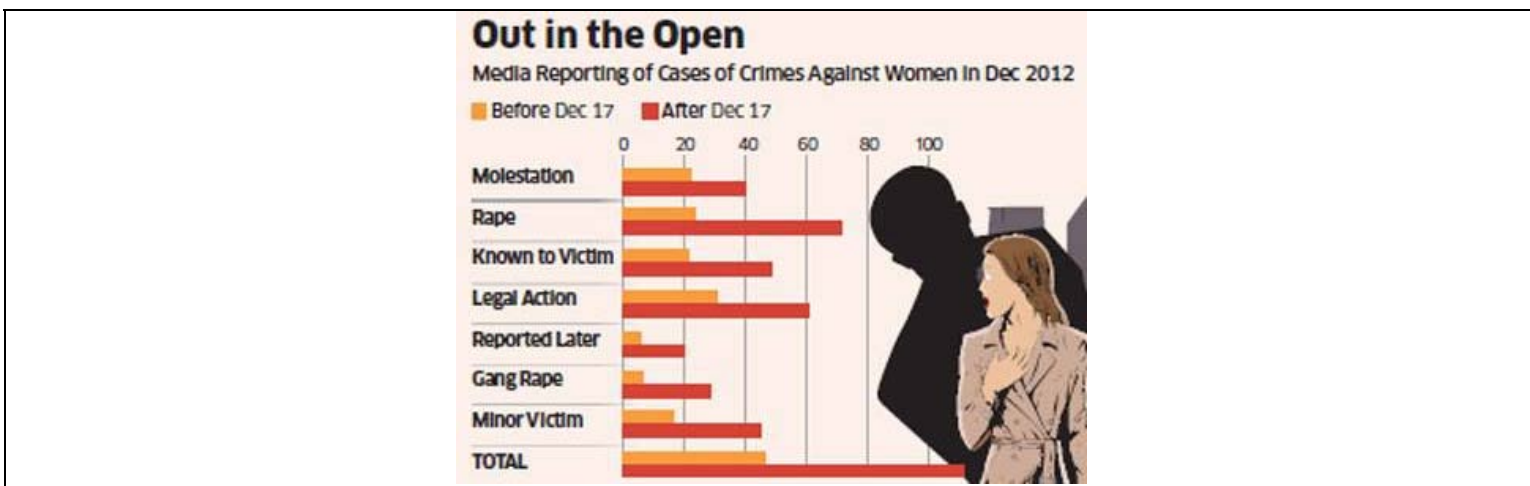
Since, due to pressure from relatives and misplaced social stigmas, many victims prefer to suffer in silence. So, many criminals go unpunished.



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Strangely, the number of CAWs seem to have more than doubled post-December 17, in comparison to the first half of the month. But there is no particular reason for crimes to increase suddenly. If anything, public outrage in the aftermath of the tragedy of December 16 and more vigilance by the [police](#) must have had a deterring effect on potential criminals. But post-December 17, media reporting has also been more prominent. This, along with huge condemnation of sex crimes, seems to have emboldened victims. Consequently, a larger fraction of recent crimes was reported by victims. Many unreported crimes have also surfaced.

Clearly, the problem of under-reporting by victims is serious, especially for rape crimes and those involving minors. To make things worse, even for many victim-reported crimes, a police complaint is not registered. On top of it, the judicial process is protracted and the conviction rate is abysmally low, at 26%. In such a scenario, most criminals go scot-free. Unsurprisingly, the law has lost its deterrence power. To address the problem of non-registration of CAW, the committee has recommended criminal prosecution of callous police officers. The above data shows many more victims can be encouraged to come forward by a proactive reporting by the media.

Moreover, it is imperative to change the [victim-blaming attitude](#) of society and its institutions: police, [judiciary](#) and, most importantly, the institution called family.












As far as the magnitude of punishment is concerned, the committee is right in rejecting demand for death penalty. We should remember that for rape crimes, the victim's statement is crucial for identifying culprits. Death penalty for rape would mean the same punishment for (one) crime of rape as well as for (two) crimes of rape followed by murder of the victim. So, there is the risk that it may induce some rapists to kill the victim to exterminate the evidence. Besides, wrongful convictions are a known fact. After all, human error cannot be ruled out even when police, forensic experts and judges all work assiduously to identify the culprit. Victims can also make a mistake in identifying the accused. At times, the real offenders escape the noose of the law.

Long-term imprisonment for rape, as proposed by the committee, is clearly superior to the death penalty. Unlike death penalty, incarceration does offer a chance to the criminal to reform himself, and to the system to rectify adjudication errors. Moreover, it can provide effective deterrence against serious crimes, providing its duration increases with the intensity of crime.

Under the extant Criminal Procedure Code, life imprisonment essentially means a maximum jail term of 14 years. This needs to change. The committee has recommended replacement of 'life imprisonment' with 'whole-life' sentence for aggravated sexual assaults like rape followed by murder, and also for gang rape.

(The author teaches at the Delhi School of Economics)

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