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India: Death penalty never the solution to crime and violence against women

Responding to the Aprajita Woman and Child (West Bengal Criminal Laws Amendment) Bill adopted today by the West Bengal state government that introduces the death penalty for the offence of rape when it results in the victim's death or leaves them "in a vegetative state", Aakar Patel, Chair of Board at Amnesty International said:

"The authorities must deliver justice and accountability for the horrific rape and murder of the woman doctor at the RG Kar Medical College and hospital in Kolkata in August. However, the death penalty is never the solution, nor it would offer a 'quick fix' to prevent violence against women. There is no evidence that it has a unique deterrent effect. Even the Justice Verma Committee that was constituted in 2012 to reform the laws and criminal justice practices relating to crimes of sexual violence, including rape in India and Law Commission of India have opposed the death penalty in cases of violence against women.

"What is actually needed is far-reaching procedural and institutional reform that deals with the root causes of crime and put emphasis on its prevention. Authorities in West Bengal and across India must fully implement recommendations made by the Justice Verma Committee, including police training and reform, preventive measures, and addressing how reports of sexual violence are registered and investigated. These are important first steps that will in the long run make India safer, including for women.

"We urge the Central Bureau of Investigation (CBI) to conduct a swift and thorough investigation into this appalling case and bring those responsible to justice without recourse to death penalty. Undue delays will further the climate of fear, impunity and uncertainty."

Background

On 9 August, a 31-year-old trainee doctor was raped and murdered at the RG Kar Medical college and hospital in Kolkata, capital city of the state of West Bengal in eastern India. The events sparked a wave of protests across the country.

On 13 August, the Kolkata High Court reassigned the investigation of the case from the police to the Central Bureau of Investigation (CBI), citing the lack of significant progress and possibility of destruction of evidence. The court also noted serious lapses on the part of the hospital administration.

Today, the West Bengal government adopted the Aprajita Woman and Child (West Bengal Criminal Laws Amendment) Bill that amends the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nyaya Suraksha Sanhita, 2023 and the Prevention of Children from Sexual Offences Act, 2012. The amendments tighten the punishment for various rape offences in the state.

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. The organization considers the death penalty a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment.

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