

JURISTS QUESTION EUPHORIA OVER SENTENCING

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NEW DELHI: Amid the widespread support for a city court's decision to sentence to death the four men involved in the December 16 gang rape and murder, there are voices of dissent on whether death penalty is a deterrent against heinous crimes.

Jurists opposed to death penalty and human rights groups expressed disappointment over the euphoria over the death sentence, saying the tendency of looking for quick-fix solutions to douse public anger will not ensure safety and empowerment of women in the country.

Veteran human rights lawyer ND Pancholi said

the death sentence for four young convicts was bad in law. "The prosecution repeatedly stressed that the juvenile was the most brutal among all the accused. Then how can it ever be justified that he will remain alive and four others will hang?"

Supreme Court lawyer Kamini Jaiswal said the decision to hang the convicts had been announced by the home minister two days before the court pronounced it. "I fail to understand why only the poor get death sentence in India?" she asked.

Lawyer Karuna Nandy said: "The deep misogyny of potential assailants, as well as many actors within the criminal justice system needs to shift."

Former high court chief justice Rajinder Sachar said the focus should be on changing the attitude of the society towards women and not death penalty. "I am not sure whether the death sentence acts as a deterrent against heinous crimes."

Human rights organisation Amnesty International said though the widespread anger in India over this case was understandable, "authorities must avoid using the death penalty as a quick-fix solution".

The Asian Centre for Human Rights said the death penalty could be counter-productive since the possibility of victims being murdered in order to destroy evidence must not be overlooked.