

INDIA AND THE DEATH PENALTY USING THE MEDIA: HOW AN EVENT CAN INFLUENCE THE ESTABLISHMENT OF THE DEATH PENALTY?

CORRIGÉ

Definitions :

News : Information about recent events especially as reported by the media (newspapers, television...). A situation that has happened and is known through the media is news.

De facto moratorium : Situation of a country which did not execute any death row prisoner since 2003.

- News can be reported by newspapers, television, internet or radio. It covers various topics: they can be light or very serious.
- The news serve an important purpose: they inform the people of an ongoing situation in the world or their country. They influence public opinions and actions. For example, a tragic case reported by the media may provoke reactions and play a role in initiating a protest.
- As a consequence, Governments or Parliaments can choose to be tougher using the law in order to calm down the population and prevent a new case, such as a crime.



OBJECTIVES OF THE STUDY:

- To be able to understand the influence of news in society.
- To understand and analyze a concrete case: the role of recent news in the use of the death penalty in India.
- To be able to debate whereas Governments should respond to news and the people's reactions by creating tougher laws.

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contre
la peine
de mort

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INTRODUCTION TO THE NEWS AND THE DEATH PENALTY:

DOCUMENT 1

EXTRACT FROM THE DEATH PENALTY WORLDWIDE WEBSITE, SECTION ON INDIA.

“The last two executions to take place in India were the February 8, 2013 hanging of Muhammad Afzal, convicted of plotting the 2001 attack on India’s Parliament, and the hanging of 2008 Mumbai attack gunman Mohammad Ajmal Amir Qasab on November 21, 2012. Prior to these hangings, the last execution in India had taken place in 2004, when Dhananjay Chatterjee was executed by hanging for the murder and rape of a 14-year old girl. This, in turn, was the country’s first execution since 1995. [...]”

The recent executions broke with a trend of gradual abandonment of the death penalty. According to statistics, India had approximately 140 executions per year between 1954 and 1963. Between 1996 and 2000, this rate was roughly 1 execution per year; between 1998 and 2007, there was only one execution. Over the last 20 years, India has continued to reduce the number of executions it has carried out. In recent years, very few people have been executed.

However, the scope of the death penalty according to the law has actually expanded over time. For instance, new anti-terrorist legislation since the 1990s has included the death penalty. In early 2013, the death penalty was expanded to certain instances of rape. **Following the brutal gang rape and murder of a 23-year old woman in December 2012, a wave of protests erupted throughout the country calling for harsher and swifter punishments for rape**, which had previously been punished with 7 to 10 years’ imprisonment. [...] On February 3, 2013, President Pranab Mukherjee approved an ordinance under which rape is punishable by death if it leads to death or if it leaves the victim in a ‘persistent vegetative state.’ Repeat perpetrators of aggravated rape also face capital punishment under this ordinance. Under India’s constitution, the ordinance must be approved by Parliament within 6 weeks.”

DOCUMENT 2

EXTRACT FROM A PRESS ARTICLE, “INDIA RAPE LAWS SHOULDN’T INCLUDE DEATH PENALTY”, THE NATIONAL, FEBRUARY 4, 2013.

India’s president yesterday signed off on tough new laws to deal with sexual violence against women. But some women’s rights groups say the government went too far when it included the death penalty for extreme cases, such as when the victim is killed.

Kavita Krishnan, the secretary of the All India Progressive Women’s Association, said the version signed by the Indian president, Pranab Mukherjee, ignored recommendations against the death penalty made to cabinet by a committee set up to examine the issue.

The death penalty will encourage rapists to be more inclined to kill a victim «because she won’t be able to testify», Ms Krishnan said yesterday.

“The severity of a sentence does not mean justice for women”, she added. “The death penalty has never been central to what women’s groups have been asking for. This is not going to help with justice in all cases.”

The December 16 gang rape of a 23-year-old New Delhi student, who later died of her injuries, prompted nationwide outrage and demands to improve India's legal response to sexual violence against women.

In response, the government set up a three-member committee to examine the issue. It made recommendations to the Indian cabinet, which then passed its recommendations to Mr Mukherjee.

Stalking, voyeurism and acid attacks will now be considered punishable under criminal law. The minimum sentence for gang rape, rape of a minor, rape by policemen or a person in authority will be doubled to 20 years from 10, and can be extended to life without parole. Under the current law, a rapist faces a term of seven to 10 years.

Last week, scores of protesters gathered near India's parliament demanding the death penalty for the six men accused in the student's death in December. The protesters carried placards saying, "Give us Justice, Hang the Rapists," and shouted slogans before conducting a mock hanging of the men who are facing trial in a special court in New Delhi.

DOCUMENT 3



EXERCISES: GETTING THE MEANING

ABCD!!!

DOCUMENT 1

1 Vocabulary

Find the synonyms of these words in the text:

- putting to death (**execution**)
- law (**legislation**)
- slaying (**murder**)
- sentence (**punishment**)
- incarceration (**imprisonment**)

Find the words corresponding to these definitions in the text:

- The crime of forcing another person to submit to sex acts, especially sexual intercourse. **Rape**
- To express a strong objection, throughout a public protest for example. **To Protest**
- To emerge violently, to start abruptly. **To Erupt (Erupted)**
- Person who commits a crime, who transgresses the law. **Perpetrator**

2 Translate the sentence in bold letters into French:

« Suite au brutal viol collectif et au meurtre d'une femme de 23 ans en décembre 2012, une vague de protestations a éclaté dans tout le pays appelant à des sanctions plus sévères et plus rapides pour les cas de viol. »

3 True / False

- No executions have been carried since 2004. **False**
- The rape was only punishable of imprisonment before 2013. **True**
- The December gang rape of 23 year-old student didn't raise any protests in India. **False**
- In consequence, the Government wants to introduce the death penalty in the law to punish rape. **True**

4 Grammar

What does the word « However » (paragraph 2) means in the beginning of a sentence and followed by a comma? Does it always mean the same thing in another context?

“However” in the beginning of a sentence and following by a comma means “nevertheless” or “but”. When used without a comma or in another place in the sentence, this word means “no matter how”, “whether”.

Create two sentences using the different meanings of « however » and at least two words you learned from the exercises.

DOCUMENT 2

1 Vocabulary

Make these words match with their meaning in French:

- | | |
|------------|--------------------|
| Outrage | Témoigner |
| Issue | Sévère |
| Nationwide | Blessure |
| Injury | Question, problème |
| To testify | National |
| Tough | Indignation |



Find the words corresponding to these definitions in the text:

- A sentence of imprisonment without the possibility of parole, until the death of the prisoner. **Life without parole**
- A form of harassment generally comprised of repeated persistent following with no legitimate reason and with the intention of harming or to provoke fear. **Stalking**
- To take action, to do something, to solve a problem. **To deal with**
- Someone who forces another person to have sexual intercourse. **Rapist**
- To attach from above with no support below. **Hang**

2 Translate the sentence in bold letters into French:

« La gravité de la peine ne signifie pas justice pour les femmes », ajoute-elle. La peine de mort n'a jamais été au centre de ce que les groupes de femmes ont demandé. Cela ne va pas contribuer à la justice dans tous les cas ».

4 Grammar

What does the expression "such as" (paragraph 1) refer to? Does it have any equivalent in English?

"Such as" is an expression used to illustrate what is said. It implies an inclusion: the example used is precisely what is meant. An equivalent can be "like" or "for example". However, those two equivalents just imply a comparison and can be inappropriate in some cases.

Create a sentence using this expression and at least two words you learned from the exercises.

● EXERCISES: STUDYING THE IMPACT OF NEWS ON THE PEOPLE

DOCUMENTS 1, 2 AND 3:

After reading again the texts now that you have a better understanding of them, answer those questions.

1 The death penalty in India

Is the death penalty often used in India? Justify your answer.

No. Capital punishment is not a sentence that is often used in this country. If two people were executed in November 2012 and February 2013, the last execution took place in 2004. The previous execution took place in 1995. So there have been 4 executions in 18 years.

For which crime, in the 1990s, did the legislation add the death penalty as a sentence?

Terrorism. The Governments hardened the sentence through its new anti-terrorist legislation.

Have people been sentenced to death under this new law?

Yes. Two men were executed in 2012 and 2013 for terrorist acts. The first is Mohammad Ajmal Amir for the 2008 terrorist attacks of Mumbai. The second is Muhammad Afzal, « convicted of plotting the 2001 attack on India's Parliament ».

2 The current issue that brought the death penalty back in the debate

What tragic event happened in December 2012?

In December 2012, there was a gang rape of a 23-year-old student in New Delhi. She later died from her injuries.

What were the punishments for rape at that time?

A rapist could face a sentence of seven to ten years in prison. For a gang rape, a rape of a minor or a rape perpetrated by a police officer, the sentence was 10 years of imprisonment.

How did the population react to that?

This rape and the death of the victim angered the population. The outrage was nationwide and protests started all over the country asking for tougher laws against rapists. Protesters held signs that read « Hang the rapists ».

What did the Government decide to do in response ?

The country voted a law aggravating the sentence for rape. Indeed, the President Pranab Mukherjee approved a text that recommends the death penalty if the rape leads to death or if it leaves the victim in a « persistent vegetative state ». The Indian Constitution gives 6 weeks to the Parliament to approve this law.

In your opinion, is it justified and wise to change the law just after a tragic case? Justify your answer.

Can you find, for example in France, news that influenced the Government or Parliament to vote / change a law ?



GOING FURTHER...

THE INEFFICIENCY OF THE DEATH PENALTY TO END CRIME.

DOCUMENT 1

“DEBATING THE DEATH PENALTY FOR RAPE IN INDIA”, NEHA THIRANI, DECEMBER 28, 2012, THE NEW-YORK TIME.

However, critics of capital punishment say that there has not been any research proving that the death penalty is effective in preventing crime. A robust criminal justice system, they say, would act as a more effective deterrent (*Dissuasif*) against rape or sexual violence.

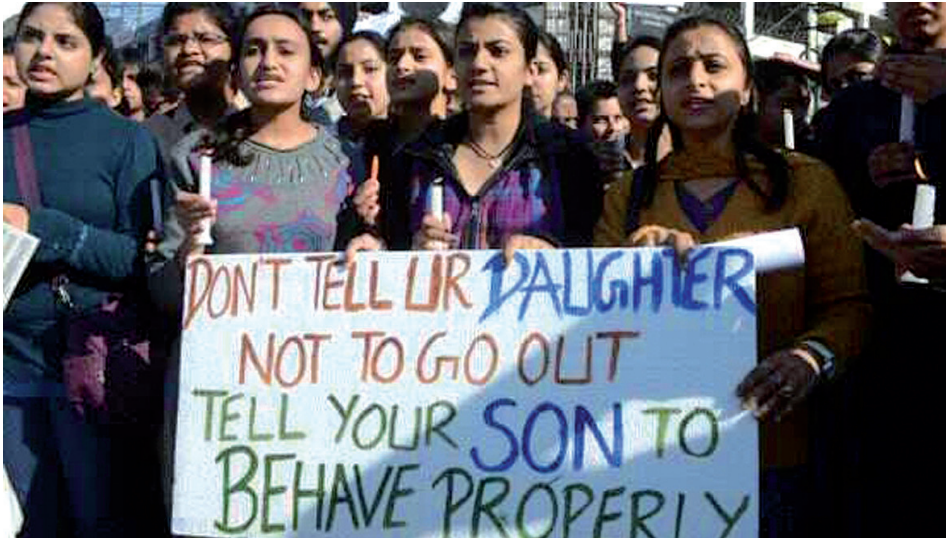
“There must be the feeling that there is a Government and judiciary who will take such crimes seriously and nobody will be allowed to get away with committing such heinous crimes – that will serve as a deterrent,” said Annie Raja, general secretary of the National Federation of Indian Women. “If you are able to create confidence in your judicial system and your policing system, then people will not need to demand the death penalty.”

The low conviction rate (*Taux de condamnation*) for rape means that very often cases either languish in the Indian courts for years or those arrested end up walking free. “The real problem is the conviction rate, the delay in the administration of justice, the lack of sensitivity of the police with dealing with such matters, the lack of security in the city,” said Jayati Ghosh, a professor of economics at Jawaharlal Nehru University, who was present at the protests in New Delhi. “Last year, the conviction rate in New Delhi for those who appeared in court for rape cases was less than 5 percent. The problem lies in the certainty of punishment rather than the severity.”

DOCUMENT 2



DOCUMENT 3



The text highlighted a problem of efficiency of the justice system in India, explain what is wrong according to the author.

The justice system is not “robust” enough. Indeed, the Government and the judiciary don’t treat rape as a serious issue and are too permissive. As a consequence, people charged with rape are rare and when they are tried, they often walk free from the court. There is a lack of confidence in the system regarding the judiciary and the policy.

Is the death penalty a deterrent to rape according to the article?

There is no study that proves that the death penalty is a deterrent to rape. The “lack of sensitivity of the police in dealing with such matters” and “the lack of safety in the city” appear to be the main reason for the huge number of rapes in India. As the author says, the country has to work on the reality of the punishment and in its seriousness about the subject.

Why women are carrying signs?

Women are carrying signs to protest against rapes. With these signs, they send the message that men should behave with more respect and women shouldn’t feel guilty or be considered responsible of a rape.

What issues concerning rape do the images reflect?

Those two images illustrate that the reason for the rape is often placed on the women’s shoulders in India. Because they don’t dress in a conservative way or because they have been out at night they can be responsible for what happens to them. The signs held by the protesters show that this is not their fault and that rape is the responsibility of the rapist and never of the woman raped.

What image / place of women in Indian society does the significant amount of rape reveals? Help yourself with what you’ve learned from the documents.

What do these women reproach men for?

These women reproach men for their behavior. Indeed, they highlight that people should educate boys in order to be more respectful of women. If parents, especially men, teach them to consider women equally, rape would be less common.

On the signs held by the protesters we can read the expressions “teach your sons not to rape” and “tell your son to behave properly”. According to you, what is the power of education to reduce the number of rapes?

Let’s talk about crimes and the death penalty!

Two protesters in India are debating about how to deal with rape in their country. The first one wants tougher the laws adding the death penalty for rapists, the second one thinks that rape is an endemic issue that should be treated but that the death penalty won’t solve the problem. Imagine their conversation.