

## APARAJITA BILL OF WEST BENGAL: AN EXEMPLIFICATION OF THE DEBATE OF EMPATHY V. SYMPATHY IN EFFICIENT LEGISLATION OF CRIMINAL LAWS

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### ABSTRACT

*To implement the Aparajita Bill in the year 2024, the West Bengal government has faced the issue of punishment, which has been framed in terms of life imprisonment and the death penalty for sexual violence. Others have called this "carceral populism," and there has been no policy turn in the area of the criminal justice system. Besides creating the Aparajita Task Force for fast-tracking investigations, the Bill also contains provisions aimed at addressing the cause of sexual violence. The article under review is centered on the idea that it is more effective to enhance the potency of punishment in preventing crime than the degree of punishment.*

**Keywords:** Aparajita Bill, Anti-Rape Bill, West Bengal, Criminal Law, Empathy, Sympathy, Efficient Legislation, Rape.

### INTRODUCTION

This research article analyses the Aparajita Bill, introduced by the West Bengal Government in the context of the administration of sexual offenses like rape in the present criminal legal system and with a consideration of criminal jurisprudence of India and constitutional principles involved in the criminal law system.

### Historical Origin of the Present Bill

This Bill was the fallout of the tragic rape and murder case of a resident doctor in August 2024 at R.G. Kar Medical College, which set off widespread protests from Kolkata and soon engulfed West Bengal and other parts of India. The state government, like many times with cases of high-profile, controversial cases of sexual violence, has been more fixated on harsher punishments rather than working toward revamping the criminal justice system.

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Likewise, similar amendments in the criminal law were made in 2013 after the heinous rape in Delhi, and since then, states like Madhya Pradesh, Rajasthan, Haryana, Andhra Pradesh, Maharashtra, and Arunachal Pradesh have encouraged only stricter punitive measures for the crime of sexual assault. The State of West Bengal has now emulated that trend. However, in a bid for short-term gains and without moving towards long-term solutions, the State has followed a law that sounds appreciative by increasing the punishments rather than taking on the issues well-founded in the system that encourages low rates of conviction and continues this 'culture of rape' in India.

Predictably, the state government has argued that far stiffer penalties will deter. Furthermore, in reality, it is far more complex. It argues that higher severity of sentence measures is not directly correlated with higher conviction rates; it typically has the reverse effect. Stricter penalties lead to more intense judicial scrutiny, making convictions harder. It is particularly disquieting for India, whose conviction rate for rape cases is shockingly low. Factors include poorly conducted investigations into rape cases by the police, hostile courts that make it difficult for the survivors, and there is no proper witness protection scheme, which makes most of the witnesses hostile. All these system failures remain unaddressed, adding to the complexity of efforts toward justice for victims.

## **SCOPE**

This article delves into whether the recently enacted Aparajita bill by the West Bengal government genuinely addresses societal needs or primarily serves to appease public sentiment. The article intentionally focuses on the practical application of the Aparajita bill without delving into other connected issues (like judicial decision-making) on the debate of sentiments versus needs in the criminal law system. It is premised on the notion that the prevailing public sentiment predominantly seeks stricter penalties for the commission or attempt to commission the crime of rape.

## **RESEARCH OBJECTIVES**

- To interpret and critically analyze the Aparajita Bill.
- To assess whether the Aparajita Bill can depict the sentiments of the society truly.

## OBJECTIVES AND REASONS BEHIND THE LEGISLATION OF THE BILL

- To create a safer environment for women and children in the State for the offense of rape & sexual offenses against children.
- To uphold the Fundamental Rights of the citizens.
- To ensure that heinous acts of crime are met with the full force of the law.
- To prevent violations of dignity, irrespective of the status of the perpetrator or the victim or the condition of the victim caused
- Maximizing the punishment will deter such deplorable acts and ensure that perpetrators face exemplary and severe consequences.
- To expedite investigations and ensure swift justice for victims
- No financial implication is involved in giving effect to the provisions of the Bill.

## INTERPRETATION OF THE BILL

**Changing Approaches to Rape in Law:** Legal definitions of rape have evolved to reflect principles of human rights and gender equality. Many jurisdictions have shifted towards consent-based definitions of rape, eliminating exemptions for marital rape. Internationally, rape is recognized as a violation of human rights, with significant treaties such as the Universal Declaration of Human Rights, the Convention on the Elimination of Discrimination Against Women, and the Istanbul Convention treating rape as both a form of violence and gender discrimination.

### Comparison of punishment in B.N.S. Act 2023 and Aparajita Women and Child (West Bengal Criminal Law Amendment) bill

Amendments to the B.N.S., 2023

Name of Offence	Section of B.N.S., 2023	Aparajita	Change in Punishment

Punishment: Imprisonment for life	4(b)	3	Imprisonment for life includes simple imprisonment for life or rigorous
Punishment for rape	64(1)	4(1)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + Fine / Death  Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section 2(d) of the Aparajita bill) within a period (fixed by Special Court), in default section 461 of B.N.S.S., 2023, paid to the victim or their next of kin, if applicable.
	64(1)	4(2)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine / Death
Punishment for rape in special cases	65		Omitted
Punishment for causing death/ victim's persistent vegetative State	66	6	Death
Gang Rape	70(1)	7(1)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine, / Death

			Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section 2(d) of the Aparajita bill) within a period (fixed by Special Court), in default of section 461 of B.N.S.S., 2023, paid to the victim or their next of kin, if applicable
Punishment for gang rape on women under 16 years of age	70(2)		Omitted
Punishment for Repeat offenders	71	8	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine, / Death  Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section 2(d) of the Aparajita bill) within a period (fixed by Special Court), in default of section 461 of B.N.S.S., 2023, paid to the victim or their next of kin, if applicable
Printing or publishing anything to disclose the identity of the victim	72(1)	9	[3 years to 5 years] + fine
Printing or publishing anything relating to Court	73	10	[3 years to 5 years] + fine

proceedings without permission			
Grievous hurt caused due to Acid attack	124(1)	11(a)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine  Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section 2(d) of the Aparajita bill) within a period (fixed by Special Court), in default section 461 of B.N.S.S., 2023, paid to the victim or their next of kin, if applicable.
Voluntarily throwing or attempting to throw acid	124(2)	11(b)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine  Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section 2(d) of the Aparajita bill) within a period (fixed by Special Court), in default section 461 of B.N.S.S, 2023, paid to the victim or their next of kin, if applicable.

#### Changes in BNSS by Aparajita bill

Content	Sections in B.N.S.S., 2023	Sections in Aparajita	Changes
Report of a police officer on completion of the investigation	193	13	21 days  If it is impossible to complete the investigation within 21 days, further extended by a period not exceeding 15 days by any Police Officer

			not below the superintendent of the police or equivalent, after recording the reasons in writing in the case diary (section 192 of B.N.S.S., 2023)
Power to postpone or adjourn proceedings	346	14	Inquiry/ trial of an offense under 64, 66, 68, 70, 71, 72, 73, and 124 shall be completed within 30 days of filing the chargesheet.
Classification of Offences	Sch.-1	15	Both are the same.

#### Establishment of Special Court (section 29A of the Aparajita bill)

- Any court established by notification in the Official Gazette in each district
- Expeditious completion of inquiry or trial of Specified Offence (defined in section 2(e) of Aparajita of Bill)
- Presided by: not below Sessions Judge/ Additional Sessions Judge with the concurrence of the HC Cal.

#### Appointment of Public Prosecutor (Public Prosecutor):

- Govt. by notification in Official Gazette
- Special Public Prosecutor for cases under the Special Court
- Qualification: Practicing for not less than seven years as an advocate
- Deemed to be a Public Prosecutor with regards to section 2(v) of B.N.S.S., 2023

### **POSCO ACT 2012 V/S APRAJITA BILL 2024**

#### Chapter IV Of Aparajita Bill

#### Amendments to the P.O.C.S.O., 2012

Name of Offence	Sections in P.O.C.S.O., 2012	Sections in Aparajita	Changes
Punishment for penetrative sexual assault	4(1)	16(a)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine,/ Death
	4(2)	16(b)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine,/ Death
	4(3)	16(c)	Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section 2(d) of Aparajita) within a period (fixed by Special Court), in default section 461 of B.N.S.S., 2023 paid to the victim or their next of kin, if applicable.
	6(1)	17(a)	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life + fine,/ Death
	6(2)	17(b)	Fine for medical expenses and rehabilitation of the victim (determined by Special Court with regards to section (d) of Aparajita) within a period (fixed by Special Court), in default section 461 of B.N.S.S., 2023 paid to the victim or their next of kin, if applicable
Punishment for sexual assault	8	18	[7 years to 10 years] + fine



Punishment for aggravated sexual assault	10	19	[7 years to 10 years] + fine
Period for the recording of evidence of the child and disposal of the case	35(1)	20(a)	Seven days
	35(2)	20(b)	30 days

## INDIAN CRIMINAL JURISPRUDENCE

### **Carceral Populism:**

Carceral Populism is the expression used by feminist scholars to describe the impulse of the government to respond to public outrage by making punishments harsher without confronting the root causes of crime. As feminists point out, such an approach succeeds in strengthening the hand of the government against society but does not stop sexual violence.

Like the Bharatiya Nyaya Sanhita (B.N.S, 2023) introduced earlier this year, 2024, this State needs to be seen as punitively brutal without addressing the greater malaise associated with gender-based violence. The death penalty and life imprisonment may feed momentary satisfaction for those individuals but in no way dismantle the machinery that enables sexual violence to occur.

### **ADMINISTRATION OF CRIMINAL LEGAL SYSTEM**

- 1. Reform of Practices in the Criminal Justice System:** The criminal justice system has seen reforms aimed at reducing the secondary victimization of rape survivors and

improving conviction rates. These include training police and prosecutors to be more sensitive to the needs of victims, the establishment of specialized units for dealing with sexual violence, and improving interagency cooperation. However, challenges remain in ensuring consistent application of these reforms and addressing the high attrition rate of rape cases.

2. **New Forms of Treatment for Convicted Rapists:** Treatment options for convicted rapists have expanded beyond traditional imprisonment to include rehabilitative approaches. These include cognitive behavioral therapy and, controversially, hormonal treatments like chemical castration. While some treatment programs show promise in reducing recidivism, ethical and legal concerns, particularly regarding consent to such treatments, remain prominent.
3. **Treatment of Rape Victims:** Promising practices in the treatment of rape victims focus on reducing their trauma during the judicial process, ensuring they are treated with dignity, and preventing secondary victimization. Victim-centric approaches that offer legal and psychological support have shown effectiveness in retaining victim engagement and improving conviction rates. Specialized courts and advocacy services have also been implemented to support victims throughout the legal process.

### **In-depth analysis of the above in light of the Aparajita Bill:**

#### **1. Global trend towards the death penalty**

There is a growing global movement against the death penalty, as reflected by treaties like the International Covenant on Civil and Political Rights and statements from the United Nations. India, however, has been resistant to this trend despite increasing international pressure. The Indian judiciary has progressively limited the use of the death penalty, aligning with global standards. The “rarest of rare” doctrine, established in *Bachan Singh v. State of Punjab*, ensures that the death penalty is only awarded in exceptional cases.

Limitations on the Part of the Judiciary due to Misinterpretation of the "Rarest of the Rare" principle

The "rarest of rare" test has evolved, with inconsistent applications by the courts. While initially meant to limit the imposition of the death penalty, the test has been interpreted

differently by various courts, leading to subjectivity in death sentencing. Some cases fail to consider mitigating factors, while others apply the test more leniently, resulting in sentencing disparities.

In another case, *Santosh Kumar Satish Bhushan Bariyar v. State of Maharashtra*, this landmark case further restricted the use of the death penalty in India. The court ruled that the prosecution must prove that the accused is beyond reformation before imposing a death sentence, establishing the "reform test" as a significant criterion. The reform test introduced in *Bariyar* mandates that before awarding the death penalty, the court must establish that the convict cannot be rehabilitated. This raises the bar for imposing capital punishment, making it nearly impossible in many cases. Individualized Sentencing: *Bariyar* emphasized the importance of individualized sentencing, where the court must consider the offender's circumstances, such as socio-economic background and potential for rehabilitation, before determining punishment.

In the past ten years, only five persons have been executed by the death penalty in India after being convicted of crimes. At the end of 2021, there were 488 prisoners on death row across India. A study of trial courts in Delhi found that convictions decreased considerably after the amendment made in 2013 after the *Nirbhaya* case.

## 2. Victim Participation in Criminal Proceedings

### I. Role of the Victim in Prosecution:

The Public Prosecutor primarily conducts the prosecution, and victims play a subordinate role. Indian law does not give victims equal standing in prosecution but allows them, under certain circumstances, to assist the prosecution or present written arguments. The victim can also contest bail decisions and be heard in plea-bargaining discussions. The *Malimath Committee* recommended expanding the victim's participation, including the right to present evidence and participate in various stages of prosecution.

### II. Recommendations of Commissions:

Various law reform commissions have proposed enhancements to the victim's role in criminal proceedings. The *42nd Law Commission* report suggested compensation to victims, while the *Malimath Committee* recommended greater victim involvement, such as the right

to present evidence and be represented by counsel. The committee also proposed a more active role for victims in plea bargaining, appeals, and decisions on bail.

### III. Role of the Victim in Investigation:

In India, victims have a limited role during the investigation stage. The police conduct the investigation, and the victim may provide a statement or undergo a medical examination if needed. However, victims are generally not allowed to participate actively in the investigation. Despite this, the Supreme Court in *Bhagwant Singh v. Commissioner of Police* mandated that victims should be allowed to have their say if the police propose dropping the investigation. There is a call for reforms to grant victims the right to be informed about the investigation's status and access relevant reports and police findings.

### 3. Representation of Societal Viewpoint on the Offence of Rape by Laws

**Impact of Law on Social Norms:** Estrich concludes that rape law not only reflects society's views on gender and sexuality but also reinforces them. She argues that law reform must push societal norms forward by respecting women's consent and rejecting interpretations that legitimize male aggression. (Estrich-Rape-1986). Rappaport's critique of bureaucratic expertise vs. Populism in criminal justice focuses on how expert governance, as opposed to populist approaches, can mitigate extremes in punitive measures. He believes that bureaucratic institutions—composed of professionals like prosecutors, judges, and police officers—are better suited to handle the complexities of criminal justice. This expertise allows for a more systematic and evidence-based approach, reducing the likelihood of rash or overly punitive decisions driven by emotional public sentiment.

In contrast, the democratization model, which places power in the hands of laypeople, may be prone to populist tendencies. Public opinion can often push for harsher punishments, especially in cases that evoke strong emotional reactions, such as violent crimes or high-profile cases.

### 4. Aparajita Task Force

Section 29C of the Aparajita Bill deals with forming a special task force called the Aparajita Task Force for investigating and other police procedures about specified offenses as defined in section 2(e) of the Bill, which mainly deals with sexual offenses.

### Section 29C (1) of Aparajita bill

- Special Task Force (Special Task Force) at the district level
- Head of the special task force: Deputy Superintendent of Police at the police station
  - Purpose: investigation of a specified offense

### Section 29C (2) of the Aparajita Bill

- Investigation of the special offense to be conducted by a female police officer (as far as possible)

### Section 29C (3) of the Aparajita Bill

- All officers of the Government/persons whose assistance is sought, in whatever manner, are obligated to, without any delay, assist the officers of the special task force.

### Section 29C (4) of the Aparajita Bill

- Whoever is bound to render/ furnish assistance to any police officer under the previous subclause (3)
- If he causes a delay or intentionally omits his duty, he shall be punished, which may extend to 6 months/fine (up to Rs. 5000)/ both.

These specialized units will be equipped with the necessary resources and expertise to handle cases efficiently, effectively, and timely, thereby minimizing the trauma experienced by victims and their families.

## **CONSTITUTIONAL PRINCIPLES INVOLVED in the LEGISLATION of the BILL**

### **Constitutional Harmony between Morality of Citizens and Morality of Government**

The bedrock of law and governance lies in upholding individual rights while advancing the common good, as exemplified in commonwealth common pleas. A robust constitution not only safeguards civil liberties but also accommodates the needs of the State without infringing upon individual rights. The shift from parliamentary supremacy to constitutional

governance marks a pivotal move from mere democratic voting to the explicit protection of individual freedoms. Two political moralities that resonate with utilitarianism are the maximization of individual happiness and the emphasis on individual rights. Although prominent, utilitarianism encounters challenges in distinguishing between rule and act utilitarianism. The core principle of maximizing societal well-being profoundly influences the political decision-making process. Utilitarianism plays a pivotal role in the justification of laws and policies, albeit with the challenge of striking a balance between practical principles and preserving individual rights.

### ARGUMENTS IN FAVOUR OF GOVERNMENT

- **Layperson Leniency is a Myth:** Contrary to democratizers' claims, Rappaport argues that laypeople are not necessarily more lenient or egalitarian in their approach to justice, especially towards marginalized groups. Empirical evidence, he suggests, points towards the likelihood of harsher punishment rather than leniency.
- **Punitive Victims' Rights Model:** This model gives importance to the rights of victims and potential victims, advocating for harsher punishments and greater involvement of victims in the criminal process. It aligns closely with public sentiment by amplifying the need for justice on behalf of victims.

### CRITICISM

- The Aparajita Bill is heavily focused on increasing punishments to send out even sterner messages without introducing meaningful reform to strengthen the criminal justice system. This is best exemplified when they propose the setting up special courts and special public prosecutors to deal with cases under its provisions. Experience has shown that measures like these are often far from delivering justice in fast-track courts without proper infrastructure and training. The problem cannot be resolved by creating special courts alone; instead, it requires specialized legal personnel who understand the intricacies of sexual violence cases and ensure that the legal system does not further victimize victims.

The Bill pays scant attention to this urgent need for sensitization amongst law enforcement and judicial officers. These vital legal mechanisms supporting survivors, like witness protection programs and trauma-informed judicial practices, should be included in the Bill. In this complete departure from filling these critical

gaps, the State has concluded that harsher punishments will not improve the conviction rates much and do not constitute absolute protection for survivors.

### **Formation of FAST TRACK SPECIAL COURTS:**

- A significant drawback of the Aparajita Bill is that it needs to take measures toward accountability in the police and judiciary. Even the public prosecutors, who are mainly appointed based on political ties rather than merit, are not touched upon as an essential issue. Legal incompetence is a characteristic of the system and often pervades special courts.

This study also reveals that most courts, including those dealing with cases under the P.O.C.S.O. Act, are unaware of child-friendly procedures. Defense counsel frequently flouts the rule of law, and courts rarely punish them. Unfortunately, the Aparajita Bill does nothing to address these inadequacies. He offers no ways of redressing the quality of legal representation or enforcing stricter standards for judicial behavior in cases of sexual violence. Therefore, this Bill cannot be the harbinger of a bright beginning toward real improvements in dealing with cases of sexual violence.

- **Conviction rate:** The Standing Committee, in its report on "Atrocities and Crimes against Women and Children," has noted that the conviction rate in crimes against women and children is low. Against a target of 1,023 fast-track courts for cases related to rape and matters under the Protection of Children from Sexual Offences Act, 2012 (P.O.C.S.O.), only 597 courts are operational. It recommended (i) implementing the Online Investigation Tracking System for Sexual Offences provided to law enforcement agencies to track police investigations, (ii) setting up at least one forensic laboratory in every state capital, (iii) setting up fast-track courts in a time-bound manner, and (iii) providing law enforcement with public prosecutors.

### **Opinion of Legal Experts:**

- Mumbai-based women's rights lawyer Flavia Agnes:
  - After high-profile crimes against women take place, the death penalty and time-bound investigations and trials are always demanded. However, their effectiveness is doubtful.

- Delhi-based advocate and women's rights researcher Mihira Sood:
  - "When the death penalty is sought, one cannot expect shortcut justice," she said. "In such cases, much greater judicial scrutiny comes into play. Judges might hesitate to convict, resulting in lower conviction rates."
  - "Time-bound investigations are a wonderful idea in theory, but can only be implemented properly when our infrastructure matches the needs of the population,"
- Delhi-based Senior Advocate Rebecca M John:
  - "Practically speaking, the higher the punishment, the less certain a conviction becomes"
  - "If the death penalty or imprisonment for life is the only option before a judge, they will demand an excessively high standard of proof."
  - "Without systematic changes, the only answer that the government has is to increase penalties,"
  - Indian police do not "have a great track record in evidence collection," which is "a difficult and cumbersome process."
  - The possibility of investigating police officers blaming innocent persons under pressure to comply with these timelines.

## SOLUTIONS

### 1. Better Policing and Strengthened Criminal Justice Structures:

Definitely in need of Better Policing Strategies and Reinforced Criminal Justice Structures. A non-legislative approach is essential for bringing efficiency to law enforcement agencies. Efficient policing might help reduce crime rates and deliver justice much sooner. This can be achieved by training the police personnel, upgrading the infrastructure, and arming them with the tools and equipment necessary for efficient functioning. Cooperation between police and the judiciary could also reduce delays in timely justice delivery.



## 2. Training of Police Personnel for Effective Collection of Evidence:

Improper collection and preservation of evidence is one of the significant problems in criminal investigations. Police officials should be trained in advanced forensic methods to collect evidence scientifically and legally. The collection and presentation of such evidence before the court help secure the conviction. Apart from training, there should be enough high-tech forensic laboratories with a mechanism to process evidence within a specific time so that justice delivery is completed on time due to technical lapses. Also, storage facilities equipped with air conditioning will conserve physical evidence, such as D.N.A. samples and other soft materials, from going bad since they might degrade if kept incorrectly.

3. Availability of Infrastructural Facilities to Minimize Delays: The inefficiency or intent of court and police bodies is less likely to cause delays in the justice system; they are more likely to result from infrastructural deficiencies. The need for a workforce, forensic labs, and proper technology engage investigators and litigants in a longer process for such investigations and trials.

Even if some parts of the process can and do move faster, not every stage of a criminal investigation or a trial can or should be sped through. Complex cases demand critical analysis and intense thinking in the whole process so that justice is meted out accordingly, and there is a solid need to dwell on the development of the capacity and capability of the criminal justice system.

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4. More Regular Courts with Well-Trained Judges: Other vital steps taken towards reducing delays in the justice delivery system are more regular courts and well-trained judges to deal with the ever-increasing numbers of cases. The judiciary often finds itself overloaded with too much backlog of cases, thereby slowing down the justice process.

Expand the number of courts and ensure that the judges are adequately trained in procedure and substantive law. This expedites case hearings and elevates the quality of judicial decisions.

5. Certainty of Punishment Rather than Severity: One should think about certainty rather than severity of punishment. Research says that when criminals know they will be apprehended and punished, they fear committing crimes. They will not fear severe punishments. A system ensuring prompt punishment certainty would prove more effective

in deterring crime. Hence, only well-trained law enforcement agencies and courts must be capable of handling those cases that would continue to act as harbingers for law and order in society.

## CONCLUSION

Thus, even as the Aparajita Bill seeks to curb sexual violence through increased punishment, criminal justice in India still does not know what ails it. The carceral populism lens through which governments respond to public outrage by increasing punishments obscured this basic necessity of systemic reforms. In actuality, the country needs to get a better police force, improve the investigative mechanism, and upgrade judicial infrastructure as the sole solution for combating the rising tide of cases of rape. This would ensure that the police personnel are adequately trained in evidence collection and that the forensic laboratories are equipped adequately for justice to expedite and increase conviction rates. Besides, infrastructural improvements, such as specialized evidence storage and more regular courts attended by well-trained judges, are essential to address the delays and inefficiency with which the justice system is marred. In addition, the certainty of punishment must outweigh its severity to deter crimes.

Thus, the Aparajita bill's attempt to increase the punishment has received negative, constructive feedback from legal experts and scholars. However, its attempt to establish the Aparajita Task Force is a great move forward to the enforcement of the criminal legal system (as a concept since the period provided for the procedures has negated the benefit of this concept).

A balanced, well-supported criminal justice system that would emphasize efficiency as much as fairness is one of the most critical ways India would find the means to challenge the culture of sexual violence and mete out justice to its victims.

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