

General Studies-2; Topic – Government policies and interventions for development in various sectors and issues arising out of their design and implementation

India's Sex Offenders' Registry

1) Introduction

- India launched a national sex offenders' registry, which will have records of about 4.4 lakh people convicted of various sexual offences from 2005 onwards.
- The registry will be maintained by the National Crime Records Bureau (NCRB).
- The records will include the convict's name, address, fingerprints and photographs of convicted sexual offenders.
- The demand for the registry has been a long-standing one.

2) Highlights

- The database will have details of offenders convicted under charges of rape, gang rape, POCSO and harassing women.
- States like Kerala and Haryana set up their own sex offenders' registry, accessible to the public.
- The national sex offenders' registry is available only to law enforcement agencies.
- If a person has served time for a sexual crime, their record will be there in the registry.
- The sex offenders' registry will store the data of those convicts classified as "low danger" to society for 15 years, and "moderate danger" to society for 25 years.
- Habitual offenders, violent criminals, those convicted in gangrape and custodial rape cases will figure permanently in the registry.

3) Significance

- India joined eight other countries that maintain a registry of sex offenders.
- The opening of the registry is timely because crimes such as rape, voyeurism, stalking and aggravated sexual assault are on the rise.
- The latest National Crime Records Bureau data shows there has been a 12% rise in rapes between 2015 and 2016, and that the majority of offenders are known to the victim.
- In a situation like this, the sex offenders' list can definitely help the investigation and monitoring process.
- This is seen as an effort to make India safer for women and children.

4) Advantages

- The setting up of the sex offenders' registry is timely.
- Nobel laureate Kailash Satyarthi had urged the government to push for a registry of sexual offenders, propagating the 'name and shame' approach in dealing with sexual predators.
- The sex offenders' registry can be used to conduct background checks and police verification of prospective employees, tenants and so on.
- It acts as a one-stop place to get their prior records.
- It can help monitor the movement of sexual offenders to an extent.
- It will help in enabling justice and monitoring an offender's future behaviour.
- It will encourage more victims to come out and identify criminals.
- The existence of such a registry will act as a deterrent to offenders.

5) Crime against Women

- The incidence of rape and other crimes against women has increased sharply.
- The rate of conviction has gone down, giving rise to the apprehension that stricter provisions in the law have failed to make a difference.
- Faulty investigations or the failure of the criminal justice delivery system.
- NCRB recorded a 12 per cent rise in the number of rapes in its latest data, for 2015-16.

6) International Practice

- In the United States, the sex offender registry is available to the public.
- The US's registry lets citizens search for sex offenders living near them.
- In India, and countries such as the United Kingdom, Australia, Canada, Ireland, New Zealand, South Africa, and Trinidad & Tobago, the registry is available only to law enforcement agencies.

7) Concerns / Challenges

- Since the criminals move on and commit crimes in a new areas, keeping the registry updated is a challenge.
- Maintaining individual's privacy.
- Concerns about the misuse of data.
- The process of categorising offenders.
- It might lead to people not reporting sexual offences, because most of them are by people known to the victims.
- It may tarnish a person's life even if he is reformed after serving his legal sentence.
- Organisations such as the Human Right Watch claim that it negates the concept of rehabilitation and perpetuates social stigma.
- It is argued that public stigmatisation imposes excessive restrictions on housing choices, the freedom of movement and social life, which disincentivises offenders who wish to reform and thereby increase repeat offences.

8) Way Forward

- The State must ensure that there is no overreach and misuse.
- Centre must make the registry of convicted sexual offenders public.
- Since 97% crime against women is caused by known people, the registry will allow women to decide whom to stay away from.
- For any real change, proper implementation of laws and policies for the protection of women is needed.