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A Study on Crimes and Severity of the Punishment in India

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ABSTRACT:

This study is a critical analysis of the severity of punishment for crimes in India. The Indian Penal Code is an extensive criminal code designed to cover every aspect of substantive criminal law. Punishment is a method of imposing consequences for undesirable behavior to discourage its repetition. It's often used as a means of maintaining social order and encouraging adherence to rules and laws. The main objectives of this study are to understand the concept of punishment and its exceptions, and to examine the severity of punishment for various crimes, Investigating the severity of punishment in different cases, Analyzing the potential impact of increased punishment on deterring crime. The research method I have followed is empirical research. The sample size is 200. Convenience sampling methods are adopted in this study to collect the data. The sample was collected from the public opinion. The study is based on primary and secondary data collected through convenience sampling. Secondary data is obtained from sources such as newspapers, magazines, websites, blogs, case law, and published books. Each offense has certain exceptions. When the Indian Penal Code was first drafted, it did not have any exceptions for criminal cases. As a result, a separate chapter was introduced to address this issue. This chapter is called "General Exceptions," and it contains exceptions that apply to every definition of an offense, every penal provision, and every illustration in the Code. These exceptions apply even if they are not explicitly stated in the definition, penal provision, or illustration.

KEYWORDS : IPC, General exceptions, Punishment, Offense, Criminal law, Penal Code.

INTRODUCTION:

This study examines the severity of punishment for crimes in India.. While prisons remain crucial for punishing and incapacitating criminals, data suggests that long prison sentences do little to deter individuals from committing future crimes. Research indicates that short sentences may act as a deterrent, but consistently, significant increases in already lengthy sentences show only marginal effectiveness in deterring crime. The issue of punishment severity's overall impact on crime prevention is multifaceted, as indicated by the findings. A small fraction, approximately 2 to 5 percent, of individuals committing crimes are responsible for 50 percent or more of the total crimes. Locking up these individuals early in their criminal careers, especially when they are young, could be an effective crime prevention strategy if we could accurately identify them. However, the current scientific evidence shows that we lack the capability to effectively identify young people most likely to become future offenders. It's important to note that many of these high-rate offenders might already be incarcerated because they expose themselves to a higher risk of apprehension compared to those who commit crimes less frequently. The Deterrent theory of punishment revolves around the term "DETER," which means refraining from wrongful acts. Its main objective is to prevent criminals from committing future crimes by instilling fear through punishment, setting an example for both individuals and society. In essence, this theory proposes that severe punishment for criminal behavior can raise awareness about the consequences of certain crimes, creating fear in society's minds and discouraging further criminal acts. The Deterrent theory of punishment acknowledges the possibility of committing a crime or repeating the offense. It is a utilitarian approach where punishment aims not only to address the wrongful act but also to prevent similar crimes in the future. In the words of Burnett, J, a prisoner is not punished solely for stealing a horse but to serve as a deterrent to others. The severity of punishment is crucial in this theory. Criminal law should emphasize penalties that encourage law-abiding behavior, but excessively severe punishments can be unjust. If the punishment is too harsh, it may deter all individuals from committing any crime. Conversely, if the punishment is not severe enough, it may fail to effectively deter criminals. Striking the right balance in punishment severity is vital to achieve the desired deterrent effect on potential offenders. **Aim is to find out whether increasing the punishment will deter the crime.**

OBJECTIVE:

1. Understanding the concept of punishment and its exceptions.

2. Investigating the severity of punishment in different cases.

3. Analyzing the potential impact of increased punishment on deterring crime.

REVIEW OF LITERATURE:

(Gaur 2019) The paper presents experimental evidence on the contrast effects of enhancing and depressing judgments made by 182 male undergraduates regarding the seriousness of the 2nd of 2 sequential crimes. Specifically, the study found that a homicide was perceived as a more severe criminal violation when participants evaluated the seriousness of an assault case just before it, compared to when the same homicide was preceded by another homicide**(Nevins 2003)**.The paper conducts a comprehensive examination of the impact of perceived certainty and severity of punishment on deterring criminal and deviant behavior. It includes a detailed review of the perceptual deterrence literature from 1972 to 1986, revealing that perceptions of sanction threats are moderately negatively correlated with self-reported criminal and deviant behavior for various offenses, aligning with the principles of deterrence doctrine.**(Lee 2016)** Crime is often a topic fraught with intense emotions and conflicting ideologies. Economists, on the other hand, tend to interpret it as a consequence of individual choices and the equilibrium of market forces. The literature on this subject highlights two main themes: the development of a 'market model' to understand the variations in crime over time and space, and the ongoing discussion regarding the effectiveness of 'positive' versus 'negative' incentives **(Beccaria, di Beccaria, and Voltaire 2006)**. This paper combines and expands on recent critiques of cross-sectional and panel studies related to perceptual deterrence. Using these critiques as a foundation, the paper devises an improved cross-sectional study. The study presents various scenarios concerning the noncompliance of a fictional plumber to a predominantly middle-aged administrator sample. **(Bentham 1830)**This paper examines the recent significant rises in criminal punishment within the United States and contrasting trends in the Federal Republic of Germany. By doing so, the paper challenges fundamental sociological theory traditions, including structural-functionalist, Marxist, and legalistic approaches. Instead, it proposes an alternative and more intricate theory to explain these developments. **(Committee Consequences of Incarceration et al. 2014)**The paper discusses the proposition that criminal law prescribes varying punishments for different crimes, yet individuals may not always face punishment for offenses they have committed. In the Indian Penal Code, 1860, there are recognized defenses outlined in chapter four titled 'General Exceptions.' These defenses serve to exculpate criminal liability in certain cases. **(Kamali 2019)**In this paper, the author emphasizes that adherence to laws and regulations is contingent upon the anticipated penalties that violators may encounter. The expected penalty is influenced by two factors: the likelihood of punishment and the severity of consequences upon being caught. **(Lucken 2017)** In this paper, after reading vignettes involving murder or theft committed by a 20-, 40-, or 60-year-old man, 95 undergraduates provided sentence and parole recommendations. The study revealed that participants imposed harsher punishments for murder compared to theft. Interestingly, for murder cases, individuals treated the 20- and 60-year-old men less severely than the 40-year-old man, supporting earlier archival findings. However, this inverted U-shaped pattern was observed specifically in murder cases, not theft. **(Institute of Medicine et al. 2001)**The article explores how landscapes bear the influence of power, with a particular emphasis on capital punishment. It briefly outlines judicial behavior and delves into the evidence from execution cemeteries, examining their location, relationship to existing landscape features, and the various burial types found within. **(Brooks 2021)** The article focuses on the psychological foundation of the legal system. The author explores attitudes towards crime and punishment, analyzing the underlying psychological and cultural processes, with a specific emphasis on the perspective of the nonlegal or lay person.**(Cavender 1982)**This paper illustrates a scenario where an individual meets all the elements of the offense, but their behavior is deemed justified under the circumstances. A classic example is when a person causes harm, but it is considered that they should be excused from responsibility due to their inability to be held accountable for the act. For instance, if a mentally impaired individual commits a crime, they cannot be considered responsible due to their mental condition. **(Robinson 2008)**In this paper, the author investigates the Mistake of Fact as an exception. This exception absolves an individual from criminal liability when they were mistaken about the existence of certain facts or were unaware of their existence. It's important to note that this error pertains to factual matters and not to the law, as "Ignorance of the law is not an excuse" is captured by the maxim "ignorantia juris non excusat."**(Wright 2021)** In this paper, the author asserts that criminal liability holds individuals accountable for the crimes they commit. While the Indian Penal Code (IPC) acknowledges the need to punish criminal acts, it also acknowledges that not all acts should be penalized.**(Kury and Shea 2011)** This paper explores the concept of direct liability, where an individual is held accountable not because of their actions but solely based on the fact that they acted in a certain manner. The paper discusses reasonable safeguards that come into play when one cannot deduce the individual's bad character solely from the act they have committed. **(Frankel 1973)**In this paper, the author discusses how criminal activity can be managed through punishment and social spending on enforcement and redistributive transfers, which raise the opportunity cost of imprisonment. The paper also examines how individuals' preferences for these policies may vary and explores the relationship between these preferences. **(Agrawal 2017)** This paper delves into the categorization of crimes based on their severity, with infractions being the mildest, misdemeanors being more serious, and felonies being the most severe. **(J.McKELVIE and McKELVIE 2003)**In this paper, each crime was analyzed, and a score was assigned to indicate its relative severity compared to other crimes. Participants perceived violent crimes as more serious than property offenses, and they also regarded white-collar and drug-related crimes with significant concern. While there is a general consensus on the severity of specific crimes, variations exist, with individuals from different racial groups, including blacks, giving lower severity scores compared to whites. **(Guénaël 2020)**In this paper, the author utilized ratings of the seriousness of 140 crimes gathered from a household sample in Baltimore during 1972. However, the paper provides limited descriptive characteristics of the crimes themselves. **(Bottigliero 2004)**This article will showcase how various approaches lead to significant variations in estimates, both when comparing different types of crime and when assessing the overall seriousness of crime in distinct areas. It will provide examples illustrating how these differences may result in researchers and practitioners arriving at contrasting conclusions solely based on their choice of one method over the other. **(Nigam 1965)**This paper introduces the Crime Severity Index, which considers both the frequency and the gravity of crime. The index is computed using weights assigned to each offense, determined based on the average sentences given by criminal courts.

RESEARCH METHODOLOGY:

This is a study on Severity of Punishments. The research method I have followed is empirical research. The sample size is 200. Convenience sampling methods are adopted in this study to collect the data. The sample was collected from the public opinion. The study is based on primary and secondary data collection. The secondary is using the data information already collected by someone and using it for the problem. Examples of Data Collection are newspaper, magazine, website, journal, articles, working /discussion papers. The research instrument used to collect primary data is a well-structured questionnaire. The independent variables used here are age, gender , and the dependent variables. Do you think that the nature of punishment is proper and severe in India? The study uses graphs, tables, and chi-Square for meaningful analysis.
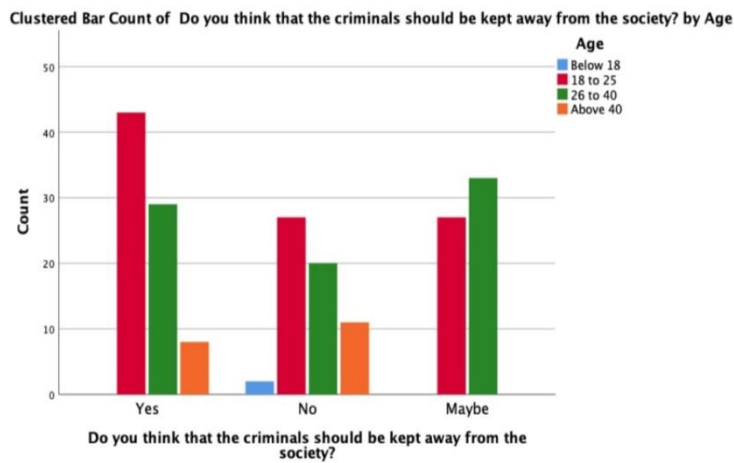
HYPOTHESIS :

Null hypothesis : There is no significant association for punishment and their severity.

Alternative hypothesis : There is significant association for punishment and their severity.
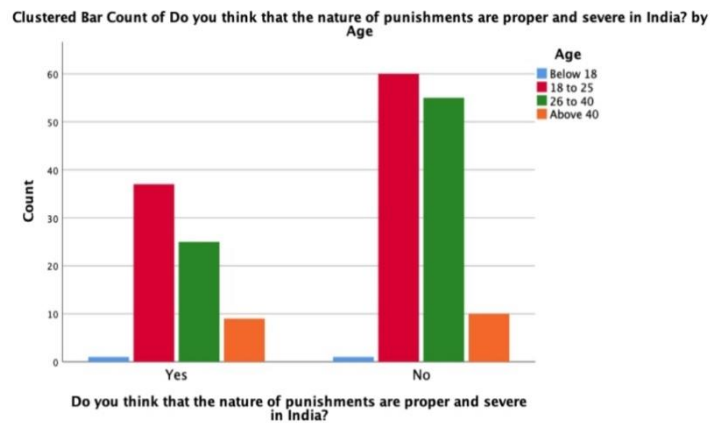
ANALYSIS :

FIG:1

Clustered Bar Count of Do you think that the criminals should be kept away from the society? by Age
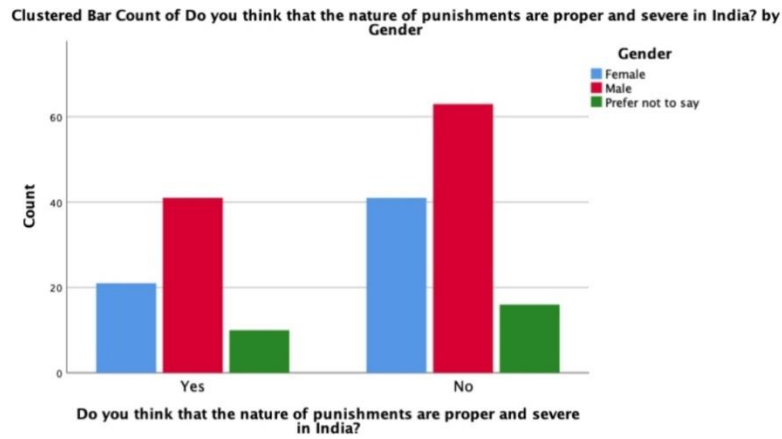
LEGEND: From the graph it observed that age distribution of the respondents compared with do think that the criminal should be kept away from the society.

FIG:2

Clustered Bar Count of Do you think that the nature of punishments are proper and severe in India? by Age
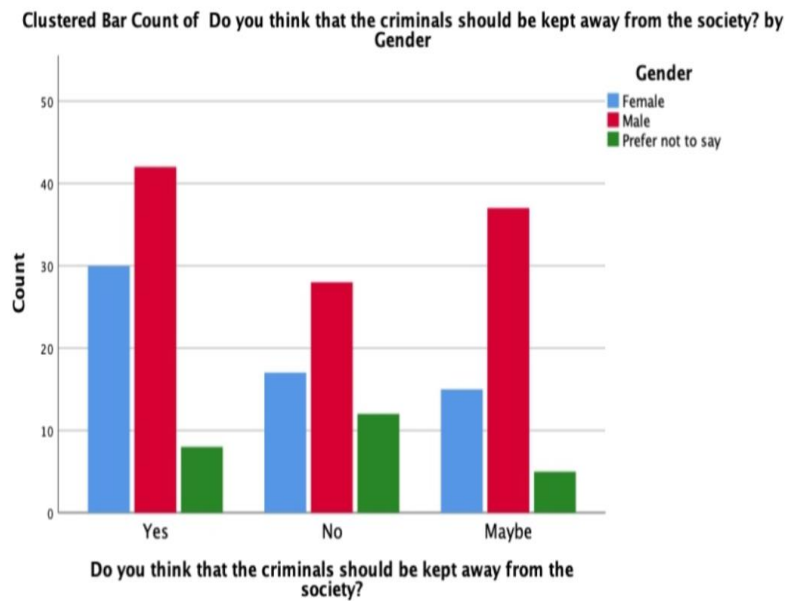
LEGEND: From the graph, it is observed that age distribution compared with do you think that the nature of punishment is proper and severe in India .

FIG:3

Clustered Bar Count of Do you think that the nature of punishments are proper and severe in India? by Gender

LEGEND: From the graph it observed that gender distributions compared with Do you think that the nature of punishment are proper and severe in India .

FIG:4

Clustered Bar Count of Do you think that the criminals should be kept away from the society? by Gender

LEGEND: From the graph it observed that gender distribution Do you think that the criminal should be kept away from society.

FREQUENCY

Table :1

EDUCATION : Do you think that criminals should be kept away from society?

Crosstab

Count

		Do you think that criminals should be kept away from society?		Total
		Yes	No	
3. Educational qualification	SSLC	24	26	50
	PG	11	50	61
	UG	15	20	35
	PHD	10	20	30
	Others	14	10	24
		74	126	
Total				200

Interpretation:

When arising a question as to Whether the public is aware of the intricacies of the criminal law in india,24 SSLC students,11 HSC students,15 UG students,10 PG students and the remaining 14 students who don't have formal education are aware of it and 26 SSLC students,50 HSC students,20 UG students,25 PG students and the remaining 10 students who don't have formal education are not aware of it out of 200 Sample responses.

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	15.498[a]	4	.000
Likelihood Ratio	15.436	4	.010
Linear-by-Linear Association	13.623	1	.000
N of Valid Cases	1200		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 21.36.

The person chi- square test shows that the p value is less than 0.05. It means that the alternative hypothesis is accepted.

TABLE :2-

EDUCATIONAL: Do you think that the nature of punishment is proper and severe in india.

Cross table

Count

		Do you think that the nature of punishment are proper and severe in india		Total
		Yes	No	
3. Educational qualification	SSLC	50	17	67
	PG	10	8	18
	UG	9	11	15
	PHD	30	10	45
	Others	40	10	55
		139	56	
Total				200

Interpretation:

When arising a question as to Whether the public is aware of the intricacies of the criminal law in india, 50 SSLC students, 10 HSC students, 9 UG students, 30 PG students and the remaining 14 students who don't have formal education are aware of it and 50 SSLC students, HSC students, 9 UG students, 10 PG students and the remaining 10 students who don't have formal education are not aware of it out of 200 Sample responses.

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	15.498[a]	4	.000
Likelihood Ratio	15.436	4	.010
Linear-by-Linear Association	13.623	1	.000
N of Valid Cases	1200		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 21.36.

The person chi- square test shows that the p value is less than 0.05. It means that the alternative hypothesis is accepted.

DISCUSSION & RESULT:

I agree that it's important for governments to research alternative methods to reduce crime. Governments must persist in researching diverse crime reduction methods to establish effective policies. The combination of short prison sentences, education programs, and community services has proven to be the most effective apprach for reducing crime. Emphasizing short prison periods alongside educational initiatives serves as a powerful instrument in crime reduction efforts. Conclusively, there exist more efficient approaches to address crimes in society than resorting to extended prison sentences. However, there should be rehabilitation and motivational programs to cultivate good thoughts in their minds and after that, they can escape from jail as a valuable man to the society without staying with them. As a result of the question, do you think that criminals should be kept away from society? Many people answered yes. People's opinions on this matter vary widely depending on various factors such as cultural, social, and political perspectives. Some argue that keeping criminals away from society through incarceration is necessary for public safety and to uphold the rule of law. They believe it serves as a deterrent and protects potential victims. Others advocate for rehabilitation and restorative justice approaches, focusing on addressing the root causes of criminal behavior and helping individuals reintegrate into society after serving their sentences. Ultimately, public opinion on this issue is diverse, and the approach to dealing with criminals often depends on the specific legal and criminal justice systems of different countries or jurisdictions. And of the question, do you think that the nature of punishment is severe in India, many people said no. Even though the government had taken steps to prevent those crimes, still in many places the crime took place . So what shall be done to prevent crime and how can we treat the criminals?. So as from the survey many people said that Short prison sentences combined with education programs and community services are effective instruments for reducing crime. Rehabilitation and motivational programs can help criminals become valuable members of society. While some people believe that harsher punishment is the best way to prevent crime, others believe in educating criminals with good values and kindness to change their minds in a positive way.

CONCLUSIONS:

Punishment is a method of imposing consequences for undesirable behavior to discourage its repetition. It's often used as a means of maintaining social order and encouraging adherence to rules and laws. The effectiveness and ethical implications of punishment can vary depending on the context and the severity of the consequences applied. Some argue for more rehabilitative approaches, focusing on understanding the root causes of behavior and promoting positive change, rather than solely punitive measures. Short prison sentences combined with education programs and community services are believed to be effective in reducing crime. Rehabilitation and motivational programs can also help criminals become productive members of society, emphasizing that punishment alone may not be the best approach to prevent crime. The goal should be to tackle crimes with more effective methods, ensuring individuals can rejoin society as valuable contributors after being rehabilitated. Preventing crime requires a multifaceted approach involving early intervention, education, strengthening community ties, providing social and economic support, maintaining an efficient justice system, implementing crime prevention strategies, addressing substance abuse and mental health, and offering rehabilitation and reintegration programs for offenders. Adopting a holistic approach is essential to create safer communities.

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