



FACULTY OF JURIDICAL SCIENCES

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LECTURE-6

[II] Theories and Kinds of Punishment

The immediate consequence that follows a criminal act is known as punishment. Thus, punishment is defined as suffering, loss, pain, or any other penalty that is inflicted on a person for the crime by the concerned authority. There are different theories of punishment in law.

There are different kinds of punishment that a person can face. In order to understand them, first, we need to understand the theories of the punishment. There are majorly four theories of punishment.

These theories are the deterrent theory, retributive theory, preventive theory, and reformatory theory. 1

Deterrent Theory

The retributive theory assumes that the punishment is given only for the sake of it. Thus, it suggests that evil should be returned for evil without taking into consideration any consequences. There are two theories in which this theory can be divided further. They are specific deterrence and general deterrence.

In specific deterrence, punishment is designed such that it can educate the criminals. Thus, this can reform the criminals that are subjected to this theory. Also, it is maintained that the punishment reforms the criminals. This is done by creating a fear that the punishment will be repeated.

While a general deterrence is designed to avoid future crime. So, this is done by making an example of each defendant. Thus, it frightens the citizens to not do what the defendant did.

Retributive Theory

Retribution is the most ancient justification for punishment. This theory insists that a person deserves punishment as he has done a wrongful deed. Also, this theory signifies that no person shall be arrested unless that person has broken the law. Here are the conditions where a person is considered as an offender are:

- The penalty given will be equivalent to the grievance caused by the person.
- Performed a crime of certain culpability.
- That similar persons have been imposed for similar offenses.
- That the action performed was by him and he was only responsible for it. Also, he had full knowledge of the penalty system and possible consequences.

MCQs-

i. A abets B to commit a theft from the house of C. B finding an opportunity picks C's pocket while C was travelling by a bus. Give the correct answer-

- (A) A is responsible for abetment of theft
- (B) A is not responsible for abetment of picking of pocket
- (C) A is not responsible for abetment of committing theft because theft has not been committed from the house
- (D) All the above are correct

ii. Which one of the following statements is not correct?

- (A) In every robbery there are at least two persons
- (B) In every robbery there is a fear of violence
- (C) In every robbery there is either theft or extortion
- (D) In every Dacoity there is robbery

iii. Which one of the following cases does not relate to intoxication?

- (A) D.P.P. V/s Beard
- (B) Basudeo V/s State of Pepsu
- (C) R. V/s Mcnaughten
- (D) R. V/s Tandy

iv. A snake-charmer while showing his play claims to cure the snake bite. The deceased got himself a snake bite believing on assurance of the snake-charmer. The snake-charmer could not cure the deceased. The snake-charmer is liable for-

- (A) Murder
- (B) Cheating
- (C) May be liable for culpable homicide
- (D) Liable for nothing

v. Which one of the following is not correct?

- (A) For theft property must be movable
- (B) For theft property must be removed out of the possession of the owner of property
- (C) For theft property should have been removed for taking it away
- (D) For theft property should be removed dishonestly