Abstract

The crimes are as old human civilization. When humans settled in villages and towns before five thousand years they evolved a not so compact but loose system that men and women have to behave as per social norms. Any deviation would be seen as abnormal behavior and the community chiefs would punish the errant people with excommunication. More serious abnormality in behavior was considered as crime and would ensue harsher punishment. In ancient times punishments were barbaric. 'Eye for an eye' was the principle for crime against innocent individuals not in war for crimes inflicted upon them. When the armies were organized as kingdoms and dynasties were evolved, the humans also moved in the direction of democratization. Oligarchies were formed all over the world and even in India in first century BCE. Beheading and amputating limbs was common punishment in most kingdoms. The women would be burnt alive for adultery. Later in the medieval age in India widows were burnt alive without any crime on their part but just because their husbands died of disease, old age or snake bite. The harshness in the practice of suttee was that innocent was burnt alive by a social sanction. Raja Ram Mohan Roy was the first legal crusader of the early modern period who reformed law and redeemed thousands of deaths of widows by convincing Lord William Bentinck to promulgate a law. There is also wide ranging infanticide of infant girls in India as reported by John Cave Brown in 1857 due to heart rending poverty and shocking ignorance. The infanticide was most common among Jats of Punjab and Haryana. As soon as a daughter is born she is throttled or strangled to death or abandoned in a corner without milk so that the girl dies within two to three days. Noted scholar Prof. KalpnaKannabiran from Hyderabad Tealingana state says that infanticide is very serious crime and fulfills some conditions of Genocide. Female Infanticide prevention Act 1870 was promulgated in British India. Nobody detects this widespread crime which is widely practiced in India even now. In Tamil Nadu's poverty ridden districts poor people kill their old age parents just to reduce family expenses. This practice is known as ‘Thalaikoothal’. All including the police officials and government officials know that old people are being killed by own family members no crime is registered. Thuggee was yet another crime spread throughout North India from the times of Aurangzeb’s rein (1657) till 1839 when Lt. Sleeman, a British police officer put an end to it. In thuggee at least 2 million people were massacred by thugs who befriended entire families and then killed them when they slept mostly while traveling on foot on horse backs or in bullock carts. India is land of crime. Though we may eulogise in prose and in poetry by saying we have great unmatched culture. A exhaustive study into the crime and punishment systems ancient medieval and modern is necessary and reforms in punishment scenario is imperative. The Jail Reforms committee of 1983 chaired by Justice A. N. Mullah and The committee on reforms in Criminal Justice System in India Chaired by Chief Justice Dr.V.S. Malimath (2003) have done a seminal work in studying and suggesting reforms in crime punishment and incarceration but three decades
and one decade have passed and a fresh look at the crime punishment and incarceration scenario is necessary now.