A Comparative Study

Attempts to set a norm of right way of the life that a man should seek for have been made from a very early time and are invariably present in almost all the religions of the world. However it can fairly be assumed that for the Western world, the Greeks are the first to lay down the foundation of an ethical life. They tried and perhaps successfully used the principles of reason and concord to the chaos of beliefs and discord of primitive society. Socrates sincerely believes that human nature is fundamentally good and the application of reason and spread of enlightenment will abolish all wrongs. To him vice is only a passing phase and just an error. For the Greeks sin means such conducts of omission or commission which are offensive to the Supra-human power.

The Greeks are conscious of the distinction between a sin and a crime which can be assumed from the writings of Hobbes when he says 'all crimes are indeed sins but not all sins crimes. A sin may be in thought or secret purpose of a man, of which neither is a judge, nor a witness, nor any man can take notice'. However, it would be more proper to define a crime as an offence against the law of the state and sin as an offence against the law of God. This conception developed in a later period. Nevertheless, the "unwritten laws" is one of much importance in the Greek doctrine of sin. The Greeks ascribe these "unwritten laws" to Gods and they carry their own

sanctions and punishments with them. The penalties formulated for the violation of them cannot be avoided whereas the penalties formulated for the violation of human laws may be avoided. Curiously enough it is a very modern notion. The consciousness of wrongdoing should invariably be present with the overt act and if an act is performed with right intention and with reason, the words, 'sin' and 'sinner' are not used though the act may be disastrous in its results. For the early Greeks the sinner is in the position of a man who has incurred a debt. A person incurs sin as soon as he performs an overt act and remains so so long he remains unexpiated as the debtor until he repays the debt. In this regard it is useless and irrelevant to inquire whether the sin is incurred voluntarily or involuntarily, knowingly or unknowingly, with the best intentions or the worst. Thus the law in this period was very rigid and allowed no irregularities. However in later period we find a broader outlook when they accepted the invariable presence of the consciousness of wrongdoing.

But towards the period of Homer, we see a remarkable change in the early conception which were stereotyped and formalised in ritual and custom. In this period the conception of sin was far more advanced and was given a definite shape. The foremost feature which strikes out in this period is the prominence of the ethical notion in the conception of sin as opposed to religious notion. Homer believes that each and every person has an underlying spirit of reckless self-confidence
which may be the outcome of mere rashness and impetuosity of youth and strength. This sort of spirit obscures moral values, a blindness or blurring of the soul, which directly leads to the commission of sin. So in order to check the rashness and immoral actions, ethical notion was brought into in the conception of sin and this notion secured a unique position.

This ethical notion continued to enjoy the same position in the conception of sin even in the later period of Greek history. They rightly believed that righteousness means that conduct which is in full conformity with a divinely established order and which is careful of the respective rights of others. Unrighteousness is the conduct which ignores the rights of others and transgresses upon the laws of the established divine order. It is interesting to note that though ethical notion was given the foremost place in the conception of sin, the basic principle was still the religious notion. The right conduct must conform to a divine order based on religious experience. As the ethical idea was blended with religion, the people were afraid of transgressing the same and breaking the divine laws. Due to the religious flavour, the people believed that any transgression from the divine path may result in wrath of god who would punish the sinner for the wrong committed. Punishment of unrighteousness, however, may not follow immediately after the unrighteous act and the wicked may prosper for the time being but in the long run the inexorable cosmic law or the moral order would work to bring disgrace to the sinner.
It is believed that as sin is inevitably punished and punished directly and materially so the primitive minds easily infer that if a man suffers misfortune he must have sinned. Further the burden of sinners guilt may involve an innocent community to the visitation of divine wrath. Unexpiated sins cry for expiation and it must be undergone so as to avoid the divine wrath. Plague and famine etc. as inevitable consequences of not undergoing penances visit the community for infringing on divine law or moral order.

However for the pre-Homeric period there is no sufficient information to shed a focussing light on the question of expiation of sin. All that we can affirm with confidence is that the early Greeks like all other primitive people undoubtedly practised rites to drive away evil spirits and that from these rites arose many later practices, the object of which was to remove some taint of evil.

Expiation of sin is generally considered from these three standpoints: (a) the purification from the taint or evil; (b) the appeasing of divine wrath caused by intentional or unintentional disregard of what is due to the gods and (c) the restoration of a man who has transgressed or infringed upon some moral law to harmonise with the gods. The emphasis on these points varies; yet from Homer onward all the three aspects are traceable.

Homeric Period:

Though the account of sin and punishment assumes definite shape there is no direct mention of rites of expiation. There
is no synonym for 'expiation' or 'atonement' nor even any distinct form of worship designed to propatiate the Gods to appease their anger.

In Homer, we find that sacrifice is frankly conceived as a sort of present to the gods, for which they are in fairness bound to an equivalent return. This nature of bargain is fully recognised by the gods themselves. "Hector", says Zeus to Hera, "was dearest to the gods of all mortals that are in Illos. So was he to me at least for no wise failed him in the gifts I loved. Never did my alter lack seemly feast, drink offering and the steam of sacrifice even the honour that falleth to our due". 2

The performance of sacrifice, then, ensures favour and on the other hand its neglect entails punishment. When Apollo sends a plague upon the Greek fleet the most natural hypothesis to account for his conduct is that he has been deprived of his due meed of offerings.

Thus, men might seek to undo the evils but not with much success. The sacrifices offered to the gods under the circumstances did not differ from the ordinary ones; but in as much as sacrifice always expressed man's desire to gratify the gods by paying them their due. It might appease the anger of the gods. Probably the same thought lay behind the vow to bring costly offerings, though such costly gifts might be regarded as the effort to expiate a sin. However from the Homeric point of view neither gifts nor sacrifices had much efficacy. The affront to the gods was certain to bring punishments as a mark of

2.Iliad, XXIV.66
visitation of divine wrath and vengeance.

Thus from the standpoint of the Homeric poems, sin, whether moral transgression or direct affront to the gods, met with its due punishment. It was natural for men to seek to allay the anger of the gods, but there were no rites specifically prescribed for the purpose and man had no assurance that their efforts to undo the evils in this direction would meet with any success. The only expiation for sin strictly speaking lay in the effort to set right the wrong that had been done.

Later period of Greek History:

While all three conceptions of sin and expiation are found in the later and better known periods of Greek history, the first to develop amongst these three seems to be the conception of sin as a pollution which demanded purification. The murderer was banished from the country because he incurred divine wrath and was hated by the gods. Purifications were performed as a prelude to any religious festival for any impurity would provoke divine anger. The ordinary practice of purification, however, was the removal of a possible cause of divine anger, rather than the expiation of any sin.

It is clear that most of the rites of purification have nothing to do with any real sin. Contact with death, sickness and birth demands a purification which has no moral significance. Probably the same is true of purification of homicide or manslaughter, though at Athens it was permitted only in case of
justifiable homicide. At the same time, all shedding of human blood, must have been regarded as a kind of wrong, for which some expiation was necessary.

Thus to put it in a nutshell, the idea of penance finds no place in Greek religion, nor are there any practices by which some self-inflicted penalty may take the place of the full consequences of sin. The word 'expiation' naturally refers to some process by which the sinner may free himself either from some of the consequences resulting from sin, or from the sin itself. We have all along observed that the idea of sin was never clearly developed or coherently tackled by the lawgivers or servants of ancient or mediaeval Greece.

**Christian**

According to Christian notion sin may be defined as opposition to the will of God, the denial of faith and love. In other words, sin is the claim to live independently of God not to follow his dictation and order. It is disobedience of God which one can avoid through regarding it as a blot or a stain.

Jesus does not speak of good men and bad men. A man, according to him, becomes good when he follows the ordain of God by living a rightful and spiritual life and the same man may become bad if he disobeys the moral order. He does not, however, regard the sinners as merely one class of men and thereby making a bifurcation of men among others. Jesus ministry opens with a call to repent and it assumes that all men have sinned.
either one way or the other. So every one has to repent for the sin he or she has committed. This call has been repeated by him in more than one place. He believes that all must be merciful for all are sinners in someway or the other and as such all need mercy and pardon. Repentance implies a change of mind and all will perish unless they show a change of mind. When a sin is committed the inner purity of the heart is clouded by evil and man becoming worse from bad resembles a bad tree bearing fruit of its own kind. God punishes sin but more important than that is the fact that men can repent and that all sins may be forgiven except that which 'connotes final hardening of the core' and therefore entangles men in guilt for ever.

Sin to the Christian mind implies a personal and moral relation between man and the divine power. This notion was never realised in similar manner or in the same degree in ancient Roman life. In the early phase of ancient civilisation deities were concerned only with the members of particular communities.

It may be said that to certain offences the notion of sinfulness did attach in very early days among the Romans, as among the Greeks. A offender, guilty of crime was outlawed and might lawfully be slain. An idea gradually struck root that for the good of the soul it was needful for the to follow the correct and rightful path and deliverance from the bondage of error by special practices which would ensure divine pardon and relief from the stains contracted by the soul.
The idea of sin was especially developed by the stoics whose ethical doctrines deeply influenced the later culture of Rome as Greece. The stoic law of life for the individual was summed up in deep loyalty to a divine order of the universe and in the composure of the will to perfect harmony with the will of God. The stoics rebellion against the divine purposes, as expressed in the ordered universe, brings in misery.

So far we have been dealing with certain early conceptions which are stereotyped and formalised in ritual and custom. But when we turn to the period of Homer, we find a change in the conception of sin which is on the whole remarkably advanced. In considering the Homeric conception of sin the first feature which strikes one is the prominence of the ethical as as opposed to the specifically religious standpoint. According to Homer there has developed in man a spirit of reckless self-confidence or wantonness, which may be the youth and strength. The consequence of this spirit is an obscuring of the of moral values, a blindness or blurring of the soul, which directly leads to the commission of sin.

The terminology of Hesiod is similar to that of Homer. Righteousness means that conduct which is in conformity with a divinely established order, which is careful of the rights of others, whether God or men. Unrighteousness is the conduct which ignores the rights of others and transgresses upon the laws of the established divine order. Punishment of unrighteousness may not follow immediately after the unrighteous act and the
wicked may prosper for the time being but in the long run the
inexorable cosmic law or the moral order of the world triumphs.

The ritualistic transgressions which demanded an expiation
admit of diverse kinds. A large number of them consists of
offences committed through deviation from the ceremonial
regulation. Even the slightest deviation from the ritualistic
directions though trifling and insignificant it may be renders
the whole ceremony invalid. It not only bars for repetition
but also necessitates atonement of the wrong by expiatory acts.

Expiatory act is to be undergone for all sorts of offences
that might have been committed whether consciously or unwittingly.
But it should not however, be inferred from this that each and
every error admits an expiation. There are indeed some offences
which are beyond expiation and place the offender liable to Divine
Punishment without any legal means of escape.

The documents of the fourth and fifth centuries abound in
references to the ecclesiastical practice of remitting sins
committed after Baptism. Penance for the wrong committed has
always been regarded as a formal and public affair. The
formidable process involved (a) the sinner's exclusion from
communion and admission by the imposition of hands, after
confession and his being taken to task by the bishop where neces-
sary; (b) his performance of a prescribed course of self humilia-
tion and prostration known technically as 'exomologesis', the
period depending on the gravity of his sins and varying at
different times and places under different circumstances and (c) his formal absolution and restoration. These penances seem always to be public penances. Augustine believes that the only form of penance apart from this is that which sinners practise daily for their more venial sins by prayer, fasting, alms giving etc. It rests with bishop, of course, to whom the penitent opens his heart to determine what treatment his guilt requires, and he may sometimes decide even in the case of a sin like adultery that public penance is for one reason or another impracticable or inexpedient, and that the sinner must be dealt with in private.

The function of the priest is important in this regard. His sole function was, when consulted by the individual or by the community, to deliver an authoritative judgement as to the possibility of expiating a given offence. But they had no part whatsoever in the performance of the expiatory sacrifice offered in the name of the community. Nor could the priest or magistrate institute any penal procedure against an impious who had committed an inexpiable offence, or had failed to make atonement for an offence that was expiable.

Islam: According to Islam evil is not what a man possesses in his true self rather he is tempted in the evil to evil. Thus it is not an innate or ingrained human disposition but a habit which is acquired later on. It may be called a mental illness which could be cured through right preaching and proper training. Satan being evil by nature disobeyed the command of the God and
committed the first sin. His sin was self-conceit and pride. The evil character in the bidding of an animal soul. Thus one may become free from evil by controlling the animal soul by the true self. Therefore Quranic idea or win iw pride and opposition to God. If one opposes God, he becomes an atheist, polytheist, a heretic or simply a careless irreligious person. The Quran discusses the sin of man, his obstinate disobedience in details and calls upon him to harbour faith in God and repent for shortcomings and pitfalls.

According to Muslim theologicans sins are of two types: little (saghira) and great (kabira). It has been held that if some good act is done minor sins such as mere faults and imperfections are forgiven as they are common in all human being. There is difference of opinion regarding the number of greater sins. Those included in the following list however are common in all the lists:

(a) Association of a being with God
(b) Wilful murder
(c) Adultery
(d) Theft
(e) Unnatural Crime
(f) Drunkenness
(g) Usury
(h) Disobedience of parents
(i) Charging illegally a Muslim with fornication
(j) Giving false witness
(k) Defrauding witness
(l) Despairing of God's mercy
(m) Cowardice in battle
(h) Neglect of prayers
(o) Gambling
(p) Neglecting fasts.

Even when one commits a little sin a learned man becomes a greater sinner as his deed misleads those who seek his guidance. Repetition of small sins does not become great if committed without being aware of it but committed knowingly they assume the form of great sins. No atonement is needed for the sins committed if the sinner repents soon after the commission of the sin. True repentance is due to the sorrow for the commitment of the sin. A Muslim becomes a sinner by committing a great sin but an infidel does not. Homicide is a sin. A suicide being a wilful act to kill oneself, considered a sin.

According to the Islam view sin is the neglect of the arbitrary decrees of an absolute Ruler rather than an offence against any fixed moral law of right or wrong. Sin is often looked upon as a weakness of human nature and it is of the so-called 'animal' soul. Thus the sinner could not be blamed much as only the external self involves in the sinful act whereas the real self remains pure in its essence. God forgives the sinner if he performs certain good actions and attends to
proscribed religious rituals. For the followers of Islam this idea of purifying a sinner is very common. Sin for them is an external pollution.

Giving of alms is a means to do away with sins for the Muslims. Prophets maintain that the ceremonial ablation before the prayer is very important for a Muslim as they wash away his sins and his sins are forgiven for thereafter. Pilgrimage to Mecca which is popularly known as haj cleanses the heart of men and women and makes him innocent like new borns.

The acts prescribed by the code are considered to be the debts due from man to God incurred by acceptance of Islam. Other than these men get indebted by undertaking obligations voluntarily or by violating prohibitions. Expiation is necessary for violation of prohibition. Islam belief is man's debts to God, are the five daily prayers, fasting in Ramadan, paying of alms and pilgrimage. If unable to pray at the right time he may make it up by saying an extra prayer at a later time. For this no other expiation (kaffarah) is necessary. If one does not observe fast, he may make up by fasting the requisite number of days out of season. An alternation of this may be to invite some people and treat them to dinner.

The Quran prescribes expiation for certain mild offences as the slaughter of wild animals in the sacred area. For such an offence one has to give away a same animal equal in value to the wild one killed; - for example a cow for an ass etc.
Expiation though is a common practice contemplated by the Muslim code, it is strictly limited. Certain practices which are thought to be the means of expiation survived from the very early stage, the others are due to the common belief that bad actions can be nullified by acts of super-erogation.

Buddhists: In Europe doctrine of sin is considered to be a complex idea having various strands. Though a few of them are quite similar to the ideas prevalent in the earliest Buddhist texts and in pre-Buddhist Indian texts, the doctrine as a whole is totally antagonistic to the India, more so to the Buddhist way of life.

Buddhists believe the universe to be under the reign of law and whatever in this universe is a part in an unending chain of cause and effect. Like men gods too are subject to this law. The law applied to both moral and physical sphere. It is just impossible for any conscious being to escape from the result of his deeds or thoughts or as according to the Hindu doctrine, of his karma. Each and every wrong deed, word, thought will lead to certain result, its effect. The application of this theory in details, and the explanation of the method in which karma worked differed greatly at different times and places in India and among different religious communities. Regarding such matters philosophic schools arose in the course of centuries.

Doctrines of karma and the doctrine of sin do not go together. Anyone who holds the doctrine of karma could not accept the doctrine of sin. One holding the doctrine of
karma would call sin to be a 'folly' resulting from ignorance for which there cannot be any forgiveness and must work out by itself to the bitter end. This is the cosmic law and no one, not even with the help of God could get rid of it. God himself is subject to this law. European thinkers often imply by 'sin' an offence against a personal deity. But for a Buddhist this could not be the case as personal deity according to, never made the moral law.

For a Buddhist sin is every kind of collision with the cosmic moral law at individual or social level. He would call such collisions evil, wrong, bad, demeritorious corrupt (papa mischokha, akusala, apunna). These obstruct one's painful journey to higher and happier experience by throwing him back as does collisions or infractions.

Nobody is born into this world without carrying the heavy mortmain of the follies and the wrong deeds of past lives unless they have been already done away with by unpleasant experience.

One should not however come to the conclusion that sound Buddhist doctrine maintained that an individual in this life enjoyed only the fruits of his deeds in the previous life. The doctrine viewed the individual to be a growing organism both physically and spiritually. Like the characteristics of any growth on the one hand it is the result of conditions favourable or unfavourable to the desired growth and on the other hand it is creative.
Attempts at self-expression which is known as creation capacitates one to dispose off the latent vice (anusaya) of his lower nature (called collectively Kilesas) and mould himself as his present self having lighter burden of 'original sin' and brighter future ahead.

As there are various means through which one can commit sin as stated by the Buddhist thinkers in various texts, there are also provision for expiation and atonement. These in Buddhism are constructed without dependence on the deity and is greatly influenced by the Hindu theory of Karma. Before the rise of Buddhism it was generally agreed that the fate of a man's soul, in its next birth was determined by man's karma in this birth. Later the Buddhist adopted the doctrine of karma rejecting the hypothesis of soul and made it one of the foundation stones of its ethical theory. From them karma became a rigid law for Buddhism which worked in its own right without being subject to any divine or human interference but just resulting in an effect following each and every deed, word and thought.

All the Buddhist schools held that the karma and its vipaka (the act and its result) were interwoven in such a way that no expiation or atonement could break them. Expiation or atonement could break them was neither possible nor desirable and an explaining away or denial of karma was only pernicious, immoral and a bar to religious progress.
This uncompromising attitude to the result of any act done can be nullified in two ways as it was stated in early Buddhism which at first sight seems to hold that some mitigation is possible. The first is where a bhikkhu is forgiven for a breach of a by-law of the community; the second is in the matter of a pattidana, or transfer of merit.

A local chapter under some conditions suspend the offender from certain privileges if a breach of the rules had been reported to it. A notion could be brought forward at a subsequent meeting for rehabilitation on the submission of the offender. The chapter though the mouth of the mover took back the offence. Here however there is no infringement on the law of karma. The offence in all such cases mentioned above purged only as regards the order. The karma of the offence works out its inevitable result independently of the fact that the order of the offence has been expiated.

The other exception from karma is the pattidanda, or transfer or merit which is a very interesting doctrine when its development is noted. 'Patti' means 'attainment', 'accomplishment'. If anyone does any good deed it is inevitable followed by good results. The doctrine of pattidanda (lit. gift to the patti) was that the benefactor directs karma in such a way that it will not accrue to his own benefit, but to that of someone else whom he specified. This kind of transfer of merit was possible only in the case of certain good actions of a minor sort. It is
worth taken note of that transfer of merit was generally from a good Buddhist to a non-Buddhist, and the later is usually a friend or relation of the benefactor. We find no example of a good Buddhist accepting or willing to accept any transfer of merit to himself.

A very interesting fact to note regarding the sin and expiation in Buddhists is that almost all the rules and regulations of sin and expiation found in the Buddhist texts are applicable only for the monks. The others have no place in it. Again it is found that all these rules and regulations mentioned in such Buddhist texts as Vinaya Pitaka etc. are quite similar to those found in Brāhmaṇas and Sūtras. Almost all the actions regarded as 'pāṭakas' in the Hindu texts are included in Buddhist texts as actions requiring penances. Ample references of such similarity are found in the 'prāyascittta' section of Vinaya Pitaka.

The discussion about the conception of prāyascittta in different religions brings out a clear distinction from the conception of prāyascittta as enunciated by the Hindus. The Śmrṭikāras made the performance of prāyascitttas voluntary as would be clear from a verse of Yājñāvalkya which holds 'a man guilty of patakas should perform prāyascittta for his own purification; in this way his inner soul recovers its composure and the people also become satisfied'.

This verse clearly brings out the very basis of the purpose of prāyascittta viz. purging of sin or purification,

3. Yāj. Smṛti III. 220
the satisfaction of the sinner's mind, admission to intercourse with all people. On the other hand, it also brings out the fact that all the prayascittas are voluntary and the sinner performs the same out of his own sweet will. But when he does not perform the same, no one forces him to do so except that he is outcast from the society. The fear of expulsion from society of course, forces the person to undergo the prescribed penances. Yet this is an indirect way to force someone to undergo the penances. On the other hand, the number of penances that are prescribed for purification in the other religions are limited in number. But in other religions there is no restriction on the person to undergo penances. If a person after committing a sin does not undergo the prescribed penances, there is no restriction on him to undergo the same. He lives within the society as any other common man of the society. Further more, the penances that are prescribed by the Hindus for committing a sin are mostly to be self-inflicted as austerities, performances of sacred duties, visiting of sacred places etc. The Hindus sincerely believed that until and unless a person does not undergo physical hardship he can never be free from the sin and these kinds of physical hardships are the best means to atone for a sin committed, and these means kinds of physical hardships are to be self-inflicted. This is a unique principle not to be found in any other religions. In most of the other religions it is the priest or the Bishop who lays down what sort of atonement
to be undergone. It is the duty of the Bishop or the priest to point out whether the person should confess or repent or he should perform the expiatory sacrifice.

Another unique feature of the conception of prāyahcātta in Hindu religion is that as regards the awarding of punishments and prescribing of penances, the matters to be considered are whether the lapse was intentional (kāmataḥ) or unintentional or whether it was the first offence or whether it was repeated and what the circumstances as to the time, the place, the caste, the age, capacity, learning were. The Śaṅkīkaras take into consideration all these factors while laying down a particular prāyahcātta. This, of course, is a very human consideration for these factors weigh very much while committing a particular sin. Apart from this one convenient and merciful rule laid down by the smṛtis was that if a man died in the midst of the period for which penance had to be performed, he became free from the sin here and in the next world. The other religions do not give any clear picture about this aspect and this proves the fact that the Hindus laid down considerate and merciful rules and not strict and binding rules, as are alleged by some of the Western scholars.

The entire subject of expiation is invariably connected with sin all around the globe. In each and every religion, therefore, whenever they speak of sin, they also lay down the

4. Hit. on Yaj. III.250
measures to expiate those sins. As in Hindu religion, almost all the religions sincerely believe that opposition to the will of God leads a person to sin, which makes the Divine being angry. This belief is the basis of the idea that one who commits such an aversive act should propitiate the Divine being and this propitiation to avert the wrath of god and frees the person from the sin committed.

It is clear that all the religions invariably believe that there are certain impediments such as anger, hatred etc. which swerve a person from the right path and as long as a person cannot check himself from falling a prey to these impediments, he cannot hope to achieve the desired fruit. Thus certain disciplines are prescribed by different holy books such as Bible, Quran, Manu Smrti to name some of them. It is peculiar that these disciplines do not differ much as far as the general character is concerned. Whenever we make a comparative study we will see that most of the disciplines prescribed by one religion is similar to that of one prescribed by some other religion. The most definite form of that kind is confession. Apart from Hindu religion confession has been most commonly known in the Christianity, Muhamedan, Buddhist etc. Repentance which is inextricable connected with confession is seen to have been practised not only in Hindu religion but also in other religions. The Muhamedan religion specifically adopts it as the most important measure to free oneself from the sin committed. The Muhamedans as the Hindus believe that true repentance implies
sorrow for commission of the sin. Again sin is looked upon by both the religions as a weakness of human conduct and human imperfection. It is a weakness of the 'animal soul' though the real soul always remain pure and therefore, they believe that sin is just an external pollution. However the Muhammedans differ from Hindu belief in holding that the sinner is not much to be blamed of when the Hindus make the doer responsible for the act committed.

It may be pointed out that expiation mostly takes the form of religious performances such as saying prayer, giving oblations to God giving alms etc. It is however, believed by all the religions in its early stage that sin is inevitably punished and whenever any misfortune befalls at someone he must have sinned. The Greeks, the Romans, so much so the Hindus and the Christians as well believed that rites should be performed so as to remove some taint of evil. These rites may have different forms and many may differ from one religion to another but the underlying principle is the same.

Here at this stage, the supremacy of the priest was established. When a person comes to know that he has sinned, he would naturally be inclined to avert the wrath of god that would befall him and the only person to brief him in this regard is the priest who is well versed in all these aspects. In the Hindu religion, the priest is seen to have acquired the supermost position and he is the only person who can help in matters of
expiation by prescribing appropriate expiatory rites and also through performance of different rites. The same is the position in the Christian religion as well. The Bible holds that the priest has to deliver an authoritative judgment as to the possibility of expiation, when consulted by the individual. However unlike the Hindus, they have no part to perform in the performance of expiatory sacrifice nor could the priest or the magistrate institute any penal procedure against a sinner who has committed a sin but has failed to make atonement for an offence that is expiable.

It is seen after the detailed discussion about the forms of expiation that mostly followed expiations are saying prayers, undertaking sacrifice, giving away alms and fasting. Each and every religion has something or the other to do with these forms.

All the religions, therefore, believe that when a sin is committed, the inner purity of the heart is clouded by the egil and to avoid this a man should follow the ordain of god by living a rightful and spiritual life. The man when fails to obey the moral order he falls a prey to the impediments which obstructs his upward journey. So a call is given to harbour faith in god and repent for short comings or pitfalls. Repentence implies a change of mind and man will fall victim to the impediments if he cannot show a change of mind.

Penance, expiation and post mortuary punishment were, therefore, logical part of system based on the religious and
philosophical theories accepted and sincerely believed by almost all the religions of the world. Robson speaking about the Christianity clearly sums up the whole matter in the following manner: "The Church required penance for homicide, wounding, way-laying, treason against the Lord, purjury, incest: for some offences, penance formed is the only penalty; in other cases it was reinforced by secular punishments. Those who refused to undergo penance were liable to be sentenced by the secular authority to fine or imprisonment or to be outlawed. .... it suited both State and Church in those days to identify crime with sin and hold that secular law had a religious purpose as well as a punitive function." This was exactly the position upheld by the dharmasàstras of the Hindus which maintain a thin demarcating line between sin and the crime. The king very often delegates its right of punishment to the society or the priests.

Punishment:

With this we come to the idea of punishment as envisaged by different religions at different times and for that matter let us take up the Greek law at the first instance.

Greek:

The Greeks considered crime to be an act of disobedience to a Divine command and as such punishment is generally considered to have come through Divine retribution. In the earlier period of Greek Jurisprudence, crime is considered to be a wrongful act

5. Robson * Civilization and the growth of law, p.78-79 and 93
done to an individual for which he is entitled to claim compen-
sation in court of law.

In the early period however the shedder of the blood was
pursued and punished by the avengers of the slain man. The
references of this sort abound not only in Homeric poems but also
in the writings of Tragedians which reproduce the old legends,
beliefs and customs prevalent in the Epics which are now lost
to us.

With regard to homicide, the permanent exile was the
punishment for the act done involuntarily in childhood. Otherwise,
the only punishment that is given for a case of homicide is
death. The death penalty was carried on at night and the guilty
man is either strangled in prison or thrown from a height to a
hollow.

The crime of treason is not definitely defined in their
code. However, we get traces of this offence which is roughly
divided into four classes:
(a) Attempts to overthrow the constitution either actual or
constructive;
(b) the treacherous surrender of a fortified place or a military
or naval force;
(c) Desertion to enemy or assistance given to enemy or bribes
received from them and
(d) Corrupt advice given by the a speech in an assembly.

The penalty was usually death and confiscation of the
entire property of the person concerned.
Adultery was treated as a criminal offence and was punished severely. Nevertheless, the husband could take law into his own hands and could either kill the adulterer or could accept money from the adulterer. If the husband continued to live with the adulteress, he suffered disfranchisement and the woman was forbidden from entering into any auspicious places. If she infringed these restrictions, she might be put to death or any other penalty.

We get references in the code about crimes of violence against persons or property, purjury, bribery, debasing the coinage, military offences etc. In the later period, we see a remarkable change in the attitude of crime. Plato recognised two aspects of punishment: corrective and preventive. Aristotle also in entire agreement with Plato holds that good men may be admonished whereas the others, whose vice is incurable must be cast out and elsewhere he speaks of corrective justice.

Roman:

Roman law never acquired on its criminal side the clearness and precision which characterised its civil applications, in an ever increasing degree, until the collapse of the Empire came. In the earliest days of the Roman community, most functions of the State were rudimentary, and there was little scope for the public punishment of actions committed by citizens even when they shocked the moral sense. Much was left to the vengeance of heaven, and in some cases any citizen could make himself the champion of the offended gods.
The first glimpse afforded to us of the criminal side of the Roman Law is given by the fragments of the Twelve Tables. Punishment of individuals by special enactment i.e. by an act of attainer, is forbidden. The state recognises as offences against itself only a few acts - treason, aggravated murder, arson, theft of grain from the soil, lampooning and possibly false witness.

The definition of crimes was vague, especially (as was natural), in the case of treason, but later legislation gave more precision to the legal view of crime, and extended the range of criminal inquiry. Sulla carried out a laborious and memorable codification of criminal law, and grouped crimes under eight or nine heads. Sulla's regulations were further elaborated by Julius Caesar and Augustus. The Courts set up by Sulla dealt with the following crimes: (1) Extortion by officials in the provinces; (2) theft to the detriment of the gods or state; (3) murder and offences akin to it - poison, magic, arson and wrecking; (4) Public bribery; (5) treason; (6) forgery; (7) the infliction of bodily damage; (8) Public violence; (9) kidnapping.

Augustus established separate courts to deal with (1) adultery, which had not been previously treated as a public crime; and (2) usury, against which many Republican statutes had been directed and the offence of artificially raising the price of corn. Later on, many forms of wrongdoing e.g. 'delatio'
(the trade of the informer) received special attention from the government. Thus by the time of the early stage of empire, a multitude of deeds, not formerly punishable, or punishable only by fine, came to be included in the category of crimes, while others that had been vaguely classed together as criminal were sifted separated and precisely defined.

One department of crime needs special attention here at this stage - that of treason, the treatment of which is vital in Roman history at every period. The range of acts which might come under this description was wide, so that many breaches of a citizen's or a magistrate's duty, besides those closely connected with war, came under this category. With the establishment of the Empire, treasonable actions came to be viewed as directed against the Emperor alone. This was the natural ultimate development of the Republican idea that insults to the higher magistrates were treasonable.

The absolute control of the chief magistrate over punishment was abolished after the establishment of the Republic. The right of appeal (provocatio) entitled the citizen to a trial by his fellow burgesses, and the magistrate who set the right at naught was himself subject to penalty. But limits were imposed on the provocation, sometimes by law, sometimes by custom.

There were modes of punishment which did not depend on an assignment before a criminal tribunal, properly so called. The censors during the Republic regime could penalize the citizens
in many ways, degrading their status, and even inflicting on them pecuniary loss. They were not bound by the criminal statutes and took cognizance of moral and social offences which were outside the purview of the laws.

The nature of the punishments inflicted by the Roman State varied greatly in the course of its history as ages rolled by. We can clearly discern a time when the community, if it interfered at all, inflicted the penalty of death and no other penalty. The death penalty was hardly ever enforced in the Republican age, but in more important cases it could not be so eluded. From the accession of the Severi (A.D.193), capital punishment became more and more common, and the number of offences to which it was allotted was continually on the increase. In the end not only treason and murder, but also arson, magic, coining, kidnapping aggravated violence, and a number of other wrongful acts might be treated capitally.

Penal servitude was a novelty introduced by the empire. Criminals were often condemned to work in the mines, which were mostly the property of the government, or to do other menial services, sometimes in chains, slaves and the lowest class of freedom chiefly being exposed to this kind of suffering. Imprisonment was not regularly inflicted on criminals either by the early or by the later Roman law.

Public fines were in early days partly inflicted by the magistrates without appeal, partly ordered by the Comita after appeal, and partly recoverable by civil process. It only
remains to note that, while the Republic, in theory at least, treated all citizens as equal before the criminal law, the later Empire frankly encouraged respect of persons. Subjects were divided into two classes, the more honourable and the more humble. The higher class consisted of national and provincial senators, knights, veteran soldiers and certain grades of Imperial officials. These were exempt from crucifixion, from death in the arena, from penal servitude and from scourging and torture.

Muslim:

In ancient Arabia, crime was often regarded as impurity, and punishment as purification. In Muslim tradition also it is mentioned that a certain adulterer who desired to do penance for his sin said to the Prophet 'fahhirni' (purify me) whereupon he was stoned to death.

In the heathen period, manslaughter and other crimes often gave rise to bloody feuds among the Arab tribes. The revenge of the injured party or of the members of his family or tribe extended not only to guilty person who had killed or injured only any one, but also to all who belonged to the same family or tribe. It is true that by this solidarity of family and tribe the public safely was in some respects benefitted, but on the other hand, there was the disadvantage that many innocent persons had to suffer for the sins of their relatives, and that long continued blood-feuds often arose from insignificant beginning.

The blood-feud was so deeply rooted in the customs of
the ancient Arabians that it was impossible for the Prophet to forbid it completely. In Islam, therefore, retaliation remained permissible, though with important restrictions. Not long after the Hijra, circumstances at Medina, compelled the Prophet to issue regulations as to this matter in order to prevent the old blood-feuds from continuing even among the Muslims; he therefore strictly forbade a Muslim to revenge himself on a fellow-believer for a blood-guiltiness dating from the heathen period. If, however, a Muslim was attacked unjustly by a fellow-believer, he retained the right of retaliation, and if he was killed, his heirs had also this right, but the question must henceforth be properly investigated, and only the guilty person himself might be punished after his guilt had been proved. It was, moreover, established that for the Muslims only the 'gisas' i.e. the 'talio' in the more restricted sense of the word was permissible, the attacked party must not do any greater injury to the attacking than he had himself suffered. If the guilty person had acted deliberately he must in future pay the price of blood himself as a personal punishment; only if he had killed or wounded some one accidentally it was the obligation on the part of his relatives to support him in the payment of the price of blood. For other crimes not consisting of killing or wounding, the Prophet did not in general issue express regulations. Only in consequence of special circumstances he prescribed a hadd (fixed penalty) for some misdemeanours. When Muhammad's wife Ayesha was accused of adultery,
It was prescribed in *uran XXIV.1-5 that a person who was guilty of formication (zina) should be henceforth punished with 100 stripes of the whip, but that they who accused an honourable woman of that crime unjustly must be punished with 80 stripes. Other instances of fixed penalties are the hadd for theft, which is prescribed in *uran V.42-43 and the hadd for highway robbery (V.37-38). In other cases, when no special punishment is prescribed the judge is entitled to inflict such punishment on the culprit as seems to be the most suitable and reasonable in view of the circumstances and nature of crime. This form of punishment is called tasir (correction or rectitude).

Cannons of Muslim law thus distinguish three categories of crimes and punishment: (1) the so-called jinayat, i.e. misdemeanous consisting of killing or wounding, which must be punished either with retaliation (gisas) or with payment of the diya (price of blood) or other damages; (2) adultery, robbery and other crimes, which must be punished with a fixed penalty (hadd) and (3) all other kinds of transgressions, which must be punished with tasir (correction).

Retaliation (gisas):

According to the Muslim law-books retaliation is still permitted in only two cases: (1) when any one has, deliberately and unjustly killed another, the heirs of the latter have the right to kill the murderer; (2), if any one is deliberately and unjustly wounded or mutilated, he has the right to revenge himself on his injurer, if it is possible to inflict the same
sort of wound or mutilation. According to Muslim lawyers, this is in general possible only when a hand, foot, arm, leg, ear, finger etc. has been cut off or destroyed. Moreover, retaliation is permissible in both these cases only (a) if the guilty person was of full age when his crime was committed and in the full possession of his intellectual powers and (2) if the injured party is at the same time an equal of the guilty person.

The Price of Blood for man Slaughter - (diya)

The price of blood for man slaughter may be demanded:

(1) when any one has been killed deliberately and unjustly and his heirs give up their right to exact the qisas (2) when anyone has been killed unintentionally. Besides the cases in which anyone is killed either intentionally or accidentally Muslim lawyers distinguish yet a third case in which the culprit did, indeed, attack the deceased intentionally, but without meaning to kill him. In that case the 'aqilla' (those who pay the price of blood, aql) must pay the so-called 'heavy' diya. They are also obliged to do this, according to some Muslim lawyers, if he has killed another accidentally, either in the sacred territory of Mecca or during one of the four sacred months (Muharram, Rajab, Dhul-qada, Dhul-hijja).

For the death of a woman only half the price of blood can be demanded; for the death of a Christian or Jew also, only half the diya. If the culprit was of under age or mad, the price of blood must be paid out of his property, by the guardian or curator.
The Diya & other damages for wounding:

The wounded person as has already been noted, if he gives up his right to qisas, claims the diya in place of it. The full diya is incurred when, because of the wound, a part of the body is lost (eg. the nose) or which a man has only one; he who loses a part of the body of which he has two (eg. an eye, ear, hand) may claim the half of diya as damages.

Damages are incurred also for wounds for which no qisas can be demanded, as for instance, those which are caused by stabbing or cutting the body. Ten of these wounds are known as the Shipaj, the mudih is a wound which has cut to the bone etc.

Misddeeds which must be punished with a hadd:

These misdeeds are - qaduf, wine drinking, theft and highway robbery. They are discussed below:

(a) Qaduf: by this the Muslim cannon law understands only such slander as is meant in Quran XXIV.4. He who is guilty of this crime must be punished with 80 stripes if he is a free man, and with 40 if he is a slave.

(b) The hadd for drinking of wine and other strong drinks consists of a certain number of stripes, on the ground of the tradition as to the way in which the Prophet punished drunkards in Medina. The guilt of the him, who is accused of this offence, can according to cannon of law, be proved only by two male witnesses, or by the confession of the guilty. Moreover, the punishment is not applicable to minors, insane persons and unbelievers.
(c) The hadd for theft depends on the command given in Quran (V.42.43), 'From the man thief and woman thief cut off the hands, as a warning from God'. According to the Shafita and the Malikite doctrine, a thief after his first theft must lose the right han, after the second the left foot in this way. Theft is however punished with this hadd only when the stolen article had been put away in a proper manner. The hadd for theft is also not applied if the thief was under age or insane, or if he could make good a certain claim of the stolen property. The person whose property was stolen has the right to reclaim the stolen article, and if this has been lost, the thief must pay damage in its place.

(d) The hadd for highway robbery is not accurately defined. Thus there arose much difference of opinion among Muslim lawyers as to the punishment of highway-robbers.

Tazir (correction):

When no special punishment is prescribed, the judge must condemn the culprit to the punishment which seems to him to be the most suitable in view of the circumstances. He may, for instance, send him to prison, exile him, or sentence him to be publicly put to shame etc. The judge is not always obliged to apply the tazir; according to the Shafites, only when the injured person expressly requires him to punish the culprit, and according to the Hanafites and Malikites, also when he is convinced that the latter will not be reformed without punishment.
Slander:

In the case of slander one who accuses a woman of adultery must produce the evidence the evidence of four witnesses, who must clearly state the crime or else the slanderer himself is to be punished. The Quran says: "Those who accuse free woman and cannot bring four witnesses, flog them with eighty stripes and donot accept their testimony". 6

Adultery or fornication:

Adultery is either committed with an unmarried or a married person. In the former case, the punishment is not severe but in the latter the punishment is stoning the guilty to death. If proved, the punishment for fornication of an unmarried person is one hundred stripes, inflicted on a man while standing and on a woman with leniency while sitting.

Thus Muslim criminal law (sisat-ul-shariah) includes:

(a) Murder or causing a wound
(b) usurpation, theft, damage
(c) slander
(d) Rioting, Highway robbery, breach of public peace.
(e) offences against religion such as not attending the prayers or non-payment of Zakat etc.
(f) offences against decency such as adultery, use of intoxicants, gambling.
(g) offences against the established government, which means rebellion, treason.

6. Quran XXIV.4
The extent of punishment for the abovementioned crimes extends from administering a warning or the infliction of a fine, Hadd, or bodily chastisement by means of stripes, to imprisonment, transportation, cutting off the hands, feet and lastly putting to death.

Buddhist:

The Jatakas abound in thought provoking instructions about the importance and necessity of a conscientious discharge of legal duties. The king, who was the fountain of justice, was repeatedly warned to have no regard whatsoever to his own will or whim in administering justice. Punishment should be awarded with careful deliberation or measure (nisamma), proportionate to the nature and degree of offence committed.

The major offences are divided into two classes - parajika and samghadisesa. The former class comprised four crimes - the sexual act, theft, murder and putting forward a false claim to religious insight. The penalty was expulsion from the order. To use the words of Rules: "he has fallen into defeat, he is no longer in communion." The second of the above two classes comprises five offences depending on inciting to sensual impurity. Two are connected with building residence without obtaining the approval of the order and so on. The penalty for these offences are suspension for as many days as had elapsed between the offence and its confession. When the fixed number of days has passed, the suspended bhikku may be rehabilitated. Both suspension and

9. Vinaya Text I.4
rehabilitation can be carried out only at a formal chapter, where no less than twenty regular bhikkus must be present.

The above rules and practices are evolved by the early Buddhists for use among themselves only. They do not give or pretend to give any adequate treatment of the question of crimes or of that of punishments. Nevertheless, they show that the early buddhists had a very fair grasp of the general principles underlying the equitable administration of crimes criminal law and that in the matter of punishment they took a lenient view. They also show that at the time when Buddhism arose, such crimes as murder and theft were no longer looked upon as offences against individuals only, but had already come to be considered as offences against the community i.e. as moral offences.

Theft and robbery seem to have been the most ordinary cases that came before the court for adjudication. Inflictions of tortures with a view to elicit confession of a crime were prevalent. 10 Drinking is sometimes punished with heavy fines. 11 Slander was punished with a fine of 8 karshapanas. 12 Adultery in woman was punishable with death, imprisonment, mutilation.

Punishments were of various kinds : fines, imprisonment, mutilation, banishment and death penalty (vadha-bandhana-shejja-bhejja). 14 Of the four robbers brought before a king, one is sentenced to receive a thousand stripes by barbed whips, another to be imprisoned in chains, the third to be smitten with a spear

14. Ibid. V. pp.248-249
and the fourth to be impaled.\textsuperscript{16} Confiscation of property was not uncommon.\textsuperscript{16} Cruel and harsh punishments such as trampling the criminals were resorted to in the case of tried thieves and robbers. Some offenders were sometimes banished from their country in great humiliation with all their property confiscated by the state. Shaving of the heads of the criminals was regarded as a severe punishment.

Regular prisons (bandhanā-garani) did exist. The life of the prisoners was very hard indeed. The sad and the miserable plight of a released prisoner is taken as a standard of comparison for a person who has not bathed for several days, nor rinsed his mouth nor performed any bodily ablutions.

\textbf{Jaina 1}

As in the Pali Jatakas cases of theft, burglary and robbery are mentioned in Jaina literature. They were so very common that they had to be put down with the greatest severity. The accusation was almost taken for granted and no benefit of doubt seems to have been given to the accused. There does not seem to have existed any elaborate procedure for adjudicating guilt, from the texts it appears that the king summarily ordered the thieves to be executed and in cases of doubt, banished them.

A description of the treatment meted out to ordinary criminals or thieves can be found in Samaratācaśakha. It says

\textsuperscript{16.} Ibid VI. p.3 \hspace{1cm} \textsuperscript{16.} Ibid V p.357
"the police officers besmeared the entire body of the criminal with soot, grass, red earth and ashes, his head was crowned with a garland of shoes, he had scarcely any cloth on his person, a garland of kanavira flowers was hanging from his head, a parasol made of old articles such as winnowing fan, hair, wornout cloth of goat, hair, etc. was held over him, he was mounted on an ugly white ass, he was surrounded by the crowd while drums were being beaten as he was led in the southern direction to the dreadful execution ground" Other punishments were also given to thieves such as his eyes were plucked out, nose and ears and hands and feet were cut off. This sort of punishment indeed results in death of the criminal. Robbers met with death in many other ways e.g. they were impaled or their necks were wrung or they were thrown into iron pots which were sealed.

We get glimpse of assemblies established by the king to decide questions or quarrels, and different standards of punishments were set up for offenders of or against these different classes of people. The offender of warrior classes was punished with the cutting of the hands or legs or head of he was impaled and so on.

The jailor Dujjohana, administered the following punishments to the offenders i.e. thieves, adulterers, know-breakers,offenders to the king, debtors, killers of children, breakers of promise, gamblers and rogues. They were made to lie

on their backs, their mouths were open by means of iron bars and molten oils and the urine of animals were poured into them. Some of them were made to lie down on their belly with head held down and given lashes of whips with chada chada sounds. Hand cuffs, fetters, stocks and put on them, hands of some were chopped off or wounded by weapons. Some of them were bound hand and foot with guts or various kinds of ropes and let down in wells with head hanging down and made to drink water, some were made to bleed by means of rajor, sword and then bathed with saltish or acid oils. From this record it clearly appears that there was no proper and rational standard of judgment and punishment. Punishments were very severe and in some cases inhuman in comparison to the nature of offence. Some of the punishments meted out to criminals or suspects as noted above, e.g. pouring boiling oil or heated urine of animals in their mouth by keeping the mouths ajar with iron rods etc. shocks our sense and seem to be out of tune with the Jaina doctrine of Ahimsa.

Now, when we compare the Hindu criminal law with that of criminal laws of other religions, we would find that the Hindu criminal law is much more human and lenient than that of other religions. The Hindus believed that the end of punishment should be a mental cure so as to reform the criminal. With this end in view, the Hindu criminal law does away with capital punishment so as to give the criminal a chance to reform himself and to make himself a true and law abiding citizen. It may be because of the above fact even Mami, who is very particular and strict in
punishing a criminal holds that capital punishment should be resorted to only when all other modes of punishment fail to reform the criminal. The criminal laws of other parts of the world prescribe capital punishments invariably though for the grave crimes.

The Hindus, unlike others, give more emphasis on financial penalties, either in the form of general confiscation of property or of a fine. The Hindus also for the first time put emphasis on punishment in the nature of shame and humiliation. Shame and humiliation are penalties designed to reduce the social status of the offender sometimes temporarily and sometimes permanently. It is believed that with regard of very sensitive persons even social punishment i.e. mental chastisement, and deter him from committing such unhealthy actions especially in the case of a preceptor, purohita and a brahmana.

It can be assumed from a thorough study of the Dharmasastras that the Hindu law insists more on the duty-aspect of the situation rather than on the right of the other party. Thus the main role assigned to the king is the maintenance of the moral order as well as of the social order and it may be one of the reasons which insists on the king to put the wrongdoer back in the right path, to correct and reform him, to make him pentinent and purge him of the sin arising out of the commission of the wrongful act apart from the need for compensating the injured party. So the central idea of Hindu criminal law was that the

19. Manu Smriti VIII. 129.
punishment for wrongdoing was to be meted out by the king for the punishment preservation of the social order as it was conceived by the Hindus. The Hindus could perceive this aspect only because of putting emphasis of duty-aspect of the situation.

The Hindus went so far as to lay down that punishment always depend on the psychological make up of the individual. The higher he is in the scale of evolution, the more he must realise his responsibility. It is, therefore, only fair that the brahmana, who is a model for men of the world to follow should pay heavily for his crime. The Hindu criminal law believes that crime leads to a fall from caste status and in grave cases it puts a person outside the four varnas as an outcast (patita). Even association with an outcast renders an personliable to the same expiation for rehabilitation as the outcast himself. Nevertheless the criminal should be restored back to his social status after he has undergone the necessary punishment. Punishment should not be a vengeance wreaked by society. After the criminal has served his sentence, he should be considered as having been purged of his crime. This attitude shows that a criminal should always be treated with sympathy and could only be expected from a developed society. This type of sympathetic outlook cannot be found in any other religion.

The notable feature about the conception of crime and

20. Manu Smrti VIII. 336-338 21. Ibid. XI. 181
22. Ibid. VIII. 318
punishment as ofund in different religions is that the conception of crime and punishment is interwoven with the conception of morality and ethics. In other words, commission of crime is regarded as rebellion against the dictates of god. It is believed that action committed against the dictates of the society or law is always immoral according to prevailing ethical standard and is always forbidden and punished by law. Such action being harmful to society are generally repressed by penal measures and such repression is necessary for the smooth functioning of the society.

After the detailed discussion on the conception of crime and punishment in different religions, we find that in the early period of civilization it is the desire for revenge that envisaged the conception of punishment and in the later period the theory was developed to the extent that the king has to punish the wrongdoers for the harmful act done against the society and to ensure justice in the state. In that way, in almost all the religions, criminal procedures are inextricably connected with civil procedures and even today there is no clear demarcation between the two.

In the earlier period we find that the punishment is given so as to fulfil the desire of revenge. But later on this idea underwent a considerable change giving way to the corrective and the preventive type of punishment whereas in the early period we find only death sentences are inflicted on the guilty person. It is probably because of the fact that
an individual's existence came to be recognised in the society with the development of the society and also because of the belief that a person is generally good by nature and the culprit should not be dealt with severely only because he falls a prey to the impediments such as anger, hatred, envy etc. It is believed that a person should be given a chance to rectify himself. This is the reason because of which the preventive and corrective type of punishment came to take the place of retributive punishment and the death penalty gave way to other kinds of punishments such as fine, flogging, imprisonment etc.