



## Study of conceptual development of penology in different countries including India: A critical analysis

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### Abstract

During the evolutionary stages of human society, there we observed the number of conflicts between the people particularly with the growth of science and technology. Once it was felt to regulate these relations otherwise crime would be the inevitable result in the society. Punishment is historically the primary tool to keep the nation free from crimes or in other words under control. There are some traditional theories relating to punishment of the offender. Though initially the purpose was either to give severe punishment so that there might be creating a frightful environment as a result of which no one would be dared to do any crime. In this article the researcher is trying to evaluate the different forms of punishment available in different countries.

**Keywords:** Punishment, crime, control, society, retributive, preventive, countries, reformative

### Introduction

Dignity and sensibility are the most important elements, which create the human being as the best creature of the world. An individual can be assessed by his working-propensity and sense of life. The term "karma" and the consequence are the two sides of a same coin. The crime tendency in an individual has a negative impact not only on his own characteristics but also over the society. Punishment is that initial weapon through which such tendencies can be deterred or protested, it introduces a system of penology as a vast jurisdiction of criminal law. During the beginning of civilized living the moral values are determined through some code of conduct under the influence of religious customs, the violation of which creates the crime and the person involved on that, labeled as offenders. Among those age groups, criminal behavior was seen as a morally wrong action that warranted punishment.

Now the question is whether penology and punishment are same thing or not, actually penology is a vast procedure which dictates the evaluation and utilization of punishment on the basis of formal and systematic codification against the offender. It is basically a multidisciplinary subject, the content of which is not only limited with the mere declaration of applicable penalty, but also assess the features and effectual impact of such penalty in cessation of offensive tendency.

The term 'penology' originates from the Latin word "poena," which conveys the idea of penalties or punishments for individuals who commit wrongdoing. It is a theoretic approach of penal system. Italian criminologist Cesare Beccaria firstly introduced the term penology with a view to establish a larger scope of it, according to him the justification of criminology is not only limited within the punishment of offenders but also for the determent of potential criminals. Penology is basically a systematic study relating punishment, which has a great impact on future crimes, criminals and society<sup>[1]</sup>.

### Benn and Flew outline several key aspects related to punishment

- Punishment entails the experience of discomfort, and its outcomes are typically regarded as unpleasant
- It must be for an offence of violating legal rules.
- It is directed at the individual who has committed the offense.
- It is enforced by a legitimate authority within the legal framework.

In Santa Singh v. State of Punjab, the Supreme Court observed that "penology regards crime and criminal as equally material when the sentence has to be awarded. It turns the focus not only on the gravity or nature of the crime

but also on the criminal and seeks to personalize the punishment so that the reformist component is also many operatives as the deterrent element. A proper sentence is an amalgam of many factors such as nature of the offence, circumstances, previous record of the offender, his age, education, employment and family background, the possibility of social adjustment and reformation, etc.”

### **Different approaches of penology**

Crimes, penology system and applicable punishment these three elements have a co-existence and are inter linked with each other. Penology plays a role in nearly every aspect of dealing with crimes. In modern era, penology is considered as a systematic and multi-functional instrument, it has various approach accounting different points of view-

#### **Administrative penology**

This approach denotes the justified controlling of prison system for providing proper treatment to the prisoners. There are multiple functions of administrative personnel in prisons and they should be aware and capable to perform their responsibilities and expertise suggestion from social workers, psychologists, media person should be availed with a view to assist prison authorities in carrying on their correctional programs.

#### **Scientific penology**

Through this approach penology system is introduced as a scientific method and gives emphasis on the individualization of prisoners. According to this approach rehabilitation of individual offender is more effectual and that depends on flexible custodial and disciplinary conditions. Given the varying mental states and personality requirements of each inmate, the expertise of therapeutic professionals is essential for providing tailored, scientifically-based rehabilitative treatment.

#### **Academic penology**

This approach of penology is basically expresses the theoretical aspects and descriptive content of penology system. It denotes the conceptual view of penal system in hypothetical way.

#### **Analytical penology**

This approach mainly concentrated on the analytical criticism of present penology system by taking into account the existing penal policies and also suggests improving measures regarding such. It also offers administrative resolution to establish an efficient penal justice authority.

In modern penology system, there must have relevance in between the offences and sentences awarded in terms of punishment. The gravity of the crime must be taken into consideration while pronouncing sentences, for which the law should adopt effective machinery with deterrent intention.

When determining the appropriate sentence for an accused individual, it is important to consider the motivation and method of the crime, the offender's behavior, the type of weapon used, and all other pertinent circumstances related to the case. The court must give more emphasis on the interest of the society at large rather than the single individual (victim) during imposition of an appropriate

punishment to the offender. Issuing lenient sentences for the accused due to sympathy could lead to negative consequences for the justice system and potentially erode public trust in the efficacy of penal policies.

### **Relation between penology and criminology**

As far as the relation between criminology and penology is concerned, criminology is a scientific exploration regarding crimes and its roots, which analyses the factors and reasons of its occurrence and on the other hand penology is a detailed declaration of punishment which are the consequence of such crimes with a view to prevent that. So, accordingly if crime is considered as a mental disease or disorder, criminology is that instrument which tries to find out the cause and elements behind it and penology denotes the prevention of such disorder through application of punishment. Treatments of offenders are also included under the subject matter of criminology, on that sense penology being the procedure to deal with penalties, is one of the important branch of criminology. According to the perfect observation of Professor Sellin's perspective on criminology is that it aims to examine the sequence of creating laws, violating those laws, and responding to such violations, with a focus on evaluating how effective the law is as a means of control. Penology mainly concentrates on that reaction with legal authorization. Penology literally deals with the correction or treatment of the offenders.

On that connection Prof. Marvin E Wolfgang possessed a different approach regarding the relation between criminology and penology. According to him "Penology and correction are fit subjects for criminology only if scientific methods involving studies, predictions and experiments are employed in these areas".

Penology cannot be considered as a branch of criminology if the expression "correction" includes social work or administrative work of police and probation procedures instead of application of penalties as because penology exclusively denotes the rectification or correction of the offenders through imposing punishment [2].

### **Relation between penology and victimology**

As far as the relation between penology and victimology is concerned, the latter is basically a study relating victimization and ensuring assistance to the victims through compensation, restitution and providing protection, where penology exclusively deals with the treatment of the offenders through imposing punishments and its variant. Both penology and victimology are generally considered as specialized branches of criminology, similarly criminal science can also be divided into three elements-

1. Penology
2. Criminology
3. Victimology

In the field of Criminal Science, the connection between the offender and the victim is closely linked to a particular criminal incident. Providing appropriate treatment to offenders through punishment also serves to safeguard the interests of the victim [3].

### **Objectives of penology**

The primary goal of the penology system is to establish that

a crime or criminal act cannot bring any real benefits to the offenders. It's worth noting the concept of psychological hedonism put forth by Jeremy Bentham, which suggests that human psychology is oriented toward the pursuit of ultimate pleasure. However, the challenge lies in the means used to achieve that pleasure. For example, in many cases, offenders seek pleasure through criminal activities, often characterized as sinful pleasure. The punishment is that instrument, which make him know that such pleasure is not ultimate or long lasting and the sinfulness of such affecting the society as whole, does not exempted him from negative outcome (pain).

For conceptual understanding if punishment or penology is compared with medical treatment method, here, crime or criminal activity is that social disease, which can be treated through punishment as a medicine to prevent it. The prime objective of penology system is to maintain social peace and security and suppress criminal tendency. It not only focuses on the security of society as whole but also creates scope of correction and reformation for individuals.

In formal sense, the term punishment is usually justified through five objectives mainly based on its purpose of application-

#### **Deterrence**

This is one of the basic and initial objectives for the pronouncement of punishment with a view to prevent the offenders from illegal activities. It is basically for setting an example before the future offenders to deter them from violating laws. In such cases where crime is committed with a pre-planned way without any sudden indulgence, the extreme or ultimate penalty gives a deterrent effect on that. This objective is rooted in the concept of individual free will, where a person chooses to commit a crime. Society's role is to influence the individual's behavior to align with generally accepted standards by imposing effective punishments with a deterrent effect.

#### **Retribution**

This objective of punishment prevails with the suffering of Offenders for their criminal activities specially in corporal form. It is basically based on the idea of vindictive justice. According to this objective the punishment must be applied to pay back the wrong doer for his wrong doing. The concept of capital punishment is also a product of this theoretical objectification of penal system.

#### **Incarceration**

Under this objective punishments are pronounced with the purpose of removing the offender from the society for the wellbeing of it. According to this theory criminals are treated as an evil institution of the society, the presence of which hampers the social peace and tranquility, punishment must be processed in such a way so that this harmful substance can be eliminated from civilized society for its overall welfare and security. In ancient ages, deportation of criminals to depopulated place as a form of punishment fulfilled this object of penal system.

#### **Rehabilitation**

Through different scientific analysis some revolution in criminal science brought a greater change in criminological

concepts. Gradually the free will doctrine regarding committing crime transformed with an idea of treating offenders as mentally unstable creatures who need reformation to attain a healthy lifestyle. Under this objective punishment is applied as a formulate measure rather than a torture or harassment towards them. It considers punishment as a correctional institution which condemns all kinds of corporal penalties and by fulfillment of this objective offenders can come back to the mainstream of life.

#### **Reparation**

This objective of punishment denotes the exclusive relation between penology and victimology under criminal justice system. Under this object the restitution to the victim is the main matter of concern and that can be constituted by monetary compensation through the offender with a view to bring back the victim to his actual position before the crime against him had occurred <sup>[4]</sup>.

Imposing punishment to the offender is not a new ritual or concept in human civilization. The objectification of punishment is a changeable process with the development of circumstances and also with ages. In ancient times the criminals or the evil actors were greater subject to condemn than the crime itself, on that point of thoughts the punishment was imposed with the object to deter them from offensive movement with a retributive attitude. The modernized social resolution gradually inseminates a new concept of penology system with a scientific impact where the finding the roots for occurrence of crime gets more emphasis rather than the vindictive treatment towards the offender, which implants new object like reformation, rehabilitation in penology and also enlarges the goal of penal system.

#### **International perspective of penal system in different countries**

The policy of imposing punishment for the suppression of any crime has always been prevalent in all countries. Variation in applicability of penalty and infrastructural differences can be observed in separate parts of the world according to the type of governance. Through this chapter, the customary punishment policies of significant countries in different continents of the world, will be discussed.

#### **Asian Countries**

##### **Indonesia**

This country situates in between the Indian Ocean and the Pacific Ocean of Southeast Asia. There is a strict penal system prevails in this country. This territory governs through the practice sharia law, which criminalize drinking, gambling, being alone with a non-relative of the opposite sex, and a range of sexual acts.

In this country, the practice of executing criminals and imposing severe punishments is common. There are strict laws in place that pertain to the dissemination of pornography. In this nation, watching or possessing sexually explicit content is considered a criminal offense, and individuals can be sentenced to imprisonment for a maximum of four years. In addition with that they also have strict law relating consumption of drug and drag trafficking, if any person is caught with drug related articles like heroin, cocaine, marijuana or opium, he or she will be punished

with life imprisonment and any forms of human trafficking under this country is penalized with death sentence. Malaysian courts of law administer corporal punishment for a range of offenses, including but not limited to rape, assault, drug-related crimes, and illegal immigration.

### **Singapore**

This country situates in the Southeast Asia. The govern policy of this country beliefs that "the right to be presumed innocent until proven guilty". Their legal system follows an rational penal process, even in this age public caning is one of the form of customary punishment which can include several lashes. In Singapore caning is used as an form of penalty for over 35offenceslikerioting, causing grievous hurt, drug abuse, vandalism, extortion, molestation etc and administered only to men. The mandatory death penalty is also prevails in this country for drug trafficking.

### **Malaysia**

Malaysia operates as a federal constitutional elective monarchy, and in this territory, Islamic Sharia law is predominantly followed alongside a common judge-made legal system. Like Indonesia, hanging till death is a common sentence in Malaysia for the crime of drug trafficking, and was a Compulsory punishment until 2017, but now it is the subject of discretion of the judge. corporal punishments are also prevails in this country like other Asian states for crimes that range from rape and assault to drug related offenses and illegal immigration. In fact, this country canes around 6,000 migrants and refugees a year.

### **Vietnam**

The description provided seems to be about Vietnam. Vietnam has had a single, unified legal system since 1975. The legal system in Vietnam is influenced by a combination of Eastern and Western legal traditions, including the French civil law system and Soviet communist legal ideology. In Vietnam, individuals with drug addiction are often sent to detention centers without undergoing a trial process, and according to human rights observations, they are subjected to forced labor with minimal or no compensation. The death penalty is applied for serious offenses such as murder, child rape, and drug trafficking.

### **North Korea**

This country is situates at Eastern part of Asia. It is a strict communist country famous for the application of weird and strict laws which is executed on both to the natives as well as tourists in the country. here, even little misdemeanor can warrant public execution. According to the information given by South Korean paper Joong Ang Daily, 80 people were killed in a single day on November 3, 2013, for watching South Korean movies. In 2016, the harsh nature of North Korea's judicial system came to the forefront when an American student named Otto Warmbier was sentenced to 15 years of hard labor for allegedly stealing a propaganda poster. Tragically, Otto Warmbier later died from an unspecified brain injury while in North Korean custody. Breaking any of the prescribed laws that include travel independently, buying objects from unauthorized shops, wearing non-conservative western cloths and especially speaking against the government caused imprisonment of an

individual, where they made to produce hard labor for long periods of time, which may result death.

### **Philippines**

The President of the Philippines, Duterte, made a highly controversial statement by promising to "slaughter" drug addicts in the country and even comparing himself to Hitler. He has actively encouraged ordinary citizens to take the law into their own hands and eliminate drug users. According to police reports, over 7,000 drug addicts had been killed as of April 2017. However, human rights groups claim that the actual number is much higher, and it includes children. This behavior reflects a disturbing disregard for human life. Notably, Duterte previously made an alarming comment that, during his time as Mayor of Davao, he "should have been first" in a gang-rape and murder incident involving an Australian lay minister.

### **United Arab Emirates**

The description is about the United Arab Emirates (UAE). It is a country situated in western Asia, located at the eastern end of the Arabian Peninsula and shares its borders with Oman and Saudi Arabia. The UAE follows a dual legal system that encompasses civil and Sharia laws. More recently, this legal system has incorporated elements of common law, particularly practiced in the Dubai International Financial Centre Courts (DIFC). Islamic Sharia serves as the fundamental source for the principles of the UAE's legal system.

Public displays of affection, prohibited sex, and drinking are considered here as crimes and in form of punishment fines, jail, and deportation for non-Muslims, and flogging for Muslims are prevailed.

### **Iran**

Iran is also called Persia, officially known as the Islamic Republic of Iran. It is a country in Western Asia. Like other Asian Countries capital punishment is also prevailed there. The description appears to be about Saudi Arabia. Saudi Arabia has one of the highest execution rates per capita in the world. Capital offenses in the country include murder, terrorism, blasphemy, prohibited sexual relations, and recidivist consumption of alcohol. While in most of the cases, capital punishment is capital punishment is executed through hanging, sometimes adulterers are penalized with stoning. Here Men are buried to their waists, and women to their necks. corporal punishment are imposed here in greater form like flogging and amputation. In 2008, it is mentioned that five robbers in one week had their right hands and left feet amputated as part of their punishment.

### **Saudi Arabia**

This country is located at Southwest Asia, specifically follows Islamic law in their legal system. Corporal form of punishments are proclaimed here in broader aspects which includes flogging to crimes related to sex, alcohol, and apostasy. The description appears to refer to Saudi Arabia. In Saudi Arabia, punishments such as cutting off hands and feet are still carried out as a form of punishment for theft. In 2005, an Indian migrant worker was sentenced to have his eye gouged for the crime of assault. The country also considers certain non-violent crimes, including atheism,

drug smuggling, sexual misconduct, and witchcraft, as capital offenses. In 2016, the country performed at least 154 executions, with many conducted by public beheading. In some cases, the bodies of the executed individuals are publicly crucified as a warning to potential future offenders.

### **China**

The description is about China, officially known as the People's Republic of China. China is located in East Asia and is the most populous country in the world. The country is known for being led by the Communist Party and enforces a range of strict laws and bans, often imposing severe punishments on those found guilty of offenses.

More than thousands of people in each year are executed here, which is in greater number than all other countries combined. While many of these are for violent crimes, China currently has 46 capital offenses which includes embezzlement, drug-related offenses, and robbery. Till 2011 there are 68 capital offences prevailed in this country. But it does not stop only through execution. The mention of a Chinese cosmetics company harvesting the skin of executed prisoners for beauty products in 2005 is a disturbing and alarming report. Furthermore, the acknowledgment in 2009 that two-thirds of organs used in transplants in China came from the same source raises ethical and human rights concerns [5].

### **Japan**

Japan is an island country situated at East Asia. It is located in the northwest Pacific Ocean. The Penal procedure of Japan (including prisons) is one of the part of the criminal justice system. It believes in reformatory approach of punishment which includes resocialize, reform, and rehabilitate offenders. The penal system in the context provided is overseen and managed by the Correction Bureau of the Ministry of Justice. This country has a very low crime rate and one of the lowest imprisonment rates in the world, though incarceration is used as an important form of punishment depends on the severity of offence. Japan's prison system is also impressive. The description suggests that in Japan, offenses like assaults or rapes among prisoners are rare, and there is no presence of drugs or weapons within prison facilities. Additionally, it indicates that very few individuals manage to escape from prison, and Japan has a relatively low proportion of its population incarcerated.

### **South Korea**

South Korea is an East Asian nation located at the southern half of the Korean Peninsula. The legal system of South Korea followed civil law system that has its source from the Constitution of the Republic of Korea. The description indicates that South Korea does not have localized criminal justice systems. Instead, the entire criminal justice process, including prosecution, courts, and the prison system, is overseen and controlled by the central government. This country has a low rate of criminal activity and a moderate imprisonment ratio, and it placed some emphasis on reformation of prison system. The description mentions that in this country, there are nine types of criminal punishments in use. These include capital punishment, imprisonment, penal servitude, revocation of qualification, suspension of

qualification, fines, jails, minor fines, and forfeiture. Fine followed by imprisonment and penal servitude are used here most frequently as a form of punishments. There are more than sixteen heads of offences for which capital punishment is proclaimed like murder, conspiracy with foreign countries.

### **Hong Kong**

Hong Kong is located to the east of the Pearl River (Zhu Jiang) on the south coast of China, which is a special administrative region of China. Capital punishment was officially abolished in Hong Kong on 1993 and since then, life imprisonment has been the most severe and highest punishment in Hong Kong. This territory was unique for foundation of the largest proportion of female prisoners worldwide in 21st century. The statement suggests that in this particular country, over 20 percent of the total prison population is composed of females. This is significantly higher than the global average, which is approximately 5 percent [6].

### **European countries**

**Germany:** Germany is a western European country the legal system of which mainly follows civil law procedures with codified legislature. This country adopted its legislative source from the Federal Republic.

In modern German judiciary, adjudication of law in court procedure based on the German Codes. There are specific criminal codes for adjudicating crime related matters. There are mainly two kind of punishments prevails in this country. They are imprisonment and monetary fine. For so-called "misdemeanors" monetary compensation is imposed. In Germany a minimum sentence of punishment is one year imprisonment applied as per statutes. Death penalty is totally abolished here from 1949.

### **France**

In France, there is a dual legal system. The first system, known as "droit public" or Public law, deals with the principles governing the functions of the state and public bodies. The second system, "droit privé" or private law, is exclusively applied to private individuals and private institutions.

### **Regarding the criminal legal system in France, it classifies offenses into three main categories**

1. "Crimes": These are offenses that carry a punishment of 15 years or more of imprisonment.
2. "Délits": This category includes offenses punishable by sentences ranging from two months to ten years of imprisonment.
3. "Contraventions": These are less serious offenses and are punishable by fines or other prescribed measures.

In this country the length of imprisonment as a form of punishment for general offences such as theft, rape, assault, robbery, and murder depends on the gravity of the offences. Under French penal code, the punishment for murder is prescribed as thirty years of imprisonment, but when the murder is prosecuted in more severe way, the punishment is life imprisonment. In 1981 the death penalty was abolished from this country.

## Italy

In Italy the governing body is known as democratic republic, which was established by a constitution in 1948. It has mainly three wings namely legislative body, executive body, and judiciary, The President is the constitutional head of the country. The types of customary punishment, prevailed in Italy, are imprisonment, probation, house arrest, compensation and semi-custody. Under this territory crime are divided into two heads regarding to their gravity, first is "delitti" which includes the serious crimes, and the other is "contravention" which possessed less serious crimes. The crime responsibility is imposed over the individuals who have completed fourteen years of age. The Italian Constitution came into force since January 1948 and from that time being death penalty is completely abolished with prescribed resolution.

## England

In England and Wales, which are part of the United Kingdom, the legal system follows the common law tradition. This legal system is built through two main methods: the enactment of legislation by the legislature and the development of legal precedents by judges through case law. The Parliament, where laws are sanctioned, consists of two houses, the House of Commons and the House of Lords. Under UK law, punishment depends on various factors which includes criminal history and personal circumstances besides the nature of offence and plea.

The penalties for driving offenses in the United Kingdom can include various measures, such as:

1. **Discharge:** Some minor offenses may result in a discharge, where the offender is released without further penalties.
2. **Fines and Compensation:** Offenders may be required to pay fines as a penalty for their driving offenses. Additionally, they may need to compensate victims for any damages or injuries caused.
3. **Driving Disqualification or Points:** In cases of serious driving offenses, individuals may face a driving disqualification for a set period or receive penalty points on their driving license. Accumulating too many points can lead to disqualification.
4. **Community Orders:** Courts may impose community orders, which require offenders to perform community service or attend rehabilitation programs as part of their punishment.
5. **Prison Sentences:** For the most severe offenses, offenders may be sentenced to serve time in prison.

The specific penalty imposed depends on the nature and severity of the driving offense committed.

## Belgium

Belgium is known as a federal state having a civil legal system, which is influenced by Roman Law and systematically followed French legal procedure specifically the French Civil Code in 1804. The highest penalty under this territory is Life imprisonment, considered as the most severe punishment available under Belgian law after the termination of the death penalty. This penalty can only be imposed for the most sincere crimes like murder, genocide, crimes against humanity, war related crimes and terrorism.

## Conclusion and evaluation

In earliest times of creation the struggle for survival was then the mainstay of human life. With the development of humanization, mankind gradually became a social creature. In the primitive age of civilization there was no existence of law and morality and the only rule of life was based on the "survival of the fittest". As a result, the stronger group of population started oppressing and weakening the weak people and during that time there was no scope of availing justice.

During that era human society was governed by the law of nature. Gradually the group system originated and the disputes were settled through personal reprisal. According to Guilin in those punishment was reflective of reaction to injury. Maitland prescribed that in ancient period there were mainly four forms of punishment like –outlaw, blood feuds, bot or compensation, loss of life and limbs.

As human civilization progresses, people develop a sense of morality and begin to learn the difference between right and wrong. From that time onwards moral teachings and prohibitions started to be imposed and the practice of punishing those who violate such restrictions also began. In this way the concept of law, crime and punishment in human society also gradually progressed. In the early days of civilization, the influence of spirituality on a society without scientific consciousness was much more entrenched. The effect of which was also observed in the determination of criminal activity, sinfulness, and in the imposition of punishment. According to the conception of that time, God or some unknown force had the exclusive right to punish and natural disasters like storms, rain, floods, etc., were considered as a wrath of Almighty.

Gradually this formless authority was transferred to a group of upper class people who are regarded as priests of God. Later on, they were considered as the link between God and human being and became the authority to make all kinds of rules. The influence of spirituality in these rules were so great that it was often unreasonably imposed on people and if they violated it, they would be forced to accept inhuman punishment, even there was also provision for various unrealistic punishment for reduction of sin like walking on fire or water.

Later on, with the emergence of state thinking, monarchy developed and the king gradually became the omnipotent ruler of the country. From then on, he was responsible for drafting the law and protecting it. The laws, made by him and his associates, continue to govern the country. Violators of the king's law were then considered the ultimate offenders and were subject to exemplary punishment. The exclusive right to impose punishment along with the law was vested only on the king and the intensity of the punishment was also quite evident. In addition to paying fines in the initial cases, various exemplary punishments such as whipping, beheading, mutilation etc. was prevalent. The strength and power of the king was mainly displayed in that era by punishing the criminals.

Later, with the end of the monarchy, democracy began to be established in different countries, which led to drastic changes in the ruling system. Since then, the country's governance has been entrusted to a government elected by the people, and this government has taken on the responsibility of creating and enforcing various laws to

ensure the welfare and well-being of the nation's citizens. Along with the enactment of new laws, there have been major changes in the penal code and the stereotypes concept regarding crime and penal system started to move in a new direction.

For example, during the monarchy era, rape was not considered a heinous offense because the primary source of crime was related to violations of the kingdom's policies. However, as time progressed and elected governments began to enact legislation for the welfare of the people, it became a recognized crime to engage in activities that were harmful to the population. Similarly a radical conceptual transformation has also come in the field of penology system, In ancient times, the main purpose of the penal code was to show vindictive attitude towards the offender and to set an example in the society. In those days, there was more hatred towards criminals than the crime. With the change of ages, the crime and penal system began to be judged from a scientific point of view and since then, accurate assessment of crime and the prevention of such has become the main goal of the penal system. Since then, the role of the penal system has evolved beyond merely providing external punishment. It also involves identifying the root causes of the crime and helping offenders reintegrate into society through proper guidance and support. In this way the main aim of penal system started to transform from retributive aspect towards reformative attitude.

#### **References**

1. Penology Sociology, available at: <https://www.britannica.com> visited on May 3, 2022.
2. Dr. Swamy NM. Criminology and Criminal Justice System 147 (Asia Law House, Hyderabad, 1<sup>st</sup> Edn; c2013).
3. Lifting the veil on the scope of penology, available at: <https://blog.ipleaders.in> visited on May 3, 2022.
4. Paranjape NV, Criminology & Penology 306 (Central Law Publications, Delhi, 18<sup>th</sup> Edn.; c2019).
5. Top 10 Countries with Harsh Punishments, available at: <https://watchmojo.com> (Visited on May 14, 2022).
6. Punishment-Rehabilitation, available at: <https://www.britannica.com> visited on May 14, 2022.