

Essay

Time Allowed: 1½ hrs.

Max. Marks: 125

Instruction to Candidates

- Attempt one essay
- The test carries 125 marks.
- Write the essay in about 1000-1200 words.
- Any page left blank in the answer-book must be crossed out clearly.

(Examiner will pay special attention to the candidate's grasp of his/her material, its relevance to the subject chosen, and to his/ her ability to think constructively and to present his/her ideas concisely, logically and effectively).

Name ISHAN PRATAP SINGH

Mobile No. _____

Date 12/09/2015

Signature Iskapsingh

1. Invigilator Signature _____

2. Invigilator Signature _____

1. We must accept finite disappointment, but never lose infinite hope.
2. Mercy to the guilty is cruelty to the innocent.

MERCY TO GUILTY IS CRUELTY TO THE ~~INNOCENT~~ ^{INNOCENT}

"An Eye for An Eye will Make the whole world Blind"

The story of human existence is story of the quest for perfection. Not only perfection in individualistic terms but as a wider societal being. As humans we are in an organic and ^{key}interdependent relationship with others and practice of our liberties should be in consonance with others. To enforce this, the concept of 'Crime and punishment' is integral part of human societies. Punishment not only serves as deterrent but also it enforces the faith of conformist in the justice system of society. It encourages ^{an} individual to play by the rules and uplifts society from a savage "Survival of fittest" to one based on rule of law and natural justice. Yet, we must not forget that goal of punishment is also to reform. The ultimate aim is not to make

a spectre of punishment but to create a society where nobody needs to engage in crime.

The debate over mercy and punishment has been since time immemorial. From the barbarian huns who made an example of the traitors and enemies to city estates of ancient greeks which tried in open courts, punishment has been a public affair. But, the worse of humanities comes out on display at such instances. From public executions during reign of terror in France, to lynchings, beheadings in present context history has been witness to the fact that humans give in easily to temptations of calling their enemies as criminals and oppressors as deviants forgetting that punishment is means to higher order of arrangement in society rather than retribution.

To Err is human but to forgive is divine - remains the central message of all major religious scriptures. Mercy as a concept arises from the

notion that an imperfect human can never pass a judgement on crime of others. Kabir says emphatically that he found noone evil when he went outside but found the greatest evil when he looked within. Goals of punishment is not only to stand by rules but to reform. Sometimes the reformed individuals serve as biggest examples. From creator of great Abhigyanam Shakuntalam Kalidasa who was a dacoit, earlier to examples of prisoners ~~of~~ of Tihar who work hard to graduate, nothing can be biggest deterrence to crime than a reformed individual who brings his/her life on track.

Moreover, while the lady justice is blind, the judicial system should look into circumstances of an individual when he/she commits crime. 'Mens rea' or responsibility of actions sometimes lie on society, rather than on individual. Vagaries of poverty and a justice system which only punishes the downhoddens may push an individual against his wishes.

Juvenile delinquency explains it beautifully. Where the society must take responsibility for the actions of a deviant child. Equality is for equals and hence compassion, empathy and mercy is an essential part of justice system.

Mercy also encourages individuals to atone for their actions. Gandhiji ~~also~~ always reiterated that we must hate the crime but never despise the criminal. Hit and Run cases can decrease substantially if the person who accepts his/her guilt and bring the victim to hospital is treated with leniency. Several manhours will be saved if courts encouraged plea bargaining. Leniency for giving out truth is not a sign of weak society but of a society which has reached higher wisdom.

But leniency does not mean savagery where anybody is free to act according to will.

It will infact discourage the conformists if the deviants became successful by taking dubious means. Coersion is necessary from the vestiges of home where a mother becomes strict.

with her kids to domain of state. In fact if the justice is not swift it might lead to rule of criminals and law breakers. The saying that justice should not only be done but seen to be done is right to the core as individuals who play by ~~ex~~ rules should feel protected and a systematic norms of behavior enforced by rule of law.

So where should a line be drawn? The answer is not written in brick and stone but is something that will change as the conscience of society changes. Debates on death penalty and juvenile justice play along these margins and must be debated. Rise of terrorism as an ideological crime raises new issues of who is to be blamed. Moreover, debates on environment degradation raise the questions about the crimes we commit as society on our planet.

Thus, from the questions of ISIS beheadings to prison population in USA, the line has to be drawn by each and every society by looking within.

But these debates must never forget that justice

seeks to serve a higher purpose than enforcing
detenance. Swift and fair justice may be
characteristic of a civil society but mercy,
compassion and ~~to~~ quest for reform is the
characteristic of a society which seeks to
actualize potential of each and every human
being. Mercy to the guilty, if done fairly is
not necessarily a punishment to innocent
but if it brings reforms and helps him/her
lead a life of example, it is an instance
of what society seeks to do as an end and may
become an inspiration for masses.

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Rough

Constrain: Justice is a characteristic of while Justice must serve an higher purpose

"An eye for an eye will make the whole world blind"
 "Crime & Punishment" - Concept & Theories.

Justice: Perfection - Nobody is perfect but we are

part of wider society. Follow rules/customs/

conventions so that others conformist

vs defendant. Justice. Never forget the initial

aim.

2nd Para: History. French Rev. Justice & Public execution

1st Para: Mercy - Bible. Virtue. Reflection higher

order of society which get only pay lead to the

crime but also pay lead to circumstance.

4th Para: Limits - difference - play by the

Justice should be fair and swift but while the

body is blinded, justice should

look into circumstances, mental connection etc.

4th Para: Exceptions: Death Penalty. Justice

is equally really acting

Child/Terraviva Game

Responsibility of wider society in making decisions

US vs 1515

always fair. Presidential pardon: Chabugan Clouston

1st Para: Responsibility of wider society in making decisions

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Give Examples
 Reform
 Kadidara
 Present
 Non Abstract
 go all of
 punishment

OK