

# CERTAINTY MATTERS

An insight into the need for certainty of punishment rather than its severity



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Compliance with laws and regulations depend on the expected penalty facing the violators. The expected penalty, in turn, depends on both the probability of the certainty of punishment and the severity of the punishment, if caught. For a country like India, where anything and every-

**Implementation should be based on the principle of certainty of punishment rather than its severity**

thing is possible with a little bit of greasing the palm, the probability of the certainty of punishment has tended to go down day by day. Criminals are not deterred by the severity of the sentence but by the certainty of punishment, and given the 'chalta hai' attitude governing the largest democracy of the world, India flourishes to be a heaven of the law-breakers.

Governance and the judicial system are on the verge of being collapsed in India. Cases that should be disposed off in three months are pending for thirteen years. The system has degenerated to such an extent that no one can touch you if you have the right

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connections. In such a scenario, harshness of laws is not the solution as you are not likely to be caught; rather, the stress should be on enforcing the swiftness and inevitability of justice. Evidence has shown that certainty of punishment is more effective than tougher sentences.

The main problem lies with the fact that the obsolete and antiqued laws of the land are too complex to be interpreted in their right spirit and needs

simplification. Any law that cannot be complied by most of the citizens must be scrapped. The stress should be on the implementation thereby ensuring certainty of punishment. Firstly, by increasing the certainty of punishment, potential offenders may be deterred by the risk of apprehension. For example, if there is an increase in the number of mobile police van patrolling, some drivers may stop ignoring red lights in order to get caught for breaking the law. Secondly, the severity of punishment may influence behaviour

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of individuals if potential offenders weigh the consequences of their actions and conclude that the risks of punishment are too severe.

If there was cent percent certainty of being apprehended for committing a crime, few people would do so. But since most crimes, including serious ones, do not result in an arrest and conviction, the overall deterrent effect of the certainty of punishment is substantially reduced. Clearly, enhancing the severity of punishment will have little impact on people who do not believe they will be apprehended for their actions, as in the case of India. There must be zero tolerance for breaking the law in India. The solution lies in the effective system to apprehend the perpetrators and effective prosecution so that no one escapes from the hands of law. Reforms to ensure the above should be immediately implemented by the government.