

BEYOND 'AN EYE FOR AN EYE': RETHINKING PENAL LIABILITY TODAY

Triyambika Singh¹

VOLUME 1, ISSUE 1 (JANUARY- JUNE 2025)

ABSTRACT

Charting the history of penal liability from divine and monarchical punishment to modern constitutional systems, this paper explores how criminal law today balances punishment, guilt, and social protection. It discusses classical doctrine—retribution, deterrence, prevention, and reform—and demonstrates how modern doctrine unites these goals within guarantees like mens rea, proportionality, and due process. Highlighting the move away from spectacle and retribution towards proportionate, rights-informed sanctions, the article examines India's turn to reform, with special reference to probation, open prisons, vocational training, community service, and restorative justice that place rehabilitation and victim compensation in the centre. The article debates the growing significance of proportionality in sentencing and safeguarding against the risk of wrongful conviction. The research identifies emergent issues—cybercrime, corporate and environmental crimes, terrorism, and strict or vicarious liability—that make the traditional culpability model complex and require adaptation of doctrine and legislation. Contending for a pluralist penal architecture, the article argues that successful criminal justice requires a balance among deterrence, incapacitation, retributive desert, and possibilities of reintegration and respect for constitutional protections of dignity and equality. Based on doctrinal analysis of statutes, Supreme Court jurisprudence, and comparative practices, the paper suggests concrete reforms in sentencing calibration, restorative mechanisms, and regulatory accountability to improve fairness and effectiveness. In conclusion, the paper declares that contemporary penal liability is not just revenge but a normative tool that has to constantly adapt in order to maintain justice, defend rights, and uphold social order.

Keywords – Penal Liability, Punishment, Justice, Reformation, Criminal Liability

¹ Triyambika Singh, *Babu Banarsi Das University*.

INTRODUCTION

Crime is as old as human civilization. “*Crime is an action or omission which constitutes an offence and is punishable by law.*”² Whenever people came together to form communities, rules were created to guide their behaviour, and violations of these rules led to punishments. The idea of being responsible for one’s actions has always been essential to how society works. In the early days, punishment was often severe, random, and based on divine or personal revenge. “*Punishment is a suffering, pain, or loss that serves as retribution in a penalty inflicted on an offender for committing an offence.*”³ “*An illegal act or crime is an Offence.*” Ancient texts like the ‘Bible’ and the ‘Manusmriti’ linked wrongdoing to sin, imposing penalties in the name of divine justice. Monarchs and kings carried out punishments to show their authority, and justice often took the shape of vengeance, captured by the saying “*an eye for an eye.*” However, as civilised societies evolved and organized states and codified laws developed, the idea of justice through punishment changed from *retribution* to *reformation*. Retribution involves causing suffering to the wrongdoer based on the offence whereas reformation focuses on helping the offender change and reintegrate into society.

Penal Liability in its modern sense reflects the authority of the State to punish those who break established laws. It aims to strike a balance between deterring wrongful acts and ensuring fair treatment in punishment. At its heart, penal liability seeks to identify responsibility for crime by looking at two key elements: the external actions of a person, known as ‘*actus reus*’, and their internal mindset, or ‘*mens rea*’. The combination of these two aspects forms the basis for criminal liability.⁴ Without these elements, the pursuit of justice risks becoming unjust and tyrannical.

The importance of penal liability lies not only in keeping social order but also in protecting individual rights. While society needs to be safeguarded from violence, fraud, and disorder, individuals accused of crimes also have rights against wrongful punishment. This judicial system makes penal liability a vital aspect of criminal law. Over the centuries, different theories, such as retributive, deterrent, preventive, and reformatory approaches, have tried to explain punishment. They reflect changing views on crime and justice. *Retribution focuses on inflicting punishment*

² Crime, *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/crime> (last visited Sept. 17, 2025).

³ Punishment, *Merriam-Webster.com Dictionary*, <https://www.merriam-webster.com/dictionary/punishment> (last visited Sept. 17, 2025).

⁴ Ted Honderich, *Punishment: The Supposed Justifications Revisited* 4 (Pluto Press 2006).

on offenders. Deterrence aims to instil fear to stop others from committing crimes. Preventive measures sought to prevent offenders from repeating their actions. The reformatory approach aims to transform offenders into responsible members of society. In today's world, new challenges like corporate liability, cybercrime, environmental offenses, and strict liability principles have broadened the scope of penal liability beyond its traditional limits.

Studying penal liability is not just an academic exercise. It has practical importance. In an era of globalization, fast technological advancement, and changing social values, criminal law must constantly adapt. Courts and lawmakers have already expanded established principles to tackle issues like cybercrime, corporate liability, and environmental offenses while ensuring that fairness and justice are upheld. Today, punishment aims not only to keep order and security but also to protect victims' rights, deter potential offenders, and rehabilitate those who have done wrong, thereby fulfilling its intended purposes in a comprehensive manner.

NEED FOR PUNISHMENT

The emergence of the State marked a decisive turning point in the history of human society. In primitive times, man lived in scattered groups governed by customs and necessities. As societies expanded, the need for organization and order became clear, leading to the idea of the State. *"In his work Leviathan, Thomas Hobbes described the state as a social contract where individuals consent to surrender some of their freedoms to a sovereign authority in exchange for security and order."* The State introduced the rule of law, which aimed to regulate behaviour, settle disputes, maintain stability and aimed to establish a sophisticated criminal justice system. However, progress also brought challenges. With the evolution of human beings, qualities like selfishness, greed, and violence began to disrupt societal harmony. Crime emerged as a natural result of human flaws, and punishment became the State's most effective tool to manage offenders, deter similar actions, and protect the delicate fabric of community life. Therefore, penal liability became an essential part of law and governance.

Evolution of Punishment:

In its earliest expressions, punishment was deeply entwined with religion. Ancient scriptures portrayed crime not merely as an act against society but as an offence against divine authority. The *Manusmriti* outlined specific penalties or punishment namely *Danda*⁵ for moral and social violations, often justified on religious grounds to maintain cosmic order. Likewise, the *Old*

⁵*Manusmriti*, verse 7.14.

Testament's principle of *Lex Talionis*, meaning “*an eye for an eye, a tooth for a tooth*,⁶” illustrated God's endorsement of retribution. The *Quran* also included the concept of divine justice through *qisas*⁷, which refers to retribution, and *diyat*⁸, meaning compensation. These religious scriptures indicated that punishment was more than a means of social control; it was a moral obligation, divinely required to curb human evil and uphold righteousness.

Primitive societies, however, often depended on more brutal forms of justice. In tribal groups, blood feuds and revenge killings were widespread. Wrongdoing was viewed as personal harm needing retaliation by the victim's family rather than as a societal crime. Justice in these contexts was communal and violent, with cycles of revenge leading to ongoing conflict. Over time, these feuds were ritualized into tribal justice practices, where compensation or symbolic punishments took the place of bloodshed. Yet, the idea of divine punishment prevailed misfortunes like famine, disease, or disasters were seen as retribution from supernatural forces for the community's sins.

The rise of monarchies changed the nature of punishment, turning it into a display of royal power. Kings and emperors often thought that instilling fear was the best way to prevent wrongdoing. Harsh corporal punishments, mutilations⁹, and public executions became standard; these actions not only punished wrongdoers but also demonstrated the ruler's absolute authority. Historical records highlight the extreme cruelty of certain monarchs, such as Vlad the Impaler of Wallachia, known for impaling his foes, and Roman Emperor Nero, who subjected Christians to brutal tortures. Some Indian rulers resorted to dismemberment or death by elephants as capital punishment. These harsh acts reinforced the idea that punishment was about both deterrence and political control, as much as it was about justice.

Gradually, however, the arbitrariness of monarchical punishment gave way to more structured and organized systems of justice. As States became more structured, laws began to be written down, and punishment was formalized within legal systems. The *Hammurabi Code of Babylon*, one of the first written laws, assigned specific penalties for various crimes. Later, Roman law

⁶ Exodus 21:23–25 (New King James Version).

⁷ Qisas, in Islamic Law, refers to retaliatory punishment for murder or bodily harm. See *The Qur'an*, Surah Al-Baqarah 2:178.

⁸ Diyat, in Islamic Law, refers to monetary compensation paid to the victim's heirs. See *The Qur'an*, Surah Al-Nisa 4:92.

⁹ Mutilation, *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/mutilation> (last visited Sept. 17, 2025).

introduced systematic legal principles that shaped much of Europe. In India, texts like the *Arthashastra* stressed the king's responsibility to maintain law and order through fair punishments. Over the centuries, this process of codification shifted punishment from revenge-seeking and spectacle to predictability and proportion. By formalizing justice, the State aimed to replace personal vendettas with public order, laying the groundwork for modern penal systems. The evolution of punishment shows the larger journey of civilization. It has shifted from divine and personal retribution to royal authority, and finally to the organized management of justice by the State. What started as a tool for survival in primitive societies has changed over time into an essential part of law and governance, where retribution, deterrence, and fairness are firmly embedded as guiding principles of justice.

THEORIES OF PUNISHMENT

Having traced the history of punishment from divine authority to established legal systems, it is important to understand the principles guiding its use in today's legal environment. Punishment is not an arbitrary reaction; it relies on well-defined theories that explain its purpose and reasoning. Jurists and courts have time and again recognised that punishment has several goals: to repay the offender, to discourage future crimes, to prevent repetition of offenses, and to reform the wrongdoer. The main theories of punishment can be classified as Retributive, Deterrent, Preventive, and Reformatory. Each of these theories represent a different view of justice, collectively shaping the basis of criminal law.¹⁰

Retributive Theory

The retributive theory is the oldest and most instinctive justification for punishment. It is grounded in the moral principle that wrongdoing must be repaid with suffering. This view holds that punishment is not just a way to reform the offender or deter others. Instead, it is a necessary response to the wrong committed i.e. a means of restoring the moral balance upset by crime.

At its core, the retributive theory argues that justice requires reciprocity; when someone infringes on the rights of others, they should face consequences that match their actions¹¹. Crime creates a moral debt, and punishment serves as repayment for that debt. Lex Talionis is a Latin term, that means "*the law of retaliation*". It embodies the principle of proportional retribution. This idea is

¹⁰ David Boonin, *The Problem of Punishment* 41–52 (Cambridge Univ. Press 2008).

¹¹ Leo Zaibert, *Punishment and Retribution* (Routledge 2016).

best illustrated by the phrase "an eye for an eye, a tooth for a tooth."¹² The concept holds that the punishment for a wrongdoing should match the harm done. This ensures that the penalty corresponds to the offense in a similar way.

Retribution does not have to involve cruelty or revenge. It focuses on fairness and matching the punishment to the crime. The offender is punished not because of anger or emotion but because they deserve it. The level of punishment must reflect the seriousness of the offense, avoiding both excessive harshness and unnecessary leniency. Therefore, the retributive theory sees punishment as an end in itself. It is a moral requirement that restores order by ensuring each wrongdoer receives their due, regardless of future effects on society or the offender.

Deterrent Theory:

In this theory of punishment, the term '*Deter*' means to '*abstain or prevent from doing any wrongful act*'. The deterrent theory views punishment primarily as a means of preventing crime. This approach suggests that human behaviour is shaped by rational thinking. Before acting, people weigh the benefits of wrongdoing against the possible consequences. If the consequences are severe enough, the risk of punishment will outweigh the gain from crime.

The preventive idea of punishment is another name for this type of philosophy. The deterrent idea was first promoted by Cesare Beccaria, Jeremy Bentham, and Thomas Hobbes. The idea behind deterrence dates back at least 2400 years.¹³ "*No one punishes the evil-doer under the notion, or for the reason, that he has done wrong, – only the unreasonable fury of a beast acts in that manner,*" argues Plato, establishing what can be called the "classical" view of deterrence. However, the person who wants to administer just punishment does not seek revenge for an unforgivable act from the past; rather, he considers the future and wants to prevent the person receiving the punishment and the one seeing it from committing the same crime in the future.

Deterrence works on two levels. General deterrence aims to discourage society as a whole by setting an example of offenders. State gives an exemplary punishment to the wrongdoer to alarm the other people of the State to avoid committing a crime. The punishment of one person serves as a warning to everyone¹⁴. Specific deterrence, however, focuses on the individual offender. It seeks to prevent that person from committing further crimes by instilling fear of more punishment. This theory does not see punishment as moral revenge but as a necessary action. Its

¹² R.A. Duff, Penance, Punishment and the Limits of Community, 5 *Punishment & Soc'y* 295, 295–312 (2003).

¹³ M. Materni, Criminal Punishment and the Pursuit of Justice, 126 *Harv. L. Rev.* 2320 (2013).

¹⁴ Thom Brooks, *Punishment: A Critical Introduction* (2d ed. Routledge 2021).

reasoning is straightforward: crime decreases because potential offenders are held back by fear. The certainty, speed, and severity of punishment are vital for deterrence to work.

In essence, the deterrent theory views punishment not as an end in itself but as a means to achieve social order, using fear as the instrument to regulate human conduct. As the goal of the deterrent theory of punishment is to frighten, it does not emphasise improving the offender. In the same way, it does not attend the retribution. It only concentrates on the anticipation of the crime.

Preventive Theory:

The preventive theory views punishment as a way to protect society by making sure the offender cannot repeat the crime. Its main focus is on restraint rather than on revenge or fear. This theory does not emphasize moral entitlement or psychological intimidation. Instead, it aims for practical protection through direct incapacitation. *“Rebuke the beasts that dwell among the reeds, the herd of bulls with the calves of the peoples” (Ps 68:30).*

The reasoning is straightforward: a person in prison cannot commit crimes outside; someone who has certain rights taken away cannot misuse them; and a person who is executed cannot pose any further threat. Here, punishment looks forward. It aims to prevent future harm.

The preventive approach includes both permanent incapacitation and temporary restraint. Permanent incapacitation involves capital punishment or life imprisonment, removing the offender from society entirely. Temporary restraint includes prison time, fines, or liberty restrictions. These measures limit the offender's ability to cause harm while allowing for eventual reintegration.

Unlike deterrence, which relies on the idea that fear drives behaviour, the preventive theory provides certainty. As long as the offender is restrained, society remains safe. Its foundation lies in security and order, not in moral compensation or psychological reasoning.

Therefore, the preventive theory positions punishment as a protective measure for society. It ensures stability and safety by neutralizing offenders' ability to commit further crimes, either temporarily or permanently.

Reformative Theory:

The Reformatory Theory represents the most progressive approach to punishment, emphasizing the rehabilitation and moral renewal of the offender rather than inflicting pain or fear. Unlike retributive or deterrent systems, which primarily focus on the act committed or the fear of

consequences, this theory directs attention towards the individual who has committed the crime. It is based on the belief that criminal behaviour often arises out of circumstances, social conditions, or psychological influences that can be corrected. Therefore, punishment, according to this view, must aim at transforming the wrongdoer into a law-abiding and constructive member of society. “*Ye have heard that it hath been said, ‘An eye for an eye, and a tooth for a tooth.’ But I say unto you that ye resist not evil, but whosoever shall smite thee on thy right cheek, turn to him the other also*” (Mt 5:38).

Although its widespread acceptance is relatively recent, the roots of the reformatory approach are not entirely new. Thinkers such as *John Howard* (1726–1790) and *Jeremy Bentham* (1748–1832) played a decisive role in initiating reforms within the prison system. They criticized the older punitive methods for being excessively harsh and counterproductive and instead argued that institutions of punishment could be structured to educate and rehabilitate offenders. Bentham, a utilitarian philosopher, even proposed the design of the *Panopticon*, a model prison in the eighteenth century which aimed at discipline, observation, and gradual reformation of inmates.¹⁵ The central claim of this theory is that offenders should not be permanently alienated from society. Once corrected, they ought to be reintegrated as useful citizens.¹⁶ The reformatory model treats the offender not as an enemy but as a patient in need of treatment, and society has a duty to provide conditions in which reformation is possible. Education, vocational training, psychological counselling, and moral guidance are seen as legitimate tools of punishment under this theory.

The rise of the reformatory approach also reflects the limitations of earlier models. Retributive punishments often perpetuated cycles of vengeance, while deterrence through fear failed to address the underlying causes of crime. The inability of these approaches to substantially reduce crime or prevent habitual offending gave space for reformatory ideals to take prominence. By emphasizing rehabilitation, this theory envisions punishment not merely as a reaction to crime but as a positive social measure for creating safer and more harmonious communities.

MODERN APPROACH TO PENAL LIABILITY

The contemporary view of penal liability breaks from the strict, one-dimensional punishment theories of the past. While traditional theories that are retributive, deterrent, preventive, and

¹⁵ Jacques-Alain Miller & Richard Miller, *Jeremy Bentham’s Panoptic Device*, 41 *October* 3 (1987), <https://doi.org/10.2307/778327>.

¹⁶ Materni, *supra* note 13.

reformative, laid the foundation for society's response to crime, modern law goes further. It explores not just how offenders should be punished, but also how responsible they are and what principles should guide the punishment. Today, criminal law acknowledges that punishment must achieve several goals at once: providing justice for the victim, rehabilitating the offender, deterring others, and maintaining public order.¹⁷ Additionally, modern legal systems must respond to new types of crime, like cyber offenses, terrorism, and corporate liability. These require more nuanced solutions than traditional methods offer. This approach is based on constitutional values, human rights, and the understanding that justice must balance the needs of individuals, victims, and society as a whole.

Reformative Justice in Modern India:

India's criminal justice system has historically been influenced by retributive and deterrent models. However, it now embraces reformative ideals as part of its legal philosophy. This change is clear in sentencing practices that focus on rehabilitation in addition to punishment. Probation laws, open prisons, vocational training in correctional homes, and community service under the Bharatiya Nyaya Sanhita show this shift. The core idea is that no criminal is beyond redemption. Instead, the justice system should create paths for re-integration into society.¹⁸ Indian courts have also highlighted reformative justice, especially in cases with young offenders, first-time convicts, or crimes motivated by social or economic pressures. The Supreme Court has consistently stated that punishment must match the crime's severity and consider the offender's chances for reformation.

Measure of Liability and Question of Culpability:

When determining culpability, modern penal law places a strong emphasis on mens rea, or the mental component of crime. According to modern legal theory, guilt necessitates both intention and action, in contrast to previous models when punishment was frequently meted out for the mere act, or actus reus. People are only punished when they are morally at blame, thanks to the concept of culpability. Accidental harm is treated differently than intentional harm, for example, in accordance with the idea that the severity of the penalty should correspond to the level of fault. This thorough assessment of responsibility protects people from unjust punishments and avoids overcriminalization. It also explains the growing acceptance of defences that might

¹⁷ Terance D. Miethe & Hong Lu, *Punishment: A Comparative Historical Perspective* (Cambridge Univ. Press 2005).

¹⁸ S. Padhee, Theories of Punishment All Over the World, 5 *Res. J. Human. & Soc. Sci.* 163–65 (2014).

reduce or eliminate liability where culpability is weak, such as necessity, mistake of fact, or insanity.

Proportionality in Sentencing:

A cornerstone of the modern approach is the principle of proportionality. Punishment should match the seriousness of the crime and the level of blame of the offender. Unfair or overly harsh penalties are viewed as breaches of constitutional rights under Articles 14 and 21. Indian courts have repeatedly upheld proportionality by overturning punishments that are “*shocking to the conscience*” or “*grossly disproportionate*.¹⁹ This principle ensures that sentencing is not about revenge but rather a measured approach focused on justice. It also reflects the increasing impact of international human rights standards, which warn against punishments that are cruel, inhuman, or degrading.²⁰

Blackstone’s Ratio and Safeguards against Wrongful Conviction:

Modern criminal law highlights the need to protect the innocent. The well-known saying of *William Blackstone*, “*It is better that ten guilty persons escape than that one innocent suffer*,” remains a guide for today’s criminal justice system. This principle emphasizes the need for safeguards during investigation, trial, and sentencing to reduce wrongful convictions, even if it means that some guilty individuals may evade punishment. Indian courts have supported this standard by requiring proof beyond a reasonable doubt, upholding the presumption of innocence, and implementing strict rules for evidence. The aim is not just to punish offenders but to make sure that any punishment is morally and legally justified.²¹

Victim-Centric and Restorative Dimension

Another significant shift in the modern approach is the recognition of the victim’s role in the justice process. Unlike traditional models that saw crime only as an offence against the State, modern penal liability frameworks recognize the harm to victims and communities. Restorative justice initiatives, such as victim compensation schemes, plea bargaining, and community

¹⁹ S. Mishra, *Mandatory Minimum Sentencing and Judicial Discretion: A Global Perspective* (Cambridge Univ. Press 2018).

²⁰ V Kumar, Mandatory Minimum Sentencing and Its Impact on Judicial Discretion in India, 58 *J. Crim. L. & Criminology* 215, 215–31 (2020).

²¹ Piotr Bystranowski & I.R. Hannikainen, Justice Before Expediency: Robust Intuitive Concern for Rights Protection in Criminalization Decisions, 15 *Rev. Phil. & Psych.* 253, 253–75 (2024).

service, aim to repair harm rather than just punish offenders.²² This victim-focused approach supports reformative justice by promoting reconciliation, healing, and social harmony.

CONCLUSION

The development of human civilization is reflected in the history of criminal culpability. Tribal revenge and divine retribution were the first, followed by structured theories of punishment and, ultimately, the intricate institutions of modern criminal justice. Originally, punishment served as a means of control and survival. It has since developed into a framework that emphasizes human rights and the constitution in order to strike a balance between social safety, justice, and equity. The evolution of criminal liability demonstrates how the law adapts to changing societal issues, political structures, and moral standards.

The idea that crime disturbs social order as well as individual lives lies at the heart of penal responsibility. Because they were influenced by religious writings like the Bible, the Quran, and the Manusmriti, early societies frequently associated sin with transgression and saw retribution as an expression of God's will. Public executions and corporal punishment were more about terror than true justice since monarchs and emperors used punishment to demonstrate their power and instil fear. But as a result of innovations like the Arthashastra, Roman law, and the Hammurabi Code, the concept of punishment started to depend on logic, coherence, and proportionality. This shift opened the door for traditional notions of punishment, which continue to influence our criminal justice system today.

The moral idea of desert is conveyed by retribution, which holds that since justice requires reciprocity, the criminal must suffer. The goal of deterrence is to change behaviour by instilling fear of the consequences. The focus of preventive strategies is on holding criminals accountable in order to safeguard society. The goal of restorative justice is to change criminals into law-abiding citizens by promoting healing as opposed to punishment. Since crime is a dynamic problem, each model captures the particular demands of its era, but none can be used in isolation. It is impacted by societal institutions, human behaviour, and technology advancements that constantly push the limits of the law.

A more contemporary view of penal liability is the result of this understanding. Today, punishment is seen as a careful evaluation of a number of criteria rather than a straightforward

²² Gaurav Kumar, *Victimology: Victim Compensation Scheme as Restorative Justice*, 6 *Int'l J.L. Mgmt. & Human.* 1220, 1220–32 (2023), <https://doij.org/10.1000/IJLMH.114486>.

response. These days, the law considers what safeguards should be in place, how much punishment is reasonable, and why it is necessary. In order to ensure that punishment is only meted out to those who are genuinely morally guilty, the measure of culpability takes into account both the act (*actus reus*) and the person's thought (*mens rea*). By avoiding undue harshness or softness, the proportionality principle guarantees that penalties are just. Blackstone's well-known quote, "better that ten guilty persons escape than one innocent suffers," serves as a vital reminder that establishing guilt beyond a reasonable doubt is necessary for penal liability to be legitimate.

In India, the modern approach has a reformative emphasis. Courts and lawmakers acknowledge that punishment should consider the offender's potential for rehabilitation. Options like *probation*, *open prisons*, *vocational training*, and *community service* reflect the belief that everyone has a chance for redemption. The Supreme Court has stressed that young or first-time offenders should receive opportunities for change rather than be trapped in cycles of imprisonment. This view aligns with constitutional guarantees under *Articles 14* and *21*, which uphold fairness, equality, and the protection of life and liberty, even for those charged with crimes.

At the same time, India is moving toward a victim-centric model. Earlier legal systems viewed crime as solely an offense against the State, often ignoring the victim's perspective. However, restorative justice initiatives—such as *victim compensation programs*, *plea bargaining*, and *community solutions* which recognize the importance of healing and reconciliation alongside deterrence and punishment. Victimology has become a significant complement to reformative justice, ensuring that justice involves repairing harm to victims and society. This focus is especially relevant in India, where socio-economic disparities can leave victims vulnerable and dependent on State acknowledgment of their suffering.

Globally, penal liability is being reimagined through a human rights framework. Harsh punishments from the medieval era are increasingly seen as incompatible with constitutional values and international standards. Proportionality, dignity, and fairness now guide legal norms, impacting domestic systems, including India's. The modern criminal justice framework thus combines traditional theories, constitutional protections, and international principles into a complex approach.

Nonetheless, challenges in penal liability are significant. The rise of cybercrime, corporate offenses, environmental violations, and terrorism stretches the limits of traditional models. Concepts like strict liability and vicarious responsibility complicate the link between culpability and punishment, sometimes punishing individuals without intent or negligence. Striking a balance between these challenges and fairness will test the adaptability of criminal law. The debate between deterrence and reformation is ongoing, as society weighs the need for safety against opportunities for redemption.

What is clear is that penal liability cannot be seen as mere vengeance or fear based. It is a rational, fair, and humane response rooted in the constitutional promise of justice. It respects victims' rights without dehumanizing offenders, protects society while respecting liberty, and punishes wrongdoing while keeping the door open for reform. In this way, modern penal liability reflects both continuity and change: it maintains its goal of upholding order while evolving in methods, focuses, and safeguards. Ultimately, the true measure of penal liability is not just whether it punishes crime, but if it promotes justice in a full sense. Justice is not achieved simply by punishing the guilty; it is realized when punishment demonstrates fairness, proportionality, respect for human dignity, and the potential for reintegration. The modern approach, especially as seen in India, illustrates a legal system striving for this balance. It acknowledges that while crime might never be completely eliminated, injustices can be reduced if the law remains steadfast in its principles and flexible in its application.

In conclusion, the evolution of penal liability from its early beginnings to its contemporary developments shows a path toward greater humanity in law. While classical theories laid important groundwork, the modern approach integrates them into a complete framework grounded in constitutional morality, human rights, and social justice. This blend ensures that penal liability does not remain an outmoded tool of power or retribution but transforms into a means of fairness, reform, and reconciliation for both individuals and society in the pursuit of genuine justice.