

PENAL LIABILITY AND HUMAN RIGHTS: A LEGAL PERSPECTIVE

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ABSTRACT

Penal liability and human rights are two important foundations of law that must work together to maintain justice. Penal liability means holding a person legally responsible for committing a crime. It ensures that no one escapes the consequences of unlawful actions. At the same time, human rights act as a safeguard to protect the dignity, liberty, and fair treatment of every individual, even when they are accused or convicted of a crime. Balancing these two aspects is essential because punishment without fairness can turn into oppression, while unlimited rights without responsibility may create lawlessness.

The principles of actus reus (guilty act) and mens rea (guilty mind) form the basis of penal liability. These principles help courts determine whether a person is truly accountable for a crime. Alongside this, human rights principles ensure that justice does not become revenge but remains a fair process. Landmark cases and international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights highlight the global importance of protecting fairness, equality, and dignity in punishment.

Justice is best served when the legal system protects society by deterring crime while also respecting human dignity. Penal liability should provide necessary punishment, but human rights make sure it is humane, fair, and reformatory. Together, these principles build a balanced legal framework that safeguards both order and humanity, ensuring that law remains a true instrument of justice.

Keywords: Penal Liability; Human Rights; Criminal Law. Fair Trial, Legal Perspective, justice²

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² A.K. Gopalan v. State of Madras, (1950) SCR 88 (India).

INTRODUCTION

Every society is built on certain rules that guide people's behaviour and help maintain peace. Law is the tool through which these rules are applied, and it plays a very important role in ensuring justice. One of the key parts of law is penal liability, which means holding a person legally responsible when they commit a crime. By fixing accountability, penal liability makes sure that no wrongful act goes unpunished and that offenders are answerable for their actions. It also acts as a safeguard for society by discouraging people from committing crimes and by assuring victims that justice will be done. However, punishment should not be seen only as a way of control; it must always be fair and based on proper legal principles.

At this point, the idea of human rights becomes very important. Human rights protect the dignity, freedom, and fairness of every person, even those accused of crimes. While society demands strict punishment to maintain order, the justice system must also make sure that the rights of the accused are respected. A system that only focuses on punishment can become harsh and unjust, while a system that only stresses rights without responsibility can be misused and may weaken discipline. True justice lies in finding a balance between penal liability and human rights. This balance is protected through constitutional guarantees, laws, and judicial decisions that bring punishment and fairness together.

It is also important to understand that penal liability is not only about punishing wrongdoers. Its wider purpose is to protect the interests of society as a whole. By ensuring that criminals are held responsible, the law gives people confidence that they live under a protective system. Citizens feel safe when they know that laws will protect them and punish those who cause harm. Without penal liability, fear of crime would increase and people would lose trust in legal institutions.

At the same time, human rights remind us that justice must remain humane. Even a person accused or convicted of a serious crime has rights such as a fair trial, the chance to be heard, legal help, and protection against torture or degrading treatment.

These safeguards are necessary because history shows that unchecked power can easily lead to abuse. Human rights work as a shield against misuse of authority and stop justice from turning into oppression. Maintaining this balance also strengthens the rule of law.

When punishment is given strictly according to law and rights are protected at every stage, people begin to trust the fairness of the legal system. This trust is very important for peace and social harmony. People are more likely to obey laws they see as just. But when rights are ignored

or punishment is given unfairly, the system loses respect and legitimacy in the eyes of the public.³

In reality, however, achieving this balance is not easy. Many challenges weaken the principle. Delay in trials leaves accused persons waiting for years without justice. Overcrowded prisons create inhuman conditions that violate dignity. Misuse of laws for political or personal reasons distorts justice, and violations in police custody raise doubts about the rule of law. These problems show that while the balance between penal liability and human rights is clear in theory, it is very difficult to achieve in practice. To solve this, reforms in the justice system, proper training for authorities, and awareness of rights among citizens are necessary.

penal liability and human rights from a legal point of view. It explains their meaning, scope, and importance, while also looking at practical challenges like misuse of laws, delay in trials, and violations of rights in custody. The aim is to show that penal liability and human rights are not against each other but are complementary. Real justice is achieved only when the law is strong enough to punish offenders while also being humane enough to respect their rights.

I. Concept of Penal Liability

Penal liability means the legal responsibility of a person who commits a crime. It is the way by which the State holds an individual answerable for breaking the law. The main purpose of penal liability is to punish those who disturb peace and order in society, while also making sure that innocent persons are not punished. Without penal liability, criminal law would have no meaning, because it is through this principle that justice is delivered.

For penal liability to arise, there must be a wrongful act, known as *actus reus*. This means that a person must have done something which the law clearly forbids, such as theft, murder, or assault. Along with this, there should also be a guilty mind, called *mens rea*. The guilty mind shows that the act was intentional, careless, or done with knowledge of its wrongfulness. If a person harms someone by pure accident without intention or negligence, then penal liability may not be imposed.

Another important part of penal liability is the idea of causation. This means that there should be a clear link between the act of the accused and the harm caused. For example, if a person's act directly leads to injury or death, then liability arises. But if the harm happens due to some other

³ *Indian Penal Code*, 1860 (India); *State of Rajasthan v. Kashi Ram*, (2006) 12 SCC 254 (India).

reason not connected with the accused, then penal liability cannot be fixed. This principle makes sure that only the real wrongdoer is punished.

Penal liability also requires that the act must be recognized as a crime under the law. No person can be punished for something which was not declared an offence at the time it was done. This protects citizens from unfair or arbitrary action by the State. It also reflects the principle that “no punishment can exist without law.” Thus, the law itself provides a boundary to penal liability the concept of penal liability is built on the combination of a wrongful act, a guilty mind, a clear link with the harm caused, and legal recognition of the offence. aim is not only to punish but also to protect justice and fairness. Modern views further add that punishment should not only deter crime but also reform the offender.⁴

II. Concept of Human Right

Human rights are the basic rights that belong to every person by birth. These rights do not depend on religion, caste, gender, or status. They are given to all people simply because they are human. The idea is that every person has dignity and must be treated with fairness and respect.

The most important human rights include the right to life, freedom, equality, and security. These rights protect people from unfair treatment by the State or by other individuals. They make sure that no one is denied their dignity or liberty without a valid reason.

Human rights are also connected with justice. They guide the legal system to ensure that laws are not only strict but also fair. For example, even when someone is accused of a crime, they still have the right to defend themselves and to be treated without cruelty. This shows that human rights set the limits for the power of law.

Another important point is that human rights are universal. They are not limited to one country or culture. International bodies and agreements, like the United Nations, have worked to protect these rights all over the world. Still, it is the duty of each State to make sure that its people enjoy these rights in daily life.

In conclusion, human rights are the foundation of human dignity and freedom. They remind us that while laws and governments have power, that power must always respect the basic rights of people. Protecting human rights is therefore not only a legal duty but also a moral responsibility. At the same time, human rights should not remain only in books or documents. Their real value

⁴ *State of Maharashtra v. Mayer Hans George*, AIR 1965 SC 722 (India); *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675 (India); *Kartar Singh v. State of Punjab*, (1994) 3 SCC 569 (India).

is seen when they are practiced in everyday life, in courts, in government policies, and in social behaviour. A society that truly respects human rights builds trust, harmony, and a sense of equality among its people.

HISTORICAL EVALUATION OF PENAL LIABILITY AND HUMAN RIGHTS

Ancient Period

In very early human life, people lived in groups and there were no courts or written laws. If one person harmed another, the victim's family or group used to take revenge. Punishment at that time was only about giving back the harm, sometimes even with more cruelty. The main aim was survival and safety of the group, not fairness. At this stage, the idea of human rights was not present, and punishment was only about fear and control.⁵

When states and kingdoms started to grow, rules became more fixed. Kings and rulers made laws and used punishments to show their power. In many places, punishments were very harsh, such as death, exile, or torture. These punishments were not about justice for the person but about keeping strict order in society. The rights of the accused or prisoners were almost ignored. Human rights were not seen as important, and penal liability was understood only as strong punishment to protect power.

Medieval Period

During the rise of religion, philosophy, and moral values, a new way of thinking started. Some leaders and thinkers said that punishment should not only hurt but should also try to improve the wrongdoer. This slowly brought the idea that even a criminal is a human being who has some dignity. Although punishments were still strict, a small change started to appear. The link between punishment and human values became stronger, and this was an important step towards connecting penal liability with human rights.

Modern Period

In the modern age, big changes happened. Revolutions in Europe, the rise of democracy, and later the world wars showed the need to protect human dignity. People understood that unlimited punishment often became cruel and unfair.

After the world wars, many international documents, like the Universal Declaration of Human Rights in 1948, clearly said that every person has basic rights, even prisoners. Penal liability then

⁵ *Universal Declaration of Human Rights*, art. 10, G.A. Res. 217A (III), U.N. Doc. A/810 (1948); *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (India); *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, AIR 1981 SC 746 (India); *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610 (India).

was not only about punishment but also about fairness and respect. The goal became to reform offenders and give them a chance to return to society.

In today's time, almost all legal systems try to balance punishment and human rights. Governments still have the power to punish those who break the law, but they cannot ignore human dignity. Courts and constitutions in many countries protect rights like fair trial, right to life, and freedom from torture. Modern systems also focus on rehabilitation, education, and social reintegration, because punishment alone cannot create a peaceful society. By combining penal liability with human rights, justice today is fairer and more balanced.

This historical understanding also reminds us that justice is not just about punishing wrongdoers but also about improving society as a whole. Today, law aims to correct the behaviour of offenders and help them become responsible citizens. Courts ensure that punishments are fair and not too harsh, while also making sure that society is protected from crime. This shows that justice is not a one-sided idea limited to the State's power to punish, but also a growing process where the dignity of every human being is protected. In this way, punishment becomes meaningful only when it contributes to both social order and human development. A system that protects rights while holding people accountable ultimately creates a society that is safer, more humane, and based on fairness.⁶

When we look at this historical journey, we can see that penal liability and human rights have always grown together, shaping and reshaping each other. In the beginning, justice was only about punishment and survival, but with time societies realized the need for fairness, dignity, and protection of individual rights. This long journey shows that the meaning of justice is not fixed, but changes with social values and human understanding. By studying this history, we learn that law is not just a tool for controlling crime, but also a guide for building a society that is more just, humane, and balanced.

LEGISLATIVE FRAMEWORK

The concept of penal liability is important in the context of human rights because it ensures that any individual or organization that violates human rights can be legally held responsible. Legal systems in different countries establish rules and laws that define penalties or punishments for human rights violations. The main purpose of this framework is to protect fundamental rights and prevent their misuse. Penal liability not only makes violators accountable but also acts as a

⁶ *International Covenant on Civil and Political Rights*, arts. 6, 14, Dec. 16, 1966, 999 U.N.T.S. 171.

deterrent for others. In this way, the legislative framework provides a strong foundation for protecting human rights and maintaining the credibility of the legal system.

Indian Constitutional Safeguards

The Constitution of India acts as a guardian of justice by making sure that while the government punishes offenders, the dignity and basic rights of individuals are not ignored. It provides a strong framework where penal liability and human rights work together in harmony.

Article 20 protects people in criminal cases. It stops the government from creating new laws that punish past actions, ensures that no one is punished twice for the same offence, and protects a person from being forced to testify against themselves. These rules ensure fairness and prevent misuse of power.

Article 21 is one of the most important parts of the Constitution. It states that no person shall lose their life or personal freedom except according to proper legal procedures. Over time, the Supreme Court has interpreted it to include the right to live with dignity, the right to a fair trial, free legal aid, speedy justice, and even the right to privacy. This ensures that human rights remain central to the justice system.

Article 22 protects people against unfair arrest and preventive detention. It requires that any arrested person must be told the reason for arrest, must be presented before a magistrate within 24 hours, and cannot be kept in custody longer without court approval. While preventive detention laws exist, the Constitution also sets limits, like maximum detention periods and review by advisory boards, to prevent misuse.⁷

Importance of Penal Liability

Penal liability holds a very important place in the legal system because it ensures that no crime goes unanswered and every offender is held responsible for their actions. The basic idea is that when a person breaks the law, they must face the consequences in order to maintain order in society. This creates a sense of accountability, as people know that their wrongful acts will not be ignored. It also gives justice to victims by making sure that the offender is punished in a fair and proportionate way.

Another important role of penal liability is to protect society from future crimes. When people see that wrongdoers are punished, it discourages others from committing similar offences. In this way, penal liability works as a preventive measure and helps in reducing crime. At the same

⁷ *Constitution of India*, arts. 20–22.

time, modern law does not focus only on punishment. It also believes in reforming criminals, so that they can change their behaviour and live again as responsible citizens.

penal liability is not just about punishing offenders. It is about protecting society, maintaining peace, giving justice, and creating an opportunity for rehabilitation. This balance makes penal liability an essential part of every fair and effective legal system.

Penal liability also works as a reminder that laws exist to protect everyone equally. When a wrongdoer is punished fairly, it shows that no one is above the law and that justice applies to all people in the same way. This builds trust in the legal system and makes citizens feel secure, knowing that their rights will be protected. Without such a system, people may lose faith in justice and society could fall into disorder.

At the same time, penal liability teaches that punishment should not only look backward at the crime but also forward to the future. It must guide offenders to change their behaviour and give them a chance to return to society as responsible individuals. A balanced approach, which combines punishment with reform, ensures that justice is fair, humane, and effective. In this way, penal liability supports both justice for victims and hope for those who have committed crimes.

Legal Perspective

liability means that a person is legally responsible for committing a crime. It ensures that breaking rules has consequences. However, punishment alone is not enough. Even when someone is accused of a crime, their basic human rights—like the right to life, freedom, and a fair trial—must be protected.

It is important to balance punishment with human rights. Laws should stop wrongdoing, but they should not harm innocent people or violate their rights. Courts and legal systems make sure that penalties are fair and follow proper procedures. This balance helps maintain justice while protecting individual freedom. Cases like *A.K. Gopalan v. State of Madras* show that the government can maintain law and order but cannot take away personal freedom without following proper rules. Penal liability is therefore not just about punishment; it is also about fairness and responsibility. Human rights limit the power of the state and ensure justice is fair.⁸

⁸ *Shatrughan Chauhan v. Union of India*, (2014) 3 SCC 1 (India); *Armesh Kumar v. State of Bihar*, (2014) 8 SCC 273 (India).

Around the world, human rights agreements, like the Universal Declaration of Human Rights, state that everyone accused of a crime has the right to a fair trial. Respecting human rights is a global standard, and penal laws must work within this framework.

Challenges arise when public opinion demands very strict punishments or when domestic laws differ from international human rights principles. The law cannot only follow anger or fear; it must also protect the rights of the accused. True justice is achieved when punishment is strong enough to prevent crime but also humane enough to respect basic rights.

A fair legal system combines discipline with compassion. When laws respect human rights even while punishing, they earn public trust and make society stronger. Punishment then becomes not just a tool to control crime but also a way to promote fairness, equality, and respect for all. Societies that apply penal liability fairly while protecting human rights can create a justice system that is both strong and humane

CONFLICT BETWEEN PENAL LIABILITY AND HUMAN RIGHTS

Penal liability means that a person is legally responsible if they commit a crime. It ensures that breaking the law has consequences, but punishment alone is not enough. Even those accused of crimes have basic human rights, like the right to life, freedom, and a fair trial.

It is important to balance punishment with human rights. Laws should stop wrongdoing, but they should not hurt innocent people or violate anyone's rights. A fair legal system makes sure that penalties follow proper rules and protect individual freedom.

Penal liability is not just about punishing; it is also about fairness and responsibility. Human rights set limits on the power of the government, making sure justice is fair and humane. Around the world, agreements like the Universal Declaration of Human Rights emphasize that everyone accused of a crime has the right to a fair trial.

Sometimes, conflicts arise. Different countries have different approaches—some are stricter, while others focus on reform. Public opinion can also pressure governments to give harsh punishments. However, the law must balance society's safety with the rights of the accused.

True justice is achieved when punishment is strong enough to prevent crime but fair and humane enough to respect basic rights. Laws should combine discipline with compassion. When laws protect human rights even while punishing, they earn public trust and strengthen society. The future of law should focus on reform, awareness, and social responsibility. By applying penal liability fairly and protecting human rights, societies can build a justice system that is both strong

and humane. Punishment then becomes not just a way to control crime, but also a way to create a safer and more just society.⁹

DEATH PENALTY AS PENAL LIABILITY

The death penalty, also called capital punishment, is the most serious punishment a government can give. It is used for the worst crimes, like murder, terrorism, or actions against the State. The main reasons for it are to stop others from doing similar crimes, to give a punishment that matches the crime, and to keep dangerous people away from society.

In India, the death penalty is allowed but carefully controlled. The Constitution says life can only be taken according to proper legal rules. Only certain crimes, like murder or terrorism, can get this punishment, and it is not automatic. Courts decide carefully if it is really needed.

There are many protections: the High Court must approve the death sentence, the person can appeal to the Supreme Court, and they can ask the President or Governor for mercy. The Supreme Court also says it should only be used in the “rarest of rare” cases, when life imprisonment is not enough and the crime is very shocking. Even with these rules, the death penalty raises questions about fairness, mistakes in court decisions, and human rights. Problems like poor legal help or missing evidence can also affect how it is used.

Overall, the death penalty is the government’s strongest way to punish, but it must be used carefully, fairly, and only in extreme cases. Justice means balancing punishment with respect for human dignity, the right to live, and giving a chance for change.

At the same time, the death penalty reminds us that the law carries a huge responsibility. Taking a life is permanent and cannot be undone, so every step in the legal process must be fair, transparent, and careful. Courts, lawyers, and authorities must make sure that no innocent person is punished and that every chance for defines is given. It is not just about punishing the crime, but also about showing that the legal system values human life, fairness, and justice above everything else.

CONCLUSION

The legal system must balance the importance of human rights with the need to protect against penal liability. In order to maintain justice and social order, pleading guilty to a crime is

⁹ *Indian Penal Code*, 1860 (India); *Nilabati Behera v. State of Orissa*, AIR 1993 SC 1960 (India); *Charles Sobhraj v. Superintendent, Central Jail*, AIR 1978 SC 1514 (India); *Rudal Shah v. State of Bihar*, AIR 1983 SC 1086 (India).

considered penal liability. The punishment is not sufficient, as those accused of crimes must be held accountable for their rightful claims to life and liberty along with a just trial.

Just as the law is supposed to protect society, it also has a role in providing just justice and an opportunity for rehabilitation. To achieve this, courts and legal authorities should prioritize.¹⁰

the provision of training and reforms, enhance prison conditions, and educate the public. about their legal rights. ". A balanced application of laws that respects human rights and punishments fosters trust in the justice system, resulting in peace and fairness. Therefore, it is essential to acknowledge and uphold human rights alongside penal responsibility for a just and humane legal system.¹¹



¹⁰ *Constitution of India*, arts. 14, 19.

¹¹ *Indian Penal Code*, §§ 303 (repealed), 305, 307, 364A (India).