

Laws and Rules: Hypothesis and Analysis

- 1. SPF- 'Social positive factor' do good to the environment and the society**
- 2. SNF-'Social negative factor (SNF), would harm the environment, other members, properties, public resources etc**
- 3. Prime responsibility of a Government is to guard and harness the attributes of SPF and cut down SNF attributes from society**
- 4. Government therefore, should have the powers to structure and enforce the laws and rules but MUST cover all its constituents at par with the citizen.**
- 5. Objectives to be defined:(a)safeguard the Nation's resources;(b) prevent propagation of urge to grab 'which is not due' and undue resources;(c) Safeguard the SPF and SPF element; (d)Preventing SNF from grabbing resources which are not due;**
- 6. SNF, may pick up 'SNF approach' initially for short term gains but if permitted to go unchecked, it would become their habit and consequently a mindset.**
- 7. Laws made for those who have inclination not to care for laws, Law making becomes purposeless without an enforcement 'environment' to universalize that 'laws are sacrosanct and 'disobedience is inexcusable'**
- 8. 'Enforcement Environment' would be acting on behalf of the Government as most 'important Government public interface' IGPI. 'Caalee' is entity/establishment responsible for 'Crime abolition and Law enforcement'.**
- 9. Government must care that adversities of the laws are applicable only to the SNF and not SPF. If not ensured, SPF would also become SNF**
- 10. The role of IGPI- Caalee, interfacing with the citizen is most important for accrual of benefits of laws to the deserving people**
- 11. The enforcement (by Caalee) is the most essential happening to produce desirable results in the whole process of 'laws producing results' (LPR).**
- 12. MOLOP is 'Making of Laws on Papers only' is reverse of LPR**
- 13. Laws must meet stipulations of 'Complete Laws'. An incomplete law shall be deliberate action to bring LPR to zero**
- 14. Justice delivery is responsibility of 'justice system', so it should prepare the draft of a law, complete and relevant, as per requirements of justice delivery and then seek Government's approval**
- 15. Thus a 'law cycle' should be established on time frame basis which would necessitate review of laws based upon LPR assessment at specified time**

16. Citizen should be enabled and empowered to use Laws by creating suitable knowledge sphere and enforcement environment. A law not known to the people, is 'law of no use' (LoNU)
17. There should be separate set of laws or laws with more stringent norms for GPP.
18. The important consideration for LPR would be that the 'citizens are able to get results' from the laws and mere availability of laws on paper with ineffective enforcement from the Government would not suffice.
19. the usefulness of a law is in its enforcement mode and not merely making it on paper. enforcement measures with associated RAAI defined
20. 'Citizen disincentive void' is inability of citizen to obtain results like LPR. many factors results this like non-availability and ignorance of laws, inefficiency of law enforcement agencies, CEAK Level, education level, lack of incentive/ amongst citizens for their rights, social and economic status, corruption, short of finance to fight for rights, RAAI of GPP, Government organs and units, etc.
21. Presence of 'citizen disincentive void'(CDV) produces 'negative effect laws', laws supporting SNF environment, a very disappointing derivation. This is a strange outcome but can be verified easily by looking at behavior of the society where the increasing numbers of defaulters, under such conditions, proves it.
22. No Government would even have worked out this state of 'anti law' behavior and out came, even though the laws have been made and placed on board.
23. In case (-)LU(Law usefulness) value is higher than the +LU, law, though having all philosophies in its text to control SNF, is only encouraging SNF multifold.
24. A government not able to remove the handicaps prevailing in the Government systems and in society causing 'citizen void' would prevent the people to develop adequate faith in Government norms, rules, practices, behaviors and causing CDV, its action of creating laws is futile and wasteful exercise.
25. Prominent existence of crimes/evils in society after laws in existence for many decades, represents a large shift of 0-0' and a large CDV in Government systems.
26. Laws at enforcement level between 0-0' can be termed as 'Negative value laws'.
27. that just by having incomplete laws and slackened enforcement (large CDV, the laws would become 'negative value laws'
28. A crime committed is a failure on part of the controller to have controlled it not to have happened. Thus the controller is dutiful to the WAL to provide compensation.
29. To impart justice to WAL, the culprit must be tortured and treated equivalent to the loss it has caused
30. Punishment should convey a message to all SNF that 'justice system' is working responsibly to protect people from their exactions and unsocial attributes
31. punishment MUST cause a greater loss to the culprit than it has caused

32. 'Monetary loss/fine/penalty' would not lead to disobedience of rules by people, instead may cause 'distortions' in GPP 'public service orientation'. Some ideas 'without monetary transactions' suggested which can effectively reduce disobedience of rules.

It would be an interesting exercise to analyze as to why laws and rules would be needed. We start with the fundamentals for convenience. As discussed in the Chapter studying 'Fragmentation of Society', there would be two type of members in a society, the one who would do good to the environment (including the society), people and public resources etc, Let we call them (SPF) 'Social positive factor' (aligned to environment). The other type would be the apposite, **who would harm the surroundings, environment, other members, properties, public resources etc and let we call them 'Social negative factor (SNF) (misaligned to society).** The SNF would have a tendency to grab and take away the share of wealth and prosperity of the SPF whereas the SNF should earn it without causing any trouble to the other members. However, further justification of the action by SNF, its correctness etc. or otherwise, would not be discussed being out of context and discussed in other chapter.

The most important attributes as now visualized for a SPF would be content, happiness, satisfaction, caring for others and SNF therefore would not have these attributes or significantly lack these. SNF would therefore, have a urge to grab more from the Nation's resources or resources available to whole of the society or from the resources with the SPF.

It would be the prime responsibility of a Government to guard and harness the attributes of SPF and cut down SNF attributes from society. The Government therefore, should have the powers to structure and enforce the laws and rules. **The Government, although would structure the laws and rules, but it MUST cover all its constituents at par with the citizen.**

OBJECTIVES: The formation of laws therefore, would have following objectives:

33. To safeguard the Nation's resources being grabbed by a person or persons, including HOG, MOG, PL, MGG, beyond an extent which is not due to it.
34. The Laws must also prevent the propagation of such urge to grab 'which is not due' and resources which are not due
35. To Safeguard the SPF element/attitude and SPF from its resources being snatched off and getting the share due to it from nations resources
36. Preventing SNF from grabbing over the resources which are not due to it and preventing it from taking away the SPF's resources. **In both these scenarios, it becomes evident that the laws are required for the SNF (attitude) primarily.**
It may be noted that SNF is a mindset and a tendency (and not specific class or category of people) which may occur in any class, category group of people.

Every human is selfish in nature, driven primarily by the concern about its 'survival' (explained in other chapter), it may tend to grab resources more than needed. It is also important to note that **people, SNF, may pick up 'SNF approach' initially for short term gains but once they get into it and permitted to go along over a period of time, it may become their habit and consequently a mindset.**

This leads to an **important analogy which emerges is that once in SNF mindset, they would not care about right or wrong as they start seeing every thing as 'right' including which is 'wrong' and merely look for their self gain.** The formation of laws and rules becomes necessary to obstruct their way.

ENFORCEMENT ENVIRONMENT

Even though the existence of laws and rules, SNF, becoming a mindset', would have a tendency not to care for the 'rules and laws' as the same are framed against what SNF would be inclined to do. And **if laws are made for those who have a natural inclination not to care about the laws, the making of a law becomes a purposeless activity if an enforcement 'environment' is not formed by the government to universalize that 'laws are sacrosanct and 'disobedience is inexcusable'**

The 'Enforcement Environment' would be acting on behalf of the Government as most 'important Government public interface' IGPI. Let it be called 'Caalee', entity/establishment responsible for 'Crime abolition and Law enforcement'.

However, at the same time, extreme care is required by the agencies in execution of laws and interfacing with the people that the **adversities of the laws are applicable only to the SNF and not SPF.** If the adversities of the laws get applied to the SPF also, intentionally or unintentionally, **this would cause them to acquire SNF attributes or get closer to SNF to resolve the happenings as SNF already having experience of such happenings.**

The role of IGPI- Caalee, interfacing with the citizen therefore, is most important for accrual of benefits of laws to the deserving people. Accrual of benefits to SNF would not only discourage the SPF but also encourage the SNF, thus enhancing the crimes.

The laws therefore, are waste without a strong environment and medium to enforce the laws in a manner which should result the objectives as noted above, served fruitfully, a status which can be termed as 'Laws (and Rules) producing results. **The enforcement is the most essential happening to produce desirable results in the whole process of 'laws producing results' (LPR).**

So **we shall proceed further with the concept of LPR**, instead of 'making of Laws on papers' (MOLOP) only and keeping it incomplete intentionally. A Government emphasizing upon MOLOP and covering role and RAAI of enforcement inadequately, just make the LPR meaningless. This is already happening in many governance systems, which is a passive, and wasteful fill gap activity in standalone manner.

This enforcement unit is termed as 'Crime abolition and Law enforcement establishment/ entity - 'Caalee' equivalent to 'Police'.

COMPLETE LAWS

The LPR would signify a regime with 'complete laws' as the minimum requirement. A 'complete law' would invariably consist:

- (i) Define basic rights of the citizen, like 'Freely accessible and unhindered' crime reporting and registration FCR/CRAG and human interface free automatic permanent record management of FCR/CRAG etc**

- (ii) **Definition and description of the crime, why it is a crime, grades for severity of crime**
- (iii) **Effective enforcement': Define Government enforcement unit, people with hierarchical Government position responsible for enforcement both at Government level and IGPI (public/citizen interface) level**
- (iv) **Responsibilities and Accountability assigned to the enforcement unit/ organization and actors/players**
- (v) **Responsibilities and Accountability assigned to the Government people HOG, MOG, OIG, MGG**
- (vi) **Responsibilities and Accountability assigned to the PL, Political Leaders**
- (vii) **Standard procedures for crime evaluation with Checklists as minimum requirements (however, as much comprehensive as possible) for every step from FCR/CRAG (termed as FIR in some systems) to forensic and medical tests and their results, field investigations, interface between different units, preparation and presentation of case to court, every step in time bound manner**
- (viii) **Time frame for each step of building up case not exceeding two months in any case. Case to be presented to justice system within two months as maximum time period**
- (ix) **Time frame for Justice Delivery system to deliver 'justice'**
- (vii) **Punishment to culprit,**
- (viii) **Punishment to Caalee/IGPI for any deficiency and anomaly in investigations and presentation of case**

The Law making

Being the representative of citizen and nation, the Government carries responsibilities of exercising control on SNF and protecting interests of SPF. The Government is also the prime carrier of statutory powers. The Government therefore, should be the origin of 'making of a law'. However, for creation and consolidation of any action and decision, the most important attributes are the knowledge and experience. The Government, without associating their designated organs having knowledge and experience of Laws and their accrued results, can not structure 'complete laws'. The ultimate objective of 'law making' is the 'delivery of Justice'. **Since justice delivery is the responsibility of 'justice system', it should prepare the draft of a law, complete and relevant, as per requirements of justice delivery and then seek Government's approval.**

The Law cycle

The Law may be effective for a time. As the time passes, its relevance and value may remain intact or may change. The parameter like 'LPR' must be stated and evaluated in DAVM form by the Government and establish about the need for any review of existing one. Leaving a choice with the Government and its organs regarding such monitoring and analysis may leave a void as Government may always avoid this important but cumbersome exercise being a secondary activity, more close to the citizen than Government's governance. **Thus a 'law cycle' should invariably be established, at least on time frame basis which would necessitate the review of laws based upon LPR assessment.**

It is to reiterate that LPR assessment would be DAVM analysis to conclude as to how much meaningful and purposeful 'a law' is to serve its objectives. A non-DAVM assessment would be an eye-wash and illusion.

For an example, If the society is divided on social, religious, economic or other terms also, the people having difference of opinion regarding living hood and on account of other factors, would have the feelings of separation. Behaving strangers occasionally, higher or lower in many terms of references and such environment would strengthen the SNF mindsets in those who are vulnerable and prone to such feelings and sentiments.

This extent of heterogeneity in a society would support formation of SNF mindset. As the heterogeneity in society is likely to change with time, it would change the relevance of 'a law' with time.

Government role and mission –Government GRAM

Creation of a law by Government is a local exercise owned by the Government and creation of laws therefore, is a much easy exercise compared to the implementation and enforcement which covers whole land area and population. **A government with its representatives in majority can make any law without much problem, but simply making a law never accrues the desired results. Especially if no consideration for completeness of law was kept a norm by the Government. An incomplete law shall be deliberate action to bring LPR to zero.** So much so, the government may even fail to let the people know about the law, its purposes, goals etc especially with ingredients of problems like illiteracy, poverty, no Government- Citizen direct communication etc and aggravates further when the population is large and heterogeneous.

The laws are made for people/ citizen either to provide freedom to them to look after their interests, so long as it does not interfere with the interests of other members of the society and society at large, AND to restrict them from doing an act which can interfere with the other members of the society or the society at large.

However, as the laws are made by the Government, there are chances that GP like HOG, MOG, PL, MGG provide relaxations from the severity of a law to themselves. **Rarely there are laws made exclusively for the 'Governments' represented by 'Government people' with the strong spirit of enforcement** and government normally do not carry responsibilities under separate laws and norms, which dilutes their accountability towards the citizen and the nation. The norms and laws do not even exist to bring out government's responsibilities towards the citizen and the nation. This becomes the most important reason for causing prominent separation between the government's working and the citizen's aspirations. **There should be separate set of laws or laws with more stringent norms for GPP.**

Presuming that such separate laws for the Governments (Government people) being on board, citizen is the related other party. Thus in all eventualities, **citizen should be aware of the laws and they should be enabled and empowered to use them by creating suitable knowledge sphere and enforcement environment. If a law is not known to the people, it can be termed as 'law of no use' (LoNU). Also a law with low LPR value would also be LoNU.** If the laws are adequately being used by the people and the same provide them protection, this state may be called 'laws useful to people' which will be equivalent to LPR. The important consideration for LPR would be **that the 'citizens are able to get results' from**

the laws and mere availability of laws on paper with ineffective enforcement from the Government would not suffice.

As explained above, making a law involves only few people, thus not a cumbersome exercise. A law so made is supposed to be applicable to millions of people, equally, effectively, and purposefully which becomes the most important and challenging task. **Without realizing a suitable and effective framework for 'implementation and enforcement of the laws', a government would turn this to an act of publicity and propaganda only and such action would make the laws purposeless to the people.**

Thus, the **usefulness of a law is in its enforcement mode and not merely making it on paper.** A law with low LPR value is LoNU and therefore a law must be launched with fully **enforcement measures with associated RAAI defined** in the law itself. In fact, there have been cases where even the citizens have been killed for using the laws. For example, as reported in leading newspaper Hindustan Times in India dated 27th July '10, (the news RTI activist killing to be referred to) eight persons were killed in a year for seeking information from the government using the 'RTI Act', a law vide which information can be sought regarding Government/ PDA working. Thus even though the law is given a wide publicity by the 'Government', not providing an environment for free and transparent use of the law by the people, **such mis-happening would amount to make it a LoNU.**

In above example, the RTI act should have defined Government's responsibility to put details on public domain instead of supplying information to the one who asked for it and became a victim.

Thus even a strong law would only be a LoNU without adequate coverage of an Enforcement domain with high RAAI.

Understand Laws and Citizen interface

A law can be classified say, by its law usefulness (index) factor. This is adopted as a principle for understanding the meaningful applicability and worth of laws to the society. Here Enforcement level is the 'net worth' of a law to the society. However, there are other factors which would affect the worthiness of a law to the people. Making a graphical representation of 'law usefulness' and the 'enforcement value', as explained above, it is obvious that the law usefulness is directly proportional to the enforcement/ net worth. Let us try to understand with a graphical representation.

The law usefulness is presumed to be varying from $(-)X$ to $+X$. $(-)X$ as 'law usefulness factor' shall represent a law **which would generate a negative effect in the society** because of primarily slackened enforcement. Zero value is law of no use and $+X$ would represent a useful Law.

Fig.

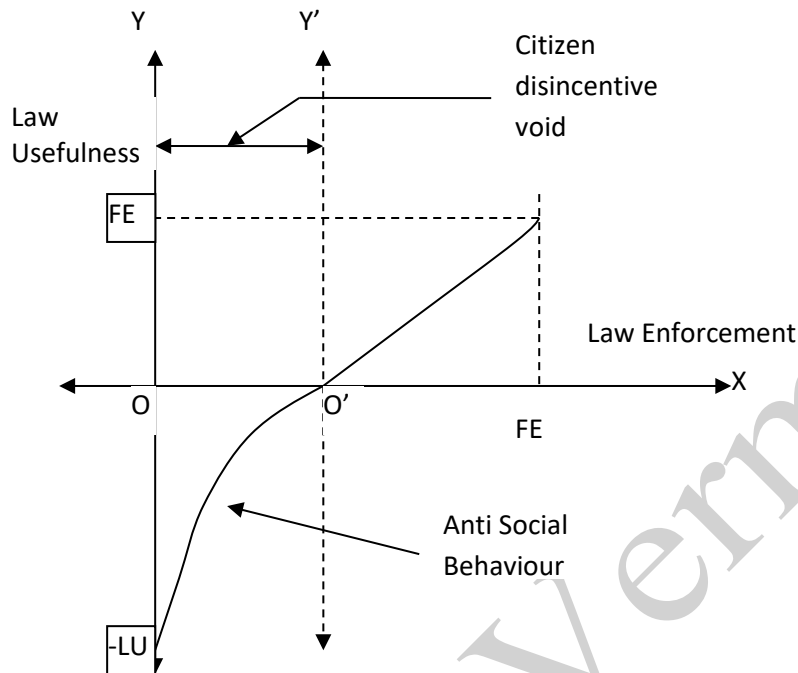


Fig.A

The 'law usefulness' is taken on the Y- axis and 'law enforcement' factor on the X- axis. Normally the law usefulness should be directly proportional to 'law enforcement'. However, it is to understand here that the 'O' of law usefulness as shown in the figure can not be the initial point for 'Enforcement level'. The law usefulness would not be practically effective at the initial stages, close to 'O' because of **many factors like ignorance of laws amongst citizens, inefficiency of law enforcement agencies, education level, lack of incentive/encouragement amongst citizens for fighting for their rights, social status, corruption, short of finance to support them to fight for their rights, RAAI of Government organs and units, etc.** If these factors are permitted to prevail, these would dominate over the citizen zeal towards laws and would compel them not to fight for their rights. If the enforcement level is low, the citizen would be discouraged to step out for seeking help of the laws. Thus in reality the Y-axis will shift from y to y' and this shift may be called '**citizen disincentive void**'. **Many other factors deciding magnitude of this shift would be the effectiveness (or otherwise) and efficiency (or otherwise) of the law enforcement Government systems like Caalee, judiciary etc, likely time frame for realization of results from Justice system, likely hood of decisions which would correspond to the spirit of the laws,** (if the judiciary would work on their interpretation of laws) etc. Thus if all these factors prevail in a nation, then the shift from y shall be significant. This would substantially reduce the law enforcement level in this zone. The curve for law enforcement would pick up therefore, after 'O'. Before 'O' therefore, the curve would go down to show negative usefulness of laws. This can also be understood without much argument.

The representation depicts an alarming fact. **Perhaps for the first time ever, this fact is being known that a law with 'improper enforcement' and 'Citizen void' delivers 'negative**

usefulness' or 'supports SNF'. This is a strange outcome but can be verified easily by looking at behavior of the society where the increasing numbers of defaulters, under such conditions, proves it.

The laws are the deterrents in a society for any member to behave in an antisocial manner. The fear of laws must be enough to result a discipline and environment of law compliance amongst the society members. However, **if the enforcement of laws is weak, it would work as an encouragement for the antisocial elements to take the laws and law enforcement systems for granted and would feel free to exercise their anti social activities.** It is also explained in the chapter 'How negative culture spreads'. If still the law enforcement remains ineffective and weak, the antisocial activities would multiply as these results substantially higher returns compared to the hard work, labour, time and the efforts having put in. **Once the antisocial elements get an impression that they have an easy way through, then they would make multiple attempts to amplify their gains.** Thus in the zone 0-0', as the curve moves away from 0, it drops sharply showing effect of negative enforcement level.

It defines a very interesting analogy that although the Government might frame a law and presume that it has been placed well for the welfare of the people, but the effectiveness is not only zero but results a negative value between 0-0' zone. **No Government would even have worked out this state of 'anti law' behavior and out came, even though the laws have been made and placed on board.**

The second important analogy is that higher the zone 0-0' is, little in left in the 0-FE (full enforcement mark) and the curve would look like as under:

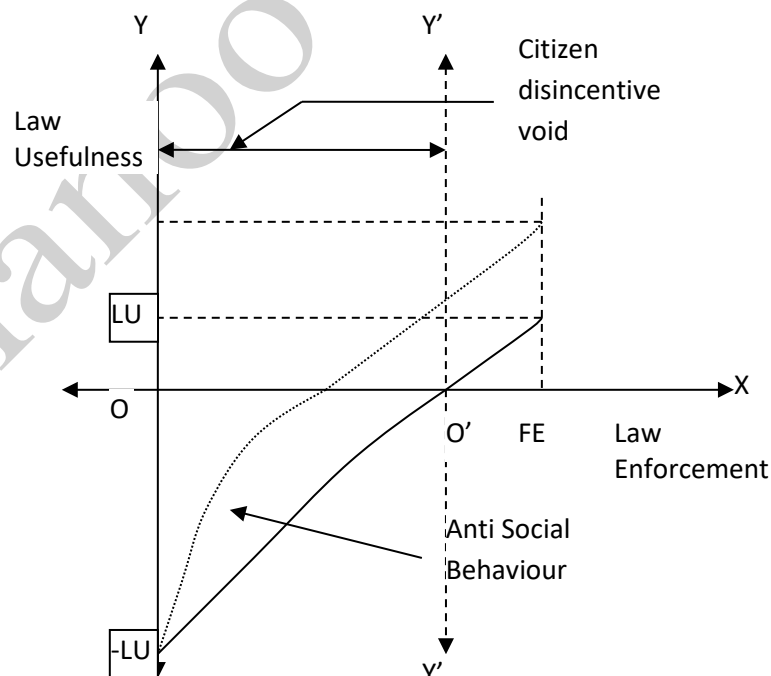


Fig. B

The result, as depicted in fig (B) is disappointing. The curve taking off from 0 does not rise much when it corresponds to 'full enforcement point' (FE) and the 'utility of law' comes down tremendously. The antisocial activities corresponding to the 'negative law usefulness' would

prevail in larger zone 0-0' bringing down the law usefulness to the people to a great negative value. **As per the graph, the (-)LU value is much higher than the +LU, thus law, though having all philosophies in its text to control SNF, is only encouraging SNF multifold. It should be noted that 'discouraging' SPF is also a way of 'encouraging' SNF.**

Thus if a government has not been able to remove the handicaps prevailing in the Government systems and in society causing 'citizen void' would prevent the people to develop adequate faith in Government norms, rules, practices, behaviors and causing shifting of 0 to 0', its action of creating laws is futile and wasteful exercise.

Taking example, the example of RTI act has been quoted above which substantiates the curve moving down to 0-0' zone. Further, there are laws against dowry, child labour, domestic violence, women abuse, however, these cases are not coming down. The laws against adulteration in eatables, liquor etc which amounts to killing masses at one time, are much in place for decades, yet most unhealthy innovations takes place in this field. Conversely, **the prominent existence of these evils in society after the relevant laws being in-force for many decades, represents a large shift of 0-0' and a large 'citizen disincentive void' in Government systems.**

It is described in chapter '**Vicious circle of Inferiority**' that a non-intelligent person in power would turn everyone else stupid for its survival. Thus continuance of 'citizen disincentive void' would indicate the 'unfair people' at Government level.

Not only that there are laws against all these, but the Government may freely pass on assurances to create laws against anything which is reported whatsoever against the society. However, as per above analogy, **without actually taking any conclusive steps to reduce the 'citizen disincentive void', laws would produce negative value** serving no purpose to the SPF citizen. **The laws at an enforcement level between 0-0' can be termed as 'Negative value laws'.**

Thus it is very clear from the above description that only 'law making' on papers, contributes only to a very little extent for its being available to the citizen usefully in the form of LPR. Therefore, **if a government promises to the citizen for making laws for any specific problems, and does not cover the 'methodology for enforcement' and 'procedures for its application', does not ' earmark accountability, RAA to actors/players/GPP' and doesn't make procedures to measure effectiveness', the government wants to produce an eyewash only** without showing real intention to pave way for its applicability and serve the defined purpose to the nation.

Negative value laws

At once everyone would react to the statement mentioning 'Negative value laws' as baseless and non-existent. May not believe it but the above analysis using graphical representation reveals this very important outcome which otherwise would not be believed. The gap between O and O' shall always exist unless serious efforts made by the government to minimize it, and more the government has been able to reduce it, more effective the laws would be. Ideally the enforcement of laws should start at O with all parameters promoting 'Citizen disincentive Void' (CDV) nullified. However, as seen previously, it would normally not happen and the effective enforcement shifts to O' and the curve between O-O' shows negative value of laws. This has

also been explained in the chapter 'Evolution of culture' that if a person is permitted to disobey the laws, intentionally or unintentionally, it spreads and becomes a culture. A culture in which even 'wrong' is not believed to be 'wrong' and thus leaving great incentive to all the people to adopt it. This is what 'Negative value of law' corresponds to. The people would start disobeying rules and also claim it to be 'right'.

An important issue comes up. If the government cannot ensure laws to be complete and/ or cannot ensure the enforcement to be effective, why it would make laws?

Let us understand why the government may not like that the 'laws are complete' and 'enforcement is strong'. If the crime rate is not coming down visibly and evidently, the reason would be either 'incomplete laws' and 'Slackened enforcement' or 'both'.

At one time, a government is controlling millions of people and all moving differently because of many reasons elaborated in 'Evolution of Culture' and other chapters. The government may either exert to bring them to the same alignment, very tough and unending perseverance, exposing the government to criticism from the citizen.

Or it may permit all of them to act the way they wish, which would serve many purposes like:

- i) **Popularity of providing freedom** to all the citizen
- ii) **The masses being largely dissatisfied because of being envy to others** who gain in life because of hard work or otherwise
- iii) **Conflicts amongst people pushes them to come to government for resolutions and the government becomes a 'master' by default.** It is explained in MS Governance chapter that once this occurs, it aggravates without boundaries as for being 'master', the government starts making the 'citizen' as slaves.
- iv) And with weak enforcement and 'incomplete laws' the government can decide any case the way they wish it to be, thus changing orientation to 'corruption'.

And permitting all the people to do what they want would also expose the government for being weak and incapable. **So the best way a government with orientation towards 'masterism' and having intention of 'governance of ease', would adopt having 'incomplete laws' and 'flawed' enforcement.** With this the government would have excuse of having placed the laws and avail helplessness of being able to control, the 'irrepressible' situation and masses.

The symptoms of above governance would be 'rising crimes' especially (but not limited to) 'minor crimes and disobedience of rules' as the people would stop reacting to it. The government would also stop reacting to such 'disobedience' taking benefit of undesirably founded 'SPF peoples apathy' and promoting SNF simultaneously. So the laws and rules become '**Laws for Fun**' as these do not serve the 'purpose and objectives' any longer. This would enhance the extent of CDV multifold.

This analogy emerges as an 'undiscovered and undocumented' fact **that just by having incomplete laws and slackened enforcement (large CDV, the laws would become 'negative value laws' permitting people to practice what they should not. Permitting government to 'unsee' what they should not.**

Unfortunately this would not stop here.

When the citizen has become immune to the existence of laws and also disobedience of laws and rules becomes common experience, the government PDA would start availing option to 'strike on some' out of whole lot of those who flout laws and rules, for entering into a bargain for 'not punishing' them. Thus extracting self benefits. At this stage, **the government would have little interest in making the happenings 'correct', modifying and making laws complete, and making the enforcement entity/unit accountable.**

And the laws would turn into another alien shape of 'Laws for extraction' of self benefits' now. **And once it happens, the Government would automatically acquire 'Masterism' pushing citizen to turn into 'slaves'.**

Therefore, Master (government)- Slave (citizen) governance would yield

1. 'incomplete laws and rules'
2. Ineffective enforcement
3. Large CDV

PUNISHMENT

A person has committed a crime and it got proven also. So what next? An action which should have following objectives:

- I. The one who has suffered loss, must be compensated to fulfill the intrinsic duty of a controller(of law) i.e. Government. **A crime committed is a failure on part of the controller to have controlled it not to have happened. Thus the controller is dutiful to the WAL to provide compensation. This is MUST to impart 'justice' to WAL.**
- II. **A lesson to the culprit that committing a crime, and thus, making others in the society at loss, is incorrect and intolerable.** This would suggest an action on the culprit which should put it to 'unsavory and grotty' living, harsh enough to make the culprit to regret the misdeed done.
- III. **Keeping the culprit away from the society so that others do not get infected by his ways of anti-social living**
- IV. **A message, strong enough, to all others, that being anti-social/ committing crime is just unacceptable** and anyone adopting such behavior in future would face 'dire' consequences. **For this 'dire' action must be taken in the present case.**

Let we call this action on the culprit by the controller i.e. Government as '**punishment to culprit**'.

There have been 'arguments' presented by some that the culprit is also human and should be given chance to restart its life. As mentioned above, the controller has foremost duty to deliver justice to WAL. In case the WAL has incurred an irreversible loss, say killed, the above argument would support no action on culprit as WAL is not alive and therefore, not there to receive the 'justice'. And since there is nobody to receive justice, it's of no use to provide justice to someone non-existent. It should be

therefore, understood that **'it is DUTY of the controller to give justice to WAL** realizing as the reason for 'its rightful existence' and the 'controller' must deliver justice. The controller in a country would be the 'Government'.

It must be realized that the punishment would be provided in the law for the following:

1. **To impart justice to WAL, the culprit must be tortured and treated equivalent to the loss it has caused** to the minimum
2. **To convey a message to all SNF that 'justice system' is working to protect people from their exactions and unsocial attributes and if they continue with their unsocial behavior, they shall incur greater loss**, they shall be treated in a manner that would cause loss to it, higher than the culprit has caused to SPF/WAL.

It should therefore, be clearly understood that the **punishment MUST cause a greater loss to the culprit than it has caused**. In other chapter it has been explained that the 'justice' and 'injustice' happens together. If the 'justice system' driven by sentiments dilutes the punishment to culprit, it is going to be 'injustice' not only to WAL but 'the whole society' of SPF. Giving punishment to culprit may be looked at 'injustice' to the culprit as an individual like others but has to occur to provide justice to 'WAL' which is necessary to protect the society from evil of the culprit.

A natural demand of justice would be that the WAL is compensated equivalent to the loss, as the minimum. And adding the other objectives II, III, IV, it is imperative that the punishment should be even much more 'severe'.

And if such punishment is not delivered, it would be 'injustice' to WAL, agreeing to which the government would lose the 'fundamental' meaningfulness of its existence. Also the objectives at I, II, IV substantiate that the punishment 'must be' severe and unsavory, much more compared to the loss.

As a course of punishment, it is necessary that the culprit is kept adequately away from society.

Therefore,

- 1) A punishment much harsh than the loss caused to WAL, must be executed upon culprit
- 2) By causing loss to others, the culprit loses the right of any emotional support and the punishment should be in 1:1 mathematical preposition and not display of sentiments.
- 3) Culprit must be kept away from the society.

Some Common issues

The punishment for petty crimes, which are common and large in numbers, and in which a person overlooks a rule but does not cause loss to others, should be 'on the spot' for fast disposal as the number of cases are large. The objective of discouraging the defaulter to repeat, should be served as well. **The most popular way of punishment is 'monetary fine' in many systems. This system is continuing for many decades and still exists which itself proves that it could not stop the**

'lawlessness' by people. Surprisingly no one ever tried to find out some other alternative and readily and happily proceeded with this system which is based upon 'monetary transaction'.

These is a derivation of 'Laws for Extraction'

Let we analyze it. **We divide the fine (monetary loss to defaulter) into two categories (i) F1: which can be paid by the person on the spot conveniently. Say this corresponds to a monetary value of M1 (ii)F2: which cannot be paid by the person on the spot conveniently. Say this corresponds to a monetary value M2.**

Depending upon the economic strength of common people, they would carry cash in the wallet, say the average comes to 'Ma' where $M1 < Ma < M2$. Now obviously if a fine of M1 is imposed, the same can be paid by the person on the spot, being available. However, if the value of fine is M2, it cannot be paid, being not available. So what would be the action by government power dissipating agencies? Either they permit the disobedience to continue or use their discretion for other course of action. Of course they would not close their eyes from taking note of defiance by the people as this would end their existence. So they would look for using their discretion, A discretion of an individual, which is not 'the Law'. **Thus going by their discretion, they would themselves defy the Law. Quite interesting!**

The PDA has to impose penalty so that there is monetary loss to the defaulter, which bears the notion of 'extending discouragement' to the defaulter. But M2 is not available. What about M1 then? Officially however, it is not permitted. So what about unofficial course! Yes the PDA would have the alternative and discretion of causing a monetary loss to defaulter which can be spared conveniently and keeping the money with him.

The analogy is producing very interesting results as below:

- 1) Monetary fine would not contain the disobedience of rules
- 2) Monetary fine which can be conveniently paid by defaulter would not form disincentive. Specially if the gains out of 'disobedience' are more than the 'fine', it does not leave any impact at all
- 3) Monetary fine which cannot be paid conveniently would result corruption and malpractices.
- 4) And once getting into the habit of using self-discretion, the PDA would not even tend to impose penalty which can be paid conveniently, but enter into a bargain for self-gain.
- 5) And this would spread like a culture as explained in the other chapter

Is it not surprising that if a monetary fine has been imposed by a PDA which is an amount a common person would not carry normally as additional and unforeseen expenses and cannot be paid by defaulter on the spot, the basic design leads to corruption. An act with high MUBI index.

Instead the PDA, if serious about containing such disregard to the rules, should stop monetary fine and impose penalty which may 'affect' the person's personal zone. Taking an example from road traffic where probability and magnitude of noncompliance of rules is very high, it is being explained. Obtaining a driving license is a cumbersome activity in most of the nations. The driving license be issued with, say 100 points, and a predefined score is deducted from license on every disobedience of rules, and license becoming invalid when 100 points

have been deducted. Similarly, it can be applied to vehicle registration. If a person is kept waiting for 30minutes on the spot, by disabling the vehicle and he would miss a business deal or important meeting, it will be a loss which would hurt him. Or information is sent to his family and office about his action spoiling its image. The person may carry a 'money transaction card' loaded with some money and the penalty is effected through it.

The PDA may still negotiate for personal gains, but it is now 'absolute corruption' without any excuse that negotiating for 'less amount' was necessary to punish a person since he was not having M2 amount.

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