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The law that cannot liberate: The limits of punishment

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The law that cannot liberate: The limits of punishment



another case closed. Justice has been served, we are told. But has it? Look at the man being escorted to his cell and look more carefully at his mind. The same fear that drove the act still festers there, the same greed, the same unexamined darkness that pushed him toward harm. The body has been caged, but the real criminal walks free. No handcuffs can touch it. No sentence can reach it. No prison can hold it. This is the fundamental limitation of human justice: it punishes the act while leaving the actor internally untouched; it prosecutes the symptom while the disease walks out of the courtroom, grinning.

The numbers tell the story of this futility. The United States, with five percent of the world's population, incarcerates nearly a fifth of its prisoners, spending \$182 billion annually on an apparatus that returns close to 40 percent of its inmates back to the cells within three years. India's system is no different in essence, only in style: over seventy percent of inmates are undertrials who have not been convicted of anything, the majority from economically and socially marginalised communities, as though poverty and marginalisation were themselves offences. Prisons overflow beyond capacity while courts drown in backlogs stretching decades. We keep building more cells, passing more laws, hiring more police, and the same faces keep returning. At what point do we admit that we are not solving the problem but feeding it?

The Sleeping Criminal

What is crime, really? Let us strip away the legal definitions and look at the thing itself. Is crime anything other than unconsciousness spilling over into action? A man who truly knows himself, who has seen through his own fears and hungers, who has dissolved the lies he has been living, does such a man steal? Does he rape? Does he kill? He does not need a law to restrain him because there is nothing left in him that requires restraint. The awakened mind is not controlling its dark impulses. It has none. This is the difference between suppression and dissolution, between managing the criminal and dissolving criminality.

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The criminal, then, is not a monster. He is a sleepwalker. He is acting out the same conditioning that runs through every unconscious human being; he has simply crossed a line that society has drawn and codified. And society? Society is no more awake than the man it condemns. It operates from the same blindness, the same unexamined ego. Too often, it punishes not to heal but to hurt, not to transform but to avenge. It needs someone to declare guilty so that it may feel innocent. It needs someone to lock away so that it may feel safe. This is not justice at its best; it is justice degraded into theatre. This is the collective ego playing victim while remaining perpetrator.

Why does society love punishment so much? Because punishment creates distance. It says: the criminal is the other, the criminal is there, safely behind bars, and I am here, righteous and clean. Punishment protects the ego from the unsettling recognition that the same darkness lives in every unexamined mind. The courtroom is not always a place of justice; at times, it can also become a place of collective denial.

Darkness Cannot Cure Darkness

Let us observe the logic we operate by. A man commits violence, and society responds with sanctioned violence: confinement, isolation, deprivation, and in some places, death. We call this justice. But violence cannot cure violence any more than darkness can illuminate darkness. Only understanding can dissolve the ignorance that produces crime.

What happens inside a prison? A man often enters confused and leaves more confused. He enters angry and leaves angrier. He enters without self-knowledge and leaves with little answered, little resolved, little transformed, only more bitterness added to the pile. In India,



educated by his surroundings in crimes he had never imagined. We call this correction. We call this rehabilitation. The words strain under their own weight.

Yet transformation is possible; this is not wishful thinking. In the 1990s, Norway's prisons were producing the same dismal results as everyone else's: recidivism rates between 60 and 70 percent. Then Norway asked a different question. Instead of asking how to punish more effectively, it asked how to rehabilitate more meaningfully. It redesigned its prisons around the principle of normalisation: life inside should resemble life outside as closely as security allows. Officers became mentors. Inmates retained voting rights and access to education. The maximum sentence was capped at 21 years, with the average term served far shorter. Today, Norway's reconviction rate stands near 20 percent. Same human beings, different philosophy, radically different results. The lesson is not administrative. It is existential. When you treat a human being as capable of change, change becomes possible. When you treat him as worthy only of suffering, suffering is all you reliably produce.

The Criminal and the Judge

Here is what no courtroom will readily acknowledge: the criminal and the judge are not as different as they need to believe. Both move under the weight of human conditioning. One has crossed a line that carries a legal sentence; the other crosses lines that the law does not address. The difference is not one of purity but of permission. One act is named and punished; another is normalised and applauded. One steals property; another steals joy through comparison, gossip, and quiet manipulation. One inflicts visible harm; another inflicts damage that leaves no bruises but hollows lives all the same.

This is not to collapse responsibility or excuse violence. It is to point to something more uncomfortable: the same ignorance that erupts as crime in one life often appears as respectability in another. The courtroom can punish an act, but it is not designed to question the inner soil from which all such acts grow. You sentence people every day. With glances, with silences, with conclusions delivered casually over dinner tables and WhatsApp groups. You decide who deserves patience and who deserves contempt, who is redeemable and who is not. The courtroom is only the official theatre. The unofficial trials never stop.

All violence drinks from the same poisoned well. Theft, assault, emotional cruelty, exploitation, indifference: these are not different diseases but different intensities of the



The Only Punishment That Works

The problem with punishment is not that it is harsh. Harshness is sometimes necessary. The problem is that punishment has forgotten its purpose. To punish means to correct, and correction means transformation. Any punishment that does not even attempt transformation risks degenerating into revenge, and revenge is merely violence with a cleaner name.

What would real correction look like? It would hold up a mirror so unsparing that the one who looks can no longer hide from himself. When a man truly sees what he has been doing, when he sees the pattern and not just the incident, something breaks. He says to the old tendency: you have no right to exist anymore; you must go. That is transformation. That is the only sentence that reaches the root. Guilt that does not transform is moral theatre, a performance for oneself and others. And forgiveness, as it is often practised, can become another game of the ego: I was hurt, and now I generously choose not to retaliate; look how noble I am. Real forgiveness does not arise from generosity but from clarity. It sees that, at the psychological level, there was not a villain to be hated but conditioning playing out its script. When this is seen clearly, resentment dissolves, even while responsibility remains intact.

The Mirror

None of this means abolishing consequences. Society requires boundaries, and actions must have outcomes. But the spirit behind correction must change: from revenge to responsibility, from caging bodies to awakening minds, from producing better prisoners to producing better human beings. Until we address the root, we will keep building prisons, passing laws, pronouncing sentences, and wondering why nothing changes. The employer who exploits workers within legal limits, the corporation that poisons communities but pays its fines, the nation that flattens forests and calls it development: are these not forms of violence? They are harm without handcuffs, destruction without visible blood.

The real criminal is not a person. It is ignorance itself, and ignorance cannot be arrested, sentenced, or executed. It can only be illuminated. The question is not whether this is idealistic. The question is whether we can continue calling the present arrangement realistic when it has so obviously, so spectacularly, and so repeatedly failed.