UNIT 2. CRIME

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2.1 LEARNING OBJECTIVES

After going through this unit, you will be able to-

- know what is crime
- identify the different types of crime
- discuss the causes of crime
- know about the laws and acts that are being implemented to prevent crime in India

2.2 INTRODUCTION

In general, crime is a violation of the social law. Ever since man started his social life, crime has existed. It is considered an anti-social behavior which a group rejects and to which it attaches penalties. In this way, all those activities to which no punishments are attached may be sinful

but they are not criminal. Sometimes a criminal may not be taken as a sinner, but a mentally diseased or disturbed individual victimized by circumstances. There was a time when even the small children committing crime were punished severely. But now this concept has changed completely. In every nation, efforts are made to reform and correct the criminals and the delinquents and to make them good citizens. In this unit we will try to understand the concept of crime.

2.3 Meaning of Crime

Criminologists have defined crime in different ways. An eminent criminologist C. Darrow (1934) mentioned that 'crime is an act forbidden by the law of the land and for which penalty is prescribed. If this definition is analysed properly, it can be noticed that the definition strictly adheres to the social point of view. From the legal point of view, violation of law constitute crime. Barnes and Teeters (1959) said that "the term 'crime' technically means a form of anti-social behavior that has violated public sentiment to such an extent as to be forbidden by statute". This particular definition does not include those anti-social activities which are not prohibited by law. In this context, a prominent criminologist E.H. Sutherland opined that though no punishment is prescribed for some anti-social activities, the public opinion always condemns them.

According to Garofalo, even the actions contradictory to the prevalent conception of pity and truth should be considered criminal. Therefore, the term 'crime' should be defined from both social and legal points of view. Let us first mention the legal definition of crime.

2.3.1 LEGAL DEFINITION OF CRIME

The legal definition of crime is that it is a behavior or an activity in violation of the legal code. In this context, the most often quoted definition is that of Paul Thappan (1947). He has defined 'crime' as "an intentional act of violation of the criminal law committed without defense or excuse, and penalized by the state'. Thus, a crime is tus

an act in violation of a criminal law for which a punishment is prescribed; the person committing it must have intended to do so and must have done so without legally acceptable defense or justification.

Thappan's definition is strictly legal and it reminds us that the state, has the power to define crime. So, this definition focuses on six elements as mention below :

i) The act should be actually committed or it should be an omission of a legal duty.
ii) The act must be voluntary and committed when the actor has control over his/her actions.
iii) The act should be intentional, whether the intent be general or specific.
iv) The act should be a violation of a criminal law, as distinct from a non-criminal law or civil and administrative law.
v) The act should be committed without defense or justification.
vi) The act should be sanctioned by the state as felony or a misdemeanor.

Hall Jerome (1947), another criminologist has defined crime as "legally forbidden" and international action, which has a harmful impact on social interests, which has criminal intent, and which has legally sanctioned punishment for it.

Mower has defined it as "an anti-social act". Thorsten Sellin has defined it as a "violation of conduct norms of the normative groups".

2.3.2. SOCIAL DEFINITION OF CRIME

As mentioned, a good number of criminologists define 'crime' from social view point. The social definition of crime is that it is a behavior or an activity that offends the social code of a particular community. Caldwell (1956) expressed that "crime is an act or a failure to act that is considered to be so detrimental to the well-being of a society, as judged by its prevailing standards, that action against it cannot

be entrusted to private initiative or to haphazard methods but must be taken by an organized society in accordance with tested procedures".

Thorsten Selling (1970) described crime as a "violation" of conduct norms of the normative groups"

Mower (1959) defined crime as an anti-social act.

Nisbet (1970) expressed that crimes are the activities which threaten social order, offend morality, and endanger persons and property.

Therefore, the legal and non-legal definition of crime gives us a clear understanding of crime.

2.3.3. CHARACTERISTICS OF CRIME

After going through the above mentioned definitions, we can find out some characteristics of crime. It is noticed that ideally a behavior would not be considered as crime unless some aspects are present there. These aspects are mentioned below:

- Illegal: The act must be legally forbidden and must be punished by legally prescribed penal law. Anti-social behavior is not crime unless it is prohibited by law.
- Harm: Before a behavior can be called criminal there must be certain external consequences or harm. A crime has a harmful impact on social interests.
- Malafide Intention: To be called a criminal conduct that is, there must be an intentional action or interaction which brings about the harmful consequences.
- Criminal Intention: Criminal intent must be present. The motives behind committing a crime may be noble but the intention is criminal.
- Causal Relationship: There must be a causal relationship between the legally forbidden harm and the voluntary misconduct.

- Concurrence of Intention and Conduct: There must be a concurrence of criminal intention and conduct.
- Prescription of Punishment: There must be legally prescribed punishment. The voluntary misconduct must be punished by law.

Criminologist Garofalo introduced a concept of 'natural crime' and defined it as violation of the prevailing sentiments of pity or probity. Radcliffe Brown, an eminent anthropologist, defined crime as the violation of usage which gives rise to the exercise of sanction. The crime is any act which causes harm to man's social interests.

2.4 Types of Crime

Criminologists have classified crimes on different bases. **Sutherland** classifies crime into two types on the basis of their atrocity and seriousness, felony and misdemeanor. Felony is the most serious crime for which a man can be imprisoned for a long period of time or sentenced to death. On the other hand, misdemeanours are those less serious offences for which either a short-term confinement in a jail may be provided or a fine may be imposed.

Lemert (1958) also classified crimes as situational and systematic. Situational crimes are those which are committed in a planned and systematic way.

Clinard and Quinney (1967) have give given six types of crimes as mentioned below:

- Violent personal crime
- Occasional property crime
- Occupational crime
- Political crime
- Public order crime and
- Conventional crime

Hayes recognizes three main types of crime and these are:

- Crime concerning property

- Crimes against the person and
- Crimes against order

W.A. Bonger (1916) has mentioned that classification of crimes is based on motive. Taking motive as criterion, he has talked about four types of crime and these are:

- Political Crimes
- Economic Crimes
- Sexual offences and
- Miscellaneous crimes

Howard Becker has classified crime into four types which are discussed below:

- Individual Crime: When only one individual is involved in planning and executing a criminal act then it is called as an individual crime. According to psychologists and psychiatrists, the reasons behind individual crime are generally associated with defective interaction pattern in one's family.
- Group-supported crimes: When criminal activities are planned and executed by more than one individual then it is termed as group-supported crime.
- Organised crime: When formal groups are formed to conduct criminal activities smoothly then they are termed as organized crime. This type of crime was recognized for the first time in the United States during 1950s. For example, carrying out smuggling, kidnapping, illegal prostitution, organizing mafia gang etc.
- Situational Crimes: Crimes committed by a person under certain circumstances, who is otherwise not inclined towards committing criminal activities.

Besides the above kind of classification, crimes are also classified as white collar crime, professional crime and organized crime.



CHECK YOUR PROGRESS

Q1(a). Mention 2 types of crime.

.....

Q1(b). In which country organized crime was identified for first time ?

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2.5 Causes of Crime

The causes of crime are diverse. The main causes of crime may be studied under the following heads:

- Social Causes
- Economic Causes
- Political Causes
- **Social Causes**
  - Disorganised Family : According to Criminologists the family is the most dominant factor in the social causes of crime. When the family is disorganized and loses its control on the members there is no restriction on the criminal tendencies of the children. If the natural relations among the members of family is devoid, then they tend to become prone to criminal activities
  - Absence of Social Control: Now a days social organizations are no longer effective. Apart from this, it is easier for the criminals to run away after committing crimes because of easy transport facility.
  - Defective Education : When Education is defective and it encourages the students to be more self-centered, some youngsters may acquire deviant behaviours in the absence of good moral education.
  - Cinema: Cinema is a contributing factor to the growing incidence of crime because in most of the cinema, violence and crime is highlighted.

- Newspapers: Some newspapers publish the news of crime with a view to sensationalizing such news and thereby increasing their circulation. When people read all the details they sometimes feel encouraged to imitate such criminal acts.
- Use of alcohol: This is one major factor for the increasing crime rate in India. Many crimes are committed under the influence of alcohol.
- Defective social practice: Defective social practice like dowry has been a grave evil practice in India. Sometimes crimes are related to such evil system as dowry system prevalent in India. Women are mostly the victims of such crimes.
- Religion: Religious fanaticism is often connected with the rise of crime rate in India and some other countries.
- Changes in Social Values: Social values in India are rapidly changing promoting materialism and consumerism which have induced some people may irolulge in crimiral activity for easy money.

- **Economic Causes**

The main economic causes may be studied under the following heads -

- **Poverty :** Poverty is the acknowledged as one of the causes of criminality. A hungry man may do anything to minimize his hunger. Prostitution also increases mainly due to poverty.
- **Unemployment :** Unemployment is also a major cause of crime in India. Many young men commit suicide due to being unemployed for long time. It also leads to other anti-social activities like robbery, stealing, pick-pocketing etc.
- **Industrialization :** Industrialization is an important cause of crime in India. Due to industrialization, there is disorganization of family life; the labourers have to work for long hours under odd, hard circumstances, and they have to live away from their families for a long time. There is also lack of healthy recreation. All these lead to alcoholism, gambling, prostitution, robbery etc.

- **Urbanization :** Urbanization is the result of industrialization. There is no control over individuals in cities. It is easier for the people to commit crime and escape by mixing among the crowd in a busy city.

- **Political Causes**
  - **Legal loopholes :** Many criminals are not punished due to technical and legal loopholes. There is always an opportunity to prove the true thing as false and false things as true. Due to this many innocent people are prosecuted and convicted and many guilty ones escape punishment. Due to inefficiency, immorality and corruption in Police Department, the crime situation has worsend.
  - **Political Encouragement :** The corrupt politicians are often found to encourage the youths for their narrow political designs. There is sometimes a nexus between the politicians and the criminals.

2.6 Theories explaining the cause of crime, criminal behavior and punishment

- **Classical Explanation :** This explaination to explain crime was propounded by an Italian thinker name Beccaria. This school of thought is influenced by the Classical theory propounded by Rousseau. In other words, it is rooted on the idea that humans are rational, gifted to realise their self interest and pleasure seeking beings. Crime is the culmination of an individual's hedonistic intentions and punishments are required to restrain such individuals. Some of the key postulates of this explanation are as follows :
  - A person's behavior is directed by a purpose and is rooted on the pleasure principle which means that by nature an individual tries to avoid pain and chooses to seek pleasure.
  - Punishment is required in order to make the resultant pain outweight the pleasure that one may derive from the commission

of the crime. Thus, the task of the legislatures is to enact the law, define what is legal and to determine the punishment for the violation of law.

- Punishment should be proportionate to the crime committed and the punishment should be pre decided, quick and must be made public.
- In a society the law must be equally applicable to all the citizens.
- The task of the judiciary is to determine whether a person has committed a crime or not and accordingly prescribe the punishment as decided earlier.

- **Biogenic Explanation :** According this school of thought criminal behavior is determined by hereditary and genetic factors. This school also argues that the fact that one possesses criminal tendencies is reflected in one's physical aspects. Lombroso is one of the advocates of this school of thought and he claimed that the physical type of the criminals differ from the non-criminals. He identified a number of physical characteristics that can be attributed to criminals like asymmetrical face, large ears, excessively long arms, flattened nose, retreating forehead, tufted and crispy hair, insensibility to pain, eye defects and other physical peculiarities. However, later Lombroso pointed that not all criminals are born as criminals.This biogenic explaination for crime was revised by a Harvard physical anthropologist named Hooton in the year 1939. According to him, in every society there are a few brilliant people, a lot of mediocre people, hordes of morons and a regiment of criminals. On the basis of his study he concluded that the primary cause of crime is 'biological inferiority'. The conclusions that he derived from his study are:

- Criminals are biologically inferior. Criminal behaviour is the outcome of one's inherited genetic composition which is reflected in one's biological characteristics like sloping forehead, thin lips, straight hair, body hair, small ears, long thin necks and sloping shoulders.
- A particular type of biological inferiority results in the commission of a particular type of crime. For instance 'tall and thin man incline to

become murderes or robbers and short heavy men are inclined towards sexual offences.

- In order to eliminate crime sterilization of man with physical and mental deformity can be effective.

However this school of thought is criticised by many who argue that crime is a social process and is not biologically determined.

- **Psychological Explaination :** This theory attributes inclination towards criminal activity as a result of 'feeble mindedness'. Henry Goddard is one of the advocates of this theory. According to him feeblemindedness is inherited. However, he also maintained that a feebleminded person need not always become a criminal. He or she might be inclided towards crime but may not commit it. Whether one becomes criminal or not is determined by two factors: firstly his or her temperament and secondly his/her environment. In other words feeble mind may be inherited but criminality is not inherited.

- **Psychiatric Explaination :** This explanation for crime is provided by psychiatrist like William Healy. According to them psychogenic traits are responsible for encouraging one to commit crime. Healy found that most of the criminal suffered from personality disorders. Psychiatrists have indicated three types of mental disorders and they are:

  - **Schizophrenia :** It is a mental disorder which involves experiencing delusions and hallucinations.
  - **Manic-depressive disorder :** It involves experiencing mood fluctuations.
  - **Paranoia :** It involves feeling extrenely anxisus and warried

- **Psycho-analytic explaination :** This explaination to understand criminal behaviour is influenced by the psycho-analytic theory proposed by Sigmund Freud. The psycholoanlytic theory talks about three important aspects of self and they are Id, Ego and Super Ego. Id refers to one's raw desires or urge. Ego refers to the reality and the super ego is the conscience possessed by every individual which guides his or her actions. Following this strand of idea the proponents of psycho-analytic explaination argued that:

- One's behaviour is guided by the unconscious drives and desires.
- Criminal behaviour is the outcome of one's impulsive response to the drives or urges
- In order to modify the criminal tendency of an individual, the person is required to be made aware of the unconscious roots of his or her actions so that he or she can control the impuses.

According to this explanation, in a personality, id, ego and super ego function in harmony. For example, if a balanced person feels tremendously hungry while waiting for his food to arrive, he or she will not snatch food from others but will wait patiently and inquire patiently if it is delayed further. In other words, a balanced personality does not act impulsively to gratify his or her urge but thinks rationally before acting to fulfil the desire. This task of thinking rationally is associated with supper ego and when the super ego is not developed, the repressed desires may lead to unacceptable behaviour.

2.7 Crime in India

According to Emile Durkheim crime is a normal social fact because it existed and exists in every society. According to him crime is the deviation from the collective will be defined by a society. Some times crime in a society is functional as it hurts the collective sentiment and acts as a reinforcing agent to maintain cohesion in society. However, crime turns out to be dysfunctional for a society when its rate becomes unusually high. In Indian society today, several crimes are committed whose scope is much wider and cannot be discussed in one unit. However, one of the most rampant and serious crimes today at this age of fast technology is Cyber crime, which requires some urgent attention. Cyber crime helps one or a group to easily commit various crimes.

At present the Indian Criminal Procedure Code (Cr.P.C.) has classified crimes under two categories. These are cognizable and non-cognizible crimes .

- **Cognizable Crime :** The Criminal Procedure Code states that, 'A cognizable offence or case is defined as the one which an officer in-charge of a police station may investigate without the order of a magistrate and arrest without warrant. The police have a direct responsibility to take immediate action on the receipt of a complaint or of credible information relating to such crimes, visit the scene of the crime, investigate the facts, apprehend the offender and arraign him/her before a court of law having jurisdiction over the matter. Cognizable crimes are broadly categorised as those falling either under the 'Indian Penal Code (IPC)' or under the 'Special and Local Laws (SLL)'
- **Non-Cognizable crime :** 'Non-Cognizable crimes are defined as those which cannot be investigated by police without the order of a competent magistrate. Police do not initiate investigation in non-cognizable crimes except with magisterial permission. First Schedule of the Cr.P.C. gives the classification of the offences of the IPC into cognizable & non-cognizable categories'.

The following crimes come within the purview of Indian Penal Code (IPC):

i) IPC Crimes against Body: Murder, Attempt to commit murder, Culpable homicide not amounting to murder, Attempt to commit Culpable Homicide, Kidnapping & Abduction, Grievous hurt, Causing death by negligence, Causing injuries due to rash driving/road rage and Human trafficking(under Section 370/370A IPC);

ii) IPC Crimes under Sexual Offences: Rape, Attempt to commit rape, Assault on women with intent to outrage her modesty and Insult to modesty of women

iii) IPC Crimes relating to Property Offences: Dacoity, Making preparation and assembly for committing dacoity, Robbery, Criminal trespass/ Burglary and Theft;

iv) IPC Crimes relating to Public Order: Riots, Arson, Unlawful assembly and Offences promoting enmity between different groups;

v) IPC Crimes relating to Economic Crimes: Criminal breach of trust, Cheating, Forgery and Counterfeiting;

vi) Human Trafficking: Cases under section 370/370A of IPC, procuration of minors, Importation of girls from foreign country, Selling & Buying of minors for prostitution.

vii) IPC Crimes relating to Offences against the State: Offences against the State under section 121, 124A IPC and Promoting enmity between different groups

viii) Crime against Children: Foeticide, Infanticide, Procuration of minors, Murder, Exposure and abandonment, offences under the POCSO Act, the Prohibition of Child Marriage Act etc.

ix) Crime against Women: Rape, Assault on women with intent to outrage her modesty, Insult to the modesty of women, Cruelty by husband or relatives etc.

x) Crime against SCs & STs: Cases under Protection of Civil Rights Act, the SC/ST(PoA) Act etc.

xi) Other Crime"

According to the National Crime Records Bureau various crimes which fall within the purview of IPC crime has increased by 41.7% during the decade 2005-2015 from 165.3 in the year 2005 to 234.2 in the year 2015. It has increased by 14.7% during the year 2015 as compared to quinquennial average (during 2010-2014). An increase of 2.2% was reported in 2015 over 2014. Delhi (916.8), Kerala (723.2), Madhya Pradesh (348.4), Assam (321.8), Haryana (310.4), Telangana (290.7), Rajasthan (273.9) and Tamil Nadu (271.2) have reported high crime rate as compared to the national average of 234.2.

Crimes under the Special & Local Laws (SLL): Cases under these 'Acts' generally represent preventive policing i.e. reporting of crimes generally indicates better policing efforts. Mostly the Central Acts on special subjects which are applicable in the whole country are considered for the purpose of crimes registered under SLL. Local Acts and Central Acts other than classified category are clubbed together in 'Other SLL' crimes. A total of 43,76,699 cases under SLL crimes were registered in the country during the year 2015 showing a decrease of 0.02% over the year 2014 (43,77,630 cases). 10- year and 5-year trend shows, 36.6% increase from the 2005

level and 6.9% increase over the average of last 5 years (2010 - 2014). The rate of crime has decreased from 351.9 in 2014 to 347.6 in the year 2015.

The following acts under Special and Local Laws (SLL) are implemented to prevent different types of crime.

1. Arms Act, 1959;
2. Narcotic Drugs & Psychotropic Substances Act, 1985;
3. Gambling Act, 1867;
4. Excise Act, 1944;
5. Prohibition Act;
6. Explosives & Explosive Substances Act, 1884 & 1908;
7. Immoral Traffic (Prevention) Act, 1956;
8. Indian Railways Act, 1989;
9. The Foreigners Act, 1946;
10. Protection of Civil Rights Act, 1955;
11. Indian Passport Act, 1967;
12. Essential Commodities Act, 1955;
13. Antiquities & Art Treasures Act, 1972;
14. Dowry Prohibition Act, 1961;
15. Prohibition of Child Marriage Act 2006;
16. Indecent Representation of Women (Prohibition) Act, 1986;
17. Copyright Act, 1957;
18. Commission of Sati Prevention Act, 1987;
19. SC/ST (Prevention of Atrocities) Act, 1989;
20. Forest Act, 1927;
21. Registration of Foreigners Act, 1939
22. Protection of Women from Domestic Violence Act, 2005
23. Information Technology Act, 2000
24. Official Secret Act, 1923
25. Electricity Act, 2003
26. Wildlife Protection Act, 1972
27. Bonded Labour System(Abolition) Act, 1976
28. Environment (Protection) Act, 1986
29. Air (Prevention & Control of Pollution) Act,1981

30. Water (Prevention & Control of Pollution) Act, 1974

31. National Security Act, 1980



CHECK YOUR PROGRESS

Q2(a). Mention two social causes of crime.

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Q2(b). State the two types of crime recognized by Indian Criminal Procedure Code (Cr. P.C)

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2.8 LET US SUM UP

- Paul Tappan has defined crime as an intentional act of violation of law committed without defence or justification.
- When only one individual is involved in planning and executing a criminal act then it is called as an individual crime.
- When criminal activities are planned and executed by more than one individual then it is termed as group-supported crime.
- When formal groups are formed to conduct criminal activities smoothly then they are termed as organized crime.
- According to the classical explanation crime is the culmination of an individual's hedonistic intentions and punishments are required to restrain such individuals.
- According to the Biogenic explanation criminal behavior is determined by hereditary and genetic factors.
- The Psychological Explaination attributes inclination towards criminal activity as a result of 'feeblemindedness'
- According to the Psychiatric Explanation psychogenic traits are responsible for encouraging one to commit crime.
- According to the Psycho-analytic explanation criminal behavior is the outcome of one's impulsive response to the drives or urges.



2.9 FURTHER READING

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2.10 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No. 1a) Political crime, occupational crime

Ans to Q No. 1b) USA

Ans to Q No. 2a) Disorganized family, Defective social practice.

Ans to Q No. 2b) Cognizable and Non-Cognizable crime.



2.11 POSSIBLE QUESTIONS

A) Short Questions (Answer each question in about 150 words)

Q.1. Mention the economic causes of crime.

Q.2. Mention the characteristics of crime.

B) Long Questions (Answer each question in about 300-500 words

Q.1. Discuss the different theories explaining criminal behavior.

Q.2. Discuss the different types of crime.

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