

The Changing Counters of Crime

Dr. Bhagyashree Manohar. Deshpande

Assistant Professor, Bharati Vidyapeeth Deemed University, New Law College, Pune, India

Abstract---The scope of criminology includes the breaking of laws, reaction towards the breaking of laws and the making of laws. Only knowing the causes of crime does not help to reduce crime the rate but the penalties prescribed in the criminal law and the reaction of the society also play an important role in the reduction of crime. Due to the development and technology new crime have immersed like the cybercrimes. Instead of relying only on the law for reducing the crime, the society can contribute a lot in curbing the crime rate by performing the duties, by abiding by the law and inculcating moral and values.

Keywords--- Crime, criminology, penology, criminal law, traditional crime, white collar crime, differential association theory, multiple factor theory, broken homes, Punishments

I. INTRODUCTION

The concept of crime has prevailed in all the societies and every legal system has strived to take efforts to reduce the crime graph. The crime has evolved along with mankind, and as the mankind has developed along with it the nature of crime has become more sophisticated. History has shown how the societies have taken efforts to find out the causes of crime and afford solution or remedies. The main aim of the law is to protect the people from the evil consequences of crime causation and hence criminal law originated before the other branches of law. It must be well remembered that in the pre legal society crimes prevailed and hence a rudimentary criminal law existed which was based upon customs, traditions, culture, values and religion. Even the administrative law developed a little later, and the law of civil wrongs that is the law of torts was merged in the criminal law. It was much later that the crimes and the torts were distinguished from each other and the law of torts was recognized as a separate and independent branch of law. The important aspect over here is that, the concept of crime was given much importance and the state took efforts to reduce or curb the crime. Now let us analyze the concept of crime and its changing facets.

- Inter relation of criminology, penology and criminal law.

Criminology is a branch of knowledge which deals extensively with the nature with crime. The main emphasis of criminology is to ascertain the factors of crime causation. The principle theme of the branch of criminology is that once the reasons of the crime are found out then it would be easy to remove the causes. The subject matter of criminology is very wide and includes the other co-related aspects of crime such as: -

- i. The reasons of crime causation which constitutes the major subject matter of criminology.
 - ii. To study of effects of crime on the criminals.
 - iii. The reaction of the society towards the criminals.
 - iv. The effect of penalties on the criminals and the society.
 - v. To study the effect of the crime on the society.
 - a. The reasons of crime causation which constitutes the major subject matter of criminology: - To analyze the causes of crime is important because of the following factors.
 - b. To understand the criminals and the reasons as to why a particular person walks on the path of criminality: - The society is made of many individuals but all the individuals do not become criminals. Then what makes the criminals behave in such a manner which makes them criminals. There are diverse opinions of various scholars who have identified the reasons.
- The Lombrosian theory states that criminality is inherited. So, if a person belongs to a criminal family or has a criminal background then such a person becomes criminal. Not only this, the criminal can be recognized by physical traits.

The Lombrosian view of hereditary crime causation explains the reasons of crime causation in a very minimal or insignificant manner, as it has been proved that the hereditary aspect plays a little role in making a person criminal.
 - According to Karl Marx the only reason of crime causation is poverty. Marx explains the crime causation with the help of economic factors. Again, the economic factors constitute a factor for crime causation however it can not be the sole factor to explain the entire crime causation.
 - Sutherland's differential association theory. Sutherland

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has stated that criminal behavior is learnt, and has explained in his theory how association with the criminals promote crime causation.

- a. Almost all criminal behavior is learnt. A person is influence by a criminal personality and tries to imitate the behavior
- b. Not only a person imitates the criminal behavior but also communicates with the criminals and imbibes the criminal behavior through the process of communication.
- c. According to Sutherland more learning of the criminal behavior takes place in more intimate or a personal relationship of deviant group.
- d. The process of learning through communication involves not only the crimes but also the motives and the justifications which are given by the criminals to one and other.
- e. The drives of commission of crime along with the conditions congenial to crime causation are learnt through the association of the criminals with one another.
- f. According to Sutherland when the arguments which favour the criminal behavior are more favorable as compared to the arguments which are against the criminal behavior then the arguments favoring the criminal behavior prevail resulting into criminal activity.
- g. The association of the criminals with one another may vary from time, place and duration, depending upon the intimacy of the relationship of the criminals.
- h. The process of association includes the learning of mechanisms which are followed the commission of crime.
- i. Criminal behavior could be a form of expression just like the non-criminal behavior which is also a form of expression, however the criminals express there needs and values through criminal behavior.

Sutherland has very aptly has explained the aspect of crime causation through the differential association theory.

- The multiple factor theory of crime causation. According to the multiple factor theory the causation of crime cannot be explained on the bases of any one factor; but many circumstances or factors are responsible for criminal behavior.
 - a. Broken Homes. The children from broken homes suffer from emotional, social, and economic pressures and hence many a times become juvenile delinquents. So broken homes may be a cause of criminal behavior.
 - b. Impact of cinema. The impact of cinema and

television is very tremendous and long lasting on the young minds. When the crime is glorified the young mind tries to in act the same glorified criminal behavior.

- c. Religion. Actually, the function of religion is to unite is society however some times riots and other crimes take place due to difference of religious.
- d. Lack of values and morals. Lack of values and moral is a major cause of criminal behavior. Much of the crime graph can be minimized only if people follow the value and morals.
- e. Economy gains. Economic gains are another major cause of criminal behavior. Much of the offences pertaining to the environment are committed for economic benefits.
- f. Mental disability. Sometimes a person different way may make him follow the criminal mentality.
- g. Pressure of peer group. Sometimes a person may become a criminal because of the pressure of his peer group.
- h. The aspiration to be famous. Some times the young minds aspire to be famous by what ever means and hence follow the criminal behavior. Not only this they take pride in being a criminal such as “a dada or a don”.
- i. The conflict in two different groups of society. When there is a conflict in the two social groups then it leads to crime causation.
- j. Development and technology. This is a new factor of crime causation. Due to the miss use of development and technology much crime prevails. The cybers crimes is one of glaring examples of crimes committed due to misuse of technology.

It is humbly submitted that crime can not be explained by any one factor but many factors are responsible for the causation of crime.

II. TO STUDY OF EFFECTS OF CRIME ON THE CRIMINALS.

The next aspect of criminology includes the study of effects of crimes on the criminals. As the state as well as the society study the impact of crimes, in a similar manner the criminals also study the effect of crimes. If a crime is easily detected and punished then the criminals do not indulge in that crime very often. However, if a criminal is not detected for the commission of an offence then he often feels encouraged to commend crime again and again. Hence the criminal closely studies the effect of crime in relation to the detection process.

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III. THE REACTION OF THE SOCIETY TOWARDS THE CRIMINALS.

This is a very important aspect because the extent of crime is directly related with the reaction of the society towards the criminals. After a person serves his sentence and returns in the society then if the society does not accept such a person and does not give him a job or a refrain from maintaining social contacts then such a person may return to his criminal world. The stigma of a “convict or a prisoner” is attached by the society which has a tremendous role in making a person returned to his criminal world.

IV. THE EFFECT OF PENALTIES ON THE CRIMINALS AND THE SOCIETY.

The penalties provided by the criminal law have effect on the criminals and the society. If the commission of crime is considered to be more beneficial, as compared to the undergoing of the punishment prescribed by the criminal law then often the criminals choose to commit that offence. So also, the process of crime detection has an effect on crime causation. The penalties provided by criminal law have an effect on the society also. If the punishments are very mild then the society demands to enhance the punishment like for example the awarding of capital sentence for the offence of rape. So also, the society dislikes harsh punishments which are not based upon the principles of human rights.

V. TO STUDY THE EFFECT OF THE CRIME ON THE SOCIETY.

Criminology also includes the effect of crimes on the society. The criminal law generally considers the effect of crimes on the society and then decides the punishments for the offences because the nature of offences reflects the society's attitude.

Criminology by stating the causes of crime helps to reduce the crime rate if the causes are removed because only if the causes are known remedies can be afforded. Penology prescribes punishments only when criminology identifies crimes and causes of crime, and hence penology depends upon criminology. Criminal law depends upon penology and criminology to prescribe offences and punishments.

Criminology uses the term “crime” which has got a very broad meaning, because crime includes a wrong full act also and anti-social act, anti-religious act or an immoral act or an illegal act. Where as the criminal law uses the term “offence” which has got comparatively narrower meaning because offence means an act done in violation of a law. Such an act which is declared to be an offence may

have no connection with morality for instance traffic rules. It is humbly submitted that the problem of crime cannot be solved only by law, the society should also participate in the activity of crime Causation Certain steps are forwarded to be followed by the society in order to reduce the crime rate.

- a. Inculcate, value and morals in the younger generation. Half of the crime rate will be reduced if morals are followed in the society by the people because many crimes are immoral acts: - rape, murder, theft, cybercrimes, forgery, fraud etc.
- b. Abiding by the law. The society should understand that the laws are made for their benefit and hence should abide by them. The laws are made for the people's safety and security and so the law should be followed and not because of the fear of the police or anybody else.
- c. The society should take a strict view of crimes and criminals. This means that the society should not tolerate any crime and should help voluntarily in crime detection by giving correct evidence. The societies vigilance will act as a deterrent upon the criminal activities.
- d. To understand the social responsibilities. For instance, protection of the environment is for the public at large and hence it is the social responsibility of every member of the society to not to pollute the environment.
- e. To fulfil the duties and not merely to demand rights. All the individuals should do their duties rather than assert rights. Rights are remembered but unfortunately duties are forgotten.

VI. CONCLUSION

Criminology, penology and criminal law are interrelated with each other and all of them play an important role in curbing the crime rate. The types of crime change according to the nature and progress of society. Today more than the traditional crimes white collar crime is prevalent. Corruption, food adulteration, cybercrimes online frauds are rampant today. Misusing somebody else's creation leads to the enactment of copy right law and patent law. It is humbly felt that instead of only depending upon the law to curb the crime, the society should come forward and take the steps which have been elaborated above. If this is done then definitely there will be reduction in the crime rate.

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