

RECENT CRIME TREND AND SOCIETY—A PSYCHOLOGICAL JURISPRUDENTIAL APPROACH

Ekta Agrawal⁶⁵³ & Shivani Manhar⁶⁵⁴

INTRODUCTION:

In a country, like India population wherein is of 1.28 billion people the gravity of crime has been evolved since many ages, Historically, the concept of crime seems to have always been changing with the time and variations in social conditions. At the early English society during the 12th and 13th century only those acts which were committed against the religion and state are considered as crime. However now, in our 21st century any anti-social behavior, crime is considered as an act harmful not only to state or religion but also to some individual or individuals, community, society or the state, which draws our attention that the meaning and perspective related to crime in society has been changed time to time. This resulted in societal disharmony conflict, cultural deviations and the traditional partners of social control have totally broken down. From this we can say that such kind of rapid social transformation had grown up the crime tremendously in urban areas.

In the layman language, the word crime means any act which is illegal and unconstitutional in the eye of law. It is very difficult to give a precise definition of crime. However, some authors have tried to define crime such as Black Stone and Stephen⁶⁵⁵, defined that crimes are breach of those laws which injure the community and further added that crime is an act which is both forbidden by law and revolting to the moral sentiments of the society. Halsbury⁶⁵⁶, further said that crime as an unlawful act which is an offence against the public and the perpetrator of that act is liable to legal punishment. From the forgoing definitions it may be said that a crime is a wrong to society involving the breach of legal wrong which has criminal consequences attached to it. Though there are different laws passed by the Government with the permission of the courts through which crime rates may be controlled and to overcome from crime, even we have criminal justice system to prevent the occurrence of crime, to maintain law and order in society, it is not totally successful in its objective to abolish the crime. Indian society had experienced rapid industrialization and urbanization as well as a notable increase in population over past many years, and hence rapid social change always stands to produce social disorganization which includes crime.

⁶⁵³ 4th Year B.B.A.LL.B. student, MATS Law school, MATS University

⁶⁵⁴ 4th Year B.A.LL.B. student, MATS Law school, MATS University

⁶⁵⁵ Dr. V.N. Paranjape; Criminology and Penology; page no. 8; the concept of crime.

⁶⁵⁶ Dr. V.N. Paranjape; Criminology and Penology; page no. 9; the concept of crime.

Psychology of criminals is totally dependable on the elements that make up any particular crime vary depending on the nature of crime but the basis ingredients are usually Actus Rea⁶⁵⁷, all crimes require actus reus which is sometimes called the 'guilty act'. This is because a person cannot be punished for bad thoughts alone; there can be no criminal liability without actus reus. Words can also be considered acts in criminal law; for example, threats, perjury, conspiracy and solicitation are offenses in which words can constitute the element of actus reus. Another very important ingredient of crime is Mens Rea⁶⁵⁸, simply means a guilty mind. This is an essential ingredient of a crime, that is, the criminal act must be voluntary or purposeful. It stems from the ancient maxim, "actus reus non facit reum nisi mens sit reus" that is translated as "the act is not guilty unless the mind is guilty." To secure a conviction, the prosecution must prove not only that the accused committed the offence (actus reus) but that the accused person's act or omission was done with an intent to commit the crime, i.e. defendant had mens rea when committing the crime. When we look up to the present condition of criminal justice system, it is commonly noticed from many cases that motive of criminals for committing crime and its Mens Rea is very important to be proved. And when we talk about motive, intentions and mens rea of criminals, various queries comes in our mind that; what are their reasons to commit such act, are they habitual or something influenced them to do so and how they differ from typical criminal. All the above points commonly based on the psychology of criminals. Hence, a typical criminal is one whose motive is to make as much money as possible from little work. But it would be different in the case of a person who does shoplifting, especially for food for survival. In both the cases the act may be same but the motive behind their act may be different which shows their psychological behavior.

In latest neuroscience researches presenting interesting evidence that the brains of certain kinds of criminals are different from rest of the population. Criminologist Nathalie Fontaine of Indiana University studies the tendency toward being insensitive and unemotional in children between the age of 7 years and 12 years old. Children with their traits have been shown to have a higher risk of becoming psychopaths as adults⁶⁵⁹.

It is incorrect to say that one is a born criminal; it is only the situation of the person because of which he or she commits a criminal activity, desires for satisfaction of food and survival. Every human behavior is done to serve a certain important psychological goal including the crimes people commit. What seems irrational from the outside like a crime is actually an attempt to do something completely rational like reaching a certain psychological goal. The first thing about psychology of people who commit crimes is that they are trying to achieve psychological balance through a short cut because they don't manage to go through the normal way and

⁶⁵⁷ www.slideserve.com/.../crj-210-criminal-law-introduction-and-ingredient.

⁶⁵⁸ thelawyerschronicle.com/understanding-the-basic-ingredients-of-crime.

⁶⁵⁹ www.Livescience.com/13083-criminals-brain-neuroscience-ethics.html.

the main reason for taking short cut is that they lack to have social interest. If the person's desire is not satisfied legally, so the consequence would result that people would try to do so illegally. Similarly, if the person would grow up with unsatisfactory needs from childhood, then he would commit crime to satisfy his needs. For instance, some criminals commit stealing (which is also in the eye of law a crime) just to prove themselves that they are smarter than the police and that they can't be caught. On the other hand some do the same act of stealing to have food and other basic necessities for survival. Even many people commit crime to take revenge from the person because of whom they were in trouble and had been punished. Their intention is to make another person guilty for his act of which he is tried off. It is a said principal that "Justice delayed is justice denied", the present position of the judicial system which gives punishment to the wrong done person is slow as to there are lengthy of procedures through which one is waiting for ending up of the proceeding and to get justice. Unfortunately the judicial system in India is based on Evidences and facts not conscience or morals, so it should be easier, once having the facts at hand, all it needs is argument and hearing and quicker pronouncement of Justice⁶⁶⁰. A judicial system that cares only about evidences and facts shouldn't worry about taming the souls of the plaintiff and the defendant with time rather give justice as quick as it can. There are some cases because of the influence of political powers, the one who is not the actual culprit has to suffer from harsh punishment and the acts done by the police in police station to manipulate the person to accept his act done even if he is not the actual culprit thereby leading to the loss of trust in our Judicial System.. This all leads the negative impact in the mind of those people and are further results in criminal activity. Again it's another attempt to maintain psychological balance by committing a crime.

In the country of second largest population worldwide, increasing crime rates is a common point. Our country's major population is consisted of youths only, and also we can call it as youth dependable country. If we have benefits of this, we also suffering from its negative impact of this. As per the present scenario of 21st century, there are some leading crimes which is affecting our country's societal values largely. Generally, a crime trend is defined as a significant change in the nature of selected crime types within a geographical area and time period. It is the measure of significant changes in an areas crime patter over time.

Rape is a very serious and this violence against Indian women is widespread and has deep roots. Delhi being our capital city it is also known as "rape capital" of our country⁶⁶¹, for the first time in the year 2015 in India's history. Section 375 of Indian Penal Code explains the provision of Rape. Generally, Rape means "forcible seizure". According to the National Crime Records Bureau's data, many cities of our country are higher reported in rape

⁶⁶⁰ www.legalserviceindia.com/articles/jdjd.htm.

⁶⁶¹ Olga Khazan & Rama Lakshmi, www.washingtonpost.com/news/worldview/wp/2012/12/29

crime in 2014 to till date, that is, 1,1813 in 2014 up from 1,441 in 2013⁶⁶². In Mumbai, in contrast, while the number of reported rapes was comparatively lower, there was a sharp spike between 2013 and 2014, from 391 to 607 cases. Nearly all of India's custodial rape — 189 of 197 cases — was reported in Uttar Pradesh, which along with Rajasthan and Madhya Pradesh recorded the highest numbers of alleged gang rapes.

Sexual assault on women is now became a very common phenomenon of our country. Under sexual assault comes; molestation, eve-teasing, child sex abuse, rape, marital rape, domestic violence. Of all these crimes, Rape is the most violent crime which is committed against women. According to Section 375 of the Indian Penal Code, Rape means an unlawful intercourse done by a man with a woman without her valid consent. Rape outrages a woman's modesty⁶⁶³. After a rape incident, her life totally destroys and she lives a pathetic life which includes fear, depression, guilt complex, suicidal action and social stigma and automatically this will violate Article 21 of our Indian Constitution which says, "No person shall be deprived of his life or personal liberty except according to procedure established by law"⁶⁶⁴. In recent times, Rape incidents have increased as per the time. According to statistics, two women are raped in the country every hour. If further statistics are to be believed, every 10 hours a girl of age 1-10 is being raped in India. Also, cases are being reported where minors and elderly women are being raped. The recent incident which shook the nation was the gang rape of a 23 year old para-medical student in a moving bus on the streets of Delhi, "Nirbhaya Gang Rape case". Women are not safe anywhere. Their homes, schools, colleges, offices, streets everywhere they are tortured by this physical violence. This also leads to various reasons. When we look up to the various data and statistics, we can say that criminals do not have human feelings and even they do not have any kind of fear from our criminal justice system. from this only we can realize that our judicial system is somehow fails to fulfill its objective.

The important question which arises when we talk of rapes is? What causes rape? Why rape cases are increasing at an alarming rate? First and the foremost cause of increasing rape cases is the lack of public safety. Women are not safe outside their homes and even inside their home, in their office, school girls are also being victim to this evil, it is very shameful that girls upto 5yrs of age also being raped by their relatives only. By this we can prove those persons totally wrong who blames the provocative dressing sense of women, because a 5 year old girl don't know what is descent dressing and indecent dressing sense. They are just kids.

⁶⁶² www.thehindu.com/news/cities/Delhi/delhi-is-now-indias-rape-capital-show-ncrb-data/article7554551.ece

⁶⁶³ K.D. Gaur, Indian Penal Code, 4th edition, Section 375, Page 642

⁶⁶⁴ Dr. J.N.Pandey, Constitutional Law of India, 49th edition, Page 239

Few female police is also a reason to this evil. Studies show that women are more likely to report sex crimes if female police officers are available. This is because, when a rape victim goes to file FIR she is being asked such vulgar question, that it feels like they are raped twice.

Encouraging rape victims to compromise is next important reason. As the family members of the victim always tries to make the victim quite. In a recent separate rape case, a 17-year-old Indian girl who was allegedly gang-raped killed herself after police pressured her to drop the case and marry one of her attackers. Rape victims are often encouraged to "compromise" with the family of accused and drop charges, or even to marry the attacker due to societal values.

The direct need of today is to curb this violent and brutal crime. All the females are suffering from this social evil. No matter what is her age, what is her relation with the attacker, she may get raped anytime and anywhere.

CONCLUSION:

At last by going through the whole paper, we come to a conclusion that the crime rate in the country is increasing day by day because of which there are huge number of cases pending in the courts and results in delay in proceedings and many persons who are not the actual culprit gets the punishment. So it should be done that before giving any judgment the psychology of the person against whom the case is filled must be studied and try to mold his thoughts from preventing him to commit future criminal activity. And justice should be not so much slow that anyone can take profit of it neither too fast that the actual evidence got missed because of hurry. There must have a practical balance between society and law. Also the recent main issue of this 21st century which we have seriously analyzed, some strict laws should be made for the punishment of criminals. Because having the present laws on rape and having our justice system too, will not lead to a peaceful society for women to breath in. rape victims should immediately get hanged by our justice system and also fast track courts should be formed. So that victims may get some relax and criminals get punished as soon as possible. It will surely lower the crime rate.

“She gave life, She is a Wife, She is a Mother, She is a Sister, She is a Survivor to the end, Love her and Adore her, She is a Woman”