

## CRIME AND CRIMINALITY

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It is impossible to have a crimeless society. The problem of crime and criminals was present earlier also and is still there. Every person of the society owes some duties towards the society. Although most people believe in the concept of 'live and let live', but there are a few people who associate themselves with anti-social elements in order to deviate themselves from normal behavior pattern. These conducts are mostly prohibited by law and are called wrongful acts or crimes. The wrongdoer is supposed to be punished by law for the crime he committed.

Crime is an action which can affect human behavior vigorously. Even if it is a criminal or a victim, the affect can be seen on both of them.

Crime actually is defined and understood by different societies in different ways. Generally speaking, crime is an anti-social, immoral and anti-social behavior. Crime has three main attributes:

- 1) It is a harm brought about by some anti social act of a person, which the State desires to prevent.
- 2) The preventive means taken by the State is in the form of a punishment.
- 3) The legal proceedings for determining the guilt or otherwise of the accused, are governed by the rules of criminal law procedure contained in the Code of Criminal Procedure and the Law of Evidence.

Crime can be defined as an act that the subjects the doer to legal punishment. It may also be defined as the commission of an act specifically forbidden by law; it may be an offence against morality or social order.

There are certain features of a crime that make an unlawful act or omission punishable under law of the land.

The main characteristics of a crime are:

- 1) Crimes always give a 'negative impact' on the individual as well as the society. The impact may be social, mental, emotional or personal. But it must be noted that the harm must actually have been caused.

2) The harm that is done must be 'illegal or banned by law'. Any immoral behavior might not constitute to be crime. It has to be outlawed.

3) There must be an 'act or omission' to constitute a crime. Intension alone cannot constitute a crime unless it is followed by some external act. Generally omitting to do something will not amount to conduct of an offence.

4) 'Guilty mind' is one of the essential ingredients of a crime. It may however be direct or implied.

It implies that there must be a state of mind with respect to the conduct that is an intention to act in the proscribed manner. It is however important to distinguish guilty mind, that intention to do wrong and motive. The motive of a person may be taken into account in sentencing and he may be less severely punished for his good motive. Motive should be taken into consideration at the sentencing stage and not at the time of deciding the question of guilty mind.

5) The act must be forbidden or prohibited under the existing penal law. Any act that is immoral in any way is not considered to be an offense unless it is prohibited by law.

6) There must be a relation between act done and the resulting harm. This means if something wrong is done it should have a negative affect after that on something or someone.

7) The act needed to be a crime must not just be prohibited by law but if done, should also be punishable by law.

When we talk about criminality, crime and social policy are inter related and the concept of crime and punishment depends largely upon the social values and accepted norms and behavioral patterns of a particular society at a time. With the passage of time the emphasis has shifted from 'crime' to 'criminal'. The modern view regarding penal policy favors individualization of the offender.

Criminal behavior or criminality it might include Criminal psychology, social control over a criminal, his coercive behavior, regulation, etc.

Criminal behavior study is about understanding the criminal or the offender in relation with who they actually are, why they commit an offence, their thinking process, predicting their future criminal attempts.

It is felt that the rationale behind the causation of Criminal Behavior can be in following forms:

1. It is possible that the Criminal Mind can be an origin from the family i.e. genes.
2. Secondly it can be his surroundings i.e. from where he belongs or the place he has been brought up at.
3. Thirdly, it might be their low social status because of which they faced problems in becoming the part of the society.
4. Fourthly, the reason might be their financial problem due to which they struggle to survive every day.

In relation to crime if we talk about law, particularly the criminal law is a potential agency of social control which refers to various procedures through which the members of the society define and respond to deviant behaviors. They include persuasion, admonition and coercion through penal sanctions.

Thus we can also say that, Criminal behavior is studied by a branch of criminal science which is concerned with social study of crimes and is called criminology. The Criminal behavioral study focuses to better understand the offender and answer queries like why the offences are commenced so as to deduce criminals, to know the criminal mind, what is the offender's future actions so as to avoid crimes.

It is believed that human is the fundamental thing of analysis. It is further believed that Crimes can be a result from uncommon, malfunction or improper mind process within any individual's personality.

So we can say that the criminal behavior is regulated by his surroundings and the people who he meets day to day. The impact of his behavior is also dependant on his psychological background and his drug regulation.

The conclusion that can be derived from the above is that all these factors about crime have an impact and bearing on criminality and therefore all these need to be taken into consideration for the prevention of crime and criminals.