

UNIT-I: INTRODUCTION

Pre- Basic Terms of Crime

Sin

Sin is a moral definition used by the religions to describe a wide range of actions some of which are not illegal under most nations' legal systems. The word crime describes actions that are illegal under a nation's legal system. Since the two could be mutually exclusive, attempting to link the two terms in a conversation or in logical thought may not be a rational exercise.

Torts

A tort, in common law jurisdictions, is a civil wrong that unfairly causes someone else to suffer loss or harm resulting in legal liability for the person who commits the tortious act. The person who commits the act is called a tortfeasor.

Tort Law: Three Types of Torts

Torts are wrongdoings that are done by one party against another. As a result of the wrongdoing, the injured person may take civil action against the other party. To simplify this, let's say while walking down the aisle of a grocery store, you slip on a banana that had fallen from a shelf. You become the plaintiff, or injured party, and the grocery store is considered the tortfeasor or defendant, the negligent party.

Simply said, you would probably take civil action against the grocery store to recoup compensation for pain, suffering, medical bills and expenses incurred as a result of the fall. Negligence is just one tort category. There are three general categories of torts. Regardless of the tort action, three elements must be present:

- Tortfeasor, or defendant, had a duty to act or behave in a certain way.
- Plaintiff must prove that the behavior demonstrated by the tortfeasor did not conform to the duty owed to the plaintiff.
- The plaintiff suffered an injury or loss as a result.

Because torts are a civil action involving private parties, punishment does not include a fine or incarceration. The punishment for tortious acts usually involves restoring the injured party monetarily. Sometimes a court order may force the tortfeasor to either do or not do something. Think trespassing, defamation or slander. Let's explore the three types of torts:

- Intentional torts
- Negligence torts
- Strict liability torts.

Vice (Victimless Crime)- Legal Definition

Activities that are made illegal because they offend the moral standards of the community, hence they are banned. For instance Gambling, pornography, and prostitution are the big three of vice crimes in most states and communities. A vice squad is a police division whose focus is stopping public-order crimes like gambling, narcotics, prostitution, and illegal sales of alcohol. Vice squad may also refer to: Vice Squad, an English punk band.

Crime

Crimes can be broken down into elements, with exceptions; *every* crime has at least three elements: a criminal act, also called actus reus; a criminal intent, also called mens rea; and definition of law. Criminal elements are set forth in criminal statutes, or cases in jurisdictions that allow for common-law crimes, which the prosecution must prove beyond a reasonable doubt. The term conduct is often used to reflect the criminal act and intent elements. Following are the common included elements of crime, absence of one would not constitute an act of Crime.

Elements of Crime

- Mens Rea
- Actus Reus
- Law
- Offender/ Victim.

Basic Principles of Crime

Mens Rea

The term *mens rea* refers to the mental element in the definition of a crime. This is not some abstract mental process; it refers to specific words in the charge or indictment. The physical act represents one element in the commission of a criminal act while the guilty mind represents the second key element. The guilty mind refers to the intention, knowledge or recklessness of the accused. Essentially the law states that we must mean to cause a wrongful consequence.

Intention is commonly used in the *Criminal Code* to establish a type of guilty mind. A word “willfully” means to or “intentionally” is used to describe a state of mind. There are two basic types of intention-specific and general. Specific intent offences frequently use the phrase ‘with intent’ or ‘for the purpose of’ to demonstrate a specific purpose behind the crime. General intent crimes are those that do not require a further purpose or intention and are often crimes committed in moments of uncontrolled passion or aggression.

The knowledge form of a guilty mind means that the accused must have knowledge of the specific circumstances of the crime. The phrases “knowingly” or “knowing” are commonly used here to indicate a specific type of knowledge. For example, to knowingly lie to a judge or jury is

called perjury and is a criminal offence but to give false evidence unknowingly is not a criminal offence.

The third kind of intent is recklessness. This is type of intent is found in crimes like dangerous driving causing death. It means that the accused has been unduly careless in their actions by not exercising good judgment and foresight. If one drives 100km/h through a school zone in the daytime, with no intention of killing or harming a child, and hits a child crossing the street and that child dies, the law would use recklessness to establish the guilty mind. Contrary to TV law, it is not necessary for the Crown to establish why an accused has committed an offence (the motive). Motive may be used to establish intention and can be used in sentencing to mitigate or aggravate the sentence depending on the reason for committing the crime.

Actus Reus

There is no punishment for thinking about a criminal act. A crime must have an *actus reus*, Latin literally for a bad act. A defendant has committed the *actus reus* of an offense if he has done some act that is an action prohibited by law. Most crimes consist of a defined set of actions that together are prohibited.

It is not a crime to carry an item around a store. It is not a crime to walk out of a store. It may be a crime to walk out of a store, with an item, and not pay for it. The act of walking out of the store without paying for an item is the *actus reus*. For it to be a crime, it must be done knowingly. The *actus reus* and the *mens rea* must take place together.

The physical act of committing an offence (*actus reus*) is more than an act, it can be an omission to act or a "state of being." For example if one is in possession of an illegal narcotic, one is not acting or failing to act but merely in possession. This is a state of being. Omissions to act can also be crimes (a failure to act when required to do so by law). If a parent fails to provide the basic necessities for children's survival the failure to provide is an omission and a crime.

The majority of crimes are acts or kinds of misconduct. Proof of the physical element requires more than simply determining an act, omission or state of being exists. It is necessary to consider the four C's-conduct, consequences, circumstances and causation. The conduct must be as described earlier an act, omission to act or a state of being as outlined in a specific section of the criminal charge. Of particular importance to the concept of conduct is that it be voluntary. The law will not hold someone criminally responsible for an involuntary act. Consequences refer to the outcome of a specific act. For a homicide the consequence would be the death of a human being.

The circumstances aspect of the *actus reus* refers to the relevant circumstances under which an act must occur to be criminal. In the case of the crime of trespassing at night the relevant circumstances would be that the act occurred at night, on someone's property other than your own and that you entered the property without consent or lawful excuse.

Concept of Criminal Responsibility

A term in medical jurisprudence where an accuser's mental capacity to understand the charges against him and may have no knowledge of the crime.

For an illustration

Ravi is driving down a busy street when he strikes and kills a pedestrian. Is Carl guilty of a crime? The answer is: it depends. In order to convict Ravi of a crime, Ravi's state of mind at the time of the accident must be evaluated. The concept of criminal responsibility concerns the different mental states related to crimes, the ways in which those mental states are evaluated, and the variety of associated defenses. The term criminal responsibility refers to a person's ability to understand his or her conduct at the time a crime is committed. In other words, what a person is thinking when he commits a crime, or what result is anticipated or expected when a crime is committed. Laws define crimes in terms of an act or omission (*actus reas*) and a mental state (*mens reas*). Criminal responsibility relates to the mental state element of a crime.

Mental States

A culpable (guilty) mental state is a necessary element of every crime. In order to be convicted of a particular crime, there must be proof that the actor (the person engaged in the alleged criminal conduct) possessed the requisite state of mind when the crime was committed. The mental states covered in this lesson are: intentional, knowing, wanton (or reckless), and negligent. Keep in mind that these are general definitions that may vary slightly depending on the jurisdiction.

An **intentional** mental state means that the actor consciously engages in the conduct, or that the actor's conscious objective is to bring about a particular result. For example, if Ravi Criminal uses a hammer to break the window of Vinny Victim's home so that he can enter and take Vinny's valuables, Ravi has acted intentionally with respect to burglary. Intentional crimes are usually punished more severely than other crimes.

A **knowing** mental state means that the actor is aware that his or her conduct is criminal, or is aware that his or her conduct will bring about a particular result. So, if Ravi Criminal is aware that the tools he bought from Timothy Thief were stolen from the hardware store, Ravi has acted knowingly in respect to receiving stolen property.

A **wanton or reckless** mental state means that the actor consciously disregards a substantial risk that his or her conduct will bring about a particular result. For example, if Ravi Criminal, in a rush of excitement after his favorite football team kicks a winning field goal, fires a gun into a crowd of people and injures or kills someone, he has acted wantonly. Ravi never intended to hurt anyone, but he was aware that firing a gun into a crowd of people presented a substantial risk of injury or death, and yet he consciously disregarded that risk.

A **negligent** mental state means that the actor is unaware that his or her conduct is risky or dangerous, but a reasonable person in the same situation would appreciate the risk. An example of a negligent mental state is when Ravi Criminal, in a hurry to get to work, drives his car through the red light at a busy intersection and strikes another car. Ravi certainly didn't mean to hurt anyone; in fact, he didn't even see the light change from yellow to red! But nevertheless, his conduct was dangerous, and a reasonable person would have been aware of the risk.

Introduction- Criminology

Criminology is from Latin word “crimen”, means accusation and Greek word “Logia” is the scientific study of the nature, extent, causes, and control of criminal behavior in both the individual and in society. Criminology is an interdisciplinary field in the behavioral sciences, drawing especially upon the research of sociologists (particularly in the sociology of deviance), psychologists and psychiatrists, social anthropologists as well as on writings in law.

Areas of research in criminology include the incidence, forms, causes and consequences of crime, as well as social and governmental regulations and reaction to crime. For studying the distribution and causes of crime, criminology mainly relies upon quantitative methods. The term criminology was coined in 1885 by Italian law professor Raffaele Garofalo as criminologia. Around the same time, but later, French anthropologist Paul Topinard used the analogous French term criminology.

As a subdivision of the larger field of sociology, criminology draws on psychology, economics, anthropology, psychiatry, biology, statistics, geography and other disciplines to explain the causes and prevention of criminal behavior. Subdivisions of criminology include penology, the study of prisons and prison systems; bio-criminology, the study of the biological basis of criminal behavior; feminist criminology, the study of women and crime; and Criminalistics, the study of crime detection, which is related to the field of Forensic Science.

Criminology has historically played a reforming role in relation to Criminal Law and the criminal justice system. As an applied discipline, it has produced findings that have influenced legislators, judges, prosecutors, lawyers, Probation officers, and prison officials, prompting them to better understand crime and criminals and to develop better and more humane sentences and treatments for criminal behavior.

The field of criminology systematically studies the causes of crime. The explanations for crime are not simple; we live in a complex society, and the causes of crime are as complex as the society itself. Every criminologist attempts to explore the conditions leading to criminal behavior and the factors in society that contribute to its continued existence.

This chapter and those that follow explore a wide variety of theories regarding crime. These theoretical explanations contribute to an understanding of criminal behavior and also provide an important framework for examining current policies and past as well as present treatment efforts established to deal with or alleviate the crime problem.

Importance of Criminology

- It is important for the understanding of the individual and the best way to treat and reform him/her.
- For lawyers; to allow them to better understand their client and their particular circumstances for purposes of giving proper legal advice and pursuing a logical line of defense.
- For judicial officers to be able to understand the offender for the purpose of awarding appropriate sentencing and also understand the society's perspectives and emotions on a two given offence.
- For law enforcement for purposes of investigation, prosecution, surveillance and crime prevention.
- For prison officers, social workers, psychologists, etc to understand the criminal better or more.
- To enhance official understanding of criminology, the types of offences, the prevalence of offences committed generally or specifically by a class of people or in certain localities. This kind of understanding is supported by the date which is important for crime detection and control.
- The government is based to plan better in terms of allocation of resources towards fighting different types of crime.
- For the vocational criminologist, he will also be concerned with research that will lead to alternative theories that can lead to improving the immediate practices of the criminal justice system, to bring about reform of some kind e.g. a program, an institution or strategy. Often, the goal is to solve an administrative difficulty within the existing system.

For the critical or analytical strand of criminology, the research or study will be aimed at making major changes within the existing institutional frameworks of the criminal justice system. The approach looks into the deeper philosophical questions of the day and also the bigger questions as to why do we continue to have and use institutions such as prisons when we do not work to prevent offending or re-offending? The approach here is not to suggest improvement, to the existing penal system; but to question whether it is valid or viable to begin with. Indeed, on informed opinion might simply advocate. Both approaches are however, relevant.

Defining Crime

There is no straight forward answer to the question 'what is crime.' Even the central ideas of what are a crime and who is a criminal has no definite answer. There are two numbers of reasons why it is difficult to define crime;

Ideological issues: any theory or explanation of crime obviously has several dimensions built into it from the start. Even the most scientific or neutral theory will reflect to some extent the existing ideological or political sentiments of the day. At the very least, most criminology theories can be classified as conservative, radical or liberal or some analytical combination of the three, yet, in theory, two specific explanation of some phenomenon including one of crime and

criminals is supposed to be value-free uncontaminated by emotions and political circumstances; but in reality if the research is funded by an arm of government, it may tend to serve the interest of the government.

A conservative perspective of society tends to be supportive of the legitimacy of the status quo and generally accepts the traditional way of doing things and that the role of institutions is to preserve the dominant order of the good of society generally and also that the values and institutions should apply equally to all people regardless of social background and historical development.

A liberal perspective on society accepts the limits of the status quo but encourages limited changes in societal institutions. This approach tends to avoid questions relating to the whole structure of society, instead advocates the need for action on particular limited social problems (tokenism) e.g. racism, poverty, sexism etc.

The radical perspective on society wishes to undermine the legitimacy of the status quo. It looks at society as a whole but sees social conflict as the control concern. The key issue is who holds power and resources in a particular community? The focus of the radical perspective is fundamental change in the existing social order. Specific issues such as poverty are explained in rational terms e.g. between the poor and the rich, and the solution is seen to involve dealing with the structural imbalance and inequalities that led to the problem in the first place. It would therefore be quite apparent that politics play a central role in criminology and there is therefore, no value-free criminology and conservative, liberal and radical values are embedded in the criminology enterprise. Therefore, the political orientation of the particular approach has major implications for how crime is defined e.g. the radical view of crime would categorize crimes into crimes of the powerful which would be mostly economic crimes like pollution, violation of labor laws, state brutality, corruption and violation of civil rights.

The other category is crimes of the less powerful like work place theft, fraud, prostitution, rape, murder, etc, whereas the conservative approach would categorize crimes by emphasizing the so-called crimes of the powerful. They do not see it as two power issues, but as a social issue.

It is important to consider the social relevance of the theory or perspective. What does it tell us about our society and the direction that our society is or ought to be heading.

Ideas, perceptions and conceptions regarding what constitutes criminal behavior keep changing. To a certain extent, both crime and criminology are uncertain in the sense that one's definition of crime is dependent upon one's particular interest and world view.

There are competing views on crimes as crime is always socially defined. This of course can lead to debate e.g. should crime always be defined by law? Or could it instead be based on moral or social conceptions such as social harm. Is crime something only legally defined by law? Or can it be something else? Like moral wrongs such as adultery not being criminal by law, yet it is normally wrong. If the definition is purely and legalistic one, i.e. purely and creation by law,

how can social science study it? Should criminology subject matter be restricted to conventional legal definitions?

An activity becomes criminal due to the social response which leads to it being classified as a crime, therefore, colonialism was a social phenomenon and there was a feeling that slavery was wrong, but there was no law to it and people consider whether to make it a crime against humanity. To illustrate the differences on defining crimes, consider the following;

- Why some behaviors which are defined as criminal while others which may also be damaging are not.
- Why are certain people who have committed crimes convicted, while others allowed escaping conviction?
- In Nazi Germany, there are Germans who assisted the Jewish people despite the law prohibiting such assistance.
- Who defines the law?

Crime-Definitions

There are very many diverse conceptions of crime, each of crime, each of which reflects a different scientific and ideological viewpoint. It is important to note that the variation in definition as real consequences upon how different types of behavior are dealt with at a practical level. According to the author Rob White, crime is not inherent in an activity. It is defined under particular material circumstances and in relation to specific social processes e.g. the prohibition in drinking alcohol; killing al-cap one who sold alcohol illegally. A crime was created and many people were engaged in selling illegal alcohol and many people were killed. Then the prohibition was uplifted.

Kenny defines crime as a wrong whose solicitation is punitive and which is no way remissible by any private person but is remissible by the crown.

Keeton-crime is an undesirable act which the state finds most convenient to correct by the institution of proceedings for the infliction of a penalty rather than leaving the remedy to the discretion of the injured person.

Sutherland- Criminal behavior is behavior which is a violation of criminal law. No matter what the degree of immorality, reprehensiveness or indecency of an act, it is not a crime unless it is prohibited by law.

For much of its history, criminology has accepted the legalistic definition of crime as given by **Paul Tappan**

“Crime is an intentional act or omission committed by a person or group in violation of Criminal Law (Statutory Law, Judicial Precedents, Special or Local Law(s) in force) and sanctioned by state as Felony or Misdemeanor”

Criminology has been defined as the study of crime, the causes of crime (etiology), the meaning of crime in terms of law, and community reaction to crime. Not too long ago, criminology separated from its mother discipline, sociology, and although there are some historical continuities, it has since developed habits and methods of thinking about crime and criminal behavior that are uniquely its own. Criminology is hence perceived as a most inclusive concept. Criminology involves the inputs from all basic disciplines in social and behavioural sciences in explaining the problem of and response to crime.

Criminology is the scientific study of crime, including its causes, responses by law enforcement, and methods of prevention. It is a sub-group of sociology, which is the scientific study of social behavior. There are many fields of study that are used in the field of criminology, including biology, statistics, psychology, psychiatry, economics, and anthropology.

Just as criminology is a sub-group of sociology, criminology itself has several sub-groups, including:

- Penology: the study of prisons and prison systems
- Bio-criminology: the study of the biological basis of criminal behavior
- Feminist criminology: the study of women and crime
- Criminalistics: the study of crime detection
- Victimology: the study of victims

Materials which may at times verge on the political, sociological, philosophical, rhetorical and the technical. Criminology has also been defined to include the study of:

- Characteristics of a criminal.
- Extent of crime.
- Effects of crime on victims and society.
- Methods of crime prevention.
- Attributes of criminals.
- Characteristics and workings of the Criminal Justice System (Penology).
- Types of crimes.

Human behavior which is punishable by sanctions specified by the criminal law, but more recently, this automatic link between crime, the criminal law and liability for punishment has not been universally accepted by criminology. This is in part because what can be defined as a crime by the powerful agencies of state varies over time and place. The struggle to find a method by which the criminologists could specifically define an object of study (crime deviance) has been an on-going feature of criminology since its modern formulations.

Nature of Criminology

As we have indicated, there are competing definitions of crime. This produces kinds of responses to crime. Nature of Criminology varies according to crime- time; needs, society, law and corresponding judicial system in force. Criminologists vary in how they approach the study of

crime. For the sake presentation, it is useful to present ideal types of the various theoretical strands within criminology. Of course an ideal type does not exist in the real world, rather the intention behind the construction of an ideal type is to obstruct exaggerate these elements in order to highlight the general tendency or themes of a particular perspective. So, an ideal type is an analytical tool, not a moral statement about what it ought to be. It refers to a process of identifying different aspect of social phenomena and combining them into a typical model.

There are three broad levels- Nature of criminology;

- Individuals
- Situational and
- Social-structural

Different theories within criminology tend to locate their main explanation for criminal behavior at one of these levels. Occasionally, a theory attempt to combine all three levels in order to provide a more sophisticated and comprehensive picture of crime and criminality.

Individual

The main focus is on the personal or individual characteristics of the offender or victim. The study may consider e.g. the influence of appearance, dress, public image or things such as tattoos. This level of analysis tends to look at the psychological or biological factors which are said to have an important role in determining why certain individuals engage in a criminal activity. The key concern is to explain crime or deviant behavior in terms of the choices or characteristics of the individual person.

Situational

The main site of analysis is the immediate circumstances or situations within which criminal activity or deviant behavior occurs. Attention is directed to the specific factors that may contribute to an event occurring such as how the participants define the situations, how different people are labeled by the others in the criminal justice system and the opportunities avail for the commission of certain types of offences.

Social-Structural

This approach tends to look at crime in terms of the broad social relationships and the major social institutions of society as a whole. The analysis makes references to the relationship between classes, sexes, different ethnic and racial groups, the employed and unemployed; and various other social divisions in society. It can also involve the investigation of the operation specific institutions such as indication, family, work and the legal system in the construction of social responses to crime and deviant behavior.

Historical Origin of Criminology

Spiritual explanations for crime were rooted in people's religious beliefs and superstitions. The guilt or innocence of a crime, like victory or defeat in battles or disputes, was believed to be decided by divine intervention. Cures for criminal behavior ranged from religious conversion to torture and death.

Natural explanations for crime were rooted in people's ideas about the nature of reality in the physical world. Ideas about reality were based on observations of nature but were not scientific. For example, the natural world was thought to include inherent good and evil, and crimes often were regarded as crimes against nature or the natural order rather than crimes against victims or against God. Seeking explanations for crime in the natural world provided a basis for the development of legal definitions and treatments of crime.

Origin of Criminology

The origins of criminology are usually located in the late-eighteenth-century writings of those who sought to reform criminal justice and penal systems that they perceived as cruel, inhumane, and Arbitrary. These old systems applied the law unequally, were subject to great corruption, and often used torture and the death penalty indiscriminately.

Cesare Bonesano Beccaria (1738–94), Cesare Beccaria, a major contributor to the classical school of criminology, was born in Milan, Italy, on March 15, 1738, and died in 1794. Born an aristocrat, he studied in Parma and graduated from the University of Pavia. In 1763, the protector of prisons, Pietro Verri, gave his friend Beccaria an assignment that would eventually become the essay "**On Crimes and Punishments**." It was completed in January, 1764, and first published anonymously in July of that year. The article caused a sensation, but not everybody liked it. The fact that it was first published anonymously suggested that "its contents were designed to undermine many if not all of the cherished beliefs of those in a position to determine the fate of those accused and convicted of crime. [An] attack on the prevailing systems for the administration of criminal justice has aroused the hostility and resistance of those who stood to gain by the perpetuation of the barbaric and archaic penological institutions of the day.

Later, he became the leading theorist and argued that the law must apply equally to all, and that punishments for specific crimes should be standardized by legislatures, thus avoiding judicial abuses of power. Both Beccaria and another classical theorist, the Englishman Jeremy Bentham (1748–1832), argued that people are rational beings who exercise free will in making choices. Beccaria and Bentham understood the dominant motive in making choices to be the seeking of pleasure and the avoidance of pain. Thus, they argued that a punishment should fit the crime in such a way that the pain involved in potential punishment would be greater than any pleasure derived from committing the crime. The writings of these theorists led to greater Codification and standardization of European and U.S. laws. This is the beginning of Criminology in world.

Criminologists of the early nineteenth century argued that legal punishments that had been created under the guidance of the classical school did not sufficiently consider the widely

varying circumstances of those who found themselves in the gears of the criminal justice system. Accordingly, they proposed that those who could not distinguish right from wrong, particularly children and mentally ill persons, should be exempted from the punishments that were normally meted out to mentally capable adults who had committed the same crimes. Along with the contributions of a later generation of criminologists, known as the positivists, such writers argued that the punishment should fit the criminal, not the crime.

Later in the nineteenth century, the positivist school of criminology brought a scientific approach to criminology, including findings from biology and medicine. The leading figure of this school was the Italian Cesare Lombroso (1836–1909). Influenced by Charles R. Darwin's theory of evolution, Lombroso measured the physical features of prison inmates and concluded that criminal behavior correlated with specific bodily characteristics, particularly cranial, skeletal, and neurological malformations. According to Lombroso, biology created a criminal class among the human population. Subsequent generations of criminologists have disagreed harshly with Lombroso's conclusions on this matter. However, Lombroso had a more lasting effect on criminology with other findings that emphasized the multiple causes of crime, including environmental causes that were not biologically determined. He was also a pioneer of the case-study approach to criminology.

Other late-nineteenth-century developments in criminology included the work of statisticians of the cartographic school, who analyzed data on population and crime. These included Lambert Adolphe Quetelet, (1796– 1874) of France and André Michel Gerry, of Belgium. Both of these researchers compiled detailed, statistical information relating to crime and also attempted to identify the circumstances that predisposed people to commit crimes.

Emergence of Criminology in India

We now turn our attention to another aspect of criminal justice education: job training for those already working within the system. The first such formal training program began with the inauguration of a Jail Training School in Uttar Pradesh (India's largest and most populous state) in 1940 for correctional officers. In 1951, the eminent American academic, Walter C. Reckless, identified as an "expert in Criminology and Correctional Administration" was sent to India (at the central government's request) through the United Nations Technical Assistance Program on a mission to study and make recommendations regarding improving correctional training in India. While there, he linked up with J. M. Kumarappa, Director of Tata Institute of Social Science (TISS), who acted as an intermediary between India's government and the expert representing the UN. Among his major recommendations were many that would be familiar to any American observer of twentieth century corrections, especially as the field was conceived of at that time. Those recommendations included: increasing the number of correctional rehabilitative personnel; providing adequate reformatory and retraining programming; enhancing diversification and specialization in prison functions and improved classification procedures; setting up an indeterminate sentencing system; increasing the use of probation; making available aftercare of released prisoners; and separating juveniles from prison populations.

TISS continued to recognize the importance of this event with an annual criminology award named after the two individuals involved in this mission from the UN and India, respectively: the Kumarappa-Reckless Award. Subsequent to the Reckless' recommendations, the Lucknow Jail Training School began offering short-term orientation, refresher and pre-promotion training programs for prison and other correctional officials. This state-level training school model has been emulated by other Indian states. For example, there is a training center in Vellore (in the state of Tamil Nadu) meant for new and in-service lower-level prison personnel. In 1978, a Regional Institute of Correctional Administration was set up also in Vellore to cater to training needs of higher-level correctional personnel from the four major southern states. In 1989, a parallel Institute of Correctional Administration was set up in Chandigarh for some of the northernmost states.

In addition, the National Institute of Social Defense (a part of the central government and originally set up in 1961 as the Central Bureau of Correctional Services) provides small grants for teaching and training programs and conducts some on its own. Its original mandate, which focused on both adult and juvenile corrections, has now shifted to include all juvenile justice, child protection, care of the elderly and the prevention of drug abuse. As a result, it is now less influential in the field of correctional training. Overall, the impact of social science based criminal justice education on these forms of correctional training can be described as minimal when compared to the coverage of more technical aspects of corrections that disparaged as "sheer administration and custody."

The procedures for police training are longstanding, although these have typically paid little attention to the humanities and the social sciences. Verma, who is highly critical of police training and accountability in India, notes that the reports of several police commissions and committees for needed police liberalization and reforms have been all but ignored. Social-science-based

Criminological and Criminal Justice Education in India

The criminological and criminal justice education is provided in some of the state Police Training Colleges (meant for lower- and middle-level police officers) located in various parts of the country. This is also carried out at the National Police Academy in Hyderabad for upper-echelon IPS officers selected by the central government who also undergo a short training period in the state to which they are assigned. In addition, several central police agencies such as the Central Bureau of Investigation, the Central Bureau of Investigation; the Central Reserve Police Force, the Intelligence Bureau, the Bureau of Police Research and Development, and the National Crime Records Bureau do incorporate elements of criminal justice education into their in-service training programs. However, again, their foci are likely to be the technical aspects of each agency's mission. For example, the National Crime Records Bureau provides technical training for police computer programmers and on the maintenance of computer-based fingerprint records.

Finally, social-science-based criminological and criminal justice training separate from generic law education for prosecutors and judicial officials is practically nonexistent, the solitary exception being some of the NICFS training programs mentioned above. The major national center for graduate-legal education and research, the Indian Law Institute, does not provide any training that may be thought as compatible with social scientific crime-related education. However, we should mention that most individuals who have attained degrees in law and work in the legal profession or in the judiciary in India are likely to have some exposure to criminology and criminal justice in college, minimally in terms of curricular offerings in criminal law. A few others may have received an additional diploma in criminology that some law colleges (e.g., Jai Narayan Vyas University and Aligarh Muslim University) offer. New police and correctional trainees as well at the national and state levels are unlikely to have had prior exposure to criminology or criminal justice in college given the relative rarity of these programs.

This is an obvious point of difference with the US where those who go into police or correctional academies are more likely to have taken courses in criminology and criminal justice as part of their major or electives during their undergraduate education. Of course, this does not apply to those who enter policing or correctional work without college-level education. The first academic department of criminology and forensic science was established in the Dr. Hari Singh Gour University- Central University (then University of Sagar) Sagar, Madhya Pradesh, later in Karnataka, University of Madras, Banaras Hindu University, Bundelkhand University, Manonmaniam Sundaranar University, Tirunelveli, Tamil Nadu and Tamil Nadu Open university, Chennai. The recent developments in criminology education in India are Police Universities in states of Gujarat, Rajasthan, Jharkhand and etc.

Criminology: Nature and Scope

As there are many different specialties within the field of criminology, it can be difficult to identify one career that encapsulates what “typical” member of the profession is and does. Depending on the background, education, experience and position, a criminologist may perform any number of functions, including crime scene investigation, interview and interrogate suspects, participate in autopsies, or profile criminals. Some within this field focus almost exclusively on research; others work as consultants for government’s agencies or liaisons, while some work as consultants and employees of private security companies.

No matter what career specialty of criminology pursued, most criminologists will be involved in data collection and profiling. Criminologists are analysts. They study crimes, collect data and then analyze their findings to provide actionable information and recommendations. Criminologists seek to identify who committed crimes, when crimes were committed, and why they were committed. As part of their analysis, criminologists consider psychological behavior, socioeconomic and economic indicators, and environmental factors.

When dealing with high-profile cases, it's not uncommon for criminologists to spend a fair amount of their time corresponding with media and public relations managers. Sometimes criminologists will go as far as publish their experiences and findings in industry journals or

even write books. However, the day-to-day routine for most criminologists is far less glamorous -performing much of their work alone, outside of the public eye.

Much of the work performed by criminologists involves the collection of statistics which are used to develop active profiles to be used by other law enforcement professionals and agencies to better understand and predict criminal behavior. In order for a criminologist's work to be useful and effective, it must be precise and accurate. Consequently, professionals working in criminology must have a good understanding of statistics and math.

Launching a career in criminology typically requires college level education criminology, statistics or mathematics. While an associate's degree will qualify candidates for some entry-level positions, a bachelor's degree is usually the minimum entry-level requirement, and a master's degree or PhD is preferred. The best positions and career advancement opportunities are reserved for professionals who have master's or doctorate degree.

Even with a degree, success as a criminologist requires dedication, intelligence, the ability to analyze complex situations, and a desire to help improve society. Skills including creativity, verbal and written communication, and an analytical mind are essential attributes of a criminologist.

Criminal Justice: Nature and Scope

Unlike criminology, where the primary focus is on the study and analysis of crime, criminal justice revolves around the societal system(s) set up to address criminal behavior and the perpetrators of crimes. The three main components of the criminal justice system in the India include: law enforcement, the courts and corrections. These components are intended to prevent and punish criminal behavior. Criminal justice careers almost always fall into one of these three component categories.

The most visible and popular component of criminal justice is law enforcement – and within law enforcement police officers. Police officers are our front line of defense against the criminal element in society. They patrol communities and focus on crime prevention. They also investigate crimes once they've occurred and apprehend suspected criminals. Other law enforcement offers that perform duties similar those of police officers include CBI, State Police, Anti-corruption Bureaux, Probation Services, Protection Officers, Border patrol and Victim services. Once someone has been arrested, they then enter the courts system.

While less visible to the public than law enforcement, the courts system is just as vital to the U.S. criminal justice system. The primary purpose of the courts is to determine the guilt or innocence of suspected criminals. The courts system includes various criminal justice professionals including attorneys, judges, and bailiffs, to name just a few. In the courts a suspect is considered innocent until proven guilty and all suspects are entitled to a fair trial. However, if a suspect is found guilty, the suspect is given a sentence; later becomes an offender and punished by the court under corrections administration.

The corrections system is responsible for enforcing punishments and carrying out sentencing as mandated by the courts. The corrections system is made up of incarceration, probation and parole. All three subsets are designed to punish and rehabilitate convicted criminals. Careers in corrections include probation officer, parole officer, prison warden, and guard, among others.

Criminology and its divisions

As a subdivision of the larger field of sociology, criminology draws on psychology, economics, anthropology, psychiatry, biology, statistics, geography and other disciplines to explain the causes and prevention of criminal behavior. Subdivisions of criminology include penology, the study of prisons and prison systems; bio-criminology, the study of the biological basis of criminal behavior; feminist criminology, the study of women and crime; and Criminalistics, the study of crime detection, which is related to the field of Forensic Science.

Criminology has historically played a reforming role in relation to Criminal Law and the criminal justice system. As an applied discipline, it has produced findings that have influenced legislators, judges, prosecutors, lawyers, Probation officers, and prison officials, prompting them to better understand crime and criminals and to develop better and more humane sentences and treatments for criminal behavior.

The field of criminology systematically studies the causes of crime. The explanations for crime are not simple; we live in a complex society, and the causes of crime are as complex as the society itself. As discussed earlier, the criminologist attempts to explore the conditions leading to criminal behavior and the factors in society that contribute to its continued existence. This chapter and those that follow explore a wide variety of theories regarding crime. These theoretical explanations contribute to an understanding of criminal behavior and also provide an important framework for examining current policies and past as well as present treatment efforts established to deal with or alleviate the crime problem.

Criminology is, ordinarily, the science of crime and seeks to study the phenomenon of criminality in its entirety. Criminology as a branch of knowledge is concerned with those particular conducts of individual behaviour which are prohibited by society. It is therefore a societal study which seeks to discover the causes of criminality and suggest remedies to reduce crimes. Criminology consists of two main branches- criminal biology, which investigates causes of criminality found in the mental and physical constitution of the deviant, 'and criminal sociology which deals with enquiries into the effect of environment as a cause of criminality.

Criminology, penology and criminal law are inter-related fields. Penology deals with the custody, treatment, prevention and control of crimes. Criminal law seeks to implement policies envisaged by criminology and penology (the formulation of criminal policy essentially depends on crime causations and factors correlated therewith).

The object of criminology is to study the sequence of law making, law-breaking and reaction to law breaking from the point of view of the efficiency of law as a method of control. The science of criminology aims at taking up case to case study of different crimes and suggests measures to

'reform' the offenders. Liberalization of punishment for affording greater opportunities for rehabilitation of offenders has been accepted as the ultimate object of penal justice. The most significant aspect of criminology is its concern for crime and criminals. It presupposes the study of criminal with basic assumption that no one is born criminal. It treats reformation as the ultimate object of punishment while individualization (treatment accorded to each individual according to his personality) the method of it.

Criminology also seeks to create conditions conducive to social solidarity in as much as it tries to point out what behaviours are obnoxious and anti-social. The ultimate object is to render a crimeless society so far as possible with a view to achieving social harmony.

Criminology as a Social Science

Criminology is the study of crime, as indicated by the formative Latin terms *crimino* (accusation or guilt) and *logy* (study of). As an intellectual domain, criminology comprises contributions from multiple academic disciplines, including psychology, biology, anthropology, law, and, especially, sociology. Although the defining statements of criminology are rooted across these diverse areas, contemporary criminology is becoming ever more intertwined with still additional sciences and professional fields such as geography, social work, and public health.

This plurality of influences, often referred to as multidisciplinary, is altogether logical given the complex subject matter and diverse nature of crime. Scholarly attention to crime from various perspectives allows for an extensive range of research questions to be addressed, making possible a fuller understanding of the criminal mind, the nature of crime, and social control processes.

Legal scholarship, for example, ranges from philosophical attention to social justice issues to technocratic factors determinant of case outcome. Alternatively, psychology approaches the topic of crime with a focus on individual-level maladjustment and behavioral abnormality. Sociological criminology differs still by concentrating on the multiple causes and nature of crime, as well as society's reaction to it.

The individuals who study crime, criminologists, engage research on virtually every imaginable aspect of illegality and society's reactions to it, ranging from the development of theories of crime causation, the roles and uses of social control (e.g., police, courts, and corrections), crime prevention, and victimization. Of course, criminologists have also developed substantial knowledge bases on specific offenses, which are often categorized as

- (a) Crimes against property (e.g., burglary, theft, robbery, and shoplifting);
- (b) Crimes against a person (e.g., homicide, assault, and rape);
- (c) Morality/social order crimes (e.g., gambling, prostitution, substance offenses, vandalism);
- and
- (d) Technology crime/cybercrime, which overlaps with and often facilitates crime in each of the other categories.

The collective basic knowledge that criminologists have generated through the scientific process has great potential for informing social policy and criminal justice practice through enhancement of the effectiveness and efficiency of prevention, intervention, enforcement, and rehabilitative strategies and practices in the 21st century.

While tracing criminology's history and acknowledging its intellectual diversity (these matters are more fully addressed in Research Paper on History and Evolution of Criminology), it is contended that criminology is correctly understood and best practiced as a social science.

Furthermore, as a field of scientific inquiry criminology is no longer a specialty area of other established disciplines, such as deviance within sociology or abnormal psychology, but instead is a new and steadily growing independent academic discipline in its own right. Last, the rise of academic criminal justice is acknowledged as a shaping force on criminology that is steadily moving the discipline toward greater interdisciplinary status and public policy utility.

Criminology and Sociology

During the twentieth century, the sociological approach to criminology became the most influential approach. Sociology is the study of social behavior, systems, and structures. In relation to criminology, it may be divided into social-class, social-structural and social-process approaches.

Social-Process and Crime

Social-process theories attempt to explain how people become criminals. These theories developed through recognition of the fact that not all people who are exposed to the same social-structural conditions become criminals. They focus on criminal behavior as learned behavior. Edwin H. Sutherland (1883–1950), a U.S. sociologist and criminologist who first presented his ideas in the 1920s and 1930s, As Sutherland wrote, "When persons become criminal, they do so because of contacts with criminal patterns and also because of isolation from anti criminal patterns." Although his theory has been greatly influential, Sutherland himself

Social-Structure and Crime

- Social-structural approaches to criminology examine the way in which social situations and structures influence or relate to criminal behavior. For example, it attempts to describe why certain areas of a city will have a tendency to attract crime and also have less-vigorous police enforcement. Researchers have found that urban areas in transition from residential to business uses are most often targeted by criminals. Such communities often have disorganized social networks that foster a weaker sense of social standards. Others using the social-structural approach have studied gangs, juvenile delinquency, and the relationship between family structure and criminal behavior.
- Feminist criminology emphasizes the subordinate position of women in society. According to feminist criminologists, women remain in a position of inferiority that has

not been fully rectified by changes in the law during the late twentieth century. Feminist criminology also explores the ways in which women's criminal behavior is related to their objectification as commodities in the sex industry.

Criminology and Politics

Political criminology is similar to the other camps in this area. It involves study into the forces that determine how, why, and with what consequences societies chose to address criminals and crime in general. There are several forms of Marxist, Radical, Conflict and Critical criminology which forms political criminology. Those who are involved with political criminology focus on the causes of crime, the nature of crime, the social and political meanings that attach to crime, and crime-control policies, including the study of the bases upon which crime and punishment is committed and the choices made by the principals in criminal justice. Although the theories of political criminology and conflict criminology overlap to some extent, political criminologists deny that the terms are interchangeable. The primary focus points in the new movement of political criminology similarly overlap with other theories, including the concerns and ramifications of street crime and the distribution of power in crime-control strategies. This movement has largely been a loose, academic effort.

Criminology and Economics

Crime really pays, the economic connections with crime is evident from increasing crimes against property. Crime has economic links between victim, offender and criminal justice functionaries. Bonger's *Criminality and Economic Conditions* was first published in English in 1916 and provided a Marxist-informed analysis of 'capitalist exchange' and economic disadvantage. He identified how an unequal distribution of property and wealth was created by labour-market exploitation. Such economic injustices thereby created a context for crime to be more likely to occur. Here we begin to see the importance of social structure, society, and marginalization to the problem of crime. Such seminal works and ideas as these were to have profound impacts on subsequent and early developments in critical thinking about, for example, class, white-collar crime and political economy.

We think of crime as a rational, choice and economic modelers as well as criminologists do this. Police departments, local government and the Home Office utilize rational choice theory, particularly when setting out policies on crime prevention. Rational choice theory initially started out in Economics and Political Science departments, but when it is applied to crime it has some interesting conclusions. Jock Young has called it 'administrative criminology'. In other words, he argues that it represents a form of criminology that concerns itself with crime prevention but not the deeper political, social and economic causes of crime.

Cultural criminologists, such as Mike Presdee and Jeff Ferrell, have argued for a form of criminological explanation which prioritizes the celebratory nature of crime, transgression and the irrational aspects of law-breaking in contrast to the measured, choice-making individual chooser provided by rational choice theory. Rational choice theory always starts from the assumption that people are rational and self-interested. So in the case of criminal activity, it

argues that individuals are concerned to maximise their income so may choose work or crime depending on their ability to be successful in the labour market. It argues that individuals also weigh up their chances of getting caught. It is therefore interested in where crime is committed, since location will affect the likelihood of detection. Criminals are said to act as though they are assessing the marginal benefits of committing crime, taking into consideration the possible punishment. We can see immediately that this would appear to be more plausible when applied to premeditated crimes but less plausible when applied to spontaneous crimes. It is simple that risk of criminal act outweighs the gain.

Criminology- Forensic Medicine and Science

The discipline of criminology is based on other social sciences just like medicine is based on anatomy, physiology, physics, chemistry etc. that neither medicine nor criminology is purely the identical, they have a meaning which derives from their practical approach. The justification for medicine lies in the therapeutic and public health, that of criminology lies in penal reform, penology and prevention of crime.

Forensic science is a vital instrument for the detection or investigation of crime and the administration of justice, providing crucial information about the evidence found at crime scene; Forensic Experts work both at the crime scene and in the laboratory often must be used in court, it is especially important that the training and education of forensic scientists provide a solid scientific background and a broad base in Criminalistics. The validity of those results depends on the knowledge, skills, and experience of the forensic scientists working to obtain them. A forensic scientist must be capable of integrating knowledge and skills in the examination, analysis, interpretation, reporting, and testimonial support of evidence.

Forensic Sciences deals with crime with basic- Ethics, Rules, Laws and Procedures. Expert involves in Cross Examinations or been crossed, Investigating the Crime Scene (The Crime Scene and the Collection of Evidence); Investigating and Processing Physical Evidence. They also involve in Microscopic analysis of forensic evidence and Forensic identification of Hair and Fibers, Toxicology, Forensic Medicine, DNA and Serology. They contribution in crime investigation includes the analysis of

- Questioned Documents
- Handwriting
- Fingerprints
- Tool marks and other impressions
- Firearms and ammunitions
- Arsons
- Explosives
- Bombings (Ballistics)
- Criminal Profiling.
- Forensic Psychology
- Forensic Anthropology
- Forensic Engineering
- Forensic Entomology and
- Wildlife Forensics.

Criminology- Forensic Medicine and Toxicology

The earliest documented forensic specialty could probably be considered to be forensic medicine, also known as legal medicine or medical jurisprudence, and is the application of medicine and

medical science to answer legal problems. Forensic or Legal Medicine (forensic = of or used in courts of law) deals with the application of medical knowledge to aid in the administration of justice. It is used by the legal authorities for the solution of legal problems. Some examples: are applying the medical knowledge in deciding cases of injuries, Asphyxial deaths, sexual offences, infant deaths, poisoning, etc. In short it deals with the medical aspects of law.

Medical Jurisprudence (Juris = law; prudentia = knowledge). Deals with legal responsibilities of the physician with particular reference to those arising from physician – patient relationship such as, medical negligence cases, consent, rights and duties of doctors, infamous conduct, medical ethics etc. In short it deals with legal aspects of the practice of medicine.

Records indicate that the first documented dissertation on forensic medicine was written in China in the 6th century by an individual named Hsu Chich'Ts' si. Although this work was apparently lost, a 2nd Chinese manuscript still exists. Completed in 1247, the Hsi Duan Yu (The Washing Away of Wrongs) provides what is thought to be the first alliance of medicine and law and supplies specifications on distinguishing death by drowning or strangulation from death by natural causes.

Further records suggest that legal medicine really began to prosper sometime in the 6th century, heralding the development of modern day science and medicine. It was not until around the end of the eighteenth century that the first appearance of legal medicine experts in the courtroom was documented.

The development of modern-day chemistry is considered to have begun at the end of the 18th century, paving the way for the development of modern toxicology. Closely related to forensic medicine, forensic toxicology centers on the determination of toxic substances in human tissues and organs and the subsequent determination of the role any toxic agents may have in contributing to or causing death.

In general, forensic toxicology cases entail some form of drug or alcohol abuse. One of the most influential people in the development of toxicology was Mathieu Orfila. However, it was James Marsh, a Scottish chemist, who was considered to be the first to provide toxicological evidence supporting arsenic detection for a legal trial, around 1836. The Lafarge case, also conducted by Orfila, is documented as the first case in which the defense called an opposing expert, Francois Vincent Raspail, in an attempt to refute the scientific evidence of the prosecution's expert witness.

Personal Identification

Personal identification plays a mammoth role in forensic and criminal investigations, and many sub-specialties in personal identification are still being developed and more frequently utilized.

Forensic odontology uses dental records to facilitate human identification. This type of identification process is often called for in the identification of unrecognizable bodies, after mass disasters, and in the identification and comparison of bite marks.

Facilitating personal identification is the use of **forensic anthropology**. This discipline, mainly concerned with bodily or skeletal remains, has, over recent years, constructed a number of databases cataloguing differences in physical structure of the body as a function of sex and race.

Anthropometric systems were replaced as the **science of fingerprinting** was developed and the value of fingerprinting in personal identification and individualization was acknowledged.

Apart from the above cited, it also deals with Autopsy, forms and causes of Death such as Asphyxia, smothering, gagging and etc. Post Mortem Changes, Death, Legal Procedure, Identification Finger Print, Identification Sex, Wound Ballistics, Injury, Forensic DNA Analysis, Forensic Toxicology, Forensic Pathology, Forensic Serology, Latent Prints and Arson/Explosives.

Criminology and Law

Criminology is study of breaking of law, and process of making of law; while law itself is a special variable of crime that is supported by the government in identifying the act as crime, its level and punishment for commission of such act and factors relating purely to justice dispensation. Criminologists also work with law firms and courts to provide expert testimony in criminal proceedings and a few works within the prisons systems assisting in the rehabilitation of convicted criminals.

Criminology Vs Criminal Justice

Criminology is the study of the anatomy of a crime, specifically its causes, consequences and costs. Criminal justice, on the other hand, refers to established systems for dealing with crime, specifically detection of crime, detaining of criminals, and criminal prosecution and punishment.

Difference between Criminology and Criminal Justice

Criminology is the study of the anatomy of a crime, specifically its causes, consequences and costs. Criminal justice, on the other hand, refers to established systems for dealing with crime, specifically detection of crime, detaining of criminals, and criminal prosecution and punishment. Criminal justice is directly associated with law enforcement. Students pursuing career opportunities in criminal justice will study the different components of criminal justice and law enforcement systems. Students pursuing a career as criminologist will study the behavior patterns, backgrounds, and sociological trends of criminals. While both fields are different, criminologists and criminal justice professionals work together in the criminal justice system to thwart crime.

UNIT-II: SCHOOLS OF CRIMINOLOGY

A school of thought is a point of view held by a particular group or a belief or system of belief accepted as authoritative by some group of school.

School of Demonology

The first school of criminology was the school of demonology. This school doesn't have own representatives, but is based upon deterministic ideas that people commit their crimes under influences of demons. Therefore, people aren't responsible for behavior or crimes, because they can't control their behavior. The whole world is actually a place where evil and good forces conflict with each other and all that people can do is to hope that they won't get in their way.

These believe existed from early days of human history, and are known as a dualism or animism. Demonology was even present in Christian tradition since early days, and was cherished until second half of 18th century. Events that couldn't be explained by the common sense were contributed to acts of demons and possessions. The word demon originally means: "the one who has the power or powerful one." It was thought that people who had epileptic seizures were possessed by demons.

Middle Ages (Prior to 1700 A.D.)

- Deviance attributed to supernatural forces.
- Emphasis on witchcraft, demonic possession.
- Response based on status of perpetrator.
- Extensive use of torture, death penalty.

Pre-Classical School of Criminology

During the period of the seventeenth century Europe was characterized by a dominance of religion in state activities. At this stage, scientific knowledge was yet unknown. The concept of crime was vague and obscure. Society was at the time largely unable to explain criminal behavior.

An explanation of criminal conduct was therefore sought through spirits, demons, and other unknown powers. The principle behind this concept was that a man commits a crime due to the influence of some external power and is not subject to the control or understanding of man. Since the spirit world is not one that is easily understood or discernable, it formed a perfect explanation for crime. No further attempts were made to probe the real cause of crime. Worship, sacrifices, ordeals by fire and water were usually prescribed to pacify the spirit and relieve the victims of its evil influence. Trial by battle was also used as a method of deciding the fate of the criminal. The criminal was therefore treated as a person who could only be cured through torture and pain. The pre-classical thinking has however withered away with the lapse of time and advancement of knowledge.

Classical School of Criminology

Classical School of Criminology; is a label used to make sense of a period of writing in the 18th and 19th Centuries which reformed the system of investigation and punishing of criminal offenders. A reasonable coherent rational intellectual structure was developed which legitimated the creation of a system of criminal justice which predominates today. This period was known as the enlightenment and it introduced a recognizably modern form of analysis of the study of crime and stressed the role of reason and free will in human affairs. The enlighten represented the development of a whole range of thought concerning the nature of human beings and their relationship with each other, with institutions, society and the state. The writer of the enlightenment were concerned with social conditions and they responded to the ideas of the African and French Revolutions which prompted changes in ideas concerning Human Rights (people wanted a new order, there was a lot of crime in the society due to taxpaying etc at these eras). Classical criminology can be given a wide or narrow reading. Most textbooks give it a narrow reading as it sees it as concerned with setting up a rational framework for a modern system of criminal justice. However, it is also part of an attempt to provide answers to the question of structuring of government. When man is in a social situation devoid of a foundational touchstone such as God. There were many writings during the period, but Beccaria, Bentham and John Austin are fairly representative of this enterprise.

Cesare Bacceria (1738-1794), in this book on crimes and punishment, Bacceria considered crime as an injury to society. It was this injury to society that was to direct and determine the degree of punishment. The role of the law was to lay out minimal rules of social life which would bind the society and guide it by laying out clear and rational rules. Bacceria proposed that torture, execution and other irrational activity be abolished and in their place, there was to be quick and certain trials and in the case of convictions, carefully calculated punishments. He proposed that accused persons be treated humanely before trials. It is often said that classical criminology ignores the causes of crime. But Bacceria certainly held that economic conditions and bad laws could cause crime and that property crimes were committed primarily by the poor and mainly out of necessity.

He suggested that every right and facility be extended to enable accused persons bring evidence on their own behalf. He called for a swift and sure punishment. This meant that there would be a punishment prescribed and therefore would be certainly of that punishment that had to be written, thus the penal code. He was of the view that a carefully matching of the crime and its punishment is keeping with the general interest of the society could make punishment a rational instrument of government. This is circled around the severity of the punishment to the crime, likewise the crime to the punishment, such that small crimes would not carry too severe punishments. He discovered that with a system being presumed unfairly reads to no trust in the system. People will commit more crime as people feel less motivated to be part of that society. When punishment exceeds the degree of crime, it is torture.

Bentham (1748-1832). He was a radical utilitarian. He believed in the greatest happiness for the greatest number of people. This that what the society wants would be the law. What of the minorities then? Acts could then be measured in terms of goodness or badness, right or wrong. He believes that prevention of crime was the only justifiable purpose of punishment. He recommends that penalties be fixed so as to impose an amount of pain in excess of the pleasure

that Bentham believed would deter crime. He argued that capital punishment should be restricted to offences which in the highest degree shock the feeling. He also attempted to radicalize imprisonment as an institution then used to hold persons awaiting trial for debtors as an instrument of correction. He argued for the establishment for the office of the Public Prosecutor and he furthered the notion that crimes are committed against society rather than against individuals.

The Classical Approach in Criminology

Social contract theories like Thomas Hobbes and John Locke believed in the idea that legitimate government is the artificial product of the voluntary agreement of free moral agents and that there is no such thing as natural political authority as asserted by the monarchial regimes. The rise of all sovereigns is derived originally from the consent of every one of those who are to be governed. John Locke developed the concept of the general will i.e. citizens have to be a collective interest in the well being of the community.

He traced the foundations of law and political society in the idea of the general will. The basic concepts of the classical theory are premised upon the notion of individual rights of human capacity to reason and the rule of law. The theory assumes a particular view of human nature i.e. that human beings are self seeking and self interested individuals with free will and individual choice, therefore we are seen as being ultimately responsible for choosing what to do with our time and energy and for the consequences that may arise from our actions, i.e., the classical theorists believed in voluntaristic view of human nature.

Secondly, the theory emphasizes the status of human beings and rights holders, individuals are deemed to have an equal capacity to reason and to act in accordance with what is rational from the point of view of their own self interest. Institutionally, each individual is to be given guaranteed equal rights under law. The fundamental objective of the law is to protect individual rights and to allow the free exercise of choice among individual as far as is possible without leading to social harm.

Thirdly, to guarantee both individual rights and some semblance of order, classical theory considers the role of the state to be central, i.e. the notion of the social contract between right holders and the state. There is an implied consensus or agreement that individuals give up certain rights to the state in return for the protection of their rights and security of their person and property from other individuals and from the state itself. Hence, the role of the state is to regulate human interruptions and to be a site where rights in general can be protected by not allowing their infringement in specific instances. Fourthly, the legal manifestation of the social contract is expressed in the phrase “the rule of law,” meaning that everyone is to be treated equally without fear or favor in the eyes of the law i.e. equal protection of rights and that even the law makers are bound by the law, set down for the general population.

Further, the law is seen as intrinsically good and to reflect the reasoned benefits and value of the law makers i.e. the theory assumes a consensus in society of good and bad. This is reflected in

Criminal Law. Crime is therefore, defined as a violation of the law. Criminality is seen as primarily a matter of making the wrong choices by violating the law.

Individuals are to be held responsible for their actions. The social contract is mentioned in practice through the use of punishment of deterrence of individual and state at large. The response of the justice system is focused on criminal acts.

The main tenets of the classical school of criminology are as follows:

- Man applies his sense of reasoning as a responsible individual
- It is the act of an individual and not his intent which forms the basis for determining criminality in him. Classical criminologists are therefore concerned with the “act” of the criminal rather than his “intent”.
- The classical criminologists are greatly influenced by hedonism – the pain (cost) and pleasure (benefit) theory. Thus, they accepted punishment as a mode of inflicting pain, humiliation and disgrace on the offender so as to create fear in him and thus control his behavior.
- The proponents of this school of thought considered crime prevention more important than the punishment for it. They therefore stressed the need for a well-established system of criminal justice.
- The classical criminologists supported the right of the state to punish offenders in the interest of public security. Keeping in view the hedonistic principle of pain and pleasure they pointed out that individualization was to be the basis of punishment. The punishment was to be meted out keeping in view the pleasure derived by the criminal from the crime and the pain caused to the victim there from. They however advanced the theory of equalization of justice i.e. Equal punishment for the same offence.
- They further believed that criminal law was primarily based on positive sanctions. They were against arbitrary use of power by judges and abhorred torturous punishments.
- The greatest achievement of the classical school is the fact that it shifted emphasis from myths and concentrated on the personality of the offender in order to determine his guilt and punishment. In other words, Beccaria was the first criminologist to shift the emphasis from crime to criminals.

Nonetheless, the classical school has the following shortcomings:

Firstly, it proceeded on an abstract presumption of free will and relied solely on the criminal act without devoting any attention to the state of mind of the criminal;

It also erred in prescribing equal punishment for similar offences thus making no distinction between first offenders and habitual offenders.

Concept of free will includes beliefs that humans are rational beings capable to make own decisions (indeterminism). Therefore, crime is a possible choice of individual's behavior.

Abstract of Classical School of Criminology

Cesare Beccaria on Crimes and Punishments

- Rational approach (utilitarian, practical)
 - People have free will.
 - Crime pays better than non-criminal behaviour.
 - Fear of punishment deters crime.
 - Severe, certain and swift punishments work best.
- “Let the punishment fit the crime”.

Bentham another co-founder of the classical school proposed that punishment shouldn't be applied when:

There is no crime, because a consent or clearance was given,
Punishment has no effect on a will of the perpetrator (insane people or juvenile delinquents),
Damage made by the punishment could be larger than the damage done through a crime, and
The same goal can be achieved with milder measures.

Neo-Classical School of Criminology

The “free-will” theory of the classical school did not survive for long due to the oversights mentioned above. The neo-classicists asserted that certain categories of offenders such as minors, idiots, insane or incompetent persons had to be treated leniently irrespective of the similarity of their criminal acts with those of other offenders. This reasoning was based on the argument that such persons are incapable or partially incapable of distinguishing right from wrong.

The Neo-Classical theory can be summarized as follows:

They approached the study of criminology on scientific lines by recognizing that certain extenuating situations or mental disorders deprive the criminal of his normal capacity to control his conduct. In so doing they represent a reaction against the severity of the classical view of equal punishment for the same offence.

They were the first school to point out the distinction between a first offender and a recidivist.

- They started on the premise and assumption that man acts on reason of intelligence and is therefore responsible for his/her own conduct. But those lacking normal intelligence or suffering some mental depravity are not responsible for their conduct as they do not possess the capacity of distinguishing between good or bad and should therefore be treated differently from other offenders.
- Although they recommend lenient treatment for irresponsible or mentally deprived criminals on account of their incapacity to resist criminal tendency, they unanimously believed that all criminals whether responsible or irresponsible must be kept away from society.
- The distinction between responsibility – sanity and insanity as suggested by the neo-classical school paved way for the formation of the different correctional institutions such

as parole, probation etc in the criminal justice system. Through this school therefore attention of criminologists was drawn to the facts that all crimes have a cause.

- This school adopted a subjective approach to criminology and concentrated their attention on conditions under which an individual commits crime.
- The origin of the jury system and the assessor system is essentially the result of the reaction of the neo-classical approach towards the treatment of offenders.

The main shortcoming of the neo-classical school is that their theory presumes that the criminal whether responsible or irresponsible is a menace to society and therefore needs to be eliminated from it. Their primary concern is therefore to protect society from crime and criminals.

Neoclassical school of criminology is based on classical postulates of Anselmo Von Feuerbach, Prince Van Hamel, Franz V. Liszt and Filippo Gramatica. Key interest is the criminal policy (anti-delinquent policy) that was established in 1889 as a scientific discipline. Theorists of this school are mainly focused on the efficiency of criminal policy. Neoclassical school of thought is a reaction on the classical school of criminology and positivists. It focuses its research interests on the criminal. Neoclassical school of criminology is the continuation of classical tradition, but criticizes the classical school about the fact that they have disregarded individual differences between perpetrators. Differences between perpetrators will have an impact on the level of guilt and therefore will have an influence on the choice of punishment.

Their main questions were:

- How to make punishment more efficient?
- How to divert people from crime? and
- How to reduce a crime rate?

Feuerbach developed the general and special theory of intimidation (general and special deterrence). According to the general intimidation theory, the punishment that is associated with severe suffering of the perpetrator should affect a general population to restrain itself from criminal behaviors. Special theory of intimidation claims that perpetrators who were severely punished, because of their crimes, will contain themselves from committing a crime ever again, if they develop an association: crime = punishment.

Positive School of Criminology

Cesare Lombroso- Father of Scientific Criminology (1835-1909)

This school presumes that man's behavior is determined by factors outside his control. These factors are either biological or cultural. Those who argue that the factors are biological believe that man's social organization has developed as a result of his biological evolution and hence social evolution is subsequent and not primary. On the other hand positivists who base their theory on cultural factors; argue that man's behavior despite his identification with the world of biology is always related to and somehow reflects the characteristics of the social world in which he lives. Positivists thinking thus

history among other disciplines. Criminology is therefore understood as an analysis of criminal behavior through scientific study of the physical, social and cultural characteristics of the criminal. Some Positivist Ideas

- Physiognomy (Laveter)
 - Study of facial features
- Phrenology (gall)
 - Contours of the skull
- Morphology (Sheldon)
 - Body build
- Atavism (Lombroso)
 - An evolutionary throwback
- Criminal anthropology (the “born criminal”)
- Inherited criminal traits impel one to crime
- Atavistic anomalies are expressed in physical traits
- “Degenerate family” provides indirect criminal heredity.

Positivist sociological school puts the perpetrators of criminal acts at the center of its interests. This school is created at the time of revolutionary changes in the mid-19th century; the emergence of sociology as a science (1839) and Darwin's theory of evolution. Positivists advocate for determinism and reject the concept of free will. These theorists also advocate for individualized treatment of perpetrators and indeterminate sentences. As part of its deterministic ideas, this school advocates that a man is totally determined by biological, psychological and sociological factors.

Sentences with indefinite durations are ideal for authorities eager for excuses to get rid of undesirable individuals. The state/authority in this case takes the care about a delinquent, and since he is unable to control own behavior, it is totally uncertain how long will the imprisonment treatment/rehabilitation take.

Cartographic School of Criminology

Lambert Adolphe Jacques Quételet (a Belgium mathematician) and Andre-Michel Guerre (a French statistician) in Europe during the 1830s and 1840s were the first to do detailed statistical studies of crime. Quételet found strong correlations between rates of crime and such factors as illiteracy, poverty, and similar variables. He also noted that these same variables remained the same as the highest crime rates continued to occur in the same parts of the city through several decades. Some called this school of thought the “Cartographic School” since it used maps to plot crimes within a certain geographic area. Other late-nineteenth-century developments in criminology included the work of statisticians of the cartographic school, who analyzed data on population and crime.

These included Lambert Adolphe Quetelet, (1796– 1874) of France and André Michel Gerry, of Belgium. Both of these researchers compiled detailed, statistical information relating to crime and also attempted to identify the circumstances that predisposed people to commit crimes. As geography plays an important role within modern policing. Cartographic School can contribute

valuable information to criminal research and crime prevention. One of the most important tools in identifying crime is Crime mapping, which is mapping of crime using a geographic information system to conduct spatial analysis of crime problems and other police-related issues. To this Cartographic School plays an important part. The cartographic school introduced the first spatial and ecological perspectives on crime.

The school stated the distribution of crimes across territorial divisions or departments of France. It found that the greatest numbers of crime against people and property occurred in departments that were near Rhone, Rhine or Seine Rivers and that the fewest numbers of crimes against people and property occurred in departments in the center of France. The school found a stronger propensity to crime against property in department near Mediterranean and a stronger propensity to crimes against in departments in the north. In addition to analysing distributions of general crime rates and correlating them with distributions of other conditions, the proponents of this school made special studies of juvenile delinquency and professional crime which are roughly comparable to studies in this century. Significantly it showed that the crime is a necessary expression of social conditions. The basic idea was that crime is caused by the conflicts of values that arise when legal norms do not take into consideration the behavioural norms that are specific to the lower socioeconomic classes as well as to various age groups, religious groups, and interest groups living in certain geographic areas.

In addition to this, it is the mapping of crime that establishes relationship between society and the physical environment. It dominated in 1830-1880 in France and spread to England. The work based on social data of demographic information on population including its density, religion affiliation and wealth. Crime mapping, as noted at the beginning of this write up, has quite a long history. Researchers have pointed out that "hundreds of spatially oriented studies of crime and delinquency have been written by sociologists and criminologists since about 1830. . ." and recognized three major schools:

The cartographic or geographic school dominated between 1830 and 1880, starting in France and spreading to England. This work was based on social data, which governments were beginning to gather. Findings tended to center on the influence of variables such as wealth and population density on levels of crime.

The typological school dominated between the cartographic period and the ecological period that would follow in the 20th century. The typologists focused on the relationship between the mental and physical characteristics of people and crime.

The social ecology school concentrated on geographic variations in social conditions under the assumption that they were related to patterns of crime.

Most likely, the first use of computerized crime mapping in applied crime analysis occurred in the mid-1960s in St. Louis. The latter, in particular, was notable for bridging the gap between academic crime mapping and analysis/applications specifically aimed at crime prevention. Early computer mapping efforts used line printers as their display devices, so their resolution was limited to the physical size of the print characters. This precluded the use of computer maps for the representation of point data, at least until plotters that were able to draw finer lines and point

symbols came into more general use. Even as late as 1980, the breakthrough into widespread GIS-style crime mapping was about a decade away. It was necessary to wait for improvements in desktop computer capacity, printer enhancements, and price reductions before desktop mapping could become an everyday, broadly accepted phenomenon.

The type of computing environment that would facilitate the entry of GIS into law enforcement (and elsewhere) permits cartographic principles and practices to be used on a day-to-day basis. Mapping crime has come into its own primarily because of advances in computing that, in turn, have facilitated GIS applications. Apart from all the obvious advantages, a major benefit is that computer mapping allows free rein to experiment, a luxury denied in the old days of manual mapping.

Biological School of Criminology

Biological theories of crime causation (biological positivism) are based on the belief that criminals are physiologically different from non-criminals. The cause of crime is biological inferiority. Biological Age Crime is most frequent in second and third decades of life. Gender Males commit more overall and violent crime. They also commit more property crime except shoplifting, which is about equally distributed between the genders. Males appear to be more likely to recidivate. Arousal Measures related to arousal such as heart rate and skin conductance are low among criminals.

Body type Mesomorph or muscular body type is positively correlated with criminality. Hormones Testosterone is positively correlated to criminality. Race, ethnicity, and immigration there is a relationship between race and crime. Many different theories have been proposed for the relationship between race and crime in various countries. Ethnically/racially diverse areas probably have higher crime rates compared to ethnically/racially homogeneous areas. Most studies on immigrants have found higher rates of crime.

Early life Pregnancy Maternal smoking during pregnancy is associated with later criminality. Low birth weight and pre-natal trauma/birth complications may be more prevalent among criminals. In other case children whose birth results from an unintended pregnancy are more likely to be delinquents or commit crimes. Family Child maltreatment, low parent-child attachment, marital discord/family discord, alcoholism and drug use in the family, and low parental supervision/monitoring are associated with criminality. Larger family size and later birth order are also associated. Bullying is positively related to criminal behavior. School disciplinary problems, truancy, low grade point average, and dropping out of high school are associated with criminality. Adult behavior High alcohol use, alcohol abuse, and alcoholism, as well as high illegal drug use and dependence are positively related to criminality in general.

Having sex- early age of first intercourse and more sexual partners are associated with criminality. Few friends, criminal friends, and gang membership correlate positively with criminality. Religion High religious involvement, high importance of religion in one's life, membership in an organized religion, and orthodox religious beliefs are associated with less criminality. Areas with higher religious membership have lower crime rates. Physical health

Criminals probably suffer from more illnesses. Accidental injuries Criminals are more frequently accidentally injured.

Constitution School of Criminology- William Sheldon

The crime was co-related with the body type and was established a severe link between the body types, morphology, certain bodily fluid and crime. Sheldon classified body type in to three major group and developed characteristics of such body type. These body types include the following.

Body Types

Humans can be divided into three basic body types or somatotypes. These body types in turn are said to correspond to certain innate temperaments.

- **Endomorph** - Excessive body weight and short with muscular body.
- Characteristics – Described as being “soft” and having an extroverted personality (the stereotype of the “jolly fat man” comes to mind).

- **Mesomorph** - Athletically built and muscular.
- Characteristics – Described as being active and behaving aggressively. Said to be most likely to be involved in serious criminal activity and to join gangs.

- **Ectomorph** - Thin and delicate and having an introverted personality.
- Characteristics – They are also said to be loners and hence not likely to engage in crime but may have criminal intent or negative feelings most often.

Structure of Criminal Justice System in India

The Indian Legal System is one of the oldest legal systems in the entire history of the world. It has altered as well as developed over the past few centuries to absorb inferences from the legal systems across the world. The Constitution of India is the fountainhead of the Indian Legal System. It demonstrates the Anglo-Saxon character of judiciary which is basically drawn from the British Legal System. India is a land of diversified culture, local customs and various conventions which are not in opposition to the statute or ethics. People of different religions as well as traditions are regulated by all the different sets of personal laws in order to relate to family affairs.

The Criminal Justice System in India is designed based on Anglo-Indian (British) pattern where in adversarial (Accusatorial System) is followed in Juvenile Justice System and Inquisitorial system is followed with reference to Adult justice where accused is presumed to be innocent until he/she is proved beyond reasonable doubt of his criminal intent to commit the act of crime. While juvenile is a person- any human aged less than 18 years accused of crime is presumed to be alleged committed the act of crime, onus of burden remains with the individual he/she should prove he is innocent. While in adult case the onus of proof remains with state (prosecution). This system is reverse in American criminal justice. In India, the justice dispensation is left with judiciary while making of the law is left with the legislator in state and centre.

Table 1 Structure of Criminal Justice System

Criminal Justice System
Legislator in State and Centre
Judiciary Magistrate/ Judge/ Justice Prosecution Defense Counsel
Law Enforcement and related agencies
Victim/ Offender/ Witness
Evidence/ Expert
Prison/ Correctional Institutions
Probation

The common features, duties and functions of the Criminal Justice System in all the aforementioned procedures may be roughly broken into the following distinct stages:

1. Framing of charge or giving of notice

This is the beginning of a trial. At this stage, the judge is required to weigh the evidence for the purpose of finding out whether or not a prima facie case against the accused has been made out. In case the material placed before the court discloses grave suspicion against the accused that has not been properly explained, the court frames the charge and proceeds with the trial. If, on the contrary, upon consideration of the record of the case and documents submitted and after hearing the accused person and the prosecution in this behalf, the judge considers that there is not sufficient ground for proceeding, the judge discharges the accused and records reasons for doing so.

The words “not sufficient ground for proceeding against the accused” means that the judge is required to apply a judicial mind in order to determine whether a case for trial has been made out by the prosecution. It may be better understood by the proposition that whereas a strong suspicion may not take the place of proof at the trial stage, yet it may be sufficient for the satisfaction of the court in order to frame a charge against the accused person.

The charge is read over and explained to the accused. If pleading guilty, the judge shall record the plea and may, with discretion convict him however if the accused pleads not guilty and claims trial, then trial begins. Trial starts after the charge has been framed and the stage preceding it is called inquiry. After the inquiry, the charge is prepared and after the formulation of the charge the trial of the accused starts. A charge is nothing but formulation of the accusation made against a person who is to face trial for a specified offence. It sets out the offence that was allegedly committed.

2. Recording of Prosecution Evidence

After the charge is framed, the prosecution is asked to examine its witnesses before the court. The statement of witnesses is on oath. This is called examination-in-chief. The accused has a right to cross-examine all the witnesses presented by the prosecution [8] .

Section 309 of the Crpc further provides that the proceeding shall be held as expeditiously as possible and in particular, when the examination of witnesses has once begun, the same shall be continued day-to-day until all the witnesses in attendance have been examined.

3. Statement of Accused

The court has powers to examine the accused at any stage of inquiry or trial for the purpose of eliciting any explanation against incriminating circumstances appearing before it. However, it is mandatory for the court to question the accused after examining the evidence of the prosecution if it incriminates the accused. This examination is without oath and before the accused enters a defence. The purpose of this examination is to give the accused a reasonable opportunity to explain incriminating facts and circumstances in the case.

4. Defence Evidence

If after taking the evidence for the prosecution, examining the accused and hearing the prosecution and defence, the judge considers that there is no evidence that the accused has committed the offence, the judge is required to record the order of acquittal. However, when the accused is not acquitted for absence of evidence, a defence must be entered and evidence adduced in its support. The accused may produce witnesses who may be willing to depose in support of the defence. The accused person is also a competent witness under the law. The accused may apply for the issue of process for compelling attendance of any witness or the production of any document or thing. The witnesses produced by him are cross-examined by the prosecution.

The accused person is entitled to present evidence in case he so desires after recording of his statement. The witnesses produced by him are cross-examined by the prosecution. Most accused persons do not lead defence evidence. One of the major reasons for this is that India follows the common law system where the burden of proof is on the prosecution, and the degree of proof required in a criminal trial is beyond reasonable doubt.

5. Final Arguments

This is the final stage of the trial. The provisions of the Crpc provide that when examination of the witnesses for the defence, if any, is complete, the prosecutor shall sum up the prosecution case and the accused is entitled to reply. The same is provided for under section 234 of the code.

6. Judgment

After conclusion of arguments by the prosecutor and defence, the judge pronounces his judgment in the trial. Here it is relevant to mention that the Crpc also contains detailed provisions for compounding of offences. It lists various compoundable offences under table 1 of the Indian Penal Code which may be compounded by the specified aggrieved party without the permission of the court and certain offences under table 2 that can be compounded only after securing the permission of the court compounding of offences also brings a trial to an end.

Under the CrPC an accused can also be withdrawn from prosecution at any stage of trial with the permission of the court. If the accused is allowed to be withdrawn from prosecution prior to framing of charge, this is a discharge, while in cases where such withdrawal is allowed after framing of charge, it is acquittal.

The above described is the process how a trial takes place for dispensation of a criminal case although this six stepped procedure looks plain and simple it suffers from many inherent lacunas which become the reasons for delay and hampers an expeditious trial and not to forget the option of appeal is again there where the state or the criminal has option to appeal to appellate court and as well as seek a permission to file a special leave petition to the supreme court where in again all this process is repeated except for the fact that the supreme court only deals with cases where there is a question of law involved.

In criminal justice system it is mandate to note roles played by four different agencies interconnected but autonomous in their functions. These agencies aim to protect the society and help

each other dispensation of justice to the victims. One agency that is no role to play in justice dispensation while characterize the whole criminal justice system and its processes.

Role of Legislature

The entire process of law making is left with the state and central laws as recommended by the supreme court of India. State makes law of their requirements. Some special recommendations are made by central government to the state on concurrence of the central and state governments. For a law to be recognized in India, it must first be introduced in the form of a "Bill" in either House of the Parliament, then passed by both houses and then finally the President of India must assent to it before it becomes an "Act of Parliament". Law Making Process in Indian Parliament

The Indian constitution gives the law making procedure in Indian Parliament. The primary function of the Indian Parliament is to make, fresh laws and to revise or abrogate existing laws. Bills passed by the Parliament falls into two categories:

- (a) money bills and
- (b) non-money or, ordinary or, public bills.

The procedures prescribed by the constitution for passing the two categories of bills are different. Procedure of passing ordinary or public bills-An ordinary bill has to pass through different stages before becoming an Act. An ordinary bill may be introduced in either House of the Parliament.

The first stage is the introduction or the firstly reading of the bill. Most such bills are introduced by ministers. They are drafted by technical experts and approved by the Council of Ministers. Ordinary members of the Parliament may also introduce bills. One month's notice has to be given to the speaker or, the chairman of the Rajya Sabha before the introduction of the bill. Then on a date fixed by the speaker or the chairman, the mover rises on his seat to move the bill. This is the introduction or the first reading of the bill which is a formal affair. No debate usually takes place at this stage. But on an unusual bill, for example the bill on Preventive Detention in 1954 may be opposed by the opposition at its very introduction. After introduction, the bill is published in the Gazette of India. The speaker or, the chairman may allow some bills to be gazette even before the first reading. Such hills do not require formal introduction in the Parliament.

The next stage in the life of a bill is the Second Reading which usually takes place after an interval of two days after the first reading. At this stage, any of the four courses are adopted.

The bill may be taken for consideration by the House at once.

It may be sent to a select committee of the House.

It may be sent to a joint select committee of the two Houses and

It may be circulated for eliciting public opinion. Very rarely bills are taken up for consideration straight way.

When the 4th course is adopted, the secretariat of the House concerned request the State Governments to publish the bill in the State Gazettes inviting opinions from local bodies and recognized associations. Such opinions are circulated among the members of the House.

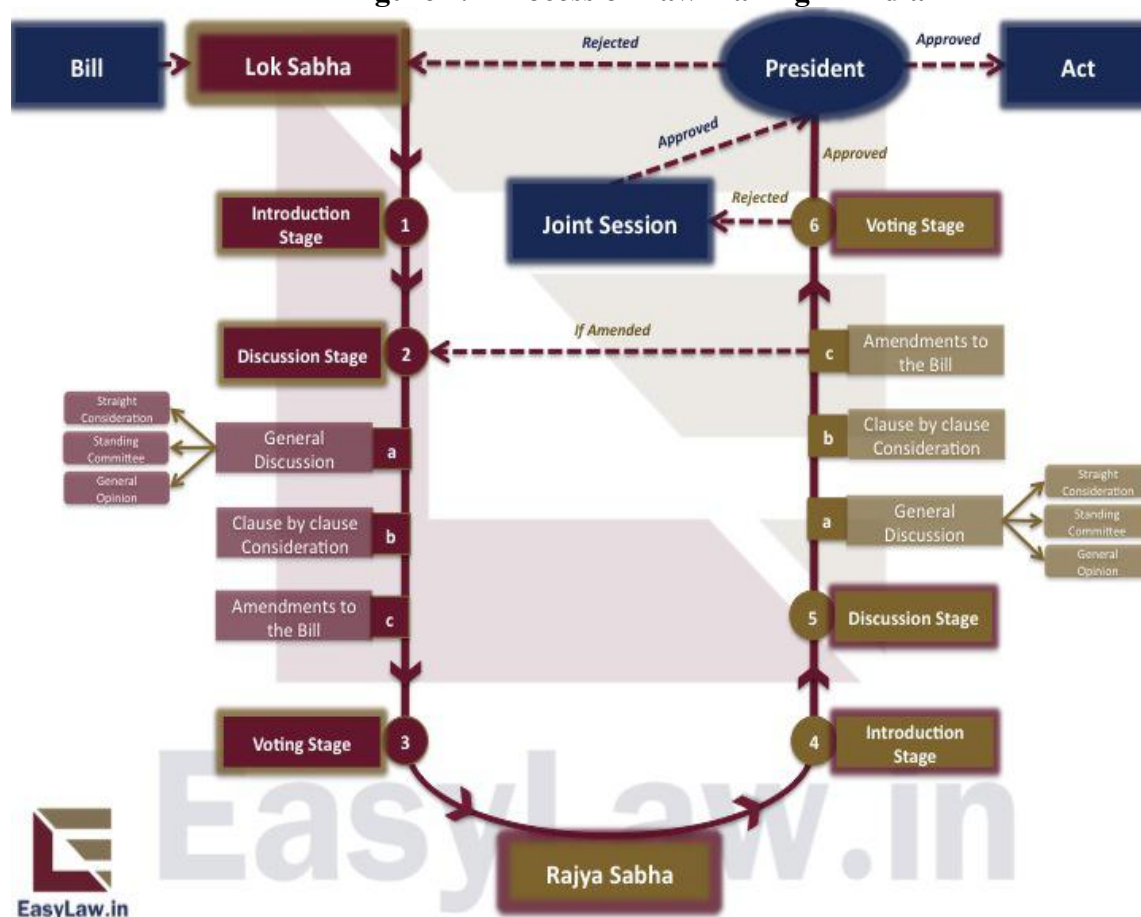
Committee stage

If the bill is referred to a select committee, the mover selects the members of the committee, the Speaker or the Chairman appoints one member of the committee, the chairman of the committee. The committee makes a careful study of the bill and reports back to the House.

Report Stage

The original bill along with the report of the Select committee is circulated among the members. It is at this stage that the bill is debated clause by clause. At two stages in the career of a bill debates take place. In the Second Reading when the bill is debated in principle and at the report stage, when it is debated clause by clause. The Second Reading is most crucial in the life of the bill while the Report stage is most important as giving final shape to the bill. After the bill is passed by a majority vote, it is submitted for the Third Reading.

Figure 2.1 Process of Law making in India



The Third Reading like the First Reading is only formal. No debate takes place and no bill is rejected at this stage.

After the bill is adopted at the Third Reading, it's transmitted to the other House where it goes through all the stages as in the originating House. The other House may accept the bill. In that case it is sent to the President for his assent. The other House also may reject the bill or, may introduce amendments not acceptable to the original House or, may not return the bill within six months. In any of such case, a constitutional deadlock develops between the two Houses. The President may call a joint session of the two Houses to resolve the deadlock. The Speaker or in his absence the Deputy Speaker presides over such joint sessions. The deadlock is dissolved by majority vote. Finally the bill passed by both Houses goes to the President for his assent. If the President assents to the bill, it becomes a law. The President may return the bill for reconsideration. If the bill is sent back to the President with or, without amendments, the President cannot withhold his assent. This complicated and time consuming procedure is adopted to prevent hasty legislation.

Role of Police

The role, function, duties and their involvement in justice dispensation is enlisted in Criminal Procedure Code, while their rank, hierarchy and other mandates are enlisted in The Police Act and manual. Being enforcers of law they are very important part of the judiciary. More detail is available in the course material on Police Science and Crime Prevention.

Roles and responsibilities of police

Laws should state that the primary duties of police are to protect victims and potential victims and promote offender accountability by consistently enforcing laws and procedures so that all "honour" crimes and killings are investigated and addressed by the criminal justice system. To give effect to this goal, laws should authorize police, by judicial authorization where appropriate, to enter premises, conduct arrest of the primary aggressor(s), and confiscate weapons or dangerous substances in cases involving "honour". Laws should charge police to work in coordination on the response to "honour"-based violence with advocates, health care providers, criminal justice actors, including prosecutors, child protection services, local businesses, the media, employers, religious leaders, health care providers, clergy and organizations working with victims and immigrant communities. In countries where "honour" crimes tend to be more prevalent in certain immigrant communities, law enforcement should collaborate with community leaders and women's organizations in those communities to formulate an effective response to "honour" crimes.

Example: An example of inter-sectoral collaboration to assist domestic violence victims involves the municipality, police and NGOs in Bulgaria. In Sofia, these three bodies provide a consultation center. The purpose is to provide multiple resources for victims in one independent location. Interviewers reported that victims of domestic violence are using the center to seek help where a police officer, lawyer and social worker are available to meet with victims of domestic violence.

Role of Judiciary

Most criminal justice systems have five components-law enforcement, prosecution, defense attorneys, courts, and corrections, each playing a key role in the criminal justice process. Law Enforcement: Law enforcement officers take reports for crimes that happen in their areas. The final authority in justice dispensation is entrusted with the judiciary. Where these agencies are funded, facilitated and mostly under the home department of either state or central government. Judiciary is either accusatorial or inquisitorial justice system. Adult is trailed by the courts of India, juvenile cases are dealt by Juvenile Justice Board, cases pertaining to the women crimes by Mahila courts and Economic crime are dealt by special economic crimes court and many other special and more happening crimes are dealt by the specialized court set up by the state or central government as per the special requirements. More detail is available in the course on Police Science and Crime Prevention.

Drafters should seek to ensure that the criminal justice system effectively addresses all “honour” crimes and killings to ensure accountability for the perpetrator(s) and promote the safety of the victims. Laws should charge the court system to work in coordination with police, advocates, health care providers, criminal justice actors, child protection services, local businesses, the media, employers, religious leaders, health care providers, clergy and organizations working with victims and immigrant communities. See: Coordinated Community Response, StopVAW, and the Advocates for Human Rights.

Judicial Discretion

Laws should limit judicial discretion to reduce sentences, reduce the charge or exculpate the defendant in “honour” crimes and killings. Specifically, laws should prohibit judges from using the following factors as mitigating evidence in cases involving “honour”:

Private settlements, reconciliation and forgiveness among the perpetrators and the victim or her family;

- The level of perceived dis honour to the family and perpetrator;
- The victim’s past behavior, including sexual behavior, that supposedly violated the traditional code of “honour”;
- The morality or ethics of the victim’s behavior that motivated the perpetrator to commit the “honour” crime or killing;
- The perpetrator’s status as the household’s primary wage earner;
- Defenses in cases of “honour” crimes, “honour” killings, and domestic femicides, including:
 - Crimes of passion defense
 - Provocation or "fit of fury" defenses
 - Defenses of “honour”, morality or ethics
 - Defenses in cases of adultery, whether witnessed or not.

Laws should require judges to undergo trainings on “honour” crimes and domestic violence to dispel misperceptions they may hold. Trainings for judges should provide information on women’s human rights, violence against women, cultural sensitivities, “honour”-based violence, including its prevalence, defining characteristics, risk factors, and consequences, the needs of victims, victim experiences in court, and the impact of judicial demeanour on perpetrators and

should seek to dispel harmful stereotypes about women and girls. Where specific “honour” crimes legislation or violence against women legislation has been enacted, judges should be educated about such laws. Drafters should work closely with civil society to ensure effective civilian and independent oversight of the court system and to ensure the availability of procedures complaints about judicial misconduct to an independent investigatory body. They should also instruct judges on evaluating safety risks in cases involving “honour” in sentencing.

Prosecution

Prosecution in criminal case is entrusted with state, hence it becomes the responsibility of the state to recruit, train and equip them with the power, role, duties and functions in justice dispensation organised, maintained and funded by the state. In case where central government is involved government in does the same to its prosecution department. More detail is available in the course on Police Science and Crime Prevention.

Duty of the Public Prosecutor in the Criminal Justice System

An ideal Prosecutor must consider herself/himself as an agent of justice. In India, we have a public prosecutor who acts in accordance with the directions of the judge. Normally, the control of entire trial is in the hands of the trial judge. Investigation is the prerogative of the police. However, it is generally believed that traditional right of nulle prosequi is available to the prosecutor. The public prosecutor in India does not seem to be an advocate of the state in the sense that the prosecutor has to seek conviction at any cost. The prosecutor must be impartial, fair and truthful, not only as a public executive but also because the prosecutor belongs to the honorable profession of law, the ethics of which demand these qualities.

In India, the criminal justice system should function within the framework of the Indian Constitution. Succinctly speaking, the principles enunciated in the Constitution are as infra:

- Presumption of innocence: Accused presumed to be innocent
- Deprivation of life / personal liberty only in accordance with procedure established by law (See Article 21 of the Indian Constitution)
- Equality: The guarantee of equality before the law.
- Equal Protection: Equal protection of the laws.
- Beyond all reasonable doubt: The guilt must be proved beyond all reasonable doubt
- Double jeopardy: Protection against double jeopardy
- Non-retrospective punishment
- Prohibition of discrimination: Prohibition of discrimination imposed upon the State
- The right of the accused to remain silent
- Arrest/detention must be in accordance with law and judicial guidelines.
- Speedy trial.

Directorate of Prosecution is concerned, the objective behind establishing the Directorate of Prosecutions was to exercise close supervision and scrutiny of work relating to various prosecuting agencies at Sessions and Assistant Sessions levels except at the High Court level. The Directorate of Prosecutions in the State of Andhra Pradesh was created vide G.O. Ms. No. 323, Home (Courts-C), Department, dated 26-5-1986 wherein all the Prosecuting Officers were

brought under the supervisory control of the Director of Prosecutions. This Directorate is headed by a Director assisted by other subordinate rank officials and ministerial staff. The major functions are:

Assistant Public Prosecutors - Assistant Public Prosecutor Officers scrutinise charge sheets prepared by the investigating agency and submit discharge/ acquittal. They evaluate the evidence in each case and make their recommendations for filing revision petitions or appeals against impugned orders and judgments, as well as conduct cases in Courts of Metropolitan Magistrates.

Additional Prosecutors - Additional Public Prosecutors conduct cases in Sessions Courts

Chief Prosecutors - Chief Prosecutors supervise the work of Assistant Public Prosecutors in the Courts of Metropolitan Magistrates

Public Prosecutor - Public Prosecutor is responsible for supervision of prosecution work conducted by Additional Public Prosecutors in the Sessions Courts

Director of Prosecution – The Director of Prosecution is the Head of Office. The Director of Prosecution looks after the Establishment and Accounts Branches and exercises overall control over officers of the Directorate.

The Role of the Prosecutor

The role of the Prosecutor is not to single-mindedly seek a conviction regardless of the evidence but his/her fundamental duty is to ensure that justice is delivered. The Indian judiciary interpreted role, responsibilities and duties of prosecution as follows:

- 1) The ideal Public Prosecutor is not concerned with securing convictions, or with satisfying departments of the State Governments with which she/he has been in contact. He must consider herself/himself as an agent of justice. The Allahabad High Court had ruled that it is the duty of the Public Prosecutor to see that justice is vindicated and that he should not obtain an unrighteous conviction.
- 2) There should not be on part of a Public Prosecutor a seemly eagerness for, or grasping at a conviction” The purpose of a criminal trial being to determine the guilt or innocence of the accused person, the duty of a Public Prosecutor is not to represent any particular party, but the State. The prosecution of the accused persons has to be conducted with the utmost fairness. In undertaking the prosecution, the State is not actuated by any motives of revenge but seeks only to protect the community. There should not therefore be “a seemly eagerness for, or grasping at a conviction.
- 3) A Public Prosecutor should not by statement aggravate the case against the accused, or keep back a witness because her/his evidence may weaken the case for prosecution. The only aim of a Public Prosecutor should be to aid the court in discovering truth. A Public Prosecutor should avoid any proceedings likely to intimidate or unduly influence witnesses on either side.

4) A Public Prosecutor should place before the Court whatever evidence is in her/his possession. The duty of a public Prosecutor is not merely to secure the conviction of the accused at all costs but to place before the court whatever evidence is in the possession of the prosecution, whether it be in favour of or against the accused and to leave the court to decide upon all such evidence, whether the accused had or had not committed the offence with which he stood charged. It is as much the duty of the Prosecutor as of the court to ensure that full and material facts are brought on record so that there might not be miscarriage of justice.

5). The duty of the Public Prosecutor is to represent the State and not the police. A Public Prosecutor is an important officer of the State Government and is appointed by the State under the Code of Criminal Procedure, 1973. She/he is not a part of the investigating agency. She/he is an independent statutory authority. She/he is neither the post office of the investigating agency, nor it's forwarding agency; but is charged with a statutory duty.

6). The purpose of a criminal trial is not to support at all cost a theory, but to investigate the offence and to determine the guilt or innocence of the accused and the duty of the Public Prosecutor is to represent not the police, but the State and her/his duty should be discharged by her/him fairly and fearlessly and with a full sense of responsibility that attaches to her/his position. There can be no manner of doubt that Parliament intended that Public Prosecutors should be free from the control of the police department.

7). A Public Prosecutor should discharge her/his duties fairly and fearlessly and with full sense of responsibility that attaches to her/his position The Patna High Court held that purpose of a criminal trial is not to support a given theory at all costs but to investigate the offence and to determine the fault or innocence of the accused and the duty of the Public Prosecutor is to represent not the police but the Crown and her/his duty should be discharged by her/him fairly and fearlessly and with full sense of responsibility that attaches to her/his position.

8). The Andhra Pradesh High Court had ruled that prosecution should not mean persecution and the Prosecutor should be scrupulously fair to the accused and should not strive for conviction in all these cases. It further stated that the courts should be zealous to see that the prosecution of an offender should not be given to a private party. The Court also said that if there is no one to control the situation when there was a possibility of things going wrong, it would amount to a legalised manner of causing vengeance.

9). A Public Prosecutor cannot appear on behalf of the accused .It is inconsistent with the ethics of legal profession and fair play in the administration of justice for the Public Prosecutor to appear on behalf of the accused.

10). No fair trial when the Prosecutor acts in a manner as if he was defending the accused, It is the Public Prosecutors duty to present the truth before the court. Fair trial means a trial before an impartial Judge, a fair Prosecutor and atmosphere of judicial calm. The Prosecutor who does not act fairly and acts more like a counsel for the defense is a liability to the fair judicial system.

11). The statutory responsibility for deciding upon withdrawal squarely vests unwavering with the Public Prosecutor and should be guided by the Criminal Procedure Code The statutory

responsibility for deciding upon withdrawal squarely vests on the Public Prosecutor and is entirely within the discretion of the Public Prosecutor. It is non-negotiable and cannot be bartered away in favour of those who may be above her/him on the administrative side. The Criminal Procedure Code is the only master of the Public Prosecutor and he has to guide herself/himself with reference to Criminal Procedure Code only. So guided, the consideration which must weigh with her/him is, whether the broader cause of public justice will be advanced or retarded by the withdrawal or continuance of the prosecution. The sole consideration for the Public Prosecutor when she/he decides a withdrawal from a prosecution is the larger factor of administration neither of justice, political favours nor party pressures nor like concerns.

12). District Magistrate or the Superintendent of Police cannot order the Public Prosecutor to move for the withdrawal. The District Magistrate or the Superintendent of Police cannot order the Public Prosecutor to move for the withdrawal, although it may be open to the District Magistrate to bring to the notice of the Public Prosecutor materials and suggest to her/him to consider whether the prosecution should be withdrawn or not. But, the District Magistrate cannot command and can only recommend.

13). If there is some issue that the defense could have raised, but has failed to do so, then that should be brought to the attention of the court by the Public Prosecutor. The Supreme Court stated that the duty of the Public Prosecutor is to ensure that justice is done. It stated that if there is some issue that the defense could have raised, but has failed to do so, then that should be brought to the attention of the court by the Public Prosecutor. Hence, she/he functions as an officer of the court and not as the counsel of the State, with the intention of obtaining a conviction. The District Magistrate or the Superintendent of Police cannot order the Public Prosecutor to move for the withdrawal, although it may be open to the District Magistrate to bring to the notice of the Public Prosecutor materials and suggest to her/him to consider whether the prosecution should be withdrawn or not. But, the District Magistrate cannot command and can only recommend. The Supreme Court stated that the duty of the Public Prosecutor is to ensure that justice is done. It stated that if there is some issue that the defense could have raised, but has failed to do so, then that should be brought to the attention of the court by the Public Prosecutor. Hence, she/he functions as an officer of the court and not as the counsel of the State, with the intention of obtaining a conviction.

Role of Prison System

The prisons in India are managed by the central government and are called central prisons. While state maintain these prisons under the auspices of the central funds. The state creates and maintains Sub-jails for imprisonment of punishment less or three years terms funded purely by the state. Juvenile institution and women prisons are created and maintained by the state. Prison is an important and integral part of the criminal justice system in every country. Used appropriately it plays a crucial role in upholding the rule of law by helping to ensuring that alleged offenders are brought to justice and by providing a sanction for serious wrongdoing. At best prisons should be able to offer a humane experience with opportunities for prisoners to obtain assistance and help with rehabilitation.

At their worst prisons can be sites of appalling suffering, incubators of disease or mere warehouses from which prisoners return to society poorly equipped to lead a law abiding life. There is enormous variation in the way the world's ten million prisoners are treated. Some young men do drill in military style boot camps while others are counselled in therapeutic communities. Prisoners deemed dangerous may be held in almost total isolation in the highest "supermax" conditions of security; low risk prisoners approaching their date of release go out to work during the day from open establishments. Some convicted prisoners can spend years in remote labour colonies, pre trial detainees a few weeks in city centre lock ups or many years beyond legal guarantees and amongst sentenced prisoners.

The experience of very many prisoners- perhaps the majority – continues routinely to involve often gross violations of basic human rights and seemingly makes scant contribution to either the rule of law or to the creation of safer communities. The failings of prisons often reflect chronic problems of maladministration, chiefly under resourcing in terms of buildings and staff, compounded by often severe overcrowding and weak management and accountability. In principle these are matters that can be put right. But there is an often unspoken question: How much are the obvious failings of imprisonment due to inherent flaws in the nature of institution itself rather than weaknesses in its practical elaboration?

While much more attention needs to be paid to finding new ways of preventing and responding to crime, in the short term priorities would seem to include ensuring prison is used as a last resort and for the shortest possible time; minimising the use of pre trial detention especially in Africa, South Asia and Latin America; modernising national prison laws and rules which sometimes date from colonial times; and while applying existing international standards and working towards an updated and comprehensive framework of norms across the globe.

For prison administrations, the collation, flow and analysis of information are key for policy development, budgeting and resource allocation, sentence management, ensuring access to justice and provision of appropriate specialised services. While there is much to be gained by the use of information management systems, these will only facilitate good practice based on the collation and use of valid, reliable data and work best in locations where there is suitable infrastructure and adequately trained staff.

Prison services and line ministries need to have a clear understanding of the 'stock and flow' of the prison population to enable them to plan and budget for their operations. Furthermore, sentence planning and the provision of appropriate services, educational, recreational, health and legal are very much more likely to happen where reception and record procedures are sound, confidential where necessary, sustained and used efficiently.

In southern Sudan the prison service operates with almost no reliable information on the prison population or its own staff. A priority for a UNODC Prison project there has been to enhance the ability of the Prison Service to collect, retain and use prison data to effectively manage the prison system.

Cooperation among the sub systems of Criminal Justice System

The justice system's major components—police, courts, and corrections—prevent or deter crime by apprehending, trying, and punishing offenders. They are entrusted with cooperation.

Police departments are public agencies whose purposes are to maintain order, enforce the criminal law, and provide services. Police officers operate in the community to prevent and control crime. They cooperate with prosecutors in criminal investigations, gathering evidence necessary to obtain convictions in the courts.

Courts are tribunals where persons accused of violating criminal law come to have their criminal responsibility determined by juries or judges. The purposes of the courts are to seek justice and to discover the truth. The primary actors in the courts are the prosecutors, defense attorneys, and judges.

Corrections include probation, parole, jail, prison, and a variety of new community-based sanctions, such as electronic monitoring and house arrest. The purposes of correctional agencies are to punish, to rehabilitate, and to ensure public safety.

The differences between National and State Justice Systems

National and state justice systems carry out the same functions (enforcing laws, trying cases, and punishing offenders), but the laws and agencies of the two systems differ. State legislatures make most criminal laws, which are enforced by state and local police. City and county prosecutors try persons accused of breaking state laws in state courts. Judges sentence offenders convicted of violating state laws to serve time in either locally supervised jails or state-controlled correctional institutions. At the National level, Congress enacts criminal laws, and Supreme Courts of India, enforce these laws. Indian attorneys prosecute persons accused of committing National crimes, and Supreme Courts of India trail the cases. To punish and rehabilitate those convicted of National crimes, the Bureau of Police, Research and Development and prisons provides programs and institutions.

The first line of defence against crime

The administration of justice in the United States is mainly a state and local affair. State and local governments employ two-thirds of all criminal justice workers and also pay a much larger share of the costs of criminal justice than the federal government. Then, too, state, county, and city criminal justice agencies provide most of the protection from thieves, rapists, and murderers.

Criminal justice as a non-system

Critics say criminal justice is really not a system. They point out that in some respects criminal justice agencies are independent bodies and that they take their authority and budgets from different sources. Police departments are funded mainly by towns and cities; prosecutors, public defenders, trial courts, and jails are mainly countywide; and prisons and appellate courts are mainly state-wide. In addition to having separate sources of authority and funding, criminal justice agencies set their own policies. Finally, the agencies often fail to coordinate their activities and, thereby, ignore the impact that their decisions will have on other agencies.

Coordination among the various sub systems of criminal justice system

Criminal justice systems are complex. They are composed of several major subsystems, including the police, courts, and corrections, which are in turn composed of many minor subsystems. Predicting the response of a criminal justice system to changes in subsystems is often difficult. Mathematical modeling can serve as a powerful tool for understanding and predicting the behavior of these systems under different scenarios. We further develop a system dynamics model of the criminal justice system, and show how this model can assist strategic decision-makers and managers makes better decisions.

The public prosecutors appearing in the Sessions Courts were drawn from the open market on a tenure basis and they were responsible to the District Magistrates. After the amendment in the Code, Assistant Public Prosecutors have been totally detached from the police department. At present they report to the District Magistrate at the district level and to the Director of Prosecutions at the state level. The status of the public prosecutors appearing in the Sessions Courts remains unchanged. There is no institutionalized interaction or co-ordination between the investigating agency and the prosecuting agency. The police files are sent to the Assistant Public Prosecutors for their legal opinion at the pre-trial stage. As they are not responsible to the district police authorities, the legal advice is sometimes perfunctory and without depth. Further, the district police are totally in the dark as to the fate of cases pending in the courts.

Even though there is a district level law officer, to supervise the work of the Assistant Public Prosecutors, he does not have the status and stature that the District Superintendent Police has. Be that as it may, there is no immediate prospect of the Assistant Public Prosecutors being placed under the control of District Superintendent of Police. Even so, it would be desirable to make some institutional arrangement for proper co-ordination between the two agencies. The following suggestions are being made in this regard:

- (1) The District Superintendent of Police should periodically review the work of the Assistant Public Prosecutors;
- (2) He should be authorised to call for information from the prosecution agency regarding the status of a particular case pending in the court;
- (3) The prosecution agency should send periodical returns to the District Superintendent of Police regarding disposal of cases in the courts;
- (4) The District Superintendent of Police should send a note annually to the District Magistrate regarding the performance of each Assistant Public Prosecutor working in his district, which should be placed in his confidential annual report/dossier; and
- (5) On its part, the police department should make available certain facilities to the prosecutors such as housing, transport, and telephones. The state government may provide for the above arrangement by issuing necessary orders. Such an arrangement would go a long way in bringing about coordination between the police and the prosecution agency.

UNIT-IV: CRIME AND CRIMINAL TYPOLOGY

Introduction to Crimes against Persons

Crimes against persons are a category of crime that consists of offenses that usually involve causing or attempting to cause bodily harm or a threat of bodily harm. These actions are taken without the consent of the individual the crime is committed against, or the victim. These types of crimes do not have to result in actual harm - the fact that bodily harm could have resulted and that the victim is put in fear for his/her safety is sufficient.

Assault

Assault is a crime against a person that involves causing or attempting to cause physical harm to another person. Typically, when a person is seriously injured or the crime involves a deadly weapon, such as a gun, then it is considered an aggravated offense and the level of crime is enhanced and the punishment is more severe. An assault is considered a criminal offense that is punishable by jail or prison time. An assault can also include a threat of physical harm.

An example of an assault would be if two people got into a fight at a grocery store. Then, person A struck person B in the face. It would also be an assault if person A swung at person B, attempting to strike him in the face, and missed.

Additionally, using our example, in order to have an actual criminal assault, person A must have the intent, or the general purpose to commit the assault. In other words, one cannot 'accidentally' assault someone. They must have the general intent to commit the crime in order to be charged with it.

Domestic Violence

Domestic violence is a crime against the person that involves a violent act taken by one family or household member against another. This act can be physical harm or psychological harm. The level of offense and the punishment for committing the crime depends on how many times the offender has done it before and how serious the injury received was.

Domestic violence can be committed against any partner, regardless of sex and regardless of marital status. It can also be committed between siblings or between parent and child. An example of domestic violence would be if a wife struck her husband or a boyfriend struck his girlfriend.

Stalking

Stalking is a type of crime against a person that is an unwanted pattern of contact with another person. Stalking is made up of a pattern of contact, such as sitting outside of someone's house, sending those letters, making phone calls or otherwise threatening them. The punishment for stalking depends on the amount of contact, whether the person has gotten in trouble for it before and the seriousness of the contact.

Stalking puts the victim in fear for his/her safety due to the fact that the other person is incapable of 'leaving them alone.' A person can be charged with stalking regardless of whether he or she had a prior relationship with the victim or not. An example of stalking would be if a man spent a

significant number of hours every day following a woman. He may call her, follow her home from work, send her emails and sit outside of her house. He knows that this contact is not wanted and puts the woman in fear for her safety. This man could be charged with stalking.

The saying 'An eye for an eye, a tooth for a tooth' is one which we have probably all heard at one point in our lives. However, this saying can evoke strong emotion when considering the existence of conflict and violent crime in the world today.

Violent Crimes

Violent crimes include crimes where intentional harm is inflicted against another individual during the commission of the crime. Additionally, violent crimes can include the threat of intentional harm. The infliction of the harm can include the use of weapons, poison, bodily contact, and more. Most violent crimes are felony crimes. These are considered the most serious crimes and carry a sentence of one year or more in prison.

Examples of Violent Crimes

There are various types of violent crimes. Some types of violent crimes include the following:

- Murder
- Manslaughter
- Rape
- Arson
- Terrorism
- Domestic violence
- Gang violence
- Kidnapping
- Robbery
- Assault
- Battery

Crimes against Property

Although crimes against the person such as murder and rape are considered extremely heinous, crimes against property can cause enormous loss, suffering, and even personal injury or death. In this section, you review different classifications of nonviolent theft crimes that are called white-collar crimes when they involve commercial theft. Upcoming sections analyze theft crimes that involve force or threat, receiving stolen property, and crimes that invade or damage property, such as burglary and arson. Computer crimes including hacking, identity theft, and intellectual property infringement are explored in an exercise at the end of the chapter.

Consolidated Theft Statutes

Historically, nonviolent theft was broken down into three categories: larceny, embezzlement, and false pretenses. The categories differ in the type of property that can be stolen and the method of stealing. Modern jurisdictions combine all three categories of nonviolent theft into one consolidated theft statute, with a uniform grading system largely dependent on the *value* of the stolen property. The Model Penal Code consolidates *all* nonviolent theft offenses, including receiving stolen property and extortion, under one grading system (Model Penal Code § 223.1). What follows is a discussion of theft as defined in modern consolidated theft statutes, making

note of the traditional distinctions among the various theft categories when appropriate. Theft has the elements of criminal act, criminal intent, attendant circumstances, causation, and harm, as is discussed in this chapter.

Consolidated Theft Act

The criminal act element required under consolidated theft statutes is stealing real property, personal property, or services. Real property is land and anything permanently attached to land, like a building. Personal property is any movable item. Personal property can be tangible property, like money, jewelry, vehicles, electronics, cellular telephones, and clothing.

Personal property can also be intangible property, which means it has value, but it cannot be touched or held, like stocks and bonds. The Indian Penal Code criminalizes theft by unlawful taking of movable property, theft by deception, theft of services, and theft by failure to make required disposition of funds received under one consolidated grading provision.

The act of stealing can be carried out in more than one way. When the defendant steals by a physical taking, the theft is generally a larceny theft. The act of taking is twofold. First, the defendant must gain control over the item. Then the defendant must move the item, which is called transportation, as it is with kidnapping.

To summarize, whether the defendant steals by a physical taking, a conversion, or a false representation of fact, and whether the defendant steals real or personal property or a service, the crime is theft under modern consolidated theft statutes and is graded primarily on the value of the property or service stolen.

Computer Crime

An emerging type of crime involves using computers to “hack” (break into) military, educational, medical, and business computers. Although software exists to thwart sophisticated hackers, it provides only limited protection for large computer systems. Modest estimates state that *known* computer crimes total some \$300 million each year; the amounts could be much higher. Laws dealing with computer crimes are in their infancy in India.

Victimless Crime

In victimless crime, all parties consent to the exchange of illegal goods and/or services. In some cases, victims may exist, but not usually. The list of victimless crimes includes illicit drug use, gambling in most areas of the country, the use of illegal sexual materials, public nudity, public drunkenness, vagrancy, loan sharking, and prostitution.

Prostitution

A prostitute is a person who has sex indiscriminately for pay. Prosecution of prostitutes has been inconsistent, primarily because society has trouble making up its mind about prostitution. The vast majority of Americans disapprove of prostitution—61 percent of males and 83 percent of females believe the practice is “always wrong” or “almost always wrong.”

The sheer number of sellers and buyers creates a major problem in trying to arrest and prosecute prostitutes. One conservative estimate says that, at any one time, 5 million American females are engaging in some form of prostitution. Another problem is the criminal justice system's bias toward arresting prostitutes more often than their buyers.

Still another is the bureaucratic nature of the criminal justice system, which is excessively time-consuming and expensive. Even if arrested, most prostitutes are poor and cannot afford legal representation, so the system has to cover the costs. The entire ordeal frustrates everyone involved. Rather than attempting to arrest and prosecute prostitutes, some communities prefer to focus their efforts on ridding themselves of overt prostitution, usually by preventing prostitutes from loitering and soliciting in public.

Some prostitutes have organized into active unions with the purpose of promoting prostitutes' civil rights by legalizing or decriminalizing their profession. Some proponents argue that legalizing prostitution would save enforcement dollars, eliminate the need for pimps, bring in license fees and taxes, and keep prostitutes disease-free through regular medical examinations. Others argue that decriminalization would allow people to have control over their work, as well as protect the privacy of prostitutes and their customers.

Organized Crime

Organized crime refers to groups and organizations dedicated solely to criminal activity. Historically, leaders of organized crime, or “crime families,” have come from different ethnic groups, such as the Italian-American sectors of large U.S. cities.

Organized crime activities are of three basic types:

- Legal activities and businesses, such as restaurants.
- Illegal activities, such as importing and selling narcotics, gambling, and running prostitution rings.
- Racketeering or the systematic extortion of funds for purposes of “protection.”

As one might expect, organized crime can be wildly profitable. Current estimates place organized crime as one of the largest businesses in the United States, even ahead of the automobile industry. Although police and governmental officials continue to fight organized crime, most mobsters have tremendous amounts of money to fight back with high-powered attorneys.

Offenses against Property

Property Crimes: These are crimes that do not necessarily involve harm to another person. Instead, they involve an interference with another person's right to use or enjoy their property. Property crimes include:

- Larceny (theft)
- Robbery (theft by force) – Note: this is also considered a personal crime since it results in physical and mental harm.
- Burglary (penalties for burglary)
- Arson
- Embezzlement
- Forgery
- False pretenses
- Receipt of stolen goods.

Inchoate Crimes

“Inchoate” translates into “incomplete”, meaning crimes that were begun, but not completed. This requires that a person take a substantial step to complete a crime, as opposed to just “intend” to commit a crime. Inchoate crimes include:

- Attempt – any crime that is attempted like “attempted robbery”
- Solicitation
- Conspiracy

Adult Crime

Statutory Crimes – A violation of a specific state or federal statute and can involve either property offenses or personal offense. Statutory crimes include:

- Alcohol-related crimes such as drunk driving (DUI)
- Selling alcohol to a minor.

The crimes listed above are basically prohibited in every state, but each state is different in how the law is written, how the behavior is regulated and the penalties that each crime potentially carries. Also, the list is far from complete because behavior may be prohibited in one state and not in others. For example, prostitution is legal in some parts of Nevada, but is a crime in every other state. Likewise, carrying a concealed firearm is only legal in certain states.

Crimes against Children

Children suffer rates of conventional crime victimization, like rape, robbery and assault, which are substantially higher than the general adult population. They also suffer a considerable burden of victimizations that are specific to being children – child maltreatment, neglect and emotional abuse. Unfortunately, crimes against children are considerably less likely to come to police attention than crimes against adults. Even so, the police see more children in the role of crime victim than in the role of crime offender. It is thus ironic that crimes committed *by* children–juvenile delinquency–receive considerably more official attention than crimes committed *against* children. This is reflected in courses in college curricula devoted entirely to

Juvenile Delinquency or the Federal government's Office of Juvenile Justice and Delinquency Prevention, which is concerned about juvenile victims, but only has delinquency in its title.

There have been marked declines in several indicators of childhood exposure to violence and abuse from the early 1990s to the recent past. There are, however, some questions about whether the declines of the 1990s continued during the 2000s and for what kinds of crime and violence. This article reports trend information comparing the 2003 data from the Developmental Victimization Study (DVS) and 2008 data from the National Study of Children Exposed to Violence finding among other things:

- A significant decrease in peer/sibling assault (from 45% to 38.4%) and bullying (21.7% to 14.8%)
- Psychological and emotional maltreatment by caregivers appeared to lessen, though other forms of child maltreatment did not.
- Among the victimizations that did not decline were adult-instigated victimizations, including physical abuse and neglect, and exposure to adult domestic violence

Children suffer higher rates of exposure to violence and crime than do adults and such exposure is responsible for a considerable burden of physical and mental health morbidity. However, comprehensive epidemiology about this exposure has lagged behind other pediatric public health threats and lacked nationally representative samples, and epidemiological studies have been limited to a restricted part of the age or victimization spectrum.

The authors aimed to advance epidemiology in this area by using a large nationally representative sample to cover the entire age range of childhood, assessing the most comprehensive spectrum of victimization types, and obtaining both previous-year and lifetime estimates.

This material introduces the concept that a justice system exists that responds to juvenile victims. This juvenile victim justice system is a complex set of agencies and institutions that include police, prosecutors, criminal and civil courts, child protection agencies, children's advocacy centers, and victim services and mental health agencies. The system has a structure and sequence, but its operation, despite the thousands of cases it handles every year, is not as widely recognized and understood as the operation of the more familiar juvenile offender justice system.

Offenders against juveniles made up more than one-fifth of all prisoners incarcerated for violent crimes in State prisons in the United States. Offenders against juveniles pose distinct challenges for the criminal justice system - both because of the vulnerable nature of their victims and because of society's sometimes highly charged reaction to their crimes. This bulletin uses data from the 1997 Survey of Inmates in State Correctional Facilities to find, among other things, that:

- Most offenders incarcerated for crimes against juveniles were sex offenders (65%), while only 7% of incarcerated offenders against adults were sex offenders

- Most offenders incarcerated for crimes against juveniles had victimized someone in their family or household (48 percent) or an acquaintance (38 percent), whereas the majority of offenders against adults had victimized a stranger (54 percent)
- The majority of offenders incarcerated for crimes against juveniles were white (64 percent), were over 30 years old (51 percent), and had been married (56 percent); the majority of offenders against adults were nonwhite (59 percent), were under 30 (66 percent), and had never been married (60 percent).

An analysis of the data from the FBI's 1997 National Incident-Based Reporting System (NIBRS) from jurisdictions in 12 states reveals some key findings:

Juveniles make up 12 percent of all crime victims known to police, including 71 percent of all sex crime victims and 38 percent of all kidnapping victims.

Simple assault is the most commonly reported crime against juveniles, constituting 41 percent of all juvenile victimizations reported to police. Sexual offenses make up 12 percent, aggravated assaults 11 percent, and kidnappings 1 percent of all the crimes against juveniles reported to police.

Girls predominate as victims of sex offenses and kidnappings, but boys predominate as victims of all other crimes.

The findings presented in this Bulletin indicate that a majority of victimizations of juveniles ages 12 to 17 are **not** being reported to police or other authorities. Even serious victimizations involving weapons and injury are significantly less likely to be reported when they happen to juveniles than when they happen to adults.

A variety of factors may contribute to the underreporting of crimes against juveniles, including adolescent concerns about personal autonomy and fears of being blamed or not taken seriously, family concerns about the negative impact of the justice system on children, and the general perception that nonsexual assaults against youth are something other than real crimes. The justice system may be able to increase youth reporting by emphasizing its interest in assisting juvenile victims, making staff more available and accessible, and countering some of the ideology that inhibits such reporting.

Poly-victimization of Children and Youth

Considerable research has documented high levels of childhood exposure to abuse, violence, and crime, as well as its damaging physical and mental health consequences. In this literature, however, little attention has been paid to the possibility that children may often be exposed to multiple forms of victimization. Building on earlier research, this study employs the concept of "poly-victimization" to describe this highly victimized group of children in an effort to demonstrate the detrimental consequences of poly-victimization for child well-being.

Almost 66% of the sample was exposed to more than one type of victimization, 30% experienced five or more types, and 10% experienced 11 or more different forms of victimization in their lifetimes

Poly-victims comprise a substantial portion of the children who would be identified by screening for an individual victimization type, such as sexual assault or witnessing parental violence

Poly-victimization is more highly related to trauma symptoms than experiencing repeated victimizations of a single type and explains a large part of the associations between individual forms of victimization and symptom levels.

Most of the children experience one or the other or in combination of the following crimes.

- Assault
- Child Abuse & Rural Families
- Child Maltreatment Fatalities
- Childhood Sexual Abuse
- Hate Crimes
- Overall Crime Victimization
- Physical Abuse
- Robbery and Theft

Crime against Older Adults

According to a report that adults aged sixty-five or older experienced much less violence and victimization as well as fewer property crimes than younger people did between 1973 and 2005. This reveals that adults aged sixty-five and older had the lowest rates of violent victimization of any age group. The violent crimes against older adults have steadily declined since 1995 and have remained relatively unchanged in recent years.

Violence against adults and children with disabilities

Both children and adults with disabilities are at much higher risk of violence than their non-disabled peers, according to two systematic reviews recently published in the Lancet. The reviews were carried out by Liverpool John Moores University's Centre for Public Health, a WHO Collaborating Centre for Violence Prevention, and WHO's Department of Violence and Injury Prevention and Disability. These are the first studies to confirm the magnitude of the problem and they provide the strongest available evidence on violence against children and adults with disabilities. They also highlight the lack of data on this topic from low- and middle-income countries.

The review on the prevalence and risk of violence against children with disabilities, published in July 2012, found that overall children with disabilities are almost four times more likely to experience violence than non-disabled children. The review indicated that children with disabilities are 3.7 times more likely than non-disabled children to be victims of any sort of violence, 3.6 times more likely to be victims of physical violence, and 2.9 times more likely to be victims of sexual violence. Children with mental or intellectual impairments appear to be among the most vulnerable, with 4.6 times the risk of sexual violence than their non-disabled peers.

The systematic review on violence against adults with disabilities, published in February 2012, found that overall they are 1.5 times more likely to be a victim of violence than those without a disability, while those with mental health conditions are at nearly four times the risk of experiencing violence.

“The results of these reviews prove that people with disabilities are disproportionately vulnerable to violence, and their needs have been neglected for far too long,” notes Dr Etienne Krug, Director of WHO’s Department of Violence and Injury Prevention and Disability. “We know that specific strategies exist to prevent violence and mitigate its consequences. We now need to determine if these also work for children and adults with disabilities. An agenda needs to be set for action”.

Factors which place people with disabilities at higher risk of violence include stigma, discrimination, and ignorance about disability, as well as a lack of social support for those who care for them. Placement of people with disabilities in institutions also increases their vulnerability to violence. In these settings and elsewhere, people with communication impairments are hampered in their ability to disclose abusive experiences.

"The impact of a child's disability on their quality of life is very much dependent on the way other individuals treat them," stresses Dr Mark Bellis, Director of the Centre for Public Health at Liverpool John Moores University, a WHO Collaborating Centre for Violence Prevention, and lead researcher on the review. “This research establishes that the risk of violence to children with disabilities is routinely three to four times higher than that to non-disabled children. It is the duty of government and civil society to ensure that such victimization is exposed and prevented."

Proven and promising programmes to prevent violence against non-disabled children and adults—reviewed in WHO’s *Violence prevention: the evidence*, *Preventing child maltreatment*, and *Preventing intimate partner and sexual violence against women* – should be implemented for children and adults with disabilities, and their effectiveness evaluated as a matter of priority.

The United Nations Convention on the Rights of Persons with Disabilities reinforces the need to protect the rights of children and adults with disabilities and ensure their full and equal participation in society. This includes avoiding the adverse experiences resulting from violence which are known to have a wide range of detrimental consequences for health and well-being. When prevention fails, care and support for children and adults who are victims of violence are vital to their recovery. The WHO/World Bank World report on disability outlines what works in improving health and social participation of people with disabilities and promotes deinstitutionalization.

Habitual Offender

Habitual offender is a person who frequently has been convicted of criminal behaviour and is presumed to be a danger to society. In an attempt to protect society from such criminals, penal systems throughout the world provide for lengthier terms of imprisonment for them than for first-time offenders. In the 1990s habitual-offender laws became harsher, and in extreme cases some offenders were detained permanently.

The idea of habitual-offender legislation reflects the basic assumption of positive criminology that crime is analogous to disease and should be treated by comparably flexible measures. According to this view, a person with persistent tendencies to commit crimes should be quarantined from society as would someone with a seriously infectious disease.

During the first half of the 20th century, advocates of habitual-offender legislation appealed to then-popular biological theories of crime to argue that if a person committed several major crimes, it was reasonable to assume that he was criminal by nature and needed to be imprisoned indefinitely. In the 1950s, however, the work of criminologist Marvin Wolfgang and others indicated that only a relatively small number of criminals become serious multiple offenders and that these criminals commit the great majority of violent crimes and serious offenses against property. Some studies suggest that this dangerous hard core constitutes only about 2 percent of all offenders.

In theory, identifying and incapacitating such offenders early in their criminal careers should prevent a large number of serious crimes. In practice, however, it is difficult to devise laws that identify not just habitual offenders but all those who are likely to commit serious crimes. For example, many laws stipulate that once an individual has been convicted of three felonies, he should qualify for habitual-offender status and receive a lengthy prison term. But in various U.S. states, many nonviolent and less-serious offenses—such as committing fraud, bouncing checks, and even committing bigamy—are considered felonious crimes. The incarceration of those who commit such offenses is, at a minimum, controversial. Another point of controversy is that the availability of habitual-offender laws may unfairly enhance the powers of prosecutors, who can entice petty offenders to plead guilty by threatening to charge them with felonies that would earn them habitual status.

Professional Offenders

Various terms are used to describe recidivists or repeat offenders including habitual offenders and professional or career criminals. Recidivism can be defined in many ways. Recidivism is the act of a person repeating an undesirable behaviour after he has either experienced negative consequences of that behaviour or has been treated or trained to extinguish that behavior. Webster's Dictionary has defined it as the tendency to relapse into a previous condition or mode of behaviour, especially a relapse into criminal behaviour.

Recidivism is derived from the Latin word 'Recidivists' it can be as simple as reoffending at the basic level, that is, a person commits a crime and sometime later he or she commits another crime, and it does not matter if he or she is caught, arrested, convicted or imprisoned. Like the Dutch proverb "Once a thief, always a thief." Nevertheless, many studies of recidivism are concerned with measuring the reoffending rates of persons once released into the community. In America according to the Bureau of Justice statistics special report on recidivism, within three years of release 67.5% of released persons were rearrested. Out of 650,000 released from prisons and over seven million from jails annually about two out of three offenders were

The rates of recidivism reflect the degree to which released inmates have been rehabilitated and the role, correctional programmes play in reintegrating prisoners into society. The high rate of recidivism result in tremendous cost both in terms of public safety and the money spent to arrest, prosecute, and incarcerate the offenders. It also leads to devastating social cost to the communities, victims, families of victims, families of offenders, as well as personal cost to the offenders themselves. In almost all the countries around the world the percentage of recidivists is increasing.

Violent Offenders

Violent offenders are more dangerous; as they can be react any time with intentional serious harm against another individual during the commission of the crime. Additionally, violent offender can be of threat of intentional grievous harm. They inflict harm using the weapons, poison, bodily contact, and more. Most offenders are felons. They are considered the most serious and carry a sentence of not less one year or more in prison.

There are various types of violent offenders committing violent crime that includes the following

- Murder
- Manslaughter
- Rape
- Arson
- Terrorism
- Domestic violence
- Gang violence
- Kidnapping
- Robbery
- Assault
- Battery.

UNIT-V: CRIME TRENDS IN INDIA

This is a list of States and Union Territories of India ranked by the recognizable Crime Rate as on 2012 and 2015, and represents the number of cognizable crimes occurred for every 100,000 persons. The list is compiled from the 2012 and 2015 Crime in India Report published by National Crime Records Bureau (NCRB), Government of India.

Kerala has the highest cognizable crime rate of 723.2 (per 100,000 persons) as of 2015 with 50.9% of the cases filed under "Causing Injuries under Rash Driving/ Road Rage", while Nagaland recorded lowest rates of 55.1 (per 100,000 persons). Highest crime rate in Kerala is due to the people's accessibility to the police stations and even the minor crimes are recorded unlike many other states where the police force is not very effective and the people are reluctant to lodge the complaints.

The rates were calculated by National Crime Records Bureau as the number of incidents per 100,000 of the population. In 2006, the highest crime rate was reported in Puducherry (447.7) for crimes under Indian Penal Code which is 2.7 times the national crime rate of 167.7.

Crimes in India

Crime in India is very common and happens in many different ways. Along with violent crimes (like homicide, robbery, and assault), and property crimes (like burglary, theft, motor vehicle theft, and arson), there are major problems with organized crime, the illegal drug trade, arms trafficking, corruption, and many other forms of crime. The most common types of crimes in India are listed below.

National Crime Records Bureau, an attached office of Ministry of Home Affairs, Government of India was established in 1986 with a mandate to empower Indian Police with information technology solutions and criminal intelligence to enable them to enforce the law effectively. The computerization of the police forces in India started in 1971. NCRB started CCIS in the year 1995, CIPA in 2004 and finally CCTNS in 2009. The CCTNS connects approximately 12794 police stations and 6000 higher offices in the country. CCTNS once fully functional that will allow search for a criminal / suspect on a national data base apart from providing various services to the citizens through Citizen Portal. In future, it is also proposed to connect Police, Courts, Prosecution, Prisons and Forensic Labs into an Interoperable Criminal Justice System (ICJS)

Crime Statistics

NCRB brings out three annual reports i.e. Crime in India, Accidental Deaths & Suicides in India and Prison Statistics India. These reports are principal reference points for police officers, researchers, media and policy makers. Besides, the Bureau is also collecting Crime Statistics and Anti-human Trafficking statistics on monthly basis. The complete software package of 'Monthly Crime Statistics' has been released in the month of December, 2016.

After extensive and exhaustive deliberation with various stakeholders, the proforma for Crime in India, Monthly Crime Statistics and Accidental Deaths & Suicides in India were revised in the year 2014.

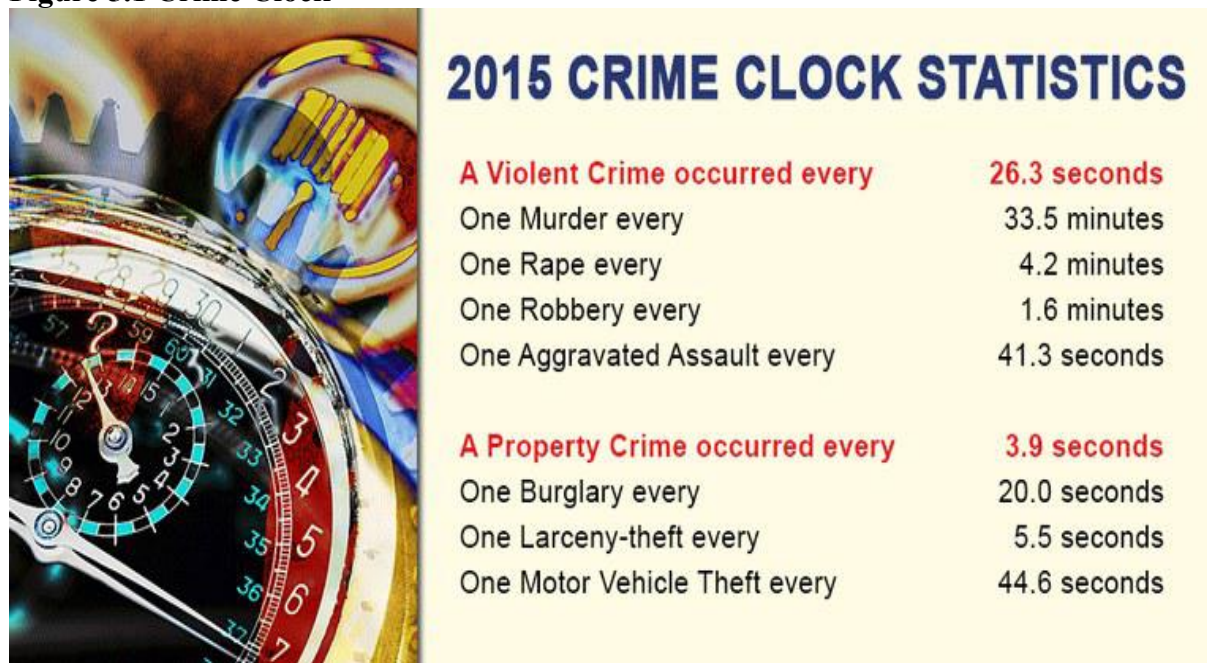
NCRB has developed application software for Crime in India (CII), Monthly Crime Statistics (MCS), Accidental Deaths & Suicide in India (ADSI), Prison Statistics of India (PSI). The Bureau is also conducting Training of Trainers (ToT) on Crime in India and Accidental Death & Suicide in India and Prison Statistics India for officials of SCRBx and Prison Departments of States/UTs.

NCRB has been conferred with 'Digital India Awards 2016' in open data championship category with Silver on 9 December 2016 for update of more than 3,000 datasets on Open Government Data (OGD) Platform India in open source format. NCRB has digitised 'Crime in India' since 1967 and Accidental Deaths & Suicides in India since 1998.

Crime Clock

This representation of crime data shows the relative frequency of how often violent and property crime offenses occurred in 2015. (Note that the Crime Clock should not be taken to imply regularity in the commission of crime. The Crime Clock represents the annual ratio of crime to fixed time intervals.) A violent crime was committed every 26.3 seconds. A murder occurred every 33.5 minutes, a rape every 4.2 minutes, a robbery every 1.6 minutes, and an aggravated assault every 41.3 seconds. A property crime offense was committed every 3.9 seconds. A burglary offense occurred every 20.0 seconds, a larceny-theft every 5.5 seconds, and a motor vehicle theft every 44.6 seconds.

Figure 5.1 Crime Clock



Crime rate is a menace that each country faces. It is said that society has a direct influence in making criminals. Government imposed many laws to reduce crime rate to make world a better place to live in, but majority did not find expected results. In this essay I would like to discuss about some of the reasons why people committing crimes and what measures government could take to prevent it.

First and foremost reason is unemployment and poverty. Every one of us should have a job to reach our goals and fulfill our life. Population explosion also made difficulties to find jobs for each individual. Jobless person may find hard to make both ends meet and develop frustration among them. This at last ends up in to antisocial or criminal activities where they get easy money.

Another main reason is broken families or single parenthood. here children will not get any attention neither from the family nor from the society; feels alone and makes them engage in crimes. For instance, Children those have unpleasant past experiences would be rebellious to society. Medias like internet, porn movies and detective novels also plays a tangible role in making them worse.

Population control is a major step to be implemented to abolish criminalities, starting small scale industries to provide job for the young graduates may also be able to cut short the unemployment. Last but not least implementing and enacting stringent laws and counseling also can suppress crime to a certain level. To put it in a nutshell, today's children are tomorrow's law abiding citizens. Everything should start from the root level. Government and society are equally responsible to make them perfect and to avoid crimes.

Crime Rates in India

Measures of Crime: In the India, crime rates are measured in one of two ways. (1) The Uniform Crime Report, administered by National Crime Records Bureau, compiles data of crimes reported to local police. ... Still, the UCR is the standard & most widely cited method of measuring crime in the India.

Table 5.1 Forms of Crimes and their level of Appreciation

Level of crime	47.61	Moderate
Crime increasing in the past 3 years	59.43	Moderate
Worries home broken and things stolen	45.11	Moderate
Worries being mugged or robbed	43.45	Moderate
Worries car stolen	40.72	Moderate
Worries things from car stolen	43.43	Moderate
Worries attacked	40.59	Moderate
Worries being insulted	39.99	Low
Worries being subject to a physical attack because of your skin colour, caste origin or religion	27.97	Low
Problem people using or dealing drugs	38.08	Low

Problem property crimes such as vandalism and theft	47.55	Moderate
Problem violent crimes such as assault and armed robbery	41.05	Moderate
Problem corruption and bribery	69.34	High

National Crime Records Bureau

The National Crime Records Bureau, abbreviated to **NCRB**, is an Indian government agency responsible for collecting and analysing crime data as defined by the Indian Penal Code (IPC). NCRB is headquartered in New Delhi and is part of the Ministry of Home Affairs (MHA), Government of India. The current Director of NCRB is Shri Radha Krishna Kini A (IPS) in January 2017.

NCRB was set-up in 1986 to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators. It was set up based on the recommendation of the Task force and National Police Commission by merging the Directorate of Coordination and Police Computer (DCPC), Statistical Branch of BPR&D, Inter State Criminals Data Branch of CBI and Central Finger Print Bureau of CBI.

Mission

To Empower Indian Police with Information Technology and criminal Intelligence to enable them to uphold law and protect people. To provide leadership and excellence in crime analysis particularly for serious and organized crimes.

Objectives

- Create and maintain secure sharable National Databases on crimes and criminals for law enforcement agencies and promote their use for public service delivery.
- Collect and process crime statistics at the national level and clearing house of information on crime and criminals both at National and International levels.
- Lead and coordinate development of IT applications and create an enabling IT environment for Police organizations.
- National repository of fingerprints of all criminals.
- To evaluate, modernize and promote automation in State Crime Records Bureaux and State Finger Print Bureaux .
- Training and capacity building in Police Forces in Information Technology and Finger Print Science.

State Crime Records Bureau

State Crime Records Bureau in Tamil Nadu was created to increase the operational efficiency of the Police Force and to improve the crime records system. The component units of SCRB are Police Computer Wing, Finger Print Bureau, Modus Operandi Bureau and Statistical Cell.

Crime and Criminal Tracking Network and Systems (CCTNS) State Crime Records Bureau is in charge of implementing the Crime and Criminal Tracking Network and System (CCTNS) which is an all India project. This mission mode project is implemented under the National e-Governance Plan (NeGP) as part of the 11th five year plan. CCTNS aims at creating a comprehensive and integrated system for collection of data on crime and criminals in enhancing the efficiency and effectiveness of policing through adoption of principles of e-governance and creation of a nationwide networking infrastructure. The implementation of the project covers 70 1,961 locations including 1,482 Police Stations and 479 higher offices in Tamil Nadu.

First, inaugurated the project in Tiruvallur, Ariyalur, and Sivagangai Districts and Coimbatore Commissionerate on 13.03.2013 and launched the Citizens Portal. Implementation of the project in the remaining 35 Districts / Commissionerates was completed on 26.09.2013. Initially planned for three phases over a period of three years the project implementation timelines were subsequently reduced to two phases spread over two years. SCRB signed the contract with the System Integrator (NTL Ltd) on 30th September, 2011, and completed the project well within the stipulated time i.e, 26th September, 2013. 425 FIR registering special units / Police Stations have been taken up for implementation in Phase-II and the same have been implemented in the year 2015. As part of CCTNS project implementation, System Generated FIR was rolled-out in all the Police Stations and Special Units (1,910 locations) successfully from 15.04.2016. As a result, sending of hand written FIRs to court has been stopped and now CCTNS generated FIRs are being sent to court. On an average, 2,150 System Generated FIRs are registered every day across the State.

Crime and Criminal Tracking Network and Systems aims to improve the delivery of citizen-centric services through enhancing the efficiency of the Police Stations through e-governance. Citizens should be able to access Police Services through multiple, transparent, and easily accessible channels in a citizen-friendly manner. The focus is not only on improving the current modes of service delivery but also on providing alternate modes such as internet / mobile for the Public to communicate with the Police. The citizens expect the system to help reduce multiple visits to Police premises to push their application for further processing or for providing an easy option to know the status of their complaints.

The State Government has sanctioned Rs.9.9 crores for the inclusion of Special Units in the ambit of Crime and Criminal Tracking Network System to implement the CCTNS project in Special Units. The Ministry of Home Affairs has given approval for development of e-learning system or Computer based Training (CBT) for Common Integrated Police Records Updating System (CIPRUS) software and the same was completed and released by Tamil Nadu on 29.01.2015. By using the CIPRUS application, 937 applications for Passport & Antecedent verification were rejected in the year 2015 based on the criminal profile of the applicants. During the year 2015, totally 20,778 Personnel including officers were trained in CIPRUS applications. Development of Asset Management Software (AMS) for CCTNS infrastructure management has been completed.

(b) Police Computer Wing: The Police Computer Wing was constituted in the year 1971 with the aim of computerizing all data pertaining to crimes and criminals to aid in investigation and in compiling crime statistics. The Police Computer Wing manages Citizens Portal and monitors other applications used in investigation and collection of statistics. Tamil Nadu Police Citizen Services Portal <http://eservices.tnpolice.gov.in> was launched on 13.03.2013 by me to provide facilities for sending online complaints / Information and to know the status of complaints / cases. It also provides facilities for applying for licenses online (Arms, Browsing centre, Video library), downloading forms, viewing information on missing persons, un-identified dead bodies, crime prevention tips. A Web Cell has been formed in the State Crime Records Bureau to monitor the online complaints and District / City Web Cells have been formed to co-ordinate and monitor online complaints in the respective Districts / Cities.

By using the Tamil Nadu Police Citizens Portal, 17 missing persons have been identified and 325 missing persons were matched with unidentified dead bodies till 31.03.2016. TALASH is a Software application supplied by the National Crime Records Bureau for co-ordinating arrested persons with wanted persons and for matching missing persons or escapees or deserters with unidentified bodies and arrested persons. This application is also used by SCRB. During the period 1995 to 2015, a total of 19,545 records of missing persons and unidentified dead bodies were fed into Talash data base, based on which, 485 advisory memos were given.

(c) Portrait Building System (PBS) Under the Portrait Building System (PBS), so far 1,013 portraits have been developed during 2001 to 2015. During 2015, 41 portraits have been developed out of which 5 cases have been traced. Apart from developing portraits, 789 Police Personnel from 39 Districts and Special Units have been trained in Portrait Building System.

(d) Monitoring of Vahan Samanvay System During 2014 the National Crime Records Bureau (NCRB) launched a new software namely “VAHAN SAMANVAY” System, replacing the existing Motor Vehicle Co-ordination system. Under this new scheme, Citizens can access the website and check and verify whether a particular vehicle has been involved in a crime and recovered by the Police.

(e) Monitoring of Jail Release Jail release particulars for property offences are collected and compiled periodically. During the year 2015, particulars of 15,067 property offenders released from jails (Bail / Release) were compiled and alert messages were sent to concerned Commissionerates / Districts for follow-up action.

(f) Finger Print Bureau The Tamil Nadu Finger Print Bureau, Chennai, was established in 1895 and is one of the oldest bureaux in the world. The Finger Print Bureau is the store house of finger print slips and it has 1,87,733 Finger print slips of convicted persons. The Bureau also undertakes scrutiny of finger prints on questioned documents referred to it by courts / other departments for expert opinion. Tamil Nadu is the first State in India to introduce the Single Digit Finger Print System in all the District Police Headquarters / Commissionerates. There are 36 Single Digit Finger Print Bureaux functioning in the State. In 938 cases chance prints were identified with criminals during the period from January, 2015 to March, 2016. All the finger print slips available in the Main Bureau and their records are updated and stored in Finger Print

Analysis Criminal Tracing System (FACTS). Further, The Tamil Nadu Finger Print Bureau has provided Remote Query Work Stations through Virtual Private Network – Multi Protocol Label Switching (VPN-MPLS) solution for online verification of suspects in the offices of the Deputy Commissioners of Police in Adyar, Anna Nagar, Flower Bazaar, Mylapore, and Triplicane and in the Single Digit Finger Print Bureau of Chennai City Unit-I (Chinthadripet) and Chennai City Unit-2 (St.Thomas Mount). 209 Chance Prints have been identified through FACTS Version 5.0. During the period from January, 2015 to March, 2016, 32 cases were identified using FACTS. 3,758 Conviction Slips were received for updation in FACTS.

Remote Query Work Stations are in operation for remote access of the Central database. Finger prints of persons arrested in various cases are compared with the fingerprint slips on record. 17,014 finger print slips were received during the period from January, 2015 to March, 2016. Out of these, 1,520 were traced. To strengthen the Bureau, orders have been issued in G.O.(Ms).No.184, Home (Pol.V) Department, Dated:25.02.2014 for supply of 110 High Quality Finger Print Kit Boxes to the Finger Print Units in the Districts/Cities. The Kit Boxes have been 82 purchased and supplied to all Districts and training to handle the kit box has been given by the company. Further my Government in G.O.(D). No.160, Home (Modern) Department, Dated: 19.02.2016 has sanctioned Rs.2.47 crores for upgrading Finger Print Analysis and Criminal Tracing System (FACTS) Version 5.0 to FACTS Version 7.0 at Central site with an option to extend to all Districts.

(g) Modus Operandi Bureau This unit collects details about crimes and criminals and disseminates information to investigating officers. It also collects data on missing persons. It brings out the Crime Intelligence Gazette for circulation to all Police Stations.

District Crime Records Bureau

District Crime Records Bureau is headed by one Deputy Superintendent of Police who is also nodal officer of Crime Criminal Tracking Network System (CCTNS), Juvenile Justice, Anti Trafficking, Cases of Atrocities against SC/ST persons and Juvenile Police Unit.

Collection, Analysis and Dissemination of the crime data and rendering expert advice to Police Stations is the core function of the District Crime Records Bureau. DCRB has direct supervision on the functioning of the Finger Print Bureau, Official photographer and the Scientific Assistant and they visit the scenes of crime in important cases with the mobile laboratory vehicle and expert advice.

Crime Patterns

Crime Pattern is a way of explaining why crimes are committed in certain areas. Crime is not random; it is either planned or opportunistic. According to the theory crime happens when the activity space of a victim or target intersects with the activity space of an offender.

Crime Analysis

Crime analysis is a law enforcement function that involves systematic analysis for identifying and analyzing patterns and trends in crime and disorder. Information on patterns can help law enforcement agencies deploy resources in a more effective manner, and assist detectives in identifying and apprehending suspects.

The Ecology of Crime

- Day, season and climate: during the hot summer months of July and August, the first day of a month.
- Temperature: crime rates increase with a rise in temperature and then begin to decline at some point when it may simply be too hot for any physical exertion.
- Population density: large urban rates tend to have a higher crime rate.
- Region: a rising crime pattern towards the west. Little research why this happens.
- Social class: still unresolved. Instrumental crimes: those unable to obtain desired goods and services through conventional means may resort to theft and other illegal activities to obtain them. Expressive crimes, such as rape and assault, are a means of expressing their rage, frustration and anger against society. These are more common in poor classes.
- Poverty alone cannot explain why a particular individual becomes a chronic violent crime, because if it could the crime problem would be much worse than it is now.

Gender and crime

- Male crime rates are much higher than female.
- Lombroso held that a small group of female criminals lacked typical female traits, such as maternity, undeveloped intelligence, piety, and weaknesses. And few masculine females are responsible for the handful of crimes committed by women.
- Chivalry hypothesis: criminality of females is hidden because of a generally protective and benevolent attitude towards women in our culture.
- Socialization: differences in socialization, girls are raised not to be violent and aggressive.
- Feminist views: the traditionally lower crime rate for women can be explained by their second class economic and social position. As women's social roles change there will be more female criminals. But so far there is little evidence that nations undergoing economic development also experience increases in the female violence rate.

Criminal Careers: the chronic offender

A small group of offenders are responsible for a great deal of all crime. These youths begin their criminal career at an extremely young age and persist into adulthood. The study of the chronic offender has led to the study of developmental criminology –why people persist, desist, terminate or escalate their deviant behavior.

Crime Trends in India

A crime trend is defined as a significant change in the nature of selected crime types within a defined geographical area and time period. It is the measure of significant changes in an area's crime pattern over time.

Factors influencing crime trends:

- Age: the crime rate follows the proportion of young males in the population. Both the victims and the perpetrators of crime tend to fall in the 18-25 age category.
- Race: there is no simple relationship among race and crime
- Natives and crime: there is a disproportionate number of aboriginal population in prisons and as victims of crime (35% were victims in the year preceding the survey).
- The economy: debate on the effects of the economy: in long-term periods of recession & unemployment there is more crime.
- Social malaise: as the levels of social problems increase so do crimes, e.g., single parent family, divorce and school drop-out rates.
- Culture and crime rate: In Japan the crime rate is very low. Violence is considered shameful and a disgrace in Japan and Scotland.
- Guns: the availability of guns, especially in teens, influences the crime rate.
- Drugs: there is no evidence that increasing use of drugs may affect the crime rate.
- Justice Policy: aggressive police practices, such as zero tolerance (but this may cause a displacement of crime).

Causality. A concept more applicable to the hard sciences. Does the appearance of X cause effect Y? In a perfect relationship, the appearance of X would always cause the effect Y. each and every time the relationship is seen.

Empirical Validity. This is the most important factor in evaluating a theory, and means that the theory has been supported by research evidence.

Ideology. A belief system and a set of core values or philosophy. In a pure sense, an ideology states or explains how things should be, and a theory explains how things actually are.

Internal Logical Consistency. A theory needs to be presented in a logical manner and to have clearly stated propositions that agree with or do not contradict one another. Restated, does the theory make logical and consistent sense?

Macro. Macro theories of criminal behavior explain the “big picture” of crime-crime across the world or across a society. They attempt to answer why there are variations in group rates of crime. Other authors have used the terms “epidemiology” or social structural theories.

Micro. Micro theories of criminal behavior focus on a small group of offenders or on an individual crime. They attempt to answer why some individuals are more likely than others to commit crime. Other authors have used the terms “individual conduct” or processual theories.

Necessary Condition. This means that X must be present to produce effect Y. If X is not present, Y will not occur.

Parsimony. This refers to how many propositions, steps, or statements are involved. How simple is the theory?

Physiognomist. Scientists who studied the facial features of criminals to determine whether the shape of ears, nose, and eyes and the distance between them were associated with antisocial behavior.

Policy Implications. If the theory is empirically valid, what solutions are suggested.

Probabilistic Causality. A concept more applicable to the social sciences. X is more or less likely to cause effect Y. Restated, X tends to cause Y.

Scope. Refers to how much or how many types of crime or deviance the theory covers.

Sufficient Condition. Each time X is present, effect Y will always occur.

Tautology. Circular reasoning. If a theory states that greed causes people to commit crime, and then says we know Jon is greedy because he committed a crime, it becomes impossible to subject the theory to the scientific process. In this case, you would find that greed has been defined as someone who commits criminal acts. The circle of the reasoning never stops.

Testability. To be valid and ultimately useful, a theory must be able to be subjected to scientific research. Theories may be untestable if they are tautological, propose causes that are not measurable, or are so open-ended that empirical findings can always be re-interpreted to support the theory.

Theory. In simple terms, theory is an explanation of something.

Theories of Criminal and Deviant Behavior. Theories in this category attempt to explain why an individual commits criminal or delinquent acts.

Theories of Law and Criminal Justice. Theories in this category attempt to explain how laws are made, and how the criminal justice system operates as a whole.

Usefulness. This refers to the real world applications that the theory proposes or suggests, and the ability to implement those applications.

Key Concepts

1. Theories are useful tools that help us to understand and explain the world around us. In criminology, they help us to understand the workings of the criminal justice system and the actors in the system.
2. Theories suggest the way things are, not the way things ought to be. They are not inherently good or bad; however, they can be used for good or bad purposes.
3. A theory can try to explain crime for a large social unit or area (macro), or it can attempt to explain crime at the individual or smaller unit level (micro).
4. Because we are dealing with human behavior, the social sciences will never be like the hard sciences. In the hard sciences, the theory of relativity will not change. In the social sciences, however, we deal with probabilities. The social scientist will say things such as, "A severely neglected child will probably commit, or tend to commit, delinquent acts."
5. To be used for maximum effectiveness, theories must make sense (logical consistency), explain as much crime as possible (scope), and be as concise as possible (parsimony). Most important, the theory must be true or correct (validity). Having met these basic goals, the theory must then have some real world applications and policy implications.

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