

HUSHED IN THE MIND OF NEFARIOUS: CRIMINAL PSYCHOLOGY

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Abstract

This paper provides a overview of approaches to understand crime and criminal behaviour, with a focus on law, statistic and psychological perspective. A wide range of different types of criminal behaviour are considered include juvenile crime, violent offending, sexual offending, collective violence, and so on. For each type of offence a clear overview and some theoretical approaches have been developed. It also includes by considering our theoretical understanding of crime can inform our response to criminal behaviour in terms of punishment, prevention, procedure, rehabilitation and reformation.

1.1 INTRODUCTION

Gowri Shankar, he instantly settled a name for himself as a transporter of unlawful arrack (coconut liquor) who was in like manner related with the close-by tissue trade. In any case, what gets him on this rundown as one of India's most infamous serial killer is his slaughtering binge in the 80s. Amid a time of a half year in 1988, Auto Shankar kidnapped and killed 9 high school young ladies from Thiruvannamiyur, Chennai¹. Why did he commit this offence? Although this question is deceptively straightforward, providing a complete and coherent answer is not. Though initially he blamed all of it on the influence of cinema and their tactics, but a month before his execution, he confessed to committing the murders for some politicians who had raped the abducted 9 teenage girls. After his capture, he figured out how to escape from Chennai Central Prison yet was then later secured in Rourkela, Odisha. Shankar was hanged to death in Salem Prison in 1995.

'Hushed in the mind of nefarious' means 'Inside the mind of Criminal'. This provide a conceptual overview of the various different types of explanation to different types of criminal behaviour. First, however, we need to take a little time to explain just what we mean by 'crime' and 'criminal behaviour' and how these are defined and measured. We will also discuss the specific contribution of criminal psychology to the task of understanding offending. We then consider how the different types of explanation for crime can be organised in a conceptually coherent fashion and introduce some of the main approaches related punishments and recovery of criminals according to their behaviour.

1.2 What is Crime?

A crime is an offence that merits community condemnation and punishment, usually by way of fine or imprisonment. This is different from a civil wrong (a tort), which is an action against an individual that requires compensation or restitution. Many jurists have defined crime in their own ways some of which are as under²:

Blackstone defined crime as an act committed or omitted in violation of a public law either forbidding or commanding it.

Stephen observed a crime is a violation of a right considered in reference to the evil tendency of such violation as regards the community at large.

Oxford Dictionary defines crime as an act punishable by law as forbidden by statute or injurious to the public welfare.

1.3 Fundamental Elements Of Crime: There are four elements which go to constitute a crime, these are:- Human being, Mens rea or guilty intention, Actus reus or illegal act or omission and Injury to another human being.

Human Being- The first element requires that the wrongful act must be committed by a human being.

Mens Rea-The second important essential element of a crime is mens rea or evil intent or guilty mind. There can be no crime of any nature without mens rea or an evil mind. Each wrongdoing requires a psychological component and that is considered as the key rule of criminal obligation. The fundamental necessity of the standard mens rea is that the blamed more likely than not known for those components in his demonstration which make the wrongdoing with which he is charged. There is a notable proverb in such manner, i.e. "actus non facit reum nisi mens sit rea" which implies that, the blameworthy aim and liable act together constitute a wrongdoing. It originates from the proverb that no individual can be rebuffed in a procedure of criminal nature except if it can be demonstrated that he had a blameworthy personality.

Actus Reus [Guilty Act Or Omission] -The third essential element of a crime is actus reus. As such, some clear demonstration or illegal omission must happen in compatibility of the liable expectation. Actus reus is the appearance of mens rea in the outer world. Prof. Kenny was the primary essayist to utilize the term 'actus reus'. He has characterized the term along these lines "such consequence of human direct as the law looks to counteract".

Injury- There must be physical or mental injury or property loss of another person

1 Manikandan, k. 'Auto' Shankar: a Ride of Terror in the Madras of the 80s. The Hindu, 2 June 2016, www.thehindu.com/news/cities/chennai/auto-shankar-a-ride-of-terror-in-the-madras-of-the-80s/article5049710.ece.

2 Mishra, S.N. *Indian Penal Code*. 20th ed., Central Law Publication, 2017.

1.3 Measuring crime and criminal behaviour

The task of measuring crime is important for a wide range of different reasons. Most straightforwardly we are interested in determining just how much crime there is in society and how prevalent different types of crime are. Inevitably we will also be interested in finding out whether crime is increasing or decreasing and whether crime is more prevalent in some places than others. Obtaining clear information about the nature and prevalence of crime in society is also important for the development of theories of crime. A good theory of crime, for instance, will provide a satisfactory account of the most notable patterns in criminal behaviour, such as the over-representation of men and young people in crime statistics.

In India, crime measurement is predominantly based on police-recorded crime statistics measured by the National Crime Records Bureau (NCRB). Police-recorded crimes, however, are inherently limited because most of the crimes are not reported to the police. In the USA, Canada, and England and Wales many innovations in crime measurement have recently been made to overcome the limitations of police-recorded crimes. Some of those more innovative and improved methods of crime measurement include the National Crime Victimization Survey (NCVS) and the National Incidence-Based Reporting (NIBRS) system of the USA, Crime Survey for England and Wales (CSEW), General Social Survey (GSS) of Canada, European Crime and Safety Survey (EU ICS), and the International Crime Victimization Survey (ICVS) conducted by an ICVS International Working Group. For further modernization in crime classification and crime measurement in India, police-recorded crime statistics should be supplemented with systems that can measure criminal victimization and self-reported crime data.

1.4 What is criminal psychology?

The term “criminal psychology” has been defined in a numerous ways. Even today it has no accepted definition. It can be defined as a science, which helps investigative institutions in fulfilling their mission more effectively by applying a psychological knowledge to it.

In this field psychologists mainly focus on offenders. They can engage in a number of activities related to investigation, ranging from profile creation process to conduction of psychological testing of people for courts/trials for various crimes³.

People with this profession are also trying to find out why do people commit offence, what are their motives, what made them do so. The research of cause-effect relationship ranges from a serial killer’s childhood environment to psychological stress, which leads them to rob a bank in order to deal with financial problems.

1.5 The general factors of causes of crime

There are some factors which are generally causes of crime in every country.

- *Family environment:* Criminal behaviour is the result of an unstable family environment, abusive parenting and lack of parental supervision.
- *Biological factors:* Criminal behaviour is the result of biological factors such as the genes that people inherit and the way that their brain works.
- *Psychological factors:* Criminal behaviour is the result of psychological factors like impulsiveness, lack of empathy and low IQ.
- *Social-structural factors:* Criminal behaviour is the result of a lack of educational opportunities, an unfair economic system, poor job opportunities and other social-structural factors.
- *Situational factors:* Criminal behaviour is the result of opportunities to commit crimes, involvement with antisocial peers, and the use of alcohol and other drugs.

2 JUVENILE DELINQUENCY AND DEVELOPMENT OF CRIME

A teenager who allegedly kidnapped and murdered the six-year-old son of his neighbours in central Delhi’s Ranjit Nagar area two years ago has been convicted of the crime and sent to a juvenile detention centre for three years. The juvenile, then 17 years old, had demanded a ransom of Rs 1.5 lakh from the boy’s family because he wanted to buy a high-end mobile phone. The Juvenile Justice Board awarded him the maximum punishment provided in the Juvenile Justice (Care and Protection of Children) Act⁴.

It seems that each new adult generation laments the state of ‘today’s’ youth. High profile cases of children who have been convicted of killing, like this given case a teenager murder 6 year old child for ransom to buy an i-phone. In the United Kingdom, the abduction and murder of 2-year-old James Bulger by two 10-year-old boys generated an enormous amount of media attention and provoked various debates concerning the age of criminal responsibility, the state of the nation’s youth, and concern over the ‘moral decay’ of society (Green, 2007, 2008).

These examples raise a number of important questions about the nature of juvenile offending. Just what kind of offences do young people commit and how much juvenile crime is there? How should young people be treated by the criminal justice system, and at what age can we say that an individual is criminally responsible for their crimes? Why are some young people more likely to

3 Durrant, R. “Understanding Criminal Behaviour: an Overview.” *An Introduction to Criminal Psychology*, Routledge, 2013.

4 “Teen Convicted of Killing 6-Year-Old Son of Neighbours.” *The Indian Express*, 9 July 2016, www.indianexpress.com/article/cities/delhi/teen-convicted-of-killing-6-year-old-son-of-neighbours-2904342/.

commit crimes than others – what are the important individual, family, and social factors that put some young people at greater risk for offending?

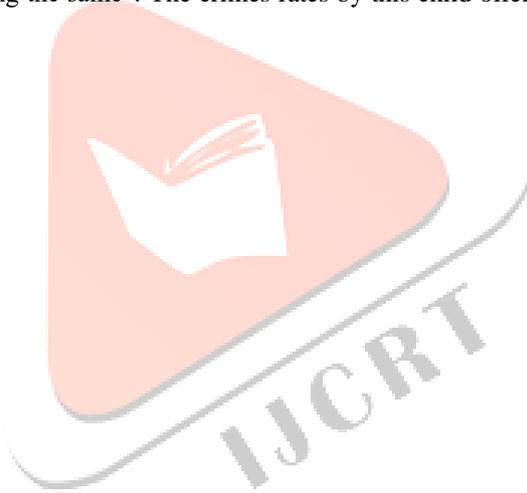
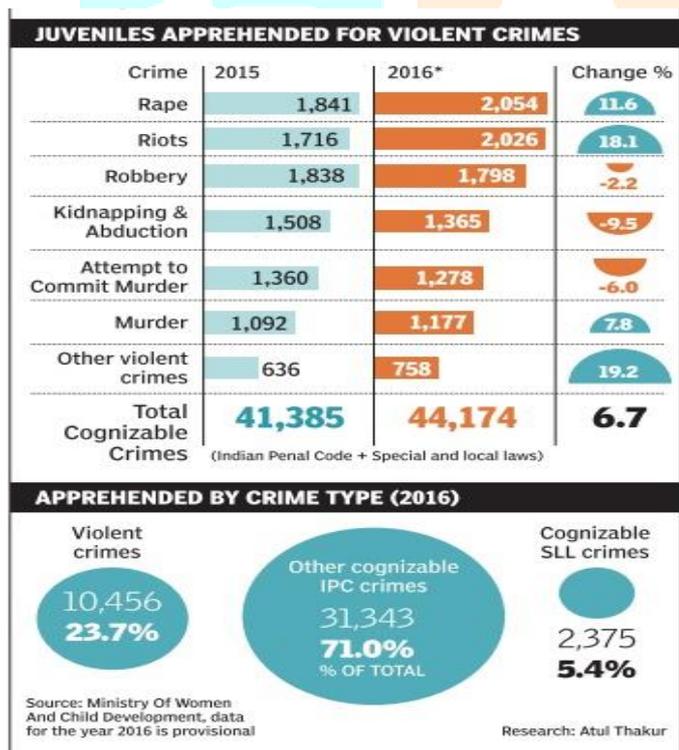
Juvenile delinquency is simply any behaviour that violates the criminal law when perpetrated by individuals who have not yet reached the age of adulthood, as specified in relevant national or state legislation. In short, juvenile delinquency refers to criminal acts committed by minors. A social definition of delinquency is, however, broader in scope and encompasses a range of behaviours, such as alcohol and tobacco use, truancy, aggressive acts, petty theft, or other forms of ‘misbehaviour’ that are either not illegal for adults or are unlikely to come to police attention.

Indian perspective

The quantity of adolescent guilty parties in the city enlisted a hop in 2012 with a hundred captured for murder and 63 for rape, a National Crime Records Bureau report has expressed. In spite of the fact that the capital fared superior to anything states like Bihar and Maharashtra, therapists say it's the ideal opportunity for some on-ground activity . Likewise, 74 minors were kept for attempt to murder and six for culpable homicide. Eighteen were held for abduction and kidnapping, 10 of whom had focused on young ladies, while 13 were held for dacoity.

Figures from Andhra Pradesh, Bihar, Madhya Pradesh and Maharashtra demonstrate that the adolescent wrongdoing diagram has seen a major spike. While 183 adolescents were held in Maharashtra in 2012 for kill, in MP the figure was 197. That these youngsters can be as merciless as grown-ups was seen as of late when a Class XII understudy was killed by his four minor companions in Greater Noida, with police discovering his body in Aligarh, 27 km away.

According to psychologist Dileep Majumder, this data calls for a rethink on the legal definition of adolescence. “The report of the Justice Verma Committee has not really dwelt on the adolescence debate. The committee should also have had psychologists throwing light on the mental health of juveniles apprehended for rape which would add perspective to the debate on whether or not the age of trial should be lowered from 18 years to 16 years,” Majumder said. With access to internet, psychiatrists feel that the “aspiration levels of adolescents and adults are slowly becoming the same”. The crimes rates by this child offenders can also be determined by this given stational data.



2.1 Important risk factors for the development of antisocial and criminal behaviour

Individual: Low intelligence and school failure, Low self-ontrol/impulsiveness, Low empathy, Attention defi cit/Hyperactivity disorder (AD/HD), Conduct disorder

Family: Antisocial parents, Parental conflict, Child abuse and neglect, Harsh or erratic parenting, Lack of parental monitoring and supervision

Social: Low socioeconomic status, Association with delinquent peers, Poor school environment, Deprived neighbourhood or community.

2.2 JUVENILE DELINQUENCY PREVENTION

The best method to prevent juvenile delinquency has unquestionably been to help kids and their families at an early stage. Various state programs endeavor early mediation, and government financing for network activities has enabled free gatherings to handle the issue in new ways. The best projects for adolescent misconduct anticipation share the accompanying key segments⁵:

Education: Some projects illuminate guardians on the most proficient method to bring up sound kids; some show kids about the impacts of drugs, gangs, sex, and weapons; and others expect to express to youth the intrinsic worth they and all others have. Educational projects have the hidden expectation of empowering trust and opening up circumstances in youngsters.

Recreation: Recreation programs enable adolescents to associate with different grown-ups and youngsters in the network. Such positive companionships may help youngsters in later years. Youth programs are intended to fit the identities and aptitudes of various youngsters and may incorporate games, moving, music, shake climbing, show, karate, knocking down some pins, workmanship, and different exercises.

Community Involvement: Young lady scouts, boy troopers, church youth gatherings, and volunteer gatherings all include youth inside a network. Association in local gatherings furnish youth with a chance to interface in a protected social condition.

Prevention programs within the Juvenile Justice System: A youth entering the juvenile justice system as the opportunity to receive intervention assistance from the state. In the care of the state, a youth may receive drug rehabilitation assistance, counseling, and educational opportunities. The success of the Juvenile Justice System is measured by how well it prepares youth to re-enter the community without committing further crimes.

3 AGRESSION, VIOLENCE AND COLLECTIVE VIOLENCE

Society has seen an increase in the incidents of aggression/violence among youth. It includes behaviors such as slapping, hitting, rape, recklessness, driving and shooting in school, truancy, road rage and other high-risk behaviors. Nearly 18.6% of females aged 12-17 got into a serious fight at school or work. 14.1% participated in a group-against-group fight and 5.7% attacked another person with an intent to seriously harm him/her. In India, researchers have focused on factors such as perceived popularity among the peer group, romantic relations, the risk factors such as family system, environment, aggressive parents and academic performance, peer aggression, victimization and social relationships, Prevalence and Gender difference. The increasing crime rates and violent activities of youth in India have made the researchers to focus on aggression among youth. There is a need for the proper assessment of youth for aggression and development of prevention and intervention modules for youth in Indian context. The present study aims to understand the factors (prevalence, risk factors and protective factors associated with aggression in six cities of India (Bangalore, Uttar Pradesh, Madhya Pradesh, Rajasthan, Jammu and Kashmir, Kerala and Sikkim)

Correlation values of risk factors of aggression with resilience

Correlation analysis relieves that resilience and risk factors such as substance use, mood disturbance, physical abuse, sexual abuse, Failure in academics, missed college regularly; anger expressed in school or college, childhood experience, ADHD, family influence, peer influence, media influence and psychological problems in participants has a negative relationship⁶.

A man pulls out a knife and demands money from a shopkeeper; a heated dispute between two young men in a bar results in one man killing the other with a handgun; a man threatens to kills his wife if she leaves him; a young parent neglects the physical and psychological needs of his infant daughter; a high school student spreads a malicious rumour about a classmate; a participant in a social psychology experiment selects an especially fiery hot sauce to administer to a fellow participant. These are all acts that result in, or have the potential to result in, harm to others. But do they all count as instances of aggression, or even violence? As we shall see, there is no straightforward answer to these questions because the concepts of 'aggression' and 'violence' have been defined in different ways. Moreover, as these examples illustrate, the class of acts that we might consider as aggressive or violent encompasses a diverse range of human behaviour. This is an important point because it suggests that there is unlikely to be any single or simple explanation for violent behaviour.

5 "Juvenile Delinquency Prevention." *ImpactLaw*, www.impactlaw.com/criminal-law/juvenile/prevention.

6 *Supra* 3



4 SEXUAL OFFENDING

The horrific sexual assault of twenty-three year old 'Nirbhaya' (fearless one) shocked India in December 2012, drawing attention to the prevalence of sexual assault in the country. Perhaps, more shocking, however, were two further cases of rape in April 2013, in which the victims were only five years old. Such cases have illuminated the gaps in India's legal system: gaps that allow the majority of sexual crimes to go unpunished, creating an atmosphere of impunity. In this context, it is not surprising that sexual violence is so commonplace. Only when victims receive a measure of justice through concerted efforts to convict those responsible will Indian society, as a whole, begin to treat sexual assault as a heinous offence. This, in turn, will pave the way for the changes necessary to ensure that the country stops condoning any type of violence against women and children.

4.1 How is sexual violence defined?

Sexual violence is defined as: any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work. Pressure can cover an entire range of degrees of power. Aside from physical power, it might include mental terrorizing, coercion or different dangers – for example, the risk of physical mischief, of being rejected from an occupation or of not getting an occupation that is looked for. It might likewise happen when the individual aggressed can't give assent – for example, while alcoholic, sedated, snoozing or rationally unequipped for understanding the circumstance. Sexual brutality incorporates assault, characterized as physically constrained or generally pressured entrance – regardless of whether slight – of the vulva or rear-end, utilizing a penis, other body parts or a protest. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape. Sexual brutality can incorporate different types of ambush including a sexual organ, including constrained contact between the mouth and penis, vulva or rear-end.

4.2 Forms and contexts of sexual violence:

A wide range of sexually violent acts can take place in different circumstances and settings. These include, for example:

- rape inside marriage or dating connections;
- rape by outsiders;
- precise rape armed equipped clash;
- undesirable lewd gestures or inappropriate behavior, incorporating requesting sex as a byproduct of favors;
- sexual mishandle of rationally or physically handicapped individuals;
- sexual abuse of youngsters;
- constrained marriage or living together, including the marriage of kids;
- dissent of the privilege to utilize contraception or to embrace different measures to secure against sexually transmitted infections;
- constrained fetus removal;
- rough acts against the sexual respectability of ladies, including female genital mutilation and required examinations for virginity;
- constrained prostitution and trafficking of individuals with the end goal of sexual misuse.

There is no all around acknowledged meaning of trafficking for sexual misuse. The term includes the sorted out development of individuals, typically ladies, amongst nations and inside nations for sex work. Such trafficking additionally incorporates pressuring a vagrant into a sexual go about as a state of permitting or organizing the movement.

Rape in India received extensive media coverage after a fatal gang rape of a student in Delhi in December, 2012, and a village council-ordered gang rape of a young woman in West Bengal in January, 2014. Whereas an 8.5% prevalence of sexual violence in the country is among the lowest in the world, it is estimated to affect 27.5 million women in India. Only 1% of victims of sexual violence report the crime to the police. Low reporting to police might in part be because marital rape is not a crime in India. Most sexual violence in India occurs in marriage; 10% of married women report sexual violence from husbands. Adolescent wives are most vulnerable, reporting the highest rates of marital sexual violence of any age group. Adolescent girls also account for 24% of rape cases in the country, although they represent only 9% of the total female population. An estimated 2.5 million adolescent girls (aged 15–19 years) are victims of sexual violence in India.

4.3 Reasons behind Rape, Teasing and Sexual Violence in India

Women are not weak, but those who think women to be weak are the actual losers. According to statistics every 20 minutes a girl is raped in India. The basic assumption behind the Rapes in India is the way modern women dresses and the way they look. But does that stop from a man raping a three year girl? Will wearing Sari and covered clothes stop man from assaulting and harassing the women? It is not about what women wears and does, it is about the dirty mentality and male ego that wants to control the Women and her life. No reason in the world could justify the crime of raping and molesting the women, but there are few reasons that provoke man to rape. Here we have compiled a list with few reasons that are the reasons behind increasing number of rapes in India⁷.

- Blaming the Western Culture
- Backward Mentality
- Cowardliness of People
- Submissiveness of Women
- Male Dominated Society
- Blaming and Pressurizing the Victim
- Lack of Police Force
- Illiteracy and Lack of Values
- Rotten Judiciary and Police System
- Lack of Respect for Woman



5 DRUG ABUSE AND CRIME

The issue of drug abuse and drug addiction is not less known to be a global phenomenon. The expansion of the drug trafficking trade has taken over almost all the countries of the world and its impact is felt in the health sector as well as the human development of any country. The drug market of the world is approximately of an astounding \$500 billion a year and continues to grow with an increase in demand for drugs both- natural and synthesized. According to the UNODC Drug Report of 2016, an estimated 1/4th of a billion people in the age group of 15 to 64 years abused at least one drug in the year. The UNODC report also shows that in the year 2014 over 207,400 deaths caused due to drug abuse which indicated that the deaths due to drug abuse remained unchanged from the previous research statistics. However, this ratio is an unacceptable one and nothing effective was done to prevent it (UNODC Drug Report, 2016). As far as drug trade in India is concerned, India lies between the Golden triangle and the golden crescent and hence becomes the hub for drug trafficking in the continent worldwide.

While the market of drug trafficking is a huge one which has the world's biggest and the richest involved in it, it becomes difficult and of higher strategic importance of how to deal with it. However, socio-legal experts, medical practitioners and field workers have rather paved ways of working towards the issue of substance addiction through the concept of demand reduction.

Drug Abusers as victims of the Criminal Justice System The NCRB statistics of 2014 show that over 50,000 cases are charge sheeted per year by the police and still have a pendency of 31.7 percent by the end of the year.⁶ The prison statistics of 2015 shows 7227 convicted under NDPS cases all over India and 15959 under trials under NDPS cases in the prisons all over India. These numbers itself highlight the overcrowding in prisons of cases of NDPS and the quanta of cases dealt by the police. In India, the NDPS Act, 1985 continues to criminalize the drug abuser making a victimless crime an offence towards oneself. The NDPS Act, 1985 was formulated with a view to curb the illicit production, manufacturing, storage, supply and consumption of substances

⁷ "Reasons behind Rape, Teasing and Sexual Violence in India." *Listotop*, 30 Nov. 2017, www.listotop.com/reasons-behind-rape-teasing-and-sexual-violence-india/.

that are banned under the law. All types of narcotic drugs and psychotropic substances which are used other than for medical purposes are prohibited under this law (NDPS, 1985)⁸.

The relationship between drugs and crime is complex, and one question is whether drug use leads people into criminal activity or whether those who use drugs are already predisposed to such activity. Many illegal drug users commit no other kinds of crimes, and many persons who commit crimes never use illegal drugs. However, at the most intense levels of drug use, drugs and crime are directly and highly correlated and serious drug use can amplify and perpetuate preexisting criminal activity.

5.1 Alcohol and Violence in College

Each year, more than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking. 95% of all violent crime on college campuses involves the use of alcohol by the assailant, victim or both. 90% of acquaintance rape and sexual assault on college campuses involves the use of alcohol by the assailant, victim or both.

5.2 Alcohol, Drugs and Domestic Violence

According to the Bureau of Justice Statistics, two-thirds of victims suffering violence by a current or former spouse or partner report that the perpetrator had been drinking, compared to less than one-third of stranger victimizations. Among spouse victims, three out of four incidents reportedly involved an offender who had been drinking.

According to a 1999 study, women assaulted by intimate partners during the past 12 months reported significantly higher substance abuse as well as other health-related problems. Of those women experiencing physical violence, 33 percent reported drug and alcohol problems, compared to 16 percent of those who did not experience violence⁹.

5.3 Alcohol, Drugs and Child Abuse

Though there is no “cause” of abuse and no specific profile of abusers, many factors contribute and make abuse more likely to occur. Pressures on the family, alcohol and drug abuse, and social isolation can all lead to parental stress and increase the chances that a parent will strike out at their child.

Almost 4 out of 10 youngster victimizers announced that they had been drinking at the season of the crime. Among consumers, about half announced that they had been drinking for 6 hours or all the more going before the offense.¹⁰

A recent report by the National Center on Addiction and Substance Abuse found that offspring of substance-mishandling guardians were right around three times likelier to be abused and in excess of four times likelier to be ignored than offspring of guardians who are not substance abusers.

6 PUNISHMENTS

Punishment is an integral component of the way that the criminal justice system responds to crime. Punishment can take many different forms – from a monetary fine to a lengthy stretch of imprisonment. The type and amount of punishment meted out also varies considerably among different countries and at different time periods in the same country. Punishment, by definition, involves the infliction of harm on others. The social and psychological effects of punishment on offenders and their families is an important topic for forensic psychologists and will also be reviewed in this chapter. We will then examine the key rationales for punishment, from both a philosophical and psychological perspective. Punishment may serve many functions in society, but one of the widely stated rationales for punishment is that it works to deter offenders.

Six kinds of punishment were described in the original Indian Penal Code. In the year 1949 the third punishment “Penal Servitude” was removed. Now there are five kinds of punishment under I.P.C.

They are described hereunder¹¹:

6.1 Death:

The punishment of death may be imposed on the following offences:—

- (a) Waging or attempting to wage war or abetting the waging of war against the Government of India -Section 121 I.P.C.;
- (b) Abetment of mutiny actually committed – Sec. 132 of I.P.C.;
- (c) Giving or fabricating false evidence upon which an innocent person suffers death – Sec. 194
- (d) Murder – Section 302; We
- (e) Punishment for murder by a life-convict – Sec. 303

(f) Abetment of suicide of a child, an insane or intoxicated person – Sec. 305 of IPC;

(g) Attempt to murder by a person under sentence of imprisonment for life, if hurt is caused – Sec. 307 of IPC;

⁸ Quadros, Donita, and Rajiv Yadav. *Victims of Drug Abuse and the Law Enforcement: A Field Intervention*. tiss.edu/uploads/files/Donita_Victims_of_Drug_abuse_and_law_enforcement.pdf.

⁹ Wilcox, Stephen. “Alcohol, Drugs and Crime.” *National Council on Alcoholism and Drug Dependence*, www.ncadd.org/about-addiction/alcohol-drugs-and-crime.

¹⁰ *Ibid*

¹¹ *Supra* 2

(h) Dacoity with murder – Sec. 396 I.P.C

In India too, there is a serious discussion on this topic. Sections from 366 to 371 of the Criminal Procedure an. Code, 1973 explain the “Submission of Death Sentences for Conformation”. Sections from 413 to 416 of Code, 1973 explain the provisions for “execution, suspension, postponement of capital sentences”

6.2 Imprisonment for Life:

Before 1955, the words "transportation forever" was utilized. The Code of Criminal Procedure Amendment Act, 1955 (Act No. 26 of 1955) substituted the words "imprisonment for life" instead of "transportation forever".

The overall population believes that imprisonment for life implies just 14 years detainment, and the convict will be discharged when the 14 years time frame is passed. It isn't right assumption. All things considered, the discipline under the Imprisonment for Life implies detainment for the entire of the rest of the time of the sentenced individual's common life. After freedom, such framework was ceased. Presently the convicts under imprisonment for life are detained in the Prisons of the States concerned. The existence convict isn't qualified for programmed discharge on finish of fourteen years' detainment, except if on exceptional events, the Government may pass a request considering the great conduct and direct of the convict dispatching the adjust of imprisonment for life.

6.3 Imprisonment:

The Fourth sort of discipline is "Imprisonment". It is of two depictions, viz.—

(I) Rigorous, i.e., with hard work; and

(ii) Simple.

(I) Rigorous Imprisonment i.e. with Hard Labor:

There are sure offences characterized in the Indian Penal Code, for which thorough detainment might be forced by the Courts. Illustrations: House-trespass under Section 449 of IPC; manufacturing false confirmation with purpose to obtain conviction of an offence which is capital by the Code (Sec. 194); and so forth.

For such offences, thorough Imprisonment might be forced. In thorough Imprisonment, the sentenced individual is put to do hard work, for example, burrowing earth, cutting stones, horticulture, granulating corn, drawing water, carpentry, and so on. The Supreme Court recommended that the guilty parties forced hard work ought to be paid least wages.

The preliminary Court, while arranging Bombay Blast Case (2007), condemned Sanjay Dutt, a Bollywood Hero, for thorough Imprisonment for a time of six years. Until the point that the Supreme Court gave the Bail, Sanjay Dutt did carpentry labor for 30 days and earned Rs. 39/- amid that period.

(ii) Simple Imprisonment:

This punishment is imposed for the lighter offences. Examples: public servant unlawfully engaging in trade or unlawfully buying or bidding for property (Sections 168-169); absconding to avoid service of summons or other proceedings, or not attending in obedience to an order from a public servant (Sections 172-174); to obstruct traffic or cause public nuisance; eve-teasing, drunken brawls, etc.; refusing oath when duly required to take oath by a public servant (Section 178); wrongful restraint (Sec. 341); defamation (Sec. 500) etc.

6.4 Forfeiture of Property:

“Forfeiture” is the divestiture of specific property without compensation in consequence of some default or act of forbidden by law. The Courts may order for forfeiture of property of the accused in certain occasions.

In white collar crimes, and where a Government employee or any private person accumulates black money and black assets, and there is no genuine answer and proof for such money and properties with such person, the Court may award for forfeiture of property.

In cases of smugglers, goondas, anti-national personalities, etc., the Government or the Courts are empowered to forfeiture of property of such anti-social elements.

6.5 Fine:

The Courts may impose fine along with or without imprisonment. The Indian Penal Code mentions the punishment of fine for several offences, generally with or without imprisonment.

7 PREVENTION, REFORMATION AND REHABILITATION

There are spanned a variety of different types of offending from drug trafficking to mass murder. Having reached this point you should have developed a good understanding of the main theoretical approaches to explaining these and other types of crime. Although punishment is a necessary feature of human society, by itself it is not a particularly effective strategy for reducing the harms associated with criminal offending. If we are unlikely to make important gains in reducing crime through punishment, what else can we do?

Prevention against crime

Prevention of Crime and protection against criminals may broadly be defined as anything which reduces the incidence of crime. The attention is on making the earth safe from crime and lessening the potential for wrongdoing in high-chance circumstances. As indicated by Brantingham (1976), the crime prevention technique includes three regions of activity which he calls as primary, secondary and tertiary preventive measures for guaranteeing crime free condition diminishing high-chance potential and ending the likelihood of future violations separately¹².

Indeed, even the U. N. All inclusive Declaration of Human Rights, 1948 had accentuated that crime prevention includes multi-faceted programs for security of witnesses and casualty's help, pay, reparation, compromise, rebuilding and re-joining and so on.

Primary Prevention:

Primary prevention refers to location such as residence, school, neighbourhood, community or society and involves altering the environment in such a way that the root causes or at least facilitating factors of crime are eliminated. Primary prevention can be based on social disorganisation theory which stated that residential mobility and heterogeneity leads people to have little or no interest in their neighbourhood and they prefer to move out leaving the area crime prone.

Secondary Prevention:

This refers to reducing opportunities for crime and increasing the risks for committing crimes. It has lot to do with law enforcement practices. This prevention technique has been criticised on the ground that persons who lead deviant life styles, such as drug-addicts, peers etc. hardly respond to legal prohibitions.

Tertiary Prevention:

This term is gotten from the field of pharmaceutical to portray systems to be trailed a risk of crime is show. This incorporates individual damage or property protection and also self-defensive measures by the individuals who have been exploited already.

Reformation and Rehabilitation

Current society considers different goals so as to control wrongdoing and it thinks about detainment as a way to accomplish the twin points, i.e., change and treatment of the offenders with the goal that they will perpetrate no wrongdoing after their discharge. Society additionally looks for insurance from lawbreakers and for this reason jail disconnects culprits from the network for a specific time.

The process of rehabilitation and reformation has to take care of both the offender and the victim. The scope of rehabilitation and reformation cannot be confined to either the offender or to the victim. If we consider the interest of the offender alone then it would give rise to extreme dissatisfaction among the victims and they may not feel satisfied with the performance and officiousness of the criminal justice system. Similarly, too much emphasis on the rehabilitation of victim may not be practical and effective since the offender may not be in a position to pay the required compensation to the victim and thus has to undergo imprisonment in default of such payment. Thus, rehabilitative and reformatory techniques have to take care of the interests of both the offenders and the victims.

There may be various theories of punishment, but none of them is individually sufficient enough to eliminate crime from the society. The need of the hour is to maintain a delicate and optimum equilibrium between the various theories. The primary responsibility to achieve this noble purpose lies upon the judiciary. The law courts are required to keep this objective in mind while dealing with the criminals or deviants. Further, law cannot stand still; it must change with the changing social concepts and values. The courts are required to keep in mind these two essential mandates. Thus, whether to apply which type of theory would depend upon facts and circumstances of each case but the ultimate aim of the courts should be to do complete justice to the society, victim and the offender¹³.

Social work within the justice system

The connections in such a chain are many, with the accompanying being among the 'key' activities to be completed by social laborers in the equity framework:

- Assisting the child from the moment of arrest.
- Preparing social inquiry reports on the child's circumstances and characteristics.
- Organizing diversion.
- Supervising young offenders in the community.
- Support during custodial sentences.
- Preparation for release.
- Post-release support (aftercare).

Regardless of whether there are formal conditions connected to a tyke's discharge from a custodial sentence, (for example, a consequent trial period, close supervision or 'on permit'), which a social specialist are entrusted with managing, the accessibility of help and counsel from a social laborer at this stage can be significant in empowering the tyke to stay away from re-insulting.

8 CONCLUSION

Crime is a topic that is of considerable interest to policy makers, politicians and the public alike. As a conclusion, we want to know what factor can explain the nature and prevalence of crime in society and use this knowledge to better develop approaches for managing criminal behaviour.

¹² *Supra* .3

¹³ "NEED FOR REHABILITATION AND REFORMATION OF OFFENDERS." *LinkedIn*, www.linkedin.com/pulse/need-rehabilitation-reformation-offenders-sahayam-intervention-centre.

There are different factors for causes of crime that turns person into criminal behaviour, it me his family environment, society, cultural, surroundings, etc. Intellectual terrorism is also a factor where a teacher teaches his students or a mentor or guru or leader teacher their followers about aggression, violence and to practice the against individual or group of people or general public. Every offender of different ages has his own criminal psychology and condition. For a teenager his intention and change and development of intention to commit a crime is given in Juvenile Delinquency and its development theories of crime. In general view a teenager become offender due to influence of surrounding or needs that he wants. For an adult person the perspective of thinking i.e. criminal psychology changes, it may be or surroundings or for his need, but in most cases like assault, violence, rape, murder offenders doesn't care about his respect and public. Rape cases of girl are example of this cases and there is no solution for it other than changing the mind of people and become good ones and influence other to respect all without any discrimination or any type.

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