

CRIMINOLOGY

COMPLETE NOTES

QUICK REVISION | SIMPLE LANGUAGE

36 TOPICS COVERED

Total Duration :- 60 Minutes

TOPICS

1. Criminology
2. Relationship between criminology, criminal policy and Criminal law
3. School of Criminology
4. Demonological Theory
5. Free will Theory
6. Italian School
7. Lombroso Theory
8. Enrico Ferris's Theory
9. Garofalo's Theory
10. Karl Marx Theory
11. William Bogner Theory
12. Mental Deficiency Theory
13. Economic Theory
14. Juvenile Delinquency
15. Intermediate Sentence
16. Recidivism
17. Organised Crime
18. Crime
19. Probation
20. Parole
21. Police
22. Sex Crime
23. Prostitution
24. Prison
25. Modern criminal Courts
26. Juvenile Court Objects
27. Punishment
28. Deterrent Theory
29. Preventive Theory
30. Reformatory Theory
31. Retributive Theory
32. Theory of compensation
33. Remission System
34. Individualization of treatment
35. White Collar Crime
36. Administration of justice

CRIMINOLOGY

Criminology (Criminal biology and criminal sociology)

INTRODUCTION:

In depth study of crimes as well as criminals, like criminal behaviour, circumstances, influences, Cause of crime etc.

DEFINITION:

Donald Taft :- Criminology is the study which **includes all the subject matter** necessary for the understanding and prevention of crimes.

Webster:- Criminology is a **scientific study** of crime.

Edwin Sutherland:- Criminology is a body of knowledge regarding crime as a social phenomenon. It includes within its scope the process of **making laws**, of **breaking laws** and or **reacting towards the breaking laws**.

NATURE:

- Criminology is the scientific and the systematic study of crime and its treatment.
- It is the science of criminal behavior.

SCOPE:

1. Causes of criminal behavior and methods to prevent it.
2. Reaction of the society towards the crime and criminals
3. Types of crime and criminals
4. Detection and investigation method
5. Personality of the offender eg. First time or repeater.
6. Crime rate
7. Origin and development of criminal law

8. Origin and development of criminals.

9. Various modes of correction, punishment & rehabilitation.

10. Criminal etiology eg. Understanding the methods, techniques.

11. Effects of present laws on crime

12. Understand the root cause.

IMPORTANCE:

1. To know the actual amount spent in a year for controlling the crime.
2. To know the reason which makes a man criminal.
3. Essentials for professional, legislators and social workers
4. Necessary for police officers, magistrates, judges and law students.
5. To know the novel techniques of crime and punishment.

BRANCHES OF CRIMINAL SCIENCE:

- Criminology
- Criminal policy
- Criminal law

RELATIONSHIP BETWEEN CRIMINOLOGY, CRIMINAL POLICY AND CRIMINAL LAW

CRIMINOLOGY – concerned with the causes of crimes and comprises

- I. Criminal biology- Through mental and physical constitution
- II. Criminal Sociology- Effect of environment on criminal

CRIMINAL POLICY- Which studies the means by which the volume of harmful conduct in the society can be limited.

CRIMINAL LAW- Upon violation of law to punish the criminal.

SCHOOL OF CRIMINOLOGY

It is a system of thought and explains crime in its own manner and suggests punishment and preventive measures to suits its ideology.

1. Pre classical School (Demonological Theory)
2. Classical School (Free will Theory)
3. Neo Classical School
4. Positive School (Italian school)
5. Sociological school
6. Geographical School
7. Clinical School
8. Mental Testers School (Mental Deficiency Theory)
9. Socialistic School (Economic Theory)

PRE CLASSICAL SCHOOL (DEMONOLOGICAL THEORY)

- 17-18th century
- Religion was at the peak level
- No scientific explanation
- Evil power influence
- Lose the sense of morality

Criticism Treatment - Torture

CLASSICAL SCHOOL (FREE WILL THEORY)

- 18th century
- Supported by “**Beccaria**”
- Rejected Pre-Classical school’s theory
- Based upon free will concept (Commit Crime)
- Punishment should be according to crime not more not less.
- Focused on crime only not on criminal

Criticism Ignored the criminal differences like first time offender or habitual offender.

NEO CLASSICAL SCHOOL

- Upgraded version of classical school
- Focused to understand the facts, circumstances, mental state of the offender
- Categorized as first offender, habitual offender, minor, insane, idiot etc.
- Punishment should be as per the category of the offender

Criticism:- This school focused on punishment

POSITIVE SCHOOL (ITALIAN SCHOOL)

- 19th Century
- Main exponents- Lombroso, Garofalo and Enrico Ferris
- Rejected **Free will theory** of classical school
- **LOMBROSO THEORY:-**
 - i. Person who commits crime is born criminal
 - ii. Biological factors are very much responsible behind the crime
 - iii. Criminals are less sensitive
 - iv. Categorized criminals in three categories:-
 - a. Born Criminals- Criminal behavior are genetic
 - b. Insane criminals- Unsound mind
 - c. Criminoids- Having inferiority complex on higher side

ENRICO FERRI'S THEORY:-

- Challenged Lombroso's theory
- Emotional, social and geographical factors are also responsible
- Divided criminals into five categories:-
 - a. Born Criminal
 - b. Occasional
 - c. Passionate
 - d. Insane
 - e. Habitual

GAROFALO'S THEORY:-

- Rejected Ferris's and Lombroso's theory
- Divided criminals into four categories:-
 - a. Endemic- Those who does murder
 - b. Violent- Aggressive in nature
 - c. Criminals lacking in sentiment of probity
 - d. Lustful criminals- who commits rape

SOCIOLOGICAL SCHOOL

- 20th century
- External factors are responsible eg. Society
- Rejected Born criminal concept
- Criminal behavior is conditioned by the social environment
- Causes – Poverty, Bad Association, Broken Family Environment etc.

GEOGRAPHICAL SCHOOL

- Crime is closely related with the geographical environment
- Crime rates vary with the changes in the barometric pressure, temperature, altitude etc.
- Rate of crime is rather low in areas where land is fertile
- Crime against person usually takes place in summer, whereas crime against property takes place in winter.
- The rate of crime is high in the areas near the equator.

CLINICAL SCHOOL

- More focused to understand the criminal psychology
- Personality of an individual is a combination of internal and external factors
- Punishment should depend on the personality of the accused
- Focused on correctional methods.

MENTAL TESTERS SCHOOL (MENTAL DEFICIENCY THEORY)

- Mentally retarded person is criminal
- It came from heredity
- Cannot differentiate between right and wrong.

SOCIALISTIC SCHOOL (ECONOMIC THEORY)

Economy is the main reason of crime

KARL MARX THEORY (Class Struggle Theory)

- Society divided in two parts **rich** and **poor**
- Richer are getting more rich and vice versa
- Due to poverty and unemployment people commits crime

WILLIAM BONGER THEORY

- Selfishness is the main reason
- Greed is the reason
- Capitalism weakens social feelings.

JUVENILE DELINQUENCY

Meaning:- Crime committed by children under age of 18.

Punishment of juvenile and adult are different

There is a separate judicial system for both offenders.

Types:-

INDIVIDUAL DELINQUENCY

- Only one individual is involved in committing a delinquent act.
- Causes may be defective nature or faulty family interaction pattern.

GROUP SUPPORTED DELINQUENCY

- Delinquent act committed in group
- Causes may found in culture, home and neighborhood

ORGANIZED DELINQUENCY

- Committed in a organized manner

SITUATIONAL DELINQUENCY

- As per situation

Acts declared as juvenile delinquency:-

Violation of law, Join with any unlawful person, Gambling

Begging, Smoking, Vulgar language

Ticket less travelling

Theft

Reasons / causes of juvenile delinquency

Adolescence instability , Unfavorable Home, Associational impact,

Sex indulgence, Movies impact,

Failure in the school life, Poverty, Irresistible impulse

Remedies for prevention of Juvenile delinquency

Free education, Correctional homes

Healthy entertainment

Look family background

Seminar and conferences

Experts suggestions

INDETERMINATE SENTENCE

If the offender shows his good behavior and complete his tasks allotted to him while sentence then the prison board and parole authorities may take decision to release him.

OBJECT of indeterminate sentence is to inculcate hope rather than fear in the mind of inmate undergoing imprisonment.

ADVANTAGES of indeterminate sentence lies in the fact that it is aimed at **correcting the inmate** rather than ill-treating him.

System seeks to **adjust the treatment** as per his activities.

Offenders may expect **good future** ahead.

DISADVANTAGES Prisoners always suffer from a feeling of **injustice**.

Mistaken judgement of the prison board

Absence of satisfactory method

RECIDIVISM

is a person who commits the crime repeatedly.

It means the person after receiving punishment for the crime committed again, returns back to the criminal behavior

Habituated to commit the crime

ESSENTIALS

- Frequent commission of crime
- Act of recidivism by those who had already been convicted for the same offence
- Frequent commission of crime like other routine work
- Recidivism has no connection with physical or mental capacity of other offender
- Do not fear from law or society.

CAUSES

- According to **Professor Sutherland** there are two major causes involved:-
 - a) Social psychology of the offender (Society)
 - b) Inadequacy of reformative techniques
- Lack of education, Poverty, Not changing life style / Social circle upon release
- Depression and desperation

REMEDIES TO PREVENT RECIDIVISM:-

- Adequate treatment for prisoners before release
- Provide education and skills to carry on their live hood
- Society perspectives about the criminals to change
- Recidivists be kept under strict security
- Summary trials should be make easy for securing conviction.

ORGANIZED CRIME

- Two or more criminal commits any crime in a organized manner for profit.
- Unlawful association commits any crime, like terrorist group etc.

CHARACTERISTICS:-

- Number of members
- Division of work
- Planned manner
- Unchallenged leadership
- secrecy

NATURE:-

- Criminals works in the group with mutual cooperation
- Helps each other in trouble
- Criminal divides themselves in various parties
- Runs liquor shops, gambling house etc.
- Keeps amicable relations with the police and administrative machinery.

SOME MAIN ORGANIZED CRIME:-

- Smuggling
- Theft, Dacoity
- Prostitution
- Gambling, Fraud

REMEDIES TO PREVENT ORGANIZED CRIME :-

- Penal law (Should make serious law)
- Death punishment (Should follow for such crime)
- Wide power (Police should have more power)
- Rehabilitation and other programs
- Public opinion

CRIME

MEANING:-

- An act and omission in violation of criminal law
- A unlawful act against the society
- Legal wrong the remedy for which is punishment.

DEFINITION:-

According to Cross Jones :-

Crime is a legal wrong the remedy for which is punishment of the offender at the instance of the state.

CHARACTERISTICS:-

- **External consequences** (Social, mental, personal etc.)
- **Act** (There should be an act to constitute a crime)
- **Guilty Mind** (Mens-reas is one of the essential ingredient of a crime)
- **Prohibited act** (The act should be prohibited or forbidden under the existing law)
- **Punishment** (The act should be punishable under eye of law)

CLASSIFICATION:-

- **LEGAL CRIME**:- Traditional crimes like theft, robbery, dacoity, rape, hurt etc.
- **POLITICAL CRIME**:- Violation of election laws, or politically motivated.
- **Economic Crime**:- White collar crimes such as tax evasion, smuggling, prostitution etc.

- **SOCIAL CRIME:-** Such as child marriage, civil rights, Dowry, Sati prohibition act.
- **MISCELLANEOUS:-** All other remaining crimes which are committed under local or special acts, eg. Prevention of food adulteration, Drugs act, Consumer's Act

CLASSIFICATION UNDER IPC:-

- Offence against person
- Against property
- Offence relating to documents
- Offences affecting mind
- Against public tranquility
- Against state
- Relating to Public Servants.

PROBATION

MEANING:- Term derived from the Latin term “**Probate**” which means “**to test**” or “**to prove**”

INTRODUCTION

- Probation is an alternative to a prison
- It is suspension of sentence of an offender by the court and releasing him on certain conditions to live in the community with or without the supervision of a probation officer.
- It may be with or without the security amount
- Need to appear on call and if sentenced then need to follow the sentence term.
- Probation period cannot be more than 03 years
- Need to see character and nature of offence.

ESSENTIALS

- Specific period between 01-03 years
- No death and life imprisonment should sentenced
- Age less than 21 year
- Probation officer monitor the period
- With or without surety
- Good character

OBJECT OF PROBATION

- Save from jail life
- Save from habitual prisoners
- Avoid over crowd in the jail

ADVANTAGES / SAILENT FEATURES

- Save from imprisonment
- Reduced crowd
- Inferior complex
- Create self respect
- Save from torture
- Self dependent

DISADVANTAGES

- Selection for grant probation is not properly executed.
- Anger in prisoners / No solid efforts /Political Interference
- No financial saving for government
- Cannot definitely reform

INTRODUCTION

- It is the conditional release of prisoners before they complete their sentence.
- Paroled prisoners are supervised by a public official, usually called a parole officer
- If paroled prisoners violate the conditions of their release, they may be returned to prison

ESSENTIALS OF PAROLE

- Good character as per prison authority report
- Already suffered major part of the punishment
- Limited period of punishment left
- Released on certain conditions
- Re-sent to prison incase of any violation
- Act as per probationary officer

OBJECTS OF PAROLE

- Continuity with the family members
- Save from evil effect of prison
- Retain self confidence

ADVANTAGES OF PAROLE

- Save prolonged company of habitual criminals
- Reduced crowded
- Golden opportunity for improvement
- Create self respect
- Save from torture
- Self dependent

DISADVANTAGES OF PAROLE

- Mistake/omission can deprived
- Inferiority complex
- No correct information about the criminal
- Learn many criminal behavior
- No financial saving for government
- Cannot reform definitely

POLICE

INTRODUCTION

- A body sanctioned by local, state, or national government to enforce laws and apprehend those who break them.
- **POLICE**- Public officer for legal investigations and criminal emergencies.

FUNCTIONS & POWER

- Prevention of crime
- Arrest of offenders
- Execution of the orders of the court
- Search, enquiry and Interrogation
- Traffic Control, Relief work,
- To help administration

CATEGORIES OF POLICE

- General Police
- Traffic Police
- Military Police
- Railway Police
- Criminal Investigation branch
- Women Police

FAILURE OF POLICE SYSTEM IN INDIA

- Misuse of power
- Oppressive policy
- Corruption
- Shortage of staff
- Lack of cooperation of public
- Political interference
- Less educated police officials
- Lack of training
- Absence of proper and adequate means
- Human weakness

SUGGESTIONS FOR THE IMPROVEMENT

- Adequate training
- Pay allowance
- Prevent political interference
- Develop faith of public
- Increase in forensic lab
- Prevent corruption

SEX CRIME

INTRODUCTION

- Sex crimes refer to criminal offences of a sexual nature eg. Rape, child molestation, sexual betray, child pornography, prostitution, pimping etc.
- Unsuccessful attempt of intercourse is also consider as sex crime.

NATURE

- Construction of body structure attracts sex crime to fulfill the lust of criminals
- Can be done man to woman or vice versa
- Sex criminals generally don't commit the other crimes like, theft, pickpocketing etc.
- Sex criminals sometimes commit murder under sudden provocation and excitement.

KINDS

- Rape
- Adultery
- Incest
- Home sexuality
- Abortion
- Unnatural offence
- Prostitution

PROSTITUTION

CAUSES

- Economic factors
- Broken homes
- Desire of fulfillment of sexual satisfaction
- Wives neglected by husband
- Non marriage of girls due to dowry system
- Marriage of girls with impotent man

EFFECT

Increase of fatal diseases, Fall of morality , Family disorganization,

Increase in crimes, Social curse, Downfall of character

MEASURES TO PREVENT PROSTITUTIONS

- Spiritual and moral education
- Anti dowry laws be strictly enforced
- Marriage consulting bureau
- Social status upgradation
- Anti prostitution law
- Rehabilitation facility
- Strong public opinion

PRISON

MEANING:-

Prison are those places where the convicted persons are kept or where the person, on whom proceedings are going on in the courts are kept.

CHARACTERISTICS:-

- Where prisoners are kept
- Are run by the state government
- Convicts are kept in prisons temporarily or permanently

OBJECT:-

- It aims to make a prisoner a better human being
- To reform offenders, keeping in strict discipline
- Correctional programs.

KINDS OF PRISON

- **PENITENTIARY PRISONS:** Where adult, old and matured criminals are kept.
- **REFORMATORY HOUSE:** Offenders between 16-30 years, women's are also kept in these prison.
- **CORRECTIONAL HOUSE:** All the person about whom the court believes the prospects of reformation, are kept in correctional houses.

MODERN CRIMINAL COURTS

- **The Supreme Court of India**
- **The High court of India**
- **The court of sessions**
- **The court of Judicial Magistrate**
 - i. Court of chief judicial magistrate and Chief metropolitan magistrate
 - ii. Court of magistrate of first class and metropolitan magistrate
 - iii. Court of magistrate of second class
 - iv. Executive Magistrate
- **Lok Adalat**

JUVENILE COURT OBJECTS

- Legal safeguards to the children
- Care and protection
- Development & relief
- Fulfilment of international standards
- Speedy disposal
- Special juvenile police
- Sensitive and human approach
- Establish child welfare committee

PUNISHMENT

MEANING:- Punishment is the justice for unjust

DEFINITION:-

HLA HART, Mr. BEAN and Prof. FLEW has defined punishment in terms of five elements:-

- I. Must involve pain and unpleasant consequences
- II. Must be an offence against legal rules
- III. Must be an actual or supposed offender for his offence
- IV. Must be intentionally administrated by human beings other than the offender.
- V. Must be imposed and administrated by an authority constituted by a legal system against which the offence is committed.

TYPES OF PUNISHMENT

- **CORPORAL PUNISHMENT** (Physical Torture)
 - Flogging (Beaten with hunter)
 - Mutilation (Cut the body parts)
 - Branding (write on the forehead)
 - Stock and pillories (Body parts locked in wooden loaf and stone thrown on them)
 - Ducking stool (offender tied on chair and dip in the river)
- **TRANSPORTATION**
 - Throw out from the country
 - Abandoned on the no man island

- **CAPITAL PUNISHMENT** (Death Punishment)

- **IMPRISONMENT**

- Simple– For minor offence
- Rigorous- Taken labor work from him
- Solitary confinement- Kal Kothri
- Imprisonment of life

- **MONETARY PUNISHMENT**

- Fines
- Forfeiture of property

THEORIES OF PUNISHMENT

DETERRENT THEORY – very hard punishment

PREVENTIVE THEORY– Remove offender from society

REFORMATIVE THEORY– Chance given to be good

RETRIBUTIVE THEORY- Tit for Tat policy (Eye for Eye)

THEORY OF COMPENSATION- Compensate the victim

In India mostly reformative theory and deterrent theory used.

REMISSION SYSTEM

INTRODUCTION:-

Remission is like a permanent parole

It does not change the character of the punishment but still allows convict to get premature release from the jail and go to society back.

PRISON UNREST REASONS:-

- Inspiration of bad criminals
- Joint resentment (large no. of criminals gathered together in the jail)
- Effect of audio-visuals ; Unsuitable employees
- Mismanagement of the prisons; Political interference
- Insufficient financial grant to the prison
- Rough and arbitrary behaviour of the jail authorities.

PRISON REFORMS:-

- Should avoid overcrowding
- Woman prisoners should be treated generously
- Prisoners should be allowed to meet their relatives
- Should allow to celebrate festival
- Should be given vocational training

INDIVIDUALIZATION OF TREATMENT

INTRODUCTION

- In the ancient age, law was very cruel and inhuman
- Gradually, The attitude of society towards criminal began to change
- Different schools mentioned their views towards criminal.

MEANING

- Individualization means the “Fitting the Offence”
- The personal problems of the criminal are studied and analyzed by the crime specialists within this method
- Separate study as per the age, natural mental condition etc. to be done for each criminal and he will be treated accordingly is known as Individualization of treatment.

METHODS

CLINICAL METHOD

- Criminal is deemed as a patient of mental disease
- He is treated like patient in this study
- Emphasise in this study not on the seriousness of crime but on the circumstances.
- Includes diagnosis, prescription and treatment

Criticism:-

- This method is difficult
- Practically hard to find definite conclusion
- Nothing can be found out about the habitual offender
- Expensive method
- Violates the fundamental norms of justice.

GROUP RELATION METHOD

Clinical contents plus society and living place study

Criticism:-

- Not necessary criminal always learn from the society
- Criminal tendencies in each criminal differs

WHITE COLLAR CRIME

INTRODUCTION

- When any reputed person or high profile person commits crime to gain financial profit by misusing his position
- Fraud , Insider trading, Cyber crime, Bribery, Money laundering, Infringement of copy rights etc.
- This is different from ordinary crime
- There is no violence involve in this crime

BLUE COLLAR

- They use dark colour dress
- With violence

AS PER PROFESSION

- Medical profession
- Legal profession
- Engineering profession
- Educational institutions

TYPES

- Fraud , Money Laundering
- Bribery, Ad hoc crimes (Credit card frauds hacking)
- Insider trading, Cyber Crime
- Embezzlement- If any appointed person breach the trust of the owner
- Tax Evasion

ADMINISTRATION OF JUSTICE

Administration – To Manage

Justice- To Equitable & Right

DEFINITION

The maintenance of right within a political community by means of the physical force of the state.

Three points :-

1. Political organised society
2. Physical force of the state
3. Maintenance of right as the object

TYPES

CIVIL JUSTICE (Private Wrong)

- Compensation, other relief
- Civil proceedings
- Dispute between individuals
- Fine, Damages
- Petition directly file in the court

CRIMINAL JUSTICE (Public Wrong)

Punishment

State vs accused

Imprisonment or fine

FIR & Investigation

ADVANTAGES

- Systematic development of laws
- Uniformity
- Fixed rule help for judgement

DISADVANTAGES

- Rigid
- Full of technicalities
- Legal justice is complex

THANK YOU