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**CRIMINOLOGY - PRE-BOARD ANSWER.**

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Group A

1. Define Criminology? What are the methods of Criminology?

Ans. Criminology is the scientific study of crime, criminal and criminal behaviors. Sutherland, the father of Criminology defines Criminology as "the body of knowledge regarding crime as social phenomena. It includes the process of making of laws, breaking of laws and social reaction towards breaking) of laws.

Various methods of Criminology are as follows:

i) Historical Method:

This is descriptive method which describes a certain phenomena in its historical dimension of time & sequence.

ii) Comparative Method:

This method compares two or more than two phenomena to find the connection or dissimilarities b/w them.

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### iii) Psychological Method: (2)

This method consists of various behavior observation, behaviour modification and attempts to predict future behavior of delinquencies.

### iv) Statistical Method:

It involves the study of no. of cases, their repetition, the correlation of criminal act with other variables such as education, economic condition, employment etc.

### v) Case Study Method:

It makes detail analysis of a given case.

### vi) Experimental Method:

A controlled experiment involves taking to two closely related situations or groups, subjecting one of them to a specific stimulus, and comparing the subsequent characteristics of both.

### Conclusion:

Criminology borrows different methods and techniques developed in other disciplines, both natural and social sciences.

Q2. What is Classical Theory? ③

Ans The classical theory in criminology is propounded by Cesare Beccaria. It came into existence as a result of the influence of writings of Montesquieu, Hume, Bacon and Rousseau. His famous work "Essay on Crimes and Punishment" received wide acclaim all over Europe and gave birth to a new criminological thinking in the west.

The classical theory links causation of crime to appropriate punishments. The main tenets of classical school are as follows:

- i) An individual has freedom of will and freedom of choice. The person act in a way he act because of his choice. Thus, human behaviors is self-generated and self-controlled. The fear of punishment can bring a change in "human will" and drag him away from committing crime.
- ii) It is an "act" of an individual and "not his intent" which forms the basis for determining criminality within him. So, criminologists are concerned with the act of the criminal rather than his intent.
- iii) Punishment is a principal method of inflicting pain. ③

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4. Prevention of crime is more important than the punishment for it.
5. State have right to punish the offenders in the interest of public security.
6. Criminal law primarily rests on positive sanctions. They were against the use of arbitrary power of judges.

#### Criticism:

- i) Classical school proceeded on an abstract presumption of free will and relied solely on the act (i.e. crime) without devoting any attention to the state of mind of criminal.
- ii) It erred in prescribing equal punishment for the same offence thus making no distinction b/w first offenders and habitual criminals.

#### Conclusion:

Classical school is successful in achieving a substantial criminal policy. Concept of crime & criminals which were based on religious fallacies and myth has been shifted on the need for concentrating on the personality of an offender.

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Q3 what are the scope of Criminology?

Ans. Criminology is the entire body of knowledge regarding crimes, criminals and efforts of the society to prevent and suppress them. It is also the study of crime as a social phenomenon.

Scope of Criminology can be highlighted as:

i) Criminal Ecology:

Study of criminality in relation to special distribution in a community.

(ii) Criminal Epidemiology:

Study of the relationship beth environment and the criminality.

(iii) Criminal physical anthropology:

Study of criminality in relation beth mind and behavior of a criminal.

(iv) Criminological Research:

Study of crime correlated with antecedent variables, state of crime trend.

(v) Victimology:

Study of the role of victim of crime.

vi) Criminological theories.

Study of different theories as a genesis of criminal behavior.

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## • Criminology

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### Theoretical / Pure Criminology

- i) Criminal Anthropology
- ii) Criminal Sociology
- iii) Criminal Psychology
- iv) Criminal Psycho-Pathology.
- v) Penology

### Applied Criminology

→ It includes the study of hygiene and criminal policy.

Besides these, there are yet another branch of criminology called criminalistics which concerns the police - techniques of crime investigation and detection.

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Q. No. 4. Explain about Differential Association Theory:

Ans: The theory of differential association was profounded by Edwin H. Sutherland in 1939 which was later modified in 1947. This theory explains that people learn to become offenders from their environment. Acc. to him, behavioral learning take place through personal contacts with other people. This learning in the content of crime includes both the technical for committing the crimes and the attitudes and rationality or justification for their commitment.

This theory has 9 postulates which are as follows:

- i) Criminal behavior is learned. (It is not inherited).
- ii) Criminal behavior is learned in interaction with other persons in a process of verbal and non-verbal communication.
- iii) The principal part of the learning of criminal behavior occurs within intimate personal groups.
- iv) When criminal behavior is learned, the learning includes:
  - a) techniques of committing the crime.
  - b) specific direction of motives, drives, rationalization and attitudes.

- v) The specific direction of the motives and ⑧  
deives is learned from definitions of the  
legal codes as favourable & unfavorable.
- vi) A person becomes delinquent because of an  
excess of definition of favorable to violation  
of law over definitions unfavourable to the  
violation of law.
- vii) Differential association may vary in  
frequency, duration, priority and  
intensity.
- viii) The process of learning criminal  
behavior by association with criminal  
and anti-criminal pattern involves  
all the mechanisms that are involved in  
any other learning.
- ix) While criminal behavior is an expression  
of general needs & values, it is not explained  
by those general needs and values since  
non-criminal behavior is an expression  
of the same need and values.

### Criticism of the theory:

Some critics ask why it is that not  
everyone in heavy and prolonged contact  
with criminal behavior patterns becomes a  
criminal. For ex. Correctional Officers in Prison,  
Prison Officers, etc. How do they escape  
from learning to be law violators  
themselves? Differential Association Theory is  
incapable of answering such question. ⑧

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## Group B

5. Sigmund Freud's Psychoanalysis: The "Id", "Ego" and "Superego".

Ans. Acc. to Sigmund Freud; human personality is complex and has more than a single component. In his famous psychoanalytic theory, Freud states that personality is composed of three elements: id, ego & superego.

### The Id:

Id is the source of psychic energy, making the primary component of personality. It is present from birth. This aspect of personality is totally unconscious and includes instinctive and primitive behaviors. The id is driven by pleasure principle, which strives for immediate gratification of all desires, wants and needs. If these needs are not satisfied immediately, the result is a state of anxiety or tension. for ex: an increase in thirst should produce an immediate attempt to drink.

### The Ego:

Acc. to Freud, Ego develops from Id. Impulses of Id are expressed in a manner acceptable in the real world. It is guided by reality principle which strives to satisfy the id's desire in realistic and socially appropriate ways.

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## The Super Ego:

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Acc. to Freud, Super ego begins to emerge at around age five. It ~~is~~ holds the internalized moral standards and ideals that we acquire from our parents & society (our sense of right and wrong). It provides guidelines for making judgements.

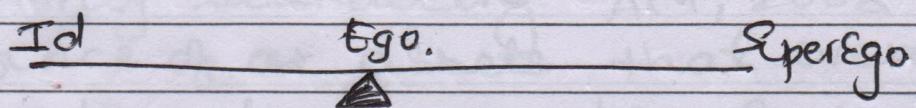


Fig: Ego balances Id & SuperEgo.

## Conclusion:

The tip of iceberg theory suggests that large part of our mind is unconscious and only small portion is conscious. Id, Ego & Super ego operates in such a way that it shapes the personality of a person.

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Q10. What is Money Laundering?

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Ans Money laundering is an act or attempted act to distinguish the source of money or asset derived from the criminal activity. To launder money is to hide its illegal origin. Money laundering means washing of dirty money so as to appear it clean. ~~etc~~

Money laundering Act, 2008 highlights the offence of or assets that were considered to be on laundering under section 4 of the Money laundering (Prevention) Act which are as follows:

- a) Offence under the prevailing arms & ammunitions laws,
- b) Offence under the prevailing foreign exchange regulations laws.
- c) Offence of murder, theft, cheating, forging document, counterfeiting, kidnap or abduct under the concerned prevailing law.
- d) Offence under the prevailing drug control laws and so on.

S.C. on Money Laundering:

Madhar Kumar Bhagat Vs. GON: accused

In this case S.C. stat source of should be able to show legit. prove that seized property. The accused source, earned property has to

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P.No.9. Who are exponents of Biological Theory?

Ans Biological theory strongly presents deterministic explanation of delinquency and criminality and holds that some people are naturally born criminals, with physical qualities that govern their development deviant tendencies.

This theory is also referred as Italian School and the major exponents of this theory are:

a) Cesare Lombroso (1835-1908):

He classified criminals as Born Criminals, Insane Criminals, Occasional Criminals.

He further classified occasional criminals into pseudo criminaloid, habitual criminal.

b) Rafaello Garofalo: (1852-1934):

He insisted that there should be scientific study of criminals. He supported Lombroso's idea that crimes is associated with certain physical characters.

c) Enrico Ferri (1858-1928):

He rejected the theory of classical school i.e. doctrine of free will rather believed that it is not the criminal who act but the situation. He classified criminals into 5 categories:

- Born Criminals
- Insane Criminals
- Occasional Criminals
- Passionate Criminals
- Habitual Criminals

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What are the major activities of organized criminal groups?

Ans. Three or more persons who act (or agree to act) together to further the carrying on of criminal activities is known as organized criminal group. Organized Criminal groups generate large amount of money by activities such as drug trafficking, arms smuggling, extortion, theft and financial crime.

Organized criminal group performs the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services. It employs illegitimate methods - monopolization, terrorism, extortion and tax evasion to derive out or control lawful ownership and leadership and to extract illegal profits.

Economic crimes, Drug Smuggling, Illegal logging and timber smuggling, illegal trade in wildlife and human trafficking, transit & route of gold and sandal wood smuggling, gambling, prostitution, bank robberies, black-mailing etc. are the very common phenomenon in Nepal.

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— The End —