

## EMOTIONS AND CRIME

By

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Emotions and the Criminology are two facets of the Coin. Therefore, it is to the uncompromising terms, emotions play vital role in the causation of crime; To say, either to breach the obligations laid or to violate the rights of the individuals that broadly disturb the public peace and tranquility at large.

So, the role that the emotions play in tempting individual/individuals to the path of criminality, gains paramount importance. Hence, as a corollary as broad perspective the source or the origin of emotion is "Amygdala" in brain (means: a roughly 'Almond-shaped' mass of grey matter inside each cerebral hemisphere, involves with the experiencing of emotions); which generates any emotion.

Besides, *Cortex* of the brain (the outer layer of the cerebrum (the *cerebral cortex*), composed of folded grey matter plays an important role in 'consciousness' and the 'prefrontal brain' (*The prefrontal cortex is thought to be involved in higher cognition, planning, personality, and proper social behaviour*) and 'frontal brain' (*frontal lobe* contains the primary motor *cortex* as well it is also thought to be the center of executive functions and an important area for memory, learning, and cognition). Among other functions, regions of the brain actively involves in genesis, dynamics and mechanism of emotions.

In addition to these elements of the Brain, "Medulla oblongata" (the continuation of the spinal cord within the skull, forming

the lowest part of the brainstem and containing control centers for the heart and lungs) in co-ordination of the afore elements of the Brain aims to achieve either emotional balance or imbalance.

Interestingly, there is a tendency in the Human behavioural approach corroboratively in consensus work to *fight or flight* in a specific situation or situations: is primarily dependent on endocrinal gland. As a fact of relevancy, endocrinal system in which some of the functioning of the Human Body is managed by internal organs present.

Medical research evidently shows that the 'endocrinal organs' such as Thyroid, which produces Thyroxin (*Thyroxine* is the main *hormone* secreted into the bloodstream by the thyroid gland); plays vital roles in digestion, heart and muscle function, brain development. Whereas, the Adrenal fluids principally regulate not only the management of human body as well endeavors to control perceptions, perseverance, behavioural approach, emotional outlook; in turn contribute to decide the personality traits in a human being.

Relevantly, the *hormones produced* in the *hypothalamus* are corticotrophin-releasing *hormone*, dopamine, growth *hormone*-releasing *hormone*, somatostatin, gonadotrophin-releasing *hormone* and thyrotrophin-releasing. When the hypothalamus *produces* Corticotrophin-Releasing Hormone (CRH), it stimulates the pituitary *gland* to release *Adrenal* Cortico-Trophic Hormone (ACTH). These

hormones, in turn, alert the *adrenal glands* to produce corticosteroid hormones.

Therefore, “harmones” are nothing but packets of chemical messengers being transmitted from one point to another that affectively deal with many situations such as angriness, anxiety, increased rate of heart beat that mostly influences the human behaviour. This evidently shows that there is an amity between human behavioural attitudes and the Harmones in the human body. So, Harmones play an important role in regulating emotions and it deeply gives an insight that the inner side of a crime in almost all cases must have been done under abject “emotional psyche”.

*Halsbury dictionary* of law defines: Crime as an action by an individual or individuals either to do an act which should not have been done. So, Crime is defined as “an unlawful act or default which is an offense against public and renders the person guilty of the act or default liable to legal punishment”. So, it is crystal clear that any action of criminality by an individual be commensurated with punishment; is a crime.

As a corollary, emotion is a sudden outbreak of existing mood into an altered mood which sometimes lead to heinous crimes. To supplement this illustration, *Nanavathy v. State of Maharashtra* is a judgment reported in, 1962 AIR 605, stands as the best example.

Therefore, the observation of the Hon’ble Supreme Court finds relevant in the said judgment reads :

“The mere fact that before the shooting the accused abused the deceased and the abuse provoked an equally abusive reply could not conceivably be a provocation for the murder. We, therefore, hold that the facts of the case do not attract the provisions of Exception 1 to Section 300 of

the Indian Penal Code”. Hence, this is an example as how emotions classically lead an individual into committing crime.

Sometimes, the profound adherence to “theological affinity” repels into emotion that motivate to commit violence which attains utmost magnitude of crime. One of the best example to substantiate this circumstance of *theological emotionality* is a case decided by the Hon’ble Supreme Court in *Mohd. Ajmal Amir Kasab v. State of Maharashtra*, reported in (2012) 9 SCC 1 : Wherein, the Hon’ble Supreme Court considered the confession given by *Kasab* before the Magistrate, which shows that *Kasab*, due to his unemployment went to Karachi, where having got influenced by the activities of “Laskar-e-Toiba” and the ‘Zihadi’ movement to attain Kashmir by Pakistan came to India and then committed ghastly act of mass assassination of people at VT Station (Railway Station), Mumbai.

So, upon analyzing the facts confessed by *Kasab*, it is evident that this “stimuli” that *Kasab* and *Abu Ismail* inspiringly derived from the external environment such as observing the movements of “Laskar-e-Toiba” influenced them to have had the influence of joining in the movement of “Laskar-e-Toiba” which subsequently contributed for converting them into hard core Terrorists who killed many innocent Indians by their evil act. Therefore, emotion can be most the positive or constructive and, on the other hand most negative as well destructive, and that inspiration of negative emotion would sure in making the individual into “criminal”.

If not similar to the circumstances narrated in the *Kasab* case, which is the maglev criminality of killing many; whereas, in a case decided by Privy Counsel reported in *Emperor v. Barendra Kumar Ghosh*, on 23rd October, 1924, (1925) 27 Bom. LR 148; wherein, *Barendra Kumar Ghosh* was on stand

byer before he joined Dacoit group: and that while some group of people were moving, he enquired as to where they were going to; to which, they answered that they were going to commit Dacoity at nearby Post Office, as such, having got the “stimuli” from the said group, he requested the said group even to join him, to which they said that they would not join him as he had no experience of committing Dacoity. Nevertheless, on pleading, they admitted him: went to the Post Office, where he was assigned the duty of watch and vigil to alert them.

This is the case where the group of people during the course of committing murder of the Post Master present in the office; committed theft of property and thereafter left alongwith the Booty. Very interestingly, the persons who committed Murder and Dacoity were not found subsequently except *Barendra Kumar Ghosh*, who as a matter of defence pleaded that he only stood as an outsider as a stand byer;

so, he was innocent of the said crime. The appeal before the Privy Counsel wherein Lord *Atthire* observed “stand wait weights much”. This predominantly is an expressive manner dwells to understand how emotions some time make an individual march towards committing certain wrongs and thereby itching as “criminal”.

It is thus, very clear that certain basic characteristics of individuals emotionally get stimuli would lead them to criminality and therefore it is a necessity to introduce the concept of managing emotions as a part of “*curriculum*” in the education system throughout from primary to post-graduation level as it is very clinching that unless these emotions are properly managed, the individual would fumble to do wrongs which are punitively chargeable leading to convictions. Thus, to manage wheel of emotions the well scheduled controlled emotions would always bring fruits of “positivism” in the life of individuals to spread aura happiness.

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## THE INSIGHTS OF HUMAN RIGHT VALUES IN THE INDIAN CONSTITUTION

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Human Rights are distinguishable inseparable rights of subjects of the State which are endowed upon an individual “pre-natal” and thereon continues even to posthumous.

One of the greatest thinkers and philosophers of human civilization is *Jean-Jacques Ronsseau* rightly said: “Man is

born free but everywhere he is in chains” which therefore, connotatively gives an impression that human rights endowed to an individual is by other human beings, by stout oppressions of manifold kinds. Therefore, it is evident that many freedom movements marched to fight against the oppressive abridgment of human rights endowed.