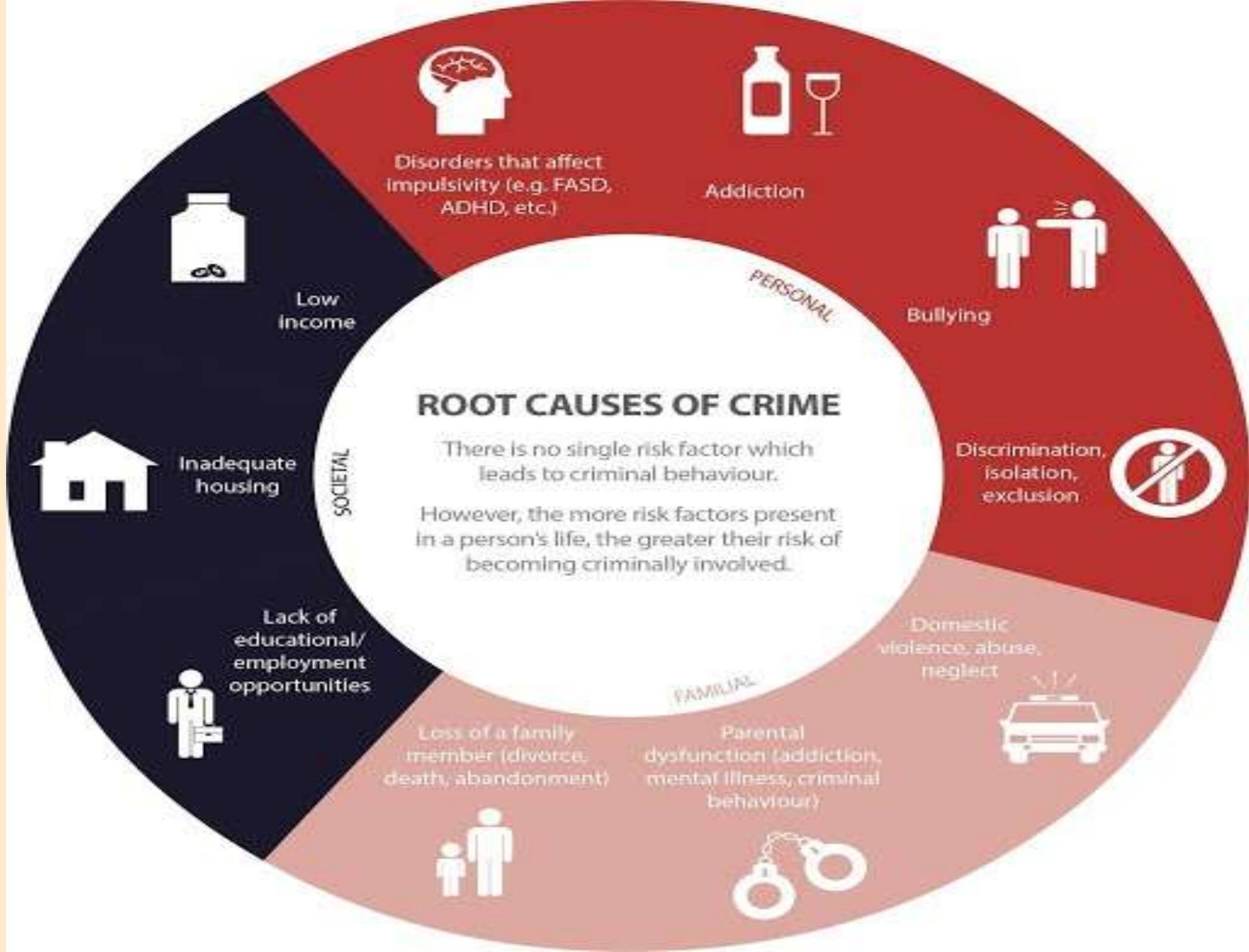


- **UNIT III**
- **CAUSATION OF CRIME**

- **Contents –**
- Heredity & Crime
- Mental Disorder & Criminality
- McNaughton's Rule of Criminal Responsibility
- Sex, Age & Crime
- Alcoholism
- Narcotic Drugs
- Physical environment
- Theory of Differential Association
- Education Mass Media

- Economic Factors
- Multiple Causation Theory
- Home & Family in Relation to Crime
- The Broken Home
- Impact of Criminal Convictions
- Psychological Tensions & Emotional Disturbances at Home.



- **1) Heredity & Crime –**
- **Lombroso** was the first criminologist to correlate crime with the heredity of the criminal. He stated that, the heredity was the sole cause of criminal behaviour of the offender.
- There are certain criminals who imbibe criminality **by birth**. He called them **atavists** & held that such criminals were **incorrigibles**.
- Modern researches have shown that hereditary influences have **little effect** on criminality.

- In India, the **Kanjars & Lohars of Rajasthan & Baluchis** are some of the nomadic tribes which habitually pursue criminal traits & take **criminality as a mode of life**. But in reality, they are brought up in the criminal environment & criminal family surroundings.

- In India, the **Adivasi & tribals** commit crime due to the superstitious belief in **witchcraft, petty quarrels, sexual indulgence & excessive intoxication**. So heredity may be one of the factors for crime causation but not the only factor.
- Even Lombroso modified his theory & stated that only **1/3 of criminals by nature are criminal type & other 2/3 were insane criminals** including idiots, epilepsy, hysteria etc. He called them “**Occasional Criminals**”. Such criminals are incapable of adjusting themselves to normal society.

- **2) Mental Disorder & Criminality –**
- The term **‘Mental Disorder’** is also referred to as **‘Mental Abnormality’/‘Functional Deviation of Mind’** leading to a **state of confusion**.
- The mind is in a **state of confusion** or is suffering from **some disease**.
- A kind of **mental illness or psychotic disorder** which incapacitates a person to evaluate his **perceptions** correctly & he tends to draw **erroneous inferences**.
- **Symptoms** - Delusion, abnormality in speech, withdrawal of active participation, disturbed mood etc.

- These mentally abnormal people may attack an innocent person in the **flow & imaginary misdeed**, which abnormally provokes them to commit crime or violence.
- The criminal law takes mental illness or abnormality into consideration while **determining the criminal liability of the offender & in sentencing him & also for recommending for clinical treatment rather than being sent to prison. (S. 84 IPC)**.

- **Insanity as a Defence –**

- I) Wild Beast Test (R V. Arnold) (1724)
- II) Insane Delusion Test (1800)
- III) Bowler's Test/ Case (1812)
- IV) Right and Wrong Test (McNaughton's Rule)
- V) Durham Rule (Durham v. United States) (1954)
- VI) Concept of Diminished Responsibility

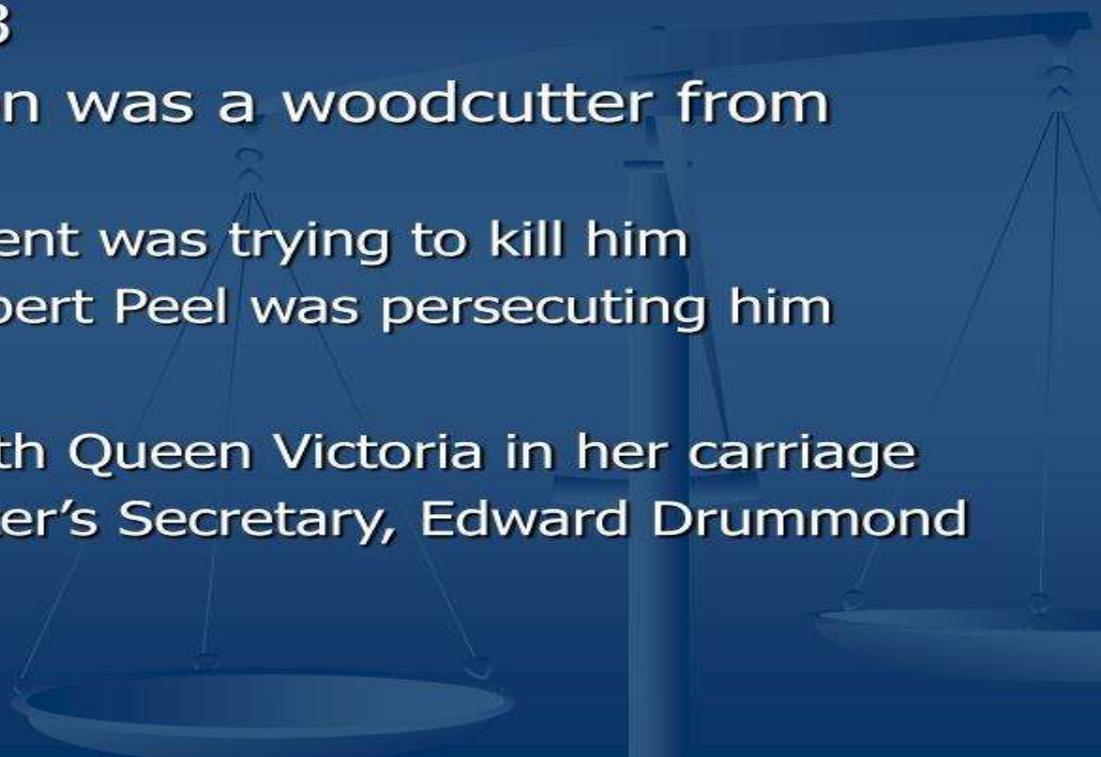
- **I) Wild Beast Test (R V. Arnold) (1724)**
- Arnold attempted to kill & even wound Lord Onslow and was tried for the same. The evidence clearly showed that, the accused was suffering from a mental disorder.
- A person can demand immunity if, due to his unsoundness of mind, he was **incapable of distinguishing between good and evil & did not know the nature of the act committed by him.**

- **II) Insane Delusion Test (Hadfield's Case)(1800)**
- **Hadfield** was discharged from the army on the ground of insanity & was tried for high treason in attempting to assassinate King George III.
- Insanity was to be determined by **the fact of fixed insane delusion** & that **such delusion** under which the defendant acted is the main reason for his crime.
- Good & Evil Test.

- **III) Bowler's Test/Case (1812)**
- After the Bowler's case, the courts have placed more emphasis on the **capacity of the accused to distinguish right from wrong**, though the test was not that clear.

- **IV) Right & Wrong Test – Mc’Naughten’s Rule**
- **(Mental Depravity as a Defence)**

McNaughton (M’Naghten) Rule

- English case, 1843
 - Daniel McNaughton was a woodcutter from Scotland
 - Thought government was trying to kill him
 - Prime Minister Robert Peel was persecuting him
 - Unsuccessful
 - Peel was riding with Queen Victoria in her carriage
 - Killed Prime Minister’s Secretary, Edward Drummond
- 

- **Principles -**

- All are presumed to be sane & to have enough reason, until proved contrary, to be responsible for their crimes.
- In order to establish the defence of insanity, at the time of the act, the accused was working under such a defect of reason, from mental illness.
- He didn't know the nature & the qualities of the act he was doing, or
- He did not know what he was doing was wrong.

- **V) Product Test / Durham Rule (Durham v. United States) (1954)**
- The defendant was guilty of breaking into a house & demanded the plea of insanity in his defence. The Mc'Naughten Rule & the irresistible impulse test, were declared to be obsolete.
- Components of Insanity as a Defence -
- First, it indicates an effort to rely more on **objective, psychological standards**, rather than focusing on the defendant's subjective cognition.
- If criminal behavior is **“caused” by the mental disease or defect**, then the conduct should be exempted under the circumstances.

- **VI) Concept of Diminished Responsibility**
- The Doctrine of Diminished Responsibility was introduced by the Homicide Act of 1957, as a defence to murder.
- If this defence is established, it will entitle the offender to be found guilty of manslaughter (culpable homicide) instead of murder.
- Where a person kills someone or is a party to killing, he will not be guilty of murder if he was suffering from some abnormality of mind and is mentally incapable of taking responsibility for his acts.

- **Indian Law on the Defence of Insanity**
- **Section 84 of IPC -**
- Nothing is an offence committed by someone who is unable to know the nature of the act or does what is wrong or contrary to legislation due to a lack of a sound mind.
- **Essential Elements –**
- The accused was in a state of unsoundness of mind at the time of the act.
- He was unable to know the nature of the act or do what was either wrong or contrary to the law.

- **Kamala Bhuniya v. West Bengal State, (2006)**
- The accused was tried for her husband's murder with an axe.
- She was alleged to be insane at the time of the incident.
- The investigating officer recorded at the initial stage about the accuser's mental insanity.
- Held, that there was no motive for murder. The accused made no attempt to flee, nor made any attempt to remove the incriminating weapon.
- Accused was proved insane at the time of the commission of the offence & was held guilty of Culpable Homicide & not of Murder.
- The accused was entitled to benefit from Section 84.

- **Ratan Lal v. State of Madhya Pradesh (1970)**
- The appellant was caught setting fire to the grass in an open land of Nemichand, when he was asked why he did it, he replied; ‘I burnt it, do whatever you want.’
- The appellant was charged under S. 435 (mischief by fire with intent to cause damage) of IPC. A/c to the psychiatrist, he was a lunatic in terms of the Indian Lunacy Act, 1912.
- **Medical Report of the accused – He** remains depressed, Doesn’t speak, is a case of lunatic depression & psychosis, and requires therapy.
- In appeal, the Supreme Court set aside the conviction based upon medical evidence & the behavior of the accused on the day of the occurrence.
- The accused was insane as per Section 84, IPC.

- **Shrikant Anandrao Bhosale V. State of Maharashtra (2002)7 SCC 748)**
- The accused was a police constable. The wife was hit on the head with a grinding stone by the accused, and she was immediately taken to the hospital but was found already dead.
- After investigation, the appellant was charged for the offence of murder. Insanity was pleaded as a defence.
- The appellant had a family history where his father also suffered from mental illness. The reason for such an ailment was not known.

- The appellant was undergoing treatment for this mental disease. It was observed that the motive for the murder was quite weak. After killing his wife, the accused did not attempt to hide or run away.
- Held that the accused was suffering from paranoid schizophrenia, and he was incapable of comprehending the nature of the act committed by him.
- Therefore he was not guilty of murder & will be given the benefit of section 84, IPC.

3) Sex –

- As per the study, the **crime rate of men is far more excess than that of women** in all periods of history & for all types of crimes.
- The disapproved sex behaviour is due to the perpetration of crime like **homicide with sexual motive, rape, prostitution, homosexuality, bestiality & habitual sex offenders**.
- In the **underworld**, it generates & propagates crime. **Commercialization of sex** breeds various types of crimes, drug trafficking & terroristic activities.

- **Sex crimes & sex delinquency** not only demoralize the society but also instigate the children to imitate thereby hurling into exploitative crimes.

- **Causes of Sex Delinquency –**
- I) General physiological urge & its repression.
- II) Degree of Sex Stimulation – Dress habits, books, movie, TV, media, sexual conversation etc.
- III) Influence of contraceptives, preventive techniques & treatment for venereal disease.
- IV) Home Situation – Broken homes, troublesome homes, lack of moral values.
- V) Economic factors, fear for starvation, poverty, jealousy of other companies, lack of economic support etc.
- VI) Compulsion – Organized crime victims, kidnapped victims etc.

- **4) Age & Crime –**
- **Adolf Quetelet –**
- As people age, their rate of involvement in crime declines.
- A/c to age, the crime pattern also changes.

- Theft, burglary, motor vehicle theft & vagrancy may be in the **adolescent period**.
- Homicide, rape, assault, alcoholism, drug, prostitution, forgery, counterfeiting etc. can be **at the peak of twenties**.
- Embezzlement, gambling, drunkenness & cheating may be in the **adulthood medium age**.
- The different crime pattern in the various ages is there because of **fear-risk element of arrest, punishment, labeling, reputation, fear of shame, notoriety** .

- **5) Alcoholism –**
- Alcoholism is also a significant factor in criminal behaviour. It may be a **crime in itself or may be directly related to violation of certain laws**, offences like murder, rape, assault, vagrancy & neglecting of the family.
- Alcoholism as **a form of vagabondage or an abnormal method of escaping from reality**.
- Alcoholism is the root cause of the family disruption, broken homes & facilitates the delinquency of children as no paternal control remains in the home.
- Sex offences are most likely to be committed after intoxication.

- Due to alcoholism, the latent & dormant tendency ebbs up & comes to surface in an aggravated form leading to commission of crime.
- Many drunkards are also drawn into crime as they are hard-pressed for money & landed up in pauperism.

- **6) Narcotic Drugs –**

- Drug addiction is always regarded as the leading factor in the causation of crime. The study has revealed that it is often regarded as a symptom of psychopathy.
- The consumption of drugs creates heavy mental & bad impacts & so there occurs economic necessity & addicted person satisfy their needs by illegal method. He involves himself into petty larceny & other illegal methods.

- Gangsters, bandits & desperate criminals use drug as excitant prior to the commission of crime.
- Drug addicts indulge in theft, burglary, smuggling, forgery etc. they also come in contact with underworlds & associate themselves in various types of crimes like counterfeiting, drug trafficking, smuggling, espionages. Narcotic drugs & crime are directly as well as indirectly related.
- It is now well established fact that the addiction & criminal behaviour runs parallel.

- **7) Physical Environment –**

- The physical conditions also play an important role in the crime causation.
- The physical conditions also affect the criminal behaviour.
- The crimes against property are more frequent during winter seasons. The crime against body are more frequent during summer months.
- The crimes are more frequent near the coastal regions & infrequent in the interior.

- **8) Theory of Differential Association –**
- This theory was propounded by Edwin Sutherland in 1939.
- His theory is known as the first ‘**Pure Sociological Theory**’.
- This theory refers to the **patterns of behaviour** to which the individual is exposed i.e. **good company or bad company**. It says that the crime is learned behaviour that is imparted by the other persons with whom one associates.
- In 1947, Sutherland modified this theory to include the laws of learning.

Learned Behavior
good and bad
good and bad



Not Just Taught By Family





- The **modified theory** has following principles –
 - 1) Criminal behaviour is **learned**.
 - 2) Criminal behaviour is learned in interaction with other persons in the **process of communication**.
 - 3) It occurs within **intimate personal groups**.
 - 4) When criminal behaviour is learned, the learning includes **techniques of committing crime**, which are sometimes very simple, and the **specific direction of motives, drives, rationalizations & attitudes**.
 - 5) The **specific direction of motives & drives** is learned from the definitions of the legal codes as favourable or unfavourable.

6) A person becomes delinquent because of **an excess of definitions favorable to violation of law** over definitions unfavourable to violation of law.

7) Differential Association may vary in **frequency, duration, priority & intensity**.

8) The process of learning criminal behaviour by association with criminal & anti-criminal patterns involves **all mechanisms that are involved in any other learning**.

9) While criminal behaviour is **an expression of general needs & values**, non-criminal behaviour also is an expression of the same needs & values.

- **Criticism of DA Theory by Reed Adams –**

1) It is difficult to reduce DA to **empirical research** for validation purposes.

2) There are some **misinterpretations** on the part of some writers with respect to DA.

E.g. Sutherland referred to an over abundance of criminal association rather than simple criminal association. The emphasis should be on **patterns of behaviour** rather than simple criminal association.

3) It does **not explain why the association exists.**

4) It fails **to account for all types of crimes.**

5) It fails to consider **personality & difference between people in receptivity.**

6) It does not specify the **ration of behavioural patterns that determine criminality with sufficient accuracy precision.**

- **Conclusion-**

- DA is **not a precise statement** of the process by which one become criminal. The idea is that criminality is a consequence of an excess of intimate association with criminals. It indicates that some emotionally insecure persona & persons from broken homes commit crimes.

- **9) Education –**
- **Poor education** also plays an important role in the crime causation & delinquency.
- The **higher the educational level**, the **lower will be the crime rate**.
- The formal education has no such relationship with the delinquent behaviour patterns. In fact, **all white collar crimes** are almost committed by affluent & even by educated.

- It is immaterial that, whether a student has a high IQ or is a drop-out for becoming a delinquent.
- In a study/research, it is found that, 80% of the students, who did poor in the school & failed in the examinations never participated in the delinquent sub-culture & therefore did not become delinquents regardless of their social stratum.

- **10) Mass Media –**
- The **mass media of communication & television** were responsible for delinquency & crime to a certain extent.
- When speaking about mass media –
 - 1) They promote crime by **constantly advertising** it & **exaggerating its effects** by teaching the modus operandi of crime.
 - 2) They interfere with justice **by trial by news media** by distorting the news, by failing to stress the punishment of crime.
 - 3) They ordinarily promote **indifference to crime** & create **public panic & sensationalism**.
- In 1928, Enrico Ferri found that daily newspapers, illustrated journals do have an unfavourable effect in the minds of the criminals.

11. Economic Factors –

- The **economic condition** of a person is an important factor in the crime causation.
- Poverty has a relationship with delinquent behaviour **directly or indirectly**.
- However, the poverty alone is not accountable for delinquent behaviour, because it has been found that people who are very poor manage to keep themselves **honest & upright** in the most difficult circumstances, whereas a millionaire may try for another million by applying dishonest means.

- **Multiple Causation Theory of Crime –**
- Crime is the result of **manifold causes**, those can be detected by means of careful study.
- The factors may be individual, anthropological, physical, natural or social.

- **Anthropological factor** comprises age, sex, civil status, profession, domicile, education etc.
- **Physical factors** are race, climate, fertility & disposition of the soil, seasons, conditions & temperature.
- **Social factors** consist the density of population, public opinion, customs, religion, public order, economic & industrial conditions, agriculture & industrial production, public safety, education & general & penal legislation.

- **13) Home & Family in Relation of Crime –**
- Family is the basic unit in which personality development begins & is shaped. It is a great training school which plays the socializing & culturising roles of the child.
- The criminals come from the families where –
 - 1) Other family members are criminals, immoral or alcoholic.
 - 2) One or both parents are absent by reason of death, divorce or desertion.
 - 3) There is lack of parental control because of ignorance , indifference or illness.

- 4) There is no co-ordination in the home because of domination by one member, favoritism, over severity, neglect, jealousy, corded housing conditions or interfering relatives
- 5) There are religious or other cultural differences
- 6) There are economic difficulties
- **Eg.** Unemployment, poverty, both parents working or poor arrangement of financial condition.

- There are **5 principal things** by which the child may learn delinquent behaviour –
- 1) **By observation of parents or other relatives**, their attitudes, codes & behaviour patterns of delinquency.
- 2) **The location of parent's home** in high delinquency area.
- 3) **By imitation of parents & other relatives**. The children learn to respect or reject the members of the minority groups, police officers, teachers & others depending upon their family traits.

- 4) A **child may be driven from the home** by unpleasant experiences or withdraw from the home because of the absence of pleasant experiences or withdraw from the home because of the absence of pleasant experiences & cease to be a member of the family.
- 5) **The home may fail to train the child** to deal with community situation in a law abiding manner.
- Delinquency may not be present in the home, but the home may be neutral with respect to delinquency of the child.
- Failure to train him properly may lead to delinquency.

- **Causes of Crime –**

- 1) Social Causes

- 2) Economic Causes

- 3) Mental Abnormality Causes

- 4) Political Causes

- 5) Environmental Causes

- 6) Biological Causes

- **1) Social Causes of Crime –**
- I) Broken Home (Divorce/Separation)
- II) Spouse Abuse
- III) Child Abuse (Physical Maltreatment or Sexual Molestation)
- IV) Fights & Quarrels in Family
- V) Bigamy
- VI) Dowry Deaths
- VII) Negligence of Parents

- VIII) Female Foeticide
- IX) Inequality amongst Sons & Daughters
- X) Alcoholism
- XI) Narcotic Drugs
- XII) Defective Education
- XIII) Casteism
- XIV) White Collar Crimes (Greed)
- XV) Unemployment

- **2) Economic Causes –**
- I) Poverty
- II) Over Population
- III) Unemployment
- IV) White Collar Crimes
- V) Industrialisation & Urbanisation
- VI) Prostitution
- VII) Unsatisfactory Government Policies
- VIII) Prisons

- **3) Mental Abnormality Causes –**
- I) Abnormality
- II) Psychosis
- III) Mental Deficiency
- IV) Anti-Social people

- **4) Political Causes –**
- I) Corruption
- II) Corrupt Politicians
- III) Religion & Politics
- IV) Inequality

- **5) Environmental Causes –**
- I) Culture Transmission
- II) Large Population
- III) Poorly maintained neighborhood
- IV) More Pub & Alcohol Shops
- V) Gambling places & Tourists places
- VI) Lack of collaboration in Community

- **6) Biological Causes.**

- I) Physical characteristics such as long hairs, long earlobes, large jaw, slanting forehead etc.
- II) Body type or structure - Adventurous & Aggressive, Restrained & Introverted
- III) Heredity influences & transmission of characters.
- IV) Low levels of Serotonin & Dopamine.

- V) Hormone influences, - Increased level of testosterone, Pre- menstrual syndrome.
- VI) Damage to the structure & function of the brain. (Head injury, birth complications)
- VII) Other Socio-biological factors such as low intelligence, poor diet, impulsivity, hyperactivity etc.