

Concept of Crime

- Crimeless society is a myth.
- Human nature is composed of good and bad qualities.
- History: No distinction between crime and torts
- State intervention minimum and optional -self redress.
- Bot(compensation) offences ,botless offences, wite

Definitions of 'Crime'

- *Cross and Jones*: 'Crime as a legal wrong the remedy for which is punishment of the offender at the instance of the State'.
- *Halsbury* defines crime as an unlawful act which is an offence against the public and the perpetrator of the act is liable to legal punishment
- *Raffeale Garafalo* : crime as an act which offends basic sentiments of 'pity' and 'probity'.
- In relation to crime and morality----'crime is an immoral and harmful act that is regarded as criminal by public opinion because it is an injury to so much of the moral sense as is possessed by the community'

Three main attributes:

It is a harm brought about by some anti social act of a person which the State desires to prevent.

The preventive means taken by the State is -
punishment

Legal proceedings for determining guilt or otherwise of the accused, are governed by the rules of criminal procedure and evidence.

Types of crime

- Legal crimes—theft , robbery, rape hurt, etc
- Political offences –violation of election laws
- Social crimes– crimes u/ social legislation
- Miscellaneous crimes –u/ local or special acts eg Food Adulteration Act, Drugs Act, Consumer Protection Act etc

Characteristics of crime

- External consequences
- Harm specifically outlawed (criminalised)
- *Mens rea*
- *Actus Reus*
- *Prohibited act*
- Casual relation between the act and harm
- Punishment by law.

Generalizations on 'CRIME'

- Crime and social policy are inter-related punishments depend on social values.
- Crime has 'varying content'
- Crime is a relative term eg Adultery
- Moral tone can be gauged from criminal laws
- Law should evolve at the pace of social development

Nature and Scope of Criminology

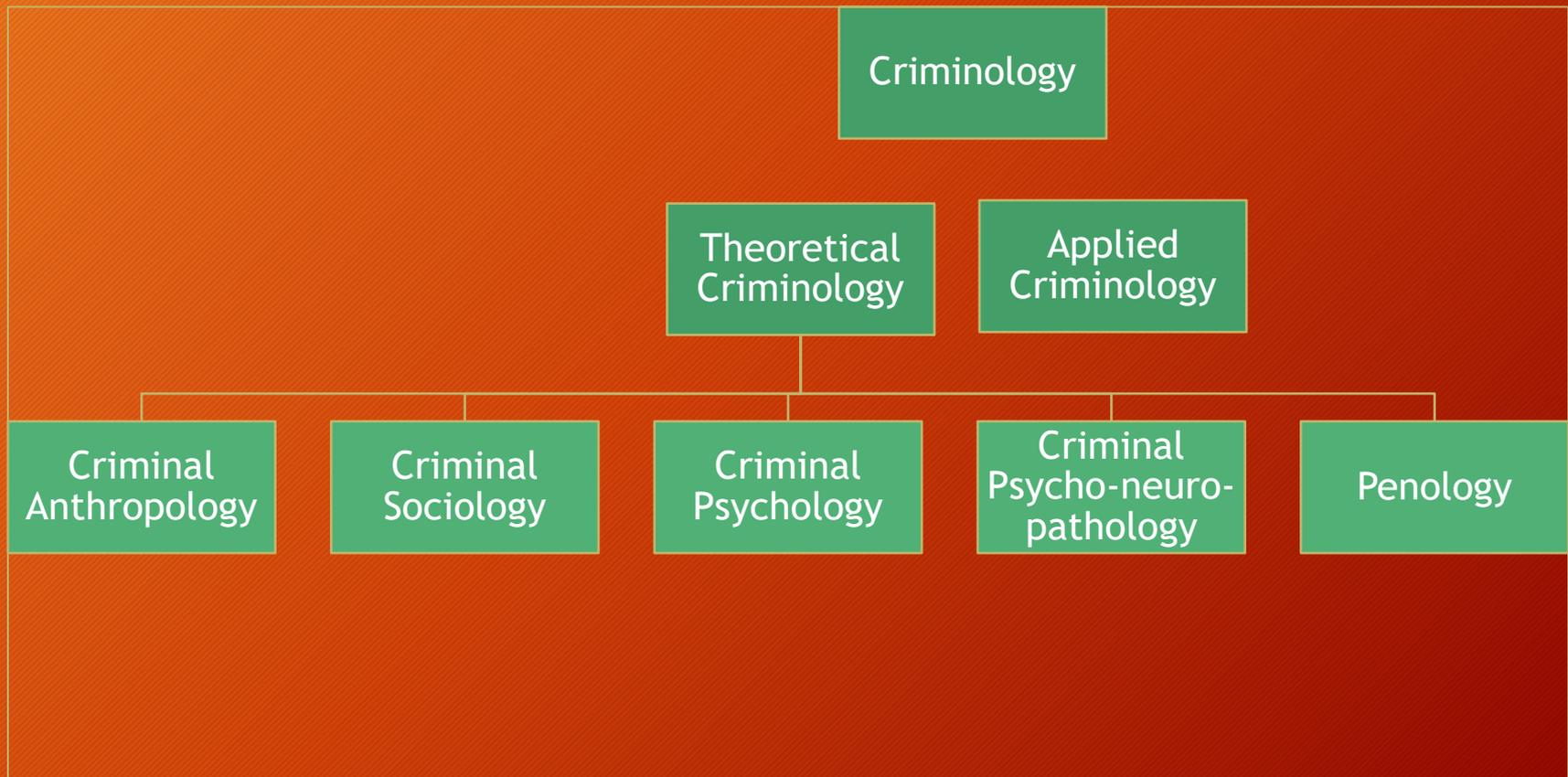
- Object of criminal law and its efficacy results in 'Social Defence'
- Purpose is
 - to analyze different aspects of crime and devise effective measures for treatment of criminals
 - to bring about their resocialization and rehabilitation in the community.
- Principles of criminology serves as effective guidelines for formulation of penal policy.
- Prof Gillin, 'It is not humanity within the criminal but criminality within the human being which needs to be curbed.'

Definition of Criminology

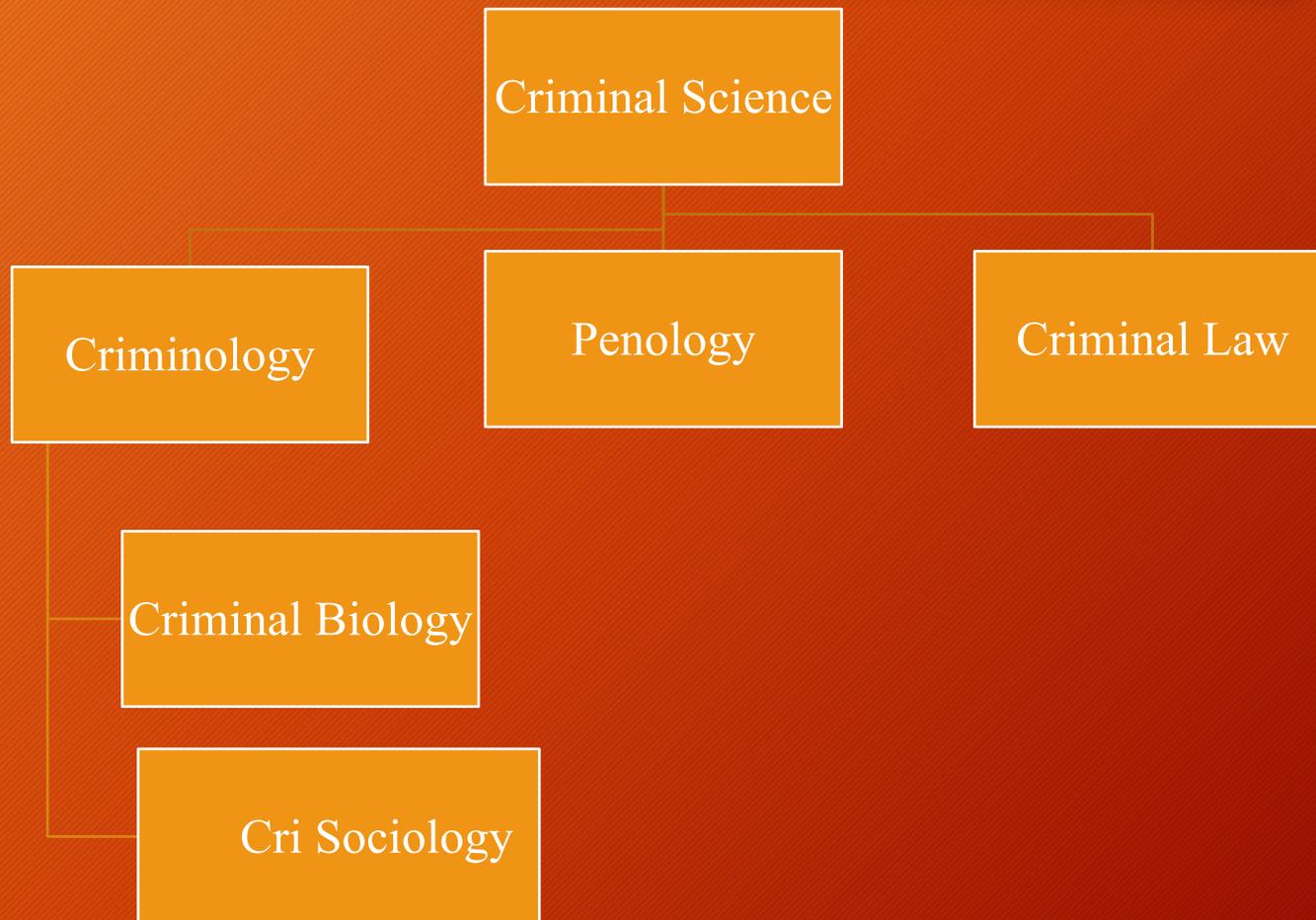
- **Coleman and Norris** :Criminology is the analysis of the nature of crime, the perpetrators of crime, the causes of crime, the formulation of criminal laws and law enforcement, and the ways that crime can be controlled.
- **Donald Taft**: Criminology includes a scientific analysis and observation of crime and criminals whereas penology is concerned with the punishment and treatment of offenders.
- **Sutherland**: *The body of knowledge regarding delinquency and crime as a social phenomenon and it includes within it, the process of making laws, breaking laws, and of reacting toward the breaking of laws.*

Nature and Scope of Criminology

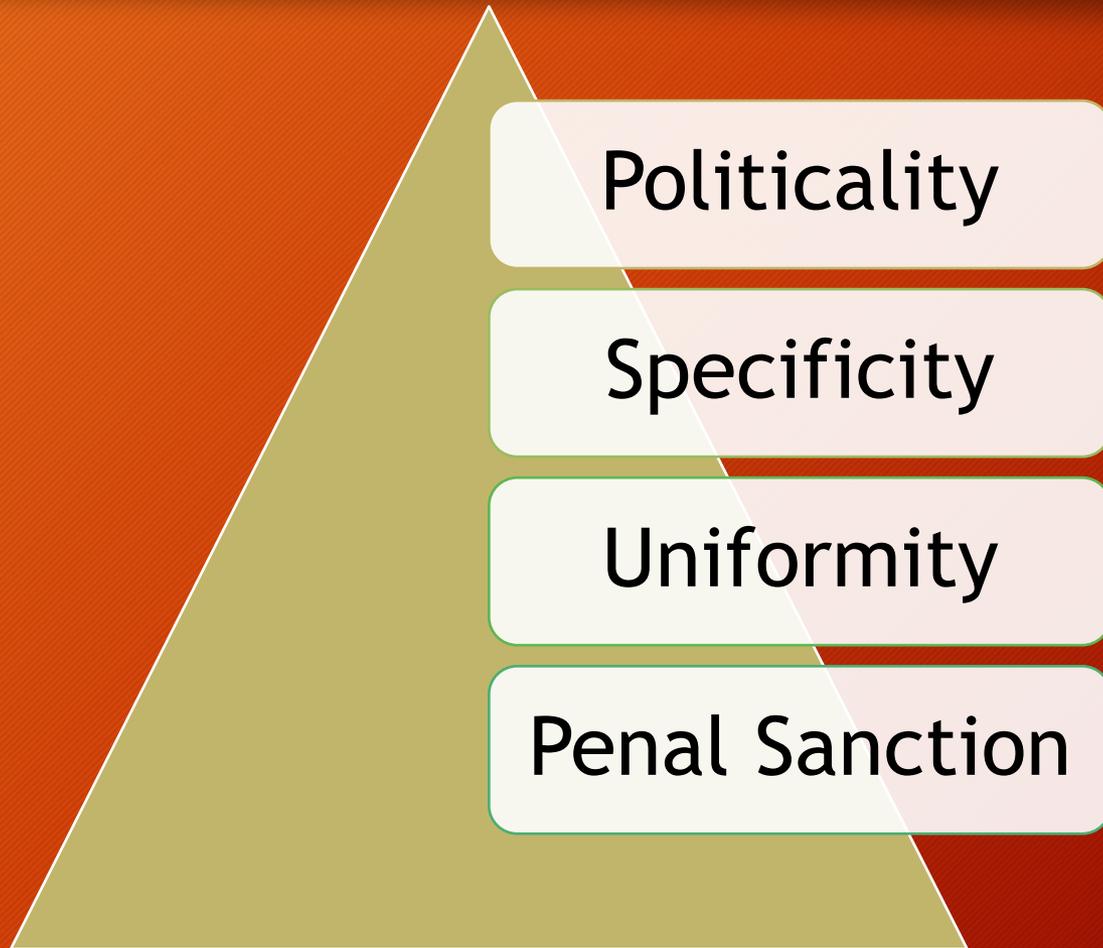
Prof. W A Bonger.



Interrelation between Criminology, Penology and Criminal Law



Elements of Criminal Law



Fundamentals of Modern Criminal Law



An 'act' in order to become a crime must be committed with criminal intent



Mistake of Fact is excusable but
Mistake of Law is not Excusable



No ex post facto criminal legislation

Fundamentals of Modern Criminal Law

Everyone is presumed innocent until specifically proved guilty

Accomplice is treated at par with the accused and punished equally

Rights and Protection to the accused-----before and after trial. RIGHT to bail, release on bond, right to legal aid, right against self incrimination and double jeopardy.

Purposes of Criminal Law

To Reflect disapprobation of the society towards criminal activity

Detering the criminals and advising the citizen to avoid criminality

Criminal law should be beneficially used to rehabilitate the corrigible and incapacitate the incorrigibles

Compensating the Victims and rehabilitating them

Ensuring the safety by maintaining law and order

Efficient and proper treatment to suspects, defendants...

Criminal justice system should be accountable and avoid miscarriage of justice.

Importance of Criminology

Concern for Criminals with an assumption that no one is born criminal-----Reformation is object and individualization is the method

Background for professions like lawyers, attorneys, social workers

Creates solidarity and harmony by punishing criminals and reforming them.

Crimes increased due to complexities of life and science and technology ...white collar crime..cyber crimes...criminology keeps track of new developments and frame strategies