

# Nature and definition of crime

## Nature of crime

In ancient time any act by a person or even an animal which caused harm to any other person was considered as punishable crime. The punishments at earlier times were way different that it is now. The wrongdoers were beheaded or thrown out of the country as per their acts. To punish animals, stones were thrown at them. Crime is a changing concept dependent upon the social development of people that is upon the fundamental interest and values dominating their common beliefs. But as the time passed by and humans started to regularise themselves the Nature and Definition of crime became clearer.

The nature of crime is changing due to the changes in the society and the environment. Today one cannot view crime with a single perspective alone. Two of the common views that explain the nature of crime are its condition as being a social construct and being an individual criminality.

## Role of Government and Society

Development of crime can largely be due to the role of laws and the government itself in the society. The punishment when a crime takes place is left on the hands of the government. The government is guided by policies and rules that have been promulgated to protect the welfare of the majority or the greater good.

Very Often crimes are creation of government policies and the government in power forbids a man to bring about results which are against its policies. The very definition of crime depends upon the values of a given society.<sup>[1]</sup>

There is a division created by the morals that tends the government to make rules which outlaws certain acts which wouldn't have been a crime otherwise. For instance, the non-violent drug offences are considered as crimes because it is declared by the government. Indeed it wouldn't be a crime the government didn't categorise drugs something as illegal. In such context people turn as

‘moral entrepreneurs’. By believing that drugs are evil, or adultery is bad or even bigamy is evil, they try to convince their society’s authority to make violating their mores a crime.

Also in this form of government construction of crime, public play an important role in the prohibition or in the process of making something illegal. For terms of Sec. 377 of IPC were decriminalised due to the changing in the minds of the public in general and all the people it was effecting. Also like the prohibition of alcohol drinking or smoking at certain places, the coalition of the public is necessary.

## Definitions of Crime

At first, Crime was defined as- An act or omission of an act that is prohibited and punishable by the federal statutes. Four essential conditions or an act or omission to be considered as crime are:

- The act is considered wrong by the society,
- the act causes harm to the society in general or to those in need of protection,
- The harm is serious and the remedy must be dealt by the criminal justice system.

A crime may be an act of disobedience to such a law forbidding it or commanding it. But then, sometimes, disobedience of law may not be a crime, for instance disobedience of civil laws. Therefore, crime would mean something more than mere disobedience of law<sup>[2]</sup>.

A crime is a deemed by law to be harmful to society in general, even though its immediate victim is an individual. In case of murder, it injures a particular victim but its disregard of human life results in putting it beyond the matter of mere compensation between the murder and the victim’s family. Those who act in such a manner are preceded against by the state in order that, if convicted, they may be punished.<sup>[3]</sup> If the punishing of a wrongdoer is the remedy given and enforced by the prosecution at the suit of the crown, the wrong so addresses is crime or criminal in nature.<sup>[4]</sup>

According to Sir William Blackstone: “An act committed or omitted in violation of Public Law forbidding or commanding.”<sup>[5]</sup>

## The Elements of a Crime

To convict a person of most criminal offences the two elements are very important to prove: Actus Reus and Mens Rea. Actus Reus refers to the physical act involved in committing the offence described by the criminal law. Mens rea means that the accused person had the intent to commit an offence or knowledge of what he or she did was against the law. The intention of a person to commit a criminal act means that the person meant to do something wrong and knew or should have foreseen the results of the wrongful act. Intent is not the same as motive. A motive can be understood as the reason that a person commits a crime, while intent refers to that person's state of mind and willingness to break the law.

Just indicting that a person had knowledge of certain facts is enough to ascertain the presence of Mens Rea. Sometimes Mens Rea is not necessary to ascertain the act as an offence. Such as matters relating and dealing with environment protection and workplace safety, these are meant to protect the public welfare. Here Strict Liability and absolute liability comes into picture. Strict liability means when a person may prove that they had the knowledge of the facts and consequences and with due diligence tries to avoid it but it was out of their power. Absolute liability is such driving without a driving license, there is no defence possible.

A crime, therefore, involves:

- harm, brought about by human conduct which the sovereign power in the state desires to prevent.
- Legal proceeding of a special kind that are employed to decide whether the person accused is guilty of the harm caused, and is, according to law, to be held legally punishable for doing so.

## Involvement of people in crime

In order to establish an act as a crime against a person, the involvement of certain parties is essential. The Perpetrator is the person who actually commits the crime/offence. If there are more than one person involved then it is known as “co-perpetrators.” To be involved in a crime it is not necessary to be directly being involved in the crime. There can be other, non-participating “parties to a crime.”

The victim is the one against whom the crime actually took place. There can be multiple victims for an act by one or more perpetrators.

## Illustrations

1. If a person uses the internet to commit crimes is considered as cyber-crimes. For example hacking into other's accounts or systems, identity theft, sharing or downloading pirated data, pornography etc. all are considered as cyber-crime. Anyone using the internet can be a victim to an act of cyber-crime.

2. If a person is involved in taking the life of some other person willingly with a guilty intent then it is a crime as it is covered under the definition of Murder or Culpable Homicide under.

3. In a case where X person shoots another person Y, resulting in his death, such a situation cannot be covered under the definition of crime as the action of the X are not criminal but necessary as per the circumstances for self-defence.

## Frequently Asked Questions

### *1. What is the definition of crime scene?*

A crime scene is any location which is associated with a committed crime. Crime scene contains physical evidence that is pertinent to a criminal investigation.

The crime scene can be either where the crime took place or any location that contains evidence related to a crime. Scenes are not limited to location but can be object, person or place associated with the criminal behaviours that occurred.<sup>[6]</sup>

Overall the criminal investigators work in the following manner:

a. After reaching the crime scene they conduct a walk through to analyse the situation and seal the area.

b. Then with the help to forensic science investigators they document the whole situation by taking photographs and sketches.

c. They collect the evidence carefully so that not a single piece of evidence gets destroyed or contaminated.

d. These evidences so collected are sealed and contained with due care and then sent to forensic labs for further examination.

Crime scenes can be outdoors or indoors.

1. Outdoor crimes are the most difficult to examine because there are chances of losing or contaminating the evidences that might lead to the perpetrator. Also a crime scene in an open area suffers environmental changes due to which evidences get lost.

2. Indoor crimes are easy to be contained and sealed if the investigators reach on time and are cautious enough.

## *2. How is the nature of crime changing?*

- The changes have been noticed that people who did not committed crime, due to the availability of knowledge and technology are tempted to commit crime seeing how easily it can be done and various ways of avoiding to get caught.
- Drug dealing which used to be done face to face in the middle of street with the fear of getting busted now can be done online with just some clicks of a keyboard.
- Distance is just a number now with various means of transport are available a wrongdoer can easily commit a crime in one city and move to another city in hours.
- The lack of interaction among people, not knowing who actually lives next door makes it easy for perpetrators to find their targets and commence their activities.
- With such changing happening in the nation the police authorities are also required to change their methods of tracking the criminals and increase their technical ability. With the criminals being smart the authorities are required to be smarter.

- Criminals are adapting to the measures taken by the police authorities.
- Local gang members have noticed that they can make more money, with less risk of getting caught and smaller penalties if they do get caught, by using technology.