

# PROFESSIONAL CRIME IN INDIA



P KAMALKARA RAO

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## *PREFACE*

Crime and delinquency are much a part of society as any other social problems such as unemployment, beggary, prostitution, alcoholism etc. These social problems originate due to a variety of factors. They can be solved by a co-ordinated and well planned social action. To take up any social action against these anti-social trends, a comprehensive understanding of the magnitude, extent and causes of the prevalent social problems is essential. The present study "Professional Crime in India : A Sociological Study" is an attempt to analyse crime as a social problem with reference to India. Its particular concern is an understanding of the professional crime prevalent in Vijayawada, an important town in Andhra Pradesh.

In this connection, I express my deep gratitude to my esteemed Research Guide, Dr. K.V. Ramana, M.A., M.S.W., A.M., Ph. D. (Ill.), Professor of Social Work, for his patient and untiring help and guidance to me in preparing and submitting this thesis. But for his constant help it would have been impossible for me to complete this work.

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The large number of professional criminals whom I have interviewed for my study deserve a special mention. They willingly submitted themselves for long and repeated interviews at odd hours of the day and night. I thank them very sincerely for their help.

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## **CONTENTS**

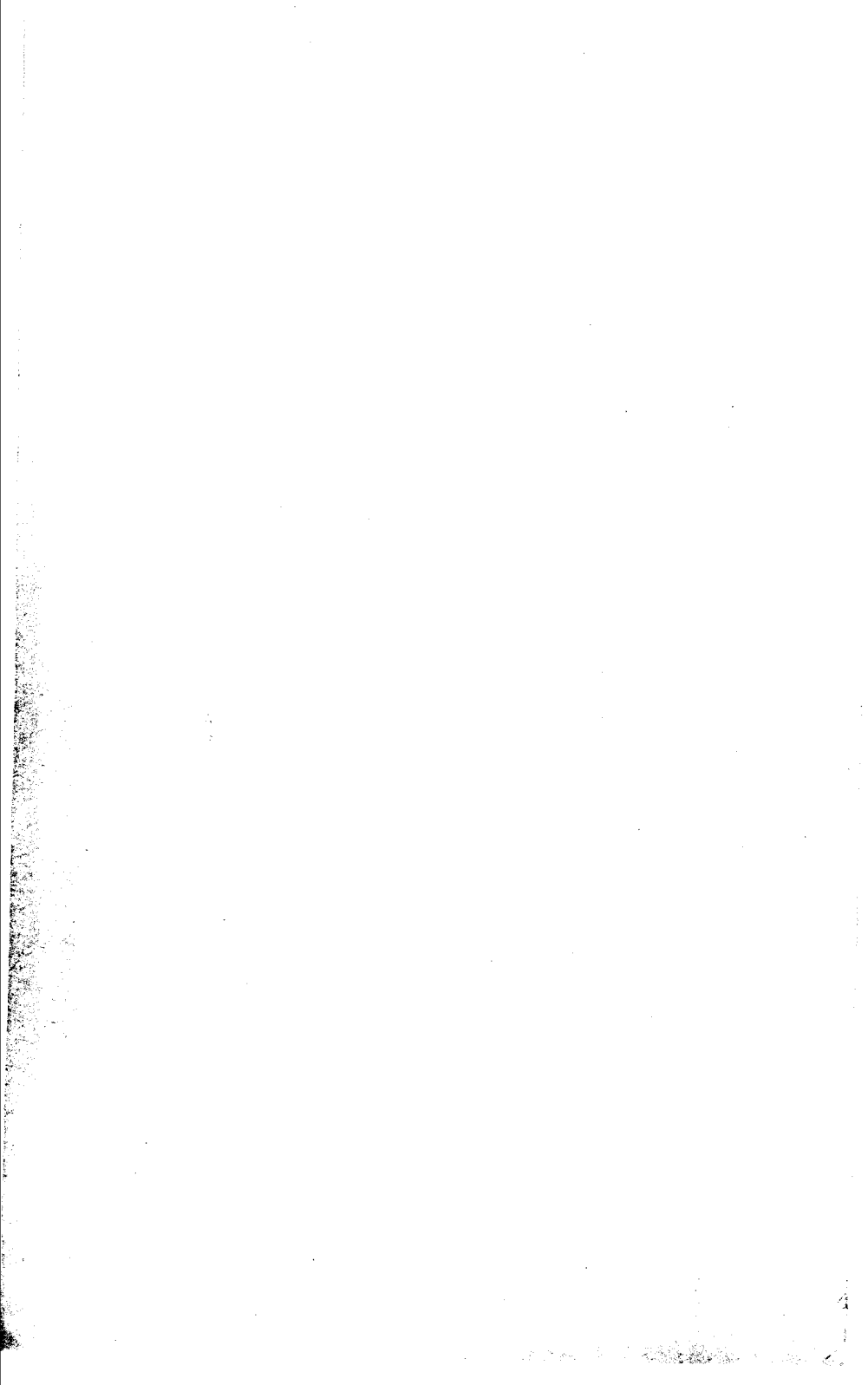
<i>Preface</i>	v
<i>List of Figures and Charts</i>	viii
<b>I Nature of Professional Crime</b>	<b>I</b>
<b>II Research Methodology</b>	<b>25</b>
<b>III A profile of Vijayawada Town</b>	<b>33</b>
<b>IV National and State Trends in Crime</b>	<b>61</b>
<b>V Professional Criminals : Types and their Socio-Economic Background</b>	<b>109</b>
<b>VI Criminal Behaviour Patterns among Professional Criminals</b>	<b>179</b>
<b>VII Select case studies of Professional Criminals</b>	<b>195</b>
<b>VIII Conclusions</b>	<b>207</b>
<i>Appendix</i>	<b>119</b>
<i>Bibliography</i>	<b>225</b>
<i>Index</i>	<b>229</b>

## ***LIST OF FIGURES AND CHARTS***

3.1	Location of Vijayawada with reference to Andhra Pradesh	37
3.2	Map—Vijayawada Town	39
3.3	Total Crime Rate in Vijayawada, Krishna District, Andhra Pradesh and India	50
3.4	Percentage of Different Types of Crimes in Vijayawada	52
3.5	Proportion of Professional Crime to Non-professional Crime in Vijayawada	55
3.6	Percentage of Professional Crime to Non-professional Crime	57
4.1	Rate of Murder in Vijayawada, Andhra Pradesh and India	66
4.2	Rate of Dacoity and Robbery in Vijayawada, Andhra Pradesh and India	67
4.3	Rate of House-breaking in Vijayawada, Andhra Pradesh and India	69
4.4	Percentage of Different Types of Crimes in India	71
4.5	Rate of Theft (Ordinary and Cattle) in Vijayawada, Andhra Pradesh and India	86
4.6	Percentage of Different Types of Crimes in Andhra Pradesh	90
5.1	Percentage of Types of Professional Criminals in Vijayawada	113

# 1

## Nature of Professional Crime





Every society is static as well as dynamic<sup>1</sup> and it manifests its change through organization and disorganization. An aspect of change i.e., disorganization, is the causative factor of crime and delinquency depending on the personality of a particular individual or disorganized person. According to Durkheim<sup>2</sup> crime is a natural phenomenon of society and it is an integral part of all societies, and hence no society is free from crime. Durkheim further emphasises that almost every one in society is involved in some form of deviant behaviour at sometime or other. According to this view, crime is a part of society and has to be considered normal. Crime of any sort is an endemic condition of society and hence it is appropriate to say that it is the "backwash of the culture" and thus it can be explained through etiological aspects. As Tannenbaum says :

"Crime is the web and woof of society. It is not an accident...not just an accident. The amount, the character, and the kind of crime are socially conditioned. The good people who setout to remake the criminal, to better the

police force, to expedite criminal justice, to reform prison begin at the wrong end and too late. The story starts earlier, it starts within the milieu in which the criminal grows up."<sup>3</sup>

When crime is considered normal in society, the causative factor of crime is inherent in that society. However, it is difficult to identify any particular aspect as the only causative factor of crime. In this context it is appropriate to quote Ramsey Clark.

"Crime is not a just sordid happening—it is human behaviour."<sup>4</sup>

Criminal behaviour as such is a reaction of human nature and human experience to the total situations such as social, economic, and political.

The causal explanation of crime is as complex as its definition. A multitude of factors come into play in the causation of crime. But the more valid, organizing and causal aspects of crime are summarised by the report of the U.S. President's Commission on Law Enforcement as follows:

"In a sense, social and economic conditions 'cause' crime. Crime flourishes, and always has flourished in city slums, those neighbourhoods wherever crowding, economic deprivation, social disruption and racial discrimination are endemic. Crime flourishes in conditions of affluence where there is much desire for material goods and many opportunities to acquire them illegally. Crime flourishes when there are many restless, relatively foot-loose young people in the population. Crime flourishes when standards of morality are changing rapidly."<sup>5</sup>

Crime is thus the product of a combination of various causative factors, such as nationality, race, geographical characteristics, social and communal

hatreds, and psychological aberration. What is crime? It is violation of law and any such violation is immoral and sinful. It is also an act of omission or commission of a law of society. Parmelee defines crime as:

“an act forbidden and punished by the law, which is almost always immoral according to the prevailing ethical standards.”<sup>6</sup>

The law which punishes the criminal is a body of rules and regulations relative to the behaviour of the members of a particular society. In every society there are many forces which establish standards of behaviour for its members and also protect its members from the violators (anti-social elements). These forces help to control the trends of disorganisation in a society and maintain normalcy. The forces that establish and protect the members of a society are social, political, and administrative systems. Their efficacy determines the extent and type of crime and its control. Social laws are established by authority through constitutions and legislative enactments. Hence, crime can be defined legally as a violation of law involving both an overt action and a violation of law. Such a violation of law may be an act of omission of a duty required or commission of an act forbidden by law with a culpable intent. One may say that if there were no laws there would be no crimes. The paradox is that crime is a creation of law. Such a legalistic view of crime is purely formal to identify crime and punish the criminal. According to Garofalo<sup>7</sup> criminal law should include the description of the acts specifically forbidden by law. Laws are no other than acts of violation of trust, beliefs or code of conduct of society. As such, definition of crime implies that certain social values are entrusted to law which are not to be violated by the members of society. Violation of law is the violation of society or acting against the social system.

It is widely believed that in the primitive society there was no crime, except 'wrong' which was known as "tort" and the modern concept of crime has originated from the torts only. But ethnological research shows that even among primitive societies, there were acts of danger and threat to the groups in the form of violation of taboos, customs and beliefs. According to Steinmetz and Oppenheimer<sup>8</sup> there were crimes in primitive societies also, such as treason, witchcraft, offences against religion, incest, breaches of hunting rules, etc. All such violations were punishable. This theory of origin of crime was later followed by Hall<sup>9</sup> Hobhouse, Wheeler, and Ginsberg<sup>10</sup>. Though the theory of origin of crime from "torts" is inadequate, it is not easy to deny its usefulness. Thus it was believed that there was little crime until groups with different cultures came into contact. Crime is the result of conflicts of mores and cultures of different groups. The nature and identity of crime has been constantly changing from time to time in accordance with the changing pace of society.

The explanation of crime through the concept of social disorganisation has provided a popular model. Social disorganisation is understood as a state of relative normlessness in this context. The disappearance of social systems results in the dislocation of institutional order, which are the causes of crime. Becker<sup>11</sup> says that crime is a form of disorder, a breakdown of consensus and morality which are products of social system. Further, crime and social disorganisation are interrelated and are products or consequences of urbanisation. The studies of Young<sup>12</sup> Taft,<sup>13</sup> Clinard,<sup>14</sup> Shaw,<sup>15</sup> Durkheim,<sup>16</sup> and Hayner,<sup>17</sup> suggest that urban life is characterised mainly by formal and rationalised patterns of behaviour. The theory of relationship between urbanisation and crime was supported by Kobrin<sup>18</sup> and Wirth.<sup>19</sup> They analysed demographic factors and their influence on social systems by observing the process of transition from traditional life to urban or modern life. In their

estimate, this transition from tradition to modern involves adjustment and in this process it breeds frustration with its natural corollary, crime.

The theory of deviance advanced by Durkhiem states that crime is the result not only of urbanisation but also due to anxiety to achieve certain set goals. Later, Merton<sup>20</sup> has theorised that deviance is due to discrepancy between the goal which a society sets for its members and the means which it provides for attaining them. Every society provides for its members certain goals such as material wealth, social status, etc. It also defines the means which are considered acceptable for the attainment of these goals. To achieve the former, some members reject the latter and take to deviant means of achieving the goals. While Merton stresses the importance of the expected goals with their prescribed means, Feierabend, Feierabend and Gurr<sup>21</sup> explains anomie by the theory of 'relative deprivation' on the basis of social-psychological aspects. This concept explains why some persons turn to crime and others do not. The theory of relative deprivation explains criminality due to the 'push' factor. "The push" is from frustration and drives a person to commit crime. Even this is not a sufficient cause for criminality; yet it forms the basis for criminality in association with the "principle of conflict" of Lewis Coser<sup>22</sup> according to which conflict arises from hostilities which have roots in community tensions and inequalities in wealth and power. The repetition of the same over a period of time i.e., following deviant means to achieve the expected ends becomes a way of life. Zehr says :

"Joseph Kurper, a vagrant who turned thief and swindler in Nineteenth-century Germany, at least in retrospect saw his crimes in this way :

'At first I bore no ill-will to the well-to-do, and I had no quarrel with those who had treated me so harshly. Gradually, however, I realised

my grievance against society and began to wage war on it by acts of pilfering, the first of which I committed in the house of a small farmer where my mother was in service. Tormented by hunger, I got in through a window and stole a loaf of bread and a few krentzers. This was my first theft and it had bad results for me, for, when taxed with it, I confessed and was cruelly flogged by the farmer. Out of revenge I killed one of his fowls every day.'

And this rationale is even more explicit in Eldridge Cleaver's "Post-prison Writings and Speeches", published a century later in 1969 :

"Can one person engage in civil war ? I would say that one person acting alone could in fact be engaged in a civil war against an oppressive system. That's how I look upon those cats in those penitentiaries. I don't care what they are in, for robbery, burglary, rape, murder, kidnap, anything. A response to a situation. A response to an environment. Any social science book will tell you that if you subject people to an unpleasant environment, you can predict that they will rebel against it . . . ."<sup>28</sup>

The above sketches indicate that crime is due to social disorganisation, relative deprivation, and social conflict. Further, Sutherland's theory says that the criminal and the causes for criminality are basically dependent upon the process of learning (reaction to different cultural settings) which means when a person is called a criminal, he is addicted to crime in this process. By putting forward such a view, Sutherland has broken a new ground. Criminality is due to the adverse reactions of individuals to the social and psychological conditions in human society. In his opinion :

"... the Differential Association theory was an attempt to show how cumulative learning pro-

cesses determine which individuals do and which do not engage in crime. Thus opportunity to commit an offence is always a necessary condition of crime."<sup>24</sup>

Sutherland also says that a majority of criminals are persons with lower class background. They commit or learn to commit crime due to bad associations and lack of proper control from parents. Besides this, criminals are generally products of slum community. Hence, all these factors i.e. lack of parental control, peer group influence, slum neighbourhood, etc., induce persons to learn crime for their gain or survival. Further Sutherland, in his book<sup>25</sup> "White Collar Crime", refutes theories which view poverty as the cause of white collar crime, and suggests that low level of intelligence and psychological disturbances are also to be considered as causes of white collar crime. In other words, white collar crime is not because of socio-genic problems, but is due to low intelligence quotient and psychological disorders. Thus, the general theories of criminal behaviour which make their data from poverty and the conditions pertaining to it are inadequate and invalid to explain the behaviour of white collar crime. To conclude, crime in general is a reaction to a different social setting in society. As Schur interprets Sutherland's theory :

"At any rate, Sutherland's findings made it quite clear to him that not all crime could be attributed to either poverty on the one hand or mental illness, on the other. He recognized that the common understandings of businessmen, according to which law violation could often be justified or even approved, and the prevalence of the illegal behaviour in certain social circles, had to be taken into account in formulating a theory of crime causation."<sup>26</sup>

Thus criminal behaviour is the result of interactional explosion of all the above situations. This is how

a deviant person gets addicted to crime for his livelihood and his survival in society. It is a principle of learning process of illegal models of behaviour, immoral and unethical codes of conduct, to follow crime as an occupation. This criminal behaviour can be acquired just like any other pattern of behaviour in society, as criminality is a part and parcel of society. We know that society is the place for a person to mould his personality, either to become a criminal or non-criminal. Criminal behaviour is a form of social adaptation, it is an attempt by an individual to adjust himself to the social norms, albeit in socially illegitimate ways. No aberrant behaviour is crime until it has been defined so by recognised procedures of society. In this sense, criminal behaviour differs from non-criminal behaviour. The former is prohibited by the group, even though both are acquired in society. According to Sutherland, criminals acquire patterns of criminal behaviour in the same way as the non-criminal acquires patterns of lawful behaviour in the social process. This process of learning consists of motives, attitudes, rationalization of deeds and techniques of committing offences. Sutherland's theory is interpreted by DeFluer and Quinny as:

"In composite form of the theory of differential association postulates the criminal behaviour has as its necessary and sufficient conditions, a set of criminal motivations, attitudes and techniques, the learning of which takes place when there is exposure to criminal norms in excess of exposure to corresponding anti-criminal norms during symbolic interaction in primary groups."<sup>27</sup>

To explain criminal behaviour, Quinny further says that the learning process of criminal behaviour is highly structured :

"The learning of criminal behaviour patterns is not random, but is structured according to



person's selective posture to situations in which both the criminal and anti-criminal behaviour patterns are present. Rates of criminal behaviour can thus be explained by Sutherland's concept of 'Differential Social Organization'.

"... (I)n multi-group type of social organization alternative and inconsistent standards of conduct are possessed by various groups, so that an individual who is a member of one group has a high probability of learning to use legal means for achieving success, while an individual in another group learns to accept the importance of success and to achieve it by illegal means. Stated in another way there are alternative educational processes in operation, varying with the groups, so that a person may be educated in either conventional or criminal means of achieving success.' ...

Therefore, the likelihood that a person will engage in criminal behaviour is dependent upon his relative exposure to various kinds of norms and, similarly the extent to which categories of persons engage in criminal behaviour is related to the structure of criminal, and anti-criminal behaviour patterns in an area or portion of society.<sup>28</sup>

Thus crime like any other human behaviour, can be acquired by an individual while following a particular pattern of that group. When an individual acts as a member of a group, say criminal gang, the reciprocal inter personal influences may be readily apparent.

In this process of following crime as a career or an occupation, some individuals become professionals. A professional criminal, exhibits certain characteristic features such as crime for gain, skill and status followed by specific culture.

In the words of Sutherland a professional thief is :

"One who steals professionally.