

**CRIMINOLOGY AND ADMINISTRATION OF CRIMINAL JUSTICE.** By N.V. Paranjape. Second ed. (1976). Central Law Agency, Allahabad. Pp. 269. Rs. 12.50.

LAWS RELATING to the treatment of offenders and administration of criminal justice form one of the important branches of law in modern times. This is so because, human nature being what it is, it is very difficult to keep control on unbridled activities of human beings without imposing penal consequences on activities which are baneful to the fellow being and to the society. Hence, any work pertaining to the subjects is well worth the labour. N.V. Paranjape's work under review<sup>1</sup> is no exception. The book which is divided into three parts containing twenty-one chapters deals with almost everything that is likely to interest a student of law, a lawyer, a law teacher and also a layman inquisitive to know about the subject.

Chapters one and two trace in brief the history of the concept of crime in Europe and India and the nature and scope of criminology respectively.

In chapter three, Paranjape has critically discussed the various schools of criminology.

Part two of the book which consists of seven chapters<sup>2</sup> deals with crime causations. As rightly pointed out by the author : "Criminologists have always differed in their views about approach to the problem of crime-causation".<sup>3</sup> There is a school of thought which attributes criminality to heredity, but it may be pointed out that the relationship between the two is rather remote. This has been established by various experiments made in the West. Paranjape also dispels this view and taking the example of some of the Indian nomadic tribes holds that the cause behind their criminal activities lies in the criminal environment and surroundings in which they live and the distrust of society towards them which frustrates them and lead them towards anti-social activities.

Continuing with causation, Paranjape rightly attributes the increase in crime to socio-economic conditions of our society such as industrial progress, urbanisation and employment of women. At one point he says that "Crimes in high circles of society can easily be wiped off through money".<sup>4</sup> One is a little confused, whether he means to say that money

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1. N.V. Paranjape, *Criminology and Administration of Criminal Justice* (1976). (Hereinafter referred to as Paranjape).

2. Chapters IV to X.

3. Paranjape at 35.

4. *Id.* at 57.

can reduce the incidence of crime or whether he means that the *stigma* of crime can be wiped off through money—probably he means the latter and if he does so it speaks poorly of our society.

The fact of frustration among the unemployed youth as leading to criminal activities has rightly been pointed out.<sup>5</sup> Paranjape also lucidly discusses the causal connection between ecology and crime. Thus, homosexuality is common among prisoners because of absence from families. Areas in which anti-social institutions like prostitution homes, brothels and gambling dens are located are breeding places for criminal activities.

Discussing the impact of social and cultural values on criminality, the author is of the opinion that politicians and the elite take advantage of their position and the others are often influenced by them. This may be right to some extent but Paranjape gives extreme similes which are unconvincing. For example, according to him, a lawyer, to be successful, often has to adopt unethical behaviour and unfair means, and as a result, the criminal (*i.e.*, his client) who often remains in close contact with his counsel is influenced by the lawyer's behaviour-pattern and tends to follow unethical ways of life. The argument may be other way round. A client may possibly undesirably influence a lawyer but not *vice versa*. Broadly speaking however, it cannot be denied that what Sutherland termed as 'differential association' is quite a potent theory of crime causation.

As to the causal relation between crime and economic conditions, Paranjape rightly holds that "poverty does not always lull the virtues of benevolence, honesty and justice in men".<sup>6</sup> Nevertheless, it cannot be denied that economic conditions have a very strong influence upon a person's behaviour. Anti-social and criminal acts such as drinking, drug addiction, car-lifting, *etc.*, are normally resorted to by the affluent. The poor, who have been denied even the necessities of life, resort to pick-pocketing, thefts, misappropriation, *etc.* Not that alone, wide disparity between rich and the poor create frustration in the latter and that in turn leads to violent activities as well. In other words, the economic condition, especially poverty, does have a close causal connection with crime which is strongest when coupled with other factors as environment, poor family training, biological and psychological weakness, emotional imbalance, *etc.* As pointed out by Abrahamsen, crime is committed when a person fails to resist his situation. He rendered the causal theory into a mathematical formula as :

$$\text{Crime} = \frac{\text{Tendency} + \text{Situation}}{\text{Resistance}}$$

The problem of organised crimes and white collar crimes is a serious

5. *Ibid.*

6. *Id.* at 72.

one which needs to be solved through stringent measures. In fact, these offenders are more dangerous to society than the ordinary casual offenders. They escape detection but if detected, there is a cloak of protection around them which saves them of penal consequences. It is unfortunate that a large number of crimes are either committed or abetted by people in authority. The ordinary man is not unoblivious of their activities but has to keep mum since none dare bell the cat. White collar crimes are normally committed by the high ups either politically, economically or socially. Paranjape has studied the various types of organised crimes, white collar crimes, and their causes. It would have added to the value of the book if he had suggested some measures of solution to this problem too.

In the chapter on sex offences<sup>7</sup> the author has made a study of the causes and cure for such crimes. According to him, industrial developments, lack of faith in religion and in the values of traditional customs, urbanisation, employment of women and the modernisation in dresses and behaviour contribute towards sex deviancy. He attributes this rise to legislation also which aims at controlling a person's behaviour. The reviewer, however, does not agree with him that "the codification of Hindu Law in 1956 can be regarded as a retrograde step so far as sex delinquency is concerned."<sup>8</sup> A person with deviant psychology will commit sex offences even if the law permits polygamy. Paranjape prefers the Muslim law which permits polygamy and temporary marriage but a Muslim woman is not allowed to have a second husband (polyandrous). If a woman can be contented under a monogamous marriage why cannot a man be satisfied too. In case of incontinence, the problem exists for both and the law provides relief by way of divorce. The Hindu Marriage Act has been considerably liberalised after the amendments in 1976 and divorce has become easier. There is no reason why law should not put a check on licentious sex behaviour of people.

Chapter ten is a short note on the relation between alcoholism, drug addiction and criminality. Part three of the book comprising eleven chapters discusses the various theories and forms of punishment and the administration of criminal justice. The role of police and the law courts in combating crime has been rightly emphasised. A comparative study of the prison system in the United States, the United Kingdom and India has been done and some useful suggestions made, for instance, grant of temporary leave to peasant prisoners during harvest season, education of prisoners, after-care services, etc.<sup>9</sup> As regards capital punishment, Paranjape is a bit confused. He feels that the "enlightened view is that the retention of capital punishment is grossly unjust and against the

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7. *Id.*, chapter IX.

8. *Id.* at 85.

9. *Id.* at 162-63.

principles of humanity",<sup>10</sup> and that it is "undoubtedly against the notions of modern rehabilitative methods of treating the offenders",<sup>11</sup> yet, he does not know which way to decide. Ultimately, he ends up with a paradoxical conclusion saying that even though it is devoid of practical utility, it should not yet be abolished, thus tilting the scales in favour of its retention. In fact, in view of the innumerable procedural safeguards, appeals and clemency provisions, there is no reason why the penalty should not be retained in the statute book. It should be rarely used and with utmost caution, no doubt, but like the Sword of Damocles, its fear should hang over the head of the criminals. There is no denial that nothing deters like death.

In chapters sixteen to eighteen, the author discusses in detail the indeterminate sentence, probation, parole and open air institutions as modes of dealing with the offenders. A brief survey of the recently introduced institution of open air camps in India has also been made. There is also a chapter on juvenile delinquency in which he discusses the causes for the same. He also makes a critical appraisal of the working of the juvenile courts in India. In the chapter on recidivism he makes some useful suggestions such as the employment of prisoners in constructive work in the prison so that when they come out they are lawfully employed.

Paranjape concludes his book with a chapter on crime prevention and suggests that more powers should be given to the police to arrest and apprehend suspected criminals. He also recommends psychiatric treatment to the problem. However, despite stringent laws and strict enforcement, success cannot be achieved unless all the sections of the society unite to fight the menace of crime.

The book is rich in references both foreign and Indian. The author has tried to discuss the conditions in other countries especially the United Kingdom and the United States. The changes introduced by the Criminal Procedure Code, 1973 have been given in simple language.

An unhappy part of the book is its weak editing and innumerable spelling mistakes. One comes across such words as Trade<sup>12</sup> (for Tarde), harmonly<sup>13</sup> (for harmony), Chikago (for Chicago),<sup>14</sup> etc. In any case, the book which is very moderately priced, has the merit of placing at one place the various problems of criminology and penology and is thus a handy work on the subject. Apart from being readable it is informative.

*Kusum\**

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10. *Id.* at 115.

11. *Id.* at 180.

12. *Id.* at 28.

13. *Id.* at 89.

14. *Id.* at 91, f.n. 3.

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