

The opinion,  
conventions and  
traditions of the  
society.



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The tentative theory of criminal behaviour seeks to evaluate the impact of social culture and values on criminality. History reveals that in every society certain social values are greatly appreciated while there are others which are condemned or disapproved. In other words, the values which are cherished bring satisfaction to the members of the community while those which are disapproved bring them discontent. Society, through its law enforcement agencies tries to encourage the approved patterns and discourage disapproved behaviours. The basis of these legal sanctions lies in customs, religious precepts, public opinion, conventions and traditions of the society.

Thus, the accepted social norms which are otherwise called as lawful conduct and disapproved norms which are unlawful conducts in a given society are reflected in its legal system. It can, therefore, be inferred that the laws enforced in a particular society serve as a mirror reflecting the socio-cultural values of a community. To quote Donald Taft again, " criminology, strictly speaking, is concerned only with acts which are made punishable under the criminal law", it is significant to note that laws only define the prohibited conducts which are punishable, and whatever is not specifically punishable, shall be permissible as lawful behaviour. Since culture and social values differ according to time and place, the laws are a variable content changing from society to society depending on their accepted norms. It is needless to stress that criminality is greatly influenced by the existing law and its sanctions. There are, however, certain values which in spite of their unlawful nature, command respect in society. For example, in India the caste system and untouchability stand abolished, yet frankly speaking, the society

is still reluctant to shed it off completely. It is common knowledge that in India the elections are fought, won and lost on caste considerations.

So also although the daughters have acquired a right to equal share with sons under the Hindu Succession Act, 1956, yet it still remains questionable as to how many women actually assert their claim to equal share in property with their brothers. The obvious reason for this apathy lies in the fact that the values accepted and continued from times immemorial in Hindu society cannot be thrown off by handful of legislative measures unless the members of society are voluntarily willing to accept them whole-heartedly. The post-independence era in India has created new situations particularly on the political plane. Today public welfare is sacrificed for personal gains. What would otherwise be punishable for an ordinary citizen is excusable if done by politically influential persons under one or the other pretext.

Scant regard for payment of huge arrears of income-tax by political leaders (and also noted film stars, sports persons etc.) and their involvement in corrupt practices, scams, bunglings, etc., and links with the underworld criminals sufficiently reflect upon the vitiated political climate of the country. The abuse of political power by showing favours to chums and favourites has become common with the politicians. The politicians seem to have imbibed these traits from the past traditions of British rule in India when the administrators could use their authority and power for their personal gains.

Thus, the past Indian social structure and culture has a direct bearing on the present law violations by politicians and administrators. The only difference is that the people today can at least voice their feelings of discontent which

they could not otherwise do during the British colonial rule in India. The social values in a given society command equal respect from criminals as well as non-criminals. But at times, a handful of persons are placed in such situation that they ignore these accepted values altogether and follow prohibited norms which are commonly termed as crime. A person who is without any source of income may, out of frustration and disgust be forced to commit theft or similar crime if he fails in his legitimate efforts to secure a livelihood, although he is fully aware that what he is doing is prohibited by law and against the accepted norms of society. Likewise, gambling though illegal and disapproved by society is resorted to by many persons out of temptation to gain money quickly without any labour.

Again, persons belonging to high social status indulge in white collar crimes because it entails no loss of status in society. In short, crimes generate out of the delinquent behaviour followed by a minority group of persons in society despite there being a social disapprobation for them.