

A Sociological Search for Uncovering Different Dimensions of Crime and The Context of Bangladesh Society

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Abstract: *In every society human behaviour is treated differently. Some behaviour is rewarded, some ignored, and some results in legal punishment. Crime is a human behaviour punishable under criminal law since this behaviour is socially harmful and dangerous. In the study of human behaviour, people identified as criminals do not become so until the process of lawmaking defines them as such. However, every country has enacted a criminal code in which the nature of criminal behavioral pattern is depicted and accordingly provision of prosecution and punishment is kept. Although the nature of criminal laws varies through history and in localities, one must accept the necessity of criminal laws if one desires to live in a society that is ordered. Hence, there is a vivid interrelation between crime and society. Crime is an inevitable social fact; it was, it is, and perhaps, it will be with us. It is deemed to be an acute social problem for all the courtiers in the world and as such, it demands a broad analytical spectrum that will include society's reaction to law-breaking, the way people become criminals, patterns and types, theoretical understanding and many more. Only sociological interpretation can explore the gamut of crime more scientifically, and in a more organized way. It is hoped, once the gamut is explored the fight against this deadly social fact will become easier. From this intention, in this write-up, attempts have been made to make orient everybody ranging from queries readers to policy makers about the ins and outs of crime. Above all, attempts to do so will exclusively be sociological; because typical legal sense is too narrow cover it up.*

1.0 Introduction

Every society has categorized certain behaviours as seriously anti-social, wrongful, harmful or obvious violation of social norms. Hence, specific sanctions are levied formally or informally to control these behaviours. A law is a tool of formal sanction which is defined by a particular culture as a code or rule that people must abide by; if not, it will be used against them who do not conform. Crime is, in that sense, deemed to be a behaviour or an act determined by law to be harmful to society since it leads to break the code of a particular community and as such, punishable under law. Crime is, then, is a threat to smooth functioning of a society in a orderly manner. Traditionally, order is the state of tranquility prevailing among members of a society established and maintained by a body of law.

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Hence, the notion of order and law to deal with crime. Apparently, crime is a legal construct; but it is, in fact, a social and cultural construct too since every society and its culture has differentiated which behaviour should be proper or improper, right or wrong, moral or immoral, social or anti-social.

Recently, modern societies are suffering from a rapid increase in crime. It has, therefore, been felt to be a need for an objective analysis of crime as a social phenomenon. A sub-field of sociology called criminology has flourished in many countries with a view to uncovering the gamut of crime and criminality so as to pragmatic measures might be taken to fight in the crusade against crime. Nevertheless, crime has been taken to be considered as one of the persistent global problems, affecting all countries rich or poor, developed or developing, capitalist or socialist what so ever. In this write-up, attempts will be made in the broad spectrum of sociological thinking to uncover different dimensions of crime that will include a conceptual orientation, development of theories, patterns and etiology, means and ways of dealing with criminals and proposals for reducing crime from society. It is needless to say, in terms of crime and criminality Bangladesh is one of the vulnerable countries in the world. Therefore, it is an obligation to relate the context of Bangladesh to draw attention of the appropriate authority so as to necessary measures can be carried out to ensure peace and tranquility in society.

2.0 Explaining the concept of crime

Apparently, the explanation of the concept 'crime' is very difficult since what constitutes crime varies from society to society, culture to culture and time to time. It is regarded that the definitional problem to be the most important task in criminology since there is no word in the lexicon of criminological term which is so elusive and complex to get defined. Some of the common definitional approaches are:

a) Crime and law: Crime is first of all a legal concept. It is defined as those acts or omissions that are specifically proscribed by law as these are tended to violate criminal code. Basically, criminal law is a means of social control and as such, any attempt of breach of rule or law must be punishable under certain sanctions

(fine, imprisonment, death penalty etc.) [Silver: 2]. The age and state of mind of the offender are also required to seriously consider before any punishment is imposed. There will be no crime if the offenders are too young, too deranged and too weak-minded. In fact, crime is such a concept whose necessary elements are proscribed action, evil intention and prescribed punishment. For lawyers and judges these are the necessary elements for legal argument and decision making in the courts (Walsh & Poole :49).

b) Crime and violation of human rights: Human rights are universally inherent, inalienable and inviolable rights of all members of the human family which the states are to recognize and ensure for their citizens because without these they can not live as human beings. This view identifies any action to be a crime if it thwarts the rights required for dignified human existence e.g., freedom of speech and movement, the right to life, liberty and security, the right to education, standard of living, work, rest and leisure etc.

c) Crime and deviance: Crime & deviance are not synonymous; and in many cases they overlap. Deviance may be defined as non-conformity to a given set of norms, rules and laws, and, in that sense, the concept of deviance is broader than that of crime. Absolute crime (rape, murder, theft, robbery etc.) is a type of deviance that defies criminal law; but many forms of deviance e.g., homosexuality, living-together without marital affinity, wearing unusual cloths etc. sanctioned under certain cultures as well as punishable by certain laws too. Many western cultures have legally sanctioned such deviancies but the law of a traditional culture like Bangladesh does not sanction such deviancies. For example, according to the Penal Code of Bangladesh (Article: 377):

whoever voluntarily has carnal intercourse against order of nature of any man, woman and animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine (cited in Khan:158)

It is to note that, all crimes are deviancies; but all deviancies may not be considered as crime. To be declared as crime it must be

legally sanctioned. Hence, there is a significant difference between crime and deviance.

However, any activity will not be labeled as criminal unless they do not constitute the following propositions as indicated by renowned criminologists Sutherland and Cressy:

- (1) Before behaviour can be called crime, there must be certain external consequences of harm..... even if one decides to commit a crime, but changes one's mind before doing anything about it, no crime has been committed. The intention is not taken for the deed.
- (2) The harm must be legally forbidden; antisocial behaviour is not crime unless it is prohibited by law.
- (3) There must be 'conduct', i.e. there must be an intentional or reckless action or inaction, which brings the harmful consequences about.
- (4) There must be mens rea (criminal intent). The issues of intent, liability (at law) for the consequences of one's actions, and mens rea are all important controversial subjects to those who study jurisprudence (cited in Prins:5)

Suffice it to say, for behaviour to be labeled as 'criminal'; there must be (i) harm, (ii) conduct, (iii) criminal intention, and of course, (iv) prescribed punishment (ibid.)

3.0 Theories of Crime Causation — Roots of Criminal Behaviour

There have been a number of theories on criminal behaviour which are attempted to understand what is crime, who becomes criminal and why? Basically, the theories have been derived from biological, psychological and sociological point of view. After a brief discussion of biological and psychological explanations; a special focus will be thrown on sociological perspective. It is widely regarded crime is a socially learned behaviour and too many factors stand behind crime causation; therefore, the search

for a single general causation as depicted in the biological and psychological theories have doomed to failure. Theories of multiple causation derived from sociological line of thought have been proved more acceptable and meaningful than any other theorization (Mays:3).

a) Biological theories: The early attempts to explain crime were biological. In the late nineteenth and early twentieth century some theories attributed to the tendency toward criminal behaviour to innate biological factors were constructed. The most famous theory-constructor in biological line is Cesare Lombroso (1835-1909), an Italian origin scientific criminologist, who believed criminal types could be identified by certain anatomical characteristics. In his opinion, 'born criminals' could be distinguished from normal individuals by certain physical stigmata such as; slapping forehead, twisted nose, small brains, large ears, over developed jaws, and certain internal cerebral deficiencies (Colesman & Cressy : 382). Lombroso also opined that crime is a function of criminals defective or degenerative condition; hence, it is a kind of disease (Walsh & Poole: 50). Since the criminals have not developed like normal individuals; they tend to act in ways that were not socially recognized (Giddens:205). Lombrosian ideas became totally discredited and widely criticized; even Lombroso himself admitted that physical degeneration could be counted only for 40% of known criminals, but it is, still, a prominent approach in understanding the causes of criminality in individuals (Silver :44). The later biological theory was developed by Sheledon (1949), Gluecks & Gluech (1956) and Gibbens (1963). They suggested criminality related to three main types of human physique. According to this line of thought, criminal tendency is more common among muscular or active type of people than that of thin and fleshy individuals. This notion has also been criticized and has little support today (Safra:803). The last one is, perhaps, a mild review of Lombrosian approach since the views on chromosomal abnormalities have brought a considerable interest in recent years. The carry of an extra chromosome in males (xxy) may be more likely to be involved in criminal behaviour than the general population (Prins:58).

b) Psychological theories: Biological approaches focus on physical features while psychological approaches concentrate on

personality type. In this theoretical notion emphasis was put on some psychological traits of criminals i.e., feeble-mindedness, moral degeneration, mental retardation which were thought by many to be the major causes of crime (Silver: 44). Some attempts have been made to prove that such abnormal mental states are inherited, and these may lead an individual to criminality and create problems in the process of socialization. It happens because the inability of the criminals to control their conduct for such genetic predisposition (Giddnes:206). In psychological theories, the ideas about psychiatry were influential since there is a wide belief that many criminals are insane or psychiatric patients. People are labeled psychopathic because they have broken the law and on the other hand, it is said, people break the law because they are psychopaths. The approach is called 'New- Lombrosion' as it matches to a great extent with Lombroso's search for criminal type which is based upon physiology while this notion on personality (Coleman & Cressy:389). Some psychological explanations suggest that crime is committed from frustration and aggression. If the needs of individuals are not fulfilled frustration builds up, it, in turn; leads to aggression and finally paves the way for antisocial or criminal behaviour. Eminent psychologist Sigmund Freud linked criminal behaviour with defects of the superego or conscience. People with weak egos are unable to carry out rational courses of action (Eshleman & Cashion :172).

However, both psychological and biological theories are not that much applicable in understanding criminal activity, and have little relevancy to reality. If all the physically degenerative, psychopaths, aggressive or frustrated people were criminals then the earth could have been non-livable. Sociological theories, on the other hand, consider genuine factors for criminality other than acts or actors. That is why, sociological theories are so prominent, so applicable.

c) Sociological theories: Sociologists have proposed a variety of theories on crime and criminality. According to their arguments, any satisfactory account for the nature of crime must be sociological, for that, crime depends on the social institution of a society. In fact, social variables, not individual variables, are responsible for criminal behavior. There are a number of sociological theories, some of the important ones are: theory of

differential association, theory of anomie, conflict theory, control theory and labeling theory.

i) Differential association: Sutherland's theory of differential association proposed that criminal behaviour is a learned behavior, and the process of such learning depends on the extent of the individual's contact with other persons. The more the individual is exposed to contact with persons whose behaviors are unlawful, the more likely he is to learn and adopt their values (Safra:803). The theory postulates that criminal behaviour is learned through interaction within intimate personal groups. Members of different gangs, for example; socialize one another as to what types of behaviour are appropriate or inappropriate, and what norms & laws can be violated and what would be the strategies of violation. Sutherland's stress on intimate personal relationships has an air of unreality because there is nothing special about the learning processes which are common to all types of behavior (Rao:110).

ii) Theory of anomie: Searching for an explanation of suicide rates in different cultural context, the great French sociologist Emile Durkheim developed the concept of anomie. According to Durkheim, anomie is similar to normlessness, or a state of confusion produced by sudden or dramatic changes in the social structure. Robert Merton, a modern American sociologist in his 'Social Theory and Social Structure', had taken the concept one step ahead in studying crime & criminality. Merton suggested criminality is a result of offender's inability to attain socially acceptable means & goals. These means and goals may be termed as the norms & regulations of society. However, if any disjunction is found somewhere in such cultural goals and institutionalized means; a condition of anomie prevails (Scarpitti: 474). When such situation happens, acute problems of crime and delinquency may follow the way.

iii) Control theory: Crime commits in society when there are inadequate social and physical control mechanism to deter it from happening. Nearly everyone recognizes that certain amount of social control is inevitable for smooth functioning of society and forces like socialization, community opinion, police force and other law enforcing agencies constrain people's behavior (Stewart: 275). Even though, if any loopholes in these constrain devices are

detected; crime rates will undoubtedly be increasing. It is meant, people commit crimes since the society fails to stop them due to lacking of instilling an internal sense of morality and severe punishment as and when required (Coleman & Cressy: 409)

iv) Conflict theory: Conflict theory depicts that repression of the weak by the powerful, exploitation of the commoners by strong interest groups, unequal distribution of wealth & opportunities lead towards class conflict in society. The conflict between the powerful & the weak, the oppressor and the oppressed, the rich and the poor instigates people to commit crime in society. The great theorizer of conflict school Karl Marx argued people are treated to be criminals by the ruling class or by the capitalists when they disturb, obstruct and raise question about any of the following issues : a) patterns of capitalist society; b) the ideology that supports capitalist society; c) the socialization of productive and non production roles; d) tools of oppression etc. (Eshleman & Caslion :176).

v) Labeling theory: Labeling theory argues that criminals learn to be criminals. This theory is very similar to conflict theory. The theory not only sheds light on criminals personalities but also on societies reaction to them. Labeling theory is concerned with the way of branding people as criminals and with the effects of such labeling on the individuals (Coleman and Cressy: 387). Once such branding is firmly attached; a tendency of criminality might be noticed in the scapegoats. People who represent the forces of law, order, wealth and power, do most of the labeling. In fact, people who are stigmatized as criminals or delinquents; for reasons or not, may be boosted to commit crime.

Nevertheless, sociological approach to crime perceives it as a phenomenon caused and determined by numerous factors; therefore, it is not a single theory but many theories are required to get it explained.

4.0 Types of Crime

As the contents of criminal law vary from society to society, culture to culture; the classification and distinctions of crime will, of course, be different. It is needless to say that the diversity of criminal behaviour makes a comprehensive list impossible.

However, crimes at first should be classified according to the seriousness of the offences. The seriousness of the offence makes people understood whether the crime is a felony or a misdemeanor. The more serious offenses are called felonies which are usually punishable by imprisonment or by death; the less serious ones are called misdemeanors which are punishable for less than one year and so, or only by a fine (Silver: 18). It varies from society to society up to which crime may be categorized as felony and which as misdemeanor. Secondly, in legal sense, crime can be classified according to the nature of the offense. Thus, some crimes may be against persons (homicide, murder, vandalism, rape, assault, robbery), some against public order (loitering, terrorism, alcoholism, treason, riot), some against property (larceny, burglary, destruction of public property), some against public decency (sexual crimes, prostitution, sale of obscene materials, gambling) and crime against public justice (corruption in public offices, extortion) [ibid:18]. The Dutch criminologist Wilhem Benger classified crimes by the motives of the offenders. His classification was like; economic crimes, sexual crimes, political crimes and miscellaneous crimes. But classification according to motive is seemingly inadequate since no crime can be reduced to a single independent motive.

Distinctions may also be made on the status of the offenders. The two known categories are lower class crime and white color crime. The lower class crime traditionally commands the headlines. It is said, the lower class people are engaged in most of the criminal activities committed in society as most known offenders are relatively poor. Even the violent offenses are committed by lower class criminals since they are socialized in such a way which push them to be criminals. Besides, the lower class people can easily be used by others in the criminal activities. Economic and social conditions of lower class people pave the way to become criminals.

White-collar crime, on the other hand, covers many varieties of non-violent crime committed by respectable people. The term 'white-collar' was first coined by sociologist Sutherland who defined white-collar as a crime committed by a person of respectability and high social status in the course of his occupation. There are white-collar criminals in every occupations and in every organizations. Sutherland believed the economic loss from white

collar crime is greater than the combined total of all other crimes put together, and this crime is more costly to society. Apparently, many of the victims of such crimes do not even know why they have been victimized; therefore, do not complain to the law enforcing agency. Criminals receive lenient treatments since many criminals of this kind bear high status and can afford the best legal defense available (Coleman & Cressy: 393).

The persons who are under eighteen are called juveniles, and the crimes committed by this age-grade termed as delinquency. Different laws and courts are directed to address the offences committed and handled by this age-grade (Scarpitti: 478). In fact, juvenile justice system functions to help, to rectify and to make them prepared back to the mainstream of the social system.

Gresham Skyes, a renowned modern criminologist, has shown some new trends of crime: one is crime for fun and another one is political crime. Shoplifters, computer hackers commit crime for fun. Political crime though is not new but the abuse of political power in every country is a common phenomenon because of the growing role of government and secret government agencies. Terrorism, today, has become a common concern. Hijacking of passenger aircraft, suicide bombing, assassinating, kidnapping, acts of sabotage have become increasingly common terrorist acts in many countries. Terrorism is aided by the growth of fanatical groups of different nature and by more effective weapons and techniques provided by underground sources of national and international nature (Stewart: 282). Besides, activists of such organized crime groups are also becoming international. Criminal activities with the help of information technologies are now being operated internationally. Criminals maintain strategic alliances with one another. Narcotic trades, weapon trafficking, trafficking of antique goods, money laundering all have become linked across borders. Moreover, under the broad spectrum of information technology another form of crime named electronic crime or e-crime has come to the scene. This term is interchangeably used as computer abuse, computer crime, computer related crime, cyber crime, net crime and hi-tech crime. Some of the types of e-crime are: a) hacking, cracking and unlawful intrusion into computer system; b) writing computer viruses; c) copyright infringement; d) online gambling; e) electronic money laundering or funds transfer;

f) pornography and offensive content in cyberspace and many more. The cost of electronic crime is increasingly growing day by day. Advancement in technology has provided new opportunities and benefits, conversely; prepares criminals to become more equipped with to carry out their tasks (Giddens:233).

5.0 Factors Related to Crime

Different factors are correlated with crime and delinquency in society. Sociological studies of criminality focus on five important variables in this regard: sex, age, social class, race & ethnicity and geographical location (Scarpiti: 469).

a) Sex: Men commit greater number of crimes than do women at all times, at all ages and in all societies. The fact was nicely coined by Sutherland as:

The crime rate for men is greatly in excess of the rate of women- in all nations, all communities within a nation all age groups, all period of history for which organized statistics are available, and for all types of crime except those peculiar to women, such as infanticide and abortion (Cited in Coleman & Cressy: 377).

Certain offenses are found to be committed by women more than men such as shop-lifting, prostitution, assaulting servants and baby stealing from hospitals (Prins:214). Today, the gap between the crime rate of men & women are significantly decreasing. Females are being increasingly arrested for being engaged in different nature of criminal activities usually committed by males. Women, now a days, are more involved in outside world so as to crime.

b) Age: Convictions and records around the world indicate that teenagers and young people have sustained a higher crime rate than adults though the specific age of maximum criminality may vary slightly in different nations. Usually, when a young person commits his first crime the more likely he will quickly commit a second one if he is not arrested or rectified immediately after his first drive; in the way, the sense of immunity gets the momentum within him. It is noteworthy, young people are soft natured, hence, they can easily be diverted towards the wrong way. Failure to

achieve success in schools & colleges, lack of attention from family & community level, ill company instigate them to adopt illicit means. Age has a direct link with sex, males tend to commit most of their crimes at earlier ages but females tend to do these at their adult stage. Besides, high crime and delinquency areas tend to produce younger criminals than do low-crime areas. Moreover, the higher the proportion of young people to the population as a whole, the greater the crime rate (Silver :47).

c) **Race & ethnicity:** The racial and ethnic differences have been politicized in all countries. The relationship between race and ethnicity with crime is an exceedingly complex one. Many racial and ethnic groups are made scapegoats as the suspected offenders of many crimes e.g., in America, studies have shown that blacks are more likely to be arrested, indicted and imprisoned than the whites (Scarpetti: 472). On the other hand, the whites are less likely to be condemned for the same offences as committed by the blacks which, in turn, instigate the blacks to commit crimes of different nature. This sociological fact is equally applicable in the context of other countries where racial, ethnic or religious minorities are frequently repressed under dominant culture.

d) **Social Class:** It is sometimes said that the greater percentage of criminals and delinquents come from lower classes. One sociologist argued if all crimes were counted, a 'u shaped' curve would emerge, indicating more crime in the lower and upper classes and less in the middle class (Coleman & Cressy: 379). But such projection, which derives from the background of the criminals might not be reliable all the time because middle & upper class criminals have greater personal resources; as a result, they are better able to protect themselves from the threat of detection, arrest, conviction and imprisonment more than the lower class criminals. Evidence indicates poor people commit blue colour crimes such as, assault, burglary, robbery etc., but the staggering amount of white colour crimes committed by higher socio-economic classes make the theory quite plausible (Scarpiti :472).

e) **Geography:** For a number of reasons, big cities seem to produce and nurture considerably more crimes than small cities and rural areas. There are number of reasons for booming up of criminality in urban areas. The favorable conditions of the slum or

ghetto areas e.g., poverty, unemployment, over crowding are closely associated with crime. On the other hand, the city dwellers live in the world of strangers where a criminal is not likely to be recognized. Moreover, the city attracts the young people who as a group literally have the highest crime rate in every society. Sometimes, people living in hilly areas and areas which are difficult to reach by the law-enforcing agencies commit considerable number of crimes than plain land dwellers. Nonetheless, in recent years there has been a notable increase in criminal activities in suburban and rural areas since these areas are gradually being complicated in nature.

6.0 Detection of Crime

In most countries the detection of crime is the responsibility of the police and other special law enforcing agencies. Crime broadly falls into three distinguishable phases: the discovery that a crime has been committed, the identification of a suspect, and the collection of sufficient evidence to produce the suspect before the court. It is found that a high proportion of crimes are discovered and reported by persons (witness or victims) other than the police. In many cases the police are found on the horns of dilemma. They are criticized for not arresting criminals in the legitimate way as well as they are also criticized for excessive exercise of authority. However, once the commission of a crime has been discovered, the identification of the suspect becomes essential. There are a number of methods to detect crime:

a) The role of forensic medicine: Forensic science has been an important part in the investigation of serious crimes. The application of this medical practice in relation to the detection of crimes cover mental disorder, cause of sudden death and changes after death, wounds, effects of injury, sex offences, abortion, intoxication, poisoning, occupational hazards and accidents (Walsh & Poole: 90-91). A broad range of scientific techniques are adopted for law enforcement agencies attempting to identify suspects or to establish a connection between the suspect and that of crime. Techniques include autopsies, collection of fingerprints, analysis of bloodstains and groups, identification by bones, teeth, body fluids, hair samples and fibers. Moreover, many inorganic

substances such as glass, paper and paint can yield considerable information under microscopic or chemical analysis (Safra: 804).

b) Identification of the suspect: Identification of the suspect is an important part of detection of crime. Various methods are used to identify a suspect. For example, if a victim or witness believes that he can recognize the offender; the police may show him photographs of known criminals or in lining them up in the hope that one can be picked out (ibid.: 804).

c) Gathering evidence: Only identification of the suspect is not all. It is required for the investigating agency to gather sufficient legally admissible evidence to convince the court. The investigating agency must produce genuine evidences why an individual is responsible for a crime. In order to secure necessary evidence, the police apply a variety of powers and procedures including visit of place of occurrence, examine the nearby places, collect related materials etc. (ibid.:805).

d) Interrogation and confession: The interrogation of suspected persons is another important aspect of investigation of crimes. The aim of interrogating is to obtain an admission of the offence by the suspected person. In most of the cases some restrictions on the methods of interrogation are imposed upon in order to ensure that suspects are not coerced into confessions by unacceptable and unlawful means (ibid: 805). Sometimes the investigating agency adopts very crude method of interrogation including heavy torture for extracting confessional statement.

7.0 Punishment of Crime

Crime and punishment go aside. Punishment may be defined as the deliberate decision of society to inflict pain upon individuals or to teach the offenders for the purpose of some presumed social good. In early days punishment concept was tooth for tooth, blood for blood. Now-a-days, commonly deterrent punishment is not awarded. Modern social scientists believe pain should be inflicted as punishment which will, in turn, rectify the offender and deter others. This idea may be explained through the Durkheimian sociological notion that interprets punishment as a morality affirming, solidarity producing mechanism of society. If social

solidarity is to maintain, punishment must be imposed upon socially derailed persons.

Marxist studies depict punishment as an economically conditioned apparatus that plays an ideological and political role in ruling class domination. In this view punishment is imposed only upon economically suppressed people. In fact, these are the predominant notions of modern social reaction to crime and justice system. Punishment has different types and dimensions, and it varies society to society. However, punishment can be characterized as means of coercion that is applied by the state acting through specific agencies. Punishment is implicated in the name of the state in accordance with designated and communicated norms that the state and society believe are must (Silver:113).

As we know, the objective of punishment is to prevent the offences. Thus, different types of punishments are imposed on the criminals, but its nature scope and implication vary from society to society, time to time. While crime reduction is a major social goal in every society, but its means are limited because of certain notions of the value of human liberty. The most common forms of punishment are: **i) Imprisonment:** It is the most widely used punishment. The idea of imprisonment is that criminals should be hurt by depriving them of freedom and movement. It might be both rigorous and simple. Sociologically, there are four basic ideas of imprisonment; firstly, the prison is expected to make life unpleasant for people who have made others' lives unpleasant; secondly, the prison is expected to reduce crime rates by deterring the public from behaviour that is punishable by imprisonment; thirdly, its aim is to isolate criminals so that they can not commit more crimes against the public and, finally; the prison is expected to change the mind-set of the criminals through positive rehabilitative methods as a result they may be desisted from committing further crime (Coleman & Cressy: 400); **ii) Death Penalty:** Death penalty was the most prevalent form of punishment during the Middle Ages, but today, many countries have started to eliminate it, where it still exists practiced only for a small number of crude nature of crimes. In many western countries there has been a huge outcry against such penalty. On the other hand, public opinion, in those countries, has also modified the manner of execution and each modification framing the newest short and

painless methods (Silver:115); **iii) Torture:** Torture is form of punishment which, in fact, now rarely practiced because of its cruelty and inhumanity, but for police, it is still an effective tool to a obtain confession of the suspect before producing him before the court; **iv) Hard Labour:** The idea is that that who breaks the criminal law might be compelled not only to do compulsory work but of hard labour too. The practice of hard labour derives from the notion that those offend the criminal law refuse to perform the social duty of labour. Thus, it is a lesson for them so as to inure the body and train the mind to the habits and philosophy of industry (Walsh & Poolé:99); **v) Fines & Property Penalties:** Such penalties have been imposed through out the history more frequently than any other form of crime. The jurisdiction of such penalties derive from civil rather than criminal law and involves less stigma than any other penalty. Moreover, this is a source of income for the state; **vi) Preventive Detention:** It is intended to apply to cruel offenders with the aim to protect society from their illicit activities by segregating them in prison for long periods of time (ibid.:174). In modern days, the reaction regarding punishment has been started to shift towards correctional programmes based on an understanding of why the criminals break the law. Probation and parole systems, prison rehabilitation programmes have been introduced to understand and correct criminals rather merely punishing them.

8.0 Crime in Bangladesh

In the above discussions, we have tried to touch upon different dimensions of crime & criminality generally applicable to all societies of the globe. Even though, it is also an obligation to shed light especially on some of the aspects of crime and criminality of Bangladesh society. As we know, crime is one of the persistent social problems in Bangladesh. It creates crisis in public order and governance and hinders the process of development. Different forms of crime in the country have not been accumulated over months or years; in fact, these have developed over a period of time spanning the tenure of several governments in succession. The major forms of crime that committed in Bangladesh are smuggling, robbery, abduction, hijacking, acid-throwing, murder, women and children trafficking, sexual offences, family violence, drug peddling, mugging, pick-pocket, rape, destruction of public

property, corruption of diverse nature, crime related to tender, collecting money by force and of course, the recent trend of terrorism. In terms of the extension of crime and criminality every individual of this society is vulnerable, and at times it becomes a seemingly difficult task for the government to combat or to control crime.

As we know, over the last few years and so Bangladesh has achieved a significant improvement in different aspects of socio-economic condition, but unfortunately law and order situation has not been able to keep pace with the on going process of development. Crime has a direct link with the law and order situation of a particular society, if law & order deteriorates crime rates get the momentum for skyrocketing. In fact, cent percent containment of law and order situation in any society is realistically impossible; but the maintenance of law and order has been an ever increasing challenge for both 'developed' and 'developing' societies. In Bangladesh, thousands of unlawful and criminal activities are making peoples' lives so miserable that it has become one of the prime indicators to assess the government's success. All forms of criminal activities are found to become very difficult to handle; but sometimes it becomes seemingly impossible for crimes that are committed by politicians, businessmen, public servants, and by persons enjoying proximity to power or commanding position in the society. By using their power and ill-intellect they can keep themselves disguised and remain far away from the focus of law and justice system, and as such; they are more harmful to the society than the organised or born criminals.

In Bangladesh, as we see, poverty, unemployment, social disorganization, political instigation, rapid urbanization and industrialization, weak social control mechanism, social inequality, degradation of ethical values and morality, implication of globalization do a lot in leading people to organize in criminal activities. In this write-up as I have little scope in discussing ins and outs of each and every criminal activity noticeable in Bangladesh; I, therefore, shall limit myself only in the line of giving an overview of two acute nature of criminal activities. The two serious forms of are; corruption and terrorism. The former one is the activity of white colour criminals while the later one is the activity of more organized criminals.

Corruption is a complex and pervasive issue. The dictionary of social science defines corruption as the abuse of office for personal gain, usually through bribery, extortion, influence peddling and special treatment given to some citizens and to others (Begum & Salim: 250). The most agreed definition of corruption is the misuse of public power for private gain or the destruction of integrity in the discharge of public duties. In corruption, a person willfully neglects his specified duties in order to have an undue advantage. Bangladesh has been stigmatized five times in a row by Transparency International as the most corrupt nation in the world. Corruption has been a part of our social, cultural, political and administrative heritage. The corruption in Bangladesh may be termed as '**transparent corruption**', because we talk about it, know all about it, but do nothing about it. The most common form of corruption in Bangladesh is pecuniary bribes. Other forms are: abuse of authority, nepotism, favoritism, patronage, fraud, theft and deceit of different dimensions. Corruption in Bangladesh leads to economic malaise, squandering of public and aid resources with a negative, deleterious and diversifying influence on investment and economic growth. Corruption undermines public confidence in government, jeopardizes administrative reform efforts and accountability measures, widens social inequality and reinforces political instability and underdevelopment. It acts as an impediment to the reduction of poverty. In Bangladesh, according to a report of World Bank, GDP would have been increased up to 2-3% in a year if corruption could be checked (ibid:254). However, the main reasons of corruption in Bangladesh are: a) monopoly of government over public services; b) lack of accountability of public servants as well as the governing elite including the political leaders; c) ill salary structure; d) particularistic value of society which leads the public servants and the governing elite to the practice of nepotism, favoritism and regionalism in discharging their duties; e) ambiguity in legal explanation; g) nature of soft-government etc. Combating corruption is very easy. Following elements can make an effective anti-corruption strategy: a) increasing political and administrative accountability; b) strengthening civil society participation in all sectors; c) implementation of the rule of law; d) creating a competitive public sector and of course; e) decentralisation public services; f) freedom of press and electronic media will help to reduce corruption in Bangladesh.

Terrorism, today, is the number one threat globally. After the 9/11 incidence the world has understood how destructively the terrorist activities can appear in the scene. This particular incidence has completely changed the scenario of the world. It has made us understood who much vulnerable we are and how much destructive the terrorists could be. The relationship between state to state, community to community has been a matter of disbelief, dispute and of course, is on the verge of distinction. It is needless to say, the citizens of the Islamic countries are the worse sufferers since the Muslims have been the targeted terrorists and they are becoming economically, politically and socially ostracized globally. However, most terrorist groups are associated either with revolutionary movements on an international scale or with nationalist movements of a particular ethnic, religious, or other cultural focus. There are three broad categories of terrorist crime such as; i) the use of violence or the threat of violence to create public fear, attacks to injury, abduction, assassination, suicide bombing are the major crimes in this regard; ii) crimes are committed by terrorist organizations in order to strengthening their polices and practices i.e., extortion, illegal arms dealing, drug trafficking, bank robbery are among the principal crimes in this nature; iii) crimes may also be committed by any country, known as state or state-sponsored terrorism, when terror is used against its own citizen or against civilian citizens of another country (Safrat: 801). Terrorist activities or attempts that are carried out by Jamatul Mujahideen Bangladesh (JMB), an Islamic insurgent group, have made the innocent inhabitants of Bangladesh so peripheral terms of safety & security. The JMB criminals, under the leadership of Shaikh Abdur Rahman and Md. Siddiqui Isam, in their means of persuasion of 'Islamicising' of the country have deformed the costly-earned stability of the society. These miscreants and their followers are able to carry out different organized, and new forms of attacks including the much devastating suicide bombing; therefore, failure to recognize and combat their threat will bring more deadlier consequences in future. Their intention is to establish an Islamic society but they have adopted the wrong paths and means. They are, in fact, not the actual followers of Islam. Islam, as we know, is the religion of peace and tranquility and virtually there is no room for such miscreants in the domain of Islam. These fundamentalists not only have deformed the

philosophy of Islam rather they have stigmatized the identity of Bangladesh as a moderate Muslim country. Politics in no case may be a means or a tool of Islam. Nonetheless, we must confess, due to our negligence and of hidden political provocation this fundamental group has been able to gather pace of their capability to strike deadly blows on innocent citizens and government as well. Certainly, the arrest of the bigwigs can not make any significant change of the scenario unless the elements supportive to the militancy are identified and brought to justice.

We have tried to discuss briefly some aspects and issues regarding two major forms of criminal activities of Bangladesh. In fact, it is a million-dollar question why law & order situation in Bangladesh is getting bad to worse. Speaking frankly, there are obviously some genuine reasons; one important reason may be that only three percent of the criminals in a year receive punishment in Bangladesh. This statistics is quite encouraging for individuals and organized criminal groups to commit crime frequently. Corruption and insincerity of law-enforcing agencies, involvement of political leaders and influential people in protecting criminals discourage victims from adopting legal or social action against them. Secondly, the law enforcing agencies in Bangladesh do suffer from various short comings including the shortages of manpower, inadequate logistic support, lack of scientific and technical skills to detect and combat the criminals and place them before the court timely with sound charge-frame. The third factor is very alarming, in Bangladesh, trial process severely suffers from procrastination which makes us remembered the fact of; 'justice delayed justice denied'. Nonetheless, the two most recent initiatives of the government to improve the law and order situation in the country are the 'Operation Clean Heart' and the establishment of a new anti-crime and anti-terrorism force 'Rapid Action Battalion' or RAB under the jurisdiction of Ministry of Home Affairs. 'Operation Clean Heart' was started in October, 2002 as a drive against growing crime. The Army was called upon to work jointly with the police, BDR and ANSAR for restoring law and order in the country. In fact, the Army led the operation to cleanse Bangladesh of rampant corruption and crime. Though the legal status and justification of the army's involvement in this operation still remains as a matter of dispute, but this could bring some

changes at the end. 'Rapid Action Battalion' or RAB, on the other hand, consisted of members of the Army, Navy, Air Force and the Police, was formed in March 2004. It was incepted on the basis of the necessity to organize a permanent special force in order to make the society crime free. Since its inception RAB has been remarkably successful in apprehending several high-profile terrorists and in seizing illegal arms and ammunitions. Though RAB has been blamed for many extra judicial killings and arbitrary tortures but a desire for law and order has exceeded all the criticisms and paves the way for a fair amount of public support to the RAB.

In Bangladesh, proper attention must be given from all sections of society to make the activities of law enforcing agencies more transparent and accountable, they must be made skilled by imparting high level professional training and be kept free from obnoxious political pressure to escape the criminals. Above all, there should be a strong commitment in the government to let the agencies work freely, honestly and sincerely.

9.0 Concluding remarks- How to overcome the problem?

So many factors stand behind the causation of criminality in society. All crime prevention theories ranging from biological to sociological frame their solutions in reference to certain beliefs about crime causation. Crime, therefore, has been a multidimensional phenomenon because the views regarding the process of eradication of crime are diverse and sometimes contradictory as well. Accordingly, we must go for a holistic approach to tackle the problem. The approach might encompass the following important strategies in particular:

- a) The solution to the problem of crime is to impose tougher punishment on the criminals. Punishment should be very severe as a result it can be exemplary to others. If required, law must be revised accordingly. Law enforcing agencies to be given freedom to become hard nut to crack in dealing with crime and criminals.
- b) Law enforcing agencies not only be given freedom to act wisely, but also be strengthen to a great extent to be able to

penetrate the criminals and their patrons. We know criminal justice system consists of police and courts, and this system must work well. Police & court should not suffer from inadequate resources and staff, archaic administrative procedures and promotion scope, lack of codes & laws, ill salary structure; and above all, there should not be any political or administrative intervention that instigates the agencies to be corrupt.

- c) Any criminal can be changed and made an acceptable and functioning member of society. Prisons must be converted into rehabilitation or correction centres as have done for juvenile delinquents. Prisoners must be made skilled on a particular area of interest so as to they find themselves fit to be engaged in work when they are released. If possible, government can arrange jobs and training for them.
- d) Punishment can not be the only resort to eradicate criminality from society. If it were, we would not have seen criminals serving jail time and again. Then, solutions of the problem lying in some where else. Generally, people get involved in criminal acts to put food in their mouth with some exception of white-color criminals. Inequality and inadequate income could motivate people to commit crime. Many reformists have argued for the basic change in social and economic conditions that would specifically reduce crime and make the society more responsive to the needs of its members. No human being is genetically criminal, the social environment in which we grow up shapes the attitudes, rules and life-styles. Consequently, it is the responsibility of the society to urgently reverse inequality, implement welfare approaches and promote social security as a result every body can understand he or she has the right to access into the arena tranquility and equity. In a social order where inequalities are not large and in which every one has the chance to lead a full and satisfying life- the rate of criminality is low.

This would be a serious mistake to regard crime in a negative sense. Criminals are the human beings and we know, to err is human. Apparently, the values, activities and norms of criminals

do not conform to the norms followed by the majority, but it may be for the time being. There are ample of possibilities to get them back in the mainstream of society. Social leaders must try wholeheartedly to find out the ways and means in this regard. In fact, it is not a utopian dream.

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