

CRIMINOLOGY ON JEALOUSY AND SEXUAL CRIMES

Anu Mittal And Saumyam Krishna

3rd year student, BB.A. LL.B., Symbiosis Law School, Noida.

ABSTRACT

Criminology is a study of crimes. The sphere of criminology is why individuals commit crimes. This is distinctly related to a number of studies such as, Criminal Justice which studies about Police Procedure upholding social control. The matters of custody, prosecution, how courts system works are some of the studies related to criminology. There is penology which is the study of the prison system how prison works and how probation works after that. Criminology is not trying to decide how the world ought to be but instead tries to understand what the world is. The article deals how jealousy and sex forces a person to do a crime. Sometimes these crimes are done without thinking the aftermath consequences. Though this kind of violence doesn't hit the national headlines, but it does follow a pattern that makes India a dangerous country. Data on crime from the National Crime Records Bureau (NCRB) has been taken, thus from the available data the paper tries to find out how jealousy and sexual desires are attracting more individuals into its trap. The term 'legal good' can bring a positive change to the rate of crimes done.

INTRODUCTION

Basically, life of a criminal involves some similar empirical stages- (1) Incident, that psychologically inclines him to act criminally, which in turn gives rise to (2) Mens Rea or guilty mind or mala-fide intention, which in turn facilitates (3) Actus Reus or guilty action, where the person commits the crime, after which, the criminal goes through (4) legal proceedings, leading him the final stage i.e. (5) Punishment or Rehabilitation.

Studying criminal law and criminology both help in curbing crime. On a fundamental level, the only difference between them is the depth at which they are studied and applied. Criminal law is applied throughout stages (2) to (5). Its basic philosophy is retribution or rehabilitation of the

criminal after he/she has committed the crime. But criminology is studied and applied at all the stages including (1). It studies the psychological factor and aims to prevent the very inclination

that set the other stages in motion. Its basic philosophy is, in lay man terms, that prevention is better than cure.

THEORIES

Theories rationalize the thinking process. A good theory is proved to provide interpretation and understanding of behaviour indicated in different persons. The concept of criminalization is generally based on three different models of theory. These theories cannot be separated. As all three of them play a role in the expression of behaviour. The three models are:

- A) Psychological,
- B) Sociological, and
- C) Biological.

Psychological Model

It is important to remember that there are many varied explanations as to why individuals commit crime. Some main explanations can be drawn from psychological model, which focuses on the association among intelligence, personality, learning, and criminal behaviour. Thus, contemplation of the psychological model can be used in any discussion concerning crime causation.

This model is intensified on the understanding that childhood experience influences likelihood for committing future crimes. The model also suggests on individual's perception and how it is manifested, that inadvertently affect his or her potential to commit crime. It particularly focuses on how an individual's perception of the world influences his or her behaviour.

Sociological Model

Sociological model focuses on the social development of the criminal; the palpable criminal who prides himself and expresses his anti-social attitude without regret. They are the people, generally speaking, who if not controlled by the society through schools, workplaces, churches and families wouldn't have ended by being the person they have become. The physical and social environments are fundamentally responsible for the behavioural aspects that intimately influence the choices that the person makes.

Biological Model

This model considers that the behaviour of a criminal is highly influenced due to poor diet, mental illness, bad chemistry of the brain, and even evolutionary rewards for aggressive criminal conduct have been proposed as explanations for crime. This theory on criminality purports that criminal behaviour is the result of some flaw in the biological setup of the individual. This physical flaw could be because of heredity, trauma experienced in lifetime or poor brain development due to malnutrition, etc. These problems can be fixed medically.

JEALOUSY FACTOR

Crime of passion happens as a result from jealousy. Jealousy results from insecurity, losing of control on another. Jealousy can lead to a multi fold of crime, be it murder, cyber stalking, harassment, acid attack, rape, homicide, etc. These crimes are generally not pre planned. Jealousy leading to a criminal behaviour can be categorized as following:

1. Abnormal Jealousy

Mostly, in heterosexual relationships, crimes are committed because of jealousy. People murder out of jealousy. In some Islamic countries radicals murder their wives, sister, daughter for committing offences like adultery, or their wrong perception of religious belief, or even if they just suspect that the female is doing something which is against their wishes. People are seen obsessed with their religion, which is not a crime in itself, but committing unforgivable sins in the name of it, is something to be concerned about. Broadly speaking, the misinterpreted teachings of religion are conditioned in a child and after they grow up, they are reluctant to accept any other view and are prepared to even relegate to violence merely if someone dares just question their beliefs, insecurity erupts in various forms. Many murders are committed by the

family members out of pure insecurity, especially when the female members have a higher income quotient than their male spouses, or any male member of the house for that matter. Such killings are accepted as normal within such misguided portions of society and are labelled as 'Honour Killing'; they, given their nature, are many a times not taken seriously, or sometimes are completely ignored by the local authorities.¹

Jealousy ,in lay man terms, occurs when one feels threats in a relationship, like when there is an unbalanced exchange of desirability between the partners i.e. level of passion by one is not equally matched by the other. This jealousy then leads to insecurity. Insecurity instigates the partner to act in dangerous extremes. These people are risk to themselves and others and especially to their partners. They act in such a fashion with intent to teach their partner a lesson.

Illustration

A man who just lost his job, consequently, became less desirable to women with whom he had relationships with. Often in such or similar situations, jealousy is experienced; believing that his wife now has better mating options, the individual might even become insecure. Now, in his mind every interaction his wife has with other men becomes exaggerated, compelling him to act irrationally, sometimes even leading to the commission of heinous crimes.

2. Psychotic/Pathological Jealousy

Psychotic jealousy is clearly a delusional dimension or other qualities that make it equivalent to delusion. People experiencing such psychotic jealousy engage in behaviour that is fuelled by their belief. Expecting their "paranoia" might come true. In such instances the person can be called "grossly out of contact with reality."

The offender's personality traits and the nature of a relationship between parties and their current situation are crucial in quantifying the level of jealousy. Some factors which may lead to such

¹ Jefson Nathan.(2014).It's a wake up call(Google books version). Retrieved from https://books.google.co.in/books?id=kYxIBwAAQBAJ&pg=PA90&lpg=PA90&dq=in+some+islamic+countries+radicals+murder+their+wives&source=bl&ots=aGCKmntcK_&sig=X00FyEPR4AtrEx6Tzkz4Q7ko14&hl=en&sa=X&ved=0ahUKEwiT7NfQpIXRAhUELI8KHdBzAsgQ6AEIGTAA#v=onepage&q=in%20some%20islamic%20countries%20radicals%20murder%20their%20wives&f=false.

aggressive jealousy are low self-respect, feeling of being inadequate, chronic suspicions or neurotic tendencies. Then there is obsessive behaviour, which includes people- who are immature and narcissistic; who constantly demand or crave attention and affection, persons who carry fundamental misperceptions of reality, are incapable of rational behaviour, poisoned by delusional beliefs; that deprive them of the ability to know that their behaviour is wrong, beliefs and perceptions that are inconsistent with reality. Majorly twisted psychotic beliefs about what is right, what is wrong, and what is necessary is one of the prominent factor which causes a reaction in the behaviour of the person and which in turn for cesor compels the individual to do that which is not just legally but morally wrong². Therefore, it can be confidently said that previous or constant experiences of being cheated by a partner enlarges that person's vulnerability for the development of jealousy, and consequently, his/her susceptibility to commit crime.

On the other hand, persons with Non-Psychotic jealousy, symptoms of abnormal personality structures like the diagnosis of antisocial and other personality disorders have been most often witnessed. The offenders at the time of the offence, in most cases it was observed that the behaviour of offenders, with non-psychotic jealousy, was associated with personality disorder, the intensity of jealousy, highly decreased affective tension and the state of acute alcohol intoxication. In psychotic jealousy, for most offenders it is observed that before the person commits an offense, it is in their trait, acute paranoia that develops over several weeks or months and assumes clear over the top psychotic dimensions underlined and motivated by dominant ideas of jealousy. Persons with pathological jealousy express various forms of animosity toward the other party. The aggression can range from "minimal" with mild unfriendly ideation to extreme physical violence during which a party has many a chance of being killed.

The risk of repeated offense due to jealousy is recorded in most cases in offenders with psychotic jealousy, for being dangerous for the society they were sentenced to treatment and guarded in the healthcare institution. The danger of pathological jealousy is in the possibility that it could happen again. It can occur at the beginning of a new relationship in which the violence can be

²Paul,G.(2008, July 7). Why do people kill.Retrieved from <http://www.everydaypsychology.com/2008/07/why-do-people-kill-typology-of-violent.html#.WFojp1N97IU>.

repeated. Psychologist says³ that jealousy is a frequent motive in murders committed by the persons released from prison or hospital, who previously committed and were convicted for murder due to jealousy.

Incidents

During 1900's crimes were committed on women because of jealousy. Even certain men used to kill themselves because of despair which was aroused because of jealousy. The reason for so many murders was narrowed down to the sex ratio. The ratio of women was comparatively small as compared to men. In those days men used to force women to have "relationship" even if the woman was married. Due to which there was rivalry and competition between men. A woman leaving a man was considered as loss of "prestige". But today too, crimes of passion find their way up the news ladder, consider this now, when the 2011 census gives 940 females per 1000 of men.

1. Danish Khan(2013)A 20-year-old unmarried girl Sania on 11th April was murdered out of jealousy. During investigation, it came to light that for last two years Sania had been working at an event management company Mosaic Events and Promotions run by one Sarosh @ Zeeshan resident of Bandlaguda and Husna Khan r/o Mehdipatnam – both are directors of the company.. The deceased Sania was one of the employees of the company who developed relation with Zeeshan who already had intimacy with Husna Khan. When the deceased developed close intimacy with Zeeshan, Husna Khan developed jealousy and bore grudge against Sania and decided to eliminate her 10 days back. She engaged two persons namely Mallik and Rehan.⁴
2. Express News Service(2015)The Ahmedabad Crime Branch has booked the main accused in the murder of a woman from Uttar Pradesh, after the man, her boyfriend, confessed to his crime, stating that he killed her out of jealousy. The accused had

³ Lana Muzinic.(n.d). Forensic Importance Of Jealousy Retrieved December 10 ,2016 from <http://psihijatrija.info/bibliografija/radovi/LjubomoraEnglCollegium.pdf>.

⁴Danish Khan. (2013 ,April 15). Sania Murder: Hyderabad Police claim to solve the mystery. Muslim Mirror, Retrieved from <http://www.muslimmirror.com>.

allegedly killed the woman on January 16 when he came to Ahmedabad specially to execute the planned murder.⁵

3. Malani Batra(2008) Aspiring model and actor Moon Das called off her relationship with boyfriend AvinashPatnaik from Rourkela. He could not deal with rejection, drove down to Mumbai and shot her mother and uncle dead. When Das escaped after locking him in the apartment he shot himself dead. Three years later in June 2011, the court declared Jerome guilty of culpable homicide not amounting to murder and sentenced him to 10 years' imprisonment.⁶
4. Aditi Sharma(2010) Jaipur-based AshishNandwana stabbed Roy after a fight in a Delhi guest house. The airhostess with Kingfisher Airlines had refused to marry him citing alcoholism. His friend ManojNandwana cleaned the blood and the duo then took Roy to hospital and reported a suicide bid. The hospital, however, called up the police.The cause was jealousy and refusal to a marriage proposal.⁷
5. S Ahmed Ali(2014) Delhi resident Ankur Panwar. The Mumbai crime branch on Thursday arrested him for flinging acid at his neighbour Preeti Rathi after she alighted at Bandra Terminus on May 2, 2013. During interrogation, Panwar reportedly said that he had thrown acid at Preeti because he jealous of her; his father often compared him with her. Ankur, who has a diploma in catering from a Bhubaneswar college, was then unemployed, while Preeti had just got a job at the Army Medical College in Colaba as a nurse. Out of jealousy and anger, Ankur decided to disfigure her. It was unfortunate that he attacked her in this brutal manner, which caused her death.⁸

⁵ Express News Service. (2015,January 29). Man Who Killed Girlfriend Out Of Jealousy Arrested. Indian Express, Retrieved from <http://www.indianexpress.com>.

⁶Malani Batra. (2008,June 13).Crime of passion,India Today,Rretrieved from <http://www.indiatoday.in>.

⁷ Aditi Sharna. (2010,August 10).Crime of passion,India Today, Retrieved from <http://www.indiatoday.in>.

⁸S Ahmed Ali (2014, January 18).7 months on, jealous neighbour held in bandra acid attack,The Times Of India, Retrieved from <http://www.timesofindia.timesofindia.com>.

STATISTICS

Table 1

Crime Committed With A Motive Of Murder And Kidnapping

Year	Murder - Personal Vendetta or Enmity	Culpable homicide - Personal Vendetta or Enmity	Murder - Total	Kidnapping in order to compel to marry(*)	Kidnapping in order to murder	Total Cases
2001	4870	113	4983			4983
2002	4692	151	4843			4843
2003	4870	113	4983			4983
2004	4274	142	4416			4416
2005	3878	130	4008			4008
2006	3597	86	3683			3683
2007	3534	92	3626			3626
2008	3271	112	3383			3383
2009	3477	91	3568			3568
2010	3369	111	3480			3480
2011	3668	117	3785			3785
2012	3887	-	3887			3887
2013	3413	84	3497			3497
2014	2912	50	2962	30872	1512	35346
2015	4758	372	5130	31778	1260	38168
Total	58470	1764	60234	62650	2772	125656

(*) Data was available for 2014-15 only for kidnapping in order to compel to marry and kidnapping in order to murder.

Source: National Crime Records Bureau

The authors here are assuming that the crime committed with a motive of murder and kidnapping are also because of jealousy, rage and envy along with other factors.

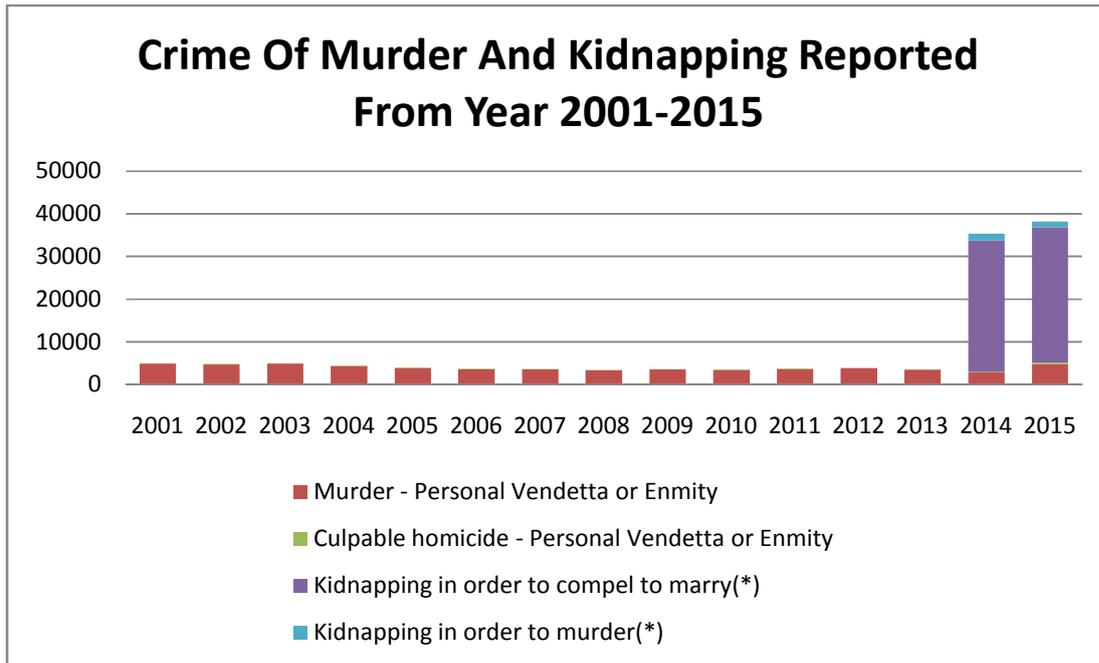


Figure (i)

According to a study conducted by National Crime Records Bureau (NCRB), as many as 28,145 persons were killed nationwide in crime of passions between 2001 and 2015. Uttar Pradesh accounted for nearly 4,200 of these murders. Andhra Pradesh leads the list with 4,901 killings followed by Maharashtra with 3,253 killings and Madhya Pradesh with 2,589 murders. The most accounted murders were in seven states, including Andhra Pradesh, Uttar Pradesh, Maharashtra and Punjab. From the year 2014 two new sub heads for classification of crime has been added. Those are kidnapping in order to compel to marry and kidnapping in order to murder. These kidnapping suggests that personal contraction between the relationships of people are making the offender to commit such acts. Studying the available data it is observed that the motive of

murder of crime of passion take a substantial proportion. This portion includes that crime happened because of envy, jealousy and rage.

SEXUAL OFFENCES

Violence is a term for wide range of violations, which consist of both the physical and the sexual, from example ranging from sexual assault in society to sexual abuse in prison. Women are mostly, indiscriminatingly, victims of gender violence, which happens in different forms in different social contexts throughout the world.⁹ Both men and women are victims of sexual abuse throughout the country but relatively women in number are much higher.

Reasons Why A Person May Become A Sexual Offender:

Tabachnick & Klein(2011) Some individuals have poor coping mechanisms, low self-esteem, unhealthy sexual obsession or sexual preoccupation. There are also “family-level risk factors “meaning problems ranging from difficulty in establishing and/or maintaining appropriate intimate relationships within the family to chaotic, unstable, or violent home environment. Lastly, “community-level risk factors” may include having difficulty in developing meaningful peer networks or a community presence.¹⁰

Other factors include a individuals who have prior convictions for sex offenses; Individuals who are unmarried and having an antisocial personality disorder, or the presence of being psychopathic.

⁹ Arun Ignatius. (2013). Sexual Violence In India , The International Journal Of Indian Psychology, Volume 3 Issue2, No.8 Retrieved from <http://www.ijip.in>.

¹⁰Tabachnick,J. (2011). A Reasoned Approach: Reshaping sex offender policy to prevent sexual abuse , The Association For The Treatment Of Sexual Abusers Retrieved from <http://www.atsa.com>.

STATISTICS

TABLE 2

SEXUAL CRIME CASES REGISTERED UNDER IPC FROM 2001-2015

Year	Rape	Attempt to Commit Rape(*)	Assault on Women With Intent to Outrage her Modesty	Insult to Modesty of Women	Total Cases
2001	16075	-	34124	9746	59945
2002	16373	-	33943	10155	60471
2003	15847	-	32939	12325	61111
2004	18233	-	34567	10001	62801
2005	18359	-	34175	9984	62523
2006	19348	-	36617	9966	46583
2007	20737	-	38734	10950	70421
2008	21467	-	40413	12214	71841
2009	21397	-	38711	11009	71117
2010	22172	-	40613	9961	72746
2011	24206	-	42968	8570	75744
2012	24923	-	45351	9173	79447
2013	33707	-	70739	12589	117035
2014	36735	4234	82235	9735	132939
2015	34651	4437	82422	8685	130195
Total	344230	8671	688551	155063	1174919

‘*’ Collected For The First Time In 2014.

Source: National Crime Records Bureau

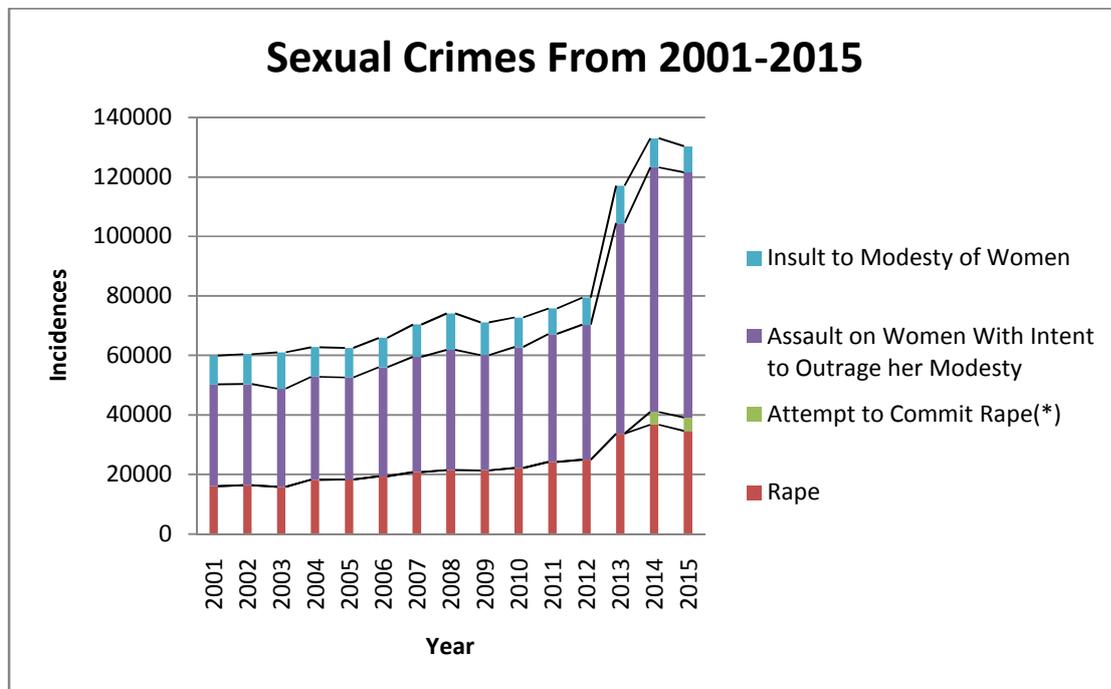


Figure (ii)

From the above figures it can be clearly concluded that all the sexual crimes as recognized under IPC has increased throughout a decade and a half. According to the NCRB data, during the period 2001-2015, a total of 3, 42,844 cases were reported across the 28 states and 7 UTs in India. On an average, more than 57 rape cases are reported to have occurred every day across the country during this 15 year period. That averages to more than 2 rapes across the country, every hour, every day, during the last 15 years. Again, from the year 2014, attempt to rape classification has been addressed. It shows that sexual offences are only increasing even if with a decreasing rate. But on a large scale there has not been any decline in sexual offences. About 67% of women between the ages of 15 and 30 who were kidnapped were cases related to marriage. Although in the age group of 10 to 15, marriage was also a factor in nearly half the 3,000 cases.

Kidnapping of women for marriage went up in 2011 by nearly 20%. In 2010, there were 39,148 kidnappings, of which 30,172 were of women. Of these, 18,126 were for marriage.(NCRB Statistics)

CHALLENGES

There are various characteristics to a sexual offender. This variability and potential are used to distinguish between different sets of sexual offenders. The variability factor posts a challenge; in treatment, supervision, or even the legislation that tries to fit the entire group in one. Different sub-groups of sexual offenders should be identified and the legislation should be enacted accordingly

.

PREDATORY SITUATIONS

While killing the partner/individual, the accused generally abducts the person and after sedating or poisoning, kills them. They then dump the body at some secluded spot.

In cases where crimes are committed out of jealousy, the offender is a known person. Shailesh Umate (2016) Around 15-20% of people threaten the other person that they would harm themselves. It's a personality disorder where the person threatens to kill self or the other person. Madhavi Kulkarni (2016) Threatening makes the victim feel vulnerable and often they tend to agree to what the accused wants. Such people preach this 'filmy' concept, however ignorant, that everything is fair in love. But in the end, when even the blackmailing reaps no fruit, the person takes a harsher step because they feel they are helpless. Usual excuse, according to them, they have tried everything to satisfy the person they loved. Dejected lovers have no intention of making their love suffer after their death. This is why in cases of acid attacks may, the lover confesses that the intention was to just hurt the other and not kill. Dr Umate(2016) The victim should not change their decision even if the opposite person claims to kill themselves; they should be firm and tell the boy/girl that killing is not the solution. When one falls for the threats, the blackmailer feels that by behaving in this way he/she can make the threaten person do

whatever they want. This makes the person who threatened feel happy that they have been able to get attention by making the other vulnerable.

SUGGESTIONS

- Acceptance of the fact that jealousy and envy, as common place as they might be, in excessive quantity is nothing less than a destructive force, within the society. Such a force is damaging in its operation. Various treatment and therapy institutions should be erected and the existing ones should be molded in accordance with the individual's respective situation. Those who have suffered or are suffering with such problems have deep rooted insecurities and an illusionary perception as to how to achieve happiness. Such illusions are apparently false and have a less than favourable impact on society.
- This a new century, majority of today's youth's problems are not as same as 20 years ago, hence it is essential that all the youth programs work to improve self-esteem, rationality, etc .Individuals need to learn the pragmatic meanings of satisfaction i.e. working with what they have and build up from there, within the bounds of law rather than what they want and believe they deserve to have it, no matter the consequence to themselves or others. Along with anger management, perceiving the right stimulus should also be an important factor for developing practical coping strategies that can help such individuals deal with their problems.
- The materialistic society that revolves around money and possessions leads directly to envy and jealousy and, until we can find value in other non-materialistic factors like family and meaningful relationships, then nothing can go right. Both aspects (materialistic as well as non-materialistic) are essential but balancing them is the key challenge that irks this society. After self-reformation, the next big step is to anticipate the emerging risks around urbanization relating to youth, drugs and alcohol.
- Lastly, it is suggested that the concept of 'Legal Good' be implemented, which means any act which is not good in law be eradicated. Relatively, India's condition is not good

but it is still not as bad as some other countries in terms of crime, unless we start now the condition will inadvertently degrade further. Our legal system needs not just sterner punishments but also stronger societal and familial values, and adequate government implementation in terms of curbing poverty, child education, etc.

CONCLUSION

In the mythology of Ramayan Ahalya was cursed by her husband, the sage Gautama to be turned into a stone. when she committed adultery with Lord Indra. In spite of her suspicion about the identity, clearly points towards man's intolerance towards their spouses' infidelity. Such instances in mythology suggest that jealousy has its root causes since that period. It has been written that Gautama on finding infidelity of her wife, revealed his outer self which was filled with jealousy and sadness. It is also said that Gautama confessed that he did wrong by making his wife into a stone. This suggest that in relationship when one partner cheats or does any act which is considered to hinder the relationship , the psychology of any partner can be greatly influenced by such circumstances. And in order to teach a lesson or through a punishment they only try to hurt in most of the cases rather than kill.

Jealousy can even make the most rational people to react in most irrational ways, clouding the logical reasoning process. Jealousy is no more an antiquated emotion serving the functions for which it evolved. It is believed to have evolved to incite healthy competition that in turn is to evolve society in various fields. Crimes committed by individuals sometimes create a dilemma while judging that whether the offender is "mad" or "simply bad". This judgment directly affects the sentencing of the offender that is to be done by the courts. It depends upon the natural proclivity of the judge in handling of such cases. Can there be one straight jacket method for prevention of such crimes? The re-conviction rate should theoretically minimize when the offender is left on rehabilitation. But when such a rate is not declining then society should learn that our legal system needs not just sterner punishments but also stronger societal and familial values, and adequate government implementation in terms of curbing poverty, child education, etc. Because prevention is always better than cure.

REFERENCES

- Arun Ignatius. (2013). Sexual Violence In India , The International Journal Of Indian Psychology, 3 , 6.
- Aditi Sharna. (2010,August 10).Crime of passion ,India. Today,Retrieved from <http://www.indiatoday.in>.
- Danish Khan. (2013 ,April 15).Sania Murder:Hyderabad Ploice clain to solve the mystry.Muslim Mirror, Retrieved from <http://www.muslimmirror.com>.
- Dr. Umate.(2016, March 21). Jealousy Root Cause In Crime Passion, Retrieved from <http://timesofindia.timesofindia.com>.
- Express News Service. (2015,January 29). Man Who Killed Girlfriend Out Of Jealousy Arrested.The Indian Express, Retrieved from <http://www.indianexpress.com>.
- Jefson Nathan.(2014).It's a wake up call(Google books version). Retrieved from https://books.google.co.in/books?id=kYxlBwAAQBAJ&pg=PA90&lpg=PA90&dq=in+some+islamic+countries+radicals+murder+their+wives&source=bl&ots=aGCKmntcK_&sig=X00FyEPR4AtrEx6Tzkz4Q7ko14&hl=en&sa=X&ved=0ahUKEwiT7NfQpIXRAhUELI8KHdBzAsgQ6AEIGTAA#v=onepage&q=in%20some%20islamic%20countries%20radicals%20murder%20their%20wives&f=false.
- Malani Batra. (2008,June 13).Crime of passion. India Today, Retrieved from <http://www.indiatoday.in>.
- Madhavi Kulkarni.(2016, March 21). Jealousy Root Cause In Crime Passion. The Times Of India Retrieved from <http://timesofindia.timesofindia.com>.
- Paul,G.(2008, July 30).Why do people kill.Retrieved July 30, 2008, from <http://www.everydaypsychology.com/2008/07/why-do-people-kill-typology-of-violent.html#.WFpUNVN97IV>.

S Ahmed Ali (2014, January 18).7 months on, jealous neighbour held in bandra acid attack
Retrieved from <http://www.timesofindia.timesofindia.com>.

Tabachnick,J. (2011). A Reasoned Approach: Reshaping sex offender policy to prevent sexual
abuse , The Association For The Treatment Of Sexual Abusers , p.2.