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Q 1:- How is Crime different from Deviance? 10  
Explain Elements of Crime with Suitable Examples 10

Ans 1:- Introduction:-

Crime and deviance are central concepts in Criminology and Sociology. Both concern behaviors that violates social expectations, yet they differ in degree, nature and legal consequences.

Crime refers to behavior that breaks written laws and is punishable by the State, while deviance includes any norm-violating act, whether legal or not.

Understanding this distinction is essential for grasping how societies define and control unacceptable conduct.

2:- Defining Crime:-

Crime is any human act or omission that violates a law and is punishable under the legal system.



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## According to Edwin Sutherland

"Crime is a behavior that is prohibited by the states as an injury to the state and punished through the state's authority"

Thus, crime is not merely immoral behavior; it is behavior formally prohibited by law, such as theft, murder or corruption.

## 3. Defining Deviance.

Deviance refers to behavior that violates social norms, values or expectations, whether or not it breaks the law.

## According to Howard Becker

"Deviance is not a quality of the act but the consequence of the application of rules by others to an offender"

For Examples.

Dressing unconventionally, rejecting religious customs, or violating gender norms may be deviant in one culture but acceptable in another.



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✓ Unlike crime, deviance does not always carry legal punishment - through it can invite social disapproval or sanction.

#### 4. Distinction Between Crime and Deviance

Basic of Difference	Crime	Deviance
i) Definition	- violation of codified Law	- violation of Social norm
ii) Authority Involved	- State and legal Institution	- Society and Social group
iii) Sanctions	Legal Punishment (Fine, imprisonment)	Informal disapproval, ridicule, exclusion
iv) Universality	- Generally uniform across a State	- Varies by culture and context
v) Example	Theft, murder, fraud, Terrorism	Rudeness, unconventional dress, reject traditions

#### 5) Relationship Between Crime and Deviance

✓ Every crime is a form of deviance, but not every deviant act is a crime.

Societies may transform deviant acts into crimes through legislation.



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For instance:

Domestic violence, once considered a private matter, is now criminalized under Pakistan's Protection of Women Act (2006). Similarly, new forms of online deviance (cyberbullying, identity theft) have become crimes under PECA 2016.

## Elements of Crime with Suitable Example

### i) Actus Reus (Guilty Act):

This refers to the physical act or unlawful omission that constitutes the external component of a crime.

Examples:

Stealing someone's mobile phone, pulling a trigger, or forging a signature without a proven act or omission, ~~there~~ can be no crime - as expressed in the legal maxim (the act does not make a person guilty unless the mind is also guilty).



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## ii) Mens Rea (Guilty ~~and~~ mind)

The mental intent or criminal mindset accompanying the act. A person must have knowledge, ~~no~~ intention, or recklessness to be criminally liable.

Example:-

If a driver accidentally hits a pedestrian without negligence, there is no mens rea; but if he drives recklessly, intent is presumed.

In Pakistan's Criminal Procedure Code (CrPC) most serious offenses require proof of intent.

## iii) Concurrence of Actus Reus and Mens Rea

The criminal act and intent must occur together.

Example:-

If a person plans to poison someone but later abandons the idea and the victim dies by accident, there is no concurrence ~~then~~ no crime.



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#### iv) Causation:

The act must directly cause the ~~Prohibited~~ harm or injury.

##### Example

If A stabs B and B dies from the wound, A's act caused death.

If B dies later due to medical negligence unrelated to A's act, causation may be broken.

This principle ensures that punishment is proportionate and fair.

#### v) Legal Prohibition:

An act can be considered a crime only if it is explicitly prohibited by law.

##### Examples:

Tax evasion or cyber fraud become crimes in Pakistan only after enactment of specific laws (Income Tax Ordinance, PSCA 2016).

Hence no one can be punished for conduct that was not criminal at the time, reflecting the rule "nullum crimen sine lege" (no crime without law).



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## vi) Punishment Under Law:

A crime must carry a defined legal penalty.

Example:

~~Theft~~ under Section 378 of the Pakistan Penal Code is punishable by imprisonment or fine.

~~This~~ distinguishes crime from moral or religious wrongs, which may lack legal sanction.

## Conclusion:

Crime and deviance are interrelated but distinct concepts. Crime violates laws and invites legal punishment, deviance violates social norms and attracts informal sanctions. In Pakistan's

~~changing~~ social landscape,

~~differentiating~~ between crime and deviance helps policy makers

frame balanced law both protect

without suppressing social diversity.

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Q:4

what is Penology? Discuss the importance and Scope of Penology in the administration of Criminal Justice System.

Ans:

~~What is Penology?~~

Penology from (Latin poens = Punishment + Greek -logis = Study of) is the branch of Criminology that studies the philosophy, theory and practice of how societies punish offenders. It examines not just penal sanctions (like prison), but also rehabilitation, probation, parole and other correctional measures.

1) Importance of Penology in the Criminal Justice Systems.

i) Guiding Philosophy of Punishment:

Penology explores why society punishes is it for retribution, deterrence, rehabilitation, or restoration?

For Example:

In many countries, sentencing guidelines are informed by penological theories so that punishment is proportional, balancing retributive justice with the prospect of reform.

ii) Policy Development and Reform

Penological research helps lawmakers and correctional authorities design evidence-based sentencing, parole, and rehabilitation policies.

Example: Studies on drug courts or community corrections (probation, electronic monitoring) are rooted in penological analysis, recommending policies that reduce prison overcrowding and recidivism.



### iii) Crime Prevention and Risk Management:

By understanding how punishment deters crime or manages risk, penology contributes to preventative strategies.

Examples: The "new penology" concept emphasizes risk assessment; instead of purely focusing on reform, modern systems monitor and manage offenders based on how likely they are to reoffend.

### iv) Human Rights and Ethical Accountability:

Penology promotes humane treatment of offenders, ensuring punishment respects dignity and legal limits.

Example: Evaluating the use of solitary confinement, force, or disciplinary practices in prisons, penological research pushes for reforms in line with international standards.

### v) Rehabilitation and Reintegration:

Penology studies programs (education, therapy, ~~work~~ vocational training) that aim to reform offenders and help them reintegrate.

Examples: Correctional institutions use cognitive-behavioral therapy or substance-abuse treatment to address ~~criminal~~ criminogenic needs - penological evaluation helps decide which programs work best.

## 2) Scope of Penology in the Administration of the Criminal Justice System



## i) Philosophical and Theoretical Foundations of Punishments.

Penology examines why society punishes - retributions, deterrence, incapacitation, rehabilitation, and restorative justice.

Deterrence theory informs sentencing policy; systems emphasizing deterrence will design punishments that maximize certainty or severity.

Examples: A penal policy grounded in Retribution may prioritize proportionate punishment, while a rehabilitative approach (drawing on humanistic or social-justice theory).

## ii) Administration of Correctional Institutions

Penology covers the management of prisons, jails, and other detention facilities, overseeing classification of inmates, facility design, staff training, resource allocation and safety protocols.

Examples:

Prison administrations use penological research to decide on inmate classification (high risk vs low-risk), staff-to-inmate ratios, and security policies.

## iii) Offender Management and Supervision.

Penology focuses on how offenders are supervised both inside and outside prison, risk assessment, behaviour modification, parole, probation, and aftercare.

↳ it studies tools like risk-assessment instruments, case management, and structured supervision to minimize reoffending.



#### iv) Prevention through Deterrence.

Penology contributes to crime prevention by shaping punishments that deter future offending. It analyzes whether punishments are effective in discouraging crime (both for the individual and for society).

↳ It also evaluates how the certainty and severity of punishment influence deterrence.

#### v) Policy Evaluation, Research and Reforms.

Penology involves empirical research to evaluate which correctional policies and programs work (or don't).

Example - A government commissions a penological study that shows recidivism rate drop significantly for inmates who attend vocational training - leading to policy shift favoring educational programs in prisons.

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~~Why this~~ Scope Matters for Criminal Justice Administrations.

- 1) It ensures punishments are not arbitrary, design of sentencing and prison systems is informed by theory and evidence.
- 2) It promotes efficient resource use - by evaluating which correctional programs actually reduce, reoffending, penology helps allocate budget wisely.
- 3) It balances security and rights, ensuring offender management serves public safety without violating human dignity.
- 4) It supports long-term crime reduction, through rehabilitative policies, structured reentry and continuous risk supervision.