

## A CRIMINOLOGICAL ANALYSIS OF AKKU YADAV: SOCIAL, ECONOMIC, AND INSTITUTIONAL FACTORS IN THE MAKING OF A SERIAL OFFENDER

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### ABSTRACT

In this paper, the criminological issues regarding the case of Bharat Kalicharan Yadav, commonly referred to as Akku Yadav, will be discussed with reference to the importance of social conditions and institutional failure in developing criminal behavior. The case throws light on a very serious issue, which is the development of a habitual offender within a setting that is characterized by poverty, ineffective law enforcement, and long-term deprivation of justice, which eventually culminates into an extreme level of retaliation by the masses. This study aims at examining the factors that led to shaping of criminal behaviors of Akku Yadav, as well as to appreciate how the failures of the system played a role in shaping his behavior and the reaction of the community. Criminological theories such as sociological, socialist, cartographic, and clinical approaches were applied in the paper to give a closer insight into the case. The methodology of the study is doctrinal and case study by basing on secondary sources like books, journal articles and reported accounts. In this way, it analyses the interaction of individual behavior, environmental social condition and institutional response. Findings indicate that when socio-economic disadvantage, exposure to criminal influences and absence of effective policing was combined, criminal activities were sustained over a long duration. Also, the institutional inaction, repeated resulted in the build-up of frustration in the population, which ultimately led to mob violence in a courtroom. The paper concludes that as much as social and economic factors can be involved in criminal behavior, the breakdown of the justice system also plays an important role in compounding such situation. The tougher enforcement of the law, timely judicial procedures, and underlying social conditions are vital to ensure that such situations will not occur again, as well as to preserve the rule of law.

**Key Words-** Serial Offender, Sociological School, Social Disorganization, Criminal Behavior, Institutional Failure

### INTRODUCTION

The name criminology comes about as a combination of the Latin word *crimen*, which means crime and the Greek word *logia*, which means study. It is the scientific examination of crime, the criminal behaviour and the operation of the criminal justice system. Criminology tries to analyze the reasons behind crime, what

makes the people go into illegitimate activities, and what can be taken to prevent this behavior.

Criminology as a field is not just about defining the crime and the criminals. It entails a methodological examination of the procedure by which laws are established, contravened, and implemented and the reaction of the society to the breaches indicated. Other scholars like Elliott have termed criminology as

the study of crime as a social phenomenon though other scholars like Edwin H. Sutherland have focused on how criminology has been used to explain crime and how it is treated. These views emphasize on the fact that criminal behaviour cannot be attributed to one phenomenon but should be elucidated as a result of a mix of social, economic and institutional forces.

Although theoretical models offer a broad perspective of crime, their actual importance is felt on the application of the theoretical to real-life scenarios. The example of Bharat Kalicharan Yadav, who is also known as Akku Yadav, gives a good example of such analysis. His long criminal career in Nagurba Nagar, Nagpur and eventual killing in a courtroom also casts grave concerns on the nature of criminal behaviour, the role of social conditions and the effectiveness of criminal justice system.

The primary research problem discussed in this study is the following: how do social and economic forces, with institutional failure contribute to the formation of a habitual offender, and how can long-term deprivation of justice result in extreme social responses, including mob violence? This case is of scholarly importance because it not only represents how a person can be changed into a notorious criminal but also the outcome of a nonaction of the law enforcement and judicial system.

This paper aims at analysing the life and criminal behaviour of Akku Yadav under different criminology perspectives which include the sociological, socialist, cartographic and clinical perspectives. It also seeks to investigate how poverty, environment and institutional negligence influence such behaviour and also assess the implications of such behaviour to the justice system in general.

This paper is designed in the following manner; the first parts of the paper will refer to the theoretical bases of criminology and the dominant schools of thought; and next, the paper will analyse the aspects which cause

criminal behaviour. This case studies the Akku Yadav case and applies pertinent criminological theories in this case in the following section. The paper ends with a critical analysis of the issues involved and provides measures that can be used to avoid such occurrences in future.

Edwin H. Southerland: Southerland defines criminology as "the body of knowledge regarding crime as a social phenomenon. It includes –within its scope the process of making laws, of breaking the objective laws, and of reacting towards the breaking of laws of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment or prevention.

Elliott: According to him, "Criminology is a scientific study of crime and its treatment." so it can be roughly said that criminology is a wide dynamic space of knowledge under branch of crime. This research paper revolves around case studies of criminal named Bharat Kalicharan Yadav, famously known as 'Akku Yadav and criminological study of his crimes.

### **Schools of Criminology**

There are often several speculations that how a person can be criminal? how can they kill someone without remorse or guilt? These attributes varies a normal prudent man from a criminal. Under the branch of criminology there are various schools who tried to provide a valid justification and explain crime using their own theories, suggest punishment in order for the prevention of these crime such as:-

Cartographic – The Cartographic school focused on the study of crime through statistical data, maps, analytical study for discovering various reasons of crime while highlighting the contribution geographical, topographical, climatic, social aspect etc. The prominent thinkers of Cartographic school are Adolphe Quetelet and Andre Guervy. This School linked crime rates to poverty, Illiteracy, population density, Urbanization, Age

distribution, Economic conditions. It stated that crime is influenced by social structure and Environmental conditions rather than purely on individual choice.

Sociological – The Sociological school of criminology highlighted the societal factors which is responsible for commitment of a crime. According to this school a crime it committed due to social economic cultural factors, This school shifted the study of crime from biology to society. This school says that criminal are not inherited as stated by positivist school but developed the criminal intellectual through interaction with society It studies how factors like poverty, unemployment, lack of education, rapid urbanization, family problems, inequality, and social instability can influence a person to commit crime. The prominent thinkers of Sociological school are Sutherland William Healey and Whalter C. Reckless. Social institutions like family society religion schools community fails to provide for a person he adheres himself towards criminal attributes.

Socialist School – The socialist school of criminology follows similar principles as to sociological but it restrain itself to the disparity between rich and poor, this school is heavily influenced by the Marxist theory the creation of capitalism causes the extreme disparity in the society between rich and poor the lower working class are often crumbled under the power exercise by the richer section of society in order to achieve upward mobility in the society the poorer groups are often tend to adhere illegal ways to achieve their goals, According to this theory crimes are only committed by poor section for racing with the elites but this theory is silent about the crimes committed out of need by poor as well as crimes committed by the elite class of society so if we adhere to this theory crimes are only committed by working class which is practically not the reality but still this theory applicable in certain cases it can of course be one of the theory behind a crime but not the sole reason. The prominent thinkers of the Socialist school are W.A. Bonger, Engel, Sutherland etc.

Clinical – The Clinical school of criminology emphasized that a prudent man turns into Criminal due to its biological imbalances which is varying from a normal human being these imbalances are the reason of behind a person committing a crime, the prominent thinkers a clinical the prominent thinkers are Eitene De Greef, Ch.Anderson etc. Clinical school of criminology was emphasised on the scientific principles in determining the reasons behind the crime. It studies the physical, mental and psychological condition of the offender to understand the root cause of criminal behaviour. This school gives importance to medical examination, psychiatric analysis and individual case studies. It believes that treatment, correction and rehabilitation are more effective than punishment alone. Thereby this school adheres to the scientific principles rather than societal aspects stating that a person commits a crime because of those imbalances in neuro system this theory might be true in case of psycho criminals who suffer from psychological disorders but those criminals who commit crime out of free will are outside the ambit of this school

Neither of these schools are self-sufficient they lack some or the other aspects Eventually the study of criminology has travelled a long distance it is wide dynamic subject which is ever changing with modern technological needs few of these theories mentioned above have exhausted their relevance in modern era but some aspects of this school can still be traced to understand the causation of crime. Over time, criminology has developed by combining ideas from different schools rather than depending on only one approach. Modern crimes such as cybercrime, organized crime and financial fraud require new methods of study and investigation. Therefore, contemporary criminology adopts an interdisciplinary approach, using sociology, psychology, law and technology together. Even though older theories may not fully explain present-day crimes, their basic principles still

help in understanding the root causes of criminal behaviour.

SCHOOLS OF CRIMINOLOGY: A COMPARATIVE ANALYSIS – Zeba Darvesh, MIT-WPU, Faculty of Law Pune.

Key figures: Cesare Beccaria, Jeremy Bentham

**Following are the factors which may act as a catalyst for the commission of crime.**

Social Environment – The society we grew up plays a vital role in shaping our future, our social life surrounding influences our behaviour showcasing a mirror through which we see the world for instance, if a person is surrounded by misogynist values there would be high chances of that person to be turning into a misogynist, similarly if a person grew up in poverty, illiteracy, witnessed commission of crime he would more likely to turn into a criminal himself as committing a crime would be normalised for his surrounding due to his lack of literacy in most cases he won't be able to differentiate between right or wrong.

Group and class conflict theory– This theory is highly influenced by Marxist theory i.e Division of people on basis of classes, the factual reality of world is the richer class is dominant to that of working class no matter how much we philosophically deny this fact but reality always hits hard your financial capacity always decides your position in the society, on the basis of this disparity society is divided into two classes dominant richer class and poor working class so this theory suggest that law is made by the dominant class of society in order to control the poor working class and in response to this control exploitation, the individual belonging to working class commits crime to protest against this exploitation on the critical note it can be argued in accordance to this theory rich never commit crime which is of course not factual but some parts of this theory can still be relevant.

Poverty – We often hear that 'Poverty is the mother of crime', For instance if a person is below poverty line he would not be able to acquire basic facilities like food clothing shelter

education he would steal food to feed himself or his family similarly, there arises somewhat kind of conflict like situation between rich and poor, the group who is above the poverty line the elites would often look down upon them, discriminate, exploit the lower group on the contrary the lower group would often desire to reach the upper elite level they would disagree to follow the rules written by elites, whereas poverty may lead to lack in education, job opportunities, rational surrounding which is necessary for upbringing of a prudent man, concluding "When poverty comes in at the door, honesty flies out the window." Flipping to the other side of coin it is not necessary that only a poor person are criminal crime is committed by richer elite groups too nor poverty is the only reason to commit a crime, hence poverty can be one of the reason piled with other surrounding catalyst.

Failure of justice system – Judiciary are often coined as guardian of rights of citizen, whenever there is violation of right there is remedy available in law, Judiciary is Independent in our constitution in order to avoid biasness in delivering justice but when this same judiciary fails to deliver the justice to innocent victims law fails with failing public's trust in justice system, which act as a catalyst to the explosion of volcano full of frustration and anger leading to destruction

Incapability police – Police are the part of executive branch of society, police authorities are metaphorically referred as the gatekeepers for maintaining rule of law, law made by legislatures are implemented by executive, police are necessary for the operation of justice if these police unable to fulfil its job how will justice be executed to people the purpose of delivering law would itself be destroyed for instance when a crime is occurred the foremost authorities to which public reach are police if they are itself clouded by corruption commoners would leave with no option than being transitioned to law breakers whereas lack of strong police authorities would empower these criminals in a destructive way.

These factors like schools are not self-sufficient they need to be paired with other reasons to turn a person into criminal but it is not necessary these factors would always lead a person to be criminal but aspect of free will still play a major role in commission of crime  
Lecture on criminology penology victimology by Prof Rega Surya Rao,

Faculty of Law Pune

### **AKKU YADAV**

Case Study: Akku Yadav (Bharat Kalicharan Yadav)

#### Background (Reported Facts)

Bharat Kalicharan Yadav, also known as Akku Yadav was born in 1971, in Nagpur, in the locality of Kasturba Nagar. He was a member of a family that was financially weak. His father was the only breadwinner and since the death of his father, Akku dropped out of school in the 7th standard.

His two brothers were reported to take part in gambling and minor crimes. Akku was forced to sell his livestock like cows and buffaloes to settle debts because of financial burdens and his family debt.

#### Initiation of Crime (Reported Facts)

After experiencing financial trouble, Akku Yadav supposedly started to gamble and commit petty crimes. With time, he graduated to organized crimes.

The population in Kasturba Nagar was socially diverse and it has been reported that Akku engaged in intimidation and coercion especially to economically weak groups. Slowly, he created a band that dealt with extortion, assault, and other criminal activities.

Techniques that were widely used are threats, physical violence and the use of force in order to extract money among the locals.

#### Increasing Criminal Activities (Reported Facts)

The residents tried to get to the authorities but there are multiple reports that the complaints were not registered at all or pursued. It was also

alleged that the police did nothing and perhaps they were colluding.

A notable case was the beating of a couple with the male victim being beaten and sexual violence done on the female victim. After this, a complaint was lodged and Akku Yadav was arrested.

He was however released on bail. Following his release, it is reported that he stepped up his activities and it is said that he was able to increase his influence by making his ties stronger and by intimidation.

#### Pattern of Fear and Control (Reported Facts)

After some time Akku Yadav was charged with repeated violence acts such as extortion, assault and sexual offences. His actions would be done publicly and this helped create a sense of fear in Kasturba Nagar.

#### As per local accounts:

People did not even want to walk after sunset. Girls are said to have stopped attending school.

A number of households moved out of the region.

These are developments that show the level of the fear and disturbance that occurred in the society.

#### Incident Involving Usha Narayane (Reported Facts)

One such incident was the case of Usha Narayane who stayed in Kasturba Nagar. She even tried to file a complaint in her neighbourhood after she said she was attacked but this was apparently not done.

It is also claimed that there was also leakage of information regarding her complaint after which Akku threatened her. In his turn, Usha was supposedly facing him off and defying his threats, which was a very unusual case of defiance on the part of a resident.

#### Last Incident (Reported Facts)

Later, Akku Yadav gave himself up to the police. In 2004, at a district court in Nagpur, a huge

number of women in Kasturba Nagar assembled at the premises during a court hearing.

In the process, a group of about 200 women stormed the courtroom where Akku Yadav was trying a murder case, and killed him. It is reported that the attack was very violent and was executed in a same fashion as a group.

### **Criminological Review**

Considering the Sociological and Socialist schools of criminology and the Group and Class Conflict Theory, the facts in the life of Akku Yadav suggest that his criminal behaviour cannot be discussed in isolation of his socio-economic background.

Акку grew in an environment that had poverty, no education, no solid income and he was exposed to criminal influences in the family. It was under these circumstances that illegal practices like gambling and extortion first emerged as ways of survival. As he got power and authority, the kind of crime he engaged in evolved with time to include violent crimes such as assault and sexual crime. In this sense, poverty and social environment were major driving forces, which helped the Sociological School to hold that crime is not an in-born attribute but it is instead a product of external factors. The Socialist School also describes the dynamics of the power involved, in terms of economic inequality and the urge to dominate, which could have led to his actions. But although these theories deposit us in the causes of his criminality, they are less instrumental in producing the excessive violence and continuance of his subsequent behavior.

### Differential Association Theory Usage.

A more accurate explanation of how Akku became a criminal can be found in the theory of Differential Association presented by Edwin Sutherland. This theory suggests that criminal behaviour is acquired during interaction and association with other people.

As in the case of Akku, it is possible to point out several influencing factors:

Criminal background in the family.

Economic meltdown and unsteady background. Living in a high crime and poor policing neighborhood. Joining a gang and further association with criminals. Slow changes of illegal conduct.

This theory suits the case well as it describes how exposure and interactions with the matter modeled his mind and behaviour with time. It demonstrates that Akku was not born a criminal but grew to be one over time based on the experiences he acquired. But this theory is limited by virtue of its relatively quiet position on free will. It fails to comprehensively articulate the reason why (in similar situations), there are people whose criminal behavior is not involved.

### Implications of Cartographic School.

Also relevant in this case is the Cartographic School which attributes crime to geographical and environmental factors. Akku was brought up in Kasturba Nagar, a place that is allegedly poor, unemployed and poorly maintained.

This school says that such areas tend to have increased rates of crime because of:

- Economic instability
- Poor living conditions
- Lack of social control
- Lack of strong institutional presence

This helps argue that environment contributed towards the Akku formation of behaviour. But as in other schools, it is also a narrow thing because it cannot account for individual difference- why do only certain people in the same locality become habitual criminals?

### What Theory is most convincing in this Case?

Of the theories, the Differential Association Theory offers the best explanation. Whereas sociological and cartographic methods describe the circumstances under which Akku lived, Differential Association describes how the latter embraced and institutionalized criminal behaviour.

Therefore, the case can be best interpreted as a mixture of both the sociological conditions and the learnt behaviour, and cannot be described by any one theory fully.

Theory Shortcomings in this case.

Using both theories separately can be limited in the following ways:

Sociological and Socialist Theories are explanatory and do not justify extreme violence and crimes committed by people of privileged backgrounds.

Cartographic School describes the impact of the environment but is not able to explain individual choice or moral decisions.

Differential Association Theory interprets learned behaviour and ignores the agency of personal agency and moral responsibility.

Thus, it is impossible to describe the behavior of Akku Yadav solely by one of these theories.

#### Police and Judicial Failure Role.

The relationship between social circumstances and the failure of the institution was a significant factor in this instance.

#### Police Failure

Cases of poor policing and so-called corruption helped keep Akku going. There were numerous complaints but the authorities allegedly did not do anything effective. This lack of enforcement:

Motivated the criminal by making him less afraid of punishment.

Growth of popular anxiety and impotence.

Legalization of criminal acts.

Both Sociological and Cartographic schools of thought justify the notion that inadequate law enforcement is a factor of increased crime in some locations.

#### Judicial Failure

Even the judiciary system, which is supposed to be the enforcer of rights, did not seem to work in this instance. Akku managed to go on with his

operations as he was granted bail despite a major claim made against him.

In the light of deterrence theory, a punishment should be sure and immediate to deter crime. But the deterrent effect was undermined by delays, and a sense of leniency.

Article 21 of the Indian Constitution (Right to Life), is also a question in the case, because the constant danger to the residents was evidence of the inability to safeguard fundamental right. In Nilabati Behera v. State of Orissa, the Supreme Court declared the State liable to infringements of fundamental rights by its agents, including police officials. This principle comes to play in determining institutional responsibility in the case at hand.

#### Bidirectionality in Social Conditions and Institutional Failure.

As seen in the case, social conditions do not necessarily lead to such extreme results unless coupled with systemic failure. The environment, poverty and social influence formed the pillars of criminal behaviour but the lack of good policing and judicial action to check the vice enabled it to flourish freely.

This communication resulted in the eventual collapse of law and order which was to be replaced with the vigilante service of the community. Although this act cannot be laid in law, it shows the degree of frustration among the population due to institutional inaction.

#### **Conclusion**

The frenzy of mass protest that led to the courtroom murder of Akku Yadav got mass media coverage. Nevertheless, this episode cannot be singled out. The discussion of this paper has already determined that institutional failures, especially in the case of the law enforcement and the court system, were also important factors in the development of the circumstances under which such a radical result was achieved.

As it is evidenced in the case, a person who was accused of committing multiple crimes such as

sexual violence, murder, and extortion did not cease his actions during a long time even after he was told about it by others. The claim of police negligence, as well as the bailing, created a sense that the system was not effective. Consequently, part of the population got irritated by the delays in the procedures and the absence of protection and turned to illegal actions. Although these actions cannot be justified with the help of the law, they are a symptom of the lack of trust in institutions of law.

As has been demonstrated in this paper, the individual choice did not determine the criminal behaviour in this case but it was largely affected by social conditions and systemic failures. The fact that a local offender has been transformed into a person of long term fear points to the accumulation of poverty, environment, poor policing and the delayed justice. Meanwhile, several people reacting violently as a community as a whole show the ramifications of a long-term institutional failure.

The foundations that were established in *Kesavananda Bharati v. State of Kerala* affirm the existence of fundamental rights as constituted in the basic structure of the Constitution and they have to be safeguarded at any cost. Similarly, in *D.K. Basu v. State of West Bengal*, the Supreme Court noted that protection of life and personal liberty provided under Article 21 is one of the main duties of the State as well as its agencies especially the police.

These ideas are directly applicable to the current case, since the fact that the residents of the Kasturba Nagar are still under a threat provokes questions about the efficient protection of the basic rights. But it is not an absolute analogy. These verdicts create the obligation of the State, but do not support or sanction extra-legal actions like mob violence. They rather point at the disjuncture between constitutional values and their application.

The case ends up highlighting the fact that institutions that are mandated with the

responsibility of upholding law and order fail in their core mandates thus defeating the entire objective of their existence. It also shows that indirectly systemic inaction can be a cause of the increase in criminal behaviour as well as the development of criminal responses of lawlessness. To sum up, the example of Akku Yadav is a harsh lesson that the rule of law should not be viewed as a mere matter of the presence of the provisions in the law but as the system that requires the active and appropriate monitoring. When the State loses its duty on the individual cases, the impact is beyond the isolated incidents and the people may lose trust of the justice system. Stronger laws are, however, not the sole answer to the need, but having responsible institutions that can be held to enforce the very law on the ground are what we need.

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