"It is society that prepares the Crime"

- Adolphe Quetelet

Behaviour regarded as criminal has been a fascination to social scientists ever since the first observations were made on human affairs. But, the challenge of explaining why illegal acts are committed, who commits them, and what reactions follow their occurrence requires more than simple observation, for, evidence of law violations must be dispassionately gathered on a systematic basis and in terms of an organising framework.

Crime is as old as mankind itself. Crime and punishment existed in the history of mankind and it is perhaps a difficult task to spell out which one had precedence over the other. When 'Eve' ate the forbidden fruit in the Garden of Eden, God decreed everlasting sanction against Adam and his descendents. 'Adam and Eve's fate symbolized recognition of the existence of
crime and punishment as the lot of man' (Bromberg, 1975). The Socio-economic conditions of societies have changed and are changing the concept of crime. Crime has always depended on the force, movement, the spirit of public opinion and social and legal sanctions varying from country to country and in the same country from time to time. The social order also makes certain acts 'crimes' while the same or similar acts are not designated as crimes in some other social order. Thus, the concept of crime and punishment is directly related to social and moral values of a society. It may be true if we say that in the past there might have been no difference between crime and sin. But, today crime is the violation of law, and if there were no laws, there would be no crime.

Whenever a new law is passed and enforced, acts that were not crimes previously become crimes, and in this sense, legally, crime is a violation of law. This violation may be either an act of commission i.e., the refusal or failure to perform a required duty or an act of commission i.e., performance of a positive act forbidden in the legal codes.
To look at crime from social perspective it implies such behaviour which interferes with the order of the fellow human relations of a given society which the society regards as a primary condition of its existence. Thus, crime is the resultant behaviour due to maladjustment between the individual and the group, which creates a critical situation in the society.

FACTIOUS CRIMES

The term 'Faction' has been employed as an opprobrious epithet in the political field since Roman days. The word arose from the name given to the divisions into which Roman charioteers were separated. A ruling group finds it convenient to stigmatize its rivals with the organisation and the epithets which most effectively convey the innuendo of willful self-seeking. Those who are in power have the benefit of the assumption that they represent the collective interest in substance as well as in form. A faction seems to subordinate the public who took private gain, and thus the term takes its place in a dialectic of the political struggle especially as a means of defense and counter attack by those in power. The term faction is commonly used to designate any constituent
group of a larger unit which works for the advancement of particular persons and policies. A faction arises in the struggle for power and represents a division on details of application and not on principles. The position of the faction is that of the qualified dissenter who embraces collective goals subject to reservations upon the tactics appropriate for their realization. Thus, a faction presupposes some measure of unity in fundamentals. The term itself drops out of usage when certain lines of cleavage have become rather permanent features of the political life of a group. The divisions are accepted as parties.

The possibility of factionalism is increased when large changes occur in the life situation of members of the group. Even when changes are welcomed they may produce strains within the personalities of those affected. A sudden increase of wealth creates difficulties no less than sudden poverty. New calculations of interest arise, new objects may be chosen for sentimentalization and factional movements are one result.

Viewed in the perspective of history factions were the predecessors of the modern 'parties'. When authority was in a few hands and active politics was the
private affair of a limited circle, factional cleavages occurred over the advisers of the sovereign. As rivalry for power widened, the proportion of the community actively participated in political life, the electoral practices were developed, self-conscious groups undertook to maintain their organisation from one electoral crisis to the next and the present candidates in their own names for the available posts. Under such conditions the factions became parties. Within each party new factions appeared occasionally breaking away and forming new parties.

Factions represent a sub-culture where certain behaviour patterns which are often condemned by the larger society are approved, appreciated and sometimes admired by general society. A faction always pre-supposes a rival group with which it is in conflict for gaining control over scarce resources like economic and political power, social status, etc. Conflict often becomes a part of the way of life of the members who constitute the faction. Criminal acts like murder, arson, rioting, etc. are usually used not only as measures of revenge but as means to benefit the leaders and members and solve their problems. Factions crime, though of very common occurrence, has rather inexplicably been a neglected area of research.
1.2.0. LITERATURE SURVEY

Faction can be viewed as a type of conflict. All the factors identified to generate conflict must also hold good for the origin of the factions.

Various causes of conflict and factions have been explored in Western societies and a few studies have been undertaken in the Indian context.

Conflict can arise over economic issues, or issues involving power or authority or from differences over cultural values and beliefs (Coleman, 1957). Conflict may arise when two or more individuals or groups pursue the same goal by contradictory means or two individuals or groups pursue the same goals but only one party can win. (Mecord and Mecord, 1977), George Simmel has contributed more to our understanding of conflict than any one else with the possible exception of Karl Marx. Simmel (1955) and Coser (1956) argue that conflict can be functional for a unit of social organization, and conflict with an outgroup can solidify the ingroup. Gamson's (1966) research suggests that bitter, vitriolic conflict is most likely to occur in communities that are politically
unstable and in which the opposite groups in the conflict are not well acquainted. Obserchall (1973) gives us some insight into conflict that are applicable to communities. He suggests that conflicts over principles are likely to be fought harder than conflicts for personal gain. He further observes that the conflicts that are delayed usually appear in aggravated form later and consequently, are more difficult to regulate.

The foregoing lines present a review of some of the significant literature pertaining to community conflict, and the following lines present a review of major works pertaining to factions.

Lewis Oscar (1954) suggests that the factions are groupings which emerge in conflict over scarce resources. He observes that factions emerge out of quarrels over inheritance of land, adoption of sons, house sites and irrigation rights, sexual offences, murders and quarrels between castes. He also observes (1958) that factions emerge out of forces like population pressure, economic mobility, increased education and the breaking down of joint family. Patnaik and Lakshmi Narayana (1969) suggest that factionalism occur when some change takes
place in the villages, such as competition over economic resources and political power which has grown due to Adult Franchise and Panchayat Raj. Mayer (1960), in his study of a village in Central India finds that factional support tends to follow agnostic links. Majumdar (1958) in his study in a village in Uttar Pradesh discovers that kinship forms the basis of group formation. Bose and Malhotra (1964) in their study show that the unit of the factional alignment is usually a lineage, the faction leaders occupy a fairly high position in the lineage and are usually older than the average household head, and the participation by households of rival factions on ceremonial occasions is considerably restricted. Beals and Siegal (1960) focus on faction as conflict and speculate about types of conflict, the conditions in which it occurs and strains and stresses which it brings about. According to Karuppiyan (1989) the intracaste and inter-class factions are responsible for agrarian tensions in a Tanjavor village.

Panda (1980) report that by and large, the tribal politics in India is inherently non-factional and it is prone to factionalism only with the contact of the modern civilization and interplay of the activities of the
modern institutions like the Gram Panchayats, Co-operatives and so on. Gallin's (1969) work suggests that a faction is identified by the name of its leader. Dhillon (1955) observes that the factions are primarily kinship groupings which carry important social, economic and ceremonial functions in addition to their factional struggle against one another. Spiro (1969) states that the withdrawal of cooperation occurs between faction groups during religious and ceremonial activities. Nicholas (1965) brings forth the point that the factional unit has no corporate existence or clear single principle of recruitment. According to him the members of a faction are connected only through the activity of the leader. Miller (1965) expresses that many authors feel confident in ascertaining that factionalism in Indian villages is increasing and that this trend will continue. Sharam (1968) points out that factions are not permanent corporate groups, membership is not limited to caste or kinship groupings necessarily and it is not class conflict, rather, it is an expression of political struggle for power and prestige within the group of dominant caste(s). The subordinate caste groups do play
an active role. Agnihotri (1983) demonstrates how factions have helped status mobility of Harijans.

Western Societies, in recent years have reported numerous studies dealing with homicidal behaviour. Wolfgang (1958), and Wolfgang and Ferracuti (1967) observe that the rates of crime violence are more in certain areas and among certain groups due to variations in culture.

Relating to Indian context also a few empirical studies have been conducted (Somasundaram, 1970, Sethi and et al. 1971, Jha 1971, Gupta and Sethi 1974, Singh 1980). These studies are based either on clinical observation or on psychological assessment, analyse the phenomena of murder and the personality of the murderer as well.

Relating to the Indian social context only a few empirical studies have been conducted. Rajan and Krishna (1980) in a study based on secondary data reported that an overwhelming majority of homicides in Delhi had taken place during the night hours. Sharp-edged weapons like sword, knife and spear were used in most murder cases. Behind most of the offences, property and sex were
at the root. Men in the age group of 20-40 years were mostly the victims of homicide.

Singh (1980) has explored the circumstances of murder and found that a majority of murderers commit the offence alone and they are predominantly unplanned. The victims of murder mostly include family members and next to them are neighbours, friends and others. Old family enmity, family quarrels over division of property, and disputes over agricultural land according to him are the main motives behind murders.

1.3.0 NEED FOR THE PRESENT STUDY

Scholarly and professional literature on crime is voluminous, but it has overlooked factious crimes. Clearly there is a need to correct this oversight. To fulfil this task the following objectives are spelled out.

1.4.0 OBJECTIVES

The present investigation is an attempt to understand and explain the dimensions, processes and
dynamics of factional violence and the resultant crimes and their consequences.

The following are the specific objectives of the study:

1. To understand the background of factions and trace the origin of factious crimes.
2. To know the factors responsible for conflict between faction as groups leading to violence and crimes.
3. To trace the functions subserved by the factions to their members and leaders; and
4. To focus on factious murder offenders and to follow them overtime, especially as they go through the criminal justice system.

1.5.0 AREA OF STUDY

The study is confined to the districts of Cuddapah and Kurnool in the State of Andhra Pradesh. They lie in the heart of Southern Deccan Plateau, popularly referred as Rayalaseema Region in Andhra Pradesh, which are notorious for factious crimes. There is a high incidence of crime in general and factious murders in particular as compared to the other districts of Andhra Pradesh.
1.6.0 METHODOLOGY

In view of the objectives set for the present study the data were collected through primary and secondary sources.

Four categories of data through primary sources were collected. By using Interview Schedule, the information from the prisoners who were convicted of factional murders and imprisoned in Central Prison, Hyderabad was collected. By using another separate Interview Schedule information from faction leaders and followers was collected.

Narrative interview technique was adopted to collect data from the relatives of victims of factional murders.

The information thus collected was supplemented with information collected from Police Officers, Lawyers, Public Prosecutors, Judges and Surgeons.

A detailed description of the actual process of data collection by the use of the said tools is presented as follows:
1.6.1 THE SAMPLE

The factious murder convicts of the Cuddapah and Kurnool districts constitute the universe for the present study. The Central Prison of Hyderabad where most of them have been serving their sentences was selected for the study. During field work the prison contained 725 inmates of whom 340 were convicted for murder and serving life sentences. Among these 133 were from Kurnool and 64 from Cuddapah districts. From these 75 subjects from Kurnool and 35 subjects from Cuddapah districts who were convicted of factious murders were selected to be included in the sample.

TABLE 1.1

SAMPLE SIZE

<table>
<thead>
<tr>
<th>Name of the district</th>
<th>Sample size</th>
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<tbody>
<tr>
<td></td>
<td>Factious murderers</td>
</tr>
<tr>
<td>Kurnool</td>
<td>75</td>
</tr>
<tr>
<td>Cuddapah</td>
<td>35</td>
</tr>
<tr>
<td>Total sampling for Kurnool &amp; Cuddapah</td>
<td>110</td>
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</tbody>
</table>

SOURCE: Prison Admission Registers central prison, chenchalaguda, Hyderabad.
In addition, the data from 20 villages, 10 each from Kurnool and Cuddapah districts were also collected for a greater understanding of the structure of factions. The villages were selected by using purposive sampling. The nearness of the villages to the urban centre, geographical location, means of transportation and communication, the intensity of faction, originating causes of faction are the factors which governed the sample selection.

SNOWBALL SAMPLING

Snowball sampling is a type of strategy employed particularly in exploratory studies of little known or hard to obtain subjects (Goodman, 1967). It basically entails obtaining the first subject and, on the basis of this subject, obtaining an entry and introduction to a second subject and then a third and so forth. Gradually, the researcher has accumulated as many subjects as practicable. Polsky employed this strategy in studying uncaught criminals, as Solomey did in his study of undercover police (Polsky, 1967, Solomey, 1979).

This technique was used to contact the faction leaders and their followers. In each village one
individual was initially interviewed, the access to individuals was gained with the help of persons known to the researcher.

Thus, the data from the faction leaders and their followers were collected by means of flexible interviews. In twenty villages, 40 leaders and their supporters were interviewed with the help of an interview guide. The use of such flexible approach yielded two important advantages for the researcher. First, people remembered better in most of the cases and discussed the issues with ease and comfort when they were allowed to talk freely they expressed their past experiences without any inhibitions. The questioning of them step by step would not have yielded such a result from the faction leaders and their followers. Second, it has allowed the researcher and the respondent(s) to discuss such things as the researcher had not thought of for an accurate understanding of the phenomena of factions and factional crime.

1.6.2 NARRATIVE INTERVIEW

Information from victims personnel was also collected. This was made possible through the lawyers who
pledged the cases; for contacting the relatives of the victims initially. Open-ended questions were asked and narrative interview technique was extensively used to collect information from the victim's personnel. Information was noted during the process of interview with the help of a separate code devised for the purpose. This helped the researcher arrive at the 'Qualities of the Victims', 'Victims' role in the offence' etc., and other related information.

1.6.3 INTERVIEW GUIDE

By the use of interview guide technique, the information from Police Officers, Lawyers, Judges and Surgeons was obtained and recorded.

The police were interviewed to know about the causative factors of factions, and factious crimes, month, date of occurrences of factious crimes in general and factious murders in particular, the role played by them in order to control factional activities, difficulties faced by them from the leaders and followers, and the Court machinery. The measures taken by the police to curb the activities were also carefully recorded.
Lawyers and Judges were contacted to know and obtain the legal aspects of factious murders, faction crimes and problems associated with them.

Surgeon were interviewed to know and understand the details of factious murders and medico-legal aspects of the factious murder cases.

The police data were collected from the Police Research Centre, Hyderabad, District Crime Bureaus at Kurnool and Cuddapah and from Police stations which have got the factious villages under their jurisdiction. The records were unpublished.

Information from the First Information Report, the Factious Village History Sheet (Part IV), Circle Information Reports, the Grave Crime Report was referred to. The perusal of the records helped the researchers know and understand the incidence of murder, causative factors of factions, the time, date, venue of the factious murder, method of operation, the action taken by the police, etc. The Court Records were consulted for knowing the legal aspects of the case which provided first hand information. The post mortem reports submitted to the courts by the surgeons in the factious murder cases were
also utilized for the study in order to know the type of weapons used in the crimes and other medico-legal aspects.

1.6.4 OBSERVATION METHOD

By personal observation, the tools used by the factionists were observed. The sketches made in the field note books were also verified so as to cross check the information obtained from other sources. The Court proceedings in factious murder cases, the behaviour exhibited by the factious murderers at the Court halls were also observed for understanding the actual genesis of crimes and the structure and function of faction groups.

1.6.5 SECONDARY DATA

In addition to the data collected through Interview Schedule, Narrative Interviews, Interview Guide and Personal Observation, secondary data was also collected and used for the study purpose. The information from the publications like A.P. Government's Police Administrative Reports, Police Committee's Reports; Statistical Abstracts, Censuss Reports, was collected.
1.6.6 EXPERIENCE OF THE RESEARCHER AS A TOOL OF DATA COLLECTION

The researcher all through his field work kept the track of his experiences with a variety of individuals. The questions asked by the subjects in the villages, by the offenders, by the police, by the lawyers, witnesses, judges, and other informants were carefully noted in the field and preserved, analysed and used as another form of data. The researcher's colleagues at the university, their reactions to the study and the warnings given by them to the researcher, helped to know the extent, magnitude and significance of the problem. The researcher also understood the possible dangers, which might be usually encountered in the field work.

1.6.7 THE PROCESS OF DATA COLLECTION

The primary data for the present study was collected from March 1982 to December 1984. The pilot investigation was carried out in the month of March 1982 which lasted for one month and ten days. One month was spent at different intervals of time in the villages. Pilot investigation helped standardize the mode of conducting interviews. First, it was thought of using
tape-recorder for recording the information from the factionists. But, with a minor exception (in two or three cases) all the respondents refused the use of taping and hence, it was dropped in the final investigation.

In two cases the factionists seized and destroyed the information, even though no names were taken to the data. Hence in the final investigation the researcher devised a code and preserved the information.

A period of ten days was spent in the prison interviewing the factional murderers. This helped finalize and standardize the Interview Schedule for arranging the questions in a logical order and pace the questions in the dialect of the respondent. It also helped the researcher prepare a Schedule of a closed type. In the prison, the researcher interviewed only three subjects a day. In the villages it took approximately two hours to interview the faction leaders, and an hour in each case with the lawyers and the judges.

1.6.8 PROBLEMS ENCOUNTERED BY THE RESEARCHER IN THE FIELD

The researcher encountered a variety of problems during fieldwork.
Of all the field work the most difficult part consisted of collection of data from the faction prone villages. Most of the villages are neither connected with transportation nor have communication facilities. The researcher had to walk six to ten kilometres to reach the village some of the villages in Kurnool district are located in the hillocks. For the villagers have no proper road and only foot path is used. In the initial stage when the researcher approached the village, he faced the suspicious looks of the villagers. After reaching the village, he had to enquire about the people, for whom he had got letters of introduction from the acquaintances of the interviewer. If the person was asked to show the faction leader's house and if the person was of the same faction, then the Researcher was readily taken to the leader. If the person belonged to a different faction then the researcher had to face problems. They posed many questions, like, who is the Researcher? What is the purpose of the visit? Is the Researcher a Police Officer? Or is the Researcher any ally of the person enquired? To convince them and to establish good rapport with them some times it took hours. The very tone in which they raised their voice was indicative of their suspicion which was harsh, bitter and bigger.
When the interview with the faction leader or members was finalised, when the Researcher tried to contact the opposite faction leader or members, the real problem arose. The Researcher was often suspected to be an ally of the other party, when asked for information. It became tough task for the Researcher to establish his identity. In one particular village in a specific case, the Researcher's life was threatened by an active member of a particular faction. The Researcher managed the situation and escaped from the danger. In three or four cases the response rate was not sound in the beginning; but, as the Researcher proceeded the respondents revealed, "Oh sir, we mistook you for a police man in the beginning and we were a bit reluctant to tell, but now we are convinced and we tell the truth as it is". Further, the Researcher had to take a lot of care in preserving the data of interviews as it was feared that the collected information would be destroyed by faction members in suspicion, doubt and fear.

The Researcher followed the pattern of recording information after the completion of interview in the absence of all people. Noting in the presence of the
respondent was thought to hinder the response rate and hence it was avoided. But in a few cases the Researcher noted every response in the presence of respondent. Initially, the Researcher had an idea to use the tape recorder for recording but after discussing with many police officials who worked for the districts at the time of the field work it was dropped, smelling danger from factionists. Noting after the interview led to some missing links in the data, but it was compensated and concentrated while talking to the other faction members (opposition) in the same village. The information was written on three envelopes using a specific code which the researcher alone could interpret and they were posted to the friends. The Researcher thought that this would help best preserve the information, even if, the field notes were seized by any faction members.

The Researcher included the name of a leading criminal advocate in the list of persons to be consulted. Since he had the reputation in the Bar and was never a failure in the court of law in faction cases. But when approach he was reluctant to give answers and denied interviews to the Researcher. But some legal practitioner however were highly co-operative and they answered many
questions posed by the researcher. To a particular question, 'Do the lawyers help factinists in legal matters? Some of them answered that they justified that act as a part of their profession and 'professional ethics.' According to them, they never let 'down the client' rather they advocate the policy 'save the client'.

While interviewing the victim's relatives (in 90 percent of the cases), the respondents while narrating the past events, how the victim died, how it occurred, the circumstances and other related things, were overcome by deeply affected emotions and wept. And it took 10 to 15 minutes for the render to console the respondents and bring them back to normal position. Thus, the Researcher faced many obstacles and problems while collecting the data.

Offenders who were young and not married felt very much about their family members who were made orphans. Some old respondents recollected the situation of their unmarried daughters and sons, and wept copiously. The Researcher had to console the offender and bring him back to the normal position.

Least problems were faced by the Researcher from the officials. Those who occupied the higher and
middle ranks in the hierarchy were very co-operative, except in three cases where the people in the lower rung refused to give data as their officers were not present and available.

Electiclatec Approach was adopted for the analysis of the data. The causal analysis attempts to probe deeper into the causes responsible for the origin of factions. Percentages, regression technique were used. The graphs, flow charts and line diagrams were also used for the purpose of study.

1.7.0 OUT LINES OF THE PRESENTATION

The present study is divided into six chapters. The Introduction, a brief survey of literature, objectives of the study and methodology are presented in the First Chapter.

The Second Chapter deals with Theoretical background.

The Third Chapter contains a brief profile of the study area with a note on the situation of crime in general and faction murders in particular.
Chapter Four is devoted to study the originating causes of factious structure of faction groups, organization of faction groups, activities of the leaders and their followers.

Chapter Five comprises the socio-economic background of the factious murders and victims. It also deals in greater details the nature of factious murder being processed through the various agencies of the criminal administrative justice system.

The major findings and conclusions, the possible suggestions in order to arrest the growth crime rate in general and factious murders in particular are given in the Sixth Chapter.