Structural Transformation of Society and Development of Criminality: A Case Study from of Sri Lanka

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Abstract. In this study, examines how criminality has evolved in the history of Sri Lanka in post independent era and explains the various socio-cultural, economic, political factors and forces that shaped the criminal acts. In doing so, I will also explain how such criminal acts have been addressed by the legal system of the country. In this historical analysis of crime in Sri Lanka, I will explore their trends and patterns, causes, and social and cultural contexts. In addition, the nature of crimes as they occurred during the last 30 years of the civil war, and how vulnerable groups have involved in crime will be examined.

The long term crimes trends and high rates of crime fluctuate and reflect that they fluctuate in accordance with political upheavals in the country. Crimes related to political activities began to appear after 1970s, and until then the picture of crime in Sri Lanka was very much like any other traditional society. Thus the late 70s showed the beginning of organized crimes and gang crimes, and the crimes related to drugs increased in numbers and reported in various communities after 1980s. The development of the tourist trade, opening of the economy in late 1970s and the civil war that started in early 1980s have contributed to this change in crimes patterns. During the post war period, crimes committed by army deserters have been increased. The factors that have contributed to the new developments in crime rates and patterns include, the civil war, changes in political culture, media, and introduction of new technology. The legal system and its loopholes, postponement of trials, loss of trust in the legal system, the gap between the rich and the poor, urbanization and development of a poor urban class, less certainty and severity of punishment are seen as background factors that contributed to the increased rates of crimes and its new patterns in Sri Lanka.

Introduction

Criminology, the science which is studies the nature, extent, causes and control of criminal behavior on both the individual and societal level. Crime, a term used for any act that violates written criminal law, is a form of deviance. Deviance is any behavior that violates social norms and usually causes disapproval in the majority of the particular society. Criminologists have concentrated their research on crime primarily in Western Europe and America. The both, American and European historians also have held that the cost of nineteenth and twentieth-century urbanization and industrialization could be measured in ever higher rates of property crime, largely the work of the economically and socially disadvantaged. What historians of crime have lacked until very recently is empirical data drawn from non-Western societies on which to test the general applicability of such hypotheses. In concrete, the Crime can be understood as the breakage of rules and regulations imposed by any government in a country for which the existing government can punish the criminals and it is universal. By now the crimes and the criminals are global serious issue in developed and non-developed countries in the world have been facing and making every possible effort to decline.

Sri Lanka has a long history of colonialism by European countries which in the first in 1505, the Portuguese settled in the land until the Dutch took over by trading spice in the 1658 to 1796. The British Empire took over in 1796. On February 4, 1948 Ceylon was recognized as a self- governing country in the Commonwealth of Nations. The name Ceylon was later changed into Sri Lanka on May 22, 1972 and at present it is now officially known as the Democratic Socialist Republic of Sri Lanka.
Lanka. Sri Lankan society of past six decades comprehensively has been changed from feudal characteristics to modernization process due to impact of internal and external factors such as Colonialism, Modernization, Westernization and Internal ruling provisions, which dramatically changed structured environment caused to increase crimes in post independent Sri Lanka.

Methodology

The methodology used in this research is heavily drawn from criminological approaches to research, and theoretically driven by the theories of social structure, social disorganization, strain, and cultural deviance. Using these methodologies and theories, I will examine how socio-cultural factors affect criminal behavior. The study mainly based on official crimes data and in addition Interviews, Case studies and Case histories were done selected two prisons in two districts for more reliability of the study.

Objectives

The research had four main objectives. Initially it was to understand crimes, Trends and patterns of independent of Sri Lanka. Secondly it examined in any changes patterns of crimes and criminals comparatively with pre-war situation. Thirdly, it discovered the vulnerable group of society like, woman and children what extend affected by crimes. Finally, it seeks to understand how the existing theories on crime and criminals were able to account for the crime of the post independent society of Sri Lanka. At a later stage I examined the conclusions brought forward through the empirical research on post-independent of crime trends and rates, with a critical view to how the different between pre-war and post-war situation of the country.

Socio-economic development and Transformation of Social Structure in Post independent Sri Lanka

Since independent in 1948, Sri Lanka shows in dramatically changes of social, political and economical environment. The first government of under indigenous had introduced number of policies for the development process a cornerstone of which was the land settlement policy. It was obvious that the political parties had been changed and they had introduced the different type of provision which affected to transfer the social structure last six decades rapidly. The process of economic, political and social change in the country took a new form in 1970 with the coalition government led by Mrs. Bandaranaike. It initiated series of changes amongst which were the introduction of the 1972 constitution, the expansion of public sector and the expansion of welfare services. The defeat of the coalition government and the victory of the UNP government in 1977 elections brought about yet more change in the economic, social and political structure of the country. The constitution of Sri Lanka was changed from the Westminster type of parliamentary system to an Executive Presidency with a concentration of power in the hand of the head of the state.

The new economic policies of the post 1977 period favored a development strategy based on private sector initiative and foreign investment. This was the foremost impacted factor to change the social structure of country. In addition, series of changes were introduced in the area of local government such as the provincial council system aimed at decentralizing the power and the formation of poverty alleviation programme. During this period tension between two main ethnic groups, the Sinhalese and Tamils increased resulting in the series of violent confrontation between two communities cultivating in the riots of 1983. Amongst some of the other politically tense situation the government was compelled to address during this period were Indo-Lanka Pease Accord in 1987 which was one of the strategy adopted by The Sri Lankan government to quell the militants in the North, the insurrection against the government by the JVP during the period 1988-1990. The conflict which prevailed in Sri Lanka started in 1983 and affected to the development of the country directly and indirectly to create various social problems. The three
decades long “Sri Lankan conflict” came to a conclusive end in May 2009, following the military defeat of the Liberation Tigers of Tamil Eelam (LTTE), also known as the Tamil Tigers, an internationally proscribed terrorist organization. And present Sri Lanka government has been facing the post conflict challenges to rebuild the country.

Due to immeasurable transformation of the economy was challenged persistence of traditional caste stratification. There was increased availability of caste free employment opportunities and a relatively high degree of migration into urban areas which are largely not regulated by the more traditional social practices found in the rural areas. The traditional economic system has broken down and some low caste groups have become rich through participating in new employment opportunities. In other words, the role of caste in the economy has undergone rapid changed. Their visible signs of influence and changing life style are manifested in the emergence of supermarket to cater to their cosmopolitan lifestyles, luxury motor cars, and international school for their children, private nursing homes, the development of exclusive upper class neighborhoods and increased international travel for pleasure and business. The disparities between the traditional villages and the newly established villages expansion schemes and colonies, irrigated and non-irrigated agricultural zones, commercial farmers and landless farm workers indicated a growing social class differentiation even within the rural populations too. These disparities were made conflict against to ruling party. Subsequent conflict theorists have described different versions of conflict theory; a common theme is that different social groups have unequal power, though all groups struggle for the same limited resources.

The factors which were led for the transformation of Sri Lankan society can be summarized as below.

1. Colonialism 1505-1948
2. Abolish caste service system by British rulers (on track to modernization)
3. Establish British culture 1815-1948/ introduced modern technology
4. Expansion of plantation sector and other services in Colonial period
5. Policy of free education system in 1944
6. Independent in 1948
7. Established indigenous Buddhist elite government in 1956
8. Open economic system in 1977- free trade Zone, liberal market system, foreign employment opportunities etc.
9. JVP (left youth revolt) struggle in Southern and LTTE rebels 1980s Northern provinces (Conflict).
10. Ethnic conflict (LTTE) 1983-2009 created war culture
11. Westernization and Globalization process

Sri Lankan community of post independent era comprehensively has been changed from prevailed feudal characteristics of caste stratification behavior to class stratification due to impact of internal and external factors such as Colonialism, Modernization, Westernization and Internal ruling provisions. The study have revealed that this social structural changes in Sri Lanka in the mid twentieth century on wards were similar to those which “suddenly” produced social issues a century ago in Europe.

Criminological imagination and Crimes trends and Patterns in Structural changes of community

Social context is defined in terms of the Time and Space features that are correlated with crime. Therefore chapter four has been focused to explore the time and spaces what extend impacted the crime trends and patterns in Sri Lanka. Criminologists have been concerned with at least three metrics of time: Annual patterns, Seasonal patterns, and Daily patterns. Historical studies of crime propose that serious crime increased in the decades prior to the Civil War and continued to increase following the war. Apart from annual changes, which reveal historical fluctuations, have determined that crime varies by other units of time.

The official crimes figures shows that number of socioeconomic and political factors which roughly affected to the breakdown of the social structure of Sri Lankan community in the post
independent era. Every incident showed that severely increased grave crimes rate of the community. The prior to independent of Sri Lanka crime rate illustrated slight high rather than the independent time. Nevertheless it has gradually been declined until in 1952. And late 1950s it showed that speedily an increment the crime rate till 1978 and it was the peak of the crime wave throughout in post independent era. Among the severely impacted factors to the social structure were Sinhala language Act in 1956, Youth struggle against to the government in 1971(JVP), Liberal market system in 1977, Civil war against government in 1983, Second youth struggle in 1987/1988 and three decades civil war period.

In 1953 crimes in the island decreased up to 18,000. Nevertheless during the time of 1960 to 1975 within 15 years crime rate rapidly increased in Sri Lanka by (300%) three hundred percent. In 1960 number of crimes was twenty thousand and figure developed over sixty thousand. Liberal market policy has helped to build capitalist society. As a result of that forced to acculturation by Western Europe. According to the functionalists this enormous changes of social structure built the Anomic environment.

Prime objective of this study was to understand social correlation between structural changing and chain of crimes. This phenomenon was analyzed with official statistical data published by Police department of Sri Lanka and it is illustrated by figure 1.

![Grave Crimes Wave in Post Independence Sri Lanka 1943-2014](image)

Source: Administration Report, Department of Police 1948-2014.

Figure 1. Grave Crimes Wave in Post Independent Sri Lanka 1943-2014.

The sum of grave crimes in 1977 was 56,915. In comparing with the 1978 it shows quick growth. It is relatively previous year 45.9% growth rate. This was the highest growth rate of crimes in post independent Sri Lanka. Introducing the open market economic policy to the Sri Lankans, turned the country for huge social issues and the growth of crimes was the serious issue. This year figure of crimes was 8,088 mischiefs, 17,689 burglaries, 10,508 robberies and 20,766 theft of property. All these crimes belong to the property crimes. The total of the reported property grave crime was the year 57,061. It was estimated that 68.7% of total of grave crimes. Hence it revealed that severely affected this anomic for economical behavior. However, by 1980s the total number of grave crimes had been decreased again. If it was not control this situation the country would have faced severe problem.

On account of 1978 new constitution which was introduced by the government Tamil minority group involved in treasonous activities, because they expected a separate state. That was not fulfilled. Therefore they established LTTE movement. Later it was the most powerful movement in
the world and band by the law nationally and internationally. They destroyed the state properties and killed large number of civilians. It created violence subculture and weapons culture among the civilians. Not only that and transport the nacho drugs. As a result, increased crimes wave and drug trafficking and Government unable to decreased the crimes due to prevailed war.

In 2009 when the civil war ended grave crimes wave gradually have been decreased. There were 60,870 graves crime in 1998 was decreased to 50,962 by 2014. It was 16.3% decrement relatively 1998. The criminological point of view it is positive trends in post war environment. When Sri Lanka gains independent the grave crime rate was 446.4 per 100,000 populations in 1946. Hence it was decreased up to 222.5 in 1953 and it further decreased 209.2 by 1963. In comporting once a ten years in 1981 and 2011 it was reported 362 and 267 per 100,000 populations respectively. After that it was gradually gone down. From 1980 decade up to present crimes were decreases according to ratio of population. In general public and media talk that the post war environment has raised the homicide rate rather pre-war. Nevertheless the lowest crime rate of homicide in post independent era was 3.47 depicted per 100,000 populations in 2011 and it was post war environment. Consequently in comparing to 2001 it has shown 4.94 decrement of per 100,000 populations. In this study argued that no an increment of homicide in post war environment of Sri Lanka. Though it was proved above the entire grave crimes rate of the country downwards nevertheless sexual related crimes have been gradually increased. In 2011 the homicide declined up to 3.47 while rape crime increased up to 9.18. This was an increment of 2.33 per 100,000 populations. In fact it showed that rape crime has become social problem in contemporary Sri Lankan community.

It was also reported that members of certain groups were becoming part of an international smuggling operation, the proceeds of which were being used to supply arms. Since the early 1980s Sri Lanka has had to face a growing problem of drug abuse (mainly heroin) among its youth, originally introduced by tourists and grew by war and currently considered as social issue in the country.

In the late 1970s with liberal market economic policies tried to change values and embraced the western culture and new technology and then internet would become the prime media. Though it leads for acquire universal knowledge, nevertheless motivate to watch youth sexual films. Sri Lanka had topped the list of having searched for the word ‘sex’ in 2014, while India followed at the second spot, Google news said. Sri Lanka came first for the fourth consecutive year since 2011 in the internet ‘sex’ search category. When it came to the breakdown of data by cities, Homagama, Colombo and Nugegoda topped the list of people Googling the term ‘sex’ in 2014 in Colombo capital city of the country and other two places belongs to same district. This situation not happened only in Sri Lanka but South Asian countries like Bangladesh, India, Nepal and Pakistan had come under respectively of the ranking. In some countries legalized the prostitution or sex workers. Nevertheless in Sri Lanka has culturally and legally bounded or taboos to engage sexually prior to marriages. Although these countries had been influenced by acculturation of Western culture but not developed the cultural space that caused to sexual oppression had led to increase rate of the sexual related crimes in the country.

An additional factor can be identified for growing of sexual crimes was transformation of the family structure due to modernization process since late 1970s. Such as low production, Migration to cities, both Father and Mother involvement to jobs, instead of extended created a nuclear family or single parent family caused to children were unprotected. Routine Activities Theory argues that crime occurs when there is an intersection in time and space of a motivated offender, an attractive target, and a lack of capable guardianship. People’s daily routine activities affect the likelihood they are attractive target who encounters an offender in a situation where no effective guardianship is present. In abstract, over 75% case studies of child abuse cases had happened due to lack of guardians of community.

According to the modernization process in Sri Lanka create the competition, having load of duties and promises to fulfill, therefore the socialization process, not function properly to transfer the cultural value system for the future generation. In abstract contrary to other offences, sexual offences including rape, incest and unnatural offences (a term used in the legal parlance in South
Asia to refer to homosexuality and bestiality, etc.) and sexual abuse have been steadily rising in Sri Lanka.

These offences have been rising at an average of 11% during the past few years. Incidence of rape was about 10.86 per hundred thousand of the population and it is compared to 1.6 in India. In that sense on these figures proved that the women and children had become most vulnerable groups of victimize in the country.

Criminological research on the patterns of crime focuses on the relationship of criminal behavior to dimensions of time and space and dimensions of social structure. Criminology has paid close attention to a variety of contextual and structural dimensions that underlie the basic patterns of crime. Therefore the main purpose of chapter five was to talk about the complex variables such as Literacy, Poverty, Marital status, Religion, Age, Sex, Race, and Social class of the participants of crimes and applicability of criminological theories in Sri Lankan context.

The highest proportion of population in related to literacy was 24% people who passed grade 8 and minimum was post graduates 1% of total population of country. When took at crimes and literacy, to traditional crime hypothesis were challenged of findings. In 2012 convicted prisoners were 28,391 among them 2,467 were post graduates. In 2011, two thousand two hundred fifty nine (2,259) were post graduates. In 2013 it increased up to 2,574 according to this statistics in related to 2012, four hundred and fifty seven (437) prisoners were increased, cause for this situation was the deviate the rule and regulation of the establishment cord apart from these were bribes and malpractices were discovered after the political party revolution or change. In Sri Lanka after the political changing these crimes appeared highly. The point of the classical criminalists Southerland, (1940) crimes that done by high class people were not reported. They were deleted from official statistics. However these crimes were considered as unreported crimes. In a systematic study of crimes by corporations, Sutherland presented a formal definition of white-collar crime as “a crime committed by a person of high social status and respectability in the course of his occupation”. In that sense these were white collar crimes. In Sri Lanka, in fact that if not comes new political party to power these crimes would be silence or unreported.

In 2009 total numbers of imprisonment prisoners were 37,872, out of this number 36,590 prisoners were male and it was 96.6% rest of these 3.4% female. In year 2011 full amount was 27,018 prisoners. In related to 2009 it has gone down by 10,854 prisoners. Although the total number of prisoners rate has fallen down, but the number of male prisoners were increased up to 97.1%. While, the number of female crime rate has gone down. In 2013 total number of prisoners was thirty thousand seven hundred and sixty (30,760). 97% represented the male prisoners. 3%
represented the female prisoners. According to this observation was revealed that big gap between the male and female prisoners.

In the year 2012 there were 2,461 legally separated persons imprisoned. They were 19,778 out of total population. People legally separated criminals were 12,443 per 100,000 populations. Divorced persons were the second. Third place was unmarried persons, fourth and fifth were married and widowed persons respectively. According to this analysis legally separated people were always involved in crimes in Sri Lanka. Least persons were widowed.

Muslim community was more attractive for drugs crimes rather both Sinhalese and Tamils. It was observed that 15.9% reported the average of last 12 years and 6.6% was over the percentage of the population. At the same time Malay and Burgher community also crime rate were little higher than the percentage of population. Therefore it revealed that Muslims, Malay and Burger community have involved in drug crimes more than the Sinhalese and Tamils.

The total number of prisoners sentenced to death was 432 in between 2009 to 2013. Out of total was 76.5% Sinhalese. Although the Sinhalese community represented in grave crimes less amount than the population but in related to death sentences crimes was 1.41% little higher than the population. Number of Sri Lankan Tamils sentenced to death was 83. It was 14.7% and 3.55% more than population. Admissions of Muslim prisoners sentenced to death were 7.0% and 2.5% less percentage. According this conveying Muslim community for death sentences crimes were in the low trend compare with Sinhalese and Tamil community in the country.

On the subject of religion, majority was Buddhist. It was 70% of the total population. The average of Buddhist prisoners of last five years was 64% and it was 6% less than the population of Buddhists. Hindus were 12.5% and offenders were 17%, shown 4.5% higher than compare to religion. Islamic of the country was 9.5% and prisoners 11.18%; it was 1.54% higher than religion proportion. Therefore this showed that Hindus and Islamic crimes rate were higher than the religious population percentage while Buddhist showed the lower rate. As a result this study showed that Islamic crimes rate was higher than the religious proportion of population percentage in grave crimes and drugs crime rather Buddhist and Hindus. But, in regards to sentenced to death crimes rate of Buddhist higher than Muslims and Hindus in Sri Lanka community.

There were 58 crimes against person per 100,000 populations in 2007 and it had reduced to 45.4 in 2013. The societies likely in the world, this study showed the huge gap between property and persons crimes in Sri Lanka. This found that due to growth of class disparities. For an instance over 50% yearly admitted prisoners were under poverty line.

The average of convicted prisoners in Sri Lanka was 30,000 per year. The out of total entries of convicted prisoners 50.1% was first offenders and rest of them was remained as reconvicted and recidivists. The average of reconvicted was 28.6% and remains 21.2% was recidivists. In the figure of prison has challenged the deterrence theory hypothesis. The idea is that inflicting severe pain on offenders both reforms those who are punished (specific deterrence) and prevents others from committing crimes (general deterrence) have been futile regarding in the Sri Lankan community. It can be argued with prisoners sentenced to death penalty.

However, since independent of Sri Lanka can be founded more factors affected to social structure. In this sense, owing to social strain theory, social values in point of fact produce deviance in two ways. First, an actor can reject social values and therefore become deviant. Secondly, an actor can accept social values but use deviant means to realize them. As the study discussed above, social structural criminology theories (Conflict theory, Strain/Anomic theory, Social Learning/Different association theory, Social Disorganized theory, and Routine Activities Theory) obviously were reflected socioeconomic structural changes and emerges of crime environment in post independent Sri Lankan community.

The study discovered that the long term crimes trends and highest crime rate fluctuations follow the course of political events in post independent community. Until 1970s the crimes pattern and other crimes remained distinctly an older one except the political incident. It showed that Sri Lankan murders were unpremeditated manifestations of violence in disputes over land, women, or honors due a person. The open economy as key contributory factor to change the countenance of
conventional crime patterns of Sri Lanka. As a result of opening up economy to global had been made huge changes of social structure and people forced to change their cultural goals and means behalf of completion and created anomic environment. Thus the late 70s shows the organized crimes and gang crimes traditions immigrated to Sri Lankan community and it further accelerated by Civil war prevailed last thirty years. Consequently the law and its enforcement agencies were not ready to effectively concurrence unexpected complexities that would come in its wake and formidable challenges. In short further study was revealed that factors like, more suitable targets and fewer capable guardians, Civil war and violence culture (army deserters), Corrupted party politics (issue of arms to politicians and their bodyguards), Modern media and technology, Delay of trial, Widening gap between social class, and Less certainty and severity of punishment have been caused for contemporary crimes trend in Sri Lankan community.

Summary and Recommendations

The long term crimes trends and high rates of crime fluctuate and reflect that they fluctuate in accordance with political upheavals in the country. Crimes related to political activities began to appear after 1970s, and until then the picture of crime in Sri Lanka was very much like any other traditional society. Thus the late 70s showed the beginning of organized crimes and gang crimes, and the crimes related to drugs increased in numbers and reported in various communities after 1980s. The development of the tourist trade, opening of the economy in late 1970s and the civil war that started in early 1980s have contributed to this change in crimes patterns. During the post war period, crimes committed by army deserters have been increased. The factors that have contributed to the new developments in crime rates and patterns include, the civil war, changes in political culture, media, and introduction of new technology. The legal system and its loopholes, postponement of trials, loss of trust in the legal system, the gap between the rich and the poor, urbanization and development of a poor urban class, less certainty and severity of punishment are seen as background factors that contributed to the increased rates of crimes and its new patterns in Sri Lanka.

The study proposes that certainty or risk of penalty of Independent variables which is measured by arrest rate of Sri Lankan community as the proportion of arrested individuals prosecuted was high in the community while severity was maximum sentence provided by law (e.g., Sentenced to death, or capital punishment), proportion of convicted offenders sentenced to prison. Official crime rate known to Department of Police and Department of Prison had been increased. Criminological research over several decades and in various nations generally had been concluded that enhancing the certainty of punishment produces a stronger deterrent effect than increasing the severity of punishment. But case studies of convicted prisoners and recidivists increments have been proved that the necessity of enhancing Certainty and Severity of punishment in Sri Lankan community while using Interventionist and counseling methods to curb crimes for the betterment of entire community in future.

References


