Q # 02: Define crime and tort, and difference between tort and crime. Also explain the essentials and types of crime.

1) INTRODUCTION
   - There are several connections between tort and crime, they are merged with each other but still have a lot of differences in between. Whereas crime is a violation of rights of the people of the society, in which accused is liable for punishment against his commit under Pakistan penal code. Tort is a violation of some civil duty. A tort is a civil wrong committed by one party against other party, in which the injured party can take legal action for recovery of damages.

2) MEANING OF CRIME
   - Crime means, every offence which is punishable by law.

3) DEFINITION OF CRIME
   - Crime is an act which violates the public rights which have been legally recognized by the state and are punishable under the law.

4) MEANING OF TORT
   - The word tort has been derived from Latin word “Tortum” which means “to conduct”

   ➢ Oxford Dictionary meaning
     Tort is a private or civil wrong

5) DEFINITION OF TORT
   - A tort is an act which injures someone in some way and after getting injury the injured person can take legal action against wrong doer for recovery of damages.

6) DIFFERENCE BETWEEN TORT AND CRIME
   Following are the differences between law of tort and criminal law. Details are as under

1. As to parties
   - In law of tort, parties are known as plaintiff and defendant
   - In criminal law, parties are knows as state and accused

2. As to punishment
   - In tort, tortfeasor has to pay damages
   - In criminal law, criminal are sent to prison
3. As to procedure
   - In tort, proceedings are regulated by civil procedure
   - In criminal law, proceedings are regulated by criminal procedure

4. As to intention
   - Intention is not relevant in tortious act
   - Intention is the crux of the case in criminal act

5. As to defense
   - Necessity is a defense in tortious act
   - Necessity is not a defense in criminal act

6. As to compromise
   - In tort, compromise is permissible
   - In criminal law, compromise is not permissible

7. As to prosecution
   - In law of tort, legal action is taken by injured person
   - In criminal act, legal action is taken by state

8. As to codification
   - Law of tort is not codified
   - Criminal law is codified in Pakistan penal code

9. As to position of minor
   - In tort, minor is liable for tortious act
   - In criminal act, minor is not liable for criminal act who is under seven year

10. As to wrong doer
    - Wrongdoer is called tort feasor
    - Wrongdoer is called accused

11. Nature of right violated
    - Tort is violation of rights of individuals
    - Crime is violation of rights of whole public

12. As to role of state
    - In tort state only provides a machinery of justice
    - In crime, state has to play a significant role
7) ESSENTIALS OF CRIME

Following are the essentials of crime. Details are given as under.

1. Human being
   - The first and most important essential of a crime is that the act must be committed by a human being who:
     - Is being capable to commit a crime
     - Has attained the age of majority
     - Is not lunatic

   Section 11 of PPC provide that the word person includes a company or association or a body of a person whether corporated or not

2. Mens rea
   - The second important essential of a crime is mens rea or mental intention. There is no liability of a crime upon accused until he has no mental intention to commit a crime. Even in strict or absolute liability some mental elements are required. That’s why mens rea is a basic principle to held liable under the Pakistan penal code
   - Mens rea is the Latin term which is used to describe a mental intension of the criminal for the commission of unlawful act. In order to establish liability the lawyers will have to prove the mental intention of the criminal behind the unlawful act. Qatal-e- Amd is a situation of mens rea in his nature

3. Actus reus
   - The third important essential of a crime is actus reus. Unlawful commission or omission is actus reus which is a physical practice of the accused. It is said that actus reus has its roots in mens rea mean once an accused decides to commit or omit something wrong which is his mental intention, while the actus reus is the reaction of his mental intention
   - Actus reus is the Latin term which is used to describe a physical activity that harms another. In order to establish liability the lawyers will have to prove that the criminal was responsible for the act

4. Injury
   - The basis essential of a crime is an injury which show that there has been a crime committed against which injury made, there are several types of injury such as mental torture, loss of safety, reputation hurting or property loss as well as violation of private and public rights also are caused by tortious act. Injury includes all loses which produces after the commission or omission of a criminal act.
8) OBJECTIVES OF CRIMINAL LAW
Following are the objectives of the criminal law:

- The purpose or objectives of criminal law is the protection of the rights of persons, right of property and right of reputation are included in this law.
- The primary objective of the criminal law is to punish the accused against the violation of public and private rights legally recognized.
- The third objective of criminal law is to stop those who intentionally or negligently violates the right of others.

9) TYPES OF CRIMES IN PAKISTAN
Following are the types of crime in Pakistan which are punishable under the Pakistan penal code:

1) Murder
2) Rape
3) Robbery
4) Theft
5) Undue influence
6) Corruption
7) Cyber crime
8) Human trafficking
9) Attempt to suicide

10) INTRODUCTION
A tort is a civil injury and in tort, wrong doer is liable to pay compensation while crime is a violation of rights of public which has been legally recognized, in which accused is punished by state and crimes are not compromisable but tort is compromisable. The difference between the criminal and civil wrong depends upon the nature of remedy provided by the law.