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Assignment: Jurisprudence

Topic 1: Difference between Motive and Intention

In Jurisprudence, understanding the distinction between _intention_ and _motive_ is crucial for analyzing _Mens Rea_ — the mental element of crime.

1. Intention

- *Definition*: According to Salmond, intention is "the purpose or design with which an act is done." It is the foresight and desire that a particular consequence will follow from one's act.

- *Types*:

  1. *Direct Intention*: The consequence is the actual aim. Example: Shooting a person to kill him.

  2. *Oblique/Indirect Intention*: The consequence is not the main aim but is foreseen as a virtual certainty. Example: Planting a bomb on a plane to destroy cargo, knowing passengers will certainly die.

- *Legal Importance*: Intention is an essential element of most crimes. It forms the basis of criminal liability under statutes like PPC Sections 34, 35, 299, 300.

- *Legal Test*: Desire for the consequence OR foresight of the consequence as a virtual certainty.

2. Motive

- *Definition*: Bentham called motive the "spring of action" — the reason that prompts a person to form an intention. It is the ulterior objective behind the act.

- *Types*: Motive can be good or bad, but law generally disregards it.

- *Legal Importance*: *Motive is irrelevant to criminal liability*. You cannot be acquitted just because you had a good motive, nor convicted just because you had a bad one. However, motive has evidential value and can affect sentencing.

- *Legal Maxim*: “Motive is immaterial to criminality but relevant to evidence.”

3. Key Differences

Aspect **Intention** **Motive**

Meaning What was meant to be done Why it was done

Relation Connected to the act & its consequence Connected to the reason behind the act

Stage of Mind Final stage of mental process Starting point of mental process

Legal Relevance Essential element of crime Not essential for liability

Focus of Law Law punishes based on intention Law is generally unconcerned with motive

Example Intention to cause death Motive of revenge or financial gain

Judgment Judged legally Judged morally

4. Views of Jurists

1. *Salmond*: “Intention indicates the state of mind of a man who not only foresees but also desires the consequences. Motive is the ulterior intent.”

2. *Austin*: Intention is the immediate aim of the act; motive is the remote aim.

3. *Stephen*: “Intention has regard to the act, motive to the reason for the act.”

5. Important Case Law

1. *R v. Steane KB 997*: Defendant assisted enemy under duress. His motive was to save family, but intention to assist enemy existed. Held liable. Proves good motive ≠ defense.

2. *Chandler v. DPP AC 763*: Protesters entered airfield with motive to promote peace, but had intention to trespass. Conviction upheld.

3. *Khair Muhammad v. State PLD 1953 FC 56*: Pakistani case holding that motive may help assess credibility, but conviction rests on intention.[1947][1964]

6. Conclusion

Intention determines *criminal liability* — whether a crime was committed. Motive determines *moral blameworthiness* and may influence sentencing, but it cannot create or negate liability. The law punishes the _intentional doing of a prohibited act_, not the reason behind it.

Suggested Assignment Structure:

1. *Introduction*: Concept of Mens Rea in Jurisprudence
2. *Definition of Intention* with juristic views
3. *Definition of Motive* with juristic views
4. *Distinction* in tabular form with examples
5. *Relevant Case Law* - English & Pakistani
6. *Conclusion*: Significance of the distinction in criminal law