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TRANQUILITY OFVICTIMS OF ECONOMIC CRIMES IN THE INDIAN CRIMINAL JUSTICE SYSTEM \* Dr. Syed Umarhathab & \*\* E. EnanalapPeriyar  AbstractIn recent times economic crimes are showingan increasing trend in India; more serious is the number of victims affectedand their position in Criminal Justice (Wemmers, 1996). Ina row, several economics crimes are reported and most remains unreported whichranges from fraud, corruption, scams or confidencetricks, tax evasion, bribery, embezzlement, identity theft, money laundering, and forgery and counterfeiting, including the production of counterfeit money, until cyber-crimes.

Now there arises a question whether to address thereported or the unreported. An infinite number of economic crimes in India arestill unreported believing that it will bring some negative implications to thevictims. The law enforcement remains unaccountable in several cases becausethey are ill-equipped, under strength and less updated.

These crimes can be witnessedfrom pawn brokering until higher order of Indian administration one recentevent in our city self-immolation of 4 victims including 2 kids out of loansharking. The recent being in administration, Income tax raid in premises of PrincipalSecretary to the Government of Tamil Nadu is typical example. Ill owned moneywill of culprits will be added to treasury of the government while victims willnever be address, identified or judiciary will not even bother to listen to victimswho were abused and made silent by this higher order officers. This paper willaddress the nuances in addressing the silent victims of economic crimes underIndian Criminal Justice System.  ————————————————————————————————————Key words: Silent Victim(s), Victimizations, EconomicCrimes, CounterAgencies, Equipping the Investigating Agencies and Governing Regulations. \* &\*\* Assistant Professor, Department of Criminology and Criminal Justice, Manonmaniam Sundaranar University, Tirunelveli, Tamil Nadu, India. Email: [email protected]

com.  IntroductionThe bot offences have increased in several folds compared to thatof bot less. In India, Economic Offences have been incepted since timesimmemorial, but remained dormant until the beginning of World War II (Wadia, n. d.

) and there on it is has been part oflife. Be it recognized or unrecognized these crime will never be emitted frompublic life. Ever since the mid-until end of 20th century people areused to it.

With development in the field of science and technology; simultaneously industry and commerce have also speeded the wings of economicrevolution all over the world. Since the early 90’s India has witnessed a spateof major scams in different sectors of the economy (Kumawat, 2011). Therefore, high ethical standards and moral values were discarded in favour of power, money and material things (Barners & Teeters, 1966).  From the beginning of the year 2000, economic crimes remainuntamed in India is evident from large frauds that were experienced by thecountry during the years 2005- 2007 as reported (Puri, 2007); especially afterdemonetization this circumstances have made the environment more conducive forthe monstrous growth of the newer form of criminality, particularly indeveloping countries like India. Non-representation of victims has made more conveneattitude for abusers (Wemmers, 1996). Hence, anti-social elements actively involved in economicscrimes via frauds, tax-evasion, corruption, adulteration of food stuffs, misappropriation and misrepresentations, frauds using cyber space are now carriedon a large scale by the persons of upper and middle socio-economic class in thecourse of their trade, commerce, industry and other professions as well. Hence, this paper will restrict only with Victims of White Collar Crimes, Socio-economic Crimes and Frauds in Cyber Space.

Eventually, the contemporary Indian system use the policy ofLaissez-faire or non-interference of the State in the material pursuits of theindividuals and associations creates an atmosphere of extreme businesscompetitiveness for monopolistic advantages; which resulted in the multiplicityof the socio-economic offences beyond recognition (PricewaterhouseCoopers, 2015), posing a big threat to victims and make them more silent during and aftervictimization (Wemmers, 1996). Forms ofEconomic Offences under Indian LegalSystemAccording to report of the NationalCrimes Records Bureau 2015, chapter 9, the reported Economic offences form aseparate category of crimes under criminal offences as below. As per the dataof Crimes in India, 2015 there are only 24 classification, legislations andagencies dealing with economic crimes. The following table gives the list ofcrimes.   Table 1 Economic Crime, Acts/ Legislationsand agencies dealing with it  S. No.

Economic crimes/ offences Acts / Legislation Enforcement Authorities 1 Tax evasion Income Tax Act Central Board of Direct Taxes 2 Illicit trafficking in contraband goods (smuggling) Customs Act 1962 COFEPOSA, 1974 Collectors of Customs 3 Evasion of Excise Duty Central Excise Act, 1944 Collectors of Central Excise 4 Cultural object’s theft Antiquity and Art Treasures Act, 1972 Police/State CB-CID/CBI 5 Money laundering Foreign Exchange Regulations Act, 1973; Money Laundering Act, 2002 Directorate of Enforcement 6 Foreign contribution manipulations Foreign Contribution (Regulation) Act, 1976; Police/CBI 7 Land grabbing/Real estate frauds IPC Police/State CB-CID/CBI 8 Trade in human body parts Transplantation of Human Organs Act, 1994 Police/State CB-CID/CBI 9 Illicit drug trafficking Narcotic Drugs and Psychotropic Substances Act 1985 & NDPS Act, 1988 NCB/ Police/State CB-CID/CBI 10 Fraudulent bankruptcy Banking Regulation Act, 1949 Police, CBI 11 Corruption and bribery of public servants Prevention of Corruption Act, 1988 CBI/ State/Anti Corruption / Vigilance Bureaux 12 Bank frauds IPC Police/State Vigilance/CB-CID/CBI 13 Insurance frauds IPC Police/State Vigilance/CB-CID/CBI 14 Racketeering in employment IPC Police/State CB-CID/CBI 15 Illegal foreign trade Import & Export (Control) Act, 1947 Directorate General of Foreign Trade/CBI 16 Racketeering in false travel documents Passport Act, 1920/IPC Police/State CB-CID/CBI 17 Credit cards fraud IPC Police/State CB-CID/CBI 18 Terrorist activities IPC & related Acts Police/State CB-CID/CBI 19 Illicit trafficking in arms Arms Act, 1959 Police/State CB-CID/CBI 20 Illicit trafficking in explosives Explosives Act, 1884 & Explosive Substances Act, 1908 Police/State CB-CID/CBI 21 Theft of intellectual property Copyright Act, 1957 (Amendments 1984 & 1994) Police/State CB-CID/CBI 22 Computer crime/software piracy Copyright Act, 1957/I. T. Act, 2000 Police/State CB-CID/CBI 23 Stock market manipulations IPC Police/State CB-CID/CBI 24 Company frauds Companies Act, 1956/IPC MRTP Act, 1968 Police/CBI/SFIO Source: Crimes inIndia, 2015 p 123. While thenumber of victims of economic crimes is staggering (Amarnathan, 1998), only under the headfraud we can identify following offences in common, namely Theft of a vehicle, Suspicious online behaviour with or towards achild, Online hate or bullying crime, material ormessages, Counterfeit medicine ormedical devices available to purchase online, Business or personaltax frauds or a related Revenue and Customs matter, or Immigration fraud.

Accordingto asurvey by one India (2007) nearly 35 percent of the organisations surveyed in the country have reported that they werevictims of some form of economic crime in the past two years. While GlobalEconomic Crime Survey (2016) accounted 54 per cent of Indian organisationsreported suffering from economic crime. The cost of economic crime in India issignificant, which is also evident from some of the large frauds experienced bythe country. In another biennial survey covered 152 organisations in India andover 5, 400 globally and was conducted in association with Germany’sMartin-Luther University. White Collar Crimes These crimes are taken lightly by the criminal justice system aslaws does not prescribe deterrent punishment to these crime. Most of the timepunishment is mere a transfer from one office to another (district) called RDA-Regular Department Action. This concept is obsolete because the ultimate aim ofpublic service is diminished by RDA rather corrupt public servant or any other involvingin white collar crime during the course of occupation should be chucked outfrom the service and labeled or demarked as blacklisted for public services.

The comments of the 47th report of the Law Commission of Indiaconfirms it” White-collar crime, onemay, describe it as committed in the course of one’s occupation by a member ofthe upper class of society, A manufacturer of drugs who deliberately suppliessubstandard drugs is, for example, a white collar criminal. So is if a bigcorporation guilty of fraudulent evasion of tax. A person who illegallysmuggles (for his personal use) costly television sets, is not a white-collarcriminal in the above sense, there being no connection between his occupationand the crime committed by him. Nor is the pensioner who submits a false returnof income. But all of them are guilty of socio-economic offences which affectthe health or material welfare of the community as a whole, and not merely theindividual victim.

Similarly, economic offences are those which affect the country’seconomy and not merely the wealth of an individual victim (Law Commission of India, 47thReport, p 4, 1972). In a white collar crime the victims areconsidered mere as a whistle blower rather no reparation is available to them. Thismove strategically mutes the victim in criminal justice system as well judiciaryis even unaware of the needs of these victims.  Socio-Economic Crimes Socio-economic offences shouldn’t necessarily be committed inconnection of one’s occupation. Newman (1958) writes in white collar crimenexus between the offending act and occupation should be established, whereasin socio-economic offences there is no such requirement. What is required isthat the offence should be committed against either or both the health ormaterial welfare of the community or against the economic interest of thecountry in question and in both cases the individual victim is not in issue, but that of the community or society at large (Sutherland, 1949). Nor is thestatus of the tort-feassor. Here the justice system would be interested inputting the system on place rather than listening to the victims and thedamages undergone.

Finally, the victims remains neglect and hushed.  FraudsIn India, this crimes are categorized under cheque fraud, creditcard fraud, mortgage fraud, medical fraud, corporate fraud, securities fraud(including insider trading), criminal misappropriation, payment (point of sale)fraud, health-care fraud among these Frauds using cyber space remains mostunreported as victim are unaware until a huge loss. Following assetmisappropriation and corruption, online fraud 3rd most prevalent economic crimein India was reported by (Roy, 2011) on her survey. With the increasing use ofsocial media and personal devices in the workplace, cybercrime is now the thirdmost prevalent economic crime in India.

These crimes are peculiar because theconceptual understanding of the victims is more unclear, invoking the need fordefinitions of the victims of frauds and cybercrimes. Sometime it is fraudster endureas victims, most of the times it is public and in few cases bank as a partyremains the victims.   Victims Situation in Indian Criminal JusticeOver time, professionalsin the criminal justice system realized the needs of the victims especially theloss due to economic crimes. Every victim is in of need of information aboutrights, remedies, the criminal justice process, and legal advocacy to symbolizea protection from further harm.

Hence, victim requires a practical assistanceand referrals and seeks support of agencies for short- and long-term problemsstemming from the crime, such as mental health counseling, financial help andcompensation or restitution. Most importantly, each victim wants to see if justicedone and offenders held accountable.  However, the situationin India has unwarranted any attention to victims rather criminal justicesystem is interested in punishing the offenders or defaulters, while victimsare still on a spate. Recognizing the needs of economic crime victims, andother components of the criminal justice system have made efforts to providemore services and resources to this traditionally underserved victimpopulation. Average cost to manage economic crime in India is close to doubleas compared to global averages (Puri, 2007).

While criminal justice seldom refer the victims any reparation. Inmost of the cases victim remains unaware until a huge loss especially withreference to cybercrimes. Victim conditions are more pathetic than in any othercrime in India. Most of the victims are not sure of whether to approach thelegal system to restitute or expenditure will run over the cost of loss. Mostlythey reprieve just by making it fault of them unless it is larger loss. Thecriminal justice system does not address victims at large rather make themhostile. Many times the victims turn hostile because they have to spend moretime and huge sum towards defending their cases during their regular routine.

Even during and after the successful defense there is always a chance of appealby the other party which will prolong the case until victim turns hostile.     ConclusionTo ensure development ofan effective and sensitive response to the concerns, needs, and issues ofeconomic crime victims, Reserve Bank of India was keen in bring a moreknowledge based report on victims of Economic crimes. A committee was formedand named as Mitra Committee, 2001.

The Reserve Bank of India prefaced itsreport by admitting the fact that criminal jurisprudence in the country basedon “ proof beyond doubt” was too weak an instrument to control bank frauds. Thecommittee contended that “ Financial fraud is not an offence in spite of thefact that the banks and financial institutions suffer heavily in fraudscommitted by the borrowers, more often than not, in collusion with theemployees of the banks and financial institutions…. The situation is becomingexplosive and can lead to anarchy at any time unless the scams are legallycontained”.

While victims were not properly covered and no just was reprovedfrom the report. India needs more agencies to support the Victims of Economic Crimes and reduce the burden of reporting andadvice government in proper modality to dispense these cases with concern forvictims. This should group raise questions and submitted findings that will becomethe basis for the training ideas, promising practices, recommendations, andaction plan presented in to restitute and compensate the victims of economiccrimes.              References Amarnathan, L. C. (1998). Economic Crime in India. Resource MaterialSeries No.

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