

Tranquility paper will address the nuances in addressing

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TRANQUILITY OF VICTIMS OF ECONOMIC CRIMES IN THE INDIAN CRIMINAL JUSTICE SYSTEM * Dr. Syed Umarhathab & ** E. EnanalapPeriyar Abstract In recent times economic crimes are showing an increasing trend in India; more serious is the number of victims affected and their position in Criminal Justice (Wemmers, 1996). In a row, several economic crimes are reported and most remains unreported which ranges from fraud, corruption, scams or confidence tricks, 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 the reported or the unreported. An infinite number of economic crimes in India are still unreported believing that it will bring some negative implications to the victims. The law enforcement remains unaccountable in several cases because they are ill-equipped, under strength and less updated.

These crimes can be witnessed from pawn brokering until higher order of Indian administration one recent event in our city self-immolation of 4 victims including 2 kids out of loan sharking. The recent being in administration, Income tax raid in premises of Principal Secretary to the Government of Tamil Nadu is typical example. Ill owned money will of culprits will be added to treasury of the government while victims will never be addressed, identified or judiciary will not even bother to listen to victims who were abused and made silent by this higher order officers. This paper will address the nuances in addressing the silent victims of economic crimes under Indian Criminal Justice System.

Key words: Silent Victim(s), Victimizations, Economic Crimes, Counter Agencies, Equipping the Investigating Agencies and Governing Regulations. * & ** Assistant Professor, Department of Criminology and Criminal Justice, Manonmaniam Sundaranar University, Tirunelveli, Tamil Nadu, India. Email:

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

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

With development in the field of science and technology; simultaneously industry and commerce have also speeded the wings of economic revolution all over the world. Since the early 90's India has witnessed a spate of 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 remain untamed in India is evident from large frauds that were experienced by the country during the years 2005-2007 as reported (Puri, 2007); especially after demonetization this circumstances have made the environment more conducive for the

monstrous growth of the newer form of criminality, particularly in developing countries like India. Non-representation of victims has made more convenient attitude for abusers (Wemmers, 1996). Hence, anti-social elements actively involved in economic crimes via frauds, tax-evasion, corruption, adulteration of food stuffs, misappropriation and misrepresentations, frauds using cyber space are now carried on a large scale by the persons of upper and middle socio-economic class in the course 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 of Laissez-faire or non-interference of the State in the material pursuits of the individuals and associations creates an atmosphere of extreme business competitiveness for monopolistic advantages; which resulted in the multiplicity of the socio-economic offences beyond recognition (PricewaterhouseCoopers, 2015), posing a big threat to victims and make them more silent during and after victimization (Wemmers, 1996). Forms of Economic Offences under Indian Legal System According to report of the National Crimes Records Bureau 2015, chapter 9, the reported Economic offences form a separate category of crimes under criminal offences as below. As per the data of Crimes in India, 2015 there are only 24 classification, legislations and agencies dealing with economic crimes. The following table gives the list of crimes. Table 1 Economic Crime, Acts/ Legislations and 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 in India, 2015 p 123. While the number of victims of economic crimes is staggering (Amarnathan, 1998), only under the head fraud we can identify following offences in common, namely Theft of a vehicle, Suspicious online behaviour with or towards a child, Online hate or bullying crime, material or messages, Counterfeit medicine or medical devices available to purchase online, Business or personal tax frauds or a related Revenue and Customs matter, or Immigration fraud.

According to a survey by one India (2007) nearly 35 percent of the organisations surveyed in the country have reported that they were victims of some form of economic crime in the past two years. While Global Economic Crime Survey (2016) accounted 54 per cent of Indian organisations reported suffering from economic crime. The cost of economic crime in India is significant, which is also evident from some of the large frauds experienced by the country. In another biennial survey covered 152 organisations in India and over 5, 400 globally and was conducted in association with Germany's Martin-Luther University. White Collar Crimes These crimes are taken lightly by the criminal justice system as laws does not prescribe deterrent punishment to these crime. Most of the time punishment is mere a transfer from one office to another (district) called RDA-Regular Department Action. This concept is obsolete because the ultimate aim of public service is

diminished by RDA rather corrupt public servant or any other involving in white collar crime during the course of occupation should be chucked out from the service and labeled or demarked as blacklisted for public services.

The comments of the 47th report of the Law Commission of India confirms it” White-collar crime, one may, describe it as committed in the course of one’s occupation by a member of the upper class of society, A manufacturer of drugs who deliberately supplies substandard drugs is, for example, a white collar criminal. So is if a big corporation guilty of fraudulent evasion of tax. A person who illegally smuggles (for his personal use) costly television sets, is not a white-collar criminal in the above sense, there being no connection between his occupation and the crime committed by him. Nor is the pensioner who submits a false return of income. But all of them are guilty of socio-economic offences which affect the health or material welfare of the community as a whole, and not merely the individual victim.

Similarly, economic offences are those which affect the country’s economy and not merely the wealth of an individual victim (Law Commission of India, 47th Report, p 4, 1972). In a white collar crime the victims are considered mere as a whistle blower rather no reparation is available to them. This move strategically mutes the victim in criminal justice system as well judiciary is even unaware of the needs of these victims. Socio-Economic Crimes Socio-economic offences shouldn’t necessarily be committed in connection of one’s occupation. Newman (1958) writes in white collar crime nexus between the offending act and occupation should be established, whereas in socio-

economic offences there is no such requirement. What is required is that the offence should be committed against either or both the health or material welfare of the community or against the economic interest of the country 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 the status of the tort-feasor. Here the justice system would be interested in putting the system on place rather than listening to the victims and the damages undergone.

Finally, the victims remains neglect and hushed. Frauds In 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 crime in India was reported by (Roy, 2011) on her survey. With the increasing use of social media and personal devices in the workplace, cybercrime is now the thirdmost prevalent economic crime in India.

These crimes are peculiar because the conceptual understanding of the victims is more unclear, invoking the need for definitions of the victims of frauds and cybercrimes. Sometime it is fraudster endures victims, most of the times it is public and in few cases bank as a party remains the victims. Victims Situation in Indian Criminal Justice Over time, professionals in the criminal justice system realized the needs of the victims especially the loss

due to economic crimes. Every victim is in need of information about rights, remedies, the criminal justice process, and legal advocacy to symbolize a protection from further harm.

Hence, victim requires a practical assistance and referrals and seeks support of agencies for short- and long-term problems stemming from the crime, such as mental health counseling, financial help and compensation or restitution. Most importantly, each victim wants to see if justice done and offenders held accountable. However, the situation in India has unwarranted any attention to victims rather criminal justice system is interested in punishing the offenders or defaulters, while victims are still on a state. Recognizing the needs of economic crime victims, and other components of the criminal justice system have made efforts to provide more services and resources to this traditionally underserved victim population. Average cost to manage economic crime in India is close to double as compared to global averages (Puri, 2007).

While criminal justice seldom refer the victims any reparation. In most of the cases victim remains unaware until a huge loss especially with reference to cybercrimes. Victim conditions are more pathetic than in any other crime in India. Most of the victims are not sure of whether to approach the legal system to retribute or expenditure will run over the cost of loss. Mostly they relieve just by making it fault of them unless it is larger loss. The criminal justice system does not address victims at large rather make them hostile. Many times the victims turn hostile because they have to spend more time and huge sum towards defending their cases during their regular routine.

Even during and after the successful defense there is always a chance of appeal by the other party which will prolong the case until victim turns hostile. Conclusion To ensure development of an effective and sensitive response to the concerns, needs, and issues of economic crime victims, Reserve Bank of India was keen to bring a more knowledge based report on victims of Economic crimes. A committee was formed and named as Mitra Committee, 2001.

The Reserve Bank of India prefaced its report by admitting the fact that criminal jurisprudence in the country based on “proof beyond doubt” was too weak an instrument to control bank frauds. The committee contended that “Financial fraud is not an offence in spite of the fact that the banks and financial institutions suffer heavily in frauds committed by the borrowers, more often than not, in collusion with the employees of the banks and financial institutions.... The situation is becoming explosive and can lead to anarchy at any time unless the scams are legally contained”.

While victims were not properly covered and no just was re proved from the report. India needs more agencies to support the Victims of Economic Crimes and reduce the burden of reporting and advice government in proper modality to dispense these cases with concern for victims. This should group raise questions and submitted findings that will become the basis for the training ideas, promising practices, recommendations, and action plan presented in to retribute and compensate the victims of economic crimes. References Amarnathan, L. C. (1998). Economic Crime in India. Resource Material Series No.

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