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## **Indian Approaches to Socio-Economic Offence**

The relationship between economy and crime is inverse, that is when economic conditions are favorable, the incidence of crime is comparatively low but in times of economic depression criminality records an upward trend. The relationship between economic structure and crime is direct and positive; that is to say, criminality being an extension of normal economic activity, increases or decreases with the rise or fall in economy. Co-relation between crime rate and poverty indicates that, crime is associated with areas of poverty because of their adverse living conditions and unfavorable circumstances and lack of resources. However, poverty may be attributed as a cause of property related crimes only and it has no significant correlation with crime relating to person or reputation.

In the prevailing Indian scenario, it is a dichotomy that the civil society as also the political leadership and people's representatives want honesty and transparency in public dealings, while on the other hand, are those who are public servants and powers holding political or administrative power are swindling the public exchequer and extorting money from public in the name of governance. The corrupt big-wigs involved in big financial frauds and scams for acquiring illegal wealth accused of serious crimes like criminal misappropriation, criminal breach of trust, perjury, cheating, criminal conspiracy, forgery and various other kinds of law violations far from being sullied for their crimes against society, continue their active public life as a respectable gentleman.

The effect of modernization and excessive materialism has changed the very concept of crime. Therefore, there is greater influx of socio-economic crime in the present time. They

include tax evasion, hoarding, black-marketing, violation of FERA,) MRTP Act (now the Competition Act, 2002), financial scams. adulteration, etc. The cybercrimes have added new dimensions to white collar criminality in the computer age of 21st Century. The reformative measures have failed to tackle these non-traditional offences effectively and social legislations have not been able to prevent these crimes due to their ineffective enforcement. It is, therefore, necessary that with the changing patterns of criminal behavior, more stringent laws should be enacted to bring socio-economic crimes under control. Despite COFEPOSA and FERA regulations in force for several years in India, there has not been any significant change in the crime index relating to smuggling and foreign exchange violations which are adversely affecting the Indian economy. The criminal law enforcement agencies should, therefore, initiate drastic measures to curb this menace.

The relevancy of poverty to crime is sufficiently highlighted though some of the judicial decisions herein the accused were compelled to commit gruesome murder under pressure of extreme poverty. Thus, in *In re Maragatham*, AIR 1961 Mad 498, the accused were husband and wife who were starving for about ten days without any food or work for their subsistence. Therefore, they decided to put an end to their lives along with their one-and-a-half-month-old female infant. They tied themselves together with a rope and jumped into a well. They were, however, rescued but unfortunately the infant was drowned. They were convicted of attempt to murder of their infant child and committing suicide under Section 307 read with Sections 34 and 309 of the Indian Penal Code.

Judiciary's deeper concern for the poorer sections of the society who suffer more within our legal system than others, was once again reflected in the case of *BavadasBowri v. State of Assam*, (1982) Cr. L.J. 213 (Gau.), in this case, the appellant, who was an indigent and disabled

man belonging to a backward class was convicted of murder under section 302 of I.P.C. and was sentenced to imprisonment for life. In the exercise of his right of private defence, he used a pen-knife against strong adversary who was assaulting him with a bamboo stick. It was for this reason that the appellant was forced to fight for his life and the thrust given in these circumstances had caused the death of the assailant.

The High Court of Gauhati accepted the right of private defence of the appellant and observed that the entire case had been conducted sluggishly. "Poor quality of justice dispensed to the poor is a common feature of the judicial administration. Justice Lahiri. inter alia, observed, "a public prosecutor should have the strength not to disown the poor....he must exercise power of withdrawal under Section 321 of Cr.P.C. if he finds that the charges are not genuine. The primary duty and conduct of judiciary is to do justice within the four corners of law... "

### **Sources**

1. Durkheim, Rules of Sociological Method (1930)
- 2 Paul W. Tappan: Crime, Justice and Correction, 1960
3. Elmer Hubert Johnson: Crime, Correction and Society, 1974
4. Francis Allen: Borderland of Criminal Justice, 1964
5. Thorsten Sellin, Culture, Conflict and Crime, 1938
6. N. V. Paranjape: Criminology, Penology Victimology, 2018
7. Ahmad Siddiqui: Criminology & Penology, 2011

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