



DISCUSSING THE CONCEPT OF CRIME AND ITS FEACTURES IN INDIA

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ABSTRACT

The Vedic, Medieval, British, pre-independence, and post-independence eras were each given their own section of the research. Additionally, the author made an effort to pinpoint the main causes of financial crimes. Although numerous studies have been conducted in the past, numerous models have been developed to comprehend the idea of financial crime and corruption. However, new perspectives and paths were explored. Components like power. The following factors were noted: position, opportunity, knowledge, dubiety, willingness, pressure, and predatory character. Although these factors could have been combined, each one has strengths and weaknesses. A primary survey was carried out to complement the literature study and provide justification for the identified criteria. The state's legal provisions were examined to support the research even further and to demonstrate their efficacy. The talks were supported by NCRB data.

Keywords: - Crime, Economy, Financial, Society, Corruption.

I. INTRODUCTION

Tragically, crime and criminals have existed with humans since the dawn of civilisation. Evidence of crime may be traced back to the period when Ravana abducted Sita in order to get revenge on Rama and Laxmana for treating his sister Sarupnakha badly. Similar evidence may be found in other mythical texts. Things like theft, bribery, corruption, and unethical behavior have historical precedent.

Crimes have changed throughout time, and these changes have coincided with the usage and adoption of technological advancement. Modern crimes focus more on psychological harm and monetary harm to both the victims and the economy as a whole than they do on physical harm. Although they are not a recent phenomenon, financial crimes are still discussed and reported on daily. These occasionally affect businesses and organizations, costing them not only money but also their reputation. These businesses constitute the foundation of the nation's economy, thus



these kinds of frauds and crimes may have a significant impact. It has social repercussions in addition to financial ones for the economy.

Bribery, corruption, and fraud all have a negative impact on a nation's ability to prosper economically. If the International Monetary Fund's figures are accurate, corruption has had a significant impact on the development of both undeveloped and emerging nations, and surprisingly, wealthy nations are not any different. Despite being the nation that has been invaded the most times in the world, we, the oldest civilisation, have always lived in peace and harmony because we believe that everyone has the right to life and that everyone should respect and uphold civil rights.

The idea of granting an equal right to every member of the community is the foundation of the civilized society in which we live, but it can only succeed and endure if everyone respects one another's uniqueness. As a consequence of providing individuals with both direct and indirect work that causes money to circulate in the economy, corporate entities' duty grows significantly under this manner of life.

II. Understanding Crime

A crime is any unlawful or criminal behavior that is forbidden by the law. It is referred to as a "Offence" against a person or persons, a state, or a business. Whether the perpetrator is apprehended or not, any act or behavior that violates the law and is regarded as criminal in either situation is referred to as a crime. Regardless matter whether you are caught, hurting children at home is still illegal. It follows that every action that violates the law, whether or not the perpetrator is apprehended, is deemed a crime. If viewed from a psychological perspective, crime is a psychological result of how morality is reflected in the legal system. When a character is defined, it assumes that individuals obey the general laws and keeps an eye on their behavior. Simply said, how a father treats his children, a husband treats his wife, and a son treats his parents may all be regarded examples of behaviors taken by people in accordance with the demands of a civilized society. Acts like murder, rape, theft, and assault may be regarded as terrible crimes if the same considerations must be made. Here, the acts involve causing harm to another person and betraying trust through specific deeds that one person commits against society.

As we go, it becomes clear that the issues about crime are difficult to answer and come with many ifs and buts. Many issues are viewed as crimes in some places but not in others. For instance, smoking marijuana is illegal in some places but not in others. Also, why is alcohol consumption not viewed as a crime while other intoxicants are deemed illegal? Why do governments allow the manufacture of alcohol and cigarettes in the first place and impose taxes



on them if they are not good for your health? These are the items with the highest tax burden in the economy and the state's main income generators. Despite several advertising efforts highlighting the negative consequences of the medications, the government continues to support their manufacturing.

III. Crime its Origin and History

If we examine the origins of crime, the Latin term CERNO, which means "I decide, I give judgment," is where the word crime comes from. Additionally, it has been noted that the word crimen, which means "charge or cry for distress," is where the primary meaning originated. Greek literature has a term called "Krima" that refers to an error of judgment or a crime against society. Despite appearing to be synonyms for the Hindi word "karma," they are unrelated.

If we examine the mythologies of many religions, we find that every religious group has seen sin as a criminal or a crime as a sin. Going far into mythology, Adam and Eve's act of stealing an apple was regarded as the first transgression ever recorded and was deemed a sin. However, as societies' concepts evolved, they produced a number of rules and regulations that were at odds with one another. In certain nations, smoking is illegal, but not in others. In one culture, polygamy is allowed while it is condemned in another. There are several instances in recorded history when behaviors defending one group's culture and beliefs were seen as sinful by another. The first civilization's location and the laws and regulations that gave rise to actions, regulations, and codes are both proven by accessible evidence.

IV. Crime Characteristics

As was previously said, it is impossible to offer a definition of crime in this particular venue. Although it has been covered by a number of Acts and Laws, the Indian Penal Code of 1860 (IPC)'s specific characteristics can help explain it:

1. Intentional Act (Actus Rea)
2. Mental involvement (Mens Rea)
3. Results (Consequences)
4. Prohibited Action
5. Leading to Punishment/ Penalty.

Intentional Act (Actus Rea)



Crime is an act, a deliberate act committed against a person or a group of people. The injury may be financial, physical, mental, or emotional. The perpetrator must aim to bring that crime to light via the act or action. The act that was performed is also taken into consideration, and it is believed that if the act hadn't been performed at the time, the crime wouldn't have occurred. The criminal rules that regulate such deliberate acts include various well-known penalties.

Mental Involvement (Mens Rea)

Mens Rea, or mental action, is the second component of crime. Any crime committed by any offender contains it, whether it is explicitly stated or impliedly implied. A legal adage that reads "actus non facit reum nisi mens sit rea" says that any conduct taken with the intent to harm another person is considered to be unlawful. It simply indicates that the offender's mental condition caused them to do the crime. Mens Rea, the reason for every action, is well understood. It is not illegal to steal someone else's property unintentionally, but it is illegal to steal someone else's property on purpose.

Results (Consequence)

There is always a consequence to the offender's acts. These can be any types of harm, including those that are financial, emotional, mental, or physical. Whether it was done on purpose or accidentally, causing harm to the victim qualifies as a crime.

Prohibited Action

The act or acts took place even though they were against the law and the natural law of the nation.

Leading to Punishment/ Penalties

Depending on the severity of the offence, these actions will be punished if confirmed. These penalties have been established by law and are based on the verdicts of certain individuals. Every offense has a minimum and maximum sentence, which is both stated once the crime has been dealt with. The court listens to both sides as they present the evidence and facts that support their respective claims. This justifies the severity of the penalty.

V. CONCLUSION

The desire to comprehend the idea of financial crimes and how they are committed served as the core foundation for this research. Edwin Sutherland used the phrase "white-collar crimes" for the



first time in 1939, and the actual study wasn't published until 1983 due to the sensitive nature of the subject. Theft (Robbery and burglary), Fraud, Bribery, Corruption, Money Laundering, and Cybercrimes are a few examples of the many sorts of crimes examined under the heading of financial crimes. Financial crimes are not an exception; every crime has consequences when it is done. Financial crimes affect everyone, from the person to the state, however it is important to note that the victims are the individual (taxpayer), employer, businesses, and ultimately the state. It is necessary to complete the circle when the victim is also their perpetrator; in this scenario, the offender may be a person, a corporation, or an organized criminal gang.

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