

APPROACHES TO SOCIO-ECONOMIC OFFENCES IN INDIA

The link between the economy and crime is inverse, which means that while economic conditions are good, the frequency of crime is relatively low, but when economic situations are bad, criminality rises. The link between economic structure and crime is direct and positive; that is, criminality, as an extension of regular economic activity, rises or falls in tandem with economic success or failure. The co-relationship between crime rate and poverty implies that crime is connected with poor regions due to their poor living conditions, harsh situations, and lack of resources.

Even the basic notion of crime has been altered by industrialisation and excessive consumerism. This has led to an increase in socio-economic crime throughout this time period. Financial frauds, tax evasion, and hoarding are among them. As well as other types of adulteration, during the computer era of the 21st century, cybercrimes have brought new aspects to white-collar crime. Social law has not been able to prevent these crimes owing to the inadequate execution of social reformative measures. The shifting patterns of criminal activity make it necessary to implement stricter legislation to combat socio-economic crimes. COFEPOSA and FERA rules have been in place in India for several years, but the crime index about smuggling and foreign exchange breaches, which are negatively impacting the Indian economy, has not changed much. The criminal law enforcement agencies should, therefore, initiate drastic measures to curb this menace.

Laws to combat socio-economic offences in India

Several Acts dealing with socio-economic offences were established to punish offenders. Furthermore, these Acts are formed to preserve the normal operations of commerce, contracts, and so on, and to allow them to take place without or with the least amount of malpractices. Among these Acts are:

1. The Drugs and Cosmetic Act, 1940
2. The Prevention of Food Adulteration Act, 1954
3. The Foreign Exchange Regulation Act, 1947
4. The Wealth Tax Act, 1957
5. The Income- Tax Act, 1961
6. The Essential Commodities Act, 1955

7. The Customs Act, 1962 8. Dowry Prohibition Act, 1961

8. The Prevention of Corruption Act, 1988, etc.

Mens rea in socio-economic offences

The Indian approach to the problem suffers from the same inconsistencies as the English technique, because our criminal code is based on common law and is constantly supplemented with common law principles. The Indian Penal Code includes offences for which no element of mens rea is required (waging war against the government is an example). Even in such cases, courts have adopted the mens rea doctrine. The majority of enactments focus their attention on the acts themselves, regardless of the mental goal. This is one of the reasons why some people refuse to call it a 'crime,' because it does not punish a guilty mentality. Many attempts have been made to distinguish this category of offences from those involving apparent criminality. Such efforts culminated in the categorization of these offences as "administrative penal law" and "public welfare offences."

Economic resource restrictions in a growing country like India have required the imposition of some social regulations to achieve planned growth (licensing, regulation, distribution of scarce commodities, etc. To some extent, strict accountability for establishing norms of behaviour is required. This is due to the goal of public welfare. Is it, however, always justified? It should be remembered that we are talking about the criminalisation of productive social and economic behaviour.

The common law mens rea requirement is a remnant of common law. As a result of this, the concept is not often followed in common law (like public nuisance, contempt of court, and libel). Because of this, the decision was justifiable.

- It was sometimes difficult to show mens rea,
- It was necessary to give the conduct a purposeful interpretation since they were penalised under social assistance laws,
- As a result of this, the punishment is typically low,
- They are mala prohibita offences and not mala in se offences.

Difference between socio-economic offences and white-collar crime

White-collar crimes are those perpetrated by a person in the course of his or her employment who belongs to the top class of society. It is a narrower idea as compared to socio-economic offences. Examples of white-collar crimes include multinational corporation tax evasion, the selling of substandard medications by a well-known manufacturer, and so on. All

of these offences are also classified as socio-economic crimes. False return by a retiree, on the other hand, cannot be deemed a white-collar crime unless done by a member of the upper-class society. As a result, all white-collar crimes can be socio-economic offences, but not all socio-economic offences can be classified as white-collar crimes.