

Crime in India

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1. White-collar crime, economic offences and corruption
2. Organised crime, terrorism and cyber crime
3. Crime in India: NCRB patterns and trends, crimes against women and children, victimology and compensation

1 White-collar crime, economic offences and corruption

Edwin Sutherland (1939) named white-collar crime: crime by a person of respectability and high social status in the course of his occupation; India treats such acts as economic (socio-economic) offences, and fights corruption through the Santhanam Committee's legacy (CVC, 1964), the Prevention of Corruption Act, 1988 (amended 2018), election law (RPA 1951, section 123), PMLA 2002 and the UN Convention against Corruption (in force 14 December 2005).

Core facts

- **White-collar crime:** term coined by **Edwin H. Sutherland** in his presidential address to the American Sociological Society, **December 1939**; book *White Collar Crime*, **1949**.
- **Sutherland's definition** (in substance): a crime committed by a person of **respectability and high social status** in the course of his **occupation**.
- **Sutherland's study:** the **70 largest US corporations** had **980** adverse legal decisions against them (about 14 each).
- **Blue-collar crime:** ordinary crime by working-class people (theft, burglary, assault).
- **Santhanam Committee** on Prevention of Corruption: appointed **1962**, chaired by **K. Santhanam** (MP); report **1964**. (Asked in 2023.)
- **Central Vigilance Commission:** set up in **February 1964** on Santhanam's advice; statutory under the **CVC Act, 2003** (see POL-NB-04).
- **Prevention of Corruption Act:** first **1947**; now **1988** (in force 9 September 1988); major amendment **2018** (in force **26 July 2018**).
- **Lokpal and Lokayuktas Act, 2013** (see POL-NB-05).
- **RPA 1951, section 123:** defines **corrupt practices** at elections. (Asked in 2023.)
- **UNCAC:** adopted by the UN General Assembly on **31 October 2003**; opened for signature at **Merida, Mexico, 9 December 2003**; in force **14 December 2005**. (Asked in 2023.) India ratified it in **May 2011**.
- **9 December:** International Anti-Corruption Day.
- **PMLA:** Prevention of Money-Laundering Act, **2002**; in force **1 July 2005**; enforced by the **Enforcement Directorate (ED)**.
- **Vohra Committee (1993):** nexus between criminals, politicians and officials.
- **Justice V.R. Krishna Iyer** described economic offences as **subtle murders** of the community that sabotage the national economy and must be met with new seriousness. (Asked in 2023.)

Explained

1. White-collar crime

- **Features:** committed in the course of a legitimate job; no violence; breach of **trust**; victims are many, scattered and often unaware; hard to detect and prove; offenders rarely see themselves as criminals; often handled by civil or administrative action rather than criminal courts.

- **Sutherland's explanation: differential association:** such crime is learned within business culture, like any other crime (see CR-CB-04).
- **Two types (Clinard and Quinney, 1973):**

Type	Who gains	Examples
Occupational crime	the individual	bribe-taking, embezzlement, fee-splitting by doctors
Corporate crime	the company	price-fixing, false advertising, pollution, unsafe products

- **Indian examples by profession:** adulteration and black-marketing by traders, tax evasion, fake medical bills, kickbacks in contracts, bank and stock-market frauds.

2. Economic (socio-economic) offences

- Offences against the economy or public welfare rather than against one person: **hoarding, profiteering and black-marketing, smuggling, tax evasion, adulteration of food and drugs, counterfeiting, bank and investment frauds, money laundering, benami deals, insider trading.**
- A 2023 item: **trade in human body parts** is an economic offence; robbery, theft and extortion are conventional property crimes.
- **Law Commission, 29th Report (1966):** considered putting social and economic offences into the IPC; preferred separate special laws.
- **Law Commission, 47th Report (1972), Trial and Punishment of Social and Economic Offences:** stricter treatment, including mandatory minimum sentences and keeping such offenders out of probation.
- **Probation of Offenders Act, section 18:** the Act does not affect **section 5(2) of the Prevention of Corruption Act, 1947**, so corrupt public servants could not get probation. (Asked in 2023.)
- **BNS, 2023, section 111 (organised crime)** expressly includes **economic offences**, and defines them to cover criminal breach of trust, forgery, counterfeiting, hawala, mass-marketing fraud and schemes to defraud many people.
- **Main laws:**

Area	Law
Cheating, criminal breach of trust	BNS 318 (old IPC 420), BNS 316 (old IPC 406, 409)
Hoarding, black-marketing	Essential Commodities Act, 1955
Foreign exchange	FEMA, 1999 (replaced FERA, 1973)
Benami property	Benami Transactions (Prohibition) Act, 1988 (amended 2016)
Black money abroad	Black Money and Imposition of Tax Act, 2015
Absconding offenders	Fugitive Economic Offenders Act, 2018 (₹100 crore or more)
Company fraud	Companies Act, 2013, section 447; SFIO

3. Corruption and the Santhanam Committee

- **Corruption:** misuse of public office for private gain.

- **Santhanam recommendations:** a **Central Vigilance Commission**; a code of conduct for ministers; making **possession of assets disproportionate to known income** an offence (added to the 1947 Act in 1964); faster disciplinary procedures.
- **Prevention of Corruption Act, 1988 (as amended in 2018):**
 - **Public servant** is defined widely (section 2(c)): includes judges, university and bank officials, anyone in a public duty.
 - **Section 7:** a public servant who takes or tries to take "**undue advantage**" for doing a public duty improperly: **3 to 7 years** and fine.
 - **Section 8: giving a bribe** is itself an offence since 2018; a person forced to pay is not liable if he reports it to the police or agency **within 7 days**.
 - **Section 9:** a **commercial organisation** is liable if a person acting for it bribes, unless it had adequate procedures to prevent this.
 - **Section 13 (criminal misconduct):** now only **misappropriation** of property and **illicit enrichment** (disproportionate assets): **4 to 10 years** and fine.
 - **Section 17A:** police need **prior approval** of the competent authority to inquire into a decision taken by a public servant in official duty.
 - **Section 19: sanction** of the competent authority is needed to prosecute.
- **Election corruption, RPA 1951:**
 - **Section 123 corrupt practices: bribery, undue influence**, appeal on the ground of **religion, race, caste, community or language**, promoting enmity, glorifying **sati**, **false statements** about a candidate, hiring vehicles for voters, **expenditure above the limit**, help from **government servants, booth capturing**.
 - **Section 100:** a corrupt practice is a ground for declaring an election **void**. **Section 8A:** the President may disqualify the person for up to **6 years**.
 - Electoral offences are also in the **BNS (sections 169–177, old IPC 171A–171I)**.

4. International action and money laundering

- **UNCAC:** the only legally binding global anti-corruption treaty; **UNODC** is its secretariat. Main chapters: **prevention, criminalisation and law enforcement, international cooperation, asset recovery**, technical assistance. **Asset recovery** is called a fundamental principle.
- **Money laundering:** making dirty money look clean in three stages: **placement** → **layering** → **integration**.
- **PMLA, 2002:**
 - **Section 3:** the offence; **section 4:** rigorous imprisonment **3 to 7 years**, up to **10 years** if the scheduled offence is under the NDPS Act.
 - **Section 5:** provisional **attachment** of proceeds of crime.
 - **Section 45:** strict "twin conditions" for bail.
 - **FIU-IND** (Financial Intelligence Unit, set up **2004**) receives suspicious-transaction reports.
- **FATF:** Financial Action Task Force, set up in **1989** by the G7 in Paris; India a member since **2010**.
- **Terror financing:** the money may come from **both legal and illegal sources**. (Asked in 2023.)

Common traps

✗ "White-collar crime was coined by Sutherland in 1949." ✓ Coined in **1939** (address); the **book** came in **1949**.

✗ "UNCAC came into force on 9 December 2003." ✓ It was **opened for signature** on 9 December 2003; it came **into force on 14 December 2005**.

✗ "Corrupt practices are in section 125 of the RPA." ✓ **Section 123**. Section 125 is promoting enmity in connection with elections (an electoral offence).

✗ "The Santhanam Committee recommended the Lokpal." ✓ It led to the **CVC** (1964). The **Lokpal** idea came from the **First ARC** (1966).

✗ "Bribe-giving was always an offence under the PC Act." ✓ It became a direct offence (section 8) only with the **2018** amendment.

✗ "PMLA came into force in 2002." ✓ Enacted 2002, **in force 1 July 2005**.

✗ "The Malimath Committee was on corruption." ✓ **Malimath** (2003) was on reforms of the criminal justice system; **Santhanam** was on corruption.

Quick revision

- Sutherland: white-collar crime, 1939 address; book 1949; 70 corporations, 980 decisions.
- Definition: respectability + high social status + course of occupation.
- Clinard and Quinney: occupational vs corporate crime.
- Santhanam Committee 1962–64 → CVC 1964; disproportionate assets offence.
- PC Act 1947 → 1988 → amended 2018 (bribe-giving s.8, companies s.9, prior approval s.17A).
- PO Act s.18: no effect on PC Act 1947 s.5(2).
- RPA 1951: s.123 corrupt practices; s.100 election void; s.8A disqualification.
- UNCAC: adopted 31 Oct 2003; Merida 9 Dec 2003; in force 14 Dec 2005.
- PMLA 2002, in force 2005; ED; placement, layering, integration.
- Law Commission 29th (1966) and 47th (1972) Reports on socio-economic offences.

2 Organised crime, terrorism and cyber crime

Organised crime is continuing crime for profit by a structured group (now BNS section 111), terrorism is violence for a political or ideological aim (BNS section 113 and the UAPA, 1967), and cyber crime uses or targets computers and networks (IT Act, 2000); the three often meet in drugs, trafficking and terror money. Cyber frauds are in SCT-CY-02, cyber laws and agencies in SCT-CY-03, money laundering and economic offences in CR-CI-01.

Core facts

- **Organised crime, BNS section 111** (in force **1 July 2024**; the IPC had no such offence):
 - a **continuing unlawful activity** (kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cyber crimes, trafficking in persons, drugs, weapons) by a member or for an **organised crime syndicate**;
 - by **violence, threat, intimidation, coercion** or other unlawful means, for **material or financial benefit**;
 - **syndicate**: a group of **two or more persons** carrying on continuing unlawful activity;
 - **continuing unlawful activity**: a cognizable offence punishable with **3 years or more**, with **more than one charge-sheet** filed in the **preceding 10 years** and taken cognizance of.
- **Punishment (s.111)**: if a death results, **death or life** and fine **not less than ₹10 lakh**; otherwise **5 years to life** and fine **not less than ₹5 lakh**.
- **Petty organised crime, BNS section 112**: gang theft, snatching, cheating, ticket black-marketing, unauthorised betting or gambling, **selling public exam question papers**; **1 to 7 years** and fine.
- **Terrorist act, BNS section 113**: acts threatening India's unity, integrity, sovereignty, security or **economic security**, or striking terror in the people; a police officer **not below Superintendent of Police** decides whether to register it under BNS 113 or the **UAPA**.
- **BNS section 152**: acts endangering the sovereignty, unity and integrity of India (replaced **sedition, IPC 124A**).
- **State laws on organised crime: MCOCA, 1999** (Maharashtra, the model), **KCOCA, 2000** (Karnataka), **GCTOC** (Gujarat, passed 2015, in force 2019).
- **Vohra Committee (1993)**: nexus of criminals, politicians and officials (details in **CR-CI-01**).
- **Palermo Convention**: UN Convention against **Transnational Organized Crime (UNTOC)**, adopted **2000**, in force **2003**; three Protocols on **trafficking in persons, smuggling of migrants** and **firearms**. India ratified it in **2011**.
- **Drug routes: Golden Crescent** (Afghanistan, Iran, Pakistan) and **Golden Triangle** (Myanmar, Laos, Thailand); India lies between them.
- **Probation barred: NDPS Act section 33**: the **Probation of Offenders Act** and CrPC 360 (now **BNSS 401**) do **not** apply to NDPS convicts, except those **under 18** or convicted for consumption (s.27) and s.26.
- **Anti-terror laws in sequence: TADA 1985** (lapsed **1995**) → **POTA 2002** (repealed **2004**) → **UAPA, 1967**, given a terrorism chapter in **2004**.

- **UAPA key sections:** **15** terrorist act; **16** punishment (death or life if a death results); **17 raising funds** for a terrorist act; **35** listing terrorist organisations (First Schedule) and, since **2019**, **individuals** (Fourth Schedule).
- **UAPA 2008 amendment (s.43D):** police custody up to **30 days**; time to file the charge-sheet **90 days**, extendable to **180 days**; **no bail** if the accusation appears **prima facie true** (s.43D(5)).
- **NIA:** National Investigation Agency Act, **2008** (after the **26/11 Mumbai attacks**); HQ **New Delhi**; **2019 amendment** added cyber terrorism (IT Act **66F**), human trafficking, explosives and arms offences, and crimes against Indians **abroad**.
- **Terrorist financing:** funds come from **both legal and illegal sources** (donations, charities and businesses as well as drugs, extortion and **fake currency**).
- **Terrorist Financing Convention: 1999** (UN); **UNSC Resolution 1373 (2001)** after 9/11 made states criminalise terror financing.
- **CCIT:** the **Comprehensive Convention on International Terrorism**, proposed by **India in 1996**, is still not adopted; there is no agreed UN definition of terrorism.
- **Cyber criminology:** term and journal launched by **K. Jaishankar (2007)**; his **space transition theory (2008)** explains why people offend online.
- **IT Act offences beyond SCT-CY-03:** **66** computer-related offences (with s.43, up to **3 years**); **66B** stolen computer resource; **67** obscene material; **67A** sexually explicit material; **67B child sexual abuse material**; **72** breach of confidentiality; **66F** cyber terrorism, up to **life**.
- **IT Act procedure: s.77B:** offences with **3 years or more** are **cognizable**, and a 3-year offence is **bailable**; **s.78:** an **Inspector** may investigate (since 2008; earlier a DSP).
- **Cyber stalking: BNS section 78** (was IPC 354D) covers monitoring a woman's internet, email or electronic communication.

Explained

1. What makes crime "organised". Textbooks follow **Howard Abadinsky's** attributes: the group is **non-ideological** (it wants money, not a cause), **hierarchical**, has **limited membership**, **lasts beyond its members**, uses **violence and bribery**, divides **labour** by specialisation, seeks a **monopoly** over a trade or area, and is ruled by its **own code** (the Mafia's *omertà*, silence). **Donald Cressey**, *Theft of the Nation* (1969), described the American **Cosa Nostra** as a nationwide confederation of "families" with bosses, underbosses and soldiers. Other well-known groups: **Yakuza** (Japan), **Triads** (China), **Camorra** and **'Ndrangheta** (Italy), the **drug cartels** of Colombia and Mexico.

2. Main activities. Drug trafficking, **human trafficking**, arms smuggling, extortion and protection rackets, contract killing, illegal betting and gambling, land grabbing, counterfeiting, smuggling of gold and goods, and now **cyber fraud** run from organised call centres. The money is then laundered (placement, layering, integration; see **CR-CI-01**).

3. How the law caught up.

Law	Year	What it does
MCOCA	1999	Maharashtra; organised crime offence, interception, confessions to SP-rank officers

Law	Year	What it does
UNTOC	2000	"organised criminal group" = 3 or more persons, serious crime for benefit
BNS s.111	2023	first all-India offence of organised crime
BNS s.112	2023	small-scale gang crime (petty organised crime)

UNTOC's **serious crime** is an offence punishable with at least **4 years**. BNS s.111 also punishes **abetting or conspiring, membership** of a syndicate, **harbouring** a member and **holding property** from organised crime.

4. Human trafficking. Article 23 of the Constitution forbids traffic in human beings. **BNS section 143** (was IPC 370) punishes trafficking of persons and **section 144** (was 370A) the exploitation of a trafficked person. The **Immoral Traffic (Prevention) Act, 1956** (first called SITA; renamed **1986**) deals with trafficking for prostitution. Districts have **Anti-Human Trafficking Units (AHTUs)**. The trafficking Protocol of the Palermo Convention gives the international definition: **act** (recruitment, transport, harbouring) + **means** (force, fraud, coercion) + **purpose** (exploitation); for a child, the means need not be shown.

5. Terrorism: definitions and types. Terrorism is the use or threat of violence against civilians to create fear and force a political, religious or ideological aim. Types used in Indian texts: **ethno-nationalist / separatist** (insurgency in parts of the North-East, Punjab in the 1980s), **religious, left-wing extremism** (Naxalism; the **CPI (Maoist)** is a banned organisation), **state-sponsored cross-border terrorism, narco-terrorism** (drug money funding armed groups) and **cyber terrorism**.

Point	Organised crime	Terrorism
Aim	profit	political / ideological change
Publicity	avoided	sought
Violence	a tool, kept limited	a message, often aimed at civilians
Attitude to the state	corrupts and uses it	attacks or replaces it

The two meet in the **crime-terror nexus**: terrorists buy arms and funds from criminal networks (drugs, fake currency, hawala), and criminal groups sell them services.

6. UAPA, 1967 in brief.

- Enacted in **1967** against **unlawful activities** (secession, questioning sovereignty); **2004**: terrorism provisions moved in after POTA's repeal; **2008** (after 26/11): s.43D custody and bail rules; **2012**: **economic security** and counterfeit currency added; **2019**: individuals can be named **terrorists**, NIA may seize property with the **DG, NIA's** approval, and NIA **Inspectors** may investigate.
- **Unlawful associations** are declared by the Centre (s.3) and the declaration is confirmed (s.4) by a tribunal of a **High Court judge** (s.5).
- Prosecution needs government **sanction** after an independent authority reviews the evidence (s.45).
- **Bail**: in **NIA v. Zahoor Ahmad Shah Watali (2019)** the Supreme Court said courts should not weigh evidence in detail at the bail stage under s.43D(5); in **Union of India v. K.A. Najeer (2021)** it held that **long custody without trial** can justify bail despite that bar, under **Article 21**.

7. Terrorist financing. Terrorist financing is the collecting or providing of funds for terrorist acts or groups. Money laundering hides the **dirty source** of money; terror financing may use **clean money** for a dirty **purpose**, so it is called **reverse money laundering**. Channels: **hawala**, misuse of **charities and non-profit organisations**, cash couriers, **fake Indian currency notes (FICN)**, trade-based transfers, crowdfunding and crypto-assets. Controls: UAPA s.17, PMLA reporting through **FIU-IND**, FATF standards (see CR-CI-01), and NIA's **Terror Funding and Fake Currency cell**. India hosted the third **No Money for Terror** ministerial conference in **New Delhi (November 2022)**.

8. Cyber crime as a criminologist sees it.

- **Classification:** computer as **target** (hacking, malware, ransomware, denial of service), computer as **tool** (fraud, cyber stalking, child abuse material, sextortion), computer as **incidental** evidence (a drug dealer's records on a laptop). Another grouping: crimes against **persons, property** and the **state/society** (cyber terrorism, cyber warfare).
- **Features:** anonymity, no borders, low cost and low risk, speed, many victims at once, and a **very large dark figure**: most victims never report, and the police face problems of **jurisdiction** and **digital evidence**.
- **Offenders:** **white-hat** (ethical), **black-hat** (criminal) and **grey-hat** hackers, **script kiddies**, **hacktivists**, insiders, organised fraud gangs and state-backed groups.
- **Theories:** **routine activity theory** (motivated offender, suitable target, no capable guardian; see **CR-CB-05**) fits phishing and fraud well; **social learning** (Akers) explains piracy and hacking learnt in online groups; **techniques of neutralisation** ("no one is really hurt") explain digital piracy (see CR-CB-04).
- **Space transition theory (Jaishankar, 2008):** people behave differently when they move from physical space to cyberspace. Key ideas: people who repress criminal urges offline may act on them online; **identity flexibility**, **dissociative anonymity** and the **lack of deterrence** encourage offending; offline criminals may move online and back; the **open, borderless** nature of cyberspace helps it.

AP angle

- **Greyhounds**, the elite anti-Naxal commando force, was raised in **1989** in united Andhra Pradesh (founder **K.S. Vyas**, IPS); its model of small, jungle-trained units was copied by other states.
- **Left-wing extremism** in AP is now confined mostly to the **Andhra–Odisha Border (AOB)** forests of the Alluri Sitharama Raju and nearby districts; cases there run under the **UAPA**.

Common traps

✗ "The IPC had a general offence of organised crime." ✓ The first all-India offence is **BNS section 111 (2023)**; earlier only **state laws** like **MCOCA (1999)** existed.

✗ "An organised crime syndicate under BNS needs three or more persons." ✓ BNS: **two or more**; **UNTOC**: three or more.

✗ "Terrorist funds come only from illegal sources." ✓ From **both legal and illegal** sources.

✗ "Under the 2008 UAPA amendment custody without charge-sheet can run to 90 days only." ✓ **90 days, extendable to 180 days.**

✗ "UAPA allowed individuals to be declared terrorists from the start." ✓ Only since the **2019** amendment.

✗ "POTA came before TADA." ✓ **TADA 1985 → POTA 2002 → UAPA** (terror chapter 2004).

✗ "Probation can be given to any NDPS convict." ✓ **NDPS s.33** bars it, except offenders **under 18** and consumption cases.

✗ "Phishing is a form of organised crime." ✓ It is a **cyber crime** (a fraud done online), even when gangs run it.

✗ "Space transition theory is by Cohen and Felson." ✓ **K. Jaishankar (2008)**; Cohen and Felson gave **routine activity theory (1979)**.

✗ "Sedition is BNS 152." ✓ BNS 152 is a **new offence** of endangering sovereignty, unity and integrity; the word sedition is dropped.

Quick revision

- BNS 111 organised crime; 112 petty organised crime; 113 terrorist act; 152 replaces sedition.
- s.111: syndicate of 2+, continuing activity = 2+ charge-sheets in 10 years; death or life + ₹10 lakh if a death results.
- MCOCA 1999; Vohra 1993; Palermo Convention 2000 (in force 2003; India 2011).
- Abadinsky: non-ideological, hierarchical, monopoly, violence; Cressey, Theft of the Nation 1969.
- TADA 1985 → POTA 2002 → UAPA 1967 (terror chapter 2004; 2008; 2012; 2019).
- UAPA s.43D: 30 days police custody; 90 → 180 days for charge-sheet; bail bar.
- NIA Act 2008 after 26/11; 2019 amendment adds 66F, trafficking, crimes abroad.
- Terror funds: legal + illegal sources; reverse money laundering.
- NDPS s.33: no probation except under 18 / consumption.
- Cyber criminology: Jaishankar 2007; space transition theory 2008; IT Act 77B, 78 (Inspector).

3 Crime in India: NCRB patterns and trends, crimes against women and children, victimology and compensation

India's crime picture comes from the NCRB (1986, New Delhi) and its yearly Crime in India, which counts police-recorded cases; victimology (Mendelsohn, von Hentig) turned attention to the victim, and Indian law moved from restitution by the offender (CrPC 357, now BNSS 395) to compensation by the State (CrPC 357A, now BNSS 396). The offences against women are in SOC-WO-03 and SOC-WO-05.

Core facts

- **NCRB: National Crime Records Bureau**, set up in **1986** under the **Ministry of Home Affairs**; HQ **New Delhi**.
- **NCRB annual reports:** ***Crime in India, Accidental Deaths and Suicides in India (ADSI), Prison Statistics India**.*
- **Counting rules:** the **principal offence rule** (an FIR with several offences is counted once, under the **most serious** offence); **crime rate** = cases per **one lakh** population.
- **Two groups of crime:** **IPC/BNS crimes** and **Special and Local Laws (SLL)** crimes (NDPS, Arms Act, POCSO, Dowry Act and others).
- **Dark figure of crime:** crime that is never reported or recorded; measured by **victimisation surveys**.
- **NCRB systems:** **CCTNS** (Crime and Criminal Tracking Network and Systems, approved **2009**), **ICJS** (links police, courts, prisons, prosecution, forensics), **NAFIS** (national automated fingerprint database, run by NCRB's Central Finger Print Bureau).
- **Criminal Procedure (Identification) Act, 2022:** replaced the Identification of Prisoners Act, **1920**; measurements (including biological samples) kept by the **NCRB** for **75 years**.
- **Crime in India 2022:** about **58.2 lakh** cognizable crimes; crime rate **422.2**; crimes against women **4,45,256** (rate **66.4**); crimes against children **1,62,449**; cyber crimes **65,893**.
- **Largest heads (2022):** against women, **cruelty by husband or relatives** (about **31%**); against children, **kidnapping and abduction** (about **46%**), then **POCSO** (about **40%**).
- **Crime in India 2023** (released **2025**): crimes against women about **4.48 lakh** (almost flat), crimes against children about **1.77 lakh** (up about 9%), cyber crimes about **86,400** (up about **31%**).
- **Investigation agencies:**

Agency	Year	Under
CBI	1963 (DSPE Act 1946)	DoPT
NCB	1986	MHA
NIA	2008	MHA
ED	1956	Finance (Revenue)

- **Forensic pioneers:** **Alphonse Bertillon** (anthropometry, 1880s); **Edmond Locard** (**exchange principle**: every contact leaves a trace); **Henry system** of fingerprints (**Edward Henry**, with **Azizul Haque** and **Hem Chandra Bose**, Bengal); the **Calcutta bureau (1897)** was the world's first fingerprint bureau; **DNA fingerprinting:** **Alec Jeffreys (1984)**.
- **Selvi v. State of Karnataka (2010):** narco-analysis, polygraph and brain mapping without consent violate **Article 20(3)** and **Article 21**.
- **Expert opinion:** Evidence Act s.45 → **BSA section 39. BNSS s.176(3):** a forensic expert must visit the scene for offences punishable with **7 years or more**.
- **Victimology:** word coined by **Benjamin Mendelsohn (father of victimology)**; **Hans von Hentig, *The Criminal and His Victim* (1948)**.
- **Victim precipitation:** **Marvin Wolfgang (1958)**, homicide study in Philadelphia. **Functional responsibility:** **Stephen Schafer (The Victim and His Criminal, 1968)**.
- **Restitution** is paid by the **offender**; **compensation** is paid by the **State**.
- **UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:** General Assembly resolution **40/34, 29 November 1985**; called the **Magna Carta of victims' rights**.
- **Victim compensation sections:**

CrPC (old)	BNSS (from 1 July 2024)	Subject
357	395	court orders offender to pay compensation
357A	396	State victim compensation scheme
357C	397	free treatment of victims by hospitals
2(wa)	2(1)(y)	definition of victim

- **357A** was inserted in the **CrPC** by the **Amendment Act of 2008** (in force **31 December 2009**); the **DLSA or SLSA** fixes the amount.
- **Law Commission 154th Report (1996):** recommended a **victim compensation** scheme (victim rights).
- **Central Victim Compensation Fund: MHA, 2015**, corpus **₹200 crore** (from the **Nirbhaya Fund**), to support state schemes.

Explained

1. NCRB: how it came about and what it does. NCRB was formed on the recommendations of the **National Police Commission (1977–81)** and an MHA task force (1985), by merging the Directorate of Coordination Police Computers, the CBI's Inter-State Criminals Data Branch and **Central Finger Print Bureau**, and the statistical wing of the **BPR&D**. It keeps national databases of crime and criminals, runs CCTNS and ICJS, and trains police in IT. *Crime in India* has been published since **1953** (data for 1953); NCRB took it over in 1986.

2. Reading crime statistics with care.

- They show **recorded** crime, not all crime. A rise may mean **more reporting** (better access, online FIRs, women's help desks) rather than more crime; a state with honest registration can look worse.
- The **principal offence rule** hides the lesser offences in a case (for example a murder after rape counts only as murder).
- The **crime rate** (per lakh population) is fairer than raw numbers when comparing states.
- Since **1 July 2024**, cases are registered under the **BNS**, so heads from 2024 data onward follow BNS sections; old and new series must be matched carefully.

3. Crimes against women and children in the data.

- **Women (NCRB heads):** cruelty by husband or relatives (now **BNS 85–86**), **kidnapping and abduction** of women, **assault with intent to outrage modesty** (BNS 74), **rape** (BNS 63–64), **dowry deaths** (BNS 80), offences under the **Dowry Act, 1961**, the **Domestic Violence Act, 2005**, the **Immoral Traffic (Prevention) Act, 1956**, the **Indecent Representation of Women Act, 1986**, the **Commission of Sati (Prevention) Act, 1987**, and **POCSO** cases with girl victims. The laws themselves are explained in **SOC-WO-03** (dowry, cruelty, domestic violence) and **SOC-WO-05** (rape, acid attack, stalking under the BNS).
- **Children:** kidnapping and abduction (many are runaway and missing children), **POCSO, 2012** offences, child labour, **child marriage** (Prohibition of Child Marriage Act, **2006**), and offences under the **JJ Act, 2015** (cruelty, use of children by gangs). In POCSO cases the offender is usually **known to the child**.
- **Victimless crimes:** offences where the "victim" consents or no person complains, such as **prostitution**, gambling and drug use (Edwin **Schur**; see **CR-CB-02**).

4. Agencies and aids for investigation.

Body	Role
State police / CID	investigation of most crime (police is a State List subject)
CBI	corruption, serious and inter-state crime; needs state consent (DSPE Act s.6)
NIA	terrorism and listed offences across India (see CR-CI-02)
NCB, ED, DRI, SFIO	drugs, money laundering, smuggling, corporate fraud
BPR&D (1970)	police research and modernisation
CFSLs, NFSU	forensic analysis; National Forensic Sciences University, Gandhinagar (2020)

- **Scientific aids:** fingerprints, **DNA profiling** (CDFD, Hyderabad), ballistics, toxicology, handwriting and document examination, **cyber forensics**, CCTV and call-detail records. Lie-detection tests (**polygraph**, **narco-analysis**, **brain mapping**) need **consent** after *Selvi*, and their results are not evidence by themselves.
- **BNSS changes:** **zero FIR** and **e-FIR** (s.173), **videography** of search and seizure (s.105), forensic visit for serious crimes (s.176(3)).

5. Victim typologies.

Mendelsohn (1956), by the victim's share of guilt:

1. **Completely innocent** victim (a child, an unconscious person);

2. Victim with **minor guilt** / victim through **ignorance**;
3. Victim **as guilty as** the offender / **voluntary** victim (suicide pact);
4. Victim **more guilty** than the offender (the **provoker**);
5. **Most guilty** victim (an attacker killed in **self-defence**);
6. **Imaginary / simulating** victim (one who falsely claims to be a victim).

Von Hentig (1948), by vulnerability: general classes: the **young**, the **female**, the **old**, the **mentally defective or deranged**, **immigrants**, **minorities**, **dull normals**; psychological types: the **depressed**, the **acquisitive** (greedy), the **wanton**, the **lonesome and heartbroken**, the **tormentor**, and the **blocked, exempted or fighting** victim. His point: the victim is not always passive; the victim's traits and conduct help shape the crime.

Kinds of victimisation: **primary** (harm from the crime), **secondary** (further harm from the police, courts, media or hospitals, for example repeated questioning of a rape survivor), **tertiary** (lasting harm to family and community).

6. From restitution to State compensation.

- In early law (the Code of Hammurabi; Anglo-Saxon *wergild*) the offender **paid the victim or the family**. As the State took over prosecution, fines went to the State and the victim became the "forgotten party".
- **Margery Fry** (English penal reformer) argued for State compensation in the **1950s**; **New Zealand (1963)** set up the first scheme, followed by **Britain (1964)**.
- **India:**
 - **CrPC 357 / BNSS 395:** the court may use the **fine** to pay the victim, or order the **offender** to pay compensation even when no fine is imposed;
 - **CrPC 357A / BNSS 396:** every State, with the Centre, runs a **Victim Compensation Scheme**; the court recommends, and the **DLSA/SLSA** decides; a victim can claim even when the **offender is not traced** or no trial takes place; **interim relief** (first aid, medical help) can be given at once;
 - compensation for **acid attack and rape** victims is **in addition** to any fine (old 357B);
 - **CrPC 357C / BNSS 397:** all hospitals, public or private, must give **free first aid and treatment** to acid attack and rape victims (refusal is an offence, **BNS 200**);
 - the **victim** may appeal against acquittal, a lesser offence or inadequate compensation (proviso to old CrPC 372, now **BNSS 413**).
- **Courts:** **Rudul Sah (1983)** and **Nilabati Behera (1993)**: State pays compensation for **illegal detention** and **custodial death** under Article 32/226; **Hari Kishan (1988)**: courts should use s.357 **liberally**; **Delhi Domestic Working Women's Forum (1995)**: a scheme to compensate **rape** victims; **Ankush Gaikwad (2013)**: a court **must consider** compensation in every criminal case and record reasons; **Suresh v. State of Haryana (2014)**: **interim compensation**; **Nipun Saxena (2018)**: the **NALSA scheme for women victims (2018)** to apply across India.
- **NALSA scheme (2018), minimums:** rape **₹4 lakh**, gang rape **₹5 lakh**, acid attack with face disfigurement **₹7 lakh**, loss of life **₹5 lakh**.

Common traps

- ✗ "NCRB stands for National Crime Record **Board**." ✓ National Crime Records **Bureau**; HQ **New Delhi**.
- ✗ "NCRB was set up in 1953." ✓ NCRB **1986**; *Crime in India* goes back to **1953**.
- ✗ "Crime statistics show all crime committed." ✓ Only **recorded** crime; the rest is the **dark figure**.
- ✗ "Restitution is paid by the State." ✓ **Restitution** by the **offender**; **compensation** by the **State**.
- ✗ "The victim compensation scheme is in the IPC or a separate Victim Compensation Act." ✓ It was inserted in the **CrPC (s.357A, 2008)**; now **BNSS 396**.
- ✗ "CrPC 357A became BNSS 395." ✓ **357** → **395**; **357A** → **396**; **357C** → **397**.
- ✗ "Von Hentig coined victimology." ✓ **Mendelsohn** coined it; von Hentig wrote ***The Criminal and His Victim (1948)***.
- ✗ "Victim precipitation is Mendelsohn's term." ✓ **Wolfgang (1958)**.
- ✗ "Narco-analysis can be ordered without consent." ✓ Not after **Selvi (2010)**: it violates Articles **20(3) and 21**.
- ✗ "The largest head of crime against women is rape." ✓ **Cruelty by husband or relatives** (about a third).

Quick revision

- NCRB 1986, MHA, New Delhi; Crime in India, ADSI, Prison Statistics India.
- Principal offence rule; crime rate per lakh; dark figure; IPC/BNS vs SLL.
- 2022: 58.2 lakh crimes; women 4.45 lakh (cruelty ~31%); children 1.62 lakh; cyber 65,893.
- CBI 1963 (DSPE 1946), NCB 1986, NIA 2008, ED 1956; Calcutta fingerprint bureau 1897.
- Selvi 2010: no involuntary narco, polygraph, brain mapping.
- Mendelsohn: 6 types, innocent → imaginary; von Hentig 1948: vulnerable classes.
- Wolfgang: victim precipitation 1958; Schafer: functional responsibility.
- Restitution = offender; compensation = State; UN Declaration 1985 (40/34).
- CrPC 357/357A/357C → BNSS 395/396/397; 357A from 2008 (in force 2009).
- LC 154th Report 1996; CVCF 2015 ₹200 crore; NALSA scheme 2018 (Nipun Saxena).