
VICTIMOLOGY OF WHITE-COLLAR CRIMES WITH REFERENCE TO AFSPA

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“If a deal looks too good to be true, it probably is.”

- Michael Douglas

INTRODUCTION

White Collar Crime in general means “the crimes, which are committed by human beings, possessing qualities of being civilized in nature, community-based and possess great amount of respect and integrity in the society, during the tenure or period of their profession and occupation. These types of crimes are usually crimes, which are committed by the businessman and daily wagers or salaried individuals and involves the activities of fraud and theft in terms of financial and monetary transactions”¹.

Crime can be defined as “an act or behaviour which is prohibited by the State as an injury to the State and against which the State may react, at least as a last resort, by punishment. The two abstract ideas generally regarded by legal scholars as necessary elements in the definition of crime are legal description of an act as socially harmful and legal provision of a penalty for the act”². Historically we had rules and regulations relating to Kidnapping, Theft, Murder, etc. but not related to White Collar Crimes as the commission of such crimes started after the advent of Capitalism and globalization in the society.

The definition of Crime aids in understanding why White-Collar Crimes fall under the purview of Crimes and why such activities must be checked and monitored. But until now the major hurdle and difficulty which Authors and Legal scholars have faced is that there is no justifiable definition of White-Collar Crime. There is no universally accepted definition of what defines

¹ D. M. H. Upadhyay, “White-Collar Crime in India,” *Int. J. Res. Humanit. Soc. Sci.*, Vol. 2, no. 2, (2014).

² Jerome Hall, *Principles of Criminal Law* (Indianapolis, 1947).

a white-collar crime, unlike traditional index crimes like murder and rape. Herbert Edelhertz's 1970 definition: "An illegal act or series of illegal acts committed by nonphysical means and by concealment or guile to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage"³. The drawback of this definition was that it ignored offender's characteristics and concentrates instead on the commission of the Crime. Whereas FBI, USA defines the same as "those illegal acts which are characterized by deceit, concealment, or violation of trust and which are not dependent upon the application or threat of physical force or violence. Individuals and organizations commit these acts to obtain money, property, or services; to avoid the payment or loss of money or services; or to secure personal or business advantage"⁴.

In recent decades, there has been a substantial socioeconomic phenomenon called globalization. The main causes of this phenomenon were an enormous rise in trade, mobility, speedy forms of communication, and technical breakthroughs. The "White Collar Crimes," which include trafficking in drugs, explosives, and financial fraud as well as the manipulation of foreign currency rates, are introducing new elements to the criminal underworld.

The rise of human avarice is one of the main factors contributing to the dangerously high prevalence of such crimes. The most vulnerable individuals place an inordinate amount of confidence in unregulated investments and readily accept unwanted sales calls and emails, according to several investigations and testimonials. Many get lured by the unbelievable promises of multilevel marketing schemes, fraudulent chit funds and similar cash multiplier schemes.⁵

In India itself after the infamous scams of Harshad Mehta and the Kingfisher case there were innumerable cases of suicide commissions. One of the victims even went so far as to state in her suicide note that the reason for her death was financial hardship because her husband had not been paid in the previous 5 years⁶ due to the lavishes of the Accused Key Managerial Personals. Considering these instances, there is a need to improve the legislative and judicial machinery for providing better legislation or codifying the laws related to such crimes and

³ Herbert Edelhertz, White-Collar and Professional Crime: The Challenge for the 1980s, 27 American Behavioral Scientist 109, 115. (1983).

⁴FBI, <https://www.fbi.gov/investigate/white-collar>, (last visited Sept. 21, 2023).

⁵ Newswire, <https://www.prnewswire.com/news-releases/survey-identifies-common-traits-in-victims-of-investment-fraud-300408877.html> (last visited on Sept. 26, 2023).

⁶ INDEPENDENT, <https://www.independent.co.uk/news/world/asia/the-suicide-that-exposed-a-tycoon-s-empire-in-crisis-8200010.html> (last visited on Sept. 22, 2023).

provision of effective recourse to the victims. In the current world, it is worrisome to see, but money is the most asset which is in our hands. The essentiality of money to sustain our lives has steadily increased and the loss of the same should be treated severely.

The GoI has over the years, time and again taken initiative to bring in reforms to curb the occurrence of such crimes and safeguard the victims. But still there is a lack of recourse which is prominent when we study the happenings in and around us. That even though we have several legislations which address the occurrence of such crimes, the legislators have not been able to define the term “White-Collar Crimes”. One of the major problems that justice is not being served to such victims is the lack of definition of White- Collar Crimes to confine in its ambit what all crimes constitute the same. But until then crimes are being tackled on several fronts by multiple legislations.

WHO ARE THE VICTIMS?

MEANING OF THE TERM VICTIM

A victim is typically someone who experiences harm, whether physical or emotional, due to the actions of another or because of unfortunate circumstances. The U.N. Declaration on Justice for Victims of Crimes and Abuse of Power distinguishes between victims of crimes and victims of abuse of power. “Victims means persons who, individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, though acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power”⁷.

Section 2 (wa) of the CrPC, 1973 defines the term Victim as “a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir”⁸.

MEANING OF THE TERM VICTIMOLOGY

⁷ United Nations Human Rights Office of The High Commissioner, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse> (Last visited on Oct. 1, 2023).

⁸Code of Criminal Procedure. Section 2(wa). *amended by* Code of Criminal Procedure (Amendment) Act, 2008.

Victimology is the scientific study of a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression 'victim' includes his or guardian or legal heir. It is particularly important to study the relation of the nexus of the crime between the actions of the offender's and its effect on the victims.

To properly decipher the meaning of the term victim, we must also ensure that we understand the crime committed in that context so that they are entitled to receive the label of Victim. The actions which come under the ambit of WCC are financial crimes (such as tax evasion, bribery, window dressing, etc.), crimes against consumer (sale of unfit goods, false labelling of products, price fixing, etc.), crimes arising from employer-employee relationship (violation of labor laws, health safety regulations, etc.) and many more.

VICTIMS OF WHITE-COLLAR CRIMES

The victims of WCC are those individuals who either fall into the trap of such investment schemes or are duped very easily by highly educated con artists. The victims in general of such crimes include individuals, corporations, government institutions, society, and international order. One of the most famous examples can be of *Mr. Jordan Belfort* or more famously known as the Wolf of the Wall Street. Belfort insisted on his brokers to refuse to take 'NO' for an answer from those individuals who wanted to invest money. His company, Stratton Oakmont acted as a bunker which promoted penny stocks and were actively marketing pump and dump stock sales. Belfort gave his brokers permission to use his infamous "Kodak-Pitch," in which he advised them to cold-call prospective clients and focus their attention on a reputable blue-chip company before promoting shares with more favorable spreads for the seller, such as penny stocks. The pitch's primary objective was to persuade the buyer that their business was trustworthy through the advice of a well-known brand, which larger brokerage companies like Merrill Lynch may propose. After that, the client would get future Eastman Kodak updates as well as fresh investment suggestions involving a penny stock that Jordan Belfort was deceptively manipulating and exploiting as a conduit for cash. Unfortunately, the penny stocks sometimes had little or no genuine intrinsic value and eventually fell, wiping out the client's money while Belfort and his organization collected millions⁹. Naturally, Belfort maintained

⁹ Business Insider, <https://markets.businessinsider.com/news/stocks/wall-street-crime-and-punishment-jordan-belfort-the-boiler-room-wolf-1030702306> (last visited on Oct. 1, 2023).

that he was merely trying to assist his customers invest in America's future throughout these events. Belfort's schemes led to a loss of approximately 200 million dollars for its investors¹⁰.

Enormous obstacles are associated with demarcating and describing victims of white-collar crimes; however successful, academic research shows that they represent a large majority of crime victims. "Admittedly, besides the traditional crimes like assault, battery, robbery, dacoit, murder, rape, kidnapping and other acts and omissions involving violence, there are Increasing number of anti-social and anti- human activities which the persons of upper strata, in a sick society like ours, carry on in course of their business, occupation or profession."¹¹ The estimates of financial losses suffered by the victims of such crimes range up to billions of dollars. The key issues herein are the lack of justice to such victims i.e., via restitution or compensation for the losses they have suffered. Unlike traditional crimes, wherein justice is served to the victims by some meagre compensation and punishment to the perpetrator, there is an absence of the same in these types of cases. This is because in the cases of WCC the financial losses of the victims are too high and hence due to which they seldom receive full compensation for the monetary harm they endure such as property loss or damage, lost wages, medical, or mental health care costs, etc. *A victim in the case of WCC can be defined as a person or an organization that suffers a destructive or injurious action or agency, and it may be deceived or cheated.* Public perceptions of crime as a social problem often depend, in part, on the specific type of crime being referred to. When we percept crime, the image which is created is more of robbery, kidnapping, rape, assault, etc. due to which the amount of research in criminology and criminal justice have focused on the financial and physical consequences on the victims. In cases of WCC especially, the financial aspect plays a major role as compared to the physical aspect of the crime. The money of the investors might be siphoned off by the promoters, or the stock -pump and dump scheme creates a major imbalance in the market for the investors, or that the money is not utilised as provided per se in the prospectus of the company, etc. In such cases there is no effective recourse for the victims of such crimes and crimes similar in nature to get recompensated in the earliest possible manner. There is also the psychological aspect which herein comes to play i.e., the impact on the crime on the mental health of the victims. It has been observed herein that by several reports that the aftereffects of

¹⁰ Jordan Belfort, *The WOLF of WALL STREET* (Bantam Books 2007).

¹¹ Swapnil Gorasiya, Dhaval Chudasama; White-Collar Crime in Indian Context, 4 National Journal of Cyber Security Law. 1, 2-3 (2021).

WCC are comparatively more devastative than that of traditional crimes¹². Survey Reports herein have exhibited that 55.2% of the respondents here do believe that such crimes undermine the moral fabric of the society as compared to other crimes.

THE SILENT SUFFERS

Every incident of White-Collar Crime herein leaves a trail of Victims with it. There are both institutional victims and individual victims. The latter is the most affected and the most neglected lot in majority of such crimes. We have already seen many instances wherein the helpless victims were left in the lurch without any remedy or relief in most cases. There are too many reasons for the sad plight of the individuals.

Some of the reasons that the victims of such crimes do not receive the justice they deserve are:

- the victims are geographically diffused and hence the scope to garner strength to join hands and fight is very limited
- the individual victims lack the financial power, and awareness and this renders them incapable of taking stock of the situation in the right perspective and seek remedy¹³
- lack of regulatory support
- absence of proactive victim support schemes especially since the perpetrators of WCCs are mostly in the high bow strata in the society and therefore people in general would require some time to digest the fact of the crime committed by the suave and apparently aristocratic players, and it takes even more time for the public to proactively turn against such people
- inordinate delay in completing the investigation especially since the crimes committed leave a lot of people in long term suffering, but normally would not leave any traces or gashing wounds that would be noticed by all

¹² Francis T. Cullen, Gregory Clark; Public support for punishing White-Collar Crimes, 11 Journal of Criminal Justice. 482, 481-493 (1983).

¹³ John Braithwaite, Poverty, Power, White-Collar Crime, and the Paradoxes of Criminological Theory, 24 Australian and New Zealand Journal of Criminology 40, 45-47 (1991).

- long drawn judicial processes
- inadequate assets for realizing the compensation for losses because the WCCs get exposed only after the crime has been perpetrated with great precision and the criminals would have already stashed away or alienated the misappropriated booty in safe and virtually impregnable havens
- jurisdictional issues to file cases by the victims to get compensation from the perpetrators, especially since the fraudsters can operate and deceive from the remotest corners of the globe, and the victim would often have to run from pillar to post seeking remedy from governments or institutions situated across national boundaries and
- lack of resources to fight the case as the victim is already run down on the case and reduced to penury and would be struggling for mere survival, and garnering funds for fighting legal battles can be a stiff challenge.

IMPACT OF WHITE-COLLAR CRIMES ON VICTIMS VIA CASE

In this part of the chapter, we shall be discussing some real-life cases of WCC from all over the world to understand the impact of the crime on its victims. A victim as priorly defined can be any individual who suffers any kind of loss due to the actions of another. A victim of financial crime can be defined as any individual who has suffered monetary or financial loss.

To understand the plight of victims let us focus on some renowned case of WCC and its impact.

Kingfisher Scam

Vijay Mallya, an Indian businessman and former member of parliament was the chairman of UBHL. To expand his business and enter the aviation industry, he started Kingfisher Airlines. The lavishness of the airlines was very famous and became a very prestigious for its premium services. The airlines were not allowed to operate in the international market due to some restrictions which were imposed upon them and hence in the midst of a cash crunch it leveraged its business of beverage to buy Deccan Air which was a loss-making company and merged it with Kingfisher Airlines. Even after the acquisition, the airlines were not able to

make any profits. To keep the airline afloat and functional, Mallya kept on taking huge amounts of loans from several banks which summed up to 9000 crores.¹⁴

The most dreadful impact of the scam was faced by the civilians, who were honestly not able to pay back their loans after this scam but were compelled to do so by hook or crook. While the rich individuals had the audacity to take hefty loans and run away to another country with ease, it was the poor who couldn't even afford a full day's meal who were adversely affected. The Central Vigilance Commission (CVC) has asked these banks to create a second layer of verification of valuation reports and other papers given by a potential borrower in response to the Vijay Mallya case. The state-run banks have also been urged by the anti-corruption agency to update their procedures for quicker detection of "stressed loans". The action was being taken when lenders were trying to recoup 9,000 crores in unpaid debt from loans given to the Mallya-founded Kingfisher Airlines. When Kingfisher's share prices fell, banks continued to hold onto liquid assets, even though they were no longer valuable. It has been suggested that banks define "due diligence" for their managers before making lending decisions.

LACUNAS IN THE PRESENT LEGISLATION ADDRESSING WHITE-COLLAR CRIMES

The Supreme Court and lower courts have made it clear that the proliferation of white-collar crime is attributable to the avarice and bloodthirstiness of bureaucrats, and that it will be extremely difficult to rid the country of this problem while bureaucracy prevents serious action. White-Collar crimes over the world may be brought on by human avarice. India is going through a moral crisis now. According to the Supreme Court's ruling in Narinderjit Singh Sahni case¹⁵, hundreds of investors have lost their life savings after being misled by White Collar criminals. Most cases brought before the WCC involve people being denied their basic economic and property rights. All these legislations are in continuous function but are not able to achieve the objective of Justice which makes their implementation futile to some extent.

LACUNA IN VICTIM COMPENSATION LAWS

Section 357A(4)¹⁶ goes to the extent to state that in the cases where the offender is not traced

¹⁴ State Bank of India v. Dr. Vijay Mallya, SLP (Civil) Nos. 6828-6831 of 2016.

¹⁵ Narinderjit Singh Sahni v. UOI and Ors. (AIR 2001 SC 3810).

¹⁶ Code of Criminal Procedure, 1973, § 357, 357A No. 2, Acts of Parliament, 1974 (India).

or identified but the victim is, and the trial of the case has not taken place yet, then the victims or their LR's can make an application to the SLSA or DLSA for the award of compensation¹⁷. In the case of Hari Singh¹⁸ the court had rightfully stated that the State should accept the primary role of supporting the victims irrespective of the Case's result. These all aspects showcase that policies on Victim Compensation have been made by the Legislature, but does White-Collar Crime come under its ambit. The answer herein is "No". That the compensation scheme under Section 357A of CrPC applies to only applies to Crimes and explicitly nowhere have White-Collar Crimes been mentioned.

The States have herein put forth their own conditions before compensation can be given to the victims which defeats the purpose of the Legislation¹⁹. The State of Mizoram herein has stated that compensation shall be provided only to people belonging to BPL²⁰. In Orissa substantial loss must be proven by the victims to receive the benefit of such provisions. There are many States who have put their own conditions and stipulations before providing the benefit of the provision to the Victims. According to the Supreme Court of India, victims require immediate or interim recompense to recuperate. The 2008 Act was enacted to provide immediate relief, indicating the need for interim compensation. Donations, fresh funds, and increased compensation are all meaningless unless the judicial system awards interim compensation, which is not happening. The Court was assisted by L. Nageshwar Rao, the Additional Solicitor General for India, who stated that five years after Section 357A²¹ was created, the victim compensation programme has not become the rule, and courts are not giving interim compensation to victims. If a case drags on for 20 years and the interim compensation request is denied, it will be too late to rehabilitate the victim, defeating the purpose of the section.

Hence, Compensation to the Victims is one of the most needed and integral part of justice to the White-Collar Crimes. And even though we have fistful provisions which deal in the same the applicability of the same is weak. It is very essential for the Legislative body to frame proper guidelines and policies regarding compensation for the victims of such crimes as we have already seen the cause and effect of such crimes.

¹⁷ Youaraj Rai & Ors. v. Chander Bahadur Karki [(2007) 1 SCC 770].

¹⁸ Hari Singh v. Sukhbir Singh and Others [(1988) 4 SCC 551].

¹⁹ Code of Criminal Procedure, 1973, §357A No. 2, Acts of Parliament, 1974 (India).

²⁰ The Mizoram Victims of Crime Compensation (Second Amendment) Scheme 2013, S. 5(f).

²¹ Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1974 (India).

LACUNAS PREVALENT IN OTHER LEGISLATIONS

There are several legislations which are dealing with White-Collar Crimes such as Food Safety and Standards Authority of India (FSSAI), Narcotic Drugs and Psychotropic Substances Act 1985 (NDPS Act), Prevention of Money Laundering Act 2002 (PMLA), Fugitive Economic Offenders Act 2018, Lokpal and Lokayuktas Act 2013, etc. The most important aspect and job of the legislatures would be to define the term “White-Collar Crimes” and what all activities do come under its ambit. Throughout the past chapters we have seen the impact it has had on the Socio-economic aspect of India as well as the World. In India we have multiple Legislations and multiple Executive as well as Quasi-Judicial Bodies which are fighting to curb the occurrence of such crimes. This multiplicity is one of the same reasons that the Legislature, Executive and Judiciary; even after several major steps to stop and prevent it have failed to curb the same. It has been rightly said that several cooks spoil the broth and the same is very evident in the current scenario.

In punishment, the legislature has a significant influence. It specifies what behaviour is criminal as well as the severity of the punishment that may be imposed for that behaviour. There are substantial gaps in the legislative guidelines for white collar offences. The laws relating to Punishing of White-Collar Crimes must be comparatively more stringent as compared to the regular traditional crimes. The reason of the same is that unlike traditional crimes, White-Collar Crimes require a lot of planning and complex transactions which require proper execution, conspiracy, and criminal intention to commit such crimes.²²

There are various theories of punishment, and the magistrate must determine which theory should predominate in each case. White collar crimes are committed professionally by deceptively respectable members of society by inflicting severe harm on the nation’s health and prosperity. The judge must determine on his own whether deterrence or retribution, i.e., a punishment proportional to the crime, should be the objective under these circumstances so that the criminal does not commit the crime again. In addition, it is unclear how the theory of rehabilitation will be incorporated into the sentencing of white-collar crimes.

White collar offences may be punished with a fine. Money and time are the most crucial factors in white collar offences. Trial should be concluded within a specific timeline and the judgement

²² Stephanos Bibas, White Collar Plea Bargaining and Sentencing after Booker, 47 William and Mary Law Review 723, 742 (2006).

pronounced in a timely manner. The quantity of the fine should reflect the gravity of the infraction. Many statutes dealing with white-collar crimes prescribe a fine as a sanction. Consequently, a fine is typically a symbol of punishment rather than a punishment. Fines can act as an important way of determent as the criminals herein have attained and gained the money wrongfully. Psychologically it is said that majority of the Criminals herein have a pride over what they have achieved rather than regret for the actions; for wrongfully taking money from the people (victims). The legislation fails to specify the necessary training for officers employed by the respective authorities. The inadequate training and lack of professional qualifications among these officers are significant factors enabling perpetrators to commit complex crimes effortlessly.²³ Basic qualification exams and general tests on subjects like statistics and finance are insufficient for detecting such crimes; a comprehensive understanding of the matter is essential.

AFSPA AND HUMAN RIGHTS

Human rights advocates and groups have consistently opposed the AFSPA legislation, expressing strong disapproval towards it. The people of Kashmir have endured false encounters, disappearances, torture, humiliation, and sexual violence. The Bijbehara Massacre in 1993, where approximately 51 civilians were killed following a protest after the siege of Hazratbal mosque, exemplifies this.²⁴ Despite an inquiry holding 13 BSF officers accountable for murder, a subsequent security force trial acquitted them. The NHRC's request to review trial transcripts was denied, leading to the dismissal of the case. India, despite signing international treaties protecting human rights, such as the Geneva Convention²⁵, has failed to uphold them, as seen in instances like the killing of Mohammed Azad by an army major.²⁶ Such actions not only violate international treaties but also Article 21 of the Indian Constitution²⁷,

²³ Ranked College, <https://www.rankedcollege.com/how-to-become-cbi-officer/> (May 8, 2:23 AM).

²⁴ "1993 Bijbehara Massacre", available at https://en.wikipedia.org/wiki/Bijbehara_massacre (April 29, 2:48 PM).

²⁵ ET Contributors, *Geneva Conventions at 71: An in-depth look from the Indian perspective*, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/news/defence/geneva-conventions-at-71-an-in-depth-look-from-the-indian-perspective/articleshow/77519568.cms> (April 29, 2:57 PM).

²⁶ Imphal News, *Army Major named in FIR for killing 12-yr-old in fake Manipur encounter*, TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/imphal/army-major-named-in-fir-for-killing-12-yr-old-in-fake-manipur-encounter/articleshow/65252258.cms> (May 2, 1:03 AM).

²⁷ Article 21, The Constitution of India, available at https://www.constitutionofindia.net/constitution_of_india/fundamental_rights/articles/Article%2021 (May 2, 1:30 AM).

affirmed in the case of *Maneka Gandhi v. Union of India*²⁸.

The cycle of oppression perpetuated by the AFSPA results in a continuous cycle of violence, with coercion from the AFSPA fuelling insurgent responses, and vice versa. This perpetuates an exceptional situation in the Northeast, justifying the continued presence of the AFSPA even after 50 years.²⁹ Moreover, armed forces in Jammu and Kashmir unlawfully detain human rights defenders and subject them to anti-terror laws, as seen in the case of *Khurram Parvez*³⁰, an outspoken activist shedding light on army brutality and human rights violations in the region.

CONCLUSION

The study help us in understanding the plight of the Victims, especially in India. In India, the rich and powerful have often escaped from their liabilities due to poor regulatory and legislative conditions. That due to the prominence of avarice in all the sectors, corruption has become a key and integral part of White-Collar Crime which is destroying our Country and its economy from the very core. Over the years, the country's legislators have framed Legislations to tackle such crimes but have not been implemented in an effective manner due to which such crimes continue to happen. Due to ineffective legislations the victims of such crimes have still not been compensated for the losses they have succumbed to and are suffering till date while these convicted felons are out having a gala time. To understand the deficit in our legislations it is very important for us to first understand and analyse the existing legislation which are tackling White-Collar Crimes in India.

The first step towards reducing crime is the passage of legislation. For a law to produce the desired results, it must be effectively enforced. Even though we have multiple authorities acting as a watchdog on the same, both the Authorities and Legislations are all bark and no bite. Currently our present legislations are not effective and efficient enough to disburse the requisite justice to the Victims of such crimes and hence the Lacuna in the same must be filled

²⁸ *Maneka Gandhi v. Union of India*, 1978 AIR 597, 1978 SCR (2).

²⁹ Chauhan, Rituraj Singh, *A Violation Of Every Commitment India Has Made To Protect Human Rights: AFSPA, YOUTH KI AWAAZ*, <https://www.youthkiawaaz.com/2017/08/armed-forces-special-power-act-right-to-kill/> (May 1, 11:48 AM).

³⁰ Mashal Mujib, *Kashmiri Activist Arrested Under India's Antiterrorism Act*, THE NEW YORK TIMES, <https://www.nytimes.com/2021/11/23/world/asia/kashmiri-activist-india-antiterror.html> (May 1, 12:34 AM).

effectively. There is a lot of requirement to make sure that the line in the graph starts moving in the downward level so as to protect the socio-economic sphere of our country.

The government has the responsibility to address insurgency while safeguarding its citizens and maintaining peace. However, this should not come at the expense of human lives, as the current law has caused more harm than good. It shouldn't be driven by demagoguery, but rather by the greater good for all affected parties. From a utilitarian perspective, the law fails to prioritize the happiness of the majority. Despite arguments in its favour, it cannot outweigh the deaths and human rights violations it has caused. Morally, ethically, and legally, the law lacks legitimacy and public support. The state must consider amending or repealing it to be more humane. While monetary compensation cannot replace lost lives, justice must be served by holding accountable those responsible for wrongdoing. Measures like deploying body cameras on soldiers and creating safe passages for vulnerable groups can help increase accountability and safety. Ultimately, it's up to the government to implement these changes and rectify the costly errors of the current system.