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OFFENENCES AND CRIMES AGAINST FOREIGNERS IN INDIA

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ABSTRACT:-

Indian penal code 1860 deals with crime and offences, crime is action that causes offence to commit crime one must need both actus rea and mens rea which means action that leads to crime and intention of doing crime if this both are present then an action or act causing injury is called crime offence is similar but it is violation of a law in general which is punishable under specific laws for an example chapter VI of IPC etc…speaks about various offences , India being one of globally recognized country is facing issues regarding crimes and offences not only regarding Indian citizens but also in case of foreign nationals and Tourists, Indian constitution under Part III of constitution provide fundamental rights to all both to citizens and non citizens of india under article 21 Right to life comes protection of life and personal liberty , This article is violated when crimes and offences increase leading to violation of article 14 , 19 simultaneously further it creates a major impact on reputation of india globally , further and most importantly it leads to injustice to non citizens of Indians and foreigners , the crime and offences against foreigners have grown from time to time which needs to be resolved as early as possible

KEY WORDS :- Crime , Offences ,Foreigners , Violence , Threat , India , Law and Non – citizens .

INTRODUCTION:-

India is known for its rich culture and heritage and unique ethnicity, making it home for various cultural people further India believes in system of 'ATHIDHI DEVO BHAVA' and 'VASUDHAIVA KUTUMBAKAM ' which means guests are equal to god and entire world is one home but this concept in reality is not being implemented as crimes against foreigners have rapidly increased in India foreign tourists and students are often victims of Theft , Robbery ,Kidnapping and abduction etc…. creating un safe environment for tourists who visit india .

Recently Spanish women rape case in Dumka district of Jharkhand has shocked everyone not only women was gang raped by 8 people, her husband was assaulted and they were looted 10,000/- rupees not only this case they are many cases as such that were reported to police stations but very few cases are ending up in courts and trails further many cases are not disposed by are kept in hold making victim suffer for longer time. Which is not creating a positive impact on the society and foreign tourism?

CRIMES REPORTED BY FOREIGNERS:-

The crimes that are reported in general are Theft , Assault ,Assault on women with the intent to outrage her modesty , Sexual harassment , Rape ,Murder , cheating , forgery , simple hurt ,Immoral trafficking ,Human trafficking ,Kidnap and abduction and Attempt to murder

They are 886 Theft cases, 148rape cases, 144Cheating cases, 84simple hurt cases, 79 murder cases 79 Robbery cases 65Immoral trafficking cases 57 trafficking cases 38 kidnap and abduction cases 35 forgery cases 31 attempt to commit murder cases 180 assault and outraging modesty cases are present from 2016 to 2022

Especially women are becoming victims of gang rape and rape in Datia district a Swiss tourist was gang raped, in 2022 Latvian women was abducted gang raped and murdered from a resort in Trivandrum Kerala not only that they are many such cases they are also reports on tourist guides misbehavior and cheating and financial frauds, however rather than financial crimes physical crimes have rapidly increased.

In case of State vs. Jyothish Prasad and others [2009[1]] also known as The dawn Griggs case an Australian women aged 60 years took a cab or taxi the taxi driver took her off road to isolated area gagged her and raped with his pals and looted her luggage and left her dead not only this they are various cases were foreigners were targeted and cruelly suffered In case of (Suo motto vs state of Rajasthan [2005])a German lady has visited Jaipur and after exploring city and having dinner she took auto rickshaw to hotel driver of auto rickshaw drove auto off road and took her to outskirts and he and his friend raped her while they were doing the act the screams of women attracted nearby villagers who rescued her and brought to nearby village not only rape and sexual offences on tourists they are various cases were student were also targeted further there is immoral trafficking and forced sex work is also done with foreign citizens .

[1] (State vs. Jyothish Prasad and others [2009]) (Suo motto vs state of Rajasthan [2005])

TRIALS AGAINST CRIMES ON FOREIGNERS – very few cases are being addressed and successfully getting a trial but majority of cases are delayed due to slow trail and lack of proper administration and jurisdiction , Indian judiciary has a lot of cases to be disposed making the trials slow and this is a drawback for getting a quick trial and even though the trial is done it takes long years to attain justice to victims staying for longtime is not possible most of the time as there might be visa and passport issues for foreign citizens and there halting and staying in india might not be possible for longer duration leading them to suffer more .

IMPACT OF THIS CRIME –

Impact on tourism – due to increase of crime rate tourism will be reduced and this effects Indian tourism and commerce, leading to bad reputation on Indian tourism further due to increase in crime rate tourist might not choose India as traveling spot similarly due to crime rate Indians may face difficulty in traveling to other countries.

Impact on global platform – Indian and foreign relations will be effected due to crime on foreigners which might affect cordial relationship, trade and Indian students and others in foreign nations they might be mistreated as their citizens were mistreated in india.

Impact on GDP – GDP of India might be reduced if tourism and commerce is affected thus it may lead to financial problems and downfall of tourism industry .

Impact on victim – victim will be both psychologically and physically affected due to the pain or suffering they endured , when they trust india and come to india it is responsibility of india to keep them safe and sound and india will be failed to do things as so further due to long judicial process it will effect victim more deep and financially will strain them further leading them to face visa and passport issues . Totally victim will be the ultimate sufferer.

MEASURES TO ADRESS THE ISSUES - In case of B.H Mohanti vs. Rajasthan [2]and bidya bhushan Mohanti vs. state of Orissa German student rape case trial was done in 15 days similarly In case of later in case of Suo motto vs state of Rajasthan [2005] constitutional court under article 226 took the issue to address quickly to render justice such trials should be conducted however I would like to add few more to address issue more efficiently

- Creating separate jurisdiction for foreign matters and issues both civil and criminal.
- Creating portal and apps for foreign tourists so they can access help easily
- Creating a check post near outskirts and isolated areas
- To address foreign tourist grievances a separate department must be provided
- Allowing only authorized tour guides and providing them id card they might be government based guide or private guide

[2](B.H Mohanti vs. Rajasthan) (bidya bhushan Mohanti vs. state of Orissa) (Suo motto vs state of Rajasthan [2005])

- Making auto drivers and cab drivers keep QR code with personal details of driver and help line in case of emergency authorities may be notified.
- To have efficient security and cc camera surveillances in tourist spots.
- To promote government based tourism and travel in india
- Creating efficiency in tourism department and funding tourism sector .

These are few measures that can be taken to resolve the issue of crimes and offences against foreigners.

LAWS UNDER INDIAN GOVERNMENT FOR FOREIGNERS –

India has separate laws to govern and protect foreigners they are

1. The passport act 1920 – passport act deals with the legal nationality of foreigners and visa and other issues , whether the person or foreigner is eligible to stay in india or visit india whether he has any un authorized background that may be treat to india etc… is dealt in the act
2. The registration of foreigners act 1939 – If a foreign citizen wishes to stay for long period he or she must get registered to stay in india for the time they want to stay in india this act deals regarding that
3. The registration of foreign rules -1992 – This are regarding the rules the foreigners should be following in india like to keep their passport and visa and to show in case if its required etc… it also speaks about places or things that foreigners are prohibited to do etc…
4. The foreigners act 1946- the act looks after the needs and requirements of foreigners and all the aspects regarding foreigners in india.
5. FERA AND FEMA - FERA is known as foreign exchange regulation act it came into existence in 1973 and later it was changed to FEMA known as foreign exchange management act which came into existence in 1999 this is regarding foreign exchange and finance in india
6. Foreign marriage act 1969 - this regarding foreign marriages and personal law related matters that deal with marriage between Indian and foreigners.

   These are few laws regarding foreigners in india they are also crimes were foreigners commit in india like illegal human trafficking , drug selling and narcotic sale , rape and other heinous offences but they are mostly due to underworld mafia etc… which a global problem .

DEPORTATION AND TRAFFICKING - Deportation of foreigners and illegal immigrants is legal in india and thus the means of Deportation is used to for trafficking foreign individuals for an instance they are various reports stating that the foreigners were cheated in name of deportation, illegal mafia come as authority and use deportation as means of trafficking in india, In case ((state vs. palwanova Dilfuza)- 2017) foreigners who came to india from Uzbekistan were trafficked and used for sex works . thus they are instances were in name of deportation trafficking is done .

[3]

FINANCIAL CRIMES AGAINST FOREIGNERS IN INDIA –

Theft, robbery, cheating, forgery etc... are common crimes against foreigners often tourist guides and traveling spots go through theft and menial crimes but this financial crimes are also accompanied by major crimes like rape , murder and attempt to murder which become life risking issue for foreigners due to con artist and other people they are often cheated and fooled which is treat for tourist they area also broader financial crimes like money laundering etc.. \

CYBER CRIMES AGAINST THE FOREIGNERS IN INDIA –

Fake websites, fake tourism planners a often hack foreign individuals and tourist leading to financial frauds online money laundering is also a major regarding crimes against foreigner in india . Leading to treat to both foreign individuals and nation as well .

In case of (State vs. Jyothish Prasad and others [2009]) Australian tourist was victim of both rape and robbery which caused her death further in case of Spanish women she was gang raped and her husband was assaulted and they were looted nearly 10,000/- rupees further in case of (state vs. palwanova Dilfuza) [4]foreigners were looted and forced into sex work this are few cases regarding financial crimes accompanied by bodily injuries and rape .

CREATING SAFE TOURISM –

India being country encouraging global unity like concepts of ATHIDHI DEVO BHAVA and VASUDAIVA KUTUMBAKAM should create safe tourism for foreigners by taking special measures , tourism department should be encouraged to take steps regarding financial frauds and other issues and create a safe environment , crimes should addressed quick and fast and victim should get immediate relief , tourist hot spots and hubs , tourists booths and grievance booths should be placed near tourist spots fake agencies , websites should be recognized and get removed from online platforms , eco friendly tourism , tourist friendly atmosphere should be created , apps and social media based help lines and support should be provided to tourists . this

[3] ((state vs. palwanova Dilfuza)- 2017)
[4](State vs. Jyothish Prasad and others [2009])(state vs. palwanova Dilfuza)

can be few aspects that would be efficient in solving issues regarding crime against foreign tourists in india .

INDIAN WELFARE REGARDING FOREIGNERS IN INDIA –

Being globally striving economy india should provide safety measures for foreigners in india by implementing required measures thus this leads to sound and safe tourism and foreign settlements in india and create the unity among foreigners and Indians

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CRIMES COMMITED BY FOREIGNERS IN INDIA AND HOW SHOULD THEY BE ADRESSED -

Crimes against foreigners and crimes committed by foreigners can be addressed in similar way there are cases and report were foreign individuals have committed crimes like rape, theft, robbery, illegal business etc in case of (state of Maharashtra vs Mayer Hans George [1965])illegal smuggling by a foreign smuggler can be seen moist of this type of crimes are dealt by custom officers similarly they are many such cases to prevent such happenings there should be

- Strict passport verification and custom regulations
- Thoroughly confirming the foreign individuals background
- Strict prohibition of substance abuse and alcohol in public places
- Creating safe and systematic transport and cargo.

These are few measures that can be implemented for better tourism and crime reduction against and by foreigners. This are few aspects how deal with crimes and offence against foreigners in India.

CONCLUSION – crimes against foreigners in india needs to be addressed quickly as the recent statistics from 2016 to2022 states that crimes against foreigners have rapidly increased many cases are at trial but disposition of cases is low and not up to mark this will effect reputation and tourism of india and majorly affects victim psychologically , physically and will exhaust them to address this issues india needs to take step against crimes and offences against foreign individuals to create safe and sound tourism further to promote Indian ideologies like ;ATHIDHI DEVO BHAVA ‘ and ‘ VASUDHAIVA KUTUMBAKAM ‘ meaning guests are equal to god and entire world is one family , further by addressing the issues of foreign victims and rendering them justice . recently attacks on foreign individuals specially a gang rape on Spanish women in india and assault on her husband and looting them have created a mark on Indian

[5] (state of Maharashtra vs Mayer Hans George [1965])

tourism as hosts of this tourist india should address the issue and render justice to such victims and in process we should adopt quick trials and immediate action against them who have committed such heinous crimes and to create safe environment for individuals who are Indian tourist based on issue india needs to work on 2 major things they are 1.safe and ethical tourism 2. Efficiency in administration both judicial and executive and also to have appropriate laws made by legislature, this two aspects will bring a lot change regarding the issue. Further Indian tourism and foreigners and india relations will improve drastically this are few aspects that should be considered based resolving crimes and offences in india against foreigners.

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