

The Republic of India

Positions for the Commission on Crime Prevention and Criminal Justice

I. Developing Public-Private Partnerships to Prevent and Investigate Acts of Financial Cybercrime

The Republic of India is a strong advocate and supporter of increased public-private partnerships or PPPs. We believe that the encouragement of partnerships between the public and private sectors is of pinnacle importance to prevent and investigate financial cybercrimes. India continues to advocate for fostering strong and everlasting partnerships between the public and private sectors because we believe that PPPs are one of the first-line preventive measures to cybercrime. Cybersecurity, according to *The Information Technology Act, 2000*, is defined as “protecting information, equipment, devices, computer, computer resource, communication devices, and information stored therein from unauthorized access, use, disclosure, disruption, medication or destruction.”¹ To address issues of cybersecurity, India strongly encourages Member States to develop PPPs, so the national, regional, and international communities will be better equipped for an adequate response to cybercrimes such as those of financial nature. The World Bank describes India as one of the top five leading States in terms of willingness to participate and invest in PPPs.² Additionally, regulations in India are described as fair with flexibility when dealing with changes in scope, renegotiations, and amendments of PPPs in which India ranks first in the world in “operational maturity” for PPPs projects, third in sub-national PPPs activity, and fifth in having an ideal environment for PPPs projects.^{3, 4}

One of India’s greatest contributions to PPPs is creating a website for PPPs programs. The website has been developed by the PPPs Cell, which is responsible for policy-level matters concerning PPPs, and India’s Department of Economic Affairs. The website is designed to provide wide-range information regarding PPPs in India as well as share best practices for PPPs specialists. Hence, allowing the smooth share of information between the private sector and the public sector regarding policy documents, government guidelines, model documents, project information, information on institutional mechanism evaluation of PPPs infrastructure, and plans of financial aid to PPPs projects.⁵ In addition to the PPPs website, the PPPs Cell developed a separate website to share information on infrastructure projects implemented in India. There is a total of 322 PPP projects in India covering numerous areas such as airports, housing, ports, tourism, and education. A report conducted in 2016-2017 by the Financial Intelligence Unit in India or FIU-IND indicates that, in compliance with *The Prevention of Money Laundering Act, 2002* or PMLA, which criminalizes money laundering and the “attachment, seizure, and confiscation of property” obtained directly or indirectly from money laundering, reporting entities must share information regarding money laundering crimes. Some of the reporting entities in India include public sector banks, private Indian banks, insurance companies, payment system operators, non-banking financial companies, and other public/private entities.⁶ In addition to embracing an active role in developing PPPs, India’s FIU officers participated in several workshops to build capacity. Such workshops included the Intelligence Gathering from Cyber Space in November 2017 and Cyber Threats and Countermeasures in May 2017.⁷

In committee, considering the lack of an official financial cybercrime definition, India will seek to collaborate with the Member States to recommend creating an official definition of financial cybercrime within the United Nations. Working within the parameters of the UN’s Congress on the Prevention of Crime and Treatment of Offenders’ definitions of cybercrime, India will work multilaterally with other States to adopt international definition parameters for financial cybercrimes. Moreover, as a successful leader of PPPs, India will stress on the importance of developing PPPs to prevent and investigate financial cybercrimes. With extensive knowledge and expertise, India will recommend various strategies and approaches to implement successful PPPs. Some of the recommendations will include the adoption of essential conditions in PPPs, such as the use of public assets or provision of service for public benefit and sharing information regarding the risk of providing services.⁸ Additionally, India will recommend holding

¹ *Information Technology Act, 2000*. June 2000. indiacode.nic.in, <http://indiacode.nic.in/handle/123456789/1999>.

² The World Bank. *World Development Indicators*. 2016, <https://databank.worldbank.org/data/reports.aspx?source=2&country=AFG#>

³ Evaluating the Environment for Public-Private Partnerships in Asia-Pacific: The 2014 Infrascope. 2014, p. 84. <https://www.adb.org/sites/default/files/publication/158409/2014-infrascope.pdf>

⁴ Overview - Public Private Partnerships in India. <https://www.pppinindia.gov.in/overview>

⁵ Ibid

⁶ Financial Intelligence Unit - India. *Annual Report 2016-17*. 2017 2016, <https://fiuindia.gov.in/pdfs/downloads/AnnualReport2016-17.pdf>

⁷ Ibid

⁸ United Nations Office on Drugs and Crime. India: Probity in Public Procurement. <https://www.unodc.org/documents/southasia/publications/research-studies/India-PPPs.pdf>. Accessed 12 Oct. 2019

workshops to increase awareness of financial cybercrime risks among nations and the ability of such crimes to be transnational. Workshops, similar to those held by officers of the FIU-IND, will bring the public and private sectors' attention to financial cybercrimes, preventing, and investigating such crimes. Also, India recommends developing an international advisory body of PPPs, such as those developed by the Indian PPP Cell, in which the body is responsible for policy-level matters concerning PPPs.

II. Improving Access to Social Service Programs for Incarcerated Juveniles

Children are the pillars our future stands on. The Republic of India strongly believes that to protect our youth, especially our children that go through the unpleasant experience of the incarceration system, we need to improve access to social service programs of our incarcerated youth for better societal integration and lower recidivism rates. Under the Juvenile Justice (Care and Protection of Children) Act in 2015 in India, the juvenile is defined as “a child below the age of eighteen years.”⁹ According to a report by the National Crime Records Bureau Ministry of Home Affairs in 2016, juveniles in India committed a total of 35,849 crimes.¹⁰ 86% of juveniles, who were accused of a crime, were held guilty over criminal cases in 2016.¹¹ According to the latest census conducted in 2011, India's youth, those who are below the age of 14, comprise 29.5% of the total population.¹² The age structure in India is considered one of its most defining characteristics. As a nation with an 86% juvenile conviction rate, India believes that addressing and improving access of incarcerated juveniles to social service programs. With approximately 36,000 crimes committed by juveniles in 2016, the rehabilitation of youth is of increasing importance to India.

The Mandate of the National Commission for Protection of Child Rights (NCPCR), which was enacted in 2005, emphasizes the “universality and inviolability of child rights and the urgency of child-related policies” in India.¹³ Under the NCPCR Act, policies enacted define priority actions as necessary for children perceived highly vulnerable and marginalized. One of the Act's underlying importance is focusing on Indian regions where vulnerable children live the most.¹⁴ In addition, the Act's mandate is to ensure that all Indian laws, policies, and programs are in line with India's Constitution and the United Nations Convention on the Rights of Child (UNCRC). The Juvenile Justice section of the Act attempts to protect the following: children in need of special care and protection, who are in conflict with the law, or those without family in which the Act demands closely observing the living situation of juveniles in custodial homes or any other place or institutions designed for children's treatment, reformation, rehabilitation, or protection.¹⁵ Also, the NCPCR Act issued numerous reports regarding the subject of juveniles in conflict with the law. The Commission conducted a report, *Do's and Don'ts for Person in Charge of Child Care Institution*, in which a list of do's and don'ts is created to preserve the rights of children accused or convicted of a crime.¹⁶

India strongly believes that to improve incarcerated juveniles' access to social service programs', States must address issues of mental health of incarcerated juveniles, quality of healthcare inside detention facilities, and the availability of education, vocational training, and reentry programs. Addressing mental health among incarcerated juveniles is of pinnacle importance. CCPCJ must address the accessibility issue of mental healthcare of incarcerated juveniles, such as Post-Traumatic Stress Disorder (PTSD) and Cognitive Behavioral Therapy (CBT) treatment programs. The development of healthcare centers inside detention facilities is one of the most vital facets India will address in the committee. Furthermore, addressing the physical health of incarcerated juveniles must be one of the top priorities of the committee. The reintegration of incarcerated juveniles into the community requires recommending cost-efficient and equitable social programs focusing on physical health. We seek to address the issue of improving the quality of education and vocational training programs inside detention centers so that juveniles will have better chances of reintegration into society and reduced recidivism rates. India strongly recommends the committee to collaborate to reach such goals and work together to recommend rigorous suggestions of program implementation strategies.

⁹ Ministry of Law and Justice. *The Juvenile Justice (Care and Protection of Children) Act, 2015*. <http://cara.nic.in/PDF/JJ%20act%202015.pdf>.

¹⁰ National Crime Records Bureau Ministry of Home Affairs. *Crime in India, 2016*, <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

¹¹ Ibid

¹² Office of the Registrar General & Census Commissioner, India. *CHAPTER - 2: POPULATION COMPOSITION, 2011*, http://censusindia.gov.in/vital_statistics/SRS_Report/9Chap%20%20-%20202011.pdf

¹³ National Commission for Protection of Child Rights. *About NCPCR-National Commission for Protection of Child Rights, Government of India*. <https://www.ncpcr.gov.in/index1.php?lang=1&level=0&linkid=12&lid=44>. Accessed 13 Oct. 2019

¹⁴ Ibid

¹⁵ National Commission for Protection of Child Rights, Government of India. *Juvenile Justice Introduction*. <https://www.ncpcr.gov.in/index1.php?lang=1&level=1&&sublinkid=1600&lid=731>. Accessed 13 Oct. 2019

¹⁶ National Commission for Protection of Child Rights, Government of India. *Do's and Don'ts for Person in Charge of Child Care Institution*. <https://www.ncpcr.gov.in/showfile.php?lang=1&level=2&&sublinkid=1362&lid=1546>