

SOCIAL IMPLICATIONS OF CRIME IN SOCIETY WITH SPECIAL REFERENCE TO KASHMIR

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Abstract

This research study explores the nature, magnitude and implications of crime in society at general and Kashmir in particular. Sociologists view crime as a deviant behaviour that violates prevailing norms, cultural standards prescribing how humans ought to behave normally. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political and economic conditions may affect crime. In this context, the crime scenario in Kashmir has undergone a dynamic change and phenomenal increase from the last two decades which has far reaching implications for the social fabric of society. In this paper, a special attention has been given to analyse the relationship between conflict situation, unemployment and crime. It is in this sense that the present paper was formulated with the objective of understanding sociological dimensions of crime in Kashmir.

Keywords: Crime, Implications, Kashmir, Magnitude, Nature.

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1. Introduction

Crime is anti-social behaviour and it is an act forbidden by the law of the land and for which penalty is prescribed. In the words of Barnes and Teeters, “The term “Crime” technically means a form of anti-social behaviour that has violated public sentiment to such an extent as to be forbidden by statute”. To quote Elliott and Merrill, “A crime ipso facto implies a disturbance in a social relationship and a social definition as to what such a disturbance is”. The study of crime has been one of the most theoretically fertile areas in sociology (Sampson Robert J., 2000). Crime is a social fact and human act (Emile Durkheim, 1895). Crime is both normal and functional; it is an “antisocial act” (Mowrer, 1959; Cited by Ahuja Ram, 2006). Sutherland suggests that variation in mobility; cultural conflicts, family background; ideologies, population density, employment and distribution of wealth etc. have a close bearing on crime causation and are the main conditions which directly influence the crime rate (Sutherland, 1955). The factors of crime include: a) poverty and unemployment deriving from social exclusion particularly from the youth’ b) dysfunctional families with uncaring and incoherent parental attitudes, violence and parental conflicts; c) social valuation of a culture of violence; d) presence of facilitators such as firearms and drugs; e) Discrimination and exclusion deriving from sexist, racist or other forms of oppression; f) degradation of urban environments and social bonds; g) inadequate surveillance of places and availability of goods that are easy to transport or sell (ICPC, 1997, pp. 20-21). Crime is a social phenomenon – both in its causes and its effects – and penal policy must be seen in the context of wider social and economic marginalisation and exclusion (IPRT, 2012). Although individual choice is the primary factor in criminality; socio-economic factors also contribute directly to a person engaging in criminal behaviour, as discussed above. There are a number of risk factors which have been identified as increasing the likelihood of children and young people engaging in crime in later life. These include community disorganisation, socio-economic deprivation, family problems, academic and school issues and personal factors (National Crime Council Tackling, 2002).

The Kashmiri society has shown increasing trend in crimes over the years. There is no single root cause of crime and it is primarily the outcome of multiple adverse social, economic, cultural and family conditions. Earlier Kashmir society was socially united and a kin-bound society but now it is socially fragmented and social cohesion is weak. Promotion of social cohesion most likely

refers to conflict resolution, reconciliation, and rebuilding the 'social fabric' of society through the promotion of institutions that are sources of 'social capital'. The core social root causes of crime are: inequality, lack of support to families and neighbourhoods, real or perceived inaccessibility to services, and lack of leadership in communities. The family in Kashmir has experienced family disorganisation. The control previously exercised by the family over the individual is now lacking. With the lifting of family control there are less or no restrictions to the criminal tendencies of children. The natural relations between parents and children are devoid of love which has created undesirable domestic conditions. The prevalence of defective education does not develop the character of students in right directions. Instead it has led to an increase in selfishness, disorderliness and impertinence. Ethical and religious education has no place in the modern education system. The changes in social values such as materialism, individualism, rationalism, too much freedom of choice, absence of sex restriction etc., has a disregard of ancient social values. The other causes of crimes are poverty, unemployment, urbanization and conflict situation.

Crime rates are increasing all over the world. The major crimes are murder, rape, kidnapping & abduction, dacoits, robbery, burglary/house, breaking, riots, dowry deaths, molestation, sexual harassment, cruelty by husbands and relatives, importation of girls, drug abuse, child abuse, delinquency, suicides, hate crime, war crime and cybercrime, etc. The table 1.1 below shows the world's top ten countries with highest crimes.

Table 1.1: World's Top Ten Countries with Highest Crimes, 2010

S. No.	Country	Crime No's
01	United States	01 11,877,218
02	United Kingdom	6,523,706
03	Germany	6,507,394
04	France	3,771,850
05	Russia	2,952,370
06	Japan	2,853,739
07	South Africa	2,683,849

08	Canada	2,516,918
09	Italy	2,231,550
10	India	1,764,630

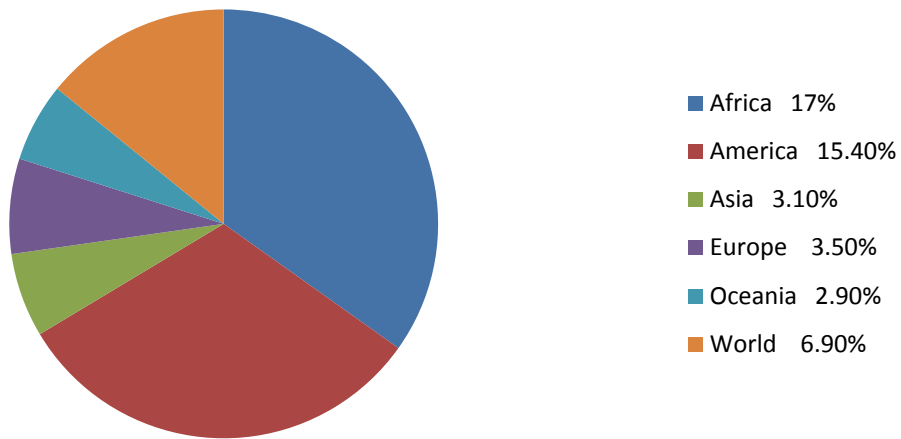
Source: Human Development Report-2010, UNDP.

The United Nations Office on Drugs and Crime (UNODC) conducted a study in 2012 that includes most countries of the world. The following lists show only the most recent data. Intentional homicide in this case is defined as unlawful death purposefully inflicted on a person by another person (UNODC, Homicide Statistics, 2012). The table 1.2: UNODC murder rates most recent year, 2012.

Table 1.2: UNODC murder rates most recent year, 2012

Region	Rate	Count
Africa	17.0	169105
Americas	15.4	144648
Asia	3.1	127120
Europe	3.5	24025
Oceania	2.9	1180
World	6.9	466078

UNODC murder rates most recent year, 2012



Source: UNODC, Homicide Statistics: 2012, http://www.unodc.org/documents/data-and-analysis/statistics/crime/Homicide_statistics2012.xls. Cited in original from Wikipedia, The free Encyclopedia, Retrieved 31 August, 2012.

In India, the major crimes are murder, rape, kidnapping & abduction, dacoit robbery, burglary/house, breaking, riots etc. The table 1.3 below shows the crime in India from 1953 – 2010.

Table 1.3: Crimes in India 1953 - 2010

Total cognizable crimes under IPC		Murder		Rape		Kidnapping & Abduction		Dacoit		Robbery		Burglary/House Breaking		Riots	
Year	Incidence	Year	Incidence	Year	Incidence	Year	Incidence	Year	Incidence	Year	Incidence	Year	Incidence	Year	Incidence
1953	6,01,964	1953	9,802	1953	2,487	1953	5,261	1953	5,579	1953	8,407	1953	1,47,379	1953	20,529
2010	22,24,831	2010	33,335	2010	22,172	2010	38,440	2010	4,358	2010	23,393	2010	90,179	2010	67,571
% Change in 2010 over 1953	369.6		240.1		791.5		630.7		-21.9		178.3		-38.3		229.1

Source: Mir, Ajaz Ahmad (2012). Trends of Crime in the Kashmir Valley: A Sociological Study of Srinagar City, M. Phil Dissertation: Original citation from National Crime Records Bureau Report -2010.

In the recent past, Kashmiri society has witnessed both organized and unorganized crime. Organized crime include drug trafficking, money laundering, extortion, murder for hire, fraud, human trafficking, and poaching. Many criminal operations engage in black racketeering, political violence, and abduction. Other crimes include robbery, assault, burglary, theft, motor vehicle theft, and arson. The most notable crimes in Kashmir comprise of murders, rapes, dacoit, arson, eve-teasing, dowry deaths; economic crimes like corruption, drug trafficking, smuggling, wild life trafficking; crime against women and children (Mir Ajaz A., 2012). As per the Transparency International's Corruption perceptions Index, Kashmir ranks 2nd in the most corrupt states in India while as Bihar is ranked at No.1 position (Mail Today, 2008; Mir, Ajaz A., 2012). Official reports of Union Ministry of Home Affairs and state Home Department when compared reveal that incidences of normal crimes reported and registered in 2006 is 13 times more than the military related crimes. Ministry of Home Affairs in its annual report mentioned that 1667 military related incidents were reported in year 2006. Simultaneously, state department says that 23492 cases of crimes were registered, during the same year out of these cases 21825 cases were related to normal policing as claimed by a senior police officer. J&K has the 26.6% share of violent crimes of the 11.1% of average national level of the total IPC crimes (Ministry of Home Affairs Govt. of India report, 2006; Mir, Ajaz A., 2012).

Corruption is a significant problem and has adverse effects on society. In Kashmiri society, 'Juggaurd'¹ (corruption) is rampant. Anti-Social use of influence, power, authority, and other means is found in almost all fields. 'Juggaurd' is synonymous for corruption. I call it 'Juggaurdization'² of Kashmiri society. The observations made by the author revealed that corruption is deep rooted in Kashmiri society. Corruption is the practice of antisocial or unlawful or improper use of influence, power, authority, and other means. It is the asking for, receiving or obtaining or agrees or attempts to receive or obtain, any benefit of any kind for yourself or any other person on account of anything done or not done or to be afterwards done or not done, in the

discharge of your social roles or of your work duties. Again, it connotes lack of integrity or honesty; use of a position of trust for dishonest gain; moral perversion – impairment of virtue and moral principles; misuse of public office for private gain. Degrees of corruption vary greatly, from minor uses of influence and patronage to do and return favours, to institutionalized bribery and beyond. Corruption in Kashmiri society can be seen in two separate categories: the first occurs, for example, social services or social contracts are provided ‘according - to - rule’ and the second, where social transactions are ‘against – the - rule’. In the first situation, a person is receiving private gain illegally for doing something, which he/she is required to do by social norms. In the second situation, the corruption is paid to obtain social services which the person is prohibited from providing. ‘According - to - rule’ and ‘against – the - rule’ corruption occurs at all levels and in all forms and range in scale from ‘petty corruption’ to ‘grand corruption’.

2. Sociological Theories of Crime

The sociologists hold that different individuals have different reaction to the environment and that the criminal behaviour is acquired due to this interaction (Phulia S.S, Chanda and N.K, NathSurender, 1992). Sutherland (1947) in his ‘Differential Association theory’ argues that criminal behaviour is learned. It is learned in interaction with other persons in the process of communication; the principle part of the learning of criminal behaviour occurs within intimate personal groups; when criminal behaviour is learned, the learning includes: (i) Techniques of committing a crime, which are sometimes very complicated, sometimes very simple, (ii) The specific direction of motives drives rationalization and attitudes, (iii) Differential associations may vary in frequency, duration, priority and intensity, (iv) The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning. In 1893, Durkheim proposed that deviant behaviour was a normal adaptation to living within a society, which was structured by a high division of labour and was based on values of competitive individualism. The deviant behaviour became a new approach to problem and without the introduction of new approaches to problemsolving, society would remain static. Durkheim focused only on one type of deviant behaviour, i.e., suicide. Robert Merton on the other hand was interested in examining “what is it about our society and cultural institutions, not just individual characteristics that causes deviance. Merton wanted to

look at deviance in addition to conformity in society and explain differential rates. Robert Merton's theory of "anomie" first appeared in 1938 in an article titled "Social structure and anomie". According to Merton, anti-social behaviour (crime) is produced by the values of the society itself in encouraging high material aspirations as a sign of individual successes without adequately providing approved means for all to reach these goals.

Sociologists argue that communication media support shared aims which demonstrate a powerful collective representation (Wada and Odulaja, 2012). The Marxists see communication media as an exploitative tool by the elitist groups for socioeconomic and political control. The invention of mini-electronic and optical circuits capable of speeding the rate of information flow through networks has a big impact on society (Bell Garland and Platt, 1997). Free flow of information has given fillip to criminal activities like cybercrime. As an illustration it is easier to steal a penny from millions of bank account owners using the internet than using physical robbery. Other sociologists like (Giddens, 1984) have provided structuration theory as a meta-theoretical social framework that argues that action and structure operate as a duality, simultaneously affecting each other. Similarly (Orlikowski, 1992) developed a structuration model of technology which made the claim that technology is both constituted by human agency and constitutes human practice. Wood proposed the Human Firewall theory and advocated that organizations must sensitize and educate users and evaluate their compliance with security policies and procedures. Social psychology is a tool to improve user security conduct (Kabay, 2002). In this context (Schlienger and Teufel, 2002) adopted a socio cultural approach to information security and posited that the cultural theory can be used to enhance security at different cultural layers- namely, corporate policies, top management, and individuals.

The work of Michel Foucault (1979) conceptualizes social control as being produced through a complex of power relations: Power is not exercised upon individuals but through civil society. Referring to the "carceral archipelago," Foucault (1979) argues that the techniques of the penitentiary have been transported from the confines of the prison to the "entire social body." As a result the prison does not act alone but is "linked to a whole series of 'carceral' mechanisms which seem distinct enough – since they are intended to alleviate pain, to cure, to comfort – but which all tend, like the prison, to exercise a power of normalization" (Foucault, Michel, 1979).

Writing in the late nineteenth century, the French sociologist Emile Durkheim pointed out that a great deal of social change has occurred as the result of people going against the settled rules and opposing the interests of those in power. According to Durkheim, a society that had no crime would be 'pathologically over-controlled': crime, namely, the independence of his thought, rendered a service not only to humanity but to his country. It served to prepare a new morality and faith which the Athenians needed, since the traditions by which they had lived until then were no longer in harmony with the current conditions of life (Durkheim, 1966).

3. Social Implications of Crime in Kashmir

Social implications of crime are far reaching and are detrimental for overall social fabric of society. Crime leads to social pathology and in fact distorts social relationships of all – children, adults and the aged. The implications of crime are physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any social behaviour that intimidates, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone. The important crimes that are detrimental to society are: a) physical abuse - hitting, slapping, shoving, grabbing, pinching, biting, hair-pulling, biting, etc.; b) sexual abuse - coercing or attempting to coerce any sexual contact or behaviour without consent. Sexual abuse includes, but is certainly not limited to marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner; c) emotional abuse: undermining an individual's sense of self-worth and/or self-esteem; d) economic abuse: making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment; e) psychological abuse: causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Children and young and old people are targeted in the online environment that they inhabit e.g. instant messaging, chat, and social networking sites; those that engage in offline abuse, create images and share them online with networks of like-minded individuals or are recipients and collectors of such material; or those that use the internet to link up and identify the best places in the world to travel to abuse children or young people or who use the internet to lure this vulnerable group into some form of exploitation. However, the implications of the new media need to be understood more deeply because of way in which innovations in digital technologies

are contributing to the exercise and the distribution of power in society (Silverstone, 1999). Longe&Chiemek(2008) simplified the list of unintended consequences of ICT to include acts such as phishing, cyber terrorism, electronic spam mails, cyber-stalking, and fake copy -cat websites. The computer is a target for unlawful acts viz., unauthorized access to computer/ computer system/ computer networks, theft of information contained in the electronic form, e-mail bombing, data diddling, salami attacks, logic bombs, Trojan attacks, internet time thefts, web jacking, theft of computer system, physically damaging the computer system. Computer crime refers to offences that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm to the victim directly or indirectly, using modern telecommunication networks such as Internet (Chat rooms, emails, notice boards and groups) and mobile phones- SMS/MMS (Halder, D., &Jaishankar, K., 2011). Such threats are detrimental to information management and pose real danger to socio-economic fabric of society.

Other forms of harm-based crime, such as racial or religious hatred, harassment, or political extremism, may be carried out by individuals or by organised groups, and focus on particular issues. The public are targets of criminals or anti-social behaviour in various ways through the internet, and often have concerns about how they can keep themselves safe online, and where such information can be gathered from. The driver behind the majority of data thefts is the profitability of compromised private information, particularly detailed financial information. Criminals obtain large quantities of data, such as credit card data and sell it either directly to those able to realise its monetary value through fraud, or to those who act as data brokers, aggregating data from different sources and selling it to other criminals. The internet facilitates the prolonged, consistent perpetration of “hate crime” and some victims can experience hate incidents and hate crimes over a prolonged period of time at roughly the same level of intensity. Whether this is an email sent anonymously or a website dedicated to spreading abhorrent messages, this can have a high impact on victims and communities when it is part of a pattern of repeat victimisation. The World Wide Web (WWW), the one single development is having the greatest impact as a huge information resource and a channel of distribution. The present information environment is rapidly changing from conventional to digital information systems. Electronic information in terms of electronic books(e-books), electronic journals (e-

journals), electronic theses and dissertations (e-thesis and dissertations), electronic learning (e-learning), electronic commerce (ecommerce), electronic banking (e-banking) and electronic repositories (e-repositories) are all systems that represent the present information environment (Makori E. O., 2009). Technological tools connect institutions, nations, continents and integrate resources and services, and boundaries are blurred (Omekwu et al., 2006). This has increased competition among the global information players where only the best will survive by being effective in operation, marketing and creation of products and services through better information management.

Kashmir society was almost crime free at the time of independence. Very low level crimes were committed by a small number of people who were not professionals. With the onset of conflict situation, there has been upsurge in the crime rates. The available data reveals that heinous crimes have been committed viz. kidnapping, rape, prostitution, sexual harassment, threats and verbal abuse to violence. And while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic abuse are also severe. Women are becoming more victims of crime because they are the weak sex and fall easy prey of the criminals. Conflict situation has worsened the scenario as police is utilizing maximum of its resources in dealing with the insurgent activities. New types of crimes are emerging in the city which include Cybercrimes like ATM frauds, Bank robberies, password fishing, so far as these crimes are concerned the extent is not alarming, their nature ranges from intermediation to exploitation and pre sex offences. Their increasing trend is a worrying factor to the common people and the police of the state. There is not a specific location for the crimes. They are being committed at streets, colonies, isolated places, shops, big markets etc. Mostly they are committed in isolated places (Mir, Ajaz A., 2012).

The social implications of crime in Kashmir vary among the various segments of the general population. Various studies show that men have been more victims of crime than women. However, women and children have indirectly suffered and are facing huge social problems. Prof Bashir Ahmad Dabla (2010) in a study on "Widows and Orphans in Kashmir" reveals that there are 32,400 widows and 97,000 to 1 lakh orphans in the valley. These children face all sorts of hardships, problems and lack of care. Widows have been victims of humiliation, torture, rape,

forced pregnancy, kidnapping, exploitation, harassment, burning, murder and other forms of violence. The existence and continuity of this phenomenon is found irrespective of their differences in cultural, regional, religious, political, economic, social, educational, demographic and other fields. This form of violence has become structural and institutional. Similarly, the 32-minute documentary entitled, "The Lost Childhood" (in Kashmiri) by Bilal A. Jan shows the exploitation the children face. "They are forced to work for long hours but paid low wages. The children, the Film revealed, face a host of problems including lack of basic amenities and wage disparity on the basis of sex. Most of the children have left schools after the death of their fathers in different militancy-related incidents. "It had become impossible for their families to send them to school". The life conditions of orphans and widows in Kashmir are pathetic, miserable and nasty viz., feeling of social stigma, worst economic conditions, educational backwardness, health deterioration, and psychological depression, insufficient or no accommodation, feeling of insecurity, deviance, delinquency, total dependence and bleak future. The sudden death of male members has shattered thousands of families leaving behind impoverished and emotionally traumatized widows. For them, life's happiness has been transformed into a sudden defeat and seclusion; their eyes are filled with the sleeplessness and their nights with obscurity. The existence and continuity of this phenomenon is found irrespective of their differences in cultural, regional, religious, political, economic, social, educational, demographic and other fields. Lack of paternal care has shattered the lives of these children. Their life swings in between the two extremes. Widows in Kashmir have very limited rights to inheritance. Nor can they inherit, on an equal basis with male siblings, from their father's estate and upon the death of a husband a widow is often left destitute. It is disappointing that new laws, where enacted, have been inadequately publicized and poorly enforced. In addition, there has been little political will to intervene in traditions and customs which abuse widows and pauperize them. Without inheritance rights, widows find themselves totally dependent on the charity of their husband's relatives. The poverty of widows is further exacerbated by illiteracy, and a lack of education and training. In addition, rigid and long, drawn-out mourning rites may restrict widows from working in the public sector for a long period of time. Widows' access to land, credit and income generating opportunities are severely restricted. Furthermore, cultural taboos and negative stereotyping, as well as the burdens of childcare, may impede younger widows from participating in projects or working in the public domain. Without land or other collateral, poor

widows are unlikely to obtain credit. Without education or training, widows are unable to work their way out of poverty and restrictions on lifestyle prohibit them from working in the public sphere. Widows' poverty is directly related to a lack of access to economic resources, including credit, land ownership and inheritance, a lack of access to education and support services, and their marginalization and exclusion from the decision-making process.

Half-widows are often denied any share of their husbands' property by their in-laws. Some in-laws may recognize their property rights, but still restrict or infringe upon them in various ways. "With their husbands gone missing they have been left in the open sky," The absence of husbands renders women economically vulnerable. In already socioeconomically weak families, such vulnerability leads to destitution. The conflict situation in Kashmir has resulted in mental health deterioration identified as stress, anxiety, trauma, depression, PTSD, deprivation, emotional scars and suicides. In this situation of conflict, traditional values and norms lost their strength and character. As a result of this development, deviance from these ideal values/norms became an empirical reality. In this background, permissive sexual practices could hardly be stopped.

Crime has degraded quality of life in Kashmir in many ways. It limits movement, thereby impeding access to possible employment and educational opportunities; it also discourages the accumulation of assets. As crime makes people risk averse, it retards entrepreneurial and other economic activity. Crime is more 'expensive' for poor people in poor countries, as it (particularly violent crimes) can lead to medical costs and loss of productivity that poor people in developing countries are ill equipped to bear (UN, 2005). Since Kashmir is a tourist state, crime undermines the ability of the state to promote development. The high crime rates can drive out foreign and domestic investment as well as skilled or high productive labour. In this context, certain researchers have identified determinants of criminal behaviour and explored the relationships existing between criminal activity and different socio economic variables. As a case, initial theories of crime emphasized on the effect of poverty and social deprivation on crime rates (Shaw and McKay, 1942; Cloward and Ohlin, 1960; Merton, 1968). Fleisher (1963, 1966) argued that crime rates are positively associated with unemployment and low income levels. Ehrlich (1973), too, showed that low income levels led to high crime rates. Becker (1968), however,

argued that a criminal should be viewed, not as a helpless victim of social oppression, but a rational economic agent.

4. Conclusion

The nature, magnitude and implications of crime in Kashmiri society have dire sociological consequences. As a social phenomenon crime can be as a deviant behaviour that violates prevailing norms, cultural standards prescribing how humans ought to behave normally. In this context, the crime scenario in Kashmir has undergone a dynamic change and phenomenal increase from the last two decades which has far reaching implications for the social fabric of society. A co-relationship exists between conflict situation, unemployment and crime. In Kashmir society low level crimes were committed by a small number of people who were not professionals. With the onset of conflict situation, there has been upsurge in the crime rates. Conflict has worsened the scenario as it has created unemployment problem. The available data reveals that heinous crimes have been committed viz. kidnapping, rape, prostitution, sexual harassment, threats and verbal abuse to violence. And while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic abuse are also severe. Women have become more victims of crime because they are the weak sex and fall easy prey of the criminals. They have faced humiliation, torture, rape, forced pregnancy, kidnapping, exploitation, harassment, burning, murder and other forms of violence. The existence and continuity of this phenomenon is found irrespective of their differences in cultural, regional, religious, political, economic, social, educational, demographic and other fields. This form of violence has become structural and institutional. New types of crimes have emerged which include cybercrimes like ATM frauds, Bank robberies, password fishing, so far as these crimes are concerned the extent is not alarming, their nature ranges from intermediation to exploitation and pre sex offences. The major social implications of crime were identified as threat to life, property, and security. The conflict situation and unemployment directly and indirectly lead to stress, anxiety, trauma, depression, PTSD, deprivation, emotional scars and suicides. In this situation of conflict, traditional values and norms lost their strength and character. As a result of this development, deviance from these ideal values/norms became an empirical reality. In this background, increase in crime rate could hardly be controlled.

Notes

- ¹. The term 'Juggard' refers to a local Kashmiri term for corruption; it is manifest in all aspects of Kashmiri culture.
- ². The term 'Juggardization' was first used by the author in an article entitled, "Corruption in Kashmir" in *Greater Kashmir*, March 30, 2006.

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