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# **THE GROWING DIFFICULTY OF THEFT AND SHOPLIFTING IN INDIA**

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## **ABSTRACT**

The topic that I shall be dealing in is of Shoplifting and theft. The title is 'THE GROWING DIFFICULTY OF THEFT AND SHOPLIFTING IN INDIA'.

Theft is the crime of stealing something that is not yours. Theft is defined under Sec. 378 of the Indian Penal Code (IPC). Theft is when one person steals or takes some movable property from the possession of that person without his or her consent. Sec. 379 of the IPC gives the punishment for theft. If a person is found guilty of theft, he or she shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

## **INTRODUCTION**

Theft from an open retail facility is known as shoplifting, and it often involves concealing a store item on one's person, in pockets, under clothing, or in a bag before leaving the store without paying. Shoplifters may put on apparel and leave the store wearing it after stealing other items. In most legal contexts, the phrases "shoplifting" and "shoplifter" are not defined. Larceny is the legal category under which shoplifting typically falls. Shoplifting is separate from burglary (stealing from a closed business), robbery (stealing while displaying violence or making threats), and armed robbery (stealing by using a weapon). In the retail sector, the term "shrinkage" (or "shrink") can be used to describe inventory lost as a result of stealing, but it can also refer to other types of loss, such as waste, uninsured product damage, and employee theft.

Shoplifters can be amateurs who steal on the spur of the moment or career criminals who steal frequently to supplement their income. Career criminals may engage a group of people to shoplift; some may distract store employees while another snatches merchandise. Amateurs frequently steal things for their own use, whereas career criminals typically steal things to resell in the black market. Other types of shoplifting include consuming food from a grocery store without paying for it and switching the price labels on various things.

Items with a high price relative to their size, such as disposable razor blades, vitamins, alcoholic beverages, and cigarettes, are frequently shoplifted.

Stores employ a variety of tactics to discourage shoplifting, such as locking up small, pricey items in glass cases, chaining or otherwise fastening items to clothing racks or shelves (especially expensive items), attaching magnetic or radio sensors or dyepacks to items, installing curved mirrors mounted above shelves or video cameras and video monitors, employing plainclothes "store detectives" and security guards, and prohibiting the use of backpacks or other bags. At the departure of some stores, security personnel examine receipts and search customers' luggage and backpacks. By teaching staff how to spot potential shoplifters, stores are able to curb stealing as well.

## **RESEARCH PROBLEM**

In the present day there is a increase in number of malls and retail stores established in cities. This has in one way helped providing employment opportunities to many and it has also provided easy access of goods and products to people but at the same time it is found the number of cases reported for shoplifting is rapidly increasing. The issue is weather shoplifting and theft can be considered as a crime of common paramount and punishment implied to be same.

## **RESEARCH OBJECTIVE**

1. To know the diffrence between shoplifting and other kinds of theft.
2. To analyse and know the impact and causes of shoplifting in India.
3. To understand the role of Judiciary in tackling this offence.

## **RESEARCH QUESTION**

1. Weather the act of shoplifting and theft can be considered as a similar offence?
2. Weather there are effective laws to curb the above offence ?
3. What are the causes for commission of the above offence?

## **RESEARCH METHODOLOGY**

This paper has been encircled by the researcher using the doctrinal and analytical method. Both descriptive and exploratory analysis have been used. The primary source of research includes legislations, directions, case laws, reports published by the parliamentary standing committee, draft policies and rules. The secondary sources will include books, research articles, law commission reports and websites. All the sources have been appropriately recognised.

## **CAUSE OF SHOPLIFTING**

People may shoplift from stores for a variety of reasons, the majority of which have nothing to do with a lack of funds or a necessity for the object being taken. An addiction to stealing and a mental illness that promotes the activity are two frequently cited causes. People may, for instance, struggle to restrain themselves from grabbing something if they have an impulsive problem. A brain injury or other sort of brain damage is another reason why someone might not understand or even be aware that taking something without paying for it is wrong.

*Psychological Factors:* Particularly when the accused has no visible need to steal because they have the money to pay for it or are in a situation where getting caught would result in negative publicity, it is believed that many crimes have psychological underpinnings. The National Association for Shoplifting Prevention claims that psychological problems are frequently to blame for this behaviour.

While it has been discovered that around a third of all shoplifters experience melancholy, kleptomania is another mental illness that could be at play. Thought to be fairly rare, genuine cases of kleptomania have been discovered to be on the rise.

People must satisfy specific requirements in order to receive a valid diagnosis of kleptomania. They must have intense anxiety prior to the act, followed by feelings of pleasure or relaxation. Additionally,

they must be free of any other disorders, such as conduct disorder, antisocial personality disorder, or bipolar mania. They shouldn't be acting out of upset, rage, or the effects of a delusion or hallucination. Last but not least, they must have failed to prevent themselves from stealing.

## **Other different types of Shoplifters**

1. *Addictive Compulsive Shoplifters*- An estimated 50% of shoplifters fit the description of being addictive-compulsive. For the first time shoplifting, there is frequently some sort of trigger, but after the initial rush, they develop an addiction. The majority of people in this category experience repressed rage, and some may also show symptoms of other compulsive addictions including alcoholism, binge eating, excessive shopping, drug usage, or gambling. They can be dealing with serious emotional stresses or personal issues.

They can be receiving counselling or taking depression medication. These people neglect their own needs and frequently offer to others. These shoplifters frequently have enough money on them at the time of their arrest and can typically afford the items they steal. Typically, they will take cheap stuff and give them as gifts to other people. It's possible that many or maybe most of the additional items they are carrying have been purchased. If discovered, this type typically exhibits guilt, shame, or regret. Frequently, when approached and caught, they would sob and cry. They tend to conceal their shoplifting out of concern that someone else may learn about it. Typically, they are more worried about the implications for others—such as friends or family—than they are about their own actions. They might offer to cover the cost of the stolen goods.

2. *Professional Shoplifters*- 20% of lost sales are attributable to professional shoplifters, who sometimes steal several pricey or "high-end" items at once. Most often, they steal out of greed or as part of their way of life. They frequently have low-paying jobs because shoplifting may be their sole source of income. In order to avoid dealing with rumours about their lifestyle, they also frequently choose to remain single. They can have a gambling or drug addiction. These shoplifters occasionally operate as a "ring" or with accomplices. Professional shoplifters may strive to elude capture or resist arrest if they are caught. They might be carrying items like scissors, overcoats, or expandable clothing that can be used to get by

security measures. They frequently maintain their composure or lack of emotion, showing no signs of regret.

3. *Addict Shoplifters*- Even though they only make up 10% of shoplifters overall, they frequently take pricey or "high-end" things. However, their goal is to sell the products in order to fund another addiction, such drug use or gambling. They resell the items to raise cash for gambling, alcohol or drug purchases, debt repayment, or other expenses.

They might be in possession of drugs or drug paraphernalia while shoplifting if they have a history of substance misuse. Or, while shoplifting, they may be carrying evidence of a gambling addiction, such as lottery tickets, casino chips, or betting slips. They could appear ill, irritable, messy, unkempt, or exhibit signs of being "high" or "wired." Repeated shoplifting arrests are likely to occur with this type of shoplifter. Because addiction can affect perception and awareness of their surroundings, they aren't as careful or as skilled as specialists. Due to their fear of being arrested or imprisoned or because they are addicted, individuals are more likely to resist arrest or try to leave the business.

4. *The Impoverished Shoplifter*- Shoplifters who are in need of money steal when they actually need it or think they do. This group shoplifts to support themselves, their family, or others out of survival instincts. They might have recently experienced a loss or a life-altering event, like a significant move, a divorce, a death, or a sickness. Additionally, they are frequently underemployed, unemployed, or just fired. As a result, their hygiene or manners may be lacking. These shoplifters frequently have kids in their gang. They frequently steal "necessity products" like food, diapers, toiletries, children's clothing, prescriptions, and other low-cost things. Most people who shoplift experience fear or regret after doing so. As unemployment rates and the health of the economy change, so does the proportion of shoplifters in this category.

5. *The Thrill-Seeker*- Shoplifters who are in need of money steal when they actually need it or think they do. This group shoplifts to support themselves, their family, or others out of survival

instincts. They might have recently experienced a loss or a life-altering event, like a significant move, a divorce, a death, or a sickness. Additionally, they are frequently underemployed, unemployed, or just fired. As a result, their hygiene or manners may be lacking. These shoplifters frequently have kids in their gang. They frequently steal "necessity products" like food, diapers, toiletries, children's clothing, prescriptions, and other low-cost things. Most people who shoplift experience fear or regret after doing so. As unemployment rates and the health of the economy change, so does the proportion of shoplifters in this category.

6. *The Absent-Minded Shoplifter*- Accidents can occur occasionally. Since they are unaware that they are shoplifting, this type of shoplifter is genuinely shocked when they are caught. Unfortunately, the majority of retailers and judges are now dubious of any "genuine" shoplifting accidents. Alzheimer's disease, seizures, panic disorders, or simply the fast pace of life can all cause forgetfulness. These shoplifters typically make little effort to hide their actions because they are uninformed that they are stealing. They might not be carrying any further purchases or items. If so, the majority or a sizable portion of the products they are carrying have been purchased.

## **SHOPLIFTING AND THEFT**

In India Shoplifting is considered as theft and all provisions and legislations of theft shall apply. According to section 378 of Indian penal code, "*Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.*"

### **Ingredients of Theft**

1. Dishonest intention to take property: When facts indicate that the property was taken in order to assert a legitimate claim or right, it is not theft. The burden of proof initially rests with the prosecution to establish that the accused had acted dishonestly.
2. The Property must be movable: A thing cannot be stolen as long as it is attached to the earth and is not movable property; nevertheless, once it is removed from the earth, it can be stolen.

3. It should be taken out of possession of another person: The property cannot be removed unless it is already in someone else's ownership. There is theft of domesticated animals but not of wild animals, birds, or fish when they are at large. A person discovers an unclaimed ring laying on the high road. A, although he might commit criminal misappropriation of property, is not committing stealing by taking it in commas.
4. It should be taken without consent of that person: The consent may be given either directly by the person in possession or by any other person who has direct or indirect authority to act on their behalf. It may also be implied.
5. There must be some removal of the properly in order to accomplish the taking of it.

## **How to stop Shoplifting from your stores**

1. **Keeping the store in a systematic and Orderly manner:** Shoplifters enjoy playing in disorganised stores. It might be challenging to spot missing products when inventory is disorganised and items are left in the incorrect locations. For instance, keeping things consistently moved forward on shelves makes it simpler for personnel to spot missing quantities of commodities and more challenging for criminals to steal items covertly from fully stocked shelves. To be able to see how much stock is out at any given time, avoid overloading display shelves or units with merchandise.

**Be aware of common Shoplifting tactics:** Shoplifters are always thinking of new, sneaky ways to commit theft. You can stay vigilant in your own store by being aware of the tricks and actions that shoplifters most frequently use:

Pairing: When two people work together, one person distracts the sales floor employees while the other steals the items. This is one of the oldest tactics in the book.

Hidden Products: Shoplifters frequently conceal their stolen goods in their own clothing, other things they have already bought, handbags, strollers, reusable shopping bags, and even their shoes.

Price switching: Shoplifting is not usually the theft of goods for which no money has been exchanged. In order to receive a lower price for a more expensive item, thieves frequently switch the price tags or labels from one product to another.

**3. Optimizing the Store:** There are a number of approaches to optimise store layouts in order to reduce the likelihood of retail theft. Each store has its own views about how to display products and design their floor plan. Customer checkouts are frequently located close to the door or exit in the most typical design so that all patrons will pass it as they leave. This increases the staff's ability to catch shoplifters before they leave the establishment and acts as a deterrent if the thieves are aware that they still have one obstacle to overcome before leaving.

**4. Having tight security system using Security cameras:** A security camera system serves three functions: it deters shoplifters; it enables personnel to monitor the entire business and customers who could be acting suspiciously; and, if shoplifters do steal, it will be possible to identify them and prosecute them thanks to the evidence left behind.

In some circumstances, installing security cameras may also result in lower insurance costs.

**5. Add mirrors to your store:** In both large and small establishments, mirrors are excellent tools for reducing blind spots and improving visibility of both customers and goods. You may get anti-theft mirrors for your store in a variety of sizes, shapes, and visibility angles. Additionally, they are an affordable technique of shoplifter deterrence for retailers on a tight budget.

**6. Use customer service as prevention:** By utilising your customer service procedures, you may prevent stealing in one of the simplest and most affordable ways possible. In the fight against shoplifters, the following suggestions can help you apply retail management and service techniques:

Welcome each customer: Nowadays, it's standard procedure to station a staff person at the door of the business to greet every customer. This not only creates a positive client experience, but it also communicates to shoplifters that they have been noticed.

Keep sufficient staffing levels: As we previously discussed, one typical stealing strategy involves working in tandem and annoying sales floor personnel. Thieves will be less likely to steal if the sales floor is crowded enough.

**7. Use signage to deter thieves:** Retail establishments frequently utilise signage to draw additional attention of thieves to the store's anti-theft methods. These signs typically let customers know whether the store is a member of a neighbourhood anti-theft organisation, that cameras have been installed, and that shoplifters can anticipate legal action. Again, using signage is a cheap approach to let thieves know you are on the lookout for them and that they will be punished for theft.

**Train your employees:** All employees should be aware of common anti-theft procedures, such as the size of bags permitted in your establishment, as well as scams like price flipping and false returns. But in addition to knowing how shoplifters get away with stealing, your staff need also know how to deal with them once they are inside the store.

This should include learning how to use a "code" or announcement to notify management and other staff members of prospective shoplifters, knowing when to approach and when to avoid approaching suspected shoplifters, and knowing when to call the police and security guards.

**9. Identify at-risk items:** The typical shoplifter will target little, easily swipeable goods that are simple to conceal rather than pricey jewellery or huge devices. Work out a strategy to secure your most expensive inventory using inventory management systems. It may be necessary to store things in lockable cabinets, next to the counter, or in a busy part of the store that is constantly manned by staff members.

## **CONCLUSION**

So in the end we can conclude that shoplifting is very common, shoplifting happens for many different reasons and it affects everyone. From shoplifting being an addiction to shoplifting raising the prices of product, it is a very interesting subject that everyone should have some knowledge about so that way if they see it happening they can do something to help.