

White Collar Crimes in India

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social status in course of their occupation". Sutherland through this definition included in it the big corporations and legal entities, which was earlier considered to be only committed by the lower class. With the development of technology, White Collar Crime has become a global phenomenon and in India it is increasing at a tremendous pace because of the increase in the economical and industrial growth. There has been an unusual and unexpected increase in the growth of computer specific white collar crime which brings a great challenge for the law enforcement agencies as these crimes can be committed from anywhere in the world by any anonymous person. There are many professions where criminal and unethical practices are often going unnoticed. In order to gain more for themselves, some unethical professionals indulge into illegal activities without fear of loss of respect and prestige.

CAUSES OF WHITE COLLAR CRIME

- 1. Greed:** High class people are financially stable, however, they still commit crime because of their greed to earn more. And for this purpose, they even choose illegal ways to have an economic gain;
- 2. Competition:** Darwin in his theory of evolution has stated that "survival of the fittest" is necessary and thus there will always be competition for survival. However, some people for their own greed and in order to get ahead of their peers commit crimes;
- 3. No fixed laws or punishments:** After committing the crimes most of the offenders get away without getting

ABSTRACT

This paper provides a detailed understanding behind the motives of people committing crimes. The prevalence of white collar crimes in India, they are spreading like a rapid fire in every sphere of society. The widespread political, social, economical and technological changes as well as variation in legislation, procedures and policies in different countries on mutual assistance in criminal matters have allowed this white collar white collar crime groups to become increasingly active in the international arena. These kind of criminal groups arena taking full advantage of globalization of world markets, dismantling of trade barriers, and the liberalized migration policies, high-tech communicated equipments and sophisticated electronic techniques to enhance their deviant activities. White collar criminals are engaged in such felonious activities such as, fake employment placement rackets, black marketing, medical deviant activities, tax evasion, cybercrime, credit card fraud and procedure large profit and create the incentive to "legitimate" the ill-gotten gains through money laundering and many more.

Keywords: White collar crime, Government, Eradication, Education

INTRODUCTION

The famous Criminology Professor Edwin H. Sutherland coined the term 'White Collar Crime' as "the crime committed by a person of respectability and high

any punishment because there are not enough laws to deal with such kind of crimes. In many cases, because of the supreme political connections most of the offenders get away without any punishment. Moreover, in many cases there are no witnesses for the said offences as such offences are committed in private.

WHITE COLLAR CRIME IN DIFFERENT PROFESSION WHITE COLLAR LEGAL PROFESSION

The white collar crimes became a phenomenon to be reckoned with industrial revolution. Modern industrial capitalist economy which evolved with time became complex in nature as it developed a growing commercial nexus among insurance, banking, stocks and related corporate matters. This in turn, gave rise to critical legal intricacies relating to property rights and other legal matters which paved the way for the birth of a new class of professionals of advocates who in the name of providing justice started abetting in the wrong and thereby pursued their own narrow interest. A large number of advocates evolved, who forget the pious oath of serving the society and started looking for the legal loopholes and concentrated mainly in helping out the rich entrepreneurs to grow richer. They made extensive study to try out ways for maximum tax evasion for these rich corporate personalities as well as for themselves. The white collar crimes committed by these legal practitioners only confines in sorting out illegal methods of tax-evasion. There are very frequent instances of unscrupulous and unethical practices like that of fabricating false evidence, engaging professional witnesses, thereby

violating ethical standards of legal profession and dilatory tactics in collusion with the ministerial staff of the courts. The instances of white collar crimes committed in the Indian society by the lawyers, there lie the shameful illustrations of Magistrates and judges involved in committing crimes. They in the name of interpreting the laws often act as the protective shield for the goons having or not-having any political colour and allow them to go free whereas they should have been subjected to deterrence. It is the most unfortunate situation at the same time devastating, because here the crimes are committed by those individuals who are being given by the State the responsibility to ensure justice.

WHITE COLLAR – MEDICAL

In India, the white collar crimes are so wide spread that it does not confine itself in the legal arena. Similar unfortunate instances can be drawn from other professions too, like that of medical practitioners, engineers, educationalists, businessmen, politicians and the list goes on. The medical practitioners are often found involved in issuance of false certificates, carrying out illegal abortions, selling out sample drugs and medicine, even in some cases adulterated drugs and medicines to the patients. Dilatory tactics are often adopted by them in providing treatment to their patients with a menswear to extract huge amount of money, no matter the person has good practice. Some of the notorious instances are like that of Nithari case, where the medical professionals put up before the society the optimum level of brutal character they can reach for the crave of making money. Misleading and fake advertisement claiming absolute cure is also one of the frequent malpractices being carried out in the medical profession. The problem lies in the fact that, they often escape punishment, since they cannot be said to have violated the letter of law, but, by violating the spirit of law, they commit crimes which are truly anti-social and creates enormous damage to the public health and safety at large.

WHITE COLLAR-EDUCATION

The matter comes to the white collar crimes educational institutions do come in the league to operate with impunity. A nastier role is played by the private institutions that are least bothered in providing the education, but only concentrate of making business at the cost of the children's future. Even rackets operate in these institutions for procuring students to appear in the examinations on the basis of manipulated eligibility certificates, thereby damaging the standard of education in India. When it comes to the Governmental institutions, the teachers and staffs of the institutions are often found to be involved in unscrupulous practices, since they can hardly make fortune from the inadequate salary they receive from the government. Teachers often drag the students for taking private tuitions and even go to the extent of blackmailing them of ruining their future, if they deny doing so.

WHITE COLOR BUSINESS

Edwin Sutherland researched on large number of companies and corporations in the United States and concluded that most of them were involved in illegal contracts, infringements against copyrights and trademarks, unfair trade practices, bribery etc. these types of crimes are generally committed by big businessmen and tycoons. The Sanathanam Committee Report on Prevention of Corruption³ expressed great concern about the problem of hoarding, profiteering and black marketing. It was also observed by the committee that Indian businessmen build

up secret stocks of foreign exchange abroad, violating the Imports & Exports Laws.

WHITE COLLAR SOCIETY

White collar crimes are not only restricted to professions. Individuals, whether belonging to higher class or middle class are also part and parcel of such crimes. E.g. Often individuals misrepresent the details about their income in order to pay low income tax, which is considered as a crime. Non-payment of taxes or non-compliance of tax paying policies is referred to as Tax evasion. The tax evaders are either punished with huge fines or imprisonment or both. Moreover, the offenders in certain cases try to hide the source and destination of income received by them. This offence is known as Money Laundering and it is done with the intention of making it seem that the money have come through legitimate means.

WHITE COLLAR-ENGINEERING

Speaking of the engineer's role in having their role to play in white collar crimes, we often find instances of underhand dealing with contractors, suppliers, passing of sub-standard works and maintenance of bogus reports of the labour works. They financially earn more for their low grade works from the contractors, than they can earn for the genuine work. Therefore, many of them, out of the greed of earning more and more, play dangerously with thousands of lives of the individuals.

WHITE COLLAR-CORPORATE

These are only a handful of instances of white collar crimes practiced in day to day life by certain professionals in the course of their profession. The major role in committing white collar crimes are played by the business tycoons and politicians, whose greed and wants multiply with the more they acquire. In India, whenever any major scandal comes to the media focus, a through investigation always finds an unlawful involvement of political parties in it. So far as the businessmen are concerned, their acts of white collar crimes go beyond count. They are termed as the corporate criminals who more often than not, are involved in illegal contracts, combination and conspiracies of trade restraints, unfair labour practices, selling of adulterated foods and drugs, bribing of public officials so on and so forth. They take advantage of the corporate veil and indulged in a number of crimes. The recent Satyam scam case is one of the worth-mentioning illustrations, where it was seen how an individual, hiding himself in the veil of incorporation, indulge in defrauding crores of money.

CONCLUSION

White collar crimes are a big global concern and is increasing at an alarming rate. Various studies have proved that the financial loss to the society from white collar crime is much more than the other crimes. India is a developing country and white collar crimes are not only a detriment to the economic growth of the country but also spoils the image of our country. It can be easily understood that to eliminate white collar crime is not easy at all because it has been into existence from many centuries, however, we along with government and legal entities should try to reduce such crimes. As discussed earlier, strict laws and special tribunals should be made and implemented so that the offender should be afraid of the punishment and before committing any crime he should think twice. Moreover, the government agencies should make a combine effort to eliminate such crimes from our country.

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