

White Collar Crimes in India

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ABSTRACT: *This paper initially begins with providing a detail description of the term “white collar crimes” and moves onto analysing the root cause and the major motive of the criminals behind the widespread or prevalence of these sort of crimes at a rapid rate. “White collar crimes” are the crimes, which are committed by the human beings, possessing qualities of being civilized in nature, community-based and also possess great amount of respect and integrity in the society, during the tenure or period of their profession and occupation. Further, the paper moves onto discussing the causes, consequences and impact of such a crime over different sectors, organisations and institutions. This paper also gives suggestions and implications through the existing legal framework, describing some sort of provisions or legislations related to the anti-white collar crimes, for combating, controlling and preventing the rise of such crimes in India.*

KEYWORDS: *Crime, Illegal, Violation, White Collar.*

INTRODUCTION

“White collar crimes”, as it’s quite evident by the name itself, are the crimes, which are committed by the human beings, possessing qualities of being civilized in nature, community-based and also possess great amount of respect and integrity in the society, during the tenure or period of their profession and occupation. These type of crimes are usually non-violent crimes, which are committed by the businessman and daily wagers or salaried individuals and such type of crime involves the activities of fraud and theft in terms of financial and monetary transactions[1].

With advancement of the industrialisation, white collar criminality had become practice to be associated with. Only with development of an increased business nexus amongst securities, finance and corporate financial matters, the modern manufacturing capitalist system became dynamic in nature. As a result, crucial legal complexities relating to land rights and some other legal matters emerged, opening the way for the advent of a new group of activists who, in the interests of taking recourse, began legitimising venality and serving their own peculiar schedules[1].

A vast number of groups arose, who fail to recall their pious pledge of service to society and began examining for virtuous beginnings, focused mostly on helping prosperous tycoons in becoming more affluent. They undertook thorough analysis to assess the best line of attack for optimal tax avoidance for these affluent business administrators as well as for themselves[1].

The white-collar undertakings committed by these solicitors are restricted to organizing out illegitimate tax-evasion modus operandi. Deceitful and debauched activities such as formulating bogus facts, employing expert eye-witnesses, thus breaking virtuous principles of the legitimate profession, and negligent practices in alliance with the courts departmental personnel are far too prevalent[1].

It is quite recommended to implement some stringent policies and provisions for combating and dealing with the increase in the rate of white-collar crimes in different phases and manners, because the anti-white collar crimes laid down in the Penal Code of India, is not that adequate, and there also exists some sort of loopholes in the same. Hence, it is suggested to implement or introduce some sort of an altogether different Act or legislation for dealing with the rise of white collar crimes or harmonizing some new framework related to the anti-white collar crimes along with some amended provisions of Penal Code of India, for better results, outcomes and improvements. Moreover, the government should also take some sort of strict actions in order to combat or deal with or control the rise of crimes committed under the tag of “white collar crimes” in order to develop a safe and sound environment in the society[2].

There are shocking illustrations or incidents wherein law officers and judiciaries are involved in obliging offences in Indian culture because of white collar crimes committed or executed by lawyers. They also serve and function as a self-protective umbrella for gangsters of any political shade, inspiring them to go free while they should have been uncovered to discouragement, in the interest of interpretation the rules. That is the most disastrous and distressing condition when the felonies are committed or executed by people who have been delegated by the State with the accountability of safeguarding justice[2].

Experts and Specialists aren't the only ones who commit white collar crimes. Personalities from all walks of life, whether upper or middle class, are fascinated in such massacres. As an example, Characters also lie about their profits in order to pay a reduced tax rate, which is considered a misdemeanour. Tax dodging is the non-payment of taxes or non-compliance with tax-paying laws. Tax evaders are either fined with a lot of money or jailed, or both. Furthermore, in some state of affairs, the delinquents seek to obscure the source and target of their earnings. Money laundering is a fraud conducted with the intent of making it look as though the money has initiated from a legitimate source[2].

Tax evaders are either fined a lot of money or jailed, or both. Furthermore, in some circumstances, the lawbreakers seek out to unclear the foundation and target of their profits. This action is known as money laundering, because it is conducted with the determination of creating the money look like to have initiated from lawful sources[2].

There is a saying that goes on depicting that justice delayed is the justice denied and injustice served, making the whole procedure casual. Hence, there is a lack or loopholes within the existing legal framework with respect to the white collar crimes, and the slow or weak implementation of these legislations or provisions, which has its own severe consequences. Therefore, it is highly suggested that such existing soft laws should be amended or repealed and new legal framework or speedy and simplified prosecution procedures should be implemented in order to combat or deal with the increase in the crimes committed under the tag of “white collar crimes”[3].

When it comes to the engineer's position in white collar crimes, we often see cases of shady deals with contractors and manufacturers, the passing of sub-standard jobs, and the maintenance of bogus labour records. They make more money from the contractors for their low-quality jobs than they do for real work. As a result, all of them, in their search for ever-increasing income, risk the lives of thousands of people[3].

There are only a few examples of white-collar crimes committed on a regular basis by certain people in the process of their jobs. Company tycoons and politicians play a significant role in committing white collar crimes, as their greed and ambitions expand in tandem with their riches. In India, once a big controversy is brought to the attention of the public, a thorough investigation often exposes the criminal presence of political parties[4].

As far as businessmen are concerned, their white-collar crimes are uncountable. They are referred to as business offenders because they are often engaged in fraudulent contracts, trade restraint mixes and conspiracies, unfair labour practises, the marketing of adulterated goods and narcotics, bribery of public authorities, and so on. They abused the corporate curtain and committed a variety of offences. One recent example worth noting is the Satyam scam, in which it was shown how a person, hidden behind the curtain of incorporation, defrauded crores of dollars[4].

The description about white collar crime and the provisions related to the punishments, is not really mentioned in any legal framework or legislation of India, but the types of crime committed under the tag of “white collar crime”, such as, bribery, corruption, adulteration, cheating, forgery, counterfeiting etc. are definitely covered under the Code of Indian Penal, 1860. However, the situation currently has changed to such an extent, that the criminal activities nowadays, under the tag of “white collar crime”, has increased to a greater extent, and controlling or combating such criminal activities, through the provisions or punishments laid down under the 1860 Penal Code of India, is not a good suggestion[4].

When it comes to white collar crimes, educational establishments play a part in encouraging offenders to act with immunity. Private institutions play a nastier role, as they are not concerned with delivering education and instead rely on making profits at the risk of children's futures. In these schools, rackets work to get students to participate in exams on the basis of corrupted eligibility certificates, lowering the standard of education in India. When it comes to government agencies, teachers and workers are often found to be engaged in corrupt activities, since they can scarcely benefit from the inadequacy of the framework[5].

When it comes to government agencies, teachers and workers are often found to be engaged in corrupt activities, as they can barely make a living on the government's meagre wage. Teachers often bully students for paying for private tutoring, even threatening them with ruining their future if they refuse[5].

Research Question

- What is the meaning of the term “White Collar Crime” and what are the causes behind the prevalence or rapid increase of such crimes in India?
- What are the measures required to be taken, in order to combat or control the rise of such “White Collar Crimes”?

DISCUSSION

There is a saying that goes on depicting that justice delayed is the justice denied and injustice served, making the whole procedure casual. Hence, there is a lack or loopholes within the existing legal framework with respect to the white collar crimes, and the slow or weak implementation of these legislations or provisions, which has its own severe consequences. Therefore, it is highly suggested that such existing soft laws should be amended or repealed and new legal framework or speedy and simplified prosecution procedures should be implemented in order to combat or deal with the increase in the crimes committed under the tag of “white collar crimes”[6].

With the growth of trade and technology, white collar crime has become a worldwide epidemic. India, like every other world, is afflicted by white-collar crime. Recent advances in information technology, especially in the latter half of the twentieth century, have provided white-collar crime new dimensions. A modern form of computer-dominated white collar crime known as cybercrime has evolved at an exponential pace. In the new millennium, these violations have been a cause of global interest and a problem for law enforcement authorities. Because of the essence of these offences, they may be carried out anonymously and from a considerable distance[6].

In the new millennium, these violations have been a cause of global interest and a problem for law enforcement authorities. Because of the essence of these offences, they can be carried out secretly and far from the victims' physical appearance[6].

Furthermore, cyber-criminals have a huge advantage: they can cause harm using computer devices without fear of being apprehended or caught. It was expected that as the number of new internet web sites rose, so would the number of cybercrimes. Banking and financial institutions, energy and telecommunication networks, transportation, industry, and industries are all affected by cybercrime in India[7].

With the industrial revolution, white-collar crime became a trend to be reckoned with. Because of the increasing market nexus between insurance, banking, securities, and related company matters, the new commercial free enterprise that developed over time became advanced in nature[7].

This paper initially begins with providing a detail description of the term “white collar crimes” and moves onto analysing the root cause and the major motive of the criminals behind the widespread or prevalence of these sort of crimes at a rapid rate. “White collar crimes” are the crimes, which are committed by the human beings, possessing qualities of being civilized in nature, community-based and also possess great amount of respect and integrity in the society, during the tenure or period of their profession and occupation[7].

As a result, vital legal complexities surrounding land rights and other legal matters emerged, opening the way for the advent of a new group of practitioners known as advocates who, in the name of providing justice, began abetting in corruption and thereby followed their limited interests. An overabundance of attorneys emerged, who forgot their pious oath of service to society and started searching for legal shortcuts, concentrating mainly on helping rich businesses get much wealthier[7].

They undertook a detailed analysis to assess the best strategies for optimising escape for these affluent business leaders as well as for themselves. These law professionals' white-collar crimes was solely focused on locating 6 criminal tax-evasion techniques. There are several cases of immoral and unethical activities such as fabricating fake proof, including professional witnesses, thus breaching the legal profession's universal values, and using dilatory tactics in collusion with court ministerial staff[8].

In the cases of white-collar offences committed by lawyers in Indian culture, there are shameful stories of Magistrates and judges implicated in committing crimes. They also serve as a defensive umbrella for goons of any political hue, allowing them to move easily while they should have been exposed to deterrence, in the interest of decoding the rules. That is the most tragic and often devastating situation that

the offences are committed by people who have been entrusted by the State with the duty of upholding justice[8].

Further, the paper moves onto discussing the consequences and impact of such a crime over different sectors, organisations and institutions. This paper also gives suggestions and implications through the existing legal framework, describing some sort of provisions or legislations related to the anti-white collar crimes, for combating, controlling and preventing the rise of such crimes in India[8].

White-collar crime is so prevalent in India that it transcends the justice system. Related tragic accidents are often taken from a number of occupations, including medical professionals, architects, academics, businessmen, politicians, and so on[8].

Health practitioners have often found complicit in the issuing of fraudulent licences, the performance of unlawful abortions, the sale of sample medication and medications, and in some cases, the distribution of adulterated medicine and narcotics to patients. They usually use dilatory procedures when treating their patients with menswear in order to obtain a significant amount of money, regardless of whether or not the individual has a good practise[8].

Several notorious incidents have been seen, in which medical practitioners show the highest degree of ruthless character in order to fulfil their need to make money. Dishonest and misleading publicity material alleging full cure is another popular malpractice in the medical industry. The concern comes from the undeniable fact that they often avoid prosecution because they cannot be assumed to have violated the letter of the law, but by breaching the spirit of the law, they commit anti-social offences that do substantial harm to public health and welfare[9].

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Private institutions play a nastier role, as they are not concerned with delivering education and instead concentrating on developing a company at the cost of a child's potential. In these schools, rackets work to get students to participate in exams based on fabricated eligibility certificates, lowering the standard of education in India. When it comes to government agencies, researchers and employees are often found to be engaged in corrupt activities, as they would not be able to build a fortune on the government's insufficient salaries. Scholars are often pulled by professors for taking private tuition[9].

When it comes to government agencies, researchers and employees are often found to be engaged in corrupt activities, as they would not be able to build a fortune on the government's insufficient salaries. Academics often suspect students of paying for private tuition, even going so far as to threaten them of damaging their future if they refute it[9].

There are just a few cases of white-collar crime being committed on a regular basis by many people in the process of their jobs. Company tycoons and politicians play the most important role in committing white collar crimes, as their greed and ambitions expand with the amount of money they amass. In India, once a big controversy catches the eye of the public, a thorough investigation exposes the criminal presence of political parties[9].

Since businessmen are involved, the amount of white-collar offences perpetrated by them is uncountable. They're named that because business offenders are often embroiled in felonious arrangements, mixes, and conspiracies in trade restraints, unfair labour conditions, merchandising of adulterated goods and drugs, and bribing of public officials, among other items. They took advantage of the company's mask of secrecy and participated in a variety of illegal acts. The Satyam scam is one of the most famous instances, in which it was shown how a person might enjoy defrauding crores of money while hidden behind the veil of incorporation[9].

Therefore, it is quite recommended to implement some stringent policies and provisions for combating and dealing with the increase in the rate of white collar crimes in different phases and manners, because the anti-white collar crimes laid down in the Penal Code of India, is not that adequate, and there also exists

some sort of loopholes in the same. Hence, it is suggested to implement or introduce some sort of an altogether different Act or legislation for dealing with the rise of white collar crimes or harmonizing some new framework related to the anti-white collar crimes along with some amended provisions of Penal Code of India, for better results, outcomes and improvements. Moreover, the government should also take some sort of strict actions in order to combat or deal with or control the rise of crimes committed under the tag of “white collar crimes” in order to develop a safe and sound environment in the society.

It is evident that, as research and technology advance, a new form of corruption known as white-collar crime has emerged. In the code, the word "white-collar crime" is not specified. However, the spectrum of white-collar crime is so broad that, after reviewing the provisions of the Indian Penal Code 1860, we can infer that such offences under the Indian Penal Code are inextricably related to white-collar crimes such as bribery, corruption, food adulteration, forgery, and so on.

The provisions of the Indian Penal Code dealing with white-collar crimes should be revised to increase the seriousness of punishment, particularly in light of changing socioeconomic circumstances. To regulate the issue of white-collar crime, the special Acts dealing with white-collar crimes and the provisions of the Indian Penal Code should be understood in tandem[10].

To maintain its growth rate, India must reduce bribery and corruption in both the public and private sectors. Corruption and fraud, as previously noted, discourage multinationals from investing in the region. The decline in foreign direct investment in 2011 and the outflow of funds from capital markets by multinational financial institutions are strong measures of the negative effects of fraud and corruption. As a result, the Indian government must improve accountability and punish criminals severely.

The Comptroller Auditor General is pointing the way ahead, but democratic parties must have the confidence to clear up the mess. Fraud reduction mechanisms must be implemented in the business sector. As a result, the Indian government must improve accountability and punish criminals severely. The Comptroller Auditor General is pointing the way ahead, but democratic parties must have the confidence to clear up the mess. To mitigate bribery, the private sector must introduce fraud prevention policies and put a heavy emphasis on ethics. To - fraud threats in India, both sectors must work together.

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For a long time, white collar crime has been available. Despite the fact that it was ignored, it was still accessible in the twentieth century. Technical misconduct is a generic term that covers a multitude of offences. White collar crime remains one of the most egregious crimes against humanity. In general, I agree that pioneers are more often than not well-known. In the public eye, they are known as men or women. When we engage in professional misconduct, we are deceiving, misleading, and being a rascal to those in our personal environment as well as those in the public eye. This betrays the trust of each and every one of them.

When we engage in professional misconduct, we are deceiving, misleading, and being a rascal to those in our personal environment as well as those in the public eye. This betrays the confidence of all members of our general population. In the decades that followed, salaried wrongdoing tended to rear its monstrous head — or, more precisely, to go unpunished on a daily basis. This marvel sparked the creation of the principle of office wrongdoing as we know it today.

CONCLUSION & IMPLICATION

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Therefore, it is highly recommended that such existing soft laws should be amended or repealed and new legal framework or speedy and simplified prosecution procedures should be implemented in order to combat or deal with the increase in the crimes committed under the tag of “white collar crimes”.

White collar crime is a significant global problem that is increasingly growing. Various studies have found that white collar crime does much more financial damage to society than most offences. India is a developing economy, and white-collar crime not only hinders the country's economic development but also tarnishes its reputation. It is clear that reducing white collar crime is complicated due to the fact that it has existed for centuries; however, we, along with government and legal institutions, should aim to eliminate those crimes. And previously mentioned, stringent legislation and special tribunals can be enforced and introduced to ensure that the criminal is kept accountable.

It is clear that reducing white collar crime is complicated due to the fact that it has existed for centuries; however, we, along with government and legal institutions, should aim to eliminate those crimes. As already mentioned, stringent legislation and special tribunals should be enacted and introduced so that the criminal is afraid of the repercussions and considers twice before committing another crime. Furthermore, all government institutions should work together to remove such crimes from our land.

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