



## ESSAY WRITING

### WHITE COLLAR CRIMES IN INDIA

#### QUOTES

*"Any system that values profit over human life is a very dangerous one indeed."*

*"A right delayed is a right denied." - Martin Luther King, Jr.*

*"To deny people their human rights is to challenge their very humanity."*

*- Nelson Mandela*

*"Knowledge makes a man unfit to be a slave."*

#### INTRODUCTION-1

White collar criminality has become a global phenomenon with the advance of commerce and technology. Like any other country, India is equally in the grip of white collar criminality. The reason for enormous increase in white collar crime in recent decades is to be found in the fast developing economy and industrial growth of this developing country. The Santhanam Committee Report in its findings gave a vivid picture of white collar crimes committed by persons of respectability such as businessmen, industrialists, contractors and suppliers as also the corrupt public officials.

#### INTRODUCTION-2

Our generation is witnessing a wave of economic crimes as never before. It looks impossible to come out of them. In such conditions many questions arise before us. The most important of those is, whether there was ever a fear of these economic crimes of such a great intensity that it will become impossible for us to deal with them? If yes, why we have not felt alarm of this fear? In order to get the logical answer to these questions, it is important to understand the concept of white collar crimes given by E. H. Sutherland, who terms these economic crimes as Socio-economic crimes because this class of crimes affect the entire society.



Corruption, fraud, and bribery are some of the most common white collar crimes in India as well as all over the world. The **Business Standard** published a report titled '*The changing dynamics of white collar crime in India*' stating that in the last 10 years, the Central Bureau of Investigation (CBI) has found a total of 6,533 cases of corruption out of which 517 cases were registered in the past two years. Statistics showed that 4,000 crores worth of trading was carried out using fake or duplicate PAN cards.

Advancement in commerce and technology has invited unprecedented growth in one of the types of white collar crimes, known as cybercrime. Cybercrimes are increasing because there is only a little risk of being caught or apprehended. India's rank on Transparency International's corruption perception index (CPI) has improved over the years.

India is a developing country and white collar crimes are becoming a major cause for its under development along with poverty, health, etc. The trend of white collar crimes in India poses a threat to the economic development of the country. These crimes require immediate intervention by the government by not only making strict laws but also ensuring its proper implementation.

White Collar Crime is pervasive in almost all the professions and occupations in the society. These crimes are common to the business world and Indian trade and violation of Foreign Exchange Regulation Act and export and import laws are resorted to make huge profits.

## Types of White Collar Crimes

There are different types of white collar crimes. Some of them are as follows:

**Bank Fraud:** Bank Fraud means to engage in such activities in order to defraud a bank or using illegal means to obtain assets held by financial institutions.

**Blackmail:** Blackmail means demand for money by threatening some person to cause physical injury or exposing his secrets.

**Bribery:** Bribery means offering money, goods or any gift to someone in order to have control over his actions. It is a crime whether someone offers or accepts a bribe.



## Types of White Collar Crimes

**Computer Fraud:** Computer frauds are such frauds which involve hacking or stealing information of some other person.

**Embezzlement:** When someone entrusted with money or property uses it for his own use, it is embezzlement.

**Extortion:** When a person illegally obtains someone's property by actual or threatened force.

**Insider-Trading:** When someone uses the confidential information to trade in shares of publicly held corporations.

## Types of White Collar Crimes

**Money-Laundering:** Money Laundering means the concealment of origin of illegally obtained money.

**Tax fraud:** Tax fraud means evading tax by providing wrong information in tax forms or illegally transferring property in order to avoid tax.

## Constitutional Provisions of Writs to control White Collar Crimes in India

Under Article 32 and 226 of Indian Constitution writs are given and in addition the arrangement for filling Public Interest Litigation (PIL) is given to protect the rights against the demonstrations abusing any sort of right. Every one of these writs are having their very own effect and power in various fields, and really these are only "Powers in Hands of Judiciary to control the Administrative attentiveness." Basically there is Five Writs Known as privilege writs too which are as per the following:

- i) Habeas Corpus
- ii) Mandamus
- iii) Prohibition
- iv) Certiorari
- v) Quo-warranto



**Many issues are unresolved due to lack of focus. Some of them are:**

- ✚ Inapplicability
- ✚ Qualification for appointment as adjudicating officer not prescribed
- ✚ Definition of hacking
- ✚ No steps to curb internet piracy
- ✚ Lack of international cooperation
- ✚ Power of police to enter and search limited to public places
- ✚ Absence of guidelines for investigation of cyber crime

There are some measures to deal with white-collar crimes. Some of them are, creating public awareness of crimes through media or press and other audio-visual aids and legal literacy programmes. Special tribunals should be constituted with power to sentence the offenders for at least 5 years and conviction should result in heavy fines rather than arrest and detention of criminals. Unless the people will strongly detest such crimes, it is not possible to control this growing menace.

## **Conclusion**

It is clear that due to advancement of science and technology newer form of criminality known as white-collar crime has arisen. The term “white-collar crime” has not been defined in the code. But the dimensions of white-collar crime are so wide that after analysing the provisions of Indian Penal Code 1860, we may conclude that certain offence under Indian Penal Code is closely linked with white collar crimes such as bribery, corruption and adulteration of food, forgery etc. The provisions of Indian Penal Code dealing with white-collar crimes should be amended to enhance punishment particularly fine in tune with changed socio-economic conditions. The special Acts dealing with white collar crimes and the provisions of Indian Penal Code should be harmoniously interpreted to control the problem of white-collar crimes.



## SCHEDULE

Date & Time	Essay Topics
1 Jan (8AM)	Right to privacy

### Make sentences using words

✚ Altruist      Philanthropist

✚ Agnostic

✚ Cosmopolitan

✚ Feminist

✚ Imposter

✚ Martyr

✚ Namesake

✚ Optimist

✚ Set up

✚ Take up

✚ Talk over

✚ Look after



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