

# Concept of white-Collar Crime

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## Crime Defined

almost all societies have certain norms, beliefs, customs and traditions which are implicitly accepted by its members as conducive to their well being and healthy development. infringement of these cherished norms and customs condemned as anti-social behavior.

Thus, many writers have defined 'crime' as anti-social, immoral or sinful behavior. however, according to the legal definition **crime** is any form of conduct which is declared to be socially harmful in a state and as such forbidden by law under pain of some punishment. crime can be defined as an act or omission, which is unlawful, illegal or infringes provisions of law and which is punishable by law.

## Historical Background (white-collar crime)

the concept of white-collar crime is usually associated with E.H. Sutherland whose penetrating work in this area focused the attention of criminologists on its demoralizing effects on the total crime picture. Sutherland pointed out that besides the traditional crimes such as assault, robbery, decoity, murder, rape, kidnapping, and other acts involving violence, there are certain anti-social activities which the persons of upper strata carry on in course of their occupation of business.

In 1934 morris drew attention to the necessity of a change in emphasis regarding crime he asserted that anti-social activities of persons of high status committed in course of their profession must be brought within the category of crime and should be made punishable. finally, E.H.sutherland emphasized that these 'upper world' crimes which are committed by persons of upper socio-economic groups in course of their occupation violating the trust should be termed as **white-collar crimes** so as to be distinguished from traditional crimes which he called "**blue-collar crimes** .

### Definition

The concept of **white-collar crime** found its place in criminology for the first time in 1941 when Sutherland first published his research paper on white-collar criminality in the American sociological review. he defined white-collar crime as a **crime committed by persons of high social status in course of their occupation**. eg- misrepresentation through fraudulent advertisement, infringement of patents, copyrights, and trade-marks, a publication of fabricated balance sheets and profit and loss account of business, etc.

**white-collar crimes are committed by persons of status, not for need but for greed~** sir Walter reckless

Sutherland further pointed out that white-collar crime is more harmful to society than ordinary crimes because the financial loss to the society from white-collar crime is far greater than the financial loss from burglaries, robberies, larcenies, etc.

## Classification of White Collar Crimes

Theoretically, various white-collar crimes may broadly be classified into four major categories as follows:-

1. Ad hoc crimes: they are also known as personal crimes because in this category of white-collar crimes, the offender pursues his own individual objective having no face to face contact with the victim. hacking on computers, credit card frauds tax evasion, etc. are common forms of ad hoc white-collar crimes.
2. white-collar crimes involving a breach of trust or breach of faith bestowed by an individual or institution on the perpetrator. insider trading, financial embezzlements, misuse of funds fictitious payrolls, etc. are common illustrations of this type of white-collar crimes.
3. individuals occupying high positions or status who commit crime incidental to, and in furtherance of their organizational operations constitute this category of white-collar crimes. people occupying high position commit such crime, not because it is their central purpose, but because they individually find an opportunity in the course of their employment to earn quick money or gain undue advantages by using their power or influence. example of such crimes is fraudulent medical bill claims, fake educational institutions, issuance of fake mark sheet/certificates, etc.
4. white-collar crimes may also be committed as a part of the business itself. violation of trademarks or copyrights, patent law or competition law, etc. the violation of domain name and other corporate crimes are also

white-collar crimes of this type.

## White-Collar Crime in India

white-collar criminality has become a global phenomenon with the advance of commerce and technology. like any other country, India is equally in grip of white-collar criminality. the reason for an 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 businessman, industrialists, contractors, and suppliers as also the corrupt public officials.

The commission broadly classified white-collar crimes and socioeconomic crimes into eight categories and suggested the insertion of a new chapter on white-collar crimes in the Indian penal code.

## White-Collar Crime In Certain Professions:

### 1. Medical Profession

white-collar crimes are commonly committed by persons belonging to the medical profession includes-

- # issuance of false medical certificates.
- #helping illegal abortions.
- #selling sample drugs and medicines to patients and chemists.
- #sex determination of a child in the womb.
- #fake and intended prolonged treatments to increase the bills.

### 2. Engineering

- # underhand dealings with contractors and suppliers
- # passing of sub-standard works and materials
- # maintenance of bogus records of work-charged labor
- # construction of buildings, roads, canals, dams, and bridges with sub-standard material

### 3. Legal Profession

- # violating ethical standards of the legal profession to earn large profits
- # engaging professional witnesses for fake testimony
- # fabricating false pieces of evidence

### 4. Educational Institutions

- # by submitting fictitious and fake details about their institutions to achieve financial aid and government grants.
- # fake and bogus enrolment of students.
- # charging huge amounts by donations and capitation fees
- # procuring students to appear in different examinations on the basis of manipulated eligibility certificates in return of huge sums.

## Acts/Legislation Against White Collar Crime In India:

In India various legislation for identifying white-collar crime are as follows :

- # Indian penal code, 1860
- # Companies Act, 1961
- # Customs Act, 1962
- # Prevention of corruption Act,1988
- # Income tax Act, 1961
- # Commodities Act, 1955
- # Imports and exports control Act, 1950
- # IT Act, 2005
- # Prevention of money laundering Act, 2002
- # Lokpal Act, 2014

## Remedial Measures and conclusions

In-country like India where large scale starvation, mass illiteracy, and ignorance affect the life of the people, white-collar crimes are bound to multiply in large proportion. control of these crimes is a crucial problem for criminal justice administration in this country. however, some of the remedial measures for combating white-collar criminality may be stated as follows:

1. creating public awareness against these crimes through the media of press, platform, and other audio-visual aids. intensive legal literacy programs may perhaps help in reducing the incidence of white-collar criminality to a considerable extent.

2. special tribunals should be constituted with power to award sentence of imprisonment.
3. stringent regulatory laws and drastic punishment for white-collar criminals
4. A separate chapter on white-collar crimes and socio-economic crimes should be incorporated in the Indian penal code by amending it.
5. White-collar offenders should be dealt with sternly by prescribing stiffer punishments keeping in view the gravity of injury caused to society because of these crimes.