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## *ABOUT US*

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **AN ANALYSIS ON WHITE COLLAR CRIME:**

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## **Abstract:**

The word crime is familiar to everyone. There is hardly any society which is not covered with the problems of crime. Crime has been recognized as one of the major social issues which are familiar to everyone. The concept of crime is essentially concerned with the social order. The criminology is the body of science which deals with the nature and extent of crime, as well as the reasons, consequences, reaction and also prevention of crime. Among the different categories of crime one of the Crime which is very popular but still many people are unaware is the white collar crime. In this article, the researcher will explained about white collar crime, its causes, the history behind this crime and also the consequences of it in the present situation.

**Keyword:** White collar crime, punishment, neutralization

## **Introduction:**

The term white collar crime is a familiar term which is known to everyone. In the year 1939, the term white collar crime was reportedly coined. This is a crime which is committed by businessman and government professionals. White collar crime is generally non-violent in nature and includes public occupation, health care fraud, mortgage fraud, securities fraud and money laundering to name a few. The term white collar crime is found its place in criminology for the first time in the year 1941 when Sutherland published his research paper on white collar criminality in the American Sociological review. Sutherland defined white collar crime as a crime committed by person of respectability and high social status in the course of their occupation. A white collar criminal belongs to upper socio-economic class who violates the criminal law while conducting his professional qualities. A white collar criminal belongs to upper socio-economic class who violates the criminal law while conducting his professional qualities. After characterized by deceit or concealment to obtain or avoid losing money or property or to gain a personal or business advantage. Sir Walter Reckless, an American Criminologist suggests that White collar crime represents the offences of businessmen who are in a position to determine the policies and

activities of business. Some authorities suggest that white collar crimes are committed by person of status not for need but for greed.

## **History of white collar crime:**

Globally the term White collar crime was for the first time coined by Edwin Sutherland who was an American Sociologist. He defined White Collar Crime as that crime which is committed by persons belonging to high social status. Apart from that in the year 1934, Morris Drew gave his attention regarding necessity of a change regards crime. According to him the person belonging to high social status who committed various conduct in the course of their profession should be recognized as crime and must be punished. Afterwards in the year 1941, Sutherland through his pioneering work emphasized that those conduct or activities as well as wrong which are violating in nature which committed during the course of their profession by person belonging to high social status and upper class should be recognized as white collar crime. And these white collar crimes are different from traditional crime which he recognized as Blue collar Crime.

## **Types of White Collar Crime in India:**

1. **Money Laundering:** Money Laundry has been regarded as that crime where the criminals disguise the identity of the money. In this type of crime it is often seen that the criminals try to hide the real ownership of the money. Here the criminals placed the money in such a place where they can obtain that money by illegal means. Once the intention of the criminals of making that money came from legal sources the task of laundering is completed. Here the ultimate aim of the criminals is to show the illegitimate money as the legal money.
2. **Tax Evasion:** Another well known most common white collar crime is tax evasion. The intention behind commission of tax evasion is to conceal one's original position to the authorities. To reduce the tax liability in front of the eye of government this type of concealment has done. The purpose of tax evasion is to hide that money which are obtained from illegal sources and to reduce one's liability to pay tax and to show low income to the tax authority.
3. **Cybercrime:** Another important white collar crime which is very familiar to everyone is cyber crime. Cyber crime is the crime which is related to computer network. Cyber crime is the crime which involves the persons who are very expert in various computer related technology. This crime is committed against the victim by using internet, networks and



other technological sources. In recent period, very common cyber crimes are hacking, child pornography, copyright infringement, cyber terrorism and cyber stalking.

4. Bribery: One more very common type of white collar crime which is known to everyone is bribery. By the term bribery means giving money or some goods to the person at a high position in return of a favor.
5. Bank fraud: Bank fraud is very common type of white collar crime. Bank fraud is fraud which is committed on the banks. By making various fake representations, it is committed by the fraudulent companies. It is also related to the manipulation of various negotiable instruments like securities, bank deposit, check bouncing etc.

### **White collar crime in different profession:**

White collar crime is a crime which is committed by person belonging to high social status and upper class. This crime is found place in different profession like medical, engineering, legal profession e donations by students in order to give them admission as even in education. Regards education it is seen that in now a days by collecting huge sums of money in the name of donation by students in order to give them admission is one type of white collar crime. Another profession where white collar crime found its place is the profession of legal profession. In legal profession, crime is conducted by fabrication of forged documents, threatening the witnesses of other party is very popular.

Again in medical profession it has seen that making of false medical certificates by doctors, fake and intended prolong the treatment in order to increases the bill, sex discrimination of the child by the doctors on the compulsion of the patient to gain money are various white collar crime.

### **Conclusion:**

There is various legislation in India to identify white collar crime. This legislations are Companies Act, 1960, Income Tax Act, 1961, Indian penal Code, 1860, Commodities Act, 1955, Prevention of Corruption Act, 1988, Negotiable Instrument Act, Prevention of money laundering Act, 2002, IT Act, 2005, Import and Exports(control) Act, 1950. But irrespective of all these legislations white collar crime causes a hard to the economy of the country as a whole. In the present society, various crimes like bribery, corruption, money laundering has affected a lot in the society. Although there is no proper definition of white collar crime in Indian laws. But this crime should not be taken leniently by the government. The government should take stringent

step and proper initiatives to tackle the problems of white collar crime.

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