WHITE COLLAR CRIME IN INDIA: A CRITICAL STUDY
WITH REFERENCE TO BLACK MARKETING.

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ABSTRACT
The profession to work with an earnest care and honesty is what we called to be an Ethical Profession, but what happens when these professionals only commits a big and corrosive fraud under the ambit of the respective profession they are been working at or in other words what we called them to be a White Collar Crimes, as this crimes by Ipso Facto known to be the crimes being committed by the professionals in forms of Doctors, Lawyers, Engineers, Teachers and so on like that. These crimes undoubtedly sabotage the reputation of them badly with a negative hope of the clients at the huge masses as most of the customers cum clients which are duly associated with them in order to get the positive commitment by them, that they will serve them with the effective and reasonable care gets down or lessen up. Under this Research Article, the author intends to focuses on to the main reasons of committing the White Collar Crimes, the kinds of White Collar Crimes, and what are the legislative loopholes behind the formulation of stringent laws for committing the White Collar Crimes and also the author will about to highlight the concept of Black Marketing in lieu with the commission of White Collar Crimes in a comprehensive manner and also along with that the reasons and an effective rectification of the such Black Marketing in brief. Moreover, the signs of such crimes and scrupulous unethical acts being committed by the professionals destroys and creates the hopeless situation for thousands and millions of customers, clients, wards, patients and other personnel’s who have been associated with them for last longer time and also such acts being committed by them makes them an complete package of Embarrassing Creators of Renowned Professionals.

KEYWORDS: (White Collar Crimes, Black Marketing, Ethical Profession, Ipso Facto, Scrupulous.)

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MEANING AND KINDS OF WHITE-COLLAR CRIME

According to Sutherland, the White-Collar Crime are the crimes being committed by the upper socio-economic classes of the society at large who possessed the high rank and reputation in the society, which later on proves to be the big clash in his own profession only by committing such illicit and immoral crimes. White-Collar Crime by their very nature are such that it injured or damages the reputation of the elite professions of the professionals and finally their clients becomes the gross victims. There are ample such kinds of the White-Collar Crimes being committed in India, they are as follows:

- **Ad-Hoc Crimes:**
  
  These crimes are also known by the name of the personal crimes which includes the gross victimization of their clients by the indirect encounters with them such as the credit cards fraud, tax evasion, hacking on the computer’s programs of others, and so on.

- **White-Collar Crimes in context with the Breach of Trust:**
  
  These crimes basically committed by breaching the trust of their respective clients in forms of financial frauds, embezzlements, insider trading, misuse of frauds and so on which also victimizes the clients of them and sabotages their client loyalty relationships in the brutal extent.

- **Crimes related to the Facets of an Intellectual Property:**
  
  Under this the crimes being committed by violating the substantial principles of the Intellectual Property Laws by the wrongdoer in relation to the Trade Marks, Patents, Copyright, Domain Name and so on like that.

- **Crime related to Tax-Evasion:**
  
  It is being committed by the professionals in each field of their respective profession which includes doctors, engineers, lawyers, teachers, contractors. Under such an offence they refuse to pay the tax of whatever income they might have earned in their previous year by avoiding the substantial part of their income or in other words they do not reveal those incomes by non-showing it to the Income Tax Authorities, and hence by committing such an act they commit the crime of White-Collar in a large extent. In the case namely **R.K. Garg v. Union of India**, the Hon'ble Supreme Court upheld the validity of the Special Bearer Bonds Act, 1981, and had thoroughly observed that this

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3 According to Sutherland.

4 Ibid.

5 (1981) 133 ITR 239.
Act to be an effective compliance with the efficient prevention of Tax-Evasion acts in India.

REASONS FOR THE COMMISSION OF THE WHITE-COLLAR CRIME

- **Necessity as being the main reason for the commission of the crime of White-Collar**
  After having been pursuing the elite field of the profession by the professionals, the crimes being committed by the professionals in form of White-Collar Crime due to the grave necessity in order to support their family in the greater sense and therefore they commit crime in nature of White-Collar.²

- **Lack of Awareness:**
  The people after becoming the victims of the crimes unable to understand exactly that what sort of offence have been committed against them, and this may sometimes take a long time to get themselves understand about the crimes, and it is due to the lack of awareness which has to corrected in an efficient manner by the Government of India by creating and making legal awareness campaigns for them in several States and Districts.³

- **Greed of More Money by imperilling the life of the Clients in the gross danger:**
  The professionals committing crimes by non-realizing the fact and consequences that what may happens to their clients at large if they commits such savage crimes against their mental psych, their reasonable breach of trust which is on them, their self-confidence, so in the specific tone we can say it tarnishes and disrupts the self believes of thousands and millions of their clients in the gross and savage manner.⁴

LEGISLATIVE FLAWS OF THE WHITE-COLLAR CRIMES IN INDIA

In India there are so many laws which is being made in order to curb the issues of White-Collar Crime but it is not getting the positive response for the same. The laws namely the Prevention of Corruption Act, 1948, SEBI Act, 1992, the Insurance Act, 1938, the Central Vigilance Commission Act, Lokayukta Acts of the respective States, Right to Information Act, 2005, the Reserve Bank of India Act, 1934, and so on, but the positive efficacy has been seen nowhere as the legislature have been made the laws against the commission of the White-Collar Crimes in India but the comprehensive implementation of these laws into the mindsets of the people at

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²https://blog.ipleaders.in/analysis-white-collar-crimes-india/
³Ibid.
⁴Ibid.
large in the society have still not achieved, so first of all these illicit and immoral mindsets have to be changed then only the laws shall be helpful to them and for that the effective collaborations of the National and International Laws are necessary and along with that the revolution of the mindsets and traditional thoughts of the people have to be changed with the active compliance and actions being performed by the Government through several legal campaigns against the non-performances of the White-Collar Crimes in India.

MEANING AND REASONS FOR THE COMMISION OF BLACK MARKETING IN INDIA

The Black Marketing connotes the illegal trading of the several goods and services without being the active consent and knowledge of the Government of India and thus it is being committed only to avoid taxes or in other words the commission of Tax-Evasion at large. Under such an offence i.e. precisely of the Black Marketing the consumers are getting such products and services which the Government has banned completely such as drugs, alcohols, contrabanded items, and other harmful stuffs which if would come into the presence of the society may disrupts the ethical balances of the society at large9.

CAUSES OR THE GROSS REASONS BEHIND THE COMMISSION OF THE BLACK MARKETING IN INDIA

- **The High Rate of Tax-Laws in India:**
  The increase of the high taxes and duties being imposed and conferred among the people and other civilians of the society at large put them into an indispensable need to avoid giving taxes and thus commits the offence of Black Marketing in Indian Subcontinent. In other words we can say the more tax liability for the people, the more shall be the Black Marketing on their respective part and lesser the tax rate, the less will be the commission of Black Marketing which is the irrelevant logic as the tax given by the tax-payer is the social obligation for them as giving more and more taxes in India sounds the active and wholesome development of the country at large only.

- **Different Rate of Excise Duty:**
  It also become the prime reason for the commission of Black Marketing in India as we have different excise rates for the similar range of products which undoubtedly excites or motivates the seller to commit offence of Black Marketing on the large scale.

Scarcity of Goods:
When the distribution of goods becomes scarce in the market, and people have to pay higher amount for the accessing of such goods then that amounts to the commission of Black Marketing resulting into the illicit and illegal transactions.

Higher Inflation Rates in India:
When the prices of the commodities become higher or hike abruptly, then inflation takes place into the country, and this is the biggest reason behind the commission of Black Marketing.

Real Estate Transactions:
It is the biggest reason behind the gross commission of Black Marketing in India as the more and more building constructions in the urban areas are becoming difficult for the builders as due to the large extent of populations around such place, therefore, they are transforming the Rural Areas into the Large Urbanization, and thus it becomes the illicit chance for the builders to commit offences like Black Marketing in India by charging less to them and thus by charging a lesser amount to them they have a clear cut mindset to evade more taxes.

RECTIFICATION OF THE BLACK MARKETING

There has to be the limited tax slabs in India so that the tax-payer has to give reasonable amount of tax or the net tax liability of him must be there, so that any seller or person shall not even think about the illicit commission of Black Marketing.

There has to be true emancipation and active implementation of the laws against Black Marketing, just by making laws shall not be sufficient in order to combat the illicit offence of Black Marketing in India, but the due compliance and an implementation of it is also mandatory for the Government to have a reasonable check.

There shall be the high rate of employment by giving more and more jobs to the needy ones so that by getting a handsome wages and salaries no one shall even think to get their selves registered or being indulged into the illicit activities of Black Marketing.

There has to be an effective and reasonable Goods and Services Tax being formulated and activated by the Government of India in order to curb the illicit practices of the Black Marketing in India.

There has to be an efficient and effective transparency in the active regulations of the Labour Markets which undoubtedly assures the due prevention of the Black Marketing in India.
CONCLUSIONS AND SUGGESTIONS

White Collar Crimes are the encroachment which causes damage to the economy of the nation with everything considered. It deals with the nation's economy by bank cheats, cash related burglaries, avoiding of evaluation, and so on. It does not just affect the money related status of a nation or an individual in any case. It has additionally a negative effect on the general populace. The different encroachment, for example, favouring, contamination, charge shirking has influenced society in a negative manner.

There is no certified significance of master awful conduct in Indian laws. These cash related terrible practices ought not to be taken tolerantly by the association.

Punishment concerning workspace awful conduct ought to be stricter as wild control can obstruct this encroachment considering.

If the terrible conduct is exceptionally terrifying the control may comparatively be relaxed up to life repression.

People do not consider the majority of this encroachment so the open consideration through any correspondence medium is in like way head.

Government should drive genuine principles with respect to cash related robberies of the nation.

To spread it out just, to diminish India’s dull economy and lessen the size of the accommodating economy after some time would require key changes in the structure and relationship of economy and legitimate issues. We have to abrogate the extractive foundations with ones that stretch out access to assets and openings and help create the limits of the bigger part. This is more inconvenient than one may expect and may incorporate essential political expenses for the present, diminishing its appeal as a political stage. The urban elites, where the greater part of the votes, expenses, and course of action impacts start from, have got the honours of globalization.