INDIAN APPROACH AND MEASURES TO CONTROL WHITE COLLAR CRIME IN INDIA

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This work is a reflection of pure judicial response to assist in the eradication of white collar crime from India. The work is not considering other material for its support but is relying exclusively upon the judicial precedents. Thus, the work is directly proceeding from the judicial activism. The judiciary has taken a serious note of the growing intensity of the white-collar crimes. For the sake of convenience, the judicial response in this regard can be classified under the following their headings:

- Judicial response under the Prevention of Corruption Act, 1988,
- Judicial response under the Prevention of Food Adulteration Act, and;
- Judicial response under other statutes dealing with white- collar crime.

PREVENTION OF CORRUPTION ACT

The strict judicial vigilance over corruption is reflected in various judgments of the Apex Court. In Jayalalitha vs. U.O.I.[i] the Supreme Court observed: "The legislature has enacted the Act and provided for speedy trial offences punishable under the Act in public interest as it has become aware of rampant corruption amongst the public servants." In State of Maharashtra vs. Prabhakar Rao[ii], the Supreme Court observed that the definition of public servant U/s 21 of I.P.C is of no relevance under the Prevention of Corruption Act. This means that a person may be held liable under the Act even if he is not a public servant within the meaning of section 21 of I.P.C. Under the repealed Act of 1947, the definition of public servant was restricted to public servant as defined in Section 21 of I.P.C. In order to curb effectively bribery and corruption not only in government establishments and departments but also in other semi-governmental authorities and bodies and their departments where the employees are entrusted' with public duties, a comprehensive definition of public servant has been given in section 2(c) of the Act.

In **Rain Narayan Poply v C.B.I** the Supreme Court, defining the object and purpose of the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992 observed that the Act was promulgated with a view to recover public monies lost by certain banks and financial institutions in securities where such losses arose as a result of such transactions. Referring to the nature and the adverse effect of white collar crimes, the court observed: "The offences in these cases were not of conventional or traditional types, the ultimate objective was to use public money in a carefully planned manner for personal use with no right to do it. The cause of the community deserves better treatment at the hands of the court in the discharge of its judicial functions. The community or the State is not a persona non- grata whose cause may be treated with disdain. The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculations and deliberate design with an eye on personal profit regardless of the consequences to the community.

A disregard for the interest of the community can be manifested only at the cost of

forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crime with a permissive eye, unmindful of the damage done to the national economy and national interest. Unfortunately, in the last few years, the country has seen an alarming rise in the white collar crimes, which has affected the fiber of the country's economic structure. These cases are nothing but private gain at the cost of public and lead to economic disaster".

The Supreme Court, however, preferred to apply "reformative theory" instead of the punitive theory of punishment in this case. The court observed: "Normally, in cases involving offences which corrode the economic stability are to be dealt with sternly. However, considering the fact that the occurrence took place a decade back, and the trial has spread over a few years, and the death of one of the accused, we feel custodial sentence for the period already undergone would meet the ends of justice. While fixing the quantum of sentence, we have duly considered the fact that in the instant case the amount has been paid back".

In Vivek Gupta v C.B.I the Supreme Court considered the scope of the jurisdiction of special court dealing with corruption cases. The court held that even if the appellant was not charged under the POCA but under sections 12043/420 of I.P.C, the special judge has the power to try the appellant with other co-accused who, in addition to the said sections, were also charged under section 3 and 4 of POCA. The court, applying the provisions of sections Sand 4 of the Act and section 220 and 223 Cr.P.C, held that such recourse is available to the special court.

In State of M.P v A.K. Gupta the Supreme Court dealt with criminal misconduct committed by the public servant while holding their offices. The court observed: "Section 13 of the Act deals with various situations when a public servant can be said to have committed criminal misconduct. Section 13 (1) (e) is applicable when the public servant or any person on his behalf, is in a possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account pecuniary resources or property disproportionate to his known source of income. Section 13 (1) (e) corresponds to section 5 (1) (e) of the POCA, 1947 (old Act). But there have been drastically amendments. Under the new clause, the earlier concept of "known source of income" has undergone a radical change. As per the explanation appended, the prosecution is relieved of the burden of investigating into "source of income" of an accuse to a large extent. The prosecution cannot be expected to know the affairs of an accused person. These will be matters "specifically within the knowledge of the accused", within the meaning of section 106 of the Indian Evidence Act, 1872. The legislature has advisedly used the expression "satisfactorily, account". The emphasis must be on the word "satisfactorily" and the legislature has, thus, deliberately cast burden on the accused not only to offer a plausible explanation as to how he came by his large wealth, but also to satisfy the court that his explanation was worthy of acceptance". In R. Sai Bharathi vs J. Jayalalitha the Supreme Court observed: "The criminal law merely prescribes the minimum standards of behavior. While in public life, those who hold high offices should not take shelter under the umbrella of criminal law but stand by high probity. Further, criminal law is meant to deal with criminals ordinarily. Persons in public life are expected to maintain very high standards of probity, and, particularly, when there is likely to be even the least bit of conflict of interest between the office one holds and the acts to be done by such person, ought to desist himself from indulging in the same. Such standards of behavior were scrupulously observed in the earlier days after independence, but those values have now dwindled and instances of persons holding high elective offices indulging in self-aggrandizement by utilizing government property or in distribution of the largesse of the government to their own favorites or for certain "quid pro quo" are on the increase. We have to strongly condemn such actions".

In this connection it is essential to refer the offence as specified under section 169 of I.P.C. Section 169 specifies that for the completion of offence under section 169 the following conditions must be fulfilled: 1) the person should be a public servant,

2) In such capacity he is legally bound not to purchase or bid for "certain property", and

3) Either in his name or in the name of another or jointly, or in shares with others.

The offence u/s 169 is incomplete without the assistance of some other enactment, which imposes the legal prohibition required. Section 481 of the Cr. P.C, Section 189 of the Railways Act, 1989 and Section 19 of the Cattle Trespass Act, 1871, and instances of that nature in several enactments are available in which persons mentioned therein shall not directly or indirectly purchase any property at a sale under those Acts.

It is fairly clear that prohibition should flow from a law as ordinarily understood, that is to say, an enacted law or a rule or regulation framed under such law. The rules and administrative instructions governing the public servants holding the civil posts have no application in this case.

PREVENTION OF FOOD ADULTERATION ACT

The object and purpose of the POFAA (Act) are to eliminate the danger to human life from the sale of unwholesome articles of food. It is enacted to curb the widespread evil of food adulteration and is a legislative measure for social defense.

It is intended to suppress a social and economic mischief- an evil that attempts to poison, for monetary gains, the very sources of sustenance of life and the wellbeing of the community. The evil of adulteration of food and its effects on the health of the community are assuming alarming proportions. The offence of adulteration is a socio-economic offence.

The construction appropriate to social defense legislation is, therefore, one, which would suppress the mischief aimed at by the legislation and advance the remedy.

The offences under the Act are really acts prohibited by the police powers of the State in the interests of public health and well-being. The prohibition is backed by the sanction of a penalty. Intention or mental state is irrelevant.

In State of Orissa v K.R. Rao[iii] the Supreme Court defined the scope of the prohibition against selling of adulterated food. The court observed: "In the absence of any provision, express or necessarily implied from the context, the courts would not be justified in holding that the prohibition was only to apply to the owner of the shop and not to the agent of the owner who sells adulterated food.

The Act is a welfare legislation to prevent health hazards by consuming adulterated food. The mens rea is not an essential ingredient. It is a social evil and the Act prohibits commission of the offence under the Act. The essential ingredient is sold to the purchaser by the vendor.

It is not material to establish the capacity of the person vis-à-vis the owner of the shop to prove his authority to sell the adulterated food exposed for sale in the shop. It is enough for the prosecution to establish that the person who sold the adulterated article of food has sold it to the purchaser".

In Mohanlal Anand vs State (Delhi Administration) the Supreme Court held that the High Court, in exercise of its revisional jurisdiction, has no power to itself decide to commute the sentence imposed under sections 16/7 of the Act and direct the convict to deposit in trial court a specified sum as fine and inform the government of such deposit for formalizing the matter by passing appropriate order u/s 433(d) of Cr. P.C.

In State of Himachal Pradesh vs Narendra Kumar" the Supreme Court observed: "The occurrence of adulteration took place nearly two decades back, and the courts below acquitted the accused, though erroneously.

Therefore, keeping in view the nature of violation and the peculiar facts and circumstances of the case

while sentencing the accused to undergo 6 months RI and fine of Rs 1000, we make it clear that if the accused moves the appropriate government to commute the sentence of imprisonment the same may be considered subject to such conditions or terms as the government may choose to impose. For a period of 3 months the accused need not surrender to undergo sentence. During this period, it shall be open to him to move the appropriate government for commutation. The fate of the order of commutation, if any, shall be operative. If no order in the matter of commutation is passed by the appropriate government, the accused shall surrender to serve the remainder of the sentence". In Safiya v Govt of Kerala"[iv] the Supreme Court observed that the court could not lost sight of the fact that those who commit economic offences do harm to the national interest and economy. The High Court came to the conclusion that the détentes has violated the provisions of the law (COFEPOSA) and his activities are not in the larger national interest. The court should be slow to come to the aid off the detente in such cases.

Similarly, in Kesar Devi v Union of India"[v] the Supreme Court while upholding the forfeiture of the properties of the offender observed: "The combined effect of section 6(1) and section 8 is that the competent authority should have reasons to believe that properties ostensibly standing in the name of a person to whom the Act applies are illegally acquired properties, he can issue a notice to such person. Thereafter, the burden of proving that such properties are not illegally acquired properties will be upon the person to whom notice has been issued. Under the scheme of the Act, there is no requirement on the, part of the competent authority to mention or establish any nexus or link between the money of the convict or detenue and the property sought to be forfeited. In the present case, the appellant is the wife of the detenue and she has failed to establish that she bad any income of her own to acquire the three properties. In such circumstances, no other inference was possible except that it was done so with the money provided by the husband.

In Govind Singh vs. Harchand[vi] election petition was filed alleging corrupt practice on the part of returned candidate for sanctioning pension to old aged and handicapped persons. It is held that since the charge of corrupt practices have to be proved beyond reasonable doubt and not merely by preponderance of probabilities, the evidence relied upon by the High Court cannot be held to be of such probative value. So, the Supreme Court set aside the judgment of High Court in which the election of the appellant was declared void.

The Supreme Court in Kanaya Lai vs. State[vii] has held that where it was agreed between the seller and purchaser that a particular measure was to be used in measuring the commodity sold, it was held that, even though the measure was not of the standard requirement, it was not 'false' and there was no fraudulent intent within the meaning of this section.

In Girish Saini v. State of Rajasthans[viii] a public servant was accused of not depositing nor making entries of stationery required for official purpose. Accused public servant was in charge of the store in the concerned department at the time of the commission of the offence. Hence entrustment was proved. It was held accused could not take the benefit of misplacing of one of registers of company as he could not prove maintenance of two registers by department. Hence, the accused was held guilty of committing criminal breach of trust. It was further held by the court that taking into consideration large scale increase in corruption in public life from top to bottom and more particularly to fact that appellant being a public servant misappropriated stationery article which was supplied for office purpose, hence the punishment awarded by trial court cannot be said to be excessive. Hence, the punishment was sustained.

Very recently in Sanjay Chandra v. Central Bureau of Investigation[ix],9° the charge is that of cheating and dishonestly inducing delivery of property. There are seventeen accused persons. The statements of the witnesses run into several hundred pages and the documents on which reliance is placed by the prosecution is voluminous. The trial

may take considerable time and it looks that the appellants, who are in jail, have to remain in jail longer than the period of detention, had they been convicted. It is not in the interest of justice that accused should be in jail for an indefinite period. No doubt, that the offence alleged against the appellants is a serious one in terms of alleged huge loss to the State Exchequer, that by itself, should not deter from enlarging the appellants on bail when there is no serious contention that the accused, if released on bail, would interfere with the trial or temper with evidence. It was held that there is no good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet. So, the accused were enlarged on bail.

NATIONAL HERALD SCAM

The National Herald scam is an ongoing case in a Delhi court filed by Indian economist and politician Subramanian Swami against politicians Sonia Gandhi and Rahul Gandhi, their companies and associated persons. As per the complaint filed in the court of the Metropolitan Magistrate, Indian National Congress granted an interest-free loan of 390.25 crore (US$14 million) to Associated Journals Limited (AM), owner of the National Herald newspaper which was established by Jawaharlal Nehru and other freedom fighters in 1938. It was alleged that the loan was either not repaid or repaid in cash, which is in violation of Section 2691 of the Income Tax Act, 1961. A closely held company, Young Indian, was incorporated in November 2010 with a capital of Z50 lakh (US$77,000) and it acquired almost all the shareholding of AIL and all its properties (alleged to be worth 25,000 crore (US$770 million)). Swamy alleged criminal misappropriation by both Sonia Gandhi and Rahul Gandhi. The courts have determined that a prima face case has been established in the matter.

On 7 December 2015, the Delhi High Court ordered Sonia Gandhi, Rahul Gandhi and five others to appear in person before the trial court on 9 December. They did not appear in the court and, on their lawyers' request, the trial court ordered them to appear before him in person on 19 December. He disallowed their request for exemption from personal appearance. On 19 December 2015 the Patiala House court granted bail to all but one and ordered them to appear in the court on the date of next hearing 20 February 2016.

On 11 March 2016 the trial court allowed, after hearing SWamy's plea to examine balance sheets of INC, AIL and Young Indian from 2010 to 2013, which was later overturned by the Delhi High Court.

Jeep scandal case The jeep scandal in 1948 was first major corruption case in independent India. V.K. Krishna Menon, the then Indian high commissioner to Britain, ignored protocols and signed a Rs 80 lakh contract for the purchase of army jeeps with a foreign firm.

CORRUPTION ALLEGATIONS

V. K. Krishna Menon, then the Indian high commissioner to Britain, bypassed protocol to sign a deal worth Rs 80 lakh with a foreign finn for the purchase of 200 army jeeps. While most of the money was paid up front, just 155 jeeps landed, the then Prime Minister Nehru forced the government to accept them. Govind Ballabh Pant the then Home Minister and the then Government of Indian National Congress announced on 30 September 1955 that the Jeep scandal case was closed for judicial inquiry ignoring suggestion by the Inquiry Committee led by Ananthsayanam Ayyangar. He declared that "as far as Government was concerned it has made up its mind to close the matter. If the opposition was not satisfied they can make it an election issue". Soon after on 3 February 1956 Krishna Menon was inducted into the Nehru cabinet as minister without portfolio. Later Krishna Menon became Prime Minister Jawaharlal Nehru's trusted ally and the defense minister.

Mahatma Gandhi's Personal Secretary Mr. U V Kalyanam, in a newspaper interview said, "It is pertinent to mention here that Nehru made corrupt

colleagues like Krishna Menon, who was involved in the infamous 'jeep scam' while he was the Defense Minister."

RECENT JUDGEMENT

1. JUDGEMENT IN FOURTH FODDER SCAM CASE AGAINST LALU YADAV:

The judgment in the fourth case of multi-crore fodder scam against former Bihar chief ministers Lalu Yadav and Jagannath Mishra was deferred on Thursday by a CBI special court after the RID leader's counsel filed a plea. No date has been fixed yet for the pronouncement of judgment in the case which is related to fraudulent withdrawal of Rs. 3.13 crore from Dumka Treasury.

Special CBI Judge Shiv Pal Singh put off the judgment in view of the counsel for Laiu Yadav filing a petition under 319 Cr. P. C, asking that the then three officials of the Accountant General of Office in the 1990s be made a party to the case under 319 Cr. P. C.

Mr. Yadav's counsel said he had filed the petition and re-submitted it after correcting some typographical mistakes. The court heard the petition and would decide, according to Mr Yadav's counsel. Besides Lalu Yadav and Jagannath Mishra, there are 29 accused, including former IAS officers and AHD officials, in the Dumka Treasury case. Earlier, Mr. Yadav was convicted in three fodder cases while Mr. Mishra was convicted in two fodder cases.

A special CBI court on January 24, 2018 sentenced Lalu Yadav and Jagannath Mishra to five years in jail in a fodder scam case related to fraudulent withdrawal of Rs. 37.62 crore from Chaibasad treasury.

Earlier on January 6, 2018, a special CBI court had sentenced Mr. Yadav to three-and-a-half years in jail and fined Rs. 10 lakhs in a fodder scam case relating to fraudulent withdrawal of Rs. 89.27 lakh from the Deoghar Treasury 21 years ago.

In 2013, Mr. Yadav was convicted in the first fodder scam case involving withdrawal of Rs.37.7 crore from the Chaibasad treasury. Lalu Yadav has been in Birsa Munda jail at Ranchi since December 23, 2017 after being convicted in the second case pertaining to illegal withdrawal of money from Deogarh treasury.

2. COAL SCAM: EX-JHARKLIAND CHIEF MINISTER MADHU KODA FOUND GUILTY OF CORRUPTION

Former Jharkhand chief minister Madhu Koda was found guilty of illegally ensuring the allocation of a coal block in Jharkhand to a Kolkata-based firm. The allocation of the Rajhara North coal block is one of the instances of alleged inefficient allocation of coal blocks during 2004 to 2009 by then UPA government at the Centre. Dubbed the coal scam, the matter became a huge political controversy. The special court also found three other accused guilty -- among them were former secretary of the coal ministry HC Gupta, former chief secretary of Jharkhand AK Basu and the private firm concerned -- Vini Iron and Steel Udyog Ltd. The court will decide on the quantum of punishment tomorrow. Four persons were acquitted.

The Central Bureau of Investigation, which probed the matter, said Madhu Koda, AK Basu and two others conspired to favor the firm, which despite applying for allocation, had been given the thumbs down by the Jharkhand government and the Union ministry of steel. But HC Gupta, who was chairman of the screening committee, had concealed this fact from then Prime Minister Manmohan Singh, who was handling the coal portfolio.

The coal scam had hit the headlines in 2012 after an audit by the national auditor revealed that the country has 'lost up to Rs. 1.86 lakh crore due to inefficient allocation of coal blocks. The auditor said for over a decade, mining rights were allotted to private firms at low prices. In 2014, the Supreme Court cancelled the allocations.

A case against 46-year-old Madhu Koda -- who was the Chief Minister of Jharkhand from September 2006 to August 2008 -- was filed in

December 2014. HC Gupta, before retiring in 2008, was the Coal Secretary for two years under the Congress-led UPA government. With the screening committee he headed allocating at least 40 coal mining rights, he was accused of playing a leading role in the massive swindle. He is accused in eight cases. hi May, he was convicted along with two other former bureaucrats in a case related to the allocation of a coal mining block in Madhya Pradesh to a private company. It was the first coal scam case in which senior government officials were held guilty.

3. SASIKALA CONVICTED IN DA CASE

The Supreme Court on Tuesday set aside AIADMK general secretary V.K. Sasikala's acquittal by the Karnataka High Court in the Jayalalithaa disproportionate assets case and "restored in full" the trial court conviction of September 2014.

A Bench of Justices P.C. Ghose and Amitava Roy also set aside the acquittal of her two co-accused J. Ilavarasi and V.N. Sudhakaran and restored their conviction in the case. The SC said the appeals filed by Karnataka government and others, including DMK leader K. Anbazhagan, against the former Chief Minister has abated after her death on December 5, 2016.

The Supreme Court ordered Sasikala, Ilavarasi and Sudhakaran to surrender forthwith before the trial court concerned.

Even after Sasikala comes out after serving her four-year sentence, she would be disqualified to contest elections for the next six years as per the Supreme Court judgment in Lily Thomas versus Union of India of July 2013. The voluminous main judgment authored by Justice Ghose held that the trial court conviction of the three accused- A2 to A4 - on September 27, 2014 has been restored in full along with the consequent directions, including payment of fine and attachment of properties.

4. 2G SCAM VERDICTS: A RAJA, ICANIMOZ111, OTHERS ACQUITTED

Prosecution has miserably failed to prove any charge against any accused: OP Saini Former telecom minister A Raja, DMK MP Kanimozhi and all other accused were today acquitted in the politically-sensitive 2G spectrum allocation scam cases by a special court which held that the prosecution "miserably failed" to prove the charges. The fifteen-other accused allowed to walk free include former Telecom Secretary Siddharth Behura, Raja's erstwhile private secretary R K Chandolia, Swan Telecom promoters Shahid Usman Balwa and Vinod Goenka, Unitech Ltd MD Sanjay Chandra and three top executives of Reliance Anil Dhirubhai Ambani Group (RADAG)-- Gautam Doshi, Surendra Pipara and Hari Nair. The CBI had alleged that there was a loss of Rs 30,984 crore to the exchequer in allocation of licenses for the 20 spectrum which were scrapped by the top court on February 2, 2012. Raja and Kanimozhi, daughter of DMK supremo M Karunanidhi, were also let off in another case lodged by the Enforcement Directorate under the money laundering law arising out of the 2G scam. In its charge sheet, the ED had also named DMK supremo M Karunanidhi's wife Dayalu Ammal as an accused in the case in which it had alleged that Rs 200 crore was paid by Swan Telecom (P) Ltd (STPL) promoters to DMK-run Kalaignar TV.

Along with them, 16 others including Shahid Balwa and Vinod Goenka of STPL, Asif Balwa and Rajiv Aggarwal of Kusegaon Fruits and Vegetables Pvt Ltd, film producer Karim Morani, P Amirtham and Sharad Kumar, Director of Kalaignar TV were also acquitted in the money laundering case.

Special CBI Judge 4 P Saint, whose court came into being on March 14, 2011 for hearing 2G cases exclusively, also acquitted Essar Group promoters Ravi Kant Ruia and Anshuman Ruia and six others in a separate case arising out of the 2G scam probe. Besides Ruias, Loop Telecom Promoters I P Khaitan and Kiran Khaitan and Vikash Saraf, one of the Essar Group Directors, Loop Telecom Ltd, Loop Mobile (India) Ltd and Essar Teleholdings Ltd were also sequined.

In the packed courtroom, the judge said, "I have absolutely no hesitation in holding that

prosecution has miserably failed to prove any of the charges against any of the accused." The three cases decided today by the special court had total of 35 accused including several companies.

REMEDIAL MEASURES

In a 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 the criminal justice administration in this country. However, some of the remedial measures for combating white collar criminality may be stated as follows:

- Creating public awareness against these crimes through the media of press, platform and other audio-visual aids. Intensive legal literacy programmers may perhaps help in reducing the incidence of white collar criminality to a considerable extent.
- Special tribunals should be constituted with power to award sentence of imprisonment up to ten years for white collar criminals.
- Stringent regulatory laws and drastic punishment for white collar criminals may help in reducing these crimes. Even legislations with retrospective operation may be justified for this purpose. Dr. Radhakrishan, the Second President of India, in this context once observed: "the practitioner of this evil (i.e. white collar and socio-economic crimes) the hoarders, the profiteers, the black marketers, and speculators are the worst enemies of our Country. They have to be dealt with sternly, however well placed, important and influential they may be, if we acquiesce in wrong-doing, people will lose faith in us". The penalty for white collar crime which are a potential risk to human lives may even be extended to the imprisonment for life or even to death if the circumstances so demand.
- A separate chapter on white collar crimes and socio-economic crimes should be incorporated in the Indian Penal Code by amending the Code so that white collar criminals who are convicted by the court do no escape punishment because of their high social status.
- 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. The Supreme Court, in M.H. Haskat v. State of Maharashtra, in this context observed, "soft sentencing justice is gross injustice where many innocents are the potential victims".
- There is an urgent need for a National Crime Commission which may squarely tackle the problem of crime and criminality in all its facets.

Above all, public vigilance seems to be the cornerstone of anti-white collar crime strategy. Unless white collar crimes become abhorrent to public mind, it will not be possible to contain this growing menace.

In order to attain this objective, there is need for strengthening of morals particularly, in the higher strata and among the public services.

It is further necessary to evolve sound group-norms and service ethics based on the twin concepts of group-norms and services ethics based on the twin concept of absolute honesty and integrity for the sake of national welfare. This is possible through character building at grass-root level and inculcating a sense of real concern for the nation among youngsters so that they are prepared and trained for an upright living when they enter the public life.

Finally, it must be stated that a developing country like India where populations is fast escalating, economic offences are increasing by leaps and bound besides the traditional crimes. These are mostly associated with middle and upper

class of society and have added new chapter to criminal jurisprudence.

To a great extent, they are an outcome of industrial and commercial developments and progress of science and new technology. With the growing materialism all around the world, acquisition of more and more wealth has become the final end of human activity.

Consequently, moral values have either changed or thrown to winds and frauds, misappropriation, misrepresentation, corruption, adulteration, evasion of tax etc. have become the techniques of trade, commerce and profession. It is for the criminal law administrators to contain this tendency by stringent legislative measures.

It is rather disappointing to note that though white collar crimes such as black-market activities, evasive price violations, rent-ceiling violations, rationing-law violations, illegal financial maneuvering etc. by businessmen are widespread in society, no effective programs for repressing them has so far been launched by the law enforcement agencies. Perhaps the reason for white collar crimes being carried on unabated is that these crimes are committed generally by influential person who are shrewd enough to resist the efforts of law enforcement against them.

The economic offences which are often referred as white collar crimes are master-minded and carried out in a planned manner by technocrats, highly qualified persons, well to do businessmen, corporate officials in the form of scams, frauds etc. facilitated by technological advancements. In these offences, often damage the economy and the national defense. The offences such as smuggling of narcotic substances, counterfeiting of currency, financial scams, frauds etc. are some of the white collar crimes which evoke serious concern and impact on national security and governance.

[i] J. Jayalalitha Vs. Union of India, AIR 1999 SC 1912
[ii] State of Maharashtra vs PrabhakarRao, ST 2002 Suppl I SC 5 68
[iii] State of Orissa vs KR Rao, 1992 AIR 240 " State of Himachal Pradesh vs Narendra Kumar, Appeal (crl.) 1109 of 1997 72

[iv] AIR 2003 SC 3562
[v] AIR 2003 SC 4 I95
[vi] AIR 2011 SC 570
[vii] AIR 2010 SC 545
[viii] 2012 Cri LJ 246(Raj).
[ix] AIR 2012 SC 830