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MODULE 2

DOMESTIC AND INTERNATIONAL LEGAL FRAMEWORK COVERING WHITE COLLAR CRIME

2.1 UNDERSTANDING THE DOMAINS

India, as an investment hub has been growing by leaps and bounds since the advent of liberalization in the 1990s. White collar crimes are a global phenomenon and India is no exception to this. White collar crimes in India are not limited to the corporate sector and have also pervaded into other professions such as medicine, judiciary, engineers, etc. The history of white collar crimes emerged in India with the dawn of the British colonization during the period of industrial capitalism. Prior to that, men, working with the District treasury, embezzled money kept under safe custody or practiced bribery and these practices were recurrent among the officials. The white collar crimes were confined to this limit in those times Thus, the people indulging in the white collar crimes then were not at equal footing with the street criminals who committed crimes involving violence.

As India positions itself to be a global leader in business and looks forward to draw investments from the international market, it is imperative that its corporate framework is also at par with the inter- national standards. As per the Transparency International Rankings, India ranks 78th in the Corruption Perception Index. White-collar crimes can be a consequential factor that could affect economies ahead of geopolitical risks, misuse in offshore jurisdictions, terrorist financing and migration. EY's 14th Global Fraud. Survey 2016, titled Corporate misconduct reinforced the sentiment highlighting that bribery and corruption are ongoing challenges. While globally, this view was shared by 39% of the respondents; in India the percentage stood significant higher at 58%.¹ Black Money has been a persistent issue in India since decades, to the extent that it features in political manifestoes of various political parties. Public corruption accounts for significant losses of public funds. Though corruption, one of

¹ The changing dynamics of white-collar crime in India, available at: [https://www.ey.com/Publication/vwLUAssets/ey-the-changing-dynamics-of-white-collar-crime-in-india-new/\\$FILE/ey-the-changing-dynamics-of-white-collar-crime-in-india.pdf](https://www.ey.com/Publication/vwLUAssets/ey-the-changing-dynamics-of-white-collar-crime-in-india-new/$FILE/ey-the-changing-dynamics-of-white-collar-crime-in-india.pdf).

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