

## Escalating of White Collar Crime: A Legal Study

Syed Sarfaraj Hamid\*

### 1.1 Introduction:

The word crime is derived from the Latin word *crimen* which means to accuse. It covers those acts which are against social order and deserve disapprobation and condemnation of society. In General sense, crime means which violate law rules, regulation or which harmful or destroy human society or resources or which create problems in human life. The word Crime has not been defined in the Penal Code, 1860. In its broad sense, however, it may be explained as an act of commission or omission which is harmful to the society in general. But all acts tending to prejudice the community are not crime unless they are punishable under law. It is apparent from the above that there is nothing which by itself is a crime, unless it has declared by the legislature as punishable. But one kind of crime that is white collar crime. So for the protection and improvement of the law of white collar crime in our country this study will be helpful for the civil society or the nation. The term white collar crime is not crystals clear in the whole world and that's why people have not enough awareness about its escalating.

### 1.2 What does White Collar Crime mean?

White collar crime is a number of miscellaneous nonviolent crimes lumped together as white collar crimes. There is no fixed definition of white collar crime, although it usually includes bribery, embezzlement, fraud, forgery, and violations of trust committed by corporations or individuals engaged in commerce. Criminologist and sociologist Edwin Southland first popularized the term "white collar crime" in 1939, defining such a crime as one "committed by a person of respectability and high social status in the course of his occupation." Southerland also included crimes committed by corporation and other legal entities within his definition. In 1988 the United States Supreme Court acknowledged the severity of the white collar crime problem, stating that white collar crime is one of the most serious problems confronting law enforcement authorities.<sup>1</sup>

### 1.3 Different Forms of White Collar Crime

From the definition and also the nature of White collar crime it has different types or forms, which are as follows:

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\* Associate Professor, Department of Law, EXIM Bank Agricultural University Bangladesh, email: sarfaraj\_shovon@yahoo.com

<sup>1</sup> M. David Ermann and Richard J. Lundman, *Corporate and Governmental Deviance*, (1996), 5<sup>th</sup> Edition, p. 82.

### **1.3.1 White Collar Criminality through Fraud**

A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed, that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.<sup>2</sup>

### **1.3.2 Credit Card Fraud**

Credit card fraud is a form of identity theft that involves an unauthorized taking of another's credit card information for the purpose of charging purchases to the account or removing funds from it. Credit card fraud schemes generally fall into one of two categories of fraud: application fraud and account takeover.<sup>3</sup>

Application fraud refers to the unauthorized opening of credit card accounts in another person's name. This may occur if a perpetrator can obtain enough personal information about the victim to completely fill out the credit card application, or is able to create convincing counterfeit documents. Application fraud schemes are serious because a victim may learn about the fraud too late, if ever. Another common method used to achieve an account takeover is called "skimming." Skimming schemes occur when businesses employees illicitly access to customers credit card information. These employees then either sell the information to identity thieves or hijack the victim's identities themselves.<sup>4</sup> Additionally, electronic databases containing credit card data may be hacked or crash on their own, releasing customers' credit card information, putting the security of many accounts at risk at once.<sup>5</sup>

### **1.3.3 Bankruptcy Fraud**

Bankruptcy fraud is a white-collar crime that takes four general forms. First, debtors conceal assets to avoid having to forfeit them. Second, individuals intentionally file false or incomplete forms. Third, individuals sometimes file multiple times using either false information or real information in several states. The fourth kind of bankruptcy fraud involves bribing a court-appointed trustee. Commonly, the criminal will couple one of these forms of fraud with another crime, such as identity theft, mortgage fraud, money laundering, and public corruption.

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<sup>2</sup> <http://legal-dictionary.thefreedictionary.com/fraud>, Last accessed on 01,12,13

<sup>3</sup> [http://www.law.cornell.edu/wex/white-collar\\_crime](http://www.law.cornell.edu/wex/white-collar_crime), Last accessed on 07,12,13

<sup>4</sup> [http://www.law.cornell.edu/wex/white-collar\\_crime](http://www.law.cornell.edu/wex/white-collar_crime), Last accessed on 03,12,13.

<sup>5</sup> See White-collar Crime; Computer and Internet Fraud, Last accessed on 04,12,13.

Multiple filing frauds consist of filing for bankruptcy in multiple states, using the same name and information, using aliases and fake information, or some combination thereof. Multiple filings slow down the court systems ability to process a bankruptcy filing and liquidate the assets. Often, multiple filings provide more cover for a debtor try rig to engage in the concealment of assets.

#### **1.3.4 Health Care Fraud**

Health care fraud is a type of white-collar crime that involves the filing of dishonest health care claims in order to turn a profit. Fraudulent health care schemes come in many forms. Practitioner schemes include: individuals obtaining subsidized or fully-covered prescription pills that are actually unneeded and then selling them on the black market for a profit; billing by practitioners for care that they never rendered; filing duplicate claims for the same service rendered; altering the dates, description of services, or identities of members or providers; billing for a non-covered service as a covered service; modifying medical records; intentional incorrect reporting of diagnoses or procedures to maximize payment; use of unlicensed staff; accepting or giving kickbacks for member referrals; waiving member co-pays; and prescribing additional or unnecessary treatment. Members can commit health care fraud by providing false information when applying for programs or services, forging or selling prescription drugs, using transportation benefits for non-medical related purposes, and loaning or using another's insurance card.<sup>6</sup>

#### **1.3.5 Insurance Fraud**

Fraudsters commonly file insurance claims for accidents that never actually occurred. Owners of life insurance policies have feigned their own deaths in order for their families to collect on the policy. Then, the fraudster receives money from the family while secluded in a remote or foreign location. Health care insurance fraud also occurs commonly and can be perpetrated by either physicians or patients. Patients commit healthcare fraud when providing false information during the application process of certain programs and services, when forging or selling prescription drugs, when using transportation benefits for non-medical related purposes, and when loaning or using another's insurance card.

Automobile insurance fraud occurs when a policyholder submits a claim for an accident that never happened, files multiple claims for a single accident, files claims for injuries not related to an automobile accident, misreports wage losses due to injuries, or reports higher costs for

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<sup>6</sup> *Ibid.*

car repairs than that actually paid. Sometimes, policyholders register their cars to a location different from their actual residence in order to avoid higher premium rates.<sup>7</sup>

### **1.3.6 Government Fraud**

Fraud against the government may consist of fraud in connection with federal government contracting and fraud in connection with federal and/or federally-funded entitlement programs, including public housing, agricultural programs, defense procurement fraud, educational programs, and corporate frauds. As it relates to federal government contracting, investigations often involve bribery in contracts or procurement, collusion among contractors, false or double billing, false certification of the quality of parts or of test results, and substitution of bogus or otherwise inferior parts.<sup>8</sup>

### **1.3.7 Tax Evasion**

Tax evasion is using illegal means to avoid paying taxes. Typically, tax evasion schemes involve an individual or corporation misrepresenting their income to the Internal Revenue Service. Misrepresentation may take the form either of underreporting income, inflating deductions, or hiding money and its interest altogether in offshore accounts. Proof of the crime requires first proving the attendant circumstance that an unpaid tax liability exists. Second, the prosecution must prove some affirmative act by the defendant to evade or attempt to evade a tax. Third, prosecutors must show that the defendant possessed the specific intent to evade a known legal duty to pay. To convict, the jury must find the defendant guilty of each of these elements beyond a reasonable doubt.<sup>9</sup>

### **1.3.8 Bribery**

Bribery means corrupt solicitation, acceptance, or transfer of value in exchange for official action. Bribery refers to the offering, giving, soliciting, or receiving of any item of value as a means of influencing the actions of an individual holding a public or legal duty. This type of action results in matters that should be handled objectively being handled in a manner best suiting the private interests of the decision maker. Bribery constitutes a crime and both the offer and the recipient can be criminally charged. Proof of bribery requires demonstrating a "quid pro quo" relationship in which the recipient directly alters behavior in exchange for the gift. Because the relationship does not occur directly enough, campaign donations from

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<sup>7</sup> See: White-Collar Crime Insurance.

<sup>8</sup> *Ibid.*

<sup>9</sup> [www.org/govt/tax](http://www.org/govt/tax). Last Accessed on 11.12.13

corporations or individuals to political candidates do not constitute bribery. Another element of proving bribery includes proving intent to influence the discharging of another's official duties. Some statutes also require proof that both parties understand and agree to the arrangement. Attempts to bribe exist at common law and under the Model Penal Code, and often, the punishment for attempted bribery and completed bribery are identical. Solicitation of a bribe also constitutes a crime and is completed regardless of whether the solicitation results in the receipt of a valuable gift. Economists consider bribery to negatively impact economic growth because it encouraged rent seeking behavior. Rent seeking behavior refers to an individual's or corporation's attempt to illicitly influence the open market in order to provide that individual or corporation with a disproportionate amount of wealth. Such an Environment results in a sub-optimal allocation of resources, which results in depressed economic growth.<sup>10</sup>

### **1.3.9 Money Laundering**

Money laundering refers to a financial transaction scheme that aims to conceal the identity, source, and destination of illicitly-obtained money. The money laundering process can be broken down into three stages. First, the illegal activity that garners the money places it in the launderer's hands. Second, the launderer passes the money through a complex scheme of transactions to obscure who initially received the money from the criminal enterprise. Third, the scheme returns the money to the launderer in an obscure and indirect way. Tax evasion and false accounting practices constitute common types of money laundering. Often, criminals achieve these objectives through the use of shell companies, holding companies, and offshore accounts. A shell company is an incorporated company that possesses no significant assets and does not perform any significant operations. To launder money, the shell company purports to perform some service that would reasonably require its customers to often pay with cash. Cash transactions increase the anonymity of customers and therefore decrease the government's ability to trace the initial recipient of the dirty money. Money launderers commonly select beauty salons and plumbing services as shell companies. The launderer then deposits the money with the shell company, which deposits it into its accounts. The company then creates fake invoices and receipts to account for the cash. Such transactions create the appearance of propriety and clean money. The shell company can then

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<sup>10</sup> Violators may be prosecuted under federal statute 18 U.S.C.201-Bribery.

make withdrawals and either returns the money to the initial criminal or pass the money on to further shell companies before returning it to further cloud who first deposited the money.<sup>11</sup>

### **1.3.10 Embezzlement**

Fraudulent taking of personal property by someone to whom it was entrusted. Most often associated with the misappropriation of money. Embezzlement can occur regardless of whether the defendant keeps the personal property or transfers it to a third party. Historically, embezzlement became a crime because thefts were occurring in which the elements of larceny could not be met because the thief had the right to possess the funds; thus, the prosecution could not prove the element of a "trespasser taking." Meanwhile, proving embezzlement only requires showing either that the employee had possession of the goods or funds because of the employee's position or that the employee had the authority to exercise substantial control over the goods or funds. Courts determine the question of substantial control by considering the employee's job title, job description, and the practices of that particular company. Some states also have fraudulent conversion statutes, which provide for the criminalization of actions that border between larceny and embezzlement. The government can also charge individuals with attempted embezzlement.<sup>12</sup>

Methods of embezzlement differ. Some embezzlers "skim off the top" so that they continually acquire a small amount over a particular time interval. This method reduces the likelihood of being caught. On the other hand, some embezzlers steal a very large amount of the goods or funds on a single instance and then disappear. Sometimes company manager's under-report income to their supervisors and keep the difference.<sup>13</sup> The Internal Revenue Service requires that embezzlers include embezzled funds in their yearly income taxes. Upon returning the funds or paying restitution, the embezzler becomes eligible for a tax deduction. Failure to report embezzled funds as gross income can result in the bringing of tax evasion charges.

### **1.3.11 Corporate Crime**

Corporate crime deals with the company as a whole. The crime benefits the investors or the individuals who are in high positions in the company or corporation. The relationship white-collar crime has with corporate crime is that they are similar because they both are involved

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<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

within the business world. Their difference is that white-collar crime benefits the individual involved. And corporate crime benefits the company or the corporation.<sup>14</sup>

#### **1.4 Causes of White Collar Crime**

In general, the causes of white collar crime are the economic difficulty and greed. There are other causes such as opportunity to commit crime, situational pressure on the individual and the issues pertaining to integrity. Many scholars on the other hand believe that the greed is not main reason for white collar crime, but the inherent characteristics of getting more than others are the main causes of white collar crime. There are other issues like inflation, economic pressure, depression etc.<sup>15</sup>

#### **1.5 Opportunities to Commit a Crime**

Opportunity is most often disproved by use of an alibi, which can prove they accused was not able to commit the crime as he or she did not have the correct set of circumstances to commit the crime as it occurred. Ironically, motive is not an element of many crimes, but proving motive can often make it easier to convince a jury of the elements that must be proved for a conviction. Furthermore, a showing of the presence of these three elements is not, in and of itself, sufficient to convict beyond a reasonable doubt; the evidence must prove that an opportunity presented indeed taken by the accused and for the crime with which he or she is charged. For an example, consider this ruling in the case of a suspect accused of robbery and assault: evidence of motive, means, opportunity, and consciousness of guilt are not enough to establish guilt.<sup>16</sup> On this record the evidence is insufficient to permit a rational jury to find beyond a reasonable doubt that the defendant was the victim's assailant. Nothing in the record sufficiently links the defendant to the crime to permit the conclusion beyond a reasonable doubt that he was the perpetrator.

#### **1.6 Financial Problems**

White collar crime tends to refer to crimes committed at a business by businessman or women. Such crimes might include embezzlement or fraud. Criminology expert and sociologist Edwin Sutherland came up with the term in a 1939 speech. He posited that people are more likely to commit crimes when they are surrounded by criminal behavior of

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<sup>14</sup> <http://www.alternet.org/story/54093/twenty>.last accessed on 11.12.13

<sup>15</sup> <http://www.lawyersnjurists.com/articles-reports-journals/law-and-ethics/white-collar-crime-2>.last accessed on 01, 12, 13.

<sup>16</sup> *Compare Commonwealth v. Mandile*, 403 Mass. 93,98(1988)

others. This philosophy relates to punishment of white collar crime by the US justice system. This type of criminal is sometimes considered less likely to commit another crime, and punishment may be softer than for crimes involving violence. Financial, economic, or corporate crime, usually involving fraud and theft that is often carried out by sophisticated means. The result is usually economic loss for business, investors, and those affected by the actions of the perpetrator. White collar crime is a broad term that encompasses many types of nonviolent criminal offences involving fraud and illegal financial transactions. White collar crime includes bank fraud, bribery, blackmail, counterfeiting, embezzlement, forgery, insider trading, money laundering and antitrust violations. Nevertheless, law enforcement officials agree that white collar crime is a major problem.<sup>17</sup> Many people believe that unemployment causes crime, so they believe that crime should increase when unemployment is high and decrease when unemployment is low. This popular view presumably is based on the assumption that unemployment causes poverty and then poverty causes crime.<sup>18</sup>

### **1.7 White Collar Crime in Bangladesh**

In Bangladesh white collar crimes, in contrast to blue collar crimes rising. Here politics has criminalized and corruption has taken strong hold. Transparency international, a German based non-governmental organization, has identified Bangladesh as the most corrupt country in the world for consecutive five years. People of upper socio-economic class, ruling elites and people of different groups are committing white collar crimes. They are making huge amount of money by corruption, manipulation and abused of power causing severe detriment to national economy. The latest size of black money in the country stands at list taka 60,000 crores, a volume which is equivalent to one-third on the gross national income.<sup>19</sup> Their crimes are insufficiently focused, most of the time undetected and remain beyond the domain of legal process. They are very influential in terms of power and money. In Bangladesh prospective there have so many sectors for white collar crime.

### **1.8 Corruption of Government Officials**

Corruption, bribery and abuse of power are not related to any specific Government of Bangladesh. BNP and Awami League governments cannot only be blamed for that, rather they have become inevitable part of the corrupt state mechanism and political culture. The

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<sup>17</sup> <http://legal-dictionary.thefreedictionary.com/white-collar+crime>, last accessed on 30,11,2013

<sup>18</sup> George B Vold, Tomas. J. Bernard, Jeffrey B. Snipes, *Theoretical Criminology*, Fourth Edition, p. 111.

<sup>19</sup> Abul barkat, *Past, Present and Future of Bangladesh Economy: Arithmetic of political Economy*. A paper presented at a Seminar on October 9, 2002.

amount of bribery and misappropriation of 24 ministries were 15 thousand crore taka during the last seven years. This was revealed in a report on February 4, 2002 submitted by the Comptroller and Auditor general of Bangladesh. During that period police took bribery of an amount of 2 thousand 66 crore taka and officials of lower judiciary 11 hundred 35 crore taka. In one of their report in 2002, Transparency International identified police department of Bangladesh as the most corrupt among all the departments. Lower judiciary placed the second position, public health sector third, education sector fourth and electricity sector fifth.<sup>20</sup> During the last ten years, 10 state-owned financial organizations did huge financial irregularities and corruption. In terms of money the irregularities were equivalent to taka 17 thousand 5 hundred 88 crore.<sup>21</sup> Allegations of misappropriation of crores of money were received from 15 government projects, among which 4 were related to housing and 6 to construction. Moreover, in some projects, corers of money were expended, though those projects were not approved in the ECNEC. Two sub-committees of the parliament were investigating the details of the project.<sup>22</sup> In a survey report of Transparency International, police department and lawyer judiciary was identified as the most corrupt service organizations. 83 and 75 percent citizens become victim of corruption when coming to get service from these departments. Land administration placed their position, where 72 percent citizens experienced corruption, when they come into contract with land officials. Subsequent positions were occupied by public health, Education, Electricity and Taxation Department. There 55, 39, 32 and 19 percent service seekers become victim of corruption respectively.<sup>23</sup>

### **1.9 Corruption of Judges**

15 judges were punished for their proved involvement in corruption, out of them 4 judges were given forced retirement, 4 were recommended to be sacked. Permission of the High Court Division was sought to file departmental cases against 7 judges. Among the judges 2 held posts equivalent to District and Session judges, 7 were Joint district judge and 2 were senior assistant judges.<sup>24</sup> The Bureau of anti-corruption and intelligence Brace had received allegations against 8 judges about their involvement in talking bribery and corruption. All of them are owners of corers of money. They have industries, factories, luxurious abode and a number of flats in their name or names of their family members.

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<sup>20</sup> The Daily *Inqilab*, April 23, 2004

<sup>21</sup> The Daily *Janakantha*, January 11, 2003

<sup>22</sup> The Daily *Janakantha*, November 1, 2003

<sup>23</sup> The Daily *Bhorer Kagos*, December 21, 2002

<sup>24</sup> The Daily *Sangbad*, December 2004.

## **2.0 Corruption of Doctors**

Bribery, corruption and abuse of power have become inevitable part of all types of institutions of Bangladesh; health sector is not an exception to this. Patients of different government hospitals do not get medicine, which they are supposed to get. Rather some officials of the hospitals sold the medicine at a lower price to the surrounding medicine shops. Through this process lakh taka's medicine of Dhaka Medical Collage Hospital are trafficked and sold.<sup>25</sup>

## **2.1 Corruption of Engineers**

Engineers have lot of opportunities to do corrupt practices, which they are alleged to do by underhand dealing with contractors, letting perfunctory construction of infrastructure, including road, building, bridge, culvert etc. the transaction of public procurement contracts creates ample opportunities of corruption for the engineers. Public procurement contracts are supposed to go to the lowest bidder, but in many of the cases they do not, as appropriate authority is bribed. Even an award in favor of the lowest bidder may involve corruption, if the firm has paid the highest bribe to bring this about. The scope for exchange of money remains because normally there are ways in which the lowest bidder may be eliminated on technical or procedural grounds. In this latter case, the tender committee members gain at the cost of the bidding firm, not the state, at least in the short run. In the long run, the state is the likely loser because the contracting firm may try to recover the bribe to the tender committee by again bribing the supervisor to take a sleepy attitude toward the quality of work done, services rendered, or materials supplied.<sup>26</sup>

## **2.2 Problems with Enforcement of Laws**

Clearly a double standard exists between white-collar crimes and street crimes. The following are some reasons that explain why white collar criminals are not more rigorously pursued.

### **2.2.1 Inefficiency of Lawyer**

White collar criminals have money and can therefore afford the best legal advice. The White Collar Practice offers clients around the world first-rate skills in dealing with government investigations and enforcement matters. Our lawyers have substantial experience defending clients through all phases of investigations as well as criminal and civil enforcement proceedings. These capabilities are enhanced by the resources of a preeminent international

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<sup>25</sup> The Daily *Janakantha*, October 25, 2002

<sup>26</sup> Harendra Kumar Dey, *Crime, Coercion, Corruption and Voluntary Exchange: Conceptual Issue*, prepared for Transparency International Bangladesh, p.2.

law firm, including local law proficiency and familiarity with local enforcement authorities in major business centers around the world. Clients include large corporations, banks, and other institutions, as well as individuals prominent in business and political affairs.<sup>27</sup>

### **2.2.2 Defect of Laws**

Laws are generally written in favor of the white-collar criminal. People who commit white-collar crimes are sometimes the same people who are in a position to see to it that their crimes are not defined too negatively. The White Collar group serves clients around the world in civil and criminal matters. The common element is the involvement of a government agency engaged in fact-gathering or enforcement proceedings. The group is prepared to defend the interests of domestic and international clients, offering them immediate access to high-caliber legal counsel with substantial experience in complex as well as controversial matters. These include financial fraud, public and private corruption, money-laundering, securities fraud, environmental, tax and antitrust cases.<sup>28</sup> Whereas the impact of white-collar criminals on the nation is great, the cost to each individual is small. White-collar crimes do not impact individuals with the same intensity as when one individual is victimized by a petty criminal.

### **2.2.3 Less Police to Investigation and Inquiries**

Virtually no police effort goes into fighting white-collar crime. Enforcement is many times put in the hands of government agencies (like the Environmental Protection Agency - EPA). Often these agencies can act only as watchdogs and point the finger when an abuse is discovered. The White Collar group also has substantial experience in conducting domestic and international investigations, including inquiries into suspect internal operations, investigations in support of due diligence projects, and fact-gathering for affirmative claims or litigation. Our experience includes investigations for corporate clients in the United States, Europe, the Middle East and Asia. The experience and background of our attorneys provides a basis for knowledgeable consultation on such sensitive issues as corrective actions and the advisability of voluntary disclosures. Our array of national contacts with recognized knowledgeable professionals and investigators in various fields allows us to call upon outside resources where necessary in a most cost-effective and efficient manner. The credibility of the Group's senior leadership adds significant value to the product of this work. While few

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<sup>27</sup> <http://www.whitecase.com/whitecollar/tf.UpHWOtIW36c>, Last accessed on 29.11.13

<sup>28</sup> <http://www.kentlaw.edu/faculty/rwarner/classes/poland/>. Last Accessed on 29.11.13

laws are enforced 100%, white collar crime has a much lower margin of non-enforcement. Fraud and other white collar crime is not a priority for police departments. They are required to devote their resources to crimes of violence and, due to lack of trained personnel and financial resources, are not always able to investigate and prosecute suspected fraud and other white collar crime cases.<sup>29</sup>

#### **2.2.4 Difficult to Assign Blame**

Assigning blame in white-collar crime cases can be difficult. For example, pollution may be the result of corporate neglect, but corporation cannot be sent to jail. Corporations could be heavily fined (a viable option), but the social impact of severely punishing an institution that may provide jobs to hundreds of people, as well as supply social necessities, may be more detrimental than the initial violation of the law.<sup>30</sup>

#### **2.3 Findings**

From the point of view of social perspective and suppression of criminality, the following Changes in the Bangladesh criminal law and procedure may be suggested to make it responsive to the needs of the Society of Bangladesh.

The existing law does not sufficiently provide for reparation or compensation to victims of the crime for injuries caused or loss suffered by them due to the offender's criminal act. Punishment of the accused may offer some consolation to the victim but it offers no pecuniary satisfaction to him. It is, therefore, desired that compensation be awarded to the injured parties particularly, in cases of crime relating to property. The payment of compensation may be made from the money recovered by the State from the offender by way of fine.

The existence of double sets of law for creation offences present difficulties for the magistracy to determine punishment for offenders in such cases. To take a concrete illustration, the law relating to bribery in Bangladesh, is governed by two different sets of laws, namely. Section 161 of the Bangladesh Penal Code, 1860 and the prevention of corruption Act, 1988. In view of the changed socio-economic conditions of the present time, there is an urgent need to re-classify the offences contained in the Penal Code, 1860. With

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<sup>29</sup> <http://www.crimes-of-persuasion.com/laws/problems.htni>. Last accessed on 17.12.13.

<sup>30</sup> <http://www.crimes-of-persuasion.com/laws/problems.htm>. Last accessed on 15.10.13.

the growing political indiscipline in the country and criminalization of Bangladesh politics, it has become necessary that political offences be included in the Penal Code under a separate chapter. Crimes relating to person should be punished with a term of imprisonment while those relating to property should be punished with fine or reparation of damages to the affected parties. Unnecessarily long terms of sentences should be avoided to make rehabilitation of the offender possible after his release. Likewise, too short a sentence will also defeat the object of punishment. As to the retention or abolition of capital punishment the generally accepted view is that its abolition should not be over emphasized. The retention of death sentence undoubtedly serves as an efficient deterrent for recidivists and hardened criminals. The retention of this penalty in the statute book is further there justified on the ground of protection of society from dangerous and incorrigible offenders. It would therefore , be expedient to retain death penalty, though in practice, it may be sparingly used in rarest of rare cases as held by the supreme court in historic case of *Buchan Singh Vs State of Punjab*. Frequent interference in investigation of cases by politicians or politically motivated prosecuting machinery headed by politician lawyers who are more interested in party in power, has distorted the image of criminal law administering agencies, particularly the police. Therefore, there is a manifest need for determined efforts to deal with this problem more effectively.

## **2.4 Suggestions**

Despite legal, social, psychological and penal measures for combating crime, the problem still persists in alarming dimensions. With the change of time, new crimes are coming up and the traditional crimes are vanishing fast. The advancement in knowledge of human behavior and growth of commerce and industries has brought in their wake new complexities in life. These complexities account for the rising incidence of criminality. It is therefore apparent that crime. There is no reason to be upset with the present increase in White Collar Crime rate. Nor should it create a misleading impression that the penal programmed have totally failed or proved ineffective. It must be stated that criminality in Bangladesh is for less than in many other countries of the world. Before concluding, a word must be said about the general tendency among people to keep away from agencies administering criminal law and justice. The root cause of this apathy is to be found in common mans distrust for law, justice, prosecutors and the members of the bar. Instances are not wanting when people watch a crime being committed in their presence but they never report in to the police because of the fear of the procedure. This apathy of people towards law enforcement agencies provides

fertile ground for offenders to carry on their criminal activities undeterred which hinders the cause of crime prevention. It must be accepted that there is a great divergence in practice and precepts. So far working of police and law courts is concerned. Prevention of crime should be treated as everyone's concern. Unless this broader outlook is developed among the members of society, elimination of crime seems rather difficult.

## **2.5 Conclusion**

In general, the state of lawlessness indicates lapses on the part of the State agencies and the abuse of State power by corrupt coteries and their immoral behaviors by way of deviating from professional standard and accepted norms both within the organization and the society. This obviously causes the public to harbor a feeling to distrust and contempt for the law enforcement agencies and authorities on whom the responsibility of crime prevention devolves. It is, therefore, necessary that the traditional outlook that crime prevention is solely the concern of law enforcement agencies must be changed and it should be treated as a social cause necessitating involvement of every citizen. It is only then that the measures to prevent crimes and criminals can succeed and public tranquility maintained in the community. White collar crime includes a variety of law violations by individuals or groups that hold significant positions in society, violations that can have a serious impact on society. This assertion is especially true of corporate misconduct, which can not only jeopardize the safety, health and welfare of citizens but can also impact social attitudes on corporate misconduct, corporations and corporate leaders. An examination of the impact of corporate misconduct on society merits an investigation of at least some of the factors that impact the frequency of such conduct. So, the people are waiting for some good results. The law makers, the executive authority and the judiciary has to be more dynamic to guard all kinds of white collar crime, otherwise it will create a massive disaster for the society.