



The Role of White Collar Crime in Public Governance

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“Wherever law ends, tyranny begins.” John Locke¹

Abstract-

The politicians, police and criminal nexus in India has resulted in loss of principles of the rule of law. Rule of law which is the primary pillar of a democracy is being shaken by such a nexus. The politicians who are elected are expected to work for those in griefs and not for their own greed. This is what is not observed. Promises that are made during elections are never kept. The poor and the needy get swayed away by such promises, and thereby lose their most powerful weapon of voting. Once power is achieved, greed of the politicians overpowers the problems of the citizens.

Keywords- *Rule of law, Politicians, Police, Criminals, Democracy.*

Introduction:-In India, kings were above the law. That was prior to the Britishers coming in. After independence, and with the Constitution coming into force, ‘rule of law’ took shape and it became the avowed object of the state to defend this fundamental law of governance irrespective of who the violator was king or the ordinary man. Today, India is facing crisis of governance as there is a nexus between politicians, police and criminals. This has created havoc in our country. The enforcers of rule of law have become the violators of law. Rule of law is the basic structure of our Constitution. The rule of law requires that the Government should be subject to law, rather than law subject to the Government.

Dicey has attributed the following three meaning to the rule of law:

1. Supremacy of law,¹
2. Equality before law,²
3. Predominance of legal spirit³.

Rule of law essentially means equality before law, and every individual should be subject to the same laws in the same manner. So, the politicians and the police have no right to hold a superior position in this context. The Emergency of 1977 that was proclaimed in India during Indira Gandhi’s reign needs a special mention here. The Government used the police force to detain people without any charges or notification to families. Illegal enactments were made which modified our Constitution. During this period, when a police officer shot dead an innocent man, the court had no power to interfere. In the history of India, this incident was the biggest challenge to democracy

of our country.

The ideal politician's role in a state is to create job opportunities, promote economic activity, improve the welfare of its people and maintain the territorial integrity of his country. They should implement the policies which are meant for the general welfare. They should also ensure the safety and security of their citizens with the help of Police. "Policing" is just like teaching and medicine which has intimate connections with the society, soæial progress, social change, social life. The major role of police is to maintain law and order, maintain the peace in the society through surveillance of the public, and then subsequently report and apprehend the suspected violators of the law. They also discourage crimes by keeping vigil on crimes and also by possessing the investigation power into such crimes.

At present we very often come across the words criminalisation of politics. The meaning of the term is quite known to educated people and newspaper readers. For academic purposes a definition is to be given here. When politics or political power is used by self-interest-seeking persons for pecuniary gains or various other advantages such as to get special position in administration or to rise to the higher stage of administration which is normally not feasible.

White-collar crimes such as cybercrimes, bank frauds, counterfeit currency etc. cause huge damage to the economy. And the criminals of such severe crimes escape with fine of few thousand of rupees. Only 4% of white-collar criminals got convicted at the Supreme Court. A graphic account of the misdeeds of the industrialists and top businessmen as "Corruption can only exist if there is someone willing to corrupt and capable of corrupting."⁵

The objectives of a democracy, like India, are to be achieved by the mutual cooperation of politicians and Police. This cooperation in a right manner would result into an ideal state where no individual is at distress and grief. However, human greed recognises nothing. This cooperation between police and politicians is famous for all wrong reasons. The politicians in order to maintain their position need money and muscle power. Once the politicians reach that stature, they tend to dictate terms to police and as a result they fail to perform their duties. Police need political support for smooth advancement in their career. The bond between them becomes stronger and stronger and ultimately they find it difficult to survive without each other. Over the last decades, various political parties have tried to politicize the police force and prevented them from enforcing law. The police force has lost its effectiveness in many parts of the country. Another example is the famous Mathura rape case where a tribal girl was raped by policemen in the premises of the police station itself. There is a list of instances where police have tortured the innocent public by misusing their power and abusing the law. There have been instances of police atrocities in remand, police refusing to file in complaints and thereby harassing people, police catching hold of innocents in a certain case to show arrests etc. Corruption is one of the most serious threat to the development and internal security of a country. It has become rampant in our society. Corruption is generally the use of public power for private profits in a way that constitutes a breach of law or social norms. It exists in every society. Corruption continues to show an increasing trend in India. The latest scandals have shaken the entire political-economic system of our country.

Firstly, in Adarsh scam, the buildings which were meant for Kargil war widows have been divided up between politicians and bureaucrats at very low prices. The former chief minister of Maharashtra Ashok Chavan had played a major role in the scam. Secondly, in 2G spectrum case, A.Raja, the former telecom minister is the prime accused. He did not follow the Government's 'first come first serve' policy in its real

sense and went out of the way to favour certain telecom companies. He caused a huge loss to the Government.

“Power tends to corrupt, and absolute power corrupts absolutely”,⁶

This phrase aptly explains the behaviour of our politicians. The politicians misuse their power and position for their personal gain. The police which is expected to protect the rights and property of the citizens has reversed its role. If the protectors themselves turn into predators then who should the citizens turn to for “Help”. Police with the support of politicians twist and break the law according to their own will. They do this in order to pursue their own interests and serve the interests of their political masters. If any one of them dares to oppose them then they are threatened with transfers, clearly reflecting the abuse of power by the political masters.

The nexus between politicians, police and criminals turns the law according to their own will. Presentation of a case in court by the police against any politician is generally controlled by the master himself. This leads to presentation of a weaker case thereby twisting the law in their favour. The greed of the politicians who are vested with law making authority takes over welfare of the people and laws that favour their interests are rapidly passed. The corruption practiced by such nexus adversely affects the innocent. The Adarsh scam and the 2G spectrum case are to name a few. Activities of politicians like Mayawati building statues, parks etc shows how people’s money is being used extravagantly by such politicians over frivolous things for fulfilling their interests.

The rule of law can be protected by increasing the powers of the judiciary. The judiciary should be given more powers to scrutinize the acts of the politicians. They should be made more observant towards the political system and should be treated at par with the parliamentarians. Making the judiciary more powerful and responsible will increase the fear of law among the wrong-doer politicians making them think twice before acting contrary to law and twisting the same. The judiciary may be empowered to make certain laws relating to the welfare of the people. These steps may in some sense defeat the principles of democracy but welfare of people is supreme law. Agencies like CBI should be made free from the clutches of politicians for their proper and effective functioning,

Criminalization of Politics Cause or Consequence?

Politics is an essential part of every one’s life directly or indirectly. Politics must effect the life of everyone. In dictatorship there must be a dictator who rule over the country by his own wish and will. But in democracy the role of politics is very important. India is now the biggest democracy of the world in which public elect their representatives in the Municipal Corporation, State Legislative Assembly and Parliament of India and then those elected representatives rule the country on behalf of the public of India.

When any person elect any leader it is expected from him that he must serve people and put the problems of the public before the Government and then solve those problems. But this is not done and the expectations of the public are totally crushed by their representatives. Now the politics became a shelter place of the criminals. Now a large number of criminals like murderers, rapists, black marketers, kidnappers are coming in the politics.

They can take the tickets from political parties by their power and money and then elect by the people, when these types of persons elect then they became the authorised and empowered criminals. They can’t afraid from police and Government. Their only thought is to threatened the people and earn as much money as possible.

Those criminals who are hang till death or imprisoned for the whole life they become M.L.A., M.P. ⁷and ministers. Here one thing is important that when these types of persons are sitting on powerful posts then who save the public from the clutch of criminals. Those criminals became the M.L.A., M.P. and ministers by spending lot of money. Their chief aim is to earn as much money as possible and for this purpose their followers and juniors crush the people and earn money and the public have to pay the price of their election. Our constitution makers selected the democracy because of the feeling that in this system the public of India can elect their representatives without any fear. They have full authority to elect the representative of their own will. No one pressurize any people to vote for him. In India the secret voting system is applied that is why no one can see that which person give its vote to whom. From the last 2-3 years Election Commission of India started the using of Electronic Voting Machine (EVM) ⁸in which the voting is very easy and counting also very easy and accurate. But all these efforts couldn't separate the criminals from politics.

Causes of Criminalisation of Politics:

The following are the major causes of criminalisation⁹ of politics-

The most important cause of criminalisation of politics is the unholy nexus between politicians and bureaucracy. The interference of politicians in the administration may be regarded as another reason of criminalisation of politics. Caste and religion both are equally responsible for the criminalisation of politics. The quota system is fully responsible. It has been found that a minister of a particular caste or religion will distribute favour to the members of his own caste and religion. The system of party government is also responsible for the criminalisation of politics. Un-development, illiteracy, poverty, unemployment and prismatic nature of Indian social system are collectively responsible for the criminalisation of politics.

- Decline of general values has led to the criminalisation of polines.
- voters and parties are equally responsible for the criminalisation of politics.

Conclusion-

In the end we can say that a large number of cases have come to light to indicate that the unholy alliance between the organised crime¹⁰, the politicians and the bureaucrats have reached an alarming state. Yesterday's petty criminals are today's dons. Now the fact is that the nexus between the politicians and the criminals has grown very strong. One can easily imagine the scenario like to emergence. Corruption is multifaceted problem and there is a need of multi-pronged strategy to tackle it. Establishing and strengthening institutions like Lokayukta and Lokpal ¹¹may go a long way in this regard. There is no instant solution to the menace of corruption. No event of magic can succeed in its eradication. It needs a societal intervention and a long struggle to cleanse the public life. We can only hope that if the honest educated and committed people will enter into the politics, than a more responsible and straight forward relationship will develop between politicians and bureaucracy. There is a need for a special legislation like the other countries to deal with this menace. Societal intervention will isolate the crime syndicate. Therefore, the need of the hour is to break the nexus and save this democracy.

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Reference-

1. "Wherever law ends, tyranny begins" is a famous maxim by English philosopher John Locke. It comes from his work *Second Treatise of Government* (1689), meaning that rulers and officials must follow the law just like everyone else. If a leader breaks the law to hurt others, they act like a tyrant.
2. The supremacy of law, also known as the rule of law, means that regular law is supreme over arbitrary power. No person, leader, or government official is above the law. Everyone must obey the same established legal rules
3. No person, rich or poor, high or low, is above the law. It stops any person or group from getting special favors.
4. The predominance of legal spirit is the third pillar of the Rule of Law defined by legal scholar A.V. Dicey. It means that personal rights and constitutional freedoms grow out of real court cases and judicial traditions, rather than just abstract text written in a single document
5. Austin, Granville (1999). *Working a Democratic Constitution- A History of the Indian Experience*. New Delhi: Oxford University Press.p.642.
6. Famous maxim by the English historian Lord Acton, written in an 1887 letter to Bishop Mandell Creighton. It means that as a person gains more authority and control, their moral sense tends to weaken, and total unchecked power removes all accountability and leads to severe moral decay.
7. Difference between MLA and MP is a key aspect of parliamentary systems. MLA stands for Member of Legislative Assembly, representing a state or provincial constituency, while MP stands for Member of Parliament, representing a specific district at the national level. Their responsibilities, jurisdictions, and legislative powers differ significantly within the political structure.
8. An EVM (Electronic Voting Machine) is a device used to cast and count votes electronically. In India, it is developed by the Election Commission of India in collaboration with BEL and ECIL, consisting of a Control Unit, a Balloting Unit, and a VVPAT paper slip system
9. Criminalisation is the formal process by which certain behaviors, actions, or omissions are defined as crimes under the law, making those who engage in them liable to prosecution, conviction, and punishment
10. Organised crime is a structured, continuous group activity operated for financial profit or power. These groups use corruption, force, and intimidation to run illegal enterprises, such as drug trafficking, human smuggling, and money laundering, while evading the law
11. Lokpal and Lokayukta Act of 2013 established statutory anti-corruption ombudsman bodies in India. The Lokpal operates at the national level for the Union, investigating public functionaries including the Prime Minister, ministers, and central officials, while Lokayuktas operate independently within individual states to address state-level government corruption.

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