

# Starvation: The Reward of Tolerance & Understanding to Scavengers in India

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**Abstract – The entire society knows Scavengers, Safai Karamcharis and that their dependants are living a melancholy life. But very few of them are knows about its cause of reality. Our legislation has given them profuse source to live with purity. In every situation they proved to themselves how much Nation waiting to them. Swachh Bharat Mission & Pandemic COVID-19 is the best example of this Century. Safai Karamcharis are very kind-hearted and innocent. Their involvement in demeaning and despicable occupation is not perfunctory; rather their involvement is to get salvation from starvation and minimum trial for better living. Their service always dedicated to the society for a noble cause. They respect to their employer like incarnation of God. They never calculate their employer's merits and demerits as because they know if they will go against the employer definitely their entire family will remain in starvation. The object to write this Article is to unveil the bare facts of petty or we can poorly conditions of the Scavengers despite of all efforts made by the concerned authorities in India at all Legislative, Administrative and Judicial levels.**

**Key Words – Scavengers (Safai Karamcharis), Odisha, Starvation, Organised Crime, Business Labour Racket, Labour Enactments**

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## INTRODUCTION

We know, all the Labour Enactments are of immense value to the Nation as they have a direct bearing with the common man because Indian industries till date are manpower intensive and Workers are the most important asset/backbone of the Country whose interest cannot be compromised at any cost. But it is indefinite in case of Urban Local Bodies (ULB), Hospitals, Offices, Regulatory Market Committee (RMC), Panchayati Raj Institution (PRI), Banks, Hotels in the state of Odisha towards Safai Karmacharies engaged for cleaning and sanitation services which is running since years together. Government of India as well as the State Government have implemented lot of Schemes for the welfare of Scavengers/Safai Karamcharis and their dependents. But due to some unavoidable circumstances point of view they are unable to raise voice to achieve their rights and legitimate claim, as a result of which they are becoming bound to tolerate and compromise with their own understandings. In the meanwhile, the self-ascertained shrewd Principal Employers and Contractors are feeling that this is their weaknesses and against which they are creating number of crime and through this crime these greedy and inhuman employers have been snatching their entire dreams with a kick for future demeaning and despicable occupation. In spite so many legislations which are there to safeguard them from exploitation, harassment, cheating and

unethical activities as well as to provide them their legitimate claims. Their social security is guaranteed by law. Despite all they have been exploited by their principal employers, immediate employers and contractors virulently not because of endurance or they are magnanimous they don't have any defence but the First reason is their appetite and intoxication. They have faith upon judicial system but they don't have courage to move Police Station to lodge a FIR nor have balance to hire a Lawyer to know the door of a proper Court to get the justice. The Second is they don't have any back support, neither are they united nor they have a strong association; poverty is their manacle and this is their only misfortune to accept all kind of nefarious attitudes of employers.

Further, for their trampling no one is responsible solely or singularly. No of elements are there who are responsible for ruined condition of scavengers, Safai Karamcharis and their dependents. Starting from bottom to top and top to bottom everywhere there is pretention for them. Sometimes it is becoming difficult to find their own identification taking to their fixed occupation. Labour/Safai Karamcharis those have years of experience in same field even worked previous day as Labour and awarded PF & ESI magically converted next day to Voluntary Social Worker by some reputed organisations those are so-called declaring to them as they are hole heartedly and fully dedicated to

this particular group. Without considering to their statutory benefits which they earned since a long for their own and family these organisations are pushing them to an uncertainty where entire future is uncertain. Next to them; those organisations are coming for the same work they are not considering to these victims. In the eyes of victims said reputed and sound organisations has no limit. Not only he but also nos. of labours like him are deprived to get their legitimate claim. Registration & licensing authority are in doubt whether this particular worker is belongs to voluntary social worker or a labour. Judicial system is taking days, months together to prove such doubt, at that time how a poor Safai Karamcharis/ sweeper/ Labour will accumulate courage to stand before these criminals. No one is fixing responsibility upon principal employer for breach of trust, manipulation of document, deviation of agreement, cheating and *mala fide* intention as the tender or expression interest is called for supply Labour not to supply of Voluntary Social Worker.

Finally, he practiced listening and accepts the spellbound talk of this employer even he may treat him a labour or voluntary social worker. His future may not be secured but to secured his present he agreed with all odds and simply he needs feeding for empty belly of his family members, a cloth for his widow mother, wife, daughter and medicine for his old age parents. Here is the question why law is silent since days, months and years together? Where is the lacuna behind it? In spite of having a strong legislation in the country how these types of criminals are being escaped? How a particular group is being neglected brutally whose affliction didn't come to an end?

Everywhere, tortured Safai Karamcharis are blaming to the immediate employer or contractor. Some are blaming to both Principal Employer and Immediate Employer/contractor. But nobody is blaming to them under whose crown a particular group or institutions are coming ahead to exploit these needy and deserving category of labour. No one focused upon its route cause.

In ancient stage when a devotee was expected for some amenity at that time he was being prayed to a particular lord and after satisfaction said lord rewarding his devotee by providing such particular amenity which can fulfil devotees' dreams. At the time of giving that asked amenity they were keeping a condition with if the said amenity will be mis utilized then it will become useless and worthless. Likewise, here after satisfying the application with required documentary evidences the registering or licensing authority has implied required terms and conditions to adhere strictly which is strictly meant for the development of the society, otherwise the registration or license should be stand as cancelled. But this has no cent percent impact.

It is observed that Safai Karamcharis are suffering due to the irregularities and negligence of Principal Employers though they are not discharging their duties properly as per rules and regulations prescribed by the Govt. for the purpose from time to time. Even, Principal Employers are not adhering to the rules and regulations of the schemes as well as the terms and conditions of tender call notice and bid-document which called by them. Another reason is the wrong attitude of executing agency. No executants are ready to discharge their duties doggedly.

Further, very cleverly employers are utilising the services of Safai Karamcharis but not discharging their obligations towards them as prescribed by the Law. Rather taking nos. of unethical plea employers are exploiting in different ways. Registration and licensing authorities who are authorised by the Govt. to safeguard the interest of labour/Safai Karamcharis are also not discharging their duties properly as per Labour law. By taking these advantages the employers dealing with their employees as their own property and extracting them by measuring the appetite of their empty stomach, split cloth and decrepit residence. Employers are taking privileges of their illiteracy and endurance.

In other way, due to lack of symmetry among Safai Karamcharis employers are getting enormous scope to cheat, exploit and harass them. Employers are aware about their employee's incompetency; even they know victims can't prove their counter signature. To get justice they can't move to proper court even unable to hire a lawyer for them to fight against injustice nor has courage to knock the door of police station. Even he has no scope to fight against corruption: if he will lose a day it is sure that his entire family will face the starvation. By taking these privileges employers are extracting Safai Karamcharis in many ways, not paying wages in time as per minimum wages Act, 1948, not contributing their Share towards EPF Act, 1952 & ESI Act, 1948.

Safai Karamcharis are paying a huge cost by sacrificing a lot forgetting their originality due to the unethical attitude and tempting snare of Principal employers. Some tender calling authorities' i.e. Principal employers and Contractors have changed their designation from Labour/Sweeper/Safai Karamcharis to Social Voluntary Worker in a very fabricated way in spite of know the fact is illegal and arbitrary in nature. Further, the tender calling authority and contractor both are bound by law to adhere the terms and conditions of the bid as well as related law. But it seems from the different case study that some immediate employer/Contractor is treating their employees as volunteer instead of labour to which Principal Employers are embracing. As a result of which employees are suffering from different angle. They are neither getting minimum wages nor any benefit from social security

schemes which is specially meant for the employees. Even if no labour laws are applicable for them.

Tolerance is the ability or willingness to tolerate the existence of opinions or behaviour that one dislikes or disagrees with and the understanding is a positive relationship between two people or groups in which they feel sympathy for each other:

All the Labour enactments are of immense value to the nation as they have a direct bearing with the common man because Indian industries till date are manpower intensive and Workers are the most important asset/backbone of the Country whose interest cannot be compromised at any cost. But it is indefinite in case of some Urban Local Bodies in the state of Odisha towards Safai Karmacharies engaged for cleaning and sanitation services which are running since years together. Government of India as well as the state Government have implemented basket of schemes for the welfare of Scavengers/Safai Karamcharis and their dependents. But due to some unavoidable circumstances point of view they are unable to raise voice to achieve their rights and legitimate claim, as a result of which they are becoming bound to tolerate and compromise with their own understandings. In the meanwhile, the self-ascertained shrewd Principal Employers and Contractors are feeling that this is their weaknesses and against which they are creating nos. of crime and through this crime these greedy and inhuman employers have been snatching their entire dreams with a kick for future demeaning and despicable occupation.

I had got an opportunity to meet number of Scavengers, Safai Karamcharis, their dependants and Principal employers and it is observed that the principal employer is the cause of misfortune of Safai Karamcharis. They are dealing with Safai Karamcharis very mercilessly and firmly. Instead of thinking about the benefit of employees or discharging their duties properly for the purpose as assigned by the Govt., some employers are removing and reducing of liability of an employee to pay compensation by signing or admitting the agreement. These are as been defined as an anti-social, immoral or sinful behavior which is contrary to the cherished norms, beliefs, customs and traditions of a given society. Crime is an act which a particular social group regards as sufficiently menacing to its fundamental interests to justify formal reaction to restrain the violation. *Stephen* has defined 'Crime' as an act which is both forbidden by law and revolting to the moral sentiments of the society.

Further, I had got another opportunity to meet the Executive Officer of Balasore Municipality as he is the Principal and at the time of my seriatim discussion Principal Employer made it clear that he didn't made any strays and did nothing wrong.

Besides to this I asked to know about irregularities of statutory dues i.e. Provident Fund and Employees

State Insurance. He replied "immediate employer i.e. contractor is not depositing the Safai Karamcharis PF & ESI and to protect this Balasore Municipality is deducting @5% from the contractor's bill amount and if the contractor will fail to deposit the contributions at that time the Municipality will deposit the same".

It is not clear, whether this amount is sufficient to compensate or not. After all the entire Municipality is enjoying the benefit of this retained amount month& years together. This is purely a crime. Reiterating the various provisions under the EPF Act, the EPFO clarifies that as per Para 30 (3) of the EPF Scheme, the Principal Employer has the responsibility to pay both the contribution payable by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor and also administrative charges.

The EPF Act defines employee (as per Section 2(f) of the EPF Act) as any person who is employed for wages in any kind of work, manual or otherwise, in connection with the work of an establishment and who gets his wages directly or indirectly from the employer, and includes any person employed by or through a contractor in connection with the work of the establishment. Therefore, the EPFO clarifies that the EPF Act does not differentiate between casual, contractual and regular employees. Similarly, ESI Act, 1948 is a very important legislation to protect the employees and to keep them insured under all circumstances which may arise during their course of employment or life, be it financially or medically. According to the legal definition, crime is any form of conduct which is declared to be socially harmful to a State and as such, forbidden by law under pain of some punishment.

*Paul W. Tappen* has defined crime as "an intentional act or omission in violation of criminal law, committed without defense or justification and sanctioned by law as felony or misdemeanor". Criminality is a global phenomenon. With the advancement of time and development of knowledge and technology the complexities of lie have multiplied with the result many anti-social elements think it profitable to embrace criminality as a profession to earn their livelihood. This has provided opportunities to criminals to organize themselves in to criminal gangs. In the modern age of science and technology, new techniques of crime are used by the gangsters to perpetrate crimes.

*Dr. Walter Reckless* defines organized crime as an unlawful misadventure which is carried on by a boss, his lieutenants and operators who form a hierarchical structure for a specific period.[1] Organized crime may be defined as unlawful activities of members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics,

Labor racketeering and other unlawful activities of member of such associations.[2] The International Police Information Agency (INTERPOL) in its conference held in May 1988, worked out an acceptable definition of Organized crime and suggested that Organized crime means, "any group having a corporate structure whose primary objective is to obtain money through illegal activities, often surviving on fear and corruption"[3]

According to the United Nations Office on Drugs and Crime (UNDOC) Report of the year 2010, Organized crimes are the result of market forces rather than the plotting of dedicated criminal groups. Demand for drugs, position, cheap Labour, fire-arms, wild animal parts, child pornography and trafficking of other contrabands generates groups of organized criminals who carry on these illegal activities by use of violation, intimidation, corruption and other illegal means.

### BUSINESS LABOUR RACKET

Within the area of legitimate enterprise, the law courts, police and the Government are acting as supervisors to restrain and guide the competitive processes. The employers always try to make huge profits whereas the Labor wants high wages. Thus, the interests of these two classes often lead to a conflict in pursuit of their desired ends. The employer's resort to illegitimate means by utilizing unorganized workers

In yet another type of Labor-racket, salary by the racketeers is drawn in the name of certain fictitious persons who do not actually come for work but their attendance at work is marked by the interested parties who are participating in the racket. Thus, racketeers make the deal profitable to themselves in liaison with the employers and in return offer protection to the latter against the worker's strike and possible Labor unrest. They are vigilant to make sure that they always remain indispensable to the employer and for this purpose they sometimes manipulate their election to the unions of the Labor organization by whatever means.

### WHITE COLLAR CRIME

It is common knowledge that certain occupations provide profitable prospects for illegal activities and professional standards that are scarcely appealing to the public. In industry, diverse careers and even in public life, there were crooks and no ethical individuals.[4] In education, home, and other social structures where people undergo citizenship and building up character training, they seem to become unscrupulous. These deviants do not pay any heed to fairness or other moral principles. Therefore, without fear of loss of reputation or rank, they perform their criminal acts with impunity. The offences of this type are termed 'white collar crimes'

and are largely the product of the mid-twentieth century competitive economy.

Crimes involve a vast variety of people who are mentally, psychologically, financially or morally impaired or who have to be quickly rectified by readily available justice. The word "crime victim" is an individual, community or organisation that has been hurt, damaged or lost by someone's criminal conduct. The term "crime victim" The physical, psychiatric or financial damage may be incurred. The legal meaning of the word 'victim' usually comprises:

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"An individual who has been mentally, financially or monetarily injured by commission of a felony, or in the event that a victim is an administrative body, has sustained some other damage by a person or designated agent of another organisation or community, which is essentially subject to civil or statutory law and deserves assistance under a criminal justice system" system" [5] The UN General Assembly Declaration of 'Basic Principles of Justice for Victims and Abuse of Power', which was adopted in November 1985 contains an exhaustive definition of the term 'Victim of Crime' in Article 1 and 2 which reads as follows:-

**Article 1** – 'Victims are those who have been injured, either directly or collectively, by actions or omissions which violate penal law existing within Member State including those which administer crime abuse of power, including those that include physical or mental injury, emotional suffering, economic or material deprivation, or their fundamental rights.

**Article 2** – Under this Declaration an individual may be designated a survivor, regardless of if the suspect is known as an arrested or prosecuted person or a convicted person, and whether the defendant has family relationships with the victim. The word 'victim' often means the immediate families or victims' employees, if necessary, and people that have suffered damage while acting to support victims in pain or to avoid victimisation."

The 1985 United Nations Resolution puts the victims in two large heads:

(1) Felony suspects and (2) authority violence victims Crime victims

**1. The victims of violence have their rights–**

(i) **Right to Access to justice and fair treatment** – It encompasses equal and humane dignity care, timely remedy, fair and cost-effective court action, knowledgeable rights, including medications and arbitration.



- (ii) **Right to restitution** – Requires sufficient and equitable redress for claimants, the family and dependents, repair of Community buildings and compensation of resettlement expenses if such loss contributes to community dislocation; treatment bills, costs etc.
- (iii) **Right to Compensation** – If the defendant or other sources can't reimburse money entirely, the State would imbrue it. The survivor who incurred substantial bodily harm or deterioration to physical or mental fitness attributable to crime shall claim financial compensation. The United Nations Declaration (1985) has proposed that National Funds could be developed to reward victims of crime.
- (iv) **Right to Assistance** – Such assistance may take the form, through governmental, voluntary, community-based or autochthonous means, of the needed material, medical, psychological or social assistance; the provision of health and social services and other relevant assistance; police services, justice, health, social and other staff, training to sensitise these services for victims.

## VICTIMS OF ABUSE OF POWER

The term 'abuse of power' applies to actions or omissions which do not violate criminal law but are nonetheless recognised by the individuals / authority in control to have committed breaches of the laws of human rights. Person or group plaintiffs who are affected by misuse of authority, whether physical or mental disability, human distress, economic loss or serious disruption to their constitutional rights.

The 1950 Indian Constitution, **Article 21** states that "No person, except in accordance with the procedure set out by law, shall be deprived of his or her life or freedom." 'Life' is not literally a physical act of breathing in Article 21 of the Constitution. It doesn't imply simple animal life or continued drudgery of life. "The right to life" is central to our own being, without which we are unable to survive as a human being. This implies all the facets of life that render a person's life important, full and worth living in the form of Article 21, like much of the rights have. It has a much wider mean that involves the right to be of integrity and the right to live with human dignity.

**Article 21** ensures the freedom to live free of exploitation and with human dignity. The State has a contractual duty to guarantee that the basic rights of every citizen are not abused. In the case of a powerful and helpless adversary who exploits him, especially the Central Govt, he is in a very difficult place to fight a lawful war. And the state governor. And state administration. Therefore, they are obliged to maintain the respect, in line with the State

Directive Values, of the numerous social security laws and labour laws introduced by the parliament to ensure a life of human dignity to the workers. Right to life implies right to life with purpose, honesty and honour. It has no minimal importance. It's more than just survival or animal life. The key objective of Article 21 is that the process defined by statute must be strictly enforced until a citizen is stripped of his or her personal freedom by a state. Article 21 of the Constitution discusses the prevention of conflict with or denial of a person's personal rights. "**No person shall be deprived of his life or personal liberty except according to a procedure established by law**".

**Article 21's** right to living of human integrity is focused on the Directive Values of the State and, in particular, on **Articles 39 (e) and (f), Articles 41 and 42** and, thus, on the prediction of the wellbeing and power of employees, of men and women and the infant tender years against violence, opportunities and children's facilities. This are the minimum prerequisite for an individual to live with human integrity and no state has the privilege to to take acts that rob a person of these fundamental needs. These criteria are important for a person to live with a person's dignity. The freedom to live separately, to sleep comfortably and to relax and be safe is included. 'Everyone in this world has a basic right to live outside of abuse and human dignity.

**Article 46** of the Indian Constitution explicitly states that the State shall, with special care and security against oppression and other kinds of exploitation, facilitate the education and economic uplifting of the weaker segments of society. Both human behaviours are focused on a balanced body. Living is a fundamental right under Article 21 of the Constitution and includes the right to enjoy free pollution, if there is no proper apparatus, machinery, equipment and protective gears of karmachari and rag pickers, the most virulent types of viral and bacterial infections which affect their skin, eyes, limbs, respiratory and gastrointestinal system.

**Article 21** 'Right to life' applies to a dignified life, free of disease danger and health-care infection, hygiene protection or the atmosphere, when it concerns citizens' lives and as a consequence of dangerous consequences slowing down and diminishing the lives of citizens the right to life The right of citizens is a right under Article 21 You know whether a person who is always sick can't fulfil any of the family's needs. In the 'Circle of Poverty,' he is active. It has less capacity and therefore functions less. He may generate less items, or earn less money for food shopping. They'll be more apt to fall sick if the family doesn't get anything to feed. Throughout the year, the Scavengers provide the ULB/Municipalities/Municipal Companies sanitary facilities where they believe they exist, but do no harm about sanitation, children's education or standard earnings, as ULB/Municipalities/Municipal

Corp. They don't have healthy water or a clean climate.

Maximum scavengers have no land of their own and no regular house of least. They remain in the town of Govt. Estate, municipal colony, bank of river, canal beach, cremation/burial land or land of endowment by way of precipitation where no assurance is possible. Neither ULB/MU has provided some property or refuge to any municipalities/municipal corporations. You struggle a lot just to get jobs for your money. Govt in the countryside. Provides the qualifying landless individual 4decimile of land, but the same cannot be granted in urban areas. Neither a caste certificate nor a salary certificate is given in this absence. Card BPL, govt of some sort. Awas Yojana subsidies, LCS etc. are their visions.

Both metropolitan local authorities in Odisha, i.e. Municipalities, companies, councils and other governorates of Notified Territory. Organizations employ scavenger resources through a very unethical tendering phase without taking such government-specified procedures. They procure and manipulate very small takers for their limitless jobs. NRI and CPHEEO regulations on solid waste management and plastic waste management and the usage of bio-medical waste management are strongly monopoly. They are not compliant with the NERI (National Environmental Science Institute) and the Central Public Health and Environmental Engineering Organisation. Extract your time and earnings sometimes. Either their families or culture have time to spare. Their social duty has not been upheld. Their family peace is in danger much of the time.

Section 40 specifies that the Primary Employer, in the first place - the principal employer, may cover the costs to both the employer's contribution and the employee's contribution on all workers, whether personally hired by him or by the immediate employer. According to ESI Act 1948, the employer shall have the opportunity to recovers his share in the worker from the salaries of the employees involved and you know the word "employee" applies to any individual working in or in association with the function of a factory or establishment to whom this Act relates;

No Safai Karmacharies/workers receive advantages, particularly due to the incompetence of the principal employer given by law and the government schemes: -

- 1) Sickness benefit
- 2) Maternity benefit
- 3) Disable benefit
- 4) Dependents benefit

- 5) Medical benefit
- 6) Funeral expenses

Maximum Scavengers / Safai karma and their dependents do not earn a death pay-out, even though they have burial expenses. While several of them pay a payment to the Workers State Insurance, ESI and its approved hospitals do not obtain medical benefits.

In the same way, a significant number of Scavengers/Safai Karmacharies also have to be returned with due interest until the implementation/allocation of universal account number. As there are no sufficient funds, no ULB is working as per the government-structured policy for sanitation / solid waste management and plastic preparation. Taking the necessity into account. The ULB's residence, population, road length, drain length, floating population, per-capita garbage production, garbage dumping yards etc. must be taken into account prior for the launch of the SWM/Sanitary Scheme. The minimum and gross costs are therefore allocated. ULB's do not conform with Govt's guidelines. From time to time. From time to time. No usage payments from beneficiaries/users are received. There is a severe pay gap. Only when they have no choice are accepted by the staff. The minimum payments Act, Workers Benefits Act, Minimum Salaries Act, Employees Provident Fund Act and the scavengers/Safai Karamcharis and their employees are both impacted by this extreme deviation. In other terms, there is a serious difference.

Open drains are another concern. Each municipality in Balasore has open drains where children publicly defecate. Drains are seen in various forms by humans. Some people store construction material in homes, some store firewood, others have cabin installed and some have permanently designed. People specifically throw away their garbage. The drain cleansers encounter several difficulties in the rainy season because of the choke. Safai Karmacharies manually clean the drain without a lot of safety equipment and struggle a lot. There are also several dead animals in areas to be drained by Safai Karmacharies. Some drainage schemes do not have ULBs, under which Safai Karmacharies are required to clear the drain handily and though it is winter night. If you can't or can't, the authorities have threatened you, even if you stop/deduct their salary, in certain respects.

Employers use job less than the Solid Waste Collection and Managing Regulation 2000 and amended Rule 2016 minimum criteria. Even if they don't obey Govt's command. In Column -06 (SBM), Odisha in Housing & Urban Development letter No-28708/HUD, dt.17.11.2016 set requirements for

minimal number of sweepers and door-to-door waste collectors at 28 per 10,000 (Ten Thousand) population of Column 06 6 for streamline implementation of the Swahh Bharat Mission (SBM).

For starters, nowadays the population of District 1 Balasor is 77,751 (2019). Safai Karamcharis/minimum worker's requirement is 498 per nation. Letter no-28708/HUD, dt.17.12.2016, from Odisha in Housing & Urban Growth. However, only 301no were estimated in the municipality. From Safai Karamcharis. This implies the job of Safai Karamcharis is 301 n° 498 n°. Those are limited by the contractor without gratuitousness, limitation or lay-off, and others lift their voices against numerous violations and demand their legally binding argument. And if the residents of this municipality and others have been employed legacy for 5-25 years, they have now been generational. They have no job now because of social stigma? For another cause, Safai Karamcharis and their families are coping with poverty. They have neither the choice nor the gain from Employers State Insurance Company in their provident fund. In addition, with much tolerance and awareness, they face various pains.

The joint reading of paragraphs 30, 32, 36 and 36-B of the EPF 1952 grants the principal employer a contractual duty to compensate the worker's share of the employers first of all, and to grant the principal employer powers to reclaim their payment from contributions of employees (inclusive those of staff hired by or by contractors) and the principal employer In several legal pronouncements this rule of law has been upheld. The company is obligated to compensate all contributions, that is the employer and the representatives' payment even though the employee is engaged by a contractor. He is not accountable for paying the deductions and he is not capable of understanding from the contractor the volume of donation owed by workers hired by a contractor. The employer can recover from the sum payable by the contracting party or as a debt payable by the contracting party the employer.

In addition, each right has its own obligations. In its fight with capital for economic justice, Strike is one of Labour's oldest and most powerful weapons. It requires, for the sake of formation of strain on employers, the abandoning of the jobs by some amount of employees working in a specific sector, embracing demands on minimum salaries, compensation and reward problems, the rise does no longer correspond to results, holidays and leaves with pay, a bonus, an ESI and free pension, retirement gain, removal of any facility or allowance; Further, each employee is granted a one full day holiday on 26 January, 15 August and 2nd October and four other days on a whole day of such festival as may be co-opted by the inspector. In addition, each employee is authorised a full day holiday on 26 January, 15 August and 2nd October and on 4 other days of a whole day.

In compliance with the first schedule or any other legislation that is in effect, the crime, in 1973, the cognizable offence, shall be described as an offence for which a police officer shall not keep any arrest without warrant or an offence without which a warrant may be issued.

Further details on the Holiday Act of 1969, Act 22 of 1969, Section 3 of the Odisha Industrial Establishments (National and Festival). For each calendar year, an individual holiday of one day is approved for each of the festivals, as may be defined by the administrator in conjunction with the employer and the workers in relation to any of the industrial establishments, on 26 January, 15 August and the subsequent 2 October and on the following four days, each of which is one entire day. And if a worker serves on every vacation authorised under section 3, section 5(2) shall, at his discretion, be entitled to – (a) double the wages; or (b) wages for that day and make use, on the other day, of a replaced holiday, of wages within 6 months of the holiday he or she is employed on and on that day, etc.

## JUDICIAL RESPONSE

In compliance with Section 1973 of the Code of Criminal Procedure, the obligation to prior authorise the government gave an umbrella security to dishonest public officials, who were charged with any crimes which they allegedly committed while acting or pretending to have perpetrated their official duty. The Vineet-Narayan v. Union of India.[6] Supreme Court noted that, while the investigating authority disclosed prima facie cases against the public servant, misconduct cases against the public servant were always postponed as a consequence of denial or postponing the approval of the competent body. The Court decided that the responsible authority has to sanction penalties for prosecuting without becoming a quasi-judicial role if it is confident that the evidence before the trial of the public servant is appropriate.

In Subramaniam Swamy V. Dr Man Mohan Singh[7], the Supreme Court reiterated that the span of three months in which public servant falsely obtained a government punishment under Section19 of the Corruption Prevention Act of 1988 is threatened with investigation, should be strictly enforced immediately.

In the case of Jayalalitha v.[8] Union of India, the Supreme Court voiced its concern at the pervasive corruption in public life and noted that corruption erodes society's spiritual structure and affects national economies. The misuse of authority by the high-ranking government has reached the troubling level and tarnished the country's reputation.

The Supreme Court in the Government of Andhra Pradesh P. V. Reddy[9] has granted the word

"public servant" a broad meaning. Reddy submitted that it could not restrict the concept of public service to government authorities, but instead involve workers of a co-operative, government assisted and managed society, in order to curb corruption at all levels.

The Supreme Court expressed apprehension in *Ram Narayan Poply v. C.B.I.*[10] regarding the detrimental consequences of white-collar crimes and held that economic criminals could not be permitted to destroy the country's economy and must be dealt with seriously

In *R. K. Garg v. Union of India*, it is criticised on the grounds that it expands the unfair gain of tax evaders to cover the validity of the 1981 special Immunities & Exemption Statute. The Court upholding the Act's legitimacy ruled that in future it will not promote tax avoidance and allow this evasion, however it did initiate a national quest to discover hidden funds by supporting limited rewards. The key goal was to unlock black money to escape government failure.

In *Sarjoo Prasad v.*[11] The Condition of U. P., a servant who sold adulterated food on his employer's behalf cannot be found accountable until the information is demonstrated that it was adulterated. Section 7 of the Food Adulteration Prevention Act of 1954 forbids the selling of adulterated beef, which is illegal under section 16 of the Act. Anybody who contra views this clause.

In the 940 cases of Bihar Fodder Scame (1996), where the then Chief Minister, Shri Lalu Prasad Yadav along with 45 other officials and officials were convicted of white-collar crimes in June 1997 and convicted RI on 30 October 2013 by the Special Court. However, on 18 December 2013, the Supreme Court issued him a bail, and as a result of his indictment he surrendered his legislative membership.

The appellants, along with Y.S. Jagan Mohan Reddy is responsible for *Nimmagadda Prasad v. CBI.*[12] The power of boss, Jagan Mohan's father Dr Y.S Rajasekharan Reddy, who was then chief minister of Andhra Pradesh, enriched himself for over 40,000-rupee crores. Through abusing his official role, the Chief Minister, Late Dr. Reddy, awarded the claimant several unfair favours, thus assigning the Appellant 18878 hectares of land and, in exchange, paying J. S. unconstitutional gratifications of 854,6 corers. Jagan Mohan Reddy with his company group. Illegal benefits were charged in order to offer them corporate colour and avoid criminal prosecution through investments and share application currency.

## REMEDIAL MEASURES

White collar crimes must be compounded in large part in a nation like India where large-scale malnutrition, mass analphabetic and ignorance

impact people's lives. For the criminal justice administration of this region, monitoring these offences is a critical topic. However, certain corrective steps to tackle white collar crime could be as follows: - -

1. Sensibilization of the media, the media and other audio-visual supports of these offences. Intensive legal education services may maybe add significantly to reducing the rate of white-collar crime.
2. Special tribunals for white collar offenders should be formed with the authority to grant incarceration for up to 10 years.
3. Cries by white collar offenders will be minimised by strict legislation and drastic sentences. Even retrospective laws for this reason may be justified. In this sense, Dr Radhakrishnan, Second President of India, once noted: "The practitioners, the Hoggard, profiteers, black marketers, speculators are the worst enemies of our world, of this evil (e.g., white collar, and socio-economic crime). It has to be handled rigorously, no matter how well positioned, significant and influence, if we consent to corruption, citizens may lose trust in us. The sentence for white-colored criminality, which can harm human existence, will lead to life imprisonment or death if conditions warrant such a penalty.
4. In order to deter white collar offenders sentenced by the court from avoiding prosecution on account of their elevated social standing, the Indian Penal Code should be placed in a special chapter on white collar crime and social and economic crime.
5. In consideration of the extent of the harm to civilization incurred by these offences, white collar criminals should be handled with seriousness by providing for stricter sentences. The Court of Review, in *M.H. Haskot v. State of Maharashtra*. In this case, "Soft judgement is a serious injustice, in which many innocents are possible victims," observers in the State of Maharashtra.
6. A national criminal commission that addresses the issue of crime and crime in all its aspects is desperately needed.

## CONCLUSION

The legal role in general is to preserve individuals' beliefs and preferences in society. Penal legislation leads significantly to influencing people's behaviour, perceptions and partnerships. The



threat of penalty of anti-social behaviour, which motivates them to prevent lawbreaking, acts as an outward restraint and dissuasive of people. The laws will restructure culture in order to handle modern challenges and to address the increasing demand of citizens inside society, as Jeremy Bentham correctly points out. Crime and social policy are interrelated, and the concept of crime and punishment rely primarily on the social standards, accepted expectations, and behavioural habits of a certain community at a particular moment. The purpose of the criminal laws is to make society more stable for its citizens. Including culture, offences often shift in content when societal systemic shifts take effect. What defines criminality today may tomorrow and vice versa become an appropriate behaviour. In certain cases, abortion, for example, which was deemed to be a disgraceful act because it is immorality, is not a felony arising from law legalisation of abortion.[13] In order to prohibit a woman from aborting a foetus, even the pre-natal determination of a child's sex was forbidden and made punishable. Crime is a relative concept, because it might not always be that at one spot, which is incorrect (crime).[14] Adultery in India is thus a penal crime but it is just a civil offence repressible by compensation paid in England. Again, the drinking of drink in India is a crime under their laws of ban in several countries but not in wetlands where no permission is given for the selling of drink. Obviously, this relativity of crime represents various societal responses to individual activities.

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