



A STUDY ON CHANGING DYNAMICS OF WHITE COLLAR CRIME”

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ABSTRACT

Crime, as well as old law, and civilization itself. In a civilized society, and that would not be a criminal. "Eye for eye, eye for eye, life for life," and he was a fan of crime. As society progresses, its crime rate increases. Now, with advances in science and technology, a new type of crime has become known as the white supremacist. "White column, please refer to crimes committed by businessmen, businessmen, government officials, civil servants and professionals, and, due to fraud or misrepresentation of traditional blue-collar crime, known to be linked to the most common categories of crime, anti-corruption and anti-bribery, drug trafficking, drugs, fraud, tax evasion, black marketing and profits, fundraising, money laundering, human trafficking, cyber crime, etc., etc. In the first lesson, "Introduction to the Historical Vision, taken from the history of white crime rates. This chapter describes the type of "white crime, and the history behind it.

INTRODUCTION

- Poor professionals, buyers, speculators and speculators, are the worst enemies of our society. They need to be taken seriously. No matter how strong or powerful they may be, perhaps because we think we are doing a good job, people will lose trust in us. "

The influential 20th-century sociologist Edwin Hardin Sutherland wrote of the crimes committed by white people in 1939, as well as the crimes committed by the most important people in society with respect and dignity. "

- A company employee today.
- A person with a high position in the company.

Project or task.

This can be a breach of trust.

In the case of the corporate sector, white-collar crime is described as "violent, often perpetrated by businessmen and government officials. In simple terms, crimes committed by corporate executives, so-called" white man's "travel" in some cases.¹

WHITE-BELIEF CASES IN INDIA

Corruption, fraud, and bribery are among the most common crimes committed by white leaders in India and around the world. Business Standard on 22.11.2016 released a report, entitled "The Dynamics of government and White-collar Crime in India", stating that, over the past decade, the Central Bureau of Investigation (CBI) has found 6 533 corruption cases of registration. 517 in some cases. two years ago.

Statistics show that the R4,000 market was created with the help of replacement or EX card replacement. In the Maharashtra region, there was a huge increase in the number of online inquiries: 999 cases were recorded. The report also found that about 3.2 million people lost their passports through AYEB Bank's automated reporting system operated by Hitachi Payment Services.

Advances in advertising and technology have led to an unprecedented rise in white crime, known as cyber crime. Cases of cyber crime are more likely to increase, as they are less likely to be caught or trapped. India is at the level of the Transparency International Perception Index (CPI) which has improved over the years.

In 2014, India kidnapped 85, then returned to 76th place in 2015, with a wealth of tools to control the level of white crime. In 2018, according to a report in The Economic Times, India is ranked 78th, with a three-point improvement from 2017, where, in the list of 180 countries.

India is a developing country, and in terms of workers with a white collar and the most important cause of these changes, as well as poverty, health care, etc. Njll. These are criminal acts that require urgent intervention by the Government, not only because of strict laws, but also through the use of force.²

REASONS FOR THE GROWING WHITE CRIME IN INDIA

Greed, competition, and a lack of proper laws to prevent such crimes are the main reasons for the increase in white crime in India.

Greed

Macavavelli, the father of modern political philosophy, emphasizes the natural tendency of selfishness. He told me that he had better forget about his father's death and lose money. The same can be said of criminal cases

¹ JanakRaj Jai, "White Collar Crimes - Naked Exposures" 1st Edition 1987, Pg no. 6

² G. Nagaijan & Khaja Sheriff, "White Collar Crimes in India", International Journal of Social Science and Interdisciplinary Research (IRJC), Vol.1 Issue 9, September-2012

against whites. Why is a person with a high social status, and in a very important position in the criminal finance commission, if he is not out of greed?

Simple, fast and easy results

In ever-changing technologies, business and political pressures have led robbers to a new level of white crime. Technology has made it easy and quick to create pain or loss. In addition, the costs of such crimes will be much higher than in other cases, such as murder, robbery, burglary, so that the victims take time to recover. This could be a competitive edge.

Competition

Mr. Herbert Spencer, even after reading Darwin's book, *On the Origin of Species*, coined the term "evolution" in the sense of "survival of the fittest." This means that there will always be competition between different species, and they are flexible, and need to survive.

There are no hard and fast rules

Given that most of these cases should be done through digital and digital payment systems, the law does not seem to be willing to take the lead in these events, as research and monitoring is a difficult and challenging task. Now why is it so hard for you to keep it as it is a secret part of the house or office, which means they cannot give evidence.³

Lack of awareness

The type of white collar crime is different from the common crime. Most people do not know about it and fail to recognize it as the worst victims of crime.

Significance

People also commit white crimes necessary to meet the needs of themselves and their families. But most importantly, people of high social status want to boost their self-esteem.

The reasons why white-collar criminals are punished are:

- Legislators and lawmakers are in the same category as these criminals.
- Police do not put pressure on the investigation as they find the process boring and complicated, and often these complex searches fail to promise positive results.
- The rules are such that they only like criminals on the job.

³ N.V. Pranjape, "Criminology & Penology with Victimology" 15th Ed. 2011, Pg. no. 125

- Justice officials are often criticized for delaying their sentencing. Sometimes it happens that by the time the court rules, the defendant has expired. This frees criminals from committing crimes. As crime with a white collar grows, lawmakers need to strengthen their judicial system.

Chronology

Best known for the Carrier case, it was the first white collar case written in 1473 in England. In this particular case, the agent was given the responsibility of the principal to move the wool from one place to another. The agent was found guilty of stealing some wool. The English court after the trial accepted the doctrine of 'mass violation' which means that the bailiff who was given the property tried to break in and did not make inappropriate content.

However, the rise of industrial capitalism has had a profound effect on crime. The center of capitalism is focused on committing such crimes out of greed and misery to have them and to be able to get more. In 1890 in the United States, the Sherman Antitrust Act was passed, making private practices illegal. Penalties for offenders in criminal cases in Great Britain and the adoption of laws or restrictions on the protection of human rights were not as hot as the Sherman Act.⁴

In the late 18th and early 19th centuries, a group of journalists embarked on a campaign to reform. In 1914, Congress appeared to be making a concerted effort to enforce Sherman's law. The law has shown strong compliance with the Sherman Act in dealing with illegal activities.

HISTORICAL BACKGROUND

Definition of Edwin Sutherland. It was in 1939 that for the first time, Edwin Sutherland, an American sociologist, described white crime. He described it as a crime committed by a high-ranking, honorable person who committed such a crime while on duty.

Criticism

Coleman and Moynihan point out that Edwin Sutherland's definition contains vague words, such as:

- There are no set procedures for these 'responsible people and status'.
- And the 'superior' is not clear. It is confusing as the meaning of this saying in law may differ from its general meaning.
- Sutherland's definition did not take into account the social and economic status of the individual. It shows the crime of the white thing only in nature and in the circumstances in which it was made.
- Mens rea, i.e. guilty mind and actus reus, i.e., misconduct are the two most important aspects of crime. However, Sutherland's translation means that according to him the whites do not want mens rea.

⁴ N.V. Paranjape, "Criminology & Penology with Vicitology" 15th Ed. 2011, Pg. no. 125

Morris's comment. In 1934, Albert Morris argued that illegal employment in which social workers involved in their work should be exposed to the criminal system when their illegal activities fell under their jurisdiction. He asserted that his confession had been obtained through torture.⁵

E.H. Sutherland boundary design. Sutherland re-entered the picture and clarified that crimes committed by people of high social and economic status, while in office, would be called 'white crime'. He also added that traditional crime would be called 'sky crime'.

It therefore distinguishes between white crime, corruption, bribery, fraud and blue-collar crimes, i.e., traditional crimes such as robbery, theft, etc. After this, crime in 1941 finally adopted the concept of 'white crime'.

THE DIFFERENCE BETWEEN WHITE COLLAR CRIME AND BLUE CRIME

The term 'blue collar crime' first appeared sometime in the 1920's. The term is then used to refer to Americans who do handicrafts. They used to choose black clothes so that they would not be visible in the area. Some used to wear blue collars. This works at low wages every hour. White collar crime has been rampant for centuries and is not new to all forms of business, technology, and industry.

The difference between the 'blue collar cases', which is a common case, and the 'white crying cases' set by the Supreme Court of India in the case of Gujarat Government v. Mohanlal Jitmalji Porwal and Anr. Justice Thakker has made it clear that one person can kill another in anger, but creating financial loss or wanting to commit economic crime requires planning. It involves calculating and developing strategies for personal gain.

Here are the features of the white collar crime that distinguishes it from other common crimes:

What do you say

Cases with a blue collar refer to people who exercise, using their hands, while white crime means professional work, using their knowledge to commit crimes.

New v / s Traditional

When blue crime refers to traditional crimes committed years ago, the concept of white criminal cases has recently been introduced. A new kind of crime.

Men rea

Doing the criminal thing of mens rea and actus reus is a must. Although mens rea is an important factor in blue criminal cases, its involvement in white criminal cases is not necessary.⁶

⁵ N.V. Paranjape, "Criminology & Penology with Vicitmalogy" 15th Ed. 2011, Pg. no.125

⁶ Abdul Latif Wani, "White Collar Crime : Its Concept" Kashmir University Law Review, Vol.6,1999, Pg. 31

Independent in social and personal circumstances

White crime cases have nothing to do with social conditions, such as poverty, or the circumstances of the perpetrator, although they are important in ordinary crime.

Direct access to the target

Since white-collar criminals are high-profile individuals in the company who have easy, direct and legal access to their targets. The case is different with blue criminal offenses. For example, if Jhetalal decides to steal from Babtoa's house, he will have to break down the door first or stop Babitaka's door to steal.

Therefore, before the actual theft, Jhetalal will have to enter Babitaka's house. While in white criminal cases, one can directly access their leadership in position and power.

They are breaking the law with a veil

In the case of a white collar crime, a person does not have to deal with the victim in person and therefore his or her identity is still hidden. In the case of blue college crime, one has to face face to face to hurt others.

Political involvement

In many cases the perpetrators have been found to have strong ties with politicians, in some cases, to get involved in criminal activities, making it difficult for victims to take similar action against other criminals.

Severe injuries

The damage done by the white collar is far worse than the damage caused by the blue collar. Also, injuries caused by white collar crime can cause serious injuries, not only to the community, but also to other institutions and organizations.

Consequences of white-collar crime

Effect on the company

The charges are white, causing huge losses to the business. Compensation for the loss of any of these companies will ultimately increase the value of their product, which is the number of customers of the same product. This applies to your intellectual property, some of the same items and prices go up, demand will be reduced, and while prices go down, demand will go up.⁷

In short, it is the value of the product according to the question. Because the company loses, staff salaries will be reduced. Sometimes, it is a business, it reduces the performance of various employees. Corporate investors,

⁷ Edwin Sutherland- "Is White Collar Crime a Crime?" (American Sociological Review April 1945), pp. 132-137

as well as employees, may find it difficult to get a mortgage. In addition, it is difficult for people to get their loans.

For example, a U-based IT specialist will be paid Rs 178 to cover the costs reported by you. Security and Exchange Commission. Instagram has prompted a government official in Tamil Nadu with the construction of a 2,7,000-square-foot building in Mumbai. In addition to the loss of \$ 2 million in bribes, profits, the company has had to pay \$ 25 million to make money.

EFFECT ON STAFF

Criminal cases have a white collar, workers are at risk. Know whether their working conditions are safe or not. He began by asking the question of how trustworthy and trustworthy the company is.

Impact on customers

What worries consumers the most is whether the products they use are safe or not. This limit is set when we are in the process of a recent crime.

Effect on the community

Cases with a white collar, are dangerous to society, and as a result, people who need to be identified as role models, and to deal with any of that, can be used to commit these crimes. The community is very dirty.⁸

While under the supervision and management of Gujarati pharmaceutical company Sterling Biotech, they were arrested for participating in a \$ 5,000 campaign, usually withdrawing money from bank accounts at several benami companies. It was one of the biggest scams in the world.

In 2018, the National Bank of the Punjab (GDP) found that 11 346 rupees had been designated at its Mumbai branch. "Nirav and Gitanjali Group employees are in charge of customers, issued by Corporate World

Loss of confidence

Fraud trading, or trading scandals, as happened in the United States of America in the 1980's, led to a loss of confidence in the stock market. Barry Minkow, a small carpet cleaner that founded a multibillion-dollar company in the early 1980's. However, he was able to achieve this goal, only by cheating, and by stealing.

More than 10,000 documents were found during an investigation into the unknown trade. Its handsome company has managed to raise \$ 200 million in the financial markets, as well as hiring about \$ 4 million worldwide. He was later convicted and sentenced to 25 years in prison.

⁸ Abdul LatifWani Kashmir University Law Review, "White Collar Crime -His concept" Vol.6, 1999

It was the seventh largest trading company, based on sales, in the United States, fraud, which led to the creation of hundreds of millions of accounts, in their standard book. Investors believe the company's performance has been excellent and stable. But over time, it turned out that the shocking details about profits and losses were fraudulent. The infamous Eron scandal, which led to the cancellation of all retirement accounts, seems to have caused people to lose their social status, power and confidence.

The result of a criminal act

Authorities do not agree with the definition of "white crime". Accurate statistics are not available for analysis of causes and effects.

And, although these crimes are increasing, they are rarely reported.

These cases do not have eyewitness accounts as they do with the camera, which means that the perpetrators committed the crime while sitting in a locked room or in their neighborhood using their computers, and no one knew what they were doing on their computer.⁹

This makes it difficult to track down criminals. All these posts serve as an incentive for criminals to commit these crimes fearlessly because punishment is also shorter than criminal charges. Criminals seem to roam the dangerous streets of society.

EFFECTS ON THE CONDITION OF THE AFFECTED PERSON

The target for perpetrators is older people who are less likely to receive less fluid and their cognitive abilities are lower than those of young people. So they fell victim to the lawless ones. Victims of such crimes are often disillusioned and even kill themselves, as loss is sometimes unbearable.

Well-known startup designer, Vijay Shekhar Sharma, the founder of Paytm's well-known software, was the victim of the release of his secretary Sonia Dhawan. He and others stole his personal information and sensitive business plans, in order to save money for him. Also, Sharma received regular calls saying her personal details would be disclosed to the public if she did not give them the required funds. Sharma was put under great pressure.

Project report on white criminal cases in India

Various committees were set up to deal with white-collar crimes and to enact laws to protect and eliminate them.

⁹ K.D. Gaur, "White-Collar Crime and its Impact on Society", Criminal Law and Criminology, 2002 Pg.No.281

Report of the Anti-Corruption Commission, 1964

According to the recommendations of the Anti-Corruption Committee, led by Shri K. Santhanam, the Central Vigilance Commission was established in 1964. The Central Vigilance Commission is now a high-level watchdog, independent of any senior authority. Its job is to deal with corruption in government offices and to monitor all administrative matters under the Central Government. The organization seeks its advice on planning, implementing and reviewing their monitoring work.

The role of the Central Vigilance Commission is:

- Oversee the establishment of a special Delhi police unit in matters relating to crimes committed under the Prevention of Corruption Act, 1988.
- To guide the establishment of the Delhi Police Establishment Act, 1964 of the Delhi Police Establishment Act, 1964.

REPORT OF CO-OPERATIVE GOVERNANCE COMMISSION DALMIA JAIN, 1963

In the 1930's the Dalmia Group led by the brothers, Ramkrishna Dalmia and Jaidayal Dalmia, merged with the Sahu Jain Family to form the Dalmia-Jain Group. The business was eventually split between the two families and split between the two brothers in 1948. Following allegations of corruption against the party, the Vivian Bose Commission of Inquiry into the affairs of the Damila-Jain business group was established in 1963.¹⁰

The committee said that because of the party's black sponsors, undisclosed assets and tax liabilities that could not be collected, closed or divided became so large that they could not be officially declared as separate parties. The Commission headed by Justice S.R. Tendulkar also, after his assassination by Judge Vivian Bose, sentenced Ramkrishna Damia to tax evasion, lying and money laundering in 1962.

The report is by L.I.C. Mundra News

It was not until the 1950s that Haridas Mandhra, a real estate broker, was arrested and jailed, while the share of India's first great economic crisis. At that time, the prime Minister of India, Jawaharlal Nehru. His daughter, Indira Nehru, was the wife of Feroze Gandhi, who was also a member of the european Parliament. Feroze Gandhi, was the driving force behind the anti-graft movement, which led to the arrest of the Dalmia Said.

When Feroze Gandhi at the end of the power came on, he asked the newly formed Life Insurance Company and are used with the premiums for the insurance policy of the insured. In the end, the committee was formed by a retired Bombay High Court Judge Justice M. K., Chagla, who, it was concluded that the Mandhra is to be arrested on a charge of 124 113, which led to his arrest.

¹⁰ Abdul LatifWani Kashmir University Law Review, "White Collar Crime -Its concept" Vol 6, 1999

Tie to a report from the Commission, may 1964

In the case, the RP Kapoor v / s. The Committee cleared him, on the ground that a father can't be held accountable for the actions of his / her grown-up children. The Commission has made it clear that the son does not interfere with the running of a business, and if he does not avail himself of his father, and of the politics, and the political power of the work of others. The court rejected this request.¹¹

CONVERSION IN THE MANAGEMENT REPORT OF THE COMMITTEE ON

In its fourth assessment report of the Administrative Reform of the Commission, entitled "Ethics in Management", has been altered, and the introduction of new rules aimed at reducing the number of white criminal cases in India.

The paper introduces a new article is instagran of that state subsidies are allowed in the elections in order to prevent the unlawful and unnecessary spending by the political parties.

It's proposed changes to section 8 of the National Law and, in 1951, to the people responsible for committing serious acts of corrupt activity without taking part in the elections.

The report on the selection of the Chief Commissioner of the Election and other election commissions, the decision was made to establish a college of their choice. The Panel shall be composed of the prime Minister of India, the Speaker of the Lok Sabha, the Minister of Justice and Deputy Chairman of the Rajya Sabha. This will prevent the abuse of power, and the prevention of exploitation of leadership and authority.

It was proposed that in order to have a point of view of the Ethics Commissioner, in each house of the Parliament." The Office is headed by a Chairman, or the President, in accordance with the code of Conduct, which consults with the Board, and maintain tools and documentation cd, and when it is needed.

Most importantly, the Committee calls on the Authorities to the treatment of corporate bribery" as a special case. The Commission added that, pursuant to article 7 of the Prevention of Corruption Act, requires an adjustment to take account of the "rogueware bribery" as a criminal offense. It is possible that the employees of the government from doing things that will lead to a loss of community.

The Committee recommends that urgent measures be taken to ensure that the implementation of the 1988 Ban on Cash Transactions, Trade.¹²

The Commission will protect the ones that are from the report of the spies in order to maintain its confidentiality. And he did this in order to punish and to take revenge on them for their punishment.

¹¹ E.H. Sutherland, "White Collar Crime", 1961

¹² Schmalleger Frank, "Criminology Today", Prentice Hall, Englewood Cliffs, New Jersey

The Commission has said that the media should be honest, and be responsible for the occurrence of a crime, and that the government needs to be open to the media of corruption in order to get them to help in the fight against corruption in the country.¹³

The Commission has made a decision, and said that it was the head of the department shall be responsible for the control of corruption in the country.

There are other recipes that have been submitted to the Government by the Commission, in which the Government's role in combating corruption and other abuses by senior government officials.

47 REPORT OF THE JUDICIAL SERVICE COMMISSION

In its 47th report, the Legal Commission concluded that, because the company does not have a physical body, they are not the cause of the pain as a punishment. The company is airless, accused by the framework, and therefore, new sanctions, which will need to be put in place to punish illegal and illegal activities.

The commission concluded that the company's sanctions would tarnish its reputation. And it has been a disgrace. The commission pointed out that it was not only the board of directors and senior executives who needed to be punished, but also the company. People need to be able to communicate with crime, and the name of the company.¹⁴

The Committee recommends that the following conditions be included in the Indian Penal Code of 1860: a:

In all of these cases, where the offense is committed by a company, and the fine includes imprisonment or a fine and simultaneous imprisonment, the court will apply the law where a single fine is imposed on the match.

In all these cases, if the offender is a criminal, and the penalty for his crime may be a prison sentence or a fine rather than a fine, the court has the right to charge a fine only for that match.

In this chapter, the term "company" means a company with a limited liability, or other legal entity. The same is true of non-commercial companies and organizations.

If the conditions set out above, the Commission in its report reported that the penalty could be that the company is in breach of the law.

¹³ J. Kelly Strader, "Understanding White Collar Crime" LexisNexis, Southwestern University School of Law, 2Q02 (www.lexis.com)

¹⁴ K.D. Gaur, Criminal Law and Criminology "WCC and Its Impact on Society" 2002, Pg.no.283

COMMITTEE REPORT ONGOING

Santhanam committee, and was it the first body? the seriousness of the crimes committed by high-level social workers, authorized by the 29th report of the Judicial Commission, published in 1972. The Instagram committee, an anti-corruption report, looks at the causes of white crime in India.

With the advancement of technology and the development of the spirit of science, which is often cited as a major cause of the increase in white crime. These large, advanced numbers and provisions apply only to a few people, which creates a monarchy. The need for this technology and the advanced years of science, the results of these people are in line with the rules set by criminals for their conduct. For those who do not represent one of the criminals of white crime.

The Committee expressed its concern that the risks of such cases could lead to public misconduct. It is a problem of white supremacy, and the fact that people do not know much about it, only professionals will be able to detect this crime and protect themselves from being their victims.¹⁵

CONCLUSIONS

White criminal cases, however, have two distinct features: first, non-violent crimes, whether criminals have a tendency to go out of control, or a sense of responsibility, and second, they must be dealt with by a team of experts.

However, most of these crimes are committed by low-paid employees, or it is an incentive to commit such crimes that could be a very wealthy person with a high social status in education. crimes committed by whites are often perpetrated by 'peer pressure' however, depending on corporate culture.

As our society moves towards modernity and the world of experience, new technologies, crime rates are constantly increasing. The crime rate for white collars is very high. These cases can be committed anywhere - from doctors to school.

Online fraud cases are also increasing at an alarming rate. India, as a developing nation, has faced difficulties in leading its economy to growth due to this crime and corruption in particular.

Investigating officers need training where they can find the strength to track down these criminals, otherwise track down who is difficult, difficult and problematic. The role of investigators should be considered to ensure transparency in the workplace as criminal cases of white collars are committed by people of high social status in their work.

The government should make laws that are strong enough to reduce such crimes. And the plan should be that not only do the laws impose severe penalties on the defendant but also eliminate serious offenses in the short

¹⁵ Herbert Edelhertz, Thomas D.Overcast, "White -Collar Crime: An Agenda for Research, "1992 Chapter-6, Pg.No. 141-142

term. Otherwise people will abandon the full faith in the system, as these crimes are committed by people who are supposed to be role models in society.

REFERENCES

- A.Ranga Reddy , “Dimensions Of Crime And Corruption In India”, 2005, Serial Publications, New Delhi
- Ahmad Siddique, “Criminology”, 2001,Eastern Book Company, Lucknow
- E.H.Sutherland, “White Collar Crimes”,1961
- Gilbert Gets & Robert F. Meier, “White Collar Crimes”, 1977
- Giriraj Shah, “White Collar Crimes”,1st edition,2002,volume 1,
- Girish Mishra, BrajKumar Pandey, “White Collar Crimes”,1998
- Herbert Edelherte,Thomas D.Ouescast, “White Collar Crime:An Agenda For Research”, 1982, Lexington Books J.Kelly Strader, “Understanding White Collar Crimes”, 2002, Lexis Nexis
- J. P.H.Sirohi, “Criminology And Penology”, 6th Edition, 2004 Janak Raj Jai, “White Collar Crimes-Naked Exposures”,1st edition,1987
- Jay S. Albanese , “Criminal Justice” 2005,Pearson K. D. Gaur, “Criminal Law And Criminology”,2002, New Delhi
- M. L.Singhal, “Indian Penal Code”, 2003,Premier Publishing Co., Allahabad
- N. VPranjape, “Criminology & Penology With Victimology”, 15th edition,2011 li
- N. VPranjape, “Criminology & Penology”, 14 edition,central law publication