

# Understanding White-Collar Crime: A study of the state of Jammu and Kashmir

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## **Abstract**

*White-collar crime is the term first proposed by the Edwin Sutherland. According to him white collar crime is 'a crime committed by a person of respectability and high social status in the course of his occupation'. Thus he gave new interpretation to the crime.*

*The analysis of white collar crime is different than the traditional types of crimes which included the wider areas of finance, the environment, occupational health and safety, consumer related issues and food regulation. The nature of the crime is shifting from the traditional crimes to the newer crimes mostly categorized as the white collar crimes. The advancement in the technology and growth of education has accentuated the rate of white collar crimes in our society. This type of crime usually goes unnoticed because its committed by the people during their occupational activities generally includes the person of respectability. Therefore this paper attempts to understand white collar crime, the nature and cause of its prevalence in the state of Jammu and Kashmir.*

**KEYWORDS:** White-Collar crime, Traditional Crimes, Education, Technology.

## **1. INTRODUCTION**

Edwin Sutherland (1939) says “white-collar crime is a crime committed by a person of respectability and high social status in the course of his occupation. It is important to mention here that at that time the crime was seen as a problem of immigrants and the urban poor, but, over the years sociologists have slowly come to accept his claim about the importance of the powerful and privileged. While he gave no formal definition of the term in the speech, he would eventually define white collar crimes as “crimes committed by a person of respectability and high social status in the course of his occupation.”<sup>1</sup>

One notable aspect of Sutherland’s conception of white collar crime is that he explicitly rejected the notion that a criminal conviction was required in order to qualify.<sup>2</sup>

A related concept that again focuses on the offender is “organizational crime”—the concept that white-collar crime can consist of “illegal acts of omission or commission of an individual or a group of individuals

<sup>1</sup>EDWIN H. SUTHERLAND, WHITE COLLAR CRIME: THE UNCUT VERSION (1983).

<sup>2</sup> Sutherland, supra note 2, at 6

in a legitimate formal organization in accordance with the operative goals of the organization, which have a serious physical or economic impact on employees, consumers or the general public.”<sup>3</sup>

Although this definition of white-collar crime is a broad one, encompassing everything from embezzlement and industrial espionage to the bribes taken by government officials, it has been criticized on more academic grounds. It is argued that white-collar crimes are not only those crimes which must be committed during ones occupational capacity. Such a definition thus excludes crimes such as income tax evasion, receiving illegal social security payments, buying on credit with no intention of paying and a variety of other offences that can be included under the rubric of white-collar crime.

It is thought that Sutherland’s definition of white-collar crime needs some revision to clarify the ambiguities in the original and state out the broadest reasonable parameters for this study. First, that the responsibility for some white-collar offences can be attributed only to a group not to an individual must be explicitly recognized. Second, financial crimes are not directly part of offender’s occupation must be included. Third, one must broaden Sutherland’s stipulation that white-collar crime is by persons occupying highstatus and respect in the society. White-collar crime can be defined as a “violation of the law committed by a person in the course of an otherwise respected and legitimate occupations or financial activity”.<sup>4</sup> This definition of white-collar crime is now broader than Sutherland’s definition in two respects. First, white-collar crime is no longer restricted to persons of high social status. Secondly, the financial crime like tax evasion is also included.

A model of white collar crime that leant itself somewhat more to empirical data analysis is Edelhertz’s definition: “An illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage.”<sup>5</sup>

As a practical matter, many people have rather informal interpretations of the term. White collar crime can refer to:

- Financial crimes.
- Non-physical (or abstract) crimes.
- That is, crimes that usually committed on the computer and balance books.
- Crimes committed by the large corporations.
- Those crimes which are generally committed by the rich people.
- Certain organization involved in the crimes as business e.g., organized crimes.
- The malpractices committed by the large corporations

<sup>3</sup> Schragger and Short, Toward a Sociology of Organizational Crime, 25 SOCIAL PROBLEMS 407, 411–12 (1978).

<sup>4</sup> Coleman, *The Criminal Elite*, 2d ed. , New York: St. Martin's Press,5 (1989)

<sup>5</sup> Edelhertz, *The Nature, Impact and Prosecution of White-collar crime*, 3 (1970).

- Any criminal act which an average cop is not able to detect
- Thus includes almost everything excluding the crimes on the streets.

Many people have general sense about what constitutes the white-collar crime but it's interesting to mention here that they are not able to attribute the qualities which may differentiate members from non members.

In 1996, National White collar crime centre formed a group of experts in order to define the white-collar crime. In this group 16 members were from the field of criminal justice who had the distinction of studying white-collar crime extensively. Every member was tasked to prepare a paper on the definition of white-collar crime. This group discussed the term white-collar crime extensively from which different perspectives emerged. After much discussion the experts reached to the agreement that the primary characteristic of the white collar crime is the absence of the violence against the victim. The group also agreed that the offense must be committed during ones occupational capacity or committed by the person having respectable position in the society. It was also agreed upon that there is an element of deception in the commission of this type of crime. Some put forth the suggestion that the term white-collar should be scrapped and the "economic crime," "elite crime," or simply "financial crime should be used."<sup>6</sup>

Finally most of the experts agreed that white collar crime should be defined as "illegal or unethical acts that violate fiduciary responsibility of public trust, committed by an individual or organization, usually during the course of legitimate occupational activity, by persons of high or respectable social status for personal or organizational gain."<sup>7</sup>

### 1.1. TYPES OF WHITE-COLLAR CRIME

Edelhertz has categorized the white collar crime into main four types: *personal crimes* (crimes by persons committed as an individual, involved in non-business activity )<sup>8</sup>, *abuses of trust*(crimes in the course of their occupations by those operating inside businesses, Government, or other establishments, or in a professional capacity, in violation of their duty of loyalty and fidelity to employer or client),<sup>9</sup>*business crimes* ( crimes incidental to and in furtherance of business operations, but not the central purpose of such business operations"<sup>10</sup>, and *con games* ( business that involves the white-collar crime for the profits"<sup>11</sup>).

<sup>6</sup> Proceedings of the Academic Workshop: Definitional Dilemma: Can and Should There Be a Universal Definition of White Collar Crime? 1996.

<sup>7</sup> Gordon, supra note 17, at 117–50.

<sup>8</sup>Edelhertz, The Nature, Impact and Prosecution of White-collar crime, 3 (1970).

<sup>9</sup>*Id.* at 19.

<sup>10</sup>*Id.* at 19.

<sup>11</sup>*Id.* at 20.

Another classification of white-collar is put forth by the sociologists and criminologists are much likely to be concerned with the crimes committed by businessmen- price fixing, false advertisement, illegal abortions and environment pollution etc.

From a humanistic perspective we can divide white-collar crime into two large groups;

- 1) **PROPERTY CRIMES:** Property crimes are those crimes which cause only economic damages.
- 2) **VIOLENT CRIMES:** Violent crimes are those which cause injury, sickness, or death.

From above categorizations it can be interpreted that white-collar crimes can be violent as well.

The sociology of white-collar crime can be organised more around the differences between the offenders than around the difference between victims.

- 1) **ORGANISATIONAL CRIME:** These are committed within a formal organization with active support of its members. These crimes are committed to achieve the organizational goals.
- 2) **OCCUPATIONAL CRIME:** Crime committed by an individual during his occupational capacity. In this type of crime personal gain is the prime cause of the crime.

There is the major difference between **occupational** and **organizational crime** point. In occupational crime an offender commit an offence for the personnel gains which includes embezzlement and rule-breaking etc. On the other hand the organizational crimes are committed to secure the organizational interest rather than the personnel gains. In occupational crime there is an element of individual responsibility while in organizational crime has the collective responsibility diffused throughout the organization. In organization if an employee neglect any rule or committed any such offence can make the organization responsible.<sup>12</sup>

## 2. Review of literature

Becker (2000) examines the increase in the crime rates in India. In this study he also analysis white collar crime as well. The study identifies the efforts in preventing white collar crime in the field of legislation. It also examines the losses incurred by the country due to these economic crimes

Croall (2001) in his study discusses about the different aspects and types of white collar crime. He says that the white collar crime has moved beyond the traditional forms of crime, thus nature of crime is changing in the industrial society. The study also analyses the harmful effects of the white collar crimes on the society as a whole. Much of an effort has been concentrated on defining the white collar crime because its definition seems to be ambiguous. Many issues regarding conceptualization and the research scope of white collar crime is discussed in detail.

Jaishankar (2009) says that with globalisation and technological advancement in internet have revolutionized the business transaction. With the advancement in the technology now the criminals from any region can commit crime without being detected. The cyber space is most vulnerable place where the

<sup>12</sup> Hazel Croall, Understanding White-Collar Crime, Open University Press 2001.

criminal can inflict heavy losses on the users all over the world. Thus it is an evident fact that globalisation and advancement in technology has assisted in the commission of economic offences internationally.

Yadav (2011) examines the importance of handwriting in detecting white-collar crimes. The study revealed that the handwriting style can reveal the thefts, counterfeiting, suicide letters etc. Thus it would be easy for the law enforcement agencies to detect such economic crimes.

Asner et al. (2011) discuss about how government officials at higher position take undue advantage and manipulate the transactions for their personal gains putting innocent people into trouble. The study also analyses the international illegal trade involving white collar crimes.

Thakur (2012) in his analytical study on the performance of Chandigarh police in detecting economic offences tries to identify the causes of the increasing economic crimes. It was found that due to the globalisation process the trade, travel, medicine; economy etc have been changing drastically. Thus the nature of crime is also changing because of the process of globalisation. The process of globalisation has facilitated the commission of economic crimes thus the economic crimes are on rise than the conventional crimes in India.

Bianco et. Al (2012) examines the corruption and fraud in the BRICS countries. The study found that there has been unprecedented increase in the fraud and corruption cases in the third world countries. It also identifies the measures necessary combating the white collar crimes.

Rohra (2013) analyses the white collar crime and its evolution in India. It was found that the new techniques have been constantly evolved to combat fraud but the cyber space provides more opportunities for committing economic crimes.

Pratap (2013) tries to find out the role of mass media in the awareness of white collar crime. The study further revealed that the information technology has facilitated the commission of white collar crimes. It also analyses the information and technology act 2012 with regard to the crimes committed in the cyber space

Devi (2014) examines the frauds committed with the help of credit cards based on the behavioral patterns. The study revealed that the millions of the online shoppers are involved in online shopping. The online shopping is done through different cards that facilitate the online frauds. The increasing online transaction has provided more opportunities for the criminals to commit fraud that is the main reason of increasing online frauds.

Updhyaya (2014) tries to find out the nature of white-crime in India. It was observed that the white-collar crimes are on rise as compared to the conventional crime. The study further revealed that the loss incurred by the white collar crime is far higher than the conventional crimes. The rise of white crime in India is attributed to the lack of official control or the corruption in the higher ranks.

Shekhar (2014) tries to examine the nature of white collar crime in the state of Jammu and Kashmir. It was found that the most serious crimes are committed by the people having high official positions. It was also observed that white collar crimes are on rise in the state as compared to the conventional crime.

### **3. Methodology**

This study examines the trends and nature of the white collar crime in the state of Jammu and Kashmir with the help of secondary source of data which includes the relevant books, journals, research articles and the government records. One of the important official records which were taken for the research purpose was the National Crime Records Bureau Report which is published every year. NCRB is an Indian government agency responsible for collecting and analyzing data as defined by the Indian Penal Code (IPC). This report assisted a lot in understanding trends and the changing nature of crime over the years.

#### **3.1 Purpose of the study**

White-collar criminality is one form of crime which not very recently was taken to be seriously. The purpose of the study is to understand the various dimensions of the white collar crime. Due to the changing nature of the society it is expected that the white collar crime would be more rampant than the conventional forms of crime thus it is important to understand that trend.

#### **3.2 Significance of the study**

The significance of this study mainly stems out from the fact that white-collar crime is a serious problem that is prevalent in our society. In comparison with the street crimes the white collar crimes tend to have large victims and certain white collar crimes are of such nature effecting almost whole of the society. As it is believed that with the advancement of communication technologies there is more apprehension of increasing white collar crimes, thus it becomes imperative to study the white collar crime to understand the gravity of the problem. The state of Jammu and Kashmir is one of the backward states in India thus the society cannot afford to neglect the economic offences having negative effect on the whole population. Thus this study can provide insights to the law enforcement agencies and the legislators in prevention of the white-collar crime which if not prevented can become a very serious social problem in the coming years.

#### **3.3 Objectives of the study**

1. Conceptualization of the white collar crime
2. To find out the nature of white collar crime in the state of Jammu and Kashmir
3. To understand the role played by the modern information and communication technology in the facilitation of the white collar crime.

#### **3.4 Hypothesis**

1. There is increasing rise of white collar crime gradually matching up to street crimes in the state of Jammu and Kashmir.
2. The process of globalisation and the penetration of technology have significantly increased the white collar crime rate in the state.

3. The society is still unaware about the consequences of white collar crime.

#### 4. WHITE-COLLAR CRIME IN INDIA

In India White-collar crime is found almost in every institution and profession. The problem of white-collar criminality is acute. The Santhanam committee findings gave a very serious report on the extent of white-collar crimes that are committed by persons occupying respectable positions like as businessmen, industrialist, contractors, and suppliers and also by the corrupt public officials.<sup>13</sup>

In its judgment the Supreme Court in the case titled *State of Gujarat vs. Mohanlal Jitmalji Porwal and Anr*,<sup>14</sup> has differentiated between the street crimes and the white-collar crime. In this case Justice Thakker observed that murder is usually committed in the heat of moment but the white collar crimes are committed with proper strategy and the advance planning.

White-collar crime needs high education and specific skills than the street crimes. Increase in the rates of white collar crime is attributed to the increase in the literacy,<sup>15</sup> computer use,<sup>16</sup> and educational attainment. As far as India is concerned the common instances of white-collar crimes which are commonly associated with Indian trade and business are hoardings, profiteering and black-marketing. Violation of Foreign exchange regulations (FERA) and the laws related with import and exports are usually violated are for earning of huge profits. Adulteration is one of the commonly found white collar crime in India it includes the adulteration of food and medicines having serious effects on the health of the people.

With the penetration of technology the electronic banking has taken its roots all over the world. It certainly has made the money transactions easy but it has got the darker side attached to it. The electronic banking has also increased the opportunities for banking fraud and could result in the loss of millions in a span of few seconds. India has witnessed the Bhopal tragedy which resulted in the death of over 3000 people following the release of poisonous gas in the atmosphere. Likewise Chernobyl nuclear power plant resulted in widespread death of people which necessitated corporateresponsibility for safety.

Fraud is one of the major problems plaguing the India as well as the world. Kroll conducted the survey on the fraud in the companies worldwide, about 75% of the companies reported fraud in the year. In previous year the percentage was 88%. As far India is concerned the situation is not encouraging 84% companies reported that they have faced the frauds<sup>17</sup>. In the fraud index India is ranked third after Africa and china.

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<sup>13</sup> Santhanam committee 1962

<sup>14</sup> Para 4; AIR 1987 SC 1321

<sup>15</sup> Indian census 2011, Literacy Rate at 74.04%

<sup>16</sup> IMR Report (432 million Indians use computers), 2016.

<sup>17</sup> Annual Global Fraud Survey report of Kroll conducted by Economist Intelligence Unit, 2010-2011.

NO.	Types of Fraud	Global 2011(%)	India 2011(%)
1	Management conflict of interest	21	19
2	Internal financial fraud	19	23
3	Corruption and Bribery	19	31
4	Vendor procurement	20	22
5	Physical theft of assets	25	23
6	Information theft	23	27

(2010-2011 Annual Global Fraud Survey report of Kroll conducted by Economist Intelligence Unit).

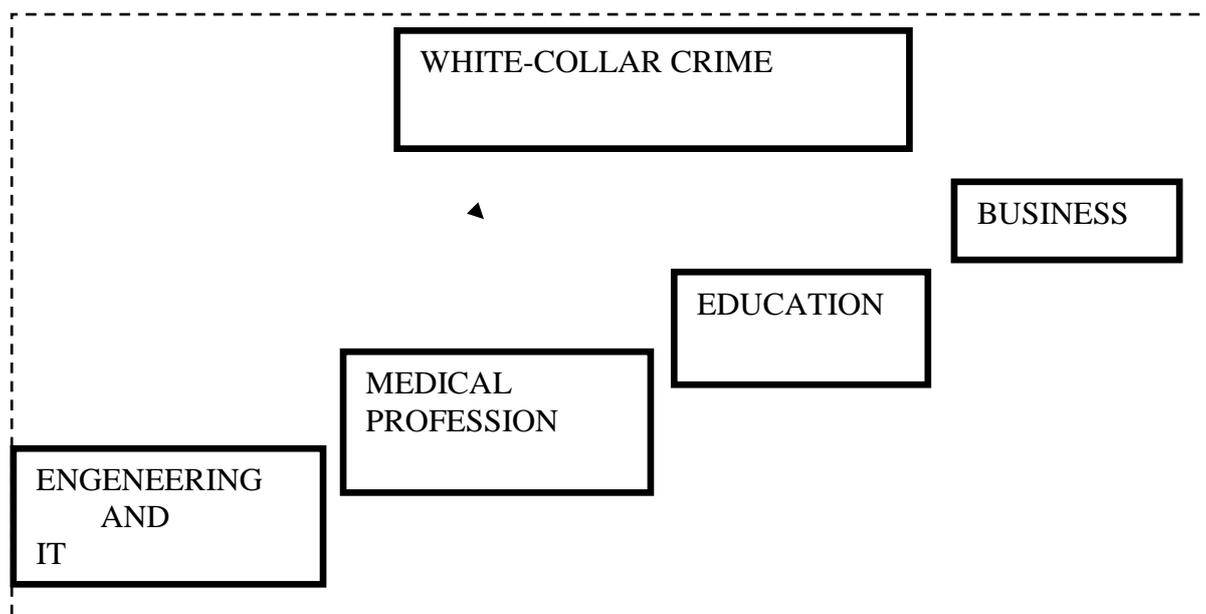
## 5. WHITE-COLLAR CRIME IN JAMMU AND KASHMIR

Newspapers are filled with shocking instances of crime like gang rape, murder, robbery etc in the state of Jammu and Kashmir. But there is a strange distortion in all this, as though the public has lost the sight of the real problem and sees only misshapen reflection. There is no question that common street crime is an important social concern in the state of Jammu and Kashmir. But its image has become so bloated in the mirror of public opinion that it blocks our view of white-collar crimes which are both more costly and more dangerous to society.

The state of Jammu and Kashmir is heading towards the more scandalous and terrible modern crimes. The spurious drugs scam unearthed recently is a very serious of white-collar crime which involves the lives of thousands. It is being witnessed that before few decades the white-collar crimes were in the form of corruption but the situation has changed. We witness those forms of white-collar crimes which could not have been thought of before few years ago. The change brought by Globalization and liberation have changed the nature of crimes too. One side J&K Government is trying to use advanced technologies in different departments to make work easier and comfortable for its employees another side some officials are involved in white-collar crimes which destructed the future of younger generations e.g. In an investigation regarding the scandal

Involving sale of entrance exam papers by Board of Professional Entrance Examinations (BOPEE) chairman Mushtaq Ahmed Pir, Enforcement Directorate has confiscated assets worth Rs 60 lakh belonging to Mushtaq Ahmad Pir, the former Chairman Board of Professional Entrance Examination (BOPEE) who is also the main accused in this case. Various immovable properties at Sidhra and Wazarat Road Jammu and one property in Delhi were confiscated.

In the state of Jammu and Kashmir the white collar crimes are rampant in the most of the professions and industries. Below enunciated here are four major forms of white collar crime found in the state of Jammu and Kashmir:



In the medical profession, most commonly white-collar crimes are selling spurious drugs<sup>18</sup>, illegal abortions: in the state of Jammu and Kashmir the imaging centers, USG centers and abortion clinics are found everywhere. With the inaction of the authorities these centers are increasingly growing having harmful effect on the society as a whole. It is estimated that over 300 units are operational having the backing of police and health officials. Over 300 of such units are believed to be making lot of money with the backing of police and health officials.<sup>19</sup> Fake medical certificates and unnecessary delay in the treatment are also included in the crimes committed in the medical profession.

The usual and legal professional violations are committed by lawyers are: advising criminals, producing false evidence in the courts of law etc.

In the engineering profession the commonly found white collar crime include understanding dealing with contractors and suppliers<sup>20</sup>, giving approval to sub-standard works and materials and maintaining fake record of work.

It is interesting to know that while crimes on the street are known to most people, extensive and mostly crimes in the suites are yet to be noticed fully. In fact, cases of white-collar crimes would cost several times more than other crimes together. Over 9000 corruption related cases are pending for the last 10 years with

<sup>18</sup><http://www.millenniumpost.in/amp/spurious-drugs-scam-re-emerges-in-jk-34411>

<sup>19</sup><http://www.thehindu.com/todays-paper/tp-national/census-indicates-alarms-level-of-foeticide-in-jammu-kashmir/article4805427.ece>

<sup>20</sup><http://jkvigilance.nic.in/Orders/Common%20Irregularities.htm>

vigilance department of the state. It is revealed that Department of Revenue and Rehabilitation having the highest number of cases pending over these years. The figures show that action has been taken only in 100 cases, while 2063 has not been disposed yet by the department. In Rural Development, 772 cases are pending; only 51 cases have been settled out of these cases. In the department of Housing and Urban Development out of 512 cases only 195 have been resolved. In Education Department 165 corruption related cases have been resolved while 51 cases are still pending. In Consumer Affairs department action has been taken in only 14 cases, while 255 cases are still pending<sup>21</sup>. Thus the corruption turns out to be the one of the main forms of white-collar crime in the state of Jammu and Kashmir. Economic offences reported in the state of Jammu and Kashmir in the year 2014, 2015 and 2016 are 630, 689 and 642 respectively.<sup>22</sup> Cases pending from the previous year in the category of economic offences were 3377, case in which trial was completed were 247. The total number of people convicted was 24 and acquitted or discharges were 24 in the year of 2016.<sup>23</sup>The total number of case registered under the anti-corruption act for the year 2014, 2015 and 2016 were 79, 89 and 55\* respectively. In 2016 no case of the corruption was disposed of the state of Jammu and Kashmir.<sup>24</sup>The cyber crimes registered in the year of 2014, 2015 and 2016 were 37, 34 and 28 respectively.<sup>25</sup>It is believed that the rate of white collar crime will increase with the increase in the opportunity to commit these. There was a time when limited number of people had an opportunity to commit many white collar crimes but due to the penetration of modern technologies in the lives of people now everyone has access to these. Due to the modern technologies the commission of white collar crime is much easier. Every social stratum has the access to these information technologies like smart phones, internet, laptops etc. These technologies are accessible at a very affordable price which everyone can afford thus no longer restricted to those who already possess high levels of wealth. Thus adoption of these technologies at a large scale India in general and in Jammu and Kashmir in particular is a very good sign in many aspects, but it has its consequences which are adverse for the society as a whole. With the increasing online population there are immense opportunities to either commit a white collar crime or become a victim of one.

Increasing use of the social media is one of the potential causes for the computer related crimes in the state. From the radicalization to the identity theft the social media in the state is proving to be the potential cause of concern. Security experts have declared that social networks are “lucrative hot beds” for cyber scams, as criminals have moved onto these online communities along with the general population. In India average

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<sup>21</sup> Kashmir Monitor report 2016

<sup>22</sup> NCRB Report 2017 ([ncrb.gov.in](http://ncrb.gov.in))

<sup>23</sup> NCRB report 2016 ([ncrb.gov.in/](http://ncrb.gov.in/))

<sup>24</sup> NCRB report 2016.

<sup>25</sup> NCRB report 2026.

internet user spends almost 70 per cent of the time on apps like Facebook and WhatsApp, and music and entertainment apps<sup>26</sup>.

The term “social media” refers to forms of online communication (generally, websites) wherein content is primarily user-created, the forum is geared towards sharing information with a large audience, membership in the user base is open to the general public, and in which the users are given some or all of the tasks of uploading, moderating, discussing, and modifying the content. Examples of social media include Facebook and Twitter. Social media is extremely popular in the state of Jammu and Kashmir.

By and large, the threats that exist on social media are the same threats that an internet user could encounter through any form of electronic communication. The pictures of armed men on the facebook and twitter go viral within minutes and have a potential to radicalize the young minds.

## **6. Results and Discussion**

The forgoing discussion makes it clear with boom of science and technology newer form of crime known as white collar crime has arisen. In the Western Europe the white collar crimes are seen in the form of Counterfeit Merchandise, Counterfeit Pharmaceuticals, Software, Movie, and Music Piracy, Business and Financial Crimes, Computer Crimes etc are commonly found. Over the years India is also witnessing the above white collar crimes. In India counterfeit pharmaceuticals and internet frauds are very much common now. But the major white collar crimes committed in India are generally related to business and financial crimes. Recent episode of Punjab National Bank fraud is the best instance of white collar crime related to business and financial fraud.

Same is the case with the state of Jammu and Kashmir, the white collar criminality is found in the shape of fraud, corruption, pirated pharmaceuticals. Thus this study positively proves the hypothesis of the study that there is increasing trend of white collar crime in the state but most of the prevalent of the crime is corruption and fraud by the respectable people in course of their occupational activities. The counterfeit Merchandise, software, movie and music piracy are not commonly found in the state of Jammu and Kashmir but it is believed over the few years these crimes can become common in the state in with the penetration of modern technology, increase in literacy rate<sup>27</sup> and educational attainment. Thus the above findings do not directly confirm the hypothesis that the penetration in technology has any major role in facilitating the white collar crime in the state of Jammu and Kashmir. During 2014, 2015 and 2016 were 37, 34 and 28 respectively<sup>28</sup> not a significant number rather there is the downward trend for the cyber crimes because of the fact that the corruption and offline frauds are more prevalent which is confirmed by the data. We can say in coming

<sup>26</sup><https://timesofindia.indiatimes.com/business/india-business/indians-spend-70-of-mobile-internet-time-on-social-entertainment/articleshow/62125840.cms>

<sup>27</sup> Census 2011 (Literacy rate of Jammu and Kashmir is 67.16% as compared to 55% in 2001).

<sup>28</sup> NCRB report 2026.

years there is every possibility that the cyber crimes would increase because valuable things which are stored in the form of data are more susceptible to attacks in the form of cyber crimes. A great deal of sensitive information is now stored in the computer networks which the user has little control which render it susceptible to the data theft of that sensitive information. That is the reason that the information is now less secure and, hence, more likely to be exploited. Till 2015 the number of internet users in the state of Jammu and Kashmir touched to 35 lakhs.<sup>29</sup> The increasing use of internet and smart-phones in the state has led to the increase in the computer related crimes. The study also finds out that not major law or an amendment in the laws have been done in order to prevent the white collar crime points towards the fact the society is not yet aware about the harmful effects of the white collar crime on the state itself.

## 7. SUGGESTION

Now one valid question which can be asked at this stage of the discussion is the state penal laws ready to face these challenges. The Ranbir Penal Code was enacted in. The word white collar crime is not mentioned anywhere in the Code. But the white collar crimes have many dimensions that after analyzing the provisions of Ranbir Penal Code it can be said that certain offences under Ranbir Penal Code can be categorized as white collar crimes such as corruption, bribery, counterfeiting of coins and government stamps, offences relating to weights and measures, adulteration of food and drugs, misappropriation of property, criminal breach of trust, cheating and dishonesty inducing delivery of property, forgery, etc.. This fact can't be denied that Ranbir Penal code is the comprehensive substantive law but at the same time it has to be appreciated that society has changed since this code was enacted. The social and economic structure has changed to the extent which renders the RPC inadequate to fulfill the needs of the present. It is dominated by the notion that almost all major crimes consist of offences against person, property or State. However the Penal Code does not deal in any satisfactory manner with acts which may be described as white collar crimes having regard to the special circumstances under which they are committed and which have now become dominant feature of certain powerful sections of modern society. The provisions of Ranbir Penal Code and the IPC which deals with the white collar crimes should be amended to enhance the punishment both pecuniary as well as punitive. The anti-graft bodies in the state need to be given more powers so that the offenders of white-collar criminality may not escape the punishment. The proper implementation of Information Technology Act needs to be properly implemented in order to check social media related offences. The Right to Information Act is an important instrument in detection and prevention of white-collar crimes, the proper implementation of this act would certainly help in the long way in curbing and

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<sup>29</sup><http://www.greaterkashmir.com/news/business/jk-has-35-lakh-internet-users-96-lakh-mobilephone-subscribers/203716.html>

locating financial and economic crimes. The section 4 and section 23<sup>30</sup> of the Right to information Act, 2009<sup>31</sup> are not fully operational in the state of Jammu and Kashmir; proper implementation of these sections would help in locating the white-collar crime especially in government departments. Moreover special courts must be constituted which shall exclusively deal with crimes of this nature. The acceptability of the white collar crime in the society is the matter of great concern; people must be sensitized about the consequences of the white collar crime on the society as a whole.

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<sup>30</sup>That the section 4 and section 23 of the J&K RTI Act categorically states that every public authority shall maintain all its records duly catalogued and indexed. The authority should have all the records and should publish this information within 120 days. The information must include powers and duties of officers, the procedure followed in the decision making process, rules, regulations, instructions, manuals and records, all should be disclosed to general masses.

<sup>31</sup>J&K RTI Act, 2009.

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