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WHITE COLLAR CRIME AND LEGISLATION PARTICULARLY WITH REFERENCE TO COMMISSION OF INQUIRY ACT 1952 AND CENTRAL VIGILANCE COMMISSION.

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ABSTRACT

The prevalence of white collar crime in India, there are spreading like a rapid, fire in every sphere of society, this paper provides a concept of white collar crime and focus on legal enactment which are enacted to curb this Newer form of crime in India particularly with reference to commissions of inquiry Act and central vigilance commission.

Introduction:

It would be misnomer to think that white collar crimes are of recent origin, which is an anti-social activities of upper strata in their occupation have come to be known as white collar crime. In this area a great contemporary concerned “Prof. Edwin H. Sutherland” has done the pioneering work.

“Prof. Edwin Sutherland” presented his concept of white collar crime in his address to the American sociological society in 1949.

He defined white collar crime as:

“Crime committed by a person of respectability and high social status in the course of his occupation”.¹

Latter he seem to have added a refinement to the definition by defining white collar crime as:

“A person of upper socio economic class who violates the criminal law in the course of his occupational or professional activities”.²

Prof. Edwin Sutherland was the first criminologist who sought to extend the frontiers of criminology by including in it the study of white collar crimes.

White collar crime and legislation in India

The problem of white collar crime is a worldwide problem and India is no exception for this unfortunate situation. In the society special type of i.e. a white collar crime nature offences had direct impact on economic position of the state. Hence to control this menace government enacted various laws which dealing with White Collar crimes these are-

- The Indian Electricity Act 1910
- Prevention of money laundering Act 2002
- Commissions of Inquiry Act 1952
- The Indian Company Act 1956
- The Co-operative Society Act
- Absconding Economic Offender Act 2018
- Industrial disputes Act
- Prevention of corruption Act 1988
- Prevention of corruption (Amendment) Bill 2013

¹ Ahmad Siddique, criminology, 5th edition, p.31

²1.bid

- Lokpal and Lokayukta Act 2013
- Income tax Act 1961
- Goods and Service Tax Act
- The wealth tax (Amendment) Act 1964
- Maharashtra law officer Act
- Society registration Act
- Co-operative society register Act
- The Anti-Corruption laws (Amendment)Act,1964
- The Anti-Corruption laws (Amendment) Act 1967
- Mumbai Grampanchayat Adhiniam
- Z.P Panchayat Samittee Act
- Essential commodities Act 1955
- Information Technology Act 2000
- The Representation of the people Act 1951
- Public Gambling Act 1867
- The foreign exchange regulation Act1973
- The Customs Act, 1962
- Law relating to Consumer and Health
- The Consumer Protection Act 1986
- The monopolies and trade-restrictive practices (regulation) Act 1969
- The prevention of Food Adulteration Act 1954
- Essential commodities Act, 1955
- Essential commodities (amendment) Act 1993
- Standard of weight and measures Act 1956
- The Narcotic drugs and PsychotropicSubstances Act 1985

- The Narcotic drugs and Psychotropic rule Act 1985
- The prevention of black marketing and maintenance of supplies of essentials commodities Act 1980
- The protection of Civil Right Act 1955
- Trade and merchandise mark Act 1958
- Drugs and Cosmetics Act
- Agriculture produce (grading and marketing) Act
- Negotiable instrument Act 1881
- The Factories Act 1948(Act regarding)safely health and social justice of worker
- Industrial (Development and Regulation) Act 1957
- Import and Export Act 1947
- Central excise andsalt Act 1944
- The Conservation of foreign Exchange and prevention of smuggling activities and smugglers and foreign manipulators(fortuitous of property) Act 1976
- Foreign contribution (Regulation) Act 2010
- Foreign Exchange management Act 1999
- The Right to Information Act 2005
- The supply and prices of goods Act, 1950
- The Benamitransaction (prohibition) Act 1988
- The Ancient monument preservation Act 1904
- The central vigilance commission Act 2003
- The copy right Act, 1957
- United Nation Convention Against Corruption
- National Investigation Agency Act, 2008
- Indian Penal Code 1860

- Indian Telegraph Act 1885
- Black Money (undisclosed foreign income and Assets) And imposition of Tax Act 2015

To curb the problem of white collar crimes above mentioned legal enactment has been passed by the legislator, out of above legal enactment I focus particularly on commission of inquiry Act 1952 and central vigilance commission.

A Commission of Inquiry: -

A commission of inquiry is a hybrid of the judicial and the administrative limb of the state. It is judicial in the sense that its findings can seriously affect the reputation of a person though it is not a court of law as it cannot give a binding verdict. Similarly, it is an administrative organ without the trappings and red tapism that make them infamous, in essence, it provides for a fact finding inquiry which reports its findings to the government appointing it so that the government can be guided by the entire exercise undertaken by a commission of inquiry.

A Commission of inquiry is a unique tool in the hands of the government for collection of information without the use of police and other coercive investigation methodologies and agencies. It has high acceptability amongst the public not only because of the status of person.³

Commission of Inquiry Act 1952:-

Corruption is not the monopoly of services there have been allegations of corruption against high placed persons in our political life including cabinet ministers. Corruption at ministerial level is more subtle and difficult to prove for which judicial inquires have been held into allegation against ministers by government and for that purpose government enacted the commissions of inquiry Act 1952.

The object of the inquiry commission is to take appropriate legislative, Administrative measures to maintain the purity and integrity of political administration in the state, it only and purely a fact finding machinery

“The commission of inquiry Act 1952 is an act to provide for the appointment commissions of inquiry and for vesting

³B.M. Prasad & Manish “Mohan Commission of inquiry Act 1952, Critical Analysis edition 2011, P. No. 10.

such commission with certain powers and the commission so appointed shall make the enquiry and perform the function accordingly”⁴

The relevant provision of commission of inquiry Act 1952 summarized as-

Section 3 provides appointment of commission.

“Save as otherwise provided in the Lokpal and Lokayuktas Act 2013. The appropriate government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by each house of parliament or, as the case may be the legislative of the state by notification in the official gazetted appoint a commission of inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the commission so appointed shall make the inquiry and perform the function accordingly.”⁵

A commission of inquiry is appointed for the purpose of finding out the fact in respect of a definite matter of public importance and it is open to the government central or state to declare by notification that the well cease to exist from such date as it may specify in the notification.

Section 4 of the Act provides power of commission-

The commission shall have the powers of a civil court, while trying a suit under the code of civil procedure, 1908 in respect of the following matter namely.

- Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
- Requiring the discovery and production of any document.
- Receiving evidence on affidavits.
- Requisitioning any public record or copy thereof from any court or office.
- Issuing commissions for the examination of witnesses or documents.

⁴ www.sharyouressays.com

⁵Justice M.R. Malick, criminal minor Acts, Edition 2016, P. 269

Any other matter which may be prescribed according to section 5 there are some additional power on commission. The commissioner is treated as public servant the appropriate government may be notification in the official Gazette direct that all or such of the said provisions as may be special in the notification shall apply to that commission an on the issue of such a notification, the said provisions shall apply accordingly.⁶

Section 175, 178, 180, and sec. 228 of the IPC⁷ shall apply to the commission of inquiry, it has no direct power of contempt of court but it can records the fact constituting the offence and the statement of the accused and then forward the case to magistrate having jurisdiction to try the same, any proceeding before the commission shall be deemed to be a judicial proceedings within the meaning of section 193 and 228 to IPC.⁸

Section 5A empowers the commission to utilize the services of certain officers and investigation agencies for conducting investigation pertaining to inquiry⁹.

Section 6 provides that no statement made by person in the course of giving evidence before the commission shall subject him to, or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence by such statement provided that the statement-

- a) Is made in reply to a question which he is required by the commission to answer or,
- b) Is relevant to the subject matter of the inquiry.¹⁰

Principle of natural justice are strictly applicable in commission of inquiry Act, Audi Alteram partem, right to cross examine witnesses, right to appoint the advocate to defend, etc. are the rights given to the party.

According to section 10 every member of the commission and every officer appointed or authorized by the commission shall be deemed to be a public servant within the meaning of section 21 of Indian penal code.¹¹

A Committee on Prevention of Corruption was appointed by the Government of India in 1960 under the chairmanship of K. Santhanam. This Committee gave its report in 1962. The

⁶ Justice M.R. Malick, criminal minor Acts, Edition 2016, P. 270

⁷ Justice M.R. Malick, criminal manual Indian penal code, Edition 2016, P. 68-70

⁸ Ibid, P. 74, 96

⁹ Justice M.R. Malick, criminal minor Acts, Edition 2016, P. 272

¹⁰ I.bid, P. 273

¹¹ I.bid, P. 274

recommendations pertained to various aspects of corruption. It was on the basis of the recommendations of this Committee that the Central Vigilance Commission was set up in 1964 for looking into the cases of corruption against the central government and other employees.

Santhanam Committee

It was created by Central Government in 1960. The chairman of the committee was K. Santhanam. This committee gave its report in 1962. The committee observes that “Corruption cannot be eliminated or reduced unless preventive measures are been taken and implemented in a proper manner. Preventive measures must include administrative, legal, social, economic and educative measures.” On therecommendations of this committee, central government set up Central Vigilance Commission in 1964 for looking into the cases of corruption against central government.

Recommendations by the committee

Thorough study has to be done of each department, undertaking or ministry. The study should also mention preventive measures to be takenCitizens should be educated and made aware of their rights and responsibilities. They should know how the government operates.Various facilities such as housing, medical etc. should be given to the employees. There must be an increment in their salaries.Recreational activities should be conducted for the employees of each department. Companies and businessmen are required to keep detailed accounts of expenditure.Administrative officers should be selected with due care. Only those who satisfy the requirements to the fullest must be appointed for the key posts.The government servants cannot accept any private commercial employment for two years after retirement.Administrative delays should be reduced to avoid corruption practices.The licenses and permit system along with taxation laws must be reviewed.The higher authorities should make sure that laws are properly enforced.Media should play a positive role in encouraging honesty and discouraging corruption.

In state of J.K. V/s. Bakshi Gulam Mohammad¹²

Brief Facts: Bakshi Gulam Mohammad was the Ex-Chief Minister of J and K on the allegation against him, the commission of Inquiry into his corruption during his servile. He challenged the validity of the appointment. That whatever he did, he did as the Chief Minister and his acts were the result of the cabinet decision.

Judgment: The S.C. held that as it pertained to public matters, the commission can be appointed.

M.Karunanidhi V/s. Union of India¹³ :

Brief Facts: M. Karunanidhi was the president of D.M.K. party and also was the Chief Minister of Tamil Nadu. AIDMK and congress I were the opposite parties, who agitated against him on political issues, the president of India dismissed Karunanidhi Government and imposed President's Rule in the State. The Central Government also appointed a Commission of Inquiry to conduct on the affairs of Karunanidhi's Government and against him, during his tenure. He challenged the constitutional validity of appointment that the Central Government cannot appoint commission for state affair. The Central Government contended that it could appoint commission, as the state was under the administrative of the president i.e. Centre.

Judgment: The appointment of commission was upheld by the Supreme Court. This cases shows the importance of commission, in the view of Supreme Court several commissions have been appointed under this Act.

¹² AIR 1967, SC 122

¹³ AIR 1976, SC 898

The Central Vigilance Commission Act 2003

“Central vigilance commission (CVC) is an apex Indian governmental body created in 1964 to address governmental corruption, recently a law conferring statutory status on the CVC.”

The relevant provision under the central vigilance commission Act 2003.

Section 3 of the Act provides the constitution of central vigilance commission. There shall be constituted a body to be known as the central vigilance commission to exercise the power conferred upon, and to perform the functions assigned to it under this act.

The Commission shall consist of-

- A central vigilance commissioners- A chairperson.
- Not more than two vigilance commissions members.

The central vigilance commissioner and the vigilance commissions shall be appointed from amongst person.

- Who have been are in an all India service or in any civil service of the union or in a civil post under the union having knowledge and experience in the matters relating to vigilance, policy making and administration including police administration.
- Who have held office or are holding office in a corporation established by or under any central Act or Government Company owned or controlled by the Central Government.¹⁴

Section 4 provides appointment of central vigilance commissioner and vigilance commissioners, that the central commissioners shall be appointed by the president by warrant under his hand and seal.

Provided that every appointment under this sub section shall be made after-

Obtaining the recommendation of a committee consisting of-

¹⁴ Justice M.R. Malick, criminal minor Acts, Edition 2016, P. 214

- The Prime Minister- Chairperson
- The Minister of Home Affairs- Member
- The leader of the opposition-In the house of the people- member

Section 5 of the Act provides about the terms and other conditions of service of central vigilance commissioner.¹⁵

Section 6 of the Act provides the function and power of central vigilance commission.¹⁶

The central government has set up the following four departments as anti-corruption measures¹⁷:

- Administrative Vigilance Division (AVD) in the Department of Personnel and Training,
- Central Bureau of Investigation (CBI)
- Domestic Vigilance Units in the Ministries/ Departments/Public Undertakings/Nationalized Banks, and
- Central Vigilance Commission (CVC).

Central Vigilance Commission:

The Central Vigilance Commission (CVC) was set up in 1964 in pursuance of the recommendations of the Santhanam Committee on the prevention of corruption. The CVC is a non-statutory body whose jurisdiction and functions can be amended not by the parliament but by a government order. It deals with cases of corruption against the gazetted officers of central government, union territories, officers of PSUs, and nationalized banks.¹⁸

¹⁵ Justice M.R. Malick, criminal minor Acts, Edition 2016, P. 215

¹⁶ Justice M.R. Malick, criminal minor Acts, Edition 2016, P. 218

¹⁷ See Article published by Anubhav Pandey

www.Ibog.Ipleaders

¹⁸ See Article published by Anubhav Pandey

www.Ibog.Ipleaders

It is independent of government and works as an autonomous body like the Union Public Service Commission. Its role is merely advisory. It is a one-man commission headed by the Central Vigilance Commissioner, assisted by a Secretary, five Branch Officers and eleven Commissioners for Departmental Inquiries (CDIs) known as central vigilance commissioner appointed by the president for a term of 6 years or till he attains the age of 65 years which is earlier this term has been reduced to three years with a provision for extension of two years. He can be removed from the office by president on the ground of misbehaviour. The main function of the vigilance commissioner to coordinator the work of vigilance officer sub ordinate to him and to operate vigilance machinery.

The main functions of the CVC

- 1) To undertake an inquiry into any complaint of corruption against a public servant;
- 2) To advise the disciplinary authority about the type of proceedings to be initiated against accused person involved in corruption;
- 3) To direct the CBI to register a regular case; and
- 4) To exercise general check and supervision over the vigilance and anti-corruption work in ministries/departments/banks/ public undertakings.¹⁹

Various Commissions on Corruption of Politicians and Public Companies

In the last forty years (i.e., between 1955 and 1997) more than two dozen commissions have been appointed by the Government of India to inquire into the charges of corruption against politicians and public companies. Of these, nine commissions were appointed during the period 1963 to 1983 against the Chief Ministers of different states these were:

- Das Commission against Sardar Pratap Singh Kairon, Chief Minister of Punjab (1963).
- Ayyangar Commission against Bakshi Gulam Mohmad, Chief Minister of Jammu and Kashmir (1965).
- Khanna Commission against Biju Patnaik, Chief Minister of Orissa (1967).
- Kapur Commission against Dayanand Bandodkar, Chief Minister of Goa (1968).
- Mudhokar Commission against V.K. Mahtab, Chief Minister of Assam (1968).

¹⁹ See article on legislation for prevention of corruption in India ([www.yourarticlelibrary/prevention of corruption act](http://www.yourarticlelibrary/prevention-of-corruption-act))

- Sarkaria Commission against M. Karunanidhi, Chief Minister of Tamil Nadu (1976).
- Grover Commission against Dev Raj Urs, Chief Minister of Karnataka (1977)
- Vimada Lai Commission against Vengala Rao,
Chief Minister of Andhra Pradesh (1977). and
- Gurdev Singh Commission against Zail Singh, Chief Minister of Punjab (1979).

Five commissions appointed against the ministers were:

- Chagla Commission (1956) against Union Finance Minister T.T. Krishnamachari (and also Finance Secretary and Chairman of Life Insurance Corporation).
- Aiyer Commission (1967) against five ministers of Bihar,
- Madholkar Commission (1968) against thirteen ministers of Bihar.
- A Commission (1969) against R.K. Kunju,
Minister in Kerala and Reddy Commission (1977) against contracts entered by Union Defence Minister Bansilal.²⁰

Five other commissions on charges of corruption were:

- Vaidyalingam Commission (1979) on charges of corruption and wielding extra-constitutional authority to interfere in government affairs against Kanti Desai son of Morarji Desai and Gayatri Devi, wife of Charan Singh, Prime Minister of India.
- Kailasam Sadasivan and Ray Commissions (1981) against spirit scandals in Kerala and Tamil Nadu,
- Shankeranand Committee (1990) on corruption charges in Bofors deal, and
- Jankiraman Committee (1992) on Security Scam.

Corruption charges were recently levelled against two Chief Ministers of Tamil Nadu and West Bengal (1995). The Governor of Tamil Nadu even permitted the Janata Party President in April 1995 to prosecute the Tamil Nadu Chief Minister for two out of 38 charges against her under the Prevention of Corruption Act. Of these two charges, one involved Rs. 365 crore coal-import deal in August 1993 and the other related to the purchase of a large

²⁰ See article on legislation for prevention of corruption in India ([www.yourarticlelibrary/prevention of corruption act](http://www.yourarticlelibrary/prevention-of-corruption-act))

plot of land from the state government for Rs. 1.82 crore when its estimated market value was Rs. 4.27 crore.²¹

This Chief Minister had also been accused of spending Rs. 50 to Rs. 100 crore on the wedding of her foster son in September, 1995. Yet another Chief Minister who was charged in April 1995 for corrupt practices is a person who has been the Chief Minister of West Bengal for more than 18 years. The charges were levelled by the former Tripura Chief Minister and a veteran Marxist leader.

The Vohra Committee was set up in July 1993 to study corruption in India by taking stock of the links between government functionaries and political personalities and crime syndicates and mafia organizations. The Committee submitted its report in October 1993. The government had shelved the report for 18 months but under the pressures of the opposition parties in the parliament, the report was put in the two houses of parliament in August 1995.²²

The report has made a scathing commentary on the nexus between politicians and criminals.

It has stated that-

“network of the mafia is virtually running a parallel government pushing the state apparatus into irrelevance”²³.

The Committee has even stated that some parliamentarians and State Assembly members have come into political power through the leadership of gangs and armed senas.

The Committee has recommended the setting up of an agency to collate information from all agencies and take immediate, effective and deterrent action against the crime syndicates, smuggling gangs and economic lobbies in the country which have over the years developed an extensive network of contacts with the government functionaries and bureaucrats at the local levels and politicians and media persons at the state and the central levels.

²¹ See article on legislation for prevention of corruption in India (www.yourarticlelibiriy/prevention of corruption act)

²² Ibid

²³ See article on legislation for prevention of corruption in India (www.yourarticlelibiriy/prevention of corruption act)

Eleven states in India (including Bihar, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh) have set up Lokayuktas for investigating charges of corruption against ministers, MLAs and other public functionaries.

There is no such institution as yet at the national level which may act as a watchdog body on ministers' probity, though in 1992 and again in 1994, the then Prime Minister had promised that an institution like Ombudsman in Sweden and a few other European countries will be established by law at the central level including the Prime Minister.

Prosecution under the Prevention of Corruption Act is possible only if the complainant gets government permission which is seldom given for obvious reasons. No citizen can invoke the Special Courts Act as long as the government does not agree that a prima facie case calling for action exists. Both these handicaps will be absent in the Lok Pal which can be moved by anyone to start a case by filling an affidavit.²⁴

Directorate of Enforcement(ED)

The Directorate of Enforcement law enforcement agency and economic intelligence agency responsible for enforcing economic laws and fighting economic crime in India It is part of the Department of Revenue, Ministry of Finance, Government of India. It is composed of officers from the Indian Revenue Service, Indian Police Service and the Indian Administrative Service. The origin of this Directorate goes back to 1 May 1956, when an 'Enforcement Unit' was formed, in Department of Economic Affairs, for handling Exchange Control Laws violations under Foreign Exchange Regulation Act, 1947. In the year 1957, this Unit was renamed as 'Enforcement Directorate'²⁵.

Objective of ED

The prime objective of the Enforcement Directorate is the enforcement of two key Acts of the Government of India namely, the Foreign Exchange Management Act 1999(FEMA) and the Prevention of Money Laundering Act 2002(PMLA)

The ED's (Enforcement Directorate) official website enlists its other objectives which are primarily linked to checking money laundering in India. In fact, this is an investigation agency so providing the complete details on public domain is against the rules of GOI

²⁴ I.bid

²⁵ Enforcement directorate-wikipedia
(https://en.wikipedia.org/wiki/enforcement_directorate)

Special court:

For the trial of an offence punishable under section 4 of PMLA, the Central Government (in consultation with the Chief Justice of the High Court), designates one or more Sessions Court as Special Court(s). The court is also called "PMLA Court". Any appeal against any order passed by PMLA court can directly be filed in the High Court for that jurisdiction.²⁶

Central Bureau of Investigation

The Central Bureau of Investigation (CBI) is the premier investigating Agency Operating under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions, the CBI is headed by the Director. The agency has been known to investigate several economic crimes, special crimes, cases of corruption and other high-profile cases.²⁷

The CBI headquarters are located at Lodhi Road in New Delhi.

CBI takes shape:

The CBI established a reputation as India's foremost investigative agency with the resources for complicated cases, and it was requested to assist the investigation of crimes such as murder, kidnapping and terrorism. The Supreme Court and a number of high courts in the country also began assigning such investigations to the CBI on the basis of petitions filed by aggrieved parties. In 1987, the CBI was divided into two divisions: The Anti-Corruption Division and the Special Crimes Division.

Selection committee:

The amended Delhi Special Police Establishment Act empowers a committee to appoint the director of CBI. The committee consists the following people:

- Prime Minister – chairperson
- Leader of Opposition – member
- Chief Justice of India or a Supreme Court Judge recommended by the Chief Justice – member

²⁶ Enforcement directorate-wikipedia
(<https://en.wikipedia.org/wiki/enforcementdirectorate>)

²⁷ Central bureau of investigation- wikipedia

- When making recommendations, the committee considers the views of the outgoing director.

Above Selection committee was constituted under The Lokpal and Lokayukta Act, 2013, Before this central vigilance commissioner, under CVC act, had this power.

NDA government, on 25 November 2014, moved an amendment bill to do away with the requirement of quorum in high-profile committee while recommending the names, for the post of director CBI, to the central government by introducing the clause "no appointment of a (CBI) director shall be invalid merely by reason of any vacancy or absence of members in the

panel". and to replace the LOP with Leader of single largest opposition party or pre-election coalition as at present there is no Leader of opposition in the Loksabha.²⁸

Jurisdiction, Powers and Restrictions:

The legal powers of investigation of the CBI are derived from the DSPE Act 1946, which confers powers, duties, privileges and liabilities on the Delhi Special Police Establishment (CBI) and officers of the Union Territories. The central government may extend to any area (except Union Territories) the powers and jurisdiction of the CBI for investigation, subject to the consent of the government of the concerned state. Members of the CBI at or above the rank of sub-inspector may be considered officers in charge of police stations. Under the act, the CBI can investigate only with notification by the central government.²⁹

Relationship with state police

Maintaining law and order is a state responsibility as "police" is a State subject, and the jurisdiction to investigate crime lies with the state police exclusively. The CBI being a Union subject may investigate:

- Offences against central-government employees, or concerning affairs of the central government and employees of central public-sector undertakings and public-sector banks
- Cases involving the financial interests of the central government

²⁸ Central bureau of investigation- wikipedia

²⁹ Cenral bureau of investigation- Wikipedia
(<https://en.m.wikipedia.org>)

- Breaches of central laws enforceable by the Government of India
- Major fraud or embezzlement; multi-state organised crime
- Multi-agency or international cases

High Courts and the Supreme Court

The High Courts and the Supreme Court have the jurisdiction to order a CBI investigation into an offence alleged to have been committed in a state without the state's consent, according to a five-judge constitutional bench of the Supreme Court (in Civil Appeals 6249 and 6250 of 2001) on 17 Feb 2010. The bench ruled:

Being the protectors of civil liberties of the citizens, this Court and the High Courts have not only the power and jurisdiction but also an obligation to protect the fundamental rights, guaranteed by Part III in general and under Article 21 of the Constitution in particular, zealously and vigilantly.³⁰

Conclusion

Though it is true that the primary function of commission is to collect the information with a view to decide upon a further course of action but the report made by the commission is merely of a recommendatory nature and it is not binding on the government in any way.

According to section 4 commissions has power of civil court, but it does not confer on it the status of a civil court.

Commission is not a quasi-judicial body and it does not discharge judicial function and some of the constitutional jurisprudents opine that appointment of a commission of no value and no use to the public because it is only a fact finding machinery, it has no judicial veil it has no judicial power.

It is become a drama between the political parties, viz, Congress-I Government appoints a commission against the Telugu Desam Government and Telugu Desam Government appoints

a commission against Congress-I. The report made by the commission is merely of recommendery nature and meanwhile, the elections come and party comes into the power against which the commission was appointed. The people also forget the past. This happened

³⁰Central bureau of investigation-wikipedia
(<https://en.m.wikipedia.org>)

several times in India. They also opine they, there is a danger of inquiries being instituted in relation to matters Commission criticized everywhere that Inquiry commission is a drama to show to citizens that certain action taken towards any matter's happened.

According to Supreme Court of India. the CBI has been criticized for being a "caged parrot speaking in its master's voice", due to its excessive political interference irrespective of which party happened to be in power at the time.

Thus, to curb the problem of white collar crimes above mentioned legal enactment has been passed by the legislator, violations of which may lead to tremendous filip to white collar criminals or occupational related crime in India but after research it is shown that the above mentioned various legal enactment to curb the problem of white collar crime in the present scenario is not enough due to which in the present era the white collar criminal has not any fear from this enactment and he enjoy in the society without fear.

Thus it is also necessary to mention that in our country under the various legislation the rate of punishment to white collar criminal is less than other country many provisions under Indian legislation for corruption which is relating to the life of people for such type of offences minimum six month and maximum seven year which is negligible. Punishment to the White Collar Criminal Therefore the white collar criminals have not fear to commit white collar crime so in India needs to amend the existing laws relating to white collar crime in strict sense.