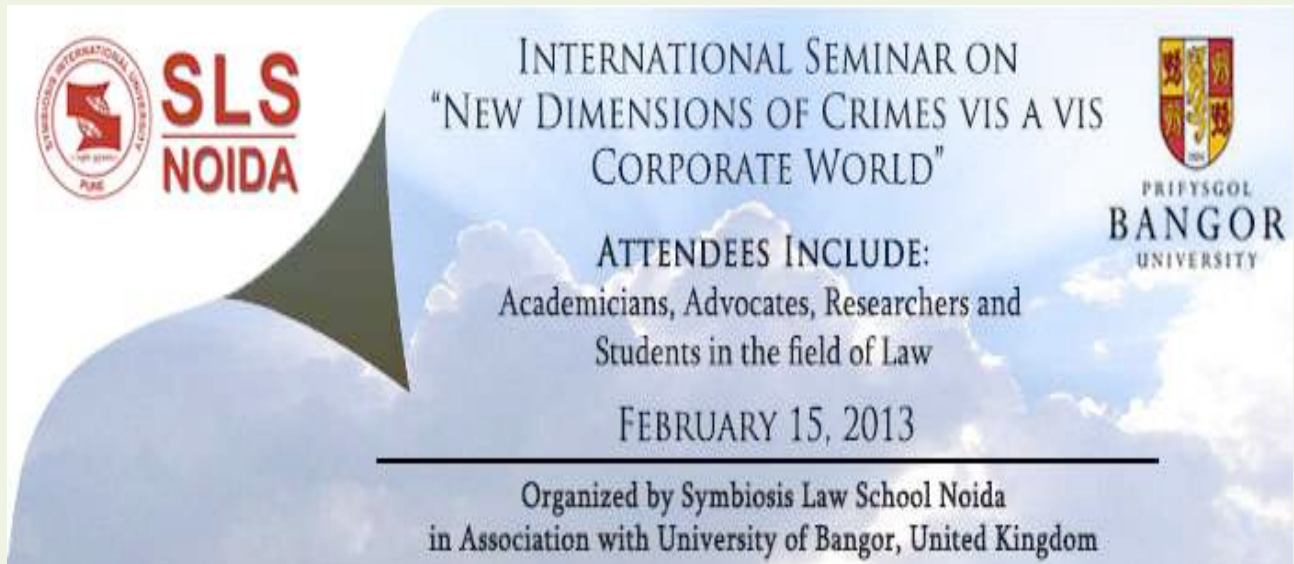


**SLS, NOIDA: International Seminar on New Dimensions
of Crimes vis a vis Corporate World- February 15, 2013**



INTERNATIONAL SEMINAR REPORT

"New Dimensions of Crimes vis a vis Corporate World"

ORGANISED BY

Symbiosis Law School Noida

IN ASSOCIATION WITH

Bangor Law School, UK

THE PROGRAM



Symbiosis Law School (SLS) NOIDA, a premier law school in India, is a constituent of Symbiosis International University, Pune (SIU). SIU was set up in the year 2002 and has grown to be recognized as a premier Institute for higher Education both within and outside India. SIU is committed to excellence in research and teaching and is leaving no stone unturned to grab every opportunity in this field.

REGISTRATION



Guided by a mission to create innovative knowledge, expand limits of human understanding, and contribute towards creating a range of societal benefits, SLS-NOIDA in association with **the Bangor Law School, Bangor University,**

Wales-United Kingdom had jointly organized Second International Seminar on '**New Dimensions of Crimes vis a vis Corporate World**' on February 15, 2013 at Symbiosis Law School, NOIDA. The seminar presented an opportunity to facilitate & share experiences of leading Academicians, Advocates and Researchers on the current issues in the field of Corporate Criminality and related concepts.

The various issues to be discussed included: Corporate Crimes and Lacunae in the Legal System, Corporate Crimes and Lacunae in the Legal System and Punishing Corporate Criminality: Issues and Concerns, with Special Reference to Recent Decisions of the Supreme Court of India.

WELCOME AND FELICITATION



The program began with honoring the distinguished guests with presentation of mementoes and fresh flowers, followed by a welcome address by Dr C. J Rawandale, Director, Symbiosis Law School, NOIDA. The anchors for the event Miss. Swati Sharma, and Mr. Nausher Singh Kohli 3rd year learner, SLS, NOIDA invited, the Director, and he in his humble suavity, credited the students at SLS, NOIDA for making him the "face" of the Law School.

SESSION 1

The first speaker for the Plenary Sessions was Mr. Aled Griffiths who is a Senior Lecturer and Deputy Head of Bangor law School, Wales-UK. For his keynote address, Mr. Griffiths spoke on **Corporate Crimes: UK**



Experience. In his address, Mr. Griffiths started from the grass root level, where he addressed the concept of corporation as "perhaps the most elaborate legal fiction known to legal systems around the world." The key issues that formed the basis of his address included mainly the basis on which companies can be liable for civil wrongs or corporate crimes; crimes for which companies can be prosecuted; justifications for convicting companies; company's guilt and alter ego; impact of the recent UK Corporate Manslaughter Act, 2007, etc.



Mr. Griffiths elucidated on the 3 main ways of dealing with corporate crimes in the UK viz. Strict Liability, Vicarious Liability and Tortious Liability on grounds of Alter-ego and other serious crimes. Insight was given on the umbrella protection given to UK companies by their domestic legislations such as Health and Safety at Work Act, 1974. The address was

livened by interesting semblances and analogies drawn from Freudian works and World War events to articulate upon a company's alter ego.

Further, the legal framework of the UK Corporate Manslaughter & Corporate Homicide Act, 2005 was discussed where light was thrown upon the evolution of corporate liability. Also, there was an exchange of ideas on how the top management cannot always be held liable and how the context where the action has taken place should be taken into consideration. The address concluded with a brief comparative approach taken towards corporate crimes in India.

SESSION 2

Adv. Sangram Patnaik, our second key speaker talked about "**Corporate Crimes and Lacunae in the Legal System**". The opening line of his submission being 'Its better to fail with honor than succeeding in Crime'. He mainly focused on the Indian scams which took place in the Corporate world. Sahara Case being the first on the list. While discussing it he stated that



malafide intention is the cause of such scams which could only be deciphered through the actions of the company and not what they have been saying. Further, referring to Enron debacle of U.S.A and then Satyam Scam in India, he said that fussing with financial accounts of the companies was the biggest reason of such scams but the important question to needs be asked as to why people get into such practices in spite of the fact that they are well educated and are at the top positions in a Company having no financial deficiency. To answer this he stated that maybe lack of character and following the rat race to become rich could be one of the biggest reasons for such behavior and as a solution to these



scams and corporate crimes, he further suggested that anyone who invests in such Company needs to be aware about the laws and remedy available to them especially in the case of joint ventures where the other Company is an outsider.

Further, by giving the example of Bhopal Gas Tragedy he said that when this accident happened there was no such provision in any legislation which talked about environment protection which went into the favor of the Company and this itself shows the lacunae in the legal system. As a solution in cases like that of Bhopal gas Tragedy, he recommended that

parent Company should be responsible for the accessory companies and lifting of corporate veil should be there as and when the need arise. He further added that on the part of legislation one single codified law be made which should address these problems. According to him he said that only if one provision be added in Companies Act so that there will be no need to refer to IPC or Environment Act and the charge be given to a specific agency like that of Serious Fraud Investigation Office, in order to make the Institution clear about its own ambit, there could be positive changes in seeking remedy and clearing the legal scenario on the other hand. And at the end while concluding his speech he laid emphasis on the education system and said that in order to achieve a long term goal ingrained value system from school level itself is one such vital step to cure these atrocities.

SESSION 3

The Third and final speaker for the day was Dr Girjesh Shukla. The topic of his address was **“Punishing Corporate Criminality: Issues and Concerns, with Special Reference to Recent Decisions of the Supreme Court of India.”** Dr Shukla Began his speech by asking a question, “if we can prevent murder, genocide etc, why can’t we prevent corporate criminality?” His speech mainly has three underlying issues. First He compared the law with respect to corporate criminality in the U.S. to that of the U.K. in the US the principle of Respondeat Superior is followed which is very flexible whereas in the U.K. the Alter Ego principle is followed which is relatively inflexible, both these systems have ample backing for the principles being followed. The Second part of his speech went on to the topic the confusion arrived in India because of the two different systems being followed in the U.S as well as U.K. In the Third



part of his speech he discussed the decisions of the Supreme Court of India with respect to section 141 of the Code of Criminal Procedure with reference to the case of Aneeta Hada v M/S Godfather travels and tours which is a recent judgment (Decided on 27 April, 2012) The main point which was raised in the speech was that can a person who is being held for his act of the company, be held without the company itself being a party to the prosecution, and the point that the Sections like Section 464 and 465 of the CRPC, which talks about rectification of errors are not used enough in the matters where they otherwise ought to be used.

VOTE OF THANKS

Dr. Chandrasekhar Rawandale extended a Vote of thanks on behalf of the Symbiosis family to our speakers, guests and delegates. He noted that the Intellectual discourse was extremely enlightening. The International Seminar was widely appreciated by the speakers and audience alike.

Dispersal of the session was preceded by the SLS IT Team's prompt display of the seminar overview in the form of an interesting short movie.

