

Corporate Criminal Liability in India:

An Overview

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ANSTRACT

Corporate Criminal Liability means the extent to which a Corporation as a legal person can be held criminally liable for its acts and omissions and for those of the natural persons employed by it. This paper attempts to explore the basis and extent of corporate criminal liability in India and tries to answer the questions regarding mens rea and when the corporation will be held liable and the basis upon which such liability attaches to a corporation. In India, Criminal Liability is attached only those acts in which there is violation of Criminal Law i.e. to say there cannot be liability without a criminal law which prohibits certain acts or omissions. In view of imposing role of corporations in economic, political and social spheres, the jurisdictions around the world are thinking in harmonious fashion in imposing criminal liability on corporations. As various jurisdictions have given this a statutory status. In India too the Government will consider the same in the light of Reports of Law Commission and the Supreme Court decision in Standard Chartered case and other related cases. The aim of this paper is to look at if there are any grounds for India to consider adopting a corporate criminal liability regime in order to more effectively deal with corporate crime. What different corporate criminal liability regimes are there and what can they contribute with? How does corporate criminal liability work with the fundamental principles of criminal law?

Key Words: Corporation, Corporate Criminal Liability, Theories of Criminal Liability, Corporate mensrea, Corporate Punishment

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