



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A., LL.B (HONS.)FYIC

DETAILS OF COURSE OFFERED

ODD SEMESTER (VII) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	705 CR SP I	CRIMINAL LAW SPECIALIZATION: WHITE COLLAR CRIME	4 PER WEEK	1 PER WEEK	4	

**A. CODE AND TITLE OF THE COURSE: 705 CR SP I,
WHITE COLLAR CRIMES**

B. COURSE CREDIT: . 4 (TOTAL MARKS : 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: MS. NIKITA BAROOAH

E. COURSE INSTRUCTOR: MS. NIKITA BAROOAH

1. COURSE OBJECTIVES

The main purpose of law is establishing standards, maintaining order, resolving disputes and protecting the rights and liberties of the people. Criminal law is that branch of law that relates to crime and its importance lies in the fact that mankind relies on it as the greatest protection against injuries inflicted on it by individuals and institutions. There are several types of crimes and the focus of this paper is on White collar crime White-collar crime is a very serious problem in our society and according to statistics there is more loss through this type of crime than traditional property crimes in the world. These types of offenses can affect anyone and some of these crimes are so traumatic that they actually may affect all members of a society. White-collar crime research helps criminologists, students, researchers, members of the public and policy makers to gain more insight into all trends in criminal activity and white criminal offender styles. Studying white-collar crime is important so that effective prevention and intervention systems can be developed and the underlying dynamics of different forms of white-collar crime can be understood so that responsive strategies and policies can be developed based on those dynamics. It also allows for greater insight into a specific society and various subcultures and the societal underpinnings that form the foundation of ideals that drive the workplace activities.

The objectives of the course are:

- i. To familiarise the students with the concept of White Collar Crimes .
- ii. To understand the importance of White -Collar Crimes and its impact on the society.
- iii. To develop a comprehensive understanding of the various legislations dealing with White Collar Crime in India
- iv. To study what constitutes an offence, the ingredients of the various offences and the punishments that have been provided for White Collar Crimes in India.
- v. To articulate opinions on significant, vital, controversial and current provisions relating to White-Collar crimes in India.
- vi. To enable the students to understand white collar offences and the legal control mechanisms to combat such offences thereby making them skilled in interpreting the provisions and applying them in criminal cases.
- vii. To identify offences and punishments and apply appropriate precedents and case laws to them.
- viii. To enable the students to identify the existing crimes and the new crimes emerging in the contemporary world.

- ix. To inculcate critical thinking and awareness pertaining to key issues concerning White Collar Crime in India.

2. TEACHING METHODOLOGY

The teaching methodology shall comprise of Lecture method along with alternative strategies such as Assignments, Group Discussions, Seminars etc. This aims at involving the students in class discussions on various legislations, law commission reports, specific white collar offences, punishments, legal principles and precedents. Assignments shall be in the Written or Presentation mode and they will be allotted in advance to the students.

3. COURSE OUTCOMES

At the completion of the course it is expected that the students shall :

- Understand the concept of White Collar Crimes and its impact on the society.
- To understand the various legislations in India addressing these types of offences.
- Acquire the skill of analytical in-depth research with respect to white collar crimes and the various legislations dealing with such crimes in order to publish articles.
- Be able to interpret the provisions of law and apply them to real life situations so that they can enhance their skills for building a career in criminal litigation .
- Understand the offences and the legal control mechanisms to combat such offences thereby making them skilled in interpreting the provisions and applying them in criminal cases.
- To find the lacunae prevailing in the present laws enacted in India to prevent such crimes.
- Develop critical thinking and articulate opinions on the significant, controversial and various legislations dealing with such offences in India.

4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

External assessment: 30% (60 marks)

Sl. No.	Internal Assessment	
1.	2 Assignments	2 x 20 marks = 40 marks
2.	Seminar/Group Discussion	20 marks
3.	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4.	Attendance in Class	10 marks
5.	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE I

White Collar Crimes

- Concept and Evolution of White Collar Crimes
- Nature of liability
- Types of White Collar Crimes
- White Collar Crimes *vis-a-vis* Socio-economic offences in India

MODULE II

Prevention of Corruption Act, 1988.

- Objectives of the Act Definitions
- Presumptions
- Burden of Proof, Offences
- Punishment
- Enforcement Authorities
- Adjudication
- Appeal
- Scheduled Offences .

Preventive Detention and White Collar Crime

MODULE III

Prevention of Money Laundering Act, 2002

- Objectives of the Act
- Definitions
- Presumptions
- Burden of Proof
- Offences
- Punishment
- Enforcement Authorities
- Adjudication
- Appeal
- Scheduled Offences.

The Fugitive Economic Offenders Act, 2018

- Objectives of the Act
- Definitions
- Presumptions
- Burden of Proof
- Offences
- Punishments
- Enforcement Authorities
- Adjudication
- Appeal
- Scheduled Offences.

MODULE IV

The Essential Commodities Act, 1955

- Objectives of the Act
- Definitions
- Presumptions

- Burden of Proof, Offences
- Punishments,
- Enforcement Authorities
- Adjudication
- Appeal.

IPC Chapter XIV: Offences Affecting Public Health, Safety, Convenience, Decency and Morals.

Famous Scams :

- Enron Scandal (2001)
- Bernard Madoff (2008)
- Saradha Group Financial Scam (2013)
- Coalgate Scam (2012)
- Commonwealth games Scam (2010)
- Augusta Westland VVIP Helicopters Bribery Scandal (2013)
- Satyam Scam (2009)
- 2G Spectrum Scam (2008)
- Telgi Scam (2002)
- Bihar Fodder Scam (1996)
- Hawala Scandal (1996)
- Harshad Mehta & Ketan Parekh Stock Market Scam(1992)
- Bofors Scam
- Mining Scam of Odisha
- Indian Black Money Scam
- Wakf Board Land Scam
- Adarsh Housing Society Scam
- Andhra Pradesh Emmar Scam
- Punjab National Bank Scam

Students are required to keep abreast with the latest scams in the world.

6. PRESCRIBED READINGS

- Edwin H. Sutherland, *White Collar Crime – The Uncut Version* (Yale University press, Reprint. 1985)
- Edwin H.Sutherland, *The Professional Theft*, (Chicago: University of Chicago Press, 1937).
- J. Kelly Strader, *Understanding White Collar Crime*, (Lexis Nexis, 3rd ed. 2011).
- Howard E. Williams, *Investigating White Collar Crime*, (Charles C. Thomas, 2nd ed.)
- Nuzhat Parveen Khan, *Law Relating to Socio-Economic Offences*,(Universal Law Publishing, 2015)
- N.V.Paranjape, *Criminology &Penology with Victimology*,(Central Law Publications, 2017)
- K.D. Gaur, *Criminal law and Criminology*,(Deep & Deep Publications, 2002)
- Larry J. Siegal, *Criminology*, (Wadsworth Publishing , 11th edn, 2011)
- K.N. Chandrasekharan Pillai, *General Principles of Criminal Law* (2nd edn (rep) Eastern Book Company, 2020)
- Ratanlal & Dhirajlal *The Indian Penal Code* (36th edn, LexisNexis, 2020)
- R.C. Nigam, *Law of Crimes In India* (Vol 1 London: Asia Pub. House, 1965)
- J. Kelly Strader, *Understanding White Collar Crime*, (Lexis Nexis, 3rd ed. 2011).
- Howard E. Williams, *Investigating White Collar Crime*, (2nd ed.Charles C. Thomas)
- Mahesh Chandra, *Socio-Economics Crimes*, (N.M.Tripathi Private Ltd., Bombay 1979)
- J.S.P. Singh, *Socio- Economic Offences*, (New Era Law Publication, Rep.2018)
- Seth and Capoor's, *Anti- Corruption Laws with Commentaries on Prevention of Corruption Act*, (Law Publishers (India) Pvt Ltd. 2018)
- Simon Obidiaro, *Transnational Corruption and Corporations: Regulating Bribery through Corporate Liability*,(Taylor & Francis Group, London & New York ,2016)
- M. C. Mehanathan, *Law on Prevention of Money Laundering in India: Commentary on Prevention of Money-laundering Act, 2002 : Related Regulations, International Conventions and Provisions of NDPS Act,1985*, (Lexis Nexis, 1st edn. Rep.2015)
- Shailendra Kumar, *It's Raining Black! Chronicles of Black Money, Tax Havens & Policy Response*, (Lexis Nexis, 1st edn. 2015)
- Jonathan E. Turner, *Money Laundering prevention: deterring, detecting and resolving financial fraud*, John Wiley& sons, Inc. New Jersey (2011)
- Ernesto Savona, *Responding to Money Laundering: International perspectives*, (Harwood Academic Publishers, 1997)

- William C. Gilmore, “*Money laundering: the international aspect*”, David Hume Institute, Money Laundering; Hume Papers on Public Policy, vol. 1, No. 2; (Edinburgh University Press, Edinburgh 1993)
- Kumar (Revised by Justice A.B. Srivastava and C.S. Lal), *Commentaries on Prevention of Food Adulteration Act, 1954 with Central and States Rules alongwith Food Safety and Standards Act, 2006* (3rd edn, 2009)
- H.S. Gour, *Penal Law of India (As Amended by criminal Law Amendment Act, 2018)*, Vol II (Law Publishers(India) Pvt. Ltd , Allahabad, 11th edn 2018)

NOTE: Students are required to read the latest journals, periodicals, reports and articles to keep abreast with the developments in this area of law.

Statutes

- The Indian Penal Code, 1860
- The Food Safety and Standards Act, 2006
- The Essential Commodities Act, 1955
- Prevention of Corruption Act, 1988.
- Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, (COFEPOSA)
- The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988
- The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980
- Income-Tax Act, 1961
- Drugs and Cosmetics Act, 1940
- Foreign Exchange Management Act, 1999
- Prevention of Money Laundering Act, 2002
- The Fugitive Economic Offenders Act, 2018
- Companies Act, 1960
- Benami Transactions (Prohibition) Act, 1988
- The Prize Chits and Money Circulation Schemes (Banning) Act, 1978

- Chit Funds Act, 1982

Law Commission of India Reports:

- 29th Report (1966) on “Proposal to include certain Social and Economic Offences in the Indian Penal Code”.
- 47th Report (1972) on “The Trial and Punishment of Social and Economic Offences.”
- Santhanam Committee Report of 1964.

Cases:

Sakhawant Ali v. State of Orissa AIR 1955 SC 166

Centre for Public Interest Litigation v. Union of India and Ors AIR 2014 SC 49

Swami Achyutanand Tirth & Ors. v. Union of India & Ors. (2016) 9 SCC 699]

Hoechst Pharmaceuticals Ltd. & Ors v. State Of Bihar & Ors 1983 AIR SC 1019

Suraj Pal Sahu v. State of Maharashtra &Ors 1986 AIR SC 2177

Shambu Dayal Agarwal v. State of West Bengal& Anr (1990) 3 SCC 549

Atiabari Tea Co. Ltd v. State of Assam and Ors AIR 1961 SC 232

Dashrath Singh Chauhan v. Central Bureau of Investigation Criminal Appeal No. 1276 of 2010 (SC)

Y.S Jagan Mohan Reddy v. Central Bureau of Investigation AIR 2014 SC 1933

State of Punjab v. Karnail Singh AIR 2009 SC 372

Dr. Subhramanium Swamy v. Dr. Manmohan Singh and Anr. AIR 2012 SC 1185

Soma Chakravarthy v. State 2007 (5) SCC 403

Kanwarjit Singh Kakkar v. State of Punjab And Anr (2011) 6 SCR 895

State of Maharashtra v. Dyaneshwar Laxaman Rao Wankhede (2010) 2 SC C (Cri.) 385

C.M. Girish Babu v. CBI, Cochin, High Court of Kerala (2009) 3 SCC 779

Pareena Swarup v. Union of India (2008) 14 SCC 107

Union of India vs. Hassan Ali Khan & Anr. (2011) 10 SCC 235

Directorate of Enforcement v. Hari Narayan Rai (Jharkhand) W.P. (Cr.) No. 325 of 2010

Abdul Karim Telgi & Anr V. Union of India, through CBI 2014(2) JLJ 136

Directorate of Enforcement Vs. Arun Kumar Mishra (2015 SCC OnLine Del 8658)

Uday Shankar Awasthi Vs State of UP& Anr (2013) 2 SCC 435

Attorney General for India v. Amratlal Prajivandas (1994)5 SCC 54

Gautam Kundu vs Manoj Kumar Assistant Director (SC) Criminal Appeal No. 1706 of 2015

P. Chidambaram vs Directorate of Enforcement (SC) Criminal Appeal No. 1340 of 2019