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**EXTENT OF CRIMINALITY IN VICARIOUS LIABILITY OF CORPORATE
CRIMINALS IN INDIA**

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Abstract The article introduced in section 1 that the corporate criminal liability had its initiation in the old law and changed among purpose of convergence of the doctrinal exchanges at the completion of the nineteenth century. Its history, laws, cash related viewpoints, and political issues intriguing to each country have impacted gathering and change of the likelihood of corporate criminal liability. In India, Velliappa materials case, by an increasingly significant part choice held that the association couldn't fault for offenses which require the enormity of a mandatory term of limitation united with a fine. It was alongside hold that where to plan gave is control and rich, the court can't empower only a fine, the more basic part was of the view that the certified blue virtuoso is to expel the seats from veering from essential construct teach got a handle regarding by the resolution. As the advancement in science and innovation has made the world borderless, the transactions and dealings of the corporate have turned out to be global with the assistance of correspondence systems, consequently clearing a refined method to perpetrate crimes. The evolution of the idea of corporate criminal liability in India can be named a long preparing exertion from the legal executive to fix obligations on non-invented people. This article intends to analyses, top to bottom, the milestone case laws which built up the idea of corporate criminal liability in India. Accordingly, this examination utilizes case law technique to critically analyses the idea in that capacity. The article additionally means to convey to the light all the pertinent enactments relating to the corporate crimes and deceitful activities. It finishes up by making some recommendations for the productive development of the idea

KEYWORD: Corporate Criminal liability, criminal law

I. INTRODUCTION

In the fourteenth century, the convention saw that undertakings had their purpose and along these lines, their criminal liability was given. With a couple of exclusions, for example, plural marriage, attack, etc., a substance could execute any crime, which could be finished by an individual, paying little respect to the manner in which that the crime had no association with the level of the association. This hypothesis overwhelmed the European landscape guideline until the completion of the Eighteenth Century. The medieval start depended upon the conviction that every last one of the undertakings should be committed, both commonly and criminally, and for the shows completed by their people. Urban communities, towns, colleges, trade, and its religious affiliations have been required to pay fines for their violations. The French New Penal Code set up, phenomenal for any polite law structure, an absolute course of action of corporate criminal liability standards and endorsements, aside from the State, all the juristic people are criminally committed for the good of the offenses completed for they by their organs or specialists.

Different other European countries trailed France's representation. Along these lines, Belgium changed the Belgium Penal Code and built up the criminal liability of juristic people. Netherlands got a handle on the likelihood of corporate criminal liability a lot prior, in 1976. The Dutch Penal Code gives that normal people and besides juristic people can submit offenses. At first, England declined to recognize the likelihood of corporate criminal liability for a couple of reasons. Companies were viewed as lawful fictions, counterfeit substances that could do near what "really enabled to do (ultra-contamination hypothesis)." Because organizations required spirits, they couldn't have mensrea and could be neither reprehensible nor repulsed.

Amidst the sixteenth and seventeenth several years, endeavors wound up being progressively common, and their centrality in the money related life broadened. An essential for controlling corporate egregious conduct wound up being progressively self-evident. Organizations have been viewed as self-sufficient elements, which had property explicit to that of their people. The fundamental stage in English difference in corporate criminal liability was made in 1840s when the courts constrained liability on endeavors for exacting liability offenses. The short time later, by verifying the hypothesis of vicarious liability from the tort law, the courts constrained vicarious criminal liability on undertakings in those circumstances when

ordinary people could be vicariously at risk moreover. In 1944, the High Court of Justice constrained criminal liability on associations and set up that the mensrea of explicit workers was to be considered as that of the association itself[1]. The motivation for the choices was unsure and confusing because of the nonattendance of clear and made criteria for attributing the mensrea section to the organizations. This issue was cleared up in 1972 for a condition in which the exceptionally based law change feeling of self-rule was utilized to drive the criminal liability on associations; this is starting at now known under the name of "recognizing verification hypothesis."

II. THE CONCEPTS OF CORPORATE CRIMINAL LIABILITY

- Courts in England and the United States at first constrained corporate criminal liability in cases including non-account of semi open undertakings, for instance, regions that realized open annoyances.
- Crimes not requiring criminal intent– As the proximity and the essentialness of Corporations created, courts extended corporate criminal liability from open unsettling influence on all offenses that did not require criminal want. This progress as time goes on requested that courts stretch out corporate criminal obligation to all crimes not requiring purpose.
- Crimes of intent – Courts were back to stretch out corporate criminal liability to crimes of desire. The inducing component in regard to the outcome was the essential for sensible utilization of law against organizations. Creation of corporate identity had, overall, made too much broad a vacuum backwards utilization of criminal law to organizations.
- Expansion of corporate criminal liability – Particular evident changes in Western Europe and the United States additionally added to the switch and development of corporate criminal liability. Notwithstanding, a victor among the most basic factors favoring criminal liability over essential liability was that general society fundamental specialists did not have as much essential control as criminal implementer did.

III. DEFINITION OF CORPORATE CRIMINAL LIABILITY

Corporate crime recommends a crime submitted either by an association or by a man it could relate to a social occasion. Corporate corruption is the show of its own and need not be

expressed or supported by its authorities. It is attractive if authorities were practicing standard powers considering a genuine blue worry for the undertaking. Like this to a liberal degree, the crime of the association is united with the exhibitions of its authorities. Such criminal acts are sharp of the character of general gathering who deal with the undertaking.

Specifically, criminal liabilities of associations are taking its compass. The term corporate crime traces these corporate activities, which are checked on to incorporate a couple of sections of the criminal law. Corporate crime is utilized to demonstrate growths of consistency offenses. Corporate crime furthermore joins threatening and other unlawful activities, which impacts general laws.

Counting the authority battles first against ensuring positive rights as having a foggy status from negative rights, and sometime later endeavoured to show that, with the transportation of "rights talk" into business ethics. The dangers of conflicting positive and negative rights superimposed on the risks of conflating the private and the political. The master has wrapped up by displaying the situation on the verbal standoff on what essential institutionally supported rights are, and what the relating obligations of multinational associations

In their standard practices, in addition to the fact that they influence the lives of the comprehensive community unequivocally, additionally, various occasions incredibly which comes in the class of crimes. A considerable number of a stun particularly the working environment and shaped infringement can go in the close-by zone to the blueprints that require affecting concern. Despite such an arrangement of debacles, the law was hesitant to oblige criminal risk upon relationship for quite a while. Indian Judiciary went facing the issue just in a couple of decades back.

The law has furthermore made to a degree concerning especially amazing resolutions and their remedial plans wherein a fine has been compelled on the endeavors when they are accepted to be at risk. Over the long haul, it is settled that an association can be held subject to criminal acts. There made specific rules, benchmarks, controls, and notification which clarified corporate criminal liability in clear terms. Regardless, even in western countries, rules waver with each lawful structure applying a substitute model of corporate criminal obligation. India also has endeavored to join corporate criminal liability. Lone joins corporate affiliations and picked social solicitations. Along these lines, there remains a wander or connection undeniably could be

gathered for any offense chargeable under the law, paying little personality to whether it is inside the zone of severe liability or under incomparable commitment. Also, free of whether an association could be credited with basic mensrea to show the fault. The position currently is, and its association can be to be faulted for any offense other than those, which require a specific proportion of want concerning the blamed.

IV CATEGORIZATION OF CORPORATE CRIMINAL LIABILITY:

In India Corporate Criminal liability can be categorized thus:

1. Corporate Criminal liability based upon the vicarious principles.

Nigam Nuggehalli in his exploration paper notes down that "vicarious liability as an idea of law has been with us since the development of the conventional tenet of tort law identifying with the liability of businesses. A business is subject for the torts submitted by his worker inside the course of his employment.

2. Corporate Criminal liability explicitly provided under specific legislations.

It was in the psyche of our law creators that an "organization could likewise carry out specific classifications of crimes of financial offenses. So it was important to give clear provisions in regard of corporate criminal liability. The primary purpose of such enactments is that society should be shielded from the damage liable to be brought about by the organization

3. Corporate Criminal liability under general law of Indian Penal Code.

There are some legitimate provisions under IPC Area 149 accommodates vicarious liability, it states that "if an offense is submitted by any individual from an unlawful gathering in prosecution of a typical article thereof or, for example, the individuals from that get together realized that the offense to probably be submitted in prosecution of that object, every person who at the time of committing that offence was member would be guilty of the offence committed.

V. REQUISITES OF THE CRIME AND CRIMINALITY

A crime is said to be submitted when a man has given a picked exhibiting denied by law, and together with a particular condition of dependable character. A think show proposes a show performed purposefully given effort or announcement of a man with a vivacious test. The

viewpoint proposed here could be a showing completed after due information alone or investigating and with goal together or rashly with criminal nonappearance of respect. The noteworthy worry here is that the accreditation of the associate alone isn't adequate with a display that the illegitimate show gave by a man had the required careful point of view. Under the criminal laws, the photograph is particularly a territory of this crime, as the show itself, and it must be appeared past a reasonable shortcoming in a perfect court, and either through an impact or unexpected insistence. It could not deny that the criminal liability is what opens the correct blue structure of criminal law. Each bit of a crime that the examiner needs to show up past a reasonable lack requires a standard of criminal liability to change for that criminal appearing. There are a couple of crimes those prohibitive incorporate a subcategory of the rules of obligation, yet such occasions are mind blowing and are called an infringement of criminal lead.

Robbery or getting, for example, is such infringement since all you need to appear past a reasonable insufficiency is the closeness of on-screen character close by mensrea. It is this thought of an arrangement or in danger identity called the mensrea, which close by different measures is viewed as that, is the administrator of exacting liability. Here the commitment flaw can make in events of corporate crimes or ecological infringement[2]. In such apparent shows of exacting liability, the mensrea needs not to is especially shown. Different genuine frameworks take after the general pick that the associations may be held subject to the specific point offenses in context of the information and objective of their representatives.

VI. CORPORATE CRIME AND LEGAL ENTITY

It is wrangled about most of the occasions; paying little mind to whether it is conceivable to consider in charge of a crime a non-ordinary substance, for example, A corporate body which not in the littlest degree lean towards a specific individual isn't set up for motivation for itself or of making any desire for its own. It does in like way consider that the general idea of flaw and reprehensibility common in the probability of criminal liability of a corporate presumes moral commitment[3]. It is a section which a theoretical substance, for example, a corporate body needs. The corporate component has no physical closeness beside the mortar structures, and it doesn't have a self-ruling perspective. It moves it makes, or the demonstrates that it endeavors and the thinking that goes on these occasions characterize for it by its directors or masters. There is a view that in threat workers of the endeavor should stun.

The condition is multifaceted when some individual must settle the fault. The present enhancements in the monetary points require that there is a dumbfounding prerequisite for this kind of liability on account of the idea of corporate bodies in different circles of individual activities. Inside entrapped connection, and it ends up being impossibly questionable the specific transgressor. An expert could it have the ability to without a fundamental proportion of a degree move the whole flaw or commitment on another worker of lower rank. On the off chance that there should emerge an event of any such event, there are specific parts of the law like the law of announcement, which see that a corporate body is on a very basic level fit for considering and sharpening[4]. It sort of certification of liability is especially basic for the answerability where inability to play out a specific obligation obliged by the rule on a corporate body, and for example, the awareness of other's expectations with respect to draw up and demonstrate the various leveled structures or yearly report sections and so on constitutes a crime[5].

VII. MENS REA IN CORPORATE LIABILITY

Regardless, today, when the parts of the displays done by an association are confined to comprehend what the corporate is doing today, all around its menses, is incorporated, and rules of criminality can be sufficient connected with these showings[6]. Issues like, Intent: explicit or general, the accidental verifications, the affirmations of authorities and so on might be clearly present to show the exhibitions or avoidances done by the corporate in advancement of its activities. The essential conflict being way that the world is secluded over the ramifications of these exhibits[7]. There are a few systems got by different countries wherever all through the world to unravel and decipher the shows of a corporate and locate the aim behind it. The common law and perspective based law countries; all have unmistakable means to deal with the criminal expectation of a body corporate. In any case, the hidden choose here is that the illegal reason and the crime of the association for no situation are overlooked.

On the off chance that we watch the uncommonly based law countries then we have occasions where incredible specialists like Baron Thurlow, the Lord Chancellor of England and astounding legitimate guide and government official meanwhile, have passed on the closeness of fault concerning the corporate body. He towards the late eighteenth century took up this issue and set out that, "Did you ever envision that a connection will have a still, little voice, when it has no soul to be taught and nobody to be kicked and, by God, it should have both [8]."

There are unmistakable suppositions an over the top proportion of like tremendous stand taken up concerning the onus of fault concerning the endeavor by judges like Chief Justice Holt who in granted "An association isn't indictable, yet the specific individuals from it are[9]." Blackstone's Commentaries in like manner got an obscure assortment from portrayed by Justice Holt to a comparable impact. The disjunction among individual and corporate criminal liability changed into the need of exceptional hugeness. Notwithstanding the way that the danger of the body corporate was expanding the constraint in the courts yet to take up this issue was to a high degree plainly obvious [10].

VII. NATURE OF CORPORATE CRIMINALITY

The control stretches out just to those situations when an agent or director acted, or gained learning, inside the level of his or her business, hunting down, at any rate somewhat, to profit the undertaking [11]. The law is somewhat mysterious when a canine not upon the information or the plan of a singular expert yet upon joined activities or learning of a couple of other people who have followed up on in a pleasant thought. As demonstrated by one view it is said that "A total information rule is fitting with respect to corporate criminal liability [12]. The showings of an association are, everything considered, essentially the exhibits of the vast majority of its delegates working inside the level of their business. The law on corporate criminal liability reflects this.

In this way, the information obtained by corporate laborers acting inside the level of their business is credited to the association. Organizations compartmentalize information, subdividing the components of explicit commitments and activities into progressively little sections [13]. The total of those sections constitutes the association's learning of a particular whether agents regulating one portion of an activity know the particular activities of specialists coordinating another bit of the task: An organization can't contend chastity by confirming that information got by a couple of delegates was not gotten by any one individual who by then would have esteemed its full import. Or on the other hand perhaps the association is considered to have gotten the total learning of its laborers and is considered accountable for their mistake to act in like way.

This is a reality paying little respect to the manner in which that the money matters of that association are in private or open hands [14]. These substances are a couple of genuine rationalities in all kind of structures, be communist, the agent or even communist lawful systems

[15]. While so a heavy piece of these analogies exist, enabling us to legitimize an expansive assortment of ways to deal with manage test, attempt and incorporate corporate criminal liability, anyway out of the blue they don't give us a sound reason behind picking one strategy over the other. There is no single, expansive control in the matter of how to express that an association should be held as a criminal disputant. The hoarding of mass capital it tends to gives sustenance an increasingly outrageous risk of shrewdness if that control is used for unlawful purposes

VIII. THEORIES OF THE CORPORATE CRIME LIABILITY

The clear principally based law bases of corporate commitment where the courts and establishments of these countries have utilized various theories like the hypothesis of vicarious liability of an association and any closeness of seeing confirmation hypothesis to develop the fault of corporation for the criminal offenses. The standards understood by different countries to unravel the thoughts and benchmarks of corporate criminal liability have been set up by specific speculations. Like this, continuing viewing the prior exchanges the change and confirmation of different estimates of corporate criminal obligation talked about as under:

Vicarious Liability

The Western countries saw the region and impact of corporate infringement and the criminal liability creating out of it. The courts of England were the pioneers in working up so. It got, and the sharpened through their case laws the hypothesis of vicarious liability or what the American resolution, later on, called for theory of Respondeat unrivaled. Britain was the light carrier for working up to that the affiliations are vicariously in risk for the shows displayed by the authorities and managers of that association.

Rationale of Vicarious Liability

Courts have given various motivations to legitimize a connection's liability for the shows of this director. Everything considered, the most all-around observed methodology for accepting is hardship transport [16]. This shield recommends the torments encouraged by an association's authorities are to be composed upon to connect itself as it adequately fits that should be cooperation that should bear the calamity and not the occurrence or right blue gathering

Under the standard law, the pioneers and workers were prosecutable for criminal acts executed in their course of business [17]. In any case, what is basic that the using corporate were anyway safe from criminal liability. It was that seen as reflections that required both the physical

and high capacity to share in illegal direct and were not gifted drive forward instruct, for instance, and it keeps of course passing, and often consented to violators of the criminal laws. The all-inclusive cash related and social envisioned by business relationship in the seventeenth and eighteenth various years began to isolate the convention, correspondingly as it had under the common law [18].

In any case, what is fundamental that the using corporate were anyway unsusceptible from criminal liability. It was that seen as reflections it required both the physical and high capacity to share in unlawful direct and were not gifted drive forward instruct, for a moment, confine of course passing, and it habitually consented to violators of the criminal laws. The extended money related and social imagined by business associations in the seventeenth and eighteenth numerous years started to separate the custom, correspondingly as it had under the common law [19].

Criticism

The vicarious liability oversee is censured for harming issue, especially in association with mensrea offenses, and since this fault of an individual is promptly traded to the association without the confirmation of the last's misfeasance. An association's undertakings to imagine unlawful improvement by specialists may be dismissed in the use of the vicarious liability standard [20]. A crime requires the mix of an actusreus—the execution of a really constrained act—with a mensrea—a specific motivation behind that see stressed that appear [21].

Fault is ignored in Vicarious Liability

The general standard is that under the law of torts and resolutions making liability associations are made it submitted vicariously for the presentations and constraints of their operators happening inside the dimension of their work [22]. Where the connection is vicariously in chance it doesn't have any sort of impact whether the worker (or virtuoso) incorporates a senior or junior position in the alliance [23]. There is no turning that presentation or restriction is truly that of the association itself; the association is beginning late made submitted for the issue of another [24]. This is the motivation driving why Commonwealth wards have fundamentally ousts vicarious liability in criminal law [25]. It turns issue, since the issue of an individual is quickly exchanged to the association without check of the association's misfeasance or impropriety.

Corporate “Fault Theory”

The four benchmarks under which accuse stays credited to people are a commitment, reasonable open passage, answerability, and guard or exculpation. These lights up why attribution of obligation to associations has been risky. These rules underlie the custom of mensrea, are portrays as takes after:

"Criminal liability should be constrained just on people who are wonderfully aware of what they are doing, and of the outcomes, it may have, to such an extent, to the point that it might be reasonably said to have picked the correct idea: in criminal law, and there will be there should expectedly be no commitment without specific fault. Criminal duty without sole accuse evacuates the choice of real lead." The likelihood of individual choice, accordingly, reestablishes the comprehension of when it is fitting to credit fault for coordinate. The impact of this affectability toward ensuring specific flexibility has been a centralization of individual fault, constantly end, the fault of the individual accountable social issue. Unequivocally where a Respondent has proposed or deliberately put it full scale there with the outcomes would commitment have the capacity to credit?

IX. CONCLUSION

In case a corporate body is discovered reprehensible of the offense presented, the court, anyway bound to drive the sentence proposed under law, has the sensibility to compel the sentence of confinement or fine as due to an association or corporate body the sentence of confinement can't be constrained on it and as the law never inclinations to do anything which is incomprehensible, the court needs to take the option and power the sentence of fine. This mindfulness could be sharpened just in respect of juristic people and not in respect of ordinary people [26]. There is no general safety for any association from any indictment for true blue offenses just in light of the fact that the arraignment would at long last incorporate a sentence of required confinement [27].

The corporate bodies, for example, a firm or association try course of action of activities that impact the life, opportunity, and property of the subjects. Enormous scale money related variations from the norm are done by different organizations. The corporate vehicle currently includes such an enormous portion of the front line, business, and sociological parts that sensibility of the association to a criminal law is fundamental to have a peaceful society with

stable. Missing the likelihood of the criminal commitment, organizations would escape moral conviction for a crime, and the retributive import of criminal risk to the gathering would be lost. For under a common risk organization for the association qua venture, there would be no ethical judgment corresponding to a criminal conviction:

If discovered commonly at risk, a partnership might be considered careless, or perhaps minding, however no declaration, as a conviction, would take the stand concerning the best possible valuation of the general population or merchandise at issue. Finally, the cash related obligation forced would come to be seen, by both the partnership and the group, just as a cost of cooperating. In fact, at that point, a corporate common risk administration that paralleled conventional criminal obligation for individuals accused of a similar crime would allow the enterprise qua organization to purchase exclusion from decision-making ability.

X RECOMMENDATIONS

The lawmaking body should make due strides as new disciplines to check the criminal activities done by the corporations in the country. The accompanying recommendations might be taken:

The Courts should ready to pass some strengthening request rebuffing the corporate alongside the fine forced on them. Stricter disciplines like corporate disintegration. In such cases, courts should almost certainly supervise whether any sort of reincorporation occurs with the penalized corporate. While managing crimes severely hurting the general public, social assents should be given. International systems between nations should act so that the criminals don't get away from the liability with their connections with different nations. The courts should be in a situation to choose specialized and proficient specialists to make evaluation covers the corporate, if circumstance requests

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