


Name:		 UPES	
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2018			
Program: BA., LL.B. (HONS.) CRIMINAL/LABOUR LAW/CONSTITUTIONAL LAW 2016			
Semester – V			
Subject (Course): Economics of Law Enforcement			
Max. Marks : 100			
Course Code : LLBL 323		Duration : 3 Hrs	
No. of page/s: 5			
SECTION A			
S. No.	Short notes	Marks	CO
Q 1	What do you mean by White Collar Crime?	2.5	CO1
Q. 2	What is impact of environmental crimes on GDP?	2.5	CO1
Q. 3	Cyber Crimes and Police Administration.	2.5	CO1
Q. 4	Economic analysis of delayed judicial decision making in criminal justice administration.	2.5	CO1
SECTION B			
Q 5	Explain the relation among Economic growth, Crime and Poverty with suitable examples.	10	CO2
Q. 6	Explain the role of enforcement agencies while handling the first time offender.	10	CO2
SECTION-C			
Q. 7	<p>“In the governance and law making process of the country in the age of digital model and digital India new economically viable models can be adopted in the criminal justice administration and law enforcement”—</p> <p>In the light of above statement, how far new emerging technology can be suitable in adaptation of economically viable criminal justice administration and law enforcement?</p>	10	CO2, CO3

<p>Q. 8</p>	<p>Provide your opinion on increasing offences against children in India. How criminal law enforcement agencies can work in best cost effective manner in relation to offences against children?</p> <p>OR</p> <p>What do you understand by money laundering? Discuss the harmful effect of money laundering on the economy and how criminal law enforcement tackles this problem.</p>	<p>10</p>	<p>CO2, CO3</p>
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SECTION-D

<p>Q. 9</p>	<p>Case Study/Problem</p> <p>For the first time in its history, the Central Bureau of Investigation (CBI), India’s premier investigation agency, is probing two of its former directors, Ranjit Sinha and A.P. Singh. India’s police leaders – the members of the Indian Police Service (IPS) who head, superintend and supervise the country’s criminal investigation architecture at the federal and state levels – need to ask themselves whether the cases of two former CBI directors constitute the tip of the proverbial iceberg or are exceptions in an otherwise professionally-run, stain-free establishment.</p> <p>On January 23, 2017, noting that a “prima facie case has definitely been made out for investigation into the abuse of authority” by Sinha, the Supreme Court ordered a CBI probe against him in connection with the coal block allocation scam case. Sinha retired as CBI director in November 2014, less than a fortnight after he was, in a first, formally removed from the 2G probe by the apex court over his alleged meetings with some of the accused.</p> <p>Then on February 20, 2017, the agency named Singh, who retired in December 2012, as an accused along with controversial meat exporter Moin Akhtar Qureshi in a case registered to probe alleged corruption. Qureshi, who is also under investigation by the income tax (IT) department and the Enforcement Directorate, is accused of operating as a middleman for several public servants, including Singh.</p> <p>As CBI director, Singh was instrumental in the arrest of former telecom minister A. Raja, Suresh Kalmadi, and several top corporate executives and elite public servants in the 2G spectrum scam and the Commonwealth Games scam. However, upon his retirement, an income tax evasion probe against Qureshi revealed his links with Singh. Way back in October 2014, the government had apprised the Supreme Court of communications between Singh and Qureshi. “Singh was in regular touch with Qureshi and there were BBM [Blackberry messenger] exchanges between them on a daily basis and that too in code language. Many of the messages clearly revealed plans to save the accused in many cases,” attorney general Mukul Rohtagi had said.</p>		<p>CO4</p>
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India's criminal investigation architecture, including the police in all states and the CBI, is headed and supervised by members of the IPS. All leadership postings for the Crime Branch, Anti-Terror Squad, Special Cell and the like are made by the political executive of the day. Political considerations have a strong bearing over postings and transfers.

IPS officers, as career bureaucrats, work under three masters – the political executive, departmental heads and the judiciary. Every time there is a change of government, most of the investigating officers tend to get co-opted or transferred. The frequent about-turns made by investigating agencies in numerous high-profile cases show how fiction writing has become a part of criminal investigations. The investigating officers tend to behave professionally only when the cases they are handling are directly monitored by some courts. The court-monitored cases leave much less scope for them to indulge in cherry picking of evidence and charges.

In the case of the CBI, the accountability structure is different. For example, during the period when Sinha was the CBI chief, several IPS officers against whom internal enquiries had established acts of misconduct were repatriated to their parent state cadres without being made to face criminal proceedings. This is an example of how IPS officers working in the CBI on deputation are given preferential treatment over personnel from the CBI cadre. The parliamentary standing committee that looked into the working of the CBI before which Sinha, the then CBI chief, appeared, said, "The committee strongly feels that a delinquent official should be meted out disciplinary action, irrespective of whether he is a deputationist or cadre personnel. The argument that punitive action is taken against cadre personnel, while a deputationist is merely repatriated to his parent department, in itself, is indicative that unequal working conditions prevail in the organisation for the departmental personnel vis-a-vis the deputationists."

In New Delhi and in state capitals, something as objective and scientific as criminal investigations can be fine-tuned by investigators to meet the political and economic requirements of their seniors in the IPS and, by extension, their political masters. The elite among the IPS often behave as lackeys for political masters of their choice. With the right political and bureaucratic connections, the accused can choose the charges of their liking. In the process, the real culprits go free and the victims live with the stigma of imprisonment. The investigators are never held accountable for their criminal misdeeds. There is no system in place to punish the erring police officers and their supervisory bosses for their acts of commission and omission, incompetence, wilful negligence, suppression and fabrication of evidence. How Delhi police officials fabricated a terror case (according to the National Investigating Agency) against Liaquat Ali Shah of Lolab and Irshad Ali and Mourif Qamar of Delhi (according to the CBI) went unpunished is a case in point.

While there are many honest law enforcement officials in India, there are also powerful, politically-connected careerist police officers who indulge

in wilful misconduct while investigating criminal cases. These erring officers and their supervisors in the IPS adversely impact the credibility of the criminal justice system. They can literally destroy the lives of innocent persons who are wrongfully accused and even convicted of crimes they had nothing to do with. From investigating officers who do not testify truthfully, to police officers who manufacture, destroy and suppress evidence, and even law enforcement officials who have improperly influenced witness identifications and suspect confessions, there have been many instances where police misconduct has resulted in wrongful convictions.

When the Terrorist and Disruptive (Prevention) Act (TADA) was in operation between 1985 and 1995, maximum arrests in the country were effected in Gujarat, a state where there was not even a single case of terrorism during that period. This is an indication of how arbitrary the police can be in matters related to arrests and application of sections of law.

The illegal practice of the police picking up innocent people and keeping them in jail for years before the courts finally acquit them, has serious consequences. More than 66% of India's prisoners are undertrials, which is over twice the global average of 32%. When vulnerable scapegoats are framed in terrorist cases, it not only helps the real terrorists get away with their crimes but leaves them free to strike again. It stokes resentment in affected families and communities. The victims and their families and communities live with the stigma of imprisonment and its socio-economic impact on their livelihoods. Their families, generation after generation, continue to wait for adequate compensation, rehabilitation, truth and closure. There is no system in India to compensate individuals found to have been wrongful imprisoned.

Professional criminals and their syndicates, exonerated and unpunished, boast about their ability to hoodwink the criminal justice system. For them, it is their victory over the rule of law. This misplaced swagger against the rule of law is a serious threat to the idea of India as a democratic republic.

What is the contribution of the erring police officers and their investigating agencies to the perversion of India's criminal justice system? Between 1953 and 2013, the quality of investigation and prosecution has gone down. Convictions in murder cases fell from 51% to 36.5%. Convictions in kidnapping cases fell from 48% to 21.3%. Robbery convictions fell during this period from 47% to 29%. In 2013, only 26.5% of alleged rapists were brought to book. (*Source: The Wire*)

In the light of above fact and case study answer the following questions:

A. How far investigating agencies and law enforcement agencies has impact on the law and order and socio-economic fabric of the country?

	<p>B. What are the important measures required for the effective criminal justice administration and law enforcement program?</p>	<p>12.5 + 12.5</p>	
<p>Q. 10.</p>	<p>Case Study/Problem</p> <p>Investment is one of the major political planks of the present political regime which helped them to attain the throne. The Government is also striving hard to meet their promises by taking different investment-friendly steps. It also raises potential regulatory challenges which may arise in near future. Already, the country has witnessed big scams like <i>Harshad S. Mehta v. CBI</i> which lead to the formation of the regulatory bodies like SEBI in 1992. After the formation of SEBI, proper registration method is followed aimed at curbing such scams in future. It is noteworthy mentioning that SEBI has been successful in achieving its objective until now.</p> <p>But, with the development of time different new schemes were floated in the financial market giving rise to new challenges. CIS i.e. collective investment scheme has been seen (probably acting) as a potential danger for the country's economy. Through this scheme, the companies are extorting money from the poor people of the society who has very minimum knowledge about investor's rights and general rule of investment. The Dave Committee which was formed by SEBI for making recommendations on CIS made various recommendations like making it mandatory for the CIS firm to get registered themselves under the provisions of the Companies Act, 1956 and also under SEBI as collective investment schemes. It has been decided by SEBI that the CIS should be constituted as a two-tiered structure i.e. comprising of a trust and the Collective Investment Management Committee. Some kind of security must also be there so that in case of any loss the SEBI authority can repay back the same. Majority of these recommendations became the part of "SEBI (Collective Investment Scheme) Regulations, 1999" in order to tighten the grip on these business honchos.</p> <p>CIS schemes cover all investment in the nature of equity, debt, deposit or advance. Schemes that seek to manage property or investments and also distribute the surplus to the investors come under the purview collective investment schemes and it also includes agricultural, plantations or livestock. Schemes that seek to pool the subscription amount of investors and utilize them for specified purposes and those that manage property or subscription on behalf of the investors are also covered. However, it is surprising to note that till now only one CIS has been registered by SEBI and more than 100 orders passed against companies not registering them as CIS and ultimately violating the regulations. These companies have been found to engage in illegal money collection and circulation schemes.</p> <p>(Source: https://blog.scconline.com/post/2016/01/25/collective-investment-scheme-still-a-hard-nut-to-crack-for-the-regulator/)</p> <p>In view of the aforesaid facts, please respond to the following questions:</p>		<p>CO 4</p>

	<p>(i) Why do you think the companies/enterprises/entities have not come forward to register themselves as Collective Investment Schemes under SEBI??</p> <p>(ii) What is a Ponzi scheme and a money circulation scheme? Give some examples.</p> <p>(iii) Discuss the major challenges in dealing with enforcement of crimes relating to acceptance of deposits.</p>	7 +8 + 10	
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SECTION A

S. No.	Short notes	Marks	CO
Q. 1	Is there any relation between criminal law enforcement and economic analysis?	2.5	CO1
Q. 2	What do you think, which models can prevent crimes against women in India?	2.5	CO1
Q. 3	What do you mean by White Collar Crime?	2.5	CO1
Q. 4	Cyber Crimes and Police Administration.	2.5	CO1

SECTION B

Q. 1	How delayed judicial decision making in criminal justice administration has an impact on economic growth and stability? Explain	10	CO2
Q. 2	Explain the relation among Economic growth, Crime and Poverty with suitable examples.	10	CO2

SECTION-C

Q. 1	Provide your opinion on increasing offences against children in India. How criminal law enforcement agencies can work in best cost effective manner in relation to offences against children?	10	CO3
Q. 2	“In the governance and law making process of the country in the age of digital model and digital India new economically viable models can be adopted in the criminal justice administration and law enforcement”—	10	CO3

	In the light of above statement, how far new emerging technology can be suitable in adaptation of economically viable criminal justice administration and law enforcement?		
SECTION-D			
Q. 1	<p style="text-align: center;">Case Study 1</p> <p>This is the story of two sisters from the ‘90s who lived ordinary lives in Maharashtra. What worked for them was that they were just another face in the crowd with deep and perhaps the darkest of secrets. Trained as petty thieves by their very own mother, the Sinister Sisters grew up to realize the efficiency of kids as robbers. They kidnapped children and trained them to steal. What happened to the kids when they became difficult to handle was chilling. They were starved to death or their heads were smashed against the wall. And this is how the sisters would get rid of their toddler troubles. In a confession, one of the sisters said that they had lost count of how many kids that they killed. <i>(Source: Prime Original)</i></p> <p style="text-align: center;">Case Study 2</p> <p>Devendra Sharma, rather Dr. Devendra Sharma, was an Ayurveda specialist and an accomplished surgeon with very twisted mental tendencies. Sharma was also a serial killer and this is what the police had to say about him: “He was no more than a common car thief who ‘enjoyed the bloodshed’ and saw the taxi drivers as soft targets.” Yes, this man would kill the driver every time he would hail a cab. Seeing cab drivers as soft targets, the number of his victims exceed 20. He would take the cab to a secluded destination where his accomplices would join him and they all would beat the driver to death, taking his car away. Most of his victim's bodies were dumped in a canal in Aligarh. <i>(Source: Prime Original)</i></p> <p>A) What are the nature of the crimes? Whether the Law enforcement agencies is responsible for happening of the crimes bases on case study 1?</p> <p>B) Is there any relation of criminality with education and other factors? For prevention of crimes, whether existing criminal law is sufficient or policy and plans of the government should help in prevention of crimes with precautionary approach? Justify your answer with suitable cases and examples.</p>	<p style="text-align: center;">10+15</p> <p style="text-align: center;">10+15</p>	<p style="text-align: center;">CO4</p> <p style="text-align: center;">CO4</p>