

LL.B. III Term

Paper: LB – 3034 - Law of Crimes-III (Socio-Economic Offences)

Topic 1: Introduction to the Socio-Economic Offences

- (A) Concept and Evolution of ‘Socio-Economic Offences.’
- (B) Nature and Extent of Socio-Economic Offences.
- (C) *Mens Rea*, Nature of Liability, Burden of Proof and Sentencing Policy.
- (D) Concept of White Collar Crimes - Sutherland’s theory of ‘Differential Association.’
- (E) Distinction among Socio-Economic Offences, White Collar Crimes and Traditional Crimes.
- (F) The Socio-Economic Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972.

Topic 2: The Immoral Traffic (Prevention) Act, 1956

History, Development and Magnitude of Human Trafficking

Constitutional Provisions and Sections 370-373 of the Indian Penal Code, 1860

The 64th report of the Law Commission of India, 1975

The Immoral Traffic (Prevention) Act, 1956

1. *Vishal Jeet v. Union of India & Ors*, (1990) 3 SCC 318; AIR 1990 SC 1412 **1**
2. *Gaurav Jain v. Union of India & Ors*, 1997 (8) SCC 114 **6**
3. *Krishnamurthy @ Tailor Krishnan v. Public Prosecutor, Madras*, AIR 1967 SC 567; 1967 SCR (1) 586 **30**
4. *Chitan J. Vaswani & Anr v. State of West Bengal & Anr.*, AIR 1975 SC 2473; 1976 SCR (2) 300 **33**

Topic 3: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Constitutional Provision (Article 17)

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Meaning of 'atrocities,' Sections 2(1) (a) & 3

Presumption as to offences (Section 8)

Removal of person likely to commit offence (Section 10)

Power of State Government to impose collective fine (Section 16)

Preventive action to be taken by the law and order machinery (Section 17)

Section 438 of the Code not to apply to persons committing an offence under the Act (Section 18)

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| 5. <i>State of Kerala & Anr v. Chandra Mohanan</i> , 2004 (1) SCR 1155 | 37 |
| 6. <i>Asmathunnisa v. State of A.P & Anr</i> , (2011) 11 SCC 259 | 43 |
| 7. <i>Vilas Pandurang Pawar v. State of Maharashtra</i> , AIR 2012 SC 3316 | 49 |

Topic 4: The Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005

Definitions of 'Aggrieved person,' Section 2(a); 'Domestic Relationship,' Section 2(f); 'Respondent,' Section 2(q) and 'Shared Household,' Section 2(s)

Definition and Meaning of 'Domestic Violence,' Sections 2 (g) and 3

Protection Officer: Appointment, Duties and Functions (sections 8, 5 and 9)

Provisions related to various Orders and reliefs to the aggrieved persons (Sections 17, 18, 19, 20, 21, and 22)

Penalty for breach of protection order by respondent (Section 31)

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| 8. <i>Indra Sarma v. V.K.V. Sarma</i> , AIR 2014 SC 309; 2013 (14) SCALE 448 | 52 |
| 9. <i>Sou. Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade & Ors.</i> , (2011) 3 SCC 650 | 69 |
| 10. <i>S.R. Batra and Anr. v. Smt. Taruna Batra</i> , (2007) 3 SCC 169 | 73 |

Topic 5: The Food Safety and Standards Act, 2006

The Food Safety and Standards Act, 2006

Definition of 'food', 'Adulterant', 'contaminant', 'food business', 'misbranded food'

Authorities under the Act:

Food Safety and Standards Authorities of India & State Food Safety and Standards Authorities: Establishment and functions

Food Safety Officer- Power, Function and liabilities

Food Analyst

General Principles to be followed for food safety under the Act (Section 18)

Licensing and Registration of food business (Section 31)

Purchaser may have food analyzed (Section 40)

Provisions related to offence and penalties (Sections 48 to 67)

Adjudication and Appeal procedures (Sections 68 & 76)

11. M. Mohammed v. Union of India, W.A.No.1491 of 2014 **77**

12. M/S Nestle India Limited v. The Food Safety and Standards Authority of India, W. P (L) No. 1688 of 2015 **86**

Topic 6: The Prevention of Corruption Act, 1988

Need of the Act (read with Santhanam Committee Report)

The Prevention of Corruption Act, 1988

Definitions of 'public servant,' Section 2 (c) and 'gratification,' Section 7.

Offence committed by public servant and bribe giver and their Penalties (Section 7 to 14)

Punishment for attempts (Section 15)

Sanction for prosecution (Section 19 r/w Section 197 of the Code of Criminal Procedure, 1973)

Presumption where public servant accepts gratification (Section 20)

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| <i>13. Kalicharan Mahapatra v. State of Orissa</i> , AIR 1998 SC 2595 | 108 |
| <i>14. Kanwarjit Singh Kakkar v. State Of Punjab</i> , (2011) 6 S.C.R. 895 | 111 |
| <i>15. Abhay Singh Chautala v. C.B.I.</i> , (2011) 7 SCC 141 | 116 |

Topic 7: The Prevention of Money-Laundering Act, 2002

Need for combating Money-Laundering

Magnitude of Money-Laundering, its steps and various methods

The Prevention of Money-Laundering Act, 2002

Definition of 'Money Laundering', Section 3 & 2(1)(p)

Punishment for Money Laundering (Section 4)

Enforcement:

Attachment (Section 5)

Survey, Search, & Seizure (Sections 16, 17 & 18)

Power to arrest (Section 19)

Adjudication under the Act:

Adjudication by Adjudicating Authorities (Section 8)

Special courts (Sections 43 to 47)

Vesting of Property in Central Government (Section 9)

Preventive Mechanisms under the Act:

Obligation of banking companies, financial institutions and Intermediaries (Sections 12 & 12A)

Reciprocal Arrangements with other countries (Overview of Chapter IX i.e. Sections 55 to 61)

16. *Ram Jethmalani v. Union of India*, (2011) 9 SCC 761 **125**
17. *Binod Kumar v. State of Jharkhand & Ors*, (2011) 11 SCC 463 **141**
18. *B. Ramaraju v. Union of India*, W.P. No. 10765 of High Court of A.P. 2011 (164) Company Case 149

Prescribed Books:

- Mahesh Chandra, *Socio- Economic Offences* (1979)
- J.S.P. Singh, *Socio- Economic Offences* (1st Ed., 2005, Reprint 2015)
- Ahmed Siddiqui, *Criminology: Problems and Perspectives* (4th Ed., 1997)
- B.R. Boetra, *The Immoral Traffic (Prevention) Act 1956 (with state rules)* (4th Ed., 1988)
- P.S. Narayan, *Commentary on Immoral Traffic Prevention Act, 1956* (2nd Ed., 2013)
- T.V. Nawal, *Legally Combating Atrocities against SC and ST*, (2004)
- Lawyers Collective (Ed. by Indira Jaising), *Handbook on Law of Domestic Violence*, (1st Ed., 2009)
- 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 Ed., 2009)
- Seth and Capoor, *Prevention of Corruption Act with a treatise on Anti- Corruption Laws* (3rd Ed., 2000)
- M. C. Mehanathan, *Law on Prevention of Money Laundering in India* (2014)

Suggested Readings:

- Relevant Provisions of Universal Declaration on Human Rights, 1948
- International Convention for Suppression of Immoral Traffic in Persons and of the Exploitation of the prostitution of others, 1951
- Convention on Elimination of All Forms of Discrimination Against Women, 1979
- Relevant Provisions of UN Convention against Illicit Traffic in Narcotic Drugs & P. Substances, 1988
- Declaration on Elimination of Violence Against Women, 1993
- UN Political Declaration & Action Plan against money laundering 1998

SAARC Convention on Preventing and Combating Trafficking in Women & Children for Prostitution, 2002

UN Convention against Corruption, 2003

Santhanam Committee Report on Prevention of Corruption in Central Government (1964)



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Cases Selected and Edited By

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