


# Enforcement of Laws-An Administrator's Perspective.

Interaction with AIS/CCS OTs at MCRHRDIT

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# Approach

- Teaching = Learning
  - Training = Learning **TO DO**
  - Case study method with a few laws
  - List of Laws is illustrative, not exhaustive
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# Enforcement of Criminal Laws

- Case of AP Gaming Act
- “While trying to save cocks, humans were killed”  
(Judicial Commision)



# Classification of Laws


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graph TD; A[Classification of Laws] --> B[Substantive & Procedural]; A --> C[Criminal & Civil Law]; A --> D[Criminal & Civil Procedure Codes];
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Substantive &  
Procedural

Criminal & Civil Law

Criminal & Civil  
Procedure Codes

# Perspective

- “Implementers are Civil Servants”
  - “.. but he can and must iron out the creases”
  - “to discover what the legislature intended”
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# Criminal Laws

IPC - Inherently Accused friendly?

Why?

Range of Punishment. Upto 7 years or 5 years etc.

Why this discretion to Judicial officers?



# Nani Phalkivala –A noted Jurist

- Kesavananda Bharathi Case
- Laws are elastic.
- The Implementors can stretch, without subverting.




# Cr PC

- Welfare Provisions
- Section 125 Cr PC - leading to Supreme Court in Shah Bano case





# Welfare Laws

- Women Atrocities Enactments  
Arrest is felt not necessary by the Supreme Court in Arnesh Kumar case.
  - SC/ST Atrocities – Statues  
Recent Supreme Court decisions.
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# Land Transfer laws

- In Agency areas of the country
- Chintapalli Case Study



# Labour Laws

- Why SEZ Act was enacted?.
- Because the implementation of Labour laws was contrary to the spirit of the Legislature.



# Taxation Laws

- Tax is a non penal law
- “But when the crop comes, give a fifth to the Pharaoh, the other 4/5th you may keep as seeds for the field and food for yourself”

//GENESIS//



# Revenue Laws

- Adam Smith - Tax should be
  - a) proportionate to income or ability to pay
  - b) certain rather than arbitrary
  - c) payable at times and in ways convenient to tax payers
  - d) cheap to administer and collect

Quoted by Nani Palkhivala



# Prevention of Money Laundering Act

Only Economic Angle, not from the terrorist angle

Rajan Katoch, IAS  
Former Director, ED



# Legal Metrology Laws

1. Raid on Global Jewellery Expo at HICC
2. Inspection of a EOU - Continental Coffee Case



# Another Case Study..

1. The Indian Passport Act
2. Conflict in Date of Birth
3. Rules on the Subject
4. Decision of the RPO





# Another Use Case


Sanction of Pensionary Benefits

Legal Heir?

Or the Nominee.

Dilemma of the Competent Authority

# Ease of Doing Business

1. Learning/Implementation of Laws should be permeated in this milieu
  2. In sync with the Global Trends in the Global Village
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**“Law is neither a literary text,  
nor a divine dispensation”**

**“It is an instrument to serve the PUBLIC  
by the Public Servants”**



# THANK YOU!

Feedback

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