Enforcement of Laws-An Administrator's Perspective.

Interaction with AIS/CCS OTs at MCRHRDIT

E.Damodar IPS (R)

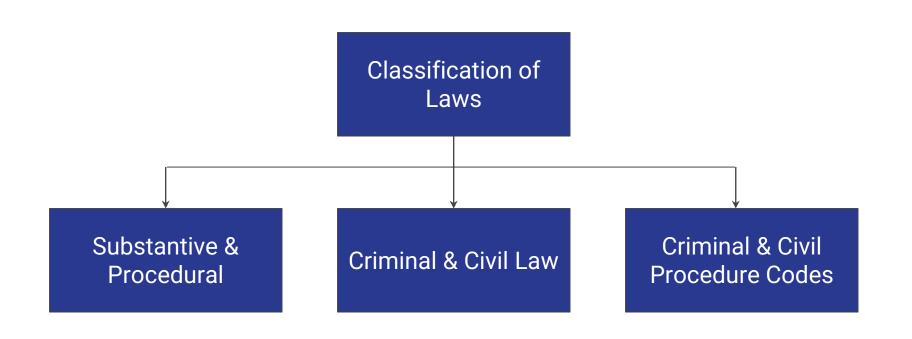
Approach

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

Enforcement of Criminal Laws

Case of AP Gaming Act

 "While trying to save cocks, humans were killed"
 (Judicial Commission)



Perspective

- "Implementers are Civil Servants"
- ".. but he can and must iron out the creases"
- "to discover what the legislature intended"

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 isfelt not necessary by the Supreme
 Court in Arnesh Kumar case.

SC/ST Atrocities – Statues
 Recent Supreme Court decisions,

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

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

"Law is neither a literary text, nor a divine dispensation"

"It is an instrument to serve the PUBLIC by the Public Servants"

THANK YOU!

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