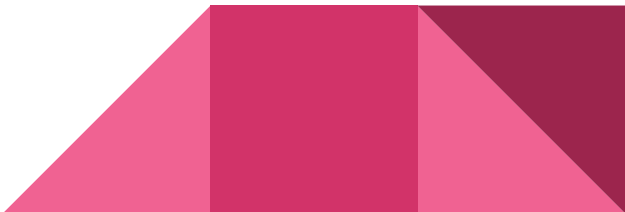


Enforcement of Laws by the Civil Servants - A Practitioner's Perspective.

Interaction with AIS/CCS OTs at MCRHRDIT

E.Damodar IPS (R)

Approach

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

Nani Phalkivala - Noted Jurist

Laws are elastic.

They can be stretched, without subverting.



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”



Criminal Laws

IPC - Inherently Accused friendly?

Why?

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

Why this discretion to Judicial officers?



Cr PC

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



Welfare Laws

- Women Atrocities Enactments
- SC/ST Atrocities - Statues



Land Transfer laws

- In Agency areas of the country
- Chintapalli Case Study



Labour Laws

- SEZ Act



Revenue 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

Pensionary benefits

Legal Heir?

Or 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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