PREFACE

Socio-economic offences are an all embracing term to denote and include all white collar crimes, public welfare offences, economic offences, and all form of anti-national acts which are threat to security and integrity of the country. Indian Penal Code, 1860 and Code of Criminal Procedure, 1973 have hitherto been the main Codes to investigate prosecute and punish all forms of criminal activities in the Indian context. After the revolutions world over individual thinking has gone a complete change. Development in science and technology has opened a new chapter for man to lead a comfortable and prosperous life. Several writers have given a very prominent place to the individual which strengthened democratic institutions and individual liberty. Our country attained independence on Midnight of 14-15 August, 1947 and started its own national plans for the development of the country. Prior to independence we fought world wars. These wars and developmental activities lead to large scale purchases of stores, arms and machineries. It resulted in scarcity of goods, increased supply of money and substandard performance of contract of work and supply which gave easy money and lead to inflation, industrialisation, increased urbanisation and mobility of labour. People started all sorts of cheating practices for easy money. It leads to a decline in morals and loss of all ethical values. It gave rise to a new type of criminality called socio-economic offences.

Frauds in business, misleading advertisements, trafficking in licenses, permits, supply of substandard goods to government agencies, corruption, evasion and avoidance of taxes lawfully imposed, black-marketing, hoarding, profiteering, smuggling, trafficking in drugs, environmental pollution, adulteration and anti-national acts, which are a threat to security of the country are a few instances of this new criminality. Indian Penal Code, 1860 as noticed in this thesis has proved inadequate to effectively deal with, this new type of criminality termed as socio-economic offences. The procedure in the Code of Criminal Procedure, 1973 puts the accused on an advantageous position as compared to the society and state. These
aspects of problem have been examined at length by the Santhanam Committee, Wanchoo Committee, and the Law Commission of India gave various Reports, recommendations and prospective Bills to the Government of India namely in 29th Report, 41st Report, 47th Report, 155th Report, 161st Report, 166th Report. Later the Vohra Committee appointed by the Ministry of Home Affairs also gave various recommendations regarding nexus between the bureaucrats, politicians, and criminals.

In our modern welfare state criminal justice system have a special role in enforcing rules about the economy. The economic policy is implemented by the state either through the prohibitions or obligations. The criminal laws are also influenced by the economic policy. The instruments used for implementing these prohibitions or obligations may have legal sanctions which include physical and monetary punishments. The term of penalties in forms of fine and or imprisonment may be fixed by the legislature from time to time according to the needs of the society. But it is a fact that the economic policy of the state changes and develops much faster than the criminal policy.

An attempt has been made to examine and trace the origin of liability in relation to socio-economic offences in our country. Liability plays a vital role in prevention, control and elimination of offences. Liability may be simple, strict and absolute. Criminal liability is generally accepted on the concept of mens rea based on the maxim actus non facit reum, nisi mens sit rea. Accordingly it is thought that before a crime is committed, it exists in a mental state of the doer. However, it may indeed be that liability to conviction without proof of mens rea is necessary now-a-days to the efficient regulation of society. The concept of strict liability and absolute liability for saving societies from these serious offences has emerged a new principle of liability.

Moreover, in view of the various suggestions given by the above mentioned Committees and Commissions, the Government has made various Amendments to make such acts more stringent to strengthen the hands of prosecuting agency and courts in dealing with these socio-economic offences.

IV
Despite all these efforts the criminals are successful in escaping prosecutions and punishments. A need has been felt to evolve a more foolproof procedure and devise as a better instrument to prosecute and punish these offenders. The Supreme Court has left no obstacle in the way of the legislature to evolve any procedure for the trial of these offenders except that it must be just, fair and reasonable. All these aspects of the problem are the theme of this thesis. In the end an attempt has been made of suggestions & conclusion to plug all the loop holes in the existing procedure and devise as an instrument of special court for more effective treatment of these offenders.

I would like to take this opportunity to express my feelings to all the persons who have been kind enough to help me in the preparation of this thesis. First of all, I would like to thank Almighty God for providing me sustenance & strength for completion of this work.

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