

12 MAY 2023

## NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April-May, 2023

Semester: U.G – VIII Sem – Criminal Law Hons.

Subject: Socio Economic Offences

Time: Three Hours

Marks: 100

### Instructions:

1. Attempt any Five out of six questions.
2. All questions carry equal marks.
3. Use of any reference material such as Bare Acts is not permitted.

Q1. Mr. Shardul Thakur is a newly appointed food inspector in the city of Jodhpur. He treats his work as worship and has taken an oath that every Indian should eat clean and unadulterated food. One day based on intelligence Mr. Shardul with his team conducted several raids in Jodhpur Mithai Market. During the inspection certain items were taken into custody by Mr Shardul. Since the goods were of perishable nature certain preservatives were added by the team before sending them to laboratory for further examination. During these additions of preservatives by the team, goods were manhandled by them and certain foreign particles were unknowingly added to these goods. During the inspection Mr. Shardul tries to follow the entire procedural requirements and for the same witnesses were called. Since Mithai Market Union Condemned this inspection therefore no person has come up as Witness. Later on, Mithai Market union claimed that the procedural requirement was not fulfilled and also forcefully taking sample does not amount to sale. Team has come up to you to seek your legal advice, render your legal advice on the following grounds.

1. Whether mixing of preservatives to preserve these perishable goods will amount to adulteration?
2. Whether manhandling of the goods and unknowing addition of foreign particles will amount to adulteration?
3. Whether sale under the Act, means an actual sale or seizure of the food products by the inspector also amounts to sale?



4. Whether the absence of witness in the given situation would amount to procedural irregularity or not? (5M\*4=20Marks)

Q2. The main idea of the government is not to control the dynamics of the market rather the main idea is to preserve the dynamics of the market. The same idea is applicable in the case of Essential Commodities Act. In the light of above-mentioned statement explain how EC Act tries to maintain balance of convenience in the market and also explain what difference it would have created if government would have taken a zero-interference policy towards every type of commodity in the market. (20 Marks)

Q3. In the present context, the meaning and dimension of term crime has totally changed. There has been altogether a new dimension of crime has emerged known as "White-Collar Crime". In the light of abovementioned statement critically explain the concept of "White-Collar Crime". Also, explain how the concept of traditional criminal jurisprudence which states that no crime can be committed without guilty mind has changed in the context of "White-Collar Crimes". (20 Marks)

Q4. Enforcement Directorate, is an institution created by Government of India to deal with the issues falling under the domain of socio-economic crimes. But with the passage of time the entire idea of creation of Enforcement Directorate has been diluted and it has rather become a weapon of mass destruction working only on the directions of the government. On the basis of abovementioned statement critically highlight various issues associated with the working of Enforcement Directorate and also explain how the purpose of creating this nodal agency has been diluted with time. (20 Marks)

Q5. Implementation of Fugitive Economic Offender Law, 2018 is still a distant dream and till now the application of this law has not been seen in practical scenario. With the help of case studies, critically comment. (20 Marks)

Q6. Prevention of Money Laundering Act, 2000 is not a simple law but rather it is a special law which provides vast discretionary power to the authority and this has posed serious issues

related to its constitutional validity. In the light of abovementioned statement discuss the following

- a. Whether the Act is arbitrary and unjust in nature?
- b. What are the major challenges under the Act?

(10M+ 10M= 20 Marks)