

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper is partially shown, and a black leather watch with a silver dial is placed on the desk. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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JUSTICE BEYOND MENS REA: A CRITICAL STUDY OF SOCIO-ECONOMIC OFFENCES IN INDIA

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Abstract

Socio economic offences constitute a distinct and increasingly complex category of criminality that poses serious challenges to the administration of criminal justice in India. Unlike conventional offences, which typically involve direct and identifiable victims, socio economic offences are committed by individuals occupying positions of authority, trust, or economic influence, and their impact is diffused across society as a whole. Offences such as corruption, fraud, tax evasion, black marketing, money laundering, and financial misappropriation not only undermine public confidence in governance but also destabilize economic institutions and weaken the moral foundations of society.

This paper traces the historical evolution of socio-economic offences in India through three major phases, namely the colonial period, the post independence era, and the phase of economic liberalization following the Industrial Policy of 1991. It demonstrates how industrialization, rapid economic growth, materialism, and the gradual erosion of ethical standards have collectively contributed to the expansion and sophistication of such crimes. The study further explores the defining characteristics of socio-economic offences, particularly their classification as strict liability offences, where the traditional requirement of proving mens rea is either diluted or dispensed with to ensure effective prosecution and deterrence.

The research critically examines the role of institutional frameworks, including the recommendations of the Law Commission of India and various expert committees such as the Santhanam Committee, in shaping India's legal response to these offences. It also analyses key judicial pronouncements that have consistently recognized socio economic offences as crimes against society, warranting a stricter approach in matters of bail, sentencing, and evidentiary standards.

While acknowledging the necessity of stringent enforcement mechanisms, the paper highlights the inherent tension between the doctrine of strict liability and foundational principles of criminal jurisprudence, including fairness, proportionality, and the presumption of innocence. It argues that an over reliance on strict liability may risk compromising procedural justice and

individual rights. Accordingly, the study advocates for a balanced and nuanced legal framework that harmonizes effective enforcement with constitutional safeguards. It concludes by emphasizing the need for stronger regulatory institutions, enhanced transparency, ethical governance, and sustained public accountability to address the growing menace of socio-economic offences in contemporary India.

Keywords: *Socio Economic Offences, Strict Liability, White Collar Crime, Mens Rea, Economic Justice.*

I. Introduction and Origin

“Nothing could be more erroneous than to continue to regard criminals as products of slums, broken homes and of lower classes”

-H.E Barners, N.K. Teeters

Since the concept of state came into existence, its primary role has been to maintain the law and order in the society. According to the social contract theory, the state and its constituents, the citizens both had their own responsibilities. The citizens were obliged to pay taxes to the state so that the basic functionary of the state can be regulated and in return the state was obliged to protect the interest of the society and for that the state was obliged to maintain the law and order of in the society. The state formulated the penal law which were implemented to punish the offenders.

It was noticed that the criminals had commonality in their background. They were coming from the impoverished background. They were sometimes compelled to commit the crime. These crimes were recognized as “*the conventional crimes*”. But with advancement of time and Science and Technology the state has performed multiple functions because of which it devolved its non-sovereign functions the private individuals and the enterprises. These entities were supposed to pay taxes to state. But the story taken a different turn. New offences namely corruption fraud misappropriation of funds tax evasion bribery and adulteration of food etc. are being committed at an ever-increasing rate these offences can also be termed as socio economic Crimes (hereinafter SEC).

II. Factors of origin of SEC

Industrialization

Industrial revolution led to the ushered growth in production of goods in Europe. It also gave birth to many new problems which were exclusively related to wealth.¹ In the wake of industrialization, a newer form of criminality was born which has now assumed menacing proportions. Unlike traditional crimes, this newer form of criminality is associated with the upper- and middle-class people and is committed them in the course of their occupations². This is adversely affecting the health and material welfare of the community as a whole and is also threatening the entire economic fabric of the State. The criminality in these cases extend from smuggling to adulteration and from tax evasion to frauds and misappropriation, exhibited in numerous permutations and combinations. The common feature of all this criminality is that the same is born of greed, avarice and rapacity and is committed in the course of trade, industry, commerce, business and profession of the upper and middle classes. These crimes have adversely affected the social and economic fabric of the state and the community alike.

Materialism

The growth of socio-economic offences can be traced to the materialism and business competitiveness fostered by industrialization, coupled with a decline in the influence of religious ethics that demand material accomplishments while emphasizing honest and fair dealings with others. These practices were very rampant during World War II. The two devastating wars degraded not only the civilizational values among the states but it also gave rise to the devil of greed amongst the state and its machineries along with the elite classes which led to eroding of the ethical and the religious values amongst the rulers.

Decline in Morality

Growth of materialism has direct connection to the concept of “Decline in Morality”. Morals are the prevailing standards of behavior that enable people to live cooperatively in groups as it provides guidelines for behavior³. Morality often requires that people sacrifice their own short-term interests for the benefit of society⁴.

¹ Sentencing in Socio-Economic Offences, *Criminology: Penology and Sentencing*, An MHRD project under national mission on education through ICT.

² *Ibid.*

³ Mashi Alam, *Strict liability in Socio economic offences* (1995) (Unpublished LL.M dissertation, Department of Law, Aligarh Muslim University).

⁴ *Ibid.*

The concept of free economy which was guided by the theory of *laissez faire*. Profit making became the sole motive of the entities engaged in the business. Post industrial revolution, the greed to stack more wealth and power led to the world wars. It led to the growth of materialism and which further led to decline in the morality. Thus, declining moral values led to the growth of socio-economic offences.

III. Features of Socio- Economic offences

The socio-economic offences are generally strict liability crimes. Prosecution need not to prove the element of *mens rea* during the trial of an accused in socio economic crimes. But that does not mean that the culprits do these crimes without any mala fide intention. The accused has motive guided by greed while he commits the crime.

One thing that can be remarked about the socio-economic crime is that there is no individual victim like one we see in the conventional crimes such as murder, theft etc. Here in the present case, whole of the society is the victim. Also, there is no emotional connection between the offender and the victim meaning that, the offender is not guided by malafide intention or anger or any other emotional element as it is there in the conventional crimes. For example, in case of theft, there is element of dishonesty towards the victims. Similarly, in the case of murder, the emotional element could be revenge, or any other intention or motive. But in the cases of socio-economic crimes, for example in the case of corruption, there is no particular individual who can be recognized as the victim of the crime. In fact, if we analyze, whole of society is the victim in the present case.

Greed has been the most recognized element of socio-economic offences. There is an element of excessive greediness to earn easy money. For example, persons who are engaged in the smuggling, drug trafficking, black marketing, food adulterations etc. are driven by the motive of greed to earn excessive money. Along with greed, the element of fraud is also involved in the present crime form, unlike the element of force that is present in the conventional crimes.

Though, these crimes have been categorized as the strict liability offences the domestic legislations, but these crimes are committed with clear intention and motive to earn easy money. It might be easy to prove the *mens rea* in these crimes therefore these crimes are categorized as the strict liability offences to bring quick conviction as these crimes are wrongs against whole of the society and thus, it hampers the well-being of the society on the economic and social fronts in long run. For example, say in the case of black marketing, the stockpiling

of goods leads to restricted supply of the goods into the market, that in turn leads to price rise of the goods. The whole of the society is affected by the price rise and thus such offences are wrongs against whole of the society. There can be several other examples similar to one mentioned above which can illustrate that whole society is affected by these crimes.

IV. Development of SEC in India

In modern times, development of socio-economic crime in India can be sub-headed into three phases namely, During British Rule, Post-Independence and finally After Industrialization.

During British Rule

Industrialization, that started in England, was one the initial factors that gave rise to the socio-economic crimes. Britishers came to India with the sole motive of trade and commerce but soon they captured the political power of the land and claimed themselves as the rulers of the Land and named it as “British India”. The trade methodology introduced by the britishers led to ruining of the Indian cottage industry which was mainly functioning on the subsistence economy. They introduced bureaucracy which became the center of corruption.

Britishers just offer various Kings to cooperate with them and help them for their business to setup and Kings will get weapons from them or other materialistic things which manufactured in Britain or in their factories to decorate the Kings palaces and forts. but since few Kings don't convince by British's offer and some Kings which are with Britishers suggest them to attack other kingdom to take control of them strategically.

Warren Hastings, the first governor general of India, was impeached because of serious charges of corruption leveled against him. He was accused of receiving ostentatious gifts in exchange of plum offices.

Post-Independence

India, post-independence, continued with the bureaucracy. Even today, the sole administrative functions are in the hands of bureaucracy, both the state and the central. Unfortunately, right from the british period till today, the bureaucracy has been the centre of corruption. Here are few of notable political corruption cases since independence as reported in media.

The *Jeep Scam (1948)* was a deal, to supply 200 Jeeps to Indian government, with a company in England. It was a contract for Rs.80 lakhs but only 155 Jeeps worth Rs.18 lakhs was delivered. The case was closed without any formidable action.

Diamond Mining Scam (1949) was the first reported political corruption where a politician was convicted for taking bribe.

Cycle scam (1951) was again an interesting case. In the present case the then Secretary, Ministry of Commerce and Industry, was jailed for accepting a bribe in lieu of granting a cycle import quota to a company.

LIC Scam (1957) was a case of highly ambitious businessman Haridas Mundra persuaded government owned Life Insurance Corporation (LIC) to invest Rs.1.24 crores in the shares of his six troubled companies - Richardson Cruddas, Jessop's & Company, Smith Stanistreet, Osler Lamps, Agnelo Brothers and British India Corporation. The present case was highlighted in 1958 by Feroze Gandhi.

In *Kairon Scam (1964)*, Pratap Singh Kairon became the first Indian chief minister to be accused of abusing his power for his own benefit and that for his sons and relatives. He quit a year later and was later exonerated in 1964, saying a father could not be held legally responsible for the actions of his grown-up children.

In *Cement Scam (1981)* Chief Minister of a State was convicted for extortion money from the Mumbai builders to Indira Gandhi Prasthan trust, in exchange for receiving more cement than the quota allotted to them by the Government.

After Industrialization

The industrial revolution entered India in 1854 when Bombay opened its first steam-powered cotton mill in Asia. It was only after the Industrial Policy, 1991, that India completely stepped into the arena of industrialization in true sense. The policy liberalized the economy by reducing excessive regulation and other industrial growth obstacles. The liberalization measures increased competition in the industrial sector.

Though, the new Industrial Policy 1991 gave way to the industrial growth in the country, it also became a reason for corruption. Hereinafter, some cases of corruption are listed which literally shook the socio-economic fabric of the country.

In *Hawala Scam (1996)*, 18 million dollars bribery scandal surfaced. In *Fodder Scam (1998)* two chief ministers of a State and officials accused for misappropriating funds worth Rs.950 crores

In *Stamp Paper Scam (2002)* printing of fake stamp papers was involved. The business exceeded Rs.20,000 crore and covered 12 states. The accused was convicted for 13 years.

Scorpene Submarine Scam (2005) was one of India's largest bribery corruption scandals which involved Rs.500 crore. The prime accused was said to have sold secret Navy documents

to Thales.

In *2G Spectrum Scam (2008)* the then Telecoms Minister was sacked after a report by India's state auditor which said that the Ministry sold licenses and spectrum below market prices, depriving the government of up to \$39 billion in revenues. The scam had involvement of politicians, bureaucrats, corporate personalities, media persons and lobbyists.

In *CWG Scam (2010)*, scam of purchase of treadmills to toilet rolls worth Rs.70,000 crore was involved. The chairman of the organizing committee was sent to jail.

Adarsh Housing Scam (2010) is a typical example of nexus among politicians and bureaucrats, for land grab. apartments worth \$1.8 million were sold for \$1,30,000. The Chief Minister of the State and 12 top bureaucrats was sacked.

In *Idamalayar corruption case (2011)*, a Minister got convicted for one-year imprisonment for abusing his position in the award of contract for the Idamalayar hydroelectric power project. It caused a loss of over Rs.2 crore to the Kerala State Electricity Board.

In *Indian Coal Allocation Scam (2012)*, a case of allocation of nation's coal deposit to PSU's and private companies. It caused loss of Rs.1.86 lakhs to tax payers' money.

Other such scams were *Uttar Pradesh NRHM Scam (2012)* which involved at Rs.100 billion from the National Rural Health Mission scheme.

In *Vyapam Scam (2013)*, a case of admission and recruitment for government jobs in the state was involved. politicians, senior officials and businessmen were accused in the present case.

In *Orissa Mining Scam (2014)*, out of total 621 mines in Orissa 200 were still in operations despite expiry of their lease periods. Scam amounted of Rs.59,203 crore and illegal iron and manganese ore amounting to Rs.22.80 crore was extracted illegally.

Thus, the above illustrations clearly lay down the India's treasure has been looted by its own people. The leaders, officials and the public servants who are obliged to protect the nation, economically, politically and socially as well. We need to dig the well deeper to find out more cases which are actually covered.

V. Major Committees dealing with Socio-economic offences

Santhanam Commission on Prevention of corruption

The Santhanam Committee was the first body to recognize the intensity of the crimes committed by the people of high social standards, which was acknowledged by the 29th report of the Law Commission released in 1972. Santhanam Committee in its report on the Prevention

of Corruption has talked about the reasons behind the prevalence of white-collar crimes in India.

The technological advancement and development in scientific temperament has been assigned as the major reason behind the growth of white-collar crimes. These large numbers with advanced disposition are being regulated by only a handful of elites who form the monopoly. The need of this technologically and scientifically advanced era is to make these masses adhere to the rules laid down by the elites to conduct them. Those who fail to do so land up becoming the offender of white-collar crimes.

The committee showed its concern regarding the great damage that this crime can cause to the public morals. The case of white-collar crimes is so complex and since people are not much aware about it, it is only the experts who can recognize such crimes and protect themselves from becoming a victim of it.

Changes were suggested in Art. 311 of the Constitution of India for conducting disciplinary proceedings against government servants. Changes in the Indian Penal Code were also suggested to strengthen anti-corruption measures. The definition of a public servant was recommended to be widened under the IPC to include Ministers, employees of PSUs, etc. It was also recommended that the offering of bribes should be made a substantive offence. The Committee further suggested that on completing 25 years of service or 50 years of age, a government servant may be retired without prescribing any reason, if the government thinks it fit.

Wanchoo committee

The committee recognized that the problems of Black Money and the ill effects of black marketing, foreign exchange violation and Hoardings are forms of socio-economic crimes. Committee also suggested measures to effectively address the problem.

Malimath committee

The committee suggested that Indian Penal Code needs to be reviewed and a separate code on social welfare offences should be inserted. The recommendation was not incorporated though. Rather, parliament enacted special legislations for various socio-economic offences such as The Drugs and Cosmetic Act, 1940, The Prevention of Food Adulteration Act, 1954, The Foreign Exchange Regulation Act, 1947, The Wealth Tax Act, 1957, The Income- Tax Act, 1961, The Essential Commodities Act, 1955, The Customs Act, 1962 8. Dowry Prohibition Act, 1961, The Prevention of Corruption Act, 1988.

Thus, the committee that has been constituted by the government to find the way out for handling the malice of the socio-economic offences. The legislature has accordingly accepted the relevant recommendations and enacted those into the law to control the offence.

VI. Law Commission in SEC

The 29th report of law commission

The report has identified some common features of the socio-economic offences. The observation made by the commission is not new. It was observed that Victims of the offences are unascertainable persons usually the State or community. Further, the Offences are committed by the 'upper classes' of society. Unfortunately, Upper classes themselves set the moral standards of society, and hence a serious view is not taken of these offences.

One of the terms of reference of the Committee was, "To suggest changes in the law which would ensure speedy trial of cases of bribery, corruption and criminal misconduct and make the law otherwise more effective."

Dealing with this, the Committee made the following observations: —

"7.2. The substantive law relating to bribery, corruption and criminal misconduct is contained in the Indian Penal Code and the Prevention of Corruption Act, 1947, the procedural law in the Criminal Procedure Code, Criminal Law Amendment Act, 1958 and some special rules of evidence relating to such cases in the Prevention of Corruption Act. The working of the relevant provisions of these enactments in prosecutions in courts and also at the stage of investigation have disclosed that certain changes in the law are required in order to ensure speedy trials and more effective results. We have examined the existing provisions in the light of experience gained in numerous cases, and also in the context of social changes and economic objectives which have created new problems."⁵

"7.3. *Amendments to the Indian Penal Code:*

The Indian Penal Code was enacted in 1860, and though it has been amended here and there, its main structure has continued intact during the last 100 years and more. It is an admirable compilation of substantive criminal law, and most of its provisions are as suitable today as they were when they were formulated. But the social and economic structure of India has changed to such a large extent, especially during the last 17 years of freedom that in many respects the Code does not truly reflect the needs of the present

⁵ 29th report of Law commission of India.

day. It is dominated by the notion that almost all major crimes consist of offences against person, property or State. However, the Penal Code does not deal in any satisfactory manner with acts which may be described as social offences having regard to the special circumstances under which they are committed, and which have now become a dominant feature of certain powerful sections of modern society.”⁶

The 47th report of the Law Commission

In its 47th report, the Law Commission observed that;

“Since a corporation does not have a physical body, no pain can be inflicted upon them as a punishment. A corporation does not have a mind that can be accused of guilty intent and therefore new penalties should be created to punish them for their illegal and wrongful acts.”

“The Commission found that the real penalty for the corporation would be to experience a curtailment in their reputation. And that they be called a disgrace. The commission said that not only the directors or managers should be punished but the corporation as well. The people should be able to link the offence with the name of the corporation also.”

The Commission recommended the inclusion of the following provisions in the Indian Penal Code, 1860:

“In every one of those cases where the offence has been committed by the corporation and the punishment includes imprisonment or fine and imprisonment both, the court will have the power to impose on these offenders fine only.

1. In every one of those cases where the offender is the corporation and the punishment for his offence can be either imprisonment and any other punishment other than fine, than in that case the court shall have the power to impose on such offenders fine only.
2. In this section, ‘corporation’ should mean an incorporated company or other body corporate. It would also include firms and other association of individuals.”

Thus, the law commission through its 29th and 47th report have observed the various aspect of the socio-economic offences. The commission has also given various recommendations which has been accepted by the legislatures. Legislature has enacted various legislation to control such crimes.

⁶ *Ibid.*

VII. Judiciary on SEC

The higher judiciary, through its various cases, has discussed the issues related to the socio-economic offences. Few cases are illustrated hereunder.

In *Ishardas v. State of Punjab*⁷ the Supreme Court observed that-

“the 47th report of the Law Commission recommended the exclusion of the probation Act to socio-economic offences. Further, the prevention of food Adulteration Act is aimed at uprooting and curbing such evils and to safeguard the public health and the courts should not lightly give the benefit of the provisions of probation of offenders Act in such cases.

In *Pyarali K. Tejani v. Madhav R. Dange*⁸ the Supreme Court had cautioned that-

“the kind application of the probation principle is negated by the imperatives of social defence and no chances can be taken by society with a man whose anti-social operations disguised as a respectable trade, imperil numerous innocents.”⁹

“It is to be noted that the Government of India has not yet formulated a sentencing policy and also there is no law that provides guidelines for sentencing. The only guidelines available to lower courts are through the judgments of the High Courts and the Supreme Court.¹⁶ Some committees like Malimath and Madhava Menon Committees have also advocated introduction of sentencing guidelines.”

In *State of Uttar Pradesh v. Sanjay Kumar*¹⁰, the Supreme Court highlighted the general principles of sentencing. The relevant portion of this judgment is reproduced hereunder:

“Sentencing policy is a way to guide judicial discretion in accomplishing particular sentencing. Generally, two criteria, that is, the seriousness of the crime and the criminal history of the accused, are used to prescribe punishment. By introducing more uniformity and consistency into the sentencing process, the objective of the policy, is to make it easier to predict sentencing outcomes. Sentencing policies are needed to address concerns in relation to unfettered judicial discretion and lack of uniform and equal treatment of similarly situated convicts. The principle of proportionality, as followed in various judgments of this Court, prescribes that, the punishments should reflect the gravity of the offence and also the criminal background of the convict. Thus, the graver the offence and the longer the criminal record, the more severe is the

⁷ AIR 1972 SC 1295.

⁸ AIR 1974 SC 228.

⁹ Andrew Ashworth, *Sentencing and Criminal Justice*, Cambridge University Press 5 108 (2010).

¹⁰ 7 (2012) 8 SCC 537.

punishment to be awarded.”

In *State of Gujarat v. Mohanlal Jitamalji Porwal*¹¹, the Supreme Court, observed as under: -

“The entire Community is aggrieved if the socio-economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest.”

In *Lalit Goel v. Commissioner of Central Excise*¹² here in dealing with bail application under the Customs Act the Court observed that

“The socio-economic offences constitute a class apart and need to be looked with a different approach especially in the matter of bail. The Court also noticed the growing materialistic outlook to maximise material gains by unlawful means and suggested appropriate legislative measure and judicial intervention to safeguard the interest of the State and public.”

In *Prem Kumar Parmar v. State*¹³ the Court observed that;

“Such offences are even worse than murders. The economic offences having deep rooted conspiracies and involving huge loss of public funds whether of nationalized banks or of the State and its instrumentalities need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of our country. Therefore, the persons involved in such offences, particularly those who continue to reap the benefit of the crime committed by them, do not deserve any indulgence and any sympathy to them would not only be entirely misplaced but also against the larger interest of the society. The Court cannot be oblivious to the fact that such offences are preceded by cool, calculated and deliberate design, with an eye on personal gains, and in fact, not all such offences come to the surface. If a person knows that even after misappropriating huge public funds, he can come out on bail after spending a few months in jail, and

¹¹ AIR 1987 SC 1321.

¹² 2007 (3) JCC 2282.

¹³ 1989 RLR 131. Available at: <https://indiankanoon.org/doc/58730884/> (last visited on September 23rd, 2021).

thereafter, he can continue to enjoy the ill-gotten wealth, obtained by illegal means, that would only encourage many others to commit similar crimes in the belief that even if they have to spend a few months in jail, they can lead a lavish and comfortable life thereafter, utilizing the public funds acquired by them.”

In *Central Bureau of Investigation v. Jagjit Singh*¹⁴ the Supreme Court observed that

“such offences are great social wrongs and they have immense societal impact, the ultimate victim being the society as collective. It was said such offences not only creates a hazard in the financial interest of the society and but also creates a deep dent in the economic spine of the nation.”

In *Guerrero Lugo Elvia Grissel v. The State of Maharashtra*¹⁵, it was observed that

“plea bargaining in India should not be extended to socio economic offences or the offences against women and children.”

In *CBI v. Maninder Singh*¹⁶ the court highlighted that

“the developments in science and technology in addition to means of communication, have led to an enormous increase in economic crimes for example phishing, ATM frauds etc. involving huge sums of public or government money, committed by intelligent individuals. These are actually public wrongs or crimes committed against society and the magnitude and gravity attached to these offences is concentrated at public.”

In *Y.S. Jagan Mohan Reddy v. CBI*¹⁷ the Supreme Court held that

“A different approach have to be taken in matters of bail in cases of socio-economic offences. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously. In addition they pose a serious threat to the country’s financial health. The court further held that while granting bail, the court has to keep in mind- (i) the nature of accusations (ii) the nature of evidence in support thereof (iii) the severity of the punishment which conviction will entail (iv) the character of the accused (v) reasonable apprehension of the witnesses being tampered with. In the larger interests of the public, in this case the court rejected the bail as there was a reasonable apprehension that it might hamper the investigation”

¹⁴ (2013) 10 SCC 686.

¹⁵ Criminal writ petition no. 2109 of 2011, High Court of Mumbai.

¹⁶ 2015 (9) SCALE 365.

¹⁷ (2013) 7 SCC 439.

In a similar case of *Nimmagadda Prasad v. CBI*¹⁸ the appellant was accused of committing economic offence of allocating some lands to chosen private companies under the veil of development with deception. The court held that

“socio-economic crimes unlike other crimes are executed with deliberate design and calculations and with an objective of personnel benefit without regard to the harmful consequences to the community or society. The court reiterated the circumstances of granting of bail as laid down *Y S Gyan Mohan Reddy case*¹⁹ and held that bail should not be granted.”

In *Mahendra Prasad v. State*²⁰ the appellant was convicted for accepting bribe from the complainant under Prevention of Corruption Act, 1988. The Delhi High Court observed that

“In the current scenario, the corrupt officials deliberately accept bribes; it is high time to deal with them strictly.”

In *B.G. Goswami v. Delhi Administration*²¹ the accused was convicted under the Prevention of Corruption Act and it was observed that

“In absence of guidelines, it is necessary to weigh and balance various considerations with a judicial mind. Broadly, the main purpose of the sentence is that the accused should realise that he has not only committed a harmful act to the society of which he is also an integral part but the act is also harmful to his own future, both as a member of the society and as an individual.”

In *State, Rep. by Inspector of Police Central Crime Branch v. R. vasanthi Stanley*²² the supreme Court said that

“Lack of intention or knowledge is not be considered as a defense in socio-economic offences cases.”

Thus, Judiciary through various cases have very well discussed the socio-economic offences. These offences are tagged as the strict liability offences for the reason that these are committed by persons who are very influential in the society. Corruption done the politicians, officials and other public servants are perfect examples of socio-economic offences. Thus, it is very essential to eliminate the element of mens rea so that the culprits may be convicted for their wrong and they are not allowed to escape the penalty.

¹⁸ (2013) 7 SCC 466.

¹⁹ (2013) 3 SCC CRI 561.

²⁰ (2008) CCR 28 (Del).

²¹ (1974) 3 SCC 85.

²² Criminal Appeal Nos. 2006-2009 OF 2014.

VIII. Conclusion

The socio-economic crime has huge impact upon the economic and the social fabric of the country. Offenders are motivated by excessive greed to earn quick and easy money. Various committees and the law commission in its 29th and the 47th report recognized the fact that these are the non-conventional crimes committed by the upper class of the society. They have enough awareness about the law and they also know how to escape burnt of the penal law.

Way out is the implementation of the recommendations of the relevant committees. State has enacted various special legislation which make these crimes a strict liability offence. The reason is that the person who commit such crimes are well awarded and very much founded in the society and therefore the offence committed by these offenders shall be tried strictly.

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