

PREFACE TO SECOND EDITION

A society living in the shadow of corruption can never flourish. It thus becomes the duty of the Government to take stern action to curb corruption from the society otherwise seeds of corruption will spoil the whole edifice. It is beyond our imagination that laws alone can curb the sin like corruption without the active role of the society. It is the sense of responsibility of the people that can mould the nation to its socialistic pattern of the society which in turn will serve the nation in the spirit enshrined in the Preamble of the Constitution.

Law is essentially a sort of experiment which has to move with the changing needs of the time and minted in the current coin of jurisprudence. Therefore, law must vitalize and refresh itself from extrinsic resources as it is always approaching and never reaching the logical consistency, because it is constantly in the process of growth. Not only do the various systems of law change their content but the conception of law itself changes with the progress of mankind. It is, therefore, essential that a codified law is reviewed from time to time to see whether it continues to be in accord with the new ideas or it needs changes for deriving full benefit of the experience gained in course of time.

In J&K State, with a view to meet the contingencies of the time, the law on the subject was first enacted and codified in 1949 when "The Prevention of Corruption Act, Svt. 2006 Bik. (1949 A.D) was placed on the Statute Book. The Act was promulgated by Shree Yuvraj under section 5 of the Jammu and Kashmir Constitution Act, 1996 vide Act No. XIII of 2006 and published in the Government Gazette dated 25th of Maghar, 2006(Bik.) But the corruption cases before Courts kept on increasing. As such in order to tighten the provisions, various amendments were made in the Act from time to time.

First Edition of the book saw light of the day in year 2006, which was liked and appreciated by the Esteem Readers being handy. In the present edition efforts have been made to make it most comprehensive and exhaustive. The subject matter of the book has been divided into eight parts. First part contains the Prevention of Corruption Act itself with commentary supported by judicial pronouncements; Second part contains relevant provisions of amendment made through Criminal Law (Amendment) Act, 1958; Third part contains law relating to Trap cases; Part IV contains General

topics with regards to trial of cases; Part V. contains law regarding acquiring of property, found in the possession of public servant, from unknown sources; Part VI contains the relevant Provisions of Ranbir Penal Code with commentary and case law; Part VII pertains to law on Search, Seizure and Arrest; Where as part VIII deals with important selected case law on Miscellaneous matters pertaining to procedure and evidence etc. Statutes portion has been annexed comprising of all allied laws relating Law of Corruption. General and Nominal Indices are presented alphabetical and in very lucid manner to search within no time the desired text.

I am grateful to Mr. Sunil Gupta, M.D., Jay Kay Law Reporter P. Ltd. who inspired me and provided the material to prepare the book on this subject without whose efforts this work would have not been completed.

Pains have been taken to see that all important aspects are properly digested, analysed and presented in such a way as to enable easy reference to the subject matter. I am sure that this book will be of immense help to the Bench and the members of the bar as well as the Officers working in the Vigilance organisation.

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