

USHA AGARWAL V/S UNION OF INDIA (WP(C) No. 23 of 2015)

High Court of Sikkim

29th of August 2015

BENCH:

Honourable Mrs. Justice Meenakshi Madan Rai

FACTS:

The following case challenged the constitutional validity and legality of the provisions of Sections 2(u), 3, 4, 5, 8, 13, 24, 45 and 50 of the Prevention of Money-Laundering Act, 2002. It was prayed that, the provisions be declared ultra vires i.e an act done beyond one's legal power or authority, illegal, unconstitutional and violative of the fundamental rights of citizens, especially Article 14 and Articles 19 to 22 of the Constitution of India. A further prayer was made for quashing the Enforcement Case Information Report (ECIR), lodged against the Petitioner on 19-02-2014. Eastern Institute for Integrated Learning in Management University (henceforth 'EIILMU'), a State self-financed Private University, was established. In July 2008, enumerating Courses and Disciplines which the University was authorized to offer. Vide a letter, the EIILMU was permitted to open admission/counselling centres in different parts of the Country. As per the Petitioner, on 01-09-2012, a suo-motu FIR was longed under various sections of IPC alleging against the Management of the EIILMU, regarding opening of various Study Centres outside the State of Sikkim and offering Courses without approval of the Distance Education Council.

DECISION:

At the end, the court opined that bearing in mind the objective of the Money-Laundering Act, 2002 and relying on the cases and points mentioned by the respective Learned Counsels on both the sides and being bereft of the merits, the Writ Petition stood dismissed with no costs.