

- (i) किसी ऐसे व्यक्ति विरुद्ध जिसके बारे में भगोड़ा आर्थिक अपराधी होने का विश्वास है, भारत के किसी न्यायालय द्वारा जारी किसी अनुसूचित अपराध के अभियोजन संबंध में गिरफ्तारी वारंट की प्रति;
- (ii) ऐसा विश्वास करने के कारणों का कथन कि कोई व्यक्ति भगोड़ा आर्थिक अपराधी है;
- (iii) किसी ऐसे व्यक्ति के, जिसके बारे में भगोड़ा आर्थिक अपराधी होने का विश्वास है, ठिकाने के बारे में उपलब्ध किसी जानकारी पर कथन;
- (iv) ऐसे व्यक्ति को, जिसके बारे में भगोड़ा आर्थिक अपराधी होने का विश्वास है, भारत वापस लाने के लिए किए गए प्रयास का कोई सबूत;
- (v) संपत्तियों की सूची या ऐसी संपत्तियों का मूल्य जिनके बारे में अपराध के आगम होने का विश्वास है, जिसके अंतर्गत भारत के बाहर की कोई ऐसी संपत्ति भी है जिनके अधिहरण की ईप्सा की गई है;
- (vi) भारत में या विदेश में किसी ऐसे व्यक्ति के, जिसके बारे में भगोड़ा आर्थिक अपराधी होने का विश्वास है, स्वमित्वाधीन ऐसी संपत्तियों या बेनामी संपत्ति की सूची, जिनके अधिहरण की ईप्सा की गई है;
- (vii) बेनामी संपत्ति संव्यवहार प्रतिषेध अधिनियम, 1988 के अधीन न्यायनिर्णायक प्राधिकारी द्वारा जारी अधिहरण आदेश की प्रति, यदि कोई हो; और
- (viii) ऐसे व्यक्तियों की सूची जिनका खंड (v) और खंड (vi) के अधीन सूचीबद्ध संपत्तियों में से किसी संपत्ति में कोई हित हो।
- (2) उपनियम (1) के अधीन तैयार की गई अनुक्रमणिका और सामग्री का प्रत्येक पृष्ठ पर हस्ताक्षर होंगे और उसे संदर्भ संख्या और प्रेषण की तारीख उपदर्शित करते हुए मुहरबंद लिफाफे में विशेष न्यायालय को अग्रेषित किया जाएगा।
- (3) इस नियम के प्रयोजनों के लिए, यथास्थिति, निदेशक या प्राधिकृत अधिकारी, अभिस्वीकृति स्लिप रजिस्टर, डाक रजिस्टर जैसे रजिस्टर और अन्य अभिलेखों का अनुरक्षण करेगा और यह सुनिश्चित करेगा कि जैसे ही सामग्री के साथ आदेश की प्रति विशेष न्यायालय को अग्रेषित की जाती है, रजिस्टर में तुरंत आवश्यक प्रविष्टियां कर ली जाएं।

[फा.सं. 6/3/2017-एफएसएलआरसी]

डॉ. शशांक सक्सेना, सलाहकार (एफएसआरएल)

NOTIFICATION

New Delhi, the 24th August, 2018.

G.S.R. 805(E).—In exercise of the powers conferred by clause (a) of sub-section (2) of section 23 of the Fugitive Economic Offenders Act, 2018 (17 of 2018) and in supersession of the Fugitive Economic Offenders (Application for Declaration of Fugitive Economic Offender) Rules, 2018, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These Rules may be called the Declaration of Fugitive Economic Offenders (Forms and Manner of Filing Application) Rules, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—
 - (a) “authorised officer” means any officer not below the rank of Deputy Director authorised by the Director for the purposes of these rules;
 - (b) “Act” means the Fugitive Economic Offenders Act, 2018 (17 of 2018).
- (2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Form and manner of application for declaring an individual as a fugitive economic offender.**—(1) The Director or the authorised officer, as the case may be, shall prepare an index containing the following materials, namely:-

- (i) a copy of a warrant of arrest in relation to prosecution of a Scheduled Offence against the individual believed to be a fugitive economic offender issued by any Court in India;
- (ii) a statement of reasons to believe that an individual is a fugitive economic offender;
- (iii) a statement on any information available as to the whereabouts of the individual believed to be a fugitive economic offender;
- (iv) any proof of effort undertaken to bring the individual believed to be a fugitive economic offender back to India;
- (v) a list of properties or value of such properties believed to be the proceeds of crime, including any such property outside India for which confiscation is sought;
- (vi) a list of properties or benami property owned by the individual believed to be a fugitive economic offender in India or abroad for which confiscation is sought;
- (vii) a copy of a confiscation order issued by the Adjudicating Authority under the Prohibition of Benami Property Transactions Act, 1988, if any;
- (viii) a list of persons who may have an interest in any of the properties listed under clauses (v) and (vi).

(2) The index and material prepared under sub-rule (1) shall be signed on each page and forwarded to the Special Court in a sealed envelope, indicating a reference number and date of despatch.

(3) The Director or the authorised officer, as the case may be, shall maintain registers and other records such as acknowledgement slip register and dak register and shall ensure that necessary entries are made in the register immediately as soon as a copy of the application along with the materials are forwarded to the Special Court.

[F.No. 6/3/2017-FSLRC]

Dr. SHASHANK SAKSENA, Adviser (FSRL)

अधिसूचना

नई दिल्ली, 24 अगस्त, 2018

सा.का.नि. 806(अ)--केंद्रीय सरकार, भगोड़ा आर्थिक अपराधी अधिनियम, 2018 (2018 का 17) की धारा 23 की उपधारा (2) के खंड (ङ) के साथ पठित उपधारा (1) और धारा 12 की उपधारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भगोड़ा आर्थिक अपराधी (विशेष न्यायालयों के आदेश की सूचना की तामील और उसके निष्पादन के लिए संविदाकारी राज्यों को अनुरोध पत्र भेजने की प्रक्रिया) नियम, 2018 को उन बातों के सिवाय जिन्हें ऐसे अधिक्रमण के पूर्व किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात् :—

1. **संक्षिप्त नाम और प्रारंभ**--(1) इस नियमों का संक्षिप्त नाम भगोड़ा आर्थिक अपराधी (संविदाकारी राज्यों को अनुरोध पत्र भेजने की प्रक्रिया) नियम, 2018 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. **परिभाषाएं**—(1) इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हों,—

अनुसूची

[वरामद और अभिगृहीत मदों की सूची]

पंच साक्षी :

1. [नाम, पता और हस्ताक्षर, तारीख सहित]

2. [नाम, पता और हस्ताक्षर, तारीख सहित]

.....
[उस व्यक्ति के हस्ताक्षर, जिसकी तलाशी ली गई](प्राधिकारी)
हस्ताक्षर, मुद्रा सहित

(प्रति प्राप्त की)

[उस व्यक्ति का नाम, पता और हस्ताक्षर, जिसकी तलाशी ली गई]

टिप्पण—अभिग्रहण ज्ञापन के प्रत्येक पृष्ठ पर पंच साक्षियों, उस व्यक्ति के, जिसकी तलाशी ली गई और प्राधिकारी के हस्ताक्षर होंगे और तारीख डाली जाएगी।

[फा.सं. 6/3/2017-एफएसएलआरसी]

डॉ. शशांक सक्सेना, सलाहकार (एफएसआरएल)

NOTIFICATION

New Delhi, the 24th August, 2018

G.S.R. 807(E).--In exercise of the powers conferred by clause (d) of sub-section (2) of section 23 of the Fugitive Economic Offenders Act, 2018 (17 of 2018) and in supersession of the Fugitive Economic Offenders (Forms, Search and Seizure and the Manner of Forwarding the Reasons and Material to the Special Court) Rules, 2018, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Fugitive Economic Offenders (Procedure for Conducting Search and Seizure) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “authorised officer” means an officer not below the rank of a Deputy Director authorised by the Director for the purpose of these rules;

(b) “Form” means form appended to these rules;

(c) “Act” means the Fugitive Economic Offenders Act, 2018 (17 of 2018);

(d) “records” include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information;

(e) “section” means a section of the Act;

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Procedure relating to search.**— (1) The Director or the authorised officer shall enter and search any building, place, vessel, vehicle or aircraft where he has reason to suspect that such records or proceeds of crime are kept and such officer may,-

- (i) break open the lock of any door, box, locker, safe, almirah or other receptacle in case keys thereof are not available;
- (ii) seize any record or property found as a result of such search;
- (iii) place marks of identification on such record or make or cause to be made extracts or copies therefrom;
- (iv) make a note or an inventory of such record or property;
- (v) examine on oath any person, who is found to be in possession or control of any record or property, in respect of all matters relevant for the purposes of any investigation under this Act.

(2) No search shall be conducted under this rule unless a report has been submitted by an officer authorised to investigate to an officer not below the rank of Additional Secretary to the Government of India or equivalent being head of the office or Ministry or Department, as the case may be, or any other officer who may be authorised by the Central Government, for this purpose.

(3) Before making a search, the Director or the authorised officer, shall—

- (a) where a building or place is to be searched, call upon two or more respectable persons of that locality in which the building or place to be searched is situated; and
- (b) where a vessel, vehicle or aircraft is to be searched, call upon any two or more respectable persons, to attend and witness the search and may issue an order in writing to them or any of them so to do.

(4) Any person in charge of, or, in any building, place, vessel, vehicle or aircraft shall, on production of the authorisation, allow the Director or the authorised officer free ingress thereto and afford all reasonable facilities for search therein.

(5) If ingress into such building or place cannot be obtained, it shall be lawful for Director or the authorised officer executing the authorisation, with such assistance of police officers or of such other officers, as may be required, to enter such building or place and search therein and in order to effect an entrance into such building or place, to break open any lock of any door or window of any building or place, whether that of the person to be searched or of any other person, if after production of authorisation and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that if any such building or place is an apartment in actual occupancy of a woman, who according to custom does not appear in public, Director or the authorised officer shall before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the apartment and enter it.

(6) If ingress into any vessel, vehicle or aircraft authorised to be searched cannot be obtained because such vessel, vehicle or aircraft is moving or for any other reason, it shall be lawful for Director or the authorised officer executing the authorisation, with such assistance as may be required of police officers and such officers, to stop any such vessel or vehicle or in the case of an aircraft, compel it to stop or land, and search any part of the vessel, vehicle or aircraft, and in order to effect an entrance into such vessel, vehicle or aircraft to break open any door or window of any such vessel, vehicle or aircraft, whether that of the person to be searched or of any other person, if after production of the authorisation and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that if any such vessel, vehicle or aircraft is occupied by a woman, who according to custom does not appear in public, the Director or the authorised officer shall, before entering such vessel, vehicle or aircraft, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the door of any vessel, vehicle or aircraft and enter it.

(7) The Director or the authorised officer may require any person who, is the owner, or has the immediate possession, or control, of any box, locker, safe, almirah or any other receptacle situated in such building, place, vessel, vehicle or aircraft, to open the same and allow access to inspect or examine its contents, and, where the keys thereof are not available or where such person fails to comply with any such requirement, may break open the lock of such box, locker, safe, almirah or other receptacle which Director or the authorised officer may deem necessary for carrying out all or any of the purposes specified by Director in this behalf.

(8) The occupant of the building, place, vessel, vehicle or aircraft searched, including the person in charge of such vessel, vehicle or aircraft, or some person on his behalf, shall be permitted to attend during the search.

(9) The Director or the authorised officer shall, immediately after search and seizure forward a copy of the reasons so recorded along with material in his possession, to the Special Court in a sealed envelope.

4. **Procedure relating to seizure.**— (1) The Director or any other officer authorised by him, as the case may be, may seize any record or property found as a result of search of any building, place, vessel or vehicle or aircraft.

(2) Where it is not practicable to seize any record or property, the Director or the authorised officer, as the case may be, may pass an order that the property shall not be transferred or otherwise dealt with, except with the prior permission of the Director or the authorised officer making such order, and a copy of such order shall be served on the person concerned.

(3) The Director or the authorised officer shall prepare a seizure memo (inventory of items) in Form appended to these rules which shall be delivered to the occupant of the building, place, vessel, vehicle or aircraft searched, including the person in charge of such vessel, vehicle or aircraft, or some person on his behalf and the Director or the authorised officer shall also forward a copy of the inventory so prepared to the Director and the Special Court.

(4) The Director or the authorised officer shall place or cause to be placed the records of properties including bullion, jewellery and other valuable articles and things seized during the search in a package which shall contain the details of the bullion, jewellery and other valuable article and things placed therein and such packages shall bear an identification mark and the seal of the Director or the authorised officer, and the occupant of such building, place, vehicle or aircraft, including the person in charge of such vessel, vehicle or aircraft searched or any other person on his behalf shall also be permitted to place his seal on packages.

5. **Retention of property or records.**— (1) Where any property or records have been seized under rule 4 and the Director or the officer authorised by him in this behalf has, on the basis of material in his possession, reason to believe (the reason for such belief to be recorded by him in writing) that such property or records are required to be retained for the purposes of declaration of fugitive economic offender under section 12, such property or records may, if seized, be retained for a period not exceeding thirty days from the day on which such property or records were seized or such extended period as may be allowed by the Special Court on the request of the officer authorised.

(2) The Director or the officer authorised by him shall, immediately after he has retained the property or records under sub-rule (1), forward the inventory of items in the Form to the Special Court, in a sealed envelope.

(3) On the expiry of the period specified in sub-rule (1), the property or records shall be returned to the person from whom such property or records were seized unless the Special Court permits retention of such property or records beyond the said period.

6. **Manner of forwarding an inventory.**—(1) The Director or the authorised officer, as the case may be, shall prepare an index of the items in his possession along with a copy of the reasons for retention of the items and sign each page of such index and forward a copy of the index to the Special Court in a sealed envelope indicating a reference number and date of dispatch.

(2) The Director or the authorised officer shall maintain registers and other records such as acknowledgement slip register and dak register for the purposes of this rule and shall ensure that necessary entries are made in the register immediately as soon as a copy of the reasons along with the material are forwarded to the Special Court.

FORM

[See sub-rule (3) of rule 4 and sub-rule (2) of rule 5]

SEIZURE MEMO
(INVENTORY OF ITEMS)

Dated.....

From [time] to..... [time]

Panch Witnesses:

1. [name with complete address]
2. [name with complete address]

We, the above named panchas having been called upon by Shri [name, designation and complete address of Officer] have presented ourselves at..... [complete address of the premises]. Here we were shown an authorisation dated..... issued by Shri [name, designation and complete address of the Director] under sub-section (1) of section 8 of the Fugitive Economic Offenders Act, 2018 (17 of 2018) authorizing Shri [name, designation and complete address of the officer authorised by the Director] to conduct search or seizure of the above mentioned premises. We as well as Shri [name of the occupier of the premises] put our dated signatures on the authorisation in token of having seen the same. Before the actual start of search and after the conclusion of search by Shri..... [name, designation and complete address of the Director or the authorised officer] and the accompanying officers viz. Sarvashri/Shri/Shrimati..... offered their personal search which was declined or taken by Sarvashri/Shri/ Shrimati..... [the occupier of the premises] on both the occasions in our presence. The search started athours on..... and concluded athours on.....As a result of search.....[specify proceeds of crime or records or benami property or other property] were checked and verified and inventory prepared or recovered and seized or prohibited from transfer as per details given in the Schedule below. The search was conducted in a peaceful and orderly manner and no damage to the person or property was caused during the course of search.

[Signature]

Director or the authorised officer

[Seal]

SCHEDULE

[Inventory of items recovered and seized]

Panch Witnesses:

1. [name, address and signature with date]
2. [name, address and signature with date]

.....
[signature of the person searched]

(Director or the authorised officer)

Signature with Seal

(Received copy)

[name, address and signature of the person searched]

Note.—Each page of the seizure memo is to be signed and dated by the Panch Witnesses, the person searched and the Director or the authorised officer.

[F. No. 6/3/2017-FSLRC]

Dr. SHASHANK SAKSENA, Adviser (FSRL)

MINISTRY OF FINANCE
(Department of Economic Affairs)
NOTIFICATION

New Delhi, the 24th August, 2018

G.S.R. 804(E).—In exercise of the powers conferred by clause (b) of sub-section (2) of section 23 of the Fugitive Economic Offenders Act, 2018 (17 of 2018) and in supersession of the Fugitive Economic Offenders (Issuance of Attachment Order) Rules, 2018 and the Fugitive Economic Offenders (Issuance of Provisional Attachment Order) Rules, 2018, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Fugitive Economic Offenders (Manner of Attachment of Property) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

- (a) “authorised officer” means an officer not below the rank of Deputy Director authorised by the Director for the purposes of these rules;
- (b) “attachment order” means an order for attachment of property under sub-section (1) or provisional attachment of property under sub-section (2), of section 5 of the Act;
- (c) “Act” means the Fugitive Economic Offenders Act, 2018 (17 of 2018);
- (d) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. **Issuance of attachment order.**—(1) The Director or any authorised officer who makes an order for attachment of property under sub-section (1) or who provisionally attaches any property under sub-section(2), of section 5 of the Act shall endorse a copy of the attachment order to the fugitive economic offender and to persons who may have interest in any of the property listed in the attachment order including the persons in possession of the properties and a copy shall also be addressed to the Special Court.

(2) The service of attachment order shall be done in the following manner, namely:—

- (a) by delivering or tendering the attachment order to the owner or person or to the person duly authorised by such owner or person; or
- (b) if the owner or person is absent from his residence at the time when service of the attachment order is being effected on him and there is no likelihood of his being found at the residence within a reasonable time and he has not duly authorised any person to accept the service on his behalf, service may be made on any adult member in the family of such owner or person who is residing with him; or
- (c) if the service cannot be effected as provided in clauses (a) and (b), the serving officer shall affix one of the duplicate of the attachment order at some conspicuous part of the premises in which the person or owner resides or is known to have last resided or carried on business or personally works or has worked for gain and that the written report thereof shall be witnessed by two persons.

(3) If the service cannot be effected under sub-rule (2), then the attachment order shall be published in a leading newspaper (both in vernacular and in English) having wide circulation in the

area or jurisdiction in which the person resides or is known to have last resided or carried on business or personally works or last worked for gain.

(4) Notwithstanding anything contained in this rule, the attachment order may be sent to the owner or person simultaneously by speed post with proof of delivery at the address of his place of residence or his last known place of residence or the place where he carried on, or last carried on, business or personally works or last worked for gain.

4. **Service of attachment order on corporate bodies, societies and trusts, etc.—**(1) (a) The attachment order on corporate bodies, societies and trust etc., shall be effected by serving it on the secretary, local manager or the principal officer of the corporate bodies, societies and trust etc., or by letter sent by speed post addressed to the chief officer of such bodies in India, in which case the service shall be deemed to have been effected.

(b) If the service cannot be effected as provided in clause (a), the serving officer shall affix one of the duplicate of the attachment order at some conspicuous part of the premises in which the office of the corporate body, society and trust etc., carries on business or has last carried on business.

(2) If the service cannot be effected under sub-rule (1), then the attachment order shall be published in a leading newspaper (both in vernacular and in English) having wide circulation in the area or jurisdiction where the corporate body, society and trust etc., carries on business or has last carried on business.

[F. No. 6/3/2017-FSLRC]

Dr. SHASHANK SAKSENA, Adviser (FSRL)

अधिसूचना

नई दिल्ली, 24 अगस्त, 2018

सा.का.नि.805(अ).—केंद्रीय सरकार, भगोड़ा आर्थिक अपराधी अधिनियम, 2018 (2018 का 17) की धारा 23 की उपधारा (2) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भगोड़ा आर्थिक अपराधी (भगोड़ा आर्थिक अपराधी की घोषणा के लिए लिए आवेदन)नियम, 2018 को, उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात्:--

1. **संक्षिप्त नाम और प्रारंभ-**(1) इन नियमों का संक्षिप्त नाम भगोड़ा आर्थिक अपराधी की घोषणा (आवेदन फाईल करने का प्रारूप और रीति) नियम, 2018 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. **परिभाषाएं—**(1) इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "प्राधिकृत अधिकारी" से इन नियमों के प्रयोजनों के लिए निदेशक द्वारा प्राधिकृत कोई ऐसा अधिकारी अभिप्रेत है, जो उपनिदेशक की पंक्ति से नीचे का न हो;

(ख) "अधिनियम" से भगोड़ा आर्थिक अपराधी अधिनियम, 2018 (2018 का 17) अभिप्रेत है।

(2) अन्य सभी शब्दों और अभिव्यक्तियों का, जो इसमें प्रयुक्त हैं और इन नियमों में परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, क्रमशः वही अर्थ होगा, जो उनका अधिनियम में है।

3. **किसी व्यक्ति को भगोड़ा आर्थिक अपराधी के रूप में घोषणा करने के लिए आवेदन का प्रारूप और रीति—**(1) यथास्थिति, निदेशक या प्राधिकृत अधिकारी निम्नलिखित सामग्रियों से युक्त एक अनुक्रमणिका तैयार करेगा अर्थात्:—