

INVESTIGATION OF HIGH QUALITY COUNTERFEIT INDIAN CURRENCY OFFENCES RULES, 2013

Q&-33004/99 REGD. NO. D. L.-33004/99 Che Gazette of Shidia 4961 No. 496) EXTRAORDINARY 11—1703 (i) PART IL—section 3—Sub-section (i) PUBLISHED BY AUTHORITY 27, 5, 1935 NEW DELHI, FRIDAY, SEPTEMBER 27, 2013/ASVINA 5, 1935 19 2013 2. (2) 661 (u) 1967 (1967 37) 52 zu-qr«r (1) (2) @ & 2013 (T) "3-flfi2F:r" fä@fä« 1967(1967 37) • (u) frnrr 1973 (1974 2) ; 6) 4-ar" a-Fyu ; (V) "ETRT" agf 15 (1) (Qi) (iii) erg G) fäfh&e * (q) a--*-q 3tk 2 GAZE"ITE OF INDIA : EX"IRAORDINARY [PART 11--SFÆ. 15 @ Wi) qg fQf2if-iä(I ur qta @ Qd *wru 6. 16 15 (1) (us) (iii?F) *ff t Rihé 31fäugo•r qf?UTITT -cfi ahii '1-221 (1) fä-Ail altra I (3) -a fiqlé q\$-ar.-) 16 * 15 \$1 (1) (Qi) (iii) (4) 4-51 ur Qh Fl) 31E.fVd (u) qie (a) fQ4d qRüTfä•a , (8) \$1 qiüg-•t (\$1) 3-ifh 3(i)] 3 (6) 45 fäq -sqfi-e-q {-Q.IEU•I u} 16 15 (1) (iius) 7. 3FâWU1.- (l) e, 5 iä*-J 41 -eB Rqhé cbt a, ul mug 6 (1) gtEaT (7) 16 15 \$1 (1) (Qi) (iii I 8. Tie f-äfhée 17012/197/ MINISTRY OF HON F. AFFAIRS FICA ION New Delhi . lhe 19th Seplem ber _ 2013 G.S.R. 661 exercise of the powers conferred by sub-section (l) and clause (i) of sub-section (2) nf I section 52 of the Unlawlül Activiti's (Prevention) Act. 1967 (37 or 1967), the Central Government hereby makes the following rules, namely: 2

3. Short title and commencement.— (1) These rules may be called the Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013. (2) They shall come force on the date of their publication in the Official Gazette. Definitions. - (1) [In these rules, unless the context otherwise requires', (a) "Act" means the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); (b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1973); (c) "Face value" means the arithmetical computation of value printed on the seized coin or note; (d) "Section" means section of the Act. (2) Words and expressions used herein and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act. Forensic determination of high quality counterfeit Indian paper currency. No Investigating Officer shall apply the provisions of sub-clause (iii) of clause (a) sub-section of section 16 unless he obtains a report of the authorised forensic laboratory in respect of seized currency. 4.4. -FI IE GAZETTE OF INDIA : i-x Y [PART I] SEC. of Forensic Authority. For the purposes of section 15, the following shall be authorised or notified forensic authorities, namely: (a) Laboratories under the Bharatiya Reserve Bank Note Mudran Private Limited or Security Printing and Minting Corporation of India Limited ; (b) Forensic Laboratories under the Government of India and the State Governments; (c) any other establishment having necessary facilities and trained personnel so notified by the Central Government from time to time. Damage to the monetary stability of India. — Damage to the monetary stability of India: referred to in section 15 by way of production or smuggling or circulation of high quality paper currency, shall be deemed to have been caused if in addition to other considerations, - 6. (a) seizure is of high quality counterfeit Indian currency of face value of such threshold amount as may be decided by the Central Government from time to time, not being less than rupees one lakh: Provided that the said threshold limit shall not apply when the Indian currency has been intercepted at the international border, international airport or Immigration Check Post; (b) the seized counterfeit currency includes any one of the three highest denominations issued by the Reserve Bank of India. and in circulation at such point in time, Procedure for applying the provisions of sub-clause (iii) or clause (a) of sub-section (1) of section 15 read with section 16. - (1) When a case has been registered upon seizure of currency suspected to be high quality counterfeit Indian currency, the Investigating Officer shall immediately send the seized currency or sample thereof to the authorised or notified forensic authority and the said authority shall forward a preliminary report, as to whether the seized currency is "high quality counterfeit Indian currency" within fifteen days receipt of such samples. (2) The Investigating Officer shall forward the seized currency by the quickest means to the notified forensic authority, not later than forty-eight hours of the seizure, and the notified forensic authority shall communicate the results of the examination to the requisitioning officer by the quickest possible means including e-mail or facsimile: Provided that the preliminary report may not contain a detailed forensic report, but may restrict itself to the question of whether the key security features as specified in the First Schedule to the Act have been imitated or in the seized counterfeit currency and the complete report for the purposes of prosecution shall be provided before completion of the investigation: Provided further that the procedure referred to in sub-rule (1) shall

not preclude the continuation of investigation under any other law for the time being in force, (3) receipt of a positive preliminary forensic report, the Investigating Officer shall transmit the same along with a report on the facts of the seizure to the concerned Superintendent of Police or such other officer of equivalent or above rank, and if such officer is satisfied that the act amounts to an attempt to damage the monetary stability of India, he may order applying of the provisions of sub-clause (iii) of clause (a) of sub-section (1) of section 15 read with section 16. (4) While determining whether the act amounts to damage or an attempt to damage the monetary stability of India, the Superintendent of Police or such officer empowered under sub-rule (4) shall, in addition to the conditions specified in rule 5, shall also take into account any one or more of the following, namely (a) whether the accused was previously involved in a case of counterfeit currency; (b) whether the accused belongs to a terrorist gang or terrorist organisation; (c) whether the recovery of high quality counterfeit Indian currency is associated with recovery of arms, ammunition, or explosives prohibited under laws for the time being in force; (d) whether the high quality counterfeit Indian currency has been recovered while smuggling through international check posts or borders; (e) whether there is prima facie indication that the high quality counterfeit Indian currency has been produced in a foreign country; (f) whether the high quality counterfeit Indian currency is being produced, smuggled or circulated at the instance of a foreign country, entity, agency, or person situated abroad; (g) whether complex methods have been used to smuggle or transport high quality counterfeit Indian currency, and to collect or move the proceeds of crime; (h) whether the high quality counterfeit Indian currency is mixed with genuine currency in currency chests, Automated Machines; whether the face value of high quality Indian currency seized is high, or the proceeds of crime to be generated are extremely large; (j) any other circumstance which reveals that the production, smuggling or circulation of high quality Indian currency was undertaken with the object of threatening the monetary stability of the country. (5) For the purposes of sub-rule (3) and sub-rule (4), the empowered officer shall while ordering investigation record the reasons thereof in writing. (6) The Authority appointed under section 45 shall:—, take into consideration the consideration order under sub-rule (3), while disposing of the request of sanction for prosecution, (7) Notwithstanding anything contained in these rules, an officer not below the rank Inspector General of Police specifically designated by the Director General and Inspector General of Police of States or Union Territories, Commissioner of Police of Delhi and Kolkata, Director and Inspector General of Delhi Special Police Establishment or Director General of the National Investigation Agency may order investigation under sub-clause (iii) of clause (a) of sub-section (1) of section 15 read with section under special circumstances explained in 1. Investigation in special cases., (1) When any case is registered upon seizure of currency suspected to be of high quality counterfeit Indian currency, which does not conform to the conditions laid down in rule 5, but the Investigating Officer submits a report to the concerned Superintendent of Police, or such other officer of equivalent rank, that there exist special reasons that the offence involves damage or an attempt to damage the monetary stability of India, upon satisfaction, such Superintendent of Police or other officer of equivalent rank shall send the report thereof with his recommendations to the authorised officer under sub-rule (7) of rule 6, who on being prima facie satisfied, shall cause the seized counterfeit currency to be sent for forensic examination, per the procedure laid down in sub-rule of 6. (2) On obtaining a positive forensic report, and on being convinced by the special circumstances of the case, the authorised officer under sub-rule (7) of rule 6 may proceed after recording the reasons thereof to order investigation under sub-clause (iii) of clause (a) of sub-section (1) of section 15 read with section 16

8. Review of security features.— The Bharatiya Reserve Bank Note Mudran Private Limited, and Security Printing and Minting Corporation of India Limited, shall; annually conduct a review of the counterfeit currency analysed by them during the period, and submit a report to Reserve Bank of India recommending to the Central Government, revisions to the Third Schedule. {F. No. 17012/197/20 i2-CFTI R.S.BORA, Under secy. 9152 GJ/13-2 Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054 5 Go-3a084/99 REGD. NO. D. L.-33004/99 The Gazette of India 6041 NO. 6041 EXTRAORDINARY 11— auz (i) PART I—section 3—Sub-section (i) PUBLISHED BY AUTHORITY *8, 27, 1935 NEW DELHI, WEDNESDAY, DECEMBER 18, 2013/AGRAHAYANA 27. 1935 17 2013 qngm.Ä.780(u).— 1967 (1967 37) 52 \$1 e-q-E.*INI (1) *q--ÄTW (2) (u) 2013 : (1) 2013 2. 2013 6 (ii) 5266 GV201.3 [Fir.». 37012/397/2012/tVä&l 27 2013 2 THE GAZETTE OF INDIA : EXTRAORDINARY MINISTRY OF

HOME AFFAIRS NOTIFICATION New Delhi, the 17th December, 2013 {PART II- SEC. 3. G.S.R. exercise of} the powers conferred by sub-section (1) and clause (i) of sub-section (2) Of section 52 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), The Central Government hereby makes the following rules to amend the Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013. namely:- 1(1) These rules may be called the Investigation of High Quality Counterfeit Indian Currency Offences (Amendment) Rules, 2013. (2) They shall come into force on the date of their publication in the Official Gazette. 2. in the Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013, in rule 6,- (i) in sub-rule (4), in the opening portion, the words, brackets and figure "sub-rule (4)". the words, brackets and figure "sub-rule (3)" shall be substituted; (ii) in sub-rule (6), for the words "shall take into consideration, the consideration order", the words "shall take into consideration the order" shall be substituted. [F. No. 17012/197/2012/CFT] R.S. BORA. Under secy. Note : The principal rules have been published in the Gazette of India, Extraordinary, Part II, Section 3. Sub-Section (i). the 27th September, 2013. Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054

