
NOTIFICATION

New Delhi, the 24th August, 2018.

G.S.R. 806(E).—In exercise of the powers conferred by sub-section (1) read with clause (e) of sub-section (2) of section 23 and sub-section (6) of section 12 of the Fugitive Economic Offenders Act, 2018 (17 of 2018) and in supersession of the Fugitive Economic Offenders (Procedure for sending Letter of Request to the Contracting State for Service of Notice and Execution of Order of 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 Sending Letter of Request to Contracting State) 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 purposes of these rules;

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

(c) “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 said Act.

3. **Manner of service of notice of the Special Court on fugitive economic offenders abroad through the letter of request.**—

(1) Where an application under section 4 of the Act has been duly filed, the Special Court shall issue a notice to an individual who is alleged to be a fugitive economic offender.

(2) The service of notice of the Special Court referred to in sub-rule (1) shall be made through a letter of request.

(3) The letter of request shall be in the Form appended to these rules.

(4) While finalising the letter of request, the Directorate of Enforcement established under section 36 of the Foreign Exchange Management Act, 1999 (42 of 1999) shall ensure the compliance of all legal requirements.

- (5) The authorised officer shall forward the letter of request in the Form in triplicate to the Ministry of Home Affairs.
- (6) The nodal officer in the Ministry of Home Affairs shall ensure the timely transmission of the letter of request to the contracting State.
- (7) The letter of request along with notice of the Special Court shall be forwarded to the authority concerned for effecting service in the contracting State.
- (8) The service of notice in any mode under section 10 of the Act shall be treated as effective service by the Special Court.

4. Manner of issuing letter of request to a Court or authority in the contracting State for execution of the order of the Special Court.—

- (1) The letter of request for execution of the order of the Special Court for confiscation of property in a Contracting State shall be in the Form appended to these rules.
- (2) After issue of letter of request by the Special Court to the Court or the authority concerned in the contracting State for execution of its order, the authorised officer shall forward the same in triplicate to the Ministry of Home Affairs.
- (3) The nodal officer in the Ministry of Home Affairs shall ensure the timely transmission of the letter of request to the contracting State.

FORM

[See sub-rule (3) of rule 3 and sub-rule (1) of rule 4]

Form of the Letter of Request

1. Details of the scheduled offence / brief facts
2. Reference of applicable sections of law (details not necessary)
3. Brief reference of reasons emerged from the enquiry which indicates that the requested fugitive economic offender is present in the contracting State and proceeds of crime or properties of the fugitive economic offender are situated in the contracting State.
4. Brief details of Assistance sought from the contracting State, that is, service of notice or execution of the order of the Special Court.
5. The basis of sending request, that is, provisions of Mutual Legal Assistance Treaty in Criminal Matters (MLAT) between India and the contracting State/any other convention or treaty (Title of such convention/treaty to be given)/or on the basis of Assurance of Reciprocity.

Details in the letter of request

1. Correct official name of the Country
2. Contact Information/ Liaison Officer
3. Correct mention of either Treaty or Agreement (MLAT Countries)
4. Assurance of Reciprocity / Reciprocity Undertaking (Non-MLAT Countries)
5. Certified translation into official language
6. Letter of Request to be addressed to the correct Central Authority or the Court of the contracting State.
7. If any contracting State have other requirements and formats which must be followed for expeditious execution of the Letter of Request, that may be complied with while sending the Letter of Request.

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

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