



ODISHA POLICE
ECONOMIC OFFENCES WING
BHUBANESWAR

EOW CIRCULAR NO.01/2016

Section 15 of Unlawful Activities (Prevention) Act, 1967 (UAPA) was amended in the year 2013 to include "damage to the monetary stability of India by way of production or smuggling or circulation of High Quality Counterfeit Indian paper currency coin or any other material" as Terrorist Act.

Investigation of High Quality Counterfeit Indian Currency Offence Rules, 2013 has been framed for effective implementation of amendments of Section 15 of UAP Act. These rules provide for forensic determination of high quality counterfeit Indian paper currency, specify the forensic authorities and also provide for grounds for consideration to investigate such cases under UAP Act, 1967. These rules also lay down procedure for applying the provisions of sub-clause (iiia) of clause (a) of sub-section (1) of section 15 and investigation in special cases.

Vide this office letter No.3800/EOW dated 01.08.2015, "Investigation of High Quality Counterfeit Indian Currency Offences Rules-2013" were circulated to all District SsP/DCP, Bhubaneswar/Cuttack to sensitize the field functionaries. It is observed that detection and seizure of FICN has increased over the years, but it is not known whether the procedure laid down in "Investigation of High Quality Counterfeit Indian Currency Offence Rules, 2013" are being followed and applicability of provisions of Sec. 15 r/w sec.16 of UAP Act is being examined or not. Therefore, the main provisions of the Rules are reiterated below:

Rule 3:- No Investigating Officer shall apply the provisions of sub-clause (iiia) of clause (a) of sub-section (1) of Section 15 read with section 16 unless he obtains a report of the authorized forensic Laboratory in respect of the seized currency.

Rule 4:- The authorized notified forensic authorities have been listed under the rule, which include (i) laboratories under the Bharatiya Reserve Bank Note Mudran Private Limited (BRBNMPL), Salboni (Kharagpur, West Bengal) or Security Printing and Minting Corporation of India Limited (SPMCIL), Nashik Road, Maharashtra (ii) Forensic

Laboratories under the Government of India and the State Government and (iii) any other establishment having necessary facilities and trained personnel so notified by the Central Government.

Rule 5:- The damage to the monetary stability of India, referred to in Section 15 by way of production or smuggling or circulation of high quality counterfeit Indian Paper currency, shall be deemed to have been caused, if in addition to other considerations:

(a) Seizure is of high quality counterfeit Indian currency of face value of such threshold amount as may be decided by the Central Govt. from time to time, not being less than rupees one lakh;

Provided that the said threshold limit shall not apply when the counterfeit 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 RBI, and in circulation at such point in time.

Rule 6:- This rule indicates the detailed procedure for applying the provisions of sub-clause (iiia) of clause (a) of sub-section (1) of Section 15 read with section 16. This includes seeking preliminary report from the notified forensic authority, procedure for invoking the relevant provisions under section 15 and 16. The Superintendent of Police or such empowered officer shall, in addition to the conditions in Rule 5, shall also take into account of 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 organization;

(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;

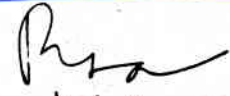
(d) Whether the high quality counterfeit Indian currency has been recovered while smuggling through international check posts or borders;

(e) Whether there is prima facie indication that the high quality counterfeit Indian currency has been produced in a foreign country;

Rule 7:- This Rule contains the provisions for investigation in special cases when the seizure of currency suspected to be of High Quality counterfeit Indian Currency and does not conform to the conditions laid down in Rule 5.

In view of the above, it is advised to strictly implement the amendments made in Section 15 of UAP Act by following the procedure laid down in Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013 in letter and spirit.

While implementing the provisions of Sec.15 & 16 of UAP Act and "Investigation of High Quality Counterfeit Indian Currency Offences Rules-2013" it should be ensured that innocent possession of counterfeit Indian Currency Notes is not penalized and only such persons who are actually involved in the production or smuggling or circulation of high quality counterfeit Indian Currency are investigated and prosecuted.


15/7/2016
(B.K.Sharma)

Special Director General of Police,
CID-Crime, Odisha

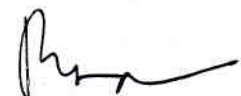
(46)
Memo No. 3664/EOW

Date: 15/07/2016

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- All district SsP/Dy. Commissioners of Police, Bhubaneswar & Cuttack/ SsRP, Rourkela & Cuttack
- Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar/ All Range IsGP/Range DIsGP including IGP Railways
- SP, CID, CB, Cuttack

for information and necessary action please.


15/7/2016
(B.K.Sharma)

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