

**18**

**COMMITTEE  
ON EXTERNAL AFFAIRS  
(2022-23)**

**SEVENTEENTH LOK SABHA**

**MINISTRY OF EXTERNAL AFFAIRS**

Action Taken by the Government on the Observations/ Recommendations contained in the Ninth Report of the Committee on External Affairs on the subject 'India and International Law including Extradition Treaties with Foreign Countries, Asylum Issues, International Cyber-security and Issues of Financial Crimes'

**EIGHTEENTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*DECEMBER, 2022 /Agrahayana, 1944 (Saka)*

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*Presented to Lok Sabha on 21 December, 2022*  
*Laid on the Table of Rajya Sabha on 21 December, 2022*



**LOK SABHA SECRETARIAT**  
**NEW DELHI**

***DECEMBER, 2022 /Agrahayana, 1944 (Saka)***

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## COMPOSITION OF THE COMMITTEE ON EXTERNAL AFFAIRS (2022-23)

**Shri P.P. Chaudhary, Chairperson**

### **Lok Sabha**

2. Smt. Harsimrat Kaur Badal
3. Shri Abhishek Banerjee
4. Shri Kalyan Banerjee
5. Shri E. T. Mohammed Basheer
6. Shri Dileshwar Kamait
7. Smt. Preneet Kaur
8. Smt. Goddeti Madhavi
9. Smt. Poonam Pramod Mahajan
10. Shri Srinivas Reddy Manne
11. Shri P. C. Mohan
12. Smt. Queen Oja
13. Shri Ritesh Pandey
14. Dr. K. C. Patel
15. Shri N.K. Premachandran
16. Smt. Navneet Ravi Rana
17. Shri Soyam Bapu Rao
18. Shri Vishnu Datt Sharma
19. Shri Rebati Tripura
20. Dr. Harsh Vardhan
21. *Vacant*

### **Rajya Sabha**

22. Smt. Jaya Bachchan
23. Smt. Misha Bharti
24. Shri Anil Desai
25. Shri Ranjan Gogoi
26. Shri Deepender Singh Hooda
27. Shri Prakash Javadekar
28. Dr. Wanweiroy Kharlukhi
29. Dr. Ashok Kumar Mittal
30. Shri Kapil Sibal
31. Shri Abdul Wahab

### **Secretariat**

- |    |                           |   |                 |
|----|---------------------------|---|-----------------|
| 1. | Dr. Ram Raj Rai           | — | Joint Secretary |
| 2. | Smt. Reena Gopalakrishnan | — | Director        |
| 3. | Ms. Maya Menon            | - | Under Secretary |

## INTRODUCTION

I, the Chairperson, Committee on External Affairs (2022-23) having been authorized by the Committee to submit the Report on their behalf, present this Eighteenth Report (17<sup>th</sup> Lok Sabha) on action taken by the Government on the observations/recommendations contained in the Ninth Report of the Committee on the subject 'India and International Law including Extradition Treaties with Foreign Countries, Asylum Issues, International Cyber-security and Issues of Financial Crimes'.

2. The Ninth Report was presented to the Lok Sabha on 6 December, 2021 and laid on the Table of Rajya Sabha on 11 August, 2021. The Action Taken Replies of the Government on all the Observations/Recommendations contained in the Report were received on 19 April, 2022 (English Version) and 27 April, 2022 (Hindi Version).

3. The Committee considered and adopted this Action Taken Report at their Sitting held on 19 December, 2022. The Minutes of the Sitting of the Committee has been given at Appendix-I to the Report.

4. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Ninth Report of the Committee on External Affairs is given at Appendix-II.

**NEW DELHI**  
**19 December, 2022**  
**28 Agrahayana, 1944 (Saka)**

**P.P. CHAUDHARY,**  
***Chairperson,***  
***Committee on External Affairs***

## CHAPTER-I

This Report of the Committee on External Affairs deals with the action taken by the Government on the observations/recommendations contained in the Ninth Report of the Committee on External Affairs on the subject 'India and International Law including Extradition Treaties with foreign countries, asylum issues, international cyber-security and issues of financial crimes' which was presented to the Lok Sabha on 06 December, 2021 and laid on the Table of the Rajya Sabha on 11 August, 2021.

2. The Action Taken Notes have been received from the Ministry of External Affairs on all the 15 observations/recommendations contained in the Report. These have been categorized as follows: -

**(i) Observations/Recommendations which have been accepted by the Government: -**

Recommendation Nos. 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

**Total- 12**

**Chapter-II**

**(ii) Observations/Recommendations which the Committee do not desire to pursue in view of the Government's replies:-**

Recommendation No. 6

**Total- 1**

**Chapter-III**

**(iii) Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and require reiteration: -**

Recommendation No. 1 and 5

**Total- 2**

**Chapter-IV**

- (iv) **Observations/Recommendations in respect of which final replies of Government are still awaited: -**

**Nil**

**Total- 0**

**Chapter-V**

**3. The Committee desire that final replies to the comments and observations/recommendations contained in Chapter-I of this Report may be furnished to the Committee within three months of the presentation of this Report.**

4. The Committee will now deal with the action taken by the Government on some of their observations/recommendations that require reiteration or merit comments.

#### **Recommendation No. 1**

5. The Committee in their report had observed/recommended as under:

“The Committee recognize the critical importance of safeguarding the Country’s interests in the varied streams of International Law and note with satisfaction that India is committed to multilateralism and enhancement of respect for International Law. They also laud the country’s continuing unwavering engagement with and commitment to the cause for reforms in global governing structures to reflect changing and contemporary realities. The Committee, however, find that India’s capacity, expertise and involvement in the framing and further modification of International Law in various spheres needs to be further strengthened. The Committee, therefore, desire that efforts towards that goal should not be limited to ensuring the recruitment of qualified



personnel in concerned Ministries and Divisions, but should also extend to promotion of institutions of international legal studies and research in the country, scholarships and funding of research by meritorious law students, professionals and educators.

The Ministry should also, in coordination with Ministry of Education identify some eminent institutions for establishing chairs for the purpose. Similarly, they should also establish suitable chairs in legal studies in the Foreign Service Institute and the Indian Council of World Affairs. They also desire the concerned ministries to promote and facilitate the entry of Indian international law experts into the various international governing bodies like the Sixth Committee (Legal) of the United Nations General Assembly, International Courts of Justice, International Tribunals, etc. responsible for framing and amending international law on the varied fields including in the areas of Law of the Sea and maritime affairs; international criminal law including terrorism and extradition; human rights and humanitarian law; trade law; space law; legal issues arising out of disarmament, environment, intellectual property rights, energy security, nuclear energy, cyberspace, WTO, outer space. Moreover, the Committee desire that the Ministry of External Affairs, in close co-ordination with all concerned ministries, set up a Working Group devoted to achieving the above goals and to ensure strengthening India's position in the study, framing, amending, implementing and interpretation of International Law adequately to protect its interests"

6. The Ministry in its Action Taken Reply has stated as under:

“Ministry of External Affairs closely works with institutions and universities. Government of India contributes 5 lakhs every year towards the library of Indian Society of International Law.

2. The treaty body reporting under various Conventions are prepared in consultation and with the inputs from academic institutions and law schools who have expertise in international law.

3. Internship programmes – MEA provides internship to budding international law scholars to familiarize themselves with the process of formulation of treaties and its negotiations. Interns report to and work under close supervision of the Head of Division (HOD) of L&T Division. They may be required to conduct research, write reports, analyze evolving developments, or carry out any other task entrusted to them by the HOD.

4. Indian international law experts into the various international governing bodies - The following positions are held by Indian legal experts.

i. Dr. Dalveer Bhandari, Judge of the International Court of Justice, former Judge of Supreme Court.

ii. Dr. Neeru Chadda, Judge of the International Tribunal for Law of the Sea. She is former Additional Secretary, Legal and Treaties Division, MEA. She is the first Indian women to hold the position.

iii. Dr. Aniruddha Rajput is a member of International Law Commission from 2017-2022. The election for the next term will be in November 2021. India has fielded a candidate for the term that begins from 2023.

iv. An officer at the level of Counselor from the Legal and Treaties Division represents India at the Sixth Committee (Legal) of the United Nations General Assembly.

v. Legal Officers from Legal and Treaties Division are posted in Permanent Mission of India in Geneva and Embassy

of India in The Hague to follow international law matters in various forums including Human Rights Council, International Court of Justice, Hague Conference on Private International Law (HCCH).

vi. India is an elected member of the Council of the International Seabed Authority. Indian experts are members of the Legal and Technical Commission (LTC) and the Finance Committee.

5. MEA works closely with other Ministries depending on the subject/area to form a consolidated position on various international law areas. For example, we closely work with Ministry of Commerce with regard to issues of Arbitration, with Ministry of Women and Child Development in areas of inter-country adoption, surrogacy etc. Further, we take note of the desire of the Committee that the Ministry of External Affairs, work in close co-ordination with all concerned ministries, to ensure strengthening India's position in the study, framing, amending, implementing and interpretation of International Law adequately to protect its interests.

**7. Taking cognizance of the need to strengthen India's capacity, expertise and involvement in the framing and modification of International Law in various spheres, the Committee had desired that the Ministry in coordination with Ministry of Education to identify some eminent institutions for establishing Chairs for the purpose including Chairs in legal studies in the Foreign Service Institute and the Indian Council of World Affairs. The Committee had also desired that the Ministry of External Affairs, in close co-ordination with all concerned ministries, set up a Working Group devoted to achieving the goals and ensure strengthening India's position in the study, framing, amending, implementing and interpretation of International Law to protect its interests adequately. The Committee take note of the Ministry's submission that they work closely with academic institutions and law schools who have**

expertise in international law. The Committee also find it encouraging to note that the MEA provides internship to budding international law scholars to familiarize themselves with the process of formulation of treaties and its negotiations. While appreciating the Ministry's assurance to work in close co-ordination with all concerned ministries, to strengthen India's position in the study, framing, amending, implementing and interpretation of International Law the Committee note that the reply of the Ministry is silent on the establishment of Chairs and setting up of Working Group for the purpose. The Committee are of the firm view that with India's rising stature in global affairs and the country's increasing engagements, it is imperative that the country's interests in the varied streams of International Law be safeguarded. Setting up of a Working Force and establishing of Chairs would give a boost in India's endeavour to strengthen its position in the study, framing, amending, implementing and interpretation of International Law adequately to protect its interests. The Committee, therefore, reiterate their recommendation and desire that the Ministry of External Affairs, in coordination with Ministry of Education, take positive steps towards identifying some eminent institutions for establishing Chairs especially establishment of Chairs in legal studies in the Foreign Service Institute and the Indian Council of World Affairs. The Committee also urge the Ministry to work in close co-ordination with all concerned ministries to set up a Working Group devoted to achieving the above goals.

**(Recommendation No. 5)**

8. The Committee in their report had observed/recommended as under:

“The Committee note that India is signatory to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in civil or

commercial matters. The Hague Convention on taking of evidence abroad in civil and commercial matters was also adopted in the year 2007 under the belief that the process of service of legal documents would become faster than letter rogatory and India has also signed Mutual Legal Assistance treaties with 40 countries. The Committee, however, find it disappointing that even then there are 845 MLAT requests pending with various countries which include Letters Rogatory and Mutual Legal Assistance requests. The Committee, therefore, conclude that the desired cooperation from the countries concerned in honouring such requests is waiting. The Committee, therefore, desire that the Ministry of External Affairs should take serious cognizance of the huge pendency of requests and institute a task force to look into the reasons for the same and suggest measures for the prompt fructification of all extradition and Mutual Legal Assistance requests pending with various Countries. Simultaneously, more and more MLATs must be entered into with other important countries on priority basis.”

9. The Ministry in its Action Taken Reply has stated as under:

“During the Joint Working Group meetings on Counter Terrorism (JWG-CT) with various countries, the matter relating to pending extradition cases and MLAT requests on counter terrorism matters relating to that country are discussed for expediting the pending MLAT requests. The Missions are regularly pursuing the pending requests with respective countries.

ii. The Ministry of Law and Justice, Department of Legal Affairs is incharge of The Hague Convention on Service Abroad of Judicial and extra-Judicial Documents in Civil or Commercial Matters and for MLATs in Civil and commercial matters. Similarly, the Ministry of Home Affairs is incharge of Mutual Legal Assistance in Criminal Matters. The Ministry of External Affairs during Consular Dialogue and through its Missions abroad,

from time to time propose the need for Mutual Legal Assistance Agreement in Civil and Commercial and Criminal matters and facilitate the conclusion of these agreements. The Indian Missions abroad actively coordinate with the concerned Foreign States for early execution of India's MLAT requests.”

**10. Concerned about the high number of Mutual Legal Assistance Treaty (MLAT) requests pending with various countries including Letters Rogatory, the Committee had desired that the Ministry of External Affairs establish a task force to look into the reasons for the pendency and suggest measures for prompt fructification of all extradition and Mutual Legal Assistance requests pending with various Countries. In their Action Taken Reply, the Ministry have informed that during the Joint Working Group meetings on Counter Terrorism (JWG-CT) with various countries, the matter relating to pending extradition cases and MLAT requests relating to that country are discussed for expediting the same. The Ministry have further submitted that the Missions are regularly pursuing the pending requests with respective countries. The Ministry have also given areas of jurisdiction of the various Ministries in the matter. While taking note that inter-Ministerial jurisdictional cooperation is necessitated to ensure speedy action in the matter, the Committee are disappointed to note that the Ministry's reply is silent on the recommendation of setting up of a Task Force to look into the matter. The Committee are of the firm view that setting up of a Task Force comprising all the Ministries concerned would bolster the efforts being made by the Ministry in the matter. The Committee, therefore, reiterate their earlier recommendation that the Ministry to make serious efforts to institute a task force to look into the reasons for the delay in honouring of the extradition requests and suggest measures for the prompt fructification of all extradition and Mutual Legal Assistance requests pending with various countries and apprise the Committee accordingly.**

### **(Recommendation No. 7)**

11. The Committee in their report had observed/recommended as under:

“The Committee are aware that in the absence of any domestic law that is specific to address the situations of refugees and asylum seekers, and also in the light of India being not a signatory to the 1951 UN Convention or its 1967 Protocol, requests for asylum are being dealt with existing legal framework at the moment. They are aware that the Foreigners Act covers a whole gamut of issues related to entry of foreigners, their stay in India, their activities in India and their exit from India, besides other Acts like the Registration of Foreigners Act, the Citizenship Act, etc. The Committee are apprised that the Central Government has passed legal orders under these Acts to govern the regime of legal as well as illegal foreigners, and that a protocol is issued to various implementing agencies like FRRO and FROs in the States whereby the status of a foreigner can be assessed and in consultation with security agencies and the MEA, a view is taken whether to grant her/him asylum or the status of a refugee. While recognizing the flexibility this approach grants, the Committee are of the opinion that it leaves much scope for elements of discretion to officials. The Committee, therefore, recommend that in the absence of a domestic Legislation of Refugees and Asylum Seekers, the Ministry of External Affairs, in consultation with concerned Ministries like Home Affairs, Law and Justice, etc. should prepare and notify a Domestic Protocol on status of refugees and asylum seekers with specific responsibilities assigned to specific agencies. This would not only ensure prompt response but also enhance accountability in dealing with situations of refugees and asylum seekers in the Country.”

12. The Ministry in its Action Taken Reply has stated as under:

“Ministry of Home Affairs had issued a Standard Operating Procedure (SOP) to be followed by all concerned agencies while dealing with foreign nationals who claim to be refugees vide letter No. 25022/34/2001-F. IV dated 29.12.2011 addressed to the State Governments/UT Administrations. The SOP has been modified by the Ministry of Home Affairs vide letter No. 25022/34/2001-F.IV dated 20.03.2019. The SOP clearly defines the role assigned to the specific agencies assessing the claims made by the foreign nationals and the further course of action to be adopted if the claim is found to be justified or not. The existing system is sufficient to handle the refugee situation at this point of time. However, as recommended by the Committee a proposal for preparing and notifying new Domestic Protocol on status of refugee and asylum seekers with specific responsibilities assigned to specific agencies could be considered in consultation with all stakeholders.”

**13. The Committee in their Ninth Report had recommended that the Ministry of External Affairs, in consultation with Ministries concerned like Home Affairs, Law and Justice, etc. prepare and notify a Domestic Protocol on the status of refugees and asylum seekers with specific responsibilities assigned to specific agencies. In their Action Taken Reply the Ministry have informed that SOP in this regard has been issued by the Ministry of Home Affairs, which clearly defines the role assigned to the specific agencies assessing the claims made by the foreign nationals and the further course of action to be adopted if the claim is found to be justified or not. The Ministry have further opined that the existing system is sufficient to handle the refugee situation at this point of time. The Committee, however, would like to be apprised about the actual steps taken and outcome after proposal for preparing and notifying new Domestic Protocol on status of refugee and asylum seekers with specific responsibilities assigned to specific agencies with due consultation with all stakeholders.**



## **Recommendation No. 11**

14. The Committee in their report had observed/recommended as under:

‘The Committee note that the Computer Emergency Response Team (CERT-In) and the Information Technology Act are the administrative and legal mechanisms in the country to respond against cyber attacks and to tackle cyber crimes. The Committee are concerned with the reactive disposition of CERT-In since the benefit is greater in pre-empting and preventing possible fraud, cyber attacks and such other cyber crimes. The Committee appreciate the efforts to make the CERT-in mechanism more proactive, but desire that more effort needs to be devoted and the Ministries concerned must work together to attract adequate talent in IT and software engineering to strengthen the capabilities and capacity of CERT-In. They also recommend that the IT Act, and rules under the Act must be constantly reviewed to address fast changing requirements due to ever evolving technology and progress in the information technology realm to keep the country safe and in a leadership position for international mechanisms and instruments of cooperation’

15. The Ministry in its Action Taken Reply has stated as under:

“Officials from CERT-IN and MEITY have been taking part in bilateral, regional and multilateral cyber consultations of India.

ii. In bilateral Cyber Dialogue set up, CERT-In has been involved to take up consultations with its counterparts, provide feedback and come up with proposals to enhance CERT-to-CERT Cooperation.

iii. MEITY is the nodal Ministry to frame draft domestic laws on Cyber related issues and is part of Indian delegations in UNGGE, UNOEWG, etc. where issues related to Cyberspace

are/were being discussed to develop acceptable global norms and rules.”

**16. Concerned with the reactive disposition of CERT-In , the Committee had desired that more efforts be devoted to making the CERT-in mechanism more proactive and that the Ministries concerned work together to attract adequate talent in IT and software engineering to strengthen the capabilities and capacity of CERT-In. The Committee had further recommended that the IT Act, and rules under the Act be constantly reviewed in this regard. The Committee note with satisfaction the efforts being made by the Ministry in the bilateral, regional and multilateral consultations. The Committee, however, are of the opinion that the Ministry has not made any serious efforts to initiate action on this recommendation. The Committee are aware that MEITY is the nodal Ministry to frame draft domestic laws on Cyber related issues. The Committee, however, urge the Ministry to actively pursue the matter with the Ministry concerned and keep the Committee apprised of the outcome.**

**(Recommendation No. 12)**

17. The Committee in their report had observed/recommended as under:

‘The Committee note with satisfaction that efforts of the Government to prevent financial crimes through cooperation with global fora which include collaboration with the OECD and G-20 Group, where India has been a very pro-active participant in developing a uniform standard for automatic exchange of information is making good progress. Further, after initial sharing of financial information with 49 countries, that the number now has doubled to about 80 countries is a good achievement.

The Committee urge the Ministry of External Affairs to bring in more and more countries in this network of mutual and automated exchange of financial information critical to fight against financial crimes which are increasingly assuming a trans-border character.’

18. The Ministry in its Action Taken Reply has stated as under:

“Government of India has mandated Financial Intelligence Unit India (FIU-India) for sharing information relating to fight against financial crimes. FIU-India works under the administrative control of Department of Revenue, Government of India. On part of MEA, FIU-India is encompassed to share information with their counterparts in foreign countries. Where required, a representative of FIU-India and relevant agencies are also included in the Indian delegation for the meetings of JWG-CT to exchange relevant information particularly on countering financing of terrorism.  
ii. Ministry of Finance in nodal for matters related to Financial Intelligence Unit (FIU).”

**19. On the issue of developing a uniform standard for automatic exchange of information through cooperation with global fora to prevent financial crimes, the Committee had urged the Ministry to bring in more and more countries into the network of mutual and automated exchange of financial information to fight against financial crimes. In their Action Taken Reply, the Ministry have informed that Government of India has mandated Financial Intelligence Unit India (FIU-India) for sharing information relating to fight against financial crimes. The Ministry have further informed that where required, a representative of FIU-India and relevant agencies are included in the Indian delegation for the meetings of JWG-CT to exchange relevant information particularly on countering financing of terrorism. The Committee are aware that FIU-India works under the administrative control of Department of Revenue, Government of India and as such the Ministry of Finance is the nodal for matters**

**related to Financial Intelligence Unit (FIU). However, taking into account the grave need for increased global cooperation and assistance to counter organised crime, money laundering and related financial crimes, the Committee urge the Ministry to actively take up the matter with the Ministry of Finance and push for bringing in more and more countries into the network of mutual and automated exchange of financial information.**

**(Recommendation No. 13)**

20. The Committee in their report had observed/recommended as under:

‘The Committee are apprised that, under the Fugitive Economic Offenders Act, India have filed 11 petitions for declaring a person a fugitive offender, out of which, in two cases orders have been passed, where assets worth of Rs. 358 crore have been confiscated in one case, and the person has been declared as a fugitive offender in the other. The Committee also note that there is a limit of Rs. 100 Crore as the lower limit of money involved for proceeding against offenders under this Act. The Committee are of the opinion that the entire judicial process for declaring a person a fugitive offender appears to be very slow and desire that the Ministries concerned must together examine possibilities of simplifying the procedures to expedite the progress in such cases. Further, the Committee feel that the limit of 100 crore as the limit for proceeding against such criminals seem to give a lot of leeway to many smaller offenders and they desire that the matter may be reviewed at the earliest to enable proceedings to be initiated against criminals involving less than 100 crore also’

21. The Ministry in its Action Taken Reply has stated as under:

“At the time the Fugitive Economic Offender Act 2018 (FEOA) was passed there was an exigency and need of such legislation to stop the economic offenders from absconding from country by mandating confiscation of assets of such fugitive economic offenders. The threshold for invoking the provisions of FEOA was prescribed at one hundred Crore rupees or more as the total value involved in the scheduled offence or offences. While the FEO Bill was being discussed before the Parliament on 19.07.2018 the question of such threshold of Rs 100 Crore was also raised by the Hon’ble members. After the Bill received Presidential assent the then Hon’ble Finance Minister Sh. Piyush Goyal backed the legislation by saying that *“The intention of the government is to ensure faster and speedy tackling of cases involving big offenders”* and *“catch the big offenders and not to clog the courts”*.”

ii. The law has been in force for about 3 years and in view of the Directorate of Enforcement there is an urgent need for relaxation of this threshold of Rs. 100 Crores on various grounds which are broadly summarized as under:

(a) Money laundering by itself is a serious economic offence with larger economic and social ramifications. But even among the money laundering cases being investigated by the Directorate, there is a category of cases in which the accused may be involved in serious economic offences (predicate offence) such as terror funding, drug trafficking, environmental offences, corruption etc. which have an acute potential to impact the security, economic or strategic interests the country. It has been observed that some of these cases involving serious economic offences do not meet the monetary threshold of Rs 100 Crores required for invoking the provisions of FEOA. However, given the magnitude, seriousness and economic/security implications of such offences it is believed that the purpose and intent of the legislation would be effectively achieved if the assets of such offenders who have fled the country, are made liable for confiscation under FEOA.

(b) The investigation under the provisions of PMLA has revealed that provisions of FEOA could not be invoked against many of the fugitive offenders involved in serious economic offences such as terror financing, drug trafficking and cyber crime for the reason that proceeds of crime in these cases are much below the threshold of Rs. 100 crore. For example, provisions of FEOA could not be invoked against international terrorists namely Hafiz Muhammad Saeed & Ors because the proceed of crime involved in these cases are at Rs.8.93 crore and Rs. 11.26 respectively. A list of one such category of cases i.e terror funding cases under investigation with ED along with PoC involved in each case, is enclosed as Annexure A.

(c) Further, till date the Directorate has filed petitions under FEOA against 14 persons only. On the other hand, till date the Directorate has got Red Corner Notices (RCNs) published against 19 accused persons against application for publication of RCN made by the Directorate in respect of 35 persons. The Directorate has also sent extradition request in respect of 27 accused persons. It has been observed that in some such cases in which Directorate has got RCNs published or sent extradition requests, it is unable to file an application under FEOA as the in the said cases the threshold of Rs 100 Crores is not met. A brief of one such case is enclosed as Annexure B.

(d) The objective of FEOA is "to provide for measures to deter economic offenders from evading the process of law in India" and is to speedily bring fugitive economic offenders to justice by swiftly confiscating their assets and restituting the wronged party. In this context, it is stated that provisions of Sections 82-86Cr.PC are similar to the provisions of FEOA in their intended purpose and applicability. Also, Cr.Pc being applicable for all criminal offences including petty offences, Section 82 Cr.PC does not stipulate any monetary threshold for its invocation. Since the legislative intent of FEOA is to provide a procedure for more effective and swift confiscation of assets as compared to above mentioned provisions of Cr.PC (as FEOA is invoked in cases of economic offences of larger magnitude and more serious implications), a monetary threshold may prove to be a roadblock in bringing

fugitive criminals involved in serious economic offences within the ambit of FEOA.

iii. For aforesaid reasons, it is suggested that there should not be any monetary threshold for invoking the provisions of FEOA in the case involving serious economic offences such as terror & naxal financing, drug trafficking, cyber crimes, human trafficking, arms & explosives trafficking, etc. For other categories of economic offences, threshold limit may be reduced from existing threshold of Rs. 100 crore to Rs. 10 crore.

Further, with regard to the recommendation of the Committee that the judicial process is slow and there is a need for simplifying the procedures to expedite the progress in cases under FEOA, following are the inputs:

(a) The process prescribed in the FEOA follows the principle of due process of law as well as the principles of natural justice. The process prescribed is not complex, however certain time limits may be fixed for taking necessary steps. For instance:

- It may be prescribed that upon filing of Application under section 4 of the Act, the Special Court to decide whether to issue notice within two weeks from the date of filing of application.
- The Special Court shall pass an order after conclusion of final arguments on the application under section 4 of the Act within a period of 3 weeks.

(b) For the effective and successful implementation of the FEOA, 2018 it is also suggested that other Law Enforcement Agencies (LEAs) and Judicial Officers must be sensitized about the provisions of the Act.

**22. Perturbed by sluggish judicial process for declaring a person a fugitive offender under the Fugitive Economic Offenders Act, the Committee had desired that the Ministries concerned examine the possibilities of simplifying the procedures to expedite the cases. The Committee had also desired that the limit set for proceeding against**

**economic offenders under the Fugitive Economic Offenders Act at 100 crore may be reviewed. The Committee understand that at the time the Fugitive Economic Offender Act 2018 (FEOA) was passed there was an exigency and need of such legislation to stop the economic offenders from absconding from country and that the threshold of Rs 100 Crore was kept to ensure faster and speedy tackling of cases involving big offenders and not to clog the courts. The Committee find it disappointing that while the Ministry of Finance are in agreement with the Committee's observation that there is an urgent need for relaxation of this threshold of Rs. 100 Crores, any active move to amend the legislation has been missing on their part. The Committee appreciate the Ministry of External Affairs inputs on the strategy to expedite the progress in cases under FEOA. The Committee, therefore, desire that the Ministry of Finance may actively be pursued for amending of the Fugitive Economic Offender Act 2018 (FEOA) in respect to the threshold of Rs. 100 Crores for proceeding against economic offenders.**



## **CHAPTER II**

### **OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Sl. No. 2)**

The Committee take note of the India's growing global interests and corresponding efforts made by the Government that manifest themselves in the range of agreements / MoUs that the country has entered into with countries or plurilateral / multilateral organizations in diverse areas spanning from judicial and customs cooperation, financial data sharing, war on drugs, counter-terrorism, cyber security, Migration, labour and movement of professionals, etc. While lauding the efforts of the Government in its endeavours, the Committee feel that the achievements in terms of the numbers of agreements entered into and signed with countries and plurilateral/multilateral organizations in various areas of possible cooperation are still full of possibilities, keeping in mind the Country's aspirations to become a much bigger player in international affairs. They, therefore, desire that the Ministry of External Affairs, as the Nodal Ministry, should vigorously explore more avenues of cooperation with other countries and groups of countries particularly in the areas of extradition, economic crimes, counter terrorism and migrant mobility agreements for possible cooperation that a globalized economy and increasingly interconnected world that advances in information technology have ushered in.

#### **Reply of the Government**

To explore avenues of cooperation in the area of counter terrorism Ministry of External Affairs has established Joint Working Groups on Counter Terrorism (JWG-CT) with 26 countries, in addition to the European Union. Besides India also participates in the meetings of BRICS and BIMSTEC Joint Working Group on Counter Terrorism and their subgroups. All concerned Ministries, Departments and Agencies of Government of India are represented in the JWG-CT meetings depending on the agenda of the meetings. The JWG-CT Provide a forum for counter terrorism cooperation enabling sharing of information and experience and sharing terrorist threat assessments at national, regional and global level, counter terrorism training and capacity building, strengthening of multilateral efforts in the fight against terrorism and terrorist financing, expediting mutual legal assistance requests, facilitating agency to agency cooperation and emphasizing the importance of early adoption of a Comprehensive Convention on International Terrorism (CCIT) which India introduced in the United Nations in 1996. India regularly holds meetings of JWG-CT with foreign countries. It has been the endeavor of CT Division,

Ministry of External Affairs to have Joint Working Group meetings on Counter Terrorism (JWG-CT) with as many countries as possible. Constant efforts are also on to strengthen and increase counter terrorism cooperation with relevant countries.

ii. In line with the recommendation of the Committee, the CPV Division of the Ministry is actively making efforts to broaden the network of extradition treaties and arrangements with foreign countries to further facilitate bringing back fugitive criminals including those involved in economic crimes, terrorism and financial fraud, etc. Similarly, the OIA-I Division is engaged in pursuing mobility agreement keeping in mind the interest of Indian Diaspora.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (Sl. No. 3)**

The Committee are of the view that India follows the principle of ‘dualism’ reflected in Article 253 of the Constitution, which gives Parliament the power to make laws to implement international laws. They also note that the Supreme Court has on certain occasions and rulings digressed from this principle on the logic that Customary International Law, unless there exists a domestic law which contradicts the same, may be accepted. The Committee feel that rather than allowing such digression to become a point of contention between the institutions of the State, the Ministry of External Affairs should take note of the vacuum in domestic legislation on such matters and make efforts in coordination with the concerned Ministry to have adequate domestic legislation on such matters that are firmly based on the established principles of jurisprudence and equality of rights enshrined in the Constitution.

### **Reply of the Government**

According to the Indian Constitutional scheme, negotiating international treaties is an executive act. A Treaty is entered with the approval of the Union Cabinet. It is not placed before the Parliament for discussion and approval. However, where the implementation of treaty obligations entail alteration of the existing domestic law or requires new enactment, it accordingly requires legislative action.

ii. In order to ensure that India is in a position to efficiently discharge all obligations emanating from the treaties/Conventions, our practice is to ratify/accede only after the relevant domestic laws have been amended, or the enabling legislation has been enacted in cases where there are no domestic laws

on the subject.

iii. L&T Division incharge of international law issues examines the proposed Treaty/Convention in the first instance and highlights India's obligations and the need /possibility of enacting a domestic legislation. However, the administrative Ministry is specifically advised to examine the Treaty/Convention in consultation with Ministry of Law and Justice as to ensure whether implementing the Treaty/Convention will require amending the relevant domestic laws, or enacting appropriate legislations. This step is undertaken by the L&T Division before the Treaty/Convention is ratified.

iv. While concluding extradition treaties, it is ensured that they are in accordance with our domestic law. Further, the extradition treaty / arrangement are also notified under the provisions of Extradition Act so that the treaty becomes implementable upon its entry into force.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

#### **Recommendation (Sl. No. 4)**

The Committee note that India has signed extradition treaties with 50 countries and has extradition arrangements with 11 countries and that efforts are on to extend the network of extradition treaties and arrangements with other countries. While appreciating these achievements and the efforts underway to extend India's network of extradition treaties with more countries, the Committee are concerned with the delays in extraditing offenders fleeing the country and taking refuge in the countries particularly with which India already has either signed an Extradition Treaty or have Extradition Arrangements and want that the process should be expedited in each case. Moreover, the Committee also observe that taking advantage of absence of extradition treaties the offenders are taking refuge in the countries having provisions for citizenship by investment programmes or favourable residency or passport regimes through investment routes. The Committee, therefore, strongly recommend that such countries should be indentified and an extradition treaty or extradition arrangement should be initiated/concluded on priority basis so that the cases of fleeing of offenders to those countries after committing serious economic and other crimes in India be prevented.

The Committee are perturbed to observe that in certain instances, the requirements of the rule for India that of the other treaty Country which should be the same ended up being different, and India's request being delayed on such unequal application of rules. The Committee desire that the Ministry of External Affairs being the Nodal Ministry for Extradition Treaties, should make prompt

and effective efforts to ensure equality of application of rules under the treaty with partner countries. They also desire that the Ministry should explore with other like-minded countries to evolve an international mechanism to oversee the equal application of rules under such treaties and provide relief to aggrieved countries in cases where their treaty partners fail to respect the equal applicability of rules under the treaty.

### **Reply of the Government**

As recommended by the Hon'ble Committee, the Ministry has already identified the countries having provisions for citizenship by investment programme or favourable residency requirements through investment routes. Proposals for entering into extradition treaties with such countries have been initiated.

ii. The Government of India, being conscious of the importance of bringing such fugitive offenders to India for prosecution, actively pursues, in collaboration with concerned law enforcement agencies, the extraction cases abroad. The Ministry also actively assists the law enforcement agencies in the preparation of extradition requests and supplementary information as and when required by them. The extradition requests are processed and considered by the Courts of the Requesting State as per its domestic law, necessary assurances, as and when required, are also given to facilitate a positive outcome of the request.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (SL. No. 7)**

The Committee are aware that in the absence of any domestic law that is specific to address the situations of refugees and asylum seekers, and also in the light of India being not a signatory to the 1951 UN Convention or its 1967 Protocol, requests for asylum are being dealt with existing legal framework at the moment. They are aware that the Foreigners Act covers a whole gamut of issues related to entry of foreigners, their stay in India, their activities in India and their exit from India, besides other Acts like the Registration of Foreigners Act, the Citizenship Act, etc. The Committee are apprised that the Central Government has passed legal orders under these Acts to govern the regime of legal as well as illegal foreigners, and that a protocol is issued to various implementing agencies like FRRO and FROs in the States whereby the status of a foreigner can be assessed and in consultation with security agencies and the MEA, a view is taken whether to grant her/him asylum or the status of a refugee. While recognizing the flexibility this approach grants, the Committee

are of the opinion that it leaves much scope for elements of discretion to officials. The Committee, therefore, recommend that in the absence of a domestic Legislation of Refugees and Asylum Seekers, the Ministry of External Affairs, in consultation with concerned Ministries like Home Affairs, Law and Justice, etc. should prepare and notify a Domestic Protocol on status of refugees and asylum seekers with specific responsibilities assigned to specific agencies. This would not only ensure prompt response but also enhance accountability in dealing with situations of refugees and asylum seekers in the Country.

### **Reply of the Government**

Ministry of Home Affairs had issued a Standard Operating Procedure (SOP) to be followed by all concerned agencies while dealing with foreign nationals who claim to be refugees vide letter No. 25022/34/2001-F. IV dated 29.12.2011 addressed to the State Governments/UT Administrations. The SOP has been modified by the Ministry of Home Affairs vide letter No. 25022/34/2001-F.IV dated 20.03.2019. The SOP clearly defines the role assigned to the specific agencies assessing the claims made by the foreign nationals and the further course of action to be adopted if the claim is found to be justified or not. The existing system is sufficient to handle the refugee situation at this point of time. However, as recommended by the Committee a proposal for preparing and notifying new Domestic Protocol on status of refugee and asylum seekers with specific responsibilities assigned to specific agencies could be considered in consultation with all stakeholders.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (SL. No. 8)**

The Committee appreciate India's stance on cyber diplomacy which is for a secure, open, accessible, peaceful and stable internet respecting sovereignty of countries, and the multilateral approach to Cyber Space and internet governance. They also believe that International Law while being applicable to cyber space needs certain customization in modalities for effective application. The Committee are also aware of the ongoing efforts and India's active role under the UN processes and the mechanisms for discussions for evolution of a global architecture for cyber Security. The Committee, however, desire that the Ministry of External affairs make enhanced efforts in coordination with other concerned Ministries to contribute more and perhaps lead the global efforts to customize the modalities for application of International Law in cyber space and internet governance, in building a global architecture for cyber security, as well as in the formulation of new legal regimes that will respect sovereignty of countries and promote a peaceful order in cyberspace.

## **Reply of the Government**

Cyber Diplomacy Division in the MEA has been a strong proponent of the application of International Law in cyberspace and internet governance. To this effect, the CD Division has convened and participated in various bilateral, regional and multilateral fora including the United Nations mandated processes on cyberspace such as

(a) Group of Government Experts on Advancing Responsible State Behaviour in cyberspace in the context of International Security' (GGE),

(b) Open Ended Working Group on the Developments in the Field of telecommunications and ICTs in the context of International Security' (OEWG) and 'Intergovernmental Expert Committee on Cybercrime' (IEG).

Through UNGGE and UNOEWG, CD Division presented its views on the current form of Laws and significant gaps that obstruct application of these Laws to cyberspace. The CD Division has adopted a multi-stakeholder approach for this purpose by engaging relevant stakeholders – Ministries and agencies such as MHA, MEITY, NSCS, DRDO, CBI, L&T Division of MEA.

ii. Cyber Diplomacy Division has led a concerted effort in the ASEAN Regional Forum, BRICS, European Union, IBSA, Shanghai Cooperation Organization (SCO) and QUAD Cyber Consultations to advance India's position and views on expediting international cooperation towards application of Laws to Cyberspace and form necessary institutional mechanisms of cooperation to realize the above goal.

iii. Cyber Diplomacy Division has Cyber Dialogue with 16 countries and has taken up the necessity of increased global efforts to customize the modalities for application of Laws in cyberspace and internet governance in various bilateral cyber policy dialogues/consultations with countries such as France, Germany, UK, Australia, Russia, Japan, USA and others.

iv. Ministry of External Affairs is intensively engaged in its participation, deliberation, intervention and negotiations in various UN forums like UN Group of Governmental Experts on Advancing responsible State behaviour in cyberspace in the context of International Security (UN GGE), UN Open-Ended Working Group (UN OEWG), UN Ad Hoc Committee established by General Assembly Resolution 74/247 to elaborate a comprehensive International Convention on countering the use of ICT for criminal purposes where the new International norms governing the Cyberspace are being

deliberated and negotiated to safeguard and protect the interests of the country and convey India's position on various aspects of deliberations so as to incorporate the Indian views in the emerging norms governing the Cyberspace. The deliberations and negotiations in the UN Ad Hoc Committee on Cybercrime will be important as it has been mandated by the UN Resolution No. 74/247 dated 27/12/2019 and 75/282 dated 26/05/2021 to complete its task within two and a half years and present its report to 78<sup>th</sup> UNGA in 2024 and the Convention will be International Convention for countering the use of ICT for criminal purposes. MEA is taking the lead and consulting all stakeholders like NSCS, MHA, DRDO, MEITY, CERT-IN, CBI, etc. to take a "Whole of Government approach" to present its views in the UN. India is a member of the UN Ad Hoc Committee to elaborate a comprehensive International Conventions countering the use of ICTs for criminal purposes which will have its first Session in January, 2022. This is an important and significant effort under the UN aegis to negotiate an International Convention on Cybercrime which will have a binding effect. MEA has taken the lead and have convened inter-ministerial meetings to present a "whole of Government approach in the UN Ad Hoc Committee.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (SL. No. 9)**

The Committee are aware of the rising profile of cyber security threats which are in the form of financial crimes, identity and monetary theft via cyber tools, fake news propagation, election interference, inflammatory messages on social media leading to social and civil unrest, propagation of obscene material over cyberspace, online radicalization of youth, etc. these increasingly threaten the safety, security and stability of nations. The Committee, however, note that the efforts of the Ministry of External Affairs and other concerned agencies at various international and regional instruments on international cyber security seem lagging due to the exclusive groupings between countries on a regional level or for Geo-political reasons. The Committee while appreciating the Country's reliance on the processes under the UN for intergovernmental committee of experts towards a comprehensive international convention, feel that India given its rich resources in IT must attempt to leverage it to secure its interests by gaining entry into the various regional instruments of collaboration on cyber security. They recommend that the Ministry of External Affairs must explore all the possible ways to secure the cooperation of countries with established multi-lateral and regional instruments of cooperation on cyber security protocols through enhanced diplomatic efforts. They further desire that the Ministries concerned must work ceaselessly to find alternative fool proof mechanisms of securing our cyber space.



## Reply of the Government

In the absence of International Law on Cyberspace, Cyber Diplomacy Division has pursued the applicability of norms to Cyberspace and Internet Governance in the various UN-mandated cyber processes that establish foundation for future discourse on cyber governance such as ‘Group of Government Experts on Advancing Responsible State Behaviour in cyberspace in the context of International Security’ (GGE), ‘Open Ended Working group on the Developments in the Field of telecommunications and ICTs in the context of International Security’ (OEWG) and ‘Intergovernmental Expert Committee on Cybercrime’ (IEG).

ii. India has, in advance, communicated to the Chair of the New OEWG 2021-2025 the priority areas for India in the upcoming Study Group deliberations and ‘International Law’ as one of the key priority areas from India’s point of view, not just for itself but for many Member States that are having variable level of cyber preparedness and cyber defence.

iii. In the spirit of multi stakeholder approach, Cyber Diplomacy Division has been engaging MHA, MOD, MEITY, NSCS and other relevant government entities/agencies to present a comprehensive position of India as a “whole of Government approach” on cyber matters in the multilateral and regional instruments of cooperation on Cyber Security through established institutional cyber cooperation mechanisms such as Cyber Dialogues, Framework Arrangements, Joint Working Groups, informal Cyber Consultations, Expert level engagements with Cyber Ambassadors of other countries in the regional forums like ARF, QUAD, SCO, BRICS, IBSA, EU, CICA and others. This helps India to make effective presentation of its views in bilateral, regional and International forums on issues of Cyberspace.

• iv. As far as Budapest Convention (European Convention on Cybercrime) is concerned, as informed earlier to the Standing Committee India is not a Member of Budapest Convention and not all signatories to Budapest Convention have ratified this Convention yet. It is also a regional initiative and India has reservations about some of its provisions. However, MEA has again sought the views/opinion of the stakeholders about Budapest Convention whether India should become an Observer as suggested by National Cyber Security Coordinator. The replies are awaited. However, It may be noted that Budapest Convention was negotiated and concluded on 23/11/2001 and it is already two decades old Convention. Thereafter, there have been a lot of technological progress in the cyberspace as the technology has been evolving at a rapid pace. Hence, Budapest Convention may not be able to cover all the new



challenges that have emerged in the cyberspace since its conclusion in the year 2001. Moreover UNGA 3<sup>rd</sup> Committee is seized with the preparation of International Convention on elaboration of comprehensive International Convention on countering the use of Information and Communication Technology for criminal purposes which will be a broad based International Convention under the aegis of UN and will have more acceptability as well as it will be able to cover the newer technologies and challenges in the cyberspace taking into account the works of UN GGE, UN OEWG and Regional Convention like Budapest Convention. India is actively participating in this UN Ad Hoc Committee on countering the use of ICT for criminal purposes in cybercrime and its first Substantive Session will take place in January, 2022 in New York.

- v. MEA has facilitated 18 MOUs between CERT-IN and its counterparts in other countries which is helping CERT-IN to receive and share information on Cyber incidents and deal with the emerging Cyber threats. It also enables CERT-IN to develop further cooperation in its capacity building. There are about 10 more MOUs which are under negotiations to establish cooperation between CERT-IN and its counterparts in other countries.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (SL. No. 10)**

The Committee note that major issues dominating international cyber security concerns and measures discussed during conferences on cyber security relate to developing a consensus on attribution of cyber attacks, legality of use of countermeasures as well as norms, rules and principles of responsible behaviour of States, confidence building measures and capacity building. The Committee also note that unlike physical warfare, the attribution of cyber attacks to attacking entities presents a very complex challenge which needs international accord on acceptable norms as attacking entities can be any party from professional hackers, rogue hackers, military establishments of an enemy nation or non-state actors, etc. The Committee have also examined in detail the difficulties and complexities posed in the cyber sphere by India's lack of control over the root servers. There are 13 root servers in the entire world through which all data on the internet has to pass through out of which ten are in US and one each in Netherlands, Sweden and Japan but none in India. In view of the fact that in the current IP Version IV system only 13 root servers can exist and the root servers are being monopolized through which controlling countries can extract tremendous strategic and security leverages. Thus being a huge concern, the Committee would like that rather than working to achieve data localization which is proving to be impossible in near future, the Ministries concerned must

further strengthen our domestic laws on cyber security so that they are consistent with the norms in the international framework and proper accreditation is secured. Further, the Committee also desire that India should gradually proceed in the direction of data localization leveraging its strengths like the huge availability of software programmers, huge capabilities in development of algorithms, etc. to become a leader in cyber space and overcome the monopoly of few countries till the technology switches from IPV IV system to IPV VI when India may have root servers within our borders.

### **Reply of the Government**

India currently has Information Technology Act 2000 which was amended in 2008 and National Cyber Security Policy 2013. The personal Data Protection Bill 2019 is under consideration of Parliament Committee. National Cyber Security Strategy 2021 is being developed by MEITY and NSCS. The domestic Cyber Laws are drafted by MEITY for approval of Parliament. Recently MEA shared with the stakeholders the Pakistan Cyber Security Policy 2021 for their consideration and to take appropriate measures, if any, in drafting the National Cyber Security Strategy 2021.

ii. MEITY, DOT and other Indian agencies are focusing on development of technologies to overcome the absence of “root server” in India and can learn from the strategies adopted by the Russians and Chinese to deal with this unique situation as both Russia and China also do not have “root servers”.

iii. MEA is leading the GOI efforts bilaterally, regionally and at multilateral forums including UN through Cyber Dialogues, Joint Working Groups, meetings in the regional and multilateral forums to increase the cooperation between Indian entities with their counterparts in other countries to deal with the evolving challenges in the Cyberspace.

iv. MEA is leading the Indian delegations with multi-stakeholder approach in the UN Ad Hoc Committee to elaborate the International Convention on countering the use of ICTs for criminal purposes which is mandated to complete its work by 2024 by the UN Resolution. This will create the first International Law on Cyber crimes.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (SL. No. 11)**

The Committee note that the Computer Emergency Response Team (CERT-In) and the Information Technology Act are the administrative and legal mechanisms in the country to respond against cyber attacks and to tackle cyber crimes. The Committee are concerned with the reactive disposition of CERT-In since the benefit is greater in pre-empting and preventing possible fraud, cyber attacks and such other cyber crimes. The Committee appreciate the efforts to make the CERT-in mechanism more proactive, but desire that more effort needs to be devoted and the Ministries concerned must work together to attract adequate talent in IT and software engineering to strengthen the capabilities and capacity of CERT-In. They also recommend that the IT Act, and rules under the Act must be constantly reviewed to address fast changing requirements due to ever evolving technology and progress in the information technology realm to keep the country safe and in a leadership position for international mechanisms and instruments of cooperation.

### **Reply of the Government**

Officials from CERT-IN and MEITY have been taking part in bilateral, regional and multilateral cyber consultations of India.

- ii. In bilateral Cyber Dialogue set up, CERT-In has been involved to take up consultations with its counterparts, provide feedback and come up with proposals to enhance CERT-to-CERT Cooperation.
- iii. MEITY is the nodal Ministry to frame draft domestic laws on Cyber related issues and is part of Indian delegations in UNGGE, UNOEWG, etc. where issues related to Cyberspace are/were being discussed to develop acceptable global norms and rules.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021

### **Recommendation (Sl. No. 12)**

The Committee note with satisfaction that efforts of the Government to prevent financial crimes through cooperation with global fora which include collaboration with the OECD and G-20 Group, where India has been a very proactive participant in developing a uniform standard for automatic exchange of information is making good progress. Further, after initial sharing of financial information with 49 countries, that the number now has doubled to about 80 countries is a good achievement. The Committee urge the Ministry of External Affairs to bring in more and more countries in this network of mutual and

automated exchange of financial information critical to fight against financial crimes which are increasingly assuming a trans-border character.

### **Reply of the Government**

Government of India has mandated Financial Intelligence Unit India (FIU-India) for sharing information relating to fight against financial crimes. FIU-India works under the administrative control of Department of Revenue, Government of India. On part of MEA, FIU-India is encompassed to share information with their counterparts in foreign countries. Where required, a representative of FIU-India and relevant agencies are also included in the Indian delegation for the meetings of JWG-CT to exchange relevant information particularly on countering financing of terrorism.

ii. Ministry of Finance in nodal for matters related to Financial Intelligence Unit (FIU).

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (Sl. No. 13)**

The Committee are apprised that, under the Fugitive Economic Offenders Act, India have filed 11 petitions for declaring a person a fugitive offender, out of which, in two cases orders have been passed, where assets worth of Rs. 358 crore have been confiscated in one case, and the person has been declared as a fugitive offender in the other. The Committee also note that there is a limit of Rs. 100 Crore as the lower limit of money involved for proceeding against offenders under this Act. The Committee are of the opinion that the entire judicial process for declaring a person a fugitive offender appears to be very slow and desire that the Ministries concerned must together examine possibilities of simplifying the procedures to expedite the progress in such cases. Further, the Committee feel that the limit of 100 crore as the limit for proceeding against such criminals seem to give a lot of leeway to many smaller offenders and they desire that the matter may be reviewed at the earliest to enable proceedings to be initiated against criminals involving less than 100 crore also.

### **Reply of the Government**

At the time the Fugitive Economic Offender Act 2018 (FEOA) was passed there was an exigency and need of such legislation to stop the economic offenders from absconding from country by mandating confiscation of assets of such

fugitive economic offenders. The threshold for invoking the provisions of FEOA was prescribed at one hundred Crore rupees or more as the total value involved in the scheduled offence or offences. While the FEO Bill was being discussed before the Parliament on 19.07.2018 the question of such threshold of Rs 100 Crore was also raised by the Hon'ble members. After the Bill received Presidential assent the then Hon'ble Finance Minister Sh. Piyush Goyal backed the legislation by saying that **“The intention of the government is to ensure faster and speedy tackling of cases involving big offenders”** and **“catch the big offenders and not to clog the courts”**.

ii. The law has been in force for about 3 years and in view of the Directorate of Enforcement there is an urgent need for relaxation of this threshold of Rs. 100 Crores on various grounds which are broadly summarized as under:

(a) Money laundering by itself is a serious economic offence with larger economic and social ramifications. But even among the money laundering cases being investigated by the Directorate, there is a category of cases in which the accused may be involved in serious economic offences (predicate offence) such as terror funding, drug trafficking, environmental offences, corruption etc. which have an acute potential to impact the security, economic or strategic interests the country. It has been observed that some of these cases involving serious economic offences do not meet the monetary threshold of Rs 100 Crores required for invoking the provisions of FEOA. However, given the magnitude, seriousness and economic/security implications of such offences it is believed that the purpose and intent of the legislation would be effectively achieved if the assets of such offenders who have fled the country, are made liable for confiscation under FEOA.

(b) The investigation under the provisions of PMLA has revealed that provisions of FEOA could not be invoked against many of the fugitive offenders involved in serious economic offences such as terror financing, drug trafficking and cyber crime for the reason that proceeds of crime in these cases are much below the threshold of Rs. 100 crore. For example, provisions of FEOA could not be invoked against international terrorists namely Hafiz Muhammad Saeed & Ors because the proceed of crime involved in these cases are at Rs.8.93 crore and Rs. 11.26 respectively. A list of one such category of cases i.e terror funding cases under investigation with ED along with PoC involved in each case, is enclosed as Annexure A.

(c) Further, till date the Directorate has filed petitions under FEOA against 14 persons only. On the other hand, till date the Directorate has got Red Corner Notices (RCNs) published against 19 accused persons against application for publication of RCN made by the Directorate in respect of 35

persons. The Directorate has also sent extradition request in respect of 27 accused persons. It has been observed that in some such cases in which Directorate has got RCNs published or sent extradition requests, it is unable to file an application under FEOA as the in the said cases the threshold of Rs 100 Crores is not met. A brief of one such case is enclosed as Annexure B.

(d) The objective of FEOA is "to provide for measures to deter economic offenders from evading the process of law in India" and is to speedily bring fugitive economic offenders to justice by swiftly confiscating their assets and restituting the wronged party. In this context, it is stated that provisions of Sections 82-86Cr.PC are similar to the provisions of FEOA in their intended purpose and applicability. Also, Cr.Pc being applicable for all criminal offences including petty offences, Section 82 Cr.PC does not stipulate any monetary threshold for its invocation. Since the legislative intent of FEOA is to provide a procedure for more effective and swift confiscation of assets as compared to above mentioned provisions of Cr.PC (as FEOA is invoked in cases of economic offences of larger magnitude and more serious implications), a monetary threshold may prove to be a roadblock in bringing fugitive criminals involved in serious economic offences within the ambit of FEOA.

iii. For aforesaid reasons, it is suggested that there should not be any monetary threshold for invoking the provisions of FEOA in the case involving serious economic offences such as terror & naxal financing, drug trafficking, cyber crimes, human trafficking, arms & explosives trafficking, etc. For other categories of economic offences, threshold limit may be reduced from existing threshold of Rs. 100 crore to Rs. 10 crore.

Further, with regard to the recommendation of the Committee that the judicial process is slow and there is a need for simplifying the procedures to expedite the progress in cases under FEOA, following are the inputs:

(a) The process prescribed in the FEOA follows the principle of due process of law as well as the principles of natural justice. The process prescribed is not complex, however certain time limits may be fixed for taking necessary steps. For instance:

- It may be prescribed that upon filing of Application under section 4 of the Act, the Special Court to decide whether to issue notice within two weeks from the date of filing of application.
- The Special Court shall pass an order after conclusion of final arguments on the application under section 4 of the Act within a period of 3 weeks.



(b) For the effective and successful implementation of the FEOA, 2018 it is also suggested that other Law Enforcement Agencies (LEAs) and Judicial Officers must be sensitized about the provisions of the Act.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (Sl. No. 14)**

The Committee note that the Unlawful Activities (Prevention) Act, 1967 (UAPA) was amended in 2004 to criminalise, inter alia, terrorist financing and further amended in December 2008 to broaden its scope and to bring the legislation more in line with the requirements of the United Nations Convention for the Suppression of the Financing of Terrorism (FT Convention). The amendment also established the National Investigation Agency (NIA) which, among other actions, further strengthened the fight against terrorism and its financing. They also note that UAPA was further amended in August, 2019 to provide special procedures to deal with terrorist activities, including designation as a terrorist, of an individual or organisation. The amendment also broadened the scope of terrorist acts dealt by the Act by adding the International Convention for Suppression of Acts of Nuclear Terrorism (2005) in its Schedule. While the Committee appreciate the various amendments, especially to bring it in line with UN Convention for Suppression of the Financing of Terrorism, they feel that while domestic legislations are important in fighting financial crime, more efforts should be invested in having an international legal framework to tackle such crimes which are assuming increasing transnational and international dimensions.

### **Reply of the Government**

India has been at the forefront of bilateral international and regional efforts to counter terrorism. The issue of countering terrorism including terrorist financing finds prominent mention in various bilateral and multilateral meetings at all levels. At all such interaction, India proposes early adoption of Comprehensive Convention on International Terrorism (CCIT) at the United Nations General Assembly, which India has introduced in 1996 in the UN.

ii. India is also a member of the Financial Action Task Force (FATF) and Egmont group and regularly participates in their meetings which are aimed at strengthening international legal framework against money laundering and financing of terrorism. The Financial Action Task Force (FATF) is an inter-governmental policy making body whose purpose is to establish international standards, and to develop and promote policies, both at national and

international levels, to combat money laundering and the financing of terrorism. The Egmont Group is a united body of 167 Financial Intelligence Units (FIUs) which provides a platform for the secure exchange of expertise and financial intelligence to combat money laundering and terrorist financing (ML/TF), since 2010.

iii. Department of Revenue, FATF Cell, Ministry of Finance, is the nodal department for Financial Action Task Force (FATF) related matters.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (Sl. No. 15)**

The Committee note that India presently has Mutual Legal Assistance Treaties in Criminal Matters with 42 Countries which are useful in enhancing mutual cooperation between countries in addressing transnational organised crimes and terrorism. Such treaties enable cooperation and assistance to India to counter organised crime, money laundering and related financial crimes. India has signed the United Nations Convention against Corruption (the Merida Convention) on 9 December 2005. Corruption is one of the predicate offences for money laundering. The Committee, therefore, desire that efforts must be made to increase the network of MLATs in criminal matters with countries around the world. They also desire that India should continue to work towards strengthening the Merida Convention of 2005 to enhance cooperation between UN members in matters of international financial crimes involving various players like MNCs, individuals and various online vendor companies, etc.

### **Reply of the Government**

As on 01.03.2022, India has signed Treaty/ Agreement on Mutual Legal Assistance in Criminal Matters with 44 countries, namely, Australia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Bosnia & Herzegovina, Canada, Cambodia, Egypt, France, Hong Kong Special Administrative Region of the People's Republic of China, Indonesia, Iran, Israel, Kazakhstan, Kyrgyz Republic, Kuwait, Maldives, Mauritius, Malaysia, Mexico, Myanmar, Mongolia, Morocco, Oman, Russia, Singapore, Spain, Sri Lanka, South Africa, South Korea, Switzerland, Tajikistan, Thailand, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uzbekistan and Vietnam.



Negotiations with some countries in matters of MLAT are ongoing. Recently MHA has revised the Indian Standard Draft (ISD) on MLAT with approval of Union Home Minister. In line with the recommendation of the Committee, the Ministry is actively making efforts to broaden the network of MLAT treaties and arrangements with foreign countries to further strengthen India's efforts and capacity to combat transnational crimes by enhancing cooperation in law enforcement and mutual legal assistance in criminal matters.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

## **CHAPTER III**

### **OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY**

#### **Recommendation (Sl. No. 6)**

The Committee are aware that India is not a signatory to the UN Convention, 1951 on the status of Refugees and the related 1967 UN Protocol. The Committee find the Government of India's stance on the issue, that India's Domestic laws are adequate to effectively handle refugee crises facing the country, as demonstrated in the past crises involving Tibetan refugees and Tamil refugees, not fully convincing. The Domestic Laws like the Foreigners Act, 1946; the Registration of Foreigners Act, 1939; the Passport (Entry into India) Act, 1920 are legislations that govern the regulation of entry, stay and exit of foreign nationals during normal times and under normal circumstances, whereas a refugee situation demands prompt and specified response owing to the crisis nature and the urgency of response required to avoid potent humanitarian crises resulting therefrom. However, the Committee are also taking note of the limitations in the 1951 UN Convention on the Status of Refugees and its 1967 Protocol, specifically in the critical lack of the concept of shared responsibility of all Sovereign countries, in which India strongly believes. The Committee, therefore, while disagreeing with the stance that existing Domestic Laws are adequate to deal with refugee situations, desire that the Ministry of External Affairs steadily advocate India's stand on the concept of shared responsibility of all Sovereign countries in refugee crises developing anywhere in the world, making a strong case for review of the 1951 UN Convention and its 1967 Protocol. After that India can reconsider and revisit the 1951 Convention and 1967 Protocol.

#### **Reply of the Government**

Following are the main grounds on which the Ministry of Home Affairs has not favored enactment of a refugee Law:-

1. India is saddled with the serious problem of illegal migrants. A liberalized refugee entry regime would aggravate the situation and would blur the dividing line between an illegal immigrant and a bonafide asylum seeker.
2. India has open/porous borders with Nepal, Bhutan, Bangladesh, Pakistan, Myanmar and easily navigable sea route between India and Sri Lanka. The liberalization of existing laws for the grant of Asylum/Refugee status would open floodgates for unfettered immigration of people from our neighboring countries.

3. There have been instances when entry to India by undesirable persons is refused and this will not be possible with the enactment of the legislation.

4. With a large population and surplus labour force, Indian social infrastructure is already under strain. The equality in providing facilities/privileges to refugee at par with India citizens would impinge on the share of Indian citizens. It would be virtually impossible to identify and segregate undesirable elements from genuine asylum seekers in case of mass influx of refugee.

5. The necessity or otherwise of a Refugee/Asylum specific legislation has to be viewed not only from a humanitarian point of view but also from the point of view of national security, territorial integrity, sovereignty of the State and India's geo-political situation in South-East Asia.

6. The restrictions on extraditions, deportation, etc. may prove to be an impediment in preventing the entry of undesirable elements as refugee seekers. Allowing refugees to settle down in India may be exploited by anti-national elements/agencies thereby posing a threat to national security.

7. There is possibility of too many people, including economic immigrants, approaching the Indian Courts on a false pretext of persecution.

8. Even in the absence of a national law on refugee, India's track record in dealing with or providing protections to refugee has been internationally acclaimed. This points to the fact that the existing policies of treating the refugee problem on a case to case basis, as and when such situations have arisen, afforded wide latitude of flexibility and accorded room to tailor Government policy to suit the situation. The existing system has stood the test of time admirably. Therefore, commensurate benefits will not accrue by enacting a separate Refugee Law as anyway India has all along been quite liberal in dealing with legitimate refugee.

9. India's track record in the principle of non-refoulment (not sending back) is second to none. We have large presence of refugees mostly from Tibet, Bangladesh, Myanmar, Afghanistan and Sri Lanka and that still continues.

10. A separate Refugee law is not considered necessary as the existing laws for dealing with foreigners i.e. (i) The Foreigners Act, 1946, (ii) The Passport (Entry into India) Act, 1920, (iii) The Registration of Foreigners Act, 1939 and (iv) The Citizenship Act, 1955 are sufficient to deal with the issue of refugees also.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

## CHAPTER IV

### **OBSERATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Sl. No. 1)**

The Committee recognize the critical importance of safeguarding the Country's interests in the varied streams of International Law and note with satisfaction that India is committed to multilateralism and enhancement of respect for International Law. They also laud the country's continuing unwavering engagement with and commitment to the cause for reforms in global governing structures to reflect changing and contemporary realities. The Committee, however, find that India's capacity, expertise and involvement in the framing and further modification of International Law in various spheres needs to be further strengthened. The Committee, therefore, desire that efforts towards that goal should not be limited to ensuring the recruitment of qualified personnel in concerned Ministries and Divisions, but should also extend to promotion of institutions of international legal studies and research in the country, scholarships and funding of research by meritorious law students, professionals and educators.

The Ministry should also, in coordination with Ministry of Education identify some eminent institutions for establishing chairs for the purpose. Similarly, they should also establish suitable chairs in legal studies in the Foreign Service Institute and the Indian Council of World Affairs. They also desire the concerned ministries to promote and facilitate the entry of Indian international law experts into the various international governing bodies like the Sixth Committee (Legal) of the United Nations General Assembly, International Courts of Justice, International Tribunals, etc. responsible for framing and amending international law on the varied fields including in the areas of Law of the Sea and maritime affairs; international criminal law including terrorism and extradition; human rights and humanitarian law; trade law; space law; legal issues arising out of disarmament, environment, intellectual property rights, energy security, nuclear energy, cyberspace, WTO, outer space. Moreover, the Committee desire that the Ministry of External Affairs, in close co-ordination with all concerned ministries, set up a Working Group devoted to achieving the above goals and to ensure strengthening India's position in the study, framing, amending, implementing and interpretation of International Law adequately to protect its interests.

## **Reply of the Government**

Ministry of External Affairs closely works with institutions and universities. Government of India contributes 5 lakhs every year towards the library of Indian Society of International Law.

2. The treaty body reporting under various Conventions are prepared in consultation and with the inputs from academic institutions and law schools who have expertise in international law.

3. Internship programmes – MEA provides internship to budding international law scholars to familiarize themselves with the process of formulation of treaties and its negotiations. Interns report to and work under close supervision of the Head of Division (HOD) of L&T Division. They may be required to conduct research, write reports, analyze evolving developments, or carry out any other task entrusted to them by the HOD.

4. Indian international law experts into the various international governing bodies - The following positions are held by Indian legal experts.

i. Dr. Dalveer Bhandari, Judge of the International Court of Justice, former Judge of Supreme Court.

ii. Dr. Neeru Chadda, Judge of the International Tribunal for Law of the Sea. She is former Additional Secretary, Legal and Treaties Division, MEA. She is the first Indian women to hold the position.

iii. Dr. Aniruddha Rajput is a member of International Law Commission from 2017-2022. The election for the next term will be in November 2021. India has fielded a candidate for the term that begins from 2023.

iv. An officer at the level of Counselor from the Legal and Treaties Division represents India at the Sixth Committee (Legal) of the United Nations General Assembly.

v. Legal Officers from Legal and Treaties Division are posted in Permanent Mission of India in Geneva and Embassy of India in The Hague to follow international law matters in various forums including Human Rights Council, International Court of Justice, Hague Conference on Private International Law (HCCH).

vi. India is an elected member of the Council of the International Seabed Authority. Indian experts are members of the Legal and Technical Commission

(LTC) ad the Finance Committee.

5. MEA works closely with other Ministries depending on the subject/area to form a consolidated position on various international law areas. For example, we closely work with Ministry of Commerce with regard to issues of Arbitration, with Ministry of Women and Child Development in areas of inter-country adoption, surrogacy etc. Further, we take note of the desire of the Committee that the Ministry of External Affairs, work in close co-ordination with all concerned ministries, to ensure strengthening India's position in the study, framing, amending, implementing and interpretation of International Law adequately to protect its interests.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

### **Recommendation (Sl. No.5)**

The Committee note that India is signatory to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in civil or commercial matters. The Hague Convention on taking of evidence abroad in civil and commercial matters was also adopted in the year 2007 under the belief that the process of service of legal documents would become faster than letter rogatory and India has also signed Mutual Legal Assistance treaties with 40 countries. The Committee, however, find it disappointing that even then there are 845 MLAT requests pending with various countries which include Letters Rogatory and Mutual Legal Assistance requests. The Committee, therefore, conclude that the desired cooperation from the countries concerned in honouring such requests is waiting. The Committee, therefore, desire that the Ministry of External Affairs should take serious cognizance of the huge pendency of requests and institute a task force to look into the reasons for the same and suggest measures for the prompt fructification of all extradition and Mutual Legal Assistance requests pending with various Countries. Simultaneously, more and more MLATs must be entered into with other important countries on priority basis.

### **Reply of the Government**

During the Joint Working Group meetings on Counter Terrorism (JWG-CT) with various countries, the matter relating to pending extradition cases and MLAT requests on counter terrorism matters relating to that country are discussed for expediting the pending MLAT requests. The Missions are regularly pursuing the pending requests with respective countries.

ii. The Ministry of Law and Justice, Department of Legal Affairs is incharge of The Hague Convention on Service Abroad of Judicial and extra-Judicial Documents in Civil or Commercial Matters and for MLATs in Civil and commercial matters. Similarly, the Ministry of Home Affairs is incharge of Mutual Legal Assistance in Criminal Matters. The Ministry of External Affairs during Consular Dialogue and through its Missions abroad, from time to time propose the need for Mutual Legal Assistance Agreement in Civil and Commercial and Criminal matters and facilitate the conclusion of these agreements. The Indian Missions abroad actively coordinate with the concerned Foreign States for early execution of India's MLAT requests.

[O.M No. AA/Parl/125/60/2021) dated 25/11/2021]

**CHAPTER V**

**OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH  
FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED**

**-NIL-**

**NEW DELHI**  
**19 December, 2022**  
**28 Agrahayana, 1944 (Saka)**

**P.P. CHAUDHARY,**  
***Chairperson,***  
***Committee on External Affairs***



**MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON EXTERNAL  
AFFAIRS (2022-23) HELD ON 19 DECEMBER, 2022**

The Committee sat on Monday, 19 December, 2022 from 1515 hrs. to 1705 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

**PRESENT**

**1. Shri P.P. Chaudhary, Chairperson**

**Lok Sabha**

2. Smt. Harsimrat Kaur Badal
3. Shri Kalyan Banerjee
4. Shri E. T. Mohammed Basheer
5. Shri Dileshwar Kamait
6. Smt. Poonam Pramod Mahajan
7. Shri Ritesh Pandey
8. Dr. K. C. Patel
9. Smt. Navneet Ravi Rana
10. Shri Vishnu Datt Sharma

**Rajya Sabha**

11. Shri Abdul Wahab
12. Dr. Ashok Kumar Mittal

**MINISTRY OF EXTERNAL AFFAIRS**

- |    |                        |   |                   |
|----|------------------------|---|-------------------|
| 1. | Shrii Vinay Kwatra     | : | Foreign Secretary |
| 2. | Shri Anurag Srivastava | : | JS (North)        |
| 3. | Ms. Smita Pant         | : | JS (BM)           |
| 4. | Dr. Sumit Seth         | : | JS (PP & R)       |

**Secretariat**

- |    |                          |   |                  |
|----|--------------------------|---|------------------|
| 1. | Dr. Ram Raj Rai          | - | Joint Secretary  |
| 2. | Smt. Reena Gopalakrishna | - | Director         |
| 3. | Ms. K. Muanniang Tunglut | - | Deputy Secretary |

2. At the outset, the Chairperson welcomed the Members to the Sitting of the Committee.

3. Thereafter the Committee took up for consideration the draft Report on action taken by the Government on the observations/recommendations contained in the Ninth Report of the Committee on External Affairs on the subject 'India and International Law including Extradition Treaties with Foreign Countries, Asylum Issues, International Cyber-security and Issues of Financial Crimes';

4. The Chairperson invited the Members to offer their suggestions, if any, for incorporation in the draft Reports. The members suggested some minor modifications. The Committee adopted the draft Report with these minor modifications.

5. The Committee then authorized the Chairperson to finalize the Action Taken Report incorporating the suggestions made by the Members and present the same to Parliament.

6. XXX XXX XXX

7. XXX XXX XXX

8. XXX XXX XXX

9. XXX XXX XXX

10. XXX XXX XXX

11. XXX XXX XXX

12. XXX XXX XXX

*The Committee then adjourned.*

*(Vide Para 4 of Introduction of Report)*

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE NINTH REPORT OF THE COMMITTEE ON EXTERNAL AFFAIRS**

- (i) **Total Number of Recommendations :** 15
- (ii) **Observations/Recommendations which have been accepted by the Government: -**  
Recommendation Nos. 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14 and 15.  
**Total- 12**  
**Percentage: 80%**
- (ii) **Observations/Recommendations which the Committee do not desire to pursue in view of the Government's replies:-**  
Recommendation No. 6  
**Total- 1**  
**Percentage: 6.67%**
- (iii) **Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and require reiteration: -**  
Recommendation No. 1 and 5  
**Total- 2**  
**Percentage: 13.33%**
- (v) **Observations/Recommendations in respect of which final replies of Government are still awaited: -**  
Nil  
**Total- 0**  
**Percentage: 0%**