

**GOVERNMENT OF INDIA
FINANCE
LOK SABHA**

UNSTARRED QUESTION NO:2105

ANSWERED ON:04.08.2000

PENDING FERA CASES

AVSM, BRIG.(RETD.) KAMAKHYA PRASAD SINGH DEO;VARKALA RADHAKRISHNAN

Will the Minister of FINANCE be pleased to state:

- (a) whether there are about 3000 cases under FERA which are pending with the Enforcement Directorate due to contradictory provisions of FEMA that replaced FERA;
- (b) if so, the details of the cases which are pending with Enforcement Directorate;
- (c) whether the E.D. has sought any clarifications from the Government regarding FEMA provisions to be followed for completing investigations; and
- (d) if so, the details thereof and the steps taken/proposed to be taken to overcome the contradictory interpretation of FEMA ?

Answer

Minister of State in the Ministry of Finance (SHRI V.DHANANJAYA KUMAR)

(a) As on 30.6.2000, the Enforcement Directorate had 4522 cases pending under the repealed Act, viz., Foreign Exchange Regulation Act, 1973, but none of them is pending because of any contradictory provision in Foreign Exchange Management Act, 1999.

(b) The zone-wise details of pending cases are as under :-

1) Ahmedabad	:	170
2) Bangalore	:	352
3) Chennai	:	197
4) Calcutta	:	329
5) Delhi	:	2036
6) Jalandhar	:	937
7) Mumbai	:	501

(c)&(d): Section 49 of Foreign Exchange Management Act, 1999 provides that all offences committed under the repealed Act, i.e. Foreign Exchange Regulation Act, 1973 shall continue to be governed by the provisions of the repealed Act as if that Act had not been repealed, for a period of two years from the date of coming into force of Foreign Exchange Management Act, 1999. The Ministry of Law, Justice and Company Affairs, who was consulted by the Directorate, has confirmed this position.