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18.05 hrs.

Title: Prevention of Money-laundering Bill, 1999. (Consideration of the Amendments made by Rajya Sabha)
(Amendments Agreed to)

THE MINISTER OF FINANCE AND COMPANY AFFAIRS (SHRI JASWANT SINGH): Mr. Chairman, Sir, I have a request to make. I appeal to the entire House that the Prevention of Money-Laundering Bill, in fact, is possibly one piece of legislation that has received such intense scrutiny as has not been given to any other legislation. It came to the House in the 12th Lok Sabha. It was referred to the Standing Committee. The Standing Committee thoroughly examined it and sent it back to the Lok Sabha. Lok Sabha passed it*. It went to the Rajya Sabha. The Rajya Sabha set up a Select Committee of the Rajya Sabha to again look at the whole thing. The Rajya Sabha looked at the whole thing and finally passed it**. So, I request the House to please now pass without discussion the Prevention of Money-Laundering Bill as has been returned by the Rajya Sabha and as amended by it because possibly, no other Bill has been examined so thoroughly.

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN : The hon. Minister may move the motion for consideration of amendments.

*The Bill was passed by Lok Sabha on 2nd December 1999 and transmitted to Rajya Sabha for their concurrence.

** Rajya Sabha passed the Bill with amendments at its sitting held on 25th July 2002 and returned it to Lok Sabha on the 26th July 2002

SHRI JASWANT SINGH: I beg to move:

"That the following amendments made by Rajya Sabha in the Bill to prevent money-laundering and to provide confiscation of property derived from, or involved in, money-laundering and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration:

ENACTING FORMULA

1. That at page 1, line 1, *for* the word "Fiftieth" the word "Fifty-third" be *substituted*.

CLAUSE – 1 - Short little, extent and commencement

2. That at page 1, line 5, *for* the figure "1999" the figure "2002" be *substituted*.

CLAUSE – 2 - Definitions

3. That at page 2, line 5, *for* the figure "24" the figure "25" be *substituted*.

4. That at page 2, line 7, *for* the figure "48" the figure "49" be *substituted*.

5. That at page 2, *for* lines 10-11, the following be *substituted*, namely:-

'(e) "banking company" means a banking company or a co-operative bank to which the Banking Regulation Act, 1949 applies and includes any bank or banking institution referred to in section 51 of that Act;'

6. That at page 2, *after* line 13, the following be *inserted*, namely:-

'(h) "chit fund company" means a company managing, conducting or supervising, as foreman, agent or in any other capacity, chits as defined in section 2 of the Chit Funds Act, 1982;

(i) "co-operative bank" shall have the same meaning as assigned to it in clause (dd) of section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961;'

7. That at page 2, line 14, *for* the bracket and letter "(h)" the bracket and letter "(j)" be *substituted*.
8. That at page 2, line 15, *for* the figure "48" the figure "49" be *substituted*.
9. That at page 2, line 16, *for* the bracket and letter "(i)" the bracket and letter "(k)" be *substituted*.
10. That at page 2, line 18, *for* the figure "48" the figure "49" be *substituted*.
11. That at page 2, *for* lines 19-20, the following be *substituted*, namely:-

'(l) "financial institution" means a financial institution as defined in clause (c) of section 45-I of the Reserve Bank of India Act, 1934 and includes a chit fund company, a co-operative bank, a housing finance institution and a non-banking financial company;

(m) "housing finance institution" shall have the meaning as assigned to it in clause (d) of section 2 of the National Housing Bank Act, 1987;'.

12. That at page 2, line 21, *for* the bracket and letter "(k)" the bracket and letter "(n)" be *substituted*.
13. That at page 2, line 26, *for* the bracket and letter "(l)" the bracket and letter "(o)" be *substituted*.
14. That at page 2, line 28, *for* the bracket and letter "(m)" the bracket and letter "(p)" be *substituted*.
15. That at page 2, *after* line 28, the following be *inserted*, namely:-

'(q) "non-banking financial company" shall have the same meaning as assigned to it in clause (f) of section 45-I of the Reserve Bank of India Act, 1934;'.

16. That at page 2, line 29, *for* the bracket and letter "(n)" the bracket and letter "(r)" be *substituted*.
17. That at page 2, line 30, *for* the bracket and letter "(o)" the bracket and letter "(s)" be *substituted*.
18. That at page 2, line 41, *for* the bracket and letter "(p)" the bracket and letter "(t)" be *substituted*.
19. That at page 2, line 42, *for* the bracket and letter "(q)" the bracket and letter "(u)" be *substituted*.
20. That at page 2, line 45, *for* the bracket and letter "(r)" the bracket and letter "(v)" be *substituted*.
21. That at page 3, line 1, *for* the bracket and letter "(s)" the bracket and letter "(w)" be *substituted*.
22. That at page 3, line 3, *for* the bracket and letter "(t)" the bracket and letter "(x)" be *substituted*.

23. That at page 3, *for* line 4, the following be *substituted*, namely:-

'(y) "scheduled offence" means –

(i) the offences specified under Part A of the Schedule; or

(ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more;'.

24. That at page 3, line 5, *for* the bracket and letter "(v)" the bracket and letter "(z)" be *substituted*.
25. That at page 3, line 6, *for* the figure "42" the figure "43" be *substituted*.
26. That at page 3, line 7, *for* the bracket and letter "(w)" the bracket and letters "(za)" be *substituted*.
27. That at page 3, line 9, *for* the bracket and letter "(x)" the bracket and letters "(zb)" be *substituted*.

CLAUSE – 3 – Offence of money-laundering

28. That at page 3, *for* lines 18-23, the following be *substituted*, namely:-

"3. Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money-laundering."

CLAUSE – 4 – Punishment for money - laundering

29. That at page 3, line 28, *for* the words and roman numeral "in Part IV" the words, figure and letter "under paragraph 2 of Part A" be *substituted*.

CLAUSE – 5 - Attachment of property involved in

money - laundering

30. That at page 3, line 34, *for* the words "reason to believe" the words and bracket "reason to believe (the reason *for* such belief to be recorded in writing)" be *substituted*.

31. That at page 4, line 1, *for* the words and roman numerals "Part I, Part II, Part III or Part V" the words, figure and letters "Paragraph 1 of Part A and Part B" be *substituted*.

32. That at page 4, line 3, *for* the word and roman numeral "Part IV" the words, figure and letter "Paragraph 2 of Part A" be *substituted*.

33. That at page 4, *after* line 5, the following be *inserted*, namely:-

"(2) The Director, or any other officer not below the rank of Deputy Director, shall, immediately *after* attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such Adjudicating Authority shall keep such order and material *for* such period as may be prescribed."

34. That at page 4, line 6, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

35. That at page 4, line 8, *for* the figure "7" the figure "8" be *substituted*.

36. That at page 4, line 9, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

37. That at page 4, line 14, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

CLAUSE – 6 – Adjudicating Authority

38. That at page 4, *for* lines 17-23, the following be *substituted*, namely:-

"6. (1) The Central Government shall, by notification, appoint one or more Adjudicating Authorities to exercise jurisdiction, powers and authority conferred by or under this Act.

1. An Adjudicating Authority shall consist of a Chairperson and two other Members:

Provided that one Member each shall be a person having experience in the field of law, administration, finance or accountancy.

(3) A person shall, however, not be qualified *for* appointment as Member of an Adjudicating Authority,-

a. in the field of law, unless he-

(i) is qualified *for* appointment as District Judge; or

i. has been a member of the Indian Legal Service and has held a post in

Grade I of that service;

- a. in the field of finance, accountancy or administration unless he possesses such qualifications, as may be prescribed.

(4) The Central Government shall appoint a Member to be the Chairperson of the Adjudicating Authority.

(5) Subject to the provisions of this Act,-

- a. the jurisdiction of the Adjudicating Authority may be exercised by Benches thereof;
- b. a Bench may be constituted by the Chairperson of the Adjudicating Authority with one or two Members as the Chairperson of the Adjudicating Authority may deem fit;
- c. the Benches of the Adjudicating Authority shall ordinarily sit at New Delhi and such other places as the Central Government may, in consultation with the Chairperson, by notification, specify;
- d. the Central Government shall, by notification, specify the areas in relation to which each Bench of the Adjudicating Authority may exercise jurisdiction.

(6) Notwithstanding anything contained in sub-section (5), the Chairperson may transfer a Member from one Bench to another Bench.

(7) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him *for* transfer, to such Bench as the Chairperson may deem fit.

(8) The Chairperson and every Member shall hold office as such *for* a term of five years from the date on which he enters upon his office:

Provided that no Chairperson or other Member shall hold office as such *after* he has attained the age of sixty-two years.

(9) The salary and allowances payable to and the other terms and conditions of service of the Member shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Member shall be varied to his disadvantage *after* appointment.

(10) If, *for* reasons other than temporary absence, any vacancy occurs in the office of the Chairperson or any other Member, then the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Adjudicating Authority from the stage at which the vacancy is filled.

(11) The Chairperson or any other Member may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson or any other Member shall, unless he is permitted by the Central Government or relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(12) The Chairperson or any other Member shall not be removed from his office except by an order made by the Central Government *after* giving necessary opportunity of hearing.

(13) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson of the Adjudicating Authority until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(14) When the Chairperson of the Adjudicating Authority is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson of the Adjudicating Authority until the date on which the Chairperson of the Adjudicating Authority resumes his duties.

(15) The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Adjudicating Authority shall have

powers to regulate its own procedure.

"7. (1) The Central Government shall provide each Adjudicating Authority with such officers and employees as that Government may think fit.

(2) The officers and employees of the Adjudicating Authority shall discharge their functions under the general superintendence of the Chairperson of the Adjudicating Authority.

(3) The salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority shall be such as may be prescribed."

CLAUSE – 7 – Adjudication

- 39. That at page 4, line 24, *for the figure "7" the figure "8" be substituted.*
- 40. That at page 4, line 24, *for the bracket and figure "(4)" the bracket and figure "(5)" be substituted.*
- 41. That at page 4, line 25, *for the bracket and figure "(3)" the bracket and figure "(4)" be substituted.*
- 42. That at page 4, line 25, *for the figure "16" the figure "17" be substituted.*
- 43. That at page 4, line 25, *for the bracket and figure "(9)" the bracket and figure "(10)" be substituted.*
- 44. That at page 4, line 25, *for the figure "17" the figure "18" be substituted.*
- 45. That at page 4, line 30, *for the figure "16" the figure "17" be substituted.*
- 46. That at page 4, line 30, *for the figure "17" the figure "18" be substituted.*
- 47. That at page 5, line 4, *for the figure "16" the figure "17" be substituted.*
- 48. That at page 5, line 4, *for the figure "17" the figure "18" be substituted.*
- 49. That at page 5, line 15, *after the words, bracket and figure "sub-section (3)" the words "and net income, if any," be inserted.*

CLAUSE – 8 – Vesting of property in Central Government

- 50. That at page 5, line 20, *for the figure "8" the figure "9" be substituted.*
- 51. That at page 5, line 20, *for the figure "7" the figure "8" be substituted.*

CLAUSE – 9 – Management of properties confiscated

under this chapter

- 52. That at page 5, line 33, *for the figure "9" the figure "10" be substituted.*
- 53. That at page 5, line 37, *for the figure "7" the figure "8" be substituted.*
- 54. That at page 5, line 40, *for the figure "8" the figure "9" be substituted.*

CLAUSE – 10 - Power regarding summons, production of

Document to and evidence etc.

- 55. That at page 5, line 41, *for the figure "10" the figure "11" be substituted.*

CLAUSE – 11 – Banking companies, financial institutions

and intermediaries to maintain records

56. That at page 6, line 15, *for* the figure "11" the figure "12" be *substituted*.

57. That at page 6, *after* line 23, the following be *inserted*, namely:-

"Provided that where the principal officer of a banking company or financial institutions or intermediary, as the case may be, has reason to believe that a single transaction or series of transactions integrally connected to each other have been valued below the prescribed value so as to defeat the provisions of this section, such officer shall furnish information in respect of such transactions to the Director within the prescribed time."

CLAUSE – 12 --- Powers of Director to impose fine

58. That at page 6, line 27, *for* the figure "12" the figure "13" be *substituted*.

59. That at page 6, line 28, *for* the figure "11" the figure "12" be *substituted*.

60. That at page 6, lines 31-32, *for* the words "maintain or retain records in accordance with the provisions contained in section 11", the words "failed to comply with the provisions contained in section 12" be *substituted*.

61. That at page 6, line 36, *after* the word "rupees" the words "*for each failure*" be *inserted*.

CLAUSE – 13 --- No civil proceedings against banking

companies, financial institutions etc.

in certain cases

62. That at page 7, line 1, *for* the figure "13" the figure "14" be *substituted*.

63. That at page 7, line 1, *for* the figure "12" the figure "13" be *substituted*.

64. That at page 7, line 3, *for* the figure "11" the figure "12" be *substituted*.

CLAUSE – 14 -- Procedure and manner of furnishing

information by banking compaby financial

Institution and intermediary

65. That at page 7, line 4, *for* the figure "14" the figure "15" be *substituted*.

66. That at page 7, line 6, *for* the figure "11" the figure "12" be *substituted*.

CLAUSE – 15 --- Power of survey

67. That at page 7, *for* lines 9-11, the following be *substituted*, namely:-

"16. (1) Notwithstanding anything contained in any other provisions of this Act, where an authority, on the basis of material in his possession, has reason to believe (the reasons *for* such belief to be recorded in writing) that an offence under section 3 has been committed, he may enter any place-".

68. That at page 7, *after* line 28, the following be *inserted*, namely:-

"(2) The authority referred to in sub-section (1) shall, *after* entering any place referred to in that sub-section immediately *after* completion of survey, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope in the manner as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period as may be prescribed."

69. That at page 7, line 29, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

CLAUSE – 16 - Search and seizure

70. That at page 7, line 35, *for* the figure "16" the figure "17" be *substituted*.

71. That at page 7, line 36, *after* the word "believe" the bracket and words "(the reason *for* such belief to be recorded in writing)" be *inserted*.

72. That at page 8, line 20, *for* the words and roman numerals "Part I, Part II, Part III or Part V" the words, figure and letters "Paragraph 1 of Part A and Part B" be *substituted*.

73. That at page 8, line 22, *for* the words and roman numeral "Part IV" the words, figure and letter "Paragraph 2 of Part A" be *substituted*.

74. That at page 8, *after* line 24, the following be *inserted*, namely:-

"(2) The authority, who has been authorized under sub-section (1) shall, immediately *after* search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period, as may be prescribed."

75. That at page 8, line 25, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

76. That at page 8, line 25, *for* the figure "15" the figure "16" be *substituted*.

77. That at page 8, line 31, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

CLAUSE – 17 – Search of Persons

78. That at page 8, line 34, *for* the figure "17" the figure "18" be *substituted*.

79. That at page 8, line 35, *after* the word "believe" the bracket and words "(the reason *for* such belief to be recorded in writing)" be *inserted*.

80. That at page 8, *after* line 39, the following be *inserted*, namely:-

"(2) The authority, who has been authorized under sub-section (1) shall, immediately *after* search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period, as may be prescribed."

81. That at page 8, line 40, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

82. That at page 8, line 46, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

83. That at page 8, line 46, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

84. That at page 9, line 6, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

85. That at page 9, line 9, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

86. That at page 9, line 9, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

87. That at page 9, line 12, *for* the bracket and figure "(6)" the bracket and figure "(7)" be *substituted*.

88. That at page 9, line 14, *for* the bracket and figure "(7)" the bracket and figure "(8)" be *substituted*.

89. That at page 9, line 14, *for* the words "excepting a female" the words "except a female" be *substituted*.

90. That at page 9, *for* lines 15-24, the following be *substituted*, namely:-

"(9) The Authority shall record the statement of the person searched under sub-section (1) or sub-section (5) in respect of the records or proceeds of crime found or seized in the course of the search:

Provided that no search of any person shall be made unless, in relation to an offence under –

- a. Paragraph 1 of Part A or Paragraph 1 or Paragraph 2 or Paragraph 3 or Paragraph 4 or Paragraph 5 of Part B of the Schedule, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973; or
- b. Paragraph 2 of Part A of the Schedule, a police report or a complaint has been filed *for* taking cognizance of an offence by the Special Court constituted under sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985."

91. That at page 9, line 25, *for* the bracket and figure "(9)" the bracket and figure "(10)" be *substituted*.

CLAUSE – 18 – Power to arrest

92. That at page 9, line 28, *for* the figure "18" the figure "19" be *substituted*.

93. That at page 9, *for* lines 29-30, the following be *substituted*, namely:-

"authorised in this behalf by the Central Government by general or special order, has on the basis of material in his possession reason to believe (the reason *for* such belief to be recorded in writing) that any person has been guilty of an offence punishable under this Act, he may".

94. That at page 9, *after* line 31, the following be *inserted*, namely:-

"(2) The Director, Deputy Director, Assistant Director or any other officer shall, immediately *after* arrest of such person under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such order and material *for* such period, as may be prescribed."

95. That at page 9, line 32, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

CLAUSE – 19 – Retention of property

96. That at page 9, *for* lines 37-41, the following be *substituted*, namely:-

"20. (1) Where any property has been seized under section 17 or section 18, and the officer authorized by the Director in this behalf has, on the basis of material in his possession, reason to believe (the reason *for* such belief to be recorded by him in writing) that such property is required to be retained *for* the purposes of adjudication under section 8, such property may be retained *for* a period not exceeding three months from the end of the month in which such property was seized.

(2) The officer authorized by the Director immediately *after* he has passed an order *for* retention of the property *for* purposes of adjudication under section 8 shall forward a copy of the order along with the material in his possession, referred to in sub-section (1), to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such

Adjudicating Authority shall keep such order and material *for* such period as may be prescribed."

97. That at page 9, line 42, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

98. That at page 9, line 45, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.
99. That at page 9, line 48, *for* the figure "7" the figure "8" be *substituted*.
100. That at page 9, line 49, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.
101. That at page 9, line 49, *for* the figure "7" the figure "8" be *substituted*.
102. That at page 10, line 1, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.
103. That at page 10, line 1, *for* the word, bracket and figure "sub-section (4)" the word, bracket and figure "sub-section (5)" be *substituted*.
104. That at page 10, line 3, *for* the word and figure "section 25" the word and figure "section 26" be *substituted*.
105. That at page 10, line 3, *for* the word, bracket and figure "sub-section (4)" the word, bracket and figure "sub-section (5)" be *substituted*.

CLAUSE – 20 – Retention of records

106. That at page 10, line 6, *for* the figure "20" the figure "21" be *substituted*.
107. That at page 10, line 6, *for* the figure "16" the figure "17" be *substituted*.
108. That at page 10, line 6, *for* the figure "17" the figure "18" be *substituted*.
109. That at page 10, *after* line 10, the following be *inserted*, namely:-

"(2) The person, from whom records were seized, shall be entitled to obtain copies of records retained under sub-section (1).".

110. That at page 10, line 11, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.
111. That at page 10, line 14, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.
112. That at page 10, line 16, *for* the figure "7" the figure "8" be *substituted*.
113. That at page 10, line 17, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.
114. That at page 10, line 17, *for* the figure "7" the figure "8" be *substituted*.
115. That at page 10, line 20, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.
116. That at page 10, line 20, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.
117. That at page 10, line 22, *for* the figure "25" the figure "26" be *substituted*.
118. That at page 10, line 23, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

CLAUSE – 21 – Presumption as to records or property

in certain cases

119. That at page 10, line 25, *for* the figure "21" the figure "22" be *substituted*.

CLAUSE – 22 - Presumption in inter connected transactions

120. That at page 11, line 3, *for* the figure "22" the figure "23" be *substituted*.

CLAUSE – 23 – Burden of Proof

121. That at page 11, *for* lines 8-16, the following be *substituted*, namely:-

"24. When a person is accused of having committed the offence under section 3, the burden of

proving that proceeds of crime are untainted property shall be on the accused.".

CLAUSE – 24 – Establishment of Appellate Tribunal

122. That at page 11, line 19, *for* the figure "24" the figure "25" be *substituted*.

CLAUSE – 25 – Appeals to Appellate Tribunal

123. That at page 11, line 22, *for* the figure "25" the figure "26" be *substituted*.

124. That at page 11, line 26, *for* the figure "12" the figure "13" be *substituted*.

125. That at page, 11, line 32, *after* the word "may" the words "*after* giving an opportunity of being heard" be *inserted*.

CLAUSE – 26 – Composition etc. of Appellate Tribunal

126. That at page 12, line 3, *for* the figure "26" the figure "27" be *substituted*.

CLAUSE – 27 – Qualifications for appointment

127. That at page 12, line 21, *for* the figure "27" the figure "28" be *substituted*.

128. That at page 12, *after* line 31, the following be *inserted*, namely:-

"(e) has been a member of the Indian Customs and Central Excise Service and has held the post of a Joint Secretary or equivalent post in that Service *for* at least three years; or

(f) has been in the practice of accountancy as a chartered accountant under the Chartered Accountants Act, 1949 or as a registered accountant under any law *for* the time being in force or partly as a registered accountant and partly as a chartered accountant *for* at least ten years:

Provided that one of the members of the Appellate Tribunal shall be from category mentioned in clause (f); or

- a. has been a member of the Indian Audit and Accounts Service and has held the post of Joint Secretary or equivalent post in that Service *for* at least three years."

CLAUSE – 28 – Term of office

129. That at page 12, line 34, *for* the figure "28" the figure "29" be *substituted*.

CLAUSE – 29 – Conditions of Service

1. That at page 13, line 3, *for* the figure "29" the figure "30" be *substituted*.

CLAUSE – 30 - Vacancies

131. That at page 13, line 8, *for* the figure "30" the figure "31" be *substituted*.

CLAUSE – 31 – Resignation and removal

132. That at page 13, line 13, *for* the figure "31" the figure "32" be *substituted*.

CLAUSE – 32 - Member to act as Chairperson in

Certain circumstances

133. That at page 13, line 25, *for* the figure "32" the figure "33" be *substituted*.

CLAUSE – 33 – Staff of Appellate Tribunal

134. That at page 13, line 32, *for* the figure "33" the figure "34" be *substituted*.

CLAUSE – 34 - Procedure and powers of Appellate Tribunal

135. That at page 13, line 38, *for* the figure "34" the figure "35" be *substituted*.

CLAUSE – 35 – Distribution of business amongst Benches

136. That at page 14, line 27, *for* the figure "35" the figure "36" be *substituted*.

CLAUSE – 36 - Power of chairperson to transfer cases

137. That at page 14, line 31, *for* the figure "36" the figure "37" be *substituted*.

CLAUSE – 37 – Decision to be by majority

138. That at page 14, line 35, *for* the figure "37" the figure "38" be *substituted*.

CLAUSE – 38 - Right of appellant to take assistance

**of authorised representative and of Government
to appoint presenting officers**

139. That at page 15, line 1, *for* the figure "38" the figure "39" be *substituted*.

CLAUSE – 39 - Members etc. to be public servants

140. That at page 15, line 10, *for* the figure "39" the figure "40" be *substituted*.

CLAUSE – 40 - Civil Court not to have jurisdiction

141. That at page 15, line 13, *for* the figure "40" the figure "41" be *substituted*.

CLAUSE – 41 – Appeal to High Court

142. That at page 15, line 18, *for* the figure "41" the figure "42" be *substituted*.

143. That at page 15, line 20, *after* the word "law" the word "or fact" be *inserted*.

CLAUSE – 42 – Special Courts

144. That at page 15, line 34, *for* the figure "42" the figure "43" be *substituted*.

145. That at page 15, line 41, *for* the word "may" the word "shall" be *substituted*.

CLAUSE – 43 – Offences triable by special courts

146. That at page 15, line 44, *for* the figure "43" the figure "44" be *substituted*.

147. That at page 15, line 46, *after* the word "the" the words "scheduled offence and" be *inserted*.

148. That at page 15, line 47, the word "or" be *deleted*.

149. That at page 15, *after* line 47, the following be *inserted*, namely:-

Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or".

150. That at page 16, line 5, *for* the figure "42" the figure "43" be *substituted*.

CLAUSE – 44 - Offences to be cognizable and

Non- bailable

151. That at page 16, line 6, *for* the figure "44" the figure "45" be *substituted*.

152. That at page 16, line 10, *for* the words "under this Act" the words and letter "under Part A of the Schedule" be *substituted*.

CLAUSE – 45 - Application of the code of Criminal Procedure 1973, to

Proceedings before special court

153. That at page 16, line 28, *for* the figure "45" the figure "46" be *substituted*.

CLAUSE – 46 – Appeal and revision

154. That at page 16, line 43, *for* the figure "46" the figure "47" be *substituted*.

CLAUSE – 47 - Authorities under the Act

155. That at page 16, line 50, *for* the figure "47" the figure "48" be *substituted*.

CLAUSE – 48 - Appointment and power of

authorities and other officers

156. That at page 17, line 1, *for* the figure "48" the figure "49" be *substituted*.

CLAUSE – 49 – Powers of authorities regarding

summons production of documents and

to give evidence etc.

157. That at page 17, line 10, *for* the figure "49" the figure "50" be *substituted*.

CLAUSE – 50 – Jurisdiction of Authorities

158. That at page 17, line 37, *for* the figure "50" the figure "51" be *substituted*.

CLAUSE – 51 – Power of Central Govt. to issue directions etc.

159. That at page 18, line 3, *for* the figure "51" the figure "52" be *substituted*.

CLAUSE – 52 - Empowerment of Certain officers

160. That at page 18, *for* lines 11-13, the following be *substituted*, namely:-

"53. The Central Government may, by a special or general order, empower an officer not below the rank of Director of the Central Government or of a State Government to act as an authority under this Act:

Provided that the Central Government may empower an officer below the rank of Director if the officer of the rank of the Director or above are not available in a particular area."

CLAUSE – 53 –Certain officers to assist in inquiry etc.

161. That at page 18, line 14, *for* the figure "53" the figure "54" be *substituted*.

162. That at page 18, *for* lines 26-27, the following be *substituted*, namely:-

"(g) officers of enforcement appointed under sub-section (1) of section 36 of the Foreign Exchange Management Act, 1999;"

CLAUSE – 54 - Definitions

163. That at page 18, line 38, *for* the figure "54" the figure "55" be *substituted*.

CLAUSE – 55 – Agreements with foregin countries

164. That at page 19, line 1, *for* the figure "55" the figure "56" be *substituted*.

CLAUSE – 56 – Letters of request to a contracting

State in certain cases

165. That at page 19, line 13, *for* the figure "56" the figure "57" be *substituted*.

CLAUSE – 57 – Assitance to a contracting

State in certain cases

166. That at page 19, line 31, *for* the figure "57" the figure "58" be *substituted*.

CLAUSE – 58 – Reciprocal arrangement for processes

and assistance for transfer of accused persons

167. That at page 19, line 37, *for* the figure "58" the figure "59" be *substituted*.

168. That at page 20, lines 9-10, *for* the words "so far as possible be dealt with" the words "be dealt with" be *substituted*.

169. That at page 20, line 10, *for* the figure "18" the figure "19" be *substituted*.

170. That at page 20, line 13, *for* the figures "16 and 17" the figures "17 and 18" be *substituted*.

CLAUSE – 59 – Attachement, seizure and confiscation etc

of property in a contracting state or India

171. That at page 20, line 25, *for* the figure "59" the figure "60" be *substituted*.

172. That at page 20, line 27, *for* the figure "7" the figure "8" be *substituted*.

173. That at page 20, line 29, *for* the figure "9" the figure "10" be *substituted*.

174. That at page 20, line 37, *for* the figure "57" the figure "58" be *substituted*.

175. That at page 20, line 38, *for* the figure "58" the figure "59" be *substituted*.

CLAUSE – 60 – Procedure in respect of letter of request

176. That at page 21, line 1, *for* the figure "60" the figure "61" be *substituted*.

CLAUSE – 61 – Punishment of vexations search

177. That at page 21, line 8, *for* the figure "61" the figure "62" be *substituted*.

178. That at page 21, line 9, *after* the word "who" the words "without reasons recorded in writing" be *inserted*.

179. That at page 21, line 10, the words "without reasonable grounds of suspicion" be *deleted*.

180. That at page 21, line 12, the word "vexatiously" be *deleted*.

CLAUSE – 62 – Punishment for false information

or failure to give information etc.

181. That at page 21, line 15, *for* the figure "62" the figure "63" be *substituted*.

182. That at page 21, line 25, *for* the figure "49" the figure "50" be *substituted*.

CLAUSE – 63 – Cognizance of offences

183. That at page 21, *for* lines 33-34, the following be *substituted*, namely:-

"64. (1) No court shall take cognizance of any offence under section 62 or sub-section (1) of section 63 except with the previous sanction of the Central Government.

(2) The Central Government shall, by an order either give sanction or refuse to give sanction within ninety days of the receipt of the request in this behalf."

CLAUSE – 64 - Code of Criminal procedure 1973 of apply

184. That at page 21, line 35, *for* the figure "64" the figure "65" be *substituted*.

CLAUSE – 65 - Disclosure of information

185. That at page 21, line 39, *for* the figure "65" the figure "66" be *substituted*.

CLAUSE – 66 - Bar of suits in Civil Courts

186. That at page 22, line 6, *for* the figure "66" the figure "67" be *substituted*.

CLAUSE – 67 - Notice etc. not to be invalid on

certain grounds

187. That at page 22, line 10, *for* the figure "67" the figure "68" be *substituted*.

CLAUSE – 68 – Recovery of Fines

188. That at page 22, line 17, *for* the figure "68" the figure "69" be *substituted*.

189. That at page 22, line 17, *for* the figure "12" the figure "13" be *substituted*.

190. That at page 22, line 17, *for* the figure "62" the figure "63" be *substituted*.

CLAUSE – 69 – Offence by companies

191. That at page 22, line 23, *for* the figure "69" the figure "70" be *substituted*.

CLAUSE – 70 - Act to have over riding effect

192. That at page 22, line 43, *for* the figure "70" the figure "71" be *substituted*.

CLAUSE – 71 - Continuation of proceedings in the event of death or insolvency

193. That at page 22, line 45, *for* the figure "71" the figure "72" be *substituted*.
194. That at page 22, line 46, *for* the figure "7" the figure "8" be *substituted*.
195. That at page 23, line 8, *for* the figure "25" the figure "26" be *substituted*.
196. That at page 23, line 12, *for* the figure "41" the figure "42" be *substituted*.
197. That at page 23, line 24, *for* the figure "41" the figure "42" be *substituted*.

CLAUSE – 72 - Power to make rules

198. That at page 23, line 28, *for* the figure "72" the figure "73" be *substituted*.
199. That at page 23, *after* line 32, the following be *inserted*, namely:-
- "(b) the manner in which the order and the material referred to in sub-section (2) of section 5 to be maintained;
 - (c) matters in respect of experience of Members under sub-section (3) of section 6;
 - (d) the salaries and allowances payable to and other terms and conditions of service of Members of the Adjudicating Authority under sub-section (9) of section 6;
 - (e) the salaries and allowances payable to and other terms and conditions of service of the officers and employees of the Adjudicating Authority under sub-section (3) of section 7;"
200. That at page 23, line 33, *for* the bracket and letter "(b)" the bracket and letter "(f)" be *substituted*.
201. That at page 23, line 34, *for* the figure "9" the figure "10" be *substituted*.
202. That at page 23, line 35, *for* the bracket and letter "(c)" the bracket and letter "(g)" be *substituted*.
203. That at page 23, line 36, *for* the figure "10" the figure "11" be *substituted*.
204. That at page 23, line 37, *for* the bracket and letter "(d)" the bracket and letter "(h)" be *substituted*.
205. That at page 23, line 38, *for* the figure "11" the figure "12" be *substituted*.
206. That at page 23, line 39, *for* the bracket and letter "(e)" the bracket and letter "(i)" be *substituted*.
207. That at page 23, line 40, *for* the figure "11" the figure "12" be *substituted*.
208. That at page 23, line 41, *for* the bracket and letter "(f)" the bracket and letter "(j)" be *substituted*.
209. That at page 23, line 43, *for* the figure "11" the figure "12" be *substituted*.
210. That at page 24, line 1, *for* the bracket and letter "(g)" the bracket and letter "(k)" be *substituted*.
211. That at page 24, line 2, *for* the figure "14" the figure "15" be *substituted*.
212. That at page 24, *after* line 2, the following be *inserted*, namely:-
- "(l) The manner in which the reasons and material referred to in sub-section (2) of section 16 shall be mentioned."
213. That at page 24, line 3, *for* the bracket and letter "(h)" the bracket and letter "(m)" be *substituted*.
214. That at page 24, line 4, *for* the figure "16" the figure "17" be *substituted*.
215. That at page 24, *after* line 4, the following be *inserted*, namely:-
- "(n) the manner in which the reasons and the material referred to in sub-section (2) of section 17

shall be maintained;

- a. the manner in which the reasons and the material referred to in sub-section (2) of section 18 shall be maintained;

(p) the manner in which the order and the material referred to in sub-section (2) of section 19 shall be maintained."

216. That at page 24, line 5, *for* the bracket and letter "(i)" the bracket and letter "(q)" be *substituted*.

217. That at page 24, line 6, *for* the figure "21" the figure "22" be *substituted*.

218. That at page 24, line 7, *for* the bracket and letter "(j)" the bracket and letter "(r)" be *substituted*.

219. That at page 24, line 8, *for* the figure "25" the figure "26" be *substituted*.

220. That at page 24, line 9, *for* the bracket and letter "(k)" the bracket and letter "(s)" be *substituted*.

221. That at page 24, line 10, *for* the figure "29" the figure "30" be *substituted*.

222. That at page 24, line 12, *for* the bracket and letter "(l)" the bracket and letter "(t)" be *substituted*.

223. That at page 24, line 13, *for* the figure "33" the figure "34" be *substituted*.

224. That at page 24, line 14, *for* the bracket and letter "(m)" the bracket and letter "(u)" be *substituted*.

225. That at page 24, line 15, *for* the figure "34" the figure "35" be *substituted*.

226. That at page 24, line 16, *for* the bracket and letter "(n)" the bracket and letter "(v)" be *substituted*.

227. That at page 24, line 17, *for* the figure "49" the figure "50" be *substituted*.

228. That at page 24, line 18, *for* the bracket and letter "(o)" the bracket and letter "(w)" be *substituted*.

229. That at page 24, line 19, *for* the figure "49" the figure "50" be *substituted*.

230. That at page 24, line 20, *for* the bracket and letter "(p)" the bracket and letter "(x)" be *substituted*.

CLAUSE – 73 _ Rules to be laid before Parliament

231. That at page 24, line 21, *for* the figure "73" the figure "74" be *substituted*.

CLAUSE – 74 – Power to remove difficulties

232. That at page 24, line 30, *for* the figure "74" the figure "75" be *substituted*.

THE SCHEDULE

233. That at page 25, *for* lines 1-33, the following be *substituted*, namely:-

"THE SCHEDULE

[See section 2(y)]

PART A

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

Section Description of offence

121 Waging, or attempting to wage war or abetting waging of war, against the Government of India.

121A Conspiracy to commit offences punishable by section 121 against the State.

PARAGRAPH 2

OFFENCES UNDER THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

Section Description of offence

15 Contravention in relation to poppy straw.

18 Contravention in relation to opium poppy and opium.

20 Contravention in relation to cannabis plant and cannabis.

22 Contravention in relation to psychotropic substances.

23 Illegal import into India, export from India to transshipment of narcotic drugs and psychotropic substances.

24 External dealings in narcotic drugs and psychotropic substances in contravention of section 12 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

25A Contravention of orders made under section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

27A Financing illicit traffic and harbouring offenders.

1. Abetment and criminal conspiracy.

PART B

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

Section Description of offence

302 Murder

304 Culpable homicide not amounting to murder, if act by which the death is caused is done with the intention of causing death.

307 Attempt to murder.

308 Attempt to commit culpable homicide.

327 Voluntarily causing hurt to extort property, or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of the offence.

329 Voluntarily causing grievous hurt to extort property, or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of the offence.

364A Kidnapping *for* ransom, etc.

384 to 389 Offences relating to extortion.

392 to 402 Offences relating to robbery and dacoity.

467 Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.

489A Counterfeiting currency notes or bank notes.

489B Using as genuine, forged or counterfeit currency notes or bank notes.

PARAGRAPH 2

OFFENCES UNDER THE ARMS ACT, 1959

| Section Description of offence |
|--------------------------------|
|--------------------------------|

25 To manufacture, sell, transfer, convert, repair or test or prove or expose or offer *for* sale or transfer or have in his possession *for* sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5 of the Arms Act, 1959.

To acquire, have in possession or carry any prohibited arms or prohibited ammunition in contravention of section 7 of the Arms Act, 1959.

Contravention of section 24A of the Arms Act, 1959 relating to prohibition as to possession of notified arms in disturbed areas, etc.

Contravention of section 24B of the Arms Act, 1959 relating to prohibition as to carrying of notified arms in or through public places in disturbed areas.

Other offences specified in section 25.

26 To do any act in contravention of any provisions of section 3, 4, 10 or 12 of the Arms Act, 1959 in such manner as specified in sub-section (1) of section 26 of the said Act.

To do any act in contravention of any provisions of section 5, 6, 7, or 11 of the Arms Act, 1959 in such manner as specified in sub-section (2) of section 26 of the said Act.

Other offences specified in section 26.

27 Use of arms or ammunitions in contravention of section 5 or use of any arms or ammunition in contravention of section 7 of the Arms Act, 1959.

28 Use and possession of fire arms or imitation fire arms in certain cases.

29 Knowingly purchasing arms from unlicensed person or *for* delivering arms, etc., to person not entitled to possess the same.

30 Contravention of any condition of a licence or any provisions of the Arms Act, 1959 or any rule made thereunder.

PARAGRAPH 3

OFFENCES UNDER THE WILD LIFE (PROTECTION) ACT, 1972

| Section Description of offence | |
|--------------------------------|--|
| 51 | read with section 17 A Contravention of provisions of section 17A relating to prohibition of picking, uprooting etc., of specified plants. |
| 51 | read with section 39 Contravention of provisions of section 39 relating to wild animals, etc., to be Government property. |
| 51 | read with section 44 Contravention of provisions of section 44 relating to dealings in trophy and animal articles without licence prohibited. |
| 51 | read with section 48 Contravention of provisions of section 48 relating to purchase of animal etc., by licence. |
| 51 | read with section 49B Contravention of provisions of section 49B relating to prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals. |

PARAGRAPH 4

OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

| Section Description of offence | |
|--------------------------------|---|
| | 5 Procuring, inducing or taking person <i>for</i> the sake of prostitution. |
| | 6 Detaining a person in premises where prostitution is carried on. |
| | 8 Seducing or soliciting <i>for</i> purpose of prostitution. |
| 9 | Seduction of a person in custody. |

PARAGRAPH 5

OFFENCES UNDER THE PREVENTION OF CORRUPTION ACT, 1988

| Section Description of offence |
|--------------------------------|
|--------------------------------|

- 7 Public servant taking gratification other than legal remuneration in respect of an official Act.
- 8 Taking gratification in order, by corrupt or illegal means, to influence public servant.
- 9 Taking gratification *for* exercise of personal influence, with public servant.
- 10 Abetment by public servant of offences defined in section 8 or section 9 of the Prevention of Corruption Act, 1988."

234. That at page 26, lines 1-44, be *deleted*.
235. That at page 27, lines 1-10, be *deleted*."

MR. CHAIRMAN : The question is:

"That the following amendments made by Rajya Sabha in the Bill to prevent money-laundering and to provide confiscation of property derived from, or involved in, money-laundering and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration:

| | |
|--|---|
| | <p>ENACTING FORMULA</p> <p>1. That at page 1, line 1, <i>for</i> the word "Fiftieth" the word "Fifty-third" be <i>substituted</i>.</p> <p>CLAUSE - 1</p> <p>2. That at page 1, line 5, <i>for</i> the figure "1999" the figure "2002" be <i>substituted</i>.</p> <p>CLAUSE - 2</p> <p>3. That at page 2, line 5, <i>for</i> the figure "24" the figure "25" be <i>substituted</i>.</p> |
| | |
| | |

4. That at page 2, line 7, *for* the figure "48" the figure "49" be *substituted*.
5. That at page 2, *for* lines 10-11, the following be *substituted*, namely:-
- '(e) "banking company" means a banking company or a co-operative bank to which the Banking Regulation Act, 1949 applies and includes any bank or banking institution referred to in section 51 of that Act;'
6. That at page 2, *after* line 13, the following be *inserted*, namely:-
- '(h) "chit fund company" means a company managing, conducting or supervising, as foreman, agent or in any other capacity, chits as defined in section 2 of the Chit Funds Act, 1982;
- (i) "co-operative bank" shall have the same meaning as assigned to it in clause (dd) of section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961;'

7. That at page 2, line 14, *for* the bracket and letter "(h)" the bracket and letter "(j)" be *substituted*.

8. That at page 2, line 15, *for* the figure "48" the figure "49" be *substituted*.

9. That at page 2, line 16, *for* the bracket and letter "(i)" the bracket and letter "(k)" be *substituted*.

10. That at page 2, line 18, *for* the figure "48" the figure "49" be *substituted*.

11. That at page 2, *for* lines 19-20, the following be *substituted*, namely:-

'(l) "financial institution" means a financial institution as defined in clause (c) of section 45-I of the Reserve Bank of India Act, 1934 and includes a chit fund company, a co-operative bank, a housing finance institution and a non-banking financial company;

(m) "housing finance institution" shall have the meaning as assigned to it in clause (d) of section 2 of the National Housing Bank Act, 1987;'.

12. That at page 2, line 21, *for* the bracket and letter "(k)" the bracket and letter "(n)" be *substituted*.

13. That at page 2, line 26, *for* the bracket and letter "(l)" the bracket and letter "(o)" be *substituted*.

14. That at page 2, line 28, *for* the bracket and letter "(m)" the bracket and letter "(p)" be *substituted*.

15. That at page 2, *after* line 28, the following be *inserted*, namely:-

'(q) "non-banking financial company" shall have the same meaning as assigned to it in clause (f) of section 45-I of the Reserve Bank of India Act, 1934;'.

16. That at page 2, line 29, *for* the bracket and letter "(n)" the bracket and letter "(r)" be *substituted*.

17. That at page 2, line 30, *for* the bracket and letter "(o)" the bracket and letter "(s)" be *substituted*.

18. That at page 2, line 41, *for* the bracket and letter "(p)" the bracket and letter "(t)" be *substituted*.

19. That at page 2, line 42, *for* the bracket and letter "(q)" the bracket and letter "(u)" be *substituted*.

20. That at page 2, line 45, *for* the bracket and letter "(r)" the bracket and letter "(v)" be *substituted*.

21. That at page 3, line 1, *for* the bracket and letter "(s)" the bracket and letter "(w)" be *substituted*.

22. That at page 3, line 3, *for* the bracket and letter "(t)" the bracket and letter "(x)" be *substituted*.

23. That at page 3, *for* line 4, the following be *substituted*, namely:-

'(y) "scheduled offence" means –

(i) the offences specified under Part A of the Schedule; or

(ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more;'.

24. That at page 3, line 5, *for* the bracket and letter "(v)" the bracket and letter "(z)" be *substituted*.

25. That at page 3, line 6, *for* the figure "42" the figure "43" be *substituted*.

26. That at page 3, line 7, *for* the bracket and letter "(w)" the bracket and letters "(za)" be *substituted*.

27. That at page 3, line 9, *for* the bracket and letter "(x)" the bracket and letters "(zb)" be *substituted*.

CLAUSE - 3

28. That at page 3, *for* lines 18-23, the following be *substituted*, namely:-

"3. Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money-laundering."

CLAUSE - 4

29. That at page 3, line 28, *for* the words and roman numeral "in Part IV" the words, figure and letter "under paragraph 2 of Part A" be *substituted*.

CLAUSE - 5

30. That at page 3, line 34, *for* the words "reason to believe" the words and bracket "reason to believe (the reason *for* such belief to be recorded in writing)" be *substituted*.

31. That at page 4, line 1, *for* the words and roman numerals "Part I, Part II, Part III or Part V" the words, figure and letters "Paragraph 1 of Part A and Part B" be *substituted*.

32. That at page 4, line 3, *for* the word and roman numeral "Part IV" the words, figure and letter "Paragraph 2 of Part A" be *substituted*.

33. That at page 4, *after* line 5, the following be *inserted*, namely:-

"(2) The Director, or any other officer not below the rank of Deputy Director, shall, immediately *after* attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such Adjudicating Authority shall keep such order and material *for* such period as may be prescribed."

34. That at page 4, line 6, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

35. That at page 4, line 8, *for* the figure "7" the figure "8" be *substituted*.

36. That at page 4, line 9, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

37. That at page 4, line 14, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

CLAUSE - 6

38. That at page 4, *for* lines 17-23, the following be *substituted*, namely:-

"6. (1) The Central Government shall, by notification, appoint one or more Adjudicating Authorities to exercise jurisdiction, powers and authority conferred by or under this Act.

1. An Adjudicating Authority shall consist of a Chairperson and two other Members:

Provided that one Member each shall be a person having experience in the field of law, administration, finance or accountancy.

(3) A person shall, however, not be qualified *for* appointment as Member of an Adjudicating Authority,-

a. in the field of law, unless he-

(i) is qualified *for* appointment as District Judge; or

i. has been a member of the Indian Legal Service and has held a post in Grade I of that service;

a. in the field of finance, accountancy or administration unless he possesses such qualifications, as may be prescribed.

(4) The Central Government shall appoint a Member to be the Chairperson of the Adjudicating Authority.

(5) Subject to the provisions of this Act,-

- a. the jurisdiction of the Adjudicating Authority may be exercised by Benches thereof;
- b. a Bench may be constituted by the Chairperson of the Adjudicating Authority with one or two Members as the Chairperson of the Adjudicating Authority may deem fit;
- c. the Benches of the Adjudicating Authority shall ordinarily sit at New Delhi and such other places as the Central Government may, in consultation with the Chairperson, by notification, specify;
- d. the Central Government shall, by notification, specify the areas in relation to which each Bench of the Adjudicating Authority may exercise jurisdiction.

(6) Notwithstanding anything contained in sub-section (5), the Chairperson may transfer a Member from one Bench to another Bench.

(7) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him *for* transfer, to such Bench as the Chairperson may deem fit.

(8) The Chairperson and every Member shall hold office as such *for* a term of five years from the date on which he enters upon his office:

Provided that no Chairperson or other Member shall hold office as such *after* he has attained the age of sixty-two years.

(9) The salary and allowances payable to and the other terms and conditions of service of the Member shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Member shall be varied to his disadvantage *after* appointment.

(10) If, *for* reasons other than temporary absence, any vacancy occurs in the office of the Chairperson or any other Member, then the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Adjudicating Authority from the stage at which the vacancy is filled.

(11) The Chairperson or any other Member may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson or any other Member shall, unless he is permitted by the Central Government or relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(12) The Chairperson or any other Member shall not be removed from his office except by an order made by the Central Government *after* giving necessary opportunity of hearing.

(13) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson of the Adjudicating Authority until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(14) When the Chairperson of the Adjudicating Authority is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson of the Adjudicating Authority until the date on which the Chairperson of the Adjudicating Authority resumes his duties.

(15) The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Adjudicating Authority shall have powers to regulate its own procedure.

"7. (1) The Central Government shall provide each Adjudicating Authority with such officers and employees as that Government may think fit.

(2) The officers and employees of the Adjudicating Authority shall discharge their functions under the general superintendence of the Chairperson of the Adjudicating Authority.

(3) The salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority shall be such as may be prescribed."

CLAUSE - 7

- 39. That at page 4, line 24, *for* the figure "7" the figure "8" be *substituted*.
- 40. That at page 4, line 24, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.
- 41. That at page 4, line 25, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.
- 42. That at page 4, line 25, *for* the figure "16" the figure "17" be *substituted*.
- 43. That at page 4, line 25, *for* the bracket and figure "(9)" the bracket and figure "(10)" be *substituted*.
- 44. That at page 4, line 25, *for* the figure "17" the figure "18" be *substituted*.
- 45. That at page 4, line 30, *for* the figure "16" the figure "17" be *substituted*.
- 46. That at page 4, line 30, *for* the figure "17" the figure "18" be *substituted*.
- 47. That at page 5, line 4, *for* the figure "16" the figure "17" be *substituted*.
- 48. That at page 5, line 4, *for* the figure "17" the figure "18" be *substituted*.
- 49. That at page 5, line 15, *after* the words, bracket and figure "sub-section (3)" the words "and net income, if any," be *inserted*.

CLAUSE - 8

- 50. That at page 5, line 20, *for* the figure "8" the figure "9" be *substituted*.
- 51. That at page 5, line 20, *for* the figure "7" the figure "8" be *substituted*.

CLAUSE - 9

- 52. That at page 5, line 33, *for* the figure "9" the figure "10" be *substituted*.
- 53. That at page 5, line 37, *for* the figure "7" the figure "8" be *substituted*.
- 54. That at page 5, line 40, *for* the figure "8" the figure "9" be *substituted*.

CLAUSE - 10

- 55. That at page 5, line 41, *for* the figure "10" the figure "11" be *substituted*.

CLAUSE - 11

- 56. That at page 6, line 15, *for* the figure "11" the figure "12" be *substituted*.

- 57. That at page 6, *after* line 23, the following be *inserted*, namely:-

"Provided that where the principal officer of a banking company or financial institutions or intermediary, as the case may be, has reason to believe that a single transaction or series of transactions integrally connected to each other have been valued below the prescribed value so as to defeat the provisions of this section, such officer shall furnish information in respect of such transactions to the Director within the prescribed time."

CLAUSE - 12

- 58. That at page 6, line 27, *for* the figure "12" the figure "13" be *substituted*.

59. That at page 6, line 28, *for* the figure "11" the figure "12" be *substituted*.

60. That at page 6, lines 31-32, *for* the words "maintain or retain records in accordance with the provisions contained in section 11", the words "failed to comply with the provisions contained in section 12" be *substituted*.

61. That at page 6, line 36, *after* the word "rupees" the words "*for each failure*" be *inserted*.

CLAUSE - 13

62. That at page 7, line 1, *for* the figure "13" the figure "14" be *substituted*.

63. That at page 7, line 1, *for* the figure "12" the figure "13" be *substituted*.

64. That at page 7, line 3, *for* the figure "11" the figure "12" be *substituted*.

CLAUSE - 14

65. That at page 7, line 4, *for* the figure "14" the figure "15" be *substituted*.

66. That at page 7, line 6, *for* the figure "11" the figure "12" be *substituted*.

CLAUSE - 15

67. That at page 7, *for* lines 9-11, the following be *substituted*, namely:-

"16. (1) Notwithstanding anything contained in any other provisions of this Act, where an authority, on the basis of material in his possession, has reason to believe (the reasons *for* such belief to be recorded in writing) that an offence under section 3 has been committed, he may enter any place-".

68. That at page 7, *after* line 28, the following be *inserted*, namely:-

"(2) The authority referred to in sub-section (1) shall, *after* entering any place referred to in that sub-section immediately *after* completion of survey, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope in the manner as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period as may be prescribed."

69. That at page 7, line 29, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

CLAUSE - 16

70. That at page 7, line 35, *for* the figure "16" the figure "17" be *substituted*.

71. That at page 7, line 36, *after* the word "believe" the bracket and words "(the reason *for* such belief to be recorded in writing)" be *inserted*.

72. That at page 8, line 20, *for* the words and roman numerals "Part I, Part II, Part III or Part V" the words, figure and letters "Paragraph 1 of Part A and Part B" be *substituted*.

73. That at page 8, line 22, *for* the words and roman numeral "Part IV" the words, figure and letter "Paragraph 2 of Part A" be *substituted*.

74. That at page 8, *after* line 24, the following be *inserted*, namely:-

"(2) The authority, who has been authorized under sub-section (1) shall, immediately *after* search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating

Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period, as may be prescribed."

75. That at page 8, line 25, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

76. That at page 8, line 25, *for* the figure "15" the figure "16" be *substituted*.

77. That at page 8, line 31, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

CLAUSE - 17

78. That at page 8, line 34, *for* the figure "17" the figure "18" be *substituted*.

79. That at page 8, line 35, *after* the word "believe" the bracket and words "(the reason *for* such belief to be recorded in writing)" be *inserted*.

80. That at page 8, *after* line 39, the following be *inserted*, namely:-

"(2) The authority, who has been authorized under sub-section (1) shall, immediately *after* search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period, as may be prescribed."

81. That at page 8, line 40, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

82. That at page 8, line 46, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

83. That at page 8, line 46, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

84. That at page 9, line 6, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

85. That at page 9, line 9, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

86. That at page 9, line 9, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

87. That at page 9, line 12, *for* the bracket and figure "(6)" the bracket and figure "(7)" be *substituted*.

88. That at page 9, line 14, *for* the bracket and figure "(7)" the bracket and figure "(8)" be *substituted*.

89. That at page 9, line 14, *for* the words "excepting a female" the words "except a female" be *substituted*.

90. That at page 9, *for* lines 15-24, the following be *substituted*, namely:-

"(9) The Authority shall record the statement of the person searched under sub-section (1) or sub-section (5) in respect of the records or proceeds of crime found or seized in the course of the search:

Provided that no search of any person shall be made unless, in relation to an offence under –

- a. Paragraph 1 of Part A or Paragraph 1 or Paragraph 2 or Paragraph 3 or Paragraph 4 or Paragraph 5 of Part B of the Schedule, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973; or
- b. Paragraph 2 of Part A of the Schedule, a police report or a complaint has been filed *for* taking cognizance of an offence by the Special Court constituted under sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985."

91. That at page 9, line 25, *for* the bracket and figure "(9)" the bracket and figure "(10)" be *substituted*.

CLAUSE - 18

92. That at page 9, line 28, *for* the figure "18" the figure "19" be *substituted*.

93. That at page 9, *for* lines 29-30, the following be *substituted*, namely:-

"authorised in this behalf by the Central Government by general or special order, has on the basis of material in his possession reason to believe (the reason *for* such belief to be recorded in writing) that any person has been guilty of an offence punishable under this Act, he may".

94. That at page 9, *after* line 31, the following be *inserted*, namely:-

"(2) The Director, Deputy Director, Assistant Director or any other officer shall, immediately *after* arrest of such person under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such order and material *for* such period, as may be prescribed."

95. That at page 9, line 32, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

CLAUSE - 19

96. That at page 9, *for* lines 37-41, the following be *substituted*, namely:-

"20. (1) Where any property has been seized under section 17 or section 18, and the officer authorized by the Director in this behalf has, on the basis of material in his possession, reason to believe (the reason *for* such belief to be recorded by him in writing) that such property is required to be retained *for* the purposes of adjudication under section 8, such property may be retained *for* a period not exceeding three months from the end of the month in which such property was seized.

(2) The officer authorized by the Director immediately *after* he has passed an order *for* retention of the property *for* purposes of adjudication under section 8 shall forward a copy of the order along with the material in his possession, referred to in sub-section (1), to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such

Adjudicating Authority shall keep such order and material *for* such period as may be prescribed."

97. That at page 9, line 42, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

98. That at page 9, line 45, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

99. That at page 9, line 48, *for* the figure "7" the figure "8" be *substituted*.

100. That at page 9, line 49, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

101. That at page 9, line 49, *for* the figure "7" the figure "8" be *substituted*.

102. That at page 10, line 1, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

103. That at page 10, line 1, *for* the word, bracket and figure "sub-section (4)" the word, bracket and figure "sub-section (5)" be *substituted*.

104. That at page 10, line 3, *for* the word and figure "section 25" the word and figure "section 26" be *substituted*.

105. That at page 10, line 3, *for* the word, bracket and figure "sub-section (4)" the word, bracket and figure "sub-section (5)" be *substituted*.

CLAUSE - 20

106. That at page 10, line 6, *for* the figure "20" the figure "21" be *substituted*.

107. That at page 10, line 6, *for* the figure "16" the figure "17" be *substituted*.

108. That at page 10, line 6, *for* the figure "17" the figure "18" be *substituted*.

109. That at page 10, *after* line 10, the following be *inserted*, namely:-

"(2) The person, from whom records were seized, shall be entitled to obtain copies of records retained under sub-section (1).".

110. That at page 10, line 11, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

111. That at page 10, line 14, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

112. That at page 10, line 16, *for* the figure "7" the figure "8" be *substituted*.

113. That at page 10, line 17, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

114. That at page 10, line 17, *for* the figure "7" the figure "8" be *substituted*.

115. That at page 10, line 20, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

116. That at page 10, line 20, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

117. That at page 10, line 22, *for* the figure "25" the figure "26" be *substituted*.

118. That at page 10, line 23, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

CLAUSE - 21

119. That at page 10, line 25, *for* the figure "21" the figure "22" be *substituted*.

CLAUSE - 22

120. That at page 11, line 3, *for* the figure "22" the figure "23" be *substituted*.

CLAUSE - 23

121. That at page 11, *for* lines 8-16, the following be *substituted*, namely:-

"24. When a person is accused of having committed the offence under section 3, the burden of proving that proceeds of crime are untainted property shall be on the accused.".

CLAUSE - 24

122. That at page 11, line 19, *for* the figure "24" the figure "25" be *substituted*.

CLAUSE - 25

123. That at page 11, line 22, *for* the figure "25" the figure "26" be *substituted*.

124. That at page 11, line 26, *for* the figure "12" the figure "13" be *substituted*.

125. That at page, 11, line 32, *after* the word "may" the words "*after giving an opportunity of being heard*" be *inserted*.

CLAUSE - 26

126. That at page 12, line 3, *for* the figure "26" the figure "27" be *substituted*.

CLAUSE - 27

127. That at page 12, line 21, *for* the figure "27" the figure "28" be *substituted*.

128. That at page 12, *after* line 31, the following be *inserted*, namely:-

"(e) has been a member of the Indian Customs and Central Excise Service and has held the post of a Joint Secretary or equivalent post in that Service *for* at least three years; or

(f) has been in the practice of accountancy as a chartered accountant under the Chartered Accountants Act, 1949 or as a registered accountant under any law *for* the time being in force or partly as a registered accountant and partly as a chartered accountant *for* at least ten years:

Provided that one of the members of the Appellate Tribunal shall be from category mentioned in clause (f); or

- a. has been a member of the Indian Audit and Accounts Service and has held the post of Joint Secretary or equivalent post in that Service *for* at least three years."

CLAUSE - 28

129. That at page 12, line 34, *for* the figure "28" the figure "29" be *substituted*.

CLAUSE - 29

130. That at page 13, line 3, *for* the figure "29" the figure "30" be *substituted*.

CLAUSE - 30

131. That at page 13, line 8, *for* the figure "30" the figure "31" be *substituted*.

CLAUSE - 31

132. That at page 13, line 13, *for* the figure "31" the figure "32" be *substituted*.

CLAUSE - 32

133. That at page 13, line 25, *for* the figure "32" the figure "33" be *substituted*.

CLAUSE - 33

134. That at page 13, line 32, *for* the figure "33" the figure "34" be *substituted*.

CLAUSE - 34

135. That at page 13, line 38, *for* the figure "34" the figure "35" be *substituted*.

CLAUSE - 35

136. That at page 14, line 27, *for* the figure "35" the figure "36" be *substituted*.

CLAUSE - 36

137. That at page 14, line 31, *for* the figure "36" the figure "37" be *substituted*.

CLAUSE - 37

138. That at page 14, line 35, *for* the figure "37" the figure "38" be *substituted*.

CLAUSE - 38

139. That at page 15, line 1, *for* the figure "38" the figure "39" be *substituted*.

CLAUSE - 39

140. That at page 15, line 10, *for* the figure "39" the figure "40" be *substituted*.

CLAUSE - 40

141. That at page 15, line 13, *for* the figure "40" the figure "41" be *substituted*.

CLAUSE - 41

142. That at page 15, line 18, *for* the figure "41" the figure "42" be *substituted*.

143. That at page 15, line 20, *after* the word "law" the word "or fact" be *inserted*.

CLAUSE - 42

144. That at page 15, line 34, *for* the figure "42" the figure "43" be *substituted*.

145. That at page 15, line 41, *for* the word "may" the word "shall" be *substituted*.

CLAUSE - 43

146. That at page 15, line 44, *for* the figure "43" the figure "44" be *substituted*.

147. That at page 15, line 46, *after* the word "the" the words "scheduled offence and" be *inserted*.

148. That at page 15, line 47, the word "or" be *deleted*.

149. That at page 15, *after* line 47, the following be *inserted*, namely:-

Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or".

150. That at page 16, line 5, *for* the figure "42" the figure "43" be *substituted*.

CLAUSE - 44

151. That at page 16, line 6, *for* the figure "44" the figure "45" be *substituted*.

152. That at page 16, line 10, *for* the words "under this Act" the words and letter "under Part A of the Schedule" be *substituted*.

CLAUSE - 45

153. That at page 16, line 28, *for* the figure "45" the figure "46" be *substituted*.

CLAUSE - 46

154. That at page 16, line 43, *for* the figure "46" the figure "47" be *substituted*.

CLAUSE - 47

155. That at page 16, line 50, *for* the figure "47" the figure "48" be *substituted*.

CLAUSE - 48

156. That at page 17, line 1, *for* the figure "48" the figure "49" be *substituted*.

CLAUSE - 49

157. That at page 17, line 10, *for* the figure "49" the figure "50" be *substituted*.

CLAUSE - 50

158. That at page 17, line 37, *for* the figure "50" the figure "51" be *substituted*.

CLAUSE - 51

159. That at page 18, line 3, *for* the figure "51" the figure "52" be *substituted*.

CLAUSE - 52

160. That at page 18, *for* lines 11-13, the following be *substituted*, namely:-

"53. The Central Government may, by a special or general order, empower an officer not below the rank of Director of the Central Government or of a State Government to act as an authority under this Act:

Provided that the Central Government may empower an officer below the rank of Director if the officer of the rank of the Director or above are not available in a particular area."

CLAUSE - 53

161. That at page 18, line 14, *for* the figure "53" the figure "54" be *substituted*.

162. That at page 18, *for* lines 26-27, the following be *substituted*, namely:-

"(g) officers of enforcement appointed under sub-section (1) of section 36 of the Foreign Exchange Management Act, 1999;"

CLAUSE - 54

163. That at page 18, line 38, *for* the figure "54" the figure "55" be *substituted*.

CLAUSE - 55

164. That at page 19, line 1, *for* the figure "55" the figure "56" be *substituted*.

CLAUSE - 56

165. That at page 19, line 13, *for* the figure "56" the figure "57" be *substituted*.

CLAUSE - 57

166. That at page 19, line 31, *for* the figure "57" the figure "58" be *substituted*.

CLAUSE - 58

167. That at page 19, line 37, *for* the figure "58" the figure "59" be *substituted*.

168. That at page 20, lines 9-10, *for* the words "so far as possible be dealt with" the words "be dealt with" be *substituted*.

169. That at page 20, line 10, *for* the figure "18" the figure "19" be *substituted*.

170. That at page 20, line 13, *for* the figures "16 and 17" the figures "17 and 18" be *substituted*.

CLAUSE - 59

171. That at page 20, line 25, *for* the figure "59" the figure "60" be *substituted*.

172. That at page 20, line 27, *for* the figure "7" the figure "8" be *substituted*.
173. That at page 20, line 29, *for* the figure "9" the figure "10" be *substituted*.
174. That at page 20, line 37, *for* the figure "57" the figure "58" be *substituted*.
175. That at page 20, line 38, *for* the figure "58" the figure "59" be *substituted*.

CLAUSE - 60

176. That at page 21, line 1, *for* the figure "60" the figure "61" be *substituted*.

CLAUSE - 61

177. That at page 21, line 8, *for* the figure "61" the figure "62" be *substituted*.
178. That at page 21, line 9, *after* the word "who" the words "without reasons recorded in writing" be *inserted*.
179. That at page 21, line 10, the words "without reasonable grounds of suspicion" be *deleted*.

180. That at page 21, line 12, the word "vexatiously" be *deleted*.

CLAUSE - 62

181. That at page 21, line 15, *for* the figure "62" the figure "63" be *substituted*.
182. That at page 21, line 25, *for* the figure "49" the figure "50" be *substituted*.

CLAUSE - 63

183. That at page 21, *for* lines 33-34, the following be *substituted*, namely:-

"64. (1) No court shall take cognizance of any offence under section 62 or sub-section (1) of section 63 except with the previous sanction of the Central Government.

(2) The Central Government shall, by an order either give sanction or refuse to give sanction within ninety days of the receipt of the request in this behalf."

CLAUSE - 64

184. That at page 21, line 35, *for* the figure "64" the figure "65" be *substituted*.

CLAUSE - 65

185. That at page 21, line 39, *for* the figure "65" the figure "66" be *substituted*.

CLAUSE - 66

186. That at page 22, line 6, *for* the figure "66" the figure "67" be *substituted*.

CLAUSE - 67

187. That at page 22, line 10, *for* the figure "67" the figure "68" be *substituted*.

CLAUSE - 68

188. That at page 22, line 17, *for* the figure "68" the figure "69" be *substituted*.
189. That at page 22, line 17, *for* the figure "12" the figure "13" be *substituted*.
190. That at page 22, line 17, *for* the figure "62" the figure "63" be *substituted*.

CLAUSE - 69

191. That at page 22, line 23, *for* the figure "69" the figure "70" be *substituted*.

CLAUSE - 70

192. That at page 22, line 43, *for* the figure "70" the figure "71" be *substituted*.

CLAUSE - 71

193. That at page 22, line 45, *for* the figure "71" the figure "72" be *substituted*.

194. That at page 22, line 46, *for* the figure "7" the figure "8" be *substituted*.

195. That at page 23, line 8, *for* the figure "25" the figure "26" be *substituted*.

196. That at page 23, line 12, *for* the figure "41" the figure "42" be *substituted*.

197. That at page 23, line 24, *for* the figure "41" the figure "42" be *substituted*.

CLAUSE - 72

198. That at page 23, line 28, *for* the figure "72" the figure "73" be *substituted*.

199. That at page 23, *after* line 32, the following be *inserted*, namely:-

"(b) the manner in which the order and the material referred to in sub-section (2) of section 5 to be maintained;

(c) matters in respect of experience of Members under sub-section (3) of section 6;

(d) the salaries and allowances payable to and other terms and conditions of service of Members of the Adjudicating Authority under sub-section (9) of section 6;

(e) the salaries and allowances payable to and other terms and conditions of service of the officers and employees of the Adjudicating Authority under sub-section (3) of section 7;"

200. That at page 23, line 33, *for* the bracket and letter "(b)" the bracket and letter "(f)" be *substituted*.

201. That at page 23, line 34, *for* the figure "9" the figure "10" be *substituted*.

202. That at page 23, line 35, *for* the bracket and letter "(c)" the bracket and letter "(g)" be *substituted*.

203. That at page 23, line 36, *for* the figure "10" the figure "11" be *substituted*.

204. That at page 23, line 37, *for* the bracket and letter "(d)" the bracket and letter "(h)" be *substituted*.

205. That at page 23, line 38, *for* the figure "11" the figure "12" be *substituted*.

206. That at page 23, line 39, *for* the bracket and letter "(e)" the bracket and letter "(i)" be *substituted*.

207. That at page 23, line 40, *for* the figure "11" the figure "12" be *substituted*.

208. That at page 23, line 41, *for* the bracket and letter "(f)" the bracket and letter "(j)" be *substituted*.

209. That at page 23, line 43, *for* the figure "11" the figure "12" be *substituted*.

210. That at page 24, line 1, *for* the bracket and letter "(g)" the bracket and letter "(k)" be *substituted*.

211. That at page 24, line 2, *for* the figure "14" the figure "15" be *substituted*.

212. That at page 24, *after* line 2, the following be *inserted*, namely:-

"(l) The manner in which the reasons and material referred to in sub-section (2) of section 16 shall be mentioned."

213. That at page 24, line 3, *for* the bracket and letter "(h)" the bracket and letter "(m)" be *substituted*.

214. That at page 24, line 4, *for* the figure "16" the figure "17" be *substituted*.

215. That at page 24, *after* line 4, the following be *inserted*, namely:-

"(n) the manner in which the reasons and the material referred to in sub-section (2) of section 17 shall be maintained;

a. the manner in which the reasons and the material referred to in sub-section (2) of section 18 shall be maintained;

(p) the manner in which the order and the material referred to in sub-section (2) of section 19 shall be maintained."

216. That at page 24, line 5, *for* the bracket and letter "(i)" the bracket and letter "(q)" be *substituted*.

217. That at page 24, line 6, *for* the figure "21" the figure "22" be *substituted*.

218. That at page 24, line 7, *for* the bracket and letter "(j)" the bracket and letter "(r)" be *substituted*.

219. That at page 24, line 8, *for* the figure "25" the figure "26" be *substituted*.

220. That at page 24, line 9, *for* the bracket and letter "(k)" the bracket and letter "(s)" be *substituted*.

221. That at page 24, line 10, *for* the figure "29" the figure "30" be *substituted*.

222. That at page 24, line 12, *for* the bracket and letter "(l)" the bracket and letter "(t)" be *substituted*.

223. That at page 24, line 13, *for* the figure "33" the figure "34" be *substituted*.

224. That at page 24, line 14, *for* the bracket and letter "(m)" the bracket and letter "(u)" be *substituted*.

225. That at page 24, line 15, *for* the figure "34" the figure "35" be *substituted*.

226. That at page 24, line 16, *for* the bracket and letter "(n)" the bracket and letter "(v)" be *substituted*.

227. That at page 24, line 17, *for* the figure "49" the figure "50" be *substituted*.

228. That at page 24, line 18, *for* the bracket and letter "(o)" the bracket and letter "(w)" be *substituted*.

229. That at page 24, line 19, *for* the figure "49" the figure "50" be *substituted*.

230. That at page 24, line 20, *for* the bracket and letter "(p)" the bracket and letter "(x)" be *substituted*.

CLAUSE - 73

231. That at page 24, line 21, *for* the figure "73" the figure "74" be *substituted*.

CLAUSE - 74

232. That at page 24, line 30, *for* the figure "74" the figure "75" be *substituted*.

THE SCHEDULE

233. That at page 25, *for* lines 1-33, the following be *substituted*, namely:-

"THE SCHEDULE

[See section 2(y)]

PART A

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

Section Description of offence

121 Waging, or attempting to wage war or abetting waging of war, against the Government of India.

121A Conspiracy to commit offences punishable by section 121 against the State.

PARAGRAPH 2

OFFENCES UNDER THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

Section Description of offence

- 15 Contravention in relation to poppy straw.
- 18 Contravention in relation to opium poppy and opium.
- 20 Contravention in relation to cannabis plant and cannabis.
- 22 Contravention in relation to psychotropic substances.
- 23 Illegal import into India, export from India to transshipment of narcotic drugs and psychotropic substances.
- 24 External dealings in narcotic drugs and psychotropic substances in contravention of section 12 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 25A Contravention of orders made under section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 27A Financing illicit traffic and harbouring offenders.
1. Abetment and criminal conspiracy.

PART B

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

Section Description of offence

- 302 Murder
- 304 Culpable homicide not amounting to murder, if act by which the death is caused is done with the intention of causing death.

307 Attempt to murder.

308 Attempt to commit culpable homicide.

327 Voluntarily causing hurt to extort property, or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of the offence.

329 Voluntarily causing grievous hurt to extort property, or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of the offence.

364A Kidnapping *for* ransom, etc.

384 to 389 Offences relating to extortion.

392 to 402 Offences relating to robbery and dacoity.

467 Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.

489A Counterfeiting currency notes or bank notes.

489B Using as genuine, forged or counterfeit currency notes or bank notes.

PARAGRAPH 2

OFFENCES UNDER THE ARMS ACT, 1959

| Section | Description of offence |
|---------|------------------------|
|---------|------------------------|

25 To manufacture, sell, transfer, convert, repair or test or prove or expose or offer *for* sale or transfer or have in his possession *for* sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5 of the Arms Act, 1959.

To acquire, have in possession or carry any prohibited arms or prohibited ammunition in contravention of section 7 of the Arms Act, 1959.

Contravention of section 24A of the Arms Act, 1959 relating to prohibition as to possession of notified arms in disturbed areas, etc.

Contravention of section 24B of the Arms Act, 1959 relating to prohibition as to carrying of notified arms in or through public places in disturbed areas.

Other offences specified in section 25.

26 To do any act in contravention of any provisions of section 3, 4, 10 or 12 of the Arms Act, 1959 in such manner as specified in sub-section (1) of section 26 of the said Act.

To do any act in contravention of any provisions of section 5, 6, 7, or 11 of the Arms Act, 1959 in such manner as specified in sub-section (2) of section 26 of the said Act.

Other offences specified in section 26.

27 Use of arms or ammunitions in contravention of section 5 or use of any arms or ammunition in contravention of section 7 of the Arms Act, 1959.

28 Use and possession of fire arms or imitation fire arms in certain cases.

29 Knowingly purchasing arms from unlicensed person or *for* delivering arms, etc., to person not entitled to possess the same.

30 Contravention of any condition of a licence or any provisions of the Arms Act, 1959 or any rule made thereunder.

PARAGRAPH 3

OFFENCES UNDER THE WILD LIFE (PROTECTION) ACT, 1972

| Section Description of offence | |
|--------------------------------|--|
| 51 | read with section 17 A Contravention of provisions of section 17A relating to prohibition of picking, uprooting etc., of specified plants. |
| 51 | read with section 39 Contravention of provisions of section 39 relating to wild animals, etc., to be Government property. |
| 51 | read with section 44 Contravention of provisions of section 44 relating to dealings in trophy and animal articles without licence prohibited. |
| 51 | read with section 48 Contravention of provisions of section 48 relating to purchase of animal etc., by licence. |
| 51 | read with section 49B Contravention of provisions of section 49B relating to prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals. |

PARAGRAPH 4

OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

| Section Description of offence | |
|--------------------------------|---|
| | 5 Procuring, inducing or taking person <i>for</i> the sake of prostitution. |
| | 6 Detaining a person in premises where prostitution is carried on. |
| | 8 Seducing or soliciting <i>for</i> purpose of prostitution. |
| | 9 Seduction of a person in custody. |

OFFENCES UNDER THE PREVENTION OF CORRUPTION ACT, 1988

Section Description of offence

- 7 Public servant taking gratification other than legal remuneration in respect of an official Act.
- 8 Taking gratification in order, by corrupt or illegal means, to influence public servant.
- 9 Taking gratification *for* exercise of personal influence, with public servant.
- 10 Abetment by public servant of offences defined in section 8 or section 9 of the Prevention of Corruption Act, 1988."

- 234. That at page 26, lines 1-44, be *deleted*.
- 235. That at page 27, lines 1-10, be *deleted*."

The motion was adopted.

MR. CHAIRMAN: We shall now take up the amendments made by Rajya Sabha.
I shall put the amendment nos. 1 to 235 made by Rajya Sabha together to the vote of the House.
The question is:

ENACTING FORMULA

- 1. That at page 1, line 1, *for* the word "Fiftieth" the word "Fifty-third" be *substituted*.

CLAUSE - 1

- 2. That at page 1, line 5, *for* the figure "1999" the figure "2002" be *substituted*.

CLAUSE - 2

- 3. That at page 2, line 5, *for* the figure "24" the figure "25" be *substituted*.

| | |
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| | |

4. That at page 2, line 7, *for* the figure "48" the figure "49" be *substituted*.

5. That at page 2, *for* lines 10-11, the following be *substituted*, namely:-

'(e) "banking company" means a banking company or a co-operative bank to which the Banking Regulation Act, 1949 applies and includes any bank or banking institution referred to in section 51 of that Act;'

6. That at page 2, *after* line 13, the following be *inserted*, namely:-

'(h) "chit fund company" means a company managing, conducting or supervising, as foreman, agent or in any other capacity, chits as defined in section 2 of the Chit Funds Act, 1982;

(i) "co-operative bank" shall have the same meaning as assigned to it in clause (dd) of section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961;'

7. That at page 2, line 14, *for* the bracket and letter "(h)" the bracket and letter "(j)" be *substituted*.

8. That at page 2, line 15, *for* the figure "48" the figure "49" be *substituted*.

9. That at page 2, line 16, *for* the bracket and letter "(i)" the bracket and letter "(k)" be *substituted*.

10. That at page 2, line 18, *for* the figure "48" the figure "49" be *substituted*.

11. That at page 2, *for* lines 19-20, the following be *substituted*, namely:-

'(l) "financial institution" means a financial institution as defined in clause (c) of section 45-I of the Reserve Bank of India Act, 1934 and includes a chit fund company, a co-operative bank, a housing finance institution and a non-banking financial company;

(m) "housing finance institution" shall have the meaning as assigned to it in clause (d) of section 2 of the National Housing Bank Act, 1987;'

12. That at page 2, line 21, *for* the bracket and letter "(k)" the bracket and letter "(n)" be *substituted*.

13. That at page 2, line 26, *for* the bracket and letter "(l)" the bracket and letter "(o)" be *substituted*.

14. That at page 2, line 28, *for* the bracket and letter "(m)" the bracket and letter "(p)" be *substituted*.

15. That at page 2, *after* line 28, the following be *inserted*, namely:-

'(q) "non-banking financial company" shall have the same meaning as assigned to it in clause (f) of section 45-I of the Reserve Bank of India Act, 1934;'

16. That at page 2, line 29, *for* the bracket and letter "(n)" the bracket and letter "(r)" be *substituted*.

17. That at page 2, line 30, *for* the bracket and letter "(o)" the bracket and letter "(s)" be *substituted*.

18. That at page 2, line 41, *for* the bracket and letter "(p)" the bracket and letter "(t)" be *substituted*.

19. That at page 2, line 42, *for* the bracket and letter "(q)" the bracket and letter "(u)" be *substituted*.

20. That at page 2, line 45, *for* the bracket and letter "(r)" the bracket and letter "(v)" be *substituted*.

21. That at page 3, line 1, *for* the bracket and letter "(s)" the bracket and letter "(w)" be *substituted*.

22. That at page 3, line 3, *for* the bracket and letter "(t)" the bracket and letter "(x)" be *substituted*.

23. That at page 3, *for* line 4, the following be *substituted*, namely:-

'(y) "scheduled offence" means –

(i) the offences specified under Part A of the Schedule; or

(ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more;'.
'

24. That at page 3, line 5, *for* the bracket and letter "(v)" the bracket and letter "(z)" be *substituted*.

25. That at page 3, line 6, *for* the figure "42" the figure "43" be *substituted*.

26. That at page 3, line 7, *for* the bracket and letter "(w)" the bracket and letters "(za)" be *substituted*.

27. That at page 3, line 9, *for* the bracket and letter "(x)" the bracket and letters "(zb)" be *substituted*.

CLAUSE - 3

28. That at page 3, *for* lines 18-23, the following be *substituted*, namely:-

"3. Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money-laundering."

CLAUSE - 4

29. That at page 3, line 28, *for* the words and roman numeral "in Part IV" the words, figure and letter "under paragraph 2 of Part A" be *substituted*.

CLAUSE - 5

30. That at page 3, line 34, *for* the words "reason to believe" the words and bracket "reason to believe (the reason *for* such belief to be recorded in writing)" be *substituted*.

31. That at page 4, line 1, *for* the words and roman numerals "Part I, Part II, Part III or Part V" the words, figure and letters "Paragraph 1 of Part A and Part B" be *substituted*.

32. That at page 4, line 3, *for* the word and roman numeral "Part IV" the words, figure and letter "Paragraph 2 of Part A" be *substituted*.

33. That at page 4, *after* line 5, the following be *inserted*, namely:-

"(2) The Director, or any other officer not below the rank of Deputy Director, shall, immediately *after* attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such Adjudicating Authority shall keep such order and material *for* such period as may be prescribed."

34. That at page 4, line 6, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

35. That at page 4, line 8, *for* the figure "7" the figure "8" be *substituted*.

36. That at page 4, line 9, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

37. That at page 4, line 14, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

CLAUSE - 6

38. That at page 4, *for* lines 17-23, the following be *substituted*, namely:-

"6. (1) The Central Government shall, by notification, appoint one or more Adjudicating Authorities to exercise jurisdiction, powers and authority conferred by or under this Act.

1. An Adjudicating Authority shall consist of a Chairperson and two other Members:

Provided that one Member each shall be a person having experience in the field of law, administration, finance or accountancy.

(3) A person shall, however, not be qualified *for* appointment as Member of an Adjudicating Authority,-

a. in the field of law, unless he-

(i) is qualified *for* appointment as District Judge; or

i. has been a member of the Indian Legal Service and has held a post in Grade I of that service;

a. in the field of finance, accountancy or administration unless he possesses such qualifications, as may be prescribed.

(4) The Central Government shall appoint a Member to be the Chairperson of the Adjudicating Authority.

(5) Subject to the provisions of this Act,-

- a. the jurisdiction of the Adjudicating Authority may be exercised by Benches thereof;
- b. a Bench may be constituted by the Chairperson of the Adjudicating Authority with one or two Members as the Chairperson of the Adjudicating Authority may deem fit;
- c. the Benches of the Adjudicating Authority shall ordinarily sit at New Delhi and such other places as the Central Government may, in consultation with the Chairperson, by notification, specify;
- d. the Central Government shall, by notification, specify the areas in relation to which each Bench of the Adjudicating Authority may exercise jurisdiction.

(6) Notwithstanding anything contained in sub-section (5), the Chairperson may transfer a Member from one Bench to another Bench.

(7) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him *for* transfer, to such Bench as the Chairperson may deem fit.

(8) The Chairperson and every Member shall hold office as such *for* a term of five years from the date on which he enters upon his office:

Provided that no Chairperson or other Member shall hold office as such *after* he has attained the age of sixty-two years.

(9) The salary and allowances payable to and the other terms and conditions of service of the Member shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Member shall be varied to his disadvantage *after* appointment.

(10) If, *for* reasons other than temporary absence, any vacancy occurs in the office of the Chairperson or any other Member, then the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Adjudicating Authority from the stage at which the vacancy is filled.

(11) The Chairperson or any other Member may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson or any other Member shall, unless he is permitted by the Central Government or relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly

appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(12) The Chairperson or any other Member shall not be removed from his office except by an order made by the Central Government *after* giving necessary opportunity of hearing.

(13) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson of the Adjudicating Authority until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(14) When the Chairperson of the Adjudicating Authority is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson of the Adjudicating Authority until the date on which the Chairperson of the Adjudicating Authority resumes his duties.

(15) The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Adjudicating Authority shall have powers to regulate its own procedure.

"7. (1) The Central Government shall provide each Adjudicating Authority with such officers and employees as that Government may think fit.

(2) The officers and employees of the Adjudicating Authority shall discharge their functions under the general superintendence of the Chairperson of the Adjudicating Authority.

(3) The salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority shall be such as may be prescribed."

CLAUSE - 7

39. That at page 4, line 24, *for* the figure "7" the figure "8" be *substituted*.

40. That at page 4, line 24, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

41. That at page 4, line 25, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

42. That at page 4, line 25, *for* the figure "16" the figure "17" be *substituted*.

43. That at page 4, line 25, *for* the bracket and figure "(9)" the bracket and figure "(10)" be *substituted*.

44. That at page 4, line 25, *for* the figure "17" the figure "18" be *substituted*.

45. That at page 4, line 30, *for* the figure "16" the figure "17" be *substituted*.

46. That at page 4, line 30, *for* the figure "17" the figure "18" be *substituted*.

47. That at page 5, line 4, *for* the figure "16" the figure "17" be *substituted*.

48. That at page 5, line 4, *for* the figure "17" the figure "18" be *substituted*.

49. That at page 5, line 15, *after* the words, bracket and figure "sub-section (3)" the words "and net income, if any," be *inserted*.

CLAUSE - 8

50. That at page 5, line 20, *for* the figure "8" the figure "9" be *substituted*.

51. That at page 5, line 20, *for* the figure "7" the figure "8" be *substituted*.

CLAUSE - 9

52. That at page 5, line 33, *for* the figure "9" the figure "10" be *substituted*.

53. That at page 5, line 37, *for* the figure "7" the figure "8" be *substituted*.

54. That at page 5, line 40, *for* the figure "8" the figure "9" be *substituted*.

CLAUSE - 10

55. That at page 5, line 41, *for* the figure "10" the figure "11" be *substituted*.

CLAUSE - 11

56. That at page 6, line 15, *for* the figure "11" the figure "12" be *substituted*.

57. That at page 6, *after* line 23, the following be *inserted*, namely:-

"Provided that where the principal officer of a banking company or financial institutions or intermediary, as the case may be, has reason to believe that a single transaction or series of transactions integrally connected to each other have been valued below the prescribed value so as to defeat the provisions of this section, such officer shall furnish information in respect of such transactions to the Director within the prescribed time."

CLAUSE - 12

58. That at page 6, line 27, *for* the figure "12" the figure "13" be *substituted*.

59. That at page 6, line 28, *for* the figure "11" the figure "12" be *substituted*.

60. That at page 6, lines 31-32, *for* the words "maintain or retain records in accordance with the provisions contained in section 11", the words "failed to comply with the provisions contained in section 12" be *substituted*.

61. That at page 6, line 36, *after* the word "rupees" the words "*for each failure*" be *inserted*.

CLAUSE - 13

62. That at page 7, line 1, *for* the figure "13" the figure "14" be *substituted*.

63. That at page 7, line 1, *for* the figure "12" the figure "13" be *substituted*.

64. That at page 7, line 3, *for* the figure "11" the figure "12" be *substituted*.

CLAUSE - 14

65. That at page 7, line 4, *for* the figure "14" the figure "15" be *substituted*.

66. That at page 7, line 6, *for* the figure "11" the figure "12" be *substituted*.

CLAUSE - 15

67. That at page 7, *for* lines 9-11, the following be *substituted*, namely:-

"16. (1) Notwithstanding anything contained in any other provisions of this Act, where an authority, on the basis of material in his possession, has reason to believe (the reasons *for* such belief to be recorded in writing) that an offence under section 3 has been committed, he may enter any place-".

68. That at page 7, *after* line 28, the following be *inserted*, namely:-

"(2) The authority referred to in sub-section (1) shall, *after* entering any place referred to in that sub-section immediately *after* completion of survey, forward a

copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope in the manner as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period as may be prescribed."

69. That at page 7, line 29, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

CLAUSE - 16

70. That at page 7, line 35, *for* the figure "16" the figure "17" be *substituted*.

71. That at page 7, line 36, *after* the word "believe" the bracket and words "(the reason *for* such belief to be recorded in writing)" be *inserted*.

72. That at page 8, line 20, *for* the words and roman numerals "Part I, Part II, Part III or Part V" the words, figure and letters "Paragraph 1 of Part A and Part B" be *substituted*.

73. That at page 8, line 22, *for* the words and roman numeral "Part IV" the words, figure and letter "Paragraph 2 of Part A" be *substituted*.

74. That at page 8, *after* line 24, the following be *inserted*, namely:-

"(2) The authority, who has been authorized under sub-section (1) shall, immediately *after* search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period, as may be prescribed."

75. That at page 8, line 25, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

76. That at page 8, line 25, *for* the figure "15" the figure "16" be *substituted*.

77. That at page 8, line 31, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

CLAUSE - 17

78. That at page 8, line 34, *for* the figure "17" the figure "18" be *substituted*.

79. That at page 8, line 35, *after* the word "believe" the bracket and words "(the reason *for* such belief to be recorded in writing)" be *inserted*.

80. That at page 8, *after* line 39, the following be *inserted*, namely:-

"(2) The authority, who has been authorized under sub-section (1) shall, immediately *after* search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material *for* such period, as may be prescribed."

81. That at page 8, line 40, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

82. That at page 8, line 46, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

83. That at page 8, line 46, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

84. That at page 9, line 6, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

85. That at page 9, line 9, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

86. That at page 9, line 9, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.
87. That at page 9, line 12, *for* the bracket and figure "(6)" the bracket and figure "(7)" be *substituted*.
88. That at page 9, line 14, *for* the bracket and figure "(7)" the bracket and figure "(8)" be *substituted*.
89. That at page 9, line 14, *for* the words "excepting a female" the words "except a female" be *substituted*.
90. That at page 9, *for* lines 15-24, the following be *substituted*, namely:-

"(9) The Authority shall record the statement of the person searched under sub-section (1) or sub-section (5) in respect of the records or proceeds of crime found or seized in the course of the search:

Provided that no search of any person shall be made unless, in relation to an offence under –

- a. Paragraph 1 of Part A or Paragraph 1 or Paragraph 2 or Paragraph 3 or Paragraph 4 or Paragraph 5 of Part B of the Schedule, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973; or
- b. Paragraph 2 of Part A of the Schedule, a police report or a complaint has been filed *for* taking cognizance of an offence by the Special Court constituted under sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985."

91. That at page 9, line 25, *for* the bracket and figure "(9)" the bracket and figure "(10)" be *substituted*.

CLAUSE - 18

92. That at page 9, line 28, *for* the figure "18" the figure "19" be *substituted*.

93. That at page 9, *for* lines 29-30, the following be *substituted*, namely:-

"authorised in this behalf by the Central Government by general or special order, has on the basis of material in his possession reason to believe (the reason *for* such belief to be recorded in writing) that any person has been guilty of an offence punishable under this Act, he may".

94. That at page 9, *after* line 31, the following be *inserted*, namely:-

"(2) The Director, Deputy Director, Assistant Director or any other officer shall, immediately *after* arrest of such person under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such order and material *for* such period, as may be prescribed."

95. That at page 9, line 32, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

CLAUSE - 19

96. That at page 9, *for* lines 37-41, the following be *substituted*, namely:-

"20. (1) Where any property has been seized under section 17 or section 18, and the officer authorized by the Director in this behalf has, on the basis of material in his possession, reason to believe (the reason *for* such belief to be recorded by him in writing) that such property is required to be retained *for* the purposes of adjudication under section 8, such property may be retained *for* a period not exceeding three months from the end of the month in which such property was seized.

(2) The officer authorized by the Director immediately *after* he has passed an order *for* retention of the property *for* purposes of adjudication under section 8 shall forward a copy of the order along with the material in his possession, referred to in sub-section (1), to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such

Adjudicating Authority shall keep such order and material *for* such period as may be

prescribed."

97. That at page 9, line 42, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

98. That at page 9, line 45, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

99. That at page 9, line 48, *for* the figure "7" the figure "8" be *substituted*.

100. That at page 9, line 49, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

101. That at page 9, line 49, *for* the figure "7" the figure "8" be *substituted*.

102. That at page 10, line 1, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

103. That at page 10, line 1, *for* the word, bracket and figure "sub-section (4)" the word, bracket and figure "sub-section (5)" be *substituted*.

104. That at page 10, line 3, *for* the word and figure "section 25" the word and figure "section 26" be *substituted*.

105. That at page 10, line 3, *for* the word, bracket and figure "sub-section (4)" the word, bracket and figure "sub-section (5)" be *substituted*.

CLAUSE - 20

106. That at page 10, line 6, *for* the figure "20" the figure "21" be *substituted*.

107. That at page 10, line 6, *for* the figure "16" the figure "17" be *substituted*.

108. That at page 10, line 6, *for* the figure "17" the figure "18" be *substituted*.

109. That at page 10, *after* line 10, the following be *inserted*, namely:-

"(2) The person, from whom records were seized, shall be entitled to obtain copies of records retained under sub-section (1).".

110. That at page 10, line 11, *for* the bracket and figure "(2)" the bracket and figure "(3)" be *substituted*.

111. That at page 10, line 14, *for* the bracket and figure "(3)" the bracket and figure "(4)" be *substituted*.

112. That at page 10, line 16, *for* the figure "7" the figure "8" be *substituted*.

113. That at page 10, line 17, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

114. That at page 10, line 17, *for* the figure "7" the figure "8" be *substituted*.

115. That at page 10, line 20, *for* the bracket and figure "(5)" the bracket and figure "(6)" be *substituted*.

116. That at page 10, line 20, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

117. That at page 10, line 22, *for* the figure "25" the figure "26" be *substituted*.

118. That at page 10, line 23, *for* the bracket and figure "(4)" the bracket and figure "(5)" be *substituted*.

CLAUSE - 21

119. That at page 10, line 25, *for* the figure "21" the figure "22" be *substituted*.

CLAUSE - 22

120. That at page 11, line 3, *for* the figure "22" the figure "23" be *substituted*.

CLAUSE - 23

121. That at page 11, *for* lines 8-16, the following be *substituted*, namely:-

"24. When a person is accused of having committed the offence under section 3, the burden of proving that proceeds of crime are untainted property shall be on the accused."

CLAUSE - 24

122. That at page 11, line 19, *for* the figure "24" the figure "25" be *substituted*.

CLAUSE - 25

123. That at page 11, line 22, *for* the figure "25" the figure "26" be *substituted*.

124. That at page 11, line 26, *for* the figure "12" the figure "13" be *substituted*.

125. That at page, 11, line 32, *after* the word "may" the words "*after* giving an opportunity of being heard" be *inserted*.

CLAUSE - 26

126. That at page 12, line 3, *for* the figure "26" the figure "27" be *substituted*.

CLAUSE - 27

127. That at page 12, line 21, *for* the figure "27" the figure "28" be *substituted*.

128. That at page 12, *after* line 31, the following be *inserted*, namely:-

"(e) has been a member of the Indian Customs and Central Excise Service and has held the post of a Joint Secretary or equivalent post in that Service *for* at least three years; or

(f) has been in the practice of accountancy as a chartered accountant under the Chartered Accountants Act, 1949 or as a registered accountant under any law *for* the time being in force or partly as a registered accountant and partly as a chartered accountant *for* at least ten years:

Provided that one of the members of the Appellate Tribunal shall be from category mentioned in clause (f); or

a. has been a member of the Indian Audit and Accounts Service and has held the post of Joint Secretary or equivalent post in that Service *for* at least three years."

CLAUSE - 28

129. That at page 12, line 34, *for* the figure "28" the figure "29" be *substituted*.

CLAUSE - 29

130. That at page 13, line 3, *for* the figure "29" the figure "30" be *substituted*.

CLAUSE - 30

131. That at page 13, line 8, *for* the figure "30" the figure "31" be *substituted*.

CLAUSE - 31

132. That at page 13, line 13, *for* the figure "31" the figure "32" be *substituted*.

CLAUSE - 32

133. That at page 13, line 25, *for* the figure "32" the figure "33" be *substituted*.

CLAUSE - 33

134. That at page 13, line 32, *for* the figure "33" the figure "34" be *substituted*.

CLAUSE - 34

135. That at page 13, line 38, *for* the figure "34" the figure "35" be *substituted*.

CLAUSE - 35

136. That at page 14, line 27, *for* the figure "35" the figure "36" be *substituted*.

CLAUSE - 36

137. That at page 14, line 31, *for* the figure "36" the figure "37" be *substituted*.

CLAUSE - 37

138. That at page 14, line 35, *for* the figure "37" the figure "38" be *substituted*.

CLAUSE - 38

139. That at page 15, line 1, *for* the figure "38" the figure "39" be *substituted*.

CLAUSE - 39

140. That at page 15, line 10, *for* the figure "39" the figure "40" be *substituted*.

CLAUSE - 40

141. That at page 15, line 13, *for* the figure "40" the figure "41" be *substituted*.

CLAUSE - 41

142. That at page 15, line 18, *for* the figure "41" the figure "42" be *substituted*.

143. That at page 15, line 20, *after* the word "law" the word "or fact" be *inserted*.

CLAUSE - 42

144. That at page 15, line 34, *for* the figure "42" the figure "43" be *substituted*.

145. That at page 15, line 41, *for* the word "may" the word "shall" be *substituted*.

CLAUSE - 43

146. That at page 15, line 44, *for* the figure "43" the figure "44" be *substituted*.

147. That at page 15, line 46, *after* the word "the" the words "scheduled offence and" be *inserted*.

148. That at page 15, line 47, the word "or" be *deleted*.

149. That at page 15, *after* line 47, the following be *inserted*, namely:-

Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or".

150. That at page 16, line 5, *for* the figure "42" the figure "43" be *substituted*.

CLAUSE - 44

151. That at page 16, line 6, *for* the figure "44" the figure "45" be *substituted*.

152. That at page 16, line 10, *for* the words "under this Act" the words and letter "under Part A of the Schedule" be *substituted*.

CLAUSE - 45

153. That at page 16, line 28, *for* the figure "45" the figure "46" be *substituted*.

CLAUSE - 46

154. That at page 16, line 43, *for* the figure "46" the figure "47" be *substituted*.

CLAUSE - 47

155. That at page 16, line 50, *for* the figure "47" the figure "48" be *substituted*.

CLAUSE - 48

156. That at page 17, line 1, *for* the figure "48" the figure "49" be *substituted*.

CLAUSE - 49

157. That at page 17, line 10, *for* the figure "49" the figure "50" be *substituted*.

CLAUSE - 50

158. That at page 17, line 37, *for* the figure "50" the figure "51" be *substituted*.

CLAUSE - 51

159. That at page 18, line 3, *for* the figure "51" the figure "52" be *substituted*.

CLAUSE - 52

160. That at page 18, *for* lines 11-13, the following be *substituted*, namely:-

"53. The Central Government may, by a special or general order, empower an officer not below the rank of Director of the Central Government or of a State Government to act as an authority under this Act:

Provided that the Central Government may empower an officer below the rank of Director if the officer of the rank of the Director or above are not available in a particular area."

CLAUSE - 53

161. That at page 18, line 14, *for* the figure "53" the figure "54" be *substituted*.

162. That at page 18, *for* lines 26-27, the following be *substituted*, namely:-

"(g) officers of enforcement appointed under sub-section (1) of section 36 of the Foreign Exchange Management Act, 1999;"

CLAUSE - 54

163. That at page 18, line 38, *for* the figure "54" the figure "55" be *substituted*.

CLAUSE - 55

164. That at page 19, line 1, *for* the figure "55" the figure "56" be *substituted*.

CLAUSE - 56

165. That at page 19, line 13, *for* the figure "56" the figure "57" be *substituted*.

CLAUSE - 57

166. That at page 19, line 31, *for* the figure "57" the figure "58" be *substituted*.

CLAUSE - 58

167. That at page 19, line 37, *for* the figure "58" the figure "59" be *substituted*.

168. That at page 20, lines 9-10, *for* the words "so far as possible be dealt with" the words "be dealt with" be *substituted*.

169. That at page 20, line 10, *for* the figure "18" the figure "19" be *substituted*.

170. That at page 20, line 13, *for* the figures "16 and 17" the figures "17 and 18" be *substituted*.

CLAUSE - 59

171. That at page 20, line 25, *for* the figure "59" the figure "60" be *substituted*.

172. That at page 20, line 27, *for* the figure "7" the figure "8" be *substituted*.

173. That at page 20, line 29, *for* the figure "9" the figure "10" be *substituted*.

174. That at page 20, line 37, *for* the figure "57" the figure "58" be *substituted*.

175. That at page 20, line 38, *for* the figure "58" the figure "59" be *substituted*.

CLAUSE - 60

176. That at page 21, line 1, *for* the figure "60" the figure "61" be *substituted*.

CLAUSE - 61

177. That at page 21, line 8, *for* the figure "61" the figure "62" be *substituted*.

178. That at page 21, line 9, *after* the word "who" the words "without reasons recorded in writing" be *inserted*.

179. That at page 21, line 10, the words "without reasonable grounds of suspicion" be *deleted*.

180. That at page 21, line 12, the word "vexatiously" be *deleted*.

CLAUSE - 62

181. That at page 21, line 15, *for* the figure "62" the figure "63" be *substituted*.

182. That at page 21, line 25, *for* the figure "49" the figure "50" be *substituted*.

CLAUSE - 63

183. That at page 21, *for* lines 33-34, the following be *substituted*, namely:-

"64. (1) No court shall take cognizance of any offence under section 62 or sub-section (1) of section 63 except with the previous sanction of the Central Government.

(2) The Central Government shall, by an order either give sanction or refuse to give sanction

within ninety days of the receipt of the request in this behalf."

CLAUSE - 64

184. That at page 21, line 35, *for* the figure "64" the figure "65" be *substituted*.

CLAUSE - 65

185. That at page 21, line 39, *for* the figure "65" the figure "66" be *substituted*.

CLAUSE - 66

186. That at page 22, line 6, *for* the figure "66" the figure "67" be *substituted*.

CLAUSE - 67

187. That at page 22, line 10, *for* the figure "67" the figure "68" be *substituted*.

CLAUSE - 68

188. That at page 22, line 17, *for* the figure "68" the figure "69" be *substituted*.

189. That at page 22, line 17, *for* the figure "12" the figure "13" be *substituted*.

190. That at page 22, line 17, *for* the figure "62" the figure "63" be *substituted*.

CLAUSE - 69

191. That at page 22, line 23, *for* the figure "69" the figure "70" be *substituted*.

CLAUSE - 70

192. That at page 22, line 43, *for* the figure "70" the figure "71" be *substituted*.

CLAUSE - 71

193. That at page 22, line 45, *for* the figure "71" the figure "72" be *substituted*.

194. That at page 22, line 46, *for* the figure "7" the figure "8" be *substituted*.

195. That at page 23, line 8, *for* the figure "25" the figure "26" be *substituted*.

196. That at page 23, line 12, *for* the figure "41" the figure "42" be *substituted*.

197. That at page 23, line 24, *for* the figure "41" the figure "42" be *substituted*.

CLAUSE - 72

198. That at page 23, line 28, *for* the figure "72" the figure "73" be *substituted*.

199. That at page 23, *after* line 32, the following be *inserted*, namely:-

"(b) the manner in which the order and the material referred to in sub-section (2) of section 5 to be maintained;

(c) matters in respect of experience of Members under sub-section (3) of section 6;

(d) the salaries and allowances payable to and other terms and conditions of service of Members of the Adjudicating Authority under sub-section (9) of section 6;

(e) the salaries and allowances payable to and other terms and conditions of service of the officers and employees of the Adjudicating Authority under sub-section (3) of section 7;"

200. That at page 23, line 33, *for* the bracket and letter "(b)" the bracket and letter "(f)" be *substituted*.
201. That at page 23, line 34, *for* the figure "9" the figure "10" be *substituted*.
202. That at page 23, line 35, *for* the bracket and letter "(c)" the bracket and letter "(g)" be *substituted*.
203. That at page 23, line 36, *for* the figure "10" the figure "11" be *substituted*.
204. That at page 23, line 37, *for* the bracket and letter "(d)" the bracket and letter "(h)" be *substituted*.
205. That at page 23, line 38, *for* the figure "11" the figure "12" be *substituted*.
206. That at page 23, line 39, *for* the bracket and letter "(e)" the bracket and letter "(i)" be *substituted*.
207. That at page 23, line 40, *for* the figure "11" the figure "12" be *substituted*.
208. That at page 23, line 41, *for* the bracket and letter "(f)" the bracket and letter "(j)" be *substituted*.
209. That at page 23, line 43, *for* the figure "11" the figure "12" be *substituted*.
210. That at page 24, line 1, *for* the bracket and letter "(g)" the bracket and letter "(k)" be *substituted*.
211. That at page 24, line 2, *for* the figure "14" the figure "15" be *substituted*.

212. That at page 24, *after* line 2, the following be *inserted*, namely:-

"(l) The manner in which the reasons and material referred to in sub-section (2) of section 16 shall be mentioned."

213. That at page 24, line 3, *for* the bracket and letter "(h)" the bracket and letter "(m)" be *substituted*.

214. That at page 24, line 4, *for* the figure "16" the figure "17" be *substituted*.

215. That at page 24, *after* line 4, the following be *inserted*, namely:-

"(n) the manner in which the reasons and the material referred to in sub-section (2) of section 17 shall be maintained;

- a. the manner in which the reasons and the material referred to in sub-section (2) of section 18 shall be maintained;

(p) the manner in which the order and the material referred to in sub-section (2) of section 19 shall be maintained."

216. That at page 24, line 5, *for* the bracket and letter "(i)" the bracket and letter "(q)" be *substituted*.

217. That at page 24, line 6, *for* the figure "21" the figure "22" be *substituted*.

218. That at page 24, line 7, *for* the bracket and letter "(j)" the bracket and letter "(r)" be *substituted*.

219. That at page 24, line 8, *for* the figure "25" the figure "26" be *substituted*.

220. That at page 24, line 9, *for* the bracket and letter "(k)" the bracket and letter "(s)" be *substituted*.

221. That at page 24, line 10, *for* the figure "29" the figure "30" be *substituted*.

222. That at page 24, line 12, *for* the bracket and letter "(l)" the bracket and letter "(t)" be *substituted*.

223. That at page 24, line 13, *for* the figure "33" the figure "34" be *substituted*.

224. That at page 24, line 14, *for* the bracket and letter "(m)" the bracket and letter "(u)" be *substituted*.

225. That at page 24, line 15, *for* the figure "34" the figure "35" be *substituted*.

226. That at page 24, line 16, *for* the bracket and letter "(n)" the bracket and letter "(v)" be *substituted*.

227. That at page 24, line 17, *for* the figure "49" the figure "50" be *substituted*.

228. That at page 24, line 18, *for* the bracket and letter "(o)" the bracket and letter "(w)" be *substituted*.
229. That at page 24, line 19, *for* the figure "49" the figure "50" be *substituted*.
230. That at page 24, line 20, *for* the bracket and letter "(p)" the bracket and letter "(x)" be *substituted*.

CLAUSE - 73

231. That at page 24, line 21, *for* the figure "73" the figure "74" be *substituted*.

CLAUSE - 74

232. That at page 24, line 30, *for* the figure "74" the figure "75" be *substituted*.

THE SCHEDULE

233. That at page 25, *for* lines 1-33, the following be *substituted*, namely:-

"THE SCHEDULE
[See section 2(y)]
PART A
PARAGRAPH 1
OFFENCES UNDER THE INDIAN PENAL CODE

Section Description of offence

- 121 Waging, or attempting to wage war or abetting waging of war, against the Government of India.
- 121A Conspiracy to commit offences punishable by section 121 against the State.

PARAGRAPH 2
OFFENCES UNDER THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

Section Description of offence

- 15 Contravention in relation to poppy straw.
- 18 Contravention in relation to opium poppy and opium.
- 20 Contravention in relation to cannabis plant and cannabis.
- 22 Contravention in relation to psychotropic substances.
- 23 Illegal import into India, export from India to transshipment of narcotic drugs and psychotropic substances.

24 External dealings in narcotic drugs and psychotropic substances in contravention of section 12 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

25A Contravention of orders made under section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

27A Financing illicit traffic and harbouring offenders.

1. Abetment and criminal conspiracy.

PART B

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

| Section | Description of offence |
|---------|------------------------|
|---------|------------------------|

302 Murder

304 Culpable homicide not amounting to murder, if act by which the death is caused is done with the intention of causing death.

307 Attempt to murder.

308 Attempt to commit culpable homicide.

327 Voluntarily causing hurt to extort property, or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of the offence.

329 Voluntarily causing grievous hurt to extort property, or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of the offence.

364A Kidnapping *for* ransom, etc.

384 to 389 Offences relating to extortion.

392 to 402 Offences relating to robbery and dacoity.

467 Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.

489A Counterfeiting currency notes or bank notes.

489B Using as genuine, forged or counterfeit currency notes or bank notes.

PARAGRAPH 2

OFFENCES UNDER THE ARMS ACT, 1959

| Section | Description of offence |
|---------|------------------------|
|---------|------------------------|

25 To manufacture, sell, transfer, convert, repair or test or prove or expose or offer *for* sale or transfer or have in his possession *for* sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5 of the Arms Act, 1959.

To acquire, have in possession or carry any prohibited arms or prohibited ammunition in contravention of section 7 of the Arms Act, 1959.

Contravention of section 24A of the Arms Act, 1959 relating to prohibition as to possession of notified arms in disturbed areas, etc.

Contravention of section 24B of the Arms Act, 1959 relating to prohibition as to carrying of notified arms in or through public places in disturbed areas.

Other offences specified in section 25.

26 To do any act in contravention of any provisions of section 3, 4, 10 or 12 of the Arms Act, 1959 in such manner as specified in sub-section (1) of section 26 of the said Act.

To do any act in contravention of any provisions of section 5, 6, 7, or 11 of the Arms Act, 1959 in such manner as specified in sub-section (2) of section 26 of the said Act.

Other offences specified in section 26.

27 Use of arms or ammunitions in contravention of section 5 or use of any arms or ammunition in contravention of section 7 of the Arms Act, 1959.

28 Use and possession of fire arms or imitation fire arms in certain cases.

29 Knowingly purchasing arms from unlicensed person or for delivering arms, etc., to person not entitled to possess the same.

30 Contravention of any condition of a licence or any provisions of the Arms Act, 1959 or any rule made thereunder.

PARAGRAPH 3

OFFENCES UNDER THE WILD LIFE (PROTECTION) ACT, 1972

| Section Description of offence | |
|--------------------------------|---|
| 51 | read with section 17 A Contravention of provisions of section 17A relating to prohibition of picking, uprooting etc., of specified plants. |
| 51 | read with section 39 Contravention of provisions of section 39 relating to wild animals, etc., to be Government property. |
| 51 | read with section 44 Contravention of provisions of section 44 relating to dealings in trophy and animal articles without licence prohibited. |
| 51 | read with section 48 Contravention of provisions of section 48 relating to purchase of animal etc., by licence. |

read with section 49B Contravention of provisions of section 49B relating to prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals.

PARAGRAPH 4

OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

| Section Description of offence |
|--------------------------------|
|--------------------------------|

- 5 Procuring, inducing or taking person *for* the sake of prostitution.
- 6 Detaining a person in premises where prostitution is carried on.
- 8 Seducing or soliciting *for* purpose of prostitution.
- 9 Seduction of a person in custody.

PARAGRAPH 5

OFFENCES UNDER THE PREVENTION OF CORRUPTION ACT, 1988

| Section Description of offence |
|--------------------------------|
|--------------------------------|

- 7 Public servant taking gratification other than legal remuneration in respect of an official Act.
- 8 Taking gratification in order, by corrupt or illegal means, to influence public servant.
- 9 Taking gratification *for* exercise of personal influence, with public servant.
- 10 Abetment by public servant of offences defined in section 8 or section 9 of the Prevention of Corruption Act, 1988."

234. That at page 26, lines 1-44, be *deleted*.
235. That at page 27, lines 1-10, be *deleted*."

The motion was adopted.

MR. CHAIRMAN: The Minister may now move that the amendments made by Rajya Sabha in the Bill be agreed to.

SHRI JASWANT SINGH: Sir, I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

MR. CHAIRMAN: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

18.08 एप्रिल

राष्ट्रपति द्वारा जारी अध्यादेश 29, 2002/एनडीएनएनएन 8, 1924 (चल रहा है)

संसद द्वारा 29, 2002/एनडीएनएनएन 8, 1924 (चल रहा है)