

GOVERNMENT OF INDIA  
MINISTRY OF EXTERNAL AFFAIRS

**LOK SABHA**  
**UNSTARRED QUESTION NO.5422**  
TO BE ANSWERED ON 28.03.2018

**CONFISCATION OF OVERSEAS ASSETS OF ECONOMIC OFFENDERS**

5422. PROF. SADHU SINGH:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether the Government proposes to put a mechanism in place for international cooperation to confiscate overseas assets of economic offenders of the country; and
- (b) if so, the details thereof?

**ANSWER**

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS  
[GEN. (DR) V. K. SINGH (RETD)]

(a) & (b) As far as international cooperation in relation to attachment or forfeiture of proceeds of crime is concerned, there is an enabling provision under section 105 C of the Code of Criminal Procedure, 1973 which states that where the court has made an order for attachment or forfeiture of property derived or obtained, directly or indirectly by such person from the commission of an offence and such property is suspected to be in a contracting State, the court may issue a letter of request to a court or an authority in contracting State for execution of such order. Section 60 of the Prevention of Money Laundering Act, 2002 also has a provision permitting the court to issue a letter of request to a court or an authority in the contracting State.

As of now, India has signed Mutual Legal Assistance Treaty in Criminal Matters with 39 countries for mutual cooperation in such matters. In case of non-treaty States, a court can request the foreign court concerned for assistance through a letter of request/letter rogatory on the basis of assurance of reciprocity.

In addition, many international and regional conventions to which India is a member party, such as United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, United Nations Convention against Transnational Organized Crime and United Nations Convention against Corruption also contain provisions on asset confiscation.

The Government has decided to introduce the Fugitive Economic Offenders Bill, 2018 in Parliament. The Bill, inter alia, provides for expeditious confiscation of proceeds of crime and properties of the fugitive economic offender with a view to make him submit to the jurisdiction of courts in India.

\*\*\*\*\*