

## **LOK SABHA**

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### **SYNOPSIS OF DEBATES (Proceedings other than Questions & Answers)**

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**Thursday, July 19, 2018/Ashadha 28, 1940 (Saka)**

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#### **RESIGNATION BY MEMBER**

**HON'BLE SPEAKER:** I have to inform the House that Shri Baijayant Jay Panda, an elected Member from the Kendrapara Parliamentary Constituency of Odisha has resigned from the membership of Lok Sabha. I have accepted his resignation with effect from 18<sup>th</sup> July, 2018.

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#### **VACATION OF SEAT BY MEMBER**

**HON'BLE SPEAKER:** Hon'ble Members consequent upon his election to the Rajya Sabha, Shri Jose K. Mani, an elected Member of Lok Sabha from Kottayam Parliamentary Constituency, cease to exist as a Member of Lok Sabha with effect from the 14<sup>th</sup> June, 2018 under the provisions of Section 67A and Sub-section (4) of Section 68 read with Sub-section (1) of Section 69 of the Representation of the People Act, 1951.

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## **SUBMISSION BY MEMBERS**

*Re: Mob lynching incidents in different parts of the country.*

### **THE MINISTER OF HOME AFFAIRS (SHRI RAJNATH SINGH)**

*responding to the issue raised by several hon. Members, said:* It is a fact that incidents of mob lynching have taken place in several parts of the country in which a number of people have lost their lives. I would also like to submit that its not that such incidents have taken place in the country only in the recent years, but such incidents of mob lynching have occurred earlier also. On behalf of my Government, I condemn the incidents in which people have been killed or injured due to mob lynching. All the hon. Members must be aware that such incidents of mob lynching occur due to rumours, suspicion or unverified fake news. It is the responsibility of the State Governments to take effective action against such incidents. Be it police or law and order, it is the responsibility of the State and not of the Union Government. Even though it is a State subject, Union Government cannot sit quietly on such incidents. In 2016 and then again in the first week of July, 2018, an Advisory was issued by the Home Ministry. We have also asked the social media service providers to install some checks in their system in order to check such fake news, rumours. I would like to say that such incidents are indeed very unfortunate. After the occurrence of such incidents and after receiving information thereof, I speak directly to the concerned Chief Ministers and request them to take strict action against those found guilty.

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**\*MATTERS UNDER RULE 377**

1. **SHRI RAVINDRA KUMAR PANDEY** laid a statement regarding need to enhance the honorarium to elected representatives under Panchayati Raj system in Jharkhand.
2. **SHRI BHANU PRATAP SINGH VERMA** laid a statement regarding need to construct stretch of National Highway No. 27 (Jhansi-Kanpur) at Kalpi in Jalaun Parliamentary Constituency, Uttar Pradesh.
3. **COL. SONARAM CHOUDHARY** laid a statement regarding need to confer citizenship to Hindu migrants from Pakistan living in Barmer and Jaisalmer districts of Rajasthan.
4. **SHRIMATI POONAM MAHAJAN** laid a statement regarding need to formulate regulatory guidelines for effective use of Carbetocin.
5. **SHRI SUBHASH CHANDRA BAHERIA** laid a statement regarding need to facilitate and expedite payment of outstanding amount to investors of Pearls Agrotech Corporation Limited.
6. **SHRI JAGDAMBIKA PAL** laid a statement regarding need to enhance the honorarium of Accredited Social Health Activists in Uttar Pradesh.

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\* Laid on the Table as directed by the Chair.

7. **SHRI LAXMAN GILUWA** laid a statement regarding need to set up steel plant in Singhbhum Parliamentary Constituency, Jharkhand.
8. **SHRI NIHAL CHAND** laid a statement regarding need to check the increasing pollution in Indira Gandhi Canal.
9. **SHRI HARISH MEENA** laid a statement regarding need for administrative reforms in the country.
10. **SHRI JUGAL KISHORE** laid a statement regarding need to provide compensation to farmers of borders areas of Jammu & Kashmir who lost their land due to fencing on the international border.
11. **SHRI BHAIRON PRASAD MISHRA** laid a statement regarding need to provide stoppage of Bundelkhand Express and Rewa Express at Badausa & Markundi Railway stations respectively in Uttar Pradesh.
12. **SHRI HARIOM SINGH RATHORE** laid a statement regarding need to remove new link road/bypass road by removing them from the classification of highways and reclassify them into link road/bypass road and also to make fresh provisions regarding land conversion charges.
13. **DR. KIRIT SOMAIYA** laid a statement regarding outcome of structural audit conducted by Railways in Mumbai region.
14. **SHRI RAJENDRA AGRAWAL** laid a statement regarding need to address the service-related issues of Central Armed Police Force.

15. **SHRI HARISHCHANDRA CHAVAN** laid a statement regarding production of Fifth Generation Fighter Aircraft Project at Hindustan Aeronautics Limited unit at Ojhar, Maharashtra.
16. **SHRI KODIKUNNIL SURESH** laid a statement regarding need to implement reservation for economically backward among upper Castes.
17. **DR. SHASHI THAROOR** laid a statement regarding need to address railway related problems faced by people of Kerala.
18. **SHRI V. ELUMALAI** laid a statement regarding need to review the decision to conduct NEET twice a year.
19. **SHRI K. ASHOK KUMAR** laid a statement regarding need to set up a separate Ministry for Fisheries and Fishermen Welfare.
20. **SHRI ARKA KESHARI DEO** laid a statement regarding need to set up a unit of Paramilitary Force at Bhawanipatna in Odisha.
21. **SHRI GAJANAN KIRTIKAR** laid a statement regarding action against Central Government employees who have secured jobs on caste certificates rendered invalid.
22. **SHRI M. MURLI MOHAN** laid a statement regarding need to accord special category status to Andhra Pradesh.
23. **SHRI TEJ PRATAP SINGH YADAV** laid a statement regarding need to set up a Passport Seva Kendra in Mainpuri district, Uttar Pradesh.

24. **SHRI PREM SINGH CHANDUMAJRA** laid a statement regarding need to extend the rail route from Jajjon-Jalandhar to Amritsar via Nawashaher, Jalandhar.
25. **SHRI DUSHYANT CHAUTALA** laid a statement regarding need to name Central University of Haryana situated at Jant Pali Village, district Mahendragarh, Haryana after Sant Kabir Dasji.
26. **ADV. JOICE GEORGE** laid a statement regarding need to amend section 5 of Environment Protection Act, 1986 for the benefit of people residing in Ecologically Sensitive Areas in Kerala.

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## **STATUTORY RESOLUTION**

***Re: Disapproval of the Fugitive Economic Offenders Ordinance, 2018***

***(No. 1 of 2018)***

**And**

**THE FUGITIVE ECONOMIC OFFENDERS BILL, 2018 – *Contd.***

**SHRI N.K. PREMACHANDRAN** *continuing said:* At the same time, when I move the Statutory Resolution disapproving the Fugitive Economic Offenders Ordinance, I fully support the contents of the Bill. I am with the Government regarding this because stringent punitive action has to be taken

against the economic offenders who are looting and fleeing the country. My formal objection is about the Ordinance route to legislation. It is not good for a healthy parliamentary democracy system in our country to directly go through the Ordinance route. Therefore, I am placing on record my strong objection in approving the Ordinance. Since both the items are being taken up together, I support the Fugitive Economic Offenders Bill. This is a new law to confiscate the assets of the absconders till they make a submission to the jurisdiction of Indian courts. There are a lot of instances in which economic offenders flee the country evading the prosecution by remaining outside the jurisdiction of Indian courts. There are two such instances, (a) anticipating that there is a commencement of criminal proceedings against him, and (b) there are pending criminal proceedings against him. Here the point is that if such a person has been declared as a 'Fugitive Economic Offender', his property/his assets can be confiscated even before the conviction. In this regard, I am seeking a very specific clarification from the Government that if the Government is sincere in confiscating the assets or getting these offenders back to India, whether these provisions will survive the legal scrutiny has to be examined in detail. Otherwise, this is absolutely an eye-wash because all these persons have left the country. They have fled the country and they have found havens outside India. I would like to ask why have these people become fugitives? If the provisions of the existing laws are strictly complied with,

how can these people become fugitives, how can they loot the country and run away from the country? Various such cases have happened during the last four years. During the last four years, the Government has not exercised caution to check these things. What action did the Government take in these cases? Instead of taking any action, finally Government is coming up with a legislation by which it is going to confiscate the property of all economic offenders. I demand a Joint Parliamentary Committee to probe into this matter to bring out the truth about all these issues in the public domain. After all these scams, FICCI, ASSOCHAM and all the corporate organizations are saying that it happened only because of public sector banks; so, all these public-sector banks have to be privatized. That is the new philosophy which is being brought by the corporate houses. Whereas it is only because of the political influence by which all these corporates have looted and fled the country. So, my suggestion is that if this Government is honest in containing all these things, a legal clarification has to be made. There are three or four precedents in this House that a Bill, even if it is replacing an ordinance, has been sent to the Select Committee or Joint Committee. So, my suggestion is that let this Bill be sent to a Standing Committee in order to have a close legal scrutiny so that all the loopholes can be plugged in.

**SHRI NISHIKANT DUBEY:** I rise to support the Fugitive Economic Offender Bill. The world is set to change under the leadership of Hon'ble Prime



Minister and this is a big legislation on that count. The chronology of financial decisions embarked on by the preceding Finance Minister is indicative of some ulterior motive. It is by far evident from the turn of developments beginning from June 2013 to May 2014. What prompted him to bring about frequent changes in policies at minimal interval of time is an open secret. Section 4(2) provides that if the Director or any officer not below the rank of Deputy Director authorised by him for the purposes of this Section has reasons to believe on the basis of the material under his possession that an individual is a fugitive economic offender, he shall file an application to the special court that the individual concerned may be declared as a fugitive economic offender. More importantly, under Section (2) or Section (4) there is a provision that the notice shall be issued to any other person who has any interest in the property mentioned in the application.

**DR. SHASHI THAROOR:** In recent years, we have seen many economic offenders fleeing the country and refusing to come back to face justice. The Minister of External Affairs has admitted that in March this year India has the awful record of having 31 fugitive economic offenders who had collectively robbed the honest tax payer of over Rs.40,000 crore. While the men and women of our country dependent on their daily wages are struggling with delayed payments because the Government, apparently, does not have enough money to give the States to pay our MNREGA workers, our white collar economic offenders have got

away from this country with impunity. We have hoped for effective and workable legislation from this Government to tackle this pressing issue. When the biggest fugitives have already left the country, we would like to ask only one question to this Government, Kiska Saath, Kiska Vikas? This Bill actually gives a fugitive economic absconder more time than the existing Criminal Procedure Code. Instead of 30 days, he is getting 7 weeks(42 days). Under the Prevention of Money Laundering Act, which has already been referred to in this House, offences involving one crore or more are covered. It is important that this 100 crore threshold should be removed. Once a person is declared a fugitive economic offender under Section 14(a) of the Bill, any court or any tribunal in India may disallow such a person from putting forward or defending any civil claims. That is extinguishing a human being's right, a citizen's right to any civil remedy. The Government really owes us an explanation on this. Section 14(b) goes even further, because the right of companies to approach civil courts also extinguishes if the person filing on behalf of a company is a Manager, or a Director or a shareholder and he happens to be a fugitive economic offender. Once a person is declared a fugitive economic offender -- we have all heard this already - his properties are confiscated and vested with the Central Government. But remember that the declaration of a person as a fugitive economic offender is not a conviction. It is a declaration based on prima facie material. We have the responsibility to

ensure that any Bill we pass, is legally sound, fair and reasonable. This Section 2 would need to be amended because you cannot punish the innocent and deprive them of their legal rights. This would set a very dangerous precedent in other matters in our country. One more thing is the power of notification that the Government has taken upon itself. The Government can make changes to the Schedule by notification. Now, this means that the power can be misused by the Government whenever it likes. Why do we not have a much more sensible precaution and say that if any changes need to be made to the Schedule, it must be through the sanction of Parliament? These notifications can be placed before the House. This is a larger point beyond this Bill that we need to seriously look at requiring the Government to actually explain their rules to us when we pass Bills.

**SHRI T. G. VENKATESH BABU:** The main intent of this Bill is to force the fugitives to return to the country. Their extradition from their safe heavens have been failed despite maximum efforts taken by the Government. This Bill is more stringent and vastly different from earlier Acts. Though the intent of this Government may be good and is in line with the UN Convention, the achievements may not be forthcoming as willed by the Government. Whether the Bill acts as the deterrent, the main import of this Bill is doubtful. Mallya, despite his properties being confiscated and sale proceeds being undertaken, does not bother. He was arrested in UK but was let out on bail. The international track record of punishing

and recovering the assets of the fugitives is abysmal. The record of developing countries is worse still. So, this Bill is toothless with the assets outside the country. The Bill interprets this right to conclude another right to access justice. That mandates a Constitutional Amendment devoid of which may be challenged in the court of law by the fugitives. In the case of Nirav Modi, enough time was provided to escape even after the CBI filed an FIR against him. Mallay's case is not different. In the case of Lalit Modi, this Government was generous enough to suspend the revocation of his passport. The norms of the banks to lend loans on higher denominations or values should be very stringent and there should be greater accountability in providing loans. The names of all individuals, who have defaulted, must be made public to make them shameful. The banks should be empowered to achieve higher recovery and speedy confiscation of the proceeds of crime. The waiver or write off, whichever name is given, should be a thing of the past. Prevention is always better than cure.

**SHRI KALYAN BANERJEE:** For offences of crime, the amount should be Rs. 100 crore or more, according to the Statement of Objects and Reasons of the Bill, but I do not find any such figure in the main Bill. According to you, who will be the fugitive economic offender, defined under Section 2 sub-section (5)? If a fraud includes a sum of more than Rs. 100 crore, this law would apply and if the sum is less than Rs. 100 crore, the law would not apply to it. Is it not a

discrimination? Therefore, I would urge the Government to think about this. I would be very happy if you delete this. What are the conditions of absconding and when would this Act apply? I think we are doing this because we have seen the cases of Lalit Modi, Nirav Modi, that is, the Modi syndicate. If the case had already been filed, a warrant would have already been issued. No criminal law is implemented with retrospective effect. The law is implemented with only prospective effect. So, what effective steps have you taken against these offenders? This is what the country is asking. It is only an eyewash, although I support the substance of the Act itself. The people of this country are suffering from insecurity over keeping their money in banks. These are not the only cases where this Act would not be applicable, even in the Punjab National Bank fraud case, this law would not be applicable. Can an Indian court attach a property existing in London and bring him before the court within seven days? The answer is negative. Then, what is the use of writing all these things? If this power is there in the Indian courts, then why have you not taken steps for getting an order from an Indian court to arrest Mr. Lalit Modi, Mr. Nirav Modi, Mr. Vijay Mallya and others? You have said that black money would be recovered, black money would be distributed and everyone would get Rs. 15 lakh. Where is that black money? You are making speech only. There is no provision in the Bill itself which makes the presence of independent witnesses mandatory when such a search and seizure

takes place. You know that many criminal cases have been quashed only on the ground that no independent witness was there. They were very badly drafted. Although there is some desire, but the desire to fulfil for whom I do not know. If you cannot do it, then all of us will say that whatever you are doing is an eye-wash and only for delivering speeches.

**SHRI TATHAGATA SATPATHY:** This Bill looks like a strong Act that will scare people from committing crimes. However, one simply has to read these Acts with a critical lens and understand that it is far from its intentions. Everything that the Bill talks about, be it confiscation, attachment or absconding, all these crimes are covered under existing Acts. That means, it is not that India lacks in regulations and laws. I don't see why there was a need to bring in a new law instead of tackling the lacunas in the present laws. Even if there are admittedly loopholes in the present laws, does this new Bill really plug these loopholes? No, it doesn't. The Bill says that it is retrospective in nature. However, there is no mention of how we are proposing to bring back these fugitives back to the country and holding them personally liable. If the Government really want to implement this Bill, it will have to go through all the corporate laws to ensure that individual director, shareholder, employee, how were they to be treated when this Bill is to be implemented against a particular company. The law should not only address offences but also discourage and prevent others from committing the same crimes.

I have a few objections with the provisions of this Bill. The provision of selling the property on mere declaration of a person as a as a fugitive economic offender, without a proper trial, violate the principle of innocent until guilty. I am also here concerned about the unintentional victims and consequences, that is parties associate with companies, individuals and employees who may not have been a party to the crime or the offence. One has to find a balance in these nuance. Are they prepared to create an atmosphere of darkness, threat and fear? That is a thought that I leave the Government with.

**DR. SHRIKANT EKNATH SHINDE:** In the past few years, the economic offences involving thousands of crores of rupees has come to light and many of the offenders have been able to flee from the country. Big economic scams have weakened the economy. The public sector banks are literally bleeding. Therefore, the need for such a stringent law was felt and I welcome this Bill. I hope it would reduce the time to deliver justice and deter the offenders from looting thousands of crores hard-earned money of ordinary Indian citizens and flee this country. Health of the economy depends on the strong banking system. This Bill is a welcoming step in the right direction. It promises to do away with the time-consuming procedure, declaring the person as a fugitive economic offender and confiscating his or her properties. This may give some relief to the banking system because, now, it will take lesser time to recover their dues. However, there are some issues

with some of the provisions of the Bill. The investigating agencies have been given the authority to conduct raid without any search warrant. The only belief of the investigating agency is that declaring the offender as fugitive is enough. This is very subjective and it may lead to harassment. It is not a good idea in a democracy. Therefore, there has to be a provision that any search must be supported by a 'Search Warrant' issued by a designated court or a magistrate. There is need for clarity as to how the Government is going to use the sale proceeds. There has to be stringent provisions which prevent economic offenders from leaving the country under the nose of investigating agencies. Unfortunately, the present Bill fails to address this issue.

**SHRI KONDA VISHWESHWAR REDDY:** The banking industry is in a bad shape. Government of India has approved recapitalization plan for banking sector. The Indian NPA problem has been getting worse over the last few years. This Bill is required and we support it. I have two significant points. One of them is the threshold of Rs.100 crore and why Rs.100 crore? What about a small farmer who has taken a loan? I think there should not be a threshold limit. My second significant point is that it covers everything but leaves one big blank at the end and that blank is relating to liquidation, sales proceeds, and the creditors. This blank could have been easily filled by the provisions in the insolvency and Bankruptcy Code. Is it a mere oversight? Or, is it that the Government wants to appropriate



and take over this money for itself? We need to support our banks in getting the money back. I would request the banks to be kind to the small borrowers. I think these are the things we need to look into. We do support the Bill but there are definitely lacunae in the Bill that need to be covered.

**SHRI M.B. RAJESH:** Let me make it clear that my party CPI (M) demands strong action against fugitive economic offenders and supports all measures if they are sincere and not a mere eyewash. It is not sure whether most of the provisions of this Bill would survive a legal scrutiny by a court of law. What lacking is not a Bill but a political will. In the same month when this Ordinance was promulgated three more economic offenders left the country including the promoters of SRS Bank. The Government announced much earlier that it was going to bring such a Bill and whoever wanted to leave the country could leave immediately. The *chowkidar* PM facilitated the safe passage of 31 economic offenders in the last four and a half years. The Finance Minister has introduced this Bill. Let him kindly tell us what prevented the Government from recovering the money from these fugitive economic offenders who left the country? An auction to recover the Mumbai house of Kingfisher failed for seven times. Can anyone think that this would happen without any collusion with this Government and with the authorities?

Provisions of this Bill will be attracted only if the total value of the offence amounts to Rs.100 crore. It means many transactions or many offences which are

just below Rs.100 crore will be omitted from the purview of this Bill. This is inconsistent with the Prevention of Money Laundering Acts wherein the threshold is Rs.1 crore. The black money was the campaign material for the entire previous Lok Sabha elections.

**SHRIMATI SUPRIYA SULE:** There has been a lot of speculations about what value this Bill is going to add. I would like to bring Section 14 to the notice of the Finance Minister. It is because it is going to affect human rights and civil rights. The other issue which is really of concern to me is the talk about of confiscation before he is guilty. We are a vibrant democracy and we take pride in our Constitution. Everybody has a right. What we really need to also address is to see the flip side as to why the people are leaving this country and as to why there is a fugitive. If he is proved innocent, then what will happen to his property? The interest is just not bringing the fugitive back. What about the rights of hundreds and thousands of workers who suffer. It provides attachment, sale and confiscation of properties. What interventions are we making to improve our banking system, so that this does not happen again. if the Central Government is going to keep all the assets, how the disbursement will be done? Land is a State subject. So, what is the via-media mechanism that the hon. Finance Minister is going to find that the State and the Government work together in selling all these assets?

**DR. KIRIT SOMAIYA:** The persons in whose regime the money was allowed to be plundered, today showing concerns about the poor. The Modi led Government is saying to bring every offenders back to India and will recover every single penny. These persons are now pointing finger towards the Supreme Court, Investigation Agencies and their officers in the Parliament. Yesterday, the Government introduced Anti-Pongee Bill to safeguard the money of senior citizens. Some members say that the Bill is illegal while on the other hand they are asking why the prescribed threshold is Rs. 100 crore. Why no action has been proposed against the offenders involved in money below Rs. 100 crore. If this money has been in the bank, it would have been properly used for various schemes like housing for the poor or giving to farmers or implementing Gram Sadak Yojana and Ayushman Bharat. Similar concerns were expressed at the time of demonetization and GST in Lok Sabha and Rajya Sabha. At that time, the opposition said that the GDP of country would come down to 3 per cent and would increase unemployment in the country. The World Bank announced that India has become the sixth largest economy in the world. GST has been executed and all the States are participating in this. It has generated the revenue of more than Rs. 95,000 crore and within few months it is going to cross one lakh crore rupees. There have let the money of the banks plundered since 2004 to 2014. The UTI

money was also plundered in the same way from 1989 to 1998. This Government the sentiments of the people at large and acting accordingly.

**SHRI ADHIR RANJAN CHOWDHURY:** There was high hope from the Modi Government that the black money would be brought back from abroad and would also be distributed among the poor people of India. The Fugitive Offender Bill has been brought here. We are not principally against the Bill. We are only saying to strengthen it. The economic offenders legislation was proposed in the year 2017-2018. Now, after one year, there have had to promulgate Ordinance. Why the Government is in a haste? After escape of law by economic offenders one after another, there was an agitation among the people. The Government brought ordinance only to pacify that agitation. The Government awoke after absconding the fugitives. This is very good to hear that ours has become the biggest sixth economy in the world. Our Government stands only 1.02 per cent of GDP on health. Employment opportunities and exports are declining. Trade deficit is increasing. Foreign Direct Investment is also coming down. NPA is increasing. The threshold of Rs. 100 crore for an economic offence to be dealt with under this law is not proper. There is a need to improve this Bill.

**SHRI JAI PRAKASH NARAYAN YADAV:** Economic offenders are looting the public money of banks on a large scale. It seems that the Government turned a blind towards the industrialists whereas it dealt with the poor strictly.

This law is being enacted to bring back the economic offenders but we already had laws to stop them from absconding. If a farmer fails to repay the bank loan, he is arrested whereas 500 industrialists have run away in the last four and a half years. This Government has failed in bringing back the absconders in the last four years. It's good that this law is being enacted by feel that need a much stronger law.

**SHRI SHARAD TRIPATHI:** This Bill has been brought to bring back the big economic offenders. Role of banks is very important in our life. Banks are instrumental in implementation of several schemes of the government through which people's life is improving. There is a provision in this Bill that anyone who applies for a loan of Rs. 50 crore, his passport will be examined properly. This is to ensure that lest he should abscond in future after taking the loan. This Government inherited NPA to the tune of Rs. 10 lakh crore. When this Bill becomes law, this will be a milestone. Such economic offenders who abscond the country will be identified in future.

**\*SHRI BHAGWANT MANN:** This Bill has prospective effect. But my concern is that what action will be taken against those fugitives who have already misappropriated thousands of crores of the banks? Common man is the sufferer due to this loot and plunder by the fugitive economic offenders. Hapless poor farmers are neck-deep in debt. When the farmers fail to pay the exorbitant interest,

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\* Original in Punjabi

they are declared offenders and their photographs displayed in the bank in the public domain. Several farmers have committed suicide due to the social ignominy. Big economic offenders merrily flee the country. Hon. Prime Minister had promised every citizen will get Rs.15 lakhs but instead of getting the promised amount, the poor people had to part with a few thousand rupees lying in their homes due to the flawed policy of demonetization. NPAs of banks have risen by leaps and bounds and have crossed the Rs.10,000 crore mark. Chit-fund companies have also indulged in massive scams. Huge money has been looted in scams in the last 65-70 years. Tall claims had been made that the Black Money lying in the foreign banks would be brought back to India in 100 days but they proved hollow claims. In the last 4 years, more scams have taken place and thousands of crores of rupees more have been stashed in the Swiss banks. Common man is leading a miserable life. I urge upon the Government to think about the welfare of the poor, the *Dalits*, the farmers and the small traders. This Bill should become an Act and be implemented strictly. Only then will the faith of people be restored in the banks and the Government.

**SHRI DUSHYANT CHAUTALA:** This Bill provides for bringing back the economic offenders from foreign countries. There is a threshold of Rs. 100 crore in this Bill to effect this law. I would request the hon. Minister to ensure that the same law applies to the one who absconds with even a single rupee of the country.

There is a provision in the Bill that an officer of director level can issue orders for search and seizure after an enquiry. Let the hon. Minister tell us as to with how many countries we have treaties to bring back such absconders. This Bill has perspective effect. I request the hon. Minister to make this law effective from the date on which our Prime Minister Shri Narendra Modi ji took oath. It says that whosoever absconds with the money, his property will be seized and disposed off within six months to return the money of the people. There are a number of companies property of which has been attached by SEBI. There is a group under the name of PACL which has deposits of people in crores of rupees. Will this government assure the people that the companies which are not returning the money of people for the last five years, their properties will be disposed off to give justice to them.

**SHRI KAUSHALENDRA KUMAR:** Almost all the banks in the country are stressed. Economic offenders take loan from the banks and abscond from the country. Offenders involving Rs. 100 crore or more are to be dealt with under this law. In my opinion every offender should be covered under this law. Be it an amount of Rs. 1 crore or 100 crore. There should be clarity with regard to assets of the offender that if it fetches more money than the amount involved in the offence, what will be the treatment of the money received in excess of the dues and similarly how will the remaining money be recovered if the property fetches less

amount than the dues. I think this law will benefit the banks and their loans will be recovered. This law will be a deterrent to the economic offenders and they will think twice about their family and relatives before absconding.

**SHRI RAJESH RANJAN:** Intention of the government is very good in bringing this Bill but my concern is its effective implementation. When industrialists contribute to the political parties in elections, how will they let this law work? Money from Swiss Banks could not be brought back whereas to the contrary, the deposits doubled. CBI is not able to work independently. There should be a law for wealth ceiling on the lines of land ceiling. Powers have been given to the officers of director level in this Bill but how sincerely that officer will work? There should be transparency in the law. We are the fifth largest economy in the world but no work has been done in the fields of education and health. On the one hand we blow our own trumpet for GDP whereas on the other hand our farmers are in distress.

**SHRI RAM KUMAR SHARMA:** I would like to express my gratitude to the hon. Prime Minister and the present Government for bringing the Fugitive Economic Offenders Bill, 2018 in the House. The initiatives like demonetisation, GST and the proposed Bill itself shows the will power of the Government to clamp down on the black money. The fugitive economic offenders will be arrested and brought back to the country and all the dues will be recovered from them and this



amount will be spent on the well-being of the poor, farmers and the entire country. The stringent actions should be taken against all those who have made away with the money of the country.

**THE MINISTER OF RAILWAYS, MINISTER OF COAL AND THE MINISTER OF FINANCE(TEMPORARY CHARGE) (SHRI PIYUSH GOYAL)** *replying said:* Today a meaningful discussion has taken place on this Bill and no one has opposed it . At the outset, I would like to thank all the hon. Members that they have expressed their concerns that stringent actions should be taken in this matter and all these fugitive offenders should be brought back to the country and their properties should be confiscated. It should also be ensured that the money involved in such offences should be brought back to the exchequer of the country at the earliest. It is very natural that certain stringent law is required to carry out all these things. Hon'ble Finance Minister stated in the budget of 2017-18 that the Government will deeply study on all the aspects of the fugitive economic offenders and accordingly will take appropriate steps and will bring a new law in this regard, if it is required. That is why this law was introduced in the last session itself but unfortunately last session was totally washed out due to several reasons and this Bill could not be passed. As a result, an ordinance was promulgated for this purpose. I believe that it was incumbent upon us to bring ordinance to ensure that such actions do not come to a halt and a message be given that the Government of India is very serious about the

black money. This was one of the measures taken to confiscate the properties of the those economic offenders who have run away from the country. That is why this was brought in the form of ordinance and today a Bill is before the hon. House to replace the same. I would like to state the ceiling of Rs. 100 crore mentioned in the objects and reasons of the Bill has also been provided in Section 2(1)m of the Bill. The provisions made in the Section 2(1)m will be crystal clear if it is read with 2(1)f . Section 2(1)m provides that Scheduled offence means an offence specified in the Schedule if the total value involved in such offence or offences if Rs.100 crore or more. I would also like to state that today all these cases are under trial in different courts and actions are being taken by the courts and these actions will reach to a logical conclusion. The objective behind bringing in this Bill is that the first of all action should be taken against big offenders without clogging the courts and tribunals. We thought that first of all the persons perpetrating the offence involving the value of Rs.100 crore and more should be brought to book. This will serve as a deterrent. No one will run away and those who have already run away perhaps will come back after having seen the properties being confiscated and will face the consequences of the law. Several hon. Members have raised questions about the ceiling of Rs.100 crore but the intention of the Government is very clear that big offenders should be caught first and action be taken against them as soon as possible. An effort is being made under the new system to ensure that no big

offenders go scot-free. All such cases have been brought in the ambit of this law in order to put them on fast track trial. Some of the hon. Members have raised questions even about the provision of search and seizure. This provision has been taken from the Money Laundering Act, 2002. The provision of two or more than two witnesses has been made for search and seizure in the Section 9(e) of this Bill. I believe this law is very clear and has been framed after taking all the aspects in consideration. This law is valid on all accounts. As far as the disposal of the confiscated properties is concerned, Section 15(3) especially provides for the manners in which the properties confiscated or attached will be disposed of. An administrator will be appointed for this purpose which will manage the property under the directions of the court. A special court will be constituted to focus on big cases. Properties, when confiscated comes under the Central Government. Such properties are of two types. Provisions have been made to confiscate both types of properties whether the properties are in the name of offender or benami. They have been given a time of 90 days so that they may come back and submit themselves to the process of law and I think it will be the due process of law and accordingly actions will be taken. Moreover, I believe that by going through the clause 3 of this Bill it can be understood how the Government is going to clamp down on the offenders by bringing the prospective law. The clause 3 of this Bill clearly provides that the provisions of this act shall apply to any individual who is

or becomes a fugitive economic offender. Some hon. Members raised the issue as to how the order of Indian court will be executed on the foreign land. All are aware that the Government of India signs treaties with foreign Governments and through these treaties we will execute such orders. Today India has signed such treaties with 39 countries and will continue to sign such treaties with other countries. At the same time, I would like to assure the hon. Members that there will be no denial of human rights as we have unshackable faith in our courts and tribunals. If the offender violates the law certainly he will be given an exemplary punishment.

*The Resolution was negatived.*

*The Bill, as amended, was passed.*

**SNEHLATA SHRIVASTAVA**  
*Secretary General*

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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