

Foreign Contribution (Regulation) Act, 2010

Chapter 5 - CHAPTER 5 : INSPECTION, SEARCH AND SEIZURE

SECTION 23 : Inspection of accounts or records If the Central Government has, for any reason, to be recorded in writing, any ground to suspect that any provision of this Act has been or is being, contravened by- (a) any political party; or (b) any person; or (c) any organisation; or (d) any association, it may, by general or special order, authorise such gazetted officer, holding a Group A post under the Central Government or such other officer or authority or organisation, as it may think fit (hereinafter referred to as the inspecting officer), to inspect any account or record maintained by such political party, person, organisation or association, as the case may be, and thereupon every such inspecting officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of inspecting the said account or record.

SECTION 24 : Seizure of accounts or records If, after inspection of an account or record referred to in Sec. 23, the inspecting officer has any reasonable cause to believe that any provision of this Act or of any other law relating to foreign exchange has been, or is being, contravened, he may seize such account or record and produce the same before the court, authority or tribunal in which any proceeding is brought for such contravention: Provided that the authorised officer shall return such account or record to the person from whom it was seized if no proceeding is brought within six months from the date of such seizure for the contravention disclosed by such account or record.

SECTION 25 : Seizure of article or currency or security received in contravention of the Act If any gazetted officer, authorised in this behalf by the Central Government by general or special order, has any reason to believe that any person has in his possession or control any article exceeding the value specified in sub-clause (i) of clause (h) of sub-sec. (1) of Sec. 2 or currency or security whether Indian or foreign, in relation to which any provision' of this Act has been or is being, contravened, he may seize such article or currency or security.

SECTION 26 : Disposal of seized article or currency or security (1) The Central Government, may, having regard to the value of article or currency or security, their vulnerability to theft or any relevant consideration, by notification, specify such article or currency or security which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner, as the Central Government may, from time to time, determine after following the procedure hereinafter specified. (2) The article or currency or security seized shall be forwarded without unnecessary delay to such officer as may be specified. (3) Where any article or currency or security has been seized and forwarded to such officer, the officer referred to in sub-sec. (1), shall prepare an inventory of such article or currency or security containing such details relating to their description, value or such other identifying particulars as the officer referred to in that sub-section may consider relevant to the identity of the article or the currency or security and make an application to any Magistrate for the purposes of certifying the correctness of the inventory so prepared. (4) Where an application is made under sub-sec. (2), the Magistrate shall, as soon as may be, allow the application. (5) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, as certified by the Magistrate, as primary evidence in respect of such offence. (6) Every officer acting under sub-sec. (3) shall forthwith report the seizure to the Court of Session or Assistant Sessions Judge having jurisdiction for adjudging the confiscation under Sec. 29.

SECTION 27 : Seizure to be made in accordance with Act 2 of 1974 The provisions of the Code of Criminal Procedure, 1973 shall apply in so far as they are not inconsistent with the provisions of this Act to all seizures made under this Act.