

POLICE CIRCULAR ORDER NO. 222/1976

SUBJECT—Detention of smugglers and collection of Intelligence by Police under Conservation of Foreign Exchange and Prevention of Smuggling Activities, Act, 1974.

The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, intends to detain persons who are indulging in smuggling activities in violation of the Customs Act, 1962 and the Foreign Exchange Regulation Act, 1974. Smuggling under this act means international smuggling.

The Police has no powers under the Customs Act, 1962. Only under section 151 of the Customs Act Police Officers are required to assist the Customs authorities in implementing the law. The main responsibility of collection of intelligence regarding smuggling and submission of proposals against smugglers for detention rests with the intelligence wing of the Customs Department.

The Officers of the Police Department not below the rank of a Sub-Inspector are empowered by the Section 45 of the Foreign Exchange Regulation Act, 1973 to enter any public place and search and arrest any person without warrant who contravenes Section 8(I) of the said Act.

So it is desirable that the police should be associated with this subject pertaining to collection of intelligence. There should be thorough exchange of information between the Police Department and Central agencies through periodical meeting and personal contacts at S.P.'s level. Intelligence collected by the Police, may prove useful in passing detention order against a smuggler.

The Government also desires that the State Police should collect intelligence regarding smuggling for the above purpose.

The S.Ps. should properly advise their officers to collect the intelligence regarding smugglers. All informations in this regard received through them or otherwise should be passed on to the C.I.D., C.B. for examination and processing and onward transmission to the Customs Authorities. S.Ps. should also take personal interest to ensure co-ordination between the Police Department and Central Agencies, in the matter of collection of intelligence. In urgent cases in which delay in transmission of intelligence may prove detrimental to the very purpose of the Act, the S.Ps. should keep direct liaison with the local Customs Authorities.

The importance of the subject should receive proper attention from all the Officers, so that the directions given in it are strictly carried out in collaboration with the local Customs Officers.

N. SWAIN
Inspector-General of Police, Orissa.