

Rep. No. 1 of 1984, s. 2 & Sch. I

THE CONSERVATION OF FOREIGN EXCHANGE AND  
PREVENTION OF SMUGGLING ACTIVITIES  
(AMENDMENT) ACT, 1984

No. 58 OF 1984

[30th August, 1984.]

An Act further to amend the Conservation of Foreign Exchange and  
Prevention of Smuggling Activities Act, 1974.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic  
of India as follows:—

1. (1) This Act may be called the Conservation of Foreign Exchange  
and Prevention of Smuggling Activities (Amendment) Act, 1984.

Short title  
and com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 13th day of  
July, 1984.

52 of 1974. 2. In the Conservation of Foreign Exchange and Prevention of  
Smuggling Activities Act, 1974 (hereinafter referred to as the principal  
Act), for section 9, the following section shall be substituted, namely:—

Substi-  
tution  
of new  
section  
for sec-  
tion 9.

9. (1) Notwithstanding anything contained in this Act, any  
person (including a foreigner) in respect of whom an order of de-  
tention is made under this Act at any time before the 31st day of  
July, 1987, may be detained without obtaining, in accordance with  
the provisions of sub-clause (a) of clause (4) of article 22 of the  
Constitution, the opinion of an Advisory Board for a period longer  
than three months but not exceeding six months from the date of  
his detention, where the order of detention has been made against  
such person with a view to preventing him from smuggling goods or  
abetting the smuggling of goods or engaging in transporting or con-  
cealing or keeping smuggled goods and the Central Government or  
any officer of the Central Government, not below the rank of an  
Additional Secretary to that Government, specially empowered for  
the purposes of this section by that Government, is satisfied that such  
person—

Cases in  
which and  
circum-  
stances  
under  
which  
persons  
may be  
detained  
for  
periods  
longer  
than  
three  
months  
without  
obtaining  
the  
opinion  
of Advi-  
sory  
Board.

(a) smuggles or is likely to smuggle goods into, out of or  
through any area highly vulnerable to smuggling; or

(b) abets or is likely to abet the smuggling of goods into,  
out of or through any area highly vulnerable to smuggling; or

(c) engages or is likely to engage in transporting or con-  
cealing or keeping smuggled goods in any area highly vulnerable  
to smuggling;

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Smuggling Activities (Amendment)

and makes a declaration to that effect within five weeks of the detention of such person.

*Explanation 1.*—In this sub-section, “area highly vulnerable to smuggling” means—

(i) the Indian customs waters contiguous to the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry;

(ii) the inland area fifty kilometres in width from the coast of India falling within the territories of the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry;

(iii) the inland area fifty kilometres in width from the India-Pakistan border in the States of Gujarat, Jammu and Kashmir, Punjab and Rajasthan;

(iv) the customs airport of Delhi; and

(v) such further or other Indian customs waters, or inland area not exceeding one hundred kilometres in width from any other coast or border of India, or such other customs station, as the Central Government may, having regard to the vulnerability of such waters, area or customs station, as the case may be, to smuggling, by notification in the Official Gazette, specify in this behalf.

*Explanation 2.*—For the purposes of *Explanation 1*, “customs airport” and “customs station” shall have the same meaning as in clauses (10) and (13) of section 2 of the Customs Act, 1962, respectively.

52 of 1962.

(2) In the case of any person detained under a detention order to which the provisions of sub-section (1) apply, section 8 shall have effect subject to the following modifications, namely:—

(i) in clause (b), for the words “shall, within five weeks”, the words “shall, within four months and two weeks” shall be substituted;

(ii) in clause (c),—

(1) for the words “the detention of the person concerned”, the words “the continued detention of the person concerned” shall be substituted;

(2) for the words “eleven weeks”, the words “five months and three weeks” shall be substituted;

(iii) in clause (f), for the words “for the detention”, at both the places where they occur, the words “for the continued detention” shall be substituted.

Repeal  
and  
saving.

3. (1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1984, is hereby repealed.

3 of 1984.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.