

# COFEPOSA

October 10, 2020

In News

**The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974** provides for **preventive detention** in certain cases for the purposes of **conservation and augmentation of foreign exchange and prevention of smuggling activities.**

## Provisions of the Act

- The **Central Government or the State Government or any officer of the Central Government/ State Government, not below the rank of a Joint Secretary/ Secretary** may make an order directing that such person be detained with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange or with a view to preventing him from
  - . smuggling goods
  - . abetting the smuggling of goods
  - . engaging in transporting or concealing or keeping smuggled goods
  - . dealing in, smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods
  - . harboring persons engaged in smuggling goods or in abetting the smuggling of goods
- For the purposes of **Article 22(5)** of the Constitution, the **communication to a person detained** in pursuance of a detention order **of the grounds on which the order has been made** shall be made as soon as may be after the detention, but ordinarily not later than five days.

- A detention order may be executed at any place in India in the manner provided for the execution of **warrants of arrest under the Code of Criminal Procedure, 1973**
- **No detention order shall be invalid or inoperative** merely by reason that

. the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or the office making the order of detention

. the place of detention of such a person is outside the said limits.

- For purposes of **Article 22 (4), 22 (7)** of the constitution, the Central Government and each State Government shall constitute **one or more Advisory Boards** each of which shall consist of a chairman and two other persons.
- **No suit or other legal proceeding shall lie against the Central Government or a State Government**, and no suit prosecution or other legal proceedings shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.