

Memorandum of Understanding between the Government of the Republic of India and the Government of the People's Republic of Bangladesh to prevent and counter smuggling and circulation of Fake Currency Notes

The Government of the Republic of India and the Government of the People's Republic of Bangladesh (hereinafter jointly referred to as "the parties" and individually as "the party");

Recalling the first meeting of the Joint Task Force on Fake Currency Notes between India and Bangladesh from 22-24 January 2014 at New Delhi, the Agreed Minutes of the meeting signed by the heads of the respective Task Forces and the SAARC Regional Convention on Suppression of Terrorism 1987;

Taking into consideration the increasing menace of fake currency notes in the region and common interest in safeguarding the monetary stability of respective countries of the parties;

Considering the UN Security Council Resolution no-1373 and Financial Action Task Force recommendations to fight the menace of money laundering, counterfeit currency leading to the financing of terrorists and other criminal acts, and;

Desiring to promote the establishment and development of closer and long term cooperation between parties in the field of protection of monetary stability and improvement of the security environment;

Desiring to extend to each other the widest measures of cooperation in combating the increasing menace of fake currency

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notes and related crimes by strengthening cooperation in the prevention, investigation and prosecution of such criminal acts,

Realising the need for closer interaction and cooperation between the agencies of the Parties responsible for investigating, prosecuting, preventing production, smuggling and circulation of Fake Currency Notes.

Have Reached the Following Understanding

Article I- Objective

(i) The objective of this Memorandum of Understanding(MoU) is to promote bilateral cooperation between the parties on the basis of equality, reciprocity and mutual benefit, in the field of preventing and combating production, smuggling and circulation of fake currency notes, taking into account the applicable laws and legal provisions in each country.

(ii) The cooperation under this MoU will be complementary to the ongoing cooperation between the parties.

Article II- Areas of cooperation

The following areas have been identified by the parties as high priority areas of cooperation;

a) Dialogue and interaction between the members of the Joint Task Force constituted for tackling the menace of Fake Currency Notes (FCN) between India and Bangladesh.

b) Exchange of knowledge, institutional cooperation including capacity building, investigation requirements and operational efficiency, regarding inter alia:

- Methods and patterns of production, smuggling and circulation of fake currency notes in India and Bangladesh.

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- Threats and vulnerabilities in respect of production, smuggling and circulation of fake currency notes in India and Bangladesh.
- Identification of legal gaps and necessary legislative amendments to establish a legal regime to curb the menace of fake currency notes in India and Bangladesh.
- Identification of Gatekeepers active in facilitating, protecting or patronizing FCN racketeers.
- Sharing of information on persons or groups of persons known or suspected of being directly or indirectly involved in the production, smuggling and circulation of fake currency notes, their methods of operation, circulation, smuggling routes, etc, in India and Bangladesh.
- Prevention, investigation and prosecution of FCN and related crimes.
- Other areas as mutually agreed upon by the Parties.

Article III- Forms of cooperation

The cooperation between the parties, under this MoU shall, inter alia, be carried out in the following forms:

- a) Exchange of information including details of criminals involved in smuggling of FCN to enable the law enforcement and investigation agencies to carry out expeditious preventive and penal action under their respective domestic laws.
- b) Training of personnel involved in both India and Bangladesh for curbing the menace of fake currency notes, including identification of fake currency notes.
- c) Arrangement of bilateral meetings, symposia with participation of experts advisors from the parties in such meetings.
- d) Exchange of information, documentation and results of research and information on the production, smuggling and circulation of

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FCN. The results of investigation and trial may be shared subject to the laws, rules and procedures existing in both the countries.

- e) Extending mutual assistance for forensic examination for collection of scientific evidence in FCN related cases.
- f) Extending mutual assistance in the investigation and prosecution of cases of FCN and related offences, including giving evidence in criminal proceedings.
- g) Providing specimen currency and details of their security features as per mutually agreed procedure.

Article IV- Coordination through a Joint Task Force

For coordination and implementation of this MoU

- a) The Joint Task Force on Fake Currency Notes as constituted by both the parties comprising of members from India and Bangladesh shall be responsible for the coordination and implementation of cooperation under this MoU. The Joint Task Force is headed by senior officials of the investigating agencies and other concerned officials as may be determined by the respective governments.
- b) The Joint Task Force shall meet at intervals agreed upon by the parties at least once in every six months, alternately in Bangladesh and India, and shall review activities and programmes of cooperation undertaken pursuant to this MoU and shall make recommendations to the Participants, through a mutually accepted procedure. The composition, place of the meetings and procedure to be followed by the Joint Task Force shall be determined by mutual consultation by parties.
- c) The Joint Task Force may also make recommendations on measures for strengthening and enhancing the effectiveness of cooperation undertaken pursuant to this MoU.

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Article V- Nodal Agencies and Contact points

a) The nodal bodies responsible for coordination and organization of cooperation under the present Memorandum of Understanding shall be

for India : the Ministry of Home Affairs, the Government of the Republic of India

for Bangladesh : the Ministry of Home Affairs, the Government of the People's Republic of Bangladesh.

b) The parties will designate contact points for sharing of intelligence and operational information and shall provide their contact details, including telephone and fax numbers and email, to facilitate expeditious sharing of information necessary for effective cooperation under this MoU.

Article VI- Mutual legal assistance

a) For carrying out the purpose of this MoU, the parties shall, subject to their national laws, and in accordance with the provisions of applicable bilateral, regional and multilateral treaties and conventions provide to each other the widest possible measures of mutual legal assistance in investigations, prosecution and resulting proceedings in relation to criminal offences relating to fake currency notes and associated crimes.

b) In particular , the Parties undertake to provide mutual legal assistance in :

I. the identification and seizure of the instruments and proceeds of FCN and FCN related crimes, including identification and seizure of assets acquired with the proceeds of offence covered under this MoU.

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II. Providing expert evidence on identification of fake currency notes.

Article VII- Other Treaties and Agreements not to be affected

The present MoU will not affect the rights and obligations of the parties under other bilateral or multilateral Treaties and Agreements to which they are a party.

Article VIII- Dispute Settlement

Any difference or disputes arising out of or relating to the interpretation or application of this MoU shall be settled by negotiation and mutual consultations.

Article IX- Confidentiality

All information and documentation received by either of the Party as a result of cooperation pursuant to this MoU shall not be disclosed/provided to a third party without the prior consent of the originator. Further, no such information/documentation shall be used by either party in any legal proceedings, without intimation of such purpose and permission for such use by the originating party.

Article X- Coming into force, Amendment and Termination

- a) The MoU shall come into effect from the date of its signing by the authorized representatives of the parties and shall remain effective until terminated by either party by means of a written notice to the other. The termination shall take effect six months after the date of receipt of the notification.
- b) No amendment or modification of this MoU shall be valid unless made in writing and mutually agreed by the parties or their authorized representatives.

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c) The amendments shall be effective from the date they are made/ executed unless otherwise agreed to by the Parties.

d) The termination of this MoU shall not affect the completion of on-going activities under agreements and contracts concluded on the basis of this MoU, which may have not been completed by the date of its termination.

In witness whereof, the following representatives duly authorized by their respective parties have signed this MoU.

Done in duplicate in Dhaka on Sixth day of June 2015, in two originals in English languages.

**For the Government of
the Republic of India**


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**For the Government of
the People's Republic of
Bangladesh**


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Dr. Md. Mozammel Haque Khan
Senior Secretary
Ministry of Home Affairs
Govt. of the People's Republic
of Bangladesh