

Contents

PREVENTION OF MONEY-LAUNDERING ACT, 2002

PAGE

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement *1*

2. Definitions *2*

CHAPTER II

OFFENCE OF MONEY-LAUNDERING

3. Offence of money-laundering *7*

4. Punishment for money-laundering *8*

CHAPTER III

ATTACHMENT, ADJUDICATION AND CONFISCATION

5. Attachment of property involved in money-laundering *8*

6. Adjudicating authorities, composition, powers, etc. *10*

7. Staff of Adjudicating Authorities *11*

8. Adjudication *12*

9. Vesting of property in Central Government *14*

10. Management of properties confiscated under this Chapter *14*

11. Power regarding summons, production of documents and evidence, etc. *15*

PAGE

CHAPTER IV

OBLIGATIONS OF BANKING COMPANIES, FINANCIAL INSTITUTIONS AND INTERMEDIARIES

11A. Verification of identity by reporting entity *15*

12. Reporting entity to maintain records *16*

12A. Access to information *17*

12AA. Enhanced due diligence *18*

13. Powers of director to impose fine *18*

14. No civil or criminal proceedings against reporting entity, its directors and employees in certain cases *19*

15. Procedure and manner of furnishing information by reporting entities *20*

CHAPTER V

SUMMONS, SEARCHES AND SEIZURES, ETC.

16. Power of survey *20*

17. Search and seizure *21*

18. Search of persons *23*

19. Power to arrest *24*

20. Retention of property *25*

21. Retention of records *26*

22. Presumption as to records or property in certain cases *27*

23. Presumption in inter-connected transactions *28*

24. Burden of proof *28*

CHAPTER VI

APPELLATE TRIBUNAL

25. Appellate Tribunal *28*

26. Appeals to Appellate Tribunal *29*

27. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *29*

28. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *30*

29. [*Omitted by the Prevention of Money Laundering (Amendment) Act, 2005, w.e.f. 1-7-2005*] *30*

30. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *30*

PAGE

31. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *30*

32. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *31*

33. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *31*

34. [*Omitted by the Finance Act, 2016, w.e.f. 1-6-2016*] *31*

35. Procedure and powers of Appellate Tribunal *32*

36. Distribution of business amongst Benches *32*

37. Power of Chairman to transfer cases *33*

38. Decision to be by majority *33*

39. Right of appellant to take assistance of authorised representative and of Government to appoint presenting officers *33*

40. Members, etc., to be public servants *33*

41. Civil court not to have jurisdiction *33*

42. Appeal to High Court *33*

CHAPTER VII

SPECIAL COURTS

43. Special Courts *34*

44. Offences triable by Special Courts *34*

45. Offences to be cognizable and non-bailable *35*

46. Application of Code of Criminal Procedure, 1973 to proceedings before Special Court *37*

47. Appeal and revision *37*

CHAPTER VIII

AUTHORITIES

48. Authorities under Act *37*

49. Appointment and powers of authorities and other officers *37*

50. Powers of authorities regarding summons, production of documents and to give evidence, etc. *38*

51. Jurisdiction of authorities *38*

52. Power of Central Government to issue directions, etc. *39*

53. Empowerment of certain officers *39*

54. Certain officers to assist in inquiry, etc. *39*

PAGE

CHAPTER IX

RECIPROCAL ARRANGEMENT FOR ASSISTANCE IN CERTAIN MATTERS AND PROCEDURE FOR ATTACHMENT AND CONFISCATION OF PROPERTY

55. Definitions *41*

56. Agreements with foreign countries *41*

57. Letter of request to a contracting State in certain cases *41*

58. Assistance to a contracting State in certain cases *42*

58A. Special Court to release the property *42*

58B. Letter of request of a contracting State or authority for confiscation or release the property *42*

59. Reciprocal arrangements for processes and assistance for transfer of accused persons *42*

60. Attachment, seizure and confiscation, etc., of property in a contracting State or India *43*

61. Procedure in respect of letter of request *44*

CHAPTER X

MISCELLANEOUS

62. Punishment for vexatious search *45*

63. Punishment for false information or failure to give information, etc. *45*

64. Cognizance of offences *45*

65. Code of Criminal Procedure, 1973 to apply *46*

66. Disclosure of information *46*

67. Bar of suits in civil courts *46*

68. Notice, etc., not to be invalid on certain grounds *46*

69. Recovery of fine or penalty *47*

70. Offences by companies *47*

71. Act to have overriding effect *48*

72. Continuation of proceedings in the event of death or insolvency *48*

72A. Interministerial Co-ordination Committee *48*

73. Power to make rules *49*

74. Rules to be laid before Parliament *51*

PAGE

75. Power to remove difficulties *51*

SCHEDULE *52*

SUBJECT INDEX *63*

PREVENTION OF MONEY-LAUNDERING (THE MANNER OF FORWARDING A COPY OF THE ORDER OF PROVISIONAL ATTACHMENT OF PROPERTY ALONG WITH THE MATERIAL, AND COPY OF THE REASONS ALONG WITH THE MATERIAL IN RESPECT OF SURVEY, TO THE ADJUDICATING AUTHORITY AND ITS PERIOD OF RETENTION) RULES, 2005

1. Short title and commencement *69*

2. Definitions *69*

3. Manner of forwarding a copy of the order of provisional attachment of property along with the material under sub-section (2) of section 5 of the Act, to the Adjudicating Authority *70*

4. Manner of forwarding a copy of the reasons along with the material in respect of survey under sub-section (2) of section 16 of the Act, to the Adjudicating Authority *71*

5. Acknowledgement of receipt of a copy of the order of provisional attachment of property and the material and a copy of the reasons and the material in respect of survey by the Adjudicating Authority *72*

6. Period of retention of a copy of the order of provisional attachment of property and the material and a copy of the reasons and the material in respect of survey by the Adjudicating Authority *72*

7. Interpretation *72*

FORM I *73*

FORM II *73*

FORM III *74*

PREVENTION OF MONEY-LAUNDERING (RECEIPT AND MANAGEMENT OF CONFISCATED PROPERTIES) RULES, 2005

1. Short title and commencement *75*

PAGE

2. Definitions *75*
3. Receipt of confiscated property *76*
4. Management of confiscated property *76*
5. Assistance to the Administrator *76*
6. Interpretation *76*
FORM I *76*
FORM II *77*

PREVENTION OF MONEY-LAUNDERING (MAINTENANCE OF RECORDS) RULES, 2005

1. Short title and commencement *78*
2. Definitions *78*
3. Maintenance of records of transactions (nature and value) *87*
3A. Implementation of policies by groups *89*
4. Records containing information *90*
5. Procedure and manner of maintaining information *90*
6. [*Omitted by the Prevention of Money-laundering (Maintenance of Records) Amendment Rules, 2013, w.e.f. 27-8-2013*] *90*
7. Procedure and manner of furnishing information *91*
8. Furnishing of information to the Director *92*
9. Client Due Diligence *93*
9A. Functions and obligations of the Central KYC Records Registry *113*
9B. Inspection by Reserve Bank of India *115*
10. Maintenance of the records of the identity of clients *115*
10A. Furnishing of Report to Director *116*
10B. Expenses for audit *116*
11. Interpretation *117*

ANNEXURE 1: Digital KYC Process *117*

PAGE

PREVENTION OF MONEY-LAUNDERING (FORMS, SEARCH AND SEIZURE OR FREEZING AND THE MANNER OF FORWARDING THE REASONS AND MATERIAL TO THE ADJUDICATING AUTHORITY, IMPOUNDING AND CUSTODY OF RECORDS AND THE PERIOD OF RETENTION) RULES, 2005

1. Short title and commencement *119*

2. Definitions *119*

3. Procedure relating to search *122*

4. Procedure relating to seizure or freezing *124*

5. Applicability of the provisions of the Code of Criminal Procedure, 1973 *124*

6. Impounding of records *125*

7. Custody of records *125*

8. Manner of forwarding of a copy of the reasons and the material relating to search, seizure and freezing under sub-section (2) of section 17 and sub-section (1A) of section 17 of the Act and search of persons under sub-section (2) of section 18 and sub-section (2) of section 20 of the Act to the Adjudicating Authority *125*

9. Acknowledgement of receipt of a copy of the reasons and the material relating to search, seizure or freezing and search of person by the Adjudicating Authority *126*

10. Period of retention of copy of the reasons and the material relating to search, seizure or freezing and search of persons by the Adjudicating Authority *127*

11. Forms of records *127*

12. Interpretation *127*

FORM I *127*

FORM II *128*

FORM III *129*

FORM IV *130*

FORM V *130*

PAGE

PREVENTION OF MONEY-LAUNDERING (THE FORMS AND THE MANNER OF FORWARDING A COPY OF ORDER OF ARREST OF A PERSON ALONG WITH THE MATERIAL TO THE ADJUDICATING AUTHORITY AND ITS PERIOD OF RETENTION) RULES, 2005

1. Short title and commencement *132*

2. Definitions *132*

3. Manner of forwarding a copy of the order of arrest and the material to the Adjudicating Authority *133*

4. Acknowledgement of receipt of the copy of the order of arrest and the material by the Adjudicating Authority *133*

5. Period of retention of a copy of the order of arrest and the material by the Adjudicating Authority *134*

6. Forms of records *134*

7. Interpretation *134*

FORM I *134*

FORM II *135*

FORM III *135*

PREVENTION OF MONEY-LAUNDERING (THE MANNER OF FORWARDING A COPY OF THE ORDER OF RETENTION OF SEIZED PROPERTY ALONG WITH THE MATERIAL TO THE ADJUDICATING AUTHORITY AND THE PERIOD OF ITS RETENTION) RULES, 2005

1. Short title and commencement *137*

2. Definitions *137*

3. Manner of forwarding the copy of the order of retention of seized property along with the material to the Adjudicating Authority *138*

4. Acknowledgement of receipt of the copy of the order of retention of seized property and the material by the Adjudicating Authority *139*

PAGE

5. Period of keeping the copy of the order of retention and the material by the Adjudicating Authority *139*

6. Interpretation *140*

FORM I *140*

FORM II *140*

PREVENTION OF MONEY-LAUNDERING (MANNER OF RECEIVING THE RECORDS AUTHENTICATED OUTSIDE INDIA) RULES, 2005

1. Short title and commencement *142*

2. Definitions *142*

3. Manner of authentication of records received from outside India *142*

4. Interpretation *143*

PREVENTION OF MONEY-LAUNDERING (APPEAL) RULES, 2005

1. Short title and commencement *144*

2. Definitions *144*

3. Form of Appeal *145*

4. Order of the Appellate Tribunal *145*

5. Service of notice, requisitions or orders *146*

6. Interpretation *146*

FORM *146*

ADJUDICATING AUTHORITY (PROCEDURE) REGULATIONS, 2013

CHAPTER I

PRELIMINARY

1. Short title and commencement *148*

2. Definitions *148*

PAGE

CHAPTER II

APPLICATIONS AND COMPLAINTS

3. Filing of applications and complaints *149*

4. Date and signature *149*

5. Attestation *149*

6. Receipt of papers *149*

7. Date of stamping of papers and maintenance of Inward Register in the following manner *149*

CHAPTER III

PRESENTATION, REGISTRATION NUMBER AND POSTING FOR ORDERS

8. Duty of official authorised to receive application *150*

9. Registration and numbering *150*

10. Cause list *150*

11. Procedures to be followed by Registrar *150*

12. Court Master to assist Bench *151*

CHAPTER IV

SERVICE OF SUMMONS AND NOTICES

13. Issue of summon and notice *151*

14. Bringing legal representatives on record *153*

15. Filing of reply to notice *153*

16. Inspection of records *153*

17. Fees for inspection of records *153*

18. Fees for copying *154*

19. Maintenance of applications for inspection *154*

CHAPTER V

SERVICE OF SUMMONS AND NOTICES

20. Dress for Chairperson, Members of Adjudicating Authority and representatives of parties *154*

PAGE

21. Examination of witness and the issue of commissions *155*

22. Recording of deposition *155*

23. Numbering of witness *155*

24. Witness expenses payable *155*

25. Marking of documents *155*

CHAPTER VI

ORDERS

26. Issue of Order *155*

27. Copy of order to be delivered on date of its pronouncement *155*

28. Indexing of case files *155*

CHAPTER VII

GRANT OF CERTIFIED COPIES

29. Application for certified copy *156*

30. Endorsement of a copy *156*

FORM 1 *156*

FORM 2 *157*

FORM 3 *157*

FORM 4 *158*

FORM 5 *158*

FORM 6 *159*

FORM 7 *160*

FORM 8 *160*

FORM 9 *161*

FORM 10 *161*

FORM 11 *161*

FORM 12 *161*

ANNEXURE 1 *162*

PAGE

PREVENTION OF MONEY-LAUNDERING (ISSUANCE OF PROVISIONAL ATTACHMENT ORDER) RULES, 2013

1. Short title and commencement *164*

2. Definitions *164*

3. Manner of issuance of provisional attachment order *165*

4. Service of provisional attachment order on corporate bodies, societies and trusts etc. *165*

5. Interpretation *166*

PREVENTION OF MONEY-LAUNDERING (TAKING POSSESSION OF ATTACHED OR FROZEN PROPERTIES CONFIRMED BY THE ADJUDICATING AUTHORITY) RULES, 2013

1. Short title and commencement *167*

2. Definitions *167*

3. Procedure relating to possession *168*

4. Manner of taking possession of movable property *168*

5. Manner of taking possession of immovable property *169*

6. Mode of serving of notice *169*

7. Confirmed attached property in the custody of Court *170*

8. Confirmed attached property hypothecated or mortgaged or pledged to bank, financial institutions, etc. *170*

9. Maintenance of registers for confirmed attached property *170*

10. Interpretation *170*

FORM I *170*

FORM II *171*

FORM III *172*

FORM IV *172*

PAGE

PREVENTION OF MONEY-LAUNDERING (RESTORATION OF PROPERTY) RULES, 2016

1. Short title and commencement *173*
2. Definitions *173*
3. Manner for restoration of confiscated property *173*
3A. Manner of restoration of property during trial *174*
4. Interpretation *174*