

**THE 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, 2005¹**

In exercise of the powers conferred by sub-section (1) read with clause (b) and clause (1) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules relating to the manner of forwarding a copy of the order of provisional attachment of property along with the material, and the copy of the reasons along with the material in respect of survey, to the Adjudicating Authority and its period of retention by the Adjudicating Authority, namely:—

1. Short title and commencement.—(1) These rules may be called the 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.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “authorised officer” means any officer not below the rank of Deputy Director authorised by the Director for the purposes of section 5 of the Act;
- (c) “authority” means an authority notified from among the classes of authorities specified in section 48 of the Act;
- (d) “designated officer” means an officer designated by the Adjudicating Authority for the purpose of sub-rule (1) of rule 4;
- (e) “Form” means forms appended to these rules;
- (f) “material” for the purposes of sub-section (1) of section 5 of the Act means any material in possession of the Director or the authorised officer, as the case may be, on the basis of which he has recorded reasons including—

1. *Vide* G.S.R. 442(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

2. Came into force on 1-7-2005.

- (i) a report forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) ¹[***]; or
- ²[(ii) a complaint filed before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence;]
- (g) “material” for the purposes of sub-section (1) of section 16 of the Act means any material in possession of the authority on the basis of which it has recorded reasons;
- (h) “place” means a place where an act constituting the commission of the offence of money-laundering is carried on and includes any other place, whether any activity is carried on therein or not, in which the person carrying on such activity states that any of his records or any part of his property relating to such act are or is kept, falling within the limits of the area assigned to an authority or in respect of which an authority has been authorised by such other authority who is assigned the area under clause (i) or clause (ii) of sub-section (1) of section 16 of the Act respectively;
- (i) “records” include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information of any type whether expressed in ordinary or machine language and such other documents as may be useful for the purposes of these rules;
- (j) “Schedule” means the Schedule to the Act;
- (k) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

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.—(1) The Director or the authorised officer, as the case may be, shall prepare an index of a copy of the order, and the material and sign each page of such index, order and the material and shall also write a letter while forwarding such index, order and the material to the Adjudicating Authority in a sealed envelope.

(2) The Director or the authorised officer, as the case may be, shall place an acknowledgement slip in Form I appended to these rules inside the envelope before sealing it.

(3) The Director or the authorised officer, as the case may be, shall indicate a reference number and date of despatch on the sealed envelope.

(4) The sealed envelope shall be marked “Confidential” and “To be opened by the addressee only”, the complete address of the Adjudicating Authority including his name, shall be mentioned on the sealed envelope with official seal.

1. The words “in relation to an offence under paragraph 1 of Part A and Part B of the Schedule” omitted by G.S.R. 18(E), dated 7th January, 2010 (w.e.f. 7-1-2010).

2. Subs. by G.S.R. 18(E), dated 7th January, 2010 for sub-clause (ii) (w.e.f. 7-1-2010). Sub-clause (ii), before substitution, stood as under:

“(ii) a police report or a complaint filed for taking cognizance of an offence by the Special Court constituted under sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) in relation to an offence under paragraph 2 of Part A of the Schedule;”.

(5) The Director or the authorised officer, as the case may be, shall place the sealed envelope inside an outer envelope along with an acknowledgement slip in Form III appended to these rules.

(6) The outer envelope shall be sealed and the complete address of the Adjudicating Authority shall be mentioned on the sealed outer envelope.

(7) The Director or the authorised officer, as the case may be, shall maintain registers and other records such as acknowledgement slip register, dak register for the purposes of this rule and shall ensure that necessary entries are made in the register immediately as soon as a copy of the order along with the material are forwarded to the Adjudicating Authority.

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.—(1) The authority shall prepare an index of a copy of the reasons and the material in respect of survey and sign each page of such index, reasons and the material and shall also write a letter while forwarding such index, reasons and the material to the Adjudicating Authority in a sealed envelope.

(2) The authority shall place an acknowledgement slip in Form II appended to these rules inside the envelope before sealing it.

(3) The authority shall indicate a reference number and date of despatch on the sealed envelope.

(4) The sealed envelope shall be marked “Confidential” and “To be opened by the addressee only”, the complete address of the Adjudicating Authority including his name, shall be mentioned on the sealed envelope with official seal.

(5) The authority shall place the sealed envelope inside an outer envelope along with an acknowledgement slip in Form III appended to these rules.

(6) The outer envelope shall be sealed and the complete address of the Adjudicating Authority shall be mentioned on the sealed outer envelope.

(7) The authority shall maintain registers and other records such as acknowledgement slip register, dak register for the purposes of this rule and shall ensure that necessary entries are made in the register immediately as soon as a copy of the reasons along with the material in respect of survey are forwarded to the Adjudicating Authority.

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.—(1) On receipt of the outer sealed envelope along with Form II, the Adjudicating Authority or in his absence, the designated officer of the office of Adjudicating Authority, shall forward Form II duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding Form II to the Director or the authorized officer or the authority, as the case may be, as a token of receipt of the sealed envelope.

(2) The Adjudicating Authority shall, on opening of the sealed envelope, forward Form I duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding of Form I to the Director or the authorized officer or the authority, as the case may be, as a token of receipt of the copy of the order of provisional attachment of property along with the material and a copy of the reasons along with the material in respect of survey.

(3) Adjudicating Authority shall maintain registers and other records such as acknowledgement slip register, dak register and register showing details of receipt of a copy of the order of the Director or the authorized officer or the authority, as the case may be, along with the material for the purposes of this rule and shall ensure that necessary entries are made in the registers immediately on receipt of such order and the material and reasons and the material in respect of survey.

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.—The Adjudicating Authority shall retain a copy of the order of provisional attachment of property and the material and a copy of the reasons and the material for a period of ten years, or, if before the expiry of the said period of ten years,—

- (i) any proceedings under section 8 of the Act have been commenced, until the disposal of such proceedings; or
- (ii) where an appeal has been preferred to the Appellate Tribunal under section 26 of the Act, until the disposal of such appeal by the Appellate Tribunal; or
- (iii) where an appeal has been filed in the High Court under section 42 of the Act, until the disposal of such appeal by the High Court;

whichever is later.

7. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

FORM I

[See sub-rule (2) of rule 3]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a copy of the provisional Attachment Order bearing number dated along with the material containing pages from the Director/the authorised officer on[date] at[time].

Signature of the Adjudicating Authority

Date.....

.....

Name of the Adjudicating Authority

Office seal

To

.....

[Director or the authorised officer]

Address

.....

.....

FORM II
[See sub-rule (2) of rule 4]
ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a copy of letter No. dated along with the reasons and the material containing pages from the [designation of the authority from whom received] on[date] at.....[time].

Signature of the Adjudicating Authority

Date.....

.....

Name of the Adjudicating Authority

Office seal

To

.....

[Authority]

Address.....

.....

.....

FORM III

[See sub-rule (5) of rule 3 and sub-rule (5) of rule 4]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a sealed envelope bearing No. dated..... from[Director or the authorised officer or the authority from whom received as the case may be] on[date] at..... [time].

Signature of the Adjudicating Authority/
designated officer of the office of
Adjudicating Authority.

.....

Name of the Adjudicating Authority/
designated officer of the office of
Adjudicating Authority.

Office seal

To

.....

[Director or the authorised officer
or the authority as the case may be]

Address.....

.....

.....

THE PREVENTION OF MONEY-LAUNDERING (RECEIPT AND MANAGEMENT OF CONFISCATED PROPERTIES) RULES, 2005¹

In exercise of the powers conferred by sub-section (1) read with clause (f) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules for receipt and management of confiscated properties, namely:—

1. Short title and commencement.—(1) These rules may be called the Prevention of Money-laundering (Receipt and Management of Confiscated Properties) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- (c) “Administrator” means an officer appointed by the Central Government under sub-section (1) of section 10 of the Act;
- (d) “attachment” means prohibition of transfer, conversion, disposition or movement of property by an order issued under Chapter III of the Act;
- (e) “Form” means forms appended to these rules;
- (f) “order” means an order made by the Adjudicating Authority under sub-section (6) of section 8 of the Act;
- (g) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Receipt of confiscated property.—The Administrator shall, at the time of receiving the confiscated properties, ensure proper identification of such property with reference to its particulars mentioned in the order confiscating such property.

4. Management of confiscated property.—(1) Where the property confiscated is of such a nature that its removal from the place of attachment is impracticable or its removal involves expenditure out of proportion to the value of the property, the Administrator shall arrange for the proper maintenance and custody of the property at the place of attachment.

1. *Vide* G.S.R. 443 (E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II,

(2) If the property confiscated consists of cash, Government or other securities, bullion, jewellery or other valuables, the Administrator shall cause to deposit them for safe custody in the nearest Government Treasury or a branch of the Reserve Bank of India or State Bank of India or its subsidiaries or of any authorised bank.

(3) The Administrator shall maintain a register containing the details in Form I for recording entries in respect of moveable property, such as cash, Government or other securities, bullion, jewellery or other valuables.

(4) The Administrator shall obtain a receipt from the Treasury or the bank, as the case may be, against the deposit of moveable properties stated in sub-rule (3) of this rule.

(5) The Administrator shall maintain a register containing the details in Form II for recording entries in respect of property other than the properties referred to in sub-rule (3) of this rule.

5. Assistance to the Administrator.—The Central Government may provide from time to time such members of staff and other persons as it thinks fit to assist the Administrator in exercise of his powers and performance of duties under these rules.

6. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

FORM I

[See sub-rule (3) of rule 4]

MANAGEMENT OF CONFISCATED PROPERTY (MOVEABLE) REGISTER

1. Order number :
2. Date of receipt of properties :
3. Description of properties (quantity, amount, estimated value) :
4. Name(s) and address(es) of the accused :
5. Name and address of the Treasury or bank where the properties are deposited for safe custody :
6. Date and time of deposit of confiscated properties in the Treasury or bank :
7. Receipt number with date of the receipt obtained from the Treasury or bank :
8. Remarks of the Administrator :

Signature of the Administrator.

.....

Name and designation of the
Administrator.

Date.....

FORM II

[See sub-rule (5) of rule 4]

MANAGEMENT OF CONFISCATED PROPERTY (IMMOVEABLE) REGISTER

1. Order Number :
2. Date of receipt of properties :
3. Description of properties :
(In case of land : area, survey number, plot number, location and complete address. In case of building : house number, location and complete address):
4. Name(s) and address(es) of the accused :
5. Remarks of the Administrator :

Signature of the Administrator.

.....
Name and designation of the Administrator.

Date.....

THE PREVENTION OF MONEY-LAUNDERING (MAINTENANCE OF RECORDS) RULES, 2005¹

In exercise of the powers conferred by sub-section (1) read with clause (h), clause (i), clause (j) and clause (k) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003) the Central Government in consultation with the Reserve Bank of India, hereby makes the following rules for maintenance of records of the nature and value of transactions, the procedure and manner of maintaining and time for furnishing of information and verification of records of the identity of the clients of the banking companies, financial institutions and intermediaries, namely:—

1. Short title and commencement.—(1) These rules may be called the ²[Prevention of Money-laundering (Maintenance of Records) Rules], 2005.

(2) They shall come into force on the date³ of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);

⁴[(b) “client due diligence” means due diligence carried out on a client referred to in clause (ha) of sub-section (1) of section 2 of the Act;]

⁵[(ba) “Designated Director” means a person designated by the reporting entity to ensure overall compliance with the obligations imposed under Chapter IV of the Act and the Rules and includes—

- (i) the Managing Director or a whole-time Director duly authorized by the Board of Directors if the reporting entity is a company,
- (ii) the managing partner if the reporting entry is a partnership firm,
- (iii) the proprietor if the reporting entity is a proprietorship concern,
- (iv) the managing trustee if the reporting entity is a trust,

1. *Vide* G.S.R. 444(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

2. Subs. by G.S.R. 481(E), dated 24th June, 2011, for “Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of the Banking Companies, Financial Institutions and Intermediaries) Rules” (w.e.f. 24-6-2011).

3. Came into force on 1-7-2005.

4. Subs. by G.S.R. 576(E), dated 27th August, 2013, for clause (b) (w.e.f. 27-8-2013). Clause (b), before substitution, stood as under:

‘(b) “client” means a person that engages in a financial transaction or activity with a banking company, or financial institution or intermediary and includes a person on whose behalf the person that engages in the transaction or activity, is acting.’

5. Ins. by G.S.R. 576(E), dated 27th August, 2013 (w.e.f. 27-8-2013).

- (v) a person or individual, as the case may be, who controls and manages the affairs of the reporting entity if the reporting entity is an unincorporated association or a body of individuals, and
- (vi) such other person or class of persons as may be notified by the Government if the reporting entity does not fall in any of the categories above.

Explanation.—For the purpose of this clause, the terms “Managing Director” and “Whole-time Director” shall have the meaning assigned to them in the Companies Act, 1956 (1 of 1956);]

¹[(bb) “Designated Officer” means any officer or a class of officers authorized by a banking company, either by name or by designation, for the purpose of opening small accounts.]

(c) “Director” means the Director appointed under sub-section (1) of section 49 of the Act for the purposes of ²[sections 12, 12A and 13] of the Act;

³[(ca) “non profit organisation” means any entity or organisation that is registered as a trust or a society under the Societies Registration Act, 1860 (21 of 1860) or any similar State legislation or a company registered under section 25 of the Companies Act, 1956 (1 of 1956);]

(d) “officially valid document” means the passport, the driving licence, the Permanent Account Number (PAN) Card, the Voter’s Identity Card issued by ⁴[Election Commission of India, job card issued by NREGA duly signed by an officer of the State Government, the letter issued by the Unique Identification Authority of India containing details of name, address and Aadhaar number or any other document as notified by the Central Government in consultation with the ⁵[Regulator]:

⁶[Provided that where simplified measures are applied for verifying the identity of the clients the following documents shall be deemed to be officially valid documents:—

- (a) identity card with applicant’s Photograph issued by Central/State Government Departments, Statutory/Regulatory Authorities, Public Sector Undertakings, Scheduled Commercial Banks, and Public Financial Institutions;
- (b) letter issued by a gazetted officer, with a duly attested photograph of the person.]

1. Ins. by G.S.R. 980(E), dated 16th December, 2010 (w.e.f. 16-12-2010).

2. Subs. by G.S.R. 576(E), dated 27th August, 2013, for “sections 12 and 13” (w.e.f. 27-8-2013).

3. Ins. by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009).

4. Subs. by G.S.R. 980(E), dated 16th December, 2010, for “the Election Commission of India or any other document as may be required by the banking company, or financial institution or intermediary” (w.e.f. 16-12-2010).

5. Subs. by G.S.R. 576(E), dated 27th August, 2013, for “Reserve Bank of India or any other document as may be required by the banking companies or financial institution or intermediary” (w.e.f. 27-8-2013).

6. Ins. by G.S.R. 576(E), dated 27th August, 2013 (w.e.f. 27-8-2013).

- (e) "prescribed value" means the value of transaction prescribed under these rules;
- (f) "Principal Officer" means an officer designated by a ¹[reporting entity];
- ²[(fa) "Regulator" means a person or an authority or a Government which is vested with the power to license, authorise, register, regulate or supervise the activity of ³[reporting entities or the Director as may be notified by the Government for a specific reporting entity or a class of reporting entities or for a specific purpose]];
- ⁴[(faa) "Rules" means the Prevention of Money-laundering (Maintenance of Records) Rules, 2005;]
- ⁵[(fb) "small account" means a savings account in a banking company where—
- (i) the aggregate of all credits in a financial year does not exceed rupees one lakh,
 - (ii) the aggregate of all withdrawals and transfers in a month does not exceed rupees ten thousand, and
 - (iii) the balance at any point of time does not exceed rupees fifty thousand.]
- ⁶[(g) "suspicious transaction" means a transaction referred to in clause (h), including an attempted transaction, whether or not made in cash, which to a person acting in good faith—
- (a) gives rise to a reasonable ground of suspicion that it may involve proceeds of an offence specified in the Schedule to the Act, regardless of the value involved; or
 - (b) appears to be made in circumstances of unusual or unjustified complexity; or
 - (c) appears to have no economic rationale or *bona fide* purpose; or
 - (d) gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism;]

1. Subs. by G.S.R. 576(E), dated 27th August, 2013, for "banking company, financial institution or intermediary, as the case may be," (w.e.f. 27-8-2013).

2. Ins. by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009).

3. Subs. by G.S.R. 576(E), dated 27th August, 2013, for "banking companies, financial institutions or intermediaries, as the case may be," (w.e.f. 27-8-2013).

4. Ins. by G.S.R. 576(E), dated 27th August, 2013 (w.e.f. 27-8-2013).

5. Ins. by G.S.R. 980(E), dated 16th December, 2010 (w.e.f. 16-12-2010).

6. Subs. by G.S.R. 816(E), dated 12th November, 2009 for clause (g) (w.e.f. 12-11-2009). Earlier clause (g) was amended by G.S.R. 389(E), dated 24th May, 2007 (w.e.f. 24-5-2007). Clause (g), before substitution by G.S.R. 816(E), stood as under:

"(g) "suspicious transaction" means a transaction whether or not made in cash which, to a person acting in good faith—

- (a) gives rise to a reasonable ground of suspicion that it may involve the proceeds of crime; or
- (b) appears to be made in circumstances of unusual or unjustified complexity; or
- (c) appears to have no economic rationale or *bona fide* purpose; or
- (d) gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism,".

¹[*Explanation.*—Transaction involving financing of the activities relating to terrorism includes transaction involving funds suspected to be linked or related to, or to be used for terrorism, terrorist acts or by a terrorist, terrorist organisation or those who finance or are attempting to finance terrorism.]

- ²[(h) “transaction” means a purchase, sale, loan, pledge, gift, transfer, delivery or the arrangement thereof and includes—
- (i) opening of an account;
 - (ii) deposits, withdrawal, exchange or transfer of funds in whatever currency, whether in cash or by cheque, payment order or other instruments or by electronic or other non-physical means;
 - (iii) the use of a safety deposit box or any other form of safe deposit;
 - (iv) entering into any fiduciary relationship;
 - (v) any payment made or received in whole or in part of any contractual or other legal obligation;
 - (vi) any payment made in respect of playing games of chance for cash or kind including such activities associated with casino; and
 - (vii) establishing or creating a legal person or legal arrangement.]

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Maintenance of records of transactions (nature and value).—(1) ³[Every reporting entity shall maintain the record of all transactions including, the record of—

- (A) all cash transactions of the value of more than ten lakh rupees or its equivalent in foreign currency;
- (B) all series of cash transactions integrally connected to each other which have been individually valued below rupees ten lakh or its equivalent in foreign currency where such series of transactions have taken place

1. Ins. by G.S.R. 508(E), dated 16th June, 2010 (w.e.f. 16-6-2010).

2. Subs. by G.S.R. 576(E), dated 27th August, 2013, for clause (h) (w.e.f. 27-8-2013). Clause (h), before substitution, stood as under:

“(h) “transaction” includes deposit, withdrawal, exchange or transfer of funds in whatever currency, whether in cash or by cheque, payment order or other instruments or by electronic or other non-physical means.”.

3. Subs. by G.S.R. 576(E), dated 27th August, 2013, for Certain words (w.e.f. 27-8-2013). Earlier these words were amended by G.S.R. 76(E), dated 12th February, 2010 (w.e.f. 12-2-2010). The words, before substitution by G.S.R. 576(E), dated 27th August, 2013, stood as under:

“Every banking company or financial institution or intermediary, as the case may be, shall maintain the record of all transactions including the record of,—

- (A) all cash transactions of the value of more than rupees ten lakhs or its equivalent in foreign currency;
- (B) all series of cash transactions integrally connected to each other which have been valued below rupees ten lakhs or its equivalent in foreign currency where such series of transactions have taken place within a month;”.

within a month and the monthly aggregate exceeds an amount of ten lakh rupees or its equivalent in foreign currency;]

- ¹[(BA) all transactions involving receipts by non-profit organisations of value more than rupees ten lakh, or its equivalent in foreign currency;]
- ²[(C) all cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions;]
- (D) all suspicious transactions whether or not made in cash and by way of—
- (i) deposits and credits, withdrawals into or from any accounts in whatsoever name they are referred to in any currency maintained by way of—
 - (a) cheques including third party cheques, pay orders, demand drafts, cashiers cheques or any other instrument of payment of money including electronic receipts or credits and electronic payments or debits, or
 - (b) travellers cheques, or
 - (c) transfer from one account within the same banking company, financial institution and intermediary, as the case may be, including from or to Nostro and Vostro accounts, or
 - (d) any other mode in whatsoever name it is referred to;
 - (ii) credits or debits into or from any non-monetary accounts such as d-mat account, security account in any currency maintained by the banking company, financial institution and intermediary, as the case may be;
 - (iii) money transfer or remittances in favour of own clients or non-clients from India or abroad and to third party beneficiaries in India or abroad including transactions on its own account in any currency by any of the following:—
 - (a) payment orders, or
 - (b) cashiers cheques, or
 - (c) demand drafts, or
 - (d) telegraphic or wire transfers or electronic remittances or transfers, or
 - (e) internet transfers, or
 - (f) Automated Clearing House remittances, or
 - (g) lock box driven transfers or remittances, or

1. Ins. by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009).

2. Subs. by G.S.R. 389(E), dated 24th May, 2007, for clause (C) (w.e.f. 24-5-2007). Clause (C), before substitution, stood as under:

“(C) all cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine and where any forgery of a valuable security has taken place;”.

- (h) remittances for credit or loading to electronic cards, or
- (i) any other mode of money transfer by whatsoever name it is called;
- (iv) loans and advances including credit or loan substitutes, investments and contingent liability by way of—
 - (a) subscription to debt instruments such as commercial paper, certificate of deposits, preferential shares, debentures, securitised participation, inter bank participation or any other investments in securities or the like in whatever form and name it is referred to, or
 - (b) purchase and negotiation of bills, cheques and other instruments, or
 - (c) foreign exchange contracts, currency, interest rate and commodity and any other derivative instrument in whatsoever name it is called, or
 - (d) letters of credit, standby letters of credit, guarantees, comfort letters, solvency certificates and any other instrument for settlement and/or credit support;
- (v) collection services in any currency by way of collection of bills, cheques, instruments or any other mode of collection in whatsoever name it is referred to.

¹[(E) all cross border wire transfers of the value of more than five lakh rupees or its equivalent in foreign currency where either the origin or destination of fund is in India;]

¹[(F) all purchase and sale by any person of immovable property valued at fifty lakh rupees or more that is registered by the reporting entity, as the case may be.]

4. Records containing information.—The records referred to in rule 3 ²[shall contain all necessary information specified by the Regulator to permit reconstruction of individual transaction, including] the following information:—

- (a) the nature of the transactions;
- (b) the amount of the transaction and the currency in which it was denominated;
- (c) the date on which the transaction was conducted; and
- (d) the parties to the transaction.

³**5. Procedure and manner of maintaining information.**—(1) Every reporting entity shall maintain information in respect of transactions with its client referred to in rule 3 in accordance with the procedure and manner as may be specified by its regulator from time to time.

1. Ins. by G.S.R. 576(E), dated 27th August, 2013 (w.e.f. 27-8-2013).

2. Subs. by G.S.R. 76(E), dated 12th February, 2010, for “shall contain” (w.e.f. 12-2-2010).

3. Subs. by G.S.R. 576(E), dated 27th August, 2013, for rule 5 (w.e.f. 27-8-2013). Earlier rule 5 was amended by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009) and by G.S.R. 76(E), dated 12th February, 2010 (w.e.f. 12-2-2010). Rule 5, before substitution by G.S.R. 576(E), dated 27th August, 2013, stood as under:

(2) Every reporting entity shall evolve an internal mechanism for maintaining such information in such form and manner and at such intervals as may be specified by its regulator from time to time.

(3) It shall be the duty of every reporting entity, its designated director, officers and employees to observe the procedure and the manner of maintaining information as specified by its regulator under sub-rule (1).]

¹[***]

²[**7. Procedure and manner of furnishing information.**—(1) Every reporting entity shall communicate to the Director the name, designation and address of the Designated Director and the Principal Officer.

(2) The Principal Officer shall furnish the information referred to in clauses (A), (B), (BA), (C), (D), (E) and (F) of sub-rule (1) of rule 3 to the Director on the basis of information available with the reporting entity. A copy of such information shall be retained by the Principal Officer for the purposes of official record.

(3) Every reporting entity shall evolve an internal mechanism having regard to any guidelines issued by regulator, for detecting the transactions referred to in

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“5. Procedure and manner of maintaining information.—(1) Every banking company, financial institution and intermediary, as the case may be, shall maintain information in respect of transactions with its client referred to in rule 3 in accordance with the procedure and manner as may be specified by its Regulator, from time to time.

(2) Every banking company, financial institution and intermediary, shall evolve an internal mechanism for maintaining such information in such form and at such intervals as may be specified by its Regulator, from time to time.

(3) It shall be the duty of every banking company, financial institution and intermediary, as the case may be, to observe the procedure and the manner of maintaining information as specified by its Regulator, under sub-rule (1).”.

1. Rule 6 omitted by G.S.R. 576(E), dated 27th August, 2013 (w.e.f. 27-8-2013). Earlier rule 6 was substituted by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009). Rule 6, before omission by G.S.R. 576(E), dated 27th August, 2013, stood as under:

“6. Retention of records of transactions.—The records referred to in rule 3 shall be maintained for a period of ten years from the date of transactions between the client and the banking company, financial institution or intermediary, as the case may be.”.

2. Subs. by G.S.R. 576(E), dated 27th August, 2013, for rule 7 (w.e.f. 27-8-2013). Earlier rule 7 was amended by G.S.R. 76(E), dated 12th February, 2010 (w.e.f. 12-2-2010). Rule 7, before omission by G.S.R. 576(E), dated 27th August, 2013, stood as under:

“7. Procedure and manner of furnishing information.—(1) Every banking company, financial institution and intermediary, as the case may be, shall communicate the name, designation and address of the Principal Officer to the Director.

(2) The Principal Officer shall furnish the information referred to in clauses (A), (B), (BA), (C) and (D) of sub-rule (1) of rule 3 to the Director on the basis of information available with the banking company, financial institution and intermediary, as the case may be. A copy of such information shall be retained by the Principal Officer for the purposes of official record.

(3) Every banking company, financial institution and intermediary may evolve an internal mechanism for furnishing information referred to in clauses (A), (B), (BA), (C) and (D) of sub-rule (1) of rule 3 in such form and at such intervals as may be directed by its Regulator.

(4) It shall be the duty of every banking company, financial institution and intermediary to observe the procedure and the manner of furnishing information as specified by its Regulator, under sub-rule (3).”.

clauses (A),(B),(BA),(C),(D), (E) and (F) of sub-rule (1) of rule 3 and for furnishing information about such transactions in such form as may be directed by its Regulator.

(4) It shall be the duty of every reporting entity, its designated director, officers and employees to observe the procedure and the manner of furnishing information as specified by its Regulator.]

¹**[8. Furnishing of information to the Director.—**(1) The Principal Officer of a reporting entity shall furnish the information in respect of transactions referred to in clauses (A), (B), (BA), (C) and (E) of sub-rule (1) of rule 3 every month to the Director by the 15th day of the succeeding month.

(2) The Principal Officer of a reporting entity shall furnish the information promptly in writing or by fax or by electronic mail to the Director in respect of transactions referred to in clause (D) of sub-rule (1) of rule 3 not later than seven working days on being satisfied that the transaction is suspicious.

(3) The Principal Officer of a reporting entity shall furnish, the information in respect of transactions referred to in clause (F) of sub-rule (1) of rule 3, every quarter to the Director by the 15th day of the month succeeding the quarter.

(4) For the purpose of this rule, delay of each day in not reporting a transaction or delay of each day in rectifying a mis-reported transaction beyond the time limit as specified in this rule shall constitute a separate violation.]

²**[9. Client Due Diligence.—**(1) Every reporting entity shall—

(a) at the time of commencement of an account-based relationship—

(i) identify its clients, verify their identity, obtain information on the purpose and intended nature of the business relationship; and

1. Subs. by G.S.R. 576(E), dated 27th August, 2013, for rule 8 (w.e.f. 27-8-2013). Earlier rule 8 was substituted by G.S.R. 389(E), dated 24th May, 2007 (w.e.f. 24-5-2007) and amended by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009). Rule 8, before substitution by G.S.R. 576(E), dated 27th August, 2013, stood as under:

"8. Furnishing of information to the Director.—(1) The Principal Officer of a banking company, a financial institution and an intermediary, as the case may be, shall furnish the information in respect of transactions referred to in Clause (A), (B) and (BA) of sub-rule (1) of rule 3 every month to the Director by the 15th day of the succeeding month.

(2) The Principal Officer of a banking company, a financial institution and an intermediary, as the case may be, shall furnish the information promptly in writing or by fax or by electronic mail to the Director in respect of transactions referred to in clause (C) of sub-rule (1) of rule 3 not later than seven working days from the date of occurrence of such transaction.

(3) The Principal Officer of a banking company, a financial institution and an intermediary, as the case may be, shall furnish the information promptly in writing or by fax or by electronic mail to the Director in respect of transactions referred to in clause (D) of sub-rule (1) of rule 3 not later than seven working days on being satisfied that the transaction is suspicious:

Provided that a banking company, financial institution or intermediary, as the case may be, and its employees shall keep the fact of furnishing information in respect of transactions referred to in clause (D) of sub-rule (1) of rule 3 strictly confidential."

2. Subs. by G.S.R. 576(E), dated 27th August, 2013, for rule 9 (w.e.f. 27-8-2013). Earlier rule 9 was amended by G.S.R. 389(E), dated 24th May, 2007 (w.e.f. 24-5-2007), G.S.R. 816(E), dated 12th November 2009 (w.e.f. 12-11-2009), G.S.R. 76(E), dated 12th February,

- (ii) determine whether a client is acting on behalf of a beneficial owner, and identify the beneficial owner and take all steps to verify the identity of the beneficial owner:

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2010 (w.e.f. 12-2-2010), G.S.R. 508(E), dated 16th June, 2010 (w.e.f. 16-6-2010) and G.S.R. 980(E), dated 16th December, 2010 (w.e.f. 16-12-2010). Rule 9, before substitution, by G.S.R. 576(E), dated 27th August, 2013, stood as under:

"9. Verification of the records of the identity of clients.—(1) Every banking company, financial institution and intermediary, as the case may be, shall,—

- (a) at the time of commencement of an account-based relationship, identify its clients, verify their identity and obtain information on the purpose and intended nature of the business relationship, and
- (b) in all other cases, verify identity while carrying out—
- (i) transaction of an amount equal to or exceeding rupees fifty thousand, whether conducted as a single transaction or several transactions that appear to be connected, or
- (ii) any international money transfer operations.

(1A) Every banking company, financial institution and intermediary, as the case may be, shall determine whether a client is acting on behalf of a beneficial owner, identify the beneficial owner and take all reasonable steps to verify his identity.

*Explanation.—*For the purposes of this sub-rule "beneficial owner" shall mean the natural person who ultimately owns or controls a client and or the person on whose behalf a transaction is being conducted, and includes a person who exercise ultimate effective control over a juridical person.

(1B) Every banking company, financial institution and intermediary, as the case may be, shall exercise ongoing due diligence with respect to the business relationship with every client and closely examine the transactions in order to ensure that they are consistent with their knowledge of the client, his business and risk profile and where necessary, the source of funds.

(1C) No banking company, financial institution or intermediary, as the case may be, shall allow the opening of or keep any anonymous account or account in fictitious names or account on behalf of other persons whose identity has not been disclosed or cannot be verified.

(1D) When there are suspicions of money laundering or financing of the activities relating to terrorism or where there are doubts about the adequacy or veracity of previously obtained customer identification data, every banking company, financial institution and intermediary shall review the due diligence measures including verifying again the identity of the client and obtaining information on the purpose and intended nature of the business relationship, as the case may be.

(2) Where the client is an individual, he shall for the purpose of sub-rule (1), submit to the banking company, financial institution and intermediary, as the case may be, one certified copy of an 'officially valid document' containing details of his identity and address, one recent photograph and such other documents including in respect of the nature of business and financial status of the client as may be required by the banking company or the financial institution or the intermediary, as the case may be:

Provided that photograph need not be submitted by a client falling under clause (b) of sub-rule (1).

(2A) Notwithstanding anything contained in sub-rule (2), an individual who desires to open a small account in a banking company may be allowed to open such an account on production of a self-attested photograph and affixation of signature or thumb print, as the case may be, on the form for opening the account:

Provided that—

- (i) the designated officer of the banking company, while opening the small account, certifies under his signature that the person opening the account has affixed his signature or thumb print, as the case may be, in his presence;

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Provided that where the Regulator is of the view that money laundering and terrorist financing risks are effectively managed and where this is essential not to interrupt the normal conduct of business, the Regulator may permit the reporting entity to complete the verification as soon as reasonably practicable following the establishment of the relationship; and

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- (ii) a small account shall be opened only at Core Banking Solution linked banking company branches or in a branch where it is possible to manually monitor and ensure that foreign remittances are not credited to a small account and that the stipulated limits on monthly and annual aggregate of transactions and balance in such accounts are not breached, before a transaction is allowed to take place;
- (iii) a small account shall remain operational initially for a period of twelve months, and thereafter for a further period of twelve months if the holder of such an account provides evidence before the banking company of having applied for any of the officially valid documents within twelve months of the opening of the said account, with the entire relaxation provisions to be reviewed in respect of the said account after twenty-four months;
- (iv) a small account shall be monitored and when there is suspicion of money laundering or financing of terrorism or other high risk scenarios, the identity of client shall be established through the production of officially valid documents, as referred to in sub-rule (2) of rule 9; and
- (v) foreign remittance shall not be allowed to be credited into a small account unless the identity of the client is fully established through the production of officially valid documents, as referred to in sub-rule (2) of rule 9.

(3) Where the client is a company, it shall for the purposes of sub-rule (1) submit to the banking company or financial institution or intermediary, as the case may be, one certified copy of the following documents:—

- (i) Certificate of incorporation;
- (ii) Memorandum and Articles of Association;
- (iii) a resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf; and
- (iv) an officially valid document in respect of managers, officers or employees holding an attorney to transact on its behalf.

(4) Where the client is a partnership firm, it shall for the purposes of sub-rule (1) submit to the banking company, or the financial institution, or the intermediary one certified copy of the following documents:—

- (i) registration certificate;
- (ii) partnership deed; and
- (iii) an officially valid document in respect of the person holding an attorney to transact on its behalf.

(5) Where the client is a trust, it shall, "for the purposes of sub-rule (1) submit to the banking company," or the financial institution, or the intermediary one certified copy of the following documents:—

- (i) registration certificate;
- (ii) trust deed; and
- (iii) an officially valid document in respect of the person holding an attorney to transact on its behalf.

(6) Where the client is an unincorporated association or a body of individuals, it shall submit to the banking company, or the financial institution or the intermediary one certified copy of the following documents:—

- (i) resolution of the managing body of such association or body of individuals;

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- (b) in all other cases, verify identity while carrying out—
 - (i) transaction of an amount equal to or exceeding rupees fifty thousand, whether conducted as a single transaction or several transactions that appear to be connected, or
 - (ii) any international money transfer operations.

(2) For the purpose of clause (a) of sub-rule (1), a reporting entity may rely on a third party subject to the conditions that—

- (a) the reporting entity immediately obtains necessary information of such client due diligence carried out by the third party;
- (b) the reporting entity takes adequate steps to satisfy itself that copies of identification data and other relevant documentation relating to the client due diligence requirements will be made available from the third party upon request without delay;
- (c) the reporting entity is satisfied that such third party is regulated, supervised or monitored for, and has measures in place for compliance with client due diligence and record-keeping requirements in line with the requirements and obligations under the Act;
- (d) the third party is not based in a country or jurisdiction assessed as high risk;
- (e) the reporting entity is ultimately responsible for client due diligence and undertaking enhanced due diligence measures, as applicable; and
- (f) where a reporting entity relies on a third party that is part of the same financial group, the Regulator may issue guidelines to consider any relaxation in the conditions (a) to (d).

(3) The beneficial owner for the purpose of sub-rule (1) shall be determined as under—

- (a) where the client is a company, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

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- (ii) power of attorney granted to him to transact on its behalf;
- (iii) an officially valid document in respect of the person holding an attorney to transact on its behalf; and
- (iv) such information as may be required by the banking company or the financial institution or the intermediary to collectively establish the legal existence of such an association or body of individuals.

(6A) Where the client is a juridical person, the banking company, financial institution and intermediary, as the case may be, shall verify that any person purporting to act on behalf of such client is so authorised and verify the identity of that person.

(7) (i) The regulator shall issue guidelines incorporating the requirements of sub-rules (1) to (6A) above and may prescribe enhanced measures to verify the client's identity taking into consideration type of client, business relationship or nature and value of transactions.

(ii) Every banking company, financial institution and intermediary as the case may be, shall formulate and implement a Client Identification Programme to determine the true identity of its clients, incorporating requirements of sub-rules (1) to (6A) and guidelines issued under clause (i) above."

Explanation.—For the purpose of this sub-clause—

1. “Controlling ownership interest” means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company;
 2. “Control” shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
- (b) where the client is a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of/entitlement to more than fifteen per cent. of capital or profits of the partnership;
- (c) where the client is an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen per cent. of the property or capital or profits of such association or body of individuals;
- (d) where no natural person is identified under (a) or (b) or (c) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
- (e) where the client is a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen per cent. or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership; and
- (f) where the client or the owner of the controlling interest is a company listed on a stock exchange, or is a subsidiary of such a company, it is not necessary to identify and verify the identity of any shareholder or beneficial owner of such companies.

(4) Where the client is an individual, he shall for the purpose of sub-rule (1), submit to the reporting entity, one certified copy of an ‘officially valid document’ containing details of his identity and address, one recent photograph and such other documents including in respect of the nature of business and financial status of the client as may be required by the reporting entity:

Provided that photograph need not be submitted by a client falling under clause (b) of sub-rule (1).

(5) Notwithstanding anything contained in sub-rule (4), an individual who desires to open a small account in a banking company may be allowed to open such an account on production of a self-attested photograph and affixation of signature or thumb print, as the case may be, on the form for opening the account:

Provided that—

- (i) the designated officer of the banking company, while opening the small account, certifies under his signature that the person opening the

account has affixed his signature or thumb print, as the case may be, in his presence;

- (ii) a small account shall be opened only at Core Banking Solution linked banking company branches or in a branch where it is possible to manually monitor and ensure that foreign remittances are not credited to a small account and that the stipulated limits on monthly and annual aggregate of transactions and balance in such accounts are not breached, before a transaction is allowed to take place;
- (iii) a small account shall remain operational initially for a period of twelve months, and thereafter for a further period of twelve months if the holder of such an account provides evidence before the banking company of having applied for any of the officially valid documents within twelve months of the opening of the said account, with the entire relaxation provisions to be reviewed in respect of the said account after twenty-four months;
- (iv) a small account shall be monitored and when there is suspicion of money laundering or financing of terrorism or other high risk scenarios, the identity of client shall be established through the production of officially valid documents, as referred to in sub-rule (4) of rule 9; and
- (v) foreign remittance shall not be allowed to be credited into a small account unless the identity of the client is fully established through the production of officially valid documents, as referred to in sub-rule (4) of rule 9.

(6) Where the client is a company, it shall for the purposes of sub-rule (1) submit to the reporting entity one certified copy of the following documents:—

- (i) Certificate of incorporation;
- (ii) Memorandum and Articles of Association;
- (iii) A resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf; and
- (iv) an officially valid document in respect of managers, officers or employees holding an attorney to transact on its behalf.

(7) Where the client is a partnership firm, it shall for the purposes of sub-rule (1) submit to the reporting entity one certified copy of the following documents:—

- (i) registration certificate;
- (ii) partnership deed; and
- (iii) an officially valid document in respect of the person holding an attorney to transact on its behalf.

(8) Where the client is a trust, it shall, for the purposes of sub-rule (1) submit to the reporting entity one certified copy of the following documents:—

- (i) registration certificate;
- (ii) trust deed; and
- (iii) an officially valid document in respect of the person holding an attorney to transact on its behalf.

(9) Where the client is an unincorporated association or a body of individuals, it shall submit to the reporting entity one certified copy of the following documents:—

- (i) resolution of the managing body of such association or body of individuals;
- (ii) power of attorney granted to him to transact on its behalf;
- (iii) an officially valid document in respect of the person, holding an attorney to transact on its behalf; and
- (iv) such information as may be required by the reporting entity to collectively establish the legal existence of such an association or body of individuals.

(10) Where the client is a juridical person, the reporting entity shall verify that any person purporting to act on behalf of such client is so authorized and verify the identity of that person.

(11) No reporting entity shall allow the opening of or keep any anonymous account or account in fictitious names or account on behalf of other persons whose identity has not been disclosed or cannot be verified.

(12) (i) Every reporting entity shall exercise ongoing due diligence with respect to the business relationship with every client and closely examine the transactions in order to ensure that they are consistent with their knowledge of the client, his business and risk profile and where necessary, the source of funds.

(ii) When there are suspicions of money laundering or financing of the activities relating to terrorism or where there are doubts about the adequacy or veracity of previously obtained client identification data, the reporting entity shall review the due diligence measures including verifying again the identity of the client and obtaining information on the purpose and intended nature of the business relationship, as the case may be.

(iii) The reporting entity shall apply client due diligence measures also to existing clients on the basis of materiality and risk, and conduct due diligence on such existing relationships at appropriate times or as may be specified by the regulator, taking into account whether and when client due diligence measures have previously been undertaken and the adequacy of data obtained.

(13) (i) Every reporting entity shall carry out risk assessment to identify, assess and take effective measures to mitigate its money laundering and terrorist financing risk for clients, countries or geographic areas, and products, services, transactions or delivery channels that is consistent with any national risk assessment conducted by a body or authority duly notified by the Central Government.

(ii) The risk assessment mentioned in clause (i) shall—

- (a) be documented;
- (b) consider all the relevant risk factors before determining the level of overall risk and the appropriate level and type of mitigation to be applied;
- (c) be kept up to date; and

(d) be available to competent authorities and self-regulating bodies.

(14) (i) The regulator shall issue guidelines incorporating the requirements of sub-rules (1) to (13) above and may prescribe enhanced or simplified measures to verify the client's identity taking into consideration the type of client, business relationship, nature and value of transactions based on the overall money laundering and terrorist financing risks involved.

Explanation.—For the purpose of this clause, simplified measures are not acceptable whenever there is a suspicion of money laundering or terrorist financing, or where specific higher-risk scenarios apply or where the risk identified is not consistent with the national risk assessment.

(ii) Every reporting entity shall formulate and implement a Client Due Diligence Programme, incorporating the requirements of sub-rules (1) to (13) and guidelines issued under clause (i) above.

(iii) the Client Due Diligence Programme shall include policies, controls and procedures, approved by the senior management, to enable the reporting entity to manage and mitigate the risk that have been identified either by the reporting entity or through national risk assessment.

¹[10. Maintenance of the records of the identity of clients.—(1) Every reporting entity shall maintain the records of the identity of its clients obtained in accordance with rule 9.

(2) The records of the identity of clients shall be maintained in a manner as may be specified by its regulators from time to time.

(3) Where the reporting entity does not have records of the identity of its existing clients, it shall obtain the records within the period specified by the regulator, failing which the reporting entity shall close the account of the clients after giving due notice to the client.

Explanation.—For the purpose of this rule, the expression “records of the identity of clients” shall include updated records of the identification date, account files and business correspondence.]

1. Subs. by G.S.R. 576(E), dated 27th August, 2013, for rule 10 (w.e.f. 27-8-2013). Earlier rule 10 was amended by G.S.R. 816(E), dated 12th November, 2009 (w.e.f. 12-11-2009) and G.S.R. 508(E), dated 16th June, 2010 (w.e.f. 16-6-2010). Rule 10, before substitution by G.S.R. 576(E), dated 27th August, 2013, stood as under:

“10. *Maintenance of the records of the identity of clients.*—(1) Every banking company or financial institution or intermediary, as the case may be, shall maintain the records of the identity of its clients.

(2) The records of the identity of clients shall be maintained in hard and soft copies in a manner as may be specified by its Regulator, from time to time.

(3) The records of the identity of clients shall be maintained for a period of ten years from the date of cessation of the transactions between the client and the banking company or financial institution or intermediary, as the case may be.

Explanation.—For the purposes of this rule,—

(i) the expression ‘records of the identity of clients’ shall include records of the identification data, account files and business correspondence.

(ii) the expression ‘cessation of the transactions’ means termination of an account or business relationship.”.

¹[**10A. Furnishing of Report to Director.**—(1) The persons referred to in clause (c) of sub-section (2) of section 13 of the Act shall furnish reports on the measures taken to the Director every month by the 10th day of the succeeding month.

(2) The Director may relax the time interval in sub-rule (1) above to every three months on specific request made by the reporting entity based on reasonable cause.]

¹[**10B. Expenses for audit.**—(1) The expenses of, and incidental to, audit referred to in sub-section (1A) of section 13 of the Act (including the remuneration of the accountant, qualified assistants, semi-qualified and other assistants who may be engaged by such accountant) shall be paid in accordance with the amount specified in sub-rule (2) of rule 14B of the Income-tax Rules, 1962 for every hour of the period as specified by the Director.

(2) The period referred to in sub-rule (1) shall be specified in terms of the number of hours required for completing the report.

(3) The accountant referred to in sub-section (1A) of section 13 of the Act shall maintain a time sheet and submit it to the Director, along with the bill.

(4) The Director shall ensure that the number of hours claimed for billing purposes is commensurate with the size and quality of the report submitted by the accountant.]

11. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.



1. Ins. by G.S.R. 576(E), dated 27th August, 2013 (w.e.f. 27-8-2013).

THE 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, 2005¹

In exercise of the powers conferred by sub-section (1) read with clause (a), clause (m), clause (n), clause (o), ²[clause (pp)] and clause (w) of sub-section (2), of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules relating to the Forms, search and seizure and the manner of forwarding a copy of the reasons and the material relating to search and seizure and search of person to the Adjudicating Authority, impounding and custody of records and the period of retention thereof, namely:—

1. Short title and commencement.—(1) These rules may be called the Prevention of Money-laundering (Forms, Search and Seizure ²[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.

(2) They shall come into force on the date³ of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- ⁴(c) “authority” for the purposes of sub-section (2) of section 17 or sub-section (1A) of section 17 or sub-section (1) of section 18 of the Act means an officer subordinate to the Director and authorized by the Director under sub-section (1) of section 17 or the Central Government under sub-section (1) of section 18 of the Act;
- (e) “designated officer” means the officer designated by the Adjudicating Authority for the purpose of sub-rule (1) of rule 10;
- (f) “Director” for the purpose of sub-section (1) of section 17 of the Act means the Director appointed under sub-section (1) of section 49 of the Act;

1. *Vide* G.S.R. 445 (E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

2. *Ins.* by G.S.R. 559(E), dated 19th August, 2013 (w.e.f. 19-8-2013).

3. Came into force on 1-7-2005.

4. *Subs.* by G.S.R. 559(E), dated 19th August, 2013, for clause (c) and clause (d) (w.e.f. 19-8-2013). Clause (c) and clause (d), before substitution, stood as under:

‘(c) “authority” for the purposes of sub-section (2) of section 17 of the Act means an officer subordinate to the Director and authorised by the Director under sub-section (1) of section 17 of the Act;

(d) “authority” for the purposes of sub-section (1) of section 18 of the Act means an authority from among the classes of authorities specified in section 48 of the Act, authorized by the Central Government by general or special order.’

- (g) "Director" or "Additional Director" or "Joint Director" or "Deputy Director" or "Assistant Director" for the purpose of sub-section (5) of section 50 of the Act, means a Director or Additional Director or Joint Director or Deputy Director or Assistant Director appointed by the Central Government under sub-section (1) of section 49 of the Act;
- (h) "Form" means forms appended to these rules;
- (i) "impounding authority" for the purpose of sub-section (5) of section 50 of the Act, means the Director or Additional Director or Joint Director or Deputy Director or Assistant Director appointed by the Central Government under sub-section (1) of section 49 of the Act;
- ¹(j) "material for the purpose of sub-section (1A) and sub-section (2) of section 17 of the Act" means the material in possession of the authority, referred to in clause (c) of sub-rule (1) of rule 2, after search, seizure or freezing under sub-section (1) of section 17 respectively of the Act, including a report forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973 (2 of 1974) or a complaint filed before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence, as the case may be, or in cases where such report is not required to be forwarded, a similar report of information received or otherwise submitted by an officer authorized to investigate a scheduled offence to an officer not below the rank of Additional Secretary to the Government of India or equivalent being Head of the office or Ministry or Department or Unit, as the case may be, or any other officer who may be authorized by the Central Government, by notification, for this purpose;]
- ²[(k) "material for the purposes of sub-section (2) of section 18 of the Act" means the material in possession of the authority referred to in clause (c) of sub-rule (1) of rule 2, after search and seizure under

1. Subs. by G.S.R. 559(E), dated 19th August, 2013, for clause (j) (w.e.f. 19-8-2013). Earlier clause (j) was substituted by G.S.R. 19(E), dated 7th January, 2010 (w.e.f. 7-1-2010). Clause (j), before substitution by G.S.R. 559(E), dated 19th August, 2013, stood as under:

'(j) "material for the purpose of sub-section (2) of section 17 of the Act" means the material in possession of the authority, referred to in clause (c) of sub-rule (1) of rule 2, after search and seizure under sub-section (1) of section 17 of the Act, including a report forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973 (2 of 1974) or a complaint filed before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence;'

2. Subs. by G.S.R. 559(E), dated 19th August, 2013, for clause (k) (w.e.f. 19-8-2013). Earlier clause (k) was substituted by G.S.R. 19(E), dated 7th January, 2010 (w.e.f. 7-1-2010). Clause (k), before substitution by G.S.R. 559(E), dated 19th August, 2013, stood as under:

'(k) "material for the purposes of sub-section (2) of section 18 of the Act" means the material in possession of the authority referred to in clause (d) of sub-rule (1) of rule 2, after search and seizure under sub-section (1) of section 18 of the Act including a report forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) or a complaint filed before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence;'

sub-section (1) of section 18 of the Act including a report forwarded to the Magistrate under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) or a complaint filed before the Magistrate or court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence; as the case may be, or in cases where such report is not required to be forwarded, a similar report of information received or otherwise has been submitted by an officer authorized to investigate a scheduled offence to an officer not below the rank of Additional Secretary to the Government of India or equivalent being Head of the office or Ministry or Department or Unit, as the case may be, or any other officer who may be authorized by the Central Government, by notification, for this purpose;]

- (l) "place" means a place, where an act which constitutes the commission of the offence of money-laundering is carried on and includes any other place, whether any activity is carried on therein or not, in which the person carrying on such activity states that any of his records or any part of his property relating to such act are or is kept;
- (m) "records" include the records maintained in the form of books or stored in a computer or tapes or discs or in any other electronic form or transcribed information of any type whether expressed in ordinary or machine language and such other documents as may be useful for the purposes of these rules;
- (n) "Schedule" means the Schedule to the Act;
- (o) "section" means a section of the Act;
- (p) "Summoning Officer" means an officer who has the power to summon any person under sub-section (2) of section 50 of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Procedure relating to search.—¹[(1) The Director or any other officer authorised by him may, for the purposes of the sub-section (1) of section 17 of the Act, further authorize any officer subordinate to him and such authorization shall be in the Form 1.]

(2) The authority referred to in clause (c) of sub-rule (1) of rule 2, shall be empowered to—

- (a) enter and search any building, place, vessel, vehicle or aircraft where he has reason to suspect that such records or proceeds of crime are kept;
- (b) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by clause (a) where the keys thereof are not available;
- (c) seize any record or property found as a result of such search;

1. Subs. by G.S.R. 19(E), dated 7th January, 2010, for sub-rule (1) (w.e.f. 7-1-2010). Sub-rule (1), before substitution, stood as under:

"(1) The Director may authorize any officer subordinate to him for the purposes of sub-section (1) of section 17 of the Act and such authorization shall be in Form I appended to these rules."

- (d) place marks of identification on such record or make or cause to be made extracts or copies therefrom;
- (e) make a note or an inventory of such record or property;
- (f) examine on oath any person, who is found to be in possession or control of any record or property, in respect of all matters relevant for the purposes of any investigation under this Act:

¹[Provided that no search under sub-section (1) of section 17 of the Act shall be conducted unless a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973 (2 of 1974) or a complaint has been filed before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence;]

(3) Before making a search, the authority, shall—

- (a) where a building or place is to be searched, call upon two or more respectable persons of that locality in which the building or place to be searched is situated; and
- (b) where a vessel, vehicle or aircraft is to be searched, call upon any two or more respectable persons, to attend and witness the search and may issue an order in writing to them or any of them so to do.

(4) Any person in charge of, or, in any building, place, vessel, vehicle or aircraft shall, on production of the authorisation, allow the authority free ingress thereto and afford all reasonable facilities for search therein.

(5) If ingress into such building or place cannot be obtained, it shall be lawful for the authority executing the authorisation, with such assistance of police officers or of such other officers as specified in section 54 of the Act, as may be required, to enter such building or place and search therein and in order to effect an entrance into such building or place, to break open any lock of any door or window of any building or place, whether that of the person to be searched or of any other person, if after production of authorisation and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that, if any such building or place is an apartment in actual occupancy of a woman, who according to custom does not appear in public, the authority shall before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the apartment and enter it.

(6) If ingress into any vessel, vehicle or aircraft authorized to be searched cannot be obtained because such vessel, vehicle or aircraft is moving or for any

1. Subs. by G.S.R. 19(E), dated 7th January, 2010, for the proviso (w.e.f. 7-1-2010). The proviso, before substitution, stood as under:

“Provided that no search under sub-section (1) of section 17 of the Act shall be conducted, unless—

- (a) in relation to an offence under paragraph 1 of Part A and Part B of the Schedule, a report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) has been forwarded to a Magistrate; or
- (b) in relation to an offence under paragraph 2 of Part A of the Schedule, a police report or a complaint has been filed for taking cognizance of an offence by the Special Court constituted under sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);”.

other reason, it shall be lawful for the authority executing the authorisation, with such assistance as may be required of police officers and such officers, as specified in section 54 of the Act, to stop any such vessel or vehicle or in the case of an aircraft, compel it to stop or land, and search any part of the vessel, vehicle or aircraft, and in order to effect an entrance into such vessel, vehicle or aircraft to break open any door or window of any such vessel, vehicle or aircraft, whether that of the person to be searched or of any other person, if after production of the authorisation and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that if any such vessel, vehicle or aircraft is occupied by a woman, who according to custom does not appear in public, the authority shall, before entering such vessel, vehicle or aircraft, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the door of any vessel, vehicle or aircraft and enter it.

(7) The authority may require any person who, is the owner, or has the immediate possession, or control, of any box, locker, safe, almirah or any other receptacle situated in such building, place, vessel, vehicle or aircraft, to open the same and allow access to inspect or examine its contents, and, where the keys thereof are not available or where such person fails to comply with any such requirement, may break open the lock of such box, locker, safe, almirah or other receptacle which the authority may deem necessary for carrying out all or any of the purposes specified by the Director in this behalf.

(8) The occupant of the building, place, vessel, vehicle or aircraft searched, including the person in charge of such vessel, vehicle or aircraft, or some person on his behalf, shall be permitted to attend during the search.

4. ¹[Procedure relating to seizure or freezing.—(1) The officer or the authority, as the case may be, freeze or seize any record or property found as a result of search of any building, place, vessel or vehicle or aircraft.]

²[(1A) Where it is not practicable to seize any record or property, the officer or the authority, as the case may be, may pass an order to freeze such property whereupon the property shall not be transferred or otherwise dealt with, except with the prior permission of the officer or the authority making such order, and a copy of such order shall be served on the person concerned.]

(2) The authority shall prepare a seizure memo (inventory of items) in Form II appended to these rules which shall be delivered to the occupant of the building, place, vessel, vehicle or aircraft searched, including the person in charge

1. Subs. by G.S.R. 559(E), dated 19th August, 2013, for marginal heading of rule 4 and sub-rule (1) (w.e.f. 19-8-2013). Marginal heading of rule 4 and sub-rule (1), before substitution, stood as under:

“4. Procedure relating to seizure.—(1) The authority may seize any record or property found as a result of search of any building, place, vessel, vehicle or aircraft:

Provided that where it is not practicable to seize any record or property, the authority may serve an order on the owner or the person who is in immediate possession or control of any such record or property that he shall not remove, part with or otherwise deal with it except with the previous permission of the authority, who may take such steps as may be necessary for ensuring such compliance.”.

2. Ins. by G.S.R. 559(E), dated 19th August, 2013 (w.e.f. 19-8-2013).

of such vessel, vehicle or aircraft, or some person on his behalf and the authority shall also forward a copy of the inventory so prepared to the Director and the Adjudicating Authority.

(3) The authority shall place or cause to be placed the records of properties including bullion, jewellery and other valuable articles and things seized during the search in a package which shall contain the details of the bullion, jewellery and other valuable article and things placed therein, such packages shall bear an identification mark and the seal of the authority, and the occupant of such building, place, vehicle or aircraft, including the person in charge of such vessel, vehicle or aircraft searched or any other person on his behalf shall also be permitted to place his seal on packages.

(4) A copy of the list prepared in accordance with sub-rule (3) shall be delivered to the occupant of the building, place, vehicle or aircraft, including the person in charge of such vessel, vehicle or aircraft searched or any other person on his behalf and the authority shall also forward a copy thereof to the Director and the Adjudicating Authority.

5. Applicability of the provisions of the Code of Criminal Procedure, 1973.—The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply, in so far as they are not inconsistent with the provisions of the Act relating to search and seizure.

6. Impounding of records.—(1) The impounding authority may impound any records produced before him in any proceedings under the Act:

Provided that where the impounding authority is a Deputy Director or an Assistant Director, he shall not impound any records without recording his reasons in writing, and shall immediately forward such reasons to the Director.

(2) If the impounding authority requires assistance of police or officers of the Central Government, or both, it shall be lawful for him to seek such assistance as necessary under section 54 of the Act while impounding any records under sub-section (5) of section 50 of the Act.

(3) The impounding authority, other than the Director, shall prepare an inventory of impounded records in triplicate. Where the impounding authority is the Director, he shall prepare such inventory in duplicate.

(4) Each page of an inventory of records shall be signed by the impounding authority and the person from whom records have been impounded. In case where the person from whom records have been impounded refuses to sign, the impounding authority shall record such refusal therein.

(5) The impounding authority other than the Director shall give one copy of such inventory to the person from whom records have been impounded and shall forward immediately one copy to the Director while retaining one copy with him. Where the impounding authority is the Director, he shall give one copy of such inventory to the person from whom records have been impounded and shall retain one copy with him.

(6) The impounding authority other than the Director may, after obtaining the previous approval of the Director in writing, return any records impounded under this rule, to the person from whom records were impounded if such records are no longer useful and relevant for any proceedings under this Act.

7. Custody of records.—Any records impounded by the impounding authority under sub-section (5) of section 50 of the Act may be retained in his custody:

Provided that where the impounding authority is a Deputy Director or an Assistant Director he shall not retain in his custody any such records for a period exceeding three months, without obtaining the previous approval of the Director in writing.

8. ¹[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].—(1) The authority, as the case may be, shall prepare an index of a copy of the reasons recorded along with the material in his possession and sign each page of such index and shall also write a letter while forwarding copy of reasons and material to the Adjudicating Authority in a sealed envelope.

(2) The authority, as the case may be, shall place an acknowledgement slip in Form III appended to these rules inside the envelope before sealing it.

(3) The authority, as the case may be, shall indicate a reference number and date of despatch on the sealed envelope.

(4) The sealed envelope shall be marked “Confidential” and “To be opened by the addressee only” and the complete address of the Adjudicating Authority including his name shall be mentioned on the sealed envelope with official seal.

(5) The authority, as the case may be, shall place the sealed envelope inside the outer envelope, and shall place an acknowledgement slip in Form IV appended to these rules.

(6) The outer envelope shall be sealed and marked “Confidential”. Complete address of the Adjudicating Authority shall be mentioned on the sealed outer envelope.

(7) The authority, as the case may be, shall maintain registers and other records such as acknowledgement slip register, dak register for the purposes of this rule and shall ensure that necessary entries are made in the register immediately as soon as a copy of the reasons along with the material are forwarded to the Adjudicating Authority.

9. Acknowledgement of receipt of a copy of the reasons and the material relating to ²[search, seizure or freezing] and search of person by the Adjudicating Authority.—(1) On receipt of the outer sealed envelope along with Form IV, the Adjudicating Authority or in his absence, the designated officer of the office of Adjudicating Authority shall forward Form IV duly filled in, signed and his name legibly written below his signature. The seal of the office of the

1. Subs. by G.S.R. 559(E), dated 19th August, 2013, for marginal heading of rule 8 (w.e.f. 19-8-2013). Marginal heading of rule 8, before substitution, stood as under:

“Manner of forwarding of a copy of the reasons and the material relating to search and seizure under sub-section (2) of section 17 of the Act and search of persons under sub-section (2) of section 18 of the Act to the Adjudicating Authority.”.

2. Subs. by G.S.R. 559(E), dated 19th August, 2013, for “search and seizure” (w.e.f. 19-8-2013).

Adjudicating Authority shall be affixed before forwarding Form IV to the authority as a token of receipt of the sealed envelope.

(2) The Adjudicating Authority shall, on opening of the sealed envelope, forward Form III duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding of Form III to the authority as a token of receipt of a copy of the reasons and the material.

(3) The Adjudicating Authority shall maintain registers and other records such as acknowledgement slip register, dak register and register showing details of receipt of a copy of the reasons recorded along with the material for the purposes of this rule and shall ensure that necessary entries are made in the register immediately on receipt of such copy of the reasons and the material.

10. Period of retention of copy of the reasons and the material relating to ¹[search, seizure and freezing] and search of persons by the Adjudicating Authority.—(1) The Adjudicating Authority shall retain copy of the reasons and the material relating to search and seizure and search of persons for a period of ten years or if, before the expiry of the said period of ten years,—

- (i) any proceedings under section 8 of the Act have been commenced, until the disposal of such proceedings, or
- (ii) where an appeal has been preferred to the Appellate Tribunal under section 26 of the Act, until the disposal of such appeal by the Appellate Tribunal, or
- (iii) where an appeal has been filed in the High Court under section 42 of the Act, until the disposal of such appeal by the High Court;

whichever is later.

11. Forms of records.—The Summoning Officer shall, while exercising powers under sub-sections (2) and (3) of section 50 of the Act, issue summons in Form V appended to these rules.

12. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

²[FORM I

[See sub-rule (1) of rule 3]

AUTHORISATION FOR SEARCH, SEIZURE AND FREEZING UNDER SUB-SECTION (1) AND SUB-SECTION (1A) OF SECTION 17 OF THE ACT

Authorization Number..... of..... [year] Dated.....

Whereas I..... [Director/Additional Director/Joint Director/Deputy Director], have reason to believe that..... [name and complete address of the person]

- (i) has committed an act which constitutes money-laundering, or
- (ii) is in possession of proceeds of crime involved in money-laundering, or
- (iii) is in possession of records relating to money-laundering, and

1. Subs. by G.S.R. 559(E), dated 19th August, 2013, for "search and seizure" (w.e.f. 19-8-2013).

2. Subs. by G.S.R. 559(E), dated 19th August, 2013, for FORM I (w.e.f. 19-8-2013). Earlier FORM I was amended by G.S.R. 19(E), dated 7th January, 2010 (w.e.f. 7-1-2010).

certain documents including proceeds of crime and/or records relating to money laundering, which in my opinion, will be useful for, or relevant to, the investigation and other proceedings under the Prevention of Money-laundering Act, 2002 (15 of 2003) are secreted in the premises specified in the Schedule below.

I hereby authorize..... [name and designation of the Authority] to conduct the search of the premises specified in Schedule below, under sub-section (1) of section 17 of the Prevention of Money-laundering Act, 2002 (15 of 2003) and rule 3 of these Rules.

The officer so authorized to conduct search shall seize or freeze any record or property, as the case may be, which is considered relevant for the purposes of proceedings under, Act as per procedure specified in rule 4 of these rules.

Given under my hand and seal on this..... day of..... Two thousand.....

Schedule of Premises

[Director/Additional Director/Joint Director/Deputy Director]

[Signature with Seal]"

FORM II

[See sub-rule (2) of rule 4]

SEIZURE MEMO ¹[OR FREEZING MEMO] (INVENTORY OF ITEMS)

Dated.....

From [time] to..... [time]

Panch Witnesses:

1. [name with complete address]
2. [name with complete address]

We, the above named panchas having been called upon by Shri [name, designation and complete address of Officer] have presented ourselves at..... [complete address of the premises]. Here we were shown an authorisation dated..... issued by Shri [name, designation and complete address of the Director] under section 17 of the Prevention of Money-laundering Act, 2002 (15 of 2003) authorising Shri [name, designation and complete address of the officer authorized by the Director] to conduct ²[search, seizure or freeze] of the above mentioned premises. We as well as Shri [name of the occupier of the premises] put our dated signatures on the authorisation in token of having seen the same. Before the actual start of search and after the conclusion of search by Shri..... [name, designation and complete address of the authority] and the accompanying officers viz. Sarvashri/Shri/Shrimati..... offered their personal search which was declined/taken by Sarvashri/Shri/Shrimati..... [the occupier of the premises] on both the occasions in our presence. The search started athours on..... and concluded athours on.....As a result of search.....[specify proceeds of crime or records] were checked and verified and inventory prepared or recovered and seized ¹[or forzen] as per details given in the Schedule below. The search was conducted

1. Ins. by G.S.R. 559(E), dated 19th August, 2013, (w.e.f. 19-8-2013).

2. Subs. by G.S.R. 559(E), dated 19th August, 2013, for "search and seizure" (w.e.f. 19-8-2013).

in a peaceful and orderly manner and no damage to the person or property was caused during the course of search.

[Signature]
Authority
[Seal]

SCHEDULE

[Inventory of items recovered and seized ¹[or frozen]]

Panch Witnesses:

- 1. [signature with date]
- 2. [signature with date]

.....
[signature of the person searched]

(Authority)
Signature with Seal

(Received copy)

[signature of the person searched]

Note.—Each page of the seizure memo ¹[or freezing memo] is to be signed and dated by the Panch Witnesses, the person searched and the Authority.

FORM III

[See sub-rule (2) of rule 8]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a copy of the letter bearing Number..... dated along with the reasons and the material containing pages.....from..... [designation of the authority] on.....[date] at..... [time].

Signature of the Adjudicating Authority

Date.....

.....
Name of the Adjudicating Authority
Office seal

To

.....
[Name and designation of the authority]
Address
.....
.....
.....

1. Ins. by G.S.R. 559(E), dated 19th August, 2013 (w.e.f. 19-8-2013).

FORM IV

[See sub-rule (5) of rule 8]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a sealed envelope bearing number..... Dated.....
from [designation of the authority]
on[date] at..... [time].

Signature of the Adjudicating Authority/designated
officer of the office of Adjudicating Authority.

.....
Name of the Adjudicating Authority/designated
officer of the office of Adjudicating Authority.

[Office seal)]

To

.....
[Name and designation of the authority]
Address
.....
.....
.....

FORM V

(See rule 11)

FORM FOR SUMMONS

.....
.....
.....

[ADDRESS OF THE SUMMONING OFFICER]

No.

WHEREAS I.....Director or Additional Director or
Joint Director or Deputy Director or Assistant Director, am making investigation under
the provisions of the Prevention of Money-laundering Act, 2002 (15 of 2003).

AND WHEREAS, I consider the attendance of.....[name of
the person summoned and his address] necessary in connection with the said
investigations.

NOW, THEREFORE, in exercise of the powers conferred upon me under sub-section (2)
and sub-section (3) of section 50 of the said Act, I require the said
..... [name of the person summoned and his
address] to appear before me at my office on at alongwith the
documents as per schedule below:—

SCHEDULE

Given under my hand and seal this day of two
thousand.....

Summoning Officer

.....

Name and complete address

Seal

To

.....
.....
.....

(Name of the person summoned and his address]

Note.—1. Every proceeding under sub-section (2) and sub-section (3) of section 50 of the Prevention of Money-laundering Act, 2002 shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860).

2. Without prejudice to the provisions of any other law for the time being in force, if you fail to give evidence as mentioned in the schedule, you shall be liable to penal proceedings under the Prevention of Money-laundering Act, 2002 (15 of 2003).

THE 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, 2005¹

In exercise of the powers conferred by sub-section (1) read with clause (a), clause (p) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules relating to the Forms, the manner of forwarding a copy of the order of arrest of a person along with the material to the Adjudicating Authority and the period of retention thereof by the Adjudicating Authority, namely:—

1. Short title and commencement.—(1) These rules may be called the 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.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003),
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- (c) “Arresting Officer” means the Director, Deputy Director, Assistant Director or any other officer, authorized in this behalf by the Central Government by general or special order to exercise the power to arrest any person under sub-section (1) of section 19 of the Act;
- (d) “designated officer” means the officer designated by the Adjudicating Authority for the purpose of sub-rule (1) of rule 4;
- (e) “Director” or “Deputy Director” or “Assistant Director” means a Director or a Deputy Director or an Assistant Director, as the case may be, appointed under sub-section (1) of section 49 of the Act;
- (f) “Form” means forms appended to these rules;
- (g) “material” means any information or material in the possession of the Director or Deputy Director or Assistant Director or any authorised officer, as the case may be, on the basis of which he has recorded reasons under sub-section (1) of section 19 of the Act;
- (h) “order” means the order of arrest of a person and includes the grounds for such arrest under sub-section (1) of section 19 of the Act;
- (i) “section” means a section of the Act.

1. *Vide* G.S.R. 446 (E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of forwarding a copy of the order of arrest and the material to the Adjudicating Authority.—(1) The Arresting Officer shall prepare an index of the copy of the order and the material in possession and sign each page of such index of the copy of the order and the material and shall also write a letter while forwarding such index, order and the material to the Adjudicating Authority in a sealed envelope.

(2) The Arresting Officer shall place an acknowledgement slip in Form I appended to these rules inside the envelope before sealing it.

(3) The Arresting Officer shall indicate a reference number and date of despatch on the sealed envelope.

(4) The sealed envelope shall be marked “Confidential” and “To be opened by the addressee only”, the complete address of the Adjudicating Authority including his name shall be mentioned on the sealed envelope with the official seal.

(5) The Arresting Officer shall place the sealed envelope inside an outer envelope, along with an acknowledgement slip in Form II appended to these rules.

(6) The outer envelope shall be sealed and complete address of the Adjudicating Authority shall be mentioned on the sealed outer envelope.

(7) The Arresting Officer shall maintain registers and other records such as acknowledgement slip register, dak register for the purposes of this rule and shall ensure that necessary entries are made in the register immediately as soon the copy of the order and the material are forwarded to the Adjudicating Authority.

4. Acknowledgement of receipt of the copy of the order of arrest and the material by the Adjudicating Authority.—(1) On receipt of the outer sealed envelope along with Form II, the Adjudicating Authority or in his absence, the designated officer of the office of Adjudicating Authority shall forward Form II duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding the Form II to the Arresting Officer as a token of receipt of the sealed envelope.

(2) The Adjudicating Authority shall, on opening of the sealed envelope, forward Form I duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding the Form I to the Arresting Officer as a token of receipt of the copy of order of the arrest and the material.

(3) The Adjudicating Authority shall maintain registers and other records such as acknowledgement slip register, dak register, and register showing details of receipt of the copy of the order of the arrest along with the material for the purposes of this rule and shall ensure that necessary entries are made in the registers immediately on receipt of such order and the material.

5. Period of retention of a copy of the order of arrest and the material by the Adjudicating Authority.—The Adjudicating Authority shall retain the copy of order of the arrest and the material for a period of ten years, or, if before the expiry of the said period of ten years,—

- (i) any proceedings under section 8 of the Act have been commenced, until the disposal of such proceedings; or
- (ii) where an appeal has been preferred to the Appellate Tribunal under section 26 of the Act, until the disposal of such appeal by the Appellate Tribunal; or
- (iii) where an appeal has been filed in the High Court under section 42 of the Act, until the disposal of such appeal by the High Court;

whichever is later.

6. Forms of records.—The Arresting Officer while exercising powers under sub-section (1) of section 19 of the Act shall sign the Arrest Order in Form III appended to these Rules.

7. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

FORM I

[See sub-rule (2) of rule 3]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a copy of the order of arrest of..... [Name of the person arrested] bearing No.dated from the Director/Deputy Director/Assistant Director/authorized officer on [date] at..... [time].

Signature of the Adjudicating Authority

Date.....

.....

Name of the Adjudicating Authority

Office seal

To

.....

[Arresting Officer]

Address:

.....

.....

FORM II

[See sub-rule (5) of rule 3]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a sealed envelope bearing No. dated..... from the Director/Deputy Director/Assistant Director/authorized officer on [date] at..... [time].

Signature of the Adjudicating Authority/ designated officer of the office of Adjudicating Authority.

.....
Name of the Adjudicating Authority/ designated officer of the office of Adjudicating Authority.

Office seal

To

.....

[Arresting Officer]

Address:

.....

.....

.....

FORM III

(See rule 6)

ARREST ORDER

WHEREAS, I Director/Deputy Director/ Assistant Director/Officer authorised in this behalf by the Central Government, have reason to believe that.....[name of the person arrested] resident of..... has been guilty of an offence punishable under the provisions of the Prevention of Money-laundering Act, 2002 (15 of 2003);

NOW, THEREFORE, in exercise of the powers conferred on me under sub-section (1) of section 19 of the Prevention of Money-laundering Act, 2002 (15 of 2003), I hereby arrest the said [name of the person arrested] at..... hours on and he has been informed of the grounds for such arrest.

Dated at on this day of Two thousand

Arresting Officer

Signature with Seal

To

.....

.....

[Name and complete address of the person arrested]

THE 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, 2005¹

In exercise of the powers conferred by sub-section (1) and clause (x) of sub-section (2) of section 73 read with sub-section (2) of section 20 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules relating to the manner of forwarding a copy of the order of retention of seized property along with the material to the Adjudicating Authority and its period of retention by the Adjudicating Authority, namely:—

1. Short title and commencement.—(1) These rules may be called the 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.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- (c) “authorised officer” means an officer authorised by the Director under sub-section (1) of section 20 of the Act;
- (d) “designated officer” means an officer designated by the Adjudicating Authority for the purpose of sub-rule (1) of rule 4;
- (e) “Form” means forms appended to these rules;
- ³(f) “material” means any material in possession of the officer authorized under sub-section (1) of section 20 of the Act including,—
 - (i) a report forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973 (2 of 1974) or a complaint filed

1. *Vide* G.S.R. 447(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

2. Came into force on 1-7-2005.

3. Subs. by G.S.R. 20(E), dated 7th January, 2010, for clause (f) (w.e.f. 7-1-2010). Clause (f), before substitution, stood as under:

- “(f) “material” means any material in the possession of the authorised officer on the basis of which he has recorded reasons under sub-section (1) of section 20 of the Act including—
- (i) a report forwarded to the Magistrate under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) in relation to an offence under paragraph 1 of Part A, or paragraph 1 or paragraph 2 or paragraph 3 or paragraph 4 or paragraph 5 of Part B, of the Schedule; or
 - (ii) a police report or a complaint filed for taking cognizance of an offence by the Special Court constituted under sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) in relation to an offence under paragraph 2 of Part A of the Schedule;’.

before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence;

- (ii) report forwarded to a Magistrate under section 173 of Code of Criminal Procedure 1973 (2 of 1974) or a complaint filed before a Magistrate or a court by a person authorized to investigate the scheduled offence for taking cognizance of such scheduled offence.]

- (g) "order" means the order for retention of the property for the purposes of adjudication;
- (h) "seized property" means any property seized under section 17 or section 18 of the Act;
- (i) "Schedule" means the Schedule to the Act;
- (j) "section" means a section of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of forwarding the copy of the order of retention of seized property along with the material to the Adjudicating Authority.—(1) The authorised officer shall prepare the index of the copy of the order of retention of the seized property and the material and sign each page of such index of the copy of the order and the material and shall also write a letter while forwarding such index of the copy of the order and the material to the Adjudicating Authority in a sealed envelope.

(2) The authorised officer shall place an acknowledgement slip in Form I appended to these rules inside the envelope before sealing it.

(3) The authorised officer shall indicate a reference number and date of despatch on the sealed envelope.

(4) The sealed envelope shall be marked "Confidential" and "To be opened by the addressee only", the complete address of the Adjudicating Authority including his name shall be mentioned on the sealed envelope, with official seal.

(5) The authorised officer shall place the sealed envelope inside an outer envelope, along with an acknowledgement slip in Form II appended to these rules.

(6) The outer envelope shall be sealed and complete address of the Adjudicating Authority shall be mentioned on the sealed outer envelope.

(7) The authorised officer shall maintain registers and other records such as acknowledgement slip register, dak register for the purposes of this rule and shall ensure that necessary entries are made in the register immediately as soon as the copy of the order and the material are forwarded to the Adjudicating Authority.

4. Acknowledgement of receipt of the copy of the order of retention of seized property and the material by the Adjudicating Authority.—(1) On receipt of the outer sealed envelope along with Form II, the Adjudicating Authority or in his absence, the designated officer of the office of Adjudicating Authority shall forward Form II duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding the Form II to the authorised officer as a token of receipt of the sealed envelope.

(2) The Adjudicating Authority shall, on opening of the sealed envelope, forward Form I duly filled in, signed and his name legibly written below his signature. The seal of the office of the Adjudicating Authority shall be affixed before forwarding the Form I to the authorised officer as a token of receipt of the copy of the order of retention of seized property and the material.

(3) The Adjudicating Authority shall maintain registers and other records such as acknowledgement slip register, dak register, and register showing details of receipt of the copy of the order of retention along with the material for the purposes of this rule and shall ensure that necessary entries are made in the registers immediately on receipt of such order and the material.

5. Period of keeping the copy of the order of retention and the material by the Adjudicating Authority.—The Adjudicating Authority shall keep the copy of the order of retention of seized property and the material for a period of ten years or if, before the expiry of the said period of ten years,—

- (i) any proceedings under section 8 of the Act have been commenced, until the disposal of such proceedings; or
- (ii) where an appeal has been preferred to the Appellate Tribunal under section 26 of the Act, until the disposal of such appeal by the Appellate/Tribunal; or
- (iii) where an appeal has been filed in the High Court under section 42 of the Act, until the disposal of such appeal by the High Court;

whichever is later.

6. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

FORM I

[See sub-rule (2) of rule 3]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received the copy of the order of retention of seized property and the material bearing Number dated from [the designation of the authorized officer] on [date] at..... [time].

Date.....

Signature of the Adjudicating Authority

.....

Name of the Adjudicating Authority

Office seal

To

.....

[the designation of the authorised officer]

Address

.....

.....

.....

FORM II

[See sub-rule (5) of rule 3]

ACKNOWLEDGEMENT SLIP

Serial Number.....

Received a sealed envelope bearing number dated.....from
..... [the designation of the authorized officer] on [date]
at.....[time].

Signature of the Adjudicating Authority/
designated officer of the office of
Adjudicating Authority.

.....

Name of the Adjudicating Authority/
designated officer of the office of
Adjudicating Authority.

Office seal

To

.....

[the designation of the authorized officer]

Address

.....

.....

.....

THE PREVENTION OF MONEY-LAUNDERING (MANNER OF RECEIVING THE RECORDS AUTHENTICATED OUTSIDE INDIA) RULES, 2005¹

In exercise of the powers conferred by sub-section (1) read with clause (q) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules for the manner of receiving the records authenticated outside India, namely:—

1. Short title and commencement.—(1) These rules may be called the Prevention of Money-laundering (Manner of Receiving the Records Authenticated Outside India) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “record” means the record in any form received from any place outside India and authenticated in the manner as specified in these rules;
- (c) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Manner of authentication of records received from outside India.—

(1) For the purposes of sub-section (2) of section 22 of the Act, any record received from the place outside India shall be deemed to be authenticated if such record is received,—

- (a) from an authority designated under an agreement or treaty entered into by the Central Government with the Government of any country for exchange of information or investigations of cases relating to any offence under the Act, or
- (b) which is purporting to have affixed, impressed or submitted thereon or thereto the seal and signature of any person who is authorised by section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948) to do any notarial acts shall be deemed to be duly authenticated for the purposes of sub-section (2) of section 22 of the Act.

4. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

1. *Vide* G.S.R. 448 (E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

THE PREVENTION OF MONEY-LAUNDERING (APPEAL) RULES, 2005¹

In exercise of the powers conferred by sub-section (1) and clause (r) and clause (x) of sub-section (2) of section 73 read with section 35 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules for the purpose of appeals under the said Act, namely:—

1. Short title and commencement.—(1) These rules may be called the Prevention of Money-laundering (Appeal) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- (c) “Appellate Tribunal” means the Appellate Tribunal established under section 25 of the Act;
- (d) “appellant” means an aggrieved person who prefers an appeal before the Appellate Tribunal;
- (e) “Director” means the Director appointed under sub-section (1) of section 49 of the Act;
- (f) “Form” means the form appended to these rules;
- (g) “order” means an order passed by the Director under sub-section (2) of section 13 of the Act or by the Adjudicating Authority under section 8 of the Act, as the case may be;
- (h) “Registrar” means the Registrar of the Appellate Tribunal;
- (i) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Form of Appeal.—(1) Every appeal preferred before the Appellate Tribunal against the order of the Adjudicating Authority or the Director, as the case may be, under section 26 of the Act shall be in the Form as appended to these rules and the appeal shall be in quadruplicate and accompanied by four copies of the order appealed against.

(2) At the time of filing, every appeal shall be accompanied with an amount of fee as given in the Table below, in the form of demand draft payable in favour of the Registrar, Appellate Tribunal, New Delhi:

1. *Vide* G.S.R. 449 (E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

TABLE

Sl. No.	Amount of fine imposed	Amount of fee payable
1.	Where the amount of fine imposed under sub-section (2) of section 13 of the Act is Rs. 10,000.	Rs. 1,000
2.	Where the amount of fine imposed under sub-section (2) of section 13 of the Act is more than Rs. 10,000 and upto Rs. 50,000.	Rs. 2,500
3.	Where the amount of fine imposed under sub-section (2) of section 13 of the Act is more than Rs. 50,000 and upto Rs. 1 lakh.	Rs. 5,000
Appeal against attachment of any property or retention of the seized property or record.		
4.	Where appeal is against the orders made by the Adjudicating Authority under sub-section (3) or sub-section (6) of section 8 of the Act.	Rs. 10,000

(3) The appeal shall set forth concisely and under distinct head the grounds of objection to the order appealed against and such grounds shall be numbered consecutively; and shall specify the address of service at which notice or other processes of the Appellate Tribunal may be served on the appellant and the date on which the order appealed against was served on the appellant.

(4) Where the appeal is preferred after the expiry of the period of forty-five days referred to in sub-section (3) of section 26 of the Act, it shall be accompanied by a petition, in quadruplicate, duly verified and supported by the documents, if any, relied upon by the appellant, showing cause as to how the appellant had been prevented from preferring the appeal within the period of forty-five days.

(5) Any notice required to be served on the appellant shall be served on him in the manner prescribed in rule 5 of these rules at the address of service specified in the appeal.

4. Order of the Appellate Tribunal.—The order of the Appellate Tribunal shall be in writing and shall state the reasons for the decision.

5. Service of notice, requisitions or orders.—A notice, requisition or an order issued under these rules shall be served on any person in the following manner:—

- (a) by delivering or tendering the notice or requisition or order to that person or the person duly authorized by him; or
- (b) by sending the notice or requisition or order to him by registered post with acknowledgement due to the address of his place of residence or his last known place of residence or the place where he carried on, or last carried on, business or personally works or last worked for gain; or
- (c) by affixing it on the outer door or some other conspicuous part of the premises in which the person resides or is known to have last resided or carried on business or personally works or has worked for gain

and that written report thereof should be witnessed by two persons; or

- (d) if the notice or requisition or order cannot be served under clause (a) or clause (b) or clause (c), then by publishing in a leading newspaper (both in vernacular and in English) having wide circulation in the area or jurisdiction in which the person resides or is known to have last resided or carried on business or personally works or last worked for gain.

6. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

FORM

[See sub-rule (1) of rule 3]

From.....

(Mention name and address of the appellant here)

To

The Registrar,
Appellate Tribunal
(Address)

Sir,

The above-named appellant, begs to prefer this appeal under section 26 of the Prevention of Money-laundering Act, 2002 against order Number.....datedpassed by the Director or the Adjudicating Authority (*strike out whichever is inapplicable*) under the said Act on the following facts and grounds.

FACTS

(Mention briefly the facts of the case here. Enclose copy of the order passed by the Director or Adjudicating Authority (*strike out whichever is inapplicable*) and copies of other relevant documents, if any)

GROUND

(Mention here the grounds on which appeal is preferred)

PRAYER

In the light of what is stated above, the appellant prays for the following relief:—

RELIEF SOUGHT

(Specify the relief sought)

DECLARATION

The fee payable for this appeal as shown in Table given in sub-rule (2) of rule 3 of these rules has been deposited in the form of demand draft with the Registrar, Appellate Tribunal, New Delhi *vide* receipt number.....dated

Signature of the Appellant

.....

Name of the Appellant

List of documents

Place.....

Date.....

Signature of the Appellant



THE ADJUDICATING AUTHORITY (PROCEDURE) REGULATIONS, 2013¹

In exercise of the powers conferred by sub-section (15) of section 6 of the Prevention of Money-Laundering Act, 2002 (15 of 2003), the Adjudicating Authority, in supersession of the Adjudicating Authority Regulations, 2006, except as respects things done or omitted to be done before such supersession, hereby makes the following regulations regulating its procedure, namely:—

CHAPTER 1

PRELIMINARY

1. Short title and commencement.—(1) These regulations may be called the Adjudicating Authority (Procedure) Regulations, 2013.

(2) These regulations shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) Unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-Laundering Act, 2002 (15 of 2003);
- (b) “application” means an application filed under sub-section (4) of section 17 or sub-section (10) of section 18 of the Act and includes a miscellaneous application;
- (c) “Bench” means a Bench of the Adjudicating Authority constituted by the Chairperson of the Adjudicating Authority;
- (d) “complaint” means a complaint made under sub-section (5) of section 5 of the Act;
- (e) “Form” means a Form appended to these regulations.

(2) The words and expressions used herein and not defined in these regulations but defined in the Prevention of Money-Laundering Act, 2002 shall have the meanings assigned to them in that Act.

CHAPTER II

APPLICATIONS AND COMPLAINTS

3. Filing of applications and complaints.—(1) Every application, complaint, pleading, affidavit and other papers to be filed before the Adjudicating Authority shall be fairly, legibly type-written or printed in Hindi or English on durable white foolscap folio paper of Metric A-4 size (30.5 cms. long and 21.5 cms. wide) on the one side of paper only in double space with left margin of 5 cms. and right margin of 2.5 cms. paginated, indexed and stitched together in the paper book form.

(2) The complaint or application shall contain the e-mail address of the complainant or the applicant as the case may be, and the defendants, if available.

1. *Vide* G.S.R. 177(E), dated 18th March, 2013, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 142, dated 18th March, 2013.
2. Came into force on 18-3-2013.

(3) The complainant or the applicant, as the case may be, shall file a soft copy in CD form, along with the Complaint or Application, as the case may be.

4. Date and signature.—The complainant or application, as the case may be, shall affix his signature and also state his name in capitals near his signature and initial or sign at the bottom of the each page with date on the last page.

5. Attestation.—The attestation of document annexed to a complaint or application or reply shall be made at the end of the document in the form given below:

“This Annexure is the true copy of the original document”.

(Signature)

Name and Designation of the attester with date

6. Receipt of papers.—Every pleading, original application, miscellaneous application, original complaint and papers shall be received in the office hours on the working days and the officer in charge of the receiving branch shall issue receipt thereof in Form 1.

7. Date of stamping of papers and maintenance of Inward Register in the following manner.—The receiving branch shall immediately, on receipt of an or complaint or application other pleading or papers, affix the date and stamp of the Adjudicating Authority on all pages on the main or first copy and on the first page of each other copy of the application or complaint or other pleading or papers.

(1) The official receiving the complaint or application, other pleading or papers shall put his initials on the stamp affixed on the first page of the main or first copy and on the first page of all other copies.

CHAPTER III

PRESENTATION, REGISTRATION NUMBER AND POSTING FOR ORDERS

8. Duty of official authorised to receive application.—The Official authorised by the Adjudicating Authority to receive the complaint or application under the Act, shall immediately enter in the receipt register and shall put serial number (receipt number) on the application or complaint, as the case may be.

9. Registration and numbering.—(1) The Registrar or Administrative Officer or any officer authorised by the Chairperson of the Adjudicating Authority on examining the complaint or application, as the ease may be, shall direct registration.

(2) The application ordered to be registered under section 8 shall be numbered as Original Application (O.A.).

(3) The complaint ordered to be registered under section 8 shall be numbered as Original Complaint (O.C.).

(4) Other miscellaneous applications ordered to be registered shall be numbered as Miscellaneous Application (M.A.).

10. Cause list.—(1) A daily cause list in Form 2 containing cases fixed for hearing on a day by the Adjudicating Authority shall be prepared under the signature of Registrar or Administrative Officer in triplicate and shall be pasted on the previous working day on the notice board of the Adjudicating Authority.

(2) The Registrar or Administrative officer or officer authorised in this behalf by the Adjudicating Authority shall maintain a file of daily cause list and preserve for one year which shall be destroyed at the end of the next calendar year.

11. Procedures to be followed by Registrar.—(1) The Registrar shall have the custody of records of the Adjudicating Authority and shall exercise such other functions including weeding out of old records as may be assigned to him under these regulations by the Chairperson.

(2) Subject to any general or special order of the Chairperson, the Registrar shall—

- (a) receive all complaints and applications and miscellaneous applications as well as the other documents;
- (b) endorse on such complaints and applications the date of receipt;
- (c) check whether the complaints or applications are barred by limitation;
- (d) fix the date of hearing of the complaint and application subject to the directions of the Chairperson or Senior Member or Member of the Bench, as the case may be, and direct the issue of notices therefore;
- (e) bring on record legal representatives, in case of death of any party, to proceedings;
- (f) verify the service of notice or other processes and to ensure that the parties are properly served;
- (g) requisition on the direction of Adjudicating Authority records from the custody of any authority;
- (h) allow inspection of records of the Adjudicating Authority;
- (i) return the documents filed by any authority on orders of the Bench;
- (j) certify and issue copies of the orders of the Adjudicating Authority to the parties;
- (k) grant certified copies of documents filed in the proceedings to the parties, in accordance with these regulations;
- (l) ensure that remand reports are submitted in time whenever called for by the Bench by issuing necessary reminders to the authority concerned.

12. Court Master to assist Bench.—The Court Master, while performing his duties under the Act, shall assist the Bench during hearing of cases and perform such other functions incidental thereto.

CHAPTER IV

SERVICE OF SUMMONS AND NOTICES

13. Issue of summons and notices.—(1) Every summon or notice shall be issued in Form 3 or Form 4 or Form 5 or Form 6, as the case may be, signed by the Registrar or Administrative Officer.

(2) Every summon and notice shall be served in the same manner as provided in Order V of Schedule I of the Civil Procedure Code, 1908 (5 of 1908), and the provisions of that Order shall apply, *mutatis mutandis*, to the proceedings before the Adjudicating Authority:

Provided that there shall be no requirement of an application as provided under sub-rule (1) of rule 9A of the Order V of Schedule I of the Civil Procedure Code, 1908 (5 of 1908) for the purpose of service of summon or notice, as the case may be:

Provided further that there shall be no requirement of an order of the Adjudicating Authority as provided under rule 20 of the Order V of Schedule I of the Civil Procedure Code, 1908 (5 of 1908) for effecting substituted service.

(3) Notwithstanding anything in sub-regulation (2), a summon or notice may be communicated through electronic mode as provided in section 13 of the Information Technology Act, 2000 (21 of 2000) and transmission of such communication shall be regarded as valid service.

14. Steps for fresh summon and notice.—If any summon or notice is returned unserved, the complainant or applicant shall take steps for service of summon or notice, as ordered, failing which, the matter shall be placed before the Bench hearing the case.

15. Filing of reply to notice.—(1) The reply shall be filed by the defendants on or before the date fixed for hearing, with a copy delivered to the complainant or applicant, as the case may be.

(2) Ordinarily, no reply shall be entertained after the date stipulated above.

(3) The reply shall contain the e-mail address of the defendant.

16. Inspection of records.—(1) Inspection of records, upon the application in Form 7 shall be allowed under the orders of the Chairperson of the Adjudicating Authority, or the Registrar or the Administrative Officer, as the case may be.

(2) On grant of application for inspection of the records, the Administrative Officer or an officer authorized in that behalf shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar in the presence of the officer authorized by the Registrar.

(3) The officer supervising inspection may, at any time, prohibit further inspection, if in his opinion any of the records are likely to be damaged in the process of inspection.

17. Fees for inspection of records.—(1) Fees for inspecting records and registers of the Adjudicating Authority shall be—

(a) one hundred rupees for the first hour of inspection or part thereof; and

(b) fifty rupees for every additional hour of inspection or part thereof.

(2) Fees for inspection shall be recovered in advance in cash.

18. Fees for copying.—(1) Fees for supply of certified copies of the documents shall be charged at the rate of twenty rupees for a full page or part thereof, irrespective of whether the copy is typed or xeroxed.

(2) Except in cases where copies are supplied free under the rules or instructions for the time being in force and in cases covered by sub-rule (3), the fees to be charged for the supply of copies on urgent basis shall be twice the rate specified in sub-rule (1).

(3) Where a party applies for urgent supply of a copy of evidence taken down by a stenographer, the fee charged shall be five times the rate specified in sub-rule (1).

(4) Fees for supply of certified copies, whether typed or xeroxed, shall be recovered in advance in cash.

19. Maintenance of applications for inspection.—Every application for inspection of records shall be maintained by the officer authorised by the Chairperson of the Adjudicating Authority and he shall obtain therein the signatures of the persons making such inspection.

CHAPTER V

20. Dress for Chairperson, Members of Adjudicating Authority and representatives of parties.—(1) The Chairperson and Members of the Adjudicating Authority and representatives of the parties shall, while attending the proceedings of the Authority wear the dress specified in this regulation.

(2) The dress for Chairperson and Members of the Adjudicating Authority, in case of summer season, shall be white shirt, white trouser with black coat, a black tie or a buttoned-up black coat:

Provided that in case of winter season, striped or black trousers may be worn in place of white trousers:

Provided further that in case the Chairperson or Member, is a woman, such Chairperson or Member may wear black coat over white saree or white trouser both in summer and winter seasons.

(3) The dress for the authorised representatives of the parties (other than a relative or regular employee of the defendant) appearing before the Adjudicating Authority shall be a suit with a tie or buttoned-up coat preferably in black colour over a pant or a long buttoned-up coat on dhoti or churidar pyjama:

Provided that a woman representative may wear, black coat over white or any other sober coloured saree:

Provided further that if the authorised representatives belong to a profession, like, lawyers or Chartered Accountants and a dress for appearing in their professional capacity before any court, tribunal or other authority, has been specified, then, such representative may, appear before the Adjudicating Authority in that dress, in lieu of the dress specified in this sub-regulation.

(4) All other persons appearing before the Adjudicating Authority shall be properly dressed.

21. Examination of witness and the issue of commissions.—The provisions of the Code of Civil Procedure, 1908 (5 of 1908) relating to the issuing of commissions for examination of witnesses and documents shall, as far as may be applicable, apply in the matters of summoning and enforcing attendance of any person as witness and issuing a commission for examination of such witness.

22. Recording of deposition.—The deposition of the witness whenever necessary shall be recorded in Form 8. A Certificate of attendance, if requested for, will be issued in Form 9.

23. Numbering of witness.—The witness called by the applicant shall be numbered consecutively as P.Ws and those by the defendant or any other persons not being applicants as D.Ws. and any witness examined at the instance of the complainants shall be numbered consequently as C.Ws, and the witness called by the Adjudicating Authority shall be numbered as A.Ws.

24. Witness expenses payable.—The Adjudicating Authority may, if it considers necessary, direct the concerned party for the payment of expenses to the witness, as the case may be.

25. Marking of documents.—Every document filed by the applicant shall be marked as Ex. A1 and the document filed by the complainant shall be marked as Ex. C1 and the documents filed by the defendants or other person not being applicant shall be marked as Ex. D1 and so on.

CHAPTER VI

ORDERS

26. Issue of Order.—(1) The order supported by reasons recorded shall be pronounced in open court and on the date fixed in that behalf.

(2) Every sheet of the order shall bear the signature of the Chairperson and Members constituting the Bench.

27. Copy of order to be delivered on date of its pronouncement.—If the parties or representatives of the parties remain present on the date of pronouncement of the order, a copy of the order, if ready, shall forthwith be delivered to the parties or the representatives of the parties present under their signatures and in that case, it shall not be necessary to send again the copy of the order to the parties present.

28. Indexing of case files.—(1) The officer concerned shall, on the disposal of an application or complaint, as the case may be, and on communication of the order to the parties or their representative, arrange the record with paging and prepare the index sheet in Form 10 and, thereafter, he shall affix his initial and transmit the record with the index enclosures in the record book, maintained in Form 11.

(2) The Record-Keeper shall examine the record with general index and if the record is found to be in order, a note shall be given in the index to that effect and in case, any defect is found, the same shall be reported to the Administrative Officer or the officer authorised by the Chairperson of the Adjudicating Authority, who shall direct the concerned officer to make necessary corrections.

(3) After completion of the examination of record, the list of the records shall be kept in a file and ordinarily at the end of the calendar year, the list shall be bound up so as to constitute a register of decided cases.

(4) The record shall be kept in bundles and a label, showing the month and year of the decision or order, shall be attached to each bundle.

CHAPTER VII

GRANT OF CERTIFIED COPIES

29. Application for certified copy.—(1) An application for a copy shall be filed in the Form 12 by the parties along with required copying fee.

(2) The copying fee [referred to in sub-regulation (1)] shall be payable in the form of demand draft drawn in favour of administrative officer payable at the place of the Bench of the Adjudicating Authority and is non-refundable.

30. Endorsement of a copy.—Every copy shall bear the following particulars, namely:—

- (i) Number of the application entered in the register;
- (ii) Name of the applicant;
- (iii) Day, month and year of the application;
- (iv) Amount of copying fee paid;
- (v) Name of the copyist;
- (vi) Date fixed for issue of copy;
- (vii) Date on which copy was ready;
- (viii) Date of notice to applicant;
- (ix) Date of delivery or posting of the copy.

FORM 1

(See regulation 6)

RECEIPT SLIP

An application/complaint has been received on.....from Shri.

.....
Signature of Authorized Official/Officer

FORM 2

[See regulation 10(1)]

DAILY CAUSE LIST

Adjudicating Authority

Date.....

Serial Number	Application Number	Name of Applicant or Complainant	Name of Defendants	Name of Applicant's or Complainant's Counsel	Name of Defendant's Counsel	Posted for
1	2	3	4	5	6	7

FORM 3

[See regulation 13(1)]

Before the Adjudicating Authority (Under
The Prevention of Money-Laundering Act, 2002)
New Delhi

NOTICE TO SHOW CAUSE

.....Complainant

Versus

.....Defendants

Above named Complainant has filed a complaint under sub-section (5) of section 5 of the Prevention of Money-Laundering Act, 2002 (15 of 2003) against you.

You are called upon to indicate the source of your income, earning or assets out of which or by means of which you have acquired the property attached under sub-section (1) of section 5 of the Prevention of Money-Laundering Act, 2002 (15 of 2003) the evidence on which you rely and other relevant information and particulars and show cause why

all or any of such property should not be declared to be the properties involved in money-laundering and consequently why the attachment order should not be confirmed.

or

You are called upon to show cause why the provisional attachment order in respect of properties should not be confirmed as representing proceeds of crime being value of properties involved in money-laundering.

You are directed to appear before the Adjudicating Authority in person or through an advocate/authorized representative, duly instructed on.....day of..... year..... at (time)....., at (place), failing which the Complaint shall be heard and decided in your absence.

Given under my hand and the seal of the Adjudicating Authority, this.....day of.....

Registrar/Administrative Officer
Adjudicating Authority
Address:
.....

Date.....

Seal

FORM 4

[See regulation 13(1)]

Before the Adjudicating Authority (Under the
Prevention of Money-Laundering Act, 2002)
New Delhi

NOTICE TO SHOW CAUSE

.....Applicant

Versus

.....Defendants

Above named applicant has filed an application under sub-section (10) of section 18 read with section 17(4) of Prevention of Money-Laundering Act, 2002 (15 of 2003) against you.

You are called upon to show cause why the properties or records seized or frozen under section 17 should not be retained as involved in money laundering and required for the purposes of confiscation under Prevention of Money-Laundering Act, 2002 (15 of 2003).

You are directed to appear before the Adjudicating Authority in person or through an advocate/authorized representative, duly instructed on.....day of.....year.....at (time)....., at (place), failing which the Application shall be heard and decided in your absence.

Given under my hand and the seal of the Adjudicating Authority, this.....day of.....

Registrar/Administrative Officer
Adjudicating Authority
Address:
.....

Date.....

Seal

FORM 5

[See regulation 13(1)]

Before the Adjudicating Authority (Under the
Prevention of Money-Laundering Act, 2002)

New Delhi

NOTICE TO SHOW CAUSE

(Under the 3rd proviso of section 8(1) of the Prevention of Money-Laundering Act, 2002)

.....Applicant/Complainant

Versus

.....Defendants

Above named Complainant has filed a complaint under sub-section (5) of section 5 of the Prevention of Money Laundering Act, 2002 (15 of 2003).

Above named applicant has filed an application under sub-section (10) of section 18 read with section 17(4) of Prevention of Money-Laundering Act, 2002 (15 of 2003) against you.

Whereas it appears that you have claimed the property provisionally attached under section 5(1) or seized or frozen under section 17 of the Prevention of Money-Laundering Act, 2002 (15 of 2003).

You are hereby called upon to indicate and to show cause why such property/properties should not be declared to be the properties involved in money laundering, and why the order of provisional attachment or seizure or frozen should not be confirmed.

You are directed to appear before the Adjudicating Authority, Prevention of Money Laundering, in person or through an advocate/authorized representative, duly instructed on.....day of.....year.....at (time), at (place), failing which the application/complaint shall be heard and decided in your absence.

Given under my hand and the seal of the Adjudicating Authority, this.....day of.....

Registrar/Administrative Officer
Adjudicating Authority

Address:
.....

Date.....

Seal

FORM 6

[See regulation 13(1)]

SUMMONS TO WITNESS

(Under section 11 of the Prevention of Money-Laundering Act, 2002)

Ref:—OC./OA No.of (year).....

.....Joint Director

Versus

.....Defendants

To

.....
.....
.....

Whereas your attendance is required to examine you on oath/for production of records/for receiving evidence on affidavit in the above mentioned case you are hereby required to appear personally/through Authorized Representative before this Authority on the.....day of.....at.....o'clock and to bring with you or to send to this Authority the records mentioned hereunder.

If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the court, this.....day of.....

Registrar
Adjudicating Authority

Note: (1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this court on the day and hour aforesaid.

(2) Details of records to be produced:—

- 1.
- 2.
- 3.
- 4.

FORM 7

[See regulation 16(1)]

APPLICATION FOR INSPECTION OF RECORDS

To

The Registrar/Administrative Officer,
Adjudicating Authority,
New Delhi.

Kindly grant permission to inspect the record of the case mentioned below. Particulars of the record for which inspection is sought.

- (i) Kind of case.
- (ii) Number and year.
- (iii) Name of Parties.
- (iv) Date of decision (or hearing), if pending
Order of the Registrar/Administrative Officer.

.....
Signature of the Applicant/
Defendant/Counsel/
Authorized Agent

Office Report:

Inspection commenced at.....on.....20.....
Inspection concluded.....
Inspection fee already paid with application Rs..
Additional fee, if any, paid Rs.

.....
Signature of the Clerk

Date.....

FORM 8

(See regulation 22)

Before Adjudicating Authority
Original Application No.

STATEMENT OF WITNESS

Oath Administered

Name.....

Father's/Husband's Name.....age.....

Occupation.....Place of residence and
address.....

Statement was read over to the witness who admitted it to be correct.

.....
Signature, Chairman/Member
Adjudicating Authority

New Delhi

Date.....

FORM 9

(See regulation 22)

CERTIFICATE OF ATTENDENCE

Certified that Shri.....appeared before this Authority as a witness on O.A./O.C.
No...../20....., on behalf of the.....on..... He was relieved at.....
on..... He was paid/not paid any T.A. and D.A.

.....
Signature of Registrar/Administrative Officer

Date.....

FORM 10

(See regulation 28)

GENERAL - INDEX

Records

Part	Description of paper	No. of sheets in paper	State of document	Date of weeding	Remarks
A B				A B	

FORM 11

(See regulation 28)

LIST OF RECORDS TRANSMITTED TO THE RECORD ROOM

List of cases disposed by the Adjudicating Authority, in the month
of.....year.....

Sl. No.	Date of Disposal	Number and year of suit or case	Date of institution	Name of parties	Number of papers on record			Details of additions to record made in the record room	Remarks
				Part A	Part B	Date	Particulars	Number of Papers	

FORM 12

[See regulation 29(1)]

APPLICATION FOR COPY OF RECORD

To

The Registrar/Administrative Officer,
Adjudicating Authority,
New Delhi.

Applicant/Case No.(Applicant/Complainant)

Versus

..... (Non-applicant/Defendants)

Decided/Fixed for hearing on.....

Kindly grant Photostat/typed certified Copy/Copies of the paper named in the following list from the record of the above mentioned case, for which I tender copying fee of the value of Rs.

My address is.....

List.....

Serial No	Full Particulars of the paper of which a copy is sought	No. of copies required	The purpose for which the copy is sought	Remarks
1	2	3	4	5

THE PREVENTION OF MONEY-LAUNDERING (ISSUANCE OF PROVISIONAL ATTACHMENT ORDER) RULES, 2013¹

In exercise of the powers conferred by sub-section (1) read with clause (aa) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules relating to the issuance and service of provisional attachment order, namely:—

1. Short title and commencement.—(1) These rules may be called the Prevention of Money-laundering (Issuance of Provisional Attachment Order) Rules, 2013.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- (c) “Authorized Officer” means an officer not below the rank of Deputy Director authorized by the Director for the purpose of section 5 of the Act;
- (d) “corresponding law” shall have the same meaning as assigned to it in clause (ia) of sub-section (1) of section 2 of the Act;
- (e) “Director” means the Director appointed under sub-section (1) of section 49 of the Act;
- (f) “Proceeds of Crime” shall have the same meaning as assigned to it in clause (u) of sub-section (1) of section 2 of the Act;
- (g) “Provisional Attachment Order” means an order passed under sub-section (1) of section 5 of the Act;
- (h) “Schedule” means the Schedule to the Act; and
- (i) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Manner of issuance of provisional attachment order.—(1) Where the Director or any officer authorised in this behalf has reason to believe on the basis of material in his possession that the proceeds of crime or the property involved

1. *Vide* G.S.R. 557(E), dated 19th August, 2013, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 416, dated 19th August, 2013.

2. Came into force on 19-8-2013.

in money-laundering has to be provisionally attached, the said officer shall make a provisional attachment order.

(2) The authorized officer shall endorse a copy of the provisional attachment order to all concerned including the persons in possession of the properties and the Adjudicating Authority.

(3) The service of provisional attachment order shall be served in the following manner:—

- (a) by delivering or tendering the provisional attachment order to the owner or person; or
- (b) if it cannot be delivered to such owner or person, by delivering it to the person duly authorised by such owner or person; or
- (c) if the owner or person is absent from his residence at the time when service of the provisional attachment order is being effected on him, and there is no likelihood of his being found at the residence within a reasonable time and he has not duly authorised any person to accept the service on his behalf, service may be made on any adult member in the family of such owner or person who is residing with him; or
- (d) if the service cannot be effected as provided in clauses (a) to (c), the serving officer shall affix one of the duplicate of the provisional attachment order at some conspicuous part of the premises in which the person or owner resides or is known to have last resided or carried on business or personally works or has worked for gain and that the written report thereof shall be witnessed by two persons.

(4) If the provisional attachment order cannot be served under clause (a) or clause (b) or clause (c) or clause (d) of sub-rule (3), then by publishing it in a leading newspaper (both in vernacular and in English) having wide circulation in the area or jurisdiction in which the person resides or is known to have last resided or carried on business or personally works or last worked for gain.

(5) Notwithstanding anything contained above, the provisional attachment order to the owner or person, in addition to and simultaneously may be sent by speed post with proof of delivery at the address of his place of residence or his last known place of residence or the place where he carried on, or last carried on, business or personally works or last worked for gain.

4. Service of provisional attachment order on corporate bodies, societies and trusts etc.—(1) (a) The provisional attachment order on corporate bodies, societies and trust etc. shall be effected by serving it on the secretary, local manager or the principal officer of the corporate bodies, societies and trust etc., or by letter sent by speed post addressed to the chief officer of such bodies in India, in which case the service shall be deemed to have been effected;

(b) If the service cannot be effected as provided in clause (a), the serving officer shall affix one of the duplicate of the provisional attachment order at some conspicuous part of the premises in which the office of the corporate body, society and trust etc. carries on business or have last carried on business.

(2) If the provisional attachment order cannot be served under sub-rule (1), then by publishing it in a leading newspaper (both in vernacular and in English) having wide circulation in the area or jurisdiction where the corporate body, society and trust etc. carries on business or have last carried on business.

5. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and in this regard, the decision of the Central Government shall be final.

THE PREVENTION OF MONEY-LAUNDERING (TAKING POSSESSION OF ATTACHED OR FROZEN PROPERTIES CONFIRMED BY THE ADJUDICATING AUTHORITY) RULES, 2013¹

In exercise of the powers conferred by sub-section (1) read with clause (ee) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules relating to the procedure and manner of taking possession of attached or frozen properties confirmed by the Adjudicating Authority, namely:—

1. Short title and commencement.—(1) These rules may be called the Prevention of Money-laundering (Taking Possession of Attached or Frozen Properties Confirmed by the Adjudicating Authority) Rules, 2013.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Prevention of Money-laundering Act, 2002 (15 of 2003);
- (b) “Adjudicating Authority” means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act;
- (c) “attachment” means prohibition of transfer, conversion, disposition or movement of property by an order issued under sub-section (1) of section 5 of the Act;
- (d) “Authorized Officer” means an officer authorized by the Director under sub-section (1) of section 5 of the Act;
- (e) “Form” means the Forms appended to these rules;
- (f) “frozen” means a record or property frozen under sub-section (1A) of section 17 of the Act;
- (g) “order” means an order made by the Adjudicating Authority under sub-section (3) of section 8 of the Act; and
- (h) “section” means a section of the Act.

(2) All other words and expressions used and not defined in these rules, but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Procedure relating to possession.—Where the provisional order of attachment made under sub-section (1) of section 5 of the Act or order for retention of property or records seized or frozen under section 17 or section 18 has been confirmed by the Adjudicating Authority under sub-section (3) of section 8, the

1. *Vide* G.S.R. 558(E), dated 19th August, 2013, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 416, dated 19th August, 2013.

2. Came into force on 19-8-2013.

Director or any other officer authorised by him in this behalf shall forthwith take the possession of the property or record in the manner prescribed in these rules.

4. Manner of taking possession of movable property.—(1) Where the attached property confirmed under sub-section (3) of section 8 of the Act is a movable property, the authorized officer shall take physical possession of such property and deposit it in a warehouse or a storage place.

(2) Where the attached property confirmed by the Adjudicating Authority, is liable to speedy and natural decay or the expense of maintenance is likely to exceed its value, the authorized officer shall sell such property with the leave of the concerned Special Court or Adjudicating Authority, as the case may be, and deposit the sale proceeds in the nearest Government Treasury or branch of the State Bank of India or its subsidiaries or in any nationalised bank in fixed deposit and retain the receipt thereof:

Provided that where the owner of the property furnishes the fixed deposit receipt of a nationalised bank equivalent to the value of property in the name of Director of Enforcement, the authorised officer may accept and retain such fixed deposit receipt as security and send a report to the Special Court or Adjudicating Authority, as the case may be, for information and appropriate action:

Provided further that where the movable property is a mode of conveyance of any description, the authorised officer, after obtaining its valuation report from the Motor Licensing Authority or any other authority, as the case may be, may accept and retain the fixed deposit receipt of a nationalised bank equivalent to the value of the movable property as security in the name of Director of Enforcement and send a report to the Special Court or Adjudicating Authority, as the case may be, for information and appropriate action.

(3) Where the attached property confirmed by the Adjudicating Authority consists of cash, government or other securities or bullion or jewellery or other valuables, the authorized officer shall cause to deposit it in a locker in the name of the Director of Enforcement or in the form of fixed deposit receipt, as the case may be, in State Bank of India or its subsidiaries or in any nationalised bank and retain the receipt thereof.

(4) Where the attached property confirmed by the Adjudicating Authority is in the form of shares, debentures, units of mutual fund or instruments, the authorised officer shall cause to get such shares, debentures, units of Mutual Fund or instruments to be transferred in favour of the Director of Enforcement.

(5) Where the property confirmed by the Adjudicating Authority is in the form of money lying in a bank or a financial institution, the Authorized Officer shall issue a direction to the bank or financial institution, as the case may be, to transfer and credit the money to the account of the Directorate of Enforcement.

5. Manner of taking possession of immovable property.—(1) Where the immovable property confirmed by the Adjudicating Authority is in the form of a land, building, house, flat, etc., a notice shall be issued to the Registrar having jurisdiction of the area alongwith the provisional attachment order and order of the Adjudicating Authority confirming such attachment requiring the Registrar not to transfer or create any interest in such property until further orders and a copy

of the order confirming the attachment shall be affixed at a conspicuous part of the property;

(2) Where the immovable property confirmed by the Adjudicating Authority is in the form of a land, building, house, flat, etc., and is occupied by the owner, the authorized officer shall issue a notice of eviction of ten days so as to prevent the person from enjoying such property and after issuing of such notice if the premises is not vacated within the stipulated time, such occupant shall be evicted and the possession shall be taken by seeking the assistance of the local Authorities in terms of section 54 of the Act;

(3) Where the immovable property confirmed by the Adjudicating Authority is in the form of a land, building, house, flat, etc., and is given on lease or rent to a third party which is registered in accordance with the provisions of section 17 of the Registration Act, 1908, the authorized officer shall issue a direction to the occupant to pay the lease amount or rent in the form of Demand Draft payable to the Directorate of Enforcement;

(4) Where the immovable property confirmed by the Adjudicating Authority is in the form of a land, building, house, flat, etc., and is given on lease or rent to any third party where the registration is optional in accordance with the provision of section 18 of the Registration Act, 1908, the authorized officer shall proceed to get the premises vacated and the possession shall be taken by seeking the assistance of local Authorities in terms of section 54 of the Act;

(5) Where the immovable property confirmed by the Adjudicating Authority is in the form of a land, building, house, flat, etc., and is under joint ownership, the authorized officer may accept the equivalent value of fixed deposit to the extent of the value of the share of the concerned person in the property estimated by the authorized officer, to be involved in money laundering; and

(6) Where the immovable property confirmed by the Adjudicating Authority is in the form or nature of productive asset or an establishment which is producing goods or a factory, etc., and where the manufacturing process or activity is being carried out, the authorized officer may take possession with a direction to the person in-charge of the concerned establishment or factory that gross income and any other monetary benefits which accrue there from shall be deposited in the account of the Directorate of Enforcement.

6. Mode of serving of notice.—(1) The authorized officer shall serve a notice on all the concerned parties for taking possession of immovable property in Form I, appended to these rules and affix the same at conspicuous part of such property and shall also be served by publication in a local newspaper.

(2) The authorized officer, for taking possession of property which is in the nature of productive asset, shall serve a notice on all concerned parties in Form II, appended to these rules and affix the same at conspicuous part of such property and such notice shall also be published in a local newspaper.

7. Confirmed attached property in the custody of court.—(1) Where the confirmed attached property is in the custody of any court, the authorized officer shall make an application to such court by providing a copy of the provisional attachment order issued under sub-section (1) of section 5 and the order under sub-section (3) of section 8 passed by the Adjudication Authority.

(2) The application referred to in sub-rule (1) shall contain a relief that such property and any interest or dividend payable thereon may be released in favour of the Directorate of Enforcement.

8. Confirmed attached property hypothecated or mortgaged or pledged to bank, financial institutions, etc.—Where the confirmed attached property is hypothecated or mortgaged or pledged to any bank, financial institution, etc., the authorised officer shall direct such bank, financial institution, etc., that such property and any interest or dividend payable thereon shall be retained subject to further orders of the authorised officer.

9. Maintenance of registers for confirmed attached property.—(1) The authorized officer shall maintain a register containing the details in Form III for recording entries in respect of movable property.

(2) The Authorized Officer shall maintain a register containing the details in Form IV for recording entries in respect of immovable property.

10. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

FORM I

[See sub-rule (1) of rule 6]

NOTICE FOR TAKING POSSESSION UNDER SUB-SECTION (4) OF SECTION 8 OF THE PREVENTION OF MONEY-LAUNDERING ACT, 2002 (15 OF 2003)

Whereas the immovable property bearing..... situated at..... has been provisionally attached under sub-section (1) of section 5 of the Act (15 of 2003) *vide* provisional attachment order No. dated..... issued by the Deputy Director/Joint Director/Additional Director of the Directorate of Enforcement, Sub-Zonal/Zonal office/Regional office of the..... .

Whereas the said provisional attachment order was subsequently confirmed by the Adjudicating Authority constituted under section 6 of the Act, *vide* order dated..... in Original Complaint No.

Whereas, in compliance of the provisions contained under sub-section (4) of section 8 of the Act (15 of 2003), the undersigned has taken possession of property/ portion..... of the aforesaid property, which shall be at the disposal of the Directorate of Enforcement until further order and such property shall be kept intact by all concerned for further proceedings under the Act; and

I, therefore, order that all concerned are hereby prohibited and restrained until further order of the undersigned from transferring or charging the aforesaid property by sale, gift, mortgage, pledge or otherwise in any manner whatsoever and that all persons be and that they are hereby prohibited and restrained from receiving the same by purchase, gift, mortgage, pledge or otherwise in any manner whatsoever.

Issued on this..... day of..... 20.....

By Order
(.....)
Deputy Director/ Joint Director/Additional Director
(name, designation and office seal)
Sub-Zonal/Zonal/Regional Office

FORM II

[See sub-rule (2) of rule 6]

**NOTICE FOR TAKING POSSESSION UNDER SUB-SECTION (4)
OF SECTION 8 OF THE PREVENTION OF MONEY-
LAUNDERING ACT, 2002 (15 OF 2003)**

Whereas the immovable property bearing..... situated at..... and the said property which is of the nature of productive asset or running factory, etc., has been provisionally attached under sub-section (1) of section 5 of the Act (15 of 2003) *vide* provisional attachment order No dated..... issued by Deputy Director/Joint Director/Additional Director, Directorate of Enforcement, Sub-Zonal/Zonal/Regional Office..... .

Whereas the said provisional attachment order was subsequently confirmed by the Adjudicating Authority constituted under section 6 of the Act, *vide* order No. dated..... in Original Complaint No.

Whereas, in compliance of the provisions contained in sub-section (4) of section 8 of the Act (15 of 2003), the undersigned has taken constructive possession of said property, which shall be at disposal of the Directorate of Enforcement until further Order and that such property shall be kept intact by all concerned for further proceedings under this Act, and officer in-charge of the said property or concerned with the property shall deposit the gross income and all other monetary benefits accrued therefrom in the Account of the Directorate of Enforcement.

I, therefore, order that all concerned are hereby prohibited and restrained until further order of the undersigned from transferring or charging the aforesaid property by sale, gift, mortgage, pledge or otherwise in any manner whatsoever and that all concerned are hereby prohibited and restrained from receiving the same by purchase, gift, mortgage, pledge or otherwise in any manner whatsoever.

Issued on this..... day of..... 20.....

By Order

(.....)

Deputy Director/ Joint Director/Additional Director
(name, designation and office seal)
Sub-Zonal /Zonal/Regional office

FORM III

[See sub-rule (1) of rule 9]

**POSSESSION OF CONFIRMED ATTACHED PROPERTY
(MOVABLE) REGISTER**

1. Confirmation of provisional attachment order/freezing Order No. dated..... issued by Adjudicating Authority under sub-section (3) of section 8 of the Act.
2. Date of possession of property.
3. Description of property (quantity, amount, estimated value).
4. Name(s) and address(es) of the person(s).
5. Name and address of the Warehouse/Storage place/Treasury or Bank where the property is deposited for safe custody.

6. Date and time of deposit of confirmed attached property in the Warehouse/ Storage place or Treasury or Bank.
7. Remarks.

.....
(Signature with date of the Authorized Officer)

.....
(Name, designation and official rubber stamp to be affixed)

FORM IV

[See sub-rule (2) of rule 9]

**POSSESSION OF CONFIRMED ATTACHED PROPERTY
(IMMOVABLE) REGISTER**

1. Confirmation of Provisional Attachment Order Number/Freezing Order No. dated..... issued by the Adjudicating Authority under sub-section (3) of section 8 of the Act.
2. Date of possession of confirmed attached property.
3. Description of property (quantity, amount, estimated value).
4. Name(s) and Address(es) of the person(s).
5. Details of letter issued to Registrar/Banks/State Government Departments, etc.
6. Remarks.

.....
(Signature with the date of the Authorised Officer)

.....
(Name, designation and official rubber stamp to be affixed)

NOTIFICATIONS

NOTIFICATION APPOINTING THE ADJUDICATING AUTHORITY¹

In exercise of the powers conferred by sub-section (1) of section 6 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby appoints an Adjudicating Authority to exercise jurisdiction, powers and authority conferred by or under the said Act. The Adjudicating Authority shall consist of a Chairperson and two Members and shall function within the Department of Revenue, Ministry of Finance of the Central Government with Headquarters at New Delhi.

NOTIFICATION SPECIFYING THE NEW DELHI BENCH²

In exercise of the powers conferred by clause (d) of sub-section (5) of section 6 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby specifies that the New Delhi Bench of the Adjudicating Authority appointed under sub-section (1) of section 6 of the said Act shall exercise jurisdiction, powers and authority conferred by or under the said Act over the whole of India.

NOTIFICATION ESTABLISHING AN APPELLATE TRIBUNAL³

In exercise of the powers conferred by section 25 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby establishes an Appellate Tribunal at New Delhi to hear appeals against the orders of the Adjudicating Authority and the authorities under the said Act.

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1. *Vide* G.S.R. 437(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.
 2. *Vide* G.S.R. 438(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.
 3. *Vide* G.S.R. 439(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.

NOTIFICATION APPOINTING THE DIRECTOR, FINANCIAL INTELLIGENCE UNIT¹

In exercise of the powers conferred by sub-section (1) of section 49 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby appoints, with effect from the 1st day of July, 2005, the Director, Financial Intelligence Unit, India, under the Ministry of Finance, Department of Revenue, as the Director to exercise the exclusive powers conferred under ²[clause (b) of sub-section (1) of section 12, section 12A], section 13, sub-section (2) of section 26 and sub-section (1) of section 50 of the said Act and the said Director, Financial Intelligence Unit, India, shall also concurrently exercise powers conferred by sub-section (3) and sub-section (5) of section 26, section 39, section 40, section 41, section 42, section 48, sub-section (2) of section 49, section 66 and section 69 of the aforesaid Act.

NOTIFICATION APPOINTING DIRECTOR OF ENFORCEMENT³

In exercise of the powers conferred by sub-section (1) of section 49 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government hereby appoints, with effect from the 1st day of July, 2005, the Director of Enforcement holding office immediately before the said date under the Foreign Exchange Management Act, 1999 (42 of 1999), as the Director to exercise the exclusive powers conferred under section 5, section 8, section 16, section 17, section 18, section 19, section 20, section 21, sub-section (1) of section 26, section 45, section 50, section 57, ⁴[section 58A, section 58B], section 60, section 62 and section 63 of the said Act and the said Director shall also concurrently exercise powers conferred by sub-section (3), sub-section (4) and sub-section (5) of section 26, section 39, section 40, section 41, section 42, section 48, section 49, section 66 and section 69 of the aforesaid Act.

NOTIFICATION DESIGNATING COURTS OF SESSIONS AS SPECIAL COURTS⁵

In exercise of the powers conferred by sub-section (1) of section 43 of the Prevention of Money-laundering Act, 2002 (15 of 2003) and in consultation with the Chief Justices of the respective High Courts, the Central Government designates the Court(s) of Sessions, as mentioned in Annexure, as Special Court(s) for the area(s) specified in the said Annexure against the said Courts, for trial of offence punishable under section 4 of the said Act.

1. *Vide* G.S.R. 440(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.
2. Subs. by G.S.R. 578(E), dated 29th August, 2013, for "clause (b) of sub-section (1) of section 12 and its proviso".
3. *Vide* G.S.R. 441(E), dated 1st July, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 1st July, 2005.
4. Ins. by G.S.R. 579(E), dated 29th August, 2013.
5. *Vide* S.O. 841(E), dated 1st June, 2006, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 1st June, 2006.

ANNEXURE

Sl. No.	State/Union Territory	Court of Session notified as Special Court under the Prevention of Money-laundering Act, 2002	Area specified for trial of offence punishable under section 4 of the Prevention of Money-laundering Act, 2002
(1)	(2)	(3)	(4)
1.	Assam	Court of Special Judge, Assam, Guwahati	The entire State of Assam
2.	Bihar	Additional District and Sessions Judge, Patna	The entire State of Bihar
3.	Chhattisgarh	IVth Additional District Judge, Raipur	Civil District Raipur, Durg, Rajnandgaon, Dakshin Bastar Dantewara, Bastar at Jagdalpur of Chattisgarh
		IVth Additional District Judge, Bilaspur	Civil Districts Bilaspur, Korba, Kabirdham (Kawardha) of Chhattisgarh
		IIInd Additional District Judge, Raigarh	Civil Districts Raigarh, Jashpur, Surguja at Ambikapur of Chhattisgarh
4.	Delhi	Judge-in-charge, Karkardooma Court	The entire National Capital Territory of Delhi
5.	Gujarat	Principal District and Sessions Judge, Ahmedabad (Rural)	The entire State of Gujarat
6.	Himachal Pradesh	Sessions Court, Shimla	Districts Shimla, Kinnaur, Solan and Nahan of Himachal Pradesh
		Sessions Court, Dharmshala	Districts Kangra, Chamba, Hamirpur and Una of Himachal Pradesh
		Sessions Court, Mandi	Districts Mandi, Kullu, Lahaul-Spiti and Bilaspur of Himachal Pradesh
7.	Jammu and Kashmir	Court of Principal District and Sessions Judge, Jammu	The entire province of Jammu
		Court of Principal District and Sessions Judge, Srinagar	The entire province of Kashmir
8.	Jharkhand	Ist Additional Judicial Commissioner, Ranchi	Sessions Division of Ranchi
		Ist Additional Sessions Judge, Jamshedpur	Sessions Division of Jamshedpur
		Ist Additional Sessions Judge, Dhanbad	Sessions Division of Dhanbad
		Ist Additional Sessions Judge, Bokaro	Sessions Division of Bokaro
9.	Kerala	Principal Sessions Court at Thiruvananthapuram	The entire State of Kerala
10.	Karnataka	Principal City Civil and Sessions Judge, Bangalore City	Areas comprising revenue jurisdiction of—
			(1) Bangalore City
			(2) Bangalore Rural District
			(3) Tumkur District
			(4) Kolar District
			(5) Mandya District
			(6) Hassan District
			(7) Chikmagalur District
			(8) Chitradurga District

(1)	(2)	(3)	(4)
			(9) Mysore District
			(10) Chamarajanagar
			(11) Shimoga District
			(12) Kodagu-Madikeri
			(13) Mangalore District
			(14) Udupi District
		Principal District and Sessions Judge, Raichur	Areas comprising revenue jurisdiction of—
			(1) Bagalkot District
			(2) Belgaum District
			(3) Bellary District
			(4) Bidar District
			(5) Bijapur District
			(6) Gadag District
			(7) Haveri District
			(8) Davanagere District
			(9) Dharwad District
			(10) Gulbarga District
			(11) U.K. Karwar District
			(12) Koppal District
			(13) Raichur District
11.	Lakshadweep	Sessions Court, Kavarathy	Entire Union Territory of Lakshadweep
12.	Madhya Pradesh	Sessions Court, Gwalior	Gwalior, Shivpuri, Guna, Ashoknagar, Datia, Sheopur, Morena, Bhind
		Sessions Court, Indore	Indore, Dhar, Jhabua, Khargone, Barwani, Khandwa, Burhanpur, Ujjain, Dewas, Ratlam, Shajapur, Mandasaur, Neemuch
		Sessions Court, Bhopal	Bhopal, Sehore, Raisen, Rajgarh, Vidisha, Betul, Hoshangabad, Harda
		Sessions Court, Sagar	Sagar, Damoh, Panna, Chhatarpur, Tikamgarh
		Sessions Court, Jabalpur	Jabalpur, Narsinghpur, Chhindwara, Seoni, Mandla, Dindori, Balaghat, Rewa, Shahdol, Anuppur, Umaria, Sidhi, Satna, Katni
¹ [13.	Maharashtra	Principal Judge, City Civil and Sessions Court	Area comprising Greater Bombay.
		All the Principal District and Sessions Judges	Area comprising their respective (Judicial) districts]
14.	Pondicherry	Chief Judge, Pondicherry	The entire Union Territory of Pondicherry
15.	Rajasthan	Special Court (Communal Riots), Jaipur	The entire State of Rajasthan
16.	Sikkim	Sessions Judge (East and North)	The entire State of Sikkim
17.	Tamil Nadu	Principal District Judges of the respective Districts	Respective Districts of the State of Tamil Nadu
18.	Uttaranchal	District and Sessions Judge, Udham Singh Nagar	The entire State of Uttaranchal
19.	Uttar Pradesh	District and Sessions Judge, Gautam Budh Nagar	The entire State of Uttar Pradesh
20.	West Bengal	Court of Chief Judge, City Sessions Court, Calcutta	Area within its territorial jurisdiction.

1. Subs. by S.O. 308(E), dated 2nd March, 2007, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 2nd March, 2007.

**NOTIFICATION DESIGNATING COURTS OF SESSIONS AS
SPECIAL COURTS¹**

In exercise of the powers conferred by sub-section (1) of section 43 of the Prevention of Money-Laundering Act, 2002 (15 of 2003) and in consultation with the Chief Justices of respective High Courts, the Central government designates the Court(s) of Sessions, as mentioned in Annexure, as Special Court(s) for the area(s) specified in the said Annexure against the said courts, for trial of offence punishable under section 4 of the said Act.

ANNEXURE

Sl. No.	State/Union Territory	Court of Session notified as Special Court under the Prevention of Money-Laundering Act, 2002	Area specified for trial of offence punishable under section 4 of the Prevention of Money-Laundering Act, 2002
1.	Andaman and Nicobar Islands	Court of District and Sessions Judge, Andaman and Nicobar Islands.	The entire Union Territory of Andaman and Nicobar Islands.
2.	Andhra Pradesh	Metropolitan Sessions Court, Hyderabad.	Sessions Divisions of Hyderabad, Adilabad, Nizamabad, Karimnagar, Medak, Warrangal and Khammam.
		Metropolitan Sessions Court, Vijayawada.	Sessions Divisions of Krishna, Vijayawada (Metropolitan area), Guntur, Prakasam and West Godavari.
		Metropolitan Sessions Court, Visakhapatnam.	Sessions Divisions of Visakhapatnam, Metropolitan Sessions Division of Visakhapatnam, Vizianagaram, Srikakulam and East Godavari.
		Metropolitan Sessions Court, Cyberabad.	Sessions Divisions of Cyberabad, Ranga Reddy, Mahabubnagar and Nalgonda.
		III Additional District and Sessions Court, Tirupathi.	Sessions Divisions of Chittoor, Anantapur, Cuddapah, Kurnool and Nellore.
3.	Daman and Diu and Dadra and Nagar Haveli	District and Sessions Judge, Daman and Diu and Dadra and Nagar Haveli.	The entire Union Territory of Daman and Diu and Dadra and Nagar Haveli.
4.	Goa	Additional District Judge and Additional Sessions Judge, Mapusa.	The entire State of Goa.
5.	Orissa	Court of Sessions, Khurda at Bhubaneshwar.	The entire State of Orissa.

1. *Vide* S.O. 1901(E), dated 3rd November, 2006, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 3rd November, 2006.

**NOTIFICATION DESIGNATING COURTS OF SESSIONS AS
SPECIAL COURTS¹**

In exercise of the powers conferred by sub-section (1) of section 43 of the Prevention of Money-Laundering Act, 2002 (15 of 2003), and in consultation with the Chief Justice of the Punjab and Haryana High Court, the Central Government designates the Court(s) of Sessions, as mentioned in the Annexure to this notification, as Special Court(s) for the area(s) specified in the said Annexure against the said Courts, for trial of offence punishable under section 4 of the said Act:—

ANNEXURE

Sl. No.	State/Union Territory	Court of Sessions notified as Special Court under the Prevention of Money-Laundering Act, 2002	Area specified for trial of offence punishable under section 4 of the Prevention of Money-Laundering Act, 2002
1.	Punjab,	Sessions Judge, Faridkot	Revenue Districts of Bhatinda, Faridkot and Mansa
		Sessions Judge, Ferozepur	Revenue Districts of Ferozepur, Muksar and Moga
		Sessions Judge, Jalandhar	Revenue Districts of Gurdaspur, Amritsar, Hoshiarpur, Jalandhar, Kapurthala, Nawanshahr and Tarn Taran
		Sessions Judge, Patiala	Revenue Districts of Barnala, Fatehgarh Sahib, Ludhiana, Patiala, Rupnagar, Sangrur and S.A.S. Nagar
2.	Haryana	Sessions Judge, Ambala	Revenue Districts of Ambala, Kathial, Kurukshetra, Panchkula and Yamunanagar
		Sessions Judge, Gurgaon	Revenue Districts of Faridabad, Gurgaon, Mewat, Narnaul and Rewari
		Sessions Judge, Hisar	Revenue Districts of Bhiwani, Fatehabad, Hisar, Jind and Sirsa
		Sessions Judge, Rohtak	Revenue Districts of Jhajjar, Karnal, Panipat, Rohtak and Sonapat
3.	Union Territory, Chandigarh	Sessions Judge, Chandigarh	Revenue District of Chandigarh

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1. *Vide* S.O. 309(E), dated 2nd March, 2007, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 2nd March, 2007.