THE PREVENTION OF MONEY-LAUNDERING (ISSUANCE OF PROVISIONAL ATTACHMENT ORDER) RULES, 2013[1]

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 date[2] 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

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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.

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