THE PREVENTION OF MONEY-LAUNDERING (MANNER OF RECEIVING THE RECORDS AUTHENTICATED OUTSIDE INDIA) RULES, 2005[1]

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[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) "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 notorial acts shall be deemed to be duty 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.

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

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 [1][***]	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

1. The words "and upto Rs. 1 lakh" omitted by G.S.R. 1116(E), dated 6th December, 2016 (w.e.f. 6-12-2016).

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.....dated .....passed 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)

GROUNDS

(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

IndiaCode