

WELCOME

**TO
POWER POINT
PRESENTATION ON PMLA,
2002 & SEIZURE OF ASSETS
IN SCHEDULED OFFENCES**

**PRESENTED BY
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PROCEEDS OF CRIME

**SEC.2(1)(u) OF THE
ACT DEFINES
PROCEEDS OF CRIME**

PROCEEDS OF CRIME

**POC MEANS ANY PROPERTY
DERIVED/OBTAINED,
DIRECTLY/INDIRECTLY BY ANY
PERSON AS A RESULT OF
CRIMINAL ACTIVITY RELATING TO
A SCHEDULED OFFENCE OR
VALUE OF ANY SUCH PROPERTY**

WHAT IS SCHEDULED OFFENCE

Your text here

**SEC.2(1)(y) DEFINES
'SCHEDULED OFFENCE'
AS THOSE SPECIFIED IN
PART 'A', & 'C' OF THE
ACT.**

OFFENCES AS PER SCHEDULE "A"

ATTRACTING PMLA Act

- Offences under the IPC 1860 in respect of the following sections
Section 120B, 121, 121A, 255, 257, 258, 259, 260, 302, 304, 307, 308, 327, 329, 364A, 384 to 389, 392 to 402, 411 to 414, 417-424, 467, 471-473, 475, 476, 481-488, 489A and B,
- Offences under the Narcotics, Drugs and Psychotropic Substances Act 1985
Section 15-24, 25A, 27A, 29,
- Offenses under the Explosive Substance Act 1908 - Paragraph 3
Sections 3,4,5
- Offenses under the Unlawful Activities (Prevention) Act, 1967
Section 10,11, 13 all read with Section 3, Section 16 read with Section 15, 16A, 17, 18, 18A, 18B, 19, 20, 21, 38 to 40

- Offences Under The Arms Act 1959
Sections 25 to 30
- Offences Under The Wild Life Protection Act 1972 (53 of 1972)
Sections 51 r/w Section 9, 17A, 39, 44, 48, 49B
- Offences Under the Immoral Traffic (Prevention) Act, 1956
Sections 5,6,8 and 9
- Offences under The Prevention of Corruption Act, 1988
Sections 7 to 10 and 13
- Offences under The Explosives Act, 1884
Sections 9B, 9C
- Offences under The Antiquities and Arts Treasures Act 1972
Sections 25 r/w 3 and Section 28
- Offences under the Securities and Exchange Board of India 1992
Sections 12A r/w Sec. 24 and Section 24

- Offences under the Child Labour (Prohibition and Regulation) Act 1986
Sections 14
- Offences under the Transplantation of Human Organs Act 1994
Sections 18-20
- Offences under the Juvenile Justice (Care and Protection of Children) Act 2000
Sections 23-26
- Offences under the Emigration Act 1983
Sections 24
- Offences under The Passports Act 1967
Sections 12, 14, 14B and 14C
- Offences under The Copyrights Act 1957
Sections 63, 63A, 63B and 68A

- Offences under The Trademarks Act 1999
Sections 103 to 105, 107 and 120
- Offences under the Information Technology Act 2000
Sections 72 and 75
- Offences under Biological Diversity Act 2002
Sections 55 r/w Section 6
- Offences under The Protection of Plant Varieties and Farmers' Rights Act 2001
Section 70 to 73 all r/w Section 68
- Offences under The Environment Protection Act 1986
Section 15 r/w Section 7 and Section 8
- Offences under The Water (Prevention and Control of Pollution) Act 1974
Section 41(2) and 43

- Offences under the Air (Prevention and Control of Pollution) Act 1981

Section 37

- Offences under the Suppression of Unlawful Acts against the Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002

Section 3

- Under Part C Cross Border Offences i.e. Offences committed outside India.

OFFENCE OF MONEY LAUNDERING

**SEC.3 DEFINES OFFENCE AS
'WHOSOEVER DIRECTLY OR
INDIRECTLY ATTEMPTS TO
INDULGE OR KNOWINGLY
ASSISTS OR KNOWINGLY IS
PARTY OR IS ACTUALLY**

CONTD.

OFFENCE OF MONEY LAUNDERING

**INVOLVED IN ANY PROCESS OR
ACTIVITY CONNECTED WITH POC
INCLUDING ITS CONCEALMENT,
POSSESSION, ACQUISITION OR USE
& PROJECTING OR CLAIMING IT AS
UNTAINED PROPERTY SHALL BE
GUILTY OF OFFENCE**

POWER OF SEARCH & SEIZURE

**SEC.16 TO 18 DEAL
WITH THE POWER OF
SURVEY, SEARCH &
SEIZURE**

POWER OF ARREST

**SEC.19 : DIRECTOR,SPL DE,JT
DE, DY. DIRECTOR, ASST.
DIRECTOR OR ANY OTHER
OFFICER AUTHORIZED MAY
ARREST ANY PERSON FOR
OFFENCE OF THE ACT**

ATTACHMENT OF POC

**SEC.5 EMPOWERS
ATTACHMENT OF POC
INVOLVED IN MONEY
LAUNDERING BY P.A.O.**

ADJUDICATION & POSSESSION

**SEC.8 PROVIDES FOR
FILING OF COMPLAINT
U/S 5(5) BY DOE WITH
THE ADJ. AUTHORITY –
PMLA**

CONTD

ADJUDICATION & POSSESSION

**WITHIN 30 DAYS FROM
THE DATE OF
ATTACHMENT FOR
CONFIRMATION OF P.A.O.**

CONFIRMATION OF PAO

**THE ACT PROVIDES FOR
THE ADJ. AUTHORITY TO
CONFIRM THE P.A.O.
WITHIN 180 DAYS OF THE
ISSUE OF P.A.O. {SEC.5(1)}**

POSSESSION OF ATTACHED PROPERTY

**CONSEQUENT TO
CONFIRMATION OF
P.A.O. BY AA, DOE
TAKES POSSESSION OF
THE PROPERTY – {8(4)}**

CONFISCATION OF ATTACHED PROPERTY

**SEC.8(4) : ON CONCLUSION
OF TRIAL BY SPECIAL COURT,
THE OFFENCE OF M.L. HAS
BEEN PROVED, THE COURT
SHALL ORDER CONFISCATION
OF PROPERTY**

RETENTION OF SEIZED OR FROZEN PROPERTY

**SEC.20 EMPOWERS
AUTHORIZED OFFICER TO
RETAIN SEIZED / FROZEN
PROPERTY FOR 180 DAYS**

CONTD.

RETENTION OF SEIZED OR FROZEN PROPERTY

**THE ADJ. AUTHORITY MAY
PERMIT RETENTION OF
SEIZED PROPERTY
BEYOND THE SAID PERIOD
TILL FINALISATION**

PRESUMPTION AS TO RECORDS OR PROPERTY IN SOME CASES

**SEC.22 : IN CASE OF
RECORDS / PROPERTY SEIZED
OR IMPOUNDED UNDER
SURVEY, DOE IS EMPOWERED
TO PRESUME OWNERSHIP
ETC. OF THE PROPERTY**

BURDEN OF PROOF

**SEC.24 BURDEN OF PROOF
LIES ON THE PERSON
CHARGED WITH THE
OFFENCE OF MONEY
LAUNDERING**

SPECIAL COURTS

**SEC.43 SPECIAL COURTS
ARE CONSTITUTED & IN A.P.
THERE ARE 5 SUCH SPL.
COURTS V/Z. 2 IN HYD, 1
EACH IN VSKP, TPT. VJA
(SESSIONS COURT)**

OFFENCES TRIABLE BY SPL. COURTS

**SEC.44 : OFFENCE
PUNISHABLE U/S 4 & ANY
SCHEDULED OFFENCE
CONNECTED TO THE
OFFENCE IS TRIABLE BY
SPL. COURTS**

APPLICATION OF Cr.PC 1973 BEFORE SPL. COURTS

**SEC.46 : SAVE AS
OTHERWISE PROVIDED IN
THE ACT, THE PROVISIONS
OF Cr.PC SHALL APPLY &
SPL. COURTS ARE DEEMED
TO COURT OF SESSIONS**

AUTHORITIES UNDER THE ACT

SEC.48 :

**A)DIRECTOR / SPECIAL / ADDL. /
JOINT DIRECTOR**

B)DEPUTY DIRECTOR

C)ASST. DIRECTOR &

**D)SUCH OTHER OFFICERS
APPOINTED**

POWERS OF SUMMONS ETC.

**SEC.50 : OFFICERS OF AND
ABOVE THE RANK OF ASST.
DIRECTOR HAVE POWERS
TO SUMMON ANY PERSON,
DISCOVERY & INSPECTION**

CONTD.

POWERS OF SUMMONS ETC.

**EVERY PROCEEDING U/S
50(2) & (3) SHALL BE
DEEMED TO BE A
JUDICIAL PROCEEDING
U/S 193 & 228 OF IPC, 1860**

OFFICERS TO ASSIST IN INQUIRY ETC.

**SEC.54 : DETAILS THE
OFFICERS WHO ARE
EMPOWERED & REQUIRED TO
ASSIST THE AUTHORITIES IN
ENFORCEMENT OF THIS ACT
(a to j)**

APPLICATION OF Cr.PC, 1973

SEC.65 : PROVISIONS OF Cr.PC, 1973, SHALL APPLY IN SO FAR AS THEY ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS ACT REG. ARREST, SEARCH & SEIZURE, ATTACHEMNT, CONFISCATION, INVESTIGATION, PROSECUTION ETC.

OFFENCES BY COMPANIES

**SEC.70 : DEFINES
RESPONSIBILITY OF THE
PERSONS IN-CHARGE &
RESPONSIBLE FOR THE
CONDUCT OF THE COMPANY,
WHICH HAS COMMITTED
OFFENCE UNDER THE ACT**

PUNISHMENT FOR MONEY LAUNDERING

**SEC.4 STATES THAT WHOEVER
COMMITTS THE OFFENCE OF ML
SHALL BE PUNISHABLE WITH RI
FOR A TERM WHICH SHALL NOT BE
LESS THAN 3 YEARS & MAY
EXTEND TO 7 YEARS & FINE AND
10 YRS FOR NDPS OFFENCES**

SCHEDULED OFFENCES

**THERE ARE SPECIFIED SECTIONS
IN 28 SCHEDULED ACTS BESIDES
IPC OFFENCES WHICH ARE
CLASSIFIED AS PREDICATE
OFFENCES FOR THE PURPOSE OF
INVESTIGATIONS UNDER THE
PMLA, 2002**

**END OF THE
PRESENTATION**