

The Prevention Of Money-Laundering (Appointment And Conditions Of Service Of Chairperson And Members Of Adjudicating Authorities) Rules, 2007

UNION OF INDIA

India

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Rule

THE-PREVENTION-OF-MONEY-LAUNDERING-APPOINTMENT-AND-CO of 2007

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The Prevention Of Money-Laundering (Appointment And Conditions Of Service Of Chairperson And Members Of Adjudicating Authorities) Rules, 2007Published vide G.S.R. 520(E), dated 1.8.2007, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 1.8.2007.

20.

/906In exercise of the powers conferred by clause (c) of sub-section (2) of section 73 read with section 6 of the Prevention of Money-Laundering Act, 2002 (15 of 2003), the Central Government hereby makes the following rules regulating the appointment and conditions of service of persons appointed as Chairperson and Members of the Adjudicating Authority, namely:--

1. Short title and commencement .-(1) These rules may be called The Prevention of Money-Laundering (Appointment and Conditions of Service of Chairperson and Members of Adjudicating Authorities) Rules, 2007.

(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)"Chairperson" means the Chairperson of the Adjudicating Authority;(d)"Member" means a Member of the Adjudicating Authority and, unless the context otherwise requires, includes the Chairperson.(2)All other words and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Qualifications for appointment as Member . - An Adjudicating Authority shall have three Members-one from the field of Law and two from the fields of administration and finance or accountancy.

(1)For the Member from the field of Law, a person shall be qualified for appointment if he-(a)is qualified for appointment as District Judge; or(b)has been a Member of the Indian Legal Service and has held a post in Grade I of that Service.(2)For the Member from the field of administration, a person shall be qualified for appointment if he is or has been a Member of the Indian Administrative Service or the Indian Police Service and has held a post of Joint Secretary to the Government of India or an equivalent post.(3)[(a) For the Member from the field of finance or accountancy, a person shall be qualified for appointment if he is or has been a member of an All India Service or a Central Service Group "A", and has held the post of a Joint Secretary to the Central Government or an equivalent post in that service.(b)From among such persons, the Selection Committee shall have due regard to the academic qualifications of chartered accountancy or a degree in finance, economics or accountancy or having special experience in finance or accounts by virtue of having worked for at least two years in the finance or revenue department of either the Central Government or a State Government or being incharge of the finance or accounting wing of a corporation for a like period.]

4. Method of Appointment of Members .-For the purpose of appointment to the post of a Member, there shall be a Selection Committee consisting of:--

(i)Revenue Secretary - Chairman(ii)Secretary, Department of - MemberLegal Affairs, Government of India(iii)Chairman, Central Board of Direct - MemberTaxes or Chairman, Central Boardof Excise and Customs[To be nominated by Revenue Secretary

5. Appointment of Chairperson .-One of the Members of the Adjudicating Authority shall be appointed as its Chairperson on the recommendations of the aforesaid Committee.

6. Salary and allowance .-(1) The pay scales of the Chairperson and Members shall be as specified below:--

Chairperson: Rs. 22,400-525-24,500. Member: Rs. 18,400-500-22,400. (2) In addition to the salary as specified under sub-rule (1), the Chairperson and Members shall be entitled to draw such allowances as are admissible to a Group "A" Officer of the equivalent grade: Provided that if the Chairperson or a Member is in receipt of pension in respect of any previous service rendered under the Central Government, such salary shall be reduced by the amount of pension and pension equivalent of gratuity or any other form of retirement benefits: Provided further that neither the salary and allowances nor the other terms and conditions of service of the Chairperson and Member shall be varied to his disadvantage.

7. Medical fitness .-No person shall be appointed as a Member of the Authority unless he is declared medically fit by a Medical Board to be constituted by the Central Government for the purpose unless he has already been declared fit by an equivalent authority.

8. Retirement from parent service on appointment as Member .-(1) Where, a Member, on the date of his appointment to the Adjudicating Authority, was in service under the Central Government or State Government, he shall seek retirement from service before joining the Adjudicating Authority, and shall be deemed to have so retired on the date of his joining the Adjudicating Authority.

(2) On retirement as specified under sub-rule (1), the Member--(i) shall be entitled to receive pension, gratuity and commutation of pension in accordance with the retirement rules applicable to him; (ii) shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent of leave salary, if any, in accordance with the rules applicable to him prior to his retirement; (iii) shall, on the expiry of the term of his office in the Adjudicating Authority, whether as a Member or in continuation as Chairperson, as the case may be, be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit subject to the condition that the maximum of leave encashed under this sub-rule and at the time of retirement from previous service, taken together, shall not in any case exceed three hundred days.

9. Tenure .--(i) Chairperson .-The Chairperson shall hold office for a term of five years, whether as a Member or in continuation as Chairperson, as the case may be, from the date on which he enters upon his office, or till he attains the age of [65] years, whichever is earlier:

Provided that the Chairperson shall not be eligible for re-appointment. (ii) Member .-A person appointed as Member shall hold office as such for a term of five years from the date on which he

enters upon his office or till he attains the age of [65] [Substituted by G.S.R 374(E), dated 1-6-2009 (w.e.f. 1-6-2009).] years, whichever is earlier.

10. Seniority .-Seniority of a Member shall be determined in accordance with the order of selection. In case of Members belonging to the same selection panel, their inter se seniority will be as per the order of names on the panel.

11. Contribution to Provident Fund .-The Chairperson and Members shall be entitled to make contributions under the Contributory Provident Fund Rules (India), 1962, subject to such conditions as are applicable to non-pensionable servants of the Central Government.

12. [Accommodation. - The Chairperson and Members shall not be eligible for allotment of General Pool residential accommodation but they shall be entitled to draw House Rent Allowance at the rates as are admissible to the other Central Government officers of equivalent pay :

Provided that if the persons appointed as Chairperson or Member is already in occupation of Government accommodation for which Central Government officers of equivalent pay are eligible, he shall be allowed to retain such accommodation from the date of this joining the Adjudicating Authority.]

12. Accommodation .-The Chairperson and Members shall not be eligible for allotment of General Pool residential accommodation. However, they will be entitled to draw House Rent Allowance at the rates as are admissible to other Central Government officers of equivalent pay.

13. Other conditions of service .-The conditions of service of Members in respect of matters for which no provision is made in these rules shall be the same as may be for the time being applicable to other such persons of a corresponding status.

14. Interpretation .-If any question arises relating to the interpretation of these rules, the decision of the Central Government shall be final.