



**FINO Payments Bank Limited**

**KYC / AML /CFT Policy**

**Version 4.4**

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## Chapter I: Introduction and applicability

### A. Introduction

1.1 In the recent past, Banking Channels have been misused by miscreants for Money Laundering (ML) and Terrorist Financing (TF) and there have been several such instances domestically and internationally. This has made the role of Banks significant in today's extremely complex economic structure.

1.2 Banks, being highly regulated Entities; have to comply with the Regulator's various guidelines and Directions. Adherences to Know Your Customer (KYC), Anti – Money Laundering (AML), and Countering Financing of Terrorism (CFT) Guidelines are few such requirements that the Banks have to follow for identification and verification of the Customers.

1.3 KYC is to Know The Customer's' profile including his occupation/ business activities, address and also the perceived KYC/ AML risk arising out of the relationship. It involves making reasonable efforts to determine, the true identity and beneficial ownership of accounts, source of funds, etc., which in turn helps the banks to manage their risks prudently.

#### 1.4 Money Laundering is

- The illegal process of making large amounts of money generated by a criminal activity, such as drug trafficking, smuggling, human trafficking, etc. appears to have come from a legitimate source.
- The money from the criminal activity is considered dirty, and the process "launders" it to make it look clean
- The 3 stages of money laundering include:
  - i Placement - the illegitimate funds are introduced into the legitimate financial system.
  - ii Layering - the money is moved around to create layers of transactions, sometimes by wiring or transferring through numerous accounts.
  - iii Integration – in this stage the money is integrated into the financial system through additional transactions until the "dirty money" appears "clean" and assets are created out of it.

## B. Objective

1.5 This Policy has been framed to develop a strong mechanism for achieving the following objectives:

- i To prevent the Bank from being used, intentionally or unintentionally, by criminal elements for Money Laundering or Terrorist Financing activities.
- ii To enable the Bank to know/understand their customers and their financial dealings better, as this in turn helps to manage the associated risks prudently.
- iii Establish and verify the identity of the Customers
- iv To enable the Bank to comply with all the Legal and Regulatory obligations in respect of KYC / AML / CFT measures / Obligation of Bank under PMLA 2002 and to co-operate with various government bodies dealing with related issues.
- v To Comply with rules and regulation issued by international bodies like FATF (Financial Action Task Force) which set standards and promotes effective implementation of legal, operational and regulatory framework for combating money laundering , terrorist financing and other related threats to the integrity of international financial system.
- vi Bank will also consider adoption of best international practices taking into account the FATF standards and FATF guidance notes, for managing risks better.

## C. Applicability

1.6 This Policy will be applicable to the following:

- i This policy will be applicable to every product / services offered by bank
- ii The Bank also undertakes sale of Third Party Products (TPP) on a non-risk sharing basis and this Policy will be applicable to TPP also.
- iii The Branches/ Customer Service Points/ Merchants and any other Channels/ Agents engaged in the Banking activities of the Bank.
- iv Employees being on boarded will be subject to KYC and AML requirements as applicable.
- v As per proviso (i) to Section 2 (b) which instructs bank that where applicable laws and regulations prohibit implementation of these guidelines, the same shall be brought to the notice of the Reserve Bank of India. RBI may advise further necessary action by the bank including application of additional measures to be taken by the bank to manage the ML/TF risks.

#### D. Policy Review and Approval

1.7 This Policy will be reviewed at least annually to incorporate the changes in the KYC/ AML/CFT Guidelines/ Directions, etc.

1.8 The Policy revisions/ amendments will be approved by the Board/ ACB. A group-wide policy would be implemented for the purpose of discharging obligations under the provisions of Act, Bank's policy framework would seek to ensure compliance with PML Act/Rules, including regulatory instructions in this regard and would provide a bulwark against threats arising from money laundering, terrorist financing, proliferation financing and other related risks. While ensuring compliance of the legal/regulatory requirements as above, Bank may also consider adoption of best international practices taking into account the FATF standards and FATF guidance notes, for managing risks better.

#### E. Roles and Responsibilities

1.9 The KYC/ AML Team is the author of this Policy and will review this Policy at least once annually to incorporate the changes in the KYC/ AML/CFT Guidelines/ Directions/ Advisories, etc. issued from time to time by RBI/ other Regulators as applicable.

1.10 Know Your Customer (KYC) policy duly shall be duly approved by the Board of Directors of bank.

1.11 The First Line of Defense (1<sup>st</sup> LoD) comprising of Business, Operations, Products, will:

- a) Ensure compliance to this Policy and SOPs built around it in the activities carried out by them.
- b) The 1<sup>st</sup> LoD will submit information as required from time to time for KYC/ AML matters to the Compliance/ KYC/ AML Team.
- c) Further, the 1<sup>st</sup> LoD will also cooperate in the various audits including internal audit, RBI audit, Statutory audit, external audits/ reviews and provide information/ data/ MIS as required from time to time.
- d) The Product and Process Notes will cover the KYC/ AML areas and the risk mitigants approved through the Product and Process Approval Committee (PAC) Committee.

1.12 The second Line of Defense (2<sup>nd</sup> LoD) comprises of Compliance Functions including KYC/ AML and Risk Management Teams.

(i) The Compliance Team will:

- a) Review the KYC/AML/ CFT Policy and get it approved by Board.
- b) W.r.t. KYC/AML/CFT aspects - handle audits including Internal Audit, RBI Audit, Statutory audit, concurrent

audit, external audit and close the observations.

- c) Submit data/ information to RBI and Financial Intelligence Unit - India (FIU- IND) as required under the Regulatory guidelines and PMLA.
- d) Review the PAC Notes from KYC/ AML/ CFT perspective and provide feedback.
- e) Bank will ensure that decision-making functions of determining compliance with KYC norms are not outsourced.
- f) Monitor transactions and submit Suspicious Transaction Report (STR) to FIU-India.
- g) Submit various Reports to FIU-India as required under PMLA.

(ii) The Risk Management Team will:

- a) Conduct RCSA (Risk and Control Self-Assessment) and Monitor the Key Performance Indicators (KPIs) of KYC/ AML areas
- b) Review the PAC notes from a Risk perspective

1.13 The third Line of Defense (3rd LoD) is the Internal Audit Department and will carry out audits covering KYC/AML areas in the above two LoDs.

1.14 The Human Resources (HR) Department will ensure that adequate screening mechanism is put in place so that the right types of persons are recruited/ hired as staff.

1.15 Elements of KYC Policy : The KYC Policy consists of the following four key elements.

- 1) Customer Acceptance Policy
- 2) Customer Identification Procedures
- 3) Monitoring of Transactions
- 4) Risk Management.

1.16 When does KYC apply: KYC will be carried out for the following but is not limited to:

- 1.16.1 Opening a new accounts. Commencement of an account based relationship with the bank.
- 1.16.2 When the bank feels it is necessary to obtain additional information from existing customers based on the conduct of the account.
- 1.16.3 After periodic intervals based on Guidelines from RBI for periodic updation
- 1.16.4 Addition of Joint Holders, signatories, mandate holders, Ultimate Beneficial owners, Power of Attorney holders.
- 1.16.5 Change of address
- 1.16.6 Change of Customer's profile not limited to customer's occupation/ business activity

- 1.16.7 In terms of PML Rules, groups are required to implement group-wide policies for the purpose of discharging obligations under the provisions of Chapter IV of the PML Act, 2002. (15 of 2003). Accordingly, the Bank which is part of a group, shall implement group-wide programs against money laundering and terror financing, including group-wide policies for sharing information required for the purposes of client due diligence and money laundering and terror finance risk management and such programs shall include adequate safeguards on the confidentiality and use of information exchanged, including safeguards to prevent tipping-off.

## **Chapter II: Definitions**

- i. “Aadhaar number” shall have the meaning assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).
- ii. “Act” and “Rules” means the Prevention of Money-Laundering Act, 2002 and the Prevention of Money-Laundering (Maintenance of Records) Rules, 2005, respectively and amendments thereto.
- iii. “Authentication”, in the context of Aadhaar authentication, means the process as defined under sub-section (c) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.
- iv. “Beneficial Owner (BO)”
  - a. Where the customer is a company, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical persons, has/have a controlling ownership interest or who exercise control through other means.

Explanation- For the purpose of this sub-clause-

- 1. Controlling ownership interest means ownership of/entitlement to more than 10 percent of the 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 customer 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/have ownership of/entitlement to more than 10 percent of capital or profits of the partnership or who exercises

control through other means.

Explanation - For the purpose of this sub-clause, “control” shall include the right to control the management or policy decision.

- c. Where the customer 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/have ownership of/entitlement to more than 15 per cent of the property or capital or profits of the unincorporated association or body of individuals.

Explanation: Term ‘body of individuals’ includes societies. Where no natural person is identified under (a), (b) or (c) above, the beneficial owner is the relevant natural person who holds the position of senior managing official.

- d. Where the customer is a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with 10% 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.

v. “Central KYC Records Registry” (CKYCR) means an entity defined under Rule 2(1) of the Rules, to receive, store, safeguard and retrieve the KYC records in digital form of a customer.

vi. “Certified Copy” - Obtaining a certified copy by the Bank shall mean comparing the copy of the proof of possession of Aadhaar number where offline verification cannot be carried out or officially valid document so produced by the customer with the original and recording the same on the copy by the authorized officer of the Bank as per the provisions contained in the Act.

vii. Provided that in case of Non-Resident Indians (NRIs) and Persons of Indian Origin (PIOs), as defined in Foreign Exchange Management (Deposit) Regulations, 2016 {FEMA 5(R)}, alternatively, the original certified copy, certified by any one of the following, may be obtained:

- Authorised officials of overseas branches of Scheduled Commercial Banks registered in India,
- Branches of overseas banks with whom Indian banks have relationships,
  - Notary Public abroad,
  - Court Magistrate,
  - Judge,
- Indian Embassy/Consulate General in the country where the non-resident customer resides.



- viii. "Common Reporting Standards" (CRS) means reporting standards set for implementation of multilateral agreement signed to automatically exchange information based on Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters.
- ix. "Correspondent banking" is the provision of banking services by one bank (the "correspondent bank") to another bank (the "respondent bank"). Respondent banks may be provided with a wide range of services, including cash management (e.g., interest-bearing accounts in a variety of currencies), international wire transfers, cheque clearing, payable-through accounts and foreign exchange services
- x. "Customer" means a person who is engaged in a financial transaction or activity with the Bank and includes a person on whose behalf the person who is engaged in the transaction or activity, is acting.
- xi. "Customer Due Diligence (CDD)" means identifying and verifying the customer and the beneficial owner using reliable and independent sources of identification.

The CDD, at the time of commencement of an account-based relationship or while carrying out occasional 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 any international money transfer operations, shall include:

- (a) Identification of the customer, verification of their identity using reliable and independent sources of identification, obtaining information on the purpose and intended nature of the business relationship, where applicable;
  - (b) Taking reasonable steps to understand the nature of the customer's business, and its ownership and control;
  - (c) Determining whether a customer is acting on behalf of a beneficial owner, and identifying the beneficial owner and taking all steps to verify the identity of the beneficial owner, using reliable and independent sources of identification.
- xii. "Customer identification" means undertaking the process of CDD.
  - xiii. "Designated Director" means a person designated by the Bank to ensure overall compliance with the obligations imposed under chapter IV of the PML Act and the Rules. In case of company : Managing director or whole time director duly authorized by Board of Directors.

- xiv. "Digital KYC" means the capturing live photo of the customer and officially valid document or the proof of possession of Aadhaar, where offline verification cannot be carried out, along with the latitude and longitude of the location where such live photo is being taken by an authorized officer of the Bank as per the provisions contained in the Act.
- xv. "Digital Signature" shall have the same meaning as assigned to it in clause (p) of subsection (1) of section (2) of the Information Technology Act, 2000 (21 of 2000).
- xvi. "Domestic and cross-border wire transfer": When the originator bank and the beneficiary bank is the same person or different person located in the same country, such a transaction is a domestic wire transfer, and if the originator bank' or 'beneficiary bank' is located in different countries such a transaction is cross-border wire transfer.
- xvii. "Equivalent e-document" means an electronic equivalent of a document, issued by the issuing authority of such document with its valid digital signature including documents issued to the digital locker account of the customer as per rule 9 of the Information Technology (Preservation and Retention of Information by Intermediaries Providing Digital Locker Facilities) Rules, 2016.
- xviii. "FATCA" means Foreign Account Tax Compliance Act of the United States of America (USA) which, inter alia, requires foreign financial institutions to report about financial accounts held by U.S. taxpayers or foreign entities in which U.S. taxpayers hold a substantial ownership interest.
- xix. "Group" shall have the same meaning assigned to it in clause (e) of sub-section (9) of section 286 of the Income-tax Act, 1961 (43 of 1961)
- xx. "IGA" means Inter Governmental Agreement between the Governments of India and the USA to improve international tax compliance and to implement FATCA of the USA.
- xxi. "Know Your Client (KYC) Identifier" means the unique number or code assigned to a customer by the Central KYC Records Registry.
- xxii. "KYC Templates" means templates prepared to facilitate collating and reporting the KYC data to the CKYCR, for individuals and legal entities.

- xxiii. “Non-face-to-face customer” means customers who open accounts without visiting the branch/offices of the Bank or meeting the officials of the Bank.
- xxiv. “Non-profit organization” (NPO) means any entity or organisation, constituted for religious or charitable purposes referred to in clause (15) of section 2 of the Income- tax Act, 1961 (43 of 1961), that is registered as a trust or a society under the Societies Registration Act, 1860 or any similar State legislation or a Company registered under the section 8 of the Companies Act, 2013 (18 of 2013)
- xxv. “Officially Valid Document” (OVD) means the passport, the driving licence, proof of possession of Aadhaar number, the Voter’s Identity Card issued by the Election Commission of India, job card issued by NREGA duly signed by an officer of the State Government and letter issued by the National Population Register containing details of name and address. Provided that,
- a. Where the customer submits his proof of possession of Aadhaar number as an OVD, he may submit it in such form as are issued by the Unique Identification Authority of India.
  - b. where the OVD furnished by the customer does not have updated address, the following documents or the equivalent e-documents thereof shall be deemed to be OVDs for the limited purpose of proof of address:-
    - i. Utility bill which is not more than two months old of any service provider (electricity, telephone, post-paid mobile phone, piped gas, water bill);
    - ii. Property or Municipal tax receipt;
    - iii. Pension or family pension payment orders (PPOs) issued to retired employees by Government Departments or Public Sector Undertakings, if they contain the address;
    - iv. Letter of allotment of accommodation from employer issued by State Government or Central Government Departments, statutory or regulatory bodies, public sector undertakings, scheduled commercial banks, financial institutions and listed companies and leave and licence agreements with such employers allotting official accommodation;
  - c. the customer shall submit OVD with current address within a period of three months of submitting the documents specified at ‘b’ above
  - d. where the OVD presented by a foreign national does not contain the details of address, in such case the documents issued by the Government departments of foreign jurisdictions

and letter issued by the Foreign Embassy or Mission in India shall be accepted as proof of address.

Explanation: For the purpose of this clause, a document shall be deemed to be an OVD even if there is a change in the name subsequent to its issuance provided it is supported by a marriage certificate issued by the State Government or Gazette notification, indicating such a change of name.

- xxvi. "Offline verification" shall have the same meaning as assigned to it in clause (pa) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).
- xxvii. "On-going Due Diligence" means regular monitoring of transactions in accounts to ensure that those are consistent with the bank's knowledge about the customers, customers' business and risk profile, the source of funds / wealth.
- xxviii. "Periodic Updation" means steps taken to ensure that documents, data or information collected under the CDD process is kept up-to-date and relevant by undertaking reviews of existing records at periodicity prescribed by the Reserve Bank.
- xxix. "Person" has the same meaning assigned in the Act and includes:
  - a. an individual,
  - b. a Hindu undivided family,
  - c. a company,
  - d. a firm,
  - e. an association of persons or a body of individuals, whether incorporated or not,
  - f. every artificial juridical person, not falling within any one of the above persons (a to e), and
  - g. any agency, office or branch owned or controlled by any of the above persons (a to f).
- xxx. "Principal Officer" means an officer at the management level nominated by the Bank, responsible for furnishing information as per rule 8 of the rules.

xxxi. Regulated Entities means:

- a. all Scheduled Commercial Banks (SCBs)/ Regional Rural Banks (RRBs)/ Local Area Banks (LABs)/ All Primary (Urban) Co-operative Banks (UCBs) /State and Central Co-operative Banks (StCBs / CCBs) and any other entity which has been licenced under Section 22 of Banking Regulation Act, 1949, which as a group shall be referred as 'banks'
- b. All India Financial Institutions (AIFIs)
- c. All Non-Banking Finance Companies (NBFCs), Miscellaneous Non-Banking Companies (MNBCs) and Residuary Non-Banking Companies (RNBCs)
- d. Asset Reconstruction Companies (ARCs)
- e. All Payment System Providers (PSPs)/ System Participants (SPs) and Prepaid Payment Instrument Issuers (PPI Issuers)
- f. All authorised persons (APs) including those who are agents of Money Transfer Service Scheme (MTSS), regulated by the Regulator

xxxii. "Shell bank" means a bank that has no physical presence in the country in which it is incorporated and licensed, and which is unaffiliated with a regulated financial group that is subject to effective consolidated supervision. Physical presence means meaningful mind and management located within a country. The existence simply of a local agent or low-level staff does not constitute physical presence.

xxxiii. "A Small Account" means a savings account which is opened in terms of sub-rule (5) of rule 9 the PML Rules, 2005. Details of the operation of a small account and controls to be exercised for such account are specified in section 5.6 of this policy.

xxxiv. "Suspicious transaction" means a "transaction" as defined below, 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 not have 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.

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 organization or those who finance or are attempting to

finance terrorism.

xxxv. “Transaction” means a purchase, sale, loan, pledge, gift, transfer, delivery or the arrangement thereof and includes:

- a. opening of an account;
- b. 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;
- c. the use of a safety deposit box or any other form of safe deposit;
- d. entering into any fiduciary relationship;
- e. any payment made or received, in whole or in part, for any contractual or other legal obligation; or
- f. Establishing or creating a legal person or legal arrangement.

xxxvi. “Video based Customer Identification Process (V-CIP)” - an alternate method of customer identification with facial recognition and customer due diligence by an authorised official of the Bank by undertaking seamless, secure, live, informed-consent based audio-visual interaction with the customer to obtain identification information required for CDD purpose, and to ascertain the veracity of the information furnished by the customer through independent verification and maintaining audit trail of the process. Such processes complying with prescribed standards and procedures shall be treated on par with face-to-face CIP for the purpose of this Master Direction.

xxxvii. “Walk-in Customer” means a person who does not have an account-based relationship

xxxviii. with the Bank, but undertakes transactions with the Bank.

xxxix. “Wire transfer” related definitions:

- (a) Batch transfer: Batch transfer is a transfer comprised of a number of individual wire transfers that are being sent to the same financial institutions but may/may not be ultimately intended for different persons.
- (b) Beneficiary: Beneficiary refers to a natural or legal person or legal arrangement who / which is identified by the originator as the receiver of the requested wire transfer.
- (c) Beneficiary Bank: It refers to a financial institution, regulated by the RBI, which receives the wire transfer from the ordering financial institution directly or through an intermediary Bank

and makes the funds available to the beneficiary.

(d) Cover Payment: Cover Payment refers to a wire transfer that combines a payment message sent directly by the ordering financial institution to the beneficiary financial institution with the routing of the funding instruction (the cover) from the ordering financial institution to the beneficiary financial institution through one or more intermediary financial institutions.

(e) Cross-border wire transfer: Cross-border wire transfer refers to any wire transfer where the ordering financial institution and beneficiary financial institution are located in different countries. This term also refers to any chain of wire transfer in which at least one of the financial institutions involved is located in a different country.

(f) Domestic wire transfer: Domestic wire transfer refers to any wire transfer where the ordering financial institution and beneficiary financial institution are located in India. This term, therefore, refers to any chain of wire transfer that takes place entirely within the borders of India, even though the system used to transfer the payment message may be located in another country.

(g) Financial Institution: In the context of wire-transfer instructions, the term 'Financial Institution' shall have the same meaning as has been ascribed to it in the FATF Recommendations, as revised from time to time.

(h) Intermediary Bank : Intermediary Bank refers to a financial institution or any other entity, regulated by the RBI which handles an intermediary element of the wire transfer, in a serial or cover payment chain and that receives and transmits a wire transfer on behalf of the ordering financial institution and the beneficiary financial institution, or another intermediary financial institution.

(i) Ordering Bank : Ordering Bank refers to the financial institution, regulated by the RBI, which initiates the wire transfer and transfers the funds upon receiving the request for a wire transfer on behalf of the originator.

(j) Originator: Originator refers to the account holder who allows the wire transfer from that account, or where there is no account, the natural or legal person that places the order with the ordering financial institution to perform the wire transfer.

(k) Serial Payment: Serial Payment refers to a direct sequential chain of payment where the wire transfer and accompanying payment message travel together from the ordering financial institution to the beneficiary financial institution directly or through one or more intermediary financial institutions (e.g., correspondent banks).

(l) Straight-through Processing: Straight-through processing refers to payment transactions that are conducted electronically without the need for manual intervention.

(m) Unique transaction reference number: Unique transaction reference number refers to a combination of letters, numbers or symbols, determined by the payment service provider, in accordance with the protocols of the payment and settlement system or messaging system used for the wire transfer.

(n) Wire transfer: Wire transfer refers to any transaction carried out on behalf of an originator through a financial institution by electronic means with a view to making an amount of funds available to a beneficiary at a beneficiary financial institution, irrespective of whether the originator and the beneficiary are the same person.

### **Chapter III: Customer Acceptance Policy (CAP)**

3. As part of the Customer Acceptance Policy, the Bank will verify the identity as laid down in Customer Identification Procedures and the Bank will ensure that:

- (a) No account is opened in anonymous or fictitious/ Benami name.
- (b) No account is opened where the Bank is unable to apply appropriate CDD measures, either due to non-cooperation of the customer or non-reliability of the documents/information furnished by the customer. The bank shall consider filing an STR, if necessary, when it is unable to comply with the relevant CDD measures in relation to the customer.
- (c) No transaction or account-based relationship is undertaken without following the CDD procedure.
- (d) The mandatory information to be sought for KYC purpose while opening an account and during the periodic updation is specified.
- (e) 'additional information, where such information requirement has not been specified in this Policy, will be obtained with the explicit consent of the customer.
- (f) The CDD procedure will be applied at the UCIC level.
- (g) If an existing KYC compliant customer of a Bank desires to open another account or avail any other product or service, there shall be no need for a fresh CDD exercise as far as identification of the customer is concerned.
- (h) While opening joint accounts, CDD Procedure will be followed for all the joint account holders.
- (i) The Bank will put in place a name screening process to ensure that the identity of the customer does not match with any person or entity, whose name appears in the sanctions lists as referred in this Policy.
- (j) Where Permanent Account Number (PAN) is obtained, the same shall be verified from the verification facility of the National Securities Depository Limited (NSDL)/ Income Tax authority/ any other Authority/ facility as made available by the Government of India (GoI).
- (k) Where an equivalent e-document is obtained, the digital signature will be verified as per the provisions of the Information Technology Act, 2000 (21 of 2000).
- (l) Where Goods and Services Tax (GST) details are available, the GST number shall be verified from the search/verification facility of the issuing authority.
- (m) It will be ensured that when a customer is permitted to act on behalf of another person/entity, will be clearly spelt out if any circumstances arises.

3.1 It will be ensured that the Customer Acceptance Policy and its implementation does not become too restrictive resulting in denial of banking services to general public, especially to



those who are financially or socially at a disadvantage position.

3.2 Where the Bank forms a suspicion of money laundering or terrorist financing, and it reasonably believes that performing the CDD process will tip-off the customer, it shall not pursue the CDD process, and instead file an STR with FIU-IND.

## **Chapter IV: Customer Identification Procedure (CIP)**

### **4. When Customer identification procedure will be carried out**

The Bank shall undertake identification of customers in the following cases:

- (a) Commencement of an account-based relationship with the customer.
- (b) Carrying out any international money transfer operations for a person who is not an account holder of the bank.
- (c) When there is a doubt about the authenticity or adequacy of the customer identification data it has obtained.
- (d) Selling third party products as agents, selling own products, reloading of all types of prepaid cards for more than rupees fifty thousand.
- (e) Carrying out transactions for a non-account-based customer, that is a walk-in customer, where the amount involved is equal to or exceeds Rs.50,000/-, whether conducted as a single transaction or several transactions that appear to be connected.
- (f) When the Bank has reason to believe that customer (account-based or walk-in) is intentionally structuring a transaction into a series of transactions below the threshold of Rs.50,000/-.
- (g) Introduction from an existing customer will not be sought while opening accounts.

#### **4.1 Reliance on Third party**

The Bank may rely on customer due diligence done by a third party for the purpose of verifying the identity of customers at the time of commencement of an account-based relationship, subject to the following conditions:

- (a) Bank would immediately obtain from the third party or from the Central KYC Records Registry, the record or the information of such client due diligence carried out by the third party.
- (b) Bank will satisfy ensure to :
  - copies of identification data and other relevant documentation relating to the CDD requirements will be made available from the third party upon request without delay.
- (c) The third party is regulated, supervised, and has measures in place for, compliance with CDD and record-keeping requirements in line with the requirements and obligations under the PMLA.

- (d) Bank will ensure that third party shall not be based in a country or jurisdiction assessed as high risk.
- (e) The Bank will take the ultimate responsibility for CDD and undertaking Enhanced Due Diligence (EDD) measures, as applicable.

## **Chapter V: Customer Due Diligence (CDD) Procedure**

### **A. Enhanced Due Diligence**

**5. Enhanced Due Diligence (EDD) for non-face-to-face customer onboarding (other than customer onboarding in terms of para 5.4 above):** Non-face-to-face onboarding facilitates Banks to establish relationship with the customer without meeting the customer physically or through V-CIP. Such non-face-to-face modes for the purpose of this Section includes use of digital channels such as CKYCR, DigiLocker, equivalent e-document, etc., and non-digital modes such as obtaining copy of OVD certified by additional certifying authorities as allowed for NRIs and PIOs. Following EDD measures shall be undertaken by Bank for non-face-to-face customer onboarding (other than customer onboarding in terms of para 5.4 above):

- a) In case Bank has introduced the process of V-CIP, the same shall be provided as the first option to the customer for remote onboarding. Processes complying with prescribed standards and procedures for V-CIP shall be treated on par with face-to-face CIP for this purpose.
- b) In order to prevent frauds, alternate mobile numbers shall not be linked post CDD with such accounts for transaction OTP, transaction updates, etc. Transactions shall be permitted only from the mobile number used for account opening. Bank shall have a Board approved policy delineating a robust process of due diligence for dealing with requests for change of registered mobile number.
- c) Apart from obtaining the current address proof, Bank shall verify the current address through positive confirmation before allowing operations in the account. Positive confirmation may be carried out by means such as address verification letter, contact point verification, deliverables, etc.
- d) Bank shall obtain PAN from the customer and the PAN shall be verified from the verification facility of the issuing authority.
- e) First transaction in such accounts shall be a credit from existing KYC-complied bank account of the customer.

- g) Such customers shall be categorized as high-risk customers and accounts opened in non-face to face mode shall be subjected to enhanced monitoring until the identity of the customer is verified in face-to-face manner or through V-CIP

**Accounts of non-face-to-face customers** (other than Aadhaar OTP based E-KYC on-boarding): For accounts of non-face-to face customers, the Bank will ensure that the first payment is to be effected through the customer's KYC-complied account with another Bank, for enhanced due diligence of non-face-to-face customers.

### **5.1. Accounts of Politically Exposed Persons (PEPs)**

A. Bank shall have the option of establishing a relationship with PEPs (whether as customer or beneficial owner) provided that, apart from performing normal customer due diligence:

- (a) Bank should have in place appropriate risk management systems to determine whether the customer or the beneficial owner is a PEP;
- (b) Reasonable measures are taken by the bank for establishing the source of funds / wealth;
- (c) the approval to open an account for a PEP shall be obtained from the senior management;
- (d) all such accounts are subjected to enhanced monitoring on an on-going basis;
- (e) in the event of an existing customer or the beneficial owner of an existing account subsequently becoming a PEP, senior management's approval is obtained to continue the business relationship.

**B.** These instructions shall also be applicable to family members or close associates of PEPs.

Explanation: For the purpose of this Section, "Politically Exposed Persons" (PEPs) are individuals who are or have been entrusted with prominent public functions by a foreign country, including the Heads of States/Governments, senior politicians, senior government or judicial or military officers, senior executives of state-owned corporations and important political party officials.

### **C. Simplified Due Diligence (SDD)**

### **5.2. SDD for Self Help Groups (SHGs)**

- (a) CDD of all the members of SHG shall not be required while opening the savings bank account of the SHG.
- (b) CDD of all the office bearers shall suffice.

- (c) Customer Due Diligence (CDD) of all the members of SHG will be undertaken at the time of credit linking of SHGs

### **Customer Due Diligence (CDD) Procedure in case of Individuals**

#### **5.3 Account based relationship with an Individual**

- I. The following information will be obtained from an individual while establishing an account based relationship or while dealing with individual who is a beneficial owner, authorized signatory or the power of attorney holder related to any legal entity

- (a) The Aadhaar number where,

- (i) The customer is desirous of receiving any benefit or subsidy under any scheme notified under section 7 of the Aadhaar (Targeted Delivery of Financial and Other subsidies, Benefits and Services) Act, 2016 (18 of 2016); or

- (ii) Customer submits his Aadhaar number voluntarily to the Bank.

- (aa) the proof of possession of Aadhaar number where offline verification can be carried out; or

- (ab) the proof of possession of Aadhaar number where offline verification cannot be carried out or any OVD or the equivalent e-document thereof containing the details of his identity and address; or

- (ac) the KYC Identifier with an explicit consent to download records from CKYCR; and

- (b) The PAN or the equivalent e-document thereof or Form No. 60 as defined in Income-tax Rules, 1962 and

- (c) Such other documents including in respect of the nature of business and financial status of the customer, or the equivalent e-documents thereof as may be required by the Bank:

- (d) The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.

Provided that where the customer has submitted,

- i) Aadhaar number under clause (a) above to the bank – the Bank shall carry out authentication of the customer's Aadhaar number using e-KYC authentication facility provided by the Unique

Identification Authority of India (UIDAI). Further, in such a case, if customer wants to provide a current address, different from the address as per the identity information available in the Central Identities Data Repository, he may give a self-declaration to that effect.

- ii) Proof of possession of Aadhaar under clause (aa) above – The Bank will carry out offline verification.
- iii) An equivalent e-document of any OVD, the digital signature will be verified as per the provisions of the Information Technology Act, 2000 (21 of 2000) and any rules issued thereunder and take a live photo as specified under Annex I.
- iv) Any OVD or proof of possession of Aadhaar number under clause (ab) above where offline verification cannot be carried out, the Bank will carry out verification through digital KYC as specified under Annex I.
- v) KYC Identifier under clause (ac) above, the Bank shall retrieve the KYC records online from the CKYCR in accordance with Chapter XII, para 12.1 of this policy

Provided that for a period not beyond such date as may be notified by the Government for a class of Bank, instead of carrying out digital KYC, the Bank pertaining to such class may obtain a certified copy of the proof of possession of Aadhaar number or the OVD and a recent photograph where an equivalent e-document is not submitted.

Provided further that in case e-KYC authentication cannot be performed for an individual desirous of receiving any benefit or subsidy under any scheme notified under section 7 of the Aadhaar (Targeted Delivery of Financial and Other subsidies, Benefits and Services) Act, 2016 owing to injury, illness or infirmity on account of old age or otherwise, and similar causes, the Bank will, apart from obtaining the Aadhaar number, perform identification preferably by carrying out offline verification or alternatively by obtaining the certified copy of any other OVD or the equivalent e-document thereof from the customer. CDD done in this manner will be carried out by an official of the Bank and such exception handling shall also be a part of the concurrent audit.

The Bank shall ensure to duly record the cases of exception handling in a centralised exception database. The database shall contain the details of grounds of granting exception, customer details, name of the designated official authorising the exception and additional details, if any.

This database will be subjected to periodic internal audit/inspection and will be available for supervisory review.

Explanation 1: Cases where customer submits a proof of possession of Aadhaar Number containing Aadhaar Number, the Bank will ensure that such customer redacts or blacks out his Aadhaar number through appropriate means where the authentication of Aadhaar number is not required as per proviso (i) above.

Explanation 2: Biometric based e-KYC authentication can be done by bank official/business correspondents/business facilitators.

Explanation 3: The use of Aadhaar, proof of possession of Aadhaar etc., shall be in accordance with the Aadhaar (Targeted Delivery of Financial and Other Subsidies Benefits and Services) Act, 2016 and the regulations made thereunder.

#### **5.4. Aadhar OTP based e-KYC**

Accounts opened using Aadhar OTP based e-KYC, in non-face-to-face mode, will be subject to the following conditions:

- i. There must be a specific consent from the customer for authentication through OTP.
- ii. As a risk-mitigating measure for such accounts, Bank shall ensure that transaction alerts, OTP, etc., are sent only to the mobile number of the customer registered with Aadhaar. Bank shall have a board approved policy delineating a robust process of due diligence for dealing with requests for change of mobile number in such accounts.
- iii. The aggregate balance of all the deposit accounts of the customer shall not exceed rupees one lakh. In case, the balance exceeds the threshold, the account shall cease to be operational, till CDD as mentioned at (chapter vi ) below is complete.
- iv. The aggregate of all credits in a financial year, in all the deposit accounts taken together, shall not exceed rupees two lakh.
- v. As regards borrowal accounts, only term loans shall be sanctioned. The aggregate amount of term loans sanctioned shall not exceed rupees sixty thousand in a year.
- vi. Accounts, both deposit and borrowal, opened using OTP based e-KYC shall not be allowed for more than one year within unless identification as per Section 5.3 or as per section 5.5 of this policy is to be carried out. If Aadhaar details are used under Section 5.5 of this policy , then the process shall be followed in its entirety including fresh Aadhaar OTP authentication.
- vii. If the CDD procedure as mentioned above is not completed within a year, in respect of deposit accounts, the same shall be closed immediately. In respect of borrowal accounts no further debits shall be allowed.
- viii. A declaration shall be obtained from the customer to the effect that no other account has been opened nor will be opened using OTP based KYC in non-face-to-face mode with any other Bank. Further, while uploading KYC information to CKYCR, Bank will clearly indicate that such accounts are opened using OTP based e-KYC and other Banks shall not open accounts based on the KYC information of accounts opened with OTP based e-KYC procedure in non-face-to- face mode.
- ix. The Bank will have strict monitoring procedures including systems to generate alerts in case of any non-compliance/violation, to ensure compliance with the above mentioned conditions.

## 5.5 Video based Customer Identification Procedures (V – CIP)

Bank may undertake V-CIP to carry out:

- i) CDD in case of new customer on-boarding for individual customers, proprietor in case of proprietorship firm, authorised signatories and Beneficial Owners (BOs) in case of Legal Entity (LE) customers. Provided that in case of CDD of a proprietorship firm, Bank shall also obtain the equivalent e- document of the activity proofs with respect to the proprietorship firm, as mentioned in this policy(Section 6 - CDD Procedure for Sole Proprietary Firms), apart from undertaking CDD of the proprietor.
- ii) Conversion of existing accounts opened in non-face to face mode using Aadhaar OTP based e-KYC authentication as per para 5.4 of this policy.
- iii) Updation/Periodic updation of KYC for eligible customers.

While undertaking V-CIP, Bank shall adhere to the following minimum standards:

### **(a) V-CIP Infrastructure**

- i) Bank should have complied with the RBI guidelines on minimum baseline cyber security and resilience framework for banks, as updated from time to time as well as other general guidelines on IT risks. The technology infrastructure should be housed in own premises of the Bank and the V-CIP connection and interaction shall necessarily originate from its own secured network domain. Any technology related outsourcing for the process should be compliant with relevant RBI guidelines. Where cloud deployment model is used, it shall be ensured that the ownership of data in such model rests with the Bank only and all the data including video recording is transferred to the Bank's exclusively owned / leased server(s) including cloud server, if any, immediately after the V-CIP process is completed and no data shall be retained by the cloud service provider or third-party technology provider assisting the V-CIP of the Bank.
- ii) Bank shall ensure end-to-end encryption of data between customer device and the hosting point of the V-CIP application, as per appropriate encryption standards. The customer consent should be recorded in an auditable and alteration proof manner.
- iii) The V-CIP infrastructure / application should be capable of preventing connection from IP addresses outside India or from spoofed IP addresses.
- iv) The video recordings should contain the live GPS co-ordinates (geo-tagging) of the customer undertaking the V-CIP and date-time stamp. The quality of the live video in the V-CIP shall be adequate to allow identification of the customer beyond doubt.
- v) The application shall have components with face liveness / spoof detection as well as face matching technology with high degree of accuracy, even though the ultimate responsibility of

any customer identification rests with the Bank. Appropriate artificial intelligence (AI) technology can be used to ensure that the V-CIP is robust.

- vi) Based on experience of detected / attempted / ‘near-miss’ cases of forged identity, the technology infrastructure including application software as well as work flows shall be regularly upgraded. Any detected case of forged identity through V-CIP shall be reported as a cyber event under extant regulatory guidelines. The V-CIP infrastructure shall undergo necessary tests such as Vulnerability Assessment, Penetration testing and a Security Audit to ensure its robustness and end-to-end encryption capabilities. Any critical gap reported under this process shall be mitigated before rolling out its implementation. Such tests should be conducted by the empanelled auditors of Indian Computer Emergency Response Team (CERT-In). Such tests should also be carried out periodically in conformance to internal / regulatory guidelines.
- vii) The V-CIP application software and relevant APIs / webservices shall also undergo appropriate testing of functional, performance, maintenance strength before being used in live environment. Only after closure of any critical gap found during such tests, the application should be rolled out. Such tests shall also be carried out periodically in conformity with internal/ regulatory guidelines.

#### **(b) V-CIP Procedure**

- i) Bank shall formulate a clear work flow and standard operating procedure for V-CIP and ensure adherence to it. The V-CIP process shall be operated only by officials of the Bank specially trained for this purpose. The official should be capable to carry out liveness check and detect any other fraudulent manipulation or suspicious conduct of the customer and act upon it.
- ii) Disruption of any sort including pausing of video, reconnecting calls, etc., should not result in creation of multiple video files. If pause or disruption is not leading to the creation of multiple files, then there is no need to initiate a fresh session by the Bank. However, in case of call drop / disconnection, fresh session shall be initiated.
- iii) The sequence and/or type of questions, including those indicating the liveness of the interaction, during video interactions shall be varied in order to establish that the interactions are real-time and not pre-recorded.
- iv) Any prompting observed at end of customer shall lead to rejection of the account opening process.
- v) The fact of the V-CIP customer being an existing or new customer, or if it relates to a case rejected earlier or if the name appearing in some negative list should be factored in at



appropriate stage of work-flow.

- vi) The authorised official of the Bank performing the V-CIP shall record audio-video as well as capture photograph of the customer present for identification and obtain the identification information using any one of the following:
- OTP based Aadhaar e-KYC authentication
  - Offline Verification of Aadhaar for identification
  - KYC records downloaded from CKYCR, using the KYC identifier provided by the customer.
  - Equivalent e-document of Officially Valid Documents (OVDs) including documents issued Through DigiLocker.

Bank shall ensure to redact or blackout the Aadhaar number in terms of section 5.3 of this policy.

In case of offline verification of Aadhaar using XML file or Aadhaar Secure QR Code, it shall be ensured that the XML file or QR code generation date is not older than three working days from the date of carrying out V-CIP.

Further, in line with the prescribed period of three working days for usage of Aadhaar XML file / Aadhaar QR code, Bank shall ensure that the video process of the V-CIP is undertaken within three working days of downloading / obtaining the identification information through CKYCR / Aadhaar authentication / equivalent e-document, if in the rare cases, the entire process cannot be completed at one go or seamlessly. However, Bank shall ensure that no incremental risk is added due to this.

- vii) If the address of the customer is different from that indicated in the OVD, suitable records of the current address shall be captured, as per the existing requirement. It shall be ensured that the economic and financial profile/information submitted by the customer is also confirmed from the customer undertaking the V-CIP in a suitable manner.
- viii) Bank shall capture a clear image of PAN card to be displayed by the customer during the process, except in cases where e-PAN is provided by the customer. The PAN details shall be verified from the database of the issuing authority including through DigiLocker.
- ix) Use of printed copy of equivalent e-document including e-PAN is not valid for the V-CIP.
- x) The authorised official of the Bank shall ensure that photograph of the customer in the Aadhaar/OVD and PAN/e-PAN matches with the customer undertaking the V-CIP and the identification details in Aadhaar/OVD and PAN/e-PAN shall match with the details provided by the customer.
- xi) Assisted V-CIP shall be permissible Bank take help of Business Correspondents (BCs) facilitating the process only at the customer end. Bank shall maintain the details of the BC assisting the customer, where services of BCs are utilized. The ultimate responsibility for customer due diligence will be with the Bank.

- xii) All accounts opened through V-CIP shall be made operational only after being subject to concurrent audit, to ensure the integrity of process and its acceptability of the outcome.
- xiii) All matters not specified here but required under other statutes such as the Information Technology (IT) Act shall be appropriately complied with by the Bank.

### **(c) V-CIP Records and Data Management**

- i) The entire data and recordings of V-CIP shall be stored in a system / systems located in India. Bank shall ensure that the video recording is stored in a safe and secure manner and bears the date and time stamp that affords easy historical data search. The extant instructions on record management, as stipulated in this policy, shall also be applicable for V-CIP.
- ii) The activity log along with the credentials of the official performing the V-CIP shall be preserved.

## **5.6 Small Accounts**

Notwithstanding anything contained in Section 5.3 of this policy and as an alternative thereto, in case an individual who desires to open a bank account, banks shall open a 'Small Account', which entails the following limitations:

- 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.

Provided, that this limit on balance shall not be considered while making deposits through Government grants, welfare benefits and payment against procurements.

(i) Further, small accounts are subject to the following conditions:

- (a) The bank shall obtain a self-attested photograph from the customer.

The designated officer of the Bank will certify under his signature that the person opening the account has affixed his signature or thumb impression in his presence, provided that where the individual is a prisoner in a jail, the signature or thumb print shall be affixed in presence of the officer in-charge of the jail and the said officer shall certify the same under his signature and the account shall remain operational on annual submission of certificate of proof of address issued by the officer in-charge of the jail.

- (b) Such accounts will be opened only at Core Banking Solution (CBS) linked branches or in a branch where it is possible to manually monitor and ensure that foreign remittances are not

credited to the account.

- (c) To ensure that the stipulated monthly and annual limits on aggregate of transactions and balance requirements in such accounts are not breached, before a transaction is allowed to take place.
- (d) The account shall remain operational initially for a period of twelve months which can be extended for a further period of twelve months, provided the account holder applies and furnishes evidence of having applied for any of the OVDs during the first twelve months of the opening of the said account.
- (e) The entire relaxation provisions shall be reviewed after twenty four months.
- (f) Notwithstanding anything contained in clauses (e) and (f) above, the small account shall remain operational between April 1, 2020 and June 30, 2020 and such other periods as may be notified by the Central Government.
- (g) The account shall be monitored and when there is suspicion of money laundering or financing of terrorism activities or other high risk scenarios, the identity of the customer shall be established as given in Section 5.3 or Section 5.5 of this policy ..
- (h) Foreign remittance shall not be allowed to be credited into the account unless the identity of the customer is fully established as per section 5.3 or section 5.5 of this policy.

#### **5.7 Procedure to be followed by banks while opening accounts of foreign students**

- (a) Banks shall, at their option, open a Non-Resident Ordinary (NRO) bank account of a foreign student on the basis of his/her passport (with visa & immigration endorsement) bearing the proof of identity and address in the home country together with a photograph and a letter offering admission from the educational institution in India.
  - i. Provided that a declaration about the local address shall be obtained within a period of 30 days of opening the account and the said local address is verified.
  - ii. Provided further that pending the verification of address, the account shall be operated with a condition of allowing foreign remittances not exceeding USD 1,000 or equivalent into the account and a cap of rupees fifty thousand on aggregate in the same, during the 30-day period.
- (b) The account shall be treated as a normal NRO account, and shall be operated in terms of Reserve Bank of India's instructions on Non-Resident Ordinary Rupee (NRO) Account, and the provisions of FEMA 1999.
- (c) Bank will ensure to take prior approval of RBI before opening of account for Students with Pakistani nationality.

## 5.8 Simplified KYC norms for Foreign Portfolio Investors (FPIs)

Accounts of FPIs which are eligible/ registered as per SEBI guidelines, for the purpose of investment under Portfolio Investment Scheme (PIS), shall be opened by accepting KYC documents as detailed in Annex V of this policy, subject to Income Tax (FATCA/CRS) Rules.

Provided that banks shall obtain undertaking from FPIs or the Global Custodian acting on behalf of the FPI that as and when required, the exempted documents as detailed in Annex of this policy will be submitted.

## Chapter VI: CDD Procedure for Sole Proprietary Firms

6.0 For opening an account in the name of a sole proprietary firm, CDD of the individual (proprietor) shall be carried out

6.1 In addition to the above, any two of the following documents or the equivalent e-documents there of as a proof of business/ activity in the name of the proprietary firm shall also be obtained:

- (a) Registration certificate including Udyam Registration Certificate (URC) issued by the Government
- (b) Certificate/licence issued by Municipal authorities under Shop & Establishment Act.
- (c) Sales and income tax returns.
- (d) (Provisional/final) CST/VAT/ GST certificate
- (e) Certificate/registration document issued by Sales Tax/Service Tax/Professional Tax authorities.
- (f) IEC (Importer Exporter Code) issued to the proprietary concern by the office of DGFT or Licence/certificate of practice issued in the name of the proprietary concern by any professional body incorporated under a statute.
- (g) Complete Income Tax Return (not just the acknowledgement) in the name of the sole proprietor where the firm's income is reflected, duly authenticated/acknowledged by the Income Tax authorities.
- (h) Utility bills such as electricity, water, landline telephone bills, etc.

**6.2.** Cases where the Bank is satisfied that it is not possible to furnish two such documents, the Bank may accept only one of those documents as proof of business/activity along with contact point verification and collection of such other information and clarification as would be required to establish the existence of such firm, and will confirm and satisfy itself that the business activity has been verified from the address of the proprietary concern.

6.3 The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.

## **Chapter VII: CDD Procedure for Legal Entities**

### **7.0 Identification of Beneficial Owner**

For opening an account of a Legal Person who is not a natural person, the beneficial owner(s) will be identified and all reasonable steps in terms of sub-rule (3) of Rule 9 of the Rules to verify his/her identity shall be undertaken keeping in view the following:

- (a) Where the customer or the owner of the controlling interest is (i) an entity listed on a stock exchange in India, or (ii) it is an entity resident in jurisdictions notified by the Central Government and listed on stock exchanges in such jurisdictions, or (iii) it is a subsidiary of such listed entities, it is not necessary to identify and verify the identity of any shareholder or beneficial owner of such companies.
- (b) In cases of trust/nominee or fiduciary accounts whether the customer is acting on behalf of another person as trustee/nominee or any other intermediary is determined. In such cases, satisfactory evidence of the identity of the intermediaries and of the persons on whose behalf they are acting, as also details of the nature of the trust or other arrangements in place will be obtained.

### **7.1 Accounts of Companies**

For opening an account of a company, certified copies of each of the following documents or the equivalent e-documents thereof will be obtained:

- (a) Certificate of incorporation
- (b) Memorandum and Articles of Association
- (c) Permanent Account Number of the company
- (d) A resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf
- (e) Documents, as specified in section 5.3 above, relating to beneficial owner, the managers, officers or employees, as the case may be, holding an attorney to transact on the company's behalf

- (i) Names of the relevant persons holding senior management position,
  - (ii) The registered office and the principal place of business, if it different
- (f) The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.

## **7.2 Accounts of Partnership Firms**

For opening an account of a partnership firm, the certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

- (a) Registration certificate
- (b) Partnership deed
- (c) Permanent Account Number of the partnership firm
- (d) Documents, as specified in section 5.3 above, relating to beneficial owner, managers, officers or employees, as the case may be, holding an attorney to transact on its behalf
- (e) Certified copies of following documents are also required:
  - (i) Names of all partners
  - (ii) Address of the registered office, and the principal place of its business, if it is different.
- (f) The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.

## **7.3 Accounts of Trust**

For opening an account of a trust, certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

- (a) Registration certificate
- (b) Trust deed
- (c) Permanent Account Number or Form No.60 of the trust
- (d) Documents, as specified in section 5.3 above, relating to beneficial owner, managers, officers or employees, as the case may be, holding an attorney to transact on its behalf.
- (e) Certified copies of following documents are also required:  
the names of the beneficiaries, trustees, settlor, protector, if any and authors of the trust and the address of the registered office of the trust; and List of trustees and documents as specified under section 5.3 of this policy for those discharging role as trustee and authorised

to transact on behalf of the trust

- (f) The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.
- (g) Bank would ensure that trustees disclose their status at the time of commencement of an account-based relationship or when carrying out following transactions:
  - (1) Carrying out any international money transfer operations for a person who is not an account holder of the bank.
  - (2) Carrying out transactions for a non-account-based customer, that is a walk-in customer, where the amount involved is equal to or exceeds rupees fifty thousand, whether conducted as a single transaction or several transactions that appear to be connected.
  - (3) When a bank has reason to believe that a customer (account-based or walk-in) is intentionally structuring a transaction into a series of transactions below the threshold of rupees fifty thousand.

#### **7.4. Accounts of unincorporated association or a body of individuals**

For opening an account of an unincorporated association or a body of individuals, certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

- (a) Resolution of the managing body of such association or body of individuals
- (b) Permanent Account Number or Form No. 60 of the unincorporated association or a body of individuals
- (c) Power of attorney granted to transact on its behalf
- (d) Documents, as specified under section 5.3 of this policy relating to beneficial owner, managers, officers or employees, as the case may be, holding an attorney to transact on its behalf
- (e) Such information as may be required to collectively establish the legal existence of such an association or body of individuals.

Explanation: Unregistered trusts/partnership firms shall be included under the term unincorporated association'.

Explanation: Term body of individuals' includes societies.

- (f) The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.

#### **7.5 Accounts of other Juridical Persons**

For opening accounts of a customer who is a juridical person (not specifically covered in the earlier part), such as societies, universities and local bodies like village panchayats etc., or who purports to act on behalf of such juridical person or individual or trust, certified copies of the following documents

or the equivalent e-documents thereof shall be obtained and verified:

- (a) Document showing name of the person authorised to act on behalf of the entity;
- (b) Documents, as specified in section 5.3 of this policy of the person holding an attorney to transact on its behalf and
- (c) Such documents as may be required to establish the legal existence of such an entity/juridical person.
- (d) The client shall submit to the Bank any update of any of the documents referred above, for the purpose of updating its records, within 30 days of such updation to comply with PML rules.

## **8. Chapter VIII - Obligations under the Unlawful Activities (Prevention) (UAPA) Act, 1967**

### **Obligations under the Unlawful Activities (Prevention) (UAPA) Act, 1967**

**8.1** The Bank will ensure that in terms of Section 51A of the Unlawful Activities (Prevention) (UAPA) Act, 1967 and amendments thereto, it does not have any account in the name of individuals/entities appearing in the lists of individuals and entities, suspected of having terrorist links, which are approved by and periodically circulated by the United Nations Security Council (UNSC). The details of the two lists are as under:

- (a) The —ISIL (Da'esh) & Al-Qaida Sanctions ListII, which includes names of individuals and entities associated with the Al-Qaida.
- (b) The —1988 Sanctions ListII, consisting of individuals (Section A of the consolidated list) and entities (Section B) associated with the Taliban

Bank shall also ensure to refer to the lists as available in the Schedules to the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as amended from time to time. The aforementioned lists, i.e., UNSC Sanctions Lists and lists as available in the Schedules to the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as amended from time to time, shall be verified on daily basis and any modifications to the lists in terms of additions, deletions or other changes shall be taken into account for meticulous compliance.

**8.2.** Details of accounts resembling any of the individuals/entities in the lists will be reported to FIU-IND apart from advising Ministry of Home Affairs (MHA) as required under UAPA notification dated 122February 2, 2021.

**8.3.** In addition to the above, other UNSCRs circulated by the RBI in respect of any other jurisdictions/entities from time to time will also be taken note of.

**8.4** Freezing of Assets under Section 51A of UAPA, 1967: The procedure laid down in the UAPA Order



dated 12 February 2, 2021 (Annex II), shall be strictly followed and meticulous compliance with the Order issued by the Government shall be ensured. The list of Nodal Officers for UAPA is available on the website of MHA.

**Obligations under Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (WMD Act, 2005):**

- 8.5 Bank shall ensure meticulous compliance with the —Procedure for Implementation of Section 12A of the Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 laid down in terms of Section 12A of the WMD Act, 2005 vide Order dated September 1, 2023, by the Ministry of Finance, Government of India (Refer [Annex III](#)).
- 8.6 In accordance with paragraph 3 of the aforementioned Order, Bank shall ensure not to carry out transactions in case the particulars of the individual / entity match with the particulars in the designated list.
- 8.7 Further, Bank shall run a check, on the given parameters, at the time of establishing a relation with a customer and on a periodic basis to verify whether individuals and entities in the designated list are holding any funds, financial asset, etc., in the form of bank account, etc.
- 8.8 In case of match in the above cases, Bank shall immediately inform the transaction details with full particulars of the funds, financial assets or economic resources involved to the Central Nodal Officer (CNO), designated as the authority to exercise powers under Section 12A of the WMD Act, 2005. A copy of the communication shall be sent to State Nodal Officer, where the account / transaction is held and to the RBI. It may be noted that in terms of Paragraph 1 of the Order, Director, FIU-India has been designated as the CNO.
- 8.9 Bank may refer to the designated list, as amended from time to time, available on the portal of FIU-India.
- 8.10 In case there are reasons to believe beyond doubt that funds or assets held by a customer would fall under the purview of clause (a) or (b) of sub-section (2) of Section 12A of the WMD Act, 2005, Bank shall prevent such individual/entity from conducting financial transactions, under intimation to the CNO by email, FAX and by post, without delay.
- 8.11 In case an order to freeze assets under Section 12A is received by the Bank from the CNO, Bank shall, without delay, take necessary action to comply with the Order.
- 8.12 The process of unfreezing of funds, etc., shall be observed as per paragraph 7 of the Order. Accordingly, copy of application received from an individual/entity regarding unfreezing shall be forwarded by Bank along with full details of the asset frozen, as given by the applicant, to the CNO by email, FAX and by post, within two working days.

- 8.13 Bank shall verify every day, the 'UNSCR 1718 Sanctions List of Designated Individuals and Entities', as available at <https://www.mea.gov.in/Implementation-of-UNSC-Sanctions-DPRK.htm>, to take into account any modifications to the list in terms of additions, deletions or other changes and also ensure compliance with the 'Implementation of Security Council Resolution on Democratic People's Republic of Korea Order, 2017', as amended from time to time by the Central Government.
- 8.14 In addition to the above, Bank shall take into account – (a) other UNSCRs and (b) lists in the first schedule and the fourth schedule of UAPA, 1967 and any amendments to the same for compliance with the Government orders on implementation of Section 51A of the UAPA and Section 12A of the WMD Act.
- 8.15 Bank shall undertake countermeasures when called upon to do so by any international or intergovernmental organization of which India is a member and accepted by the Central Government.

## Chapter IX - Updation / Periodic Updation of KYC

A. Bank would adopt a risk-based approach for periodic updation of KYC ensuring that the information or data collected under CDD is kept up-to-date and relevant, particularly where there is high risk. Periodic updation will be carried out at least once in every two years for high risk customers, once in every eight years for medium risk customers and once in every ten years for low risk customers from the date of opening of the account / last KYC updation as per the following procedure:

### (a) Individuals

i. **No change in KYC information:** In case of no change in the KYC information, a self-declaration from the customer in this regard shall be obtained through customer's email-id, mobile number registered with the Bank, ATMs, digital channels (such as online banking / internet banking, mobile application), letter, etc..

ii. **Change in address:** In case of a change only in the address details of the customer, a self-declaration of the new address shall be obtained from the customer through customer's registered email-id, mobile number, ATMs, digital channels (such as online banking / internet banking, mobile application), letter, etc., and the declared address shall be verified through positive confirmation within two months, by means such as address verification letter, contact

point verification, deliverables, etc.

Further, Bank, at its option, may obtain a copy of OVD or deemed OVD, as defined in Paragraph 2 Officially Valid Document or the equivalent e-documents thereof, as defined in Paragraph 2 Equivalent e-document para for the purpose of proof of address, declared by the customer at the time of periodic updation. Such requirement, however, shall be clearly specified by the Bank in their internal KYC policy duly approved by the Board of Directors of Bank or any committee of the Board to which power has been delegated.

**iii Accounts of customers, who were minor at the time of opening account, on their becoming major:** In case of customers for whom account was opened when they were minor, fresh photographs shall be obtained on their becoming a major and at that time it shall be ensured that CDD documents as per the current CDD standards are available. wherever required, Bank will carry out fresh KYC of such customers i.e., customers for whom account was opened when they were minor, on their becoming a major

iv. Aadhaar OTP based e-KYC in non-face to face mode may be used by bank for periodic updation. To clarify, conditions stipulated in Paragraph 5.4 of this policy are not applicable in case of updation / periodic updation of KYC through Aadhaar OTP based e-KYC in non-face to face mode.

Declaration of current address, if the current address is different from the address in Aadhaar, shall not require positive confirmation in this case. REs shall ensure that the mobile number for Aadhaar authentication is same as the one available with them in the customer's profile, in order to prevent any fraud.

**(b) Customers other than Individuals**

**i. No change in KYC information:** In case of no change in the KYC information of the LE customer, a self-declaration in this regard shall be obtained from the LE customer through its registered email id, ATMs, digital channels (such as online banking / internet banking, mobile application), letter from an official authorized by the LE in this regard, board resolution, etc. Further, it shall be ensured during this process that Beneficial Ownership (BO) information available is accurate and shall be updated if required, to keep it as up-to-date as possible.

ii. Change in KYC information - In case of change in KYC information of LE customer, Bank will undertake the KYC process equivalent to that applicable for on-boarding a new LE customer.

(c) Additional Measures: in addition to the above, Bank shall ensure that

i. The KYC documents of the customer as per the current CDD standards is available. This is applicable even if there is no change in customer information but the documents available are not as per the current CDD standards. Further, in case the validity of the CDD documents available has expired at the time of periodic updation of KYC, KYC process equivalent to that applicable for on-boarding a new customer shall be undertaken.

ii. Customer's PAN details, if available, is verified from the database of the issuing authority at the time of periodic updation of KYC.

iii. Acknowledgment is provided to the customer mentioning the date of receipt of the relevant document(s), including self-declaration from the customer, for carrying out updation / periodic updation. Further, it shall be ensured that the information / documents obtained from the customers at the time of updation / periodic updation of KYC are promptly updated in the records / database and an intimation, mentioning the date of updation of KYC details, is provided to the customer.

iv. In order to ensure customer convenience, Bank is providing the facility of updation/ periodic updation of KYC at any branch / BC merchant point,

(d) Customers shall be advised that in order to comply with the PML Rules, in case of any update in the documents submitted by the customer at the time of establishment of business relationship / account-based relationship and thereafter, as necessary; customers shall submit the update of such documents. This shall be done within 30 days of the update to the documents for the purpose of updating the records.

**B.** In case of existing customers, the Bank will obtain the PAN or equivalent e-document thereof or Form No.60, by such date as may be notified by the Central Government, failing which the Bank will temporarily cease operations in the account till the time the PAN or equivalent e- documents thereof or Form No. 60 is submitted by the customer.

Provided that before temporarily ceasing operations for an account, the Bank will give the customer an accessible notice and a reasonable opportunity to be heard.

Provided further that if a customer having an existing account-based relationship gives in writing

that he does not want to submit his PAN or equivalent e-document thereof or Form No.60, the Bank will close the account and all obligations due in relation to the account will be appropriately settled after establishing the identity of the customer by obtaining the identification documents as applicable to the customer.

Explanation – For the purpose of this Paragraph , “temporary ceasing of operations” in relation to an account shall mean the temporary suspension of all transactions or activities in relation to that account by the RE till such time the customer complies with the provisions of this Section. In case of asset accounts such as loan accounts, for the purpose of ceasing the operation in the account, only credits shall be allowed.

## **Chapter X – Risk Management**

### **Risk Categorization**

- (i) Bank will categorize each new customer for the purpose of —Risk assessment, based on identity, social/financial status, nature of business and their location, geographical risk covering customers as well as transactions, type of products/services offered, delivery channel used for delivery of products/services, types of transaction undertaken – cash, cheque/monetary instruments, wire transfers, forex transactions etc. The nature and extent of due diligence will depend on the risk perceived by the bank. Bank to seek only such information from the customer, which is relevant to the risk category and is not intrusive and will ensure that such information is kept confidential and details/information so collected is not divulged for cross selling or any other purposes without express permission of customer. Also, the risk categorisation of a customer and the specific reasons for such categorisation shall be kept confidential and shall not be revealed to the customer to avoid tipping off the customer.
- (ii) Risk profiling of customer is carried out basis fixed risk weightage and risk score. Basis cumulative score derived on various parameters, the risk code is auto populated in the banks internal system and thereafter in core banking solution (CBS).
- (iii) In view of risk involved in cash intensive business, accounts of bullion dealers (including sub-dealers) and jewelers will be categorized as “high risk” requiring enhanced due diligence.

- Other customers to be categorized as high risk are:

- a. Trusts, charities; NGOs and ;
- b. Politically Exposed Persons [PEPs] ;

(iv) Bank will periodically review the risk categorization of those accounts which require the need for applying enhanced due diligence measure. Such review of risk categorization of customers should be carried out at a periodicity of not less than once in six months or earlier depending upon the transaction and/or change in status of the account. Bank should 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.

(v) Explanation: High risk accounts have to be subjected to more intensified monitoring.

(vi) The risk categorization of customers as also compilation and periodic updation of customer profiles and monitoring and closure of alerts in accounts by banks are extremely important for effective implementation of KYC/AML/CFT measures. Accordingly, bank will complete the process of risk categorization and compiling/updating profiles of all the existing customers in a time bound manner.

(vii) In addition to what has been indicated above, Bank will take steps to identify and assess the ML/TF risk for customers, countries and geographical areas as also for products / services / transactions / delivery channels , controls and procedures with the approval of the board, to effectively manage and mitigate the risk adopting a risk-based approach as per the initiative taken by IBA. The final report shall be placed to board.

(viii) Bank will adopt enhanced measures as per the indicative list of various types of indicators

i.e. customer behavior and risk based transaction monitoring; High & Medium Risk: customers/ Products Services/Geographies/ Locations/ Alerts for branches/ departments that should trigger suspicion at the time of processing of customer's transaction and not in line with customer's profile.

## **Money Laundering and Terrorist Financing Risk Assessment by Bank**

- The Bank will carry out Risk Assessment exercise to identify, assess and take effective measures to mitigate its money laundering and terrorist financing risk for customers, countries

or geographic areas, products, and delivery channels. The assessment process will consider all the relevant risk factors before determining the level of overall risk and the appropriate level and type of mitigation to be applied. While preparing the internal risk assessment, bank shall take cognizance of the overall sector-specific vulnerabilities, if any, that regulator or supervisor may share with the bank from time to time.

- The risk assessment by the bank shall be properly documented and be proportionate to the nature, size, geographical presence, complexity of activities/structure, etc. of the bank. Further, the periodicity of risk assessment exercise shall be determined by the Board or any committee of the Board of the Bank to which power in this regard has been delegated, in alignment with the outcome of the risk assessment exercise. The bank will review this exercise at least once in a year .
- The outcome of the exercise will be put up to the Audit Committee of the Board to which power in this regard has been delegated, and will be available to competent authorities and self-regulating bodies. Bank would apply a Risk Based Approach (RBA) for mitigation and management of the risks (identified on our own or through national risk assessment) and will have Board approved policies, controls and procedures in this regard .Bank will implement a CDD programme, having regard to the ML/TF risks identified and the size of business. Further, bank would monitor the implementation of the controls and enhance them if necessary.

## **Chapter XI – Monitoring of Transactions and Reporting to FIU - India**

### **11.1 Principal Officer (PO) – PMLA**

- Bank will designate a senior management officer as Principal Officer - PMLA, who will supervise and monitor all the activities in respect of KYC/AML/CFT measures.
- Principal Officer will maintain close liaison with enforcement agencies, banks and any other institution which are involved in the fight against money laundering and combating financing of terrorism. Principal Officer will be responsible for monitoring and reporting of all transactions and sharing of information as required under the law.
- The Principal Officer will also be responsible for timely submission of CTRs/STRs/CCRs/NTRs/CBWTRs to FIU-India.
- For discharging the responsibilities effectively, the Principal Officer and other appropriate staff should have timely access to Customer Identification Data and other Customer Due Diligence information, transaction records and other relevant information.
- The name, designation and address of the Principal Officer will be communicated to the FIU-IND and RBI.

### **11.2 Designated Director – PMLA**

Bank has designated the Managing Director as the Designated Director – PMLA who will be

responsible for the overall compliance with the obligations imposed under Chapter IV of the PML Act and the Rules. The name, designation and address of the Designated Director will be communicated to the FIU-IND and RBI.

### **11.3 Monitoring of Transactions**

(i) On-going monitoring is an essential element of effective KYC procedures. The risk can be effectively controlled and reduced by understanding the normal and reasonable activity of the customer and by having means to identify transactions that fall outside the regular pattern of the activity of the customer. The extent of monitoring will depend on the risk sensitivity of the account. Special attention will be paid to all complex, unusually large transactions and all unusual patterns which have no apparent economic or visible lawful purpose.

(ii) Bank will develop / deploy a software for the purpose of monitoring AML alerts based on the pre-defined scenarios. These scenarios will be periodically reviewed to make these more effective based on the feedback received and experience gained.

(iii) Bank will prescribe threshold limits for all categories of accounts on the basis of the nature of business activity, social and financial status, and volume of turnover and location of the customer.

(iv) For ongoing due diligence, bank may consider adopting appropriate innovations including artificial intelligence and machine learning (AI & ML) technologies to support effective monitoring.

(v) Monitoring of transactions will broadly involve the following:

- Transactions that involve large amounts of cash inconsistent with customer's normal/expected activity/profile will receive special attention.
- Very high account turnover, inconsistent with the balance maintained, income declared, may indicate the funds are being —washed through the account.
- Special attention will be paid to all complex, unusually large transactions which have no apparent economic or visible lawful purpose and suspicious patterns that indicate violation of the laws of the country threatening its financial well-being.
- Accounts classified under High Risk will be subjected to more frequent and intensive monitoring based on key indicators taking note of the customer's background, country of origin, sources of funds, the type of transactions involved and other risk factors.
- The accounts of bullion dealers (including sub-dealers) and jewelers will be categorized as



“High Risk”

- Multi - Level Marketing (MLM) Companies: Transactions in the accounts of MLM will be closely monitored and such accounts will be categorized as —High Risk.
- Given below is an indicative List of Suspicious Activities Transactions involving large amounts of cash:

<b>An Indicative List of Suspicious Activities Transactions Involving Large Amounts of Cash:</b>
(i) Exchanging an unusually large amount of small denomination notes for those of higher denomination;
(ii) Purchasing or selling of foreign currencies in substantial amounts by cash settlement despite the customer having an account with the bank;
(iii) Frequent withdrawal of large cash amounts that do not appear to be justified by the customer's business activity;
(iv) Large cash withdrawals from a previously dormant/inactive account, or from an account which has just received an unexpected large credit from abroad;
(v) Company transactions, both deposits and withdrawals, that are denominated by unusually large amounts of cash, rather than by way of debits and credits normally associated with the normal commercial operations of the company, e.g. cheques, letters of credit, bills of exchange etc.;
(vi) Depositing cash by means of numerous credit slips by a customer such that the amount of each deposit is not substantial, but the total of which is substantial.

#### **11.4 Reporting to Financial Intelligence Unit-India**

- In terms of Prevention Money Laundering Act 2002 and as amended by Prevention Money Laundering (Amendment) Act 2009, Bank will ensure to submit the following reports to Financial Intelligence Unit-India.
- FIU-India has developed a utility i.e. Finnet 2.0 portal and now Suspicious Transaction Reports (STRs), Counterfeit Currency Reports (CCRs) and Cash Transaction Reports (CTRs) ,Cross Border Wire Transfer Report CBWTR are submitted online.

##### **11.4.1 Cash Transaction Report (CTR)**

- Report of all cash transactions of the value of more than rupee ten lakhs or its equivalent in

foreign currency and 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 and the aggregate value of such transaction exceeds Rupees ten lakh. The CTR for each month will be submitted to FIU-IND by 15th of the succeeding month.

#### **11.4.2. Suspicious Transaction Report (STR)**

While determining suspicious transactions, bank will be guided by definition of suspicious transaction contained in PMLA Rules as amended from time to time. Suspicious transaction means a transaction, comprising of deposit, withdrawal, transfer of funds, whether or not made in cash which, to a person acting in good faith:

- i. Gives rise to a reasonable ground of suspicion that it may involve the proceeds of crime generally irrespective of the amount of transaction and/or the threshold limit envisaged for predicate offences laid down under PMLA, 2002, an offence regardless of the value involved; or
  - ii. appears to be made in circumstances of unusual or unjustified complexity; or
  - iii. appears to have no economic rationale or bonafide purpose; or
  - iv. gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism, which includes transaction involving funds suspected to be linked or related to, or to be used for terrorism, terrorist act or by a terrorist, terrorist organizations or those who finance or are attempting to financing of terrorism; or
- In some cases transactions are abandoned/ aborted by customers on being asked to give some details or to provide documents. Banks will report all such attempted transactions in STRs, even if not completed by customers, irrespective of the amount of the transaction.
  - The branch should inform AML team about any unusual transactions / activity observed.
  - Bank will file STR within seven working days post approval of Principal officer.
  - Bank will ensure not to put any restrictions on operations in the accounts where Suspicious Transaction Report has been made. The submission of STR will be kept strictly confidential, as required under PML Rules and it will be ensured that there is no tipping off to the

customer at any level.

- v. Bank shall furnish to the Director, Financial Intelligence Unit-India (FIU-IND), information referred to in rule 3 of the PML (Maintenance of Records) Rules, 2005 in terms of rule 7 thereof.
- vi. “While furnishing information to the Director, FIU-IND, delay of each day in not reporting a transaction or delay of each day in rectifying a mis-represented transaction beyond the time limit as specified in the Rule shall be constituted as a separate violation. Bank would not put any restriction on operations in the accounts merely on the basis of the STR filed.

Bank, its directors, officers, and all employees shall ensure that the fact of maintenance of records referred to in rule 3 of the PML (Maintenance of Records) Rules, 2005 and furnishing of the information to the Director is confidential. However, such confidentiality requirement shall not inhibit sharing of information under Section 4(b) of the Master Direction of any analysis of transactions and activities which appear unusual, if any such analysis has been done.

#### **11.4.3 Counterfeit Currency Report (CCR)**

Cash transactions were forged or counterfeit currency notes have been used as genuine or where any forgery of a valuable security or document has taken place facilitating the transactions will be reported to Financial Intelligence Unit-India in the specified format not later than 15th of the succeeding month from the occurrence of such transactions and bank shall also comply with RBI circular on Master Direction on Counterfeit Notes, 2023 - Detection, Reporting and Monitoring (updated time to time).

#### **11.4.4 Non Profit Organizations Transaction report (NTR)**

Bank will report all transactions involving receipts by non-profit organizations of value more than rupees ten lakh or its equivalent in foreign currency to the Director, Financial Intelligence Unit-India by the 15th of the succeeding month.

Non-profit organization” (NPO) means any entity or organisation, constituted for religious or charitable purposes referred to in clause (15) of section 2 of the Income- tax Act, 1961 (43 of 1961), that is registered as a trust or a society under the Societies Registration Act, 1860 or any similar State legislation or a Company registered under the section 8 of the Companies Act, 2013

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#### **11.4.5 Cross Border Wire Transfer Report (CBWTR)**

Bank is required to maintain the record of all transactions including the record of all cross border wire transfers of more than Rs. 5 lakh or its equivalent in foreign currency, where either the origin or destination of the fund is in India. The report is to be submitted to Financial Intelligence Unit- India by the 15th of the succeeding month.

## **Chapter XII – General Guidelines**

### **12 Secrecy Obligations and Sharing of Information:**

- (a) The Bank will maintain secrecy regarding the customer information which arises out of the contractual relationship between the banker and customer.
- (b) Information collected from customers for the purpose of opening of account shall be treated as confidential and details thereof shall not be divulged for the purpose of cross selling, or for any other purpose without the express permission of the customer.
- (c) While considering the requests for data/information from Government and other agencies, bank will satisfy itself that the information being sought is not of such a nature as will violate the provisions of the laws relating to secrecy in the banking transactions.
- (d) The exceptions to the said rule shall be as under:
  - i. Where disclosure is under compulsion of law
  - ii. Where there is a duty to the public to disclose,
  - iii. the interest of bank requires disclosure and
  - iv. Where the disclosure is made with the express or implied consent of the customer.

#### **12.1 CDD Procedure and sharing KYC information with Central KYC Records Registry (CKYCR)**

- (a) Government of India has authorised the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI), to act as, and to perform the functions of the CKYCR vide Gazette Notification No. S.O. 3183(E) dated November 26, 2015.
- (b) In terms of provision of Rule 9(1A) of the PML Rules, the Bank shall capture customer's KYC records and upload onto CKYCR within 10 days of commencement of an account-based relationship with the

customer.

- (c) Operational Guidelines for uploading the KYC data have been released by CERSAI.
- (d) Bank shall capture the KYC information for sharing with the CKYCR in the manner mentioned in the Rules, as per the KYC templates prepared for ‘Individuals’ and ‘Legal Entities’ (LEs), as the case may be. The templates may be revised from time to time, as may be required and released by CERSAI.
- (e) The ‘live run’ of the CKYCR started from July 15, 2016 in phased manner beginning with new ‘individual accounts’. Accordingly, Scheduled Commercial Banks (SCBs) are required to invariably upload the KYC data pertaining to all new individual accounts opened on or after January 1, 2017, with CKYCR. SCBs were initially allowed time up-to February 1, 2017, for uploading data in respect of accounts opened during January 2017.

Bank other than SCBs were required to start uploading the KYC data pertaining to all new individual accounts opened on or after from April 1, 2017, with CKYCR in terms of the provisions of the Rules *ibid*.

(f) Bank shall upload KYC records pertaining to accounts of LEs opened on or after April 1, 2021, with CKYCR in terms of the provisions of the Rules *ibid*. The KYC records have to be uploaded as per the LE Template released by CERSAI.

(g) Once KYC Identifier is generated by CKYCR, Bank shall ensure that the same is communicated to the individual/LE as the case may be.

(h) In order to ensure that all KYC records are incrementally uploaded on to CKYCR, Bank shall upload/update the KYC data pertaining to accounts of individual customers and LEs opened prior to the above-mentioned dates as per clauses (e) and (f) respectively at the time of periodic updation as specified in this policy, or earlier, when the updated KYC information is obtained/received from the customer. Also, whenever the Bank will obtain an additional or updated information from any customer as per clause (j) below in this paragraph or Rule 9 (1C) of the PML Rules, the Bank will within seven days or within such period as may be notified by the Central Government, furnish the updated information to CKYCR, which shall update the KYC records of the existing customer in CKYCR. CKYCR shall thereafter inform electronically all the reporting entities who have dealt with the concerned customer regarding updation of KYC record of the said customer. Once CKYCR informs the Bank regarding an update in the KYC record of an existing customer, the Bank will retrieve the updated KYC records from CKYCR and update the KYC record maintained by the RE.

(i) Bank shall ensure that during periodic updation, the customers are migrated to the current CDD standard.

(j) For the purpose of establishing an account-based relationship, updation/ periodic

update or for verification of identity of a customer, the Bank shall seek the KYC Identifier from the customer or retrieve the KYC Identifier, if available, from the CKYCR and proceed to obtain KYC records online by using such KYC Identifier and shall not require a customer to submit the same KYC records or information or any other additional identification documents or details, unless -

- i. there is a change in the information of the customer as existing in the records of CKYCR; or
- ii. the KYC record or information retrieved is incomplete or is not as per the current applicable KYC norms; or
- iii. the Bank considers it necessary in order to verify the identity or address (including current address) of the customer, or to perform enhanced due diligence or to build an appropriate risk profile of the customer.
- iv. the validity period of documents downloaded from CKYCR has lapsed.

## **12.2 Reporting requirement under Foreign Account Tax Compliance Act (FATCA) and Common Reporting Standards (CRS)**

Under FATCA and CRS, the Bank will determine whether they are a Reporting Financial Institution as defined in Income Tax Rule 114F and if so, will take following steps for complying with the reporting requirements:

- 12.2.1 Register on the related e-filing portal of Income Tax Department as a Reporting Financial Institutions
- 12.2.2 Submit online reports by using the digital signature of the ‘Designated Director’ by either uploading the Form 61B or ‘NIL’ report, for which, the schema prepared by Central Board of Direct Taxes (CBDT) shall be referred to.

Explanation: The Bank will refer to the spot reference rates published by Foreign Exchange Dealers’ Association of India (FEDAI) on their website at <http://www.fedai.org.in/RevaluationRates.aspx> for carrying out the due diligence procedure for the purposes of identifying reportable accounts in terms of Rule 114H.

- 12.2.3 Develop Information Technology (IT) framework for carrying out due diligence procedure and for recording and maintaining the same, as provided in Rule 114H.
- 12.2.4 Develop Information Technology (IT) framework for carrying out due diligence procedure and for recording and maintaining the same, as provided in Rule 114H.
- 12.2.5 Develop a system of audit for the IT framework and compliance with Rules 114F, 114G and 114H of Income Tax Rules.
- 12.2.6 Constitute a “High Level Monitoring Committee” under the Designated Director or any other equivalent functionary to ensure compliance.

12.2.7 Ensure compliance with updated instructions/ rules/ guidance notes/ Press releases/ issued on the subject by Central Board of Direct Taxes (CBDT) from time to time and available on the web site <http://www.incometaxindia.gov.in/Pages/default.aspx>.

### **12.3 Period for presenting payment instruments**

The Bank will ensure that payment will not be made of cheques/drafts/pay orders/banker's cheques, if they are presented beyond the period of three months from the date of such instruments.

### **12.4 Operation of Bank Accounts & Money Mules**

(i) "Money Mules" are used by the criminals to launder the proceeds of fraud schemes e.g. phishing and identity theft who gain illegal access to deposit accounts by recruiting third parties to act as 'Money Mules'. In some cases these third parties may be innocent while in others they may be having complicity with criminals.

(ii) In a money mule transaction, an individual with a bank account is recruited to receive cheque deposits or wire transfers and then transfer these funds to accounts held on behalf of another person or to other individuals, either in full or minus a certain commission payment. Money mules may be recruited by a variety of methods, including spam e-mails, advertisements on genuine recruitment websites, social networking sites, instant messaging and advertisements in newspapers. As and when they are caught, these money mules often have their bank accounts suspended, causing inconvenience and potential financial loss, apart from facing likely legal action for being part of a fraud. Many a times, the address and contact details of such mules are found to be fake or not upto date, making it difficult for enforcement agencies to locate the account holder. Bank will ensure to report money mule accounts to FIU-India by way of STR.

(III) The instructions on opening of accounts and monitoring of transactions will be strictly adhered to, in order to minimise the operations of —Money Mules which are used to launder the proceeds of fraud schemes (e.g., phishing and identity theft) by criminals who gain illegal access to deposit accounts by recruiting third parties which act as —money mules. If it is established that an account opened and operated is that of a Money Mule, but if no STR filed then it will be deemed that the bank has also not complied with these directions.

### **12.5 Collection of Account Payee Cheques**

Account payee cheques for any person other than the payee constituent shall not be collected. Banks shall, at their option, collect account payee cheques drawn for an amount not exceeding rupees fifty thousand to the account of their customers who are co-operative credit societies, provided the payees

of such cheques are the constituents of such co-operative credit societies.

## **12.6 Unique Customer Identification Code (UCIC)**

(a) A Unique Customer Identification Code (UCIC) shall be allotted while entering into new relationships with individual customers as also the existing customers by Bank.

(b) The Bank will not issue UCIC to all walk-in/occasional customers such as buyers of pre-paid instruments/purchasers of third party products but it will be ensured that there is adequate mechanism to identify such walk-in customers who have frequent transactions with them and ensure that they are allotted UCIC.

## **12.7 Introduction of New Technologies**

Bank shall identify and assess the ML/TF risks that may arise in relation to the development of new products and new business practices, including new delivery mechanisms, and the use of new or developing technologies for both new and pre-existing products.

Further, Bank shall ensure:

- (a) to undertake the ML/TF risk assessments prior to the launch or use of such products, practices, services, technologies; and
- (b) adoption of a risk-based approach to manage and mitigate the risks through appropriate EDD measures and transaction monitoring, etc.

## **12.8 Correspondent Banks**

The Bank will have a Board approved to lay down parameters for approving Cross-border correspondent banking and other similar relationships. In addition to performing normal CDD measures, such relationships shall be subject to the following conditions:

- (a) Banks shall gather sufficient information about a respondent bank to understand fully the nature of the respondent bank's business and to determine from publicly available information the reputation of the respondent bank and the quality of supervision, including whether it has been subjected to a ML/TF investigation or regulatory action. Banks shall "assess the respondent bank's AML/CFT controls".



- (b) The information gathered in relation to the nature of business of the respondent bank shall include information on management, major business activities, purpose of opening the account, identity of any third-party entities that will use the correspondent banking services, regulatory/supervisory framework in the respondent bank's home country among other relevant information.
- (c) Prior approval from senior management shall be obtained for establishing new correspondent banking relationships. However, post facto approval of the Board or the Committee empowered for this purpose shall also be taken.
- (d) Banks shall clearly document and understand the respective AML/CFT responsibilities of institutions involved.
- (e) In the case of payable-through-accounts, the correspondent bank shall be satisfied that the respondent bank has conducted CDD on the customers having direct access to the accounts of the correspondent bank and is undertaking on-going 'due diligence' on them.
- (f) The correspondent bank shall ensure that the respondent bank is able to provide the relevant CDD information immediately on request.
- (g) Correspondent banking relationships will not be entered into or "continued" with a shell bank.
- (h) It shall be ensured that the respondent banks do not permit their accounts to be used by shell banks.
- (i) Bank shall be cautious of correspondent banking relationships with institutions located in jurisdictions which have strategic deficiencies or have not made sufficient progress in implementation of FATF Recommendations.
- (j) To ensure that respondent banks have KYC/AML policies and procedures in place and apply enhanced 'due diligence' procedures for transactions carried out through the correspondent accounts.

## **12.9 Wire transfer**

### **A. Information requirements for wire transfers for the purpose of this Policy:**

- i. All cross-border wire transfers shall be accompanied by accurate, complete, and meaningful originator and beneficiary information as mentioned below:
  - a. name of the originator;
  - b. the originator account number where such an account is used to process the transaction;
  - c. the originator's address, or national identity number, or customer identification number, or date and place of birth;
  - d. name of the beneficiary; and
  - e. the beneficiary account number where such an account is used to process the transaction.

In the absence of an account, a unique transaction reference number should be included which permits traceability of the transaction.

- ii. In case of batch transfer, where several individual cross-border wire transfers from a single originator are bundled in a batch file for transmission to beneficiaries, they (i.e., individual transfers) are exempted from the requirements of clause (i) above in respect of originator information, provided that they include the originator's account number or unique transaction reference number, as mentioned above, and the batch file contains required and accurate originator information, and full beneficiary information, that is fully traceable within the beneficiary country.
- iii. Domestic wire transfer, where the originator is an account holder of the ordering RE, shall be accompanied by originator and beneficiary information, as indicated for cross-border wire transfers in (i) and (ii) above.
- iv. Domestic wire transfers of rupees fifty thousand and above, where the originator is not an account holder of the ordering Bank, shall also be accompanied by originator and beneficiary information as indicated for cross-border wire transfers.

In case of domestic wire transfers below rupees fifty thousand where the originator is not an account holder of the ordering bank and where the information accompanying the wire transfer can be made available to the beneficiary bank and appropriate authorities by other means, it is sufficient for the ordering bank to include a unique transaction reference number, provided that this number or identifier will permit the transaction to be traced back to the originator or the beneficiary.

The ordering bank should make the information available within three working/business days of receiving the request from the intermediary bank, beneficiary bank, or from appropriate competent authorities.

- v. Bank shall ensure that all the information on the wire transfers shall be immediately made available to appropriate law enforcement authorities, prosecuting / competent authorities as well as FIU-IND on receiving such requests with appropriate legal provisions.
- vi. The wire transfer instructions are not intended to cover the following types of payments:
  - a. Any transfer that flows from a transaction carried out using a credit card / debit card / Prepaid Payment Instrument (PPI), including through a token or any other similar reference string associated with the card / PPI, for the purchase of goods or services, so long as the credit or debit card number or PPI id or reference number accompanies all transfers flowing from the transaction. However, when a credit or debit card or PPI is used as a payment system to effect

a person-to-person wire transfer, the wire transfer instructions shall apply to such transactions and the necessary information should be included in the message.

- b. Financial institution-to-financial institution transfers and settlements, where both the originator person and the beneficiary person are regulated financial institutions acting on their own behalf.

It is, however, clarified that nothing within these instructions will impact the obligation of an RE to comply with applicable reporting requirements under PML Act, 2002, and the Rules made thereunder, or any other statutory requirement in force.

**B. Responsibilities of the Bank as ordering Bank , intermediary Bank and beneficiary Bank , effecting wire transfer, are as under:**

**i. Ordering Bank :**

- a. The ordering Bank shall ensure that all cross-border and qualifying domestic wire transfers {viz., transactions as per clauses (iii) and (iv) of paragraph A' above}, contain required and accurate originator information and required beneficiary information, as indicated above.
- b. Customer Identification shall be made if a customer, who is not an account holder of the ordering Bank , is intentionally structuring domestic wire transfers below rupees fifty thousand to avoid reporting or monitoring. In case of non-cooperation from the customer, efforts shall be made to establish identity and if the same transaction is found to be suspicious, STR may be filed with FIU-IND in accordance with the PML Rules.
- c. Ordering Bank shall not execute the wire transfer if it is not able to comply with the requirements stipulated in this section.

**ii. Intermediary Bank :**

- a. The Bank processing an intermediary element of a chain of wire transfers shall ensure that all originator and beneficiary information accompanying a wire transfer is retained with the transfer.
- b. Where technical limitations prevent the required originator or beneficiary information accompanying a cross-border wire transfer from remaining with a related domestic wire transfer, the intermediary Bank shall keep a record, for at least five years, of all the information received from the ordering financial institution or another intermediary Bank .
- c. Intermediary Bank shall take reasonable measures to identify cross-border wire transfers that lack required originator information or required beneficiary information. Such measures should be consistent with straight-through processing.
- d. Intermediary Bank shall have effective risk-based policies and procedures for determining: (a) when to execute, reject, or suspend a wire transfer lacking required originator or required

beneficiary information; and (b) the appropriate follow-up action including seeking further information and if the transaction is found to be suspicious, reporting to FIU-IND in accordance with the PML Rules.

**iii. Beneficiary Bank :**

- a. Beneficiary Bank shall take reasonable measures, including post-event monitoring or real-time monitoring where feasible, to identify cross-border wire transfers and qualifying domestic wire transfers {viz., transactions as per clauses (iii) and (iv) of paragraph A above}, that lack required originator information or required beneficiary information.
- b. Beneficiary Bank shall have effective risk-based policies and procedures for determining: (a) when to execute, reject, or suspend a wire transfer lacking required originator or required beneficiary information; and (b) the appropriate follow-up action follow-up action including seeking further information and if the transaction is found to be suspicious, reporting to FIU-IND in accordance with the PML Rules.

**iv. Money Transfer Service Scheme (MTSS)** providers and other REs are required to comply with all of the relevant requirements, whether they are providing services directly or through their agents. Banks that controls both the ordering and the beneficiary side of a wire transfer, the MTSS provider:

- a. take into account all the information from both the ordering and beneficiary sides in order to determine whether an STR has to be filed; and
- b. file an STR with FIU, in accordance with the PML Rules, if a transaction is found to be suspicious.

**C. Other Obligations**

**i. Obligations in respect of Bank's engagement or involvement as a Bank, with unregulated entities in the process of wire transfer**

Bank shall be cognizant of their obligations under these instructions and ensure strict compliance, in respect of engagement or involvement of any unregulated entities in the process of wire transfer. More specifically, whenever there is involvement of any unregulated entities in the process of wire transfers, the bank shall be fully responsible for information, reporting and other requirements and therefore shall ensure, inter alia, that,

- i. there is unhindered flow of complete wire transfer information, as mandated under these directions, from and through the unregulated entities involved;
- ii. the agreement / arrangement, if any, with such unregulated entities by the bank clearly stipulates the obligations under wire transfer instructions; and

- iii. a termination clause is available in the agreement / arrangement, if any, with such entities so that in case the unregulated entities are unable to support the wire information requirements, the agreement / arrangement can be terminated. Existing agreements / arrangements, if any, with such entities shall be reviewed within three months to ensure aforementioned requirements.

**ii. Bank's responsibility as a RE while undertaking cross-border wire transfer with respect to name screening (such that bank does not process cross-border transactions of designated persons and entities)**

REs are prohibited from conducting transactions with designated persons and entities and accordingly, in addition to compliance with Chapter VIII of this Policy, Bank shall ensure that it does not process cross-border transactions of designated persons and entities.

**iii. Bank's responsibility to fulfil record management requirements**

Complete originator and beneficiary information relating to wire transfers shall be preserved by the Bank, in accordance with Section XIII of this Policy.

The following steps shall be taken regarding maintenance, preservation and reporting of customer information, with reference to provisions of PML Act and Rules. Bank shall:

- (a) maintain all necessary records of transactions between the bank and the customer, both domestic and international, for at least five years from the date of transaction;
- (b) preserve the records pertaining to the identification of the customers and their addresses obtained while opening the account and during the course of business relationship, for at least five years after the business relationship is ended;
- (c) make available swiftly, the identification records and transaction data to the competent authorities upon request;
- (d) introduce a system of maintaining proper record of transactions prescribed under Rule 3 of Prevention of Money Laundering (Maintenance of Records) Rules, 2005 (PML Rules, 2005);
- (e) maintain all necessary information in respect of transactions prescribed under PML Rule 3 so as to permit reconstruction of individual transaction, including the following:
  - (i) the nature of the transactions;
  - (ii) the amount of the transaction and the currency in which it was denominated;
  - (iii) the date on which the transaction was conducted; and (iv) the parties to the transaction.

(f) evolve a system for proper maintenance and preservation of account information in a manner that allows data to be retrieved easily and quickly whenever required or when requested by the competent authorities;

(g) maintain records of the identity and address of their customer, and records in respect of transactions referred to in Rule 3 in hard or soft format.

"Records pertaining to the identification", "identification records", etc., shall include updated records of the identification data, account files, business correspondence and results of any analysis undertaken.

#### **12.10 Issue and Payment of Demand Drafts, etc.**

Any issuance/ remittance of funds by way of demand draft, mail/telegraphic transfer/NEFT/IMPS or any other mode and issue of travellers' cheques for value of rupees fifty thousand and above will be effected by debit to the customer's account or against cheques and not against cash payment.

Further, the name of the purchaser will be incorporated on the face of the demand draft, pay order, banker's cheque, etc., by the Bank.

#### **12.11 Selling Third Party Products (TPP)**

While selling third party products the Bank will ensure to:

- (a) Verify the identity and address of the walk-in customer for transactions above rupees fifty thousand
- (b) Transaction details of sale of third party products and related records shall be maintained as prescribed in Section XIII of this policy.
- (c) These TPP transactions will be monitored for the purpose of filing CTR/STR including walk-in customers.
- (d) Transactions involving rupees fifty thousand and above for sale of Bank's own products, payment of dues of credit cards/sale and reloading of prepaid/travel cards and any other product will be undertaken only by:
  - Debit to customers' account or against cheques; and
  - Obtaining and verifying the PAN given by the account-based as well as walk-in customers.

## **12.12 Issuance of Prepaid Payment Instruments (PPIs):**

The Bank while issuing PPIs will ensure that the instructions issued by Department of Payment and Settlement System (RBI) through their Master Direction are strictly adhered to.

## **12.13 Freezing of Assets u/s 51A of Unlawful Activities (Prevention) Act, 1967**

The procedure laid down in the UAPA Order dated February 2, 2021 (Annexure II) shall be strictly followed and meticulous compliance with the Order issued by the Government shall be ensured. The list of Nodal Officers for UAPA is available on the website of Ministry of Home Affairs.

## **12.14 Jurisdictions that do not or insufficiently apply the FATF Recommendations**

- (a) Financial Action Task Force (FATF) Statements circulated by RBI from time to time, and publicly available information, for identifying countries, which do not or insufficiently apply the FATF Recommendations, will be considered. “Bank shall apply enhanced due diligence, which are effective and proportionate to the risks, to business relationships and transactions with natural and legal persons (including financial institutions) from countries for which this is called for by the FATF”.
- (b) Special attention will be given to business relationships and transactions with persons (including legal persons and other financial institutions) from or in countries that do not or insufficiently apply the FATF Recommendations and jurisdictions included in FATF Statements.
- (c) Explanation: The processes referred to in (a) & (b) above do not preclude REs from having legitimate trade and business transactions with the countries and jurisdictions mentioned in the FATF statement.
- (d) The background and purpose of transactions with persons (including legal persons and other financial institutions) from jurisdictions included in FATF Statements and countries that do not or insufficiently apply the FATF Recommendations will be examined, and written findings together with all documents will be retained and shall be made available to RBI/ other relevant authorities, on request.
- (e) Bank may leverage latest technological innovations and tools for effective implementation of name screening to meet the sanctions requirements.
- (f) Bank shall undertake countermeasures when called upon to do so by any international or intergovernmental organization of which India is a member and accepted by the Central Government.

### **12.15 Registering of NPO (Non-profit Organization) on the DARPAN Portal**

The Bank shall register the details of a client, in case of client being a non-profit organisation, on the DARPAN Portal of NITI Aayog, if not already registered, and maintain such registration records for a period of five years after the business relationship between a client and the Bank has ended or the account has been closed, whichever is later.

### **12.16 Compliance with the provisions of Foreign Contribution (Regulation) Act, 2010**

Bank shall ensure adherence to the provisions of Foreign Contribution (Regulation) Act, 2010 and Rules made thereunder. Further, bank shall also ensure meticulous compliance with any instructions / communications on the matter issued from time to time by the Reserve Bank based on advice received from the Ministry of Home Affairs, Government of India.

### **12.17 Quoting of PAN**

Permanent account number (PAN) or equivalent e-document thereof of customers shall be obtained and verified while undertaking transactions as per the provisions of Income Tax Rule 114B (Refer Annex IV) applicable to banks, as amended from time to time. Form 60 shall be obtained from persons who do not have PAN or equivalent e-document thereof.

## **Chapter XIII – Maintenance and Preservation of Records**

13 The following steps would be taken regarding maintenance, preservation and reporting of customer information, with reference to provisions of PML Act and Rules. Bank will,

- (a) Maintain all necessary records of transactions between the Bank and the customer, both domestic and international, for at least five years from the date of transaction;
- (b) Preserve the records pertaining to the identification of the customers and their addresses obtained while opening the account and during the course of business relationship, for at least five years after the business relationship is ended;
- (c) Make available swiftly the identification records and transaction data to the competent authorities upon request;
- (d) Maintain all necessary information in respect of transactions prescribed under Prevention of Money Laundering (Maintenance of Records) Rules, 2005 Rule 3 so as to permit reconstruction of individual transaction, including the following:
  - (i) Nature of the transactions;



- (ii) Amount of the transaction and the currency in which it was denominated;
- (iii) Date on which the transaction was conducted; and
- (iv) Parties to the transaction.

(e) Maintain records of the identity and address of their customer, and records in respect of transactions referred to in Rule 3 of Prevention of Money Laundering (Maintenance of Records) Rules, 2005 (PML Rules, 2005) in hard or soft format.

Explanation. – For the purpose of this Section, the expressions "records pertaining to the identification", "identification records", etc., shall include updated records of the identification data, account files, business correspondence and results of any analysis undertaken.

(f)

Bank shall ensure that in case of customers who are non-profit organisations, the details of such customers are registered on the DARPAN Portal of NITI Aayog. If the same are not registered, Bank shall register the details on the DARPAN Portal. Also, Bank shall maintain such registration records for period of 5 years after the business relationship between the client and bank has ended or account has been closed, whichever is later.

## **Chapter XIV - Hiring of Employees and Employee training**

Adequate screening mechanism, including Know Your Employee / Staff policy, as an integral part of their personnel recruitment/hiring process will be put in place.

14.1 Bank shall endeavour to ensure that the staff dealing with / being deployed for KYC/AML/CFT matters have: high integrity and ethical standards, good understanding of extant KYC/AML/CFT standards, effective communication skills and ability to keep up with the changing KYC/AML/CFT landscape, nationally and internationally. Bank shall also strive to develop an environment which fosters open communication and high integrity amongst the staff.

14.2 On-going employee training programme will be put in place so that the members of staff are adequately trained in KYC/AML/CFT policy. The focus of the training will be different for frontline staff, compliance staff and staff dealing with new customers. The front desk staff will be specially trained to handle issues arising from lack of customer education. Proper staffing of the audit function with persons adequately trained and well-versed in KYC/AML/CFT policies of the Bank, regulation and related issues shall be ensured.

### **14.3 Training of Employees**

The Bank will ensure to have ongoing employee training programmes/seminar in order to sensitize the field staff about KYC/AML/CFT procedures/ modalities/guidelines and changes from time to time. AML Department of the Bank will put in place an appropriate training content and channelize the same in association with Training team and HR department.

## ***Annexure I***

### **Digital KYC Process**

- A. The Bank will develop an application for digital KYC process which shall be made available at customer touch points for undertaking KYC of their customers and the KYC process shall be undertaken only through this authenticated application of the Bank.
- B. The access of the Application will be controlled by the Bank and it will be ensured that the same is not used by unauthorized persons. The Application shall be accessed only through login-id and password or Live OTP or Time OTP controlled mechanism given by Bank to its authorized officials.
- C. The customer, for the purpose of KYC, will visit the location of the authorized official of the Bank or vice-versa. The original OVD shall be in possession of the customer.
- D. The Bank will ensure that the Live photograph of the customer is taken by the authorized officer and the same photograph is embedded in the Customer Application Form (CAF). Further, the system Application will put a water-mark in readable form having CAF number, GPS coordinates, authorized official's name, unique employee Code (assigned by Bank) and Date (DD:MM:YYYY) and time stamp (HH:MM:SS) on the captured live photograph of the customer.
- E. The Application of the Bank will have the feature that only live photograph of the customer is captured and no printed or video-graphed photograph of the customer is captured. The background behind the customer while capturing live photograph will be of white colour and no other person shall come into the frame while capturing the live photograph of the customer.
- F. Similarly, the live photograph of the original OVD or proof of possession of Aadhaar where offline verification cannot be carried out (placed horizontally), will be captured vertically from above and water-marking in readable form as mentioned above will be done. No skew or tilt in the mobile device shall be there while capturing the live photograph of the original documents.
- G. The live photograph of the customer and his original documents shall be captured in proper light so that they are clearly readable and identifiable.

- H. Thereafter, all the entries in the CAF will be filled as per the documents and information furnished by the customer. In those documents where Quick Response (QR) code is available, such details can be auto-populated by scanning the QR code instead of manual filing the details. For example, in case of physical Aadhaar/e-Aadhaar downloaded from UIDAI where QR code is available, the details like name, gender, date of birth and address can be auto-populated by scanning the QR available on Aadhaar/e-Aadhaar.
- I. Once the above mentioned process is completed, a One Time Password (OTP) message containing the text that ‘Please verify the details filled in form before sharing OTP’ shall be sent to customer’s own mobile number. Upon successful validation of the OTP, it will be treated as customer signature on CAF. However, if the customer does not have his/her own mobile number, then mobile number of his/her family/relatives/known persons may be used for this purpose and be clearly mentioned in CAF. In any case, the mobile number of authorized officer registered with the Bank shall not be used for customer signature. The Bank will check that the mobile number used in customer signature shall not be the mobile number of the authorized officer.
- J. The authorized officer shall provide a declaration about the capturing of the live photograph of customer and the original document. For this purpose, the authorized official shall be verified with One Time Password (OTP) which will be sent to his mobile number registered with the Bank. Upon successful OTP validation, it shall be treated as authorized officer’s signature on the declaration. The live photograph of the authorized official shall also be captured in this authorized officer’s declaration.
- K. Subsequent to all these activities, the Application shall give information about the completion of the process and submission of activation request to activation officer of the RE, and also generate the transaction-id/reference-id number of the process. The authorized officer shall intimate the details regarding transaction-id/reference-id number to customer for future reference.
- L. The authorized officer of the Bank will check and verify that:- (i) information available in the picture of document is matching with the information entered by authorized officer in CAF. (ii) live photograph of the customer matches with the photo available in the document.; and (iii) all of the necessary details in CAF including mandatory field are filled properly.;

M. On Successful verification, the CAF will be digitally signed by authorized officer of the Bank who will take a print of CAF, get signatures/thumb-impression of customer at appropriate place, then scan and upload the same in system. Original hard copy may be returned to the customer. The Bank may use the services of Business Correspondent (BC) for this process.

## ***Annexure II***

### **UAPA Order dated 2<sup>nd</sup> February 2021**

File No. 14014/01/2019/CFT

Government of India Ministry of

Home Affairs CTCR Division

North Block, New Delhi. Dated: 2<sup>nd</sup>

February, 2021(Amended vide

corrigendum dated April 22, 2024)

### **ORDER**

**Subject: - Procedure for implementation of Section 51A of the Unlawful Activities (Prevention) Act, 1967.**

Section 51A of the Unlawful Activities (Prevention) Act, 1967 (UAPA) reads as under:-

"51A. For the prevention of, and for coping with terrorist activities, the Central Government shall have power to —

- a) freeze, seize or attach funds and other financial assets or economic resources held by, on behalf of or at the direction of the individuals or entities listed in the Schedule to the Order, or any other person engaged in or suspected to be engaged in terrorism;
- b) prohibit any individual or entity from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism;
- c) prevent the entry into or the transit through India of individuals listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism".

The Unlawful Activities (Prevention) Act, 1967 defines "Order" as under: -

"Order" means the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as may be amended from time to time.

2. In order to ensure expeditious and effective implementation of the provisions of Section 51A, a revised procedure is outlined below in supersession of earlier orders and guidelines on the subject:

#### **3. Appointment and communication details of the UAPA Nodal Officers:**

- 3.1 The Joint Secretary (CTCR), Ministry of Home Affairs would be the Central [designated] Nodal Officer for the UAPA [**Telephone Number: 011-23093124, 011-230923465 (Fax), email address: jsctcr-mha@gov.in**].
- 3.2 The Ministry of External Affairs, Department of Economic Affairs, Ministry of Corporate Affairs, Foreigners Division of MHA, FIU-IND, Central Board of Indirect Taxes and Customs (CBIC) and Financial Regulators (RBI, SEBI and IRDA) shall appoint a UAPA Nodal Officer and communicate the name and contact details to the Central [designated] Nodal Officer for the UAPA.
- 3.4 All the States and UTs shall appoint a UAPA Nodal Officer preferably of the rank of the Principal Secretary/Secretary, Home Department and communicate the name and contact details to the Central [designated] Nodal Officer for the UAPA.
- 3.5 The Central [designated] Nodal Officer for the UAPA shall maintain the consolidated list of all UAPA Nodal Officers and forward the list to all other UAPA Nodal Officers, in July every year or as and when the list is updated and shall cause the amended list of UAPA Nodal Officers circulated to all the Nodal Officers.
- 3.6 The Financial Regulators shall forward the consolidated list of UAPA Nodal Officers to the banks, stock exchanges/depositories, intermediaries regulated by SEBI and insurance companies.
- 3.7 The Regulators of the real estate agents, dealers in precious metals & stones (DPMS) and DNFBPs shall forward the consolidated list of UAPA Nodal Officers to the real estate agents, dealers in precious metals & stones (DPMS) and DNFBPs.

#### **4. Communication of the list of designated individuals/entities:**

- 4.1 The Ministry of External Affairs shall update the list of individuals and entities subject to the UN sanction measures whenever changes are made in the lists by the UNSC 1267 Committee pertaining to Al Qaida and Da'esh and the UNSC 1988 Committee pertaining to Taliban. On such revisions, the Ministry of External Affairs would electronically forward the changes without delay to the designated Nodal Officers in the Ministry of Corporate Affairs, CBIC, Financial Regulators, FIU-IND, CTCR Division and Foreigners Division in MHA.

- 4.2 The Financial Regulators shall forward the list of designated persons as mentioned in Para 4(i) above, without delay to the banks, stock exchanges/ depositories, intermediaries regulated by SEBI and insurance companies.
- 4.3 The Central [designated] Nodal Officer for the UAPA shall forward the designated list as mentioned in Para 4(i) above, to all the UAPA Nodal Officers of States/UTs without delay.
- 4.4 The UAPA Nodal Officer in Foreigners Division of MHA shall forward the designated list as mentioned in Para 4(i) above, to the immigration authorities and security agencies without delay.
- 4.5 The Regulators of the real estate agents, dealers in precious metals & stones (DPMS) and DNFBPs shall forward the list of designated persons as mentioned in Para 4(i) above, to the real estate agents, dealers in precious metals & stones (DPMS) and DNFBPs without delay.

**5. Regarding funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or Insurance policies etc.**

- 5.1 The Financial Regulators will issue necessary guidelines to banks, stock exchanges/depositories, intermediaries regulated by the SEBI and insurance companies requiring them -
- (i) To maintain updated designated lists in electronic form and run a check on the given parameters on a daily basis to verify whether individuals or entities listed in the Schedule to the Order, hereinafter, referred to as designated individuals/entities are holding any funds, financial assets or economic resources or related services held in the form of bank accounts, stocks, Insurance policies etc., with them.
  - (ii) In case, the particulars of any of their customers match with the particulars of designated individuals/entities, the banks, stock exchanges/depositories, intermediaries regulated by SEBI, insurance companies shall immediately inform full particulars of the funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or Insurance policies etc., held by such customer on their books to the Central [designated] Nodal Officer for the UAPA, at Fax No.011-23092551 and also convey over telephone No. 011-23092548. The particulars apart from being sent by post shall necessarily be conveyed on email id: jsctcr-mha@gov.in.



- (iii) The banks, stock exchanges/depositories, intermediaries regulated by SEBI and insurance companies shall also send a copy of the communication mentioned in 5.1 (ii) above to the UAPA Nodal Officer of the State/UT where the account is held and to Regulators and FIU-IND, as the case may be, without delay.
  - (iv) In case, the match of any of the customers with the particulars of designated individuals/entities is beyond doubt, the banks, stock exchanges/depositories, intermediaries regulated by SEBI and insurance companies shall prevent such designated persons from conducting financial transactions, under intimation to the Central [designated] Nodal Officer for the UAPA at Fax No.011-23092551 and also convey over telephone No.011-23092548. The particulars apart from being sent by post should necessarily be conveyed on e-mail id: jsctcr- mha@gov.in, without delay.
  - (v) The banks, stock exchanges/depositories, intermediaries regulated by SEBI, and insurance companies shall file a Suspicious Transaction Report (STR) with FIU-IND covering all transactions in the accounts, covered under Paragraph 5.1(ii) above, carried through or attempted as per the prescribed format.
- 5.2 On receipt of the particulars, as referred to in Paragraph 5 (i) above, the Central [designated] Nodal Officer for the UAPA would cause a verification to be conducted by the State Police and/or the Central Agencies so as to ensure that the individuals/ entities identified by the banks, stock exchanges/depositories, intermediaries and insurance companies are the ones listed as designated individuals/ entities and the funds, financial assets or economic resources or related services, reported by banks, stock exchanges/depositories, intermediaries regulated by SEBI and insurance companies are held by the designated individuals/entities. This verification would be completed expeditiously from the date of receipt of such particulars.
- 5.3 In case, the results of the verification indicate that the properties are owned by or are held for the benefit of the designated individuals/entities, an orders to freeze these assets under Section 51A of the UAPA would be issued by the Central [designated] nodal officer for the UAPA without delay and conveyed electronically to the concerned bank branch, depository and insurance company under intimation to respective Regulators and FIU-IND. The Central [designated] nodal officer for the UAPA shall also forward a copy thereof to all the Principal Secretaries/Secretaries, Home Department of the States/UTs and all UAPA nodal officers in the country, so that any individual or entity may be prohibited from making any funds, financial assets or economic resources or related services available for the benefit of the designated individuals/ entities or any other person engaged in or suspected to be engaged in terrorism.

The Central [designated] Nodal Officer for the UAPA shall also forward a copy of the order to all Directors General of Police/ Commissioners of Police of all States/UTs for initiating action under the provisions of the Unlawful Activities (Prevention) Act, 1967. The order shall be issued without prior notice to the designated individual/entity.

**6. Regarding financial assets or economic resources of the nature of immovable properties:**

- 6.1 The Central [designated] Nodal Officer for the UAPA shall electronically forward the designated list to the UAPA Nodal Officers of all States and UTs with request to have the names of the designated individuals/entities, on the given parameters, verified from the records of the office of the Registrar performing the work of registration of immovable properties in their respective jurisdiction, without delay.
- 6.2 In case, the designated individuals/entities are holding financial assets or economic resources of the nature of immovable property and if any match with the designated individuals/entities is found, the UAPA Nodal Officer of the State/UT would cause communication of the complete particulars of such individual/entity along with complete details of the financial assets or economic resources of the nature of immovable property to the Central [designated] Nodal Officer for the UAPA without delay at Fax No. 011-23092551 and also convey over telephone No. 011-23092548. The particulars apart from being sent by post would necessarily be conveyed on email id: jsctcr-mha@gov.in.
- 6.3 The UAPA Nodal Officer of the State/UT may cause such inquiry to be conducted by the State Police so as to ensure that the particulars sent by the Registrar performing the work of registering immovable properties are indeed of these designated individuals/entities. This verification shall be completed without delay and shall be conveyed within 24 hours of the verification, if it matches with the particulars of the designated individual/entity to the Central [designated] Nodal Officer for the UAPA at the given Fax, telephone numbers and also on the email id.
- 6.4 The Central [designated] Nodal Officer for the UAPA may also have the verification conducted by the Central Agencies. This verification would be completed expeditiously.

6.5 In case, the results of the verification indicates that the particulars match with those of designated individuals/entities, an order under Section 51A of the UAPA shall be issued by the Central [designated] Nodal Officer for the UAPA without delay and conveyed to the concerned Registrar performing the work of registering immovable properties and to FIU-IND under intimation to the concerned UAPA Nodal Officer of the State/UT.

The order shall be issued without prior notice to the designated individual/entity.

6.6 Further, the UAPA Nodal Officer of the State/UT shall cause to monitor the transactions/accounts of the designated individual/entity so as to prohibit any individual or entity from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism. The UAPA Nodal Officer of the State/UT shall, upon becoming aware of any transactions and attempts by third party immediately bring to the notice of the DGP/Commissioner of Police of the State/UT for initiating action under the provisions of the Unlawful Activities (Prevention) Act, 1967.

## **8. Regarding implementation of requests received from foreign countries under U.N. Security Council Resolution 1373 of 2001:**

8.1 The U.N. Security Council Resolution No.1373 of 2001 obligates countries to freeze without delay the funds or other assets of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds or other assets derived or generated from property owned or controlled, directly or indirectly, by such persons and associated persons and entities. Each individual country has the authority to designate the persons and entities that should have their funds or other assets frozen. Additionally, to ensure that effective cooperation is developed among countries, countries should examine and give effect to, if appropriate, the actions initiated under the freezing mechanisms of other countries.

8.2 To give effect to the requests of foreign countries under the U.N. Security Council Resolution 1373, the Ministry of External Affairs shall examine the requests made by the foreign

countries and forward it electronically, with their comments, to the Central [designated] Nodal Officer for the UAPA for freezing of funds or other assets.

8.3 The Central [designated] Nodal Officer for the UAPA shall cause the request to be examined without delay, so as to satisfy itself that on the basis of applicable legal principles, the requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee is a terrorist, one who finances terrorism or a terrorist organization, and upon his satisfaction, request would be electronically forwarded to the Nodal Officers in Regulators, FIU-IND and to the Nodal Officers of the States/UTs. The proposed designee, as mentioned above would be treated as designated individuals/entities.

9. Upon receipt of the requests by these Nodal Officers from the Central [designated] Nodal Officer for the UAPA, the similar procedure as enumerated at paragraphs 5 and 6 above shall be followed.

The freezing orders shall be issued without prior notice to the designated persons involved.

**10. Regarding exemption, to be granted to the above orders in accordance with UNSCR 1452.**

10.1 The above provisions shall not apply to funds and other financial assets or economic resources that have been determined by the Central [designated] nodal officer of the UAPA to be:-

- (a) necessary for basic expenses, including payments for foodstuff, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the MEA of the intention to authorize, where appropriate, access to such funds, assets or resources and in the absence of a negative decision within 48 hours of such notification;
- (b) necessary for extraordinary expenses, provided that such determination has been notified by the MEA;

10.2. The addition may be allowed to accounts of the designated individuals/ entities subject to the provisions of paragraph 10 of:

- (a) interest or other earnings due on those accounts, or
- (b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolutions 1267 (1999), 1333 (2000), or 1390 (2002),

Provided that any such interest, other earnings and payments continue to be subject to those provisions;

10.3 (a): The designated individual or organization may submit a request to the Central [Designated] Nodal Officer for UAPA under the provisions of Para 10.1 above. The Central [Designated] Nodal Officer for UAPA may be approached by post at “Additional Secretary (CTCR), North Block, New Delhi – 110001” or through email to [jsctcr-mha@gov.in](mailto:jsctcr-mha@gov.in)”.

(b): The Central [Designated] Nodal Officer for UAPA shall examine such requests, in consultation with the Law Enforcement Agencies and other Security Agencies and Intelligence Agencies and, if accepted, communicate the same, if applicable, to the Ministry of External Affairs, Government of India for notifying the committee established pursuant to UNSC Resolution 1267 (1999) of the intention to authorize, access to such funds, assets or resources in terms of Para 10.1 above.

**11. Regarding procedure for unfreezing of funds, financial assets or economic resources or related services of individuals/entities inadvertently affected by the freezing mechanism upon verification that the person or entity is not a designated person:**

11.1 Any individual or entity, if it has evidence to prove that the freezing of funds, financial assets or economic resources or related services, owned/held by them has been inadvertently frozen, they shall move an application giving the requisite evidence, in writing, to the concerned bank, stock exchanges/ depositories, intermediaries regulated by SEBI, insurance companies, Registrar of Immovable Properties, ROC, Regulators of DNFBPs and the UAPA Nodal Officers of State/UT.

11.2 The banks, stock exchanges/depositories, intermediaries regulated by SEBI, insurance companies, Registrar of Immovable Properties, ROC, Regulators of DNFBPs and the State/ UT Nodal Officers shall inform and forward a copy of the application together with full details of the asset frozen given by any individual or entity informing of the funds, financial assets or

economic resources or related services have been frozen inadvertently, to the Central [designated] Nodal Officer for the UAPA as per the contact details given in Paragraph 3.1 above, within two working days.

11.3 The Central [designated] Nodal Officer for the UAPA shall cause such verification, as may be required on the basis of the evidence furnished by the individual/entity, and, if satisfied, he/she shall pass an order, without delay, unfreezing the funds, financial assets or economic resources or related services, owned/held by such applicant, under intimation to the concerned bank, stock exchanges/depositories, intermediaries regulated by SEBI, insurance company, Registrar of Immovable Properties, ROC, Regulators of DNFBPs and the UAPA Nodal Officer of State/UT. However, if it is not possible for any reason to pass an Order unfreezing the assets within 5 working days, the Central [designated] Nodal Officer for the UAPA shall inform the applicant expeditiously.

**11A. Regarding procedure for unfreezing of funds, financial assets or economic resources or related services of individuals/organisations in the event of delisting by the UNSCR 1267 (1999), 1988 (2011) and 1989 (2011) Committee**

Upon making an application in writing by the concerned individual/organisation, to the concerned bank, stock exchanges/depositories, intermediaries regulated by SEBI, insurance companies, Registrar of Immovable Properties, RoC, Regulators of DNFBPs, Department of Posts and the UAPA Nodal Officers of all States/UTs., who in turn shall forward the application along with the full details of the assets frozen to the Central [Designated] Nodal Officer for UAPA within two working days. The Central [Designated] Nodal Officer for UAPA shall examine the request in consultation with the Law Enforcement Agencies and other Security Agencies and Intelligence Agencies and cause such verification as may be required and if satisfied, shall pass an order, without delay, unfreezing the funds, financial assets or economic resources or related services owned or held by the applicant under intimation to concerned bank, stock exchanges/depositories, intermediaries regulated by SEBI, insurance companies, Registrar of Immovable Properties, RoC, Regulators of DNFBPs, Department of Posts and the UAPA Nodal Officers of all States/UTs.

**12. Regarding prevention of entry into or transit through India:**

12.1 As regards prevention of entry into or transit through India of the designated individuals, the UAPA Nodal Officer in the Foreigners Division of MHA, shall forward the designated lists to the immigration authorities and security agencies with a request to prevent the entry into or the transit through India. The order shall take place without prior notice to the designated individuals/entities.

12.2 The immigration authorities shall ensure strict compliance of the order and also communicate the details of entry or transit through India of the designated individuals as prevented by them to the

UAPA Nodal Officer in Foreigners Division of MHA.

13. **Procedure for communication of compliance of action taken under Section 51A:** The Central [designated] Nodal Officer for the UAPA and the Nodal Officer in the Foreigners Division, MHA shall furnish the details of funds, financial assets or economic resources or related services of designated individuals/entities frozen by an order, and details of the individuals whose entry into India or transit through India was prevented, respectively, to the Ministry of External Affairs for onward communication to the United Nations.
14. **Communication of the Order issued under Section 51A of Unlawful Activities (Prevention) Act, 1967:** The order issued under Section 51A of the Unlawful Activities (Prevention) Act, 1967 by the Central [designated] Nodal Officer for the UAPA relating to funds, financial assets or economic resources or related services, shall be communicated to all the UAPA nodal officers in the country, the Regulators of Financial Services, FIU-IND and DNFBPs, banks, depositories/stock exchanges, intermediaries regulated by SEBI, Registrars performing the work of registering immovable properties through the UAPA Nodal Officer of the State/UT.
15. All concerned are requested to ensure strict compliance of this order.

(Ashutosh Agnihotri) Joint Secretary to the Government of India

**Annex III F.No.P - 12011/14/2022-ES Cell-DOR**

**Government of India, Ministry of Finance, Department of Revenue**

\*\*\* New Delhi, dated the 1st September, 2023.

**ORDER**

Subject: - Procedure for implementation of Section 12A of “The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005”.

Section 12A of The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 [hereinafter referred to as ‘the Act’] reads as under: -

"12A. (1) No person shall finance any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems.

(2) For prevention of financing by any person of any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems, the Central Government shall have power to—

a) freeze, seize or attach funds or other financial assets or economic resources—

i. owned or controlled, wholly or jointly, directly or indirectly, by such person; or

ii. held by or on behalf of, or at the direction of, such person; or

iii. derived or generated from the funds or other assets owned or controlled, directly or indirectly, by such person;

prohibit any person from making funds, financial assets or economic resources or related services available for the benefit of persons related to any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems.

(3) The Central Government may exercise its powers under this section through any authority who has been assigned the power under sub-section (1) of section 7.” 76 II In order to ensure expeditious and effective implementation of the provisions of Section 12A of the Act, the procedure is outlined below.

1. Appointment and communication details of Section 12A Nodal Officers:

1.1 In exercise of the powers conferred under Section 7(1) of the Act, the Central Government assigns Director, FIU-India, Department of Revenue, Ministry of Finance, as the authority to exercise powers under Section 12A of the Act. The Director, FIU-India shall be hereby referred to as the Central Nodal Officer (CNO) for the purpose of this order. [Telephone Number: 011- 23314458, 011- 23314435, 011- 23314459 (FAX), email address: [dir@fiuindia.gov.in](mailto:dir@fiuindia.gov.in)].

1.2 Regulator under this order shall have the same meaning as defined in Rule 2(fa) of Prevention of Money-Laundering (Maintenance of Records) Rules, 2005. Reporting Entity (RE) shall have the same meaning as defined in Section 2 (1) (wa) of Prevention of Money-Laundering Act, 2002. DNFPBs is as defined in section 2(1) (sa) of Prevention of Money-Laundering Act, 2002.



1.3 The Regulators, Ministry of Corporate Affairs and Foreigners Division of MHA shall notify a Nodal Officer for implementation of provisions of Section 12A of the Act. The Regulator may notify the Nodal Officer appointed for implementation of provisions of Section 51A of UAPA, also, as the Nodal Officer for implementation of Section 12A of the Act. All the States and UTs shall notify a State Nodal officer for implementation of Section 12A of the Act. A State/UT may notify the State Nodal Officer appointed for implementation of provisions of Section 51A of UAPA, also, as the Nodal Officer for implementation of Section 12A of the Act.

1.4 The CNO shall maintain an updated list of all Nodal Officers, and share the updated list with all Nodal Officers periodically. The CNO shall forward the updated list of all Nodal Officers to all REs.

## 2. Communication of the lists of designated individuals/entities:

2.1 The Ministry of External Affairs will electronically communicate, without delay, the changes made in the list of designated individuals and entities (hereinafter referred to as 'designated list') in line with section 12A (1) to the CNO and Nodal officers.

2.1.1 Further, the CNO shall maintain the designated list on the portal of FIU-India. The list would be updated by the CNO, as and when it is updated, as per para 2.1 above, without delay. It shall make available for all Nodal officers, the State Nodal Officers, and to the Registrars performing the work of registration of immovable properties, either directly or through State Nodal Officers, without delay.

2.1.2 The Ministry of External Affairs may also share other information relating to prohibition / prevention of financing of prohibited activity under Section 12A (after its initial assessment of the relevant factors in the case) with the CNO and other organizations concerned, for initiating verification and suitable action. 77 2.1.3 The Regulators shall make available the updated designated list, without delay, to their REs. The REs will maintain the designated list and update it, without delay, whenever changes are made as per para 2.1 above.

2.2 The Nodal Officer for Section 12A in Foreigners Division of MHA shall forward the updated designated list to the immigration authorities and security agencies, without delay.

## 3. Regarding funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or insurance policies, etc.

### 3.1 All Financial Institutions shall –

i. Verify if the particulars of the entities/individual, party to the financial transactions, match with the particulars of designated list and in case of match, REs shall not carry out such transaction and shall immediately inform the transaction details with full particulars of the funds, financial assets or economic resources involved to the CNO by email, FAX and by post, without delay.

ii. Run a check, on the given parameters, at the time of establishing a relation with a customer and on a periodic basis to verify whether individuals and entities in the designated list are holding any funds, financial assets or economic resources or related services, in the form of bank accounts, stocks, Insurance policies etc. In case, the particulars of any of their customers match with the particulars of designated list, REs shall immediately inform full particulars of the funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or insurance policies etc., held on their books to the CNO by email, FAX and by post, without delay.

iii. The REs shall also send a copy of the communication, mentioned in 3.1 (i) and (ii) above, to State Nodal Officer, where the account/transaction is held, and to their Regulator, as the case may be, without delay.

iv. In case there are reasons to believe beyond doubt that funds or assets held by a customer would fall under the purview of clause (a) or (b) of sub-section (2) of Section 12A, REs shall prevent such individual/entity from conducting financial transactions, under intimation to the CNO by email, FAX and by post, without delay.

3.2 On receipt of the particulars, as referred to in Paragraph 3.1 above, the CNO would cause a verification to be conducted by the State Police and/or the Central Agencies so as to ensure that the individuals/entities identified by the REs are the ones in designated list and the funds, financial assets or economic resources or related services, reported by REs are in respect of the designated individuals/entities. This verification would be completed expeditiously from the date of receipt of such particulars.

3.3 In case, the results of the verification indicate that the assets are owned by, or are held for the benefit of, the designated individuals/entities, an order to freeze these assets under Section 12A would be issued by the CNO without delay and be conveyed electronically to the concerned RE under intimation to respective Regulators. The CNO shall also forward a copy thereof to all the Principal Secretaries/Secretaries, Home Department of the States/UTs and All Nodal officers in the country, so that any individual or entity may be prohibited from making any funds, financial assets or economic resources or related services available for the benefit of the designated individuals / entities. The CNO shall also forward a copy of the order to all Directors General of Police/Commissioners of Police of all States/UTs for initiating suitable action.

3.4 The order shall be issued without prior notice to the designated individual/entity.

4. Regarding financial assets or economic resources of the nature of immovable properties:

4.1 The Registrars performing work of registration of immovable properties shall –

i. Verify if the particulars of the entities/individual, party to the transactions, match with the particulars of the designated list, and, in case of match, shall not carry out such transaction and immediately inform the details with full particulars of the assets or economic resources involved to the State Nodal Officer, without delay.

ii. Verify from the records in their respective jurisdiction, without delay, on given parameters, if the details match with the details of the individuals and entities in the designated list. In case, the designated individuals/entities are holding financial assets or economic resources of the nature of immovable property, and if any match with the designated individuals/entities is found, the Registrar shall immediately inform the details with full particulars of the assets or economic resources involved to the State Nodal Officer, without delay.

iii. In case there are reasons to believe beyond doubt that assets that are held by an individual/entity would fall under the purview of clause (a) or (b) of subsection (2) of Section 12A, Registrar shall prevent such individual/entity from conducting transactions, under intimation to the State Nodal Officer by email, FAX and by post, without delay.

4.2 the State Nodal Officer would cause communication of the complete particulars of such individual/entity along with complete details of the financial assets or economic resources to the CNO without delay by email, FAX and by post.

4.3 The State Nodal Officer may cause such inquiry to be conducted by the State Police so as to ensure that the particulars sent are indeed of these designated individuals/entities. This verification shall be completed without delay and shall be conveyed, within 24 hours of the verification, if it matches, with the particulars of the designated individual/entity, to the CNO without delay by email, FAX and by post.

4.4 The CNO may also have the verification conducted by the Central Agencies. This verification would be completed expeditiously.

4.5 In case, the results of the verification indicate that the assets are owned by, or are held for the benefit of, the designated individuals/entities, an order to freeze these 79 assets under Section 12A would be issued by the CNO without delay and be conveyed electronically to the concerned Registrar performing the work of registering immovable properties, and to FIU under intimation to the concerned State Nodal Officer. The CNO shall also forward a copy thereof to all the Principal Secretaries/Secretaries, Home Department of the States/UTs and All Nodal officers in the country, so that any individual or entity may be prohibited from making any funds, financial assets or economic resources or related services available for the benefit of the designated individuals / entities. The CNO shall also forward a copy of the order to all Directors General of Police/ Commissioners of Police of all States/UTs for initiating suitable action.

4.6 The order shall be issued without prior notice to the designated individual/entity.

5. Regarding the real-estate agents, dealers of precious metals/stones (DPMS), Registrar of Societies/ Firms/ non-profit organizations, The Ministry of Corporate Affairs and Designated Non-Financial Businesses and Professions (DNFBPs): (i) The dealers of precious metals/stones (DPMS) as notified under PML (Maintenance of Records) Rules, 2005 and Real Estate Agents, as notified under clause (vi) of Section 2(1) (sa) of Prevention of Money-Laundering Act, 2002, are required to ensure that if any designated individual/entity approaches them for sale/purchase of precious metals/stones/Real Estate Assets or attempts to undertake such transactions, the dealer should not carry out such transaction and, without delay, inform the Section 12A Nodal officer in the Central Board of Indirect Taxes and Customs (CBIC). Also, If the dealers hold any assets or funds of the designated individual/entity, they shall freeze the same without delay and inform the Section 12A Nodal officer in the CBIC, who will, in turn, follow procedure similar to as laid down for State Nodal Officer in the paragraphs 4.2 to 4.6.

(ii) Registrar of Societies/ Firms/ non-profit organizations are required to ensure that if any designated individual/entity is a shareholder/ member/ partner/ director/ settler/ trustee/ beneficiary/ beneficial owner of any society/ partnership firm/ trust/ non-profit organization, then the Registrar shall freeze any transaction for such designated individual/ entity and shall inform the State Nodal Officer, without delay, and, if such society/ partnership firm/ trust/ non-profit organization holds funds or assets of designated individual/ entity, follow the procedure as laid down for State Nodal Officer in the paragraphs 4.2 to 4.6 above. The Registrar should also ensure that no societies/ firms/ non-profit organizations should be allowed to be registered if any of the designated individual/ entity is a director/ partner/ office bearer/ trustee/ settler/ beneficiary or beneficial owner of such juridical person and, in case, such request is received, then the Registrar shall inform the State Nodal Officer, without delay.

(iii) The State Nodal Officer shall also advise appropriate department of the State/UT, administering the operations relating to Casinos, to ensure that the designated individuals/ entities should not be allowed to own or have beneficial ownership in any Casino operation. Further, if any designated individual/ entity visits or participates in any game in the Casino or if any assets of such designated individual/ entity are with the Casino operator, or if the particulars of any client match with the particulars of designated individuals/ entities, the Casino owner shall inform the State Nodal Officer, without delay, and shall freeze any such transaction.

(iv) The Ministry of Corporate Affairs shall issue an appropriate order to the Institute of Chartered Accountants of India, Institute of Cost and Works Accountants of India and Institute of Company Secretaries of India (ICSI), requesting them to sensitize their respective members to the provisions of Section 12A, so that, if any designated individual/entity approaches them, for entering/ investing in the financial sector and/or immovable property, or they are holding or managing any assets/ resources of designated individual/ entities, then the member shall convey the complete details of such designated individual/ entity to Section 12A Nodal Officer in the Ministry of Corporate Affairs, who shall in turn follow the similar procedure as laid down for State Nodal Officer in paragraph 4.2 to 4.6 above.

(v) The members of these institutes should also be sensitized by the Institute of Chartered Accountants of India, Institute of Cost and Work Accountants of India and Institute of Company Secretaries of India (ICSI) that if they have arranged for or have been approached for incorporation/ formation/ registration of any company, limited liability firm, partnership firm, society, trust, association where any designated individual/ entity is a director/ shareholder/ member of a company/ society/ association or partner in a firm or settler/ trustee or beneficiary of a trust or a beneficial owner of a juridical person, then the member of the institute should not incorporate/ form/ register such juridical person and should convey the complete details of such designated individual/ entity to Section 12A Nodal Officer in the Ministry of Corporate Affairs.

(vi) In addition, a member of the ICSI shall, if he/she is Company Secretary or is holding any managerial position where any of designated individual/ entity is a Director and/or Shareholder or having beneficial ownership of any such juridical person, convey the complete details of such designated individual/ entity to Section 12A Nodal Officer in the Ministry of Corporate Affairs, who shall follow the similar procedure as laid down in paragraph 4.2 to 4.6 above for State Nodal Officer, if such company, limited liability firm, partnership firm, society, trust, or association holds funds or assets of the designated individual/entity.

(vii) In case any designated individual/ entity is a shareholder/ director/ whole time director in any company registered with the Registrar of Companies (ROC) or beneficial owner of such company or partner in a Limited Liabilities Partnership Firm registered with ROC or beneficial owner of such firm, the ROC should convey the complete details of such designated individual/ entity to section 12A Nodal officer of Ministry of Corporate Affairs. If such company or LLP holds funds or assets of the designated individual/ entity, he shall follow the similar procedure as laid down in paragraph 4.2 to 4.6 above for State Nodal Officer. Further the ROCs are required to ensure that no company or limited liability Partnership firm shall be allowed to be registered if any of the designated individual/ entity is the Director/ Promoter/ Partner or beneficial owner of such company or firm, and in case such a request is received, the ROC should inform the Section 12A Nodal Officer in the Ministry of Corporate Affairs.

(viii) All communications to Nodal officer as enunciated in subclauses (i) to (vii) above should, inter alia, include the details of funds and assets held and the details of transaction.

(ix) The Other DNFBPs are required to ensure that if any designated individual/entity approaches them for a transaction or relationship or attempts to undertake such 81 transactions, the dealer should not carry out such transaction and, without delay, inform the Section 12A Central Nodal officer. The communication to the Central Nodal Officer would include the details of funds and assets held and the details of the transaction. Also, If the dealers hold any assets or funds of the designated individual/entity, they shall freeze the same without delay and inform the Section 12A Central Nodal officer. (DNFBPs shall have the same meaning as the definition in Section 2(1) (sa) of Prevention of Money-Laundering Act, 2002.)

5.1. All Natural and legal persons holding any funds or other assets of designated persons and entities, shall, without delay and without prior notice, freeze any transaction in relation to such funds or assets and shall immediately inform the State Nodal officer along with details of the funds/assets held, who in turn would follow the same procedure as in para 4.2 to 4.6 above for State Nodal Officer. This obligation should extend to all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation; those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities; and the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities, as well as funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.

5.2 No person shall finance any activity related to the 'designated list' referred to in Para 2.1, except in cases where exemption has been granted as per Para 6 of this Order.

5.3. Further, the State Nodal Officer shall cause to monitor the transactions / accounts of the designated individual/entity so as to prohibit any individual or entity from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities in the designated list. The State Nodal Officer shall, upon becoming aware of any transactions and attempts by third party, without delay, bring the incidence to the notice of the CNO and the DGP/Commissioner of Police of the State/UT for initiating suitable action.

5.4 Where the CNO has reasons to believe that any funds or assets are violative of Section 12A (1) or Section 12A (2)(b) of the Act, he shall, by order, freeze such funds or Assets, without any delay, and make such order available to authorities, Financial Institutions, DNFBPs and other entities concerned.

5.5 The CNO shall also have the power to issue advisories and guidance to all persons, including FIs and DNFBPs obligated to carry out sanctions screening. The concerned Regulators shall take suitable action under their relevant laws, rules or regulations for each violation of sanction screening obligations under section 12A of the WMD Act.

6. Regarding exemption, to be granted to the above orders

6.1. The above provisions shall not apply to funds and other financial assets or economic resources that have been determined by the CNO to be: -

(a) necessary for basic expenses, including payments for foodstuff, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, consequent to notification by the MEA authorizing access to such funds, assets or resources. This shall be consequent to notification by the MEA to the UNSC or its Committee, of the intention to authorize access to such funds, assets or resources, and in the absence of a negative decision by the UNSC or its Committee within 5 working days of such notification.

(b) necessary for extraordinary expenses, provided that such determination has been notified by the MEA to the UNSC or its Committee, and has been approved by the UNSC or its Committee;

6.2. The accounts of the designated individuals/ entities may be allowed to be credited with:

(a) interest or other earnings due on those accounts, or

(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of section 12A of the Act.

Provided that any such interest, other earnings and payments continue to be subject to those provisions under para 3.3;

6.3 Any freezing action taken related to the designated list under this Order should not prevent a designated individual or entity from making any payment due under a contract entered into prior to the listing of such individual or entity, provided that:

(i) the CNO has determined that the contract is not related to any of the prohibited goods, services, technologies, or activities, under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems;

(ii) the CNO has determined that the payment is not directly or indirectly received by an individual or entity in the



designated list under this Order; and

(iii) the MEA has submitted prior notification to the UNSC or its Committee, of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization

7. Regarding procedure for unfreezing of funds, financial assets or economic resources or related services of individuals/entities inadvertently affected by the freezing mechanism upon verification that the individual or entity is not a designated person or no longer meet the criteria for designation:

7.1 Any individual/entity, if it has evidence to prove that the freezing of funds, financial assets or economic resources or related services, owned/held has been inadvertently frozen, an application may be moved giving the requisite evidence, in writing, to the relevant RE/Registrar of Immovable Properties/ ROC/Regulators and the State.

7.2 The RE/Registrar of Immovable Properties/ROC/Regulator and the State Nodal Officer shall inform, and forward a copy of the application, together with full details of the asset frozen, as given by applicant to the CNO by email, FAX and by Post, within two working days. Also, listed persons and entities may petition a request for delisting at the Focal Point Mechanism established under UNSC Resolution.

7.3 The CNO shall cause such verification, as may be required on the basis of the evidence furnished by the individual/entity, and, if satisfied, it shall pass an order, without delay, unfreezing the funds, financial assets or economic resources or related services, owned/held by such applicant, under intimation to all RE/Registrar of Immovable Properties/ROC/Regulators and the State Nodal Officer. However, if it is not possible, for any reason, to pass an Order unfreezing the assets within 5 working days, the CNO shall inform the applicant expeditiously.

7.4 The CNO shall, based on de-listing of individual and entity under UN Security Council Resolutions, shall pass an order, if not required to be designated in any other order, without delay, unfreezing the funds, financial assets or economic resources or related services, owned/held by such applicant, under intimation to all RE/Registrar of Immovable Properties/ROC/Regulators and the State Nodal Officer.

8. Procedure for communication of compliance of action taken under Section 12A: The CNO and the Nodal Officer in the Foreigners Division, MHA shall furnish the details of funds, financial assets or economic resources or related services of designated individuals/entities, frozen by an order, and details of the individuals whose entry into India or transit through India was prevented, respectively, to the Ministry of External Affairs, for onward communication to the United Nations.

9. Communication of the Order issued under Section 12A: The Order issued under Section 12A of the Act by the CNO relating to funds, financial assets or economic resources or related services, shall be communicated to all nodal officers in the country.

10. This order is issued in suppression of F.No.P-12011/14/2022-ES Cell-DOR, dated 30th January 2023.

11. All concerned are requested to ensure strict compliance of this order.

(Manoj Kumar Singh)

Director(HQ)

## Annex IV – Income Tax Rule 114B

[Transactions in relation to which permanent account number is to be quoted in all documents for the purpose of clause (c) of sub-section (5) of section 139A.

114B. Every person shall quote his permanent account number in all documents pertaining to the transactions specified in the Table below, namely:—

Sl.No.	Nature of transaction	Value of transaction
-1	-2	-3
1	Sale or purchase of a motor vehicle or vehicle, as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988) which requires registration by a registering authority under Chapter IV of that Act, other than two wheeled vehicles.	All such transactions.
2	Opening an account [other than a time-deposit referred to at Sl. No.12 and a Basic Savings Bank Deposit Account] with a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act).	All such transactions.
3	Making an application to any banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act) or to any other company or institution, for issue of a credit or debit card.	All such transactions.
4	Opening of a demat account with a depository, participant, custodian of securities or any other person registered under sub-section (1A) of section 12 of the Securities and Exchange Board of India Act, 1992 (15 of 1992).	All such transactions.
5	Payment to a hotel or restaurant against a bill or bills at any one time.	Payment in cash of an amount exceeding fifty thousand rupees.
6	Payment in connection with travel to any foreign country or payment for purchase of any foreign currency at any one time.	Payment in cash of an amount exceeding fifty thousand rupees.

7	Payment to a Mutual Fund for purchase of its units.		Amount exceeding fifty thousand rupees.
8	Payment to a company or an institution for acquiring debentures or bonds issued by it.		Amount exceeding fifty thousand rupees.
9	Payment to the Reserve Bank of India, constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934) for acquiring bonds issued by it.		Amount exceeding fifty thousand rupees.
[10.	Deposit with,—		Cash deposits,—
	(i)	banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act);	(i) exceeding fifty thousand rupees during any one day; or
	(ii)	Post Office.	(ii) aggregating to more than two lakh fifty thousand rupees during the period 09 <sup>th</sup> November, 2016 to 30 <sup>th</sup> December, 2016.]
11	Purchase of bank drafts or pay orders or banker's cheques from a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act).		Payment in cash for an amount exceeding fifty thousand rupees during any one day.
12	A time deposit with,—		Amount exceeding fifty thousand rupees or aggregating to more than five lakh rupees during a financial year.



	<p>(i) a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act);</p>	
	<p>(ii) a Post Office;</p>	
	<p>(iii) a Nidhi referred to in section 406 of the Companies Act, 2013 (18 of 2013); or</p>	
	<p>(iv) a non-banking financial company which holds a certificate of registration under section 45-IA of the Reserve Bank of India Act, 1934 (2 of 1934), to hold or accept deposit from public.</p>	
13	Payment for one or more pre-paid payment instruments, as defined in the policy guidelines for issuance and operation of pre-paid payment instruments issued by Reserve Bank of India under section 18 of the Payment and Settlement Systems Act, 2007 (51 of 2007), to a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act) or to any other company or institution.	Payment in cash or by way of a bank draft or pay order or banker's cheque of an amount aggregating to more than fifty thousand rupees in a financial year.
14	Payment as life insurance premium to an insurer as defined in clause (9) of section 2 of the Insurance Act, 1938 (4 of 1938).	Amount aggregating to more than fifty thousand rupees in a financial year.
15	A contract for sale or purchase of securities (other than shares) as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956).	Amount exceeding one lakh rupees per transaction.
16	Sale or purchase, by any person, of shares of a company not listed in a recognised stock exchange.	Amount exceeding one lakh rupees per transaction.
17	Sale or purchase of any immovable property.	Amount exceeding ten lakh rupees or valued by stamp valuation authority referred to in section 50C of the Act at an amount exceeding ten lakh rupees.

18	Sale or purchase, by any person, of goods or services of any nature other than those specified at Sl. Nos. 1 to 17 of this Table, if any.	Amount exceeding two lakh rupees per transaction
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Provided that where a person, entering into any transaction referred to in this rule, is a minor and who does not have any income chargeable to income-tax, he shall quote the permanent account number of his father or mother or guardian, as the case may be, in the document pertaining to the said transaction:

Provided further that any person, not being a company or a firm,] any person who does not have a permanent account number and who enters into any transaction specified in this rule, he shall make a declaration in Form No.60 giving therein the particulars of such transaction 2[either in paper form or electronically under the electronic verification code in accordance with the procedures, data structures, and standards specified by the Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems)]:

Provided also that a foreign company who,—

- does not have any income chargeable to tax in India; and
- does not have a permanent account number,

and enters into any transaction referred to at Sl. No. 2 or 12 of the Table, in an IFSC banking unit, shall make a declaration in Form No. 60:]

Provided also that the provisions of this rule shall not apply to the following class or classes of persons, namely:—

(i)the Central Government, the State Governments and the Consular Offices;

(ii)the non-residents referred to in clause (30) of section 2 of the Act in respect of the transactions other than a transaction referred to at Sl. No. 1 or 2 or 4 or 7 or 8 or 10 or 12 or 14 or 15 or 16 or 17 of the Table:

4[Provided also that a person who has an account (other than a time deposit referred to at S. No. 12 of the Table and a Basic Saving Bank Deposit Account) maintained with a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949), applies (including any bank or banking institution referred to in section 51 of that Act) and has not quoted his permanent account number or furnished Form No. 60, as the case may be, at the time of opening of such account or subsequently, he shall furnish his permanent account number or Form No. 60, as the case may be, to the person specified in clause (c) of sub-rule (1) of rule 114C on or before the 4a[30th day of June], 2017.]

Explanation.—For the purposes of this rule,—

[(1)"IFSC banking unit" means a financial institution defined under clause (c) of sub-section (1) of section 3 of the International Financial Services Centres Authority Act, 2019 (50 of 2019), that is licensed or permitted by the International Financial Services Centres Authority to undertake permissible activities under the International Financial Services Centres Authority (Banking) Regulations, 2020;]

[(1A)] "payment in connection with travel" includes payment towards fare, or to a travel agent or a tour operator, or to an authorised person as defined in clause (c) of section 2 of the Foreign Exchange Management Act, 1999 (42 of 1999);

(2)"travel agent or tour operator" includes a person who makes arrangements for air, surface or maritime travel or provides services relating to accommodation, tours, entertainment, passport, visa, foreign exchange, travel related insurance or other travel related services either severally or in package;

(3)"time deposit" means any deposit which is repayable on the expiry of a fixed period.]

## Annexure V - KYC documents for eligible FPIs under PIS

FPI Type				
Document Type		Category I	Category II	Category III
Entity Level	Constitutive Documents (Memorandum and Articles of Association, Certificate of Incorporation etc.)	Mandatory	Mandatory	Mandatory
	Proof of Address	Mandatory (Power of Attorney {PoA} mentioning the address is acceptable as address proof)	Mandatory (Power of Attorney mentioning the address is acceptable as address proof)	Mandatory other than Power of Attorney
	<a href="#">PAN149</a>	Mandatory	Mandatory	Mandatory
	Financial Data	Exempted *	Exempted *	Mandatory
	SEBI Registration Certificate	Mandatory	Mandatory	Mandatory
	Board Resolution @@	Exempted *	Mandatory	Mandatory
Senior Management	List	Mandatory	Mandatory	Mandatory
(Whole Time Directors/ Partners/ Trustees/ etc.)	Proof of Identity	Exempted *	Exempted *	Entity declares* on letter head full name, nationality, date of birth or submits photo identity proof
	Proof of Address	Exempted *	Exempted *	Declaration on Letter Head *
	Photographs	Exempted	Exempted	Exempted *
Authorized Signatories	List and Signatures	Mandatory – list of Global Custodian signatories can be given in case of PoA to Global Custodian	Mandatory - list of Global Custodian signatories can be given in case of PoA to Global Custodian	Mandatory
	Proof of Identity	Exempted *	Exempted *	Mandatory
	Proof of Address	Exempted *	Exempted *	Declaration on Letter Head *
	Photographs	Exempted	Exempted	Exempted *
Ultimate	List	Exempted *	Mandatory	Mandatory

Beneficial Owner (UBO)	Proof of Identity	Exempted *	Exempted *	Mandatory
	Proof of Address	Exempted *	Exempted *	Declaration on Letter Head *
	Photographs	Exempted	Exempted	Exempted *

\* Not required while opening the bank account. However, FPIs concerned may submit an undertaking that upon demand by Regulators/Law Enforcement Agencies the relative document/s would be submitted to the bank.

@@ FPIs from certain jurisdictions where the practice of passing Board Resolution for the purpose of opening bank accounts etc. is not in vogue, may submit 'Power of Attorney granted to Global Custodian/Local Custodian in lieu of Board Resolution'

Category	Eligible Foreign Investors
I.	Government and Government related foreign investors such as Foreign Central Banks, Governmental Agencies, Sovereign Wealth Funds, International/ Multilateral Organizations/ Agencies.
II.	<p>a) Appropriately regulated broad based funds such as Mutual Funds, Investment Trusts, Insurance /Reinsurance Companies, Other Broad Based Funds etc.</p> <p>b) Appropriately regulated entities such as Banks, Asset Management Companies, Investment Managers/ Advisors, Portfolio Managers etc.</p> <p>c) Broad based funds whose investment manager is appropriately regulated.</p> <p>d) University Funds and Pension Funds.</p> <p>e) University related Endowments already registered with SEBI as FII/Sub Account.</p>
III.	All other eligible foreign investors investing in India under PIS route not eligible under Category I and II such as Endowments, Charitable Societies/Trust, Foundations, Corporate Bodies, Trusts, Individuals, Family Offices, etc.

## GLOSSARY

AML	Anti – Money Laundering
ARC	Asset Reconstruction Companies
BO	Beneficial Owner
CASA	Current Account Savings Account
CBDT	Central Board of Direct Taxes
CBS	Core Banking Solution
CCR	Counterfeit Currency Reports

CDD	Customer Due Diligence
CERSAI	Central Registry of Securitisation Asset Reconstruction and Security Interest of India
CFT	Countering Financing of Terrorism
CIP	Customer identification procedure
CKYCR	Central KYC Records Registry
CRS	Common Reporting Standards
CTRs	Cash Transaction Reports
EDD	Enhanced Due Diligence
FATCA	Foreign Account Tax Compliance Act
FATF	Financial Action Task Force
FEDAI	Foreign Exchange Dealers' Association of India
FIU- IND	Financial Intelligence Unit – India
Gol	Government of India
IGA	Inter - Governmental Agreement
KPI	Key Performance Indicators
LEs	Legal Entities
LoD	Line of Defence
MHA	Ministry of Home Affairs
ML	Money Laundering
MLM	Multi - Level Marketing
NGOs	Non – Government Organizations
NPO	Non-profit organisations
NRIs	Non-Resident Indians
NTR	Non Profit Organizations Transaction Report
OVD	Officially Valid Document
PAC	Product and Process Approval Committee
PAN	Permanent Account Number
PEP	Politically Exposed Person
PIOs	Persons of Indian Origin
PMLA	Prevention of Money Laundering Act
PMLR	Prevention of Money Laundering (Maintenance of Records) Rules
PO	Principal Officer

PPIs	Prepaid Payment Instruments
RCSA	Risk and Control Self-Assessment
SDD	Simplified Due Diligence
SHG	Self Help Group
STR	Suspicious Transaction Report
TF	Terrorist Financing
TPP	Third Party Products
UAPA	Unlawful Activities (Prevention) Act
UCIC	Unique Customer Identification Code
UIDAI	Unique Identification Authority of India
UNSC	United Nations Security Council
V-CIP	Video based Customer Identification Process