

Economic Law Index for

May 2020 Exam

S. NO	CHAPTER NAME	PAGE NO
1	COMPETITION ACT, 2002	2
2	THE REAL ESTATE (REGULATION & DEVELOPMENT) ACT, 2016	7
3	INSOLVENCY AND BANKRUPTCY CODE, 2016	10
4	PREVENTION OF MONEY LAUNDERING ACT, 2002	16
5	THE FOREIGN EXCHANGE MANAGEMENT ACT, 1999	19
6	PROHIBITION OF BENAMI PROPERTY TRANSACTIONS ACT, 1988	24

COMPETITION ACT, 2002		
S.NO	Particulars	Page No
1	INTRODUCTION	1.2
	What is Competition?	1.2
	Need of Competition	1.2
	Role of Competition in Economic Development	1.3
	Competition Policy and Law	1.3
	Evolution of Competition Law in India	1.4
	Scheme of the Act	1.5
	The object behind the enactment of the Competition Act, 2002	1.5
2	DEFINITIONS	1.5
	Acquisition [Section 2(a)]	1.5
	Agreement [Section 2(b)]	1.6
	Appellate Tribunal [Section 2(ba)]	1.6
	Cartel [Section 2(c)]	1.6
	Chairperson [Section 2(d)]	1.9
	Commission [Section 2(e)]	1.9
	Consumer [Section 2(f)]	1.9
	Director General [Section 2(g)]	1.10
	Enterprise [Section 2(h)]	1.10
	Person [Section 2(l)]	1.13
	Price [Section 2(o)]	1.14
	Public Financial Institution [Section 2(p)]	1.14
	Relevant Market [Section 2(r)]	1.15
	Relevant Geographic Market [Section 2(s)]	1.15
	Relevant Product Market [Section 2(t)]	1.15
	Service [Section 2(u)]	1.16
	Shares [Section 2(v)]	1.16

	Statutory Authority [Section 2(w)]	1.17
	Trade [Section 2(x)]	1.17
	Turnover [Section(y)]	1.17
3	Prohibition of certain Agreements , Abuse of Dominant position and Regulation of combinations	1.18
	1. Anti-competitive agreements [Section 3]	1.18
	Horizontal Anti-competitive agreements	1.18
	Vertical Anti-competitive agreements	1.20
	Exceptions to an Anti-competitive agreements	1.22
	2. Abuse of dominant position [Section 4]	1.22
	3 .Combination [Section 5]	1.24
	Notification granting exemption from application of Section 5	1.27
	4. Regulation of combinations [Section 6]	1.27
	Notice prior to entering into Contract	1.28
4	COMPETITION COMMISSION OF INDIA	1.29
	Establishment of Commission [Section 7]	1.29
	Composition of Commission [Section 8]	1.29
	Selection committee for selection of chairperson and Members of commission [Section 9]	1.30
	Term of office of Chairperson and other Members [Section 10]	1.30
	Resignation, removal and suspension of Chairperson and other members [Section 11]	1.31
	Restriction on employment of Chairperson and other Members in certain cases [Section 12]	1.32

	Administrative powers of Chairperson [Section 13]	1.32
	Salary and allowances and other terms and conditions of service of Chairperson and other Members [Section 14]	1.33
	Vacancy, etc. not to invalidate proceedings of Commission [Section 15]	1.33
	Appointment of Director General, etc. [Section 16]	1.33
	Secretary and officers and other employees of Commission [Section 17]	1.33
5	DUTIES, POWERS AND FUNCTIONS OF COMMISSION	1.34
	Duties of Commission [Section 18]	1.34
	Inquiry into certain agreements and dominant position of enterprise [Section 19]	1.34
	Determining Relevant Geographic Market	1.35
	Determining Relevant Product Market	1.35
	Whether an agreement has an appreciable adverse effect on competition	1.35
	Whether an enterprise enjoys a dominant position or not	1.36
	Inquiry into combination by Commission [Section 20]	1.37
	Reference by statutory authority [Section 21]	1.38
	Reference by Commission [Section 21 A]	1.38
	Meetings of Commission [Section 22]	1.38
	Procedure for inquiry under Section 19 [Section 26]	1.39
	Orders by Commission after inquiry into agreements or abuse of dominant position [Section 27]	1.40
	Division of enterprise enjoying dominant position [Section 28]	1.42
	Procedure for investigation of combination [Section 29]	1.42
	Procedure in case of notice under sub-section 2 of section 6 [Section 30]	1.44
	Orders of Commission on certain combinations [Section 31]	1.44
	Acts taking place outside India but having an effect on competition in India [Section 32]	1.47
	Power to issue interim orders [Section 33]	1.48
	Appearance before Commission [Section 35]	1.48
	Power of Commission to regulate its own procedure [Section 36]	1.48
	Rectification of orders [Section 38]	1.49
	Execution of orders of Commission imposing monetary penalty [Section 39]	1.49
6	DUTIES OF DIRECTOR GENERAL	1.49

	Director General to investigate contravention [Section 41]	1.49
7	PENALTIES	1.50
	Contravention of orders of Commission [Section 42]	1.50
	Compensation in case of contravention of orders of Commission [Section 42A]	1.51
	Penalty for failure to comply with directions of Commission and Director General [Section 43]	1.51
	Power to impose penalty for non-furnishing of information on combinations [Section 43A]	1.52
	Penalty for making false statement or omission to furnish material information [Section 44]	1.52
	Penalty for offences in relation to furnishing of information [Section 45]	1.52
	Power to impose lesser penalty [Section 46]	1.53
	Crediting sums realised by way of penalties to Consolidated Fund of India [Section 47]	1.53
	Contravention by companies [Section 48]	1.53
8	COMPETITION ADVOCACY	1.54
	Competition advocacy [Section 49]	1.54
9	FINANCE, ACCOUNTS AND AUDIT	1.55
	Grants by Central Government [Section 50]	1.55
	Constitution of Fund [Section 51]	1.55
	Accounts and Audit [Section 52]	1.56
	Furnishing of returns, etc., to Central Government [Section 53]	1.56
10	APPELLATE TRIBUNAL	1.57
	Appellate Tribunal [Section 53A]	1.57
	Appeal to Appellate Tribunal [Section 53B]	1.57
	Awarding compensation [Section 53N]	1.58
	Procedures and powers of Appellate Tribunal [Section 53 O]	1.59
	Execution of orders of Appellate Tribunal [Section 53P]	1.60
	Contravention of orders of Appellate Tribunal [Section 53Q]	1.61
	Right to legal representation [Section 53S]	1.61
	Appeal to Supreme Court [Section 53T]	1.62
	Power to Punish for contempt [Section 53U]	1.62
11	MISCELLANEOUS	1.62

THE REAL ESTATE (REGULATION & DEVELOPMENT) ACT, 2016		
S.NO	Particulars	Page No
1	INTRODUCTION	2.2
	Real Estate Act – Important Dates and Timelines	2.2
	RERA at a Glance	2.3
	Application of the RERA	2.3
	Scope of RERA	2.11
	Benefits of RERA for Allottees	2.12
2	DEFINITIONS	2.13
	Adjudicating Officer	2.13
	Advertisement	2.13
	Allottee	2.14
	Apartment	2.15
	Carpet Area	2.16
	Commencement Certificate	2.16
	Common Areas	2.17
	Company	2.17
	Competent Authority	2.17
	Completion Certificate	2.17
	Garage	2.18
	Immovable Property	2.18
	Occupancy Certificate	2.20
	Planning Area	2.21
	Real Estate Agent	2.23
	Real Estate Project	2.23
	Sanctioned Plan	2.24
3	Registration of Real Estate projects and Real Estate Agents	2.24
	Prior registration of real estate project with Real Estate Regulatory Authority [Section 3]	2.24
	Application for registration of real estate projects [Section 4]	2.25
	Grant of registration [Section 5]	2.28
	Extension of registration [Section 6]	2.29
	Revocation of Registration [Section 7]	2.30
	Obligation of authority consequent upon lapse of or on revocation of registration [Section 8]	2.32
	Registration of real estate agents [Section 9]	2.32
	Functions of real estate agents [Section 10]	2.34
4	FUNCTIONS AND DUTIES OF PROMOTER	2.34
	Functions and Duties of Promoter [Section 11]	2.34
	Obligations of Promoter regarding veracity of the advertisement or prospectus [Section 12]	2.37
	No deposit or advance to be taken by promoter without first entering into agreement for sale [Section 13]	2.38
	Adherence to sanctioned plans and project specifications by the promoter [Section 14]	2.39
	Obligations of promoter in case of transfer of a real estate project to a third party [Section 15]	2.40
	Obligations of promoter regarding insurance of real estate project [Section 16]	2.41
	Transfer of title [Section 17]	2.42

	Return of amount and compensation [Section 18]	2.43
5	RIGHTS AND DUTIES OF ALLOTTEES [SECTION 19]	2.45
6	THE REAL ESTATE REGULATORY AUTHORITY	2.47
	Establishment and incorporation of Real Estate Regulatory Authority [Section 20]	2.47
	Composition of the Authority [Section 21]	2.47
	Qualifications of Chairperson and Members of Authority [Section 22]	2.48
	Term of office of Chairperson and Members [Section 23]	2.48
	Salary and allowances payable to Chairperson and Members [Section 24]	2.48
	Administrative powers of Chairperson [Section 25]	2.49
	Removal of Chairperson and Members from office in certain circumstances [Section 26]	2.49
	Restrictions on Chairperson or Members on employment after cessation of office [Section 27]	2.50
	Officers and other employees of Authority [Section 28]	2.50
	Meetings of Authority [Section 29]	2.51
	Vacancies, etc., not to invalidate proceeding of Authority [Section 30]	2.51
	Filing of complaints with the Authority or adjudication officer [Section 31]	2.51
	Functions of Authority for promotion of real estate sector [Section 32]	2.52
	Advocacy and awareness measures [Section 33]	2.53
	Functions of Authority [Section 34]	2.53
	Powers of Authority to call for information, conduct investigations [Section 35]	2.54
	Power to issue interim orders [Section 36]	2.54
	Powers of Authority to Issue directions [Section 37]	2.54
	Powers of Authority [Section 38]	2.55
	Rectification of orders [Section 39]	2.55
	Recovery of Interest or penalty or compensation and enforcement of order, etc. [Section 40]	2.55
7	CENTRAL ADVISORY COUNCIL	2.56
	Establishment of Central Advisory Council [Section 41]	2.56
	Functions of Central Advisory Council [Section 42]	2.56
8	THE REAL ESTATE APPELLATE TRIBUNAL	2.57
	Establishment of Real Estate Appellate Tribunal [Section 43]	2.57
	Application for settlement of disputes and appeals to Appellate Tribunal [Section 44]	2.58
	Composition of Appellate Tribunal [Section 45]	2.58
	Qualifications for appointment of Chairperson and Members [Section 46]	2.59
	Term of office of Chairperson and Members [Section 47]	2.60
	Salary and allowances payable to Chairperson and Members [Section 48]	2.60
	Removal of Chairperson and Member from office in certain circumstances [Section 49]	2.61
	Restrictions on Chairperson or Members on employment after cessation of office [Section 50]	2.62
	Officers and other employees of Appellate Tribunal [Section 51]	2.62
	Vacancies [Section 52]	2.63
	Powers of Tribunal [Section 53]	2.63
	Administrative powers of Chairperson of Appellate Tribunal [Section 54]	2.64
	Vacancies, etc., not to invalidate proceeding of Appellate Tribunal [Section 55]	2.64
	RIGHT TO LEGAL REPRESENTATION [SECTION 56]	2.64
	Orders passed by Appellate Tribunal to be executable as a decree [Section 57]	2.65
	Appeal to High Court [Section 58]	2.65

9 OFFENCES, PENALTIES AND ADJUDICATION	2.66
Punishment for non-registration under section 3 [Section 59]	2.66
Penalty for contravention of Section 4 [Section 60]	2.66
Penalty for contravention of Other Provisions of this Act [Section 61]	2.66
Penalty for Non-Registration and Contravention under Section 9 and 10 [Section 62]	2.67
Penalty for Failure to comply with orders of Authority by Promoter [Section 63]	2.67
Penalty for Failure to comply with orders of Appellate Tribunal by Promoter [Section 64]	2.67
Penalty for failure to comply with orders of authority by real estate agent [Section 65]	2.67
Penalty for failure to comply with orders of appellate tribunal by real estate agent [Section 66]	2.67
Penalty for failure to comply with orders of authority by Allottee [Section 67]	2.67
Penalty for failure to comply with orders of appellate tribunal by Allottee [Section 68]	2.68
Offences by Companies [Section 69]	2.68
Compounding of Offences [Section 70]	2.68
Power to adjudicate [Section 71]	2.69
Factors to be taken into account by the adjudicating officer [Section 72]	2.69
10 FINANCE, ACCOUNTS, AUDITS AND REPORTS	2.70
Grants and Loans by Central Government [Section 73]	2.70
Grants and Loans by State Government [Section 74]	2.70
Constitution of Fund [Section 75]	2.70
Crediting sums realised by way of penalties to Consolidated Fund of India or State account [Section 76]	2.71
Budget, accounts and audit [Section 77]	2.71
Annual report [Section 78]	2.72
11 MISCELLANEOUS	2.72
Bar of jurisdiction [Section 79]	2.72
Cognizance of offences [Section 80]	2.72
Delegation [Section 81]	2.72
Power of appropriate Government to supersede Authority [Section 82]	2.73
Power of appropriate Government to issue directions to Authority and obtain reports and returns [Section 83]	2.74
Powers of appropriate Government to make rules [Section 84]	2.74
Power to make regulations [Section 85]	2.76
Laying of rules [Section 86]	2.77
Members, etc., to be public servants [Section 87]	2.77
Application of other laws not barred [Section 88]	2.78
Act to have overriding effect [Section 89]	2.78
Protection of action taken in good faith [Section 90]	2.78
Power to remove difficulties [Section 91]	2.78
Repeal [Section 92]	2.78

<u>INSOLVENCY AND BANKRUPTCY CODE, 2016</u>		
S.NO	Particulars	Page No
1	INTRODUCTION	3.2
	Concept of Insolvency and Bankruptcy	3.2
	Relationship between Bankruptcy, Insolvency & Liquidation	3.3
	Objectives	3.3
	Structure of the Code	3.4
	Foundation of Code	3.5
	Flow of insolvency process	3.7
	Provisions of this Code to override other laws	3.7
	Extent and Commencement of the Code	3.8
	Applicability of the Code	3.9
	Non applicability of the code	3.9
2	IMPORTANT DEFINITIONS [SECTIONS 3 AND 5]	3.10
	Board [Section 3(1)]	3.10
	Charge [Section 3(4)]	3.10
	Claim [Section 3(6)]	3.10
	Corporate Person [Section 3(7)]	3.10
	Creditor [Section 3(10)]	3.11
	Debt [Section 3(11)]	3.11
	Financial Service [Section 3(16)]	3.12
	Insolvency Professional [Section 3(19)]	3.13
	Insolvency Professional Agency [Section 3(20)]	3.14
	Corporate Applicant [Section 5(5)]	3.15
	Initiation Date [Section 5(11)]	3.16
	Insolvency Commencement Date [Section 5(12)]	3.16
	Insolvency Resolution Process Period [Section 5(14)]	3.16
	Liquidation Commencement Date [Section 5(17)]	3.16
	Related Party [Section 5(24)]	3.16
3	CORPORATE INSOLVENCY RESOLUTION PROCESS (SEC 4, 6-32)	3.20
	Process Flow	3.20
	(I) Application to National Company Law Tribunal	3.22
	Filing of application before NCLT	3.22
	Who can initiate insolvency resolution process?	3.22
	(A) Initiation of corporate insolvency resolution process by financial creditor	3.22

(B) Insolvency resolution by operational creditor	3.25
(C) Initiation of corporate insolvency resolution process by corporate applicant	3.27
Persons not entitled to initiate insolvency process	3.28
(II) Adjudication: Admission or Rejection of Application	3.29
Time-limit for completion of insolvency resolution process	3.29
Appointment of Interim Resolution Professionals	3.30
Withdrawal of application admitted under section 7, 9 or 10 [Section 12A]	3.31
(III) Declaration of moratorium and public announcement: [Section 13]	3.31
Moratorium:	3.31
When Moratorium period shall cease to have effect [Section 14]	3.33
Public Announcement [Section 15]	3.33
(IV) Appointment, Term and Powers of Interim Resolution Professional (IRP)	3.34
Period of appointment of IRP [Section 16]	3.34
Powers of IRP	3.35
Management of operations of Corporate debtor as going concern.	3.35
Manner of submission of proof of claims to IRP	3.36
(V) Resolution Professional (RP) [Section 22]	3.36
Appointment	3.36
Roles and Duties of RP [Section 23]	3.37
Duties [Section 25]	3.38
Eligibility of an insolvency professional to be appointed as a Resolution Professional	3.38
Fees of Resolution Professional	3.39
Replacement of Resolution Professional [Section 27]	3.39
Preparation of Information Memorandum	3.39
Relevant Information [Section 29]	3.40
(VI) Committee of Creditors	3.40
Constitution of CoC	3.40
When FC/authorised representative is not entitled to participate in the CoC	3.40
In case where debts owed to 2/more FC	3.40
In case of consortium arrangements of FC	3.41
Voting by authorised representative of class of FC [Section 21(6A)]	3.41
Who can act as authorised representative?	3.41
Rights of authorised representative	3.42
(VII) Meeting of Committee of Creditors [Section 24]	3.42
Composition	3.42

Procedure for conduct of meeting of CoC	3.43
Approval of committee of creditors	3.43
First meeting of creditors	3.43
Notice for meeting of Committee	3.43
Quorum of Meeting	3.43
Approval of Committee of Creditors for Certain Actions [Section 28]	3.44
(VIII) Persons not eligible to be Resolution Applicant [Section 25]	3.45
Grounds of ineligibility to be a resolution professional [Section 29A]	3.45
(IX) Resolution Plan	3.49
Duty of resolution professional on Submission of Resolution Plan	3.49
Seeking approval of CoC	3.50
Attending of meeting by resolution applicant	3.51
Submission of the resolution plan [Section 30]	3.51
Approval of resolution plan	3.52
Rejection of the resolution plan	3.52
Appeal against Approval of Resolution Plan [Section 61]	3.54
Consequences of non-submission of a Resolution Plan	3.54
4 LIQUIDATION PROCESS	3.54
(I) Initiation of liquidation: [Section 33]	3.54
Intimation of the decision of the committee of creditors to liquidate to Adjudicating Authority	3.55
Contravention of resolution plan as approved by the adjudicating authority	3.55
Determination of contravention of the provisions of the resolution plan	3.55
Bar to filing to suits and legal proceedings	3.55
Order to be deemed to be notice of discharge	3.55
(II) Appointment of liquidator [Section 34]	3.56
Resolution Professional to act as Liquidator	3.56
Powers of BOD/KMP vested in liquidator	3.57
Personnel to extend in liquidator	3.57
Order to replace the resolution professional	3.57
Adjudicating Authority to appoint insolvency professional as the liquidator	3.57
Charge of fees for conduct of liquidation proceedings	3.57
Payment of fees	3.57
(III) Powers and duties of liquidator [Section 35]	3.58
Powers of liquidator to access information [Section 37]	3.59
(IV) Liquidation estate [Section 36]	3.60
Comprising of liquidation estate	3.60
Exceptions to the assets from inclusion in the liquidation estate assets	3.60
(V) Consolidation of claims [Section 38]	3.62
Verification of claims [Section 39]	3.62
Admission or Rejection of Claims [Section 40]	3.62
Determination of valuation of claims [Section 41]	3.62
Appeal against the decision of liquidator [Section 42]	3.63

(VI) Preferential transactions & Extortionate Credit Transactions [Section 43]	3.63
Orders in case of preferential transactions [Section 44]	3.64
Avoidance of undervalued transactions [Section 45]	3.65
Relevant period for avoidable transactions [Section 46]	3.65
In case where liquidator or RP has not reported to the adjudicating authority of the undervalued transaction [Section 47]	3.66
Transactions defrauding creditors [Section 49]	3.67
Extortionate credit transactions: [Section 50]	3.67
Order of Adjudicating authority [Section 51]	3.68
(VII) Secured creditor in liquidation proceedings [Section 52]	3.69
(VIII) Distribution of assets [Section 53]	3.69
(IX) Dissolution of corporate debtor [Section 54]	3.70
5 FAST TRACK INSOLVENCY RESOLUTION FOR CORPORATE PERSONS [Section 55 to 58]	3.71
Applicability	3.71
Time period for completion of fast track corporate insolvency resolution process	3.72
Manner of initiating fast track corporate insolvency resolution process	3.72
Applicability of Chapter II to his chapter	3.72
6 VOLUNTARY LIQUIDATION OF CORPORATE PERSONS [SECTION 59]	3.73
7 ADJUDICATING AUTHORITY FOR CORPORATE PERSONS [Section 60 to 77]	3.74
Adjudicating Authority for corporate persons [Section 60]	3.75
Period of moratorium excluded for purpose of limitation	3.76
Appeals and Appellate Authority [Section 61]	3.76
Appeal to Supreme Court on a question of law [Section 62]	3.77
Civil Court is prohibited to entertain any suit or proceedings [Section 63]	3.77
Expeditious disposal of applications [Section 64]	3.77
Fraudulent or malicious initiation of proceedings	3.77
Fraudulent trading or wrongful trading	3.77
Proceedings under [Section 66]	3.78
8 OFFENCES AND PENALTIES	3.79
Concealment of property [Section 68]	3.79
Transactions defrauding creditors [Section 69]	3.80
Misconduct in courses of corporate insolvency resolution process [Section 70]	3.81
Falsification of books of corporate debtor [Section 71]	3.82
Wilful and material omissions from statements relating to affairs of corporate debtor [Section 72]	3.82
False representations to creditors [Section 73]	3.82
Contravention of moratorium or the resolution plan [Section 74]	3.83
False information furnished in application [Section 75]	3.84
Non-disclosure of dispute or payment of debt by operational creditor [Section 76]	3.84
Providing false information in application made by corporate debtor [Section 77]	3.84
INSOLVENCY RESOLUTION AND BANKRUPTCY FOR INDIVIDUALS AND PARTNERSHIP FIRMS	3.85
9 PARTNERSHIP FIRMS	3.85
10 REGULATION OF INSOLVENCY PROFESSIONALS AGENCIES, UTILITIES	3.85
[I] The Insolvency and Bankruptcy Board of India	3.85
Establishment and incorporation of Board [Section 188]	3.85
Constitution of Board [Section 189]	3.85

Removal of member from office [Section 190]	3.87
Meetings of Board [Section 192]	3.87
Member not to participate in meetings in certain cases [Section 193]	3.87
Vacancies, etc., not to invalidate proceedings of Board, Officers and employees of Board [Section 194]	3.87
Powers and Functions of the Board [Section 196]	3.88
Constitution of advisory committee, executive committee or other committee. [Section 197]	3.90
Condonation of delay [Section 198]	3.91
[II] Insolvency Professional Agencies	3.91
No person to function as insolvency professional agency without valid certificate of registration [Section 199]	3.91
Principles governing registration of insolvency professional agency [Section 201]	3.91
Manner of registration of insolvency professional agency	3.92
Appeal to National Company Law Appellate Tribunal	3.93
Governing Board of insolvency professional agency [Section 203]	3.93
Functions of insolvency professional agencies. [Section 204]	3.93
[III] Insolvency Professionals	3.94
Who may act as insolvency professionals? [Section 206]	3.94
Registration of insolvency professionals [Section 207]	3.95
Functions and obligations of insolvency professionals (IP) [Section 208]	3.96
[IV] Information Utilities	3.96
Who shall carry on the business as information utility? [Section 209]	3.96
Manner of registration of information utility [Section 210]	3.96
Eligibility for registration	3.97
Appeal to National Company Law Appellate Tribunal [Section 211]	3.98
Governing Board of information utility [Section 212]	3.98
Composition of the Governing Board.	3.98
Obligations of information utility [Section 214]	3.100
Procedure for submission, etc., of financial information [Section 215]	3.100
Rights and obligations of persons submitting financial information [Section 216]	3.100
(V) Inspection and Investigation	3.101
Complaints against insolvency professional agency or its member or information utility [Section 217] .	3.101
Investigation of insolvency professional agency or its member or information utility. [Section 218]	3.101
Show cause notice to insolvency professional agency or its member or information utility [Section 219]	3.102
Disposal of Show-cause notice	3.102
Appointment of disciplinary committee	3.103
(VI) Finance, Accounts and Audit	3.104
Grants by Central Government [Section 221]	3.104
Accounts and audit	3.104
Audit of Accounts by the CAG:	3.105
Right and Privileges	3.105
Presentation of certified copy of the accounts and audit report to CG	3.105
11 Miscellaneous	3.105
(I) Power of Central Government to issue directions [Section 225]	3.105
(II) Power of Central Government to supersede Board:	3.105

PREVENTION OF MONEY LAUNDERING ACT, 2002		
S.NO	Particulars	Page No
1	INTRODUCTION	4.1
	Money Laundering	4.1
	Understanding Money Laundering	4.3
	How Hawala Works	4.3
2	DEFINITIONS	4.3
	Money Laundering [Section 2(1)(p) & 3]	4.3
	Proceeds of Crime [Section 2(1)(u)]	4.4
	Property [Section 2(1)(v)]	4.4
	Payment System [Section 2(1)(rb)]	4.4
	Scheduled offence [Section 2(1)(y)]	4.4
	Authorised Person [Section 2(c)]	4.4
	Beneficial Owner	4.4
	Intermediary	4.5
	Payment System Operator	4.5
3	PUNISHMENT for the offence of Money Laundering [Section 3 &4]	4.7
	Section 4 provides for the Punishment for Money-Laundering	4.8
4	ATTACHMENT, ADJUDICATION AND CONFISCATION	4.8
	Attachment of property involved in money-laundering [Section 5]	4.8
	Adjudicating Authorities, composition, powers, etc. [Section 6]	4.10
	Staff of Adjudicating Authorities [Section 7]	4.12
	Adjudication [Section 8]	4.12
	1) Serving of Notice by AO	4.12
	2) Order of Adjudicating Authority	4.12
	3) Order for attachment/retention of property	4.13
	4) Confirmation of Provisional order	4.13
	5) Final order on Confirmation of commission of Act	4.13
	6) Where the trial under this Act cannot be conducted	4.14
	7) Where a property stands confiscated to the Central Government	4.14
	Vesting of property in Central Government [Section 9]	4.14
	Management of properties confiscated under this Chapter [Section 10]	4.15
	Power regarding summons, production of documents and evidence, etc.[Section 11]	4.15
	Verification of identity by Reporting Entity [Section 11A]	4.15
5	OBLIGATION OF BANKING COMPANIES, FINANCIAL INSTITUTIONS AND INTERMEDIARIES	4.16
	Reporting entity to maintain records [Section 12]	4.16
	Access to information [Section 12A]	4.17
	Enhanced due diligence [Section 12AA]	4.18
	Power of director to impose fine [Section 13]	4.19
	No civil or criminal proceedings against reporting entity, its directors and employees in certain cases [Section 14]	4.20
	Procedure and manner of furnishing information by reporting entities [Section 15]	4.20
6	SUMMONS, SEARCHES AND SEIZURES, ETC	4.20
	Power of survey [Section 16]	4.20
	Search and seizure [Section 17]	4.21
	Search of persons [Section 18]	4.23

	Power to arrest [Section 19]	4.24
	Retention of property [Section 20]	4.24
	Retention of records [Section 21]	4.25
	Presumption as to records or property in certain cases [Section 22]	4.26
	Presumption in inter-connected transactions [Section 23]	4.27
	Burden of proof [Section 24]	4.27
7	APPELLATE TRIBUNAL	4.27
	Hierarchy under the Prevention of Money Laundering Act, 2002	4.27
	Establishment of Appellate Tribunal [Section 25]	4.28
	Appeals to Appellate Tribunal [Section 26]	4.28
	Procedures & Powers of the Appellate Tribunal [Section 35]	4.29
	Distribution of business amongst Benches [Section 36]	4.30
	Power of Chairman to transfer cases [Section 37]	4.30
	Decision to be by majority [Section 38]	4.30
	Right of appellant to take assistance of authorised representative and of Government to appoint presenting officers [Section 39]	4.30
	Members, etc., to be public servants [Section 40]	4.30
	Civil court not to have jurisdiction [Section 41]	4.30
	Appeal to High Court [Section 42]	4.31
8	SPECIAL COURTS [Section 43]	4.31
	Nature of offence committed under this Act [Section 45]	4.31
	Application of Code of Criminal Procedure, 1973 to proceedings before Special Court [Section 46]	4.33
	Appeal and revision [Section 47]	4.33
9	RECIPROCAL ARRANGEMENT FOR ASSISTANCE IN CERTAIN MATTERS	4.33
	Definitions	4.33
	Agreements with foreign countries [Section 56]	4.35
	Letter of request to a contracting State in certain cases [Section 57]	4.35
	Assistance to a contracting State in certain cases [Section 58]	4.36
	Letter of request of a contracting State or authority for confiscation or release the property [Section 58B]	4.37
	Reciprocal arrangements for processes and assistance for transfer of accused persons [Section 59]	4.38
	Attachment, seizure and confiscation, etc., of property in a contracting State or India [Section 60]	4.39
	Procedure in respect of letter of request [Section 61]	4.40
10	RECOVERY OF FINE OR PENALTY	4.40
	Punishment for vexatious search [Section 62]	4.40
	Punishment for false information or failure to give information, etc. [Section 63]	4.40
	Cognizance of offences [Section 64]	4.41
	Code of Criminal Procedure, 1973 to apply [Section 65]	4.41
	Disclosure of Information [Section 66]	4.41
	Bar of suits in civil courts [Section 67]	4.42
	Notice, etc., not to be invalid on certain grounds [Section 68]	4.42
	Recovery of fine or penalty [Section 69]	4.42
	Offences by companies [Section 70]	4.42
	Act to have overriding effect [Section 71]	4.43

THE FOREIGN EXCHANGE MANAGEMENT ACT, 1999		
S.NO	Particulars	Page No
1	INTRODUCTION	5.2
	Need for the Act	5.2
	Salient provisions of the Act	5.2
	Enforcement of FEMA [Section 36]	5.2
	Broad structure of FEMA	5.3
2	PREAMBLE, EXTENT APPLICATION AND COMMENCEMENT OF FEMA 1999	5.3
	Preamble	5.3
	Extent and Application [Sections 1]	5.3
	Commencement	5.3
3	DEFINITIONS [SECTION 2]	5.4
	Adjudicating Authority [Section 2(a)]	5.4
	Appellate Tribunal [Section 2(b)]	5.4
	Authorised Person [Section 2(c)]	5.4
	Capital Account Transaction [Section 2(e)]	5.4
	Currency [Section 2(h)]	5.4
	Currency Notes [Section 2(i)]	5.4
	Current Account Transaction [Section 2(j)]	5.4
	Export [Section 2(l)]	5.4
	Foreign Currency [Section 2(m)]	5.5
	Foreign Exchange [Section 2(n)]	5.5
	Foreign Security [Section 2(o)]	5.5
	Import [Section 2(p)]	5.5
	Person [Section 2(u)]	5.5
	Person resident in India [Section 2(v)]	5.5
	Repatriate to India [Section 2(y)]	5.6
	Security [Section 2(za)]	5.6
	Service [Section 2(zb)]	5.6
	Transfer [Section 2(ze)]	5.6
4	RESIDENTIAL STATUS UNDER FEMA, 1999	5.7
	Person Resident in India	5.7
	Person or body corporate	5.10
	Office, branch or agency	5.10
5	REGULATION AND MANAGEMENT OF FOREIGN EXCHANGE	5.12
	Dealing in foreign exchange, etc. [Section 3]	5.12
	Holding of foreign exchange [Section 4]	5.13
6	CURRENT ACCOUNT TRANSACTIONS [SECTION 5]	5.14
	I. SCHEDULE I	5.15
	II. SCHEDULE II	5.16
	III SCHEDULE III	5.17
	1)Facilities for individuals	5.17
	2)Facilities for persons other than individual	5.18

3) Procedure	5.19
Exemption for remittance from RFC Account	5.19
Exemption for remittance from EEFC Account	5.19
Exemption for payment by international credit card while on a visit abroad	5.19
Import of Goods and Services	5.19
General Guidelines for Imports	5.19
1) General Guidelines	5.20
2) Remittances for import payments	5.20
3) Obligation of purchaser of Foreign Exchange	5.20
4) Time limit for settlement of import payments	5.21
5) Extension of time	5.22
6) Import of foreign exchange/Indian Rupees	5.22
7) Import of Foreign Exchange into India	5.23
8) Import of Indian Currency and Currency Notes	5.23
9) Issue of guarantees by an authorised dealer	5.23
7 CAPITAL ACCOUNT TRANSACTIONS [SECTION 6]	5.24
I. Permissible Transactions	5.28
SCHEDULE I	5.28
SCHEDULE II	5.29
II. Transactions with no restriction	5.30
III. Prohibited Transactions	5.30
CAPITAL TRANSACTIONS RELATED TO IMMOVABLE PROPERTY	5.32
(I) FOREIGN EXCHANGE MANAGEMENT (ACQUISITION AND TRANSFER OF IMMOVABLE PROPERTY IN INDIA) REGULATIONS, 2018	5.32
1) Important Terminologies	5.32
2) Overseas Citizen of India (OCI)	5.32
3) Repatriation outside India	5.32
4) Acquisition and transfer of property in India by a Non Resident Indian or an overseas Citizen of India	5.32
5) Acquisition of immovable property for carrying on a permitted activity	5.33
6) Purchase/ Sale of immovable property by foreign embassies/ diplomats/ consulate generals	5.34
7) Joint acquisition by the Spouse of an NRI or an OCI	5.34
8) Repatriation of Sale Proceeds	5.34
9) Prohibition on acquisition or transfer of immovable property in India by citizens of certain countries	5.35
10) Prohibition on transfer of immovable properties in India	5.35
11) Miscellaneous	5.36
(I) THE FOREIGN MANAGEMENT (ACQUISITION AND TRANSFER OF IMMOVABLE PROPERTY OUTSIDE INDIA) REGULATIONS, 2015	5.36
1) Restriction on acquisition or transfer of immovable property outside India	5.36
2) Acquisition and transfer of immovable property outside India	5.37
FRAMEWORK FOR RAISING LOANS THROUGH EXTERNAL COMMERCIAL BORROWINGS	5.37
Approval Route	5.38
Automatic Route	5.38
ECB Framework	5.38

a) Currency of borrowing	5.38
b) Forms of ECB	5.38
c) Eligible borrowers	5.38
d) Recognised Lenders	5.39
e) Minimum Average Maturity Period (MAMP)	5.39
f) All-in-cost ceiling per annum	5.40
g) Other Costs	5.40
h) End-uses (Negative List)	5.40
i) Exchange Rate	5.41
j) Hedging Provision	5.41
k) Change of Currency of borrowing	5.43
Limit and leverage	5.44
Issuance of guarantee, etc. by Indian Banks and Financial Institutions	5.44
Parking of ECB proceeds	5.44
Procedure of raising ECB	5.44
Reporting Requirements	5.44
a) Loan Registration Number (LRN)	5.44
b) Changes in terms and conditions of ECB	5.44
c) Monthly Reporting of actual transactions	5.44
d) Late Submission Fee (LSF) for delay in reporting	5.44
e) Standard Operating Operation (SOP) for Untraceable Entities	5.45
f) Powers delegated to AD category I banks to deal with ECB cases	5.45
1) Change of the AD Category I Bank	5.45
2) Cancellation of LRN	5.46
3) Refinancing of existing ECB	5.46
4) Conversion of ECB into equity	5.46
5) Security for raising ECB	5.47
i) Creation of charge on Immovable Assets	5.47
ii) Creation of charge on Movable Assets	5.47
iii) Creation of charge on Financial Securities	5.48
iv) Issue of Corporate or Personal Guarantee	5.48
g) Additional Requirements	5.49
h) Special Dispensations under the ECB framework	5.49
1) ECB facility for Oil Marketing Companies	5.49
2) ECB facility for Startups	5.49
i) Borrowing Entities under Investigation	5.51
j) ECB by entities under restructuring /ECB facility for refinancing stressed assets	5.51
k) Dissemination of information	5.51
l) Compliance with the guidelines	5.51
OVERSEAS DIRECT INVESTMENTS BY RESIDENT INDIVIDUALS	5.51
Mode of direct investment outside India	5.53
1) Automatic route for direct investment or financial commitment outside India	5.53

	2) Approval route for direct investment or financial commitment outside India	5.54
	8 EXPORT OF GOODS AND SERVICES [SECTION 7]	5.55
	Regulations:	5.56
	1 Short title and commencement:	5.56
	2 Definitions:- Some definitions:	5.56
	3 Declaration of exports:	5.56
	4 Exemptions:	5.57
	5 Indication of importer-exporter code number:	5.58
	6. Authority to whom declaration is to be furnished and the manner of dealing with the declaration:	5.59
	7 Evidence in support of declaration	5.59
	8 Manner of payment of export value of goods	5.60
	9 Period within which export value of goods/software/ services to be realised	5.60
	10 Submission of export documents:	5.61
	11 Transfer of documents:	5.61
	12 Payment for the Export:	5.62
	13 Certain Exports requiring prior approval	5.62
	14 Delay in Receipt of Payment:	5.62
	15 Advance payment against exports:	5.63
	16 Issue of directions by Reserve Bank in certain cases	5.63
	17 Project exports:	5.64
	9 REALISATION AND REPATRIATION OF FOREIGN EXCHANGE [SECTION 8]	5.64
	Foreign Exchange Management (Realisation, repatriation and surrender of foreign exchange) Regulations, 2000	5.65
	1) Duty of persons to realise foreign exchange due	5.65
	2) Manner of Repatriation:	5.65
	3) Period for surrender of realised foreign exchange	5.65
	4) Period for surrender in certain cases:	5.66
	5) Period for surrender of received/ realised/ unspent/ unused foreign exchange by Resident individuals:	5.66
	6) Exemption	5.63
	Exemption from realisation and repatriation in certain cases [Section 9]	5.66
	FOREIGN EXCHANGE MANAGEMENT (POSSESSION AND RETENTION OF FOREIGN CURRENCY) REGULATIONS, 2015	5.67
	Limits for possession and retention of foreign currency or foreign coins	5.67
	Possession of foreign exchange by a person resident in India but not permanently resident therein	5.68
	10 AUTHORISED PERSON [SECTION 10]	5.68
	Off Shore Banking Unit	5.68
	Reserve Bank's powers to issue directions to authorised person [Section 11]	5.69
	Power of Reserve Bank to inspect authorised person	5.70
	Power of Reserve Bank to inspect authorised person [Section 12]	5.70

Prohibition of Benami Transactions Act- 1988		
S.NO	Particulars	Page No
1	INTRODUCTION	6.1
2	PRELIMINARY [Section 2]	6.3
	Definitions	6.3
	Attachment [Section 2(5)]	6.4
	Benami Property [Section 2(8)]	6.5
	Benami Transaction [Section 2(9)]	6.5
	Benamidar [Section 2(10)]	6.10
	Bench [Section 2(11)]	6.10
	Beneficial Owner [Section 2(12)]	6.11
	Director [Section 2(14)]	6.11
	Fair Market Value [Section 2(16)]	6.11
	Initiating Officer [Section 2(19)]	6.14
	Person [Section 2(24)]	6.15
	Property [Section 2(26)]	6.15
	Public Financial Institution [Section 2(27)]	6.15
	Transfer [Section 2(29)]	6.16
	Trustee Section 2(30)]	6.16
3	PROHIBITION OF BENAMI TRANSACTIONS	6.16
	Prohibition of benami transactions [Section 3]	6.16
	Prohibition of the right to recover property held benami [Section 4]	6.17
	Property held Benami liable to confiscation [Section 5]	6.17
	Prohibition on retransfer of property by benamidar [Section 6]	6.17
4	AUTHORITIES	6.18
	Adjudicating Authority [Section 7]	6.18
	Composition of Authority [Section 8]	6.18
	Qualifications for appointment of Chairperson and Members [Section 9]	6.18
	Constitution of Benches of the Adjudicating Authority [Section 10]	6.19
	Power of the Adjudicating Authority to regulate its own procedure [Section 11]	6.19
	Term of Office of Chairperson and Members of Adjudicating Authority [Section 12]	6.20
	Terms and conditions of services of Chairperson and Members of Adjudicating Authority [Section 13]	6.20
	Removal of Chairperson and Members of Adjudicating Authority [Section 14]	6.20
	Member to act as Chairperson in certain circumstances [Section 15]	6.21
	Vacancies, etc., not to invalidate proceedings of Adjudicating Authority [Section 16]	6.21
	Officers and employees of Adjudicating Authority [Section 17]	6.21
	Authorities and jurisdiction [Section 18]	6.21
	Powers of authorities [Section 19]	6.22
	Certain officers to assist in inquiry, etc. [Section 20]	6.23
	Power to call for information [Section 21]	6.23
	Power to impound documents [Section 22]	6.24
	Power of authority to conduct inquiry, etc. [Section 23]	6.24
5	ATTACHMENT, ADJUDICATION AND CONFISCATION	6.25

	Notice and attachment of property involved in benami transaction [Section 24]	6.25
	Manner of service of notice [Section 25]	6.26
	Adjudication of benami property [Section 26]	6.27
	i) Parties to be issued notice	6.27
	ii) Time period for issue of Notice	6.27
	iii) Serving of Notice when Property is held Jointly	6.27
	iv) Further action by Adjudicating Authority after issue of notice	6.27
	v) Authorised Representative	6.28
	Confiscation and vesting of benami property [Section 27]	6.29
	Management of properties confiscated [Section 28]	6.30
	Possession of the property [Section 29]	6.31
6	APPELLATE TRIBUNAL	6.32
	Establishment of Appellate Tribunal [Section 30]	6.32
	Composition, etc., of Appellate Tribunal [Section 31]	6.32
	Qualifications for appointment of Chairperson and Members of Appellate Tribunal [Section 32]	6.33
	Terms and conditions of services of Chairperson and Members of Appellate Tribunal [Section 33]	6.34
	Term of office of Chairperson and Members [Section 34]	6.34
	Removal of Chairperson and Member from office in certain circumstances [Section 35]	6.34
	Vacancies, etc., not to invalidate proceedings of Appellate Tribunal [Section 36]	6.35
	Resignation and removal [Section 37]	6.35
	Member to act as Chairperson in certain circumstances [Section 38]	6.36
	Staff of Appellate Tribunal [Section 39]	6.36
	Procedure and powers of Appellate Tribunal [Section 40]	6.36
	Distribution of business amongst Benches of Appellate Tribunal [Section 41]	6.37
	Power of Chairperson of Appellate Tribunal to transfer cases [Section 42]	6.37
	Decision to be by majority [Section 43]	6.37
	Members, etc., to be public servants [Section 44]	6.37
	Bar of jurisdiction of civil courts [Section 45]	6.37
	Appeals to Appellate Tribunal [Section 46]	6.38
	Rectification of mistakes [Section 47]	6.39
	Right to representation [Section 48]	6.39
	Appeal to High Court [Section 49]	6.40
7	SPECIAL COURTS	6.41
	Special Courts [Section 50]	6.41
	Application of Code of Criminal Procedure, 1973 to proceedings before Special Court [Section 51]	6.42
	Appeal and revision [Section 52]	6.42
8	OFFENCES AND PROSECUTION	6.42
	Penalty for benami transaction [Section 53]	6.42
	Penalty for false information [Section 54]	6.43
	Penalty for failure to comply with notices or furnish information [Section 54A]	6.43
	Proof of entries in records or documents [Section 54B]	6.44
	Previous sanction [Section 55]	6.44
9	MISCELLANEOUS	6.44

