

KNOW YOUR CUSTOMER, ANTI-MONEY LAUNDERING & SURVEILLANCE POLICY

KYC / AML Policy

Sharekhan Comtrade Pvt Ltd (December 2, 2020)

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PREFACE

This Know Your Customer (KYC) and Anti-Money Laundering (AML) Policy (Policy) has been prepared in accordance Prevention of Money Laundering Act, 2002 (PMLA Act), SEBI Master Circular No. SEBI/ HO/ MIRSD/ DOP/ CIR/ P/ 2019/ 113 dated October 15, 2019.. This Policy also takes into account the provisions of the PMLA Act and other Rules laid down by SEBI and FIU and applies to all the clients/customers registered under Sharekhan Comtrade Pvt. Ltd. (hereinafter referred to as SK Comtrade) for dealing in Equity, Furtures & Options, Currency Derivatives, Commodities / Commodity Derivatives segments.

As per PMLA, every banking company, financial institution (which includes chit fund company, a co- operative bank, a housing finance institution and a non-banking financial company) and intermediary (which includes a stock-broker, authorized persons, share transfer agent, banker to an issue, trustee to a trust deed, registrar to an issue, merchant banker, underwriter, portfolio manager, investment adviser and any other intermediary associated with securities market and registered under section 12 of the Securities and Exchange Board of India Act, 1992) shall have to maintain a record of all the transactions; the nature and value of which has been prescribed in the Rules notified under the PMLA. For the purpose of PMLA, transactions include:

- All cash transactions of the value of more than Rs 10 lakhs or its equivalent in foreign currency.
- All series of cash transactions integrally connected to each other which have been valued below Rs 10 lakhs or its equivalent in foreign currency, such series of transactions within one calendar month.
- All suspicious transactions whether or not made in cash and including, inter-alia, credits or debits into from any non monetary account such as Demat account, security account maintained by the registered intermediary.

For the purpose of suspicious transactions reporting, apart from 'transactions integrally connected', 'transactions remotely connected or related' need to be considered. In case there is a variance in CDD/AML standards prescribed by SEBI and the regulators of any other country in which the SK Comtrade operates, SK Comtrade shall be required to adopt the more stringent requirements of the two.

"Suspicious transactions" means a transaction whether or not made in cash which to a person acting in good faith –

- gives rise to a reasonable ground of suspicion that it may involve the proceeds of crime; or
- appears to be made in circumstances of unusual or unjustified complexity or
- appears to have no economic rationale or bonafide purpose.

Senior Management refers to Business Head and Compliance Head of SK Comtrade.

This Policy only supplements the existing SEBI guidelines relating to KYC/AML and any subsequent guidelines from the date of the Policy on KYC/AML will be implemented immediately, with subsequent ratification by the Board. Extant regulations will at any point in time override this Policy.

1. KYC/AML philosophy of SK Comtrade

- 1.1 The KYC / AML philosophy of SK Comtrade is to prevent SK Comtrade from being used, intentionally or unintentionally, by criminal elements for money laundering or terrorist financing activities. The objective of this policy is also to enable SK Comtrade to know / understand its customers and their financial dealings better which in turn will help SK Comtrade to manage its risks prudently.
- 1.2 It is important that SK Comtrade's management views "money-laundering prevention" and "knowing your customer" as part of the risk management strategies and not simply as stand- alone requirements that are being imposed by legislation/regulators'.

Hence the objective of the policy is to –

- To have a proper Customer Due Diligence (CDD) process before registering clients.
- To monitor/maintain records of all cash transactions of the value of more than Rs.10 lacs.
- To maintain records of all series of integrally connected cash transactions within one calendar month.
- To monitor and report suspicious transactions.
- To discourage and identify money laundering or terrorist financing activities.
- To take adequate and appropriate measures to follow the spirit of the PMLA.

2. What is Money Laundering?

- 2.1 Money laundering is the criminal practice of putting ill-gotten gains or dirty money through a series of transactions, so that the funds are cleaned to look like proceeds from legal activities. It is driven by criminal activities and conceals the true source, ownership, or use of funds.

In simple terms money laundering is most often described as the "turning of dirty or black money into clean or white money". If undertaken successfully, money laundering allows criminals to legitimize "dirty" money by mingling it with "clean" money, ultimately providing a legitimate cover for the source of their income.

Section 3 of the PMLA Act defines money laundering in following words:

"Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money-laundering".

3. Why "Know Your Customer"?

- 3.1 One of the best methods of preventing and deterring money laundering is a sound knowledge of a customer's business and pattern of financial transactions. The adoption of procedures by which financial institutions "know their customer" is not only a principle of good business but is also an essential tool to avoid involvement in money laundering.

- 3.2 SK Comtrade shall adopt appropriate KYC procedures and internal controls measures to:

- Determine and document the true identity of the customers who establish relationships, open accounts or conduct significant business transactions and obtain basic background information on customers;
- Assess the money laundering risk posed by customers' expected use of SK Comtrade's products and services;
- Protect SK Comtrade from the risks of doing business with any individual or entity whose identity cannot be determined or who refuses to provide information, or who have provided information that contains significant inconsistencies which cannot be resolved after due investigation.

4. Customer Acceptance Policy

- 4.1 No account shall be opened in anonymous or fictitious / benami name(s). PAN shall be mandatory for each account. Each client shall have one account only.
- 4.2 The parameters of risk perception in terms of the nature of business activity, location of customer (registered office address, correspondence & residential addresses and any other addresses if applicable), and his clients, mode of payments, volume of turnover, social and financial status etc shall be captured at the account opening stage to enable categorization of customers into low, medium and high risk. SK Comtrade has indicative categories of customers which would fall into low, medium and high risk categories (refer Annexure 1). The list shall be updated with approvals from Compliance, and Business groups.

For the purpose of risk categorization, individuals/entities whose identities and sources of wealth can be easily identified and transactions in whose accounts by and large conform to the known profile, shall be categorized as low risk.

Illustrative examples of low risk customers are as follows:

- salaried employees whose salary structures are well defined;
- Government Departments and Government owned companies;
- Regulators and statutory bodies; etc.

Customers that are likely to pose a higher than average risk to SK Comtrade shall be categorized as medium or high risk depending on customer's background, nature and location of activity, country of origin, sources of funds and his client profile etc. SK Comtrade shall apply Customer Due Diligence measures based on the risk assessment, thereby requiring intensive 'due diligence' for higher risk customers, especially those for whom the sources of funds are not clear.

Following clients shall be categorized as clients of special category and shall be categorized as High risk:

Clients of special category (CSC)

- Non-resident clients,
- High net-worth clients,
- Trust, Charities, NGOs and organizations receiving donations,
- Companies having close family shareholdings or beneficial ownership,
- Politically exposed persons (PEP). Politically exposed persons are individuals who are or have been entrusted with prominent public functions in a foreign country, e.g., Heads of States or of Governments, senior politicians, senior government/judicial/military officers, senior executives of state-owned corporations, important political party officials, etc. The additional norms applicable to PEP as contained in the subsequent clause 5.5 (Page 19 of the Master Circular) shall also be applied to the accounts of the family members or close relatives of PEPs,
- Companies offering foreign exchange offerings,
- Clients in high risk countries (where existence / effectiveness of money laundering controls is suspect or which do not or insufficiently apply FATF standards, where there is unusual banking secrecy, Countries active in narcotics production, Countries where corruption (as per Transparency International Corruption Perception Index) is highly prevalent, Countries against which government sanctions are applied, Countries reputed to be any of the following – Havens / sponsors of international terrorism, offshore financial centers, tax havens, countries where fraud is highly prevalent,
- Non face to face clients,
- Clients with dubious reputation as per public information available etc.

4.3 While the profile of the customer is captured in the account opening form, an Customer Due Diligence (CDD) sheet is also prepared at the account opening stage for all accounts (individual / non individual). The CDD sheet is an addendum to the account opening form and captures in further detail the profile of the customer, especially the expected transaction pattern of the account. The CDD sheet is prepared by the sales team based on their discussions and understanding of the customer, but is not required to be signed off by the customer.

CDD shall include the following measures –

- Before registering client, obtain Antecedent information. Verify independently information submitted by client but not limited to his identity, registered office address, correspondence address, contact details, occupation, Promoters/Directors, source of income, experience in securities market, PAN no, SEBI registration Number, (if any), MAPIN Number (if any) etc, by verification or original documents or such related processes. In case enhanced CDD is required, generally Retail client have a relationship at the local level with the branch, and in such cases we shall check the local references for client identity and other credit details including those mentioned above or we can refer any other reliable, independent source documents, data or information. This should be approved by Account Opening Team shall open the Client Account after verifying information collected, registration form along with other supporting documents. All new accounts shall be reviewed against negative lists issued by SEBI, Exchanges and other lists such as OFAC, UN sanctions lists, EU sanctions, French sanctions etc.
- In person verification is to be carried out as per the requirements of the regulators. Further check would be done for actual beneficial ownership and control of the particular account. We need to obtain the details with respect to Shareholders, promoters from the non individual clients and wherever possible it has to be verified independently. Also verify the sources of funds for funding the transaction. We shall also take care at the time of settlement regarding nature of transaction, movement/source of transaction, etc. Periodically to ask for clients financial details to determine the genuineness of transaction. Special care would be taken in case of non individual accounts such as corporate, partnership firms etc, where the ownership structure is opaque. In all such cases the accounts would be activated only post approval from the compliance department.
- For this purpose, “beneficial owner” is the natural person or persons who ultimately own, control or influence a client and/or persons on whose behalf a transaction is being conducted. It also incorporates those persons who exercise ultimate effective control over a legal person or arrangement.
- In case, under the extant regulations, a KYC carried out by a third party is allowed to be accepted as a valid KYC for onboarding a client the same shall be accepted provided due process in relation to the same under the regulations are followed.
- For onboarding of NRI / FII / FPI clients, in case there is any connection with any country which has been observed by the FATF to be non-compliant with its requirements or under sanctions/embargoes, the account shall be rejected. which shall mean the following –
 - Person has provided a residential / correspondence address of such country
 - Directions for the operating of the account are received from the said country
 - The POA holder of the account is connected in the above manner what that country
- **Ongoing due diligence and scrutiny** – We shall conduct periodic due diligence and scrutiny of client’s transaction and accounts to ensure that transactions are being conducted in knowledge, to find out the risk profile, source of funds, etc. At regular interval, ongoing due diligence and scrutiny needs to be conducted i.e. perform ongoing scrutiny of the transactions and account throughout the course of the business relationship to ensure that the transactions being conducted are consistent with the Organization’s knowledge of the client, its business and risk profile, taking into account, where necessary, the customer’s source of funds.
- For all clients applying for trading rights in the futures and options/currency/ commodity segments, further details as regards their proof of income and source of funds and shall periodically update all documents, data or information of all clients and beneficial owners collected under the CDD process.

Necessary checks shall be conducted before opening a new account so as to ensure that the identity of the customer does not match with any person with known criminal background or with banned entities such as individual terrorists or terrorist organizations etc. For conducting such reviews, while SK Comtrade shall check the lists provided by SEBI/Exchanges/internally maintained lists, it shall rely primarily on the United Nations list which is available at <http://www.un.org/sc/committees/1267/consolist.shtml>. The list of FAFT countries is also updated on an ongoing basis to ensure that clients covered under the high risk countries as per the FATF list are not allowed to open accounts through SK Comtrade. The compliance team shall be responsible to ensure that the said lists are updated on a daily basis through various sources.

Process wherein the name of the client (new or existing) matches with the negative list –

Type of client	What matches with negative list	What is to be done
New	PAN	Reject account
	Name	<ol style="list-style-type: none"> 1. Check the address or any other detail in the SEBI order/sanctions lists. 2. If anything is closely resembling the client in question – Escalate case to compliance officer before opening 3. Sales/Account Opening team to speak to the client over a recorded line. 4. Take a declaration from the client that he is not the same person. 5. If the client is not cooperating – Not to open the account. 6. If the client provides the documents, onboard the client.
Existing	PAN	Proceed for closure
	Name / Address / Other details	<ol style="list-style-type: none"> 1. Escalate to compliance officer 2. Review past transactions. 3. If the past transactions have shown any similarity to SEBI order/sanctions lists or any alert – Close the account 4. If not – ask the client to provide declaration he is not the same person. 5. If the client is not cooperating – Not to open the account 6. If the client provides the documents, onboard the client

SK Comtrade shall not open an account or shall close an existing account where SK Comtrade is unable to apply appropriate customer due diligence measures i.e. SK Comtrade is unable to verify the identity and / or obtain documents required as per the risk categorization due to non cooperation of the customer or non reliability of the data / information furnished to SK Comtrade. This shall apply in cases where it is not possible to ascertain the identity of the client, or the information provided is suspected to be non - genuine, or there is perceived non - co-operation of the client in providing full and complete information. It shall not continue to do business with such a person and file a suspicious activity report. It shall also evaluate whether there is suspicious trading in determining whether to freeze or close the account. Wherever possible, SK Comtrade shall take necessary measures to ensure that it withholds securities or money that may be from suspicious trades and shall consult the relevant authorities in determining next steps when suspicious and reportable transactions are observed.

- 4.4 SK Comtrade shall apply higher levels of due diligence when an account is operated by a mandate holder or where an account is opened by an intermediary in fiduciary capacity. KYC documents will be taken for both the mandate holder/intermediary in fiduciary capacity and the account holder.

5. Customer Identification Procedure

- 5.1 Customer identification procedure means verifying the identity of the customer by using reliable, independent source documents, data or information. SK Comtrade needs to obtain sufficient information necessary to establish, to its satisfaction, the identity of each new customer, whether regular or occasional, and the purpose of the intended nature of relationship. SK Comtrade must also be able to satisfy the regulators that due diligence was observed based on the risk profile of the customer in compliance with the extant guidelines in place.
- 5.2 SK Comtrade shall have in place a comprehensive Customer Identification Procedure which details the various documents that SK Comtrade can take as Identity, Address proof for various types of customers (refer Annexure 2). This Customer Identification Procedure document shall be updated with approvals from Compliance, and Business groups, with subsequent ratification by the Board of Directors.

However, merely obtaining identification documents for identity, address and signature proof from the customer does not mean that the KYC is complete. KYC means actually knowing the customer, nature of his business and the purposes for which SK Comtrade account will be used.

- 5.3 SK Comtrade may ask for periodical updation of customer identification and other data after the account is opened.

7. Monitoring of Transactions

- 7.1 Ongoing monitoring is an essential element of effective KYC procedures. SK Comtrade can effectively control and reduce their risk only if they have an understanding of the normal and reasonable activity of the customer so that they have the means of identifying transactions that fall outside the regular pattern of activity.

SK Comtrade shall have in place a comprehensive transaction monitoring process from a KYC/AML perspective. SK Comtrade shall put in place strong transaction alerts which will provide proactive signals on suspicious transactions and possible money laundering. An indicative list of such alerts is provided with this policy. (Annexure 3) SK Comtrade AML monitoring team shall endeavour to update the list based on current understanding of the market scenario and trading patterns followed by clients. In addition to the alerts from internal sources, the Surveillance team shall also monitor the alerts provided by the exchanges, if any.

On the basis of criticality of the breach, observation of account behaviour, repetitive breaches, the AML Monitoring Team shall send a query to the concerned Business. Responses would be expected within 7 working days. The background including all documents, office records and clarifications pertaining to such transactions and their purpose will be-examined carefully and findings will be recorded. If the alerts still persist or the AML Monitoring Team is not satisfied with the responses, then the AML query team shall send the query with its observations to the Principal Officer.

SK Comtrade shall put in place a system of periodical review of risk categorization of accounts. Such review of risk categorisation of customers shall be carried out at a periodicity of once in three years or such lower frequency as possible or desirable.

Risk Rating is done on a client level i.e. if across different business lines, client is found to be High Risk in any business line, client will be marked as High Risk for all his accounts with SK Comtrade. For eg. if he is found to be High Risk for trading account, he is marked as High Risk for DP account as well.

All employees of SK Comtrade shall monitor transactions related to their day-to-day functioning / job description on a continuous basis and shall report any Suspicious Transactions to Compliance or directly to the Principal Officer.

It is clarified that employees are obligated to be vigilant and report any such executed or attempted suspicious transaction to Compliance or directly to the Principal Officer as a Suspicious Transaction, even if not completed by Clients, irrespective of the amount of the transaction. In any case, all employees are required to exercise diligence and proactively alert concerns in compliance with the Group's Whistleblower Policy. In case of any account wherein alerts are observed on a regular basis, the risk categorization would be increased based on the consensus of the AML monitoring team and the compliance officer. Such a review would be done at least once every month.

Special attention is required for all complex, unusually large transactions / patterns which appear to have no economic purpose. The background including all documents, office records and clarifications pertaining to such transactions and their purpose will be-examined carefully and findings will be recorded. Such findings, records and related documents would be made available to auditors and also to SEBI /Stock Exchanges/ FIU-IND/Other relevant authorities, during audit, inspection or as and when required. These records to be preserved for such period of time as required under PMLA 2002 or any rules made thereafter.

It would be ensured that record of transaction is preserved and maintained in terms of section 12 of the PMLA 2002 and / or rules made thereunder and that transaction of suspicious nature or any other transaction notified under section 12 of the act is reported to the appropriate law authority.

Further the accounts or financial assets shall be frozen for any particular client in case so required by any regulatory authority upon receiving a notice for the same.

8. Risk Management

- 8.1 The overall responsibility/implementation and adherence of this KYC/AML policy shall lie with the Compliance & Surveillance Unit of SK Comtrade.
- 8.2 The Concurrent / Internal Auditors shall specifically check and verify the application of KYC/AML procedures and comment on the lapses observed in this regard. The reports and compliance in this regard shall also put up before the Audit & Compliance Committee of the Board atleast at quarterly intervals.

9. Combating Financing of Terrorism (CFT)

- 9.1 SK Comtrade shall have a heightened awareness in the system to check for transactions which give rise to a reasonable ground of suspicion that these may involve financing of the activities relating to terrorism.

10. Maintenance of records of transactions / Information to be preserved / Maintenance and preservation of records / Cash and Suspicious transactions reporting to Financial Intelligence Unit-India (FIU-IND)

- 10.1 Government of India, Ministry of Finance, Department of Revenue, vide its notification dated July 1, 2005 in the Gazette of India, has notified the Rules under the PMLA Act (refer Annexure 4). In terms of the Rules (refer Annexure 5), the provisions of PMLA Act, 2002 came into effect from July 1, 2005. Section 12 of the PMLA, 2002 casts certain obligations on financial institutions in regard to preservation and reporting of customer account information.

10.2 Maintenance of records of transactions

SK Comtrade shall have a system of maintaining proper record of all transactions including records of all transactions prescribed under Rule 3 of the Rules, as mentioned below:

- all cash transactions of the value of more than Rupees Ten Lakh or its equivalent in foreign currency;
- all series of cash transactions integrally connected to each other which have been valued below Rupees Ten Lakh or its equivalent in foreign currency where such series of transactions have taken place within a month and the aggregate value of such transactions exceeds Rupees Ten Lakh;
- all cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions
- all suspicious transactions whether or not made in cash and by way of as mentioned in the Rules
- all transactions involving receipts by non-profit organisations of value more than rupees ten lakh, or its equivalent in foreign currency;

10.3 Information to be preserved

SK Comtrade shall maintain the following information in respect of transactions referred to in Rule 3 of the Rules including all necessary information specified by the regulator to permit reconstruction of individual transactions in respect of transactions referred to in Rule 3 of the Rules:

- the nature of the transactions;
- the amount of the transaction and the currency in which it was denominated;
- the date on which the transaction was conducted; and
- the parties to the transaction.

10.4 Maintenance and Preservation of records

- 10.4.1 SK Comtrade shall maintain the records of all transactions including the records containing information in respect of transactions referred to in Rule 3 above. SK Comtrade shall take appropriate steps to 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. Further, SK Comtrade shall maintain for such number of years as would be required under the PMLA 2002 and rules made thereunder from the date of transaction between SK Comtrade and the client, all necessary records of transactions, both domestic or international, which will permit reconstruction of individual transactions (including the amounts and types of currency involved if any) so as to provide, if necessary, evidence for prosecution of persons involved in criminal activity.

- 10.4.2 SK Comtrade shall ensure that records pertaining to the identification of the customer and his address (e.g. copies of documents like passports, identity cards, driving licenses, PAN card, utility bills, e-KYC data shared by KUA, etc.) obtained while opening the account and during the course of business relationship, are properly preserved for such number of years as would be required under the PMLA 2002 and rules made thereunder after the business relationship is ended. The identification records and transaction data should be made available to the competent authorities upon request.

10.5 Reporting to Financial Intelligence Unit-India

- 10.5.1 In terms of the Rules, SK Comtrade shall report information relating to cash and suspicious transactions to the Director, Financial Intelligence Unit-India (FIU-IND) in respect of transactions referred to in Rule 3 at the following address:

Director, FIU-IND,
Financial Intelligence Unit-India, 6th Floor, Hotel Samrat, Chanakyapuri,
New Delhi-110021.
Website - <http://fiuindia.gov.in/>

10.5.2 Suspicious Transaction Reports (STR)

- The Suspicious Transaction Report (STR) shall be furnished within 7 days of arriving at a conclusion that any transaction, whether cash or non-cash, or a series of transactions integrally connected are of suspicious nature. The Non Profit Organization Transaction Reports (NTRs) for each month shall be submitted to FIU-IND on or before the 15th of the succeeding month. Confidentiality shall be maintained in filing of STR and NTR to FIU-IND. The Principal Officer shall record his reasons for treating any transaction or a series of transactions as suspicious. It shall be ensured that there is no undue delay in arriving at such a conclusion once a suspicious transaction report is received from a branch or any other office. Such report shall be made available to the competent authorities on request.
- While determining suspicious transactions, SK Comtrade shall be guided by definition of suspicious transaction contained in the Rules as amended from time to time.
- An indicative list of suspicious activities contained is provided along with this policy.

While ensuring that there is no tipping off to the customer at any level, SK Comtrade may put restrictions on operations in the accounts where an STR has been made. This prohibition on tipping off extends not only to the filing of the STR and/ or related information but even before, during and after the submission of an STR. It shall ensure that there is no information to the client at any level, of the report or about our suspicion. Irrespective of the amount of transaction and/ or the threshold limit envisaged for predicate offences specified in part B of Schedule of PMLA, 2002, it shall file STR if have reasonable grounds to believe that the transactions involve proceeds of crime.

It shall be ensured that there is continuity in dealing with the client as normal until instructed otherwise by any regulatory authority. In exceptional circumstances, consent may not be given to continue to operate the account, and transactions may be suspended for reasons recorded in writing.

In some cases transactions may be abandoned or aborted by clients on being asked to give some additional details or to provide documents. In such cases, SK Comtrade shall report all such attempted transactions in STRs, even if not completed by clients, irrespective of the amount of the transaction.

SK Comtrade shall maintain updated designated lists / negative lists for screening purposes in electronic form and run a check on the given parameters on a regular basis to verify whether individuals or entities listed therein are holding any funds, financial assets or economic resources or related services held in the form of securities with them. In the event, particulars of any of customer/s match the particulars of designated individuals/entities, subject to UN Sanctions, SK Comtrade from the time of finding out such customer, shall immediately and not later than 24 hours after such detection, inform full particulars of the funds, financial assets or economic resources or related services held in the form of securities, held by such customer on their books to the Joint Secretary (CTCR), Ministry of Home Affairs. SK Comtrade shall also file a Suspicious Transaction Report (STR) with FIU-IND covering all transactions in the accounts covered and carried through or attempted, as per the prescribed format. The particulars apart from being sent by post will be conveyed through e-mail at jsctcr-mha@gov.in and to sebi_uapa@sebi.gov.in. In case the aforementioned details of any of the customers match the particulars of designated individuals/entities beyond doubt, SK Comtrade would prevent designated persons from conducting any financial transactions.

11. Principal Officer

- 11.1 Presently the compliance officer shall be appointed as the principal officer of the Company. The Principal Officer shall be facilitated to discharge duties with independence and appropriate level of authority. The decision of the Principal Officer to report a transaction to FIU-India shall be final and binding.

12. Designated Director

- 12.1 The whole time director in charge of Operations shall be appointed as the designated officer of the Company and details thereof be intimated to FIU consequent to SEBI Circular CIR/MIRSD/112014 dated March 12, 2014.

13. Customer Education / Employee's Training / Employee's Hiring**13.1 Customer Education**

Implementation of KYC procedures requires SK Comtrade to demand certain information from customer which may be of personal nature or which has hitherto never been called for. This sometimes leads to a lot of questioning by the customer as to the motive and purpose of collecting such information. The Relationship Managers of SK Comtrade shall be trained to explain to the customers the regulatory requirements and benefits of adhering to the KYC guidelines and seek co-operation of the customer.

13.2 Employees' Training

SK Comtrade shall have an ongoing employee training programme so that the members of the staff are adequately trained in KYC/AML procedures and fully understand the rationale behind the KYC/AML policies and implement them consistently.

13.3 Hiring of Employees

KYC norms / AML standards / CFT measures have been prescribed to ensure that criminals are not allowed to misuse SK Comtrade infrastructure. It should therefore, be necessary that adequate screening mechanism is put in place by SK Comtrade as an integral part of their recruitment / hiring process of personnel.

The Human Resources department of SK Comtrade confirms the previous employment details given by the employee with prior employer. Further, SK Comtrade account of the employee is compulsorily required to be opened with SK Comtrade, which is subject to the KYC requirements of SK Comtrade.

Record generation, maintenance and retention –

For the purpose of the record keeping provision, we should ensure compliance with the record keeping requirements contained in the SEBI Act, 1992, Rules and Regulations made there-under, PML Act, 2002 as well as other relevant legislation, Rules, Regulations, Exchange Bye-laws and Circulars.

Records to be maintained as are sufficient to permit reconstruction of individual transactions (including the amounts and types of currencies involved, if any) so as to provide, if necessary, evidence for prosecution of criminal behaviour.

Should there be any suspected drug related or other laundered money or terrorist property, the competent investigating authorities would need to trace through the audit trail for reconstructing a financial profile of the suspect account. To enable this reconstruction, Organisation should retain the following information for the accounts of their customers in order to maintain a satisfactory audit trail:

- the beneficial owner of the account;
- the volume of the funds flowing through the account; and
- for selected transactions:
 - the origin of the funds;
 - the form in which the funds were offered or withdrawn, e.g. cash, cheques, etc.;
 - the identity of the person undertaking the transaction;
 - the destination of the funds;
 - the form of instruction and authority.

Organization should ensure that all client and transaction records and information are made available on a timely basis to the competent investigating authorities.

Retention of Records:

The following document retention terms should be observed:

- All necessary records on transactions, both domestic and international, should be maintained at least for such number of years as would be required under the PMLA 2002 and rules made thereunder from the date of cessation of the transaction.
- Records on customer identification (e.g. copies or records of official identification documents like PAN card, passports, identity cards, driving licenses or Voter Identity Card or similar documents), account files and business correspondence should also be kept for such number of years as would be required under the PMLA 20002 and rules made thereunder from the date of cessation of the transaction.
- Records of the all trading details of the client needs to be stored for such number of years as would be required under the PMLA 20002 and rules made thereunder
- Records shall be maintained in hard & soft copies.

In situations where the records relate to on-going investigations or transactions, which have been the subject of a suspicious transaction reporting, they should be retained until it is confirmed that the case has been closed.

Review of Policy:

This policy will be reviewed at least once in two years by the Principal Officer and Designated Director for FIU (PMLA) or at such lesser frequency as may be required due to changes in regulatory framework. Views of concerned Business Heads and chief of Internal Audit, if any, may be taken into account where the management finds it necessary to do so. Revised versions of the policy shall be reviewed, approved and adopted by the Board of Directors of SK Comtrade.

This policy has been reviewed and updated to incorporate all regulatory requirements until and including those in SEBI master circular number SEBI/HO/ MIRSD/ DOP/ CIR/ P/ 2019/113 dated October 15, 2019.

ANNEXURE 1**Risk Categorisation****RISK CATEGORISATION FOR ACCOUNTS IN THE NAME OF INDIVIDUALS**

Type	Recommended Risk Categorisation	Risk Perception
Salaried	Low risk	Source on income is fixed and pattern of entries in the account can be correlated with known sources of income/ expenditure.
Senior citizens	Medium / High Risk	Source of income for trading related purposes not known clearly. May be operated by third parties. Will be considered high risk in case operating in Commodity derivatives
House-wife	Medium / High Risk	Source of income for trading related purposes not known clearly. May be operated by third parties. Will be considered high risk in case operating in F&O
Self Employed – Professionals / Businessmen	Low risk (except professionals associated with the film industry who will be categorized as “Medium” risk).	Accounts maintained by Chartered Accountants, Architects, Doctors, Lawyers, Sportsmen, etc.
Non-Resident Individuals	High risk	Non resident clients are categorized as ‘Clients of Special Category (CSC)’ as per SEBI. CSCs are to be classified as high as they require high degree of due diligence.
Politically Exposed Persons resident outside India	High Risk	<p>Politically exposed persons are individuals who are or have been entrusted with prominent public functions in a foreign country, e.g. Heads of States or of Governments, senior politicians, senior government/judicial/military officers, senior executives of state-owned corporations, important political party officials, etc.</p> <p>Branches should gather sufficient information on any person/customer of this category intending to establish a relationship and check all the information available on the person in the public domain. Front end staff should verify the identity of the person and seek information about the sources of funds before accepting the PEP as a customer. Such accounts should be subjected to enhanced monitoring on an ongoing basis. The above norms should also be applied to the accounts of the family members and close relatives of PEPs. Further SK Comtrade may maintain a list of additional accounts as “Designated PEP” The accounts of Politically Exposed Persons shall be opened only after obtaining the approval of the senior management. Further, in the event of an existing customer or the beneficial owner of an account subsequently becoming PEP, senior management approval would be required to continue the business relationship and such accounts would be subjected to Customer Due Diligence measures as applicable to the customers of PEP category including enhanced monitoring on an ongoing basis.</p> <p>In such events SK Comtrade shall be guided by the information provided by the clients or front end teams. Networth as well income range shall both be mandatory in case of PEP accounts.</p>

NOTE: If any of the above accounts are operated by Power of Attorney (POA) holder/mandate holder, then the account will be categorized as “High Risk”.

RISK CATEGORISATION FOR ACCOUNTS IN THE NAME OF NON-INDIVIDUALS

Risk categorization of Non Individual customers can be done basis:

A. Type of Entity B. Industry; C. Country of Domicile

A. Type of Entity

Type	Recommended Risk Categorisation	Risk Perception
Private Ltd. / Public Ltd. Companies	Low / Medium / High risk	Depending on the clarity of the shareholding structure and the nature of operations, such companies would be classified. Such classifications shall be decided post the review of the compliance officer
Local Authorities or Public Bodies	Low Risk	They are constituted under Special Acts. Operations are governed by such Acts / Rules
Public Sector Undertakings, Government Departments/ Undertakings, Statutory Corporations	Low Risk	These types of entities are governed by specific Acts, Notifications etc framed by the Government of India or the State Govt and are controlled and run by the Govt.
Mutual Funds/Scheduled Commercial Banks/Insurance Companies/Financial Institutions	Low Risk	These entities are strictly regulated by their respective regulators.
Partnership Firm	Low / Medium / High risk	Depending on the clarity of the shareholding structure and the nature of operations, such entities would be classified. Such classifications shall be decided post the review of the compliance officer
Trusts – Public Charitable Trust	Medium / High Risk	Depending on the clarity of the beneficial ownership and the nature of operations, such entities would be classified. Such classifications shall be decided post the review of the compliance officer
Hindu Undivided Family (HUF)	Medium Risk	These are unregistered bodies and the pattern of entries in the account may not be correlated with known sources of income/expenditure.
Societies / Associations / Clubs	High Risk (except 'Housing Societies' which will be categorized as "Low" risk).	These are not highly regulated entities and the pattern of entries in the account may not be correlated with known sources of income/ expenditure.
Trusts – Private Trust	High Risk	These may be unregistered trusts and the pattern of entries in the account may not be correlated with known sources of income/expenditure.
Co-operative Banks	High Risk	These are not highly regulated entities.
NGO, Organisations receiving donations	High Risk	These are not highly regulated entities and may receive cash donations.

B & C. Basis Industry and Country of Domicile

Risk Category	Industry	Country of Domicile
High	<p>The Risk categorisation is dependent on industries which are inherently High Risk or may exhibit high cash intensity, as below:</p> <p>Arms Dealer Money Changer Exchange Houses Gems / Jewellery / Precious metals / Bullion dealers (including sub-dealers) Real Estate Agents Construction Offshore Corporation Art/antique dealers Restaurant/Bar/casino/night club Import/Export agents (traders; goods not used for own manufacturing/retailing) Share & Stock broker Finance Companies (NBFC) Transport Operators Auto dealers (used/ reconditioned vehicles/motorcycles) Scrap metal dealers Liquor distributorship Commodities middlemen Co-operative Banks Car/Boat/Plane dealerships/brokers Multi Level Marketing (MLM) Firms</p>	
Medium	None	NA
Low	All other industries	NA

Notes:

- Higher Risk Categorization derived from either A or B or C shall be the applicable risk categorization for the account.
- Lowering of risk classification shall be carried out by the Compliance officer in consultation with the CFO. This shall be done only where adequate justifications can be provided and the same are mentioned along with the account opening form.
- Such justifications shall be reviewed 3 months from the date of account opening / first transaction in order to ensure that the classification is proper.
- Based on the above categorization the transaction review process will take place.
- Additionally, in case an account is opened wherein a POA to operate the account is provided to another person. Such accounts shall be placed under the High Risk category.

ANNEXURE 2**CUSTOMER IDENTIFICATION PROCEDURE FOR ACCOUNT OPENING**

Customer identification means identifying the customer and verifying his/ her identity by using reliable, independent source documents, data or information. Based on risk perception, type / entity of customer, segment of customer following features shall be verified with supporting documents obtained from the customers –

INSTRUCTIONS/CHECK LIST FOR FILLING KYC FORM**A. IMPORTANT POINTS:**

- Self attested copy of PAN card is mandatory for all clients, including Promoters/Partners/Karta/Trustees and whole time directors and persons authorized to deal in securities on behalf of company/firm/others.
- Copies of all the documents submitted by the applicant should be self-attested and accompanied by originals for verification. In case the original of any document is not produced for verification, then the copies should be properly attested by entities authorized for attesting the documents, as per the below mentioned list.
- If any proof of identity or address is in a foreign language, then translation into English is required.
- Name & address of the applicant mentioned on the KYC form, should match with the documentary proof submitted.
- If correspondence & permanent address are different, then proofs for both have to be submitted.
- Sole proprietor must make the application in his individual name & capacity.
- For non-residents and foreign nationals, (allowed to trade subject to RBI and FEMA guidelines), copy of passport/PIO Card/OCI Card and overseas address proof is mandatory.
- For foreign entities, CIN is optional; and in the absence of DIN no. for the directors, their passport copy should be given.
- In case of Merchant Navy NRI's, Mariner's declaration or certified copy of CDC (Continuous Discharge Certificate) is to be submitted.
- For opening an account with Depository participant or Mutual Fund, for a minor, photocopy of the School Leaving Certificate/Mark sheet issued by Higher Secondary Board/Passport of Minor/Birth Certificate must be provided.
- Politically Exposed Persons (PEP) are defined as individuals who are or have been entrusted with prominent public functions in a foreign country, e.g., Heads of States or of Governments, senior politicians, senior Government/judicial/ military officers, senior executives of state owned corporations, important political party officials, etc.

B. Proof of Identity (POI): List of documents admissible as Proof of Identity:

- Unique Identification Number (UID) (Aadhaar)/ Passport/ Voter ID card/ Driving license.
- PAN card with photograph.
- Identity card/ document with applicant's Photo, issued by any of the following: Central/State Government and its Departments, Statutory/Regulatory Authorities, Public Sector Undertakings, Scheduled Commercial Banks, Public Financial Institutions, Colleges affiliated to Universities, Professional Bodies such as ICAI, ICWAI, ICSI, Bar Council etc., to their Members; and Credit cards/Debit cards issued by Banks.

C. Proof of Address (POA): List of documents admissible as Proof of Address:

(*Documents having an expiry date should be valid on the date of submission.)

- Passport/ Voters Identity Card/ Ration Card/ Registered Lease or Sale Agreement of Residence/ Driving License/ Flat Maintenance bill/ Insurance Copy.
- Utility bills like Telephone Bill (only land line), Electricity bill or Gas bill - Not more than 3 months old.
- Bank Account Statement/Passbook -- Not more than 3 months old.
- Self-declaration by High Court and Supreme Court judges, giving the new address in respect of their own accounts.
- Proof of address issued by any of the following: Bank Managers of Scheduled Commercial Banks/Scheduled Co-Operative Bank/Multinational Foreign Banks/Gazetted Officer/Notary public/Elected representatives to the Legislative Assembly/Parliament/Documents issued by any Govt. or Statutory Authority.
- Identity card/document with address, issued by any of the following: Central/State Government and its Departments, Statutory/Regulatory Authorities, Public Sector Undertakings, Scheduled Commercial Banks, Public Financial Institutions, Colleges affiliated to Universities and Professional Bodies such as ICAI, ICWAI, ICSI, Bar Council etc., to their Members.
- For FPI/FII/sub account, Power of Attorney given by FPI/FII/sub-account to the Custodians (which are duly notarized and/or apostiled or consularised) that gives the registered address should be taken.
- The proof of address in the name of the spouse may be accepted.

D. Exemptions/clarifications to PAN

(*Sufficient documentary evidence in support of such claims is to be collected.)

- In case of transactions undertaken on behalf of Central Government and/or State Government and by officials appointed by Courts e.g. Official liquidator, Court receiver etc.
- Investors residing in the state of Sikkim.
- UN entities/multilateral agencies exempt from paying taxes/filing tax returns in India.
- SIP of Mutual Funds upto Rs 50, 000/- p.a.
- In case of institutional clients, namely, FIs, MFs, VCFs, FVCIs, Scheduled Commercial Banks, Multilateral and Bilateral Development Financial Institutions, State Industrial Development Corporations, Insurance Companies registered with IRDA and Public Financial Institution as defined under section 2(72) of the Companies Act, 2013, Custodians shall verify the PAN card details with the original PAN card and provide duly certified copies of such verified PAN details to the intermediary.

E. List of people authorized to attest the documents:

- Notary Public, Gazetted Officer, Manager of a Scheduled Commercial/ Co-operative Bank or Multinational Foreign Banks (Name, Designation & Seal should be affixed on the copy).
- In case of NRIs, authorized officials of overseas branches of Scheduled Commercial Banks registered in India, Notary Public, Court Magistrate, Judge, Indian Embassy /Consulate General in the country where the client resides are permitted to attest the documents.

F. In case of Non-Individuals, additional documents to be obtained from non-individuals, over & above the POI & POA, as mentioned below:

Types of entity	Documentary requirements
Corporate	<ul style="list-style-type: none"> ● Copy of the balance sheets for the last 2 financial years (to be submitted every year). ● Copy of latest share holding pattern including list of all those holding control, either directly or indirectly, in the company in terms of SEBI takeover Regulations, duly certified by the company secretary/Whole time director/MD (to be submitted every year). ● Photograph, POI, POA, PAN and DIN numbers of whole time directors/two directors in charge of day to day operations. ● Photograph, POI, POA, PAN of individual promoters holding control - either directly or indirectly. ● Copies of the Memorandum and Articles of Association and certificate of incorporation. ● Copy of the Board Resolution for investment in securities market. ● Authorised signatories list with specimen signatures.
Partnership firm	<ul style="list-style-type: none"> ● Copy of the balance sheets for the last 2 financial years (to be submitted every year). ● Certificate of registration (for registered partnership firms only). ● Copy of partnership deed. ● Authorised signatories list with specimen signatures. ● Photograph, POI, POA, PAN of Partners.
Trust	<ul style="list-style-type: none"> ● Copy of the balance sheets for the last 2 financial years (to be submitted every year). ● Certificate of registration (for registered trust only). ● Copy of Trust deed. ● List of trustees certified by managing trustees/CA. ● Photograph, POI, POA, PAN of Trustees.
HUF	<ul style="list-style-type: none"> ● PAN of HUF. ● Deed of declaration of HUF/ List of coparceners. ● Bank pass-book/bank statement in the name of HUF. ● Photograph, POI, POA, PAN of Karta.
Unincorporated association or a body of individuals	<ul style="list-style-type: none"> ● Proof of Existence/Constitution document. ● Resolution of the managing body & Power of Attorney granted to transact business on its behalf. ● Authorized signatories list with specimen signatures.

Banks/Institutional Investors	<ul style="list-style-type: none"> ● Copy of the constitution/registration or annual report/balance sheet for the last 2 financial years. ● Authorized signatories list with specimen signatures.
Foreign Institutional Investors (FII)/ Foreign Portfolio Investors (FPI)	<ul style="list-style-type: none"> ● Copy of SEBI registration certificate. ● Authorized signatories list with specimen signatures.
Army/ Government Bodies	<ul style="list-style-type: none"> ● Self-certification on letterhead. ● Authorized signatories list with specimen signatures.
Registered Society	<ul style="list-style-type: none"> ● Copy of Registration Certificate under Societies Registration Act. ● List of Managing Committee members. ● Committee resolution for persons authorised to act as authorised signatories with specimen signatures. ● True copy of Society Rules and Bye Laws certified by the Chairman/Secretary.

G. Additional documents to be taken in case clients want to open accounts in F&O / Currency segments –

Obtaining financial information from client trading in derivatives segment:

- SK Comtrade shall review and update periodically client information in the Client Registration Form and are also advised to ensure that client registration details including financial details of the clients are obtained and updated at regular intervals.
- The member shall collect documentary evidence of financial details provided by the clients who opt to deal in the derivative segment at the time of registration and at the time of annual update.

An illustrative list of documents which the members may collect from its clients (towards documentary evidence of financial details) is as below:

- Copy of ITR Acknowledgement
- Copy of Annual Accounts
- Copy of Form 16 in case of salary income
- Net worth certificate
- Salary Slip
- Bank account statement for last 6 months
- Copy of demat account Holding statement.
- Any other relevant documents substantiating ownership of assets.
- Self declaration along with relevant supporting.

ANNEXURE 3

AN INDICATIVE LIST OF SUSPICIOUS ACTIVITIES

Whether a particular transaction is suspicious or not will depend upon the background details of the client, details of the transactions and other facts and circumstances. Followings are the circumstance, which may be in the nature of suspicious transactions:

- Clients whose identity verification seems difficult or clients appears not to co-operate;
- Asset management services for clients where the source of the funds is not clear or not in keeping with clients apparent standing /business activity;
- Clients in high-risk jurisdictions or clients introduced by banks or affiliates or other clients based in high risk jurisdictions;
- Substantial increases in business volume without apparent cause;
- Unusually large cash deposits made by an individual or business;
- Clients transferring large sums of money to or from overseas locations with instructions for payment in cash;
- Transfer of investment proceeds to apparently unrelated third parties;
- Off market transactions in the DP account of the clients;
- High trading activity in the relatively illiquid scrips;
- Major trading activity in the Z and TtoT category scrips;
- Options trading / trading in illiquid scrips / contracts wherein client has booked unusual profit or loss which does not commensurate with the changes in the prices of underlying security in the cash segment.
- High exposures taken by client as compared to income levels informed by clients.
- Unusual transactions by "High risk status" and businesses undertaken by shell corporations offshore banks /financial services, businesses reported to be in the nature of export-import of small items.

Guidelines to be followed to monitor surveillance related alerts provided by the Exchanges (NSE/BSE/MCX / such related Exchanges) from time to time.

In this regard process to be followed is provided below:

- All exchange alerts shall be reviewed by the surveillance team.
- In case of any suspicious activity observed:
 - Client would be required to provide explanation
 - We may ask clients to provide KYC related information
 - Further documentary evidence such as bank and depository account statements may be called for
 - Post analyzing the documentation the results for the same would be recorded and in case of adverse remarks the same would be informed to the exchanges within 45 days from the alert date, unless suitable extension is taken from the exchange.
- Quarterly MIS of the number of alerts received, reviewed, pending and escalated would be reported to the Board in the Board Meeting. Reason for pendency beyond the closure date would be explained.
- The Internal Audit team would be responsible for independent oversight of the compliance with these requirements.

ANNEXURE 4

THE PREVENTION OF MONEY-LAUNDERING ACT, 2002 (PMLA, 2002)

**ANNEXURE 5**

Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of the Banking Companies, Financial Institutions and Intermediaries) Rules, 2005

(Amended as of June 2010)

GSR.444(E)- In exercise of the powers conferred by sub-section (1) read with clause (h), clause (i), clause (j) and clause (k) of sub-section (2) of section 73 of the Prevention of Money-laundering Act, 2002 (15 of 2003), the Central Government in consultation with the Reserve Bank of India, hereby makes the following rules for maintenance of records of the nature and value of transactions, the procedure and manner of maintaining and time for furnishing of information and verification of records of the identity of the clients of Banking companies, financial institutions and intermediaries, namely:

1. Short title and commencement

1. These rules may be called the Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Rules, 2005.
2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

1. In these rules, unless the context otherwise requires, -
 - a. "Act" means the Prevention of Money-laundering Act, 2002 (15 of 2003);
 - b. "client" means a person that engages in a financial transaction or activity with a banking company, or financial institution or intermediary and includes a person on whose behalf the person that engages in the transaction or activity, is acting;
 - c. "Director" means the Director appointed under sub-section (1) of section 49 of the Act for the purposes of sections 12 and 13 of the Act;
 - ⁶[ca] "non-profit organization" means any entity or organization that is registered as a trust or a society under the Societies Registration Act, 1860 (21 of 1860) or any similar State legislation or a company registered under section 25 of the Companies Act, 1956 (1 of 1956);
 - d. "officially valid document" means the passport, the driving license, the Permanent Account Number (PAN) Card, the Voter's Identity Card issued by the Election Commission of India or any other document as may be required by Banking company, or financial institution or intermediary;
 - e. "prescribed value" means the value of transaction prescribed under these rules;
 - f. "Principal Officer" means an officer designated by a banking company, financial institution and intermediary, as the case may be;
 - ⁷[fa. "Regulator" means a person or an authority or a Government which is vested with the power to license, authorize, register, regulate or supervise the activity of banking companies, financial institutions or intermediaries, as the case may be;]
 - ⁸[g. "Suspicious transaction" means a transaction referred to in clause (h), 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
 - ¹[c. appears to have no economic rationale or bonafide purpose; or
 - d. gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism;"]²⁷[**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 act or by a terrorist, terrorist organization or those who finance or are attempting to financing of terrorism;"]
 - h. "transaction" includes 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.
2. All other words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Maintenance of records of transactions (nature and value)

1. Every banking company or financial institution or intermediary, as the case may be, ²⁰[shall maintain the record of all transaction including the record of], -
 - A. all cash transactions of the value of more than rupees ten lakhs or its equivalent in foreign currency;
 - B. 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;
 - ³[BA all transactions involving receipts by non-profit organisations of value more than rupees ten lakh, or its equivalent in foreign currency;"]
 - ²[C.all cash transactions were forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions;
 - D. all suspicious transactions whether or not made in cash and by way of :
 - i. deposits and credits, withdrawals into or from any accounts in whatsoever name they are referred to in any currency maintained by way of :
 - a. cheques including third party cheques, pay orders, demand drafts, cashiers cheques or any other instrument of payment of money including electronic receipts or credits and electronic payments or debits, or
 - b. travelers cheques, or
 - c. transfer from one account within the same banking company, financial institution and intermediary, as the case may be, including from or to Nostro and Vostro accounts, or
 - d. any other mode in whatsoever name it is referred to;

- ii. credits or debits into or from any non-monetary accounts such as d-mat account, security account in any currency maintained by Banking company, financial institution and intermediary, as the case may be;
- iii. money transfer or remittances in favour of own clients or non-clients from India or abroad and to third party beneficiaries in India or abroad including transactions on its own account in any currency by any of the following :
 - a. payment orders, or
 - b. cashiers cheques, or
 - c. demand drafts, or
 - d. telegraphic or wire transfers or electronic remittances or transfers, or
 - e. internet transfers, or
 - f. Automated Clearing House remittances, or
 - g. lock box driven transfers or remittances, or
 - h. remittances for credit or loading to electronic cards, or
 - i. any other mode of money transfer by whatsoever name it is called;
- iv. loans and advances including credit or loan substitutes, investments and contingent liability by way of :
 - a. subscription to debt instruments such as commercial paper, certificate of deposits, preferential shares, debentures, securitized participation, inter-bank participation or any other investments in securities or the like in whatever form and name it is referred to, or
 - b. purchase and negotiation of bills, cheques and other instruments, or
 - c. foreign exchange contracts, currency, interest rate and commodity and any other derivative instrument in whatsoever name it is called, or
 - d. letters of credit, standby letters of credit, guarantees, comfort letters, solvency certificates and any other instrument for settlement and / or credit support;
- v. collection services in any currency by way of collection of bills, cheques, instruments or any other mode of collection in whatsoever name it is referred to

4. Records containing Information

The records referred to in rule 3 ²¹[shall contain all necessary information specified by the Regulator to permit reconstruction of individual transaction including] the following information :

- a. the nature of the transactions;
- b. the amount of the transaction and the currency in which it was denominated;
- c. the date on which the transaction was conducted; and
- d. the parties to the transaction.

5. Procedure and manner of maintaining information

- a. Every banking company, financial institution and intermediary, as the case may be, shall maintain information in respect of transactions with its client referred to in rule 3 ²²[*] in accordance with the procedure and manner as may be specified by ¹⁰[its Regulator], as the case may be, from time to time.
- b. Every banking company, financial institution and intermediary, shall evolve an internal mechanism for maintaining such information in such form and at such intervals as may be specified by ¹⁰[its Regulator], as the case may be, from time to time.
- c. It shall be the duty of every banking company, financial institution and intermediary, as the case may be, to observe the procedure and the manner of maintaining information as specified by ¹⁰[its Regulator], as the case may be, under sub-rule (1).

¹¹[6. Retention of Records of Transactions

The records referred to in rule 3 shall be maintained for a period of five years from the date of transactions between the client and Banking company, financial institution or intermediary, as the case may be.

7. Procedure and manner of furnishing information

- 1. Every banking company, financial institution and intermediary, as the case may be, shall communicate the name, designation and address of the Principal Officer to the Director.
- 2. The Principal Officer shall furnish the information ²³ [referred to in clauses (A), (B), (BA), (C) and (D) of sub-rule (1) of rule 3] to the Director on the basis of information available with Banking company, financial institution and intermediary, as the case may be. A copy of such information shall be retained by the Principal Officer for the purposes of official record.
- 3. Every banking company, financial institution and intermediary may evolve an internal mechanism for furnishing information ²⁴[referred to in clauses (A), (B), (BA), (C) and (D) of sub-rule (1) of rule 3] in such form and at such intervals as may be directed by ¹²[its Regulator].
- 4. It shall be the duty of every banking company, financial institution and intermediary to observe the procedure and the manner of furnishing information ²⁵[*] as specified by ¹²[its Regulator] under sub-rule (3).

³[8. Furnishing of information to the Director

- 1. The Principal Officer of a banking company, a financial institution and an intermediary, as the case may be, shall furnish the information in respect of transactions referred to in ¹³[clauses (A), (B) and (BA)] of sub-rule (1) of rule 3 every month to the Director by the 15th day of the succeeding month.
- 2. The Principal Officer of a banking company, a financial institution and an intermediary, as the case may be, shall furnish the information promptly in writing or by fax or by electronic mail to the Director in respect of transactions referred to in clause (C) of sub-rule (1) of rule 3 not later than seven working days from the date of occurrence of such transaction
- 3. The Principal Officer of a banking company, a financial institution and an intermediary, as the case may be, shall furnish the information promptly in writing or by fax or by electronic mail to the Director in respect of transactions referred to in clause (D) of sub-rule (1) of rule 3 not later than seven working days on being satisfied that the transaction is suspicious:"]

¹⁴[Provided that a banking company, financial institution or intermediary, as the case may be, and its employees shall keep the fact of furnishing information in respect of transactions referred to in clause (D) of sub-rule (1) of rule 3 strictly confidential.]

9. Verification of the records of the identity of clients

- ¹⁵[1. Every banking company, financial institution and intermediary, as the case may be, shall,
 - a. at the time of commencement of an account-based relationship, identify its clients, verify their identity and obtain information on the purpose and intended nature of the business relationship, and

- b. in all other cases, verify identity while carrying out :
 - i. 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
 - ii. any international money transfer operations]

²⁸[1A. Every banking company, financial institution and Intermediary, as the case may be, shall determine whether a client is acting on behalf of a beneficial owner, identify the beneficial owner and take all reasonable steps to verify his identity]

²⁸[Explanation - For the purposes of this sub-rule "beneficial owner" shall mean the natural person who ultimately owns or controls a client and or the person on whose behalf a transaction is being conducted and includes a person who exercise ultimate effective control over a juridical person.]

²⁹[1B. Every banking company, financial institution and Intermediary, as the case may be, shall 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.]

³⁰[1C. No banking company, financial institution and Intermediary, as the case may be, shall allow the opening of or keep any anonymous account or account in fictitious names or account on behalf of other persons whose identity has not been disclosed or cannot be verified]

³¹[1D. When there are suspicions of money laundering or financing of the activities relating to terrorism or where there are doubts about the adequacy or veracity of previously obtained customer identification data, every banking company, financial institution and Intermediary shall review the due diligence measures including verifying again the identity of the client and obtaining information on the purpose and intended nature of the business relationship, as the case may be]

¹⁵[2. Where the client is an individual, he shall for the purpose of sub-rule (1), submit to Banking company, financial institution and intermediary, as the case may be, one certified copy of an 'officially valid document' containing details of his identity and address, one recent photograph and such other documents including in respect of the nature of business and financial status of the client as may be required by Banking company or the financial institution or the intermediary, as the case may be :

Provided that photograph need not be submitted by a client falling under clause (b) of sub-rule (1).]

3. Where the client is a company, it shall for the purposes of sub-rule (1) submit to Banking company or financial institution or intermediary, as the case may be, ⁴[one certified copy] of the following documents :

- i. Certificate of incorporation;
- ii. Memorandum and Articles of Association;
- iii. a resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf; and
- iv. an officially valid document in respect of managers, officers or employees holding an attorney to transact on its behalf.

4. Where the client is a partnership firm, it shall for the purposes of sub-rule (1) submit to Banking company, or the financial institution, or the intermediary ⁴[one certified copy] of the following documents :

- i. registration certificate;
- ii. partnership deed; and
- iii. an officially valid document in respect of the person holding an attorney to transact on its behalf

5. Where the client is a trust, it shall, for the purposes of sub-rule (1) submit to Banking company, or the financial institution, or the intermediary ⁴[one certified copy] of the following documents :

- i. registration certificate;
- ii. trust deed; and
- iii. an officially valid document in respect of the person holding an attorney to transact on its behalf.

6. Where the client is an unincorporated association or a body of individuals, it shall submit to Banking company, or the financial institution or the intermediary ⁵[one certified copy] of the following documents :

- i. resolution of the managing body of such association or body of individuals
- ii. power of attorney granted to him to transact on its behalf;
- iii. an officially valid document in respect of the person holding an attorney to transact on its behalf; and
- iv. such information as may be required by Banking company or the financial institution or the intermediary to collectively establish the legal existence of such an association or body of individuals.

¹⁷[6A . Where the client is a juridical person, Banking company, financial institution and intermediary, as the case may be, shall verify that any person purporting to act on behalf of such client is so authorised and verify the identity of that person.]

¹⁸[7. i. The regulator shall issue guidelines incorporating the requirements of sub- rules (1) to (6A) above and may prescribe enhanced measures to verify the client's identity taking into consideration type of client, business relationship or nature and value of transactions.
ii. Every banking company, financial institution and intermediary, as the case may be, shall formulate and implement a Client Identification Programme to determine the true identity of its clients, incorporating requirements of sub-rules (1) to (6A) and guidelines issued under clause (i) above.]

10. Maintenance of the records of the identity of clients

1. Every banking company or financial institution or intermediary, as the case may be, shall maintain the records of the identity of its clients.
2. The records of the identity of clients shall be maintained in hard and soft copies in a manner as may be specified by ¹⁹[its Regulator] from time to time.
3. The records of the identity of clients shall be maintained for a period as prescribed under the PMLA 2002 from the date of cessation of the transactions between the client and Banking company or financial institution or intermediary, as the case may be.

³²[**Explanation:** For the purpose of this rule :

- i. the expression 'records of the identity of clients' shall include records of the identification data, account files and business correspondence.
- ii. the expression 'cessation of the transactions' means termination of an account or business relationship.]

II. Interpretation

If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision of the Central Government shall be final.

1. Substituted by Rule 2(i) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009. Prior to substitution it read as (g) (c) appears to have no economic rationale or bonafide purpose;
2. Substituted by Rule 2(ii) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2007 for (C)

"all cash transactions were forged or counterfeit currency notes or bank notes have been used as genuine and where any forgery of a valuable security has taken place;"
3. Substituted by Rule 2(iii) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2007 for 8

"Furnishing of information to the Director.

The Principal Officer of a banking company, the financial institution and intermediary, as the case may be, shall furnish the information in respect of transactions referred to in rule 3 every month to the Director by the 7th day of the succeeding month other than transactions referred to in clauses (C) and (D) of sub-rule (1) of rule 3 :

Provided that information in respect of transactions referred to in clauses (C) and (D) of sub-rule (1) of rule 3 shall be promptly furnished in writing or by way of fax or electronic mail to the Director not later than three working days from the date of occurrence of such transactions."
4. Substituted by Rule 2(iv) (a) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2007 for "three certified copies"
5. Substituted by Rule 2(iv) (b) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2007 for "three copies"
6. Inserted by Rule 2(a) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
7. Inserted by Rule 2(b) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
8. Substituted by Rule 2(c) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009. Prior to substitution it read as (g) "suspicious transaction" means a 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 the proceeds of crime; or
 - b. appears to be made in circumstances of unusual or unjustified complexity; or
 - c. appears to have no economic rationale or bonafide purpose; or
 - d. gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism
9. Inserted by Rule 3 of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
10. Substituted by Rule 4 of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009 for "the Reserve Bank of India or the Securities Exchange Board of India or as the case may be"
11. Substituted by Rule 5 of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009 for
 6. **Retention of records**

The records referred to in rule 3 shall be maintained for a period of ten years from the date of cessation of the transactions between the client and Banking company, financial institution or intermediary, as the case may be."

12. Substituted by Rule 6 of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009 for "the Reserve Bank of India or the Securities and Exchange Board of India, as the case may be."
13. Substituted by Rule 7 (a) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009 for "clauses (A) and (B)"
14. Inserted by Rule 7 (b) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
15. Substituted by Rule 8 (a) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009 for
1. "Every banking company, financial institution and intermediary, as the case may be, shall, at the time of opening an account or executing any transaction with it, verify and maintain the record of identity and current address or addresses including permanent address or addresses of the client, the nature of business of the client and his financial status;
- Provided that where it is not possible to verify the identity of the client at the time of opening an account or executing any transaction, Banking company, financial institution and intermediary, as the case may be, shall verify the identity of the client within a reasonable time after the account has been opened or the transaction has been executed."
2. Where the client is an individual, he shall for the purpose of sub-rule
 1. submit to Banking company or the financial institution or the intermediary, as the case may be, one certified copy of an officially valid document containing details of his permanent address or addresses, current address or addresses, and one copy of his recent photograph and such other documents including in respect of the nature of business and financial status of the client as may be required by Banking company or the financial institution or the intermediary, as the case may be
16. Inserted by Rule 8 (a) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
17. Inserted by Rule 8 (b) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
18. Inserted and substituted by Rule 8 (c) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009
- (7) Every banking company, financial institution and intermediary, as the case may be, shall formulate and implement a client identification programme which shall incorporate the requirements of the foregoing sub-rules of this rule, and such other additional requirements that it considers appropriate to enable it to determine the true identity of its clients. A copy of the client identification programme shall be forwarded to the Director.
19. Substituted by Rule 9 of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2009 for "the Reserve Bank of India"
20. Substituted by Rule 2(a) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010 for "shall maintain a record of"
21. Substituted by Rule 2(b) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010 for "shall contain"
22. Omitted by Rule 2(c) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010. Prior to omission it read as "in hard and soft copies".
23. Substituted by Rule 2(d) (i) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010 for "referred to in rule 3"
24. Substituted by Rule 2(d) (ii) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010 for "referred to in rule 3"
25. Omitted by Rule 2 (d) (iii) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010. Prior to omission it read as "referred to in rule 3".

26. Inserted by Rule 2 (e) of Prevention of Money Laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Amendment Rules, 2010.
27. Inserted by Rule 2 (a) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010.
28. Substituted by Rule 2(b) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010. Prior to substitution it read as
¹⁶[1A. Every banking company, financial institution and intermediary, as the case may be, shall 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 customer, his business and risk profile.]"
29. Substituted by Rule 2(c) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010.
- Prior to substitution it read as : "Every banking company, financial institution and intermediary, as the case may be, shall identify the beneficial owner and take all reasonable steps to verify his identity"
30. Substituted by Rule 2(d) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010. Prior to substitution it read as
 1C. No banking company, financial institution or intermediary, as the case may be, shall keep any anonymous account or account in fictitious names.
31. Inserted by Rule 2(e) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010.
32. Inserted by Rule 2(f) of Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of Records of the Identity of the Clients of Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010.