

# National Judicial Academy

**P-1157: Refresher Course on Prevention of Money Laundering Act, 2002**

22<sup>nd</sup> to 24<sup>th</sup> March, 2019

**Programme Coordinator** : Mr. Rahul I. Sonawane & Ms. Sonam Jain, Faculty

**No. of Participants** : 20

**No. of forms received** : 20

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	<b>90.00</b>	<b>10.00</b>	-	14. Useful to great extent. 15. Useful.
b. The subject matter of the program is useful and relevant to my work	<b>65.00</b>	<b>25.00</b>	<b>10.00</b>	12. No cases presently under PMLA 14. Useful to great extent. 15. Useful.
c. Overall, I got benefited from attending this program	<b>80.00</b>	<b>20.00</b>	-	14. Useful to great extent. 15. Useful.
d. I will use the new learning, skills, ideas and knowledge in my work	<b>70.00</b>	<b>30.00</b>	-	12. In future. 14. Useful to great extent.
e. Adequate time and opportunity was provided to participants to share experiences	<b>80.00</b>	<b>20.00</b>	-	14. Useful to great extent.
II. KNOWLEDGE				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	<b>70.00</b>	<b>20.00</b>	<b>10.00</b>	15. Useful for application.

b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	<b>57.89</b>	<b>42.11</b>	-	15. Useful for application.
c. Up to date	<b>70.00</b>	<b>30.00</b>	-	15. Useful for application.
d. Related to Constitutional Vision of Justice	<b>50.00</b>	<b>50.00</b>	-	15. Useful for application.
e. Related to international legal norms	<b>38.89</b>	<b>61.11</b>	-	15. Useful for application.
<b>III. STRUCTURE OF THE PROGRAM</b>				
<b>PROPOSITION</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>	<b>Remarks</b>
a. The structure and sequence of the program was logical	<b>80.00</b>	<b>20.00</b>	-	
b. The program was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	<b>73.68</b>	<b>26.32</b>	-	
(ii) Case studies were relevant	<b>70.00</b>	<b>30.00</b>	-	
(iii) Interactive sessions were fruitful	<b>80.00</b>	<b>20.00</b>	-	
(iv) Audio Visual Aids were beneficial	<b>61.11</b>	<b>38.89</b>	-	
<b>IV SESSIONS WISE VETTING</b>				
<b>Parameters</b>				
<b>Session</b>	<b>Discussions in individual sessions were effectively organized</b>		<b>The Session theme was adequately addressed by the Resource Persons</b>	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	<b>100.00</b>	-	<b>100.00</b>	-
2	<b>100.00</b>	-	<b>92.31</b>	<b>7.69</b>
3	<b>90.00</b>	<b>10.00</b>	<b>84.62</b>	<b>15.38</b>
4	<b>90.00</b>	<b>10.00</b>	<b>84.62</b>	<b>15.38</b>
5	<b>90.00</b>	<b>10.00</b>	<b>84.62</b>	<b>15.38</b>
6	<b>90.00</b>	<b>10.00</b>	<b>71.43</b>	<b>28.57</b>

7	94.74	5.26	100.00	-
8	100.00	-	100.00	-
V. PROGRAM MATERIALS				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	75.00	25.00	-	-
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	70.00	30.00	-	-
c. The content was organized and easy to follow	75.00	25.00	-	-

VIII. GENERAL SUGGESTIONS	
a. Three most important learning achievements of this Programme	<p>1. <b>Session 1: Money Laundering: Origins and Evolution</b> - What is Money Laundering - How does Money Laundering take place - National &amp; International Responses to tackle Money Laundering; <b>Session 3: Role of Special Courts under PML Act</b> - Special Court under PML Act - Jurisdictional Charter - Powers of Special Court - Remand &amp; Cognizance - Trial Procedures/Speedy Trial; <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act</b> - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden and <b>Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act</b> - Powers of functionaries - Powers of Special Courts.</p> <p>2. Participant did not comment.</p> <p>3. Full exposure to PML Act.</p> <p>4. The understanding of PML Act.</p> <p>5. Participant did not comment.</p> <p>6. Discussions were comprehensive; gave insights of the statute.</p> <p>7. <b>Session 1: Money Laundering: Origins and Evolution</b> - What is Money Laundering - How does Money Laundering take place - National &amp; International Responses to tackle Money Laundering; <b>Session 3: Role of Special Courts under PML Act</b> - Special Court under PML Act - Jurisdictional Charter - Powers of Special Court - Remand &amp; Cognizance - Trial Procedures/Speedy Trial; <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act</b> - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden; <b>Session 5: Bail under the PML Act</b> - Provisions relating to Bail - Case Law Jurisprudence; <b>Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act</b> - Powers of functionaries - Powers of Special Courts; <b>Session 8: Contemporary Adjudicatory Challenges in PMLA cases: Way Forward</b> - Faulty/weak Investigation - Prosecution support - Other Procedural Issues etc.</p>

	<p>8. 1. Cases relating to PC Act and PML Act; Sec. 19, 23 and 24 of PML Act; Anticipatory bail.</p> <p>9. 1. I have a wonderful exposure to the nuances of the PMLA; 2. I got chance to interact with other DJs who deal with PMLA; 3. Got to learn more about PMLA through discussion.</p> <p>10. 1. Programme was good; 2. I learnt as to how PMLA has to be dealt with.</p> <p>11. 1. Concepts of PML Act made more clear; 2. Our knowledge of subject enhanced; 3. Practical aspects of matter made clearer.</p> <p>12. New area for me; Helpful interaction; Case laws cleared doubts regarding grey areas of the PML Act.</p> <p>13. Enhanced the knowledge and understanding of the Act.</p> <p>14. 1. Basic principle and application of PML Act in judicial proceedings; 2. The various provisions of the act applicable in day-to-day judicial proceedings. 3. The provisions of Sec 23, 24, 50 in judicial proceedings.</p> <p>15. Appreciation of evidence; Approach of law.</p> <p>16. It gave a bird's eye view of the act.</p> <p>17. To strengthen my knowledge and cleared doubts on the subject.</p> <p>18. Since it is was a new act with some different ways to understand, it helps a lot.</p> <p>19. 1. Knowledge gained to deal with PMLA. 2. Successful in clearing doubts 3. Memorable.</p> <p>20. Helped in clearing various doubts. Interactive sessions.</p>
<p>b. Which part of the Programme did you find most useful and why</p>	<p>1. <b>Session 1: Money Laundering: Origins and Evolution</b> - What is Money Laundering - How does Money Laundering take place - National &amp; International Responses to tackle Money Laundering; <b>Session 3: Role of Special Courts under PML Act</b> - Special Court under PML Act - Jurisdictional Charter - Powers of Special Court - Remand &amp; Cognizance - Trial Procedures/Speedy Trial; <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act</b> - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden; <b>Session 5: Bail under the PML Act</b> - Provisions relating to Bail - Case Law Jurisprudence; <b>Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act</b> - Powers of functionaries - Powers of Special Courts; <b>Session 8: Contemporary Adjudicatory Challenges in PMLA cases: Way Forward</b> - Faulty/weak Investigation - Prosecution support - Other Procedural Issues etc.</p> <p>2. Participant did not comment.</p> <p>3. All parts.</p> <p>4. <b>Session 3: Role of Special Courts under PML Act</b> - Special Court under PML Act - Jurisdictional Charter - Powers of Special Court - Remand &amp; Cognizance - Trial Procedures/Speedy Trial; <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act</b> - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden; <b>Session 5: Bail under the PML Act</b> - Provisions relating to Bail - Case Law Jurisprudence.</p> <p>5. <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act</b> - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden.</p> <p>6. Nuances of PMLA.</p>

	<p>7. <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden;</b></p> <p>8. All the sessions.</p> <p>9. <b>Session 7: Cross Border Money Laundering: Issues and Challenges - Hawala, Black Money etc. - Online Payments and Cryptocurrency - Problems faced by Courts in Cross-Border Money Laundering Cases and Session 8: Contemporary Adjudicatory Challenges in PMLA cases: Way Forward - Faulty/weak Investigation - Prosecution support - Other Procedural Issues etc.</b></p> <p>10. All the programme were good. It has sensitized us with regard to PMLA.</p> <p>11. All parts of the programme were found most useful since they enhanced our knowledge and working of this act.</p> <p>12. Burden of proof, Sec. 24 of the PMLA.</p> <p>13. All.</p> <p>14. <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden; Session 5: Bail under the PML Act - Provisions relating to Bail - Case Law Jurisprudence; Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act - Powers of functionaries - Powers of Special Courts- are most relevant</b></p> <p>15. Burden of proof under PMLA.</p> <p>16. <b>Session 7: Cross Border Money Laundering: Issues and Challenges - Hawala, Black Money etc. - Online Payments and Cryptocurrency - Problems faced by Courts in Cross-Border Money Laundering Cases and Session 8: Contemporary Adjudicatory Challenges in PMLA cases: Way Forward - Faulty/weak Investigation - Prosecution support - Other Procedural Issues etc.</b></p> <p>17. All.</p> <p>18. It is related to the subject.</p> <p>19. All useful.</p> <p>20. Jurisdiction related to Sec. 3, 5, 8, 22, 23 of the Act. .</p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. Participant did not comment.</p> <p>2. Participant did not comment.</p> <p>3. None.</p> <p>4. Participant did not comment.</p> <p>5. Participant did not comment.</p> <p>6. Participant did not comment.</p> <p>7. <b>Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act - Powers of functionaries - Powers of Special Courts;</b></p> <p>8. Participant did not comment.</p> <p>9. <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden; Session 5: Bail under the PML Act - Provisions relating to Bail - Case Law Jurisprudence; Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act - Powers of functionaries - Powers of Special Courts.</b></p> <p>10. None of the programme was least useful.</p>

	<p>11. None.</p> <p>12. Endemic pathologies in search, seizure, attachment etc. as it was not very much clear to me.</p> <p>13. Participant did not comment.</p> <p>14. Participant did not comment.</p> <p>15. Sec. 50 of PMLA.</p> <p>16. <b>Session 4: Burden of Proof &amp; Appreciation of Evidence in PML Act - Burden of Proof u/s. 24 of the Act - Statements recorded by IO to be evidence u/s. 50(2) &amp; 50(3) - Presumptions &amp; Reverse Burden; Session 5: Bail under the PML Act - Provisions relating to Bail - Case Law Jurisprudence; Session 6: Endemic pathologies in Search, Seizure/Attachment &amp; Disposal of Property under PML Act - Powers of functionaries - Powers of Special Courts-</b> resource persons lack basics and they have no clear understanding.</p> <p>17. Participant did not comment.</p> <p>18. Participant did not comment.</p> <p>19. None.</p> <p>20. None.</p>
<p>d. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. Programme is good, it was much effective.</p> <p>2. Participant did not comment.</p> <p>3. No comment.</p> <p>4. Participant did not comment.</p> <p>5. Participant did not comment.</p> <p>6. Participant did not comment.</p> <p>7. Such type of training programme must be regularly conducted.</p> <p>8. Participant did not comment.</p> <p>9. Resource persons must have clarity in their opinion, cannot go for positive interpretation all the time as they feel difficulty in answering.</p> <p>10. If the important judgement rendered would have been supplied. It would have helped much to refer then and there itself,</p> <p>11. There is always room for improvement, each session must have an interaction part.</p> <p>12. None.</p> <p>13. Participant did not comment.</p> <p>14. This type of programme related to Special act can be dealt with by the officials too to help understand the finer nuances.</p> <p>15. Note- Water bottle to be provided in the class room.</p> <p>16. Please avoid the use of plastic bottles in the Academy.</p> <p>17. Participant did not comment.</p> <p>18. Participant did not comment.</p> <p>19. No.</p> <p>20. Present arrangement and methodology found to be quite useful and satisfactory.</p>