

# National Judicial Academy

**P-1297: Refresher Course on Prevention of Money Laundering Act, 2002**

7<sup>th</sup> – 8<sup>th</sup> May, 2022

**Programme Coordinator** : Ms. Ankita Pandey and Mr. Shashwat Gupta

**No. of Participants** : 28

**No. of forms received** : 15

<b>I. OVERALL</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
a. The objective of the programme was clear to me	<b>86.67</b>	<b>13.33</b>	-	3. Obligated to have an opportunity to enhance skill. 4. Highly useful and immensely beneficial. As the implementation of PML Act in the UT of J&K is still at a nascent stage and almost a raw subject for the court/s; Prosecutors and the advocates. 6. Yes, as it was shared well in advance with the topics to be covered in each session and the reference material consisting articles and case laws. 8. Programme was effective & useful.
b. The subject matter of the programme is useful and relevant to my work	<b>92.86</b>	<b>7.14</b>	-	3. Nice. 6. Yes, as it was shared well in advance with the topics to be covered in each session and the reference material consisting articles and case laws. 8. Programme was effective & useful. 13. Having no case of PMLA and confined to deal with cases under PC Act only.
c. Overall, I got benefited from attending this programme	<b>85.71</b>	<b>14.29</b>	-	3. Very beneficial. 6. Yes, my knowledge on the subject got enhanced significantly. 8. Programme was effective & useful.
d. I will use the new learning, skills, ideas and knowledge in my work	<b>86.67</b>	<b>13.33</b>	-	3. Definitely. 8. Programme was effective & useful. 13. In justice dispensation in CBI cases.
e. Adequate time and opportunity was provided to participants to share experiences	<b>80.00</b>	<b>20.00</b>	-	3. Enough time. 4. Yes, very useful discussions & deliberations. 8. The object of the programme was effective & useful participants got ample opportunity to interact with the resource persons.
<b>II. KNOWLEDGE</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
The programme provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	<b>84.62</b>	<b>15.38</b>	-	4. Highly useful. 15. Now posted as Secretary DLSA.

b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	<b>80.00</b>	<b>20.00</b>	<b>-</b>	4. Yes.
c. Up to date	<b>84.62</b>	<b>15.38</b>	<b>-</b>	4. Yes.
d. Related to Constitutional Vision of Justice	<b>66.67</b>	<b>33.33</b>	<b>-</b>	<b>-</b>
e. Related to International Legal Norms	<b>35.71</b>	<b>57.14</b>	<b>7.15</b>	<b>-</b>
<b>III. STRUCTURE OF THE PROGRAMME</b>				
<b>PROPOSITION</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>	<b>Remarks</b>
a. The structure and sequence of the programme was logical	<b>86.67</b>	<b>13.33</b>	<b>-</b>	4. Nicely conceptualized and arranged. 8. The programmes were combined with case studies interactive session etc.
b. The programme was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	<b>86.67</b>	<b>13.33</b>	<b>-</b>	4. Yes.
(ii) Interactive sessions were fruitful	<b>80.00</b>	<b>20.00</b>	<b>-</b>	4. Yes.
(iii) Audio Visual Aids were beneficial	<b>92.86</b>	<b>-</b>	<b>7.14</b>	<b>-</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>86.67</b>	<b>13.33</b>	<b>84.62</b>	<b>15.38</b>
2	<b>86.67</b>	<b>13.33</b>	<b>92.31</b>	<b>7.69</b>
3	<b>93.33</b>	<b>6.67</b>	<b>92.31</b>	<b>7.69</b>
4	<b>80.00</b>	<b>20.00</b>	<b>92.31</b>	<b>7.69</b>
<b>V. PROGRAM MATERIALS</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>

a. The programme material is useful and relevant	<b>80.00</b>	<b>20.00</b>	-	4. Very good. 8. Programme material was relevant and useful. 13. Did not receive the material online.
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	<b>80.00</b>	<b>20.00</b>	-	4. Yes.
c. The content was organized and easy to follow	<b>80.00</b>	<b>20.00</b>	-	4. Yes.

### VIII. GENERAL SUGGESTIONS

1. Three most important learning achievements of this programme	<p>1. 1. What is reverse burden &amp; how to apply under PMLA Act; 2. Constitutional validity of twin bail conditions post 2018 amendment to the PMLA Act; 3. Admissibility of statements under section 50 PMLA Act.</p> <p>2. Burden of proof including reversed burden; Procedure about search, seizure and attachment.</p> <p>3. Correlation of different provisions of PMLA Act, as highlighted to show the meaning and importance of a particular provision relating to bail, attachment of property, reversed burden of proof, jurisdiction of special court.</p> <p>4. Object &amp; scope of the PML Act is much more clear to the participants; 2. PML Act not draconian in view of the in-built safeguards available at every stage of investigation; and 3. PML Act is a complete court in itself.</p> <p>5. All the important legal provisions and relevant case law were discussed in detail as a result I learnt a lot.</p> <p>6. 1. I acquired enhanced knowledge of the subject; 2. I received great insights into the provisions of the law from the discussion of the latest judgements of the Hon'ble Supreme Court as well as the Hon'ble High Courts; 3. I gained great clarity of the subject from the practical experience shared by the Hon'ble Panel Members.</p> <p>7. 1. Arrest and burden of proof; 2. Nikesh Tarachand Shah case and subsequent amendment in PMLA; 3. Reverse burden and Sec. 50 of PMLA.</p> <p>8. I have learnt about procedure and defects of the statute from the resource persons. Their learning methods were very effective for any judge. Who are now working as judge of special court like PML Act.</p> <p>9. 1. Given me new dimension and outlook in the subject; 2. The laws were made simplified and easy to understand; 3. Created interest in the subject.</p> <p>10. To clarify the scheme of the PMLA, 2002 to a great extent; To find a new and clear vision to the subject by reason of nice communication; Many confusions over the subject were removed.</p> <p>11. Updated domain knowledge, case law and procedure.</p> <p>12. Nil.</p> <p>13. Full knowledge of PMLA. Latest trends of Supreme Court in nullifying "prohibition clauses" such as unless the accused is not guilty etc.</p>
---	---

	<p>14. All the necessary information were given to apply in due course.</p> <p>15. 1. Acquaintance with recent law; 2. Solution to legal problems; 3. Had opportunity to receive experiences of Hon'ble Judges.</p>
<p>2. Which part of the programme did you find most useful and why</p>	<p>1. All parts of the programme are meaningful because all resource persons explained every aspect of the act.</p> <p>2. NA.</p> <p>3. Each part of programme.</p> <p>4. Each &amp; every Part/Session of the programme has its own significance &amp; usefulness because of its content &amp; presentation of the participants.</p> <p>5. All the programmes are very useful &amp; effective. I learnt a lot from all the programmes.</p> <p>6. Each and every part of the programme was found most useful as it enhanced my knowledge and grasping of the P.M.L. Act, 2002 which will be highly useful to me in day to day work.</p> <p>7. <i>Session 3: Burden of Proof and Appreciation of Evidence</i>– As a judge conducting PMLA cases (XIV<sup>th</sup> CBI Court, Chennai) very useful in day to day work.</p> <p>8. Bail matters and seizure procedure were most useful for us.</p> <p>9. The matter pertaining to bail and anticipatory bail because special court has to deal it in many occasions.</p> <p>10. Discussion over the provisions of Sec 24 &amp; 50 the PMLA, 2002 as the law over the subject has a large scope of rival contentions.</p> <p>11. 1. Bail under Section 45 of the PMLA 2002; 2. Ambit of term 'offence' under the PMLA 2002.</p> <p>12. Whole programme.</p> <p>13. The program as a whole was informative, educative, effective and result oriented with full-fledged concentration of participants which proved fruitful for being conducted online, more to say could not have been so effective had it been by offline physical mode though there could be very less interaction inter-se the participants.</p> <p>14. All the necessary information was given to apply in due course.</p> <p>15. Each session addressed by Hon'ble Justices.</p>
<p>3. Does the programme need further modulations or change</p>	<p>1. No.</p> <p>2. Yes, about complaint in terms of proviso (1) to clause (b) of Sec. 5 and Sec. 44(d) explanation (ii).</p> <p>3. No need.</p> <p>4. Not much, to my understanding.</p> <p>5. No, the programme does not need further change.</p> <p>6. No, the programme was very well organized and conducted. The Hon'ble panel members had vast knowledge and practical experience on all aspects pertaining to the subject.</p> <p>7. Yes, after the outcome of Apex Court order/decision.</p> <p>8. I do not think so. But I can say this type of online programme should continue their physical/offline programme.</p> <p>9. No.</p>

	<p>10. It should be made a day long programme.</p> <p>11. Nil.</p> <p>12. No.</p> <p>13. Left to the wisdom of Hon’ble Director. However, online program proved effective.</p> <p>14. Nil.</p> <p>15. Acquaintance sharing of experiences of Hon’ble Justices, need no further change.</p>
<p>4. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. Please organize training programmes like this on regular basis; Kindly provide contact numbers of the special judges of PMLA.</p> <p>2. Nil.</p> <p>3. An app may be created for the purpose to convey judicial officers the different latest Verdicts of Hon’ble Apex Court for their benefit.</p> <p>4. Judicial Officers should be permitted to purchase/have access to the study material of a particular programme, which in their estimation is useful to them, to which they are not nominated.</p> <p>5. Nil.</p> <p>6. I humbly suggest that such refresher course may be organized more frequently on different subject so that a Judicial Officer can remain updated with the latest provisions of the law as well as case laws and may learn from the practical experiences shared by the Hon’ble panel members.</p> <p>7. Nil.</p> <p>8. This type of programme was useful, effective for all judges who deal with PML Act. This type of programme should continue for betterment of online training programme was effective. Such type of ‘Online’ programme should continue throughout the year and if it is continuing we the judges will get knowledge about the statutes relating to the usefulness &amp; defects and application of the laws. Online training programme will also save time and judges will get ample opportunities to serve the people.</p> <p>9. The materials of the programme prepared in NJA during the calendar year which are relevant for the Sessions Judges may be circulated in various high courts.</p> <p>10. To make the interactions more effective, programmes should be organized offline, if possible; Recent &amp; new enactments/laws should be made subject matter of programmes.</p> <p>11. Make it a 3 day programme, as the time schedule is too packed.</p> <p>12. Such programme may be conducted periodically.</p> <p>13. Holding of online sessions on jurisprudential aspects of bail valuing liberty justice and equality and constitutional values in consonance with Human Rights and derived from National Freedom Struggle. Another suggestion to make all the forms including feedback forms online instead of offline for speedy response of participants.</p> <p>14. Nil.</p> <p>15. Any sitting or former Hon’ble Justice of Apex Court may be joined in programme, if their lordship consents.</p>