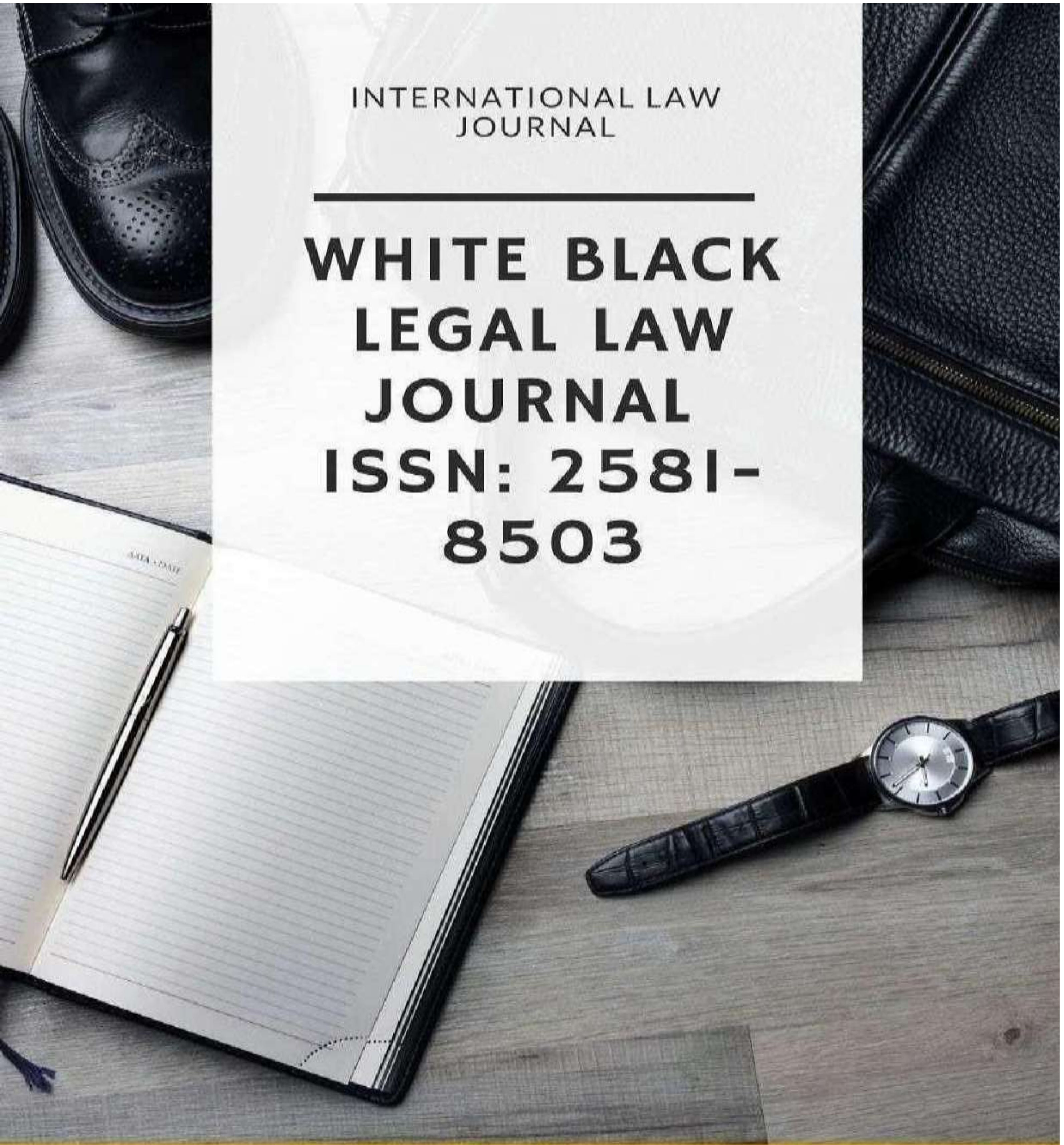

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With this thought, we hereby present to you

EVOLUTION AND IMPACT OF THE PREVENTION OF MONEY LAUNDERING ACT: A LEGAL PERSPECTIVE

AUTHORED BY - TARUNA NAYYAR

ABSTRACT

This paper provides a comprehensive analysis of the Prevention of Money Laundering Act (PMLA), 2002, emphasizing the proactive role of the Enforcement Directorate (ED) in curbing money laundering and financial crimes in India. The PMLA, introduced to address the growing global and national challenges of illicit financial activities, has evolved into a robust legal tool. The ED's diligent efforts have been pivotal in enforcing the Act, conducting investigations, and securing convictions. With regular amendments, the PMLA has expanded its scope to include emerging threats like digital assets and complex financial structures. This paper explores the ED's commitment to ensuring national security and economic integrity, supported by landmark judgments that affirm its authority. By fostering cooperation with international agencies and strengthening enforcement mechanisms, the ED continues to enhance India's position in the global fight against money laundering, ensuring that illicit activities are systematically detected, prosecuted, and deterred.

INTRODUCTION

Money laundering refers to the process by which illicitly acquired funds are transformed into legitimate assets, effectively concealing the true origin of the money. This deceptive practice is a global concern, as it undermines financial systems and facilitates the operations of organized crime, terrorism, drug trafficking, and corruption. In response, countries worldwide have developed stringent legal frameworks to address these threats. In India, the Prevention of Money Laundering Act (PMLA), 2002 stands as the primary legislative tool to combat money laundering and its associated crimes.

The origins of the term "money laundering" have an interesting historical background. The phrase is believed to have stemmed from the practices of Al Capone, the notorious American mafia leader during the 1920s and 1930s. Capone owned a series of laundromats across the

U.S., which he used as a front for funneling the massive cash flows from his illegal operations, such as bootlegging and prostitution. Since laundromats dealt with cash transactions, they provided the perfect cover to "clean" the dirty money, making it appear as though it came from a legitimate business. Thus, the term "money laundering" was coined to describe the process of turning illegal money into seemingly lawful income.

In India, before the enactment of the PMLA, the legal system lacked a comprehensive mechanism to tackle money laundering directly. While existing laws addressed certain financial crimes, they failed to target the act of laundering itself. With India's growing integration into the global economy, it became evident that unregulated financial crimes threatened national security and economic stability. The need for robust legal frameworks to align with global Anti-Money Laundering (AML) standards led to the drafting and eventual passage of the PMLA.

The PMLA, enacted on January 17, 2003, and implemented on July 1, 2005, serves multiple objectives: to prevent and control money laundering, confiscate proceeds of crime, and facilitate cooperation between Indian and international enforcement agencies. Over time, the Act has undergone several amendments to strengthen its provisions, expand its scope, and ensure compliance with international AML norms.

THE PROCESS OF MONEY LAUNDERING

Money laundering typically involves three distinct stages: placement, layering, and integration. Each stage plays a crucial role in obscuring the origins of illicit money and making it usable within the legal financial system.

a) *Placement Stage*: In this initial stage, the malfeasant introduces illicitly obtained money into the financial system. The primary aim is to distance the funds from their criminal source, often by breaking up large sums of cash into smaller, less suspicious amounts. Common methods include depositing the money into banks, buying high-value goods, or funneling it through businesses that primarily deal in cash. Placement is the riskiest stage of laundering since it involves direct interaction with the legitimate financial system, where the money could be flagged by regulatory bodies.

b) *Layering Stage*: Once the money has been successfully introduced into the financial system, the next step is to obfuscate its origin by moving it through a series of complex transactions. This stage, known as layering, involves transferring funds between various accounts, banks, or even across international borders. The goal is to disguise the trail and confuse authorities by creating a web of transactions that make it difficult to trace the money back to its criminal source. Common tactics include wire transfers, shell companies, offshore accounts, or investing in high-value assets like real estate or art.

c) *Integration Stage*: In the final stage, the laundered money is reintroduced into the legal economy as clean, legitimate funds. The integration stage allows the criminal to freely use the money without arousing suspicion. By this point, the illicit origins of the money have been effectively erased, making it appear as though the funds were earned lawfully. This money can now be invested in legitimate businesses, used to purchase assets, or reinvested in further criminal activities.

GLOBAL AND NATIONAL RESPONSE TO MONEY LAUNDERING

At the international level, money laundering is recognized as a significant threat not just to financial stability but also to global security. In June 1998, the General Assembly of the United Nations adopted a political declaration urging member states to implement national legislation against money laundering. Following this, the UN Security Council Resolution 1373, passed in September 2001, further emphasized the need for effective measures to suppress the financing of terrorism. This resolution empowered the Security Council to enforce the terms of the UN Convention for the Suppression of the Financing of Terrorism, which became effective in 2002.

India, in response to these international developments, enacted the PMLA as part of its commitment to combating financial crimes. The Act was not only passed to adhere to UN recommendations but also to address the growing national concern of black money being used to fund terrorist activities. This issue is particularly acute in India, given the involvement of certain neighboring countries in supporting such activities.

SIGNIFICANCE OF THE PMLA IN INDIA

The enactment of the PMLA marked a crucial step in India's fight against financial crimes. It not only provided a legal mechanism to track, seize, and confiscate proceeds from illegal activities but also aligned India with global AML frameworks. As India's economy expanded, and its financial markets became more integrated with global systems, the risk of cross-border financial crimes increased, making the PMLA an essential tool for maintaining economic and national security.

Furthermore, the Act introduced a regulatory framework for reporting suspicious transactions, making it mandatory for financial institutions to maintain records and report transactions exceeding a certain threshold. This move enhanced transparency within the financial system and bolstered the government's efforts in tracking down and prosecuting money laundering cases.

The continuous amendments to the PMLA reflect India's evolving approach to fighting money laundering and associated crimes. By strengthening enforcement powers and improving coordination between enforcement agencies, the Act aims to deter criminals from using the financial system for illegal purposes.

HISTORICAL CONTEXT OF MONEY LAUNDERING IN INDIA

Pre-Legislation Scenario

Before the enactment of the Prevention of Money Laundering Act (PMLA) in 2002, India's legal framework for dealing with financial crimes and money laundering was limited and fragmented. While criminal activities such as fraud, tax evasion, and other forms of economic offenses were addressed through existing laws like the Indian Penal Code, 1860, and the Income Tax Act, 1961, these statutes were insufficient in tackling the increasingly sophisticated nature of money laundering schemes. Criminals often exploited legal loopholes and the lack of dedicated laws to launder money gained from illegal activities, such as drug trafficking, corruption, smuggling, and terrorism.

India's economic liberalization in the 1990s exposed the country to greater risks related to financial crimes. With the influx of foreign investments and an expanding international financial market, the flow of illicit funds across borders became easier. The absence of a comprehensive law to prevent and penalize money laundering allowed criminals to take advantage of both the banking system and non-financial sectors. This called for a dedicated legal framework capable of addressing the issue of money laundering in a more organized and coherent manner.

GLOBAL PRESSURE AND FATF

The global fight against money laundering gained momentum in the late 20th century, particularly with the establishment of the Financial Action Task Force (FATF) in 1989. The FATF was formed as an inter-governmental body to develop policies aimed at combating money laundering and financing of terrorism. Its recommendations and standards became the benchmark for nations across the world, and failure to comply with these standards could lead to economic sanctions and blacklisting by international organizations.

India, as a growing economy and a critical player in international trade and finance, faced increasing pressure to strengthen its anti-money laundering (AML) regulations in accordance with global standards. The FATF issued a series of recommendations that urged nations to enact laws specifically aimed at criminalizing money laundering, confiscating illicit assets, and ensuring that financial institutions implemented effective reporting mechanisms for suspicious transactions.

India's membership in the Asia/Pacific Group on Money Laundering (APG) and its interactions with international financial institutions like the World Bank and International Monetary Fund (IMF) further necessitated a strong AML regime. FATF guidelines and international cooperation acted as driving forces for the Indian government to enact comprehensive legislation, ultimately leading to the birth of the PMLA in 2002.

INITIAL LEGISLATIVE ATTEMPTS

Prior to the enactment of the PMLA, several laws in India indirectly addressed money laundering. However, these laws lacked the specificity and enforcement mechanisms necessary to deal with the issue comprehensively. Some of these statutes include:

a) *The Indian Penal Code, 1860:* While the IPC criminalized acts such as fraud, forgery, and cheating, it did not directly address the process of laundering money derived from such crimes.

b) *The Income Tax Act, 1961*: The Income Tax Act dealt with the taxation of undisclosed income and assets, commonly referred to as "black money." Although the Act penalized individuals and entities for concealing their income, it was not equipped to target the layering and integration phases of money laundering.

c) *Foreign Exchange Regulation Act (FERA), 1973*: FERA aimed at regulating foreign exchange markets and preventing the illegal outflow of foreign currency. While it played a role in addressing some aspects of illicit financial transactions, it was not adequate to deal with the complexity of modern-day money laundering.

d) *The Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985*: This Act aimed at controlling drug-related crimes, including money laundering. However, its scope was limited to narcotics-related offenses and did not cover the broader spectrum of financial crimes.

e) *Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA), 1974:* This law allowed preventive detention of individuals involved in smuggling and violation of foreign exchange laws. While it touched upon illicit financial activities, it did not cover the entire process of money laundering.

These initial legislative attempts, while effective in addressing specific offenses, did not provide a holistic legal framework for tackling the larger and more sophisticated crime of money laundering. By the late 1990s, it became evident that India needed a comprehensive law to address the increasing complexity and international dimensions of financial crimes.

EVOLUTION OF THE PREVENTION OF MONEY LAUNDERING ACT, 2002 -DRAFTING AND ENACTMENT OF PMLA

The Prevention of Money Laundering Act (PMLA), 2002, was drafted in response to the growing threat of money laundering, both domestically and globally. The increasing globalization of financial markets and the rise of cross-border financial crimes demanded that India adopt comprehensive legislation that aligned with international standards. The law was passed by Parliament in 2002 and came into force on July 1, 2005.

At its core, the PMLA was designed to criminalize money laundering and impose stringent penalties on those found guilty of such activities. Its enactment was primarily influenced by India's international obligations, especially its membership in global organizations such as the Financial Action Task Force (FATF) and the Asia/Pacific Group on Money Laundering (APG). FATF had issued 40 recommendations in 1990 and 9 special recommendations in 2001 (after the 9/11 attacks), urging countries to adopt stringent anti-money laundering measures, particularly in connection with terrorism financing.

India, already a significant player in the global financial system, needed to align its laws with these international standards to avoid sanctions, safeguard its economy, and protect its financial markets from being used for illicit purposes. The PMLA, thus, emerged as cornerstone legislation aimed at preventing money laundering, facilitating the confiscation of illicit assets, and improving the cooperation between enforcement agencies.

KEY AMENDMENTS

Since its enactment, the PMLA has undergone several amendments to address gaps, expand its scope, and enhance its enforcement capabilities. Key amendments include:

1. **Amendment of 2005**

   The 2005 amendment was introduced shortly after the PMLA came into force to clarify key definitions and provide a solid legal foundation for the Act's early implementation. The primary objective was to ensure effective enforcement by clearly defining "money laundering" and equipping authorities with the power to attach assets derived from criminal activities. This amendment aimed to streamline the procedural aspects of the law and enhance the scope of its application, laying the groundwork for combating financial crimes.

   Key Sections:

   a) Section 2(1)(u): Expanded the definition of "money laundering" to include the concealment of proceeds of crime.

   b) Section 5: Introduced provisions for the attachment of properties involved in money laundering before conviction.

   Key Case Law:

   Rakesh Agarwal vs. Union of India (2007): The Delhi High Court upheld the constitutional validity of the attachment provisions under Section 5, emphasizing that such provisions are necessary for effectively combating money laundering.

   Significance:

   a) Clarification of Predicate Offenses: The amendment provided clearer references to offenses in the Indian Penal Code and other laws as the foundation for money laundering charges.

   b) Enforcement Powers: Strengthened the powers of the Enforcement Directorate (ED) for searches, seizures, and attachment of assets.

2. **Amendment of 2009**

In response to growing concerns over terrorism financing and increasing scrutiny from international bodies like the Financial Action Task Force (FATF), the 2009 amendment was pivotal in broadening the scope of the PMLA. Its aim was to strengthen the enforcement capabilities of the ED by expanding the definition of "proceeds of crime" and enabling the attachment of properties without the need for a prior conviction. The objective was to align India's anti-money laundering framework with global standards and prevent the dissipation of illicit assets.

Key Sections:

a) Section 2(1)(v): Expanded the definition of "proceeds of crime" to include any property derived or obtained directly or indirectly from criminal activity.

b) Section 17: Empowered the ED to conduct searches and seizures without a warrant under certain circumstances.

Key Case Law:

Himanshu Kumar Soni vs. Union of India (2015): The Supreme Court recognized the broader definitions under the 2009 amendment and upheld the ED's authority to attach properties before a conviction was secured.

Significance:

a) Broader Predicate Offenses: Expanded the scope of the Act to include a wider range of crimes, including violations under the Arms Act and FEMA.

b) Confiscation of Assets Without Conviction: Allowed authorities to confiscate proceeds of crime before conviction, preventing the dissipation of assets.

3. **Amendment of 2012**

The 2012 amendment sought to further strengthen the PMLA by introducing measures to enhance transparency in financial transactions. It aimed to ensure better compliance by expanding the list of "reporting entities" and requiring financial institutions to report suspicious transactions. This amendment aligned India's laws with international best practices in fighting money laundering, with the primary objective of making it more difficult for criminals to conceal their illicit gains by hiding assets through third parties or complex financial arrangements.

Key Sections:

a) Section 7: Introduced mandatory reporting of suspicious transactions by financial institutions and other entities.

b) Section 12: Expanded the definition of "reporting entities" to cover a wider range of businesses and professions.

Key Case Law:

Nitin Khandelwal vs. Union of India (2014): Reinforced the responsibility of financial institutions to report suspicious transactions in compliance with Section 7.

Significance:

a) Enhanced Confiscation Powers: Allowed confiscation of properties transferred to third parties, targeting efforts to hide illicit assets.

b) Streamlined Procedures: Improved the efficiency of investigations and property attachment by setting time-bound processes.

4. Amendment of 2013

The 2013 amendment was aimed at making the PMLA stricter by increasing the severity of penalties and tightening bail provisions. By making certain offenses non-bailable and enhancing punishments, this amendment aimed to signal the seriousness with which the Indian legal system viewed money laundering offenses. Its objective was to deter financial crimes by making the legal consequences more stringent and ensuring that those accused of money laundering faced tougher conditions for obtaining bail.

Key Sections:

a) Section 4: Made certain offenses under the PMLA non-bailable, with punishment up to seven years.

b) Section 45: Strengthened bail provisions, placing stricter conditions on the grant of bail to those accused under the Act.

Key Case Law:

Satyendra Kumar Jain vs. Union of India (2018): The Delhi High Court addressed bail under Section 45, emphasizing the strict conditions imposed for offenses under the PMLA.

Significance:

a) Tougher Bail Conditions: Made the process of obtaining bail more stringent, reflecting the seriousness of money laundering offenses.

b) Increased Penalties: Enhanced the punitive measures under the Act.

5. **Amendment of 2019**

The 2019 amendment was a landmark revision designed to significantly expand the scope and reach of the PMLA. Its primary objective was to provide retrospective application of the law, enabling prosecution for money laundering offenses even if the predicate offense occurred before the PMLA's enactment. Additionally, the amendment expanded the definition of "proceeds of crime" and shifted the burden of proof onto the accused, making it harder for criminals to retain illicitly obtained assets. This amendment reflected a more aggressive stance against financial crimes and economic offenses.

Key Sections:

a) Section 2(1)(u): Further clarified the definition of "proceeds of crime."
b) Section 5: Allowed the ED to provisionally attach properties even before conviction if they are suspected to be connected to money laundering.
c) Section 24: Shifted the burden of proof to the accused to explain the sources of their wealth.

Key Case Law:

Vijay Madanlal Choudhary & Ors. vs. Union of India (2022): The Supreme Court upheld the amendments, reinforcing that the burden of proof in money laundering cases rests with the accused.

Significance:

a) Retrospective Application: Allowed prosecution for money laundering even if the predicate offense occurred before the enactment of the PMLA.
b) Expanded Definition of Proceeds of Crime: Included any property derived or indirectly obtained from criminal activity.

6. **Amendment of 2021**

As digital assets and virtual currencies gained prominence in global financial systems, the 2021 amendment sought to bring these assets under the PMLA's purview. The primary aim was to address the growing use of virtual currencies in money laundering schemes and economic crimes. By expanding the definition of offenses to include digital assets, the amendment modernized the law to meet the challenges posed by new forms of financial crime in the digital age, ensuring that the PMLA remained relevant and robust against evolving threats.

Key Sections:

a) Section 2(1)(na): Introduced definitions related to virtual currencies and digital assets in the context of money laundering.

b) Section 3: Expanded the scope of offenses under the Act to include newer forms of economic crimes, including those related to digital assets.

Key Case Law:

Prem Prakash v. Directorate of Enforcement (2024): The Supreme Court interpreted the applicability of digital assets and virtual currencies under the PMLA, recognizing their role in contemporary money laundering activities.

Significance:

a) Inclusion of Digital Assets: Addressed the rising importance of virtual currencies and digital assets, making them part of the regulatory framework for money laundering.

b) Broadening Economic Crimes: Expanded the list of economic offenses, ensuring the Act's relevance in the digital age.

KEY PROVISIONS

1. **Definition of Money Laundering (Section 3)**

   Defines money laundering as any activity or process connected with the proceeds of crime, including their concealment, possession, acquisition, or use. This section broadly covers all activities that facilitate the transformation of criminal proceeds into seemingly legitimate assets.

2. **Proceeds of Crime (Section 2(1)(u))**

   Defines "proceeds of crime" as any property derived or obtained, directly or indirectly, from criminal activity.This broad definition ensures that any financial gain, even indirectly derived from criminal conduct, can be targeted under the PMLA.

3. **Attachment of Property (Section 5)**

   Allows the ED to provisionally attach property suspected of involvement in money laundering.Prevents dissipation of assets that are subject to investigation, thereby safeguarding proceeds of crime until the case concludes.

4. **Power to Summon (Section 50)**

   The ED has the power to summon individuals for evidence collection, require the submission of documents, and make inquiries related to money laundering cases.Enhances investigative authority by requiring individuals and entities to cooperate with ED investigations.

5. **Power to Arrest (Section 19)**

   Grants the ED the power to arrest any person suspected of money laundering without a warrant. Allows swift action against suspects and prevents them from fleeing or tampering with evidence.

6. **Burden of Proof (Section 24)**

   Shifts the burden of proof onto the accused, requiring them to demonstrate that their wealth was obtained through lawful means. This reversal of the traditional burden of proof helps ensure that the accused in money laundering cases are held accountable for their assets.

7. **Scheduled Offenses (Section 2(1)(y))**

   Lists offenses considered predicate offenses under the PMLA, such as corruption, drug trafficking, and terrorism.Only offenses listed in the schedule can trigger money laundering charges, creating a clear connection between serious crimes and laundering activities.

8. **Punishments (Section 4 and Section 45)**

   Section 4 prescribes imprisonment up to seven years for money laundering offenses, while Section 45 restricts bail for certain offenses, requiring stringent conditions for release.Reflects the seriousness of money laundering offenses by imposing tough penalties and making bail difficult for the accused.

9. **Reporting of Suspicious Transactions (Section 12)**

   Mandates that banks, financial institutions, and intermediaries report suspicious transactions to the Financial Intelligence Unit (FIU).Enhances the early detection and prevention of money laundering through monitoring and reporting by financial entities.

10. **Adjudicating Authority (Section 6)**

    Establishes a specialized Adjudicating Authority to decide on the attachment of property and other issues under the PMLA.Provides a specialized legal body for efficient handling of PMLA cases, ensuring proper adjudication and attachment procedures.

11. **Freezing of Assets (Section 17 and 18)**

    Empowers the ED to conduct searches and seizures to freeze assets suspected of being involved in money laundering. Allows the ED to act decisively to prevent the transfer, sale, or tampering of assets related to money laundering.

12. **Appeals to the Appellate Tribunal (Section 26)**

    Allows appeals against decisions of the Adjudicating Authority to be taken to the Appellate Tribunal, providing a higher judicial forum for redress. Ensures that there is an appellate mechanism for challenging decisions related to attachment and confiscation.

13. **Retrospective Application (Section 8(4))**

    Allows the provisional attachment of properties even for offenses that occurred before the PMLA came into effect.This provision grants the Enforcement Directorate (ED) the ability to target assets acquired before the introduction of the Act, ensuring that criminals cannot escape the law simply due to the timing of their illegal activities.

14. **Freezing of Bank Accounts (Section 17A)**

    Enables the ED to freeze bank accounts suspected of holding the proceeds of crime.Helps authorities prevent the dissipation or laundering of funds stored in bank accounts, effectively cutting off the financial lifelines of those involved in money laundering activities.

15. **Powers of Survey (Section 16)**

    Empowers the ED to conduct surveys of premises suspected to be involved in money laundering activities. This provision allows the ED to enter premises, inspect records, and gather evidence during an investigation without the need for a formal search warrant.

16. **Confiscation of Property (Section 8(5))**

    Once an order of attachment is confirmed, the property can be confiscated by the government, even if the accused has not been convicted yet.This allows the government to take over property believed to be involved in money laundering, making it more difficult for offenders to recover or hide assets.

17. **Agreements with Foreign Countries (Section 56)**

    Allows the Indian government to enter into agreements with foreign countries for the exchange of information and assistance in preventing money laundering. Enhances international cooperation, making it easier to track and recover illicit funds stashed abroad and enabling joint investigations.

18. **Procedures for Seizure and Search (Section 20)**

    Lays out the specific procedural safeguards to be followed during the search and seizure of property or documents related to money laundering. Ensures transparency and fairness in the ED’s investigative processes, protecting individuals from unlawful search and seizure.

19. **Powers to Investigate Terror Financing (Section 17(1A))**

    Allows the ED to investigate cases involving the financing of terrorism, which are considered a form of money laundering under the PMLA.Broadens the scope of the Act to include the financing of terrorist activities, making the PMLA a critical tool in national security.

20. **Offenses by Companies (Section 70)**

    Specifies that if a company is found guilty of money laundering, every person in charge of the company at the time of the offense is also deemed guilty unless they prove the offense was committed without their knowledge. Holds corporate officers accountable for money laundering activities, ensuring that companies cannot hide behind legal structures to avoid responsibility.

21. **Prosecution of Money Laundering (Section 44)**

    Empowers the same court to try both the scheduled offense and the offense of money laundering, ensuring that related cases are handled together for efficiency. This streamlines the prosecution process, allowing the court to see the full context of both the underlying crime and the laundering of its proceeds.

22. **Immunity from Prosecution for Cooperation (Section 63)**

    Provides immunity from prosecution for individuals who cooperate with authorities during an investigation into money laundering. Encourages insiders, including accomplices, to assist in investigations by offering protection from prosecution, thereby aiding in cracking down on larger money laundering networks.

23. **Appeal to High Court (Section 42)**

    Allows an individual to appeal the decision of the Appellate Tribunal to the High Court, offering another layer of legal recourse for those affected by PMLA actions. Ensures judicial oversight and provides an additional forum for challenging attachment orders, confiscation, or decisions related to penalties.

TRIAL PROCEDURE

The Prevention of Money Laundering Act, 2002 (PMLA), provides for a special trial process aimed at tackling money laundering. Below is the step-by-step procedure with relevant sections:

a) Registration of ECIR (Enforcement Case Information Report) – Under Section 5 of PMLA, the Enforcement Directorate (ED) files an ECIR. This is akin to an FIR under the CrPC but is confidential and is not shared with the accused in most cases.

b) Provisional Attachment of Property – Under Section 5 of PMLA, the ED can order provisional attachment of property believed to be involved in money laundering. This attachment is initially for 180 days, subject to confirmation by the Adjudicating Authority (Section 8 of PMLA).

c) Investigation by Enforcement Directorate – Section 19 of PMLA empowers the ED to arrest individuals based on "reason to believe" they are involved in money laundering, bypassing the general CrPC guidelines for arrests (Section 41 of CrPC).

d) Cognizance by Special Court – A Special Court designated under Section 43 of PMLA takes cognizance of the complaint filed by the ED after investigation. The trial follows the procedure for Sessions Trial under Chapter XVIII of the CrPC (Sections 225–237).

e) Bail Provisions (Section 45 of PMLA) – Section 45 of PMLA imposes stricter conditions for bail. The accused must satisfy the court that they are not guilty and will not commit any offense if released. These conditions override the bail provisions of Section 437 and 439 of CrPC, making it more difficult for the accused to obtain bail.

f) Burden of Proof – Section 24 of PMLA shifts the burden of proof to the accused, which is contrary to the general criminal jurisprudence under the Indian Evidence Act, 1872. The accused must prove that the property is not involved in money laundering.

g) Adjudicating Authority (Section 8 of PMLA) – The Adjudicating Authority confirms the attachment of property and proceeds with determining whether the property is involved in money laundering. This is an administrative procedure that runs parallel to the criminal trial.

h) Confiscation and Penalties – Upon conviction, under Section 4 of PMLA, the accused can be sentenced to 3 to 7 years of imprisonment along with fines. The court may also order confiscation of the property involved.

JUDICIAL INTERPRETATIONS: THE EVOLUTION OF PMLA THROUGH LANDMARK JUDGMENTS

1. Nikesh Tarachand Shah v. Union of India

Bench: Justices A.K. Goel and U.U. Lalit

Background: The case of Nikesh Tarachand Shah revolves around the constitutional validity of Section 45 of the Prevention of Money Laundering Act (PMLA), which imposed certain stringent conditions for granting bail to individuals accused of money laundering.

Key Legal Question: Whether the twin conditions imposed under Section 45 of the PMLA, which required that the accused prove that they are not guilty of the offense and that they will not commit any further offense, are unconstitutional.

Summary:

Nikesh Tarachand Shah was accused under the PMLA for offenses related to money laundering. During the proceedings, he challenged the constitutional validity of Section 45(1) of the PMLA, which required an accused seeking bail to demonstrate that they were not guilty of the offense and that they would not commit any further offenses.

The Supreme Court examined the provisions of Section 45 and noted that it created a distinction for those accused under the PMLA compared to other offenses under the Indian Penal Code (IPC). The Court found that these provisions effectively reversed the presumption of innocence that is a cornerstone of criminal jurisprudence, thereby imposing a higher burden on the accused.

Key Takeaways:

a) Presumption of Innocence: The Court emphasized that the presumption of innocence is a fundamental principle of criminal law. Section 45's requirements shifted this presumption, infringing upon the rights of the accused.

b) Constitutionality of Section 45: The Supreme Court ruled that the twin conditions under Section 45 of the PMLA were unconstitutional as they violated the right to equality and the right to life and personal liberty under Articles 14 and 21 of the Constitution.

c) Burden of Proof: The ruling clarified that the burden of proof lies with the prosecution, and an accused person cannot be required to prove their innocence.

d) Impact on PMLA: Following this judgment, the provisions of Section 45 were effectively rendered inoperative, leading to significant changes in how cases under the PMLA are handled, particularly concerning bail applications.

Subsequent Amendments: In response to the ruling, the government later amended the PMLA through the Finance Act of 2018, which reinstated certain provisions regarding bail but with modifications to address the concerns raised in this case.

2. **Anish Mohammed Rawther v. Enforcement Directorate**

   Bench: HM Justice Krishna S. Dixit

   Summary: This case addressed the applicability of the Prevention of Money Laundering Act (PMLA) in Jammu and Kashmir, considering the existence of the Jammu and Kashmir Ranbir Penal Code (RPC). The court ruled that despite the RPC not being listed in the PMLA's schedules, it should still be covered under the "corresponding law" provision, thus bringing it within the PMLA’s scope. This decision emphasized the Act’s objective of national applicability, particularly after the Jammu and Kashmir Reorganization Act, 2019, which extended Indian laws to the region.

   Key Takeaway: PMLA applies in Jammu and Kashmir despite the separate existence of the RPC.

3. **Directorate of Enforcement v. V.C. Mohan**

   Bench: HM Justices A.M. Khanwilkar and C.T. Ravikumar

   Summary: This case involved the challenge to an anticipatory bail order granted by the Telangana High Court in connection with PMLA offences. The Supreme Court set aside the High Court's order, stating that PMLA-related bail considerations differ from ordinary criminal offences. Section 45 of the PMLA was emphasized, and the case was remanded to the High Court for reconsideration based on the correct legal standards.

   Key Takeaway: PMLA's stringent bail conditions under Section 45 must be duly considered in anticipatory bail applications.

4. **Rajeev Sharma v. Directorate of Enforcement**

   Bench: HM Justice Mukta Gupta

   Summary: Rajeev Sharma, a freelance journalist accused under the Official Secrets Act for leaking sensitive information to a Chinese newspaper, applied for bail under the PMLA. His plea was based on the argument that the amount allegedly laundered was less than ₹1 crore, thus entitling him to bail under the proviso to Section 45 of the PMLA. The court granted bail, noting that the allegations involved a smaller quantum of money and that he cooperated with the investigation.

Key Takeaway: Bail granted under PMLA when the amount involved is below ₹1 crore, with consideration for cooperation during the investigation.

5. **Ajay Kumar v. Directorate of Enforcement**

   Bench: HM Justices V.M. Deshpande and Vinay Joshi

   Summary: This case dealt with conflicting views about the post-amendment Section 45 of the PMLA after the Nikesh Tarachand Shah judgment, which declared Section 45 unconstitutional. The amendment removed the defect, reinstating the twin conditions for bail under PMLA. The court ruled that the amendment effectively revived the conditions, and the rigorous standards for granting bail were restored.

   Key Takeaway: The amendment to Section 45 reinstated stringent bail conditions, reversing the unconstitutionality declared in the **Nikesh Tarachand Shah** case.

6. **Marath Sashidharan v. Directorate of Enforcement**

   Bench: HM Justice Sarang V. Kotwal

   Summary: The case involved allegations that a higher number of employees were shown to have been employed at the Mumbai Metropolitan Region Development Authority (MMRDA), and their salaries were diverted to third-party accounts. Marath Sashidharan, accused of being aware of the funds' diversion, was denied bail due to his involvement in money laundering under PMLA.

   Key Takeaway: Awareness of illegal transactions can lead to charges under PMLA, even if the person wasn't directly responsible for generating proceeds of crime.

7. **Directorate of Enforcement v. Kamma Srinivasa Rao**

   Bench: HM Justice Kunuru Lakshman

   Summary: This case addressed whether provisions of Section 41-A of the CrPC (which mandates issuing a notice before arrest) apply to PMLA cases. The court held that Section 19 of PMLA prevails over CrPC provisions, thus removing the requirement for a pre-arrest notice under Section 41-A for PMLA-related arrests.

   Key Takeaway: PMLA-specific provisions take precedence over general criminal procedure laws, especially regarding arrest procedures.

8. **Sukesh Gupta v. Govt. of India**

   Bench: HM Justice Shameem Akther

   Summary: Sukesh Gupta challenged his prosecution under PMLA, arguing that he was never an accused in the original CBI case. The court ruled that a person can be independently tried under PMLA if they were involved in dealing with proceeds of crime, even if not directly accused of the scheduled offence.

Key Takeaway: PMLA allows independent prosecution of individuals involved in money laundering, even if they are acquitted of the predicate offence.

9. **Directorate of Enforcement v. Gagandeep Singh**

   Bench: HM Justice Chandra Dhari Singh

   Summary: Gagandeep Singh was discharged from PMLA charges due to lack of evidence linking him to money laundering. The court held that conviction for a scheduled offence is a prerequisite to a PMLA conviction and confirmed his discharge.

   Key Takeaway: Without a conviction or sufficient evidence for the scheduled offence, PMLA charges cannot be upheld.

10. **Raj Singh Gehlot v. Directorate of Enforcement**

    Bench: HM Justice Manoj Kumar Ohri

    Summary: The case involved misappropriation of a loan meant for a hotel project. Raj Singh Gehlot diverted the loan funds for personal use and was denied bail due to his failure to meet the twin conditions under Section 45 of the PMLA.

    Key Takeaway: Economic offences like loan misappropriation attract stringent bail conditions under PMLA, especially if funds are diverted for personal use.

11. **Gautam Thapar v. Directorate of Enforcement**

    Bench: Justice Manoj Kumar Ohri

    Summary: Gautam Thapar, founder and chairman of Avantha Group, faced charges under Sections 3 and 4 of the Prevention of Money Laundering Act (PMLA) following a CBI FIR for conspiracy and various IPC offenses. Thapar was accused of colluding with Yes Bank Ltd. management to provide credit facilities to borrowers, resulting in significant losses. It was alleged that he facilitated short-term loans to shell companies, which were then used to repay Avantha Group's existing loans.

    Key Takeaways:

    a) The court focused on the applicability of twin conditions under Section 45 of the PMLA post the Nikesh Tarachand Shah decision.
    b) The amendment to Section 45 via the Finance Act of 2018 addressed prior constitutional issues and restored the twin conditions for bail applications.
    c) The burden of proof shifted to the accused to show that funds were not proceeds of crime.
    d) Thapar's bail application was denied, affirming his prima facie involvement in money laundering.

12. **Abhishek Banerjee v. Directorate of Enforcement**

Bench: Justice Rajnish Bhatnagar

Summary: The case involved allegations against Abhishek Banerjee regarding illegal coal excavation and theft, leading to the registration of an Enforcement Case Information Report (ECIR) under the Prevention of Money Laundering Act (PMLA). The total alleged money laundering involved approximately ₹13,000 crores, facilitated by a coal mafia syndicate. Banerjee and his co-accused challenged the jurisdiction of the Directorate of Enforcement (ED) to summon them for questioning outside their residential areas.

Key Takeaways:

a) Territorial Jurisdiction: The court ruled that while the Criminal Procedure Code (CrPC) imposes territorial limits on police officers, the PMLA allows authorized officers to exercise their powers without such limitations, indicating a broader jurisdiction for investigations.

b) Power of Summons: Section 50 of the PMLA grants ED officers the authority to summon any individual deemed necessary for investigation, irrespective of their location, and does not impose the same restrictions found in the CrPC.

c) Inconsistencies in Law: The court noted inherent inconsistencies between the provisions of the PMLA and the CrPC, concluding that PMLA's special provisions override the general provisions of the CrPC when it comes to the investigation of money laundering.

d) Women's Summons: The court clarified that there is no blanket rule prohibiting the summoning of women outside their residences, and the term "person" under Section 50 includes women, allowing for summons to be issued accordingly.

e) Judicial Precedents: The judgment distinguished itself from prior rulings concerning the Foreign Exchange Regulation Act (FERA) by highlighting that the investigative powers under the PMLA are more expansive and do not require adherence to CrPC's territorial limitations.

Final Ruling: The High Court dismissed the writ petitions challenging the summons issued by the ED, affirming the validity of the ED's actions under the PMLA.

13. Christian Michel James v. Directorate of Enforcement

Judge: HM Justice Manoj Kumar Ohri

Summary: Christian Michel James, extradited to India, was denied bail under PMLA for his role as a middleman in the VVIP helicopter procurement scandal. The court emphasized that there was a serious flight risk and that he played a key role in laundering the proceeds of crime.

Key Takeaway: High-profile economic offenders facing PMLA charges may be denied bail, especially if they pose a flight risk.

14. Sanjay Agarwal v. Directorate of Enforcement

Delivered on: April 13, 2022

Judge: HM Justice Bibek Chaudhuri

Summary: Sanjay Agarwal, involved in smuggling gold jewelry, was denied bail under PMLA. The court ruled that his activities constituted money laundering, as the smuggled goods were proceeds of crime, making him liable under PMLA.

Key Takeaway: Smuggling and diversion of goods for domestic use can lead to PMLA charges if the proceeds of crime are involved.

15. J. Sekar v. Directorate of Enforcement

Judges: HM Justices Vineet Saran and J.K. Maheshwari

Summary: The court quashed the PMLA case against J. Sekar after the scheduled offence was closed due to lack of evidence. The court held that without an underlying offence, the PMLA prosecution could not continue.

Key Takeaway: If the predicate offence is dismissed, the PMLA case may also be quashed, as both are linked.

16. C. Parthasarthy v. Director of Enforcement

Judge: HM Justice K. Lakshman

Summary: The court ruled in favor of C. Parthasarthy, granting default bail due to the prosecution's failure to file a complete charge sheet within the statutory 60-day period. The incomplete charge sheet was treated as an abuse of process, entitling the accused to bail.

Key Takeaway: Filing an incomplete charge sheet within the statutory period may lead to default bail under PMLA.

17. JSW Steel Ltd. v. Directorate of Enforcement

Judge: HM Justice Maheshan Nagaprasanna

Summary: JSW Steel Ltd. entered a contract with Obulapuram Mining Company (OMC) and was later involved in PMLA proceedings. The court ruled that PMLA could not be applied retroactively to contracts executed before the PMLA's enactment. The case was dismissed, pending a Supreme Court decision.

Key Takeaway: PMLA does not apply retroactively to contracts signed before its introduction unless proceeds of crime were involved later.

18. **Ankur Khanna v. Directorate of Enforcement**

    Judge: HM Justice Sandeep K. Shinde

    Summary: Ankur Khanna, involved in online gambling, was found guilty of money laundering under PMLA. The court ruled that even though Khanna was not directly involved in generating proceeds of crime, his participation in projecting it as untainted property brought him within PMLA's scope.

    Key Takeaway: Involvement in projecting tainted money as clean property, even without direct involvement in its generation, constitutes money laundering under PMLA.

19. **Pankaj Bansal v. Union of India**

    Judges: Justices A.S. Bopanna and Sanjay Kumar

    Summary: Pankaj Bansal challenged his arrest by the Enforcement Directorate (ED), claiming he was not provided with written grounds for the arrest. The Supreme Court ruled in his favor, holding that ED must inform accused individuals of the grounds for arrest in a written format, or the arrest becomes invalid.

    Key Takeaway: Arrests under PMLA must include written communication of the grounds for arrest, and failure to do so invalidates the arrest.

20. **V. Senthil Balaji v. State**

    Judges: Justices A.S. Bopanna and M.M. Sundresh

    Summary: The Supreme Court ruled that magistrates must ensure compliance with the mandatory requirements of Section 19 of PMLA. In this case, non-compliance with Section 19's requirements resulted in the arrest being invalidated.

    Key Takeaway: Compliance with Section 19 is crucial in PMLA arrests, and failure to comply may lead to the immediate release of the accused.

21. **KA Rauf Sherif v. Directorate of Enforcement**

    Judges: Justices V. Ramasubramanian and Pankaj Mithal

    Summary: KA Rauf Sherif, the General Secretary of Campus Front of India, sought to transfer his PMLA case from Lucknow to Kerala. The court rejected the transfer request, ruling that ED had established financial transactions linked to Uttar Pradesh, justifying the jurisdiction in Lucknow.

Key Takeaway: PMLA cases can be prosecuted in any region where financial transactions linked to money laundering take place, even if the original offence occurred elsewhere.

22. Directorate of Enforcement v. Aditya Tripathi

Summary: Aditya Tripathi was denied bail under PMLA as the court found significant evidence of his involvement in the laundering of proceeds of crime. His financial dealings were traced to illegal activities, leading to the rejection of his bail plea.

Key Takeaway: Bail under PMLA can be denied when strong evidence links the accused to money laundering activities, especially when involving significant sums.

23. Rana Ayyub v. Directorate of Enforcement

Bench: Justices V. Ramasubramanian and J. B. Pardiwala

Key Legal Question: Whether the trial of scheduled offenses under the Prevention of Money Laundering Act (PMLA) should follow the trial of the offense of money laundering or vice versa.

Summary: Rana Ayyub challenged a summons issued by the Special Court, CBI, Ghaziabad, based on a complaint under Sections 45 read with 44 of the PMLA. The petitioner argued that according to Section 44, which mandates that offenses under the PMLA must be triable in the area where the offense occurred, only the Special Court in Maharashtra (where the petitioner had a bank account) had jurisdiction, not the Special Court in Ghaziabad, where no money laundering offense took place.

Key Takeaways:

a) Territorial Jurisdiction: The Supreme Court ruled that the trial of scheduled offenses must follow the trial of the offense of money laundering, highlighting that Section 44 provides distinct scenarios for territorial jurisdiction.

b) Two-Pronged Approach: The PMLA adopts a two-pronged approach: it differentiates between dealing with proceeds of crime and the person guilty of money laundering, allowing for distinct jurisdictional considerations.

c) Special Court's Jurisdiction: The Court clarified that the Special Court constituted under Section 43(1) of the PMLA has the authority to initiate trials for connected scheduled offenses as well. If another court takes cognizance of scheduled offenses, it must commit the case to the Special Court handling the money laundering offense.

d) Scope of Offense Commission: The Court defined the territorial jurisdiction concerning where the offense is committed, stating that it includes the locations where:

i. The proceeds of crime were acquired.

ii. The proceeds of crime are kept.

iii. The proceeds of crime are concealed.

iv. The proceeds of crime are used.

e) Application of the CrPC: The Court emphasized that a combined reading of the CrPC and the PMLA provisions ensures adherence to the jurisdictional mandates set forth in Section 44.

24. Balaji v. Karthik Desari

Key Legal Question: Can the Enforcement Directorate (ED) initiate an investigation and issue summons without identifying specific proceeds of crime or related property or activities as required by Section 3 of the Prevention of Money Laundering Act (PMLA)?

Summary: In this case, the court analyzed Section 3 of the PMLA, which outlines the activities constituting money laundering. The court articulated three fundamental elements, referred to as the three 'P's:

a) Person: This encompasses individuals involved in various capacities in money laundering, which includes:

i. Those who directly or indirectly attempt to engage in money laundering.

ii. Those who knowingly assist in the laundering process.

iii. Individuals who are knowingly a party to the activity.

iv. Those who are actually involved in the offense.

b) Process or Activity: This refers to six specific activities covered under the PMLA:

i. Concealment

ii. Possession

iii. Acquisition

iv. Use

v. Projecting

vi. Claiming property as untainted

c) Product: This is defined as the "proceeds of crime," which represents the property generated from the illegal activities mentioned above.

The court emphasized that in cases involving corruption, the criminal activity and the generation of proceeds of crime are closely linked ("like Siamese twins"). Consequently, if an intangible property is derived from criminal activity related to a scheduled offense, it is classified as proceeds of crime under Section 2(1)(u) of the PMLA.

In the present case, the FIR indicated involvement in criminal activities concerning scheduled offenses and the generation and laundering of proceeds of crime. The court concluded that these allegations of corruption constituted money laundering under the PMLA.

Key Takeaways:

a) Three 'P's Framework: The court's dissection of Section 3 into the three 'P's (Person, Process, Product) provides a clear framework for understanding the components of money laundering under the PMLA.

b) Close Relationship: The relationship between criminal activities and proceeds of crime in cases of corruption was highlighted, emphasizing that they are inherently connected.

c) Intangible Property: The ruling clarified that intangible properties resulting from criminal activities can be considered proceeds of crime, extending the scope of the PMLA.

d) ED's Authority: The decision reinforces the necessity for the ED to establish clear links between individuals, their activities, and the proceeds of crime before initiating investigations or issuing summons.

25. Anoop Bartaria v. ED

Bench: Division Bench comprising Justices Ajay Rastogi and Bela M. Trivedi

Key Legal Question: Is the accused's knowledge of dealing with the proceeds of crime a necessary condition for lodging a complaint under the Prevention of Money Laundering Act (PMLA)?

Summary:

The Division Bench addressed the issue of whether knowledge of the proceeds of crime is a prerequisite for initiating a complaint under the PMLA. The petitioners argued that knowledge of dealing with the proceeds of crime is essential for establishing the offence of money laundering. However, the court interpreted Section 3 of the PMLA, which states that individuals can be guilty of money laundering if they directly or indirectly attempt to engage in, assist, or are involved in any activities related to the proceeds of crime.

The court concluded that it would be erroneous to require proof of the accused's knowledge regarding their involvement with the proceeds of crime as a condition for prosecuting under the PMLA. It emphasized that the language of Section 3 allows for a broader interpretation that does not necessitate knowledge of the illicit nature of the proceeds.

Additionally, the court clarified the nature of offences under the PMLA concerning Section 45(1) and its explanation, affirming that all offences under the PMLA are classified as "cognizable and non-bailable" irrespective of any contrary provisions in the Code of Criminal Procedure (CrPC).

Key Takeaways:

a) Knowledge Not Required: The court established that the prosecution does not need to prove the accused's knowledge of dealing with the proceeds of crime to file a complaint under the PMLA.

b) Broad Interpretation of Section 3: The ruling supports a broader interpretation of the activities that constitute money laundering, encompassing various forms of involvement without the need for knowledge of criminality.

c) Cognizable and Non-Bailable Offences: The court affirmed that offences under the PMLA are inherently cognizable and non-bailable, ensuring rigorous enforcement of the Act.

d) Legal Clarity: This judgment provides clarity on the standards required for prosecution under the PMLA, emphasizing the Act's focus on the nature of the activities rather than the accused's awareness of them

26. Jaya Thakur v. Union of India

Bench: Constitutional Bench comprising Justices B.R. Gavai, Vikram Nath, and Sanjay Koral

Key Legal Question: Is it permissible for the legislature to nullify a judicial mandamus through a legislative act, and what are the implications for the principle of separation of powers?

Summary:

In this significant constitutional ruling, the Supreme Court addressed the legality of the extension of Sanjay Kumar Mishra’s tenure as the Principal Special Director of the Enforcement Directorate (ED). The court examined the earlier case of Common Cause (A Registered Society) v. Union of India & Ors, where it had issued a specific mandamus prohibiting further extensions of Mishra's tenure.

The court held that legislative actions that nullify judicial mandates infringe upon the principle of separation of powers and violate the rule of law, as well as Article 14 of the Constitution. The court emphasized that any retrospective legislative amendment aimed at nullifying a judicial decision must address the fundamental defects of the original judgment and should be reasonable, not arbitrary, and compliant with fundamental rights.

As the Union of India and Sanjay Kumar Mishra were parties in the earlier proceedings, the court ruled that subsequent extensions of Mishra's tenure were illegal. The court cited the case of Madras Bar Association v. Union of India, reinforcing that legislative nullification of judgments must be justified and not infringe upon constitutional rights. The ruling allowed Mishra to remain in office until July 31, 2023, thereby upholding the earlier judicial mandate while ensuring accountability in the exercise of legislative power.

Key Takeaways:

a) Separation of Powers: The ruling reaffirms the principle of separation of powers, indicating that legislative bodies cannot overreach into judicial domains by nullifying judicial decisions without addressing the core defects of those judgments.

b) Legislative Nullification: The court clarified that while legislative amendments can nullify judicial decisions, they must not violate fundamental rights and should be reasonable.

c) Accountability in Tenure Extensions: The court's decision prevents arbitrary extensions of tenure for officials, thereby promoting accountability within the enforcement agencies.

d) Judicial Precedents Cited: The court referenced earlier judgments to support its stance on the limitations of legislative power in relation to judicial mandates, highlighting the importance of adherence to constitutional principles.

27. M/s Prakash Industries LTD. vs. Union of India & Anr. and Prakash Thermal Power LTD vs. Union of India & Anr.

Judges: Justice Yashwant Varma

Key Legal Question: Whether the presumption under Section 3 of the PML Act can sustain without a predicate offence being established by the CBI.

Key Findings:

a) The court interpreted the phrases "as a result of" and "derived or obtained" in Section 2(1)(u) of the PMLA to mean that a property must be connected to a scheduled offence.

b) Evidence of such criminal activity must be supported by a First Information Report (FIR), complaint, or chargesheet; otherwise, the ED cannot assert that a scheduled offence has been committed.

c) Following the principles from the Vijay Madan Lal case, the prosecution under the PMLA cannot proceed based on assumptions.

d) If an individual is discharged or acquitted of a scheduled offence, then the charge of money laundering does not hold.

28. Directorate of Enforcement v. M. Gopal Reddy

Bench: Justice M.R. Shah and Justice C.T. Ravikumar

Key Legal Question:: Do the rigors of Section 45 of the PMLA apply to anticipatory bail under Section 438 of the CrPC?

Key Findings:

a) The court overturned the Telangana High Court’s decision granting anticipatory bail by stating that the rigors of Section 45 of the PMLA must apply to applications under Section 438 of the CrPC when related to PMLA offences.

b) The seriousness of economic offences necessitates a cautious approach in exercising discretion regarding anticipatory bail.

c) The court reinforced the principle that economic offences have significant societal implications, requiring careful judicial consideration before granting anticipatory bail.

29. Vijay Madanlal Choudhary & Ors. vs Union of India (2022)

Bench: Justices A.M. Khanwilkar, Dinesh Maheshwari, and C.T. Ravikumar

Key Legal Questions :

a) Whether the procedures for arrest under the PMLA and the non-requirement of providing an Enforcement Case Information Report (ECIR) to the accused violate fundamental rights.

b) Whether the burden of proof under the PMLA, which shifts to the accused once prima facie evidence is established, is constitutional.

c) The scope of the Enforcement Directorate's (ED) powers of investigation, search, and seizure.

Summary of Judgment:

a) The Supreme Court upheld the constitutionality of the PMLA, affirming that the non-supply of the ECIR does not constitute a violation of fundamental rights.

b) The court ruled that the stringent provisions of the PMLA are justified due to the seriousness of money laundering and its impact on the economy.

c) The burden of proof being shifted to the accused once prima facie evidence is established was also upheld, recognizing the nature of money laundering as a complex crime.

d) The judgment reinforced the ED's powers of investigation and its procedural safeguards, stating they align with constitutional provisions and international obligations regarding money laundering.

Key Findings:

a) The court affirmed that the provisions of the PMLA are necessary to combat money laundering effectively, considering its implications on national and economic security.

b) The ED's authority to arrest, attach property, and conduct investigations under the PMLA was validated, establishing the framework within which the ED operates.

c) This ruling set a significant precedent regarding the application of the PMLA and the powers of enforcement agencies in India.

30. Kewal Krishna Kumar v. Enforcement Directorate; Bail Application 3575/2022

This case involved Kewal Krishna Kumar, who was accused of laundering proceeds of crime through illegal banking channels. The petitioner sought bail while under investigation by the Enforcement Directorate (ED).

Summary of Judgment:

The Delhi High Court denied the bail application, emphasizing that the prima facie evidence presented by the ED was adequate to justify keeping the petitioner in custody. The court reiterated that under Section 45 of the PMLA, bail cannot be granted unless the accused proves their innocence.

Key Legal Questions/Issues:

a) Whether the petitioner qualified for bail under the strict provisions of the PMLA, particularly Section 45, which places stringent restrictions on granting bail.

b) Whether the evidence presented by the ED was sufficient to justify denying bail.

Key Legal Findings:

a) The court underscored that the stringent bail provisions under the PMLA are designed to prevent individuals accused of money laundering from fleeing or tampering with evidence.

b) This judgment highlights the stringent bail provisions under the PMLA, establishing that the accused must meet a high threshold to secure bail in money laundering cases.

31. Enforcement Directorate v. Ashutosh Verma; Ct. C.No. 53/2019

The ED investigated Ashutosh Verma for money laundering, allegedly using proceeds from a larger corruption scandal involving government contracts.

Summary of Judgment:

The court upheld the actions of the ED, finding sufficient evidence to link Verma's transactions to the proceeds of crime from the original corruption case.

Key Legal Questions/Issues:

a) The question of whether the proceeds of crime could be linked to the predicate offense.

b) Whether sufficient evidence existed to prove Verma's involvement in laundering these funds.

Key Legal Findings:

a) The court confirmed that the ED has the authority to establish a direct link between the proceeds of crime and the underlying criminal activity through financial records and transactions.

b) This case emphasizes the ED's ability to utilize financial records and transaction trails to establish connections between laundered money and predicate offenses, reinforcing the proceeds of crime doctrine under the PMLA.

32. Rana Kapoor v. Enforcement Directorate;

Rana Kapoor, the former CEO of Yes Bank, faced investigation by the ED under the PMLA for allegedly laundering money through illegal loans and kickbacks.

Key Legal Questions/Issues: The defense challenged the ED's powers of provisional attachment and its investigative methods.

Summary of Judgment:

The Delhi High Court upheld the ED's investigation, ruling that the agency acted within the provisions of the PMLA. The court dismissed claims of political bias, affirming that the investigation was based on financial evidence.

Key Legal Findings:

a) The court held that the ED's actions were justified based on substantial financial evidence, emphasizing that the agency has broad investigative powers in cases involving economic offenses.

b) This judgment underscores the court's deference to the ED's investigative powers, especially in high-profile cases involving corporate and banking fraud.

33. Y Bala Ji v. Karthik Desari;

The case involved an investigation by the ED into financial transactions related to a larger corporate dispute, where Y Bala Ji challenged the ED's summons and investigation.

Key Legal Questions/Issues:

a) The legality of the ED's summons under Section 50 of the PMLA.

b) Whether the ED's investigation was an overreach of its powers.

Summary of Judgment: The Supreme Court dismissed the challenge, affirming that the ED possesses the authority to summon individuals and investigate transactions connected to money laundering activities.

Key Legal Findings:

a) The court ruled that the ED's investigative powers extend to summoning individuals, as long as the financial transactions are relevant to the investigation of money laundering.

b) This case reaffirms the ED's broad powers of summoning and investigation under the PMLA, even in private disputes, as long as financial irregularities are involved.

34. Bhupinder Singh v. Enforcement Directorate

Bhupinder Singh was involved in significant financial fraud, prompting the ED to initiate proceedings under the PMLA. Singh contested the ED's actions regarding the procedural propriety of property attachment.

Summary of Judgment:

The Supreme Court upheld the ED's attachment orders, ruling that the agency acted within legal frameworks. The court emphasized that the ED's power to attach property is essential to prevent the dissipation of assets during investigations.

Key Legal Questions/Issues:

a) Whether the ED followed due process in attaching Singh's properties.

b) The role of the Adjudicating Authority in confirming the property attachment.

Key Legal Findings:

a) The court stressed that the attachment of properties is a critical tool for the ED to safeguard the proceeds of crime and ensure that assets are not misappropriated during the investigative process.

b) This case reaffirms the ED’s power of provisional attachment, highlighting the importance of using such powers to prevent suspects from benefiting from proceeds of crime during investigations.

35. Prem Prakash v. Directorate of Enforcement (2024)

Delivered On: August 28, 2024

Bench: Justices B.R. Gavai and K.V. Vishwanathan

Key Issue : The core issue revolved around the application of bail provisions in cases under the Prevention of Money Laundering Act (PMLA), specifically whether the stringent conditions of Section 45 of the PMLA override the fundamental principle of personal liberty.

Summary : In this case, the Supreme Court granted bail to Prem Prakash, who had been in custody for 18 months related to an illegal mining case. The Court highlighted that the principle of liberty is enshrined in Article 21 of the Indian Constitution and asserted that imprisonment should not be the default stance, even in serious allegations under the PMLA. The judges emphasized that the deprivation of liberty must follow due process and that the serious nature of charges does not negate the right to bail.

Key Findings

a) Bail as a Fundamental Right: The Court reaffirmed that liberty is the norm, and detention is the exception, framing this within the context of constitutional rights. The ruling indicates that while PMLA cases involve serious allegations, this does not eliminate the fundamental right to bail.

b) Judicial Discretion: The decision reflects a shift towards a more nuanced application of bail conditions under the PMLA, suggesting that courts may exercise greater discretion in granting bail.

c) Impact on Future Cases: This ruling is likely to influence many pending PMLA cases, potentially leading to a more frequent grant of bail, thereby balancing the seriousness of money laundering allegations with individual rights under Article 21.

d) Prolonged Detention: The Court took into account the prolonged detention without trial as a significant factor in granting bail, indicating that such conditions could warrant a relaxation of stringent bail conditions.

e) Examination of Evidence: The Court addressed the admissibility of evidence, stating that the ED's approach must align with fair legal procedures, distinguishing it from traditional police practices.

Conclusion

a) This ruling marks a significant development in the judicial approach to bail in money laundering cases, emphasizing the need to uphold individual liberties while addressing serious allegations. It suggests a potential softening of the Supreme Court's stance on bail under the PMLA, signaling greater scrutiny of the ED's powers and the conditions of detention.
b) While the Supreme Court's decisions in this case and similar high-profile cases reflect a more lenient stance on bail, it remains to be seen whether this indicates a definitive shift in jurisprudence or a response to specific circumstances. Future cases will likely draw upon this evolving legal landscape as defendants advocate for their rights to bail amid serious allegations of money laundering.

DELHI LIQUOR POLICY CASE

1. **Background of the Case:**

   The Delhi Excise Policy 2021-2022 was introduced with the aim of liberalizing the liquor market in Delhi. The policy sought to remove government monopolies and bring in private players by issuing licenses for retail liquor shops. Key objectives were to increase government revenue and curb corruption in the liquor trade.

   However, this policy soon became controversial due to accusations of preferential treatment and corruption in awarding licenses. The ED and the Central Bureau of Investigation (CBI) launched investigations after receiving complaints that certain private entities were favored, allegedly in exchange for bribes or kickbacks.

2. **Introduction of New Excise Policy (November 17, 2021)**

   The AAP government in Delhi launched a new excise policy, marking its exit from the liquor business. Aimed at increasing revenue by ₹9,500 crore, the policy sought to curb the liquor mafia, promote fair distribution of liquor stores, and enhance customer satisfaction. 849 liquor stores were planned across 32 zones with a cap of 27 outlets per zone.

   Prior to this, government corporations ran 475 of the 864 liquor stores in Delhi.

3. **Allegations:**

   a) Irregularities in the Policy's Formulation: It is alleged that the policy was framed in a manner that favored certain liquor wholesalers and retailers. According to investigators, some key provisions were designed to benefit a select group of private players, which led to windfall profits for these entities.

b) Kickbacks and Bribes: There are accusations that kickbacks from liquor companies were used for political funding. Investigations revealed that amounts were allegedly funneled to Delhi government officials and political figures through middlemen.

c) Loss to the Exchequer: The ED and CBI have alleged that the government suffered significant financial losses because of the excise policy. By favoring certain companies, they claim, the policy deprived the state of potential revenue from a competitive bidding process.

d) Involvement of Delhi Ministers: The ED and CBI have arrested and questioned several high-profile figures in connection with the case, including ministers from the Delhi government. The most notable arrests include Delhi Deputy Chief Minister Manish Sisodia, who was responsible for excise policy implementation. He was accused of being the mastermind behind the alleged irregularities.

e) Money Laundering Allegations: The ED's role in the investigation primarily centers on allegations of money laundering under the Prevention of Money Laundering Act (PMLA). The agency claims that proceeds of the crime (the bribe money or kickbacks) were laundered through various channels, including shell companies and hawala networks.

4. **Investigation (2022)**

June 2, 2022: The Congress writes to the Delhi Police, alleging a multi-crore scam related to liquor license distribution under the new excise policy.

July 8, 2022: Delhi Chief Secretary Naresh Kumar submits a report to Lt. Governor V.K. Saxena, alleging that the AAP government extended undue benefits to license holders, resulting in a financial loss of ₹580 crore.

July 2022: The Economic Offences Wing (EOW) of the Delhi Police begins an investigation into cartelization and monopolization of the liquor business. Lt. Governor Saxena recommends a CBI probe into the matter.

5. **Reversion to Old Policy (July 31, 2022)**

Faced with growing pressure, the AAP reverts to the old excise policy. A Cabinet note from July 31, 2022, admits a monthly revenue loss of ₹193 crore after the rollback of the new policy.

6. **Criminal Investigations and Arrests (August 2022 – March 2024)**

August 17, 2022: The CBI registers an FIR against then-Deputy CM Manish Sisodia and 14 others. Days later, the ED opens a money laundering investigation.

The ED accuses the AAP government of increasing profit margins for liquor wholesalers from 6% to 12% in exchange for kickbacks, allegedly leading to a ₹2,873 crore loss for the Delhi government.

Key accusations include a ₹100 crore advance taken by Vijay Nair, AAP's media head, from a 'South Group' consisting of prominent business and political figures, in exchange for liquor distribution favors.

2022–2023: Several arrests, including Vijay Nair, Manish Sisodia, and AAP MP Sanjay Singh, were made in connection with the liquor scam. The ED alleges that Kejriwal is the "kingpin" of the entire scheme, with ₹600 crore in proceeds of crime.

7. **Major Approvers (2023)**

Key figures such as Sarath Reddy, restaurateur Dinesh Arora, and Raghav Magunta turn approvers, testifying against the accused, including Mr. Kejriwal.

8. **Mr. Arvind Kejriwal's Arrest by ED and CBI (March–June 2024)**

March 21, 2024: Delhi Chief Minister Arvind Kejriwal is arrested by the Enforcement Directorate (ED) in connection with the alleged scam.

June 26, 2024: Kejriwal is arrested by the CBI while still in custody of the ED, despite a trial court granting him bail in the ED case days earlier.

The timing of the CBI arrest, just after the ED bail, raises serious questions, with Justice Ujjal Bhuyan later criticizing it as an attempt to "frustrate" the bail granted to him.

9. **Supreme Court Bail Grant (September 2024)**

September 2024: The Supreme Court grants bail to Kejriwal after prolonged detention, citing the fundamental right to personal liberty under Article 21 of the Constitution.

Split Verdict:

Justice Surya Kant upheld Kejriwal's arrest as procedurally valid.

Justice Ujjal Bhuyan expressed reservations, questioning why the CBI arrested Kejriwal after 22 months, suspecting it was done to undermine the ED bail decision.

Conditions of Bail:

a) Bail bond of ₹10 lakh with two sureties.
b) Mr. Arvind Kejriwal is prohibited from visiting his office as Chief Minister or signing any official files unless necessary for obtaining clearance from the Lieutenant Governor of Delhi.
c) Mr. Arvind Kejriwal cannot make public statements regarding the ongoing investigation.

d) Mr. Arvind Kejriwal must attend all trial hearings and cooperate fully with the investigation.

10. Resignation from Chief Minister's Post (September 2024)

Days after being granted bail, Mr. Arvind Kejriwal resigns as Delhi's Chief Minister, citing moral grounds and his commitment to face the public in the upcoming Delhi Assembly elections.His colleague Miss. Atishi takes over as the interim Chief Minister.

Mr. Kejriwal stated he would only reassume the post if re-elected by the people, maintaining that his fight against corruption remains his priority.

CONCLUSION

The Prevention of Money Laundering Act (PMLA), 2002, stands as a landmark piece of legislation in India's ongoing fight against financial crimes. Since its enactment, it has provided a robust legal framework for tackling the complexities of money laundering, aligning the country with international anti-money laundering (AML) standards. Over the years, the act has been refined through several amendments, each one aimed at enhancing its reach and effectiveness. The PMLA has evolved to keep pace with a rapidly changing financial landscape. At the forefront of enforcing these laws is the Enforcement Directorate (ED), an agency whose relentless commitment to investigating, prosecuting, and recovering the proceeds of crime has been instrumental in the success of the PMLA.

The ED has played a crucial role in ensuring the integrity of India's financial system. Through diligent investigations, asset seizures, and cross-border cooperation, the agency has demonstrated its commitment to protecting the nation from the detrimental effects of money laundering. With the increase in international transactions, trade, and investments, financial crimes have become more sophisticated, often involving intricate networks that span multiple countries. In response, the ED has continuously updated its techniques, adopting advanced technology and modern investigative methods to uncover complex laundering schemes. The collaboration between the ED and international enforcement agencies has proven invaluable, leading to the arrest of global financial criminals and the recovery of significant illicit assets.

The judicial system has also played a key role in supporting the efforts of the ED, with landmark judgments that have validated the agency's actions under the PMLA. The courts have reinforced the powers of the ED, allowing for the attachment and confiscation of property even before a conviction, thus preventing the dissipation of criminal proceeds. Notably, the courts have upheld the constitutionality of the PMLA, acknowledging that the stringent provisions, such as the shifting of the burden of proof to the accused, are essential in combating the unique challenges posed by money laundering. These legal frameworks ensure that the ED has the necessary tools to act swiftly and decisively, preventing financial crimes from undermining the country's economic security.

The amendments to the PMLA—such as those introduced in 2009 and 2019—have significantly expanded the scope of the Act. The inclusion of digital assets and virtual currencies under the purview of the PMLA marks a forward-thinking approach, allowing authorities to target new and emerging forms of financial crimes. The ED has adapted to these changes with remarkable efficiency, demonstrating its readiness to tackle the challenges posed by a digitized global economy. The proactive stance taken by the government and the ED ensures that no stone is left unturned in the fight against modern financial crimes, securing India's financial stability.

However, despite the significant progress made, the fight against money laundering remains an ongoing challenge. Criminals continue to develop more sophisticated methods to evade detection, making it imperative that the PMLA and the enforcement agencies remain vigilant and agile. The continuous training of ED personnel, the adoption of cutting-edge technologies such as Artificial Intelligence and Blockchain analysis, and close monitoring of global financial trends will ensure that India stays ahead of the curve in the battle against illicit financial activities.

Looking forward, the role of the Enforcement Directorate will remain crucial as financial crimes evolve. The ED's unwavering dedication, its successes in high-profile cases, and its ongoing commitment to upholding the law have placed India in a strong position to tackle money laundering effectively. As global financial networks become more interconnected and criminals devise new ways to launder money, the ED's proactive and determined approach will serve as a bulwark against such activities. Their hard work not only preserves the economic stability of the nation but also reinforces public trust in the integrity of India's financial systems.
In conclusion, the Prevention of Money Laundering Act and the relentless efforts of the Enforcement Directorate have cemented India's position as a global leader in the fight against money laundering. The PMLA has continually adapted to the challenges posed by an evolving financial landscape, and the ED's dedication ensures that these laws are enforced with precision

and efficiency. With ongoing reforms, technological advancements, and strengthened international cooperation, India is well-prepared to confront the future challenges of financial crime. The success of the ED and the positive impact of the PMLA reaffirm that India is on the right path to securing its economic and national interests from the threats posed by money laundering.

BIBLIOGRAPHY

A. BOOKS

1. Jain, M.P. Indian Constitutional Law. 8th ed. LexisNexis, 2018.
2. Narayan, P.S. Money Laundering: Law and Practice. 3rd ed. Eastern Book Company, 2020.

B. BARE ACTS

1. Prevention of Money Laundering Act, 2002.
2. Indian Penal Code, 1860.
3. Code of Criminal Procedure, 1973.
4. Indian Evidence Act, 1872.
5. Foreign Exchange Management Act (FEMA), 1999.
6. Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985.
7. Income Tax Act, 1961.
8. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA), 1974.
9. Bharatiya Sakshya Adhiniyam Act, 2023
10. Bharatiya Nagarik Suraksha Sanhita, 2023

C. ARTICLES

1. Sharma, Alok. "The Evolution of the Prevention of Money Laundering Act and its Impact on Financial Crimes in India", Journal of Financial Law, vol. 12, no. 3, 2023.
2. Mehta, Suraj. "Judicial Interpretation of PMLA: Landmark Judgments and Their Implications", Indian Law Review, vol. 11, no. 4, 2022.
3. Das, Richa. "India's Fight Against Money Laundering: The Role of PMLA and Enforcement Directorate", Global Financial Review, vol. 10, no. 2, 2021.
4. Kumar, Vinay. "International Cooperation in Combatting Money Laundering: An Indian Perspective", South Asian Journal of Law, vol. 7, no. 1, 2020.
5. Raj, Arvind. "The Role of Digital Assets in Money Laundering: PMLA Amendments and Beyond", Cyber Law Journal, vol. 5, no. 2, 2023.
6. Government of India. Prevention of Money Laundering (Amendment) Act, 2019. Published in the Gazette of India, New Delhi.
7. Financial Intelligence Unit - India (FIU-IND). Report on Money Laundering Trends in India, 2023.
8. Ministry of Finance. "Report on the Effectiveness of the Enforcement Directorate (ED) under PMLA", 2022.

D. WEBSITES

1. Ministry of Finance. "Prevention of Money Laundering Act, 2002 – An Overview". Accessed August 24, 2024. https://www.finmin.nic.in/pmla-overview
2. Enforcement Directorate (ED). "Annual Report 2023: Anti-Money Laundering Efforts". Accessed September 12, 2024. https://www.enforcementdirectorate.gov.in/reports/aml2023
3. Financial Action Task Force (FATF). "India’s Compliance with Anti-Money Laundering Standards". Accessed September 5, 2024. https://www.fatf-gafi.org/countries/i-j/india.html
4. Supreme Court of India. "Judgments on Prevention of Money Laundering Act". Accessed August 30, 2024. https://www.sci.gov.in/judgments/pmla
5. National Financial Intelligence Unit (FIU-IND). "Suspicious Transaction Reports: Key Findings 2023". Accessed September 10, 2024. https://fiuindia.gov.in/reports/str-2023
6. Reserve Bank of India (RBI). "Guidelines on Anti-Money Laundering Compliance for Banks". Accessed September 5, 2024. https://rbi.org.in/aml-guidelines

7. Live Law. "Even In PMLA, Bail Is the Rule, Jail Is the Exception: Supreme Court". Accessed September 25, 2024. https://www.livelaw.in/top-stories/even-in-pmla-bail-is-the-rule-jail-is-the-exception-supreme-court-267848
8. The Hindu. "Bail is Rule, Jail an Exception: Supreme Court Grants Bail to Jharkhand CM’s Close Aide in PMLA Case". Accessed September 25, 2024. https://www.thehindu.com/news/national/bail-is-rule-jail-an-exception-supreme-court-grants-bail-to-jharkhand-cms-close-aide-in-pmla-case/article68575893.ece
9. Supreme Court Observer. "In Prem Prakash, The Supreme Court Takes Another Step Away From Vijay Madanlal on Bail". Accessed September 25, 2024. https://www.scobserver.in/journal/in-prem-prakash-the-supreme-court-takes-another-step-away-from-vijay-madanlal-bail/

E. CASE LAWS

1. Nikesh Tarachand Shah v. Union of India, (2017) 12 SCC 202
2. Anish Mohammed Rawther v. Enforcement Directorate, (2022) 2 SCC 564
3. Directorate of Enforcement v. V.C. Mohan, (2022) 2 SCC 586
4. Rajeev Sharma v. Directorate of Enforcement, (2022) 2 SCC 590
5. Ajay Kumar v. Directorate of Enforcement, (2022) 2 SCC 593
6. Marath Sashidharan v. Directorate of Enforcement, (2022) 2 SCC 612
7. Directorate of Enforcement v. Kamma Srinivasa Rao, (2022) 2 SCC 608
8. Sukesh Gupta v. Govt. of India, (2022) 2 SCC 617
9. Directorate of Enforcement v. Gagandeep Singh, (2022) 2 SCC 626
10. Raj Singh Gehlot v. Directorate of Enforcement, (2022) 2 SCC 629
11. Gautam Thapar v. Directorate of Enforcement, (2022) 2 SCC 638
12. Abhishek Banerjee v. Directorate of Enforcement, (2022) 2 SCC 645
13. Christian Michel James v. Directorate of Enforcement, (2022) 2 SCC 648
14. Sanjay Agarwal v. Directorate of Enforcement, (2022) 2 SCC 653
15. J. Sekar v. Directorate of Enforcement, (2022) 2 SCC 657
16. C. Parthasarthy v. Director of Enforcement, (2022) 2 SCC 661
17. JSW Steel Ltd. v. Directorate of Enforcement, (2022) 2 SCC 672
18. Ankur Khanna v. Directorate of Enforcement, (2022) 2 SCC 678
19. Pankaj Bansal v. Union of India, 2023 SCC OnLine SC 1244
20. V. Senthil Balaji v. State, 2023 SCC OnLine SC 934
21. KA Rauf Sherif v. Directorate of Enforcement, 2023 SCC OnLine SC 692
22. Directorate of Enforcement v. Aditya Tripathi, 2023 SCC OnLine SC 619

23. Rana Ayyub v. Directorate of Enforcement, 2023 SCC OnLine SC 787
24. Balaji v. Karthik Desari, 2023 SCC OnLine SC 842
25. Anoop Bartaria v. ED, 2023 SCC OnLine SC 1240
26. Jaya Thakur v. Union of India, 2023 SCC OnLine SC 1243
27. M/s Prakash Industries Ltd. vs. Union of India & Anr, 2023 SCC OnLine Del 10000
28. Directorate of Enforcement v. M. Gopal Reddy, 2023 SCC OnLine SC 741
29. Vijay Madanlal Choudhary & Ors. vs Union of India, (2022) 5 SCC 1
30. Kewal Krishna Kumar v. Enforcement Directorate, Bail Application 3575/2022, 2023 SCC OnLine Del 385
31. Enforcement Directorate v. Ashutosh Verma, Ct. C.No. 53/2019, 2023 SCC OnLine Del 556
32. Rana Kapoor v. Enforcement Directorate, 2022/DHC/005170, 2022 SCC OnLine Del 2759
33. Y Bala Ji v. Karthik Desari, SLP (Cri.) Nos. 12779-12781 of 2023, 2023 SCC OnLine SC 530
34. Bhupinder Singh v. Enforcement Directorate, 2022 SCC OnLine SC 1277