



## Directorate of Student Services

### Part-I

### Important Information for the months of May, June & July 2013

#### **Important cut-off dates:**

1. Last date for applying for all types of Changes in examination form for appearing in June 2013 exam ( i.e. change of centre, Module, Medium ) : Friday, 17<sup>th</sup> May, 2013  
( Students are advised to avoid contacting the institute for such changes at eleventh hours )
2. Last date of registration for Executive Program ( if student wishes to appear in single module of Executive Program in December 2013 exam ) : Friday, 31<sup>st</sup> May 2013
3. Last date of registration for Professional Program ( if student wishes to appear in any two module of Professional Program in December 2013 exam ) : Friday, 31<sup>st</sup> May 2013

#### **Registration Letter – to be downloaded from institute’s website**

On completion of registration as a student, the admission number is intimated to the student through e-mail and / or SMS. Students can download the Registration Letter, Fee Receipt, Important Instructions, etc. through Institute’s website [www.icsi.in](http://www.icsi.in) by entering the Admission Number received through E-Mail / SMS.

#### **Important:**

Students whose registration is valid up to February 2013 ( i.e. students registered in March 2008 ) are eligible to appear in June 2013 examination without seeking extension of registration / registration de-novo subject to fulfilling other requirements as laid down in the regulations.

### **Important points to be noted:**

1. If any student wishes to apply for claiming exemption from any subject of Executive/ Professional Program on the basis of qualification, he/she is advised to submit his/her application for exemption (*along with a demand draft @ Rs 1000/- per subject and attested photocopies of mark sheets of all parts of relevant qualification*) at the earliest to avoid last minutes complications.
2. If any student wishes to apply for extension of registration / or registration de-novo, he/she is advised to submit his/her application for extension of registration / or registration de-novo at the earliest. For details contact : Ms Archana Goel Tel : 0120- 4522072, e-mail : [archana.goel@icsi.edu](mailto:archana.goel@icsi.edu)
3. Subject-wise Exemption fees / De-novo / extension fees should never be clubbed with examination fees. Students are advised to apply for the same separately. They should also mention about the same in examination form at appropriate place.
4. Cancellation of Registration  
Registration of students registered up to and including June 2008 stands terminated on expiry of five-year period on 31<sup>st</sup> May 2013 leading to the following immediate consequences :
  - (a) Supply of “Student Company Secretary” bulletin will be discontinued from June 2013 onwards.
  - (b) Response sheets will not be accepted even if submitted and coaching completion certificates will not be issued ( after the expiry of registration period ).
5. Recently five more examination centers [ i.e. Hooghly ( Code no. 110 ), Howrah ( Code no. 111 ), Jalandhar ( Code No. 232 ), Gorakhpur ( Code No. 233 ), Alwar ( Code no. 234 ) , Hisar ( Code No. 235 ) ] have been opened. Students residing in & around these places may avail the opportunity.

### **IMPORTANT**

All correspondence related with students' matter should be sent to:

The Director (Student Services)  
The Institute of Company Secretaries of India,  
C-37, Sector-62,  
Noida-201309

**Online Services for Students at institute's website [www.icsi.edu](http://www.icsi.edu)  
Students of ICSI may avail following online services:  
( students may avail the same by clicking on "login" button )**

- i) Students can view the status of his / her registration application form already submitted for registration as student.
- ii) Students can take printout of Admit Card ( i.e. Roll No. of exam ), Registration letter, De-novo letter, Extension letter, Professional Program enrolment letter etc.
- iii) New Students can submit their online registration form for registration in Foundation / Executive Programme.
- iv) Students who have passed both modules of Executive Program, can submit their enrolment form for admission in Professional Programme.
- v) Students can take printout of "e-Student Identity Card".
- vi) Students can change their address, Mobile Number, e-mail ID etc. instantly.
- vii) Students can submit the "On-line Examination Form" for appearing in institute's examination to be held in June / December.
- viii) Students who have already submitted their examination form and subsequently wish to apply for any change in Exam Centre / or Module / or Medium of examination, they can also submit such requests through on-line services.

**Last date for applying for Denovo/ Extension of Registration / paper-wise exemption ( on the basis of qualification ) for June / December exam of the institute**

All concerned students are hereby informed that henceforth the following cut-off dates shall be applicable for availing Paper-wise Exemption and Registration Denovo / Extension :-

For claiming Paper-wise Exemption (on the basis of qualification)	31 <sup>st</sup> January (For June Session of Examinations)
	31 <sup>st</sup> July (For December Session of Examinations)
For seeking Registration Denovo/ Extension of Registration	20 <sup>th</sup> February (For June Session of Examinations)
	20 <sup>th</sup> August (For December Session of Examinations)
( Students whose status can be ascertained only after declaration of the results in February/ August may apply for Denovo/ Extension alongwith examination application for the June/ December session of examination. )	

***The above cut-off dates shall be effective for December, 2013 examination Session and onwards.***

**Schedule for various Cut-Off Dates for Online and Offline Services pertaining to the Students w.e.f. 01<sup>st</sup> May 2013**

Particulars of Cut-off Dates	Actual Cut-off Date	Online Cut-off Date	Offline Cut-off Date	
			Revised Cut-off Date	Reason for Extension
Acceptance of Applications for Admission to Executive/ Professional Programmes	31.05.2013	No Change	No Change	
Acceptance of Applications for Admission to Executive/ Professional Programmes	31.08.2013	No Change	02.09.2013	31 <sup>st</sup> Aug & 01 <sup>st</sup> Sep 2013 are being Saturday & Sunday respectively
Receipt of Enrollment application for appearing in Dec, 2013 examination	25.09.2013	No Change	No Change	
Acceptance of Applications for Admission to Foundation Programme	30.09.2013	No Change	No Change	
Receipt of Enrollment application for appearing in Dec, 2013 examination (with late fee)	10.10.2013	No Change	No Change	
Acceptance of Applications for Admission to Executive/ Professional Programmes	30.11.2013	No Change	02.12.2013	30 <sup>th</sup> Nov & 01 <sup>st</sup> Dec 2013 are being Saturday & Sunday respectively

**Note – Please note that in Online mode there is no change in Cut-off dates. It is open for 24 hours and upto 12:00 midnight of the respective Cut-off dates.**

# Online Services for students

## (1) Online Registration for Foundation Program / Executive Program

1. Click the login button on top of the ICSI website ([www.icsi.edu](http://www.icsi.edu))
2. Then click on “Student” option and click on “Student Registration” option.
3. A webpage shall open. Click on the documents mentioned on that page, if students are having the softcopy of the same ( otherwise they will not be able to Register )
4. Please keep in mind the following factors also :
  - File format should be jpg, jpeg, png, gif, bmp
  - File sizes of documents should not exceed 5 MB
  - Size of Student Photo should be between 20KB – 50KB
  - Size of Student Signature should be between 10KB – 20KB
5. Now Click on Proceed to Registration
6. Select the Course type as applicable to them (Foundation / Executive)
7. If CPT passed students of ICAI / or Foundation passed students of ICAI-CMA are taking admission in CS Executive Program, they are required to select the radio button of “Commerce Graduate” and proceed further.
8. Fill other fields and click on “Register”.
9. After this students shall get their “Request ID and Payment ID” with their personal details. Also the copy of same details shall be mailed to them on their registered e-mail ID.
10. After this “Click” on Make Payment.
11. Payment can be made through Debit Card / Credit Card / net banking.
12. They shall get “Username” and “Password” at their e-mail ID within 24 hours of payment.
13. In fact “Username” is the student’s Registration Number, which is to be noted for future use. It should be quoted invariably in future for all correspondence with ICSI.
14. After that they are required to upload scanned copy their requisite documents at the link sent at their e-mail. They can also “login” using their Username & password and can upload their documents under “My Account” and then “Manage Account” option.

## (II) Process of accessing student’s account after registering to ICSI for uploading documents

Students are advised to follow the following steps to access their registered account:

1. Click the login button on top of the ICSI website (<http://www.icsi.edu/>)
2. Enter your Username and Password
3. Then Click on “Login”.
4. After Login, Go to Students and then click “My Account”
5. Click on “Manage Account”
6. Upload documents at various tabs given under manage account option as applicable to you.

In case of any technical problems while submitting the Registration and Examination Forms through “online services”, students may contact the Help Desk at [pooja.juyal@icsi.edu](mailto:pooja.juyal@icsi.edu) (Tel.No. 0120-4522069).

Once all required documents have been uploaded, the applications are being checked at Directorate of Student Services and if found OK, it is approved. If any discrepancies are found, then student concerned is informed by e-mail to complete the requirement.

**(III) Supply of Study materials:**

If any student has taken registration through “Online Services “, then he/she shall be supplied study materials directly by post from institute’s main stores Noida. Concerned Regional Councils / Chapters are not required to give study materials to such students.

**(IV) Process of downloading registration letter / Identity card through online services :**

Students can download their Identity card and registration letter from Institute’s website [www.icsi.edu](http://www.icsi.edu) by following the given below simple procedure:

1. Click on log in option at [www.icsi.edu](http://www.icsi.edu)
2. Enter your “Username” & “Password”
3. Click on “student” option
4. Open “my account”
5. Go to “others” option at student’s account
6. Students can download registration letter / Identity card at others option at their account

After downloading the Identity card, students are compulsorily required to get it attested by any of the following authorities with his/her seal carrying name, professional membership No., designation and complete official address:

1. Member of the Institute, with ACS/FCS No.
2. Gazetted Officer of the Central or State Government.
3. Manager of a Nationalised Bank.
4. Principal of a recognized School/College.
5. Officers of ICSI

Unattested Identity Cards are not valid and the students are advised to carry duly attested Identity Card for various services during their visits to the offices of the Institute, Examination Centres, etc.

***Please note that Institute do not send hard copy of the identity card and Registration letter to the student by post.***

In case you need any further clarification/ information on the matter, please contact Shri A K Srivastava, Deputy Director (Student Services) OR Ms. Geetanjali S. Rathore, Desk Officer (Student Services) at E-Mail Id [ashvini.srivastava@icsi.edu](mailto:ashvini.srivastava@icsi.edu) (Tel.No. 0120-4522083) OR at [geetanjali.rathore@icsi.edu](mailto:geetanjali.rathore@icsi.edu) (Tel.No. 0120-4522065).

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## Introduction of New Syllabus and Revision in Registration Fee and other Fees Payable by the Students w.e.f. 1<sup>st</sup> February, 2013

New Syllabus of Executive Programme has been implemented with effect from 1<sup>st</sup> February, 2013 and the New Syllabus of Professional Programme is being implemented with effect from 1<sup>st</sup> September, 2013.

The subjects/ papers covered under the Executive Programme and Professional Programme under the new syllabus are as under : -

EXECUTIVE PROGRAMME	PROFESSIONAL PROGRAMME
<b>MODULE 1</b>	<b>MODULE 1</b>
1. Company Law	1. Advanced Company Law and Practice
2. Cost and Management Accounting	2. Secretarial Audit, Compliance Management and Due Diligence
3. Economic and Commercial Laws	3. Corporate Restructuring, Valuation and Insolvency
4. Tax Laws and Practice	<b>MODULE 2</b>
<b>MODULE 2</b>	4. Information Technology and Systems Audit
5. Company Accounts and Auditing Practices	5. Financial, Treasury and Forex Management
6. Capital Markets and Securities Laws	6. Ethics, Governance and Sustainability
7. Industrial, Labour and General Laws	<b>MODULE 3</b>
	7. Advanced Tax Laws and Practice
	8. Drafting, Appearances and Pleadings
	9. Electives – Any One out of below Five Subjects
	9.1. Banking Law and Practice
	9.2. Capital, Commodity and Money Market
	9.3. Insurance Law and Practice
	9.4. Intellectual Property Rights - Law and Practice
	9.5. International Business-Laws and Practices

For detailed contents of the syllabus, please visit the website of the Institute [www.icsi.edu](http://www.icsi.edu)

Besides, it has also been decided to revise the various fee payable by the students. The revision of fee is applicable for all students (i.e. Old Syllabus/ New Syllabus) with effect from 1st February, 2013. The details of revised fee are given hereunder:-

F E E S	REVISED FEE wef 01.02.2013
	(Rs.)
<b>A. FOUNDATION PROGRAMME</b>	
(i) Admission Fee	1500
(ii) Education Fee	3000
Total	4500
<b>B. EXECUTIVE PROGRAMME</b>	
(i) Foundation Examination Exemption Fee	500
(ii) Registration Fee	2000
(iii) Education Fee for Executive Programme	6500
(iv) Education fee for Foundation Programme payable by non-commerce graduates who are seeking exemption from passing the Foundation Programme examination under clause (iii) of Regulation 38	1000
Total	8500 / 9000* / 10000**
<b>C. PROFESSIONAL PROGRAMME</b>	
Education Fee	12000
<b>D. OTHER FEES</b>	
Registration De-novo Fee	2000
Exemption from Foundation Examination Fee (Lumpsum)	500
Exemption from Intermediate/Executive Examination Fee (Lumpsum)	750
Extension of Registration Fee	750
Service Charges for Extension of Registration(Per Module)	250
Paper-wise Exemption Fee Per Paper	1000
Issue of Duplicate Pass Certificate Fee	200
Verification of Marks Fee (Per Paper)	250
Issue of Transcripts	250
Duplicate Result-cum-Marks Statement	100
<b>E. Examination Fees</b>	
Foundation Programme (Lumpsum)	1200
Executive Programme(Per Module)	1200
Professional Programme (Per Module)	1200
Surcharge for appearing in Examinations from Overseas Centre (Dubai) (over and above normal Examination Fee)	US\$ 100 (or equivalent amount in Indian Rupees)
Late Receipt of Enrollment Application	250
Change of Examination Centre/ Medium/ Module	250
Prospectus of Foundation Programme	500



Handbook/Prospectus of Executive Programme	500
Examination Application Form	500

(\*) Payable by Commerce graduates seeking direct admission into Executive Programme.

(\*\*) Payable by Non-Commerce graduates seeking direct admission into Executive Programme.

In connection with the above, the Regional Councils & Chapters are requested to take note of the following important points for dissemination among the student community as well as the staff members: -

1. All Foundation Programme students (Old Syllabus 2007 & New Syllabus 2012) passed in December, 2012 Session are required to be registered under Executive Programme (New Syllabus 2013) only.
2. The last examination under Foundation Programme (Old Syllabus 2007) will be held in June, 2013. From December, 2013 Session, all Foundation Programme (Old Syllabus 2007) students will be automatically switched over the New Syllabus 2013 (OMR Pattern).
3. The First Examination under Executive Programme (New Syllabus 2013) will be held in December, 2013.
4. The Last Examination under Executive Programme (Old Syllabus 2007) will be held in December, 2014 Session. From June, 2015 Session, all students will be automatically switched over to the Executive Programme (New Syllabus 2013).
5. Students getting registered to Executive Programme (New Syllabus 2013) during the period from 1<sup>st</sup> March, 2013 to 31<sup>st</sup> May, 2013, will be eligible for appearing in One Module (out of Two Modules) during December, 2013 Session. Similar system will be continued in subsequent sessions of examinations.
6. Executive Programme (Old Syllabus 2007) students may also seek switchover to Executive Programme (New Syllabus 2013). On switchover to the New Syllabus, they will be eligible for corresponding paper-wise exemptions as per the following details : -

<b>EXISTING / OLD SYLLABUS</b>		<b>REVISED/ NEW SYLLABUS</b>	
<b>PAPER</b>	<b>CODE</b>	<b>PAPER</b>	<b>CODE</b>
General and Commercial Laws(*)	221	See Note below(*)	323
Company Accounts and Cost & Management Accounting	222	Cost and Management Accounting	322
Tax Laws	223	Tax Laws and Practice	324
Company Law	224	Company Law	321
Economic and Labour Laws(*)	225	See Note below(*)	327
Securities Laws and Compliances	226	Capital Markets and Securities Laws	326

(\* ) Note: In case the student has obtained 60 or more marks in paper 221 and 225 under old syllabus and has obtained the exemption as per rules, then, he shall be exempted to appear in paper 323 (Economic and Commercial Laws) and 327 (Industrial, Labour and General Laws) under new syllabus.

The option of switchover to New Syllabus is required to be exercised at the time of seeking enrollment to examinations and the study materials of New Syllabus, if any, required to be purchased by the students by paying the requisite amount.

7. The Professional Programme (New Syllabus 2013) will be implemented with effect from 1st September, 2013. The First Examination under the Professional Programme (New Syllabus 2013) will be held in June, 2014 and the Last Examination under the Professional Programme (Old Syllabus 2007) will be held in June, 2015. From December, 2015 Session, all students will be automatically switched over to the Professional Programme (New Syllabus 2013).
8. Executive Programme (Old Syllabus 2007) students passing the examinations in June, 2013 session and submitting their registration application upto 31<sup>st</sup> August, 2013 will be registered under Professional Programme (Old Syllabus 2007). All students getting registered to Professional Programme from 1<sup>st</sup> September, 2013 onwards will be registered under Professional Programme (New Syllabus 2013).
9. Students getting registered to Professional Programme (New Syllabus 2013) during the period from 1<sup>st</sup> September, 2013 to 30<sup>th</sup> November, 2013, will be eligible for appearing in One Module (out of Three Modules) during June, 2014 Session. Similar system will be continued in subsequent sessions of examinations.
10. Professional Programme (Old Syllabus 2007) students may also seek switchover to Professional Programme (New Syllabus 2013). On switchover to the New Syllabus, they will be eligible for corresponding paper-wise exemptions as per the following details :-

EXISTING / OLD SYLLABUS		REVISED/ NEW SYLLABUS	
PAPER	CODE	PAPER	CODE
Company Secretarial Practice	231	Advanced Company Law and Practice	331
Drafting, Appearances and Pleadings	232	Drafting, Appearances and Pleadings	338
Financial, Treasury and Forex Management	233	Financial, Treasury and Forex Management	335
Corporate Restructuring & Insolvency	234	Corporate Restructuring, Valuation and Insolvency	333
Strategic Management, Alliances & International Trade	235	NIL	
Advanced Tax Laws and Practice	236	Advanced Tax Laws and Practice	337

Due Diligence and Corporate Compliance Management	237	Secretarial Audit, Compliance Management and Due Diligence	332
Governance, Business Ethics and Sustainability	238	Ethics, Governance and Sustainability	336

The option of switchover to new syllabus is required to be exercised at the time of seeking enrollment to the examinations and the study materials of New Syllabus, if any, required to be purchased by the students by paying the requisite amount.

11. In line with the continuing emphasis on Online Services and discouraging the use of physical forms (hard copies), the price of the Prospectus-cum-Registration Application Form of Foundation & Executive Programmes and Examination Forms have been revised as per details given below : -

PARTICULARS	Amount (Rs.)
Foundation Programme Prospectus	500
Executive Programme Prospectus	500
Examination Application Form (common for all stages)	500

In case of any technical problems while submitting the Registration and Examination Forms online, students may please contact the Help Desk at [pooja.juyal@icsi.edu](mailto:pooja.juyal@icsi.edu) (Tel.No. 0120-4522069).

It is further clarified that the Registration Forms will not be sold in loose form.

Students using the downloaded copies / photocopies of the registration forms are required to remit an additional amount of Rs.500/- over and above the registration fee. Students will be required to remit additional amount of Rs.500/- in all cases wherein the incorrect (but identical) Registration Applications and / or Old Registration Applications are used by the students with effect from 1<sup>st</sup> February, 2013.

In case you need any further clarification/ information on the matter, please feel free to contact Shri A K Srivastava, Deputy Director (Student Services) OR Ms. Geetanjali S. Rathore, Desk Officer (Student Services) at E-Mail Id [ashvini.srivastava@icsi.edu](mailto:ashvini.srivastava@icsi.edu) (Tel.No. 0120-4522083) OR at [geetanjali.rathore@icsi.edu](mailto:geetanjali.rathore@icsi.edu) (Tel.No. 0120-4522065).

In case of academic / syllabus related queries, students may please contact Mr. Jai Prakash Agarwal, Assistant Director(Academics) at E-Mail id [jai.agarwal@icsi.edu](mailto:jai.agarwal@icsi.edu) (Tel.No. 011-45341074).

## Syllabus & New Pattern for Foundation Programme Examinations

Salient features of the syllabus and the changed pattern of conducting the examinations for the same is summarized below :-

### 1. Effective date for Syllabus

- (i) The syllabus of Foundation Programme is already effective from 1<sup>st</sup> February, 2012.
- (ii) There are four subjects under the new syllabus viz.
  - Business Environment and Entrepreneurship;
  - Business Management, Ethics and Communication;
  - Business Economics;
  - Fundamentals of Accounting and Auditing.

### 2. New Pattern of Examination

Examination would be conducted in OMR System comprising objective type multiple-choice questions. There would be two parts in a paper consisting of two subjects of 100 marks each as per the following structure:

*Morning Session: 10.00 A.M. to 11.30 A.M. (90 minutes)*

*After-noon Session: 1.30 P.M. to 3.00 P.M. (90 minutes)*

<b>Morning Session (10.00 A.M. to 11.30 A.M.)</b>				
<i>Part</i>	<i>Subjects Name</i>	<i>Maximum Marks</i>	<i>Total No. of Qns.</i>	<i>Allotment of Marks</i>
1	Business Environment and Entrepreneurship	100	50	2 Marks for each Correct Answer
2	Business Management, Ethics and Communication	100	50	2 Marks for each Correct Answer
<b>Afternoon Session (1.30 P.M. to 3.00 P.M.)</b>				
3	Business Economics	100	50	2 Marks for each Correct Answer
4	Fundamentals of Accounting and Auditing	100	50	2 Marks for each Correct Answer

### 3. Qualifying Marks

A candidate shall be declared to have passed in the Foundation Programme examination if he/she obtains at one sitting a minimum of forty per cent marks in each subject and fifty per cent marks in the aggregate of all subjects.

#### **4. Eligibility for appearing in the Examinations**

Students shall be eligible for appearing in Foundation Programme examinations under new syllabus on the basis of self study on completion of a minimum **period of 8 months** from the date of admission (excluding the month of admission and the month of examination). The requirement of coaching completion certificate has been discontinued and no suggested answers will be provided to students of Foundation Programme under new syllabus. The cut-off dates stipulated for submission of examination form will remain the same.

#### **5. Option to students under existing syllabus**

- (i) Students who have registered prior to 1<sup>st</sup> February, 2012 (subject to the validity of their registration) will have option to continue with the existing syllabus till June, 2013 Session.
- (ii) From December, 2013 session, all students will be automatically switched over to the new syllabus.
- (iii) In other words, from December, 2012 to June, 2013 session of examination both syllabi (existing syllabus as well as new syllabus) will run parallel.

#### **6. Switchover to new syllabus**

- (i) Students under the old syllabus may switch over to the new syllabus. They may exercise their option to switch over to the new syllabus while filling up the examination form for June, 2013 session and no other formal request is required to be sent to the Institute for the purpose.
- (ii) Students switching over to new syllabus will not have to pay any charges other than the cost of Study Materials under new syllabus, if any, to be purchased by them.
- (iii) Students of old syllabus are NOT eligible for any paper-wise exemptions on switching over to the new syllabus and they will have to appear in all the papers under the new syllabus irrespective of their performance in previous sessions of examinations or any other qualifications.

#### **6. Other features**

- (i) Study material will have two test papers containing multiple questions, the key answers and the specimen OMR Sheet appended at the end of the study material for self study.
- (ii) There will be no negative marking under OMR for Foundation Programme under new syllabus.

## **ON-LINE EXEMPTION TEST For compulsory computer training**

The Institute of Company Secretaries of India (ICSI) has signed an agreement with M/s Sify Software Limited. As per the revised arrangement the online test for compulsory computer training of the students, which is being presently conducted by M/s Aptech Ltd. will be henceforth conducted by M/s Sify Software Ltd.

To facilitate the mandatory requirement for students having computer knowledge to pass the online test, M/s Sify Software has developed an online testing portal where students can appear for online test and will be able to download their certificates after 15 days of passing of online test. This will ensure that there is no delay in receiving the certificate after clearing the online test. Students can go to the online portal, register for the test and block a centre for appearing in the test. Payment for the online test can be done both in online or offline mode (through branches of SBI using Powerjyoti scheme). Students can register them for the said online test in <http://icsi.sifyitest.com>.

All concerned students may note that M/s Sify Software Ltd is the sole testing authority for ICSI. As part of the endeavor to provide better support to students, M/s Sify Software Ltd. has opened help line for students. Students can mail to [icsi\\_hlpdesk@sifyitest.com](mailto:icsi_hlpdesk@sifyitest.com) for any query or clarifications with a copy to [asit.rath@icsi.edu](mailto:asit.rath@icsi.edu).

All concerned students may also note that Sify Test Centers are meant for conducting online exemption test only. Students are advised not to visit the Sify Test Centres directly without registering themselves with the Sify Online Registration Portal viz. <http://icsi.sifyitest.com> for allotment of centre.

### **Waiver of Transaction Charges for Online Payments to the Institute**

As students are aware, various Online Services are being introduced by the Institute from time to time for the benefit of students. While availing these services by the students, they are bearing the additional charges i.e. transaction charges of 2% in addition to the applicable fee.

ICSI is pleased to inform that the Institute has decided to bear all additional charges which are till date borne by the students while making the payments online. It means the 2% transaction charges which are borne by the students will now be borne by the Institute. It will be appreciated, if students may take advantage of this initiative and use the online services on all occasions which will help them to get prompt response and real time service.

The initiative has been taken to encourage the students to use more and more online services keeping in view the 'Go Green' initiatives of the Institute. It will also bring more accuracy in maintaining the student data.

## Part-II

### General Information students must know

#### Important e-mail ID's of Dealing Officials for Various Services of Students

S.NO.	TYPE OF QUERY	QUERY TO BE FORWARDED TO THE E-MAIL ID
1.	• REGISTRATION LETTER	ankur.aggarwal@icsi.edu
2.	• NON-RECEIPT OF STUDY MATERIALS	anju.gupta@icsi.edu
3.	• PAPER-WISE EXEMPTION	exemption@icsi.edu
4.	• NON-RECEIPT OF STUDENT COMPANY SECRETARY / FOUNDATION COURSE BULLETIN	ankur.aggarwal@icsi.edu
5.	• CHANGE OF ADDRESS, E-MAIL ID, PHONE NUMBER AND OTHER PARTICULARS	ankur.aggarwal@icsi.edu
6.	• RESPONSE SHEET STATUS	vk.ratra@icsi.edu
7.	• COACHING COMPLETION CERTIFICATE/ SUGGESTED ANSWERS	vk.ratra@icsi.edu
8.	• ORAL COACHING	ashvini.srivastava@icsi.edu
9.	• PUBLIC PRIVATE PARTNERSHIP SCHEME (FOR ORAL COACHING)	ashvini.srivastava@icsi.edu
10.	• COMPUTER TRAINING	vinny.mehta@icsi.edu
11.	• ADMIT CARD/ ROLL NUMBER FOR EXAMINATIONS	enroll@icsi.edu
12.	• ISSUE OF PASS CERTIFICATES	siyaram@icsi.edu
13.	• ISSUE OF TRANSCRIPTS	siyaram@icsi.edu
14.	• EXEMPTION FROM TRAINING	anita.mehra@icsi.edu
15.	• ANY MANAGEMENT TRAINING / APPRENTICESHIP TRAINING RELATED QUERY	amit.sircar@icsi.edu
16.	• 15 DAYS' SPECIALISED TRAINING	anita.mehra@icsi.edu
17.	• STATUS OF ACS MEMBERSHIP APPLICATION	monika.arora@icsi.edu
18.	• NON-RECEIPT OF MEMBERSHIP NUMBER	monika.arora@icsi.edu
19.	• SIP/ EDP/ PDP/ MSOP, ETC.	training@icsi.edu
20.	• OUT OF STOCK POSITION OF STUDY MATERIALS	store@icsi.edu
21.	• REFUND OF FOUNDATION/ EXECUTIVE/ PROFESSIONAL EXAMINATION FEE	niranjan.sarkar@icsi.edu
22.	• REFUND OF FOUNDATION / EXECUTIVE REGISTRATION FEE	vk.ratra@icsi.edu
23.	• REFUND OF PROFESSIONAL PROGRAMME REGISTRATION FEE	archana.goel@icsi.edu
24.	• MARK SHEETS	exam@icsi.edu
25.	• VERIFICATION OF MARKS	exam@icsi.edu
26.	• VERIFICATION OF QUALIFICATION	siyaram@icsi.edu
27.	• MERIT-CUM-MEANS ASSISTANCE & MERIT SCHOLARSHIPS	exam@icsi.edu
28.	• ICSI STUDENT EDUCATION FUND TRUST	ashvini.srivastava@icsi.edu
29.	• ENROLLMENT TO PROFESSIONAL PROGRAMME	archana.goel@icsi.edu
30.	• TECHNICAL PROBLEMS AT THE WEBSITE	dit@icsi.edu
31.	• REGISTRATION DENOVO/ EXTENSION	archana.goel@icsi.edu
32.	• ANY OTHER QUERY (SPECIFY)	ashvini.srivastava@icsi.edu

## 1. Concession in Registration Fees / Examination Fees for Physically Handicapped Students:

As a social welfare measure, the Council of The Institute has decided to grant concession in Registration Fee/Examination Fee to physically handicapped students, as per details given below:

### **(a) Registration Fee for Physically Handicapped Students**

Stage	Registration Fee to be paid by Physically handicapped students:
Foundation Program	Only Registration Fee will be charged (At present, Registration Fee is Rs 1500/- )
Executive Programme	Only Registration Fee will be charged (At present, Registration Fee is Rs 2,000)
Professional Programme	Only Registration Fee will be charged (At present, Registration Fee is NIL)

### **(b) Examination Fee for Physically Handicapped Students**

Stage	Examination Fee to be paid by Physically handicapped students:
Executive and Professional Programme	25% of the fee applicable to general candidate

The above concession would be granted subject to the following guidelines:-

(i) The concerned students should submit a certificate issued by a Physician/ Surgeon/Oculist working in a State/Central Government to the effect of permanent physical disability (including blindness).

(ii) The following shall be regarded as permanent physical disability:-

- (a) permanent physical disability of more than 50% in one limb; or
- (b) permanent physical disability of more than 60% in two or more limbs; or
- (c) permanent deafness with hearing impairment of 70 decibels and above; or
- (d) permanent and total loss of voice.

(iii) Blindness shall be regarded as permanent physical disability, if it is incurable and falls in any of the categories specified, namely:-

- /60 to 1/60 or field vision 110/2
- 3/60 to 1/60 or field vision 100
- FC at 1 foot to Nil or field of vision 100
- Total absence of sight

It is clarified that all other services shall be available **on full payment basis** as applicable to general category students.



## **2. Change of Address**

Students are advised to update their addresses instantly through online services at students' portal [www.icsi.edu](http://www.icsi.edu) Their Registration Number shall be their user Id and they can create their password of their own.

## **3. E-Mail Address of the Students**

Students are advised to update their e-mail ID/ Mobile Number instantly through online services at students' portal [www.icsi.edu](http://www.icsi.edu) Their Registration Number shall be their user Id and they can create their password of their own.

## **4. Students Identity Card**

All the students appearing in the examination must hold Identity Card in the manner prescribed by the Institute, if not already obtained at the time of seeking registration.

Students may also download their “**On-line Student Identity Card**” from institute's website [www.icsi.edu](http://www.icsi.edu) institute's on-line services, after creating login credentials (password, etc.). The admission number will be the User Id for all students.

After downloading the Identity card, students are compulsorily required to get it attested by any of the following authorities with his/her seal carrying name, professional membership No., designation and complete official address:

1. Member of the Institute, with ACS/FCS No.
2. Gazetted Officer of the Central or State Government
3. Manager of a Nationalised Bank
4. Principal of a recognized School/College.
5. Officers of ICSI

Unattested Identity Cards are not valid and the students are advised to carry duly attested Identity Card for various services during their visits to the offices of the Institute, Examinations centers, etc.

## **5. Compulsory Enrolment for Professional Programme.**

Students who have passed/completed both modules of Executive examination are advised to seek compulsory enrolment for undergoing coaching for the Professional Programme on payment of Rs. 12000/- towards postal tuition fee.

Candidates will be admitted to the Professional Program examination, if : -

- i) He/She has registered himself/herself as a student for the Professional Programme at least nine calendar months prior to the month in which the examination commences. In other words, candidate registered as student up to and including the month of February in a year are eligible to appear in all the modules of the Professional Program examination to be held in December of that year, and those registered between March to August during a year are eligible to appear in all the four modules of the Professional Program examination to be held in the month of June next year subject to satisfactory completion of compulsory coaching.

- ii) However, a candidate registered as a student at least six calendar months prior to the month in which the examination commences may be allowed to appear in any one or two module(s) of the Professional Program examination, that is to say, a candidate registered as a student up to and including the month of May in a year will be eligible for appearing in any one or two module(s) in December examination and those who are registered from June onwards and upto and including the month of November in a year will be eligible to appear in any one or two module(s) of Professional Program examination to be held in the month of June next year subject to satisfactory completion of compulsory coaching.

## 6. Uniformity in Signatures

It has been observed that some of the enrollment applications / letters received from the students are either unsigned or bear different signatures from time to time.

All the students are, therefore, advised to maintain uniformity in their signatures on all the correspondence with the Institute including students identity card, enrollment application and attendance sheet provided in the examination hall at the time of writing examinations.

## 7. Clarification Regarding Paperwise Exemption

- (a) The paperwise exemption is granted only on the basis of specific request received in writing from a registered student along with the attested photocopies of marks sheets for all parts of the Degree/examination (on the basis of which the paperwise exemption is sought) and the exemption fee @ Rs. 1000/- per paper. It is one time payment and not to be remitted for availing of paper wise exemption in every session of examination during the validity of registration period.
- (b) The application for claiming paperwise exemption must reach the Institute on or before the last date for submission of enrolment application i.e. 25<sup>th</sup> March and 25<sup>th</sup> September for June and December examinations respectively and with a late fee of Rs 250/-, the application can be accepted upto 9<sup>th</sup> April and 10<sup>th</sup> October respectively.
- (c) The paperwise exemption once granted holds good during the validity of registration period or passing/completing the examination, whichever is earlier.
- d) The paperwise exemption is cancelled only on receipt of a specific request in writing from the student concerned on or before the last date for submission of the enrolment application. If any candidate appears in the exempted paper(s) of examination without receiving the written confirmation from the Institute, but by making personal representation, appeal, request, etc., at the Examination Centre at the last moment, his/her appearance in such paper(s) shall automatically be treated as cancelled.
- (e) It may be noted that candidates who apply for grant of paper wise exemption or seek cancellation of paper wise exemption already granted, before the last date of submission of enrolment applications for a particular examination, must see and ensure that they receive written confirmation from the Institute at least 15-20 days prior to the commencement of the examination. Candidates who would

presume automatic grant or cancellation of paper wise exemption without obtaining written confirmation on time and absent themselves in any paper(s) of examination and/or appear in the exempted paper(s) would do so at their own risk and responsibility and the matter will be dealt with as per the above guidelines.

- (f) Exemption once cancelled on request in writing shall not be granted again under any circumstances.
- (g) The candidates who have passed either group of the Intermediate/Final examination under the old syllabus, may claim the paperwise exemption in the corresponding subject(s) of new syllabus indicating the basis of exemption as "APO" in the appropriate column of the enrolment application.
- (h) In case the paperwise exemption has already been granted on the basis of qualification or the candidates is eligible for grant of exemption on the basis of securing 60% or more marks, a photocopy of the letter/marks-sheet issued by the Institute should be enclosed with the enrolment application while claiming such exemption, failing which the same may not be granted for the ensuing examination.
- (i) No exemption fee is payable for availing paperwise exemption on the basis of "APO" or on the basis of securing 60% or more marks in the Institute's examination.
- (j) Paperwise exemption fee is payable only when the exemption is to be availed on the basis of qualification(s) specified for the purpose.

### ***Exemption from individual paper(s) of the Executive Programme Examination***

A candidate shall be exempted from the following paper(s) of the Executive Programme examination if he/she possesses the qualification(s) specified against each paper, having secured 50% or more marks in the aggregate and applies for exemption on or before last date for enrolment for the examination paying requisite exemption fee which at present is Rs 1,000/- per paper :

1. **Industrial, Labour and General Laws:** M.A./M.B.A. (Corporate Secretaryship) / or a Degree in Law (three years or five years integrated) from a recognised University/Institute either constituted under an Act of Parliament or approved by AICTE/AIU.

2. **Cost and Management Accounting:** M.A. (Corporate Secretaryship)/ M.Com./M.B.A. (with Advanced Accountancy as one of the subjects at B.Com/B.B.A./B.A. (Corporate Secretaryship) level and with full paper in Cost Accounting/Management Accounting/Financial Management at M.A. (Corporate Secretaryship)/M.Com./M.B.A. level having secured 50% marks in the subject concerned) from a recognised University/Institute either constituted under an Act of Parliament or approved by AICTE/AIU.

A candidate who has done Post Graduate Diploma in Management will be considered for exemption from the paper (CA & CMA) only if he/she submits documentary evidence from AICTE/AIU to the effect that PGDBM issued is equivalent to MBA.

3. **Tax Laws and Practice:** M.A./M.B.A. (Corporate Secretaryship) from a recognised University/Institute either constituted under an Act of Parliament or approved by AICTE/AIU.

### ***Paperwise Exemption to Cost Accountants***

A candidate who has passed the Final examination of the Institute of Cost Accountants of India, shall be exempted from the following papers of the Executive Programme examination & Professional Programme examination on making an application together with attested copy of the Final Pass certificate and the requisite exemption fee @ Rs 1,000/- per paper on or before the last date of submission of enrolment application for the examination:

(a) *Subjects pertaining to Executive Programme:*

1. Cost and Management Accounting (Module I, Paper 2)
2. Tax Laws and Practice (Module I, Paper 4)
3. Company Accounts and Auditing Practices (Module 2, Paper 5).

(b) *Subjects pertaining to Professional Programme :*

1. Advanced Company Law and Practice (Module 1, Paper 1).
2. Financial, Treasury and Forex Management (Module 2, Paper 5).
3. Advanced Tax Laws and Practice (Module 3, Paper 7).

### **8. Compulsory Computer Training**

In terms of Company Secretaries Regulations, 1982 (as amended), all students are required to successfully undergo a compulsory Computer Training Programme for becoming eligible to seek enrolment to appear in CS Executive Programme examination.

The Institute, in compliance of the above said requirements, has tied up with

- M/s APTECH Limited for imparting computer training to the students of the Institute at subsidized rates. However the students may also undergo computer training from any other Institute or training center all over India at his/her convenience. For details about computer training course being conducted by M/s APTECH LIMITED for the students of the Institute; the options under Students→Miscellaneous on the Institute's website i.e. [www.icsi.edu](http://www.icsi.edu) may be referred to. The students may also directly refer to the portal <http://icsi.aptechtrainingsolutions.com> for this purpose.

- M/s Sify Software Limited for conducting online exemption test for the students, who claim to have adequate knowledge on computer operation. The students who will pursue the computer training from M/s. APTECH LIMITED will also have to enroll for and appear this online exemption test to fulfil the computer training requirement of the Institute. For details about online exemption test being conducted by M/s Sify Software Limited for the students of the Institute; the options under Students→Miscellaneous on the Institute's website i.e. [www.icsi.edu](http://www.icsi.edu) may be referred to. The students may also directly refer to the portal <http://icsi.sifyitest.com> for this purpose.

## **9. Grant of Total Exemption in Undergoing Compulsory Computer Training Programme:**

### **(a) To Physically Handicapped Students**

The Institute has decided to grant total exemption from undergoing the compulsory Computer Training Programme to the students belonging to the following based handicapped categories on scrutinizing and conducting assessment/ evaluation of the documents submitted in this regard.

- Physically Handicapped Students:
  - permanent physical disability of more than 50% in one limb; or
  - permanent physical disability of more than 60% in two or more limbs.
- Visually Disabled Students:
  - 6/60 to 1/60 or field vision 110/2
  - 3/60 to 1/60 or field vision 100
  - FC at 1 foot to Nil or field of vision 100
  - Total absence of sight

The above said category shall be regarded as permanent physical disability in order to be eligible for concessions/benefits in granting total exemption from undergoing the Compulsory Computer Training Programme.

For availing the aforesaid benefit, such applicant/students will be required to submit a certificate issued by the Medical Superintendent of State/Central Government Hospital to this effect.

### **(b) Total Exemption on the basis of working experience**

In exceptional cases Director of IT could grant total exemption from Compulsory Computer Training to deserving students with the approval of the Chief Executive/Secretary. The criteria for considering such cases of total exemption is as under:

“A student may be considered for granting total exemption from Compulsory Computer Training if, he/she possesses not less than 3 years working experience on the computer in any organization and has acquired sufficient computer knowledge and operational skills to the satisfaction of Director of IT particularly on MS Office, Internet, E-mail or any other package which is deemed relevant for the course.”

### **(c) Reciprocal Arrangement between ICSI and ICAI-CMA on exemption from Computer Training**

Under the reciprocal arrangement between the ICSI and ICAI-CMA on exemption from Computer Training, the students of ICAI-CMA who have already undergone the computer training to comply with the requirements of that course will be fully exempted from the compulsory computer training requirements of the ICSI. The interested students have to however submit to the ICSI the related computer training certificate issued by the ICAI-CMA in this regard.

#### **ATTENTION STUDENTS!**

#### **ONLINE EXEMPTION TEST ON COMPUTER KNOWLEDGE PROFICIENCY**

In terms of Company Secretaries Regulations, 1982 (as amended), all students are required to successfully undergo a compulsory Computer Training Programme to be eligible for enrolment to appear in CS Executive Programme examinations.

A student can be exempted from undergoing the computer training only on the basis of their present computer knowledge. Such students have to however pass an online exemption test.

The Institute, in compliance to the above said requirements, has tied up with **M/s Sify Software Limited** to conduct the **ONLINE EXEMPTION TEST** through its test centres spread across India.

- Student should enrol for an online exemption test (to be conducted by Sify) with their registration ID and Date of Birth
- Link for online registration for the exemption test : <http://icsi.sifyitest.com>
- The test will be conducted at any of the recognized Sify Centre throughout India
- The list of Sify Centres including detailed process is given in the website <http://icsi/sifyitest.com>
- Students can pay offline/online to appear for the test

#### **Details about Online exemption test being conducted by M/s Sify**

Duration of the Test : 80 Minutes

Fees payable online - Examination charges Rs. 440/-+ bank charges as applicable

Fees payable offline - Examination charges Rs. 440/-

Bank charges Rs. 50/-

Total Rs. 490/-

Students will be allowed TWO attempts to clear the online exemption test within a period of 30 (thirty) days against the fees mentioned above.

Students can also contact Sify for any query by sending mail to [icsi\\_hlpdesk@sifyitest.com](mailto:icsi_hlpdesk@sifyitest.com)

Registered students with Sify can log in and give their feedback/complaint through the portal.

Students may please note that M/s Aptech shall continue to provide for the computer training ONLY to the students of the Institute.

### **10. Student Induction Program (SIP)**

Every candidate registered for the Executive Programme w.e.f. 01.09.2009 are compulsorily required to undergo seven days Student Induction Programme (SIP) within 6 months of registration. Regarding any query about SIP, students are advised to contact office of their respective Regional Council / Chapter. Alternatively, they may also call to Directorate of Training of institute on telephone no. 011-45341045.

## 11. Exemption from undergoing SIP :

The Council of the Institute has approved the eligibility criteria for grant of exemption from undergoing Student Induction Programme (SIP).The following candidates are exempted from under going SIP:

- (i) Candidates having one year of working experience as assistant or any other post equivalent thereto by whatever name called or any other higher grade thereto in the field of Finance, Secretarial, Human Resource, Marketing, General Administration, Teaching, Research etc. in any body corporate, government body, statutory or autonomous body, public undertaking, financial institution, banks, consultancy firms, Law firms or any other organization/institution which in the opinion of the Council provides scope for adequate exposure for exemption from Students Induction Programme (SIP), or
- (ii) Candidates possessing professional qualification e.g CA, CWA, LL.B, BE/B.Tech/B.Arch, MBBS, Post Graduate Degree/Diploma in Businesses Administration/ Management, MCA or any other qualification as approved by the Council from time to time.

Students seeking exemption may apply within six months from the date of registration in the Executive Programme.

The students who were enrolled on or after 1<sup>st</sup> September 2009 and yet not undergone the SIP may also apply for the exemption.

The format of application for exemption is available under 'Training' section on the website ([www.icsi.edu](http://www.icsi.edu))

## 12. ICSI Students Education Fund Trust :

With a view to encourage and motivate economically backward and academically bright students to pursue the Company Secretaryship Course, the Institute has created a Trust viz. ICSI Students Education Fund Trust.

STAGE	CATEGORIES OF STUDENTS / ELIGIBILITY CRITERIA	
	Economically backward students with good academic records with Family Income up to Rs.1,00,000 per annum	Academically Bright Students
Foundation Programme	Minimum 65% Marks ( or equivalent CGPA ) in both Matriculation ( Class X ) & Senior Secondary ( Class XII ) Stages	Minimum 85% Marks (or equivalent CGPA ) in both Matriculation (Class X ) & Senior Secondary (Class XII) Stages
Executive Programme	Minimum 65% Marks ( or equivalent CGPA ) in both Matriculation ( Class X ) & Senior Secondary ( Class XII ) Stages and 60% Marks in Bachelor's Degree Stage / or 65% marks in aggregate in CPT of ICAI / or 65% marks in aggregate in Foundation exam of ICAI-CMA.	Minimum 85% Marks ) or equivalent CGPA ) in both Matriculation ( Class X ) & Senior Secondary ( Class XII) Stages and 70% Marks in Bachelor's Degree Stage / or 75% marks in aggregate in CPT of ICAI / or 75% marks in aggregate in Foundation exam of ICAI-CMA.

The above revised provisions shall be applicable to the students who had taken admission in CS Foundation Program / or Executive Program on or after 1<sup>st</sup> September, 2012. ( *Students admitted in CS Foundation Program / or Executive Program before 01.09.12, shall be under the provisions of old criteria* )

### NATURE AND EXTENT OF FINANCIAL ASSISTANCE

Eligible Students shall be refunded the full amount of the Registration/ Admission Fee, Postal Tuition Fee, Exemption Fee and other fees normally paid by the students at the time of admission to Foundation/ Executive Programmes. Eligible Students shall also be refunded the Examination Fees paid by them subject to the condition that such student should seek enrollment to the respective examination at the first available opportunity vis-à-vis their admission date and pass it at the first attempt.

***Please note that under all above mentioned provisions, student concerned is firstly required to make the full payment of the requisite fees and then submit his/her claim for refund in the prescribed application form. If found eligible, his/her fees will be refunded.***

Students desirous of availing the financial assistance may submit their application in the prescribed format along with all supporting documents to **Director (Student Services), The Institute of Company Secretaries of India , C-37, Sector – 62, Noida – 201 309.**



### 13. List of institutes empanelled for imparting Oral Coaching Classes to CS students Under Public Private Partnership Scheme of ICSI:

LIST OF INSTITUTES EMPANELLED IN IMPARTING THE ORAL COACHING FACILITIES TO THE CS STUDENTS UNDER PUBLIC/PRIVATE PARTNERSHIP SCHEME. ( as on 20.05.13 )

S.No.	Name & Address of Empanelled Institutions.	Validity for CS Session of Exam	Tel nos	Email id.
	<b>EASTERN INDIA REGIONAL COUNCIL</b>			
1.	M/s Happy Coaching Institute Fatak, P.O. Budharaja Sambalpur-768 004 Orissa	December 2012 & June 2013 Session of CS Examinations.	06630533146 08984494844	<a href="mailto:cmatpsingh@gmail.com">cmatpsingh@gmail.com</a>
	<b>NORTHERN INDIA REGIONAL COUNCIL</b>			
1.	M/S G.G.D.S.D. COLLEGE Rajpur (Palampur) Distt. Kangra Himachal Pradesh	December 2012 and June 2013 Session of CS Examinations.	01894 239041 01894 239041 (f)	<a href="mailto:principal@ggdsdrajpur.com">principal@ggdsdrajpur.com</a>
2.	M/s Springdale College of Management Studies Madhotanda Road Pilibhit-262 001 (U.P)	December 2013 & June 2014 Session of CS Examinations.	05882259917/31 6790 09219401731	<a href="mailto:info@scmspbt.org">info@scmspbt.org</a> hemantjagota@yahoo.com
3	M/s Sainath Commerce Classes C-20, Talwandi <u>KOTA-324 005</u>	December` 12 and June` 13 Session of CS Examinations.	0744- 2406656 09829037488 09829556325	<a href="mailto:Sainath_neeraj@yahoo.co.in">Sainath_neeraj@yahoo.co.in</a>
4	The Director, Commerce County-Institute for Commerce Studies, 137, Red Square Market, Near Palki Hotel, HISSAR – [Haryana} Tel : 9812066937, 8059296630	December 2012 and June 2013 Session of C S Examination	09896150937 09812066937	<a href="mailto:commercecounty@gmail.com">commercecounty@gmail.com</a>
5	AIMES 5/485, Vikas Nagar Lucknow – 226022	June 2013 & December 2013 Session of CS Examinations	09415007422	<a href="mailto:csatrivedi@gmail.com">csatrivedi@gmail.com</a>
6	Director, M/S Bharti School of Business Studies 9-N Model Town HISAR [Harana]	December 2012 and June 2013 session of CS Examinations	01662 645911 09812200014 09215306011	<a href="mailto:bsbhisar@gmail.com">bsbhisar@gmail.com</a> <a href="mailto:mydreammba@yahoo.co.in">mydreammba@yahoo.co.in</a>

7	Lloyd Law College Plot No. 11, Knowledge Park-II Greater Noida – 201306	December 2012 & June 2013 session of CS Examinations	0120 6492343 3250947 3250966 0987138512 9871385313 9818274186	<a href="mailto:lloydlawcollege@gmail.com">lloydlawcollege@gmail.com</a>
8	Rudram Institute Gangapur City Dist : Sawai Madhopur ( Rajasthan )	December 2013 & June 2014 session of CS Examinations	09602322241	<a href="mailto:rudruminstitute@yahoo.in">rudruminstitute@yahoo.in</a>
9	Sehgal Tutorials 147, New Prabhat Nagar Behind Ram Janki Mandir Bareilly ( UP ) M: 9023439612, 9808290198	December 2012 & June 2013 session of CS Examinations	09219958083 09023439612 09808290198	<a href="mailto:Vishal83hunt@gmail.com">Vishal83hunt@gmail.com</a> <a href="mailto:Vishal83del@rediffmail.com">Vishal83del@rediffmail.com</a>
10	Commerce Academy 1747, NHBC, Sector-11 Above Purthi Hospital Panipat ( Haryana )	December 2012 & June 2013 session of CS Examinations	8059296630	<a href="mailto:nitin.bansal.2008@gmail.com">nitin.bansal.2008@gmail.com</a>
11	NGPA Taxation & Professional Services Pvt. Ltd. C-7/188, Sector-7, Rohini Delhi- 110085	December 2012 & June 2013 session of CS Examinations	9810139214, 9810398903	Info.ngpa@gmail.com
12	Vidyasagar Institute for Professional Studies, 352, First Floor, Tarun Enclave, Outer Ring Road, Opp: Kali Mata Mandir, Pitampura, New Delhi - 110034	December 2012 & June 2013 session of CS Examinations	9999930575 9999777811	vidyasagar.institute@gmail.com
13	CDC Institute for Professional Studies A-19, Onkar Deep Building, Middle Circle, Connaught Place New Delhi- 110001	December 2012 & June 2013 session of CS Examinations	9810033957, 9810033947	samyakch@gmail.com
14	Institute of Professional Education Center, Shrikrishna Complex, B, 37/122, Mahmoorganj Varanasi- 221010	December 2012 & June 2013 session of CS Examinations	09415227788 0542-2361010	deepakcavns@rediffmail.com
15	Sagar Classes, A-2, Khaturia Colony ( J.N.V.Colony ), Bikaner ( Rajasthan )	December 2012 & June 2013 session of CS Examinations	09829026002	balarampurohit@yahoo.co.in
16	Professional Commercial Academy B-B/57-E, Janak Puri New Delhi- 110058	June 2013 and December 2013 sessions of CS Examinations	9818829677 9899541972	eishtaneja@yahoo.com
17	ATM-Global Executive College 20/1, Old Sher Shah Suri Marg Sector-37 Faridabad – 121003	December 2013 & June 2014 session of CS Examinations	9810084417	director@atm.edu.in

	<b>WESTERN INDIA REGIONAL COUNCIL</b>			
1.	M/s Career Classes 303, Shalimar Corporate Center 8, South Tukoganj Near Hotel Balwas Indore (M.P)	December` 12 and June` 13 Session of CS Examinations.	04064688/40853 94  09826026468	<a href="mailto:careerclasses@rediffmail.com">careerclasses@rediffmail.com</a>
2	The Director M/s Geetanjali Education Systems Private Limited Geetanjali College of Computer Science & Commerce Indian Red Cross Building Suchak Road Opp. Shastri Medan RAJKOT-360 001	June` 2013 and December` 201 3 session of CS Examinations.	0281 2587550  0281-2464377  09726184584	<a href="mailto:Gespl09@gmail.com">Gespl09@gmail.com</a>
3	The Director M/S Professional Excellence Academy Z-8, Behind Vijay Stambh, Near ICICI Bank, Zone-I, M.P.Nagar BHOPAL 462011 [MP] M: 9074622001	December 2012 & June 2013 Session of C S Examination	0755 4225884  09893895805	<a href="mailto:Cs.amra@yahoo.com">Cs.amra@yahoo.com</a>  <a href="mailto:Academy.pea@gmail.com">Academy.pea@gmail.com</a>
4	The Director, Professiional Academy of Competitive Excellence[PACE], B-402, 403, Silver Mall, R N T Marg, Indore- 452001 [MP]	December 2012 and June 2013 Session of CS Examination	0731 4044446	<a href="mailto:Reetesh_pace@rediffmail.com">Reetesh_pace@rediffmail.com</a>  <a href="mailto:paceindore@gmail.com">paceindore@gmail.com</a>
5	Global Classes C-31, Ravi Nagar Near- Bhatiya Nursing Home Raja Talab Raipur ( Chattisgarh )	June 2013 and December 2013 session of CS Examinations	0771 4075158  09827108633	<a href="mailto:Globalclasses101@gmail.com">Globalclasses101@gmail.com</a>
6	SPC Career Care Pvt. Ltd. 217, MIG, Rishabh Complex, M G Road Raipur-492001 ( Chattisgarh )	December 2012 and June 2013 session of CS Examinations	0771-4051594	<a href="mailto:Spc.raipur2009@gmail.com">Spc.raipur2009@gmail.com</a>
7	KBS Commerce & Nataraj Professional Science College, Chanod Colony Naka, Silvassa Road, GIDC, Vapi- 396195 ( Gujrat )	December 2012 and June 2013 session of CS Examinations	0260-2450360, 9925149047	<a href="mailto:Kbs_vapi@rediffmail.com">Kbs_vapi@rediffmail.com</a>
8	Batham Commerce Academy Sector-5, C-36, Flat No. 103, Shanti Nagar, Mira Road ( East ) Thane- 401107	December 2012 and June 2013 session of CS Examinations	022-28122053, 9820733984	<a href="mailto:bgtacademy@gmail.com">bgtacademy@gmail.com</a>
9	Classic Professional Classes, B-26, Surya Kiran Apartment, Saint Xevier School, Ghud Dod Road, Surat ( Gujrat )	December 2012 and June 2013 session of CS Examinations	09377603217	<a href="mailto:cpcsurat@yahoo.in">cpcsurat@yahoo.in</a>
10	Eduport Career Solutions Pvt. Ltd. Near Gurudwara Station Road Durg ( Chattisgrah ) – 491001	June 2013 and December 2013 sessions of CS Examinations	0788-4012247	<a href="mailto:ca.ajay.lunawat@gmail.com">ca.ajay.lunawat@gmail.com</a>

11	Agarwal Professional Academy 204, MSB-II B Poddar Plaza New Siyaganj Indore-456010	June 2013 and December 2013 sessions of CS Examinations	9827545475 07312515475	Atinharbhajanka.ca@gmail.com
12	Lt. Meenaben Jayantilal Kundaliya English Medium Mahila Commerce & B B A College, Chaudhary Highschool Campus, Kasturba Road, Opp: Jain Derasar Rajkot- 360001	June 2013 and December 2013 sessions of CS Examinations	0281-2448315	sadgurumjk@yahoo.in
13	Darak Tutorials Shette Building, 2 <sup>nd</sup> Floor Near Pharmacy College Indraprastha Nagar Nanded - 431605	June 2013 and December 2013 sessions of CS Examinations	9422189298 9767893929	khdarak@gmail.com
14	Arora Tutorial Devendra Nagar, Sector-4 Near Bank of Baroda Raipur ( Chattisgarh )	June 2013 and December 2013 sessions of CS Examinations	9907400020 07714280110	aroratutorial@gmail.com
15	Professional Study Group 867, Patel Nagar City Center Gwalior- 474011	June 2013 and December 2013 sessions of CS Examinations	9981202069 07512343435	Ca.jatin.singh@gmail.com
16	M R Study Center for Company Secretaries, Medhauli, Morwa, Shukla More, Singrauli – 486869 ( MP)	June 2013 and December 2013 sessions of CS Examinations	09839431179 09993304763	College.mrdc@gmail.com
17	Maple Classes Proprietor Prudential Educom Pvt. Ltd. 310 A, B Block, Silver Mall 8, RNT Marg Indore-452001 ( MP )	December 2013 and June 2014 sessions of CS Examinations	9425060686 0731-4069983	info@caclass.co.in
18	Shantaben Adani Institute of Professional Courses The Banskantha District Mandal C/o G D Modi Vidya Sankul Opp: S T Workshop, Hoghway Palanpur Distt: Banaskantha -385001 ( Gujrat )	December 2013 and June 2014 sessions of CS Examinations	9825391536 9428847734	call_bba@yahoo.com
19	Catalyst Professional Academy IIIrd Floor Gomtesh Market New Gulmandi Road Aurangabad-431005	December 2013 and June 2014 sessions of CS Examinations	9595255656 9021903030	Catalyst.academy@hotmail.com
	<b>SOUTHERN INDIA REGIONAL COUNCIL</b>			
1.	Mohans Institute of Corporate Studies [MICS] 'Sreyas; 39, Chettiparambil Lane Choorakkadu, Tripunithura P.O. Ernakulam Dist., Kerala- 682301	December` 12 and June` 13 Session of CS Examinations.	0484 2776089 09447790689	<a href="mailto:mics@mohans.in">mics@mohans.in</a> <a href="mailto:mohansinstitute@gmail.com">mohansinstitute@gmail.com</a>
2	M/s Bright Academy of Excellence Baba Foundation, Plot No.46 Door No.102, Flat No.6,1 <sup>st</sup> Floor, South West Boag Road, T. Nagar Chennai-600 017	December 2013 and June 2014 Session of CS Examination.	044 24341116	<a href="mailto:Brightacademy2008@yahoo.co.in">Brightacademy2008@yahoo.co.in</a>

3	M/s Prize Academy No.2, Teachers Colony (Off V.M. Street) Royapettah Chennai-600 014	December` 12 and June` 13 Session of CS Examination.	No nos	<a href="mailto:prizeacademy@yahoo.com">prizeacademy@yahoo.com</a>
4	The Administrative Officer M/s National Management College 2/16 Thudupathi, Perundurai Erode [Dist] -638 057	December 2012 and June 2013 Session of CS Examinations.	04294 344317/324901	<a href="mailto:nmc.finance@gmail.com">nmc.finance@gmail.com</a>
5	The Principal M/s P.S.G.R. Krishnammal College For Women Peelamedu <u>COIMBATORE-641 004</u>	December 2013 & June 2014 Session of CS Examinations.	0422 2572222 0422 2591255(f)	<a href="mailto:principal@psgrkc.com">principal@psgrkc.com</a>
6	The Director M/S Blue Dot Academy NO.4, Balaji Avenue, Ist Street T.Nagar CHENNAI – 600017	December 2013 & June 2014 Sessions of CS examinations.	044 42123501/42123 502 044 42123503(f) 044 28344816	<a href="mailto:sreesri@mscindia.org">sreesri@mscindia.org</a>
7	M/S Centre for Human Resources Development, Thekkel, Mannarakka yam PO ., Ponkunnam [via] Kanjirapally, Kottayam Dist., KERALA – 686506	December`12 and June `13 session of C S examination.	04828 208227 09447180377	<a href="mailto:chrkply@gmail.com">chrkply@gmail.com</a>
8	Divine Education and Charitable Trust Gurukul Building, Gurukul Road Gurukul Nagar, Near- Munsif Court Karkala-574104 Udupi District ( Karnatka )	June 2013 and December 2013 Session of CS Examinations	09964475417 08258233757	<a href="mailto:alohakarkala@gmail.com">alohakarkala@gmail.com</a>
9	Kongu Arts & Science College Nanjanapuram Erode- 638107	December 2012 & June 2013 session of CS Examinations	0424 2242888/233993 3 0424 2242810(f)	<a href="mailto:kasc@kasc.ac.in">kasc@kasc.ac.in</a>
10	Hyderabad Business School GITAM University, Rudraram Patancheru Mandal Medak – 502329 (Adhra Pradesh )	December 2012 & June 2013 session of CS Examinations	09441968259 08455220058	No email id
11	Sri Vishnu Educational Society Vishnupur, Bhimavaram, West Godavari Dist: - 534202 ( Andhra Pradesh )	December 2012 & June 2013 session of CS Examinations	08816 250864 09949433566 09849822223	<a href="mailto:bvrmsvecw@gmail.com">bvrmsvecw@gmail.com</a>
12	Enlighten Academy 101/1, Kanaka Sri Nagar Off: Cathedral Road Chennai- 600086	December 2012 & June 2013 session of CS Examinations	9381856910	<a href="mailto:enlightenmgt@gmail.com">enlightenmgt@gmail.com</a>
13	Padmarajam College of Management 10, Kalpalam Road Goripalayam Madurai – 625002 ( Tamilnadu )	June 2013 & December 2013 session of CS Examinations	9344108771, 8144408771	<a href="mailto:padmarajam@gmail.com">padmarajam@gmail.com</a>

14	Academy for Professional Studies Azhar Complex Near North Malabar Chamber of Commerce Thayatheru Road Kannur – 670002 ( Kerala )	June 2013 & December 2013 session of CS Examinations	9746103633 0497-2763646	apskannur@gmail.com
15	Alliance College of Commerce Alliance University 2 <sup>nd</sup> Cross, 36 <sup>th</sup> main, Dollars Scheme, BTM I stage Bangalore- 560 068	June 2013 & December 2013 session of CS Examinations	9986200605 9900084432	rekha.us@alliance.edu.in
16	S S Mahita Degree College, D No. 40-26/1-15, Beside Sweet Magic Street, Near D V Manor Vijayawada-520010 Dist: Krishna ( Andhra Pradesh )	December 2013 & June 2014 session of CS Examinations	9912341815 0866-2487452	Principal.mahita@gmail.com
17	Sri Rachapudy Nagabhushanam Degree & P G College Nellore Road Badvel Kadapa ( Dist ) A P – 516227	December 2013 & June 2014 session of CS Examinations	9440261908 08569-283509	Sai.srn@gmail.com

# Directorate of Academic & Professional Development

## ECONOMIC & LABOUR LAWS ECONOMIC AND COMMERCIAL LAWS (New Syllabus)

### **THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012\***

#### **INTRODUCTION**

The Prevention of Money Laundering Act, 2002 (PMLA) was enacted in 2003 and brought into force on 1st July 2005 to prevent money laundering and to provide for attachment, seizure and confiscation of property obtained or derived, directly or indirectly, from or involved in money laundering and for matters connected therewith or incidental thereto.

The Prevention of Money-laundering Act, 2002 addresses the international obligations under the Political Declaration and Global Programme of Action adopted by the General Assembly of the United Nations to prevent money laundering. The Act was amended in the year 2005, 2009 and 2012 to remove the difficulties arisen in implementation of the Act. The Prevention of Money Laundering (Amendment) Act, 2012 received the assent of the President of India on the 3<sup>rd</sup> January, 2013.

#### **DEFINITIONS**

Section 2 contains various terms used in the Act. Some of the important definitions are reproduced bellow:

***“Beneficial owner”***

Beneficial owner means an individual who ultimately owns or controls a client of a reporting entity or the person on whose behalf a transaction is being conducted and includes a person who exercises ultimate effective control over a juridical person. {Section 2(1) (fa)}

### ***“Client”***

Client means a person who is engaged in a financial transaction or activity with a reporting entity and includes a person on whose behalf the person who engaged in the transaction or activity, is acting. {Section 2(1) (ha)}

### ***“Corresponding law”***

Corresponding law means any law of any foreign country corresponding to any of the provisions of this Act or dealing with offences in that country corresponding to any of the scheduled offences. {Section 2(1) (ia)}

### ***“Financial Institution”***

Financial institution means a financial institution as defined in clause (c) of section 45-I of the Reserve Bank of India Act, 1934 and includes a chit fund company, a housing finance institution, an authorised person, a payment system operator, a non-banking financial company and the Department of Posts in the Government of India. {Section 2(1)(l)}

### ***“Intermediary”***

Intermediary” means,—



- (i) a stock-broker, sub-broker, share transfer agent, banker to an issue, trustee to a trust deed, registrar to an issue, merchant banker, underwriter, portfolio manager, investment adviser or any other intermediary associated with securities market and registered under section 12 of the Securities and Exchange Board of India Act, 1992; or
- (ii) an association recognised or registered under the Forward Contracts (Regulation) Act, 1952 or any member of such association; or
- (iii) intermediary registered by the Pension Fund Regulatory and Development Authority; or
- (iv) a recognised stock exchange referred to in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956 . {Section 2(1) (n)}

### ***"Offence of Cross Border Implications"***

Offence of cross border implications means-

- (i) any conduct by a person at a place outside India which constitutes an offence at that place and which would have constituted an offence specified in Part A, Part B or Part C of the Schedule, had it been committed in India and if such person "transfers in any manner" the proceeds of such conduct or part thereof to India;' or
- (ii) any offence specified in Part A, Part B or Part C of the Schedule which has been committed in India and the proceeds of crime, or part thereof have been transferred to a place outside India or any attempt has been made to transfer the proceeds of crime, or part thereof from India to a place outside India.

Explanation:- Nothing contained in this clause shall adversely affect any investigation, enquiry, trial or proceeding before any authority in respect of

the offences specified in Part A or Part B of the Schedule to the Act before the commencement of the Prevention of Money-Laundering (Amendment) Act, 2009.{Section 2(1)(ra)}

### ***"Payment System"***

Payment system means a system that enables payment to be effected between a payer and a beneficiary, involving clearing, payment or settlement service or all of them.

Explanation:- For the purposes of this clause, "payment system" includes the systems enabling credit card operations, debit card operations, smart card operations, money transfer operations or similar operations. {Section 2(1)(rb)}

### ***"Payment System Operator"***

Payment system operator means a person who operates a payment system and such person includes his overseas principal.

Explanation:- For the purposes of this clause, "overseas principal" means,-

(A) in the case of a person, being an individual, such individual residing outside India, who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India:

(B) in the case of a Hindu undivided family, Karta of such Hindu undivided family residing outside India who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(C) in the case of a company, a firm, an association of persons, a body of individuals, an artificial juridical person, whether incorporated or not, such company, firm, association of persons, body of individuals, artificial juridical person incorporated or registered outside India or existing as such and which owns or controls or manages, directly or indirectly, the activities or functions of payment system in India. {Section 2(1) (rc)}

### ***"Person"***

Person includes--

(i) an individual,

(ii) a Hindu undivided family,

(iii) a company,

(iv) a firm,

(v) an association of persons or a body of individuals, whether incorporated or not,

(vi) every artificial juridical person not falling within any of the preceding sub-clauses, and

(vii) any agency, office or branch owned or controlled by any of the above persons mentioned in the preceding sub-clauses. {Section 2(1) (s)}

### ***"Person Carrying on Designated Business or Profession"***

Person carrying on designated business or profession means,—

(i) a person carrying on activities for playing games of chance for cash or kind, and includes such activities associated with casino;

(ii) a Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908, as may be notified by the Central Government;

(iii) real estate agent, as may be notified by the Central Government;

(iv) dealer in precious metals, precious stones and other high value goods, as may be notified by the Central Government;

(v) person engaged in safekeeping and administration of cash and liquid securities on behalf of other persons, as may be notified by the Central Government; or

(vi) person carrying on such other activities as the Central Government may, by notification, so designate, from time to time. {Section 2(1) (sa)}

### ***"Proceeds of crime"***

Proceeds of crime means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property. {Section 2(1) (u)}

### ***"Property"***

Property means any property or assets of every description, whether corporeal or in corporeal, movable or immovable, tangible or intangible and

includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located;

*‘Explanation.—*For the removal of doubts, it is hereby clarified that the term “property” includes property of any kind used in the commission of an offence under this Act or any of the scheduled offences. {Section 2(1) (v)}

### ***“Reporting Entity”***

“Reporting entity” means a banking company, financial institution, intermediary or a person carrying on a designated business or profession {Section 2(1) (wa)}

## **MONEY -LAUNDERING**

Section 3 of the Act states that whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it as untainted property shall be guilty of offence of money-laundering.

It may be noted that Proceeds of crime means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property.

Section 4 provides that whoever commits the offence of money-laundering shall be punishable with rigorous imprisonment for a term which shall not be

less than three years but which may extend to seven years and shall also be liable to fine:

However, where the proceeds of crime involved in money-laundering relates to any offence specified under the Narcotic Drugs and Psychotropic Substance Act, 1985, the punishment may extend to ten years.

### **ATTACHMENT OF PROPERTY INVOLVED IN MONEY-LAUNDERING**

Section 5 provides that where the Director or any other officer not below the rank of Deputy Director authorised by the Director, has reason to believe on the basis of material in his possession, that any person is in possession of any proceeds of crime; and such proceeds of crime are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of crime, he may, by order in writing, provisionally attach such property for a period not exceeding one hundred and eighty days from the date of the order, in prescribed manner.

It may be noted that no such order of attachment shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person authorised to investigate the offence mentioned in that Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be, or a similar report or complaint has been made or filed under the corresponding law of any other country.

The Director, or any other officer not below the rank of Deputy Director, shall, immediately after attachment, forward a copy of the order, along with the

material in his possession, to the Adjudicating Authority, in a sealed envelope, in the prescribed manner and such Adjudicating Authority shall keep such order and material for such prescribed period. The Director or any other officer who provisionally attaches any property shall, within a period of thirty days from such attachment, file a complaint stating the facts of such attachment before the Adjudicating Authority.

## **ADJUDICATING AUTHORITY**

As per Section 2(1) (a) Adjudicating Authority means an Adjudicating Authority appointed under sub-section (1) of section 6.

Section 6 empowers the Central Government to appoint , by notification, appoint one or more Adjudicating Authority to exercise jurisdiction, powers and authority conferred by or under this Act. An Adjudicating Authority shall consist of a Chairperson and two other Members:

## **ADJUDICATION**

Section 8 deals with Adjudication. sub-section (1) of section 8 provides that on receipt of a complaint under sub-section (5) of section 5, or applications made under sub-section (4) of section 17 or under sub-section (10) of section 18, if the Adjudicating Authority has reason to believe that any person has committed an offence under section 3 or is in possession of proceeds of crime , it may serve a notice of not less than thirty days on such person calling upon him to indicate the sources of his income, earning or assets, out of which or by means of which he has acquired the property attached under sub-section (1) of section 5, or, seized or frozen under section 17 or section 18, the evidence on which he relies and other relevant information and particulars , and to show cause why all or any of such properties should not be declared to be the

properties involved in money-laundering and confiscated by the Central Government.

Where a notice under this sub-section (1) specifies any property as being held by a person on behalf of any other person, a copy of such notice shall also be served upon such other person and where such property is held jointly by more than one person, such notice shall be served to all persons holding such property.

Section 8 (2) provides that the Adjudicating Authority shall, after considering the reply, if any, to the notice issued under sub-section (1); hearing the aggrieved person and the Director or any other officer authorised by him in this behalf; and taking into account all relevant materials placed on record before him, by an order, record a finding whether all or any of the properties referred to in the notice issued under sub-section (1) are involved in money-laundering.

However, if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money-laundering.

As per section 8 (3) where the Adjudicating Authority decides under sub-section (2) that any property is involved in money-laundering, he shall, by an order in writing, confirm the attachment of the property made under sub-section (1) of section 5 or retention of property or record seized or frozen under section 17 or section 18 and record a finding to that effect, whereupon such attachment or retention or freezing of the seized or frozen property or record shall--



- continue during the pendency of the proceedings relating to any offence under this Act before a court or under the corresponding law of any other country, before the competent court of criminal jurisdiction outside India, as the case may be; and
- becomes final after an order of confiscation is passed under sub-section (5) or sub-section (7) of section 8 or section 58B or subsection (2A) of section 60 by the Adjudicating Authority.

Section 8 (5) states that on conclusion of a trial of an offence under the Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money-laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government.

As per section 8 (6) on conclusion of a trial under the Act, the Special Court finds that the offence of money-laundering has not taken place or the property is not involved in money-laundering, it shall order release of such property to the person entitled to receive it.

Section 8 (7) provides that where the trial under the Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub-section (3) of section 8, pass appropriate orders regarding confiscation or release of the property, as

the case may be, involved in the offence of money-laundering after having regard to the material before it.

## **VESTING OF PROPERTY IN CENTRAL GOVERNMENT**

Section 9 provides that an order of confiscation has been made under sub-section (5) or sub-section (7) of section 8 or section 58B or sub-section (2A) of section 60 in respect of any property of a person, all the rights and title in such property shall vest absolutely in the Central Government free from all encumbrances.

The Special Court or the Adjudicating Authority, as the case may be, after giving an opportunity of being heard to any other person interested in the property attached or seized or frozen is of the opinion that any encumbrance on the property or lease-hold interest has been created with a view to defeat the provisions of the Act, it may, by order, declare such encumbrance or lease-hold interest to be void and thereupon the aforesaid property shall vest in the Central Government free from such encumbrances or lease-hold interest.

It may be noted that **Sub-section (5) of section 8** provides that where on conclusion of a trial of an offence under this Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money-laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government.

**Sub-section (7) of section 8** states that where the trial under this Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub-section (3) of section 8, pass appropriate orders regarding confiscation or release of the property, as the case may be, involved in the offence of money-laundering after having regard to the material before it.”.

**Section 58B** deals with Letter of request of a contracting State or authority for confiscation or release the property. It provides that where the trial under the corresponding law of any other country cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Central Government shall, on receipt of a letter of request from a court or authority in a contracting State requesting for confiscation or release of property, as the case may be, forward the same to the Director to move an application before the Special Court and upon such application the Special Court shall pass appropriate orders regarding confiscation or release of such property involved in the offence of money-laundering.

**Section 60 (2A)** provides that where on closure of the criminal case or conclusion of trial in a criminal court outside India under the corresponding law of any other country, such court finds that the offence of money-laundering under the corresponding law of that country has been committed, the Adjudicating Authority shall, on receipt of an application from the Director for execution of confiscation under sub-section (2) of section 60 , order, after

giving notice to the affected persons, that such property involved in money-laundering or which has been used for commission of the offence of money-laundering stand confiscated to the Central Government.

## **REPORTING ENTITY TO MAINTAIN RECORDS**

Section 12 requires every reporting entity to -

- maintain a record of all transactions, including information relating to transactions, in such manner as to enable it to reconstruct individual transactions;
- furnish to the Director within such time as may be prescribed, information relating to such transactions, whether attempted or executed, the nature and value of which may be prescribed;
- verify the identity of its clients in such manner and subject to such conditions, as may be prescribed;
- identify the beneficial owner, if any, of such of its clients, as may be prescribed;
- maintain record of documents evidencing identity of its clients and beneficial owners as well as account files and business correspondence relating to its clients.

Every information maintained, furnished or verified, save as otherwise provided under any law for the time being in force, shall be kept confidential. The records of all transactions, including information relating to transactions,

shall be maintained for a period of five years from the date of transaction between a client and the reporting entity.

The records of documents evidencing identity of its clients and beneficial owners as well as account files and business correspondence relating to its clients be maintained for a period of five years after the business relationship between a client and the reporting entity has ended or the account has been closed, whichever is later.

## **ACCESS TO INFORMATION**

Section 12A provides that the Director may call for from any reporting entity any of the records of all transactions, including information relating to transactions, and any additional information as he considers necessary for the purposes of the Act. Every reporting entity shall furnish to the Director such information as may be required by him within specified time and manner. Every information sought by the Director shall be kept confidential..

## **POWER OF SURVEY**

Section 16 empowers an authority, on the basis of material in his possession, has reason to believe (the reasons for such belief to be recorded in writing) that an offence under section 3 has been committed, he may enter any place within the limits of the area assigned to him at which any act constituting the commission of such offence is carried on. It may require any proprietor, employee or any other person who may at that time and place be attending in any manner to, or helping in, such act so as to afford the authority the

necessary facility to inspect such records as he may require and which may be available at such place; afford him the necessary facility to check or verify the proceeds of crime or any transaction related to proceeds of crime which may be found therein; and furnish such information as he may require as to any matter which may be useful for, or relevant to, any proceedings under the Act.

It may be noted that a place, where an act which constitutes the commission of the offence is carried on, shall also include any other place, whether any activity is carried on therein or not, in which the person carrying on such activity states that any of his records or any part of his property relating to such act are or is kept.

The authority shall, after entering any place immediately after completion of survey, forward a copy of the reasons so recorded along with material in his possession, to the Adjudicating Authority in a sealed envelope, in the prescribed manner .

Section 16(3) requires such authority acting place marks of identification on the records inspected by him and make or cause to be made extracts or copies there from, make an inventory of any property checked or verified by him, and record the statement of any person present in the place which may be useful for, or relevant to, any proceeding under the Act.

## **SEARCH AND SEIZURE**

Section 17(1) provides that where the Director, on the basis of information in his possession, has reason to believe (the reason for such belief to be recorded in writing) that any person has committed any act which constitutes money-laundering, or is in possession of any proceeds of crime involved in money-laundering, or is in possession of any property related to crime or is in

possession of any records relating to money-laundering shall , then, subject to the rules made in this behalf, he may authorise any officer subordinate to him to—

(a) enter and search any building, place, vessel, vehicle or aircraft where he has reason to suspect that such records or proceeds of crime are kept;

(b) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by clause (a) where the keys thereof are not available;

(c) seize any record or property found as a result of such search;

(d) place marks of identification on such record or “property, if required or” make or cause to be made extracts or copies there from;

(e) make a note or an inventory of such record or property;

(f) examine on oath any person, who is found to be in possession or control of any record or property, in respect of all matters relevant for the purposes of any investigation under the Act:

It may be noted that no search shall be conducted unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be, or in cases where such report is not required to be forwarded, a similar report of information received or otherwise has been submitted by an officer authorised to investigate a scheduled offence to an officer not below the rank of Additional Secretary to the Government of India

or equivalent being head of the office or Ministry or Department or Unit, as the case may be, or any other officer who may be authorised by the Central Government, by notification, for this purpose.

Section 17(1A) provides that where it is not practicable to seize such record or property, the officer authorised under sub-section (1), may make an order to freeze such property whereupon the property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, and a copy of such order shall be served on the person concerned. However, if at any time before its confiscation under sub-section (5) or (7) of section 8 or section 58B or sub-section (2A) of section 60, it becomes practical to seize a frozen property, the officer authorised under sub-section (1) may seize such property.

The authority, who has been authorised under sub-section (1) shall, immediately after search and seizure or upon issuance of a freezing order, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such reasons and material for such period, as may be prescribed.

Where an authority, upon information obtained during survey under section 16, is satisfied that any evidence shall be or is likely to be concealed or tampered with, he may, for reasons to be recorded in writing, enter and search the building or place where such evidence is located and seize that evidence:



The authority seizing any record or property under sub-section (1) or freezing any record or property under sub-section (1A) shall, within a period of thirty days from such seizure or freezing, as the case may be, file an application, requesting for retention of such record or property seized under sub-section (1) or for continuation of the order of freezing served under sub-section (1A), before the Adjudicating Authority.

## **SEARCH OF PERSONS**

Section 18 deals with search of person. Sub-section (1) of section 18 provides that if an authority, authorised in this behalf by the Central Government by general or special order, has reason to believe (the reason for such belief to be recorded in writing) that any person has secreted about his person or in anything under his possession, ownership or control, any record or proceeds of crime which may be useful for or relevant to any proceedings under the Act, he may search that person and seize such record or property which may be useful for or relevant to any proceedings under the Act.

It may that no search of any person shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be, or in cases where such report is not required to be forwarded, a similar report of information received or otherwise has been submitted by an officer authorised to investigate a scheduled offence to an officer not below the rank of Additional Secretary to the Government of India or equivalent being head of the office or Ministry or Department or Unit, as

the case may be, or any other officer who may be authorised by the Central Government.

Section 18 (2) provides that the authority, who has been authorised under sub-section (1) shall, immediately after search and seizure, forward a copy of the reasons so recorded along with material in his possession, referred to in that sub-section, to the Adjudicating Authority in a sealed envelope, in the prescribed manner and such Adjudicating Authority shall keep such reasons and material for such prescribed period.

Where an authority is about to search any person, he shall, if such person so requires, take such person within twenty-four hours to the nearest Gazetted Officer, superior in rank to him, or a Magistrate. It may be noted that that the period of twenty-four hours shall exclude the time necessary for the journey undertaken to take such person to the nearest Gazetted Officer, superior in rank to him, or Magistrate's Court.

The authority, seizing any record or property under sub-section (1) shall, within a period of thirty days from such seizure, file an application requesting for retention of such record or property, before the Adjudicating Authority.

## **RETENTION OF PROPERTY**

Under section 20(1) where any property has been seized under section 17 or section 18 or frozen under sub-section (1A) of section 17 and the officer authorised by the Director in this behalf has, on the basis of material in his possession, reason to believe (the reason for such belief to be recorded by him in writing) that such property is required to be retained for the purposes of adjudication under section 8, such property may, if seized, be retained or if frozen, may continue to remain frozen, for a period not exceeding one

hundred and eighty days from the day on which such property was seized or frozen, as the case may be.

Section 20(2) provides that the officer authorised by the Director shall, immediately after he has passed an order for retention or continuation of freezing of the property for purposes of adjudication under section 8, forward a copy of the order along with the material in his possession, referred to in sub-section (1), to the Adjudicating Authority, in a sealed envelope, in the manner as may be prescribed and such Adjudicating Authority shall keep such order and material for such period as may be prescribed.

On the expiry of the period specified in sub-section (1), the property shall be returned to the person from whom such property was seized or whose property was ordered to be frozen unless the Adjudicating Authority permits retention or continuation of freezing of such property beyond the said period. The Adjudicating Authority, before authorising the retention or continuation of freezing of such property beyond the period specified in sub-section (1), shall satisfy himself that the property is *prima facie* involved in money-laundering and the property is required for the purposes of adjudication under section 8.

After passing the order of confiscation under sub-section (5) or sub-section (7) of section 8, the Court or the Adjudicating Authority, as the case may be, shall direct the release of all property other than the property involved in money-laundering to the person from whom such property was seized or the persons entitled to receive it.

## RETENTION OF RECORDS

Section 21 deals with retention of records and sub-section (1) of section 21 provides that where any records have been seized, under section 17 or section 18 or frozen under sub-section (1A) of section 17 and the Investigating Officer or any other officer authorised by the Director in this behalf has reason to believe that any of such records are required to be retained for any inquiry under this Act, such records may if seized, be retained or if frozen, may continue to remain frozen, for a period not exceeding one hundred and eighty days from the day on which such records were seized or frozen, as the case may be.

The person, from who records seized or frozen, shall be entitled to obtain copies of records. On the expiry of the period specified under sub-section (1), the records shall be returned to the person from whom such records were seized or whose records were ordered to be frozen unless the Adjudicating Authority permits retention or continuation of freezing of such records beyond the said period.

The Adjudicating Authority, before authorising the retention or continuation of freezing of such records beyond the period specified in sub-section (1), shall satisfy himself that the records are required for the purposes of adjudication under section 8. After passing of an order of confiscation under sub-section (5) or subsection (7) of section 8, the Adjudicating Authority shall direct the release of the records to the person from whom such records were seized.

## **PRESUMPTION IN INTER-CONNECTED TRANSACTIONS**

Section 23 of the Act provides that where money-laundering involves two or more inter-connected transactions and one or more such transactions is or are proved to be involved in money-laundering, then for the purposes of adjudication or under section 8 or for the trial of the money-laundering offence, it shall unless otherwise proved to the satisfaction of the Adjudicating Authority or the Special Court, be presumed that the remaining transactions form part of such inter-connected transactions.

## **APPELLATE TRIBUNAL**

Chapter VI of the Act deals with Appellate Tribunal. Section 25 empowers the Central Government, to establish an Appellate Tribunal to hear appeals against the orders of Adjudicating Authority and other authorities under the Act.

## **APPEAL TO HIGH COURT**

Section 42 entitles any person aggrieved by any decision or order of the Appellate Tribunal to file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal to him on any question of law or fact arising out of such order. However, the High Court, if satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period, may allow it to be filed within a further period not exceeding sixty days.

## **SPECIAL COURTS**

Sections 43 to 47 of the Act deal with provisions relating to Special Courts. Section 43(1) empowers the Central Government to designate, in consultation

with the Chief Justice of the High Court, one or more Courts of Session as Special Courts or Court for such area or areas or for such case or class or group of cases as may be specified in the notification, for trial of offence punishable under Section 4.

### **OFFENCES TRIABLE BY SPECIAL COURTS**

Section 44(1) provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973

(a) an offence punishable under Section 4 and any scheduled offence connected to the offence, shall be triable only by the Special Court constituted for the area in which the offence has been committed or

(b) a special court may, upon a complaint made by an authority authorised in this behalf take cognizance of the offence under section 3, without the accused being committed to it for trial.

(c) if the court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the complaint of the offence of money-laundering under sub clause (b), it shall, on an application by the authority authorised to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court shall, on receipt of such case proceed to deal with it from the stage at which it is committed.

(d) a Special Court while trying the scheduled offence or the offence of money-laundering shall hold trial in accordance with the provisions of the Code of Criminal Procedure, 1973 as it applies to a trial before a Court of Session.

### **OFFENCES TO BE COGNIZABLE AND NON-BAILABLE**

Section 45 declares every offence punishable under the Act to be

cognizable. It provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973, a person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule shall not be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity to oppose the application for such release; and where the Public Prosecutor opposes the application, unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while in bail.

However the special court shall not take cognizance of any offence punishable under Section 4, except upon a complaint in writing made by (i) the Director or (ii) any officer of the Central Government or State Government authorised in writing in this behalf by the Central Government by a general or special order made by that Government.

Sub-section 1A inserted by Prevention of Money Laundering (Amendment) Act, 2005 provides that notwithstanding anything contained in Code of Criminal Procedure, 1973 or any other provision of this Act, no police officer shall investigate into an offence under this Act, unless specifically authorized, by the Central Government by a general or special order, and subject to such conditions as may be prescribed.

### **POWER OF CENTRAL GOVERNMENT TO ISSUE DIRECTIONS**

Section 52 empowers the Central Government to issue, from time to time, such orders, instructions and directions to the authorities as it may deem fit for the proper administration of this Act. The authorities and all other persons employed in execution of the Act have been put under obligation to observe and follow such orders, instructions and directions of the Central Government. However, no such orders, instructions or directions shall be issued so as to

require any authority to decide a particular case in a particular manner or interfere with the discretion of the Adjudicating Authority in exercise of his functions.

### **AGREEMENT WITH FOREIGN COUNTRIES**

Section 56 empowers the Central Government to enter into an agreement with the Government of any country for enforcing the provisions of the Act and also for exchange of information for the prevention of any offence under the this Act or under the corresponding law in force in that country or investigation of cases relating to any offence under the Act.

### **ASSISTANCE TO A CONTRACTING STATE IN CERTAIN CASES**

Section 58 provides that, where a letter of request is received by the Central Government, from a court or authority in a contracting State requesting for investigation into an offence or proceedings under the Act and forwarding to such court or authority any evidence connected therewith, the Central Government may forward such letter of request to the Special Court or to any authority as it thinks fit for execution of such request in accordance with the provisions of the Act or as the case may be, any other law for the time being in force.

### **SPECIAL COURT TO RELEASE THE PROPERTY**

Section 58A provides that where on closure of the criminal case or conclusion of a trial in a criminal court outside India under the corresponding law of any other country, such court finds that the offence of money-laundering has not taken place or the property in India is not involved in money-laundering, the Special Court shall, on an application moved by the concerned person or the



Director, after notice to the other party, order release of such property to the person entitled to receive it.

### **LETTER OF REQUEST OF A CONTRACTING STATE OR AUTHORITY FOR CONFISCATION OR RELEASE THE PROPERTY**

Section 58B provides that where the trial under the corresponding law of any other country cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Central Government shall, on receipt of a letter of request from a court or authority in a contracting State requesting for confiscation or release of property, as the case may be, forward the same to the Director to move an application before the Special Court and upon such application the Special Court shall pass appropriate orders regarding confiscation or release of such property involved in the offence of money-laundering.”.

### **RECIPROCAL ARRANGEMENTS FOR PROCESSES AND ASSISTANCE FOR TRANSFER OF ACCUSED PERSONS**

Section 59(1) prescribes that where Special Court, in relation to an offence punishable under Section 4 desires that a summon to an accused person; or a warrant for the arrest of an accused person; or a summon to any person requiring him to attend and produce a document or other thing, or to produce a document or other things or to produce it; or a search warrant issued by it, shall be served or executed at any place in any contracting state, it shall send such summons or warrant in duplicate in such form, to such court, Judge or Magistrate through such authorities as the Central Government may by

notification, specify in that behalf and that court, Judge or Magistrate, as the case may be, shall cause the same to be executed.

Sub-Section (2) stipulates that where a Special Court, in relation to an offence punishable under Section 4 has received for service or execution, summon to an accused person; or a warrant for the arrest of an accused person; or a summon to any person requiring him to attend and produce a document or other things or to produce it; or a search warrant; issued by a court, Judge or Magistrate in a contracting State, it shall cause the same to be served or executed as if it were a summon or warrant received by it from another court in the said territories for service or execution within its jurisdiction. Where a warrant of arrest has been executed, the person arrested shall, so far as possible be dealt with in accordance with the procedure specified under Section 19 and where a search warrant has been executed, the things found in the search shall so far as possible be dealt with in accordance with the procedure specified under Section 17 or 18.

However, where a summon or search warrant received from a contracting state has been executed, the documents or other things produced or things found in the search shall be forwarded to the court issuing the summon or search warrant through such authority as the Central Government may by notification specify in this behalf.

Sub-section (3) states that where a person transferred to a contracting State pursuant to sub-section (2) is a prisoner in India, the Special Court or the Central Government may impose such conditions as that Court or Government deems fit.

Where the person transferred to India pursuant to sub-section (1) is a prisoner in a contracting State, the Special Court in India shall ensure that the conditions subject to which the prisoner is transferred to India are complied with and such prisoner shall be kept in such custody subject to such conditions as the Central Government may direct in writing.

## **RECOVERY OF FINE OR PENALTY**

Section 69 deals with recovery of fine or penalty. It states that where any fine or penalty imposed on any person under section 13 or section 63 is not paid within six months from the day of imposition of fine or penalty, the Director or any other officer authorised by him in this behalf may proceed to recover the amount from the said person in the same manner as prescribed in Schedule II of the Income-tax Act, 1961 for the recovery of arrears and he or any officer authorised by him in this behalf shall have all the powers of the Tax Recovery Officer mentioned in the said Schedule for the said purpose.

*\*Compiled by Chittaranjan Pal, Asst. Education Officer, The ICSI.*

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## **PROFESSIONAL PROGRAMME**

### **Strategic Management, Alliances and international Trade**

#### **INCOTERMS\***

#### **Meaning:**

The Incoterms rules are an internationally recognized standard and are used worldwide in international and domestic contracts for the sale of goods. Incoterms are a set of three-letter standard trade terms most commonly used in international contracts for the sale of goods. Incoterms are accepted by governments, legal authorities and practitioners worldwide for the interpretation of the most commonly used terms in international trade. They either reduce or remove altogether uncertainties arising from differing interpretations of such terms in different countries. Incoterms rules provide

internationally accepted definitions and rules of interpretation for most common commercial terms. They help traders avoid costly misunderstandings by clarifying the tasks, costs and risks involved in the delivery of goods from sellers to buyers. Incoterms rules are recognized by UNCITRAL as the global standard for the interpretation of the most common terms in foreign trade.

Incoterms were first published in 1936 by the International Chamber of Commerce (ICC). The rules have been developed and maintained by experts and practitioners brought together by ICC and have become the standard in international business rules setting. Incoterms rules are periodically revised to ensure that they are kept up to date with current trade practices. Multiple versions of Incoterms like Incoterms 2000, Incoterms 2010 are available for use by contracting parties. The Incoterms 2010 rules are effective from January 1, 2011. It is recommend using Incoterms 2010 after 2011. However parties can choose earlier version of Incoterms also. But it is important to clearly specify the chosen version of Incoterms.

**Scope:**

The scope of Incoterms is limited to matters relating to the rights and obligations of the parties to the contract of sale with respect to the delivery of goods sold, but excluding "intangibles" like computer software. The Incoterms rules have become an essential part of the daily language of trade. They have been incorporated in contracts for the sale of goods worldwide and provide rules and guidance to importers, exporters, lawyers, transporters, insurers and students of international trade.

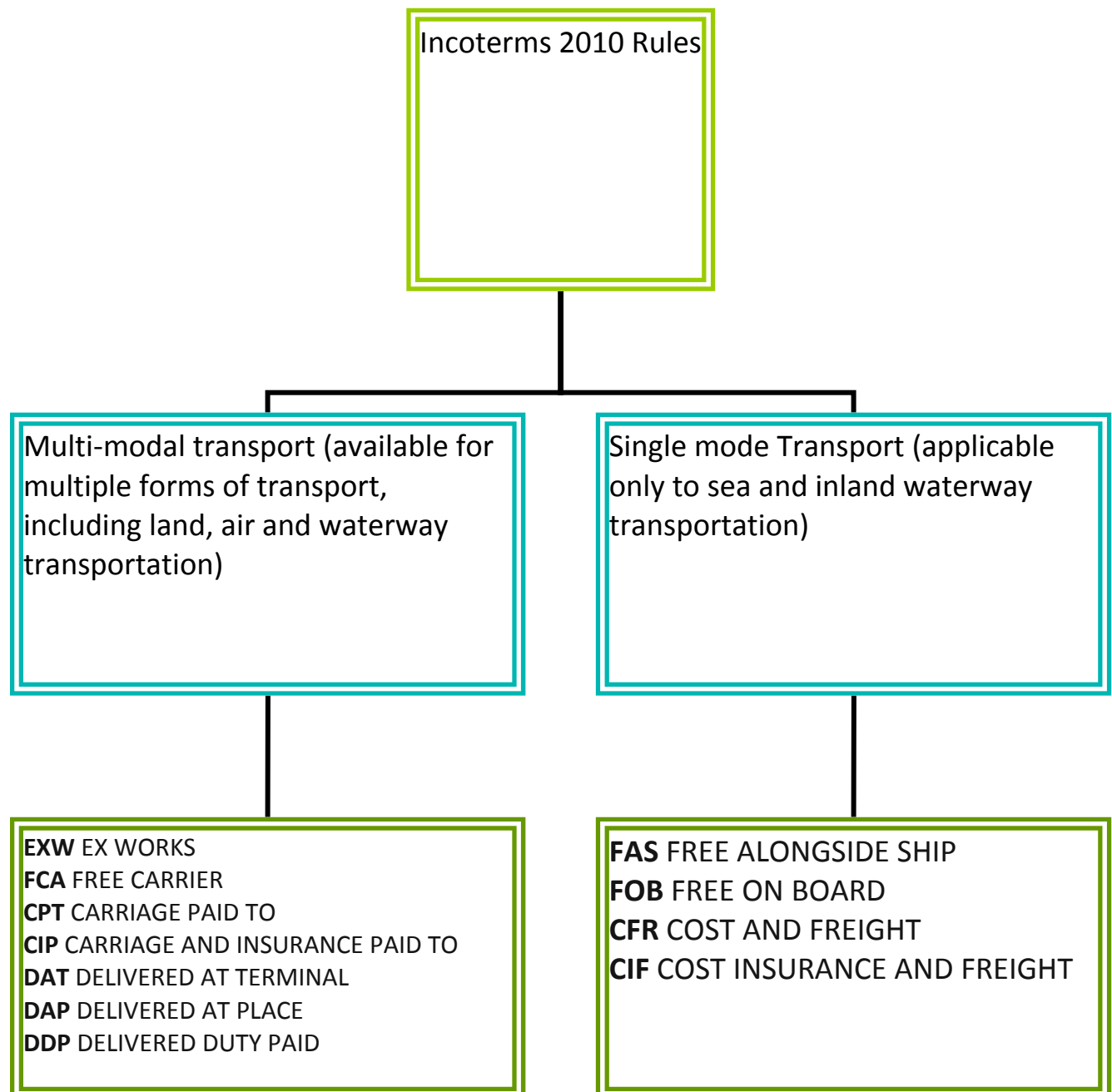
The terms are structured to increase incrementally the obligations (control, risk and cost) on one party while decreasing the obligations of the other, depending on the specific term chosen. Each term clarifies which party is responsible for:

- Inland freight (transportation within the origination country)
- Forwarder selection
- Export clearance
- Carrier selection and scheduling
- International freight
- Import clearance
- On-carriage (transportation within the destination country)

Delivery occurs (and **risk of loss** transfers) at the point designated by the term selected. Transfer of **title** is NOT covered by any of the Incoterms 2010 rules and must be separately specified by the parties.

**Classification of the Incoterms 2010 rules**

The Incoterms 2010 rules are presented in two distinct classes. The terms in each group are listed below in order of increasing responsibility for the seller (and correspondingly decreasing responsibility for the buyer). So, for example, using the term EXW makes the seller responsible only for making the goods available at its own premises; delivery occurs and risk of loss transfers at that point. When the term DDP is used, the seller becomes responsible for everything except on-carriage where the location for delivery is not the buyer's actual location. DDP is the only Incoterms® rule that makes the seller responsible for import clearance.



## **RULES FOR ANY MODE OR MODES OF TRANSPORT**

The first class includes the seven Incoterms 2010 rules that can be used irrespective of the mode of transport selected and irrespective of whether one or more than one mode of transport is employed. They can be used even when there is no maritime transport at all. It is important to remember, however, that these rules can be used in cases where a ship is used for part of the carriage.

### **1. EXW – EX WORKS (... named place of delivery)**

The Seller's only responsibility is to make the goods available at the Seller's premises. The Buyer bears full costs and risks of moving the goods from there to destination.

### **2. FCA – FREE CARRIER (... named place of delivery)**

The Seller delivers the goods, cleared for export, to the carrier selected by the Buyer. The Seller loads the goods if the carrier pickup is at the Seller's premises. From that point, the Buyer bears the costs and risks of moving the goods to destination.

### **3. CPT – CARRIAGE PAID TO (... named place of destination)**

The Seller pays for moving the goods to destination. From the time the goods are transferred to the first carrier, the Buyer bears the risks of loss or damage.

### **4. CIP– CARRIAGE AND INSURANCE PAID TO (... named place of destination)**

The Seller pays for moving the goods to destination. From the time the goods are transferred to the first carrier, the Buyer bears the risks of loss or damage. The Seller, however, purchases the cargo insurance.

### **5. DAT – DELIVERED AT TERMINAL (... named terminal at port or place of destination)**

The Seller delivers when the goods, once unloaded from the arriving means of transport, are placed at the Buyer's disposal at a named terminal at the named port or place of destination. "Terminal" includes any place, whether covered or not, such as a quay, warehouse, container yard or road, rail or air cargo terminal. The Seller bears all risks involved in bringing the goods to and unloading them at the terminal at the named port or place of destination.

### **6. DAP – DELIVERED AT PLACE (... named place of destination)**

The Seller delivers when the goods are placed at the Buyer's disposal on the arriving means of transport ready for unloading at the named place of destination. The Seller bears all risks involved in bringing the goods to the named place.

### **7. DDP – DELIVERED DUTY PAID (... named place)**

The Seller delivers the goods -cleared for import – to the Buyer at destination. The Seller bears all costs and risks of moving the goods to destination, including the payment of Customs duties and taxes.

## **RULES FOR SEA AND INLAND WATERWAY TRANSPORT**

In the second class of Incoterms 2010 rules, the point of delivery and the place to which the goods are carried to the buyer are both ports, hence the label “sea and inland waterway” rules. FAS, FOB, CFR and CIF belong to this class. The last three Incoterms rules consider the goods being delivered when they are “on board” on the vessel. The ship’s rail as the point of delivery has been omitted in these rules which more closely reflects modern commercial reality and avoids the rather dated image of the risk of transfer.

### **FAS – FREE ALONGSIDE SHIP (... named port of shipment)**

The Seller delivers the goods to the origin port. From that point, the Buyer bears all costs and risks of loss or damage.

### **FOB– FREE ON BOARD (... named port of shipment)**

The Seller delivers the goods on board the ship and clears the goods for export. From that point, the Buyer bears all costs and risks of loss or damage.

### **CFR– COST AND FREIGHT (... named port of destination)**

The Seller clears the goods for export and pays the costs of moving the goods to destination. The Buyer bears all risks of loss or damage.

### **CIF – COST INSURANCE AND FREIGHT (... named port of destination)**

The Seller clears the goods for export and pays the costs of moving the goods to the port of destination. The Buyer bears all risks of loss or damage. The Seller, however, purchases the cargo insurance.

## **Rules for domestic and international trade**

Incoterms rules have traditionally been used in international sale contracts where goods pass across national borders. In various areas of the world, however, trade blocs, like the European Union, have made border formalities between different countries less significant. Consequently, the subtitle of the Incoterm 2010 rules formally recognizes that they are available for application to both international and domestic sale contracts. As a result, the Incoterms 2010 rules clearly state in a number of places that the obligation to comply with export/import formalities exists only where applicable.

**\*Prepared by Nishita Singhal, Asst. Education Officer, The ICSI.**

## General Instruction :

In case of any specific problem / complaint regarding:

1. Registration, post registration, students services and postal / oral coaching, students may contact personally or write to

Mr Sohan Lal  
Director ( Student Services )  
The Institute of Company Secretaries of India  
C-37, Sector-62,  
Noida-201309,  
Tel : 0120-4522014 ( D )  
e-mail : [sohan.lal@icsi.edu](mailto:sohan.lal@icsi.edu).

2. Academic guidance and suggestions, if any, students may write to

Dr S K Dixit  
Director ( Academics )  
The Institute of Company Secretaries of India  
22, Institutional Area  
Lodi Road  
New Delhi-110003  
Tel : 011-45341016 (D)  
e-mail : [sudhir.dixit@icsi.edu](mailto:sudhir.dixit@icsi.edu).