

PMLA POLICY

JAVERI FISCAL SERVICES LTD (JFSL)

Approved by Board on November 7, 2023

JFSL PMLA Policy

Overview

1. This Prevention of Money Laundering Act (PMLA) policy has been prepared in accordance with the Prevention of Money Laundering Act, 2002 (PMLA Act), the Prevention of Money-laundering (Maintenance of Records) Rules 2005 and Section 12 of the Securities and Exchange Board of India Act, 1992 (SEBI Act).

This policy takes into account the provisions of all the above act, Master circular issued by SEBI from time to time on the above, rules laid down by FIU and also set up to discourage and to identify any money laundering or terrorist financing activities.

2. SEBI has issued necessary directives vide circulars from time to time, covering issues related to Know Your Client (KYC) norms, Anti-Money Laundering (AML), Client Due Diligence (CDD) and Combating Financing of Terrorism (CFT). The Prevention of Money Laundering Act, 2002 (PMLA) has been brought into force with effect from 1st July 2005 by the Department of Revenue, Ministry of Finance, and Government of India.

The Government of India (GOI) through gazette notifications S.O. 1074(E) dated March 07, 2023 has amended (first amendment) the Prevention of Money Laundering (Maintenance of Records) Rules, 2005. Further, the GOI has notified Prevention of Money Laundering (Maintenance of Records) (Second Amendment) Rules, 2023, which is published in the Official Gazette on September 04, 2023 (Notification G.S.R.652(e) which is came into force from the date of its publication i.e. with immediate from September 04, 2023.

In view of the amendments to the Prevention of Money-Laundering (Maintenance of Records) Rules, 2005 and to further enhance the effectiveness of AML/CFT framework, certain provisions of the aforesaid Master Circular of SEBI No. SEBI/HO/MIRSD/MIRSD-SEC-5/P/CIR/2023/022 dated February 03, 2023 shall stand modified as per the SEBI Circular No. SEBI/HO/MIRSD/MIRSD/SEC-FATF/P/CIR/2023/017 dated October 13, 2023.

Background

3. As per the provisions of the PMLA and the Prevention of Money-Laundering (Maintenance of Records) Rules 2005 (Maintenance of Records Rules), as amended from time to time and notified by the Government of India, every reporting entity (which includes intermediaries registered under section 12 of the SEBI Act, i.e. a stock-broker, share transfer agent, banker to an issue, trustee to a trust deed, registrar to an issue, asset management company, depository participant, merchant banker, portfolio manager, investment adviser and any other intermediary associated with securities market and registered under section 12 of the SEBI Act and stock exchanges) shall have to adhere to client account opening procedures, maintain a records and reporting of such transactions as prescribed by the PMLA and Rules notified there under.

It also mandates for the reporting entities to evolve an internal mechanism having regard to any guidelines issued by the regulator for detecting the transactions specified in the Maintenance of Records, Rules and for furnishing information thereof, in such form as may be directed by SEBI.

4. The PMLA inter alia provides that violating the prohibitions on manipulative and deceptive devices, insider trading and substantial acquisition of securities or control as provided in Section 12A read with Section 24 of the SEBI Act will be treated as a scheduled offence under schedule B of the PMLA.

Policies and procedures to combat Money Laundering and Terrorist Financing

Essential Principles

5. These directives have been taken into account the requirements of the PMLA as applicable to the intermediaries registered under Section 12 of the SEBI act. The detailed directives have outlined relevant measures and procedures to guide the registered intermediaries in preventing ML & TF. However some of these suggested measures and procedures may not be applicable in every circumstance therefore each intermediary shall consider carefully the specific nature of its business, organizational structure, type of client and transaction, etc, to satisfy them that the measures taken by them are adequate and appropriate and follow the spirit of the suggested measures and the requirements as laid down in the PMLA and guidelines issued by the Government of India from time to time.
6. In case, if there is a variance in Client Due Diligence (CDD/ Anti Money Laundering (AML) standards specified by SEBI and the regulators of the host country, branches/overseas subsidiaries of registered intermediaries then they are required to adopt the more stringent requirements of the two.

If the host country does not permit the proper implementation of AML/CFT measures consistent with the home country requirements, then financial groups shall be required to apply appropriate additional measures to manage the ML/TF risks, and inform the same to SEBI.

Obligation to establish policies and procedures:-

7. Global measures taken to combat drug trafficking, terrorism and other organized and serious crimes have all emphasized the need for financial institutions, including securities market intermediaries, to establish internal procedures that effectively serve to prevent and impede money laundering and terrorist financing. The PMLA is in line with these measures and mandates that all registered intermediaries ensure the fulfillment of the aforementioned obligations.

7A. "group" shall have the same meaning assigned to it in clause (cba) of sub-rule (1) of rule 2 of the Prevention of Money-laundering (Maintenance of Records) Rules, 2005 as amended from time to time."

7B. Financial groups shall be required implementing group wide programme for dealing with ML/TF, which shall be applicable and appropriate to, all branches and majority owned subsidiaries of the financial group as under:

- a. policies and procedures for sharing information required for the purpose of CDD and ML/TF risk management;
- b. the provision, at group level compliance, audit, and/or AML/CFT functions, of customer, account, and transaction information from branches and subsidiaries when necessary for AML/CFT purposes. This shall include information and analysis of transactions or activities which appear unusual (if such analysis was done)

similar provisions for receipt of such information by branches and subsidiaries from these group level functions when relevant and appropriate to risk management; and

- c. adequate safeguards on the confidentiality and use of information exchanged, including safeguards to prevent tipping-off.
8. To be in compliance with these obligations, the senior management of a registered intermediary shall be fully committed to establishing appropriate policies and procedures for the prevention of ML and TF and ensuring their effectiveness and compliance with all relevant legal and regulatory requirements. The Registered Intermediaries shall :-
 - i) Issue a statement of policies and procedures, and implement, on a group basis where applicable, for dealing with ML and TF reflecting the current statutory and regulatory requirements.
 - ii) Ensure that the content of these Directives are understood by all staff members.

- iii) Regularly review the policies and procedure on the prevention of ML & TF to ensure their effectiveness. Further, in order to ensure the effectiveness of policies and procedures, the person who is doing such a review shall be different from the person who has framed such policies and procedures;
- iv) Adopt client acceptance policies and procedures which are sensitive to the risk of ML and TF;
- v) Undertake client due diligence (CDD) measures to an extent that is sensitive to the risk of ML and TF depending on the type of client, business relationship or transaction;
- vi) Have a system in place for identifying, monitoring and reporting suspected ML or TF transactions to the law enforcement authorities; and
- vii) Develop staff member's awareness and vigilance to guard against ML and TF.

9. Policies and procedures to combat ML and TF shall cover:-

- i) Communication of group/company policies relating to prevention of ML and TF to all management and relevant staff that handle account information, securities transactions, money and client records etc. whether in branches, departments or subsidiaries;
- ii) Client acceptance policy and client due diligence measures, including requirements for proper identification;
- iii) Maintenance of records;
- iv) Compliance with relevant statutory and regulatory requirements;
- v) Co-operation with the relevant law enforcement authorities including timely disclosure of information; and
- vi) Role of internal audit or compliance function to ensure compliance with the policies Procedures, and controls relating to the prevention of ML and TF, including the testing of the systems for detecting the suspected money laundering transactions, evaluating and checking the adequacy of exception reports generated on large and/or irregular transactions, the quality of reporting of suspicious transactions and the level of awareness of the frontline staff, of their responsibilities in this regard; and,
- vii) The internal audit function shall be independent, adequately resourced and commensurate with the size of the business and operations, organization structure, number of clients and other such factors.

Written Anti Money Laundering Procedures

10. Each registered intermediary shall adopt written procedures to implement the anti- money laundering provisions as envisaged under the PMLA. Such procedures shall include inter alia, the following four specific parameters which are related to the overall '**Client Due Diligence Process**':

- i. Policy for acceptance of clients;
- ii. Procedure for identifying the clients;
- iii. Risk Management;
- iv. Monitoring of Transactions.

Client Due Diligence (CDD)

11. The CDD measures comprise the following:-

- i. Obtaining sufficient information in order to identify persons who beneficially own or control the securities account. Whenever it is apparent that the securities acquired or maintained through an account are beneficially owned by a party other than the client, than that party shall be identified using client identification and verification procedures. The beneficial owner is the natural person or persons who ultimately own, control or influence a client and/ or persons on whose behalf a transaction is being conducted. It also incorporates those persons who exercise ultimate effective control over a legal person or arrangement;
- ii. Verify the client's identity using reliable, independent source documents, data or information; where the client purports to act on behalf of juridical person or individual or trust, than JFSL shall verify

that any person purporting to act on behalf of such client is so authorized and verify the identity of that person.”

Provided that in case of a Trust, the JFSL shall ensure that trustees disclose their status at the time of commencement of an account based relationship.

- iii. Identify beneficial ownership and control, i.e. determine which individual(s) ultimately own(s) or control(s) the client and/or the person on whose behalf a transaction is being conducted. The beneficial owner shall be determined as under-
 - a) **where the client is a company** the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation: For the purpose of this clause:

- i. “Controlling ownership interest” means ownership of or entitlement to more than ten percent of shares or capital or
 - ii. "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
- b) **Where the client is a partnership firm**, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of/ entitlement to more than ten percent of capital or profits of the partnership or who exercises control through other means.

Explanation:- For the purpose of this clause:-

“Control” shall include the right to control the management or policy decision;

- c) **where the client is an unincorporated association or body of individuals**, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen per cent of the property or capital or profits of such association or body of individuals.
- d) where no natural person is identified under (a) or (b) or (c) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
- e) **where the client is a trust**, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with ten per cent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership; and
- f) where the client or the owner of the controlling interest is an entity listed on a stock exchange in India, or it is an entity resident in jurisdictions notified by the Central Government and listed on stock exchanges in such jurisdictions notified by the Central Government, or it is a subsidiary of such listed entities, then it is not necessary to identify and verify the identity of any shareholder or beneficial owner of such entities.
- g) **Applicability for Foreign Investors:** If the company dealing with foreign investors’ than it may be guided by SEBI Master Circular SEBI/HO/AFD-2/CIR/P/2022/175 dated December 19,2022 and amendments thereto, if any, for the purpose of identification of beneficial ownership of the client;
- h) The Stock Exchanges and Depositories will monitor the compliance of the afore mentioned provision on identification of beneficial ownership through half yearly internal audits. In case of mutual funds, compliance of the same will be monitored by the Boards of the Asset Management Companies and the Trustees and in case of other

registered intermediaries, then by their Board of Directors.

- iv. Verify the identity of the beneficial owner of the client and/or the person on whose behalf a transaction is being conducted, corroborating the information provided in relation to (iii);
- v. Understand the ownership and control structure of the client;
- vi. Conduct ongoing due diligence and scrutiny, i.e. Perform ongoing scrutiny of the transactions and account throughout the course of the business relationship to ensure that the transactions being conducted are consistent with the JFSL knowledge of the client, its business and risk profile, taking into account, where necessary, the client's source of funds;
- vii. The company shall will review the due diligence measures including verify again the identity of the client and obtain information on the purpose and intended nature of the business relationship, as the case may be, when there are suspicions of money laundering or financing of the activities relating to terrorism or where there are doubts about the adequacy or veracity of previously obtained client identification data; and
- viii. JFSL shall periodically update all documents, data or information of all clients and beneficial owners collected under the CDD process such that the information or data collected under client due diligence is kept up-to-date and relevant, particularly for high risk clients.
- ix. JFSL register the details of a client, in case of client being a non-profit organization, on the DARPAN Portal of NITI Aayog, if not already register, and maintain such registration records for a period of five years after the business relationship between a client and the JFSL has ended or the account has been close, whichever is later.
- x. Where, JFSL is suspicious that transactions relate to money laundering or terrorist financing, and reasonably believes that performing the CDD process will tip-off the client, than JFSL will not pursue the CDD process, and instead file a STR with FIU IND.

“11A.No transaction or account-based relationship shall be undertaken without following the CDD procedure.”

Policy for Acceptance of clients

12. JFSL has develop the client acceptance policies and procedures which aims to identify the types of clients that are likely to pose a higher than average risk of ML or TF. By establishing such policies and procedures, than company will be in a better position to apply client due diligence on a risk sensitive basis depending upon the type of client business relationship or transaction. In a nutshell, the followings safeguards are to be followed while accepting the clients:

- i. No registered intermediary will allow the opening of or keep any anonymous account or account in fictitious names or account on behalf of other persons whose identity has not been disclosed or cannot be verified;
- ii. Factors of risk perception (in terms of monitoring suspicious transactions) of the client are clearly defined having regard to clients' location (registered office address, correspondence addresses and other addresses if applicable), nature of business activity, trading turnover etc. and manner of making payment for transactions undertaken. The parameters shall enable classification of clients into low, medium and high risk. Clients of special category (as given below) may, if necessary, be classified even higher; such clients require higher degree of due diligence and regular update of Know Your Client (KYC) profile;
- iii. The company will undertake enhanced due diligence measures as applicable for Clients of Special Category (CSC) which include the following:
 - a) Non-resident clients;
 - b) High net-worth clients;
 - c) Trust, Charities, Non-Governmental Organizations (NGOs) and organizations receiving donations;
 - d) Companies having close family shareholdings or beneficial ownership;
 - e) **Politically Exposed Persons” (PEPs)**. PEP shall have the same meaning as given in clause (db) of sub-rule (1) of rule 2 of the Prevention of MoneyLaundering (Maintenance of Records) Rules, 2005. The additional norms applicable to PEP as contained in the subsequent paragraph 14 of

the master circular shall also be applied to the accounts of the family members or close relatives / associates of PEPs;

- f) Clients in high risk countries – While dealing with clients from or situate in high risk countries or geographic areas or when providing delivery of services to clients through high risk countries or geographic areas i.e. places where existence or effectiveness of action against money laundering or terror financing is suspect, registered intermediaries apart from being guided by the FATF statements that inter alia identify such countries or geographic areas that do not or insufficiently apply the FATF Recommendations, published by the FATF on its website (www.fatf-gafi.org) from time to time, shall also independently access and consider other publicly available information along with any other information which they may have access to. However, this shall not preclude registered intermediaries from entering into legitimate transactions with clients from or situate in such high risk countries and geographic areas or delivery of services through such high risk countries or geographic areas;

The company will specifically apply EDD measures, proportionate to the risks, to business relationships and transactions with natural and legal persons (including financial institutions) form countries for which this is called for by the FATF.

- g) Non face to face clients – It means clients who open accounts without visiting the branch/offices of the registered intermediaries or meeting the officials of the registered intermediaries. Video based customer identification process is treated as face-to-face on boarding of clients;
- h) Clients with dubious reputation as per public information available etc;

The above mentioned list is only illustrative. However the company will exercise independent judgment to ascertain whether any other set of clients will be classified as CSC or not.

- iv. Documentation requirements and other information which is to be collected in respect of different classes of clients depending on the perceived risk and having regard to the requirements of Rule 9 of the PML Rules, Directives and Circulars issued by SEBI From time to time.
- v. JFSL ensure that an account is not opened where the company is unable to apply appropriate CDD measures. This will apply in cases where it is not possible to ascertain the identity of the client, or the information provided to the company is suspected to be non-genuine or there is perceived non-cooperation of the client in providing full and complete information. The company will not continue to do business with such a person and file a suspicious activity report. The company will also evaluate whether there is suspicious trading in determining to freeze or close the account. The company will be cautious to ensure that it does not return securities or money that may be from suspicious trades. However, the company will consult the relevant authorities in determining what action will take when it suspects suspicious trading.
- vi. The circumstances under which the client is permitted to act on behalf of another person/entity will be clearly laid down. It will be specified in what manner the account will be operated, transaction limits for the operation, additional authority required for transactions exceeding a specified quantity/value and other appropriate details. Further the rights and responsibilities of both the persons i.e. the agent-client registered with the company, as well as the person on whose behalf the agent is acting will be clearly laid down. Adequate verification of a person's authority to act on behalf of the client will also be carried out.
- vii. Necessary checks and balance is put into place before opening an account so as to ensure that the identity of the client do not match with any person having known criminal background or is not banned in any other manner, whether in terms of criminal or civil proceedings by any enforcement agency worldwide.
- viii. The CDD process will necessarily be revisited when there are suspicions of ML/TF.

Client identification procedure

13. The KYC policy will clearly spell out the client identification procedure (CIP) to be carry out at different stages i.e. while establishing the company-client relationship, while carry out transactions for the

client or when the company has doubts regarding the veracity or the adequacy of previously obtain client identification data.

14. JFSL will be in compliance with the following requirements while putting in place a CIP:

- i. JFSL has proactively put in place appropriate risk management systems to determine whether the company client or potential client or the beneficial owner of such client is a politically exposed person. Such procedures will include seeking relevant information from the client, referring to publicly available information or accessing the commercial electronic databases of PEPs.
- ii. The company is obtaining senior management approval for establishing business relationships with PEPs. Where a client has been accepted and the client or beneficial owner is subsequently found to be, or subsequently becomes a PEP, then company will obtain senior management approval to continue the business relationship.
- iii. The company will also take reasonable measures to verify the sources of funds as well as the wealth of clients and beneficial owners identified as PEP.
- iv. The client will identified by the company by using reliable sources including documents/information. The company will also obtain adequate information to satisfactorily establish the identity of each new client and the purpose of the intended nature of the relationship.
- v. The information collected is adequate enough to satisfy competent authorities (regulatory/enforcement authorities) in future that due diligence was observed by the company is in compliance with the directives. Each original document will be seen prior to acceptance of a copy.
- vi. Failure by prospective client to provide satisfactory evidence of identity will be noted and reported to the higher authority within the intermediary.

15. SEBI has specified the minimum requirements relating to KYC for certain classes of registered intermediaries from time to time. By taking into account the basic principles enshrined in the KYC norms which have already been specified or which may be specified by SEBI from time to time, JFSL has frame their own internal directives based on the experience in dealing with their clients and legal requirements as per the establish practices.

16. JFSL will conduct ongoing due diligence where it notices inconsistencies in the information provided. The underlying objective will be to follow the requirements enshrined in the PMLA, SEBI Act and Regulations, directives and circulars issued there under so that the company is aware of the clients on whose behalf it is dealing.

17. JFSL will formulate and implement a CIP which will incorporate the requirements of the PML Rules Notification No. 9/2005 dated July 01,2005 (as amended from time to time), which notifies rules for maintenance of records of the nature and value of transactions, the procedure and manner of records of the nature and value of transactions, the procedure and manner of maintaining and time for furnishing of information and verification of records of the identity of the clients of the banking companies, financial institutions and intermediaries of securities market and such other additional requirements that it considers appropriate to enable it to determine the true identity of the clients.

It may be noted that irrespective of the amount of investment made by clients. No minimum threshold or exemption is available to the registered intermediaries (i.e. brokers, depository participants, AMCs etc.) from obtaining the minimum information /documents from clients as stipulated in the PML Rules/SEBI Circulars (as amended from time to time) regarding the verification of the records of the identity of clients. Further no exemption from carrying out CDD exists in respect of any category of clients. In other words, there will be no minimum investment threshold/category-wise exemption available for carrying out CDD measures by the company. This will be strictly implemented by the company and non-compliance will attract appropriate sanctions.

Reliance on third party for carrying out Client Due Diligence (CDD)

18. JFSL may rely on a third party for the purpose of –

- i. identification and verification of the identity of a client and

- ii. Determine of whether the client is acting on behalf of a beneficial owner, identification of the beneficial owner and verification of the identity of the beneficial owner. Such third party will be regulated, supervised or monitored for, and have measures in place for compliance with CDD and record-keeping requirements in line with the obligations under the PML Act.

19. Such reliance will be subject to the conditions that are specified in Rule 9 (2) of the PML Rules and will be in accordance with the regulations and circulars/ guidelines issued by SEBI from time to time in terms of Rule 9 (2) of the PML Rules:

- i. The company will immediately obtain necessary information of such client due diligence carried out by the third party;
- ii. The company will take adequate steps to satisfy itself that copies of identification data and other relevant documentation relating to the client due diligence requirements will be made available from the third party upon request without delay;
- iii. The company will be satisfied that such third party is regulated, supervised or monitored for, and has measures in place for compliance with client due diligence and record-keeping requirements in line with the requirements and obligation under the Act;
- iv. The third party is not based in a country or jurisdiction assessed as high risk;

The company will be ultimately responsible for CDD and undertaking enhanced due diligence measures, as applicable.

Risk Management

Risk- Based Approach

20. JFSL will apply a Risk Based Approach (RBA) for mitigation and management of the identified risk and would have policies approved by their senior management, controls and procedures in this regard. Further, the company will monitor the implementation of the controls and enhance them if necessary.

21. It is generally recognized that certain clients may be of a higher, medium or lower risk category depending on the circumstances such as the client's background, type of business relationship or transaction etc. As such, JFSL will apply each of the clients due diligence measures on a risk sensitive basis. The basic principle enshrined in this approach is that the company will adopt an enhanced client due diligence process is adopted for lower risk categories of clients. In line with the risk-based approach, the type and amount of identification information and documents that registered intermediaries will obtain necessarily depend on the risk category of a particular client.

22. Further, low risk provisions will not apply when there are suspicions of ML/FT or when other factors give rise to a belief that the customer does not in fact pose a low risk.

JFSL follows risk categorization of client parameters is part of our policy enclosed as Annexure.

Risk Assessment

23. JFSL will carry out risk assessment to identify, assess and take effective measures to mitigate its money laundering and terrorist financing risk with respect to the clients, countries or geographical areas, nature and volume of transactions, payment methods used by clients, etc.

24. The risk assessment carried out will consider all the relevant factors before determining the level of overall risk and the appropriate level and type of mitigation to be applied. The assessment will be documented, updated regularly and made available to competent authorities and self-regulating bodies, as and when required.

24A. The Stock Exchanges and registered intermediary shall identify and assess the ML/TF risks that may arise in relation to the development of new products and new business practices, including new delivery mechanisms, and the use of new or developing technologies for both new and existing products. The Stock Exchanges and registered intermediaries shall ensure:

- a. To undertake the ML/TF risk assessments prior to the launch or use of such products, practices, services, technologies; and
- b. Adoption of a risk based approach to manage and mitigate the risks

25. The risk assessment will also take into account any country specific information that is circulated by the Government of India and SEBI from time to time, as well as, the updated list of individuals and entities who are subjected to sanction measures as required under the various United Nations' Security Council Resolutions.

Monitoring of Transactions

26. Regular monitoring of transactions is vital for ensuring effectiveness of the AML procedures. However it is possible only if the company has an understanding of the normal activity of the client so that it can identify deviations in transactions/activities.

27. The company will pay special attention to all complex unusually large transactions/ patterns which appear to have no economic purpose. We may specify internal threshold limits for each class of client accounts and pay special attention to transactions which exceeds these limits. The background including all documents/ office records/ memorandums/ clarifications sought pertaining to such transactions and purpose thereof will also be examined carefully and findings will be recorded in writing. Further such findings, records and related documents will be made available to auditors and also to SEBI/ stock exchanges/ FIUIND/other relevant Authorities, during audit, inspection or as and when required. These records are required to be maintained and preserved for a period of eight years from the date of transaction between the client and JFSL.

28. The company will apply client due diligence measures also to existing clients on the basis of materiality and risk, and conduct due diligence on such existing relationships appropriately. The extent of monitoring will be aligned with the risk category of the client.

29. JFSL will ensure a record of the transactions is preserved and maintained in terms of Section 12 of the PMLA and that transaction of a suspicious nature or any other transactions notified under Section 12 of the Act are reported to the Director, FIU-IND. Suspicious transactions will also be regularly reported to the higher authorities i.e. the Principal Officer/ Designated Director.

30. Compliance officer will randomly examine a selection of transactions undertaken by clients to comment on their nature i.e. whether they are in the nature of suspicious transactions or not.

Suspicious Transaction Monitoring and Reporting

31. JFSL will ensure that appropriate steps are taken to enable suspicious transactions to be recognized and have appropriate procedures for reporting suspicious transactions. While determining suspicious transactions, we will be guided by the definition of a suspicious transaction contained in PML Rules as amended from time to time.

32. A list of circumstances which may be in the nature of suspicious transactions is given below. This list is only illustrative and whether a particular transaction is suspicious or not will depend upon the background, details of the transactions and other facts and circumstances:

- i Clients whose identity verification seems difficult or clients that appear not to cooperate;
- ii Asset management services for clients where the source of the funds is not clear or not in keeping with clients' apparent standing /business activity;
- iii Clients based in high risk jurisdictions;
- iv Substantial increases in business without apparent cause;
- v Clients transferring large sums of money to or from overseas locations with instructions for

- payment in cash;
- vi Attempted transfer of investment proceeds to apparently unrelated third parties;
- vii Unusual transactions by CSCs and businesses undertaken by offshore banks/financial services.

33. Any suspicious transaction will be immediately notified to the **Designated/Principal Officer**. The notification may be done in the form of a detailed report with specific reference to the clients, transactions and the nature/ reason of suspicion. However, it will be ensured that there is continuity in dealing with the client as normal until told otherwise and the client will not be told of the report/suspicion. In exceptional circumstances, consent may not be given to continue to operate the account, and transactions, or other action taken. The Designated/Principal Officer and other appropriate compliance/risk management and related staff members will have timely access to client identification data and CDD information, transaction records and other relevant information.

34. It is likely that in some cases transactions are abandoned or aborted by clients on being asked to give some details or to provide documents. It is clarified that the company will report all such attempted transactions in STRs, even if not completed by clients, irrespective of the amount of the transaction.

35. Paragraph 12 (iii)(f) of the SEBI circular categorizes clients of high risk countries, including countries where existence and effectiveness of money laundering controls is suspect or which do not or insufficiently apply FATF standards, as 'CSC'. The company are directed that such clients shall also be subject to appropriate counter measures. These measures may include a further enhanced scrutiny of transactions, enhanced relevant reporting mechanisms or systematic reporting of financial transactions, and applying enhanced due diligence while expanding business relationships with the identified country or persons in that country etc.

Record Management

Information to be maintained

36. JFSL will maintain and preserve the following information in respect of transactions referred to in Rule 3 of PML Rules:
- i. the nature of the transactions;
 - ii the amount of the transaction and the currency in which it is denominated;
 - iii the date on which the transaction was conducted; and
 - iv.the parties to the transaction.

Record Keeping

37. JFSL will ensure compliance with the record keeping requirements contained in the SEBI Act, 1992, Rules and Regulations made there-under, PMLA as well as other relevant legislation, Rules, Regulations, Exchange Bye-laws and Circulars.
38. JFSL shall maintain such records as are sufficient to permit reconstruction of individual transactions (including the amounts and types of currencies involved, if any) so as to provide, if necessary, evidence for prosecution of criminal behaviour.
39. In case of any suspected related to laundered money or terrorist property, the competent investigating authorities would need to trace through the audit trail for reconstructing a financial profile of the suspect account. To enable this reconstruction, we shall retain for a period of eight years the following information for the accounts of our clients in order to maintain a satisfactory audit trail:
- i. the beneficial owner of the account;
 - ii. the volume of the funds flowing through the account; and
 - iii. for selected transactions:
 - a. the origin of the funds
 - b. the form in which the funds were offered or withdrawn, e.g.cheques, demand drafts etc.
 - c. the identity of the person undertaking the transaction;
 - d. the destination of the funds;
 - e. the form of instruction and authority.

40. JFSL will ensure that all client and transaction records and information are available on a timely basis to the competent investigating authorities. Where required by the investigating authority, they shall retain certain records, e.g. client identification, account files, and business correspondence, for periods which may exceed those required under the SEBI Act, Rules and Regulations framed there-under PMLA, other relevant legislations, Rules and Regulations or Exchange bye-laws or circulars.

41. More specifically, the company will put in place a system of maintaining proper record of the nature and value of transactions which has been prescribed under Rule 3 of PML Rules as mentioned below:

- i. all cash transactions of the value of more than ten lakh rupees (five lakhs rupees in case of Depository transaction as per CDSL guideline) or its equivalent in foreign currency;
- ii. all series of cash transactions integrally connected to each other which have been individually valued below rupees ten lakh or its equivalent in foreign currency where such series of transactions have taken place within a month and the monthly aggregate exceeds an amount of ten lakh rupees or its equivalent in foreign currency;

It may, however, be clarified that for the purpose of suspicious transactions reporting, apart from 'transactions integrally connected', 'transactions remotely connected or related' will also be considered.

- iii. all cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions;
- iv. all suspicious transactions whether or not made in cash and including, inter-alia, credits or debits into or from any non-monetary account such as demat account, security account maintained by the company.

41A. Where the company does not have records of the identity of its existing clients, it shall obtain the records forthwith, failing which the company will close the account of the clients after giving due notice to the client.

Explanation: For this purpose, the expression "records of the identity of clients" shall include updated records of the identification date, account files and business correspondence and result of any analysis undertaken under rules 3 and 9 of the Prevention of Money-laundering (Maintenance of Records) Rules, 2005.

Retention of Records

42. JFSL will take appropriate steps to evolve an internal mechanism for proper maintenance and preservation of such records and information in a manner that allows easy and quick retrieval of data as and when requested by the competent authorities. Further, the records mentioned in Rule 3 of PML Rules have to be maintained and preserved for a period of five years from the date of transactions between the client and JFSL.

43. As stated in paragraph 13 and 14 above, JFSL formulate and implement the CIP containing the requirements as laid down in Rule 9 of the PML Rules and such other additional requirements that it considers appropriate. Records evidencing the identity of clients and beneficial owners as well as account files and business correspondence will be maintained and preserved for a period of five years after the business relationship between a client and the company has ended or the account has been closed, whichever is later.

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

45. JFSL will maintain and preserve the records of information related to transactions, whether attempted or executed, which are reported to the Director, FIU – IND, as required under Rules 7 and 8 of the PML Rules, for a period of five years from the date of the transaction between the client and the company.

Procedure for freezing of funds, financial assets or economic resources or related services

46. The stock Exchanges and the register intermediaries will ensure that in terms of Section 51A, of the

Unlawful Activities (Prevention) Act, 1967 (UAPA) and amendments thereto, they do not have any accounts in the name of individuals/entities appearing in the lists of individuals and entities, suspected or having terrorist links, which are approved by and periodically circulated by the United Nations Security Council (UNSC).

47. In order to ensure expeditious and effective implementation of the provisions of Section 51A of UAPA, Government of India has outlined a procedure through an order dated February 02, 2021 (Annexure 1) for strict compliance. These guidelines have been further amended vide a Gazette Notification dated June 08, 2021 (Annexure 2). A corrigendum dated March 15, 2023 has also been issued in this regard (Annexure 3). The list of Nodal Officers for UAPA is available on the website of MHA.

List of Designated Individuals/ Entities

48. The Ministry of Home Affairs, in pursuance of Section 35(1) of UAPA 1967, declares the list of individuals/entities, from time to time, which are designated as 'Terrorists'. The company will take note of such lists of designated individuals/terrorists, as and when communicated by SEBI.
49. All orders under section 35 (1) and 51A of UAPA relating to funds, financial assets or economic resources or related services, circulated by SEBI from time to time will be taken note of for compliance.
50. An updated list of individuals and entities which are subject to various sanction measures such as freezing of assets/accounts, denial of financial services etc., as approved by the Security Council Committee established pursuant to various United Nations' Security Council Resolutions (UNSCRs) can be accessed at its website at <http://press.un.org/en/content/press-release>. The details of the lists are as under :
- i. The "ISIL (Da'esh) & Al-Qaida Sanctions List", which includes name of individuals and entities associated with the Al-Qaida. The updated ISIL & Al-Qaida Sanctions list is available at: <https://www.un.org/securitycouncil/sanctions/1267/press-releases>.
 - ii. The list issued by United Security Council Resolutions 1718 of designated individuals and entities linked to Democratic People's Republic of Korea www.un.org/securitycouncil/sanctions/1718/press-releases.
51. Registered intermediaries are directed to ensure that accounts are not opened in the name of anyone whose name appears in said list. The company will continuously scan all existing accounts to ensure that no account is held by or linked to any of the entities or individuals included in the list.
52. The stock Exchanges and the registered intermediaries shall maintain updated designated lists in electronic form and run a check on the given parameters on a regular basis to verify whether the designated individuals /entities are holding any funds, financial assets or economic resources or related services held in the form of securities with them.
- 52A. The Stock Exchanges and the registered intermediaries shall leverage latest technological innovations and tools for effective implementation of name screening to meet the sanctions requirements.
53. The stock Exchanges and the registered intermediaries shall also file a Suspicious Transaction Report (STR) with FIU-IND covering all transactions carried through or attempted in the accounts covered under the list of designated individuals/entities under Section 35 (1) and 51A of UAPA.
54. Full details of accounts bearing resemblance with any of the individuals/entities in the list shall immediately be intimated by the company to the Central [designated] Nodal Officer for the UAPA, at Fax No.011-23092551 and also conveyed over telephone No.011-23092548. The particulars apart from being sent by post will necessarily be conveyed on email id: jsctcr-mha@gov.in.
55. The Stock exchanges and the registered intermediaries shall also send a copy of the communication mentioned above to the UAPA Nodal Officer of the State/UT where the account is held and to SEBI and FIU-IND, without delay. The communication shall be sent to SEBI through post and through email (sebi_uapa@sebi.gov.in) to the UAPA nodal officer of SEBI, Deputy General Manager, Division of FATF, Market Intermediaries Regulation and Supervision Department, Securities and Exchange Board of India, SEBI Bhavan II, Plot No.C7, "G" Block, Bandra Kurla Complex, Bandra (E), Mumbai 400 051. The consolidated list of UAPA Nodal Officers is available at the website of Government of India, Ministry of Home Affairs.

Jurisdictions that do not or insufficiently apply the FATF Recommendations

56. FATF Secretariat after conclusion of each of its plenary releases public statements and places

jurisdictions under increased monitoring to address strategic deficiencies in their regimes to counter money laundering, terrorist financing, and proliferation financing risks. In this regard, FATF Statements circulated by SEBI from time to time, and publicly available information, for identifying countries, which do not or insufficiently apply the FATF Recommendations, shall be considered by the registered intermediaries.

57. The company will take into account the risks arising from the deficiencies in AML/CFT regime of the jurisdictions included in the FATF Statements. However, it shall be noted that the regulated entities are not precluded from having legitimate trade and business transactions with the countries and jurisdictions mentioned in the FATF statements.

Reporting to Financial Intelligence Unit-India

58. In terms of the PML Rules, JFSL are required to report information relating to cash and suspicious transactions to the Director, Financial Intelligence Unit-India (FIU-IND) at the following address:

Director, FIU-IND,
Financial Intelligence Unit - India
6th Floor, Tower-2, Jeevan Bharati Building, Connaught Place, New Delhi-110001, INDIA
Telephone : 91-11-23314429, 23314459
91-11-23319793(Helpdesk) Email:helpdesk@fiuindia.gov.in
(For FINnet and general queries)
ctrcell@fiuindia.gov.in
(For Reporting Entity / Principal Officer registration related queries)
complaints@fiuindia.gov.in
Website: <http://fiuindia.gov.in>

59. JFSL will carefully go through all the reporting requirements and formats that are available on the website of FIU – IND under the Section Obligation of Reporting Entity – Furnishing Information – Reporting Format (https://fiuindia.gov.in/files/downloads/Filing_Information.html). These documents contain detailed directives on the compilation and manner/procedure of submission of the reports to FIU-IND.

The related hardware and technical requirement for preparing reports, the related data files and data structures thereof are also detailed in these documents. While detailed instructions for filing all types of reports are given in the instructions part of the related formats, the company will adhere to the following:

- i. The Cash Transaction Report (CTR) (wherever applicable) for each month shall be submitted to FIU- IND by 15th of the succeeding month.
 - ii. The Suspicious Transaction Report (STR) shall be submitted within 7 days of arriving at a conclusion that any transaction, whether cash or non-cash, or a series of transactions integrally connected are of suspicious nature. The Principal Officer shall record his reasons for treating any transaction or a series of transactions as suspicious. It will be ensured that there is no undue delay in arriving at such a conclusion.
 - iii. The Non Profit Organization Transaction Reports (NTRs) for each shall be submitted to FIU-IND by 15th of the succeeding month.
 - iv. The Principal Officer will be responsible for timely submission of CTR, STR and NTR to FIU-IND;
 - v. Utmost confidentiality shall be maintained in filing of CTR, STR and NTR to FIU-IND.
 - vi. No nil reporting needs to be made to FIU-IND in case there are no cash/ suspicious/non-profit organization transactions to be reported.
 - vii. Non-profit organization” means any entity or organization, constituted for religious or charitable purposes referred to in clause (15) of section 2 of the Income-tax Act, 1961 (43 of 1961), that is registered as a trust or a society under the Societies Registration Act, 1860 (21 of 1860) or any similar State legislation or a Company registered under the section 8 of the Companies Act, 2013 (18 of 2013);
60. JFSL will not put any restrictions on operations in the accounts where an STR has been made. The company and the directors, officers and employees (permanent and temporary) shall be prohibited from disclosing (“tipping off”) the fact that a STR or related information is being reported or provided to the FIU-IND. This prohibition on tipping off extends not only to the filing of the STR and/or related information but even before, during and after the submission of an STR. Thus, it shall

be ensures that there is no tipping off to the client at any level.

It is clarified that the company, irrespective of the amount of transaction and/or the threshold limit envisaged for predicate offences specified in part B of Schedule of PMLA, 2002, shall file STR if they have reasonable grounds to believe that the transactions involve proceeds of crime.

It is further clarified that "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity related to the scheduled offence.

Confidentiality requirement does not inhibit information sharing among entities in the group.

Designation of officers for ensuring compliance with provisions of PMLA

61. **Appointment of a Principal Officer:** To ensure that the company will properly discharge their legal obligations to report suspicious transactions to the authorities, the Principal Officer would act as a central reference point in facilitating onward reporting of suspicious transactions and for playing an active role in the identification and assessment of potentially suspicious transactions and shall have access to and be able to report to senior management at the next reporting level or the Board of Directors. Names, designation and addresses (including email addresses) of 'Principal Officer' including any changes therein shall also be intimated to the Office of the Director-FIU-IND. In terms of Rule 2 (f) of the PML Rules, the definition of a Principal Officer reads as under:

Principal Officer means an officer designated by a registered intermediary;

Provided that such officer shall be an officer at the management level.

62. **Appointment of a Designated Director:** In addition to the existing requirement of designation of a Principal Officer, the company will also designate a person as a 'Designated Director'. In terms of Rule 2 (ba) of the PML Rules, the definition of a Designated Director reads as under:

“Designated director means a person designated by the reporting entity to ensure overall compliance with the obligations imposed under chapter IV of the Act and the Rules and includes –

- b) the Managing Director or a Whole-Time Director duly authorized by the Board of Directors if the reporting entity is a company,
- c) the managing partner if the reporting entity is a partnership firm,
- d) the proprietor if the reporting entity is a proprietorship firm,
- e) the managing trustee if the reporting entity is a trust,
- f) a person or individual, as the case may be, who controls and manages the affairs of the reporting entity if the reporting entity is an unincorporated association or a body of individuals, and
- g) such other person or class of persons as may be notified by the Government if the reporting entity does not fall in any of the categories above”.

63. In terms of Section 13 (2) of the PMLA, the Director, FIU – IND can take appropriate action, including levying monetary penalty, on the Designated Director for failure of the intermediary to comply with any of its AML/CFT obligations.
64. JFSL will communicate the details of the Designated Director, such as, name designation and address to the Office of the Director, FIU – IND.

Hiring and Training of Employees and Investor Education

65. **Hiring of Employees:** The Company will have adequate screening procedures in place to ensure high standards when hiring employees. They shall identify the key positions within their own organization structures having regard to the risk of money laundering and terrorist financing and the size of their business and ensure the employees taking up such key positions are suitable and competent to perform their duties.
66. **Training of Employees:** The Company shall have an ongoing employee training program so that the members of the staff are adequately trained in AML and CFT procedures. Training requirements shall

have specific focuses for frontline staff, back office staff, compliance staff, risk management staff and staff dealing with new clients. It is crucial that all those concerned fully understand the rationale behind these directives, obligations and requirements, implement them consistently and are sensitive to the risks of their systems being misused by unscrupulous elements.

67. **Investor Education:** Implementation of AML/CFT measures requires the company to demand certain information from investors which may be of personal nature or has hitherto never been called for. Such information can include documents evidencing source of funds/income tax returns/bank records etc. This can sometimes lead to raising of questions by the client with regard to the motive and purpose of collecting such information. There is, therefore, a need for the company to sensitize their clients about these requirements as the ones emanating from AML and CFT framework. The company will prepare specific literature/ pamphlets etc. so as to educate the client of the objectives of the AML/CFT program.

Repeal and Savings

68. On and from the issue of this Circular, the circulars listed out in the Appendix to this Circular shall stand rescinded. Notwithstanding such rescission, anything done or any action taken or purported to have been done or taken, shall be deemed to have been done or taken under the corresponding provisions of this Master Circular.

JFSL shall put in place a system of periodical review of risk categorization of accounts. Such review of risk categorization of customers shall be carried out at a periodicity of not less than once in Year.

Annexure

Risk categorization of client will be based on following parameters:

Risk Classification for Accounts in the name of Individuals

Type	Recommended Risk Categorisation	Risk Perception
Salaried	Low Risk	Source on income is fixed and pattern of entries in the account can be correlated with known sources of income/ expenditure
Senior citizens	Medium / High Risk	Source of income for trading related purposes not known clearly. May be operated by third parties. Will be considered high risk in case operating in F&O
House-wife	Medium / High Risk	Source of income for trading related purposes not known clearly. May be operated by third parties. Will be considered high risk in case operating in F & O
Self Employed/Professionals/ Businessmen	Low risk (except professionals associated with the film industry who will be categorized as "Medium" risk).	Accounts maintained by Chartered Accountants, Architects, Doctors, Lawyers, Sportsmen, etc.
Non Resident Individuals	Low / Medium risk	Transactions are regulated through Authorise Dealers and the accounts are

		opened only after IPV. In case an IPV is not performed and we have relied on documentation submitted by the client, the account would be categorised as medium risk
Politically Exposed Persons resident outside India	High Risk	Politically exposed persons are individuals who are or have been entrusted with prominent public functions in a foreign country, e.g. Heads of States or of Governments, senior politicians, senior government/judicial/military officers, senior executives of state-owned corporations, important political party officials, etc. Branches should gather sufficient information on any person/customer of this category intending to establish a relationship and check all the information available on the person in the public domain. Front end staff should verify the identity of the person and seek information about the sources of funds before accepting the PEP as a customer. Such accounts should be subjected to enhanced monitoring on an ongoing basis. The above norms should also be applied to the accounts of the family members and close relatives of PEPs. Further the company may maintain a list of additional accounts as “Designated PEP” The accounts of Politically Exposed Persons resident outside India shall be opened only after obtaining the approval of Business Head. Further, in the event of an existing customer or the beneficial owner of an account subsequently becoming PEP, Business head approval would be required to continue the business relationship and such accounts would be subjected to Customer Due Diligence measures as applicable to the customers of PEP category including enhanced monitoring on an ongoing basis. In such events the company shall be guided by the information provided by the clients or front end teams

Risk Classification for Accounts in the name of Non Individuals

Type	Recommended Risk Categorisation	Risk Perception
Private Ltd/Public Ltd Companies	Low / Medium / High risk	Depending on the clarity of the shareholding structure and the nature of operations, such companies would be classified.

Local Authorities or Public Bodies	Low Risk	These types of entities are governed by specific Acts, Notifications etc framed by the Government of India or the State Govt and are controlled and run by the Govt.
Mutual Funds/Scheduled Commercial Banks/Insurance Companies/Financial Institutions	Low Risk	These entities are strictly regulated by their respective regulators.
Partnership Firm	Low / Medium / High risk	Depending on the clarity of the shareholding structure and the nature of operations, such entities would be classified. Such classifications shall be decided post the review of the Department Heads
Trusts – Public Charitable Trust	Medium / High Risk	Depending on the clarity of the beneficial ownership and the nature of operations, such entities would be classified. Such classifications shall be decided post the review of the Department Heads
Hindu Undivided Family (HUF)	Medium Risk	These are unregistered bodies and the pattern of entries in the account may not be correlated with known sources of income/ expenditure.
Trusts – Private Trust	High Risk	These may be unregistered trusts and the pattern of entries in the account may not be correlated with known sources of income/ expenditure.

This policy is prepared by Ms Parul Kothari

And verified and reviewed by Mr. Hitendra M Trivedi (Compliance officer)

**HARSH
PRADIP
JAVERI**

Digitally signed by HARSH PRADIP JAVERI
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