

Express Securities Pvt. Ltd.

(Member of BSE)

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PMLA POLICY

1. Prevention of Money Laundering Act, 2002

- 1.1. Prevention of Money Laundering Act, 2002 (PMLA 2002) forms the core of the legal framework put in place by India to combat money laundering. PMLA 2002 and the Rules notified there under came into force with effect from July 1, 2005.
- 1.2. The PMLA 2002 and Rules notified there under impose an obligation on intermediaries (including stock brokers and sub-brokers) to verify identity of clients, maintain records and furnish information to the Financial Intelligence Unit (FIU) - INDIA

2. Financial Intelligence Unit (FIU) – INDIA

- 2.1. The Government of India set up Financial Intelligence Unit-India (FIU-IND) on November 18, 2004 as an independent body to report directly to the Economic Intelligence Council (EIC) headed by the Finance Minister.
- 2.2. FIU-IND has been established as the central national agency responsible for receiving, processing, analyzing and disseminating information relating to suspect financial transactions. FIU-IND is also responsible for coordinating and stretching efforts of national and international intelligence and enforcement agencies in pursuing the global efforts against money laundering and related crimes.

3. Policy of Stock Broking Limited

Express Securities Pvt. Ltd. has resolved that it would, as an internal policy, take adequate measures to prevent money laundering and shall put in place a frame-work to report cash and suspicious transactions to FIU as per the guidelines of PMLA Rules, 2002

4. Implementation of this Policy

- 4.1. Express Securities Pvt. Ltd. will be the Principal Officer who will be responsible for:-
 - a. Compliance of the provisions of the PMLA and AML Guidelines act as a central reference point and play an active role in identification & assessment of Potentially suspicious transactions.
 - b. Ensure that Express Securities Pvt. Ltd. discharges its legal obligation to report suspicious transactions to the concerned authorities.
- 4.2. The main aspect of this policy about to the client in order to identify who is the actual:-
 - a. Beneficial owner of the securities or on whose behalf transaction is conducted.
 - b. Verify the customer's identity using reliable, independent source document, data or information.
 - c. Conduct on-going due diligence and scrutiny of the account/client to ensure that the transaction conducted are consistent with the client's background/financial status, its activities and risk profile.

4.3. The Customer Due Diligence Process includes three specific parameters:

1. Policy for Acceptance of Clients

2. Client Identification Procedure
3. Suspicious Transactions identification & reporting

5. Customer Acceptance Policy

5.1. Each client should be met in person. Accept client whom we are able to meet personally. The client should visit the office/branch or concerned official may visit the client at his residence/office address to get the necessary documents filled in and signed. Preferably accept clients who live within the jurisdiction of the branch. As far as possible, ensure that the new client is introduced by an existing client.

Accepts client on whom we are able to apply appropriate KYC procedures: Obtain complete information from the client. It should be ensured that the initial forms taken by the client are filled in completely. All photocopies submitted by the client are checked against original documents without any exception. Ensure that the 'Know Your Client' guidelines are followed without any exception. All supporting documents as specified by Securities and Exchange Board of India (SEBI) and Exchanges are obtained and verified.

Do not accept clients with identity matching persons known to have criminal background Check whether the client's identify matches 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/regulatory agency worldwide.

Be careful while accepting Clients of Special category: We should be careful while accepting clients of special category like NRIs, HNIs, Trust, Charities, NGOs, Politically Exposed Persons (PEP), persons of foreign origin, companies having closed share holding/ownership, companies dealing in foreign currency, shell companies, overseas entities, clients in high risk countries, non face to face clients, clients with dubious background. Current/Former Head of State, Current/Former senior high profile politician, Companies offering foreign exchange, etc.) or clients from high-risk countries (like Libya, Pakistan, Afghanistan, etc.) or clients belonging to countries where corruption/fraud level is high (like Nigeria, Burma, etc). Scrutinize minutely the records / documents pertaining to clients belonging to aforesaid category.

Do not accept client registration forms which are suspected to be fictitious: Ensure that no account is being opened in a fictitious / benami name or on an anonymous basis.

Do not compromise on submission of mandatory information/ documents: Client's account should be opened only on receipt of mandatory information along with authentic supporting documents as per the regulatory guidelines. Do not open the accounts where the client refuses to provide information/documents and we should have sufficient reason to reject the client towards this reluctance.

5.2. Customer Identification Procedure (FOR NEW CLIENTS)

Objective: To have a mechanism in place to establish identity of the client along with firm proof of address to prevent opening of any account which is fictitious / benami / anonymous in nature.

5.2.1. Documents which can be relied upon:

PAN Card: PAN card is mandatory and is most reliable document as only one card is issued to an individual and we can independently check its genuineness through IT website.

IDENTITY Proof: PAN Card itself can serve as proof of identity. However, in case PAN card carries an old photograph of the holder, which does not match current facial features of the client, we should take other identity proof in form of Voter's Identity card, Passport, Ration Card or any Government/PSU/Bank issued photo identity card.

ADDRESS Proof: For valid address proof we can rely on Voter's Identity Card, Passport, Bank Statement, Ration card and latest Electricity/telephone bill in the name of the client.

5.2.2. Documents to be obtained as part of customer identification procedure for new clients:

A. In case of individuals, one copy of the following documents have to be obtained :

As PAN is mandatory, verify its genuineness with IT website and cross verify the PAN card copy with the original. Please put "verified with original" stamp as proof of verification

Other proofs for identity are Voter's Identity card, Passport, Ration Card or any Government/PSU/Bank issued photo identity card or any other document prescribed by the regulatory authorities.

Address proof in the form of Voter's Identity Card, Passport, Bank Statement, Ration card and latest Electricity/telephone bill in the name of the client or any other document prescribed by the regulatory authorities.

B. In case of corporate, one certified copy of the following documents must be obtained:

- Copy of the Registration/Incorporation Certificate
- Copy of the Memorandum & Articles of the Association
- Copy of the PAN card and the Director Index No. (DIN)
- Copy of the latest audited Annual Statements of the corporate client
- Latest Net worth Certificate Latest Income Tax return filed.
- Board Resolution for appointment of the Authorized Person who will operate the account.
- Proof of address and identity of Authorized Person

C. In case of partnership firm one certified copy of the following must be obtained:

- Registration certificate
- Partnership Deed
- PAN card of partners
- Authorization letter for the person authorized to open and operate the account
- Proof of identity and address of the authorized person.
- Annual statement/returns of the partnership firm

D. In case of a Trust, one certified copy of the following must be obtained:

- Registration certificate
- Trust Deed
- PAN card
- Authorization letter for the entity authorized to act on their behalf
- Officially valid documents like PAN card, voters ID, passport, etc of person(s) authorized to transact on behalf of the Trust.

E. In case of unincorporated association or a body of individuals, one certified copy of the following must be obtained:

- Resolution of the managing body of such association or body of individuals in favour of person authorized to transact
- Officially valid documents like PAN card, voters ID, passport, etc of the person(s) authorized to transact
- Any document required by to establish the legal existence of such an association or body of individuals.

F. In case of an NRI account – Repatriable /non-repatriable, the following documents are required:

- Copy of the PIS permission issued by the bank
- Copy of the passport
- Copy of PAN card
- Proof of overseas address and Indian address
- Copy of the bank statement
- Copy of the demat statement
- If the account is handled through a mandate holder, copy of the valid POA/mandate

6. Risk Profiling of the Client

6.1. We should accept the clients based on the risk they are likely to pose. The aim is to identify clients who are likely to pose a higher than average risk of money laundering or terrorist financing. For this purpose, we need to classify the clients as Low risk, medium risk and high risk clients. By classifying the clients, we will be in a better position to apply appropriate customer due diligence process. That is, for high risk client we have to apply higher degree of due diligence. The factors of risk perception depend on client's location, nature of business activity, turnover, nature of transaction, manner of payment etc.

6.2. In order to achieve this objective, all clients of the branch should be classified in the following category:

Category A – Low Risk

Category B – Medium Risk

Category C – High risk

6.2.1. Category A clients are those pose low or nil risk. They are good corporate/HNIs who have a respectable social and financial standing. These are the clients who make payment on time and take delivery of shares.

6.2.2. Category B clients are those who are intra-day clients or speculative clients. These are the clients who maintain running account with Express Securities Pvt. Ltd.

6.2.3. Category C clients are those who have defaulted in the past, have suspicious background, do not have any financial status, etc.

6.3. We have to be careful while monitoring the transactions of B and C category clients.

6.4. Apart from this we need to exercise extra caution while monitoring the transactions of NRI/NRE/PIO and foreign clients, especially when the payment is being made in foreign currency.

6.5. Any change in the risk profile of the client/mandate holder, has to be ascertained by the concerned branch officials, and reported to the Business Head immediately.

7. Suspicious Transactions

All are requested to analyze and furnish details of suspicious transactions, whether or not made in cash. It should be ensured that there is no undue delay in analysis and arriving at a conclusion.

7.1. What is a Suspicious Transaction: Suspicious transaction means a transaction whether or not made in cash, which to a person acting in good faith -

Gives rise to a reasonable ground of suspicion that it may involve the proceeds of crime; or

Appears to be made in circumstance of unusual or unjustified complexity; or

Appears to have no economic rationale or bona fide purpose

Reasons for Suspicious:-

Identity of client:-

- False identification documents
- Identification documents which could not be verified within reasonable time
- Non-face to face client
- Clients in high-risk jurisdiction
- Doubt over the real beneficiary of the account
- Accounts opened with names very close to other established business entities
- Receipt back of well-come kit undelivered at the address given by the client

Suspicious Background

- Suspicious background or links with criminals

Multiple Accounts

- Large number of accounts having common parameters such as common partners / directors / promoters / address/ email address / telephone numbers introducer or authorized signatory
- Unexplained transfers between such multiple accounts.

Activity In Accounts

- Unusual activity compared to past transactions
- Use of different accounts by client alternatively
- Sudden activity in dormant accounts
- Activity inconsistent with what would be expected from declared business s
- Account used for circular trading

Nature Of Transactions

- Unusual or unjustified complexity
- No economic rationale or bonafied purpose
- Source of funds are doubtful
- Appears to be case of insider trading
- Purchases made on own account transferred to a third party through an off market transactions through DP account
- Transactions reflect likely market manipulations
- Suspicious off market transactions

Value of Transactions

- Value just under the reporting threshold amount in an apparent attempt to avoid reporting
- Large sums being transferred from overseas for making payments
- Inconsistent with the clients apparent financial standing
- Inconsistency in the payment pattern by client
- Block deal which is not at market price or prices appear to be artificially inflated/deflated

7.2. What to Report:-

- The nature of the transactions
- The amount of the transaction and the currency in which it was denominated
- The date on which the transaction was conducted: and

- The parties to the transaction.
- The reason of suspicion.

8. EMPLOYEES' HIRING AND TRAINING:-

Hiring of Employees in Express Securities Pvt. Ltd. have adequate screening procedures in place to ensure high standard when hiring employees. It shall identify the key positions within the NSPL structure having regard to the risk of money laundering and terrorist financing. Employees Training shall have an ongoing employee-training programmed so that their staff are adequately trained in Anti Money Laundering and Combating Financing of Terrorism procedure.

9. INVESTORS' EDUCATION:-

Express Securities Pvt. Ltd. shall prepare this specific literature so that the clients/sub-brokers/Authorised Person can be educated on the objectives of the Anti Money Laundering (AML) / Combating Financing of Terrorism (CFT) programmed.

10. Enhance Due Diligence

Companies with operations around the world face the reality of having to deal with an often complicated web of interconnected third-party entities and organizations and will usually create third-party risk models to produce an objective risk score for each one. These models consider many factors, such as the third party's location, the nature and closeness of the relationship with the third party, the level of control over the third party, how much business it generates and the extent of the third party's interactions with government officials. However, not all third parties are the same, and after creating a risk-rating model, companies typically face three due diligence options:

For low-risk parties, companies can simply execute an internal review and check publicly available databases such as government watch lists, sanctions and embargo lists.

For moderate-risk parties, companies can perform open-source investigations (OSI), collecting and analyzing all publicly available online information for a third party and its principals after searching in English and native languages.

The due diligence scope required for the riskiest parties exceeds what is typically covered in an OSI alone, especially in developing nations where online information may be limited or where bad actors can easily manipulate local media. In these situations, companies should resort to Enhanced Due Diligence investigations (EDD).

What is EDD?

An EDD investigation includes the elements found in an open-source investigation, as well as a site visit, review of public records, identification and analysis of business partners and local interviews. Depending on the jurisdiction and applicable laws, regulations and availability of data, an EDD investigation can also involve collation of business licenses, articles of association, ownership information and an analysis of the third party's operation and ability to deliver the agreed-upon goods and/or services.

Justification to Conduct EDD Investigations

Why should companies conduct an EDD investigation when the Internet provides them with access to an unimaginable volume of data at their fingertips? In an era that places

considerable reliance on online data, an EDD investigation marries the availability of online information with local knowledge, resources and honed investigative skills by expert researchers to provide company executives with critical intelligence that goes beyond publicly available data in terms of accuracy, reliability and validity. Being able to access this level of dependable information, in turn, allows companies to make fully informed, risk-based decisions regarding their engagement with third parties presenting the highest inherent compliance risk.

Based on real-world examples from past investigations, the following are three scenarios where EDD helped avoid costly mistakes with high-risk third parties.

Scenario #1: A Mound of Dirt Instead of an Office

An EDD investigation conducted for a Fortune 500 oil services company led to the discovery of a vacant, undeveloped lot instead of the complex headquarters of an African-based intermediary shown on the third party's website. The images, which were taken from another company's website, initially convinced the client of the third party's legitimacy. However, a local investigator recognized the company's address as a street in an undeveloped section of the city and confirmed his suspicions when he visited the site and discovered a vacant lot used to store dirt excavated from nearby land.

The third party's principals created the website and falsified company-related documents in a scheme to convince prospective partners of its legitimacy. In reality, the company was part of an elaborate plot that mid-ranking government officials devised to solicit, receive and mask kickbacks related to the approval of permits.

Scenario #2: Confusing Corporate Structure Hides Government Officials

An EDD investigation of a Chinese-based sales agent uncovered a network of shell companies in which government officials held hidden ownership interest in numerous third parties.

The creation of the shell companies corresponded with the announcement by a large global client of its intention to establish operations in the Asia-Pacific region, including Japan, the Philippines and China.

Within days of creating the shell companies to disguise beneficial ownership by government officials, the third party contacted the client's representative and offered to help the company begin operating in China. The third party boasted of their ability to provide introductions to government officials responsible for granting licenses and permits to foreign companies. These happened to be the same officials with the disguised ownership interest in the third party in question. The client did not engage any of the third parties connected to the scheme.

Scenario #3: Third-Party Bankruptcy and Fraud Claims Unfounded

Prior to signing an agreement with a plastic pellet supplier based in Brazil, a client received an anonymous, handwritten note alleging that the supplier had previously filed for bankruptcy protection, and subsequently, reorganized under a new name. The note also alleged that several of the company's principals had used an over-billing scheme to commit fraud against another multinational.

In light of the allegations, several of the company's refused to engage the third party, and the multinational's compliance department requested an EDD investigation of the supplier.

The EDD determined that the bankruptcy and fraud allegations were unfounded. In fact, the third party suspected that a former executive who had just left the company to join a competitor had fabricated the allegations in an effort to win the business for his new employer.

Leave EDD Investigations to the Professionals

When conducting an EDD investigation, it is important to abide by local data privacy laws and realize that an inexperienced, unqualified or overly zealous investigator could inappropriately handle information and create new risks for the firm. Given the sensitive nature of the data involved, EDD investigations are best left to professionals with high ethical standards.

Key Takeaways – When Enhanced Due Diligence is the Right Choice

Conducting third-party due diligence plays a critical role in ensuring that companies comply with global anti-bribery and anti-corruption regulations. The risk model should designate the type of due diligence performed on a third party, which is a function of the nature and guidance of a robust third-party compliance program.

While each type of due diligence serves a purpose, an EDD with field-based investigation is the only suitable option for third parties that present the highest risk. When a company is under regulatory investigation for ABAC violations, regulators pay close attention to the steps that multinationals follow when administering their third-party compliance program and may decline to pursue charges if a company demonstrates its commitment to compliance.

Failing to conduct an investigation commensurate to the level of risk a third party presents may preserve a portion of the compliance budget for future expense. However, it also exposes multinationals to unspecified and potentially catastrophic future compliance risks.

11. Designated Principal Officer

In case any further information /clarification is required in this regard, **Mr. D.K. Aggarwal** Principal Officer may be contacted at esplshare@gmail.com.

