

# ECONOMIC OFFENCE LAWS

Direct Tax Refresher Course

ICAI

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# Economic Offence Laws

- Prevention of Money Laundering Act: Enforcement Directorate (ED)
- Prohibition of Benami Property Transactions Act: Benami Prohibition Unit (BPU)
- Black Money Act: Income Tax Authorities
- Income Tax Act: Income Tax Authorities
- Goods & Services Tax Act: GST Authorities
- Companies Act: Serious Frauds Investigation Office (SFIO)
- Foreign Exchange Management Act (FEMA)

# Punishments

Name of Act	Punishment
PMLA	Section 4 of PMLA RI not less than 3 years but which may extend to 7 years and Fine
PBPT	Chapter VII RI from 1 year to 7 years
Black Money Act	Section 49, 50, 51, 52, 53 RI from 6 months to 7 years
Income Tax Act	Chapter XXII RI from 3 months to 7 years
GST Act	Section 132. Imprisonment From 1 year to 5 years
Companies Act	Chapter XXIX Imprisonment from 6 months to 10 years

# Bailable or Non-Bailable

- + What is Bailable Offence?
- + What is Non-Bailable Offence?
- + Arrest Vs. Prosecution Complaint

# Burden of Proof and Presumptions

Name of Act	Burden of Proof and Presumption
PMLA	Section 24- Burden of Proof
PBPT	No provision
Black Money Act	Section 54: Presumption of culpable mental state
Income Tax Act	Section 278E- Presumption of culpable mental state
GST Act	Section 135- Presumption of culpable mental state

# Power of the Authorities

- Power of Search
- Power of Arrest
- Power to summon and record a statement on oath

# Attachment and Prosecution

**Attachment and Prosecution [Adjudicating Authority, Appellate Tribunal, Special Court ] under :**

PMLA

PBPT



# Important Points

CA as an Independent Director

CA Issuing Certificate including Project Report

Punishment for Abatement & Criminal Conspiracy



# Action Points

- Vicarious Liability
- Compounding of offences
- Attendance in response to Summon
- Obtaining Acknowledgment of submissions made
- Agencies with Power to Arrest
- Anticipatory Bail
- Regular Bail

# THANK YOU

## Questions ???

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