

राजारामबापू सहकारी बँक लि., पेट .

(शेड्युल्ड बँक)

प्रधान कार्यालय, पेट . ता. वाळवा, जि. सांगली.



RAJARAMBAPU SAHAKARI BANK LTD., PETH

(Scheduled Bank)

Head Office - Peth. Tal - Walwa, Dist. - Sangli.

KYC / AML Policy – 2024-25

आपल्या बँकेचे पूर्वीचे KYC/AML धोरण हे RBI चे गाईडलाईनुसार बोर्ड मिटींग दि. 28.04.2023 रोजी करणेत आले होते.यापूर्वी सदरच्या धोरणामध्ये संचालक मंडळ सभा दि.10.11.2023 मध्ये रिझर्व्ह बँकेच्या दि.17.10.2023 चे Master Direction नुसार बदल करणेत आला होता. तसेच रिझर्व्ह बँकेच्या दि.04/01/2024 चे Master Direction नुसार Politically Exposed Persons (PEP's) च्या संकल्पनेत बदल करणे व नवीन Explanation Add करणे आवश्यक असलेबाबत माहिती संचालक मंडळास देणेत आली.

1. प्रस्तावना- Prevention of Money Laundering Act 2002 हा कायदा संपूर्ण भारत देशात लागू आहे. रिझर्व्ह बँकेच्या दि. 28/04/2023 चे Master Direction नुसार व या कायद्याच्या प्रकरण-1 प्रारंभिक मध्ये (Chapter I: Preliminary) खालीलप्रमाणे व्याख्या दिलेल्या आहेत.

2. Definitions

In these Directions, unless the context otherwise requires, the terms herein shall bear the meanings assigned to them below:

(a) Terms bearing meaning assigned in terms of Prevention of Money-Laundering Act, 2002 and the Prevention of Money-Laundering (Maintenance of Records) Rules, 2005: i. 2“Aadhaar number” shall have the meaning assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016);

ii. “Act” and “Rules” means the Prevention of Money-Laundering Act, 2002 and the Prevention of Money-Laundering (Maintenance of Records) Rules, 2005, respectively and amendments thereto.

iii. 3“Authentication”, in the context of Aadhaar authentication, means the process as defined under sub-section (c) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

iv. Beneficial Owner (BO)

a. Where the customer is a company, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical persons, has/have a controlling ownership interest or who exercise control through other means. Explanation- For the purpose of this sub-clause

1. 4“Controlling ownership interest” means ownership of/entitlement to more than 10 percent of the shares or capital or profits of the company.

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2. "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their 5 shareholding or management rights or shareholders agreements or voting agreements.

~~b. Where the customer 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/have ownership of/entitlement to more than 15 percent of capital or profits of the partnership.~~

Where the customer 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/have ownership of/entitlement to more than 10 percent of capital or profits of the partnership.

(Amended 10/11/2023 BOD)

c. Where the customer 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/have ownership of/entitlement to more than 15 percent of the property or capital or profits of the unincorporated association or body of individuals. Explanation: Term 'body of individuals' includes societies. Where no natural person is identified under (a), (b) or (c) above, the beneficial owner is the relevant natural person who holds the position of senior managing official.

d. 5Where the customer is a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with 10 percent 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.

v. 6 "Certified Copy" - Obtaining a certified copy by the RE shall mean comparing the copy of the proof of possession of Aadhaar number where offline verification cannot be carried out or officially valid document so produced by the customer with the original and recording the same on the copy by the authorised officer of the RE as per the provisions contained in the Act. Provided that in case of Non-Resident Indians (NRIs) and Persons of Indian Origin (PIOs), as defined in Foreign Exchange Management (Deposit) Regulations, 2016 {FEMA 5(R)}, alternatively, the original certified copy, certified by any one of the following, may be obtained:

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- authorised officials of overseas branches of Scheduled Commercial Banks registered in India,
- branches of overseas banks with whom Indian banks have relationships,
- Notary Public abroad,
- Court Magistrate,
- Judge,
- Indian Embassy/Consulate General in the country where the non-resident customer resides.

vi. "Central KYC Records Registry" (CKYCR) means an entity defined under Rule 2(1) of the Rules, to receive, store, safeguard and retrieve the KYC records in digital form of a customer.

vii. "Designated Director" means a person designated by the RE to ensure overall compliance with the obligations imposed under chapter IV of the PML Act and the Rules and shall include:

- a. the Managing Director or a whole-time Director, duly authorized by the Board of Directors, if the RE is a company,
- b. the Managing Partner, if the RE is a partnership firm,
- c. the Proprietor, if the RE is a proprietorship concern,
- d. the Managing Trustee, if the RE is a trust,
- e. a person or individual, as the case may be, who controls and manages the affairs of the RE, if the RE is an unincorporated association or a body of individuals, and
- f. a person who holds the position of senior management or equivalent designated as a 'Designated Director' in respect of Cooperative Banks and Regional Rural Banks.

Explanation - For the purpose of this clause, the terms "Managing Director" and "Whole-time Director" shall have the meaning assigned to them in the Companies Act, 2013.

viii. 7 "Digital KYC" means the capturing live photo of the customer and officially valid document or the proof of possession of Aadhaar, where offline verification cannot be carried out, along with the latitude and longitude of the location where such live photo is being taken by an authorised officer of the RE as per the provisions contained in the Act.

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ix. 8“Digital Signature” shall have the same meaning as assigned to it in clause (p) of subsection (1) of section (2) of the Information Technology Act, 2000 (21 of 2000).

x. 9“Equivalent e-document” means an electronic equivalent of a document, issued by the issuing authority of such document with its valid digital signature including documents issued to the digital locker account of the customer as 7 per rule 9 of the Information Technology (Preservation and Retention of Information by Intermediaries Providing Digital Locker Facilities) Rules, 2016.

xi. 10“Group” – The term “group” shall have the same meaning assigned to it in clause (e) of sub-section (9) of section 286 of the Income-tax Act,1961 (43 of 1961).

xii. 11“Know Your Client (KYC) Identifier” means the unique number or code assigned to a customer by the Central KYC Records Registry.

xiii. 12“Non-profit organisations” (NPO) means any entity or organisation, 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 or any similar State legislation or a company registered under Section 8 of the Companies Act, 2013 (18 of 2013).

xiv. “Officially Valid Document” (OVD) means the passport, the driving licence, 13proof of possession of Aadhaar number, the Voter's Identity Card issued by the Election Commission of India, job card issued by NREGA duly signed by an officer of the State Government and letter issued by the National Population Register containing details of name and address. Provided that,

a. where the customer submits his proof of possession of Aadhaar number as an OVD, he may submit it in such form as are issued by the Unique Identification Authority of India.

b. 14where the OVD furnished by the customer does not have updated address, the following documents or the equivalent e-documents thereof shall be deemed to be OVDs for the limited purpose of proof of address:-

i. utility bill which is not more than two months old of any service provider (electricity, telephone, post-paid mobile phone, piped gas, water bill);

ii. property or Municipal tax receipt;

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- iii. pension or family pension payment orders (PPOs) issued to retired employees by Government Departments or Public Sector Undertakings, if they contain the address;
- iv. letter of allotment of accommodation from employer issued by State Government or Central Government Departments, statutory or regulatory bodies, public sector undertakings, scheduled commercial 8 banks, financial institutions and listed companies and leave and licence agreements with such employers allotting official accommodation;
- c. the customer shall submit OVD with current address within a period of three months of submitting the documents specified at 'b' above
- d. where the OVD presented by a foreign national does not contain the details of address, in such case the documents issued by the Government departments of foreign jurisdictions and letter issued by the Foreign Embassy or Mission in India shall be accepted as proof of address.

Explanation: For the purpose of this clause, a document shall be deemed to be an OVD even if there is a change in the name subsequent to its issuance provided it is supported by a marriage certificate issued by the State Government or Gazette notification, indicating such a change of name.

xv. 15“Offline verification” shall have the same meaning as assigned to it in clause (pa) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).

xvi. “Person” has the same meaning assigned in the Act and includes:

- a. an individual,
- b. a Hindu undivided family,
- c. a company,
- d. a firm,
- e. an association of persons or a body of individuals, whether incorporated or not,
- f. every artificial juridical person, not falling within any one of the above persons (a to e), and
- g. any agency, office or branch owned or controlled by any of the above persons (a to f).

~~xvii. 16“Politically Exposed Persons” (PEPs) are individuals who are or have been entrusted with prominent public functions by a foreign country, including the Heads of~~

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~~States/Governments, senior politicians, senior government or judicial or military officers, senior executives of state-owned corporations and important political party officials.~~
(Deleted 12/01/2024 as per MD amendment 04/01/2024)

xviii. "Principal Officer" means an officer nominated by the RE, responsible for furnishing information as per rule 8 of the Rules. 9

xix. "Suspicious transaction" means a "transaction" as defined below, including an attempted transaction, whether or not made in cash, which, to a person acting in good faith:

- a. gives rise to a reasonable ground of suspicion that it may involve proceeds of an offence specified in the Schedule to the Act, regardless of the value involved; or
- b. appears to be made in circumstances of unusual or unjustified complexity; or
- c. appears to not have economic rationale or bona-fide purpose; or
- d. gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism.

Explanation: Transaction involving financing of the activities relating to terrorism includes transaction involving funds suspected to be linked or related to, or to be used for terrorism, terrorist acts or by a terrorist, terrorist organization or those who finance or are attempting to finance terrorism.

xx. A 'Small Account' means a savings account which is opened in terms of sub-rule (5) of the PML Rules, 2005. Details of the operation of a small account and controls to be exercised for such account are specified in Section 23. (Amended 10/11/2023 BOD)

xxi. "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery or the arrangement thereof and includes:

- a. opening of an account;
- b. deposit, withdrawal, exchange or transfer of funds in whatever currency, whether in cash or by cheque, payment order or other instruments or by electronic or other non-physical means;
- c. the use of a safety deposit box or any other form of safe deposit;
- d. entering into any fiduciary relationship;

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e. any payment made or received, in whole or in part, for any contractual or other legal obligation; or

f. establishing or creating a legal person or legal arrangement.

(b) Terms bearing meaning assigned in this Directions, unless the context otherwise requires, shall bear the meanings assigned to them below:

i. “Common Reporting Standards” (CRS) means reporting standards set for implementation of multilateral agreement signed to automatically exchange 10 information based on Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters.

ii. 17Correspondent Banking: Correspondent banking is the provision of banking services by one bank (the “correspondent bank”) to another bank (the “respondent bank”). Respondent banks may be provided with a wide range of services, including cash management (e.g., interest-bearing accounts in a variety of currencies), international wire transfers, cheque clearing, payable through accounts and foreign exchange services.

iii. “Customer” means a person who is engaged in a financial transaction or activity with a Regulated Entity (RE) and includes a person on whose behalf the person who is engaged in the transaction or activity, is acting.

iv. “Walk-in Customer” means a person who does not have an account-based relationship with the RE, but undertakes transactions with the RE.

v. 23“Customer Due Diligence (CDD)” means identifying and verifying the customer and the beneficial owner using reliable and independent sources of identification. Explanation

– The CDD, at the time of commencement of an account-based relationship or while carrying out occasional transaction of an amount equal to or exceeding rupees fifty thousand, whether conducted as a single transaction or several transactions that appear to be connected, or any international money transfer operations, shall include:

(a) Identification of the customer, verification of their identity using reliable and independent sources of identification, obtaining information on the purpose and intended nature of the business relationship, where applicable;

(b) Taking reasonable steps to understand the nature of the customer's business, and its ownership and control;

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(c) Determining whether a customer is acting on behalf of a beneficial owner, and identifying the beneficial owner and taking all steps to verify the identity of the beneficial owner, using reliable and independent sources of identification. (Amended 10/11/2023 BOD)

vi. "Customer identification" means undertaking the process of CDD.

vii. "FATCA" means Foreign Account Tax Compliance Act of the United States of America (USA) which, inter alia, requires foreign financial institutions to report about financial accounts held by U.S. taxpayers or foreign entities in which U.S. taxpayers hold a substantial ownership interest.

viii. "IGA" means Inter Governmental Agreement between the Governments of India and the USA to improve international tax compliance and to implement FATCA of the USA.

ix. "KYC Templates" means templates prepared to facilitate collating and reporting the KYC data to the CKYCR, for individuals and legal entities.

x. "Non-face-to-face customers" means customers who open accounts without visiting the branch/offices of the REs or meeting the officials of REs.

~~xi. "On-going Due Diligence" means regular monitoring of transactions in accounts to ensure that they are consistent with the customers' profile and source of funds.~~

"On-going Due Diligence" means regular monitoring of transactions in accounts to ensure that those are consistent with RE's knowledge about the customers, customers' business and risk profile, the source of funds / wealth. (Amended 10/11/2023 BOD)

xii. ¹⁹Payable-through accounts: The term payable-through accounts refers to correspondent accounts that are used directly by third parties to transact business on their own behalf. 11

xiii. "Periodic Updation" means steps taken to ensure that documents, data or information collected under the CDD process is kept up-to-date and relevant by undertaking reviews of existing records at periodicity prescribed by the Reserve Bank. xiv. "Regulated Entities" (REs) means

a. all Scheduled Commercial Banks (SCBs)/ Regional Rural Banks (RRBs)/ Local Area Banks (LABs)/ All Primary (Urban) Co-operative Banks (UCBs) /State and Central Co-operative Banks (StCBs / CCBs) and any other entity which has been licenced under

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Section 22 of Banking Regulation Act, 1949, which as a group shall be referred as 'banks'

b. All India Financial Institutions (AIFIs)

c. All Non-Banking Finance Companies (NBFCs), Miscellaneous Non-Banking Companies (MNBCs) and Residuary Non-Banking Companies (RNBCs)

d. Asset Reconstruction Companies (ARCs) (Amended 10/11/2023 BOD)

e. All Payment System Providers (PSPs)/ System Participants (SPs) and Prepaid Payment Instrument Issuers (PPI Issuers)

f. All authorised persons (APs) including those who are agents of Money Transfer Service Scheme (MTSS), regulated by the Regulator.

xv. "Shell Bank" means a bank that has no physical presence in the country in which it is incorporated and licensed, and which is unaffiliated with a regulated financial group that is subject to effective consolidated supervision. Physical presence means meaningful mind and management located within a country. The existence simply of a local agent or low-level staff does not constitute physical presence.

xvi. ²¹"Video based Customer Identification Process (V-CIP)": an alternate method of customer identification with facial recognition and customer due diligence by an authorised official of the RE by undertaking seamless, secure, live, informed-consent based audio-visual interaction with the customer to obtain identification information required for CDD purpose, and to ascertain the veracity of the information furnished by the customer through independent verification and maintaining audit trail of the process. Such processes complying with prescribed standards and procedures shall be treated on par with face-to-face CIP for the purpose of this Master Direction.

xvii. "Wire transfer" means a transaction carried out, directly or through a chain of transfers, on behalf of an originator person (both natural and legal) through a 12 bank by electronic means with a view to making an amount of money available to a beneficiary person at a bank.

xviii. "Domestic and cross-border wire transfer": When the originator bank and the beneficiary bank is the same person or different person located in the same country,

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such a transaction is a domestic wire transfer, and if the 'originator bank' or 'beneficiary bank' is located in different countries such a transaction is cross-border wire transfer.

(c) All other expressions unless defined herein shall have the same meaning as have been assigned to them under the Banking Regulation Act, 1949, the Reserve Bank of India Act, 1935, the Prevention of Money Laundering Act, 2002, the Prevention of Money Laundering (Maintenance of Records) Rules, 2005, the 22Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and regulations made thereunder, any statutory modification or re-enactment thereto or as used in commercial parlance, as the case may be.

1.1. भारतीय रिझर्व्ह बँकेने लागू केलेल्या " आपला ग्राहक ओळखा " हे मार्गदर्शक परिपत्रक व Prevention of Money Laundering Act 2002 च्या कायद्यातील तरतूदीनुसार बँकांना त्यांचे यासंबंधात धोरण बनवणे आवश्यक आहे व त्याची अंमलबजावणी करणे बंधनकारक आहे.

1.2. अतिरेक्यांच्या कारवायांना योग्य त-हेने आळा घालण्यासाठी 'Financial Action Task Force (FATF)' आणि आंतरराष्ट्रीय सहकारी संस्थांनी केलेल्या शिफारशीनुसार भारतीय रिझर्व्ह बँकेने ह्या सुचना जारी केल्या आहेत.

1.3. ह्या धोरणानुसार आपल्या बँकेचे KYC व AML साठी भारतीय रिझर्व्ह बँक व Govt. of India-FIU IND यांनी वेळोवेळी दिलेल्या सुचनांनुसार त्याचा धोरणांमध्ये अंतर्भाव करून त्याची अंमलबजावणी करणे.

1.4. ह्या धोरणानुसार त्याचे पालन करून गुन्हेगारी, असामाजिक प्रवृत्तींना व देश विरोधी आर्थिक कारवायांना प्रतिबंध करणे.

रिझर्व्ह बँकेच्या Updated As on 28 एप्रिल 2023 च्या Master Direction Know your customer (KYC) Direction 2016 च्या परिपत्रकामध्ये नमुद बाबींचा अंतर्भाव करणेत आला आहे. अधिक माहितीसाठी सदरचे परिपत्रक सोबत जोडले आहे.

3. धोरणाची ओळख-

Money Laundering म्हणजे एक अशी प्रक्रिया - पद्धती आहे की, ज्या आधारे गुन्हेगारी पाश्र्वभूमी असलेल्या व्यक्ती, गुन्हेगारी व्यवसायातून मिळालेल्या पैशांची मालकी व स्रोत लपवून ठेवण्याचा प्रयत्न करतात. यामुळे ते कायदेशीर कारवाई, अटक व गुन्हेगारी यातून सुटका / मोकळीक मिळविण्याचा प्रयत्न करतात. अशा प्रकारची संपत्ती कायदेशीर करण्याचा प्रयत्न जगभर एक मोठी समस्या बनून राहिली आहे. अशा प्रकारचे गुन्हे कमी करण्यासाठी अनेक देशांमध्ये कडक कायदे व मोठ्या प्रमाणात दंडात्मक कारवाई करण्यात येत आहे. याप्रकारचा कायदा आपल्या देशामध्ये इ.स.2002 मध्ये Prevention of Money Laundering Act 2002 (PMLA) म्हणून आपल्या देशाच्या कायदे मंडळाने संमत केला आहे.

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अशा प्रकारच्या धोरणाचा उद्देश मुख्यतः या प्रकारच्या गुन्हेगारीचा पैसा कायदेशीर सफेद (white) करण्यासाठी बँकांचा वापर होऊ न देणे हा आहे. मुख्यतः कायद्याचे उल्लंघन करणेसाठी बँकांचा उपयोग होऊ नये या धोरणांतर्गत खालील बाबींचा समावेश आहे.

1. काळा पैसा कायदेशीर सफेद (white) करण्यापासून बँकांचे संरक्षण करणे.
2. दररोजच्या व्यवहारामध्ये आंतरराष्ट्रीय समुहाने मान्य केलेले 'आपला ग्राहक ओळखा' ह्या धोरणाचे पालन करणे.
3. संशयित व्यवहार दृष्टीस आल्यावर योग्य कारवाई करणे आणि कायद्याने अस्तित्वात आलेल्या अधिका-याला हे व्यवहार कळविणे.
4. Financial Action Task Force ने Money Laundering बदल सुचविलेल्या आंतरराष्ट्रीय व आर्थिक कंपन्या व बँकांनी मान्य केलेल्या मानदंडाचे कायद्याप्रमाणे पालन करणे.
5. RE ने RBI ने सुचविलेल्या नियमांशिवाय त्यांनी स्वतःतीही या खेरीजही आणखी नियम ML/TF बाबत केले तरीही चालतील. (Amended 10/11/2023 BOD)

4. What is Money Laundering ?(मनी लॉड्रिंग काय आहे)-

Money Laundering म्हणजे बेकायदेशीर व्यवहारातून मिळविलेला पैसा केवळ कायदेशीर सफेद (white) करणे नव्हे, तर अशा प्रकारच्या अनेक व्यवहारांची साखळी लपवणे व बेकायदेशीर व्यवहारांमधून मिळालेल्या पैशाचा स्रोत लपवून ठेवणे, ज्यामध्ये अंमली पदार्थांची वाहतुक-देवाणघेवाण, दहशतवाद, संघटीत गुन्हेगारी, धोकाधडी आणि अशाच प्रकारच्या इतर गुन्हेगारी कारवाया. सोप्या भाषेत सांगायचे म्हणजे Money Laundering ही एक अशी प्रक्रीया आहे की, बेकायदेशीरपणे मिळविलेल्या पैशाची ओळख-मालकी लपवली जाईल तसेच बदलली जाईल, ज्यायोगे असा काळापैसा हा कायदेशीर मार्गाने मिळविलेला आहे असे दिसेल.

4 A. Money Laundering and Terrorist Financing Risk Assessment by REs:

(a) REs shall carry out 'Money Laundering (ML) and Terrorist Financing (TF) Risk Assessment' exercise periodically to identify, assess and take effective measures to mitigate its money laundering and terrorist financing risk for clients, countries or geographic areas, products, services, transactions or delivery channels, etc. The assessment process should consider all the relevant risk factors before determining the level of overall risk and the appropriate level and type of mitigation to be applied. While preparing the internal risk assessment, REs shall take cognizance of the overall sector-specific vulnerabilities, if any, that the regulator/supervisor may share with REs from time to time.

(b) The risk assessment by the RE shall be properly documented and be proportionate to the nature, size, geographical presence, complexity of activities/structure, etc. of the RE. Further, the periodicity of risk assessment exercise shall be determined by the Board or any committee of the Board of the RE to which power in this regard has been delegated, in alignment with the outcome of the risk assessment exercise. However, it should be reviewed at least annually.

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(c) The outcome of the exercise shall be put up to the Board or any committee of the Board to which power in this regard has been delegated, and should be available to competent authorities and self-regulating bodies. 345B. REs shall apply a Risk Based Approach (RBA) for mitigation and management of the risks (identified on their own or through national risk assessment) and should have Board approved policies, controls and procedures in this regard. REs shall implement a CDD programme, having regard to the ML/TF risks identified and the size 16 of business. Further, REs shall monitor the implementation of the controls and enhance them if necessary (Amended 10/11/2023 BOD)

5. Proceeds of Crime-

सर्वसाधारणपणे खालील प्रकारच्या गंभीर गुन्ह्यातून किंवा इतर त्याच प्रकारच्या गुन्ह्यातून मिळविलेला पैसा होय.

1. अंमली पदार्थांचा व्यापार/देवाण घेवाण/सहभाग.
2. खून / खूनाचा प्रयत्न.
3. खंडणी वसुली / पैशासाठी अपहरण.
4. दरोडे / मोठ्या चो-या.
5. धोकाधडी (Frauds) / खोऱ्या चलनाचे व्यवहार.
6. बेकायदेशीर शस्त्रांच्या व्यवहारांचा गुन्हा.
7. बेकायदेशीर शस्त्रे कायदेशीर व्यवहारासाठी वापरणे / खरेदी करणे.
8. वन्यपशुबद्दलचे गुन्हे व त्यातून मिळालेला पैसा.
9. अनैतिक व्यवसायातून मिळालेला पैसा.
10. लाच लुचपतीतून मिळविलेला पैसा.
11. इतर गुन्हेगारी व असामाजिक गुन्हेगारीतून मिळविलेला पैसा.

I) Customer Acceptance Policy-

1) ग्राहक स्विकृती धोरण-

1. प्रत्येक ग्राहकाच्या व्यवहाराची जोखीम ओळखून ग्राहकांची तीन वर्गांमध्ये वर्गवारी करण्यात यावी.
2. बेनामी/खोटी/निनावी खाती उघडून घेऊ नयेत.
3. सामाजिक आणि आर्थिक दृष्ट्या दुर्बल असलेल्या सर्वसामान्य लोकांना खाते उघडताना विनाकारण त्रास देण्यात येऊ नये.
4. जर ग्राहकाने आपली ओळख पटविणेबाबत सहकार्य केले नाही किंवा सादर केलेली कागदपत्रे विश्वसनीय नसतील तर संबंधित ग्राहकाचे खाते उघडू नये.
5. ग्राहकाची काळजीपूर्वक माहिती घेतले शिवाय खाते उघडू नये.

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6. खाते उघडल्यानंतर कोणत्याही वेळी आगाऊ KYC कागदपत्रांची /माहितीची विचारणा करण्याचा/मागण्याचा अधिकार खाते उघडतानाच नमूद करावा.
7. संयुक्त खाते उघडताना दोन्ही ग्राहकांची काळजीपूर्वक माहिती घेणे. (CDD) अत्यंत आवश्यक आहे.
8. कोणत्या परिस्थितीमध्ये ग्राहक इतरांच्या वतीने व्यवहार करू शकेल हे स्पष्टपणे नमूद करावे.
9. CDD हे UCIC Level ला करणेत यावे. त्यामुळे केवायसी पुर्तता असणा-या खातेदारांना इतर खाते उघडताना नव्याने केवायसी पुर्तता करावी लागणार नाही.
10. रिझर्व्ह बँकेच्या Master Direction मधील Chapter ix मध्ये असेलेल्या लिस्ट मधील नावाशी जुळत नसलेची खातरजमा करणेत यावी अशी व्यवस्था ठेवण्यात यावी.
11. ज्या ठिकाणी पॅन उपलब्ध असेल अशा पॅनची Issuing Authority च्या पोर्टल वरून तपासणी करून घ्यावी.
12. एखाद्या कस्टमर कडून E-Document उपलब्ध झाली असलेस त्याचे Verification हे IT Act 2000 चे तरतूदीनुसार करणेत यावे.
13. ज्या कस्टमरचे GST Details उपलब्ध असतील तर असा नंबरची Issuing Authority च्या पोर्टल वरून तपासणी करून घ्यावी.
14. Where RE forms a suspicion of money laundering or terrorist financing, and it reasonably believes that performing the CDD process will tip-off the customer, it shall not pursue the CDD process, and instead file an STR with FIU-IND.
15. PEP चे खाते उघडताना शाखांनी वरिष्टांची लेखी परवानगी घेवूनच उघडणे आवश्यक आहे.
16. (Section 10) RE ने जर एखादा ग्राहक खाते उघडताना योग्य CDD देत नसेल किंवा त्या CDD खरी असल्याची खात्री होत नसेल तर किंवा तो सहकार्य करत नसेल तर त्याचे खाते उघडू नये. तसेच RE ने अशा व्यक्तीचा गरज वाटलेस STR केला पाहिजे. (Amended 10/11/2023 BOD)

2. ठेवी व कर्ज खात्यांचे जोखीमनुसार वर्गीकरण-

आपल्या देशामध्ये बँकींग प्रणालीचा वापर करून काही व्यक्ती, व्यक्तीसमुह, फर्म्स व कंपन्या यांनी विविध कर चुकवून काळ्या पैशाची निर्मिती केली आहे. तसेच बँकींग प्रणालीचा वापर करून आर्थिक घोटाळे व अफरातफरीचे प्रकार केलेले आहेत. अशा विविध व्यावसायिकांनी मोठ्या रकमांचे व्यवहार केलेले आहेत. अशा व्यवहारांची नोंद त्यांच्या आयकर विवरण पत्रकात समाविष्ट केलेली नाही. अशा बेकायदेशीर बाबींपासून मिळविलेला पैसा हा त्याचप्रमाणे परदेशातून अथवा बेकायदेशीर व्यवसायातून मिळविलेला पैसा देश विघातक कृत्ये करण्यासाठी वापरण्यात येत आहे. अशा घटना भारत सरकारच्या निदर्शनास आलेल्या आहेत. अशा अयोग्य व बेकायदेशीर मार्गाने मिळविलेल्या पैशांचा शोध घेणे व अशा प्रकारे बेकायदेशीर व काळा पैसा निर्माण होऊ नये यासाठी प्रतिबंध करणे या उद्देशाने रिझर्व्ह बँक ऑफ इंडिया या आपल्या देशाच्या मध्यवर्ती बँकेने परीपत्रक नंबर UBD No DS PVB Cir. 17/13.01.00/2002-03 दिनांक 18.09.2002 नुसार Know Your Customer Norms सर्व बँकांना सुचित केलेले आहेत. या परिपत्रकानुसार प्रत्येक बँकेने नवीन खाते उघडताना

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कोणती काळजी घ्यावयाची तसेच खातेदाराकडून कोणत्या प्रकारची कागदपत्रे घ्यावयाची याबाबत तपशिलवार मार्गदर्शन केलेले आहे. तदनंतर Financial Action Task Force यांनी Anti Money Laundering Standards आणि Combating Financing of Terrorism या संदर्भात ज्या शिफारशी केल्या त्या शिफारशीस अनुसरून रिझर्व्ह बँकेने दिनांक 18/09/2002 रोजीच्या परिपत्रकात सुधारणा करून नवीन परिपत्रक काढले आहे. त्याचा संदर्भ क्रमांक UBD.PCB. Cir. 30/09.161.00.2004-05 दिनांक 15/12/2004 असा आहे. या परिपत्रकामध्ये दिलेल्या सुचना लक्षात घेऊन तसेच या परिपत्रकाची अंमलबजावणी करण्यासाठी यापुर्वी स्वतंत्रपणे धोरण तयार करण्यात आलेले असून अशा धोरणास संचालक मंडळाच्या दिनांक 10/02/2005 रोजीच्या सभेत ठराव क्रमांक 12 नुसार मंजुरी देण्यात आली आहे. रिझर्व्ह बँकेच्या दिनांक 15.12.2004 रोजीच्या परिपत्रकानुसार बँकेच्या शाखांकडे खातेदाराची विविध प्रकारची जी ठेव व कर्ज स्वरूपाची खाती आहेत अशा सर्व खात्यांचे जोखीमनुसार वर्गीकरण करणे आवश्यक आहे. तरी खातेदाराच्या खात्यांचे वर्गीकरण प्रत्येक शाखेने कशा प्रकारे करावे यासंदर्भात सदर धोरण तयार करण्यात आले आहे. उद्देश प्रस्तुत धोरण तयार करण्याचा उद्देश Know Your Customer संदर्भातील रिझर्व्ह बँकेने केलेल्या सुचनांची काटेकोरपणे अंमलबजावणी करणे असा आहे. सध्या नवीन सेव्हिंग व करंट खाते उघडताना खातेदाराकडून पुढीलप्रमाणे कागदपत्रे घेण्यात येतात.

अ) बँकेने तयार केलेल्या नमुन्यातील अकॉंट ओपनिंग फॉर्म ज्यावर खातेदाराने सही केलेली असते. अशा अकॉंट ओपनिंग फॉर्ममधील सर्व माहिती खातेदाराकडून भरून घेण्यात येते. अशा फॉर्मसोबत पुढील स्वरूपाची माहितीही घेण्यात येते. त्यास Customer Profile असे म्हणण्यात येते. सर्वसाधारणपणे असे Customer Profile व्यक्ती (Individual) यांचेकडून घेण्यात येते. याचा उपयोग त्या व्यक्तीच्या खात्यांवरील व्यवहारांवर नियंत्रण ठेवणे असा आहे.

1. खातेदाराचा व्यवसाय/धंदा 2. खातेदाराचे उत्पनाचे मार्ग उदा. पगार, व्यवसायाचा नफा, भाड्याचे उत्पन, शेती उत्पन इ. 3. खातेदाराचे मासिक उत्पन 4. व्यवसाय असल्यास वार्षिक उलाढाल 5. जन्म दिनांक 6. शैक्षणिक अर्हता 7. सध्या घेण्यात आलेल्या कर्जाचा तपशिल 8. नावावरील मालमत्तेचे अंदाजे मुल्य 9. Networth

सेव्हिंग खात्याच्या बाबतीत प्रत्येक नवीन व जुन्या खातेदाराकडून वरीलप्रमाणे माहिती घेणे आवश्यक आहे. संयुक्त खात्याच्या बाबतीत दोन्ही व्यक्तींचा वरीलप्रमाणे तपशील घेणे आवश्यक आहे.

ब) नमुना सहीचे कार्ड

क) जी व्यक्ती खात्यावर व्यवहार करणार आहे अशा व्यक्तीचा सध्याचा फोटो घ्यावा.

ड) खातेदाराची आयडेंटिटी सिध्द करण्यासाठी पुढीलपैकी एका कागदपत्राची प्रमाणित केलेली झेरॉक्स प्रत घेणे आवश्यक आहे.

1. पासपोर्ट

2. मतदान ओळखपत्र

3. पॅन कार्ड

4. सरकारी नोकरीतील आय.डी. कार्ड

5. ड्रायव्हिंग लायसन्स.

6. आधारकार्ड

या सर्व कागदपत्रांवर खातेदाराचा फोटो असल्यामुळे त्याची आयडेंटिटी सिध्द होते. जर खातेदाराने पॅन नंबर काढला नसेल व तो शेतकरी असेल तर त्याच्याकडून फॉर्म नंबर 60 नमुन्यात डीक्लरेशन घ्यावे.

राजारामबापू सहकारी बँक लि., पेट.

(शेड्युल्ड बँक)

प्रधान कार्यालय, पेट. ता. वाळवा, जि. सांगली.



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वरील नमुद केल्याप्रमाणे कार्यवाही करत असताना KYC पॉलिसी अंतर्गत आधार कार्ड हे ID व Address Proof म्हणुन ग्राह्य धरले जाईल. जर आधारकार्डची प्रत्यक्ष प्रत (Hard Copy) उपलब्ध नसेल तर बँक ई आधार कार्ड ऑफिशियल साईट वरुन डाऊनलोड करुन ID Proof व Address Proof म्हणुन वापरू शकतो.

इ) खातेदाराच्या सध्याच्या रहिवासाची खातरजमा करण्यासाठी पुढीलपैकी एखादे कागदपत्र घेणे आवश्यक आहे.

1. विद्युत बिल
2. टेलिफोन बिल
3. पोस्टपेड मोबाईल फोन बिल
4. Piped गॅस बिल
5. पाणीपट्टी
6. पगार स्लिप
7. आयकर असेसमेंट ऑर्डर
8. वीज बिल
9. रेशन कार्ड
10. आधार कार्ड

KYC पॉलिसी अंतर्गत वरील नमुद केलेप्रमाणे कार्यवाही करत असताना बँकेने कायमचा रहिवाशी पत्ता किंवा सध्याचा रहिवाशी पत्ता यापैकी एकाची KYC कागदपत्रे मिळत नसतील तर त्यांचा आग्रह धरू नये. म्हणजेच ग्राहकाने जर कायमचा रहिवाशी पत्त्याबाबतची KYC कागदपत्रे सादर केल्यास खाते उघडण्यास हरकत नाही. बँकानी सध्याच्या रहिवाशी पत्त्याबाबतचा पुरावा सादर करणेबाबत आग्रह धरुन संभाव्य ग्राहकांना थांबवू नयेत.

तसेच ग्राहकाने खाते उघडण्यासाठी रहिवाशी पुरावा म्हणुन सादर केलेल्या पत्त्यामध्ये काही बदल झालेस त्यासंबंधीची कागदपत्रे बँकेला तिन महिन्यांचे आत सादर करणे आवश्यक आहे. जर कायमचा रहिवाशी पत्त्याचा पुरावा सादर केला असेल तर पत्रव्यवहारासाठीचा पत्ता घेताना त्याचा (पत्रव्यवहार पत्ता) पुरावा घेण्याची आवश्यकता नाही. जर काही कारणास्तव ग्राहकाच्या पत्त्यामध्ये बदल झालेस त्यासंबंधीत ग्राहकाने दोन आठवड्यांच्या आत बँकेला पत्त्यामधील बदलासंबंधीची माहितीपर नोटीस देणे बंधनकारक आहे.

फ) करंट खात्याच्या बाबतीत पुढीलप्रमाणे कागदपत्रे घेणे आवश्यक आहे.

1. कंपनी घटनापत्र व नियमावली प्रत तसेच कंपनी नोंदणी दाखला, कंपनी संचालक मंडळ सभेतील करंट खाते उघडणेसंदर्भातील ठराव, करंट खाते वापरणेसंदर्भातील अधिकार देणारा ठराव, संचालक सदस्यांची नाव पत्त्यासह यादी.

2. भागीदारी फर्मचे नवे करंट खाते उघडताना भागीदारी करारपत्र, भागीदारीचे पत्र, भागीदारी नोंदणीचा दाखला (असा दाखला मिळाला नसल्यास फॉर्म झेरॉक्स प्रत व भागीदारी नोंदणीसाठी पाठविलेल्या पत्राची झेरॉक्स प्रत व फी भरलेचे चलन)

3. शैक्षणिक संस्था अथवा कोणत्याही नोंदणीकृत न्यासाच्या नावे करंट खाते उघडताना त्या संस्थेचे घटनापत्रक, नियमावली/ ट्रस्ट डीड, नोंदणीचा दाखला, विश्वस्त मंडळाची पत्त्यासह यादी तसेच करंट खाते चालविणेसंदर्भात ज्यांना अधिकार दिले त्यासंदर्भातील ठराव.

4. हिंदु एकत्र कुटुंब पध्दती (H.U.F.) यांच्या नावे करंट अथवा सेव्हींग खाते उघडताना कर्त्याने सही केलेले डिक्लेरेशन, H.U.F. च्या सर्व सभासदांनी सह्या केलेले विशिष्ट नमुन्यातील पत्र, कर्त्याचा फोटो, कर्त्याचा रहिवाशी पुरावा, पॅन कार्ड अथवा फॉर्म नंबर 60 मधील डिक्लेरेशन इ. कागदपत्रे घेण्यात यावीत.

5. वरील 1 ते 4 मध्ये नमुद केल्याप्रमाणे महत्वाची कागदपत्रे खातेदाराच्या संघटनेनुसार घेणे जरूर आहे. त्याशिवाय पुढील कागदपत्रे घ्यावीत.

राजारामबापू सहकारी बँक लि., पेट.

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1. पॅन कार्ड झेरॉक्स
2. पॅन नंबर नसल्यास नमुना क्रमांक 60 मधील निवेदन
3. अकॉउंट ओपनिंग फॉर्मवर सर्व भागीदारांच्या सह्या / खाते चालविणारा विश्वस्त व कंपनी संचालक यांच्या सह्या असाव्यात. तसेच भागीदारी / विश्वस्त / कंपनी संचालक खाते चालविणार आहेत त्या सर्वांचे फोटो, पॅन नंबर, रहिवाशी पुरावा इ. कागदपत्रे घ्यावीत.
4. वरील 1 ते 3 संघटनेच्या नावावरील वीज बिल / इलेक्ट्रीसिटी बिल / उद्योग आधार / व्यवसाय चालू असलेचा दाखला इ. पैकी एक कागदपत्र व्यवसायाचा पत्ता खात्री करण्यासाठी घेण्यात यावा.
5. खाते उघडण्याच्या फॉर्मवर ओळखी दाखल त्याच शाखेकडील करंट खाते असणा-याची सही घेणेत यावी. नवीन खाते उघडताना वरीलप्रमाणे कागदपत्रांची पूर्तता केल्यानंतरच सेव्हिंग्ज अथवा करंट स्वरूपाचे खाते उघडावे असा Know Your Customer या Guidelines चा उद्देश आहे. अशा प्रकारे Know Your Customer ची पूर्तता करून जी खाती बँकेच्या शाखांमार्फत आजपर्यंत उघडण्यात आलेली आहेत त्या प्रत्येक खात्याचे जोखमीनुसार वर्गीकरण करणे आवश्यक आहे. असे वर्गीकरण कशा प्रकारे करावयाचे याबाबतचा तपशील पुढील परिच्छेदात दिला आहे.

II) Risk Management-

1. व्यवहारातील वेगवेगळे धोके व त्यावरील कृती -

1. पतविश्वासाला होणारा धोका -Reputation Risk

ठेवीदार, कर्जदार व इतर आर्थिक संस्थांमध्ये असणारी पत व प्रतिष्ठा अशा प्रकारच्या व्यवहारांमुळे धोक्यात येऊ शकते.

2. दोष दुरुस्तीच्या विलंबामुळे होणारा धोका - Compliance Risk

या संबंधित कायद्याने अधिकृत केलेल्या मार्गदर्शक सूचनांचे योग्य पालन न केल्यास बँकेस होणारी शिक्षा / दंड इत्यादी.

3. कामकाजातील अपूर्णतेतील त्रुटीमुळे होणारे धोके - Operational Risk

या संबंधात आखून दिलेल्या सूचनांचे पालन/ अपूर्ण माहितीमुळे केलेल्या चुका/अंतर्गत त्रुटी व व्यवसायाबाहेरील (External) घटनांमध्ये निर्माण होणारे व्यावसायिक धोके.

4. कायदेशीर धोके - Legal Risk-

कायदेशीर / मार्गदर्शक सूचनांचे पालन न केल्यामुळे बँकेवर कायदेशीर कारवाईचा धोका.

5. ग्राहकांच्या जोखीम वर्गीकरणाबाबत व्यापक दृष्टीकोनातून केले जावे.

6. एखाद्या ठराविक कारणानुसार ग्राहकाचे जोखीम वर्गानुसार केल्यास ते गोपनीय करणेत येईल आणि याबाबत ग्राहकाला कोणतीही माहिती दिली जाणार नाही.

2. Money Laundering Act व त्यातील तरतूदीनुसार बँकेच्या खातेदाराशी असलेले संबंध खालील गोष्टींवर साधारणपणे अवलंबून असतात.

1. खातेदाराचा प्रकार व धंद्याचा प्रकार.
2. उत्पादनाचा प्रकार व खातेदार उपभोगित असलेली सेवा.



3. वास्तव्य करत असलेल्या देशाचे नांव. (भौगोलीक स्थिती)

3. वरील सर्व प्रकारच्या वर्गीकरणानुसार खातेदारांचे तीन प्रकारे वर्गीकरण करण्यात येईल.

- A. उच्च जोखीम.
- B. मध्यम जोखीम.
- C. कमी जोखीम.

बँकेने जोखीम वर्गीकरण करताना खातेदाराची Identity, सामाजिक आर्थिक स्थिती, व्यवसायाचे स्वरूप नेटवर्थ आणि पक्षकाराचा व्यवसाय व त्याचे ठिकाण (Geographic Area) याबाबतची माहिती या निकषावरती खातेदाराची जोखीम ठरवणेत यावी.

A) **उच्च जोखीम - Money Laundering** शक्य असलेल्या धंद्याशी संबंधित व्यवसाय असा की

- 1. प्राचीन काळच्या संग्रहीत वस्तूंचा व्यापार (वैयक्तीक व संस्थाकडून केला जाणारा), पैशाबाबत सेवा देणा-या संस्था (संस्थेतील कर्मचारी नव्हे) आणि शस्त्रविक्री व्यवसायातील व्यक्ती.
- 2. उच्च जोखीम असलेल्या राष्ट्रामध्ये राहणा-या व्यक्तींची (नागरीकत्व नव्हे) प्रत्येक बँकेने स्वतःची अशी यादी बनवावी व ती वेळोवेळी अद्यावत / दुरुस्त करावी.
- 3. राजकीय परकीय निर्वासित व्यक्ती - अशा बाबतीत बँकांनी त्यांच्या पैशाबद्दलच्या मूळ स्रोताबद्दल अधिक माहिती मिळवावी. वरिष्ठ अधिका-याकडून अशी खाती उघडण्यात यावीत.

B) **मध्यम जोखीम -** बँकेने प्रत्येक धंद्यासाठी आवश्यक अशी Credit Limits ठरवून त्यापेक्षा जास्त उलाढाल असलेली सर्व चालू खाती (यामध्ये Listed Companies, नियंत्रित कंपन्या इत्यादींचा समावेश असेल.)

C) **कमी जोखीम -** वरील दोन्ही प्रकारामध्ये नसलेले इतर सर्व हे कमी जोखीम असलेले खातेदार असतील. त्याचप्रमाणे त्यांच्या माहितीनुसार बँकेने खातेदारांची जोखीम ठरवावी व त्याप्रमाणे वर्गीकरण करावे. सर्व कर्जदार/खातेदार ज्याच्याबद्दल सर्व प्रकारच्या माहितीची खात्री केली आहे असे या वर्गीकरणामध्ये येऊ शकतील.

वरील नमुद केले प्रमाणे कार्यवाही करत असताना High Risk उच्च जोखीम खातेदारांची प्रत्येक 2 वर्षातून एकदा, मध्यम जोखीम खातेदारांची दर 8 वर्षातून एकदा व कमी जोखीमच्या खातेदारांची दर 10 वर्षातून एकदा KYC कादगपत्रे फेरतपासणी करावयाची आहेत. जर खातेदाराने पॅनकार्ड सह KYC कागदपत्रांची पूर्तता केली नाही तर त्याला किमान 3 महिन्याची मुदत देवुन पूर्तता करणेस सांगावे. जर त्यानंतरही पूर्तता झाली नाही तर खाते Debit Freeze करावे. त्यानंतर मात्र बँक कधीही त्यांचे खाते क्लोज करू शकते. तसेच ग्राहक देखील खाते केव्हाही क्लोज करू शकतो.

4. खालील प्रकारची खाती उघडताना विशेषतः अधिक काळजी घ्यावी.

- 1. Trusts Accounts
- 2. खाते उघडताना प्रत्यक्ष संवाद नसलेले खातेदार.



3. Correspondent Banking
4. Fiduciary Account - प्रत्ययी खाती.
5. Pooled Accounts - समुहीत खाती.

5. जोखीम व्यवस्थापन-

1. AML मधील तरतुदींची अंमलबजावणी बँकेने करणे आवश्यक असल्याने, त्याबद्दल आवश्यक रुपरेखा, व्यवस्था, नियंत्रण व इतर गोष्टींचे व्यवस्थापन केले जाईल.
2. बँकेचे अंतर्गत लेखाव्यवस्थापन KYC/AML च्या अंमलबजावणीबाबत आवश्यक ते कायदेशीर नियंत्रणात्मक नियमाबाबत स्वतंत्ररित्या मुल्यमापन करेल. कंकरंट व अंतर्गत ऑडीटर्स सर्व शाखांमध्ये KYC/AML च्या नियमांचे पालन होत आहे की नाही हे पाहतील आणि त्याप्रमाणे त्रुटींबद्दल अहवालामध्ये उल्लेख केला जाईल. याबद्दलचा दोष दुरुस्ती अहवाल बँकेच्या ऑडीट कमिटीपुढे वेळोवेळी ठेवला जाईल.
3. सर्व कर्मचा-यांना KYC/AML नियमाबद्दलचे प्रशिक्षण दिले जाईल.
4. बँकेने नेमलेला Principal Officer याबद्दल सर्व कायदेशीर अंमलबजावणीसाठी जबाबदार असेल.

6. ग्राहकांचे प्रशिक्षण- KYC/AML च्या कायदेशीर तरतुदी व त्याचे बँकेच्या व्यवहारांमध्ये पालन याची ग्राहकांना बँकेच्यावतीने योग्य जाणीव करून देणे आवश्यक आहे.

7. नवीन तंत्रज्ञानाचा उपयोग/आरंभ - KYC/AML च्या नियमावलीच्या अंमलबजावणीसाठी आवश्यक असणा-या नवनवीन तंत्रज्ञानाचा उपयोग बँकेने आपल्या व्यवहारांमध्ये नियमित करणे आवश्यक असेल.

8. सध्या असलेल्या ग्राहकांची KYC ची तपासणी.-

1. बँकेतील जुन्या व नविन सर्व खातेदारांना/ग्राहकांना KYC/AML चे नियम लागू असतील.
2. सध्या अस्तित्वात असलेल्या सर्व खात्यांचे KYC/AML च्या दृष्टीने monitoring करणे चालू असेल.
3. सध्या असलेल्या खात्यांच्या म्हणजेच कंपन्या , दुकान , पेढी , ट्रस्ट , धर्मादायी संस्था , आर्थिक संघटना आणि इतर संघटना यांच्याबाबत सुध्दा आवश्यक KYC नियमावली व संशयास्पद व्यवहारांचे Reporting कायद्याच्या आवश्यकतेनुसार करणे गरजेचे असेल.

9. बँक KYC/AML च्या अंमलबजावणी व पुर्ततेसाठी एका Principal Officer ची नेमणूक करेल व तो त्यासाठी जबाबदार असेल. साधारण त्यांच्या कामकाजात खालील गोष्टींचा अंतर्भाव असेल.

1. KYC/AML च्या नियमांची अंमलबजावणी.
2. कायद्यानुसार आवश्यक त्या Authority कडे त्यामध्ये उल्लेख केलेल्या व्यवहाराबद्दल माहिती देणे.
3. याबाबतीत सर्व कायदेकानून अंमलबजावणी संस्थांशी संपर्क ठेवणे.
4. यासाठी आवश्यक असलेली माहिती उच्च व्यवस्थापन अथवा संचालक मंडळास वेळोवेळी देणे.

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5. प्रिन्सीपल ऑफिसर हा RE ने मॅनेजमेंट लेवलचा असला पाहिजे की जो MD चे रूल नुसार
माहिती पुरवितो. (Amended 10/11/2023 BOD)

III) Custmor Identification Procedure - (C.I.P.)

1. या धोरणाच्या मुख्य / ठळकपणे ध्यानात घ्यावयाच्या गोष्टी-

1. Customer Identification - खातेदाराची ओळख.
2. A) सर्वात प्रथम जो कोणी खातेदार / ग्राहक असेल त्याची संपूर्णतः ओळख पटवणे.
B) त्यानंतर त्या ग्राहकाची आवश्यक सर्व माहिती गोळा करणे, ज्यायोगे तो करणार असलेल्या व्यवसायाची माहिती व त्या संबंधातील व्यवहारांची माहिती होईल. ही माहिती त्याच्याविषयीची रूपरेषा (Profile) बनविण्यासाठी उपयोगी पडेल.

Bank shall undertake identification of customers in the following cases:

- (a) Commencement of an account-based relationship with the customer.
- (b) Carrying out any international money transfer operations for a person who is not an account holder of the bank.
- (c) When there is a doubt about the authenticity or adequacy of the customer identification data it has obtained.
- (d) Selling third party products as agents, selling their own products, payment of dues of credit cards/sale and reloading of prepaid/travel cards and any other product for more than rupees fifty thousand.
- (e) Carrying out transactions for a non-account-based customer, that is a walk-in customer, where the amount involved is equal to or exceeds rupees fifty thousand, whether conducted as a single transaction or several transactions that appear to be connected.
- (f) When bank has reason to believe that a customer (account- based or walk-in) is intentionally structuring a transaction into a series of transactions below the threshold of rupees fifty thousand.
- (g) Bank shall ensure that introduction is not to be sought while opening accounts.

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For the purpose of verifying the identity of customers at the time of commencement of an account-based relationship, Bank, shall at their option, rely on customer due diligence done by a third party, subject to the following conditions:

~~(a) Records or the information of the customer due diligence carried out by the third party is obtained within two days from the third party or from the Central KYC Records Registry.~~

Records or the information of the customer due diligence carried out by the third party is obtained immediately from the third party or from the Central KYC Records Registry.

(Amended 10/11/2023 BOD)

(b) Adequate steps are taken by Bank to satisfy themselves that copies of identification data and other relevant documentation relating to the customer due diligence requirements shall be made available from the third party upon request without delay.

(c) The third party is regulated, supervised or monitored for, and has measures in place for, compliance with customer due diligence and record-keeping requirements in line with the requirements and obligations under the PML Act.

(d) The third party shall not be based in a country or jurisdiction assessed as high risk.

(e) The ultimate responsibility for customer due diligence and undertaking enhanced due diligence measures, as applicable, will be with the bank.

2. ओळख -

1. खातेदाराच्या नावाची खात्री.

2. लाभधारक.

3. खाते उघडणा-यांच्या सहा.

4. मध्यस्थ.

5. ग्राहकांची ओळख खालीलप्रमाणे करण्यात यावी.

i. बँकेशी व्यावसायिक संबंध निर्माण होतेवेळी.

ii. सध्याच्या ग्राहकांच्या खात्यातील व्यवहारांची पध्दत/आचरण पाहून अतिरीक्त माहिती बँकेला जरूरी भासल्यास मागवणे.

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- iii. जिथे आवश्यक असेल तेथे धंद्याचे स्वरूप, ठिकाण, रकमांच्या देवाणघेवाणीचे प्रकार, एकुण उलाढाल, सामाजिक व आर्थिक दर्जा इत्यादी गोष्टींची माहिती, ग्राहकांची माहिती/ओळख पटवण्यासाठी जमा करावी.
- iv. त्याचप्रमाणे ग्राहकांचे तीन गटांमध्ये मुख्य जोखीम, मध्यम जोखीम व कमी जोखीम असे वर्गीकरण करावे व त्याचा वेळोवेळी आढावा घ्यावा.
- v. खाते असलेला ग्राहक व एकदाच मोठ्या रकमेचा व्यवहार करण्यासाठी आलेला, खाते नसलेला ग्राहक ह्या सर्वांची ओळख पटवणे आवश्यक आहे. त्याचप्रमाणे बँकेच्या प्रतिष्ठेला त्यांच्या आर्थिक व्यवहाराने धोका निर्माण करण्याची शक्यता असलेल्या सर्व ग्राहकांची आवश्यक तेवढी काळजीपूर्वक ओळख प्रक्रिया पार पडली पाहिजे.
- vi. सर्वसामान्य लोकांना बँकींग व्यवहाराची सुविधा उपलब्ध करून देण्यासाठी व कमी उत्पन्न गटातील लोक ह्या सुविधेपासून वंचित राहू नयेत म्हणून ओळखीसाठीच्या/पत्त्याच्या कागदपत्रांच्या पुर्ततेमध्ये शहरी/निमशहरी भागातील ग्राहकांच्या बाबतीत लवचिकता ठेवण्यात आली पाहिजे. (भारतीय रिझर्व्ह बँकेच्या याबाबतीतल्या धोरणानुसार)
- vii. आपला ग्राहक ओळखा ह्या धोरणाची अंमलबजावणी करताना कोणीही बँकींग सुविधांपासून वंचित होणार नाही, विशेषतः जे आर्थिक व सामाजिक दृष्ट्या मागे आहेत. शहरी/ग्रामीण विभागातील अल्प उत्पन्न गटातील लोक केवळ ते ओळख किंवा राहण्याच्या ठिकाणाची कागदपत्रे सादर करू शकत नाहीत म्हणून त्यांना बँकींग सुविधा नाकारू नयेत. अशा लोकांच्यासाठी ज्यांची शिल्लक रु.50,000/- रुपयापेक्षा जास्त असणार नाही, त्यांच्यासाठी सोपी केलेली आपला ग्राहक ओळखा च्या मार्गदर्शक प्रक्रीयांचा अवलंब करावा. (भारतीय रिझर्व्ह बँकेच्या मार्गदर्शक सुचनांनुसार)
- viii. अपवादात्मक परिस्थितीत जसे मृत्युचे दावे, मदत इत्यादी. यासाठी सरकारी अथवा अशाच इतर संस्थांकडून मिळालेली फक्त मदतीची रक्कमच जमा करण्यासाठी एकदाच येणा-या व्यक्तीसाठी वरीलप्रमाणे के.वाय.सी.चे नियम शिथिल करून खाते उघडता येईल.

• Customer Due Diligence Procedure-

i. Customer Due Diligence (CDD) Procedure in case of Individuals

For undertaking CDD, bank shall obtain the following from an individual while establishing an account-based relationship or while dealing with the individual who is a beneficial owner, authorised signatory or the power of attorney holder related to any legal entity:

(a) the Aadhaar number where,

(i) he is desirous of receiving any benefit or subsidy under any scheme notified under section 7 of the Aadhaar (Targeted Delivery of Financial and Other subsidies, Benefits and Services) Act, 2016 (18 of 2016); or

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- (ii) he decides to submit his Aadhaar number voluntarily to a bank or any REs notified under first proviso to sub-section (1) of section 11A of the PML Act; or
- (aa) the proof of possession of Aadhaar number where offline verification can be carried out; or
- (ab) the proof of possession of Aadhaar number where offline verification cannot be carried out or any OVD or the equivalent e-document thereof containing the details of his identity and address; and
- (ac) the KYC identifier with an explicit consent to download records from CKYCR
- (b) the Permanent Account Number or the equivalent e-document thereof or Form No. 60 as defined in Income-tax Rules, 1962; and
- (c) such other documents including in respect of the nature of business and financial status of the customer, or the equivalent e-documents thereof as may be required by the bank:

Provided that where the customer has submitted,

- i) Aadhaar number under clause (a) above to a bank or to a bank notified under first proviso to sub-section (1) of section 11A of the PML Act, such bank or bank shall carry out authentication of the customer's Aadhaar number using e-KYC authentication facility provided by the Unique Identification Authority of India. Further, in such a case, if customer wants to provide a current address, different from the address as per the identity information available in the 16 Central Identities Data Repository, he may give a self-declaration to that effect to the bank.
- ii) Proof of possession of Aadhaar under clause (aa) above where offline verification can be carried out, the bank shall carry out offline verification.
- iii) an equivalent e-document of any OVD, the bank shall verify the digital signature as per the provisions of the Information Technology Act, 2000 (21 of 2000) and any rules issues thereunder and take a live photo as specified under Annex I.

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iv) any OVD or proof of possession of Aadhaar number under clause (ab) above where offline verification cannot be carried out, the bank shall carry out verification through digital KYC as specified under Annex I.

v) KYC Identifier under clause (ac) above the RE shall retrieve the KYC records online from the CKYCR in accordance with Section 56

Provided that for a period not beyond such date as may be notified by the Government for a class of REs, instead of carrying out digital KYC, the bank pertaining to such class may obtain a certified copy of the proof of possession of Aadhaar number or the OVD and a recent photograph where an equivalent e-document is not submitted.

Provided further that in case e-KYC authentication cannot be performed for an individual desirous of receiving any benefit or subsidy under any scheme notified under section 7 of the Aadhaar (Targeted Delivery of Financial and Other subsidies, Benefits and Services) Act, 2016 owing to injury, illness or infirmity on account of old age or otherwise, and similar causes, bank shall, apart from obtaining the Aadhaar number, perform identification preferably by carrying out offline verification or alternatively by obtaining the certified copy of any other OVD or the equivalent e-document thereof from the customer. CDD done in this manner shall invariably be carried out by an official of the bank and such exception handling shall also be a part of the concurrent audit as mandated in Section 8. bank shall ensure to duly record the cases of exception handling in a centralised exception database. The database shall contain the details of grounds of granting exception, customer details, name of the designated official authorising the exception and additional details, if any. The database shall be subjected to periodic internal audit/inspection by the bank and shall be available for supervisory review. Explanation 1: bank shall, where its customer submits a proof of possession of Aadhaar Number containing Aadhaar Number, ensure that such customer redacts or blacks out his Aadhaar number through appropriate means where the authentication of Aadhaar number is not required as per proviso (i) above.

Explanation 2: Biometric based e-KYC authentication can be done by bank official/business correspondents/business facilitators.

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Explanation 3: The use of Aadhaar, proof of possession of Aadhaar etc., shall be in accordance with the Aadhaar (Targeted Delivery of Financial and Other Subsidies Benefits and Services) Act, 2016 and the regulations made there under.

Accounts opened using OTP based e-KYC, in non-face-to-face mode, are subject to the following conditions:

i. There must be a specific consent from the customer for authentication through OTP.

ii) ⁴⁴As a risk-mitigating measure for such accounts, REs shall ensure that transaction alerts, OTP, etc., are sent only to the mobile number of the customer registered with Aadhaar. REs shall have a board approved policy delineating a robust process of due diligence for dealing with requests for change of mobile number in such accounts.

iii. the aggregate balance of all the deposit accounts of the customer shall not exceed rupees one lakh. In case, the balance exceeds the threshold, the account shall cease to be operational, till CDD as mentioned at (v) below is complete.

iv. the aggregate of all credits in a financial year, in all the deposit accounts taken together, shall not exceed rupees two lakh.

v. As regards borrowal accounts, only term loans shall be sanctioned. The aggregate amount of term loans sanctioned shall not exceed rupees sixty thousand in a year.

vi. Accounts, both deposit and borrowal, opened using OTP based e-KYC shall not be allowed for more than one year unless identification as per Section 16 or as per Section 18 (V-CIP) is carried out, If Aadhaar details are used under Section 18, the process shall be followed in its entirety including fresh Aadhaar OTP authentication.

vii. If the CDD procedure as mentioned above is not completed within a year, in respect of deposit accounts, the same shall be closed immediately. In respect of borrowal accounts no further debits shall be allowed.

viii. 21A declaration shall be obtained from the customer to the effect that no other account has been opened nor will be opened using OTP based KYC in non-face-to-face mode with any other bank. Further, while uploading KYC information to CKYCR, bank

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shall clearly indicate that such accounts are opened using OTP based e-KYC and other bank shall not open accounts based on the KYC information of accounts opened with OTP based e-KYC procedure in non-face-to-face mode.

ix. Bank shall have strict monitoring procedures including systems to generate alerts in case of any non-compliance/violation, to ensure compliance with the above mentioned conditions.

Bank may undertake live V-CIP carry out

i) CDD in case of new customer on-boarding for individual customers, proprietor in case of proprietorship firm, authorised signatories and Beneficial Owners (BOs) in case of Legal Entity (LE) customers. Provided that in case of CDD of a proprietorship firm, Bank shall also obtain the equivalent e-document of the activity proofs with respect to the proprietorship firm, as mentioned in Section 28 and Section 29, apart from undertaking CDD of the proprietor.

ii) Conversion of existing accounts opened in non-face to face mode using Aadhaar OTP based e-KYC authentication as per Section 17.

iii) Updation/Periodic updation of KYC for eligible customers.

(a) V-CIP Infrastructure

(i) The bank should have complied with the RBI guidelines on minimum baseline cyber security and resilience framework for banks, as updated from time to time as well as other general guidelines on IT risks. The technology infrastructure should be housed in own premises of the bank and the V-CIP connection and interaction shall necessarily originate from its own secured network domain. Any technology related outsourcing for the process should be compliant with relevant RBI guidelines. ⁵⁰Where cloud deployment model is used, it shall be ensured that the ownership of data in such model rests with the RE only and all the data including video recording is transferred to the RE's exclusively owned / leased server(s) including cloud server, if any, immediately after the V-CIP process is completed and no data shall be retained by the cloud service provider or third-party technology provider assisting the V-CIP of the RE.

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- (ii) The bank shall ensure end-to-end encryption of data between customer device and the hosting point of the V-CIP application, as per appropriate encryption standards. The customer consent should be recorded in an auditable and alteration proof manner.
- (iii) The V-CIP infrastructure / application should be capable of preventing connection from IP addresses outside India or from spoofed IP addresses.
- (iv) The video recordings should contain the live GPS co-ordinates (geo-tagging) of the customer undertaking the V-CIP and date-time stamp. The quality of the live video in the V-CIP shall be adequate to allow identification of the customer beyond doubt.
- (v) The application shall have components with face liveness / spoof detection as well as face matching technology with high degree of accuracy, even though the ultimate responsibility of any customer identification rests with the bank. Appropriate artificial intelligence (AI) technology can be used to ensure that the V-CIP is robust.
- (vi) Based on experience of detected / attempted / 'near-miss' cases of forged identity, the technology infrastructure including application software as well as work flows shall be regularly upgraded. Any detected case of forged identity through V-CIP shall be reported as a cyber security event under extant regulatory guidelines.
- (vii) ⁵¹The V-CIP infrastructure shall undergo necessary tests such as Vulnerability Assessment, Penetration testing and a Security Audit to ensure its robustness and end-to-end encryption capabilities. Any critical gap reported under this process shall be mitigated before rolling out its implementation. Such tests should be conducted by the empanelled auditors of Indian Computer Emergency Response Team (CERT-In). Such tests should also be carried out periodically in conformance to internal / regulatory guidelines.
- (viii) The V-CIP application software and relevant APIs / webservices shall also undergo appropriate testing of functional, performance, maintenance strength before being used in live environment. Only after closure of any critical gap found during such tests, the application should be rolled out. Such tests shall also be carried out periodically in conformity with internal/ regulatory guidelines.
- (b) V-CIP Procedure**

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(i) Each RE shall formulate a clear work flow and standard operating procedure for V-CIP and ensure adherence to it. The V-CIP process shall be operated only by officials of the bank specially trained for this purpose. The official should be capable to carry out liveness check and detect any other fraudulent manipulation or suspicious conduct of the customer and act upon it.

(ii) ⁵¹Disruption of any sort including pausing of video, reconnecting calls, etc., should not result in creation of multiple video files. If pause or disruption is not leading to the creation of multiple files, then there is no need to initiate a fresh session by the RE. However, in case of call drop / disconnection, fresh session shall be initiated.

(iii) The sequence and/or type of questions, including those indicating the liveness of the interaction, during video interactions shall be varied in order to establish that the interactions are real-time and not pre-recorded.

(iv) Any prompting, observed at end of customer shall lead to rejection of the account opening process.

(v) The fact of the V-CIP customer being an existing or new customer, or if it relates to a case rejected earlier or if the name appearing in some negative list should be factored in at appropriate stage of work flow.

(vi) The authorised official of the bank performing the V-CIP shall record audio-video as well as capture photograph of the customer present for identification and obtain the identification information using any one of the following:

a) OTP based Aadhaar e-KYC authentication

b) Offline Verification of Aadhaar for identification

c) KYC records downloaded from CKYCR, in accordance with Section 56, using the KYC identifier provided by the customer

d) Equivalent e-document of Officially Valid Documents (OVDs) including documents issued through DigiLocker

Bank shall ensure to redact or blackout the Aadhaar number in terms of Section 16.

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⁵³In case of offline verification of Aadhaar using XML file or Aadhaar Secure QR Code, it shall be ensured that the XML file or QR code generation date is not older than three working days from the date of carrying out V-CIP.

⁵⁴Further, in line with the prescribed period of three days for usage of Aadhaar XML file / Aadhaar QR code, REs shall ensure that the video process of the V-CIP is undertaken within three working days of downloading / obtaining the identification information through CKYCR / Aadhaar authentication / equivalent e-document, if in the rare cases, the entire process cannot be completed at one go or seamlessly. However, REs shall ensure that no incremental risk is added due to this.

(vii) If the address of the customer is different from that indicated in the OVD, suitable records of the current address shall be captured, as per the existing requirement. It shall be ensured that the economic and financial profile/information submitted by the customer is also confirmed from the customer undertaking the V-CIP in a suitable manner.

(viii) Bank shall capture a clear image of PAN card to be displayed by the customer during the process, except in cases where e-PAN is provided by the customer. The PAN details shall be verified from the database of the issuing authority including through DigiLocker.

(ix) Use of printed copy of equivalent e-document including e-PAN is not valid for the V-CIP.

(x) The authorised official of the bank shall ensure that photograph of the customer in the Aadhaar/OVD and PAN/e-PAN matches with the customer undertaking the V-CIP and the identification details in Aadhaar/OVD and PAN/e-PAN shall match with the details provided by the customer.

(xi) Assisted V-CIP shall be permissible when banks take help of Business Correspondents (BCs) facilitating the process only at the customer end. Banks shall maintain the details of the BC assisting the customer, where services of BCs are utilized. The ultimate responsibility for customer due diligence will be with the bank.

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(xii) All accounts opened through V-CIP shall be made operational only after being subject to concurrent audit, to ensure the integrity of process and its acceptability of the outcome.

(xiii) All matters not specified under the paragraph but required under other statutes such as the Information Technology (IT) Act shall be appropriately complied with by the bank.

V-CIP Records and Data Management

(i) The entire data and recordings of V-CIP shall be stored in a system / systems located in India. Bank shall ensure that the video recording is stored in a safe and secure manner and bears the date and time stamp that affords easy historical data search. The extant instructions on record management, as stipulated in this MD, shall also be applicable for V-CIP.

(ii) The activity log along with the credentials of the official performing the V-CIP shall be preserved.

SMALL Account-

Notwithstanding anything contained in Section 16 (as per MD.-KYC Direction,2016) and as an alternative thereto, in case an individual who desires to open a bank account, banks shall open a 'Small Account', which entails the following limitations:

- i. the aggregate of all credits in a financial year does not exceed rupees one lakh;
- ii. The aggregate of all withdrawals and transfers in a month does not exceed rupees ten thousand; and
- iii. The balance at any point of time does not exceed rupees fifty thousand.

Provided, that this limit on balance shall not be considered while making deposits through Government grants, welfare benefits and payment against procurements.

Further, small accounts are subject to the following conditions:

- (a) The bank shall obtain a self-attested photograph from the customer.
- (b) The designated officer of the bank certifies under his signature that the person opening the account has affixed his signature or thumb impression in his presence. Provided that where the individual is a prisoner in a jail, the signature or thumb print shall

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be affixed in presence of the officer in-charge of the jail and the said officer shall certify the same under his signature and the account shall remain operational on annual submission of certificate of proof of address issued by the officer in-charge of the jail.

(c) Such accounts are opened only at Core Banking Solution (CBS) linked branches or in a branch where it is possible to manually monitor and ensure that foreign remittances are not credited to the account.

(d) Banks shall ensure that the stipulated monthly and annual limits on aggregate of transactions and balance requirements in such accounts are not breached, before a transaction is allowed to take place.

(e) The account shall remain operational initially for a period of twelve months which can be extended for a further period of twelve months, provided the account holder applies and furnishes evidence of having applied for any of the OVDs during the first twelve months of the opening of the said account.

(f) The entire relaxation provisions shall be reviewed after twenty four months.

(g) Notwithstanding anything contained in clauses (e) and (f) above, the small account shall remain operational between April 1, 2020 and June 30, 2020 and such other periods as may be notified by the Central Government.

(h) The account shall be monitored and when there is suspicion of money laundering or financing of terrorism activities or other high risk scenarios, the identity of the customer shall be established as per Section 16 or Section 18.

(i) Foreign remittance shall not be allowed to be credited into the account unless the identity of the customer is fully established as per Section 16 or Section 18.

Simplified procedure for opening accounts by Non-Banking Finance Companies

(NBFCs): In case a person who desires to open an account is not able to produce documents, as specified in Section 16, NBFCs may at their discretion open accounts subject to the following conditions:

(a) The NBFC shall obtain a self-attested photograph from the customer.

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- (b) The designated officer of the NBFC certifies under his signature that the person opening the account has affixed his signature or thumb impression in his presence.
- (c) 65The account shall remain operational initially for a period of twelve months, within which CDD as per Section 16 or Section 18 shall be carried out.
- (d) Balances in all their accounts taken together shall not exceed rupees fifty thousand at any point of time. 29
- (e) The total credit in all the accounts taken together shall not exceed rupees one lakh in a year.
- (f) The customer shall be made aware that no further transactions will be permitted until the full KYC procedure is completed in case Directions (d) and (e) above are breached by him.
- (g) The customer shall be notified when the balance reaches rupees forty thousand or the total credit in a year reaches rupees eighty thousand that appropriate documents for conducting the KYC must be submitted otherwise the operations in the account shall be stopped when the total balance in all the accounts taken together exceeds the limits prescribed in direction (d) and (e) above.
- (h) “The account shall be monitored and when there is suspicion of ML/TF activities or other high-risk scenarios, the identity of the customer shall be established as per Section 16 or Section 18.” (Amended 10/11/2023 BOD)

KYC verification once done by one branch/office of the bank shall be valid for transfer of the account to any other branch/office, provided full KYC verification has already been done for the concerned account and the same is not due for periodic updation.

CDD Measures for Sole Proprietary firms

For opening an account in the name of a sole proprietary firm, CDD of the individual (proprietor) shall be carried out.

In addition to the above, any two of the following documents or the equivalent e-documents there of as a proof of business/ activity in the name of the proprietary firm shall also be obtained:

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- (a) Registration certificate including Udyam Registration Certificate (URC) issued by the Government
- (b) Certificate/licence issued by the municipal authorities under Shop and Establishment Act.
- (c) Sales and income tax returns.
- (d) ⁷¹CST/VAT/ GST certificate.
- (e) Certificate/registration document issued by Sales Tax/Service Tax/Professional Tax authorities.
- (f) IEC (Importer Exporter Code) issued to the proprietary concern by the office of DGFT or Licence/certificate of practice issued in the name of the proprietary concern by any professional body incorporated under a statute.
- (g) Complete Income Tax Return (not just the acknowledgement) in the name of the sole proprietor where the firm's income is reflected, duly authenticated/acknowledged by the Income Tax authorities.
- (h) Utility bills such as electricity, water, landline telephone bills, etc.

In cases where it is not possible to furnish two such documents, bank may, accept only one of those documents as proof of business/activity.

Provided banks undertake contact point verification and collect such other information and clarification as would be required to establish the existence of such firm, and shall confirm and satisfy itself that the business activity has been verified from the address of the proprietary concern.

CDD Measures for Legal Entities

For opening an account of a company, certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

- (a) Certificate of incorporation
- (b) Memorandum and Articles of Association
- (c) Permanent Account Number of the company

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(d) A resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf

(e) Documents, as specified in Section 16, relating to beneficial owner, the managers, officers or employees, as the case may be, holding an attorney to transact on the company's behalf.

(f) ⁷⁵the names of the relevant persons holding senior management position; and

(g) ⁷⁶the registered office and the principal place of its business, if it is different.

For opening an account of a partnership firm, the certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

(a) Registration certificate

(b) Partnership deed

(c) Permanent Account Number of the partnership firm

(d) Documents, as specified in Section 16, relating to beneficial owner, managers, officers or employees, as the case may be, holding an attorney to transact on its behalf

(e) ⁸⁰the names of all the partners and

(f) ⁸¹address of the registered office, and the principal place of its business, if it is different.

For opening an account of a trust, certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

(a) Registration certificate

(b) Trust deed

(c) Permanent Account Number or Form No.60 of the trust

(d) Documents, as specified in Section 16, relating to beneficial owner, managers, officers or employees, as the case may be, holding an attorney to transact on its behalf

(e) ⁸⁵the names of the beneficiaries, trustees, settlor, protector if any and authors of the trust (**Amended 10/11/2023 BOD**)

(f) ⁸⁶the address of the registered office of the trust; and

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(g) ⁸⁷list of trustees and documents, as specified in Section 16, for those discharging the role as trustee and authorised to transact on behalf of the trust.

For opening an account of an **unincorporated association** or a body of individuals, certified copies of each of the following documents or the equivalent e-documents thereof shall be obtained:

- (a) Resolution of the managing body of such association or body of individuals
- (b) Permanent Account Number or Form No. 60 of the unincorporated association or a body of individuals
- (c) Power of attorney granted to transact on its behalf
- (d) Documents, as specified in Section 16, relating to beneficial owner, managers, officers or employees, as the case may be, holding an attorney to transact on its behalf and
- (e) Such information as may be required by the bank to collectively establish the legal existence of such an association or body of individuals.

Explanation: Unregistered trusts/partnership firms shall be included under the term 'unincorporated association'.

Explanation: Term 'body of individuals' includes societies.

For opening account of a customer who is a juridical person (not specifically covered in the earlier part) such as societies, universities and local bodies like village panchayats, etc., or who purports to act on behalf of such juridical person or individual or trust, certified copies of the following documents or the equivalent e-documents thereof shall be obtained and verified:

- (a) Document showing name of the person authorised to act on behalf of the entity;
- (b) Documents, as specified in Section 16, of the person holding an attorney to transact on its behalf and
- (c) Such documents as may be required by the bank to establish the legal existence of such an entity/juridical person.

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Provided that in case of a trust, the RE shall ensure that trustees disclose their status at the time of commencement of an account-based relationship or when carrying out transactions as specified in clauses (b), (e) and (f) of Section 13 of this MD.

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Identification of Beneficial Owner

For opening an account of a Legal Person who is not a natural person, the beneficial owner(s) shall be identified and all reasonable steps in terms of sub-rule (3) of Rule 9 of the Rules to verify his/her identity shall be undertaken keeping in view the following:

(a) Where the customer or the owner of the controlling interest is (i) an entity listed on a stock exchange in India, or (ii) it is an entity resident in jurisdictions notified by the Central Government and listed on stock exchanges in such jurisdictions, or (iii) it is a subsidiary of such listed entities; it is not necessary to identify and verify the identity of any shareholder or beneficial owner of such entities.

(b) In cases of trust/nominee or fiduciary accounts whether the customer is acting on behalf of another person as trustee/nominee or any other intermediary is determined. In such cases, satisfactory evidence of the identity of the intermediaries and of the persons on whose behalf they are acting, as also details of the nature of the trust or other arrangements in place shall be obtained.

On-going Due Diligence

RE shall undertake on-going due diligence of customers to ensure that their transactions are consistent with their knowledge about the customers, customers' business and risk profile; and the source of funds / wealth. **(Amended 10/11/2023 BOD)**

Without prejudice to the generality of factors that call for close monitoring following types of transactions shall necessarily be monitored:

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- (a) Large and complex transactions including RTGS transactions, and those with unusual patterns, inconsistent with the normal and expected activity of the customer, which have no apparent economic rationale or legitimate purpose.
- (b) Transactions which exceed the thresholds prescribed for specific categories of accounts.
- (c) High account turnover inconsistent with the size of the balance maintained.
- (d) Deposit of third party cheques, drafts, etc. in the existing and newly opened accounts followed by cash withdrawals for large amounts.

⁹²For ongoing due diligence, REs may consider adopting appropriate innovations including artificial intelligence and machine learning (AI & ML) technologies to support effective monitoring.

The extent of monitoring shall be aligned with the risk category of the customer.

Explanation: High risk accounts have to be subjected to more intensified monitoring.

- (a) A system of periodic review of risk categorisation of accounts, with such periodicity being at least once in six months, and the need for applying enhanced due diligence measures shall be put in place.
- (b) The transactions in accounts of marketing firms, especially accounts of Multi-level Marketing (MLM) Companies shall be closely monitored.

Explanation: Cases where a large number of cheque books are sought by the company and/or multiple small deposits (generally in cash) across the country in one bank account and/or where a large number of cheques are issued bearing similar amounts/dates, shall be immediately reported to Reserve Bank of India and other appropriate authorities such as FIU-IND.

II. Updation / Periodic updation of KYC:

~~Bank shall adopt a risk-based approach for periodic updation of KYC. However, periodic updation shall be carried out at least once in every two years for high risk customers, once in every eight years for medium risk customers and once in every ten years for low risk customers from the date of opening of the account / last KYC updation. Policy in this regard shall be documented as part of REs' internal KYC policy duly~~

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~~approved by the Board of Directors of REs or any committee of the Board to which power has been delegated.~~

REs shall adopt a risk-based approach for periodic updation of KYC ensuring that the information or data collected under CDD is kept up-to-date and relevant, particularly where there is high risk. However, periodic updation shall be carried out at least once in every two years for high-risk customers, once in every eight years for medium risk customers and once in every ten years for low-risk customers from the date of opening of the account / last KYC updation. Policy in this regard shall be documented as part of REs' internal KYC policy duly approved by the Board of Directors of REs or any committee of the Board to which power has been delegated. (Amended 10/11/2023 BOD)

a) **Individuals:** i. **No change in KYC information:** In case of no change in the KYC information, a self-declaration from the customer in this regard shall be obtained through customer's email-id registered with the RE, customer's mobile number registered with the RE, ATMs, digital channels (such as online banking / internet banking, mobile application of RE), letter, etc.

ii. **Change in address:** In case of a change only in the address details of the customer, a self-declaration of the new address shall be obtained from the customer through customer's email-id registered with the RE, customer's mobile number registered with the RE, ATMs, digital channels (such as online banking / internet banking, mobile application of RE), letter, etc., and the declared address shall be verified through positive confirmation within two months, by means such as address verification letter, contact point verification, deliverables, etc.

~~Further, REs, at their option, may obtain a copy of OVD or deemed OVD or the equivalent e-documents thereof, as defined in Section 3(a)(xiii), for the purpose of proof of address, declared by the customer at the time of periodic updation. Such requirement, however, shall be clearly specified by the REs in their internal KYC policy duly approved by the Board of Directors of REs or any committee of the Board to which power has been delegated.~~

Further, REs, at their option, may obtain a copy of OVD or deemed OVD, as defined in Section 3(a)(xiv), or the equivalent e-documents thereof, as defined in Section 3(a)(x), for the purpose of proof of address, declared by the customer at the time of periodic updation. Such requirement,

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however, shall be clearly specified by the REs in their internal KYC policy duly approved by the Board of Directors of REs or any committee of the Board to which power has been delegated.

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iii. **Accounts of customers, who were minor at the time of opening account, on their becoming major:** In case of customers for whom account was opened when they were minor, fresh photographs shall be obtained on their becoming a major and at that time it shall be ensured that CDD documents as per the current CDD standards are available with the REs. Wherever required, REs may carry out fresh KYC of such customers i.e., customers for whom account was opened when they were minor, on their becoming a major.

iv. 94Aadhaar OTP based e-KYC in non-face to face mode may be used for periodic updation. To clarify, conditions stipulated in Section 17 are not applicable in case of updation / periodic updation of KYC through Aadhaar OTP based e-KYC in non-face to face mode. Declaration of current address, if the current address is different from the address in Aadhaar, shall not require positive confirmation in this case. REs shall ensure that the mobile number for Aadhaar authentication is same as the one available with them in the customer's profile, in order to prevent any fraud.

b) Customers other than individuals: i. **No change in KYC information:** In case of no change in the KYC information of the LE customer, a self-declaration in this regard shall be obtained from the LE customer through its email id registered with the RE, ATMs, digital channels (such as online banking / internet banking, mobile application of RE), letter from an official authorized by the LE in this regard, board resolution, etc. Further, REs shall ensure during this process that Beneficial Ownership (BO) information available with them is accurate and shall update the same, if required, to keep it as up-to-date as possible.

ii. **Change in KYC information:** In case of change in KYC information, RE shall undertake the KYC process equivalent to that applicable for on-boarding a new LE customer.

c) ⁹⁵**Additional measures:** In addition to the above, REs shall ensure that,

i. The KYC documents of the customer as per the current CDD standards are available with them. This is applicable even if there is no change in customer information but the documents available with the RE are not as per the current CDD standards. Further, in

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case the validity of the CDD documents available with the RE has expired at the time of periodic updation of KYC, RE shall undertake the KYC process equivalent to that applicable for on-boarding a new customer.

ii. Customer's PAN details, if available with the RE, is verified from the database of the issuing authority at the time of periodic updation of KYC.

iii. Acknowledgment is provided to the customer mentioning the date of receipt of the relevant document(s), including self-declaration from the customer, for carrying out periodic updation. Further, it shall be ensured that the information / documents obtained from the customers at the time of periodic updation of KYC are promptly updated in the records / database of the REs and an intimation, mentioning the date of updation of KYC details, is provided to the customer.

iv. In order to ensure customer convenience, REs may consider making available the facility of periodic updation of KYC at any branch, in terms of their internal KYC policy duly approved by the Board of Directors of REs or any committee of the Board to which power has been delegated.

v. REs shall adopt a risk-based approach with respect to periodic updation of KYC. Any additional and exceptional measures, which otherwise are not mandated under the above instructions, adopted by the REs such as requirement of obtaining recent photograph, requirement of physical presence of the customer, requirement of periodic updation of KYC only in the branch of the RE where account is maintained, a more frequent periodicity of KYC updation than the minimum specified periodicity etc., shall be clearly specified in the internal KYC policy duly approved by the Board of Directors of REs or any committee of the Board to which power has been delegated.

d) ⁹⁶REs shall advise the customers that in order to comply with the PML Rules, in case of any update in the documents submitted by the customer at the time of establishment of business relationship / account-based relationship and thereafter, as necessary; customers shall submit to the REs the update of such documents. This shall be done within 30 days of the update to the documents for the purpose of updating the records at REs' end.

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In case of existing customers, bank shall obtain the Permanent Account Number or equivalent e-document thereof or Form No.60, by such date as may be notified by the Central Government, failing which bank shall temporarily cease operations in the account till the time the Permanent Account Number or equivalent e-documents thereof or Form No. 60 is submitted by the customer.

Provided that before temporarily ceasing operations for an account, the RE shall give the customer an accessible notice and a reasonable opportunity to be heard. Further, RE shall give relaxation(s) for continued operation of accounts for customers who are unable to provide Permanent Account Number or equivalent e-document thereof or Form No. 60 owing to injury, illness or infirmity on account of old age or otherwise, and Such like causes. Such accounts shall, however, be subject to enhanced monitoring.

Provided further that if a customer having an existing account-based relationship with a bank gives in writing to the bank that he does not want to submit his Permanent Account Number or equivalent e-document thereof or Form No.60, bank shall close the account and all obligations due in relation to the account shall be appropriately settled after establishing the identity of the customer by obtaining the identification documents as applicable to the customer.

Explanation – For the purpose of this Section, “temporary ceasing of operations” in relation an account shall mean the temporary suspension of all transactions or activities in relation to that account by the bank till such time the customer complies with the provisions of this Section. In case of asset accounts such as loan accounts, for the purpose of ceasing the operation in the account, only credits shall be allowed.

Enhanced and Simplified Due Diligence Procedure

Enhanced Due Diligence

⁹⁸Enhanced Due Diligence (EDD) for non-face-to-face customer onboarding (other than customer onboarding in terms of Section 17): Non-face-to-face onboarding facilitates the REs to establish relationship with the customer without meeting the customer physically or through V-CIP. Such non-face-to-face modes for the purpose of this Section includes use of digital channels such as CKYCR, DigiLocker, equivalent e-document, etc., and

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non-digital modes such as obtaining copy of OVD certified by additional certifying authorities as allowed for NRIs and PIOs. Following EDD measures shall be undertaken by REs for non-face-to-face customer onboarding (other than customer onboarding in terms of Section 17):

a) In case RE has introduced the process of V-CIP, the same shall be provided as the first option to the customer for remote onboarding. It is reiterated that processes complying with prescribed standards and procedures for V-CIP shall be treated on par with face-to-face CIP for the purpose of this Master Direction.

b) In order to prevent frauds, alternate mobile numbers shall not be linked post CDD with such accounts for transaction OTP, transaction updates, etc. Transactions shall be permitted only from the mobile number used for account opening. RE shall have a Board approved policy delineating a robust process of due diligence for dealing with requests for change of registered mobile number.

c) Apart from obtaining the current address proof, RE shall verify the current address through positive confirmation before allowing operations in the account. Positive confirmation may be carried out by means such as address verification letter, contact point verification, deliverables, etc.

d) RE shall obtain PAN from the customer and the PAN shall be verified from the verification facility of the issuing authority.

e) First transaction in such accounts shall be a credit from existing KYC-complied bank account of the customer. 37

f) Such customers shall be categorized as high-risk customers and accounts opened in non-face to face mode shall be subjected to enhanced monitoring until the identity of the customer is verified in face-to-face manner or through V-CIP

Accounts of Politically Exposed Persons (PEPs) –

A. Bank shall have the option of establishing a relationship with PEPs provided that:

(a) ~~Sufficient information including information about the sources of funds accounts of family members and close relatives is gathered on the PEP;~~ (AMENDED 10/11/2023 BOD)

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“Explanation: For the purpose of this Section, “Politically Exposed Persons” (PEPs) are individuals who are or have been entrusted with prominent public functions by a foreign country, including the Heads of States/Governments, senior politicians, senior government or judicial or military officers, senior executives of state-owned corporations and important political party officials.”(Amended MD CIR 04/01/2024 BOD 12/01/2024)

~~(b) The identity of the person shall have been verified before accepting the PEP as a customer;~~

~~(c) The decision to open an account for a PEP is taken at a senior level in accordance with the bank Customer Acceptance Policy;~~

~~(d) All such accounts are subjected to enhance monitoring on an on-going basis;~~

~~(e) in the event of an existing customer or the beneficial owner of an existing account subsequently becoming a PEP, senior management's approval is obtained to continue the business relationship;~~

~~(f) The CDD measures as applicable to PEPs including enhanced monitoring on an on-going basis are applicable.~~

~~B. These instructions shall also be applicable to accounts where a PEP is the beneficial owner (AMENDED 10/11/2023 BOD)~~

A. REs shall have the option of establishing a relationship with PEPs (whether as customer or beneficial owner) provided that, apart from performing normal customer due diligence:

(a) REs have in place appropriate risk management systems to determine whether the customer or the beneficial owner is a PEP;

(b) Reasonable measures are taken by the REs for establishing the source of funds / wealth;

(c) the approval to open an account for a PEP shall be obtained from the senior management;

(d) all such accounts are subjected to enhanced monitoring on an on-going basis;

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(e) in the event of an existing customer or the beneficial owner of an existing account subsequently becoming a PEP, senior management's approval is obtained to continue the business relationship;

B. These instructions shall also be applicable to family members or close associates of PEPs. (Amended 10/11/2023 BOD)

Client accounts opened by professional intermediaries:

Bank shall ensure while opening client accounts through professional intermediaries, that:

(a) Clients shall be identified when client account is opened by a professional intermediary on behalf of a single client.

(b) Bank shall have option to hold 'pooled' accounts managed by professional intermediaries on behalf of entities like mutual funds, pension funds or other types of funds.

(c) Bank shall not open accounts of such professional intermediaries who are bound by any client confidentiality that prohibits disclosure of the client details to the bank.

(d) All the beneficial owners shall be identified where funds held by the intermediaries are not co-mingled at the level of bank, and there are 'sub-accounts', each of them attributable to a beneficial owner, or where such funds are co-mingled at the level of bank, the bank shall look for the beneficial owners.

(e) Bank shall, at their discretion, rely on the 'customer due diligence' (CDD) done by an intermediary, provided that the intermediary is a regulated and supervised entity and has adequate systems in place to comply with the KYC requirements of the customers.

(f) The ultimate responsibility for knowing the customer lies with the bank.

B. Simplified Due Diligence

Simplified norms for Self Help Groups (SHGs)

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- (a) CDD of all the members of SHG shall not be required while opening the savings bank account of the SHG.
- (b) CDD of all the office bearers shall suffice.
- (c) No separate CDD as per the CDD procedure mentioned in Section 16 of the MD of the members or office bearers shall be necessary at the time of credit linking of SHGs.

Procedure to be followed by banks while opening accounts of foreign students

- (a) Banks shall, at their option, open a Non Resident Ordinary (NRO) bank account of a foreign student on the basis of his/her passport (with visa & immigration endorsement) bearing the proof of identity and address in the home country together with a photograph and a letter offering admission from the educational institution in India.
 - i. Provided that a declaration about the local address shall be obtained within a period of 30 days of opening the account and the said local address is verified.
 - ii. Provided further that pending the verification of address, the account shall be operated with a condition of allowing foreign remittances not exceeding USD 1,000 or equivalent into the account and a cap of rupees fifty thousand on aggregate in the same, during the 30-day period.
- (b) The account shall be treated as a normal NRO account, and shall be operated in terms of Reserve Bank of India's instructions on Non-Resident Ordinary Rupee (NRO) Account, and the provisions of FEMA 1999.
- (c) Students with Pakistani nationality shall require prior approval of the Reserve Bank for opening the account.

Record Management

The following steps shall be taken regarding maintenance, preservation and reporting of customer account information, with reference to provisions of PML Act and Rules. RE shall, (Amended 10/11/2023 BOD)

- (a) Maintain all necessary records of transactions between the bank and the customer, both domestic and international, for at least five years from the date of transaction;

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- (b) Preserve the records pertaining to the identification of the customers and their addresses obtained while opening the account and during the course of business relationship, for at least five years after the business relationship is ended;
- (c) Make available swiftly, the identification records and transaction data to the competent authorities upon request;
- (d) introduce a system of maintaining proper record of transactions prescribed under Rule 3 of Prevention of Money Laundering (Maintenance of Records) Rules, 2005 (PML Rules, 2005);
- (e) Maintain all necessary information in respect of transactions prescribed under PML Rule 3 so as to permit reconstruction of individual transaction, including the following:
- (i) The nature of the transactions;
- (ii) The amount of the transaction and the currency in which it was denominated;
- (iii) The date on which the transaction was conducted; and
- (iv) The parties to the transaction.
- (f) Evolve a system for proper maintenance and preservation of account information in a manner that allows data to be retrieved easily and quickly whenever required or when requested by the competent authorities;
- (g) Maintain records of the identity and address of their customer, and records in respect of transactions referred to in Rule 3 in hard or soft format.

. ¹⁰²Explanation. – For the purpose of this Section, the expressions "records pertaining to the identification", "identification records", etc., shall include updated records of the identification data, account files, business correspondence and results of any analysis undertaken.

DARPAN PORTAL REGISTRATION

REs shall ensure that in case of customers who are non-profit organisations, the details of such customers are registered on the DARPAN Portal of NITI Aayog. If the same are not registered, RE shall register the details on the DARPAN Portal. REs shall also maintain such registration records for a period of five years after the business relationship between the customer and the RE has ended or the account has been closed, whichever is later. (Amended 10/11/2023 BOD)

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Reporting Requirements to Financial Intelligence Unit - India

REs shall furnish to the Director, Financial Intelligence Unit-India (FIU-IND), information referred to in Rule 3 of the PML (Maintenance of Records) Rules, 2005 in terms of Rule 7 thereof. Explanation: In terms of Third Amendment Rules notified September 22, 2015 regarding amendment to sub rule 3 and 4 of rule 7, Director, FIU-IND shall have powers to issue guidelines to the REs for detecting transactions referred to in various clauses of sub-rule (1) of rule 3, to direct them about the form of furnishing information and to specify the procedure and the manner of furnishing information.

The reporting formats and comprehensive reporting format guide, prescribed/ released by FIU-IND and Report Generation Utility and Report Validation Utility developed to assist reporting entities in the preparation of prescribed reports shall be taken note of. The editable electronic utilities to file electronic Cash Transaction Reports (CTR) / Suspicious Transaction Reports (STR) which FIU IND has placed on its website shall be made use of by REs which are yet to install/adopt suitable technological tools for extracting CTR/STR from their live transaction data. The Principal Officers of those REs, whose all branches are not fully computerized, shall have suitable arrangement to cull out the transaction details from branches which are not yet computerized and to feed the data into an electronic file with the help of the editable electronic utilities of CTR/STR as have been made available by FIU-IND on its website <http://fiuindia.gov.in>.

While furnishing information to the Director, FIU-IND, delay of each day in not reporting a transaction or delay of each day in rectifying a mis-represented transaction beyond the time limit as specified in the Rule shall be constituted as a separate violation. REs shall not put any restriction on operations in the accounts where an STR has been filed. REs shall keep the fact of furnishing of STR strictly confidential. It shall be ensured that there is no tipping off to the customer at any level.

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~~Robust software, throwing alerts when the transactions are inconsistent with risk categorization and updated profile of the customers shall be put in to use as a part of effective identification and reporting of suspicious transactions. Chapter IX~~

Every RE, its directors, officers, and all employees shall ensure that the fact of maintenance of records referred to in rule 3 of the PML (Maintenance of Records) Rules, 2005 and furnishing of the information to the Director is confidential. However, such confidentiality requirement shall not inhibit sharing of information under Section 4(b) of this Master Direction of any analysis of transactions and activities which appear unusual, if any such analysis has been done. (Amended 10/11/2023 BOD)

Requirements/obligations under International Agreements - Communications from International Agencies

¹⁰³Obligations under the Unlawful Activities (Prevention) (UAPA) Act, 1967:

(a) REs shall ensure that in terms of Section 51A of the Unlawful Activities (Prevention) (UAPA) Act, 1967 and amendments thereto, they do not have any account in the name of individuals/entities appearing in the lists of individuals and entities, suspected of having terrorist links, which are approved by and 42 periodically circulated by the United Nations Security Council (UNSC). The details of the two lists are as under:

i. The "ISIL (Da'esh) & Al-Qaida Sanctions List", established and maintained pursuant to Security Council resolutions 1267/1989/2253, which includes names of individuals and entities associated with the Al-Qaida is available at <https://scsanctions.un.org/ohz5jen-al-qaida.html>

ii. The "Taliban Sanctions List", established and maintained pursuant to Security Council resolution 1988 (2011), which includes names of individuals and entities associated with the Taliban is available at <https://scsanctions.un.org/3ppp1en-taliban.htm>

REs shall also ensure to refer to the lists as available in the Schedules to the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as amended from time to time. The aforementioned lists, i.e., UNSC Sanctions Lists and lists as available in the Schedules to the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as amended from time to time, shall be verified on daily basis and any modifications to the lists in

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terms of additions, deletions or other changes shall be taken into account by the REs for meticulous compliance.

(b) Details of accounts resembling any of the individuals/entities in the lists shall be reported to FIU-IND apart from advising Ministry of Home Affairs (MHA) as required under UAPA notification dated 104February 2, 2021 (Annex II of this Master Direction).

(c) Freezing of Assets under Section 51A of UAPA, 1967: The procedure laid down in the UAPA Order dated 105February 2, 2021 (Annex II of this Master Direction) shall be strictly followed and meticulous compliance with the Order issued by the Government shall be ensured. The list of Nodal Officers for UAPA is available on the website of MHA.

¹⁰⁶Obligations under Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (WMD Act, 2005):

(a) REs shall ensure meticulous compliance with the “Procedure for Implementation of Section 12A of the Weapons of Mass Destruction (WMD) 43 and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005” laid down in terms of Section 12A of the WMD Act, 2005 vide Order dated January 30, 2023, by the Ministry of Finance, Government of India (Annex III of this Master Direction).

(b) In accordance with paragraph 3 of the aforementioned Order, REs shall ensure not to carry out transactions in case the particulars of the individual / entity match with the particulars in the designated list.

(c) Further, REs shall run a check, on the given parameters, at the time of establishing a relation with a customer and on a periodic basis to verify whether individuals and entities in the designated list are holding any funds, financial asset, etc., in the form of bank account, etc.

(d) In case of match in the above cases, REs shall immediately inform the transaction details with full particulars of the funds, financial assets or economic resources involved to the Central Nodal Officer (CNO), designated as the authority to exercise powers under Section 12A of the WMD Act, 2005. A copy of the communication shall be sent to State Nodal Officer, where the account / transaction is held and to the RBI. ~~REs shall file an STR with FIU-IND covering all transactions in the accounts, covered above,~~

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~~carried through or attempted.~~ It may be noted that in terms of Paragraph 1 of the Order, Director, FIU-India has been designated as the CNO.

(e) REs may refer to the designated list, as amended from time to time, available on the portal of FIU-India.

(f) In case there are reasons to believe beyond doubt that funds or assets held by a customer would fall under the purview of clause (a) or (b) of sub-section (2) of Section 12A of the WMD Act, 2005, REs shall prevent such individual/entity from conducting financial transactions, under intimation to the CNO by email, FAX and by post, without delay.

(g) In case an order to freeze assets under Section 12A is received by the REs from the CNO, REs shall, without delay, take necessary action to comply with the Order.

(h) The process of unfreezing of funds, etc., shall be observed as per paragraph 7 of the Order. Accordingly, copy of application received from an individual/entity regarding unfreezing shall be forwarded by RE along with full 44 details of the asset frozen, as given by the applicant, to the CNO by email, FAX and by post, within two working days.

REs shall verify every day, the 'UNSCR 1718 Sanctions List of Designated Individuals and Entities', as available at <https://www.mea.gov.in/Implementation-of-UNSC-Sanctions-DPRK.htm>, to take into account any modifications to the list in terms of additions, deletions or other changes and also ensure compliance with the 'Implementation of Security Council Resolution on Democratic People's Republic of Korea Order, 2017', as amended from time to time by the Central Government.

¹⁰⁷In addition to the above, REs shall take into account – (a) other UNSCRs and (b) lists in the first schedule and the fourth schedule of UAPA, 1967 and any amendments to the same for compliance with the Government orders on implementation of Section 51A of the UAPA and Section 12A of the WMD Act.

Countermeasures

REs shall undertake countermeasures when called upon to do so by any international or intergovernmental organisation of which India is a member and accepted by the Central Government. (Amended 10/11/2023 BOD)

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Jurisdictions that do not or insufficiently apply the FATF Recommendations

(a) FATF Statements circulated by Reserve Bank of India from time to time, and publicly available information, for identifying countries, which do not or insufficiently apply the FATF Recommendations, shall be considered. Risks arising from the deficiencies in AML/CFT regime of the jurisdictions included in the FATF Statement shall be taken into account. REs shall apply enhanced due diligence measures, which are effective and proportionate to the risks, to business relationships and transactions with natural and legal persons (including financial institutions) from countries for which this is called for by the FATF. (Amended 10/11/2023 BOD)

(b) Special attention shall be given to business relationships and transactions with persons (including legal persons and other financial institutions) from or in countries that do not or insufficiently apply the FATF Recommendations and jurisdictions included in FATF Statements. Explanation: The processes referred to in (a) & (b) above do not preclude REs from having legitimate trade and business transactions with the countries and jurisdictions mentioned in the FATF statement.

(c) The background and purpose of transactions with persons (including legal persons and other financial institutions) from jurisdictions included in FATF Statements and countries that do not or insufficiently apply the FATF Recommendations shall be examined, and written findings together with all documents shall be retained and shall be made available to Reserve Bank/other relevant authorities, on request.

¹⁰⁸REs are encouraged to leverage latest technological innovations and tools for effective implementation of name screening to meet the sanctions requirements.

Other instructions

Secrecy Obligations and Sharing of Information:

(a) REs shall maintain secrecy regarding the customer information which arises out of the contractual relationship between the RE and customer.

(b) Information collected from customers for the purpose of opening of account shall be treated as confidential and details thereof shall not be divulged for the purpose of cross selling, or for any other purpose without the express permission of the customer.

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(c) While considering the requests for data/information from Government and other agencies, REs shall satisfy themselves that the information being sought is not of such a nature as will violate the provisions of the laws relating to secrecy in the banking transactions.

(d) The exceptions to the said rule shall be as under:

- i. Where disclosure is under compulsion of law
- ii. Where there is a duty to the public to disclose,
- iii. the interest of RE requires disclosure and
- iv. Where the disclosure is made with the express or implied consent of the customer.

Compliance with the provisions of Foreign Contribution (Regulation) Act, 2010 (Not Applicable to us) (Amended 10/11/2023 BOD)

CDD Procedure and sharing KYC information with Central KYC Records Registry (CKYCR)

(a) Government of India has authorised the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI), to act as, and to perform the functions of the CKYCR vide Gazette Notification No. S.O. 3183(E) dated November 26, 2015.

(b) In terms of provision of Rule 9(1A) of PML Rules, the REs shall capture customer's KYC records and upload onto CKYCR within 10 days of commencement of an account-based relationship with the customer.

(c) Operational Guidelines for uploading the KYC data have been released by CERSAI.

(d) Bank shall capture the KYC information for sharing with the CKYCR in the manner mentioned in the Rules, as per the KYC templates prepared for 'Individuals' and 'Legal Entities' (LEs), as the case may be. The templates may be revised from time to time, as may be required and released by CERSAI.

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- (e) Bank has required to start uploading the KYC data pertaining to all new individual accounts opened on or after from April 1, 2017, with CKYCR in terms of the provisions of the Rules ibid.
- (f) Bank shall upload KYC records pertaining to accounts of LEs opened on or after April 1, 2021, with CKYCR in terms of the provisions of the Rules ibid. The KYC records have to be uploaded as per the LE Template released by CERSAI.
- (g) Once KYC Identifier is generated by CKYCR, bank shall ensure that the same is communicated to the individual/LE as the case may be.
- (h) In order to ensure that all KYC records are incrementally uploaded on to CKYCR, bank shall upload/update the KYC data pertaining to accounts of individual customers and LEs opened prior to the above mentioned dates as per (e) and (f) respectively at the time of periodic updation as specified in Section 38 of this Master Direction, or earlier, when the updated KYC information is obtained/received from the customer.
- (i) Bank shall ensure that during periodic updation, the customers are migrated to the current CDD standard.
- (j) Where a customer, for the purposes of establishing an account based relationship, submits a KYC Identifier to a bank, with an explicit consent to download records from CKYCR, then such bank shall retrieve the KYC records online from the CKYCR using the KYC Identifier and the customer shall not be required to submit the same KYC records or information or any other additional identification documents or details, unless –
- (i) There is a change in the information of the customer as existing in the records of CKYCR;
- (ii) The current address of the customer is required to be verified;
- (iii) The bank considers it necessary in order to verify the identity or address of the customer, or to perform enhanced due diligence or to build an appropriate risk profile of the client.
- iv) ¹¹¹the validity period of documents downloaded from CKYCR has lapsed.

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Period for presenting payment instruments

Payment of cheques/drafts/pay orders/banker's cheques, if they are presented beyond the period of three months from the date of such instruments, shall not be made.

Operation of Bank Accounts & Money Mules

The instructions on opening of accounts and monitoring of transactions shall be strictly adhered to, in order to minimise the operations of "Money Mules" which are used to launder the proceeds of fraud schemes (e.g., phishing and identity theft) by criminals who gain illegal access to deposit accounts by recruiting third parties which act as "money mules."

Banks shall undertake diligence measures and meticulous monitoring to identify accounts which are operated as Money Mules and take appropriate action, including reporting of suspicious transactions to FIU-IND. Further, if it is established that an account opened and operated is that of a Money Mule, but no STR was filed by the concerned bank, it shall then be deemed that the bank has not complied with these directions. (Amended 10/11/2023 BOD)

Collection of Account Payee Cheques

Account payee cheques for any person other than the payee constituent shall not be collected. Banks shall, at their option, collect account payee cheques drawn for an amount not exceeding rupees fifty thousand to the account of their customers who are co-operative credit societies, provided the payees of such cheques are the constituents of such co-operative credit societies.

(a) ¹¹²A Unique Customer Identification Code (UCIC) shall be allotted while entering into new relationships with individual customers as also the existing individual customers by REs.

(b) ¹¹³The REs shall, at their option, not issue UCIC to all walk-in/occasional customers provided it is ensured that there is adequate mechanism to identify such walk-in customers who have frequent transactions with them and ensure that they are allotted UCIC.

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114 Introduction of New Technologies

REs 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 pre-existing products. Further, REs 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 through appropriate EDD measures and transaction monitoring, etc.

115 Correspondent Banking

Banks shall have a policy approved by their Boards, or by a committee headed by the Chairman/CEO/MD to lay down parameters for approving cross-border correspondent banking and other similar relationships. In addition to performing normal CDD measures, such relationships shall be subject to the following conditions:

~~(a) Sufficient information in relation to the nature of business of the respondent including information on management, major business activities, level of AML/CFT controls, purpose of opening the account, identity of any third party entities that will use the correspondent banking services, regulatory/supervisory framework in the respondent bank's home country, and publicly available information regarding the reputation of the institution and the quality of supervision, including whether it has been subjected to a ML/TF investigation or regulatory action, shall be gathered.~~

~~(b) Prior approval from senior management shall be obtained for establishing new correspondent banking relationships. However, post facto approval of the Board or the Committee empowered for this purpose shall also be taken.~~

~~(c) The responsibilities of each bank with whom correspondent banking relationship is established shall be clearly documented and understood.~~

(a) Banks shall gather sufficient information about a respondent bank to understand fully the nature of the respondent bank's business and to determine from publicly available information the reputation of the respondent bank and the quality of supervision,

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including whether it has been subjected to a ML/TF investigation or regulatory action.

Banks shall assess the respondent bank's AML/CFT controls.

(b) The information gathered in relation to the nature of business of the respondent bank shall include information on management, major business activities, purpose of opening the account, identity of any third-party entities that will use the correspondent banking services, regulatory/supervisory framework in the respondent bank's home country among other relevant information.

(c) Prior approval from senior management shall be obtained for establishing new correspondent banking relationships. However, post facto approval of the Board or the Committee empowered for this purpose shall also be taken.

(d) Banks shall clearly document and understand the respective AML/CFT responsibilities of institutions involved. (Amended 10/11/2023 BOD)

(e) In the case of payable-through-accounts, the correspondent bank shall be satisfied that the respondent bank has conducted CDD on the customers having direct access to the accounts and is undertaking on-going 'due diligence' on them.

(f) The correspondent bank shall ensure that the respondent bank is able to provide the relevant CDD information immediately on request.

(g) Correspondent relationship shall not be entered into with a shell bank.

(h) It shall be ensured that the correspondent banks do not permit their accounts to be used by shell banks.

(i) Banks shall be cautious with correspondent banks located in jurisdictions which have strategic deficiencies or have not made sufficient progress in implementation of FATF Recommendations.

(j) Banks shall ensure that respondent banks have KYC/AML policies and procedures in place and apply enhanced 'due diligence' procedures for transactions carried out through the correspondent accounts.

Wire transfer (Not Applicable to us) (Amended 10/11/2023 BOD)

Issue and Payment of Demand Drafts, etc.,

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Any remittance of funds by way of demand draft, mail/telegraphic transfer/NEFT/IMPS or any other mode and issue of travelers' cheques for value of rupees fifty thousand and above shall be effected by debit to the customer's account or against cheques and not against cash payment.

Further, the name of the purchaser shall be incorporated on the face of the demand draft, pay order, banker's cheque, etc., by the issuing bank. These instructions shall take effect for such instruments issued on or after September 15, 2018.

Quoting of PAN

Permanent account number (PAN) or equivalent e-document thereof of customers shall be obtained and verified while undertaking transactions as per the provisions of Income Tax Rule 114B applicable to banks, as amended from time to time. Form 60 shall be obtained from persons who do not have PAN or equivalent e-document thereof.

Selling Third party products

Bank acting as agents while selling third party products as per regulations in force from time to time shall comply with the following aspects for the purpose of these directions:

- (a) The identity and address of the walk-in customer shall be verified for transactions above rupees fifty thousand as required under Section 13(e) of this Directions.
- (b) Transaction details of sale of third party products and related records shall be maintained as prescribed in Chapter VII Section 46.
- (c) AML software capable of capturing, generating and analysing alerts for the purpose of filing CTR/STR in respect of transactions relating to third party products with customers including walk-in customers shall be available.
- (d) Transactions involving rupees fifty thousand and above shall be undertaken only by:
 - Debit to customers' account or against cheques; and
 - obtaining and verifying the PAN given by the account-based as well as walk-in customers.

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(e) Instruction at 'd' above shall also apply to sale of bank own products, payment of dues of credit cards/sale and reloading of prepaid/travel cards and any other product for rupees fifty thousand and above.

At-par cheque facility availed by bank

(a) Banks shall:

i. ensure that the 'at par' cheque facility is utilised only:

- a. for their own use,
- b. for their account-holders who are KYC complaint, provided that all transactions of rupees fifty thousand or more are strictly by debit to the customers' accounts,
- c. for walk-in customers against cash for less than rupees fifty thousand per individual.

ii. Maintain the following:

- a. records pertaining to issuance of 'at par' cheques covering, inter alia, applicant's name and account number, beneficiary's details and date of issuance of the 'at par' cheque,
- b. sufficient balances/drawing arrangements with the commercial bank extending such facility for purpose of honouring such instruments.

iii. Ensure that 'At par' cheques issued are crossed 'account payee' irrespective of the amount involved.

Issuance of Prepaid Payment Instruments (PPIs):

PPI issuers shall ensure that the instructions issued by Department of Payment and Settlement System of Reserve Bank of India through their Master Direction are strictly adhered to.

117Hiring of Employees and Employee training

(a) Adequate screening mechanism, including Know Your Employee / Staff policy, as an integral part of their personnel recruitment/hiring process shall be put in place.

(b) REs shall endeavour to ensure that the staff dealing with / being deployed for KYC/AML/CFT matters have: high integrity and ethical standards, good understanding

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of extant KYC/AML/CFT standards, effective communication skills and ability to keep up with the changing KYC/AML/CFT landscape, nationally and internationally. REs shall also strive to develop an environment which fosters open communication and high integrity amongst the staff.

(c) On-going employee training programme shall be put in place so that the members of staff are adequately trained in KYC/AML/CFT policy. The focus of the training shall be different for frontline staff, compliance staff and staff dealing with new customers. The front desk staff shall be specially trained to handle issues arising from lack of customer education. Proper staffing of the audit function with persons adequately trained and well-versed in KYC/AML/CFT policies of the RE, regulation and related issues shall be ensured

Digital KYC Process

A. The bank shall develop an application for digital KYC process which shall be made available at customer touch points for undertaking KYC of their customers and the KYC process shall be undertaken only through this authenticated application of the bank.

B. The access of the Application shall be controlled by the bank and it should be ensured that the same is not used by unauthorized persons. The Application shall be accessed only through login-id and password or Live OTP or Time OTP controlled mechanism given by bank to its authorized officials.

C. The customer, for the purpose of KYC, shall visit the location of the authorized official of the bank or vice-versa. The original OVD shall be in possession of the customer.

D. The bank must ensure that the Live photograph of the customer is taken by the authorized officer and the same photograph is embedded in the Customer Application Form (CAF). Further, the system Application of the bank shall put a water-mark in readable form having CAF number, GPS coordinates, authorized official's name, unique employee Code (assigned by bank) and Date (DD:MM:YYYY) and time stamp (HH:MM:SS) on the captured live photograph of the customer.

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E. the Application of the bank shall have the feature that only live photograph of the customer is captured and no printed or video-graphed photograph of the customer is captured. The background behind the customer while capturing live photograph should be of white colour and no other person shall come into the frame while capturing the live photograph of the customer.

F. Similarly, the live photograph of the original OVD or proof of possession of Aadhaar where offline verification cannot be carried out (placed horizontally), shall be captured vertically from above and water-marking in readable form as mentioned above shall be done. No skew or tilt in the mobile device shall be there while capturing the live photograph of the original documents.

G. The live photograph of the customer and his original documents shall be captured in proper light so that they are clearly readable and identifiable.

H. Thereafter, all the entries in the CAF shall be filled as per the documents and information furnished by the customer. In those documents where Quick Response (QR) code is available, such details can be auto-populated by scanning the QR code instead of manual filing the details. For example, in case of physical Aadhaar/e-Aadhaar downloaded from UIDAI where QR code is available, the details like name, gender, date of birth and address can be auto-populated by scanning the QR available on Aadhaar/e-Aadhaar.

I. Once the above mentioned process is completed, a One Time Password (OTP) message containing the text that 'Please verify the details filled in form before sharing OTP' shall be sent to customer's own mobile number. Upon successful validation of the OTP, it will be treated as customer signature on CAF. However, if the customer does not have his/her own mobile number, then mobile number of his/her family/relatives/known persons may be used for this purpose and be clearly mentioned in CAF. In any case, the mobile number of authorized officer registered with the bank shall not be used for customer signature. The bank must check that the mobile number used in customer signature shall not be the mobile number of the authorized officer.

J. The authorized officer shall provide a declaration about the capturing of the live photograph of customer and the original document. For this purpose, the authorized

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official shall be verified with One Time Password (OTP) which will be sent to his mobile number registered with the bank. Upon successful OTP validation, it shall be treated as authorized officer's signature on the declaration. The live photograph of the authorized official shall also be captured in this authorized officer's declaration.

K. Subsequent to all these activities, the Application shall give information about the completion of the process and submission of activation request to activation officer of the bank, and also generate the transaction-id/reference-id number of the process. The authorized officer shall intimate the details regarding transaction-id/reference-id number to customer for future reference.

L. The authorized officer of the bank shall check and verify that:- (i) information available in the picture of document is matching with the information entered by authorized officer in CAF. (ii) live photograph of the customer matches with the photo available in the document.; and (iii) all of the necessary details in CAF including mandatory field are filled properly.;

M. On Successful verification, the CAF shall be digitally signed by authorized officer of the bank who will take a print of CAF, get signatures/thumb-impression of customer at appropriate place, then scan and upload the same in system. Original hard copy may be returned to the customer.

Banks may use the services of Business Correspondent (BC) for this process.

III) Basic Principals & Objectives of Money Laundering Prevention & Compliance

भारतीय कायदेमंडळाने मंजूर केलेल्या कायद्याचे व नियमांचे पालन करताना खालील मूलतत्वांचा अंगिकार सर्व बँकांनी करावा.

1. धोरणविषयक, नियमावली व नियंत्रण याबद्दल अशी आखणी करावी की, ज्यामुळे गुन्हेगारांना गुन्हेगारीतून मिळालेला पैसा कायदेशीर (white) करण्यापासून प्रतिबंध होईल.
2. अशा धोरणविषयक बाबींच्या नियम व नियंत्रणाची आखणी करताना बँकांनी त्यामध्ये असलेल्या धोक्यांची जाणीव करून घ्यावी. बँकांनी त्यांचे धोरण व नियमावली यांची त्यात असणारे धोके समजून घेऊन काटेकोरपणे अंमलबजावणी करावी. ज्यामुळे धोरण व नियमावली मार्गदर्शक सुत्रांच्या प्रमाणांच्या खाली येणार नाहीत.
3. 'आपला ग्राहक ओळखा' या धोरणांची अंमलबजावणी अशारीतीने समाधानकारक करावी की, ज्यायोगे बँकींग सेवेचा उपयोग करणारे मुख्य लाभार्थी आणि येणा-या पैशाचा स्रोत-ठेव, पैसे एका ठिकाणाहून दूसरीकडे पाठवणे, गुंतवणूक इत्यादीची खातेदाराने माहिती दिल्याप्रमाणे समाधानकारक ओळख राहिल. यामध्ये

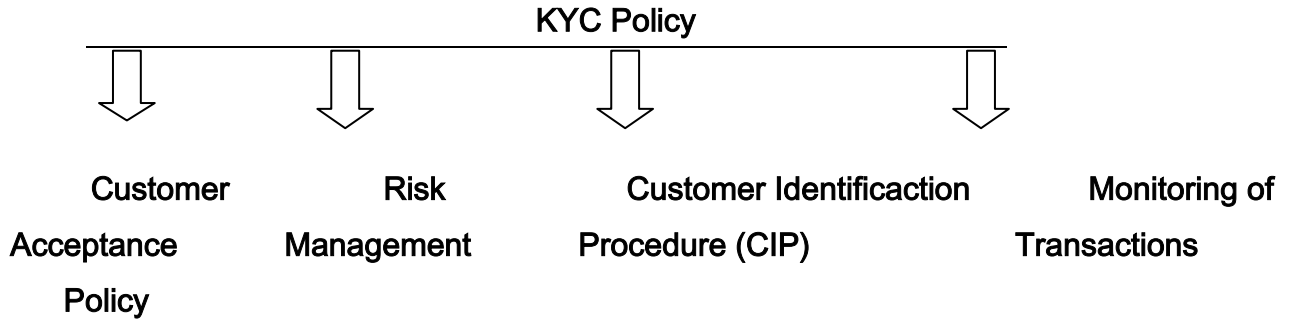


खातेदार साधारणपणे करत असलेल्या व्यवसायाबद्दलचे स्वरूप व त्याची माहिती व त्यातून होणा-या अनियमित व्यवहाराबद्दल दक्षता घेऊन माहिती ठेवली जाईल.

4. योग्य जेष्ठत्व, समता आणि स्वातंत्र्य असलेल्या व्यक्तीची "Principal Officer" म्हणून नेमणूक करण्यात यावी, जो Money Laundering बद्दलच्या सर्व कार्यवाही, त्याचे पालन करून संचालक मंडळाला त्याबद्दल नियमित माहिती सादर (Reporting) करेल.

5. याबद्दलच्या कायद्याची अंमलबजावणी करणे तसेच खात्याबरोबर संपर्क ठेवण्यासाठी मध्यवर्ती व्यक्ती म्हणून त्यांची नेमणूक करणे आवश्यक असेल. याबाबत तो Fraud Control / Vigilance इत्यादी खात्यांची मदत घेऊ शकतो.

6. बँकेकडे संचालक मंडळाने मान्यता दिलेली KYC Policy असणे अत्यंत आवश्यक आहे.



1) **Designated Director-** नामनिर्देशित संचालक- संचालक मंडळाने **Designated Director-** नियुक्ती करावयाची आहे. व संबंधित संचालकाचे नाव, पत्ता, Email व हुद्दा **FIU-IND** ला कळविणेचा आहे. **RBI** कडेही कळविणे आवश्यक आहे. ज्या ठिकाणी **Designated Director** नसेल त्यावेळेस **Principal Officer** ची नियुक्ती **Designated Director** म्हणून करावयाची आहे.

2) **Principal Officer-** बँकेच्या वतीने नियुक्ती केलेल्या **Principal Officer** नी **KYC/AML** बाबतची आवश्यक ती सर्व माहिती/ रिपोर्ट्स वेळेत दाखल केलेची खात्री करणेची आहे. **Monitoring Transaction, Sharing & Reporting** ची खात्री करणेची जबाबदारी आहे. मुख्य अधिकारी हा बँकेमध्ये जेष्ठ अधिकारी असावा. नियुक्त केलेल्या मुख्यअधिका-याने **Anti- Money Laundering** बाबतचे **Record** व माहिती कमीत कमी 5 वर्षे जतन करावयाची आहे. **RBI inspector/Auditor** यांनी तपासणीसाठी माहिती मागितल्यास त्वरीत उपलब्ध करून द्यावयाची आहे. केवायसी धोरणाची परिनामकारक अंमलबजावणी करिता जबाबदारीची विभागणी करणे. धोरणांचे कायदेशीर व नियामक अवलोकन करणे.

FIU- India ने ठरवून दिलेल्या नमुन्यामध्ये आणि मुदतीत बँकेकडील **Live transaction data** वरून असे रिपोर्ट्स तयार करून पाठविले जातील.

3) **Compliance of KYC Policy-** KYC धोरणाची पूर्तता व पाठपुरावा-

- a) **KYC** बाबत वरिष्ठ व्यवस्थापनाची जबाबदारी निश्चिती करणे.
- b) वेगवेगळ्या स्तरावर जबाबदारी निश्चिती करणे.
- c) अंतर्गत/कंकरंट लेखापरिक्षकांकडून **KYC Policy** व त्यानुसारची कार्यवाही याबाबत अभिमत घेणे.

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d) तसेच दर तिमाहीस ऑडीट कमिटीला **KYC** पुर्ततेबाबतची **Note** सादर करणे.

4. स्पष्टीकरण मिळत नसलेल्या , नेहमीच्या व्यवहाराशी सुसंगत नसलेल्या अनियमित, ज्यामध्ये गुन्हेगारी विषयक व्यवहारांचा संशय असेल असे सर्व व्यवहार **Principal Officer** ला कळविले पाहिजेत , त्यानंतर ते व्यवहार **Principal Officer** तपासून योग्य अधिका-याकडे त्याबद्दल अहवाल (**Report**) पाठवतील.

5. संशयास्पद व्यवहारांचे **Report** हे निसंदिग्ध असावेत व ते **Principal Officer** कडे कोणताही उशीर न करता पाठवले पाहिजेत.

6. सर्व कर्मचा-यांना त्यांच्या वैधानिक जबाबदारीची जाणिव देणा-या माहितीचा स्रोत जाणून घेण्याबद्दल हक्क असावा आणि संबंधित कर्मचा-यांना **Antimoney Laundering** बद्दलच्या धोरणाबद्दल व बँकेने केलेल्या धोरणांची माहिती द्यावी. संबंधित कर्मचा-यांना **Antimoney Laundering** चे योग्य प्रशिक्षण द्यावे, ज्यामुळे त्यांना बँकींग व्यवसाय करत असताना त्यामध्ये असलेल्या धोक्यांची जाणिव राहिल. अशा प्रशिक्षण घेतलेल्या कर्मचा-याचे **Record** ठेवण्यात यावे.

7. व्यावसायिक संबंध संपल्यानंतर खातेदाराच्या ओळखीबद्दलची सर्व कागदपत्रे पाच वर्षे जतन करावीत.

8. दोष पुर्ततेबाबत जाणिव व काळजी.

" संशयास्पद म्हणजे काय"

PMLA कायद्यामध्ये उल्लेख केलेल्या कायद्यानुसार "संशयास्पद व्यवहार" म्हणजे असा व्यवहार (रोख रकमेमध्ये केला असेल वा नसेल) जो पुर्ण विश्वासाने (**Good Faith**) केलेला नसेल असा व्यवहार.

1. ज्याबद्दल असा संशय वाटेल की, पैसा गुन्हेगारीच्या माध्यमातून आलेला आहे.

2. नेहमीपेक्षा निराळ्या, अनुचित मार्गाने पैसे मिळविलेले दिसत असतील.

3. ज्यामागे कोणतेही सबळ कारण नसेल.

(यामध्ये व्यवहार म्हणजे ठेवीचे पैसे काढणे, कोणत्याही चलनामध्ये वर्ग (**Transfer**) किंवा बदललेला पैसा, रोख अथवा चेकने पेमेंट, आदेशाने (**Order**) किंवा इतर दस्तऐवजाने इलेक्ट्रॉनिक किंवा इतर (**Non-physical**) मार्गाने केलेले व्यवहार.

असे संशयास्पद व्यवहार झाल्यापासून तीन दिवसांच्या आत त्याची माहिती देणे **PML** कायद्याने बँकांचे उत्तरदायित्व मानण्यात आले आहे. संशय हा व्यक्तीगत व व्यक्तीपेक्षा आहे आणि पुराव्याअभावी तो सिध्द करण्यास कमी पडतो. संशयाची व्याख्या करावयाची झाल्यास असे म्हणावे लागेल की तो तर्काच्या पलिकडे आहे, पण काही गोष्टींचा संशयाला आधार असतो, म्हणजे समाधानाची एक कसोटी. म्हणजे पुर्ण पत नव्हे पण कमीतकमी एखादा प्रसंग घडला आहे की नाही या तर्कापलीकडे पत आणि संशय येण्यासाठी कमी वस्तुस्थितीचा आधार असतो, तथापी तो कोणत्यातरी भक्कम गोष्टीवर आधारीत असावा.

9. What is Meant by Reasonable grounds of suspect:-

एखाद्या गोष्टीकडे जाणीवपूर्वक अथवा बेपर्वाईने कानाडोळा करून, एखाद्या प्राप्त परिस्थितीत एखादा प्रामाणिक मनुष्य ज्या चौकशी करील त्या न करणे किंवा जी माहिती सादर केली आहे अथवा वस्तुस्थिती समोर आहे त्यावर आधारित एखादा प्रामाणिक मनुष्य जी चौकशी करेल ती न करणे. बँकेच्या कर्मचा-याने (**staff**)



एखाद्या परिस्थितीत योग्य विश्वासाह पध्दतीने खातेदाराची योग्य ती माहिती काढली पाहिजे व एखादा व्यवहार जो संशयास्पद वाटत असेल तर त्याबद्दलचे औचित्य शोधले पाहिजे.

10."आपला ग्राहक ओळखा" - The Basis for reporting Suspicion-

यासाठी संबंधित कर्मचा-यास योग्य प्रशिक्षण देण्यात यावे, ज्यायोगे त्यांना कोणता व्यवहार संशयास्पद आहे हे कळेल अथवा **Money Laundering Transaction** होत आहे ह्याचा संशय घेण्यास पूरेसा वाव असेल.

या प्रशिक्षणामुळे कर्मचा-यांना हा व्यवहार नियमित आहे की नाही हे ठरविण्याची आकलनक्षमता येईल. यासाठी बँकेच्या कर्मचा-याला खातेदार व संबंधित व्यवहार योग्य आहे का नाही हे ठरवता येईल व त्याची योग्य ती तपासणी करता येईल .

"आपला ग्राहक ओळखा" च्या धोरणाचे योग्य पालन केल्यास अनियमित व संशयास्पद व्यवहार समजण्यास मदत होईल. खातेदार व खातेदाराच्या असणा-या हालचाली अथवा सुचना व त्याप्रमाणे झालेल्या व्यवहारांची माहिती पूर्ण जाणून घेणे, हा संशयास्पद व्यवहार जाणून घेण्याचा कळीचा मुद्दा ठरेल.

V) Monitoring of Transactions

1. ग्राहक व्यवहारावर नियंत्रण-

1. प्रत्येक खाते व खातेदाराची जोखीम लक्षात घेऊन त्याच्या व्यवहारावर नियंत्रण ठेवले जाईल.
2. गुंतागुंतीच्या व नेहमीपेक्षा वेगळ्या असलेल्या मोठ्या व्यवहारांवर खास लक्ष ठेवले जाईल. अशा व्यवहारांना कोणताही आर्थिक अथवा व्यवहार्य कायदेशीर हेतू नसतो.
3. ज्या व्यवहारात मोठ्या रोख रकमेचा अंतर्भाव असतो ते व्यवहार ग्राहकांच्या नेहमीच्या अपेक्षित व्यवहारापेक्षा विसंगत व वेगळे असतील अशा व्यवहारांची साधारणपणे खास व सखोल तपासणी केली जाईल.
4. संशयास्पद व **PML Act 2002** मध्ये अंतर्भाव केलेले तत्सम व्यवहार योग्य तपासणीअंती योग्य त्या कायदेशीर अधिका-याकडे पाठवले जातील व अशा सर्व प्रकरणांची, कागदपत्रांची कायद्यामध्ये उल्लेख केलेल्या मुदतीपर्यंत जपणूक केली जाईल.

2. सर्वसामान्यपणे खालील प्रकारचे व्यवहार संशय घेण्यासारख्या परिस्थितीत झाले असे समजावे-

1. व्यवहार करण्यासाठी कोणतेही सबळ कारण नाही आणि त्यामागे कोणतेही आर्थिक कारण दिसत नाही.
2. खातेदार करत असलेला व्यवहार (**Transaction**) तो करत असलेल्या नियमित व्यवहारापेक्षा वेगळाच असेल व सुसंगत नसेल.
3. विशिष्ट व्यवहाराबद्दल चौकशी केल्यास त्याबद्दलची जास्त माहिती देण्यास खातेदार अनिच्छुक असेल.
4. धंद्याच्या दृष्टीने अनावश्यक दिसत असलेले **offshore** व्यवहार (**Transaction**) इतर कंपन्यांबरोबर करणे ज्याची खातेदाराच्या नियमित व्यवहाराशी काही आवश्यकता नसेल.
5. तिस-या व्यक्तीच्या खात्यातून अनावश्यकरित्या पैसे पाठवणे.
6. नफ्याचा कोणताही हेतू नसताना गुंतवणूकीचे व्यवहार करणे.

वरील उल्लेख केलेल्या गोष्टींव्यतिरीक्त **Money Laundering Act** मध्ये दाखवलेल्या नियमावर आधारीत मानदंड लक्षात घेऊन असले व्यवहार **FIU-IND** कडे कळवावेत.



3. जोखमीनुसार वर्गीकरण

सध्या विविध बँकांकडे जी सेव्हींग्ज व करंट स्वरुपाची खाती उघडण्यात आली आहेत अशा बँकांतून मोठ्या प्रमाणात रोखीने रक्कमा भरणा करण्यात येतात. त्याचप्रमाणे अशा खात्यातून मोठ्या प्रमाणात रोखीने रक्कमा काढण्यात येतात. अशा रक्कमांचा विनियोग देशविघातक अशा दहशतवादी कारवाईसाठी करण्यात येतो. तसेच काही व्यक्ती आयकर, संपत्तीकर, सेवाकर, विक्रीकर, उत्पादन शुल्क यासारखे कर चुकविण्यासाठी बेनामी नावाने खाती उघडून अशा खात्यातून मोठ्या प्रमाणात आर्थिक व्यवहार करतात. यातूनच मोठ्या प्रमाणावर काळ्या पैशाची निर्मिती होते. अशा काळ्या पैशाच्या निर्मितीमुळे समांतर अर्थव्यवस्था निर्माण होऊन स्थावर मालमत्तेच्या किंमतीमध्ये भरमसाठ वाढ होते. त्याचप्रमाणे देशाच्या प्रगतीला व विकासाला हानी पोचते. या सर्व बाबींचा विचार करून आर्थिक व्यवहारांवर नियंत्रण ठेवणे आवश्यक आहे. ही बाब लक्षात घेऊन केंद्र सरकारने काळ्या पैशाच्या निर्मितीला प्रतिबंध बसावा, बेकायदेशीर व्यवहारांना आळा बसावा याकरीता वेळोवेळी उपाययोजना केलेल्या आहेत. रिझर्व्ह बँक ही देशातील सर्व बँकांवर नियंत्रण करणारी मध्यवर्ती बँक असल्याने अशा बँकेमार्फत सर्व बँकांना **Know Your Customer** हे नॉमर्स पाळणेबाबत सुचना दिलेल्या आहेत. तसेच बँकेकडे असणा-या सेव्हींग व करंट खात्यातील रोख व्यवहारांवर नियंत्रण रहावे याकरीता प्रत्येक बँकेने दरमहा ज्या खात्यावर रु.5 लाखापेक्षा अधिक रक्कमेचे जमा व नावे स्वरुपाचे रोखीचे व्यवहार झाले आहेत अशा व्यवहारांची माहिती **Cash Transaction Report** स्वरुपात दिल्लीला पाठविण्याबाबत सुचना केल्या आहेत. तसेच ज्या खात्यावर संशयास्पद व्यवहार आहेत अशा खात्याचा **Suspicious Transaction Report** पाठविण्याबाबत सर्व बँकांना सुचना केल्या आहेत. तसेच बँकेकडे असणा-या सर्व खात्यांची वेळोवेळी छाननी करून अशा खात्याचे वर्गीकरण कमी जोखीम, मध्यम जोखीम, व अधिक जोखीम या स्वरुपात करणेबाबत सुचना केलेल्या आहेत. नवीन खाते उघडताना असे जोखीम वर्गीकरण करणेचे असून वेळोवेळी अशा जोखीम संदर्भात आढावा घेऊन कमी व मध्यम जोखमीची खाती अधिक जोखीम प्रकारात जात असल्यास त्यानुसार मुळ जोखीम वर्गीकरणात बदल करण्याचा आहे. पुढील परिच्छेदात कोणती खाती कमी जोखीम, मध्यम जोखीम अथवा अधिक जोखीम प्रकारात वर्गीकृत करायची त्याबाबतचा तपशिल दिलेला आहे.

1. कमी जोखमीची खाती : (Low Risk)

खालील प्रकारची खाती कमी जोखीम या प्रकारात समाविष्ट करण्यात येतील.

- * पगारदार नोकर वर्ग, पेन्शनर वर्ग यांनी उघडलेली सेव्हींग्ज खाती
- * कमी उत्पन्न गटातील व्यक्तींनी उघडलेली खाती
- * ज्या खात्यावरील जमा/नावे बाजुकडील व्यवहारांची बेरीज एका वर्षात रु.10 लाखापेक्षा कमी आहे अशी खाती.
- * छोटे व्यावसायिक आणि कंपन्या ज्यांनी एका वर्षात केलेल्या जमा/नावे व्यवहारांची बेरीज रु.10 लाखापेक्षा कमी आहे.
- * सोनेतारण कर्जे ज्याची रक्कम रु. 2 लाखापेक्षा कमी आहे.
- * सर्व प्रकारची ठेवतारण कर्जे (ओव्हरड्राफ्ट कर्जे सोडून)
- * रु.50,000 पेक्षा कमी रकमेची ठेव (मात्र अ वर्ग सभासदाने कितीही रक्कमेची ठेव ठेवली तरी त्या खात्याचा समावेश या प्रकारात करता येईल)



- * रोटरी क्लब, जायंट्स क्लब, वकील अथवा डॉक्टर अथवा चार्टर्ड अकौंटंट यांच्या संघटनांच्या नावे खाते उघडले असल्यास अशी खाती
- * सर्व प्रकारची पिंग्मी व रिकरींग ठेव खाती
- * सर्व प्रकारच्या बँक गॅरंटीज जेथे 100% ठेव घेण्यात आली आहे
- * जी खाती अधिक जोखीम आणि मध्यम जोखीम या प्रकारात वर्गीकृत केलेली नाहीत अशी खाती

2. मध्यम जोखमीची खाती : (Medium Risk)

खालील स्वरूपाची खाती या प्रकारात वर्गीकृत करण्यात येतील

-पगारदार, पेन्शनर, कमी उत्पन्न मिळविणारी व्यक्ती सोडून अन्य व्यक्तींनी उघडलेली सेव्हिंग खाती खाते उघडलेल्या दिनांकापासून सहा महिन्यांपर्यंत या प्रकारात वर्गीकृत करण्यात येतील. सहा महिन्यात या खात्यावर झालेल्या व्यवहारांचे अवलोकन करून अशा खात्यांचे पुर्नवर्गीकरण करण्यात येईल

-जी व्यक्ती व्यवसायात गुंतलेली आहे अशा प्रोप्रायटरी फर्मचे करंट खाते

-भागीदारी फर्म, कंपनी, सहकारी संस्था, शैक्षणिक संस्था, प्रायव्हेट लिमिटेड कंपनी, लिमिटेड कंपनी यांच्या नावे उघडण्यात आलेली खाती

-ज्या खात्यावरील जमा/नावे बाजुकडील व्यवहारांची बेरीज एका वर्षात रु.10 लाखापेक्षा अधिक व रु.1 कोटीपेक्षा कमी आहे अशी खाती.

-सोनेतारण कर्जे ज्याची रक्कम रु. 2 लाखापेक्षा अधिक असून रु.5 लाखापेक्षा कमी आहे.

-ठेवतारण, ओव्हरड्राफ्ट खाते

-रु.50,000 ते रु.5,00,000 पर्यंतच्या ठेवी

-सर्व प्रकारच्या बँक गॅरंटीज जेथे गॅरंटी रक्कमेपेक्षा कमी रक्कम ठेव म्हणून घेतली आहे

-जी खाती कमी जोखीम आणि अधिक जोखीम या प्रकारात वर्गीकृत केलेली नाहीत अशी खाती

3. अधिक जोखमीची खाती : (High Risk)

खालील स्वरूपाची खाती या प्रकारात वर्गीकृत करण्यात येतील.

-ज्या करंट व सेव्हिंग खात्यावर एका वर्षात नावे/जमा बाजूत झालेल्या व्यवहारांची बेरीज रु. 1 कोटीपेक्षा अधिक आहे अशी खाती

-शैक्षणिक संस्था सोडून अन्य ट्रस्टची खाती, अनॉदणीकृत संस्था, देवस्थान, क्लब, असोसिएशन यांची खाती

ज्या खात्यांवर खातेदार स्वतः व्यवहार करत नाहीत अशा खात्यांवर खातेदाराच्या वतीने अन्य व्यक्ती व्यवहार करते अशी खाती

ज्या खात्यावरील जमा/नावे बाजुकडील व्यवहारांची बेरीज एका वर्षात रु.1 कोटीपेक्षा अधिक आहे अशी खाती. (नव्या खात्याच्या बाबतीत व्यक्तीच्या उत्पन्नानुसार वार्षिक उलाढालीचा अंदाज करून वर्गीकरण करावे)

राजारामबापू सहकारी बँक लि., पेट.

(शेड्युल्ड बँक)

प्रधान कार्यालय, पेट. ता. वाळवा, जि. सांगली.



RAJARAMBAPU SAHAKARI BANK LTD., PETH

(Scheduled Bank)

Head Office - Peth, Tal - Walwa, Dist. - Sangli.

- रू.10 कोटीपेक्षा जास्त Networth असलेले कस्टमर.
- सोनेतारण कर्जे ज्याची रक्कम रू. 5 लाखापेक्षा अधिक आहे अशी खाती.
- ज्या खात्यावरील चेक वारंवार Dishonour होतात अशा खातेदाराचे सेव्हिंग, करंट व कर्ज खाते
- रू. 5,00,000 पेक्षा अधिक रक्कमेच्या ठेवी
- सर्व प्रकारच्या बँक गॅरंटीज जेथे गॅरंटी रक्कमेची मागणी Beneficiary ने केली आहे (Devolved

Bank Guarantee)

- अनुत्पादक जिदंगी कर्ज प्रकारात वर्गीकृत केलेली खाती
- ज्या खातेदाराविरूद्ध कर चुकविल्याबद्दल अथवा फसवणुकीबद्दल कारवाई झाली आहे अशा व्यक्तीचे सेव्हिंग खाते व प्रोप्रायटरी फर्मच्या नावावरील करंट खाते
- जी खाती कमी जोखीम आणि मध्यम जोखीम या प्रकारात वर्गीकृत केलेली नाहीत अशी खाती
- बिल्डर्स & डेव्हलपर्स व सोनेचांदी व्यवसायकांची खाती

ज्वेलर्स ची सर्व प्रकारची खाती

टीप:

1. जर एखाद्या खातेदाराचे एक खाते अधिक जोखीम प्रकारात गेले असेल व अन्य खाती कमी जोखीम अथवा मध्यम जोखीम प्रकारात असतील अशा वेळी त्याची शाखेकडील सर्व खाती अधिक जोखीम प्रकारात वर्गीकृत करण्यात यावीत.
2. दर तिमाहीस खात्याचे अवलोकन करून जोखीमीत बदल होत असल्यास शाखा पातळीवर असा बदल करण्यात येईल.
3. खात्याचे जोखमीनुसार केलेले वर्गीकरण संबंधीत खातेदारास तसेच अन्य खातेदारांना व इतरांना सांगण्यात येणार नाही. असे वर्गीकरण गुप्त ठेवण्यात येईल. मात्र बँकेच्या अन्य शाखांकडे संबंधीत खातेदार खाते उघडणार असल्यास अशा वर्गवारीची माहिती संबंधीत शाखेला देण्यात येईल.
4. शाखेचे समवर्ती लेखापरीक्षक, अंतर्गत लेखापरीक्षक, वैधानिक लेखापरीक्षक तसेच प्रधान कार्यालयाकडील अंतर्गत तपासणीस यांनी जोखीम वर्गवारी बदलणेबाबत सुचना केलेस प्रधान कार्यालयाची मंजूरी घेऊन शाखेनी जोखीम वर्गवारी बदलणेची आहे. शाखांनी केलेल्या वर्गीकरणाचा आढावा घेणे
प्रधान कार्यालयामार्फत शाखांनी सर्व खात्याचे जोखमीनुसार वर्गीकरण केले आहे किंवा कसे यासंदर्भात दरमहा आढावा घेण्यात येईल. त्याकरीता शाखेकडून दरमहा वर्गीकरण केलेसंदर्भात कन्फरमेशन लेटर घेण्यात येईल. तसेच विहित नमुन्यात त्याची आकडेवारी शाखांकडून मागविण्यात येईल. त्या आधारे प्रधान कार्यालयाकडे जोखीम संदर्भात एकत्रित आकडेवारी तयार करण्यात येईल. तसेच शाखांकडून संशयित व्यवहारा संदर्भातील अहवाल विहित नमुन्यात मागविण्यात येईल.
5. KYC/AML च्या धोरणाचा आवश्यकतेनुसार आढावा घेऊन संचालक मंडळाला मंजूरीसाठी ठेवला जाईल.
