



COMPLIANCE UPDATE

October 2022 | Part 2 of 2

Securities and Exchange Board of India (SEBI)

- **Extension of timeline for entering details of the existing outstanding non-convertible securities in the Security and Covenant Monitoring system**

SEBI on October 03, 2022 extended the timeline for entering the details of the existing outstanding non-convertible securities in the Security and Covenant Monitoring system hosted by Depositories by one month. The issuers shall ensure that they enter the details into the DLT system on or before October 31, 2022.

(To view the Circular, please click [here](#))

- **Review of provisions pertaining to Electronic Book Provider platform**

SEBI on October 10, 2022 revised Chapter VI of the Operational Circular for issue and listing of non-convertible securities, securitized debt instruments, security receipts, municipal debt securities and commercial paper through Electronic Book Provider platform.

(To view the Circular, please click [here](#))

- **Governing Council for Social Stock Exchange**

SEBI on October 13, 2022 directed every Social Stock Exchange to constitute a Social Stock Exchange Governing Council to have an oversight on its functioning, with composition and terms of reference as specified by the Board.

(To view the Circular, please click [here](#))

Reserve Bank of India (RBI)

- **Reserve Bank of India (Unhedged Foreign Currency Exposure) Directions, 2022**

RBI on October 11, 2022 issued directions on Unhedged Foreign Currency Exposure (UFCE) of the entities which have borrowed from banks. The new directions shall come into force from January 1, 2023.

(To view the Notification, please click [here](#))

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Central Board of Direct Taxes (CBDT)

▪ [Income Tax \(Thirty Third Amendment\) Rules, 2022](#)

CBDT on October 07, 2022 amended the Income Tax Rules, 1962. The amendment declares following institutions as non-reporting financial institutions under Rule 114F:

- A financial institution with a local client base in case of any U.S. reportable account
- A local bank, in case of any US reportable account
- A financial institution with only low value accounts, in case of any US reportable account

(To view the Notification, please click [here](#))

Central Board of Indirect Taxes & Customs (CBIC)

▪ [Customs Duty on platinum imports](#)

The Ministry of Finance on October 03, 2022 increased the Custom Duty to 1.5% on import of platinum and palladium for use in the manufacturing process.

(To view the Notification, please click [here](#))

▪ [Special Additional Excise Duty on diesel](#)

The Ministry of Finance on October 15, 2022 decreased the Special Additional Excise Duty Customs Duty to INR 10.50 from INR 12 on High-Speed Diesel Oil.

(To view the Notification, please click [here](#))

▪ [Special Additional Excise Duty on petroleum crude](#)

The Ministry of Finance on October 15, 2022 decreased the Special Additional Excise Duty to INR 11,000 per tonne from INR 17,000 per tonne on petroleum crude.

(To view the Notification, please click [here](#))

Ministry of Commerce & Industry (MCI)

▪ [Special Economic Zones \(Fourth Amendment\) Rules, 2022.](#)

The Ministry of Commerce and Industry on October 03, 2022 notified the procedure of import or export or procurement from or supply to Domestic Tariff Area of aircraft by a unit in International Financial Services Centre.

(To view the Notification, please click [here](#))

▪ [Procedure for General Authorization for Export after Repair in India \(GAER\)](#)

The Ministry of Commerce and Industry on October 14, 2022 notified the procedure of General Authorization for Export of Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) products after repair in India.

(To view the Circular, please click [here](#))

Industry-wise updates

Wholesale & retail

▪ [Legal Metrology \(General\) Amendment Rules, 2022](#)

The Ministry of Consumer Affairs, Food and Public Distribution on October 04, 2022 amended the Legal Metrology (General) Rules, 2011. The amendments will allow companies to nominate a person vested with the authority and responsibility of an establishment or branch or unit, so that notices for violations by an establishment are not issued to directors of a company.

(To view the Notification, please click [here](#))

Forest & environment

▪ [CAQM directions to all industries and project proponents of Construction and Demolition sites](#)

The Commission for Air Quality Management (**CAQM**) in National Capital Region and Adjoining Areas has directed all concerned including industries and project proponents of Construction and Demolition (C and D) sites to strictly follow the statutory directions issued by the Commission.

(To view the Press Release, please click [here](#))

▪ [Temporary offline registration procedure under Batteries Waste Management Rules, 2022](#)

The Central Pollution Control Board (**CPCB**) has notified the registration procedure to be adopted for submission of application by the producer or manufacturer of batteries in offline mode to CPCB. It has been informed that the Online Centralized Portal of CPCB, which is the statutory portal for registration as per Batteries Waste Management Rules, 2022, is under development and therefore the following offline mode for submission of applications will be adopted till the time it becomes operational:

- Producer or manufacturer must apply for grant of registration to CPCB by submitting duly filled Form 1(A) through email at batteries.cpcb@gov.in and the hard copy of the application to be submitted to Member Secretary, CPCB at the address specified in the notification.
- The application shall be submitted from company's email ID only.
- Producer or manufacturer must submit the documents proofs along with the application form.
- Registration will be granted initially for a period of 6 months, which will be renewed through online portal once it gets operational.

(To view the Notification, please click [here](#))

Healthcare

▪ [Assisted Reproductive Technology \(Regulation\) Amendment Rules, 2022](#)

The Ministry of Health and Family Welfare on October 10, 2022 directed intending couple/woman to sign an affidavit to be sworn before Metropolitan Magistrate or a Judicial Magistrate of First Class or an Executive Magistrate or a Notary Public giving guarantee of compensation for specified loss, damage, complication, or death of oocyte donor during the process of oocyte retrieval.

(To view the Notification, please click [here](#))

▪ [Surrogacy \(Regulation\) Amendment Rules, 2022](#)

The Ministry of Health and Family Welfare on October 10, 2022 directed intending a couple/woman to sign an affidavit to be sworn before Metropolitan Magistrate or a Judicial Magistrate of First Class or an Executive Magistrate or a Notary Public giving guarantee of compensation for specified loss, damage, complication, or death of oocyte donor during the process of oocyte retrieval.

(To view the Notification, please click [here](#))

State-wise updates

Dadra & Nagar Haveli and Daman & Diu

▪ **Payment of Bonus Act, 1965 applicable to employers in Dadra & Nagar Haveli and Daman & Diu**

The Labor Department of Administration of Dadra & Nagar Haveli and Daman & Diu vide Circular dated October 10, 2022 has directed all the industrial and other establishments i.e., hotels, shops etc., labor contractors to pay bonus to all eligible employees in accordance with the provisions of the Payment of Bonus Act, 1965 taking into consideration the productivity of the employee, so that congenial industrial environment could be created leading to overall economic development of the region. The employers shall submit Annual Return in Form D under Payment of Bonus Act, 1965 immediately after making payments of bonus to employees.

(To view the Circular, please click [here](#))

Goa

▪ **Goa bans Unregulated Deposit Schemes Rules, 2022**

The Government of Goa vide gazette notification dated October 03, 2022 issued the Goa Banning of Unregulated Deposit Schemes Rules, 2022. The amendment provides that self-help groups are allowed to make periodic payment of amount up to INR 1000 per month to members. INR 1000 shall be the ceiling limit for providing loan to members of self-help groups.

(To view the Notification, please click [here](#))

▪ **Goa Agriculture Produce and Livestock Marketing Promotion and Facilitation (Amendment) Act, 2022**

The Government of Goa vide gazette notification dated October 06, 2022 issued the Goa Agriculture Produce and Livestock Marketing Promotion and Facilitation (Amendment) Act, 2022. The amendment provides that Marketing Board shall levy and collect market fee from buyer in respect of notified agricultural produce including livestock bought by such buyer in the principal market yard or submarket yard(s) or market sub-yard(s) or anywhere in the State of Goa either brought from outside the State or from within the State.

(To view the Notification, please click [here](#))

▪ **Amendment to the Indian Stamp Act, 1899 as in force in the state of Goa**

The Government of Goa on October 12, 2022 issued amendment to the Indian Stamp Act, 1899 as in force in the State of Goa, whereby the following have been amended:

- Clause (i) of the Principal Order has been substituted to provide that ‘Reduce the Stamp Duty chargeable on conveyance (not being a transfer charged or exempted under Article No. 62) so far as it relates to immovable property, which is presently specified in Article 22 (b) of Schedule I-A to the said Act, to the scale as specified hereunder:
 - (a) Where the amount or value of the consideration for such conveyance as set forth therein exceeds INR 600 but does not exceed rupees fifty lakhs, the stamp duty shall be 3%.
 - (b) Where the amount or value of the consideration for such conveyance as set forth therein exceeds rupees fifty lakhs but does not exceed rupees seventy-five lakhs, the Stamp Duty shall be 4%.’

(To view the Principal Order, please click [here](#) and to view the Amendment Notification, please click [here](#))

▪ **Goa Industrial Development (Amendment) Act, 2022**

The Government of Goa on October 07, 2022 issued the Goa Information Technology Development (Amendment) Act, 2022 to further amend the Goa Information Technology Development Act, 2007 wherein Section 50 has been substituted for the following:

- Section 50. Penalty for obstruction.
 - Any person who obstructs the entry of a person authorized under Section 35 or any person with whom the Corporation has entered into a contract for the performance and execution of any act by such person, to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction by a competent Court, be punished with fine which may extend up to fifty thousand rupees.
 - If any person removes any mark set up for the purpose of indicating any level, boundary line, or direction necessary to the execution of works authorized under this Act, he shall, on conviction, be punished with a fine that may extend up to fifty thousand rupees.

(To view the Notification, please click [here](#))

▪ **Goa Legal Metrology (Amendment) Rules, 2022**

The Government of Goa on October 07, 2022 notified that the Goa Legal Metrology (Amendment) Rules, 2022 to further amend the Goa Legal Metrology Rules, 2011 with the following:

- Amendment has been made to Schedule II which specifies licensing fees and renewal fees for manufacturers, repairers, or dealers of weights and measures.
- Amendment has been made to Schedule III which specifies the fee payable for verification and stamping of weights and measures, weighing and measuring instruments.

They shall come into force from September 01, 2022.

(To view the Notification, please click [here](#))

▪ **Goa RERA directions for builders and landowners to comply with the real estate project registration requirements**

The Goa Real Estate Regulatory Authority has issued a circular directing builders and landowners who intend to get their real estate projects registered to comply with the following legal requirements:

- Furnish registered joint development agreement or collaboration agreement or any other form of agreement the registration of which is made compulsory under Section 17 of the Indian Registration Act.
- The agreement should be registered with the jurisdictional Sub-Registrar i.e., the Registrar in whose jurisdiction the project is located.
- If such agreement is not submitted within the given time frame, the registration is liable to be rejected.
- Furnish complete conversion sanad while seeking registration of real estate projects

(To view the Notification, please click [here](#))

▪ **Instructions to shopkeepers and sellers to record and I.D. proofs of the purchasers while selling certain items belonging to the Army or Police or Paramilitary forces**

The Office of the District Magistrate, Chandigarh has ordered an emergency measure where any shopkeeper or seller within the territory of Chandigarh will not sell any cloth or uniform or sticker or flag, or logo attached on cars and any other item belonging to the Army or Police or Paramilitary forces without keeping the record and ID proofs of the purchasers. This order will be in force from September 20, 2022 up to the period of 60 days i.e., November 18, 2022.

(To view the Notifications, please click [here](#) and [here](#))

NCT of Delhi

▪ **Exemption of certain establishments under Schedule –I of Delhi Shops and Establishments Act, 1954**

The Government of Delhi on October 12, 2022 issued an exemption to certain establishments by amending Schedule-I under the Delhi Shops and Establishments Act, 1954. The establishments have been provided exemptions, subject to certain conditions, under the following sections:

- Section 14 states that 'no young persons and women shall work after daytime which is between 9 PM and 7 AM'.
- Section 15 states 'no shop or commercial establishment should open before or close later than the prescribed government time'.
- Section 16 states that every shop and establishment shall remain closed on a 'close day'.

(To view the Notification, please click [here](#))

▪ **Prohibition in the use of laser beams**

The Assistant Commissioner of Police has passed an order to prohibit use of laser beams by any individual, group of persons, organizers, owners, occupiers or employees of banquets, hotels, restaurants, buildings and land in different celebrations and events or otherwise in the jurisdiction of Sub-Division of Palam, IGI Airport, New Delhi. This order will come into force with effect from October 10, 2022 and shall remain in force till December 8, 2022.

(To view the Order, please click [here](#))

▪ **Amendments in State Tax (Rates) Notification for the intra-state supply of certain goods**

The Government of Delhi on October 04, 2022 issued a notification to amend the table in the State Tax (Rate) Notification dated June 30, 2017, on the recommendation of the council. This notification shall come into force with effect from July 18, 2022.

(To view the Notification, please click [here](#))

▪ **Delhi Minimum Wages Notification (Oct 2022)**

The Government of National Capital Territory of Delhi vide Notification dated 14th October 2022 revised the minimum wages including variable Dearness Allowance, effective from October 1, 2022.

(To view the Notification, please click [here](#))

- **Ban on bursting firecrackers**

Delhi Pollution Control Committee (DPCC) has ordered a complete ban on the production, sale and use of all types of firecrackers in the national capital including green crackers till January 1, 2023.

(To view the Notification, please click [here](#))

Haryana

- **Direction for construction agencies with respect to dust pollution in their sites in NCR districts of Haryana**

The Haryana State Pollution Control Board (HSPCB) has notified the development of an online mechanism through a web portal called Dust Pollution Control Self-Assessment, HSPCB for self-assessment by construction agencies with respect to dust pollution in their sites. All project proponents, contractors, builders, persons or authorities undertaking construction and demolition activities in NCR districts of Haryana are required to mandatorily register on the Web Portal immediately. The following are the directions to be followed by the agencies:

- All current and upcoming projects (on plot area equal to or greater than 500 square meters) of construction and demolition for civil structures, are required to mandatorily register on the web portal.
- To self-monitor or self-audit their activities on the parameters mandated or directed for compliance and to take necessary steps, if required, to improve the status of compliance.
- The provision of video fencing with remote connectivity of the projects (within the municipal area of NCR and plot area equal to or greater than 500 sq m) is part of the portal.

(To view the Notification, please click [here](#))

- **Haryana Electric Vehicle Policy, 2022**

The Industries and Commerce Department, Haryana on July 08, 2022 issued the Haryana Electric Vehicle Policy, 2022. This will be in effect from July 10, 2022 for a period of 5 years.

(To view the Notification, please click [here](#))

- **Haryana Liquor License (Second Amendment) Rules, 2022**

The Excise and Taxation Department, Haryana on September 27, 2022 issued the Haryana Liquor License (Second Amendment) Rules, 2022 to further amend the Haryana Liquor License Rules, 1970 wherein Rule 36A(17) which states 'Procedure for grant of licenses by tender', the following has been amended: 'For the word and figure '2nd June 2023', the word and figure '11th June 2023' shall be substituted and shall be deemed to have been substituted with effect from the 12th June 2022'.

(To view the Notification, please click [here](#))

Jammu & Kashmir

- **Jammu & Kashmir Minimum Wages Notification (Oct 2022)**

The Government of Jammu and Kashmir, vide Notification No. S.O. 513, revised the minimum wages effective from October 17, 2022 in the State.

(To view the Notification, please click [here](#))

Maharashtra

- **Cancellation of fees for biomedical waste management authorization**

The Department of Environment and Environmental Change, Maharashtra, has notified an order regarding cancellation of fees charged for authorization under Biomedical Waste (Management and Handling) Rules, 1998 and for payment of necessary consent fee by all medical establishments.

(To view the Order, please click [here](#))

Punjab

- **Restricted use of firecrackers**

The Punjab government clarified on Wednesday that a window of two hours, from 8pm to 10pm, will be open for bursting firecrackers on Diwali, October 24. Apart from Diwali, crackers bursting will be permitted for one hour from 4am to 5am and one hour from 9pm to 10pm on November 8, the 'Prakash Purab' of Guru Nanak Dev. Additionally, only 35 minutes each on Christmas and New Year's Eve from 11.55pm to 12.30am is the permitted slot for bursting firecrackers.

(To view the Notification, please click [here](#))

- **Revised minimum wages for scheduled employment**

The Government of Punjab on October 11, 2022 revised the minimum wages for unskilled workers and for other categories of workers in respect of scheduled employment. The minimum rate of

wages of labor in agriculture (unskilled workers) included with meals or food grains per annum is INR 68194.88 per annum. This has come with effect from September 01, 2022, for their agriculture labor daily wage as of September 01, 2022, which is INR 357.50 with meals and INR 397.46 without meals. The details of the brick kiln (price rate) per 1000 bricks/tiles (in INR) have been mentioned in table No. V is attached to the document.

(To view the Notification, please click [here](#))

Rajasthan

▪ **Processing Fee for delayed Submission of hardcopy of registration application after issuance of Registration Certificate**

The Rajasthan Real Estate Regulatory Authority has issued an order regarding amendment in the Order dated August 27, 2021, which stated directions for compliance by promoters of registered projects. In case of failure to submit the hardcopy of registration application along with all documents, as issued under the above-mentioned directions, dated 2021 within 30 days from date of issue of Registration Certificate (RC), delay processing charges of INR 1000 per day with a maximum capping of an amount twice the registration fee which shall be payable before or at the time of depositing of hardcopy. This shall come into effect from August 27, 2021.

(To view the Notification, please click [here](#))

Tamil Nadu

▪ **Directions for bursting crackers**

The Tamil Nadu Pollution Control Board (TNPCB) has issued a press release for the people to celebrate a noiseless, smoke free and safe Deepavali whereby the Tamil Nadu Government has permitted to burst the crackers between 6.00 AM to 7.00 AM and 7.00 PM to 8.00 PM. The following do's and don'ts to celebrate safe and pollution free Deepavali have been suggested:

- Do's:
 - o Public shall burst firecrackers of less polluting and low sound generating green crackers.
 - o Burst the crackers as community fire cracking in a common place with the permission of district administration or local bodies through the local Welfare Associations etc.
- Don'ts:
 - o Avoid bursting of joined (Series) firecrackers which creates huge noise.
 - o Avoid bursting of firecrackers in silence areas like hospitals, schools, courts, and religious places.
 - o Avoid bursting of firecrackers near huts and fire prone areas.

(To view the Press Release, please click [here](#))

▪ **Draft amendment to Tamil Nadu Motor Vehicles Rules, 1989**

The Government of Tamil Nadu vide gazette Notification dated October 7, 2022 published a draft amendment to Tamil Nadu Motor Vehicles Rules, 1989. The amendment provides revised fees for following purposes:

- For advance registration number for any class of Vehicle allotted by the Government.
- For allotment of advance registration number for two wheelers and three wheelers by the Registering Authority.
- For allotment of advance registration number for all imported cars and other vehicles by the Registering Authority.

(To view the Notification, please click [here](#))

▪ **Ordinance to prohibit online gambling and to regulate online games**

The State Government of Tamil Nadu has issued Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Ordinance, 2022. Key highlights of this ordinance are:

- No person shall make or cause to make any advertisement in any media which directly or indirectly promotes or induces any person to indulge in online gambling or play any online game of chance, with money or other stakes.
- No bank, financial institution or payment gateway provider shall engage in any transaction or authorization of funds towards payment for any online gambling or online game of chance like Rummy and Poker.
- No online games provider shall provide online gambling service or allow playing of any online game of chance, with money or other stakes.
- Violation of the provisions of this ordinance is a punishable offence. It attracts penalty as well as imprisonment.

(To view the Notification, please click [here](#))

Telangana

▪ Adoption of Single Window System for consent and authorization under various environmental rules

The Telangana State Pollution Control Board, keeping in view the Business Reforms Action Plan, 2022 under Ease of Doing Business, has notified adoption of Single Window System for processing the following applications:

- Consent for Operation (**CFO**) under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- Authorization under Hazardous and Other Wastes (Management and Transboundary) Rules, 2016 (**HWA**).
- Authorization or renewal under E-Waste Management Rules, 2016 (**EWA**).
- Authorization or renewal under Plastic Waste Management Rules, 2016 (**PWA**).
- Authorization or renewal under Solid Waste Management Rules, 2016 (**SWA**).
- Authorization or renewal under Construction and Demolition Waste Management Rules, 2016 (**DWA**).

(To view the Notification, please click [here](#))

West Bengal

▪ Clarification regarding applicable GST rates & exemptions on certain services

The Government of West Bengal vide Circular dated September 29, 2022 clarified that ice cream parlors are required to pay GST on the supply of ice cream at the rate of 18% with ITC.

(To view the Circular, please click [here](#))

ABOUT US

UnComplycate is an end-to-end compliance and contract management solutions provider that integrates domain experience with IT-enabled implementation, monitoring and management protocols.

With more than thirty years' experience in helping clients discharge their compliance obligations, we have developed a repository of significant knowledge and practical experience in advising and assisting businesses on their regulatory compliance, litigation management, notice and contract management and other attendant requirements. We create bespoke products for clients that include, among other things, an audit of the functions of the company, offering technology-enabled platforms that provide solutions for effective control over the compliance and contract management functions. These services are not limited by geography and can be seamlessly extended to all operating sites of the client.

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