

Info Capsule

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RELAXATION FROM REQUIREMENT TO FURNISH A COPY OF PAN FOR TRANSFER OF EQUITY SHARES OF LISTED ENTITIES EXECUTED BY NON-RESIDENTS¹

1. Para (A)(1) of Schedule VII of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (“LODR”) specifies that the transferee(s) as well as transferor(s) shall furnish a copy of their PAN card to the listed entity for registration of transfer of securities.
2. It has been brought to the notice of SEBI that many non-residents such as Non-Resident Indians (NRIs), Overseas Citizens of India (OCIs), Persons of Indian Origin (PIOs) and foreign nationals have been facing difficulties in transferring shares held by them since many of them do not possess PAN card.
3. In order to address the difficulties faced by such investors, it has been decided to grant relaxation to non-residents (such as NRIs, PIOs, OCIs and foreign nationals) from the requirement to furnish PAN and permit them to transfer equity shares held by them in listed entities to their immediate relatives subject to the following conditions:
 - a. The relaxation shall only be available for transfers executed after January 01, 2016.
 - b. The relaxation shall only be available to non-commercial transactions, i.e. transfer by way of gift among immediate relatives.
 - c. The non-resident shall provide copy of an alternate valid document to ascertain identity as well as the non-resident status.

For the purpose of Para 3(b) above, the term “immediate relative” shall have the same meaning as defined in Regulation 2(1)(l) of SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011.

4. This circular is being issued in exercise of powers conferred under Section 11(1) of the Securities and Exchange Board of India Act, 1992, read with Regulation 101 and 102 of the LODR to address the difficulties faced by investors in transfer of physical shares.
5. The Stock Exchanges are advised to bring the provisions of this circular to the notice of Listed Entities and also to disseminate the same on their websites.

¹ Available at: https://www.sebi.gov.in/legal/circulars/feb-2019/relaxation-from-requirement-to-furnish-a-copy-of-pan-for-transfer-of-equity-shares-of-listed-entities-executed-by-non-residents_42043.html

NATIONAL POLICY FOR DOMESTIC WORKERS²

The Central Government has not enacted any separate law to protect the interest of domestic workers. However, the Ministry of Labour & Employment is considering to formulate a National Policy on Domestic Workers which is in the draft stage. The salient features of the proposed draft National Policy on Domestic Workers are as under:

- (i) Inclusion of Domestic Workers in the existing legislations.
- (ii) Domestic workers will have the right to register as unorganized workers. Such registration will facilitate their access to rights & benefits.
- (iii) Right to form their own associations/unions
- (iv) Right to minimum wages, access to social security
- (v) Right to enhance their skills
- (vi) Protection of Domestic Workers from abuse and exploitation
- (vii) Domestic Workers to have access to courts, tribunals for grievance redressal
- (viii) Establishment of a mechanism for regulation of private placement agencies.
- (ix) Establishment of a grievance redressal system for domestic workers.

The Unorganized Workers' Social Security Act, 2008 has been enacted for providing social security to all unorganized workers including domestic workers. The Act provides formulation of social security schemes viz life and disability cover, health and maternity benefits & old age protection. The State Governments are mandated under the Unorganized Workers' Social Security Act, 2008 to formulate suitable welfare schemes for the unorganized sector workers including domestic workers relating to provident fund, employment injury benefits housing, education schemes for children, skill up gradation of workers, financial assistance & old age homes.

The State Governments of Andhra Pradesh, Jharkhand, Karnataka, Kerala, Odisha, Rajasthan, Haryana, Punjab, Tamilnadu and Tripura have included domestic workers in the schedule of Minimum Wages Act and the Workers are also entitled to file case before the concerned authorities in case of grievance in this regard. The matter of constitution of State Domestic Workers Board is under the jurisdiction of the State Governments.

This information was given by Shri Santosh Kumar Gangwar, Minister of State (I/C) for Labour and Employment in written reply to a question in Rajya Sabha.

² Available at: <http://pib.nic.in/PressReleaseDetail.aspx?PRID=1564261>