

Info Capsule

President

CS Manish Gupta

Vice President

CS B Narasimhan

❖ Latest @ ICSI

Feedback on Company Forms in MCA21-V3 Portal

As you are aware, the Ministry of Corporate Affairs w.e.f. August 31, 2022 migrated filing of 9 Company Forms from MCA 21 V2 to V3 Portal.

The Ministry of Corporate Affairs w.e.f. January 23, 2023, has launched second set of Company Forms covering 56 forms on MCA21-V3 Portal for filing purposes. The list of all 56 Company Forms is available on MCA website.

The Institute of Company Secretaries of India, in its attempt to further facilitate the stakeholders and ensure smooth transition and implementation, is sharing your feedback to the Ministry of Corporate Affairs (MCA) on regular basis. Such feedback is constantly and closely monitored by MCA at all levels for timely resolution.

We request you to share your inputs/issues/suggestions on filing of Company Forms in MCA V3 at the link given below:

<https://forms.gle/m5NGoCbt4TibuD196>

We thank you for your continued support and hope for association in the future as well.

❖ Banking

• Master Direction on Information Technology Governance, Risk, Controls and Assurance Practices (November 07, 2023)

A draft Master Direction on the subject was published in October 2022 seeking public comments. Based on feedback received, the final Reserve Bank of India (Information Technology Governance, Risk, Controls and Assurance Practices) Directions, 2023 are issued by the Reserve Bank of India.

For details:

<https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12562&Mode=0>

• RBI body raises concern over rise in bank borrowing by NBFCs (November 08, 2023)

The Centre for Advanced Financial Research and Learning (CAFRAL), set up by the RBI, has raised concern over the rise in the bank financing for non-banking finance companies. There is a large fall in secured borrowings and a marginal increase in unsecured borrowings, showing increased exposure to riskier finance, it said. Both secured and unsecured bank borrowings fall and unsecured debentures increase. "There is also a significant fall in reserves and surplus indicating that buffers grow thinner," the report said.

For details:

<https://indianexpress.com/article/business/banking-and-finance/rbi-body-raises-concern-over-rise-in-bank-borrowing-by-nbfc-9018005/>

❖ **Securities Laws and Capital Market**

- **Procedural framework for dealing with unclaimed amounts lying with entities having listed non-convertible securities and manner of claiming such amounts by investors (November 08, 2023)**

Regulation 61A (2) of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 mandates the transfer of the unclaimed interest/ dividend/ redemption amount to an Escrow Account. In this regard, a framework has been created by SEBI for defining the manner of transfer of unclaimed amounts by a listed entity to an Escrow Account and claim thereof by an investor. The same is enclosed as Annex - A to this Circular. Further, a framework defining the procedure to be followed by the listed entities (which are not companies) for transfer of such unclaimed amounts from the Escrow Account to the IPEF and claim thereof by an investor, has been provided as Annex - B to this Circular. This shall come into force from March 01, 2024.

For details:

https://www.sebi.gov.in/legal/circulars/nov-2023/procedural-framework-for-dealing-with-unclaimed-amounts-lying-with-entities-having-listed-non-convertible-securities-and-manner-of-claiming-such-amounts-by-investors_78988.html

- **Procedural framework for dealing with unclaimed amounts lying with Real Estate Investment Trusts (REITs)/Infrastructure Investment Trusts (InvITs) and manner of claiming such amounts by unitholders (November 08, 2023)**

SEBI (REITs) Regulations, 2014/SEBI (InvITs) Regulations, 2014 mandates that unitholders of REITs/InvITs should receive not less than ninety percent of Net Distributable Cash Flows (NDCF) and that distributions shall be made not less than once every six months for publicly offered REITs/InvITs (not less than once every year for privately placed InvITs). However, unclaimed amounts have arisen due to various reasons, including unitholders failing to update their account details. SEBI vide its two separate circulars has stipulated the procedural framework for dealing with unclaimed amounts lying with REITs/InvITs and manner of claiming such amounts by unitholders. The framework defining the procedure to be followed by an REITs or InvITs for transfer of unclaimed amounts, initially to an Escrow Account and subsequently, to the IPEF and claim thereof by a unitholder, has been provided as Annex - A to this Circular. This shall come into force from March 01, 2024.

For details:

https://www.sebi.gov.in/legal/circulars/nov-2023/procedural-framework-for-dealing-with-unclaimed-amounts-lying-with-real-estate-investment-trusts-reits-and-manner-of-claiming-such-amounts-by-unitholders_78992.html

https://www.sebi.gov.in/legal/circulars/nov-2023/procedural-framework-for-dealing-with-unclaimed-amounts-lying-with-infrastructure-investment-trusts-invits-and-manner-of-claiming-such-amounts-by-unitholders_78990.html

❖ **University Grants Commission (UGC)**

UGC issues guidelines for foreign universities to set up campuses in India (November 09, 2023)

The UGC has announced regulations for the establishment and operation of campuses by foreign universities in India. According to the regulations, foreign universities can collaborate to set up campuses in India, provided they meet eligibility criteria individually. Foreign universities setting up campuses will be required to seek prior approval from UGC before starting new courses. Foreign universities intending to establish campuses in India should have secured a position within the top 500 in global rankings. Foreign universities can set up more than one campus in India, and they need to make separate applications. UGC said campuses of foreign universities in India will have the autonomy to recruit faculty and staff as per their recruitment norms. Foreign university campuses in India cannot offer online courses or distance learning.

For details:

<https://newsonair.gov.in/News?title=UGC-issues-guidelines-for-foreign-universities-to-set-up-campus-in-India&id=470987>

❖ **ESG**

85% of investors, executives to boost ESG investments, despite economic headwind: Survey (November 09, 2023)

A Bloomberg Intelligence survey released on Wednesday, November 08, 2023 showed that 85% of investors and corporate leaders are set to increase their investments in Environmental, Social and Governance (ESG) over the next five years, signalling a strong momentum in ESG despite current geopolitical and macro-economic challenges.

For details:

<https://energy.economictimes.indiatimes.com/news/renewable/85-of-investors-executives-to-boost-esg-investments-despite-economic-headwinds-survey/105083473>

❖ **Market Watch**

Stock Market Indices as on 09.11.2023	
S & P BSE Sensex	64,832.20 (-143.41)
Nifty 50	19,395.30 (-48.20)

Foreign Exchange Rates as on 09.11.2023 <i>(https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx)</i>			
INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
83.28	89.17	102.30	.5516

❖ *Pronouncement*

November 08, 2023	Smt.ChandaKeswani (Petitioner) vs. State of Rajasthan & Other (Respondents)	High Court of Judicature for Rajasthan Bench at Jaipur S.B. Civil Writ Petition No. 7853/2020 [2023: RJ-JP:33972]
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Issue involved: Whether a surrogate mother/commissioning mother can be deprived to get maternity leave?

Judgement

The Hon'ble High Court inter alia observed that surrogacy is a blessing for infertile couples. A woman carrying a baby in her womb for others by transfer of embryo or gametes created using the intended parents is called surrogacy. It has been proclaimed in India from ancient times and it was known by the terms 'Niyoya Dharma'. The ancient history of our country indicates that several great heroes were born through surrogacy. Surrogacy has been recognized by the Government now, that is why the Surrogacy (Regulation) Act, 2021 (for short 'the Act of 2021') has been enacted which deals with the provisions of regularization of surrogacy and surrogacy procedures. Hence, surrogacy is an option for couples to have a child for whom it is not possible to carry a baby at their own. Now, one can have a child through surrogacy process and the same is recognized under the law.

Once the surrogacy has been recognized by the Legislature, by enacting the Act of 2021 and a female can now become mother through the procedure of surrogacy, then she cannot be denied the benefit of maternity leave, after birth of the child through surrogacy process.....(From Para 20)

Further, the High Court said that right to life under Article 21 of the Constitution of India includes the right to motherhood and also the right of every child to full development. If the Government can provide maternity leave to an adoptive mother, it would be wholly improper to refuse to provide maternity leave to a mother who begets a child through the surrogacy procedure and as such, there cannot be any distinction between an adoptive mother who adopts a child and a mother who begets a child through surrogacy procedure after implanting an embryo created by using either the eggs or sperm of the intended parents in the womb of the surrogate mother.

For details:

file:///C:/Users/Lenovo/Downloads/205200078532020_3.pdf (Downloaded on 09/11/2023 at 10:02:00 AM)

❖ **FSSAI**

Decriminalization of Food safety and Standards Act, 2006(November 07, 2023)

The Central Government has appointed the date of publication as the day on which the provision at serial no. 35 in the Schedule of the Jan Vishwas (Amendment of Provisions) Act, 2023 relating to Food safety and Standards Act, 2006 has come into effect.

Entry 35 *inter alia* has, reduced the punishment under section 59 and decriminalized the provisions of section 63 of Food safety and Standards Act, 2006.

For details:

[https://egazette.gov.in/\(S\(cu1vpafebemjn40merklar0d\)\)/ViewPDF.aspx](https://egazette.gov.in/(S(cu1vpafebemjn40merklar0d))/ViewPDF.aspx)

Prepared by Directorate of Academics

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