



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

भाग दोन-संकीर्ण सूचना व जाहिराती

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प्राधिकृत प्रकाशन

संकीर्ण सूचना व जाहिराती

Serial No. M-234

NATIONAL COMMODITY CLEARING LIMITED

Akkruti Corporate Park, 1st Floor,
Near G.E.Garden, L.B.S. Marg,
Kanjurmarg (West), Mumbai 400 078.

CIN : U74992MH2006PLC163550

Subject to SEBI's approval, it is proposed to make the following amendments in the Rules & Bye Laws of National Commodity Clearing Limited (NCCL). The proposed amendments are published as per Rule 18 of Securities Contracts (Regulation) Rules, 1957 for information/public comments/criticism. Any person having any comments/ observations on the proposed amendments to the Rules & Bye Laws of NCCL may send the same to NCCL at compliance@nccl.co.in within fifteen days from the date of this publication. The observation received after the said fifteenth day will not be considered. The draft will be taken in to consideration immediately after expiry of fifteen days'.

A. PROPOSED AMENDMENT TO THE BYE LAWS OF THE NATIONAL COMMODITY CLEARING LIMITED

1. Short title and commencement

- (1) This amendment shall be called NCCL Bye Laws (Amendment), 2023.
- (2) It shall come into force with effect from the date of notification in Gazette of India.

2. A note is inserted after the existing sub clause 9.1.1 under Bye Law 9.1 :

“Note : Without prejudice to the above, the Clearing Corporation may provide cross margin benefit between Index futures and its underlying constituents or its variants subject to such terms and conditions as maybe prescribed by SEBI and/or the Clearing Corporation from time to time.”

3. A new sub clause as 9.1.4 is inserted after the existing sub clause 9.1.3 under Byelaw 9.1 :
“9.1.4 Every member shall segregate, monitor and report the collaterals held by it in such manner as may be prescribed by the Clearing Corporation and/or SEBI from time to time”.
4. A new sub clause as 9.1.5 is inserted after the newly inserted sub clause 9.1.4 under Byelaw 9.1 :
“9.1.5 Allocation of the collaterals deposited by the Clearing member/Client, its valuation, manner of blocking the said collaterals towards margin requirement and withdrawal of such collateral shall be in a manner as prescribed by SEBI and/or Clearing Corporation from time to time”.
5. A new sub clause as 9.1.6 is inserted after the newly inserted sub clause 9.1.5 under Byelaw 9.1 :
“9.1.6 Any false allocation by members shall be treated as a violation and disciplinary action shall be taken against the members”
6. In the existing sub clause 9.7.3 under Bye Law 9.7, the following sentence in italics is inserted after the words “...as per directions of SEBI from time to time.”
“*The alternate tools shall be such as may be employed by the Clearing Corporation and /or as prescribed by SEBI under the default management process for regaining a matchbook.*”
7. A new sub clause as 10.2.4 is inserted after the existing sub clause 10.2.3 under Byelaw 10.2 :
“10.2.4 In case of a default by the Trading member or its constituents, the Clearing member shall follow such procedure as may be specified by SEBI and continue to meet its obligation towards other constituents and the Clearing Corporation.”
8. A new sub clause as 10.14.2 is inserted after the existing sub clause 10.14.1 under Byelaw 10.14 :
“10.14.2 When a complaint has been lodged by a Constituent, against a Clearing Member and upon the failure of such Clearing Member to satisfactorily perform in its dealings or meet its obligations, then such complaint shall be taken up with the concerned Clearing Member and upon the said complaint remaining unresolved, the same shall be placed before the Grievance Redressal Committee or such other Committee for redressal of the grievance in accordance with such procedure as specified by the Clearing Corporation and/or SEBI from time to time;

Explanation (1) :

For the purpose of this clause, the term “Constituent” shall mean Custodial Participant or a Trading Member as the case may be on whose instructions and/or on whose account the Clearing Member clears and settles the deals.

Explanation (2) :

For the purpose of this clause, the term “Custodial Participant” shall mean a direct Constituent/client of a Clearing Member.”

9. In the existing sub sub clause (e) under sub clause 13.7.1 under Bye Law 13.7, following words in italics are inserted along with the insertion in the Note below sub sub clause (e) :

(a) New words, “*higher of,*” inserted after the words, “...core SGFs of other segment and,” and before the words, “Rs. 100 crores) ...”

(b) New words with sentence, “*or the capital requirement towards orderly winding down of critical operations and services*” inserted after the words, “Rs. 100 crores” and before the words, “equal to ratio of segment MRC to sum of MRCs of all segments.”

(c) New words with sentence, “*or the capital requirement towards orderly winding down of critical operations and services, whichever is higher*” inserted in the ‘NOTE’ after the words, “SEBI has mandated that the said Rs.100 Crore” and before the words, “is to be excluded only when remaining Clearing Corporation resources...”

10. A new sub clause as 15.2 is inserted after the existing sub clause 15.1 under Byelaw 15 :

“15.2 Disclosures by the Clearing Corporation

The Clearing Corporation shall make such disclosures in such manner either on its own or as may be required by SEBI or upon the directives of any statutory, regulatory or government authorities.”

B. PROPOSED AMENDMENT TO THE RULES OF THE NATIONAL COMMODITY CLEARING LIMITED

1. Short title and commencement

(1) This amendment shall be called NCCL Rules (Amendment), 2023.

(2) It shall come into force with effect from the date of notification in Gazette of India.

2. A new sub clause as 4.11 is inserted after existing sub clause 4.10 under Rule 4 :

“4.11 The Board, in the event of winding of critical operations and services of NCCL, shall adhere to the framework as prescribed by SEBI from time to time.”

MUMBAI,
Dated 4th May, 2023.

RAJIV RELHAN,
MD & CEO.

Serial No. M-235

NATIONAL COMMODITY & DERIVATIVES EXCHANGE LIMITED

Ackruti Corporate Park, 1st Floor, Near G.E.Garden, L.B.S. Marg,
Kanjurmarg (West), Mumbai 400 078.

CIN : U51909MH2003PLC140116

Subject to SEBI's approval, it is proposed to make the following amendments in the Bye Laws of National Commodity & Derivatives Exchange Limited (NCDEX). The proposed amendments are published as per Rule 18 of Securities Contracts (Regulation) Rules, 1957 for information/public comments/criticism. Any person having any comments/ observations on the proposed amendments to the Bye Laws of NCDEX may send the same to NCDEX at gazette@ncdex.com within fifteen days from the date of this publication. The observation received after the said fifteenth day will not be considered. The draft will be taken in to consideration immediately after expiry of fifteen days, subject to approval by SEBI.

PROPOSED AMENDMENT TO THE BYE LAWS OF THE NATIONAL COMMODITY & DERIVATIVE EXCHANGE LIMITED.

1. Short title and commencement :

- a. This amendment shall be called NCDEX Bye Laws (Amendment), 2023.
- b. It shall come into force with effect from the date of notification in Gazette of India.

2. In the existing Clause 5.2 under Bye Law 5, following amendments are notified :

- a. New Sub-clause 12 shall be inserted after existing Sub-clause 11 as under:

“12. The Members shall adhere to all obligations with regard to periodic settlement of running account of funds of its clients in the manner prescribed by SEBI from time to time and as may be deemed necessary.”

- b. New Sub-clause 13 shall be inserted after newly inserted Sub-clause 12 as under :

“13. The Exchange may prescribe norms, procedures, guidelines with regards to handling of client securities and/or funds by the Trading Member(s) in the manner prescribed by SEBI from time to time and as may be deemed necessary.”

3. In the existing Clause 7.1 under Bye Law 7, following amendments are notified :

- a. In the existing Sub-clause 2, new words and symbol “/or any other systems and procedures in relation to algorithmic strategies for trading. The Exchange” shall be inserted after the word “for Algorithmic trading and” and before the words “shall prescribe the norms”.
- b. In the existing Sub-clause 2, existing words “from time to time” shall be deleted after the words and symbol “procedures, terms and conditions” and before the words “as may be directed by SEBI”.
- c. In the existing Sub-clause 2, new words and symbol “in this regard and as may be deemed appropriate. The Members shall only use such software as may be permitted by adhering to terms and conditions & norms and procedures as prescribed by SEBI and/or Exchange.” shall be inserted after the words “by SEBI from time to time”.
- d. In the existing Sub-clause 3, existing word “and” shall be substituted with new symbol “;” after the words “and conditions for cyber security” and before the words “cyber resilience policy as may”.

- e. In the existing Sub-clause 3, existing word “as may be directed” shall be substituted with new words and symbol “or any such other policy, procedure or framework required to deal with or overcome technical disruption, Cyber Security or technology outage including but not limited to reasons beyond the control of Exchange and shall be governed by processes and procedures as well as norms as may be prescribed” after the words “cyber resilience policy” and before the words and symbol “by SEBI from time to time.”.
- f. In the existing Sub-clause 3, new words and symbol “Such norms may also include risk reduction framework or standard operating procedures or other methodologies for handling disruptions in the services provided by the trading members or including technology glitches in the trading system of the Members.” shall be inserted after the words and symbol “by SEBI from time to time.”.

4. In the existing Clause 11.1 under Bye Law 11, following amendments are notified :

- a. In the existing Sub-clause 3, existing word “Committee” shall be substituted with new word “Panel” after the words “by the Grievance Redressal” and before the words “and admissible to the Investor”.
- b. In the existing Sub-clause 6, existing word “Committee” shall be substituted with new word “Panel” after the words “with the Order of Grievance Redressal”.
- c. In the existing Sub-clause 8, existing word “Committee” shall be substituted with new word “Panel” after the words “Grievance Redressal” and before the words “shall mean a Committee consisting”.
- d. In the existing Sub-clause 8, existing word “Committee” shall be substituted with new word “Panel” after the words “Grievance Redressal Committee shall mean a” and before the words “consisting of Independent persons or”.
- e. In the existing Sub-clause 10, existing word “Committee” shall be substituted with new word “Panel” after the words “of the Grievance Redressal” and before the words and symbols “of the Exchange (GRC)”.
- f. In the existing Sub-clause 10, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “Redressal Committee of the Exchange”.

5. In the existing Clause 11.A under Bye Law 11, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “required for making application to” and before the words and symbol “and filing Arbitration.”.

6. In the existing Clause 11.1C under Bye Law 11, following amendments are notified :

- a. In the existing Sub-clause 1, new words “online web based Complaints Redressal System provided by the Exchange or through” shall be inserted after the words and symbols “(SEBI Complaints Redress System) or through” and before the words “Email or in writing to the ISCs”.
- b. In the existing Sub-clause 3, existing word “Committee” shall be substituted with new word “Panel” after the words “referred to the Grievance Redressal” and before the words and symbols “(GRC) for redressal of the complaint.”.
- c. In the existing Sub-clause 3, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “referred to the Grievance Redressal Committee” and before the words and symbol “for redressal of the complaint.”.
- d. In the existing Sub-clause 5, existing word “Committee” shall be substituted with new word “Panel” after the words “referred to the Grievance Redressal” and before the words and symbol “(GRC), after recording the reasons”.

- e. In the existing Sub-clause 5, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "referred to the Grievance Redressal Committee" and before the words and symbol ", after recording the reasons".
- f. New Sub-clause 6 shall be inserted after existing Sub-clause 5 as under :
"6. The Exchange may facilitate an online mechanism for redressal of investor grievances as may be prescribed by SEBI from time to time and as may be deemed necessary."
- g. New Sub-clause 7 shall be inserted after newly inserted Sub-clause 6 as under:
"7. The Exchange shall from time to time take necessary steps to increase investors awareness with respect to grievance redressal including online mechanism for redressal of Investor Grievances."
- h. New Sub-clause 8 shall be inserted after newly inserted Sub-clause 7 as under:
"8. The Exchange shall make such public disclosures for the information of market participants as may be applicable or prescribed by SEBI and/or any statutory authority having jurisdiction."

7. In the existing Clause 11.1D under Bye Law 11, following amendments are notified appearing in the title :

- a. The existing word "COMMITTEE" shall be substituted with new word "PANEL" after the words "GRIEVANCE REDRESSAL".
- b. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "GRIEVANCE REDRESSAL COMMITTEE".

8. In the existing Clause 11.1D under Bye Law 11, following amendments are notified :

- a. In the existing Sub-clause 1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "Relevant Authority shall constitute" and before the words "in such regions as may be necessary or".
- b. In the existing Sub-clause 1, existing words "in such regions as may be necessary or identified" shall be substituted with new words "to resolve investor grievances which shall function in the manner as may be prescribed" after the words "Relevant Authority shall constitute GRC" and before the words and symbol "by SEBI from time to time."
- c. In the existing Sub-clause 1, new words "and/or Exchange" shall be inserted after the words "be necessary or identified by SEBI" and before the words and symbol "from time to time."
- d. In the existing Sub-clause 2, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "The" and before the words "shall comprise of such persons".
- e. In the existing Sub-clause 2, existing word "of" shall be deleted after the words "The GRC shall comprise" and before the words "such persons with such".
- f. In the existing Sub-clause 3, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "be applicable to members of".
- g. In the existing Sub-clause 4, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "Composition of".
- h. In the existing Sub -sub clause a. under Sub-clause 4, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "The" and before the words "shall comprise of a single person".

- i. In the existing Sub -sub clause b. under Sub-clause 4, existing word “Committee” shall be substituted with new word “Panel” after the words and symbol “Further, the three members” and before the words “shall comprise of at least one technical expert”.
- j. In the existing Sub -sub clause c. under Sub-clause 4, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “The members of” and before the words “shall not be associated with”.
- k. In the existing Sub -sub clause d. under Sub-clause 4, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “Exchanges shall empanel” and before the words and symbols “members, however, no arbitrator/ appellate”.
- l. In the existing Sub -sub clause d. under Sub-clause 4, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “appellate arbitrator shall be empanelled as” and before the word and symbol “member.”.

9. In the existing Clause 11.1E under Bye Law 11, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “GRIEVANCE REDRESSAL THROUGH” appearing in the title.

10. In the existing Clause 11.1E under Bye Law 11, following amendments are notified :

- a. In the existing Sub-clause 1, existing word “Committee” shall be substituted with new word “Panel” after the words “Grievance Redressal” and before the words and symbols “(GRC) shall be allowed a time of”.
- b. In the existing Sub-clause 1, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “Grievance Redressal Committee” and before the words and symbols “shall be allowed a time of 15 working”.
- c. In the existing Sub-clause 2, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “If” and before the words and symbol “needs additional information,”.
- d. In the existing Sub-clause 2, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words and symbol “needs additional information, then” and before the words “may request the Exchange to provide”.
- e. In the existing Sub-clause 2, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “for resolution of the complaint by” and before the words and symbol “shall not exceed 30 working days”.
- f. In the existing Sub-clause 3, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” before the words “shall adopt a two-fold approach”.
- g. In the existing Sub-clause 4, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words and symbol “resolved through the conciliation process,” and before the words “would ascertain the claim value”.
- h. In the existing Sub-clause 5, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “conclusion of the proceedings of” and before the words “and in cases where claim is admissible”.
- i. In the existing Sub-clause 6, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “not satisfied with the recommendation of the” and before the words “shall avail the arbitration mechanism of the Exchange”.
- j. In the existing Sub-clause 6, existing alphabet “C” in the word “GRC” shall be substituted with new alphabet “P” after the words “three months from the date of” and before the words “recommendation or within such time”.

- k. In the existing Sub-clause 7, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "opts for arbitration against the" and before the words "order and the claim value admissible".
- l. In the existing Sub-clause 8, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "complaint shall not be disposed by" and before the words and symbol "citing "lack of information and".
- m. In the existing Sub-clause 8, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words and symbols "complexity of the case". The" and before the words "shall give its recommendation".
- n. In the existing Sub-clause 9, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "Expenses of" and before the words "shall be borne by the respective".
- o. In the existing Sub-clause 10, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "shall organize regular training program for" and before the words "members in consultation with".
- p. In the existing Sub-clause 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "arbitration application received without going through" and before the words and symbol "mechanism, the time period of".

11. In the existing Sub-Clause 1A of Clause 11.2 under Bye Law 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "Member against the directions or order of the".

12. In the existing Clause 11.5 under Bye Law 11, following amendments are notified :

- a. In the existing Sub-clause 1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "The procedure to be followed in" and before the words and symbol "mechanism, in arbitration and appeal proceedings".
- b. In the existing Sub-clause 21, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "with in the Regulations to facilitate" and before the words and symbols ", arbitration.".

13. In the existing Clause 11.5B under Bye Law 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "Empanelment of" and before the words "members" appearing in the title.

14. In the existing Clause 11.5B under Bye Law 11, following amendments are notified:

- a. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "Exchanges shall empanel" and before the words and symbols "members, however, no arbitrator/ appellate".
- b. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "arbitrator shall be empaneled as" and before the words and symbol "member.".

15. In the existing Clause 11.6 under Bye Law 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "PERSONS TO BE APPOINTED AS" and before the words and symbol "MEMBERS/ ARBITRATORS" appearing in the title.

16. In the existing Clause 11.6 under Bye Law 11, following amendments are notified :

- a. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "his possible appointment as an" and before the words and symbol "member/ arbitrator shall disclose to the".

- b. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "he shall not be appointed as an" and before the words and symbols "member/ arbitrator."

17. In the existing Clause 11.6 under Bye Law 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "APPOINTMENT IN A REFERENCE OF THE" and before the words and symbol "MEMBER/ ARBITRATOR" appearing in the title.

18. In the existing Clause 11.6 under Bye Law 11, following amendments are notified:

- a. In the existing Sub-clause 11.8.1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "The appointment of the" and before the words and symbol "member shall terminate if :".
- b. In the existing Sub-sub clause a. under Sub-clause 11.8.1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the word "The" and before the words and symbols "member withdraws from office for".
- c. In the existing Sub-sub clause b. under Sub-clause 11.8.1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words and symbol "opinion of the Relevant Authority, the" and before the words "member becomes de jure or de facto".
- d. In the existing Sub-sub clause c. under Sub-clause 11.8.1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the word "The appointment of the" and before the words "member is terminated by the Relevant Authority".
- e. In the existing Sub-sub clause c. under Sub-clause 11.8.1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the word "termination of the appointment of the" and before the words "member from both the parties or".
- f. In the existing Sub-sub clause d. under Sub-clause 11.8.1, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the word "The" and before the words and symbol "proceedings are terminated as provided for".

19. In the existing Clause 11.9 under Bye Law 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "VACANCY TO THE OFFICE OF THE" and before the words and symbol "MEMBER/ ARBITRATOR" appearing in the title.

20. In the existing Clause 11.9 under Bye Law 11, following amendments are notified :

- a. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words and symbol "Order/ award should the office of the" and before the words and symbol "Member/arbitrator fall vacant for any reason".
- b. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "due to the illness or death of the" and before the words and symbol "Member/arbitrator or termination of the".
- c. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "termination of the mandate of the" and before the words and symbol "Member/ arbitrator by the Relevant Authority".
- d. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "specified by it for appointment of the" and before the words and symbols "Member/arbitrator."

21. In the existing Clause 11.10 under Bye Law 11, following amendments are notified :

- a. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words and symbol "Unless otherwise agreed by parties, any" and before the words and symbol "Member/arbitrator who has been appointed".
- b. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "vacancy to the office of the" and before the words and symbol "Member/arbitrator may repeat any".

22. In the existing Clause 11.11 under Bye Law 11, following amendments are notified :

- a. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "An order or ruling of the" and before the words and symbol "Member/arbitrator made prior to the termination".
- b. The existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "the order or ruling of the" and before the words and symbol "Member/arbitrator made prior to".

23. In the existing Clause 11.15 under Bye Law 11, existing alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the words "TIME FOR COMPLETION OF" and before the word and symbol "/ARBITRATION" appearing in the title.

24. In the existing Clause 11.15 under Bye Law 11, alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the word "The" and before the words and symbol "shall make the order within such period".

25. In the existing Sub-sub clause ii. in Clause 11.15 under Bye Law 11, alphabet "C" in the word "GRC" shall be substituted with new alphabet "P" after the word "an arbitration reference pursuant to an order of".

MUMBAI,
dated 8th May, 2023.

MR. ARUN RASTE,
MD & CEO.