MONTHLY NEWSLETTER

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OCTOBER 2018

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RBI/FEMA

1) OIL MARKETING COMPANIES (OMCS) PERMITTED TO RAISE ECB FOR WORKING CAPITAL PURPOSES

Under the extant policy, ECB can be raised under tracks I and III for working capital purposes if such ECB is raised from direct and indirect equity holders or from a group company, provided the loan is for a minimum average maturity of 5 years. To liberalise the said provision, the RBI has now permitted public sector Oil Marketing Companies (OMCs) to raise ECB for working capital purposes with minimum average maturity period of 3/5 years from all recognized lenders under the automatic route. Further, the individual limit of USD 750 million or equivalent and mandatory hedging requirements as per the ECB framework have also been waived for borrowings under this dispensation. However, OMCs should have a Board approved forex mark to market procedure and prudent risk management policy, for such ECBs. The overall ceiling for such ECBs shall be USD 10 billion equivalent and the said facility will come into effect from the date of this Circular. – ***[A.P. (DIR Series) Circular No.10, dated 3rd October, 2018]***

2) THE ELECTRONIC TRADING PLATFORMS (RESERVE BANK) DIRECTIONS, 2018 NOTIFIED

The RBI has issued guidelines for operating Electronic Trading Platforms (ETPs) to transact in eligible instruments. As per the Electronic Trading Platforms (Reserve Bank) Directions, 2018, ETPs will mean any electronic system, other than a recognised stock exchange, on which transactions in eligible instruments take place. – ***[FMRD.FMID.07/14.03.027/2018-19, dated 5th October, 2018]***

3) SOVEREIGN GOLD BOND SCHEME 2018-19

Government of India has announced the Sovereign Gold Bond Scheme 2018-19 ("the Bonds"). Under the scheme there will be a distinct series (starting from Series II) for every tranche which will be indicated on the Bond issued to the investor. The terms and conditions of the issuance of the Bonds are provided in the Circular. – ***[IDMD.CDD.No.821/14.04.050/2018-19, dated 8th October, 2018 & IDMD.CDD.No.822/14.04.050/2018-19, dated 8th October, 2018]***

4) RBI ISSUES GUIDELINES TO ALLOW PAYMENTS AMONG MOBILE WALLETS

The RBI has released the guidelines for interoperability between prepaid payment instruments (PPIs) such as wallets and cards that will effectively allow users of popular payment

wallets such as Paytm, Freecharge, Mobikwik, PhonePe and PayZapp, among others, to transfer money from one wallet to another. The wallets could implement interoperability through the Unified Payment Interface (UPI). Further, the RBI also allowed PPIs to issue cards using authorised card networks such as Mastercard, Visa or Rupay. – ***[DPSS.CO.PD.No.808/02.14.006/2018-19, dated 16th October, 2018]***

5) DISCONTINUATION OF PRACTICE TO PROVIDE SET OF SPECIMEN SIGNATURES OF SENIOR OFFICIALS OF RBI

Referring to DBR Circular DBOD.No.Prog.BC.124/C.283(A)-84 dated December 19, 1984, wherein Regional Offices of Reserve Bank of India were required to provide every year latest set of specimen signatures of senior officials of RBI authorized to issue letters of introduction to inspecting officers to the Head/ Controlling offices of banks/FIs within their jurisdiction. Consequent to the introduction of Risk Based Supervision framework, Senior Supervisory Managers (SSMs) have been acting as a single and focal point of contact for all communications/interfaces between the bank and RBI. Banks/FIs are being advised of the appointment of SSMs, by Department of Banking Supervision, Central Office, RBI. In view of the same, RBI has now decided to discontinue the practice as mentioned in the aforesaid Circular dated December 19, 1984. – ***[DBS.CO.PPD.BC/02/11.01.005/2018-19, dated 19th October, 2018]***

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FOREIGN TRADE

1) EXPORT OF RED SANDERS WOOD BY DIRECTORATE OF REVENUE INTELLIGENCE (DRI) AND GOVERNMENTS OF TAMIL NADU AND MAHARASHTRA

Time upto 30.04.2019 has been allowed to Directorate of Revenue Intelligence (DRI) and the State Governments of Maharashtra and Tamil Nadu to finalize the modalities and complete the process of export of respective allocated quantities of Red Sanders wood. ***–[Notification No. 40/2015-2020, 3rd October, 2018 (DGFT)]***

2) ELIGIBILITY OF FIRMS PROVIDING EDUCATIONAL SERVICES TO NRI STUDENTS UNDER SEIS

The Directorate has received references from members of trade seeking clarification on eligibility of firms providing educational services to NRI students for benefits under the Services Exports from India Scheme (SEIS).

The matter has been examined and it has clarified that for the purpose of claim of SEIS benefits under Appendix 3D of SEIS, Serial no. 4 – A/B/C or D, the educational services rendered by Indian institutes to NRIs are eligible for SEIS benefits under the FTP 2015-20. It is also clarified that while educational services provided to NRI students (who constitute foreign consumers) would be eligible under the SEIS, services given to Indian students sponsored by NRIs would not be eligible, since such category of students cannot be considered as foreign consumers. ***–[Policy Circular No. 13/2015-2020, 5th October, 2018 (DGFT)]***

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CORPORATE

1) INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (LIQUIDATION PROCESS) (SECOND AMENDMENT) REGULATIONS, 2018

IBBI has amended the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 as follows:

Regulation 32 (manner of sale), has been substituted changing the heading to 'sale of assets' and providing that a liquidator may sell- an asset on a standalone basis; the assets in a slump sale; a set of assets collectively; the assets in parcels; the corporate debtor as a going concern; or the business(s) of the corporate debtor as a going concern. However, where an asset is subject to security interest, it shall not be sold under any of the above, unless the security interest therein has been relinquished to the liquidation estate.

Reg. 34(2) lists that the asset memorandum shall provide certain details of the assets which are intended to be realized by way of sale. Clause (b) of Reg. 34(2) has been substituted to provide that asset memorandum shall provide the value of the assets or business(s) under clauses (b) to (f) of regulation 32, valued in accordance with Regulation 35, if intended to be sold under those clauses.

Reg. 35 (Valuation of assets intended to be sold) has been substituted to provide that where the valuation has been conducted under Regulation 35 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 or Regulation 34 of the Insolvency and Bankruptcy Board of India (Fast Track Insolvency Resolution Process for Corporate Persons) Regulations, 2017, the liquidator shall consider the average of the estimates of the values arrived under those provisions for the purposes of valuations under these regulations. In cases not covered above, the liquidator shall appoint two registered valuers within seven days of the liquidation commencement date, to determine the realisable value of the assets or businesses under clauses (a) to (f) of Regulation 32 of the corporate debtor. The proviso to Reg. 35(2) lists the persons who shall not be appointed as registered valuers. The Registered Valuers appointed as above shall independently submit to the liquidator the estimates of realisable value of the assets or businesses computed in accordance with the Companies (Registered Valuers and Valuation) Rules, 2017, after physical verification of the assets of the corporate debtor. The average of two estimates received shall be taken as the value of the assets or businesses.

Form B (Public Announcement) has also been substituted.

The Regulations shall come into force on the date of their publication in the Official Gazette. To refer to the Insolvency and Bankruptcy Board of India (Liquidation Process) (Second Amendment) Regulations, 2018 dated Oct 22, 2018. – ***[Insolvency and Bankruptcy Board of India, 22nd October, 2018 (IBBI)]***

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SECURITIES

1) SEBI ALLOWS PARTICIPATION OF ELIGIBLE FOREIGN ENTITIES (EFES) IN THE COMMODITY DERIVATIVES MARKET

Pursuant to its consultation paper released in May 2018, SEBI has allowed foreign entities having actual exposure to Indian commodity markets, to participate in the commodity derivatives segment of stock exchanges for hedging their exposures. Such foreign entities shall be known as "Eligible Foreign Entities" (EFEs). Accordingly:

All commodity derivatives traded on Indian exchanges except for those contracts defined as "sensitive commodity" will be eligible for the derivatives segment.

All EFEs eligible for the derivatives segment are mandated to have actual exposure to Indian physical commodity markets with minimum net worth requirement of $500,000.

The EFEs desirous of taking hedge positions in Indian commodity derivatives market shall approach Authorized Stock Brokers (ASBs), from amongst the Brokers which are registered under SEBI(Stock brokers and sub-brokers) Regulations, 1992 having minimum net-worth of INR 25 Crores and are authorized by the Exchanges for opening of such accounts.

An EFE can open trading account with only one of the ASBs and participate in the commodity derivatives trading through the said ASB. EFE shall place orders for trading only through their ASBs on the Exchange platform.

EFEs are required to fulfil the know-your-client (KYC) requirements mandated by Indian anti-money laundering laws in line with the equivalent category of foreign portfolio investors. Such EFE shall also provide its valid Legal Entity Identifier (LEI) issued by organizations accredited by the Global Legal Entity Identifier Foundation (GLEIF), wherever available.

The position limits shall be governed by the hedge policy of the Exchanges and no separate client trading limits shall be allowed for EFEs. Exchanges shall issue a separate hedge code for easy identification of EFEs.

Hedge limits for an EFE will be determined on a case to case basis, depending on applicant's actual exposure to the commodity, hedging requirement and other factors.

The commodity derivatives exchanges will put in place appropriate risk management systems in place for allowing EFE to take positions in eligible commodities as well as a mechanism to monitor the limits as well as physical exposure of an EFE, which may include seeking periodical reports.

The EFEs shall also be required to submit to the respective ASB a half yearly certificate from their auditors as on March 31 and September 30, within sixty days from the said dates, to the effect that during the preceding six months, whether the derivative contracts entered into by the EFE exceeded or not exceeded the actual underlying exposure.

The Exchanges on daily basis shall disclose on their website the hedge limit allocated to such EFEs, indicating the period for which approval is valid, in the particular commodity in an

anonymous manner.- ***[SEBI/HO/CDMRD/DMP/CIR/P/2018/134, 9th October, 2018 (SEBI)]***

2) SEBI ASKS DEPOSITORY PARTICIPANTS TO REPORT FPI REGISTRATION ON MONTHLY BASIS

With an aim to bring transparency in processing of applications for registration of foreign portfolio investors (FPI), SEBI has asked designated depository participants (DDP) to inform on monthly basis about the average time taken by them in dealing such requests. DDPs will have to provide the number of (FPI) applications received and the average time taken in processing of such applications during the immediate preceding month to SEBI by 5th working day of every month, in the prescribed format. – ***[SEBI/HO/FPIC/CIR/P/2018/135, 11th October, 2018 (SEBI)]***

3) SEBI EASES COST, COMPLIANCE BURDEN ON ISSUER OF DEBT SECURITIES

Pursuant to the decision in its board meeting of September 18, 2018 and to ease the cost and compliance burden on the issuer of securities, SEBI has removed the requirement of 1 per cent security deposits with exchanges for public issuance of debt securities. Accordingly, in three separate notifications dated October 9, SEBI has deleted the requirement of 1 per cent security deposit in the cases of public issues of debt securities, non-convertible redeemable preference shares and securitised debt instruments as follows:

A.Regulation. 16B of the Securities and Exchange Board of India (Issue and Listing of Non-Convertible Redeemable Preference Shares) Regulations, 2013;

B.Regulation. 35B of the Securities and Exchange Board of India (Issue and Listing of Securitised Debt Instruments and Security Receipts) Regulations, 2008

C.Regulation. 19B of the Securities and Exchange Board of India (Issue and Listing of Debt Securities) Regulations, 2008.

–[Securities and Exchange Board of India (Issue and Listing of Non-Convertible Redeemable Preference Shares) (Amendment) Regulations, 2018, No. SEBI/LAD-NRO/GN/2018/44, 9th October, 2018; Securities and Exchange Board of India (Issue and Listing of Securitised Debt Instruments and Security Receipts) (Second Amendment) Regulations, 2018, No.SEBI/LAD-NRO/GN/2018/43, 9th October, 2018; and Securities and Exchange Board of India (Issue and Listing of Debt Securities) (Amendment) Regulations, 2018, No.SEBI/LAD-NRO/GN/2018/42, 9th October, 2018.]

4) SEBI INFORMAL GUIDANCE TO SUNDARAM FINANCE REGARDING APPOINTMENT OF INDEPENDENT DIRECTORS

SEBI in its informal guidance to Sundaram Finance Limited has stated that the newly inserted sub-clause(viii) of Reg. 16(1)(b) of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (SEBI LODR Regulations) regarding definition of independent directors shall be applicable to both – existing independent directors and to new

appointments/re-appointments of independent directors with effect from October 1, 2018.

Ms. Shobhana Ramachandhran, an Independent Director on board of Sundaram Finance Limited, is a non- independent Director on the board of India Motor Parts & Accessories Limited, a listed entity, on whose board there is an Independent Director (Mr S Ravindran), who is a non-independent Director on the board of Sundaram Finance Limited. Regulation 16(l)(b)(viii) of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (SEBI LODR Regulations) which was introduced *vide* Notification dated 9th May 2018, shall come into effect from October 01, 2018. It states that:

"16(1) (b) "independent director" means a non-executive director, other than a nominee director of the listed entity: (viii) who is not a non-independent director of another company on the board of which any non-independent director of the listed entity is an independent director"

Sundaram Finance Limited has interpreted the above amendment to not apply to the existing Independent Directors (IDs) who have been appointed by shareholders under Section 149 of the Companies Act, 2013, and will continue to be on the Board of Directors of the listed entity, and whose term will expire as per the tenor approved by the shareholders. Further, Sundaram Finance Limited has submitted that its understanding is strengthened by the wording of the new Regulation 17(1A) of SEBI LODR Regulations and wording in Regulation 25(1) of SEBI LODR Regulations, both of which use the word 'continue' (which is absent in Regulation 16(1)(b)(viii) of SEBI LODR Regulations). It has sought informal guidance on whether its above interpretation is correct and whether it needs to apply the requirements of Regulation 16(l)(b)(viii) of SEBI LODR Regulations only for new appointments/ re-appointments of directors.

SEBI observed that definition of the independent directors as mentioned in Regulation 16(1) (b) of the SEBI LODR Regulations was revised by inserting a new clause (viii) amongst other criteria mentioned in the said definition of independent director *vide* the SEBI (Listing Obligations and Disclosure Requirements) (Amendment) Regulations, 2018. The aforesaid Amendment Regulations were notified on 9th May, 2018 and the said amendment has come into effect on October 01, 2018. Hence, all listed companies were given time till October 01, 2018 to comply with the said clause (viii) of Regulation 16(l)(b) of the said Amendment Regulations. Thus, Regulation 16(l)(b)(viii) of SEBI LODR Regulations would apply both to existing directors and to new appointments/ re-appointments of directors with effect from October 1,2018. – ***[SEBI/CFD/CMD/PR/OW/28903/1/2018, 15th October, 2018 (SEBI)]***

5) SEBI INFORMAL GUIDANCE - BORROWING, LENDING OF SHARES BY INSIDERS TO ATTRACT INSIDER TRADING NORMS

In its informal guidance to HDFC Securities Ltd, SEBI has taken the view that borrowing or lending of securities by an insider while in possession of price sensitive information about such stocks will attract the provisions of insider trading in terms of Reg. 4(1) of the SEBI (Prohibition of Insider Trading) Regulations, 2015 (PIT Regulations).

HDFC Securities Ltd (HSL) submitted that it had approached certain clients who are senior employees (designated persons) of few companies for lending their shares allotted to them under ESOP under Securities Lending and Borrowing (SLB) mechanism. These clients raised queries regarding applicability of the PIT

Regulations for such SLB transactions. These clients/ designated persons by virtue of their employment could be considered as insider and may be in possession of unpublished price sensitive information (UPSI) of their employer company whose shares they intend to lend in SLB mechanism. As per Section 47(xv), transactions done in SLB segment shall not be regarded as transfer under Section 45 of the Income Tax Act. Hence, ownership of securities remains with the lender and does not get passed on to the borrower at any point. The lender gets lending fees and gets back all the securities on a pre-defined settlement date irrespective of price movement of those securities during intervening period. Quotes of securities which are available on SLB platform have no correlation to market price of the underlying securities. The lending/borrowing fee is not determined by the price movement of the underlying securities and it depends on demand and supply. With the introduction of physical settlement of derivatives by Exchanges, SLB activity is likely to surge. However, due to apprehension of attracting provision of the PIT Regulations, owners of securities are not willing to lend their securities through SLB mechanism. Thus, HSL sought guidance from SEBI with respect to whether transactions of lending and borrowing of securities done under SLB scheme will fall within the definition of 'trading/trade' as defined in the PIT Regulations and attract the provisions of the PIT Regulations.

SEBI noted that SLB mechanism is a mechanism for lending and borrowing of equity shares in the form of contracts, which are traded on the automated screen based order-matching platform. The price of such contracts is lending fee, which may derive its value from the underlying securities. In this mechanism, the title of the securities lent vests with the borrower during lending period, the borrower is entitled to deal with or dispose of the securities borrowed and there is an agreement to return (as per terms of the SLB contracts) the underlying securities to lender at the end of the contract. In the instant matter, the underlying securities are amenable for price discovery on an Exchange platform.

Relying on the definition of "trading" in Reg. 2L of the PIT Regulations and considering the nature of the SLB mechanism, the transactions of borrowing/lending done under SLB mechanism constitute trade for the purpose of PIT Regulations. Also Reg. 4(1) of the PIT Regulations, prohibits insiders from trading in securities that are listed or proposed to be listed on stock exchange when in possession of UPSI.

Based on the above, SEBI held that borrowing or lending of securities by an insider while in possession of UPSI with respect to underlying securities shall result in insider trading in terms of Regulation 4(1) of the PIT Regulations provided that the insider may prove his innocence by demonstrating the circumstances as stated therein. ***–[ISD/OW/26665/2018, 5th October, 2018 (SEBI)]***

6) SEBI HOLDS THAT INVESTMENT BY EMPLOYEES OF AIF SCHEMES IN AIF SCHEMES ATTRACTS INSIDER TRADING REGULATIONS

In its informal guidance to SBI Funds Management Private Limited (SBIFM), SEBI has clarified that employees of Alternative Investment Funds (AIF) schemes can invest in the units of AIF subject to requirements specified in the AIF Regulations. However, the SEBI (Prohibition of Insider Trading) Regulations, 2015 (PIT Regulations) is applicable to trading/investment by employees of AIFs/Asset Management Companies (AMCs) in units of AIF schemes that invest in securities listed or proposed to be listed.

SBIFM is the manager of SBI Alternative Equity Fund, a SEBI registered category III AIF. SBIFM is also an AMC of SBI Mutual Fund (MF) and SBI Portfolio Management Services (PMS), both registered with SEBI. SBIFM has adopted an employee dealing policy and code of conduct in line with SEBI Circular dated May 08, 2001 and the PIT Regulations, respectively. The said Circular and the Code of Conduct do not specifically mention 'investments in the AIF schemes' within the ambit of securities to which the Circular and the code apply. Some of SBIFM's employees including fund managers and research analysts are interested in investing in AIF schemes. AIF Regulations allow employees of the manager to make investments in the schemes of AIF. However, such employees of SBIFM or select employees of SBIFM who are interested in making such investments, by virtue of their employment with SBIFM, may be aware of the securities being bought and sold by SBIFM. Relying on the definition of *"Securities"* as provided in the PIT Regulations which excludes units of a MF, SBIFM submitted that given the similarity between MFs and AlFs, the PIT Regulations should not apply to investments in AlFs as well. Also, AIF schemes raise funds from investors by way of issue of units to the investors and such units themselves are not listed or proposed to be listed. Investments in units of AIF schemes, by employees having information about securities being bought and sold by the SBIFM, will not tantamount to indirect possession of unpublished price sensitive information (UPSI) and will not violate the provisions of Regulation 4(1) of the PIT Regulations in case employees make investment in AIF schemes. Thus, SBIFM sought guidance on: (A) Whether employees of SBIFM can invest in units of AIF schemes; and (B) Whether the Code of Conduct under the PIT Regulations shall be applicable to employees of SBIFM for investment in units of AIF schemes.

As regards the first issue, SEBI clarified that employees of AIF schemes can invest in the units of AIF subject to requirements specified in the AIF Regulations.

W.r.t to the second issue, SEBI noted that the intended employees of SBIMF who wish to invest in units of SBI AIF schemes would have access to the information about the potential buying and selling of securities by SBI Mutual Fund. Additionally as per AIF Regulations, AIF schemes can invest in both listed and unlisted securities. Further, such listed securities are amenable for insider trading.

Further, SEBI noted that Regulation 9 of the PIT Regulations states that the board of directors of every listed company and market intermediary shall formulate a code of conduct governing trading by their employees and other connected persons. The intent of such code is to set out the minimum standards required to achieve compliance with the provisions of the PIT Regulations, especially, for the purpose of dealing/trading in securities by the employees/other connected persons.

Also, SEBI Circular dated November 17, 2016 regarding investment/trading in securities by employees of AMC(s) and Trustees of Mutual Funds requires Trustees, AMCs, their employees and directors to follow the PIT Regulations. This Circular is being followed by AMCs/Trustees of MFs for monitoring trading/investment by employees of AMC(s) and Trustees of MFs.

Based on the above and the code of conduct specified in Regulation 9 read with schedule B,

SEBI took the view that PIT Regulations is applicable to trading/investment by employees of AIFs/AMC(s) in units of AIF schemes that invest in securities listed or proposed to be listed. ***–[SEBI/HO/ISD/OW/P/2018/28373, 9th October, 2018 (SEBI)]***

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COMPETITION

1) COMPETITION COMMISSION OF INDIA (PROCEDURE IN REGARD TO THE TRANSACTION OF BUSINESS RELATING TO COMBINATIONS) AMENDMENT REGULATIONS, 2018

CCI has amended the Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011 as follows:

The reference to Companies Act, 1956 has been changed to Companies Act, 2013 in Reg. 2(3).

A new Regulation 16A has been added allowing withdrawal and refiling of a combination notice. In case the notice is withdrawn, the fee already paid would be deducted from the amount payable in respect of the new notice given by the parties to the combination. The fresh notice seeking approval has to be submitted within three months of withdrawing the earlier one.

Reg. 19(2) has been substituted providing that before the CCI forms an opinion, the parties to the combination may offer any modification, based on which the regulator may give its approval. Where modification is offered by the parties to the combination, the additional time, not exceeding fifteen days, needed for evaluation of the offered modification, shall be excluded from the period provided in Reg. 19(1) and Sections 6(2A) and 31(11) of the Competition Act, 2002 (Act).

New Reg. 25(1A) Pursuant to a notice issued under S. 29(1) of the Act, the parties to the combination may offer modification to address the *prima facie* concerns in the notice along with their response to the same and on that basis, the Commission may approve the proposed combination. In such a case, the additional time, not exceeding fifteen days, needed for evaluation of the modification offered, shall be excluded from the period provided in Sections 6(2A), 29(2) and 31(11) of the Act.

Reg. 27(1) substituted to provide that CCI may appoint agencies to oversee the implementation of the modifications to the proposed combination in case it is of the opinion that there is a need for supervision.

Several small changes such as addition of the "sub-section (2A) of Section 6 of the Act" after the words ""period provided in" has also been made in proviso to Reg. 5(4), proviso to Reg. 5(6), Reg. 9(2), second proviso to Reg. 14(2A), Reg 14(5). Also, the period for communication regarding invalid notice to the parties to the combination in Reg. 14(2A) and 16(5) has been changed from seven days to seven working days.- ***[F. No. CCI/CD/Amend/Comb.Regl./2018, 9th October, 2018 (CCI)]***

2) CCI RELEASES POLICY NOTE ON 'MAKING MARKETS WORK FOR AFFORDABLE HEALTHCARE

Looking at the cases pertaining to the pharmaceutical and healthcare sector, CCI has observed that information asymmetry in the

pharmaceutical/healthcare sector significantly restricts consumer choice. In the absence of consumer sovereignty, various industry practices flourish which have the effect of choking competition and are detrimental to consumer interest. Though such practices may not always violate the provisions of the Act, but they create conditions that do not allow markets to work effectively. CCI felt the need for close examination and focused deliberations on these issues, which have implications for markets and competition in this sector. A series of initiatives were taken up by the CCI over the years in the pharmaceutical and healthcare sector, which culminated in a Technical Workshop on 'Competition Issues in the Healthcare and Pharmaceutical Sector in India' in August 2018. The issues identified and recommendations suggested by the stakeholders have been documented in a Policy Note by the Commission titled 'Making Markets Work for Affordable Healthcare'. The CCI also prescribed various ways to reduce the anti-trade practices in the policy paper. The key issues and recommendations are:

Highlighting the role of intermediaries in increasing prices, CCI noted that unreasonably high trade margins are responsible for exorbitant drug prices. High margins are a form of incentive and an indirect marketing tool employed by drug companies. Self-regulation by trade associations also contributes towards high margins as these associations control the entire drug distribution system in a manner that reduces competition.

Efficient and wider public procurement and distribution of essential drugs can circumvent the challenges arising from the distribution chain, supplant suboptimal regulatory instruments such as price control and allow for access to essential medicines at lower prices.

CCI has also suggested electronic trading of drugs, with appropriate regulatory safeguards which could help in bringing in transparency and spurring price competition among platforms and among retailers, as has been witnessed in other product segments.

Regarding generic drugs, the CCI's policy note said there are branded generic drugs that enjoy a price premium owing to perceived quality assurance that comes with the brand name. The brand proliferation is to introduce artificial product differentiation in the market, offering no therapeutic difference but allowing firms to extract rents. This practice of creating artificial product differentiation for exploitation of consumers may be addressed through a one-company-one drug-one brand name-one price policy.

It further suggested that the regulatory apparatus must address the issue of quality perception by ensuring consistent application of statutory quality control measures and better regulatory compliance. Unless the quality of drugs sold in markets can be taken to be in conformance of the statutory standards regardless of their brand names, generic competition in the true sense of the term cannot take off.

In view of the incentive-based referral system that pervades the healthcare landscape, issuing of periodic validated data by hospitals relating to mortality rate, infection rate, number of procedures etc. could help patients make informed choice.

CCI noted that in-house pharmacies of super specialty hospitals are completely insulated from competition as in patients are typically not allowed to purchase any product from outside pharmacies. It has suggested for regulation that mandates hospitals to allow consumers to buy standardised consumables from the open market. Similarly, all accredited diagnostic labs should meet the same quality standards in terms of infrastructure, equipment, skilled manpower etc. for getting accreditation.

CCI noted that there is no regulatory framework that ensures and governs portability of patient data, treatment record, diagnostic reports between hospitals which acts as a constraint for patients in switching from one hospital to another and creates a lock-in effect. Portability of patient data can help ensure that a patient is no longer locked into the data silos and do not bear additional cost for switching medical services and that doctors/hospitals can have timely access to patient data.

Owing to the multiplicity of regulators governing the pharmaceutical sector at the centre and state level, implementation of regulations is not uniform across the country. This has resulted in multiple standards of same products and also different levels of regulatory compliance requirements. Thus, a mechanism may be devised under the aegis of the CDSCO to harmonise the criteria/processes followed by the state licensing authorities to ensure uniformity in interpretation and implementation.

It is also imperative to make the approval of new drugs time-bound along with publication of detailed guidelines governing each stage of new drug approval process.

CCI has also pointed at two other major issues that affect the healthcare sector and thus warrant policy response- shortage of healthcare professionals in the country owing inter alia to high cost of medical education and inadequacy in health insurance. ***–[Competition Commission of India Press Release, 24th October, 2018 (CCI)]***

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INDIRECT TAXES

a. CUSTOMS

1) BCD RATES AMENDED FOR CERTAIN ITEMS

- The CBIC has amended the First Schedule of Customs Tariff Act, 1975 so as to increase BCD on items 8517 61 00 (Base stations) and 8517 69 90 (ISDN System Other) from existing 10% to 20%. ***– [Notification No. 74/2018–Customs, dated 11th October, 2018]***
- The CBIC has amended Notification No. 57/2017 dated 30th June, 2017 so as to decrease the BCD on items 8517 62 90 (All goods other than goods, namely:- (a) Wrist wearable devices (commonly known as smart watches) (b) Optical transport equipment (c) Combination of one or more of Packet Optical Transport Product or Switch (POTP or POTS) (d) Optical Transport Network (OTN) products (e) IP Radios) & 8517 69 90 (All goods other than goods, namely:- (a) Soft switches and Voice over Internet Protocol (VoIP) equipment, namely, VoIP phones, media gateways, gateway

controllers and session border controllers (b) Carrier Ethernet Switch, Packet Transport Node (PTN) products, Multiprotocol Label Switching -Transport Profile (MPLS-TP) products (c) Multiple Input/Multiple Output (MIMO) and Long Term Evolution (LTE) products)) from existing 10% to Nil. – ***[Notification No. 75/2018–Customs, dated 11th October, 2018]***

2) IMPLEMENTATION OF THE SEA CARGO MANIFEST AND TRANSHIPMENT REGULATIONS, 2018 DEFERRED

The CBIC has deferred the date of implementation of the Sea Cargo Manifest and Transhipment Regulations, 2018 from 1st November, 2018 to 1st March, 2019. – ***[Notification No.88/2018-Cus (NT), dated 30th October, 2018]***

3) ADD ON NYLON FILAMENT YARN

Definitive anti-dumping duty levied on nylon filament yarn imported from Vietnam and European Union for 5 years. – ***[Notification No.50/2018-Customs (ADD), dated 5th October, 2018]***

4) ADD ON DUCTILE IRON PIPES

Notification No. 23/2103 dated the 10th October, 2013 amended so as to extend the levy of anti-dumping duty on the imports of "Ductile Iron Pipes" originating in or exported from China PR up to and inclusive of the 9th April, 2019. – ***[Notification No.51/2018-Customs (ADD), dated 9th October, 2018]***

5) RESCIND OF ADD ON 'PHTHALIC ANHYDRIDE

Notification No. 58/2012-Customs (ADD) dated 24th December, 2012 rescinded so as to rescind the ADD on imports of the 'Phthalic Anhydride' originating in or exported from Korea RP, Taiwan & Israel. – ***[Notification No.52/2018-Customs (ADD), dated 15th October, 2018]***

6) ADD ON FLAX YARN BELOW 70 LEA COUNT

Definitive anti-dumping duty levied on Flax yarn below 70 lea count imported from China PR for 5 years. – ***[Notification No.53/2018-Customs (ADD), dated 18th October, 2018]***

7) ADD ON STRAIGHT LENGTH BARS AND RODS OF ALLOY STEEL

Definitive anti-dumping duty imposed on the imports of "Straight Length Bars and Rods of Alloy Steel" originating in or exported from China PR for 5 years. – ***[Notification No.54/2018-Customs (ADD), dated 18th October, 2018]***

8) ADVISORY CIRCULAR FOR REGISTRATION OF BENEFICIARIES ON INDIAN CUSTOMS ELECTRONIC COMMERCE/ELECTRONIC DATA INTERCHANGE (EC/EDI) GATEWAY (ICEGATE)

Central Board of Indirect Taxes and Customs (CBIC) on October 1, 2018, has issued advisory Circular for registration of beneficiaries on Indian Customs Electronic Commerce/Electronic Data interchange (EC/EDI) Gateway (ICEGATE).

CBIC has been embarking on a project under SWIFT to bring all the Participating Government Agencies (PGAs) under e-SANCHIT wherein instead of importer/exporter the PGAs who issue Licenses, Permits, Certificates and Other Authorizations (LPC0s), will upload the documents themselves. Once the LPCO is uploaded by a PGA, a unique IRN (Image reference number) will be generated by the system and the same will be communicated to the beneficiary. For availing this facility, the e-mail id. of the beneficiaries registered with ICEGATE will be used. A pilot has been expected to be launched shortly for testing the e-SANCHIT facility for PGAs with three PGAs. A detailed procedure on registration is available at ICEGATE website under the path www.icegate.gov.in -> Downloads ->Registration Demo. – ***[Circular no. 35/ 2018- Customs, dated 1st October, 2018]***

9) THE GUIDELINES FOR GRANT OF REWARD TO INFORMERS AND GOVERNMENT SERVANTS, 2015 AMENDED

The Guidelines for grant of reward to Informers and Government servants, 2015 have been amended for including GST. ***[Circular no. 36/ 2018- Customs, dated 5th October, 2018]***

10) CLARIFICATION REGARDING CASES WHERE IGST REFUND HAVE NOT BEEN GRANTED DUE TO CLAIMING HIGHER RATE OF DRAWBACK OR WHERE HIGHER RATE AND LOWER RATE WERE IDENTICAL

The CBIC has clarified that in cases where IGST refund has not been granted due to claiming higher rate of drawback or where higher rate and lower rate were identical, it has been clarified that it would not be justified allowing exporters to avail IGST Refund after initially claiming the benefit of higher drawback. – ***[Circular no. 37/ 2018- Customs, dated 9th October, 2018]***

11) PROCEDURE TO BE FOLLOWED IN CASES OF MANUFACTURING OR OTHER OPERATIONS UNDERTAKEN IN BONDED WAREHOUSES UNDER SECTION 65 OF THE CUSTOMS ACT

Section 65 of the Customs Act, 1962 provides for manufacturing as well as carrying out other operations in a bonded warehouse. The CBIC *vide* present Circular has updated the procedure for seeking permission for in-bond manufacturing and for maintaining various records. The Circular also prescribes various forms for this purpose and clarifies on duty liability on removal of processed goods from such warehouse. – ***[Circular No. 38/2018-Customs, dated 18th October, 2018]***

12) CLARIFICATION REGARDING ELECTRONIC SEALING FOR DEPOSIT IN AND REMOVAL OF GOODS FROM CUSTOMS BONDED WAREHOUSES

The CBIC has earlier introduced electronic sealing for deposit in and removal of goods from Customs bonded Warehouses. In this connection, requests have been received from the trade that for warehouse to warehouse transfer, the owner of the goods should be allowed to procure a RFID seal from the destination warehouse instead of originating warehouse. It has been clarified that even in case of warehouse to warehouse transfer, it is clarified that the RFID seals shall be procured from the

destination warehouse. – ***[Circular No. 39/2018-Customs, dated 23rd October, 2018]***

b. CENTRAL EXCISE

1) CENTRAL EXCISE DUTY RATES REDUCED ON MOTOR SPIRIT (PETROL) AND HIGH-SPEED DIESEL

Notification No. 11/2017-Central Excise dated 30th June,2017 amended so as to reduce Central Excise duty rates on motor spirit (petrol) and High-speed diesel. – ***[Notification No. 21/2018-Central Excise, dated 4th October, 2018]***

2) CENTRAL EXCISE DUTY RATES ON AVIATION TURBINE FUEL REDUCED

Notification No. 11/2017-Central Excise dated 30th June, 2017 amended so as to reduce Central Excise duty rates on Aviation Turbine Fuel. – ***[Notification No. 22/2018-Central Excise, dated 10th October, 2018]***

3) NEW PROCEDURE FOR ONLINE REGISTRATION AND FILING OF CLAIMS UNDER THE BUDGETARY SUPPORT SCHEME

The CBIC *vide* present Circular has prescribed a new procedure for online registration and filing of claims by the eligible units for disbursal of budgetary support under Goods and Service Tax Regime, located in States of Jammu & Kashmir, Uttarakhand, Himachal Pradesh and North East including Sikkim. – ***[Circular No. 1067/6/2018-CX dated 5th October, 2018]***

c. GST

1) AMENDMENTS TO THE CGST RULES, 2017

- (Eleventh Amendment, 2018) to the CGST Rules, 2017: This Notification restores Rule 96(10) to the position that existed before the amendment carried out in the said rule by Notification No. 39/2018- Central Tax dated 04.09.2018. The CBIC *vide* present Notification has substituted/ amended CGST Rule 96(10) relating to refund of IGST paid on exported Goods/ Services, with retrospective effect from the 23 October, 2017. – ***[Notification No. 53/2018 – Central Tax, dated 9th October, 2018]***
- (Twelfth Amendment, 2018) to the CGST Rules, 2017: This Notification amends Rule 96(10) to allow exporters who have received capital goods under the EPCG scheme to claim refund of the IGST paid on exports and align Rule 89(4B) to make it consistent with Rule 96(10). – ***[Notification No. 54/2018 – Central Tax, dated 9th October, 2018]***
- (Thirteenth Amendment, 2018) to the CGST Rules, 2017: This Notification mainly amends the procedure relating to GSTP Exam under CGST Rule 83A. – ***[Notification No. 60/2018 – Central Tax, dated 30th October, 2018]***

2) EXTENSION OF TIME PERIOD FOR FILING OF THE FORM GSTR-3B

Last date for filing of FORM GSTR-3B for the month of September, 2018 has been extended till 25.10.2018 for all taxpayers. – ***[Notification No. 55/2018 – Central Tax, dated 21st October, 2018]***

3) POST AUDIT AUTHORITIES UNDER MOD EXEMPTED FROM TDS COMPLIANCE

The CBIC has exempted Post audit authorities under the Ministry of Defence, other than the authorities specified in the Annexure-A and their offices, with effect from the 1st day of October, 2018 from GST TDS compliance. – ***[Notification No. 57/2018 – Central Tax, dated 23rd October, 2018]***

4) TAXPAYERS WHOSE REGISTRATION HAS BEEN CANCELLED CAN FURNISH FINAL RETURN IN FORM GSTR-10 TILL 31ST DECEMBER, 2018

The CBIC notified that the persons whose registration under the Act has been cancelled by the proper officer on or before the 30th September, 2018, as the class of persons shall furnish the final return in FORM GSTR-10 of the said rules till the 31st December, 2018. – ***[Notification No. 58/2018 – Central Tax, dated 26th October, 2018]***

5) EXTENSION OF TIME PERIOD FOR FURNISHING THE DECLARATION IN FORM GST ITC-04

The time limit for furnishing the declaration in FORM GST ITC-04 for the period from July, 2017 to September, 2018 has been extended till 31st December, 2018. – ***[Notification No. 59/2018 – Central Tax, dated 26th October, 2018]***

6) AUTHORITY AND APPELLATE AUTHORITY FOR ADVANCE RULING NOTIFIED IN UNION TERRITORIES

The CBIC has notified the constitution of the Authority and Appellate Authority for Advance Ruling (name and designation of the Member) in the Union Territories (without legislature). – ***[Notification No. 14/2018 & 15/2018 - Union territory Tax, dated 8th October, 2018]***

7) NOTIFICATIONS ISSUED UNDER CGST ACT, 2017 APPLICABLE TO GOODS AND SERVICES TAX (COMPENSATION TO STATES) ACT, 2017

Representations were received by the CBIC regarding the entitlement of UN and specified international organizations, foreign diplomatic mission or consular posts, diplomatic agents and consular offices post therein to refund of Compensation Cess payable on intra-State and inter-State supply of goods or services or both received by them. The CBIC observed that the notifications issued under the CGST Act except those prescribing rate or granting exemptions, are applicable for the purpose of the Compensation Cess Act. Finally it was clarified that UN and specified international organizations, foreign diplomatic missions or consular posts in India, or diplomatic agents or career consular officers posted therein, having being specified under Section 55 of the CGST Act, 2017, are entitled to refund of Compensation Cess payable on intra-State and inter-State supply of goods or services or both received by them subject to the same conditions and restrictions, *mutatis mutandis*, as prescribed in Notification No. 16/2017-Central Tax(Rate) dated 28.06.2017. – ***[Circular No. 68/42/2018-GST, dated 5th October, 2018]***

8) STANDARD OPERATING PROCEDURE NOTIFIED FOR PROCESSING OF APPLICATIONS FOR CANCELLATION OF REGISTRATION SUBMITTED IN FORM GST REG-16

The CBIC has *vide* present Circular notified the Standard Operating Procedure for Processing of Applications for Cancellation of Registration submitted in FORM GST REG-16. – ***[Circular No. 69/43/2018-GST, dated 26th October, 2018]***

9) CLARIFICATION ON CERTAIN ISSUES RELATED TO REFUND

Status of refund claim after issuance of deficiency memo and re-credit of electronic credit ledger: Presently GSTN does not allow an assessee to file a fresh application for refund once a deficiency memo has been issued against an earlier refund application for same period. Hence, till the time such facility is developed, assessees are required to submit the rectified refund application under earlier application reference number only. Further, in case of issuance of deficiency memo, no re-credit of amount of input tax credited in the electronic credit ledger is required. A suitable clarification would be issued to address the cases where the re-credit is already made.

Allowing exporters who have received capital goods under EPCG to claim refund of IGST paid on exports: Rule 96(10) of the CGST Rules, 2017 restricted the refund of IGST paid on exports if the exporter had claimed the benefit under certain specified notifications. The Rule has been amended and the net effect of the amendment is that any exporter who imported goods by claiming benefit under customs Notification Nos. 78/2017 and 79/2017 can claim refund of IGST paid on exports till 9 October, 2018 when Rule 96(10) of the CGST Rules, 2017 was amended by Notification No. 54/2018- Central Tax. After the amendment, such exporters will not be able to claim refund of IGST paid on exports, except for the exporters receiving capital goods under the EPCG scheme. – ***[Circular No. 70/44/2018 – GST, dated 26th October, 2018]***

10) CBIC CLARIFIED ISSUES RELATED TO CASUAL TAXABLE PERSON AND INPUT SERVICE DISTRIBUTOR (ISD)

The CBIC has provided clarification on issues pertaining to registration as a casual taxable person & recovery of excess Input Tax Credit distributed by an Input Service distributor as follows:

- Amount of advance tax which a casual taxable person (CTP) is required to deposit while obtaining registration should be calculated as the net tax liability after considering the estimated input tax credit (ITC).
- In cases of long running exhibitions (for a period more than 180 days), the taxable person cannot be treated as a CTP and would need to obtain registration as a normal taxable person.
- Excess ITC distributed by an input service distributor (ISD) would be recovered from the recipients along with interest and penalty, if any. Further, the ISD would also be liable to a general penalty under Section 122(1)(ix) of CGST Act, 2017.

  – ***[Circular No. 71/45/2018-GST, dated 26th October, 2018]***

11) CBIC CLARIFIES PROCEDURE FOR RETURN OF TIME EXPIRED DRUGS OR MEDICINES

The CBIC *vide* present Circular has clarified the procedure in respect of return of time expired drugs or medicines under GST to ensure uniformity in the implementation of law. Key points are:

1. The procedure mentioned in Circular is applicable to the return of goods for any reason including time expired.
2. Registered supplier of returned goods to either treat it as fresh supply and charge GST or Recipient (original supplier) to issue credit note with GST within 6 months following end of the financial year supplier to reduce ITC and if return is after said 6 months Recipient to issue credit note without GST, no need to upload on GST portal;
3. If supplier of returned goods is unregistered person, he should issue any commercial document no other formalities are to be followed by recipient
4. ITC to be reversed by the person who destroys the goods.

– ***[Circular No. 72/46/2018-GST, dated 26th October, 2018]***

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INTELLECTUAL PROPERTY RIGHTS

1) CALCUTTA HIGH COURT LISTS DOWN FACTORS TO EVALUATE LIKELIHOOD OF CONFUSION IN THE CONTEXT OF TRADE DRESS

The Court observed that the likelihood of confusion in the context of trade dress is evaluated by reference to similar factors as used in the ordinary trade mark context. The factors as evolved from the authorities and decided cases are:

i) strength of the trade dress,
ii) similarity between plaintiff's and defendant's trade dress,
iii) evidence of actual confusion,
iv) marketing channels used,
v) type of goods and likely degree of purchaser care, and
vi) the defendant's intent in selecting its trade dress, Determination of the likelihood of confusion in trade dress cases must be made in the light of 'the total effect of the defendant's product and package on the eye of the ordinary purchaser. (See N. Ranga Rao vs. Anil Garg, 2006 (32) PTC 15 (Del) In Cadila Health Care Ltd., in Paragraph 35 the factors to be taken into consideration in an action for passing on the basis of unregistered trademark has been stated thus:-

(a) The nature of the marks i.e. whether the marks are word marks or label marks or composite marks i.e. both words and label works.
(b) The degree of resemblances between the marks, phonetically similar and hence similar in idea.
(c) The nature of the goods in respect of which they are used as trade marks.
(d) The similarity in the nature, character and performance of the goods of the rival traders.
(e) The class of purchasers who are likely to buy the goods bearing the marks they require, on their education and intelligence and a degree of care they are likely to exercise in purchasing and/or using the goods.
(f) The mode of purchasing the goods or placing orders for the goods.

(g) Any other surrounding circumstances which may be relevant in the extent of dissimilarity between the competing marks. Weightage to be given to each of the aforesaid factors depending upon facts of each and the same weightage cannot be given to each factor in every case. – ***[La Opala R.G. Ltd vs Cello Plast & Ors., dated 11th October, 2018 (Calcutta HC)]***

2) DELHI HIGH COURT REITERATES THE REASON WHICH PREVAILS WITH THE COURT IN GRANTING INJUNCTION

The court observed that it is a settled law of intellectual property the ultimate reason which prevails with the Court in granting injunction i.e., of dishonesty and an attempt on the part of the defendant to ride on the goodwill of the plaintiffs, to steal the market created by the plaintiffs, to have a headstart from the place to which the plaintiffs have built the business, to pass off his/her/its goods or services as that of the plaintiffs, all obviously to the prejudice of the plaintiffs and amounting to cheating the patrons/consumers/customers of the plaintiffs and the public at large. – ***[Disposafe Health And Life Care Ltd & Anr. vs Rajiv Nath & Anr., dated 31st October, 2018 (Delhi HC)]***

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CONSUMER

1) INSURERS CLAIM CAN'T BE DENIED CLAIM ON GROUND OF LIFESTYLE DISEASES

The National Consumer Disputes Redressal Commission (NCDRC) had held that insurance claim cannot be denied on the ground of common lifestyle diseases such as diabetes or hypertension but that does not give right to the insured to suppress information in respect of such diseases.

The commission also reiterated that suppression of any information relating to pre-existing disease if it has not resulted in death or has no direct relationship to cause of death, would not completely disentitle the claimant from claiming the insured amount.

The Complainant's husband had taken an LIC policy in the year 2003 and after being medically examined by a panel of doctors, he was issued the policy w.e.f. 25.12.2002 to 25.6.2026. The husband of the complainant died on January 7, 2004 due to cardio-respiratory arrest. Her claim was rejected by LIC on the ground that the insured had suppressed material information regarding his health at the time of effecting the policy as he suffered from diabetes and LL Hansen's disease.

The commission, therefore, set aside the order of the state commission and modified the order of the district forum to the extent that LIC was told to pay only the insurance amount of Rs. 5 lakh and compensation of Rs. 25,000 along with litigation cost. ***–[Neelam Chopra v. Life Insurance Corporation of India, 8th October, 2018, (NCDRC)]***

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ENVIRONMENT

1) SUPREME COURT STAYS NGT ORDER CLEARING PM NARENDRA MODI'S PET CHAR DHAM ALL-WEATHER ROAD PROJECT

The Supreme Court stayed an Order by the National Green Tribunal (NGT) clearing Prime Minister Narendra Modi's pet project to build an ambitious 899-km-long all-weather Char Dham road. The Char Dham road widening project aims to provide all-weather connectivity to the four shrines of Gangotri, Yamunotri, Kedarnath and Badrinath in the Garhwal Himalayas. In its September 26 Order, the NGT, had said that it was "inclined to clear the project in view of the larger public interest and the country's security in the construction of highway." The green panel had also formed a committee to monitor the project. The tribunal had been hearing a petition filed by an NGO, Citizens for Green Doon, which said that environment clearance had not been taken for the project and the ongoing work was "blatantly illegal". The apex court while hearing a petition filed by the same NGO stayed the order of the tribunal and sought response from the Centre and the state government. – ***[The Times of India, dated 23rd October, 2018]***

2) NGT FINES DELHI GOVERNMENT RS 50 CRORE OVER ILLEGAL STEEL UNITS

The NGT slapped a fine of Rs. 50 crore on Delhi government for failing to take action against steel pickling units operating in non-conforming and residential areas, despite its repeated directions. NGT also asked Delhi Pollution Control Committee (DPCC) why it had not filed an affidavit in the matter despite its directions. – ***[The Times of India, dated 17th October, 2018]***

3) NGT ORDERS 23 STATES, UTS TO PREPARE ACTION PLANS TO FIGHT AIR POLLUTION IN 2 MONTHS

The NGT has directed 23 states and Union territories, including the national capital Delhi and Chandigarh, to prepare action plans within two months to bring the air quality standard within the prescribed limit. Noting that there are 102 cities where air quality does not meet the National Ambient Air Quality Standards, the panel formed an Air Quality Monitoring Committee (AQMC), comprising directors of environment, transport, industries, urban development, agriculture departments and member-secretary of state pollution control boards.

The NGT said the chief secretaries of the states and administrators of the Union territories will be personally accountable for failure to formulate action plans.

The States and Union territories asked to prepare action plans are: Maharashtra (17 cities); Uttar Pradesh (15); Punjab (9); Himachal Pradesh (7); Odisha and Madhya Pradesh (6 each); Assam, Andhra Pradesh and Rajasthan (5 each); Karnataka (4), Bihar, Chhattisgarh and Telangana (3 each); Gujarat, Jammu and Kashmir, Nagaland and Uttarakhand (2 each); and Jharkhand, Delhi, Chandigarh, Meghalaya, Tamil Nadu and West Bengal(1 each). – ***[The Times of India, dated 11th October, 2018]***

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