

## **PFRDA seeks public comments / feedback on proposed changes to the PFRDA (Pension Fund) Regulations, 2015**

The Union Budget 2023-24 announcement on comprehensive review of Regulations by the Financial Sector Regulators emphasized to simplify, ease and reduce cost of compliance. The relevant paragraphs are excerpted hereunder:

*Para 99: Financial Sector Regulators To meet the needs of Amrit Kaal and to facilitate the optimum regulation in the financial sector, public consultations, as necessary and feasible, will be brought to the process of regulation-making and issuing subsidiary directions.*

*Para 100: To simplify, ease and reduce cost of compliance, financial sector regulators will be requested to carry out a comprehensive review of existing regulations. For this, they will consider suggestions from public and regulated entities. Time limit to decide the applications under various regulations will also be laid down.*

2. The Regulations notified under PFRDA Act, 2013 have been formulated by the Authority after due assessment and with clear objective as provided in the preamble of each of the regulation. With the passage of time and changes in economic and technological landscape, these Regulations require review in order to make them more appropriate and effective. Post Union budget 2023-24 announcement, review of Regulations has been initiated by the Authority to simplify for ease of doing business and to reduce cost of compliance while maintaining the basic tenets of the objects enshrined in the PFRDA Act, 2013. The feedback from stakeholders including public consultations is at the core of review process while past experience gained in implementation of these Regulations is a guiding framework. The underlying principles of the review process are relevance, adequacy, clarity, effectiveness and above all protection of subscribers' interest.

3. For this purpose, the Authority has constituted Working Groups consisting of the Head of the Departments with cross-functional teams to suggest changes in these Regulations. To have a holistic approach and to ensure consistency, a Regulation Review Committee (RRC) consisting of WTM and EDs has been set up to review the proposed changes and suggest way forward. An external Advisory Committee consisting of experts on financial and economic laws has been formulated to advice on the recommendations of RRC. The internal process is followed by active stakeholder consultation and public comments.

4. As a first step, the internal review of the PFRDA (Pension Fund) Regulations, 2015 has been completed. The draft of the proposed changes is placed as at **Annexure A**. The proposed changes are in the following key areas which aim at reducing the compliance cost leading to increased returns to the subscribers:

- I. Simplification of Governance norms of Pension Funds (PFs) in line with Companies Act, 2013 based on enhanced disclosures for PFs: Directors' Responsibility Statement, CEO and CFO Certification to be part of scheme financial statements which inter-alia includes declarations in respect of following key responsibilities:
  - a. Preparation and presentation of scheme financial statements to provide a true and correct view of scheme state of affairs and scheme NAV,
  - b. Adequacy and effectiveness of internal financial processes and digital architecture controls,
  - c. Compliance with PFRDA Act, PFRDA (Pension Fund) Regulations, Investment Guidelines, Valuation Guidelines, Stewardship code, voting policy and other applicable laws,
  - d. Adherence to Code of Conduct and Ethics.
- II. Thrust on risk-based supervision.
- III. Segregation of roles of sponsor & PF and simplification of compliance requirement including approval of change in management/shareholding pattern of sponsor of PF only in specific scenarios and only intimation in remaining scenarios.
- IV. Simplification of definitions and terms used in the Regulations such as Business Day, Compliance Officer, Key Managerial Personnel and Sponsor.
- V. PFs to have additional committees of the Board such as Audit Committee and Nomination & Remuneration Committee.
- VI. The words "as may be specified by the Authority" used in the regulations have been proposed to be replaced with specific conditions wherever required.

5. The draft proposal placed as at **Annexure-A** is open for stakeholder consultation and public comments till **21 July 2023** and can be accessed on PFRDA website at Exposure Draft Section under Regulatory framework Menu. Comments/feedback can also be provided for any other provisions of PFRDA (Pension Fund) Regulations, 2015 where changes have not been proposed. Comments/feedback may be sent by email at **review-reg@pfrda.org.in** with subject line as '*Feedback on proposed changes to the PFRDA (Pension Fund) Regulations, 2015*'. Reference may be made to the PFRDA website for existing Regulations notified in respect of different intermediaries in the NPS architecture.

**Annexure-A**

Name of the person / entity proposing comments	
Contact details (Email & Mobile no.)	
Category (intermediary / public)	

**Review of PFRDA (Pension Fund Regulations), 2015**

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
CHAPTER I - PRELIMINARY					
1	2-Definitions	(b)Business Day: means all days excluding weekly holidays (Saturday and Sunday) and such other days on which the designated Branch of the Trustee Bank is closed under the Negotiable Instruments Act, 1881 (26 of 1881) or a day on which the principal stock exchange as well as the debt market with reference to which the valuation of securities under the scheme is done is closed for business.	“Business Day” means days on which the following are open to transact business: (i) designated Branch of Trustee Bank; and (ii) stock exchange for equity and bond market; and (iii) Government securities market		
2		(c) “compliance officer” means a person of responsibility from the pension fund; designated as such and charged with the responsibility of monitoring compliance by it of the provisions of the Act or the rules or the regulations made or notifications, guidelines, circulars or instructions issued by the Authority thereunder	“Compliance officer” means an employee of the pension fund designated as such by the Board of Pension Fund for monitoring compliance of the provisions of the Act or the rules or the regulations, notifications, guidelines, circulars or instructions issued by the Authority;		
3		New Insertion	“Key Managerial Personnel” means employees of the pension fund designated as Chief Executive Officer, Chief Investment Officer, Chief Risk Officer, Chief Information and		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
			Security Officer (CISO), Fund Manager, Operations Manager, Compliance Officer;		
4		(h) ["sponsor" means any body corporate who holds not less than twenty per cent. of equity capital in the pension fund and as has been defined under sub-regulation 8(h)]	"Sponsor" means a body corporate who holds twenty per cent or more of paid up equity capital in the pension fund and qualifies the eligibility conditions		
<b>CHAPTER II-REGISTRATION OF PENSION FUND</b>					
5	3. Certificate of Registration	<p>(1) The Authority shall register and grant a certificate of registration to pension funds [in the format specified under <i>Schedule I</i>] for managing the assets of the pension schemes regulated by the Authority.</p> <p>(2) There shall be a choice of multiple pension funds.</p> <p>(3) The number of pension funds shall be determined by the Authority, which, may in public interest, vary the number of pension funds from time to time:</p> <p style="padding-left: 40px;">Provided that at least one of the pension funds shall be a Government company.</p> <p style="padding-left: 40px;"><i>Explanation</i> – for the purposes of this sub-section, the expression "Government company" shall have the meaning assigned to it under [section 2(45) of the Companies Act, 2013 (18 of 2013)].</p> <p>(4) No pension fund shall commence any activity relating to a National Pension System or any other pension scheme referred to in clause (b) of sub-section (1) of section 12 of the Act, except under and in accordance with the conditions of the certificate of</p>	To be deleted as it is already specified under Section 23 of the PFRDA Act, 2013		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		<p>registration granted by the Authority in conformity with the provisions of the Act and the regulations made thereunder.</p> <p>(5) Any pension fund, which has been appointed to act as such by or under any selection process initiated by interim Pension Fund Regulatory and Development Authority, subject to payment of such fee as may be specified by the Authority for transitory period, continue to do so for a period of six months from the notification of these regulations or, until the selection of the pension funds under a fresh selection process specified under regulation.</p>			
6	8. Eligibility criteria-	(1)(c) The joint ventures between the sponsors, may also apply provided the joint venture falls or will fall under the jurisdiction of one of the financial sector regulators. The joint venture shall at least be at the memorandum of understanding execution stage and the joint venture should be finalized within one month from the date of appointment of sponsor;]	The joint ventures between the sponsors, may also apply provided the joint venture falls or will fall under the jurisdiction of one of the financial sector regulators. The joint venture shall at least be at the memorandum of understanding execution stage and the joint venture agreement should be finalized within one month from the date of appointment of sponsor;		
7		<p>(f)(i) the sponsor of a pension fund shall incorporate a pension fund as a separate limited company under the Companies Act, 2013 and shall ensure that such pension fund has a minimum tangible net worth of fifty crore rupees or such other higher amount as may be specified by the Authority from time to time;</p> <p>(ii) the sponsor of a pension fund already registered with Authority, shall not be required to incorporate</p>	<p>The sponsor of a pension fund shall:</p> <p>incorporate a pension fund as a company under the Companies Act, 2013 and shall have 'Pension Fund' in its name clause.</p> <p>Provided that pension fund(s) already registered with Authority shall comply with the provisions of this clause within a period of 12 months.</p>		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		a new pension fund, but shall be required to furnish full details of the said pension fund to the Authority; Provided that the sponsor shall ensure that the existing pension fund achieves minimum tangible net worth of fifty crore rupees or such higher amount as stipulated by the Authority from time to time, within such time as may be decided by the Authority	ensure that the pension fund maintains a minimum tangible net worth of fifty crore rupees		
8		(i) the sponsor has contributed or contributes at least twenty per cent. to the tangible net worth of the pension fund. An entity, which contributes twenty per cent. or more of the paid up capital of the pension fund, shall be required to fulfill eligibility criteria for a sponsor specified in these regulations;]	To be deleted, as the term "Sponsor" is proposed to be defined.		
9		(3) For the purpose of the grant of a certificate of registration, the Authority shall take into account any or all matters which are relevant to the activities of sponsor or pension fund as also all matters which it deems relevant to the pension sector and the National Pension System or any other pension scheme regulated [or administered] by the Authority, including but not limited to the following:-  (a) Initially, the sponsor shall be required to provide the pension fund with adequate and necessary infrastructure, dedicated manpower, systems and procedures, information technology and information security systems	facilitate the pension fund with necessary infrastructure, dedicated manpower, systems and procedures, information technology and information security systems with capabilities to adapt to future changes for undertaking the pension fund business  Provided that the pension funds shall independently set up its own necessary infrastructure, dedicated manpower, systems & procedures, information technology and information security systems within a period of twelve months form the date of issuance of certificate of registration;		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		<p>with capabilities to adapt to future changes or any other requirement as may be specified by the Authority;</p> <p>Provided that the pension funds shall set up their own necessary infrastructure, dedicated manpower, systems &amp; procedures, information technology and information security systems within a period of twelve months from the date of issuance of certificate of registration;</p>			
10		New insertion	ensure that no director on the board of a pension fund shall be a director on the board of any other pension fund		
11		New insertion	ensure that pension fund is a 'fit and proper person' as specified in Schedule II;		
12	5. Application to conform to requirements-	<p>(2) Before rejecting an application on the grounds referred to in sub-regulation (1), the Authority may give an opportunity to the applicant to make good the deficiencies within the time specified by the Authority, for the purpose:</p> <p>Provided that where an application is rejected for the reason that it contains false or misleading information, no such opportunity shall be given and the applicant shall not make any application for grant of certificate of registration, under these regulations or any other regulations under the Act, for a period of at least one year from the date of such rejection.</p>	<p>Before rejecting an application on the grounds referred to in sub-regulation (1), the Authority may give an opportunity to the applicant to make good the deficiencies within a period of thirty days for this purpose.</p> <p>Provided that where an application is rejected for submitting false or misleading information or document(s), such applicant shall not be allowed to make another application for a period of 3 years from the date of such rejection.</p>		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
13	6. Furnishing of information or clarification and disclosure of information-	(4) Any material change in the information furnished or placed on the website pursuant to these regulations shall be intimated to the Authority by the applicant promptly but not later than fifteen days of the occurrence of such change.	The applicant shall submit to the Authority any material change in the information furnished during pendency of the application, within seven days of occurrence of such change.		
14	9. Procedure for grant of certificate of registration, registration fees and period of validity of certificate of registration-	New insertion	Pension fund shall commence its operations within a period of six months from the date of grant of certificate of registration. Any extension in the time limit may be permitted by the Authority for a maximum period of six months for reasons to be recorded in writing.		
15	12. Terms and conditions of registration	<p>[(j) (i) Any change in management, ownership, shareholding pattern or controlling interest of sponsor of the pension fund exceeding one per cent. but less than five per cent. of the paid up capital of the sponsor or pension fund in a financial year, shall be informed to the Authority within fifteen days of the occurrence of such change;</p> <p>Provided that no change in excess of five per cent. or more of the paid up capital of the sponsor or the pension fund, in any financial year, shall be made without prior approval of the Authority.</p> <p>(ii) Any change in the key personnel of the sponsor or the pension fund shall be intimated to the</p>	<p>No change in management, ownership, shareholding pattern or controlling interest of sponsor of the pension fund:</p> <p>(i) exceeding five per cent of the paidup equity capital of the sponsor or pension fund in a financial year; or</p> <p>(ii) affecting the status of pension fund as a government company or change in sponsor(s) and the permissible foreign equity holding in pension fund</p> <p>shall be made without the prior approval of the Authority;</p>		



Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		Authority within fifteen days of the occurrence of such change	<p><i>Explanation</i> – for the purposes of this sub-section, the expression “Government company” shall have the meaning assigned to it under [section 2(45) of the Companies Act, 2013 (18 of 2013)].</p> <p>Any other change in the board, management, ownership, shareholding pattern or control of pension fund shall be intimated to the Authority within a period of fifteen days of the occurrence of such change.</p> <p>The pension fund shall appoint key managerial personnel in the pension fund and any change in the key managerial personnel shall be intimated to the Authority within fifteen days of the occurrence of such change;</p>		
16		(n) Every pension fund shall adhere to Cyber security policy, Common Stewardship code and voting policy on assets held in the name of National Pension System Trust, issued by the Authority for the purpose	The pension fund shall comply with the Cyber security policy, outsourcing policy, Common Stewardship code, Prevention of Money Laundering Act, 2002 (PMLA), Valuation guidelines, broker empanelment, auditor appointment and voting policy on assets held in the name of National Pension System Trust and such other guidelines issued by the Authority for the purpose.		
17		New insertion	The sponsor or the pension fund shall obtain prior approval from the Authority in case of amalgamation or merger or acquisition or take over by the sponsor leading to holding of equity		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
			stake by sponsor or pension fund in any other pension fund already registered with the Authority. The Sponsor or Pension Fund shall notify the Authority of the proceedings before NCLT/other relevant Authorities.		
<b>CHAPTER III-SCHEMES, VALUATION, ACCOUNTING, INCOME RECOGNITION</b>					
18	16. Non-performing assets, recognition, classification and provisioning	(1) In respect of non-performing assets, income recognition, classification and provisioning should be in compliance with the guidelines issued by the Authority from time to time.  (2) The National Pension System Trust shall monitor the trends and identify slippages of performing assets and income recognition, classification, provisioning and recovery of non-performing assets under report to the Authority.	In respect of asset/securities classified either below investment grade or becoming non-performing, the recognition of income, its classification and provisioning shall be in compliance with the guidelines issued by the Authority.  The Pension Fund shall monitor the trends and identify slippages of performing assets and income recognition, classification, provisioning and recovery of non-performing assets along with National Pension System Trust under report to the Authority.		
19	18. Net asset value for schemes.-	(2) The pension fund shall compute the net asset value of each scheme by dividing the net assets (to be derived by subtracting allowable charges approved by the Authority from the value of assets) of the scheme by the number of units outstanding on the valuation date of each scheme.	The pension fund shall compute the net asset value of each scheme by dividing the net assets of the scheme of the scheme by the number of units outstanding on the date of valuation.  Explanation: Net assets means current market value of the scheme assets which are valued as per Valuation guidelines, accruals less allowable charges (payables/outstanding)		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
			<p>Allowable charges are inclusive of:</p> <p>(a) investment management fees as determined through the selection process,</p> <p>(b) custodian fees as determined through the selection process and</p> <p>(c) depository and settlement charges as per actuals,</p> <p>(d) brokerage charges upto 0.03% on equity transaction or as may be determined by authority</p> <p>(e) NPS Trust charges as allowed by Authority,</p> <p>(f) stamp duty on actual basis and applicable taxes thereon</p>		
20		(3) The net asset value of units for each Scheme shall be calculated and declared on each "Business Day".	The pension fund shall calculate and declare the net asset value of units for each pension scheme at the close of each "Business Day" within the time specified by the authority.		
21		New insertion	The Pension fund shall create or redeem units at the declared NAV for each "Business Day" based on instructions received from CRA for contributions receipts and redemption requests.		
22		New insertion	The Pension fund shall be responsible for the computation of scheme NAV and communicate it to CRA based on which units shall be allocated or redeemed.		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
23	19. Annual Report and Auditors Report.-	<p>(3) Every pension fund shall within sixty days from the date of closure of each financial year forward to the National Pension System Trust a copy of the audited annual report and other information including details of investments and deposits held by it so that its entire scheme-wise portfolio is disclosed to the National Pension System Trust.</p> <p>(4) The financial statement of the schemes should be approved at a meeting of the board of directors of the pension fund and forwarded to the National Pension System Trust for approval. The Board of Trustees of the National Pension System Trust shall, approve and counter sign the financial statement of the schemes of the pension fund, after it is approved and signed by the board of directors of the pension fund. The financial statement of the Scheme shall be submitted to the Authority within ninety days from the date of closure of each financial year.</p>	<p>The pension fund, shall within sixty days from the date of closure of each financial year:-</p> <p>(a) submit to National Pension System Trust for approval of the annual report (inclusive of financial statements of the pension schemes and auditor report) duly approved by the board of directors of pension fund. The Board of Trustees of the National Pension System Trust shall thereafter approve and counter sign the financial statements of the pension schemes.</p> <p>(b) Any observation of the Board of NPS Trust shall be addressed by the Pension Fund within a period of 15 days from the date of receipt.</p> <p>(c) The annual report shall be submitted to the Authority within ninety days from the date of closure of each financial year.</p>		
24		<p>(10) The half-yearly unaudited report referred in sub-regulation (9) shall contain details as specified by the Authority or the National Pension System Trust from time to time and such other details which are necessary for the purpose of providing a true and fair view of the operations of scheme.</p>	<p>The half-yearly unaudited report referred in sub-regulation (9) shall contain such details, which are necessary for the purpose of providing a true and fair view of the operations of scheme, as specified by the Authority.</p>		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
25		*New Insertion	<p>The annual report of schemes managed by the pension fund shall also include Directors' responsibility statement, and CEO and CFO certification which shall include the declaration in respect of following key responsibilities:</p> <p>a) Preparation and presentation of scheme financial statements to provide a true and correct view of scheme state of affairs and scheme NAV;</p> <p>b) Adequacy and effectiveness of internal financial processes and digital architecture controls;</p> <p>c) Compliance with PFRDA Act, PFRDA (Pension Fund) Regulations, Investment Guidelines, Valuation Guidelines, Stewardship code, voting policy and other applicable laws;</p> <p>d) Adherence to Code of Conduct and Ethics.</p>		
<b>CHAPTER IV - GENERAL OBLIGATIONS AND RESPONSIBILITIES OF PENSION FUND</b>					
26	22. Duties and functions of pension fund.	(6) The pension fund shall maintain books of accounts, records, registers and documents relating to the operations of the pension schemes to ensure compliance with the regulations, guidelines, circulars issued by the Authority from time to time, and facilitate audit trail of transactions and business continuity at all times.	The pension fund shall maintain books of accounts, records, registers and documents relating to investment decisions and the operations of the pension schemes to ensure compliance with the regulations, guidelines, circulars issued by the Authority, facilitate audit trail of transactions and ensure business continuity at all times.		
27		(9) The pension fund shall adopt best governance practices for investments and riskmanagement viz.	The pension fund shall adopt best governance practices for investments and risk management		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		creation of risk management and research department, constitution of Investment Committee and Risk Committee, whose composition, functions and duties shall be such as specified in Schedule X	viz. constitution of Investment Committee, Risk Management Committee, Audit Committee, Appointment Committee whose composition, functions and duties shall be as specified in Schedule <sup>1</sup> .		
28		*New Insertion	The pension funds shall meet the criteria of fit and proper person as specified in Schedule II at all times.		
29		*New Insertion	The pension funds shall meet the compliance as are required to be effected by public companies under Companies Act, 2013.		
<b>CHAPTER VI- SUSPENSION OR CANCELLATION OF CERTIFICATE OF REGISTRATION AND ACTION IN CASE OF DEFAULT</b>					
30	33-Cancellation or suspension of certificate of registration.-	33. Cancellation or suspension of certificate of registration.- (1) Without prejudice to any other action which may be taken by the Authority, the certificate of a registration granted to a pension fund is liable to be suspended, cancelled or withdrawn upon happening any of the following events, namely:- (a) fails to comply with any of the terms and conditions subject to which a certificate of Registration has been granted to it; (b) contravenes any of the provisions of the Act or the rules or the regulations made or guidelines, notifications, directions, instructions or circulars issued by the Authority thereunder;	CHAPTER VI - SURRENDER, SUSPENSION, WITHDRAWAL OR CANCELLATION OF CERTIFICATE OF REGISTRATION AND ACTION IN CASE OF DEFAULT  Cancellation or withdrawal or suspension of certificate of registration-  (1) The certificate of registration granted to a pension fund may be surrendered by it voluntarily. Notwithstanding the surrender of certificate, the registration shall remain valid until it is accepted by authority and the registration is cancelled.		

<sup>1</sup> Schedule will be notified separately

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		<p>(c) voluntarily applies to withdraw the certificate of registration granted by the Authority;</p> <p>(d) a receiver, receiver and manager, administrator or similar person is appointed with respect to the assets and undertakings of the pension fund or the sponsor;</p> <p>(e) the pension fund or the pension fund's sponsors, [where applicable],-</p> <p>(i) goes into liquidation (other than for the purposes of a reconstruction or amalgamation on terms previously approved in writing by the Authority);</p> <p>(ii) ceases to carry on business;</p> <p>(iii) breaches any provision of the terms and conditions of registration, or fails to observe or perform any representation, warranty or undertaking given by the pension fund or fails to correct such breach or failure within ten working days of receiving notice in writing from the Authority specifying such breach or failure;</p> <p>(iv) conducts its business in a manner prejudicial to the interest of the National Pension System subscribers;</p> <p>(v) does not co-operate in any enquiry conducted by the Authority;</p> <p>(vi) indulges in manipulating the business under the National Pension System or any other pension schemes;</p> <p>(vii) indulges in unfair trade practices.</p> <p>(f) if pension fund or sponsor [where applicable], in</p>	<p>(2) Without prejudice to any other action which may be taken by the Authority, the certificate of registration granted to a pension fund is liable to be suspended or cancelled or withdrawn upon happening any of the following events, namely:-</p> <p>(a) pension fund or sponsor fails to comply with any of the terms and conditions subject to which a certificate of registration was granted to it;</p> <p>(b) pension fund or sponsor has engaged in corrupt or fraudulent practices in obtaining the certificate of registration or has been blacklisted by any Government authority or regulator;</p> <p>(c) pension fund or sponsor submits to the Authority a false statement or information which has a material effect on the rights, obligations or interests of the Authority or the subscribers;</p> <p>(d) the pension fund or the sponsor <i>where applicable</i>,-</p> <p>(i) goes into liquidation (other than for the purposes of a reconstruction or amalgamation on terms previously approved in writing by the Authority);</p> <p>(ii) ceases to carry on business;</p> <p>(iii) a receiver, receiver and manager, administrator or similar person is</p>		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		<p>the opinion of the Authority, has engaged in corrupt or fraudulent practices in obtaining the certificate of registration or has been blacklisted by any Government authority or regulator;</p> <p>(g) if pension fund or sponsor [where applicable] submits to the Authority a false statement or information which has a material effect on the rights, obligations or interests of the Authority or the subscribers;</p> <p>(h) if pension fund or sponsor [where applicable] does not submit periodical returns as required by the Authority;</p> <p>(i) if pension fund or sponsor [where applicable] fails to furnish any information as required by the Authority relating to its pension business;</p> <p>(j) there is a change in the ownership, management or key personnel of the pension fund which in the opinion of the Authority adversely affects the interest of the subscribers;</p> <p>(k) generates returns significantly and consistently below market or peer benchmarks;</p> <p>(l) acts in a manner prejudicial to the interests of the subscribers;</p> <p>(m) does not cooperate in an inquiry conducted by the Authority;</p> <p>[(n) fails to honour the guarantee assured to subscriber under the minimum assured return scheme referred to under section 20 of the Act;]</p> <p>[(o) commits any acts of defaults as mentioned under</p>	<p>appointed with respect to the assets and undertakings</p> <p>(iv) fails to observe or perform any representation, warranty or undertaking given by the pension fund or fails to correct such breach or failure within ten working days of receiving notice in writing from the Authority specifying such breach or failure;</p> <p>(v) indulges in manipulating the business of pension schemes;</p> <p>(vi) indulges in unfair trade practices.</p> <p>(3) The certificate of registration granted to a pension fund is liable for suspension, cancellation, withdrawal if the pension fund:</p> <p>(a) contravenes any of the provisions of the Act or the rules or the regulations made or guidelines, notifications, directions, instructions or circulars issued by the Authority thereunder;</p> <p>(b) does not intimate or take prior approval of the authority in terms of these regulations for any change in the ownership, management, shareholding, controlling interest or key personnel of the pension fund or sponsor</p>		



Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
		<p>section 28 of the Act;]            [(p) any other reason which in the opinion of the Authority warrants for suspension, cancellation or withdrawal of the certificate of registration granted.</p>	<p>(c) conducts its business in a manner prejudicial to the interest of the National Pension System subscribers;            (d) fails in the periodic review of its performance in relation to the business plan submitted at the time of registration or against any other uniform criteria applicable to all the registered pension funds;            (e) does not submit periodical returns as required by the Authority;            (f) fails to furnish any information as required by the Authority relating to its pension business;            (g) generates returns significantly and consistently below market or peer benchmarks;            (h) acts in a manner prejudicial to the interests of the subscribers;            (i) does not cooperate in an inquiry conducted by the Authority;            (j) fails to honour the guarantee assured to subscriber under the minimum assured return scheme referred to under section 20 of the Act            (k) commits any acts of defaults as mentioned under section 28 of the Act            any other reason which in the opinion of the Authority warrants for suspension, cancellation</p>		

Sl. No.	Regulation No. & Name	Existing Regulations	Proposed changes to the Regulations	Stakeholder / Public comments	Rationale for suggestion
			or withdrawal of the certificate of registration granted.		
31	34. Effect of suspension or cancellation of certificate of registration.-	(1) On and from the date of suspension or cancellation of the certificate of registration, the pension fund shall-  (a) cease to transact fresh business under the National Pension System or other pension schemes, as the case may be;	Effect of surrender or suspension, or cancellation or withdrawal of certificate of registration.  (1) On and from the date of suspension, withdrawal or cancellation of the certificate of registration or from the date of acceptance of surrender of certificate of registration, the pension fund shall-  (a) cease to transact fresh business of pension schemes;		
32		New Insertion	extend full support and co-operation for effecting transfer of assets records, documents or information and any act of obstruction in the process shall be liable for penalty;		
33		New insertion	On surrender or cancellation or withdrawal of certificate of registration by the Authority, pension fund shall wind up the company or remove the words "pension fund" from its name.		
<b>Any other changes proposed</b>					
1					
2					
3					
4					