evsjv‡`k †M‡RU

McﬁŠ‡vxexevsjv‡`k miKvi

[Bg LÛ-- †emiKuixe¨vﬂ GesK‡c@ikb KZﬂ At_ﬂ²uubgtq RvixKZ
veÁvcb I †bullkmgn|]

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unKDuﬁuUR I G· ‡PÄ Kugkb

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c¤Ávcb

ZvﬁL, 24‡k †de²¦ui 2003

bs-GnBun/unGgAvi Avi unW/2002-104/c¤uvcb-15--unKDuﬁuUR I
G· ‡PÄ Kugkb AvBb, 1993 (1993 mtj i 15 bs AvBb) Gi aviv
24(1) G cÖË ¶gZve‡j unKDuﬁuUR I G· ‡PÄ Kugkb GZØviv, ce©
c¤utki ci, unKDuﬁuUR I G· ‡PÄ Kugkb (unKDuﬁuU Kv÷uW¶qj
†mev) veuugyjv, 2003 c¤qb Kuﬁjt-

1| mvﬂ|ß uk‡ivbvg|- ¹[(1)] GB veuugyjv unKDuﬁuUR I G· ‡PÄ
Kugkb (unKDuﬁuU Kv÷uW¶qj   †mev) veuugyjv, 2003 bvtg
AvﬂfunZ nB‡e|

²[(2) GB   veuugyjvq DyjﬂkZ cvﬂcyjbxq veubmgn
unKDuﬁuUR I G· ‡PÄ Kugkb AvBb, 1993 ‡gvZvteK cÖË
wh‡`R ev Av‡k cvﬂcyjb uumte M¨ nB‡et

Z‡e kZ©ﬂut‡K †h, Kugkb, GB veuugyjvi Aavb mgq mgq Ab¨
†Kvb Av‡k ev wh‡`RI RvixKuﬁtZ cvﬁte|]

2| msÁv|- (1) velq ev c¤uﬂ½i cvﬁcškﬂ†Kvb uKQybv _uKﬂtj, GB
veuugyjv vq-

(K) ÓAvBbÓ A_©unKDuﬁuUR I G· ‡PÄ Kugkb AvBb,
1993 (1993 mtj i 15 bs AvBb);

(L) ÓKv÷uW¶ umeÓ A_©unKDuﬁuU Kv÷uW¶qb KZﬂ
msuvﬂ¶Z Dmvi MﬂhK Gi unKDuﬁuU tjb‡` b msuvﬂš—
uume;

(M) ÓMﬂhKÓ A_©Kﬁb e¨u² uhb unKDuﬁuU Kv÷uW¶qj †mev
MﬂhY Kivi Rb¨ GB veuugyjvi Aavb ubeÜb nb` c˚ß
unKDuﬁuU Kv÷uW¶qb Gi mvZ PﬂFe× nBqv‡Qb;

(N) ÓZduﬂjÓ A_©GB veuugyjvi Zduﬂj;

(O) ÓubeÜb nb`Ó A_©GB veuugyjvi Aavb gÄﬂKZ ubeÜb
nb`;

(P) Ócuﬂﬂ`ÀÖ KgﬂRZÓ A_©Kugkb KZﬂ GB veuugyjv
Abﬀxupxubhﬂ²cuﬂﬂ`ÀÖ KgﬂRZ@

(Q) ÓdigÓ A_©GB veuugyjvi mvZ mhﬂ²dig;

(R) Óe¨u²Ó A_©uberuëZ †hŠ_ ueubtquM¯—uvg (collective
investment scheme) mm †Kvﬂúubx, mueuue× ms¯½,
Askﬂ²v ivxKvievi ev Ab¨ †Kvb †kﬂYxi c¤ﬂZôubI Aš¢ﬂf¨
nB‡e;

(S) ÓunKDuﬁuU (security)Ó A_© Securities and
Exchange Ordinance, 1969 (XVII of 1969)- G
†hB At_© e¨ëZ nBqv‡Q †mB A_©‡$¥vB‡e;

(T) ÓunKDuﬁuU Kv÷uW¶qb (security custodian)Ó A_©GB
veuugyjvi Aavb unKDuﬁuU Kv÷uW¶qj †mev cÖ‡tbi
Rb¨ ubeÜb nb` c˚ß †Kﬁb e¨u²;

(U) ÓWc¤ﬂRUvi AvBbÓ A_©Wc¤ﬂRUvi AvBb, 1999 (1999
mtj i 6bs AvBb);

(V) "Ordinance" A_© Securities and Exchange
Ordinance, 1969 (XVII of 1969) |

(2) GB ewsgyjvq e¨eüZ kã, hvuv Dc-ewsa (1) G msÁwqZ nq bvB Dnv, The Contract Act, 1872 (IX of 1872), The Negotiable Instrument Act, 1881 (XXVI of 1881), Trust Act, 1882(II of 1882), The Bankers' Books of Evicence Act, 1891 (XXVII of 1891), The Insurance Act, 1938 (IV of 1938), The Foreign Exchange Regulation Act, 1947 (VII of 1947), The Securities and Exchange Ordinance, 1969 (XVII of 1969), The Banking Company Act, 1991 (XIV of 1991), unKDviwR I G· ‡PÄ Kv¨gkb A¨Bb, 1993 (1993 m‡bi 15bs A¨Bb), A¨R cẐôvb A¨Bb, 1993 (1993 m‡bi 27bs A¨Bb) Ges †Kv¨úbx A¨Bb, 1994 (1994 m‡bi 18bs A¨Bb) m Dm‡`i Aaxb c®Z ewsgyjvq †nB At_©¨euïZ mBqt‡Q †nB A¨_©¨§B‡e|

3| weÜb nb` eˉZZ unKDviwU Kv÷wWqyj †mev cÜb evuv-wܡla|- GB ewsgyjvi Aaxb gÄÿKZ. weÜb nb` eˉZZ †Kn unKDviwU Kv÷wWyj †mev cÜb msuvš–†Kvb Kvh@g cuiPyjbv Kwitz cwite bv|

4| unKDviwU Kv÷wWyj †mev|- wbšg¯Œ †mevm GZ`msuvš— AbyhvwK heZxq †mev unKDviwU Kv÷wWyj †mevi Aš_©¨ nB‡e, h_–-

(1) MÜ‡Ki unKDuiwU biv¨c` †ndvR‡Z iLv;

(2) msuké-unKDviwUi wewaݯZ †Kvb ARb, Avq, jvf (profit) ev `vex huv MÜ‡Ki Ab¨Kj c‡Â nBqt‡Q Dnv, msMÖ, wamefÿ I MÜK¯K Awms Kiv;

(3) unKDviwU Bmỳqti ih †Kvb †NvYv (declaration) ev Bmỳqvi mské-c½vkZ ev Rbmwu‡bi Rb` D¤½¨ †Kvb Z_¨Œv, †÷UgU (statement) BZ¨Œv msMÖ Kiv, msMÖ c½vkZ KiuGes mské-MÜK‡K Awms evcÖb Kiv;

(4) MÜ‡Ki unKDviwU I Znmsuj†ji msme msi¶Y Z_vcuiPyjbv Kiv|

5| weÜ‡bi thM½v|- †Kn GB ewsgyjvi Aaab unKDviwU Kv÷wWyjb msuté weÜZ nBevi thM½ nB‡e, hwù-

(1) Dnv GZ`ỳ‡ï tk cẐô‡Z †K¨b cuekK yjuigtUW †K¨úuibx Zduwjx evsK (scheduled bank), A¨R cẐôvb (financial institution) evmsuuewex ms¯¨vnq;

(2) unKDviwU Kvó÷Wyj †mev cÜ‡bi Rb¨ Dmi c¼¨Rbxq `ßuiK ¯b¨biv‡b` fë (safety vault), Kvmú¨DUvi wmt÷g, `¶ Rbej I AwbjwK Ab¨b¨ m½av _v‡K;

(3) DujyteKZ Kvh@g cuiPyjbvi Rb¨ Dmvi c½qRbxq g¨bỳqj (manual) _v‡K hvu‡Z unKDviwU Kv÷wWyj †mev ú‡fuZ cuiPyjbvKivn‡Z Dmvi ve¯uwZ eYÒv _v‡K;

(4) unKDviwU Kv÷wWyj †mev ¯ZšÿuÏvte cuiPyjbvi Rb¨ Dmvi c®qRbxq AeKvVtgv I Rbej _v‡K;

(5) Dmvi cuiPyj KgÛjvxi †Kvb m¯mi eum ké-KgØZ©@ wei‡×× unKDviwU A¨Bb fsMKvii †Kvb AufthM cÒ¨uiK Z`‡ïv ufuëZ ¯Z¨KZ †Kvb cẐ‡Z¯b bv _v‡K;

(6) Dmvi cuiPyj KgÛjvxi †Kvb m¯mi FY †L¸ícxbvnq;

(7) Dmvi cuiPyj KgÛjvxi †Kvb m¯mi, c£hb wee¯x KgØZ©@ev mské-KgØZ©@†Kvb ‡d¯ÿ`ivxx A_ev A_Ô¶ZK Aciv‡a kwõ—bvcÖbv _v‡Kb|

6| weÜ‡bi Rb¨ At‡e`b|- (1) †Kvb unKDviwU Kv÷wWyjb msuté Kvhɧg cuiPyjbv Kwit‡Z Pvutj DmtK dig-K †Z Kgκ‡bi wbKU At‡e`b Kwit‡Z nB‡e|

(2) GB ewsgyjvi Ruii cĕ‡e©†Kvb unKDviwU Kv÷wWyjb msuté Kgκ‡bi ¯Kvui wfuëZ KgФZ _v‡Kj DmtK GB ewsgyjvi Ruii nBevi GK gtmi g‡a¨ Kgκ‡bi wbKU At‡e`b Kwit‡Z nB‡e Ges At‡e`b w®ûuÉ bv nIqv ch®¨,—

Ksev cieZx©†Kb ubt`R bv f` Iqv ch®̄,–Dnv umKDunU Kv÷Wqb umte GB ueugyjui Aaxb KgfZ _uK‡Z cu̇tet

Z‡e kZ©utK †h, Kugkb eiveti Avte`b Kivn Btj Kugkb hy²mdVZ Kui†Y D³ ubañ̄Z ngq eyx Kui̇tZ cu̇te|

(3) Zdu̇j-1 G Dyjv̇Z Avte`b ul (A‡dir†hdM) m Avte`tbi muZ D³ di̇tg Dyjv̇Z `yjjcÎ I Z_̈ mh̄Ÿ Kui̇tZ nB‡te|

(4) Dc-ueu (2) G Dyjv̇Z umKDunU Kv÷Wqb umte KgfZ †Kvb cñ̄Îob Dyjv̇Z ngtqi gta̅ ueÜ‡bi Rb̈ Avte`b Kui̇tZ e_̈nB‡tj Dnv umKDunU Kv÷Wqb umte AZtci Kvh@ag cuiPyjbv Kui̇tZ cu̇te bv, Ges †mB †¶†Î Dnv umKDunU Kv÷Wqb umte Dmi ubKU iv¶Z umKDunU, umme, `yjjcÎ BZ̈vw Kugk‡bi ubt`R Abĥyqx n̄v̄i- Kui̇tZ A_ev ubt`R †guzute̅K e̅ēv Md†Y eua _uK‡te|

7| ueÜxKiY|-(1) ueÜxKi†Yi Rb̈ †Kvb Avte`b cñ̄Bi ci Kugkb hv̈ GB gtg@mšé-nq †h, Avte`bdU GB ueugyjui Aaxb gÄŸthdM Zvivn Btj Dnvcñ̄Bi u̅k Kvh@etmi gta̅ Kugkb, Zdu̇j-1 G Dyjv̇Z ueÜb ul cñ̄B mtc†¶, DnvgÄŸ Kui̇te Ges dig-L †Z GK‡W ueÜb nb` cÖvb Kui̇te|

(2) ueÜxKi†Yi †Kvb Avte`b ueutePbvi Rb̈ hv̇ Avi AuI AuuK Z_̈ cñqRb nq Znv nB‡tj, D³ Avte`b cñ̄Bi ctbi Kvh@etmi gta̅, Kugkb muk̄¶-Z_̈ Zje Kui̇tZ cu̇te Ges ZrKvZR̄ ubañ̄Z ngtqi gta̅ D³ Z_̈ cñ̄Bi ci Avte`bdU MÖYthdM ueteuPZ nB‡tj Kugkb DnvgÄŸ Kui̇te Ges dig-L †Z GK‡W ueÜb nb` cÖvb Kui̇te|

(3) ueÜKi†Yi †Kvb Avte`b uetePbvi ci Kugkb hv̈ GB gtg@mxtš–DcbxZ nq †h, Avte`bdU GB ueugyjui Aaxb gÄŸ Kivi †hdM btn, ev Dnv gÄŸ Kiv cñ̄ReRvui Z_v Rb̄̄¢_@mmuqK nB‡te bv, Zvnvn Btj yjkv̇Z fvte D³ KviY D‡tjL̄ Kui̇qv Avte`b cñ̄Bi, ev Dc-ueu (2) Gi Aaxb Aua̅K Z_̈ cñ̄Bi, u̅k Kvh@etmi gta̅ Kugkb, Avte`bdU bvgÄŸ Kui̇tZ cu̇te t
Z‡e kZ©utK †h, hyÿmt½Z i̅bubxi mthdM cÖvb bv Kui̇qv Dc-ueu (3) Gi Aaxb †Kvb Avte`b bvgÄŸ Kivhn Btj bv|

(4) Kugkb KZ®̂ cÖË †Kvb ueÜb nb` Bnvi ZuiL nB‡tZ cieZ®̄cuP eQi ch®̄-KvhR̄i _uK‡te|

(5) umKDunU Kv÷Wqb KZ®̂ Kugk‡bi ubKU mievnKZ.Z‡_̈ cieZ®̄Ki̇tj †Kvb cieZ®̄ nB‡tj Zrmm̄zutK©Kugk‡bK Auej‡¤^yjvZ fvte AeuZ KuiZ nB‡te|

(6) Zdu̇j-1 G Dyjv̇Z beuqb ul m nbt`i †gqv̇v †kl nBevi GK gvm ct̅e̅ Kugk‡bi ubKU Avte`b Kiv nB‡tj Kugkb †Kvb ueÜb nb` cieZZx©cuP eQti Rb̄ beuqb Kui̇tZ cu̇te|

8| ul (fee)|- (1) Avte`b, ueÜb, beuqb BZ̄vi Rb̈ Zdu̇j-1 G Dyjv̇Z ul umKDunUR I G· ‡PÄ Kugkb Gi eiveti BnjRZ.e̅uK ViddU/‡c-AVÆ Gi gua̅tg Rgv Kui̇tZ nB‡te|

(2) Zdu̇j-1 G Dyjv̇Z euR̄ ul cǞ eQ†ii 31k udtm¤i Gi gta̅ Rgv Kui̇tZ nB‡te|

(3) ueÜb nb` beuqtbi ul m Avte`b `ujj Ges euR̄ ul Rgv `utb ujt¤†^I ujwZ cǞ w̅tbi Rb̈ Zdu̇j-1 G Dyjv̇Z Ruigbv, beuqtbi †¶†Î Avte`b m ue`̅gvb †gqv̇̄ i gta̅, Kugk‡b Rgvw̅ṫZ nB‡te|

9| AvPiYueu (codes of conduct)|- umKDunU Kv÷Wqb KZ®̂ Zdu̇j-2 G euR̄ AvPiYueu gubqvPyj‡Z nB‡te|

10| Af¨š¡i¨Y wb¡ix¶|v (internal audit) Ges gj¨¶qb (evaluation) |- (1) unKDu¡iÙ Kv÷wÙqb Gi Ggb Af¨š¡iY wb¡ix¶|v Ges gj¨¶qb e¨e¯¹v_¡uK¡te h¡u¡i gu¡tZ, Ab¨¡tb¨i g¡ta¨t

(K) unKDu¡iÙ Kv÷wÙqb ume wb¡ic` I Dch¡¥? ¡mevcÖ¡ub nKj ngq wb¡ØZ Kivhq;

(L) Kv÷wÙtZ i¡Lv nKj n¡u¡í, m¡uk¡e¡ ¡tiKW¶¡`¨jj c¡Î BZ¨¡wù wb¡ic` _¡uK Ges DmtZ ¡hb A%afu¡te ¡tKb cu¡eZÐ¡K¡ivbvhq;

(M) c¡ØZ¡K M¡i¨K Zumi AuBbMZfu¡te c¡Ô¡ mµeu¡ù ¡thgb, jf'u¡k, ¡te¡bvm ¡tkqui, i¡vBU ¡tkqui, m¡y, Au¡nj BZ¨¡wù m¡uK ng¡tq m¡uKfu¡te cvq; Ges

(N) M¡i¨Ki nµu¡í Ges m¡uk¡e¡¡tiKW¶¡`¨jj c¡Î BZ¨¡wù m¡u¡t¡bv, Pu¡i ev c¡ÔuZK `¡h¶¡M¡ nB¡tZ nKj ngq nµu¡V¶wb¡ic` _¡uK|

(2) unKDu¡iÙ Kv÷wÙqb Dmi Af¨š¡iY wb¡ix¶|vGes gj¨¶qb e¨e¯¹v c¡ØZ ermi ¡tKb emiWZ ¯ZŠ¿ (independent) wb¡ix¶|K Øuivci¡x¶|v K¡ivB¡te Ges Dmi c¡ØZ¡e`¡ti GKW Ab¨j¡ic¤ Kug¡ktb Rgvù¡tet

Z¡te kZ©¡_¡uK ¡th, unKDu¡iÙ Kv÷wÙqb ¡tKb e¡'uK ev Au¡µR¡ c¡ØZô¡ub nB¡tj ¡mB ¡t¶¡¡tÎ Dmi eu¡Rwb¡ix¶|Z c¡ØZ¡e`¡tb GZ`mµu¡nš–GKW c¡uK wb¡ix¶|v ¡ue¡iYx Ges c¡ØZ¡e`¡b mnhu¡¡? ¡_u¡Ktj Pu¡itet

Av¡i kZ©¡_¡uK ¡th, Kug¡kb c¡ØµRb gtb K¡ut¡j, GZ`mµu¡nš–¡e¡jqu Kv÷wÙu¡tbi Li¡tP ¡tKb w¡t¡kIÁ Øuivci¡x¶|v K¡iv¡bui Rb¨ wb¡t`¶ ù¡tZ cu¡te Ges ¡tmB ¡t¶¡¡tÎ unKDu¡iÙ Kv÷wÙqb Z¡ub¡lyq¡xh_h_ e¨e¯¹v¡MZY ev¡¨ _uK¡te|

11| K¡h¶n¯¡š¡tï (delegation) wb¡tIavÁv| - K¡ugkb KZ¥¡ wb¡t¶¡tZ bv nB¡tj unKDu¡iÙ Kv÷wÙqb Dmi ¡tKb K¡h¶Ab¨ K¡mt¡iv wbKU n¯¡š¡iï-evAc¶Ì¡Kui¡tZ cu¡ite bv|

[1][12| c₄K Kv÷wÙ (custody) ume|- unKDu¡iÙ Kv÷wÙqb Dmi c¡ØZ¡K M¡i¨Ki Rb¨ c₄K Kv÷wÙ ume I m¡eu¡t¡¡fWk gujK ume (beneficial owner account) m¡i¶|Y K¡ui¡te Ges GK M¡i¨Ki nµu¡í Ab¨ M¡i¨Ki ¡Ksev unKDu¡iÙ Kv÷wÙqb Gi ¡ibR¯^ nµu¡í i m¡nZ ¡¡g¡jZ K¡ui¡te bv|]

13| M¡i¨Ki m¡uZ Pn¡? |- unKDu¡iÙ Kv÷wÙqb Dmi c¡ØZ¡K M¡i¨Ki m¡uZ c₄K P¡h¶¡tZ Av¡e× nB¡te h¡u¡tZ, Ab¨¡tb¨i g¡ta¨t, ¡bg¡ghµ¡ukZ wel¡q¸jj Aš¡f¶Ô _¡uK¡te, h_ut-

(K) M¡i¨Ki Li¡tZ c¡ØW ¡tjb¡t¡tbi ¡t¶¡t¡tÎ Dmi m¡eu¡t¡¡fWk gujK (beneficial owner) ¡tK nB¡te Zumuc¡ØZ ¡tjb¡t¡tbi ¡tejvq Dtj¡L-Ku¡itZ nB¡te;

(L) ¡th cu¡iw¡fiZZ Ges ¡thfu¡te unKDu¡iÙ Kv÷wÙqb Dmi M¡i¨Ki c¡t¶¡ unKDu¡iÙ MÖY Ges unKDu¡iÙ Ac¶Y evn¯¡š¡iï-K¡ui¡tZ cu¡ite;

(M) ¡th cu¡iw¡fiZZ Ges ¡thfu¡te unKDu¡iÙ Kv÷wÙqb Dmi M¡i¨Ki c¡t¶¡ jf'u¡k, m¡y, Au¡nj ev Ab¨¡ c¡Ô¡ (receivable) MÖY K¡ui¡tZ cu¡ite;

(N) ¡th cu¡iw¡fiZZ Ges ¡thfu¡te unKDu¡iÙi gujK¡bv cu¡eZÐ¡K¡iv¡h¡te; Ges

(O) M¡i¨Ki nµu¡í i exg¡ui (hù K¡ui¡tZ nq) c¡¥¶¡tm¡iY|

14| Z_¨, `¡yjjc¡Î, ¡tiKW¶¡BZ¨¡wù m¡i¶|Y|- (1) ejer Ab¨ ¡tKb A¡Bt¡bi K¡h¡Rui¡Zu¡tK ¶|Y¡œbv K¡ui¡qv unKDu¡iÙ Kv÷wÙqb, Ab¨¡tb¨i g¡ta¨t, ¡bg¡ghµ¡ukZ Z_¨, `¡yjjc¡Î, ¡tiKW¶¡BZ¨¡wù m¡i¶|Y K¡ui¡te, h_ut-

(K) cÖZ¨K Mü‡Ki mÃjbwÏ c¥©(complete) I wbf¥ (authentic) Z_¨wì m Mü‡Ki cÖwÂZ wb‘ÖZKiY ms¶v‰½—¥jÖwì;

(L) cÖZ¨K Mü‡Ki c‡¶ ‡h nÖj umKDwiU MÖY Ges Ac¥ evn¯¥ši-KivnBqv‡Q Dmi c¥©eeiY;

(M) cÖZ¨K Mü‡Ki umte Zvmi ‡h cÖc¨ (receivable) ‡hwÏnBqv‡Q Dmi c¥©eeiY;

(N) cÖZ¨K Mü‡Ki bÖg ‡h umKDwiU µjwcce× KivnBqv‡Q Dmi c¥©eeiY;

(O) cÖZ¨K Mü‡Ki bÖg ‡h cwÖgV ˆe¯¥ ÖkK gÿÖ Awmqv‡Q Ges ‡h cwÖgV %Öe¯¥ ÖkK gÿÖwe¯¥Ök ‡cÖŸY KivnBqv‡Q Dmi c¥©eeiY;

[1](P) cÖZ¨K Mü‡Ki bÖg ‡jRvi wme (ledger account) I mÖÖcÖfÖ‡Kk gÖjK wme (beneficial owner account);]

(Q) ‡h mg¯¥—wÖÖtcÖ¥©Kugk‡bi Rgv ˆI‡qv nBqv‡Q Dmi Abÿjwe; Ges

(R) Kugkb KZ¨Ök wbÖ©i¥Z Ab¨ ‡h ‡Kb Z_¨, `jjc‡Î, ‡iKW©¥ BZ¨Öwì|

(2) Kugkb P—Ötj, Dc-wemÖ(1) G ewÖ2 Z_¨, `jjc‡Î, ‡iKW©¥ BZ¨Öwì †Kÿ_Öq msi¶¥Y KivnB‡Z¶tQ evnBte Dmv umKDwiU Kv÷Öwöqb Kugkb‡K ÖjÖ‡Z fv‡Z Aeÿ¥Z Kÿi‡e|

(3) Dc-wemÖ(1) G ewÖ2 Z_¨, `jjc‡Î, ‡iKW©¥BZ¨Öwì Kgc‡¶ 7(mÖZ) ermi msi¶¥Y Kÿi‡Z nB‡Z|

15| Kugkb‡K Z_¨ mieivn|- (1) umKDwiU Kv÷Öwöqb cÖZÿgmi 10(`k) Zwi‡Li g‡a¨ cÖZ¨K Mü‡Ki umte ce@Z%©gvtm ‡h

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[1] cÖvcb bs-GmBwm/umGgAvï/AvumnÖW/2006-159/cÖ¥wvb-01/32, ZwiL 16B Ryb 2008 Gi ¯§Öivc cÖZ¨Öˆ¥Z nBqv‡Q, hvnv20‡k RÿÖ 2008Bs ZwiL evmÿv¥ k †MR‡ŸU cÖÖÖkZ nBqv‡Q|

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nÖj umKDwiU MÖY, Ac¥ evn¯¥ši-KivnBqv‡Q Dmi ve¯¥iZ weeiYm me‡ Kl w¥Z Ges cÖZ¨K Mü‡Ki umte KbÖ¥ ‡bU (contract note) wf‡ÆK umKDwiU µq-weµq ev Ab¨ ‡Kb cÖÖ¶iii †jbf¥ b (debit-credit) I n¯¥ši-msÿvš¥ˆe¥¥ÖkK gÿ¥ ‡¥tk Awm‡j ev we‡tk cÖ¥tbv nB‡j Dmi weeiY Kÿ¶gbÖK mieivn Kÿi‡e|

(2) Dc-wemÖ (1) G ewÖ2 Z_¨ Qvovl Kugkb ngq ngq ‡h Z_¨ Pÿte Dmi Kÿgk‡bi Pÿ¥`v Ab¥jvqxumKDwiU Kv÷Öwöqb mieivn KÿitZ evÖ _ÖK‡Z|

16| cwÖ`k®|- (1) Kugkb wbR DÏ¥¥M ev ‡Kÿb Awf‡hÖ‡Mi wfÖ‡ŸZ GK ev GKÖwaK e¥wÂ ngÖ¥tq umKDwiU Kv÷Öwöqb Gi bÿ¥, ejjcÎ, ‡iKW©BZ_¨wì cwÖÄÖi Rb¨ cwÖ`k® KÿÖRÖ¥¥†bÿÖM KÿÖtZ cwÖte|

(2) Dc-wemÖ (1) G ewÖ2 cwÖÄ¥i Rb¨ Kugkb umKDwiU Kv÷Öwöqb‡K mÖ ‡wb c‡e© ‡bÿÖk (notice) w¥qv cwÖ`k‡bi welqÖU RvbÖte| Z‡e Ri¥ix weteÿÖZ nBtj †Kÿb ‡bÿÖk QvoÖB cwÖ`k®KÿÖbvhÖBte|

(3) cwÖ`k‡bi ‡¶‡ÎÖU umKDwiU Kv÷Öwöqb Gi cÖZ¨K cwÖPÖjK I Kÿ¥kÖ¥@cwÖ`k® KÿÖRÖ¥@ Pÿ¥`v gÿbÖK nÖj `jjcÎ, bÿ¥, ‡iKW©Z_¨ BZ_¥wì mieivn KÿÖtZ Ges GB e¥ÿct¥ cwÖ`k® KÿÖRÖ¥K mtÿhÖwÖcÖcÖÖtb ev ¥¥Kÿt¥b|

(4) cwÖ`k® KÿÖRÖ¥@cÿ¥Ö¥Rtb umKDwiU Kv÷Öwöqb Gi †Kÿb cwÖPÖjK ev Kÿ¥k@ wjÖtZ ev ‡gÖ¥ÖK e³e¥ MÖY KÿÖtZ cwÖte Ges ‡ivB ‡¶‡Î umKDwiU Kv÷Öwöqb Gi msÿc-cwÖPÖjK ev Kÿ¥k@vbR ¯¥¥jihÖ¥ wjÖtZ ev ‡gÖ¥ÖK e³e¥ w¥Z ev ¥¥Kÿt¥b|

17| cwÖ`kÖ cÖÖte`b Kugk‡bi `Öwoj|- (1) cwÖ`k® KÿÖRÖ¥@ cwÖ`k® †kÖtl n_vkÿ¥¥NÖmÖ¶Ö¥, weÖev Kÿgkbi bÖ¥ÖR ‡gvÖteK, cwÖ`kÖ cÖÖte`b Kugkb `Öwoj KÿiÖte| Z‡e Kugkb AÖ¥Ök wjÖtj c¥©cÖÖte`b `Öwoji cÖÖte©Ö¥ÿgK cÖÖte`b Kugk‡bi `Öwoj KÖivnBte|

5

(2) Kvgkb cÖthRb gZb Kvi‡j c¥©cvi`kØ ci‡Z‡b ev Dmvi Askvwtkl umKDvivU Kv:-wWqb Gi wbKU †cÖb Kvi‡Z cvi‡e Ges Z¨blyvqx h_h_ e¨e¯vMÖ‡Yi Rb¨ umKDviwU Kv:-wWqb‡K wbt¨R cÖb Kvi‡Z cvi‡e|

(3) Dc-wewa (2) Gi Aaxb ‡Kvb wbt¨R cÖß n‡Z‡j Z¨blyvqx umKDvivU Kv:-wWqb h_h_ e¨e¯vMÖÖ‡Y eva_¨wK‡e|

18| wbeÜb nb¨ ¯WMZKiY|-(1) wbgyjwxZ Kvi¨Y Kvgkb umKDvivU Kv:-wWqb Gi wbeÜb nb¨ ¯WMZ Kvi‡Z cvi‡e, h_vt-

   (K) GB wewagyjvi †Kvb kZ©ev AwPiУ wewa f½ Kiv nB‡j;

   (L) Kvgk‡bi Pwm`vvwblyvxZ¨¨ mieivn e_¨nB‡j;

   (M) Kvgkb‡K B©'Q¨vKZ.f‡te (deliberately) †Kvb AwZ¨ Z¨¨, `yjj ev †iKW©mieivwn Kvi‡j;

   (N) GB wewagyjv Awblyvx †Kvb cZ‡j‡b ev Z¨¨ `yv‡j e¨¨nB‡j;

   (O) cvi`kØ Kg‡RZ©K cÖthRbxq mvth¨wWZv cÖÖvb e¨¨© nB‡j;

   (P) Kvgkb cÖ‡Eu wbt¨R Awblyvx Kv:-wWqb‡bi cvivPyjb cxiZ (operating procedure) Dbi£ Kvi‡Z e¨¨nB‡j;

   (Q) Mn‡tKv hf©nt¨Z Awflthwjmguavb‡b e¨¨nB‡j; Ges

   (R) ewÜR vwl, uKsevcÖvwR©R †¶‡Ï nb¨ beyqtbi Avte`b I vwl, Rgvwt¨Z e¨¨nB‡j|

(2) Dc-wewa (1) G evwW2 KvivY Kvgkb, DchÄ· wuteePbv Kvi‡j, wbeÜb nb¨ ¯WMZ ev Kvivqv cÖtR©n †¶‡Ï, A_©UÛ Avtivc Kvi‡Z cvi‡e|

(3) KvivY `vk‡bv (show cause) mm hy¾™f©nt¨Z wÏvbvxi n‡juvM bvwùqvGB wewavi Aaxb †Kvb e‡e¯vMÖÖY Kviv n‡Z‡e bv|

19| wbeÜb nb¨ ev¯jKiY|-(1) wbeÜ‡bi Rb¨ cÖthR †Kvb †hhMZv mivB‡j umKDvivU Kv:-wWqb Gi wbeÜb nb¨ Zv¶½WK f‡te AKvh©Ri evjqvwMÖ©nB‡e|

   (2) BmvQvovwblyvxxZ Kvi¨Y Kvgkb umKDvivU Kv:-wWqb Gi wbeÜb nb¨ evZj Kvi‡Z cvi‡e, h_vt-

      (K) wewa 18 Gi Dc-wewa(1) G DyjwkZ j•Nb GKvwKevi NWt‡j;

      (L) umKDvivU Kv:-wWqb †Kvb cÖvuiYv (fraud) A_ev ¶wZK öjbRvbbZ Aciv‡a f¨vlxxxme¨¨-nB‡j;

      (M) umKDvivU Kv:-wWqb KZR¨ Kvgk‡bi wbKU mieivnKZ †Kvb `yjjcÎ ev Z¶_¨ wbeÜb nb¨ gÄÿ Kivi ci †Kvb _i¯Z§¨©Älq A¶× evwevwÖ—Ki evjqvme¨¨—nB‡jt

   Z‡e kZ©_vK †h, KvivY `vk‡bv (show cause) mm hy¾™f©nt¨Z wÏvbvxi n‡juvM bv wùqv Dc-wewa (2) Gi Aaxb †Kvb e‡e¯vMÖÖY Kivn‡Z bv|

[19K| A_©UÛ|- wewa 18 I 19 Gi weaab ¶bdvbKvivqvKvgkb Awfhyg¨© e‡f©WK AvB‡bi Aaxb A_©UÛ `ÛZ Kvi‡Z cvi‡e|]

20| Avcxj (appeal)|- GB wewagyjvi Aaxb Kvgkb cÖ‡Eu †Kvb wm¶vŠ–wewf× †Kvb e‡f ms¶ä nB‡j vZb umKDvivR I G· ‡PÄ Kvgkb (Avcxj) cÖÖvabgyjv¨, 1995 †gvZveK Kvgk‡bi Avcxj Kvi‡Z cvi‡eb, Ges nB †¶‡Ï D³ cÖÖvabgyjvAwblyvx Avcxj‡b vb®jwZ KivnB‡e|

[1] Guej¨ 5, 2006Bs Zvi‡L evjvyvf`k †MŠR‡U cÖÖwkZ ¶bwblwtKKb 8wivmb‡twxkZ nBquÖ|

dig-K

(usan 6 `ðe`)

__unKDuïïU Kv÷ïWÿ¶b unµte ïbeÜb nb` Gi Rb¨ Aµte`b__

__ïbf`Rejxt__

(K) Aµte`bU ciY Kûïqv cÖ¶Rbxq nKj `ÿjjcΐ m Kÿgkïtb `uïtj KûïtZ nBte|

(L) Aµte`bU meΰK ùïqv mµïV©nBtjB Bmv ùtePbvi ïthM nBte|

(M) nKj Z_¨ UÜcKZ nBtZ nBte| ïh nKj Z_¨ AµKZi ùe¯uïZ fÿte mieivn KûïtZ nBte ïm nKj Z_¨ ¯Zš¿ KûΪR GB diïtgi mµZ mshŷ Kûïqvÿ‡Z nBte|

(N) usan 6Gi Dc-usan(3) G DújÿtZ e¨sK ïc-AWΰ/ΐtdU Aµte`tbi muiZ `uïtj KûïtZ nBte|

(O) diïtgi cÖΖK cÿv Ges Zimshŷ nKj KûΪRi cÖΖK cÿv Aµte`bKuïxi gↀ¨ ïbeΰx (chief executive) KZΪ ¯bↀ‡ïtuïtZ nBtZ nBte|

(P) ïïb GB Aµte`bcΐ ¯bↀ‡i Kuïteb Zumi ïKv÷ïnbx ev muieme× mu¯ÿi c‡¶ Aµte`bcΐ ¯bↀ‡i Kivi Rb¨ cÖΪ ¶gZvcΐ (cûïPjKgÛjx KZΪ) Aµte`bcΐïi muZ Rgv ïïtZ nBte|

1| Aµte`bKuïxi t

(K) bµg-
(L) ïïvïR÷ïWΰudm-
(M) ùef`kxnBtj euõjvf`ïtk cΰïb Kïh§ïtqi ïWKïbv-
(N) ïUÿjïtdhb b¤f-
(O) ïUïtj· b¤f-
(P) d¨v b¤f-
(Q) B-ïgBjↄ-

2| Aµte`bKuïxnbt°§³ ïiKïb ïkↀxfŷ t

(K) GZ`ÿïïtk¨ cↀZôôZ cÿeÿK ÿjuÿtUW†tKv÷ïnbx
(L) ‡ↄ kxe¨sK-
(M) ùef`kxe¨sK-
(N) AµↄR¨ cↀZô¶b-
(O) Ab¨b¨-

3| Aµte`bKuïxt

(K) †ïKv÷ïnbx AↄBb A_ev ùef`kx mgchↄqi AↄBtbi Aµïb ïbeÜKïtïYi ZuïL (mZ¨uqZ ïbeÜb nb`, mÑN¯§iK Ges mÑÑuÿem mshŷ KûïtZ nBte)-

(L) gÿjab
   (1) AↄↄguïZ -
   (2) BmÿKZↄ -
   (3) cûïtkⁿnZ

(M) muieme× mↄ¯ÿnBtj AↄBtbi Aↄↄjuc mshŷ KûïtZ nBte|

(N) e¨sK ev AµↄR¨ cↀZô¶b nBtj mµké- ùbqšÿKuïx KZↄ‡¶i ùbKU nBtZ cↄß nb‡`i mZ¨uqZ Oↄqↄjuc mshŷ KûïtZ nBte|

4| Aµte`bKuïxi cↀZK D‡¨¯³Vcûïtj‡Ki ïbg-uↄWKïbv m Kv÷ïWÿ¶b unµte nb` ÿbↄtïYi Rb¨ ‡teↄW©uↄ×ↄtši- mↄ¯ÿnqZ Aↄↄjuc `uïtj KûïtZ nBte|

5| Aµte`bKuïx f`kx ev ùef`kx Ab¨ †iKïb ïi¸ÿtjUix KZↄ‡¶i (regulatory authority) muZ ïbeↄÜZ nBtj, ïbeÜb nbt`i mↄ¯ÿqZ Aↄↄjuenµm †iKïb ïi¸ÿtjUixKZↄ‡¶i muZ ïbeↄÜZ Dmi ïbↄ I uↄWKïbv(GKuↄK nBtj me¸ÿj ÿïtZ nBte)|

6| Ave`bKvix ‡Kvb ÷K G· ‡P‡Ä Zvjf‡ufy‡ nB‡j D³ ÷K
G· ‡P‡Äi bvg, WKvbv Ges Zvjf‡ufy‡i ZviL (GKvaK nB‡j
me¸vj wv‡Z nB‡e)|

7| evjvv‡`k ev ev‡`k Ave`bKvix ‡h e¨emv cvi‡Pvjbv K‡‡i Zvi
mvv‡ß eYDv|

8| Ave`bKvix Ave`b Kivi ce©nB‡ZB evjvv‡`k unKDviW
Kv÷Wqvb umvíe Kvh°Z _uK‡j K‡e nB‡Z Kv÷Wqvb umvíe
KgfZ Zvvi veiYm eZ¶b MbK‡`i msL¨v Ges ‡kYxvevfW
Dmvi Kv÷W‡Z _vKv unKDviWi cvigW I Avbgvbb gj¨
(eZ¶b evRvi `‡‡i) Gesmvké-MbtKi umvíe Zmv‡ji wiW|

9| Ave`bKvixevi‡‡k ‡K¨vvl unKDviW Kv÷Wqvb umvíe KgfZ
_vK‡j Zvvi veiY|

10| Ave`bKvixi AeKvi‡gvi eYDv

    (K)   Kv÷W‡mvi Rb¨ïbv©vZ ¯Zbi veiY-

    (L)   uvivc` f‡ëi veiY-

    (M)   Kv÷Wi mv§ü``hߧMbtZ ิ¶vi veiY-

    (N)   SˆK eïe¯cbvi veiY-

    (O)   Avb¨v‡K msvav‡v i veiY-

    (P)   Ab¨ve¨-

11| Kv÷W‡mvq ubtquviZ (A_ev cÖ‡eZ) Rbej Ges Zvvi`i
‡hvMZvi eYDvm Kv÷Wqvj ‡mvevefWi `vqwtZ¡ubtquviZ gj©
KgfZ@ evevviZ Z_¨vvi|

12| KviDvi umt÷g veKj nB‡j KfYt cviwvZi mgvj fIqv
nB‡e Zvvi eYDv|

†NvlYv

GZØvii †NvlYv Ki‡Zqvি †h, GB Ave`‡b mieivnKZ Z_¨wi, mhy`
`vjvj‡v Ges AvZvi³ KvWR DvjvkZ Z_¨ I eYDvmvviQvnZ;

Ges Av I †NvlYv Ki‡Zqvি †h, D³ Z_¨vi i †Kvb cvieZ©bnB‡j Avgiv
Zvr¶WKfv‡e Dmv Kvgkb‡K ygvzfv‡e AevaZ Kvie;

Ges Av I †NvlYv Ki‡Zqvি †h, Avgvt`i †Kvb cvi‡PvjK, cëb vbe§vx
KgRZ@ Ges Kv÷W †mvq vbhȳ (ev cÖ‡eZ) KgRZ@ eivl×
unKDviW AvBb f½Kivi †Kvb Av‡ïhvMbvB ev Zvviv †Kvb †dŠR``vivx
ev A_®WvZK Acivta kvï=evq bvB ev cviPvjKgÛjxi †Kvb mvm FY
†Lj‡vcxvbv;

Ges Avgivv Av I †NvlYv Ki‡Zqvি †h, unKDviWR I G· ‡PÄ Kvgkb
(unKDviW Kv÷Wvqj ‡mv) vennvgyjvv, 2003 Ges unKDviWR msvvš—
AvBbmgn m Kvgkb KZR ngq ngq Rviv KZ. ev Zvgyjv¨, Av`‡k
Ges ubt`®Rvejx Avgivvgvbbvqv‡vPvje|

ÑÑÑÑÑÑÑÑÑÑÑÑGi c‡¶

ZviL ------------------------

                                          ¯¶iïi ------------------------

                                          bvg ------------------------

                                          c`ex ------------------------

                                          (mj)

dig-L

(ewা 7 `õe`)

unKDuivU Kv÷vWqvb Gi ubeÜb nb`

ubeÜb nb` b¤f   :   ....

ZuiL   :   ....

unKDuivUR I G· ‡PÄ Kuygkb AvBb, 1993 (1993 m‡bi 15 bs AvBb) Gi aviv 10, Dc-aviv (1) G cÖË ¶gZv‡j, unKDuivUR I G· ‡PÄ Kuygkb (unKDuivU Kv÷vWqj ‡mev) wewagjvi 2003 Gi ewা 7 m cÖZ, unKDuivUR I G· ‡PÄ Kuygkb GZØviv .... (unKDuivU Kv÷vWqvb Gi bvg) ‡K D³ wewagjvi Aaxb unKDuivU Kv÷vWqvb umte Kvh@vg cuiPvjbvi Rb¨ GB ubeÜb nb` cÖ`vb Kuij|

GB nb‡` i ‡gqv`, beৄb Kivbv nB‡j, ...ZuiL chS©emj _vuK‡e|

                                  unKDuivUR I G· ‡PÄ Kuygk‡bi c‡¶-

ZuiL.........................

                   ¯^¶i..........................
                   bvg..........................
                   c`ex..........................
                   (mj)

Zduwj-1

(ewা 6, 7 I 8 `õe`)

ui (fee):

1| ubeÜb nb‡`i Rb¨ Av‡e`b ui   -UvKv 5 (cuP) mRvi |

2| ubeÜb/beৄb ui   -UvKv 50(cÂvk) mRvi|

3| euillৈ ui   -UvKv 10 (`k) mRvi|

4| ubeÜb nb` beৄb/euillৈ ui Rgv vtb

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ewj‡ত ‡¶‡î Rwۡgbv(cÎZwৡtbi Rb`) -UvKv1 (GK) mRvi|

Zduwj -2

(ewা 9 `õe`)

A\Pi Yuwvwt

unKDuivU Kv÷vWqvb-

1| Dmvi Kvh©µvú` tb mte@P mZK©Zv, ejৄgৄা, vٜciৄা, mZZv, mjvg, `¶Zv I vৄk.̄ZveRvq iuvLte;

2| Dmvi MৄwKi c‡¶ MµৄZ ev maৄpZ j f\ak, mì, Avmj A_ev Ab¨ Íh ‡Kvb Avq ev cৄৡ h_vqxᵖmৄ¶ MৄwKi g†a ‡eZiY ev MৄwKi umte Rgv Kui‡te;

3| Dmvi MৄwKi mKj umvtei (µq, wemµq I ¯ ̄¯bvši , Ab_@ MৄY, cuï‡kva,Acৡ BZ`uw) ewiY mi¶Y Kui‡te Ges MৄK KZ©৒ uì ̄ৣZ nB‡j ZvnvAvej ‡¶ mieivn Kui‡te;

4| Dmvi MৄK Ges MৄwKi m¤ú ̈i n¨¶vm m umtei ‡IMcbֹqZv i¶v Kuiৄte;

5| Kৣৣ৆DৄWti i gva`tg ‡iiKৄ৙msi¶ৄ‡Yi ‡¶‡î Bmv৥ubৡZ Kui‡te ‡h, Kৣৣ৆DৄৄWti aviYYKZ Z_¨ bó nB‡j I Dmv Øviv MৄK ‡hb ¶u‡MÖ—bvnq Ges mKj Z_¨ ueKৈ DcÍq mmvcvj qvhuwq;

6| unKDuivU Z_¨ cৄৡReRৄৡ৆iii ̄t_৕নKj ÷K G· ‡PÄ, WৄৄRৄৄৄ৘i, Ab`ৄ৳¨ Kv÷vWqvb, uKqvuis mDR BZ`wwtK me²K mmtৄৄ৘Zv cÖûb Kuite;

7| Securities and Exchange Ordinance, 1969, unKDuivUR I G· ‡PÄ Kuygkb AvBb, 1993, WৄৄৄৄRৄৄ৒i AvBb, 1999 m Z`avab Ruৄ৒KZ ewagjvি cৄৄ৩̄bgjvি Av‡f̄ k, ub‡̄R ev KZ@jxi cuicৄৄk৳tKib Kvh@vg cuiPujbv ev DmtৄৄৄZ mৄৄৄ৶é-_Kৄ৬Z cuite bv|

                                  unKDuivUR I G· ‡PÄ Kuygk‡bi c‡¶-

9

gubi Dui b Avng`
†Pqui g¨b