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वर्तमान
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्रकाशित से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 642] नई दिल्ली, शुक्रवार, दिसंबर 18, 2020/अग्रहयण 27, 1942
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कार्यपीठ कार्य मंत्रालय
अधिवेशन
नई दिल्ली, 18 दिसंबर, 2020

सा.का.नि. 774(अ)—राष्ट्रीय सरकार, कंपनी अधिनियम, 2013 (2013 का 18) की धारा 469 के साथ पठित धारा 149 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कंपनी (निदेशकों की नियुक्ति और अहंता) नियम, 2014 का और संशोधन करने हेतु निम्नलिखित नियम बनाती है, अर्थातः

1. (1) इन नियमों का संख्यात्मक नाम कंपनी (निदेशकों की नियुक्ति और अहंता) पांचवां संशोधन नियम, 2020 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. कंपनी (निदेशकों की नियुक्ति और अहंता) नियम, 2014 के नियम 6 में,
(k) उप-नियम (4) में,—
    (i) “से एक वर्ष” शब्दों के स्थान पर “से दो वर्ष” शब्द प्रतिस्थापित किए जाएंगे;
    (ii) पहले और दूसरे परितुक के स्थान पर, निम्नलिखित परितुक रखे जाएंगे, अर्थातः
        “परंतु यह कि किसी व्यक्ति को अन्तरात्मा विषयक खुद-मूल्यांकन परीक्षा उत्तीर्ण करना अपेक्षित नहीं होगा यदि उसने डाटा बैंक में अपने नाम के समावेश की तारीख से कुल तीन वर्षों की अवधि तक सेवा की हो।”

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THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)]

MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION

New Delhi, the 18th December, 2020

G.S.R. 774(E).—In exercise of the powers conferred by section 149 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Appointment and Qualification of Directors) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Appointment and Qualification of Directors) Fifth Amendment Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Companies (Appointment and Qualification of Directors) Rules, 2014, in rule 6,-
   (a) in sub-rule (4),-
      (i) for the words “one year from” the words “two years from” shall be substituted;
      (ii) for the first and second proviso, the following provisos shall be substituted, namely :-
         “Provided that an individual shall not be required to pass the online proficiency self-assessment test when he has served for a total period of not less than three years as on
         the date of inclusion of his name in the data bank,-
         (A) as a director or key managerial personnel, as on the date of inclusion of his name in the
databank, in one or more of the following, namely:-
            (a) listed public company; or
            (b) unlisted public company having a paid-up share capital of rupees ten crore or more; or
            (c) body corporate listed on any recognized stock exchange or in a country which is a member
                State of the Financial Action Task Force on Money Laundering and the regulator of the
                securities market in such member State is a member of the International Organization of
                Securities Commissions; or
            (d) bodies corporate incorporated outside India having a paid-up share capital of US$ 2 million
                or more; or
            (e) statutory corporations set up under an Act of Parliament or any State Legislature carrying
                on commercial activities; or
         (B) in the pay scale of Director or above in the Ministry of Corporate Affairs or the Ministry of
             Finance or Ministry of Commerce and Industry or the Ministry of Heavy Industries and Public
             Enterprises and having experience in handling the matters relating to corporate laws or securities
             laws or economic laws; or
         (C) in the pay scale of Chief General Manager or above in the Securities and Exchange Board or the
             Reserve Bank of India or the Insurance Regulatory and Development Authority of India or the
             Pension Fund Regulatory and Development Authority and having experience in handling the
             matters relating to corporate laws or securities laws or economic laws :
             Provided further that for the purpose of calculation of the period of three years referred to
             in the first proviso, any period during which an individual was acting as a director or as a key
             managerial personnel in two or more companies or bodies corporate or statutory corporations at
             the same time shall be counted only once.”;
      (b) in the Explanation, in item (b), for the words “sixty percent”, the words “fifty percent” shall be
          substituted.

[F. No. 8/4/2018-CL-I- Part I]
K. V. R. MURTY, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section (i) vide notification number G.S.R. 259(E), dated the 31st March, 2014 and were last