



**GOVERNMENT OF INDIA**

**MINISTRY OF CORPORATE AFFAIRS**

**INDUCTION MATERIAL**

**(Prepared by Coordination Section)**

**2011**

**(Corrected upto June, 2011)**

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## ORGANISATIONAL SET UP AND FUNCTIONS

### Introduction

The Department of Companies Affairs was renamed as The Ministry of Company Affairs vide Presidential notification dated the 27<sup>th</sup> may, 2004 to function under a Minister of State with independent charge. The Ministry of Company Affairs was further renamed as the "Ministry of Corporate Affairs" vide Presidential notification dated the 9<sup>th</sup> May, 2007, amending the Government of India (Allocation of Business) Rules, 1961. The new name not merely reflects a change in the form but also in the vision and approach that drives the initiatives of the Ministry.

The focus of the Ministry's working is no longer limited to the administration of companies but has increasingly acquired an all-inclusive role of addressing a wide sweep of functions - Corporate Governance reforms and the emerging legal framework. Apart from administering the Companies Act, 1956 and the Limited Liability Partnership Act, 2009, the Ministry of Corporate Affairs also administers the following Acts:

#### Acts

- I. The Cost and Work Accountants Act, 1959
- II. The Chartered Accountants Act, 1949
- III. The Corporate Secretaries Act, 1980
- IV. The Partnership Act, 1932
- V. The Societies Registration Act, 1860
- VI. The Companies (Donation to National Fund) Act, 1951
- VII. The Competition Act, 2002

#### Rules

##### ICAI

- ❖ Procedure of Investigations Rules
- ❖ Procedure of Meetings Rules
- ❖ Charged Accountants (Election to the council) Rules 2006
- ❖ Chartered Accountants (election Tribunal) rules 2006

### ICWAI

- ❖ Procedure of Investigation (English & Hindi version)
- ❖ Procedure of Meetings (English & Hindi Version)
- ❖ The Appellate Authority (English & Hindi version)

### Compliance rules

- ❖ Companies (Accounting Standards) Rules, 2006
- ❖ Companies (issue of Share Certificate) Rules, 1960
- ❖ Trustees (Declaration of Holdings of Shares and Debentures) Rules, 1964
- ❖ The Companies (Public Trustee) Rules, 1973
- ❖ Companies (Particulars of Employees) Rules, 1975
- ❖ Companies (Transfer of Profits to Reserves) Rules, 1975
- ❖ The Companies (Declaration of beneficial Interest in Shares) Rules, 1975
- ❖ Public Companies (terms of Issue of Debentures and Raising of Loans with Option to convert such Debentures of loans into Shares) rules, 1977
- ❖ Companies Unpaid Dividend (Transfer of General Revenue Account of the Central Government) Rules, 1978
- ❖ Companies (Appointment and Qualifications of Secretary) Rules, 1988
- ❖ Companies disclosure of Particulars in the Report of Board of Directors) Rules, 1988
- ❖ Private Limited Company and Unlisted public Limited Company (Buy Back of Securities) Rules 1999
- ❖ The Companies (Issue of share Capital with Differential Voting rights) Rules, 2001
- ❖ The Companies (Appointment of the Small Shareholders Director) Rules, 2001
- ❖ The Companies (Passing of the Resolution by Postal Ballot) Rules, 2001
- ❖ Unlisted Public Companies (Preferential Allotment) Rules, 2003

### Audit Rules

- ❖ Companies (Branch audit Exemption) Rules, 1961
- ❖ Cost Audit (Report) Rules, 1996
- ❖ Cost Audit Report Rules 2001

### Company Law Board

- ❖ The Offices of the Company Law Board Benches (Destruction of Records) Rules, 1980
- ❖ Company Law Board (Fees on application and Petitions) Rules, 1991
- ❖ Company Law Board regulations, 1991
- ❖ Company Law Board (Qualifications, Experience and other Conditions of Service of Members) rules, 1993

### Competition Commission of India

- ❖ The Competition Commission of India (Salary, Allowances and other Terms and Conditions of Service of Chairperson and other Members) Amendment rules, 2009
- ❖ The Competition Commission of India (Salary, Allowances and other terms and Conditions of Service of Chairperson and other Members) Second amendment rules, 2009
- ❖ The Competition Appellate Tribunal (Salaries and Allowances and other terms and conditions of service of the Chairperson and other Members) rules, 2009
- ❖ The Competition Commission of India (Number of Additional, Joint Deputy or Assistant director-General other officers and employees, their manner of appointment, qualification salary allowances and other terms and conditions of service) rules, 2009
- ❖ The Competition commission of India (Salary, allowances, other terms and conditions of service of the Secretary and officers and other employees of the Commission and the number of such officers and other employees) rules, 2009
- ❖ The Competition Appellate Tribunal (recruitment, Salaries and other terms and conditions of service of officers and other employees ) Rules, 2010
- ❖ Companies (Preservation and Disposal of records) rules, 1966
- ❖ Competition commission of India (Oath of Office and of Secrecy for Chairperson and other Members) Rules 2003
- ❖ Competition Commission of India( Salary, Allowance and other Terms and Conditions of service of Chairperson and other members) Rules, 2003
- ❖ The Competition commission of India (terms of the selection committee and the manner of selection of panel of names) Rules 2008
- ❖ The competition appellate tribunal (Term of the selection committee and the manner of selection of panel of names) Rules, 2008
- ❖ The Competition Commission of India (return on Measures for the promotion of competition advocacy, awareness and training on competition issues) Rules 2008
- ❖ The Competition Commission of India (From & time of preparation of Annual Report) Rules, 2008

### Court Liquidator Rules

- ❖ Companies (Court) Rules, 1959
- ❖ Companies (Official Liquidator's Accounts) Rules, 1965
- ❖ Companies Liquidation Accounts Rules, 1965

### Deposit Rules

- ❖ Companies (Acceptance of Deposits) rules, 1975
- ❖ Companies (Acceptance of Deposits Amendment) rules, 1997

### Destruction of records rules

- ❖ Companies (preservation and Disposal of Records) Rules, 1966
- ❖ The Offices of the Regional Directors (Destruction of Records) Rules, 1976
- ❖ The Offices of the Public Trustee (Destruction of Records) Rules, 1984
- ❖ Disposal of Records (in the Offices of the Registrar of Companies) Rules, 2003

### General rules and regulations

- ❖ Companies Regulations, 1956
- ❖ Companies (Central Government's) General rules and Forms, 1956
- ❖ Application of section 159 to Foreign Companies Rules, 1975
- ❖ Companies (Appointment of Sole Agents) Rules, 1975
- ❖ Companies (Declaration of Dividend out of Reserves) rules, 1975
- ❖ Companies (application for Extension of time or exemption under sub-section (8) of section 58A) rules, 1979
- ❖ Companies (Fees on Applications) Rules, 1999
- ❖ The Companies (Compliance Certificate) Rules, 2001

### Investor rules

- ❖ The Investors Education and protection Fund (Awareness an Protection of Investors) Rules 2001

### The following subjects have been allocated to the Ministry of Corporate Affairs:

1. Administration of Companies Act, 1956 (1 of 1956)
2. Administration of the Companies (Donations of National Funds) Act, 1951.(54 of 1951)
3. All matters relating to Competition Policy, the Competition Act, 2002 (12 of 2003) and residual work, if any, under Monopolies and Restrictive Trade Practices Act, 1969.
4. Matters relating to the Serious Frauds Investigation Office.
5. Matters relating to the Company Law Board.
6. Matters relating to the Law on Limited Liability Partnerships.
7. Matters relating to the National Company Law Tribunal and National Company Law Appellate Tribunal.
8. Profession of Accountancy {The Chartered Accountants Act, 1949 (38 of 1949)}, Profession of Cost and Works Accountancy {The Cost and Works Accountants Act, 1959 (23 of 1959), and Profession of Corporate Secretaries {the Corporate Secretaries Act, 1989 (56 of 1980)}.
9. Legislation relating to law of Partnership and the exercise of certain functions under Chapter VII of the Indian Partnership Act, 1932 (9 of 1932) in centrally administrated areas. (The administration of the Act vests in the State Government.)

10. Legislation in relation of societies registration and exercise of functions under the Societies Registration Act, 1860 (21 of 1860) in centrally administered areas.
11. The responsibility of the Centre relating to matters concerning centrally administered areas in respect of any of the above items.
12. Collection of Statistics relating to Companies and all work relating to the electronic registry of the Corporate Sector.
13. Matters relating to the Indian Institute of Corporate Affairs.

### 1. Organizational Set-up:

The Ministry of Corporate Affairs has a three-tier organization set-up, namely, the Secretariat with its attached offices at New Delhi, the Regional Directorates at Mumbai, Kolkata, Chennai and NOIDA, office of Registrar of Companies in States and Union Territories and Official Liquidators, attached to the High Courts.

The Regional Directors in-charge of the respective Regional Directorates supervise the working of the Offices of the Registrars of Companies and the Official Liquidators working in their respective jurisdiction. They also maintain liaison with the respective State Governments and the Central Government in matters relating to the administration of the Companies Act, 1956. Certain powers of the Central Government under the Act have been delegated to the Regional Directors to be exercised by them in their respective regions, along with appropriate administrative and financial powers. An Inspection Unit is also attached to the office of every Regional Director for carrying out inspection of the books of accounts of companies under section 209A of the Act.

The Registrar of Companies (ROCs) appointed under Section 609 of the Companies Act, covering the various States and Union Territories, are vested with the primary duty of registering companies floated in the respective States and the Union Territories and ensuring that such companies comply with the statutory requirements under the Act. Their offices function as registry of records relating to the companies registered with them.

The Official Liquidators are officers appointed by the Central Government under Section 448 of the Companies Act and are attached to the various High Courts. The Official Liquidators are under the administrative charge of the respective Regional Directors who supervise their functioning on behalf of the Central Government. In the conduct of the winding up of the companies, however, Official Liquidators act under the directions of the High Courts.

## **2. Company Law Board**

The Company Law Board has been functioning as an independent quasi-judicial body w.e.f. 31.5.1991 set up by the Central Government under Section 10E of the Companies Act, 1956. The procedure followed for filing the applications/petitions before the Company Law Board is as prescribed in the Company Law Board Regulation, 1991. The Central government has prescribed the fees for making applications/petitions before the Corporate Law Board under the Corporate Law Board (Fees on applications and Petitions) Rules 1991.

The Board has its Principal Bench at New Delhi and the Additional Principal Bench at Chennai. It has Regional Benches at Mumbai, Kolkata, Chennai and New Delhi.

The Companies (Second Amendment) Act, 2002, envisages the establishment of National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal.

## **3. National Company Law Tribunal (NCLT)/National Company Law Appellate Tribunal (NCLAT)**

The National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT) have not been constituted as yet since the companies (Second) Amendment Act, 2002 relating to setting up of the NCLT/NCLAT faced a legal challenge, and the matter was subjudice on account of a Special Leave Petition (SLP) filed by the Central Government in the Supreme Court, following a ruling by the Madras High Court in the matter. Constitutional Bench of Supreme Court of India has since delivered its verdict in the matter. The judgement of Hon'ble Supreme Court has been considered in the Ministry. Necessary action to amend the Companies Act, paving way for constitution of NCLT/NCLAT is being taken.

After constitution of the NCLT/NCLAT, the CLB, BIFR, AAIFR and the company jurisdiction of the High Court(s) regarding winding up, amalgamation and merger etc. will subsume in the NCLT.

MCA has received the approval from Department of Expenditure, Ministry of Finance for revival /filling up the posts under revised pay scale on 28.09.10 comprising of-

- One President, 29 members, 1 Registrar in the NCLT;
- One Chairperson, two Members, one Registrar in the NCLAT; and
- 167 officers/officials for NCLT/NCLAT

In the first phase, MCA proposes to set up principal bench of NCLT and NCLAT at New Delhi besides Benches of the NCLT at Jaipur, Ahmeabad, Chennai, Hyderabad, Indore, Jaipur, Kolkata, Mumbai and Noida.

In the second Phase, MCA propose to set up Benches of NCLT at Chandigarh, Cochin, Cuttack, Guwahati and Patna.

#### 4. Serious Fraud Investigation Office

The Government in the backdrop of major failure of non-banking financial institutions, phenomenon of vanishing companies, plantation companies and the recent stock market scam had decided to set up Serious Fraud Investigation Office (SFIO), a multi-disciplinary organization to investigate corporate frauds. The Organization has been established and it has started functioning since 1<sup>st</sup> October, 2003.

#### 5. Competition Commission of India

The Competition Commission of India (CCI) was established under the Competition Act, 2002 for teh administration, implementation and enforcement of the Act, and was duly constituted in March 2009. The following are the objectives of the Commission.

- (i) To prevent practices having adverse effect on competition.
- (ii) To promote and sustain competition in markets.
- (iii) To protect the interests of consumers, and
- (iv) To ensure freedom of trade

Consequent upon a challenge to certain provisions of the Act and the observations of the Hon'ble Supreme Court, the Act was amended by the Competition (Amendment) Act, 2007.

#### 6. Competition Appellate Tribunal

Section 53A of the Competition Act, provide for establishment of Competition Appellate Tribunal with a view to:-

- (a) to hear and dispose of appeals against any direction issued or decision made or order passed by the Commission under sub-sections (2) and (6) of section 26, section 27, section 28, section 31, section 32, section 33, section 38, section 39, section 43, section 43A, section 44, section 45 or section 46 of the Act;
- (b) to adjudicate on claim for compensation that may arise from the findings of the Commission or the orders of the Appellate Tribunal in an appeal against any finding of the Commission or under section 42A or under sub-section (2) of section 53Q of this Act, and pass orders for the recovery of compensation under section 53N of this Act.

2. The composition of the Competition Appellate Tribunal is one Chairman and two Members. The incumbents to the post of Chairperson and that of Members are as under:-

- (1) Dr. Justice Arijit Pasayat, Chairman
- (2) Sh. Rahul Sarin, Member
- (3) Smt. Praveen Tripathi, Member

3. The Headquarter of the Competition Appellate Tribunal is in Delhi.

## 1. Other Important Functions

### (i) National Foundation for Corporate Governance

A National Foundation for Corporate Governance (NFCG) is a trust set up by the government under the Ministry of Corporate Affairs for creating better corporate governance climate in the country. First meeting of the governing Council of the Foundation was convened on 28.7.2004 under the Chairmanship of the Hon'ble Minister and Shri Narayana Murthy of Infosys was taken as second Vice Chairman. On the same day, the Minister of Corporate Affairs launched the web site of the foundation, which is expected to serve as a medium for exchange of views between various stakeholders and help in formulation of policies for better corporate governance. The Foundation will provide a platform for deliberation of issues relating to good corporate governance, sensitising corporate leaders, developing a framework for corporate governance reforms, for research, training, capacity building, advocacy etc. in the field of corporate governance.

### (ii) Investors Protection

The Investor Protection Cell set up in the Ministry of Corporate Affairs is computerized and provides a mechanism for facilitation redressal of investor's grievances. The Cell also co-ordinates with the Reserve Bank of India, Department of Economic Affairs and The Securities and Exchange Board of India (SEBI) for redressal of complaints wherever the subject matters of the complaint is not within the domain of the Ministry of Corporate affairs.

### (iii) Vanishing Companies

The capital market had witnessed a boom period during 1993-94 and 1994-95 when many new companies tapped the capital market and collected funds from the public through public issue of shares/debentures. Some of these companies defaulted in their commitments made to the public while mobilising funds. The Securities and Exchange Board of India (SEBI) had originally identified 229 listed companies as `vanished`. Central Coordination and Monitoring Committee (CMC) co-chaired by Secretary MCA and Chairman, SEBI has been set up for taking stringent action against unscrupulous promoters who raised capital from investors and misused them. The CMC is assisted by four Task Forces, each

headed by a Regional Director of the Ministry located at Delhi, Mumbai, Chennai and Kolkata.

(iv) **e-Governance**

The Ministry of Corporate Affairs has drawn up an ambitious e-Governance Project. In the first phase, the Business process of the Registrar of companies and related functions of the Office of the RD and Headquarters are being put on e-Governance Mode under the MCA 21 Project. With this Project, all the companies would be able to file their compliance related documents on the Website of the Ministry from the comfort of their home or office. The Pilot for MCA 21 was launched in February, 2006 at Coimbatore. All the other ROC locations alongwith the Offices of RD and the Ministry Headquarters are scheduled to "go live" progressively by May, 2006

In the Phase-II of the e-Governance Project, the Business Process of the Official Liquidators are proposed to be put on e-Governance Mode. The work for Second Phase has already been initiated.

With the introduction of MCA 21 e-Governance Project, the Ministry has launched a new portal [www.mca.gov.in](http://www.mca.gov.in). The portal serves as a virtual window for authentic information pertaining to activities and programmes of the Ministry. Besides being an informative portal, it serves as a virtual front office for availing all registry related MCA services.

(v) **RTI Monitoring Cell**

The RTI Monitoring Cell has been set up in the Ministry of Corporate Affairs with effect from 5.10.2005 to keep a record of all requests for information received from various persons and to monitor the progress in processing/final disposal of such requests under the RTI Act, 2005 within the prescribed time limit. In terms of the provisions of the RTI Act, 2005, CPIOs and Appellate Authorities have been designated by the Ministry for its headquarters and all its field/attached/subordinate offices. Other functions of the RTI Monitoring Cell include maintaining updated information in the website of MCA on all matters pertaining to RTI as required under the Act, providing regular and updated information/reports to the CIC on the progress in implementation of the RTI Act by MCA, wide circulation in MCA of all Office Orders/Circulars of the CIC as well as the Department of Personnel and Training in connection with matters relating to the RTI Act, 2005 and to ensure overall and effective monitoring of the implementation of the RTI Act related issues under the purview of MCA.

(vi) Gender Budget Cell

Ministry of Corporate Affairs (MCA) has set up a Gender Budget Cell (GBC) with the objective of facilitating the integration of gender analysis into the government budgeting. The GBC of MCA has initiated steps to build up information/database system on the gender representation in MCA, various branches of the Ministry as well as field offices, and attached offices and professional institutes. The GBC in MCA aims to help accelerate the growing awareness of the gender sensitivities of budgetary allocation while appreciating how corporate sector oriented policies impact issues of equity and empowerment of women.

**Region-wise list of Offices of Registrars of Companies and  
Official Liquidator**

**Regional Director , Northern Region, Noida**

ROCs	OLs
Delhi	Allahabad
Kanpur	Chandigarh
Chandigarh	Delhi
J&K (ROC cum OL)	J&K (ROC cum OL)
Jaipur	Jaipur

**Regional Director , Eastern & North Eastern Region, Kolkata**

ROCs	OLs
Kolkata	Kolkata
Patna	Patna
Cuttack	Cuttack
Shillong	Guwahati

**Regional Director , Western Region, Mumbai**

ROCs	OLs
Mumbai	Mumbai
Ahmedabad	Ahmedabad
Gwalior	Indore
Goa, ROC cum OL	Goa, ROC cum OL
Pune	Nagpur

**Regional Director , Southern Region, Chennai**

ROCs	OLs
Chennai	Chennai
Coimbatore	
Puducherry	

**Regional Director , North Western Region, Ahmedabad**

ROCs	OLs
Ahmedabad	Indore
Jaipur	
Gwalior	

**Regional Director , South Eastern Region, Hyderabad**

ROCs	OLs
Banglore	Banglore
Hyderabad	Hyderabad
Ernakulam & Lakshadweep	Ernakulam

**ADMINISTRATION-I SECTION****Subjects dealt with in the Section:**

1. Establishment matters relating to all Group- A officers at the Headquarters filled under Central Staffing Scheme viz., Secretary, Joint Secretary, Director, Deputy Secretary.
2. All establishment matters relating to all Group -A officers of the en-cadred posts of Indian Economic Service (IES), Indian Statistical Service (ISS), Indian Cost and Accounts Service (ICAS) and Central Secretariat Official Language (CSOL).
3. Establishment matters relating to Officers of the Central Secretariat Service (CSS) Viz. Deputy Secretary, Under Secretary, Section Officers, Assistants.
4. Establishment matters relating to Officers of the Central Secretariat Stenographer Service (CSSS) viz. Sr. PPS, PS, PA, Stenographer.
5. Establishment matters relating to Officers of the Central Secretariat Clerical Service (CSCS) viz. UDC Grades and LDC Grades.
6. Establishment matters relating to Stenographers (General Central Service) (Ex-Cadre) (PS to PT; Steno Grade I & II).
7. Creation of posts and establishment matters relating to the office of the Minister of Corporate Affairs and Office of the Minister of State for Corporate Affairs.
8. Creation/continuation of posts in Headquarters other than ICLS posts .
9. All establishment matters relating to General Central Service Group 'B' and 'C' posts at Headquarters viz., posts of Library, Canteen, General Branch, Staff Car Drivers, Multitasking Staff (erstwhile Group 'D') etc.
10. All establishment matters relating to Hindi en-cadred in Central Secretariat Official Language Service viz., Assistant Editor, Senior Hindi Translator, Junior Hindi Translator etc.
11. Sponsoring of officers/Staff (with whom Administration-I Section is administratively concerned) for training in Hindi Teaching Scheme (Nominations to be made by Hindi Cell).

12. Issue/ Handling of CGHS (Central Government Health Scheme) Cards, appointment of AMA, Handing of Medical reimbursement/permissions, of all officers/Staff at Headquarters with whom Administration-I Section is administratively concerned.
13. Sanction/Matters of Long term and Short Term advances viz. HBA, Motor Car Advance, Computer Advance, Festival Advance, LTC Advance etc. in respects of all officers/Staff at Headquarters with whom Administration-I Section is administratively concerned.
14. Children Education Allowance/Tuition Fees reimbursement of all officers/Staff at Headquarters with whom Administration-I Section is administratively concerned.

<u>Section Officer</u>	<u>Under Secretary</u>	<u>Deputy Secretary</u>	<u>Joint Secretary</u>
Shri Ashutosh Anand	Shri J. S. Gupta	Shri K. Gurumurthy	Shri A.K. Srivastava
Room No.518	Room No.529	Room No.534	Room No.559
Shastri Bhawan	Shastri Bhawan,	Shastri Bhawan,	Shastri Bhawan,
Tel: 2338 9889	Tel: 2338 9782	Tel: 2338 9204	Tel: 2338 3180
Intercom No.518	Intercom No.529	Intercom No.534	Intercom No.559

**ADMINISTRATION - II SECTION**

**Subjects dealt with in the Section:**

**1. All establishment matters relating to officers of ICLS (Group A Service) and its feeder cadres (Group B).**

- Creation of posts;
- Recruitment/ promotion, posting & transfers of ICLS Officers;
- Review of cadre strength, probation clearance and confirmation;
- Pension, leave, increment in respect of RDs and other ICLS Officers posted at headquarters.
- Review at the age of 50 years and 30 years service in consultation with Vigilance Section;
- Compilation of bio-data, seniority list and classified list of officers of CLS.
- Framing and amendments to Indian Corporate Law Service Rules and recruitment rules of its feeder cadres (Group B & C).
- All establishment matters of ICLS and feeder cadre officers posted at headquarters, including Regional Directors.

**2. Other items of work.**

- Issue of Gazette Notifications in pursuance to Section 448 and 609 of the Companies Act, 1956 appointing officers as OLs, ROCs etc.

<u>Section Officer</u>	<u>Under Secretary</u>	<u>Director</u>	<u>Joint Secretary</u>
Shri Sandeep Jain	Shri R. K. Pandey	Shri Alok Kumar	Shri A.K.Srivastava
Room No.518	Room No.537	Room No.528	Room No.507
Shastri Bhavan	Shastri Bhavan	Shastri Bhavan	Shastri Bhavan
Tel. No.2338 9889	Tel. No.2338 3507	Tel. No. 2338 2386	Tel. No.2338 3180
Internal No. 546	Internal No. 537	Internal No. 528	Internal No. 559

Admn.III Section

The following items of work is dealt in Admn. III Section:

1. All work such as Establishment and Policy matters relating to SFIO.
2. Work pertaining to monthly meetings of Regional Directors and monitoring action of the meetings.
3. Work relating to quarterly meetings of RDs/RoCs.
4. Capacity Building and training of ICLS and feeder grade employees at Headquarters, attached and field offices.

<u>Section Officer</u>	<u>Under Secretary</u>	<u>Deputy Secretary</u>	<u>Joint Secretary</u>
Sh Ram Bachan	Sh. J.S.Gupta	Shri B.K. Malhotra	Sh.A.K.Srivastava
Room No.518	Room No.529	Room No.538	Room No.507
Shastri Bhawan	Shastri Bhawan	Shastri Bhawan	Shastri Bhawan
Tel.No.2338 6896	Tel.No.2338 9782	Tel.No.2338 9403	Tel.No.2338 3180
Internal No.547	Internal No.529	Internal No.528	Internal No.559

**ADMINISTRATION -IV SECTION****Subject dealt with in the Section:**

Administration IV Section in the Ministry of Corporate Affairs deals with following items of work relating to Company Law Board and National Company Law Tribunal/ National Company Law Appellate Tribunal.

1. All establishment, personnel and financial matter requiring approval of Central Government;
2. Appointment of Chairman / Vice Chairman and Members in these Organizations.
3. Creation / continuation / extension of deputation period in respect of officers working in these Organizations.
4. Framing of and amendment of requirement rules for various posts in Company Law Board and NCLT/NCLAT.
5. "No objection" for issue of Passport to Officers / Staff in these Organizations.
6. Processing of Case of the officers of these Organizations for foreign / domestic Seminar / Training / Workshop etc.
7. Court matters relating to above matters;
8. Parliament matters relating to above matters.

<b><u>Section Officer</u></b>	<b><u>Under Secretary</u></b>	<b><u>Director</u></b>	<b><u>Addl.Secretary</u></b>
Shri Surendra Kumar	Shri Rajinder Singh	Shri Jaikant Singh	Shri Sudhir Mital
Room No 518	Room No 520	Room No.535	Room No.505
Shastri Bhawan	Shastri Bhawan	Shastri Bhawan	Shastri Bhawan
Tel. No. 2338 6896	Tel. No. 2338 9298	Tel. No. 2307 0954	Tel. No. 2338 1226
Internal No.578	Internal No.585	Internal No.535	Internal No.505

**BUDGET SECTION****Subjects dealt with in the Section:-**

1. Preparation of Revised Estimates & Budget Estimates for the Headquarters and all field offices & attached/subordinate offices.
2. Preparation of Outcome Budget and Detailed Demands for Grants for submission to the both the Houses of the Parliament every year.
3. Appropriation of Accounts.
4. Supplementary Demands for Grants.
5. Control over expenditure and submission progressive monthly expenditure statement (4.2) basis on the figures provided by the Principal Accounts Office, Ministry of Corporate Affairs.
6. Fixation of final Grant and issue of Audit orders regularizing the grants.
7. Submission of quarterly reports on expenditure on pay and allowances, etc. to the Ministry of Finance (Department of Expenditure, Pay Research Unit).
8. Air Travel matters for Headquarters, MCA.
9. Opening of New Sub-Heads and detailed Heads.
10. Department related Parliamentary Standing Committee on Finance.

<u>Section Officer</u>	<u>Under Secretary</u>	<u>Deputy Secretary</u>	<u>Chief Controller of Accounts</u>
Shri S.L. Meghwal	Shri Anil Kumar	Shri V.K. Kapoor	Shri V.R. Ghodeswar
Room No. 508, Shastri Bhawan	Room No. 521 Shastri Bhawan,	Room No. 531 Shastri Bhawan	Lok Nayak Bhawan, Tel. No. 2469 8646
Tel. No. 2338 8512	Tel. No. 2338 1243	Tel. No. 2338 9263	
Intercom No. 576	Intercom No. 584	Intercom No. 531	

**CASH SECTION****Subjects dealt with in the Section:**

1. Maintenance of Pay Bill Registers of Gazetted and Non-Gazetted employees of the Ministry.
2. Preparation of Pay Bills of Hon'ble Minister and of Gazetted and Non-Gazetted employees of the Ministry including Minister's Staff and Canteen Staff.
2. Maintenance of General Provident Fund accounts.
3. Providing TA & LTC advances and processing of TA & LTC claims of the officers/officials of the Ministry and other members of various Committees/ Meetings, including those of foreign travel. Processing of Bills of air-travel from Indian Airlines and taking care of the Credit facility extension by the IA. Reimbursement of conveyance hire claims of the officials of the Department.
4. Processing payments for Contingency Bills under various sub-heads of Account such as OE, PP & SS, OTA, HE (hospitality expenses), Publication etc.
5. Drawing and Disbursing of Payments by Cheques and Cash.
6. Recovery of over payments and other recoveries referred to the Branch by other Sections/ Authorities.
7. Recovery of leave salary & pension contribution of Government servants on foreign services.
8. Receipt of application fee etc., maintenance of valuables register, deposit of cheques in Bank and reconciliation of accounts.
9. Assessment of Income Tax and issue of tax deduction certificates in Form 16, submission of returns to the Income Tax Office in Form No. 24.
10. Payment and recovery of short term and long term loans and advances given to the officers/officials of the Ministry, calculation of interest thereon.
11. Transfer of debit/ credit balances in respect of GPF, HBA, MCA etc.
12. Issuance of Last Pay Certificates.
13. Deduction of the Society amount, as recommended by the Company Law Credit and Thrift Society, from the salaries of the members of the Society.
14. Recovery of License fees and other recoveries as recommended by the Directorate of Estates.
15. Maintenance/ deduction of CGEGIS subscription and final reimbursement of the same.

16. Reimbursement of Medical Bills and Children Education Allowances.
17. Reconciliation of expenditure with P&AO.
18. Control of expenditure and forwarding expenditure statements to the Budget Section.
19. Payments relating to credit sales of Departmental Canteen.

**Section Officer****Under Secretary****Joint Secretary**

Shri Manbar Singh

Shri Robert C. Tully

Shri A K. Srivastava

Room No. 524

Room No. 520

Room No 507

Shastri Bhavan

Shastri Bhavan

Shastri Bhavan

Tel. No.2338 5382

Tel. No. 2307 3734

Tel. No.2338 3180

Internal No. 549

Internal No. 579

Internal No. 559

**VIGILANCE SECTION****Subject dealt with in the Section:**

1. Complaints involving vigilance angle in respect of the officials/ officers in the Headquarters and Group 'A' & 'B' officers in the field offices.
2. Dealing with CVC/ CBI.
3. Maintaining APARs of Group 'A', 'B' & 'C' officers at Headquarters and Group 'A' and 'B' officers of field offices.
4. Communication of adverse entries in APARs to employees of this Ministry and the examination of the representation made against the adverse entries.
5. Reviews for premature retirement of officers and staff at Headquarters and Group 'A' and 'B' officers of the field offices.
6. Conducting Disciplinary Proceedings under CCS (CCA) Rules in all cases involving vigilance or administrative angle
7. Compliance reports/ Permissions/ Intimations under CCS (Conduct) Rules relating to acquisition of moveable or immovable assets/ acceptance of gifts/ employment of relatives in private firms/ relatives doing private business/ benami transactions etc. in respect of all officers/ officials of the Headquarters and Group 'A' and 'B' officers in field offices.
8. Surprise checks on attendance of staff at Headquarters.

<b><u>Section Officer</u></b>	<b><u>Under Secretary</u></b>	<b><u>Deputy Secretary</u></b>	<b><u>Joint Secretary &amp; CVO</u></b>
Shri P.K. Prabhat	Shri Robert C. Tully	Sh. K. Gurumurthy	Shri A.K.Srivastava
Room No.540	Room No.520	Room No.534	Room No.507
Shastri Bhavan	Shastri Bhavan	Shastri Bhavan	Shastri Bhavan
Tel: No.2338 7415	Tel: No.2307 3734	Tel: No.2338 9204	Tel: No.2338 3180
Internal No.540	Internal No.579	Internal No.534	Internal No.507

GENERAL SECTION

1. Office accommodation - Headquarters and field offices.
2. Government accommodation - matters relating to the allotment of Government residential accommodation.
3. Furniture - purchase and its maintenance.
4. Stationery - purchase and its distribution.
5. Printing - printing of material as per requirement.
6. Telephones - all matters relating to office and residential telephones at Headquarters.
7. Office equipments - purchase and repair of office equipments like Computers, printers, typewriters, FAX machines, Franking machines etc.
8. Purchase and maintenance of water coolers, coolers, air-conditioners, heaters and electrical appliances.
9. Entertainments - arrangement of refreshments / lunch etc in official meetings.
10. Staff cars - purchase and repairs of staff cars belonging to Headquarters.
11. Identity cards - issue of identity cards to the official at Headquarters and its field offices at Delhi.
12. Issue of identity cards to non-official.
13. Liveries - Purchase of uniform cloth, shoes, chappals etc and its distribution among the entitled Group 'C' and 'D' employees of the Department.
14. Preparation of rubber stamps and name plates officers of Department.
15. Collection of Railway/ Air parcels.
16. Casual labour - Engagement of casual labour for casual work.
17. First Aid arrangements.
18. Care-taking arrangement for Shastri Bhawan and Paryavaran Bhawan offices.
19. Security arrangements.
20. Records Room - Review of files etc.
21. Resographs and its maintenance, Duplicating Machines and maintenance.
22. Matters / proposals from field offices - All proposal from the field offices where they have to make purchase of items involving the expenditure in excess of the limits prescribed in delegation of Financial Power Rules.
23. Engagement of out sourcing staff like stenographers, computer operators / office assistant, peons etc.

<u>SECTION OFFICER</u>	<u>UNDER SECRETARY</u>	<u>DEPUTY SECRETARY</u>	<u>JOINT SECRETARY</u>
Sh R.K. Dhar	Shri G. P. Sarkar	Shri B. K. Malhotra	Shri A. K. Srivastava
Room No. 511	Room No. 526	Room No. 538	Room No. 507
Shastri Bhawan	Shastri Bhawan	Shastri Bhawan	Shastri Bhawan
Tel No. 2338 9391	Tel No. 2338 5382	Tel No. 2338 9403	Tel No. 2338 3180
Intercom No. 573	Intercom No. 526	Intercom No. 538	Intercom No. 559

**HINDI SECTION****Subject dealt with in the Section:**

1. Translation of documents issued u/section 3(3) of Official Language Act from English to Hindi and vice versa.
2. Implementation of Official Language Act and Rules made there-under.
3. Conducting the meetings of Official Language Implementation Committee.
4. Implementation of the decisions taken by Hindi Advisory Committee held under the Chairmanship of Minister.
5. Hindi Teaching Scheme and finalization of nomination of the officers and employees for various programmes for training in Hindi. Actual nomination to be made by administrative sections concerned.
6. To make suggestions for the progressive use of Hindi in the Department.
7. Conducting of Hindi Workshops.
8. To compile the quarterly progress reports of the Headquarters as well as of field offices in respect of progressive use of Hindi work.
9. Co-ordination and to keep liaison with the other Ministers/ Departments in connection with Hindi work.
10. Work relating to the Parliamentary Committee on Official Language.
11. Inspection for the progressive use of Hindi.
12. Other work entrusted by the Head of the Department in connection with the National Languages Policy.

**Assistant Director**

Smt. Reeta Sood

Room No. 509A

Shastri Bhavan

Tel. No.2338 8512

Internal No. 562

**Deputy Secretary**

Shri K. Gurumurthy

Room No.534

Shastri Bhavan

Tel. No.2338 9204

Internal No. 534

**Joint Secretary**

Shri A. K. Srivastava

Room No.507

Shastri Bhavan

Tel. No.2338 3180

Internal No. 507

**COORDINATION SECTION**

**Subjects dealt with in the Section:**

1. **Organisation Study:** Organisation Chart - Organizational structure of Headquarters & field offices.
2. **Strategic Action Plan (SAP) :** Preparation of Strategic Action Plan for the Ministry every year - review of progress on SAP etc.
3. **Manual of Office Procedure:** Circulation of instructions on - Supplementing the Manual with Departmental Instructions - Coordination with Department of Administrative Reforms & Public Grievances.
4. **Inspections:** O&M Inspection of Sections - O&M Inspection of Record Room.
5. **Records Management:** Record Retention Schedule - Review of. - Keeping watch on Recording, Weeding, Indexing etc.
6. **Management Information Systems:** Monthly Summary for the Council of Ministers - Monthly D.O to Cabinet Secretariat.
7. Preparation of Induction Material for the Ministry.
8. Channel of submission -Fixation of Time-limit for disposal of cases - action thereof
9. Imparting training to Officers/ Officials of the Department sponsored by ISTM  
(Department of Personnel & Training).
10. **Other important matters:** Coordinating material for President's address to both Houses of Parliament, coordinating material for Finance Minister's budget speech, coordinating material for PMO references, work relating to Results Framework Document, Citizen's Charter and Sevottam.
11. All matters connected with the Right to Information Act, 2005.

<b><u>Section Officer</u></b>	<b><u>Under Secretary</u></b>	<b><u>Deputy Secretary</u></b>	<b><u>Joint Secretary</u></b>
Smt. Veena Batra	Shri Robert C. Tully	Shri V. K. Kapoor	Shri A. K. Srivastava
Room No.520	Room No. 520	Room No. 531	Room No. 507
Shastri Bhavan	Shastri Bhavan	Shastri Bhavan	Shastri Bhawan
Tel.No. 2338 9796	Tel. No. 2307 3734	Tel. No. 2338 9263	Tel. No. 2338 3180
Internal No. 582	Internal No. 579	Internal No. 531	Internal No. 559

**Competition Section**

**Subjects dealt with in the Section:**

1. Enforcement of Competition Act.
2. All Establishment, personnel and financial matters of Competition Commission of India and Competition Appellate Tribunal requiring approval of Central Government.
3. Appointment of Chairperson and Members both in Competition Commission of India as well as in Competition Appellate Tribunal.
4. Creation of posts in Competition Commission of India & Competition Appellate Tribunal.
5. Appointment of DG, Competition Commission of India & Registrar in Competition Appellate Tribunal.
6. Formation and amendment in Recruitment Rules in all posts created in Competition Commission of India and Competition Appellate Tribunal.
7. "No Objection" for issue of Passport to Officers/Staff in these Organizations.
8. Processing of Cases of the officers of these Organizations for foreign/domestic Seminar/Training/Workshop etc.,
9. All Court Cases relating to above matters.
10. All Parliament matters relating to above matters.

<b><u>Section Officer</u></b>	<b><u>Under Secretary</u></b>	<b><u>Director</u></b>	<b><u>Additional Secretary</u></b>
Sh Vinod Kumar	Sh J.B.Kaushish	Sh Anil Bhardwaj	Sh Sudhir Mital
Room No.520	Room No.520	Room No.536	Room No.505
Shastri Bhawan	Shastri Bhawan	Shastri Bhawan	Shastri Bhawan
Tel.No.2338 9796	Tel. No.2338 7939	Tel.No.2307 0954	Tel.No.2338 1226
Internal No.582	Internal No.587	Internal No.536	Internal No.505

**(PARLIAMENT SECTION)****Subjects dealt with in the Section:**

1. Co-ordination with Sections on Parliament Questions, Calling Attention Motions, Short Duration Notices and other parliament matters.
2. To keep in touch with Lok Sabha/ Rajya Sabha Secretariat/ Ministry of Parliamentary Affairs with regard to Parliamentary work.
3. Co-ordinating with the concerned Sections with regard to the Consultative Committee/ Standing Committee meetings.
4. Monitor the disposal of pending Parliament Assurances.
5. To co-ordinate with the concerned Sections with regard to the work relating to the laying of Reports, Notifications, etc. relating to the Ministry in both the Houses of Parliament.
6. To co-ordinate with the concerned Sections with regard to the work relating to six monthly statement of the Minister in both the Houses of Parliament on the status of implementation of recommendations contained in the Reports of the Departmentally Related Standing Committees on Finance.
7. To make Parliamentary Passes for the Officers/Officials of the Ministry.
8. To circulate the instructions on Parliament matters received from Lok Sabha/ Rajya Sabha Secretariats and Ministry of Parliamentary Affairs in the Ministry.
9. Sending copies of replies /e-mails of the Parliament Questions to Lok Sabha/Rajya Sabha/PIB and Starred Parliament Questions with Note for Supplementaries to PMO.
10. Preparation of pads for the Ministers and other Officers of the Ministry of the Business of both the Houses of Parliament.

<b><u>Additional Secretary</u></b>	<b><u>Deputy Secretary</u></b>	<b><u>Under Secretary</u></b>	<b><u>Parliament Assistant</u></b>
Shri Sudhir Mital	Shri K. Gurumurthy	Shri J.S. Gupta	Shri Dinesious Savul N.X.
Room No.505	Room No.534	Room No. 529,	Room No. 523
Shastri Bhavan,	Shastri Bhavan,	Shastri Bhavan,	Shastri Bhavan,
Tel.No. 2338 1226	Tel.No. 2338 9204	Tel. No. 2338 9782	Tel. No. 2338 3204
Internal No. 505	Internal No. 534	Internal No. 529	Internal No. 508

LIBRARY

Departmental Library functions as a reference library in the Ministry and caters to the needs of officers at all the Divisions in the Ministry, Committees and Commissions set up from time to time. It has a specialized collection of more than 52,000 volumes on Company Law, Economic and Financial matters and receives more than 300 newspapers and periodicals. Latest Library software has been installed in the computer. All new additions are processed through software. The library may be divided into 4 Sections:

1. Company Law and other Laws
2. Economics, management, accounts, history, political science, computer.
- 3 Reference
4. Periodicals and Serials
- 5 General (India and English)

<u>ALIO</u>	<u>Under Secretary</u>	<u>Deputy Secretary</u>	<u>Joint Secretary</u>
Smt. Nutan Kumari	Sh. G.P. Sarkar	Shri B.K. Malhotra	Shri A.K. Srivastava
Room No. 503,	Room No.526,	Room No. 538	Room No.507
Shastri Bhavan	Shastri Bhavan	Shastri Bhawan	Shastri Bhawan
Tel No. 2338 7415	Tele.No. 2338 5382	Tel. No.2338 9403	Tel No. 2338 3180
Internal No.503	Internal No.526	Internal No. 538	Internal No.559

### INVESTOR GRIEVANCES MANAGEMENT (IGM)

#### Subjects dealt with in the Section:-

1. Investor Grievance Management Cell (IGM), renamed from earlier Investor Protection Cell (IPC), of the Ministry of Corporate Affairs, was set up in 1993 to deal with investors' grievances. Its function is to take up the grievances of investors through the jurisdictional Registrars of Companies. It also coordinates with the Reserve Bank of India, Dept. of Economic Affairs, and SEBI for redressal of investors' complaints received in this Ministry but pertaining to these agencies. Broadly, the complaints relate to the following issues.
  1. Non- receipt of annual report
  2. Non- receipt of dividend amount
  3. Non- refund of application money
  4. Non- payment of matured deposits and interest thereon
  5. Non- receipt of duplicate shares
  6. Non- registration of transfer of shares
  7. Non- issue of share certificates
  8. Non- receipt of debenture certificates
  9. Non- issue of rights bonus shares
  10. Non- issue of interest on late payment
  11. Non- redemption of debentures and interest thereon
  12. Non- receipt of share certificates on conversion.
2. Parliament Questions/VIP references on the above subject.
3. Prosecutions of Companies under Section 58A and other Sections of the Companies Act, 1956 launched by the Regional Director/Registrar of Companies on the advice of the IPC on the basis of complaints received from the Investor's.
4. Matters relating to Citizen Charter.
5. Coordination with RBI/SEBI on matters relating to investors complaints against NBFC and listed companies respectively.

6. Coordinating with CLB where investors/companies have taken up section 58A cases to CLB.
7. Coordination with Hardship Committee for payments to Depositors.
8. Reporting the cases of recurrent defaulting companies requiring technical scrutiny, inspection and prosecution to the concerned Section for further action.

<u>Section Officer</u> <u>Secretary</u>	<u>Under Secretary</u>	<u>Director</u>	<u>Joint</u>
Smt. Shalini Juneja Srivastava	Shri B.P. Bimal	Shri Alok Kumar	Shri A.K.
Room No. 509A	Room No. 521	Room No. 528	Room No. 507
Shastri Bhavan	Shastri Bhavan	Shastri Bhavan	Shastri Bhavan
Tel.No. 2338 4479 3180	Tel.No. 2307 3017	Tel.No. 2338 2386	Tel.No. 2338
Internal No. 567	Internal No. 521	Internal No. 528	Internal No. 559

**Investor Education and Protection Fund (IEPF)**

**Subjects dealt with in the Section:**

1. Establishment of the Investor Education and Protection Fund (IEPF) and its management, as per Section 205 C of the Companies Act.
2. Monitoring of monthly credits to the Fund
3. Establishment of the Main IEPF Committee and its Sub-Committee.
4. Preparing agenda, holding meetings, preparing minutes and taking action on the minutes/recommendations of the Committee/Sub-Committee.
5. Registration of Voluntary Associations/Organizations under IEPF.
6. Providing financial assistance to the organizations/associations registered under IEPF for conducting various activities for investor's awareness and education.
7. Educating and creating awareness among investors through Electronic and Print Media.
8. Monitoring budgetary allocations and expenditure under the IEPF sub-head.
9. Issuing various sanctions for expenditure under the IEPF.
10. Dealing with any other issue related to investor education and awareness.
11. Monitoring of sponsored websites, namely, [www.iepf.gov.in](http://www.iepf.gov.in), [www.watchoutinvestors.com](http://www.watchoutinvestors.com), [www.investorhelpline.in](http://www.investorhelpline.in)
12. Parliament Questions and all Parliamentary matters related to IEPF.
13. All VIP references related to IEPF.
14. All RTI references related to IEPF.

**National Foundation for Corporate Governance (NFCG)**

15. Establishment and Administration of National Foundation for Corporate Governance (NFCG)
16. Organizing meetings of the Governing Council and the Board of Trustees of the NFCG.
17. Collaborating with international organization in the field of Corporate Governance of the NFCG.
18. To provide research training, practice, capacity building, standard setting, advocacy, rating, monitoring, recognition and related support in the field of Corporate Governance.

<b><u>Assistant Director</u></b>	<b><u>Under Secretary</u></b>	<b><u>Director</u></b>	<b><u>Joint Secretary</u></b>
Shri Manjit Singh,	Shri B.P.Bimal	Shri Alok Kumar	Shri A.K.Srivastava
Room No. 509-A	Room No. 521	Room No. 528	Room No. 507
Shastri Bhawan	Shastri Bhawan	Shastri Bhawan	Shastri Bhawan
Tel. No. 2338 4479	Tel. No. 2307 3017	Tel. No. 2338 2386	Tel. No. 2338 3180

Intercom No. 560

Intercom No.521

Internal No. 528

Intercom No.559

**COMPANY LAW SECTION - I**

**Subjects dealt with in the Section :**

1. Revision of the entire Companies Act, 1956 and LLP Act, 2008.
2. Amendment of specific provisions of Companies Act as required and warranted from time to time;
3. Coordinate the working of Expert Committee etc. set up from time to time on working of Companies Act;
4. Review and revision of the existing provisions of Indian Corporate Laws taking into account the requirement of the same;
5. Preparation of Cabinet Notes, draft Bills for amendment in Companies Act, 1956 and all matters up to the stage of obtaining assent of the President after the is passed by Parliament.

**Assistant Directors**

Shri N. K. Dua

Room No.513

Shastri Bhavan

Tel. No.2307 1190

Internal No. 513

**Director (Insp.. & Invest)**

Shri. E. Selvaraj

Room No. 527

Shastri Bhavan

Tel. 2338 4502

Internal No. 527

**Joint Secretary**

Smt Renuka Kumar

Room No.504

Shastri Bhavan

Tel No. 2307 4056

Internal No. 504

**COMPANY LAW - II SECTION**

**Subjects dealt with in the Section:**

1. Ordering of Inspection of the Companies under Section 209A of the Companies Act, 1956 and issue of instructions on the inspection report.
2. Technical Scrutiny of Balance Sheets references and the matters connected therewith.
3. Ordering/withdrawal of prosecution arising out of inspection reports/technical scrutiny of balance sheets.
4. Investigation of Companies and follow-up references (Section 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 247, 248, 249, 250, 251).
5. Investigation into ownership of Shares (Section 187D & 247).
6. Special Audit Report under Section 233A.
7. Complaints relating to misuse and diversion of funds and mismanagement of companies etc.
8. Application by Central Government to Company Law Board in cases of oppression or mis-management under Section 401/408 and 388B of the Act.
9. Section 399(4) - Authorizing members to approach Company Law Board on grounds of oppression and mismanagement under Section 397/398.
10. Review of monthly reports from R.Ds on working of Inspection Wings.
11. Parliament Question pertaining to above subject.
13. JPC Members.

<u>Section Officer</u>	<u>Deputy Director</u>	<u>Joint Director</u>	
<u>Director(Insp.&amp;Invs.)</u>			
Shri R. S. Kaushik	Smt. P. Sheela	Shri Naubat Singh	Shri Dhan Raj
Room No.523	Shri M. S. Pachouri	Shri R. K. Meena	Room No. 539
Internal No. 556	Shri R.K. Bakshi	Room No. 527	Tel. No. 2338
9602	Room No. 521, 527	Tel. No. 2338 5285	Internal No.
539	512	Internal No. 527	
	Tel. No. 2338 6065,		

2338 5285, 2307 3230

Internal No. 583, 527

& 507

**COMPANY LAW - III SECTION**

**Subjects dealt with in the Section.**

1. Further issue of capital (Section 81(1A) (b)).
2. Issue of further capital, convertibility of loans and debentures into equity shares (Section 81(3)).
3. Conversion of loans and debentures into equity capital in public interest (Section 81(4)).
4. Reduction of Share Capital (Section 101).
5. Payment of dividends only after providing for depreciation (Section 205).
6. Form and contents of Balance Sheets and Profit & Loss Accounts (Section 211).
7. Balance Sheet of holding company to include certain particulars of Subsidiaries (Section 212).
8. Financial year of holding company and subsidiary (Section 213).
9. Amalgamation and merger preservation of Books of Accounts of Amalgamated companies (Section 391, 394, 396 and 396 A).
10. Accounts of Foreign companies - Exemption from submitting Balance Sheet and Profit & Loss Account (Section 594).
11. References received from RDs/ ROCs for approval of names of companies and matters incidental thereto (Section 20 to 24)
12. References received from RDs/ ROCs for grant of Licence, revoking of such licences, alteration of Memorandum and Articles of Association, grant of exemption and matters relating to such companies (Section 25).

**Section Officer**  
**Secretary**

**Under Secretary**

**Director**

**Joint**

Shri Maha Singh

Smt. Rita Dogra

Shri Jaikant Singh

Vacant

Room No. 509,	Room No. 521,	Room No. 535,	Room No. 506
Shastri Bhawan, Bhawan	Shastri Bhawan	Shastri Bhawan	Shastri
Tel.: 2338 4479 3345	Tel.: 2338 6065	Tel.: 2338 9227	Tel.: 2338
Internal No. 561 506	Internal No. 586	Internal No. 535	Internal No.

**POLICY -I SECTION**

**Subjects dealt with in the Section:**

1. Examination of Cabinet Notes/CCEA Notes/COS Notes.
2. Sending notification to the Press and laying of notification in the Parliament.
3. Declaration of institutions as Public Financial Institutions.
4. Court cases related to Policy issues.
5. FDI Policy suggestions.
6. FIPB references.
7. Matter related to FATF - mutual Evaluation Report on Anti money laundering and combating the financing of terrorism in India.
8. Matter related to information in respect of draft Peer Review Report of India.
9. Constitution of NACAS and changes therein.
10. Matters relating to Accounting standards/Convergence with IFRS.
11. Indian Partnership Act and Societies Registration Act.
12. Capital Market/Coordination with SEBI.
13. 'Doing Business' Report 2011 of the World Bank Group.
14. Parliament Questions/RTI applications on Companies Bill and other issues related to Policy.

## 15. Miscellaneous matters not covered above.

<u>Assistant Director</u>	<u>Joint Director</u>	<u>Director (Insp. &amp; Invs.)</u>	<u>Joint Secretary</u>
Smt. Seema Rath	Shri J.N. Tikku	Shri E. Selvaraj	Smt. Renuka Kumar
Room No.	Shri Sanjay Shorey	Room No. 527	Room No. 504
Shastri Bhawan	Room No. 510 & 532	Shastri Bhawan	Shastri Bhawan
Tel. No. 2338 7263	Tel. No. 2338 4657 & 2338 9622	Tel. No. 2338 4502	Tel. No. 2307 4- 056
Internal 581 & 566	No. Internal No. 510 & 532	Internal No. 527	Internal No. 504

POLICY- II SECTION**Subjects dealt with by the Section:**

1. Clarification sought regarding provisions of Companies Act, 1956 by:-
  - Other Ministries
  - Other Departments Field Offices
  - Chambers of Commerce atc.
2. Matters relating to Limited Liability Partnership Act and Bill
3. Drafting of notification/circulars etc for proposals for amendment of Rules/schedules etc made under the Companies Act.
4. Review of existing Rules under the Companies Act, 1956 to bring simplification and procedures.
5. Grant of extension holding of AGM to Government companies and change in venue for holding AGM.
6. Matters relating to refund of excess/duplicate fees received.
7. Matter related to condonation of delay in respect of Regulation 17.
8. Formulation of schemes such as Company Law Settlement Scheme and Easy Exit Scheme.
9. e-Governance forms and other related matters.
10. Drafting and issue of circular to ROCs / RDs to bring uniformity of practices by all field offices with regard to disposal off their duties including approval of times and persecutions etc.
11. Drafting and issue of circulars to provide more exemption to the companies and to cut timelines getting approvals from ROC/RD and MCA under Companies Act, 1956.
12. To coordinate with TCS for implementation of proposed changed procedures under MCA 21 system.

Assistant Director

Smt. Kamna Sharma

Smt. Monika Gupta

Room No.

Tel. No. 2338 7263

Director (DGCA)

Shri Rakesh Chandra

Room No. 519

Shastri Bhawan

Tel. No. 2307 3049

Joint Secretary

Shri A.K. Srivastava

Room No. 507

Shastri Bhawan

Tel. No. 2338 3180

Internal No. 566 & Internal No. 596  
581

Internal No. 559

**COMPANY LAW - VI SECTION**

**Subjects dealt with by the Section:**

1. Applications seeking approval under Section 295 of the Companies Act, 1956 for making loan to Directors/giving guarantee or providing any security to any company/ firm in connection with a loan made by any other person to or to any person.
2. Policy relating to Nidhi companies under Section 620A of the Companies Act, 1956 and notifying the company as NIDHI or Mutual Benefit Society.
3. Policy matters in respect of Section 58A of the Companies Act, 1956 and Deposits Rules framed thereunder.
4. Application seeking extension of time/exemption from the provisions of section 58A of the Companies Act 1956 readwith Companies (Acceptance of Deposits) Rules, 1975.
5. Applications/Representations under Section 294AA of the Companies Act, 1956 regarding appointment of Sole Selling Agents by a company.
6. Issue of Notifications prohibiting appointment of Sole Selling Agents in respect of certain categories of goods (Section 294AA(1)).
7. Applications under Section 205A (3) of the Companies Act, 1956 to declare Dividend out of reserves.
8. Acquisition of shares by and of dominant undertaking (Section 108A).
9. Transfer of shares by and of dominant undertaking (Section 108B).

<b><u>Section Officer</u></b>	<b><u>Under Secretary</u></b>	<b><u>Deputy Secretary</u></b>	<b><u>Joint Secretary</u></b>
Shri Kailash Chander	Shri L.K. Trivedi	Shri K.K. Nath	Vacant
Room No. 523,	Room No. 529,	Room No. 534	Room No. 506
Shastri Bhawan,	Shastri Bhawan,	Shastri Bhawan,	Shastri Bhawan,
Tel. No. 2338 9298 3345	Tel. No. 2238 9782	Tel. No. 2338 9204	Tel. No. 2338
Internal No.523. 506	Internal No.529	Internal No.534	Internal No.



COMPANY LAW - VII SECTION

**Subjects dealt with in the Section:**

1. Applications for appointment as Managing Director/ Whole time Director/ Manager and payment of their remuneration (Section 269, 198/309/ 311).
2. Applications for increase in the remuneration of Managing Director/ Whole time Director/ Manager (Section 198/ 269/ 310).
3. Applications for waiver of recovery of remuneration refundable by Directors (Section 309(5B)).
4. Applications for opinion about professional qualifications of the Directors (Section 309(1)(b)).
5. Applications for appointment as Managing Director/ Manager in two or more than two companies (Section 269/ 316(2)/ 316(4)).
6. Removal of disqualification of Directors.
7. Applications for increase in the number of Directors (Section 259).
8. Applications for amendment of provisions to Managing Directors/ Whole time Directors or non-rotational Directors (Section 268).
9. Applications for appointment of relatives of Directors and payment of remuneration etc. (Section 314(1B)).
10. Powers of Government to appoint Government Directors on Board of companies to prevent mismanagement on the recommendation of CLB (Section 408).
11. Follow up of the companies wherein Government Directors have been appointed. (Section 408).
12. Government permission for change in the Board of Directors taking place subsequent to the appointment of Government Directors.
13. Reference to CLB of cases against Managerial Personnel (Section 388B).

<u>Section Officer Secretary</u>	<u>Under Secretary</u>	<u>Deputy Secretary</u>	<u>Joint</u>
Shri R. L. Arora	Shri L. K. Trivedi	Shri K. K. Nath	Vacant
Room No.520	Room No. 529	Room No. 534	Room No. 506
Shastri Bhavan Bhavan	Shastri Bhavan	Shastri Bhavan	Shastri
Tel. No.2338 5381 3345	Tel. No. 2338 9782	Tel. No. 2338 9204	Tel No. 2338
Internal No.520 506	Internal No. 529	Internal No. 534	Internal No.

### LEGAL SECTION

#### Subjects deal within the section:

1. All the court cases pertaining to this Ministry shall be received in the Domain Section. If received in the Legal Section, the same will be forwarded to the concerned Domain Section for action.
2. The Legal Section will immediately initiate action for engaging a Government Counsel on the request of the relevant Domain Section.
3. The Domain Section shall prepare the draft parawise comments and send them to Legal Section/JD (L) for vetting along with the relevant files/records within the prescribed time frame.
4. The Domain Section will take up the matter with the Government Counsel for the preparation of draft reply/statement/affidavit/counter affidavit. If required, the Domain section may obtain the opinion of JD (L) on file.
5. The affidavit/additional affidavit/counter affidavit to be filed in the courts shall be sworn in and filed by the concerned Under Secretary/authorized official of the Domain Section. The case shall, thereafter, be defended in the court on behalf of the Ministry by the Domain section, with assistance from the Legal Section. JD (L) may be requested to be present in the court, if required.
6. The Legal Section will be responsible for the monitoring of all court cases of the Ministry. Every Domain Section would send a monthly report to the Legal Section by the 7<sup>th</sup> of every month giving the status of each court case, the outcome of the last hearing and the next date of hearing.
7. The Legal Section will be responsible for the issues of sanction and payment of fees to the Government Counsel. Every Domain Section will send the bills to the Legal Section in duplicate duly verified.
8. The draft reply/affidavits to be filed by the ROCs/RDs/OLs and other attached officers of the Ministry and which are received in the Legal Section for vetting will first be verified by the Domain Section and input if any given and then submitted to JD (L) for vetting.
9. Legal Section will process disposal of applications/petitions made to the Central Government regarding alleged acts of mismanagement and oppression under section 399 (4) of the Companies Act, 1956.

**Section Officer**

Mrs Sarla Agarwal  
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Shastri Bhawan  
Tel.No. 2307 0727  
Internal No-557

**Under Secretary**

Sh.Rajinder Singh  
Room.No-520  
Shaastrri Bhawan  
Tel.No. 2338 9298  
Internal No-585

**Joint Director (L)**

Sh.B.K.L.Srivastava  
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Shastri Bhawan  
Tel.No.2338 9622  
Internal No. - 532

**Joint Secretary**

Smt.Renuka Kumar  
Room.No-504,  
Shastri Bhawan  
Tel.No.2307 4056  
Internal No. - 504

**PROFESSIONAL INSTITUTES SECTION**

**Subjects dealt with in the Section.**

- Administration of the following Acts:-
  - i. Chartered Accountants Act, 1949;
  - ii. Cost and Works Accountants Act, 1959; and,
  - iii. Company Secretaries Act, 1980
  
- Framing of Rules and Regulations under the Acts governing Institute of Chartered Accountants of India, Institute of Cost and Works Accountants of India and Institute of Company Secretaries of India.
  
- Matters relating to three professional Institutes viz ICAI, ICWAI and ICSI such as :-
  - a. Examination of proposals of the Institutes seeking messages from the High Dignitaries/ holding of conferences/seminars and obtaining approval of MEA /MHA etc.
  - b. Examination and according administrative approval to the proposals of Institutes entering into MRAs/MOUs etc.
  - c. Examination of complaints filed against the members of the professional bodies and seeking reports from the concerned Institute.
  - d. Court cases relating to the three Institutes.
  
- WTO matters relating to Accounting, Book keeping, Auditing and Services.

<b><u>Section Officer</u></b> <b><u>Secretary</u></b>	<b><u>Under Secretary</u></b>	<b><u>Director</u></b>	<b><u>Joint</u></b>
Shri Lalit Grover Room No. 520, 506	Smt. Rita Dogra Room No. 521,	Shri Jaikant Singh Room No. 535,	Vacant Room No.
Shastri Bhawan, Tel. No. 2338 7631 2338 3345	Shastri Bhawan Tel. No. 2338 6065	Shastri Bhawan Tel. No. 2338 9227	Shastri Bhawan Tel.No.
Internal No. 552 No. 506	Internal No. 586	Internal No. 535	Internal



## COST AUDIT BRANCH

### Subjects dealt with by the branch:

Cost Audit Branch(CAB) of MCA was set up to perform the statutory functions u/s 209(1)(d) relating to the maintenance of cost records and u/s 233B relating to the audit of cost records by the companies: read with provisions u/s 224(1-B), and 227 (1) of the Companies Act, 1956.CAB is manned by professionals drawn from the Indian Cost Accounts Service (ICAS). CAB performs the following functions.

1. Matters falling under Sections 209(1)(d) and 233B of the companies Act, 1956
  - \* Framing policy framework for cost accounting records and cost audit in the corporate sector
  - \* Identification of class of companies i.e. the industries /sectors for inclusion under the provisions of section 209(1)(d) of the Companies Act, 1956.
  - \* Prescription of Cost Accounting Records Rules (CARR) including review, rationalisation and amendment or modification of the existing ones.
  - \* Laying of notified rules in both Houses of Parliament after legal vetting, Hindi translation, and publication in the Gazette.
  - \* Designing & prescription of various formats for maintenance of cost records by various industries/sectors and also for filing cost audit reports with the Central Government.
  - \* Prescription (including revision) and Notification of all e-forms relating to the functions under the CAB.
  - \* Identification of eligible companies and issue of Cost Audit Orders.
  - \* Processing applications submitted in Form 23C for granting previous approval of Central Government under section 233B (2) for appointment of Cost Auditors by the companies under cost audit.
  - \* Processing of requests/cases for exemption/withdrawal of Cost Audit Orders.
  - \* Receipt, review and analysis of Cost Audit Reports and seeking further information/explanation under section 233B(8).
  - \* Providing Cost Audit Reports to other Central Government departments/organizations/agencies and various regulatory bodies.

- \* Monitoring of compliance with the provisions of sections 209(1)(d), 224 and 233B of the companies Act, 1956 and issue of show cause notices to the defaulting companies and cost auditors.
  - \* Initiating prosecution proceedings through ROC against the defaulting companies under sections 209(1)(d) , 224 and 233B of the Companies Act, 1956.
  - \* Initiating action against the erring Cost Auditors and referring the same to ICWAI for disciplinary action.
  - \* Initiating action against the Statutory Auditors for violations under Companies (Auditors' Report) (CARO), 2003.
2. Inspection of companies under Section 209-A(1) of the Companies Act, 1956
  3. Processing initial applications and appeal cases under the RTI Act, 2005 relating to the CAB functions.
  4. Handling all Parliament matters and Court matters relating to CAB
  5. Rendering professional assistance to the institute of Cost and Works Accountants of India in developing Cost Accounting Standards. Guidance Notes, Management Guidelines, Monographs, etc required for the growth and development of Cost & Management Accounting in India.
  6. Miscellaneous Matters:
    - a) Framing of Annual Action Plan for the CAB.
    - b) Furnishing of material for inclusion in the Result Framework Document.
    - c) Submission of other O&M returns.
    - d) Providing expert opinion on various matters referred to the CAB.
    - e) Establishment matters relating to staff posted at CAB.

<u>Additional Director</u>	<u>Deputy Director</u>	<u>Director</u>	<u>Advisor (Cost)</u>
Smt. Bharti Sahai	Shri Rajiv Wadhawan	Shri. V.K. Aggarwal	Shri B.B. Goyal
Room No.	Room No.	Room No.	Room No.
Paryavaran Bhawan	Paryavaran Bhawan	Paryavaran Bhawan	Paryavaran Bhawan

Tel. No. 2338 6349	Tel. No. 2436 6348	Tel. No. 2436 6686	Tel. No. 23386003
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Research & Analysis Division

**Subjects dealt with in the Section.**

1. Corporate Sector Statistics.  
Processing data related to New Registration, liquidation, amalgamation, merger, Public-Private conversion, Government-non government conversion and transfer from one state to another.
2. Preparation of Monthly/Quarterly Reports/Newsletter on Corporate Growth.
3. Preparation of information w.r.t.
  - a) Branches of Foreign Companies
  - b) Processing of data on Capital Raised.
4. Annual Reports:
  - a) Preparation of annual Report on the Working & Administration of Companies Act, 1956.
  - b) Preparation of the Annual Administrative Report of the Ministry of Company Affairs.
5. Dissemination of Statistics.
  - a) Supply of information relating to corporate sector to organizations such as RBI, SCO, State Govt. etc. on a regular basis.
  - b) Supply of information to Research Scholars, Education Institutions and Indian & foreign publications.
6. Preparation and supply of material for Economic Survey.
7. Parliament Questions relating to Statistics on Corporate Sector.
8. RTI matters.
9. Disinvestment of PSUS-Cabinet Note.
10. FDI Policies
11. References from PMO/Cabinet Sectt.
12. India-Reference manual
13. Macro economic analysis with reference to Corporate Sector
14. Briefs, speeches and presentations for use of Hon'ble Minister of Corporate Affairs.
15. Maintenance of expenditure of publication.

<u>Deputy Director</u>	<u>Directors</u>	<u>Economic Adviser</u>
Shri E. Nagachandran	1. Shri Radhey Shyam	Dr. Joseph Abraham
Flat No 103 & 104, 1 <sup>st</sup> Floor,	Flat No.103 & 104. 1 <sup>st</sup> Floor,	Room No. 533 Shastri Bhavan
New Delhi House, 27, Barakhamba Road, New Delhi-110 001 Tel. No.23318970	New Delhi House, 27, Barakhamba Road, New Delhi-110 001 Tel. No. 23318972	Tel. No.23385010 Internal No. 533
	2. S.N. Tobria, Director	
	Flat No.103 & 104. 1 <sup>st</sup> Floor, New Delhi House, 27, Barakhamba Road, New Delhi-110 001 Tel. No. 23318973	

**e-GOVERNANCE**

**Subjects dealt with in the Cell.**

The e-Governance Cell was created in the Ministry to handle the MCA-21 Project which is a Mission Mode Project in the National e-Governance Plan. The project envisaged computerization of the Business Processes of the office of RoCs , RDs and the Ministry's Headquarters. The Project is being implemented in partnership with the Tata Consultancy Services. The contract with the project partner was signed on 1<sup>st</sup> March, 2005 and the project was scheduled to be completed in a period of 60 weeks. The Pilot launch of the Project was done at Coimbatore on 18<sup>th</sup> February, 2006 and on 18<sup>th</sup> March, 2006, the Hon'ble Prime Minister has launched the programme in Delhi. The Project has been launched at a number of other RoC locations and the launch will be completed during May, 2006.

The work relating to the MCA-21 Project is being handled by the e-Governance Cell which consists of 1 Consultant namely: Shri Joseph Jude, and supported by 1 Assistant Director and 1 Deputy Director. At the Supervisory level, the inputs are provided by the 1 Director viz. Smt. Nirupama Kotru. The Cell functions under the overall supervision and directions of Shri A. K. Srivastava, Joint Secretary.

<u>Assistant Director</u>	<u>Deputy Director</u>	<u>Director</u>	<u>Joint Secretary</u>
Shri V.M. Prashant	Shri Shyam Sunder	Smt. Nirupama Kotru	Shri A.K. Srivastava
Room No. 508	Room No. 508	Room No. 530	Room No. 507
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Internal No. 543	Internal No. 565	Internal No. 530	Internal No. 559

**INTERNAL FINANCE DIVISION**

**Subjects dealt with in the Division**

1. Examination of all proposals of the Ministry falling within the competence of the Financial Advisor.
2. Examination of cases of the Ministry requiring approval of the Department of Expenditure.
3. Examination of cases of foreign deputation/visits of officers of the Ministry requiring approval of the Financial Advisor.
4. Serves as the coordinating unit of the Ministry for all audit paras (statutory and internal audit).

<u>Section Officer</u>	<u>Under Secretary</u>	<u>Deputy Secretary</u>	<u>AS&amp;FA</u>
Shri Kanti Prasad	Shri Anil Kumar	Shri K. Gurumurthy	Dr. Rajan Katoch
Room No.520	Room No. 521	Room No. 534	Room No.34(c)
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Internal No. 577	Internal No.	Internal No. 534	Internal No.