

Ministry of Corporate Affairs

NOTICE INVITING COMMENTS ON THE REVIEW OF RULES PRESCRIBED
UNDER THE COMPANIES ACT, 2013 and
LIMITED LIABILITY PARTNERSHIP ACT, 2008

Dated: 15.01.2024

The Ministry of Corporate Affairs (MCA) is the nodal Ministry for administration of the following legislations which require framing of rules by the Ministry:-

- The Companies Act, 2013
- The Limited Liability Partnership Act, 2008.
- The Competition Act, 2002.
- The Insolvency and Bankruptcy Code,
- The Chartered Accountants Act, 1949.
- The Cost and Works Accountants Act, 1959.
- The Company Secretaries Act, 1980.

2. Subordinate Legislation in the form of Rules and Orders have been prescribed by MCA under above legislations. Such Rules/Orders have been prescribed pursuant to the powers available to MCA under respective legislations. While prescribing such Rules/Orders or during their subsequent revision, from time to time, the following factors have been considered by the MCA viz:-

- (a) Necessity of a robust corporate governance framework
- (b) Ease of doing business and ease of compliance
- (c) Economic environment in the country as well as internationally
- (d) Levels of various thresholds in respect of class or classes of companies for the purposes of various governance and compliance requirements
- (e) Pronouncements of various Courts/NCLT/NCLAT & other quasi-judicial bodies
- (f) Legal & Technological developments taking place across the globe

3. Pursuant to the announcement made in Para 99 & 100 of the Budget Speech (2023-24) The Ministry of Corporate Affairs (MCA) has released a Policy for Pre-Legislative consultation and comprehensive review of existing Rules and Regulations prescribed under various legislations administered by it. The Policy has been placed on the website of MCA.

4. In accordance with para B.1 of such Policy, it has been decided to initiate comprehensive review of all the Rules prescribed under various legislations being administered by MCA as mentioned in para 1 above. Accordingly, it has been decided to invite comments/suggestions on the Rules issued under such legislations from all the stakeholders through e-Consultation Platform on the MCA website.

5. It is requested that comments/suggestions on the Rules may be provided through such facility within 30 days of posting of the rules on e. Consultation module. Comments/suggestions should be with specific reference to one or more Rule/sub-rule/clause of relevant Rules and should be submitted through the online facility only. Suggestions not related to the provisions of the Rules will not be taken on record. In order to avoid repetition/duplication of comments/suggestions, the members of the Professional Institutes/ Councils/ Industry Chambers should route their comments/suggestions through respective Institute/ Council/ Chamber.

6. In the first phase, rules relating to Companies Act, 2013 and LLP Act, 2008 shall be posted on e-consultation module for inviting comments / suggestions with effect from 25.01.2024.