

# **EXECUTIVE PROGRAMME**

**(New Syllabus)**

**SUPPLEMENT**

**FOR**

**SETTING UP OF BUSINESS ENTITIES AND CLOSURE**

**(Relevant for Students Appearing in December 2019 Examination)**

**MODULE 1 – PAPER 3**

This supplement is for Executive programme (New Syllabus). The students are advised to read their Study Material along with these updates. These academic updates are to facilitate the students to acquaint themselves with the amendments in various laws and regulatory prescriptions upto June, 2019, applicable for December, 2019 Examination. The students are advised to read all the relevant regulatory amendments made applicable upto June, 2019 along with the study material. In the event of any doubt, students may write to the Institute for clarifications at [academics@icsi.edu](mailto:academics@icsi.edu)

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**AMENDMENT RULES/CIRCULARS/NOTIFICATIONS/ORDERS IN A NUTSHELL**

**PART – A**

**Notification:** Rule 25A of the Companies (Incorporation) Rules, 2014

**Link:**

<http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3JBqXFIlMpiUiZswqi4798RivCIJWxTtxE8QeA++sX78cGVIVmw0EAF6MSzvU/v7Hpn0gKaSNmP8=>

**25A. Active Company Tagging Identities and Verification (ACTIVE)**

(1) Every company incorporated on or before the 31<sup>st</sup> December, 2017 shall file the particulars of the company and its registered office, in e-Form ACTIVE (Active Company Tagging Identities and Verification) **on or before 15.06.2019**

Provided that any company which has not filed its due financial statements under section 137 or due annual returns under section 92 or both with the Registrar shall be restricted from filing e-Form-ACTIVE, unless such company is under management dispute and the Registrar has recorded the same on the register:

Provided further that companies which have been struck off or are under process of striking off or under liquidation or amalgamated or dissolved, as recorded in the register, shall not be required to file e-Form ACTIVE:

Provided also that in case a company does not intimate, the said particulars, the Company shall be marked as “ACTIVE-non-compliant” on or after 16<sup>th</sup> June, 2019 and shall be liable for action under sub-section (9) of section 12 of the Act:

Provided also that no request for recording the following event based information or changes shall be accepted by the Registrar from such companies marked as “ACTIVE-non-compliant”, unless “e-Form ACTIVE” is filed -

(i) SH-07 (Change in Authorized Capital);

	<p>(ii) PAS-03 (Change in Paid-up Capital);</p> <p>(iii) DIR-12 (Changes in Director except cessation);</p> <p>(iv) INC-22 (Change in Registered Office);</p> <p>(v) INC-28 (Amalgamation, de-merger)</p> <p>(2) Where a company files “e-Form ACTIVE”, <b>on or after 16<sup>th</sup> June, 2019</b>, the company shall be marked as “ACTIVE Compliant”, on payment of fee of ten thousand rupees.]</p>
<p><b>Notification:</b> The Companies (Appointment and Qualification of Directors) Amendment Rules, 2019 Dated 30.04.2019</p> <p><b>Link:</b>  <a href="http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3GvV/A5nMk6c4P8XA5+n0jfNdxa0UjnEtSeDMVkdnvOnOPs0qclG2WbPOde+3CXYsrbJLUdbX8qM=">http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3GvV/A5nMk6c4P8XA5+n0jfNdxa0UjnEtSeDMVkdnvOnOPs0qclG2WbPOde+3CXYsrbJLUdbX8qM=</a></p>	<p>In rule12A (Director’s KYC), for the words and figures on or before 30<sup>th</sup>, April of immediate next financial year the following words and numbers shall be substituted namely:</p> <p>“on or before 30<sup>th</sup> June of immediate next financial year”</p>
<p><b>Notification:</b> The Companies (Registration of Charges) Amendment Rules, 2019 dated 30.04.2019</p> <p><b>Link:</b>  <a href="http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3aTM7iNnApRi4ZIK70ZSEFTc7CRZ/s0Q7fx97gT2lbj4Y4/iiEYzBJYomaB5W/hJhkyy1uAtLFg4=">http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3aTM7iNnApRi4ZIK70ZSEFTc7CRZ/s0Q7fx97gT2lbj4Y4/iiEYzBJYomaB5W/hJhkyy1uAtLFg4=</a></p>	<p>In Rule 3, for Sub- Rules (2) and (3)</p> <p>(2) If the particulars of a charge are not filed within the aforesaid period, but filed within a period of three hundred days of the date of such creation or modification, the additional fee shall be levied.</p> <p>(3) If the company fails to register the particulars of the charge with the Registrar within the period of thirty days of its creation or modification, the particulars of the charge together with a copy of the instrument, if any, creating or modifying such charge may be filed by the charge-holder, in Form No. CHG- 1 or Form No.CHG-9, as the case may be, duly signed along with fee.</p> <p>the following sub-rules shall be substituted, namely:</p>

"(2) If the particulars of a charge are not filed in accordance with sub-rule (1), such creation or modification shall be filed in Form No. CHG-1 or Form No. CHG- 9 within the period as specified in section 77 on payment of additional fee or ad-valorem fee as prescribed in the Companies (Registration Offices and Fees) Rules, 2014.

(3) Where the company fails to register the charge in accordance with sub-rule (1) and the registration is effected on the application of the charge-holder, such charge-holder shall be entitled to recover from the company the amount of any fees or additional fees or ad-valorem fees paid by him 'to the Registrar for the purpose of registration of charge."

In Rule 4,

Condonation of Delay by Registrar.

(1) The Registrar may, on being satisfied that the company had sufficient cause for not filing the particulars and instrument of charge, if any, within a period of thirty days of the date of creation of the charge, allow the registration of the same after thirty days but within a period of three hundred days of the date of such creation of charge or modification of charge on payment of additional fee.

(2) The application for delay shall be made in Form No.CHG-1 and supported by a declaration from the company signed by its secretary or director that such belated filing shall not adversely affect rights of any other intervening creditors of the company.

The following rules shall be substituted, namely:

"4. Application to Registrar.

(1) For the purposes of the first proviso and clause (b) of the

second proviso to sub-section (1) of section 77, the Registrar may, on being satisfied that the company had sufficient cause for not filing the particulars and instrument of charge, if any, within a period of thirty days of the date of creation of the charge including modification thereto, allow the registration of the same after thirty days but within the period as specified in the said provisos, on payment of fee, additional fee or ad-valorem fee, as may be applicable, as prescribed in the Companies (Registration Offices and Fees) Rules, 2014.

(2) The application under sub-rule (1) shall be made in Form No. CHG-1 and Form No.CHG-9 supported by a declaration from the company signed by its company secretary or a director that such belated filing shall not adversely affect the rights of any other intervening creditors of the company."

### **In Rule 12**

12 Condonation of Delay and Rectification of Register of Charges.

(1) Where the instrument creating or modifying a charge is not filed within a period of three hundred days from the date of its creation (including acquisition of a property subject to a charge) or modification and where the satisfaction of the charge is not filed 1[within a period of three hundred days] from the date on which such payment of satisfaction, the Registrar shall not register the same unless the delay is condoned by the Central Government.

(2) The application for condonation of delay and for such other matters covered in sub-clause (a),(b) and (c) of clause (i) of sub-section (1) of section 87 of the Act shall be filed with the Central Government in Form No.CHG-8along with the fee.

(3) The order passed by the Central Government under sub-section (1) of section 87 of the Act shall be required to be filed with the

Registrar in Form No.INC.28 along with the fee as per the conditions stipulated in the said order.

#### 4 Condonation of Delay by Registrar.

(1) The Registrar may, on being satisfied that the company had sufficient cause for not filing the particulars and instrument of charge, if any, within a period of thirty days of the date of creation of the charge, allow the registration of the same after thirty days but within a period of three hundred days of the date of such creation of charge or modification of charge on payment of additional fee.

(2) The application for delay shall be made in Form No.CHG-1 and supported by a declaration from the company signed by its secretary or director that such belated filing shall not adversely affect rights of any other intervening creditors of the company.

the following rules shall be substituted, namely:

"12. Rectification in register of charges on account of omission or misstatement of particulars in charge previously recorded and extension of time in filing of satisfaction of charge.-

The Central Government may on an application filed in Form No. CHG-8 in accordance with section 87-

(a) direct rectification of the omission or misstatement of any particulars, in any filing, previously recorded with the Registrar with respect to any charge or modification thereof, or with respect to any memorandum of satisfaction or other entry made in pursuance of section 82 or section 83,

(b) direct extension of time for satisfaction of charge, if such filing is not made within a period of three hundred days from the date of such payment or satisfaction."

<p><b>Notification:</b> Rule 16A of the Companies (Acceptance of Deposits) Rules, 2014</p> <p><b>Link:</b>  <a href="http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3JBqXFllMpiWesgOJ3a6StCR7voTU+snMwAU5RASOKVULqr67ieY4K+RqT6yUvIKhp5fMMxifk8Gyr9N3NKJRYg==">http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3JBqXFllMpiWesgOJ3a6StCR7voTU+snMwAU5RASOKVULqr67ieY4K+RqT6yUvIKhp5fMMxifk8Gyr9N3NKJRYg==</a></p>	<p><b>16A. Disclosures in the financial statement.-</b></p> <p>(1) Every company, other than a private company, shall disclose in its financial statement, by way of notes, about the money received from the director.</p> <p>(2) Every private company shall disclose in its financial statement, by way of notes, about the money received from the directors, or relatives of directors.</p> <p>(3) Every company other than Government company shall file a onetime return of outstanding receipt of money or loan by a company but not considered as deposits, in terms of clause (c) of sub-rule 1 of rule 2 from the 01st April, 2014 to 31st March 2019, as specified in Form DPT-3 within ninety days from 31st March, 2019 along with fee as provided in the Companies (Registration Offices and Fees) Rules, 2014</p>
<p><b>Notification:</b> The Companies (Appointment and Qualification of Directors) Second Amendment Rules, 2019 Dated 16.05.2019</p> <p><b>Link:</b>  <a href="http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3JBqXFllMpiWHLbxw0i2PTaWq5PjgSXPIU2y+hFRKFvE=">http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3JBqXFllMpiWHLbxw0i2PTaWq5PjgSXPIU2y+hFRKFvE=</a></p>	<p><b>Rule 12B. Directors of company required to file e-form ACTIVE.-</b></p> <p>(1) Where a company governed by Rule 25A of the Companies (Incorporation) Rules, 2014, fails to file the e-form ACTIVE within the period specified therein, the Director Identification Number (DIN) allotted to its existing directors, shall be marked as “Director of ACTIVE non-compliant company”.</p> <p>(2) Where the DIN of a director has been marked as “Director of ACTIVE non-compliant company”, such director shall take all necessary steps to ensure that all companies governed by rule 25A of the Companies (Incorporation) Rules, 2014, where such director has been so appointed, file e-form ACTIVE.</p> <p>(3) After all the companies referred to in sub-rule (2) file the e-form ACTIVE, the DIN of such director shall be marked as “Director of ACTIVE compliant company”</p>



<p><b>Notification:</b> The Companies (Prospectus and Allotment of Securities) Amendment Rules, 2019 dated 22.01.2019</p> <p><b>Link:</b>  <a href="http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3QbCE6BDEeZD9HmrlqDD3S4Ex+buWEy+t">http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg3QbCE6BDEeZD9HmrlqDD3S4Ex+buWEy+t</a></p>	<p>This rule shall not apply to an unlisted public company which is:-</p> <p>(a) A Nidhi;</p> <p>(b) A Government company or</p> <p>(c) A wholly owned subsidiary.</p>
<p><b>Notification:</b> Non-Banking Finance Company-Micro Finance Institutions (NBFC-MFIs) – Revision of the loan amount with tenure not less than 24 months</p> <p><b>Link:</b>  <a href="https://www.rbi.org.in/Scripts/BS_NBFCNotificationView.aspx?Id=10144">https://www.rbi.org.in/Scripts/BS_NBFCNotificationView.aspx?Id=10144</a></p>	<p>Tenure of the loan not to be less than 24 months for loan amount in excess of Rs. 30,000 with prepayment without penalty</p>
<p><b>External Commercial Borrowing :</b> New External Commercial Borrowings (ECB) framework {c.f.: A.P. (DIR Series) Circular No. 17 dated January 16, 2019}</p> <p><b>Link :</b>  <a href="https://rbidocs.rbi.org.in/rdocs/Notification/PDFs/NT1096DD257F73C9F4BD280F9C2A2CAD084F1.PDF">https://rbidocs.rbi.org.in/rdocs/Notification/PDFs/NT1096DD257F73C9F4BD280F9C2A2CAD084F1.PDF</a></p>	<p>New External Commercial Borrowings (ECB) framework has come into existence vide c.f.: A.P. (DIR Series) Circular No. 17 dated January 16, 2019</p>
<p><b>PART - B</b></p>	
<p><b>Relevant Notification:</b> Notification No. 02/2019-Central Tax dated 29.01.2019</p> <p>CGST (Amendment) Act, 2018 applicable from 1st February, 2019</p>	<p>The Lok Sabha passed the GST Amendment Bill on 09/08/2018 and same was given presidential assent to become an act on 29/08/2018. Provisions are to be made effective once they are being notified. The GST council in its 31st GST Council Meeting held on 22nd December 2018, had announced through the press release dated 04/01/2019 that the effective date of applicability of amendments in GST Act(s) 2018 will be from 1st February 2019.</p>

<p><b>Relevant Notification:</b> Companies (Incorporation) Third Amendment Rules, 2019 (Related to Registration Of The GST, ESI, EPF)*</p> <p><b>Link:</b>  <a href="http://www.mca.gov.in/Ministry/pdf/companiesINC3rdAmendmentRules_30032019.pdf">http://www.mca.gov.in/Ministry/pdf/companiesINC3rdAmendmentRules_30032019.pdf</a></p>	<p style="text-align: center;"><b>Registration Of The GST, ESI, EPF Under Companies (Incorporation) Third Amendment Rules, 2019</b></p> <p>According to the notification the rules are applicable from the date of its publication in official gazette i.e. 29th March, 2019. MCA is continuously making registration procedure simple, fast &amp; centralized. Currently, the form SPICE is required to be filed for incorporation of a company with MCA. A new linked e-Form AGILE has been introduced by MCA with effect from 29th march 2019, through which an applicant registering company can apply for GST Registration, ESI Registration and EPF Registration along with the company registration in Spice Form.</p> <p>As per the new notification, every application of the registration of the company shall be accompanied by the e-form AGILE for taking registration under GST, EPFO and ESIC.</p>
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However, taking all the numbers is not mandatory but the company have option to tick in only those boxes in which the company wants to register itself.

Effective dates for applying registrations through e-from AGILE are as follows:-

1. GSTIN: 31st March 2019
2. EPFO: 8th April, 2019
3. ESIC: 15th April, 2019

The e-Form AGILE is also Known as Form INC-35. The New Form AGILE is a linked & mandatory form with spice form, and both forms will be uploaded together. It is not mandatory but taking theses registrations is completely optional at the time of incorporation of the company. The main benefit of this form is the applicability of this form which will act as the single window clearance system and incorporation of new companies along with taking registration under various other authorities will become easier and faster. The AGILE Form must be signed by the same director who has also signed 'SPICe Form'.

The registered office of the business entity provided in the SPICe will be the principal place of business for GST. GSTIN can be applied only if Address for correspondence is same as address of registered office of the company entered in SPICe form. The company shall receive the GSTIN as soon as it is incorporated at MCA portal and Certificate of Incorporation (COI) and PAN has been successfully generated, required information will be forwarded to Goods and Service Tax Network (GSTN) for processing of form. Once the data is successfully validated by GSTN, a Temporary Reference Number (TRN) and ARN (Acknowledgement Reference Number) would be generated and displayed on MCA Portal.

**Forms to be required to be file for New Company Registration**

<p>SPICe Incorporating Company Electronically</p>	<p>(Simplified Proforma AGILE for GSTIN, ESIC registration Plus EPFO registration)</p>
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	Company Registration	GSTIN
	PAN & TAN	ESIC
	DIN	EPFO
	(INC-32, INC-33 and INC-34)	(INC-35)
	<p><b>The Key Highlights of the Amendment</b></p> <p>Some of the key highlights of the notification with effect from 29th March, 2019 are as follows:</p> <ul style="list-style-type: none"> <li>• By filing e-form AGILE along with SPICE incorporation form at the time of registration, the company would be automatically enrolled for GST, Employee State Insurance Corporation (ESIC) and Employees Provident Fund Organization (EPFO).</li> <li>• The notification that came in this regard said that the SPICE shall be accompanied by e-form AGILE with effect from March 29 , 2019, as notified vide the Companies (Incorporation) Third Amendment Rules, 2019.</li> <li>• Through the new e-form AGILE, which is also Known as form INC-35, any registering company can apply for GST Registration, ESI Registration and EPF Registration along with company registration in SPICE Form.</li> </ul>	
<p><b>Relevant Notification:</b> Notification No. 03/2019-Central Tax dated 29.01.2019</p> <p>Central Goods and Services Tax</p>	<p>Rules have been made further to amend the Central Goods and Services Tax Rules, 2017 which will be called as Central Goods and Services Tax (Amendment) Rules, 2019. Major points of these rules are as under-</p> <ul style="list-style-type: none"> <li>• <b>Composition levy for Services</b> has been added i.e. now composition scheme shall be for both Goods &amp; Services.</li> </ul>	

<p>(Amendment) Rules, 2019.</p> <p><b>Link:</b> <a href="https://cbic-gst.gov.in/pdf/central-tax/notfctn-03-central-tax-english-2019.pdf">https://cbic-gst.gov.in/pdf/central-tax/notfctn-03-central-tax-english-2019.pdf</a></p>	<ul style="list-style-type: none"> <li>• <b>Separate registration for multiple places of business</b> within a State or a Union territory subject to some conditions. No different business verticals are required to take separate registration. Such person shall require to have more than one place of business to take separate registration.</li> <li>• <b>Rule 21A</b> has been inserted for <b>Suspension of registration</b>. When cancellation of registration is applied under rule 20, the registration shall be deemed to be suspended from the date of submission of the application or the date from which the cancellation is sought, whichever is later.</li> <li>• <b>Rule 41A</b> has been inserted for <b>transfer of credit</b> on obtaining separate registration for multiple places of business within a State or Union territory. After obtaining separate registration for multiple places of business if person wants to transfer, either wholly or partly, the unutilised input tax credit lying in his electronic credit ledger to any or all of the newly registered place of business then he need to furnish a statement in the form of GST ITC-02A electronically on the common portal within 30 days from obtaining such separate registrations.</li> <li>• Input tax credit shall be transferred to the newly registered entities in the ratio of the value of assets held by them at the time of registration. ‘Value of Assets’ means the value of the entire assets of the business whether or not input tax credit has been availed thereon.</li> <li>• Format of Form GST ITC-02A has also been given which shall be a declaration for transfer of ITC pursuant to registration under sub-section (2) of section 25.</li> <li>• <b>Particulars of A Credit or Debit Note</b> as referred to in section 34 of the act has been provided which shall include Name, Address, GSTIN of supplier, Nature of document, Serial No., Date, Delivery Address, serial number(s) and date(s) of the corresponding tax invoice(s), value of taxable supply of goods or services, rate of tax, signature or digital signature of the supplier or his authorised representative etc. It means now, a single debit note or credit note can be issued for multiple corresponding tax invoices or bill(s) of supply.</li> <li>• In case of GST Practitioner, following changes in the rules have been made-</li> <li>• Enrolment shall be valid until a period of 30 months from the appointed date.</li> <li>• A person enrolled as a goods and services tax practitioner shall be eligible to remain enrolled unless he passes such examination conducted within said period of 30 months.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The Last Date for passing the examination for GST Practitioners to be extended till 31/12/2019 for those GST Practitioners who have enrolled under rule 83(1)(b) i.e. who were sales tax practitioner or tax return preparer under the existing law for a period of not less than five years.</li> <li>• Further, powers have been given to GST Practitioner by substituting Sub-rule (8) of Rule 83. Now, goods and services tax practitioner can undertake any or all of the following activities on behalf of a registered person, if so authorised by him to-       <ol style="list-style-type: none"> <li>a. furnish the details of outward and inward supplies;</li> <li>b. furnish monthly, quarterly, annual or final return;</li> <li>c. make deposit for credit into the electronic cash ledger;</li> <li>d. file a claim for refund;</li> <li>e. file an application for amendment or cancellation of registration;</li> <li>f. furnish information for generation of e-way bill;</li> <li>g. furnish details of challan in FORM GST ITC-04;</li> <li>h. file an application for amendment or cancellation of enrolment under rule; and</li> <li>i. file an intimation to pay tax under the composition scheme or withdraw from the said scheme:</li> </ol> </li> <li>• It is to be noted that where any application relating to a claim for refund or an application for amendment or cancellation of registration or where an intimation to pay tax under composition scheme or to withdraw from such scheme has been submitted by the goods and services tax practitioner authorised by the registered person, a confirmation shall be sought from the registered person and the application submitted by the said practitioner shall be made available to the registered person on the common</li> </ul>
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	<p>portal and such application shall not be further proceeded with until the registered person gives his consent to the same.</p> <ul style="list-style-type: none"> <li>• <b>Changes has been made related to refund.</b> Now, the order issued in FORM GST RFD-04 shall not be required to be revalidated by the proper officer. Further, the payment advice in FORM GST RFD-05 shall be required to be revalidated where the refund has not been disbursed within the same financial year in which the said payment advice was issued. The order issued in FORM GST RFD-06 shall not be required to be revalidated by the proper officer.</li> <li>• <b>Changes in Form GSTR-4:</b> Changes has been made in Clause 6 and 7 for the Tables. Turnover has been substituted by “Total Turnover”. Further, Column No. 3 has been inserted in clause 6 and Column Nos. 4 &amp; 8 have been inserted in clause 7 namely “Out of turnover reported in (2/3/7), turnover of services”.</li> <li>• <b>Others:</b> Declaration has been changed in Form GST RFD-01 and GST RFD-01A. In FORM GST APL-01, changes has also be made in Clause 15 for the tables and Clause 18 has been inserted namely- “Place of supply wise details of the integrated tax paid (admitted amount only) mentioned in the Table in sub-clause (a) of clause 15 (item (a)), if any.” Further, In FORM GST APL-05, changes has also be made in Clause 14 for the tables and Clause 15 has been inserted namely- “Place of supply wise details of the integrated tax paid (admitted amount only) mentioned in the Table in sub-clause (a) of clause 14 (item (a)), if any.”</li> </ul>
<p><b>Relevant Notification</b> The Payment of Bonus (Amendment) Rules, 2019.</p> <p><b>Link:</b>  <a href="https://labour.gov.in/sites/default/files/The_Payment_of_Bonus%28Amendment%29Rules%2C2019.pdf">https://labour.gov.in/sites/default/files/The_Payment_of_Bonus%28Amendment%29Rules%2C2019.pdf</a></p>	<p>G.S.R. 58(E).—Whereas a draft of certain rules further to amend the Payment of Bonus Rules, 1975, among other rules, were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) vide notification of the Government of India in the Ministry of Labour and Employment number G.S.R. 413(E), dated the 23rd April, 2018, inviting objections and suggestions from all persons likely to be affected thereby, within a period of three months, from the date on which copies of Official Gazette containing the said notification were made available to the public;</p> <p>And whereas copies of the said Official Gazette were made available to the general public on the 23rd April, 2018;</p> <p>And whereas the objections and suggestions received on the said draft rules from the public</p>

	<p>have been considered by the Central Government;</p> <p>Now, therefore, in exercise of the powers conferred by section 38 of the Payment of Bonus Act, 1965 (31 of 1965), the Central Government hereby makes the following rules further to amend the Payment of Bonus Rules, 1975, namely:—</p> <p>1. (1) These rules may be called the Payment of Bonus (Amendment) Rules, 2019. (2) They shall come into force on the date of their publication in the Official Gazette.</p> <p>2. In the Payment of Bonus Rules, 1975, for rule 5, the following rule shall be substituted, namely:-</p> <p><i>‘5. Annual return.- Every employer shall, on or before the 1st day of February in each year, upload unified annual return in Form D on the web portal of the Central Government in the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year:</i></p> <p>Provided that during inspection, the inspector may require the production of accounts, books, registers and other documents maintained in electronic form or otherwise.</p> <p>Explanation.- For the purposes of this rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).’.</p>
<p><b>Relevant Notification:</b> Rules To Allow Employment of Women in Mines</p> <p><b>Link:</b> <a href="http://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1562483">http://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1562483</a></p>	<p align="center"><b>Ministry of Labour Notifies Rules To Allow Employment of Women in Mines Now Equal Employment Opportunities for Women in Mines</b></p> <p>In exercise of the power conferred under sub-section (1) of section 83 on the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the women employed in any mine above ground and in any mine below ground from the provisions of section 46 of the Mines Act, 1952, subject to the following conditions, namely:-</p> <p>(a) In the case of women employed in any mine above ground,-</p> <p>i. The owner of a mine may deploy women between the hours of 7 pm and 6 am in the mine above ground including opencast workings;</p>



- ii. the deployment of women shall be after obtaining the written consent of the concerned woman employee;
- iii. the women so deployed shall be provided with adequate facilities and safeguards regarding occupational safety, security and health;
- iv. the deployment of women shall be subject to the framing and implementation of Standard Operating Procedures on the basis of the guidelines issued in this regard by the Chief Inspector of Mines from time to time;
- v. the deployment of women shall be in a group of not less than three in a shift.

(b) in the case of women employed in any mine below ground,-

- i. the owner of a mine may deploy women between the hours of 6 am and 7 pm in technical, supervisory and managerial work where continuous presence may not be required.
- ii. the deployment of women shall be after obtaining the written consent of the concerned woman employee;
- iii. the women so deployed shall be provided with adequate facilities and safeguards regarding occupational safety, security and health;
- iv. the deployment of women shall be subject to the framing and implementation of Standard Operating Procedures on the basis of the guidelines issued in this regard by the Chief Inspector of Mines from time to time;
- v. the deployment of women shall be in a group of not less than three.

The Mines Act, 1952, restricted the employment of women in underground mines and also in opencast or aboveground workings of the mine during night hours between 7PM and 6AM. Several women employees groups, industry and students enrolled with various institutions pursuing mining engineering courses at degree and diploma levels have been representing to the government at different forum that women should be provided equal employment opportunity for working in mines. Requests from Mining Companies were also received. Ministry of Labour & Employment has taken a decision in line with the recommendations of the Section 12 committee set up under Mines Act, 1952 and in consultation with Ministry of Home Affairs, Ministry of Women and Child Development, Ministry of Mines, Ministry of Coal and Ministry of Petroleum and Natural Gas to allow the employment of women in

	<p>aboveground mines including opencast workings between 7PM and 6AM to all categories of employees and in belowground working between 6 AM and 7 PM in technical, supervisory and managerial work where continuous presence may not be required vide Gazette Notification No. 393 ( S.O. 506(E)) dated 29 January 2019. The safeguards like obtaining the written consent of the women employee, deployment in groups of not less than three (03) and provisions for framing and implementation of Standard Operating Procedures on the basis of the guidelines issued in this regard by the Chief Inspector of Mines, have been incorporated.</p>
<p><b>Relevant Notification:</b> Hazardous and Other Wastes (Management &amp; Transboundary Movement) Amendment Rules, 2019</p> <p>Link: <a href="http://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1567682">http://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1567682</a></p>	<p align="center"><b>Amendment in Hazardous Waste (Management&amp; Transboundary Movement) Rules, 2016</b></p> <p>In order to strengthen the implementation of environmentally sound management of hazardous waste in the country, the Ministry of Environment, Forest and Climate Change has amended the Hazardous and Other Wastes (Management &amp; Transboundary Movement) Rules, 2016 vide notification G.S.R. G.S.R. XX (E), dated 01 March 2019.</p> <p>The amendment has been done keeping into consideration the “Ease of Doing Business” and boosting “Make in India” initiative by simplifying the procedures under the Rules, while at the same time upholding the principles of sustainable development and ensuring minimal impact on the environment.</p> <p>Some of the salient features of the Hazardous and Other Wastes (Management&amp; Transboundary Movement) Amendment Rules, 2019 are as follows:</p> <ol style="list-style-type: none"> <li>1. Solid plastic waste has been prohibited from import into the country including in Special Economic Zones (SEZ) and by Export Oriented Units (EOU).</li> <li>2. Exporters of silk waste have now been given exemption from requiring permission from the Ministry of Environment, Forest and Climate Change.</li> <li>3. Electrical and electronic assemblies and components manufactured in and exported from India, if found defective can now be imported back into the country, within a year of export, without obtaining permission from the Ministry of Environment, Forest and Climate Change.</li> <li>4. Industries which do not require consent under Water (Prevention and Control of</li> </ol>

	<p>Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981, are now exempted from requiring authorization also under the Hazardous and Other Wastes (Management &amp; Transboundary Movement) Rules, 2016, provided that hazardous and other wastes generated by such industries are handed over to the authorized actual users, waste collectors or disposal facilities.</p>
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**PART – C**

<p><b>Notification:</b> The Companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2019 effective from 10.05.2019</p> <p><b>Link:</b>  <a href="http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg33rK9ofo4xslfHvMsdgFJwN5gCFTMOeDWFxxvc0+S V9v6UOgAcpfzrVMYm9uHq3ZdENM2F/i2NOo=">http://ebook.mca.gov.in/notificationdetail.aspx?acturl=6CoJDC4uKVUR7C9F14rZdatyDbeJTqg33rK9ofo4xslfHvMsdgFJwN5gCFTMOeDWFxxvc0+S V9v6UOgAcpfzrVMYm9uHq3ZdENM2F/i2NOo=</a></p>	<p>An application for removal of name of the company under sub-section (2) of section 248 shall be made in Form STK-2 along with the fee of ten thousand rupees:</p> <p>Provided that no application in Form No. STK-2 shall be filed by a company unless it has filed overdue returns in Form No. AOC-4 (Financial Statement) or AOC-4 XBRL, as the case may be, and Form No. MGT-7 (Annual Return), up to the end of the financial year in which the company ceased to carry its business operations:</p> <p>Provided further that in case a company intends to file Form No. STK-2 after the action under sub-section (1) of section 248 has been initiated by the Registrar, it shall file all pending overdue returns in Form No. AOC-4 (Financial Statement) or AOC-4 XBRL, as the case may be, and Form No. MGT-7 (Annual Return) before filing Form No. STK-2:</p> <p>Provided also that once notice in Form No. STK-7 has been issued by the Registrar pursuant to the action initiated under sub-section (1) of section 248, a company shall not be allowed to file an application in Form No. STK-2.</p>
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	<p>The application in Form STK 2 shall be accompanied by -</p> <ul style="list-style-type: none"><li>(i) indemnity bond duly notarised by every director in Form STK 3;</li><li>(ii) A statement of accounts in Form No. STK-8 containing assets and liabilities of the company made up to a day, not more than thirty days before the date of application and certified by a Chartered Accountant;</li><li>(iii) An affidavit in Form STK 4 by every director of the company;</li><li>(iv) A copy of the special resolution duly certified by each of the directors of the company or consent of seventy five per cent of the members of the company in terms of paid up share capital as on the date of application;</li><li>(v) A statement regarding pending litigations, if any, involving the company.</li></ul>
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