

MCA initiatives for Streamlining Field Offices

Companies Act, 1956 (Act I of 1956) is the largest legislation in India and perhaps in the World with an object to regulate the functions of the Corporate Sector in order to serve better to its stake holders that include Consumers, Creditors, Public Share holders, financiers and so on. Ministry of Corporate Affairs is the Ministry for administering and implementing the Companies Act, 1956.

1. There are 20 Offices of Registrars of Companies and 19 Offices of the Official Liquidators in India under the supervision of this Ministry through 4 offices of Regional Directors at Noida, Kolkata, Mumbai and Chennai. Having very few numbers of Companies in liquidation 3 offices of Official Liquidators in Goa, Guwahati and J & K are manned by the concerned Registrar of Companies and thus there are 16 exclusive Offices of the Official Liquidators.
2. Two more Offices of the Regional Directors have become operational in North East Region (Guwahati) and North West Region (Ahmedabad).
3. The Office of the Director General – Corporate Affairs has also been established at NOIDA, U P.
4. With the advent of MCA-21 – a path breaking e-governance project, Corporates are now able to file any where at any time and stake holders are able to view the documents filed by a Company at any time from any where. Technical problems causing delays are sorted out. This resulted into less paper work in the Offices of the Registrars of Companies.
5. In order to achieve from less paper to paper less office, the concept of e-stamping is going to be adopted from 13th September 2009, to enable the same many state governments and Union Territories have authorized Ministry of Corporate Affairs to collect stamp duty on their behalf. Efforts are in progress to obtain similar authorization from the rest.
6. Refund process for any double or excess payment for a similar application which is being worked out both legally and technically so that there could not be blame for 'undue enrichment' in the grab of advanced online Technology.

7. A company, being a juristic person, needs a birth, nurture and demise in a juristic manner.
8. Office of the Registrar of Companies is the place for birth of a Company, place of nurture is the Regional Director and the Official Liquidator provides the process for demise of a Company subject to superintendence of the concerned High Court.
9. In order to monitor the functions of all the above 3 types of Offices, the Ministry receives every month
 - a. D. O report from each Regional Director (who compiles reports from Field Offices and also its office) containing the work performance and exceptional achievements
 - b. Performance evaluation on the working of each Registrar of Companies as to service delivery, enforcement functions and pursuing Investor Grievances for their satisfaction.
 - c. Similarly, the formats for evaluating the performance by Regional Directors and Official Liquidators are under preparation.
 - d. Apart from inspection of field offices by an officer from the Ministry all the field offices are stipulated to carry out self inspection, facilitating them to rectify their short comings, if any.
10. The job of Official Liquidators is to obtain orders from Hon'ble High Court to perform vital duties. In spite of Court procedures containing volume of papers, all Offices have computerized the accounts and other registers. Plans are on anvil to create data access through web site.
11. Apart from the above Office of the Director General of Investigation and Registration for the purpose of carrying out investigations as per orders under the Monopolies & Restrictive Trade Practices of Act, 1969 and Office of the Serious Fraud Investigations to carry out entrusted duties of special investigations under the Companies Act are also functioning. These 2 offices also send their performance reports every month.

12. In addition, 3 quasi judicial bodies with a status at par with a High Court are attached viz., Company Law Board, MRTP Commission and Competition Commission of India along with Competition Commission of India (Appellate) Authority are functioning as concurrent authorities.

13. Ministry has supervisory role in functioning 3 professional institutes viz., Institute of Chartered Accountants of India, institute of Cost and Work Accountants of India and Institute of Company Secretaries of India formed under respective statutes.

14. In addition, in view of the global necessity to professionalize Corporate Laws, a separate institute viz., Institute of Corporate Affairs is just born.

15. A new legislation has come into force in the name of Limited Liability Partnership Act, 2009. Under this Act a separate Registrar is functioning entirely in electronic mode and services are extended online.