

Cabinet Approval for Companies (Amendment) Bill, 2014

The Union Cabinet on 29th April 2015 gave its approval for moving of the Official Amendments in the Companies (Amendment) Bill, 2014. Some of the briefs are listed below:

1. Doing away with the requirement for filing a declaration by a company before commencement of business or exercising its borrowing powers and,
2. rationalizing the procedure for laying draft notifications granting exemptions to various classes of companies or modifying provisions of the Act in Parliament, in order to ensure speedier issue of final notifications.

As per the Ministry of Corporate Affairs, these Official Amendments will address issues related to ease of doing business and put in place a speedier process for approval of draft notifications for providing exemptions etc. from specific provisions of the Act to a class of companies.

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Introduction of “The Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015”

On 27th April 2015, the Union Cabinet has approved to introduce a Bill, “The Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015” in the current session of Parliament.

The salient features of the proposed Bill are as under:

- 'Commercial dispute' is defined broadly to mean dispute arising out of ordinary transactions of merchants, bankers, financiers and traders.
- Commercial Divisions are to be set up in those High Courts which are already exercising ordinary original civil jurisdiction such as Delhi, Bombay, Calcutta, Madras, and Himachal Pradesh High Court.
- Commercial Divisions will exercise jurisdiction over all cases and applications relating to commercial disputes.
- Commercial Courts which will be equivalent to District Courts are to be set up in (i) The States and UTs where the High Courts do not have ordinary original civil jurisdiction, and (ii) In the States where the High Court has original jurisdiction, in respect of those regions to which the original jurisdiction of a High Court does not extend. The minimum pecuniary jurisdiction of such Commercial Courts and commercial division is proposed as Rs. One Crore.

29 April 2015

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- "Commercial Appellate Division" shall be set up in all the High Courts to hear appeal against (i) Orders of Commercial Division of High Court; and (ii) Orders of Commercial Courts.
- All pending suits and applications relating to commercial disputes involving a claim of Rupees One Crore in the High Courts and Civil Courts will be transferred to the relevant Commercial Division or Commercial Court as the case may be.
- It is proposed to have a streamlined procedure which is to be adopted for the conduct of cases in the Commercial Division and in the Commercial Court to improve the efficiency and reduce delays in disposal of commercial cases.

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Amendment to the Juvenile Justice (Care and Protection of Children) Bill 2014.

On 12th August 2014, the Ministry of Women and Child Development had introduced the Juvenile Justice (Care and Protection of Children) Bill 2014 in the Lok Sabha. The Union Cabinet has approved the introduction of Amendment to the Juvenile Justice (Care and Protection of Children) Bill 2014.

The amendments are highlighted as below:

- Removal of Clause 7 that relates to trial of a person above the age of 21 years as an adult for committing any serious or heinous offence when the person was between the ages of 16-18 years.
- It provided for mandatory registration of all institutions engaged in providing child care.
- New offences including illegal adoption, corporal punishment in child care institutions, the use of children by militant groups, and offences against disabled children were also incorporated in the proposed legislation.
- It establishes a statutory status for the Child Adoption Resources Authority (CARA).
- The legislation proposed several rehabilitation and social integration measures for institutional and non institutional children.
- The new proposed Act provides that in case a heinous crime has been committed by a person in the age group of 16-18 years it will be examined by the Juvenile Justice Board to assess if the crime was committed as a 'child' or as an 'adult'.

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