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MCA Updates

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Company Law Updates

General Circular dated May 20, 2022 pertaining to Form No. INC-9 and Form NO. INC-32(SPICE+)¹

The Ministry of Corporate Affairs [MCA] vide Notification No. **G.S.R. 363(E) dated 20.05.2022¹** made the following rules further to amend the Companies (Incorporation) Rules, 2014 by bringing Companies (Incorporation) Second Amendment Rules, 2022, which shall come into effect from 1st day of June, 2022 :-

- ✓ This amendment seeks to introduce fresh form No. INC-9 (Declaration by Subscribers and Directors);
- ✓ Declaration on foreign national directors in Part-B of form No. INC-32 (SPICE+)

The Notification reads as:

**MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION
New Delhi, the 20th May, 2022**

G.S.R. 363(E).—In exercise of the powers conferred under section 3, section 4, sub-sections (5) and (6) of section 5, section 6, sub-section (1) and (2) of section 7, sub-sections (1) and (2) of section 8, sub-sections (2), (3), (4) and (5) of section 12, sub-sections (3), (4) and proviso to sub-section (5) of section 13, sub-section (2) of section 14, sub-section (1) of section 17, sub-sections (1) and (2) of section 20 read with sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Incorporation) Rules, 2014, namely:-

1. Short title and commencement. - (1) These rules may be called the Companies (Incorporation) Second Amendment Rules, 2022.

(2) They shall come into force with effect from 1st June, 2022.

2. In the Companies (Incorporation) Rules, 2014,

¹ <https://egazette.nic.in/WriteReadData/2022/235912.pdf>

(a) for FORM No.INC-9, fresh Form No. INC-9 (as per format in the Notification) shall be substituted.

(b) in FORM No.INC-32 (SPICe+), in Part-B, in Declaration, the following shall be inserted at the end, namely:-

“I, on behalf of the proposed directors, hereby declare that person seeking appointment is a national of a country which shares a land border with India, necessary security clearance from Ministry of Home Affairs, Government of India shall be attached with the consent. O Yes O No. (if yes is opted, a copy of the security clearance is to be attached)”.

[F. No. 1/13/2013-CL-V, Vol.IV]
MANOJ PANDEY, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, section 3, sub-section(1) vide number G.S.R.250(E) dated the 31st March, 2014 and last amended, vide number 291 (E) dated the 8th April, 2022.