

Company Secretaries (Amendment) Act, 2011

4 of 2012

[08 January 2012]

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Company Secretaries (Amendment) Act, 2011

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An Act further to amend the Company Secretaries Act, 1980. Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Company Secretaries (Amendment) Act, 2011.

(2) It shall come into force on such 1date as the Central Government may, by notification in the Official Gazette, appoint.

1. Effective from 01.02.2012 vide Notification No. SO192(E) Dated 30.01.2012.

2. Amendment Of Section 2 :-

In the Company Secretaries Act, 1980 (56 of 1980) (hereinafter referred to as the principal Act), in section 2, in sub-section (1)-

(i) after clause (f), the following clause shall be inserted, namely: -

(fa) "firm" shall have the meaning assigned to it in section 4 of the Indian Partnership Act, 1932 (9 of 1932), and includes,-

(i) the limited liability partnership as defined in clause (n) of sub section (1) of section 2 of the Limited Liability Partnership Act, 2008 (6 of 2009); or

(ii) the sole proprietorship,
registered with the Institute;"

(ii) after clause (ga), the following clauses shall be inserted,
namely:-

(gb) "partner" shall have the meaning assigned to it in section 4 of
the Indian Partnership Act, 1932 (9 of 1932) or in clause (q) of
sub-section (1) of section 2 of the Limited Liability Partnership Act,
2008 (6 of 2009), as the case may be;

(gc) "partnership" means-

(A) a partnership as defined in section 4 of the Indian Partnership
Act, 1932 (9 of 1932); or

(B) a limited liability partnership which has no company as its
partner;;

(iii) after clause (j), the following clause shall be inserted, namely:-

(jj) "sole proprietorship" means an individual who engages himself
in the practice of the profession of the company secretaries or
offers to perform services referred to in clauses (b) to (f) of sub-
section (2);;

3. Amendment Of Section 26 :-

In section 26 of the principal Act, in sub-section (1), the following
Explanation shall be inserted, namely:-

Explanation.-For the removal of doubts, it is hereby declared that
the "company" shall include any limited liability partnership which
has company as its partner for the purposes of this section:.