

Violation of Companies Act, 1956

†2972. SHRI NAGENDRA NATH OJHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is fact that under Section 383A of Companies Act, 1956, there is a provisions that a full time Company Secretary as well as an Internal Auditor can be engaged by a Company with paid-up capital of Rs. 50 lakhs;

(b) if so, whether it is also a fact that Business India Television International Limited has been violating the said provisions for last several years; and

(c) if so, the details of the action taken against the said company?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Yes sir, as per the provisions of Section 383A of the Companies Act, 1956 every company having paid up share capital of Rs. 50 lakhs and above, is required to have a whole-time Qualified Company Secretary.

Appointment of Internal Auditor is not mandatory under the Companies Act, 1956. However, under the Manufacturing and Other Companies (Auditor's Report) order 1988, the statutory auditor is required to state, in relation to a company having a paid up capital exceeding Rs. 25 lakhs as at the commencement of the financial year concerned or having an average annual turnover exceeding Rs. 2 Crores for a period of three consecutive financial years immediately preceding the financial year concerned, whether the company has an internal audit system commensurate with its size and nature of its business

(b) and (c) Yes Sir, Show Cause Notices for violation of the provisions of Section 383A of the Companies Act, 1956 have been issued.

Consideration of reservation for SCs/STs by Constitution Review Commission

†2973. SHRI SHYAM LAL: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) Whether Indian Constitution Review Commission has decided to consider reservation for SCs/STs on the pattern of their proportional representation in Rajya Sabha and Legislative Councils and Lok Sabha/ Legislative Assemblies;

(b) if so, the details thereof; and

†Original notice of the question was received in Hindi.

(c) if not, the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (c) The issue of reservation for SCs/STs on the pattern of their proportional representation in Rajya Sabha and Legislative Councils and Lok Sabha/Legislative Assemblies has not yet been dealt with in the Consultation Papers released so far by the Commission.

Legal aid to poor in Rajasthan and Orissa

2974. SHRI RAMDAS AGARWAL: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the amount fixed for legal aid to poor under the "legal aid to poor" in Rajasthan and Orissa;

(b) the number of poor people in each State, particularly in far-flung areas of Rajasthan and Orissa who have received free legal aid during the last three years district-wise and year-wise;

(c) whether Government have made any survey in this behalf in each State; and

(d) if so, the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Under the provisions of section 12 of the Legal Services Authorities Act, 1987, persons belonging to weaker sections of the society such as, Scheduled Castes, Scheduled Tribes, Women/Child, mentally ill and disabled persons, any person in custody and all other persons who are earning less than Rs. 25,000/per annum, if the case is before a court other than the Supreme Court, and less than Rs. 50,000/ if the case is before the Supreme Court are entitled to receive free legal services.

(b) A Statement showing number of people who have received free legal aid through court-oriented programmes during the last three years viz. 1998, 1999 and 2000, State-wise including the States of Rajasthan and Orissa, is annexed herewith. (See below) The district-wise figures are not available as Notional Legal Services Authority is maintaining consolidated figures State-wise;

(c) No Sir,