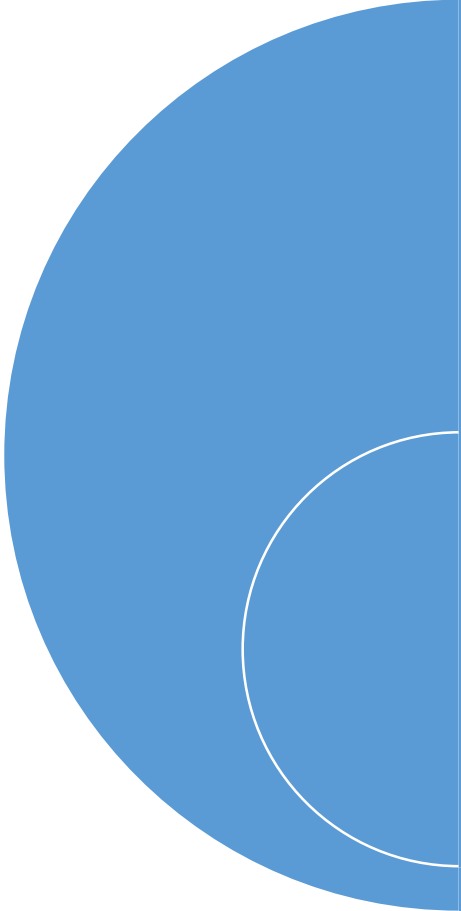


Index

Section no.	Description	Slide no.
	Index	01
188	Establishment and incorporation of Board	02--03
189	Constitution of Board	04--07
190	Removal of member from off	08
191	Powers of Chairperson	09
192	Meetings of Board	10
193	Member not to participate in meetings in certain cases	11
194	Vacancies etc., not to invalidate proceedings of Board, and Officers and employees of Board	12--13
195	Power to designate financial sector regulator	14

THE INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

188. Establishment and incorporation of Board



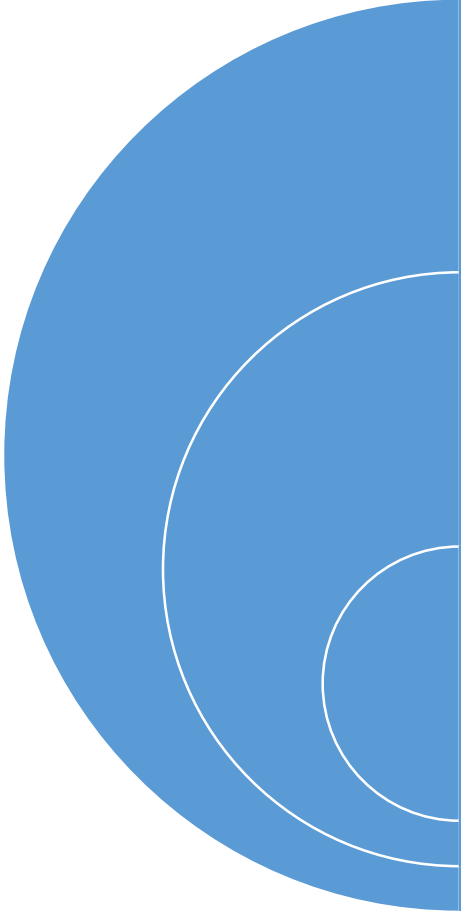
(1) With effect from such date as the Central Government may, by notification, appoint,

- there shall be established, for the purposes of this Code, a Board by the name of the Insolvency and Bankruptcy Board of India.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal,

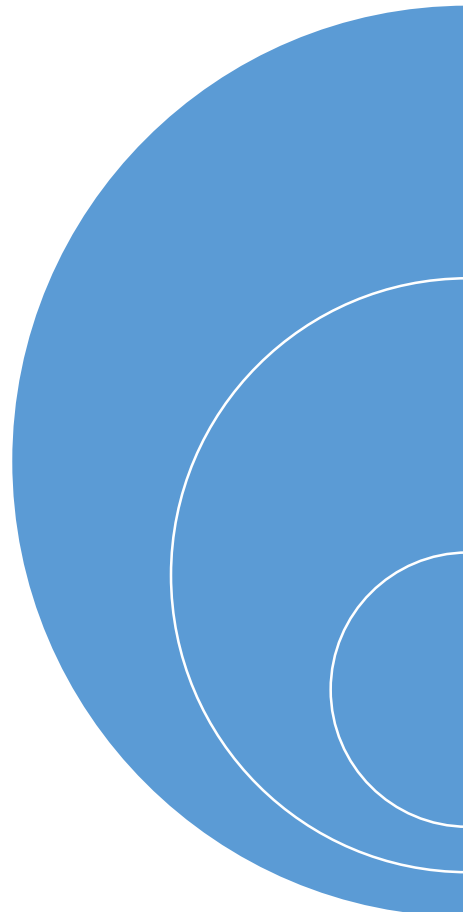
- with power, subject to the provisions of this Code, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

188. Establishment and incorporation of Board



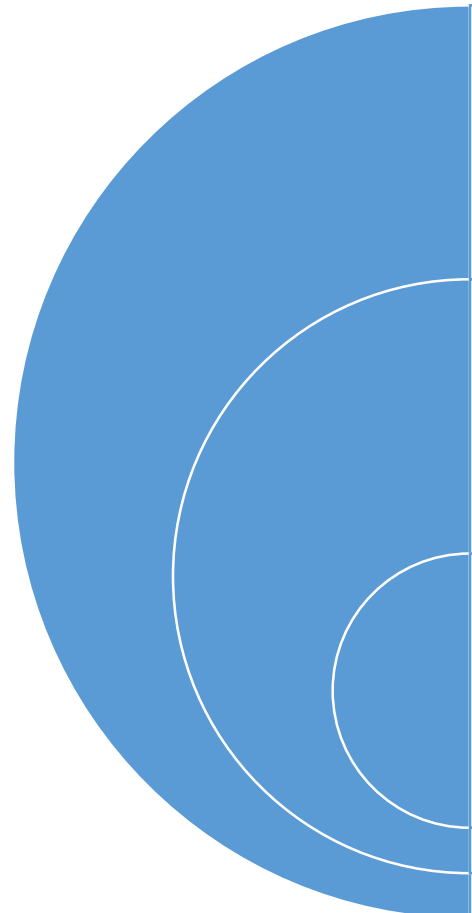
(3) The head office of the Board shall be at such place in the National Capital Region, as the Central Government may, by notification, specify.
Explanation. - For the purposes of this section, the expression “National Capital Region” shall have the same meaning as assigned to it in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985).
(4) The Board may establish offices at other places in India

189. Constitution of Board



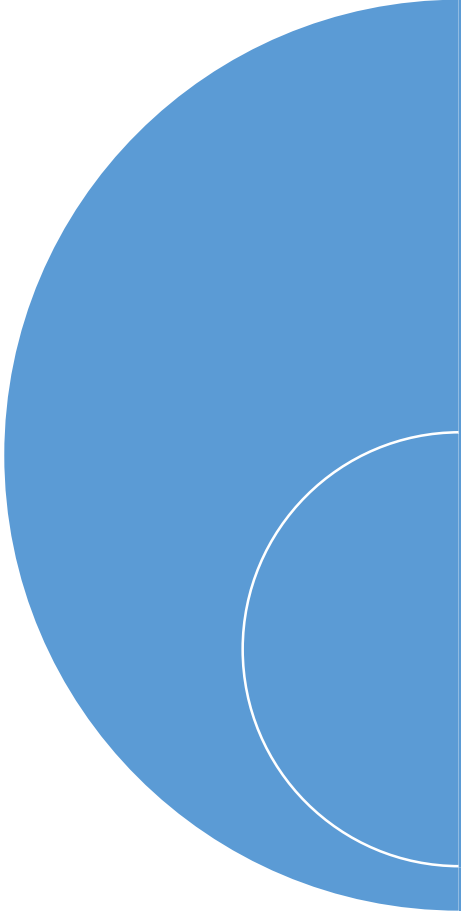
(1) The Board shall consist of the following members who shall be appointed by the Central Government, namely: -	<ul style="list-style-type: none">• (a) a Chairperson;
(b) three members from amongst the officers of the Central Government	<ul style="list-style-type: none">• not below the rank of Joint Secretary or equivalent,• one each to represent the Ministry of Finance, the Ministry of Corporate Affairs and Ministry of Law, ex -officio;
(c) one member to be nominated by the Reserve Bank of India, ex-officio;	<ul style="list-style-type: none">• (d) five other members to be nominated by the Central Government, of whom at least three shall be the whole-time members.

189. Constitution of Board



(2) The Chairperson and the other members	<ul style="list-style-type: none">• shall be persons of ability, integrity and standing,
who have shown capacity in dealing with problems	<ul style="list-style-type: none">• relating to insolvency or bankruptcy
and have special knowledge and experience in the field of	<ul style="list-style-type: none">• law, finance, economics, accountancy or administration

189. Constitution of Board



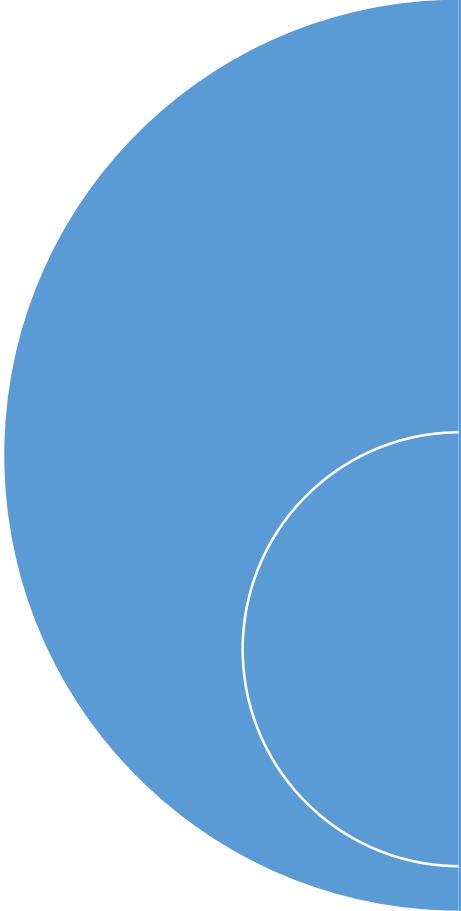
(3) The appointment of the
Chairperson and the
members of the Board

- other than the appointment of an ex-officio member under this section

shall be made after obtaining
the recommendation of a
selection committee
consisting of –

- (a) Cabinet Secretary- Chairperson;
- (b) Secretary to the Government of India to be nominated by the Central Government-Member;
- (c) Chairperson of the Insolvency and Bankruptcy Board of India (in case of selection of members of the Board)- Member;
- (d) three experts of repute from the field of finance, law, management, insolvency and related subject, to be nominated by the Central Government- Members

189. Constitution of Board

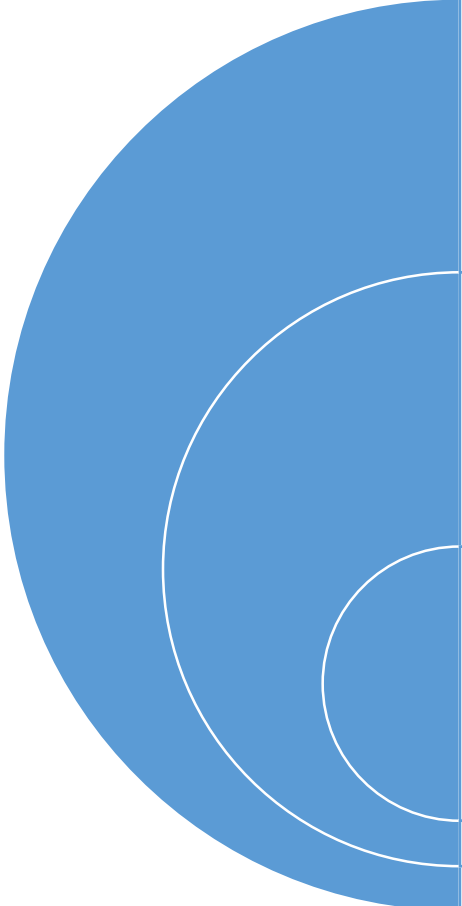


(4) The term of office of the Chairperson and members (other than ex-officio members)

- shall be five years or till they attain the age of sixty-five years,
- whichever is earlier,
- and they shall be eligible for re-appointment.

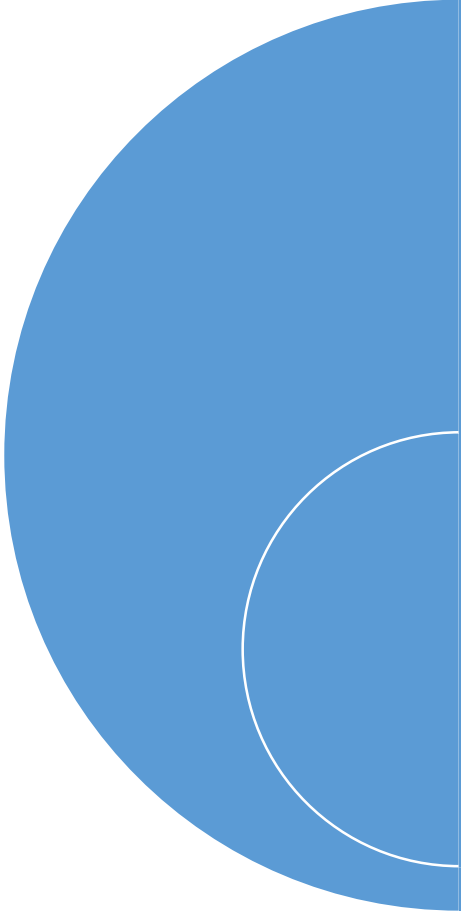
(5) The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and members (other than the ex-officio members) shall be such as may be prescribed.

190. Removal of member from office



The Central Government may remove a member from office if he—	<ul style="list-style-type: none">• (a) is an undischarged bankrupt as defined under Part III;
(b) has become physically or mentally incapable of acting as a member;	<ul style="list-style-type: none">• (c) has been convicted of an offence, which in the opinion of Central Government involves moral turpitude;
(d) has, so abused his position as to render his continuation in office detrimental to the public interest:	<ul style="list-style-type: none">• Provided that no member shall be removed under clause (d) unless he has been given a reasonable opportunity of being heard in the matter.

191. Powers of Chairperson.



Save as otherwise
determined by regulations,

the Chairperson shall have
powers of general
superintendence and
direction of the affairs of the
Board

- and may also exercise
such other powers as
may be delegated to
him by the Board.

192. Meetings of Board

(1) The Board shall meet at such times and places, and observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings)

- as may be determined by regulations.

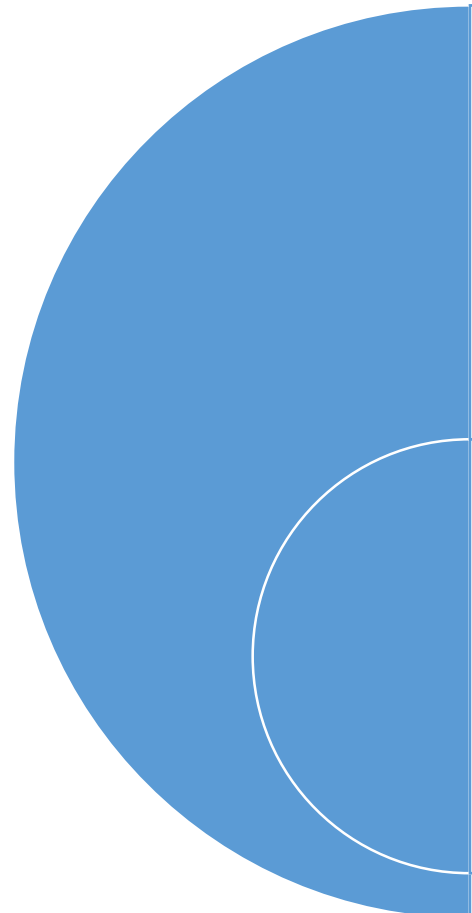
(2) The Chairperson, or if, for any reason, the Chairperson is unable to attend any meeting of the Board, any other member chosen by the members present at the meeting shall preside at the meeting.

- (3) All questions which come up before any meeting of the Board shall be decided by a majority votes of the members present and voting, and, in the event of an equality of votes, the Chairperson, or in his absence, the person presiding, **shall have a second or casting vote.**

193. Member not to participate in meetings in certain cases

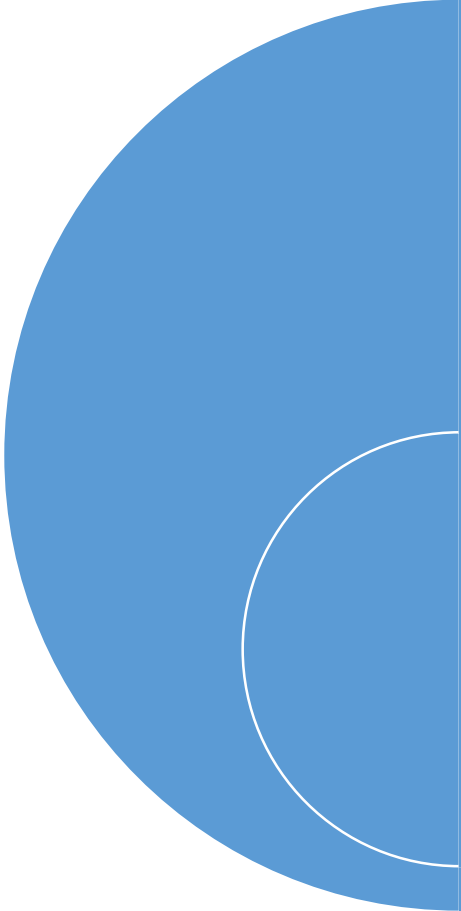
	<p>Any member, who is a director of a company and who as such director has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board,</p>	<ul style="list-style-type: none">• shall, as soon as possible after relevant circumstances have come to his knowledge,
	<p>disclose the nature of his interest at such meeting</p>	<ul style="list-style-type: none">• and such disclosure shall be recorded in the proceedings of the Board,
	<p>and the member shall not take any part in any deliberation or decision of the Board with respect to that matter.</p>	

194. Vacancies etc., not to invalidate proceedings of Board, and Officers and employees of Board. -



<p>(1) No act or proceeding of the Board shall be invalid merely by reason of –</p>	<ul style="list-style-type: none">• (a) any vacancy in, or any defect in the constitution of, the Board; or
<p>(b) any defect in the appointment of a person acting as a member of the Board; or</p>	<ul style="list-style-type: none">• (c) any irregularity in the procedure of the Board not affecting the merits of the case.

194. Vacancies etc., not to invalidate proceedings of Board, and Officers and employees of Board. -



(2) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions in such manner as may be specified.

(3) The salaries and allowances payable to, and other terms and conditions of service of, officers and employees of the Board appointed under sub-section (2) shall be such as may be specified by regulations

195. Power to designate financial sector regulator

