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CS Update

October 14, 2011

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FROM ICSI

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- **COMPANIES (AMENDMENT) REGULATIONS, 2011** (MCA 22 September, 2011)
- **ANNUAL FILLING 2011**

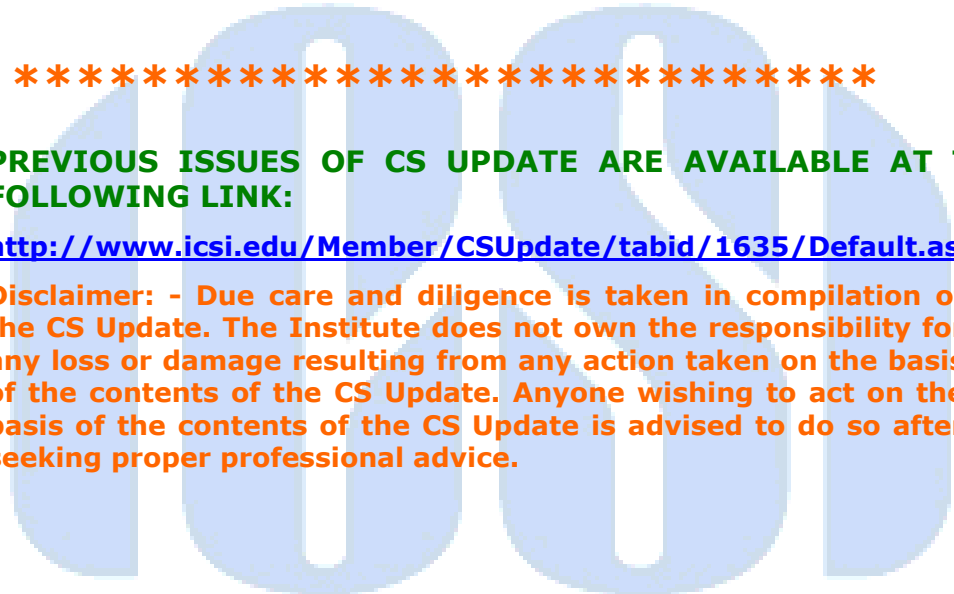
RBI UPDATE

- **KNOW YOUR CUSTOMER NORMS – LETTER ISSUED BY UNIQUE IDENTIFICATION AUTHORITY OF INDIA (UIDAI) CONTAINING DETAILS OF NAME, ADDRESS AND AADHAAR NUMBER** (RBI dated 13th October, 2011)

PREVIOUS ISSUES OF CS UPDATE ARE AVAILABLE AT THE FOLLOWING LINK:

<http://www.icsi.edu/Member/CSUpdate/tabid/1635/Default.aspx>

Disclaimer: - Due care and diligence is taken in compilation of the CS Update. The Institute does not own the responsibility for any loss or damage resulting from any action taken on the basis of the contents of the CS Update. Anyone wishing to act on the basis of the contents of the CS Update is advised to do so after seeking proper professional advice.





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H.E. Shri B L JOSHI HON'BLE GOVERNOR OF UTTAR PRADESH INAUGURATES 39th NATIONAL CONVENTION OF COMPANY SECRETARIES

Details available at the link:

<http://www.icsi.edu/WebModules/LinksOfWeeks/PRESS%20RELEASE%20FOR%20INAUGURAL%20SESSION.doc>

6th INTERNATIONAL PROFESSIONAL DEVELOPMENT FELLOWSHIP PROGRAMME-2011

Details can be accessed at:

For AUSTRALIA (18TH -27TH NOVEMBER 2011)

<http://www.icsi.edu/Webmodules/LinksofWeeks/6InFellowship.doc>

For Optional Tour to Newzeland thereafter (27th - 2nd December, 2011)

<http://www.icsi.edu/Webmodules/LinksofWeeks/NZ15092011.doc>





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RE-OPENING THE REGISTRATION PROCESS OF CERTIFIED FACILITATION CENTERS

Details can be accessed at: [Re-opening the Registration Process of Certified Facilitation Centers \(CFCs\) - MCA](#)

VIEWS/SUGGESTIONS SOLICITED ON SEBI CONCEPT PAPER ON 'REGULATION OF INVESTMENT ADVISORs'

Details can be accessed at:

- [Views/suggestions solicited on SEBI Concept Paper on 'Regulation of Investment Advisors](#)





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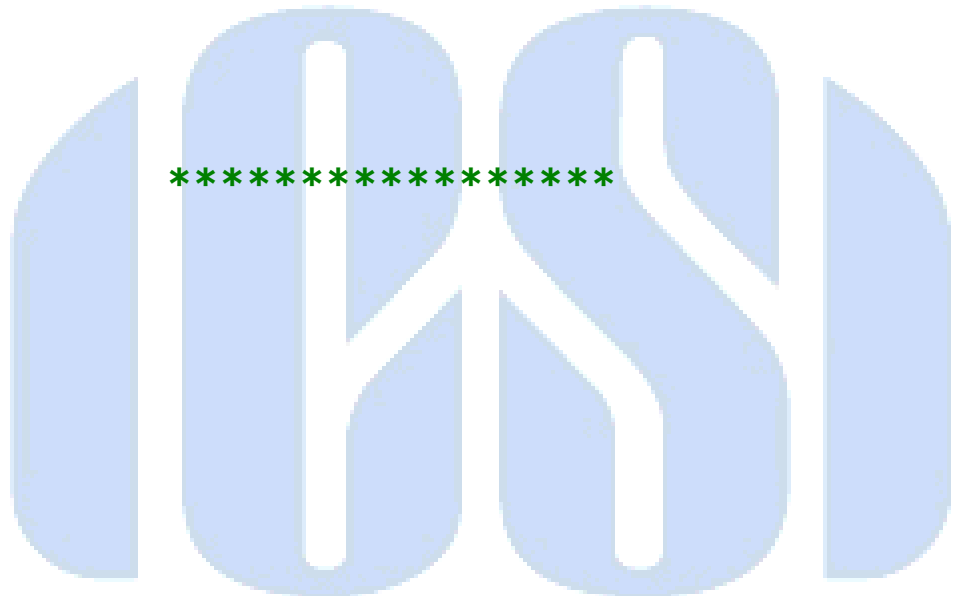
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RECORDING OF WEBCAST ON XBRL ARRANGED BY ICSI

Details can be accessed at:

<http://www.streamonweb.com/ICSI/archivals>







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CG & CSR : WATCH

The Institute has always been in the frontline to promote good corporate governance and it has been the constant endeavour of the Institute to raise awareness among the members and students in Corporate Governance arena. This watch gives an update of the latest happenings in the area of Corporate Governance and Corporate Social Responsibility.

NEW DEVELOPMENTS

1. Towards Integrated Reporting Communicating Value in The 21st Century-- IIRC

The Discussion Paper - "Towards Integrated Reporting – Communicating Value in the 21st Century" was launched Monday 12th September 2011 by international Integrated Reporting Committee. The rationale behind this is to develop an International Integrated Reporting Framework that will facilitate the development of reporting over the coming decades. The core objective of the Framework is to guide organizations on communicating the broad set of information needed by investors and other stakeholders to assess the organization's long-term prospects in a clear, concise, connected and comparable format. This will enable those organizations, their investors and others to make better short and long-term decisions.

Integrated Reporting brings together material information about an organization's strategy, governance, performance and prospects in a way that reflects the commercial, social and environmental context within which it operates. It provides a clear and concise representation of how an organization demonstrates stewardship and how it creates and sustains value. An Integrated Report should be an organization's primary reporting vehicle.

Answers to the Consultation Questions in this Discussion Paper, and any other comments are invited to be submitted by Wednesday 14th December 2011. All comments received will be considered a matter of public record and will be posted on www.theiirc.org.

Detailed code can be accessed at:

<http://www.theiirc.org/the-integrated-reporting-discussion-paper/>

Quote of the Month

"Social business brings a new dimension to the business world, and a new feeling of social awareness among the business community. I am not opposed to making profit. Even social businesses are allowed to make profit with the condition that the profit stays with the company; the owners will not take profit beyond the amount equivalent to investment."

Nobel laureate Muhammad Yunus, the founder of Grameen Bank in Bangladesh





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Forthcoming Events

OECD - Asian Roundtable on Corporate Governance and the Task Force on Board Nomination and Election

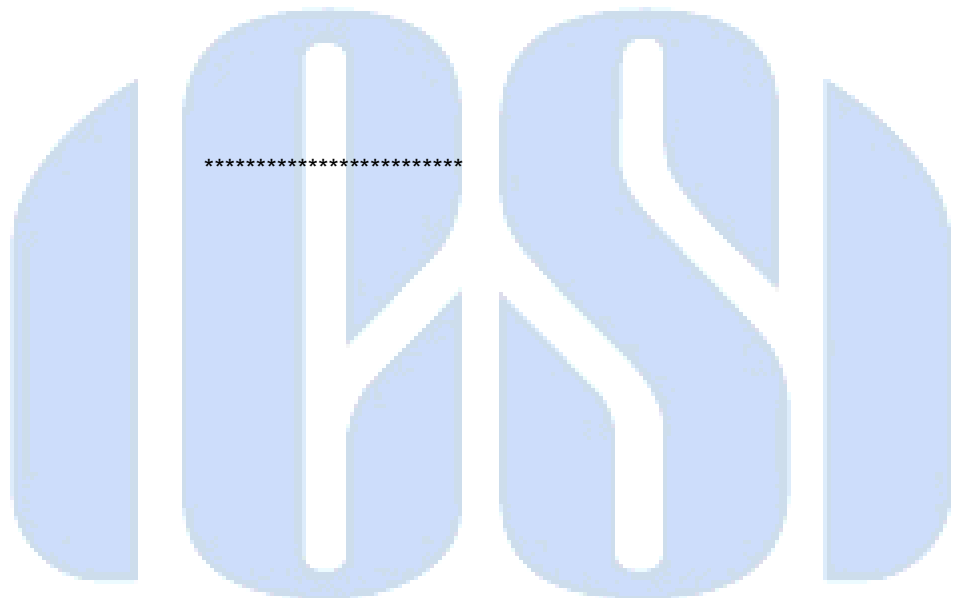
--3-4th October, 2011, Bali, Indonesia.

Feedback & Suggestions

Readers may give their feedback and suggestions on this page to Mrs. Alka Kapoor, Joint Director, ICSI (alka.kapoor@icsi.edu)

Disclaimer:

The contents under **CG & CSR: Watch** have been collated from different sources. Readers are advised to cross check from original sources.





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MCA UPDATE





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REGISTRATION OF COMPANIES AND LLPS WITH OBJECTIVE TO DO BUSINESS OF ARCHITECT

No. 17/165/2011-CL-V (Pt.)
Government of India
Ministry of Corporate Affairs

5th floor, 'A' Wing, Shastri Bhawan,
Dr. R.P. Road, New Delhi
Dated: 10.10.2011.

To
All the Regional Directors,
All the Registrar of Companies/Registrar of LLPs

**Subject:- Registration of Companies or LLPs which have one of their
objectives to do business of architect**


Sir,

I am directed to say that a number of representations have been received in the Ministry to the effect that the Registrar of Companies and the Registrar of LLPs are incorporating the companies and LLPs in contravention to the provisions of the Architect Act, 1972 that the Council of Architect (CoA). In terms of Sections 36 and 37 of the Architects Act, 1972 as well as Rules and Regulations framed thereunder only an architect registered with the Council of Architecture or a firm of Architects (a partnership firm under the Partnership Act, 1932, comprising of all registered architects) can represent itself as an architect or use the title and style of architect of practicing the profession of an Architect in India with the exception of a landscape architect and naval architect. The matter is under examination in consultation with the Department of Legal Affairs.

Pending finalization of view of the Central Government on the subject it is hereby directed incorporation of companies/LLPs where one of the objects of such entities is to carry on the business of architect be not proceeded with till further order.

This issues with the approval of CAM

Yours faithfully,


(Seema Rath) 10/10/2011
Assistant Director





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THE COMPANIES (CENTRAL GOVERNMENT'S) GENERAL RULES AND FORMS (AMENDMENT) RULES, 2011

Details can be accessed at:

http://www.mca.gov.in/Ministry/notification/pdf/notification_23AC_23ACA_XBRL.pdf

THE COMPANIES (FILING OF DOCUMENTS AND FORMS IN EXTENSIBLE BUSINESS REPORTING LANGUAGE) RULES, 2011

Details can be accessed at:

http://www.mca.gov.in/Ministry/notification/pdf/notification_XBRL_rules.pdf





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ALLOTMENT OF DIRECTOR'S IDENTIFICATION NUMBER (DIN) UNDER COMPANIES ACT, 1956

General Circular No. 66/2011

No 2/1/2011-CL.V
Government of India
Ministry of Corporate Affairs

5th floor, 'A' Wing, Shastri Bhawan,
Dr. R. P. Road, New Delhi
Dated the 4th Oct, 2011

To

All Regional Directors
All Registrar of Companies.

Sub: Allotment of Director's Identification Number (DIN) under Companies Act, 1956

Sir,

In continuation of General Circular No. 32/2011 dated 31.05.2011 on the subject cited matter, I am directed to say that the time for filing DIN-4 by DIN holders for furnishing the PAN and to update PAN details has been extended till **15.12.2011**.

Yours faithfully,

-Sd/-
(Monika Gupta)
Assistant Director

Copy to:

1. ICAI/ICWAI/ICSI/All Chamber of Commerce with a request to give wide publicity to their members.
2. DIN Cell to issue message through e-mail and SMS to all existing DIN holders who have not furnished their PAN earlier at the time of obtaining DIN to furnish their PAN by filing DIN-4 e-form by 15.12.2011 to avoid penal action.

Copy for information to:

1. PS to CAM and PS to MOS
2. PPS to Secretary, Additional Secretary, Joint Secretaries



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COMPANY LAW SETTLEMENT SCHEME, 2011

General Circular No. 65/2011

F. No. 2/11/2011-CL V
Government of India
Ministry of Corporate Affairs

5th Floor, A Wing, Shastri Bhavan,
Dr. R.P. Road, New Delhi,
Dated the 4th Oct, 2011

To

All Regional Director,
All Registrars of Companies.

Subject: Company Law Settlement Scheme, 2011

Sir,

In continuation of the Ministry's General Circulars No. 59/2011 dated 05.08.2011 and No. 60/2011 dated 10.08.2011 on the subject cited above, it is stated that the said scheme has been extended upto **15th December, 2011.**

2. All the terms and conditions of the General Circulars No. 59/2011 dated 05.08.2011 and No. 60/2011 dated 10.08.2011 will remain the same.

Yours faithfully,

-Sd/-
(Monika Gupta)
Assistant Director

Copy to:

1. All concerned
2. PS to CAM and PS to MOS
3. PPS to Secretary, Additional Secretary, Joint Secretaries





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COMPANY LAW BOARD (AMENDMENT) REGULATIONS, 2011

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 509]

नई दिल्ली, शुक्रवार, सितम्बर 16, 2011/भाद्र 25, 1933

No. 509]

NEW DELHI, FRIDAY, SEPTEMBER 16, 2011/BHADRA 25, 1933

कम्पनी विधि बोर्ड

अधिसूचना

नई दिल्ली, 15 सितम्बर, 2011

सा.का.नि. 682(अ).—कम्पनी विधि बोर्ड, कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 10ख की उप-धारा (4ख) और उप-धारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कम्पनी विधि बोर्ड विनियम, 1991 का और संशोधन करने के लिए निम्नलिखित विनियम बनाता है, अर्थात् :—

1. (1) इन विनियमों का संक्षिप्त नाम कम्पनी विधि बोर्ड (संशोधन) विनियम, 2011¹ है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. कम्पनी विधि बोर्ड विनियम, 1991 के विनियम 29 के उप-विनियम 4 के परन्तुक के पश्चात् निम्नलिखित परन्तुक अंतःस्थापित किया जाएगा, अर्थात् :—

“परन्तु यह और कि भारत से बाहर निवासी किसी विदेशी पक्षकार पर किसी आदेश की तामील, पर्याप्त तामील समझी जाएगी यदि उसकी एक प्रति ऐसे पक्षकार के भारत में निवासी प्राधिकृत प्रतिनिधि (प्रतिनिधियों) पर, जहां वह ऐसे प्रतिनिधि (प्रतिनिधियों) के द्वारा उपसंजात होता है, उसके (उनके) अंतिम ज्ञात पते पर परिदत्त या निविदत्त या डाक से भेजी जाती है।”

[फा. सं. 10/36/2001-सीएलबी]

कम्पनी विधि बोर्ड के आदेशानुसार,

पी. के. मल्होत्रा, सचिव

टिप्पण :—मूल विनियम संख्यांक सा.का.नि. 291(अ), तारीख 31 मई, 1991 द्वारा प्रकाशित किए गए थे और अंतिम संशोधन संख्यांक सा.का.नि. 185(अ), तारीख 17 मार्च, 2008 द्वारा किया गया।

3454 GI/2011

COMPANY LAW BOARD

NOTIFICATION

New Delhi, the 15th September, 2011

G.S.R. 682(E).—In exercise of the powers conferred by sub-section (4B) and sub-section (6) of Section 10E of the Companies Act, 1956 (1 of 1956), the Company Law Board hereby makes the following regulations further to amend the Company Law Board Regulations, 1991, namely:—

1. (1) These regulations may be called the Company Law Board (Amendment) Regulations, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Company Law Board Regulations, 1991 after the proviso to sub-regulation (4), of regulation 29 the following Proviso shall be inserted, namely:—

“Provided further that service of an order on a foreign party resident outside India shall be deemed to be sufficiently served if a copy thereof is delivered or tendered or sent by post at the last known address of such party's authorised representative(s) resident in India, where he appears by such representative(s).”

[F. No. 10/36/2001-CLB]

By Order of the Company Law Board,

P. K. MALHOTRA, Secy.

Note :—The Principal regulations were published vide number G.S.R. 291(E), dated 31st May, 1991 and were last amended vide number G.S.R. 185(E), dated 17th March, 2008.



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MCA XBRL VALIDATION TOOL

MCA XBRL Validation Tool for validating XBRL instance documents has been released. The same can be downloaded by stakeholders for validating the instance documents prepared by them. The stakeholders should also refer to the XBRL filing manual for creation and validation of the instance documents. Stakeholders may send concerns, if any, with respect to the Validation Tool by email to xbml.technical@mca.gov.in.

Further, any clarification or support with respect to errors in the instance documents may also be send email to xbml.technical@mca.gov.in.

Details can be accessed at: [XBRL Validation Tool](#)

COMAPNIES (AMENDMENT) REGUALTIONS, 2011

Details can be accessed at:

http://www.mca.gov.in/Ministry/notification/pdf/GSR_22sept2011.pdf





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ANNUAL FILING 2011



MINISTRY OF CORPORATE AFFAIRS
GOVERNMENT OF INDIA

DEAR CORPORATES,

AS YOU ARE AWARE, THE LAST DATE FOR FILING OF YOUR COMPANY'S BALANCE SHEET AND ANNUAL RETURN FOR THE CURRENT YEAR IS FALLING DUE SOON. TO AVOID LAST MINUTE RUSH AND SYSTEM CONGESTION IN MCA21 DUE TO HEAVY FILING IN LAST 10 DAYS OF THE MONTHS OF OCTOBER AND NOVEMBER 2011, IT IS REQUESTED THAT FILING OF BALANCE SHEET AND ANNUAL RETURN MAY PREFERABLY BE DONE IN THE FOLLOWING ORDER:-

Company Names starting with	Preferable Dates for filing		
	September 2011	October 2011	November 2011
Alphabets A to D	All days during the month	1 st Oct to 05 Oct 2011	1 st Nov to 05 Nov 2011
Alphabets E to K	-do-	6 th Oct to 10 th Oct 2011	6 th Nov to 10 th Nov 2011
Alphabets L to Q	-do-	11 th Oct to 15 th Oct 2011	11 th Nov to 15 th Nov 2011
Alphabets R & S	-do-	16 th Oct to 20 th Oct 2011	16 th Nov to 20 th Nov 2011
Alphabets T to Z	-do-	21 st Oct to 25 th Oct 2011	21 st Nov to 25 th Nov 2011
Remaining/ Left out companies	-do-	26 th Oct to 31 st Oct 2011	26 th Nov to 30 th Nov 2011

KINDLY PLAN YOUR FILING ACCORDINGLY.

DURING THIS PERIOD, ROC FACILITATION CENTRES/ HELP DESKS WOULD GIVE PRIORITY IN EFILING/ ANSWERING QUERIES OF COMPANIES FALLING UNDER THE ABOVE ALPHABETICAL ORDER.



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RBI UPDATE





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KNOW YOUR CUSTOMER NORMS – LETTER ISSUED BY UNIQUE IDENTIFICATION AUTHORITY OF INDIA (UIDAI) CONTAINING DETAILS OF NAME, ADDRESS AND AADHAAR NUMBER

RBI/2011-12/218
RPCD.CO.RRB.AML.BC No. 21/03.05.33(E)/2011-12

October 13, 2011

The
All Regional Rural Banks (RRBs)

Chairmen

Dear Sir,

Know your Customer Norms – Letter issued by Unique Identification Authority of India (UIDAI) containing details of name, address and Aadhaar number

Please refer to the Government of India Notification No. 14/2010/F.No. 6/2/2007-ES dated December 16, 2010 which recognises the letter issued by Unique Identification Authority of India (UIDAI) containing details of name, address and Aadhaar number, as an officially valid document as contained in Rule 2(1)(d) of the PML Rules, 2005.

2. In this regard, a reference is invited to paragraph 5 of our [circular RPCD.CO.RRB.AML.BC.No.15/ 03.05.33\(E\) /2011-12 dated August 8, 2011](#) wherein it was stipulated that when bank relies exclusively on the Aadhaar letter as complete KYC document for opening of an account, such an account would be subject to all conditions and limitations applicable to 'Small' accounts as detailed in the Govt notification referred to above. After further consultations with Government, it has now been decided to accept the letter issued by the UIDAI as described above as an officially valid document for opening bank accounts without the limitations applicable to 'Small' accounts as prescribed in paragraph 5 of our circular under reference.

3. In this connection, attention is also invited to paragraph 3 of the [circular RPCD.No.RRB.BC.81/03.05.33\(E\)/2004-05 dated February 18,2005](#) on Know Your Customer Guidelines – Anti Money Laundering Standards and para 3 of [circular RPCD.CO.RRB.No. BC.50/03.05.33 \(E\)/2007-08 dated February 27, 2008](#) on KYC/AML/CFT- RRBs dealing with customer identification. It is reiterated that while opening accounts based on Aadhaar also, banks must satisfy themselves about the current address of the customer by obtaining required proof of the same as per extant instructions.

4. Compliance Officer/Principal Officer should acknowledge receipt of this letter to our Regional Office concerned.

Yours faithfully

(C.D.Srinivasan)
Chief General Manager

