

# Newsletter 56

September 2008

For Private Circulation Only

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Dear Readers,

In October 08, A Special

**GREEN EDITION**

is awaiting for you!!!

As you know, Survival of mankind depends of survival of 'Green' on the planet Earth. This edition focuses on how a professional could contribute for the spread of green cover.

We invite your participation by responding with your views/experiences on:

- As a professional, what one can do, to conserve green cover?
- Could you do any thing for this, in your professional capacity?

You may also bring to the fore professionals who have made a difference in green conservation.

Together, let's think green!!



## eMail from Chairperson - SIRC

Dear Ms Jayalakshmi Anshuman:

I am delighted to note that there is spectacular increase in the registration of students during 2008. I note that the overall increase of students is nearly four times as compared to the year 2005. This only proves the dedicated efforts put in by the members of Managing Committee and other members of Mysore, in disseminating the information about CS Course amongst the prospective students through Career Awareness Programmes and subsequent follow up.

Further, I am equally happy to note that the students of the Mysore Chapter have once again proved their mettle by winning the All India Moot Court competition. Mysore Chapter is in the pinnacle of glory and had consolidated its activities to the highest order

I take this opportunity of congratulating you and other members of the Mysore Managing Committee and students of the Mysore Chapter for their unstinted efforts to bring laurels to the Mysore Chapter.

I am sure that the Chapter will certainly scale new heights in the years ahead.

With regards,

**A V Syamala**  
Chairperson

Editors:

**CS. Dattatri H M**

**CS. Sarina C H**

**CS. Omkar N G**

and

**'Spectrum' Team**



## A Manager enthuse confidence in the team

(Story from the achieves of CS. D D Bhat, Mysore)

One morning, a Botany Professor was going for a walk with his little daughter.

He saw a rare flower in blossom on a rock about 10 feet below by the side of the walking path.

He told his daughter that he would like to get that flower but there was no approach to the rock on which the flower had blossomed.

After a while he worked out a plan and tied a rope to the waist of his small daughter and lowered her to the rock.

The daughter plucked the flower and gave it to her father.

The professor asked his daughter- "Baby, were you not scared when you were dangling only to a rope?"

The daughter replied - " No Papa, why should I be scared when the other end of the rope was in the hands of my father?"

A good manager has to enthuse confidence and build trust in his team. Once the people know that their leader is supporting them, they would be ready to take any risk.

The Manager who does not stand solidly behind his team is not able to extract the results.

The trust and confidence in the leader makes the people to take risk & perform any task.

*..... Words worth millions.....*

*" Laughing Faces does not mean that there are no sorrows!  
But it means, That they have the ability to deal with them!!!!*

# From Chairperson's desk...

CS. Jayalakshmi Anshuman



Dear All,

I feel honoured to be the Chairperson of Mysore Chapter of ICSI. I congratulate members of newly constituted executive committee.

Our Chapter has had an eventful history and is proud to have survived through difficult times and to flourish at better times.

During the entire month of August 2008, the Chapter has been a bee hive of activities. The month started with Mysore team winning the 6<sup>th</sup> All India National Moot Court Competition. This was followed by the Program on **"Board Governance, Risk Management and Corporate Compliance Management"** at Rotary Centre, Mysore conducted jointly with CCRT (Navi Mumbai) during August 8-9. This program was a tremendous success.

The Chapter celebrated the Spirit of Freedom on August 15 at the Chapter Premises.

The Sports Day was celebrated on August 24 at the Chapter Premises. It was well participated by both members and students of the Chapter. Photos are stored at <http://picasaweb.google.com/mysore.icsi/AnnualSportsDay#>

The Results of ICSI June 2008 is highly encouraging. The passing percentage in Final reached 71%. Overall success rate including all foundation, inter and final Examinations stood at 50.4%. I congratulate all the successful students. For those who did not succeed, it is important to remember that "One important key to success is self-confidence; an important key to self-confidence is preparation".

The month concluded with another success story for our Chapter with the **Mysore Team of Mr. Prashant D.S. and Ms. Reshma Anwar** being declared **Winners of the Finals of All India Company Law Quiz** held at Mumbai on 29<sup>th</sup> August 08.

COURSE	2005	2006	2007	2008	^% incr.
Foundation	17	5	25	97	388%
Inter/Executive	48	47	44	154	350%
Final/Profess.	3	8	16	15	94%
<b>total</b>	<b>68</b>	<b>60</b>	<b>85</b>	<b>266</b>	<b>313%</b>

Students and members of the chapter went on a real rejuvenating forest trip to Nagarahole for two days 30<sup>th</sup> and 31<sup>st</sup> of September 08 which enhanced the green awareness among them.

The student registrations are increasing and has created history. A bird's eye view of the registrations is in the table.

*"To improve is to change; to be perfect is to change often"* -Winston Churchill. I am sure that we will change often to improve and keep changing till we become the Best Chapter in India.

## MYSORE TEAM WINS NATIONAL QUIZ CHAMPIONSHIP

The Mysore Chapter was still fresh with the memories of winning the All India Moot Court Competition, when it reached another milestone. The team from Mysore consisting of **Ms. Reshma Anwar** and **Mr. Prashanth D** has been adjudged as Champions at the **8<sup>th</sup> All India Company Law Quiz Competition** held on 29<sup>th</sup> August 2008, at Mumbai.

The Members at the WIRC who witnessed the competition, while congratulating the team appreciated the way the team members handled the technical and analytical questions and opined that the team deserved to win.

It may be recalled that the in 2007 Mysore team was adjudged as the Runners up at the 7<sup>th</sup> All India Company Law Quiz.

Mysore Chapter congratulates the team members for this Feat!!!



Report by CS. Rashmi MR & CS. Pracheta M

Human Resources in the corporate arena is mostly about welfare and care of the human assets of the Company. In this perspective, the Annual Medical Check up for all employees, sponsored by the Company, may be reckoned as one of the best HR practices at MHVSIL.

The health check up is tied up with a leading hospital in Mysore and the groups categorized into below 40 and above 40. At the start of the annual check up, the paramedics visit the Company to collect samples of blood, urine and stool. Further, extensive investigations are done at the Hospital. The family of the employees are extended the benefit of corporate package, where the cost is picked by the employees themselves. The very regimen of a health check up each year actually motivates the team to work for better health results in the coming years. 'All is well that ends well.....'

## Article

# Board Meetings through Tele/Video Conferencing

**CS. U Padma Shenoy**

*Company Secretary, CSS Technergy Limited, Hyderabad*



The latest technological developments have made their way into the corporate

Board Rooms with more and more companies preferring to hold their Board Meetings via tele/video conference. The governing Act that regulates the manner in which the Board should be functioning is the Companies Act, 1956 was drafted way back in 1956 when teleconference was unknown to the society and hence, there are no provisions or prohibitions pertaining to remotely conferencing Board Meetings in this legislation.

Sec 287 of the Companies Act, 1956 prescribes quorum and Sec 288(1) prescribes procedure for adjournment for want of quorum. Sec 299 requires disclosure of director's interests at meetings. Sec 301 requires placing register of contracts at meeting and signing it by directors. Regulation 71 of Table A requires every director to sign attendance register at the meeting of Board or Committee.

It is quite possible to comply with all these regulations in a Board Meeting via teleconference. The Companies Act makes no specific provision that the Board Meeting must ensure physical presence of directors at a specified place. In fact, law-makers never perceived this problem when the law was actually made. Except for signing the register, all other requisites specified in the Companies Act with reference to a Board Meeting can be complied if such a meeting is held via teleconference. Videotaping the Board Meeting can evidence quorum, thus serving to achieve the rationale behind the law to sign the register. Following are few pros and cons of holding Board Meeting through remote conference.

### Advantages:

1. Frequency of meetings can be increased.
2. Time and costs incurred on travel can be reduced
3. Fully interactive with all sites and the same can be recorded for the future requirements
4. Some systems allow application sharing, allowing users at each site to see and edit a document. This kind of sharing encourages collaboration and real-time feedback

### Disadvantages:

1. Technical problems like connectivity, quality of voice and picture, authenticity of proceedings can cause disturbance.
2. Costs are considerably high.

### Video Conferencing in Other

**Countries:** *Source: NEBRASKA OPEN MEETINGS ACT (1999, Cum. Supp. 2004)*

Meetings can be held via tele/video conference with following conditions:

1. Public notice in advance
2. All arrangements to accommodate public's right to attend, hear and speak at the meeting, recording the proceedings, and a reasonable opportunity for public inputs.
3. Copy of all documents being discussed to be available to the public at each site of the videoconference
4. At least one member of the public body is present at each site of the videoconference, and
5. No more than one-half of the public body's meetings in a calendar year can be held by videoconferencing.

### Extracts from Press Release dated 15.04.2002

1. DCA proposes to amend Companies Act to allow Board Meetings via electronic devices.
2. However, subjects of special importance that should only be transacted by "physical meetings" are to be notified from time to time.
3. Considering the advantage of "physical meetings", certain min number of physical Board meetings must be held as may be notified from time to time.
4. It proposes to regulate the new provisions through Rules, which can be progressively liberalized or modified in accordance with the experience gained from time to time.

**Recommendation:** The Government may set up expert committee to frame rules in this regard. Enabling tele/video meetings would ensure more and more companies to leverage the potential of information

technology giving a new dimension to the traditional closed room Board Meetings by encouraging voluntary participation and reducing monetary & time cost of physical presence.

## Investor Secretary - 12

**Sreeraj M CS Qualified**  
Bangalore



Dear all,

August 08 ended on a positive note for the markets despite concerns over inflation and oil prices. The macro –economic factors took a toll on the markets and the SENSEX ended the month with a loss of about 100 points. To be more specific, the markets were range bound during the month.

The volumes in the equity markets have improved and the data indicates that Foreign Institutional Investors have turned net buyers whereas the local mutual funds have turned net sellers. This month BSE BANKEX outperformed the SENSEX based on the expectations of reforms in the Banking sector. As on 12<sup>th</sup> September 2008, the SENSEX closed with 14000.81 points down by 323.48 points and NIFTY with 4228.45 points down by 61.85 points.

Some of the important developments that might have an impact on the markets are, the monetary policy of the RBI and the dispute between Reliance Industries and Reliance Natural Resources as well as the decision of Nuclear Suppliers Group on the nuclear deal between India and USA.

Considering all the above said events and other factors we can expect the markets to be volatile in the near term. Stock specific play may be profitable and is advisable

### Tan's Portfolio (Status as on 12<sup>th</sup> September 2008)

Sl.	Name of the Stock	Purchase Price As on 08/05/08	Market Price as on 12/09/08	Returns (In %)
1.	Garware Wall Ropes	108.15	84.10↓	-22.24%
2.	Vimta Labs	82.20	44.40↓	-45.99%
3.	Neocure Therapeutics	22.65	21.50↓	-5.08%
4.	Sterling Tools	69.20	60.95↓	-11.92%
5.	Finolex Cables	69.90	49.60↓	-29.04%
6.	Prism Cement	41.70	33.45↓	-19.78%
7.	Assam Company	27.20	23.10↓	-15.07%
		TOTAL RETURNS		-149.12%

**Disclaimer:** Trading and investment in stock market is risky and volatile. All the contents/views in this article are for information and not recommendation or an offer or solicitation of an offer to any person with respect to the purchase or sale of the stocks discussed in this article. The author may be trading/investing in, or have positions in the securities mentioned. The author is not responsible for profit/loss incurred by anybody. Please do your home work before investing.

## News of Use

### SEBI amends Listing Agreement Clauses 16, 19, 24 & 41 on 4th September 2008

- to give effect to the reduction of time period in case of Rights issue as decided on the previous SEBI Board meeting and also in line with the circular issued on August 28,2008

### Internal Audit for stock brokers/clearing members

SEBI has advised Stock Exchanges to instruct their stock brokers/clearing members to carry out complete internal audit on a half yearly basis by independent qualified Chartered Accountants. The scope of such audit shall cover, interalia, the existence, scope and efficiency of the internal control system, compliance with the provisions of the SEBI Act, 1992, Securities Contracts (Regulation) Act 1956, SEBI (Stock Brokers and Sub-Brokers) Regulations, 1992, circulars issued by SEBI, KYC requirements and Bye Laws of the Exchanges. The first such audit period should be from October 1, 2008 to March 31, 2009. - SMD Circular No. MIRSD/ DPSIII/ Cir-26/ 08 Dated 22.08.2008

### SEBI amends DIP Guidelines 2000

Amendment includes: Reduction in timelines for rights issue, ) Amendment to the definition of QIB, Eligibility for making Qualified Institutions Placement, Pricing norms for QIP, Pricing norms for preferential allotment to QIBs, Lock-in on shares on exercise of warrants issued on preferential basis, Eligibility of shares for promoters' contribution and offer for sale and Issue size limit for Filing offer documents at SEBI Regional Offices

SEBI/CFD/DIL/DIP/32/2008/28/08 dated August 28, 2008



## Select Responses for article Professionals Protecting Corruption...?

*Many professionals responded to the article on the above topic published in the previous edition. Thanks to all of them for sharing their opinions. Here is a summary of some of the responses.*  
- Dattatri H M

Professionals not only protecting corruption but also breeding corruption. At least certain "bribe breeding sections" should be amended. To take an example - Section 297 of Companies Act 1956. What a peculiar Section! If Contract is between two public companies this Section will not apply but if the contract is between two private companies it will apply! Members' approval is not required but if the paid up capital is more than Rs 1 crore Central Government PRIOR approval is required. This amount of Rs 1 crore is fixed in 1974. Even after three decades this was not changed. Either allow members to decide or at least increase the threshold limit to Rs. 10 crores. Ideally, this section should be applicable only to LISTED COMPANIES where public money is involved.

Another example is Section 391 and 394: The Department unduly delays forwarding report to High Court - six months to a year. In some cases in Madras High Court, when Justice Jayasimha Babu passed orders without RD's report. Government must notify that if approval is not sent within 90 days of receipt of application or information, it shall be deemed to be permitted. This may help in reducing corruption.

CS. R. Balasubramaniam

I tell you about one of the bitter experiences of my initial stage of practice when I was representing an I.Tax case of a trust. After being stuck-up at one stage; I approached a very senior professional colleague as how to refine my reply & asked for his technical expertise. His reply was shocking as he asked "How much the AO is asking for? It had been an eye opening experience for me. Since then I hardly do any such assignment where bribe plays a vital role. If professionals stop playing role of facilitators, a major portion of their business may get diverted. But then who will dare to act? The seniors should initiate & bell the cat... juniors will follow, it is for sure.

CA. Gokul Sureka

I had to face in my life at all the offices. Believe me, I had never given any bribe to Income Tax, R O C or ever. In one case of my client, the A O called me by picking up the phone number from my Tax Audit Report. Though first he demanded money, having my image in mind, he did not done any harm to my client. One should act professionally and image should be clear on the other side. Even in ROC

I had never given any money to any body. Even no body dares to ask money from me. One should keep head high.

CA Shah D J, USA

Corruption starts from the offices of Prime Minister, Cabinet ministers and the State Chief Ministers. Unless it is plugged at these offices the whole chain of corruption goes on and on!!!!

CA G. V. Krishna Mohan

Over the period, we have accepted the corruption in the offices like Income Tax, Sales Tax, ROC etc. and most of the time we are part of it also. We can play a significant role in preventing and even eliminating the same at least from these offices. Even the Central Council Members do not speak a word on this matter. Today, honesty may end up in losing clients!!

CA. Pravin Saraswat

I am sure that every one of us have been abetting corruption in one form or the other, either by giving bribes or any other to get our work done. We are all in this rat race to make money. How can we blame only ITax guys or the other Govt department guys for taking bribes?

Ramji

Education, ethics, family brought-up etc will definitely play a role in building a better India. Recently, I was offered a big package for giving an audit report without any qualification. If I had bargained, I could have added around 50 Lakhs (that was the indication!) to my credit. But I did not succumb to the temptation. I exposed all the fraud in the organisation. Now I had the latest update that all those at whom my report pointed as frauds have been ousted from the organisation with heavy penalties. That showed me how much we are powerful if we dare to maintain our ethics.

CA. Joseph

I had seen that majority of so-called successful professionals think or say that what they are getting is for using their brain to fool clients or Govt. authorities or for unethical works. Professionals with ethical behavior are blamed that they are 'un-intelligent' or even 'un fit'. We can create the expected situation only if everybody follows "Gandhian" principles or the "Ashtang-yoga sutra" given by the saint Patanjali.

M N. Kadadas, Solapur

I have feed back that during Bank audits of local branches, people are approaching borrowers and spending more time at borrowers place rather than on Bank audit. Reports are also emerging about wishful misreporting in case of no offers. Recently I got a call from a business man about a firm. As the auditor was firm on the NPA status of the borrower, the Bank Manager advised borrower to have a meeting with auditor and

settle the matter. Now please tell me, who is asking for bribes in Bank Audits. How the corruption virus has spread to Bank Audits?

Nayanbandhu

There are a number of professionals who are not part of the "system" and the surprising aspect is that they are quite successful in creating a name as well as earning moneys.

Madhukar Hiregange

Corruption is not only of money. Other day a Judge came to seek my advice. He appreciated my advice but while leaving did not had the courtesy to ask for my professional fees. Why? Powerful and mighty mostly in govt. jobs never do it only because they have an impression that this is a perq., which they have with the govt. job. I term this as one form of corruption.

CA J P Agarwal, Jhansi

There was only one Gandhi who took the challenge and the 90% illiterate Indians stood behind him and gave him

strength and support to fight the mighty. This can be achieved by preparing ourselves that I will not do any act illegal as per the law of the land. There are no limits and no do's and don'ts when it comes to honesty and integrity.

CA Rajesh Kushwah

At top levels, there are very honest officers and very greedy officers. Some IAS officers take extra pains to ensure that the work is completed smoothly and some are very rule bound. This is not because the hidden messages are not understood but that's the way they work.

We can be idealistic and resist corruption. So if you don't want to pay, don't pay. Your work can still be done. If you want to pay do it only as speed money and not for doing things illegal. If you offer money to bend rules, you are encouraging the person to offer similar services to others, including illegal and terrorist activities. That's a big danger to the country.

B Vijaya Kumar

**web yaatraa**

CS. Omkar N. G. B.Com, LLB, ACS, PGDHRM, DISM

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## IT for Corporate Professionals

### IsoBuster - Backup easily!

Amitkumar Hegde B Com, MCA(Final)

Backing up data on a CD or DVD is always a good idea. But what if you are unable to retrieve an important file from one of your backup CD..? Most of the time root cause for that will be careless handling of Cds.



I have seen people rubbing scratched CDs with a smooth cloth and trying endlessly to recover data. IsoBuster comes to your rescue if you are under such a circumstance. In fact IsoBuster is one of its kind, I have seen till date. Unfortunately it is not a freeware; but of course a trial version can do for occasional use.

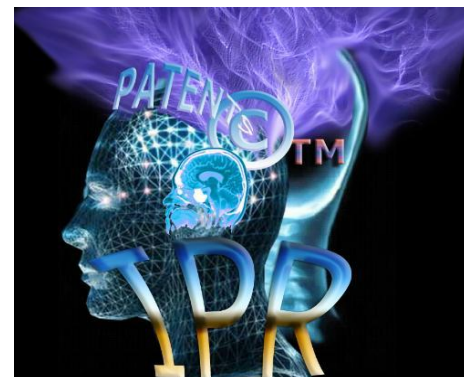
So here is how you can go ahead with troubleshooting. Install IsoBuster, open it and insert the corrupt CD. Let IsoBuster take some time to load all the files in the CD. Better the quality of the CD lesser the time it takes to load. Once done, you can browse the files in the same way as you do in windows explorer. Right click on the file/folder you want and click extract. If the file is intact, IsoBuster extracts it for you. If the file is corrupted irrecoverably, IsoBuster prompts you to recover it partly or to abort.

So add this nifty utility to your armory today, visit [www.isobuster.com](http://www.isobuster.com)

# Cross Border Protection of IPRs

Srinivas Kotni

Managing Associate, CORPORATE LEXPORT, New Delhi



These days many imported products comprise the Intellectual Property Rights (IPRs) of the right owners who have built the brand name and created global reputation by painstaking efforts over a long period of time.

With the opening up of economies and mitigation of global barriers relating to trade, cross border reputation of IPRs has taken universal dimensions. India has laid down a legal framework in the year 1964 itself by issuing a MoF (Dept of Revenue) Notification No. 1-Customs dated 18<sup>th</sup> January 1964, which protected IPRs of the right holders by prohibiting import of infringing goods into India. The said notification is in currency even today. However, its effective implementation is anybody's guess. The said notification protects only trademarks and designs, whereas IPRs encompass various other valuable rights like patents, copyrights, and geographical indications.

Further the WTO Agreement on Trade Related Intellectual Property Rights (TRIPS) vide Article 51 has clearly mandated that the member Countries shall take appropriate border measures by enabling the Customs Authorities to suspend release of infringing goods. In this direction, India has framed the IPRs (Imported Goods) Enforcement Rules, 2007 issued vide Notification No. 47/2007-Customs (Non Tariff) dated 8th May, 2007. These Rules are proposing to give the Customs Dept enough teeth to deal with enforcement of IPRs of the right holders (including their successors in interest).

Let us consider here the important aspects of these Rules, which if implemented properly, will usher a new era in the protection of cross border IPRs. The Rules are fairly concise and to the point showing the sincerity of Government for enforcement of cross border IPRs. The Rules have defined certain important phrases namely "goods infringing IPRs", "Intellectual Property", "Intellectual Property Law" and "right holder" with global outlook. Another path breaking aspect is its coverage of copyrights, trademarks, patents, designs and geographical indications as defined under the respective legislations.

Another subtle and important aspect is the proposal under the rules to enforce only "protected Intellectual Property Rights". What can be enforced under these Rules are only protected IPRs i.e. IPRs in respect of which the right owner has registered such right.

The right holder initiates enforcement procedure by giving a written notice to the Customs Officer at the port, through

which goods infringing IPRs are being imported, requesting the Customs to suspend clearance of such suspected goods. Based on the notice, the concerned officer is required to either register or reject the notice in a time bound manner under intimation to the right holder. Once the notice is registered, the Customs will indicate the validity period, which shall not be less than one year, unless the right holder desires for a shorter period. The Customs Officer is also required to communicate the registration of the notice to all the Customs Officers specified in the notice by the right holder.

The registration is subject to the right holder or his agent executing appropriate bond for adequate undertaking to protect the importer, consignee, the owner of the goods and the concerned authorities against all liabilities and costs towards destruction, demurrage and the detention charges. After such registration, whenever the Customs Officers have reason to believe that the imported goods are suspected to be infringing IPR of the registered right holder, the clearance of such goods shall be suspended. The right holder is supposed to provide all such information and technical expertise for proving the infringement. If the above support is not forthcoming, the goods will be released as in the normal course of import. There is special dispensation in respect of perishable goods for which shorter time frames have been fixed. Suspended goods can be examined by both the right holder as well as the importer. Representative samples also can be drawn.

Infringing goods can be disposed after determination of infringement and if no further legal proceedings are pending. Such disposal shall be under official supervision after obtaining "no objection" from the right holder. It is interesting to note that the costs towards destruction, demurrage and detention charges shall be borne by the right holder. The re-exportation of such infringing goods is not possible without alteration to expunge such infringement from the goods. Appropriate samples can also be drawn and kept by the Customs before disposal to aid future litigation. Personal baggage and de-minimis (i.e. minor) imports are not subject to these Rules. Customs Officers dealing with such matters are protected if they have taken any action in good faith.

For an effective enforcement of these rules, Customs Department shall be supported with adequate resources and technical training on IPR. One practical way is to depute efficient officers from the IPR Dept to Customs to assist in setting up and implement the systems for smooth transition.





## INCOME TAX

### “may be taxed”

In two recent notifications No. 90/2008 and 91/2008 dated August 28, 2008, CBDT has indicated an Indian tax resident shall include in his total income, income which in accordance with the DTAA between India and another Country, “may be taxed” in that other country. It is further indicated in the aforesaid notifications that relief in respect of doubly taxed income shall be granted in accordance with the method for elimination or avoidance of double taxation provided in the relevant DTAA.

### CII Notified - 582

The cost inflation index for the financial year commencing from the 1st day of April 2008 to 31st day of March 2009 is 582.

NOTIFICATION NO. 86/2008 [f. no. 142/8/2008-tp], DATED 13-8-2008

### TDS for notified professional services

CBDT hereby notifies the services rendered by Sports Persons, Umpires and Referees, Coaches and Trainers, Team Physicians and Physiotherapists, Event Managers, Commentators, Anchors and Sports Columnists, in relation to the sports activities, as Professional Services for the purpose of section 194J of the Income Tax Act, 1961

NOTIFICATION NO. 88/2008/F.NO. 275/43/2008-IT(B), DATED 21-8-08

### CENVAT Dutability

Exemption to specified goods bearing brand name of another person, manufactured by SSI units extended.

No Duty on goods which were lying in stock prior to the date on which such goods were notified as excisable under the law- *Tribunal - CCE Vs. La-Opela RG Ltd. Vs. CCE (2008 (228) ELT 222)*

The onus is on the Department to prove that the metal scrap has arisen from manufacturing activity and hence chargeable to duty. If the fails to do so no duty is payable on such scrap.-

*Tribunal - Larsen and Toubro Ltd. Vs.CCE (2008 (228) ELT 294)*

Blending of petrol with additives to produce new product is excisable as new product since a distinct product comes into existence- *Tribunal- B.P.C.L Vs. CCE (2008 (228) ELT 302)*

### CENVAT Credit

The balance credit of 50% of the duty paid on the capital goods can be availed in the subsequent year even if such goods have already been removed on payment of duty and are not in possession of the manufacturer

*Tribunal-Hindalco Industries Limited Vs CCE (2008 (87) RLT 695)*

### Service Tax

Agreement between Land owner and Builder with a consideration in the form of ownership rights in some parts of the building, for construction of a building is a Service Contract and not Joint Venture agreement

*Supreme Court-Faqir Chand Gulati Vs Uppal Agencies (P) Ltd [2008 (15) STT 296]*

### Customs

Central government notified Customs Tariff [Determination of Origin of Products under the Duty Free Tariff Preference Scheme for Least Developed Countries] Rules, 2008.

*Notification No. 100/2008 dt13.08.2008*

Non-realization of export proceeds can be actioned by the enforcement authorities and Reserve Bank of India (RBI) under the Foreign Exchange Management Act, 1999 and not by the Customs authorities. -*Tribunal-Bank of Nova Scotia Vs. CC (2008 (87) RLT 635)*

### Valuation

Fee for transfer of technical knowhow cannot be added to the value of imports where such payments were not a condition of sale of the imported goods and where the importer had the option to buy such goods from other suppliers as well.- *Tribunal- Totalfinaelf India Ltd. Vs. CC (2008 (227) ELT 581)*

### Donation to Bihar

The Central Government hereby exempts all goods falling under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) when imported

into India and intended for donation for the relief and rehabilitation of the people affected by the floods in the State of Bihar from the whole of the duty of customs leviable thereon, and the whole of additional duty of customs leviable thereon under the section 3 of the Customs Tariff Act, subject to certain conditions

CUS NTF NO. 101/2008 DATE 02/09/2008

### Duty Drawback rates

The Central Government determines the rates of drawback for 2008-09 as specified in the Schedule annexed to hereto CUS NTF NO. 103/2008 (NT) DATE 29/08/2008

### FTP

### Conversion of EOU to DTA- Fresh IEC required

*Policy Circular No. 26(RE-2008)/2004-09 dated 11/08/2008*

### Deemed export benefits available on supply of goods to Mega power projects:

*Policy Circular No. 29(RE-2008)/2004-09 dated 20/08/2008*

### Import of rough diamond from Venezuela prohibited

NOTIFICATION NO. 30/2008, Dated 13/08/2008

### FEMA - Advance Remittance for Import of Goods

RBI has enhanced the limit for advance remittance for import of goods from USD 100,000 to USD 5,000,000 or its equivalent. - A. P. (DIR Series) Circular No. 09 Dated 21.08.2008

### Revalidation of DFIs extended up to 30/9/08

PUBLIC NOTICE NO. 76/2008, Dated 02/09/2008

### Alternative bank certificate by EOUs

EOUs that claim deemed export benefits on disclaimer basis should furnish alternative bank certificate in the prescribed format. PUBLIC NOTICE NO. 71/2008, Dated 02/09/2008

### IRDA

IRDA has issued directions regarding Maximum percentage of premium that can be paid as agency commission or brokerage on a general insurance policy which shall be effective from 01.10.2008 and at the same it provides that agency commission and brokerage cannot be paid simultaneously for a single insurance policy - Circular No. IRDA/011/ Brok-Comm/Aug-08 Dated 25.08.2008

## CS Students' Seminar at Coimbatore

Report by  
Raghavendra, ACS Final, Mysore

With the theme "Road to Success in Corporate World", a students' seminar was held on 24.08.08, at Coimbatore on occasion of 7<sup>th</sup> Conference for students.

About 150 students and 15-17 members of ICSI from Tamil Nadu, Karnataka, & Kerala participated in the seminar. The seminar was inaugurated by Mr. R. Venkatapathy, Director, BSMED, Coimbatore and Souvenir was released by Chief Guest. Mr. N. V. Subramanian, chairman of Coimbatore chapter addressed the gathering.

Mr. R. Venkatapathy, who is having vast experience in the field of education, advised the students to move in right direction and hinted the challenges that could be faced by the future professional.

There were 10 Technical sessions. Topics chosen for these sessions were: Effects of Inflation, Compliance Certificate, Interpersonal Communication Skills, ESOP & Bonus Issues, Commodity Market, Time Management, Global Warming, Board Report, Stock Exchange and Inter Corporate Loans.

Each Technical session was handled by two students and the team was headed by a member of ICSI. After each session there was interaction between the speakers and audience. The chairperson of each session shared his thoughts on the subjects and gave certain guidelines on practical aspects of the subject.

Apart from Technical Session there was a session on Personality Development by Mr. M. Rangarajan, Lecturer, PSG CAS.

## Forest Camp at Nagarhole

ICSI Mysore Chapter in its verge to provide nature vision to its "Parivaar" had organized a forest camp at Nagarhole, the wild life sanctuary graded No. 1 in the country, spread over 623 sq. kms. Nagarhole National Park forms part of Nilgiri Biosphere Reserve and is one of the last remaining and best protected habitats for endangered species like the Elephant and the Tiger. Team of 25, comprising of students, members and family visited Nagarhole and Irphu Falls on 30<sup>th</sup> & 31<sup>st</sup> Aug 08.

Journey in Nagarhole started with 'Safari' wherein many animals were seen. After safari, there was slide show on Forest and Animals by Mr. K.M.Chinnappa, the quintessential wildlife protector. He explained the importance, usefulness and more particularly, necessity of forest and wild life. He also explained how people are exploiting and destroying the nature for his 'benefits' which will ruin mankind in the days to come.



With a view to provide field knowledge, Mr. Chinnappa took ICSI team inside the thick forest of Nagarhole, and explained how creatures and animals support each other. Explained water conservation system in the forest by nature. Field visit concluded with million dollar question... What we have done for nature and what we can do for nature???

Team reached IRPU Falls at 2.30PM on 31<sup>st</sup> August 08. This beautiful falls look like a mini Jog Falls. Spent around 3 hours in swimming and playing game in water and journey towards Mysore started after visiting Shrimangala School and PU College, which provides education to more than 700 rural and tribal students.

## Law Courses through Distance / Online Learning-3

Anand A Wadadekar, MA Economics, MBA, AMFI, GCIPR, DIT, Pune

Distance learning opens new directions of opportunities to obtain higher education without the constraints of location and time. It takes education to masses. *This column aims to highlight the Legal and corporate Courses offered through distance / online mode by reputed law schools and Universities in India for the benefit of readers.*

### Courses by Indian Universities:

**Annamalai University:** [http://annamalaiuniversity.ac.in/distance\\_regular\\_lprogram.htm](http://annamalaiuniversity.ac.in/distance_regular_lprogram.htm)

Diploma in Law of Taxation - 1 yr, B.A.L. (Bachelor of Academic Laws) - 3 yrs  
B.B.L. (Bachelor of Business Law) - 3 Yrs, B.G.L. (Bachelor of General Laws)- 3 yrs  
Diploma in Labour Laws with Administrative Law - 1 yr  
P.G. Diploma in Criminology and Forensic Science - 1 yr

**Indira Gandhi National Open University:** <http://www.ignou.ac.in/>

PG Certificate Programme in Cyber Laws, PG Certificate Programme in Indian Patents Law and IP Regime and Human Rights

**The Dr. Ambedkar Law University:** <http://www.tndalu.org/course.htm>

One Year Post-Graduate Diploma Program in General Insurance Law & Practice

*The list is indicative and not exclusive.*