



The Institute of Company Secretaries of India
Mysore Chapter

Newsletter - 60

February 2009
For Private Circulation only



"The global crisis would dent India's growth trajectory as investment and exports decrease, but India's turnaround would be sharper and swifter backed by our strong fundamentals and untapped growth potential...The challenge for the RBI and Govt. is to manage the adjustment with as little pain as possible..."

**Mrs. Shyamala Gopinath,
Deputy Governor, Reserve Bank of India**

said in a program conducted jointly by ICSI, ICAI and CII in Mysore on 31st January 2009

ICSI Bangalore Chapter has organized "Milaap-2009", CS Students conference in Bangalore on 14th & 15th February 2009. Mysore team "Spectrum" impressed the gathering by performing mock Board Meeting on Mergers & acquisitions on first day of the program.



**Next Special edition is
on
"Health Care for
Corporate
Professionals!"
Yes, you too can write...**



Words worth Millions...

"What ever you think, that you will be.
If you think yourself weak, weak you
will be; if you think yourself strong;
strong you will be"

Swami Vivekananda

"If you think you can, You can"

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Please note:

1. You may find all past editions of this eNewsletter at <http://www.esnips.com/web/icsimysore>
2. Mysore Chapter has its eParivaar "CSMysore". This is dedicated to the overall growth of the professionalism through sharing of knowledge. Its home page is <http://www.groups.google.com/group/csmysore>

You are welcome to join the eParivaar.

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CS. Omkar N. G. &

'Spectrum' Team





I sincerely thank the Managing Committee for electing me as the Chairman of the Mysore Chapter. I deem it my privilege to become the Chairman of one of the most vibrant chapters of ICSI.

During the last two years, the Chapter has grown tremendously in every dimension. The student strength has gone up from 250+ to 850+. Our chapter has become a hub for knowledge sharing, resulting in all round development of our students. Winning all the three National Level Competitions speaks volumes about the quality of students of our chapter. I have the pleasant task of leading the chapter to greater heights during 2009.

To increase the visibility of the Institute, we propose to interact with Government Departments, Autonomous bodies, Universities and the like during 2009. We are planning to provide faculty supports for workshops, to invite prominent industrialists for our programs, to arrange for close interaction with our students and leading industrialists of the city and many such initiatives during 2009. In January, we had the privilege of interacting with the Deputy Governor of RBI, Mrs. Shyamala Gopinath who interacted with us on 'RBI Responses to the Evolving Macro Economic Scenario'. The details of the program are printed elsewhere in this issue.

Students are the greatest strengths of Mysore chapter. For their allround development, Skill Development Programs, viz., Company Law Quiz, Elocution, Pick & Speak and Group Discussion are being organized every month. The chapter is also arranging lectures every Sunday on topics covering a broad spectrum. We propose to continue these programs every Sunday resulting in 48 Competitions and 52 lecture sessions during the year.

On behalf of the Managing Committee, I seek the support, encouragement and guidance of all fellow professionals in achieving these goals.

PICK AND SPEAK COMPETITION:

January 2009. Mr. Subhash M J an executive program student was declared as the winner of the Competition.

MEMBERS' GET TOGETHER

On the occasion of change in guard of the executive committee of the chapter, a members' get together was arranged by the chapter on 18th January 2009.

NEW EXECUTIVE COMMITTEE

Chairman: CS. Anshuman A.S.
Vice Chairman: CS. K. Sarina
Chouta Harish
Secretary: CS. Srilatha T.G.
Treasurer: CS. Srinivas Devadiga



REPUBLIC DAY CELEBRATIONS

26.01.2009 For the First time, Mysore Chapter celebrated Republic Day this year. To kindle the patriotic spirit of the young in such function, the flag was hoisted by a 7-year-old girl Bhavana. CS. C. K. Sabareeshan, Past Chairman ICSI Mysore and Vice chairman of Mysore Zone of CII spoke on the occasion.

DISCUSSION ON COMPANY LAW BILL, 2008

04.01.2009 CS. Hitaish Kumar S.N. lead a discussion of the members and senior students on "Companies Law Bill, 2008".

TALK ON SS-8 (FORFEITURE OF SHARES & AFFIXING OF COMMON SEAL)

04.01.2009. Mr. Kiran T. was the speaker for the session. The session was interactive and he highlighted on major areas.

TALK ON TAXATION OF CHARITABLE TRUST

11.01.2009 CS. Anshuman A.S explained in detail the provisions of Income Tax Act with regards to taxation of Charitable Trust and shared his practical experience in this regard.

TALK ON "GLIMPSES ON DEFERRED TAX"

18th January 2009. CS. Pracheta M explained eloquently the provisions of AS 22 with regards to computation of deferred Tax and various provisions.

TALK ON "CLOSELY HELD COMPANIES"

25-01-2009. CS Madwesh highlighted numerous practical instances pertaining to various companies.

COMPANY LAW QUIZ

4th January 2009. Ms. Vijayalakshmi M. Karur was the Quiz Master. Four teams consisting of 3 students each participated. Team consisting of Mr. Sunil Kumar - a professional program student, Girish M - an executive program student and Girish - a foundation program student were adjudged as the winning team.

ELOCUTION COMPETITION:

4th January 2009. Topic: "HRM a Challenging Job in today's Corporate World" 11 participants took part. Co-ordinated by Ms. S. Soundarya. Ms. Kushboo Prakash Jain, an executive program student won.

(REPORT CONTINUED IN PAGE 7)

Learning from....



CS. D D Bhat,
GM - Legal, J K Tyres Ltd, Mysore

Interacted by:
Janavi, Sagar Aras and Kiran T

Sir, your journey till date...

I belong to an Agricultural family. I was born and brought up in a village called Honnavar at Uttara Kannada District. Even though resources for education were scarce, I completed my graduation in Economics and later completed LLB and specialized in Labour Laws and in Income Tax Laws. I joined Company secretary course on 26/06/1975, it was the Emergency time, completing it CS in 1978. Alongside CS, I practiced Law. In 1984 joined service at Dharwad later joined Chowgule in Goa, a Joint Venture. In 2003, joined Vikrant Tyres which merged with J.K.Tyres very recently. I have an experience of providing legal consultancy services for various Private companies before joining Vikrant Tyres in 2003.

How do you define success?

Success is how you look at it; it is not a material thing. Satisfaction of achievement is success. Success is unending. Each day, there are new targets. I achieved maximum job satisfaction, self satisfaction. There was nothing to compromise in my profession. After achievements it should be rested. I always valued my profession and be valuing profession.

Challenges you faced in your career?

They are many. The most Effective challenge that I confronted was the merger of Vikrant with J.K. tyres, which went through successfully. J. K. Tyres is contributing a lot for the development of economy as a whole than Vikrant Tyres did. There were 765 shareholders, all were against merger but after much persuasion, we were able to convince them.

Challenges lie on all roads. A professional should tackle this without being over sensitive to the situation. "Whether we cry or smile problem is a problem". Be Cool - you would be able to handle the situation effectively. Risk is prevalent everywhere, it depends on how you tactfully handle it.

Your thoughts about the CS profession?

CS profession is the best profession. Getting appointed as CS is the biggest task. Statutory recognition under section 383(A) is not at all required. CS profession has been

contributing and will continue to contribute to the society.



The Quality of education is commendable. Earlier Company Secretaries were understood to be 'steno' secretaries. Now the profession is more visible. For eg, in Europe Corporate Secretary is a brand.

CS is a professional course. There are no regular classes but efforts are being made to provide one. There are could be economic and financial constraints before ICSI in providing this infrastructure.

What is it that a young CS lacks?

Few hours of hard work gives a man a degree. A Degree is different from knowledge. Theory is that what you study but practice is more about the implementation.

Each and every student should come up and demand for knowing more in achieving accomplishments in the course. Management Committee would be motivated. Willingness

" I am with Mysore Chapter for past 15 years. All efforts from Students and Management committee contributed to Best Chapter award. Now it should continue. There must be Unity of Strength. CS. Sabareeshan, CS. Bhansali and other members have taken a lot of initiatives in shaping and nurturing the Chapter. Students are the strength of Mysore chapter.. "

to participate and Efforts of student towards excellence is the striking force to keep up spirit of chapter.

How do you balance professional and the personal life?

I have been able to manage both. In personal life, you are your own Master. However, professionally you need to co-ordinate with many, whose views may not correspond to yours. You have to be ethically and morally strong.

What has been your unforgettable moment in your life?
The Birth of my youngest daughter.

Whom do you consider as your role model?

My mother is my Role Model. She was highly orthodox and was strong willed. I learnt a lot from her. She was ambitious to see me as either a Doctor or an Engineer. These enthusiasms has made me to be a successful CS as well as a good human being.

“ CS profession has been contributing and will continue to contribute to the society. The Quality of education is commendable. Earlier Company Secretaries were understood to be ‘steno’ secretaries. Now the profession is more visible. For eg, in Europe Corporate Secretary is a brand. ”

What are your personal interests?



I love cooking most and reading.

To enhance my understanding, I read books. I also spend time with my pet and of course, my family.

Moment of distress?

Each set back is a lesson to me. How you handle a situation depends on you. Failure is the stepping stone for success.

My climb to the Himalayas should be by the rungs and not to the apex directly. Each problem has a solution.

Do you believe in spirituality?

Yes. There is Supreme Power which is leading me. I believe god is everywhere, without his grace there is no life.

What is your idea of social responsibility?

Help others, if not, don't harm them. There are many means to contribute to the Society besides Charity.

Your message to the new generation of company secretaries?

100% involvement in what you do. Go for management training, learn newer things. CS is multi-skilled profession. Along with CS also do HR & other complementary courses.

ICSI Mysore Chapter celebrated Republic day



For the First time, Mysore Chapter celebrated Republic Day this year. To kindle the patriotic spirit of the young in such function, the flag was hoisted by a 7-year-old girl Bhavana.

CS. C. K. Sabareeshan, Past Chairman ICSI Mysore and Vice chairman of Mysore Zone of CII spoke on the occasion.



Some more IPR News

Huayi Files sues Chinese websites for copyright infringement: Beijing: Beijing-based Huayi Brothers Pictures is suing China's five major websites for spreading illegal copies of three film productions. The five websites are Sina.com, Sohu.com, Youku.com and UUSee.com. The first two are China's top-two web portals. 10 Jan 2009 <http://www.screendaily.com>

Copyright to Cover School Test Kits: South Korea: The Seoul Metropolitan Office of Education said Wednesday it is seeking to grant copyright ownership to the authors of mid or final term examinations as well as quizzes. In this case, private cram schools or Hagwon, book publishers or educational Web site runners will either be unable to use any of the questions or must pay copyright royalties. A spokesman for the education office said the measures will encourage schoolteachers to come up with new types of questions for every test. 01-07-2009. <http://www.koreatimes.co.kr>



CII and Department of Industrial Policy & Promotion, Government of India have jointly organised Nationwide Awareness Campaign on Intellectual Property Rights. As a part of this program an interaction was organized in Mysore on 24 January, 2009. A ready reckoner was issued on this occasion. Here is an excerpt from the ready reckoner for your benefit. **Thanks to Mr. Vageesh Hegde** for participating in the program and sharing the knowledge with us.

The question of the type of protection to be granted to the layout design or topography of integrated circuits is relatively new. Although prefabricated components of electrical circuitry have been used for a long time in the manufacture of electrical equipment (such as radios), large-scale integration of a multitude of electrical functions in a very small component became possible as a result of advances in semiconductor technology. Integrated circuits are manufactured in accordance with very detailed plans or layout designs.

IPR News

CS. Madhwesh, Company Secretary, Kurlon Bangalore

India to sign bilateral pact with UK to protect copyrights

To ensure that Indian authors get royalty for their literary work reproduced in the United Kingdom, the Indian Reprographic Rights Organisation (IRRO) will sign a bilateral agreement with its British counterpart Copyright Licensing Agency (CLA). The agreement is expected to be signed in April this year during the London book fair, IRRO chairman Ashok K Ghosh said. Under the pact, CLA would protect copyrights of Indian authors in the UK and IRRO, in turn, would safeguard the "royalty interest" of British writers in the country. <http://www.indopia.in/>

IBM again top US patent holder, vows to go after lesser claims

Richmond (VA) - In 2008, the top ten companies who were issued patents by the U.S. Patent and Trademark Office (USPTO) was released today when IBM announced they have shattered not only their previous record, but also the previous U.S. patent holder record for one year.

Apple Patent Reveals Intelligent Auto-Volume Adjustments

Newyork: In a newly published patent filing "Method and Apparatus for Using a Sound Sensor to Adjust the Audio Output for a Device," Apple is working on a system that automatically adjusts the volume of the iPhone, iPods, and Macs based on a combination of ambient noise and user feedback. <http://www.palluxo.com/>

Firms to be able to register China copyright in Tokyo

Tokyo: An institution jointly established by the Chinese government and Japanese companies in Tokyo will enable Japanese companies to more easily fight product piracy and imitations of their merchandise in China. <http://www.yomiuri.co.jp>

The layout designs of integrated circuits are creations of the human mind. They are usually the result of vast investment, of both expertise and financial resources.

There is a continuing need for the creation of new layout designs that reduce the dimensions of existing integrated circuits and simultaneously increase their functions. The smaller an integrated circuit, the less material is needed for its manufacture, and the smaller the space needed to accommodate it. Integrated circuits are used in a wide range of products, including articles of everyday use, such as watches, television sets, washing machines and cars, as well as sophisticated computers and servers. Whereas creating a new layout design for an integrated circuit involves a major investment, it is possible to copy such a layout design for a fraction of that cost.

Copying may be done by photographing each layer of an integrated circuit and preparing masks for the production of the integrated circuit on the basis of the photographs obtained. The high cost of the creation of such layout designs and the relative ease of copying are the main reasons why layout designs need protection. Layout designs of integrated circuits are not considered to be industrial designs in the sense of the laws providing for the registration of industrial designs. This is because they do not determine the external appearance of integrated circuits, but rather the physical location, within the integrated circuit, of each element with an electronic function. Moreover, layout designs of integrated circuits are not normally patentable inventions, because their creation usually does not involve an inventive step, although it requires a great deal of work by an expert. Further, copyright protection may not apply if national law determines that layout designs cannot be copyrighted.

In response to the uncertainty surrounding the protection of layout designs, the *Treaty on Intellectual Property in Respect of Integrated Circuits* was adopted under WIPO's auspices on May 26, 1989. The Treaty has not entered into force but its substantive provisions have, to a large extent, been incorporated by reference in the *Agreement on Trade Related Aspects of Intellectual Property Rights* (TRIPS), which was concluded in 1994.

Understanding 'Dollar - Rupee Relation'

- amidst current financial crises - Part 2

Anand Wadadekar, M.Com, M.A (Eco), MBA, AMFI



Scenario after occurrence of the financial crises:



India, which was till recently having huge capital dollar inflows, now is experiencing flow of dollars outside the country due to selling of more Indian shares than bought (to the tune of over \$9 billion), thereby making dollars scarce

in India and reduced demand for rupees, simultaneously, as there is increased demand for dollars due to spurt in crude oil prices and the dipped capital inflows.

The dollar prices fell by some considerable amount with respect to most of the currencies. Here in India the rupee rose to around 40-41 a dollar from around the 45 rupees a dollar. There is a lot of panic among the exporters because a weak dollar adversely affects the exporters, especially in the services sector who have all their expenditure in rupees and earnings in dollar.

The growing Indian trade deficit and the large fiscal deficit are also contributing to the fall of the rupee. The higher price of imported goods, especially oil (India is a heavy importer of oil), has also led to an increase in domestic inflation and a fall in the value of the Indian currency. High inflation and a strong growth in the Indian economy have already forced the RBI to raise interest rates.

Example: Consider a firm; say 'K software' that has a profit margin of 5 %. Now 'K software' bags a contract of 100,000 USD from a big US based firm when the dollar Rupee exchange rate is 45 Rs a dollar. So the profit of 'K software' would be 5 % of 100,000 i.e. USD 5k (= 225k Rs at the

exchange rate of 45Rs= 1USD) and expenditure which is in Rupees as USD 95k i.e. 4275k Rupees. Therefore, 'K software' goes ahead with its project and when the project is completed the dollar gets weak and trades at 40 Rupees a dollar. Now 'K software' has already spent 4275k and now despite getting the promised 100,000 USD they get only 4000K rupees and end up, in effect, paying 275k for developing the software. So weakening of dollar is detrimental for the exporters.

To explain it with another example; Say that exchange rate is US 1 \$ = 50 INR. If an exporter X earns US \$ 1000 by exporting his goods/services to US, his earnings in Rupee terms is Rs. 50,000. If the Rupee appreciates to US 1 \$ = 40 INR, then in rupee terms the earnings of exporter will be Rs. 40,000. A fall in earnings despite the exports being constant. But the exporter who is based in India has to spend in INR in India; he has less money at his disposal constraining his further growth by way of limiting his investment capacity.

Importers on the other hand have to pay less to import the same thing suppose you buy a 100\$ iPod now you will have to shell out just around 4k instead of the earlier 4.5k. This is one of the reasons why all those Oil economies which are primarily the importers maintain very high exchange rates by regulating their currencies.

Reverse of what was happening before the crises:

Therefore, where the RBI was sucking out the excess liquidity from the system caused due to huge capital dollar inflows, it is now compelled to reverse its stance and infuse liquidity back into the system. Where previously the CRR was hiked, RBI now reduced the CRR, repo rate and adopted to increase the reverse repo rate (the interest rate at which RBI borrows for short term from the commercial banks), since there is shortage of money supply in the system and therefore reduced credit in the market.

GROUP DISCUSSION COMPETITION:

25.01.2009. Topic: "LEARN TO UNLEARN". Ms. Vaishnavi was adjudged as the winner of the event.

MEET ON INTERNET BANKING

A Seminar was conducted on 30th January 2009 at Hotel President on 'e banking' by the Chapter. The event was sponsored by Messrs. State Bank of India, Local Head Office, Bangalore. The program was attended by practicing professionals and career bankers. Various misgivings about safety and security of ebanking were cleared at the seminar.

INTERACTIVE SESSION WITH DEPUTY GOVERNOR, RBI on 31.01.2009

The interaction on '[RBI Responses to the Evolving Macro Economic Scenario](#)' was organized by the chapter in which CSs, CAs, Industry Leaders and Bank Executives participated. Mrs. Shyamala Gopinath, Deputy Governor, RBI, dealt with ease the volley of questions hurled at her on the present macro economic situation. She said that Indian Economy is more robust and stable compared to most other countries due to the strong financial foundation and untapped markets. She assured that the Reserve Bank is closely monitoring all the developments and initiating appropriate remedial measures.



Dear All,

I am writing this Article in the midst of a much anticipated rally. Lots of things have changed, oil has corrected by around 65% from its highs and so is the case with commodities. We are witnessing the FMCG and the Service Sectors growing by around 15-20%. The ones pulling the tempo down are commercial vehicles, auto ancillaries, oil and textiles. I guess there is no need to mention about the undertakings dependant on exports. I feel that the sun shine sector now is "Infrastructure".

As on 10th February 2009, the SENSEX ended with 9647.47 points and the NIFTY with 2934.50 points.

The Month ahead:

- The interim budget ahead will be watched for tax sweeteners and economy boosters
- I expect the interest rates to drop by another 1-2%
- Also the Gross Domestic Product data to be released this month will mark as an indicator of the economy's performance
- Globally the US economic stimulus package will be the most anticipated
- Technical indicators call for a rally. At this moment a target of around 9800 is expected for the SENSEX and if this level is breached with strong volumes, the next level could be around 10100 levels.



Tan's Portfolio (Status as on 10TH February 2009)

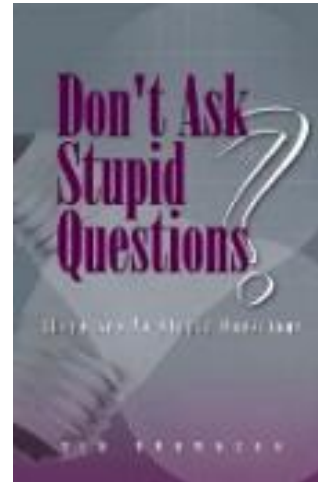
	Name of the Stock	Purchase Price on 8 th Jan 09	Current Market Price	Returns (In %)
1.	HDFC Bank	1000.00	947.00	-5.30%
2.	ICICI Bank	458.70	428.70	-6.54%
3.	ABB	475.00	455.10	-4.19%
4.	Navneet Publications	40.00	42.00	+5.00%
5.	Tamilnadu Telecommunications	5.20	5.4	+3.85%
TOTAL RETURNS				-7.18%

Disclaimer: Trading and investment in stock market is risky and volatile. All the contents (and views) in this article is for informational purposes and is not a 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 or loss incurred by anybody. Please do your homework before investing.

Don't ask stupid questions

- *There Are No Stupid Questions'*

by *Tim Brownson*



'Don't Ask Stupid Questions - There Are No Stupid Questions' by **Tim Brownson** is a thoughtful, powerful and inspirational book which brings together a collection of the very best questions you could ever ask yourself.

All are carefully designed to dramatically improve every aspect of your life, career and relationships.

It shows you step-by-step how to re-energise your life with some brilliant answers.

The author's inimitable writing style and clarity of thinking make it an absolute pleasure to read.

"Don't Ask Stupid Questions: There Are No Stupid Questions" is split into bite-sized chapters with titles like "Shut the Duck Up", "Don't Take This Personally", "Your Best Is Always Good Enough" and "You Must Read This Chapter".

Cover to cover, it takes only take a couple of hours to read -- but it's endlessly re-readable, and you can work with it chapter by chapter and make it a life-changing read.

By the way, tim Brownson has a blog called "The Discomfort Zone" at <http://www.adaringadventure.com/blog/wordpress> that you may like to look at.



Professional Hazards...

It was around 8.30 PM when I was driving through the security gate of our office. As always, my eager eyes searched for that enthusiastic guard, whose perennial reserve of a 'warm smile' is so pervading and refreshing. He waived out and I applied the brakes.

"Don't your legs pain... I have seen you standing here always ..." suddenly I asked. He replied with a smile "It used to pain Sir, no more - legs have got used to it now". "But... may be in the long run it may result in back ache" I said. "Yeah... possible". "But it is my duty, I have to stand here" he replied. I suddenly realized a painful truth and told him "You get back-pain for standing all day ... We get back-pain for sitting all day ..."

I moved. My Mind haggled with that thought! Professional hazard!! Strange, every profession/work gives rise to professional hazard!

Normally, in our profession, since physical movements are very limited, body cholesterol starts showing its impact very fast. Our waist lines expand faster, flabs show up leading to a heart attack! Weakening of eye sight, lowering of immunity, hair loss, acidity etc are the "undivided family of professional hazards"! In short, life span turns shorter! We age fast!

I was pondering over our work culture. We spend more than 12 hours a day in office and around 4 hours in thinking about office! The other activities occupy the balance time. Except for some exceptional moments, many of us never share moments of joy/sorrow with our family or friends. We never have time for chat, drama, dance, music...

One CA friend had circulated following lines in an e Group:

Are you- Emotionally Numb? Romantically Starved? Creatively Challenged? Artistically Void?
Socially Outcast? Congratulations, You are a CA*!!

*Replace CA with the name of your profession. It may perfectly suit you.

While on talk, for asserting the view if one says "I can write it on a stamp paper" he must be a legal/finance professional! If one says "I can carve it on metal/stones" he must be an engineer / sculptor / civil contractor. If one says "I can burn it on a CD" he must be an IT guy! So on and so forth...Always in the back of our mind, our profession keeps working. This is the reason.

Some mails are on circulation for quite sometime now on, "What if you were married a CA/CS/Lawyer/ Software engineer?" The narrative was beautifully meaningful, of course, with some satire. But then, we are just that! So devoid of all emotions, passions and the zest for life.

So, professional hazards are not just limited to physical health only... it is also a peril to our social life.

If you have observed carefully, I have used '/' many times in this article.... Unavoidable impact of being a CS and a lawyer! For picking up this "evidence" also, again a 'lawyer's intelligensia' might have worked!

If we agree that these are "hazards", then we cannot simply let them slip by us. We need to treat ourselves before these physical and psychological damages gorge our lives. Are you with me?!

From Readers' Desk...

The newsletter is really good. You deserve to be congratulated.

Please explore the possibilities of including some Articles related to Accounting issues, I-T issues too which have bearing on Company Law.

CS Sampath Kumar
Bangalore

I appreciate ICSI Mysore Chapter team - For its Amazing effort to release in time.

My suggestion is that "The newsletter" need be named, so that it creates a brand by itself among ICSI's. You could possibly ask the readers to a send their suggested names - with an explanation why?

Lokesh V.
L&T, Mysore

You people at Mysore are certainly doing something different from others.

I would like to congratulate you for this. Moments spent at Mysore certainly be remembered as moments of sublime bliss.

CS. Trilochan Sharma
GM & Company Secretary
Balasore Alloys Limited,
Kolkata



The subtle difference between a person who is clever or otherwise is that of timely information and fervor to learn more. Well! if you want to get there and without any hassles of registration, access rights, etc, then just log on to this website. This website contains host of information ranging from news, business, people, shopping, classifieds, entertainment, games and so on.

Just think of anything and it is just a click away, with this website. It also enables a member of lycos to avail of 3GB mailbox storage, unlimited file attachment size and many more. Log on and get going.

So, keep browsing! We will be back with another useful website!

IT for Corporate Professionals

Vishwas Krishna B Com, MCA



Imagine, I am very hungry and I see two bakeries side by side. One is decorated and attractive but items are costly. I cannot afford so much money. Another one is not that very decorated and attractive but almost as good as the first bakery. Specialty in the second bakery is that it gives every food item free! However, doubting the quality of food in second bakery because it is free, I steal the food taking undue advantage of the huge crowd and try to escape.

MS Office (Word, Excel, Power point etc) is for sale. Open Office is free.

Why should you opt for Open Office? It is almost equally good as MSOffice. It is open source & free. Difference between free software and open source is that free software is available free of cost whereas, open source is not only free, but also the entire source code of the software is available for all those who are interested in developing the software. 9 out of 10 computers will surely have a MS Office. But if there is a law to strictly monitor the piracy, more than half of them would stop using it. That is where OO comes into picture. Open Office is fast developing and perhaps might give stiff competition to MS Office in near future, if awareness increases. Open Office 3.0.1 is for free download at www.openoffice.org

Further Open Office provides the best utility to convert any document to PDF format. If pages in pdf documents are not in proper order, just open the PDF file with Open Office and just drag and drop the pages wherever you need them. That is as simple as that.

Though the software is free, it is very difficult to convince people to use it. Not many are ready to use this software may be because they are addicted to MSOffice. Very recently, I saw at least two big organisations turning to Open Office only because of the cost factor. For those who are using a pirated copy of MS Office, this software should really help come out of their MSO fixation. It might take some time for anyone using MS Office to get adjusted to this. Nevertheless, try it, at least once. It's really worth it.

Few useful links: Open Source http://en.wikipedia.org/wiki/Open_source
Free Software http://en.wikipedia.org/wiki/Free_software



Hard work: All hard work brings profit; but mere talk leads only To poverty.

Laziness: the water current carries a sleeping lobster away.

Earnings: Never depend on a single source of income.

Spending: If you buy things you don't need, you'll soon sell things you need.

Savings: Do not save what is left after spending; spend what is left after saving.

Borrowings: The borrower becomes the lender's slave.

Accounting: It's no use carrying an umbrella, if your shoes are leaking.

Auditing: Beware of little expenses; a small leak can sink a large ship.

Risk-taking: Never test the depth of the river with both feet.

Investment: Don't put all your eggs in one basket.

- Warren Buffet -



Customs

Notifications/Circulars

Procedures with regard to pre audit and disposal of customs duty refund application is clarified.

Customs Circular No.22/2008-Cus, dt.19/12/2008

Case Laws

Enhancement of the Transaction Value based on quotations not justified.

Chirag Enterprises Vs. CC (2008 (232) ELT 730)

Imports from two different countries of varying quantities are not comparable - *CC Vs. Hazel Mercantile Ltd. (2009 (233) ELT 236)*

Technical know how fee is not includible in the transaction value of imported goods - *3M Electro & Communication India (P) Ltd. Vs. CC (2009 (233) ELT 267)*

Customs authorities lack jurisdiction to take action on non-realization of export sales proceeds - Only RBI & Enforcement Directorate are having jurisdiction.

Bank of Nova Scotia Vs. CC (2009 (233) ELT 260)

Demand can be raised without challenging the assessment order U/S 129D of Customs Act, 1962. A demand based on a denial of exemption is not sustainable under the extended limitation period of five years - *Motorola India Pvt. Ltd.,Vs. CC (2009 (90) RLT 62)*

Foreign Trade Policy (FTP)

India and ASEAN to sign AFTA during 14th ASEAN Summit scheduled to be held in Thailand from February 27th to March 1st, 2009.

Release of funds

The Central Government has released a sum of Rs. 600 crore to the regional offices of DGFT for payment of pending claims of terminal excise duties and duty drawback towards deemed exports. The Government has also released Rs. 200 crores to the Development Commissioners of the SEZ for payment of pending claims of

CST in respect of supplies made to 100% EOUs.

(Press Information Bureau, Press Release, dated 05/01/2009)

Notifications/Circulars

The import of toys from China prohibited for 6 months

(M C & I Notification No. 82 / (RE-2008) / 2004-2009 dated 23/01/2009)

Central Government has amended the import licensing requirement for automobiles - *(M C & I Notification No. 74 / (RE-2008) / 004-2009 dated 30/12/2008)*

Computation of entitlement for the purpose of export remission schemes - would be based on the FOB value of exports made by the applicant inclusive of discounts and commissions - *(DGFT Circular No. 51 (RE-2008)/ 2004- 09 dated 06/01/2009)*

DEPB would continue to be operative till 31/12/09 - *DGFT Public Notice No.125 (RE-2008)/2004-09 dt 03/01/2009*

Case Law

Ceiling limit of 5% on EOUs : Ceiling limit of 5% imposed with regard to clearance of rejects by a unit under the 100% EOU into the DTA is to be calculated based on the total production of the unit and not on the basis of individual products cleared by the unit - *CC Vs. Parasrampur International Ltd. (2008 (89) RLT 695)*

CENVAT

Notifications/Circulars

No CENVAT credit is required to be reversed without payment of duty to a developer of SEZ

(Notification No 50/2008- CE dated 31.12.2008)

No additional & Special Excise Duties on petrol & HSD to be paid by SEZ units - on goods exported from SEZ units and if paid would be available as rebate under Rule 18 of CE Rules, 2002.

(Circular No 881/11/2009 - CX dated 7.1.2009)

Case Law

Slitting, winding and packing of plastic films do not form manufacture under excise law - *CCE. Vs. Crown Tapes Pvt. Ltd. [2009 (233) ELT 357]*

Waste and scrap arising out of dismantling of capital goods cannot be construed as manufacturing process.

CCE Vs. Grasim Industries [2009 (233) ELT 412]

Valuation

Software in media is a separate excisable product & it has to be valued & charged accordingly.

ITI Ltd. Vs. CCE [2009 (233) ELT 277]

CENVAT Credit of the duty paid on furnace oil for generating electricity is admissible - *Reliance Industries Ltd. Vs. CCE [2008 (232) ELT 751]*

Others

No interest is payable in respect of erroneous availment of credits.

CCE Vs. Ashima Dyecat Ltd. [2008 (232) ELT 735]

No remission of duty is admissible on the goods stolen from the factory - *Gupta Metal Sheets Vs. CCE (2008 (232) ELT 796)*

Service Tax

Notifications & Circulars

No ST on activities carried out by the builder/seller of property.

(Circular No.108/02/2009 dated 29.01.2009)

Credits can be utilized by the taxpayer for payment of excise duties, service taxes.

(Circular F.No.137/72/2008-CX.4 dated 21.11.2008)

Case Law: Grant of an exclusive license is not chargeable to service tax.

Micrometric Grinding Technology Ltd. Vs. CCE [2009 (18) STT 43]

CENVAT credit of service tax paid on outward transportation is available on

ex factory removals - *Datafield India Pvt Ltd. Vs. CCE [2009-TIOL-33-MAD]*

ST not chargeable on free services provided during the warranty period. - *K P Automobiles Pvt Ltd Vs. CCE [2009-TIOL-88-DEL]*

TR-6 challan is a valid document for availing service tax credits in absence of any specified document.

CCE Vs. Essel Pro Pack Ltd. [2009 (18) STT 62]

Sales Tax

Supply of handsets together with SIM cards as part of a scheme amount to sale of goods.

Reliance Telecom Ltd. Vs. Commissioner of Commercial Tax [(2009) 19 VST 164 (MP)]

VAT - Karnataka - Procedures introduced to obtain C Forms and for submitting details of their utilization Prescribed: [Notification No KSA.CR.248/08-09 dated December 10, 2008]



A peek into the 'Secretarial Standards'

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Spectrum Space

ICSI has pioneered at the global level in introducing 'Secretarial Standards'(SS) that are supplementary to the Companies legislation. These standards are aimed at integration, harmonization and standardization of corporate secretarial practices. International Federation of Company Secretaries (IFCS), formed with the efforts of ICSI, decided to form an International Secretarial Standards Board, which will formulate international secretarial standards to spread good corporate governance discipline across national borders.

Though adherence by companies to these Secretarial Standards shall be recommendatory in nature, it is indeed a need of the hour to make these 'Standards' mandatory. We, as Company Secretaries, are the ones who are supposed to shoulder this responsibility for our organizations.

This article aims to provide you a peek into the Secretarial Standards released until now by ICSI.

SS-1 Meetings of the Board of Directors

The standard seeks to prescribe a set of principles for convening and conduct of Meetings of the Board of Directors and matters related thereto.

SS-2 General Meetings

The standard seeks to prescribe a set of principles for convening and conduct of General Meetings and matters related thereto.

SS-3 Dividend

The standard prescribes principles in relation to declaration and payment of Dividend and matters incidental thereto or connected therewith.

SS-4 Registers and Records

Some Registers & Records are not mandatory, some are required to be kept open for inspection by Directors, Members, etc. This Standard prescribes principles in relation to various registers & records including the maintenance and inspection thereof.

SS-5 Minutes

Minutes of meetings are vital record being conclusive evidence of happenings in a company. Therefore, minutes must contain a fair & correct summary of the discussions & decisions taken at the meeting. This Standard prescribes principles for maintaining, recording, signing, dating, inspecting & preserving minutes to ensure that the minutes record the true proceedings of the meetings and are accessible for future reference.

SS-6 Transmission of Shares and Debentures

This Standard lays down principles in relation to the documentation, verification of legal claimants in case of physically and electronically held shares as well as smooth functioning of the process. The Standard *inter alia* deals with situations where shares are singly or jointly held, nominee has been appointed, shareholder has died intestate, etc.

SS-7 Passing Resolutions By Circulation

It may not always be practicable to convene a meeting of the Board to discuss matters on which decisions are needed urgently. In such circumstances, passing of resolution by circulation can be resorted to. This Secretarial Standard seeks to lay down a set of principles for passing of resolutions by circulation.

SS-8 Affixing of Common Seal

Common seal is the signature of the company to any document on which it is affixed and binds the company for all obligations undertaken in the document. This Standard lays down principles for affixing the common seal.

SS-9 Forfeiture of Shares: This Standard lays down principles for forfeiture of both equity & preference shares due to non-payment of calls.

In today's fiercely growing economy and the ever-increasing need for good corporate governance, it would not be surprising to see many more Secretarial Standards being introduced and all of them being made mandatory. This ultimately means that the scope & role of Company Secretaries may increase manifold