

Select Bibliography - V.Raghavendra Prasad

Akhilesh R. Bhargave, "Regulating Listing", (2004) 49 SCL 134 (Magazine) - explains the new Listing Agreement issued by SEBI pursuant to a decision of the SAT holding that SEBI had no jurisdiction or authority to regulate compliance with the Listing Agreement.

Ambika Singh, "A Primer on Dividends," (2004) 56 SCL 75 (Magazine) - analyses the nuances of the provisions relating to the declaration and payment of dividend and the powers of the Board of Directors as opposed to the members in general meeting in the declaration of dividend - provisions with respect to payment of dividend and whether dividend can be paid in a form other than cash, in instalments, etc., are some of the issues highlighted in this article.

Ashok K. Saxena, "Straight Through Processing System", (2004) 56 SCL 106 (Magazine) - discusses various Circulars issued by SEBI, gives an insight as to how the STP System will operate, the messaging formats to be used, the eligibility criteria and the obligations and responsibilities of the STP Centralised Hub and the STP Service Providers, and other aspects of STP System - author hopes that the System will be made applicable to the whole of Indian Securities Market.

Avijan Dutta, "Brand Valuation", (2004) 49 SCL 1 (Magazine) - analyses in detail the concept of 'brand valuation' that has of late gained importance especially in the FSG market.

B.S. Madhusudhan, "Directors - Vacation of Office by Resignation", (2004) 55 SCL 17 (Magazine) - examines question whether resignation by a director suo motu will result in vacation of his office in the light of recent judgement of the Karnataka High Court which has clarified the issue and held that there was no bar on a director to resign at will and that resignation would take effect the moment it is communicated to the board of directors.

Dr. Gourav Vallabh, "No Increase in Interest Rates, Indication for Increase in Future - RBI Mid-term Review of Annual Policy Statement for the Year 2004-05", (2004) 56 SCL 42 (Magazine) - discusses the RBI Mid-term Review of annual policy statement 2004-05 and writes that the RBI has done well to manage market expectations, but at the same time in this half yearly review RBI asks the financial system to be ready for hike on interest rates because of external global environment.

Dr. T. Vidya Kumari, "Sporting Events No More Games of Fun and Frolic - They Mean Serious Business", (2004) 55 SCL 21 (Magazine) - delves deep into the question of intellectual property rights relating to sporting events and has focusses on the marketing strategies adopted in the form of ambush marketing - concludes that 'sporting events are no more games of fun and frolic, but they are looked upon as serious business enterprises', calling for a need for clear legislations with appropriate remedies to curb unfair practices.

Dr. P.T. Giridharan, "New Dimensions to the Audit of Corporate Governance", (2004) 49 SCL 51 (Magazine) - discusses in detail the revised clause 49 of the Listing Agreement which is the result of recommendations of various committees in the wake of the rapid strides in the 'philosophy and mantra of corporate governance' - concludes with the observation that 'the listing requirements have thrown many challenges and opportunities to the professionals, personnel in the company and the entity itself', and that 'one has to wait, watch and see how far the wisdom of corporates and professional prevails and whether the shareholders are really benefited.

Dr. K.R. Chandratre, "Legal and Business Writing - The plain English Guide for Legal and Business Writing-II", (2004) 49 SCL 47 (Magazine) - explains on the use of plain English for legal and business writing, on four specific aspects, viz., (i) use of complex words and phrases, (ii) impersonal references, (iii) verbosity and long winding phrases, and (iv) headings in the Court papers.

Dr. T. Vidya Kumari, "The Mouse that Rored", (2004) 49 SCL 139 Magazine - examines in detail important issues under the Patents law, which will be of interest particularly to companies engaged in medical research viz., (i) the patentability of higher life forms, (ii) the impact of patentability on the subject matter itself (the concerned animal), and (iii) the impact on the society at large, with the help of recent case decided by Canadian Supreme Court in which the question about patentability of 'transgenic animals' (a mouse in this case) was ultimately answered in the negative by that Supreme Court - concludes with a pertinent comment about the urgent need to overhaul the Patent System across the world and to 'mould the laws to make the patents serve mankind and benefit the society.'

G.D. Agrawal, " Failure to file Annual Return and Accounts - Whether a Continuing Offence", (2004) 55 SCL 7 Magazine - discusses case law to define as to what constitutes a 'continuing offence', and whether, the failure to file annual return and accounts by the company is a continuing offence.

Gautam Gandotra, "Arbitration and Conciliation Act, 1996 : Need for few amendments", (2004) 49 SCL 12 (Magazine) - pinpointed certain loopholes in sections 13 and 33 of the Arbitration and Conciliation Act, 1996 ('the Act') in matters relating to (i) challenge to the arbitrator at the threshold stage itself, and (ii) correction of an award when there is an apparent error of law. The author has suggested that, when compared to internationally accepted practices, these provisions require to be amended in the manner explained by him.

Gunjan Bhargava, "Destination India - India's Investment Potential vis-à-vis competitor economies", (2004) 49 SCL 109 (Magazine) -explains the various factors that contributed to India's attractiveness as a destination for foreign investment - compares India, to competitor economies like China, Malaysia, Argentina, Brazil Russian Federation and Thailand, based on the parameters of the comparison of (1) demographics, (2) economic indicators, (3) telecommunications and media, and (4) social indicators.

Jayant M. Thakur, "Important Amendments under the Proposed Bill to Amend Securities Contracts (Regulation) Act", (2004) 49 SCL 132 (Magazine) -discusses comprehensively the Bill which has been introduced in the Parliament to amend the Securities Contracts (Regulation) Act, 1956 to facilitate demutualisation of stock exchanges -commentes upon SEBI's powers to issue direction to stock exchanges, permission to stock exchanges to delist the shares of listed companies in certain circumstances, and the penal provisions which have been made more stringent.

Krishnayan Sen, " Enforcement of Foreign Awards Under the Arbitration and Conciliation Act, 1996", (2004) 55 SCL 31 Magazine - examines the issue of enforcement of foreign awards under the Arbitration and Conciliation Act, 1996 and explained all the relevant aspects, including the ambit of powers of the Arbitral Tribunals, the limitations on the enforcement of an arbitral award, the powers of the arbitration in this regard, and the powers of the Courts in enforcing and/ or refusing to enforce a foreign award.

Kunal Mehra, " Whether Internet Domain Names Are Subject to Legal Norms Applicable to Trade Marks", (2004) 56 SCL 95 (Magazine) - analyses the issue as to whether internet domain names can be given same protection as trade marks.

M. Krishnan, " Draft Companies Bill, 2004 -Application of Premium Received on Issue of Securities", (2004) 56 SCL 69 (Magazine) -comments on the provision of application of premium received on issue of securities under the draft Companies Bill, 2004 and suggests that the balance amount of the premium, after expending towards the purposes, as may be prescribed (corresponding to clauses (b) to (d) of section 78(2) should be compulsorily utilised towards issue of bonus shares to the existing shareholders on a proportionate basis and only the remaining amount or fractional portion may be allowed to be retained in the share premium account.

M. Krishnan, "Draft Companies Bill, 2004 - Right of Shareholders to Copies of Audited Balance Sheet", (2004) 56 SCL 92 (Magazine) - briefly writes the provision relating to right of shareholders to copies of audited balance sheet incorporated clause 55(1) of the Draft Companies Bill, 2004 -suggests that the Ministry of Company Affairs may thrash out this issue, before framing the final Bill.

Mahavir Lunawat, "Draft Companies Bill, 2004 -Proposed Company Law - 'As May Be Prescribed'" (2004) 56 SCL 46 (Magazine)- examines some legal aspects of delegated legislation and suggests ways to ensure circumscribed exercise of powers to the benefit of the interested parties including general public - suggests that the proposed clause 280 on "Power of Central Government to make rules' be amended to provide that before the issue of any rules by the Central Government, the draft proposal shall be made public, for a particular period (say 20 or 30 days), for comments/observations and after consideration of such comments/observations, the concerned rules shall be finalised and issued.

M. Krishnan, "Suggestion for Revising the Methodology for Charging the Investment and Advisory Fees by Asset Management Companies", (2004) 49 SCL 134 (Magazine) -analyses the methodology of calculating the investment and advisory fee chargeable by Asset Management Companies on Mutual Funds as per the SEBI (Mutual Funds) Regulations, 1996 with the help of a case study and opines that the fee should be linked to the yearly increase in the net assets, which includes annual profits.

N.R. Moorthy, "Concept Paper on Companies Bill, 2004 - An Overview", (2004) 55 SCL 56 (Magazine) - discusses the concept paper on Companies Bill, 2004.

N. Vijja Kumar, "Cheque bouncing cases -Jurisdiction and Powers of the Trial Magistrate", (2004) 49 SCL 27 (Magazine) - discusses in detail the provisions in the Negotiable Instruments Act, 1881, dealing with trial of offenders for dishonour of cheques issued by them and jurisdiction and powers of the trial Magistrate with the help of three crucial decisions rendered by the Supreme Court.

N. Vijja Kumar, " Credit Information Bureau of India Ltd. & Banking Secrecy Laws", (2004) 49 SCL 123 (Magazine) - discusses the setting up of the Credit Information Bureau of India Ltd. (CIBIL) for the purpose of providing credit information in respect of credit facilities enjoyed by a borrower from the financial services sector and the credit payment track record of the borrowers and examines the provisions relating to banking secrecy as mentioned under Reserve Bank of India Act, 1934.

Nahar S. Mehala, "Franchise business in India", (2004) 56 SCL 124 (Magazine) - discusses the laws affecting franchisee agreements and stresses upon the point that there is an urgent need to streamline the laws relating to franchise business and enact a comprehensive law.

Neetu Nathani, "Circulation of Shareholders' Resolution and Resolutions Proposed through Special Notice by a Shareholder - An Analysis of the Legal Position", (2004) 56 SCL 56 (Magazine) - analyses the legal position relating to the circulation of shareholders' resolution and resolutions proposed through special notice by a shareholder under the provisions of Companies Act, 1956.

Pawan Agarwal, "Corporate Governance - Is the Business of Business Only 'Business'?", (2004) 56 SCL 142 (Magazine) - comprehensively analyses the initiatives taken in other countries towards achieving good corporate governance and compares the position in India in the background of the new clause 49 of the Listing Agreement -suggests that corporate governance could no longer be restricted to a bundle of regulations, but should instead aim at adopting the five 'Ps' of ethical behaviour, viz.- purpose, pride, patience, persistence and perspective. In the opinion of the author, the time has come when the focus must be shifted from deregulation to self-regulation. Article shall be read.

P. Bhaskara Narayana, "Corporate Governance -A case for Self-Government", (2004) 49 SCL 116 (Magazine) - points out the importance of corporate governance in the background of recommendations of Naresh Chandra Committee.

Pawan Agarwal, "Can Arbitration Provide Expeditious and Efficacious Justice", (2004) 56 SCL 60 (Magazine) - discusses the advantages of settling disputes through arbitration and examines the proposal of fast-track arbitration in the Arbitration and Conciliation (Amendment) Bill, 2003.

Prithviraj Dutta, "Grounds for winding up of Companies by the Court - An analysis of section 433 of the Companies Act, 1956", (2004) 49 SCL 84 (Magazine) - elucidates the provisions in Section 433 of the Companies Act, 1956, dealing with compulsory winding up of companies under orders of Court in the light of English and Indian decided cases.

R. Kalidas, "Draft Companies Bill, 2004 - Selective Analysis of Some of the Proposals", (2004) 56 SCL 50 (Magazine) -critically examines the proposals in the new Bill and based.

S.K. Parida, "Dishonour of Cheques", (2004) 49 SCL 6 (Magazine) - explains the provisions of sections 138 to 142 of the Negotiable Instruments Act, 1881 relating to dishonour of cheques.

S. Venugopalan, "Law relating to Company Accounts", (2004) 49 SCL 20 (Magazine) -discusses provisions of law relating to maintenance of books of account and preparation/presentation of final accounts by companies, as laid down in various provisions of the Companies Act.

S. Venugopalan, " Audit Committee's New Role", (2004) 49 SCL 128 (Magazine) - summarizes the provisions relating to Audit Committee in a fairly chronological order, taking into account the amendments made to clause 49 of the Listing Agreement.

Shantimal Jain, " It is win-win for 'Cheque Holder', (2004) 56 SCL 116 (Magazine) - elucidates and examines certain core issues resolved by the Supreme Court, relating to presumption as to the existence of a subsisting and legally enforceable debt, successive presentation of cheque during the period of its validity, giving of notice by the cheque holder, receipt of notice by the drawer of the cheque, post-dated cheques, and position when the offender is a sick industrial company or a company under winding-up.

Shantimal Jain, " Offences & Prosecution - Section 630 of the Companies Act, 1956 - It is All Smooth Ride Now", (2004) 49 SCL 10 (Magazine) -focuses on Section 630 of the Companies Act, 1956 which provides for a summary procedure for retrieval of company property wrongfully withheld or possessed by any officer or employee of the company even after the cessation of his employment with that company due to death or otherwise - analyses this provision in all its aspects, with reference to certain cases decided by the Supreme Court which highlight the fact that this provision is a 'self contained statute' having an 'in-built and effective mechanism to take care of every contingency when an employee or officer refused to give back the service perquisites to the company on cessation of his employment.

Shrikant Kamath, " Credit Derivatives", (2004) 49 SCL 57 (Magazine) - explains the fairly recent concept of 'credit derivatives' which plays an important role for financial institutions in managing risks - elaborates on the main advantages of credit derivatives and tax benefits accruing from such derivatives.

Sudheendhra Putty, "Concept Paper on Company Law and the Profession of Company Secretaries," (2004) 56 SCL 134 (Magazine) - scans the Draft Companies Bill from the point of view of a Company Secretary underlining the areas of opportunity as well as the areas of concern - concludes that from the viewpoint of Company Secretaries, the Draft Bill annexed to the concept paper is welcome.

Seela Rai, "Harmonising Interest and Efficiency -A Study of Corporate Structure", (2004) 49 SCL 61 (Magazine) - analyses the various models of corporate structure in the light of prevalent theories, issues and interests involved.

Shrikant S. Kamath, "Securitisation", (2004) 49 SCL 125 (Magazine) - focuses the salient features of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 - exclusively discusses certain relevant definitions and the process of securitisation, advantages of securitisation, the accounting treatment, and the tax implications.

Subhrarag Mukherjee and Vatsal Arya, "Curbing the Menace of NPAs in the Indian Banking Sector - will the Securitisation Act be Effective", (2004) 55 SCL 39 (Magazine) - scans the provisions relating to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as the latest measure to curb this evil, and points out many flaws in the Act which need to be set right in order to make the Act function smoothly - highlights the judicial views on the said Act including the Supreme Court's judgement in Mardia Chemicals' case - suggests that, in the light of the criticisms made by the Supreme Court on certain provisions in the Act, the loopholes and inequalities in the said Act may be ironed out through appropriate legislative measures without tampering with the basic structure of the Act.

Vijay Kumar Gaba, "Investor Protection", (2004) 49 SCL 100 (Magazine) - elaborately discusses as to who is an investor, why he is to be protected and, how he is to be protected - examines the practices which adversely affect investors' interest and makes a comparative study of measures taken by U.S.A., U.K. Singapore, Canada, Australia and India.

Vijay Kumar Gaba, "Study of the Confidence of Market Participants' in Market Mechanism", (2004) 49 SCL 1 (Magazine) - focuses the need of the reform and revitalisation of Indian securities markets initiated during 1992 aimed at improving stock market performance by increasing liquidity and transparency, enhancing efficiency, and reducing trading costs and volatility - analyses the impact of reforms on the confidence level of various market participants.

V.L. Iyer, "Draft Companies Bill, 2004 - Provisions concerning meetings, powers of the Board and Related party transactions", (2004) 55 SCL 49 (Magazine) - explains the provisions from sections 72 to 81 of the Draft Companies Bill, 2004 which deal with the Board meetings, the Board's powers and restrictions on the same, the inter-corporate loans and statements, the interest of directors in the contracts or arrangements with the company and the maintenance of registers thereof.

Vivek Dhamankar & Sandeep Jain, "Concept of 'Debt' Appearing in the Recovery of Debts Due to Banks & Financial Institutions Act, 1993" (2004) 55 SCL 59 (Magazine) - explains the concept of 'debt' under Recovery of Debts Due to Banks and Financial Institutions Act, 1993 with particular emphasis on the distinction between 'debt' and 'loan' - also highlights the use of the term 'debt' instead of the term 'loan' in the Act.