

Select Bibliography

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1. Akhilesh R. Bhargava, "Segment Reporting", (2001) 33 SCL 110 - elucidates the phenomenon of 'segment reporting' and takes a look at its development in the USA, the UK and India, and gives a detailed account of Accounting Standard 17 titled 'segment reporting' issued by the Institute of Chartered Accountants of India.
2. Dr. T.P. Ghosh, "Bond Portfolio Management Understanding Bond Basics". (2001) 33 SCL 89 - deals with the basic and fundamental facts of bond yield and bond pricing in the bond portfolio management.
3. G.D. Agrawal, "Consumer Protection (Amendment) Bill, 2001: A Critical Appraisal", (2001) 33 SCL 64 - examines the proposed amendments introduced to the Consumers Protection Act, 1986 for protection of the rights and interests of consumers.
4. M.L. Bhakta, "Clause 41 of the Listing Agreement", (2001) 33 SCL 80 -expresses the opinion that clause 41 dealing with standardised agreement, which has been subjected to several amendments since its inception, is not happily worded and needs to be recast to be invested with greater coherence, and suggests a revised version of the clause for consideration by the authorities concerned.
5. N.R. Moorthy, "Consumer Protection (Amendment) Bill, 2001 - An Overview", (2001) 33 SCL 68 - sets out and discusses the major amendments proposed in the Consumer Protection (Amendment) Bill, 2001 tabled in the Rajya Sabha making far-reaching amendments in the Consumer Protection Act, 1986.
6. Pawan Agarwal, "Arbitration agreement -Some Important Legal Aspects ", (2001) 33 SCL 59 - explains what an arbitration agreement is and goes on to shed light on various legal aspects of such an agreement and points out that an agreement simply to avoid disputes is not an arbitration agreement and observes that while drafting such an agreement, due care should be taken of relevant legal requirements by obtaining expert legal advice at the initial stage itself.
7. R. Thangamani, "Appointment of Small Shareholders' Director", (2001) 33 SCL 75 - discusses the legal implications of the provisions newly introduced by the Companies (Amendment) Act, 2000 and highlights certain problems that are likely to arise therefrom. The proviso to section 252(1) of the Companies Act, 1956, newly introduced by the Companies (Amendment) Act, 2000, gives every public company having (i) a paid up capital of rupees five crore, and (ii) one thousand or more small shareholders, an option to appoint a small shareholders' director on its Board of Directors by election in the prescribed manner.
8. V.N. Venkatanathan, /P Srinivasan, "Postal Ballot Rules: Need for clarification on certain points" (2001) SCL 104 - examines critically rules related to Postal Ballot and points out certain gray areas therein which are likely to create confusion. Section 192A of the Companies Act, 1956 inserted therein by the Companies (Amendment) Act, 2000 provides

for passing of certain resolutions by postal ballot. This provision has been made keeping in view the fact that shareholders' attendance at the annual general meeting of a company is generally very poor. By enabling the shareholders to express their consent or dissent on certain resolutions through postal ballot, the cause of shareholders' democracy is sought to be promoted. The Government has also notified rules regarding the passing of resolutions by postal ballot.

9. S. Venugopalan, "New Disqualifications for Directors - A Study", (2001) SCL 119 - discusses the new provisions related to disqualifications for appointment of a person as a director as well as the duty of the auditor to report on them in terms of section 227(3) as amended by the Companies (Amendment) Act. Section 274(1) of the Companies Act, 1956 provides that the types of persons mentioned therein shall not be capable of being appointed as directors of a company. In other words, it lays down the disqualifications for appointment of a person as a director of a company. The Companies (Amendment) Act, 2000 has inserted a new clause (g) in section 274(1) which prescribes certain fresh disqualifications from the above-mentioned purpose. In this article, the author
10. K.B.V. Narayan, "Directors Appointed Under Sick Companies Act", (2001) 33 SCL 127 - examines the merits of the clarification vide circular No. 11/2001 dated 25.5.2001 issued by the Dept. of Companies Affairs to the effect that a director appointed under section 16(4) of the Sick Industrial Companies (Special Provisions) Act, 1985 (SICA) shall not be disqualified for appointment as director by virtue of section 274(1) (g) of the Companies Act, 1956.
11. P.M. Bakshi, "Letters of Intent and Joint Ventures", (2001), 33 SCL 130 -discusses the nature of letter of intents and its legal status and observes that if a letter of intent does not use words amounting to a legally binding agreement, then it cannot create a legal obligation as such.
12. R. Thangamani, "The Definition Imbroglio", (2001), 33 SCL 132 - analyses the newly amended definitions dealing with Private Company and some other provisions of the Companies Act, 1956, under microscopic critical examination and highlights the confusion generated or likely to be generated therefrom.
13. R.N. Bansal, "Companies (Amendment) Bill", (2001) 33 SCL 139 - gives a brief account of the salient features of the Companies (Amendment) Bill, 2001, which was introduced in the Lok Sabha on August 31, 2001, and focuses on the powers and functions of the National Company Law Tribunal, which will replace its existing Company Law Board, and on the National company Law Appellate Tribunal proposed to be set up under the Bill.
14. N.R. Moorthy, "The Dilemma of Deemed Defunct Companies", (2001) 34 SCL 137 - examines the problems that are going to crop up in the wake of introduction of new Section 3(i)(iii) to the Companies Act, 1956. Under section 3(1)(iii) of the Companies Act, 1956 as amended by the Companies (Amendment) Act, 2000.
15. Dharini Mathur, "Corporate Reconstruction: Definition and Positioning", (2001), 34 SCL 139 -explains the phenomenon of corporate reconstruction as permissible under the relevant provisions of the Companies Act, 1956 and brings out the distinction between various modes

of reconstruction such as arrangement or compromise, amalgamation, merger, etc. and also brings up for discussion various tax issues that generally arise in cases of corporate reconstruction and amalgamation, etc

16. Sanjiv Agarwal, "Red-herring Prospectus and information memorandum" , (2001) 34 SCL 28 - examines the new legal provisions of Section 60B of the Companies Act and the relevant SEBI guidelines and explains the detailed steps involved in the process of book building.
17. Mrs. R. Thangamani, " Registered Office and its Significance", (2001) 34 SCL 37 - presents a detailed account of matters pertaining to the registered office of a company and highlights the procedural and other legal requirements connected therewith. Under Section 146(1) of the Companies Act, 1956, every company has to have a registered office to which all notices and communications are to be addressed.
18. Prakash Pandya, " Highlights of the recommendations of the report of Sabanayagam Committee on Nidhis", (2001) 34 SCL 45 - gives the highlights of the recommendations of the Sabanayagam Committee as well as the notifications in question. The Sabanayagam Committee entrusted with the task of examining various aspects of the functioning of Nidhi companies, has submitted its report and the Department of Company Affairs has issued two notifications based on those recommendations.
19. Bhakta Batsal Patnaik, "Evolution of software, its protection as intellectual property and changing labour relationships", (2001) 34 SCL 57 - discusses the evolutionary changes brought about in the nature of software over the years and the consequential change in the nature of protection to be accorded to it.
20. Sachin Vasudeva, "Transfer pricing", (2001) 34 SCL 67 - examines the issues arising out of section 92 of the Income-tax Act, 1961 as introduced by the Finance Act, 2001 with effect from April 1, 2002, which says that 'any income arising from an international transaction shall be computed having regard to the arm's length price'.
21. Vivek Sadhale, : ESOP and FEMA", (2001) 34 SCL 73 - examines the salient features of Employee Stock Option Plan (ESOPs) allowed under the FEMA.
22. Ragesh Relan, "Financial Companies Regulation Bill, 2000 : An overview", (2001) 34 SCL 77 - summaries some of the salient features of the Financial Companies Regulation Bill, 2000 highlighting the differences between them and the older (existing) provisions.
23. S. Venugopalan, "Appointment and role of nominee director", (2001) 34 SCL 83 - brings out the legal position in regard to the appointment and other important matters connected with nominee directors and highlights their rights and obligations insofar as these differ from those of ordinary directors.
24. Ankur Jain, "Securitisation in India : The task ahead", (2001) 34 SCL 89 - explains the concept of Securitisation and also highlights the salient features of the legal environment necessary to nurture this novel form of financial transaction - also notes that the Government of India is said to be engaged in preparing a comprehensive Bill which envisages empowering the SEBI to regulate the Securitisation market.

25. G.D. Agrawal. "Law on postal ballot and corporate democracy", (2001) 34 SCL 97 - examines the new statutory provisions as well as the rules framed thereunder and points out several aspects thereof which, in his opinion, need to be further amended to achieve the desired goal of enhanced shareholders' democracy and better corporate governance.
26. R. Kalidas, "Exercise of shareholders' rights - A case for adopting stringent procedural measures", 34 SCL 107 - critically evaluates the provisions relating to the rights of the shareholders' under the Companies Act, 1956.
27. C.S. Balasubramaniam, "Management control systems in development finance institutions - Recent development and issues", (2001) 34 SCL 110 - focuses his attention on the recent development in the management control systems of DFIs necessitated by these unprecedented changes.
28. Sheela Rai, "Role of management in take-overs", (2001) 34 SCL 116 - presents a brief discussion of the academic and theoretical aspects of corporate takeover and then casts a fleeting glance over the corresponding regulatory mechanism in operation in the US, the UK and India. With the winds of liberalisation and globalisation blowing fast all over the world, the phenomenon of corporate takeover is also gaining speed and Governments of various States have, of necessity, to devise appropriate legal mechanism to regulate this phenomenon so as to turn it to their best advantage.
29. G.D. Agarwal, "Proposed Competition Law Disadvantageous for Growth of Domestic Corporate Entities", (2001) 34 SCL 121 - makes a critical examination of the main features of the Competition Bill and assails some of its proposed provisions on the ground that they will harm the development of Indian economy by restricting the size-wise growth of Indian entities and singles out clauses 5, 6, 220, 29, 30 and 31 of the Bill dealing with combinations (mergers/amalgamation, etc.) and pleads that these should be omitted as they will curb the growth of domestic entities and put them in a disadvantageous position vis-à-vis foreign enterprises, especially MNCs which enjoy the advantage of size, being far larger than Indian corporate - the Competition Bill, based on the recommendations of the SVS Raghvan Committee, was introduced in the Lok Sabha on August 6, 2001 replaces the Monopolies and Restrictive Trade Practices Act, 1969 and ensure a healthy competitive environment for the growth of Indian economy.
30. Ms. Manisha Agarwal, "Companies Act, 1956 : Measures for Improving Level of Compliance", (2001) 34 SCL 125 - examines and stresses the need for taking urgent steps to improve the level of compliance of various companies in order to ensure the development of a healthy capital market in the country.

A legal right is nothing but a permission to exercise certain natural powers, and upon certain conditions to obtain protection, restitution, or compensation by the aid of the public force. Just so far as the aid of the public force is given a man, he has a legal right, and this right is the same whether his claim is founded in righteousness or iniquity.

— HOLMES, Oliver Wendell, *The Common Law* (Boston : Little, Brown, and Company, 1881), p. 214

The “problem” of the quality of legal services is not a problem but a symptom. It’s time to be skeptical about the capacity of law and lawyers to bear all kinds of responsibility.

— AYER, John D., “Do Lawyers Do More Harm than Good?”
Vol. 65 American Bar Association Journal (July, 1979), p. 1053