

# OFFSHORE ACCOUNTING AND TAXATION SERVICES PVT. LTD. (OATS)

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## Monthly Newsletter

*October 2010*

[www.oats.co.in](http://www.oats.co.in)

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# Recent changes in Corporate Law

□ The Parliamentary Standing Committee on finance had placed their Report on the Companies Bill, 2009 before the Lok Sabha on 31<sup>st</sup> August 2010. Highlights of the recommendations are –

- Compulsory appointment of Key Managerial Person (KMP) after certain threshold limit.
- Secretarial Audit Report for companies having paid up capital of Rs. 50 million or more.
- Role and the functions of Company Secretary defined under the Act.
- Secretarial Standards being recognized.
- Certain provisions regarding Corporate Social Responsibility – like contribution to CSR Fund based upon net profits.

The amended act is yet to be passed by the Parliament.

□ The consolidated guidelines as of 30<sup>th</sup> September 2010, in respect of Foreign Direct Investment (FDI) has been uploaded on the site

[www.dipp.nic.in](http://www.dipp.nic.in).

# Introduction to some Labour Laws

First article in a new series of occasional articles by Adv. Murtaza Chherawala

## **BOMBAY SHOPS & ESTABLISHMENT ACT, 1948**

Introduction: Legislation to regulate the conditions of work in shops and commercial establishments has been in force in the State of Maharashtra.

Object: To regulate the working hours and holidays of the shops and establishments.

Applicability: It applies to commercial establishments, residential hotels, restaurants, eating houses, theatres, clubs, other places of public amusement or entertainment and other establishments which fall within Municipal and Local Authorities limits.

Obligations under the Act: The Act has prescribed Maintenance of registers and records, exemptions in certain areas, categories etc., weekly holidays, spread over of duties and discipline to the employees.

### Important Provisions:

- An employee in a shop or commercial establishment cannot be required or allowed to work for more than 9 hours in a day or 48 hours in a week.
- Every shop or commercial establishment must remain closed on one day of the week and no deduction can be made from the wages of an employee in a shop or commercial establishment on account of any day on which it has remained so closed.
- The Act also provides for restrictions of working hours, Over time Benefits, Leave Benefits etc.

Penalties for Non-compliance: Contravention of certain provisions of Law, penalties for obstructions to the Inspector, non-compliance, etc. leading to the prosecution are provided under the Act.

# Performance & Competency Management System

-Nirmal Mukhopadhyay, InfoTrust

## Typical Issues of PCMS

- Lack of transparency
- Significant time spent on process and analysis
- Standardize Role/ goal templates not used
- Short projects – difficult to keep track
- Duplication of data with other systems
- PCMS is a ritual – forgotten after the process is over

**InfoTrust PCMS suite offers comprehensive solution that extends beyond performance appraisal process**

## Benefits of PCMS

- Linking Organization goal to individual performance
- Reduced overall time of appraisal
- Maintains data integrity - no use of spreadsheet
- Instant analysis of appraisal data
- Minimized grievance
- Differentiate star performer
- Effective process management
- Performance history of employees

## Key Differentiators

- Automated normalization and compensation analysis
- Automated escalation process for appraisal
- Automated triggering of appraisal based on user defined events
- Promotion/ demotion recommendation
- Probationary appraisal process
- Performance pay distribution
- Dash boards, triggers, exception reports at all levels
- Integration with any HRMS package and offline form technology

## Case Studies

- Global Engineering Company for Services Centre in Bangalore
- Listed Information Technology services company for worldwide operations

## More Info & Contact

- Website: [www.infotrustservices.com](http://www.infotrustservices.com)
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