



for facilitating the promotion & development & enhancing the competitiveness of MSMED

ENTERPRISE	Investment in plant & machinery in case of enterprise engaged in manufacture / production of goods pertaining to Industries specified in Sch-I	Investment in plant & machinery in case of enterprise engaged in providing / rendering service	Mandatory filing of IEM certification
MICRO	UPTO Rs. 25 lakhs	UPTO Rs. 10 lakhs	NO
SMALL	25 lakhs to 5 crores	10 lakhs to 2 crores	NO
MEDIUM	5 crores to 10 crores	2 crores to 5 crores	YES

***NOTE:** The enterprise may be proprietorship, HUF, AoP, Partnership, Cooperative society, undertaking or any other legal entity.*

Small scale unit registered at its discretion and industry in first schedule where investment in plant & machinery MORE THAN 1 crore and LESS THAN 10 crores SHALL file IEM.

National Board for MSME by Central government u/s. Sec 3

- Programme for promotion, development of Micro and Small Enterprises for enhancing the competitiveness.
- Procurement preference policy
- Established fund amount for grant towards development of Micro and Small Enterprises.

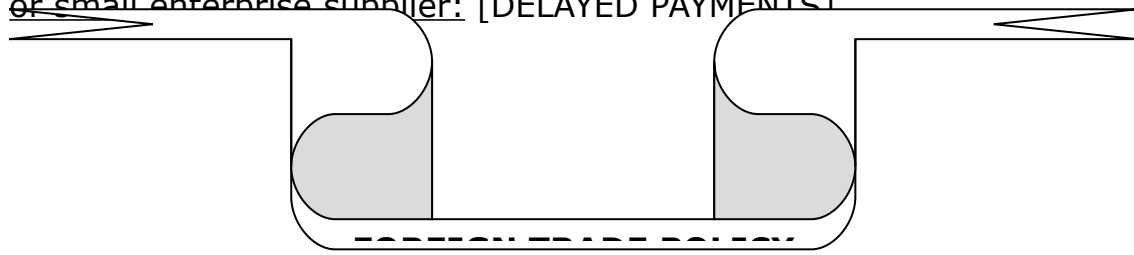
CALCULATION OF VALUE OF PLANT & MACHINERY:

Second Hand Machinery to be valued at the price of New Machinery.

EXCLUDE – cost of pollution control, research, industrial safety devices, cost of toolings, erection & commissioning charges, electrical installations, etc...



Time frame - when payment shall be made by the BUYER to Micro or small enterprise supplier: [DELAYED PAYMENTS]



By Director General of Foreign Trade (DGFT)
Under Ministry of Commerce
Using the powers given under
Foreign Trade (Development & Regulation) Act, 1992 [FTDR]

FTP 'OVERRIDES' Handbook of Procedures (Hp) issued by DGFT as decided in Narendra Udeshi v. UoI.

CONTENTS:

VOLUME Basics of Policy

1

VOLUME Procedural Aspects of Policy [Hp Volume 1]

2

VOLUME SION [Standard Input Output Norms] of Products [Hp
3 Volume 2]

VOLUME ITC (HSN) → Items under Import & Export policy; the
4 codification of items, an International Trade Classification
[ITC] with Harmonised System of Numbering [HSN]

VOLUME Handbook of DEPB [Duty Entitlement PassBook scheme]
5 Rates

Administration

1. Issue of licenses by DGFT → Licensing Committee / Regional Authority;
2. Procedures as per Hp;
3. Interpretation & Classification of DGFT → FINAL & BINDING;
4. DGFT license / clarification OVERRIDES Customs Authorities.

FTP is classified as four here,

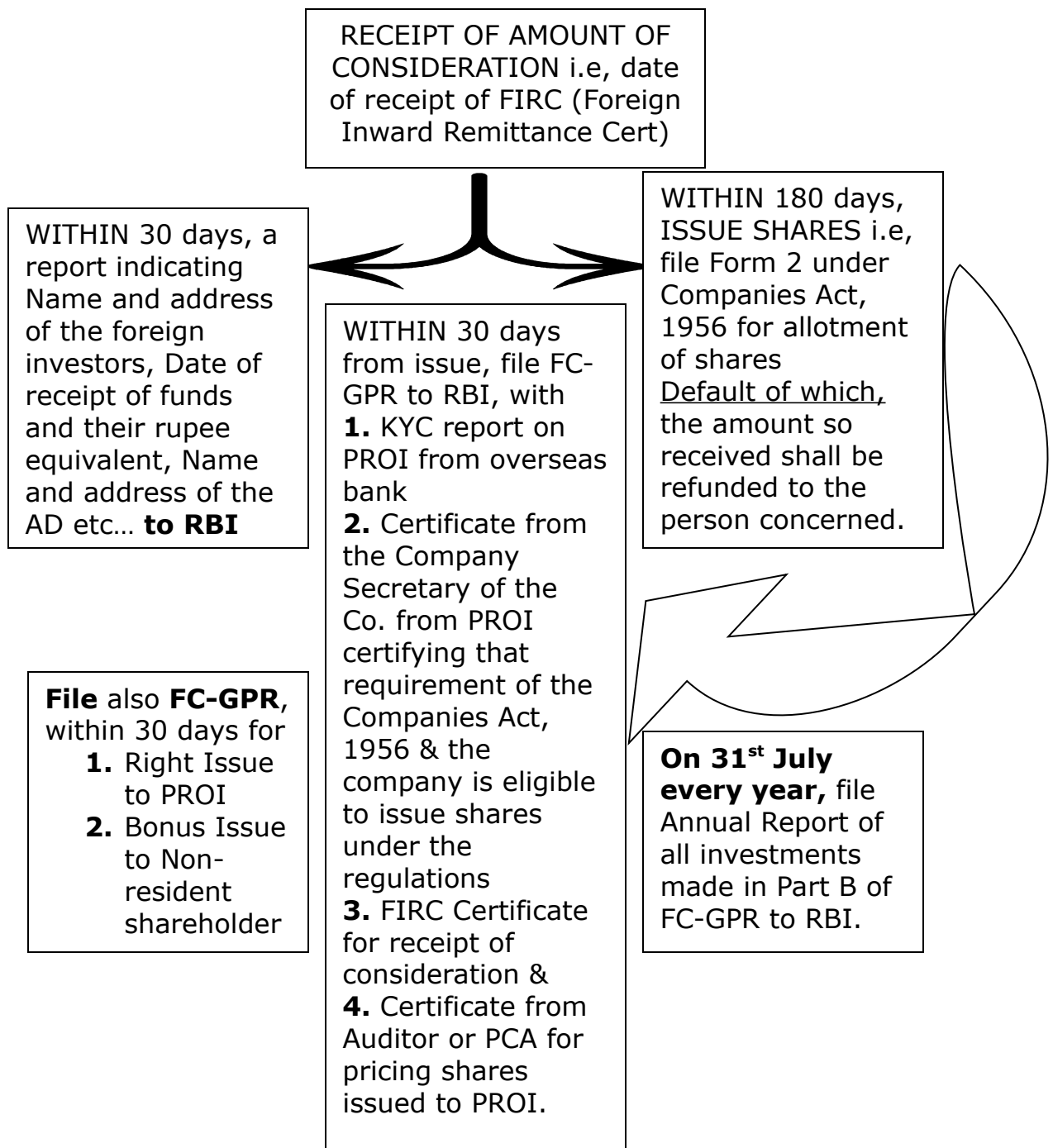
1. Import of Goods
2. Restriction on Exports
3. Star Export Houses or Status Holders
4. Promotional Measures for Export

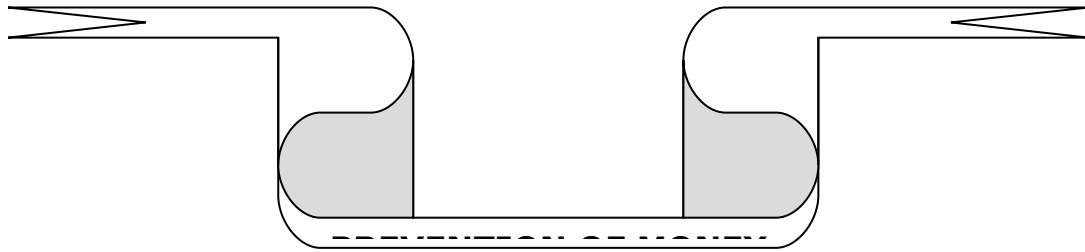




Report by the Indian Company

An Indian company issuing shares or convertible debentures to PROI shall submit to RBI,





an act to implement the United Nations Resolution

MONEY LAUNDERING (ML) = converting **TAINTED MONEY** (dirty money) INTO **UN-TAINTED MONEY** (clean money).

What is it all about ?

- whosoever directly / indirectly attempts to
- indulge / knowingly assist or knowingly is a party
- **OR** is actually involved in any process / activity connected with the proceeds of crime
- **AND** projecting it as UN-TAINTED PROPERTY
- **SHALL** be guilty of offence of Money Laundering.

It is the processing of criminal proceeds to disguise its illegal origin from activities such as terrorism, illegal arms sales, bribery, embezzlement, insider trading etc...

Process

Series of conversion and movement of funds to distance them from source through wiring the same to several Bank A/c.'s or purchasing / selling various financial instruments.

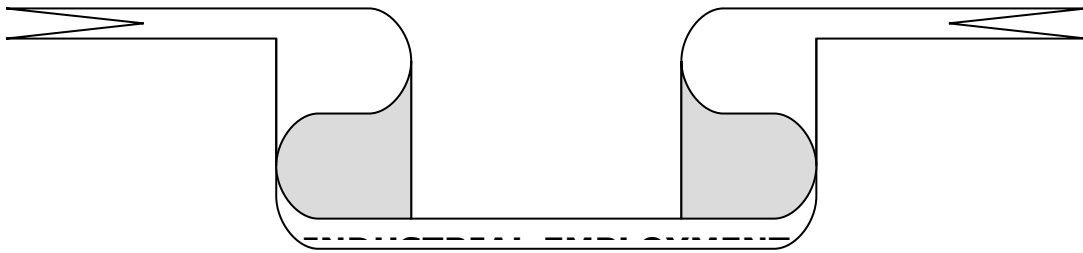
Placement →	Layering →	Integrating
(of hot money in financial system)	(concealing source through series of financial transactions)	(of hot money with Legitimate money)

Step 1: Placement – Launderer introduces illegal profits into financial system by breaking up large amounts of cash into lesser conspicuous sums deposited into banks or are used to purchase financial instruments.

Step 2: Layering – Series of conversion movement of funds to distance them from the source through wiring the same to several bank accounts or by purchasing / selling of various financial instruments.

Step 3: Integrating – Launderer might choose to invest in real estate market, business ventures etc...





to ameliorate industrial relations

service conditions or service rules; defining conditions of employment

Standing Orders – Statutorily imposed conditions of service binding on employer & employee, set out in the Schedule and rules related to the matter.

Rules of Conduct – as per Schedule to the Act, which covers,

Classification of Workman		Manner of intimation of timing
Holidays	Attendance Rules	Leave Eligibility – Rules & Condns
Termination, Suspension, Dismissal, et al for misconduct		

☑ **Applicability** – 'Industrial Establishment' employing 100 or more workmen on any day during last 12 months, as per Industrial Disputes Act; Workmen INCLUDES skilled / unskilled / manual / clerical; DOES NOT INCLUDE managerial / administrative / supervisory capacity or Army / Navy / Air Force.

Note: Appropriate Government on 2 or more months notice & Notification include industrial establishment employing less than 100 workman.

'Industrial Establishment' – as per Payment of Wages Act; Factory as per Factories Act; Railway under Railways Act; establishment of Contractor.

Fairness and reasonableness of standing orders [Sec 4]

It is the duty of the certifying officer or appellate authority to adjudicate upon the fairness or the reasonableness of the standing order [Air gases Mazdoor Sangh, Varanasi v. Indian Air gases Ltd.].

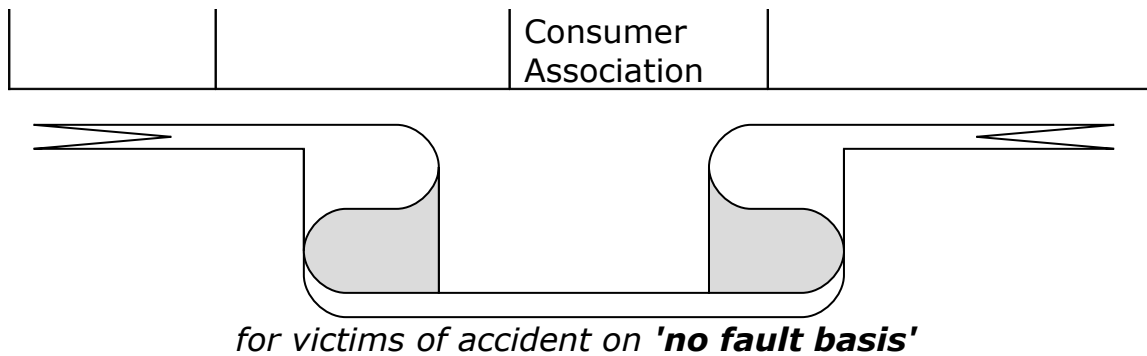


Approval of Standing Order WITHIN 6 months; Model Standing Orders will **automatically** apply, till the approval & certification of Standing Order.



CONCEPT	COMPETITION	MRTP	CONSUMER	
ACT	Competition Act, 2002	The Monopolies and Restrictive Trade Practices Act, 1969	Consumer Protection Act, 1986	
Authority	Competition Commission of India (CCI) ➤ CCI orders appealable to Competition Appellate Tribunal (CAT) & ➤ CAT orders appealable to Supreme Court (SC) WITHIN 60 days.	Monopolies Restrictive Trade Practices Commission [MRTPC] ➤ MRTPC orders appealable to Supreme Court WITHIN 30 days.	Forum / Commission	Value / Compensation
			District	Below 20 lakhs
			State	20 lakhs to 1 crore
			National	Beyond 1 crore
Acts on...	➤ Its own (suo motto); ➤ Reference by CG / SG / DG; ➤ Information by person, consumer, Consumer / Trade Association	➤ Its own (suo motto); ➤ Reference by CG/SG/DG; ➤ Complaint by Trade association / registered	➤ Reference by CG / SG / DG; ➤ Complaint by Consumer Association	





It mandates Compulsory Insurance by Owner of Factory; Public Sector Undertakings will be exempt, if Special Fund set up with Government of India having similar benefits.

In addition to employer's liability and penalties under the Act, etc..., it provides,

- 1) Insurance for Max Rs. 37,500, including Medical expenses of Rs. 12,500 in case of death & total disablement.
- 2) Rs. 6000 to III-party and Rs. 1000 per month for 3 months, in case of partial disablement & Medical expenses of Rs. 12,500/-

Penalty – Imprisonment UPTO 6 years; Fine UPTO Rs. 1 lakh; or BOTH.

Sec 3 → principle of liability without fault and imposes on the owner liability give relief in case of death or injury to person or damage to property resulting from an accident occurring while handling any hazardous substance.

Sec 4 → own one or more insurance policy before handling hazardous substance, insuring against liability to give relief.

Amount of policy → Paid-up Capital of the Company LIMITED TO ceiling of Rs.50 crores.

Sec 5 → Collector verifies any accident within any jurisdiction, the occurrence of such accidents and cause publicity

- inviting application claiming for relief
- Application can be made by property owner or authorized representative
- In case of death legal heirs of the injured.

Sec 7 → Inquiry – opportunity of being heard – 'award' determining the amount to Collector – insurer deposit within 30 days of award to Collector, who pays relief to claimants out of relief fund.



U.P Pollution Control Board vs Modi Distillery – Chairman, Board, Management liable – not open to seek courts assistance to derive advantage from the lapse committed by their own industrial unit.

On provisional registration, [™] can be used & on final registration ® can be used alongside.



[Sec 14] *Copyright to mean right to reproduce, for distribution*

Copyright is only in EXPRESSION OF IDEA, NOT in idea;
Copyright = beneficial interest in movable property.

'COPYRIGHT – the FIRST OWNER' one who showcases the talent.

- » **Proprietor** of Newspaper / Magazine, if author is the employee;
- » The **Person** @ whose instance, a photo / painting / speech is done;
- » **Employer**, if its in the course of employment;
- » **Government**, in case of Government Work.

Owner of copyright in any existing / future work can grant any interest in the right by license in writing by him / duly authorized agent. If licensee dies, legal representative has right till expiry.

RIGHTS OF COPYRIGHT OWNER

Sec 14 → Copyright means EXCLUSIVE right to do OR authorize to do following acts in respect of a work. Copyright subsists in,

- » original literary, dramatic, musical & artistic work;
 - » cinematograph films;
 - » sound recording.
- (a) Reproducing in electronic form/material form.
 - (b) Issuing copies to public.
 - (c) Performing / communicating the work in public.
 - (d) Making cinematograph / sound recording in respect of the work.
 - (e) Making translation or adaptation of the work.
 - (f) To sell / give on commercial rent any copy of complete program or cinematograph film or sound recording.
 - (g) Making copy of film including photograph of any image or making any other sound record embodying it.



