



Gujarat National Law University

# GUJARAT NATIONAL LAW UNIVERSITY



ANNUAL RESEARCH REPORT 2013-2014



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## Message from Director

Gujarat National Law University ([www.gnl.u.ac.in](http://www.gnl.u.ac.in)) is steadily consolidating its law and interdisciplinary research base. The University's vision and mission has received significant boost in the last two years. Several premier international and national organisations have made generous funding contribution through establishing fellowship or research associate chairs. The illustrative list of such endowment agencies is growing as well. Current endowments include Microsoft India (Intellectual Property Rights), Gujarat Council on Science and Technology (Intellectual Property Rights), Oil and Natural Gas Corporation (International Contracts), Gujarat Urja Vikas Nigam Limited (Energy Law), Khaitan & Co. (Mergers and Acquisitions), Cube Construction Engineering Limited (Real Estate), Satlaj Jal Vidyut Nigam Limited (Environmental Law), Ministry of Social Welfare and Labour (Manual Scavenging). In addition to these, the Ministry of Earth Sciences and the National Commission for Protection of Child Rights awarded major research project which enabled the University to bring on board several researchers for a varied duration.

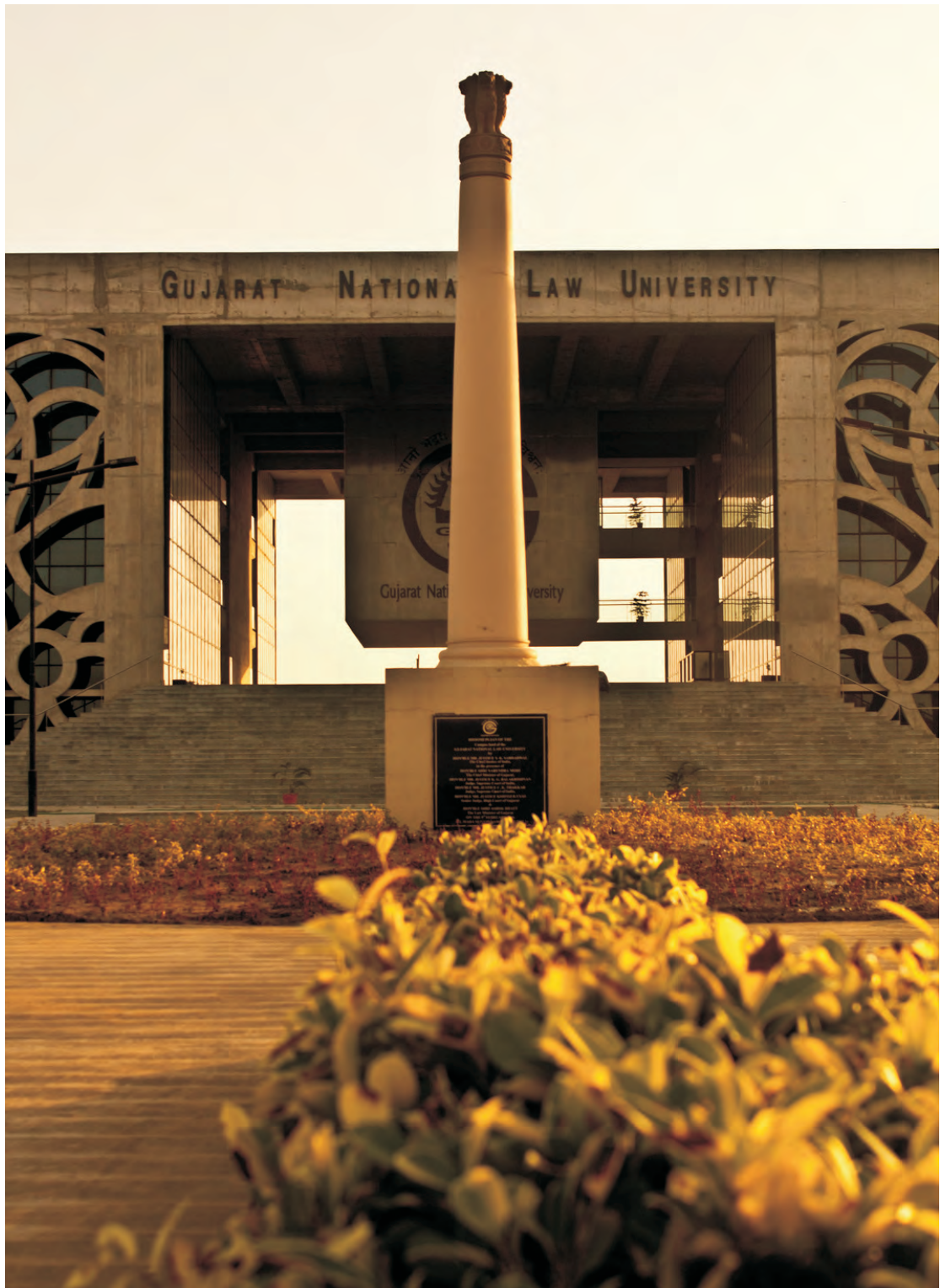


The Chairs provide a forum for discussion and study of a particular area of law and other fields, to provide legal research and advise to government on various conventions and facilitate in establishing monitoring mechanisms, helping in establishing mechanisms, reviewing national and international laws, etc.; to promote teaching and research on a specific area; to organize workshops, training seminars for the endowment agency, members of the judiciary, commercial enterprises, etc. ; to publish policy-papers, reports for the endowment agency and articles and carry out surveys on cutting-edge issues, and to provide high quality legal research and study materials, including policy papers on a pro bono or sponsorship basis.

Researchers appointed under these chairs have initiated making contribution to the realisation of the aims through teaching, research, extension and training programs and activities while working at the GNLU Research Department. I command their efforts, energy and contribution as their efforts bring us closer to the issues and challenges faced by the institutions of economy, law-making, executive governance, judiciary and the civil society at large. Together with these specialised research programs and strong research focus in teaching, GNLU is emerging as the **Research-based Teaching University (RbTU)**.

**GNLU invites you to read and review the 2013-14 GNLU Research Fellowship Report and encourages you to suggest newer and better means and mechanisms for proactive academic partnership. We take this opportunity to thank our endowment agencies for their trusted partnership with us in a collective pursuit of research, training and extension excellence.**

**Professor (Dr.) Bimal N. Patel**  
**Director and Professor of Public International Law**  
**GNLU**



## About GNLU

Established in the year 2003 as a statutory University by the Government of Gujarat, Gujarat National Law University (GNLU), is one of the premier National Law Universities in India and recognized by the Bar Council of India, and the University Grants Commission, New Delhi. The University aims to advance and disseminate learning and knowledge of the law and legal processes and inculcate among the students, research scholarship, legal analytical skills, and legal reasoning and a sense of responsibility, rectitude and justice to enable them to serve the society in myriad roles as legal practitioners, researchers, reformers and policy makers, and other similar roles; to make law as an instrument of social change and development; and to undertake the inter-disciplinary study of the law in relation to management, technology, and development.

GNLU as a nodal agency, is empowered to enhance the standards of legal education, training and extension for 32 law colleges in the state of Gujarat, catering to nearly 12,000 students every year.

GNLU offers interdisciplinary legal courses in five faculties namely, B.A., LL.B., B.Com., LL.B., B.Sc., LL.B., B.S.W., LL.B., B.B.A., LL.B. and LL.M. as well as doctoral programmes in law and inter-disciplinary fields and foreign law and languages programmes.

Over a period of time since its inception, the University has established itself as a leading National Law University in the country, with its intensive focus on research-based activities and teaching through the establishment of specialized centres, extension and training programmes, national and international conferences, student exchange programmes, and guest lectures. For its exemplary efforts in the promotion of legal education, UGC has recognized GNLU as a model legal university in terms of access, equity, relevance, and high standards in 2011.

GNLU has MoUs, or active research/academic partnerships and collaboration at international, national and state levels which includes MoUs with the University of Copenhagen, University of Cologne, Germany, Osaka University, The Hague University of Applied Sciences, The United Nations Institute for Training and Research (UNITAR, Geneva), World Trade Institute (WTI, Berne), University of Malaya (Kuala Lumpur), University of Barcelona (Spain) and Gujarat Forensic Science University.

GNLU has received endowments from Ministry of Earth Sciences, Government of India, Oil and Natural Gas Corporation Ltd., Microsoft India, Khaitan and Co., Gujarat Urja Vikas Nigam Ltd., Cube Constructions Engineering Ltd., Gujarat Safai Kamdar Deployment Corporation and Gujarat Council on Science and Technology. These bodies have provided their co-operation in establishing various fellowship programmes, to carry out various research projects.

## About The Department of Research

In furtherance of GNLU's initiative to excel as a research-based University, the Department of Research has taken-up a plethora of research activities, with the aim to promote an inclination and aptitude for research amongst the students and the faculty alike. The department further aims to consistently develop research strategies to deliver high quality research; to keep the members of the faculty and the students updated about the contemporary areas of the law, and to develop interdisciplinary activities with other departments of GNLU, and to manage the activities of the various research associates and fellows at the University.

Presently, the Research Council consists of the following members:

1. **Professor (Dr.) Ranita Nagar**  
Professor for Economics and Dean, Department of Research,  
as the Chair of the Department
2. **Professor (Dr.) Shobhalata Udapudi**  
Professor of Law, Member
3. **Mr. Satya Ranjan Mishra**  
Assistant Professor of Commerce, Member
4. **Dr. A. Nageswara Rao**  
Assistant Professor of Sociology, Member
5. **Dr. Joshua Aston**  
Assistant Professor of Law, Member

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# A Glance of Fellowships at GNLU

## 1. GNLU-Cube Construction Engineering Limited (CCEL) Research Fellowship on Real Estate Laws

Established in 1996 as a partnership firm, Cube Construction Engineering Ltd., (CCEL) has transformed in a short span of time from a civil contractor to a well-groomed infrastructure development and construction company.

CCEL was incorporated in the year 2006 as a Public Limited Company, with an aim of accomplishing world-class standards in real estate, property and infrastructure development, and was formerly known as Cube Constructions. The Registered Office is at Vadodara controlling various Projects at various locations. In more than a decade of its working CCEL has emerged as a renowned civil engineering and construction company. The aim of the Fellowship is to promote research and training in real estate laws of India.

## 2. Ministry of Earth Sciences, Government of India Research Project on Legal and Regulatory framework for the Exploration and Exploitation of the Indian Ocean Resources

The Department of Ocean Development (DOD) was created in July 1981 as a part of the Cabinet Secretariat directly under the charge of the Prime Minister and came into existence as a separate Department in March 1982. The erstwhile DoD functioned as a nodal Ministry for organizing, coordinating and promoting ocean development activities in the country. In February, 2006, the Government notified the Department as the Ministry of Ocean Development (MoOD).

The Government of India further reorganized the Ministry of Ocean Development and the new Ministry of Earth Sciences (MoES), came into being vide Presidential Notification dated the 12th July, 2006 bringing under its administrative control India Meteorological Department (IMD), Indian Institute of Tropical Meteorology (IITM) and National Centre for Medium Range Weather Forecasting (NCMRWF). The Government also approved the setting up of Earth Commission on the pattern of Space Commission and Atomic Energy Commission. The GNLU-Ministry of Earth Sciences Research Project aims to undertake various Research Education and Training outreach activities including other scientific research and studies

### 3. GNLU-Khaitan & Co. Research Fellowship on Mergers and Acquisitions

Khaitan & Co. is one of India's oldest and well recognized law firms. It combines a rich heritage of over a hundred years with modern, cutting-edge and solution-oriented legal practice and offers full-service legal solutions to its domestic and international clients. The Khaitan & Co Research Fellowship aims to enrich the intellectual resources in corporate mergers and acquisitions, promote quality research, provide support to corporate litigations and develop deeper understanding among students about various issues pertaining to the field of mergers and acquisitions.

### 4. GNLU-Oil and Natural Gas Corporation Ltd. Research Fellowship on International Contracts

ONGC was set up under the visionary leadership of Pandit Jawahar Lal Nehru. Pandit Nehru reposed faith in Shri Keshav Dev Malviya who laid the foundation of ONGC in the form of Oil and Gas division, under Geological Survey of India, in 1955. A few months later, it was converted into an Oil and Natural Gas Directorate. The Directorate was converted into Commission and christened Oil & Natural Gas Commission on 14th August 1956. In 1994, Oil and Natural Gas Commission was converted into a Corporation, and in 1997 it was recognized as one of the Navratnas by the Government of India. Subsequently, it has been conferred with Maharatna status in the year 2010.

Over 56 years of its existence, ONGC has crossed many a milestone to realize the energy dreams of India. The journey of ONGC, over these years, has been a tale of conviction, courage and commitment. ONGC's superlative efforts have resulted in converting earlier frontier areas into new hydrocarbon provinces. From a modest beginning, ONGC has grown to be one of the largest E&P companies in the world in terms of reserves and production.

ONGC as an integrated Oil & Gas Corporate has developed in-house capability in all aspects of exploration and production business i.e., Acquisition, Processing & Interpretation (API) of Seismic data, drilling, work-over and well stimulation operations, engineering & construction, production, processing, refining, transportation, marketing, applied R&D and training, etc.

Today, Oil and Natural Gas Corporation Ltd. (ONGC) is, the leader in Exploration & Production (E&P) activities in India having 72% contribution to India's total production of crude oil and 48% of natural gas. ONGC has established more than 7 Billion Tonnes of in-place hydrocarbon reserves in the country. In fact, six out of seven producing basins in India have been discovered by ONGC. ONGC produces more than 1.27 million Barrels of Oil Equivalent (BOE) per day. It also contributes over three million tonnes per annum of Value-Added-Products including LPG, C2 - C3, Naphtha, MS, HSD, Aviation Fuel, SKO etc.

## 5. GNLU-Microsoft Chair on Intellectual Property Rights

Microsoft Corporation India is one of the fastest growing subsidiaries of Microsoft Corporation, the worldwide leader in software, services, and solutions.

The Microsoft India story began in 1990, picked up greatly in the new millennium, and has grown steadily since then. Now, as India takes its place as a leader in the global knowledge economy, Microsoft continues to be an active partner in the country's growth.

In India, the Company is a key IT partner to the government and the local IT industry, and also work closely with academia and the developer community. The Company constantly looks for ways to enhance India's inclusive development, and find great joy in delighting our users with transformative experiences. Gujarat National Law University in collaboration with Microsoft India, is desirous to carry out efficient research in field of Intellectual Property Rights, has established the GNLU-Microsoft Chair for IPR, aims to conduct research, training and educational activities in various facets of intellectual property law.

## 6. GNLU-Gujarat Urja Vikas Nigam Limited Research Fellowship on Energy Law & Policy

The Gujarat UrjaVikas Nigam Limited (GUVNL) is an electrical services umbrella company in the state of Gujarat. The Company was created by the Gujarat Electricity Board (GEB) as it is wholly owned subsidiary in the context of liberalization and as a part of efforts towards restructuring of the power sector with the aim of improving efficiency in management and delivery of services to consumers. The Gujarat UrjaVikas Nigam Limited was incorporated as a Govt. of Gujarat Company. 100% Shares in the other six companies are held by GUVNL and they have become Subsidiary Companies of GUVNL as per the provisions of the Companies Act, 1956.

The Research Fellowship programme aims to provide a platform for Legal Research and Policy Formulation to address various issues and experiences underpinning the energy sector. GNLU's Functional Assistance under Energy Law & Policy Research Fellowship Programme provides and promotes education, collaborative research, critical discussions, policy analysis, and hands-on clinical experience to address the intricacies of Energy law and policy through the medium of threefold core activities i.e. Educational programmes, Scholarly publication and Member activities.



## **7. GNLU-Gujarat Council on Science and Technology Research Fellowship on IPR Laws, Policies and Practices**

The Gujarat Council on Science and Technology (GUJCOST), an autonomous body registered under the Societies Registration Act, was established in September, 1986 under the Department of Science and Technology, Government of Gujarat, to promote the role of science and technology for the socio-economic development and improvement in the standard of living of the people of Gujarat. The Council envisions to promote scientific temper by educating the young minds, assisting the teachers through various research, educational and training programs.

So far GUJCOST has conducted a number of educational and research activities for popularization of science amongst school and college students, including establishment and development of community science centres, organization of outreach programs through the Gujarat Science Clubs, science quiz, dramas, jathas and other such programs. The Council, with its several collaborative programs with the Government of India, has established the Patent Information Centre (PIC) and the Intellectual Property Facilitation Centre (IPFC) for the promotion of Intellectual Property Laws by providing technical and logistical support for the prosecution of patents, design, trademarks and copyright for the Medium, Small and Micro-scale Enterprises (MSME) sector.

The commendable efforts made by the Council for promoting science and technology amongst schools, colleges and other educational institutions have been facilitated by various accolades, including the Council's Regional CSC at Rajkot receiving the National Award for Best Effort in Science Popularization Amongst Children in 2008. The Council has also received the National Champion Award for Gujarat in National Rural IT Quiz in 2012.

## **8. GNLU-Gujarat Safai Kamdar Development Corporation Research Fellowship on Manual Scavenging Law and Policy**

The erstwhile Gujarat Safai Kamdar Vikas Board registered under the Societies Registration Act 1860 on date 03-09-1997, was then transferred in to Public undertaking as Government Company under the Indian Companies Act, 1950 with effect from 01/11/2001 and renamed as Gujarat Safai Kamdar Vikas Nigam (GSKVN) with the authorized share capital of Rs. 5.00 crores and paid up capital of Rs. 3.50 crores till date. The Gujarat Scheduled Caste Development Corporation was the state channeling agency (SCA) for implementing all the state as well as central schemes related the safai kamdars of Gujarat till that time and from the date of its formation, GSKVN has been the SCA of implementing all the state as well as central schemes related the safai kamdars of Gujarat.

The objective of the corporation is to rehabilitate the safai kamdars of Gujarat by providing them loan/assistance for various trades/profession of self-employment for bringing them in to the main stream of society so that they could leave their traditional inhuman obnoxious occupation of scavenging safaikam and live with the dignity.



# GNLU - CCEL FELLOWSHIP ON REAL ESTATE LAWS



*Cube Construction Engineering Ltd.*

ISO 9001:2008



# GNLU-CCEL Fellowship on *Real Estate Laws*

GNLU-CCEL Research Associate **Mr. Anand Shrivias** has been appointed as the first research associate under the fellowship on real estate laws funded by CCEL. He has two years experience in real estate, corporate and infrastructure sector.

He is LL.M in Corporate Laws from Hidayatullah National Law University, Raipur. He has worked on myriad of laws with different work backgrounds and organizations including Planning Commission, Acuity Law (currently, BMR Legal), Ramnath Group and litigation. Mr Shrivias has also worked with Planning Commission. As former associate to Acuity Law, Mumbai, Mr. Anand Shrivias is well conversant with structuring real estate, corporate and commercial transactions. He also specializes in research based advisory, particularly pertaining to real estate and corporate and employment laws. Anand is a regular writer and contributor to an E-Magazine called "Property Times". Anand writes a first ever dedicated exclusive blog on real estate laws in India.

**About the fellowship:** Cube Construction Engineering Limited (hereinafter referred to as "CCEL"), having its principle business seat in Vadodara established a Fellowship on Real Estate Laws, Policies and Practices for development and growth of Real Estate Laws, Policies and Practices education, research and training in the country at the Gujarat National Law University (hereinafter referred to as "GNLU"), for a maximum period of five years starting from Financial Year 2013-14.

**Inception:** Mr. Anand Shrivias was appointed as the first Research Associate on Real Estate Laws under the aegis of Fellowship on Real Estate Laws, Policies and Practices funded by CCEL. The fellow started functioning from 2<sup>nd</sup> August, 2013 under the aegis of Fellowship on Real Estate Laws, Policies and Practices.

**Structure:** The fellow is working under the able guidance and supervision of G-Research and Research Council.



## Vision Statement

Real estate has been a significant contributor to the socio-economic development. Real Estate sector is the major employment provider in India second only to the agriculture sector. The sector's ancillary industries numbering hundreds influences the economic structure of this country. To date, the realty sector in India is unorganized & less regulated. Realty business serves as an untamed paradise for developers, with little accountability and no moral watchdog. The business on one hand has constantly grown across India but unfortunately on the other, the laws governing it have not kept pace with changes. Century old legislations govern matters of transfer of property and such other related edicts relating to registration, easement and stamping. Real estate development, transfer and ownership of flats as covered by the existing laws, including those for co-operative society's apartments, condominiums, registration and stamp duty etc. have stifled the growth of this sector. Due to the lack of a robust regulatory mechanism and speedy litigation process, consumer rights have been at the receiving end in transactions. The lack of a central regulator for this sector makes the situation grimmer. This has created a huge gap between the business enterprises and the law. Looking at the current state of affairs of the real estate sector, high quality research, awareness programs, workshops, seminars and discussions at the ground level are indispensable. Recognizing this important challenge before the regulatory authorities and the Indian economy, GNLU in collaboration with CCEL has established this Research Fellowship to overcome such challenges faced by realty industry through researching in fundamental real time issues in real estate laws.

**“Creation and Maintenance of superior quality Intellectual Capital through education, research, extension and training for the Real Estate Stakeholders in real estate laws practice.”**

### Objectives and Activities

- Capacity creation and Maintenance in Real Estate Laws, Policies and Practices, practice, education, training, research and awareness through a multidisciplinary approach.
- Development of suitable academic programs in Real Estate Laws, Policies and practices education, research and training; Providing a framework for analyzing the impact of Real Estate Laws in development initiatives in the country; Dissemination of knowledge and information through outreach programmes.

**Collaborative Research Centre for Endowment Agency:** With the aim of researching on real time first hand issues in real estate laws, CCEL supervises Mr. Anand Shrivastava. He works in active guidance of CCEL on specially researching on construction contracts issues and finding out solutions for such issues.





## Report on Endowment's Research Collaboration Roadmap

CCEL has been instrumental in allotting very important research projects to Mr. Anand Shrivastava. The research projects are empirical in nature, on two important topics in construction contracts, One on the issue of labour cess and another on the issue of security deposit. The detailed report shall be submitted to the Labour & Employment Department, Government of Gujarat and Roads & Buildings Department, Government of Gujarat suggesting changes in the General conditions of contract.

## Report on Extension and Training Activities

**Title of Activity:** National Symposium on "Emerging Dynamics of Realty Law in India & the Challenges Ahead" on 1<sup>st</sup> March, 2014.

**Aim:** To deepen the participants' knowledge about potentials and future of real estate sector, the commercial practices and regulatory regime surrounding the real estate sector. To enhance participants' skills and ability to respond more effectively, cooperatively and compassionately to the contemporary legal issues and challenges faced by the real estate sector. To impart practical training to various stakeholders regarding real estate laws, transactions and documentations.

**Task Initiator:** Mr. Anand Shrivastava

**Details of Activity:** The symposium kicked off with the insightful inaugural address by Dr. Bimal N. Patel stressing upon the growth of realty sector in last few decades and how law and policy has failed to keep up with the realty growth. Mr. Sachin Shroff (President, National Association of

Realtors) and Mr. Arun Mohan (Author & Senior Advocate) delivered a special address to the gathering. Sheer presence of key names in the Real Estate sector on the occasion, such as Ms. Shirley Ballaney (Senior Principal Planner, HCP Design, Planning and Management Pvt. Ltd), Mr. Sachin Gulaty (Head of Valuations from Jones Lang LaSalle), Mr. Tejas Karia (Partner, Amarchand & Mangaldas & Suresh A Shroff & Co.), Mr. Neelkanth Aher (Founder, International Real Estate Bank) and Mr. Sougata Maitra (Head, Government Advisory at Jones Lang LaSalle) underlined the criticality of the discussions undertaken. The concluding remark was presented by Mr. Anand Shrivastava (Research Fellow GNLU-CCEL).

### Outcome:

- Ms. Shirley Blanney promised a research project of Government of Madhya Pradesh on town planning. However, there is no revert from her end till date. The University has through this event launched Certificate Course on Real Estate Law which held from 8<sup>th</sup> March, 2014 to 6<sup>th</sup> April, 2014. Tremendous response for the certificate course from outsiders due to the symposium.

**Status:** Completed

**End Recipient:** The symposium received overwhelming response from various stakeholders from the industry across India, such





as Builders & Developers, Real Estate Agents, Housing Finance Institutions, Architects, Civil Engineers, Lawyer's etc. The turn out for the certificate course was in large numbers.

**Title of Activity:** Certificate Course on Real Estate Laws from 8<sup>th</sup> March to 6<sup>th</sup> April, 2014.

**Aim:** To deepen the participants' knowledge about potentials and future of real estate sector, the commercial practices and regulatory regime surrounding the real estate sector. To enhance participants' skills and ability to respond more effectively, cooperatively and compassionately to the contemporary legal issues and challenges faced by the real estate sector. To impart practical training to various stakeholders regarding real estate laws, transactions and documentations.

**Task Initiator:** Mr. Anand Shrivas

**Details of Activity:** The speakers in the certificate course included well known figures in the real estate industry including Mr. P.L Sharma (Chief Town Planner, Government of Gujarat), Mr. Tejas Karia (Partner, Amarchand & Mangaldas & Suresh A Shroff & Co.), Mr. Jigar Shah (Partner, Lakshmikumaran & Sridharan (L&S), Mr. Ashish Jain (Senior Associate, Amarchand & Mangaldas & Suresh A Shroff & Co), Adv. Uday Waviker (Advocate Bombay High Court & Expert on Real Estate Laws), Mr. A.R Gupta (Founding Partner, A.R Gupta & Associates), Ms. Meera Shidhaye (Senior

Associate, Amarchand & Mangaldas & Suresh A Shroff & Co), Mr. Fakkarish Sakkarnaiker (Assistant Professor GNLU), Mr. Girish R. (Assistant Professor GNLU), Dr. R. K. Singh (Assistant Professor, GNLU), Mr. Gajanan Khergamker (Founder DraftCraft), Mr. Taher Mandviwala, (Senior Associate, Amarchand & Mangaldas & Suresh A Shroff & Co), Mr. Nilesh Trivedi (Advocate, High Court of Gujarat), Ms. Hiral Motta, (Senior Associate, Amarchand & Mangaldas & Suresh A Shroff & Co), Mr. Anand Shrivas (Research Fellow, GNLU), Mr. Modit Shah (Associate, Amarchand & Mangaldas & Suresh A Shroff & Co) Mr. Rishi Malik (Advocate, High Court of Gujarat) etc.

**Outcome:** Through this Certificate Course, GNLU has trained various stakeholders on various facets of real estate laws including investigation of clear title, working of Real Estate Transactions under Transfer of Property Act, 1882, Laws of Contract in Real Estate Transactions, Dynamics of Foreign Investment in Real Estate Sector, Laws on Registration and its application, Laws on Stamp Duty and its application, Easement rights under Indian Easement Act, 1882, Transaction Structures, Strategy and Legal Documentation, town planning, land revenue, compliance in building a township and regulations on affordable housing. The certificate course comprehensively dealt with





three tiers of regulations governing real estate i.e. Centre, State and Local Laws.

**Status:** Completed

**End Recipient:** The Certificate Course received overwhelming response from various stakeholders from the industry across India, such as Builders & Developers, Real Estate Agents, Housing Finance Institutions, Architects, Civil Engineers, Lawyer's etc. The participants included from TATA Realty, Gruh Agro Finance, Swagat Group, Shub Group, Pawan Group, Shrinath Group, Shrirang Group, Refuture Group etc.

## Report on Research Activities

**Type of Research Activity:** Doctrinal and non-doctrinal

**Aim :** To carryout detailed study of the security deposit structure in construction contracts, to identify problems therein and also to suggest relevant changes to relevant ministry in the state of Gujarat

**Task Initiator:** Mr. Anand Shrivastava

**Title of Research:** Security Deposit(s) in Government Construction Contracts in Gujarat

**Outcome:** The research report will be presented to the government bodies to suggest amendments in the structure of security deposits in the state of Gujarat.

**Status:** Completed. Representation to the government is pending.

**End Recipient:** Construction contractors along with the end users of the particular project etc.

**Type of Research Activity:** Doctrinal

**Aim:** To carry out detailed study of the ambiguity in the rates of labour cess applicable in construction contracts in the State of Gujarat and identification of problems therein along with suggesting relevant changes to Labour & Employment Department, Government of Gujarat and Roads & Buildings Department, Government of Gujarat

**Task Initiator:** Mr. Anand Shrivastava

**Title of Research:** The paradox of the rate of labour cess applicable in construction contracts in the State of Gujarat.

**Outcome:** The research report will be presented to the government bodies to suggest amendments in the structure of security deposits in the state of Gujarat.

**Status:** Pending. Report to be compiled for representation to the government is pending.

**End Recipient:** Construction contractors along with the end users of the particular project etc.

MINISTRY OF EARTH SCIENCES,  
GOVERNMENT OF INDIA RESEARCH  
PROJECT ON LEGAL AND  
REGULATORY FRAMEWORK FOR  
THE EXPLORATION AND  
EXPLOITATION OF THE INDIAN  
OCEAN RESOURCES



Gujarat National Law University



Ministry of Earth Sciences  
Government of India





# GNLU - MoES Research Project

*on Legal and  
Regulatory framework  
for the Exploration  
and Exploitation of  
the Indian  
Ocean Resources*

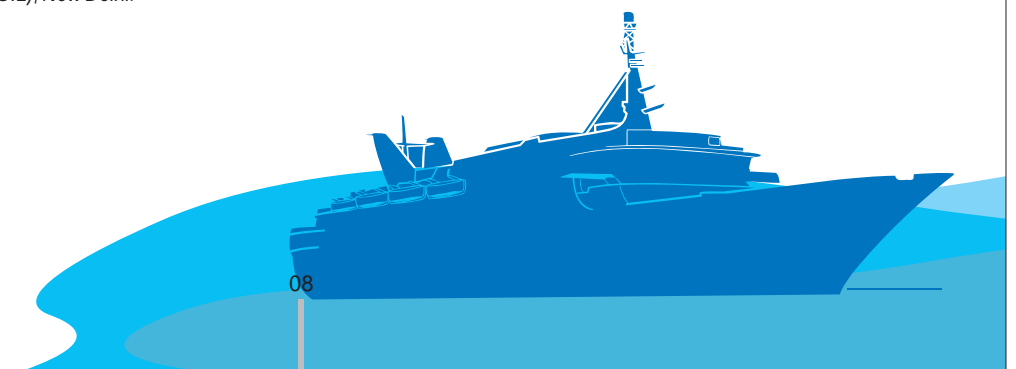
GNLU-MoES Research Project Associate: **Mr. Sanjeet Ruhel** is pursuing doctoral research at Faculty of Law, University of Delhi, Delhi. He earned his LL.M. degree from the Indian Law Institute, New Delhi with specialization in Maritime Law and International Trade Law. He has attended various National and International Conferences and has published several research papers on Maritime Law and Law of the Sea in various reputed journals. He has also served as faculty member in law schools. In addition to his academic experiences, he has also gained research skill at international institutions. He interned at the International Tribunal for Law of the Sea, Hamburg, Germany and International Maritime Organization, London. He worked on the 'Maritime Security Project' under the supervision of Brig. R. Dahiya (DDG of Institute for Defense Studies and Analyses New Delhi). He is an associate member of the Institute for the Institute for Defense Study and Analyses (IDSA), National Maritime Foundation, New Delhi and Indian Society of International Law (ISIL), New Delhi.

**About the Research Project:** Ministry of Earth Sciences, Government of India has sanctioned the project entitled, "Legal and Regulatory Framework for the Exploration and Exploitation of the Indian Ocean Resources" by Dr Bimal N. Patel, Gujarat National Law University.

The GNLU-Ministry of Earth Sciences Research Project also aims to undertake various Research Education and Training outreach activities including other scientific research and studies

**Inception:** Mr. Sanjeet Ruhel was appointed as a Research Project Associate on 2<sup>nd</sup> September, 2013.

**Structure:** Mr. Sanjeet Ruhel worked under the able guidance of Professor Bimal N Patel (the Director) and supervision of Research Council.



## Vision Statement

Oceans, covering 72 percent of the Earth's surface, support life, drive the climate and hydrological cycles and provide vital resources. They are critical for global food security, for sustainable economic prosperity and the well-being of national economies. Apart from food and livelihood provision, oceans represent a natural resource with respect to travel and tourism, mining, telecommunication and transportation industries. Despite their economic, social and environmental benefits, oceans, seas and their related ecosystems are facing numerous local and global threats caused by human activity and climate change. Today, 85% of the world's fisheries are either fully exploited, over exploited, depleted, or recovering from depletion. About one fifth of the global coral reefs have already been damaged beyond repair and it is predicted that 35 per cent will be lost within the next 20 to 40 years, if no change occurs.

Ocean resources are more important to Indian Ocean since one third of the world's population already lives in the 37 states around the Indian Ocean. The Indian Ocean is quite simply one of the world's maritime lifelines and one of its most strategic flashpoints. Geography is static however, politics is not. The way, we manage the risks, the security voids, the governance gaps, the challenges, the opportunities will impact on the prospects and the stability of the region. Since last one decade the world oceans are facing security challenges. India confronts threats of piracy, terrorism, changing nature of warfare, unfriendly behavior of neighboring countries.

However, Maritime Laws is still a neglected area of Indian jurisprudence. Even after such a long period after independence of India, the laws are still governed by old and obsolete colonial legislations. The 151st Report of the Law Commission of India and the Supreme Court in its judgment *MVElizabeth* (1993 AIR 1014) have already highlighted this fact. Government of India is proactively engaged in promoting blue economy and maritime security of the nation, however, the maritime sector is still governed by the old and obsolete colonial laws. Therefore, to cope up with environmental, commercial and geostrategic challenges, India needs a strong, well updated legislations and policies which can pave the way to flourish maritime sectors. In this way, GNLU can play a crucial role.

**“Developing GNLU as a think-tank to provide policy inputs and information, to the Government and various nodal agencies, required to frame strong policies and legislations and built the national intellectual capital through education, research, and training activities.”**

### Objectives and Activities

- Making GNLU as the best maritime educational institution and a premier legal think-tanks of India
- Establish a dedicated Center of Excellence for maritime law and law of the sea at GNLU creating awareness of maritime laws, policies and practices and national capacity building through research and training programs.

## Report on Endowment's Research Collaboration Roadmap

The broad plan of action were as follows:

**Establishing a dedicated center of excellence for Maritime Law and Law of the Sea:** Proposal has been submitted to Indian Navy and Director General of Shipping, India to establish a Centre at GNLU.

**Publication:** Mr. Ruhai has identified few important areas for the research includes piracy, the Sir Creek Dispute, legal framework for the protection and preservation of the marine environment, human trafficking and drug trafficking, IUU fishing, sustainable blue economy and started working on above mentioned contemporary legal issues.

**Training Programs / Certificate Courses:** Under the fellowship, the training and research programs organized for capacity building in this area. The courses were developed and designed for the scholars, senior and mid-level government officials with the intent to cherish their knowledge, understanding and proficiency of maritime law required to perform the responsibilities assigned to them.

**Conference/ Seminars:** Mr. Ruhai has proposed International Conferences, Seminars on



emerging issues on the maritime law that was conducted in next academic year. The fellow provided a platform where lawyers, scholars, government officials could discuss on law and policy issues. For that purpose, he would be conducting extension activities including workshops, seminars, and round-table conferences.

**Capacity Building:** Mr. Ruhai guided students in their academic research. He invited eminent scholars, international judges to deliberate on maritime law.

**Representing GNLU at National and International Forums:** He represented GNLU by participating and presenting research papers in the international and national conferences.

## Report on Extension and Training Activities

**Title of Activity:** Intensive Course on Maritime Security Course from 19<sup>th</sup> - 25<sup>th</sup> January, 2014.

**Aim:**

- To deepen the participants' knowledge about potential maritime security threats and the legal regime on maritime crimes with special focus on the Law of the Sea and International Criminal Laws.
- To enhance participants' skills and ability to respond more effectively, cooperatively and compassionately to these security challenges and design and implement effective plans.

**Task Initiator:** Mr. Sanjeet Ruhai

**Details of Activity:** Intensive Certificate Course on Maritime Security Laws was conducted for the senior officers of Indian Coast Guard, Central Industrial Security Force (CISF), Gujarat Police, Andhra Pradesh Police, Gujarat Maritime Board, and Maharashtra Maritime Board, from 9<sup>th</sup> - 25<sup>th</sup>



January, 2014. The program was inaugurated by Dr. H.P. Rajan (former Deputy Director, United Nations Division for Ocean Affairs and the Law of the Sea) and Mrs. Neerja Gotru (IGP Marine Task Force, representing the Director General of Police of Gujarat). 21 officers participated in the program. The course was intended to provide reinforcement of knowledge, understanding and proficiency of maritime security laws required to perform the responsibilities assigned to the senior officials to maintain rule of law at sea.

**Outcome:** On the basis of feedback received from the resource persons, participants of the Indian Coast Guard, the Central Industrial Security Force (CISF), Gujarat Police, Andhra Pradesh Police, Gujarat Maritime Board, and Maharashtra Maritime Board, GNLU planned to undertake following activities to consolidate overall mission to contribute to the better implementation of Law of Sea and Maritime Laws by the policy-making and executive institutions.

- **Basic Knowledge of Public International Law and Indian Laws on Maritime Crimes:** With a view to provide basic knowledge of international and Indian maritime laws with an overview of Court procedure which helps officials to perform their duties in a legally informed manner, GNLU has proposed a training course during the final stage of the probationary training period.

- **Advance knowledge of Law of Sea and Maritime Laws:** All participants unanimously appreciated and emphasized the need for continuous training. GNLU would be organizing refresher training programs. By attending and sharing experiences with other maritime security agencies, the officers could be significantly benefitted by attending such future courses.
- **Legal awareness workshop for fishermen community of Gujarat:** To increase the legal awareness among fishermen community of Gujarat and learn their difficulties and share best practices, GNLU planned and organized a one-day workshop in collaboration with the Police Department of Gujarat.

**Status:** Completed

**End Recipient:** Maritime Security Course received overwhelming response from various stakeholders across India.

#### **Title of Activity**

The Hague Academy of International Law External Course from 01<sup>st</sup>-08<sup>th</sup> November, 2013.

**Aim:** The External Program is aimed at young university teachers and young civil servants from the ministry of foreign affairs or other ministries. The External Program was a purely academic character. Candidates are selected on the basis of their academic and professional merits, and





they participate in the program in their personal capacity.

**Task Initiator:** Professor (Dr.) Bimal N Patel

**Details of Activity:** Gujarat National Law University (GNLU), Gandhinagar in collaboration with the Hague Academy of International Law, the Netherlands, organized the External Program of The Hague Academy on "Stability and Change in the Law of the Sea: Challenges in the 21<sup>st</sup> Century" at the GNLU from 1<sup>st</sup> to 8<sup>th</sup> November, 2013. The external program was organized first time in South Asia. The 2013 edition was focused on the theme of Stability and Change in the Law of the Sea. Judges, Minister, senior diplomats, international lawyers from various parts of the world delivered lectures during the program.

**Outcome:** Total 34 participants from different countries like India (20), Bangladesh (3), Cambodia (1), Laos (1), Maldives (2), Nepal (1), Sri Lanka (3), Singapore (1), and Thailand (3) participated in this program.

**Status:** Completed

**End Recipient:** South Asian countries, Universities and other stakeholders.

## Report on Research Activities

**Type of Research Activity:** Research Paper

**Aim:** The research looked into a coastal state jurisdiction and whether a littoral may extend its penal laws beyond prescribed limits under UNCLOS. If an offence occurred beyond its territorial water then who will have a better claim to trail such offenders ?

**Task Initiator:** Mr. Sanjeet Ruhel

**Title of Research:** Maritime Jurisdiction of Indian Courts with Special Reference to Enrica Lexie's Judgment

**Outcome:** Published in a reputed journal

**Status:** Completed

**End Recipient:** Practitioners, Maritime Security Agencies, Researchers, Scholars and legal fraternity in general.

**Type of Research Activity:** Research Paper

**Aim:** The aim of the research paper to critically evaluate the coastal security of India. For that purpose, the research had analyzed various government initiatives and CAG report.

**Task Initiator:** Mr. Sanjeet Ruhel

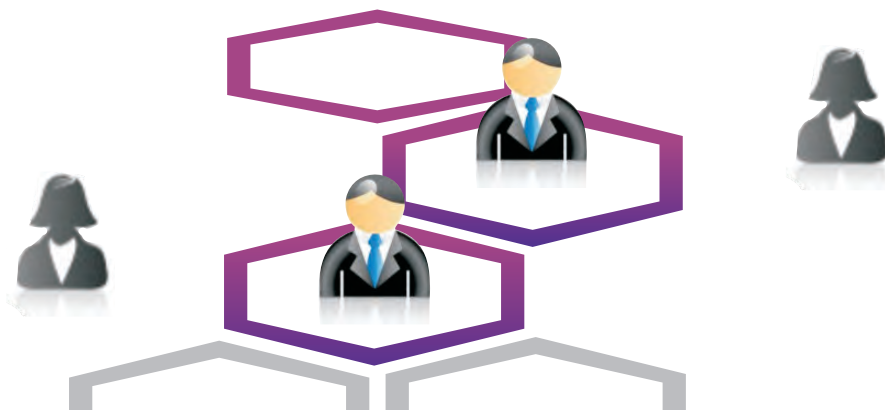
**Title of Research:** Indian Coast: Far from Secure

**Outcome:** Published in Maritime Gateway

**Status:** Completed

**End Recipient:** Maritime Security Agencies, Researchers and Scholars and legal fraternity in genera

# GNLU KHAITAN & CO FELLOWSHIP ON MERGERS AND ACQUISITIONS





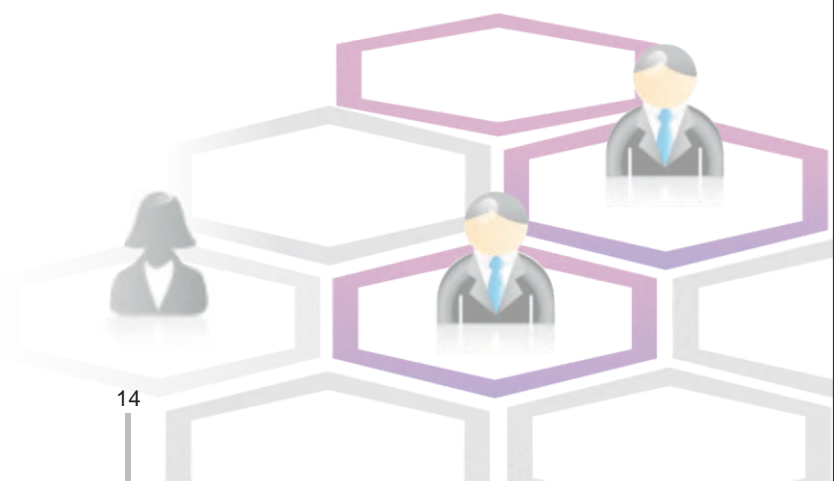
# GNLU Khaitan & Co. Fellowship on *Mergers and Acquisitions*

GNLU-KCO Research Associate **Ms. Vedika Mittal** an alumna of GNLU has been appointed as the Research Associate for the GNLU-KCO Fellowship from 1<sup>st</sup> September, 2014 onwards. Post GNLU, Ms. Mittal has worked with the Capital Markets team at Amarchand & Mangaldas and Suresh A. Shroff & Co., Mumbai for two years followed by a Masters in Corporate Law at the University of Cambridge, UK.

**About the fellowship:** Gujarat National Law University in partnership with Khaitan & Co has undertaken a unique initiative and established the Khaitan & Co. Fellowship in Mergers and Acquisitions (“**GNLU-KCO Fellowship**”) to conduct and facilitate in depth research in emerging areas of mergers and acquisitions.

**Inception :** The GNLU-KCO Fellowship was initiated in the year 2013 with the aim of enriching academic resources in corporate mergers and acquisitions, promote quality research, provide support to stakeholders and develop deeper understanding among students about various issues pertaining to the field of mergers and acquisitions.

**Structure:** Presently, the GNLU-KCO Fellowship comprises of one Research Associate and 11 student members.



## Vision Statement

For corporates, mergers and acquisitions have increasingly been touted as the preferred means to consolidate, diversify and grow in line with rapid changes in the economic and industrial landscape across the globe.

While, there are plenty of organizations which provide an insight into M&A laws and practice, there is scope for a much deeper understanding of this dynamic area of law which can flow from sculpted study and research. Therein lies the importance of pursuing 'mergers and acquisitions' as a discipline in itself, necessitating the objective of establishing 'GNLU-Khaitan & Co. Mergers and Acquisitions Fellowship' at Gujarat National Law University.

The collaboration between GNLU, with its strength in academic research stemming from the expertise of senior faculty, a dedicated research department and enthusiastic and hardworking student body and Khaitan & Co., one of India's oldest and leading full-service law firms shall serve as the ideal platform to disseminate as well as build a dedicated knowledge base in the field of mergers and acquisitions.

### **Objectives and Activities:**

- To expose students to a niche area of legal practice – mergers and acquisitions. Students who desire to build a career as corporate lawyers with law firms or as legal counsels to corporates including public sector companies as well those desirous of working with regulatory bodies and government departments and agencies involved in corporate law shall benefit tremendously from early exposure to this area of law which will enable them to build a strong base at the beginning of their careers. Further, students interested in pursuing roles in academia and policy making related to commercial law and practice shall also derive direct benefit from study dedicated to mergers and acquisitions. Student dedicated activities envisaged by the GNLU-KCO Fellowship include capsule courses, certificate courses, guest lectures, competitions, conferences, internships for practical training, research assignments and so on.
- To undertake programs dedicated to build capacity and as part of continuous legal education program for stakeholders in addition to students. Stakeholders include members of corporate houses, directors of companies, legal counsels, policy makers, academicins and so on. Programs may be conducted in the form of brainstorming sessions, lectures, collaborative research projects, conferences, seminars, publications and so on.
- To contribute to law and policy making in order to increase the ease of doing business whilst ensuring adequate regulatory oversight. This may be achieved by way of submitting recommendations, policy papers, working papers and reports to policy makers and olding brainstorming sessions which provide a platform for fruitful engagement between policy makers, corporate, academia and practitioners.



## Report on Endowment's Research Collaboration Roadmap

The Research Associate, Ms. Mittal joined in September 2014 and after discussions with Khaitan & Co., it was decided to commence work in the fellowship with a focus on student engagement. Keeping this objective in mind, various activities were planned including a capsule course on M&A deal making, a drafting competition and starting of a student blog.

## Report on Extension and Training Activities

**Title of the Activity:** Capsule Course on Practical Aspects of M&A Deal making from 26<sup>th</sup> - 27<sup>th</sup> September, 2014

**Aim:** To provide students an understanding of the practical aspects involved in merger and acquisition deals. The course covered the following topics –(1) Structuring (2) Introduction to due-diligence (3) Documentation, Negotiation, Execution and Closing (4) Understanding the role of transactional lawyers and objectives of parties and (5) Identification of barriers to M&A deal making and their legal solutions.

**Task Initiator:** Ms. Vedika Mittal

**Details:** Mr. Vineet Shingal, Principal Associate, Khaitan & Co. delivered the lecture on day 1 of the course followed by lecture of Ms Mittal on day 2. Over 60 students of GNLU participated in the course.

**Outcome:** Mutually decided to conduct further training exercises.

**Status:** Completed

**End Result:** Students benefitted tremendously by acquiring knowledge in a specialized practice area. Understanding the law in practice and

engaging in discussion with a practitioner with a vast body of experience such as Mr. Shingal was a huge learning experience for students. In addition to law, students also got a firsthand insight from a senior practitioner into life as a corporate lawyer. Also, Ms. Mittal using the concepts of law and economics applicable to deal making effectively contextualized and highlighted the role of a lawyer. Having practiced as a junior corporate lawyer herself, she was able to share her experiences with students, some of who shall go on to join law firms and corporates themselves.

**Title of the Activity:** GNLU-KCO M&A Drafting Competition

**Aim of the Course:** The competition is a distinctive opportunity for students to apply themselves to transactional drafting and be evaluated by professionals. It aims to train them to appreciate facts and apply the law in a real-world commercial transactional scenario. Students shall get a first-hand experience of tackling issues involved in merger and acquisition transactions. The winners shall get an opportunity to take up an internship with Khaitan & Co., one of India's oldest and leading full service law firms and receive attractive prize money.

**Task Initiator:** Ms. Vedika Mittal

**Details:**

- The problem for the competition was released on February 17, 2015 and the last date for submission is March 31, 2015. Students are required to draft a Share Purchase Agreement SPA and a Legal Opinion backing the legality and enforceability of the SPA and the transactions contemplated thereunder.
- Primer on SPAs in order to provide participants a basic understanding of the structure and clauses in an SPA has been

released. The blog for the fellowship with a page dedicated to the competition is also conceptualized.

- The blog has recorded over 1800 visitors so far including visitors from 14 foreign countries. A Google Hangout session was conducted on March 24, 2015 in order to provide participants an opportunity to interact and clear any doubts that they may have on the problem and drafting of the SPA and Legal Opinion. The session was hosted by the Khaitan & Co.

**Participants:** To be confirmed based on number of entries received.

**Outcome:** NA (In-progress)

**Status:** In-progress

**End Result:** NA (In-progress)

### Report on Research Activities

**Type of Research Activity:** Written an article titled, 'Economic Barriers in M&A Deals and their Contractual Solutions' - The Role of a Transactional Lawyer

**Task Initiator:** Ms. Vedika Mittal

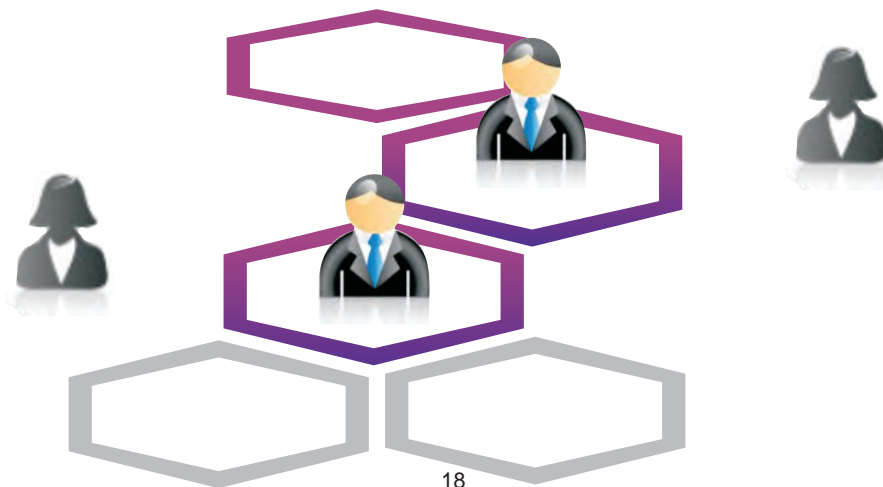
**Title of Research:** Economic Barriers in M&A Deals and their Contractual Solutions' - The Role of a Transactional Lawyer Abstract.

**Abstract:** Law and Economics are closely interlinked disciplines and are complimentary to each other. However, contemporary research on transactional law and economics is in embryonic stages in India. This paper attempts to bridge the gap by perceiving challenges in an acquisition transaction from an Economics point of view and providing contractual solutions to address these economic barriers. The principle barriers the paper deals with are information asymmetry ex-ante or adverse selection, information asymmetry ex-post or moral hazard, asset specificity and the impact of exogenous factors.

In order to retain the practice based character of this area of law, an imaginary acquisition of shares is described and a generic share purchase agreement which is typically used to document an acquisition has been analysed in this paper. The inspiration to write this paper comes from the Deals course the research scholar attended during her Masters in Corporate Law at the University of Cambridge.

**Status:** Submitted to publishers for review

**End Recipient:** Public at large



# GNLU-ONGC RESEARCH FELLOWSHIP ON INTERNATIONAL CONTRACTS



Gujarat National Law University





# GNLU-ONGC Research Fellowship on *International Contracts*

GNLU-ONGC Research Associate **Dr. Joshua N. Aston** is an Assistant Professor of Law, Dean Students' Affairs, and ONGC Research Associate in International Contracts at Gujarat National Law University, Gujarat. His areas of interests are International Humanitarian Law, Maritime Law, and Law of Contracts. He has an experience of more than five years in teaching. He has completed his Masters in Laws in International Criminal Law from the University of Sussex, Brighton, UK wherein he also completed his Legal Secretarial Diploma from Souters Legal Training Centre, London. Besides, he did Post Graduate Diploma in Financial Management from Symbiosis Institute of Business Management, Pune; one of India's most sought after B-Schools. He has a Ph.D. in Law from Symbiosis International University, Pune. Dr. Aston has received several awards and achievements including the Israeli Government Scholarship awarded by the Ministry of Foreign Affairs, Cultural and Scientific Affairs Department, Government of Israel to carry out Research at Tel - Aviv University, Israel for 8 months. He has attended many international and national conferences and seminars and has a wide range of publications to his credit which includes various research papers and a book.

**About the fellowship:** With a view to provide sound and sustained legal research, drafting, training and educational assistance to International Contracts stakeholders, GNLU has established a Research Fellowship on International Contracts, with a generous endowment from Oil and Natural Gas Corporation Limited in the year 2013.

Being an upcoming field of study, and more-so-ever in India, there are uncharted territories in the field of International Contracts, the exploration of which is the aim of this venture of the Research Scholarship in International Contracts, set up by th Gujarat National Law University, in collaboration with Oil and Natural Gas Corporation Limited. Having recognized the need of the legal fraternity to gain an insight into this upcoming field of law and commerce, this Research Scholarship has dedicated itself to providing a forum for research, study, debate and discussion related to International Contracts.

**Inception:** The Fellowship is functional from the date of appointment of Research Associate.

**Structure:** Presently, the Research Scholarship is being implemented by a full-time Research Associate and assisted by student members. The activities are being funded from the endowment which provides support for the remuneration, study materials, and activities etc. being conducted by the team. The team organizes events on its own as well as in cooperation and sponsorship with stakeholders.

## Vision Statement

India has long been in the process of becoming an open economy, and day-by-day its economy is becoming heavily dependent upon international trade for its prosperity. Consequently, Indian businesses are increasingly contracting with parties overseas. On 19<sup>th</sup>

February, 2013, the U.K. Prime Minister, David Cameron called on India to open up sectors such as insurance, banking, retail etc., more to overseas investment and make it easier for foreign companies to do business here, as he began a three-day visit to the South Asian nation. This directly puts the spotlight on Internationalization of contract laws so as to enable global outreach.

Being an upcoming field of study, and more-so-ever in India, there are uncharted territories in the field of International Contracts, which this endeavour of Gujarat National Law University strives to explore and share with the International forum.

### Objectives and Activities

The Research Scholarship aims to achieve the following objectives:

- To provide a forum for discussion, research and study of National and International Contract Laws
- To organize Workshops, Training, Seminars for the stakeholders, etc.
- To publish policy-papers, reports on status and carry out surveys on cutting-edge issues of contemporary subjects of International Contracts
- To provide high quality legal research and study materials, including policy papers on a pro bono or sponsorship basis.

**“We are a dedicated team sharing an avid interest in the field of International Contracts, eager to share the same with the World! We are young, and we are rearing to go!”**

**Collaborative Research Center for Endowment Agency:** The Gujarat National Law University, in collaboration with Oil and Natural Gas Corporation Limited, has established the Gujarat National Law University-ONGC Students' Research Action Group (GNLU-ONGC-SRAG) in International Contracts to provide top-notch quality research inputs in the field of International Contracts. The SRAG recognizes the need of the legal fraternity to gain an insight into this upcoming field and it is this motive that drives us in aking our first steps as a team to help realize our goals for shaping a better understanding in International Contracts.

“The mental capacity of a person to make reasonable contracts is the only criterion, by which to determine his legal capacity to make obligatory contracts. And his mental capacity to make reasonable contracts is certainly not to be determined by the fact that he is, or is not, twenty-one years of age.” - Lysander Spooner.

## Report on Endowment's Research Collaboration Roadmap

The activities and research undertaken by the Research Associate are as follows:

- 1<sup>st</sup>GNLU-ONGC International Essay Competition on International Contracts on Recent Trends in International Contracts.
- Publication of Book–A Compilation of Selected Essays on Recent Trends in International Contracts.
- Publication of first edition of Newsletter on the Law of International Contracts.
- Certificate Course on International Contracts.

## Report on Extension and Training Activities

**Title of Activity:** Certificate Course on International Contracts

**Aim:** This 15-hour course aimed to:

- Impart the basic knowledge of International Contracts, besides recent issues and challenges emerging in such contracts.
- Appreciate the rights and responsibilities of the contracting parties in a cross-border sale transaction, along with understanding and assessing associated legal concerns.
- Give an overview of the jurisdictional concerns and enforcement in international transactions and trades in various sectors.
- Accommodate for transactional risks in international trade.
- Provide an overview on the types of disputes in international transactions and their settlement.
- Provide knowledge on the new forms of international contracts in this technologically advanced time.

- Provide an overview of electronic contracts as well.

**Task Initiator:** Dr. Joshua N. Aston

**Details of Activity:** The Certificate Course was conducted from 21<sup>st</sup> to 23<sup>rd</sup> November, 2014. The participants included students from various law schools, practicing lawyers, academicians etc.

The Resource persons for this Certificate Course included Dr. Nilima Bhadbhade, Associate Professor, ILS Law College, Pune, Dr. R. K. Singh, Assistant Professor of Law, GNLU and Dr. Joshua N. Aston, Assistant Professor of Law.

**Outcome:**

- Conference on International Contracts
- Debates and Discussions

**Status:** The Certificate Course was successfully completed.

**End Recipient:** The end beneficiary of the course are the students, academicians and the practicing lawyers and the persons who are involved in various businesses and have to deal with various issues and challenges of the international contracts.

## Report on Research Activities

**Type of Research Activity:** Essay Competition

**Aim:** The aim of the competition was to encourage the dissemination of viewpoints of contributors on various aspects of International Contracts and recent developments taking place across the globe in international transactions. In order to generate greater awareness and interest in this topic in India, the Research Scholarship has brought out the best contributions to the essay competition in the form of a publication, which will serve as a guide to novices in this field of law and throw some light on burning issues relating to the same. We hope that it will be a step towards



greater dialogue and debate in the years to come.

**Task Initiator:** Dr. Joshua N. Aston

**Title of Research:** The 1<sup>st</sup>GNLU-ONGC International Essay Competition on International Contracts, with the theme "*Recent Trends in International Contract, Jurisdictional Issues and the Global Commercial and Investment Governance*"

**Outcome:** Publication

**Status:** Completed

**End Recipient:** The end beneficiary includes Students, Lawyers, Practitioners, Corporates etc.

**Type of Research Activity:** Publication of Book

**Aim:** The book has been published with an aim of sharing the knowledge on various trends, issues and challenges in International Contracts. This book is a compilation of selected essays on various issues and trends in International Contracts.

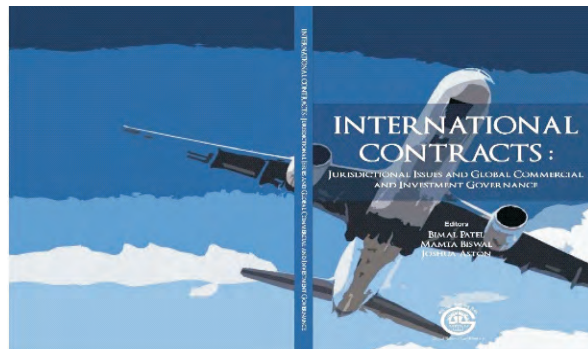
**Task Initiator:** Dr. Joshua N. Aston

**Details:** Laws governing trade between businesses in different jurisdictions have existed since the thriving of the merchant culture in the medieval period. As businesses have grown beyond national borders, and business relations have expanded and deepened, the legal dimensions of business have had to follow suit



and acquire an international dimension. International Contract Law concerns itself with the legal rules relating to cross-border agreements. While it leaves much to party autonomy, it provides certain defined legal standards and rules for parties to abide by should they choose to, and for the settlement of disputes should they arise. India has long been in the process of becoming an open economy, and day-by-day her economy is becoming heavily dependent upon international trade for her prosperity. Consequently, Indian businesses are increasingly contracting with parties overseas.

Towards this initiative, the 1<sup>st</sup> GNLU-ONGC International Essay Competition on Recent Trends in International Contracts was conducted which was then transformed into a book containing some selected essays by the students who participated in this competition.





This book was edited by Dr. Bimal N. Patel, Director, GNLU, Dr. Mamta Biswal, Associate Professor of Law, GNLU and Dr. Joshua N. Aston, Assistant Professor of Law, GNLU and was published by the university in collaboration with Eastern Book Company.

**Outcome:** GNLU-ONGC Publication

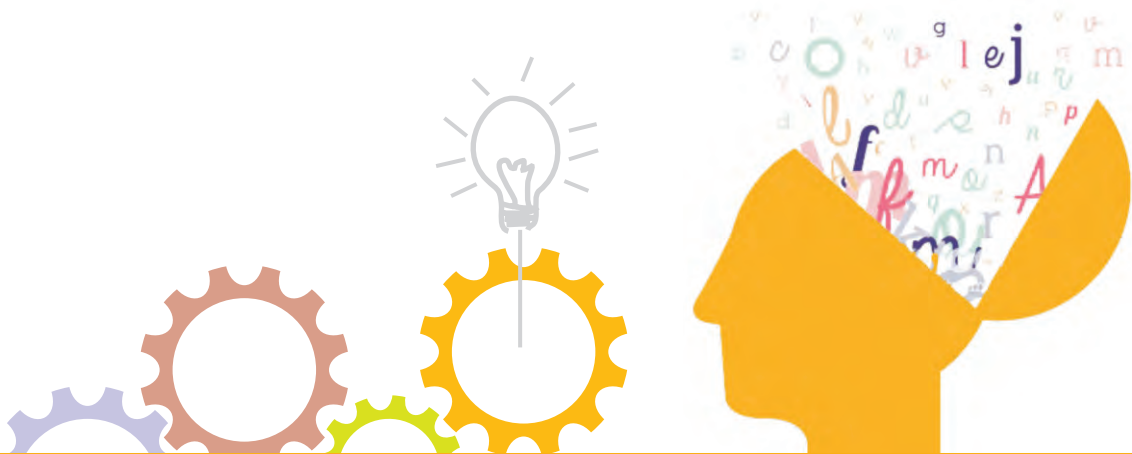
**Status:** *Completed*

**End Recipient:** The end beneficiary includes Students, Lawyers, Practitioners, Corporates etc

# MICROSOFT INDIA CHAIR ON INTELLECTUAL PROPERTY RIGHTS



Gujarat National Law University





# Microsoft India Chair on *Intellectual Property Rights*

Research Associate **Mr. Hardik Parikh** has been appointed as 'Assistant Professor of Law and Microsoft India Research Associate in Intellectual Property Rights'. He is B.Com, LL.M (IPR), GSET (Law) and pursuing Ph. D in Law (IPR) from Gujarat University, Ahmedabad



**About the Chair on IPR:** The lead off for establishing an Intellectual Property Rights (IPR) Chair was a unique and unprecedented history wherein Microsoft -India in partnership with Gujarat National Law University (GNLU), together set forth their vision to advance the research in the field of IPRs in India. The Microsoft India Chair on IPR focuses on capacity creation, development of policy research and thought leadership for IPR laws in India. The Chair intends to develop suitable academic research projects; provide a framework for analyzing the impact of IPR Law and policy on development and growth of the Indian economy along with disseminate knowledge and information on IPR Law and Policy through various outreach programs. This research collaboration initiative envisions to support the basic academic research in order to bridge the research information asymmetry pertaining to Intellectual Property Rights for enforcing a strong and robust legal protection to multi-stakeholders.

**Inception:** The Chair was inaugurated on 26<sup>th</sup> February 2014, at Gujarat National Law University, Gandhinagar in presence of Mr. Jim Banowsky, Managing Director, International Patents, Legal and Corporate Affairs, Microsoft at Redmond, Washington and Mr. Vipin Aggrawal, Senior Attorney and Director IP, Legal & Corporate Affairs, Microsoft Corporation (India) Pvt. Ltd. The Chair is functional from December 2013, with the appointment of Research Associate.

**Structure:** The organogram of Microsoft India on IPR, consist of one full-time Professor, a Research Associate and an Administrative Secretariat along with an Administrative Assistant.



## Vision Statement

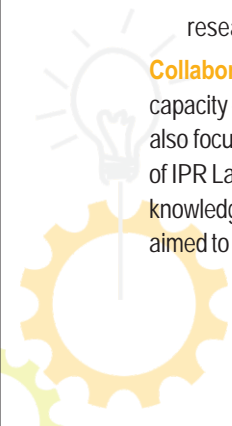
In an era of globalization and modernization, everyone has to keep balance with the changing scenario. With the development, various concepts have been changed and some new concepts have also been evolved including the concept of property. Over the years, man has always been possessive for his property and today the concept of property has been drastically changed from tangible property to intangible or Intellectual Property. The regime of Intellectual Property Protection has created various legal issues. Intellectual Property Rights are the creation of Intellectual Property Law and they are well recognized today. These rights are well accepted all over the world due to Globalization and Modernization. India is a signatory to various international conventions relating to trade and business therefore, it has become obligatory to introduce protection to the intellectual properties of the creators. Unlike other forms of property, Intellectual Property is also getting much importance today. The term Intellectual Property can also be termed as creativity, innovation and inspirational incorporation of an individual's perception and ideas which if practiced or moulded in a form, yields substantive results and products. The outcome of the creator's idea is said to be owned by him if it is exclusively his efforts and the practical implication of the work becomes a property and a material good of his. As per the rights and obligations towards one's own property, the intellect work of an individual is also protected under the provisions of Intellectual Property Rights as the work of an individual is the outcome of his brain power. With the concept of Intellectual Property Protection and to grant monopoly to the creator, another concept of protecting human rights of others from unreasonable exploitation of monopoly is also gaining much importance today, for which the world is facing complex issues today and so, research, in this respect has become necessary. The idea to do more research in the field of Intellectual Property is very important for the world and more particularly after introduction of TRIPS Agreements in 1995; the situation has become more challenging. Granting Intellectual Property Rights globally and its protection worldwide create various questions which need to be responded so that suitable legislation may be enacted to avoid unnecessary hurdles in National and Global Interests.

The Purpose of the GNU – Microsoft India Chair on Intellectual Property Law and Policy Research is to encourage innovative research work which leads to the creation and protection of intellectual property and for increasing awareness and respect for Intellectual Property Rights in the society by promotion of long term research and training collaboration between Microsoft India and Gujarat National Law University.

### Objectives and Activities

- Capacity creation and development of thought leadership in Intellectual Property Law and Policy research, education and awareness through a multidisciplinary approach.
- Development of suitable academic research projects as agreed between Microsoft India and Gujarat National Law University in Intellectual Property Law and Policy research.
- Providing a framework for analyzing the impact of Intellectual Property Law and Policy on development and growth of Indian economy.
- Dissemination of knowledge and information on Intellectual Property Law and Policy through various training, research, extension and outreach programmes.

**Collaborative Research Center for Endowment Agency:** The Microsoft India Chair for IPR at GNU has focus for capacity creation, development of policy research and leadership in Intellectual Property Rights laws in India. The chair is also focused for development of suitable academic research projects by providing a framework for analyzing the impact of IPR Law and policy on development and growth of the Indian economy. Moreover, the chair also intend to disseminate knowledge and information on IPR Law and Policy through various programs in India. Thus, the chair initiatives are aimed to help to bridge the gap between university and industry on issues related to Intellectual Property Rights.



## Report on Endowment's Research Collaboration Roadmap

In the beginning of the chair activities, a Vision Statement and an Action Plan for conducting various activities in respect of the Microsoft India Chair for Intellectual Property Rights was prepared and submitted in January, 2014.

In order to raise the awareness and knowledge regarding the field of Intellectual Property Rights, a "Students Research Action Group" of 15 students was constituted, composed mainly of the students of undergraduate and post graduate students of GNLU. The group has undertaken research of some emerging issues in Intellectual Property Law. The group has also undertaken various activities in furtherance of the Chair programme objectives including research and publication.

Research Associate represented the chair along with participation in the first annual pharmaceutical conference - "NATIONAL CONFERENCE ON PHARMA & ALLIED INDUSTRY : PHARMA TECH 2013" with the theme, "India – A Game Changer in Pharma Scenario" concurrent with Exhibition – PHARMA-TECH TECHNOLOGY SHOW 2013, organized on 12<sup>th</sup>-13<sup>th</sup> December, 2013 at Ahmedabad Management Association (AMA) J. B. Auditorium, Ahmedabad.

- The importance of this event was that it provided an excellent platform for all concerned to update on latest developments as well as challenges and opportunities in the pharmaceutical sector and interact with industry leaders, experts and relevant government authorities.
- The Indian pharmaceutical industry has been growing at a compounded annual growth rate (CAGR) of more than 15% over the last five years and has significant growth opportunities. However, to sustain this robust growth rate till 2020, companies will have to rethink their business strategy by considering the intellectual

property regime They will have to adopt new business models and think of innovative ideas to service their evolving customers faster and better.

- The Conference was officially inaugurated in the Inaugural Session on 12<sup>th</sup> December, 2013 at 9.30 to 11.00 and the session was presided by Shri Parbatbhai Patel, Hon'ble Minister of State - Health & Family Welfare, Transport, Government of Gujarat, Gandhinagar. The Welcome Address was given by Dr. Jay Narayan Vyas, an Eminent Economist & Management Expert, Ahmedabad. Special Address was given by Dr. H. G. Koshia, Commissioner - Licensing Authority (Drug) & Commissioner of Food Safety, Office of the Commissioner, Gandhinagar. The Keynote Address was given by Shri Pankaj Patel, Managing Director, Cadila Healthcare Ltd., Ahmedabad on the topic 'India: Leading the Way as a Game Changer in the Brave New Pharma World'. Mr. Parikh has prepared and submitted a detailed report of the conference.

Research Associate also participated and co-facilitated the students participation in 7<sup>th</sup> Annual Intellectual Property Summit 2014 on "Towards An Intellectual Era (To See Beyond the Next)" organised by Y J Trivedi - AMA Academy for Intellectual Property Rights on 10th-11th January, 2014 at Ahmedabad Management Association. In the summit, there were total 6 sessions along with



three speakers in each and various aspects of intellectual property rights were deliberated. All the issues which are faced today by the world as an emerging area of intellectual property rights were discussed. In the summit, UG students pursuing intellectual property rights as well as PG students of IPR Group participated and obtained a very practical knowledge of intellectual property rights from the expert speakers.

GNLU organized a Seminar on *"Importance of IT Compliance in Automobile Industry- Benefits of Strengthening your Supply Chain"* in association with Federation of Indian Chambers of Commerce and Industry (FICCI) at Courtyard Marriot, Ahmedabad on 28<sup>th</sup> January, 2014. The Seminar aimed at apprising the exporters, suppliers and manufacturers associated with the Automobile Industry with the importance and merits of IT compliance in the supply chain.

- The Automobile Industry in India produced a total 1.69 million vehicles in August, 2013 and attracts 4.5 percent of the total FDI inflows as per data published by Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce.
- In light of the high market share of the Automobile Industry, the importance of IT compliance in accordance with international standards becomes increasingly important and pertinent.
- With the view and objective to broaden awareness amongst the Automobile Industry the Seminar tried to bring a congregation of eminent speakers representing the Legal, Academic, Automobile and software fraternity.
- During the seminar various facets of IT compliance, unauthorized IP usage, IP Law and Compliance, Importance of IT Compliance across supply chain and modes to enable compliance was discussed.



- The Seminar intended to magnetize abundant small, medium and large players in the Automobile Industry to establish and augment a better IT compliant regime in the supply chain.

Along with Ms. Nidhi Buch, Assistant Professor of Law, GNLU, and the team of students Mr. Parikh contributed research inputs to the Controller of Designs in Stakeholder's Meeting for discussing the *Design Law Treaty and provisions in Indian Designs Act* with respect to Intellectual Property Rights in India, organised at National Institute of Design auditorium jointly with the office of Controller of General Patents, Designs & Trademarks, Department of Industrial Policy and Promotion, Government of India on 4<sup>th</sup> February 2014. The LLM students of the University were involved in the active participation in the deliberations on Design Law Treaty and Indian Designs Act. With students, a presentation was collectively prepared to be made at the gathering. All the LLM students participated with full enthusiasm and hard work. Suggestions made by the team were deeply appreciated by all, especially by the Controller General of Designs, Mr. Deepak Rahut.

Research Associate conducted and organised the Interview for the appointment of Chair Professor at GNLU on 26<sup>th</sup> February, 2014 in presence of the Microsoft officers Mr. Jim Banowsky, Managing Director, International Patents, Legal and Corporate Affairs, Microsoft at Redmond, Washington along with Mr. Vipin Aggrawal, Senior Attorney and Director IP, Legal & Corporate Affairs, Microsoft Corporation (India) Pvt. Ltd.

Research Associate coordinated for the final interview for Chair Professor Dr. Srinivasulu at New Delhi on 6<sup>th</sup> June



### Report on Extension and Training Activities

**Title of Activity:** One Day brain storming session on 'Changing Facets of Intellectual Property Protection in Software Industries'

**Aim:** To carry out research in respect of practical aspects of Software industries and Intellectual Property Protection.

**Task Initiator:** Mr. Hardik Parikh – Research Associate

**Details of Activity:** Two Experts were invited as a resource persons in the session including (1) Mr. Nitin Bawsay, Executive Vice President, Priya Softweb Solutions Pvt. Ltd, Ahmedabad and (2) Mr. Ashish Jha, Advocate, Gujarat High Court

**Outcome:** Proper deliberations were made in respect of (1) *Software Patents Protection: Need of the Hour* and (2) *Intellectual Property Enforcement with Special Reference to Software Piracy*

**Status:** Completed

**End Recipient:** The students participated in the session with great enthusiasm and presented their research work and also opinions from the experts were collected. In the session, good amount of deliberations were made on the subjects of Software Patents and Software piracy. The Students Research Action Group participated actively in the session and the experts have appreciated the efforts of the students.

### Report on Research Activities undertaken

**Type of Research Activity:** Article Publication

**Aim:** To publish a quality article in respect of emerging area of Intellectual Property Rights

**Task Initiator:** Research Associate

**Title of Research:** 'Protection of Traditional Knowledge: A burning question in Current Intellectual Property Rights regime' in International Journal of Education for Human Services, ISSN: 0976-1128 in May, 2014.

**Abstract:** Traditional Knowledge protection has always been a matter of great concern for the countries like India which are very rich in biodiversity and ancient culture. With the development in all spheres, different laws are also enacted considering the variety of subjects, society and problems. One of the important fields in law is Intellectual Property Rights in which the exclusive rights in terms of limited monopoly in respect of commercial exploitation are given to the person who possess any kind of intellectual creativity. Today mostly all kinds of fields have been covered under the Intellectual Property regimes which are very beneficiary to the holders of Intellectual Property. However some of the fields like Traditional Knowledge are left outside the scope of Intellectual Property Laws because of its unique characteristics. No specific legal provisions are able to protect Traditional Knowledge directly and therefore various questions including bio-piracy have been emerged. In this article, the efforts have been made to understand the real scope of Traditional Knowledge and to justify the needs of its protection along with the suggestions regarding the requirements of separate legal provisions.

**Outcome:** Publication

**Status:** Published

**End Recipient:** Public at large



# GNLU - GUVNL FELLOWSHIP ON ENERGY LAW & POLICY





# GNLU-GUVNL Fellowship on *Energy Law & Policy*

Research Associate **Ms. Harsha Rajwanshi** is LL.M in 'New Economic Laws' from Gujarat National Law University. She has been awarded, 'Justice R B Mehta Gold Medal for Best Outstanding LL.M. Student'. Prior to joining Fellowship program, she has been working with Gujarat Mineral Development Corporation (GMDC) as 'Legal Executive'. The appointment recognizes her work experience in Contract Law, Arbitration, Litigation, Mining Laws and in particular to Energy Law and Policy. After rigorous selection process, Ms. Rajwanshi was found to be suitable candidate to implement the objectives of Fellowship programme.



**About the fellowship:** The collaborative GNLU-Gujarat Urja Vikas Nigam Ltd. Research Fellowship programme on Energy Law & Policy is an effective modality of GNLU and GUVNL to enhance legal education, research, training and extension programmes and activities exclusively in the area of Energy Law and Policy.

The Research Scholarship Programme is designed and designated to cater and serve the evolving energy sector in the country, when there is an imperative need to assess the feasibility and implications of various aspects of Energy Law and Policy. The Research Scholarship programme aims to provide a platform for Legal Research and Policy Formulation to address various issues and experiences underpinning the energy sector. GNLU's Functional Assistance under Energy Law & Policy Research Scholarship provides and promotes education, collaborative research, critical discussions, policy analysis, and hands-on clinical experience to address the intricacies of Energy Law and Policy through the medium of threefold core activities i.e. Educational programmes, Scholarly publication and Member activities.

## **Inception**

Research Associate on Energy Law & Policy, Ms. Harsha Rajwanshi was appointed from 01.01.2014 to effectively carry out the mandate of the fellowship programme

## **Structure**

The Research Scholarship programme is implemented by an appointed GUVNL Research Associate who works in close integration with Dean-Research, GNLU and under the overall guidance and supervision of the Director, GNLU.

## Vision Statement

### Knowledge Centre for Energy Law & Policy

The vital and dynamic energy sector is a critical component of country's economy where energy supply must keep pace with energy demand. In India, energy planning has to provide for the ever-growing demands of economy on the move and needs of millions of households. Energy, a vital input for production and rapid growth of GDP has to be supported by an increase in energy consumption as large sections of the country's population is still without an adequate access to energy.

To cater and serve the evolving energy sector in the country, there is a need to assess the feasibility and implications of various aspects of Energy Law and Policy. The Fellowship programme aims to provide institutional arrangement for Legal Research and Policy Formulation to address various issues and experiences underpinning the energy sector.

GNLU's Functional Assistance under Energy Law & Policy Fellowship aims to provide and promote education, collaborative research, critical discussions, policy analyses, and hands-on clinical experience to address the intricacies of Energy Law and Policy.

### Objectives and Activities

The Fellowship on 'Energy Law and Policy' envisions to achieve the following objectives:

- to provide sound and sustained legal research, drafting, training and educational assistance to Energy Law and Policy stakeholders
- to provide a forum for discussion, research and study of international and national Energy Law and Policy;
- to organize workshops, training seminars for the stakeholders, etc.
- to publish policy-papers, reports on status and carry out surveys on cutting-edge issues of contemporary subjects of Energy Law and Policy;
- to provide high quality legal research and study materials, including policy papers on a pro bono or sponsorship basis.

The Fellowship programme aspires to achieve its objective through threefold core areas of activity namely, Educational Programs, Scholarly Publications and Membership Activities.

### Collaborative Research Centre for GUVNL

Under the Fellowship program, the thematically coherent research program shall be undertaken to assist GUVNL: to plan, promote, develop, establish and execute contracts for an efficient and reliable power trading system in accordance with the applicable laws, rules and regulations; in the field of power supply, trading and conservation of electricity; to procure and distribute all forms of electrical power and undertake all connected functions in India and abroad and find the efficient ways to supervise, co-ordinate and facilitate activities of Subsidiary Companies; and to carry on management of fuels systems, hydel, wind and solar resources.

**“Meeting the energy challenge is of fundamental importance to India's economic growth imperatives and its efforts to raise its level of human development.”**

**“The overview of energy related issues shows that a workable energy strategy for the Twelfth Plan requires a large number of actions by different Ministries in the Central Government plus action by State Governments in several areas. The success of the Twelfth Plan depends critically on our being able to ensure that all or most of these actions are taken within a reasonable period of time. Unless this can be done, energy constraints will limit the ability of the economy to reach 9.0 per cent growth”**

**-Extracts from, “12<sup>th</sup> Five Year Plan” & “Approach to 12<sup>th</sup> Five Year Plan”**

## Report on GUVNL Research Collaboration Roadmap

In a close integration, Research Associate has been providing inputs for various legal-executive matters of endowment agency. Few of the noted work done by Research Associate are as follows:

- Advising on legal matters of GUVNL as sought from time to time
- Advising on executive matters of GUVNL as sought from time to time
- Advising on company matters of GUVNL as sought from time to time
- Prepared draft CSR policy for GUVNL

For the purpose of this report, the details and particulars of the matters are not provided as these matters are prepared and dealt by Research Associate, in the strictest confidence. Research Associate is under the obligation not to disclose such information to anyone outside Company or without Company's prior written consent. It is obligatory on Research Associate not to make use of any Confidential Information for his own purposes or the benefit of anyone other than Company.

## Report on Extension and Training Activities

**Type of Activity:** Distinguished Guest Lecture on 'Energy Trading & its Regulations' at GNLU Campus on 13<sup>th</sup> March, 2014

**Aim:** The aim of the guest lecture was to create and promote knowledge on new emerging areas of Energy Law & Policy. 'Energy Trading' being realized as one of the prominent areas of research and development to achieve the strategic goal of 'Electricity for all' campaign of Government of India.

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** The lecture was delivered by Mr Ashish Aman, Senior Executive at Indian Energy Exchange. INDIAN ENERGY EXCHANGE LTD. (IEX) is India's premier power trading platform. The exchange provides for a transparent, neutral, demutualized and automated platform for physical delivery of electricity.

There was participation of 32 students and faculty members for Guest lecture. 28 post graduate students of management from PDPU, Gandhinagar participated in the Guest Lecture.

**Outcome:** Management students of Petroleum Energy appreciated the Guest Lecture and the subject of Guest Lecture. They highlighted and appreciated the subject of Guest Lecture, growing importance and requested to be invited for participation for other more courses or programmes on Energy Laws.

Mr. Ashish Aman showed his willingness to develop the academic curriculum on Energy Trading Regulations or regulatory framework for Electricity Sector, in future endeavors of University, if so required.

**Status:** Completed

**End Recipient:** Public at Large

**Type of Activity:** Constitution of Energy Law Policy- Student Research Action Group [ELP SRAG].

**Aim:** To motivate and engage, group of volunteer students towards Energy Law and Policy Research and development.

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** Out of 30 Applications received from GNLU Students, 9 students were selected in member group after interviews. The

interview was conducted by Research Associate and Ms Soma Bhattacharya, Assistant Professor of Law, who had dealt the Energy Law subject, way back for an optional paper in the University for one semester.

**Outcome:** The team of student body has been created, to support any future research, extension and training activity under the fellowship programme.

**Status:** Completed

**End Recipient:** GNLU

**Type of Activity:** Appraisal of Youth towards Energy Conservation Campaign

**Aim:** To create awareness on Energy Conservation Act, 2002 amongst the University and College Students.

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** The Campaign was designed to be launched during of sports event of GNLU, Justice League 2014. GEDA, being nodal agency for state awareness and implementation for Energy Awareness was approached for the campaign partner.

**Outcome:** Although GEDA refrained to sponsor this event in view of closing financial year. However GEDA had shown its interest on partnering with such events in future.

In the year 2015, the programme could not be planned because of outbreak of swine flu during Feb 2015

**Status:** Deferred to 2016

**End Recipient:** Public at Large.

**Type of Activity:** Round Table Conference for Energy Law Research in India

**Aim:** To create a roadmap for Energy Law Research in India

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** Approached CERC Legal Advisor and BEE for resource persons

**Outcome:** Not realized

**Status:** Deferred due to non-availability of resource persons during national elections in 2014 on tentative date of organizing conference.

**End Recipient:** Public at Large, GNLU and GUVNL

**Type of Activity:** An Energy Law and Policy-Information Portal; [www.gnluenergylaw.org](http://www.gnluenergylaw.org)

**Aim:** To create an information and interaction portal for Fellowship programme and Energy Law and Policy Research and Development

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** Conception of website to expected outcome.

**Outcome:**

- Gradual creation of directory of Energy Laws and Policy Sources
- Creation of network of Energy Law and Policy, Researchers and Professionals Network
- Creation of knowledge depository of various articles on Energy Law and Policy on its blog
- Gateway to publication of research on Energy Law and Policy

**Status:** Part Completed and in progress

**End Recipient:** Public at Large, GNLU and GUVNL

**Type of Activity:** Certificate Course on Nuclear Energy & Law, at GNLU Campus on 11th-12th April, 2015

**Aim:** To create and contribute to advanced learning of sector specific areas in Energy Law

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** Dr. Ravi Grover (Padma Shri 2014), Indian Nuclear Scientist, Homi Bhabha Chair Professor, Department of Atomic Energy, & Director, Homi Bhabha National Institute, Dr. Harikumar from Atomic Energy Regulatory Board, Dr. M. P. Ram Mohan, Associate Professor at TERI University, Ms. Els Reynaers, Partner, M V Kini & Co, Mumbai, Mr. Mohit Abraham, Associate Partner Khaitan & Co., Mr. Dipankar Bandopadhyay Partner, VERUS Associates, Partner, VERUS Associates, will be taking sessions for this Certificate course.

**Outcome:** To be stated on completion

**Status:** In Progress

**End Recipient:** Public at Large

**Type of Activity:** National Conference on "EXPLORING LEGAL FRAMEWORK FOR RENEWABLE ENERGY IN INDIA", Tentative Date: August, 2015.

**Aim:** The aim of the Conference is to explore the following issues:

- How to define and distinguish renewable energy from non-renewable, and the terms and definitions?
- What should be the eligibility of renewable energy sources?
- To facilitate debate and seek suggestions as to whether percentages for the procurement of renewable energy should only be limited to distribution companies or should be extended to include captive users and open access consumers?
- What should be the operating framework for the implementation of its Renewable Portfolio Standard (RPS) order?
- Issue of Power procurement from Renewable Sources by Distribution Licensee.

- Issue of percentage of electricity proposed to be purchased from renewable sources.
- What should be Renewable Obligations and Certificates?
- Formation of National Renewable Energy Council and its Role.
- Penalties and Waiver.
- Comparison to Renewable Energy laws in other countries.

**Task Initiator:** Ms. Harsha Rajwanshi

**Details of Activity:** In consultation with Power Grid, GOI undertaking, for conference collaboration

**Outcome: (expected)**

It would be a step towards refining the draft law, based on the suggestions of the speakers at the Conference.

The conglomerated, accumulated and converged knowledge on the subject would work as a strategy for advocacy of the legislation for its subsequent adoption by the parliament.

**Status:** In progress

**End Recipient:** Public at Large, GNLU and GUVNL

### Report on Research Activities

**Type of Research Activity:** Paper Presentation at International Conference on India's foreign relations- South East Asia and the Indian Ocean: Strengthening the Political, Economic, Security and Cultural Prospects on 12<sup>th</sup> -13<sup>th</sup> September, 2014 organized by Gujarat National Law University and Indian Council of World Affairs, New Delhi

**Aim:** The aim of the research activity was to establish new research within the discipline of Energy Law pertaining to role of Energy in

national foreign policies and International diplomacy.

**Task Initiator:** Ms. Harsha Rajwanshi

**Title of Research:** Energy Diplomacy-Lessons for India

The paper discusses and conceptualizes Energy Diplomacy. The paper also traces the evident anecdotes of International Energy Diplomacy exhibited by United States of America, Europe-Russia Regional Energy Diplomacy Centre on Gas and China's new re-structured Oil diplomacy. The paper examines and draw inferences about Indian Energy Diplomacy in light of advanced diplomacies of sampled countries (mentioned above).

**Outcome:** The paper was well appreciated by the Chair and Panel Members.

Chair, Prof. P. V. Rao further had recommended the Research Associate to the selection committee for an International Conference, being organized by Minister of External Affairs. However Research Associate, did not receive any call from a Selection committee.

Through the Chair, Prof. P. V. Rao, Research Associate was also introduced to Ms Lydia Powell, Research Faculty, Observer Research Foundation who have expertise in various areas of Energy sector namely Energy Policy, Energy Pricing and Regulation, Energy Poverty, Energy Security, Energy Security Index, Resource Based conflict with particular reference to Energy and Water, Commercially viable Renewable Energy Pricing Policies and Pricing & Regulatory Issues in Nuclear Energy.

**Status:** Completed

**End Recipient:** Public at Large

**Type of Research Activity:** Article on any topic of Energy Law & Policy in Practical Lawyer. The Practical Lawyer™, a monthly journal, is a complete monthly guide to legal news, happenings and updates published by Eastern Book Company. The journal is one of the widely subscribed journal amongst legal fraternity.

**Aim:** The aim of this publication is to create a public record of original contributions to knowledge and present legal insights on various issues of Energy Law & Policy. By providing intellectual credit publicly in the journal, the purpose is to encourage and promote legal researches in Energy Law & Policy

**Task Initiator:** Ms. Harsha Rajwanshi

**Title of Research:** Policy and Regulatory Provisions for Renewable Energy Power in India, 2014 PL (EL) November 77

The article discusses various provisions in Electricity Act, 2003 regulating Renewable Energy and policy framework for growth and promotion of Renewable Energy in India

**Outcome:** Publishing an article can result in fruitful new research collaborations, including financially profitable arrangements for authors in academe or for endowment agency, as a result of commercial overtures for collaboration or consultancy.

**Status:** Completed

**End Recipient:** Public at Large

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**Task Initiator:** Ms. Harsha Rajwanshi

**Title of Research:** Fuel & Purchased Power Cost Adjustment, 2014 PL (EL) December 58

**Outcome:** Publishing an article can result in fruitful new research collaborations, including financially profitable arrangements for authors in academe or for endowment agency, as a result of commercial overtures for collaboration or consultancy.

**Status:** Completed

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**Task Initiator:** Ms. Harsha Rajwanshi

**Title of Research:** Reforms in Power Sector 2015 PL (EL) January 71

**Outcome:** Publishing an article can result in

fruitful new research collaborations, including financially profitable arrangements for authors in academe or for endowment agency, as a result of commercial overtures for collaboration or consultancy.

**Status:** Completed

**End Recipient:** Public at Large

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**Task Initiator:** Ms. Harsha Rajwanshi

**Title of Research:** Regulatory Competition Dichotomy in Power Sector, 2015 PL (EL) February 64

**Outcome:** Publishing an article can result in fruitful new research collaborations, including financially profitable arrangements for authors in academe or for endowment agency, as a result of commercial overtures for collaboration or consultancy.

**Status:** Completed

**End Recipient:** Public at Large

**Type of Research Activity:** Article on any topic of Energy Law & Policy in Practical Lawyer. The

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**Aim:** The aim of this publication is to create a public record of original contributions to knowledge and present legal insights on various issues of Energy Law & Policy. By providing intellectual credit publicly in the journal, the purpose is to encourage and promote legal researches in Energy Law & Policy

**Task Initiator:** Ms. Harsha Rajwanshi

**Title of Research:** National Solar Mission of India under WTO Scrutiny, 2015 PL (EL) March 64

**Outcome:** Publishing an article can result in fruitful new research collaborations, including financially profitable arrangements for authors in academe or for endowment agency, as a result of commercial overtures for collaboration or consultancy.

**Status:** Completed

**End Recipient:** Public at Large









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