

## Inaugural Ceremony – Extract

- **Prof. (Dr.) S. Shanthakumar (Director, Gujarat National Law University)**

“Law and Economics is an empirical discipline and has always been.” For a while, law and economics did become more technical and methodologically sophisticated. I think the future of law and economics lies in increasing the audiences, the usage, the researchers. The future of law and economics is in taking its mature disciplines. The big challenge that law and economics have to conquer is to dissent from the academic debates. We are witnessing a rise of experimental law and economics of sophisticated behaviour and analysis and, of course of a mature empirical methodology examining a Pandora of legal topics.

The first stage of research in law and economics what we all know was mainly theoretical. Economics and lawyers used and adopted concepts and analysis from economics to show that legal rules and doctrines often had a clear economics rationale and to show these concepts eliminated how laws and legal system affects legal behaviour and the efficiency of economic outcomes. Models to have been more complex, data requirements will be greater, the problems involve less law in the sense of what courts do and more of policy in the sense of statutes and legislatures will be central. There are of course people currently working in these areas acquired with all of these legal tools but the concern is that their numbers are very limited. If law schools have to contribute to the great problems of the day, the scholarships will have to move in this particular direction. I believe the conferences such as this will contribute significantly to developing scholarship in this niche branch of law. Hence, I take immense pride in inaugurating the fifth international conference on law and economics and public policy.

- **Prof (Dr.) Mamata Biswal (Dean, Academics and Faculty Affairs. GNLU)**

Prof. Dr. Mamata Biswal mentioned that “It is difficult to bring both the fields together but the University & centre has attempted & done cutting edge research in the area.” Economic Justice/benefit through law. There is plethora of laws & the main focus of it has been just Justice but since some past years the focus has been shifted to economic justice. The laws can be looked from the lens of justice. The recent SC decision on extending the legal rights of the daughter in inheritance of property prior to the succession act. This is nothing but economic justice though it is a interpretation of law by the SC. The SC extended the coparcenary rights prior to the succession act. Any law in India becomes strong by factors like legislative backing, judicial intervention & executive action and now this inter-disciplinary branch where we see economic justice & economic benefits. By applying economic principles to legal principles, one cannot enlarge the area of justice, but by applying the economic principles the economic benefits may be provided. Example of IBC & various financial regulation laws, pension funds. These laws require/ have a gap – how economic benefit & economic justice can be provided by research in the field of Law & economics & ultimately it will lead to the growth of the economy of the Country.

MSME Sector, Labour Laws – Union of India v. Rajendra N Shah (97<sup>th</sup> Amendment Act)- Certain change regarding cooperative societies. In that case this particular economic benefits & how the coop societies are helping in economic benefits to citizens & the economy of the country. Though the judgement is different but it shows the interested of judiciary towards economic benefit legislations.

How the judiciary is prompt in providing justice & economic justice. Starting from Shah Bano to Lily Thomas case – providing the economic justice to women. To quote her - Recently I taught the concept of Related Party Transactions, where there is scope of providing economic benefits to companies, shareholders, creditors & the country at large. The corporate entities are increasing & their number in few days will be equal to number of citizens. The new concept of Prepack for MSMEs. These are areas where legislator is active & judiciary has been active since beginning when the commercial laws were not there (Art 21 - enlargement of its scope to provide economic justice & benefits)

The centre last week had a discussion on SEBI Consultation paper on ESG Rating Providers & this shows how this Centre is helping in research & making changes happen. I am sure in few years your research will help the legislature in making laws & improve the economic justice delivery system.

- **Prof. (Dr.) Ranita Nagar (Head of Centre, GNLU Centre for Law and Economics)**

"I understand there are two causative factors that have shaped outcomes in every society across the expanse of history and they are: institutions of economics and institutions of law". There are two foremost responsibilities also for premier university, the first is to capture the important questions and challenges faced by the country in dynamic times in terms of research papers and the second and more important is to impart the most scientific tools in order to capture these questions accurately and arrive at efficient solutions

In this regard, this particular conference has been envisaged wherein we have started the process was very strict we did not ask for abstract we asked for full papers so that is one benchmark that we have set for ourselves, full papers. We had 76 full papers coming in which went to a review process out of which 33 papers are being presented in this conference. We have 8 technical sessions for the conference and the technical experts come from universities across: IIT Kanpur, IIT Patna, IIM Ahmedabad national Law University Jodhpur, National University Tamil Nadu, just to name a few.

The broad areas that the papers covered are the throbbing issues of the time they are you know they are Covid and health issues, they are unemployment, they range from public law to private law to constitution which have emerged as saviour in terms of using their emergency powers during the Covid times.

In this conference we have plenary speakers like Professor Stefan Voigt from University of Hamburg, Professor Ginsburg from the University of Chicago, Professor Ram Singh from Delhi University and so that is the expanse of plenary speakers that we have for this particular conference and all of this goes on for one particular purpose and that purpose is to bring this domain and training of this subject.

Ground is very fertile wherein the consequences of the law and policy are seen are visible improvements as far as growth is concerned questions as far as the issue of development is concerned it is a very fertile ground for the young scholarship to deliberate on this questions and deliberate on them and not only from theoretical perspective but also to come with understanding and tool to create the scientific understanding and law and economics is a tool to create this understanding and based on that give scientific solutions and this is the journey that GNLU has been on for the last 10 years as Mamata Biswal Ma'am pointed out.

- **Shri Sanjay Prasad (State Election Commissioner, Gujarat)**

“My basic theme is that law and economics is not a new discipline and it has so many aspects on regulation taxation.”

Such figures a lot of policy implications than a lot of issues for the distributive justice. John Rawls in the western philosophy come out with the concept of the affirmative action and for the efficiency can be balanced with seeing that the purest and the most deprived get benefit to all these I am very important concepts with I think we'll know in Economics movement also should tackle and now the concept of limit to GDP and the concept of domestic standard of living happiness is there and I think as I said earlier there that book written by Kautilya Chanakya (Arthashastra) that uses a good in get that has a welfare state as an ideal and how the state has to create a welfare economy. Administrative structure relief measures to be taken for during calamities like fire flood the mean epidemic infestations. I would say and it requires a lot of intensive Research and Clinical Research as well as conceptual research can I am sure that GNLU which is a vast array of interdisciplinary research and enthusiastic students and very committed faculty and GNLU also has the advantage that it interact club class member of civil society organisations and other academic Institutions so “I think GNLU is very well placed to take the lead in this reorientation of law and economics but I'd strongly feel we should not be different about it is the meeting economics the mathematical economics can later and limitations of mathematical economics are very clear to everyone .”

- **Justice (Retd.) Dr. A K Sikri – Former Judge, Supreme Court of India**

Justice Sikri talked about the Role of Judiciary in connecting law & economics & economic consideration in decision making. The fundamentals are important & economic aspects are involved in all aspects. The concept of economic justice & economic benefits through law is important & should be kept in mind by judges while giving justice. Today Law & economics has established itself as a separate independent scholastic discipline being widely employed to make sense of concepts like contracts, privacy. Posner in 1981 wrote about the meaning of Justice. When & how do law & economics interact & converge, what is the role & purpose of economics in understanding law, how does economics ensure justice impartation. 2 things from Judges point of view - economics Analysis of law is the theoretical analysis of Law based on principles of economics the overarching principle being efficiency. Social efficiency is very important & should be kept in mind.

Judges have economics concept in their subconscious mind but it should be brought in the conscious mind. The Judges must keep economic aspects in mind. In *Shiv shakti limited case* the SC very categorically mentioned about the importance of law & economics. Judiciary needs to perform role in the economic growth. First duty is to decide the case by statutory provisions but also should check the economic impact of the decision, wherever possible the court should contribute towards the economic growth of the nation.

Justice Sikri stated about the application of Principle of proportionality in the CCI Act case - the person involved in Anti-competitive actions. If one company owns 10-15 business whether the fine should be on overall company or the arm which was involved in the anti-competitive practices.

The court restricted the punishment to the particular arm of the company (economic aspect was kept in mind).

Example of the case of Telecom companies. What will be the impact of cancelling their licenses? Economy will crash. We cannot just go by rational choice theory, there are exceptions to economic analysis of law. The persons will altruistic behaviour won't go by rational choice.

The challenge is striking balance between economic efficiency & legal right (equity & fairness) & it is not easy to strike a balance. Judgement on banning liquor on highways- One aspect was to prevent accidents & loss of life (Human Rights aspect) but the other was unemployment due to closure of liquor shops. Same with the diesel vehicles ban in Delhi (Environment v. Economy). The Sustainable Development is based on the keeping economic aspects in mind.

The Centre should help judges in being conscious of the economic effects of decision making.

- **Dr. Hiteshkumar Thakkar (Convenor, 5<sup>th</sup> GNLU International Conference on Law, Economics, and Public Policy)**

Dr. Thakkar presented the vote of thanks, extending his gratitude to all the luminaries .