

Theme: Law and Economics

Poster Code: A1 FL 39

JOINT VENTURES: PRO-COMPETITIVE OR ANTI-COMPETITIVE

Dr. Ruchi Bhandari, National Law University, Jodhpur

Joint Ventures may be pro-competitive by enhancing quality competition, increasing the benefits to the consumers, allowing more choices to the consumers at lower prices, reduction in production costs and achieving financial, production and marketing synergies. However, the joint ventures could be anti-competitive by hampering competition through fixation of prices, by reduction in prices, output, quality and thereby leading to loss of actual or potential competition, and foreclosure of third parties which leads to constraining the benefits to the customers and end-users.

The aim of the paper is to identify the features of joint venture which make them pro-competitive or anti-competitive and the detection procedure to identify that joint venture is a pro-competitive or anti-competitive on the basis of decided cases by various jurisdictions. The paper will also establish the distinction between the ancillary restraints and anti-competitive restraints imposed by the joint venture on the partners and their impact on the competition.

The paper will be divided into five sections. First section will elaborate upon the concept of the joint ventures and types of joint ventures- production joint venture, research and development joint venture, and marketing joint venture. Second section will tabulate the cases of these joint ventures in the light of their pro-competitive and anti-competitive effects. Third section will make a distinction between ancillary restraints and anti-competitive restraints. Fourth section will deal with the reasons of approvals and rejection of joint ventures in India in order to enhance the competition and achieve consumer welfare. Fifth section will make recommendations related to the imposition of conditions on joint ventures to make them pro-competitive.

Poster Code: A1 FL 67

CHALLENGING THE CUSTOMARY PRACTICES TOWARDS GENDER EQUALITY IN PROPRIETARY RIGHTS

Kiran Rai, School of Law, Galgotias University, Greater Noida

Is it that 'LIBERTY of belief, faith and worship' and EQUALITY of status and of opportunity; in the preamble treated as conflicting interest by the political system? Should they continue to honour liberty of faith over equality of status to woman and continue denying women, of all religion, same and equal propriety rights as available to other sex? Or is it that equality of status is enshrined in Constitution to give equal status to men of different caste and religion and women have been kept out of its scope, as the policy makers are reeling under the pressure of adult suffrage were men come out in large proportion to vote and they still control the decision making power of fairer sex.

The Fourth World Conference on Women (FWCW) discussed and adopted the Beijing Declaration and Platform for Action. Member States, India being one, committed regarding the actions they would take to promote equality, development and peace for and with the women of the world. The progress towards granting equal proprietary rights to Indian women has to be viewed from constitutional, legislative and judicial approaches. This paper studies the impact of according more significance to personal laws on the economic conditions of Indian women and examines the role of legislators and judges in balancing the gender justice and customary laws.

Financial independence and security empowers a woman. Still in many countries women's proprietary ownership is marred by customs and legislations. The hampering of their economic status makes them physically, psychologically and economically vulnerable. Part I takes a prelude into the economic condition of women in world and the jurisprudential approach towards their ownership into land and property. Part II devolves around the historical evolution of proprietary rights of Indian women through social norms and legislations. Part III analyses the role of Indian judiciary in interpreting the statutes and affirming individual rights to women over group rights to their respective religious communities. Part IV analyses the prevailing situation and explores the possible solutions for conferring equal proprietary rights under Constitutional scheme that would not only improve the economic conditions of Indian women but would empower them and give them equality of status and opportunity.

Poster Code: A1 Spm 45

EXPLORING REASONS OF NON-COMPLIANCE OF STREET VENDORS ACT IN PUNE: AN ETHNOGRAPHIC STUDY

Sakshi Saxena, Abhishek Behl (SCMHRD, Pune), Bhavna Pandey (Symbiosis International University)

In most Indian cities the urban poor survive by working in the informal sector. The informal sector in urban cities has been majorly governed by vendors which not only offer services but also help in reducing the problem of poverty through their entrepreneurial skills. The recently passed Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act in 2014 has been one of the promising attempts to regularize the urban street vendors. The challenge is its awareness and henceforth its implementation in urban cities of India. The present study attempts to understand the state of understanding of the law and explore reasons for non compliance of it. The study uses ethnography surveys and factor analysis to analyze the situation in urban areas of Pune, India. The primary data collection envelops a sample size of 410 responses using a stratified random sampling. The results reflect that factors like awareness, moral policing and lagged response from the government has evolved to be few of the prime reasons. The study also reflects that items sold by vendors and areas of service also act as control variables for non compliance of the law which is unintentional for majority of the cases. The study suggests guidelines which would help execution of the law at the local level. A primary output of the suggestions would lead to increase in number of legal street vendors on the streets of a city and would also result in plotting the data in a regularized manner which is also a grey area for local bodies in a city. This would also result in studying the sustainability aspects of these urban vendors.

Poster Code: A1 Sul 8

BURSTING A CARTEL: REFORMS NEEDED IN INDIA

Apoorv Singh Chauhan (NALSAR, University of Law, Hyderabad), Mayuri Khandelwal (Hidayatullah National Law University, Raipur)

This paper focuses on the need to amend the Competition act of 2002 as it is outdated to face the complexity arising in the modern day industrial world. The developed countries around the world have much more advance competition laws to facilitate trade and Vis a Vis safeguard the interest of the consumers. One of the arrangements which proves to be disastrous to the interests of consumer is cartel formation by the competing firms. The present law with regards to cartel formation is weak in the sense that the deterrence created by the present competition act is inadequate.

Our central thesis is that the law against the formation of cartel needs to be reformed strategically to ensure that the firms fear to enter into cartel formation. The paper points out the loop holes in the present Indian law against cartel and gives law reform suggestions to tackle the problem of cartel formation by comparative study of the law in the developed countries. There are two structural changes that this paper suggests. Firstly, criminalization of cartels and secondly, the improvement in the leniency programme.

It is being tried to prove in this paper that if these suggestions are implemented than the firms indulged in cartel forming activities will have no alternative other than to report the cartel by themselves. The incentive for reporting a cartel would be much greater than being a part of it. The suggestions are than justified using the Game theory that by amendments in leniency programme there will be greater incentive for a firm to voluntarily burst the cartel and criminalization will provide for greater deterrence on carrying on with the cartel and as the firms also behave like self-interested rational individuals they will end up disclosing the cartel.

Theme: Environmental Challenges

Poster Code: B1 fl 56

SITING OF DIARY UNITS NEAR RIVER BODIES: A CASE STUDY

Achal S. Khilnani (National Law School of India University, Bengaluru), Girish R. Pophali, Akshay Shende, Neelesh Sahu (CSIR – National Environmental Engineering Research Institute, Nagpur)

This paper looks into the need of siting criteria for industries based on Environmental considerations. Appropriate siting criteria and its effective implementation by regulatory authorities is emphasized through the case study of siting for dairy industries i.e. dairy units situated close to river bodies in Jabalpur city in Madhya Pradesh state of India.

Jabalpur city has a large number of dairy units operating in the city and is also known for its dairy cluster. Many dairy units in the cluster are situated in close proximity to river Narmada and its tributaries Pariyat and Gaur. The high strength untreated wastewater is discharged in the river bodies leading to problem of rising pollution owing to disposal of muck and animal wastes. Therefore, it becomes imperative to prioritize appropriate siting criteria. Also, the criteria for setback distance from river bodies should be in conformity with the siting guidelines for industries recommended by the Ministry of Environment, Forests and Climate Change (MoEF&CC), Government of India with a balance between economic and environmental considerations.

Accordingly, at the state level and local level, regulation should be incorporated for siting of industries, with particular reference to dairy industry. An important consideration is due discretion in prescribing minimum distances according to site specific conditions by local enforcement agencies.

The envisaged positives of the regulatory policy intervention are mitigation of pollution in river bodies, enabling suitable land use, check towards setting up of dairy units near river bodies and addressing environmental challenges.

Poster Code: B1 fe 28

ENVIRONMENTAL CHALLENGES AND IMPLICATIONS OF CUSTOMARY LAWS FOR MANAGING NATURAL RESOURCES IN NORTHEAST INDIA

Niranjan Roy

The Northeast India consisted of seven sisters and a cousin, viz, Arunachal Pradesh, Assam, Meghalaya, Mizoram, Manipur, Nagaland, Tripura and Sikkim is inhabited by 200 indigenous tribal communities. Many of these communities are governed by the Sixth Schedule of the constitution. The Constitution of India was amended to recognize tribal customary laws in many states. The customary laws based administrative structure has serious implications on the land relations in the region. The concept of community management of natural resources is very important in this governance structure. The tribal tradition conferred the right of ownership of the Common Property Resources (CPR) mostly on the communities. The manufacturing industrial sector is still backward and yet to contribute substantially towards economic prosperity in the region. As such the principal occupation of the people is agriculture and '*jhum*' is the chief land use. The region appears to be over populated in the ecological sense given the land-intensive nature of agricultural production and preponderance of the primary sector in occupational structure. Due to rapid increase in the tribal population forest land declined drastically. As a result the '*jhum cycle*' has shortened drastically. The cultivation in such short cycle is usually uneconomical. Moreover, a large number of important tree species, valuable wild life, wild plants representing great diversity of gene pool, rare orchids are lost during the process of slash and burn method of cultivation.

The change in the climatic conditions is visible by different factors like rainfall pattern, floods, increase in temperature, humidity and other natural calamities. Recent long-term meteorological data for 1951-2010 were analysed by India Meteorological Department (IMD). Climatological trend analysis for a 60 year period is of sufficient duration to reflect natural climatic variability on a multi-decadal time scale in the region.

The property rights to the commons have not been found to be suitable solution for sustainability of environment. Moreover, the interface of the customary law with the formal systems has led to change the land relations in some states with the advent of globalisation and market forces. The traditional indigenous system of community participation and governance through customary laws has been contributing effectively for environmental protection in some states in the region. The recent Paris Agreement initiated the institutional climate change and it will become a positive development towards sustainability. There is the need for strengthening tribal community institutions for managing CPR in the region. Instead of modern legal framework, collective action has been able to maintain forest quality for local environmental services given the long tradition of community participation in managing resources in indigenous societies.

Poster Code: B1 fl 11

JUSTICE TO ENVIRONMENTAL REFUGEES: ECONOMIC AND LEGAL PERSPECTIVE TO MINING OPERATIONS IN INDIA

Priya Vijay, Shweta Mohan, National Law University, Ranchi

India is enriched with its ethnic, linguistic and mineral diversity. At the same time it is competing with western world, accepting the fact of its huge population. There is no denial to the fact we have chosen the path of development brought through mining operations. Mining is a legitimate way of national resource building but it has not been only a development but development accompanied with deprivation. Deprivation of forest dwellers, inhabitants and tribals, who identify their lives with their land and the same land, becomes the playground of mining industries. Regulation of mining sector is at an evolving stage, and the sector faces lack of clear cut norms to address the grave issues shadowing the sector.

We are not challenging the continuance of mining activities in different parts of India, but we cannot turn our faces to the realities of injustice being caused to the inhabitants of the areas who are forced to leave their land, livelihood, cultural identity and reduced to the status of being called as environmental refugees who are actually denied, even the recognition as a refugee under international law. Displacement and resettlement brought by mineral exploration is one of the most critical dilemmas of development. The mode of determination and distribution of compensatory gain for the loss of land and traditional heritage raises several other concerns, which remain unanswered. The mining Corporations need to be more vigilant and considerate towards their corporate social responsibility and have a humanitarian approach for human right aspects of those affected by their operations.

This paper seeks to highlight concerns of the mining led refugees and their remediation by judiciary, insufficient regulatory norms for the mining sector and economic deprivation. The author proposes for stringent environment impact assessment of mining operations and equitable distribution of development.

Poster Code: B1 FM 46

CARBON GOVERNANCE IN INDIA: INITIAL FRAMEWORK AND POLICIES

Manish Vadera, Pragya Priyadarshini Harsha, Jai Narain Vyas University, Jodhpur

Carbon governance means the institutional arrangements in place for mitigating greenhouse gas emissions. These arrangements differs in different countries in different forms of carbon trading in Brazil as environmental integrity of emissions reductions projects, the Clean Development Mechanism (CDM) market in India by national companies whereas China applied it to foreign organizations by taking an active interest in providing capacity to project developers. The need for recognizing issues relating to climate change and taking action to address them has been identified by public and private sector.

The objective of present research paper is to study the basic framework and arrangements required for the carbon governance to face environmental challenges in and by India. It involves study of secondary data available to deduct necessary arrangements required for the administration and governance of carbon in form of trading or CDM to implement actual solution to this climate change management issues at international, national as well as local level efforts.

Poster Code: B2 wgs 20

**TRANSCENDING DEVELOPMENT – GENDERING PERSPECTIVES ON
ECOLOGY AND ENVIRONMENT**

**Esther Wangari, Divya Saksena & Bria Johnson and Kavya Rangan, Towson
University, USA**

The focus of this interdisciplinary paper is ecology and environment. Our project investigates the legacies of colonialism and postcolonial practices and their implications for gender, education and relationships with ecology and the environment. We examine the working of capitalist expansionism in the global south and the impact on gendered experiences in formerly colonized countries. We probe multifunctional areas of community and society to see how socio-economic issues create environments of insecurity, discrimination and harassment for women, in the home and particularly in work situations. Therefore, we unearth a continuum of capitalistic profit theories and policies operating in and defining globalization activities advocated for instance by international institutions such as the World Bank, IMF, WHO, WTO etc.. Further, we argue that these policies are obscured in alternate economic development terminologies.

We suggest that various socio-political and economic development policies continue to be determined by the intersections of colonial and postcolonial processes guided by principles of capitalistic neoliberal ideology. The impact is felt by local communities and indigenous people particularly in developing countries, in terms of social, economic and political contexts of gender, ecology and environment. The actions of post-colonial administrators have devastated not only vast tracts of fertile landscapes, but also dispossessed large sections of the local populations. Women's bodies perhaps more than men are targeted as locations of abuse along with the ravaging of natural environments and negation of local cultural norms. Therefore, we question the imposition of convergent international and national agencies for the domination and exploitation of local natural resources. We conclude by

1. Questioning the cost to the environment, loss of sustainability management and renewal initiatives and methodologies (cf. Wangari Maathai).
2. Advocating implementation of economic, social and ecological initiatives for and by women that will contribute significantly to the creation of secure gender-sensitized work environments for all.

Theme: Consumers Contracts

Poster Code: C1 FE 18

Doctor-Patient Transactions: A Case Study of District Consumer Redressal Fora in Andhra Pradesh

P.M.Prasad (IIT Kanpur, India), Sabastian Vollmer (University Of Goettingen, Germany)

Doctor services are demand inelastic in nature. In addition, corporate health care system intends to provide costly and complex services to the patients. These services at times impose harm on patients that results in litigation. The Consumer Protection Act, 1986 (Amendment, 2002) empowers District Consumer Redressal Fora to provide remedial measures to the aggrieved patients within its territorial and pecuniary (up to Rs. 20 lakhs) jurisdictions. The paper examines critically the functioning of the Fora on speedy, simple and affordable redressal to the patients. Our preliminary secondary data based study limits to District Fora in the State of Andhra Pradesh. The data has been collected on disposed off cases by the District Fora, except Tirupati, for 10 years (2003-2012). The data analysis will provide insights on deterrence effect of the Fora to the parties to minimize their joint social costs and maximize their benefits. However, causal link and frequent adjournments will hinder the Fora to fulfill the objectives of the Consumer Protection Act, 1986.

Poster Code: C1 D 14

PERCEPTION OF PRODUCT WARRANTEES AS LEGAL INSTRUMENTS THAT ENSURE OPTIMAL CUSTOMER SATISFACTION

Saji Abraham, Nadackel, Velanilam Post

Product warrantees (Warranty and Guarantee) are very widely being used by the manufacturers and marketers of consumer durable goods. This proposal seeks to better understand the legal inference of product warrantees as standard form of contracts; which are otherwise widely understood by the industrial empires as part of marketing their consumer durable goods. Product warrantees are already proved as effective sales promotional tools that categorically signify the quality and durability of the products sought to be sold; and are widely depended by the consumers, irrespective of whether the sale is an online sale or a cash sale, across the counter. Nevertheless, from a legal perspective, it is known that the companies offer no option or chance for the consumers to any way negotiate on the terms accompanying the product warrantees.

According to Exploitation theory of warrantees propounded by Kessler (1943), standardized warranty contracts are drafted unilaterally by the seller and only involuntarily adhered to by the consumer. Standardized contracts are typically used by sellers with strong market power. The consumer, in need of the goods, is frequently not in a position to shop around for better terms, either because the seller has a monopoly, or because all competitors use the same clauses. If collusion is widespread, warranty contracts within individual industries are likely to be similar. (Emons, 1989). So, this can result in a situation where even the most enthusiastic consumer becomes helpless. It is in perspective that the study was undertaken regarding the degree and frequency with which the consumers do actually read to understand the contract containing Warranty/ Guarantee promises; as well as how well they visualize Product Warrantees as legal instruments that ensure optimal customer satisfaction.

Research Problem:

Apart from the persuasive language the marketers use in their advertisements to attract consumers towards buying their products highlighting product warrantees, it is quite enigmatic whether the producers intent to honour the commitments they offer expressly. Hence it is sought to study the extent to which the Companies honour their promises set forth in their product warrantees.

Significance of the study:

No quantitative study is available assessing whether the consumers are aware of their legal rights emanating from the contract of product warrantees. Neither was it disclosed in any empirical studies as to what extent consumers proceed against marketers on the strength of product warrantees.

Research Question:

The proposed study seeks to find answer to the question whether the consumers of durable goods perceive product warranties as effective legal tools that ensure optimal customer satisfaction?

Poster Code: C1 Spe 1

EVIDENCE BASED CONSUMER POLICY: A CASE FOR ESTIMATING CONSUMER DETRIMENT

Archana Singh, S.R. Khanna, Department of Commerce, Delhi School of Economics

Consumer Policy is a set of rules, regulations and laws laid down by the government with the objective of safeguarding the interests of consumers. Consumer policies have huge impacts on consumers and therefore, hold critical value in the framework of consumer protection in the economy. Effective policies can benefit consumer significantly, and on the contrary, bad policies can adversely affect many consumers.

As impromptu policy making could result in hasty decisions leading to unanticipated, negative consequences, policy makers should try to collect and analyse sufficient evidence on whether a particular market needs intervention or not.

This paper proposes that studying the type and nature of consumer detriment in the market provides strong evidence for policy markers for market interventions. Consumer detriment is the harm to consumers arising due to market failures. There are various sources of consumer detriment which have been discussed in the paper. Consumer detriment could be personal in nature - causing individual consumer financial losses or psychological impact; or structural in nature – causing welfare losses to the entire market. We have looked at the past empirical studies conducted for estimating consumer detriment and reviewed literature on how the concept of consumer detriment can be helpful in consumer policy making.

We suggest that studies be taken up in India to analyse consumer detriment in Indian markets. This will enable our policy makers to pin-point the industries and types of goods and services that are most detrimental to consumers. This can generate important insights on the types of complaints, problems and inconveniences experienced by consumers in various sectors of the economy. This will provide the basis for effective consumer policies and efficient implementation of the same.

Theme: Crime Against Women

Poster Code: D FE 37

From A Bread Maker to Bread Winner: The curbing women inequality in India. Is it sufficient for revolutionizing the society?

Shefali Dani (Institute of Business Administration), Riddhi Ambavale (Gujarat Technological University) Ahmedabad

Modernity and Indian culture has always been a subject to mull over. There exist a cross association between the traditional Indian culture and social modernity where women is showcased as a change agent. However, the facts ascertain that in the ancient Indian society, women had a significant status. Woman was a contributing factor to the financial growth of their families. In contrast, in medieval era, with the arrival of Muslims in India, the position of women worsened. A number of sinful customs such as female infanticide, sati system and child marriage were implemented.

Nonetheless, post medieval era, the consequences revamped; there was a slight enhancement in the status of women and they were conferred the freedom of equality and education. This was termed as the 'modern era' which is still continued. Even today, women have equal stake with men. Yet, the gender bias is still exposed in the unlawful activities like dowry killing, gender biased abortion, domestic violence etc.

For the present study, we have surveyed 58 salaried women who were initially unemployed but later started working to support their families. The purpose was to understand whether their employability promoted gender equality in their household? Were they tendered equal growth opportunities with that of men? Do they have equal foot with men in major decision making? However, the results contrasted our expectancies. Majority of the female countered that employability failed to grant them equal rights of decision making, it gave them financial independence but family pressure did not bestow higher growth opportunities. However, in some instances, it was discovered that men adapted these societal transformations generously, endorsing gender equality. Therefore, permitting females to work does not assure gender equality; it is required to create a social revolution in modern Indian culture.

Poster Code: D1 Spsoc 62

**POST-SURRENDERED LIFE OF MAOIST WOMEN: A CASE STUDY OF
GADCHIROLI DISTRICT, MAHARASHTRA**

Nitin N. Zade, School of Social Work, Tata Institute of Social Sciences, Mumbai

In 2005, Government of India adopted the 'surrender and rehabilitation' for surrendered Maoist, which was later adopted by the Maharashtra government. Since then, we have seen increasing numbers of Maoists surrendering to the state. Given that the Maoist insurgency is key internal-security challenge, the surrenders are seen as efforts towards peace-building as well as conflict resolution. South Asia Terrorism Portal (SAT) estimated that, since, 2005 March, 2016 total 4910 Maoist surrendered across India. This paper aims to investigate the post-surrendered life of the *lower cadre* Maoist women insurgent, using empirical as well as a case study. This research attempts to conduct a primary data collection and analysis, in the district of Gadchiroli, Maharashtra. This paper argues the post surrendered life is a triage of stigma, security and livelihood, resulting in deep impoverishment as well as the parlous journey of life. The paper further argues that stigma operates as an attribute of discrimination in the everyday life of surrendered individual, which causes dispossession and dislocation of livelihood. We argue that besides a modicum rewards and promises, the state-driven 'surrender policy' is inadequate to address the grievous issues concerning the post-Maoist life of the individual. This paper observes that, how women suffered after surrender, society, as network materialized through the police, the state acts as situational deviance, which causes of systemic discrimination and deprivation. In summary, the paper suggests that the stigmatize are those who bears stigma as well as insecurity while others play a crucial role on surrendered life.

Poster Code: D1 Sul 73

ECONOMIC ANALYSIS OF MARITAL RAPE

Bedanta Chakraborty, Cheta Sheth, Gujarat National Law University

Marital rape is one of the many atrocities silently borne by married women. Despite the ubiquitous nature of this crime, paradoxically, it is yet to be criminalised in India. The traditional framework of the society is cited as an excuse for the legal shortcoming. Marriage, as seen by many, is a contract between a man and a woman. It is based on this very notion that marital rape is a cause of several unheard mental and physical cruelty which has a series of perpetual repercussions. Marriage is a dynamic concept which involves a number of functions; the heinous nature of this crime has far-reaching impacts on third parties and is not restricted to the man and his wife.

This paper is an attempt to answer one of the many persistent questions of whether the right to sex comes along with conjugal right. Using the Coase Theorem, the paper tries to elucidate the bargaining power and allocation of property rights in a marital relationship. The existing legislations do not explicitly provide for marital rape making it all the more necessary, first, to determine the nature of the act: civil or criminal, second, using the utilitarian approach, to devise a remedy: perfect compensation or efficient punishment, or both. The problem with marital rape arises with the difficulty of not being able to prove consent and the lack of information, hence the evidentiary problems. The very attempt to criminalise marital rape again may seem very confusing, for instance, if she is physically tortured then quite conspicuously, there is a real harm, but they are the harms inflicted by battery or assault. As it does not involve theft of chastity, the fact of her having intercourse one more time with the man with whom she has had intercourse many times before seems peripheral to the harm actually inflicted, again bringing us back to square one: Is marital rape a crime? In addition to this, the paper looks at the various pros and cons which may come, if ever marital immunity is abolished for rape. Furthermore, the paper endeavours to look at the various contradictions as existing between child marriage and the anti-rape laws.

Theme: IPRs

Poster Code: E1 D 28

Policy framework on Innovation and Invention, Patenting controversies in the Indian Pharmaceutical Industry, and Trade Related Aspects of Intellectual Property Rights

Krishan Kumar Tiwari, National Institute of Technology, Patna

Intellectual Property Rights are the Monopolistic Rights over the creation of Minds granted by a Nation to the inventor for his invention for a certain defined period of time so as to allow him/her to exploit them for benefit or gain exclusive to all others. There are many IPRs like Patent, copyrights Design, Trademarks, protection of Integrated Circuits, Plant varieties and GI etc.

India till 1970s had both the **process and product patenting**; this led to enormous control of Indian Pharmaceuticals market by the Multinational Pharma Companies (MNCs) with exorbitant prices of essential lifesaving drugs. Between 1970 to 1995, the Govt. of India had done away with Product patenting and only Process Patenting was allowed leading to growth of domestic small scale pharma companies who could produce the same patented drug using reverse engineering and catered to Indian consumers. Thus the dominance of the Pharma MNCs reduced and so was the prices of essential drug but majority of the big Pharma companies have not invested in India due to unfavorable patent protection to their essential new drugs.

Since, formation of WTO and signing of TRIPs agreement by India in 1995; India availed the maximum concessional time period of 10 years available for developing economies to align their domestic patent protection laws in line with TRIPs agreement and providing for uniform patent protection in their domestic laws to even a foreigner applicant. This led to amendment of patent Act 1970 in 2005 in line with TRIPs agreement for re-start of **Product patent, Uniform Protection and Parallel imports**.

Post amendment of Patent Act 1970, the Big Pharma companies have again started investing in R &D so as to reap the benefit of product patenting, but India while amending its patent legislation made the provisions by suitable clauses like **3 (d) & 4** for refusing the patenting of successive variant of the original Drug Molecules.

This paper tries to analyze the controversies of the Indian Pharmaceuticals industry from a historical background in an analytical manner from the secondary sources data in an environment of the **Trade related aspects of Intellectual Property Rights**.

Poster Code: E1 Spe 51

WHY COPYRIGHTS PROTECTION IS MORE CHALLENGING IN THE DIGITAL AGE?

Sujay Kumar Saha, Mamta Kumari and Nalin Bharti, IIT Patna

Copyright protection is incredibly tricky in the digital world as tracing cost in copyrights violation is not so easy. Apart from this cost another challenge is to have a rich technology for the copyright protection. Few years back the challenge was not so tough. In this scenario online protection of copyright material is one of the most contentious issues in the current framework of the IPRs. The faster growth of digital economy not only brings different opportunities in trade and access to new global markets but also creates a greater challenge to strike the balance between protecting creative works and maintaining the benefits of free flow of the information. With the help of information technology, copying of materials became easier and cheap and thus reduces the incentives to pay the copyright holder a royalty. Digital piracy, unauthorized distribution and counterfeiting of text, photographs, software, video, films or music through various peer to peer and cloud based network create a threat to the growth of creative industries which causes huge economic loss not only to particular industry but also to the concerned countries. As per the Digital Music Report 2015 published by International Federation of phonographic industry (IFPI) 20% of fixed-line internet users worldwide regularly access services offering copyright infringing music and 4 billion music downloads via Bit-Torrent alone in 2015 which represents a commercial loss to the industry of approximately 8 billion annually. The paper aims at analyzing economic benefit and loss to the creators, right holders, internet service providers and consumers due to online infringements of copyright materials. Previous Case studies (such as Betamax: Disney vs. Sony Corporation, Viacom vs. YouTube) and Descriptive analysis method are applied to evaluate various cases of online copyrights infringement and also to explore challenges to strengthen online protection of copyrights and enforcement of copyright laws in the digital world. This paper advocates for strengthening copyrights with more technical and legal tools.

Poster Code: E1 Fm 16

HOW DOES INNOVATIVENESS PROVIDE A SOLUTION TO ENVIRONMENTAL CHALLENGES?

Harpreet Singh Bedi, Shivani Dhand, Lovely Professional University, Punjab

The study explores the relationship between innovativeness and business performance. Study also instigates the strength of Innovativeness – Business Performance relationship in different environmental contexts. Descriptive, cross sectional research design has been adopted on a purposive sample of 457 Indian firms. Confirmatory Factor Analysis validates the measurement of various constructs of interest. Structure Equation Modeling confirms the positive and significant impact of innovativeness on the performance of Indian firms. Moderation Analysis has been applied to unveil the role played by environmental uncertainties in Innovativeness – Business Performance relationship. Study reveals that adoption of innovative strategic posture is a strategic response to environmental challenges. Firms operating in dynamic environment are likely to be benefitted more from innovative strategic posture than firms operating in stable environment. Managers of Indian firms can draw insights from the study and can better decide the strategic posture of their firm.

Poster Code: E1 Spm 22

Intellectual Property Licencing: an Innovation practice and its influence on Performance of Technological firms in Small and Medium segment

Sumukh S. Hungund, Kiran K. B, National Institute of Technology, Karnataka

This paper discusses innovation approaches and practices adopted in the technological firms of Bangalore. In the last decade, studies on Innovation have drawn the attention of the researchers. Earlier studies have debated on innovation approaches, adoption and its influences on performance among large organizations, but there are not many studies which discuss innovation practices such as Intellectual Property Licencing and Selling Intellectual Property of the SMEs, particularly, among Information Technology product firms. The objective of the paper is to examine the influence of innovation practices such as Intellectual Property licencing and selling Intellectual Property on firm performance across Small and Medium Segments. The firm performance is measured by increase or decrease in market share. The software product firms in Small and Medium Segment are selected for the study. The study adopts a mixed sampling method to collect the data. The respondents of the study are the decision makers of these firms. The responses are collected through web survey and personal interview from 'decision makers' of the core product, product and services, and product as service firms. The result discusses about the influence of innovation practices such as licencing and selling of Intellectual Property on firm performance in terms of change in market share, revenue and product sales.

Theme: Constitutional functionaries and the Public Trust

Poster Code: G1 Fel 15

THE ECONOMICS OF RESERVATION POLICIES

Anu Singh, Shilpi Roy, School Of Law, Christ University, Bengaluru

This paper examines the reasons for the need to abolish caste based reservations in schools and colleges and also proposes no reservations of seats in government jobs and in free market competition.

The purpose of this paper is to find out the how the enactment of an efficient law can work in favour of the economy and produce the most efficient outcome.

The first part of the paper tries to understand the inclusive nature of the society with the introduction of reservation based on caste post-independence, which aimed at the upliftment of the backward sections of the society to help realize the fundamental right to equality. This paper sees the need of scheduling/listing few castes/tribes as socially, culturally, educationally and economically backward and thus required to be uplifted by the state. The purpose of listing these sections was to give them fair amount of chance to achieve equality in the society in all respects.

Every project of government has some benefits and costs related to it. The project is said to be efficient if the benefits from that project to the society is greater than the costs of it. Thus the economics of “project reservation” says that till the time marginal benefit from caste based reservation is greater than the marginal cost of it we should continue giving it.

The paper will further analyze the effect of reservation after nearly 70 years of independence. The observation made in this paper is that as scheduled and backward classes are being uplifted with reservation policies, a new class of backward section is being simultaneously created, which doesn't necessarily belong to those classes initially marked as scheduled and backward castes.

Therefore with the help of some economic tools like cost-benefit analysis, production possibility frontier, and understanding of productivity we are proposing a new category which should be listed and scheduled as weaker section.

This “Scheduled Weaker Section” should be tested on the basis of income and wealth test and not on the basis of caste and tribes. This Scheduled Weaker Section will be covering all those backward classes who are still not uplifted along with those backward sections that paid the cost of caste based reservation.

This paper is suggesting two phases of reservation beginning from caste based reservation for two generations up to providing opportunities to the third generation of Scheduled Weaker Section. In the 1st phase a socially and educationally backward person can gain wealth, and through the means of that wealth, can afford to put his children through school, whereby the

second generation will have access to both knowledge and wealth. Once this holistic development is achieved, the persons belonging to that scheduled caste or tribe should be disqualified from claiming any reservation, as the entire point of 'protective discrimination' will be redundant at this juncture.

The second phase of reservation should be targeted towards the protection of the newly created backward class (based on wealth and income), which may be educationally sound, but financially weak.

Poster Code: G1 FM 25

**CORPORATE GOVERNANCE COMPLIANCE, GOVERNANCE STRUCTURES,
AND FIRM PERFORMANCE**

Mr. Amitava Roy, St. Xavier's College

A wide range of mechanisms are used to govern and control the actions of managers. Regulation, and compliance with it, is an external corporate governance (CG) mechanism. The ownership structure of publicly held companies is an internal CG mechanism. The control hypothesis states the use of debt in the capital structure results in CG issues and affects firm performance. Given this background the objectives of this paper are twofold. First, we examine whether the adoption of CG practices, and, in particular, adherence to Clause 49, is associated with the firm ownership and capital structure. Second, better corporate performance has been cited as principal benefit of adopting good CG practices within companies and we propose to examine the association between CG and performance. We develop a CG Index using twenty parameters emanating from published annual CG reports, which are based on Clause 49. Using this relative disclosure index for measuring CG compliance, our dependent variable, we try to understand whether the quality of firm level governance are influenced by the ownership and debt structures and other firm characteristics. The beneficial influence of CG compliance was found to be independent of firm ownership structure. The extent of debt in the capital structure of the firm was found to influence CG. Public Sector Units were seen as a significant force in the emerging CG regime. Tests indicate that greater CG compliance is significantly associated with the market capitalisation of the company. Further this study reports evidence of a positive association between the extent of CG compliance and operating performance (measured by return on assets, ROA). Results also show that there exists a positive association between ROA and ownership structure variables and debt equity ratio. The study adopts an interdisciplinary approach to CG by incorporating the regulatory mechanism with governance structures and provides evidence to policy makers and regulators on CG implementation and its impact on financial performance.

Poster Code: G1 Sul 23

BUREAUCRATIZATION IN INDIA- ECONOMIC ANALYSIS

Jagrati Gupta, Nabarun Chandra Ray, Gujarat National Law University

Bureaucracy is an important constitutional functionary and plays a crucial role as an administrative institution in developing countries. In India bureaucrats are the sole implementers of government policies and the programs of social and economic change. In the absence any alternative instruments of implementation, state has increasingly depended upon the bureaucracy as its principal machinery. The importance of bureaucracy sets a standard that need to be maintained for the growth and development of the country. This leads us to question whether the bureaucrats are maintaining the standard and efficiency.

One of the greatest problems to excellence in public service is corruption. According to international statistics, India is one of the most corrupt countries of the world. Corruption can occur in public service through “crony capitalism”, i.e., economy where benefit of services and allocation of public resources are distorted by money, power, access, connections and will depend on close relationships between business people and government as well as in form of “intellectual and income corruption”.

Indian economy has shown significant GDP growth, but decline in the standard of Indian administrative service is impacting the nation’s economy adversely and preventing a faster growth rate. After 1991 with the introduction of the New Economic and Industrial Policy, The adoption of structural Adjustment Program for economic growth, the demands of the public at home, the acceptance of the suggestions or conditions of donors of International Financial Political Science Institutions, the changed political policies necessitated administrative reforms in India. This reform is required because firstly economic decision making of the bureaucrats are fundamentally inefficient- they cannot possible make economic decisions that reflects markets incentives and secondly bureaucrats are extremely resistant to reform that affects them or the way they go about their duties.

This research follows empirical approach and in order to answer the following: What is the reason behind prevailing corruption in Indian administrative service? Whether the connection of Indian administrative services with crony capitalism contributes in prevention of economic growth? To what extent the administrative inefficiency affects the individual and *national* economy? And finally to check what extent is the bureaucracy a viable instrument for implementation and development of economic policies in development administration?

Poster Code: G1 Sul 28

THE ECONOMIC ANALYSIS OF THE ANTI-DEFECTION LAW

Jaidrath Zaveri, Mrudul Desai, Gujarat National Law University

The Constitution of most democratic countries can be considered the rules of a game in which politicians gain, lose and use the power that they derive from the citizens of the state. Once we admit the possibility that elected representatives may have systematically different preferences from the voters who elected them, we find substantial questions of corruption and abuse of power. There are laws put down in the Constitution to ensure these policymakers cannot undermine the very foundations of democracy and the principles which sustain it.

One such law laid down in the Constitution of India is the law against defection (Schedule 10 of the Constitution). Defection, in and of itself, is a situation where a member of a political party voluntarily resigns from his membership to the party during his term or votes against his party or against the instruction of the party during his term. This is done in order to attain a benefit greater than any benefit attainable by the person if he remains with his own party.

With the presumption that all actors (including politicians and the general citizens) are rational human beings, we propose to analyse in greater detail this constitutional provision by answering three important questions from an economic viewpoint. Namely, what are the incentives of the rational actors to comply with or disregard this rule? What is the trading-off? And are the effects of such compliance or disregard socially and politically desirable? Further, another aspect of the law that we seek to understand through a cost-benefit analysis is whether the disqualification as a consequence for defection is socially efficient or would there be any more economically viable options to curb defection and increase deterrence.

Poster Code: G1 Sul 33

AN ECONOMIC ANALYSIS OF EQUAL PROTECTION CLAUSES

Lalit Panda, Gujarat National Law University, Gandhinagar

The right to equality forms an important part of many constitutional documents and bills of rights around the world. Not only is it a part of the constitutions of many countries (for example, Article 14 in India and the Fourteenth Amendment in America) but it is also a part of many international documents. However, the meaning of equality itself has been broadly contested in various ethical theories and the significance of such values as equality and equity has been rebutted in disciplines like Law & Economics, given the supposed adversarial nature of the relationship between equity and efficiency. In light of the contentiousness of activist judicial interventions on egalitarian grounds, this paper shall analyse the right to equality in action through the standard constitutional provision of an equal protection clause. The structure and operation of the clause shall be examined using economic tools such as the efficient allocation of resources and information cost constraints. An equilibrium analysis of information costs and distribution-related externalities shall be used to justify various principles in Constitutional Law such as the presumption of legality of statutes and tiered scrutiny in judicial review and shall also be applied to explain the various facets of rational basis review under equal protection clauses. Given how pervasive the question of equal application is to the operation of laws generally, it is necessary that the ambiguity of equality standards be recognised and more precise formulations and explanations be created for such clauses so that they can be applied with better uniformity and less margin of error. This is especially so given how an equal protection clause may be feasibly used to examine any government action whatsoever (a proposition developed and explained in this paper), as long as information as to its operation and likely effects is available to courts. There is marked confusion in determining as to when a government act is a policy choice that cannot be interfered with in judicial review under an equal protection clause and economic analysis can well determine an appropriate solution.