



THE WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL SCIENCES, KOLKATA

The Agenda of the Eighteenth Meeting of the Academic Council of
the W.B. National University of Juridical Sciences, Kolkata
to be held on 18th November, 2011
at Dr. Ambedkar Bhavan,
Salt Lake, Kolkata

Agenda for the 18th Academic Council Meeting, The WBNUJS on 18th Nov. 2011

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Any other point with the permission of the chair

1. Confirmation of Minutes of the 17th Academic Council Meeting, NUJS:

The minutes of the 17th Academic Council Meeting are placed before the Hon'ble members of the Academic Council for confirmation.

**MINUTES OF THE SEVENTEENTH MEETING OF THE ACADEMIC COUNCIL OF WBNUJS
HELD ON 26th AUG., 2011.**

at Dr. Ambedkar Bhavan, 12 LB Block, Sector – III, Salt Lake, Kolkata – 700098.

The Seventeenth meeting of the Academic Council was held on Monday, 26th Aug., 2011 in Dr. Ambedkar Bhavan, Salt Lake, Kolkata – 700 098.

The following members were present:-

1. **PROF. (DR.) M.P. SINGH,**
Vice-Chancellor, WBNUJS, Kolkata,
Chairman, Academic Council.
2. **PROF. SABYASACHI SENGUPTA,**
Vice Chancellor, West Bengal University of Technology, Kolkata,
Member, Academic Council.
3. **MR. ASOK DEB,**
Member, BCI, WB & MLA, West Bengal,
Member, Academic Council.
4. **PROF. JOSE VERGHESE,**
Former Vice Chancellor, HNLU, Raipur, Nominee of UGC,
Member, Academic Council.
5. **PROF. AMITA DHANDA,**
Professor of Law NALSAR, Hyderabad,
Member, Academic Council.
6. **PROF. (DR.) M. K. SINHA,**
Professor, WBNUJS,
member, Academic Council.
7. **DR. ARUP PODDAR,**
Associate Professor, WBNUJS,
member, Academic Council.
8. **DR. BIKRAMJIT DE,**

Assistant Professor, WBNUJS,
Member, Academic Council.

9. **DR. KAVITA SINGH,**
Assistant Professor, WBNUJS,
Member, Academic Council.

DR. SURAJIT C. MUKHOPADHYAY, Registrar, the WBNUJS, was also present in the Academic Council Meeting.

- **PROF. B. B. PANDEY,** Retd. Professor, Delhi University, could not attend the meeting due to preoccupations.
- **PROF. SHAMNAD BASHEER,** Professor, I P Chair, WBNUJS, could not attend the meeting due to preoccupations.
- **PROF. CHANDRANATH BHATTACHARYA,** Director, Central Forensic Laboratory, Kolkata, Govt. of India, could not attend the meeting due to preoccupations.
- **MR. BALAI CHANDRA ROY,** could not attend the meeting due to preoccupations.

Minutes of the 17th Academic Council Meeting

Prof. (Dr.) M. P. Singh, Vice Chancellor, The WBNUJS, & chairman of the Academic Council, at the outset, welcomed all the members attending the 17th Academic Council Meeting. He introduced Prof. Jose Verghese, as Human Rights Chair Professor at NUJS and Prof. Amita Dhanda, who attended the meeting for the first time, to all the other members.

Sl. No.	Agenda Items	Resolution	Remarks/ Action Taken
1	<i>Confirmation of Minutes of the 16th A.C. meeting, NUJS</i>	<p>The minutes of the 16th Academic Council Meeting were placed before the hon'ble members of the Academic Council for reference and confirmation.</p> <p>Resolution</p> <p>The minutes of the 16th Meeting of the Academic Council held on 29th Apr. 2011, were confirmed.</p>	
2	<i>Proposal for conducting Post Graduate Diploma in Business Management and Law</i>	<p>The WB National University of Juridical Sciences (NUJS) and Indian Institute of Management (IIM), Shillong, have decided to introduce jointly one year <u>Post Graduate Diploma in Business Management and Law</u> for the graduates from any streams, entrepreneurs and executives working in the corporate sector as well as for law persons.</p> <p>A detail overview of the Programme, as given in <i>Annexure -I</i>, was submitted for perusal and approval.</p> <p>Resolution</p> <p>The Academic Council resolved to accept the original proposal in principle and the Council members advised to discuss any further issues in respect of course structure,</p>	The Executive Council has also approved the Course.

		award of certificates, subject, grading etc with Rajiv Gandhi Indian Institute of Management, Shillong and settle it accordingly.	
3	<i>Proposal for conducting Post Graduate Diploma Course in Human Rights</i>	<p>For spreading human rights awareness, NUJS is proposing to start UGC sponsored <u>Post Graduate Diploma Course in Human Rights</u>, from the academic year 2011-12. The whole course will be conducted over two semesters — August to December and January to April. In the current academic year the course is proposed to begin from 1st November 2011. Next year onwards it will start from August.</p> <p>Detailed Programme and a copy of the letter of sanction by the UGC, as given in <i>Annexure –II & II(a)</i> respectively, was submitted for perusal and approval.</p> <p>Resolution</p> <p>The Academic Council approved the proposed Post Graduate Diploma Course in Human Rights and its existing structure with the advice of relooking the course structure, contact hours and specific issues related to human rights, details of syllabus and specified areas from time to time.</p>	The Executive Council has also approved the Course and has created for faculty positions (01 Professor, 01 Associate Professor and 02 Assistant Professors).
4	<i>Report on Credit Courses by Visiting Faculties</i>	<p>The following credit courses have been conducted in the WBNUJS by the visiting faculties during the last few months.</p> <p style="text-align: center;">Credit Courses of Monsoon Semester 2011:</p> <p>1. The Human Right to Safe Water and Sanitation in India (3</p>	

		<p>Credit) – Offered by Dr. Clarence Dias</p> <ol style="list-style-type: none"> 2. Law of Motor Accidents, Compensation and Motor Insurance (2 Credit) – Offered by Ms. Jwala D. Thapa 3. An Introduction to German Criminal Law (2 Credit) – Offered by Dr. Christina Globke 4. Legal Writing (2 Credit) – Offered by Prof. Shannon Jhunhunwala 5. International Administrative Law – I (3 Credit) – Offered by Ms. Rashmi Raman <p>Resolution</p> <p>The Council noted with appreciation and approved the credits.</p>																																									
<p>5</p>	<p><i>Report on admission for LL.B. and LL.M. Course through CLAT 2011</i></p>	<p>CLAT 2011 was conducted by the WBNUJS, Kolkata. 125 candidates for LL.B. (UG) & 18 candidates for LL.M. (PG) were admitted by the WBUNJS through CLAT.</p> <p>Detail break up is as follows:-</p> <p><u>STATUS OF ADMISSION FOR B.A./B.Sc. LLB. – CLAT 2011 FOR THE ACADEMIC YEAR 2011</u></p> <table border="1" data-bbox="502 1451 1158 1910"> <thead> <tr> <th>CATEGORY</th> <th>AUTHORISED SEATS FOR ADMISSION</th> <th>ALLOTMENT FOR NUJS BY CLAT 2011</th> <th>PHYSICALLY ADMITTED AS ON 1:30P.M. ON 30.06.2011</th> <th>ADMISSION (+/-)</th> </tr> </thead> <tbody> <tr> <td>GENERAL</td> <td>78</td> <td>83</td> <td>75</td> <td>-3</td> </tr> <tr> <td>SC</td> <td>15</td> <td>20</td> <td>18</td> <td>+3</td> </tr> <tr> <td>ST</td> <td>8</td> <td>10</td> <td>8</td> <td>0</td> </tr> <tr> <td>PWD</td> <td>2</td> <td>4</td> <td>4</td> <td>+2</td> </tr> <tr> <td>NRI</td> <td>18</td> <td>18</td> <td>16</td> <td>-2</td> </tr> <tr> <td>FN</td> <td>4</td> <td>xxx</td> <td>4</td> <td>0</td> </tr> <tr> <td>TOTAL</td> <td>125</td> <td>135</td> <td>125</td> <td></td> </tr> </tbody> </table>	CATEGORY	AUTHORISED SEATS FOR ADMISSION	ALLOTMENT FOR NUJS BY CLAT 2011	PHYSICALLY ADMITTED AS ON 1:30P.M. ON 30.06.2011	ADMISSION (+/-)	GENERAL	78	83	75	-3	SC	15	20	18	+3	ST	8	10	8	0	PWD	2	4	4	+2	NRI	18	18	16	-2	FN	4	xxx	4	0	TOTAL	125	135	125		
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**STATUS OF ADMISSION FOR LLM. – CLAT 2011
FOR THE ACADEMIC YEAR 2011**

CATEGORY	AUTHORISED SEATS FOR ADMISSION	ALLOTMENT FOR NUJS BY CLAT 2011	PHYSICALLY ADMITTED AS ON 1:30P.M. ON 30.06.2011	ADMISSION (+/-)
GENERAL	15	15	15	0
SC	2	3	3	+1
ST	1	1	1	0
FN	2	xxx	0	-2
TOTAL	20	19	19	01

Resolution

The hon'ble members approved and appreciated.

6 *Reporting and confirmation of Academic Council agenda approved by circulation*

An agenda item regarding the intake of a Foreign National for the Academic Session 2011-12 was placed before the hon'ble members as a special case since the University has already taken Four Foreign Nationals as per the existing quota of available Foreign National seats in the University. The four Foreign Nationals are those who have studied in India.

The University proposed before the Council to take an additional Foreign National (a Bhutanese girl, Ms. Namgay, educated and brought up in Bhutan) for the academic session (2011-12) as a special case for whom the Dy. Consul General of Bhutan in Kolkata made a special request for admission as Foreign National.

Resolution

The Council approved and confirmed the decision . The

Approved by the Executive Council.

		<p>Council also recommended to have one or two SAARC Country Candidates in addition to 04 Foreign National Students.</p>	
7	<p><i>Report on direct admission of 2yr LL.M. by WBNUJS</i></p>	<p>The WBNUJS conducted direct admission for admission to LL.M. (PG other than through CLAT 2011 and the following candidates were admitted.</p> <ul style="list-style-type: none"> a. Mr. Shouvik Kumar Guha b. Mr. Sayak Mitra <p>The two fold procedures adopted for screening of the candidates comprised of a written examination and a seminar presentation of 50 marks each. Two candidates finally qualified for admission to the above Programme.</p> <p>Resolution</p> <p>The hon'ble members approved the direct admission of the 2yr LL.M. students at WBNUJS.</p>	
8	<p><i>Report on M. Phil. / Ph.D. / LL.D. result and enrollment</i></p>	<p>A number of candidates had applied to the University for enrollment in M. Phil. / Ph.D. / LL.D. Programme for 2010-11.</p> <p>Amongst them seventeen candidates have been found suitable for admission and for carrying out research activities in the University.</p> <p>The two fold procedure adopted for examining the candidates comprised a written examination and a personal interview of 50 marks each.</p>	

The following sixteen candidates in Ph.D. and one candidate in LL.D. have finally qualified.

1. Mr. Pramoda Kumar Dash – Ph.D
2. Ms. Kriti Chakraborty – Ph.D
3. Ms. Kasturi Samanta – Ph.D
4. Ms. Sonali Kusum – Ph.D
5. Mr. Debabrata Banerjee – Ph.D
6. Mr. Iftekhar Ali – Ph.D
7. Sk. Jahangir Ali – Ph.D
8. Mr. G.R.Srikanth – Ph.D
9. Ms. Ananya Chakraborty – Ph.D
10. Dr. Mita Poddar – LL.D
11. Mr. Bhupal Bhattacharya – Ph.D
12. Ms. Jwala D. Thapa – Ph.D
13. Ms. Esther. L. Chhangte – Ph.D
14. Ms. Suvra Saha – Ph.D
15. Mr. Anirban Chakraborty – Ph.D
16. Ms. Sujata Roy – Ph.D
17. Nour Mohammad – Ph.D

Resolution

The Council approved the admission M. Phil/Ph. D./ LL.D. candidates provisionally registered for 2011. The chairman apprised the members that the University has decided that provisionally admitted candidates have to undergo six months Research Methodology course before being finally admitted to M. Phil/Ph. D. After the completion of the Research Methodology Course there will be a pre-

		<p>registration seminar and research topics will be finalized after the seminar with due approval of the P.G. Council.</p> <p>The hon'ble members appreciated the induction of Research Methodology course for provisional Ph. D. candidates.</p> <p>This has also been resolved that admission test for M. Phil/Ph. D./ LL.D. henceforth will be held once in a year in the month of June.</p>	
9	<i>Report on G. S. Scholarship for LL.M. students</i>	<p>Like all other years this year also the G. S. Scholarship was awarded to 2 LL.M. students of 1st and 2nd year respectively.</p> <p>Ms. Sanchari Raychoudhury and Ms. Quadira Sultana who stood 1st and 2nd in order of merit in the CLAT examination 2011 were the recipients of the scholarship for the 1st year LL.M. students.</p> <p>Ms. Gazala Farooq, securing highest GPA and Ms. Sakshi S. Gandhi along with Mr. Abhijit Rohi securing the second highest GPA in the 1st year examination have been the recipient of the GS Scholarship for 2nd year LL.M. students.</p> <p>Resolution</p> <p>The Council noted with appreciation.</p>	
10	<i>Introduction of fees for attending credit course</i>	<p>Credit Courses of one (01), two (02) or three (03) credits are being offered to the students of the WBNUJS in substantial numbers by the regular as well as visiting faculties. Since students now have an option to choose between attending an elective course and substituting it with credit course/s bearing three credits, it is proposed that students enrolling</p>	<p>The agenda was taken up for discussion in the Executive Council in its meeting dated 27.08.2011. The Executive Council</p>

	<p>for a credit course may henceforth be charged with enrollment fee, w.e.f. 1st September, 2011.</p> <p>₹ 1,000/- for one credit course</p> <p>₹ 2,000/- for two /three credit course</p> <p>Remittance would be in the form of bank draft drawn in favour of 'The WBNUJS' payable at Kolkata.</p> <p>Resolution</p> <p>The hon'ble members approved the proposal for charging fees for attending credit course of Rs. 1000/- per credit and suggested that the fees may be charged at the following rates.</p> <p>₹ 1,000/- for one credit course</p> <p>₹ 2,000/- for two credit course</p> <p>₹ 3.000/- for three credit course</p> <p>And the charges may be for value added credits.</p>	<p>accepted the recommendation of the Academic Council and directed that:</p> <p>₹ 1000/- may be charged for each credit. As per direction by the Chairman, Academic Council, this decision will be applicable from the Winter Semester 2011.</p>
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The meeting ended at 1:10 p.m.

Submitted for kind perusal and approval by the Hon'ble members of the Council.

2. Proposed maximum period for completion of LL.M. (PG) Courses:

A candidate admitted to the LL.M. Programme shall have to complete all the prescribed requirements within a maximum period of three years from and including the year of admission in order to be eligible for the award of the degree.

Submitted for kind approval by the Hon'ble members.

3. Report on the 7th K.C. Basu Endowment Lecture:

The seventh K.C. Basu endowment lecture as successful organized by The WBNUJS on 05th November, 2011. The seventh K.C. Basu endowment lecture was delivered by Shri Pranab Mukherjee, Hon'ble Finance Minister, Govt. of India, on 'India's Development, Economic Policy and the Law'.

Shri Amit Mitra, Hon'ble Minister in charge for Finance and Excise, Govt. of West Bengal, was the chief guest in the occasion.

The memorial lecture was attended by eminent scholars, Professors and students.

Submitted for kind perusal by the Hon'ble members.

4. **Date of commencement of the M. Phil Programme on "Law , Public Policy and Governance"**

It was resolved in the 17th Academic Council Meeting that date of commencement of the M. Phil Programme on "*Law, Public Policy and Governance*" would be from 01.11.2011. However, due to inadequacy of proper infrastructural facilities, course structure and non-availability of faculty for the course, it could not be possible to commence the said course from 01.11.2011. it is proposed that the said course to commence from 01.07.2012.

Submitted for kind approval by the Hon'ble members.

5. **Proposal to appoint Professor Pratap Bhanu Mehta as the Honorary Professor at the University**

It is hereby proposed that Professor Pratap Bhanu Mehta a renowned scholar may be appointed as Honorary Professor at the University in view of the forth coming commencement of the M. Phil. Course on Law, Public Policy and Governance. Prof. Mehta's contribution will be valuable for the University. A brief profile of Prof. Mehta is enclosed for perusal as Annexure – I.

Submitted for kind approval by the Hon'ble members.

PratapBhanu Mehta is President, Center for Policy Research, New Delhi. He was previously Visiting Professor of Government at Harvard University; Associate Professor of Government and of Social Studies at Harvard. He was also been a Visiting Professor at NYU Law School and University of Pennsylvania Law School. He has also held Visiting appointments at University of Pennsylvania and Brown University. His areas of research include, political theory, constitutional law, society and politics in India, governance, political economy and international affairs. Mehta has a B.A. First Class in Philosophy, Politics and Economics from Oxford University (St. John's College); and a Ph.D in Politics from Princeton University. He is the recipient of the Malcom S. Adishehshiah Award for distinguished contribution to the Social Sciences, 2010.

He has also done extensive public policy work. He is member of the National Security Advisory Board, Government of India. He was Member-Convenor of the Prime Minister of India's National Knowledge Commission. He was Member of the Supreme Court appointed committee on elections in Indian Universities. He has authored a number of papers and reports for leading Government of India and International Agencies, including the World Bank, UNRISD, DFID. He has been involved with several institutions of Higher Education. He is on the Board of Governors of International Development Research Council (IDRC), and numerous other academic institutions, including National Institute of Finance and Public Policy and NCAER. He was also a member and Vice-Chair of the World Economic Forums Global Governance Council.

Mehta has published extensively in several fields. He has published dozens of scholarly papers in important refereed journals and edited volumes in areas of political theory, constitutional law and political economy. His most recent books include, *The Burden of Democracy*, and two co edited volumes: *India's Public Institutions* and *The Oxford Companion to Politics in India*.

He is a prolific participant in public policy debates and has been named as amongst India's leading opinion maker by several publications. He is editorial consultant to the Indian Express. His columns have also appeared in a number of national and international dailies including the Financial Times, Wall Street Journal, Telegraph, International Herald Tribune, etc. He is also on the Editorial Board of numerous journals including the American Political Science Review and Journal of Democracy.

Select Publications:

The Burden of Democracy (Penguin)

(Editor, with DeveshKapur) *India's Public Institutions* (Oxford)

(Editor) *Hindu Nationalism and Indian Politics* (Oxford)

India's Parliament as an Institution of Accountability (Inter Parliamentary Union, Geneva)

Editor (with NirajaJoyal) *The Oxford Companion to Politics in India*

An Indian Social Democracy (ed.) with Sunil Khilnani (forthcoming, 2011)

In Progress:

Constitutionalism in Modern India (forthcoming)

India: Democracy and Public Reason in India (forthcoming, Penguin 2012)

Select Published Papers:

LAW AND JUDICIARY

The Politics of Social Justice in India (Nand and JeetKhemka Lecture, University of Pennsylvania) published in India 2010 (Business Standard Books, 2011); also published as Adisheshiah Memorial Lecture, MIDS, 2010

Unconstitutional Constitutional Amendments in Comparative Perspective, Constellations April 2012 (forthcoming)

Notes Towards a Political Economy of the Legal Profession (forthcoming, working paper, GLEE Project, Harvard Law School)

The Foundations of Judicial Authority, Branigin Lectures, Indiana University (forthcoming: Indian University Press, 2012)

With Shyalshri Shankar, "Courts and Socio-Economic Rights in India," in V. Gauri and D. Brinks (ed.) Making Socio Economic Rights Justiciable (Cambride: Cambridge University Press, 2008)

The End of the Separation of Powers, Journal of Democracy, April 2007 reprinted in Larry Diamond, SumitGanguly and Marc Plattner (ed.) The State of India's Democracy (Johns Hopkins University Press, 2007)

Passion and Constraint: The Regulation of Religious Speech in India, in Rajeev Bhargava (ed.) The Moral and Political Philosophy of the Indian Constitution (Oxford University Press, 2008)

The Inner Conflict of Constitutionalism: Basic Structure Revisited in Sreedharan, Hasan, Sudarshan (edited) India's Living Constitution (New Delhi: Permanent Black, 2004)

India's Judiciary: The Promise of Uncertainty in P. Mehta and Devesh Kapur (edited) India's Public Institutions (Oxford University Press, 2005)

From State Sovereignty to Human Security (via Institutions) in NOMOS (edited by) Terry Nardin and Melissa Williams (edited) Humanitarian Intervention (New York University Press, 2005)

What is Constitutional Morality? Seminar, Vol 56. November 2010

POLITICAL THEORY

Meritocracy and Its Discontents, NUJS LAW REVIEW, Vol 4, No 1, 2011

Empire and Representation in Jacob Levy (ed.) The Legacy of Empire: Essays in Honor of Iris Marion Young (New York: Lexington Books, 2011)

What is Value Pluralism? European Journal of Political Theory (forthcoming Oct, 2011)

Self Interests and Other Interests in K. Haakonsen (edited) The Cambridge Companion to Adam Smith (Cambridge University Press, 2006)

The Possibility of Religious Pluralism in Tom Banchoff (ed.) Challenges of Religious Pluralism in a Global Era (Oxford: Oxford University Press, 2008)

Cosmopolitanism and the Circle of Reason, Political Theory, Vol.28, No.5, 2000, pp. 619-639

The Ethical Irrationality of the World: Max Weber and Hindu Ethics, Critical Horizons, Vol.2, No.2, 2001, pp 203-227

The Enlightenment and Two Conceptions of Religion in J. Owen (ed.) Religion and Enlightenment: New Perspectives (Columbia University Press 2010)

Democracy, Diversity and Disagreement, Economic and Political Weekly, July 2006

Empire and Moral Identity, Ethics and International Affairs, Volume 17. No 2, 2003

The Idea of Socratic Citizenship, Luthra Memorial Lecture, Lady Shriram College (New Delhi 2003)

A Democratic Conception of Toleration in Russell Hardin and Ingrid Crepell (ed.) Toleration: Interdisciplinary Perspectives (New York: Russell Sage and Columbia University Press, 2008)

Democracy and the Idea of Social Cooperation in A Common Cause (New Delhi: Oxford University Press, 2002)

Pluralism After Liberalism, Critical Review, Vol. 11, No.4, 1997, pp. 503-519

Rousseau, Education and the Quest for Dignity, Contemporary Education Dialogue, Vol 2. No 1 (2004)

Indian Politics, Society and India in International Affairs

Reluctant India: India and the Politics of Democracy Promotion, Journal of Democracy, Volume 22, Number 4, October 2011, pp. 97-109

Citizenship and Social Democracy, forthcoming in P. Mehta and Sunil Khilnani (ed.) An Indian Social Democracy (Oxford :2011)

Religious Accommodation and Reform in Tom Banchoff (ed.) Religion and the Politics of Human Rights (Oxford: Oxford University Press, 2011)

Some Notes on Conflict and Accommodation World Bank Working Paper, 2009

The Trajectory of Indian Nationalism, in SumitGanguly and Neil De Votta (edited) Understanding Contemporary India (Westview)

Still Under Nehru's Shadow? The Absence of Foreign Policy Frameworks in India, India Review, Vol. 8. No 3 pp.209-234

With DeveshKapur, "Mortgaging the Future? Indian Higher Education," India Policy Forum Vol 4 2009 .

The US and South Asia: Agenda for the Next President, Current History, March 2008

The Political Economy of Reforms and Violence in Bihar, (World Bank Working Paper, 2007)

Globalization and Identity, Current History, April 2007

Globalization, Democracy and New State Forms in Samir Radwan (ed.) The Changing Role of the State (Cairo, 2007)

The Indian State in an Era of Globalization (NFI Report 2007)

India: The Politics of Accommodation and Reform, (Carneige Endowment, paper 2007)

Three Themes on Terror in Public Policy Perspectives (Blackwell, Dec 2007)

Identity Dilemmas in a Globalizing World, in David Kelly (ed.) India and China in a Globalizing World (Scientific Publishing, Singapore 2006)

Accountability and Citizenship as Development Goals in A Varshney and A Dani (ed.) Social Development and Citizenship (World Bank/Oxford University Press, 2007)

Aspects of Democratic Accountability in India in ManMohanMalhotra (edited) India: The Next Millenium (Acadaemic Foundation, 2006)

Five Balancing Acts: The Indo-US Nuclear Deal, Seminar, April 2006

Indian Higher Education Reform: From Half Baked Socialism to Half Baked Capitalism, CID Working Paper, Harvard University (co-author DeveshKapur)

Democracy, Accountability and Governance, UNRISD, Geneva, 1999

Hinduism and Self Rule, Journal of Democracy, Volume 15, No 3. 2004 reprinted in Larry Diamond (ed) World Religions and Democracy (Johns Hopkins University Press)

Secularism and the Identity Trap in MushirulHasan (edited) Will Secular India Survive? (Imprint One, 2005)

Hinduism and Modernity in Lawrence Harrison (edited) Developing Cultures: Essays on Cultural Change (Routledge, 2005)

Between Rights and Nation: The Case of Urdu in AtherFaroqui (edited) The Future of Urdu (Oxford)

Affirmation Without Reservation, Economic and Political Weekly, 24 (7)

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Ideological Conflict After the Cold War, in Melzer, Zinman (ed.) Ideology and Politics After the Cold War (University of Kansas Press, 2003)

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The Nuclear Politics of Self Esteem, Current History, Dec, 1998

India 1998: Asian Survey, Vol.39. No.1 1999, pp. 163-177

The Dilemmas of Muslim Politics in Chaitanya (edited) Fascism in India (Konark)

Ethnicity and Violence in South Asia, Pacific Affairs, Vol.71. No.3, 1998, pp.377-397

Fragmentation Amongst Consensus, Journal of Democracy, Vol.8, No.1, 1997, pp.56-70

Ideology in India After the Cold War (with AtulKohli) in Melzer and Zinman (ed.) The Future of Ideology, Kansas University Press)

India's Disordered Democracy, Pacific Affaris, Vol 64. No 4., 1992

Democracy and the Idea of Social Cooperation in A Common Cause (New Delhi: Oxford University Press, 2002)

Public Writing

In addition, prolific contributor to a wide variety of popular debates and publications including, Financial Times, The Hindu, The Telegraph, The Indian Express, Outlook, Foreign Policy, New Republic, Yale Global Online, etc. Published Over Four Hundred Articles.

Regular Book Reviews for American Political Science Review, Outlook, American Journal of Political Science etc

6. **Proposal to appoint Professor Umakanth as visiting fellow at the University**

It is hereby proposed that Professor V. Umakanth may be appointed as visiting fellow at the University. A brief details about Prof. V. Umakanth and his CV is attached as Annexure – II for perusal of all the members.

Submitted for kind approval by the Hon'ble members.

V. Umakanth is an assistant professor at the Faculty of Law, National University of Singapore (NUS). He specializes in corporate law and governance, mergers and acquisitions, and cross-border investments. He has co-authored a book on Singapore corporate governance, published articles in international journals, and founded the Indian Corporate Law Blog. He has also taught on a visiting basis at the Fordham Law School, New York, and the National Law School of India University, Bangalore. He is the recipient of several academic awards: The Lee Kong Chian Scholarship and the Wang Gungwu Medal & Prize at NUS, the Hauser Global Scholarship at the New York University School of Law, and eight gold medals from the National Law School of India University. Prior to his foray into academia, Umakanth was an attorney in India with the leading corporate law firm of Amarchand Mangaldas, where he was also a partner.

V. UMAKANTH

Faculty of Law, National University of Singapore, 469G Bukit Timah Road, Singapore 259776
Tel: +65-6516-3606

ACADEMIC POSITIONS

Present (since April 2010)

Faculty of Law, National University of Singapore, Singapore

- **Assistant Professor**

Previous

Fordham Law School, New York City

- **Visiting International Professor of Law:** Taught a course on “Doing Business in India” during Spring 2009

Editorships

- Articles Editor, Singapore Journal of Legal Studies

TEACHING & RESEARCH INTERESTS

Company/Corporations Law, Corporate Governance, Business Law in India, Mergers & Acquisitions, Cross-border Investments

PROFESSIONAL EXPERIENCE

1995 – 2006 Amarchand Mangaldas

- Associate and then Partner
- The firm has been consistently rated as the top corporate law firm in India by various international professional organizations, and has received several awards.

Ranking

- *2006* and *2007* – Ranked as a leading corporate/mergers & acquisitions lawyer in India by the *Chambers Global Guide*

LEGAL EDUCATION

2007 – 2010 Faculty of Law, National University of Singapore

- **PhD:** Topic for the thesis: “*The Role of Independent Directors in Corporate Governance*”, which focuses on board structure and independence from an emerging

markets' perspective (particularly China and India)

- **Awards:** Lee Kong Chian Scholarship; Wang Gungwu Medal and Prize for the best PhD thesis in the Social Sciences/ Humanities.

August 2006 – May 2007 New York University School of Law, U.S.A

- **Masters' (LL.M) program in Corporations Law**
- **Awards:** Hauser Global Scholarship by the NYU School of Law.

1990-1995 National Law School of India University, Bangalore, India

- **B.A., LL.B (Hons.)**
- **Awards:** 8 gold medals, including for First Rank, Highest Marks in the B.A., LL.B (Hons.) Degree Program, Best Outgoing Student of 1995 and Meritorious Student

PUBLICATIONS

Books

- *Casebook on Corporate Governance in Singapore* (Sweet & Maxwell, 2009) (with Chew Heng Ching, Tan Chong Huat, Tan Lay Hong & Long Hsueh Ching).

Book Chapters

- "A Dose of Sunlight Therapy: Using Corporate and Securities Laws to Treat Climate Change" in the *Indian Yearbook of International Law & Policy* (Satyam Law International, 2009).
- "Sovereign Debt Documentation and the *Pari Passu* Clause" in Robert W. Kolb (ed.), *Sovereign Debt: From Safety to Default* (John Wiley & Sons, 2011).
- "The Rarity of Derivative Actions in India: Reasons and Consequences" (with Vikramaditya Khanna) in Dan W. Puchniak, Harald Baum & Michael Ewing-Chow (eds.), *The Derivative Action in Asia: A Comparative and Functional Approach* (Cambridge University Press, 2012).

Articles

- "A Cautionary Tale of the Transplant Effect on Indian Corporate Governance", (2009) 21(1) *National Law School of India Review* 1 (2009);
- "Corporate Criminal Liability and Securities Offerings: Rationalizing the Iridium-Motorola Case", 23(1) *National Law School of India Review* 109 (2011) (with Mihir Naniwadekar).
- "Corporate Criminality and the Law", 38 *Journal of the Indian Law Institute* 218 (1996) (with T.K. Bhaskar);
- "Evolution and Effectiveness of Independent Directors in Indian Corporate Governance",

6 *Hastings Business Law Journal* 281 (2010);

- “Independent Directors and their Constraints in China and India”, 2 *Jindal Global Law Review* 127 (2011)
- “India’s Corporate Governance Voluntary Guidelines 2009: Rhetoric or Reality?”, 22 *National Law School of India Review* 1 (2010).
- “Regulation of Hazardous Substances: Law and Policy” (1995) 37 *Journal of the Indian Law Institute* 508;
- “Sovereign Debt Documentation: Unraveling the Pari Passu Mystery”, 7 *DePaul Business & Commercial Law Journal* 119 (2008)
- “Strategies for Host Country Regulation of Hedge Funds: Lessons from India’s Approach”, 11 *Australian Journal Asian Law* 113 (2009);
- “The Idea of a Professional Independent Director”, 2010(2) *The Director’s Bulletin* 15.

Blog

- Indian Corporate Law (<http://indiakorplaw.blogspot.com>)

CONFERENCE PAPERS/PRESENTATIONS

- “Analysing India’s Approach to Hedge Fund Regulation”, at the 5th Asian Law Institute Conference, 22-23 May 2008, Faculty of Law, National University of Singapore, Singapore.
- “Analysis of the Companies Amendment Bill, 2003” – Cochin Chamber of Commerce, Cochin (2003);
- “Beyond Satyam: Analysing Corporate Governance in India”, at a panel discussion organized by the Jindal Global Law School, 4 Feb 2009, University Club, New York.
- “Crossborder Mergers & Acquisitions and the Legal Profession”, at the Globalization, Lawyers and Emerging Economies: Academic Conference, 8 Oct 2011, New Delhi, India.
- “Derivative Actions in India”, at the 3rd Biennial HKU-NUS-SMU Symposium, 15-16 Nov 2010, University of Hong Kong, Hong Kong SAR.
- “Independent Directors and Their Constraints in China and India”, at the Michigan-Jindal International Conference on *Global and Comparative Corporate Governance*, 3-4 Mar 2011, Jindal Global Law School, Sonipat, India.
- “Legal Aspects of Real Estate in India” - Suminfra, Summit on Public Private Partnerships in Infrastructure, Bangalore (2004);
- “Limitation of Liability in IT Contracts” – Consilience – Conference on Technology Laws, Bangalore (2004);
- “Mergers, Acquisitions & Corporate Restructuring” - Annual Conference of the Institute of Company Secretaries of India, Bangalore (2004) and Hyderabad (2005);

- “Mergers & Acquisitions in the Technology Sector”, MAIT (2003);
- “Microfinance and the Corporate Governance Conundrum”, at the 8th Asian Law Institute Conference on *Law in a Sustainable Asia*, 26-27 May 2011, Kyushu University, Fukuoka, Japan.
- “Recent Reforms to Corporate Governance in India: An Analysis”, at the 3rd NLSIR Symposium on *Corporate Law and Governance*, 10-11 Apr 2010, National Law School of India University, Bangalore.
- “Regulation of Derivatives” – National Roundtable on Securities Regulation, National Law School of India University, Bangalore (2002).
- “Securitization” – National Roundtable on Regulation of Financial Sector Regulations, National Law School of India University, Bangalore (2004);
- “The Rarity of Derivative Actions in India: Reasons and Consequences”, at *Derivative Actions in Asia’s Miracle Economies*, 23-24 Jul 2010, Faculty of Law, National University of Singapore, Singapore.

7. **Approval of Joint Ph. D. proposal between Reunion University of France and NUJS**

A joint Ph. D. proposal between Reunion University of France and NUJS is put forward for kind approval by the Hon'ble members.

Further details regarding the course are in **Annexure -I,II**

Submitted for kind approval by the Hon'ble members.

Memorandum of Understanding for a joint PhD / Doctorate degree between the University of La Réunion, France and

Introduction

1. This collaborative Memorandum of Understanding (MoU) relates to provision of joint doctoral (PhD) programmes ("cotutelle de these") by and l'Université de la Réunion, France.
2. This MoU enables individual students to be admitted to a joint programme, with both universities accepting equal responsibility, although one university will be designated the "home university". A specific Student Agreement (Joint Doctoral Supervision Agreement / "convention de cotutelle"), which will refer to this MoU, will be provided for each student.

Principles

3. The collaboration will be guided by the following principles.
4. Collaboration between the two universities should benefit the students enrolled on the collaborative programme, through joint supervision, through significant research placements at both institutions and, possibly, the publication of joint scientific papers. Furthermore, the programme should facilitate joint research activities of both universities.
5. The students will be affiliated to a school of postgraduate studies (that coordinates the supervision and training of PhD candidates) and a research centre in both universities.
6. The academic standard of degree awards, demonstrated through examination, will meet the normal requirements of both universities.
7. Supervision, facilities, resources and opportunities provided to the students will meet the normal requirements of both universities.
8. A "home university" will be nominated for the student. The "home university" shall have some additional, specific support and management functions, including mentoring, dealing with appeals, complaints, and litigation, and convening the examination board.
9. Students will be expected to follow specific Quality Assurance requirements of both universities, as indicated in the Student Specific Agreement and the regulations in force at both universities.
10. Local responsibility will follow the location of the student. The local university will have a duty of care and will be responsible for day-to-day provision, including resources, facilities, health and safety and discipline, following its normal procedures.

Degree award

11. Successful students will be awarded a double degree and issued by both universities.

Selection and admission

12. Designation of the home university will be negotiated by the two universities and influenced by student choice, taking account of research topic, supervision expertise, resources, the overall number of students allocated to each university and the quality of experience for the student.
13. Students will be selected and admitted on an individual basis. Decisions on the admission of students shall be taken jointly and with the agreement of both universities. Both universities will maintain a list of students admitted under the co-tutelle agreement, the designated home university for each student, and relevant dates of admission and period of study.
14. Each university will demonstrate equality of opportunity and fairness in selection and admission.
15. The minimum language requirements shall be specified by both parties, reflecting the nature of the joint programme and practical considerations.
16. Students will be enrolled at both universities and will be entitled to normal student rights and

privileges. To ensure a genuinely joint research and study experience on the student's part, as well as a fair contribution by both universities in terms of resources, staff, supervisory and administration commitments, students will be required to spend a minimum of three months per annum at the partner university, or else combined periods that amount to a minimum of nine months of the three years of full-time postgraduate study spent at the partner university.

17. **Version 1** : Students will be expected to pay tuition fees to the home university. The student will be exempted from the fees of the partner university.
Version 2 : Students will be expected to pay equal tuition fees to both universities.
18. Prospective students will be provided with a copy of this collaborative agreement and an opportunity to discuss any questions relating to the joint nature of provision and award.

National reporting

19. Each university will be responsible for reporting student numbers and related information to relevant national agencies. This reporting should adhere to relevant national data protection information and should acknowledge the joint nature of provision.

Supervision

20. There will be a minimum of two supervisors for each student, at least one supervisor from each university. Each university will ensure appropriate alternative or cover arrangements should the supervisor leave the university or be absent. The supervisors must be suitably qualified and be approved by both parties through the appropriate quality procedures.
21. Supervisors will be jointly responsible for planning and monitoring each student's programme of work, including the periods of study to be spent in each location. As per Admission and selection (section 19 / see above). However, the student will be required to spend a minimum of three months per annum at the partner university, or else combined periods that amount to a minimum of nine month of the three years of full-time postgraduate study spent at the partner university.

Monitoring of progress and progression

22. The progress monitoring and progression procedures, as agreed by both universities, will be followed, respecting the minimum requirements of both parties.

Examination

23. The examination process will recognise the requirements of each university and the relevant national systems and norms. It will normally follow the process set out below.
24. The examination board ("*jury de thèse*") will be convened in line with the examination requirements of the designated home university. In the case of La Réunion being the home university this will include the two supervisors, one examiner from each of the universities, and one external examiner from each of the universities and/or countries. The "jury" will designate one of its members as President. In the case of being the home university, this will include
25. The thesis will be written in (language) or French, in accordance with a preference given to the language of the home university and with an agreement with the partner university. A written summary of the thesis will be presented in the other language.
The thesis will be orally presented in (...) or in french. The oral examination will include at least a short oral presentation in the other language.
26. The thesis will be submitted to the examination board, which will be required to submit comments ("*pré-rapports*") within a specified time scale. These comments will written by the two external examiners and will be issued to the student and to all members of the examination board.
27. Defence of the thesis will be as follows, according to the requirements of the designated home university. In the case of La Réunion being the home university, the examination will be held

either a) in French or b) in (....) , in a seminar format, open to the public, which, however, will not be allowed to make any comment; or b) in a closed examination session involving only the examination board, which will determine the final outcome. In the case of being the home university, the examination will be held

28. If translation is needed, both universities must agree in advance on ways of meeting such costs. All costs relating to the examination board (travel, subsistence, etc.) will be shared equally by both universities.

Intellectual property rights (IPR)

29. IPR will always comply with both of the legal systems of France and of (...).

Costs

30. Each university and/or research centre will be responsible for its own costs associated with this agreement; however as per section 27 costs associated with the examination board will be shared equally between the universities.
31. Neither university will have the authority to authorise or incur financial liability on behalf of the other.

Confidentiality

32. All information exchanged between the universities associated with the Joint PhD programme ("co-tutelle") will be treated as confidential and will not be divulged to other parties without the prior written agreement of the other university.

Period of applicability

33. This collaborative agreement will be valid for a period of six years from signature. It may be extended by mutual agreement. Prior to any extension, both universities would review the effectiveness of operation of the collaboration.
34. The termination of the MOU will not affect the duration and supervision of a PhD began before it.

Withdrawal or termination

35. Either university may terminate this agreement by letter giving 6 months notice. In such a circumstance the two universities would agree on how to discharge any residual responsibilities to students who had been enrolled on to a joint programme of study.

Reversion to a single award

36. Should the collaboration become problematic, both universities will try to agree a means by which the student can continue with studies to gain a single award from one of the universities.

Law applicable

37. In disputes involving students, the laws of (country) will apply to interpretation of this agreement when University is the home University and the French law will apply when the University of La Réunion is the home University.
38. Nothing in this agreement shall be deemed a partnership between the two universities.

Variations to this agreement

39. No provision in this agreement may be varied apart from in writing by authorised representatives of both parties.

Disputes between parties

40. Should any dispute arise relating to this collaboration, the heads of the appropriate academic units will initially seek a resolution. If there remain outstanding issues, the heads of the two universities will establish an independent committee, with one nominated representative from each university, to be chaired by an experienced and independent mediator to seek a resolution.

41. The agreement will be signed in 4 original copies, 2 of which are written in French and 2 in English, both being equally valid.

Date:

Signatories

Professor Mohamed Rochdi
Président de l'Université de La Réunion

Professor
.....(title), (university)

8. **Monash University's Summer Programme in Malaysia:**

The program is a joint endeavour by a number of law schools from Asia, North America, Europe and Australia, taught every year in July and August in Monash's Malaysian campus in Kuala Lumpur. Each partner agrees to send a member of faculty to teach a unit and in return can send up to 15 of its students to study up to 3 of the units on offer. For the duration of the program, students are enrolled with Monash University but only pay a nominal administration fee for their participation in the program. Units in the program are taught in small groups and an intensive mode. They generally of a international or comparative nature to make them appealing to students from all partner law schools.

Further details regarding the summer programme are in **Annexure IV**

Submitted for kind approval by the Hon'ble members of the Council.



Monash Study Abroad Programs: Malaysia

Monash Law Faculty's Malaysia Program is an innovative teaching program which brings together a number of international partners to provide a global learning experience. The program was established in 2010 but is based on the well-established Monash Prato Law Program taught at the Monash University Prato Centre in Prato, near Florence, Italy (www.ita.monash.edu). In 2009 the Prato program was awarded a prestigious Australian Learning and Teaching Council award for *Programs that Enhance Learning*.

The Malaysia Program's strength lies in its international and comparative focus and its unique form of collaboration with overseas universities. Monash Law Faculty hosts the program providing facilities, administrative support and overall coordination. At least two Monash staff members teach into the program, including the convenor of the program.

The 2011 program was held from 4 July to 26 August, however, depending on the units chosen students can also choose a shorter stay.

Partner Universities

Partner universities are asked to provide one staff member to teach into the program, teaching a subject which is international or comparative in focus. Current partners include:

- University of Windsor (Ontario)
- City University of Hong Kong
- University of Malaya
- University of Paris-Sud 11 (France).

Faculty from the National University of Singapore also teach into the program.

The University of Windsor alternates between teaching in Prato and Malaysia, but sends students to both programs. The University of Paris-Sud 11 is a longstanding partner in Prato, who from 2011 also sends students in Malaysia.



Photo of the 2010 students and staff attending the Welcome Reception

Units Available

Up to 15 students from each participating university may take part in the program which runs from April to July each year. During this period students are able to complete up to three units. Except for one units which are offered as part of our faculty's compulsory curriculum, the units adopt a comparative, international or transnational perspective. In 2011, for example, a wide variety of units was offered, including *Issues in Medical Law and Ethics*, *Corporate Social Responsibility*, *International Perspectives on Torts Law*, *International and Comparative Taxation Law*. (For a full list of units, see <http://www.law.monash.edu.au/internships/overseas-study-programs/malaysia-units-exams.html>).

While the majority of students are undergraduate LLB students, Monash and City University Hong Kong also allow graduate students from their JD programs to take part in the program. Tuition takes place in English, in small groups and in semi-intensive teaching periods of three to six weeks per unit. All units are approved by the relevant Law Faculty Committees and Faculty Board. This means that, at their discretion, partner universities may credit the units towards their students' degrees. Students also receive an official Monash

transcript in respect of units completed.

Facilities

The program is held at the Monash Sunway Campus at Bandar Sunway, near Kuala Lumpur. The current campus was built in 2007 and currently has about 5000 students and 400 staff. It provides excellent teaching, IT and library facilities, as well as administrative support (<http://www.monash.edu.my/advancement/about/index.htm>). Students and staff have access to the Monash online learning system (MUSO - Blackboard) providing the ability for staff to create, and students to access unit specific content sites. Staff and students also have access to the electronic resources of the Monash Law Library.

Accommodation

Depending on their budget and preferences, students can choose from a range of accommodation options. The most affordable accommodation are university halls of residence, where student share apartments with other local and international students (at around AUD400/month). Students can also opt to stay at budget to mid-range hotels in the vicinity of the campus (starting at around AUD750/month). Monash University has arranged special long-stay discounts with some of these providers. Some students in 2011 shared serviced apartments rented from commercial providers. Monash University maintains a website which lists accommodation options and an electronic discussion forum where students can meet, exchange their experience and discuss their arrangements.

Cost

A small administrative fee of A\$150 per student fee is payable to Monash, but otherwise students continue to pay fees to their home institution. Partner universities are responsible for the cost of their faculty's participation.

The main budget items for students will be airfare, accommodation, travel insurance, textbooks (in some units) and cost of living while in Malaysia. Accommodation, food and transport costs are much lower than in Australia. Many students use the opportunity for excursions into other parts of the country or the region before or after the program, or on some weekends.

The above is a brief summary of an exciting new study abroad program, bringing together staff and students in a truly international study experience. More detailed information on the program website is available at

<http://www.law.monash.edu.au/internships/overseas-study-programs/overseas-study-programs-malaysia.html>.

Please do not hesitate to contact me if I can provide additional information or clarification.

Dr Normann Witzleb
Convenor, Monash Malaysia Program
28 September 2011