REPORT ON:
NATIONAL SEMINAR
ON
STRENGTHENING LEGAL
PROVISIONS
FOR
ENFORCEMENT OF
CONTRACTS
21st - 22nd August, 2019

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National Law School of India University,
Bengaluru
Centre for Environmental Law Education, Research and Advocacy (CEERA)

National Law School of India University
Nagarbhavi, Bengaluru

And

Department of Justice, Ministry of Law and Justice
Government of India

REPORT

Two Days National Seminar on

“Strengthening Legal Provisions for the Enforcement of Contracts: Reassessing the Quality and Efficiency of Dispute Resolution of Commercial Matters in India”

Venue: NLSIU, Krishnappa Memorial Hall
Date: 21st-22nd August, 2009
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We acknowledge all those Organizations, Institutions and Departments who participated and contributed in the Two Days National Seminar on Strengthening Legal Provisions for the Enforcement of Contracts: Reassessing the Quality and Efficiency of Dispute Resolution of Commercial Matters in India. In particular, we would like to express our gratitude to the Department of Justice, Ministry of Environment, Government of India and in particular Shri G. R. Raghavender, Joint Secretary, Department of Justice, and Shri Gridhar G Pai, Department of Justice.

We express our deepest gratitude to Prof. (Dr.) M K Ramesh, Vice Chancellor (FAC) NLSIU, who took out time from his busy schedule to grace us with his presence.

We would also like to express our special thanks of gratitude to our Chief-Guest Prof. (Dr.) Purvi Pokhriyal, Director School of Law, Nirma University, Guest-of-Honor Prof. (Dr.) A. Jayagovind, Former Vice Chancellor, NLSIU, and Special-Guest Prof. (Dr.) Nilima Bhadbhade, Visiting Professor, ILS Law College Pune.

We take this opportunity to express our gratitude toward our Resource persons, Chairs and Co-chairs for the Seminar: Shri. J Sundaresan, Prof. (Dr.) Uday Shankar Mishra, Prof. (Dr.) Ravindra Kumar Singh, Mr. Jayant Venkatram, Prof. (Dr.) Bindu Ronald, Prof. (Dr.) Vanishree, Dr. Bharati, Dr. Satish Gowda, Dr. Anita Patil, Prof. Preeti Desai, Ms. Pavithra R; Ms. Priya Mishra, Sri. Raghavendra S, Mr. Divyesh Pratap Singh, and Mr. Ruchir Desai.

We would also like to thank the CEERA Team: Ms. Madhubanti Sadhya, Ms. Raagya Zadu, Mr. Rohith Kamath and Mr. Raghav Parthasarathy. A special mention to the efforts of Mr. Vikas Gahlot, who has put great efforts in making this programme a successful event.

We also like to thank all the Participants of the National Seminar without whom this event would not have been possible.

Prof. (Dr.) Sairam Bhat
Professor of Law and Coordinator, CEERA, NLSIU
1. INTRODUCTION

About the National Seminar

The Ministry of Law and Justice set up the National Mission for Justice Delivery and Legal Reforms. To achieve the objectives as mentioned in its Vision Document the Ministry sought involvement of judicial academies, law universities and other institutions of national importance working in the field of justice delivery, legal education/research and judicial reforms for achieving the objectives of the National Mission. Towards this end, the Government formulated a Plan Scheme of Action Research and Studies on Judicial Reforms. Under this Scheme financial assistance is being extended for undertaking research /evaluation /monitoring /studies, organizing seminars /conferences /workshops etc. in the areas of Justice Delivery, Legal Research and Judicial Reforms.

The National Law School of India University (NLSIU) since its inception has been synonymous with quality legal education in India. The Law School has taken proactive steps in undertaking and conducting research activities, organizing conferences, seminars, workshops, refresher courses and certificate courses to update academicians, law teachers, students, industry personnel in different subject areas.

In continuance with such efforts, NLSIU sponsored by Department of Justice, Ministry of Law and Justice, undertook a project on Strengthening Legal Provisions for the Enforcement of Contracts:
Reassessing the Quality and Efficiency of Dispute Resolution of Commercial Matters in India.

The Project is an effort to explore possible avenues of reformation in the Contractual and Commercial Law to uplift the dire situation of contractual enforcement in India. The Project will undertake a thorough survey and analysis of laws dealing with contractual enforcement in India through the review of various legislations, case laws, comparative legal research, and will also conduct empirical research by organizing seminars, surveys, interviews with the experts on the field. This **National Seminar** held on 21st and 22nd August, 2019 was in pursuance of the activities to be conducted under the project. The Seminar was conducted over the course of two days and was divided into 18 sessions comprising of Inaugural, 4 Plenary Sessions, 12 Parallel Sessions and Valedictory.

**About the Theme**

India ranked 142nd in 2015 Ease of doing business rankings published on 29 October 2014 by the World Bank. Since then it has jumped 65 places to reach its current 77th position in 2019 rankings, published on 31 October 2018. One of the factors considered to calculate the rankings is the contract enforcement indicator. However, on this indicator the country has not been able to register that good a performance. In 2015 ranking India was 186th among 189 countries. In the 2019 Rankings it ranked 163rd among 190 countries in relation to contract enforcement by the World Bank in its ease of doing business report of 2018.

To remedy this dire situation the Parliament of India enacted the Specific Relief (Amendment) Act, 2018. The amendment brought radical changes in the area of contract enforcement. Most important were limiting the discretion of the court in granting the remedy of specific performance and injunctions in disputes related to infrastructures and introducing the right to substituted performance. However, more such radical adjustments are required to be made in the future to improve the contracting environment of India.

In India several legislations deal with various aspects of contractual enforcement viz. The Indian Contract Act, 1872; The Specific Relief Act, 1963; The Sales of Goods Act, 1930; The Arbitration and Conciliation Act, 1996; The Commercial Courts Act, 2015; and, The Competition Act, 2002; The Code of Civil Procedure, 1908. In the Seminar the various issues related to strengthening and simplifying the provisions related to contractual enforcement will be deliberated upon.

The Seminar invited presentations and papers on the following themes:

1. Performance of Contractual Obligations Law and Practice:
   a. Substituted Performance, Specific Relief (Amendment) Act, 2018.
   b. Specific Performance
   c. Substantial Performance
d. Time and place of Performance

2. Remedy and Relief:
   a. Penalty Clauses and Penalty Damages
   b. Damages
   c. Exemplary Damages
   d. Temporary Relief Measures: Ad Interim Injunctions
   e. “Reliance Loss” Consequential Damages
   f. Formula for Damages

3. Contractual Enforcement
   a. Indemnity Clauses and Contracts
   b. Non-Disclosure Agreements
   c. Intellectual Property

4. Commercial Dispute Resolution
   a. Alternate Dispute Resolution in commercial Disputes
   b. Commercial Court Act

On the above themes we accepted 147 abstracts from 251 participants from various parts of the country. We were overwhelmed and delighted to see the enthusiasm and interest which the participants have shown on this topic.

**About this Report**

This report summarizes the events, main discussions, findings and promising recommendations that emerged over the course of the National Seminar.
2. SUMMARY OF PROCEEDINGS

This section presents the highlights and key messages that emerged from the Lectures, presentations, plenary discussions and paper presentations that took place over the course of the Seminar.

Day 1: 21st August 2019

Inauguration

The Seminar commenced with the inaugural session on 21st August 2019. Prof. (Dr.) Sairam Bhat welcomed and introduced the dignitaries for the session Prof. (Dr.) M K Ramesh, Vice Chancellor (FAC), NLSIU, Guest-of-Honor Prof. (Dr.) A Jayagovind, Former Vice Chancellor, NLSIU, Chief-Guest Prof. (Dr.) Purvi Pokhariyal, Director, School of Law, Nirma University, Special-Guest Prof. (Dr.) Nilima Bhadbhade, Visiting Professor, ILS Law College Pune and Prof. (Dr.) Ravindra Kumar Singh, Associate Professor, GNLU, Gandhinagar. He also welcomed all the participants and wished them all the best for the Two-Day Seminar. He requested Prof. MK Ramesh to facilitate the dignitaries. After the facilitation Prof. Bhat invited Prof. Ramesh to deliver the welcome address.

Prof. (Dr.) M K Ramesh, Vice Chancellor (FAC), NLSIU delivered the Welcome Address. He expressed his happiness at the overwhelming response for the programme. He highlighted the importance of reassessing the Law for course correction in the lights of new developments. He emphasized the importance of preventing travesty of justice by ensuring efficient delivery of justice and resolution of conflicts. This goal required lots of discussion, deliberation and dissemination on the various issues that plague the field of dispute resolution in India. He concluded his address by wishing the participants best of luck for two-days of learning experience with the hope that novel contributions, new ideas and alternatives will emerge over the course of the seminar which will inform, influence and guide the stakeholders in improving dispute resolution mechanism in India.
**Prof. (Dr.) A Jayagovind**, Former Vice Chancellor, NLSIU was then invited by Prof. Bhat to deliver his message. Prof. Jayagovind addressed and greeted the dignitaries and the participants. He highlighted the importance of the topic and timing of the seminar and stressed the necessity of deliberation in these times when people are starting to lose faith in the Judiciary. He quoted Sir Henry Maine restated that the “Movement of Society is from Status to Contract”. He discussed the ideas of equality and free which the Contract Law embodies and stressed the role played by contracts in liberal-economic society and the reason and need of effective and efficient contract law. In his concluding remarks he stressed the need to give deeper thoughts to this topic, issues and interaction. He wished the participants success in their endeavor.

Prof. Sairam Bhat, then invited Chief-Guest **Prof. (Dr.) Purvi Pokhariyal**, Director, School of Law, Nirma University to deliver the Inaugural Address. Prof. Pokhariyal at the outset thanked the Prof. Ramesh and Prof. Bhat for inviting her to the seminar. She stressed the importance of National Law School and the Research Centers and activities of CEERA in research and policy formulation. She discussed the role of National Law Schools across India in contributing towards Social Welfare. She highlighted the centrality of relationships in human life and activity which leads to trust and expectations and flourishing business relationship. She pointed out that agreements and their enforcement is the heart and soul of business activity. She discussed World Bank’s Ease of Doing Business ranking and India’s tremendous improvement in the same. She pointed out a potential link between Enforcement of Contracts and Rule of Law and Human Development Indices. She Stressed that quality and efficacy should be looked into not only from a legal and policy aspect but other fields also for a holistic perspective. She pointed out that amendment in law is not adequate but has to be implemented and accompanied by change in the mindset and legal culture.
Prof. Bhat then invited Special-Guest Prof. (Dr.) Nilima Bhadbhade, Visiting Professor, ILS Law College, Pune to address the participants. Prof. Bhadbhade began by welcoming and greeting everyone. She stated that the primary importance in Ease of Doing Business is Certainty and Predictability. She discussed the new developments and growth in trans-border trade. She stressed the importance of looking contracts form the ground work perspective rather than in silos and isolation. She used practical examples to deliberate upon liquidated damages and how courts have dealt with pre-agreed damages. She discussed the cases of Chunnilal, Fateh Chand, Maula Bux and the development of jurisprudence in relation to Liquidated Damages and Penalty Clauses and the issue of genuine pre-estimate which leads to incorporating artificial and unnecessary things in contracts and how this leads to decrease of confidence in contracting parties. She mentioned that courts have expounded so many elements via case laws which leads to confusion in parties. She remarked that many of these elements which leads to confusion come into play at the time of drafting because when law becomes uncertain, parties try to bring stricter, unfair provisions to protect their interests. On the other hand, if we change the settled law drastically it will lead to more drastic situation. She ended her discussion with wishing all the participants for the seminar.

The inaugural session concluded after the vote of thanks delivered by Prof. (Dr.) Sairam Bhat.
Plenary Session 1: Strengthening Contractual Remedies – Need for Reforms in Contract Law in India

The session was chaired by Prof. (Dr.) Nilima Bhadbhade and Prof. (Dr.) Sairam Bhat. Prof. Ramesh started the session by presenting a detailed scrutiny of substituted performance. She discussed the various modes and modalities of contractual enforcement. She explained section 73 of the Indian Contract Act, 1872 and the various illustrations appended to it. She further deliberated upon the recent amendments in the Specific Relief Act and its effect. Prof. Sairam Bhat engaged the participants in reflecting upon various issues related to contractual remedies. He stressed that remedies come a bit later stage what comes before is the understanding of the law itself in the mind of the parties at the time of framing of the contract itself. Some of the various issues deliberated during the session were:

- Should specific performance be a rule rather than exception?
- Whether commercial litigation and dispute resolution in India is a comfortable experience?
- Contracts from a public policy perspective: the case of pre-nuptial agreements.
- Right of First Refusal Clauses
- Should the compensation under s. 73 be over and above damages.
- Should proof of damages be required for the enforcement of liquidated damages clause?
- Should profit loss be given by the courts?
The session was chaired by **Prof. (Dr.) Sairam Bhat**, and **Mr. Jayanth Venkatram**, legal practitioner, Bengaluru. Mr. Venkatram discussed the reasons for Special Courts like the Debt Recovery Tribunal and the problems it faces in the State of Karnataka. He shared the practical experiences form the working of courts and the problems faced by clients. He discussed the impunity between the parties regarding the system and the tactics used by them to exhaust each other and avoid liability. He remarked that a system in which damages are not paid, contract is not enforced, parties are happy to break the contract. Prof. Bhat took over and discussed the need for win-win situation instead of a win-loss situation. He discussed punitive criminal action and contractual breach. He further highlighted multiple other implications in contractual remedies and discussed contract law form civil law and common law system and the need of getting inspired from other countries’ experiences and practices. He deliberated upon the impact of Tribunalization of Justice.
Parallel Session 1: Commercial Courts

The Session was chaired by Dr. Uday Shankar Mishra, Associate professor of Law, IIT Kharagpur and Mr. Raghav Parthasarathy, CEERA, NLSIU. The Session witnessed paper presentation on the Commercial Courts Act. Several authors were of the opinion that the initiative of the Government to introduce specialized courts is laudable as the time consumed in commercial litigation is enormous. Authors also analyzed the ADR mechanism in commercial courts, the role of mediators. They also opined that the mandatory Pre-Institution Mediation was a refreshing change. However, the success of this change needs to be ascertained. In coming times, the implication of this amendment and the role of mediators will become crucial for Commercial Dispute Resolution.

Parallel Session 2: Damages

The session was chaired by Dr. Bharathi S, Dean Institute of Legal Studies, Reva University and Ms. Raagya Zadu, Teaching Associate, CEERA, NLSIU. The session oversaw paper presentations on Damages. Authors presented papers on topics such as Formula for Calculating Damages, Delay Damages in Construction Contracts, Liquidated Damages and Penalty Clauses, The ambit of Force Majeure Clause and Liquidated Damages. The participants exchanged ideas and deliberations on various aspects of contract Law on damages, penalties etc. Issues such as renegotiation of contracts leading to breach, the determination of flexibility of force majeure clauses and whether it will promote non-performance of contracts. The participants also discussed the Adani- CERC Energy Watchdog case.

Parallel Session 3: ADR in Commercial Matters

The Session was chaired by Dr. Satish Gowda, Asst. Prof. of Law, University Law College, Banglore and Ms. Priya Mishra, Asst. Prof. of Law, NLSIU. They presided over the presentations on the topic ADR in Commercial Matters. They oversaw presentations on the issues such as commercial dispute resolution under permanent machinery of arbitration, arbitrability of anti-trust issues, interpretation and construction of commercial arbitration contracts, judicial review of interim arbitral awards, lifting of corporate veil by the arbitrator, institutional arbitration, ADR in lending market sector, the Booz-Allen judgement. A general discussion on the issues relating to ADR regime in India ensued during and post paper presentation.
Parallel Session 4: Contractual Enforcement

The Session was chaired by Sri Raghavendra S, Advocate Bengaluru and Mr. Divyesh Pratap Singh, Research Scholar, NLSIU. They oversaw paper presentations on the theme Contractual Enforcement.

The participants dealt with issues such as consensus-ad-idem in the context of e-contracts, changing global business contractual enforcement, measures to strengthen enforceability of online contracts, challenges in case of enforcing contracts, the need of the hour in contractual enforcement in 21st century, enforcement of claim of indemnity and damages, legality of smart contracts, the effect of contract enforcement on India’s economy.

The chair and co-chair also gave their feedback to the participants for improving their papers.

Parallel Session 5: Performance of Contractual Obligations

The session was presided by Dr. Satish Gowda, Asst. Prof. of Law, ULC, B’luru and Mr. Rohith Kamath, Research Scholar, NLSIU, B’luru. The theme of the session was Performance of Contractual Obligations.

The participants dealt with issues such as analysis of substituted performance under the Specific Relief Act, specific performance rule rather than exception, whether substantial performance can be an effective defense in case of breach.

Post presentation the chair and co-chair engaged the participants in a healthy discussion on practical nuances of performance of contractual obligations. Sri J Sundaresan who also presided the session also gave his valuable feedback to the participants.

Parallel Session 6: IPR and Contracts

The session was presided by Dr. Anita Patil, Asst. Prof. of Law, NLSIU and Mr. Divyanshu Priyadarshi, Teaching Assistant, CEERA, NLSIU. The session witnessed presentations on the interplay between Intellectual Property Rights and Contractual Enforcement.

The participants presented their research dealing with various issues such as safeguarding confidential information and trade secrets under the contract law regime, effect of online broadcasting on license agreements in music industry, arbitration of IP disputes in India, Singapore IP (Dispute Resolution) Bill, 2019, compulsory licensing regime and the impact of bankruptcy in IP licensing. The session ended with suggestions by chair to the participants for improvement of their papers.
Day 2: 22\textsuperscript{nd} August 2019

**Plenary Session 3: Commercial Courts Contractual Enforcement Challenges Remedies and Reliefs**

The session was chaired by **Prof. (Dr.) Uday Shankar Mishra**, Associate Professor of Law, Rajiv Gandhi School of IPR, IIT-Kharagpur, **Prof. (Dr.) Ravindra Kumar Singh**, Associate Professor of Law, GNLU, Gandhinagar and **Prof. (Dr.) Bindu Ronald**, Deputy Director, Symbiosis Law School, Pune.

Prof. Uday Shankar started the session with a discussion on Commercial Courts Act, 2015. He extensively discussed the ADR mechanism provided by the Act. The key highlight of his address was the elaborate discussion on the mandatory pre-institution mediation provided under the Act.

Prof. Ravindra Kumar Singh presented his research paper on the topic *Specific Performance of Contract: The Journey from Being Exception to General Rule*. He argued that the recent amendment will provide certainty and consistency in terms of granting specific performance of contract. He stated that the realizing of the expectations which the parties had in their mind while making the contract.

He further pointed out that the non-defaulting party will approach the court with much more confidence of getting the adequate relief in term of specific performance. He argued that by according upper hand to the specific performance, the amendment seeks to uphold the theory that one must keep one’s promise.
Prof. Bindu Ronald discussed the importance of Ease of Doing Business and the various parameters performance on which determines the ease of doing business rank of a country. She discussed India’s performance on each of the parameters and stated that there is a requirement to focus on enforcement of contracts, a parameter on which India has not been able to register much of an improvement. She deliberated upon the various factors which comprise the enforcement of contract parameter and stated that the key factor in improving performance on this parameter is the time taken by the dispute resolution process whether judicial or ADR. She then explained the various legislations and reforms which have been made to address the situation. The key highlight of her addresses was the discussion on mandatory pre-institution mediation.

**Parallel Session 4: Commercial Dispute Resolution – Modes, Methods and Orders**

The last plenary session of the Seminar was chaired by Mr. Vikas Gahlot, Ms. Madhubanti Sadhya, Mr. Raghav Parthasarthy and Ms. Raagya Zadu, Teaching and Research Assistants, CEERA, NLSIU.

Mr. Vikas Gahlot, engaged the participants in deliberation over **4 R’s of Ease of Doing Business**, namely: Rank, Reputation, Reform and Reality. He stated that the Rank of a country directly affects its reputation in the globalized world and to improve that countries across the world are undertaking reforms to improve their rankings. However, to change the reality on the ground those reforms need to effectively implemented only then the country will the business culture and environment will improve. He stressed that the government and the judiciary is making great efforts to implement the reforms. He explained and discussed the Ease of doing Business ranking with reference to enforcement of contracts in depth. He also discussed the work done by CEERA under the project including the empirical research on
Commercial Courts Act. He also discussed the various legislative reforms undertaken by the Government of India in relation to Ease of doing business.

Ms. Madhubanti Sadhya then took over the session. Her topic of discussion was Contracts in Healthcare: Special Remedies. She started by discussing UDHR and the right to health under the ICESCR. She also mentioned that the Indian constitution also guarantees right to health under the umbrella of right to life. She then discussed the interplay between IPR and Contract Law and patenting of pharmaceutical drugs. She discussed how the license agreements includes various contractual clauses which can affect the right to health of general public. She discussed the provisions of compulsory licensing under the Patent Act which provide a special remedy for securing right to health if the pricing of medicines patented is not affordable. She discussed the cases of Bayer Corporation v. Natco Pharma Limited and Shanti Rengarajan v. Oriental Insurance Company to push forward the point that public law remedy can be sought in contractual cases also.

The Session was then taken over by Mr. Raghav Parthasarathy. He deliberated upon the breach of contracts from litigation perspective. He elaborated upon the various reliefs which are there for commercial disputes such as: Order XXXVIII and XXXIX of Code of Civil Procedure, Interim reliefs, Post judgement reliefs, execution of award under the Arbitration and Conciliation Act, 1996, Recovery of Debts and Bankruptcy Act, 1993 and the powers of civil courts therein. He also discussed the SARAFAESI Act which relates to business affairs and managers. He also discussed Insolvency and Bankruptcy Code, 2016 and the Mardia Chemicals Case and issue moratorium. He then elaborated upon the Commercial Courts Act, 2015 and the provisions of pre-institution mediation and case management hearings.
The Last presentation of the Session was made by Ms. Raagya Zadu. She deliberated upon the definition of commercial dispute under the Commercial Dispute Act and the provisions of pre-litigation mediation. This was an interactive section and she engaged the participants in reflecting upon the nuances of the definition of commercial dispute which provides the subject matter jurisdiction to commercial courts. Thereafter she discussed the provisions of mandatory pre-litigation mediation and how it is actually conducted in practice.
### Parallel Session 7: Reliefs and Remedies

The session was chaired by Dr. R K Singh and Mr. Raghav Parthasarthy. The session witnessed presentations on the theme Reliefs and Remedies in commercial disputes. The participants made presentations on issues such as challenge procedure counsel in international arbitral proceedings, how to address plausible conflicts of interest, temporary relief measures of ad-interim injunctions, Indian position on reliance loss and compensatory damages, specific performance and injunctions, enforcing indemnity v. damages and general discussion on commercial dispute resolution. The chair and co-chair made several suggestions to the participants on how to further improve their research papers by citing relevant case laws and following consistent footnoting style and citing the sources.

### Parallel Session 8: Commercial Dispute Resolution

The session was chaired by Mr. Ruchir Desai, Professor Satya University, Mr. J Sundaresan, and Mr. Vikas Gahlot. They oversaw presentations on the theme of Commercial Dispute Resolution. The participants presented their research papers on various issues pertaining to the theme such as the changing perspective in commercial dispute resolution, alternate approaches to commercial disputes, quiddity of commercial dispute resolution, interpretation of contractual clauses while resolving disputes. The Indian scenario with respect to commercial disputes resolution and how to transform the same was the key point of deliberation during the session. The chair and co-chair made several suggestions to the participants to improve their papers.

### Parallel Session 9: ADR -II

The session was chaired by Dr. Vanishree, chairperson PGD Dept. of Law, JSS Law College and Mr. Divyesh Pratap Singh. The theme for the session was ADR in commercial disputes. The participants presented their research on various issues under the theme such as the problems of class arbitration, interpretation of arbitral clauses under US and English Laws and its effect on international commercial agreements, the strengths and weakness of evolving arbitration landscape in India, issues of mandatory arbitration, confidentiality in ADR, role of Lok Adalats in commercial disputes and whether it is an effective forum for dispute resolution and settlement. The Chair and Co-chair made valuable suggestions to the participants during the course of session on how to further improve their research paper.
### Parallel Session 10: Specific Clauses in Contracts

The session was chaired by Prof. Preeti Desai, Principal BILS and Mr. Divyanshu Priyadarshi. The theme for the session was Specific Clauses in Contracts.

The participants presented their research on several issues pertaining to the theme such as the way forward for non-disclosure agreements, force majeure clauses and adaptation, the legitimacy of the excuse for Non-performance in purview of the UN Convention for the International Sale of Goods (CISG), enforceability of non-disclosure clauses in employment contracts in the wake of me too movement, validity of non-compete clauses in India, S. 27 and the restraint of trade under the Indian Contract Act, 1872 and cautioned interpretation of pathological clauses.

### Parallel Session 11: Contractual Enforcement II

The session was presided over by Dr. Vanishree and Ms. Priya Mishra. The theme for the session was Contractual Enforcement.

The session oversaw presentation on the research conducted by participants on the various issues pertaining to contractual enforcement such as whether ADR is an effective mechanism for enforcement of contracts, how contractual obligations are practically enforced and what are the disabilities faced during the enforcement, what are rights and remedy available to loss bearer for enforcement of construction contracts, the present situation with regard to clickwrap agreements etc.

The session concluded with the remarks made by the chair and co-chair to the participants to further improve their papers.

### Parallel Session 12: Performance of Contractual Obligations II

The session was chaired by Prof. Uday Shankar Mishra and Ms. Pavithra R. The theme of the session was Performance of Contractual Obligations (Law and practice).

The participants presented their research on issues such as performance of contractual obligations under the Bilateral Investment treaties, effectiveness of the remedy of substituted performance under the Specific Relief (Amendment) Act, 2018, enforceability of risk and cost purchase clauses, substantial performance and construction contracts, economic duress under the Indian Contract Law, analysis of substituted performance from an economic point of view, Enforcement of restrictive covenants at workplace.
The last set of parallel sessions was followed by valedictory session where Prof. (Dr.) Uday Shankar Mishra, Prof. (Dr.) Bindu Ronald, Prof. (Dr.) Vanishree and Prof. Preeti Desai were invited to distribute the certificate of participation and presentation to all the participants.

The Two-day National Seminar concluded with the concluding remarks of Prof. (Dr.) Sairam Bhat, who thanked everyone for making the event a great success and wished all the participants a safe and pleasant journey back home.