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INSIDE

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Editorial

Pursuant to 253rd Report of the Law Commission of India, India on 31 December 2015 enacted the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ("Act") which ensures expediting the settlement of commercial disputes. The major features of the Act are: introduction of commercial courts; wide definition of commercial dispute; jurisdiction over arbitration matters; timely disposal of commercial disputes and appeals, amendments to Civil Procedure Code 1908 as applicable to commercial disputes; and application of summary judgement etc. I being Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorised by the Committee made certain crucial practical observations in the report which is highlighted below keeping in view that all stake holders in this matter should deeply examine and analyse them. Report Numbers 9 and 78 of the Parliamentary standing committee on Law and Justice are evident to explain how the Parliament and Executive think and act differently to lay the legislative process on Arbitration.

The Act constitutes a two layer set-up., i.e. the Commercial Courts/Commercial Divisions; and the Commercial Appellate Divisions. The Act further provides that except where High Courts have ordinary original civil jurisdiction the State Governments are to set-up Commercial Courts at the District level; and wherever the High Courts have ordinary original civil jurisdiction, the Chief Justice is to set-up a Commercial Division bench presided by a single Judge to try suits and claims pertaining to commercial disputes of a value of at least Rs.1 crore and above. The Act also requires the High Courts to set up Commercial Appellate Divisions within each High Court to hear appeals from the orders of Commercial Courts and Commercial Divisions ("Courts") and endeavor to dispose them within 6 months of their filing date. Importanlty, the Committee felt that the transfer of all pending commercial disputes to the proposed Commercial Court/Division may overburden the said courts and defeat the very purpose of establishing them. There may not be requirement of Commercial Courts in some States as they have limited number of such cases. The Committee also observed that the power of appointment of person to the post of District Judge in State lies with Governor of that State who exercise that power in consultation with the High Court of the State concerned. The Clause 5(3) of the Bill, however, gives that power to Chief Justice of the High Court concerned. This is not in conformity with provision under Article 233 of the Constitution. The Committee is also of the view that the present court fee structure is encouraging litigants to go for appeal, thus leading to pendency and arrears in cases. The Committee felt that initial court fee should be lower and which may be hiked at each stage of appeal, as in the case of Singapore where the cost increases at each stage of appeal, to discourage unnecessary appeal. In view of the Arbitration and Conciliation Act, 1996, (as Amended), all matters pertaining to international commercial arbitration involving disputes of subject matter of value of more than Rs.1,00,00,000, have been brought within the ambit of the High Courts and thus such matters pertaining to international commercial arbitrations are to be heard and disposed of by the Commercial Division. The Act attempts to cover a broad range of disputes within the scope of a 'commercial dispute'. On this, the Committee felt that the definition of commercial dispute under Clause 2 (c) of the Bill may lead to multiple interpretations and confusion as these provisions have already been defined in their parent Acts.

The Act also amends the Code of Civil Procedure, 1908 ("CPC") as will be applicable to the Courts, which shall prevail over the existing High Courts Rules and other provisions of the CPC, in order to improve the efficiency and expeditious disposal of commercial cases. Detailed procedures for discovery on the line of US laws and inspection of documents of the opposite party and admission and denial of documents have been provided to shorten the scope of trial. The other important features of the Act are to mandate the Courts to have case management hearings once pleadings are completed, wherein the Courts would frame issues and set dates for trial, filing written arguments and addressing arguments. Lastly, detailed provisions have been made to encourage the Courts to impose realistic costs to discourage frivolity and protraction of trial. The above mentioned salient features of the Act are unprecedented and significant progress in Indian legislation, however, the Commmitee's observations are made and highlighted herewith with an view to encourage more discussion among stake holders on certain aspects for better outcome.

Dr. E. M. Sudarsana Natchiappan

RECENT ACTIVITIES

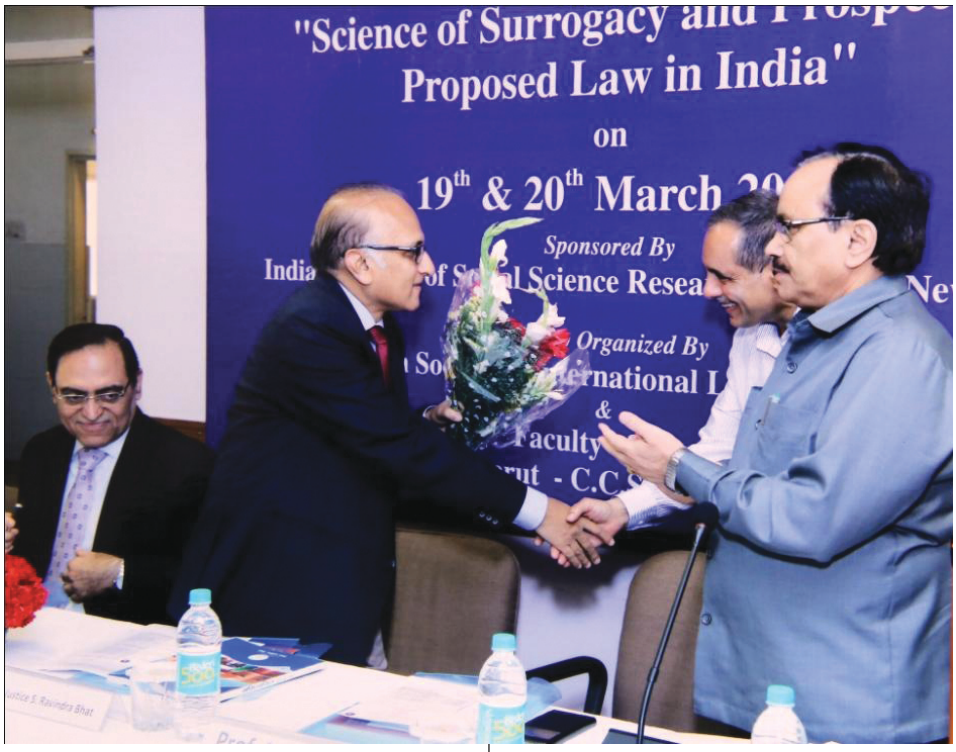
A Special Lecture on "The New Brazilian Agreement on Cooperation and Facilitation of Investments: Towards a New Alternative Investment Model?"

The ISIL organized a Special Lecture on "The New Brazilian Agreement on Cooperation and Facilitation of Investment: Towards a New Alternative Investment Model" on 14 January 2016. The lecture was delivered by Dr. Nitish Monebhurrun, Associate Professor, University Centre of Brasilia, Brazil. Prof. S. K. Verma, Executive President, ISIL welcomed the speaker and also gave the vote of thanks. Brazil New Model of Investment was the focus of interaction. The lecture witnessed lively interactions and discussion by the participants.

Visit of Foreign Parliamentary Officials

44 Participants from 25 countries who came to attend the 31st International Training for Programme in Legislative Drafting for Foreign Parliamentary Officials made visit to the ISIL on 23 February 2016 at 2.15 pm. The 31st International Training was organized by the Parliament Bureau from 11 February to 11 March 2016. Prof. S. K. Verma, Secretary General, ISIL addressed the participants on the role of Parliament in International Law Making.

National Seminar on "Science of Surrogacy and Prospect of Proposed Law in India" Jointly Organized by the ISIL and Faculty of Law, Meerut College, Meerut



Indian Society of International Law (ISIL) and Faculty of Law, Meerut College, Meerut jointly organized Two-days National Seminar on "Science of Surrogacy and Prospect of Proposed Law in India" on 19-20 March 2016 at the ISIL premises. In addition to the inaugural and valedictory sessions, 3 technical Sessions and two parallel sessions on identified themes were conducted. The Seminar was attended by 110 delegates from different parts of India.

More than 50 abstracts were received

for the Seminar in which 25 abstracts were selected for the presentation in the Conference. The Conference was inaugurated by Dr. P. K. Malhotra, Law Secretary, Government of India and at this occasion, the Guest of Honour was Hon'ble Justice Shri S. Ravindra Bhat, Judge, Delhi High Court, Delhi who delivered the keynote address. Prof. S. K. Verma, Executive President of the ISIL gave the welcome address. Dr. M.P. Verma (Convener), Associate Professor, Faculty of Law, Meerut College, Meerut made introductory remarks. Prof. N. P. Singh, Principal, Meerut College, Meerut and Dr. Ram Kumar Gupta, Hony. Secretary, Management Committee, Meerut College, Meerut also addressed the gathering. Dr. V. G. Hegde, Treasurer, ISIL proposed a vote of thanks. On 20 March 2016, two parallel sessions were conducted for discussion on the 16 selected papers of participants. Justice Dr. Satish Chandra was special guest in the valedictory Address held on 20 March 2016 and Prof. S. P. Garg, Dean, Faculty of Law, CCS University, Meerut delivered the valedictory address.

Monthly Discussion Forum

Monthly discussions were organized on the following topics:

"The Paris Agreement on Climate Change 2015" by Shri Shiju M. V., Assistant Professor, Department of Policy Studies, TERI on 8 January 2016

"The WTO Ministerial in Nariobi: An Assessment" by Dr. V. G. Hegde, Associate Professor, SAU, New Delhi on 5 February 2016

"Trafficking in Persons-Prevention, Protection and Prosecution through International Co-operation" by Prof. K. Elumalai, Director, IGNOU on 4 March 2016.

RECENT DEVELOPMENTS

UN Human Rights Committee Decided Peru to Compensate Woman in Human Rights Abortion Case

The UN Human Rights Committee, on 18 January 2016 agreed that a Peruvian woman's rights were violated for having been denied an abortion and recommended that the Government compensate her. Peru is committed to pay compensation for having refused her access to a legal medical procedure. In 2001, a 17-year-old Peruvian girl, named 'K.L.,' was 14 weeks pregnant when doctors at the public hospital in Lima diagnosed the foetus with anencephaly. Anencephaly is a fatal birth defect, where the foetus lacks most or all of the forebrain. Doctors told her that continuing the pregnancy would put her life and health at risk. She was recommended to have an abortion. Abortion is legal in Peru for such reasons, but the hospital refused termination on the grounds that the State had not provided clear regulations for providing the service. K.L. was forced to carry the pregnancy to full term and breast feed the baby for the four days it lived. According to the Office for the High Commissioner for Human Rights (OHCHR), it was a decision that went on to have serious mental and physical consequences on her health. In 2005, a complaint was filed with the UN Human Rights Committee, stating that by denying K.L. access to a legal medical procedure, her human rights were violated. The Committee agreed, and recommended Peru to pay compensation to K.L. K.L.'s case was brought to the Committee by the Centre for Reproductive Rights, the Latin American and Caribbean Committee for the Defence of Women's Rights and the Counselling Centre for the Defence of Women's Rights.

WikiLeaks Founder Julian Assange Arbitrarily Detained by Sweden and the UK, UN Panel Finds

The United Nations Working Group on Arbitrary Detention decided on 5 February 2016 that the founder of the WikiLeaks website, which published confidential diplomatic information, has been arbitrarily detained by Sweden and the United Kingdom since his arrest in London in December 2010, as a result of the legal action against him by both Governments. In a public statement, the expert panel called on the Swedish and British authorities to end Julian Assange's deprivation of liberty, respect his physical integrity

and freedom of movement, and afford him the right to compensation. Mr. Assange, was first detained in prison then followed by house arrest and then took refuge in Ecuador's London embassy in 2012 after losing his appeal to the UK's Supreme Court against extradition to Sweden, where a judicial investigation was initiated against him in connection with allegations of sexual misconduct. However, he was not formally charged. "The Working Group on Arbitrary Detention considers that the various forms of deprivation of liberty to which Julian Assange has been subjected constitute a form of arbitrary detention," said Seong-Phil Hong, who currently heads the expert panel. "The Working Group maintains that the arbitrary detention of Mr. Assange should be brought to an end, that his physical integrity and freedom of movement be respected, and that he should be entitled to an enforceable right to compensation". The Working Group further established that this detention violates two articles of the Universal Declaration on Human Rights, and six articles of the International Covenant on Civil and Political Rights. On 15 February 2016, the expert called on the United Kingdom and Sweden to promptly accept a UN working group's ruling that Julian Assange, founder of the WikiLeaks website, is being arbitrarily detained and must be allowed freedom of movement. "The findings of the Working Group on Arbitrary Detention should be accepted and their recommendations implemented in good faith," Alfred de Zayas, the UN Independent Expert on the promotion of a democratic and equitable international order, said in a press release. He further emphasized that international order is strengthened when all States comply not only with binding treaty obligations, but also with the recommendations of UN bodies. Not only "hard law" but also "soft law" commitments and human rights pledges should be given effect, he added. He went on to emphasize that whistle-blowers are key human rights defenders in the 21st century, in which a culture of secrecy, closed-door deals, disinformation, lack of access to information, -like surveillance' of individuals, intimidation and self-censorship lead to gross violations of human rights. The Independent Experts are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

New ICAO Aircraft CO_2 Standard

Aircraft CO_2 emissions standard has been adopted on 8 February 2016, at the UN's International Civil Aviation Organization (ICAO). This new environmental measure was unanimously recommended by the 170 international experts on ICAO's Committee on Aviation Environmental Protection (CAEP), paving the way for its ultimate adoption by the UN agency's 36-State Governing Council. Under the CAEP recommendation, the new CO_2 emissions standard would not only be applicable to new aircraft type designs as of 2020, but also to new deliveries of current in-production aircraft types from 2023. A cut-off date of 2028 for production of aircraft that do not comply with the standard was also recommended. In its current form the standard equitably acknowledges CO_2 reductions arising from a range of possible technology innovations, whether structural, aerodynamic or propulsion-based. The proposed global standard is especially stringent where it will have the greatest impact: for larger aircraft. Operations of aircraft weighing over 60 tonnes account for more than 90% of international aviation emissions. They also have access to the broadest range of emissions reduction technologies, which the standard recognizes. But great care was also taken by the CAEP to ensure that the proposed Standard covers the full range of sizes and types of aircraft used in international aviation in present times. Its solution therefore comprehensively encompasses all technological feasibility, emissions reduction potential, and cost considerations. The goal of this process is ultimately to ensure that when the next generation of aircraft types enter service, there will be guaranteed reductions in international

CO_2 emissions. The Montreal-based agency ICAO works with 191 Member States and industry groups to reach consensus on international standards, practices and policies for the civil aviation sector.

New Extradition Treaty between Russia and DRP Korea

The UN Special Rapporteur on the situation of human rights in the DPRK, on 16 February 2016, urged the Government of the Russian Federation not to implement an extradition treaty signed with the Democratic People's Republic of Korea (DPRK). The new extradition treaty signed between the DPRK and the Russian Federation on 2 February 2016 which calls for transferring and readmitting individuals 'who have illegally' left their country and stay 'illegally' in another's territory. There are an estimated 10,000 regular labourers from DPRK in Russia, some of whom stay in the country after their contracts have expired in order to seek asylum. Others fleeing the DPRK try to reach Russia through other countries. The Special Rapporteur noted that in November 2015, Russia signed a separate extradition treaty with the DPRK, calling for mutual assistance in criminal matters. The latest extradition treaty is much broader in scope and may lead to forced repatriation to the DPRK of individuals at risk of human rights violations, in contravention of Russia's international obligations. Given the practice of the DPRK to send labourers to Russia, who often work in slave-like conditions, the Special Rapporteur said, it is feared that such a treaty could also be used to capture and repatriate workers who attempt to seek asylum. There is view that in fact, the practice of sending workers abroad to be exploited may constitute state-sponsored enslavement of human beings, possibly amounting to a specific category of crime against humanity. The UN Commission of Inquiry on human rights in the DPRK, in its 2014 report, found that persons who are forcibly repatriated to the DPRK are commonly subjected to torture, arbitrary detention, summary execution, forced abortions and other sexual violence. At the time, the Commission called on countries to respect the principle of non-refoulement and abstain from forcibly repatriating any persons to the DPRK. The Special Rapporteur strongly urged Russia to respect the principle of non-refoulement and not to implement the treaty.

Judge Theoder Meron is to Head up Courts' Residual Mechanism

On 2 March 2016, United Nations Secretary-General Ban Ki-moon has appointed Judge Theodor Meron of the United States as President of the international body International Mechanism for Criminal Tribunals. This body will carry out the residual functions of the UN war crimes tribunals for Rwanda and the former Yugoslavia, for a new term that began on, 1 March 2016. The UN SG made the decision after consulting the President of the Security Council and the judges of the International Mechanism for Criminal Tribunals. Judge Meron will continue to serve as a judge of the International Criminal Tribunal for the Former Yugoslavia (ICTY), while working as the President of the Mechanism. In an earlier occasion, the Security Council's appointed Serge Brammertz of Belgium as Prosecutor of the Mechanism. The appointment is also effective 1 March 2016 and Mr. Brammertz will continue serving simultaneously as ICTY Prosecutor. Hassan Bubacar Jallow's served as the first Prosecutor of the Mechanism from 1 March 2012 until 29 February 2016, and as Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) from 15 September 2003 until 31 December 2015. The Mechanism – which has two branches, in Arusha, Tanzania and in The Hague, Netherlands – was established by Security Council resolution 1966 (2010) of 22 December 2010 to carry out the residual functions of the main tribunals after they wrap up their respective work. The ICTR, set up 21 years ago to judge those guilty for the genocide in Rwanda formally closedon 31 December 2015.

Kosovo became Member of 1907 Convention establishing the PCA

On 6 November 2015, Kosovo sent a formal letter intending to join the 1907 Convention establishing the Permanent Court of Arbitration (PCA), the Hague. Thereupon, the 1907 Convention was entered into force

for Kosovo on 5 January 2016. There are 121 States which have acceded to one or both of the PCA's founding conventions (1899 and 1007 Conventions). Recently, Djibouti, the Bahamas, Palestine and Kosovo joined the PCA. However, few States made their statements, declaration or objection to this. The Russian Federation does not consider Kosovo to be a sovereign state and does not recognize it as such. According to the provisions of the Convention, only a State can become its member. Thus, the relevant provisions of the Convention, including provisions regarding the procedure of its entry into force, cannot be applied in respect of the «act of accession» to the Convention of the mentioned entity. In light of the above the Russian Federation does not view itself bound by the Convention with regard to the said entity. Georgia, as well as many other States, does not recognize Kosovo as an independent state. Furthermore, Kosovo is not a member state of the UN. Hence, Georgia regards that accession of Kosovo to the 1907 Convention has no legal validity and, therefore, does not consider itself in a treaty relationship with Kosovo under this Convention. Georgia does not recognize that the depositary has the power to undertake actions under the 1907 Convention for the Pacific Settlements of International Disputes (Article 92), the treaty practice or public international law that may be construed as direct or implied qualification of entities as states. Georgia pursuing its state interests, considers unacceptable and dangerous adoption of such a practice. Having this premise, Georgia objects to the accession of Kosovo to the 1907 Convention and holds the view that the procedure of Kosovo's accession to the Convention shall be suspended.

New WTO Appellate Body Members and List of Indian on the updated Indicative List of WTO Panelists

On 11 December 2015, Dr. Ujjal Singh Bhatia (India) has been reelected for fresh four year term of the WTO Appellate Body Member. His term will get over on 10 December 2019. Mr. Bhatia holds an M.A. in Economics from the University of Manchester and from Delhi University, as well as a B.A. (Hons.) in Economics, also from Delhi University.

A Selection Committee was established by the DSB at its meeting held on 25 January 2016 and was requested to carry out a selection process for the appointment of a new Appellate Body member to replace Ms Yuejiao Zhang (China) whose second term of office expires on 31 May 2016. The DSB agreed with the Chairman's proposal for appointment/reappointment of Appellate Body members. In particular, it agreed to launch a selection process for one position in the Appellate Body to replace Ms Yuejiao Zhang, whose second four-year term of office will expire on 31 May 2016. Consistent with the procedures set out in the DSB rules and with previous selection processes, it agreed to establish a Selection Committee composed of the Director-General and the 2016 Chairpersons of the General Council, the Goods Council, the Services Council, the TRIPS Council and the DSB, to be chaired by the DSB Chair. There was agreement to set a deadline of 15 March 2016 at 6 pm for members to submit nominations of candidates, and to request the Selection Committee to carry out its work in April/May 2016 in order to make a recommendation to the DSB by no later than 12 May 2016 so that the DSB can take a decision to appoint a new Appellate Body member at its regular meeting scheduled for 23 May 2016.

WTO Secretariat issued revised indicative list of panelists including India's (WT/DSB/44/Rev. 32) on 22 January 2016. The DSU does not specifically provide for the regular updating of the indicative list. In order to maintain the credibility of the list, it should however be completely updated every two years. Within the first month of each two-year period, Members would forward updated Curricula Vitae of persons appearing on the indicative list. At any time, Members would be free to modify the indicative list by proposing new names for inclusion, or specifically requesting removal of names of persons proposed by the Member who were no longer in a position to serve, or by updating the summary Curriculum Vitae. Following are from India:

India-Solar Cells WTO Panel Report

On 6 February 2013, the United States requested consultations with India concerning certain measures of India relating to domestic content requirements under the Jawaharlal Nehru National Solar Mission ("NSM") for solar cells and solar modules. The United States claims that the measures appear to be inconsistent with: Article III:4 of the GATT 1994; Article 2.1 of the

Name	Sectoral Experience
AGARWAL, Mr. Vinod Kumar AGRAWAL	Trade in Goods; TRIPS
Mr. Rameshwar Pal	Trade in Goods and Services; TRIPS
BHANSALI, Mr. Sharad	Trade in Goods
BHATNAGAR, Mr. Mukesh	Trade in Goods
BHATTACHARYA, Mr. G. C.	Trade in Goods
CHANDRASEKHAR, Mr. Kesava Menon	Trade in Goods and Services; TRIPS
CHAUDHURI, Mr. Sumanta	Trade in Goods and Services; TRIPS
DAS, Mr. Abhijit	Trade in Goods
DAS, Mr. Bhagirath Lal	Trade in Goods
DASGUPTA, Mr. Jayant	Trade in Goods
GOPALAN, Mr. Rajarangamani	Trade in Goods
GOYAL, Mr. Arun	Trade in Services
KAUSHIK, Mr. Atul	Trade in Goods; TRIPS
KHER, Mr. Rajeev	Trade in Goods and Services; TRIPS
KHULLAR, Mr. Rahul	Trade in Goods and Services; TRIPS
KUMAR, Mr. Mohan	Trade in Goods and Services
MOHANTY, Mr. Prasant Kumar	Trade in Goods
MUKERJI, Mr. Asoke Kumar	Trade in Goods and Services; TRIPS
NARAYANAN, Mr. Srinivasan	Trade in Goods; TRIPS
PARTHASARATHY, Mr. R.	Trade in Goods; TRIPS
PRABHU, Mr. Pandurang Palimar	Trade in Goods; TRIPS
PRASAD, Ms. Anjali	Trade in Goods and Services; TRIPS
RAMAKRISHNAN, Mr. N.	Trade in Goods
RAO, Mr. Pemmaraju Sreenivasa	Trade in Goods
REGE, Mr. Narayan Vinod	Trade in Goods
SABHARWAL, Mr. Narendra	TRIPS
SAJJANHAR, Mr. Ashok	Trade in Goods
SESHADRI, Mr. V.S.	Trade in Goods
SHARMA, Mr. Lalit	Trade in Goods and Services; TRIPS

TRIMs Agreement; and Articles 3.1(b), 3.2, 5(c), 6.3(a) and (c), and 25 of the SCM Agreement. The United States also claims that the measures appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements. On 10 February 2014, the United States requested supplementary consultations concerning certain measures of India realting to domestic content requirements under "Phase II" of the Jawaharlal Nehru National Solar Mission ("NSM") for solar cells and solar modules. On 21 February 2014, Japan requested to join the consultations. On 14 April 2014, the United States requested the establishment of a panel. At its meeting on 23 May 2014, the DSB established a panel. Brazil, Canada, China, the European Union, Japan, Korea, Malaysia, Norway, the Russian Federation and Turkey reserved their third party rights. Subsequently, Ecuador, Saudi Arabia and Chinese Taipei reserved their third party rights. Following the agreement of the parties, the panel was composed on 24 September 2014. On 24 February 2016, the panel report was circulated to Members.

The claims brought by the United States concern domestic content requirements (DCR measures) imposed by India in the initial phases of India's ongoing National Solar Mission. These requirements, which are imposed on solar power developers selling electricity to the government, concern solar cells and/or modules used to generate solar power. The Panel found that the DCR measures are trade-related investment measures covered by paragraph 1(a) of the Illustrative List in the Annex to the TRIMs Agreement. The Panel found that this suffices to establish that they are inconsistent with both Article III:4 of the GATT 1994 and Article 2.1 of the TRIMs Agreement. The Panel decided nonetheless to assess the parties' additional arguments under Article III:4 of the GATT 1994, and found that the DCR measures do accord "less favourable treatment" within the meaning of that provision. Concerning the government procurement derogation in Article III:8(a) of the GATT 1994, the Panel found that the DCR measures are not distinguishable in any relevant respect from the domestic content requirements previously examined under this provision by the Appellate Body in Canada — Renewable Energy / Feed-In Tariff Program. Following the Appellate Body's interpretation of Article III:8(a) of the GATT 1994 in that case, the Panel found that the discrimination relating to solar cells and modules under the DCR measures is not covered by the government procurement derogation in Article III:8(a) of the GATT 1994. In particular, the Panel found that the electricity purchased by the government is not in a "competitive relationship" with the

solar cells and modules subject to discrimination under the DCR measures.

India argued that the DCR measures are justified under the general exception in Article XX(j) of the GATT 1994, on the grounds that its lack of domestic manufacturing capacity in solar cells and modules, and/or the risk of a disruption in imports, makes these "products in general or local short supply" within the meaning of that provision. The Panel found that the terms "products in general or local short supply" refer to a situation in which the quantity of available supply of a product, from all sources, does not meet demand in a relevant geographical area or market. The Panel also found that the terms "products in general or local short supply" do not cover products at risk of becoming in short supply, and found that in any event India had not demonstrated the existence of any imminent risk of a short supply. The Panel therefore found that India failed to demonstrate that the challenged measures are justified under Article XX(j). India argued that the DCR measures are also justified under Article XX(d) of the GATT 1994, on the grounds that they secure India's compliance with "laws or regulations" requiring it to take steps to promote sustainable development. The Panel considered that international agreements may constitute "laws or regulations" within the meaning of Article XX(d) only insofar as they are rules that have "direct effect" in, or otherwise form part of, the domestic legal system of the Member concerned. The Panel found that most of the instruments identified by India did not constitute "laws or regulations" within the meaning of Article XX(d), or were not laws or regulations in respect of which the DCR measures "secure compliance". Therefore, the Panel found that India failed to demonstrate that the challenged measures are justified under Article XX(d). On 20 April 2016, India notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation in the panel report. On 17 June 2016, upon expiry of the 60-day period provided for in Article 17.5 of the DSU, the Appellate Body informed the DSB that the circulation date of the Appellate Body report in this appeal would be communicated to the participants and third participants shortly after the oral hearing, in the light of the scheduling of parallel appeals, the number and complexity of the issues raised in this or concurrent appellate proceedings, and the availability of translation services.

For the reasons set forth above, we find that solar cells and modules are not "products in general or local short supply" in India within the meaning of Article XX(j) of the GATT 1994. Accordingly, we find that the DCR measures do not involve the acquisition of "products in general or local short supply" in India, and are therefore not justified under the general exception in Article XX(j) of the GATT 1994.

Working Group on the Issue of Human Rights and Transnational Corporations

On 23 March 2016, at 31st Session of the UN Human Right Council the Professor Surya Deva (India) has been appointed as the Asia-Pacific representative of the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises. Prof. Deva is an Associate Professor at the School of Law of City University of Hong Kong.

Forthcoming Events

8 April 2016: Monthly Discussion on "Jurisdictional Issues in the Marshall Island Cases before the ICJ" by Amb. Gudmunder Eriksson, Former Ambassador of Iceland to India

29 April 2016: A Public Lecture on "In the Matter of the Chagos Marine Protected Area Arbitration (Mauritius v. UK)" by Amb. Milan Meetarbhan, Former Ambassador of Mauritius to the United Nations

7-8 May 2016: 45th Annual Conference of the ISIL

30 May - 10 June 2016: 15th Summer Course on International Law

14 - 15 July 2016: Training Workshop on "Intellectual Property Rights and WTO Accountability-Scope of Patenting" sponsored by the Ministry of Environment, Forest & Climate Change & conducted by the ISIL

12-17 September 2016: Induction Level Training Programme for Indian Economic Services on International and National Economic Law

22-25 September 2016: 16th Henry Dunant Memorial Moot Court Competition (India Round)