**REPORT**

**Certificate Course on FDI and FEMA**

**Course Coordinator:**  Mrs. Smita Sabne

**Faculty:** Mr. Abhishek Sinha, Partner, Shardul Amarchand Mangaldas

**Course Structure:**

1. Basics of Contract Law
2. Basics of Company Law
3. Concepts of Foreign Direct Investment vis a vis Consolidated FDI Policy, 2015
4. FEMA 20 and FEMA 120

**Teaching Methodology:**

* Interactive Session
* Assignments –
1. Clauses of Share Purchase Agreement
2. Rights of Investors in Share Holder’s Agreement.
* Negotiation Sessions (On the abovementioned assignments)
* Group Discussions

**Duration:**

September 2nd – 5th, 2015.

3 Days (5 hours a day approx.)

**Evaluation Method:**

1. Class Participation
2. Assignment Presentation

**Detailed Day-To-Day Report:**

Day 1

Mr. Sinha focused on the basics of contract law. It was a primarily a question answer interactive session. All the important concepts of contract law were discussed from as basic as the definition to a contract to the intricacies of indemnity and guarantee. Further, once the concepts were fresh in the minds of the students, the class was divided into two halves – the buy side and the sell side and each group was simultaneously asked to provide favourable shareholder agreement clauses from their respective sides. After which, students from the buy side were asked to negotiate the clauses with students from the sell side. This provided a practical aspect to the discussions and learning.

Day 2

The basics of company law were discussed in this session. Beginning from the definition of a share to other various debt instruments, all these fundamental concepts were explained by Mr. Sinha. After which, Mr. Sinha elucidated the principles relating to foreign exchange and commercial borrowings. A quick overview of the extant FDI policy was provided. Further, the basic terms and terminology pursuant to the FEMA 20 and 120 regulations were explicated. The working of the machinery, involvement of the government, RBI mater circular and the constant updates on various important websites like the DIPP, SEBI, RBI etc. were brought to the notice of the people.

Day 3

Home Assignment to research and study the Rights of Investors in a Share Holder’s Agreement.

Day 4

Every student was individually made to present the research on the assignment “Rights of Investors in Share Holder’s Agreement.” After which, all the rights were listed on the board and each discussed in seriatim. The need, scope and importance of each clause of the Share Holder’s agreement were explained in detail.