

<b>Course title:</b> Infrastructure Law and Policy				
<b>Course code:</b> MPL 157		<b>No. of credits:</b> 2	<b>L-T-P:</b> 23-05-0	<b>Learning hours:</b> 28
<b>Pre-requisite course code and title (if any):</b> None				
<b>Department:</b> Centre for Post Graduate Legal Studies				
<b>Course coordinator:</b> Dr. Jaya Vasudevan			<b>Course instructor:</b> Dr. Jaya Vasudevan	
<b>Contact details:</b> jaya.vasudevan@terisas.ac.in				
<b>Course type:</b> Core			<b>Course offered in:</b> Semester 1	
<b>Course description:</b> This course provides an overview of the Constitutional and general legal context in which the infrastructure sector operates. It also covers the legislative and policy framework within which the specific infrastructure activity has to be undertaken. Special emphasis is placed on the regulatory law of different infrastructure sectors, and an attempt is made to undertake a comparative assessment of the regulatory laws and policies of different infrastructure sectors.				
<b>Course objectives:</b> 1. To provide an overview of the constitutional and the general legal context in which the infrastructure sector operates 2. To examine the importance of independent regulation in infrastructure 3. A general analysis of the laws, policies and the reforms carried out in select infrastructure sectors				
<b>Course contents</b>				
<b>S.No</b>	<b>Topic</b>	<b>L</b>	<b>T</b>	<b>P</b>
1	<b>Constitutional aspects</b> Allocation of jurisdiction over different infrastructure sectors between the Centre and State - law making powers Allocation of natural resources: Judicial review Administrative law	3	0	0
2	<b>Independent regulation: New Mechanism of Governance in infrastructure</b> Theories of regulation-genesis of Independent regulation-evolution of regulation in different jurisdictions- Design and structure of regulators-scope and functions-regulatory process- regulatory autonomy and accountability-regulatory predictability and certainty	2	0	0
3	<b>Land Acquisition</b> Concepts of eminent domain and public purpose The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: Social Impact Assessment, Requirement of consent in the case of certain acquisitions, compensation, rehabilitation and resettlement.	2	0	0
4	<b>Infrastructure Sectoral polices, reforms and laws</b>			
	<b>Power Sector/Electricity</b> Introduction-evolution of the power sector reforms, polices- Electricity Act, 2003 - National Electricity policy- legal framework- the state electricity boards- licensing framework- Provisions Relating to and working of Electricity Regulatory Commissions-their structure, role and functions	3	1	0
	<b>Telecommunications</b> The national telecom policies-the legal framework- regulatory agencies-functioning, power and functions of TRAI and TDSAT	3	1	0
	<b>Oil, Petroleum and Natural Gas</b> Reforms, policies and legal framework -New Exploration Licensing Policy (NELP)- production sharing contracts- the Petroleum Regulatory and	2	1	0

	Natural Gas Board Act – the emerging regulatory reforms			
	<b>Water</b> Water policy General Legal framework and reforms-Water rights- state jurisdiction- new regulatory reforms in water sector.	2	1	0
	<b>Transport</b> Law, policy and reforms relating to Airports-Railways-Road –Port; TAMP; an overview of coastal shipping and Inland Water Transport policy	4	1	0
	<b>Real estate</b> The Real Estate (Regulation and Development) Act, 2016	2	0	0
	<b>Total</b>	23	5	0

**Evaluation criteria:**

1. Test 1: 25
2. Class Discussion: 10
3. Presentation: 25
4. Test 3: 40

**Learning outcomes:**

On completion of this course, the students would:

1. Have a strong foundation in infrastructure laws to undertake advanced courses in the field
2. Be conversant with the relevant laws, policies, judicial pronouncement, and reforms in the field.

**Pedagogical approach:**

A combination of lecture based and problem based learning would be used. Case studies would be used for initiating discussions in the module on specific sectors.

**Materials:**

**Suggested theoretical Readings**

- Baldwin, R. and C. McCrudden (1987). Regulation and Public Law. London: Weidenfeld & Nicolson.
- Joshi, Piyush (2003), Law Relating to Infrastructure Projects. 2nd Edn. New Delhi: Butterworths.
- National Transport Development Policy Committee Report (Rakesh Mohan Committee)
- Sarkar, S K , and Srivastava L. (eds.) (2002), Reforms in the Infrastructure Sectors: Next Steps, TERI Press, New Delhi.
- Sundar, S. and Sarkar S. K . (2000). Framework for Infrastructure Regulation. New Delhi: TERI Press.
- Shapiro, S. and Tomain, J. (2003). Regulatory law and policy: Cases and materials. New Delhi: LexisNexis.
- Philippe Cullet and Sujith Koonan, 2012, Water Law in India: An Introduction to Legal Instruments
- Ramaswamy R Iyer, 2009, Water and the Laws in India, Sage
- Talat Fatima, 2012, Transport Law in India, Kluwer Law International
- S. K. Chatterjee, 2013, Commentary On The Electricity Laws of India, Delhi Law House
- Vikram Raghavan, 2007, Communications Law in India (Legal Aspects of Telecom, Broadcasting and

Cable Services, Lexis Nexis

Mohammad Naseem, 2010, Energy Law in India, Kluwer Law International

**Additional information (if any):** Important sector specific reports, articles, laws, and court cases will be part of sector modules. The list will be circulated much before each module is taken up

**Student responsibilities:** Students are expected to come prepared with readings and actively participate in the discussions.

**Course reviewers:**

Nishant Beniwal, Counsel, Kahitan & Co., New Delhi.

Avijeet Lala, Partner, HSA Advocates, New Delhi.