

Cube Construction Engineering Ltd.

ISO 9001:2008



**Gujarat National Law University
Gandhinagar**

**GNLU CERTIFICATE COURSE
ON
“REAL ESTATE LAWS—
PRACTICAL ISSUES & CHALLENGES”**

March 8, 2014 to April 6th 2014

**In collaboration with
Urban Development & Urban Housing Department
Government of Gujarat
under the aegis of
GNLU-Cube Construction Engineering Limited (CCEL) Fellowship Program**

INTRODUCTION

Real estate has been a significant contributor to the socio-economic development. Real estate sector is the major employment provider in India second only to the agriculture sector. The sector's ancillary industries numbering hundreds influences the economic structure of this country.

Since time immemorial, real estate has directly or indirectly been the root cause of various conflicts. Given the significance, the real estate sector acted as a catalyst in the vicious cycle that played through the cause and during the existence of the great recession that affected the European Countries and the United States of America. However, the Indian real estate sector is unmindful of the challenges that stare back in the form of poor infrastructure and unplanned urban development due to archaic laws and bureaucratic stranglehold while, India still is making efforts to address the after effects emanating from the global economic crisis.

Like is the case with most developing economies, the real estate sector is grappling with functional characterization as an alternative economy which faces substantial gap between the demand and supply of housing, both in terms of quantity and quality of affordable housing with special reference to urban areas which have in turn given rise to proliferation of slums in such areas.

To date, the realty sector in India is unorganized & less regulated. Realty business serves as an untamed paradise for developers, with little accountability and no moral watchdog. India since its independence witnessed mushrooming of unauthorized construction which not only has led to congestion, proliferation of slums but also degradation of the urban living standards.

The current infrastructure is unable to cope with the burgeoning population. Not only are green areas being blatantly encroached upon, but also there is a severe shortage of basic amenities. The archaic laws and the bureaucratic throttle over all urban development activity have given birth to a vicious nexus between builders, deep rooted bureaucracy and other vested interests, invariably leading to violation of prescribed town planning norms and such other prescribed standards. As a result houses have become unaffordable beyond a common man's reach.

In recent years the outlook of an individual towards the real estate sector has drastically changed. The arena of real estate transactions is one in which law and business often meet. Gone are the days when holding of immovable property was considered as matter of pride and was used to transfer only in exceptional and extreme conditions. Now real estate is looked at to be the most secured and lucrative investment option. Unlike the transformed outlook of today's generation, unfortunately the laws governing the real estate sector have not much changed as the 131 year old law still governs the law on transfer of property along with century old laws relating to registration, easement and stamping etc. Moreover, this has created a huge void between the changed mindset of an individual's, business enterprises and the law. Though now courts have recognized ground realities and the judgments are being pronounced which offer more practical solution to the issues, which have been bane for decades. Some recent promising proposed bills are result of the recommendation of the Apex Court for enactment of laws. Moreover, experienced lawyers and law firms in the country have to some extent managed to bridge this void by their unique techniques and quick-witted practice based on the needs of their clients.

With liberalization of Indian economy and growing infrastructure, retail, hospitality entertainment industries, economic services and information technology, the development in real estate is blessing in disguise although the archaic laws and lethargic administrative system continues to make it underachieved. Real estate development, transfer and ownership as covered by the existing laws, including those for co-operative society's apartments, condominiums, registration and stamp duty etc. have not only given rise to plethora of hurdles but in many ways stifled the growth of this sector. Due to the lack of a robust regulatory mechanism and speedy litigation process, consumer rights have been at the receiving end in transactions. Hence, recently a need is felt to overhaul the current legal system governing the real estate market with more liberalized and investor friendly legal system. Though some promise has been shown by the recent policies of the government and the proposed bills relating to the land acquisition, real estate development and the registration. Looking at the current state of affairs of the real estate sector, high quality research, awareness programs, workshops, seminars and discussions at the ground level is the need of the hour.

Recognizing this important challenge before the regulatory authorities and the Indian economy, GNLU is initiating a unique certificate course concerning the legal system and practices governing the real estate sector in India. The course aims at bridging the gap between the theory and practice of real estate laws and understanding interplay and application of various laws governing the real estate sector. The course not only offers participants an insight to the current market practices and hurdles faced by various stakeholders in the sector but also promises to provide the participants with working knowledge of typical real estate transaction strategy, documentation and ownership structures. The course also covers modern concepts such as Green Building, real estate investment trusts, and regulation on foreign investment. The course presumes its target audience to have understanding of basic of real estate sector so to have high quality interaction, research and understanding of the real estate transactions.

Organizers:

Gujarat National Law University (GNLU), Gandhinagar, established under the Gujarat National Law University Act, 2003 recognized by the Bar Council of India (BCI) and the University Grants Commission (UGC) for 12(B) purposes, strives for excellence in letter and spirit. GNLU has created a unique conducive learning milieu that empowers the student fraternity academia with requisite required to achieve their professional endeavours. By disseminating a sound legal research and training coupled with a solid grounding on theory, GNLU envisions to effectively address the end-users requirements be it judiciary, academic, or legal profession. Simultaneously, the GNLU endeavors to foster and bring into being professionals who are technically sound, professionally competent and socially responsible, concerned and responsible citizens who would eventually uphold human value and the cause of the civil society at large.

GNLU is the sole National Law University (NLU) in India which offers integrated Law degree courses in five distinct streams - B.A., B.Com., B.B.A., B.Sc. and B.S.W. L.L.B (Hons.), one year L.L.M and Ph.D. in Law and inter-disciplinary fields apart from various diploma and certificate courses in various arenas. GNLU is the nodal agency, mandated to enhance standards of legal education, research, training and extension. The 32 Law Colleges are under the ambit of GNLU in Gujarat, catering to nearly 15,000 students annually.

Directorates & Centers of Excellence, present at GNLU, function in niche areas of the economy for dissemination of specialized knowledge and professional excellence. GNLU has established active as well as dynamic academic and research partnerships and collaborations, signing MoUs with international and national institutions like United Nations Institute for Training and Research (UNITAR, Geneva), World Trade Institute (WTI, Bern), University of Malaya (Kualalampur, Malaysia), University of Barcelona (Spain), Gujarat Forensic Science University (GFSU, Gandhinagar), India Pandit Deendayal Petroleum University (PDPU, Gandhinagar), Adani institute of Infrastructure Management (AIIM, Ahmedabad) to name a few among others. Sincere efforts are under way for collaborative relationships with 37 nations across the globe.

About the Fellowship:

The symposium is being designed and undertaken under the aegis and chair of GNLU-Cube Construction Engineering Limited (CCEL) Fellowship Program. The fellowship is established by CCEL with an aim of creation and maintenance of superior quality Intellectual Capital through education, research, extension and training for the Real Estate Stakeholders of India. As a part of fellowship program Mr. Anand Shrivastava is appointed to carry out research in collaboration with national & international stakeholders.

Potential Beneficiaries:

Builders and developers, construction companies, real estate agents, prospective buyers or investors, concerned government or local authority officials, real estate journalists, law students, law graduates, law firms specializing or having interest in real estate sector, professionals such as architects, civil engineers, bankers, engaged in housing constructions.

Aim of the Course:

- To deepen the participants' knowledge about potentials and future of real estate sector, the commercial practices and regulatory regime surrounding the real estate sector.
- To enhance participants' skills and ability to respond more effectively, cooperatively and compassionately to the contemporary legal issues and challenges faced by the real estate sector.
- To impart practical training to various stakeholders regarding real estate laws, transactions and documentations.

COURSE MENTORS:

The faculty or mentors will consist of well experienced government officials, academicians, partners of law firms, practicing lawyer, urban planners, heads of legal departments, policy makers etc. drawn across India.

COURSE CONTENT & SCHEDULE :

Schedule: From 08th March to 6th April 2014

Lecture days: 8th & 9th March, 15th & 16th March, 22nd & 23rd March, 29th & 30th March, 5 & 6th April 2014.

The course is spread over Five modules:

- Total 20 sessions each day 2 sessions with 15 Minute break in between sessions (each session of 2 hours)= Total 40 hours.
- The Sessions to be held on weekends (Saturday and Sunday) four hours each day

Module 1: Basics in brief (2 sessions)

- 1.1 Real Estate Sector in India & Gujarat- Introduction to Issues And Challenges
- 1.2 Concept of Real Estate and rights attached (commercial, jurisprudential and constitutional perspective)
- 1.3 Modes of acquisition of Real Estate in India

Module 2: Real Estate Laws– Drawbacks and the way out (4 sessions)

- 2.1 Working of Real Estate Transactions under Transfer of Property Act, 1882
- 2.2 Demystifying Law of Contract in Real Estate Transactions
- 2.3 Dynamics of Foreign Investment in Real Estate Sector
- 2.4 Laws on Registration and its application
- 2.5 Laws on Stamp Duty and its application
- 2.6 Easement rights under Indian Easement Act, 1882
- 2.7 Validity of Power of Attorney Transfers in India
- 2.8 Environmental Compliances

Module 3: Transaction Structures, Strategy and Documentation (5 sessions)

- 3.1 Preparation of Strategy and Structures
- 3.2 Investigation of Title
- 3.3 Documentation
- 3.4 Execution of Documents- Registration and Stamp Duty
- 3.5 Cancellation and Rectification of Documents
- 3.6 Compliances
- 3.7 Ownership Structures of Apartment- Society, Condominium and Company (special reference to Gujarat and Maharashtra)
- 3.8 Town Planning

Module 4: Housing Laws in India (5 Sessions)

- 4.1 Housing – A Vexed Question
- 4.2 Promoter Regulatory Acts
- 4.3 Duties and Obligations
- 4.4 Apartment Ownership Acts
- 4.5 Building Legislation
- 4.6 Development and Building Agreement
- 4.7 Specific Performance
- 4.8 Illegal Constructions
- 4.9 Defective Constructions
- 4.10 Non-Constructions
- 4.11 Demolition and Reconstruction
- 4.12 Incidence on Land
- 4.13 Encroachment and Reinstatement
- 4.14 Possession and Title
- 4.15 Pre-emption
- 4.16 Auction Sale and Purchase
- 4.17 Change of User
- 4.18 Eviction
- 4.19 Slum Area
- 4.20 Illegal Allotment
- 4.21 Cancellation of Allotment
- 4.22 Non-Allotment
- 4.23 Allotment of Industrial Plot
- 4.24 Alternative Allotment
- 4.25 Special Allotment
- 4.26 Alienation and Allotment
- 4.27 Deposit and Allotment
- 4.28 Delivery of Possession

Module – 5: New Dimensions in Real Estate Law (4 sessions)

- 5.1 Consumer Rights in Real Estate Sector
- 5.2 Protection of Consumer Rights under Competition law- DLF Case
- 5.3 Real Estate (Regulation of Development) Bill , 2013
- 5.4 Model Residential Tenancy Act, 2011
- 5.5 Land Titling Bill, 2010
- 5.6 Land Acquisition Rehabilitation and Resettlement Act, 2013
- 5.7 The Registration (Amendment) Bill, 2013.
- 5.8 Real Estate Investment Trusts
- 5.9 Digitization of land records in India
- 5.10 Affordable housing

Course Methodology

Reference / citations will be provided in advance, and the participants will be expected to prepare themselves so that the class-room session can be utilized to form a deeper appreciation of the current market practices and legal developments. The course will be taught through class lectures assisted by Power Point presentations of the salient points for easy recall. Each 'module' will be covered in about two to five class-room session(s) of two hour duration. It is expected that the class room sessions will be interactive.

Eligibility:

Any Graduate;

Evaluation (optional):

100 Marks: (50 marks) Multiple Choice Questions and (50 marks) Project Assignment.

Duration:

40 hours

Timings:

10.00 AM TO 02.15 PM only on Saturday & Sunday

Study material:

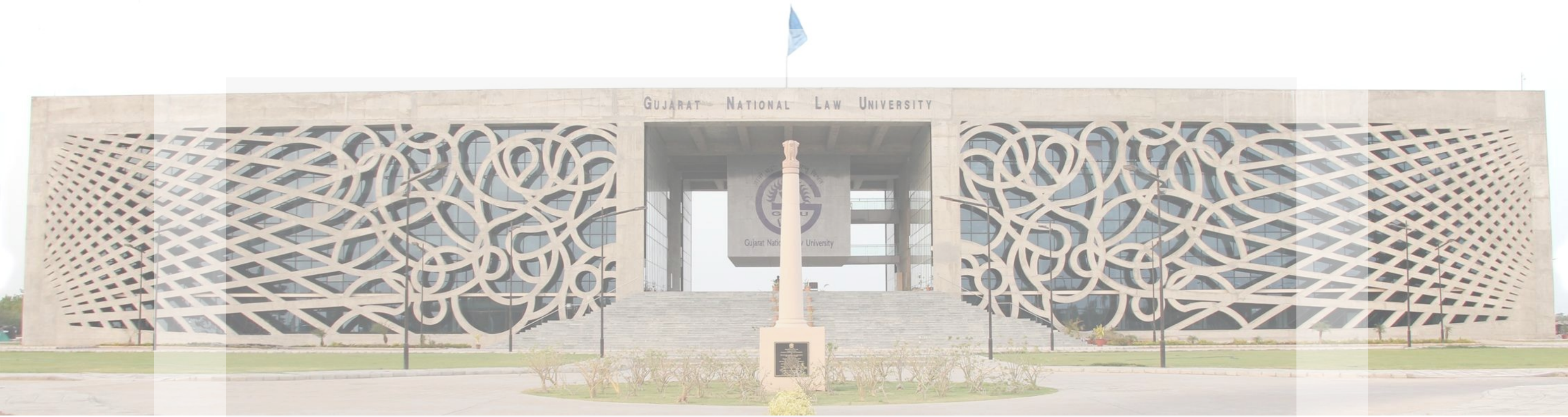
Each candidate will be provided with reading material consisting of essential laws, research articles, reports and case-law abstracts. GNLU will also circulate study material in advance prior to commencement of the course.

Course Fee:

GNLU students: 2,000 Rs; Regular Full-time Students = 5,000 Rs; All others = 10,000 Rs

Batch Size: 40 Candidates





Last date of Registration:

25th February 2014

Payment Details:

The fees can be paid either by depositing in the accounts department or by a demand draft in favor of Gujarat National Law University payable at Ahmadabad. OR

The fees can also be paid by depositing through electronic transfer in the name of Gujarat National Law University,

Bank: Corporation Bank

Branch: Udyog Bhavan Gandhinagar

Bank Ac No: 058300101004844

MIRC Code: 380017009 - Account type: Savings

RTGS IFC CODE: CORP0000583

Branch Code: 0583

Venue:

**Gujarat National Law University,
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