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PREFACE

Special thank goes to an enlightening key note addresses was delivered by Dr. Esteban Arribas Reyes (Universidad de Alcalá, Spain), Prof. Pamela Andanda (University of the Witwatersrand, South Africa) As co-chairs Prof. Francisco J.F.Silva, Prof.Mário José Amaral Fortuna, Prof. José Noronha Rodrigues, Prof. Luís Andrade, Asso. Prof. José António Cabral Vieira (Azores University, Ponta Delgada, Portugal). Our specially thanks Affiliate Academics Centro de Estudos Jurídico-Económico (CEJE), The Centre of Applied Economics Studies of the Atlantic (CEEApIA), Universidade dos Açores (Azores University), Ponta Delgada, Portugal & Centro de Estudos Inter disciplinares do Século XX - Universidade de Coimbra, Portugal. The organizing committee specially thanks to our Journal Publications and Legal Bloc Journal, International Journal of Law, International Journal of Social Science and Humanities, Further the support given by Sri Lankan Air-line as our Air-line partner and Official Creative Partner Dream Angle, Black Mark as our Official logistic & Photography Partner. The conference committee expresses deep gratitude to the panel of reviewers for the priceless service rendered. Finally the committee extends sincere thanks to the presenters and participants for the valuable contribution and active participation. Our sincere thanks also go out to our media partners Derana and other Media

Conference Committee

03rd ICRPN 2015

ABOUT SRI LANKA

This is an island of magical proportions, once known as Serendib, Taprobane, the Pearl of the Indian Ocean, and Ceylon. Set in the Indian Ocean in South Asia, the tropical island nation of Sri Lanka has a history dating back to the birth of time. It is a place where the original soul of Buddhism still flourishes and where nature's beauty remains abundant and un-spoilt. Few places in the world can offer the traveller such a remarkable combination of stunning landscapes, pristine beaches, captivating cultural heritage and unique experiences within such a compact location. Within a mere area of 65,610 kilometers lie 8 UNESCO World Heritage Sites, 1,330 kilometers of coastline - much of it pristine beach - 15 national parks showcasing an abundance of wildlife, nearly 500,000 acres of lush tea estates, 250 acres of botanical gardens, 350 waterfalls, 25,000 water bodies, to a culture that extends back to over 2,500 years. Sri Lankan cinnamon, ivory and gems had been the main cause for invasion of two nations, Portuguese and Dutch, who followed the Moor traders to the country in search of the world's best spices and riches. According to the Dutch, who reorganized the cultivation and marketing of cinnamon in Sri Lanka, the 'shores of Sri Lanka had been full of it, that you can smell it eight leagues out to sea'. Even today the country produces the world best cinnamon and one of the world's top cinnamon exporters. With Endless beaches, timeless ruins, welcoming people, herds of elephants, killer surf, cheap prices, fun trains, famous tea, flavorful food, newly gained peace and improved infrastructure Sri Lanka had been repeatedly named the next tourist destination worth all the investments. Meanwhile Sri Lanka is fast gaining popularity in the MICE tourism industry, with 11% of the total visitors coming into the country representing the segment, while the industry anticipates the arrival of 240,000 MICE tourists by 2016, which is nearly 10% of the 2.5 million tourist target. With more than one million tourist arrivals in 2012 the Sri Lankan tourism service providers has set a target of 22,500 rooms in the next five years when tourist arrivals are expected to reach 2.5 million.

Discover refreshingly Sri Lanka!

ABOUT AZORES

The Azores islands are a Portuguese archipelago in the North Atlantic Ocean, located about 1,500 km (930 mi) from Lisbon and about 3,900 km (2,400 mi) from the east coast of North America. The Monchique islet on Flores Island, located at 31° 16' 24" W is regarded as the westernmost point in Europe, even though from a geological standpoint the two westernmost Azorean islands (Flores and Corvo) actually lie on the North American plate. Nowadays Azores main industries are tourism, cattle raising for milk and meat, and fishing. The nine major Azorean islands and the eight small Formigas extend for more than 600 km (373 mi) and lie in a northwest-southeast direction. The vast extent of the islands defines an immense exclusive economic zone of 1,100,000 Km² (420,000 square miles). The westernmost point of this area is 3,380 km (2,100 mi) from the North American continent. All of the islands have volcanic origins, although Santa Maria also has some reef contribution. Mount Pico on Pico Island, at 2,351 m (7,713 ft) in altitude, is the highest in all of Portugal. The Azores are actually the tops of some of the tallest mountains on the planet, as measured from their base at the bottom of the ocean. The archipelago forms the Autonomous Region of Azores, one of the two autonomous regions of Portugal, along with the archipelago of Madeira.

Visit Azores!

About 03rd ICRPN

Welcome to the 03rd International Conference on Research Publication and Networking (03rd ICRPN 2015) that held on the beautiful city of Ponta Delgada (Azores University), Portugal.. The conference will be held on 30th October 2015 Azores University, Ponta Delgada, Portugal. 03rd ICRPN 2015 is an international forum for the presentation of technological advances and research results in the fields of Election and Democracy & Commercial and Public Law. The conference will bring together leading researchers, engineers and scientists in the domain of interest from around the world. We warmly welcome previous and prospected authors submit your new research papers to 03rd ICRPN 2015, and share the valuable experiences with the scientists and scholars around the world.

All the conferences above are now accepting full paper submission. All full paper submissions will be peer reviewed and evaluated based on originality, technical and /or research content / depth, correctness, relevance to conference, contributions, and readability. The full paper submissions will be chosen based on technical merit, interest, applicability, and how well they fit a coherent and balanced technical program. Conference aims at providing a platform for researchers, engineers, academics and industrial professionals to present their recent research work and to explore future.

International Conference on Election and Democracy – ICED 2015

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Democracy: Constructing Democratic Governance via Application of Leadership Style Orientation Model Concept

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Abstract

The concept of democracy in global governance is increasing. The popularity is attributed to perceived values that the public needs. Values may be regional, but commonality exists in all democratic practices. Exemplarily, the public needs answers to emerging questions timely. This expectation points to need for effective communication for good governance. Practically, leaders exercise polarizing initiatives to influence the public for purposeful implementation of democracy as platform for governance. However, such leaders end up with the leadership type that was not designed to be. Several developing and developed nations experience leadership quagmire in attempts to model effective democratic governance in a turbulent economic world. What could possibly be the cause of this downward spiral in leadership dynamics? This paper approaches the issue of failed democratic governance due to misaligned dynamics interpretation via the concept of leadership style orientation model (LSOM). The LSOM concept was developed from qualitative results of a developmental formative evaluation of a bureaucratic agency following a leadership policy change. The agency inverted hierarchical culture of decision-making for purposeful improvement of organizational performance. Conflict was expected within the leadership team. Perceptions of managers and supervisors were surveyed to determine if conflict actually existed following the change. Extraction from outcomes of the study illuminated that four groups existed among respondents composing different decision-making leadership styles. The outcome is applied toward understanding reasons for failures in democratic governance with respect to dynamics communications. Could the application of LSOM be a lasting solution to leadership dynamics misalignment?

Keyword: Leadership, LSOM, Governance, Change, Democracy

“Splitting Votes, Splitting Hairs?” Rationale for Split-Ticket Voting at the Regional, Federal and European Elections of May 2014 in Belgium

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Abstract

In multi-level political systems, voters are given the opportunity to cast ballots at several tiers of government. Far from being independent from each other, different electoral contests are strongly interrelated, with results of national elections often being seen as influencing results of supra- and sub-national elections. This paper examines the electoral dynamics at work within such a multi-level system, seizing the opportunity offered by the simultaneity of the 2014 federal, regional and European elections in Belgium. At this occasion, Belgian voters were granted the exceptional chance to sprinkle their vote - that is, to split their ticket. Did they do it, how and why? Based on the 2014 PartiRep Voter Survey, we investigate the characteristics and motivations of those voters who voted differently at different levels of government. To this end, we offer an integrated approach of ticket-splitting which combines three distinct streams of theories, namely the ‘second-order national elections’ model, issue-voting, and the personalization of voting behaviours. Intermediary results suggest that beyond classical explanations of ticket-splitting (indecision, late electoral decision-making, partisan dealignment), EU-specific and region-specific issues influence the probability of casting a differentiated vote. A strong candidate effect is also at work. Finally, the perception of how much is at stake for each tier of government matters in explaining why voters vote for different parties at different levels of power. While previous research on split-ticket voting has most often focused on the American two-party system, our paper brings insights in the understanding of ballot splitting in fragmented multi-party systems.

Key words: Split-Ticket Voting, Electoral Behaviours, Second-Order Elections, Candidate Effect, Issue-Voting

Technological Revolution and Democratic Ferment in the Arab World (North African States) and Its Implication for Neoliberal System

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Abstract

The end of the Cold War heralded the beginning of an era of transitional change marked by wide-spread political transformation across the African sub-continent. The year 1990 was a harbinger for a continental 'wave of democracy' which gained incessant momentum throughout the course of the decade. The democratic 'winds of change' which swept through the sub-continent during this political renaissance period represented a second major leap for governance and development in Africa since the struggle for independence. This period represented Africa's 'Second Revolution', which included Malawi, Tanzania, Kenya, Zambia, South Africa, Ghana and Benin, and followed from the first democratic transition phase in the 1980s embraced by Zimbabwe, Gambia and Botswana, Mauritius and Senegal. However, the northern part of the continent witnessed an upsurge in mass protests fuelled, by and large; by desperate calls for egalitarian rule by oppressed citizenry which herald's new direction in the continents governance transformation. 'The Arab Awakening', as this recent wave of democratic revolt sweeping across North Africa and the Middle East has been labelled, represents a topic of deserved academic interrogation in African democracy scholarship. Beginning with the vehement street protests in Tunisia on January 14 that were tactically initiated as an emotive reaction towards police brutality, organised mass action has spread to Egypt and Libya in efforts to depose autocratic leaders. This paper will attempt to situate the effective use of digital media and internet connectivity within the broader dynamics of political transition, in what appears to be a new wave of African democracy and its implications for neoliberal global system. Secondly, the paper attempts to investigate whether the use of internet and mobile phone technologies may present opportunities for African masses to strategically circumvent widespread controls on freedom of speech and strive towards increased respect for human freedom.

Key words: Democratic Ferment, Revolution & Arab World

Identification, Attitudes and Election Motives of Paweł Kukiz's Electorate. Presidential Election in Poland in 2015

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Abstract

The aim of this paper is to present the author's research of the attitudes and election motives of Paweł Kukiz's electorate in the presidential election in Poland in 2015. The phenomenon described is peculiar due to the fact that Kukiz without any party structure, political backing and large financial resources collected 20.80% of the votes in the first round of election, which was a third score. The aim of this paper is to identify a new segment of the electorate whose profile (sociodemographic features and electoral motivations) has become the subject of the research. The results of the election also present the mood prevailing in the part of the society and provide empirical material allowing to predict voting behavior in the near future. The main objective is to verify the following hypotheses: H1: electoral demands presented by Kukiz had a smaller impact on the electorate than criticism of the current party system and constitutional order of the Republic of Poland. H2: Kukiz received the support mainly due to the activity in the internet and social media. H3: the main group of Kukiz's voters were people under 35 years of age. The current state of the studies in this area is limited only to the results of the exit poll survey conducted by IPSOS during the first round of presidential election in 2015, which does not take into account all sociodemographic data. The main research method is a quantitative method based on a survey on a sample of 1024 people. In addition, the study used a qualitative method which related to a detailed analysis of behavioral motivation, identification and attitudes of Kukiz's voters, which was supported by focus research. Moreover, a comparative method relating to the changes in electoral preferences was taken into consideration, as well as existing statistical data published by public opinion research centers during the election campaign were examined.

Key words: Paweł Kukiz, presidential election, Poland, electorate

Election Rigging in Pakistan 2013

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Abstract

Electoral rigging has mired Pakistan's democratic expansion, eroded political stability and contributed to the collapse of the rule of law. Facing domestic pressure for democracy, successive military governments rigged national, provincial and local polls to ensure regime survival. These elections yielded unrepresentative parliaments that have rubber-stamped extensive constitutional and political reforms to centralize power with the military and to empower its civilian allies. Undemocratic rule has also suppressed other civilian institutions, including the Election Commission of Pakistan (ECP), which is responsible for holding elections to the national and four provincial assemblies, and local governments. With the previous general election in 2008 – the Pakistan People's Party (PPP)-led government already completed its full five-year term – the ruling party and its parliamentary opposition, as well as the international community, didn't focus on ensuring a transparent, orderly political transition through free, fair and transparent elections in 2013. Previously General Pervez Musharraf's eight-year rule gravely eroded the ECP's already limited independence, impartiality and competence, reducing the institution to providing a façade of legitimacy to military rule. Handpicked chief election commissioners (CECs) oversaw widespread rigging of two local government elections, a presidential referendum, and a general election.

Keywords: Electoral rigging, democracy, civilian institutions

Electoral manipulation and the challenges of transition in African States (Case study of Nigerian 2015 General elections)

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Abstract

Democratic transition process and the conduct of elections in Africa have been a major impediment facing democratic governance on the continent. Several states have witnessed incessant political instability, constitutional crises and electoral challenges which have made it a volatile venture where violence has become a common feature. It is very popular for political actors especially incumbents to intimidate or bribe electoral officers, manipulate votes, divert electoral materials and tamper with electoral laws in order to achieve personal goals. The electoral process in Nigeria has been underscored by reoccurring incidences of violence often leading to the truncation and dissolution of democratic structures at various points. Civil crises and the breakdown of law and order has been a regular occurrence which has claimed the lives of innocent citizens. This have also led to the disruption of elections in some component units which no longer conform with others due to the need to conduct bye – elections as a result of cancellations occasioned by frauds and malpractices. This study examines factors which have enhanced electoral manipulations in Nigeria and the challenges it has posed to peaceful democratic transition process. The paper also makes new and significant contribution to literature by assessing the effectiveness of technology in combating electoral fraud and manipulations in Nigeria.

Key Words: electoral manipulation, transition process, political instability, electoral challenges, democratic governance

Women and Election: In India

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Abstract

Democracy is such kind of government in which power climactically comes from the people, either by way of direct voting or through elected representative. National peace and prosperity can only be achieved in a country, if equal opportunities are given to all groups in society including women as well as men and minorities as well as majorities. Involvement of women's participation in electoral process is a significant marker of maturity, and efficacy of democracy in any country. Women in the India continue to be grossly under-represented in the Legislatures despite some constitutional amendments. The difference between the voter participation of men and women in the General Election was 67.09 per cent male voters and 65.63 per cent female voters in 2014 as against 60.24 per cent male voters and 55.82 per cent female voters in 2009 though the significant increase of women as voters there has been no proportional expansion in women's representation in Parliament during India's 16th General Elections. Resulting in failure of women to effect political decision making and remain marginalized as a political category. Patriarchal order can be hold responsible for such failure which eventually decides up to what extent and how women access the public space both as electors and as candidates. International Legal Instruments like UDHR, ICCPR and CEDAW states that the equal rights of men and women in all aspects of political, economic and social life and nondiscrimination are fundamental human rights principles. Apart from complying with human rights principles, other pragmatic reasons should also be consider because fifty percent of our country's population includes women and participation of women in a country's decision-making and governance is requisite for harmonious society. The rising participation of women in electoral politics could leads to more gender sensitive policy making, but that would require various necessary steps to be taken, including institutional reform, voter education, inner party democracy and the passage of supportive legislation. Advancing women's full political participation is not only important for women themselves; it impacts the overall ability of society to reach its fullest potential.

Keywords: Women, Election, Democracy, Participation

Relativization of Electoral Right Equality Principle

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Abstract

The constitutional principle of electoral right equality emanates from the general legal principle of equality as an integral element of the rule of law concept. The rule of law represents the basic and the highest constitutional principle of modern democratic states. A coherent and fair implementation of the electoral right equality principle provides for the respect of a heterogeneous electorate structure in elections and an almost equal possibility to participate in political decision -making. The aforementioned facts represent a constitutional barrier to the political parties' monopoly; nonetheless, the electoral systems' most detailed normative regulation degree proceeds at the level of legislative norming, and such a decision type necessitates a considerably lesser consensus degree and parliament legitimacy. That enables a smaller number of larger parliamentary political parties to influence election outcomes while directly but very refinedly regulating certain electoral system's elements. In a violation of electoral right equality principle, constituency size, election threshold, a vote-to-mandate calculation formula and malapportionment exert an especially important influence. The adduced elements interfere in such a way that they potentiate the votes of larger and stronger political parties. In that sense, we may say that that the Constitution is being altered materially, without modifying the formal Constitution in the process of single constitutional principle implementation. The electoral right equality *de iure* ceases to be so *de facto*. We are of an opinion that the aforementioned statements can be empirically verified on the example of the Republic of Croatia, as well as on the example of a series of other countries. A comparative research of the adduced problematic might verify the explicated theses. A possible solution to the adduced problems lies in the constitutionalization of certain type of electoral system and its constituent elements. This prevents a facilitated alteration and stabilizes both the electoral and the constitutional system as a whole. Additionally, a very significant role herein is played by constitutional courts as the guardians of Constitution and the guarantors of protection of basic political rights. A comparative survey of these courts' practice, as well as that of the supranational European ones, may provide for a more complex insight into the realization of basic constitutional principles with regard to transparency and electoral system's equity.

Keywords: electoral right equality, rule of law, electoral system, constitutional court

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Patent Pools in the Light of US and EU Competition Law

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Abstract

By setting patent pools, companies can use their patents to collaborate in creating new technology. This can save their funds for R&D, and they can benefit from such technology, which would be hard to develop on their own. In some cases, patent pools are created, because companies want to gain revenue from licensees. However, despite the many procompetitive effects of patent pools, there are many threats to competition. By entering into a patent pool, companies can block their competitors from entering the market or collude to their competitors' detriment. The regulation of patent pools is needed to allow only those pools that are procompetitive. The first part of this article focuses on outcomes of patent pools in the view of economists. Such findings can be the basis for the lawmaker to decide which patent pools should be restricted. The second part of the article analyses the regulations concerning patent pools of two legal systems – the EU and the US. The article analyses legal ways of regulating patent pools in the US starting with business review letters, guidelines and judgments. The article then analyses EU law, which regulates patent pools based on guidelines, exemptions from the prohibition of restrictive agreements and judgments of the EU courts. In the conclusion, the author focuses on the optimal solution for regulating patent pools considering the analysed legal systems.

Keywords: patent pool, competition law, prohibition of restrictive agreements

How Far Does the Right of Return Go? Observations on Spain and Portugal's Return Laws for Sephardic Jews

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Abstract

In 2015, Portugal passed a law offering Sephardic Jews Portuguese citizenship to redress the historic wrong of their harsh treatment under the Inquisition, and Spain's lower house has recently approved a similar law. Portugal is now the second country in the world to have a return law for the Jewish people, albeit limited to Sephardic Jews. The right of return was enshrined in the Universal Declaration of Human Rights in 1948, and has been strengthened in subsequent human rights treaties. While the right of return is viewed as a normal incidence of nationality, it becomes all the more important in the face of illegal deportations and expulsions, or when a power refuses the return of civilians after the cessation of hostilities. The precedence in Bosnia and Kosovo has shown the possibility of collective repatriation following ethnic cleansing in modern times, but Portugal and Spain's new laws are the first aimed at remedying a historical injustice that took place hundreds of years ago. Given the underlying reasons for the passing of this law, could other groups who have faced historical persecution and expulsion claim a similar right? This paper will examine the legal justifications for the return laws, and how they may be applied to other groups who were expelled, particularly Iberian Muslims.

Keywords: right of return, citizenship, repatriation

Copyright Law and Online Journalism: A South African Perspective On fair Use and Reasonable Media Practice

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Abstract

The application of exceptions to copyright infringement in news articles that are published online has become contentious with the widespread practice of aggregation and curation in online journalism. The specific concern is whether reproducing or adapting news articles that are published on competitors' websites without permission falls within the scope of the exceptions to copyright infringement in respect of news articles on economic and political topics or, alternatively, such conduct is protected by the doctrine of fair use. This paper provides a South African perspective on this concern by comparing the USA decision in *Associated Press v. Meltwater U.S. Holdings, Inc.* (2013) with the ongoing South African case of *Money web (Pty) Ltd v. Media24 (Pty) Ltd and Another*, which is likely to set rules for online journalism in the digital era. It first analyses the complexities of the rapid rise of online news, which raise questions such as whether hyperlinking is sufficient attribution and the difference between "scraping" and aggregation, as well as the effects of these practices on competing media. It then considers whether the doctrine of fair use, which should arguably be flexible enough to adapt to the changing obligations in the context of new technologies (Katyal et al, 2007; Schonwald, 2014) is capable of providing clear guidance on reasonable media practice online, beyond South Africa, due to the global scope of online journalism. The central argument is that the doctrine of fair use should foster online innovation and sharing of public information while ensuring respect of copyright.

Keywords: aggregation, copyright infringement, curation, fair use, media.

New Investment Avenues in India: PM Narendra Modi's 'Pandora's Box'

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Abstract

"I will change the destiny of this country" - PM Narendra Modi India has seen a paradigm shift in its regulatory framework and policies in furtherance of PM Narendra Modi's initiative of ease of doing business in India. Recently, India witnessed its new, more organized and user friendly Foreign Direct Investment ('FDI') Policy with avenues for foreign investment like Level I American Depositary Receipts, increase in FDI caps for various sectors etc. To add on to this, inclination of the Narendra Modi's Government to E- governance has reduced emphasis on paper work, making India investor friendly. The Company Law of the nation has seen 14 new amendments to make it easier for companies to do business and also ensures strict punishment for activities involving fraud, which is one of the major apprehensions, an investor has while investing in India. Further, rationalization of tax structure and simplification of compliance procedures by Goods and Service Tax Bill, 2014, would remove the difficulties an investor earlier faced while filing tax returns in India. This paper goes on to analyze how the changes in India's policies and procedures make it an investor friendly destination. The first section deals with the new investment avenues introduced by the Government. Later, the second section goes on to explain the policies which ease out strict procedure and compliance requirements. The third part explains the new simplified and neutral tax regime of India which is to be introduced in 2016. And the fourth section answers the question why an investor should invest in India or is it still a lot left to be done.

Keywords: *India, Foreign Direct Investment Policy, Prime Minister Narendra Modi, E-Governance, Investment*

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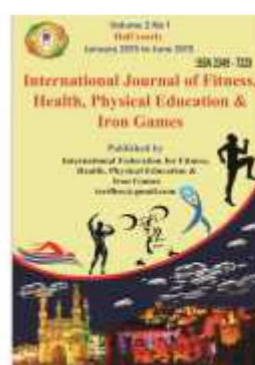


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