

## Methodology of Programme:

- Lecture and discussion method
- Case analysis

## Who Should Attend:

- Academics
- Advocates/ legal counsels
- Commercial and contract managers
- Students (pursuing undergraduate and postgraduate programmes in Law)

## Evaluation Method:

- The evaluation will be done in the form of an Objective Test (Multiple-Choice Questions)

**Note:** A minimum number of 10; and a maximum of 30 Participants will be accepted on First Come First Served Basis.

## Last Date for Registration:

**25 January 2018**

## Non- Refundable Fee:

- GNLU and other Knowledge Corridor students : ₹ 1000/-
- Other students and participants: ₹ 2000/-

## Note:

- 1) The fee includes registration fee, tuition fee and course kit.
- 2) Additional charges shall be applicable for meals (i.e. breakfast, lunch and tea) and accommodation.

## How to Apply:

Pay online through the link given below:  
<https://www.onlinesbi.com/prelogin/icollecthorme.htm?corpID=627430>

**Google Chrome will be suitable browser while making the payment.**

**Contact:** For any queries, please feel free to contact:  
Dr RK Singh at +91 8128650853 / [rsingh@gnlu.ac.in](mailto:rsingh@gnlu.ac.in) or Mr Shashi Bhushan Sharma at +91-8128650840 / [ssharma@gnlu.ac.in](mailto:ssharma@gnlu.ac.in)



## Training Programme Coordinator:

**Dr Ravindra Kumar Singh**  
Associate Professor of Law,  
Gujarat National Law University



Gujarat National Law University

**Gujarat National Law University**

Organises

**Advanced Training Programme**

on

**Government Contract and Law of Tenders**

**(27 – 28 January 2018)**



**Gujarat National Law University**

*Attalika Avenue, Knowledge Corridor,  
Koba, Gandhinagar, Gujarat  
INDIA*



## ABOUT THE PROGRAMME:



The subject of government contracts has assumed pronounced significance because in this modern era of the welfare state, the Government's economic activities are expanding and it is increasingly assuming the role of the dispenser of a large number of benefits. Competitive bidding or tendering process in the Government/public sector has evolved over a period of time. With an object of benefitting from the advantages of the tendering system, now even the private sector is gradually adopting this process. Public sector procurements in India, over a certain value, can be made by publicly notified tender notices which are advertised through newspapers, trade journals, departmental publications, and now on the internet. This mode of procurement (tendering method) has always been considered the best mode of buying goods/services in the Government and quasi government procurements. The main focus in this method is on competition, price and quality. Customarily, the best quality is selected after evaluation of the technical offers and, then, the lowest offered price (tender) is usually selected for the placement of order.

As a general rule, where a matter falls purely in the realm of contract law (i.e. where there is a contractual dispute, pure and simple, in relation to a contract with the Government/State), a writ petition cannot be moved under article 32 or 226 of the Constitution of India, rather private law remedies should be sought. But, it is also equally true that there is no absolute rule about the jurisdiction of the Supreme Court or the High Courts, under articles 32 and 226 respectively, getting inevitably ousted. Rather, the correct position is that, in an appropriate case, the Writ Court has the jurisdiction to entertain a writ petition involving disputes arising out of a contract and/or involving some disputed questions of fact, *provided the nature of the transaction or dispute involves some public law element*. However, the distinction between public law and private law elements in the contract with Government/State is progressively getting imprecise, and at times, it becomes quite challenging to identify the line demarcating the public law and private law elements in such contracts. There, of course, cannot be a cast-iron rule for such distinction, as it depends upon the nature of the transaction in question and the consequent rights and obligations involved in the matter.

In this training programme, an attempt will be made to discuss and provide concrete exposure to these propositions with the help of constitutional and statutory provisions, leading case laws and relevant executive instructions (in the form of the General Financial Rules 2017 and manuals and procedures issued thereunder).

## Objectives:

- (1) To apprise the participants of the legal framework governing government contracts and legal issues that arise in the course of implementation of such contracts in India.
- (2) To develop the basic understanding of the law of tenders.
- (3) To understand the different types of tendering methods, and to be acquainted with the occasions of adopting different methods.
- (4) To fathom all the stages in the tendering cycle, and the nature of legal disputes arising therein.
- (5) To comprehend the judicial trend as regards the range of judicial review in contractual matters, particularly where one of the parties is a public authority.



**Resource Person:** Dr Ravindra Kumar Singh is currently the Dean (Academic Affairs) & Associate Professor of Law at Gujarat National Law University, and has around 12 years of full-time teaching experience. He was conferred with the 'Excellent Faculty Award' by Gujarat National Law University for the year 2009-2010. He is the author of a book titled, *Law Relating to Electronic Contracts*, published by LexisNexis. Besides, he has published many research papers and articles on a range of subjects, particularly, legal education, constitutional law and contract law.

## Tentative Schedule:

**Session-I: January 27, 2018 (02 hours)**

### Government Contracts

1. Introduction to government contracts.
2. Essentials of government contracts (articles 298 and 299 of the Constitution).
3. Application of the doctrines of estoppel and ratification.

**Session-II: January 27, 2018 (1.5 hours)**

1. Quasi-contractual liability of the Government.
2. Concept of the 'State' under article 12 of the Constitution.

**Session-III: January 27, 2018 (02 hours)**

1. Scope of judicial review in contractual matters
2. General guiding principles.
3. Bifurcation of the scope of judicial review in contractual matters: (a) 'in the matters of awarding a contract' and (b) 'post-award matters'.
4. Elements of public interest.
5. Elements of commercial considerations in the award of commercial contracts.

**Session-IV: January 27, 2018 (02 hours)**

1. Non-statutory contract with the State under article 12 of the Constitution.
2. Circumstances when the Court refuses to exercise its extraordinary jurisdiction.

**Session-V: January 28, 2018 (02 hours)**

### Law of Tenders

1. Public procurement.
2. Fundamental principles of public procurement.
3. Measures to ensure transparency, competition, fairness and elimination of arbitrariness in the procurement process.
4. Fundamental principles of contracts and their management.
5. General Financial Rules 2017 (GFR).
6. Methods of procurement.

**Session-VI: January 28, 2018 (02 hours)**

1. Objectives of competitive bidding/tendering method.
2. Classification of tendering methods.
3. Prerequisites and basics of the tendering process
4. Tendering cycle.

**Session-VII: January 28, 2018 (2.5 hours)**

1. Challenges in the traditional procurement/tendering system.
2. Electronic procurement/tendering.
3. E-Procurement initiatives by the Government of India.
4. Amenability of writ jurisdiction in the matter of tenders.
5. Forfeiture of earnest money deposit.

**Assessment: January 28, 2018 (30 minutes)**