

Human Resources Law (Employment & Labour) - India

Statement of Practice

July 2017

1. Human Resources Law (Employment and Labour) Expertise

Our Human Resources Law (Employment and Labour) practice provides advice and assistance on legal, tax and regulatory issues in connection with workforce management. In the Indian context, employment law includes a plethora of central (federal) and state specific employment statutes, administrative regulations as well as judicial decisions. Applicability of the statutes is contingent on multiple factors including the industry, nature of work done by the employees, strength of the workforce, remuneration, duration of service, etc.

Having witnessed the growth of new age industries and radical shifts in work culture and workforce management techniques, we have acquired expertise in addressing the challenges faced by organisations in complying with applicable laws.

Whether you need assistance with acquisitions, outsourcings, expansions or reductions-in-force, local or international employee relations, data privacy or data protection, local, cross-border or collective litigation, local or multi-jurisdictional compliance and risk management, we have the expertise and we can help.

We adopt a practical and business-focused approach in advising clients, so that the human resources and talent retention strategy of clients is implemented in the most effective manner, in compliance with the applicable laws and the ethics of the organisation.

We advise both domestic and international clients on complex regulatory and legal aspects of employment and labour law and enable our clients to be legally compliant. We are actively involved in drafting and/or reviewing employment documentation and advising on a wide range of labour law issues, including structuring of ESOPs, transfer of employees, employment termination and restrictive covenants in employment arrangements. We also advise on employment issues arising at the time of corporate restructuring, including mergers and acquisitions, outsourcing initiatives and reductions-in-force. We predominantly represent companies and their management on employment related projects and litigation.

"Nishith Desai Associates has a proven track record advising local and international clients on India labour law, including issues surrounding employment contracts, transfer of employees, employment termination and restrictive covenants."

The Legal 500, 2016-17

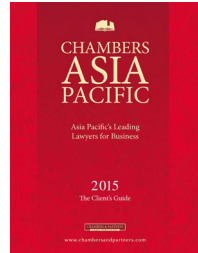


■

“They’re very responsive, practical and really knowledgeable.”

“They give a very practical service. They are easily accessible and the response time is fast.”

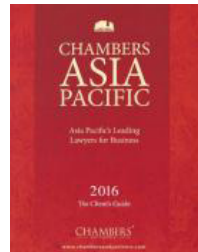
Chambers & Partners, Asia Pacific, 2015



■

“They are definitely market leaders; they have specialists who really focus on this area.”

Chambers & Partners, Asia Pacific, 2016



2. Scope of Services

I. Employment Strategy and Documentation

The HR Law practice group at NDA assists clients in their overall strategy for recruiting and retaining employees. We assist clients in drafting and reviewing employment documentation including offer letters and employment agreements, confidentiality agreements, IP assignment agreements, non-compete and non-solicit agreements, training bonds, consultancy agreements, secondment and deputation agreements, severance and release agreements, etc.

Over the years, we have successfully incorporated industry best practices and customised to the requirements of our clients. We reconcile the 'at-will' employment and 'work-for-hire' concepts with Indian laws.

"Well regarded for drafting employment agreements, handbooks and HR policies.

Chambers & Partners, Asia Pacific, 2014



Ranked In
CHAMBERS
ASIA
PACIFIC
2014

II. Company Policies / Employee Handbook

Organizations often have a written code of conduct and policies, including those contained in the Employee Handbook. The handbook serves to communicate to its employees the organisation's mission statement, values and practices, as also supports the employment contract by setting out procedures, rules and regulations for the employees within the organisation in its daily operations including dealing with clients/customers.

The HR Law practice group at NDA provides specializes in drafting customized Employee Handbooks to suit the requirements of the clients. The handbook is structured to incorporate precise detailed clauses on standard employment practices including in relation to vacation / leave policies, prohibition of harassment, employment benefits, discipline and grievance, separation, confidential information, intellectual property rights, etc.

III. Labour Law Advise

Our advice extends to the applicability of various HR Laws in India, both Central and State, including the Industrial Disputes Act, the Employees' Provident Fund Act, Trade Unions Act, Payment of Bonus Act, Payment of Gratuity Act, Contract Labour Regulations, the state-specific Shops & Establishments enactments, etc. to name a few. We also advise our clients on applicability of HR Laws, the obligations and compliances thereunder, and the consequences of non-

compliance, issues related to provident fund contributions, payment of gratuity, payment of bonus, superannuation/retirement benefits, termination of employment, hours of work, leave/ holiday entitlement, employee health and safety regulations, discrimination and harassment issues, etc.

IV. Employee Benefits & Compensation Structuring

A key concern of structuring employee benefits and incentives is the tax implications on both the employee and the employer. We advise our clients on the structuring of a tax-efficient compensation package.

“... (NDA) possesses a buoyant human resources department that advises on employee benefits and the structuring of tax-efficient compensation packages.”

Tax Directors Handbook 2009, India

Through our expertise in employee taxation, we also provide legal and tax advice to senior level employees for negotiating the compensation structure. We also specialise in advising on taxation of internationally mobile executives.

V. Employee Stock Options & Share Plans

Nishith Desai was a part of the SEBI Committee that framed the SEBI (ESOP & ESPS) Guidelines, 1999

We advise clients on structuring their equity-based employee compensation plans to attract and retain best talent. We structure the assumption of stock options as part of M&A transaction, which is fairly complex in India especially in view of the several guidelines/regulations which regulate the issue of stock options by an Indian company or by a foreign company to Indian employees.

NDA's founder, Mr. Nishith Desai, was a member of the committee set up by the Securities and Exchange Board of India to evolve the guidelines in relation to employee stock options and purchase plans, which are now in operation in India

VI. Employment Termination & Downsizing

India does not envisage an “at-will’ employment relationship. We therefore advise clients on strategies for employment termination, downsizing and reduction in force. This includes advising on applicable labour laws and employment laws, apart from guidance on regulatory requirements mandated for employers. We understand that the interest of the employer should be well secured in the event of termination of the employee’s employment, for which purpose we ensure that clauses on confidentiality, post employment non-solicitation, data protection are adequately drafted.

VII. Employee Transfer

In cases where there is a transfer of one undertaking to another by way of merger/ acquisition/sale of assets or otherwise, issues such as the transfer of employees of the transferor to the transferee creates certain legal complications. We advise clients on the various labour law implications arising out of such transactions and assist clients in structuring such transactions in a manner so that the transfer of employment complies with all statutory requirements.



“Particularly focused on advising on employee transfers and terminations.”

Chambers & Partners, Asia Pacific, 2014



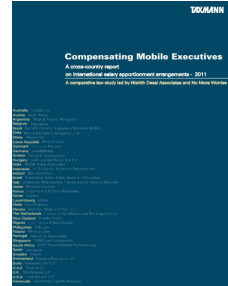
VIII. HR Audit (Legal)

We conduct periodic HR Law audits for our clients. The audit typically encompasses appraisal of the level of compliance with applicable labour laws, taxation laws and corporate laws relating to hiring/ firing of employees, terms of employment, employee compensation, stock option plans, to name a few. It also includes review of the employment-related documentation and the policy and procedure manual of the company, especially with respect to such issues as confidentiality, assignment of intellectual property and non-competition. The legal HR Audit enables us to suggest measures for legal process re-engineering.

IX. Expatriate Taxation, Social Security & Immigration

We represent our clients in employment related Indian immigration matters. Our immigration law assignments include advice to companies and employees who wish to come to India on deputation, secondment or on employment, advice on expatriate taxation etc.

Our firm has played an instrumental role in publication of a book titled **'Compensating Mobile Executives – A cross country report on international salary apportionment arrangements – 2011'**, which is a comparative law study involving 40 countries and provides an overview of tax related implications on non-resident employees who work in a particular country as well as on resident employees who are required to work or be present in other countries.



X. Employment Litigation

While a few years back employment litigation was not very prevalent, the scenario is undergoing rapid change in India. We have represented several clients in employment litigation cases. Our service includes advising clients on the litigation strategy, drafting and issuing legal notices, responding to legal notices, drafting claim documents representing the clients before labour courts and high courts, and coordinating with local counsel to pursue litigation in the appropriate courts across India.

XI. Law on Prevention of Sexual Harassment at Workplace

We advise our clients on finer aspects of Indian law on prevention, prohibition and redressal of sexual harassment at workplace including advise on constitution of Internal Complaints Committee (ICC), investigation of complaints etc. We assist our clients in drafting of policy document, documentation related to appointment of members of the ICC, guidance document for the ICC etc. We also conduct training programs on the law for employees and the ICC (a requirement under the law).

3. Representative Clients

- ACS Group
- Aditya Birla Real Estate
- Advantedge Technologies Private Limited
- Advent International
- Affiliated Computer Services
- Agami Systems
- Aimia, Inc.
- Airbnb (AirSeva)
- Airbnb Inc.
- Airpush Inc.
- Aisin Seiki Co.
- Alexandria Real Estate
- Alibaba.com
- Alphion Corporation
- AltioStar Networks India Private Limited
- Amazon.com
- Amdocs
- American Appraisal
- American India Foundation
- Amnesty International
- Applied Data Finance
- Arcot Systems
- Aricent, Inc.
- Arisaig Partners
- ARM Ltd.
- Artisan Components
- Aspect Software
- Associated Health Systems, Inc.
- Asurion Asia Pacific
- AT&T, Inc.
- Athena Health
- Atos India Private Limited
- Atrica Systems
- Attachmate Systems
- Autodesk, Inc.
- Autonomy Corporation
- Aventus Capital
- Axis Mutual Fund
- Azanda Networks
- Aztec Software Inc.
- BakBone Software
- Baker Hughes Incorporated
- Bank of America
- Bank of New York Mellon Corp
- Battery Ventures
- Beecem Communications
- Bentley Systems
- Bessemer Venture Partners
- BigSpring
- Bilfinger Berger Industrial Services
- Bill & Melinda Gates Foundation
- BlackRock
- Blackstone
- BP Exploration (Alpha) Limited
- BPL Medical Technologies
- Brambles Limited
- Bridgestone
- Bristlecone Limited

- Broadcom Corporation
- Brocade Communication Systems
- BT Global Services
- Business Objects
- Bwin.com
- Cambium Networks
- Capgemini
- Capstone
- Centillum Communications Inc.
- Chainalytics LLC
- Chegg, Inc.
- Children's Investment Fund Foundation
- Chorus Call
- Chubb Insurance
- Cinopolis
- Cisco Systems
- Citrix Systems
- Citrix Systems, Inc.
- Cleartrail Technologies
- Clyde Blowers
- CNC Servicing & Solutions
- Coach, Inc.
- Cognitivescale Software India Private Limited
- Cognizant Technology Solutions
- Cognolink Limited
- Coilcraft, Inc.
- Collabera Corporation
- CollabNet, Inc.
- Color Image Apparel
- Commercial Vehicles Group, Inc.
- Conexant Systems
- Connolly, Inc.
- Continuum Managed Services LLC
- Copal Partners
- Corio, Inc.
- Cornerstone OnDemand
- Courage Capital
- Cubic Corporation
- Cushman & Wakefield
- Cyanogen, Inc.
- Daksh eservices
- Danaher Corporation
- Data RPM
- DeBeers Group
- Deloitte & Touche LLP
- Delta Dental
- Deutsche Bank
- DeVry Inc.
- Dialogic Networks
- diCarta Inc.
- Digital Management Inc.
- Digital Mandate
- Dominos Pizza
- Dream11.com
- DTCC Corp.
- DuckDuckGo, Inc.
- Dun & Bradstreet
- eBay, Inc.
- Eka Software
- Electronics For Imaging, Inc.
- Emtec, Inc.
- Engility Corporation

- Envision, LLC
- Espirito Santo Securities
- E to E Retail
- Euclid Network Solutions, Inc.
- Eurokids International
- Europ Assistance
- ExlService.com
- Expedia, Inc.
- Extended Stay Hotels
- Fab, Inc.
- Facebook, Inc.
- Fairchild Semiconductors
- Fair Issac Corporation
- Fidelity Investments
- Finisar Corp.
- Finotex Fibrecast
- First Data Corporation
- FirstRain, Inc.
- Fiserv, Inc.
- Flatirons Solutions
- Flextronics Systems
- Footprint Ventures
- Fortinet, Inc.
- Foundation Capital
- Four Interactive
- Fragomen Global Immigration Srv
- Franklin Templeton Investments
- Fremantle Media
- FutureSoft
- Fédération Internationale de Football Association (FIFA)
- Game Show Network
- Gardner Denver, Inc.
- Garmin Limited
- Gemfields
- General Atlantic Partners
- General Dynamics
- General Mills, Inc.
- Genpact Limited
- GETCO Holding Company LLC
- GIA India Laboratory
- Global Holdings, Inc.
- Global Payments Hashcube Pvt Ltd.
- GlobeOp Financial Services
- GoAhead Software, Inc.
- GoDaddy
- GoldenGate Software, Inc.
- Google, Inc.
- Government of Singapore Investment Corporation Pte Ltd. (GIC)
- Greenfield Networks
- Groupe Aeroplan
- Guardian Insurance
- Guggenheim Partners
- Hammond Power Solutions, Inc.
- Herman Miller, Inc.
- Holcim Ltd.
- Hostway Corporation
- Hudson Advisors LLC
- i2 Technologies
- IDEO Corporation
- IDmission Solutions

- IG Infotech India Private Limited
- iMany Inc.
- Impetus Technologies, Inc.
- IMS Health, Inc.
- iNautix Technologies
- Indiabulls Financial Services
- India Capital Management
- India Xactly Technologies India Private Limited
- Infinera India Private Limited
- Informatica Corporation
- InfoSpace, Inc.
- Infosys
- Integreon Managed Solutions
- Intel Corporation
- Intellectual Ventures
- International Justice Mission
- InterProductec Virtual Labs.
- Intralinks Holdings, Inc.
- Intuit, Inc.
- IPC Information Systems
- IPSOS, Inc.
- itaas, Inc.
- ITP Publishing
- IvyCap Ventures
- Jabil Circuit Inc.
- Jacobs Engineering Group Inc.
- JDSU Uniphase Corporation
- Jeol Ltd.
- Jet Drilling Pte Singapore
- JP Morgan
- Kale Consultants
- Kaltura, Inc.
- KCG Holdings Inc
- Khosla Ventures
- Kineto Wireless
- KION GmbH
- Kno, Inc.
- Kony, Inc.
- Korn Ferry International
- KSK Energy Ventures
- Kyocera Wireless
- L-3 Communications
- Lara Networks
- Lazard
- Life Technologies, Inc.
- Lightspeed Ventures
- LinkedIn Corporation
- Lionbridge Technologies
- Littler Mendelson PC
- Lockheed Martin
- Lupin Limited
- Man Trucks India Private Limited
- Manulife (International) Ltd.
- MarketLinc
- Maroo Steel
- Mars, Inc.
- Mast Global Business Services
- Matrix Laboratories
- Mckesson Corporation
- Merck & Co.
- Metro Goldwyn Meyer Studios, Inc.
- mGage India Private Limited

- Millenium Partners Limited
- Mitel Corporation Networks
- Mizuho Trust & Banking Co.
- Mocana Corporation
- Moelis & Company
- Mondelez International, Inc.
- MoneyGram International, Inc.
- Morningstar India Private Limited
- MoSys, Inc.
- Motive, Inc.
- Nair & Co.
- National Starch Pte. Limited
- Netflix Inc.
- Netgear, Inc.
- Netlogic Microsystems
- Neustar Inc.
- New Enterprise Associates
- New York Life Insurance Company
- NexTag, Inc.
- Northland Controls
- Nutanix, Inc.
- Nuvolo Technologies
- nVIDIA Corporation
- Oak Hill Capital Partners
- Och-Ziff Capital
- Omnicell, Inc.
- OmniVision Technologies, Inc.
- Omnova Solutions
- One Equity Partners
- One Ocean Corporation
- Onmobile Global Limited
- Open Silicon
- Openwave Systems, Inc.
- Oracle, Inc.
- Orbimed Advisors LLC
- Paradigm Geophysical
- Parametric Technology Corporation
- PCTel, Inc.
- Peabody Energy Corporation
- Perion Network Ltd
- Pershing LLC
- Pi Corporation
- Pierburg / KSPG AG
- Powerschool Group LLC
- Precision Automation & Robotics
- Press Association Group
- Profusion Data Science Consultancy
- Providence Equity Partners
- Providian Financial Services
- Prudential UK
- PVH Corp.
- Quadeye Trading LLC
- Quinstreet, Inc.
- Qyuki Digital Media Private Limited
- Radiant LifeCare
- Radius Consulting
- Ravin Cables
- RedHat, Inc.
- Reliance Broadcast Network Limited
- ReNew Windpower Private Limited
- Reserve Bank Information Technology Private Limited

- Revogenex, Inc.
- Ricoh Innovations
- Rightster Ltd.
- Riverstone Networks
- Roamware, Inc.
- Robert Walters plc
- Royal Bank of Scotland Plc
- RPS, Inc.
- RSG Consulting
- Ruckus Wireless, Inc.
- SaleBuild IT Enabled Services
- Salesify, Inc.
- Samasource India Private Limited
- SanDisk Corporation
- Santen Pharmaceutical Co., Ltd.
- Schlumberger Asia Services
- School of Visual Arts
- Searce
- SEEC, Inc.
- Shaklee Corporation
- Silicon Valley Bank
- Singapore Technologies Kinetics
- SkillSoft Software
- SKS Microfinance Limited
- Snapdeal.com
- Society for Human Resource Management (SHRM) India
- Softline International
- Solidcore Systems
- Somnia, Inc.
- SonicWALL, Inc.
- Sonim Technologies, Inc.
- Sony Corporation
- Space-Time Insight, Inc.
- Speedera Networks
- Star CJ Network
- StateFarm Insurance
- StemCyte India Therapeutics
- Stratasys Ltd.
- StreamServe, Inc.
- SunGard Data Systems Inc.
- Sun Microsystems
- Superfund
- Swiss Reinsurance Company Ltd,
- Synaptics Incorporated
- Synopsys, Inc.
- TA Associates, Inc.
- Takeda Pharmaceutical
- Tandberg Data
- TeachForAll, Inc.
- Tebodin B.V.
- Tedia Company, Inc.
- Telcordia Technologies, Inc.
- The Brookings Institution
- The Hershey Company
- The Rohatyn Group
- Tibco Software
- Time Inc.
- Times Group (Bennett, Coleman & Co. Ltd.)
- Time Warner Inc.
- Tishman Speyer

- TJX, Inc.
- Toluna Group
- Tower Research Capital LLC
- TPG Software India Private Limited
- Travel Port, LP
- Tripadvisor LLC
- TVS Capital
- Uber Inc.
- Ultra Motor Company
- Unify Square, Inc.
- United Online, Inc.
- United Overseas Bank
- ValvTechnologies Private Limited
- Vanguard Group, Inc.
- Velti PLC
- Ventiv Technology
- Veraz Networks, Inc.
- Viacom
- Vignette Corporation
- Virtela Communications, Inc.
- Visa, Inc.
- Walden International
- Walmart Stores, Inc.
- Warnaco Group, Inc..
- Washington Mutual Bank
- Wipro
- Woodward, Inc.
- WordPress
- Worldquant Research
- Worldspace
- WSP Global
- Xambala, Inc.
- Xander Finance Private Limited
- Yantra Services
- Yasu Technologies
- Zensar Technologies Ltd.
- Zephyr, Inc.
- ZS Associates

4. Conferences / Seminars

Team members have been actively participating as speakers/panelists at several global employment conferences, including:

- Asia Employment Law Congress, HRM Asia, June 2017
- IBA Employment and Discrimination Law Conference, Lisbon (2017), Mexico (2016), Rome (2015), Cape Town (2014)
- Asia-Pacific International Employment Law Conference organized by Taylor Vinters LLP in Singapore, September 2015
- Seminar on Law on 'Workplace Sexual Harassment Demystified' organized by Bombay Management Association, Mumbai, August 2015
- Conference on 'Employers' Duty of Care' organized by International SOS Foundation and Employers' Federation of India, Mumbai, April 2015
- Seminar on 'Are you doing enough to make your Workplace a Safe and Secure one?' organized by Society for Human Resource Management (SHRM), March 2014
- Conference on 'Sexual Harassment - Prevention & Redressal' organized by Corporate Knowledge Foundation-IRIS Corporate Solutions Private Limited, January & March 2014 and February 2015
- Seminar on "Sexual Harassment of Women at Workplace" organized by National Association of Software and Services Companies (NASSCOM) in Mumbai, Pune, Bangalore, New Delhi, Hyderabad and Chennai, 2013
- International Bar Association Annual Conference Washington (September 2016) Vienna (October 2015)- Tokyo (October 2014), Boston (October 2013) and Dublin (October 2012)
- Webcast on "Introduction to Indian Labour Laws and Best Practices for Employment Document" presented as a part of "Doing Business in India" event of www.hr.com, 2011
- International Bar Association Conference on Key Labour, Employment and HR Challenges faced by Businesses with a Global Workforce, New Delhi, February 2010
- Seminar on Non - Compete Law, Intellectual Property Rights & Employment Law in India, Mumbai, July 2010
- CII Seminar on Human Resource & Employee Relations - In the Context of Global Competitiveness, New Delhi (India), December 2009
- SHRM Annual Conference, Toronto (Canada), March 2009
- Conference of the International Bar Association, Buenos Aires (Argentina), October 2008
- "Essentials of Employment Law, Malaysia and Asia 2008, Ahrals, Malaysia, August 2008
- Littler Mendelson's "Employer", Littler Mendelson, Phoenix (USA), April 2008

- India Employment Laws: India, CCH (Wolters Kluwer), Singapore, March 2008
- Employment Law Asia 2008, Ahrals, Singapore, February 2008

This active level of participation in global HR Law conferences provides us the unique position to understand the global HR market and employment laws throughout the world. We, in turn, undertake all efforts to incorporate the best global practices while delivering high quality services to our clients.

5. Publications

Some of the publications our team has authored/ contributed include:

A. India Chapters:

- Asia Pacific Employment Law Handbook, 2015 & 2016 published by Taylor Vinters LLP, UK
- 'Social Media & Employment Law', Wolters Kluwer, October 2015
- The International Comparative Legal Guide to Employment and Labour Law 2015 published by Global Legal Group, UK
- Cross Border Q&A Labour and Employee Benefits: Employee Share Plans Volume 2, 2010-11, 2011-12, 2012-13 and 2013-14, a PLC publication
- Contribution to Doing Business - 2014, a World Bank initiative comparing business regulations for small and medium sized enterprises in 189 economies
- 'Pension and Retirement Plans' – Getting The Deal Through, 2013 published by Law Business Research Ltd, London, official research partner of the International Bar Association
- The Littler Mendelson Guide to International Employment and Labour Law, 2008, 2010, 2012, 2014 published by Lexis-Nexis
- 'Business Transfers and Employee Rights', Lexis Nexis UK publication
- 'Compensating Mobile Executives' – A cross country report on international salary apportionment arrangements – 2011", a comparative law study led by Nishith Desai Associates and No More Worries BV
- Global Counsel Handbook's Labour and Employee Benefits 2004-05 and 2010-2011, a PLC (UK) publication

B. Research Articles:

- 'Why in-house counsels should keep pace with changing labour laws', VCCircle, July 2017
- 'Evolving HR Law Giving Sleepless Nights to GCs?', Legal Era, June 2017
- 'Contract Theory: Lessons for Employment Lawyers', American Bar Association - Labor and Employment Law Newsletter (Volume 45, Number 3), Spring 2017
- 'India Employment Law Outlook 2017', Bloomberg BNA's Employment Law Outlook 2017, December 2016
- 'India Employment Law Outlook 2016', Bloomberg BNA's Employment Law Outlook 2016, December 2015
- 'Indian Law on Sexual Minorities and Impact on Workplace Anti-discrimination Policies', International Bar Association's (IBA) Discrimination and Equality Law Committee newsletter, October 2015

- '10 Things that Every In-house Counsel Needs to Know About Indian Employment Laws', Legal Era, October 2015
- 'Employers' Duty of Care when Employees are Deputed Abroad - India Perspective' - Research Paper in collaboration with International SOS Foundation and Employers' Federation of India, April 2015
- 'India Employment Law Outlook 2015', Bloomberg BNA's Employment Law Outlook 2015, February 2015
- 'India's New Law on Prohibition of Sexual Harassment at Workplace', The Chamber's Journal, March 2014
- 'Implementing 'Work from Home' Policy', Human Capital, February 2013
- 'Social Security Agreements', 3rd edition of International Taxation – A Compendium' – The Chamber of Tax Consultants, India, April 2013
- 'The Indian legal position on employee data protection and employee privacy', International Bar Association's (IBA) Employment and Discrimination Law committee newsletter, March 2012
- 'Trade Unions Act and State Laws provide legal protection to Trade Unions in India'; Society for Human Resources Management (SHRM) Legal Report, March 2011
- 'Social Networking and Confidentiality', Human Capital, August 2010
- 'Indian Labour And Employment Law Issues In Global M&A And Reorganizations', International Bar Association's (IBA) Employment and Industrial Relations Law Committee newsletter, April 2009
- 'Ensure Compliance with Employment Laws in India', Society for Human Resources Management (SHRM) Legal Report, October / November 2008
- Contributed to the India law related aspects of the SHRM Global Learning System (for the PHR, SPHR & GPHR certification)

C. White Papers:



India's Law on Prevention of Sexual Harassment at Workplace

April 2015



India: Trade Unions and Collective Bargaining

March 2015



Data Protection Law in India

November 2014



Employment Contracts in India

August 2014

6. Recognitions

- Recognized as Band 1 law firm for Labour & Employment by Chambers & Partners Asia-Pacific 2015 and 2016 
- Recognized as Top Tier Law Firm for Labour & Employment by Legal 500 Asia Pacific 2016 
- Recognized as Top Tier Law Firm for Labour & Employment at the Corporate LiveWire Legal Awards 2015 
- Recognized as “Outstanding” for Labour & Employment by Asialaw Profiles 2016 
- Adjudged the winner of the Indian Law Firm Awards for its Employment & Industrial Relations Practice by Indian Business Law Journal in 2013 and 2015 
- Recommended for our Employment & Labour Law Practice by the Practical Law Company, a UK based legal publisher 
- Vikram Shroff has been recognized as a Band 1 lawyer by Chambers & Partners Asia-Pacific 2015 and 2016 
- Vikram Shroff has been inducted in International Bar Association’s Employment and Industrial Relations Law Committee as a Communications Officer in 2015 
- Vikram Shroff has been recognised as being among the world’s leading Management Labour & Employment lawyers by Who’s Who Legal, a Law Business Research publication, 2012-2015 
- Vikram Shroff has been recognised as being among the world’s leading Pensions and Benefits lawyers by Who’sWhoLegal, a Law Business Research publication, 2015 
- Vaibhav Parikh has been recognized as leading lawyer for Labour & Employment by Asialaw Leading Lawyers 2015 
- Vikram Shroff has been recognised as a subject matter expert on industrial relations by Society for Human Resources Management (SHRM) 
- Vikram Shroff has been invited to be a member of the working group formed by IBA’s Global Employment Institute for a comparative project titled ‘Balancing Report: Strategic Trends in National Laws and Multinationals’ Policies on Work-Life Balance and the Implications for Human Resources Law’ (2012) 
- Vikram Shroff has been selected as a member of the working group formed by IBA’s Global Employment Institute for the ‘Net Report’, a comparative project on legal issues on employees’ social media use (December 2012) 

Contacts

Vikram Shroff

vikram.shroff@nishithdesai.com

Ajay Singh Solanki

ajay.solanki@nishithdesai.com

Preetha S

preetha.s@nishithdesai.com

Nishanth Ravindran

nishanth.ravindran@nishiuthdesai.com

About NDA

Nishith Desai Associates (NDA) is a research based international law firm with offices in Mumbai, Bangalore, Palo Alto (Silicon Valley), Singapore, New Delhi, Munich and New York. We provide strategic legal, regulatory, and tax advice coupled with industry expertise in an integrated manner.

As a firm of specialists, we work with select clients in select verticals on very complex and innovative transactions and disputes.

Our forte includes innovation and strategic advice in futuristic areas of law such as those relating to Bitcoins (block chain), Internet of Things (IOT), Aviation, Artificial Intelligence, Privatization of Outer Space, Drones, Robotics, Virtual Reality, Med-Tech, Ed-Tech and Medical Devices and Nanotechnology.

We specialize in Globalization, International Tax, Fund Formation, Corporate & M&A, Private Equity & Venture Capital, Intellectual Property, International Litigation and Dispute Resolution; Employment and HR, Intellectual Property, International Commercial Law and Private Client. Our industry expertise spans Automobile, Funds, Financial Services, IT and Telecom, Pharma and Healthcare, Media and Entertainment, Real Estate, Infrastructure and Education. Our key clientele comprise marquee Fortune 500 corporations.

Our ability to innovate is endorsed through the numerous accolades gained over the years and we are also commended by industry peers for our inventive excellence that inspires others.

NDA was ranked the 'Most Innovative Asia Pacific Law Firm in 2016' by the Financial Times - RSG Consulting Group in its prestigious FT Innovative Lawyers Asia-Pacific 2016 Awards. While this recognition marks NDA's ingress as an innovator among the globe's best law firms, NDA has previously won the award for the 'Most Innovative Indian Law Firm' for two consecutive years in 2014 and 2015.

As a research-centric firm, we strongly believe in constant knowledge expansion enabled through our dynamic Knowledge Management ('KM') and Continuing Education ('CE') programs. Our constant output through Webinars, Nishith.TV and 'Hotlines' also serves as effective platforms for cross pollination of ideas and latest trends.

Our trust-based, non-hierarchical, democratically managed organization that leverages research and knowledge to deliver premium services, high value, and a unique employer proposition has been developed into a global case study and published by John Wiley & Sons, USA in a feature titled 'Management by Trust in a Democratic Enterprise: A Law Firm Shapes Organizational Behavior to Create Competitive Advantage' in the September 2009 issue of Global Business and Organizational Excellence (GBOE).

A brief below chronicles our firm's global acclaim for its achievements and prowess through the years.

- IDEX Legal Awards: In 2015, NDA won the "M&A Deal of the year", "Best Dispute Management lawyer", "Best Use of Innovation and Technology in a law firm" and "Best Dispute Management Firm <<http://idexlegalawards.in/ArticlePage.aspx?aid=6>>". Nishith Desai was also recognized as the 'Managing Partner of the Year' in 2014.

- Merger Market: has recognized NDA as the fastest growing M&A law firm in India for the year 2015.
- Legal 500 has ranked us in tier 1 for Investment Funds, Tax and Technology-Media-Telecom (TMT) practices (2011, 2012, 2013, 2014, 2017)
- International Financial Law Review (a Euromoney publication) in its IFLR1000 has placed Nishith Desai Associates in Tier 1 for Private Equity (2014, 2017). For three consecutive years, IFLR recognized us as the Indian “Firm of the Year” (2010-2013) for our Technology - Media - Telecom (TMT) practice.
- Chambers and Partners has ranked us # 1 for Tax and Technology-Media-Telecom (2014, 2015, 2017); #1 in Employment Law (2015 & 2017); # 1 in Tax, TMT and Private Equity (2013, 2017); and # 1 for Tax, TMT and Real Estate – FDI (2011).
- India Business Law Journal (IBLJ) has awarded Nishith Desai Associates for Private Equity, Structured Finance & Securitization, TMT, and Taxation in 2015 & 2014; for Employment Law in 2015
- Legal Era recognized Nishith Desai Associates as the Best Tax Law Firm of the Year (2013).

The following research papers and much more are available on our Knowledge Site: www.nishithdesai.com

	Fund Structuring and Operations		Social Impact Investing in India		The Curious Case of the Indian Gaming Laws
	June 2017		May 2017		October 2016
	Corporate Social Responsibility & Social Business Models in India		Incorporation of Company / LLP in India		Outbound Acquisitions by India Inc.
	May 2017		April 2017		September 2014
	Internet of Things		Doing Business in India		Private Equity and Private Debt Investments in India
	April 2016		June 2016		June 2015

NDA Insights

TITLE	TYPE	DATE
Blackstone's Boldest Bet in India	M&A Lab	January 2017
Foreign Investment Into Indian Special Situation Assets	M&A Lab	November 2016
Recent Learnings from Deal Making in India	M&A Lab	June 2016
ING Vysya - Kotak Bank : Rising M&As in Banking Sector	M&A Lab	January 2016
Cairn – Vedanta : 'Fair' or Socializing Vedanta's Debt?	M&A Lab	January 2016
Reliance – Pipavav : Anil Ambani scoops Pipavav Defence	M&A Lab	January 2016
Sun Pharma – Ranbaxy: A Panacea for Ranbaxy's ills?	M&A Lab	January 2015
Reliance – Network18: Reliance tunes into Network18!	M&A Lab	January 2015
Thomas Cook – Sterling Holiday: Let's Holiday Together!	M&A Lab	January 2015
Jet Etihad Jet Gets a Co-Pilot	M&A Lab	May 2014
Apollo's Bumpy Ride in Pursuit of Cooper	M&A Lab	May 2014
Diageo-USL- 'King of Good Times; Hands over Crown Jewel to Diageo	M&A Lab	May 2014
Copyright Amendment Bill 2012 receives Indian Parliament's assent	IP Lab	September 2013
Public M&A's in India: Takeover Code Dissected	M&A Lab	August 2013
File Foreign Application Prosecution History With Indian Patent Office	IP Lab	April 2013
Warburg - Future Capital - Deal Dissected	M&A Lab	January 2013
Real Financing - Onshore and Offshore Debt Funding Realty in India	Realty Check	May 2012

Research @ NDA

Research is the DNA of NDA. In early 1980s, our firm emerged from an extensive, and then pioneering, research by Nishith M. Desai on the taxation of cross-border transactions. The research book written by him provided the foundation for our international tax practice. Since then, we have relied upon research to be the cornerstone of our practice development. Today, research is fully ingrained in the firm's culture.

Research has offered us the way to create thought leadership in various areas of law and public policy. Through research, we discover new thinking, approaches, skills, reflections on jurisprudence, and ultimately deliver superior value to our clients.

Over the years, we have produced some outstanding research papers, reports and articles. Almost on a daily basis, we analyze and offer our perspective on latest legal developments through our "*Hotlines*". These *Hotlines* provide immediate awareness and quick reference, and have been eagerly received. We also provide expanded commentary on issues through detailed articles for publication in newspapers and periodicals for dissemination to wider audience. Our *NDA Insights* dissect and analyze a published, distinctive legal transaction using multiple lenses and offer various perspectives, including some even overlooked by the executors of the transaction.

We regularly write extensive research papers and disseminate them through our website. Although we invest heavily in terms of associates' time and expenses in our research activities, we are happy to provide unlimited access to our research to our clients and the community for greater good.

Our research has also contributed to public policy discourse, helped state and central governments in drafting statutes, and provided regulators with a much needed comparative base for rule making. Our *ThinkTank* discourses on Taxation of eCommerce, Arbitration, and Direct Tax Code have been widely acknowledged.

As we continue to grow through our research-based approach, we are now in the second phase of establishing a four-acre, state-of-the-art research center, just a 45-minute ferry ride from Mumbai but in the middle of verdant hills of reclusive Alibaug-Raigadh district. The center will become the hub for research activities involving our own associates as well as legal and tax researchers from world over. It will also provide the platform to internationally renowned professionals to share their expertise and experience with our associates and select clients.

We would love to hear from you about any suggestions you may have on our research reports.

Please feel free to contact us at
research@nishithdesai.com

Nishith Desai Associates

LEGAL AND TAX COUNSELING WORLDWIDE

MUMBAI

93 B, Mittal Court, Nariman Point
Mumbai 400 021, India

tel +91 22 6669 5000
fax +91 22 6669 5001

SILICON VALLEY

220 S California Ave., Suite 201
Palo Alto, California 94306, USA

tel +1 650 325 7100
fax +1 650 325 7300

BANGALORE

Prestige Loka, G01, 7/1 Brunton Rd
Bangalore 560 025, India

tel +91 80 6693 5000
fax +91 80 6693 5001

SINGAPORE

Level 30, Six Battery Road
Singapore 049 909

tel +65 6550 9856

MUMBAI BKC

3, North Avenue, Maker Maxity
Bandra-Kurla Complex
Mumbai 400 051, India

tel +91 22 6159 5000
fax +91 22 6159 5001

NEW DELHI

C-5, Defence Colony
New Delhi 110 024, India

tel +91 11 4906 5000
fax +91 11 4906 5001

MUNICH

Maximilianstraße 13
80539 Munich, Germany

tel +49 89 203 006 268
fax +49 89 203 006 450

NEW YORK

375 Park Ave Suite 2607
New York, NY 10152

tel +1 212 763 0080