

“EMBARRASSING MOMENTS IN LIFE ARE NECESSARY TO MAKE PEOPLE MORE CONFIDENT”



A great person said that,

'The secret of creative life is to feel Ease with your own embarrassment'.

And the simple meaning of the above line is, the secret of creative life is to feel freedom with your own embarrassment. Now, when we face rejection, criticism, awkward situations or compelling environment. Then we fill embarrassment. And we lose our confidence, because we think, what will people say about us? And this is main reason why people generally lose their confidence.

If we start thinking like;

*It Happened but It Gone – It confirm that, the moment of embarrassment may strike with a blow for a moment but, can we change what happened? Can we repair the damage already done? If we can, we should but if we cannot, be bold to accept it like we have already accepted so many past moments in our life.

If anything in the past bothers, we today, it is best to come back to the present moment and enjoy what we are doing right now.

*Free Yourself from Perfectionist- Come on, let's face it! No one out there is perfect. It's just a matter of time that we went into an embarrassing situation this time. this embarrassment comes when we felt the others are perfect and we have been acting as a fool amongst them. At that time, we take a deep breath, and try to take the moment as an opportunity and try to start groom from here.

Now the best and smart trick to overcome with embarrassment;

*Laugh About It – Accept the action and let it go with a beautiful smile, because when we have a smiling face, After embarrassing moment then, there is no one who can let we feel down, smart trick, eh! If we let it go positively, getting over embarrassment is also easy in future.



By:
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1st TRIAL ADVOCACY COMPETITION, 2021

The Alumni Society has successfully conducted the 1st Trial Advocacy Competition, 2021 on the date 20th march.



JUDGES: -

• Vivek Wilson • Jaidev Mahendra

WINNERS: -

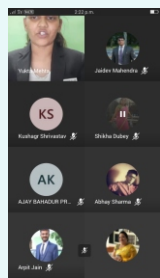
• Rovin Singh, • Rajveer Singh,
• Prinsu Sen, • Dewesh Bharadwaj

Inaugural ceremony: -

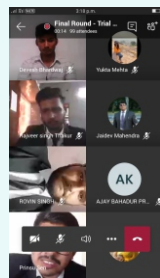
Then the event witnessed the welcome speech and the event brief by **Dr. Manpreet Kaur Rajpal (Director and Dean, Academics, Indore Institute of Law)**

Semi Finals: -

Based on the scores of semifinal rounds, top two teams qualified for the Final Rounds.



Final Round – 2:15 to 4:05



RESULT – 4:30

VALEDICTORY CEREMONY – 4:30 to 5:00

The event witnessed the valedictory ceremony with the addressing speeches by Yukta Mehta.

REPORT:-

Indore institute of law has successfully conducted the 1st Trial Advocacy Competition via virtual mode through Microsoft Teams. The TRIAL ADVOCACY Competition was based on the format of moot court process where the participants experienced the method of dispute settlement. The event has witnessed the participation from about 4 teams consisted of 11 participants.

The day of the event began with the inaugural ceremony and the virtual welcome of all the dignified guests for the occasion. Then the event witnessed the welcome speech and the event brief by Yukta Mehta. After the inaugural was over, the reporting of the teams took place and fixtures for the Preliminary rounds were allotted to the teams accordingly. The preliminary rounds were judged by our respective Vivek Wilson sir And Jaidev Mahendra.

The top teams qualified for the Semi-finals on the basis of Preliminary rounds which was the knock out round. After that the fixtures were allotted to the semi-finalists.

Based on the scores of semifinal rounds, top two teams qualified for the Final Rounds which was judged by the renowned advocate from the Supreme Court of India.

Moving further, the event witnessed the valedictory ceremony with the addressing speeches by Yukta Mehta.

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DEFAMING OUR JUDICIAL SYSTEM.



In recent years we have seen the direct attacks on our judiciary be it Supreme Court of India or High Courts of respective states. The organizations/ people attacking the credibility of the courts always states the reason that our courts are not independent in present scenario they are bias towards one group/organization, but the fact is that our judiciary has always protected the fundamental rights of the people and have guided the government to choose the right path be it in present situation of Covid-19 where the Supreme Court of India has made the Central Government realize their duties towards the people. The attack on our judiciary in not new not only in India, its very common practice among different democracies of the world. Recently in United States of America, the Democratic Party has passed the resolution to increase the number of Judges from 09 to 13 in Supreme Court of USA, they have justified this Act stating the reason that, “Supreme Court has number of judges who are inclined towards the ideology of Republican Party”.

But in the process of criticizing the court we really forget that this criticism is only possible in the democracy and being a progressive democracy this process is very important for the country like India, everyone should have their Freedom to speech (Article 19(1)(a)) but in this process we really forget our limitation (Article 19(2)) and this is very important when we speak anything (for or against) the Supreme Court of India. Nowadays the Anti-Social and a kind of uneducated persons are very much active on Internet media who speaks anything and everything without any proof and knowledge which insults and defames the Honorable Supreme Court of India. In the month of April 2021 the Honorable Supreme Court has rejected the plea which asks the Supreme Court to guide the States to make a anti-conversion law, Court has rejected plea stating that every person who is above the age of 18 years has

right to choose their religion and way of living. In this decision we find the shadows of Article 25 of Indian Constitution.

The scope of this Article is very wide which gives freedom to the people to follow their caste, religion, culture, ideology and all those things related to this field. Not only this, Supreme Court has also rejected the plea which states to cancel/remove 26 Aayats of Holy Quran, the petitioner told the court that these Aayats encourages the youngsters to join terrorist organization. Supreme Court rejected stating that they won't interfere in religious books. Recently the Supreme Court of India has given important decision regarding the Freedom of Speech and expression of the citizens. In the case of the editor of Shill ong times Mr. Patreshia Mukim, the court ordered to cancel the FIR registered against him. Mukim in his Facebook post has written about the incident which took place in July 2020 where 6 Boys of Non-ST category attacked the boys of ST category in Meghalaya during a football match his intention was to attract the attention of the government towards this act and to give justice to the victims. But the local MLA logged an FIR (IPC Section 153) against him stating that Mr. Mukim's intention was to create tension between the two communities. The Honorable bench led by Justice L. Nageshwar and Justice S. Ravindra Bist found that there was no hate speech in his facebook post. Honorable bench also told that, government can't snatch the freedom of speech and expression by the public or make them feel afraid by filling unnecessary FIR against them, S.C. also told that Article 19 is the sole of Indian Democracy it can't be taken away by anyone.

Not only the Supreme Court of India but also different High Courts are very much active in protection of the individual's

rights. The Allahabad High Court (PrayagRaj, U.P.) in the month of December 2020

ordered to cancel the FIR against the person named Yashwanth Singh who tweeted, that after CM UP Yogi Adityanath has taken the charge as CM of Uttar Pradesh the law and order of the state has worsen, the State has turned to be the place of Mafia's and Goons. The police logged the FIR against him for defamation and under IT Act, the court told that criticizing the government is the part of Article 19(1)(a) of constitution and logging FIR against anyone who criticize the government is against the Fundamental Right guaranteed to the citizen. A research was conducted by a local newspaper of Uttar Pradesh which tells that out of 120 person who were charged under NSA, 94 people were released by the court and have ordered to reject the FIR against them.

We can't say that our judicial system is free from drawbacks; there are many negative points which one can find about it, but we should never forget that there is clear separation of power between legislature, judiciary and executive because of which one of the party can't interfere in the work of other, if we neglect the emergency period the honorable supreme court has always protected the rights of the citizens. In 1973 in the case of Kesavananda Bharti v State of Kerala; the Court has tried to protect the rights of the citizens and has formatted the basic structure, court has told that government can amend any part of the constitution but not the basic structure. So for little political advantage we should not defame our judicial system and before speaking anything against the court we should think and remember that when legislature and executive infringes our fundamental rights it's the court which protects our rights.

By:
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THE VOICE: UNHEARD



More than 70 women came together to speak up against Hollywood producer Harvey Weinstein and his predatory web across the industry, a global #MeToo movement took off. The unprecedented force of the movement captured global

attention. In no time, it travelled to India. Women speaking up against sexual harassment are often disbelieved, often asked questions that intend to silence the women and undermine the dignity. Mostly women from the media and entertainment industry courageously took on their alleged harassers and those who enabled them on several social media. This included 15-20 women, mostly journalists, who accused former editor and now BJP MP M.J. Akbar (Mobashar Jawed Akbar) of sexually harassing them or behaving improperly. Akbar has held powerful positions in multiple news media organisations, including The Telegraph, Asian Age and India Today. Among the accusers was journalist Priya Ramani, who narrated her experience from two decades ago when she had met Akbar for a job interview. On October, 17, 2017, Ramani without mentioning Akbar's name, wrote a letter to a “male boss” in Vogue magazine. “Turns out you were as talented a predator as you were a writer,” she wrote in it. A year later, Ramani revealed in a tweet that the predator mentioned was Akbar. Once Akbar was named, he was compelled to step down from his Union Minister's position, however, he soon filed a criminal defamation case against Ramani. In Rouse Avenue Court, Delhi, Akbar was represented by Geeta Luthra and Ramani by Rebecca John, both senior advocates in a two-year case which saw passionate arguments.

As a defense Ramani made the publication of the articles and tweets in good faith for protection for other women's interest in general regarding sexual harassment at the workplace. Accused contended that her publication covered under the exception 1,3 and 9 of Section 499 IPC. Further, it was added that the complainant was not a man of stellar and impeccable reputation and the accused did not defame him by publishing the tweets and article. In October, the special court hearing the matter refused to hear it further, saying as per the Hon'ble Supreme Court's directions, it will hear only cases related to MPs and MLAs. The principal district and sessions judge, however, had allotted the case to same judge afterwards. Then Delhi's Rouse Avenue Court on February 17, 2021, found journalist Priya Ramani not guilty of criminal defamation in a case filed by former Union Minister M.J. Akbar, noting that the right “right of reputation can't be protected at the right to cost of right to dignity”. Hon'ble Judge Ravindra Kumar Pandey, ACMM, in an essentially significant decision revolving around the #MeToo Movement, acquitted Priya Ramani (accused) and held that no case under section 500 of the IPC, 1860 was found against her. “Most of the women who suffer abuse do not speak up about it or against it for simple reason “The Shame” or the social stigma attached.”

“The woman has a right to put her grievance at any platform of her choice and even after decades.” Further court analyzed that, “it cannot be ignored that most of the time, the offence of sexual harassment and sexual abuse is committed in the close doors or privately. Sometimes the victims themselves do not understand what is happening to them or what is happening to them is wrong. Despite how well respected some persons are in society, they in their personal

lives, could show extreme cruelty to the females. Therefore, while acquitting Priya Ramani of the offence under Section 500 IPC, Court directed her to furnish bail bonds and surety bonds in terms of Section 437-A CrPC.

Referring to ancient epics 'Mahabharata' and 'Ramayan' in its judgement, the court said that were written to show the importance of dignity of a woman and it was shameful that such incidents were still happening in the country. This cultural genealogy does two things. First, it insists – as the example of Laxman and Sita makes clear – that any sex or sexual desire outside marital heterosexuality is frowned upon. Laxman does not look beyond Sita's feet – which, for the judge, is to be read as a sign of respect for women. But Laxman also draws a circle around Sita to keep her within patriarchal control – which, for many of us, describes the law's paternalistic attitude to sex in general and women in particular. It might be time to disallow men from prescribing for women what our desires should and should not be.

That day was one of those sobering moments which validates the struggle of all women, across all strata of society, whether they work at home or outside. It is a moment when we need to reflect on the long distance that we have covered and gird ourselves up for the road ahead. Calling it a victory suggests culmination of a process. It is akin to calling #MeToo a movement, this is why in the last two years people were quick to declare end of the movement or its fizzling out.

Therefore, apart from judgment like this, society needs a cultural revolution where women are treated with equality, equity, and respect.



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Icon Education Society (I.E.S), as a first step to achieve its objectives, decided to set up an exclusive and independent college to provide specialized, high quality Law education for professionals, coupled with all basic infrastructure facilities. Indore Institute of Law is the first independent & exclusive College of Law in Indore, Affiliated to the Bar Council of India & Devi Ahilya Vishwavidyalaya (DAVV), Indore. The Study/ Course/ Admission/ Examination and Degree shall be strictly in terms of regulations of DAVV, Indore. Indore Institute of Law is only Private College in Madhya Pradesh where all the law courses are under one roof.

BUILDING AN EMPIRE.

People always say that money is not the only thing in the world; it can't get you everything you want. Until they get 100k dollars from somewhere. According to me luck is nothing but a form of randomness. It's a part of probability theory of life which says that nothing is certain until you actually do it. So, I follow the same principal that says that if you end up a probability of being successful or not it depends on the number of shots you made. An entrepreneur understands how we are thinking and evaluates an idea. But will that idea be successful or not, and then plays the probability game. According to my thinking when you look at any idea, then just ask yourself 6 questions. When you pass these 6 questions you obviously go in deep analysis. But every idea that I had gone through requires passing these 6 questions and these are.....

1. Do you solve a problem?

Do you really solve a pin point of market? Is that thing sub optimal and there is no one to realize it. And take a probability that you can do something about it. For me it was YouTube and Blogger.com which gave me chance to enhance myself and I hit a shot.

2. Can you profitable scale that?

Profitability is something that's important and we need to look at it. Having profitability makes you feel strong and incredible because it means you have a viable business. Profitable companies always have a proven vale in market so always think about profitability and scaling your business.

3.. Is it the right time?

Now things that I recommend to ignore are 'common sense'. Ignore questions like “that's a bad idea”, “not gonna work”, “its not practical”, etc. start being prejudiced. Think that you are going to be one who never did anything new. Just be fast. Go, make attempt and do it, you failed then go to nest but be fast. For better concentration be with a person whom you like to be with. It may be your friend or one in your circle. But there is someone whom you look up to. Just copy his best parts. If there are five persons then you copy their best parts and become the best of best. Then what? I ask this question to myself several times. It always goes on till a far but best end. Why you work? For money. Why you need money? Why you need money? I need to buy a house? Then what? A car. Then what? Another car. Then what? A sports car maybe. Then what? Maybe a priwet jet..... you also go to much irrelevant stuff. Ask this question again and again until you get the end. It's not easy to get the end but it probably would be like leaving something in this world to recognize you forever. An entrepreneur never stops. it stands up and make it happen and doesn't stop until it is done and tells that where actually you belongs. Leaving an impact in this world.

Millions of great ideas exists but being too early or too late simply means being too wrong. There are many great ideas that are really early. Spare parts for flying cars, for example that would be very early. So think for an idea that's perfect at time.

4.Are there any showstoppers.

Check whether the idea is legal or not. Don't wait for the government to change laws, there are many companies that made government change laws but might not be in your case. Don't try to be in an illegal business as it fails the second questions that is can you profitable scale your business because when you scale your business all the legal questions starts coming up and it also troubles you when you try to raise



funds and other things.

5. What is the monetization strength of your business?

This was actually told by my father to always check what your custom acquisition costs. Basically it means the process of persuading a consumer to purchase a company's goods or services. So if the cost is too high there is less sales and good profit. If cost is okay then there is good sales and good profit and if the cost is low cost then there is high sales and good profit. So its same in each case but not in each idea. Select the best one for your idea.

6.Are you passionate about your business?

When I ask anyone that “do you have any

good idea?” at any point everyone have an idea. But when I ask them that can you make it possible, and then all the no's and nope's pops up. If you say “oh! I had a great idea but I let someone else do that” doesn't make any sense, you need to love your own idea. That's why fashion, technology, automotive, electronics, etc are the field that have huge competitions as every one loves to work in these industries. But when you think out of the box, like toilet paper production industry. No one says that's my passion, but they choose it because of the less competition and it gives you the profitability.



By:
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WHAT IS IMPORTANT OF CONFIDENTIALITY CLAUSE AND WHAT IS NON-COMPETE CLAUSE IN SHAREHOLDING AGREEMENT.

Introduction:

As per the law, the confidentiality clause or Non-Disclosure of Agreement is an agreement between two or more parties agreed on the same specific type of information is provided by one party and remains confidential between all the parties. In this agreement, parties are planning to work in the future and their important information should remain confidential that has been discussed during the formation of their agreement. This agreement is only signed when all the parties agreed to work together in the future and they do not want to propagate their vital information to the third party. The confidentiality agreement is also known as Non- Disclosure of Agreement and secrecy agreement.

A shareholder agreement generally helps in regulating the shareholder rights and also maintains the company's operations and policies. A non- competent clause is under the contractual law in which one party commence and gave acceptance to other parties or sometimes both parties commence and gives acceptance to the condition in which certain important information needs to be protected from the third party to the business point of view. According to Article 19(1) of the Constitution in India, “to practice any profession, or to carry on any occupation, trade or business”. Non- compete contract is drafted as a standalone agreement.



Types of Confidentiality Agreement

- Unilateral Confidentiality Agreement-** In this agreement, only one party's vital information is required to be protected between the two parties' agreements. This type of agreement is mainly formed between employer and employee or vendor and client. Rather than forming a separate agreement confidentiality clause is used in every employment agreement.
- Bilateral Confidentiality Agreement** In this agreement, both parties need to share their vital information and this information need not be disclose or to be protected from the third party. One-sided provision is likely to contain in the two-way confidentiality agreement.
- Multilateral Confidentiality Agreement** In this agreement, there are three parties or more than three parties in which the vital information is disclosed to each other party, and this information is

needed to be protected from further disclosure.

Important Clauses of the Confidentiality Agreement

- Definition of confidential information clause** The confidential information clause highlights the vital information which is needed to be protected. The information that is already known to the public domain is not considered confidential information.
- Parties clause** In this clause, during the business discussion, the confidential information is shared at the time of due diligence by the parties and their representatives need to be disclosed.
- The term of confidential clause** In this clause, confidential information

needs to be protected for a certain period. Some data need to be protected for a limited period and some need to be protected for an infinite period and these needed to be uncovered. This depends on the sort of information that is shared that relies on the business.

- Use of confidential information clause** In this clause, the confidential information is intended to be shared only within the boundary. And states about the need of sharing the information and where it can be used. The use of these clauses should mention the name of the parties who will be dealing with the information.
- Mandatory and legal disclosure clause** In this clause, sometimes parties are more careful and honest about their confidential information and bind to

disclose the information under the government agency or court.

- Arbitration clause** On the non-disclosure of agreement, the remedy for the breach by the party is expressed in the arbitration clause. The parties are getting resolve their disputes through arbitration without getting their lengthy and expensive process.
- Jurisdiction clause** During the formation of agreements, parties are belonging to different countries and different laws which vary greatly. The parties should be clear about the set of laws that they follow when a dispute arises between the parties.

Enforceability of non-compete clause

According to section 27 of the Indian Contract act, 1872 “Every agreement by which anyone is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void”. In drafting the non-compete agreement, the time limit for the validity of the clause needs to be mentioned. Usually, the time limit lasts for the agreement for the entire period and sometimes it may be expired after a certain period of the agreement.

Conclusion

For maintaining privacy in litigation confidentiality of information is an important component for the business entity. Above mentioned clause ensuring the parties understanding their obligation and respect handling of their confidential information, and values the reassurance of the parties.

In India, the judiciary always ensures the principles of natural justice, morality, and fairness. The contract would be valid or not with the inclusion of a restrictive clause the negotiating power of each party entering into a contract for setting out rational restrictions in the clause and ensure that clauses are unreasonable in nature.



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Few days ago we all celebrated PRIDE moth dedicated to the LGBTQ community and their struggle against discrimination and social ostracization. Picnics, marches, public occasions, and drives were held for the local area and furthermore to assist with making mindfulness about them. Over the previous decade, LGBTQ individuals have acquired more resistance and acknowledgment in India,

particularly in huge urban cities. Regardless, most LGBTQ individuals in India remain closeted, dreading separation from their families, who may consider homosexuality to be despicable. In the present time, still rural society doesn't want to accept them, where LGBTQ individuals are already facing rejection from their families and constrained other gender relationships.

Individuals in the LGBTQ community are



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PROUD TO BE LGBTQ

battling for equivalent rights and acknowledgment. Even after Transgender people don't as a particular gender individuals, particularly, face a ton of trouble in discovering acknowledgment which causes mental breakdown as well as misery. LGBTQ people peered downward constantly. This is a significant issue since victimization of the LGBTQ people group is profoundly predominant

learned practices and, you know, having an individual viewpoint and outlook that varies from everybody else's. Saying that it's unbiasedly off-base for individuals to have sexual inclinations that contrast from the standard is equitably off-base itself.

According to Article 15 of our Indian Constitution Article 15, 1949

“Preclusion of segregation on grounds of religion, race, position, Sex or spot of birth”.

By coming forward to apparently uphold LGBTQ youth and their privileges, allies play a major role in taking a stand against, forestalling provocation and oppression of LGBTQ youth, guaranteeing that schools and out-of-home consideration settings are secure for everyone.

Sometimes it's more secure for straight allies to stand firm for LGBTQ rights, being an ally doesn't come without its own difficulties. Allies also can encounter provocation or separation. Not only this, even our religion says it's regarding what humankind says... If we talk about religion, Lord Rama had given help to hijras for their faithfulness. That is the reason they revile or aid hijras implies a ton to the typical creatures.

In my opinion, every individual existing in this globe has an equivalent right to have respect and should be treated normally like other people.



CURRENT AFFAIRS

APRIL 2021

- New Zealand's parliament has passed legislation giving mothers and their partners the right to paid leave following a miscarriage or stillbirth, becoming only the second country in the world to do so. India is the only other country with similar legislation.
- India's First Indo-Korean Friendship Park was jointly inaugurated at Delhi Cantonment by Hon'ble Raksha Mantri, Shri Rajnath Singh, and Hon'ble Minister of National Defense, Republic of Korea Mr. Suh Wook. The park has been developed in joint consultation with the Ministry of Defense, the Government of India, the Indian Army, the Delhi Cantonment Board, the Embassy of Korea and the Korean War Veterans Association of India.
- The world's first animal vaccine against the novel coronavirus has been registered in Russia, the country's agriculture safety watchdog Rosselkhozadzor. The vaccine for animals, developed by a unit of Rosselkhozadzor (Federal Service for Veterinary and Phytosanitary Surveillance), was named Carnivac-Cov.
- Singapore ratified the Regional Comprehensive Economic Partnership (RCEP) agreement, the world's largest free trade agreement, led by China. In doing so, Singapore became the first among 15 participating countries to ratify RCEP.
- A Sanskrit learning app 'Little Guru' has launched in Bangladesh by the Indira Gandhi Cultural Centre (IGCC) of the High Commission of India. The Sanskrit learning app is part of the campaign being run by the Indian Council of Cultural Relations (ICCR) to promote the Sanskrit language among students, religious scholars, Indologists and historians across the world.
- The central government has declared April 14, Dr BR Ambedkar's birthday a public holiday. Dr BR Ambedkar was the sculptor of the Indian Constitution and the country already celebrates his birthday as Ambedkar Jayanti every year. The government has announced that from this year 14th April will be declared as a public holiday. It will be Ambedkar's 130th birth anniversary on April 14, 2021.
- The Supreme Court of India has launched its Artificial Intelligence portal “SUPACE” (Supreme Court Portal for Assistance in Courts Efficiency). Through this portal, the SC intends to leverage machine learning to deal with the vast amounts of data received at the time of filing of cases.
- Italy has launched its first-ever mega food park project in India, at Fanidhar in the Mehsana district of Gujarat. The project aims to create synergy between agriculture and industry of the two countries and focuses on the research and development of new and more efficient technologies in the sector.