

Social Sector

STATEMENT OF CAPABILITY

2011

Nishith Desai Associates

Legal & Tax Counseling Worldwide

Mumbai • Silicon Valley • Bangalore • Singapore • Basel • New Delhi

Nishith Desai Associates (NDA) is a research based international law firm with offices in Mumbai, Bangalore, Silicon Valley, Singapore, Basel and New Delhi. We specialize in strategic legal, regulatory and tax advice coupled with industry expertise in an integrated manner. We focus on niche areas in which we provide significant value and are invariably involved in select highly complex, innovative transactions. Our key clients include marquee repeat Fortune 500 clientele, of which over 60 per cent are US corporations.

Core practice areas include International Tax, International Tax Litigation, Litigation & Dispute Resolution, Fund Formation, Fund Investments, Capital Markets, Employment and HR, Intellectual Property, Corporate & Securities Law, Competition Law, Mergers & Acquisitions, JVs & Restructuring, General Commercial Law and Succession and Estate Planning. Our specialized industry niches include financial services, IT and telecom, education, pharma and life sciences, media and entertainment, real estate and infrastructure.

Our Tax, Investment Funds and Technology-Media-Telecom (TMT) practices have been consistently ranked in tier 1 by Legal 500, while Chambers & Partners have ranked us # 1 for Tax, TMT and Real Estate - FDI. We've received honorable mentions in Asian - Counsel Magazine for Alternative Investment Funds, International Arbitration, Real Estate and Taxation for the year 2010. We have been adjudged the winner of the Indian Law Firm of the Year 2010 for TMT by IFLR. We have won the prestigious "Asian-Counsel's Social Responsible Deals of the Year 2009" by Pacific Business Press, in addition to being Asian-Counsel Firm of the Year 2009 for the practice areas of Private Equity and Taxation in India. Indian Business Law Journal listed our Tax, PE & VC and Technology-Media-Telecom (TMT) practices in the India Law Firm Awards 2009 as also Legal 500 (Asia-Pacific) that has ranked us #1 in these practices for 2009-2010. We have been ranked the highest for 'Quality' in the Financial Times – RSG Consulting ranking of Indian law firms in 2009. The Tax Directors Handbook, 2009 lauded us for our constant and innovative out-of-the-box ideas. Other past recognitions include being named the Indian Law Firm of the Year 2000 and Asian Law Firm of the Year (Pro Bono) 2001 by the International Financial Law Review, a Euromoney publication. In an Asia survey by International Tax Review (September 2003), we were voted as a top-ranking law firm and recognized for our cross-border structuring work.

Our research oriented approach has also led to the team members being recognized and felicitated for thought leadership. Consecutively for the fourth year in 2009, NDAites have won the global competition for dissertations at the International Bar Association. Nishith Desai, Founder of Nishith Desai Associates, has been voted 'External Counsel of the Year 2009' by Asian-Counsel and Pacific Business Press and the 'Most In Demand Practitioners' by Chambers Asia 2009. He has also been ranked No. 28 in a global Top 50 "Gold List" by Tax Business, a UK-based journal for the international tax community. Nishith Desai is listed in the Lex Witness 'Hall of fame: Top 50' individuals who have helped shape the legal landscape of modern India.

Introduction to the Social Sector Practice

The practice of law is to provide a service to society. While the traditional concept is to aid businesses, we strongly believe that serving public welfare is a law firm's primal social responsibility. At Nishith Desai Associates ("NDA") has a strong commitment to providing services to all deserving social sector projects and in tune encourages social entrepreneurs and investors alike. All of our social sector work, whether it is billable or not, gives us a deep sense of constructive contribution. Many of our associates and senior partners dedicate countless hours towards the social sector, in both for-profit and non-profit business spaces. While our our lasting focus is to create a high impact, not merely a small difference, we do work with organizations of all sizes and nationalities.

In line of which, NDA believes the social sector to be a separate industry vertical which requires specific legal requirements and specifically cross-border expertise.

For its global contribution to the social sector, NDA is recognized by receiving the Asian Law Firm of the Year (Pro-bono) award from International Financial Law Review, a Euro money publication in 2001. More recently we are recognized as Pacific Business Press: Winner of 'Asian-Counsel's Social Responsible Deals of the Year 2009' for our counsel to Merck, Inc. in its joint venture with Wellcome Trust to create a non-profit laboratory to create affordable vaccines for the developing world.

Our Social Sector Expertise

The firm has extensive experience backed with research and creativity. Social sector is one of our most passionate practice areas. All our practice areas are recognized to focus on complex issues requiring cross-border expertise. NDA's social sector practice is no different. We only work with selective clients who seek our expertise as 'trusted advisors'.

Social sector requires its own unique set of legal, tax and strategic counseling. In our experience, social sector organizations require special care and prudence while setting up and operating in India. Often the immense social need of sector organizations reduces their focus on careful legal and tax planning. While NDA encourages entrepreneurial ventures, it does so with a non-negotiable focus on uncompromised compliance and better tax planning.

Our social sector counseling therefore counsels on following primary areas:

- **Setting up of non-profits and social businesses:**
 - architectural designing,
 - structuring,
 - setting up and
 - best practises
- **Assisting in setting up of Indian non-profit entities abroad;**
- **Advise on compliance with foreign contribution laws, such as FCRA**
- **Advise on seeking income-tax exemptions**
- **Advising on leveraging international tax treaties**

Some of our accolades are:

- Nishith Desai has been voted 'External Counsel of the Year 2009' by Asian Counsel and Pacific Business Press
- Nishith Desai the 'Most In Demand Practitioners' by Chambers Asia 2009
- Nishith Desai has been ranked No. 28 in a global Top 50 "Gold List" by Tax Business, a UK-based journal for the international tax community.

Representative Clients

Gates Foundation is the private family foundation of Bill & Melinda Gates and works on the belief that every life has equal value. This value systems translates into Gates Foundation's work to ensure that every person deserves the chance to live a healthy, productive life.

Pathfinder International is a non-profit organization that works to improve the reproductive health of women, men and adolescents throughout the developing world.

American India Foundation (AIF, founded 2001) is a nonprofit American development organization that is devoted to accelerating social and economic change in India. The AIF has invested in over 100 Indian non-governmental organizations while raising about \$50 million since its inception. It is one of the largest secular, non-partisan American organizations supporting development work in India.

The Indus Entrepreneurs (TiE) was founded in 1992 in Silicon Valley by a group of successful entrepreneurs, corporate executives, and senior professionals with roots in the Indus region. There are currently over 12,000 members and more than 1,800 charter members in 53 chapters across 12 countries. TiE's mission is to foster entrepreneurship globally through mentoring, networking, and education. Dedicated to the virtuous cycle of wealth creation and giving back to the community, TiE's focus is on generating and nurturing our next generation of entrepreneurs.

Deshpande Foundation is one of the leading philanthropic Foundations in Massachusetts and India in the areas of innovation, entrepreneurship and international development. Through its grant making, the Deshpande Foundation has helped launch innovative companies, helped NGOs develop an international presence and launched partnerships with some of the most remarkable change agents in the world today.

Give India is a donation platform that allows you to support a cause of your choice from about 200 NGOs that have been scrutinized for transparency & credibility.

Global Heritage Fund (GHF) is a non-profit International Conservancy established in 2002 in Palo Alto, California, with the mission to save the Earth's most significant and endangered cultural heritage sites in developing countries through scientific excellence and community involvement.

Ashoka Foundation is a forum dedicated to supporting social entrepreneurs, promoting group entrepreneurship and building infrastructure for the sector by providing a network or tools and support systems to facilitate effective collaborations and partnerships in the social sector.

Accion International is a microfinance and micro lending organization, giving people the financial tools they need to work their way out of poverty.

Room to Read (RtR) works with local communities throughout the developing world to provide quality educational opportunities by establishing libraries, creating local language children's literature, constructing schools, and providing education to girls. RtR seeks to intervene early in the lives of children in the belief that education empowers people to improve socioeconomic conditions for their families, communities, countries and future generations. Through the opportunities that only education can provide, RtR strives to break the cycle of poverty, one child at a time.

Contacts

- **Nishith Desai, nishith@nishithdesai.com, +91 22 6669 5000, +91 98675 33000**
- **Kabeer Shrivastava, kabeer@nishithdesai.com, +91 22 6669 5000, +91 99877 81587**
- **Suril Desai, suril@nishithdesai.com, +91 22 6669 5000, +91 99670 93941**
- **Mihir Parikh, mihir@nishithdesai.com, 001 407 4326631**

93 B, Mittal Court, Nariman Point, Mumbai 400 021, INDIA Tel: +91 - 22 - 6669 5000 Fax: +91 - 22 - 6669 5001	220 S California Avenue, Suite 201 Palo Alto, CA 94306, USA Tel: +1 - 650 - 325 7100 Fax: +1 - 650 - 325 7300	Prestige Loka, G01, 7/1 Brunton Rd, Bangalore 560 025, INDIA Tel: +91 - 80 - 6693 5000 Fax: +91 - 80 - 6693 5001	Level 30, Six Battery Road, Singapore 049909 Tel: +65 - 6550 9855 Fax: +65 - 6550 9856	Birsigstrasse 18 4054 Basel Switzerland Tel: +41 7937 72979
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Email: nda@nishithdesai.com

www.nishithdesai.com