

DAKSHA CONCLAVE, 2021

FEB 12 – 14, 2021

Registration for all three days: Please visit this [Link](#)

AGENDA

Day - 1

February 12, 2021

9:50 AM - 10:00 AM **Welcome Remarks**

Ananth Padmanabhan, Dean, Daksha Fellowship

10:00 AM - 11:45 AM **Data: Balancing Rights, Risks and Innovation**

Panelists

- Mary Mayiladumpara, General Counsel, Zoho
- Nehaa Chaudhari, Partner, Ikigai Law
- Shyaam Jaya Nagarajan, Director, Legal - Head of Contracts, Glance

Moderator

- Malavika Raghavan, Faculty, Daksha Fellowship

Data privacy, security and protection are central concerns for virtually any entity these days. Increased reliance on technology and electronic media, especially since the onset of the COVID-19 pandemic, is only intensifying these worries. While this is true, innovation remains imperative. With increasing economic pressures, companies are increasingly relying on digital technologies and data to fulfil their innovation and value creation agenda.

This session will focus on how companies focused on data technologies and media can balance innovation while simultaneously mitigating privacy risks in the current environment. There will also be a sharp focus on balancing rights of the citizenry with the companies' pursuit of data about them.

**Group Presentation
by Daksha Fellows**

Regulation of Non-Personal Data

Abhishek Jain, Akanksha Prakash, Arinjay Vyas, Fathima VN, Srishti Joshi

12:00 PM - 01:45 PM

Bilateral Investment Treaties: Evaluating India's Model BIT, 2016

Panelists

- Kshama A. Loya, Leader, International Commercial & Investment Arbitration, Nishith Desai Associates
- Prabhash Ranjan, Senior Assistant Professor, South Asian University
- Rishab Gupta, Partner, Shardul Amarchand Mangaldas & Co.

Moderator

- Rajesh Babu, Professor, IIM Calcutta

Fragmented into over 3300 bilateral investment treaties (BITs), International Investment Law is being progressively challenged by states who consider this regime to be imbalanced. The Indian approach to BITs is punctured with inconsistencies that threaten to defeat the entire purpose and may, in fact, fail to achieve the anticipated objectives. In this regard, the model BIT proposed in 2016 does not act as the cushion that investors need while venturing into foreign territory.

This session will delve into the contradictions and inconsistencies in India's BIT regime by engaging in a three-pronged inquiry: the background to the model BIT; the text of the model BIT itself; and the effect and consequence of the model BIT. This session will also explore some of the ways in which India could strike a balance between investor protection and the host state's right to regulate, with a view towards reforming investor-state dispute settlement mechanisms.

**Group Presentation
by Daksha Fellows**

India's Model Bilateral Investment Treaty, 2016: Evaluating the balance between the host states' right to regulate and the promotion of foreign investments

Mridul Gupta, Ritvik Rai, Sanjay Ravi and Tushar Behl

01:45 PM - 02:30 PM

Lunch

02:30 PM - 04:15 PM

Amendments to the Specific Relief Act: A Critical Re-examination

Panelists

- Amit Kapur, Joint Managing Partner, J. Sagar Associates
- Amit Mishra, Partner, P&A Law Offices
- Neelima Bhadbade, Consultant, Trainer and Writer, Visiting Faculty, ILS Law College, Pune
- Sri Raghuram Pamidighantam, Senior Advocate

Moderator

- Mihir Naniwadekar, Independent Practitioner

Without remedies, rights are meaningless. From this perspective, the Specific Relief Act, 1963 (SRA) guarantees the civil and contractual rights of individuals. Taking into consideration ever-changing market dynamics, the onset of online agreements on account of technological advances, and increasing dependence on e-contracts, an Expert Committee constituted in 2016 came to the view that this legislation needs significant upgrade. Accordingly, SRA was amended in 2018.

This session will focus on how these amendments have changed certain dimensions of civil and contractual rights. It will also look into multiple issues with the 2018 amendments from the prism of the Expert Committee's recommendations in 2016. The session will explore some of the amended concepts in the act such as judicial discretion, Substituted Performance of the Contract, Public Utility Contract and Infrastructure projects

Group Presentation

by Daksha Fellows

Specific Relief (Amendment) Act 2018- Identifying goals and evaluating impact

Anirudh S, Declyn Gomes, Dilip Gohil, Harsh Andani, Sahil Bhatia and SK Kashyap

04:30 PM - 05:00 PM Keynote Address

- Bahram Vakil, Founder and Senior Partner, AZB & Partners

05:00 PM - 07:00 PM 5G: Roll out and the Regulatory Framework

Panelists

- Rahul Matthan, Partner, Trilegal
- Smriti Parsheera, Researcher, National Institute of Public Finance and Policy, Fellow, CyberBRICS Project

- Mansi Kedia, Research Fellow, Indian Council for Research on International Economic Relations

Moderator

- Nikhil Narendran, Partner, Trilegal

Telecom sector, especially mobile network from the first-generation mobile services to the current fourth-generation or 4G is adept at handling higher data speeds required for multimedia streaming, besides providing basic network operations like messages, voice calls, and web browsing. However, with rising mobile data traffic, changing connectivity needs, and a new category of products, there is need for a yet new generation of mobile networks that provide even higher data speeds at low latency and enhanced throughput to handle more simultaneous connections without causing disruptions. And, this is exactly what 5G is all about.

This session aims to discuss the need to transition from 4G to 5G and for unbundling of layers and infrastructure in telecom sector. It will also focus on possible liberalisation in telecom policy and regulation to ensure that we can fully utilise 5G without interruption.

Group Presentation

by Daksha Fellows

5G - Possibilities and Challenges in India

Akshay Nair, Bhavana Murlidhar, Falakyar Askari, Nakul Dilip and Noorita Karnik

Day - 2

February 13, 2021

[Find the Registration Link here](#)

10:00 AM - 12:00 PM The Bankruptcy Code and Issues in Cross-Border Insolvency

Panelists

- Alipak Banerjee, Leader, International Dispute Resolution, Nishith Desai Associates
- Amarjit Singh Chandhiok, Senior Advocate
- Sudip Mahapatra, Partner, S&R Associates

Moderator

- Aparna Ravi, Partner, Samvad Partners

The Insolvency and Bankruptcy Code, 2016 (IBC) seeks to consolidate the existing framework by creating a single law for insolvency and bankruptcy. Now, four years down the line, how is the code working? Though the IBC has recovered 42.5% outstanding amounts as compared to 14.5% under SARFAESI and the average time taken for a resolution has reduced to around 340 days from 4.3 years earlier, some issues remain unresolved.

We live in a globalized world where concerns and benefits co-exist. The COVID pandemic has aggravated deep-seated anxieties over an economic shock of the proportion of the 2008 financial crisis. In this background, any national solution will not be effective. UNCITRAL Model gave a quick start to the nations to incorporate the provisions of Cross Border Insolvency under their laws. Has India made any headway so far in this regard? How do we strike a balance between the interests of national and foreign entities involved in commercial transactions?

We, therefore, look forward to discussing some of the emerging issues under the Code, including the economic impact of pandemic induced suspension of CIRP, cross-border insolvency, insolvency resolution for enterprise groups, and pre-packs.

Group Presentation

by Daksha Fellows

IBC and Cross-Border Insolvency

Abhishek Yadav, Anushka Singh, Nerjis Nathani and Sneha Inampudi

02:00 PM - 04:00 PM Competition Issues in Digital Economy

Panelists

- Ashwini Chawla, Advocate
- Rahul Rai, Of Counsel, AZB & Partners, Counsel Chambers of Gopal Subramaniam
- Yaman Verma, Partner, Shardul Amarchand Mangaldas & Co.

Moderator

- Rahul Singh, Director, Institute of Competition Law and Economics & Associate Professor of Law, National Law School of India University, Bangalore

Digital advancements have facilitated market activities to pave the way for economic growth. Especially with the onset of a pandemic, digital platforms have gained even more prominence than before in boosting smaller businesses, including many ventures that started as home businesses. Although many advocate for their support towards local businesses, it was often the bigger companies – in other words, those holding dominant positions – that have had an upper hand.

Competition law is aimed towards preventing the abuse of such dominant position by major players in a market. In that light, this session will focus on major players in digital platforms that have attempted to make use of their dominant position to influence the market and caused exclusionary effects, enabled by their market power. This panel will focus on various

ways in which dominant players gain market power, the ways in which they may impact the economy, and how this can be prevented using competition law and policy.

Group Presentation

by Daksha Fellows

Exclusionary Conduct by Digital Giants (Competition Law and Anti-Trust)

Bilal Mohamed, Brinda G Lashkari, Deepika S, Reuben Philip and Vandana Birthur

05:00 PM - 07:00 PM Emerging issues in Energy Laws

Panelists

- Bharat Jairaj, Director - Energy, WRI India
- Buddy A. Ranganathan, Advocate, Supreme Court of India
- Gargi Chatterjea, Executive Director, CESC Limited
- Sunil Jain, President, Wind Independent Power Producers Association, Ex. CEO & ED Hero Future Energies Pvt. Ltd.

Moderator

- Avijeet Lala, Partner, Neeti Niyaman

Be it using your mobile phone or running an office, steady and dependable energy supply is most essential. The urgent need to shift to renewable sources of energy has kept countries all around the world on their toes. India took lead on this front and made possible the “International Solar Alliance” which is also in alignment with the Paris Agreement, 2016. The objective behind the initiative is to harness solar energy and make it the focal point of energy generation. This panel will explore how India is managing the renewable energy ecosystem, and the way forward.

Group Presentation

by Daksha Fellows

Legal Framework for Renewable Energy

Inamul Hassan, Shreya Rathore, Sreesh and S M Mudassar Nazar

Day - 3

February 14, 2021

Find the Registration Link [here](#)

10:00 AM - 12:00 PM Regulation of Financial Services

Panelists

- Shivli Katyayan, Associate Director, PolicyBazaar
- Shruti Rajan, Partner, Trilegal

Moderator

- Siddharth Vedula, Faculty, Daksha Fellowship and Senior Legal Counsel, Samunnati

The financial services industry in India has expanded significantly over the last three decades. This panel will look at three segments of the financial services industry - capital markets, insurance and banking, and the dilemma faced by the regulators between protecting the interests of retail consumers and ensuring continued growth of these segments through innovation.

Group Presentation

by Daksha Fellows

Protection of Consumers of Financial Services

Himeli Chatterjee, Saiyed Kamil and Vidushi Sinha

05:00 PM - 07:00 PM Emerging Technologies: Regulatory Principles and Values

Panelists

- Anirudh Rastogi, Founder, Ikigai Law
- Astha Kapoor, Co-Founder, Aapti Institute
- Kaushik Moitra, Partner, Bharucha & Partners
- Rahul N Bhardwaj, General Partner, Owl.Capital and Co-Founder, COO, Jungle Games

Moderator

- Ananth Padmanabhan, Dean, Daksha Fellowship

Industry 4.0 has been nothing but a panoply of technological advances that seek to disrupt the way we communicate, transact, move or even think. From cryptocurrencies to online gaming, and AI and deep learning models to 3-D printing, this technology cluster implicates many different societal values and rights - privacy, security of the individual and the collective, financial stability and labour protection, public order and morality and several more. While regulatory solutions may vary depending on technological and operational contexts, there is a need for coherent strategies that optimally balance these multiple interests and values, and which are particularly suited for a new India that is spurred in part by technological progress. This session shall explore the current state of affairs on this front, and pathways for the future.

**Group Presentation
by Daksha Fellows**

The future of Crypto Currency and its Regulatory Challenges

Sharanya Mukherjee, Shatakshi Shekhar, Shradhanjali Sarma,
Utkarsh Kumar and Vasishtan. P

07:00 PM - 07:05 PM

Concluding Remarks