

WORKSHOPS AND CONFERENCES

TWO DAY STATE LEVEL WORKSHOP ON

‘बाल विवाह विरोधातील लढा: अडचणी आणि उपाय’

Date: August 12-13, 2023

Faculty Coordinators: Dr Suvarna Nilakh, Ms Varsha Khandagale, Ms Divya Mittal, Ms Ninawari Ware and Ms Mugdha Hedau.

Student Volunteers: Achalika Ahuja, Manthan Palsande and Shraddha Dhanawate (II LLB)

Report:

A two-day State-level Workshop was organized on August 12-13, 2022 in association with ILS Law College and SWISSAID to discuss and come up with effective solutions to the problem of child marriage. The workshop was attended by 39 social workers from 29 districts, 13 Child Protection and Child Marriage Prohibition Officers, 7 police officers and Teachers from the law college. The students of ILS Legal Aid Centre also participated in the workshop in online mode.

The workshop was inaugurated by the Principal District and Sessions Judge, **Shri. Sanjay Deshmukh**. He noted that the issue of child marriage is very important and there is a need for more awareness in the society. He considered preventing child marriage as an important step towards women empowerment.

The workshop was attended by **Shri Rahul More**, Deputy Commissioner, Women and Child Development, Maharashtra State, **Manisha Biraris**, Assistant Commissioner (Planning), Department of Women and Child Development, Maharashtra State, **Dr. Jaya Sagde**, Former Director, Centre for Women's Studies, ILS Law College, **Dr. Manisha Gupte**, Founder, MASUM (in absentia), **Mr. Rajesh Puranik**, Senior Inspector of Police, Department of Social Security, Pune, **Dr. Nishit Kumar**, Founder Director and M.D. , Centre for Social and Behaviour Change Communication, **Pooja Yadav**, Centre for Social and Behaviour Change Communication, **Sarita Sankaran**, Consultant (Maharashtra State), Child Protection, UNICEF, **Alpa Vora**, Child Protection Centre, UNICEF, **Dr. Vaijayanti Patwardhan**, Gynecologist and Public Health

Researcher, **Mr. Santosh Shinde**, Vidhayak Bharati, **Sneha Girdhari**, SwissAid India, **Dr. Nitish Nawsagaray**, Assistant Professor, ILS Law College.

The workshop discussed in detail the issue of child marriage, its consequences and laws, as well as the government's plans for the empowerment of women and children. The first session dealt with theme of 'Decoding the socio-economic factors behind Child Marriage and its Impact'. In this session Dr. Vaijayanti Patwardhan spoke on "Consequences of Child Marriage on Reproductive Health of Girl Child". Dr. Manisha Gupte shared a video clip on the topic of "Socio – economic factors behind child marriage". Mr. Santosh Shinde and Dr. Jaya Sagade also contributed to this session by addressing the queries of the participants. The second session was on the theme of Child Marriage vis - a – vis Violation of Human Rights. Ms. Alpa Vora oriented the participants about the rights of children under various international instruments and issues concerning the same. The session was chaired by Dr. Nitish Nawsagaray. The third session aimed at discussing Existing Indian Legal Scenario on Child Marriage Covering Prohibition of Child Marriage Act, 2006; Protection of Children from Sexual Offences Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015. This session was delivered by Dr. Jaya Sagade and was chaired by Dr. Deepa Paturkar. Fourth session aimed at giving insight into Government Policies and Schemes addressing child marriages to the participants. This session was delivered by Ms Manisha Biraris. Fifth session aimed at Understanding and addressing the challenges faced by the field workers. Dr. Suvarna Nilakh presented challenges faced by stakeholders in prohibiting child marriage. Dr. Nishit Kumar and Ms Pooja Yadav presented their experiences of working in the field and Ms Sarita Shankaran spoke about the initiatives taken by UNICEF in this regard. The valedictory session saw the presence of Mr. Rahul More, Ms Manisha Biraris alongwith other resource persons of the workshop. Ms Varsha Khandagale presented a summary of the proceedings of the workshop for consideration of the dignitaries present at the valedictory session of the workshop.

On behalf of the Government, Rahul More, Deputy Commissioner, Women and Child Development, State of Maharashtra, briefed about the measures being taken by the Government at various levels to prevent child marriage. He noted the points discussed and the issues / concerns raised by different stakeholders attending the workshop and assured that the Government will provide all the necessary assistance in combating child marriage. He emphasized the need for

coordinated action amongst various departments of the government like Department of Education, Health Department and Women and Child Development Department.

Ms Vaijayanti Joshi, Honorary Secretary, Indian Law Society and Ms **Kavita Gandhi**, Head, SWISSAID India welcomed the participants **Dr. Deepa Paturkar**, Professor and In-charge Principal, ILS Law College thanked everyone for their contribution in the Workshop.

TWO DAY WORKSHOP ON IMPLEMENTATION OF NATIONAL EDUCATION POLICY, 2020

Introduction: The National Education Policy 2020 is set to transform the landscape of education in India. It sets ambitious goals for reforms that require dedicated participation of institutions across the country to realize. The aim of the workshop was to understand the required contributions from the educational institutions in the legal field towards the multidisciplinary system as outlined in the NEP, the expected timeline for its implementation, and the measures needed to be taken to be compliant with it.

Dates of the Workshop: February 11-12, 2023

Mode of the Conference: Hybrid

Faculty Coordinators: Dr. Deepa Paturkar, Mr. Dnyaneshwar Kendre, and Ms. Vindhya Gupta

Student Coordinators: Harshal Kshirsagar, Poorvi Kourav, (V BA LLB) Yashwant Chaudhary, Ojas Date, Gaurisha Khot, Shruti Rawat (III BA LLB)

Level: State level

Total No. of Participants: 50

Report:

Inaugural Session: The session was inaugurated by Dr. Nitin Karmalkar, former Vice Chancellor, SPPU, who took the opportunity to discuss the future measures to be taken by the Savitribai Phule Pune University for implementing the National Education Policy, and the extent of its applicability for legal education institutions. The session was presided over by Ms. Vaijayanti Joshi, Director, Academics and Administration, ILS Law College and Hon. Secy. Indian Law Society. In her address, she highlighted the various challenges that legal education institutions face in implementation of the NEP, and the support required from the SPPU, as well the government for the same.

Session I - Salient Features of NEP and the Multidisciplinary Approach in Education: The session was taken by Dr. Beena Inamdar, Consultant, Higher Education, Center for Educational Development Administration. She discussed the policies outlined in the NEP document released by the government, and their implication for education going forward. She also highlighted the ambiguities in the policy and the challenges it poses for educational institutions in adapting to the new educational paradigm as outlined in the policy.

Session II - Multidisciplinary Approach in Legal Education: The session was a panel discussion to discuss the impact of applying the multidisciplinary approach in legal education and the measures needed to be taken for the same. The panelists were Dr. (Prof)Yogendra Kumar Shrivastanva, Dean, Post Graduate Studies, HNLU, Dr. Pratapsinh Salunkhe, Associate Professor, MNLU Mumbai, and Dr. Sanjay Jain, Professor, NLSIU Bangalore. It was moderated by Dr. Nitish Nawsagaray, Assistant Professor, ILS Law College. The panelists spoke about the implications of multidisciplinary clusters outlined in NEP for single stream universities such as the National Law Universities, scope for application of multidisciplinary approach in law, considering it is inherently multidisciplinary, and the need for the policy to be more assertive about inclusion of the vulnerable sections of the society into the educational framework.

Session III - Hands on Exercise: The session was an interactive activity for the participants in which the participants were divided into four groups, and had to design two courses applying the principles of multidisciplinary approach. Each group was given disciplines on which to focus, such as Law and Commerce, Law and Engineering, Law and Arts, and Law and Medicine. One course had to be on a subject from the legal discipline that would enhance the other discipline, and one course had to be on a subject from the other disciplines which would enhance the legal discipline. The participants came up with various courses such Administrative law and Corporate Governance, Law and Technology, Paramedics and first aid, Film appreciation, etc.

Session IV - Implementing NEP: Issues and Challenges: The session was taken by Dr. (Prof.) M. Afzal Wani, Dean, University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, Delhi. Prof. Wani discussed the applicability of NEP to legal education, challenges faced by the IILM University in becoming NEP Compliant, and the changes in teaching and learning methodology required from teachers at ground level to achieve the fundamental aims of the policy.

Session V - Examination Reforms and Academic Bank of Credits: The session was taken by Dr. Devender Kawday, Adviser, National Accreditation and Assessment Council, Bengaluru, and Dr. Durgambini Patel, Dean, Kirit P Mehta School of Law and NMIIMS, Mumbai. Dr. Kawday outlined the expectation of NAAC from institutions regarding the quality of education provided by them, and the importance of appropriate assessment methods for the same, and Dr. Patel outlined the reforms required in the examination and assessment process of educational institutions to be compliant with the objectives of National Education Policy 2020, and the advantages and challenges of the Academic Bank of Credits newly rolled out by UGC for the students.

Session VI - Valedictory Session: The session was taken by Dr. Anirddha Deshpande, renowned academician, who delivered the valedictory speech of the workshop. The summary of the proceedings were provided by Dr. Deepa Paturkar, Principal (Additional Charge) ILS Law College Pune. Dr. Deshpande discussed the experience of the audience during the workshop, and closed the session by providing insights on the milestones for implementation of the policy and the commitments required from the individual teachers for the improvement of the education system in India.

Details of Collaborations/ Sponsorship: Partial funding was obtained from the Quality Improvement Program of the Savitribai Phule Pune University.

‘REMEMBERING S P SATHE’

**PROFESSOR S.P. SATHE 17th INTERNATIONAL CONFERENCE ON
“INTERSECTION OF LAW AND ECONOMICS WITH GENDER”**

Introduction: In recognition of the changing horizons in legal education, the theme of this year’s conference was interdisciplinary in nature, investigating the correlation between Law, Economics, and Gender. The conference strove to understand the nuances of the application of economic principles to gender-based law and policies. It focused on the gender aspect of the domain of law and economics.

Dates of the conference: March 10-11, 2023

Mode of Conference: Offline

Faculty Coordinator: Mr. Akshay Ugale and Ms. Ninawari Ware

Student Members: Rucha Barhate (V BA LLB), Atharva Hadawale (III BA LLB), Aarya Balte, Manaswi Kedar, Shreya Basu, Vaishnavi Tamaskar, Urshita Wadhvani (all II BA LLB), Mahima Srivastava (all II BA LLB)

Level: International level

Total Number of Participants: 72

Report of the sessions:

Session I - The topic for the first session was “**Opportunity cost of gender-based discrimination in economics.**” Ms. Ninawari Ware introduced the topic to the attendees, which was followed by a paper presentation by Ms. Yukta Duragkar. Ms. Sunita Singh, an IRS officer, spoke regarding the prejudice against women which further is aggravated by the discrimination faced by them and its effect on the participation of women in the economy. Ms. Singh discussed her work experience working in the field of administration about the opportunity cost that women have to pay in comparison to their male counterparts for advancing in career opportunities.

Mr. Ajit Ranade, the Vice Chancellor of GIPE, reiterated that the Labour Force Participation Rate (LFPR) for women in India is only 20% and the relationship between supply and the participation of women in the labor force. Dr. Ranade used the most basic analysis of demand and supply to explain the real-world dynamics behind the opportunity cost. The abovementioned sessions were followed by a Question and Answer session and the Chair’s remarks.

Session II - The second session commenced after lunch and the theme for the same was “**Gender-responsive economic policy for program implementation, policy-making, and advocacy.**” Ms. Bhumika Rathod introduced the theme to the attendees. This was followed by a paper presentation by Mr. Rahul Gangurde on the ‘Budgetary Trends with Reference to Healthcare System in India and its Impact on Right to Health with Special Reference to Gender Budgeting.’ Ms. Rupali Chakankar, the chairperson of Maharashtra State Women’s Commission was the first resource person for the session and her session focused on the formulation of policies that ensure equality and allocation of resources to all, in an equitable manner. She talked about the barriers faced by state organizations in the implementation of such policies and the prevalent structural inequalities.

Ms. Vibhuti Patel, Gender economist, and Vice President of the Indian Association for Women’s Studies was the second resource person for the session. She talked about the need for equality of opportunity, in elevating the status of women and the importance of investing in the care economy and resolving its statistical invisibility. Ms. Vibhuti Patel’s session was succeeded by questions and answers round and a vote of thanks that concluded the first day of the conference. The second day covered aspects of budgetary allocations for the progress, development, and emancipation of marginalized genders.

Session III - The second day entailed three enlightening sessions by highly-qualified field experts. The theme for the third session was “**Motherhood Penalty: Role of Institutions in promoting gender equality.**” Ms. Ishika Choudhary introduced the said topic with a presentation which was followed by a paper presentation by Ms. Diya Devare on “The Low Level of Female Labour Market Participation in Urban India.” Ms. Manisha Awhale, IAS officer was the first resource person of the session and she spoke about the various manifestations of the motherhood penalty in developing countries like India. Her session covered aspects such as career interruptions, limited job options, wage disparities, lack of support, and so on.

The second resource person for the session was Dr. Deepa Paturkar, officiating principal, ILS Law College, Pune. Dr. Paturkar iterated that to address the motherhood penalty, it is essential to promote gender equality and implement supportive policies and practices. The maternity leave legislation that ironically resulted in almost 1.8 billion jobs being lost was discussed. It was further reiterated that the said issue is not just an issue of economy but an issue of justice. Dr. Paturkar’s

session was followed by a question and answer round and remarks by the chair, Dr. Suvarna Nilakh, followed by a vote of thanks. The session was compered by Ms. Parul Raghuwanshi.

Session IV - The fourth session commenced after the tea break and started with a presentation by Ms. Sneha Sabale, who introduced the topic to the attendees. The theme for the fourth session was **“Feminisation of poverty, inequality and vulnerability.”** Ms. Manika Kamthan presented a paper on the said topic.

The first resource person for the session is a very distinguished luminary who has coined the very phrase, ‘Feminisation of Poverty’. Ms. Diana Pearce, Senior lecturer Emerita, MSW, Ph.D., University of Michigan was the first resource person for the session and she spoke about the disproportionate representation of women among the poor. Some key aspects such as Limited economic opportunities, gender wage gap, unequal property rights, lack of social protection, health and well-being, education, and empowerment of women were discussed.

This was followed by a session by Dr. Amita Yadwadkar, Economist and asst. prof., department of Economics, SPPU; who addressed the feminization of poverty in India. She iterated that the women in India are often concentrated in low-paying, informal sector jobs with little job security or benefits and that limited economic opportunities lead to lower incomes, financial dependence, and a higher risk of poverty. The session was followed by a question and answer round and remarks by Dr. Santosh Jaybhay, the chair of the session. A vote of thanks was presented to conclude the session. The session was compered by Ms. Mugdha Hedau.

Session V - The theme for the fifth and final session was **“Prostitution: An Economic and a sociological perspective.”** Mr. Akshay Ugale made a presentation to introduce the attendees to the theme. This was followed by a Presentation by Dr. Pournima Inamdar on the “Legislative Framework for the Protection of Economic and Social Rights of Sex Workers in India.” Ms. Rachel Moran, a bestselling author of the book “Paid For My Journey Through Prostitution”, was the first resource person for the session and spoke about her journey through the world of prostitution and her rise and how she combatted the aftereffects of the same and built a non-profit organization for sex-workers.

Ms. Moran's session was followed by Ms. Tejaswi Sevekari, the Executive Director, Saheli, HIV/AIDS Karyakarta Sangh, Pune. Ms. Tejaswi Sevekari spoke about the prevalence of sexually transmitted diseases and the reproductive health of sex workers. She enlightened the attendees about the peculiar problems faced by sex workers and the proactive steps taken by the 'Saheli Foundation' in aiding sex workers who have contracted STDs. Dr. Rohini Sahni, an academician and economist was the third resource person for the session. Her session covered the strategic importance of brothels in India; particularly in Pune. Her views on the theme were very radical and she gave an entirely different angle to sex work. Dr. Sahni's session was followed by a question and answer round and Dr. Tejaswini Malegaonkar's remarks, who chaired the session. Ms. Divya Mittal compered the session.

**INTERNATIONAL CONFERENCE ON
CONTEMPORARY TRENDS IN INTERNATIONAL ECONOMIC LAW, 2023
(Virtual)**

About the Conference: Theme for this year's annual International Law Conference was on "Contemporary Trends in International Economic Law." The conference explored and delved deeper into how the field of international law evolves to accommodate them warrants a detailed deliberation on some of the most pressing issues faced today. Each session looks at specific issues occurring in the current global scenario. Investigations into contemporary economic order will also be conducted along with studies into how they shape the international legal and regulatory regime.

Dates of the Conference: March 14 - 15, 2023

Mode of the Conference: Online

Faculty Coordinator: Dr. Nitish Nawsagaray, Ms. Divya Mittal, Mr. Rohit Bokil

Student Coordinators: Ashutosh Ghag (V BA LLB) (Convenor), Tanya Khandelwal (III LLB)(Convenor), Shweta Shukla (IV BA LLB)(Co-Convenor), Abha Dalal (IV BA LLB) (Co-Convenor), Devansh Bhatt (III BA LLB), Manya Singh (III BA LLB), Rudransh Singh (III BA LLB), Shreya Basu (II BA LLB)

Level -International Level

Total No. of Participants: 60

Report: The Keynote Address was delivered by Professor Surya P. Subedi. He talked about the defining movement of the 20th century - the development of a 'New International Economic Order.' He spoke extensively on how it laid down the shift of the global economy from one focused on Europe and the United States, to one focused on the global South - a movement that covered not only the economic or trade aspects, but also the very nature of international law - from space law to law of the sea. This development set the stage for today's interpretation of international law - a body of law that relies on cooperation and incorporation of the rapidly developing technology

of today's world. He spoke, encouragingly, about the role the global South must play in this new day and age.

First Session:

The first session on ‘Changing Geopolitics Around the Global Oil Trade’ was addressed by Mr. Piyush Joshi and Ms. Tulika Gupta. The chairperson for the session was Dr. Nitish Nawsagaray. Mr. Piyush Joshi talked about the 'Impact of Changing Geopolitics of Oil Trade on the Natural Gas Market in India.' He started off with the impact of the Russia-Ukraine conflict on global oil prices, and how this affected the oil pricing imposed by the Middle East markets. He then conceptualized India as a reseller of petroleum, since it is one of the few countries that still considers Russia as a market for its energy needs. The second half of the session focused on India's rules and pricing regulations, which allow it to keep its natural gas and other fuel sources within a certain price range.

Ms. Tulika Gupta talked about the ‘Geopolitics of Renewable Energy.’ She started off with the goal of energy security and reaching the standards of net-zero emissions. She spoke extensively on how this standard can be achieved through technology and financing and who is best equipped to provide it. The later discussion evaluated the political landscape, explaining how the increase of oil tariffs, combined with newer standards of energy were slowly phasing oil out of use. She concluded by talking about India’s potential to achieve net-zero emissions, and the projected progression for the incorporation of cleaner sources of energy.

Second Session:

The second session titled, ‘The Crypto Currency Conundrum’ was addressed by Ms. Meghna Bal and Mr. Ashish Chandra. The chairperson for the session was Ms. Vindhya Gupta.

Ms. Meghna Bal spoke on ‘An Overview of the Position of G20 Countries on Cryptocurrencies.’ She focused on the treatment of cryptocurrencies/digital assets through regulations in various G20 countries. She divided G20 into three groupings, namely — G7-8, developing economies not part of G7-8, and Emerging Market Economies (EMEs). Through this, she undertook a quantitative assessment of regulation and policy positions across the three groupings. She spoke about their position vis-à-vis legalization of cryptocurrencies, and then went on to look at the various

restrictions in place. She highlighted the institutional oversight across these groupings, followed by the latest data on where these countries stand with respect to taxing these VDAs.

Mr. Ashish Chandra spoke on ‘The Cryptocurrency Conundrum – An Indian Perspective.’ He opened with a discussion on the relevance and timing of the session due to the recent happenings in this sphere namely, the latest measure bringing activities in the crypto domain under the coverage of Prevention of Money Laundering Act (PMLA) and how this move indirectly serves as another step towards a recognition of cryptos as an asset class. This, after the Finance Act of 2020 brought Virtual Digital Assets (VDAs) under the tax regime, thereby giving them formal recognition while not legalizing them entirely. Through these examples, he highlighted the evolving regulatory framework and the gaps in the policy approach towards VDAs. He briefly touched upon the recent developments with respect to introduction of the Central Bank Digital Currencies (CBDCs) and how the government is posting these as a safer and more reliable alternative to other cryptocurrencies.

Third Session:

The third session titled, ‘State-Owned Enterprises, their Effects on Competition Law, and Dispute Resolution’ was addressed by Prof. Abhijit Das and Prof. (Dr.) Ram Kumar Mishra. The session was chaired by Ms. Divya Mittal.

Prof. Abhijit Das spoke on ‘Developments Related to State-Owned Enterprises at the WTO and in Free Trade Agreements.’ He spoke extensively about the GATT and how it limits the effects of state-owned enterprises on international operations. He went on to discuss the intense dispute revolving around the definition of ‘public body’ before the WTO Appellate Body, in order to determine the application of subsidies. He also elaborated on how Free Trade Agreements over the past few years have contained detailed chapters on SOEs and their disciplines. To conclude, he spoke about how SOEs are required to not cause adverse effects to the interests of other parties under the TPP.

Prof. (Dr.) Ram Kumar Mishra spoke on ‘Corporate Governance: National Dimensions in the International Context.’ He spoke extensively on how corporate governance is the need of the hour

since much of a country's GDP comes from the corporate sector. He emphasized the need to properly control the sector to achieve long-term investment and stability, ultimately ensuring growth. He discussed the issues with lack of transparency, empirical data on public sector enterprises, and adequate legislation. He concluded by stating how a new international order is emerging and how the objectives of business have evolved to serve society as a whole.

Forth Session:

The fourth session is titled, 'Environmental Regulations v. Economic Interests: What is the Best Approach?' was addressed by Prof. (Dr.) Michael Faure and Prof. Gurudas Nulkar. The chairperson was Dr. Tejaswini Malegaonkar.

Prof. (Dr.) Michael Faure spoke on 'The Impact of Environmental Regulation on the Investment Climate.' In great detail, he discussed how the regulation and preservation of the environment can co-exist with the development of economies around the world. Relying on the Porter Hypothesis, he portrayed how the developing nations reach a 'turning point' following which, stricter environmental regulations do not hinder competitive advantage against rivals, instead, they often enhance it.

Prof. Gurudas Nulkar spoke on 'A Case for Conservation of Natural Capital for India.' With the help of various illustrations, he explained how every industrial activity ultimately emanates from the use of natural resources and how the current 'Green Development Model' is inefficacious to preserve the environment. He relied on the premise of affluence being the greatest polluter and pointed out that economic growth is not necessarily an indicator of well-being.

Fifth Session:

The fifth session titled, 'IPRs under International Investment Law' was addressed by Dr. James Nedumpara. The session was chaired by Dr. Suvarna Nilakh.

Dr. Nedumpara spoke on 'Should Investment Tribunals be Allowed to Interpret Domestic or International IP Laws?' He spoke on the issues of Bilateral Investment Treaties in international investment law using the example of the White Industries Case and the Vodafone Case. He then

discussed the obligations concerning 'Most Favoured Nation' and the new trends of 'investor shopping.' He went on to discuss how IPR investors can protect their rights, through the Philip Morris Case. He concluded on the note that the future holds a continuing debate on whose interests should be favoured: the host State or the investor.

Dr. Arpita Mukherjee (Economic Policy Researcher and Professor at Indian Council for Research on International Economic Relations) conducted the session on paper presentation, during this session students and professionals presented their papers based on the five themes of the Conference.

COLLOQUIUM 7.0 - INDUSTRIAL REVOLUTION 4.0: A DIGITAL INDIA

Brief Introduction of the Conference: In celebration of the ILS Law College entering its 100th year, and becoming a mark of quality legal education globally, the ILS Corporate Law Cell in collaboration with the ILS Competition Law Cell had organized its marquee event, the Colloquium 7.0, on April 16, 2023. This year, the theme of the Colloquium was “Industrial Revolution 4.0: A Digital India”. The event involved panel discussions by esteemed persons from the legal fraternity. The event saw an overwhelming participation of more than 60 attendees including students from ILS Law College, Pune, and other law colleges, and professionals from the legal fraternity.

Date: April 16, 2023

Mode of Conference: Offline

Faculty Coordinator: Ms. Vindhya Gupta and Ms. Ninawari Ware

Student Coordinator: Devanshi Masand, Kashish Singhal, Akshat Dahate, Rashi Jain (all V BA LLB), Awdhesh Pandey (III LLB), Debargha Mukherjee, Keyur Jaju, Smitha Khandige, Sumedh Kamble, Vedant Lathi (all IV BA LLB), Rahul Agrawal, Manya Singh, Ojaswi Gupta, Navnisha Patni, Hardik Palan (all III BA LLB), Akshata Kolte, Utkarsha Rananaware, Firdous Barshikar, Koonjal Hatewar, Mahima Srivastava and Tanvi Srivastava (all II BA LLB).

Level: National

Total No. of Participants: 64

Report of the session

Inaugural Session - Overview of Digital India Bill, 2023 and Data Protection in India: The inaugural session began with a welcome address by Ms. Ninawari Ware, faculty Coordinator, and the keynote address was delivered by Dr. Swapnil Bangali. Dr. Bangali introduced the term 'Legisprudence' and highlighted how it differs from jurisprudence in terms of the legislature's response to societal changes. He discussed the need for technological advancement in society and questioned whether our laws are being updated accordingly. He emphasized the issue of data privacy and how users tend to overlook the terms and conditions to gain access to platforms. He

concluded by stating that data privacy is a significant concern affecting almost everyone, and emphasized the need for a proper redressal system to address issues.

Session I - Panel Discussion on Digital India Bill 2023: The session began with a discussion on ‘Safe harbors and Intermediary regulation under DIA covering Social Media Platforms and Internet Intermediaries’ by Mr. Arun Prabhu. He began by stating that safe harbor provisions do not apply to platforms that merely act as conduits for the flow of information as they are not responsible for controlling or censoring the information that passes through them. He explained that content creators can be penalized for offenses such as defamation, while content consumers can be penalized for consuming content they should not have., Mr. Prabhu suggested that intermediaries should just put forward the chess board and leave it to players (content consumers) to form their game rather than intervening and trying to do it for them.

Thereafter Ms. Ranjana Adhikari discussed ‘**Principles of DIA**’. She stressed the importance of a principle-based approach to the legislation, where fundamental principles are established by the legislature, and rules are then evolved in keeping with future needs. Ms. Adhikari also highlighted the concept of co-regulation, distinguishing between self-regulatory and government regulatory bodies, citing the example of OTT platforms. She concluded that there needs to be harmony between the self-regulatory and government regulatory bodies in the regulation of content.

Finally, Mr. HB Keshava, gave an overview of the Digital India Goals 2026. Mr. H.B. Keshava presented a real-world example from his office to highlight the difference between real and reel life and emphasized the main goal of the Digital India Act (DIA), which is to regulate data. He emphasized that in the modern world, information and data are the most powerful weapons, and the type of information coming through the pipeline is cause for concern. The second goal he indicated was identifying the appropriate regulators, which entailed discussing Cyber Psychology and how people behave on digital platforms. He concluded with the hope that industry experts will be involved in the drafting of a new statute that will cover practically every facet of digital India.

Session II - Panel Discussion on The Competition (Amendment) Bill 2022 and Digital Market Competition: The session was opened by Mr. Vaibhav Choukse, who spoke on Deal Value Thresholds and Leniency Regime. On the topic of deal value thresholds, Mr. Chouske gave a brief on the importance of deal value by taking the example of when WhatsApp and Instagram were

acquired by Facebook skipped scrutiny and did not have to comply with getting approvals from the CCI as they did not meet the asset and turnover threshold mandated by the Act. However, given the consequence of the deal and such others which do not meet the asset and turnover threshold per the Act, but have a huge impact on the market, this amendment becomes significant

Mr. Bharat Budholia discussed the need for the Digital Competition Act. He began the discussion on the Digital Competition Act. He said that digital markets function in a way that is very different as compared to traditional markets. He touched upon the economic concepts that govern traditional markets and said that considerations such as diminishing marginal utility would not apply to digital markets. He discussed the tenets that govern digital markets, like network effects, which implies that the primary aim of this type of market would be to attract as many customers as possible without any limitation.

Ms. Anisha Chand discussed the final topic, Hub and Spoke Cartels, and Settlements and Commitments. Ms. Chand began by explaining the working of the commitments and settlements regime. She said that under these provisions, parties need not be forced into litigating their affairs, they can instead choose to offer commitments to settle the matter any time after the DG begins his investigation, but before the report is shared with the parties. Parties can also opt to settle the matter with the CCI any time after the DG has shared the report of investigation, but before the CCI passes a final order. Such commitments and settlements may include both behavioral and structural changes.

The panel then discussed the liability of facilitators/intermediaries in a cartel investigation. Mr. Choukse said that a 'hub' would only be implicated upon active participation in the furtherance of such anti-competitive agreements. Mr. Budholia mentioned that extending the leniency regime to include hub and spoke cartels too might prove useful in that information regarding cartelization could reach the CCI.

Collaborators:

- Associate Partner: Lex Indis Law Offices
- Knowledge Partner: The Competition and Commercial Law Review
- Knowledge Partner: Corporate Law Advisor