



# The Summit Snapshot

7<sup>th</sup> Government Law College International Law Summit, 2016



## An Overview

The 7<sup>th</sup> Government Law College International Law Summit, organised by the Students for the Promotion of International Law (SPIL), Mumbai, was organised from 29<sup>th</sup> January to 31<sup>st</sup> January 2016, encapsulating in it various informative seminars, an engaging Panel Discussion, a Webinar, and two novel competing fields – the Treaty Appreciation Competition and the Judgment Deliberation Competition.

The Theme for the 7<sup>th</sup> Government Law College International Law Summit, 2016, supported by the World Trade Organization (WTO), Geneva, was 'International Telecommunication Laws', which, as an emerging domain of law, has lately garnered a very vital position in the field of law and otherwise with various commercialization trends across the world. Therefore, mindful of the growing importance of telecommunications in our day-to-day lives, SPIL, Mumbai, envisaged organizing the 7<sup>th</sup> Government Law College International Law Summit, 2016 with 'International Telecommunication Laws' as its Theme.

A resounding success yet again, the Summit, 2016, received attention from various sections of the legal fraternity and intelligentsia from all over the country and around the world.

29<sup>th</sup> January, 2016

Khaitan & Co, One Indiabulls Centre

The first day of the 7<sup>th</sup> Government Law College International Law Summit, 2016, was commenced in a grand fashion by the sheer stature of the esteemed guests presiding over the event, among other eminent personalities.



The Keynote speaker was Mr. Edward G. Baldwin, Partner, Baker & McKenzie, Washington D.C., U.S.A. He began his address to the gathering by emphasizing on the changing world of telecommunications and international law through the rise in cross-border investments and economic and technological integration of the world. He traced the rising importance of law in the telecom industry to the increasing electronic presence leading to a rise in international disputes. He concluded by emphasizing the vast open-ended scope of international law, followed by an interactive session with the audience.



The Guest Speaker next in line, was **Mr. Kabir Duggal, Senior Associate, Baker & McKenzie, New York, U.S.A.** He started his address by explaining what investment arbitration and international telecommunication really are, and how there is a need for treaties and arbitration to protect foreign investors. He also went on to explain direct and indirect expropriation and the need for a bilateral investment treaty with a 'fair and equitable' clause to protect the investor. The treaty, he added, must also provide for compensation, not necessarily damages for the breach of obligations. The ICSID convention is another such instrument that regulates investment treaties. Mr. Duggal further threw light on the famous Indian 2G spectrum case in which the Supreme Court of the country cancelled 122 spectrum licenses on a PIL that essentially declared the first come-first serve policy for spectrum allocation as illegal, bringing out debatable questions such as the capacity of foreigners to make a case against India, and if there was a breach of the FET clause.

The next speaker was **Mr. Supratim Chakraborty, Principal Associate, Khaitan & Co.,** who spoke about the Indian perspective on data privacy and data regulation. He went on to talk about data privacy in India with reference to the Information Technology Act, 2000, and the Privacy Rules. He enlightened the audience on privacy rules, constituting elements of sensitive personal information like passwords, financial information, mental/physical health condition and sexual orientation. He also spoke about reasonable security practices and procedures and the requirements to put in effect privacy rules.



## Webinar



**Ms. Lee Tuthill, Counselor, Trade in Services Division, WTO, Geneva,** thereafter joined us to deliver a Webinar on the topic – ‘What we have learned: Telecom and ICT in WTO dispute settlement cases’. She spoke of the role of the WTO in cross-border telecommunication regulation, and the GATT. She also explained how the WTO dispute settlement process provides for a unified system for all agreements through means of arbitration, mediation and compensation.

## Unveiling of the Souvenir



The Souvenir of the 7<sup>th</sup> Government Law College International Law Summit, 2016 was unveiled by the dignitaries on the dais. A heartwarming welcome address by Judge Pramod D. Ambekar, Principal, Government Law College, Mumbai, followed the unveiling of the Summit Souvenir.

The second day of the Summit entailed the Preliminary rounds of the Judgment Deliberation Competition (JDC) and the Treaty Appreciation Competition (TAC).

#### The preliminary rounds of the JDC were judged by:

- Mr. Vismay Shroff, Associate, Parimal K. Shroff & Co.;
- Mr. Supratim Chakraborty, Principal Associate, Khaitan & Co.;
- Ms. Trupti Khadse, Associate, Jayakar & Partners;
- Ms. Mallika Taly, Advocate, Bombay High Court;
- Mr. Kunal Kumbhat, Senior Associate, Trilegal;
- Mr. Anish Wadia, Associate, Cyril Amarchand Mangaldas.

#### The rounds of the TAC were judged by:

- Prof. James Nedumpara, Associate Professor of Law and Executive Director of the Centre for International Trade and Economic Laws, Jindal Global Law School, Haryana, India.
- Prof. Kishu Daswani, Professor, Government Law College, Mumbai.

#### The semi-final rounds of the JDC were judged by:

- Mr. Dinesh Purandare, Advocate, Bombay High Court;
- Mr. Sachin Mandlik, Partner, Khaitan & Co.;
- Mr. Advait Sethna, Advocate, Bombay High Court.

Rounds of extensive competition among the participating teams finally gave way to three teams qualifying for the final round of the JDC - NALSAR University of Law, Hyderabad, National Law University, Jodhpur, and National Law University, Odisha.



The final day of the Summit entailed the final round of the Judgment Deliberation Competition. **Mr. Shardul Thacker**, Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, **Mr. James Nedumpara**, Associate Professor of Law and Executive Director of the Centre for International Trade and Economic Laws, Jindal Global Law School, Haryana, and **Mr. Akshay Nagpal**, Partner, JSA, Gurgaon, presided over the final round of deliberations.



Intensive deliberation by the teams and fierce questioning by our judges finally resulted in NALSAR University of Law, Hyderabad, emerging as the winner of the Judgment Deliberation Competition, followed by National Law University, Jodhpur, securing the Runner-Up position.

After the rounds, as the score sheets were tallied, the judges delivered inspiring speeches wherein they praised the detailed research of all participants and the high level of the competition. The competition successfully achieved its objective of broadening perspective and encouraging rationalization.

### Call for Papers

The engaging addresses were followed by a Paper Presentation session by the winners of the 'Best Paper' and 'Second Best Paper' of the Call for Papers, 2016.

'The Principle Of Network Neutrality: A Step In The Right Direction Taken Back Resolving The Unending Debates' by Mr. Rishabh Bhojwani and Ms. Swatilekha Chakraborty, and 'An Analysis Of Competition Law And Regulation Of The Telecommunication Sector In The European Union' by Mr. Akash Srinivasan and Mr. Milind Rai were adjudged the 'Best Paper' and the 'Second Best Paper' respectively.

### Panel Discussion

The highlight of the day was the riveting Panel Discussion on 'A Network-Neutral India – An Exigence Really?' that featured eminent panelists including Mr. Vismay Shroff, Associate, Parimal K. Shroff & Co., Mr. Edward G. Baldwin, Partner, Baker & McKenzie, Ms. Aditi Saxton, Journalist, Times of India Group, Mr. Brijesh Singh, Inspector General of Police (Cyber), Senior IPS Officer, Maharashtra Police, Mr. Rohas Nagpal, Founder President, Asian School of Cyber Laws, Mr. Akshay Nagpal, Partner, JSA, Gurgaon, and Mr. Shardul Thacker, Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, who deftly moderated the Panel





Discussion. The Panel Discussion witnessed a heated debate on various issues ranging from whether or not the Internet is a utility that should be taxed like other utilities, to the role of private companies in providing such a utility and their corporate motives. They went back and forth on the issue of Free Basics, but conceded ultimately that Free Basics is a lie and is against freedom



of the Internet.

The panelists also deliberated over how, by advancing their own self-interest, corporate giants like Facebook, are depriving the citizens of their freedom of choice. The discussion found consensus when the panelists spoke about the intelligence of the modern day consumer. They all agreed that the consumer understands which site is better for what function and should therefore be given the option to choose.

However, through the course of the discussion, they drifted from such consensus and locked horns over the methods Facebook is using to percolate its business among the masses and whether or not it is serving the public good. They agreed that regulations should be brought about in case anything is against public welfare and strengthening of CCI.

### Valedictory Ceremony

The Valedictory Ceremony followed the Panel Discussion.

#### Treaty Appreciation Competition

- Best Team – Symbiosis Law School, Pune;
- Runner-Up Team – NALSAR University of Law, Hyderabad;
- Best Member – Ashwin Mishra, National Law University, Jodhpur
- Best Critique – NALSAR University of Law, Hyderabad.

#### Judgment Deliberation Competition

- Best Team – NALSAR University of Law, Hyderabad;
- Runner-Up Team – National Law University, Jodhpur;
- Best Judgment – NALSAR University of Law, Hyderabad;
- Second-Best Judgment – Symbiosis Law School, Pune.



An earnest Vote of Thanks by the SPIL President - Mr. Aayush Kevlani, tied together the events of the day, bringing a close to the 7<sup>th</sup> Government Law College International Law Summit, 2016. The President attributed the success of the Summit to the constant support of its patrons, sponsors and mentors with the invaluable effort of the team of SPIL, Mumbai, students, lawyers, and academicians at an innovative, interactive, and enlightening forum.

#### FEEDBACK MESSAGES

*"It was my pleasure to make a presentation addressed to the bright young minds of India. We, at the World Trade Organization, have a strong tradition of supporting and nurturing talent that not only understands future global challenges but also provides solutions to such challenges. My thanks go out to all the students who attended and expressed their thoughts and questions. I am reassured by the enthusiasm and interest that was demonstrated in the topic. I also acknowledge the contribution of all those who worked behind the scenes to make the video link a success."*

- Ms. Lee Tuthill, Counselor, Trade in Services Division, WTO, Geneva,

*"The event was a great attempt to discuss some of the cutting edge debates in international telecommunications law and examine them through the prism of investment arbitration."*

- Mr. Kabir Duggal, Senior Associate, Baker & McKenzie, New York, U.S.A

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