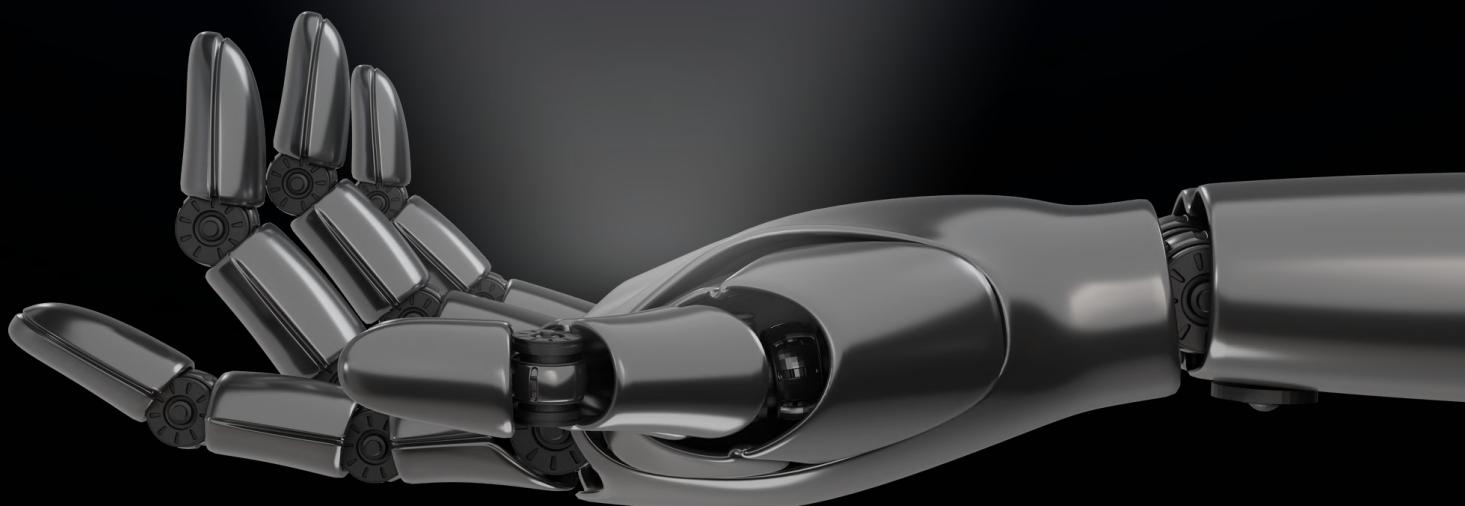




LEXTECH UNWRAPPED

A CENTRE FOR LAW, ENTREPRENEURSHIP AND
INNOVATION



A LOOK BACK AT THE CENTRE'S RECENT ACTIVITIES

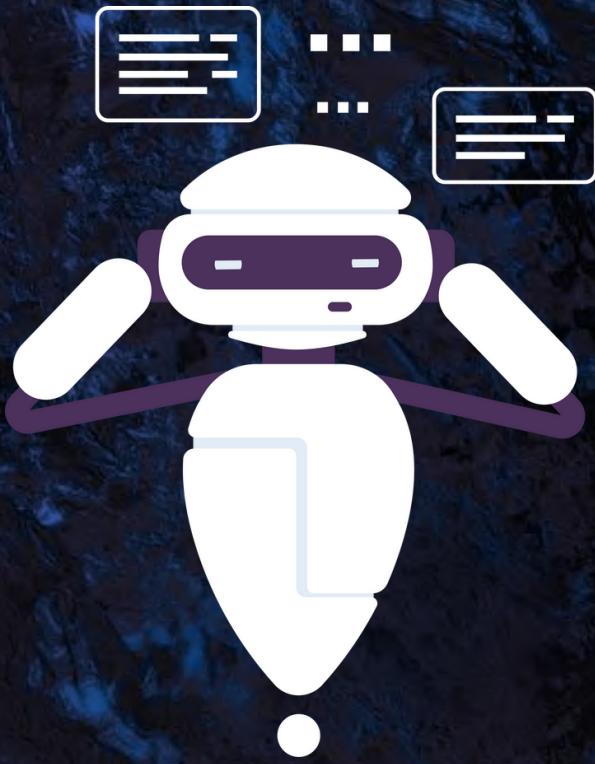


INSTITUTION'S
INNOVATION
COUNCIL
(Ministry of Education Initiative)



नाशिक विश्वविद्यालय

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SECTION ONE

ABOUT LEXTECH

LexTech- Centre for Law, Entrepreneurship, and Innovation focuses on the emerging areas of FinTech, AI, TMT, Online Gaming and Betting Laws, and Data Privacy. The centre publishes a monthly newsletter that provides a thorough analysis about updates in these subject areas. Additionally, the centre hosts a premier talk show called “Tech-Tales: From Code To Courtroom”. It is a platform which hosts legal-tech industry experts who share their knowledge from real life experiences, providing the audience an insight into the legal world.

The Centre aims to promote interdisciplinary research, collaboration, and capacity building in the emerging areas of law as mentioned above. It aims to foster critical thinking and responsible adoption of technology to enhance access to justice, improve legal processes, and address emerging challenges.

LexTech is putting in efforts towards bridging law and technology, disseminating insights through a monthly newsletters, the engaging talk show and much more lined up the coming year! With a commitment to interdisciplinary research, collaboration, and responsible tech adoption, LexTech is a catalyst for a more inclusive and adept legal future, being one of the few research centres having divulged into the niche areas of law.



INSTITUTION INNOVATION COUNCIL

(IIC)

The IIC is a dedicated entity under the aegis of the Ministry of Education, Government of India which focuses on fostering innovation and entrepreneurship among students, faculty, and staff within NLUO. The IIC aims to create a culture of innovation, promote startup ecosystems, and support the development of innovative solutions with societal impact. The collaboration between LexTech and the IIC signifies a purposeful and strategic alignment with the government's visionary goals. By actively operating under the aegis of the IIC, LexTech not only aligns with the broader national agenda but also actively contributes to creating a conducive environment for startups within the higher education landscape. Our current partnerships include MOU's with Startup Odisha and Sri Sri University, Odisha, India. Additionally, under the aegis of Ministry of Education, LexTech has inculcated an Institution Innovation Council (IIC) and has incorporated a Section 8 Company - NLUO Incubator's Forum Pvt. Ltd. Through this company, LexTech strives to incubate new age startups by organizing bootcamps and workshops to scale and grow these businesses.





MEET OUR TEAM



Co-ordinators:
Nikhil Javali – Batch of 2025
Krishna Lohia – Batch of 2025

Writers:
Harsh Mittal – Batch of 2026
Anjali Pande – Batch of 2027
Kushal Agrawal – Batch of 2027
Trishna Agrawalla – Batch of 2027
Lavanya Chetwani – Batch of 2027

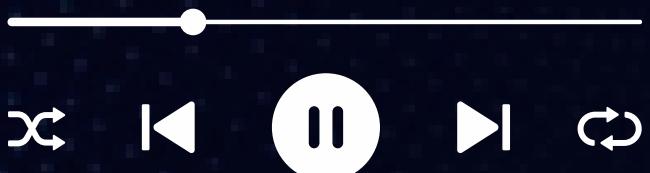
Designers:
Naman Ostwal – Batch of 2026
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Growth and Development:
Gargi Agnihotri – Batch of 2026
Nayana K B – Batch of 2026
Shloka Mathur – Batch of 2026



SECTION TWO

TECH-TALES: FROM CODE TO COURTROOM



In August 2023, LexTech launched "Tech-Tales: From Code to Courtroom," an innovative lecture series exploring the complex intersection of technology and law. This engaging talk show format has become a beacon of information, dissecting emerging legal fields such as TMT, online gaming and betting laws, FinTech, artificial intelligence, and data privacy. Each episode delves into the nuances of these fields through in-depth discussions featuring expert guests from both the legal and tech domains. This unique lecture series fosters critical analysis of cutting-edge legal issues, promoting informed discourse and bridging the gap between technology and the legal system. Tech-Tales stands as a testament to LexTech's commitment to fostering legal innovation and empowering stakeholders to navigate the evolving legal-tech landscape.

This initiative distinguishes NLUO as a trailblazer in the field of legal education, venturing into uncharted territory untouched by other law universities. With four successful sessions already conducted, Tech-Tales has garnered enthusiastic participation from students across NLUO and other colleges. The series has demonstrably advanced the objectives of both the student body and the faculty, fostering a dynamic learning environment that embodies NLUO's forward-thinking spirit. Let's take a moment to reflect on two of our most engaging sessions this year as we delve into our year-end review, spotlighting the dynamic discussions and insightful conversations that unfolded in our groundbreaking talk show!



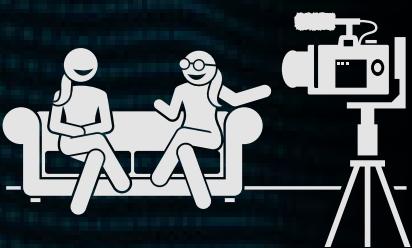
Decoding the New Digital Personal Data Protection Act, 2023



9th September 2023

This episode of Tech-Tales featured Dr. Deborshi Barat, Counsel at S&R Associates, in a comprehensive discussion of the recently enacted Digital Personal Data Protection Act, 2023 (DPDPA). The session delved into the Act's implications for various industries and explored its key provisions from a legal perspective. Dr. Barat emphasised the alignment between data principal rights and data fiduciary obligations, highlighting the need for data fiduciaries to tailor compliance strategies to individual preferences. He provided granular analysis of specific rights, including the right to be forgotten, stressing the requirement for data fiduciaries to limit data usage to its intended purpose.

The discussion further addressed the DPDPA's treatment of sensitive data categories, such as those concerning minors and disabled individuals. Dr. Barat explored the Act's impact on specific sectors like e-commerce and Fintech, emphasising compliance requirements and potential industry-specific regulations. The session concluded with a nuanced analysis of the DPDPA's overall implementation, characterised as a transformative phase with far-reaching implications. Dr. Barat generated insightful discussions around compliance challenges, the evolving landscape of data rights, and industry adaptation strategies in the face of the new legal framework.





Navigating the Fintech Regulatory Landscape



4th October 2023

This episode of Tech-Tales featured Mr. Rajiv Mohapatra, Vice President of Global Legal Compliance at Mastercard, in a compelling discussion on the legal and regulatory landscape of Fintech and Banking. The episode unpacked the frameworks governing payment networks and innovative financial products like mobile wallets, with particular focus on Mastercard's cross-border transaction platform, Send. The discussion explored the interplay between regulations and policies shaping payment networks and Fintech's evolution. Mr. Mohapatra offered valuable insights into the legal and regulatory nuances underpinning Mastercard's Send, highlighting its significance in facilitating seamless cross-border transactions.

Further exploration extended to the Unified Payments Interface (UPI) as a potential avenue for cross-border payments, while also critically examining the impact of pre-paid payment instruments (PPIs) on both customers and merchants. The session concluded with a thought-provoking debate on the defining features of modern finance, delving into concepts like portability and network dynamics.



[WATCH THE ENTIRE SEASON ONE OF TECH-TALES HERE!](#)



SECTION THREE



A 2023 recap: Top news from last year



Every month, Lextech publishes a newsletter that provides a detailed analysis of current legal tech developments. The subject areas include FinTech, AI & Law, Online Gaming, Data Privacy, and TMT. Here are a few of the top developments of 2023 covered by us!

TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS

CENTRE TELLS SOCIAL MEDIA PLATFORMS TO DISCUSS WAYS TO COMBAT THE RISING THREAT OF DEEPFAKES.

NEWS

Amidst growing concerns over the proliferation of deepfakes, the Central Government is set to summon major social media platforms to discuss strategies for mitigating the threat posed by these manipulated videos. This move comes in the wake of a deepfake video of renowned actress Rashmika Mandana that recently went viral.

LEGAL TALK

A deepfake is an image, a video, or an audio recording that has been edited using an algorithm to replace the person in the original with someone else. To deal with such technologies from a regulatory standpoint, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("[IT Rules](#)") mandate specific compliance requirements and safeguards for social media platforms. Messaging platforms must enable the identification of the first originator of content upon a judicial order, facilitating tracking of potential deepfake uploaders. Additionally, social media platforms are obligated to remove any content reported as a deepfake within 36 hours, and failure to do so renders the platform liable for the deepfake content. Further discussions are warranted to enhance and strengthen these measures against the evolving threat of deepfakes.

THE WAY FORWARD

Addressing the challenge of deepfake detection requires a crucial dialogue between the government and social media platforms. Limited identification tools complicate this issue, but social media can leverage artificial intelligence for detection. To enhance this effort, legal procedural reforms are necessary, streamlining authentication processes for digital evidence in deepfake or artificial intelligence cases. Legislatures and courts should further establish forensic standards and provide training for legal professionals handling cases focused on the authenticity of digital content.



TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS

KARNATAKA HC UPHOLDS THE GOVERNMENT'S AUTHORITY OVER SOCIAL MEDIA CONTENT

NEWS

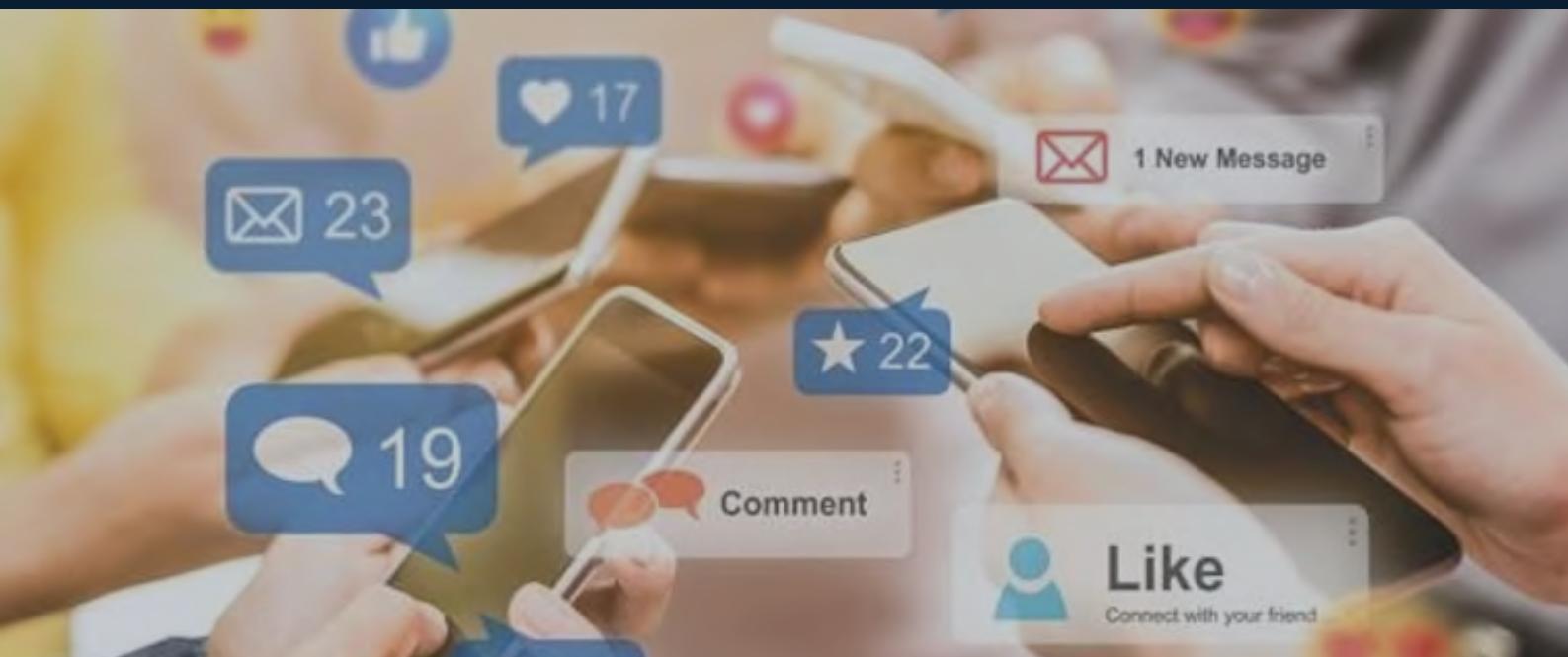
In the matter of X Corp v Union of India, the [Karnataka High Court](#) upheld that social media intermediaries are obligated to adhere to the government's blocking orders without any room for resistance. Further, the court held that Social Media Intermediaries ('SMIs') must diligently comply with the government's blocking orders or promptly initiate legal measures against objectionable posts to avail themselves of the safe harbour provisions under the Information Technology Act, 2000 ('IT Act'); and to avoid potential criminal charges.

LEGAL TALK

In the present case, the government derives its authority to issue content-blocking orders from Section 69A of the IT Act. Under this provision, such orders may be issued to SMIs when the content is deemed highly objectionable and poses a threat to public order, national security, and the sovereignty and integrity of the nation. The responsibility for evaluating objectionable posts lies with the examining committee established by [Rule 7 of the IT Rules, 2009](#). The committee is entrusted with undertaking diligent and reasonable efforts to assess the nature of the content. Additionally, Section 69A of the IT Act confers discretionary power on authorities to communicate the reasons for issuing blocking orders.

THE WAY FORWARD

The [court's decision](#) weakens the right to freely express oneself, as it restricts content without adequately communicating the reasons. This action suppresses digital rights and uses the excuse of "fake news" to limit the right to speech. [Moreover](#), it ignores fundamental constitutional principles and gives the government too much power, establishing a dangerous precedent.



RBI ISSUES PAYMENT AGGREGATOR-CROSS BORDER GUIDELINES FOR REGULATING CROSS-BORDER PAYMENTS

NEWS

Recently, the RBI has issued its guidelines to directly regulate all entities that facilitate cross-border payment transactions related to the import and export of goods and services. Such entities will be termed as Payment Aggregator-Cross Border ('PA-CB'). Such entities were previously regulated by the bank through ad-hoc circulars but will now require RBI approval to function. The RBI has also directed all non-bank PA-CBs to apply for authorization by 30 April 2024. The authorisation may be sought for three categories- export-only PA-CB, import-only PA-CB, and export and import PA-CB.

LEGAL TALK

(i) Authorisation Requirements

In alignment with its goal to directly oversee the operations of entities involved in facilitating cross-border trade transactions, RBI has introduced a mandate for all non-bank PA-CBs to obtain authorization. Additionally, the RBI has explicitly directed all existing PA-CBs to register with the Financial Intelligence Unit-India ('FIU-IND'). This indirect clarification by the RBI signifies that such payment intermediaries will be categorized as 'reporting entities' under the Prevention of Money Laundering Act, 2002, and the associated rules.

Furthermore, payments for imports can be made through any payment instrument offered by authorized payment systems in India, except for small Prepaid Payment Instruments ('PPIs'). For companies exclusively involved in export-related transactions, settling in non-INR currencies will be allowed only for those merchants directly on board by the PA-CB.



RBI ISSUES PAYMENT AGGREGATOR-CROSS BORDER GUIDELINES FOR REGULATING CROSS-BORDER PAYMENTS

(ii) Net worth criterion

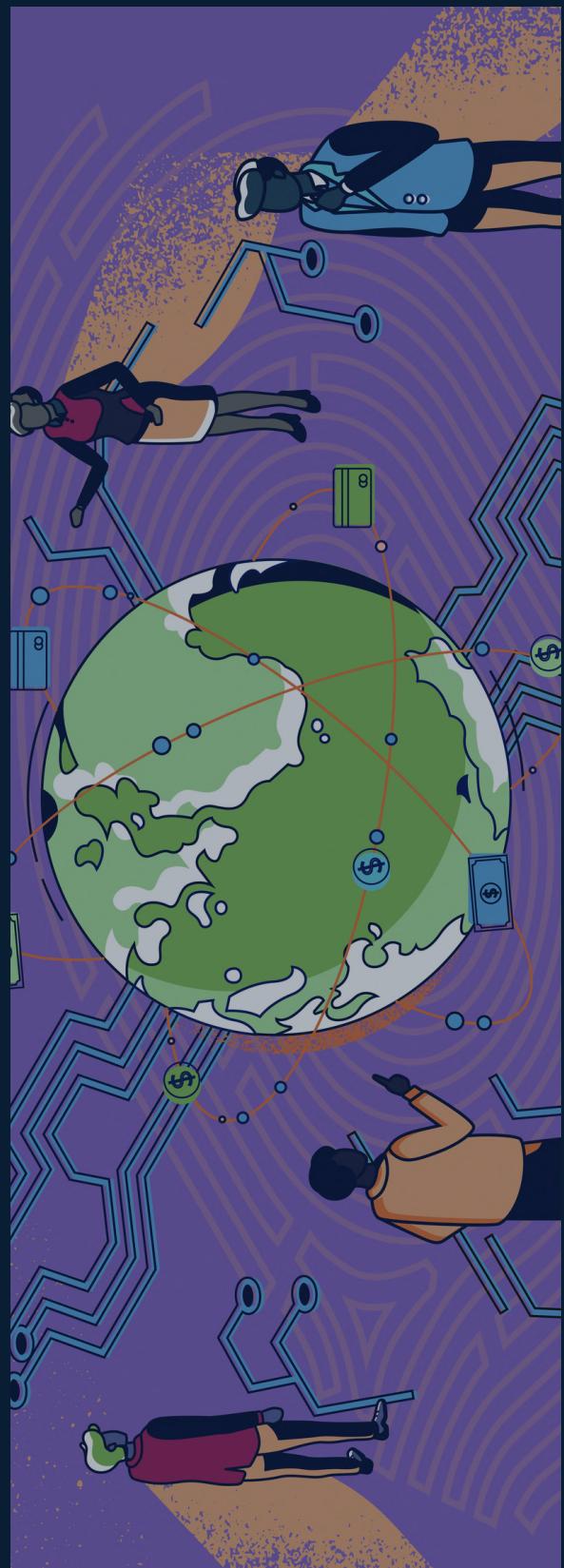
RBI has also introduced a net worth criterion according to which at the time of submitting their applications, these companies must have a minimum net worth of INR 15 Crores. By March 2026, these non-bank PA-CBs must possess a minimum net worth of INR 25 Crores to be authorized to offer cross-border payment services. These guidelines are largely similar to the Payment Guidelines for domestic aggregators. The only difference is that under the latter, applicants are required to submit their net-worth certificates from their chartered accountants while under the PA-CB directions, they have to submit it via their statutory auditors.

(iii) Transaction Limit

According to the guidelines, PA-CBs can process payments for imports and exports only up to a maximum value of Rs. 25,00,000. This limit applies to each unit of goods or services bought or sold, and not on a per-transaction basis. The increased transaction limit set by the RBI offers-CBs more flexibility in handling payments for cross-border trade without requiring specific approvals from the RBI.

THE WAY FORWARD

The central bank's new rules are designed to oversee and regulate all organizations involved in cross-border payment transactions for importing and exporting goods and services. This is in response to the changing landscape of cross-border payments. These regulations will place companies like PayPal and Cashfree directly under the supervision of the RBI, ensuring effective oversight and control of cross-border payment operations.



RESERVE BANK OF INDIA ('RBI') GIVES A GREEN SIGNAL TO FIRST LOSS DEFAULT GUARANTEES ('FLDG')

NEWS

RBI has recently released its [Guidelines on Default Loss Guarantee \('DLG'\)](#) in Digital Lending through which the FLDG arrangement has been allowed, subject to certain restrictions. An FLDG arrangement is a contractual arrangement between regulated entities ('REs') like banks and Non-Banking Financial Companies ('NBFCs') and Lending Service Providers (LSPs) like FinTech companies.

LEGAL TALK

Under this arrangement, these LSPs agree to guarantee the REs losses due to defaults in a particular loan portfolio, up to a certain percentage. Previously, the RBI had completely restricted FLDGs by classifying them as "synthetic securitization". Now, the RBI has permitted LSPs to extend guarantees through the FLDG model up to 5% of the entire loan portfolio. Moreover, the REs can accept a DLG from the LSP if it is only in three forms: cash, fixed deposits with a lien marked in favour of the RE, or bank guarantees in favour of the RE.

THE WAY FORWARD

The introduction of FLDG arrangements is seen as a positive development that will enhance credit penetration and financial inclusion in the digital lending ecosystem. It will also foster greater transparency and enhance deeper partnerships and collaborations between banks, REs, NBFCs, and the new-age FinTechs.



DATA PRIVACY

DEVICE SEIZURE RULES IN BNSS

NEWS

The Bharatiya Nagarik Suraksha Sanhita Bill, 2023 ("BNSS") seeks to replace the Code of Criminal Procedure, 1973 ("CrPC"), to shed colonial vestiges and introduce a series of amendments.

LEGAL TALK

Section 94 of the BNSS empowers the court or the presiding police officer to summon any document or item for investigation, expressly including digital evidence such as messages, call recordings, and emails, as well as electronic devices such as mobile phones and laptops. The government may further specify additional electronic devices through future notifications. While the digitization of India's legal system is generally perceived positively in light of the growing reliance on electronic systems, caution must be exercised during this transition to avoid potential pitfalls. The broad authority to summon any electronic device, coupled with the absence of specific safeguards, raises concerns about the potential for accessing personal information unrelated to the investigation, thereby potentially jeopardizing the fundamental right to privacy as upheld in the landmark judgment of KS Puttaswamy. Furthermore, the BNSS lacks provisions for maintaining a proper chain of custody for digital records, a crucial safeguard present in the criminal laws of developed countries such as the USA and the UK.

THE WAY FORWARD

Unbridled authority to summon electronic devices without safeguards jeopardizes public trust in law enforcement. Insufficient safeguards risk evidence integrity, leading to unjust legal proceedings and impinging on citizens' digital activities. This vulnerability heightens the risk of discriminatory practices, exacerbating social inequalities. To rectify this, clear limitations on authority, criteria for specifying additional devices, and robust chain-of-custody protocols are recommended. These measures aim to protect against evidence tampering and reduce the risk of violating the right to privacy.



DATA PRIVACY

CREATION OF A DATA PROTECTION BOARD ('DPB') UNDER THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023 ('DPDP ACT')

NEWS

Section 18 of the new DPDP Act establishes a Data Protection Board. The Board, as prescribed by this Act, will be a legal entity with perpetual existence, possessing the capability to own property, enter contracts, and undertake legal actions under its name.

LEGAL TALK

Despite appearing to grant increased authority, the DPDP Act 2023 designates the position of a chairperson for overseeing DPB decisions, while assigning the DPB the role of enforcing data protection by including investigations and levying penalties in line with the provisions of the DPDP Act. It is imperative to meticulously examine the practical implementation of the DPB's powers, as they endow the DPB with quasi-judicial prerogatives, similar to that of a civil court. This empowers the DPB to compel individual cooperation, scrutinize documents, and, when deemed necessary, enlist the assistance of law enforcement agencies for investigative purposes. Further, the act designates the Telecom Disputes Settlement and Appellate Tribunal ("TDSAT") as the appellate authority for challenges to decisions of the Data Protection Board (DPB). This means that if a Data Fiduciary is unhappy with a decision made by the DPB, it can appeal that decision to TDSAT. In addition, the DPDP Act gives the Central Government the power to shut down problematic applications or services, on the recommendation of the DPB. This power is only available in cases of recurrent violations of the DPDP Act. The Central Government's power to shut down applications or services is a significant one, and it is important to note that Data Fiduciaries could face serious business disruptions if they are found to be in recurrent non-compliance with the DPDP Act.

THE WAY FORWARD

Moving forward, it is crucial to strike a balance between enforcing data protection effectively and ensuring that the powers granted under the DPDP Act are exercised judiciously. A clear framework for the practical implementation of the DPB's authority must be established, including safeguards to prevent misuse. Additionally, transparent procedures for appeals, such as those involving the TDSAT, should be refined to ensure a fair and timely resolution. Businesses should prioritise compliance to avoid severe penalties and potential disruptions, emphasising the importance of robust data protection measures in the digital era.



GAMING AND BETTING LAWS

GST COUNCIL ANNOUNCES HIKE IN TAXES FOR ONLINE GAMING COMPANIES ('OGC') – NEW TAX RATE TO BE 28%



NEWS

Recently, the [GST Council](#) announced a hike in the rate of taxes on online gaming to 28%, which is to be paid by OGCs. Moving away from the previous model of a tax on the companies' gross gaming revenue ('GGR'), the new tax will be applicable on the full-face value of the bet itself.

LEGAL TALK

Introducing new GST rates have raised concerns that levying tax on the face value (the entire amount of a player) will override the bounds of GST. Initially, the tax was levied only on the amount of money that a person paid for the services that he availed of on the platform, while the remainder was kept by the platform in a fiduciary capacity, which was used by the customer to place a bet. The [levy of the new tax](#) assumes that all online games are either gambling or betting, which is not true. Here, the government has failed to distinguish between skill-based games and chance-based games. Online skill gaming is a legitimate business protected under Article 19(l)(g) of the Constitution. The Apex Court in M/s Games Kraft Technologies Pvt. Ltd. v. Director General of Good Services Tax Intelligence has ruled emphasizing that as long as the [game is of the nature of skill](#), GST would be levied only on the platform fees and not the entire money.

THE WAY FORWARD

The new GST tax rate would hinder the digital India dream, by increasing the illegal and unauthorized offences, which most of them are unregulated. The GST council, therefore should reconsider the new tax rate, make it clearer and more moderate applicable only on platform fees and not on the entire face value.

GAMING AND BETTING LAWS

MEITY'S PROPOSES NEW RULES TO REGULATE ONLINE GAMES

NEWS

The proposed new rules to regulate online games have not yet been added to the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules of 2021, which would require amending the same. The Ministry of Electronics and IT ('MeitY') has tried to bring a new model of self-regulation organisations ('SRO') into the online gaming sector. SROs will be the body that determines if an online game is permissible or not. It is also expected to include experts from different areas, like education, psychology, mental health, and child rights.

LEGAL TALK

The draft gaming rules proposed are issued under clauses (z) and (zg) of sub-section (2) of Section 87 of the Information Technology Act, 2000, which are considered to be critically affecting online games:

- The government will set up SROs, and these will decide the permissibility of a game.
- Online games that involve any kind of gambling will be prohibited, including gambling ads.

Real-money gaming (RMG) on the other hand, will not be allowed unless stakes are placed on the result of the game. The RMG is different from gambling in that it requires you to purchase the chips or coins for real money, which will have a monetary value, and then play. RMG are legal as they are skill-based, and the stakes are not on any uncertain outcomes. These draft rules were introduced by the MeitY through the Government of India (Allocation of Business) Rules, 1961. The rules are based on the assumption that proper regulation will reduce harmful consequences like financial loss, fraud, or the risk of addiction caused by online gaming. This classification of gambling and games of skill by the SRO will be very beneficial for GST, which would provide a stable and equitable platform for the games of skill.

THE WAY FORWARD

These rules will promote online games by boosting the confidence of investors and bringing in stability. This can unlock the potential of a 20-billion-dollar online gaming industry in India.

ARTIFICIAL INTELLIGENCE

LEARNING FROM THE EU'S ARTIFICIAL INTELLIGENCE ACT

NEWS

The European Union (“EU”) has recognized the need to regulate Artificial Intelligence (“AI”). In lieu of the same, it has recently introduced the Artificial Intelligence Act (“AIA”), thereby becoming the first country in the world to do so.

LEGAL TALK

Social scoring is rating a person's level of influence based on evaluating their social networks. This process is discriminatory towards people who do not have a big online presence. Article 5 of the AIA prohibits using AI for social scores, and this will help in protecting a person's safety and rights. This provision aims to respect a value chain by protecting individuals and communities while following the principles of equality, inclusivity and non-discrimination. These principles are the bedrock of the Indian Constitution as well; as seen in Article 14.

THE WAY FORWARD

India can harness the huge potential that AI has on businesses by looking at the EU's AIA. In India, the National Data Governance Framework Policy (“NDGFP”) regulates collection of non-personal data, the AI for All report ensures safety by taking up AI in public sectors, and the Digital India Act provides for redressal and grievance mechanisms. However, these important initiatives do not provide a regulation for collection of personal data though AI and social scoring for research and innovation purposes. Even though India has provisions envisaged in the constitution for equality, and prohibiting discrimination, better regulatory practices are the need of the hour.



ARTIFICIAL INTELLIGENCE

AI SAFETY SUMMIT IN THE UK

NEWS

A significant breakthrough occurred at the [UK's AI Safety Summit](#) ('Summit') as 28 governments and leading AI companies committed to subjecting advanced AI models to safety tests before release. The urgency stemmed from the rapid improvement of advanced AI systems and the potential risks they pose.

LEGAL TALK

The advent of self-learning AI tools has necessitated a thorough understanding of liability attribution in instances where AI actions contravene legal norms. Two potential entities bear the brunt of liability in such scenarios: the AI developer and the AI tool itself. This ambiguity has impeded the widespread adoption of AI technologies. Consider a hypothetical scenario where an AI tool commits a criminal offence. The AI tool, lacking personhood, cannot be held liable for its actions. Simultaneously, the AI developer cannot be held accountable due to the absence of men's rea (criminal intent) in the commission of the offence. However, the Summit has endeavoured to dispel this uncertainty by clarifying that liability will be imposed on the AI developer in such circumstances and similar situations. This clarification serves as a crucial step towards fostering responsible AI development and promoting the ethical utilization of AI technologies.

THE WAY FORWARD

AI continues to revolutionize various industries, ensuring AI safety and upholding human rights have emerged as paramount concerns. The current Indian legal framework falls short of adequately addressing these concerns. However, the AI Safety Summit has taken a significant step towards addressing this gap by highlighting the need for comprehensive AI regulations. India should now prioritize the enactment of specific laws that effectively regulate AI across various domains, thereby safeguarding human rights and ensuring responsible AI development and deployment.



EVENTS CONDUCTED

(i) LexTech under the Institution Innovation Council (IIC), Ministry of Education had successfully conducted a Bootcamp at National Law University Odisha in collaboration with Start-up Odisha Yatra 2.0 and Kalinga Institute of Industrial Technology, Technology Business Incubator.

ABOUT THE EVENT: The Bootcamp was in lieu of spreading awareness for Start-up Yatra 2.0. Multiple experts and resource persons from Start-up Odisha and Technology Business Incubator, Kalinga Institute of Industrial Technology encouraged the students to pitch their ideas and discuss the parameters required for implementing their ideas. Around 150 students attended the Boot camp and 19 teams presented their ideas before the panelist constituted by Odisha Start-up Yatra 2.0.



ii) LexTech sharing the vision of our Honourable Chief Minister Shri Naveen Patnaik organized Startup Odisha Yatra 2.0 in its campus.

ABOUT THE EVENT: The Start-up Odisha van reached National Law University Odisha's campus on 02nd September 2022. Start-up Odisha Yatra 2.0 had been initiated by Odisha's Chief Minister, Shri Naveen Patnaik, and it is a flagship event. It aims at scouting grassroots innovators, women entrepreneurs, and promoting entrepreneurship amidst the youth. The Yatra had successfully covered over 100 educational institutions in 30 districts over a period of 60 days.



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