

ABA INTERNATIONAL SECTION – SOCIETY OF INDIAN LAW FIRMS AND CHARTERED  
INSTITUTE OF ARBITRATORS, INDIA, JOINT SUMMER 2021 ONLINE CONFERENCE

**NEW CHALLENGES AND SHARED INTERESTS BETWEEN U.S. AND INDIA**

Featuring Address by Chief Guest, the Hon'ble Dr. D.Y. Chandrachud, Judge, Supreme Court of India

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U.S. Eastern time shown below (- 9:30 Indian Standard Time; - 5:00 hours GMT)

***Speakers' Brief Profile***

**Hon'ble Justice Dr. Dhananjaya Y. Chandrachud** needs no introduction to the world's legal community. He is the most carefully read and watched jurist of India today.

Soon after becoming a Judge of the Supreme Court of India, Justice Chandrachud wrote for the majority in the unanimous 9-judge bench of the Supreme Court decision in Puttaswamy v Union of India wherein privacy was declared a fundamental right under India's Constitution. In his decision, he noted: "The theory that civil and political rights are subservient to socio-economic rights has been urged in the past and...categorically rejected...by this Court." "Every individual in society irrespective of social class or economic status," he further noted, "is entitled to intimacy and autonomy...and dignity." Privacy, he wrote, was an element of freedom, and development consisted of expansion of people's freedom.

The privacy judgment was followed by several other path-breaking judgments, which includes outlawing prior restraint on speech (Indibilty Creative v Govt. of West Bengal), expanding the rights of menstruating women to temple entry (Indian Young Lawyers Association v. State of Kerala), finding penal law on adultery to be unconstitutional (Joseph Shine v Union of India), reaffirming the right of judicial review (National Capital Territory v. Union of India; Shivraj Singh Chouhan. v. Speaker, Madhya Pradesh Legislative Assembly), among others.

One of the qualities most admired in Justice Chandrachud is his eloquent expression of conviction and reasoning, as when he upheld affirmative action against claims for meritocracy: "A meritocratic system," he wrote for the majority in B.K. Pavitra II v. Union of India, "is one that rewards actions that result in the outcomes that we as a society value...Thus, the providing of reservations for SCs and the STs is not at odds with the principle of meritocracy. "Merit" must not be limited to narrow and inflexible criteria such as one's rank in a standardised (sic) exam, but rather must flow from the actions a society seeks to reward, including the promotion of equality in society and diversity in public administration." Similarly, in Navtej Singh Johar v Union of India, writing for the majority in outlawing homosexuality as a criminal offense, Justice Chandrachud said: "Accepting the role of human sexuality as an independent force in the development of personhood is an acknowledgement of the crucial role of sexual autonomy in the idea of a free individual. Such an interpretation of autonomy has implications for the widening application of human rights to sexuality...Sexuality cannot be construed as something that the State has the prerogative to legitimize only in the form of rigid, marital procreational sex. Sexuality must be construed as a fundamental experience through which individuals define the meaning of their lives." He further noted: "Human sexuality cannot be reduced to a binary formulation...To confine

it to closed categories would result in denuding human liberty of its full content as a constitutional right...The Constitution protects the fluidities of sexual experience. It leaves it to consenting adults to find fulfilment in their relationships, in a diversity of cultures, among plural ways of life and in infinite shades of love and longing.”

Even as a practicing lawyer, Justice Chandrachud involved himself in matters of constitutional and administrative law, rights of HIV-positive workers, religious and linguistic minority rights, and labor and industrial laws. Justice Chandrachud spent many years in the United States when he obtained his LLM and SJD from Harvard Law School. Prior to assuming his present office, he was the Chief Justice of the Allahabad High Court. He is widely mentioned as a future Chief Justice of India, an office once held by his father, Hon’ble Justice YV Chandrachud.

**Amarjit Singh Chandhiok**, Senior Advocate, is President-Elect of the Bar Association of India and former Additional Solicitor General of India. Among the many offices Mr. Chandhiok has held over the years, he was president of the Delhi High Court Bar Association for six terms. He has been twice conferred with honorary doctorates (honoris causa). Mr. Chandhiok focuses his practice in areas of insolvency, arbitration and mediation. Mr. Chandhiok is based in New Delhi.

**Howard B. Miller** is a Fellow of the Chartered Institute of Arbitrators (FCIArb). In the course of his extensive litigation career, he has represented plaintiffs and defendants in all areas of civil litigation. He was for many years a professor at the USC Gould School of Law, where he taught classes on civil procedure, contracts, real property, antitrust, securities and international law. Mr. Miller is a past President of the State Bar of California.

**Jaipat Singh Jain** is a corporate partner at Lazare Potter Giacobas & Moyle in New York City where he represents technology and other businesses in private mergers and acquisitions, private securities offering and commercial transactions. He also supervises dispute resolutions for his clients. Mr. Jain is a co-chair of the South Asia, India and Oceania Committee of ABA Intl. He is also a member and secretary of the board of the Association of the Bar of the City of New York, one of America’s oldest bar association that has over 23,000 members; a member of New York’s Attorney Disciplinary Committee of the First Judicial District, and a Fellow of the American Bar Foundation. He is based in New York City.

**Joseph Raia** represents foreign and domestic individuals and companies in court proceedings, government investigations, and arbitrations relating to commercial, trade and investment matters pending in the United States and abroad. He has worked with the major arbitration regimes, including ICC, ICDR, UNCITRAL and AAA. Mr. Raia is the current chair of the American Bar Association Section of International Law which comprises of about 17,000 members from over 100 countries. Mr. Raia is based in Miami, Florida.

**Lalit Bhasin** is a globally recognized voice of India’s legal community for two decades as president of Society of Indian Law Firms. He has also served as Chairman, and General Secretary, of the Bar Council of India and president of the Bar Association of India. He is also the chairman of the Chartered Institute of Arbitrators, India. Mr Bhasin was awarded a Doctor of Laws Honoris Causa by Jaipur University in 2013, among several other distinguished awards. His areas of focus are aviation, employment, labor, entertainment and media, banking and finance, consumer protection and dispute resolution. He is based in New Delhi.

**Manjula Chawla** is of the founding partner of Phoenix Legal, one of India's leading full-service law firms. Her practice focuses on strategic investments, M&As, corporate finance and restructuring, corruption and compliance investigations, and general corporate and commercial matters. She has also handled complex litigation and dispute resolution matters. A pioneer in India's corporate bar, she focused on transactional work when India first opened to the world in 1991. Her foresight and work have won her many awards, including from the federal government in 2000 for her "excellence in corporate law and for unique contribution in bringing foreign exchange into India."

**Marcos Rios** is a partner at Carey, Chile and co-head of the transactional practice group of the firm. His practice focuses on mergers and acquisitions, government procurement, corporate compliance, insurance, real estate and gaming law matters. Mr. Rios is slated to be the chair of ABA Intl., 2022-23.

**Michael McIlwrath** is Global Chief Litigation Counsel for the GE Oil & Gas division in Florence, Italy. His experience in international arbitration includes representing the company in disputes under the rules of various international and regional arbitration institutions and under ad hoc procedures around the world, and in coordinating the activities of outside counsel in domestic court and arbitral proceedings. He has published numerous articles in the fields of international arbitration, mediation, and negotiation. He is a graduate of the University of California, Berkeley (AB) and Cornell Law School (JD).

**Nancy K. Stafford** is chair-elect of ABA International. Ms. Stafford has a rich and diverse background as a human rights lawyer and professor, corporate finance counsel with big law, an entrepreneur, and as an officer of the ABA Section of Intl. law. She is based out of Newport, RI.

**Paul Edelberg** is partner at Fox Rothchild LLP. For over four decades, Mr. Edelberg's practice has focused on corporate and commercial law for privately owned businesses, with an emphasis on general business counseling, commercial finance, mergers and acquisitions, private equity and venture capital and international trade and cross-border transactions. His multifaceted practice enables him to serve the domestic and international needs of a wide range of clients, particularly those with interests in China. Mr. Edelberg is the chair of the Asia Division of ABA Intl.

**Philip Zhang** is a transactional lawyer with decades of cross-border experience in US, China and Singapore. He is the founding partner of the New York Office of Zhong Lun Law Firm, a major firm in China. Prior to being co-chair of the South Asia India and Oceania Committee of ABA Intl., he was chair of the China Committee. Mr. Zhang has been elected as a Patron Fellow of the American Bar Foundation, and prides himself on having extensively traveled the length and breadth of India and closely follows India's legal developments. In 2008, Mr. Zhang received the "Outstanding 50 Asian American in Business Award" from the Asian American Business Development Center in New York. Mr. Zhang holds a JD degree from Columbia Law School, New York.

**Pradeep Ratnam** is a senior partner in Kochhar & Co. and co-chair of its Infrastructure and Finance Practice Group. Dual qualified in India and the UK, Mr. Ratnam has multi-jurisdictional work experience in the areas of M&A, structured finance and private equity in infrastructure and allied sectors. Prior to joining Kochhar & Co., Mr. Ratnam worked with Herbert Smith LLP, Allen

and Overy LLP and White and Case LLP in London and in Singapore, followed by a period as general counsel in some of India's leading financial institutions in infrastructure area.

**Pratibha Jain** is Group General Counsel and a member of the Management Committee at Everstone. In addition to overseeing all legal matters across the Group, Pratibha also leads Public Policy and Corporate Affairs for the Group. Before joining Everstone, Pratibha was a Partner at Nishith Desai Associates, where she founded their New Delhi office and led their M&A and Private Equity practice. She has over two decades of international and Indian experience and has worked with Sullivan & Cromwell in New York, Tokyo and Hong Kong, with Skadden, Arps, Slate, Meagher and Flom LLP in Hong Kong, and with Goldman Sachs in Hong Kong and Mumbai. Pratibha holds a Master of Laws from the Harvard University, a Bachelor of Civil Laws from the University of Oxford, and a Bachelor of Laws from the University of Delhi. She is based in New Delhi and Bengaluru.

**Sajai Singh** is co-chair of corporate practice at J Sagar & Associates, one of India's leading law firms. His practice focuses on mergers, acquisitions, joint ventures, strategic alliances, restructurings and financings (whether debt or equity), with particular emphasis on cross-border transactions. Mr. Singh is globally well-known as former President of International Technology Law Association and as current Chair of the International Bar Association (IBA) Technology Law Committee. He is based in Bengaluru.

**Shweta Bharti** is senior founding Partner of Hammurabi & Solomon Partners based in New Delhi. An alumnus of Harvard Business School and Bucerius Summer School and Asian Forum on Global Governance, Germany, Ms. Bharti is a leading dispute resolution lawyer in India. She represents clients in all facets of the corporate litigation and strategy. Ms. Bharti is based in New Delhi.

**Trisha Sircar** is a transactional partner at Katten Muchin Rosenman LLP where she works with clients across all industries, including financial services, retail, education, technology and health care. She counsels them on managing and mitigating the risks associated with the collection, use and disclosure of personal data and confidential information. This involves strategizing with clients to develop and maintain a comprehensive and effective global privacy program and assisting them in assessing and managing their day-to-day privacy compliance needs and risks, including in connection with mergers and acquisitions, bankruptcy, cyber insurance coverage selection and other strategic transactions. Trisha is based in New York City.

**V. Lakshmikumaran** is founder and managing partner of Lakshmikumaran & Sridharan, one of India's leading law firms. Mr. Lakshmikumaran advises companies in all areas of taxation, including international taxation and transfer pricing, goods and services tax, customs, excise, service tax, value added tax, foreign trade policy, special economic zones, offering consulting, advisory, litigation and compliance services. He has also successfully represented clients from many countries in several anti-dumping, subsidy and trade investigations initiated by India. His expertise in handling cross border matters and related party transactions is widely recognized. Mr. Lakshmikumaran has handled several high profile litigations and has led the firm in representing clients in over 40,000 litigations before Supreme Court of India, High Courts, tribunals and quasi-judicial authorities. He has played a pivotal role in the development of jurisprudence relating to customs and excise laws in India.