



LexCognito

This issue of LexCognito, which in Latin means 'awareness about law', seeks to provide you an insight into significant legal and regulatory developments that have taken place very recently in India.

Date: 5 August 2023

Data Protection Law - India now determined to take the first step

After multiple back and forth in the process of bringing into force a comprehensive and much awaited Data Protection Regime, the Government of India is now committed to take the first step.

After all, there is no point in endless discussion over details and contentious issues, and not even having a basic framework to protect privacy and thereby jeopardizing the goal of digital India.

In order to ensure smooth implementation and address contentious issues during process, a lot has been left with the Central Government which will later set the rules under the proposed law such as the required exemptions, etc.

To start with, the law seeks to provide for onerous obligations on the companies while collecting and dealing with personal data and provide the control to individuals over how their personal data can be dealt with. The good thing is that the proposed law recognises the legitimate use as one of ground for processing the data instead of deemed consent, which was earlier introduced for allowing the businesses to function.

The duties for individuals and requirement of them exhausting grievance redressal before complaining to the data protection board is aimed at preventing misuse of the law.

The Government will notify countries where data cannot be transferred instead of where it can be. This is certainly a welcome step and will help the industry in continuing and aligning their existing cross-border data sharing arrangements with the proposed law.

Like data protection law in other jurisdictions, the proposed law has also introduced a new obligation on the companies to undertake an data impact assessment before implementing a new project impacting data.

The companies will have time to embrace the change as the law is set to be implemented in a phased manner.

[Join us on Whatsapp](#)

PUBLICATIONS

([Click here](#) to view full list of our publications)

Significant Judgments of our team

[Delhi High Court upheld appointment of independent arbitrator - found appointment procedure under GCC \(un-amended Clause 64\) not sustainable](#)

[Company Court clears Insolvency Resolution Plan framed by Creditors themselves](#)

[Delhi High Court on Disqualification of Directors U/S 164\(2\) of the Companies Act 2013](#)



Chambers of Rajan & Indraneel

E-mail: rajan.gupta@chrilegal.com

Mobile: +91 9810404086

Delhi Address: G-68 LGF, East of Kailash, New Delhi - 110065, India.

E-mail: vinita.sahitya@chrilegal.com

Mobile: +91 9650188649

Bengaluru Address: 106, South Block, Anand Alpine, Opp. Vajramuni Farm, Anjanapura Township, Bengaluru, Karnataka-560108, India.

About us

Chambers of Rajan & Indraneel is a premier full service law firm headquartered at New Delhi, India and also having presence at Bengaluru. The Firm represents amalgamation of vast experiences and practices of its founder, partners and other professionals. Rajan D

Gupta is a rank holder Chartered Accountant turned Corporate Lawyer. He is also a licensed Insolvency Resolution Professional. He has been associated with internationally renowned big law firms in past and has held senior level positions in firms like PwC, Fox Mandal, Khaitan & Co. and SRGR Law, etc. before starting the Firm.

We have a team of experienced Lawyers, Chartered Accountants, Company Secretaries and Insolvency Resolution Professionals with access to network of high quality experienced lawyers in all major commercial cities of India.

The Firm offers a wide range of expert legal services in the areas of corporate and commercial laws and specializes in representing major foreign and domestic corporations with diverse business interests in India. The Firm is professionally equipped to handle large sized and complex corporate transactions like Mergers & Acquisitions, Corporate Restructuring, Joint Ventures, Inbound & Outbound Investments, Private Equity and Venture Capital Investment Transactions, Real Estate Transactions, Infrastructure Projects, Project Finance, Power Projects, Non-Conventional Energy Projects, Highways & Road Projects and Corporate Taxation as well as GST, etc. The Firm also offers proven capabilities in litigation and dispute resolution practice areas, especially in handling international and domestic arbitrations as well as litigation in Supreme Court, various High Courts of India and various judicial and quasi-judicial tribunals/forums including at National Client Law Tribunal, Appellate Tribunals, Tax Tribunals, Competition Commission, Electricity Tribunal, Telecom Disputes Tribunal, Designated Authorities and other adjudicatory bodies.

[Visit our website](#)

[Read about our Japan Business Desk](#)

We have set up a Japan Business Desk (JBD) in order to serve our Japanese clients in a better way. The endeavour of JBD is to act as a bridge between our professionals and clients from Japan so as to ensure that there are no barriers as to linguistic and cultural differences. This will indeed facilitate Japanese corporates doing business in India.

[Contact our Japan Business Desk](#)

[Member of IAG](#)

[Our presence in Europe](#)

[Our presence in Southeast Asia](#)

DISCLAIMER

This newsletter contains general information available in public domain at the time of its preparation. It is intended as a general news update and is not intended to be comprehensive nor to provide specific business, financial, investment, legal, tax or other professional advice or opinion or services. This newsletter is not a substitute for such professional advice or services, and it should not be acted on or relied upon or used as a basis for any decision or action that may affect you or your business. Before making any decision or taking any action that may affect you or your business, you should consult a qualified professional adviser and refer to the source pronouncement/documents on which this business alert is based. It is also expressly clarified that this newsletter is neither a solicitation nor an invitation of any sort whatsoever or a source of advertising from our firm or any of its partners or lawyers or other professionals to create any adviser-client relationship. Whilst every effort has

been made to ensure the accuracy of the information contained in this news alert, this cannot be guaranteed, and neither our firm nor any related person/entity shall have any liability to any person or entity that relies on the information contained in this publication. Any such reliance is solely at the user's risk.