MARATHWADA MITRA MANDAL'S

SHANKARRAO CHAVAN LAW COLLEGE

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"येथे बहुतांचे हित"

Late. Shri. Shankarrao Chavan Founder President | **Shri. Shivajirao D. Ganage** President | **Prin. Bhausaheb Jadhav** Exe - President

Date- 1st February 2022

International Symposium on

"International Commercial Arbitration in Digital World- Challenges and Opportunities"

COVID-19 has posed various challenges before dispute resolution mechanism including restrictions on physical hearings and meetings and therefore Online Dispute Resolution (ODR) become a popular method. Unlike Courts, Arbitral tribunals have also shifted on online platforms and many hearings have been conducted through video conferencing as it was feasible and beneficial for all the stakeholders. However it imposes many challenges before Arbitral tribunals across the globe especially in a commercial arbitration while entering into digital world such as lack of human contact, lack of literacy and awareness, lack of confidentiality and trust, secrecy of proceedings, cultural and linguistic differences and admissibility of evidences etc. With this objective, Centre of Alternative Dispute Resolution of Marathwada Mitra Mandal's Shankarrao Chavan Law College Pune organized International Symposium on "International Commercial Arbitration in Digital World Challenges and Opportunities" On 27th January 2022.

Objectives-

1. To create awareness about ODR
2. To discuss the opportunities in the field of ODR
3. To discuss various challenges before Dispute Resolution Mechanism poses by Covid 19 and its impact on economic growth
4. To come up with solutions to deal with current issues in ADR

The symposium was inaugurated at the auspicious hands of Prof. Dr V. C Vivekanandan, Vice-Chancellor, Hidaytullah National Law University, Raipur. While emphasizing the importance of use of technology in Law, He mentioned the quote by Harold Linestone, "We are approaching the new era with 21st-century technology, 20th-century governing process and 19th-century governance structure". He explained how the Law is inadequate to meet the need of technology. If we tackle the problems associated with ODR with it such as reluctance to embrace technology, low trust in a virtual environment, access issues, legal fraternity not friendly with

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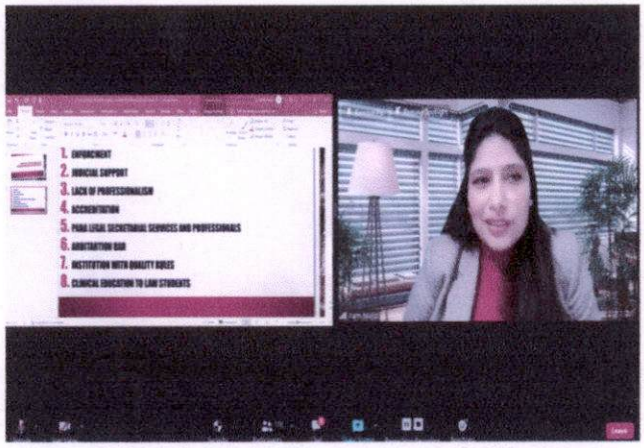
technology, lack of professionalism then it will be useful to have conflict free society considering need of the time.

In the first session, Ms Iram Majid, Director of the Indian Institute of Arbitration and Mediation Cochi, India and Executive Director of Asia Pacific Centre for Arbitration and Mediation addressed to the audience on the topic 'Challenges before India as an International Commercial Arbitration Hub'. She said that it is not the Institution but the Laws of the country which will make the country as an arbitration hub. She focused on the challenges and problems before India as Arbitration Hub such as lack of enforcement mechanism, lack of judicial support, lack of professionalism, problems in Accreditation, need of separate arbitration bar and need of clinical legal education in Law Schools etc. During session, she also focused on the need of strong mechanism to deal with current problems so that we can see India as a Commercial Arbitration Hub at International Level.



Dr. Eleftheria Sp. Papadimitriou, Director of StartADR, Supreme Court Lawyer, and Greece addressed the topic "Use of new technology in Arbitration and Global Privacy Issues". She explained how pandemic has boosted the speed of technology in ADR and how ODR has become a new emerging platform. She emphasized on increasing use of Zoom, Google Meet for ODR and Digital security issues and GDPR principles of data protection which is widely used in

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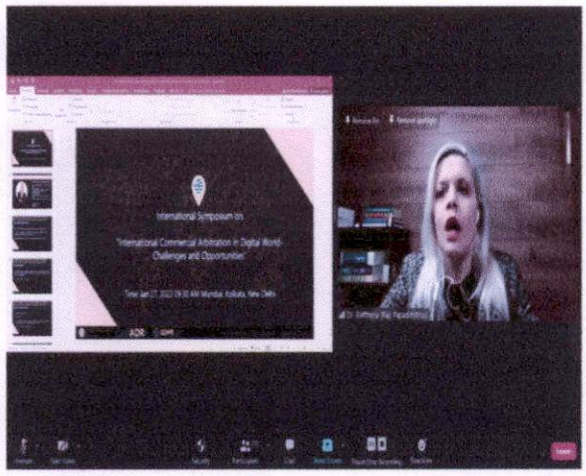
Europe. She focused on the need of E2E encryption which the American Arbitration Association have for the client and arbitrator messages and discussion.



Dr Yulia Kharitonova , Professor of Law, Lomonosov Moscow State University, Russia delivered a session on Digital tools in International Commercial Arbitration Intelligence and Big Data. She discussed how pandemics changed litigation, filing of matters, Court, ADR and Justice System in Russia. She explained the use of AI in the Justice delivery system and ADR along with its limitations. The discussion ended on a positive note that AI robots will never replace human lawyers and judges and it will be a threat to Judiciary and AI can only assess but cannot take complete control over it.

Dr Francis Law, President of Academy of International Dispute Resolution and Professional Negotiation, Hong Kong and Vice-Chairman of Asia Pacific Centre for Arbitration and Mediation. He addressed on the topic "Post pandemic recovery of the global economy through Arbitration and Mediation". Sir discussed effect of the Pandemic on the GDP growth globally and there is increase in issues triggering disputes in the short term, medium-term and long term. He further discussed the impact of Covid 19 on commercial disputes and the opportunities presented by pandemics in dispute resolution and awareness are created among people. He also

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analyzed the Hong Kong International Dispute Resolution Service and how it managed the change along with database of cases.

In the panel discussion, Ms. Iram Majid, Dr. Eleftheria Sp. Papadimitriou and Dr. Francis Law, Panelist from India, Greece and HongKong, have discussed on many issues which prevailing in an International Arbitration especially in this information age. The session was moderated by Programme Officer, Mrs. Krushna Badade. In this session all the panelist focused on the need to spread awareness of ADR and to train the Law students in this emerging field. They also discussed how the technological innovation can help to take ADR to the next level.

Hon'ble Justice R. Y. Ganoo, Former Judge , Bombay High Court was the Chief Guest for Valedictory Program. In his valedictory address, he said that biggest problem in ADR system that it is time-consuming process and lack of professionals. He said with changing times judge should adapt to new technology. He also said that law schools should create more awareness about ADR.

For this symposium, we got huge response from Academicians, Professionals Research Scholars and students. 200 participants across India has successfully participated in this symposium and shared their feedback in excellent category.

Dr. Kranti Deshmukh

Principal, SCLC

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Asst. Prof. Krushna Badade

Faculty Coordinator