

## Achieving Procedural Efficiency and Minimizing Costs of International Arbitrations in India \*

### Summary

**\* Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

The session on procedural efficiencies in international arbitration, part of the Washington Arbitration Update 2024, took place in Delhi, India, featuring a panel of experts discussing the current landscape and potential improvements in arbitration practices. Professor Dr. Siraj Kumar, founding vice-chancellor of O.P. Jindal Global University, emphasized the critical need for effective dispute resolution mechanisms in India, particularly given the significant backlog in Indian courts, which surged from 30 million to 250 million cases post-pandemic.

The panel, moderated by Paula, a partner in a Mumbai law firm, explored two key issues: achieving procedural efficiency and minimizing costs in arbitration. They discussed recent amendments to the Indian Arbitration and Conciliation Act and the establishment of an arbitration bar, highlighting the government's efforts to enhance the arbitration framework in India. The discussion also touched on the importance of adopting innovative practices and diversifying the pool of arbitrators beyond former judges and litigators to foster a more efficient dispute resolution system.

Panelists shared insights on the need for a uniform model of procedural rules and the impact of guidelines from international bodies on local practices. They acknowledged the importance of transparency and the role of credible arbitral institutions in improving the arbitration process. The conversation underscored the necessity of a cultural shift towards more efficient practices, emphasizing that procedural efficiency is not only a technical issue but also a collective responsibility among all stakeholders in the arbitration ecosystem.

In conclusion, the session highlighted the importance of continuous improvement and adaptation to global standards to position India as a preferred hub for arbitration, making the process more accessible and cost-effective for a broader range of parties. The discussions provided a roadmap for future reforms and innovations in the arbitration landscape in India.

## Authors

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## Topics

Procedure, procedural efficiency, minimizing costs, costs, international arbitrations, arbitrations, india

## Category

WAU

## Full Transcript

00:00:04

Good morning, and welcome to

00:00:06

day three day for update

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2024. We've had a fantastic

00:00:18

first three days. We started

00:00:21

in Beijing for 2 days

00:00:23

last week yesterday. We had

00:00:27

sessions and Doha and Washington

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DC and this morning we

00:00:32

started off early at least

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DC time in Singapore. And

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now we're very pleased to

00:00:38

be in in India in

00:00:42

in Delhi and we put

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together a fantastic panel and

00:00:48

our topic is procedural efficiencies

00:00:54

in international arbitration. And this

00:00:59

is of course, I really

00:01:01

important topic for the whole

00:01:03

International. Refreshing field, but we

00:01:05

feel we we felt we

00:01:07

had a lot to learn

00:01:07

from Innovations and work that's

00:01:10

being done in India at

00:01:12  
the deli in in New

00:01:15  
Delhi and Delhi as well

00:01:16  
as at the Mumbai international

00:01:18  
arbitration Centre, which is being

00:01:21  
a big supporter of world

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arbitration update, and we have

00:01:24  
needy here from from Mumbai.

00:01:27  
So really looking forward to

00:01:30  
the panel as part of

00:01:33  
our our introduction. It's my

00:01:36  
pleasure to introduce our speaker

00:01:40  
and host and are collaborator

00:01:43  
from the Opie Jindal Global

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institution University. It's my pleasure

00:01:50

to introduce Professor. Dr. Siraj

00:01:53

Kumar. Dr. Kumar is a

00:01:57

road scholar and the founding

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vice-chancellor of Opie Jindal Global

00:02:01

University in in Yeah, he

00:02:04

was appointed the VC in

00:02:07

2009 when the University was

00:02:10

established and you know really

00:02:14

quite an extraordinary and important

00:02:17

activity here with Professor Kumar

00:02:21

conceiving the idea of establishing

00:02:22

India's first, truly Global University

00:02:26

providing leadership and with the

00:02:31

philanthropic support of mr. Naveen

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Jindal the established a j

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j j g u m

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in sonipat, haryana in 2009,

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and it's one of 20

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universities in India and the

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only non-stem University which has

00:02:47

been declared an Institute of

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eminence by the government of

00:02:51

India. So that's it is

00:02:53

really a pleasure and an

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honor to have. Dr. Kumar

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open our session here today

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and welcome. Dr. Kumar and

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thank you for all of

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your Fatalty and for hosting

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us and for helping organize

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this event today. Very good

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evening to all of you.

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And of course a good

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morning to those of us

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who are attending online. It

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said privilege and a pleasure

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for a set of this

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event. And I think I

00:03:48

will I'll keep my remarks

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very pleased they shoes letting

00:03:54

to Alternative dispute resolution, especially

00:03:57

arbitration is also very critical

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importance in India, but also

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not just you know, the

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latest data point is that

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we abandon seed in Indian

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courts have you know that

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before the pandemic we had

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approximately 30 million cases pending

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in Indian courts and post-pandemic

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that number does Rose 250

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million cases, which is a

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chili means that the legal

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process and they exist. Legal

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mechanisms are not adequately prepared

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to kind of deal with

00:04:39

this extraordinary capacity and the

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kind of you know litigation

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and that is out that

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this also does not mean

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that I course inefficient obviously

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definitely have a lot more

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work to do when I

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got through having more judges,

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but also improving the processes

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at various levels of the

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education system, but it's also

00:05:02

important mention that we should

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be looking at more effective

00:05:06

ways of dispute resolution. And

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of course. The only way

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to do that if India's

00:05:13

aspiration is to develop potentially

00:05:16

dollar economy, if he want

00:05:18

to have a Level Playing

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Field for both Indian and

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international companies and corporations to

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trust the legal system and

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to be able to address

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disputes into especially commercial disputes

00:05:33  
in the morning. If you

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can have greater degree of

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efficiency infused into the process

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little dispute resolution, we undoubtedly

00:05:42  
lead to reimagine the dispute

00:05:46  
resolution mechanism and not only

00:05:48  
lie upon the court base

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the dispute the canisters especially

00:05:57  
application. We really need to

00:06:00  
go a long way when

00:06:02  
it comes to developing a

00:06:04  
better mechanism and not only

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relying upon you know, the

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existing mechanisms do to improve

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I would like to mention

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that if we have large

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number of arbitrators largely drawn

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from the board of the

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bench, especially at the former

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judges as well as lawyers

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at you also run the

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risk of being the same

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challenges that the legal system

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has into this. What's expected

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to be a more innovative

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and more efficient and more

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imaginative dispute resolution mechanism. I

00:06:41  
think it's only fair to

00:06:42  
say that to we need

00:06:43  
to expand and make this

00:06:45  
stop the dispute resolution bar

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in the sense that I

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would take. This should be

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more broad-based. They should not

00:06:54  
only come from litigating lawyers

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as well as judges. And

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of course in India that

00:07:01  
is a tendency to have

00:07:03  
a greater degree of Faith,

00:07:04  
especially among the former judges.

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And while many of them

00:07:10  
are indeed very thoughtful and

00:07:13  
very efficient when it comes

00:07:14  
to deciding matters, but we

00:07:17  
also run the risk of

00:07:18  
carrying the steam the kind

00:07:20  
of seems that the courts

00:07:22  
are used to and then

00:07:23  
that idea of dispute resolution

00:07:25  
was to challenge that part

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of them and to bring

00:07:27  
more efficiency into the process

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as what I also feel

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that too as a discipline.

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We have neglected, you know,

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a Dr. Even within the

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context of our academic institutions

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and very little pleased when

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it comes to WP serious

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academic scholarship courses as well

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as programs that focus on

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a TR if we were

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to really develop a stronger

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metal the mechanism for promoting

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a tiara India. We really

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need to address that at

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the law schools level. We

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need to have a stronger

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focus on developing a new

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paradigm shift when it comes

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to in or recognizing the

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role of dispute resolutions to

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alternative methods. Not only lying

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upon the court. It's only

00:08:22

fair to say that most

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law students went up starting

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an Indian law schools have

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a very limited understanding of

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our McAlister's importing arbitration mediation

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and conciliation. There are very

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few specialized programs even in

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this field. If you could

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look at Forge a United

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States Battleship color Pepperdine law

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school because this process of

00:08:49

a mediation and it starts

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at a mediation has had

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a long history of promoting

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mediation as they're not the

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method of a dispute resolution,

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and I mentioned that as

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an example sentence of Excellence

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which focuses on this Mission

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from the standpoint of arbitration

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and how we can improve

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efficiency. I think it is

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also fair to say that

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we need to educate And

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even impressed upon the bar

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and to some extent the

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bench as well a doctor

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dispute resolution mechanisms need not

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adopt the same procedures and

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processes and that the courts

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have evolved over a longer

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period of time we need

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to become more creative and

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also to focus on solving

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the problems that because many

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a time if you have

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to bring in your shoes

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that are not necessarily purely

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based on Law and I'll

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give you a very good

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example, for example typically in

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law legal matters and mechanisms

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you lie to you know,

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solve disputes. We are focusing

00:10:06

on All or Nothing But

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when you end up just

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going to tell Lonnie km

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approach toward finding a solution

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to a dispute it will

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end up becoming focusing on

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more or less when it

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comes to deciding those matters

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and. The kind of nuanced

00:10:23

approach that dispute resolution to

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arbitration can promote so excited

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that we are having this

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discussion, and I want to

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personally thank my dear friend

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file or for bringing our

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University law school to this

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photo. I also want to

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thank my colleagues up Professor.

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Let me call Joe and

00:10:48

many of the faculty members

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including our own sentence for

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dispute resolution for jointly supporting

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this event with those were

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so I want to get

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want to thank all of

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you for your presence here

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at the international academy, and

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I wish this event every

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Texas. Thank you. So thank

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you very much. Dr. Kumar.

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Let me have the pleasure

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of introducing our moderator today's

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panel and will introduce. Our

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speakers list is a partner

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in the dispute resolution and

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white-collar crime Practice Group a

00:11:23

try legal in Mumbai. She

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is over 13 years of

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experience and handling complex investigation

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high-stake arbitration the commercial disputes

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or practice focuses on conducting

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investigations, involving fraud bribery and

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Corruption and and employee Centric

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issues. She also in addition

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to investigations has a substantial

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part of her practice focuses

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on representing clients in domestic

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and international arbitrations including under

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the various International rules. AAA

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i c c a l

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c i a and c

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I can particular she is

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represented International clients, especially private

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Equity investors funds and multinationals

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in complex cross-border. And disputes

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including as well energy to

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mining infrastructure construction Pharmaceuticals life

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sciences and media and entertainment.

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So it's a real pleasure

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and have a pie out

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here today to take over

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this panel and get the

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discussion going. So thank you

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Paula and thank you to

00:12:27

the members of the panel

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very much. Looking forward to

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this. Thank you so much

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Jen, and I I think

00:12:33  
all of us in India,

00:12:34  
especially I would start with

00:12:36  
the fact that it's a

00:12:37  
great opportunity or to include

00:12:39  
India as a jurisdiction as

00:12:41  
part of the fourth edition

00:12:42  
of the woods arbitration update

00:12:44  
start and we hope this

00:12:46  
continues for the years to

00:12:47  
come on. I want first

00:12:50  
time Professor Raj Singh today's

00:12:53  
session and I think it's

00:12:55  
a great opportunity where we

00:12:56  
keep doing a lot of

00:12:57  
sessions virtually for today. Do

00:13:00  
we are doing it in

00:13:01  
a hybrid mode where the

00:13:02  
keys are the panelists and

00:13:03  
not according to her in

00:13:04  
person to exchange ideas taking

00:13:08  
a few from what professor

00:13:09  
at said. He rightly highlighted.

00:13:11  
What are the issues which

00:13:12  
are playing in the Indian

00:13:13  
arbitration system and the need

00:13:16  
for the changes and what

00:13:18

could be the way forward

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on that note in today's

00:13:22

panel discussion. We are actually

00:13:24

going to focus on two

00:13:25

major issues, which is in

00:13:27

relation to achieving procedural efficiency

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and How do we minimize

00:13:33

course when it comes to

00:13:34

arbitration in India? I think

00:13:37

it's a known fact that

00:13:39

we all practitioners the government

00:13:42

the private parties including national

00:13:47

Indian corporate houses. We would

00:13:50

all look towards a situation

00:13:52

where India can become a

00:13:54

hub for arbitration and very

00:13:56

user-friendly jurisdiction. To this end

00:14:00

of the CVS in the

00:14:01

government and various some of

00:14:04

the pages amendments to the

00:14:05

existing Indian arbitration and conciliation

00:14:07

act which has happened over

00:14:09

the last decade has seen

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amendments coming in 2015 19

00:14:14

and 21 Amendment which of

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common pleas for the ruling

00:14:24

from the Supreme Court as

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well as various High courts

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of the country actually shaved

00:14:31

how the arbitration landscape will

00:14:33

be in India and that

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has also prompted to bring

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about a lot of statutory

00:14:38

changes to address various nuances

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and situations, which may not

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have been handled through the

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judicial innovation. And one of

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these two of these key

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aspects actually is procedural efficiency.

00:14:53

How do you conduct arbitration

00:14:55

proceedings in India? And how

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do you ensure that the

00:14:58

costs to the minimum? I

00:15:00

would believe is the biggest

00:15:01

concern no matter which party

00:15:03

you're representing going out with

00:15:12

you and it's only last

00:15:14

week in India that we

00:15:15

have seen. The launch of

00:15:16

an arbitration bar itself is

00:15:21

actually moving and the intention

00:15:24

of the government and institutions

00:15:26

together to bring about a

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separate bag, which is focusing

00:15:29

only on arbitration professional. The

00:15:33

other development which we saw

00:15:34

earlier this year is the

00:15:36

expert committee report which Cayman

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in February where it was

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submitted to the Ministry of

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Education law in our country.

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The recommendations have been put

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forward but it has been

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given is available to the

00:15:57

third party, but it's not

00:15:59

officially dead. How does the

00:16:01

reason why we discuss what

00:16:03

the report is what the

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recommendations are at the outset.

00:16:07

I'm going to make it

00:16:08

very clear that the ideas

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used informants didn't buy all

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the battles over here today

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and it is not a

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representation as to what the

00:16:21

concerns where and how the

00:16:23

government is going to take

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it forward. as I mentioned

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earlier about procedure cost at

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every stage of the arbitration

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from dropping off an arbitration

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clause and then the time

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he actually finish the enforcement

00:16:43

and your client be happy

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for having received what they

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had started out this entire

00:16:47

arbitration it says BF try

00:16:55

to actually buy for kedar

00:16:57

to deception into four limbs

00:16:59

addressing several issues within the

00:17:02

arbitration system So I'll be

00:17:06

I'm going to start with

00:17:07

the series panel is I

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will introduce each of the

00:17:09

panelists by posing the questions

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with them and we'll move

00:17:12

forward with that itself is

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the model Jewels which we

00:17:18

have or do we need

00:17:21

soft slow instrumentals sell. I'm

00:17:29

just adopted when it comes

00:17:31

to India. India we seem

00:17:34

to have a drink. Especially

00:17:37

when it's done and to

00:17:49

ensure that the arbitrator is

00:17:52

compelled to look into this

00:17:54

application so that it does

00:17:58

not look like you process

00:17:59

is not it could not

00:18:02

meet at the award itself.

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Back in 2017. We had

00:18:13

to Justice traditional committee report

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which recommended procedure. Which Barbie

00:18:23

should adapt with modification Amendment

00:18:36

question. What is the what

00:18:41

is the binding nature of

00:18:43

such soft slow instrumentals international

00:18:46

flight or the guidelines with

00:18:48

a cross from the association?

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On this note. I'm going

00:18:53

to stop to this panel

00:18:55

discussion with the very first

00:18:57

question to dr. Gashi, but

00:18:58

I think who needs no

00:19:03

introduction given his role. He

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plays when it comes to

00:19:06

the committee itself when it

00:19:08

comes to any kind of

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issue and we want is

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your invoice as to how

00:19:12

the government has looked into

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issues the recommendations to talk

00:19:17

processed and sent him. How

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does he see that when

00:19:28

we look at these soft

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cloth instrument whether it be

00:19:31

the IBA guidelines the rules

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on taking of evidence or

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conflict of interest party representation,

00:19:39

do they make a difference

00:19:40

when it comes to arbitration?

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according to the top of

00:19:48

the Mediterranean Porsche, Newport Avenue

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Oz tuning of an arbitrator

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using of evidence and examination

00:20:23

examination of the documents some

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of the experiences, there must

00:20:42  
be a hearing by the

00:20:44  
tribunal on the issue of

00:20:46  
thinking of everyday thinking of

00:20:53  
memories of fact evidence of

00:20:57  
Law and Quantum expose one

00:21:06  
of the cases. Did he

00:21:18  
come up with another application.

00:21:19  
He may be permitted to

00:21:20  
produce another expert evidence to

00:21:22  
counter the light Unity found

00:21:25  
in his first report bulldoze

00:21:30  
the whole sanctity of the

00:21:31  
arbitration for the Garden of

00:21:43

Eden on the 5 in

00:21:44

ilorn the Flaming sword on

00:21:46

the last one with all

00:21:51

the 326 Manor Way considering

00:21:55

the investment treaty arbitration or

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International arbitration is a practice

00:22:01

and solvent should be done

00:22:02

in good faith. Constellation app

00:22:18

and coming to the export

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report also officially there is

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no report submitted on behalf

00:22:24

of the law Ministry because

00:22:25

there are differences of opinion

00:22:27

among the members. Do I

00:22:28

need to that committee? But

00:22:30

I'm sure as a part

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of the law Ministry. I'm

00:22:33

very much clear on this

00:22:33

point that the report is

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not officially submitted Blind Justice

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bucket in the using of

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artificial intelligence solutions for men

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that can be considered. There

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is no conflict of interest

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ever coming to the conflict-of-interest

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issue. It also plays a

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very important role by choosing

00:23:10  
the arbitrator's especially including the

00:23:12  
causes. I heard a very

00:23:15  
challenging tasks buy me to

00:23:16  
the nearest Indian artifacts in

00:23:38  
South Compton. The doctor about

00:23:50  
Lydia brought in his realistic

00:23:54  
manner on the part of

00:24:02  
the arbitrator's another possible conflict

00:24:16  
of the name question certainly

00:24:39  
plays an important role and

00:24:41  
in one of the cases.

00:24:50  
Your husband cheat and all

00:25:05  
the 34 plants that have

00:25:07

been alerted and I need

00:25:14

to request a holistic approach.

00:25:18

Whose are concerned accountants are

00:25:20

concerned only a size on

00:25:29

the issue of the right

00:25:30

to disc and disqualification again.

00:25:42

The same time controversial issues

00:25:45

for several hours and debating

00:25:50

on how we're going about

00:25:51

taking pain from that. I've

00:25:57

been given behaved office in

00:25:58

DC about with us today

00:25:59

as a finalist. Which experience

00:26:05

in various Industries has been

00:26:07

an in-house counsel? I think

00:26:09

that takes me to know

00:26:10

how is how differently would

00:26:12

you be with when it

00:26:13

comes to these issues? Next

00:26:17

one schedules the IV guidelines

00:26:19

and when it comes to

00:26:23

arbitration being conducted in India,

00:26:25

or do you feel we

00:26:26

need a separate code of

00:26:28

conduct itself? It's nice to

00:26:29

be interviewed about more efficiency

00:26:32

when it comes to the

00:26:33

arbitration process as whether it

00:26:41

comes to conflict of interest

00:26:43

of document. Do we need

00:26:46

a separate chapter or should

00:26:53

be done? Thank you. And

00:27:00

I would like to thank

00:27:01

the organisers for inviting me

00:27:04

to share my views on

00:27:04

this ready Delavan topic as

00:27:07

Professor Lodge explained in the

00:27:11

median cases are coming to

00:27:25

your specific question on these

00:27:26

laws and all those guidelines.

00:27:31

the meeting which I see

00:27:32

this is did boo impact

00:27:35

in terms of framing of

00:27:37

public opinion. And public opinion

00:27:39

does not in shape in

00:27:42

terms of legislative Fame. lost

00:27:46

cheetah kids song arbitration law

00:27:49

the history of arbitration law

00:27:51

in terms of You been

00:28:03

today if you notice 2015

00:28:05

Amendment 2020 amendments in films

00:28:12

of providing the infrastructure which

00:28:15

ended in Destiny. there are

00:28:21

certain mechanisms which have already

00:28:22

been provided in 2015 amendments

00:28:24

2021 amendment in terms of

00:28:28

you know various issues with

00:28:30

the industry was something effectively

00:28:40

I've been meaning to talk

00:28:41

about efficiency. I didn't cost

00:28:44

an impossibility. And on this

00:28:48

time costing enforceability if we

00:28:52

are failing and perhaps that

00:28:54

is something significant ecosystem. if

00:29:02

you notice and are you

00:29:06

paint in terms of even

00:29:09

listing that in talking that

00:29:11  
that just be afraid to

00:29:13  
be miserably failed in terms

00:29:15  
of not providing the light

00:29:16  
legal dispute resolution mechanism to

00:29:20  
the engine industry. Bentonville AR

00:29:24  
Solutions you give Nation about

00:29:25  
code of conduct put in

00:29:31  
a situation where legislative changes

00:29:36  
if they are sort of

00:29:43  
colorful. Do I asked myself

00:29:45  
this question? I am feel

00:29:49  
pain, but I see cases.

00:29:53  
which are pending in engine

00:29:54

codes for last 15 years

00:29:56

in section 34 a Having

00:30:13

said so the fact remains

00:30:15

that in this legal ecosystem

00:30:18

Orion ecosystem your own conscious

00:30:22

about making your phone making

00:30:24

changes. Everybody's interested in providing

00:30:27

the right infrastructure. I need

00:30:30

to be in which and

00:30:32

I mean answer this question

00:30:34

perhaps later. But the problem

00:30:42

entirely. You would use the

00:30:51

what innervation I can use

00:30:53

the word indifference. I can

00:30:55

use the word interruptions. So

00:30:57

I think something that would

00:30:59

have needed in this whole

00:31:01

ecosystem which sportswear these cases

00:31:07

and timidly and solve the

00:31:14

problem and just last night

00:31:16

on this particular issue and

00:31:18

I think they have like

00:31:19

the problem. beer in Julian,

00:31:23

Lowcountry in multiple ways Equity

00:31:36

gets so dominating in a

00:31:41

Minds. You cannot solve the

00:31:49

commercial problems. You cannot sell

00:31:51

the business issues from this

00:31:54

yardstick of equity. Interpret the

00:32:02

contract and then come to

00:32:04

a conclusion if you end

00:32:06

up using it. Commercial dispute

00:32:11

resolution perhaps you will end

00:32:12

up for drinks and he

00:32:13

would always thank you. Ezekiel

00:32:35

I need to know something

00:32:36

weather in an institution government

00:32:39

or private practitioner even before

00:32:44

but I think shifting yours

00:32:48

from that which take me

00:32:50

to drop off food at

00:32:52

private practitioner on the panelists

00:32:54

and who is based out

00:33:00

of the lease also has

00:33:01

it feels having worked with

00:33:03

the government in the past

00:33:04

in the international treaties Department.

00:33:07

While I acknowledge the fact

00:33:09

that the report is not

00:33:10

submitted. I think it still

00:33:12

takes me back to the

00:33:13

place and talk about the

00:33:21

recommendations which have been foothold

00:33:22

how it would be implemented

00:33:24

a procedure which have been

00:33:32

suggested for bringing about efficiency

00:33:34

on this Edition. Is there

00:33:37

actually brought in as a

00:33:40

practitioner of something. My mother

00:33:46

said that it may not

00:33:47

be that legislation is everything

00:33:50

is there a need for

00:33:51

more of judicial innovation? Thank

00:33:57

you. Dr. Kumar in and

00:34:04

perhaps something that you know

00:34:11

is to be taken up

00:34:14

and a very key part

00:34:15  
of this report is the

00:34:17  
is the model rules of

00:34:19  
procedure and Immortal rules of

00:34:22  
procedure has been asked for

00:34:25  
the report and the intent

00:34:27  
of repairing the model rules

00:34:28  
of procedure is to ensure

00:34:31  
some certainty and uniformity in

00:34:34  
matters of procedural steps. So

00:34:39  
this is for those who

00:34:42  
have not seen or read

00:34:44  
a shot of John to

00:34:46  
3:34 this morning who is

00:34:49

a procedure is any such

00:34:51

as an amendment to section

00:34:52

19 to introduce new articles

00:34:55

under section 19. Can you

00:34:57

eat schedule that lays out

00:34:59

the last procedure the the

00:35:09

specific jobs model rules are

00:35:11

not available. So perhaps without

00:35:14

seeing the fine print and

00:35:17

go since the devil is

00:35:18

in the details. I would

00:35:21

not be able to comment

00:35:22

too much but presumably what

00:35:25

is that model procedure would

00:35:27

be setting out would be

00:35:28

what we would have in

00:35:31

any domestic or International obligation.

00:35:33

Of course, this model rules

00:35:35

is meant only for Indian

00:35:38

seated arbitrations, for example with

00:35:43

an international reputation automatic arbitration

00:35:46

as a practitioner would start

00:35:49

with something like a case

00:35:51

management conference sets out steps

00:35:54

word party shooting. And then

00:35:57

to file pleadings and determine

00:35:59

other issues like consolidation filing

00:36:02  
your job pleadings appointment of

00:36:04  
witnesses and experts like a

00:36:06  
dog tick topical issues it

00:36:09  
in possibly some information on

00:36:11  
emergency measures. So the question

00:36:15  
of whether this increases efficiency,

00:36:19  
possibly, I mean that is

00:36:22  
something that needs to be

00:36:23  
seen but it probably will

00:36:25  
bring in some harmonization it'll

00:36:28  
bring in some transparency definitely

00:36:30  
because the report also suggests

00:36:32  
one of the reasons for

00:36:33

this procedure is not just

00:36:35

so that that is more

00:36:37

system and guidance for applications

00:36:41

that are not held in,

00:36:42

you know, metropolitan cities so

00:36:44

that I would say is

00:36:45

that this will help to

00:36:46

bring arbitration to efficiency across

00:36:49

India and I think that

00:36:50

is very important because recourse

00:36:53

to Legal remedy that obligation

00:36:55

should be Where in India

00:36:57

to make a decision for

00:36:59

for the parties for the

00:37:00

clients involved whether it's private

00:37:02

parties of government parties, so

00:37:04

but it increases efficiency, which

00:37:07

is the main issue. It

00:37:09

depends on a lot of

00:37:10

factors a different. Of course,

00:37:11

I think a lot of

00:37:12

it was this model procedure

00:37:14

while it's an indication for

00:37:16

the tribunal if he's actually

00:37:20

on councils and you know,

00:37:22

like I said, like myself

00:37:24

because you know, we contribute

00:37:26

to issues that come up

00:37:28

and I think I saw

00:37:30

was mentioned initially that now

00:37:32

we have an obligation but

00:37:34

and is dr. Sanjeev mention

00:37:36

that does need the need

00:37:38

for code of conduct we

00:37:39

need a code of conduct

00:37:40

is in 4 oz and

00:37:42

perhaps this application bad is

00:37:43

welcome step in the in

00:37:45

the in the front and

00:37:49

So I think it's good

00:37:50

that this is created alongside

00:37:52

to improve efficiency specific issues

00:37:57

that are some great ideas.

00:37:58

For instance. The report specifically

00:38:00

recommends amendments two other sections

00:38:02

for example section 23, which

00:38:05

is in 2019 regarding the

00:38:11

time limit to file pleadings

00:38:12

of six months because it

00:38:13

was an issue of whether

00:38:15

6 months is minimum or

00:38:16

maximum. So what this this

00:38:19

report says it should be

00:38:20

the maximum. So the question

00:38:22

is will this model procedure

00:38:24

be harmonized along with these

00:38:28

sections that section 23 or

00:38:30

24 that talks about conduct

00:38:32

all the way up to

00:38:34

issuance of the award. So

00:38:36

so the question is that

00:38:38

or whether these sections also

00:38:39

will have to have amendments

00:38:40

in that case specifically on

00:38:43

timeline. So they are some

00:38:46

question marks, I think which

00:38:49

We would love you don't

00:38:50

need to address and whether

00:38:53

they be more amendments required

00:38:54

for the rest of the

00:38:55

sections up to section 27

00:38:57

onwards and I think as

00:39:00

dr. Sanjeev men has been

00:39:02

decades. The last decade has

00:39:04

seen Improvement or somebody some

00:39:07

steps image of steps taken

00:39:08

the legislative perspective of the

00:39:14

Judiciary or anywhere else. I

00:39:18

think it is it is

00:39:19

from everywhere, you know tomorrow

00:39:22

if I have to take

00:39:22

these moral to the procedure

00:39:24

until my plan. This is

00:39:25

a procedure. You have to

00:39:26

follow how will they perceive

00:39:29

it? That is a very

00:39:30

important question and the second

00:39:32

as I said councils, of

00:39:37

course beaches Video Vision in

00:39:38

this report recommendation. So this

00:39:42

entire operation system is a

00:39:45

self-correcting system. So we keep

00:39:47

learning Wiki And while I

00:39:51

said, this is a right

00:39:52  
step in harmonization. It is

00:39:54  
very important how it is

00:39:56  
going to be official need

00:39:57  
to be. Thank you. Acura

00:40:00  
Mia guideline this model when

00:40:10  
you have an infection can

00:40:14  
be seen at 3 and

00:40:15  
I have a marriage of

00:40:18  
all of this coming together

00:40:19  
to actually see the settings

00:40:23  
on the landscape in India.

00:40:25  
It says to another level

00:40:26  
and the parties in different

00:40:37

forms of attrition landscape are

00:40:39

hopeful about it. We are

00:40:41

moving towards the right direction

00:40:42

and hopefully baby want to

00:40:45

see it when it comes

00:40:46

to navigation. I think they

00:40:49

expected since I think one

00:40:52

of the aspects which was

00:40:53

introduced in our application act

00:40:55

itself is a form of

00:40:57

arbitration depending on the ending

00:41:00

of the issue. I will

00:41:01

Foster mode of resolving the

00:41:03

dispute. Yes several institutional operations

00:41:13

center in India itself. We

00:41:18

have India international arbitration Centre.

00:41:21

We have the deli arbitration

00:41:22

center Inc. Based in Hyderabad

00:41:25

institutional arbitration in India. Where

00:41:31

is mr. Chen to see

00:41:32

friend when it comes to

00:41:35

dispute International arbitration? There may

00:41:38

be a tendency to go

00:41:39

to the foreign institutions weather

00:41:41

in b c a l

00:41:42

c i f i c

00:41:43

c a smile on her

00:41:48

face that changes in the

00:41:50

years to come and the

00:41:51

Indian institutions actually are able

00:41:53

to administer but even when

00:41:55

it comes to International arbitration

00:41:57

Don't be see a step

00:41:59

towards institutional arbitration in India.

00:42:01

There are still melt option

00:42:08

at Capri to feel that

00:42:11

if you want to delay

00:42:12

the actual process because what

00:42:16

does ad hoc arbitration be

00:42:17

treated as that, it's a

00:42:19

pretty color. So there's going

00:42:20

to be more litigation happening

00:42:22

and you can keep avoiding

00:42:23

the end result for as

00:42:24

long as you want. Address

00:42:28

that obviously the Indian operation

00:42:30

I came up with radius

00:42:32

reform several amendments. We have

00:42:34

the fast track procedure concept

00:42:38

of a document on the

00:42:38

arbitration. We have emergency evacuation

00:42:42

depends what your end goal

00:42:52

is. There is a way

00:42:53

and you can fast in

00:42:55

the process. You don't have

00:42:56

to wait for the entire

00:42:58

arbitration process and if it's

00:42:59

not a big some of

00:43:01

us need to get into

00:43:03

a detail long operation or

00:43:06

actually post me I've done

00:43:07

but they did not see

00:43:16

the need for having evidence

00:43:17

Witnesses. Everything was done through

00:43:19

documents at 7. Which brings

00:43:22

me to the question and

00:43:23

also obviously introducing new EP

00:43:25

on the panel who needs

00:43:26

no introduction activities right there

00:43:34

on the map. Everybody across

00:43:37

the globe knows that MCI.

00:43:38

I think, it's Mom and

00:43:43

I thank you for taking

00:43:46

it where it is today.

00:43:46

How was Dee actually dealing

00:43:59

with these signs of habitation

00:44:01

proceedings when it comes to

00:44:03

administrative. I'll be actually ensuring

00:44:07

that they are cricket and

00:44:08

shorten conducting competition proceedings in

00:44:12

the manner in which Thank

00:44:16

you. Bye I just saw

00:44:17

wish that you get the

00:44:18

institution at the beginning and

00:44:20

not at the last is

00:44:22

now going to be my

00:44:23

Endeavor going forward that your

00:44:25

cousin solution application is changing

00:44:26

but we're still part of

00:44:28

at the last religious proselytizing

00:44:29

and as you see the

00:44:31

panel also that I've been

00:44:32

going on the last recipe

00:44:33

that has to change the

00:44:39

baby today. I am not

00:44:40

speaking on behalf of the

00:44:42

ncia, but I think I

00:44:43

speak on behalf of the

00:44:44

institution arbitration in India change

00:44:47

early because I have a

00:44:48

very difficult task of comparing

00:44:50

the rules and I'm being

00:44:53

recorded. So I'm very careful

00:44:54

with my colleagues and I

00:44:55

should not come back and

00:44:59

said that usually is that

00:45:05

on a comparative assessment or

00:45:07

divide the timelines on to

00:45:09

four major parts when you're

00:45:11

talking about any institution arbitration.

00:45:13

The first is a time

00:45:15

that you take to appoint

00:45:16

an arbitrator. It says the

00:45:18

second is that if your

00:45:19

arbitrator is challenged them that

00:45:21

how much time and is

00:45:22

Fusion takes to replace an

00:45:23

arbitrator if need be right

00:45:25

then of course is the

00:45:27

most important one is the

00:45:28

scrutiny of avoids. It says

00:45:30

a witch by comparison. I

00:45:33

realize all the institutions which

00:45:35

spider has asked me to

00:45:36

compare on scrutiny. And finally,

00:45:40

of course it is on

00:45:41

the entire timeline of the

00:45:42

arbitration is international arbitration really

00:45:45

getting a few more efficient.

00:45:47

So this is very disappointed

00:45:50

and even if you could

00:45:51

go on to the website

00:45:51

of all these institutions and

00:45:53

pick it up, but I

00:45:54

don't think that all of

00:45:55

us made that endeavor to

00:45:57

do it. So time to

00:45:58

charge me with my case

00:45:59

manager will help. I've got

00:46:01

all the state department for

00:46:02

you. So bear with me

00:46:03

for a couple of minutes,

00:46:04

I will be giving them

00:46:07

CIA. These for the pointing

00:46:14

us to love the traitor

00:46:15

and 28 days. If you

00:46:17

have a three-member tribunal has

00:46:18

the time I am seeing

00:46:22

comparison has 30 days remember

00:46:26

driving for IAC. It's 28

00:46:29

days for a solar the

00:46:30

traitor and 14 days for

00:46:33

the presiding officer in the

00:46:34

three-member tribunal, which is very

00:46:35

distinct because usually in a

00:46:38

three-member tribunal you would see

00:46:39

instructions taking a larger time,

00:46:41

but I seem to take

00:46:42

a small number of time

00:46:44

for appointing a presiding arbitrator.

00:46:47

The next arbitration Center has

00:46:52

no timeline for solar. I'm

00:46:54

not commenting on it and

00:46:55

just telling you again picked

00:46:58

up from their website and

00:46:59

nothing else but for a

00:47:02

three-member tribunal you have the

00:47:04

20 Wendy's timeline and finally

00:47:06

began to see at which

00:47:07

is probably the most popular

00:47:08

international institutions and they have

00:47:12

a similar timeline. Do you

00:47:14

and Isla sorna the tree

00:47:15

job and 14 days order

00:47:17

presiding at the traitor? But

00:47:19

what was very distinct that

00:47:21

I found and again, I

00:47:22

do not know why NCIS

00:47:24

is just came from the

00:47:25

others again not because I

00:47:26

come from MCI as a

00:47:27

good lawyer should keep humping

00:47:29

on the on the disclaimer.

00:47:30

You think I am see

00:47:32

it seems that it is

00:47:34

a registrar along with the

00:47:36

governing Council which makes the

00:47:37

appointment so the appointing authority

00:47:40

to its Consulting the governing

00:47:43

Council you look at IEC.

00:47:45

It says of the chairperson

00:47:47

will appoint the arbitrator in

00:47:49

consultation with an advisory panel

00:47:50

Dia cc's of the chairperson

00:47:54

will appoint the arbitrator even

00:47:56

the sicc that is the

00:47:57

president of the siac coat

00:47:59

with trying to find the

00:48:00

arbitrator under the MCI rules.

00:48:02

It is the MCI Council

00:48:04  
which appoints the arbitrator which

00:48:06  
is not one individual but

00:48:07  
nineteen members on the council,

00:48:09  
so I'm not it's not

00:48:12  
about something which was The

00:48:14  
process them the other but

00:48:15  
it's just a very start

00:48:17  
distinction which I found that

00:48:19  
every other institution has it

00:48:20  
in comparison to watch the

00:48:22  
end of the challenge challenges

00:48:26  
is pretty simple and she

00:48:28  
has a foot injury timeline.

00:48:29

So desire a c s

00:48:31

d i a C &

00:48:32

S i c i a

00:48:34

n z has no provision

00:48:37

for a deadline is simply

00:48:39

says that challenge can be

00:48:41

brought as many become aware

00:48:43

of the circumstances that you

00:48:47

have 14-day timeline to bring

00:48:49

in the challenge. I do

00:48:51

from the appointment to file

00:48:52

the traitor or when you

00:48:53

get to normal circumstance on

00:48:55

the basis of future challenging

00:48:57

the arbitrator all the institutions

00:49:01

actually offered a very light

00:49:03

that stupid no institution will

00:49:06

get into the merits of

00:49:07

the dispute, but you just

00:49:08

to make sure that the

00:49:09

procedural efficiencies maintained and the

00:49:12

timelines Go from again 60

00:49:15

days to 45 days 90

00:49:16

days with different institutions taking

00:49:18

their own time to do

00:49:19

it again. I am see

00:49:21

does not seem to have

00:49:22

any specific timeline. It just

00:49:25

simply ceasing to just driving

00:49:26

so just mortification as soon

00:49:28

as practicable of inside Coors

00:49:34

and we'll set up a

00:49:35

time. We just had a

00:49:36

2015 when you don't do

00:49:38

the 2015 amendments to say

00:49:40

that twelve months ended six

00:49:41

months. I am she has

00:49:50

no specific time line is

00:49:52

he has he has no

00:49:52

specific time line or I

00:49:54

see is more recent. So

00:49:56

they adopted the 2019 Amendment

00:49:58

and said that feeding for

00:50:00

months from the date of

00:50:02

the Constitution of tribal and

00:50:04

does not have a timeline

00:50:05

for the completion of it.

00:50:06

And what must be made

00:50:10

with 18 months. Do you

00:50:13

have a common trait of

00:50:15

18 months does the institutions

00:50:19

provide procedural efficiency? I always

00:50:22

maintain the sudden you have

00:50:24

a third party involved which

00:50:25  
has more skin in the

00:50:26  
game. It really is if

00:50:28  
I would put it that

00:50:28  
way right? It'll party a

00:50:30  
win or the party beer

00:50:31  
in it doesn't make a

00:50:33  
difference of the institutions difference

00:50:36  
is only to make sure

00:50:37  
that they have given you

00:50:37  
in a board is at

00:50:38  
least possible time. The only

00:50:40  
thing that because you want

00:50:42  
parties to come back to

00:50:43

us now did Gal Gadot

00:50:50

competition universalize all the dialect

00:50:52

protected but we have a

00:50:56

good friends and I can

00:50:58

tell you whether he's responded

00:50:59

to the claimant and I

00:51:00

speak on his behalf you

00:51:01

a lot of time is

00:51:03

that as a business you

00:51:05

do not want to be

00:51:06

stuck on navigation, right? I

00:51:08

think it's if a business

00:51:09

is to be as whether

00:51:10

they're claiming of the respondent.

00:51:12

It won't get over there.

00:51:13

You dare me to the

00:51:14

business and look into the

00:51:16

further expansion. That's what is

00:51:18

required to Loyal my heart.

00:51:20

I'm a lawyer as well

00:51:21

as they have their own

00:51:22

Advantage disadvantage reason to suggest

00:51:25

a dialectic. I don't think

00:51:27

the client ever really want

00:51:29

that it's advice properly. So

00:51:32

I think it's usually if

00:51:33

used properly and if they

00:51:35

have a case management can

00:51:37

actually provide a huge turn-on

00:51:39

proficiency and efficiency and how

00:51:42

do you dissolve? Understanding what?

00:51:57

Who is what is the

00:51:58

purpose you're trying to achieve?

00:52:00

And if you really want

00:52:01

a resolution of your dispute

00:52:03

the idea is you would

00:52:05

ask. soon as possible and

00:52:09

the best cost-efficient manner which

00:52:16

I will explain the issue

00:52:29

is is it an equation

00:52:31

which you are willing to

00:52:32

let go or is it

00:52:34

an equation that you want

00:52:35

to continue the business relationship

00:52:37

between the parties on how?

00:52:50

general counsel Amazon had mentioned

00:53:03

earlier about the various modes

00:53:05

of resolving when weather or

00:53:08

whether you want and not

00:53:19

go with the long route

00:53:21

of having a some of

00:53:27

the points which need these

00:53:49

and they said business cannot

00:53:55

wait kneat Solutions emission problems

00:54:01

need immediate resolution expeditious resolution

00:54:06

and if I use this

00:54:09

philosophy, obviously all those organisms

00:54:13

whether they are all galavant.

00:54:22

But it depends what kind

00:54:24

of dispute do you want?

00:54:30

I think matters complex litigations.

00:54:41

You like people Angelo? Continue

00:54:44

T of business in termination

00:54:46

of relationship just to give

00:54:56

you an example. dispute When

00:55:01

did disputes? Call Michelle one.

00:55:08

and when the emotions are

00:55:09

there in any dispute They

00:55:12

are not restricted to your

00:55:14

mechanism of alternative dispute resolution

00:55:16

of arbitrations investigations into on

00:55:26

two or four times. And

00:55:31

we got your normal day-to-day

00:55:33

business related to concern if

00:55:35

there's a continuity of relationship

00:55:37

and if those are simple

00:55:39

problems and all that. Some

00:55:45

of the important things that

00:55:46

they wanted men mention. Yes.

00:55:50

Nikki is a solution as

00:55:51

I said because that kind

00:55:56

of mechanism for the simple

00:56:02

reason that the arbitrators will

00:56:04

get appointed. And with all

00:56:07

due respect. Do not have

00:56:12

that commercial sense that business

00:56:15

orientation is completely lacking exports

00:56:23

of any other law enforcement

00:56:34

agencies began did some of

00:56:37

the pictures might cause the

00:56:39

problems. You're not judgments as

00:56:58

well. It depends on the

00:56:59

facts and circumstances of the

00:57:00

teeth really depends a lot

00:57:13

of factors in the British

00:57:15

Invasion that itself it takes

00:57:22

you to the question of

00:57:23

how do you India humidity

00:58:07

Infernape stats What are we

00:58:19

doing about Cindy in India?

00:58:57

Wendy's across border transaction International

00:59:01

arbitration very quickly responded that

00:59:12

I do, you know any

00:59:15

great institutions, but they are

00:59:22

not always conducive for the

00:59:24

Indian market for the Indian

00:59:26

dispute example Ashley. We had

00:59:34  
an emergency evacuation order which

00:59:36  
was Charlie's in the end

00:59:37  
of our district court and

00:59:39  
parties would think of it

00:59:40  
a lot of time to

00:59:41  
see that you know, what

00:59:45  
you would think of a

00:59:46  
am the baddest record to

00:59:47  
be wary of the Innocence

00:59:49  
of the challenging jurisdiction to

00:59:51  
get your emergency arbitration get

00:59:52  
stopped the world that is

00:59:53  
not as well within 2

00:59:55

months and you hearing it

00:59:57

says we had an order

00:59:59

of the court with Stephen

01:00:00

not going to interfere with

01:00:01

the emergency order. And the

01:00:03

reason they gave is that

01:00:04

they said it's under an

01:00:05

institution rules of MCI. And

01:00:09

an arbitrator appointed of impeccable

01:00:11

Authority and does not that

01:00:12

I charge. So I think

01:00:14

somewhere if you're an Institutional

01:00:16

seal, is there doing a

01:00:18

board the cause of most

01:00:19

sympathetic by the dead of

01:00:21

the checking balance entire process

01:00:23

and the chances of this

01:00:25

has become even less, but

01:00:27

of course you can have

01:00:29

different experiences as well for

01:00:31

sure. Mindset and before we

01:00:37

move to the next of

01:00:38

which are being introduced and

01:00:49

has been suggested in the

01:00:50

report whether it ends up

01:00:52

happening or not is a

01:00:53

different issue. Bring up on

01:01:06

freeform. raimondo's changes and goodbye

01:01:15

and to answer your question.

01:01:17

I must say that yes,

01:01:19

certainly the committee looking into

01:01:21

these aspects. What about Justice

01:01:41

srikrishna committee and a monument

01:01:50

to the arbitration and conciliation

01:01:51

act clear the institutions that

01:02:04

are regulated by the arbitration

01:02:06

Council of India rules are

01:02:14

in place. So stop being

01:02:18

so I must say that

01:02:20

some of these options around

01:02:23

the bases of an analysis

01:02:24

of also speaking about and

01:02:28

debating about the emergency arbitration.

01:02:46

Today apartment kingdoms. Look, how

01:02:48

is prodigiously how fast play

01:02:58

the carpet cleaners are fighting

01:02:59

with each other for expansion

01:03:00

of their car. I've been

01:03:10

losing videos. Of course. I

01:03:13

look ahead and expeditious disposal

01:03:16

the arbitration provision under the

01:03:34

arbitration and conciliation act for

01:03:36

the fast-track arbitration or an

01:03:37

emergency operation. But I don't

01:03:42

agree that there is no

01:03:43

provision under the emergency arbitration

01:03:46

the arbitration committee. I hope

01:03:56

it's never agree with me

01:03:57

that this has been a

01:04:02

little interpretation again and again

01:04:12

and again, it can be

01:04:20

enforced if the place of

01:04:21

arbitration is Amazon for June

01:04:33

issue. I'm happy to say

01:04:35

that. The dog that are

01:04:40

some differences of opinion to

01:04:41

Supreme Court has not denied

01:04:43  
a decline regarding the enforcement

01:04:46  
of arbitration rules regarding first

01:04:53  
record arbitration a document our

01:04:55  
position in this regard. We

01:04:59  
must appreciate the opportunity to

01:05:05  
establish his credentials and Madras

01:05:08  
high court to arbitration rules

01:05:10  
also speaks about his emergency.

01:05:13  
I must say that regarding

01:05:17  
enforcement of this boss strike

01:05:20  
arbitration or emergency arbitration. Even

01:05:26  
the New York convention is

01:05:27  
not clear about enforcement of

01:05:29

his first wife speaks about

01:05:31

on the enforcement of four.

01:05:44

Events in 2015 regarding the

01:05:46

time frame. Signing off on

01:05:49

the border for passing of

01:05:50

an airport 12 months from

01:05:52

the date of factual claim

01:05:54

from the date of final

01:05:58

edition of the Aryan butt.

01:06:12

You can sit out a

01:06:14

situation without any second thought.

01:06:19

It being a new even

01:06:20

at a new mechanism. That

01:06:22

is the world to address

01:06:23

the serious concern. I must

01:06:28

say that from specifically fraction

01:06:30

34 release civil procedure. procedure

01:06:43

in Junction as incompetent. You

01:06:52

should do all this will

01:06:56

certainly be cool at the

01:07:04

right time because my personal

01:07:06

perception about his arbitration after

01:07:08

having most important aspect with

01:07:18

reference to arbitration is What

01:07:23

channel is the morning and

01:07:35

now being asked in the

01:07:39

night arbitration to achieve the

01:07:49  
challenging task? Speedy's Essence if

01:07:55  
all of us together. I

01:08:04  
hope the dream is not

01:08:05  
an Impossible Dream and definitely

01:08:07  
India will be the biggest

01:08:09  
domestic as well as International.

01:08:11  
Thank you. And what we

01:08:26  
can expect in our only

01:08:38  
judge Boston feet. What does

01:08:54  
cause actually mean when it

01:08:56  
comes to an arbitration? Inside

01:09:03  
of you realize how I

01:09:04  
have a three-member Tribunal. Administration

01:09:12  
for 2:50 depending on the

01:09:14  
two parties in a last

01:09:24  
but not least. If you

01:09:25  
have an expert required for

01:09:27  
that particular matter when you're

01:09:35  
drafting the arbitration coz I

01:09:38  
am I dropping an arbitration

01:09:40  
clause in a particular which

01:09:49  
institution I'm going ahead with

01:09:50  
the institution shots to feed

01:09:54  
whether it is done on

01:09:56  
an ad valorem basis. Is

01:09:57  
it home in the charges

01:10:00

he calculated? Obviously, you don't

01:10:04

know what would be the

01:10:05

quantum if there is a

01:10:06

breach. Okay, we can keep

01:10:08

that would be needed for

01:10:17

a bad situations are not

01:10:21

considered finally taken into consideration.

01:10:28

Okay. I'm an Indian party.

01:10:30

I'm entering into an agreement

01:10:31

with the US party in

01:10:33

different things accordingly Society Institution.

01:10:50

Okay, that's promo International arbitration

01:10:53

for spaces to Indian party.

01:10:56

Which also spoke about how

01:11:04

he should be calculated when

01:11:05

it comes to the arbitrator

01:11:07

has to depend on the

01:11:09

salmon the suit itself upon

01:11:14

the salmon dispute which brings

01:11:16

me to the question firstly

01:11:18

I would actually start with

01:11:19

asking the supreme court judgment

01:11:23

which activities dent in detail

01:11:28

when it comes to sing

01:11:29

houses for sale. As a

01:11:33

practitioner, how do you say

01:11:35

this particular ruling in Spanish?

01:11:39

lights at the zoo Thank

01:11:45

you for your guests too.

01:11:47

I think we should take

01:11:48

a step back before to

01:11:50

know how it is even

01:11:51

came about so this whole

01:11:54

idea of schedule for I

01:11:55

think I'm from previous law

01:11:57

commission report, which said that

01:12:00

there is a need for

01:12:01

camping fees. And so that

01:12:05

there is some that is

01:12:06

some reason for various reasons,

01:12:09

but I mean, I have

01:12:17

the freedom to incorporate. He

01:12:19

said he wasn't in a

01:12:21

while appointing an arbitrator, of

01:12:22

course a court-appointed arbitrator, of

01:12:25

course, as of today that

01:12:27

I think will be 3

01:12:28

or 4 high court which

01:12:29

have actually in True Detectives

01:12:31

in there. Again, it's only

01:12:34

for a Job Corps department

01:12:36

arbitrators and not any other

01:12:39

at her competition. So I

01:12:41

think he has in mind

01:12:43  
into the 2015. Amendment or

01:12:45  
schedule for was introduced along

01:12:47  
with sex with Vinny and

01:12:49  
Aunt before going into the

01:12:51  
DC case. Now, the current

01:12:54  
report division of the committee

01:12:55  
report is actually suggesting to

01:12:58  
completely do away with that

01:12:59  
completely with my dad and

01:13:01  
this is because of all

01:13:02  
the feedback perhaps that came

01:13:04  
into the report into the

01:13:06  
committee following of course the

01:13:08

twins the Afghans are being

01:13:10

a suggest kids. Now if

01:13:20

a body is an arbitrator,

01:13:23

can you actually decide the

01:13:24

fee and be whether there

01:13:26

should be a separate fee

01:13:28

for claim and counter-claim and

01:13:30

and of course I did

01:13:32

was the day of the

01:13:35

last capital for each other

01:13:37

trailer over there. I would

01:13:39

think the third question was

01:13:41

quite easily answered that it

01:13:42

was 480. And I was

01:13:45

also clear that it would

01:13:47

be separate fee for claims

01:13:49

and counter-claims the first part

01:13:52

of the Dutchman State that

01:13:58

kind of the interior light

01:13:59

on other judgments to say

01:14:00

that you know what the

01:14:03

fee is of course again,

01:14:06

it was a big decision

01:14:09

for the Idaho conversations dead.

01:14:11

And it said that the

01:14:13

thief will be determined as

01:14:15

per the consent of the

01:14:16

parties and and pieces that

01:14:20

they can obesity is there

01:14:22

is constant of bodies of

01:14:23

their concept of the opportunities

01:14:25

at the beginning of the

01:14:26

application then you know, a

01:14:29

potato's can go beyond the

01:14:30

schedule. Now. Of course brought

01:14:33

a lot of issues under

01:14:34

this was and you know,

01:14:35

we must remember that when

01:14:37

Jesus vs you so what

01:14:39

happened sometimes I grow in

01:14:40

the government is supposed to

01:14:41

be forthcoming alliances when there's

01:14:44

a Mission for 1 p.m.

01:14:46

C-141 Department, it sort of

01:14:49

becomes cross-cutting and there's a?

01:14:51

Whether it should be applicable

01:14:52

for all departments. And so

01:14:56

if there is another application

01:14:58

say none of the ministry

01:15:00

of that is a windshield

01:15:01

some other application. So there

01:15:05

was an issue across. I

01:15:07

don't know if it's still

01:15:08

going and they were some

01:15:11

of my clients, clients who

01:15:13

raised this issue an ongoing

01:15:14

arbitration whether they should actually

01:15:17

you know, what is this

01:15:19

issue. The point is that

01:15:22

you know, what happens is

01:15:26

once the distance of different

01:15:28

said in the beginning practically

01:15:30

and if as you said

01:15:32

to buy a large quantity

01:15:33

of Limbs is not related

01:15:35

to me native of the

01:15:37

length of the application, so

01:15:39

it could be a small

01:15:40

value claim and I can

01:15:41

still go on for many

01:15:42

hearings and sessions depending on

01:15:44

The applications filed the other

01:15:48

issues in the application so

01:15:50

wildly judgment has you know

01:15:53

did he said some things

01:15:56

that I need for the

01:15:58

determination and it has given

01:16:00

some autonomy does not that

01:16:02

that is a set. You

01:16:04

know, we can go beyond

01:16:06

the schedule if I disagree

01:16:07

so they can send is

01:16:09

all very cozy body autonomy

01:16:11

is up here. So I

01:16:12

think that way that it

01:16:13

is a good judgment, but

01:16:16

now completely doing away with

01:16:19

not having something at all

01:16:21

as per the report recommendation

01:16:23

if take a nap may

01:16:24

not be the best way

01:16:25

forward and you know what

01:16:28

that has to be some

01:16:30

scale. Of course in my

01:16:32

experience very do investment treaty

01:16:35

obligations. You can see that

01:16:38

the Indian most of the

01:16:41

India. Arbitration rules because we're

01:16:46

not members of the exact

01:16:47

the exact actually has fees

01:16:51

for a birthday. Dinner is

01:16:52

on what devices are on

01:16:54

a day of 1010 I'll

01:16:55

bet is a course in

01:16:57

Idaho cavitations, which I have

01:16:59

dealt with under a collaboration

01:17:01

tool. There is no really

01:17:02

sexy for potatoes, but it

01:17:05

said for potatoes which has

01:17:10

identified in during the initial

01:17:14

stages of the arbitration from

01:17:17

International practice into does he

01:17:20

know what you're doing. This

01:17:25

is I think we can

01:17:26

order worry with it. And

01:17:27

it for example in the

01:17:29

ICC that is a you

01:17:30

have those cost calculator to

01:17:32

determine support is available in

01:17:35

advance at you as if

01:17:35  
they are going to be

01:17:36  
a certain level, of course,

01:17:39  
so I think we can

01:17:40  
do away with the actual

01:17:42  
table. Of course. We should

01:17:45  
have an estimate Council should

01:17:46  
tell the party is different

01:17:48  
in advance that this is

01:17:49  
what they going to be

01:17:51  
till we don't know whether

01:17:57  
they come in this mess

01:17:58  
going, but we should not

01:18:00  
completely together. I think it's

01:18:05

open when it comes to

01:18:16

you. you are awake because

01:18:19

there is a schedule which

01:18:21

is led by the ocean

01:18:22

itself depending on what the

01:18:25

fees and how they how

01:18:30

do you perceive this kind

01:18:32

of a schedule are in

01:18:35

place and now with the

01:18:36

amendments? Institutions very specifically and

01:18:42

it's not just about one

01:18:43

institution all institutions that you

01:18:45

have their own schedule or

01:18:48

whether it is about having

01:19:04  
to look at for doing

01:19:05  
a comparison across all these

01:19:07  
institutions you think and institutions

01:19:10  
can do more to ensure

01:19:11  
that which would be the

01:19:15  
ultimate goal because that's what

01:19:17  
parties are looking at. Even

01:19:18  
if there's a dispute. I

01:19:19  
am into arbitration. I should

01:19:21  
answer my calls. I have

01:19:23  
an idea with the table.

01:19:29  
To buy an island registration

01:19:31  
from two angles one. You're

01:19:33

asking me for the expert

01:19:34

report to be doing away

01:19:36

with the schedule. Is it

01:19:37

a good or bad? My

01:19:38

personal view is a good

01:19:40

thing. Do we have a

01:19:42

pretty full schedule as it

01:19:44

exists? As of today is

01:19:46

a good thing. Is it

01:19:47

good to have a schedule

01:19:48

yet? But you also have

01:19:50

to remind so that when

01:19:52

you talk about cuz you

01:19:54

cannot talk about cost in

01:19:56

an isolation costs associated with

01:19:58

law schools. You have teachers

01:20:04

you have lawyers. You have

01:20:06

different professionals across the globe

01:20:09

right charging Avenged you go

01:20:12

to a doctor who may

01:20:13

charge you 250 and you

01:20:15

have a doctor charged with

01:20:16

25. So it is not

01:20:18

that you say that the

01:20:19

201 is good. It's cost-efficient

01:20:22

Eric 2501 is definitely spent

01:20:25

7 note cost efficient. That's

01:20:26

the wrong way to put

01:20:27

the cost in itself even

01:20:30

Indian institutions when they are

01:20:32

projecting themselves to be as

01:20:35

good as International institutions. You

01:20:37

have to keep in mind.

01:20:39

What is it that they're

01:20:40

offering? Are you offering the

01:20:42

same quality? But yes Indian

01:20:45

rupees not a same strong

01:20:47

as probably a u.s. Dollar

01:20:48

to Singapore dollar is so

01:20:50

I can cut down my

01:20:51

question that but would an

01:20:53

arbitrator who gets elected 100

01:20:56

+ 150 + what I

01:21:07

do it with anybody else

01:21:08

in the room doing absolutely

01:21:09

not. So if you say

01:21:12

that no as an institution

01:21:13

you are responsible to cut

01:21:15

down the cost. So you

01:21:16

give me the same quality

01:21:17

better cheaper if I'm sorry

01:21:18

doesn't have Ubiquiti polity, right?

01:21:21

But again, there is a

01:21:23

natural source of illumination in

01:21:25  
the world if I don't

01:21:26  
deliver but still charge you

01:21:28  
that you're not coming back

01:21:30  
to me. That's for sure.

01:21:31  
But if you look at

01:21:32  
Indian institutions what we have

01:21:34  
done all of his dad

01:21:35  
that arbitrator fee almost remains

01:21:37  
similar to International standard The

01:21:41  
10%. With all due respect

01:21:47  
the institution where the institution

01:21:54  
manages it and also tell

01:21:56  
you one thing that you

01:21:57

know, me and Charlie sitting

01:21:58

here. We keep discussing about

01:21:59

when it charges you ad

01:22:01

valorem. It is not that

01:22:03

you pay and how to

01:22:04

trade or whatever comes in

01:22:06

at the end of the

01:22:16

case managers rights to the

01:22:18

opportunity to see the please

01:22:20

tell us an approximate number

01:22:21

of hours you spend in

01:22:23

CIA does not operate on

01:22:25

a per hour per session.

01:22:26

This is where do I

01:22:27

build him came back and

01:22:30

said I spent 50 hours

01:22:32

on this matter because no

01:22:35

cross-examination small avoid all done.

01:22:38

We actually responded back to

01:22:40

parties 80% of the fee

01:22:42

deposited given because you've gone

01:22:44

and 50 hours because we

01:22:47

had an ad valorem system

01:22:48

efficiency and not to say

01:22:52

that you will be able

01:22:53

to have a boy. You

01:22:57

think that point but I

01:22:58

think that actually I think

01:23:00

the point is that which

01:23:08

you may not get me

01:23:09

or may not get when

01:23:10

it comes to an end.

01:23:19

Do you want instead of

01:23:21

retired judges were being in

01:23:26

the industry for several years

01:23:27

that the reason for having

01:23:33

an arbitration bad in itself

01:23:34

into a pool of those

01:23:37

are betrayed by an institution

01:23:39

that much time to an

01:23:45  
arbitration. Then move and agree

01:23:50  
to have an excuse and

01:23:52  
be okay to understand where

01:23:54  
I'm being moved by a

01:23:56  
season another last week maybe

01:24:02  
whether it comes to come

01:24:04  
to these other legal costs

01:24:06  
which are associated with the

01:24:07  
arbitration. lvp equation of quality

01:24:24  
and cost when is demand

01:24:33  
Supply in the market? The

01:24:40  
second equation is Byron Bank

01:24:43  
Nexus. Elements would determine the

01:24:48

cause. I've been hearing that

01:25:05

demonstrate that there is something

01:25:11

wrong even if the bank

01:25:13

doesn't want to charge for

01:25:14

something. Oh my Lord. Who

01:25:26

played I'm observing solution to

01:25:38

this institution? Schedule a vacation

01:25:50

act and then saying that

01:25:51

you know, the high court

01:25:53

would make the rules but

01:25:54

it might not work and

01:25:57

then put this picture would

01:25:58

only happen in terms of

01:26:00

making some public opinion that

01:26:02

no and if there should

01:26:03

be some jacks on the

01:26:04

other theaters that you are

01:26:06

going beyond all those limits,

01:26:07

but otherwise it goes to

01:26:11

the root of the video.

01:26:14

The application and witches party

01:26:16

autonomy, which goes to the

01:26:17

flexibility in terms of my

01:26:22

preference in any article of

01:26:23

clothing. surprise forget about domestic

01:26:31

arbitration where in the demand-supply

01:26:33

Gap get it have a

01:26:34

fuel good Advocate has 15

01:26:43

names 15 names We have

01:26:51

a huge gap in front

01:26:53

of his demand-supply working from

01:26:55

about in Bannister. Example you

01:27:00

did mention about arbitration borrow.

01:27:02

I know that I'm not

01:27:04

too sure how this would

01:27:05

function how this would help

01:27:07

the whole ecosystem because the

01:27:09

fact remains that Georgie of

01:27:14

the market and the body

01:27:15

is the 4 p.m. But

01:27:16

only if you need certain

01:27:20

amount of dedication somewhere, so

01:27:21

I'm not sure how it

01:27:24

is that you're absolutely right.

01:27:37

I'll give you an answer

01:27:38

from any other institution is

01:27:44

not presiding arbitrator is always

01:27:48

disappointed by the whole reason

01:27:50

is 15 names is also

01:27:53

a Nexus and I are

01:27:56

appointed as normally arbitrators will

01:27:58

make sure that Sandy gave

01:27:59

him a visit to make

01:28:01

sure that means and even

01:28:02

I are the nominated. I'll

01:28:12

give you an example that

01:28:13

happened without naming the people,

01:28:15

of course our confidentiality we

01:28:16

had the claimants appointed retired

01:28:18

Supreme Court judge that responded

01:28:20

to point retired Supreme Court

01:28:21

judge not letting any knew

01:28:22

about it, but you can't

01:28:23

do much about it. And

01:28:25

then when we don't have

01:28:26

to say thank you for

01:28:27

the appointment at this point

01:28:30  
of deciding on whether I

01:28:31  
get a call on my

01:28:32  
mobile to say that how

01:28:34  
can you take away our

01:28:35  
power to appoint a presiding

01:28:37  
arbitrator? I get a call

01:28:51  
in 1 hours time from

01:28:53  
the lawyers with the love

01:28:54  
of the devil instructing an

01:28:56  
appointed. What are you doing?

01:28:58  
We came to MCI thinking

01:28:59  
you're getting angry. If you

01:29:04  
make sure that they're going

01:29:05  
to tell her that the

01:29:06  
traitor the arbitration be done

01:29:08  
exactly like after that. Doing

01:29:12  
the same thing is very

01:29:17  
difficult. It's all the ways.

01:29:25  
I can tell you India

01:29:26  
India Arie arbitration conferences come

01:29:29  
and say that yes, we

01:29:30  
should not appointed a judge

01:29:31  
has every single 997 matters.

01:29:38  
We have a retired judge

01:29:39  
appointed only. Last year, we

01:29:42  
had 50% of appointments for

01:29:44

people with never side and

01:29:47

I can tell you it's

01:29:51

about giving an opportunity. I

01:29:53

think something's changed and thinking

01:29:55

that John says with couldn't

01:29:57

agree more on giving an

01:29:58

opportunity. 20 names of lading

01:30:18

I've been with my last

01:30:20

question. Give me moving away

01:30:23

from this. I think we

01:30:24

want to achieve procedural efficiency

01:30:26

12 minutes. Given that scenario

01:30:30

where we have discussed that

01:30:32

they might be caused Associated

01:30:34

because you want to achieve

01:30:36

peace and not just maybe

01:30:54

have to be at ayodhya

01:30:55

issue. I fully understand and

01:31:08

agree with your mom and

01:31:09

dad. We all have an

01:31:19

inherent England problem. Close ended

01:31:33

in case of any dispute

01:31:34

in an understanding our interpretation

01:31:36

and application of this. Let

01:31:41

me start drafting an agreement

01:31:43

with Priam. Yes, you should

01:31:56

encourage. And you should say

01:31:59

that the first option shall

01:32:00

be immediately. arbitration have an

01:32:10

impact on the cost effectiveness

01:32:33

The first volume is not

01:32:35

aboard the brief note about

01:32:37

the cause of action. 90.

01:33:07

Evernote to mediation certainly using

01:33:19

the provisions of the 2023

01:33:29

the scope of applying it

01:33:31

to cross-border mediation is Raising

01:33:34

questions about its application. Mediation

01:33:38

with certainly will have an

01:33:40

impact and then today even

01:33:42

prior to this mediation app

01:33:44

pre-litigation mediation has been proposed

01:33:52

again. The portion of its

01:33:55

time to be is a

01:33:56

big issue and we also

01:33:57

have locatelli's Attention, I would

01:34:15

like to have one of

01:34:17

the greatest personalities of this

01:34:18

world and I am Lincoln

01:34:20

the former president of United

01:34:22

States He said about encouraging

01:34:26

settlement through mediation or fruit

01:34:28

constipation normal winner open the

01:34:40

real loser in fee and

01:34:44  
expenses and waste of time

01:34:46  
as a peacemaker Unity of

01:34:50  
being a good man of

01:34:52  
business and I am so

01:34:55  
as I thought if my

01:35:03  
issue is resolved within 10

01:35:04  
days and times two. So

01:35:10  
definitely mediation will have an

01:35:12  
impact and there are in

01:35:13  
an added advantage in the

01:35:24  
United Nations convention on mediation

01:35:26  
in 2019. It is going

01:35:34  
to be mad at if

01:35:35

I can by the government

01:35:38

and that you'll also have

01:35:39

a huge impact on resolving

01:35:41

disputes through this one point.

01:35:46

I want to fly. 2023.

01:35:59

No distinction between mediation and

01:36:01

conciliation. It is often referred

01:36:04

as cancellation. Holy. 17 problems

01:36:15

with the term conciliation, mediation

01:36:17

deposit Thank you so much.

01:36:40

If you don't want a

01:37:04

long-drawn arbitration and litigation are

01:37:15

providing the world-class mediators. Engaging

01:37:40

the Tyson and lost to

01:37:41

think about and let's hope

01:37:43

that you can see arbitration

01:37:45

in India developing the baby

01:37:46

wanted. Ladies and gentlemen, as

01:38:11

we draw our insightful discussion

01:38:14

to a close. It is

01:38:15

my privilege to deliver the

01:38:16

concluding remarks for a discussion

01:38:19

on achieving procedural efficiency and

01:38:21

minimizing cost for international arbitration

01:38:24

in India have highlighted the

01:38:28

importance of enhancing procedural efficiency

01:38:32

and reducing costs, especially in

01:38:35  
the Indian context. Our esteemed

01:38:37  
panelist have shed light on

01:38:40  
various dimensions of this multi-faceted

01:38:42  
issue offering their expertise and

01:38:44  
innovative solutions. Throughout the session

01:38:48  
we've explored challenges and opportunities

01:38:51  
that lie ahead we have

01:38:53  
heard about the imperative need

01:38:55  
for streamlining processes that not

01:38:58  
only expedite the process but

01:39:00  
also enhance friends transparency and

01:39:03  
efficiency. The emphasis has been

01:39:06  
two words adopting best practices

01:39:08

has been an overall but

01:39:11

we've also looked at understanding

01:39:12

what evidence means assassin conflict

01:39:16

of interest more realistically professionalism

01:39:20

and keeping in mind the

01:39:22

speed is of the essence

01:39:23

of weathers code of conduct

01:39:27

is relevant for noches arbitrators,

01:39:29

but also all stakeholders including

01:39:32

the availability of credible arbitral

01:39:37

institutions in India importance and

01:39:41

utilisation of institutions in delivering

01:39:44

efficient services. Application fees with

01:39:48

a Wii party consent and

01:39:49

most importantly quality of service.

01:39:53

One of the most compelling

01:39:54

takeaways from today's discussion and

01:39:57

I think from the conference

01:39:59

that we've had over the

01:40:00

last two days and the

01:40:01

next two days is the

01:40:03

acknowledgement that achieving a procedural

01:40:06

efficiency. Is that a technical

01:40:08

Endeavor, but it's a cultural

01:40:09

shift. It requires the collective

01:40:12

will of arbitrators lawyers institutions

01:40:15

and all stakeholders including parties

01:40:18

the commitment to continuous Improvement

01:40:21

and a depression in the

01:40:23

face of evolving global standard

01:40:26

is essential for India to

01:40:28

solidify its position as a

01:40:30

preferred application Hub benefits of

01:40:35

fostering a more cost-effective application

01:40:37

environment by minimizing expenses. It

01:40:41

also makes arbitration far more

01:40:43

accessible to a broader range

01:40:45

of parties to individuals and

01:40:47

small businesses who might otherwise

01:40:50

be deterred by the idea

01:40:52  
of much higher. The democratization

01:40:55  
of access to justice is

01:40:58  
an oval gold that also

01:41:00  
alliance with the broader objectives

01:41:02  
of dispute resolution in the

01:41:03  
community. This brings us to

01:41:06  
a crucial point that we

01:41:08  
emphasized on today and remarkable

01:41:10  
Council arbitrators and academics that

01:41:13  
are going beyond the traditional

01:41:15  
centers where arbitration is emphasized

01:41:18  
upon in this aspect the

01:41:21  
word arbitration update 6 to

01:41:24

decentralize and also Foster the

01:41:27

idea of arbitration the cartoon

01:41:29

of arbitration beyond the traditional

01:41:31

hub What is this forum

01:41:34

as we have been apart

01:41:35

of today has facilitated connectivity

01:41:38

and also integrated the global

01:41:41

arbitration Community as such has

01:41:44

provided us with a roadmap

01:41:47

for the challenges that lie

01:41:48

ahead the inside Shedd will

01:41:51

undoubtedly serve as a catalyst

01:41:53

for reforms and inventions that

01:41:55

can Propel in the Forefront

01:41:58  
of arbitration in the years

01:41:59  
to come. I hope the

01:42:01  
momentum generated here with our

01:42:03  
discussion continues to grow in

01:42:06  
conclusion. I extend my deepest

01:42:09  
gratitude to our panelists for

01:42:11  
your invaluable contributions and our

01:42:14  
participants for being here your

01:42:16  
presence and involvement has been

01:42:18  
crucial in making this discussion

01:42:20  
fruit. Let's leave here inspired

01:42:23  
and committed to implementing strategies

01:42:26  
and ideas discussed and shutting

01:42:29

the Indian not only meet

01:42:30

the expectations of international. Community

01:42:33

but also exceeds them. Thank

01:42:36

you very much. Have a

01:42:37

good night. I would not.

01:42:55

Thank you. Good morning, and

00:00:05

welcome to day three day

00:00:09

for update 2024. We've had

00:00:17

a fantastic first three days.

00:00:20

We started in Beijing for

00:00:22

2 days last week yesterday.

00:00:25

We had sessions and Doha

00:00:28

and Washington DC and this

00:00:31

morning we started off early

00:00:33

at least DC time in

00:00:35

Singapore. And now we're very

00:00:37

pleased to be in in

00:00:40

India in in Delhi and

00:00:43

we put together a fantastic

00:00:46

panel and our topic is

00:00:50

procedural efficiencies in international arbitration.

00:00:56

And this is of course,

00:01:00

I really important topic for

00:01:02

the whole International. Refreshing field,

00:01:05

but we feel we we

00:01:06

felt we had a lot

00:01:07

to learn from Innovations and

00:01:09

work that's being done in

00:01:11

India at the deli in

00:01:14

in New Delhi and Delhi

00:01:15

as well as at the

00:01:17

Mumbai international arbitration Centre, which

00:01:19

is being a big supporter

00:01:21

of world arbitration update, and

00:01:23

we have needy here from

00:01:26

from Mumbai. So really looking

00:01:29

forward to the panel as

00:01:32

part of our our introduction.

00:01:35

It's my pleasure to introduce

00:01:37

our speaker and host and

00:01:42

are collaborator from the Opie

00:01:44

Jindal Global institution University. It's

00:01:49

my pleasure to introduce Professor.

00:01:52

Dr. Siraj Kumar. Dr. Kumar

00:01:56

is a road scholar and

00:01:58

the founding vice-chancellor of Opie

00:02:01

Jindal Global University in in

00:02:03

Yeah, he was appointed the

00:02:06

VC in 2009 when the

00:02:09

University was established and you

00:02:13

know really quite an extraordinary

00:02:15

and important activity here with

00:02:20

Professor Kumar conceiving the idea

00:02:22

of establishing India's first, truly

00:02:25

Global University providing leadership and

00:02:30

with the philanthropic support of

00:02:34

Mr. Naveen Jindal the established

00:02:36

ajjg

00:02:38

um in Sonapat, Haryana

00:02:40

in 2009, and it's one

00:02:43

of 20 universities in India

00:02:45

and the only non-stem University

00:02:47

which has been declared an

00:02:48

Institute of Eminence by the

00:02:50

Government of India. So that's

00:02:52

it is really a pleasure

00:02:53

and an honor to have.

00:02:54

Dr. Kumar open our session

00:02:57

here today and welcome. Dr.

00:03:00

Kumar and thank you for

00:03:02

all of your Fatality and

00:03:05

for hosting us and for

00:03:06

helping organize this event today.

00:03:33

Very good evening to all

00:03:35

of you. And of course

00:03:36

a good morning to those

00:03:37

of us who are attending

00:03:39

online. It said privilege and

00:03:42

a pleasure for a set

00:03:44

of this event. And I

00:03:48

think I will I'll keep

00:03:50

my remarks very pleased they

00:03:53

shoes letting to Alternative dispute

00:03:55

resolution, especially arbitration is also

00:04:00

very critical importance in India,

00:04:03

but also not just you

00:04:09

know, the latest data point

00:04:12

is that we abandon seed

00:04:14

in Indian courts have you

00:04:16

know that before the pandemic

00:04:18

we had approximately 30 million

00:04:21

cases pending in Indian courts

00:04:22

and post-pandemic that number does

00:04:25

Rose 250 million cases, which

00:04:29

is a chili means that

00:04:30

the legal process and they

00:04:33

exist. Legal mechanisms are not

00:04:36

adequately prepared to kind of

00:04:38

deal with this extraordinary capacity

00:04:41

and the kind of you

00:04:43

know litigation and that is

00:04:45

out that this also does

00:04:47

not mean that I courson

00:04:48

inefficient obviously definitely have a

00:04:51

lot more work to do

00:04:52

when I got through having

00:04:53

more judges, but also improving

00:04:56

the processes at various levels

00:04:58

of the education system, but

00:05:02

it's also important mention that

00:05:03

we should be looking at

00:05:05

more effective ways of dispute

00:05:07

resolution. And of course. The

00:05:10

only way to do that

00:05:11

if India's aspiration is to

00:05:15

develop potentially dollar economy, if

00:05:18

he want to have a

00:05:19

Level Playing Field for both

00:05:23

Indian and international companies and

00:05:25

corporations to trust the legal

00:05:27

system and to be able

00:05:29

to address disputes into especially

00:05:32

commercial disputes in the morning.

00:05:33

If you can have greater

00:05:36

degree of efficiency infused into

00:05:39

the process little dispute resolution,

00:05:41

we undoubtedly lead to reimagine

00:05:43

the dispute resolution mechanism and

00:05:47

not only lie upon the

00:05:49

court base the dispute the

00:05:52

canisters especially application. We really

00:06:00

need to go a long

00:06:01

way when it comes to

00:06:03

developing a better mechanism and

00:06:07

not only relying upon you

00:06:10

know, the existing mechanisms do

00:06:12

to improve I would like

00:06:13

to mention that if we

00:06:15

have large number of arbitrators

00:06:17

largely drawn from the board

00:06:20

of the bench, especially at

00:06:21

the former judges as well

00:06:23

as lawyers at you also

00:06:26

run the risk of being

00:06:28

the same challenges that the

00:06:30

legal system has into this.

00:06:33

What's expected to be a

00:06:35

more innovative and more efficient

00:06:37

and more imaginative dispute resolution

00:06:40

mechanism. I think it's only

00:06:42

fair to say that to

00:06:43

we need to expand and

00:06:45

make this stop the dispute

00:06:47

resolution bar in the sense

00:06:50

that I would take. This

00:06:51

should be more broad-based. They

00:06:54

should not only come from

00:06:55

litigating lawyers as well as

00:06:58

judges. And of course in

00:07:00

India that is a tendency

00:07:02

to have a greater degree

00:07:03

of Faith, especially among the

00:07:07

former judges. And while many

00:07:10

of them are indeed very

00:07:12

thoughtful and very efficient when

00:07:14

it comes to deciding matters,

00:07:16

but we also run the

00:07:18

risk of carrying the steam

00:07:20

the kind of seems that

00:07:21

the courts are used to

00:07:22

and then that idea of

00:07:24

dispute resolution was to challenge

00:07:25

that part of them and

00:07:27

to bring more efficiency into

00:07:28

the process as what I

00:07:30

also feel that too as

00:07:32

a discipline. We have neglected,

00:07:35

you know, a Dr. Even

00:07:38

within the context of our

00:07:39

academic institutions and very little

00:07:42

pleased when it comes to

00:07:44

WP serious academic scholarship courses

00:07:48

as well as programs that

00:07:50

focus on a TR if

00:07:53

we were to really develop

00:07:55

a stronger metal the mechanism

00:07:58

for promoting a tiara India.

00:08:00

We really need to address

00:08:02

that at the law schools

00:08:03

level. We need to have

00:08:04

a stronger focus on developing

00:08:07

a new paradigm shift when

00:08:09

it comes to in or

00:08:11

recognizing the role of dispute

00:08:13

resolutions to alternative methods. Not

00:08:16

only lying upon the court.

00:08:21

It's only fair to say

00:08:22

that most law students went

00:08:26

up starting an Indian law

00:08:27

schools have a very limited

00:08:30

understanding of our McAlister's importing

00:08:33

arbitration mediation and conciliation. There

00:08:37

are very few specialized programs

00:08:39

even in this field. If

00:08:41

you could look at Forge

00:08:42

a United States Battleship color

00:08:47

Pepperdine law school because this

00:08:49

process of a mediation and

00:08:51

it starts at a mediation

00:08:51

has had a long history

00:08:54

of promoting mediation as they're

00:08:57

not the method of a

00:08:58

dispute resolution, and I mentioned

00:09:01

that as an example sentence

00:09:06

of Excellence which focuses on

00:09:08

this Mission from the standpoint

00:09:11

of arbitration and how we

00:09:13

can improve efficiency. I think

00:09:16

it is also fair to

00:09:17

say that we need to

00:09:19

educate And even impressed upon

00:09:23

the bar and to some

00:09:25

extent the bench as well

00:09:26

a doctor dispute resolution mechanisms

00:09:28

need not adopt the same

00:09:29

procedures and processes and that

00:09:32

the courts have evolved over

00:09:34

a longer period of time

00:09:35

we need to become more

00:09:37

creative and also to focus

00:09:42

on solving the problems that

00:09:44

because many a time if

00:09:46

you have to bring in

00:09:46

your shoes that are not

00:09:49

necessarily purely based on Law

00:09:51

and I'll give you a

00:09:51

very good example, for example

00:09:53

typically in law legal matters

00:09:59

and mechanisms you lie to

00:10:01

you know, solve disputes. We

00:10:05

are focusing on All or

00:10:07

Nothing But when you end

00:10:09

up just going to tell

00:10:10

Lonnie km approach toward finding

00:10:13

a solution to a dispute

00:10:14

it will end up becoming

00:10:16

focusing on more or less

00:10:18

when it comes to deciding

00:10:19

those matters and. The kind

00:10:22

of nuanced approach that dispute

00:10:25

resolution to arbitration can promote

00:10:27

so excited that we are

00:10:30

having this discussion, and I

00:10:33

want to personally thank my

00:10:35

dear friend file or for

00:10:39

bringing our University law school

00:10:41

to this photo. I also

00:10:44

want to thank my colleagues

00:10:45

up Professor. Let me call

00:10:47

Joe and many of the

00:10:50

faculty members including our own

00:10:52

sentence for dispute resolution for

00:10:55

jointly supporting this event with

00:10:57

those were so I want

00:10:58

to get want to thank

00:10:59

all of you for your

00:10:59

presence here at the international

00:11:01

academy, and I wish this

00:11:03

event every Texas. Thank you.

00:11:07

So thank you very much.

00:11:09

Dr. Kumar. Let me have

00:11:11

the pleasure of introducing our

00:11:13

moderator today's panel and chill

00:11:15

introduce. Our speakers pile is

00:11:19

a partner in the dispute

00:11:21

resolution and white-collar crime Practice

00:11:23

Group a try legal in

00:11:24

Mumbai. She is over 13

00:11:27

years of experience and handling

00:11:28

complex investigation high-stake arbitration the

00:11:31

commercial disputes or practice focuses

00:11:34

on conducting investigations, involving fraud

00:11:37

bribery and Corruption and and

00:11:39

employee Centric issues. She also

00:11:42

in addition to investigations has

00:11:44

a substantial part of her

00:11:46

practice focuses on representing clients

00:11:48

in domestic and international arbitrations

00:11:50

including under the various International

00:11:53

rules. AAA i c c

00:11:55

a l c i a

00:11:56

and c I can particular

00:11:58

she is represented International clients,

00:12:00

especially private Equity investors funds

00:12:03

and multinationals in complex cross-border.

00:12:07

And disputes including as well

00:12:10

energy to mining infrastructure construction

00:12:12

Pharmaceuticals life sciences and media

00:12:15

and entertainment. So it's a

00:12:17

real pleasure and have a

00:12:20

pie out here today to

00:12:22

take over this panel and

00:12:24

get the discussion going. So

00:12:25

thank you Paula and thank

00:12:27

you to the members of

00:12:27

the panel very much. Looking

00:12:29

forward to this. Thank you

00:12:31

so much Jen, and I

00:12:33

I think all of us

00:12:34

in India, especially I would

00:12:35

start with the fact that

00:12:36

it's a great opportunity or

00:12:39

to include India as a

00:12:40

jurisdiction as part of the

00:12:42

fourth edition of the woods

00:12:43

arbitration update start and we

00:12:46

hope this continues for the

00:12:47

years to come on. I

00:12:50

want first time Professor Raj

00:12:52

Singh today's session and I

00:12:55

think it's a great opportunity

00:12:55

where we keep doing a

00:12:57

lot of sessions virtually for

00:12:59

today. Do we are doing

00:13:00

it in a hybrid mode

00:13:01

where the keys are the

00:13:02

panelists and not according to

00:13:04

her in person to exchange

00:13:06

ideas taking a few from

00:13:08

what professor at said. He

00:13:10

rightly highlighted. What are the

00:13:11

issues which are playing in

00:13:13

the Indian arbitration system and

00:13:15

the need for the changes

00:13:17

and what could be the

00:13:19

way forward on that note

00:13:21

in today's panel discussion. We

00:13:23

are actually going to focus

00:13:24

on two major issues, which

00:13:27

is in relation to achieving

00:13:28

procedural efficiency and How do

00:13:32

we minimize course when it

00:13:33

comes to arbitration in India?

00:13:36

I think it's a known

00:13:39

fact that we all practitioners

00:13:40

the government the private parties

00:13:44

including national Indian corporate houses.

00:13:50

We would all look towards

00:13:51

a situation where India can

00:13:53

become a hub for arbitration

00:13:55

and very user-friendly jurisdiction. To

00:13:59

this end of the CVS

00:14:01

in the government and various

00:14:03

some of the pages amendments

00:14:05

to the existing Indian arbitration

00:14:07

and conciliation act which has

00:14:09

happened over the last decade

00:14:10

has seen amendments coming in

00:14:12

2015 19 and 21 Amendment

00:14:17

which of common pleas for

00:14:23

the ruling from the Supreme

00:14:24

Court as well as various

00:14:26

High courts of the country

00:14:27

actually shaved how the arbitration

00:14:32

landscape will be in India

00:14:34

and that has also prompted

00:14:36

to bring about a lot

00:14:38

of statutory changes to address

00:14:40

various nuances and situations, which

00:14:43

may not have been handled

00:14:45

through the judicial innovation. And

00:14:48

one of these two of

00:14:49

these key aspects actually is

00:14:51

procedural efficiency. How do you

00:14:53

conduct arbitration proceedings in India?

00:14:56

And how do you ensure

00:14:57

that the costs to the

00:14:59

minimum? I would believe is

00:15:01

the biggest concern no matter

00:15:02

which party you're representing going

00:15:12

out with you and it's

00:15:13

only last week in India

00:15:15

that we have seen. The

00:15:16

launch of an arbitration bar

00:15:17

itself is actually moving and

00:15:23

the intention of the government

00:15:24

and institutions together to bring

00:15:27

about a separate bag, which

00:15:29

is focusing only on arbitration

00:15:31

professional. The other development which

00:15:34

we saw earlier this year

00:15:35

is the expert committee report

00:15:37

which Cayman in February where

00:15:40

it was submitted to the

00:15:41

Ministry of Education law in

00:15:45

our country. The recommendations have

00:15:51

been put forward but it

00:15:54

has been given is available

00:15:56

to the third party, but

00:15:59

it's not officially dead. How

00:16:01

does the reason why we

00:16:03

discuss what the report is

00:16:04

what the recommendations are at

00:16:07

the outset. I'm going to

00:16:08

make it very clear that

00:16:09

the ideas used informants didn't

00:16:11

buy all the battles over

00:16:12

here today and it is

00:16:15

not a representation as to

00:16:17

what the concerns where and

00:16:23

how the government is going

00:16:23

to take it forward. as

00:16:27

I mentioned earlier about procedure

00:16:33

cost at every stage of

00:16:35  
the arbitration from dropping off

00:16:39  
an arbitration clause and then

00:16:41  
the time he actually finish

00:16:42  
the enforcement and your client

00:16:43  
be happy for having received

00:16:46  
what they had started out

00:16:47  
this entire arbitration it says

00:16:54  
BF try to actually buy

00:16:56  
for kedar to deception into

00:16:58  
four limbs addressing several issues

00:17:01  
within the arbitration system So

00:17:05  
I'll be I'm going to

00:17:06  
start with the series panel

00:17:08

is I will introduce each

00:17:09

of the panelists by posing

00:17:11

the questions with them and

00:17:12

we'll move forward with that

00:17:13

itself is the model Jewels

00:17:18

which we have or do

00:17:20

we need soft slow instrumentals

00:17:21

sell. I'm just adopted when

00:17:30

it comes to India. India

00:17:34

we seem to have a

00:17:35

drink. Especially when it's done

00:17:37

and to ensure that the

00:17:51

arbitrator is compelled to look

00:17:54

into this application so that

00:17:55

it does not look like

00:17:59

you process is not it

00:18:01

could not meet at the

00:18:02

award itself. Back in 2017.

00:18:12

We had to Justice traditional

00:18:14

committee report which recommended procedure.

00:18:17

Which Barbie should adapt with

00:18:24

modification Amendment question. What is

00:18:40

the what is the binding

00:18:41

nature of such soft slow

00:18:44

instrumentals international flight or the

00:18:47

guidelines with a cross from

00:18:49

the association? On this note.

00:18:53

I'm going to stop to

00:18:54

this panel discussion with the

00:18:56

very first question to dr.

00:18:57

Gashi, but I think who

00:19:02

needs no introduction given his

00:19:04

role. He plays when it

00:19:06

comes to the committee itself

00:19:07

when it comes to any

00:19:09

kind of issue and we

00:19:10

want is your invoice as

00:19:12

to how the government has

00:19:14

looked into issues the recommendations

00:19:16

to talk processed and sent

00:19:17

him. How does he see

00:19:28

that when we look at

00:19:29

these soft cloth instrument whether

00:19:31

it be the IBA guidelines

00:19:33

the rules on taking of

00:19:35

evidence or conflict of interest

00:19:37

party representation, do they make

00:19:39

a difference when it comes

00:19:40

to arbitration? according to the

00:19:48

top of the Mediterranean Porsche,

00:20:02

Newport Avenue Oz tuning of

00:20:19

an arbitrator using of evidence

00:20:21

and examination examination of the

00:20:25

documents some of the experiences,

00:20:31

there must be a hearing

00:20:44

by the tribunal on the

00:20:45

issue of thinking of everyday

00:20:47

thinking of memories of fact

00:20:56

evidence of Law and Quantum

00:20:58

expose one of the cases.

00:21:17

Did he come up with

00:21:18

another application. He may be

00:21:19

permitted to produce another expert

00:21:22

evidence to counter the light

00:21:24

Unity found in his first

00:21:25

report bulldoze the whole sanctity

00:21:31

of the arbitration for the

00:21:42

Garden of Eden on the

00:21:44

5 in ilorin the Flaming

00:21:46

sword on the last one

00:21:47

with all the 326 Manor

00:21:54

Way considering the investment treaty

00:21:57

arbitration or International arbitration is

00:22:00

a practice and solvent should

00:22:02

be done in good faith.

00:22:17

Constellation app and coming to

00:22:19

the export report also officially

00:22:22

there is no report submitted

00:22:23

on behalf of the law

00:22:24

Ministry because there are differences

00:22:26  
of opinion among the members.

00:22:28  
Do I need to that

00:22:29  
committee? But I'm sure as

00:22:31  
a part of the law

00:22:32  
Ministry. I'm very much clear

00:22:33  
on this point that the

00:22:35  
report is not officially submitted

00:22:37  
Blind Justice bucket in the

00:22:54  
using of artificial intelligence solutions

00:22:58  
for men that can be

00:22:59  
considered. There is no conflict

00:23:02  
of interest ever coming to

00:23:06  
the conflict-of-interest issue. It also

00:23:08

plays a very important role

00:23:09

by choosing the arbitrator's especially

00:23:11

including the causes. I heard

00:23:14

a very challenging tasks buy

00:23:16

me to the nearest Indian

00:23:26

artifacts in South Compton. The

00:23:50

doctor about Lydia brought in

00:23:54

his realistic manner on the

00:23:56

part of the arbitrator's another

00:24:03

possible conflict of the name

00:24:27

question certainly plays an important

00:24:40

role and in one of

00:24:41

the cases. Your husband cheat

00:24:51

and all the 34 plants

00:25:07

that have been alerted and

00:25:08

I need to request a

00:25:15

holistic approach. Whose are concerned

00:25:20

accountants are concerned only a

00:25:28

size on the issue of

00:25:29

the right to disc and

00:25:31

disqualification again. The same time

00:25:44

controversial issues for several hours

00:25:48

and debating on how we're

00:25:51

going about taking pain from

00:25:55

that. I've been given behaved

00:25:58

office in DC about with

00:25:59

us today as a finalist.

00:26:03

Which experience in various Industries

00:26:06

has been an in-house counsel?

00:26:08

I think that takes me

00:26:09

to know how is how

00:26:11

differently would you be with

00:26:13

when it comes to these

00:26:14

issues? Next one schedules the

00:26:18

IV guidelines and when it

00:26:22

comes to arbitration being conducted

00:26:24

in India, or do you

00:26:26

feel we need a separate

00:26:27

code of conduct itself? It's

00:26:29

nice to be interviewed about

00:26:31

more efficiency when it comes

00:26:33

to the arbitration process as

00:26:37

whether it comes to conflict

00:26:42

of interest of document. Do

00:26:46

we need a separate chapter

00:26:48

or should be done? Thank

00:26:59

you. And I would like

00:27:00

to thank the organisers for

00:27:02

inviting me to share my

00:27:04

views on this ready Delavan

00:27:06

topic as Professor Lodge explained

00:27:09

in the median cases are

00:27:24

coming to your specific question

00:27:26

on these laws and all

00:27:27

those guidelines. the meeting which

00:27:31

I see this is did

00:27:34

boo impact in terms of

00:27:36

framing of public opinion. And

00:27:39

public opinion does not in

00:27:42

shape in terms of legislative

00:27:43

Fame. lost cheetah kids song

00:27:48

arbitration law the history of

00:27:50

arbitration law in terms of

00:28:02

You been today if you

00:28:03

notice 2015 Amendment 2020 amendments

00:28:09

in films of providing the

00:28:13

infrastructure which ended in Destiny.

00:28:20

there are certain mechanisms which

00:28:22

have already been provided in

00:28:23

2015 amendments 2021 amendment in

00:28:27

terms of you know various

00:28:29

issues with the industry was

00:28:30

something effectively I've been meaning

00:28:41

to talk about efficiency. I

00:28:44

didn't cost an impossibility. And

00:28:47

on this time costing enforceability

00:28:49

if we are failing and

00:28:53

perhaps that is something significant

00:28:56

ecosystem. if you notice and

00:29:04

are you paint in terms

00:29:08  
of even listing that in

00:29:10  
talking that that just be

00:29:12  
afraid to be miserably failed

00:29:14  
in terms of not providing

00:29:15  
the light legal dispute resolution

00:29:20  
mechanism to the engine industry.

00:29:23  
Bentonville AR Solutions you give

00:29:25  
Nation about code of conduct

00:29:30  
put in a situation where

00:29:33  
legislative changes if they are

00:29:40  
sort of colorful. Do I

00:29:44  
asked myself this question? I

00:29:49  
am feel pain, but I

00:29:51

see cases. which are pending

00:29:54

in engine codes for last

00:29:56

15 years in section 34

00:29:58

a Having said so the

00:30:14

fact remains that in this

00:30:16

legal ecosystem Orion ecosystem your

00:30:21

own conscious about making your

00:30:23

phone making changes. Everybody's interested

00:30:26

in providing the right infrastructure.

00:30:30

I need to be in

00:30:31

which and I mean answer

00:30:33

this question perhaps later. But

00:30:37

the problem entirely. You would

00:30:50

use the what innervation I

00:30:52

can use the word indifference.

00:30:54

I can use the word

00:30:55

interruptions. So I think something

00:30:58

that would have needed in

00:31:01

this whole ecosystem which sportswear

00:31:06

these cases and timidly and

00:31:08

solve the problem and just

00:31:15

last night on this particular

00:31:17

issue and I think they

00:31:19

have like the problem. beer

00:31:22

in Julian, Lowcountry in multiple

00:31:26

ways Equity gets so dominating

00:31:40

in a Minds. You cannot

00:31:48

solve the commercial problems. You

00:31:51

cannot sell the business issues

00:31:53

from this yardstick of equity.

00:32:01

Interpret the contract and then

00:32:03

come to a conclusion if

00:32:05

you end up using it.

00:32:09

Commercial dispute resolution perhaps you

00:32:12

will end up for drinks

00:32:13

and he would always thank

00:32:15

you. Ezekiel I need to

00:32:35

know something weather in an

00:32:37

institution government or private practitioner

00:32:40

even before but I think

00:32:47

shifting yours from that which

00:32:50

take me to drop off

00:32:51

food at private practitioner on

00:32:53

the panelists and who is

00:32:56

based out of the lease

00:33:00

also has it feels having

00:33:02

worked with the government in

00:33:03

the past in the international

00:33:05

treaties Department. While I acknowledge

00:33:08

the fact that the report

00:33:10

is not submitted. I think

00:33:11

it still takes me back

00:33:12

to the place and talk

00:33:20

about the recommendations which have

00:33:22

been foothold how it would

00:33:23

be implemented a procedure which

00:33:32

have been suggested for bringing

00:33:33

about efficiency on this Edition.

00:33:36

Is there actually brought in

00:33:37

as a practitioner of something.

00:33:43

My mother said that it

00:33:47

may not be that legislation

00:33:48

is everything is there a

00:33:51

need for more of judicial

00:33:52

innovation? Thank you. Dr. Kumar

00:34:02

in and perhaps something that

00:34:10

you know is to be

00:34:13

taken up and a very

00:34:15

key part of this report

00:34:16

is the is the model

00:34:19

rules of procedure and Immortal

00:34:22

rules of procedure has been

00:34:23

asked for the report and

00:34:26

the intent of repairing the

00:34:27

model rules of procedure is

00:34:30

to ensure some certainty and

00:34:33

uniformity in matters of procedural

00:34:35

steps. So this is for

00:34:42

those who have not seen

00:34:44

or read a shot of

00:34:45

John to 3:34 this morning

00:34:48

who is a procedure is

00:34:50

any such as an amendment

00:34:51

to section 19 to introduce

00:34:54

new articles under section 19.

00:34:56

Can you eat schedule that

00:34:58

lays out the last procedure

00:35:00

the the specific jobs model

00:35:11

rules are not available. So

00:35:13

perhaps without seeing the fine

00:35:16

print and go since the

00:35:18

devil is in the details.

00:35:19

I would not be able

00:35:22

to comment too much but

00:35:23

presumably what is that model

00:35:26

procedure would be setting out

00:35:28

would be what we would

00:35:30

have in any domestic or

00:35:32

International obligation. Of course, this

00:35:34

model rules is meant only

00:35:37

for Indian seated arbitrations, for

00:35:42

example with an international reputation

00:35:45

automatic arbitration as a practitioner

00:35:47

would start with something like

00:35:50

a case management conference sets

00:35:53

out steps word party shooting.

00:35:56

And then to file pleadings

00:35:58

and determine other issues like

00:36:00

consolidation filing your job pleadings

00:36:03

appointment of witnesses and experts

00:36:05

like a dog tick topical

00:36:07

issues it in possibly some

00:36:11

information on emergency measures. So

00:36:13

the question of whether this

00:36:16

increases efficiency, possibly, I mean

00:36:22

that is something that needs

00:36:23

to be seen but it

00:36:25

probably will bring in some

00:36:26

harmonization it'll bring in some

00:36:28

transparency definitely because the report

00:36:31

also suggests one of the

00:36:33

reasons for this procedure is

00:36:35

not just so that that

00:36:36

is more system and guidance

00:36:39

for applications that are not

00:36:41

held in, you know, metropolitan

00:36:43

cities so that I would

00:36:45

say is that this will

00:36:45

help to bring arbitration to

00:36:48

efficiency across India and I

00:36:50

think that is very important

00:36:51

because recourse to Legal remedy

00:36:54

that obligation should be Where

00:36:57

in India to make a

00:36:58

decision for for the parties

00:37:00

for the clients involved whether

00:37:01

it's private parties of government

00:37:03

parties, so but it increases

00:37:06

efficiency, which is the main

00:37:08

issue. It depends on a

00:37:10

lot of factors a different.

00:37:11

Of course, I think a

00:37:12

lot of it was this

00:37:14

model procedure while it's an

00:37:15

indication for the tribunal if

00:37:19

he's actually on councils and

00:37:22

you know, like I said,

00:37:23

like myself because you know,

00:37:25

we contribute to issues that

00:37:28

come up and I think

00:37:30

I saw was mentioned initially

00:37:32

that now we have an

00:37:33

obligation but and is dr.

00:37:36

Sanjeev mention that does need

00:37:37

the need for code of

00:37:38

conduct we need a code

00:37:40

of conduct is in 4

00:37:41

oz and perhaps this application

00:37:43

bad is welcome step in

00:37:44

the in the in the

00:37:46

front and So I think

00:37:49

it's good that this is

00:37:50

created alongside to improve efficiency

00:37:52

specific issues that are some

00:37:57

great ideas. For instance. The

00:37:59

report specifically recommends amendments two

00:38:02

other sections for example section

00:38:04

23, which is in 2019

00:38:10

regarding the time limit to

00:38:11

file pleadings of six months

00:38:13

because it was an issue

00:38:14

of whether 6 months is

00:38:15

minimum or maximum. So what

00:38:17

this this report says it

00:38:20

should be the maximum. So

00:38:22

the question is will this

00:38:23

model procedure be harmonized along

00:38:27

with these sections that section

00:38:29

23 or 24 that talks

00:38:31

about conduct all the way

00:38:33

up to issuance of the

00:38:35

award. So so the question

00:38:38

is that or whether these

00:38:39

sections also will have to

00:38:40

have amendments in that case

00:38:41

specifically on timeline. So they

00:38:45

are some question marks, I

00:38:47

think which We would love

00:38:50

you don't need to address

00:38:52

and whether they be more

00:38:53

amendments required for the rest

00:38:55

of the sections up to

00:38:56

section 27 onwards and I

00:38:59

think as dr. Sanjeev men

00:39:01

has been decades. The last

00:39:04

decade has seen Improvement or

00:39:05

somebody some steps image of

00:39:08

steps taken the legislative perspective

00:39:14

of the Judiciary or anywhere

00:39:17

else. I think it is

00:39:19

it is from everywhere, you

00:39:21

know tomorrow if I have

00:39:22

to take these moral to

00:39:23

the procedure until my plan.

00:39:25

This is a procedure. You

00:39:26

have to follow how will

00:39:28

they perceive it? That is

00:39:30

a very important question and

00:39:32

the second as I said

00:39:33

councils, of course beaches Video

00:39:38

Vision in this report recommendation.

00:39:41

So this entire operation system

00:39:45

is a self-correcting system. So

00:39:47

we keep learning Wiki And

00:39:50  
while I said, this is

00:39:52  
a right step in harmonization.

00:39:53  
It is very important how

00:39:56  
it is going to be

00:39:56  
official need to be. Thank

00:39:58  
you. Acura Mia guideline this

00:40:07  
model when you have an

00:40:11  
infection can be seen at

00:40:14  
3 and I have a

00:40:17  
marriage of all of this

00:40:18  
coming together to actually see

00:40:20  
the settings on the landscape

00:40:24  
in India. It says to

00:40:25

another level and the parties

00:40:36

in different forms of attrition

00:40:38

landscape are hopeful about it.

00:40:40

We are moving towards the

00:40:42

right direction and hopefully baby

00:40:45

want to see it when

00:40:46

it comes to navigation. I

00:40:48

think they expected since I

00:40:52

think one of the aspects

00:40:53

which was introduced in our

00:40:54

application act itself is a

00:40:56

form of arbitration depending on

00:40:59

the ending of the issue.

00:41:01

I will Foster mode of

00:41:02

resolving the dispute. Yes several

00:41:12

institutional operations center in India

00:41:14

itself. We have India international

00:41:20

arbitration Centre. We have the

00:41:21

deli arbitration center Inc. Based

00:41:24

in Hyderabad institutional arbitration in

00:41:29

India. Where is mr. Chen

00:41:32

to see friend when it

00:41:34

comes to dispute International arbitration?

00:41:37

There may be a tendency

00:41:39

to go to the foreign

00:41:40

institutions weather in b c

00:41:42

a l c i f

00:41:42  
i c c a smile

00:41:48  
on her face that changes

00:41:49  
in the years to come

00:41:50  
and the Indian institutions actually

00:41:52  
are able to administer but

00:41:54  
even when it comes to

00:41:55  
International arbitration Don't be see

00:41:58  
a step towards institutional arbitration

00:42:01  
in India. There are still

00:42:05  
melt option at Capri to

00:42:10  
feel that if you want

00:42:12  
to delay the actual process

00:42:13  
because what does ad hoc

00:42:16

arbitration be treated as that,

00:42:18

it's a pretty color. So

00:42:19

there's going to be more

00:42:21

litigation happening and you can

00:42:22

keep avoiding the end result

00:42:24

for as long as you

00:42:25

want. Address that obviously the

00:42:29

Indian operation I came up

00:42:31

with radius reform several amendments.

00:42:33

We have the fast track

00:42:35

procedure concept of a document

00:42:38

on the arbitration. We have

00:42:40

emergency evacuation depends what your

00:42:51

end goal is. There is

00:42:53  
a way and you can

00:42:54  
fast in the process. You

00:42:55  
don't have to wait for

00:42:57  
the entire arbitration process and

00:42:59  
if it's not a big

00:43:00  
some of us need to

00:43:02  
get into a detail long

00:43:04  
operation or actually post me

00:43:07  
I've done but they did

00:43:15  
not see the need for

00:43:16  
having evidence Witnesses. Everything was

00:43:19  
done through documents at 7.

00:43:21  
Which brings me to the

00:43:22  
question and also obviously introducing

00:43:24  
new EP on the panel

00:43:25  
who needs no introduction activities

00:43:34  
right there on the map.

00:43:35  
Everybody across the globe knows

00:43:37  
that MCI. I think, it's

00:43:40  
Mom and I thank you

00:43:44  
for taking it where it

00:43:46  
is today. How was Dee

00:43:58  
actually dealing with these signs

00:44:00  
of habitation proceedings when it

00:44:02  
comes to administrative. I'll be

00:44:06  
actually ensuring that they are

00:44:07

cricket and shorten conducting competition

00:44:11

proceedings in the manner in

00:44:13

which Thank you. Bye I

00:44:17

just saw wish that you

00:44:18

get the institution at the

00:44:20

beginning and not at the

00:44:20

last is now going to

00:44:22

be my Endeavor going forward

00:44:24

that your cousin solution application

00:44:25

is changing but we're still

00:44:27

part of at the last

00:44:28

religious proselytizing and as you

00:44:31

see the panel also that

00:44:32

I've been going on the

00:44:33

last recipe that has to

00:44:34

change the baby today. I

00:44:40

am not speaking on behalf

00:44:41

of the ncia, but I

00:44:43

think I speak on behalf

00:44:44

of the institution arbitration in

00:44:46

India change early because I

00:44:48

have a very difficult task

00:44:49

of comparing the rules and

00:44:52

I'm being recorded. So I'm

00:44:54

very careful with my colleagues

00:44:55

and I should not come

00:44:59

back and said that usually

00:45:04

is that on a comparative

00:45:06

assessment or divide the timelines

00:45:09

on to four major parts

00:45:10

when you're talking about any

00:45:11

institution arbitration. The first is

00:45:14

a time that you take

00:45:15

to appoint an arbitrator. It

00:45:17

says the second is that

00:45:18

if your arbitrator is challenged

00:45:20

them that how much time

00:45:22

and is Fusion takes to

00:45:23

replace an arbitrator if need

00:45:25

be right then of course

00:45:26

is the most important one

00:45:28

is the scrutiny of avoids.

00:45:29

It says a witch by

00:45:32

comparison. I realize all the

00:45:34

institutions which spider has asked

00:45:35

me to compare on scrutiny.

00:45:38

And finally, of course it

00:45:40

is on the entire timeline

00:45:42

of the arbitration is international

00:45:44

arbitration really getting a few

00:45:46

more efficient. So this is

00:45:48

very disappointed and even if

00:45:51

you could go on to

00:45:51

the website of all these

00:45:52

institutions and pick it up,

00:45:53

but I don't think that

00:45:55

all of us made that

00:45:56

endeavor to do it. So

00:45:57

time to charge me with

00:45:58

my case manager will help.

00:46:00

I've got all the state

00:46:02

department for you. So bear

00:46:03

with me for a couple

00:46:04

of minutes, I will be

00:46:06

giving them CIA. These for

00:46:14

the pointing us to love

00:46:15

the traitor and 28 days.

00:46:17

If you have a three-member

00:46:18

tribunal has the time I

00:46:21

am seeing comparison has 30

00:46:23

days remember driving for IAC.

00:46:28

It's 28 days for a

00:46:30

solar the traitor and 14

00:46:32

days for the presiding officer

00:46:34

in the three-member tribunal, which

00:46:35

is very distinct because usually

00:46:37

in a three-member tribunal you

00:46:39

would see instructions taking a

00:46:40

larger time, but I seem

00:46:42

to take a small number

00:46:43

of time for appointing a

00:46:45

presiding arbitrator. The next arbitration

00:46:51

Center has no timeline for

00:46:53

solar. I'm not commenting on

00:46:55

it and just telling you

00:46:56

again picked up from their

00:46:59

website and nothing else but

00:47:01

for a three-member tribunal you

00:47:03

have the 20 Wendy's timeline

00:47:05

and finally began to see

00:47:07

at which is probably the

00:47:08

most popular international institutions and

00:47:12

they have a similar timeline.

00:47:13

Do you and Isla sorna

00:47:14  
the tree job and 14

00:47:16  
days order presiding at the

00:47:18  
traitor? But what was very

00:47:20  
distinct that I found and

00:47:22  
again, I do not know

00:47:23  
why NCIS is just came

00:47:24  
from the others again not

00:47:26  
because I come from MCI

00:47:27  
as a good lawyer should

00:47:28  
keep humping on the on

00:47:30  
the disclaimer. You think I

00:47:31  
am see it seems that

00:47:33  
it is a registrar along

00:47:35

with the governing Council which

00:47:37

makes the appointment so the

00:47:39

appointing authority to its Consulting

00:47:42

the governing Council you look

00:47:44

at IEC. It says of

00:47:46

the chairperson will appoint the

00:47:48

arbitrator in consultation with an

00:47:50

advisory panel Dia cc's of

00:47:53

the chairperson will appoint the

00:47:54

arbitrator even the sicc that

00:47:57

is the president of the

00:47:58

siac coat with trying to

00:48:00

find the arbitrator under the

00:48:02

MCI rules. It is the

00:48:03

MCI Council which appoints the

00:48:05

arbitrator which is not one

00:48:06

individual but nineteen members on

00:48:08

the council, so I'm not

00:48:11

it's not about something which

00:48:13

was The process then the

00:48:14

other but it's just a

00:48:16

very stark distinction which I

00:48:18

found that every other institution

00:48:19

has it in comparison to

00:48:21

watch the end of the

00:48:24

challenge challenges is pretty simple

00:48:27

and she has a foot

00:48:28

injury timeline. So desire a

00:48:30

c s d i a

00:48:32

C & S i c

00:48:33

i a n z has

00:48:35

no provision for a deadline

00:48:38

is simply says that challenge

00:48:41

can be brought as many

00:48:42

become aware of the circumstances

00:48:43

that you have 14-day timeline

00:48:48

to bring in the challenge.

00:48:50

I do from the appointment

00:48:51

to file the traitor or

00:48:52

when you get to normal

00:48:54

circumstance on the basis of

00:48:56

future challenging the arbitrator all

00:49:01

the institutions actually offered a

00:49:02

very light that stupid no

00:49:05

institution will get into the

00:49:06

merits of the dispute, but

00:49:08

you just to make sure

00:49:09

that the procedural efficiencies maintained

00:49:11

and the timelines Go from

00:49:14

again 60 days to 45

00:49:15

days 90 days with different

00:49:17

institutions taking their own time

00:49:19

to do it again. I

00:49:21

am see does not seem

00:49:22

to have any specific timeline.

00:49:24

It just simply ceasing to

00:49:26

just driving so just mortification

00:49:27

as soon as practicable of

00:49:33

inside Coors and we'll set

00:49:34

up a time. We just

00:49:36

had a 2015 when you

00:49:38

don't do the 2015 amendments

00:49:39

to say that twelve months

00:49:40

ended six months. I am

00:49:50

she has no specific time

00:49:51

line is he has he

00:49:52

has no specific time line

00:49:53  
or I see is more

00:49:55  
recent. So they adopted the

00:49:57  
2019 Amendment and said that

00:50:00  
feeding for months from the

00:50:02  
date of the Constitution of

00:50:03  
tribal and does not have

00:50:05  
a timeline for the completion

00:50:06  
of it. And what must

00:50:10  
be made with 18 months.

00:50:13  
Do you have a common

00:50:15  
trait of 18 months does

00:50:18  
the institutions provide procedural efficiency?

00:50:21  
I always maintain the sudden

00:50:23

you have a third party

00:50:24

involved which has more skin

00:50:26

in the game. It really

00:50:27

is if I would put

00:50:28

it that way right? It'll

00:50:29

party a win or the

00:50:31

party beer in it doesn't

00:50:33

make a difference of the

00:50:34

institutions difference is only to

00:50:36

make sure that they have

00:50:37

given you in a board

00:50:38

is at least possible time.

00:50:40

The only thing that because

00:50:42

you want parties to come

00:50:43

back to us now did

00:50:50

Gal Gadot competition universalize all

00:50:52

the dialect protected but we

00:50:54

have a good friends and

00:50:56

I can tell you whether

00:50:58

he's responded to the claimant

00:51:00

and I speak on his

00:51:00

behalf you a lot of

00:51:02

time is that as a

00:51:04

business you do not want

00:51:06

to be stuck on navigation,

00:51:06

right? I think it's if

00:51:09

a business is to be

00:51:10

as whether they're claiming of

00:51:11

the respondent. It won't get

00:51:13

over there. You dare me

00:51:14

to the business and look

00:51:15

into the further expansion. That's

00:51:17

what is required to Loyol

00:51:19

my heart. I'm a lawyer

00:51:20

as well as they have

00:51:22

their own Advantage disadvantage reason

00:51:25

to suggest a dialectic. I

00:51:27

don't think the client ever

00:51:28

really want that it's advice

00:51:30

properly. So I think it's

00:51:32

usually if used properly and

00:51:35

if they have a case

00:51:36

management can actually provide a

00:51:38

huge turn-on proficiency and efficiency

00:51:42

and how do you dissolve?

00:51:55

Understanding what? Who is what

00:51:58

is the purpose you're trying

00:51:59

to achieve? And if you

00:52:01

really want a resolution of

00:52:02

your dispute the idea is

00:52:04

you would ask. soon as

00:52:08

possible and the best cost-efficient

00:52:10

manner which I will explain

00:52:19  
the issue is is it

00:52:30  
an equation which you are

00:52:31  
willing to let go or

00:52:33  
is it an equation that

00:52:34  
you want to continue the

00:52:36  
business relationship between the parties

00:52:38  
on how? general counsel Amazon

00:53:02  
had mentioned earlier about the

00:53:04  
various modes of resolving when

00:53:06  
weather or whether you want

00:53:08  
and not go with the

00:53:20  
long route of having a

00:53:27  
some of the points which

00:53:28

need these and they said

00:53:53

business cannot wait kneat Solutions

00:54:00

emission problems need immediate resolution

00:54:02

expeditious resolution and if I

00:54:07

use this philosophy, obviously all

00:54:11

those organisms whether they are

00:54:20

all galavant. But it depends

00:54:23

what kind of dispute do

00:54:26

you want? I think matters

00:54:31

complex litigations. You like people

00:54:42

Angelo? Continue T of business

00:54:45

in termination of relationship just

00:54:56

to give you an example.

00:54:59

dispute When did disputes? Call

00:55:04

Michelle one. and when the

00:55:08

emotions are there in any

00:55:10

dispute They are not restricted

00:55:13

to your mechanism of alternative

00:55:16

dispute resolution of arbitration investigations

00:55:25

into on two or four

00:55:29

times. And we got your

00:55:32

normal day-to-day business related to

00:55:34

concern if there's a continuity

00:55:36

of relationship and if those

00:55:38

are simple problems and all

00:55:43

that. Some of the important

00:55:46

things that they wanted men

00:55:47

mention. Yes. Nikki is a

00:55:51

solution as I said because

00:55:52

that kind of mechanism for

00:56:02

the simple reason that the

00:56:03

arbitrators will get appointed. And

00:56:07

with all due respect. Do

00:56:11

not have that commercial sense

00:56:14

that business orientation is completely

00:56:17

lacking exports of any other

00:56:25

law enforcement agencies began did

00:56:36

some of the pictures might

00:56:38

cause the problems. You're not

00:56:57

judgments as well. It depends

00:56:58

on the facts and circumstances

00:56:59

of the teeth really depends

00:57:08

a lot of factors in

00:57:14

the British Invasion that itself

00:57:21

it takes you to the

00:57:22

question of how do you

00:57:40

India humidity Infernape stats What

00:58:18

are we doing about Cindy

00:58:21

in India? Wendy's across border

00:59:00

transaction International arbitration very quickly

00:59:11

responded that I do, you

00:59:14

know any great institutions, but

00:59:22

they are not always conducive

00:59:24

for the Indian market for

00:59:25  
the Indian dispute example Ashley.

00:59:33  
We had an emergency evacuation

00:59:35  
order which was Charlie's in

00:59:37  
the end of our district

00:59:38  
court and parties would think

00:59:40  
of it a lot of

00:59:41  
time to see that you

00:59:41  
know, what you would think

00:59:45  
of a am the baddest

00:59:47  
record to be wary of

00:59:48  
the Innocence of the challenging

00:59:50  
jurisdiction to get your emergency

00:59:52  
arbitration get stopped the world

00:59:53  
that is not as well

00:59:54  
within 2 months and you

00:59:56  
hearing it says we had

00:59:58  
an order of the court

00:59:59  
with Stephen not going to

01:00:01  
interfere with the emergency order.

01:00:02  
And the reason they gave

01:00:04  
is that they said it's

01:00:05  
under an institution rules of

01:00:06  
MCI. And an arbitrator appointed

01:00:10  
of impeccable Authority and does

01:00:12  
not that I charge. So

01:00:14  
I think somewhere if you're

01:00:15

an Institutional seal, is there

01:00:17

doing a board the cause

01:00:19

of most sympathetic by the

01:00:21

dead of the checking balance

01:00:22

entire process and the chances

01:00:25

of this has become even

01:00:26

less, but of course you

01:00:28

can have different experiences as

01:00:30

well for sure. Mindset and

01:00:37

before we move to the

01:00:38

next of which are being

01:00:48

introduced and has been suggested

01:00:50

in the report whether it

01:00:51

ends up happening or not

01:00:52

is a different issue. Bring

01:01:06

up on freeform. raimondo's changes

01:01:14

and goodbye and to answer

01:01:17

your question. I must say

01:01:18

that yes, certainly the committee

01:01:20

looking into these aspects. What

01:01:40

about Justice shrikrishna committee and

01:01:50

a monument to the arbitration

01:01:51

and conciliation act clear the

01:02:03

institutions that are regulated by

01:02:05

the arbitration Council of India

01:02:07

rules are in place. So

01:02:15

stop being so I must

01:02:19

say that some of these

01:02:21

options around the bases of

01:02:23

an analysis of also speaking

01:02:27

about and debating about the

01:02:28

emergency arbitration. Today apartment kingdoms.

01:02:48

Look, how is prodigiously how

01:02:50

fast play the carpet cleaners

01:02:59

are fighting with each other

01:03:00

for expansion of their car.

01:03:01

I've been losing videos. Of

01:03:11

course. I look ahead and

01:03:14

expeditious disposal the arbitration provision

01:03:23

under the arbitration and conciliation

01:03:35

act for the fast-track arbitration

01:03:37

or an emergency operation. But

01:03:41

I don't agree that there

01:03:43

is no provision under the

01:03:44

emergency arbitration the arbitration committee.

01:03:55

I hope it's never agree

01:03:57

with me that this has

01:04:02

been a little interpretation again

01:04:06

and again and again, it

01:04:20

can be enforced if the

01:04:21

place of arbitration is Amazon

01:04:32

for June issue. I'm happy

01:04:35

to say that. The dog

01:04:40

that are some differences of

01:04:41

opinion to Supreme Court has

01:04:42

not denied a decline regarding

01:04:45

the enforcement of arbitration rules

01:04:52

regarding first record arbitration a

01:04:54

document our position in this

01:04:58

regard. We must appreciate the

01:05:04

opportunity to establish his credentials

01:05:07

and Madras high court to

01:05:09

arbitration rules also speaks about

01:05:11

his emergency. I must say

01:05:16

that regarding enforcement of this

01:05:18

boss strike arbitration or emergency

01:05:22

arbitration. Even the New York

01:05:26

convention is not clear about

01:05:27

enforcement of his first wife

01:05:30

speaks about on the enforcement

01:05:39

of four. Events in 2015

01:05:46

regarding the time frame. Signing

01:05:48

off on the border for

01:05:49

passing of an airport 12

01:05:52

months from the date of

01:05:53

factual claim from the date

01:05:57

of final edition of the

01:05:59

Aryan butt. You can sit

01:06:13

out a situation without any

01:06:15

second thought. It being a

01:06:19

new even at a new

01:06:21

mechanism. That is the world

01:06:22

to address the serious concern.

01:06:27

I must say that from

01:06:29

specifically fraction 34 release civil

01:06:35

procedure. procedure in Junction as

01:06:48

incompetent. You should do all

01:06:55

this will certainly be cool

01:07:04

at the right time because

01:07:05

my personal perception about his

01:07:07

arbitration after having most important

01:07:17

aspect with reference to arbitration

01:07:20

is What channel is the

01:07:23

morning and now being asked

01:07:36  
in the night arbitration to

01:07:48  
achieve the challenging task? Speedy's

01:07:51  
Essence if all of us

01:07:56  
together. I hope the dream

01:08:05  
is not an Impossible Dream

01:08:06  
and definitely India will be

01:08:08  
the biggest domestic as well

01:08:10  
as International. Thank you. And

01:08:24  
what we can expect in

01:08:27  
our only judge Boston feet.

01:08:52  
What does cause actually mean

01:08:55  
when it comes to an

01:08:56  
arbitration? Inside of you realize

01:09:04

how I have a three-member

01:09:05

Tribunal. Administration for 2:50 depending

01:09:14

on the two parties in

01:09:15

a last but not least.

01:09:25

If you have an expert

01:09:26

required for that particular matter

01:09:28

when you're drafting the arbitration

01:09:37

coz I am I dropping

01:09:39

an arbitration clause in a

01:09:40

particular which institution I'm going

01:09:50

ahead with the institution shots

01:09:53

to feed whether it is

01:09:55

done on an ad valorem

01:09:56

basis. Is it home in

01:09:59

the charges he calculated? Obviously,

01:10:03

you don't know what would

01:10:05

be the quantum if there

01:10:06

is a breach. Okay, we

01:10:07

can keep that would be

01:10:17

needed for a bad situations

01:10:20

are not considered finally taken

01:10:27

into consideration. Okay. I'm an

01:10:29

Indian party. I'm entering into

01:10:31

an agreement with the US

01:10:32

party in different things accordingly

01:10:40

Society Institution. Okay, that's promo

01:10:51

International arbitration for spaces to

01:10:54

Indian party. Which also spoke

01:11:03

about how he should be

01:11:04

calculated when it comes to

01:11:06

the arbitrator has to depend

01:11:08

on the salmon the suit

01:11:10

itself upon the salmon dispute

01:11:15

which brings me to the

01:11:17

question firstly I would actually

01:11:19

start with asking the supreme

01:11:22

court judgment which activities dent

01:11:27

in detail when it comes

01:11:29

to sing houses for sale.

01:11:32

As a practitioner, how do

01:11:34  
you say this particular ruling

01:11:36  
in Spanish? lights at the

01:11:40  
zoo Thank you for your

01:11:45  
guests too. I think we

01:11:48  
should take a step back

01:11:49  
before to know how it

01:11:51  
is even came about so

01:11:52  
this whole idea of schedule

01:11:55  
for I think I'm from

01:11:56  
previous law commission report, which

01:11:59  
said that there is a

01:12:00  
need for camping fees. And

01:12:04  
so that there is some

01:12:05

that is some reason for

01:12:09

various reasons, but I mean,

01:12:16

I have the freedom to

01:12:18

incorporate. He said he wasn't

01:12:20

in a while appointing an

01:12:22

arbitrator, of course a court-appointed

01:12:23

arbitrator, of course, as of

01:12:26

today that I think will

01:12:28

be 3 or 4 high

01:12:29

court which have actually in

01:12:31

True Detectives in there. Again,

01:12:33

it's only for a Job

01:12:35

Corps department arbitrators and not

01:12:37

any other at her competition.

01:12:40

So I think he has

01:12:42

in mind into the 2015.

01:12:44

Amendment or schedule for was

01:12:46

introduced along with sex with

01:12:47

Vinny and Aunt before going

01:12:51

into the DC case. Now,

01:12:52

the current report division of

01:12:55

the committee report is actually

01:12:57

suggesting to completely do away

01:12:58

with that completely with my

01:13:00

dad and this is because

01:13:02

of all the feedback perhaps

01:13:03

that came into the report

01:13:05  
into the committee following of

01:13:07  
course the twins the Afghans

01:13:10  
are being a suggest kids.

01:13:11  
Now if a body is

01:13:22  
an arbitrator, can you actually

01:13:23  
decide the fee and be

01:13:25  
whether there should be a

01:13:27  
separate fee for claim and

01:13:28  
counter-claim and and of course

01:13:31  
I did was the day

01:13:33  
of the last capital for

01:13:37  
each other trailer over there.

01:13:38  
I would think the third

01:13:40

question was quite easily answered

01:13:42

that it was 480. And

01:13:44

I was also clear that

01:13:46

it would be separate fee

01:13:49

for claims and counter-claims the

01:13:51

first part of the Dutchman

01:13:57

State that kind of the

01:13:59

interior light on other judgments

01:14:00

to say that you know

01:14:03

what the fee is of

01:14:04

course again, it was a

01:14:08

big decision for the Idaho

01:14:10

conversations dead. And it said

01:14:12

that the thief will be

01:14:13  
determined as per the consent

01:14:15  
of the parties and and

01:14:19  
pieces that they can obesity

01:14:21  
is there is constant of

01:14:22  
bodies of their concept of

01:14:24  
the opportunities at the beginning

01:14:25  
of the application then you

01:14:28  
know, a potato's can go

01:14:30  
beyond the schedule. Now. Of

01:14:32  
course brought a lot of

01:14:33  
issues under this was and

01:14:35  
you know, we must remember

01:14:36  
that when Jesus vs you

01:14:38

so what happened sometimes I

01:14:40

grow in the government is

01:14:41

supposed to be forthcoming alliances

01:14:43

when there's a Mission for

01:14:45

1 p.m. C-141 Department, it

01:14:48

sort of becomes cross-cutting and

01:14:50

there's a? Whether it should

01:14:51

be applicable for all departments.

01:14:54

And so if there is

01:14:58

another application say none of

01:14:59

the ministry of that is

01:15:00

a windshield some other application.

01:15:03

So there was an issue

01:15:05

across. I don't know if

01:15:07

it's still going and they

01:15:10

were some of my clients,

01:15:12

clients who raised this issue

01:15:13

an ongoing arbitration whether they

01:15:16

should actually you know, what

01:15:18

is this issue. The point

01:15:22

is that you know, what

01:15:25

happens is once the distance

01:15:27

of different said in the

01:15:28

beginning practically and if as

01:15:31

you said to buy a

01:15:32

large quantity of Limbs is

01:15:35

not related to me native

01:15:36  
of the length of the

01:15:37  
application, so it could be

01:15:39  
a small value claim and

01:15:40  
I can still go on

01:15:41  
for many hearings and sessions

01:15:43  
depending on The applications filed

01:15:46  
the other issues in the

01:15:48  
application so wildly judgment has

01:15:52  
you know did he said

01:15:54  
some things that I need

01:15:58  
for the determination and it

01:16:00  
has given some autonomy does

01:16:02  
not that that is a

01:16:03

set. You know, we can

01:16:05

go beyond the schedule if

01:16:07

I disagree so they can

01:16:08

send is all very cozy

01:16:10

body autonomy is up here.

01:16:12

So I think that way

01:16:13

that it is a good

01:16:14

judgment, but now completely doing

01:16:18

away with not having something

01:16:20

at all as per the

01:16:21

report recommendation if take a

01:16:24

nap may not be the

01:16:25

best way forward and you

01:16:28

know what that has to

01:16:29

be some scale. Of course

01:16:31

in my experience very do

01:16:33

investment treaty obligations. You can

01:16:37

see that the Indian most

01:16:41

of the India. Arbitration rules

01:16:45

because we're not members of

01:16:47

the exact the exact actually

01:16:49

has fees for a birthday.

01:16:51

Dinner is on what devices

01:16:53

are on a day of

01:16:54

1010 I'll bet is a

01:16:57

course in Idaho cavitations, which

01:16:59

I have dealt with under

01:17:00  
a collaboration tool. There is

01:17:02  
no really sexy for potatoes,

01:17:04  
but it said for potatoes

01:17:10  
which has identified in during

01:17:13  
the initial stages of the

01:17:14  
arbitration from International practice into

01:17:19  
does he know what you're

01:17:21  
doing. This is I think

01:17:25  
we can order worry with

01:17:26  
it. And it for example

01:17:28  
in the ICC that is

01:17:30  
a you have those cost

01:17:31  
calculator to determine support is

01:17:34

available in advance at you

01:17:35

as if they are going

01:17:36

to be a certain level,

01:17:38

of course, so I think

01:17:40

we can do away with

01:17:41

the actual table. Of course.

01:17:44

We should have an estimate

01:17:45

Council should tell the party

01:17:47

is different in advance that

01:17:49

this is what they going

01:17:49

to be till we don't

01:17:57

know whether they come in

01:17:58

this mess going, but we

01:17:59

should not completely together. I

01:18:03

think it's open when it

01:18:15

comes to you. you are

01:18:18

awake because there is a

01:18:20

schedule which is led by

01:18:21

the ocean itself depending on

01:18:23

what the fees and how

01:18:26

they how do you perceive

01:18:32

this kind of a schedule

01:18:34

are in place and now

01:18:36

with the amendments? Institutions very

01:18:41

specifically and it's not just

01:18:42

about one institution all institutions

01:18:44

that you have their own

01:18:46  
schedule or whether it is

01:18:48  
about having to look at

01:19:05  
for doing a comparison across

01:19:07  
all these institutions you think

01:19:09  
and institutions can do more

01:19:11  
to ensure that which would

01:19:15  
be the ultimate goal because

01:19:16  
that's what parties are looking

01:19:17  
at. Even if there's a

01:19:19  
dispute. I am into arbitration.

01:19:20  
I should answer my calls.

01:19:22  
I have an idea with

01:19:24  
the table. To buy an

01:19:30

island registration from two angles

01:19:32

one. You're asking me for

01:19:34

the expert report to be

01:19:35

doing away with the schedule.

01:19:37

Is it a good or

01:19:37

bad? My personal view is

01:19:39

a good thing. Do we

01:19:42

have a pretty full schedule

01:19:43

as it exists? As of

01:19:45

today is a good thing.

01:19:46

Is it good to have

01:19:48

a schedule yet? But you

01:19:50

also have to remind so

01:19:51

that when you talk about

01:19:52

cuz you cannot talk about

01:19:55

cost in an isolation costs

01:19:58

associated with law schools. You

01:20:03

have teachers you have lawyers.

01:20:06

You have different professionals across

01:20:08

the globe right charging Avenged

01:20:11

you go to a doctor

01:20:12

who may charge you 250

01:20:14

and you have a doctor

01:20:15

charged with 25. So it

01:20:18

is not that you say

01:20:19

that the 201 is good.

01:20:21

It's cost-efficient Eric 2501 is

01:20:24

definitely spent 7 note cost

01:20:25

efficient. That's the wrong way

01:20:27

to put the cost in

01:20:28

itself even Indian institutions when

01:20:31

they are projecting themselves to

01:20:34

be as good as International

01:20:36

institutions. You have to keep

01:20:38

in mind. What is it

01:20:40

that they're offering? Are you

01:20:42

offering the same quality? But

01:20:44

yes Indian rupees not a

01:20:46

same strong as probably a

01:20:48

u.s. Dollar to Singapore dollar

01:20:49  
is so I can cut

01:20:50  
down my question that but

01:20:52  
would an arbitrator who gets

01:20:55  
elected 100 + 150 +

01:20:59  
what I do it with

01:21:07  
anybody else in the room

01:21:08  
doing absolutely not. So if

01:21:11  
you say that no as

01:21:12  
an institution you are responsible

01:21:14  
to cut down the cost.

01:21:15  
So you give me the

01:21:16  
same quality better cheaper if

01:21:18  
I'm sorry doesn't have Ubiquiti

01:21:21

polity, right? But again, there

01:21:23

is a natural source of

01:21:24

Illumination in the world if

01:21:26

I don't deliver but still

01:21:28

charge you that you're not

01:21:29

coming back to me. That's

01:21:31

for sure. But if you

01:21:32

look at Indian institutions what

01:21:33

we have done all of

01:21:35

his dad that arbitrator fee

01:21:36

almost remains similar to International

01:21:39

standard The 10%. With all

01:21:47

due respect the institution where

01:21:53

the institution manages it and

01:21:56

also tell you one thing

01:21:57

that you know, me and

01:21:58

Charlie sitting here. We keep

01:21:59

discussing about when it charges

01:22:01

you ad valorem. It is

01:22:03

not that you pay and

01:22:04

how to trade or whatever

01:22:06

comes in at the end

01:22:15

of the case managers rights

01:22:18

to the opportunity to see

01:22:19

the please tell us an

01:22:20

approximate number of hours you

01:22:22

spend in CIA does not

01:22:24

operate on a per hour

01:22:25

per session. This is where

01:22:26

do I build him came

01:22:30

back and said I spent

01:22:31

50 hours on this matter

01:22:33

because no cross-examination small avoid

01:22:37

all done. We actually responded

01:22:40

back to parties 80% of

01:22:41

the fee deposited given because

01:22:43

you've gone and 50 hours

01:22:46

because we had an ad

01:22:48

valorem system efficiency and not

01:22:51

to say that you will

01:22:52

be able to have a

01:22:54

boy. You think that point

01:22:58

but I think that actually

01:22:59

I think the point is

01:23:01

that which you may not

01:23:09

get me or may not

01:23:10

get when it comes to

01:23:11

an end. Do you want

01:23:20

instead of retired judges were

01:23:24

being in the industry for

01:23:27

several years that the reason

01:23:33

for having an arbitration bad

01:23:34

in itself into a pool

01:23:36

of those are betrayed by

01:23:38

an institution that much time

01:23:44

to an arbitration. Then move

01:23:49

and agree to have an

01:23:50

excuse and be okay to

01:23:53

understand where I'm being moved

01:23:55

by a season another last

01:24:02

week maybe whether it comes

01:24:03

to come to these other

01:24:05

legal costs which are associated

01:24:06

with the arbitration. lvp equation

01:24:23

of quality and cost when

01:24:32

is demand Supply in the

01:24:34

market? The second equation is

01:24:41

Byron Bank Nexus. Elements would

01:24:48

determine the cause. I've been

01:24:57

hearing that demonstrate that there

01:25:11

is something wrong even if

01:25:12

the bank doesn't want to

01:25:13

charge for something. Oh my

01:25:18

Lord. Who played I'm observing

01:25:26

solution to this institution? Schedule

01:25:47

a vacation act and then

01:25:51

saying that you know, the

01:25:52

high court would make the

01:25:53

rules but it might not

01:25:55

work and then put this

01:25:58

picture would only happen in

01:26:00

terms of making some public

01:26:01

opinion that no and if

01:26:03

there should be some jacks

01:26:04

on the other theaters that

01:26:05

you are going beyond all

01:26:07

those limits, but otherwise it

01:26:11

goes to the root of

01:26:12

the video. The application and

01:26:15

witches party autonomy, which goes

01:26:17

to the flexibility in terms

01:26:21

of my preference in any

01:26:23

article of clothing, surprise forget

01:26:31

about domestic arbitration where in

01:26:32  
the demand-supply Gap get it

01:26:34  
have a fuel good Advocate

01:26:36  
has 15 names 15 names

01:26:50  
We have a huge gap

01:26:52  
in front of his demand-supply

01:26:53  
working from about in Bannister.

01:26:59  
Example you did mention about

01:27:00  
arbitration borrow. I know that

01:27:03  
I'm not too sure how

01:27:05  
this would function how this

01:27:06  
would help the whole ecosystem

01:27:08  
because the fact remains that

01:27:12  
Georgie of the market and

01:27:15  
the body is the 4

01:27:16  
p.m. But only if you

01:27:19  
need certain amount of dedication

01:27:21  
somewhere, so I'm not sure

01:27:23  
how it is that you're

01:27:36  
absolutely right. I'll give you

01:27:37  
an answer from any other

01:27:44  
institution is not presiding arbitrator

01:27:47  
is always disappointed by the

01:27:50  
whole reason is 15 names

01:27:52  
is also a Nexus and

01:27:55  
I are appointed as normally

01:27:57  
arbitrators will make sure that

01:27:59

Sandy gave him a visit

01:28:00

to make sure that means

01:28:02

and even I are the

01:28:02

nominated. I'll give you an

01:28:13

example that happened without naming

01:28:14

the people, of course our

01:28:15

confidentiality we had the claimants

01:28:17

appointed retired Supreme Court judge

01:28:19

that responded to point retired

01:28:21

Supreme Court judge not letting

01:28:22

any knew about it, but

01:28:23

you can't do much about

01:28:23

it. And then when we

01:28:26

don't have to say thank

01:28:27

you for the appointment at

01:28:28

this point of deciding on

01:28:30

whether I get a call

01:28:32

on my mobile to say

01:28:33

that how can you take

01:28:35

away our power to appoint

01:28:37

a presiding arbitrator? I get

01:28:51

a call in 1 hours

01:28:52

time from the lawyers with

01:28:54

the love of the devil

01:28:55

instructing an appointed. What are

01:28:57

you doing? We came to

01:28:58

MCI thinking you're getting angry.

01:29:01

If you make sure that

01:29:05

they're going to tell her

01:29:06

that the traitor the arbitration

01:29:08

be done exactly like after

01:29:10

that. Doing the same thing

01:29:13

is very difficult. It's all

01:29:25

the ways. I can tell

01:29:26

you India India Arie arbitration

01:29:28

conferences come and say that

01:29:29

yes, we should not appointed

01:29:31

a judge has every single

01:29:32

997 matters. We have a

01:29:38

retired judge appointed only. Last

01:29:42

year, we had 50% of

01:29:44

appointments for people with never

01:29:45

side and I can tell

01:29:47

you it's about giving an

01:29:52

opportunity. I think something's changed

01:29:54

and thinking that John says

01:29:55

with couldn't agree more on

01:29:58

giving an opportunity. 20 names

01:30:11

of lading I've been with

01:30:19

my last question. Give me

01:30:22

moving away from this. I

01:30:23

think we want to achieve

01:30:25

procedural efficiency 12 minutes. Given

01:30:30

that scenario where we have

01:30:32

discussed that they might be

01:30:33

caused Associated because you want

01:30:36

to achieve peace and not

01:30:54

just maybe have to be

01:30:55

at ayodhya issue. I fully

01:31:07

understand and agree with your

01:31:09

mom and dad. We all

01:31:18

have an inherent England problem.

01:31:31

Close ended in case of

01:31:33

any dispute in an understanding

01:31:35

our interpretation and application of

01:31:37

this. Let me start drafting

01:31:42

an agreement with Priam. Yes,

01:31:55

you should encourage. And you

01:31:58

should say that the first

01:32:00

option shall be immediately. arbitration

01:32:08

have an impact on the

01:32:10

cost effectiveness The first volume

01:32:35

is not aboard the brief

01:32:37

note about the cause of

01:32:38

action. 90. Evernote to mediation

01:33:08

certainly using the provisions of

01:33:19

the 2023 the scope of

01:33:30

applying it to cross-border mediation

01:33:33

is Raising questions about its

01:33:35

application. Mediation with certainly will

01:33:39

have an impact and then

01:33:41

today even prior to this

01:33:43

mediation app pre-litigation mediation has

01:33:51

been proposed again. The portion

01:33:54

of its time to be

01:33:55

is a big issue and

01:33:57

we also have locatelli's Attention,

01:34:14

I would like to have

01:34:15

one of the greatest personalities

01:34:18

of this world and I

01:34:19

am Lincoln the former president

01:34:22

of United States He said

01:34:24

about encouraging settlement through mediation

01:34:28

or fruit constipation normal winner

01:34:39

open the real loser in

01:34:43

fee and expenses and waste

01:34:46

of time as a peacemaker

01:34:47

Unity of being a good

01:34:51

man of business and I

01:34:53

am so as I thought

01:35:02

if my issue is resolved

01:35:04

within 10 days and times

01:35:07

two. So definitely mediation will

01:35:11

have an impact and there

01:35:13

are in an added advantage

01:35:22

in the United Nations convention

01:35:25

on mediation in 2019. It

01:35:34  
is going to be mad

01:35:35  
at if I can by

01:35:37  
the government and that you'll

01:35:38  
also have a huge impact

01:35:39  
on resolving disputes through this

01:35:43  
one point. I want to

01:35:47  
fly. 2023. No distinction between

01:36:01  
mediation and conciliation. It is

01:36:03  
often referred as cancellation. Holy.

01:36:11  
17 problems with the term

01:36:16  
conciliation, mediation deposit Thank you

01:36:40  
so much. If you don't

01:37:04  
want a long-drawn arbitration and

01:37:05

litigation are providing the world-class

01:37:15

mediators. Engaging the Tyson and

01:37:40

lost to think about and

01:37:42

let's hope that you can

01:37:44

see arbitration in India developing

01:37:46

the baby wanted. Ladies and

01:38:10

gentlemen, as we draw our

01:38:12

insightful discussion to a close.

01:38:14

It is my privilege to

01:38:16

deliver the concluding remarks for

01:38:18

a discussion on achieving procedural

01:38:20

efficiency and minimizing cost for

01:38:23

international arbitration in India have

01:38:27

highlighted the importance of enhancing

01:38:31

procedural efficiency and reducing costs,

01:38:34

especially in the Indian context.

01:38:36

Our esteemed panelist have shed

01:38:39

light on various dimensions of

01:38:41

this multi-faceted issue offering their

01:38:43

expertise and innovative solutions. Throughout

01:38:47

the session we've explored challenges

01:38:49

and opportunities that lie ahead

01:38:52

we have heard about the

01:38:54

imperative need for streamlining processes

01:38:56

that not only expedite the

01:38:59

process but also enhance friends

01:39:02

transparency and efficiency. The emphasis

01:39:05

has been two words adopting

01:39:07

best practices has been an

01:39:09

overall but we've also looked

01:39:11

at understanding what evidence means

01:39:14

assassin conflict of interest more

01:39:17

realistically professionalism and keeping in

01:39:21

mind the speed is of

01:39:23

the essence of weathers code

01:39:26

of conduct is relevant for

01:39:28

noches arbitrators, but also all

01:39:30

stakeholders including the availability of

01:39:35

credible arbitral institutions in India

01:39:38

importance and utilisation of institutions

01:39:43

in delivering efficient services. Application

01:39:47

fees with a Wii party

01:39:48

consent and most importantly quality

01:39:51

of service. One of the

01:39:54

most compelling takeaways from today's

01:39:56

discussion and I think from

01:39:57

the conference that we've had

01:40:00

over the last two days

01:40:01

and the next two days

01:40:02

is the acknowledgement that achieving

01:40:05

a procedural efficiency. Is that

01:40:07

a technical Endeavor, but it's

01:40:09

a cultural shift. It requires

01:40:11

the collective will of arbitrators

01:40:13

lawyers institutions and all stakeholders

01:40:17

including parties the commitment to

01:40:21

continuous Improvement and a depression

01:40:23

in the face of evolving

01:40:25

global standard is essential for

01:40:27

India to solidify its position

01:40:29

as a preferred application Hub

01:40:32

benefits of fostering a more

01:40:36

cost-effective application environment by minimizing

01:40:39

expenses. It also makes arbitration

01:40:42

far more accessible to a

01:40:44

broader range of parties to

01:40:46

individuals and small businesses who

01:40:49

might otherwise be deterred by

01:40:51

the idea of much higher.

01:40:54

The democratization of access to

01:40:57

justice is an oval gold

01:40:59

that also alliance with the

01:41:01

broader objectives of dispute resolution

01:41:03

in the community. This brings

01:41:05

us to a crucial point

01:41:07

that we emphasized on today

01:41:09

and remarkable Council arbitrators and

01:41:12

academics that are going beyond

01:41:14

the traditional centers where arbitration

01:41:17

is emphasized upon in this

01:41:20

aspect the word arbitration update

01:41:23

6 to decentralize and also

01:41:26

Foster the idea of arbitration

01:41:28

the cartoon of arbitration beyond

01:41:30

the traditional hub What is

01:41:33

this forum as we have

01:41:35

been apart of today has

01:41:36

facilitated connectivity and also integrated

01:41:40

the global arbitration Community as

01:41:42

such has provided us with

01:41:46

a roadmap for the challenges

01:41:48

that lie ahead the inside

01:41:50

Shedd will undoubtedly serve as

01:41:52

a catalyst for reforms and

01:41:54

inventions that can Propel in

01:41:56

the Forefront of arbitration in

01:41:59

the years to come. I

01:42:01

hope the momentum generated here

01:42:03

with our discussion continues to

01:42:05

grow in conclusion. I extend

01:42:08

my deepest gratitude to our

01:42:10

panelists for your invaluable contributions

01:42:12

and our participants for being

01:42:15

here your presence and involvement

01:42:17

has been crucial in making

01:42:19

this discussion fruit. Let's leave

01:42:22

here inspired and committed to

01:42:25  
implementing strategies and ideas discussed

01:42:28  
and shutting the Indian not

01:42:29  
only meet the expectations of

01:42:32  
international. Community but also exceeds

01:42:35  
them. Thank you very much.

01:42:36  
Have a good night. I

01:42:55  
would not. Thank you.