

ARBITRATION SYSTEMS SPECIALISTS

The growth in domestic and international trade and commerce has spurred competition, provided new opportunities and imputed risks. Commercial arbitration in India is witnessing a steady transition and resolution of domestic and cross border disputes is becoming more sophisticated. The parties are increasingly choosing to resolve disputes away from the courts through arbitration. In-house counsels are leveraging the advantages offered by this mechanism including speed of resolution, flexible processes and confidentiality of proceedings while overcoming the hurdles of undue delay in proceedings and lack of institutional arbitration infrastructure. The future of arbitration looks cautiously optimistic owing to several advantages and disadvantages that arbitration provides in the Indian landscape.

To fast track dispute resolution, the Ministry of Law & Justice, GOI, has asked government departments to go for online arbitration. Presently, there are more than 30 million cases pending in various courts of the country and 46% of these involve government departments or government bodies. Ministry of Law has also issued a Notification on "ONLINE DISPUTE RESOLUTION THROUGH MEDIATION, ARBITRATION, CONCILIATION, ETC." in this regard. As per this notification, ministries have been advised not to go to court for their disputes and instead opt for arbitration in order to cut litigation. 'This may help courts to concentrate on access to justice to people in better manner,' the ministry noted. Many of these agencies provide services of retired judges, senior advocates, chartered accountants, retired civil servants for mediation. Providing a list of such agencies on its website, the law ministry has said the departments may select from them according to their choice and can use their services which will 'help to a great extent in reducing government litigations'." Construction Industry Arbitration Council (CIAC) has been nominated as one of the nodal agencies to be approached for dispute resolution.

CIAC has been closely associated with **United Nations Commission on International Trade and Law (UNCITRAL)** as Observer at the Working Group meetings on Dispute Resolution, Rules and Procedures for Arbitration and On-line Dispute Resolution, held in Vienna and New York, were attended by representatives from CIAC.

Presently more than 3 crores cases are pending in various courts of the country and 46% of these involve Government Department bodies. Hence, the Department of Justice is exploring the options for Government Departments and Organisations & others for settlement of their disputes through alternate methods like mediation, arbitration, conciliation via online means to save time. The disputing parties can visit the web portal /web links / websites and conduct end to end online arbitration proceedings starting from notice of arbitration to conduct of online hearing through Video Conference to publication of online Arbitration Award. This will result in saving of a lot of time and cost. This will also provide online access to various court judgments to Arbitrators as will be linked with numerous court & legal sites.

However, most of the over 80000 Arbitrators in India are senior personnel many of whom are tech averse or not tech savvy. To facilitate the Arbitrators, it is recommended to engage IT savvy young Arbitration Systems Specialist, not necessarily having Law & IT background. Preference will be given to including Engineering and Management graduates The Arbitration Systems Specialist can be groomed with required training on Law & IT and will provide required technical support to the Arbitrators. This will open new job opportunities for the thousands of young people while promoting a system (ODR) which is an urgent need to reduce the extensive workload of disputes which are holding up the expansion of our economy. These specialists shall-

1. Work with arbitrators to provide specialised technical front end support.
2. Form an organization which will provide such services.

The training will acquaint young graduates in various fields of law such as constitutional & administrative law, finance law, infrastructure law, economic law, labour law and arbitration & contract law. Training will provide new avenues of work for and increase employability as well.

Construction Industry Arbitration Council is jointly organising a one day National Conference on Online Dispute Resolution in April 2018 with support of Engineering Council of India and All India Council of Technical for Technical Education (AICTE) alongwith UNCITRAL and Ministry of Law to create more awareness among the stakeholders.