



**CONSTRUCTION INDUSTRY ARBITRATION COUNCIL (CIAC)**

**National Conference**

**on**

**Online Dispute Resolution Mechanism**

**April 21, 2018**

**Chief Guest**

*Mr M Venkaiah Naidu, Hon'ble Vice President of India*

**Guest of Honour** (Invited)

*Mr Ravi Shankar Prasad, Hon'ble Minister for Law & Justice*

**Prime Partner**

*All India Council for Technical Education (AICTE)*

**Supporting Organisations**

*Department of Legal Affairs, Ministry of Law & Justice,  
Department of Commerce, Ministry of Commerce & Industry,*

*Government of India,*

*UNCITRAL Regional Centre for Asia and the Pacific &*

*Engineering Council of India (ECI)*

**Venue**

**Civil Service Officers Institute, Vinay Marg,  
Chanakyapuri, New Delhi 110067.**

## Introduction

Online dispute resolution (ODR) is a method of dispute resolution which uses Information & Communication technology to facilitate expeditious resolution of disputes between parties. It primarily involves negotiation, mediation or arbitration, or a combination of all three. The primary purpose of ODR is to allow the parties to resolve their dispute with the use of electronic technology. It may occur in “real time” or unroll in an asynchronous manner, depending on the rules of the ODR Provider, as well as the wishes of the parties. Often, this process is more convenient and cost efficient than face-to-face meetings in order to resolve existing disputes through Conciliation, Mediation or Arbitration. The enforceability of the settlement agreement may depend on the rules and jurisdiction of the ODR Provider, particularly if the dispute is international. ODR Platforms appeared two decades ago offering a plethora of online processes for different types of disputes. ODR has grown exponentially and offers unique features for handling millions of disputes annually and has the potential to significantly increase access to justice across all legal jurisdictions.

A UNCITRAL Working Group has deliberated on developing “Procedural Rules for Online Dispute Resolution for Cross-border Electronic Commerce Transactions”. In April 2017, UNCITRAL has brought out ‘[UNCITRAL Technical Notes on Online Dispute Resolution](#)’ (available on UNCITRAL web site)

To fast track dispute resolution, the Ministry of Law and Justice has recently advised government departments/organisations to go for settlement of their disputes through alternative methods, like mediation, conciliation, arbitration-online or otherwise resolution and has issued a Notification on "ONLINE DISPUTE RESOLUTION THROUGH MEDIATION, ARBITRATION, CONCILIATION, ETC.," in this regard. As per this Notification, there are about 30 million cases pending in various courts. The government departments/organisations have been advised not to go to court for their disputes and instead opt for alternative methods of dispute resolution so that government litigation is reduced. ‘This may help courts to concentrate on access to justice to people in better manner,’ the Ministry noted. The Ministry has identified Construction Industry Arbitration Council (CIAC as one of the nodal agencies to be approached for this purpose.

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

## Objectives

One of the objectives of the Conference is to demystify ODR and to explain why and how it offers increased access to information and justice, particularly in emerging economies, conflict zones and remote places where individuals do not even have the benefit of judiciaries to resolve their disputes. The conference will explore innovative applications of information and communications technologies to improve the administration of dispute resolution, and their direct benefits to our civil, societal and commercial life in general. It will provide the opportunity to familiarize with pilot projects, platforms and initiatives undertaken in India and worldwide and to exchange views about the ethics and future of ODR. Specifically, the Conference will aim to:

- Clarify the benefits of information and communication technology as a tool for promoting increased access to information and justice
- Inform and familiarize participants with on-line dispute resolution mechanisms using information and communication technology
- Offer opportunities for ODR providers, including providers in India, to present their platforms
- Familiarize the participants with the value and benefits of on-line dispute resolution platforms and programs and demonstrate what can be achieved concretely through such platforms
- Exchange experience with respect to projects, platforms and initiatives undertaken on ODR in India and other countries, by organizations, tribunals, service providers, law schools and commercial entities
- Discuss views about the ethics and future of ODR

## Tentative Program / Topics

0900-1000	Registration
1000-1100	Inaugural Session
1100-1130	Coffee/Tea
1130-1230	Technical Session I - UNCITRAL Technical Notes on ODR
1230-1300	ODR PORTAL
1300-1400	Lunch
1400-1500	Technical Session II- PANEL DISCUSSIONS - INITIATIVES / PROMOTION OF ODR
1500-1600	Technical Session III- CASE STUDIES
1600-1630	Coffee/Tea
1630-1700	Technical Session IV- PANEL DISCUSSIONS- WAY FORWARD

**Venue :** Civil Service Officers Institute, Vinay Marg, Chanakyapuri, New Delhi 110021.

### Who should attend?

The conference will gather stakeholders involved or interested in online dispute resolution worldwide, ranging from government/ state entities, arbitral institutions and service providers, legal entities, NGOs, professionals interested in ODR, academics and companies.

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Nominations may please be sent by Cheque in favour of Construction Industry Arbitration Council at New Delhi or for online payment bank details are furnished below :

### Name: CONSTRUCTION INDUSTRY ARBITRATION COUNCIL

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### CONSTRUCTION INDUSTRY ARBITRATION COUNCIL

801 (8th Floor), Hemkunt Chambers, 89, Nehru Place, New Delhi 110019, India  
Tel: +91-11-26451766 / 41617971 / 41619841 / 41619840; Fax: +91-11-26451604 / 26234770  
Email: mail@ciac.in ; Website: http://www.ciac.in



## CONSTRUCTION INDUSTRY ARBITRATION COUNCIL (CIAC)

CIAC, a registered society with its headquarters in New Delhi, is dedicated to promote the practice of institutional arbitration in the Indian construction industry. CIAC is working under the aegis of Construction Industry Development Council (CIDC), an apex body for the Construction Industry established by the Planning Commission and construction industry.

It is believed that substantial sums amounting to several crores of rupees are locked up in many contractual disputes in the Construction Sector alone in India. The Construction Industry therefore felt the need to introduce new measures so that disputes are resolved in a fair, speedy and cost efficient manner.

With a view to providing an institutional mechanism for resolution of construction and infrastructure related disputes, the Construction Industry Development Council, India (CIDC) in cooperation with the Singapore International Arbitration Centre (SIAC) has set up an Arbitration Centre in India called the Construction Industry Arbitration Council (CIAC).

CIAC provide facilities for alternative dispute resolution (ADR), which includes international and domestic commercial arbitration. CIAC conducts executive development programmes and workshops and National / International Conferences on various aspects of Alternate Dispute Resolution process (ADR).

### Objectives

The main objectives of ECI are to work for the advancement of engineering profession in various disciplines and for enhancing the image of engineers in the society. To this end, ECI is focusing on quality and accountability of engineers, regulation through a statutory body, professionalization and their mobility for delivering quality engineering services in India and other countries.

### Advantages of CIAC

The parties referring their case to CIAC under its rule will have the following advantages:

- I. Availability of pre-established rules and procedures which assure that arbitration will get off the ground and proceed to conclusion with dispatch;
- II. Administrative assistance from CIAC viz. secretariat or court of arbitration; The Secretariat of CIAC will monitor the progress of the case throughout the arbitration. The Secretariat would also be able to arrange transcription, translation and interpretation services.
- III. Lists of qualified arbitrators, often broken out by fields of expertise; The panel of arbitrators of CIAC consists of professionals from the construction industry as well as the legal fraternity.
- IV. To assist parties know their financial exposure to the costs of arbitration, CIAC will charge parties based on a published Scale of Fees.
- V. Appointment of arbitrators by the CIAC;
- VI. An arbitrator is appointed to a particular case only after availability and conflict of interest checks are made. Arbitrators appointed are reminded in each assignment, of the strict Code of Ethics under which they are to conduct the arbitration.
- VII. Physical facilities and support services for arbitrations;
- VIII. Assistance in encouraging reluctant parties to proceed with arbitration and
- IX. An established format with a proven record.