

Webinar on Future of Litigation Practice in a post-COVID Economy

Gandhinagar, June 26, 2020: Gujarat National Law University, in collaboration with Think India Gujarat, organized a webinar on Future of Litigation Practice in a post-COVID Economy. The webinar was delivered by Senior Advocate Madhavi Divan, Additional Solicitor General of India and Senior Advocate Devang Vyas, Assistant Solicitor General of India.

Ms Divan observed that we are living through bizarre times. The living generation has not witnessed anything similar before. Explaining the role of virtual courts in the justice delivery system, she observed that the Covid-19 pandemic has compelled the courts to resort to virtual hearings. However, virtual courts can only supplement, and not substitute, the actual courtroom. She said that the virtual courts are bereft of the aura and majesty of rule of law which a Courtroom traditionally exudes. The virtual court system cannot recreate the intimacy or solemnity of the physical courtroom. “We, the advocates, are in the practice of persuasion and are at a disadvantage in a virtual courtroom setting,” she added. However, the virtual court system can be useful in the disposal of applications of routine nature, traffic offences, consumer disputes and other small-stake litigations.

Ms Madhvi Divan opined that the role of Alternate Dispute Resolution (ADR) such as mediation and arbitration will increase especially to resolve commercial disputes. Furthermore, she stressed the need to improve arbitration infrastructure in the country. She also remarked that the establishment of the Arbitration Council of India is a step in the right direction and batted for the replacement of ad-hoc arbitration with institutional arbitration which will not only reduce the cost of the arbitration but will also offer empaneled domain experts as arbitrators.

Ms Divan said that Singapore and London have emerged as global arbitration hubs. They get most of their business from overseas. Global corporates, including Indian ones, prefer one of those destinations for arbitration given the excellent systems in place there. Some of the best Indian advocates also practice there. She called upon law schools, law firms and Governments to work together for creating appropriate infrastructure in the country so that this brain drain and work drain can be reversed. “India has the potential to become an international arbitration centre. This can also lead to arbitration tourism,” she added.

Lastly, Ms Divan termed the Covid-19 Outbreak and the resultant state of affairs as an opportunity for law students and young legal practitioners alike. This is providing them with a break to hone their skills which will enable them to offer better legal services to their clients in future. She advised young advocates to use this time to read not only law books but also ancillary subjects like

Economics, History, Politics and Sociology to have a holistic understanding of the legal matters they are dealing with. She said that reading history, particularly of the years before the country became independent, will give them the context and a better understanding of the Constitution of India. She said, “I am now reading Dr Ambedkar’s books and Kautilya's Artha Shashtra.”

Mr Devang Vyas echoed the views expressed by Ms Divan and hoped that the current situation will pave the way of live online streaming of courtroom proceedings in India akin to Parliament proceedings. He reasoned it on the ground that judiciary is one of the important pillars of democracy and must be open to public scrutiny and accountability.

Mr Vyas felt that the courts and arbitral tribunal would be faced with loads of commercial disputes as an aftermath of the nationwide lockdown and other measures to control the Covid-19 outbreak. He remarked that the Covid-19 is seeing the worldwide acceptance of the cyberspace and this will lead to an increase in the cases of Cybercrimes. Hence, disputes involving the IT Act will form a major chunk of future litigation in the Indian courts.

Today’s webinar was the first of the three-day series of webinars on Future of Legal Sector in the Post-COVID Economy. On the second day (June 27), Mr Bharat Chug, Advocate will express his views on Future of Corporate Law Firms. On the last day (June 28), Mr Vidushpat Singhania and Mr Pranjal Sinha will share their views on Alternative Careers in the Legal Sector.

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