

TEMPLATE FOR REPORTING OF EVENTS

Faculty incharge of the event: Do. Shahe	oma. A.S., Dr. Ashwini. P,
Faculty incharge of the event: Do. Shahe Mys. Deepa Salian Committee / Cell Name: Memorandem Aireca And ADR Event Title: Special Leeling on of Field of ADR	of lenderslanding (MOV)
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Field of ADR	pportunities and threats in the
Event Type: Seminar / Conference / Guest Lec	ture/ Workshop / Extension Activity
Specify if any other: Special Lech	ne
Event Date(s): 1 st September, 200	22.
Venue: SDM Law college	Auditorium
Number of Participants 153	
Guest(s) / Dignitaries	Designation / Affiliation
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Summary of the event / Additional information:	
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SHREE DHARMASTHALA MANJUNATHESHWARA LAW COLLEGE CENTRE FOR POST GRADUATE STUDIES AND RESEARCH IN LAW MANGALURU, DAKSHINA KANNADA - 575003



(NAAC Re-Accredited B++ CGPA 2.9)
(Affiliated to Karnataka State Law University, Hubballi & Recognised by BCI, Delhi)



(Managed by: **S.D.M.E. Society (R) Ujire.**) President: **Dr. D. Veerendra Heggade**

In Association with

KANARA CHAMBER OF COMMERCE & INDUSTRY

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OPPORTUNITIES & THREATS IN THE FIELD OF ADR

(An IQAC Initiative)

Date: 01-09-2022

Time: 12.00 noon

Venue: Auditorium, SDM Law College

GUEST LECTURE ON OPPORTUNITIES AND THREATS IN THE FIELD OF ADR

M. C – Arolin D Souza

Introduction and Welcome Speech – Swathi Shenoy

Vote of Thanks- Shreya C Shetty

Organising Committee:

- 1. Dr. Ashwini P
- 2. Dr. Shaheema A S
- 3. Mrs Deepa Salian

Resource person

Prof. CA Lionel Aranha, Chartered Accountant, Mangaluru

The resource person has focused on the following aspects:

- Started the session by explaining the scope and Importance of ADR
- Spoke briefly about arbitration I e Arbitration Act 1940 was not in much force- After the letters and requests, Arbitration Act 1996 was amended to include industries
- Advised that the younger generation must look for newer avenues in the field of ADR as lawyers are being saturated.
- Gave an overview of Mediation:
 - In India Mediation and Conciliation are separate unlike in some other countries
 - o Normally Mediation completes within a week- adjudication might extend up to a month
 - o Dispute panel review of industries fails as parties are biased hence the government wanted to bring in the mediation

- Mediation is aimed at parties to avoid courts and reduce the burden
- o Mediation act mentions mediation service providers- however, it is unclear and gives no qualifications

The resource person has been the sole arbitrator for 18 arbitrations, out of which 10 cases have been settled, amounting to over 6 crores. The shortest days taken for settling the dispute were 63 days while the longest had gone up to 102 days.

- The resource person further spoke about the following aspects;
- Advantages of arbitration:
 - o Arbitration is speedy and effective
 - o Arbitration is collaborative and not adversarial
- It has also been pointed out that at times, arbitration could be very expensive
- · Briefly spoke about conciliation
 - Conciliation is not based on the agreement but on the Invitation
 - o In conciliation, if not responded within 30 days, it is considered failed
 - o Conciliation is considerably better than arbitration

The following points have been highlighted by the resource person

- Certain topics cannot be brought before an arbitration
 - o Validity of will
 - Right to hold office
 - o Criminal offenses
 - Dispute among trustees
 - o Divorce
 - o Winding up of company
- Award should be a reasoned award



- Court can intervene in certain arbitration cases
- Importance of English language and methods to improve

Certain problems faced by the resource person in ADR

- · Lack of awareness about ADR
- Litigation interest by parties
- Selection of arbitrators
- Hidden charges in the ad hoc arbitration
- Court interference
- Lawyers wanting to replicate court procedures in ADR
- Arbitrators not adapting to new technology

At the end of the session, certain questions were asked by the students.

Questions relating to which ADR method is more effective, the difference between mediation and conciliation, how can arbitration be so expensive and how will the mediation bill change the court assigned mediation.

Rapporteur- Priya A

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[Managed by: SDM Education Society (R)]
President: Dr. D. Veerendra Heggade

in association with

KANARA CHAMBER OF COMMERCE & INDUSTRY





(An IQAC Initiative)

Cordially invite you to a special lecture on

OPPORTUNITIES & THREATS IN THE FIELD OF ADR

By

Prof. CA. LIONEL ARANHA

Chartered Accountant, Mangaluru

On 1 September 2022 at 12 PM At SDM Law College Auditorium

All are Welcome



Mrs. Deepa Salian

Faculty Convenor ADR Cell SDM Law College Mangaluru Dr. Shaheema A. S.

Assistant Professor in Law SDM Law College Mangaluru Dr. Ashwini P.

Assistant Professor in Law SDM Law College Mangaluru Dr. Tharanath

Principal SDM Law College Mangaluru

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OPPORTUNITIES & THREATS

IN THE FIELD OF ADR

Date: 01-09-2022

Programme Schedule

Time: 12.00 PM

Welcome Address &

Introduction of Guest Speaker: Ms. Swathi Shenoy

About the Guest Lecture : Dr. Shaheema A S

Vote of Thanks

Ms. Shreya Shetty

MC

: Ms. Aroline D'Souza

Rapporteur

: Ms. Priya A











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