



# IAF Protocol on Virtual Hearings for Arbitrations

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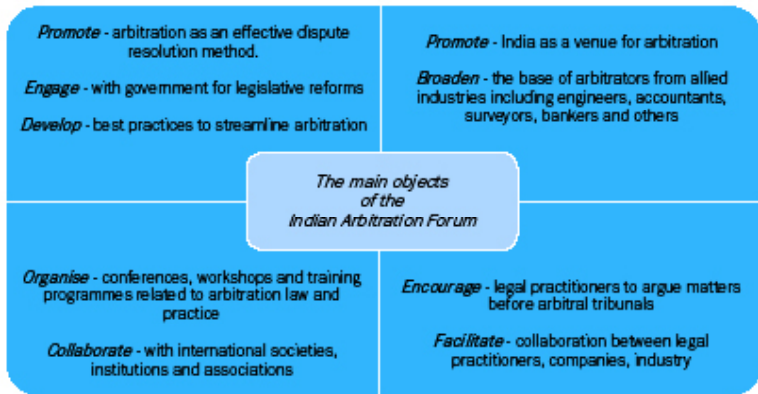
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The Indian Arbitration Forum is an association of leading arbitration practitioners committed to streamlining the conduct of arbitration in India and promoting arbitration as an effective means of dispute resolution in India and abroad.



## PROCESS NOTE

The Indian Arbitration Forum (“**IAF**”) is an association of leading arbitration practitioners committed to streamlining the conduct of arbitration in India and promoting arbitration as an effective means of dispute resolution in India and abroad. This is a first-of-its-kind initiative by legal practitioners to establish a commercial/arbitration bar in India.

In February 2020, the IAF launched the updated version of its guidelines on conduct of arbitration proceedings i.e. the IAF Best Practices Guidelines for Conduct of Arbitral Proceedings 2.0. These guidelines were prepared (and revised subsequently) with a view to provide guidance on evolving best practices in the arbitral process. These guidelines also refer to the use of videoconferencing technologies to undertake activities such as case management conferences, examination of witnesses and oral arguments.

In furtherance of the same, the IAF is proud to launch the IAF Protocol on Virtual Hearings in Arbitrations (“**IAF Protocol**”) with a view to lay down guidelines and good practices that parties to an arbitration may choose to follow when conducting virtual hearings (including for oral arguments and trial) through videoconferencing and related technologies.

The IAF Protocol has been prepared on the basis of research of existing international guidelines on use of technology to conduct virtual hearings in arbitrations that are best suitable for the Indian scenario. Reference has been made to the Supreme Court’s Model Rules for Video Conferencing for Courts 2020, the Seoul Protocol on Video Conferencing in International Arbitration, CPR’s Annotated Model Procedural Order for Remote Video Arbitration Proceedings, the CIArb Guidelines for Witness Conferencing in International Arbitration, ICC Commission Report on Information Technology in International Arbitration, Delos’s Checklist on holding Arbitration and Mediation Hearings in times of COVID-19, the Hogan Lovells Protocol for Use of Technology in Virtual International Arbitration Hearings and pertinent judgments of various High Courts and the Supreme Court of India.

The draft IAF Protocol was reviewed by legal luminaries such as Justice Indu Malhotra, Hon’ble Supreme Court of India, Justice Gautam Patel, Hon’ble High Court of Bombay, Justice Pratibha Singh, Hon’ble High Court of Delhi, Mr. K V Viswanathan, Senior Counsel, and Mr. Naushad Engineer, Counsel. After several rounds of review, additions and edits, the IAF Protocol was formulated in its current form.

Members of the IAF team that drove the entire process were Raj Panchmatia, Vyapak Desai, Mustafa Motiwala, Nandini Khaitan, Lomesh Nidumuri, Vikas Mahendra, Peshwan Jehangir, Kushagra Agarwal, Pradeep Nayak and Varsha Shivanagowda.

# Contents

|  |           |
|--|-----------|
| <b>1. INTRODUCTION</b>   | <b>01</b> |
| <b>2. AGREEMENT TO CONDUCT VIRTUAL HEARINGS THROUGH VIDEOCONFERENCING / ARBITRAL TRIBUNAL'S FIRST PROCEDURAL ORDER</b> | <b>02</b> |
| a. Scheduling  | 02        |
| b. Basic equipment and technology  | 02        |
| c. Virtual hearing platforms/ software   | 03        |
| d. Document sharing platform/ software   | 03        |
| e. Technical assistant   | 04        |
| f. Recording of proceedings  | 04        |
| g. Transcription of proceedings  | 05        |
| h. Cybersecurity and confidentiality measures  | 05        |
| i. Costs   | 05        |
| <b>3. PRE-HEARING PREPARATION AND TEST SESSION</b>   | <b>06</b> |
| <b>4. THE VIRTUAL HEARING THROUGH VIDEO CONFERENCING</b>   | <b>07</b> |
| a. Host and moderator  | 07        |
| b. Setup of the location of video conferencing   | 07        |
| c. Good etiquettes during the virtual hearing  | 07        |
| <b>5. WITNESS'S EXAMINATION-IN-CHIEF AND CROSS-EXAMINATION</b>   | <b>09</b> |

# 1. Introduction

As we all know, today, technology has become an inseparable adjunct of the rule of law and dispute resolution. Information and communication technologies are being used across the world to reform the conventional processes of dispute resolution. Over the last decade, technology has brought about many changes in the field of arbitration. Some instances where information and communication technologies are being extensively used in arbitration include email-based communication between parties *inter se* and the arbitral tribunal, sharing of soft copies of documents and pleadings and conduct of procedural hearings through video-conferencing platforms/software.

The COVID-19 pandemic has made the legal fraternity realise the importance and the necessity of incorporating the use of information and communication technologies in the day-to-day functioning of the courts and arbitral tribunals. The use of such technology, not just at the time of the current pandemic or any other such emergency situations, but in general, has immense advantages and benefits. In international arbitrations (where the participants i.e. parties, counsels, party representatives, witnesses, interpreters and the arbitral tribunal may be located around the world) as well as domestic arbitrations (where the participants i.e. parties, counsels, witnesses and the arbitral tribunal may be spread across cities), the use of videoconferencing technologies to conduct fully virtual hearings can result in incredible benefits in terms of time and cost efficiencies and savings.

The purpose of the IAF Protocol is to provide to the parties, counsels and arbitrators a uniform, fair and efficient procedure for conduct of virtual hearings for arbitrations. It has been drafted in a manner which makes it compliant with all basic statutory and regulatory requirements. It provides for adequate measures to ensure privacy and data protection and is equipped to deal with any possible disruptions or glitches during a virtual hearing.

Hearings through video conferencing require flexibility and must be customizable so that they can adapt to each specific circumstance and be moulded according to the parties', counsels' and arbitral tribunal's needs.

## 2. Agreement to conduct virtual hearings through videoconferencing / arbitral tribunal's first procedural order

Virtual hearings can be used at all stages of arbitral proceedings. In case the parties decide to conduct virtual hearings, they may enter into an agreement that shall incorporate the requisite standards addressed in this IAF Protocol. In case the parties decide to let the arbitral tribunal adopt the modalities of conduct of virtual hearings, the arbitral tribunal's first procedural order may lay down guidelines considering the suggestions addressed in this IAF Protocol. In either case, the parties shall expressly agree in writing not to challenge or oppose the enforcement of the arbitral award on the ground that the arbitral proceedings were not held in person and were held through virtual hearings.

If any party is opposed to the conduct of hearings virtually, then ordinarily, the arbitral tribunal shall not conduct the proceedings through virtual hearings. However, in the event the arbitral tribunal decides to proceed with virtual hearings, the arbitral tribunal shall:

- provide the non-cooperating party an option to provide its comments and objections on conducting hearings virtually; and
- pass a procedural order addressing the specific concern(s) raised by such a party (if any) and making suitable arrangements to accommodate or address the concern(s) of such party. The arbitral tribunal shall also record detailed reasons for its decision including (i) the exceptional circumstances which required the arbitral tribunal to continue with virtual hearing, and (ii) specific reasons as to why the arbitral tribunal could not have waited for holding a physical hearing.

Kindly note that nothing in this IAF Protocol derogates from the arbitral tribunal's duty to determine all issues that arise in a case judicially and in accordance with the applicable legal principles and relevant statutory provisions.

### a. Scheduling

- i. The parties and the arbitral tribunal should periodically agree to a schedule in terms of date and time that is practicable and convenient for all involved in the virtual hearings.
- ii. In case the parties and the arbitral tribunal reside in different time zones, as far as possible, it should be ensured that no individual or witness is made to participate in a virtual hearing at an unreasonable time.
- iii. In case there is any disagreement between the parties, the decision of the arbitral tribunal shall be final and binding on the parties.

### b. Basic equipment and technology

- i. The parties should agree on the technological specifications of the audio and video equipment that is to be used to conduct the virtual hearings, before or at the time of the first procedural order being passed and the arbitral tribunal shall duly record the same in the first procedural order. The parties and the arbitral tribunal may consider the following basic recommendations:
  - A desktop, laptop or any other electronic device with a good quality webcam and a printer (where necessary);

- Internet connection–Parties should use password protected, secure personal connections and avoid using public Wi-Fi networks. As far as possible, the parties are encouraged to use LAN ethernet cables instead of using Wi-Fi, or hotspot, to access the internet so as to minimise interruptions;
  - A headset with integrated microphone (preferably) – In case any party decides to use speakers, it shall make adequate arrangements to ensure that there is no echo, static or any other unwanted sounds during the proceedings;
  - Fully charged devices/equipment and uninterrupted power supply to ensure that proceedings do not get disrupted in any manner; and
  - An alternate mode of communication (for example mobile phones or telephones) to communicate in case the videoconferencing equipment falters during the hearing.
- ii. The parties may choose to use dual screens or a desktop and a laptop simultaneously so as to ensure a separate screen is available to run the virtual hearing and a separate screen is used to take notes and view documents and exhibits The parties may also choose to have a single screen of sufficient size so as to accommodate simultaneous display of separate windows for the video images and documents. Participants may be encouraged to use a device with a screen size sufficient to view appropriately any participant who is speaking.
  - iii. The parties and the arbitral tribunal should arrange for their own video and audio equipment. In case it is not possible for the arbitral tribunal to arrange its own audio and video equipment, the parties shall decide on a mechanism to facilitate the same.
  - iv. The parties and the arbitral tribunal may, if feasible, consider using a third party's premises (for example an arbitral institution, a law firm or any other such third party), with appropriate disclosures to all parties, where such facilities have the requisite audio and video infrastructure already in place to enable smooth conduct of proceedings.

#### c. Virtual hearing platforms/ software

- i. The parties shall agree to a third-party integrated virtual hearing and/or videoconferencing platform/ software to be used to conduct the virtual hearings.
- ii. In selecting a platform/software, the parties should consider not only the features of the platform/ software but also the security measures it offers (such as level of encryption, password protected meetings). The parties and the arbitral tribunal shall pay special attention to the terms and conditions of the platform/software sought to be used.
- iii. The parties and the arbitral tribunal shall endeavour to select a secure and stable platform/software so as to strike a balance between accessibility and integrity of the virtual hearings.
- iv. Certain videoconferencing platforms/software that the parties may consider employing are WebEx (Cisco), Skype (Microsoft), Microsoft Teams (Microsoft), Google Meets, Zoom or any such other platforms/software which are mutually acceptable and easily available to the parties. While using any such platforms/software, data security should be given prime importance.

#### d. Document sharing platform/ software

- i. The parties may consider agreeing to use a specific document sharing platform/software so as to enable quick and efficient transfer and receipt of documents and pleadings. In making this selection, the parties shall consider in particular whether the platform/software allows the parties and the arbitral tribunal to access all pleadings, correspondence and other documents continuously and in real time.

- ii. The parties shall also agree to a uniform method of naming and marking their documents and pleadings.
- iii. All participants shall have an identical bundle of documents and pleadings, paginated consecutively from beginning to end. Each document/pleading shall be bookmarked with an index (preferably hyperlinked) at the beginning of the document/pleading. The manner of preparation of these bundles shall be prescribed in a procedural order to ensure uniformity in filing of pleadings and documents.
- iv. The parties may consider using platforms/software such as Dropbox, Google Drive (which are basic, more consumer centric and come with less security features) or virtual data rooms like Anasara, Ethos Data, Box (which are more secure and business centric) or any other platform that may be mutually agreed to between the parties. The parties may also refer to the Protocol for Online Case Management in International Arbitration by the Working Group on Legal Tech Adoption in International Arbitration in case they wish to use a specialized online case management platform. In order to ensure confidentiality and data protection, it must be noted that customized or licensed, fee-based platforms/software may offer better security measures than free-to-use public platforms.
- v. Use of such cloud based services for filing, maintaining and accessing arbitral records throughout the virtual hearings is recommended so that filing of pleadings and documents, posting of orders and any other directions by the arbitral tribunal takes place simultaneously to all the parties. Access to the cloud based service shall be made available to the arbitral tribunal, the parties and their representatives.

#### e. Technical assistant

- i. The parties should consider appointing technical assistant(s) who may either be stationed physically with the presiding arbitrator/sole arbitrator or be available virtually to assist the arbitral tribunal. The parties may also consider appointing similar technical assistant(s) for themselves or their legal team keeping in mind costs related concerns.
- ii. Such technical assistant(s) shall be conversant with all the technological equipment and software being used to conduct the virtual hearings. His/her role shall be to assist the parties and the arbitral tribunal in setting up the videoconferencing equipment and aiding them in case any technical issues arise while conducting the virtual hearings.
- iii. Unless the parties agree otherwise, the arbitral tribunal should obtain a declaration from such technical assistant(s) to keep the matters discussed and the proceedings entirely confidential.

#### f. Recording of proceedings

- i. Parties shall, at the time of or before the virtual hearing, by consent, agree for recording the proceedings of the virtual hearings. The consent shall be in writing and shall form part of the procedural order of the arbitral tribunal. The parties shall ensure that the proceedings by videoconferencing are not broadcast or communicated in any manner over any public platform.
- ii. The parties shall endeavour to agree to a single and uniform procedure for recording the proceedings. Preferably, the parties shall agree to record the proceedings at the presiding arbitrator's/ sole arbitrator's location and under the supervision of the arbitral tribunal.
- iii. The parties may jointly designate and authorise a well-trained and equipped individual/entity as responsible for ensuring that all proceedings are recorded properly.
- iv. Other than the agreed procedure for recording of proceedings, no party shall separately record the proceedings without the prior approval of the arbitral tribunal and the opposing party.



- v. The raw and unedited recordings shall be circulated to the parties, their counsels and the arbitral tribunal within 24 hours of culmination of the proceedings as far as possible, but not later than 48 hours.

#### g. Transcription of proceedings

- i. The parties shall consider having the proceedings of all virtual hearings transcribed either by a stenographer or by using any other transcription facilities available in the market.
- ii. At the discretion of the arbitral tribunal, the stenographer may either be stationed physically with the presiding arbitrator / sole arbitrator or be available virtually to transcribe the proceedings (including examinations in-chief and cross-examinations). The arbitral tribunal shall have discretion to make necessary arrangements to ensure integrity and ease of communication during the process of transcription.

#### h. Cybersecurity and confidentiality measures

- i. The parties may consider adopting the following cybersecurity and safety measures:
  - Use of access-controlled videoconferencing platform/software with an authentication process before permitting access;
  - Use of end to end encrypted communication channels and networks;
  - Secure storage, retrieval and archival of documents that applies to data both at rest and in transit;
  - Data processing and storage in servers whose locations are clearly identified, and whose location follows applicable laws;
  - Robust governance mechanisms that ensure appropriate administrative controls that maintain security and integrity of the data.
- ii. Unless the parties agree otherwise, the arbitral tribunal shall obtain declarations from all participants in the virtual hearings, including any third-party service providers, to maintain confidentiality with respect to the proceedings and the matters discussed.
- iii. The parties and the arbitral tribunal may also consider adopting or referring to the ICCA-NYC Bar-CPR Protocol on Cybersecurity in International Arbitration (2020 Edition) or take any such other measures to ensure adequate cybersecurity during the conduct of proceedings through virtual hearings.

#### i. Costs

- i. The parties shall expressly agree on who shall bear the costs associated with the virtual hearings' process, including any technical assistant provided for the benefit of the arbitral tribunal, and to what extent. It is suggested that the parties bear the costs equally.
- ii. In case a party is producing a witness, then such party shall be responsible for the costs associated with setting up of videoconferencing facilities for their witness.
- iii. The cost of any technical assistant used by any party for itself or its legal team should ordinarily be borne by the concerned party.

### 3. Pre-hearing Preparation and test session

- a. At least 48 hours prior to the hearing, all the participants must conduct a full-fledged trial-run of all the equipment/platform/software that will be used by them to conduct the virtual hearing. The purpose of this session is to facilitate each participant to conduct all activities that a participant is expected to undertake during the virtual hearing.
- b. The presiding arbitrator/sole arbitrator (or a person designated by him/her) shall act as the host and the moderator to the test session. The arbitral tribunal shall be provided with a list of all the participants (including witnesses if any) 48 hours prior to the session. All persons whose names are specified in the list must be available for the test session and identify themselves clearly.
- c. During the test session, all the participants should get familiar with the basic features of the virtual hearing/videoconferencing platform/software including but not limited to its control panel, muting/unmuting, screen sharing, giving control, inviting a non-participant and locking the meeting.
- d. The counsels shall ensure that all the participants have all the necessary documents readily accessible and marked as per the agreed standards so that it is easy to facilitate reference to the documents during the virtual hearings.
- e. The counsels shall test all technical tools and features that they intend to use during the virtual hearing. The arbitral tribunal shall be aware of the technical tools that the parties or the counsels will employ during the virtual hearing. To the extent required, the counsels shall take the arbitral tribunal through the tools and the methods that they intend to employ to refer to the documents.
- f. The arbitral tribunal may review the camera angle, background, and lighting of each participant to ensure that the participants are clearly visible. All the participants shall endeavour to use the same attributes during the virtual hearings as they used during the test session.
- g. The technical assistant, if appointed by the parties, must be present during the test session to assist all the participants in case any difficulties arise in the test session.
- h. If the parties have agreed to transcribe the proceedings of the virtual hearings with the help of a third party transcriber, they must ensure that the transcriber is present during the test session (either in person or virtually through the platform/software employed by the parties) and is accustomed to the IAF Protocol.
- i. All participants shall ensure that there is adequate lighting and noise insulation as far as possible at their respective locations. The participants must endeavour to be in a quiet and private space.
- j. All participants must also test the alternate mode of communication that they have agreed to use in case the videoconferencing equipment falters during the hearing.

## 4. The virtual hearing through video conferencing

### a. Host and moderator

- i. All participants shall endeavour to be available and ready at their respective locations of videoconferencing at least 15 minutes prior to the scheduled time of commencement of the virtual hearing.
- ii. The presiding arbitrator/sole arbitrator (or a person designated by him/her) shall act as the host and the moderator of the video conferencing session. The host shall circulate all details necessary to allow participants to join a virtual hearing sufficiently in advance of the hearing.
- iii. At the start of a virtual hearing, the arbitral tribunal shall satisfy itself that all the participants can be seen and be heard clearly and similarly the participants can clearly see and hear the arbitral tribunal.
- iv. Thereafter, the arbitral tribunal shall identify all the participants and mark their attendance in its record.
- v. In case any participant is facing any difficulty or is having any issues, the host shall have the authority to pause the virtual hearing till the difficulty or the issue is resolved.
- vi. In case of any disagreement between the parties with respect to the application of the IAF Protocol, the decision of the arbitral tribunal shall be final and binding.

### b. Setup of the location of video conferencing

- i. In consultation with the arbitral tribunal, the parties shall organize themselves in a comfortable sitting position and posture.
- ii. Parties shall try to the extent practicable to appear with their counsels at the same location. However, no more than two individuals shall appear in the camera frame at once.
- iii. All participants must ensure that they sit in a stable position, with the webcam positioned in such a way that the table in front of them as well as their head and shoulders is visible. All participants must neither sit too close or too far from the webcam.
- iv. The speaking participant shall at all times be visible.
- v. In case the parties and their counsels are attending the hearing from different locations, they shall have in place a separate mechanism if they so require for their own internal communication during the course of the hearing.
- vi. Parties shall ensure that their internet connection is as smooth as possible so as to minimise any disruptions and/or inaccuracies.

### c. Good etiquettes during the virtual hearing

- i. The arbitral tribunal shall invite each participant to speak. No participant shall speak without the permission of the arbitral tribunal.
- ii. In case any participant wishes to interject any other participant who has been invited by the arbitral tribunal to speak, he/she shall raise his/her hand, and approach the arbitral tribunal using the messaging window of the videoconferencing platform/software.
- iii. If at an instance, multiple participants start speaking simultaneously, the host shall have the authority to decide which participant to mute considering whose contribution is not needed at that moment.

- iv. In order to minimize background noise, the participants shall keep their microphones muted at all times and shall activate their microphones only when they are called upon to make submissions. All participants shall ensure that cross-talk or cross-submissions are avoided at all times.
  - v. All participants shall mute their mobile phones or put them on the silent mode and disable all notification alerts on other personal devices such as laptop, tablet and any other electronic devices.
  - vi. All participants must ensure that they are formally attired and follow minimum etiquette in terms of decent dressing and background. The participants shall avoid showing images, which are not appropriate.
  - vii. Entry and exit of persons in the virtual hearing rooms of all the participants shall be regulated and no unauthorised person shall be permitted to enter the virtual hearing rooms.
- d. In case any of the parties or their counsels or the witnesses lose connectivity at any point of the hearing, they shall immediately inform the arbitral tribunal through the agreed alternate mode of communication. In case any member of the arbitral tribunal loses connectivity, then such member shall inform his/her co-arbitrators through the agreed alternate mode of communication. In case the arbitral tribunal comprises of a sole arbitrator, then such arbitrator shall inform the participant last permitted to speak through the agreed alternate mode of communication.
- e. If any of the participant has lost connectivity and is not able to reconnect to the videoconferencing platform/software, the arbitral tribunal's decision on continuing or adjourning the hearing shall be final and binding on the parties.
- f. To the extent possible, the arbitral tribunal shall designate a person who shall remain active on the messaging/chat window of the videoconferencing platform/software throughout the proceedings. The messaging/chat window shall be used by the participants to raise any concerns that they may have with respect to the proceedings.
- g. At the end of the hearing, the arbitral tribunal shall record the start and end time of the virtual hearing, name and details of all participants who attended the hearing, a record of any difficulties faced by a party during the hearing (if any) and if so, what measures were taken to address these difficulties. The arbitral tribunal shall also record its satisfaction as to clarity of audio and video and connectivity throughout the proceedings. If any participant is of the opinion that he/she was prejudiced due to poor video and/or audio quality, he/she shall immediately inform the arbitral tribunal. The arbitral tribunal shall consider the grievance and if it finds substance in the grievance, it may declare the hearing to be incomplete or void and may ask the parties to conduct the hearing again. Parties shall, as far as possible, promptly intimate the arbitral tribunal about any grievance regarding their ability to properly present their case or testimony due to audio and video connectivity issues, at the earliest during or immediately after the completion of the virtual hearing but no later than the end of such day's hearing.
- h. In the event of a technical glitch during a given proceeding, the arbitral tribunal may for reasons to be recorded, permit the use of any software other than the designated VC Software for conducting the VC hearing for that particular proceeding

## 5. Witness's examination-in-chief and cross-examination

- a. In case the witness being examined is not present at the party's location, the counsels shall ensure that the witness is well versed with the IAF Protocol. To the extent possible, the witness's videoconferencing location shall also comply with the minimum technical specifications as agreed to between the parties.
- b. It is the concerned party's responsibility to test the videoconferencing platform/software's connectivity and the audio and video quality for its witness in advance of the hearing. Such party and its counsel shall also ensure that the witness is familiar with the usage of the videoconferencing platform/software.
- c. At the beginning of the virtual hearing, the arbitral tribunal may enquire from the counsels about the adequacy of the witness's video-conferencing equipment and the witness's familiarity with the same.
- d. The witness's video frame shall show the following, whether by using a single device capable of capturing all of the following, or by using two or more devices in conjunction (appropriately muted to avoid echoes):
  - i. A clear image of the witness from the top of his/her head until his/her torso including shoulders and elbows;
  - ii. The table in front of him/her;
  - iii. The surroundings of the witness with a sufficiently wide lens that allows participants to check if there is any device, person or document that is coaching/tutoring the witness;
  - iv. A clear view of the screen of the witness that he/she is using to access the video-conferencing facility to ensure no input is being received by the witness from the screen used for such purpose.
- e. In the event the witness is using earphones/headphones to receive audio, the witness should be asked to confirm that the earphones/headphone are not receiving audio from any source other than the video conference. The arbitral tribunal or the party cross-examining the witness may require the witness to share his/her screen and open such applications as can demonstrate that no other audio source is in use during the course of the hearing. The witness shall close all applications on his/her device except those necessary for the purposes of conducting the virtual hearing during the course of the hearing.
- f. The arbitral tribunal may adopt any additional measures to ensure the witness is not coached/tutored/prompted during the hearing.
- g. The arbitral tribunal shall ensure that the witness has access to all the necessary documentation relevant to such witness's examination. If in the course of the examination any document(s) is to be produced, the counsels shall ensure that all such documents are made available on the document sharing platform/software (where used) or otherwise, to enable the witness to familiarise himself/herself with the documents prior to the commencement of the virtual hearing. In the event, a party wishes to confront the witness with a document which was not shared prior to the hearing, the party may share the document with the witness during the virtual hearing through screen share and make appropriate arrangements to simultaneously provide a copy of the document to all the participants.
- h. In case of cross-examination of a party's witness, the consent of the party and the counsel cross-examining the witness must be expressly sought before conducting the cross-examination through videoconferencing.

i. Identification of the witness

- i. Every witness would be required to be identified virtually, by the counsel for the party concerned. The arbitral tribunal may also require the witness to provide his/her government approved identity proof prior to the hearing. The arbitral tribunal may also require the witness to verify his identity through an affidavit or undertaking duly verified by a local judge or a magistrate or a notary.
- ii. The arbitral tribunal may ask the witness to rotate either of his/her webcams to examine the room and other individuals present therein.
- iii. To ensure that the witness is not coached/tutored/prompted, the other party may require its duly empowered legal or other representative to be present at the witness's location. Where a party chooses to have such a representative present, it shall inform the arbitral tribunal and the other party of the identity of such representative. Such party shall make its own arrangements and bear the costs of having such a representative present at the witness's location.

j. Witness located out of India

- i. In case the witness who has to be examined is located in a different country, the arbitral tribunal, as a matter of prudence, shall consider the recourse available in case the witness commits contempt of the arbitral tribunal or indulges in perjury. It is advisable that the examination of the witness by videoconferencing shall only be allowed for the witness residing in a country which has an extradition treaty with India and under whose law contempt of court and perjury are also punishable.
  - ii. The arbitral tribunal may consider approaching the court to have an officer of the Indian Consulate/ Embassy deputed at the witness's location of videoconferencing to ensure that there is no unwanted person in the room where the witness is sitting whilst the examination is being carried out. Such officer shall ensure that the witness is not coached/tutored/prompted in any manner whatsoever.
- k. The evidence given by the witness during his/her examination in-chief and/or cross-examination shall be transcribed appropriately. A soft copy of the transcript digitally signed by the arbitral tribunal shall be sent through the document sharing platform/software or email to the witness's location. In case the same is not possible, the presiding arbitrator/sole arbitrator shall print the transcript, sign it, scan it and send it to the witness's location through the document sharing platform/software or email. Thereafter, it shall be printed at the location of the witness, signed by the witness, scanned and sent back to the arbitral tribunal.
- l. The arbitral tribunal must record any remark that is material regarding the demeanour of the witness during the virtual hearing and shall record the objections (if any) raised during the examination of the witness.

