



FUTURISM

FINAL REPORT - NATIONAL LAW CONFERENCE 2021



CONCLUDING REMARKS BY CHAIRMAN OF NATIONAL LAW CONFERENCE 2021 MR. HIRAN M. C. DE ALWIS

Ladies and Gentleman!

Today, the session was due to close with a synopsis by the Rapporteurs, but rest assured we will be getting them involved and will be producing a written report which we will forward to the Bar Association and to the Law Commission. It's quite ironic that Dr. Luca Castaleni, today said, he is a lover of the concept of futurism in Art, so we have looked at futurism from a legal angle. I think it's time to marry the two. It's a bit of a Co-incidence.

Also couple of days ago, I was looking at some new books coming out and a book I didn't get the full name "Arrow". Which has come out just now also refers to the fact that after the 1920's there was an explosion of ideas, technology, art etc.

Originally futurism was born out after the First World War, Spanish flu. There is an eerie resemblance to now. So hopefully if everything goes well there might be explosion of ideas, concepts and possibilities for everybody.

So this is a good opportunity to put our infrastructure in place. We can leap frog in some areas, where we have been stuck. So it is in that light these topics were developed, and as I said yesterday, we looked at and we discussed the whole approach towards ease of business and enforcement of business contracts. Now that generated lot of Interest yesterday, and one thing that came out positive was almost everybody agreed that there has to be a change in mindset and perception. Effective enforcement of the existing law should be done as a short term measure and then thereafter look at legal the reforms that are necessary. We looked at dynamic new areas as R.E.I.T.'s in relation to stock exchange and real estate and Securities exchange amendments. New possibilities and new opportunities will also arise for example in the field of taxation.

We looked at international cross boarder data flows, and exploiting our maritime zones that come with it. Again great opportunities arise for the professionals in relations to cross border trade, maritime zones, shipping which we had to look at quite earnestly. That will also sort out some of the problems arising of what we persuade to be overcrowding. Then, even in the field of criminal law, it was heartening to know, we had an interesting exchange of views, a clash of ideas which we wanted. We had academics coming Professor Jeewa Niriella was here challenging some of the legal experiences of lawyers practicing in criminal law, and, also looked at the new areas as Anti-money laundering, cybercrimes. Then Dr. Aritha Wickramanayake mentioned, that we have to look at Multi-disciplinary approaches in our profession and co-incidentally they said even in relation to Anti-money laundering areas even the criminal lawyers have to look at the civil law to understand some of the concepts. So there are great possibilities and opportunities.

Then, we had another brilliant exchange in relation to the issue of defamation that arose in cyber space. We got another academic Prof. Rohan Edirisinghe, or Mr Rohan Edirisinghe as he likes to call himself. He said this is one of the few countries where there is very little exchange between the Bar Association and the Academics. So he said, we broke the ceiling. He gave a brilliant exposition on the Law which was very thought provoking and he in fact expounded, that the Roman Dutch Law might be used in the field of defamation as a tool and how to apply it for the future. So I think something positive came out it. We looked at sports as an entertainment industry. We can see even celebrated sportsmen looking at the importance of contracts. Again possibilities for our profession. We did not forget the fundamental freedoms in our country. In the morning they were saying human rights and fundamental freedoms are in fact something that is not imported from the western jurisdiction, in fact, has been here for thousands of years. So it is a matter of nurturing and protecting them.

Thought was given to the importance of ethics, and the question whether we are a profession or a business. Co incidentally, about five years ago I was at a legal conference in Singapore. In fact, I had an exchange with a foreign law firm, where they said their whole motive was maximization of profits. If that is so where do you draw the line in ethics? So I think these are matters which we have to grapple with. I firmly believe that we are a profession not a business.

In relation to Contingency fees, it is a very relevant question raised, I think we have to look at this very openly. The old thinking is well known, but whether you then open up the possibilities of the less affluent people in society to have access to justice purely by that mechanism is one. Secondly, it will also enable our legal professionals to compete with other professionals in exploiting the work that is opening up. I think these are co areas we should give our mind to, and I think we have had a good discourse, exchange of ideas. So our Rapporteurs will give their report in due course.

I thank all of you especially who have participated, come to the conference, spending valuable time and its very heartening, to all who have joined us online and taking a step forward as a hybrid. We will be disseminating almost all the material in electronic form in due course through our digital service providers.

And I thank our esteemed panelist and our appreciation to them.

Thank you

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