

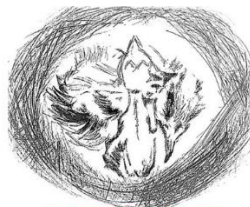
# 40-HOUR TRAINING ON COMMERCIAL MEDIATION & NEGOTIATION



Indian Institute of  
Corporate Affairs  
*Partners in Knowledge. Governance. Transformation.*

*(Report Showcasing the Journey, Impact and Way  
Forward)*

**Submitted By :**



**BRIDGE**

Public Policy | Advocacy | Conflict Management  
Capacity Building

**External EOI Partner to IICA**

**Bridge Policy Think Tank**

C-18, 3rd Floor, C block Market - Vasant Vihar,

New Delhi – 110057

+91 9560439503 | [director@bridgemediation.in](mailto:director@bridgemediation.in)

## TABLE OF CONTENT

|  |                              |
|--|------------------------------|
| <b>1. INTRODUCTION TO THE CONCEPT – IICA 40 HOURS TRAINING ON COMMERCIAL MEDIATION &amp; NEGOTIATION</b> ..... | 4                            |
| 1.1. Key Highlights .....  | 4                            |
| 1.2. Paradigm Shift Towards Mediation.....   | 6                            |
| 1.2.1. Under Indian Legislations.....  | 6                            |
| 1.2.2. Landmark Judgements .....   | 7                            |
| 1.3. International Approach to Mediation.....  | 8                            |
| 1.4. Key Considerations .....  | 9                            |
| <b>2. ALUMNI OUTREACH</b> .....  | 9                            |
| 2.1. Statistics .....  | 9                            |
| 2.1.1. Gender Diversity of Trainees.....   | 9                            |
| 2.1.2. Nationality of Trainees.....  | 9                            |
| 2.1.3. Diverse Professional Background of Trainees .....   | 10                           |
| 2.2. Alumni Impact and Contribution.....   | 10                           |
| 2.2.1. Senior Mediators .....  | 10                           |
| 2.2.2. Partner at Law Firms And Legal Luminaries .....   | 11                           |
| 2.2.3. Corporate Key Managerial Personnel Alumni.....  | 12                           |
| 2.2.4. Government Nominees .....   | 13                           |
| 2.2.5. Entrepreneurs.....  | 14                           |
| <b>3. IMPORTANT VISITORS</b> .....   | 15                           |
| <b>4. PROFILE OF TRAINERS</b> .....  | 16                           |
| 4.1. Mr. Stefano Cardinale - Mediator & Trainer   Italy.....   | 16                           |
| 4.2. Mr. Andrew Miller QC – Mediator & Arbitrator   United Kingdom .....                                       | 16                           |
| 4.3. Ms. Laura Grisolano -Mediator   United States of America .....  | 16                           |
| 4.4. Mr. Sriram Panchu – Senior Advocate and Mediator   India .....  | 17                           |
| 4.5. Mr. Vijay Srirangan - Director General, Bombay Chamber of Commerce and Industry .....                     | Error! Bookmark not defined. |
| 4.6. Ms. Arshaluys Mushkambaryan – Psychology and Body Language Expert   Armenia.....                          | 17                           |
| 4.7. Dr. Naveen J. Sirohi - Head, School of Finance, Indian Institute of Corporate Affairs.....                | 17                           |
| 4.8. Mr. Anuroop Omkar - Mediator and Trainer   India.....   | 18                           |
| 4.9. Mr. Kritika Krishnamurthy - Mediator and Trainer   India .....  | 18                           |
| <b>5. OUR SUPPORTERS AND SPONSORS</b> .....  | 20                           |

|  |           |
|--|-----------|
| <b>6. WAY FORWARD &amp; IDEAS FOR THE FUTURE .....</b>   | <b>20</b> |
| <b>6.1. Creation of a list of IICA trained Mediators .....</b>   | <b>20</b> |
| <b>6.2. Winter School - Conflict Resolution 360 – Negotiation, Mediation, Arbitration &amp; Litigation .....</b> | <b>20</b> |
| <b>6.3. Advanced Training Programme on Mediation.....</b>  | <b>21</b> |
| <b>6.4. Launch of an E-platform to hire Trained Mediators .....</b>  | <b>21</b> |
| <b>6.5. Grading and Accreditation procedure for Mediators in India.....</b>                                      | <b>21</b> |

# 1. INTRODUCTION TO THE CONCEPT – IICA 40 HOURS TRAINING ON COMMERCIAL MEDIATION & NEGOTIATION

According to a research and market survey conducted in India and Europe, it was observed that an exponential increase in population in the last century had led to a proportional increase in civil disputes across the world. Although the number of judges in civil courts were constantly being increased, the civil courts were unable to sustain the growing number of civil cases being filed before courts across the country. Due to this inability of civil courts to tackle the number of pending cases, the system faced inadvertent delay in the disposal of cases. Thus, the need to supplement litigation with other modes of dispute resolution was realised.

Mediation as a dispute resolution mechanism focuses on needs and interest of the disputants to arrive at feasible and workable solutions. It can be defined as a process by which disputing parties voluntarily engage the assistance of a neutral mediator, who has no authority to make decisions for them. Mediation serves various purposes, including providing the opportunity for parties to define and clarify issues, understand different perspectives, identifying interests, explore and assess possible solution, and reach mutually satisfactory settlement, when desired.

The importance of mediation was acknowledged, globally as well as in India, however, the number of trained mediators who understood the international best practices of mediation and the correct approach to undertake to the disputes pending resolution in India was limited. To fill the gap of lack of trained commercial mediators in India, the idea such a training programme was floated.

Since 2016, the Indian Institute of Corporate Affairs (IICA) alongwith Bridge Policy Think India as external EOI partner have been successfully conducting this ***‘40 Hours Training on Commercial Mediation & Negotiation Training’*** at New Delhi, Mumbai, Bangalore and Chennai. The 40-hour Training on Commercial Mediation & Negotiation program organised by IICA is first of its kind training program in the country and has garnered name for itself in the arena of conflict resolution.

## 1.1. Key Highlights

We conducted the first training session in the year 2016 and we are glad to share with you that we have trained professionals from diverse backgrounds, such as Judges, Bureaucrats, Managing Directors, CEOs, Lawyers, Engineers, Entrepreneurs, Doctors, Psychologists, Chartered Accountants (C.A.), Company Secretaries (C.S.), Investment Bankers, with the skills and knowledge required to conduct commercial mediation and negotiation. In the short span of 3 years, we have conducted 9 Training courses across the country. We are happy to share with you that IICA has trained over **230 professionals** including more than **35 international participants**, who are now part of the mediation fraternity. Many of our trained mediators are now also practising mediation in other jurisdictions such as **United Kingdom, Canada, Germany, Thailand, Bangladesh and Sri Lanka.**



*Journey of 40 Hours Training on Commercial Mediation & Negotiation Training*



*Diverse professional background of Trainees*

Through this Report, we wish to share with you the journey travelled by this one of a kind mediation training in India, the impact that the training has made in the country and also show case some endeavours undertaken by the alumni to further prosper the objective of the training programme.

## 1.2. Paradigm Shift Towards Mediation

### 1.2.1. Under Indian Legislations

a. The Companies Act, 2013 (CA, 2013)

To ease the burden on National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT) set-up under the said Act, the legislators have formulated policies to efficiently address conflict resolution via alternative dispute resolution mechanisms. In this direction, the **Companies Act, 2013** for the first time provided for mediation or conciliation as a mode of resolution. Under **Section 442** of CA, 2013, the Regional Director, Ministry of Corporate Affairs is required to maintain a panel of mediators and conciliators for resolving disputes pending before government administrators. The disputes revolving around oppression, mismanagement, transfer of shares, transmission of shares on death of a shareholder; rights of shareholders as recorded in shareholders agreements; rights of minority shareholders; deadlock relating to management of company between joint venture partners; class action proceedings; claims in summary proceedings for winding up etc. may be referred.

Anytime during the pendency of the dispute, either on the request of the parties or through a *suo-moto* action, the members of NCLT or the NCLAT may refer these matters to an empanelled expert. The empanelled expert is required to dispose the matter within 3 months from the date of appointment. To ensure smooth functioning of mediation, the procedure for the mediation and conciliation process is regulated by the **Companies (Mediation and Conciliation) Rules, 2016**.

b. Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (“Commercial Courts Act, 2015”)

**Section 12A** of the Commercial Courts Act, 2015 provides parties with an alternative means to resolve disputes with the help of a mediator. A 2018 amendment to the Act has made it mandatory for any commercial dispute valued at more than **INR 3,00,000** to exhaust alternative remedy of mediation before initiating proceedings under the Commercial Courts Act, 2015, unless the disputant requires urgent interim relief. The Authorities are required to ensure the completion of the mediation process within a period of **3 months** from the date of application made by the plaintiff. The procedure to be followed in such mediation proceedings is set out in the **Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018**. If the parties come to a settlement through the mediation process, then the settlement shall have the same status and effect as if it is an arbitral award on agreed terms under **Section 30(4)** of the **Arbitration and Conciliation Act, 1996**.

| Definition of ‘Commercial Disputes’ under the Commercial Courts Act, 2015   |  |  |                                   |
|---|--|--|-----------------------------------|
| Ordinary transactions of merchants, bankers, financiers and traders such as | Construction and infrastructure contracts, including tenders | Agreements relating to immovable property used | Technology development agreements |

| Definition of ' <i>Commercial Disputes</i> ' under the Commercial Courts Act, 2015  |  |   |   |
|---|--|---|---|
| those relating to mercantile documents  |  | exclusively in trade or commerce  |   |
| Export or import of merchandise or services   | Joint Venture agreements   | Shareholders agreements;  | Distribution and licensing agreements   |
| Issues relating to admiralty and maritime law   | Franchising agreements   | Mercantile agency and mercantile usage  | Agreements for sale of goods or provision of services   |
| Transactions relating to aircraft, aircraft engines, aircraft equipment and helicopters, including sales, leasing and financing of the same | Intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semiconductor integrated circuits | Subscription and investment agreements pertaining to the services industry including outsourcing services and financial services; | Exploitation of oil and gas reserves or other natural resources including electromagnetic spectrum; |
| Carriage of goods   | Management and consultancy agreements  | Partnership agreements  | Insurance and re-insurance  |
| <i>Any other contract notified by the Central Government</i>  |  |   |   |
| <i>Contracts of agency relating to any of the above</i>   |  |   |   |

c. The Consumer Protection Act, 2019

Under the newly introduced Consumer Protection Act, 2019 the state government shall establish a mediation cell each at the district level, state level and national level, attached with the Commissions at each of these levels. The central government shall alongwith a consumer mediation cell at the centre establish cells at the regional benches. The Central Authority if satisfied that there is a scope of settlement, shall refer the parties to mediation. In the failure of the proceedings, the complaint shall continue. The legislation also standardises the format and content that the mediation process would require. Each of these mediation cells shall maintain a panel of mediators with them. Pursuant to mediation, if an agreement is reached between the parties, the terms of such agreement shall be reduced to writing accordingly, and signed by the parties. The mediator shall prepare a settlement report of the settlement and forward the signed agreement along with such report to the concerned commission.

### 1.2.2. Landmark Judgements

a. Salem Advocate Bar Association v. Union of India, 2003<sup>1</sup>

<sup>1</sup> Salem Advocate Bar Association v. Union of India, (2003) 1 SCC 49.

The Supreme Court of India realised the need for change in the existing mediation framework in India. The apex court was of the opinion that the case management system did not adequately complement the framework in the country. As an aftermath of Salem-I, the Law Commission of India revisited the implementation methods of alternative dispute resolution in general.

b. Salem Advocate Bar Association v. Union of India, 2005<sup>2</sup>

It was Salem Advocate Bar Association v. Union of India ('Salem II') which laid down model rules to be implemented by high courts and case-flow management guidelines and led to the establishment of the functioning of court connected mediation centres. Since then these centres have been benchmarks in respect of the implementation, given their early inceptions and growth trajectory.

c. Afcons Infrastructure Ltd. v. Cherian Varkey Construction, 2010<sup>3</sup>

In the Afcons judgement, the Supreme Court a list of indicative categories which may or may not undergo resolved utilising various methods of Alternative Disputes Resolution tools including meditation. The list was not exhaustive, but gave clear indication for the nature of disputes which can be speedily resolved via these new conflict resolution methods.

d. Daramic Batteries

The Supreme Court has recognised the need for specialised commercial mediators and commercial mediation trainings.

### **1.3. International Approach to Mediation**

The **United Nations Convention on International Settlement Agreements Resulting from Mediation**, ('Singapore Convention on Mediation') was recently signed by 46 states on 7th August, 2019, with India as one of the signatories.

The Singapore Convention applies to settlement agreements resulting from mediations resolving cross-border commercial disputes. As a result of this convention, the settlement agreements will enjoy the enforceability equivalent to an arbitral award.

The Singapore Convention does not apply to settlement agreements that are concluded in family, consumer and employment related transactions. The Singapore Convention also does not apply to settlement agreements that have either been approved by a court or concluded in the course of proceedings before a court, or are enforceable as a judgment in the State of that court or have been recorded and are enforceable as an arbitral award.

This move depicts the intention of the International Community to increasingly resort to mediation and make the settlement agreement enforceable in an expedited manner. The mandate received by this international mediation instrument depicts the faith of the business community in the process of mediation. With the increase in the mandate of the Convention, the reliability in the method of mediation will only expand. It will also be a preferred mode of resolution for investor-state disputes, disputes involving heavy investment including the energy and infrastructure.

---

<sup>2</sup> Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344.

<sup>3</sup> Afcons Infrastructure Ltd. and Anr. v. Cherian Varkey Construction Co. Pvt. Ltd. and Ors., (2010) 8 SCC 24.



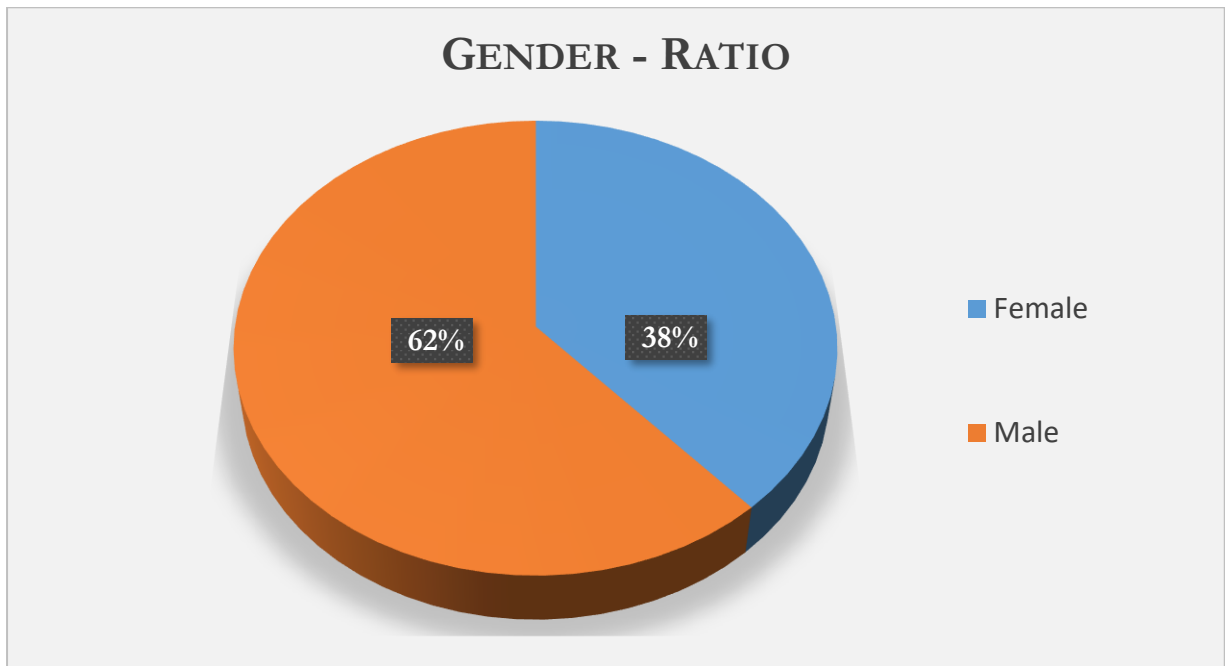
#### 1.4. Key Considerations

- Keeping in view, the above-mentioned point, there is a need to consider bringing the Indian dispute resolution market with direct competition from more developed jurisdictions.
- In addition to this, there is a requirement for Indian mediators and mediation institutions to begin operating at par with international standards to remain market relevant.

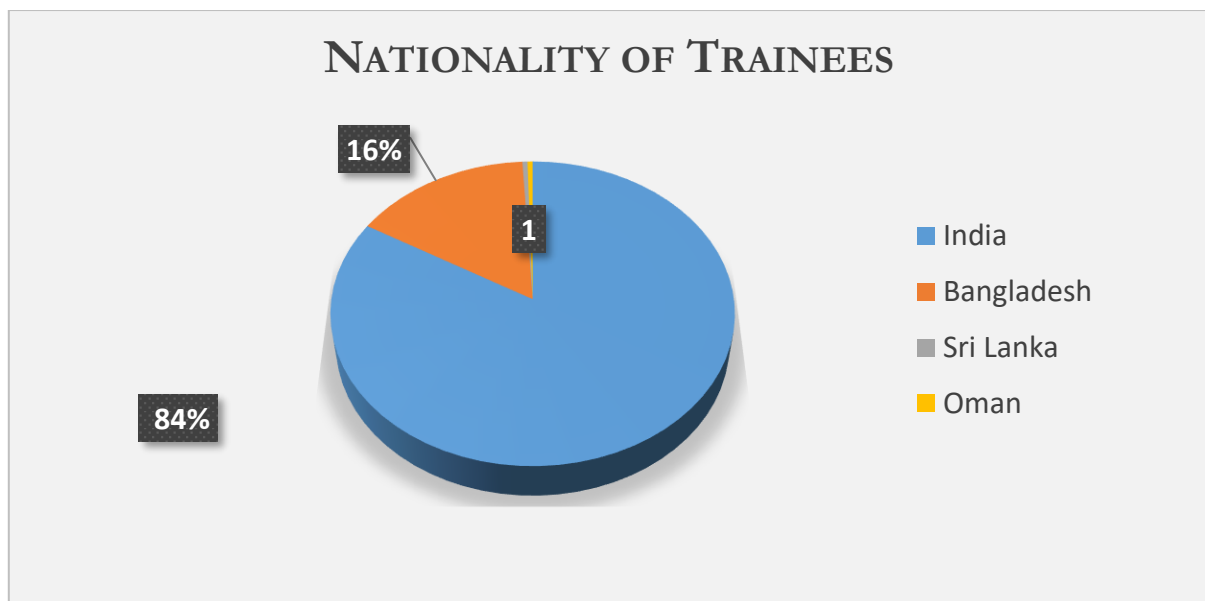
## 2. ALUMNI OUTREACH

### 2.1. Statistics

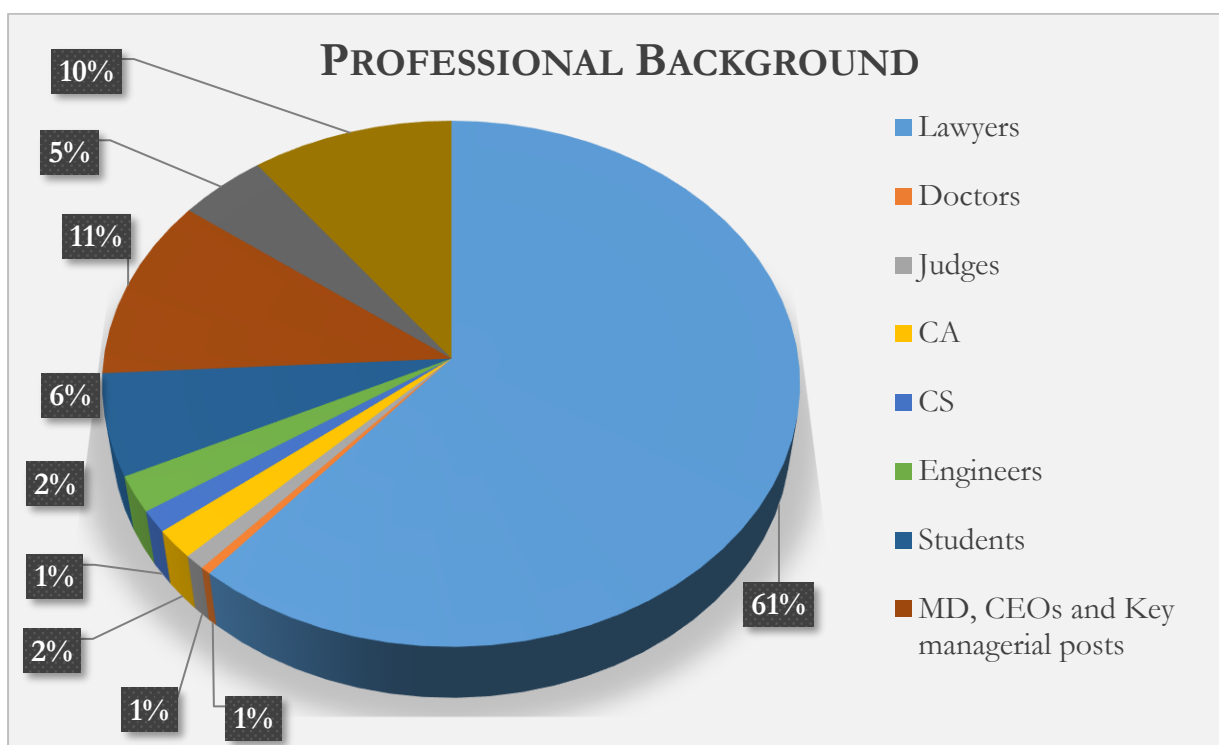
#### 2.1.1. Gender Diversity of Trainees



#### 2.1.2. Nationality of Trainees








### 2.1.3. Diverse Professional Background of Trainees



## 2.2. Alumni Impact and Contribution



### 2.2.1. Senior Mediators

| S. No. | Name & Designation  |
|--------|---|
| 1.     |  <p><b>Mr. S. Sivakumar, Advocate, Arbitrator and Mediator, Founder of Bangalore Mediation Centre</b></p>  |
| 2.     |  <p><b>Ms. Tanu Mehta, Director of the Centre of Mediation and Research, Mumbai</b><br/>Ms. Mehta is currently the Honorary Director of the Centre of Mediation and Research in Mumbai, India. She practices as Legal Counsel, Mediator and Conciliator in India and she is empanelled as a Mediator with the High Court of Bombay, in Mumbai, India.</p>  |
| 3.     |  <p><b>Mr. P D Popat, Founder of Prachi (Prachi Resolutionary, Adjudicatory and Conflict Handling Initiatives)</b><br/>Mr. Popat started practice as a Counsel at the Bombay High Court in the Chambers of Senior Counsel Aspandiar P Chinoy. Today he has been appointed as Arbitrator in Ad Hoc as also in Institutional Arbitrations, either as Sole Arbitrator or as a member of an Arbitral Tribunal.</p> |


|    |  |  |
|----|--|--|
| 4. |   | <b>Ms. Reeta Kohli, Additional Advocate General at the Punjab &amp; Haryana High Court</b><br>Ms. Kohli is an Additional Advocate General at the Punjab and Haryana High Court. She is also a trained mediator.  |
| 5. |  | <b>Ms. Anuja Saxena, Advocate and Mediator</b><br>Advocate Mediator with the Delhi Mediation Centre  |
| 6. |   | <b>Ms. Nandini Gore, Senior Partner at Karanjawala &amp; Co.</b><br>Ms. Gore is a Certified Mediator at Supreme Court of India. She handles matters at Supreme Court of India, High Courts, Mines Tribunal, National Green Tribunal etc.   |
| 7. |  | <b>Ms. Varuna Bhandari Gugnani, Advocate and Mediator</b><br>Ms. Gugnani is an Advocate at the Supreme Court of India. She manages her independent practice in the Supreme Court of India, Delhi High Court, National Commission for Women and Delhi Commission for Women. She is also a mediator in Supreme Court Mediation Centre. |







### 2.2.2. Partner at Law Firms And Legal Luminaries

| S. No. | Name & Designation   |
|--------|--|
| 1.     |  <b>Ms. Ekta Bahl, Partner at Samvaad Partners</b><br>Ms. Bahl has significant experience in corporate and commercial laws, with specific focus on corporate restructuring, project finance, private equity and M&A. She has also provided legal assistance to various social sector enterprises and start-ups.         |
| 2.     |  <b>Mr. Rohan George, Partner at Samvaad Partners</b><br>Mr. George has extensive experience in the field of intellectual property, information technology law and media law. He has experience in the field of IP litigation, prosecution, licensing and assignment, media advisory and commercial dispute resolution. |
| 3.     |  <b>Ms. Perna Kohli, Consultant and Mediator with Zeus Law Associates</b><br>Ms. Kohli is in the legal profession since 1992. She is an empanelled mediator with the Delhi Dispute Resolution Society, Ministry of Law and Justice, New Delhi and Ministry of Corporate Affairs, Government of India.                   |

|    |   |   |
|----|---|---|
| 4. |  | <b>Mr. Chakrapani Misra, Partner at Khaitan &amp; Co.</b><br>Mr. Misra is currently a partner at Khaitan & Co., Mumbai. His areas of focus include dispute resolution, intellectual property and domestic and international arbitrations. |
| 5. |  | <b>Mr. Sharad Abhyankar, Partner at Khaitan &amp; Co.</b>   |
| 6. |   | <b>Mr. Nikhilesh Panchal, Partner at Khaitan &amp; Co.</b>  |
| 7. |   | <b>Ms. Garima Bajaj, Advocate-On- Record at Supreme Court of India</b>  |

### 2.2.3. Corporate Key Managerial Personnel Alumni

| S. No. | Name & Designation  |
|--------|---|
| 1.     |  <b>Mr. Ashok Barat, Board Member and Independent Advisor, Centre for Mediation and Conciliation at Bombay Chamber of Commerce</b>  |
| 2.     |  <b>Mr. Sumit Banerjee, Chief Mentor at Centre for Mediation and Conciliation, Bombay Chamber of Commerce</b><br>He was formerly the Vice Chairman at Reliance Cement, CEO – Infra; Chairman of the Board of Directors at ASAPP Info Global Group; Founding Chairman, Cement Division at the Confederation of Indian Industry (CII). |
| 3.     |  <b>Mr. Vijay Srirangan - Director General at Bombay Chamber of Commerce</b><br>Prior to this he had spent 36 years with the Tata Group as a part of the Tata Administrative Services (TAS) focused in Tata Consultancy Services (TCS).  |
| 4.     |  <b>Mr. Arun Chawla, Deputy Secretary General of the Federation of Indian Chambers of Commerce and Industry</b><br>Member of the High Level Committee on Making India Hub of Arbitration under Chairmanship of Justice B.N.Srikrishna, Retired Judge, Supreme Court of India   |

|     |   |  |
|-----|---|--|
| 5.  |    | <b>Mr. Sooraj Dhawan, Director at Falcon Exhibitions Pvt. Ltd.</b>   |
| 6.  |    | <b>Ms. Rajeshree Sabnavis, Founder of Rajeshree Sabnavis &amp; Associates</b>  |
| 7.  |   | <b>Mr. Madhur Bajaj, Manager at IFCI Ltd. (the erstwhile Industrial Finance Corporation of India Ltd)</b>  |
| 8.  |    | <b>Mr. Harsh Gupta, Deputy General Manager at IFCI Ltd.</b>  |
| 9.  |   | <b>Mr. Atul Juvle, General Counsel, Compliance Officer and Company Secretary- India and South Asia at Schindler India Private Limited</b>  |
| 10. |  | <b>Mr. Rajiv Mohapatra, Director-Senior Counsel, Regulatory Affairs, Asia Pacific at Master Card</b><br>Mr. Mohapatra is a corporate legal professional with a specialization in FinTech and Banking law. He has been advising corporates, banks and Multinational companies for over 18 years on managing legal and regulatory issues, litigation, corporate commercial contracts, legal strategy and mergers and acquisitions. |
| 11. |  | <b>Mr. S.M. Dewan, Founder Chairman of SCOPE Forum of Conciliation and Arbitration (SFCA)</b>  |

#### 2.2.4. Government Nominees

| S. No. | Name & Designation   |
|--------|--|
| 1.     | Mr. RP Meena, Indian Revenue Services Officer at 1987 Batch, Commissionerate Income Tax, CBDT  |
| 2.     | Mr. SS Rana, Officer at Department of Income Tax, Government of India, Commissionerate Income Tax, CBDT                              |
| 3.     | Ms. Supriya Anand, Assistant Director, Investment Division, Department of Economic Affairs, Ministry of Finance, Government of India |

|     |  |
|-----|--|
| 4.  | Mr. Mukesh Chand, Dy General Manager (NCLT), State Bank of India   |
| 5.  | Mr. Sushanta Kumar Das, Assistant General Manager at Insolvency And Bankruptcy Board Of India (IBBI)               |
| 6.  | Mr. Rakesh Singh Rajawat, Insolvency and Bankruptcy Board of India   |
| 7.  | Ms. Pihu Mishra, Insolvency and Bankruptcy Board of India  |
| 8.  | Ms. Salma Nasreen, NDC, Additional Secretary Financial Institution Division, Ministry of Finance, Bangladesh       |
| 9.  | Ms. Tania Tahmina, Assistant Director, Directorate General of Defence Purchase, Ministry of Defense, Bangladesh    |
| 10. | Mr. Amirul Islam, Acting Head of Credit Risk Management, The City Bank Limited                                     |
| 11. | Mr. Mohammad Abul Hasan, Director, Bangladesh Security Exchange Commission, Bangladesh                             |
| 12. | Mr. Kamrul Anam Khan, Director, Bangladesh Security Exchange Commission, Bangladesh                                |
| 13. | Mr. Md. Kaderuzzaman, Assistant Director, Law Department   |
| 14. | Mr. Md. Mohsin Uddin, Deputy Director, Law Department, Bangladesh Bank, Bangladesh                                 |
| 15. | Mr. Mohammad Abu Taher, General Manager, Foreign Exchange Operation Department (FEOD), Bangladesh Bank, Bangladesh |
| 16. | Mr. Md. Rabiul Haq Chowdhury, Chief Corporate Officer, Karnaphuli Fertilizer Company Limited (KAFCO), Bangladesh   |
| 17. | Mr. Md. Nurul Azam Mozumder, Head of Medium Business, The City Bank Limited  |
| 18. | Mr. Kamrul Anam Khan, Director (SRMIC) at Bangladesh Securities & Exchange Commission                              |
| 19. | Mr. Md. Nurul Azam Mozumder, Head of Medium Business, The City Bank Limited  |
| 20. | Mr. Kamrul Anam Khan, Director (SRMIC) at Bangladesh Securities & Exchange Commission                              |
| 21. | Mr. Mohammad Abul Hasan, Director (Admin) at Bangladesh Securities & Exchange Commission                           |
| 22. | Mr A S M Mahmudul Hasan, Deputy Director, Bangladesh Security Exchange Commission, Bangladesh                      |
| 23. | Mr. Mohammad Ali Imran, Senior Legal Counsel at Square Pharmaceuticals Ltd.  |
| 24. | Mr. Mohammad Abul Hasan, Director (Admin) at Bangladesh Securities & Exchange Commission                           |
| 25. | Mr A S M Mahmudul Hasan, Deputy Director, Bangladesh Security Exchange Commission, Bangladesh                      |
| 26. | Mr. Mohammad Ali Imran, Senior Legal Counsel at Square Pharmaceuticals Ltd.  |
| 27. | Mr. Masud Al Faruque, Unit Head - RMG & Textile (Wholesale Banking), The City Bank Limited, Bangladesh             |
| 28. | Mr. Md. Mahbubul Haque, Deputy General Manager, HRD-2, Bangladesh Bank, Bangladesh                                 |
| 29. | Mr. Shafayet Arefin, Deputy General Manager, Common Service Department 1, Bangladesh Bank                          |

#### 2.2.5. Entrepreneurs

| S. No. | Name & Designation  |
|--------|---|
| 1.     | Mr. Sumit Banerjee, Chief Mentor of the Centre for Mediation and Conciliation under the aegis of Bombay Chamber of Commerce   |
| 2.     | Mr. Vijay Srirangan, Director General under the aegis of Bombay Chamber of Commerce & Industry  |
| 3.     | Mr. Ashok Barat, Board Member and Independent Advisor, Centre for Mediation and Conciliation under the aegis of Bombay Chamber of Commerce                          |
| 4.     | Ms. Rajeshree Sabnavis, Founder at Rajeshree Sabnavis & Associates, Attorney under the aegis of Centre for Mediation and Conciliation at Bombay Chamber of Commerce |
| 5.     | Mr. Chakrapani Misra, Partner at Khaitan & Co.  |
| 6.     | Mr. Jonathan Rodrigues, Cofounder and Partner at The Peacekeeping and Conflict Resolution Team (PACT)   |
| 7.     | Mr. Nisshant Laroia, Partner at The Peacekeeping and Conflict Resolution Team (PACT)  |
| 8.     | Mr. Pranjal Sinha, Co-founder/CEO- ODRWays <i>Suljhao Magar Pyaar Se</i>  |
| 9.     | Mr. Aman Sanghavi, Co-founder - Presolv360  |
| 10.    | Mr. Pitamber Yadav, CDR Ambassador, The PACT (The Peacekeeping and Conflict Resolution Team)  |

### 3. IMPORTANT CHIEF GUESTS & GUESTS OF HONOUR

- Hon'ble Mr. Justice Madan B. Lokur, Former Judge of Supreme Court of India
- Hon'ble Mr. Justice A.K. Sikri, Former Judge of Supreme Court of India
- Hon'ble Mr. Justice B. Rajendran, Former Judge of the High Court of Madras and Member of the Mediation & Conciliation Project Committee (MCPC) of Supreme Court of India
- Hon'ble Mr. Justice Huluvadi G. Ramesh, Former Judge of High Court of Madras, Chennai
- Hon'ble Mr. Justice Mohit Shah, Former Chief Justice of Bombay High Court
- Hon'ble Mr. Justice Ravindra Bhat, Former Judge of High Court of Delhi, New Delhi
- Shri Ratakonda Murali, Member (Judicial) at National Company Law Tribunal (NCLT)
- Shri Ashok Kumar Mishra, Member (Technical) at National Company Law Tribunal (NCLT)
- Justice ML Mehta, Chairman, Delhi Dispute Resolution Society
- Shri Gyaneshwar Kumar Singh, Joint Secretary of Ministry of Corporate Affairs & Director General and Chief Executive Officer (DG & CEO) of Indian Institute of Corporate Affairs (IICA), Manesar
- Mr. R. Shunmugasundaram President, Madras Bar Association, Chennai
- Mr. Vijay Srirangan - Director General, Bombay Chamber of Commerce and Industry
- Mr. Sumit Banerjee, Head of Centre for Mediation and Conciliation, Bombay Chamber of Commerce and Industry, Mumbai
- Mr. Anand Desai, Managing Partner at DSK Legal, Mumbai
- Mr. Mahbubur Rahman, Former Member of Parliament of Bangladesh
- Mr. Rume Ali, Former Deputy Governor, Bangladesh Bank

## **4. PROFILE OF TRAINERS**

### **4.1. Mr. Stefano Cardinale - Mediator & Trainer | Italy**

Mr. Stefano Cardinale is the lead trainer of the mediation training program of Indian Institute of Corporate Affairs (IICA). Mr. Cardinale is currently a member of the order in Rome and Barcelona, where he practices as a lawyer, professional negotiator, mediator, international management consultant and trainer. He is external independent expert of the EU Commission. He is co-founder, partner, mediator and trainer of Deconflict, an ADR provider and the first Italian mediators training center authorized in 2006 by the Italian Minister of Justice. He is founder and CEO of SC Legal Consulting, part of an international network of law firms, Legal and Consulting International. In 2012 Mr. Cardinale co-founded Medialogos. Presently he is international & comparative ADR lecturer at Universidad Abat Oliva CEU, Barcelona campus. He has been guest speaker in international conflict management and mediation lectures at the World Trade Center of San Diego, at University of California San Diego (USA), American Chamber of Commerce of Milan, International Development Law Organization, Magna Graecia University of Catanzaro, at Verona University, at Padova University (Italy) and Kharkov Law School (Ukraine). He has trained police officers at “Scuola Superiore dell’Amministrazione dell’Interno” (SSAI) in Italy on crisis negotiation techniques. He co-authored the book "Mediation and Conciliation, law, Comparative and International" published by Cedam in 2011.

### **4.2. Mr. Andrew Miller QC – Mediator & Arbitrator | United Kingdom**

Mr. Andrew Miller QC is CEDR accredited and has been involved in the mediation of disputes since 1996. He has 30 years of practice as a top ranked commercial, construction and insurance Junior Barrister and QC. He has experience of over 150 mediations and has been involved in mediations both domestically and internationally for over 20 years and acts as a mediator in a wide range of commercial sectors, including construction, property damage, insurance and reinsurance, professional negligence and general commercial disputes. Andrew practices principally as a Mediator and Arbitrator, using his specialist expertise in commercial, construction, insurance, property damage and professional negligence disputes.

### **4.3. Ms. Laura Grisolano -Mediator | United States of America**

Ms. Grisolano holds a Mediation Certificate from Northwestern University and completed Mediation Training with the Los Angeles County Bar Association. She is also the visiting faculty at Pepperdine University. She is licensed by the State Bar of California and is an active member of the DuPage County (Illinois) Bar Association, the American Bar Association (Dispute Resolution Section), and the National Association of Women Lawyers. She is an Instructor for the Inaugural Leadership Development Institute of the Women's Bar Association of Illinois. A Truman Scholar and Rhodes Scholar finalist, Ms. Grisolano was recognized as the 2013 Woman of the Year in Dispute Resolution by the National Association of Professional Women, and as the inaugural Donald Egan Scholar by the University of Chicago Law School. She has earned a reputation as a leader, a problem solver, and a connector who can move people and organizations to higher levels of performance.



#### **4.4. Mr. Sriram Panchu – Senior Advocate and Mediator | India**

Mr. Sriram Panchu is a mediator practicing in India. He is also a designated Senior Advocate of the Madras High Court. He has mediated the Ram Janmabhoomi – Babri Masjid land dispute. He has authored the best seller “The Commercial Mediation Monograph”. He is a founder of The Mediation Chambers, which offers services in mediation and med-arb. He is the president of the Association of Indian Mediators and a director on the board of the International Mediation Institute (IMI). He set up India’s first court-annexed mediation centre in 2005, and has been instrumental in making mediation a part of India's legal system. Mr. Panchu has mediated a large number of complex and high-value disputes across the range of commercial, corporate and contractual disputes in different parts of India. These include construction and property development, insolvency and winding up, property disputes, family business conflict, intellectual property and information technology disputes. He has also mediated international commercial disputes. He is a certified mediator on the panel of the Singapore International Mediation Centre. He was appointed by India's Supreme Court to mediate a 500 square kilometre dispute between the states of Assam and Nagaland, and another public dispute involving the Parsi community in Bombay. He is at ease with the facilitative and evaluative styles of mediation. He also combines mediation and arbitration, and has developed innovative methods that are user-friendly and ensure finality of result with the best possible solution. He has also authored other books on mediation. *Settle for More* introduced mediation to the Indian audience. *Mediation: Practice & Law* (Butterworths, LexisNexis) is the standard manual in India. He has authored the Indian chapter of *Getting the Deal Through*. The Supreme Court of India has referred to him as a “distinguished mediator”, “eminent trainer” and “one of the foremost mediators in the country”.

#### **4.5. Ms. Arshaluys Mushkambaryan – Psychology and Body Language Expert | Armenia**

Ms. Mushkambaryan is a Lecturer in the Department of Political processes and technologies at the Russian-Armenian (Slavonic) University, Armenia where she conducts courses on Conflict Resolution & Negotiation Management and Psychology of Negotiations. She also regularly conducts trainings on Nonverbal communication in Mediation for ADR Partners LLC. Along with her trainings, Ms. Arsha was also independently working on research projects titled ‘Negotiation culture in Armenia’, ‘Nonverbal communication’ and ‘MigrantNative Conflicts’. She has also worked as the Development Specialist of Academic Mobility and International Relations, Russian-Armenian Slavonic University, Armenia. She has also to her credit published academic research titled ‘Emotions and their nonverbal expression in conflict escalation’ and ‘The role of Third party in unofficial diplomacy’.

#### **4.6. Dr. Naveen J. Sirohi - Head, School of Finance, Indian Institute of Corporate Affairs**

A banker-turned-academician, Dr. Naveen J Sirohi is presently heading the School of Finance as Associate Professor at Indian Institute of Corporate Affairs (IICA), a think tank of Government of India. Possessing a perfect blend of 15+ years of experience across corporate and academia, he is contributing to the success of corporate sector in India through the mandate of capacity building,

education, research and consultancy. Academically, Dr. Sirohi holds post-graduate and PhD degree in commerce with a throughout first-class academic record. He is also a practicing Certified Financial Planner (CFP). After holding various managerial positions for more than 7 years in banking industry across both public and private banks (Corporation Bank and HDFC Bank), he moved to academia and is now contributing to provide academic and administrative leadership to the School of Finance at IICA. Dr. Sirohi has published research papers in referred academic journals, both international and national. He has also attended and presented research papers in various International and National Conferences. He regularly contributes to articles in media like Indian Express, Economic Times, Business Bhaskar, Outlook Money, Market Express etc. He is also a corporate trainer and has conducted corporate training for BHEL, NTPC, HPCL, ICICI Securities, Reliance Securities etc. He has conducted 75+ Management Development Programmes (MDPs), both national and international, catering to more than 4000 corporate executives and government officials on themes like Valuation, NPA management, Payment Banking, Credit management, Leadership development, Indian Accounting Standards (IndAS), Financial Management of CSR etc.

#### **4.7. Mr. Anuroop Omkar - Mediator and Trainer | India**

Mr. Omkar is a special invitee on mediation in the Working Group on Personal Insolvency setup by Insolvency and Bankruptcy Board of India (IBBI). Mr. Omkar is the Director of Bridge Policy Think Tank. He holds a B.Com. LL.B. (Hons.) degree from Gujarat National Law University (GNLU), Gandhinagar, India. He is a professional Mediator and Negotiator trained from U.S.A and Europe. He has co-authored legal best seller titled “The Art of Negotiation and Mediation- Wishbone, Funny bone & a backbone” published by LexisNexis in 2015. He is the youngest appointed mediator at Delhi Dispute Resolution Society, Ministry of Law and Justice, Government of Delhi. He is a skilled trainer who has successfully assisted mediation trainings in Gujarat National Law University (GNLU), National Law University Jodhpur (NLU-J) and Tata Institute of Social Sciences, Mumbai (TISS). He is a Partner at AK and Partners and is engaged in transactional practice and civil litigation across various courts in India. He is part of the committee appointed by Ministry of Corporate Affairs for providing inputs in the drafting of the rules under Section 442 of Companies Act, 2013 introducing mediation in corporate disputes. He is a Member of International Centre for Alternative Dispute Resolution (ICADR) and Fellow of World Mediation Organization (WMO), Berlin, Germany. He is an Expert Contributor for NCLT & NCLAT Member Induction Training Programme (Mergers and Acquisitions and Alternate Dispute Resolution). He is a visiting faculty to SIDBI MSME International Training Institute (SITI), Bhubaneswar, Indian Institute of Corporate Affairs (IICA), MCA and National Law University and Judicial Academy, Assam (NLUJAA). He is also a Member of WB National University of Juridical Sciences Industry-Academia Panel.

#### **4.8. Mr. Kritika Krishnamurthy - Mediator and Trainer | India**

Ms. Kritika Krishnamurthy has completed her education from Gujarat National Law University, Gandhinagar. She is a Commerce topper from Nagpur division, Maharashtra for the year 2007 and a recipient of Dhirubhai Ambani Foundation Scholarship and Maharashtra Government Scholarship from 2007-12. She has co-authored legal best seller titled “The Art of Negotiation and

Mediation- Wishbone, Funny bone & a backbone” published by LexisNexis in 2015. She is a skilled trainer and has developed curriculum and course material for mediation trainings in Gujarat National Law University (GNLU), National Law University Jodhpur (NLU-J) and Tata Institute of Social Sciences, Mumbai (TISS). She works as a Partner at AK & Partners based in New Delhi. Her practice areas include General Corporate, Mergers & Acquisitions, Private Equity, Alternate Dispute Resolution (Mediation), sector advisory in Power, Pharmaceuticals and Information Technology. She also has three years’ parallel experience in Direct Tax and International Taxation. She is a Fellow of World Mediation Organization (WMO), Berlin, Germany. She is a Member of Review Committee of Ministry of Corporate Affairs for Section 442, Companies Act, 2013 on mediation and WB National University of Juridical Sciences Industry-Academia Panel. She is one of the Expert Contributor for NCLT & NCLAT Member Induction Training Programme (Mergers and Acquisitions and Alternate Dispute Resolution) She actively engages lectures at SIDBI MSME International Training Institute (SITI), Indian Institute of Corporate Affairs (IICA) and Indian Society of International Law (ISIL).

## 5. OUR SUPPORTERS AND SPONSORS



Indian Council of Arbitration,  
FICCI



**Centre for  
Mediation and Conciliation**  
Centre for Mediation &  
Conciliation, Bombay Chamber of  
Commerce & Industry



Bombay Chamber of Commerce  
& Industry



Small Industries Development  
Bank of India



Confederation of Young Leaders



India's leading law information provider  
Eastern Book Company



LexisNexis Publications



Manupatra



CA Club India



India Law Journal



IPleaders



LawSikho



Lawctopus

## 6. WAY FORWARD & IDEAS FOR THE FUTURE

### 6.1. Creation of a list of IICA trained Mediators

We are currently in the process of creating a list of IICA trained Mediators for viewing on the IICA website. This is a move in the direction of making the process of mediation more accessible to the public at large. This repository will provide information such as educational qualification, specialisation area, contact details, experience in the field of mediation, affiliation etc. of the mediator.

### 6.2. Winter School - Conflict Resolution 360 – Negotiation, Mediation, Arbitration & Litigation

We shall be organising a 4-day winter school for students and young professionals, focusing on the basics of conflict resolution and conflict management from January 10-13, 2020. Experts from each of these fields shall be taking lectures on each day of training. The course shall adopt a comprehensive method of teaching and will include written examinations, case study methodology, skill based training through mock negotiation and mediation etc.

### **6.3. Advanced Training Programme on Mediation**

We shall be organising a niche course delving into the intricacies of mediation, customised for sitting judges, senior advocates, vice chancellors, key managerial personnel, CEOs, CFOs etc. tentatively in the month of March, 2020. The enrolment for the course shall be made on nomination basis.

### **6.4. Launch of an E-platform to hire Trained Mediators**

As displayed by this report, mediation will play an important role in the commercial circles and in the overall progress of the economy. To make mediation a premier mode of conflict resolution in India, we hereby propose to launch an electronic platform with all requisite details of trained mediators. These details shall be made available on the web-platform as well as in the form of a mobile application for Android and iOS operating systems.

- This electronic-platform shall enable anyone across the globe to access the details of trained mediators and hire their services.
- It shall allow the customers to apply filters to categorise mediators according to their field of specialisation, geographical location, proficiency in languages, professional expertise, etc.
- With the advent of technology, the mediation sessions can be conducted via video-conferencing sitting in any corner of the globe.
- It shall also allow the parties to schedule in-person mediation sessions.

### **6.5. Grading and Accreditation procedure for Mediators in India**

As stated above, we have successfully trained around 230 mediators in a little over 3 years. We believe that looking at the fast-increasing number of mediators in India, it shall be beneficial to have a procedure in place to ensure quality and certification of qualified mediators. It will result in the promotion of the use of mediation in conflict resolution owing to the reliability of these professionals.