40 Hours Training Program on Civil & Commercial Mediation and Negotiation

Organized by School of Corporate Law, IICA

DELHI: MUMBAI: HYDERABAD:
Chennai: Ahmedabad: Kolkata: Bengaluru:
“Within infinite myths lies an eternal truth, Who sees it all?
Varuna has but a thousand eyes, Indra has a hundred, You and I, only two.”

Devdutt Pattanaik

“The best situation is not to win 100 battles, is to win the enemy without fighting”

Sun –Tzu (The Art of War)

“You cannot solve a problem with the same way of thinking that created them.”

Albert Einstein
REPORT

40 Hours Training on Commercial Mediation and Negotiation

DELHI

The first 40 hours training on commercial mediation and negotiation was held at India International Center Annexe from 19th July 2016 to 24th July 2016. The training was conducted every day from 2 p.m. to 8.30 – 9 p.m. The training module was as per the international format of 40 hours training and a course module has been developed by the experts for this program (enclosed).

The training program received a very good response with 27 participants registering for the course including senior practitioners and 5 mediators. The training included a rigorous practical mock mediation session along with mock mediation and written evaluations.

Hon’ble Mr. Justice A.K. Sikri, Judge, Supreme Court of India delivered the key-note address during the opening ceremony of the first training on 19th July, 2016.

Hon’ble Mr. Justice A.K. Sikri, Judge, Supreme Court of India at the Opening Ceremony of the Delhi Training

Hon’ble Justice Sikri appreciated the initiative taken up by the IICA by conducting this programme, and congratulated the participants, as in his words they were the torchbearers for promoting mediation in India. He said that the course is one of its kind and very different
from is being offered by other institutions. He shared his personal experiences while establishing the *Tis Hazari* and the *Delhi High Court Mediation Centre* as a part of the pilot project. He exhorted the participants to realize the importance of this specific course.

![Group Photo of Participants at the Delhi Training](image)

**Judicial Perspective on Commercial Mediation: Hon’ble Mr. Justice Madan B. Lokur**

In his special lecture on “Judicial Perspective on Commercial Mediation”, Hon’ble Mr. Justice Madan B. Lokur explained as to why does the judiciary needs mediation. He explained that the problem is improper case management, owing to which cases don’t move. He also emphasized on the fact that establishing Tribunals is a kind of a bypass, which does not affect the heavy pendency, but pushes it aside. Creating a lot of institutions does not solve the problem of pendency, because bypass is a short term solution. He placed heavy reliance on mediation, and a good training like this he said imparts devotion to the cause.

He even cited examples from the international world, where even disputes between Syria and Turkey and Russia could be resolved via mediation. On emphasizing the necessity of mediation, he cited an example where two tribes in Nagaland after years of bloodshed resolved their disputes using mediation. He said that mediation is a solution to a lot of problems in the society.
Special Address by Hon’ble Mr. Justice Madan Lokur, Judge, Supreme Court of India

Hon’ble Mr. Justice M.L. Mehta (Retd.), Chairman, Delhi Dispute Resolution Society at the Closing Ceremony
CLOSING CEREMONY:

Special Address by Justice M. L. Mehta (Retd.), Chairman, Delhi Dispute Resolution Society (DDRS)

Justice Mehta addressed the participants on how he perceives mediation to be an effective tool in resolution of disputes. He said that it is the only mode of dispute resolution where both the parties win. He shared his experiences on being the Chairman of the DDRS. He shared instances, where in matrimonial matters mediation had successfully restored the relationship between a husband and wife. He also shared his experiences of confronting difficult parties and then his endeavour to resolve their disputes. He congratulated the participants for being the first tranche of trained mediators in commercial mediation.
REPORT

40 Hours Training on Commercial Mediation and Negotiation

MUMBAI

The training at the Mumbai Center was held during 25th to 30th July, 2016 in partnership with the Bombay Chamber of Commerce and Industry, Fort. A total of 24 participants were trained in commercial mediation and negotiation. The participants profile included practicing lawyers, business representatives, chartered accountants and trained mediators like Mr. Popat.

The keynote address at the Opening Ceremony was delivered by Hon’ble Mr. Justice Mohit Shah (Retd.), Former Chief Justice of Bombay High Court.

Justice Shah lauded the efforts of IICA under the aegis of the Ministry of Corporate Affairs in organising the training program on commercial mediation. In his keynote address Justice Shah gave several examples of successful mediation highlighting the key tenets of mediation and its advantages and said that we should refer ADR as ‘appropriate dispute resolution’ rather as ‘alternate dispute resolution’. Drawing an analogy from the medical profession
Justice Shah – Trial, like surgery, should be the last option or the first option. He concluded with the following words of Frances Burnett, which would apply to Mediation Centres:

“At first People refuse to believe –
that a strange new thing can be done
then they begin to hope it can be done
then they see it can be done
then it is done and all the world wonders
why it was not done centuries ago.”

The Closing ceremony was graced by the presence of Hon’ble Mr. Justice A. H. Joshi (Retd.), Chairman, Maharashtra Administrative Tribunal and Mr. Anand Desai, Managing Partner, DSK Legal. Justice A.H. Joshi stated that “the concept of justice is not much applicable to disputes between Business Communities. It is the ego of the parties that leads to suits in the courts and the same can be easily resolved by Mediation.” Mr. Desai stated that “If the Chief Justice of India could break down during his speech at the Chief Ministers and Chief Justices conference, the plight of the litigating parties in the court is absolutely
unimaginable. The only way out from the same is the use of ADR and mostly Mediation to resolve disputes.”

*Group Photo of participants at the Mumbai Training*
PROFILE OF TRAINERS

**Stefano Cardinale**  
Mediator & Trainer (European Union)

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, which in 2015 merged with other 2 Italian law firms to create an international network of law firms, Legal and Consulting International. In 2012 Mr. Cardinale co-founded Medialogos, a non for profit organization for the promotion of mediation and peaceful conflict resolution in family, criminal, educational and environmental matters. Presently he is international & comparative ADR lecturer at Universidad Abat Oliva CEU, Barcelona campus. He is mediators trainer in many prestigious Indian Universities, such as Gujarat National Law University, National Law University Jodhpur and Tata Institute for Social Sciences (India). 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), at the American Chamber of Commerce of Milan, at the International Development Law Organization, at Magna Graecia University of Catanzaro, at Verona University, at Padova University (Italy), at Kharkov Law School (Ukraine), at Bar Council of India Golden Jubilee Celebrations in 2012 (India). In 2011 he was trainer of crisis negotiation techniques for police officers at “Scuola Superiore dell’Amministrazione dell’Interno” (SSAI) in Italy. He co-authored the book “Mediation and Conciliation, law, Comparative and International” published by Cedam in 2011.

**Anuroop Omkar**  
Mediator and Trainer

Omkar is the Managing Director and promoter of Bridge Mediation and Consulting Pvt. Ltd. India. He holds a B.Com. LL.B. (Hons.) degree from Gujarat National Law University, 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 also works as a Principal Associate at a reputed law firm in New Delhi 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 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.
**Kritika Krishnamurthy**  
**Mediator and Trainer**

Kritika has completed her education from Gujarat National Law University, Gandhinagar. 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. She works as a Senior Associate at a reputed law firm in New Delhi. She is a Fellow of World Mediation Organization (WMO), Berlin, Germany.

**Dr. Vijay Kumar Singh**  
**Course Director**

Presently heading the School of Corporate Law as Associate Professor in Indian Institute of Corporate Affairs (IICA). Dr. Singh is a certified trainer on “Managing Disputes and Difficult Conversations on the Board” by Centre for Effective Dispute Resolution (CEDR) and a trained mediator by ICADR. Prior to joining IICA, Dr. Singh has worked with the Competition Commission of India (CCI) as Deputy Director (Law). During this stint for about five years with the Regulator, Dr. Singh has worked in the Legal Division and has been actively involved with the capacity building and advocacy activities of the Commission. Dr. Singh is a doctorate in law with basic degree in science followed by degrees in law with Gold Medals in his LLB and LLM examinations from Nagpur University. Dr. Singh has authored a book titled “Corporate Power to Corporate Crimes: Understanding Corporate Criminal Liability in India” which is an enhancement of his Ph.D. Thesis. His present areas of interests include competition law, corporate and securities law, international trade and economic law, comparative business laws including IPR and Competition, ADR and legislative policy and drafting. Dr. Singh is the Life Member of Indian Institute of Public Administration (IIPA), the Indian Society of International Law (ISIL) and The International Centre for Alternative Dispute Resolution (ICADR).

**PARTNERS AND SPONSORS:**

- LexisNexis sponsored the printing of course literature.
- SIDBI as a Platinum Sponsor has promised to sponsor Rs. 5 Lakhs (including participation from its employees across 7 centres).
- Manupatra sponsored the writing pads and pens.