

Department Report 2020-21

Title of Department: Indian Law Society's Centre for Arbitration and Mediation (ILSCA)

Faculty Co-coordinator: Ms. Sathya Narayan, Director, ILSCA

The ILS Centre for Arbitration and Mediation (ILSCA) was established on 3rd December 2016 by the Governing Council of the Indian Law Society. There is a movement amongst legal communities all over the world and India is no exception – to encourage the culture of institutional arbitration. ILSCA was established with a purpose to provide state-of-art facilities for holding ad-hoc arbitration and institutional arbitrations, both in domestic as well as international commercial arbitrations.

Another important objective of ILSCA is to provide training in ADR methods and other allied subjects on Arbitration. It is a neutral, independent, non-profit organization, which will facilitate the impartial administration of ADR proceedings. ILSCA is committed to promoting a cordial and rational settlement of disputes between parties. It aims to create an environment wherein parties can work together to find long-term solutions to conflicts and tensions.

ILSCA is a first-of-its-kind arbitral institution in India, attached to an educational institution, established under the aegis of the Indian Law Society, whose main objective is to provide quality legal education.

Activities for the Academic year 2020-21

2020

I. ILSCA Webinar Series 2020

Conducted on: 6th June 2020 to 29th August 2020

To overcome the hurdles and challenges posed by the COVID-19 pandemic throughout the world, the ILSCA conducted a series of webinars titled the ‘ILSCA Webinar Series 2020’, where 12 webinars were conducted on contemporary topics of ADR, every Saturday. The aim was to bring experts in the subject to educate the students and professionals alike.

The webinar series received an overwhelming response of over 1200 participants throughout the series. The webinars were conducted in the following manner:

Webinar No.	Topic	Date	YouTube Link
Webinar – 1	Role of Institutional Arbitration in India post COVID-19: A Discussion Mr. Tejas Karia, Partner & Head, Arbitration Practice, Shardul Amarchand Mangaldas & Co. Mr. Gauhar Mirza, Principal Associate, Shardul AMarchand Mangaldas & Co.	6 th June 2020	https://youtu.be/i42DINEhoN8
Webinar – 2	Appointment of Arbitrator under Section 11: Judicial Trends and Legislative Changes – A Shift in Power Mr. Shailendra Kanetkar, Advocate, Bombay High Court	13 th June 2020	https://youtu.be/cpkhWKBnq5A
Webinar – 3	Analysis of Supreme Court’s Decisions on Effect of COVID-19 on Limitation: Whether Timelines Stand Extended for Arbitration Proceedings Mr. P. Narayan, Senior Advocate, Pune	20 th June 2020	https://youtu.be/Ce-Edv3lyW0

	Mr. Kedar Dhongde Advocate, Pune		
Webinar – 4	Production of Evidence in Arbitration Proceedings Mr. Shrikant V. Kanetkar, Senior Advocate, Pune	27 th June 2020	https://youtu.be/47HzJ4TP864
Webinar – 5	The Relevant Provisions of Arbitration and Conciliation Act, 1996, and Some Important Case Laws Hon. Justice R.D. Dhanuka, Bombay High Court	4 th July 2020	https://youtu.be/ikahM6RHRxo
Webinar – 6	The Arbitration and Conciliation (Amendment) Act, 2019: A Critical Analysis Justice A.P. Shah, Former Chief Justice, High Court of Delhi Mr. Tejas Karia, Partner and Head – Arbitration Practice, Shardul Amarchand Mangaldas & Co.	11 th July 2020	https://youtu.be/X-JUaj7z568
Webinar – 7	Mediation in India: Judicial and Legislative Perspective Justice Dilip Bhosale (Retd.) Former Chief Justice, Allahabad High Court Ms. Manisha Karia Advocate on Record, Supreme Court of India	18 th July 2020	https://youtu.be/WdXU4guvfls
Webinar – 8	Arbitration from the Perspective of Third Parties: An Evolving Jurisprudence Mr. Yuvraaj P. Narvankar Advocate, Bombay High Court and Supreme Court of India	25 th July 2020	https://youtu.be/Qxa8M_Mqiuo

	Fellow, Chartered Institute of Arbitration (CI Arb), UK		
Webinar – 9	A Guide to the Mediation Process for Lawyers and their Clients Ms. Gandha Sahu Lawyer and Mediator, Pune	1 st August 2020	https://youtu.be/wjofBRsDhc
Webinar – 10	Impact of Arbitration and Conciliation (Amendment) Act, 2015 on Section 8 of the A&C Act, 1996 Mr. Kedar Dhongde Lawyer and Arbitration Counsel, Pune	8 th August 2020	https://youtu.be/iAokN8AKhDg
Webinar – 11	Fighting an Arbitration in times of Distress: An Indian Perspective Mr. Sahil Kanuga Co-Head, International Dispute Resolution and Investigations Practice, Nishith Desai Associates Ms. Payel Chatterjee Leader, International Dispute Resolution and Investigation Practice & Co-Head, European Practice, Nishith Desai Associates Mr. Alipak Banerjee Leader, International Dispute Resolution Practice & Co-Head, International Investment Arbitration Practice Group, Nishith Desai Associates	20 th August 2020	https://youtu.be/kwymqRTa4h8
Webinar – 12	Boundaries of Court Intervention in Arbitration Proceedings: A Critical Review Mr. Shriniwas Patwardhan Advocate, Bombay High Court	29 th August 2020	https://youtu.be/LLoFnsVVkBO

II. 3rd ILS Intra-College Mediation Competition in Association with ILSCA

Details of the Competition: The 3rd ILS Intra College Mediation Competition was held on 3rd and 4th October 2020. There was an overwhelming response from the students from the three-year as well as five-year law stream. There were in all 144 participants.

This intra-collegiate competition is held every year and this is the third edition of the competition. This competition is organised in association with the ILS Centre for Arbitration and Mediation (ILSCA), which is an allied unit of the Indian Law Society. This Competition is introduced to educate the young and fresh students who have entered the law stream about mediation as an alternative dispute resolution mechanism.

Problem Propositions for the Competition:

Four distinct problem propositions were drafted for the competition, with two problem propositions for the preliminary rounds, and one problem proposition for the semi-final and one for the final round. These problem propositions aimed at showcasing the role of mediation in disputes ranging from inter-state agreements to tenancy problems and commercial and celebrity agreements.

The 144 participants were further divided into 48 participating teams, consisting of Client-Attorney pair and an independent mediator. The 48 teams participated in the preliminary round held on 3rd October 2020. One of the problems for the preliminary was inspired from the invention and export of the Covid-19 vaccine and the repercussions of its trade on inter-state relations. The second problem for the preliminary rounds was influenced by the rampant nepotism in the film industry and its impact on the young talent.

Out of these 48 teams two teams from each courtroom, i.e., 16 teams qualified for the semi-final round which was held on 4th October 2020. The problem for the semi-final round was based on disputes between a tenant and a landlord, focusing on the need of achieving peace between the two parties.

Out of the 16 teams, 4 teams qualified for the final rounds held on the same day. The problem for the final rounds was derived from an employer employee dispute in the stock market industry.

The problem propositions for the competition were drafted by the Organising Committee consisting of Jay Kakani, Khyati Mehrotra, Suruchee Chouhan, Shreya Sukhtankar, Ramkrishna Panigrahi (V B.A. LL.B.); Sneha Kulkarni, Avantika Kadapatti, Onjula Chatterjee, Nirali Hamirwasia (IV B.A. LL.B.); Ashbi George Aryapurath (II LL.B.); and Arundhati Patkar (III B.A. LL.B.). All the problems were very well received by the participants as well as the judges of the competition.

Judges:

The Judges for the Preliminary round-were:

1. Dr. Suvarna Nilakh (Certified Mediator, ILSCA)
2. Dr. Deepa Paturkar (Certified Mediator, ILSCA)
3. Dr. Shaila Daware (Certified Mediator, ILSCA)
4. Ms. Swati Kulkarni (Certified Mediator, ILSCA)
5. Ms. Swatee Yoggesh (Certified Mediator, ILSCA)
6. Ms. Shweta Chandrashekhar (Certified Mediator, ILSCA)
7. Mr. Rohit Bokil (Certified Mediator, ILSCA)

8. Ms. Pooja Kannurkar (Research Associate, ILSCA; Civil/Commercial Mediator, ADR-ODR International)
9. Ms. Geetanjali Prabhu (Accredited Mediator, The Association of Mediation Practitioners)
10. Mrs. Viddulata Gawade (Director, Vivant Holistic Skill Development Centre; Accredited Mediator, IIAM)
11. Mr. Dipak Parmar (Founder, Cyber-IPR; Member, Association of Mediation Practitioners; Commercial Mediator, Mediator Academy)
12. Mr. Mudit Nigam (Associate, AZB & Partners; Former Judge, INADR International Virtual Tournament)
13. Mr. Mohit Mokal (Mediation Associate, Sr. Advocate and Expert Mediator Mr.Sriram Panchu; Accredited Mediator, ADR-ODR International)
14. Mr. Samrat Thakker (Sr. Associate, Thakker Chambers)
15. Mr. Satyam Rathore (Associate, K&S Partners)
16. Mr. Vaibhav Srivastava (Associate, Khaitan & Co., Former Judge, INADR International Virtual Tournament)
17. Mr. Milind Soman (Executive Director, Lumiere Business Solution Pvt Ltd; Accredited Mediator, IIAM)

The Semi Final Round was judged by –

1. Ms. Leena Patil (Founder member and Secretary, Council of Mediation and Arbitration; Managing Partner, Legal Integrity LLP Advocates and Mediators)
2. Ms. Meena Waghray (Chief Mediator, Outofcourt.in)

3. Mr. Mohit Mokal (Mediation Associate, Sr. Advocate and Expert Mediator Mr.Sriram Panchu; Accredited Mediator, ADR-ODR International)

4. Ms. Krishna Thacker (Founder Member, Council of Mediation and Arbitration)

The final round was judged by Mrs. Gandha Sahu, the Co-founder of the Council of Mediators and Arbitrators and Mr. Prathamesh Popat, founder of the Professional Revolutionary, Academic & Conflict handling Initiatives Mediation Chambers & Chairman, Mediation and Conciliation Committee – Indian Merchants’ Chamber.

Final Result:

The winning Client-Attorney pair consisted of Netri Mathew (V B.A. LL.B.) and Alex Pulimood (III LL.B.) while the runners up were Rashmi Birmole (IV B.A. LL.B.) and Anoushka Gehlot (III B.A. LL.B.)

The award for best mediator was bagged by Simantini Baraokar (IV B.A. LL.B.) while the second-best mediator was Amiti Sanjay (III B.A. LL.B.).

The winning client-attorney pair as well as the best mediator went on to represent ILS Law College, Pune at the ICC Hong Kong International Mediation Competition, 2020 and emerged Quarter Finalists. They also bagged the “Award for the Best Interaction with the Mediator”.

Feedback:

The competition witnessed overwhelming enthusiasm and participation of the students of the college in understanding the techniques of mediations as a method of alternative dispute resolution, making it a huge success.

2021

I. Online Certificate Programme in Domestic Arbitration: Practice and Procedures

Conducted on: 8th January 2021 to 17th January 2021

At the very beginning of the year 2021, the ILSCA conducted an online certificate programme on Domestic Arbitration: Practice and Procedures. The Certificate Programme was designed to give students and professionals an insight into the theoretical and practical aspects of arbitration in India. Over 9 days of brainstorming, the ILSCA invited resource persons who are eminent in the field of arbitration, and experts in that particular topic which they dealt with.

The Programme saw participation of 14 participants. The schedule and details of the sessions are provided below for reference:

Sl. No.	Date	Modules	Resource Persons
1.	08.01.2021 (Friday)	Introduction	Mr. Dharmendra Rautray, Advocate Kachwaha and Partners, New Delhi
2.	09.01.2021 (Saturday)	Types of Arbitration	Mr. Shailendra Kanetkar, Advocate Bombay High Court
3.	10.01.2021 (Sunday)	Effect of having Arbitration clause: Arbitrability of disputes	Mr. Kedar Dhongde, Advocate, Pune
4.	11.01.2021 (Monday)	Commencement of Arbitral Proceedings and Appointment of	Mr. Yuvraj Narvankar, Advocate, Bombay High Court.

		Arbitrator/s	Fellow, Chartered Institute of Arbitrators, UK.
5.	13.01.2021 (Wednesday)	Step by Step Guide to Arbitration	Mr. Tejas Karia, Partner and Head, Arbitration Practice, Shardul Amarchand Mangaldas and Co., New Delhi
6.	14.01.2021 (Tuesday)	Necessary disclosures and disqualifications of arbitrator/s Challenge to the appointment of arbitrator, removal and substitution of arbitrator/s.	Mr. Srinivas Patwardhan, Advocate
7.	15.01.2021 (Friday)	Power of Arbitrator to grant interim reliefs Power of court to grant interim reliefs	Mr. P Narayan, Senior Advocate
8.	16.01.2021 (Saturday)	Arbitral Award and Its execution/Enforcement	Mr. Shrikant Kanetkar, Advocate
9.	17.01.2021 (Sunday)	Arbitration clause or Arbitration Agreement – Pre and post dispute Clause Drafting Exercise	Mr. Shailendra Kanetkar, Advocate, Bombay High Court

II. 40-hours Online Mediation Training Programme

Conducted on: 6th February 2021 to 14th February 2021

The Indian Law Society's Centre for Arbitration and Mediation (ILSCA) conducted a 40-hours Online Mediation Training Programme between 6th February and 14th February 2021. The trainers were two eminent mediators – Ms. Tanu Mehta and Ms. Gandha Sahu – who conducted the sessions with utmost professionalism and ease.

The sessions were conducted for four hours every day between 4 p.m. and 8 p.m. On the last day, i.e., 14th February 2021, the session was 8 hours long and involved a simulation exercise. There was a total of 19 participants in the Programme from varied backgrounds – students, lawyers, and other professionals. The participants were continuously assessed throughout the Programme by the trainers. In the end, 18 participants were declared certified mediators accredited by the ILSCA.

ILSCA Team

Ms. Sathya Narayan, Director

Ms. Pooja Kannurkar, Research Associate,

Ms. Kalpana Ambadipudi, Admin Registrar

Ms. Manjusha Gurjar, Office Coordinator

Ms. Sathya Narayan

Director, ILSCA