

Department Report 2019-20

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 2019-2020

2019

I. Intra-Collegiate Mediation Competition 2019, in collaboration with ILS Law College

Conducted on: 7th and 8th September 2019

The competition witnessed a participation of 48 students from three-year and five-year law courses. The competition was conducted in three rounds- preliminary round, semi-final round and final round. The competition was adjudged by practicing mediators who are experts in their field. The mediators or assessors of the competition came from various areas of subject specialization.

The winners of the competition – Ms. Aditi Desai, Ms. Vanisa Upadhyay, and Ms. Aakanksha Luhach represented ILS Law College at the ICC International Commercial Mediation Competition, Paris. ILSCA has assured the student community to continue to hold such competitions and make it an annual feature. It is viewed as an initiative aimed to create awareness amongst the law students about the importance of the process of Mediation as an alternate dispute method to resolve disputes.

II. Lecture on ‘Conflict to Consensus: Mediation in the Contemporary World’ by Antti Heikinheimo

Conducted on: 23rd November 2019.

The Indian Law Society’s Centre for Arbitration and Mediation (ILSCA), on 23rd November 2019, organized a lecture on ‘Conflict to Consensus: Mediation in the Contemporary World’ by Mr. Antti Heikinheimo, a renowned mediator from Finland.

About Mr. Antti Heikinheimo

Antti Heikinheimo a District Court Judge in the District Court of Länsi-Uusimaa, Finland concentrates exclusively on mediations. He is a renowned mediator and arbitrator, having more mediations as a mediator than anyone else in Finland with a private practice

background, and a success rate of over 80% in all his mediations. In May 2013 the President of the Republic of Finland awarded him the honorary title "Laamanni" - a title awarded to very select, highly distinguished attorneys and other lawyers.

In 2007, the Government of Finland designated him to the ICSID (International Centre for Settlement of Investment Disputes) Panel of Conciliators. The designation was renewed in 2013 and 2019. Antti was the Chair of UNICEF Finland from 2011 until 2017 and the chairman of the audit board of the Central Chamber of Commerce (the public oversight body of the audit profession). He is also the vice-chair of the Mediation Forum of Finland.

About the Lecture

The lecture was conducted for the benefit of the first-year students of the five-year as well as the three-year law course. The lecture aimed to open the avenues of career opportunities in mediation in their minds and to bring the students up to pace with the contemporary mediation practices across the world. In achieving this aim, the lecture was successful to a great extent.

The lecture ranged from a basic understanding of the practice of mediation to more complex issues such as tools for effective mediation and career opportunities in mediation as well. In answering basic questions such as the difference between arbitration and mediation, Mr. Antti remarked that while arbitration is essentially private litigation, mediation is a collaborative effort to arrive at a consensus between the parties.

Mediation, he says, is a very strong tool to resolve disputes effectively and expeditiously. He adds that it is a unique tool of dispute resolution where both parties happily reach a compromise to resolve their dispute. A very interesting part of the lecture was when Mr. Heikinheimo drew a connection between the art of effective

mediation and meditation. Emphasizing the role of meditation in helping him become a good mediator, he said that it increases his ability to keep calm and help the parties reach a settlement.

The lecture then proceeded to the technical aspects in a mediation process, such as the BATNA (Best Alternative to a Negotiated Agreement), WATNA (Worst Alternative to a Negotiated Agreement), and MLATNA (Most Likely Alternative to a Negotiated Agreement). He then went on to explain the skills required by every mediator to be a successful mediator.

The session by Mr. Antti Heikinheimo was enriching and insightful. The fact that the session remained interactive throughout was evidence that the students were intrigued by the information they were receiving. Understanding contemporary practices in mediation from someone like Mr. Antti who has successfully established himself as a renowned mediator internationally, and as the foremost mediator of Finland was indeed fruitful.

III. Post-Graduate Diploma Course in Alternate Dispute Resolution Mechanism

Duration: August 2019 to January 2020.

IALS launched the PG Diploma in Alternative Dispute Resolution in 2008. This course is conducted in a distance learning mode. ADR is a newly emerging system in dispute resolution and has proved itself as an effective method of resolving disputes outside the court. The better knowledge of ADR mechanisms, not only would increase the faith of the public in the justice system as well as it would increase the practice of settlement of disputes outside the court and in turn minimize the burden on the judiciary. The main objects of this course would be to train the entrants about the intricacies of other informal mechanisms that are being adapted to resolve disputes; to appreciate

the potency and limitations of the dispute resolution methods; to build up the techniques and skills of those mechanisms.

The Diploma consists of the following modules:

- Paper I – ADR Methods
- Paper-II – Arbitration and Conciliation Act, 1996
- Paper III – International Commercial Arbitration
- Paper IV – International and Domestic Centers for Institutional Arbitration
- Paper V – Practical Application of ADR Methods

This year 10 students were admitted for the Post Graduate Diploma in Alternative Dispute Resolution Methods (Through Distance Learning). The entrees for this course belong to varied disciplines: Engineers, Architects, practicing lawyers, and Law students.

2020

I. Two-Day Workshop on Basic Mediation and Negotiation Skills in association with Peacekeeping and Conflict Resolution Team (PACT)

Date: 31st January 2020 and 1st February 2020

ILS Centre for Arbitration and Mediation (ILSCA) in association with Peacekeeping and Conflict Resolution Team (PACT) organized a two-day workshop on “Basic Mediation and Negotiation Skills”. This workshop will provide participants with core mediation skills and hands-on experience through a variety of simulations.

Resource Persons:

- Nisshanth Laroia, ACI Arb, Accredited Commercial Mediator, Partner at The PACT.

- Juhi Gupta, LL.M., Harvard Law School, Associate, Shardul Amarchand Mangaldas.

Structure of the Workshop:

Day One – 31st January 2020

Session 1: ‘How to convene a Mediation session-Keys to Preparation’

Session 2: ‘The Right Foot Forward – Setting The Mood with A Good Opening Statement, Following It with an Agenda, Right Questions and Mutually Satisfying Solutions’

Role Play

Session 3: ‘Communication Techniques and Non-Verbal Cues in Negotiation’

Session 4: ‘Mediation as A Facilitated Negotiation & How to Make Use of Your Mediator’

Role Play

Day Two – 1st February 2020

Session 5: ‘The Key Points in Facilitating Workplace Disputes’

Session 6: ‘How to Deal with Difficult Negotiators & Dealing with Manipulative Tactics’

Role Play

Session 7: ‘The Gift of Caucus & The Role of a Lawyer in Mediation’

Session 8: ‘Key Points in Facilitating Family Conflicts’

Role Play

The workshop also aimed at providing training to the participants of the inter-collegiate mediation Competition ‘**Intercessionis**’, hosted by

the ILSCA in association with PACT. It gave the participants a good insight into the practical aspects of mediation and negotiation.

II. ‘Intercessionis’ – National Mediation Competition

Conducted on: 2nd February 2020 and 3rd February 2020

Like every year ILSCA organized ‘**Intercessionis**’ – a national inter-collegiate mediation competition –in association with PACT. This competition is organised to educate law students about the growing importance of ADR, particularly to expose them to the skills of mediation and negotiation. ILSCA’s INTERCESSIONS is a perfect platform for this exposure to the law students. The goal is to develop and inculcate in students practical lawyering skills, communication skills, sensitize their commercial aptitude, and encourage collaborative thinking. This is a one of a kind competition facilitating the participant teams of students representing various renowned Law Colleges in the country to showcase their skills and put theory into practice. A bonus to the participants is that they get an opportunity to interact with some of the world’s top mediators.

A total of 16 teams participated in this competition representing eminent law colleges all over India.

This year the competition was judged by:

1. Ms. Avanti Moghe
2. Mr. Vinay Koparkar
3. Ms. Disha Mulgaonkar
4. Dr. Sudhir Kotwal
5. Mr. Pankaj Joshi
6. Ms. Sonal Bagadia
7. Mr. Dorman Dalal
8. Ms. Deepali Bohra

9. Ms. Asha Mahant
10. Mr. Arthad Kurlekar
11. Mr. Ashish Sonawane
12. Mr. Ashutosh 13. Mr. Suyash Patankar
14. Mr. Prasad Barje
15. Mr. Sandesh Mulgaonkar
16. Mr. Milind Soman
17. Mr. Azim Shaikh
18. Ms. Viddulata Gawade
19. Ms. Leena Patil
20. Mr. Parvez Khan
21. Mr. Prathamesh Popat
22. Ms. Shaila Daware
23. Suhani Bali

The problems for the competition are based on the concept - 'Community-based Mediation' which catalogue the present societal conundrums, principles of community mediation, and its intricacies. This is unique and first of its kind event involving International Faculty and Judges and providing students and members of Legal Fraternity an opportunity to quench their pedagogic thirst and to attain a novel approach to address the problems vastly persisting in our society and thereby showcase their skills. This was the third edition of the competition, and the response was extraordinary.

VI. One-Day Training Programme on “Mediation in the Contemporary World” by Ms. Tanu Mehta in collaboration with Legal Aid Centre, ILS Law College, Pune

Conducted on: 4th February 2020

The ILS Centre for Arbitration and Mediation (ILSCA) in association with the ILS Legal Aid Centre is organized a one-day training programme on ‘Mediation in the Contemporary World: Techniques, Skills and Opportunities’ by Ms. Tanu Mehta, a renowned mediator who holds an International M.A in Conflict Resolution and Mediation from TEL AVIV University (ISRAEL), is an Empaneled Mediator at the Bombay High Court, City Civil Court, IMC, CADR, IICA, and Member – Asia Pacific Mediation Forum & Association of Mediation Practitioners.

The seminar consisted of three sessions:

Session 1 – Mediation as an Effective Tool for Dispute Resolution

Session 2 – From Conflict to Consensus: Skills of an Efficient Mediator.

Session 3 – Career Opportunities in Mediation.

Mediation is an art that requires certain prowess. The programme aimed to equip the participants with an in-depth understanding of the process of mediation, the skills required to be a mediator in the contemporary world, and to also enlighten them on the career opportunities in mediation. This programme was attended by 42 participants.

III. Interactive Session with Members of the Singapore International Arbitration Centre (SIAC)

Conducted on: 17th February 2020.

The Indian Law Society’s Centre for Arbitration and Mediation (ILSCA) is proud to say that it also conducted an interactive session with the members of the **Singapore International Arbitration Centre (SIAC)** for the students of ILS Law College.

The session was conducted by:

- Mr. Chahat Chawla, Associate Counsel, Singapore International Arbitration Centre.
- Ms. Shwetha Bidhuri, Head (South Asia), Singapore International Arbitration Centre.

The session was organised to acquaint the students with the contemporary trends in arbitration and understand the process of international arbitration as practised by one of the best institutions globally. **SIAC** is a forerunner, globally, when it comes to efficient, expeditious, and cost-effective dispute resolution through arbitration. Thus, the session was sure to provide the participants with a good insight into the field of arbitration. The session was attended by over 30 students at the ILSCA.

IV. Programme undertaken by ILSCA to permit ILS students to observe Arbitration/Mediation Proceedings conducted at ILSCA

One of the purposes of establishing the centre by the Indian Law Society was to enable students and members of the Faculty of ILS Law College to have hands-on practical experience in the process of Arbitration and Mediation.

The activities of conducting Arbitrations and Mediations have commenced in the Centre. Few Ad-hoc arbitration process have begun at ILSCA in the arbitration halls assigned for the said purpose.

The process of inviting applications from interested students and members of the faculty, who would like to be part of the arbitration processes and Mediation processes, has started. The applicants shall have the opportunity to witness live arbitration and/or mediation proceedings (conditional upon the consent of the parties as well as the arbitrators/mediators).

Forthcoming Events

I. 40-hours Civil/Commercial Mediation Training in collaboration with ADR ODR International, London.

The ILS Centre for Arbitration and Mediation (ILSCA) announces a ‘40-hour Civil-Commercial Mediation Training Programme’ in collaboration with ADR ODR International, UK. The course is accredited by the CMC as well as the SIMI. The course seeks to provide the delegates with an in-depth understanding of the mediation process and equip them with the skills required to pursue a career in mediation.

The course has been designed in a way as to benefit the delegates by giving them a heads-up into the world of mediation. Alongside a panel membership for ADR ODR International, UK, the benefits of the course include accreditation by the CMC, London as well as the Singapore International Mediation Institute (SIMI). Thus, upon completion of the course, delegates will become eligible to apply to SIMI as a Level-1 Mediator. This course may also be a gateway to the delegates to empanel themselves with the ILSCA.

The course is scheduled to be held from the 16th March 2020 to the 21st March 2020.

II. Advanced Certificate Programme on Domestic Arbitration (Practice and Procedure).

The ILS Centre for Arbitration and Mediation (ILSCA) has also planned to conduct a **Certificate Programme on Domestic Arbitration**, a programme aimed at equipping students with the basic rules of practice and procedure of Arbitration as practised in India and to provide them the knowledge and comprehend the nuances of arbitration. This course is scheduled to be held in March 2020.

ILSCA Team

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Ms. Sathya Narayan

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