

**Program Name:** IICA-MCA Training Program on “Conflict Resolution Techniques” for the Officers of MCA and its attached offices.  
**Program Date:** 14<sup>th</sup> November – 15<sup>th</sup> November 2019  
**Venue:** National Law School of India University (NLSIU), Bangalore  
**No. of participants:** 17  
**Participant Profile:** Officers of MCA and its attached offices.

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#### **PROGRAM OUTLINE:**

The Indian Institute of Corporate Affairs (IICA) in association with the Ministry of Corporate Affairs (MCA) concluded a two-day training programme **for the Officers of MCA and its attached offices** on 14th November – 15th November 2019 in NLSIU, Bangalore.

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The programme organized by the IICA through its Centre for MSME & IP&CC witnessed engaged participation from 17 Govt. Officers (Joint Director, Deputy Director, Assistant Director, Official Liquidator, AROC, Assistant ROC, and Assistant Manager) representing major Organizations / Offices under Ministry of Corporate Affairs. This capacity building initiative was organized with the objective of helping participants to understand the:

- Understand the distinctions between different types of dispute resolution processes
- Appreciate how negotiation and mediation theories offer insights to the analysis and resolution of disputes
- Explain how negotiation and mediation theories can be used in practical situations
- Referral of cases under provisions of Companies Act, 2013

The Companies (Mediation and Conciliation) Rules, mandates Regional Director to prepare a panel of experts, willing and eligible to be appointed as mediators or conciliators. The matters are referred by Members of NCLT and NCLAT on case to case basis. The referral rate for Mediation under Companies Act is very low despite the magnitude of the backlog of Companies Act, 2013 cases in National Company Law Tribunal. Mediation of commercial disputes has already become prevalent under Section 12A of Commercial Courts Act, 2015. Even though Section 442 of Companies Act, 2013 is an older legislation than Section 12A of Commercial Courts Act, 2015, the referral rate under Section 442 of Companies Act, 2013 is very low. These factors prompt for creation of stakeholder awareness and mediation training for implementing authorities to ensure effective implementation of Section 442 of Companies Act, 2013.

Keeping this in view, IICA in collaboration with NLSIU, Bangalore designed this two days training programme/ workshop with the purpose to introduce participants to a range of issues surrounding the dynamics of disputes and to the advanced models of negotiation and mediation designed to aid in their resolution. The course was also designed in a way to capture the lessons that can be drawn from existing experiences – both within India and globally.

This course familiarized participants with the dynamics of conflicts and the alternative techniques to manage them and implement them in their administrative functionalities.

**Key topics covered are as follows:**

- Introduction and understanding of conflicts, mediation, commercial mediation and ombudsmen scheme | Prof. Rahul Singh, NLSIU, Bangalore
- Mediation of Company Disputes | Mr. Ajar Rab, Partner – Rab & Rab Associates LLP
- Mock Mediation | NLSIU team led by Mr. Aditya Vardhan Sharma
- Corporate Disputes in Practice: ‘A service perspective’ | Mr. Nagarjun Matangi, Senior Legal Counsel – Hewlett Packard Enterprise
- Corporate Disputes in Practice: ‘An Indian perspective’ | Mr. Naveen Prasad TA, HDFC
- Corporate Disputes in Practice: ‘An MNC perspective’ | Mr. John Thaliath, GE

Program was Residential and conducted at NLSIU, Bangalore. Joint Director, Deputy Director, Assistant Director, Official Liquidator, AROC, Assistant ROC, CDM Project Coordinator and Assistant Manager from O/o Director General of Corporate Affairs, Competition Commission of India, O/o Regional Director (SER), Serious Fraud Investigation Office, Central Registration Centre, CL-1 Section, Registrar of Companies, IICA, Insolvency and Bankruptcy Board of India, MCA attended the program.

The pedagogy of the program was based on class room sessions, experiential learning, case studies and evidence based learning for helping those seeking answers to the challenging questions and aspects.

**MAJOR HIGHLIGHTS**

- Three Hours of sharing in-depth knowledge, debating spiritedly & directing razor-sharp questions at each other made the simulation exercise on mediation based on national & international case study a fascinating & enjoyable experience during the two day duration time of our 17 participants.
- The discussion kept the participants engaged.
- The Q&A session was lively & engaging.

**PROGRAM FLOW:**

The two-day capacity building programme was started with opening remarks by Mr. Rajesh Batra, Head Centre for MSME/ IP&CC & CDM Project coordinator, IICA and Prof. Rahul Singh, Lead Programme Director from NLSIU.

Characterized by interactive sessions, presentations and case studies, the programme was facilitated by Prof. Rahul Singh, Mr. Ajar Rab, Mr. Aditya Vardhan Sharma along with NLSIU team, Mr. Nagarjun Matangi, Mr. Naveen Prasad TA , Mr. John Thaliath. The programme was concluded with closing session & remarks presided by **Mr. Rajesh Batra**, Head Centre for MSME/ IP&CC and CDM Project Coordinator, IICA.

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