INTERNATIONAL PROGRAMME ON COMMERCIAL CROSS CULTURAL NEGOTIATION & MEDIATION FOR DELEGATION FROM BANGLADESH INTERNATIONAL ARBITRATION CENTRE (BIAC)

25th to 29th March, 2018 Manesar, Gurgaon
“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
Training Programme on International, Cross Cultural Civil & Commercial Mediation and Negotiation

The first training on International, Cross Cultural Civil & Commercial Mediation and Negotiation was held at Board Room, Indian Institute of Corporate Affairs, Manesar, Gurugram from March 25 to March 29, 2018. The training was conducted every day from 9 am to 7 pm. The training module was as per the international format of training and a course module has been developed by the experts for this program.

The training program was conducted exclusively for the delegation of professionals from Bangladesh International Arbitration Centre. The training program received a very good response with 31 participants registering for the course including bank managers, regulators from Bangladesh Bank and Bangladesh Securities Exchange Commission, bureaucrats from Ministry of Defence, Government of Bangladesh and practising advocates from Supreme Court of Bangladesh. The training included rigorous practical mock mediation sessions along with mock mediation.

Some of the key organizations from where we had training participants are as follows:

- Infrastructure Development Company Ltd. (IDCOL)
- National Board of Revenue (NBR)
- Karnaphuli Fertilizer Company Limited (KAFCO)
- Square Pharmaceuticals Ltd.
- Mutual Trust Bank Ltd.
- Ministry of Defense
- Maximum chamber
- Dhaka Bank Ltd.
- Bangladesh Bank
- IFIC Bank Limited
- AF Hassan Ariff & Associates
- Islami Bank Bangladesh Limited
- The City Bank Limited
- Bangladesh Security Exchange Commission
- Financial Institutions Division, Ministry of Finance
Some important highlights of the training program are as follows:

DAY 1: INAUGURATION CEREMONY
The training was inaugurated by the following dignitaries on March 25, 2018 from 5 pm to 6.30 pm:

- Shri Gyaneshwar Kumar Singh, Joint Secretary, Ministry of Corporate Affairs and Director General and Chief Executive Officer (DG & CEO) of Indian Institute of Corporate Affairs (IICA)
- Shri R K Singh, Additional Secretary, Central Information Commission
- Shri Sumit Banerjee, Head of Centre for Mediation and Conciliation, Bombay Chamber of Commerce and Industry
- Mr. Mahbubur Rahman, Chairman, Bangladesh International Arbitration Centre (BIAC)
- Mr. Muhammad A. (Rumee) Ali, Chief Executive Officer, Bangladesh International Arbitration Centre (BIAC)

From left to right: Mr. Mahbubur Rahman, Chairman, Bangladesh International Arbitration Centre (BIAC), Shri Gyaneshwar Kumar Singh, Joint Secretary, Ministry of Corporate Affairs and Director General and Chief Executive Officer (DG & CEO) of Indian Institute of Corporate Affairs (IICA), Shri Sumit Banerjee, Head of Centre for Mediation and Conciliation, Bombay Chamber of Commerce and Industry and Shri R K Singh, Additional Secretary, Central Information Commission
Shri Gyaneshwar Singh gave the welcome address at the inauguration function. Shri Singh discussed the high cost of recovery plaguing the jurisdictions of India and Bangladesh in dispute resolution and how mediation can be a panacea for the same. Shri Singh also discussed the possibility of mediation before insolvency proceedings of individuals commence. Shri Singh welcomed the delegation from Bangladesh which brings the tally of trained mediators from IICA to 180. Shri Singh evinced hope that IICA shall collaborate in the future with BIAC on comparative law studies in the future.

Shri Sumit Banerjee spoke about the *Scope of Mediation in Commercial Disputes in India*. Shri Sumit Banerjee gave an introduction to the recently established Centre for Mediation and Conciliation setup by Bombay Chamber of Commerce and Industry. As per a survey conducted by the Chamber more than 85% of the corporates are dissatisfied with the time taken and money spent on dispute resolution through both arbitration and litigation in India. Shri Banerjee expressed great scope for mediation of all contractual and commercial disputes in India be it shareholder disputes, contractor-sub contractor disputes, intellectual property disputes and in the recent times disputes between the joint lenders forum and the borrower.
Shri Mahbubur Rahman, Chairman, Bangladesh International Arbitration Centre (BIAC) spoke about the Role of BIAC in promotion of Mediation in Commercial Disputes. Mr. Muhammad A. (Rumee) Ali, Chief Executive Officer, Bangladesh International Arbitration Centre (BIAC) spoke about Scope of Mediation in Commercial Disputes in Bangladesh. Some highlights of their speeches was the failure of mediation in debt recovery matters of Bangladesh and need for a better mechanism and the adoption of arbitration in Bangladesh but the need to promote mediation of disputes in Bangladesh.

**DAY 2: CELEBRATION OF INDEPENDENCE DAY OF BANGLADESH**

The second day of the training program i.e. March 26, 2018 was also the Independence Day of Bangladesh. The delegation was greeted in the morning by celebrating Independence Day of Bangladesh. The national anthem of Bangladesh ‘Amar Sonar Bangla’ was played. This also heightened the training experience because the National Anthem of Bangladesh penned by Guru Ravindranath Tagore, the Shakespeare of India is a perfect example of cross cultural acceptance and collaboration.
DAY 3: GUEST LECTURE BY SMT. LALIT MOHINI BHAT, ADVOCATE, SUPREME COURT OF INDIA AND PROF. NAVNEET SHARMA, HEAD OF SCHOOL OF COMPETITION LAW, INDIAN INSTITUTE OF CORPORATE AFFAIRS

From Left to Right: Shri Navneet Sharma, Head of School of Competition Law and Smt. Lalit Mohini Bhat, Advocate and Mediator at Samadhaan (Delhi High Court Mediation Centre)

On day 3, Mrs. Lalit Mohini Bhat gave a guest lecture on Laws Governing Mediation in India. The lecture was an enthralling discussion with participants giving comparative insights on laws governing mediation in Bangladesh.

Shri Navneet Sharma, Head of School of Competition Law at Indian Institute of Corporate Affairs engaged a guest lecture on scope of Alternative Dispute Resolution in Anti Trust matters. It was highlighted that the Competition Commission of India presently does not encourage use of ADR for competition law disputes but there is a possibility for use of ADR in such disputes as well.
DAY 4: HEALING RHYTHMS WITH DR. NEELAM VERMA

Day 4 was begun at Vedic Farm, a healing village/ farm house at Panchgaon, Gurugram. The participants participated in therapeutic sessions on “Stress Free Living with Healing Rhythms”, a program designed by Cardiologist Dr. Neelam Verma, a pioneer in integrative medical care through bio cosmic feedback mechanism.

Participants engaging in meditation exercises
DAY 5: MOCK MEDIATION PRACTICE BY PARTICIPANTS
The participants also engaged in practice mock mediation exercises amidst nature which helped them in better brainstorming and thinking out of box about disputes.
CLOSING CEREMONY:
The Chief Guest of the Closing Ceremony was Hon’ble Justice Ravindra Bhat, Judge, High Court of Delhi. Justice Bhat recently pronounced a landmark judgment that a mediation report should only contain one sentence and nothing more, in order to maintain the confidentiality of proceedings [Smriti Madan Kansagra versus Perry Kansagra CM APPL No. 42790/2017 and 42791/2017 in MAT APPL. (FC) 67/2016, order dated December 11, 2017]

Quote from Speech of Hon’ble Justice Bhat on ‘Need for Mediation Training of Lawyers’:

“Being a mediator is like being a photographer, in that a photographer is: looking for the detail that makes the picture; looking for the point of balance which is a reconciliation between several elements; reframing; editing and putting people at ease within a context that shows them off to their best advantage. If you get all those about right then any shortcomings on the technical side fade away”

The keynote address of Hon’ble Justice Bhat was followed by certificate distribution of participants.
GROUP PHOTOS OF PARTICIPANTS

Training Programme on
International Commercial Cross - Cultural Negotiation & Mediation
For Delegation from Bangladesh International Arbitration Centre (BIAC)


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.

Prof. Navneet Sharma, Faculty, IICA

Leads research and capacity building initiatives at the School. He leads a team of lawyers and economists to deliver ‘need-based’ capacity building solutions to clients and policy support to the Government. He engages with corporates regularly to set up customised training courses and also takes up sessions at in-company training programmes. He is also a visiting professor to many law/ management/ economics teaching institutions. Prior to IICA, Dr Sharma is credited to have successfully spearheaded first of the kind long-term courses in the area of competition law and market regulation in India. He has also served on various committees of Government of India. In the past, he has worked with law/ economics consulting firms, think-tanks, as well as universities. He has authored reports and research papers and advised a number of Indian and foreign organizations on matters relating to: competition law and policy, market regulation, non-tariff barriers, free trade agreements, small and medium enterprises, competitiveness etc. He has also co-edited a book on Global Competitive Advantage: Concepts, Approaches and Perspectives, Volumes: 1&2.
Prof. Vijay Kumar Singh, Faculty, IICA

The team responsible for conduct of the training program is guided by Dr. Vijay Kumar Singh, head of the School of Corporate Law and Associate Professor at IICA. Dr. Singh has previously worked as Deputy Director (Law) at Competition Commission of India. He is a trained mediator from The International Centre for Alternative Dispute Resolution (ICADR). He is also a certified trainer on "Managing Disputes and Difficult Conversations on the Board" by Centre for Effective Dispute Resolution (CEDR) and the IFC Corporate Governance Group.

Prof. Garima Dadhich, Course Director & Faculty, IICA

She is a faculty at Indian Institute of Corporate Affairs (IICA) since March 2014. She is also a Coordinator of National Foundation of Corporate Social Responsibility (NFCSR) and presently heading Centre for Business Innovation at IICA, a think-tank and capacity building institute under the Ministry of Corporate Affairs, Government of India.

She is a certified trainer on "Managing Disputes and Difficult Conversations on the Board" by Centre for Effective Dispute Resolution (CEDR). She is a university topper in B.Com. (Final) Examination. She completed LLB from ILS Law College, Pune. She then pursued her Masters programme in Commercial and Corporate Laws from Queen Mary University of London, London and qualified ‘LLM degree’ with Merit. She has obtained an “International Legal English Certificate” from University of Cambridge. Her doctoral research concentrates on Corporate Governance. She has published research papers in referred academic journals and presented paper in several conferences, seminars and academic workshops. Has around 11 years of industry and academic experience.

At IICA, She has trained various Directors/Independent Directors from various Public Sector Units and Private Companies for improving board effectiveness. She has also conducted programme for CEOs/Managers of Incubation Centres. She is a regular faculty for the programmes on corporate governance. Corporate Social Responsibility for ministry officials and corporate executives. She has undertaken various consultancy assignments and has also completed the project, ‘Strategy Document of Ministry of Corporate Affairs’ and ‘Strategy Document of National Foundation of Corporate Governance’. She is also visiting faculty for SCOPE- Academy of Public Sector Enterprise (APSE), NHPC Ltd. (National Hydroelectric Power Corporation), NBCFDC (National Backward Classes Finance & Development Corporation), ICSI (The Institute of Company Secretaries of India) and various National Law Universities etc.
Anuroop Omkar, Mediator and Trainer

Anuroop 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 the Indian 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 also on the panel of mediators of National Company Law Tribunal and National Company Law Appellate Tribunal. He practices online dispute resolution under the panel of Online Consumer Mediation Centre, National Law School of Indian Universities, Bengaluru.

Anuroop actively engages in commercial negotiation with cross cultural experience of Italy, Spain, United States of America, France, Japan and various local cultures of India. Although mediation is his passion, he is also a corporate lawyer and his areas of expertise are Corporate and Commercial Laws specially Private Equity, Joint Ventures, Mergers and Acquisitions (M&A), Start-up Advisory, Business Restructuring, Setting up NBFCs and further compliances.

He is part of various policy initiatives such as the committee appointed by Ministry of Corporate Affairs, Government of India for providing inputs in the drafting of the mediation rules under Indian Companies Act. He is also Member of drafting committee of proposed mediation legislation of India under the aegis of National Law School of India University (NLSIU), Bengaluru. He is Exclusive Trainer and course consultant to Indian Institute of Corporate Affairs, Ministry of Corporate Affairs, Government of India for training program on commercial mediation and negotiation. He is a consultant to Bombay Chamber of Commerce and Industry for setting up and operation of commercial mediation centre.

He is a member of International Centre for Alternative Dispute Resolution (ICADR), Ministry of Law and Justice. He is an Expert Contributor for NCLT & NCLAT Member Induction Training Programme on Mergers and Acquisitions and Alternate Dispute Resolution. He is a visiting faculty to SIDBI MSME International Training Institute (SITI), Bhubaneswar, and National Law University and Judicial Academy, Assam (NLUJAA). He is part of WB National University of Juridical Sciences Industry-Academia Panel.

Kritika Krishnamurthy, Mediator and Trainer

Kritika 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 an empanelled mediator for commercial disputes with National Company Law Tribunal of India and Consumer dispute forum of National Law University of Indian Universities at Bangalore. She is a consultant to the Ministry of Corporate Affairs on mediation and negotiation. She is also an external consultant to Bombay Chamber of Commerce and Industry for setup and
operation of commercial mediation centre. Kritika is also a corporate lawyer. 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.

Kritika has trained more than 150 people in negotiation and mediation. She has developed curriculum and course material for mediation trainings in Gujarat National Law University (GNLU), National Law University Jodhpur (NLU-J), Tata Institute of Social Sciences, Mumbai (TISS) and Indian Institute of Corporate Affairs.

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 on Alternate Dispute Resolution. She actively engages lectures at SIDBI MSME International Training Institute (SITI) and Indian Society of International Law (ISIL).

**Arshaluys Mushkambaryan, Psychology & Body Language Expert**

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 Non-verbal communication in Mediation for ADR Partners LLC.

**Lalit Mohini Bhat, Mediator**

Ms. Lalit Mohini Bhat has been a practicing Advocate for the past 25 years and is currently a Senior Partner in Lawlinks. That firm’s legal practice in Courts and judicial for a (Supreme Court of India, various High courts, tribunals, consumer redressal commissions, etc.) is in areas of commercial laws, arbitration, mediation, Land Acquisition (expropriation laws) mining, Public & Constitutional Law; Banking & Insurance, Employment laws; realty & land laws, IPR, Competition law, Education Laws, and Consumer Laws, and Matrimonial laws.

She completed her basic training as a mediator in 2006, and has been enrolled with the Delhi High Court Mediation Centre (Samadhan) ever since. She underwent the Advanced Mediation course conducted by Samadhan in 2008. She underwent the ‘Train the Trainer’ mediation program at Utah University, Salt Lake City, USA 2010 and obtained a certificate. She has conducted over 300 mediation sessions. Her forte is family, commercial and labour (employment) related disputes. She has also participated in international Mediation conferences in India, USA and Singapore.

Ms. Bhat has also been an arbitrator and has, in that capacity, conducted arbitral proceedings in the last 3 years. She has received references upon appointment as arbitrator by the Delhi High Court. Additionally, she has conducted several mediation/conciliation proceedings, upon references received from the Supreme Court conducted Lok Adalats. Ms. Bhat has conducted three-day orientation courses (as a mediator trainer) under the aegis of the FICCI, sponsored by the Ministry of Consumer Affairs, Central Government, in 2011 and capacity building workshops at Chennai, Ahmedabad and New Delhi. She has conducted a capsule course on mediation in the Symbiosis International University, Pune, an orientation program on mediation in the Faculty of Law, Delhi University, and presided over several moot court competitions in Delhi and other cities.