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EDITOR'S NOTE

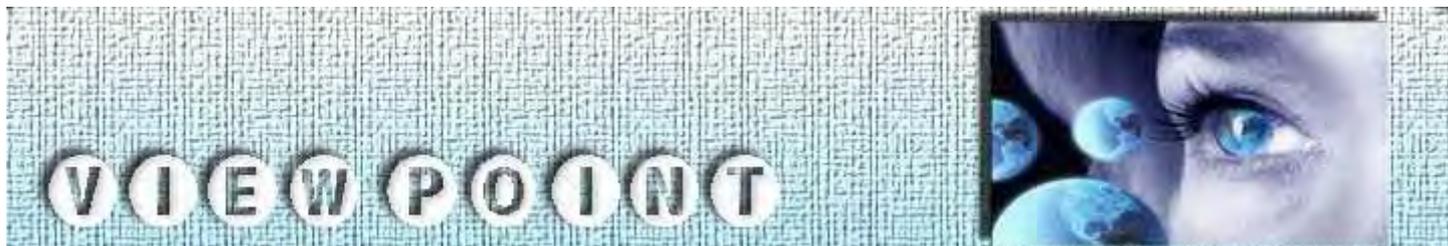
We are indeed happy and thankful for warm reception given by you for the online edition of "The Indian Arbitrator". We are honoured and the words of encouragement and appreciation make us more responsible in improving the standard of the magazine. We are also grateful to many authors and administrators of ADR websites and blogs who have extended their support by giving us articles and materials for publication.

Mediation is now getting more and more acceptance throughout the world. India has also joined the fray and the Supreme Court Mediation Committee is taking all steps to promote the concept and is establishing Mediation Centres in all High Courts. But when we tend to increase the awareness of mediation and establish more and more centres where matters are referred from Courts, we also have to keep the ethical standards and training level of mediators in top priority. Unless we maintain these standards, we may end up losing the faith and credibility of the process amongst the people. The Independent Standards Commission of the International Mediation Institute is taking serious efforts for making a uniform international standard for mediators, taking into consideration various cultural differences. We have in this edition an article by Irena Vanenkova, the Operations Director of IMI.

We continue to look forward for your valuable opinions and suggestions to improve the quality and usefulness of the magazine, so as to serve you better.



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The Unique Value of Becoming IMI Certified

: IRENA VANENKOVA

A practical solution to a fundamental problem has arrived - a global online certification scheme to enable credible details on only the world's most competent and experienced mediators to be searched on a single search engine. What is going on and why?

THE BIG PICTURE

Almost everywhere virtually anyone can practice as a mediator – just as, sadly, anyone can call themselves a banker. There is typically no initial educational requirement, no license to practice, no vetting of skills or continuing professional development and little real practice regulation. How, then, are users able properly to determine competency?

Mediation is, in relative terms, a small market. Competition is intense. How do the players in the market effectively address the common issue of getting the field recognized as a true profession?

Perhaps because mediation happens behind closed doors and in confidence, participants generally rarely disclose that they resolved a matter through mediation – even when they announce that they reached a settlement. How, then, do those seeking a mediator ever get to know who mediated what, with what degree of success and how good the mediator was?

The ABA Section of Dispute Resolution and ACR both convened task forces to address credentialing of mediators. The inherent balkanization of mediation practice in the US rendered a uniform credentialing scheme unachievable.

Few mediators have an insight into how many disputes fail to make it to mediation. Some corporate counsel estimate that less than one in ten cases where mediation is proposed actually gets mediated.

What causes 90% of cases not to get to mediation may be several factors. But at their root is a patchy understanding of mediation by potential users, resulting in poor acceptance of, and confidence in, the process. Mediation is a field that does not enjoy widespread recognition and respect except in isolated environments.

Kenneth Cloke has called mediation a mongrel profession. Perhaps it could also be thought of as a vicarious profession – one that relies for its credibility and respect on whatever other professional status its practitioners might have. Either way, to move ahead and to increase the volume of the tip of the dispute iceberg that actually do make it to mediation, practitioners must find ways for mediation to be seen as a credible, respectful and above all free-standing profession.

Harold Wilensky, Professor Emeritus of Political Science, University of California at Berkeley, spelled it out in *The Professionalization of Everyone?* (1964): Any occupation wishing to exercise authority must find a technical basis for it, assert an

exclusive jurisdiction, link both skill and jurisdiction to standards of training and convince the public that its services are uniquely trustworthy and tied to a set of professional norms.

WHAT IS IMI?

The IMI was established in 2007 to present mediators and provider organizations with a potential solution to

Any occupation wishing to exercise authority must find a technical basis for it, assert an exclusive jurisdiction, link both skill and jurisdiction to standards of training and convince the public that its services are uniquely trustworthy and tied to a set of professional norms.

that problem, one that they can pursue without great effort and cost, and apply to their individual and collective benefit, as well as for the advantage of users.

IMI's goals are to establish a uniform but adaptable vehicle for:

- *High quality mediation training and practice standards*
- *Certification as a hallmark of quality*
- *Transparency via feedback*
- *An open search engine for users to find IMI Certified mediators*
- *Enhanced understanding of mediation by users*
- *Growth in mediation acceptance and use.*

IMI is a non-profit foundation and a public benefit initiative conceived by several non-profit mediation institutions – the American Arbitration Association, the Netherlands Mediation Institute and the Singapore Mediation Centre and its sister the Singapore International Arbitration Centre. IMI is located in the NGO building in The Hague.

IMI's Board comprises nominees of each of those founding institutions plus several independent directors – Michael McIlwrath of General Electric Company (IMI's 2009 Chair), Wolf von Kumberg of Northrop Grumman Corp (the 2008 Chair) and Michael Leathes, IMI's executive director.

The role of the IMI Board is to provide general strategic guidance and to secure IMI's financial viability from public and private benefactors. IMI does not provide chargeable services and therefore does not earn income from mediations, referrals or training.

The IMI Board does not devise the criteria by which the competency of mediators can be determined. That is the task of the Independent Standards Commission (ISC), comprising 50 inspiring thought leaders representing all stakeholders in the mediation field from 24 countries in all continents. The ISC is Chaired by Tommy Koh, Professor of Law at the National University of Singapore and a former dispute resolver at the World Trade Organization. For a full listing of ISC members, please see www.IMImediation.org.

THE MISSION OF IMI

IMI is designed to enable. It is not a “peak” or superior body. Its role is simply to enable workable, transparent and high competency standards to be developed, to aid best practice sharing and to promote the understanding and use of mediation. With the exception of its logo, none of the material on IMI's web portal is protected by IP rights, and is there to be used and adapted by the market without charge.

THE IMI CERTIFIED MEDIATOR PROFILE

IMI Certified mediators will be able to include their Profile on the IMI web portal where it will be searchable without cost by anyone seeking a competent and suitable mediator. The IMI search engine enables certain variables - location, language capabilities, mediation style and mediator practice areas - to be selected by searchers, for shortlists to be compiled, and for Profiles to be downloaded and compared.

IMI Certified mediators will be able to include their Profile on the IMI web portal where it will be searchable without cost by anyone seeking a competent and suitable mediator. The IMI search engine enables certain variables - location, language capabilities, mediation style and mediator practice areas - to be selected by searchers, for shortlists to be compiled, and for Profiles to be downloaded and compared.

IMI Certified Mediator Profiles are made up of 12 sections, six mandatory (to enable users to make fair comparisons) and six optional. The mandatory sections are contact details, main practice areas, experience outline, a mediation style statement, identification of governing code of conduct and applicable complaints process, name of professional indemnity insurance policy and amount of cover, and a Feedback Digest.

The Feedback Digest is a summary of feedback received from parties and their representatives. IMI Certified

Mediators are asked to have this summary prepared by an independent source - a Reviewer. The role of the Reviewer is to receive completed feedback forms and turn them into a one-page digest that can then be incorporated into the Profile. The Reviewer may be an institution (for example, a provider or professional organization) or an independent person, such as a mediator, an attorney, an educator or a user. The credibility of the Feedback Digest is partly determined by the identity and standing of the Reviewer, so mediators need to select that organization or person with care. The Reviewer will be identified on the Feedback Digest.

Reviewers can assist in other ways – not least in aiding continuing professional development tailored to the needs of the individual mediator.

IMI provides a Feedback Request Form that mediators can use, or they can use any similar form to seek feedback, for example one offered by a provider entity or a judicial mediation program.

IMI also offers a Code of Conduct and a complaints process. IMI Certified Mediators can select these, or suitable alternatives of providers, professional or regulatory bodies.

Examples of IMI Certified Mediator Profiles are given on the IMI web portal, along with a guide for completing them. See: www.IMImediation.org.

BECOMING IMI CERTIFIED

The ISC is currently reviewing the details of the proposed criteria for becoming IMI Certified via independent competency assessment. These details are expected to be finalised by the ISC and published in or before June 2009.

In January 2009 IMI launched a scheme – the Experience Qualification Path (EQP) – to enable experienced practicing mediators to be IMI Certified without having to undergo an independent competency assessment. This window of opportunity lasts until June 30th 2009. To become IMI Certified under the EQP, mediators must determine that they qualify under one of three categories.

Category 1 is for mediators who have already passed an experience-based mediator competency assessment approved by the ISC. They are listed on the IMI portal.

Category 2 is for mediators who are members of a provider panel that the ISC has recognized as selecting its members based on an assessment of their competency. They on the IMI portal. Additional panels can be added. Because some providers select panel members based not on their competency as a mediator but, for example, as an arbitrator, the provider is asked to endorse the mediator's application for IMI Certification with a statement of their competency as a mediator.

Category 3 is for mediators who are not included in Category 1 or 2. They are asked to submit a mediation practice logbook and references from two users.

IMI initiative, widely supported by experienced mediators, will bring about a much improved sense of mediation being an independent profession. More reliable and factual information about mediators and providers will become available in a more coherent, consistent and easier-to-manage form.

As a contribution towards the considerable cost of developing and maintaining the search engine, IMI will ask all Certified mediators to pay an annual Profile listing fee. This will not be invoiced until the third quarter of 2009. The fee will be \$160 (•125/£110). The grants made to IMI by benefactors and patrons can then be applied more effectively to promoting mediation and encouraging training and competency schemes where none exist or are poorly developed.

THE BENEFITS OF IMI CERTIFICATION

The IMI initiative, widely supported by experienced mediators, will bring about a much improved sense of mediation being an independent profession. More reliable and factual information about mediators and providers will become available in a more coherent, consistent and easier-to-manage form. The chances of cases coming to mediation will improve as counter-parties to whom mediation is proposed will have an objective resource from which they can discover more about the field, about what prior parties have said about mediators, and other relevant information.

The demand side of the market – the users of mediation services and their professional advisers – will have open access to the world's most competent mediators. The perception of competency will no longer hinge on gossip, experience, guesswork, hearsay and word-of-mouth, but more on transparent, factual and credible feedback from actual prior users presented in an easy-to-read format. More and better data will be available to users at the touch of a keyboard with no need to register or pay to access the information. The potential choice will be greater, and users will be able to select a mediator based on a more reliable impression of competency and potential suitability with a greater element of objective comparison. The demand side's respect for mediation will greatly improve as they come to recognize the quality characteristics of a true profession.

Mediators will find IMI Certification brilliant marketing because it will be credible. It will also come at a nominal cost. The mediator's quality, competency and achievements will be available to a vast number of users, locally, nationally and globally. The opportunity will exist to link the IMI Certified Mediator Profile to further information – for example to a video clip of the mediator explaining their bio and conveying their personality to potential users. They will also be able to link to their

provider bodies from which more information can be obtained.

Quality providers will be identifiable from the IMI web portal, aiding users needing administered mediation and other provider services. Providers will have a structured and internationally-accepted QC mechanism via feedback, enhancing their own perception of professionalism, reliability and value added service. Providers will have the opportunity to act as Reviewers for their Panel mediators (and others if they wish) on terms they agree with the mediators. Trainers will have the opportunity to offer programs leading to assessment for IMI Certification, and to act as independent assessors on other programs. They will be able to present more advanced, experience-based, training programs leading to IMI Certification.

CHANGE

IMI represents a new beginning, an opportunity to kick-start out of the unsatisfactory status quo. IMI's scheme

may not yet be complete or perfect, but does have the capacity to build on the inspiration of thought leaders and implement and share ideas and improvements from right around the world. IMI may be an initiative that can manifest itself nationally as well as in the international form in which it has originally been conceived. All ideas for improving the prospect of professionalizing mediation are warmly welcomed.

Already, the payback for all stakeholders is quite clear. Wheels will not be re-invented, only made to turn better. Nothing about IMI interferes with any existing or future mediation credentialing or credibility-generating initiatives. IMI presents an opportunity, not a threat (except, of course, to the incompetent). Here is a meta-opportunity that, if grasped, will help mediators, providers and trainers to professionalize mediation for the benefit of all stakeholders.

(Author is the Operations Director, International Mediation Institute, The Hague, Netherlands. More details on the subject can be obtained from the web portal www.IMImediation.org)



Think ...

The next time you feel like GOD can't use you, just remember...

Noah was a drunk;
 Isaac was a daydreamer;
 Leah was ugly;
 Moses had a stuttering problem;
 Sampson had long hair and was a womanizer;
 Jeremiah and Timothy were too young;
 Elijah was suicidal;
 Jonah ran from God;
 Job went bankrupt;
 Peter denied Christ;
 Martha worried about everything;
 Zaccheus was too small;
 Timothy had an ulcer... AND

Abraham was too old;
 Jacob was a liar;
 Joseph was abused;
 Gideon was afraid;
 Rahab was a prostitute;
 David had an affair and was a murderer;
 Isaiah preached naked;
 Naomi was a widow;
 John the Baptist ate bugs;
 The Disciples fell asleep while praying;
 The Samaritan woman was divorced;
 Paul was too religious;
 Lazarus was dead!

What do you have that's worse than that?

So no more excuses!



What do mediation and chicken soup have in common?
 They're both good for you!



The “Stereotype Tax”

: PHYLLIS G. POLLACK

To avoid paying the “stereotype tax,” a mediator must be keenly and astutely aware of her assumptions and biases. Otherwise, a mediated resolution may end up being a very expensive “taxable” event.

As mediators, we are trained to look for and be aware of human assumptions and hidden biases, both in ourselves and in our clients. We are taught to “people watch” – to read body language because people do not always say what they mean or mean what they say. Many times, the body language belies the spoken word. A party may say one thing while her body language is saying something completely different.

I bring this up because of an interesting January 15, 2009 article in *The Economist* entitled “The Price of Prejudice”. Its thesis is that “it’s what you do that counts – not what you say you’d do.” (Id.)

The article discusses a study published in February 2009 in *Social Cognition* by a group of researchers led by Eugene Caruso of the University of Chicago. In the study, they used a technique called “conjoint analysis” adopted from market research to quantify the “stereotype tax” – “the price that the person doing the stereotyping pays for his preconceived notions.” (Id.)

In conjoint analysis, market researchers ask participants to evaluate a series of products such as televisions with differing attributes, such as screen size, brands, and prices. By varying each of these attributes in a controlled fashion, the market researchers can determine precisely how much each trait is worth and thus how much of a premium a person is willing to pay for one particular trait, e.g. a larger screen over another, which translates into a price differential.

Using these techniques in their study, the researchers recruited 101 students and asked them to imagine that they were participating in a team trivia game. They could win a cash prize. “Each student was presented with profiles of potential team-mates and was asked to rate them on their desirability.” (Id.)

As Dr. Caruso explains: “The putative team-mates varied in several ways. Three of these were meant to correlate with success at trivia: educational level, IQ and previous experience with the game. In addition, each profile had a photo which showed whether the team-mate was slim or fat. After rating the profiles, the participants were asked to say how important they thought each attribute was in their decisions.”

“Not surprisingly, they reported that weight was the least important factor in their choice. However, their actual decisions revealed that no other attribute counted more heavily. In fact, they were willing to sacrifice quite a bit to have a thin team-mate. They would trade 11 IQ points – about 50% of the range of IQs available – for a colleague who was suitably slender.” (Id.)

A second study showed that the unstated bias was the sex of the boss. Potential job seekers rated various factors about a job such as starting salary, location, holiday time and the sex of the potential boss. While the participants’ decisions on salary, location and holiday time matched their stated preferences, it turns out that the boss’s sex

was far more important than any other factor. Whether the participant was male or female, he/she “. . . was willing to pay a 22% tax on their starting salary to have a male boss.” (Id.)

Upon a moment’s reflection, one can imagine the consequences of a “stereotype tax” on negotiations and mediations. For the negotiator who realizes that the other party is unconsciously operating with hidden assumptions and biases, it provides leverage, if not a windfall, in negotiating a resolution. Because the other person, unconsciously, is willing to pay this “stereotype tax,” the astute negotiator walks away with more in hand than she might have otherwise thought possible at the start of the negotiations.

Concomitantly, the negotiator, who, unconsciously, is operating on hidden assumptions and biases, ends up “paying” far more than she should, (i.e. a “stereotype tax”), without even realizing it. By not knowing herself well, the negotiator is far less effective than she should be and gives up far more than she should to reach a resolution.

A good negotiator must know herself well. To avoid paying the “stereotype tax,” she must be keenly and astutely aware of her assumptions and biases. Otherwise, a mediated resolution may end up being a very expensive “taxable” event.

. . . Just something to think about.

(Author is the President of PGP Mediation, Los Angeles. She has mediated over 400 cases and provides her services to the Los Angeles Superior Court as well as to the First (San Francisco) and Second (Los Angeles) Appellate Districts of the California Court of Appeal and the United States District Court for the Central District of California. Author can be contacted at phyllis@pgpmediation.com)

The Lighter Side



A woman was walking along the beach when she stumbled upon a Genie’s’ lamp. She picked it up and rubbed it. Lo-and-behold a genie appeared. The amazed woman asked if she got three wishes.

The Genie said, “Nope. Due to inflation, constant downsizing, low wages in third-world countries and fierce global competition, I can only grant you one wish. So, what’ll it be?”

The woman didn’t hesitate. She said, “I want peace in the Middle East. See this map? I want these countries to stop fighting with each other.”

The Genie looked at the map and exclaimed, “Gadzooks, lady! These countries have been at war for thousands of years. I’m good, but not THAT good! I don’t think it can be done. Make another wish.”

The woman thought for a minute. She said, “Well, I’ve been trying to find the right husband. You know, one that’s considerate and fun, likes to cook and helps with the housecleaning, has a great sense of humor and gets along with my family, doesn’t watch sports all the time, rich, super handsome, a great lover and is completely faithful and won’t even think about another woman. That’s what I wish for. A good mate.”

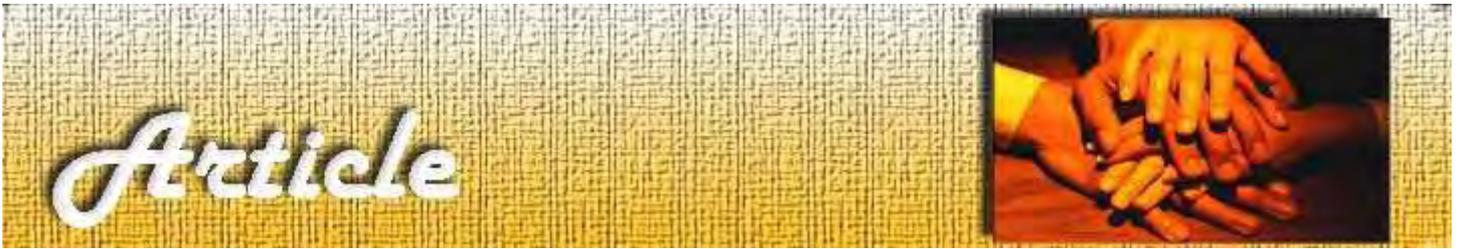
The Genie let out a long sigh and said, “Let me see that map again.”

Interested to start ADR Centre?

Indian Institute of Arbitration & Mediation is looking for parties interested to start IIAM Chapters in various states and cities.

If you have a passion for dispute resolution and you are interested to start a Dispute Resolution Centre, please mail your details to: dir@arbitrationindia.com

For details of IIAM activities visit website



Arbitration and Natural Justice

: MEHAK KHANNA & SAMBIT SWAIN

In relevance to the present picture, there is certainly a clear unambiguous apprehension of bias that is to be created out of the peculiar situation as the arbitrator becomes the judge of his own cause.

The Black's Law dictionary defines arbitration as "a method of dispute resolution involving one or more neutral third parties, who are agreed to by the disputing parties and whose decision is binding". In order to realise the mentioned components of the definition it is essential and necessary for a legislation that supplements a legal binding to the process and award of arbitration.

In India, the first piece of legislation was in the form of the Arbitration Act, 1940, on the pattern of English Arbitration Act, 1934 and it remained in force until it was replaced by the Arbitration and Conciliation Act, 1996. The Arbitration and Conciliation Act 1996, not only possessed the essential features of arbitration that is a less expensive, efficient and effective tool of Alternate Dispute Resolution but was also more comprehensive in its outlook than the Arbitration Act 1940.

The Act defined the term 'International Commercial Arbitration', it stated the qualification required for an Arbitrator, it abolished the umpire system, reduced the interference of the Court in various regards and also provided for the enforcement of foreign awards made under the New York Convention and the Geneva Convention. Thereby the Arbitration and Conciliation Act, 1996 made a significant contribution to the Alternative Dispute Resolution Means and it has remained so.

However, there remain a few loopholes in the legislation; that on occasions form a distinct part of conflict in the course of Alternative Dispute Resolution.

It is pertinent to note Section 13 of the Act, which states the challenge procedure to remove an arbitrator from the tribunal. Section 13(3) state as follows; "Unless the arbitrator challenged under sub-section (2) withdraws from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the challenge."

It is to be noted that the arbitrator who is being challenged; remains in the arbitral tribunal and hence decides about his own competence as an arbitrator; which is completely against the principle of natural justice. Equity has often been regarded as a synonym for Natural Justice by jurists from the dawn of civilization and fairness is an integral part of it. The principle of "Nemo Judex in Causa Sua" that is "no man shall be the judge of his own cause" remains as one of the bedrocks of natural Justice. Under Section 13(3) of the Act the Arbitrator himself would adjudicate his own competence by being a part of the tribunal, thereby creating doubts of biasness and unfair justice to be meted.

The competence of the arbitrator on the ground of biasness has been laid down by the Hon'ble Supreme Court in the case of Jiwan Kumar Lohia vs Durgadutt Lohia ¹ "The test of likelihood of bias is whether a reasonable person, in possession of relevant information would have thought that bias was likely and whether the person concerned was likely to be disposed to decide the matter only in a particular way."

(Footnotes)

¹ AIR 1992 SC 188

In the present scenario, that the fact that a judge is adjudicating his own competence, certainly forms a reasonable ground for apprehension of bias. The Hon'ble Apex Court in Bihar State Mineral Development, Corp. v. Encon Builders (I) Pvt. Ltd.,¹ while referring to Russell on Arbitration,² stated: "A distinction is made between actual bias and apparent bias. Actual bias is rarely established but clearly provides grounds for removal. Moreover, there is a suspicion of bias, which has been variously described as apparent or unconscious or imputed bias. In such majority of cases it is often emphasized that the challenger does not go so far as to suggest the arbitrator is actually biased, rather some form of some objective apprehension of bias exists."

In relevance to the present picture, there is certainly a clear unambiguous apprehension of bias that is to be created out of the peculiar situation as the arbitrator becomes the judge of his own cause. The proper approach for the judge is not to look at his own mind and ask himself, however, honestly, 'am I biased?' but to look at the mind of the party before him.³ Therefore it is to be carefully perceived that the challenge to the arbitrator adjudicating his own competence is in no

manner a doubt or imputation to the character of the arbitrator, instead it is the apprehension of biasness that forms the ground of appeal that has arisen out of a situation. Hence it has to be acknowledged that Section 13(2) is speculative and needs clarity.

As Salmond said "Natural justice is justice in deed and in truth, while legal justice is justice declared and recognised by law and enforced in law courts. He maintains that natural justice is the ideal and the truth, of which legal justice is the more or less imperfect realisation and expression."⁴ Therefore, we can always correct the legal justice so as to be in consonance with justice in deed and truth. In regards to Section 13 of the Arbitration and Conciliation Act, 1996 the need arises for an express provision, stating the challenged arbitrator not to be a part of the tribunal deciding his competence.

To, conclude the lines of Lord Hewart C.J would be aptly suited; "It is of fundamental importance that justice should not only be done but should manifestly and undoubtedly been seen to be done."⁵

(Authors are students of Amity Law School, New Delhi.)

(Footnotes)

1 AIR 2003 SC 3688.

2 Russell on Arbitration, 22nd Edition.

3 Ranjit Thakur vs. Union of India, AIR 1987 SC 2386

4 Jurisprudence, 8th Ed ,58

5 Rex vs Sussex Justice exparte, Mc Carthy (1924) 1 KB 256 (259)

Interested to contribute Articles?

We would like to have your contributions, provided they are not published else where. Articles should be in English. Please take care that quotations, references and footnotes are accurate and complete. Submissions may be made to the Journals Division, Indian Institute of Arbitration & Mediation, PDR Bhavan, Second Floor, Foreshore Road, Cochin - 682 016 or editor@arbitrationindia.com.

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Supreme Court of India to prepare National Mediation Plan

Mediation and Conciliation Project Committee of the Supreme Court will prepare a national mediation plan, which will be submitted to the government. The plan would include providing honorarium for trained mediators. The committee is also planning to create a corpus. The plan would be prepared and submitted to the government within the next two months.

The number of pending cases had increased 12 fold since 1978, which at present stood at 3 crore cases in the country. It would be 24 crore cases by 2030 for which a total of 82,000 Judges were required. Unless ADR is used extensively, the backlog of cases cannot be reduced. In the next five years 20,000 trained mediators would be engaged by the judiciary in the country.

Arbitration cannot be denied on Procedural Issues, rules Supreme Court of India

The Supreme Court of India has ruled that an arbitrator can be appointed to resolve disputes between two parties even though the arbitration agreement between them does not mention the procedure for such an appointment. The apex court was hearing a plea of OM Construction against a decision of the Gujarat High Court in a case involving the Ahmedabad Municipal Corporation.

The High Court had said that as the agreement between the parties, and more particularly the arbitration agreement, did not lay down any procedure for appointing an arbitrator, the court could not invoke its jurisdiction under sub-section (6) of section 11 of the Arbitration and Conciliation Act, 1996. It contemplates a situation where the appointment procedure as agreed to between the parties under sub-section (2) of section 11 of the Act is not followed.

The Supreme Court clarified that when there was a specific arbitration agreement between the parties, the remedy under the provision of the Act could not be denied on a mere technicality. If no procedure is mentioned in the arbitration agreement, it cannot be said that on such ground alone the provision of subsection (6) of section 11 of the Act could not be invoked.

Mediation Conference in Bahrain

Experts from around the world will gather in Bahrain later this month for a major conference on mediation and trade disputes. It is being held in association with the American Arbitration Association, the International Centre for Dispute Resolution and the London-based Dispute Resolution Committee in the International Bar Association.

The event aims to offer guidance to consumers about mediation services, create an understanding of the process and raise awareness about its value among government, business and legal professionals.

Upcoming courses & training programs from IIAM

Certified Legal Auditor (CLA) Training Program

Knowledge of legal issues affecting business is increasingly important in today's environment. Law is probably the most important external factor affecting business operations. Ever-larger numbers of business decisions are influenced by government rules, regulations, and policies. The Certified Legal Auditor (CLA) Training program is a customized training program conducted by IIAM, which enables the auditor to be a professional who understands the standards and principles of auditing and the auditing techniques of examining, questioning, evaluating and reporting to determine a quality system's adequacy and deficiencies. It gives auditors in depth training on legal audit principles, iCLA audit procedure and techniques, to prioritize and focus on matters of significance, to familiarize with iCLA Legal audit software, current legal issues and trends affecting business, organizations, contracts and property, dispute prevention and management options and ADR techniques.

The Auditors have to be basically law graduates, chartered accountants or company secretaries qualified from recognized institutions. The training is designed to have a clear view of the legal environment of business, enhance their abilities to think and communicate effectively, conduct interviews, make presentations effectively and develop effective strategies for managing legal risks. It will also provide basic instruction in legal research and critical reasoning skills. Professionals who successfully complete the CLA training program will be certified by IIAM and empanelled for iCLA audit. The names of CLA's empanelled with IIAM shall be placed on the website.

Community Mediator Training Program

The Mediation Clinics established under the IIAM CMS would function with an efficient team of mediators who are selected from the local community itself. People from a wide variety of backgrounds can make good mediators. The mediators so selected will be persons who shall be having a good repute in the local area to whom people shall have faith and shall include educated youth, ladies and elders. The people so selected would be given an orientation program by IIAM, and a certificate of recognition would be issued. The selected community mediators will be empanelled with the clinic.

With the skill of an excellent mediator and the willingness of each of us to communicate, we have resolved conflicts and that resolution is as strong today as it was years ago. But it takes courage and patience to take up the responsibility of becoming a mediator. Apart from the acceptance and honour given by the community, it also gives absolute satisfaction of becoming peace builders in our community. Are you willing to become one? If so, we are looking for people who are interested in becoming community mediators for our clinics. IIAM offers free training for mediators.

Certificate in Dispute Management (CDM)

CDM is a distance learning course valid for six months from the date of enrolment. You can enroll at any time of year and you study entirely at your own pace, submitting your assignments when you are ready. Your tutor will be available to mark your assignments and give feedback on your progress for a period of six months from the date of enrolment.

You will be sent four 'reading and study assignments' with your course materials, and these form an essential part of your distance learning course. They are designed to help you to work through the course manual and understand the concepts. The course will provide a good basic knowledge of ADR – Negotiation, Mediation & Arbitration – in theory and practice. On successfully completing the assignments included in the course a certificate will be awarded.

For details on courses and training programs; mail to: training@arbitrationindia.com