

#### **I) Election of President and Members of the Governing Body of the Council**

**President:** The Governing Body of the Council unanimously elected Mr. R S Lodha, Sr. Partner, Lodha & Company, Kolkata, nominee of FICCI, as President of the Council for the year 2002-2003 as per Rule 13 of the Rules and Regulations of the Council. Accordingly, Mr. R S Lodha was declared elected as President of the Council for the year 2002-2003 at the Annual General Meeting of the Council.

#### **Election of Representatives of Members on the Governing Body:**

The election of representatives of the members in different constituencies were conducted as per Bye-Laws for Election of the Council. As a result of Election, the following members were declared elected at the Annual General Meeting.

Mr. C N Gangadharan, Past-President, Southern India Chamber of Commerce & Industry, Chennai, was declared elected uncontested in the Foundation Members' Constituency. Mr. Suresh Bindal, Hony. General Secretary, Delhi Hindustani Mercantile Association, Delhi and Mr. K S Suresh, Solicitor and Legal Adviser of ITC Ltd., Kolkata, were declared elected uncontested in the Ordinary Members' Constituency. Mr. R A Poddar, Chief Executive, Godfrey Phillips India Ltd., New Delhi, Mr. K Sethuraman, Vice President (Corporate Secretariat) Reliance Industries Ltd. Mumbai and Mr. N G Khaitan, Partner, Khaitan & Co., Kolkata, were declared elected in the Associate Members' Constituency. Mr. Yakesh Anand, Advocate, New Delhi, was declared elected in the Individual Members' Constituency.

#### **II) Election of Sr. Vice President and Vice President of the Council**

The Governing Body of the Council elected Mr. Y. K. Modi, as Senior Vice-President of the Council and Mr. D M Popat, as Vice President of the Council, for the year 2002-2003.

#### **III) Co-option of Members on the Governing Body**

The Governing Body of the Council co-opted Mr. A. K. Rungta, Past President ICA, Dr. V. Gaurishankar, Erstwhile Vice President ICA, and Mr. Subir Raha, Chairman of ONGC and SCOPE, as members of the Governing Body of the Council for the year 2002-2003 under Rule 16(b) of the Rules & Regulations of the Council.

The Governing Body also decided to invite Mr. F S Nariman and Mr. Soli J Sorabjee, as special invitees to the Governing Body. In addition, the Governing Body decided to invite all the former Presidents of the Council who have held the office of the President of the Council, to the meetings of the Governing Body.

#### **IV) Government nominees**

Under the Rules and Regulations of the Council, Govt. of India is entitled to nominate five representatives on the Council and three nominees on the Governing Body of the Council from among the five nominated representatives. Accordingly, the Ministry of Commerce nominated following officials as Government's nominees on the Council for the year 2002-2003.

1. Mr. Anil Swaroop  
Export Commissioner, Office of DGFT  
New Delhi

2. Mr. K N Bhat  
Sr. Advocate, New Delhi
3. Mr. Augustine Peter  
Director  
Trade Policy Division, Min. of Commerce  
New Delhi-110 011
4. Dr. P S Rao  
Joint Secretary & Legal Adviser  
L & T Divison, Min. of External Affairs  
New Delhi.
5. Mr. V K Bhasin  
Addl. Legislative Counsel  
Deptt. of Legislative Affairs  
Ministry of Law, New Delhi.

Among the above five Government nominees, Mr. Augustine Peter, Dr. P S Rao and Mr. V K Bhasin were nominated by the Govt. on the Governing Body of the Council.

**V) FICCI representatives on the Council and the Governing Body**

The FICCI nominated Mr. R S Lodha, Mr. Y K Modi and Dr. Amit Mitra as its representatives on the Council under Rule 3(b) of the Rules and Regulations of the Council, in substitution of its earlier nominations.

Mr. Y K Modi and Dr. Amit Mitra have been nominated by the FICCI as members of the Governing Body of the Council as per Rule 16(c) of the rules and regulations of the Council.

**VI) Office Bearers and Members of the Governing Body for the year 2002-2003**

The Governing Body of the Council for the year 2002-2003 comprised of the following:

Sr. Partner Lodha & Company Kolkata	Mr. R S Lodha, ... <b>President</b>
Chairman, M/s. Y K M Holdings, Gurgaon - 122 001	Mr. Y K Modi, ... <b>Sr. President</b>
Sr. Partner, Mulla & Mulla Craigie Blunt & Caroe, Mumbai - 400 023	Mr. D M Popat, ... <b>Vice President</b>

## **Foundation Members**

Dr. Amit Mitra,  
Secretary-General,  
Federation of Indian Chambers of Commerce & Industry,  
Federation House, Tansen Marg,  
New Delhi - 110 001.

Mr. D M Popat,  
Sr. Partner,  
Mulla & Mulla Craigie  
Blunt & Caroe,  
Jehangir Wadia Building,  
51, M G Road,  
Mumbai - 400 023.

Mr. Aditya V Lodha,  
Chartered Accountant,  
M/s. Lodha & Company,  
21, Esplanade Mansion,  
14, Government Place East,  
Calcutta - 700 001.

Mr. M K Garg,  
Advisor,  
Associated Chamber of Commerce and Industry  
147-B, Gautam Nagar,  
Gulmohar Enclave,  
New Delhi - 110 049.

Mr. C N Gangadaran,  
President,  
The Southern India Chamber of Commerce & Industry,  
Indian Chamber Building,  
6, Esplanade Road,  
Chennai - 600 108.

Mr. Augustine Peter,  
Director,  
Trade Policy Division,  
Ministry of Commerce,  
Government of India,  
Udyog Bhawan,  
New Delhi - 110 011.

Mr. V K Bhasin,  
Addl. Legislative Counsel,  
Deptt. Of Legislative Affairs,  
Ministry of Law,

Shastri Bhavan,  
New Delhi.

Dr. P S Rao,  
Joint Secretary & Legal Adviser  
L & T Division,  
Ministry of External Affairs,  
417, ISIL, Opp. Supreme Court,  
Bhagwan Das Road,  
New Delhi.

**Ordinary Members**

Mr. Vijay Dhandania,  
Committee Member  
Bharat Chamber of Commerce,  
R.D. Tea Road,  
4, Middleton Street  
Kolkata - 700 071.

Mr. Y P Trivedi,  
Legal Adviser,  
Maharashtra Chamber of  
Commerce & Industry,  
23, Atlanta Nariman Point,  
Mumbai - 400 021.

Mr. Lalit Kumar Modi,  
President  
Modi Enterprises,  
Nirlon House, Dr. Annie Besant Road,  
Worli, Mumbai - 400 025.

Mr. Lalit Bhasin,  
M/s. Bhasin & Co.  
10, Hailey Road,  
New Delhi - 110 001.

Mr. Suresh Bindal,  
Hony. General Secretary,  
Delhi Hindustani Mercantile  
Association (Regd),  
1210/16, Chandni Chowk,  
Delhi - 110 006.

Mr. K S Suresh,  
Solicitor and Legal Adviser,  
ITC Ltd.,  
3, Fountain Court,

7/1, Little Russell St.  
Kolkata - 700 071

**Associate Members**

Mr. Anand Kumar Aggarwal,  
ABC India Limited,  
P-4, New C I T Road,  
Calcutta - 700 073.

Mr. Ashok Sharma,  
G.M. (Law), Law Division,  
The MMTC Limited,  
Core No. 1, IInd Floor,  
SCOPE Complex, Lodi Road,  
New Delhi - 110 003.

Mr. Amit Goradia,  
Director  
M/s Paushak Limited,  
78, Suryakiran Complex,  
Old Padra Road,  
Vadodara - 390 015.

Mr. R S Lodha,  
Sr. Partner  
Lodha & Company,  
14, Government Place East,  
Calcutta - 700 069.

Mr. D D Rathi,  
Group Executive President,  
Grasim Industries Limited,  
(Corporate Finance Division)  
91, Sakhar Bhawan, 9th Floor,  
230, Nariman Point,  
Mumbai - 400 021.

Mr. Vikram Kapur,  
Sr. Vice-President,  
Atlas Cycle Industries Ltd.  
3, Aurangzeb Lane,  
New Delhi - 110 011.

Mr. R A Poddar,  
Chief Executive,  
Godfrey Philips India Limited,  
Four Square House,  
49, Community Centre,

New Friends Colony,  
New Delhi - 110 065.

Mr. K Sethuraman,  
Vice President (Corporate Secretariat)  
Reliance Industries Ltd.  
3rd Floor, Maker Chamber IV,  
222, Nariman Point,  
Mumbai - 400 021.

Mr. N G Khaitan,  
Partner  
Khaitan & Partners  
1-B, Old Post Office Street,  
Kolkata - 700 001.

Mr. A Santhanakrishnan,  
Director & Secretary,  
Southern Petrochemical Industries  
Corporation Ltd.,  
SPIC Centre, 97, Mount Road, Guindy, Chennai - 600 032.

**Individual Members**

Mr. D P Goyal,  
Addl. Director-General (NR), (Retd.) CPWD,  
39, Godavari Apartment, Alaknanda,  
New Delhi - 110 019.

Mr. O P Goel,  
Director-General (Retd.) CPWD  
B-11/8091, Vasant Kunj,  
New Delhi.

Mr. P C Markanda,  
Sr. Advocate  
111, Sector 16-A,  
Chandigarh - 160 016.

Mr. Yakesh Anand,  
Advocate  
466, Lawyers Chambers,  
Delhi High Court,  
New Delhi - 110 003.

**Co-opted Members**

Mr. A. K. Rungta,  
Chairman,  
Rungta Enterprises

225-D Acharya J. Bose Road,  
Kolkata - 700 020

Dr. V. Gauri Shankar,  
Sr. Advocate, Supreme Court  
C-6/6258, Vasant Kunj,  
New Delhi - 110 070.

Mr. Subir Raha,  
Chairman,  
Standing Conference on Public Enterprises (SCOPE),  
SCOPE Complex, Code No. 7,  
7, Institutional Area, Lodhi Road,  
New Delhi - 110 003.

**Special Invitees**

Mr. F S Nariman,  
Hon. Chairman, ICCA and  
Member Rajya Sabha,  
F-21/22, Hauz Khas Enclave  
New Delhi - 110 016.

Mr. Soli Sorabjee,  
Sr. Advocate and  
Attorney General of India  
134, Sunder Nagar,  
New Delhi - 110 003.

**VII) Meetings of the Governing Body**

The Governing Body of the Council held five meetings to consider and formulate the work programme of the Council during the year.

**VIII) Meetings of the Arbitration Committee**

The Arbitration Committee of the Council for the year 2002-2003 comprised of Mr. R S Lodha, Ex-officio Chairman, Mr. Y K Modi, Sr. Vice-President, Mr. D M Popat, Vice-President, Dr. V Gauri Shankar, Sr. Advocate, Dr. Raghvir Singh, Former Secretary, Ministry of Law & Justice, Govt. of India and Dr. Veera Raghvan, Director, Bharti Vidya Bhavan, as members of the Committee. The Arbitration Committee of the Council held eight meetings to appoint arbitrators in arbitration cases referred to the Council and to approve the applications for the panel of arbitrators.

**IX) Meetings of the Membership Screening Committee**

The Governing Body of the Council constituted a Membership Screening Committee consisting of Mr. R S Lodha, Ex-Office Chairman, Mr. Y K Modi, Mr. D M Popat, Dr. V. Gauri Shankar, Mr. Vikram Kapoor & Dr. Amit Mitra, as members, to expedite the approval of the applications of organisations/persons for membership of the Council. The Membership Screening Committee held five meetings to approve the applications for membership to the Council and other matters.

**X) Judicial Colloquium on “Arbitration and Skills of Negotiation, Conciliation and Mediation” - Goa**

The Goa State Legal Services Authority and the Indian Council of Arbitration organized a Judicial Colloquium on “Arbitration and Skills of Negotiation, Conciliation and Mediation” at Panaji, Goa. The Colloquium was organized exclusively for the benefit of Judicial Officers in the State of Goa and Panel Members of Lok Adalat. Hon’ble Mr. Justice C. K. Thakkar, Chief Justice, High Court of Bombay, inaugurated the Colloquium.

Mr. Justice A S Aguiar, Executive Chairman, Goa State Legal Services Authority, delivered the welcome address. Mr. K K Venugopal, Sr. Advocate, gave the key-note address. The Colloquium was attended by about 60 Judicial Officers in the State of Goa. The Colloquium was addressed by Mr. Justice G D Kamath, Former Chief Justice, High Court of Gujarat, Mr. D M Popat, Member, Governing Body, ICA Mr. S G Desai, Sr. Advocate, Mr. Firdosh S Karachiwala, Capt. A K Bansal, Mr. Devashish Bharuka and Mrs. Aparna Mukherjee Vasu. The Goa State Legal Service Authority and the ICA issued the certificates to the participants of the Judicial Colloquium.

At the time of the Judicial Colloquium, ICA also organized an interactive workshop on ‘Alternative Dispute Resolution - Methods and Advantages’ for the members of the faculty and students of the V M Salgaocar College of Law at the College premises at Goa. The meeting was attended by members of the college faculty and the students of the College. Copies of ICA publication on “Arbitration and Conciliation Law of India” and “Comments of the ICA on the Law Ministry’s Proposal for Amendment to the Arbitration and Conciliation Act” were made available to the College for their use. The Principal of the College proposed to organize an Arbitration Moot Competition, similar to what ICA organized at Chennai.

The Executive Director, ICA also had a meeting with Air Cmde P K Pinto, Executive Secretary and Mr. G K Hegde, Secretary, Goa Chamber of Commerce and Industry at the premises of the Chamber. The Chamber offered their services for assisting in the conduct of arbitration proceedings and also to serve as ICA State Level Office at Goa. The Chamber also desired to conduct a programme on Arbitration and Conciliation at Goa exclusively for their members.

**XI) Workshop on “Ministry of Law’s Proposals for Amendments in the Arbitration and Conciliation Act, 1996” -Hyderabad**

The ICA organized the fourth Workshop in the series on “Ministry of Law’s Proposals for Amendments in the Arbitration and Conciliation Act, 1996” at the premises of the Federation of Andhra Pradesh Chambers of Commerce & Industry (FAPCCI), Hyderabad. Mr. Justice V V S Rao, Judge, High Court of Andhra Pradesh inaugurated the Workshop. The Workshop was addressed by Mrs. Justice S V Maruthi, Retd. Judge, High Court of Andhra Pradesh, Mr. K Srinivasa Murthy & Mr. B Adinarayana Rao, Advocates. Mr. S Thirumalai, President, FAPCCI delivered the Welcome Address and Mr. Koteswara Rao, Vice-President, FAPCCI gave the Vote of Thanks. The workshop was attended by more than 80 participants.

**XII) 16th ICCA Congress - London**

The 16th Congress of the International Council for Commercial Arbitration (ICCA) was organized at London. The theme of the Congress was "International Commercial Arbitration: Important Contemporary Questions". The following subjects were discussed:

- The Parties, not the arbitrators, control the arbitration
- Six contemporary questions
- The psychological aspects of dispute resolution
- Arbitration under investment treaties

For the first time, more than 10 delegates participated from India viz. Mr. F S Nariman, Hon. Chairman, ICCA, Mr. D M Popat, Member, Governing Body ICA, Mr. Jagdeep Dhankar, Mr. S K Dholakia & Mr. Dushyant Dave, Sr. Advocates, Mr. Shradul S Shroff of Amarchand Mangaldas, Solicitors & Advocates, Mr. N Nadkarni, Advocate, Mumbai, Mr. M P Sharma, General Manager (Law) SAIL, Mr. Raghu Agarwal, Member of the ICA at Zurich and the Executive Director, ICA.

Keeping in view the important subjects discussed at the ICCA Congress at London, some of the Indian participants at the Congress suggested that the ICA should organize a Conference at the national level in India on the same subjects to create awareness about developments taking place around the world on International Commercial Arbitration.

**XIII) Panel discussion on "Arbitration in England - Five years Under the 1996 Arbitration Act - Where are we now" - London**

M/s. Baker & McKenzie organized a Panel Discussion on "Arbitration in England - Five years Under the 1996 Arbitration Act - Where are we now" at London. The Panel was chaired by Professor Giorgio Bernini, Honorary President of ICCA. From India Mr. D M Popat, Mr. S K Dholakia, Mr. Jagdeep Dhankar and the Executive Director, ICA, attended the Panel Discussion. Mr. Stewart Shackleton of M/s. Backer & Mckanzie, presented two papers on 'English Arbitration and International Practice' and 'Annual Review of English Judicial Decisions on Arbitration - 2000', for discussions.

**XIV) Meeting with Officials of High Commission of India at London - London**

The Executive Director met Ms. Reena Pandey, Counsellor (Economic), High Commission of India at London and Mr. Harnam Singh, Second Secretary (Commerce), High Commission of India and apprised them about development of arbitration law in India and advised them to request enterprises in U.K. to incorporate appropriate arbitration clause in their contracts to prevent disputes from arising. As desired by Ms. Reena Pandey, ICA have sent a copy each of all its publications for use in the Library of the Indian High Commission at London.

**XV) Colloquium on "Commercial Arbitration - Need for Reforms" - New Delhi.**

The Council organized a Colloquium on "Commercial Arbitration - Need for Reforms" at New Delhi. The Colloquium was inaugurated by Hon'ble Mr. Justice B N Kirpal, Chief Justice of India. Mr. Chirayu R Amin, welcomed the Chief Guest and Dr. V Gauri Shankar, proposed the Vote of Thanks. The Colloquium was addressed by Mr. F S Nariman, Honorary Chairman, ICCA and Member Rajya Sabha, Hon'ble Mr. Justice M M Sarin, Judge, High Court of Delhi, Mr. A K Ganguli, Sr. Advocate and Mr. Paul Whitley, Secretary, Foundation for

International Commercial Arbitration and Alternative Dispute Resolution, The Hague.

Hon'ble Mr. Justice B N Kirpal, Chief Justice of India, while referring to the arrears of cases in the courts emphasized on the need to use Alternate Dispute Resolution (ADR) methods. He welcomed the recent legislative changes brought out in the CPC by inserting section 89 in the Code of Civil Procedure. Under the new scheme, if the court feels that the case before it is worth mediating, it will take the initiative and bring the parties to some settlements. Mr. F S Nariman, Honorary Chairman, ICCA, pointed out that after the adoption of UNCITRAL Model Law of Arbitration where there is a minimum intervention by the Courts, India now needs good arbitrators and if possible a Special Arbitration Bar and not the change in the Arbitration Law.

The Colloquium fully supported the suggestions of ICA on the proposed amendments of the Ministry of Law and Justice. The Colloquium was attended by about 100 delegates and was widely covered by the media.

#### **XVI) Conference on "International Commercial Arbitration in India" - New Delhi.**

ICA has been endeavoring to project India as a good venue of arbitration through-out the world. With this objective, the Indian Council of Arbitration in association with ICC India, organized a Conference on "International Commercial Arbitration in India" at New Delhi. The theme of the Conference was "Acceptability of International Commercial Arbitration Around the World: Has the Model Law Helped?"

Mr. Jana Krishnamurthy, Hon'ble Minister of Law & Justice, Govt. of India, was the Guest of Honour at the Conference. Hon'ble Mr. Justice G B Pattanaik, Chief Justice of India, inaugurated the Conference. Mr. R S Lodha, delivered the welcome address and also chaired the Plenary Session on "Acceptability of International Commercial Arbitration Around the World: Has the Model Law helped" Mr. Justice S P Bharucha, Former Chief Justice of India, Mr. Justice B N Kirpal, Former Chief Justice of India, Dr. Robert Briner, Chairman, ICC International Court of Arbitration, Paris, Mr. Fali S Nariman, Honorary Chairman ICCA and Member, Rajya Sabha, and other eminent experts in the field of arbitration from India and abroad and senior business leaders addressed the Conference.

The Conference was attended by more than 100 delegates from Public sector undertakings, important business organizations, institutions, law firms and advocates. The Conference was a big success in terms of quality and number.

#### **XVII) Conference on "Role of Commercial Arbitration in Resolving International and Domestic Disputes" - Kolkata**

Taking advantage of the presence of Dr. Robert Briner, Chairman, ICC International Court of Arbitration, ICA in collaboration with ICC India and regional Chambers of Commerce at Kolkata, organized a Conference on "Role of Commercial Arbitration in Resolving International and Domestic Disputes" at Kolkata.

The main objective of the Conference was to provide a uniquely structured forum to practitioners in arbitration and users of arbitration processes to interact and understand key issues in business and arbitration. Accordingly, the subjects that came up for discussion included ICC Arbitration and ADR Rules,

Commercial Arbitration in India, Jurisdiction of Courts, Institutional arbitration, Interim measures and enforcement of awards.

Hon'ble Mr. Justice A K Mathur, Chief Justice, High Court of Kolkata, inaugurated the Conference. Mr. Abhijit Mazumdar, President, World Chambers Federation, ICC, Paris, Hon'ble Mr. Justice Altamas Kabir, Hon'ble Mr. Justice Ashok Ganguli, Hon'ble Ms. Justice Indira Banerjee, Hon'ble Mr. Justice Barin Ghosh, Judges, Calcutta High Court, Mr. P K Ray, Bar-at-Law, Mr. Jayanta Mitra, Senior Advocate and Dr. N R Madhava Menon, Vice Chancellor, West Bengal National University of Juridical Sciences, addressed the Conference. The Conference was attended by more than 200 participants.

**XVIII) Meeting with Mr. Paul Whitley, Secretary, Foundation for International Commercial Arbitration and Alternative Dispute Resolution, The Hague - New Delhi.**

Mr. Paul Whitley, Secretary, Foundation for International Commercial Arbitration and Alternative Dispute Resolution, The Hague, during his visit to ICA in connection with attending the Colloquium on "Commercial Arbitration - Need for Reforms" had a meeting with Mr. Ashok Sharma, Mr. Yakesh Anand, members of the Governing Body and the Executive Director, ICA. Mr. Whitley informed that Foundation for International Commercial Arbitration provides education and training in arbitration, Alternative Dispute Resolution and related aspects of good governance in the developing world. Mr. Whitley suggested for organizing a training course on Commercial Arbitration and other methods of dispute resolution in India jointly with the ICA.

**XIX) Meeting with the delegation from China Council for the Promotion of International Trade, Beijing - New Delhi.**

A delegation from China Council for the Promotion of International Trade, Beijing, visited ICA. This delegation had three delegates from China International Economic and Trade Association Commission (CIETAC) which is the prime arbitral institution in China. ICA has mutual cooperation agreement with CIETAC. The Executive Director, ICA apprised the members about the latest development of Arbitration & Conciliation Law of India and the Services provided by the ICA to the trade.

**XX) Meeting of Expert Group on Arbitration - Guwahati**

With a view to plan for the future activities of the ICA in the North East Region, a meeting of the Expert Group on Arbitration was held at the premises of the North East Chamber of Commerce & Industry at Guwahati. Mr. D M Popat, Vice President, ICA, presided over the meeting. Mr. C Chaliha, President, North East Chamber of Commerce & Industry requested to open an ICA state level chapter at the premises of the Chamber.

The Expert Group discussed at length the proposed subjects on which ICA plan to organize Symposium/Conferences in the North East Region. It was felt that to create awareness, it would be ideal to organize the next Conference on "Art of Advocacy in Commercial Arbitration". The date and venue of the Conference will be finalized in consultation with North East Chamber of Commerce & Industry, Guwahati.

**XXI) Conference on "Arbitration Procedure and the Courts" - Guwahati**

ICA organized a Conference on "Arbitration Procedure and the Courts" at Guwahati with the support of North Eastern Chamber of Commerce & Industry

and Federation of Industries and Commerce of North Eastern Region. Hon'ble Mr. Justice P P Naolekar, Chief Justice, High Court of Guwahati, inaugurated the Conference. Mr. D M Popat, Vice President ICA, welcomed the Chief Guest. The inaugural session of the Conference was addressed by Mr. C Chaliha, President, North East Chamber of Commerce & Industry, Mr. A Barooah, President, Federation of Industries & Commerce of North Eastern Region and Mr. P C Deka, Member, Bar Council of India.

The Conference was attended by about 150 participants from the North East Region. Hon'ble Mr. Justice C S Dharmadhikari, (Retd.), Hon'ble Mr. Justice D Biswas (Retd.), Hon'ble Mr. Justice B P Saraf (Retd.), Hon'ble Mr. Justice D N Barua (Retd.), Hon'ble Mr. Justice P G Agarwal (Retd.), Hon'ble Mr. Justice K N Sakia (Retd.), Hon'ble Mr. Justice I A Ansari (Retd.) and Mr. A Phukan, Advocate General, Assam, among others made their presentations on the various topics of the Conference. The Conference was well covered by the media.

#### **XXII) Meeting of the Western Regional Executive Committee, - Mumbai**

A meeting of the Western Regional Executive Committee was held at the premises of IMC, Mumbai. The Meeting was presided over by Mr. D M Popat. Hon'ble Mr. Justice B P Saraf, Former Chief Justice, J & K High Court and Mr. Justice D R Dhanuka, Retd. Judge, High Court of Bombay, made special addresses at the meeting. The possible implications of the decision of the Supreme Court on 'public policy' in the case of ONGC were discussed.

Mr. Suresh Kotak immediate past President of IMC, suggested that ICA should write to all Govt. undertakings to use institutional arbitration clause in their contracts. The Committee decided to organize a Conference on "Justice and Fairness in Commercial Arbitration" at the premises of IMC, Mumbai. Mr. Justice B. P. Saraf and Mr. Justice D R Dhanuka agreed to chair the two technical Sessions.

#### **XXIII) Conference on "Justice and Fairness in Commercial Arbitration" - Mumbai**

Mr. Justice D Y Chandrachud, Judge, Mumbai High Court inaugurated the Conference on "Justice and Fairness in Commercial Arbitration" jointly organised by Indian Council of Arbitration (ICA) and Indian Merchants Chamber (IMC) at Mumbai.

Members of the legal Fraternity as well as those from trade and commerce attended the full day Conference. Among the distinguished speakers were four former judges of Mumbai High Court, viz, Justice Dr. B P Saraf, Mr. Justice S M Jhunjhunwala, Mr. Justice D R Dhanuka, Mr. Justice Ashok Mody and Mr. Shailesh Haribhakti, President of IMC, Mr. D M Popat, Vice-President of ICA and Mr. Suresh Kotak, Past President of IMC.

#### **XXIV) Colloquium on "Institutional Arbitration" - Trivandrum**

ICA organized a Colloquium on "Institutional Arbitration" in Trivandrum. Mr. Justice M R Hariharan Nair, Retd. Judge, Kerala High Court gave presidential address. Mr. Chandran, President, Chamber of Commerce, Trivandrum, welcomed the participants. The Colloquium was attended by a few members of ICA and the representatives of Bar Association, Chartered Accountants Association, Company Secretaries Association, Institute of Engineers, Academicians and the Govt. officials. The participants appreciated the role of

institutional arbitration and suggested to write to the Ministry of Law, Govt. of Kerala, requesting Govt. to use ICA clause in all the Govt. contracts in the State of Kerala. With a view to create awareness of the procedure of arbitration, the participant decided to have a few interactive meetings in Trivandrum on the subject regularly. The core group under the chairman of Mr. Justice Hariharan Nair was constituted who will plan for ICA Symposiums and Conferences in Trivandrum.

#### **XXV) Meeting of the Expert Group on Arbitration - Cochin**

With a view to plan for the future activities of ICA in Cochin, the Kerala Chamber of Commerce & Industry organized a meeting of the Expert Group which was chaired by Mr. D M Popat, Vice President, ICA and addressed by Mr. E S Jose, President, Kerala Chamber of Commerce & Industry. The meeting was attended, apart from the members of the ICA, by the Arbitration Experts and members of the Executive Committee of the Kerala Chamber of Commerce & Industry. The Expert Group suggested to organize Symposium/Training Programmes on the “Art of Advocacy in Commercial Arbitration” and “ICA Dispute Resolution-Insights into Practice and Procedure” in Cochin. They requested ICA to consider opening of ICA chapter at the premises of Kerala Chamber of Commerce & Industry.

Immediately after the Expert Group Meeting, Mr. D M Popat addressed a Press Conference which was widely attended by the Media.

#### **XXVI) Conference on “Arbitration Law-Need for Reforms” - Cochin**

The ICA organized a Conference on “Arbitration Law - Need for Reforms” at Cochin. Hon’ble Mr. Justice J L Gupta, Chief Justice, High Court of Kerala, inaugurated the Conference. The Kerala Chamber of Commerce of Commerce & Industry extended its full support to this Conference.

Hon’ble Mr. Justice J L Gupta in his inaugural address said that in view of section 89 of CPC, the Courts should be used as a centre for settlement. Mr. P C Thomas, Union Minister of State for Law & Justice, criticized the delays in the arbitration process as well as the high amount of cost of arbitration. Hon’ble Mr. Justice K A Abdul Gafoor, Judge, Kerala High Court, in his key-note address said that ICA should create opportunity for sitting judicial officers to have interactive training sessions on the techniques of mediation. The Conference was addressed by Mr. Justice P A Mohammed, Retd. Judge, Kerala High Court, Mr. P S Gopinathan, Member Secretary, Kerala State Legal Services Authority, Dr. D Rajiv, Director, School of Legal Studies, Cochin University of Science & Technology, Mr. T P Kelu Nambiyar, Sr. Advocate, Kerala High Court, Mr. M K Damodaran, Former Advocate General of Kerala, Mr. C Sasidharan Pillai, Advocate, and Mr. P Abraham IAS (Retd.) on various subjects of the Conference. The Conference was attended by about 150 participants and was widely covered by the Press.

#### **XXVII) Conference on “Dispute Prevention and Resolution” - Jaipur**

The ICA organized a Conference on “Dispute Prevention and Resolution” at Jaipur. His Excellency Mr. Nirmal Chandra Jain, Governor of Rajasthan, inaugurated the Conference. Mr R S Lodha, President, ICA, delivered the Welcome address. The Conference was addressed amongst others by Justice Balia, Judge, High Court of Rajasthan, Mr. Justice R C Bhargava, Former Chief Justice, High Court of Sikkim, Dr. K L Jain, Hon. Secretary General, RCCI, Mr.

Jagdeep Dhankar and Mr. U K Bhandari, Senior Advocates, Mr Manish Bhandari, President, High Court Bar Association and Ms. Karnika Seth, Advocate. The Conference was attended by corporates, lawyers, corporate Counsels Legal Executives of public sector undertakings, judiciary and government officials. The Conference was well covered by the media.

**XXVIII) Symposium on "Arbitration and I.T Industry: A Symbiosis" - Bangalore**

The Symposium on " Arbitration and I.T Industry: A Symbios" was held at Bangalore. The Inaugural Address of Mr D.B Inamdar, Hon'ble Minister For Information Technology and Tourism, Govt of Karnataka, was read out by IT Secretary Mr. K M Shivakumar. The Hon'ble Minister in his inaugural address said that arbitration in the IT industry was undoubtedly a cost-effective method to resolve disputes at the earliest possible stage. He appreciated the initiative of the ICA for making a special panel of arbitrators of IT experts and assured that he would appropriately communicate to all concerned in the state of Karnataka for use of ICA Arbitration Clause in their contracts. The Symposium, amongst others, was addressed by Mr. Lalit M Patnaik, Professor, Department of Computer Science and Automation, Indian Institute of Science, Bangalore, Mr. V Nagraj , Professor, National Law School, Mr G. Subba Rao, Senior Advocate, Bangalore, Mr Devashish Barukha, Advocate, Supreme Court and Ms. G.C. Yammuna Rao, Advocate, Bangalore. The Symposium was attended by more than 80 participants.

**XXIX) Meeting of Expert Group on Arbitration- Bangalore**

A meeting of the Expert Group on Arbitration was held to discuss the future programmes of ICA at Bangalore. The meeting was chaired by Mr. B. S. Arun Kumar, President, FKCCI. During the meeting, it was suggested by the experts to forward the list of ICA Panel of Arbitrators to all the Chief Justices of different High Courts to enable them to appoint arbitrators asked for by the parties under Section 11 of the Arbitration & Conciliation Act, 1996.

**XXX) Opening of Kerala State Office of ICA at Cochin- Cochin**

The Governing Body of the Council had decided to open ICA State Level Office in Cochin at the premises of the Kerala Chamber of Commerce & Industry. The inaugural function of the ICA State Level office was held at Cochin. Mr. E.S. Jose, President, Kerala Chamber of Commerce & Industry, delivered the welcome address and Mr. K.M. Mani, Hon'ble Minister for Revenue & Law, Govt. of Kerala, opened the Kerala State Level office by lighting the lamp and delivered the inaugural address. He also released Malayalam version of ICA Publication on "Arbitration Made Easy". Hon'ble Mr. Justice K.A. Abdul Gafoor, Judge, High Court of Kerala also addressed the opening ceremony of the ICA State Level office. Mr. K.M. Mani expressed his gratitude to the ICA for opening of ICA State Level office and assured full support from the Govt. of Kerala with regard to using of ICA Arbitration Clause by State Undertakings. Mr. M. Ratnasingh, Advocate General, Kerala, Mr. M. K. Damodaran, Former Advocate General, Kerala, also addressed the event. A meeting with the members of the Bar was held at Trivandrum. The members of the Bar at Trivandrum requested for organizing Conference/Symposium at Trivandrum being the Capital of State of Kerala.

### **XXXI) Symposium on "Arbitration and Oral Evidence" - Kolkata**

The Symposium on " Arbitration and Oral Evidence" was held at Hotel Park, Kolkatta. Hon'ble Mr. Justice Kalyanjyoti Sengupta, Judge, High Court of Calcutta inaugurated the Symposium. Mr. A K Rungta, Former President, ICA, delivered the Welcome Address. Mr Justice G.N Ray, Former Judge, Supreme Court of India, Chaired the Business Session and Mr P.K Ray, Barrister & Senior Advocate and Mr Debal Banerjee, Advocate, made their presentations. The Symposium was attended by more than 80 delegates and well covered by the media.

### **XXXII) National Conference on "Arbitrating Commercial and Construction Contracts"- New Delhi**

ICA organized a National Conference on "Arbitrating Commercial and Construction Contracts" at Hotel Intercontinental - The Grand, New Delhi. Mr. R S Lodha, President, ICA presided over the Conference and welcomed the Chief Guest. Hon'ble Mr. Justice Santosh N. Hegde, Judge, Supreme Court of India, inaugurated the Conference as well as released ICA joint publication with UNCTAD/WTO on "Arbitration and Alternative Dispute Resolution - How to settle International Business Disputes: with Supplement on Indian Arbitration Law". On this occasion. Mr F.S Nariman, Hon. Chairman, ICCA, delivered the Key Note Address. The Business Sessions of the Conference were chaired by Mr. Fali S. Nariman, Hon. Chairman, ICCA, Hon'ble Mr. Justice A. K. Sikri, Judge, Delhi High Court and Mr. K N Aggarwal, Director-General, CPWD. The Conference amongst others was addressed by Mr. Cecil Abraham, Advocate & Solicitor, Kuala Lumpur, Prof Yasuhei Taniguchi, Member, Appellate Body of WTO, Geneva, Mr. Ashok Sharma, Mr. P C Markanda and Mr. D P Goyal, members, ICA Governing Body, Dr. Ms. Shyamliha Pappu, Sr. Advocate, Mr A.K Ganguly, Senior Advocate, Mr. S K Dholakia, Sr. Advocate, Mr. Jagdeep Dhankar, Sr. Advocate, Ms. Pinky Anand, Advocate and Mr. Mohit Saraf Advocate and other experts on Arbitration and Construction.

### **XXXIII)Conference on "Arbitration Law - Need For Reforms"- Ahmedabad**

ICA's Conference on "Arbitration Law - Need For Reforms" was held at Ahemdabad. Mr. Justice J.N Bhatt, Judge, High Court of Gujarat inaugurated the Conference. Mr. D M Popat, Vice-President, ICA delivered the welcome address. Mr. Shreyas V. Pandya, President, Gujarat Chamber of Commerce & Industry (GCCl) gave the introductory remarks and Mr. Rupesh C. Shah, Hon. Secretary, GCCl proposed the Vote of Thanks. The Business Session of the Conference was chaired by Mr Justice N.J Pandya, Former Acting Chief Justice, High Court of Bombay. The Conference was addressed by Mr. Suresh N. Shelat, Advocate General, Gujarat, Mr. Kamal Trivedi, Additional Advocate General, Gujarat and Mr Mehir Thakur, Senior Advocate. The Conference was attended by more than 100 delegets and students from various Law Colleges and received wide coverage in the Press.

### **XXXIV) Conference on "Arbitration whether efficacious means of Dispute Resolution"- Chandigarh**

Hon'ble Mr. Justice B. K. Roy, Chief Justice, High Court of Punjab and Haryana, inaugurated Conference on "Arbitration whether efficacious means of Dispute Resolution" at Hotel Shivalik, Chandigarh. Mr. R S Lodha, President, ICA welcomed the Chief Guest. Hon'ble Mr. Justice Rajendra Babu, Judge, Supreme

Court of India, delivered the Key Note Address. At this occasion, Hon'ble Mr. Justice Rajendra Babu, Judge, Supreme Court of India released ICA publication on "Arbitration Made Easy" and Hon'ble Mr. Justice B K Roy, Chief Justice, High Court of Punjab & Haryana released ICA publication on "Case Law on UNCITRAL Model Law on International Commercial Arbitration". Hon'ble Mr. Justice Swataner Kumar, Hon'ble Mr. Justice Hemant Gupta, Judges, High Court of Punjab & Haryana, Mr. Justice (Retd.) G C Garg, Mr. Ravi Sodhi, Addl. Advocate General, Punjab, Mr. Anmol Rattan Sidhu, President, Punjab & Haryana High Court Bar Association, Mr. P C Markanda, Member, ICA Governing Body, Mr. Surinder Lamba, Advocate, Mr. H S Gill, Advocate and Mr. S R Mittal, Chartered Accountant, made their presentations on various topics of the Conference. Punjab & Haryana High Court Bar Association extended its full support to the Conference. The Conference was attended by more than 250 persons including sitting judges of the Punjab & Haryana High Court, Retd. Judges, Advocates, Students and delegates and it was well covered by the media.

#### **XXXV) ICA Maritime Arbitration Rules**

The ICA Maritime Arbitration Rules which have come into force from April 1, 2002 were made available to Ministry of Shipping for the use of the Govt. departments and others. ICA had also sent a communication to all PSU's, important business organizations, Secretaries to the Govt. of India and Chief Secretaries to State Governments, requesting them to use ICA Maritime Arbitration Rules and its services. The new ICA Maritime Rules have also been sent along with this communication.

#### **(XXXVI) ICA Arbitration Rules/Conciliation Rules**

The Governing Body of ICA approved the revision of ICA Arbitration Rules/Conciliation Rules effective from November 1, 2003. The Rules, inter-alia, provides for upward revision of schedule of fees etc.

#### **(XXXVII) Training to the Law Students at ICA.**

National Academy of Legal Studies and Research University (NALSAR), Hyderabad, had written to ICA to provide internship training to the law students at ICA office. Students from NALSAR, National Law School, Bangalore, Symbiosis Law College, Pune and Amity Law School, New Delhi, took Training at the ICA office.

#### **(XXXVIII) Training of Officer of the Soybean Processors Association of India-Indore at ICA.**

The Soybean Processors Association of India (SOPA) had requested ICA to train official on the procedure of arbitration in order to provide mechanism for settlement of disputes between members interse and non-members. Mrs. Trupti Kulkarni, Officer of SOPA under-took training at ICA on the practice and procedure of arbitration. She took part in the arbitration proceedings conducted by ICA under its Rules. She was also assisted in framing Rules of Arbitration of SOPA.

#### **(XXXIX) Notification of countries for Recognition and Enforcement of Awards under Section 44 of the Arbitration & Conciliation Act, 1996.**

India is a party to the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards, 1958. Accordingly, the award made in a foreign country and vice-versa in India are enforceable to only those countries, which Govt. of

India have notified as reciprocating country. The Council had taken up with the Ministry of Commerce as well as External Affairs, requesting them to notify more countries with which India is developing trade. 44 countries had been notified by the Govt. of India, so far.

**(XL) Arbitration Service Agreements**

The ICA has signed Agreements of cooperation with Arbitration Association of Republic of China during the year for cooperation between the organizations for promoting the use of arbitration and conduct of arbitration proceedings by the respective organizations. The ICA had already entered into such agreements of cooperation with more than 40 apex arbitral institutions of the world.

**(XLI) ICA Arbitration Quarterly**

The Council publishes as official arbitration journal, the "ICA Arbitration Quarterly" to keep its members informed about the latest developments of law and procedures in India and abroad. Apart from specialised articles, important court decisions rendered by the Supreme Court of India and various High Courts are reported in the Quarterly. Issues of the Quarterly containing write-up on Arbitration and Conciliation Act, 1996, were brought out during the year which were found useful and appreciated by the members and other readers.

The Editorial Board of the ICA Arbitration Quarterly constituted during the year included Mr. R S Lodha, Mr. D M Popat, Mr. O P Goel, Mr. P C Markanda, Mr. Yakesh Anand and Mr. G K Kwatra as members and Mr. S L Khurana, as Editor.

**(XLII) Publications of the Council.**

The Council has been publishing informative literature/publications on various aspects of commercial arbitration. ICA broughtout following publications during the period:

- I "Arbitration & Conciliation Law of India - with case law on UNCITRAL Model Law on Arbitration and Sale of Goods
- I "Arbitration and Alternative Dispute Resolution—How to settle International Business Dispute: with supplement on Indian Arbitration Law"- A joint publication with International Trade Centre of UNCTAD and WTO.
- I "Arbitration and Contract Law in SAARC Countries—with Case Law on UNCITRAL Model Law"
- I "Arbitration Made Easy"- A Practical Guide in English, Hindi and Malayalam languages.
- I "Case Law on UNCITRAL Model Law on International Commercial Arbitration—With Reference To The Corresponding Provisions of New Indian Arbitration Law"
- I "Case Law on UNCITRAL Convention on Contracts for the International Sale of Goods with Reference to Corresponding Provisions of Indian Law"
- I "Construction Industry Arbitrations"
- I "Code of Conduct"

### **(XLIII) Arbitration Services of the Council in Settlement of Commercial Disputes - Domestic and International**

The Council has been providing its arbitration services for smooth conduct of arbitration proceedings in domestic and international commercial disputes. The institutional arbitration facilities of the Council includes administrative and appointing services, correspondence with the parties and the arbitrators, collection of documents and pleadings from the parties, preparation of case files for the arbitrators, fixation of hearings in consultation with the arbitrators, parties and their lawyers, arrangements of hearing rooms for arbitration meetings, secretarial assistance and general coordination for expeditious and economic conduct of arbitration proceedings and publication and compliance with the arbitration awards. After the enactment of the Arbitration & Conciliation Act, 1996, the High Courts have referred some cases for settlement through arbitration under the Rules of Arbitration of the Council.

During the period, 521 new arbitration cases (including 384 cases referred by the Supreme Court of India) were received by the Council, 497 under its commercial Rules of Arbitration and 24 maritime arbitration matters. Out of 521 arbitration matters under the Rules of Arbitration of the Council, 19 were of international character between Indian and foreign parties from Liberia, Switzerland, USA., South Korea, Malta, Moscow, Panama, Hong Kong, Singapore, UAE and Greece.

147 Cases were settled during the period by awards, compromise settlement etc. 125 under ICA rules and 22 under maritime arbitration rules.

At the beginning of the period 233 arbitration cases were pending with the Council at different stages of arbitration proceedings. At the end of the period 607 arbitration cases were under process including 20 arbitration matters which have been pending in courts pursuant to litigation between the parties.

### **XLIV) Conciliation in International Trade Complaints**

Apart from arbitration services in the settlement of commercial disputes, the Council has been providing Conciliation services for settlement of trade complaints to minimise delays and costs in disputes resolution by ADR techniques like mediation, conciliation, dispute review procedures etc. Conciliation is generally done through correspondence with a view to bringing the parties around to an amicable settlement of the dispute. Sometimes personal meetings with the concerned parties are also arranged at their request.

### **XLV) Advisory Services of the Council.**

With a view to preventing disputes from arising and incorporating standard terms of contract particularly arbitration clause, the Council has rendered its advisory services to a large number of public undertakings, government departments, business organisations who approached the Council in regard to the formulation of standard contract forms, trade terms, arbitration laws and procedures in India and abroad. These services are intended to educate the parties on the contract clauses entered into by them. The Council has provided its advisory services to public sector undertakings on complimentary basis to promote the use of arbitration and amicable settlement of business disputes.

#### **XLVI) Regional Offices of the Council.**

The Council has its regional offices at the premises of the Indian Chamber of Commerce at Kolkata, Indian Merchants' Chamber at Mumbai and Southern India Chamber of Commerce & Industry at Chennai to promote the use of arbitration and to provide effective arbitration services. The addresses of regional offices of the Council are:-

##### **Western Regional Office**

States : Maharashtra, Gujarat, Goa.

Office : Indian Council of Arbitration

(Western Region),

c/o, Indian Merchants' Chamber,

Indian Merchants Chamber Building,

IMC Marg, 76, Veer Nariman Marg, Churchgate,

Mumbai - 400020

##### **Southern Regional Office**

States : Tamil Nadu, Kerala, Union Territory of Pondicherry, Andhra Pradesh, Karnataka.

Office : Indian Council of Arbitration

(Southern Region),

c/o, Southern India Chamber of Commerce and Industry,

Indian Chamber Building,

P B No. 1208, Esplanade,

Chennai - 600 018.

##### **Eastern Regional Office**

States : West Bengal, Tripura, Assam, Meghalaya, Nagaland, Sikkim, Orissa, Bihar, Jharkhand, Arunachal Pradesh, Manipur.

Office : Indian Council of Arbitration

(Eastern Region),

c/o, Indian Chamber of Commerce,

India Exchange,

4, India Exchange Place,

Kolkata - 700 001.

The regional offices extended their cooperation in the successful organisation of conferences, interactive meeting etc. organised by the Council during the year.

The Council has also opened its state level offices at Pune, Hyderabad, Bangalore, Bhubaneshwar, Jaipur, Ahmedabad, Cochin and Guwahati which are functioning from the apex Chambers of Commerce.

#### **XLVII) Library**

The Council maintains a comprehensive library on arbitration and allied subjects, for use by members of the Council and other interested persons. The library is equipped with latest publications and literature from India and abroad. Important journals and periodicals published from important foreign arbitral institutions are also being collected and added in the library for use of members, arbitration practitioners and legal and business community in India. As usual, the library of the Council has been extensively used apart from members of the Council, by several business executives, legal and arbitration consultants, arbitrators and research students.

#### **XLVIII) Provident Fund of the Council**

Dr. Amit Mitra and Mr. G. K. Kwatra were appointed as trustees of the Indian Council of Arbitration Employees' Provident Fund for the year 2002-2003 by the Governing Body of the Council, during the year.

#### **XLIX) Payment to FICCI**

The Council has been housed in the FICCI since its inception in 1965 and it makes payment to the FICCI every year for invisible services like water, electricity, telephone, meeting rooms etc. provided by the FICCI. As decided by the Governing Body of the Council a sum of Rs. 625408/- was paid to the FICCI for the above services for the year 2002-2003.

#### **L) Membership of the Council**

The Council has addressed several communications to various important business organisations, chambers of commerce and distinguished businessmen, legal community, professionals, Chartered Accountants and individuals interested in the field of arbitration urging them to join in the membership of the Council. Pursuant thereto a number of important firms, Chartered Accountants and individuals have shown their keen interest in the arbitration services of the Council and joined as members.

The total membership of the Council has made a steady growth and increased from 3935 to 4312 during the period, which includes 18 Foundation Members, 48 Ordinary Members, 471 Associate Members and 3775 Individual Members. 430 Members have joined Life/Permanent Membership by paying lumpsum subscription, during the period.