



**INSOLVENCY  
LAW ACADEMY**

An Indian Institute of Excellence in Insolvency

**UNCC India**

UNCITRAL National Co-ordination Committee India

# MEMORANDUM OF UNDERSTANDING

**UNCITRAL**  
**MODEL LAW**  
on Cross-Border Insolvency

In an increasingly economically interdependent world, the importance of developing and maintaining a robust cross-border legal framework for the facilitation of international trade and investment is widely acknowledged. The United Nations Commission on International Trade Law (UNCITRAL) plays a key role in developing that framework in pursuit of its mandate to further the progressive harmonization and modernization of the law of international trade. UNCITRAL does this by preparing and promoting the use and adoption of legislative and non-legislative instruments in a number of key areas of commercial law. To implement its mandate and to facilitate the exchange of ideas and information, UNCITRAL maintains close links with international and regional organizations, both inter-governmental and non-governmental, that are active participants in the work programme of UNCITRAL and in the field of international trade and commercial law

UNCITRAL National Coordination Committee India (UNCCI) is an autonomous committee recognised by the United Nation and is drawn from leading legal practitioners, scholars and administrators in India; all of whom have a keen interest in the promotion and development of the work of UNCITRAL. There are 11 founding members of the UNCCI including Mr. Fali S. Nariman, Senior Advocate (Chairman), Mr. Gourab Banerji, Senior Advocate (vice-chairman), Mr. George Pothan Poothicote (Coordinator) and Adwaita Sharma (Secretary).

The main objective of UNCCI is:

- To create an increased awareness about the activities of UNCITRAL and its different working groups.
- To engage with academicians, scholars, students, intellectual thinkers, legal practitioners and legal experts on various contemporary topics of the UNCITRAL Working Groups.
- To provide a platform for the exchange of thoughts, ideas and knowledge on practical aspects of International Commercial Law, International Arbitration Law and other areas of law that the UNCITRAL Working Groups are engaged in.
- To deepen its engagement with the legal fraternity both at the bar and the bench, the Government and civil society.
- To conduct activities such as conferences, seminars and workshops in order to advance the above objectives.
- Participate in international conferences on the subjects dealt with by UNCITRAL working groups from time to time.
- And generally to do in all activities advancing legal dialogue in public interest



An Indian Institute of Excellence in Insolvency

ILA is an independent institute of excellence in insolvency. As a think tank and research institute, ILA seeks to contribute to robust policy making and enhancement of standards in the insolvency industry through cutting-edge research, innovation and development of best practices. ILA aims to develop a community in pursuit of education, research and scholarship in the field of insolvency.

# UNCITRAL MODEL LAW on Cross-Border Insolvency

The Model Law, adopted by UNCITRAL on 30 May 1997, is designed to assist States to equip their insolvency laws with a modern legal framework to more effectively address cross-border insolvency<sup>1</sup> proceedings concerning debtors experiencing severe financial distress or insolvency. It focuses on authorizing and encouraging cooperation and coordination between jurisdictions, rather than attempting the unification of substantive insolvency law, and respects the differences among national procedural laws.

The Model Law is accompanied by a Guide to Enactment and Interpretation. This is directed primarily to executive branches of Governments and legislators preparing the necessary enacting legislation, but it also provides useful insight for those charged with interpretation and application of the Model Law, such as judges, and other users of the text, such as practitioners and academics.

## ILA and UNCCI Memorandum of Understanding

On 14 January, 2023, ILA and UNCCI signed a Memorandum of Understanding to collaborate on the projects and programmes in the area of cross border insolvency such as, promoting awareness about the cross border insolvency law and practice, developing and delivering educational and training programmes, undertake research and other activities for benefit of insolvency ecosystem in India and beyond.

It has been agreed to jointly set up a Chair of Cross Border Insolvency in India. With UNCITRAL Model Law on Cross Border Insolvency expected to be passed by the Indian Parliament in 2023, the Chair will seek to provide leadership and anchor awareness, research, education and capacity building programmes in this area.

When enacted by the Indian Parliament, the cross-border insolvency law based on UNCITRAL Model Law on Cross Border Insolvency will give India another jump in the global insolvency rankings. Cross border insolvency raises many complex issues, as is evident from its implementation experience over last few decades in many countries. Many Indian companies have grown multinationals in character and have made high stake acquisitions abroad. A number of foreign companies have subsidiaries or branches in India. Similarly, Indian companies have set up businesses entitles overseas. Foreign banks and creditors have financed Indian assets and Indians banks have exposures overseas. they might get involved in cross border insolvencies, directly or indirectly. Insolvency professionals, bankers and other players will be called upon to deal with the nuances of this sophisticated part of insolvency. It is imperative that the Indian market and stakeholders are ready and fully prepared to effectively deal with the complex, sophisticated and novel issues arising from cross border insolvency.



<sup>1</sup> For the purposes of the Model Law, a cross-border insolvency is one where the insolvent debtor has assets in more than one State or where some of the creditors of the debtor are not from the State where the insolvency proceeding is taking place.

## CSR SUPPORT & DONATIONS

Your support is vital for Insolvency Law Academy.

Financial contributions made to Insolvency Law Academy are exempted under Section 80G of the Income Tax Act, 1961.

Insolvency Law Academy is also qualified to receive CSR contributions - CSR- 1. Our CSR Registration No. CSR00035936.

Grants/donations to Insolvency Law Academy may be made by cheque/draft/electronic transfer in name of 'Sumant Batra Insolvency Law Academy Trust' to the following bank account:

Account Name	Sumant Batra Insolvency Law Academy
Account Number	922020038885324
Bank	Axis Bank
IFSC	UTIB0003329
Branch	Jangpura OD DL

## GLOBAL ADVISORY BOARD



**JUSTICE A. K. SIKRI**  
(Chairman)

Hon'ble Former  
Judge, Supreme  
Court of India, India



**AJITH NIVARD  
CABRAAL**

Former Governor,  
Central Bank of Sri  
Lanka, Sri Lanka



**PROF. DR. BOB  
WESSELS**

Distinguished  
Professor, Leiden  
University, Netherlands



**PROF. CHRISTOPHER  
J. SYMES**

Dean of Law,  
Adelaide Law School,  
Faculty of Arts,  
Business, Law and  
Economics, The  
University of Adelaide,  
Australia



**JAMES H.M.  
SPRAYREGEN**

Founder Kirkland &  
Ellis' Worldwide  
Restructuring Group,  
USA



**DR. K.V.  
SUBRAMANIAN**

Former Chief  
Economic Adviser to  
the Government of  
India; Presently,  
Executive Director,  
International Monetary  
Fund, USA



**DR. M.S. SAHOO**

Distinguished  
Professor, NLU, Delhi;  
Former Chairperson,  
Insolvency and  
Bankruptcy Board of  
India, India



**MEIYEN TAN**

Partner, Ascendant  
Legal LLC, Singapore



**DR. SANJEEV  
GEMAWAT**

Group General  
Counsel, Vedanta  
Group, India



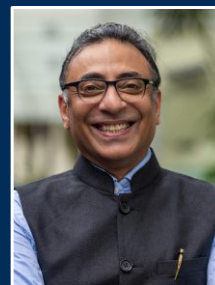
**SHELLEY C  
CHAPMAN**

Former US Bankruptcy  
Judge; Senior Counsel  
at Willkie Farr &  
Gallagher LLP, USA



**PROF. SHUBHASHIS  
GANGOPADHYAY**

Dean ISPP,  
Distinguished  
Professor, UPES, India



**SUMANT BATRA**

Insolvency Lawyer,  
Founder, Insolvency  
Law Academy, India