

# IIAM COMMUNITY MEDIATION SERVICE

Resolving Conflicts; Promoting Harmony



## Establishing Community Mediation Clinics

### Overview:

According to recent statistics, in India, the judge population ratio is 12 - 13 judges per million. This is the lowest in the world, as compared to 135 to 150 per 10 lakh people in advanced countries. A study conducted by the Ministry of Law reveals that at the current rate it will take 324 years to dispose of the backlogs of cases in Indian courts. The denial of justice through delay is the biggest mockery of law, but in India it is not limited to mere mockery; the delay in fact kills the entire justice dispensation system of the country. This has led to people settling scores on their own, resulting in a growing number of criminal syndicates and mob justice in various parts of the country and reflecting the loss of people's confidence in the rule of law.

### Conflict and Resolution - Concept:

Conflict is a part of life. Everyone has differing points of view, and we all need to figure out how to live with each other. No matter how trivial the conflict, it causes serious stress for everyone involved.

People with problems, like people with pain, want relief, and they want it as quickly and inexpensively as possible. It is in this context that the Indian Institute of Arbitration & Mediation (IIAM) thought of the possibility of establishing Community Mediation Clinics as an inexpensive option. The motto is; "*Resolving Conflicts; Promoting Harmony*".

We have to keep in mind is that the legal system is not the place to deal with hurt feelings. Mediation is a process for individuals to resolve disputes during which they make the decisions rather than fight it out through long litigation involving substantial cost. It is also a process that can make for a more peaceful society. Community Mediations helps to maintain peace and solidarity among the members by facilitating settlements among conflicting parties. Community mediation means neighbours helping neighbours to solve problems and resolve disputes.

Community mediation also helps in restorative justice through its variety approaches and restoring the offender in community by giving correctional practice thereby giving everyone a second chance. Sometimes victims of crime need answers and apologies more than they need to know perpetrators are being punished; and sometimes offenders need to find out just who they've hurt to realize what they've done is wrong. There is no conflict without emotion. There can be no resolution of a conflict without addressing the underlying emotions that gave rise to it and sustained it. Restorative justice, particularly community mediation programs, help victims heal.

IIAM Community Mediation takes this concept to an institutional level by taking the entire dispute resolution process and maintaining control and responsibility for it in the community at large. The mission is to provide neutral and safe dispute resolution opportunities through which individuals are empowered to work collaboratively to develop creative and mutually agreeable solutions to conflicts.



## Mediation Committees:

As per the program, every State shall have a "Patron" and a "Peace Ambassador", who shall be eminent personalities from the social, legal or cultural field. Every district will have a CMS Committee, which shall comprise of CMS Partners, who would contribute towards the functioning of the Mediation Clinics, the District Collector, the District Police Chief, the Mayor / Municipal Chairman / Commissioner, one nominee from the India International ADR Association and IIAM nominees. There shall be an Executive Chairman, who shall be an eminent personality from the social, legal or cultural field. One of the IIAM nominees shall be the CMS Ambassador for the District and shall act as the Convener of the Committee.

The CMS Committee in a district shall advise the location where the Community Mediation Clinics have to operate, shall oversee the operation and ethical norms of the Clinics and the Community Mediators.

## Community Mediators:

The Mediation Clinics would function with an efficient team of mediators who are selected from the local community itself. The people so selected would be given an orientation program by IIAM, and a certificate of recognition would be issued. IIAM will also implement high standards of ethics as laid down by the International Mediation Institute (IMI), The Hague, which has endorsed the IIAM Community Mediation Service.

The mediators so selected will be persons who shall be having a good repute in the local area to whom people shall have faith because of his/her integrity and sense of fairness in public dealing; and shall include educated youth, ladies and elders. Peacekeeping is a profession and can be a vocation. It is a belief, a value and a way of life. We have many people in our community who believe in peace and practice peace making. People having experience in dispute resolution and community interactions, like retired Judges, retired officers, advocates, social and religious workers etc. can also be part of the panel as community mediators or trainers.

## Mediation process:

A party to a dispute may request the initiation of mediation by registering the same in the Community Mediation Clinic. Referrals can also come from Courts, Police Stations, Community organizations, Civic groups, Religious institutions, Government agencies, Community leaders or from any of the party's friends or family members. On registering a dispute, the Resident Coordinator will nominate a mediator or a group of mediators from the empanelled list with the Clinic and shall also issue an invitation to the other side. The process will be purely voluntary and confidential. But if the parties are able to come to an agreement on their differences or disputes, the mediator may draw up a settlement agreement on the terms agreed by the parties and the parties may sign the settlement agreement. Such settlement agreement shall be in accordance with the Arbitration & Conciliation Act, 1996 and shall have the same status of a final decree of the civil court.

## Promoting Community Clinics:

To make our world a safe, sustainable, peaceful and prosperous place to live, Corporate houses, Associations and Community Organizations can make a significant contribution by adopting Community Mediation Clinics. As a business opportunity and simultaneously to fulfill their Corporate Social Responsibility (CSR), they can adopt a long term approach in partnering with IIAM for a long term process of positive social transition.

The IIAM CMS with a clearly defined mission and a vision statement combined with a sound implementation strategy and a plan of action firmly rooted in ground realities, can be developed in close collaboration with implementation partners, as part of a successful CSR (Corporate Social Responsibility) program. The implementation partner can nominate their representative as a member of the CMS Committee. The adopted clinic will be known in their name - "*Partner's Name* Mediation Clinic".



Community Mediation Clinics can also be formed by a consortium of implementation partners by contributing to its expense. The Clinic would be known in a common name, with the names of the implementation partners mentioned therein as CSR partners.

Community Mediation Clinic can also be formed by entrepreneurs, who wish to develop a career in mediation and ADR. Apart from the community mediation service, the Clinic can also be used for commercial mediation activities. The entrepreneur himself can become a mediator and upgrade himself to IMI certification, based on the experience he gains from the community mediation service.

### **What does the Partner gain?**

IIAM CMS Program gives the implementation partners, not only the opportunity to proclaim their social commitment and social responsibility, but also gives enormous publicity and advertisement opportunity. The names and logos of implementation partners of IIAM Community Mediation Service will be shown in the IIAM website. The cost of a clinic would be less than putting up a hoarding. The clinic would also act as a hoarding of the partner which would give them not only advertisement and name presence, but also a social commitment proclamation. The implementation partner would also become part of the District CMS Committee, which would supervise the implementation of the project, enabling transparency.

### **Role of IIAM**

IIAM, as an expert institution in the formulation, implementation and evaluation of mediation process, would act as the nodal agency to play an active role in the advancement of Community Mediation. This would include the following activities;

- o Formation of Mediation Clinics;
- o Coordinating with the CMS Committees;
- o Training, mentoring and certifying community mediators;
- o Overseeing and evaluating the ethical norms and standards of mediators;
- o Preparing and maintaining Feedback digest for mediators;
- o Preparing educative materials on community mediation;
- o Presenting the details of all Community Mediation Clinics with the empanelled mediators in the IIAM website;
- o Acting as a research institution for community mediation, considering various cultural and racial differences;
- o Conducting training programs for aspiring community mediators; etc.

We welcome you to take part in this exiting attempt of social transition to make our world a safe, sustainable, peaceful and prosperous place to live, by making an important contribution by adopting such Community Mediation Clinics.

Let us jointly make this happen.

