

## **K.G. BALAKRISHNAN**

Chief Justice of India

I would like to whole heartedly endorse the efforts of IIAM for promoting Alternative Dispute Resolution methods. I have been made to understand that this body has been approved by the International Mediation Institute, based in the Hague - to conduct specialized training and grant certificates for qualified mediators. The credentials of this institution are further bolstered by the presence of eminent jurists, experts and academics on its Advisory Board as well as its tie-ups with academic institutions and other private bodies that promote ADR techniques.

The Dispute Prevention and Management (DPM) services are intended to have two broad dimensions. The first of these services – described as ‘International Certification of Legal Audit’ (ICLA) is designed to meet the needs of business interests. It involves an independent appraisal and evaluation process in order to ensure that individuals, corporations, institutions and other forms of business entities adequately comply with applicable laws and regulations. Compliance with existing laws is important at various stages of business processes – for instance in the sale or purchase of goods and inputs, the terms of service for employees, arrangements for loans, raising funds through the capital markets, compliance with safety and health regulations among others. In many instances- especially with relatively smaller business that cannot afford the services of specialised commercial law firms, there is not enough awareness about applicable regulations. In such a scenario, an independent audit by a credible institution can go a long way in not only preventing litigation but also enhancing the reputation of the concerned business. The adoption of such best practices for legal compliance can also have a significant impact on the overall climate for attracting investment.

The thrust of Community Mediation Service is to promote reliance of mediation at the grass root level by way of local capacity building. This will entail the establishment of mediation clinics in numerous locations with the ultimate objective of establishing clinics in every district in India. This project is especially laudable since it seeks not only to provide mediation service but also to train individuals from the concerned local community as mediators. The larger interest is to provide access to cheap and reliable methods of dispute resolution. This

focus on local capacity building holds potential lessons for various legal services authorities functioning at the national, state and district levels and I assure that all the legal service authorities working at various levels will give whole hearted support for these activities of the organization. Aggregate number of individuals who take up legal practice and subsequently volunteer for legal aid service in our country is quite inadequate for a systematic improvement in access to justice. The training of lawyers is a long term solution. We must also encourage relatively short term and immediate solution such as imparting training in mediation and conciliation for individuals who have not received formal legal training. In this aspect the Community Mediation Service holds a lot of promise, where the central role of judicial officers could be meaningfully supplemented by community mediators and conciliators who are drawn from the same locality as the parties.

Such an initiative by a credible private institution such as the Indian Institute of Arbitration and Mediation (IIAM) can go hand-in-hand with the promotion of Court-annexed Alternative Dispute Resolution (ADR) methods contemplated under Section 89 of the Code of Civil Procedure as well as the proposed scheme for Gram Nyayalayas. If this approach is internalised in our system, it can greatly reduce the case-load before the courts. If the 'Community Mediation Services' being launched today prove to be successful, then they could provide a ready pool of mediators which could also assist civil courts in the future.

As reasonable legal practitioners and judges, we must do our best to promote the philosophy of compromise, which is the core of ADR methods. I am sure this organization can do a lot of good work and we whole-heartedly support the venture.



*\* Full text of the comments by Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India is available in the website of the Supreme Court of India, at <http://www.supremecourtofindia.nic.in/speeches/speech2009.htm>*