

An invite for supporting a community initiative

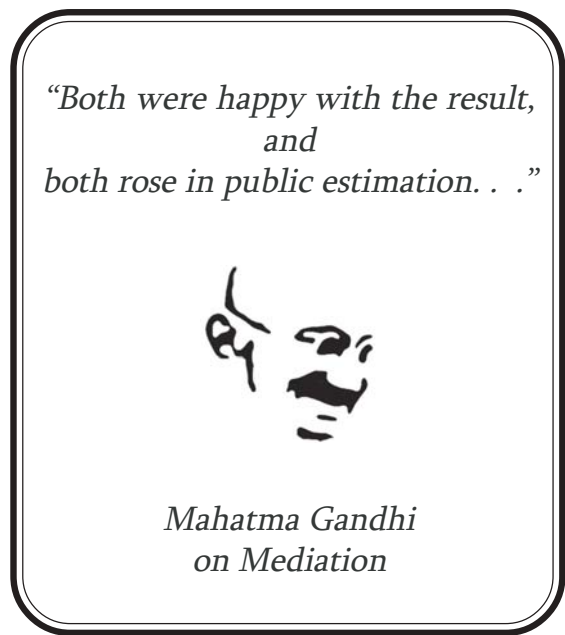
: ANIL XAVIER



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.

The average pendency of a case filed will be 4-5 years and by the time it completes and reaches the verdict it would take a minimum of 7-8 years though this is the situation not strictly with India. Community mediation can be thus helpful not only for public for avoiding lengthy litigation process but also it gives a relief for Courts from meddling with trivial issues and thereby concentrate and devote more time and energy on other important matters which calls for its attention.

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**". The IIAM Community Mediation Service (IIAM CMS) is endorsed by the International Mediation Institute (IMI) at the Hague, Netherlands.



IIAM COMMUNITY MEDIATION SERVICE:

IIAM CMS is 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. IIAM CMS is viewed as an opportunity for citizens to participate in the prevention and early intervention of conflicts as an alternative to institutional mechanisms. 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. Researchers measure the effect of community mediation on decreasing repeat conflicts.



MEDIATION CLINICS:

The Clinic would be a small centre having about 150- 200 sq.ft area with one staff, viz., the Resident Coordinator. There will be an Honorary Legal Advisor for a group of 10-15 mediation clinics. The Mediation Clinics would function with an efficient team of mediators who are selected from the local community itself. 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. IIAM will also implement high standards of ethics as laid down by IMI.

“The thrust of Community Mediation Service is to promote reliance of mediation at the grass root level by way of local capacity building. 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.”
Mr. Justice K.G. Balakrishnan,
Former Chief Justice of India

Through the confidential private meetings with the parties, the mediator is able to understand the needs of the party and the mediator assists the parties to arrive at a “win-win” situation and thus not only resolves the problem but also strengthen the relationship among them. This avoids hostility within the community and improves harmony. Just about any conflict can be addressed through community mediation. The role of community mediation is not confined to bring in social harmony but also communal harmony. The development of a more proximate, indigenous mediation mechanism will help to prevent deeply rooted conflicts from

erupting into communal violence. 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. The theme **“Talk it Out, Not Fight it Out”** in an attempt to portray the essence of mediation in real life situations.

Conflict management programs with the formation of such Mediation Clinics will serve to defray tensions in societies and prevent them from erupting into violence. A conflict free environment makes the community more focused, optimized and disciplined by setting up standards and values and principles. It would help to maintain peace and solidarity among the people by facilitating settlements among conflicting parties.



PROMOTING COMMUNITY CLINICS:

IIAM is taking up an ambitious project of establishing Mediation Clinics in all Indian villages. This requires the support and blessings of public spirited persons, organizations and corporate houses interested in the welfare of society.

To promote the concept of IIAM CMS, we invite you to partner and contribute by adopting a clinic or donating for the cause of establishing such clinics. Such adopted clinic would be known in your name - "Your Name Mediation Clinic" in association with IIAM Community Mediation Service. IIAM directly operated clinics will display the names of contributors, who have donated for the cause. The names of partners of IIAM Community Mediation Service and the names of contributors will be shown in the IIAM website.

Evaluating the program essentially answers the question, "What good did we do?" As the former President of India, Mr. A.P.J. Abdul Kalam has said, "If nation is to have ethics; society has to promote ethics and value system. If society is to have ethics and value system, families should adhere to ethics and value system." The popularization of the Mediation Clinics will help to bring people together to work creatively on conflict resolution, instead of fighting each other and making those problems worse. It is also a process that can make for a more peaceful society. Thus IIAM Community Mediation Service has the potential for transforming our conflictual society into a collaborative, problem-solving one.

"I have great pleasure in commending to all Institutions, particularly Corporates and other public spirited persons interested in the welfare of society, to participate in this exciting experiment of bringing justice between man and man in a society which is tending more and more towards strife and friction."

*Mr. Justice M.N. Venkatachaliah,
Former Chief Justice of India*

IIAM CMS Program gives you the opportunity to proclaim your social commitment and social responsibility. Setting up of Community Mediation Clinics in all villages of each state with a view to mediate all disputes will bring about a profound change in the Indian Legal system. 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 or supporting such Community Mediation Clinics. Let us jointly make this happen!

For more details about IIAM Community Mediation Service, please visit www.communitymediation.in

(Authot: Anil Xavier is a lawyer and an IMI Certified Mediator. He is a Member of the Independent Standards Commission of the International Mediation Institute at The Hague. He is also a Charter Member and currently the President of the Indian Institute of Arbitration & Mediation)
