



MEDIATION ACT 2023

The Mediation Act of 2023 is the linchpin for formalizing and advancing the practice of mediation in India. It represents a progressive shift towards efficient, voluntary, and mutually agreeable dispute resolution through mediation. The Mediation Act, 2023 has received the assent of the President of India on the 15th of September 2023. The Mediation Act, 2023 places a renewed emphasis on mediation as an important method for resolving disputes. By encouraging parties to sit across the table and negotiate, it fosters a culture of consensus and cooperation. Mediation is known for its swiftness. This act streamlines the mediation process, ensuring that cases are resolved promptly. This efficiency is a game-changer, reducing the burden on our courts. Mediation is not only faster but also cost-effective. Parties can save significantly on legal costs and avoid protracted courtroom battles, making justice more accessible to all. Privacy and confidentiality are paramount in mediation. The Act ensures that discussions during mediation remain confidential, promoting open dialogue without fear of public scrutiny. Mediation fosters sustainable solutions. It allows parties to craft agreements that suit their specific needs, resulting in resolutions that are more likely to be adhered to in the long run.

The Mediation Act, 2023 is a significant step towards a more efficient, cost-effective, and collaborative approach to dispute resolution in India. As legal professionals, it's our responsibility to embrace this change and help our clients navigate this new landscape.

EXPERT CORNER

The influence of caucus in mediation.

Caucus plays a pivotal role in mediation, and understanding its significance is crucial for young alternative dispute resolution enthusiasts. It involves private meetings between a mediator and individual disputing parties, away from joint sessions. These meetings serve several vital purposes:

Confidentiality and Trust: Caucus provides a confidential space for parties to express themselves freely, fostering trust between the mediator and each party.

Insight and Emotion Management: It allows mediators to gain deeper insights into parties' perspectives and emotions, crucial for effective conflict resolution. Emotions often play a significant role in disputes, and caucus helps manage them constructively.

Customized Approaches: Mediators can tailor their communication and strategies based on caucus insights, addressing each party's unique needs.

Enhanced Settlement Opportunities: Through caucus, mediators bridge gaps and facilitate compromise by helping parties understand each other's concerns and explore solutions privately.

In essence, caucus is a valuable tool that equips mediators to gather information, build trust, manage emotions, customize their approach, and ultimately increase the chances of successful dispute resolution. For aspiring dispute resolution professionals, mastering caucus is essential for effective conflict mediation.

Ms. Iram Majid, Director IIAM



IIAM TRAININGS & EVENTS

- Professional Mediator Training Program
- Professional Certificate in Commercial Arbitration
- Certificate in International Mediation Advocacy & Dispute Management
- Certificate Program in Commercial Conciliation
- Certificate in International Business Negotiation
- Certificate in Dispute Management

For Details:

<https://www.arbitrationindia.com/training.html>

GLIMPS of APCAM International ADR Summit

[6th -7th May]



The Asia Pacific Centre for Arbitration and Mediation Center (APCAM) International ADR Summit, hosted at Le Meridian, New Delhi, marked the first of its kind event. The two-day event commenced with a captivating inauguration that drew the presence of esteemed professionals from across the globe. During the summit, it was officially announced by Mr. Anil Xavier, Chairman APCAM, that the two renowned organizations in the Asia Pacific region, Asian International Arbitration Centre (AIAC) and Asian Institute of Alternative Dispute Resolution (AIADR), have joined APCAM as members. The induction of two new prominent members is expected to shape the future of alternative dispute resolution in the region.



APCAM is an International ADR Center formed jointly by leading ADR institutions from eight countries, catering to the requirements of international and cross-border business disputes. The center helps the business community to resolve their international commercial and business disputes by mediation or arbitration under a single set of Mediation and Arbitration Rules and with a uniform fee structure in all the member countries.



IIAM AT GLANCE



Indian Institute Of Arbitration and Mediation collaborates with MUJ (LAW) Manipal University Jaipur. This partnership led to the establishment of the groundbreaking "Manipal International Centre for Conflict Resolution" (MICCR), a pioneering initiative that heralds a new era in the field of legal dispute resolution. The partnership with IIAM, an organization officially recognized by the Department of Justice, Ministry of Law and Justice, Government of India, lends remarkable credibility and authority to this venture. This collaboration with MICCR's empowers to equip students with invaluable proficiencies in arbitration and mediation, ensuring their emergence as adept legal professionals deeply committed to equitable and efficient dispute resolution.

The Indian Institute of Arbitration and Mediation (IIAM) has recently achieved a significant milestone by entering into a Memorandum of Understanding (MoU) with the Maharashtra National Law University (MNLU) Mumbai. This collaboration marks the beginning of a promising partnership that is poised to revolutionize the field of legal education in India.

The signing of this MoU signifies a convergence of two leading institutions dedicated to legal excellence. IIAM, known for its expertise in arbitration and mediation, has established itself as a prominent player in the legal arena. On the other hand, MNLU Mumbai is renowned for its commitment to producing legal scholars and practitioners of the highest caliber. This partnership promises to leverage the strengths and resources of both institutions to create unparalleled opportunities for students, scholars, and the legal community at large.



Mr. Anil Xavier, IIAM President and Ms. Iram Majid, IIAM Director had an excellent round table on Mediation in ESG compliance in supply Chain contract organized by German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) in Phuket, Malaysia. They appreciate CPG for its instrumental role in unifying and amplifying regional perspectives. Through their collaborative efforts, they have delved deep into the intricate tapestry of Mediation and its profound significance within the ever-expanding ESG compliance landscape. By uniting regional voices, CPG has not only heightened awareness but also laid the groundwork for meaningful change.

MEDIATION SUCCESS STORY

Parties reached agreements, overcome challenges, and achieved positive outcomes.

X and Y, after a decade of marriage marked by growing strain and conflicts, chose a path to an amicable divorce. In contrast to the traditional adversarial court process, they embraced mediation to safeguard their emotional well-being and finances.

Their journey commenced under the guidance of Ms. Mediator, renowned for her pragmatic and empathetic approach to resolving marital disputes. In the initial mediation session, both X and Y voiced their grievances. X expressed frustration with Y's demanding work schedule, while Y felt distanced by X's communication issues.

Ms. Mediator fostered an open dialogue, encouraging them to reminisce about happier moments and shared aspirations. Their shared goal was a peaceful resolution that would allow them to part without harboring bitterness. As the mediation sessions progressed, they cooperatively defined the terms of their divorce. The Mediator ensured that communication remained respectful, steering them toward mutually beneficial solutions. Ultimately, they reached a consensus, opting for an amicable divorce that honored their shared history and paved the way for a positive and tranquil future. Their story serves as an inspiration for others grappling with the complexities of divorce. It demonstrates that, with the right mediator and a willingness to communicate, even the most challenging circumstances can be resolved amicably, opening doors to a more optimistic and harmonious future.



IF SOMEONE HAS THE COURAGE TO ADMIT THEY WERE WRONG, YOU SHOULD HAVE THE GRACE TO GIVE THEM CREDIT FOR ADMITTING IT. RUBBING IT IN ENCOURAGES THEM TO NEVER ADMIT BEING WRONG AGAIN.

ABOUT EDITOR TEAM



Ms. Iram Majid, Director

Ms. Iram Majid, Director at Indian Institute of Arbitration & Mediation ; Executive Director of Asia Pacific Centre for Arbitration & Mediation. She is an APCAM Certified Arbitrator and APCAM International Certified Mediator and an IMI Certified Mediator. She is Director at Lloyd Law College. She is a Member of Chartered Institute of Arbitrators London UK.

Ms. Neha Saifi

Neha Saifi is an advocate with a profound passion for law and dispute resolution. She presently serves as a legal associate at the Indian Institute of Arbitration and Mediation, actively engaging in the legal community. Her work has encompassed a wide array of cases, including those in the domains of commercial law, family law, arbitration, and mediation.



Mohd. Suboor

Mohd Suboor is an Advocate based out of New Delhi. He also serves as a Tribunal Secretary, and has effectively managed legal and administrative work related to domestic arbitrations. He is an avid contributor to the field, with several publications.