

P A P E R R E P O R T

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Stress on role of mediation

Staff Reporter

KOCHI: Mediation is increasing becoming one of the accepted forms of alternative disputes resolution (ADR) methods in many professional and business fields.

ADR is growing nationwide enabling individuals and businesspersons with cheaper and faster way to resolve disputes. Two major types of ADR are arbitration and mediation, according to Anil Xavier, Secretary General of the Mediation Council of India.

He said mediation was a

process in which a neutral third person facilitated communication between both the parties in a dispute and assisted them in reaching mutually acceptable resolution of disputes. Mediation lets the parties control the outcomes. In litigation and arbitration systems, arbitrators or judges or juries decided outcomes.

Mr. Anil said throughout the business world and especially in common law jurisdiction, there was a recognition that mediations were generally the most effective means by which par-

ties in civil and commercial disputes could resolve matters that divide them without delays and cost.

Mr. Anil said before the advent of the British adversarial system of litigation, the country had utilised a system called Panchayat system whereby respected village elders assisted in resolving community disputes. Also in pre-British era, mediation was popular among the businessmen. After the British adversarial system was implemented, arbitration had been accepted as a legalised ADR method.