

PAPER REPORT

The New
Indian Express

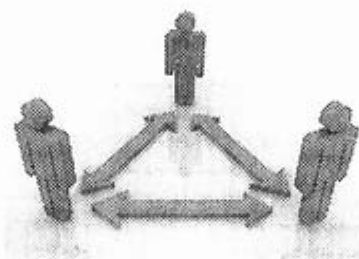
26 April 2013

Mediation Clinics Prove to be Effective in Solving Disputes

by Arun M

Kozhikode: How Thomas and Sheela (name changed) of Ernakulam, the couple who had been living separately for more than 27 years may seem unbelievable. It took only two weeks for them to end their years old dispute after the issue was brought to the mediation clinic by their grandchildren.

Mediation is fast emerging as one of the novel methods to resolve disputes in the state, as it could prevent a number of cases from reaching the courts. According to the statistics available, the Indian Institute of Arbitration and Mediation (IIAM), which launched Community Mediation Clinics at Ernakulam, Kozhikode and Thiruvananthapuram last year, has mediated more than 150 disputes including family, neighbourhood, business and commercial ones,



so far. "The success rate has been more than 90 percent and except in two cases, the parties complied with the settlement agreement. The two cases were promptly executed by the court in accordance with the settlement agreement," said Anil Xavier, President of the IIAM.

On registering a dispute, the coordinator of the clinic will nominate a mediator or a group of mediators with the clinic and will also issue an invitation to the other party. The process will be purely voluntary and confidential. On successful solving of a dispute, if the parties so require, a settlement agreement will be made

under Section 73 of the Arbitration and Conciliation Act, 1996, which will have the same status of a court decree.

The mediation clinics function with an efficient team of mediators who are selected from the local community itself.

IIAM also implements high standards of ethics as laid down by the International Mediation Institute (IMI) located in Hague, added Anil Xavier.

"Mediation has been a part of the Chennai, Delhi and Allahabad High Courts for many years, but unfortunately, it is not a popular practice in Kerala. If mediation becomes prevalent in the state, a majority of cases can be dispensed within a few days," echoed M M Mathew, a leading advocate in Kozhikode and an accredited mediator.

Many of the disputes can be resolved through mediation.