

PAPER REPORT

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Mediation centres can help settle pending cases: SC judge

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PANAJI: Stating that Goa does not have too many cases pending in courts as compared to the rest of the country, Supreme Court judge Madan B Lokur Sunday said that most of the pending cases could be resolved through the setting up of mediation centres in the state. He also said that it was a myth that lawyers lose out on their clientele due to the cases being referred to mediation centres.

Speaking as a chief guest at the inaugural function of Goa Community Mediation Centre - a registered public trust through the state government, at Altinho, Panaji, Justice Lokur said that most of the cases that have not got resolved in the courts have been settled through mediation centres within a timeframe of 60-90 days.

Moreover, the mediation centres also help in solving any future possible disputes between the parties to a case. Hence, it is a win-win situation as both the parties get satisfied, said the apex court judge. "In Delhi, such centres

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Supreme Court judge

have proven best for cases relating to consumer dispute redressal which have remained pending for a long period of time."

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Explaining the benefits of mediation centres, Justice Lokur said that in Delhi, there are about 1 lakh cases, which are referred to the court-annexed mediation centres of which 50-60 per cent have been resolved amicably. He said that community mediation is the best type of mediation centre when compared to the court-annexed and private mediation centres. "Four to five years ago, a community mediation centre was set up in Delhi for which space was allotted by the government and most of the petty disputes were resolved amicably through this centre and it is still running successfully," he said.

The apex court judge urged the state government to set up such

community mediation centres in the state and create awareness among the lawyers and people as it could be a common place where people from the community could approach the centre and settle their disputes. With the spirit of giving something back to the society, professionals can also run mediation centres, he said.

Advocate Shailendra Bhole said that it is not necessary for a person to be a lawyer to become a mediator. Any professional with the required training and skills can become a mediator. "If the mediator prepares himself carefully, adopts a candid attitude and keeps patience, he will find that mediation works well," he said.

Speaking about mediator's role in the corporate world, industry expert George Ninan said that since today's corporate world focuses on expansion and diversification in business, all disputes related to business

should be resolved through negotiation. Hence, mediation has given a synergetic solution to adopt amicable settlement with long-lasting relationship.

Advocate E O Mendes said that to achieve a good settlement through mediation, it requires that a lawyer adopt an approach different from the one in the courtroom. "The use of litigation skills in mediation is not productive. Deal-making skills will serve the lawyer far better," he said.

According to president of the Indian Institute of Arbitration and Mediation advocate Anil Xavier, mediation should be offered as a choice in the initial stage itself. He also pointed out the advantage of speed, economy and possibility of a total settlement of the dispute through mediation. While mediation is well accepted in case of family disputes, it needs to be promoted for settling commercial and community disputes, he said.