



# IIAM Community Mediation Service

RESOLVING CONFLICTS...PROMOTING HARMONY



May you all have a  
common purpose

May your hearts  
be in unison

May you all be the  
same hand

So that you can do  
work off, well

\*\*\*

RIGVEDA



## INDIAN INSTITUTE OF ARBITRATION & MEDIATION

institution for dispute resolution & management

# IIAM Community Mediation Service

People with problems, like people with pain, want relief, and they want it as quickly and inexpensively as possible. Sometimes there may not even be a clear legal remedy for the problem. Conflict often results in a breakdown of communication, expectations as well as hurt feelings and defensiveness among individuals. The longer conflicts persist, the worse problems seem to get.

In the past, parties in dispute often felt they had no choice but to take the matter to court. Now, a growing number of people are choosing another option that allows them to avoid the aggravation and expense of a lawsuit. People have started to realize that court isn't always the best place to settle a dispute between private parties. They are looking at an option to find workable solutions by sitting down and talking face to face. The option is MEDIATION.

Mediation provides a process where people can make a decision on their own and feel comfortable doing that, rather than a decision being imposed on them, where one party is definitely not happy with the outcome.

A study conducted by the Ministry of Law reveals that at the current rate it will take 324 years to dispose of the backlogs of cases in Indian courts. The 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.

Bringing justice to  
your doorsteps





Case adjudication or dispute settlement through conventional “litigation system” focus on rights and remedies and resolve the case, but not the problem.

Mediation focuses on needs, empowerment, restructures perspectives or relationships and seeks to resolve the underlying problem. Law is being utilized as a modality for healing and helping, not only for resolving problems.

Behind almost every human conflict someone feels dismissed, discounted, disenfranchised or disrespected. Unresolved tensions that may have simmered below the surface can resurface and make situations difficult. Even if angry words are not spoken, an appearance of “peace” may not be truly peaceful at all. Underneath the still waters, there may be a turbulent bed of emotions. Mediation seeks to help parties find an authentic peace, not a faked one.

But where do people go to get the problem resolved by mediation? The system has to be authentic, legally acceptable and the mediators should be trained and under ethical guidelines and review. Even though, presently there are court-annexed mediation centres, they cater the requirements of litigants, whose cases are pending before courts and referred to the centre. Where do people find good mediators, who can assist the parties to settle the issue before it aggravates to a litigation? Moreover the system should function as a vehicle to create harmony in the society and promote legal compliance in general.

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”***.

IIAM Community Mediation Service will serve as a mechanism in bringing into the consciousness of the society the effectiveness of grassroots-level arrangements to bring forth harmony in community, providing a safe environment for people to air grievances to reach a peaceful resolution. Community mediation means neighbours helping neighbours to solve problems and resolve disputes.

Setting up of IIAM 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. Conflict management programs with the formation of such centres will serve to defray tensions in societies and prevent them from erupting into violence. There is no greater feeling than to see two parties in conflict work through the process and reach an understanding that results in a plan for the future that works for both. And they leave with new skills to take to their friends and families to help build a more peaceful future.



IIAM Community Mediation Clinics enhances access by helping to bring justice to the society. It aims to prevent the underlying conflict (or the need to go to court) and advance compliance with the law in general. People would get a platform near home to settle their cases without the trappings of a court. It helps preserve relationships by avoiding the embarrassment of being hauled into court, and by giving people the opportunity to air concerns that a court would rightly ignore when evaluating a legal claim. Through a system that resolves disputes before it requires adjudication, it is hoped the legal system will be freed up to deal with more serious cases.

IIAM Community Mediation Service is implemented and supervised by the CMS Committee comprising of Advisory members, Institutional members and CMS Partners. The Mediation Clinics would function with an efficient team of mediators who are selected from the local community itself. The people so selected would be given an orientation program by IIAM, and a certificate of recognition would be issued. IIAM will also implement high standards of ethics as laid down by the International Mediation Institute (IMI), The Hague, Netherlands.

IIAM Community Mediation Service has the potential to shape powerful conflict transformation partnerships. Such approaches often have the power to heal even profound social wounds, so that the system can become a vehicle for creating a loving and caring world.



The International Mediation Institute (IMI) at The Hague, Netherlands, which is formed for the purpose of certifying international standards for mediators and for implementing the Global Mediator Competency Certification has endorsed the IIAM Community Mediation Service.

## CMS Committee Advisory Members



Mr. Justice K.T. Thomas  
Patron & Chairman Emeritus  
Former Judge, Supreme Court of India



Mr. Justice T.V. Ramakrishnan  
Vice Chairman  
Former Judge, High Court of Kerala



Mr. Hormis Tharakan, IPS  
Vice Chairman  
Former Director, RAW



Be The  
**Change**  
You Wish To See In  
**The World**



We are mindful that cultural “clicks” do not happen overnight. We must devise workable ways of implementing them and build broad public support for those changes. As Mahatma Gandhi has said, “There is not a single virtue which aims at, or is content with, the welfare of the individual alone. Conversely, there is not a single moral offence which does not, directly or indirectly, affect many others besides the actual offender. Hence, whether an individual is good or bad is not merely his own concern, but really the concern of the whole community, nay, of the whole world.”

While launching the IIAM Community Mediation Service, the Chief Justice of India had hoped that Community Mediation Clinics could be established in at least 100 villages by 2015. Such peace building processes could be greatly strengthened if organizations, people and society join together and cooperate. To make our world a safe, sustainable, peaceful and prosperous place to live, corporate houses, NGO’s, Local Self Government Institutions, Community Organizations, Associations, Clubs, Individuals etc. can make a significant contribution by establishing IIAM CMS Clinics or contributing to the cause. As a business opportunity and simultaneously to fulfill their Corporate Social Responsibility (CSR), they can partner with IIAM for a long term process of positive social transition.

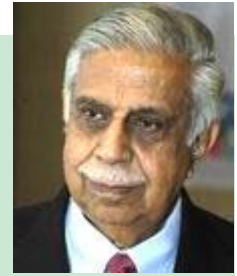
Partner with us to create a loving and caring world.

For more details about the program visit our website: [www.communitymediation.in](http://www.communitymediation.in)



## M.N. VENKATACHALIAH

Former Chief Justice of India



### A COMMENDATION OF IIAM COMMUNITY MEDIATION SERVICE VISUALIZED BY THE INDIAN INSTITUTE OF ARBITRATION & MEDIATION.

The Indian Institute of Arbitration & Mediation (IIAM), a registered society, has innovated an extremely effective idea of a decentralized, socially oriented and inexpensive Dispute Resolution Mechanism to serve the needs of the common people obviating their recourse to more expensive, embittering and protracted litigations in the courts of law. The formal dispute resolution mechanisms are wholly inappropriate to the aspirations and needs of the common people for speedy justice.

I had the privilege of being on the Advisory Board of IIAM along with Mr. Justice J.S. Verma, Former Chief Justice of India, Mr. Justice K.S. Paripoornan, Former Judge, Supreme Court of India, Mr. Prabhat Kumar, Former Cabinet Secretary & Former Governor of Jharkhand, Dr. Madhav Mehra, President of World Council for Corporate Governance, UK, Dr. Abid Hussain, Former Ambassador to the US, Mr. Sudarshan Agarwal, Former Governor of Sikkim, Dr. G. Mohan Gopal, Director of the National Judicial Academy and Mr. Michael McIlwrath, Chairman, International Mediation Institute, The Hague.

The Hon'ble Chief Justice of India inaugurated the "IIAM Community Mediation Service" on the 17th of January 2009 at New Delhi. Every participant extolled the great potential of this innovative scheme to bring justice to the doors of the common man under a scheme which provides for voluntary participation with the assistance of experienced lawyers, retired judges, former civil servants and other public spirited people who will act as mediators to bring about a just and mutually acceptable solution to potentially litigative situations. In the formal system there is always a loser and a winner, but Community Mediation provides a win-win situation for both sides. This will promote peace and harmony in the society. It will provide a quality of justice equal to or even better than in the formal dispute resolution system.

Indian Institute of Arbitration & Mediation is willing to provide the know-how for establishing such "mediation clinics" by public spirited institutions, Corporates and all those who realise that in the last analysis, their own well-being consists in and depends on peace and tranquility in the society at large. IIAM will provide free of cost advice and technical support and even "build, operate and transfer" the Mediation Clinics, which can be run on minimal financial support.

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. The legal system as it now stand has not been able to provide inexpensive, satisfactory and timely solutions to peoples' problems.

I must commend the dedicated work of Sri. Anil Xavier, a promising lawyer with a fine sensitive social conscience, in developing the innovative institution of "IIAM Community Mediation Service".



# Commendations

“

People have great confidence and faith in the institution of judiciary. Therefore there is a need for strengthening its hands, so that the confidence continues with the people. We have to find alternatives and Mediation is one method which is good. I am sure IIAM Community Mediation Service will be a great success.”

January 17,2009

**K. PARASARAN**

Former Attorney General of India

“

I would like to whole heartedly endorse the efforts of IIAM for promoting Alternative Dispute Resolution methods. I have been made to understand that this body has been approved by the International Mediation Institute, based in the Hague - to conduct specialized training and grant certificates for qualified mediators. The credentials of this institution are further bolstered by the presence of eminent jurists, experts and academics on its Advisory Board as well as its tie-ups with academic institutions and other private bodies that promote ADR techniques.

The thrust of Community Mediation Service is to promote reliance of mediation at the grass root level by way of local capacity building. This will entail the establishment of mediation clinics in numerous locations with the ultimate objective of establishing clinics in every district in India. 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. The larger interest is to provide access to cheap and reliable methods of dispute resolution. This focus on local capacity building holds potential lessons for various legal services authorities functioning at the national, state and district levels and I assure that all the legal service authorities working at various levels will give whole hearted support for these activities of the organization. We must also encourage relatively short term and immediate solution such as imparting training in mediation and conciliation for individuals who have not received formal legal training. In this aspect the Community Mediation Service holds a lot of promise, where the central role of judicial officers could be meaningfully supplemented by community mediators and conciliators who are drawn from the same locality as the parties. Such an initiative by a credible private institution such as the Indian Institute of Arbitration and Mediation (IIAM) can go hand-in-hand with the promotion of Court-annexed Alternative Dispute Resolution (ADR) methods.

As reasonable legal practitioners and judges, we must do our best to promote the philosophy of compromise, which is the core of ADR methods. I am sure this organization can do a lot of good work and we whole-heartedly support the venture.”

January 17,2009

**K.G. BALAKRISHNAN**

Chief Justice of India

“

The idea of community mediation actually thrills me. It is a great idea. It must get the necessary encouragement that it deserves. It brings about peace and harmony within the society. There is a huge variety of disputes that can be referred to community mediation. It gives people in conflict an opportunity to take responsibility for resolution of their dispute and control of its outcome. Community Mediation Service can preserve the interest of the parties and society as well.”

January 17,2009

**MADAN B. LOKUR**

Judge – High Court of Delhi

Member – Mediation & Conciliation Project Committee,

Supreme Court of India



## Partnering with **IIAM Community Mediation Service**

The IIAM Community Mediation Service (CMS), which is a clearly defined mission and a vision statement combined with a sound implementation strategy and a plan of action firmly rooted in ground realities, can be developed in close collaboration as implementation partners, as part of a successful CSR (Corporate Social Responsibility) program. Such Clinics, will be known as “Partner’s Name Mediation Clinic” in association with IIAM Community Mediation Service.

IIAM Community Mediation Clinic can also be formed by entrepreneurs, who wish to develop a career in mediation and ADR. Apart from the community mediation service, the Clinic can also be used for commercial mediation activities.

IIAM CMS program gives the implementation partners, not only the opportunity to proclaim their social commitment and social responsibility, but also gives enormous publicity and advertisement opportunity.

For more details;

Email: [dpm@arbitrationindia.com](mailto:dpm@arbitrationindia.com)

or log on to:

[www.communitymediation.in](http://www.communitymediation.in)

