

Dispute Resolution should have a human face – Sriram Panchu

Speaking at an interactive session at the IMC International ADR Center (IIAC) Mr. Sriram Panchu Senior Advocate and Mediator, stressed that mediation process should be a preferred method of resolving commercial and business disputes as it is an extremely effective and speedy tool as compared to litigation. As the process is conciliatory in approach unlike the adversarial nature involved in litigations and arbitrations, it enables parties to save their business relationships. It is also extremely suitable for family business disputes which are common in India. He continued that adversarial processes tend to destroy and sour relationships, overlooking many a times the humane angle to the disputes and differences at hand. The process of mediation has an edge in this regard as the users are the main pivot to the entire mediation process with definite timelines.

Mr. S. Panchu further stressed the growing need for cross border mediation process especially with India emerging a favoured destination of foreign businesses and investors. He said global investors and business entities seem wary of the tardy dispute resolution processes and hence mediation machinery can play a pivot role in boosting cross border trade and investments. He stated that the time has come to push commercial mediation with government support. He informed of the recent legislations such as Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 wherein 'Pre-institution Mediation' has been introduced and the role of National Legal Services Authority thereunder. He welcomed that the centers such as IIAC will play a significant role in consolidating the growing needs created under various statues; helping in reaching out to public at large with much ease and that once the momentum gains there will be no stopping. Adding, that centers will be able to offer training and create a pool of good qualified mediators confidence of public in this mechanism will be enhanced.

Earlier welcoming Mr. Sriram Panchu,, Chairman of IIAC, Mr. Shailesh Vaidya mentioned that mediation is one of the methods of Alternative Dispute Resolution (ADR) under Section 89 of the Code of Civil Procedure enacted by the Parliament wherein a neutral third party, the mediator, assists the disputing parties to resolve their disputes using proper techniques, thus assisting a resolution of dispute and discouraging litigation. The process of mediation helps in the resolution of disputes with the involvement and participation of the parties wherein the mediator is a facilitator. He mentioned that IMC International ADR Centre offered both mediation and arbitration under its institutional umbrella, the Rules offering a unique flexibility to opt for 'med-arb-med' or 'arb-med-arb' process. The mediation rules adopted by IIAC can be invoked even during an ongoing dispute simply by filing requisite request form. These are easily available on IIAC website.