

## Webinar on the theme "Mediation Today"

**Gandhinagar, September 04, 2020:** Gujarat National Law University (GNLU) organized a webinar on the theme "Mediation Today."

Ms Laila Ollapally, Ms Sadhana Ramachandran, Mr Sriram Panchu and Mr Niranjan Bhatt shared their views on different aspects of mediation. All panelists are senior advocates and renowned experts in the field of mediation. Mr Panchu is considered to be the pioneer of mediation in India. He was one of the three mediators appointed by the Supreme Court of India in the Ayodhya Ram Janmabhumi dispute. Similarly, Ms Sadhana Ramachandran was one of the three interlocutors appointed by the Supreme Court to engage with the anti-CAA protesters at Shaheen Bagh.

Speaking about "Promotion of Mediation in India: Issues and Challenges," Ms Laila Ollapally said that satisfaction and happiness of parties should be given utmost importance in resolving disputes which is possible in the mediation process only. She said that mediation needs a change in the mindset of stakeholders, particularly advocates. She recalled that after the successful resolution of a long-standing IP infringement dispute through mediation, she asked the advocate of one of the parties how he felt about the process and the outcome. She was shocked when the advocate replied, "At law school, I was trained to win the litigation, my client had engaged me to win the case for him, and how do I build my reputation if I do not fight and win cases?" This mindset needs to change for mediation to be more acceptable as a means of dispute resolution. The decision of the Bar Council of India to introduce Mediation as a core subject in law university syllabus is a step in the right direction. It will inculcate the spirit of mediation among advocates right from the beginning.

Mr Niranjan Bhatt spoke on "Mediation: Then, Today and tomorrow." He said that mediation is not new to India. It has not come from western countries. Mediation was practised in ancient India based on the principles of wisdom, reason and prudence. The concept of mediation is also found in Buddhist scriptures: "Know well what leads you forward and what holds you back, and choose the path that leads to wisdom..."

Mr Niranjan Bhatt said that mediation is complementary and not competitive. He said a person goes to a court in a hope to find a solution to his problem. However, during litigation, he finds that his problems have increased. He has lost his time, his money, his relationships and also the peace of mind. Here, the mediation scores over litigation. Why fight, when one can have agreements? Why resist when one can cooperate? Why focus on a problem, when one can have a solution? Why condemn someone, when one can understand? Why fight when one can build relationships? Why indulge in rivalry when harmony is possible? Why cling to the past, when one can march forward in future? And, why create a win-lose situation when it is possible to create a win-win solution?

Mr Bhatt said that mediation is a better method of dispute resolution than litigation. In litigation, parties part with their right to decide whereas, in mediation, parties retain their right with them and

resolve their disputes themselves with the help of a mediator. Thus, parties get an opportunity to play their participatory role in the resolution of disputes. He said this process generates a sense of ownership and integrity which ultimately creates win-win solution over win-lose situation compared to litigation.

Sharing his views about the “Future of Mediation in India: An Expectation,” Mr Panchu debated on the Singapore Mediation Convention (SMC). He said that after the signing of SMC, enforcement of mediation agreement would now become easier than enforcement of an arbitral award in India. He appreciated virtual mediation and encouraged online mediation to benefit parties.

Ms Sadhana Ramachandran discussed the role of academic institutions in advancing mediation in India. She deliberated on the importance of mediation-Advocacy and role-play in the teaching of mediation. She also discoursed on the importance of psychology to conduct the mediation process. Further, she conversed on the syllabus of Mediation offered by BCI and appreciated the same.

Earlier, GNLU Director Dr Shanthakumar welcomed the esteemed panelists and thanked them for initiating a discussion on these vital issues. He said it is important to discuss and debate these issues now as India has signed the Singapore Mediation Convention in 2019 and Bar Council of India has recently decided to introduce Mediation as a core subject in the three-year and five-year courses in law schools and universities.

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