

MEDIATION

IN THE MIDDLE OF EVERYTHING LIES AN OPPORTUNITY

ADR MECHANISM

- ❖ ARBITRATION
- ❖ MEDIATION
- ❖ CONCILIATION
- ❖ NEGOTIATION
- ❖ LOK ADALATS

WHAT IS MEDIATION...

❖ Mediation is the process of talking to two separate people or groups; involved in a disagreement; to try to help them to agree or find a solution to their problems.

WHAT IS MEDIATION

- ❖ A method of non-binding dispute resolution involving a neutral third party who tries to help the disputing parties to reach a mutually agreeable solution
- ❖ An ounce of Mediation is worth a pound of Arbitration and a ton of litigation.

REASONS TO CHOOSE MEDIATION...

- ❖ Affordability
- ❖ Fair and Impartial
- ❖ Saves Time and Money
- ❖ Confidentiality of the Process and Outcome
- ❖ Avoids Litigation
- ❖ Allows Personalised Solutions
- ❖ It Works

REASONS TO CHOOSE MEDIATION...

- ❖ Voluntary and informal process
- ❖ Focusses on the future not the past
- ❖ Only binding when agreement reached and signed
- ❖ Control of outcome remains in the hands of parties
- ❖ Mediator works with in coordination with parties to find amicable solutions
- ❖ Mediator does not pass any binding award/decision

REASONS TO CHOOSE MEDIATION

- Generating options and finding holistic solutions is the focus
- Confidentiality protected
- Private process
- Cost and Time effective

TYPES OF MEDIATION IN INDIA

- ❖ Private Mediation
- ❖ Court Annexed Mediation
- ❖ Statutory Mediation

MEDIATION STAGES

- ❖ Introduction and Joint Statement
- ❖ Joint Sessions
- ❖ Separate Sessions
- ❖ Closing

NEWER TRENDS IN ADR

❖ Mediation -Arbitration

❖ Arbitration-Mediation

MEDIATION JURISPRUDENCE IN INDIA

- ❖ SECTION 30 AND 43-D OF ARBITRATION AND CONCILIATION ACT, 1996
- ❖ SECTION 89 OF CIVIL PROCEDURE CODE, 1908
- ❖ SECTION 12 A OF COMMERCIAL COURTS ACT, 2015
- ❖ SECTION 37-38 AND CHAPTER-V OF CONSUMER PROTECTION ACT, 2019
- ❖ SECTION 442 OF THE COMPANIES ACT, 2013
- ❖ SECTION 4 OF INDUSTRIAL DISPUTE ACT, 1947
- ❖ LEGAL SERVICES AUTHORITY ACT, 1987

MEDIATION JURISPRUDENCE IN INDIA

- ❖ SECTION 29(2) OF SPECIAL MARRIAGE ACT, 1954
- ❖ SECTION 32(G) OF RERA, 2016
- ❖ SECTION 18 OF MSME ACT, 2006
- ❖ SECTION 14(2) OF THE HINDU MARRIAGE ACT, 1955
- ❖ MEDIATION AND CONCILIATION RULES, 2004 (DELHI HIGH COURT)

THANK YOU

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