

## MEDIATION

### JALANDHAR- A FORE RUNNER



World Over a consensus is emerging that Alternate Modes for redressal of disputes must be brought into play and Mediation has been accepted as one of the best modes of Alternates Dispute Redressal system. In tune with the world Opinion Indian Legislature has also introduced Mediation in Section 89 Code Of Civil Procedure.

Contrary to misgivings of few, mediation is not new to the mankind. The activity of mediation in itself appeared in very ancient times. Historians presume early cases in Phoenician commerce (but suppose its use in Babylon, too). The practice developed in Ancient Greece (which knew the non-marital mediator as a proxenetas), then in Roman civilization, (Roman law (starting from Justinian's Digest of

530 - 533 CE) recognized mediation. The Romans called mediators by a variety of names, including internuncius, medium, intercessor, philanthropus, interpolator, conciliator, interlocutor, interpres, and finally mediator.

The Middle Ages regarded mediation differently, sometimes forbidding the practice or restricting its use to centralized authorities. Indian History of mediation goes down , at least, to the times of Mahabharat when Lord Krishan tried mediation between Pandavas and Kaurvas.

In a broad sense, Mediation consists of a cognitive process of reconciling mutually interdependent, opposed terms as what one could loosely call "an interpretation" or "an understanding of". The German philosopher Hegel uses the term 'dialectical unity' to designate such thought-processes. Mediation, a form of alternative dispute resolution (ADR) or "appropriate dispute resolution", aims to assist two (or more) disputants in reaching an agreement. The parties themselves determine the conditions of any settlements reached— rather than accepting something imposed by a third party. The disputes may involve (as parties) states, organizations, communities, individuals or other representatives with a vested interest in the outcome.

Going by dictate of Law of land and desire of the Society , the Honourable Supreme Court of India has undertaken upon itself setting up of mediation Centers all over the Country to be run by trained mediators.

On 8-11-2008, Honourable Mr. Justice S B Sinha, Judge Supreme Court of India inaugurated Jalandhar Mediation Center through video conferencing , as first center in the State of Punjab . Under the kind patronage of Honourable Mr. Justice T S. Thakur, Chief Justice Punjab and Haryana High Court a Committee comprised of Honourable Mr. Justice M M Kumar, Mr. Justice Permod Kohli and Mr Justice Mahesh Grover , Judges Honourable Punjab and haryan High Court mediation is bound to become a movement .

Response of the litigating people is quite encouraging and with every passing day more and more of litigants are realising utility of proces of mediation and it is hoped that Mediation Center Jalandhar would be the most looked after place by the disputants and mediation would be providing hassle free solutions to the disputants, both of whom would return in a win-win state of mind, by preserving their relationship for the future and ensuring that the dispute comes to an end for all times.