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Alternative dispute resolution mechanism imperative: Pranab

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“Unfortunate reality is that legal disputes can be both protracted and expensive”

“There is a high degree of public frustration over the complexity of the laws, long delays and unproductive use of their resources in litigation,” President Pranab Mukherjee said here on Saturday and called for efforts to promote alternative dispute resolution mechanism.

Inaugurating a national “District Level” seminar on mediation organised by the Mediation and Conciliation Project Committee (MCPC) of the Supreme Court with the theme of “Role of District Judiciary in Strengthening Mediation at Institutional Level,” Mr. Mukherjee said: “It is important to recognise that despite the robust, independent and impartial judicial system we have in our country, the unfortunate reality is that legal disputes can be both protracted and expensive.”

The meet was attended among others by Chief Justice of India Altamas Kabir, judges of the Supreme Court; chief justices and judges of High Courts, External Affairs Minister Salman Khurshid, mediators and others.

Mr. Mukherjee said: “Only if alternative dispute resolution becomes an integral part of the Indian justice delivery system will we be able to truly safeguard the welfare of the common man in India.

“Many social conflicts have also got transformed into legal disputes, which accentuate the problems rather than resolve them. Promotion and popularising alternative methods of dispute settlement is therefore the need of the hour. Alternative dispute resolution mechanisms not only facilitate speedier justice but are also a process wherein the parties involved have control over the eventual outcome. This results in quick implementation of the decisions taken and eliminates continued litigation in the form of further appeals.

“Notably if a matter gets resolved by mediation, then a substantial part of the court fees deposited by litigants also gets returned to them. It is for these reasons that throughout the business world, and especially in common law jurisdictions, there is a recognition that properly conducted mediations are the most effective means by which parties in civil and commercial disputes can resolve the matters that divide them. It is well known that mediation can play a very useful role in amicable resolution of matrimonial and family matters. Disputes amongst the government departments and agencies are also perhaps best resolved through out of court mediation rather than litigation.

“People should be encouraged to take first recourse to mediation rather than litigation. However, this is where the District Courts and Judiciary can and must play a major role. They need to be able to convince litigants that mediation offers benefits with a human touch. It has no winners or losers.”

Mr. Mukherjee who was often described as a trouble shooter during his career as a Union Minister said: “At a personal level, as someone who has been in public service for many decades, it is my experience that most disputes become difficult to resolve due to either miscommunication or ‘egoism’ of the individuals involved. I have always found that effective communication combined with sensitivity to the concerns of individuals concerned makes resolution of most disputes possible.”

Keywords: [President Pranab Mukherjee](#), [seminar on mediation](#), [Mediation and Conciliation Project Committee](#)

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