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Press Release

JMI's Faculty of Law organizes webinar titled 'Online Mediation: Future of Dispute Resolution'

The Faculty of Law, Jamia Millia Islamia (JMI) organised a webinar titled 'Online Mediation: Future of Dispute Resolution' on 23rd May 2020. The Vice Chancellor Prof. Najma Akhtar presided over the proceedings of the Webinar. Justice A. Muhamed Mustaque, Judge at the Kerala High Court graced the event with his eminent presence as the Chief Guest. The panel of eminent speakers comprised of Prof. B. T. Kaul, Academician and Former Chairperson of the Delhi Judicial Academy and Ms. Nandini Gore, Advocate –on- Record, Supreme Court of India, senior partner at Karanjawala & Co. and a seasoned Mediator. The webinar was attended by students from both legal and non-legal background, Faculty Members from across Jamia Millia Islamia and other academic institutions of the country, legal professionals and law enthusiasts.

In her Presidential Address, Prof. Najma Akhtar highlighted the positive opportunities despite the challenges posed exigencies of the post COVID-19 epidemic times. Calling upon the distinguished guests and participants to engage with an innovative approach in their search for quicker resolution of dispute that would enable easier access to justice, Madam highlighted that online mediation can be one of the best methods in this regard due to its cost and time effective character.

In the Welcome Speech, Dean of the Faculty of Law, Prof. Sajid Z. Amani contextualised the origin and development of mediation as a method of amicable resolution of disputes since ancient times till now and explored the trajectory of its evolution during modern times in India. Emphasising upon the versatile and accommodating nature of the mediation process Prof. Amani called upon the august gathering to train their gaze at exploring newer spaces such as digital medium to facilitate mediation as a alternative dispute resolution mechanism, especially in the current times which demand minimal physical human contact and maximum usage of distant mode of communication enabled by the IT revolution.

Convener of the webinar Dr. Mohd. Asad Malik, Associate Professor at the Faculty of Law, explained that the entire world is facing unprecedented challenged due to COVID-19 and people are working from home with the assistance of online technologies. As the disruption created by Covid-19 may continue for a long period and traditional avenues of justice i.e. Courts will not be able to dispose off the massive number of litigations pending before them. Online dispute resolution will immensely help in reducing the burden on the justice system. He further briefed the participants about the aims and objectives of the webinar.

Seasoned Mediator Advocate Nandini Gore told the participants that in the quest for finding durable and permanent solutions as against ad-hoc approach to dispute resolution, parties have been finding mediation as a preferred method of dispute settlement. Citing examples from the European countries such as Greece and Netherland which have a highly developed mediation systems, Ms. Gore highlighted the lack of a robust legal framework pertaining to mediation in India and how it is crucial to carefully transverse through the procedural complexities and nuances overcoming these lacunae in the system. She further stated that use of digital signature and other modern technologies will help in overcoming the challenges in online dispute resolution methods.

Drawing upon the philosophical and historical roots of Mediation in India, Eminent Jurist Prof. B.T. Kaul spoke about how Mahatma Gandhi used mediation as a tool to resolve dispute between the trade unions and the textile mill owners of Ahmedabad in the pre-independence era and how it has overcome the threat of divisiveness to the independence movement. Citing the implications of the Afcons Infrastructure Ltd case Prof. Kaul explained the scope of Alternative Dispute Resolution methods. Highlighting the efficacy of ADR due to its participative/collaborative nature which is generally guided by a neutral and impartial mediator who is impartial and the element of confidentiality during the process, Prof. Kaul stated that in wake of COVID-19, online mediation will play a very crucial role in justice dispensation system. According to Prof. Kaul, ensuring confidentiality and training of mediators are essential prerequisites for online dispute resolution process and that there is an urgent need of building up of trust between mediators and parties to make online mediation a success.

An authority in ADR Honourable Justice A. Muhamed Mustaque emphasised that there is a need to think beyond existing infrastructure of courts for resolving disputes which could be effectively done through mediation by mutual initiative by the disputant parties. In the world of globalisation and market economy, the idea of justice is related with commercial relationships. The Arbitration and Conciliation Act, 1996 provides for resolution of dispute of private parties through ADR mechanisms which were earlier confined to Government disputes only. According to Honourable Justice Mustaque, the Mediators should be trained to focus on relationship between the disputants, and not on the dispute. He further emphasised that in online mediation method, trust between parties, confidentiality, language and culture issues should be addressed. According to the Honourable Justice, creation of institutional practices is also very much important for growth of online mediation process. Justice Mustaque also highlighted that enforcement of settlements through online mediation platform will be an area of challenge.

The Question and Answer session saw an enthusiastic participation from the attendees. The questions dealt with the theoretical and as well practical aspect of online mediation. Broadening their imaginations, the participants posed questions about the possibility of mediation in achieving further decentralisation of justice reaching all the way till the very basic unit of the Indian society. The questions were very much encouraged, appreciated and patiently answered by the learned and distinguished panellists. The proceedings of the Webinar were seamlessly and successfully moderated by Ms. Mansi Jain, Research Scholar at the Faculty of Law, Jamia Millia Islamia. The Webinar ended with a vote of thanks by the Co-Convener of the Webinar Dr. Noorjahan Momin, Assistant Professor, Faculty of Law. This Webinar was facilitated by the FTK-CIT, JMI.

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