

Sriram Panchu, *MEDIATION- Practice and Law, The Path to Successful Dispute Resolution*, Third Edition, 2022, LexisNexis, Gurgaon (2022), Rs 1895/- (INR)

*Reviewed by Pulkit Dahiya**

Mediation is a traditional and ancient practice in India, where elders of the society would help resolve disputes through dialogue and consultation. Hindu mythology also depicts mediation as a way of settling conflicts peacefully and harmoniously. In the modern era, mediation has regained its significance as a vital aspect of alternative dispute resolution, and it is evolving and expanding rapidly. Though the pandemic (COVID-19) has created several temporary difficulties and made us rely on remote communication and interaction, which pose significant obstacles to achieving the common grounds and resolution. This has resulted in major or even permanent changes in the ways and modes of resolving disputes, especially in mediation, one of which is Online Dispute Resolution (ODR).

Against this background, this book in hand has been updated literature on mediation with latest trends and legal developments in the field. The book titled “*MEDIATION - Practice and Law, The Path to Successful Dispute Resolution*” consists of twenty-two chapters. It covers topics such as online dispute resolution, the Singapore Convention on Mediation, the UNCITRAL Model Law on International Commercial Mediation and Conciliation, and recent judicial decisions that have shaped the practice and theory of Mediation.

The author begins with a basic introduction to the nature of the adversarial process and highlights the need for mediation. Then, the author gives an overview of the different methods of ADR (Alternative Dispute Resolution), with a focus on mediation. The author describes the mediation process, its advantages and disadvantages, and its applicability in different matters. The author also tries to illustrate the main features of mediation through various examples. The book is a comprehensive guide to the theory and practice of mediation. The author explores the concept of conflict and its resolution, and explains how negotiation skills can help mediators facilitate constructive dialogue. The author also emphasizes the importance of communication in mediation, and provides an overview of the different communication styles and techniques that can be used. The author then presents a detailed description of the mediation process, from

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preparation to closure, and illustrates it with a case study of a real mediation session under the chapter titled “Walking Through a Mediation”.

After giving the overview to the whole process of Mediation, the author explores some strategies and tips for mediators and provides advice for the Mediators, and addresses the ethical principles and confidentiality issues that mediators must adhere to, and the dilemmas that may arise in relation to them. Author also has given suggestions for the parties to understand the process of mediation, how they can select a better mediator for their dispute, what they can expect from a Good Mediator, the author also has given some guidance for mediators, what are the things they should focus on, what they need to know, how to prepare for a mediation session and how to appear for a mediation. To illustrate the applicability, advisability and suitability of mediation in different contexts, the author has presented various scenarios and situations. The author has also given examples of how mediation can be used to resolve matrimonial and commercial disputes, showing the benefits and challenges of this alternative dispute resolution method.

The author has presented a comparative study of the mediation laws in India and their applicability in various legal contexts, such as the Insolvency and Bankruptcy Code, 2016. The author has also explored the case laws related to mediation, both from India and other jurisdictions. There are 3 annexures at the end of the book which prove to be really helpful and useful for the readers, where Annexure 1 and 2 consists of Indian and International Statutes respectively, and Annexure 3 consists of various sample agreements and clauses.

Sriram Panchu, the author of this book, is a renowned Senior Advocate and Mediator with a wealth of experience and expertise. He has been entrusted by the Supreme Court of India with several high-profile disputes, such as the Ayodhya Babri Masjid Ram Janambhoomi dispute, where he is a member of the three-person Mediation Committee along with Mr Justice Ibrahim Kalifulla and Sri Sri Ravi Shankar. In this book, he draws on his firsthand knowledge of mediating the dispute and aims to provide a lucid and insightful analysis of the issues. The book is written in a clear and engaging style that appeals to the readers. The authors have updated the book with the recent rulings on the topic and have also provided their insights based on their extensive experience, knowledge and expertise in the field which would benefit the students, practitioners, and researchers who are interested in the field of mediation.

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