

Q. The mediation Bill 2021 is more on form than on spirit.
Comment.

Recently the Mediation Bill 2021 was passed by the Parliament. Mediation refers to Dispute Settlement between two or more parties via 3rd party i.e. mediator. Mediator often involves in no side taking, and simply facilitates the talks and encourages to arrive to a Conclusion.

The recently passed bill, is reflecting both the good form and lacking spirit.

Good forms of the mediation Bill 2021 :-

① The Centre has made the pre-litigation mediation as voluntary. i.e. most vital part of the bill.

② Mediation Duration is 3 months. Shorter and speedy solutions.

③ Settlement agreements and ^{its} alignment with International Standards, Can be considered as good form.

④ Dedicated, exclusive legislative setup for mediation is one elite aspect of Governance as of today.

Lacking spirit of The Mediation Bill 2021.

- Challenging/appealing the Settlement agreements ~~as~~ has small window. i) only 3 years
- The right to move to court is also not a viable step for parties during or after the mediation.
- IT infrastructure gap will pose a serious hurdles in implementing the Mediation via online in remote areas.
- Only the Commercial disputes of Govt Can be addressed via mediation, while others ~~being excluded~~, other aspects of Govt the public will find this bill as authoritative.

The way forward :-

- ▷ Since the fraud and Clumsiness revelation revelation often takes longer period to be exposable, the 3 year window period for challenging settlement agreements Can be extended.
 - ▷ Courts Can be excluded from the Mediation disputes
 - ▷ Legal clinics with viable IT infrastructure.
- All the more the bill is one stepping stone