

Kluwer Mediation Blog

Lex Infinitum – Talking Mediation in India

Greg Bond (Bond & Bond Mediation / University of Wildau) · Tuesday, January 24th, 2017

From 11th to 14th January 2017, the second edition of *Lex Infinitum* was held at *V.M. Salgaocar College of Law*, University of Goa, Panjim, India. *Lex Infinitum* – law to the max – stands for an exploration of ADR in India, and particularly the promotion of mediation. The event in Goa is a mediation competition, with twenty-four teams of between three and five student mediators and negotiators each from around India and the world and more than thirty experts assessing and coaching them. In addition, there were some seventy student volunteers, and there were lectures and workshops for an even larger number of young delegates, exposing them to the idea and practice of mediation.

Many readers of this blog will know the thrill that the mediation community generates at its various moots around the world, including larger events like the ICC International Commercial Mediation Competition in Paris and the younger CDRC competition in Vienna. The atmosphere in Goa was very special, and the four days were packed with learning of the best kind – based on practice, conversation, and experience. One remarkable thing about *Lex Infinitum* is that it is a student initiative, and largely organized by teams of students dedicated to the event and to mediation. *V.M. Salgaocar College* can be envied for this, thanked for supporting it, and congratulated on making itself a learning hub for commercial mediation.

I spoke to so many people during the event and present their some of voices in this blog.

Dr. B.S. Patil is director of *Lex Infinitum* and associate professor at *V.M. Salgaocar College*. He described the event as student-centred and student-implemented. International exposure for Indian students is a key factor.

Gracious Timothy, a graduate of *V.M. Salgaocar College*, is on the Advisory Board of *Lex Infinitum* and is a founder of PACT, Peacekeeping and Conflict Resolution Trust, which aims to promote mediation in India to potential users in society. For him it is all about exploring opportunities for mediation practice and changing mindsets.

Shashank Garg is an attorney and trained mediator, working from New Delhi. I asked him about mediation in India and why he attended *Lex Infinitum* as an expert assessor. Here is what he said: “Most mediation is for small claims, there is nearly no mediation in larger commercial cases. There is a lack of trained mediators, and courts are not referring much. Mediation is in its nascent stage. Parties or potential users are not informed or are sceptical as to whether mediation can deliver justice. A majority of disputes before the courts in this country involve government agencies or bodies, and they often require a binding judgement, and are not willing to make their own

decisions in mediation. There are only few initiatives in the country where people interested in and working in mediation can come together. Lex Infinitum is helping people learn about mediation, in particular exposing students of law. I am sure that mediation will catch up with the help of events like this.”

Shreya Bansal was runner-up in the competition for mediators. She is a fourth-year BA LLB (Bachelor of Arts and Bachelor of Laws) student at Vivekananda Institute of Professional Studies Delhi. She said: “This is a great opportunity. Mediation is an upcoming field in India and a good way to resolve disputes. My aim for my career is to be a judge, and I want to refer cases to mediation and use mediation skills in court. I have learned here that mediation is flexible, and that mediators have different approaches. Here I can meet people from all over India and the world and see what they have done and are doing for mediation.”

Kateřina Zabloudilov was a student participant, from Masaryk University, Brno, Czech Republic. Asked what was the most special aspect of Lex Infinitum, she answered: “We finally found out what mediation is all about. We knew theory before, but now we know about practice. Mediation is about finding compromise and settlement and satisfactory results.”

Shannon C. de Almeida was a member of the Lex Infinitum organizing committee and is a fourth-year BA LLB student at V.M. Salgaocar College. In an event “very dear to my heart” she gets to learn more about mediation and to meet many fascinating experts and students from all over the world, hearing about the “quirks” of their different countries.

Catherine Davidson is a full-time mediator and trainer working in Sydney, Australia. She came to Lex Infinitum as an expert assessor. For her Lex Infinitum was about “mutual appreciation” between participants, organisers and professionals. This event “builds understanding, expertise, and the skills of mediation.”

Professor Dr. M.R.K. Prasad, principal of V.M. Salgaocar College, described ADR as “adequate dispute resolution,” and said: “India is receptive to ADR, it is in our genes.” He explained the concept of *dharma*, which includes a sense of duty towards yourself and others within a broad view of the “right way of living.” Disputes need not be resolved on the basis of rights, but with a sense of mutual obligation in mind.

Finally, I would like to say how fortunate and grateful I feel to have been part of Lex Infinitum, an exhilarating and quality event in the world of mediation. For me meetings like these are not only about commercial mediation or dispute resolution, but about cultural understanding. I echo the thoughts of the contemporary philosopher of ethics Kwame Anthony Appiah. In his 2006 book *Cosmopolitanism: Ethics in a World of Strangers*, he explores the value of conversation in our world of international exchange. When we talk to each other, we focus on what we share. Thanks to Lex Infinitum for facilitating conversation.

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