

MEDIATION NEWSLETTER

DELHI MEDIATION CENTRE

Volume 4

APRIL, 2010

ISSUE IV



Hon'ble Mr. Justice Dipak Misra, Chief Justice, Patna High Court and Hon'ble Mr. Justice Navin Sinha, Judge, Patna High Court visited the Training Programme on 15th April, 2010 conducted at Patna.
(L to R) Dr. Renu Aggarwal, Hon'ble Mr. Justice Dipak Misra, Hon'ble Mr. Justice Navin Sinha, Ms. Nagina Jain.



Resource Persons and Participants (Advocates) of Training Programme on 'Techniques of Mediation' conducted at District Courts, Agra.

(Seen) Sh. K. K. Makhija, Advocate/Trainer, Sh. N.K.Jain, District & Sessions Judge, Agra, Dr. Sudhir Kumar Jain, Additional Sessions Judge/ Master Trainer, Mr. U.P.Singh, ACJM/Secretary, District Legal Services Authority, Agra/Judge In charge, Mediation Centre, Agra and Office Bearers, District Courts Bar Association, Agra.

MEDIATION CENTRE, TIS HAZARI COURTS

3rd Floor, Tis Hazari
Courts Delhi

Tel: - 23961909 Ext.325

Judge In charge

Tel: - 23975030 Ext. 1326
Fax: - 23961909

MEDIATION CENTRE, ROHINI COURTS

4th Floor, Rohini Courts
Delhi

Tel: - 27555536

Judge In charge

Tel:- 27554459
Fax: - 27555536

MEDIATION CENTRE, KARKARDOOMA COURTS

Ground Floor, B-Block,
Karkardooma Courts, Delhi

Tel:- 22301970

Judge In charge

Tel:- 22301970
Fax: - 22309086

MEDIATION CENTRE, DWARKA COURTS

3rd Floor, Administrative Block,
Dwarka Courts, Delhi

Tel: - 28042823

Judge In charge

Fax:-28042823

E-mail:- delhimediationcentre@nic.in

Website: - www.delhimediationcentre.gov.in

TRAINING PROGRAMME AT PATNA

A 40 hrs' Training Programme on "**Techniques of Mediation**" was conducted at Patna w. e. f. 12th - 16th April, 2010 at Bihar Judicial Academy under the aegis of Mediation and Conciliation Project Committee, Supreme Court of India. The participants were 12 Judicial Officers posted at Munger, Nalanda, Vaishali and Baksar Districts and 04 Advocates. Ms. Nagina Jain and Dr. Renu Aggarwal, Advocates/Trainers from Delhi Mediation Centre were resource persons.

An awareness programme on "**Mediation**" for about 100 advocates and social workers was conducted on 12th April, 2010 which was inaugurated by Secretary, Bihar Legal Services Authority. The participants were apprised about the 'Concept of Mediation and its Benefits', 'Role of Lawyers in Mediation', 'Different Types of ADR' etc.

In Training Programme, the participants were introduced to 'ADR and its Relevance', 'Mediation and its Definition, components and Benefits', 'Conflict and its Management', 'Communication-Non Verbal and Verbal', 'Negotiation', and 'Techniques to Break Impasse during Mediation'. Role plays and mock exercises were also conducted for the benefit of the participants. Resource persons also discussed connected subjects such as 'Code of Ethics', 'Mediation Management', and 'Mediation Rules'. The participants exhibited enthusiasm and acknowledged change in their perception about the utility of mediation in resolution of disputes. The participants also witnessed actual mediation in pending cases out of which five matrimonial disputes were settled.

A Training Programme for 60 Referral Judges posted at District Courts, Patna to apprise them about their role in effective implementation of mediation was also conducted on 14th April, 2010 which was inaugurated by Hon'ble Mr. Justice S. Nayar Hussain, Judge, Patna High Court. His Lordship apprised the participants about the importance of Referral Judges in mediation and how a case can be referred for mediation. Documentary Film prepared by Delhi Mediation Centre was also screened.



Resource Persons and participants of Training Programme on '**Techniques of Mediation**' conducted at Patna w.e. f. 12th - 16th April, 2010. (Seen), Ms. Nagina Jain and Dr. Renu Aggarwal, Advocates/Trainers.

Hon'ble Mr. Justice Dipak Misra, Chief Justice, Patna High Court and Hon'ble Mr. Justice Navin Sinha, Judge, Patna High Court also graced the training programme on 15th April, 2010. Their Lordships apprised the participants about the benefits of mediation; how

mediation reduces the pendency and in its utility in resolution of the entire dispute.

The Valedictory Function on 16th April was chaired by Hon'ble Ms. Justice Mridula Misra, Judge, Patna High Court who guided the participants about the concept of mediation and advised the Judicial Officers to forget their judicial personality while conducting mediation.

The Training Programmes were widely published in the local newspapers.

TRAINING PROGRAMME AT AGRA

A 40 hrs Training Programme on "**Techniques of Mediation**" was proposed to be conducted at District Courts, Agra (UP) in three phases under the aegis of Mediation and Conciliation Project Committee, Supreme Court of India. The First Phase was conducted on 17th & 18th April, 2010 and Second Phase was conducted on 24th & 25th April, 2010. The participants were 15 Advocates practicing at District Courts, Agra. Dr. Sudhir Kumar Jain, Additional Sessions Judge/Master Trainer and Sh. K. K. Makhija, Advocate/Trainer from Delhi Mediation Centre were resource persons.

An Awareness Programme on "**Mediation**" for Advocates practicing at District Courts, Agra was conducted on 17th April, 2010 to generate awareness among advocates about mediation and its benefits in resolution of disputes. It was attended by more than 100 Advocates besides office bearers of District Courts Bar Association, Agra. It was inaugurated by Sh. N.K. Jain, District & Sessions Judge, Agra who highlighted the benefits of mediation and role of lawyers in effective implementation of mediation. The resource persons introduced the participants 'Concept of Mediation and its Components'; 'Difference between Mediation and Lok Adalat, Arbitration, Panchayat'; 'Role of Mediators'; 'Role of Lawyers in Mediation'. The participants were apprised about achievements of Delhi Mediation Centers in mediation and settlement of more than 19,500 cases through mediation. Ms. Bharti Chaturvadi, Advocate/ Secretary, District Courts Bar Association, Agra talked about the potential of settlement through mediation in pending cases in District Courts, Agra. Documentary Film prepared by Delhi Mediation Centre was also screened.

A Training Programme for 20 Referral Judges was also conducted on 18th April, 2010. The participants were apprised about their Role and Responsibilities u/s 89 CPC, Definition of Mediation and its Benefits, Relevant Factors to be considered at time of Referral of a Case, Referral Order and its Components. Sh. N.K. Jain, District & Sessions Judge, Agra also graced the programme.



Resource Persons and participants of Training Programme conducted for Referral Judges at Agra on 18th April, 2010.

(Seen) Sh. K. K. Makhija, Advocate/Trainer, Sh. N.K Jain, District & Sessions Judge, Agra, Dr. Sudhir Kumar Jain, Additional Sessions Judge/ Master Trainer.

In Training Programme, the participants were introduced to 'ADR Mechanism', 'Conflict and its Resolution', 'Definition of Mediation and its Stages, Components'. The participants were also apprised about 'Techniques of Negotiation and Bargainings', and 'Communication'. Role plays and mock exercises were also conducted to give practical inputs of mediation to the participants.

The participants at the end of the two phases of Training Programme have expressed satisfaction about quality of training and emphasized the need of referral of sufficient cases for mediation. The participants were of view that mediation is a workable mechanism for imparting responsive, speedy and affordable justice to the litigants. The participants suggested for conduction of refresher courses for them and training to all judicial officers about appropriate referral of pending cases for mediation at regular interval.

DELHI MEDIATION CENTRE, ROHINI COURTS

A Refresher Course for Referral Judges posted at Rohini Courts was conducted on 16th April, 2010 on "**Referral of Cases for Mediation and Court Management**". Shri Chander Shekhar, Coordinator and Dr. Sudhir Kumar Jain, Additional Sessions Judge/Master Trainer were resource persons. The participants deliberated about factors to be considered for selection of appropriate cases for mediation and how to encouraged litigants and advocates to adopt mediation for settlement in pending cases.

DELHI MEDIATION CENTRE, DWARKA COURTS

a) A Refresher Course on '**Communication Barriers**' was conducted on 17th April, 2010 for Mediators with the objective to improve their communication skills. Ms. Deepa Sharma, Principal Judge, Family Courts/Master Trainer was resource person. Mediators during the interactive session have pointed out and discussed problems related to communication being faced by them during conduction of Mediation. The core of the discussion was how to overcome communication barriers causing failure of mediation. The participants became more conscious about communication skills to be used during mediation.

b) A Refresher Course on "**Negotiation and Ethics**" was conducted on 24th April, 2010 for newly trained Mediators. Ms. Deepa Sharma, Principal Judge, Family Courts/Master Trainer was resource person. The objective of programme was to understand negotiation techniques used by the parties during mediation. Resource person also guided the participants about different negotiation barriers being faced during mediation. The Principles of Ethics to be observed by mediators were also discussed besides Mediation and Conciliation Rules.

DELHI MEDIATION CENTRE, TIS HAZARI COURTS

a) A Training Programme for Referral Judges on "**Referral of Cases for Mediation**" was conducted on 9th April, 2010. Shri Brijesh Sethi, Judge In-charge and Dr. Sudhir Kumar Jain, Additional Sessions Judge/ Master Trainer were resource persons. It was attended by 28 Judicial Officers.

Resource persons impressed upon the participants about necessity of referral of appropriate cases for mediation in court annexed mediation and success of mediation depends on the selection of suitable cases for mediation. The participants were apprised about the relevance of objective assessment of a case to be made at time of referral. The importance of brief communication with the parties at the time of referral, how to motivate advocates and litigants for resorting to mediation, mediation is not a tool for delay of trial were also emphasized.

b) An Awareness Programme on "**Mediation as a Tool of Responsive and Timely Justice**" for 25 Advocates was conducted on 23rd April, 2010. Shri Brijesh Sethi, Judge In-charge and Sh. Harish Dudani, Additional District Judge/ Master Trainer were resource persons. The participants were introduced to 'Concept of Mediation', 'Benefits of Mediation' and 'Role of Lawyers'. The participants were apprised about effectiveness of mediation in resolution of disputes, difference between mediation and others types of ADR. There emerged consensus about the necessity of constructive, creative, and productive role of advocates in developing mediation as a tool of responsive and quality justice.

DELHI MEDIATION CENTRE, KARKARDOOMA COURTS

a) An Advance Course for Judicial and Advocate Mediators on '**Techniques of Mediation**' was conducted on 5th April, 2010. Shri Vinod Goel, Judge In charge, Sh. A.S. Jaychandra, Presiding Officer, Labour Court/Mediator, and Sh Ajay Mehta, Advocate/Trainer were resource persons.

b) An Awareness Programme on "**Mediation as a Tool of Responsive and Timely Justice**" for Advocates was conducted on 23rd April, 2010. It was attended by 37 advocates. Shri Vinod Goel, Judge In-charge and Sh. Manmohan Sharma, Additional District Judge/ Mediator were resource person. The participants were introduced to 'Concept of Mediation', 'Benefits of Mediation' and 'Role of Lawyers'. The queries rose by the participants about mediation and its utility in resolution of disputes were suitably explained by resource persons.

c) A Refresher Course for Judicial and Advocate Mediators on "**Concept of Mediation**" was conducted on 30th April, 2010. It was attended by 14 mediators. Shri Vinod Goel, In charge, and Dr. Renu Aggarwal, Advocate/Trainer were resource persons.

VISITORS

a) Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Hon'ble Mr. Justice Madan B. Lokur, Acting Chief Justice, High Court of Delhi visited Delhi Mediation Centre, Tis Hazari Courts on 28th April 2010. Hon'ble Mr. Justice Altamas Kabir appreciated functioning of Mediation Centre. His Lordship viewed that Mediation is one of the ADR mechanism which needs to be executed in order to meet the docket explosion of the regular courts.

b) Hon'ble Mr. Justice Sonam Phintso Wangdi, Judge, Sikkim High Court along with Ms. K.C.Barfungpa, Registrar/Secretary, State Legal Services Authority visited Delhi Mediation Centre, Karkardooma Courts on 27th April 2010.

c) Ms. Uma Ramanathan, Advocate/Mediator, Tamil Nadu Mediation Centre visited Delhi Mediation Centre, Karkardooma Courts on 15th April, 2010.



Hon'ble Mr. Justice Sonam Phintso Wangdi, Judge, Sikkim High Court along with Ms. K.C.Barfungpa, Registrar/Secretary, State Legal Services Authority visited Delhi Mediation Centre, Karkardooma Courts on 27th April 2010.

(Seen) Hon'ble Mr. Justice Sonam Phintso Wangdi, Ms. K.C.Barfungpa, Shri Vinod Goel, Judge In-charge.

CONSULTATIVE MEETING

The Supreme Court of India is preparing a Common Mediation Training Manual which is proposed to be used throughout India as an authoritative guide to the trainers, mediators and referral judges. Two Consultative Meetings chaired by Hon'ble Mr. Justice Cyriac Joseph, Judge Supreme Court of India/Member, Mediation and Conciliation Project Committee, Supreme Court of India have already held on 28th November, 2009 and 27th March, 2010 in the Supreme Court of India. The Experts/Trainers from different Mediation Centers have deliberated various subjects to prepare Training Manual.

Another Consultative Meeting chaired by Hon'ble Mr. Justice Cyriac Joseph, Judge Supreme Court of India/Member, Mediation and Conciliation Project Committee was held on 14th April, 2010 to finalise draft topics prepared by the Experts for Training Manual. Hon'ble Mr. Justice Madan B. Lokur, Acting Chief Justice, High Court of Delhi/Member, Mediation and Conciliation Project Committee and Hon'ble Ms. Justice Chitra Venkataraman, Judge, High Court of Madras were also present. The Experts under the guidance of Hon'ble Judges discussed and deliberated Draft Topics 'Evolution of Mediation in India and its Legislative History', 'Concept of Mediation', 'Types of Mediation', 'Differences between Mediation and Litigation', and 'Advantages of Mediation'.

Delhi Mediation Centers till 30-04-2010 have settled 20,648 cases including 5215 connected cases amicably reflecting efficacy of Mediation in resolution of disputes. The General Statistical Reports for the month of April, 2010 are as under:-

Delhi Mediation Centre, Tis Hazari Courts (01-04-2010 to 30-04-2010)	Delhi Mediation Centre, Rohini Courts (01-04-2010 to 30-04-2010)	Delhi Mediation Centre, Karkardooma Courts (01-04-2010 to 30-04-2010)	Delhi Mediation Centre, Dwarka Courts (01-04-2010 to 30-04-2010)
Case Referred - 427	Case Referred - 89	Case Referred - 314	Case Referred - 114
Case Disposed of - 370	Case Disposed of - 122	Case Disposed of - 280	Case Disposed of - 64
Cases Settled - 278	Cases Settled - 93	Cases Settled - 214	Case Settled - 54
(Settled Cases include 7 cases U/s 125 Cr. P.C., 58 cases U/s 138 N.I. Act, 32 suits of Mandatory/Permanent injunction, 09 suits of Possession and Damages, 23 Matrimonial disputes, 82 Recovery suits and 4 Rent disputes, 9 MACT cases besides other cases).	(Settled Cases include 06 cases U/s 125 Cr. P.C., 26 cases, U/s 138 N.I. Act, 05 suit of Mandatory/Permanent Injunction, 17 Matrimonial disputes, 23 Recovery suits, 2 MACT cases and 2 Rent disputes besides other cases).	(Settled Cases include 9 cases U/s 125 Cr. P.C., 41 Cases, U/s 138 N.I. Act, 23 Suits of Mandatory/Permanent Injunction, 59 Labour disputes, 34 Matrimonial disputes, 13 Recovery Suits, 20 MACT cases and 1 Rent Dispute besides other cases).	
Connected Cases - 87	Connected Cases - 29	Connected Cases - 102	Connected Cases - 47
Total Cases - 365	Total Cases - 112	Total Cases - 316	Total Cases - 101

Notes: i) Referred Cases do not include previous pendency.
ii) Disposed cases include disposal of pending cases.