

MEDIATION NEWSLETTER

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20.12.2008- On the occasion of inauguration of the Training of Judicial Officers and Lawyers in 'Techniques of Mediation' at Kochi, Kerala-Seen addressing the august gathering is Hon'ble Mr. Justice Kurien Joseph, Judge, High Court of Kerala. Seen seated on the dais, L-R are Hon'ble Mr. Justice S.B.Sinha, Judge Supreme Court of India and Chairman of the Mediation and Conciliation Project Committee, Hon'ble Mr. Justice K.G. Balakrishnan, the Hon'ble the Chief Justice of India, Hon'ble Mr. Justice J.B.Koshy, the Hon'ble the Acting Chief Justice of Kerala, Hon'ble Mr. Justice Madan B.Lokur, Judge High Court of Delhi and Member of the Mediation and Conciliation Project Committee and Hon'ble Mr. Justice P.R.Raman, Judge, High Court of Kerala.

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The Delhi Mediation Centre is presently in a stage of euphoria. Through its inhouse training programme, the Delhi Mediation Centre is in the process of adding 12 more trainers to its pool of existing 13 Master Trainers. The first ever inhouse **Training of Trainers** programme on mediation was conducted on 14.12.2008 and 21.12.2008. The course is to conclude on 5.1.2009. The Resource Persons were Ms. Anu Malhotra and Dr.Sudhir Kumar Jain, both AD& SJs and Master Trainers trained by the ISDLS and CEDR. Mediators are being trained in the nuances of creating and designing effective training sessions to train mediators comprising of Judicial Officers and Advocates across the country and to enhance awareness amongst all stakeholders of the justice delivery system including lawyers, Referral Judges and the litigating masses. This will give impetus to increased Awareness Programmes and Mediation Training Programmes on the Techniques of Mediation across the entire length and breadth of the country.

December 2008, reflects the increasing national resolve of the judiciary to ameliorate the trauma faced by the litigating public by taking the benefits of mediation to the door step of litigants. To assist in the same, the Delhi Mediation Centre contributed its little mite of its expertise of its inhouse Master Trainers under the directions of the Hon'ble Mediation and Conciliation Project Committee of the Hon'ble Supreme Court of India in the following Training Programmes.

Cuttack: The Training Programme on the Techniques of Mediation was organised at Cuttack by the Orrisa State Legal Services Authority and the Orrisa State Judicial Academy, Cuttack. There were 22 participants in this Training Programme comprising of lawyers and retired District Court Judges. The Resource Persons at this Training Programme were Sh.Sri Ram Panchu, a renowned Mediator, Sh.Bharat D.Chakrovarti, Ms.Uma and Ms.Sheila, Advocates and Trainers from Chennai from 9.12.2008 to 12.12.2008. Mr.M.L.Mehta, District Judge-II, Tis Hazari Courts, Delhi and Master Trainer of the Delhi Mediation Centre was the Resource Person from 13.12.2008 to 14.12.2008. As reported by Mr. M.L.Mehta Distict Judge-II, Tis Hazari Courts, Delhi, the participants were visibly enthusiastic in learning the nuances of mediation irrespective of their middle and advanced ages and expressed keen interest in the process of mediation and satisfaction for the achievements of the objectives of the training. The valedictory session of this training programme was chaired by Hon'ble Mr.Justice I.M.Quddusi, Hon'ble Mr.Justice P.K.Tripathi, Hon'ble Mr. Justice A.S.Naidu, Hon'ble Mr. Justice B.P.Das, all Hon'ble Judges of the High Court of Orrisa also graced the occasion.

Chandigarh: 37 Advocates and 2 Judicial Officers were trained in the Techniques of Mediation through the 2nd Phase of Mediation Training conducted on 13.12.2008 and 14.12.2008 at the Chandigarh Judicial Academy under the aegis of the Hon'ble Punjab and Haryana High Court.

The Resource Persons here were Ms. Neena Krishna Bansal, Sh.V.K.Gupta, Mr.Alok Aggarwal, all AD & SJs, Delhi and Master Trainers of the Delhi Mediation Centre. **The 2nd Phase**

of the Mediation Training included within the same, aspects covering negotiations in the context of norms of human behaviour, strategies of negotiations and barriers thereto, techniques to break impasses and the use of apology and mediation ethics.As reported by the Resource Persons, in addition to explaining the concepts of mediation, six role plays were also conducted by the participants to enable them to acquire experience to do actual mediation. The participants were found to be receptive to the concept of mediation and were motivated and enthusiastic to take up actual mediation, sparing one day a week for mediation exclusively. Furthermore 94 Judicial Officers under training and other 19 Judicial Officers posted at Chandigarh were also explained the benefits and techniques of appropriate referrals of appropriate cases to mediation.

Ahmedabad: 15 Judicial Officers of Gujarat were nominated by the Hon'ble High Court of Gujarat to undergo a 40 hours Mediation Training Programme conducted at the Conference Hall of the Gujarat State Legal Services Authority, Old High Court Building, Ahmedabad, Gujarat which was conducted in two phases from 5th to 7th December, 2008 and then from 12th to 14th December, 2008. The said Training Programme was inaugurated by Hon'ble Mr. Justice Mohit Shah, Judge High Court of Gujarat and the occasion was also graced by Hon'ble Mr. Justice C.K.Buch, Judge High Court of Gujarat, who also guided the participants in some sessions. The Resource Persons of this Training Programme were Ms. Shalinder Kaur and Mr. Harish Dudani, both AD & SJs, Delhi and Master Trainers. As reported, "Special emphasis was given to the topics relating to types of disputes which can be referred for mediation, disputes where mediation is appropriate, disputes where mediation is not appropriate, role & responsibility of Referral Judges as all the participants would also be functioning as Referral Judges in discharge of their judicial functions and also because of the reason that the participants were Sr. Judicial Officers and in their interaction with other Judicial Officers, they would be able to enlighten other Judicial Officers posted in their district qua the benefits of mediation and persuade them to refer cases for mediation. For interaction with the participants it appeared that topics relating to the role of mediation in matrimonial disputes and the role of mediation in cases referred at the appellate stage, need to be given more emphasis to."

Guwahati: A 40 hours Training Programme on the 'Techniques of Mediation' with the target group being of six Judicial Officers posted at the District Court at Guwahati and six Advocates practising at the District Courts of Guwahati and at the High Court of Guwahati was conducted at Guwahati, Assam where the Resource Persons were Dr. Sudhir Kumar Jain and Ms. Neena Krishna Bansal, both AD & SJs, Delhi and Master Trainers at the Delhi Mediation Centre. The said Training Programme was conducted in two phases from 28.11.2008 to 30.11.2008 and

5.12.2008 to 7.12.2008. Dr. Sudhir Kumar Jain, AD & SJ, Delhi and Master Trainer at the Delhi Mediation Centre suggested a future course of action for effective implementation of mediation in the State of Assam comprising of short and long term plans including therein:-

- That there should be Mediation Centres established in each district apart from the Mediation Centre at the Hon'ble High Court of Guwahati and two Mediation Centres at the District Court, Guwahati which were inaugurated on 28.11.2008;
- That a full time co-ordinator who should be a Judicial Officer be appointed at each Mediation Centre to regulate and coordinate the inflow of cases and other administrative work;
- That appropriate cases for mediation be immediately referred to the Mediation Centres so that the trained Mediators may conduct mediation without delay;
- That training programmes be organised for Referral Judges for referral of cases suitable for mediation, the Mediation and Conciliation Rules be enacted and published; that periodical refresher courses, advance courses and orientation courses for the mediators to refine their skills, attitude and knowledge about the Techniques of Mediation and proper conducting of mediation be held; that some Judicial Officers who have received training on the Techniques of Mediation be included in a Training of Trainers Mediation Programme so that they can thereafter impart training to Judicial Officers and Advocates; Redressal Committee at the High Court level or District Court level be constituted to hear or redress grievances against alleged misconduct committed by the Mediator.

also felt that the present training had greater content and depth as compared to other courses they had undergone.

Proposed follow up has also been suggested "Kerala has already established District Mediation Centres. However, certain decisions have to be taken administratively by the Hon'ble High Court in respect of the following:

- Who would be the mediators at these Centres; Judges, Lawyers or both;
- If Lawyers are the mediators, who would be the coordinator.
- If Judges are the mediators, then what would be the position where there is only one Munsif and one Magistrate or only one Munsif-cum-Magistrate, as a mediator cannot be trying the cases in which he has mediated;
- Assured number of cases to be referred to the Mediation Centre;
- The staff and the other requisite paraphernalia for the Mediation Centres;
- A need to regulate private practice Mediators will arise with more and more lawyers being trained as mediators and a mechanism in their regard will have to be evolved.

It would be necessary for some assistance being given for setting up and running of the Mediation Centres in Kerala for which purposes inputs either from Bangalore, Chennai or Delhi may be required.

Chennai: The Training Programme on the 'Techniques of Mediation' was conducted at Chennai from 26.12.2008 to 28.12.2008. There was also a one day Awareness Programme held on 26.12.2008 which was inaugurated by Hon'ble Mr. Justice S.B.Sinha, Judge, Supreme Court of India and Chairman of the Mediation and Conciliation Project Committee. Hon'ble Mr. Justice R.V.Raveendran, Judge, Supreme Court of India, and Member of the MCPC, Hon'ble Mr. Justice Ibrahim Khalifullah, Hon'ble Ms. Justice Chitra Venkatraman and other Hon'ble Judges of the High Court of Tamil Nadu also graced the occasion. The Resource Persons of these programmes were Sh. M.L. Mehta, District Judge-II, Tis Hazari Courts and Master Trainer of the Delhi Mediation Centre and Ms. Asha Menon, AD & SJ, Delhi and Member Secretary of the Delhi Legal Services Authority, and Sh. B.C. Thiruvangadam, Advocate and Sh.Sivakumar, Senior Advocate and Mediators of the Bangalore Mediation Centre. The Awareness Programme was attended by about 150 Judicial Officers from the various districts of Tamil Nadu and 20 Lawyers from 8 districts of Tamil Nadu participated in the Training Programme on the Techniques of Mediation. Some of the participating Lawyers had also undergone Mediation Training. Presently only three days of this Training Programme has been conducted, but as reported by Ms.Asha Menon, AD&SJ, Delhi and Member Secretary, Delhi Legal Services Authority, the participants were uniformly satisfied about the standards of the Training Programme and felt that more time could be given to the Resource Persons to convey the details of the subjects without

Kochi: The training in the 'Techniques of Mediation' held at Kochi, Kerala was inaugurated by the Hon'ble the Chief Justice of India, Hon'ble Mr. Justice K.G.Balakrishnan on 20.12.2008 which occasion was also graced by Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and Chairman of the Mediation and Conciliation Project Committee and Hon'ble Mr. Justice Madan B. Lokur, Judge High Court of Delhi and Member of the Mediation and Conciliation Project Committee and the Hon'ble Acting Chief Justice of the Kerala High Court, Justice J.B.Koshy and the Hon'ble Judges of High Court of Kerala. The target group comprised of 26 Judges, 28 Advocates and 14 Observers. Some of the Advocates and all the Observer participants had already undergone Mediation Training and some of them were accredited Mediators. The Resource Persons for this Training Programme were Ms. Asha Menon, AD & SJ, Delhi, and Member Secretary DLSA, and Master Trainer of the Delhi Mediation Centre, Ms. Geeta Ramaseshan, Advocate and Mediator of the Chennai Mediation Centre, Smt. Laila Ompally, and and Smt.Susheela Sarathi, both Advocates and Mediators of the Bangalore Mediation Centre. This Training Programme was conducted from 20.12.2008 to 23.12.2008. As reported by Ms. Asha Menon, AD&SJ, Delhi and Member Secretary DLSA and Master Trainer of the Delhi Mediation Centre, "The response was tremendous and very enthusiastic. The participants felt that they had gained a lot from the training programme. The observer participants as also the accredited mediators

