

MEDIATION NEWSLETTER

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25.02.2008 – On the occasion of the visit of Hon'ble Mr. Justice Mahesh Grover, Judge, High Court of Punjab and Haryana to the Mediation Centre at the Tis Hazari Courts seen are L to R - Hon'ble Mr. Justice Mahesh Grover, Judge, High Court of Punjab and Haryana, Mr. B. S. Mathur, ADJ, Tis Hazari Delhi, Mr. Digvinay Singh, Administrative Civil Judge, Tis Hazari Courts, Mr. H. C. Suri, Joint Registrar (Gen. Admn.), High Court of Delhi and Mr. Ashok, Care Taker.

(TIS HAZARI MEDIATION CENTRE)
3rd Floor, Tis Hazari, District Courts, Delhi.
Telephone No. 23961909 Extn. 479
Judge in Charge
Telephone No. : 23975030
Extn. 303
FAX No. 23961909

KARKARDOOMA MEDIATION CENTRE
Ground Floor, B Block,
Karkardooma, Delhi.
Telephone No. 22309085
Judge in Charge
Telephone & FAX No. 22309086

E-mail : delhimediationcentre@nic.in
Website : www.delhimediationcentre.gov.in

Mediation as a permanent unique mode of alternative dispute resolution as also envisaged by section 89 of the Code of Civil Procedure, 1908 is gradually changing the dynamics of the justice delivery system, - rendering inexpensive and faster justice to one and all in a manner that warring acrimonious litigations are resolved amicably and finally. The successes of the Delhi Mediation Centre with an average settlement now of about 400 cases per month with almost 100 cases being settled per week and the visit of the Hon'ble the Chief Justice of the High Court of Karnataka, Hon'ble Mr. Justice Cyriac Joseph on 24.11.2006 to the Delhi Mediation Centre along with Companion Judges Hon'ble Mr. Justice S. R. Bammurmath and Hon'ble Mr. Justice N. K. Patil sowed the seeds of the setting up of the Bangalore Mediation Centre.

The Bangalore Mediation Centre (B M C), an initiative of the High Court of Karnataka, was established on 20th January, 2007. When Bangalore Mediation Centre was planning to celebrate its First Anniversary, Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and Chairman, Mediation and Conciliation Project Committee constituted by the Hon'ble Chief Justice of India, suggested to organize a South India Regional Conference on Mediation with the participation of the Chief Justices and Judges in charge of A D R programmes in the High Courts of Andhra Pradesh, Karnataka, Madras and Kerala to discuss and evolve a scheme for the use of Mediation as an effective Alternative Dispute Resolution mechanism, to train mediators and to formulate uniform ethical guidelines for the mediators. Accepting the suggestion of Hon'ble Mr. Justice S.B. Sinha, a **South India Regional Conference on Mediation was organized by the Bangalore Mediation Centre on 19th and 20th January 2008 at Bangalore, as part of the First Anniversary Celebrations of Bangalore Mediation Centre.**

Apart from the Chief Justices, the Judges in charge of ADR programmes in the High Courts of Andhra Pradesh, Karnataka, Kerala and Madras and the Judicial Officers and advocates involved in Mediation programmes in the four States participated in the Conference. Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and Chairman, Mediation and Conciliation

Project Committee and Hon'ble Mr. Justice R.V. Raveendran, Judge, Supreme Court of India and Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi, who are Members of the Mediation and Conciliation Project Committee also participated in the Conference and guided the deliberations.

The Conference commenced at 11.00 am on 19.1.2008 with the welcome speech from Hon'ble Mr. Justice S.R. Bannurmath, Judge, High Court of Karnataka and President, Bangalore Mediation Centre, followed by the Orientation Talk by Hon'ble Mr. Justice S.B. Sinha. At 11.30 a.m. two documentary films (both in English and Kannada) produced by Bangalore Mediation Centre on Mediation were officially released by Hon'ble Mr. Justice R.V. Raveendran. It was followed by a Role Play on Mediation presented by the mediators of Bangalore Mediation Centre.

In **Session No. 2** which commenced at 12.30 p.m. the Chief Justices or their nominees shared the experiences of each High Court in the field of Mediation in their respective States. Hon'ble Mr. Justice R.V. Raveendran chaired the Session. Hon'ble Mr. Justice K.L. Manjunath, Judge, High Court of Karnataka explained how the High Court of Karnataka in association with the ISDLS, San Francisco successfully implemented a Mediation Project by establishing the B M C with all necessary infrastructure provided by the Government of Karnataka and imparting Special Training to 84 advocates as Mediators and all the Referral Judges at Bangalore and settling more than 1000 cases through mediation within one year. It was pointed out that the Coordinators and the Mediators at BMC are advocates and that they are rendering free service. Hon'ble Mr. Justice Anil Ramesh Dave, Chief Justice, High Court of Andhra Pradesh, Hon'ble Mr. Justice F.M. Ibrahim Kalifulla, Judge, High Court of Madras and Hon'ble Mr. Justice J.B. Koshy, Judge, High Court of Kerala shared their experiences in their respective States. It was stated that an active Mediation Centre has been in existence at Chennai and that the Kerala High Court has recently started a Mediation Centre at Kochi.

The **3rd Session** commenced at 2.30 p.m. and the topic for this Session was ' Training of Mediators '. Hon'ble Mr. Justice S.B. Sinha was the Chairperson

and Hon'ble Mr. Justice Madan B. Lokur was the Co-Chairperson. Hon'ble Mr. Justice S.B. Sinha laid emphasis on the importance of rigorous theoretical and practical training for the Mediators before they start functioning as mediators. Ms. Laila Ollappally, Coordinator -cum-mediator, Bangalore Mediation Centre, Mr. Sriram Panchu, Advocate & Mediator, Chennai and Mr. Sreelal N. Warriar, Advocate, Cochin spoke on the subject.

At 5.00 p.m., the First Anniversary Celebrations of Bangalore Mediation Centre and the South India Regional Conference on Mediation were formally inaugurated by Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India. Hon'ble Mr. Justice S.B. Sinha, Hon'ble Mr. Justice R.V. Raveendran, Dr. H.R. Bhardwaj, Hon'ble Union Minister for Law & Justice, Hon'ble Mr. Justice A.P. Shah, Chief Justice, High Court of Madras, Hon'ble Mr. Justice Anil Ramesh Dave, Chief Justice, High Court of Andhra Pradesh and Mr. Stephen Mayo, Executive Director of ISDLS, San Francisco, USA spoke on the occasion. Hon'ble Mr. Justice Cyriac Joseph, Chief Justice, High Court of Karnataka, presided over the function.

The Web-Site of B M C was launched by Hon'ble Mr. Justice K.G. Balakrishnan during the inaugural function. Readers may visit the website.

The 4th Session of the Conference commenced at 10.00 a.m. on 20th January 2008. The topic for discussion during this session was "Mediator Ethics and Training of Referral Judges". Hon'ble Mr. Justice A.P. Shah, Chief Justice, High Court of Madras was the Chairperson and Hon'ble Mr. Justice V. Gopala Gowda, Judge, High Court of Karnataka was the Co-Chairperson. Hon'ble Mr. Justice S.B. Sinha and Hon'ble Mr. Justice R. V. Raveendran explained the need for evolving a Code of Ethics for the Mediators. The draft guidelines formulated by the Mediation and Conciliation Project Committee under the heading "Canons of Ethics for Mediators" were circulated among the participants and the participants were requested to furnish their views on the same at the earliest so that the Committee can formulate a Uniform Code of Ethics for Mediators, which may be followed in all the States.

The 5th Session commenced at 11.45 a.m and the topic for discussion was "Evolving Short Term Plan 2008". Hon'ble Mr. Justice Anil Ramesh Dave was the Chairperson and Hon'ble Mr. Justice J.B. Koshy was the Co-Chairperson for the Session. During this Session discussions were held for evolving a Short Term Plan which could be implemented during the year 2008.

The Concluding Session was held at 1.00 p.m. Hon'ble Mr. Justice Cyriac Joseph presided over this Session. In his concluding remarks, Hon'ble Mr. Justice S.B. Sinha stated that similar Conferences would be held in other regions also to elicit their views and thereafter the Committee would formulate a Short Term Plan for implementing mediation as an A D R mechanism, for training of Mediators and Referral Judges and for formulating a Code of Ethics for Mediators. Hon'ble Ms. Justice Manjula Chellur, Judge, High Court of Karnataka proposed the vote of thanks.

The Conference, hosted by the B M C, provided a golden opportunity to the Hon'ble Chairman and Members of the Mediation and Conciliation Project Committee to acquaint themselves with the ground realities in the four Southern States and to elicit the views of the Judges and advocates involved in mediation projects in those States on issues and problems relating to the implementation of Section 89 C.P.C with particular reference to Mediation. It also served as an eye-opener to the participants regarding the activities being conducted in the respective States and the possibility of continued interaction and cooperation among the different States. All the participants from other States appreciated the good work done and the success achieved by B M C in the very first year of its existence.

It would be of interest to the readers to know that as on 31st January, 2008, the Bangalore Mediation Centre had received 3,264 cases for mediation. A total of 1,110 cases (including connected matters) have so far been settled with a success rate of 53%. The average time for a settlement works out to about 132 minutes.

