

MEDIATION NEWSLETTER

NEWSLETTER OF THE DELHI MEDIATION CENTRE

Volume 3

(February, 2009)

Number 2



18.2.2009 – On the occasion of the visit of Hon'ble Justice Augustiono S.L. Ramadhani, Hon'ble the Chief Justice of the High Court of Tanzania (Commercial Division) – Seen are Mr. O.P. Gupta and Mr.Chander Shekhar, both AD & SJs and Judges Incharge of the Tis Hazari and Rohini Mediation Centres, respectively with His Lordship.



13.2.2009 – On the occasion of the inauguration of the Mediation Training at the District Courts Nagpur:-Delivering the inaugural address is Hon'ble Mr. Justice D.D. Sinha, Judge of the Nagpur Bench of the High Court of Judicature at Bombay. Seen on the dais are L to R Mr.Deepak Kolhe, President of the District Bar Association, Nagpur, Mr. V.P. Patil, Principal District and Sessions Judge and Chairman of the District Legal Services Authority, Nagpur, Ms.Deepa Sharma and Ms.Anu Malhotra, both AD&SJs and Master Trainers of the Delhi Mediation Centre.



7.2.2009 – At the Constitution Club, Rafi Marg, New Delhi – Seen addressing the august audience at the National Conference on 'Looking for Alternatives to Alternatives Dispute Resolution' is Mr. A.K. Chawla, AD&SJ and Judge Incharge of the Karkardooma Mediation Centre. Seen on the dais are Hon'ble Mr.Justice J.R. Midha, Judge of the Hon'ble High Court of Delhi, Mr.Amarjeet Singh Chandiok, Sr.Advocate and Mr.Sanjay Gupta, Advocate.

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The Delhi Mediation Centre proudly announces the launching of its third limb- The Rohini Mediation Centre at the District Courts at Rohini. An era of amicable, lasting, final and expeditious resolution of disputes has dawned here. The soothing tenacity of amicable settlements without vengeance has been brought closer to the door steps of the litigants under the guidance of the Hon'ble Mediation and Conciliation Project Committee of the Hon'ble Supreme Court of India. The response from the Bar, the Referral Judges and litigants has been overwhelmingly co-operative - with a total of 111 cases having been referred in the first month itself, of which 81.25% matters i.e. 39 cases with 13 connected cases have been amicably settled. Secondly, the first two weeks from 2.2.2009 to 13.2.2009 reflected a 100% settlement rate with all 15 cases taken up, having been successfully mediated in an average time of less than an hour i.e. -just 55 minutes each per case. All kinds of cases including matrimonial, custody, guardianship, maintenance, MACT, recovery, and criminal compoundable have been amicably harmoniously resolved, - all within the contours of law. Impetus and momentum at the nascent Mediation Centre picked up from the first day itself when on 2.2.2009 and 3.2.2009, the importance and necessity of making appropriate referrals of disputes to the Mediation Centre was highlighted through a Training Programme where all the Judicial Officers posted at the Rohini District Courts participated. This Mediation Centre has a present strength of 20 trained mediators i.e. 13 Judicial Mediators, 6 Advocate Mediators and a full time Co-ordinator Sh.Chander Shekhar, AD&SJ, also a Trained Mediator. Under the visionary guidance of the Mediation and Conciliation Project Committee., the national judicial resolve to make dispensation of justice, qualitative, quantitative, expeditious and timely, - thus continues.

VISITORS: On 18.2.2009, the Delhi Mediation Centre at the Tis Hazari Courts had the proud privilege of the Hon'ble the Chief Justice of the High Court of Tanzania, Hon'ble Mr. Justice Augustiono S.L. Ramadhani (Commercial Division) and Hon'ble Mr. Justice R.V. Makaramba, ICT Chairman and his delegates' visit to the Centre. The Hon'ble the Chief Justice, Hon'ble Mr. Justice Augustiono S.L. Ramadhani observed in the Visitors Book - *"We have been very impressed with the Mediation Activity and we would like to learn from you".* Hon'ble Mr. Justice R.V. Makaramba, ICT Chairman, Tanzania also observed - *"We really appreciate your efforts at computerization and Alternative Dispute Resolution and we look forward for a lasting cooperation."*

The benefits of mediation and spreading of its awareness amongst all stake holders of the Justice Delivery System is on a forward march. The following awareness programmes speak eloquently of the same:-

NARNAUL (Haryana) 7.2.2009 - An "Awareness Programme on Mediation" for advocates practicing at the District Courts, Narnaul, Haryana under the aegis of the Mediation and Conciliation Project Committee was conducted at the Narnaul District Courts on 7.2.2009. Approximately 50 practicing advocates including the President, District Bar Association, Narnaul, Mr. B.S. Bhardwaj participated in the same. Hon'ble Mr. Justice H.S. Bedi, Judge of the Hon'ble Supreme Court of India and Hon'ble Mr. Justice T.S. Thakur, the Hon'ble the Chief Justice of the Punjab and Haryana High Court graced the occasion whilst inaugurating the same. *A Mediation and Conciliation*

Centre was also inaugurated by Their Lordships at the Narnaul District Courts. The Resource Persons here were Mr. Dinesh Kumar Sharma, AD & SJ and Secretary, Delhi High Court Legal Services Authority and Mr. Vinay Kumar Khanna, AD & SJ, both Trainers of the Delhi Mediation Centre. Through this interactive programme in which the advocates participated enthusiastically and were fully involved, 'the concept of mediation and Section 89 of the CPC, the role and Benefits of mediation, its importance in the administration of justice and speedy resolution of disputes' was explained. The participants, as reported by the Resource Persons, at the end of the Mediation Awareness Programme were keen to utilize the mechanism of mediation to resolve cases.

JABALPUR-19.2.2009 - Under the aegis of the Mediation and Conciliation Project Committee of the Hon'ble Supreme Court of India, a Mediation Training Programme is presently in progress at Jabalpur which commenced on 20.2.2009. As a precursor preparation to the same and to enthuse the participants and to spread the benefits of awareness of mediation, an Awareness Programme on Mediation was held on 19.2.2009 at the Conference Hall at Gulzar Hotel where 120 District and Sessions Judges of the State of Madhya Pradesh participated. The said Awareness Programme was inaugurated by Hon'ble Mr. Justice A.K. Patnaik, the Hon'ble the Chief Justice of the High Court of Madhya Pradesh. His Lordship took keen interest in bringing forth the benefits of mediation as an additional dispute resolution mechanism and subtly put forth the benefits of mediation through a documentary and power point presentation. Hon'ble Judges of the High Court of Madhya Pradesh guided the participants about the healing touch of mediation as being a powerful tool of social reform in the redressal of grievances through amicable and final resolution of disputes. The District Judge Mr.Sushit Kumar Palo also motivated the Judicial Officers present for the effective utilization of mediation. The Resource Persons here were Ms.Nisha Saxena, AD &SJ and presently Joint Registrar, High Court of Delhi and Master Trainer of the Delhi Mediation Centre and Ms. Nagina Jain Advocate Mediator and Trainer of the Delhi Mediation Centre. The Resource Persons deliberated on the 'Relevance and Benefits, and Utility of Mediation in the Process of dispute resolution. *The success of this Mediation Programme is reflected by the wide media coverage that it received with the entire programme being telecast on the local television channels and having being extensively reported in the press.*

Nagpur 21.2.2009:- Two Mediation Centres were inaugurated at Nagpur, one on the 6th Floor of the Nyay Mandir, the District Courts Nagpur, and the other at the Nagpur Bench of the Hon'ble High Court of Bombay at Nagpur. Hon'ble Mr. Justice S.B.Sinha, Judge of the Hon'ble Supreme Court of India and Chairperson of the Mediation and Conciliation Project Committee graciously inaugurated both the Centres. His Lordship and Hon'ble Mr. Justice Swatanter Kumar, the Hon'ble the Chief Justice of

the High Court of Bombay, Hon'ble Mr. Justice Bilal Nazki, Hon'ble Judge of the High Court of Bombay and Chairperson of the Mediation and Conciliation Committee of the High Court of Bombay, and Hon'ble Mr. Justice A.P. Lavande, Judge of the High Court of Bombay in the inaugural session of the Mediation Awareness Programme at the Auditorium Hall of the Nagpur Bench of the Hon'ble High Court of Bombay, *urged the Referral Judges present to awaken to the need to resort to mediation effectively so that 'docket exclusion' which has started affecting the legal system in the country is expeditiously and sensitively halted.* Hon'ble Mr. Justice S.B. Sinha also expressed that Mediation was a process of bringing about amicable and synergistic solutions to a conflict arrived at through a structured optimistic process leading to a 'win win' solution with satisfying results. His Lordship also observed that it was time for a mediation jurisprudence to be developed for the governance of mediation and its implementation for which there is no statutory enactment so far, which was required to be urgently addressed. Hon'ble Mr. Justice Swatanter Kumar, the Hon'ble the Chief Justice of the High Court of Bombay in his Lordship's Presidential address evoked the judicial consciousness of the Referral Judges of the Districts of Nagpur present to take the benefits of the magic of mediation to the Taluka level, in order to ensure that even a person on the road side could get the shelter of the justice delivery system through mediation. Hon'ble Mr. Justice Bilal Nazki cautioned the august audience present on the process of selection of Mediators to ensure fairness and impartiality in the process of Mediation. As the IInd Phase of the intensive 40 hours Training Programme was in progress at the District Courts Nagpur, on the directions of Hon'ble Mr. Justice Bilal Nazki, Hon'ble Judge of the High Court of Bombay and Chairperson of the Mediation and Conciliation Committee of the Hon'ble High Court of Bombay, Ms. Deepa Sharma and Ms. Anu Malhotra, both AD & SJs and Master Trainers of the Delhi Mediation Centre who were the Resource Persons of the said Training Programme alongwith the participant Trainees attended the interactive session with the Referral Judges. The Resource Persons under the guidance of Hon'ble Mr. Justice V.Daga, Hon'ble Judge of the Hon'ble High Court of Bombay conducted the hour long interactive session with the Referral Judges, who raised several contemplative queries. The participant Referral Judges and Hon'ble Mr. Justice Bilal Nazki at the end of the session expressed their happiness due to the enthusiasm generated and optimism evoked for the effective implementation of mediation, thereby. Hon'ble Mr. Justice S.A. Bobde, Hon'ble Mr. Justice A.N.Joshi, Hon'ble Mr. Justice D.P. Dharmadikari, Hon'ble Ms. Justice V.A. Naik, Hon'ble Mr. Justice A.P. Bhangale, Hon'ble Judges of the Nagpur Bench of the Hon'ble High Court of Judicature at Bombay, also graced the occasion.

Chandigarh: A Mediation Training Course to sensitize the Referral Judges to effectively use Mediation as a tool of additional dispute resolution and to emphasise the importance of Referral Judges as being the key for the success of any Mediation Centre and in order to ensure appropriate referral of disputes to Mediation, - in a unique experiment, the first of its kind, 18 Districts of the State of Punjab in the pre lunch Session and 18 Districts of the State of Haryana in the post lunch Session were connected through *video conferencing* to the Museum of the Hon'ble High Court of Punjab and Haryana at Chandigarh, from where the Resource Persons, Ms. Anu Malhotra and Mr. Dharmesh Sharma, both AD & SJs, Master Trainers of the Delhi Mediation Centre deputed by the Hon'ble High Court of Delhi conducted the said Referral Training Programme under the guidance

of Hon'ble Mr. Justice M.M. Kumar, Hon'ble Judge of the Hon'ble High Court of Punjab and Haryana and Chairperson of the Mediation and Conciliation Committee of the High Court of Punjab and Haryana and Hon'ble Mr. Justice Mahesh Grover, Judge of the Hon'ble High Court of Punjab and Haryana. The participants here were approximately 15 Judicial Officers from each district comprising of District Judges, Chief Judicial Magistrates and Sr. Civil Judges. There was an interactive session of about 45 minutes each with the members of the District Judiciary of the States of Punjab and Haryana towards the end of the session, in which the participants responsively and enthusiastically participated.

Gauhati: An Awareness Programme on Mediation was held at the Hon'ble High Court of Gauhati on 8.2.2009 for all Judicial Officers posted in the District Courts of Gauhati. Approximately 25 Judicial Officers comprising of District Judges, Addl. District Judges and Civil Judges participated in the same apart from some advocates who had interest in mediation, having also joined. The importance of the ADR mechanism in the present day context with special reference to the characteristics of Mediation and the process of mediation, and the importance of the role of referral Judges was high lighted. Hon'ble Mr. Justice A.H.Saikia, Judge of the Hon'ble High Court of Gauhati and Executive Chairman of the Assam Legal Services Authority expressed keenness to have Awareness Programmes in the 11-identified districts of the State of Assam which have been identified for setting up Mediation Centres to sensitize all stake holders of the Justice Delivery System i.e. the litigants, advocates and Judicial Officers. The Resource Persons here were Mr. M.L.Mehta, District Judge-II, Tis Hazari, Delhi and Ms. Neena Krishna Bansal, AD & SJ, both Master Trainers of the Delhi Mediation Centre on 7.2.2009 were present at the Mediation Centre at the High Court of Gauhati, when this Mediation Centre took its first step, when a recently trained Advocate Mediator trained in the 'Techniques of Mediation' in November 2008. in the presence of the Resource Persons applied his newly acquired mediation skills and techniques to deftly handle a complex and challenging matrimonial dispute pertaining to the custody of a child, referred by the Hon'ble High Court of Gauhati.

Delhi : 7.2.2009 - A National Conference with the caption '**Looking for Alternatives to Alternative Dispute Resolution**' was held on 6.2.2009 and 7.2.2009 at the Constitution Club, Rafi Marg, New Delhi. *It was inaugurated by the Hon'ble the Chief Justice of the High Court of Delhi, Hon'ble Mr. Justice Ajit Prakash Shah. His Lordship highlighted the benefits of Mediation in the inaugural address. Hon'ble Mr. Justice J.R. Midha, Hon'ble Judge of the High Court of Delhi in His Lordships' address as the Chief Guest in Session I on 7.2.2009 with the theme 'Promoting 'Mediation' in India" also emphasized upon mediation being one of most appropriate modes of present day resolution. Mr.A.K. Chawla, AD & SJ and Judge Incharge of the Karkardooma Mediation Centre in his address brought forth the dedication of the Delhi Mediation Centre to expand the horizons of mediation across the country, uniting parties riven asunder whilst bringing down the pendency of matters pending before the Courts, to enable the Courts to devote their precious time to matters deserving due adjudication.*

Mediation Training Programme	
<p>Under the aegis of the Mediation & Conciliation Project Committee, intensive 40 hours mediation Training Programmes are being conducted across the country.</p> <p>Ahmedabad: Two simultaneous 40 hours Mediation Training Programmes at the City Civil and Sessions Court Complex, Bhadhra, Ahmedabad were held in three phases at Ahmedabad, Gujarat. The First Phase of these Training Programmes was conducted on 7.2.2009, and 8.2.2009, the IIInd Phase on 14.2.2009 and 15.2.2009 and the IIIrd Phase on 21.2.2009 and 22.2.2009. Target Group: 26 Advocates and two Judicial Officers and one retired Judicial Officer. The participants were split into two groups i.e. 12 Advocates and two Judicial Officers in one group where the Resource Persons were Dr. Sudhir Kumar Jain, AD & SJ & Master Trainer of the Delhi Mediation Centre in all the three Phases and Ms. Anju Bajaj Chandna, Ms. Aditi Chaudhary, both AD & SJs and Ms. Anuja Saxena Advocate, all three being Trainers of the Delhi Mediation Centre in the I, II and IIIrd Phases respectively. In the other group comprising of 13 Advocates and one retired Judicial Officers, the Resource Persons were Ms. Shalinder Kaur, AD & SJ and Master Trainer of the Delhi Mediation Centre in all the three phases and Mr. Sunil Aggarwal, AD & SJ, Trainer Mediator, Mr. Dharmesh Sharma, AD&SJ and Master Trainer and Sh. Alok Aggarwal AD & SJ and Master Trainer of the Delhi Mediation Centre in the Ist, IIInd and IIIrd phases respectively. <i>The Training Programme was inaugurated by Hon'ble Mr. Justice Mohit Shah, Judge of the Hon'ble High Court of Gujarat and Executive Chairman of the Gujarat Legal Services Authority. His Lordship emphasised the need to resort to mediation in view of the pendency in courts and the expansion of the horizons of litigation</i></p>	<p><i>due to various new laws. On 21.2.2009 a two hours session on "Role of Referral Judges" was conducted by Dr. Sudhir Kumar Jain and Ms. Shalinder Kaur, AD&SJs and Master Trainers of the Delhi Mediation Centre, where the participants were Metropolitan Magistrates and Judges of the City Civil Court and Family Court where the necessity of making an objective assessment of the case, before making a referral was emphasised</i></p> <p>Nagpur: A 40 hours intensive Mediation Training Programme was conducted at the Judges Conference Hall of the District Courts, Nagpur situated on the 8th Floor, Nyay Mandir Building, Nagpur in two phases from 13.2.2009 and 15.2.2009 and 20.2.2009 to 22.2.2009. Target Group: 10 Advocates, one advocate from the High Court Bar Association, 5 advocates from the District Bar Association, Nagpur and four advocates from the Akola Bar Association including a retired District Judge. Resource Persons were Ms. Deepa Sharma and Ms. Anu Malhotra, both AD & SJs and Master Trainers of the Delhi Mediation Centre. <i>The Training Programme was inaugurated by Hon'ble Mr. Justice D.D.Sinha, Judge of the Hon'ble Nagpur Bench of the Hon'ble High Court of Judicature at Bombay. His Lordship placed emphasis on the relevance and need of Mediation as being an effective tool of ADR and hoped that the effective implementation of the same would assist in speedy, amicable resolutions of disputes pending in the Courts. The inaugural session was widely covered by the local press at Nagpur and was acclaimed by the participants and members of the district judiciary who participated in the same, as being a refreshing tool of social reform in the dispensation of participatory justice. Ms. Deepa Sharma, AD&SJ and Master Trainer and one of the Resource Persons through the introductory speech also highlighted the benefits of the healing touch of the process of mediation whereby adversarial litigation subtly converts into "cooperative problem solving".</i></p>

ACCOMPLISHMENTS TILL 28.02.2009

The Delhi Mediation Centre has till 28.2.2009 settled 12092 cases (including 2940 connected cases) amicably and finally. The statistics this month reflect the continuously increasing expeditious efficacy of the benefits of mediation:-

Tis Hazari Mediation Centre (01.2.2009 – 28.2.2009)	Rohini Mediation Centre (01.2.2009 – 28.2.2009)	Karkardooma Mediation Centre (01.2.2009 – 28.2.2009)
<p>Cases Referred - 497</p> <p>Cases Disposed of - 306</p> <p>Cases Settled - 186</p> <p>(Significantly, these include 22 matrimonial matters, 6 petitions for maintenance U/s 125 Cr.PC, 3 custody and guardianship matters, 30 suits for injunction/ possession/damages, 86 suits for recovery, 3 suits for partition and 6 cases U/s. 138 of the N.I. Act.</p> <p>Connected Cases Settled - 64</p>	<p>Cases Referred - 111</p> <p>Cases Disposed of - 48</p> <p>Cases Settled - 39</p> <p>(Significantly, these include 5 matrimonial matters, 2 custody and guardianship matters, 4 petitions for maintenance u/S 125 of the CrPC, 02 MACT matters, 2 suits for partition, 16 suits for Recovery, and 7 Criminal Compoundable cases.</p> <p>Connected Cases Settled - 13</p>	<p>Cases Referred - 209</p> <p>Cases Disposed of - 143</p> <p>Cases Settled - 108</p> <p>(Significantly, these include 17 labour and management disputes, 14 matrimonial matters, 21 cases under the Negotiable Instruments Act, 9 suits for injunction/ possession/damages, 5 petitions for maintenance U/s 125 of the Cr. P.C and 10 MACT matters, 3 suits for partition, 26 suits for Recovery, 3 rent matters.</p> <p>Connected Cases Settled - 31</p>