

MEDIATION NEWSLETTER

NEWSLETTER OF THE DELHI MEDIATION CENTRE

(January, 2008)



09.01.2008 - Visit to the Delhi Mediation Centre (Tis Hazari) of 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 V. S. Sirpurkar, Judge, Supreme Court of India and Hon'ble Mr. Justice R. V. Raveendran, Judge, Supreme Court of India and Member of the MCPC with Mr. Sunil Gaur, Coordinator of the Delhi Mediation Centre (Tis Hazari)

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Readers would recall that the Mediation and Conciliation Project Committee of which Hon'ble Mr. Justice S. B. Sinha, Judge, Supreme Court of India is the Chairman, resolved on 15.11.2007 to formulate a short term scheme for the implementation of Mediation and also for training of mediators through programmes of 40 hours duration according to international standards + 10 actual mediations.

The Hon'ble Chairman of the MCPC, and Hon'ble Mr. Justice R. V. Raveendran, Judge, Supreme Court of India and member of the MCPC, Hon'ble Mr. Justice V. S. Sirpurkar, Judge, Supreme Court of India and Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi and member of the MCPC on 9.01.2008 graciously visited the Tis Hazari Mediation Centre, at the District Courts Delhi, thereby giving greater impetus to the movement of mediation which is now in full swing in the District Courts at Delhi. The Delhi Mediation Centre which started with a humble six officers of the Delhi Higher Judicial service as mediators now comprises of 47 trained Judicial Mediators and 68 trained Advocate Mediators.

Hon'ble Mr. Justice S. B. Sinha, Judge, Supreme Court of India and Chairman of the MCPC re-emphasized the necessity of training for mediators for effective implementation of the mediation scheme. His Lordship articulated the necessity of refreshing trained mediators with skills in human psychology, communication and negotiations and also impressed upon the gathering of all the trained mediators both Judicial and Advocate mediators, to join in, in the implementation of the short term scheme. His Lordship urged the audience to spread awareness of the benefits of mediation and teaching its techniques and nuances to others in the country, in order to take the benefits of mediation to the door steps of every litigant of the country, thereby resulting into expeditious amicable solutions between litigants finally, resulting thereby into significant decrease in the back log of pending cases on the dockets of Courts.

Hon'ble Mr. Justice R. V. Raveendran, Judge, Supreme Court of India and member of the MCPC reminded and trained mediators present of five fundamental attributes of a

mediator to ensure effective, just and equitable mediation:- viz. **neutrality, patience/perseverance, communication skills, knowledge of human psychology and legal knowledge.** His Lordship's words in the Visitor's Book at the Tis Hazari Mediation Centre - "*It was a very pleasant surprise to see the infrastructure, the atmosphere conducive to settlement, the professionalism of mediators and the management by the Judicial Officers, making Delhi Mediation Centre, a resounding success,-*" encourage the Delhi Mediation Centre to strive further in its endeavour to professionally bring about harmony amongst acrimonious litigants.

Hon'ble Mr. Justice V. S. Sirpurkar, Judge, Supreme Court of India, emphasized the necessity of section 89 of the CPC becoming part of the judicial psyche and exhorted Referral Judges to believe in mediation and called upon the mediators present to believe in the benefits of mediation and in themselves, so that they can deliver the benefits of mediation effectively. How impressed his Lordship was with the experience of visiting the Delhi Mediation Centre is reflected in his Lordship's words - "*The ambience is wonderful. The enthusiasm is contagious. Keep it up.*"

On 14.01.2008 Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi and member of the MCPC along with Mr. Sunil Gaur, Judge in charge of the Tis Hazari Mediation Centre, guided the Referral Additional District Judges of the District Courts of Delhi impressing upon them that the Referral Judge is a key to a successful mediation programme. Hon'ble Mr. Justice Madan B. Lokur through a visual presentation guided the Referral Judges observing that:-

- The Referral judges should have a positive mindset and attitude to mediation,
- A clear appreciation of which case is suitable for mediation,
- Litigating parties be encouraged to settle the disputes amicably it being in their long term interest,
- Referral Judges should give a brief explanation of the mediation process and

its advantages to the litigating parties,

- Non believing lawyers be encouraged to try mediation,
- Enquiries and a short discussion be made with the parties before referral,
- Special attention be given to cases which have become old for no fault of the litigants,
- Cases of weaker sections of society, poor litigants particularly daily wagers, legal aid cases, cases of senior citizens be preferably referred to mediation.

Likewise on 16.01.2008, Mr. Sunil Gaur Judge in charge, Mediation Centre, Tis Hazari and Dr. Sudhir Kumar Jain, ADJ/Mediator emphasized the importance of referral of appropriate cases to mediation in a discussion attended by Civil Judges of the District Courts of Delhi.

Recognition and impetus to the work done by the Delhi Mediation Centre has come steadily and the Delhi Mediation Centre has been duly recognized for its training skills and abilities by the Madhya Pradesh High Court, Jharkhand High Court, Karnataka High Court and Delhi High Court. Recognition has also been given by the National Judicial Academy at Bhopal, Judicial Officers Training and Research Institute at Jabalpur and Gwalior.

A training programme on the 'Concept and Techniques of Mediation' at Bilaspur

was organized by the Hon'ble Hon'ble High Court of Chhattisgarh it was attended by the 25 Judicial Officers of the Higher Judicial Services and 18 Senior Advocates at Chhattisgarh. Sh. M. L. Mehta, Judge in charge, Karkardooma Mediation Centre, and Dr. Sudhir Kumar Jain, ADJ/Mediator, both Expert National Trainers of the Delhi Mediation Centre were invited as Resource persons to impart training on the **Concept and Techniques of Mediation to the participants**. The training programme was inaugurated by Hon'ble Mr. Justice S.B.Sinha, Judge, Supreme Court of India and the Chairman of the MCPC, and was graced by the benign presence of Hon'ble Mr. Justice Jagdish Bhalla, Chief Justice of the Chhattisgarh High Court, Hon'ble Mr. Justice L. C. Bhadoo and Hon'ble Mr. Justice S. K. Agnihotri, Judges, of the High Court of Chhattisgarh and Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi. The report of Mr. M. L. Mehta, Coordinator of the said training programme and Judge in charge, Karkardooma Mediation Centre indicates the growing contagious enthusiasm of the Bar and the Bench at Chhattisgarh in starting mediation. Dr. Sudhir Kumar Jain, ADJ/Mediator in his report too expressed that after the conclusion of the training programme, there was a phenomenal change in the perception of the participants about mediation and its benefits.



12.01.2008 Inaugural address at the Bilaspur Mediation Centre by Hon'ble Mr. Justice S. B. Sinha, Judge, Supreme Court of India, and Chairman of the MCPC. Seen are L to R - Mr. M. L. Mehta, National Trainer and Judge in Charge Karkardooma Mediation Centre, Justice L. C. Bhadoo, Chief Justice Jagdish Bhalla, Justice S. B. Sinha, Justice Madan B. Lokur, Justice S. K. Agnihotri and Dr. Sudhir Kumar Jain, National Trainer and ADJ/Mediator of the Delhi Mediation Centre.

