

# MEDIATION NEWSLETTER

NEWSLETTER OF THE DELHI MEDIATION CENTRE

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*06-07-2009 : Visit of Hon'ble Mr. Justice Ranjan Gogoi, Judge, High Court of Assam to the Karkardooma Mediation Centre : Seen (L to R ) are Hon'ble Mr. Justice Ranjan Gogoi, Judge, High Court of Assam, Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi and Member, Mediation and Conciliation Project Committee, Mr. P.S. Teji, District Judge-VI, Delhi and Mr. A.K. Chawla Judge Incharge, Karkardooma Mediation Centre, Delhi*

*08-07-2009: Amazing isn't it?": Visit of Hon'ble Mr. Justice A.B.Subba, Judge, High Court of Sikkim to the Karkardooma Mediation Centre. Seen (L to R) are Mr. A.K. Chawla, Judge Incharge, Karkardooma Mediation Centre, Ms. Matilda, Secretary, Legal Services Authority, Hon'ble Mr. Justice A.B. Subba, Judge, High Court of Sikkim, Ms. Meenakshi Registrar General, High Court of Sikkim.*



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*Conflict is a natural part of life. Conflict emerges when disagreements, differences, annoyances, competition or inequities threaten something important. If conflict is dealt with in a healthy way, a solution that satisfies everyone can be generally found. Conflict has its negative side. It may hurt feelings and fracture relationship. As said by Johann Wolfgang Von Goethe- "It is easier to perceive error than to find the truth, for the former lies on the surface and is easily seen while the latter lies in the depth, where few are willing to search for it." The source of conflict may be based on interests, expectations, relationships, values or may be a result of misinformation or lack thereof or may be merely structural. Poor communication, distrust, different ways of life and religion, all result into conflicts. People use different mechanisms towards conflict such as avoidance, denial of existence of conflict, displacement by emotionally reacting against another person rather than with the person with whom they are in dissent. Some escalate the conflict by blowing it out of proportion and by being over melodramatic. The satisfactory resolution of conflict depends upon the degree of concern for others that one has. Mediation which has the following benefits i.e it results into underlying interests, root causes of the dispute between litigants being addressed rationally, patiently and neutrally; which has the potential of subtly overcoming the unstated desires involved in litigation, through preservation of harmonious relations, be they commercial or human, between partners, traders, brothers, sisters, spouses, neighbours, whereby the reality of a trial and its technicalities, delays, and its costs are mentally assimilated continues to change the dynamics of the Justice delivery system, whereby a sizable number of adversarial litigations have been amicably and harmoniously and finally resolved.*

The Delhi Mediation Centre under the aegis of Mediation and Conciliation Project Committee of the Supreme Court of India continues to strive to take the benefits of mediation to the doorstep of litigants across the country through its endeavours :

*18th, 19<sup>th</sup> & 25<sup>th</sup> & 26.07.2009 :- Chandigarh :- The first two phases of the 40 hours Intensive Mediation Training Programme for 17 Judicial Officers was conducted at the Chandigarh Judicial Academy. The third phase of this training is to be conducted on 1<sup>st</sup> & 2<sup>nd</sup> August, 2009. The participants here were split into two groups. The Resource Persons were Ms. Shalinder Kaur, AD&SJ and Master Trainer, Mr. Sanjay Kumar and Ms. Anju Bajaj Chandna, both AD&SJs and Mediator Trainers, all of the Delhi Mediation Centre. Hon'ble Mr. Justice N.M. Kumar, Judge, Punjab & Haryana High Court, inaugurated the training and impressed upon the participants to take resort to Mediation, a new ADR Mechanism so as to reduce the arrears of cases. The importance of Training in understanding the techniques of Mediation was also highlighted and special stress was laid on the concept of Spirituality in Mediation.*

The report of Ms. Shalinder Kaur, AD&SJ and Master Trainer of the Delhi Mediation Centre, qua the same is as follows:-

*"The participants were informed about the relevance of Training, Conflict Management, ADR, its Relevance with special reference to Section 89 of Civil Procedure Code Concept of Mediation, its benefits and the characteristics of*

*other modes of ADR viz-à-viz mediation were explained. The stages of mediation i.e. introduction and joint session were explained in detail. The technique to conduct 'Introduction Session' was performed by the trainers for a better understanding of the concept by the participants.*

*Communication techniques to be used by a Mediator, as an important tool of a Mediator, were explained. The participants were made aware about the qualities of a Mediator as a good communicator. To acquaint the participants with these techniques, they were made to perform a role play.*

*The 'Do's & Don'ts for Mediation, the Role of an Effective and Ineffective Mediator was also explained to the participants. The concept of 'Negotiations' in the context of norms of human behaviour, approaches to negotiation, negotiation strategies and barriers to negotiation were explained in detail to the participants. Role Plays were also conducted so that the participants were able to refine their skills more as a Mediator.*

*'Impasse', Acknowledgment of Impasse and Techniques to break Impasse were also taken up.*

*The participants informed that the mediation Training had brought a definite change in their personality and perceptions which would not only help them in Mediation but also will improve their judicial skills. They were completely motivated and enthusiastic to take up Mediation."*

The continuing efficacy and benefits of Mediation have resulted into the Second Intensive 40 Hours Mediation Training Programme for Advocates of the Supreme Court of India including Senior Advocates being conducted in two phases i.e. 10<sup>th</sup> to 12<sup>th</sup> July, 2009 and 17<sup>th</sup> to 19<sup>th</sup> July, 2009. The target group here comprised of 20 advocates practicing at the Supreme Court of India, including Senior Advocates. The report of Dr. Sudhir Kumar Jain, Master Trainer of the Delhi Mediation Centre brings forth the enthusiasm generated :-

"Mediation and Conciliation Project Committee, Supreme Court of India conducted a Mediation Training Programme for the Advocates of the Supreme Court of India including Senior Advocates during the period w.e.f. 10<sup>th</sup> to 12<sup>th</sup> July, 2009 & 17<sup>th</sup> to 19<sup>th</sup> July, 2009.

The Training Programme was inaugurated on 10<sup>th</sup> July, 2009 in a function held at the Plenary Hall, Indian Law Institute. Hon'ble Mr. Justice Madan B. Lokur, Judge High Court of Delhi delivered the welcome address and introduced the trainers. Hon'ble Mr. Justice R. V. Raveendran, Judge, Supreme Court of India and Member of the Mediation and Conciliation Project Committee delivered the Presidential Address. Hon'ble Mr. Justice S. B. Sinha, Judge, Supreme Court of India and Chairman of the Mediation and Conciliation Project Committee, delivered the inaugural address. Their Lordships highlighted the benefits of Mediation and its necessity and relevance as an Alternative to dispute resolution in the present context. Hon'ble Mr. Justice S. B. Sinha in his Lordship's inaugural address emphasized qua the need to develop *mediation jurisprudence, and a National Plan for Mediation in the Indian Context.* Hon'ble Judges of the Supreme Court of India and the High Court of Delhi graced the occasion. Mediators, Judicial Officers of the District Courts of Delhi and Advocates, Law Students were also present. Professor S. Shiv Kumar, Officiating Director, ILI, proposed the Vote of Thanks.

## Resource Persons

### 1. 10<sup>th</sup> to 12<sup>th</sup> July.

*In the first phase of the Training Programme for the period w.e.f. 10<sup>th</sup> to 12<sup>th</sup> July Mr. Arvind P. Datar, Mr. Sri Ram Panchu from Tamil Nadu Mediation Centre and Dr. Sudhir Kumar Jain, Additional Sessions Judge, Delhi from the Delhi Mediation Centre were the Resource Persons for Group-I.*

*Sh. Niranjan Bhatt, Senior Advocate and Founder of the AMLEAD from Ahmedabad and Sh. B. C. Thiruvengadam, Senior Advocates from the Bangalore Mediation Centre were the Resource Persons for Group-II.*

### 2. 17<sup>th</sup> to 19<sup>th</sup> July.

*During the second phase of the Training Programme for the period w.e.f. 17<sup>th</sup> to 19<sup>th</sup> July, Mr. Arvind P. Datar, Mr. Sri Ram Panchu from the Tamil Nadu Mediation Centre and Dr. Sudhir Kumar Jain, Additional Sessions Judge, Delhi from the Delhi Mediation Center were the Resource Persons for Group-I.*

*Ms. Laila Ollappally Advocate/Mediator and Sh. B. C. Thiruvengadam from the Bangalore Mediation Centre were the resource persons for Group-II.*

*Sh. M. L. Mehta Principal Secretary, Law and Justice, Govt. of NCT Fellow of the JAMS RESOLUTION CENTRE, CALIFORNIA, U.S.A. and a Master Trainer of the Delhi Mediation Centre also presented an overview of his experience of his visit to the U. S. A. qua the Fellowship on 18.07.2009. Shri R..R.. Prashad, Management Consultant, Ranchi guided the participants on Mediation and Spirituality and Transactional Analysis.*

*The participants were taught about the various techniques of Mediation such as, Definition of Mediation, its stages, Negotiations, Communication verbal and non-verbal, confidentiality, impartiality and how to break impasses etc. The participants also conducted role-plays to practically sense the conducting of mediation. After conclusion of the training programme, there was a phenomenal change in the perception of the trainees about mediation."*

*In order to discuss the implementation of the National Plan on Mediation as visualized and formulated by the Hon'ble Mediation and Conciliation Project Committee of the Supreme Court of India, a meeting was held of the Hon'ble Committee at the Supreme Court of India on 15/07/2009. The meeting was chaired by Hon'ble Mr. Justice S. B. Sinha, Judge Supreme Court of India and Chairman of the Mediation & Conciliation Project Committee, Hon'ble Mr. Justice R. V. Raveendran, Judge, Supreme Court of India and Member of the Mediation & Conciliation Project Committee, Hon'ble Mr. Justice A.M. Ahmadi, Former Chief Justice of India and Member of the Mediation & Conciliation Project Committee, Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi and Member of the Mediation & Conciliation Project Committee, Sh. P. P. Rao, Senior Advocate, Supreme Court of India and Member of the Mediation & Conciliation*

*Project Committee and Sh. Sharad Chander, Secretary, National Legal Services Authority were also present.*

*Dr. Sudhir Kumar Jain, Mediator-cum-National Trainer, Delhi Mediation Centre made a Power Point Presentation about the National Plan on Mediation before the Hon'ble Members of the Mediation & Conciliation Project Committee. In the presentation, the achievements of the Delhi Mediation Centre, with its three limbs at the District Courts of Tis Hazari, Karkardooma and Rohini as a Pilot Project of the MCPC; the achievements of MCPC for implementation of Mediation level; Aims, targets and objectives of the Mplan and Plan Budgetary Requirements were highlighted. The Hon'ble Members of the Committee made their valuable suggestions and comments on the National Plan which were incorporated accordingly.*

### Visitors :-

**06.07.2009 :-** Hon'ble Mr. Justice Ranjan Gogoi, Judge, Assam High Court accompanied with Hon'ble Mr. Justice Madan B. Lokur Judge, High Court of Delhi visited the Karkardooma Mediation Centre.

**08.07.2009 :-** A delegation led by Hon'ble Mr. Justice A. B. Subba, Judge High Court of Sikkim and Chairman of the State Legal Services Authority, Sikkim accompanied by Ms. Meenakshi, Registrar General, High Court of Sikkim and Ms. Matilda, Secretary, State Legal Services Authority also visited the Centre. During their visit the process of mediation was explained and the achievements of the Mediation Centres were also highlighted. The remarks of Hon'ble Mr. Justice A. B. Subba in the Visitor's Book maintained at the Karkardooma Mediation Centre say it all :- *"Our visit to the Karkardooma Mediation Centre has been very useful. The interaction we had with Mr. A. K. Chawla, Judge Incharge Mediation Centre cleared many doubts which we had in our mind regarding mediation process and the infrastructure requirement for establishment of such Centre....."*

A comment of a consumer of Mediation in the Visitor's Book, succinctly brings forth the benefits of mediation :- *"Mediation is a good opportunity for the party to resolve the matter. We had a successful mediation. The outcome was excellent and both parties were satisfied. Our Mediator did a very good job and helped over come all the hurdles which came in the way. Mediation should be welcome in all cases. It saves time, money and energy".*

**11 & 12 July, 2009: District Korba, Chhattisgarh:-** A Mediation and Awareness programme was conducted at District Korba for Judicial Officers and Advocates of District Korba and Janghageer and Chapa State of Chhattisgarh, under the aegis of the Mediation and Conciliation Project Committee of the Supreme Court of India. The participants here were 25 Judicial Officers and 50 Advocates of different Districts of Chhattisgarh. The Resource Persons were Ms. Nisha Saxena, AD&SJ and Master Trainer and Ms. Anuja Saxena, Advocate Mediator Trainer, both of the Delhi Mediation Centre.

**11<sup>th</sup> July, 2009:** The Awareness Programmes on 11<sup>th</sup> & 12<sup>th</sup> July, 2009, was inaugurated by Hon'ble Mr. Justice T.P. Sharma, Judge, High Court of Chhattisgarh. Hon'ble Mr. Justice S.K. Agnihotri also graced the occasion. Their Lordships also guided the participants on various aspects of

mediation and how to implement mediation u/s 89 of the CPC to reduce the pendency of the matters. The participants were divided into two groups. As reported by Ms. Anuja Saxena, Advocate Mediator Trainer, the participants very interactively participated and put up several queries. All aspects were explained through power point presentations. The components of mediation, neutrality, confidentiality and impartiality, qualities of mediation, benefits of mediation, Role of referral judges, Role of lawyers, drafting of settlement, negotiation skills, types of ADR, their differences, stages of mediation and concept of mediation were explained to the participants. Mr. M.D. Kaatulkar, District Judge, Korba and Mr. I.S. Uboveja, District Judge and President, Legal Services Authority, Janghageer also graced the occasion.

**Live Telecast:** In an innovative and inspiring mode, in an attempt to spread awareness of mediation and its benefits amongst the public, the Delhi Mediation Centre has been contributing its mite through the inputs of its Trainer Mediators on Doordarshan.

On 15.6.2009, Ms. Poonam Mendiratta and Mr. T.V.S. Dua, Advocate Mediators of the Delhi Mediation Centre, and on 20.6.2009, Mr. O.P. Gupta, AD&SJ and Judge Incharge, Tis Hazari Mediation Centre and Ms. Shalinder Kaur, AD&SJ and Master Trainer of the Delhi Mediation Centre explained the process of mediation, and its benefits and the Role of Mediators in live telecasts on DD-1 in a live chat show.

As mentioned by the Chief Producer of the Doordarshan Kendra, Delhi in his letter dated 11.6.2009 to Mr. O.P. Gupta, Judge Incharge, Mediation Centre, Tis Hazari, - "Mediation is a concept that can bring revolution in the Justice delivery system. It can also assuage sufferings of the people involved in the litigation for unimaginable period. Your presence in our programme will make people better informed about the concept".



Mediation Training Programme at the Chandigarh Judicial Academy: Seen are the participant Judicial Officers of Chandigarh and Ms. Anju Bajaj Chandna, Mr. Sanjay Kumar, both AD&SJs and Mediator Trainers of the Delhi Mediation Centre, Mr. A.S. Sodhi, Director, Chandigarh Judicial Academy and Ms. Shalinder Kaur, AD&SJ and Master Trainer of the Delhi Mediation Centre.

#### ACCOMPLISHMENTS TILL 31.7.2009

The Delhi Mediation Centre has till 31.7.2009 settled 14812 cases (including 3604 connected cases) amicably and finally. The statistics this month reflect the continuously increasing expeditious efficacy of the benefits of mediation:-

Tis Hazari Mediation Centre (01.7.2009 - 31.7.2009)	Rohini Mediation Centre (01.7.2009 - 31.7.2009)	Karkardooma Mediation Centre (01.7.2009 - 31.7.2009)
Cases Referred - 553	Cases Referred - 264	Cases Referred - 256
Cases Disposed of - 336	Cases Disposed of - 118	Cases Disposed of - 179
Cases Settled - 182	Cases Settled - 93	Cases Settled - 166
(Significantly, these include 43 matrimonial matters, 12 petitions for maintenance U/s 125 Cr. P.C, 2 custody and guardianship matters, 18 suits for injunction/possession/ damages, 67 suits for recovery, 1 suit for partition and, 1 Probate case & 16 other civil cases)	(Significantly, these include 21 matrimonial matters, 2 petitions for maintenance U/s 125 of the Cr. P.C, 9 MACT matters, 18 suits for Recovery, 13 Criminal Compoundable cases and 22 cases under Section 138 of NI Act & 4 other suits .	(Significantly, these include 44 labour and management disputes, 31 matrimonial matters, 21 cases under the Negotiable Instruments Act, 11 suits for injunction /possession/damages, 12 petitions for maintenance U/s 125 of the Cr. P.C and 11 MACT matters and 26 suits for Recovery.
Connected Cases Settled - 90	Connected Cases Settled - 28	Connected Cases Settled - 36
Total settled - 272	Total settled - 146	Total settled - 202