

MEDIATION NEWSLETTER

NEWSLETTER OF THE DELHI MEDIATION CENTRE

Volume 3

(June, 2009)

Number 6



22.6.2009:- Awareness and Referral Training Programme on Mediation at Goa. Seen seated are L to R: Mr. Alok Aggarwal and Ms. Nisha Saxena, both AD&SJs and Master Trainers of the Delhi Mediation Centre, Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and Chairman of the Mediation & Conciliation Project Committee of the Supreme Court of India and Ms. Uma Ramanathan, Advocate Mediator of the Tamil Nadu Mediation Centre.



13.6.2009 :- At the valedictory session of the Awareness Training Programme for Referral Judges at the High Court of Bombay. Seen are L to R: Hon'ble Mr. Justice A.M. Khanwilkar, Hon'ble Mr. Justice Bilal Nazki, both Judges of the Hon'ble High Court of Bombay, Dr. Sudhir Kumar Jain and Mr. Alok Aggarwal, both AD&SJs and Master Trainers of the Delhi Mediation Centre.



21.6.2009:- On the Occasion of the Awareness Programme on Mediation and Training Programme for Referral Judges at the Aurangabad High Court. Seen are Hon'ble Judges of the High Court of Aurangabad and Ms. Anju Bajaj Chandna and Mr. Sunil Kumar Aggarwal, both AD&SJs and Master Trainers of the Delhi Mediation Centre.



Fellowship Certificate conferred on Mr. Mohan Lal Mehta presently Principal Secretary (Law, Justice & L.A.), Govt. of Delhi and previously District Judge-II/Judge Incharge, Mediation Centre, Karkardooma Courts, Delhi and Master Trainer, Delhi Mediation Centre by the JAM.

TIS HAZARI MEDIATION CENTRE
3rd Floor, Tis Hazari,
District Courts, Delhi.
Telephone No. 23961909 Extn. 1325

Judge in Charge
Telephone No. : 23975030 Extn. 1326
FAX No. 23961909

ROHINI MEDIATION CENTRE
3rd Floor, Rohini, Room No.306
District Courts, Delhi.
Telephone No. 27555536

Judge in Charge
Telephone No. : 27554459
FAX No. 27555536

KARKARDOOMA MEDIATION CENTRE
Ground Floor, B Block,
Karkardooma, Delhi.
Telephone No. 22309085

Judge in Charge
Telephone No. 22301970
FAX No. 22309086

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

Mediation values of party to party communications, preservation of relationship, broad relevance and focus on interests, values, goal aspirations with a focus on the future and future relationship within the backdrop of cultural factors helps value misunderstandings to be ironed out whereby, the disputants are assisted by a neutral third party i.e the mediator to reach amicable, harmonious resolutions of disputes, all within the contours of law. This is increasingly being recognized by our national legal fraternity.

The Delhi Mediation Centre under the guidance and supervision of the Hon'ble Mediation & Conciliation Project Committee of the Supreme Court of India continues to strive to spread awareness of the benefits of mediation as an effective tool of Alternative Dispute Resolution. The following Awareness and Referral programmes aptly reflect the same:-

13.6.2009:- Bombay- A Mediation Awareness and Referral Judges training programme was conducted at the Conference Hall of the High Court of Judicature at Bombay, which was organized by the Legal Services Authority, Maharashtra. The target group here comprised of 40 nominated judicial officers and 20 advocates. The Resource Persons were- Hon'ble Mr. Justice A.M Khanwilkar, Judge, High Court of Bombay, Dr. Sudhir Kumar Jain & Sh. Alok Aggarwal, both AD&SJs and Master Trainers of the Delhi Mediation Centre, Smt. Sheela Balsari, Sh. M.P. Rao, and Sh. Sambhaji Mohile, all Advocates of Mumbai

Hon'ble Mr. Justice Bilal Nazki, Judge High Court of Bombay, chaired the inaugural and closing sessions. The report of Mr. Alok Aggarwal, AD&SJ and Master Trainer of the Delhi Mediation Centre herein below depicts the keen interest evinced by the participants who participated interactively and enthusiastically.

"A one day awareness programme for advocates and referral judges and Training programme for referral judges was organized at High Court of Bombay by the Legal Service Authority, Maharashtra State on 13.06.2009. The programme was divided into four sessions. The first session was on 'Basics of Mediation and quality of a Mediator'. The sessions were chaired by Hon'ble Mr. Justice Bilal Nazki of the Bombay High Court. The speakers Hon'ble Mr. Justice A.M Khanwilkar, Dr. Sudhir Kumar Jain and Smt. Sheela Balsari, introduced the concept of Mediation to the group and apprised the group of the process and stages of Mediation. The difference between Mediation and other forms of ADR were explained as well as the benefits of mediation over litigation and all other forms of ADR. The role of Lawyers in Mediation was also discussed in detail. The participants took keen interest in the process and were very inquisitive and enthusiastic. In his summing up, His Lordship Justice Bilal Nazki encouraged the participants to take a keener interest in Mediation for the benefit of the litigants. The second session on 'Effective implementation of ADR mechanism' was chaired by Hon'ble Mr. Justice AM Khanwilkar. The speakers here were Sh. M.P. Rao Advocate, Sh. Alok Aggarwal Master Trainer, and Sh. Sambhaji Mohite Advocate. The participants were convinced about the justification and need for implementation of ADR. Various stages of introduction and implementation of modes of ADRs in India were chronologically traced and the high rates of success of the Delhi Mediation Centre were discussed in detail. Hon'ble Mr. Justice Khanwilkar summed up the session and appealed to the participants to make the Mediation Centre at the Bombay High Court a success.

The third session was an interactive session where in specific queries of the participants were answered. Hon'ble Mr. Justice Bilal Nazki made the concluding remarks and a vote of thanks was proposed by the Member Secretary Maharashtra State Legal Service Authority.

The last Session was Referral Judges Training Programme for the 40 judicial officers participants, which was conducted by Dr. Sudhir Jain and Sh. Alok Aggarwal, Master Trainers of Delhi Mediation Centre. The topics covering selection of cases for referral, conference to be held by the referral judge with the parties and their advocates to explain the process and its benefits and the components of an effective referral order were discussed in the facilitation/interactive mode. The participants, most of whom were judicial officers of the District Judge Cadre evinced a great interest in the Session and appeared keen on improving the quality of referrals made by them. After closing of the session, the trainers also visited the newly established Mediation Centre at the High Court of Bombay".

21.6.2009: Aurangabad: Awareness programme on Mediation and Training for Referral Judges was organized at the complex of Aurangabad High Court. The participants here were 40 judicial officers of the State of Maharashtra and 24 Advocates from Aurangabad. Hon'ble Senior Judges of Aurangabad High Court Bench, Justice P.V. Hardas, Justice N.H. Patil, Justice B.R. Gavai and Justice Kingaonkar had graced the occasion. The Resource Persons here were Ms. Anju Bajaj Chandna, AD&SJ/Trainer Mediator of the Delhi Mediation Centre. The report of Ms. Anju Bajaj Chandna, AD&SJ/Trainer Mediator brings forth the enthusiasm generated through this programme. The participants here were keen to know about the process of mediation and wanted mediation to commence soon in their State.

20-21 June, 2009: Panaji (Goa): An Awareness and Training Programme for 37 participants i.e. 10 Judicial Officers from Goa, 6 Judicial Officers from Maharashtra, 15 Advocates, 2 Law Professors, a Law Secretary, a Retired City Civil Judge, a Social Worker and an Ex-MLA was conducted at Panaji (Goa). The venue here was the International Centre, Dona Paula. The Inaugural Address here was given by Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and Chairman, Mediation & Conciliation Project Committee of the Supreme Court of India. His Lordship emphasized the necessity of the awareness and training programmes on mediation which would enable the litigation process to become user friendly. Hon'ble Mr. Justice Swatanter Kumar, Hon'ble the Chief Justice, High Court of Judicature at Bombay gave the Presidential Address and expressed the urgent need for establishment of functional mediation centres. Hon'ble Mr. Justice N.A. Britto, Hon'ble Mr. Justice P.P. Dharmadhikari and Hon'ble Mr. Justice U.D. Salvi graced the occasion. The Resource Persons here were Mr. Alok Aggarwal and Ms. Nisha Saxena, both AD&SJs and Master Trainers of the Delhi Mediation Centre and Ms. Uma Ramanathan, Advocate Mediator of the Tamil Nadu Mediation Centre. The participants here were guided on the Basics of Mediation, Qualities of a Mediator, Effective Implementation of Mediation, Role of Advocates in Mediation and Role of Referral Judges.

The Delhi Mediation Centre had the proud privilege of Mr. M.L. Mehta AD&SJ and then District Judge-II, Tis Hazari and previously Judge Incharge of Karkardooma Mediation Centre from December 2005 till 1st March, 2009 and presently Principal Secretary (Law Justice & LA) Govt. of NCT of Delhi having been selected as the sole and first fellow of JAMS RESOLUTION CENTRE, CALIFORNIA, U.S.A. Excerpts from his report on completion of his fellowship from USA say it all:-

“JAMS Resolution Centre, California (USA) is the largest Dispute Resolution Organization in the world having as many as 20 offices across the country. In 2008, JAMS Foundation inaugurated Weinstein International Fellowship Programme on Alternative Dispute Resolution (ADR) to provide opportunities to non-US individuals from different countries to visit USA to learn more about dispute resolution processes and to pursue a project of their own design that serves to advance resolution of disputes in their home countries. The programme is flexible and open to innovation and to encourage the fellows to create and development projects/proposals for dispute resolution, education, training and services in their own countries and abroad. This fellowship is promoted by Hon'ble Daniel Weinstein, a retired judge of the Federal Court and now an internationally renowned Mediator of JAMS Centre.

With the permission of the Hon'ble High Court, I applied for the said Fellowship Programme. In conjunction with my said application and as per scheme of the fellowship, I also applied for affiliation with Stanford Law School (SLS) of California. This being the start of the programme, the JAMS chose to begin with one fellow only. After going through a lot of communication with JAMS and SLS on different aspects, I got the privilege of being selected as the first fellow of JAMS.....

After obtaining the required permission and clarifications from the High Court, Govt. of Delhi and the Central Government, I started the Programme on 4th March, 2009 at JAMS office. It was a matter of chance that on the very first day I got the opportunity to shadow Hon'ble Daniel Weinstein in a high stake multi-party mediation. On different occasions, I shadowed several other renowned Mediators of JAMS such as Hon'ble Rebecca Westerfield, Hon'ble Ronald M. Sabraw, Martin Quinn, Read Ambler, Collin etc. at their San Francisco and San Jose offices. On some occasions, I also joined them as Co-Mediator in different cases. Shadowing and working with these international experts on different subjects was a unique experience and great learning. All these mediators are internationally acknowledged experts in their own techniques and subjects.

I visited almost all the States as well as Federal Courts in the Northern Districts of California, namely, San Francisco, San Mateo, Santa Clara, San Jose, Alameda, Oakland, Redwood City etc. All these courts are administering different ADR programmes which are unique being based on their case and party characteristics needs. All these programmes are managed by expert Directors/Administrators under the overall supervision and control of the Chief Presiding Judges of the courts. In some settings like in San Mateo, the Director is assisted by as many as 4 Coordinators responsible for managing their respective programmes relating to probate, family matters, civil and juvenile delinquents.

Because of uniqueness in their different goals and objectives, these programmes have different structure and design in terms of monitoring supervision, control and utility etc. However, some of the most prevalent programmes administered in different in different courts are, Multi-option ADR Programme, Early Settlement Conference, Early Neutral Evaluation (ENE), Non-Binding Arbitration, Referee/Special Master, Summary Jury Trials, Settlement Conferences, Pro Tem Judge etc., Arb Med, Arbitration, Fact Finding, Mini Trial, Facilitation, Mediation, Med-Arb and Case Evaluation.....”

June, 2009 was an intensive capacity building process for the Delhi Mediation Centre when three intensive 40 hours training programmes were simultaneously conducted at the three limbs of Delhi Mediation Centre i.e. Tis Hazari District Courts, Karkardooma and Rohini Mediation Centres.

**Tis Hazari District Courts:-
(01-06-2009 to 06-06-2009)**

Target Group -16 Advocates

Resource Persons - Ms. Poonam Mendiratta and Ms. Anuja Saxena, both Advocate Mediator Trainers with Associate Trainers Mr. Girish Malhotra and Mr. Rajesh Gupta.



6.6.2009: Mediators All! On the occasion of the Intensive 40 Hours Mediation Training to Advocates at the Tis Hazari Mediation Centre. Seen seated are in the first row L to R: The Associate Trainers Mr. Girish Malhotra and Mr. Rajesh Gupta, Advocate/Mediator, Mr. O.P. Gupta AD&SJ and Judge Incharge Delhi Mediation Centre and Ms. Anuja Saxena and Ms. Poonam Mendiratta, both Mediator Trainers.

**Rohini Mediation Centre:-
(01-06-2009 to 06-06-2009)**

Target Group - 12 Advocates

Resource Persons -Dr. Sudhir Kumar Jain, ADJ and Master Trainer, Ms. Jaya Goel and Ms. Nagina Jain, both Advocate Mediator Trainers.

Karkardooma Mediation Centre
(1-06-2009 to 06-06-2009)

Target Group - 12 Advocates

Resource Persons -Ms. Anu Malhotra, AD&SJ and Master Trainer, presently, Director, Delhi Judicial Academy and Mr. Ajay Gupta, Advocate Mediator Trainer with the Associate Trainers Dr. Renu Aggarwal and Mr. K.K. Makhija, both Advocate Mediators, all of the Delhi Mediation Centre.



Mediators All! 6.6.2009 At the Karkardooma Judges Conference Hall Seen are the newly trained Advocates of the Delhi Mediation Centre. L to R: Mr. Vinay Khanna, AD&SJ and Trainer Mediator, Delhi Mediation Centre, Ms. Sunita Gupta, District Judge-VII and Mr. P.S. Teji, District Judge-VI, Mr. A.K. Chawla, Judge Incharge Mediation Centre, Karkardooma Ms. Anu Malhotra Master Trainer, Delhi Mediation Centre, Mr. Sukhdev Singh, AD&SJ & Judge Mediator with Mr. Ajay Mehta, Advocate Mediator Trainer and Dr. Renu Aggarwal, Associate Mediator Trainer

Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi and Member of the Mediation and Conciliation Project Committee also interacted with the trainees and guided them on the topic 'Ethics and Confidentiality' which are the fundamental pillars of mediation.

Visitors:

The benefits of mediation as successfully established through the amicably harmonious settlements arrived at through the process of mediation with the dedicated efforts of the mediators at the Delhi Mediation Centre have traveled far and wide, drawing distinguished visitors to the Delhi Mediation Centre.

Interns from Dr. Ram Manohar Lohia Law University, Lucknow were referred to the Karkardooma Mediation Centre by NALSA on 19.6.2009. They were very enthusiastic qua the subject. Various aspects of mediation were explained to them and their queries were replied to by the Judge Incharge of the Mediation Centre at Karkardooma, Mr. A.K. Chawla, AD&SJ/ Mediator.



19.6.2009: Interns were referred by the NALSA to the Karkardooma Mediation Centre. Seen are the Interns and Mr. A.K. Chawla, Judge Incharge Mediation Centre, Karkardooma.

ACCOMPLISHMENTS TILL 30.6.2009

The Delhi Mediation Centre has till 30.6.2009 settled 14217 cases (including 3450 connected cases) amicably and finally. The statistics this month reflect the continuously increasing expeditious efficacy of the benefits of mediation:-

Tis Hazari Mediation Centre (01.6.2009 30.6.2009)	Rohini Mediation Centre (01.6.2009 30.6.2009)	Karkardooma Mediation Centre (01.6.2009 30.6.2009)
Cases Referred - 204	Cases Referred - 62	Cases Referred - 94
Cases Disposed of - 121	Cases Disposed of - 42	Cases Disposed of - 83
Cases Settled - 73	Cases Settled - 36	Cases Settled - 76
(Significantly, these include 19 matrimonial matters, 2 petitions for maintenance U/s 125 Cr. P.C., 1 custody and guardianship matter, 11 suits for injunction/possession/ damages, 31 suits for recovery, 3 suits for partition and, 1 Probate case & 3 other civil suits cases)	(Significantly, these include 2 matrimonial matters, 2 petitions for maintenance U/s 125 of the Cr. P.C., 1 MACT matter, 20 suits for Recovery, 6 Criminal Compoundable cases and 2 under Section 138 of NI Act & 2 other suits .)	(Significantly, these include 15 labour and management disputes, 17 matrimonial matters, 8 cases under the Negotiable Instruments Act, 2 suits for injunction /possession/ damages, 14 petitions for maintenance U/s 125 of the Cr. P.C and 4 MACT matters and 9 suits for Recovery.
Connected Cases Settled - 27	Connected Cases Settled - 11	Connected Cases Settled - 34
Total settled - 100	Total settled - 47	Total settled - 110