

# MEDIATION NEWSLETTER

## DELHI MEDIATION CENTRE

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Hon'ble Guests, resource persons and participants on the occasion of valedictory function of Training Programme on '**Techniques of Mediation**' conducted at Dwarka Courts.

(Seen) Hon'ble Mr. Justice Madan B. Lokur, Acting Chief Justice, High Court of Delhi, Hon'ble Mr. Justice S.N. Dhingra, and Hon'ble Mr. Justice M.C. Garg, Judges, High Court of Delhi/ Members, Monitoring Committee to see the Functioning of all District Mediation Centers in Delhi, Ms. Deepa Sharma, coordinator of training programme.

**MEDIATION CENTRE,  
TIS HAZARI COURTS**

3<sup>rd</sup> Floor, Tis Hazari  
Courts Delhi

Tel: - 23961909 Ext.325

**Judge In charge**

Tel: - 23975030 Ext. 1326  
Fax: - 23961909

**MEDIATION CENTRE,  
ROHINI COURTS**

4<sup>th</sup> Floor, Rohini Courts  
Delhi

Tel: - 27555536

**Judge In charge**

Tel:- 27554459  
Fax: - 27555536

**MEDIATION CENTRE,  
KARKARDOOMA COURTS**

Ground Floor, B-Block,  
Karkardooma Courts, Delhi

**Judge In charge**

Tel:- 22301970  
Fax: - 22309086

**MEDIATION CENTRE,  
DWARKA COURTS**

3<sup>rd</sup> Floor, Administrative Block,  
Dwarka Courts, Delhi

Tel: - 28042823

**Judge In charge**

Fax:-28042823

E-mail:- [delhimediationcentre@nic.in](mailto:delhimediationcentre@nic.in)  
Website: - [www.delhimediationcentre.gov.in](http://www.delhimediationcentre.gov.in)

## TRAINING PROGRAMME AT AGRA

A 40 hrs Training Programme on "**Techniques of Mediation**" was conducted at District Courts, Agra (UP) in three phases under the aegis of Mediation and Conciliation Project Committee, Supreme Court of India. The First Phase and Second Phase were conducted on 17<sup>th</sup> & 18<sup>th</sup> April, 2010 and 24<sup>th</sup> & 25<sup>th</sup> April, 2010. The participants were 15 Advocates practicing at District Courts, Agra. Dr. Sudhir Kumar Jain, Additional Sessions Judge/ Master Trainer and Sh. K. K. Makhija, Advocate/Trainer from Delhi Mediation Centre were resource persons.

The Third Phase was conducted on 1<sup>st</sup> & 2<sup>nd</sup> May, 2010. In Third Phase, the participants were introduced to various techniques of Breaking of Impasse in mediation. The participants were apprised about 'Lateral Thinking', 'Brainstorming', 'Real Testing' etc. and others Procedural Techniques. Role plays and mock exercises were also conducted for the benefit of the participants. The resource persons also discussed connected subjects such as 'Code of Ethics', 'Mediation Management', 'Role of Apology' and 'Mediation Rules'. The participants were apprised about achievements of Delhi Mediation Centers in mediation and settlement of more than 19,500 cases through mediation. The participants also witnessed actual mediation in one pending matrimonial dispute.

The Valedictory Function was held on 2<sup>nd</sup> May, 2010 which was chaired by Sh. N.K. Jain, the District & Sessions Judge, Agra who guided the participants about the benefits of Mediation and advised the Judicial Officers to refer the pending cases for Mediation.

The participants at the end of Training Programme expressed their satisfaction about relevance of Training Programme and acknowledged change in their perception about the utility of Mediation in resolution of disputes. The participants suggested and emphasized for more active role of Judicial Officers in referral of sufficient cases for mediation. The participants were also of view that settlement of cases through mediation shall not affect their income and this will be service to the society.



The participants of Training Programme conducted at Agra, are conducting actual mediation under supervision of experts.

## TRAINING PROGRAMME AT PATIALA HOUSE COURTS

A Training Programme on '**Role of Referral Judges in Mediation**' was conducted on 1<sup>st</sup> May, 2010 at Patiala House Courts which were attended by Judicial Officers posted at Patiala House Courts. Ms. Deepa Sharma, Principal Judge, Family Courts/ Master Trainer was resource person. It was inaugurated by Hon'ble Mr. Justice M. C. Garg, Judge, High Court of Delhi/Member, Monitoring Committee to see the Functioning of all District Mediation Centers in Delhi. His Lordship addressed the participants about importance of referral order, duty of referral judges to find out element of settlement in civil disputes and then to persuade the parties for settlement of their disputes through mediation, to apprise the participants about the benefits and process of mediation and to inform them about the relevance of confidentiality in mediation. His Lordship apprised the participants that the time period between two dates can be utilized for referring the case to mediation without disturbing the schedule of trial of the case.

Ms. Deepa Sharma informed the participants about the number of cases which were referred in Delhi Mediation Centre, Dwarka Courts and number of settled cases along with settled connected cases. The participants were requested to refer the cases at Delhi Mediation Centre, Dwarka Courts but keeping in view the convenience of litigants. During interactive session, the queries raised by participants were suitably answered to their satisfaction.

Sh. Gurdeep Kumar, District Judge-V and Sh. S.P. Garg, District Judge -VI also graced the Training Programme.

## DELHI MEDIATION CENTRE, TIS HAZARI COURTS

a) A Refresher Course for Judicial and Advocate Mediators on '**Concept of Mediation**' was conducted on 07th May, 2010. It was attended by 31 mediators. Shri Brajesh Sethi, Judge In-charge and Sh. Harish Dudani, Additional District Judge/Master Trainer were the resource persons.

The participants were apprised about mediation as voluntary, informal process; active and direct role of parties in mediation process; objectives of different stages of mediation; difference between judicial process and mediation etc.

b) A Refresher Course for Mediators on '**Effective Communication During Mediation**' was conducted on 21st May, 2010 with the objective to improve their communication skills. It was attended by 31 mediators. Shri Brijesh Sethi, Judge In-charge and Dr. Sudhir Kumar Jain, Additional Sessions Judge/ Master Trainer were resource persons. The participants were apprised about relevance of effective communication during mediation, how to encourage communication between parties, how to exercise control over flow of communication, and barriers in communication. The participants were apprised about verbal

communication with emphasis on relevance of neutral reframing and summarizing; non verbal communication including active listening, body language, silence; and use of questioning to elicit information from parties. Mediators during the interactive session have pointed out and discussed problems related to communication being faced by them during mediation process.

#### **DELHI MEDIATION CENTRE, KARKARDOOMA COURTS**

a) A Refresher Course for Referral Judges posted at Karkardooma Courts was conducted on 07<sup>th</sup> May, 2010 on **"Referral of cases for Mediation"** which was attended by 15 Judicial Officers. Shri Vinod Goel, Judge In charge, and Ms. Shailender Kaur, Additional Sessions Judge/Master Trainer were resource persons. Aim of the programme was to develop and refine skills of Judicial Officers as Referral Judges. The participants were also guided about selection of suitable cases for mediation.



Resource Persons of Training Programme on 'Referral of cases for Mediation' conducted at Karkardooma Courts on 07<sup>th</sup> May, 2010

#### **DELHI MEDIATION CENTRE, ROHINI COURTS**

a) A Refresher Course for Referral Judges posted at Rohini Courts was conducted on 28<sup>th</sup> May, 2010 on **"Referral of cases for Mediation"** which was attended by 37 Judicial Officers. Ms. Bimla Maken, District Judge VIII, Rohini Courts presided over the programme. Shri Chander Shekhar, Coordinator and Dr. Sudhir Kumar Jain, Additional Sessions Judge/Master Trainer were resource persons. The participants during interactive session discussed and deliberated with resource persons their problems being faced by them at the time of referral of pending cases and execution of settlement. The participants were also guided about selection of suitable cases for mediation, importance of referral order and its components.

b) A Refresher Course on **'Techniques of Breaking Impasse in Mediation Process'** was conducted on 29<sup>th</sup> May, 2010 for Mediators with the objective to improve their skills in breaking of impasse during mediation process. Shri Chander Shekhar, Coordinator and Dr.

Sudhir Kumar Jain, Additional Sessions Judge/Master Trainer were resource persons. Mediators during the interactive session have pointed out and discussed problems being faced by them in breaking impasse during mediation process. The core of the discussion was how to overcome impasse causing failure of mediation by using various techniques such as Lateral thinking, Brainstorming, Real Testing, Deferring, Use of Social Skills etc. The participants were also apprised how to prevent impasse at different stages of mediation process. At the end of programme the participants became more conscious about skills to be used in overcoming impasse during mediation.



Resource Persons and participants of Training Programme on 'Techniques of Breaking Impasse in Mediation Process' conducted at Rohini Courts on 29<sup>th</sup> May, 2010.

#### **DELHI MEDIATION CENTRE, DWARKA COURTS**

A 40 hrs. Training Programme on **"Techniques of Mediation"** was conducted at Dwarka Courts w.e.f. 7<sup>th</sup> May, 2010 to 16<sup>th</sup> May, 2010 for 19 Officers of Delhi Higher Judicial Service. It was inaugurated by Hon'ble Mr. Justice M.C. Garg, Judge, High Court of Delhi/Member, Monitoring Committee to see the Functioning of all District Mediation Centers in Delhi. His Lordship apprised the participants about the relevance of 40 hrs training on techniques of mediation to become a mediator. His Lordship also emphasized on the effectiveness of meditation and informed the participants that more than 20,000 cases have been settled in different meditation centers.

Dr. Sudhir Kumar Jain, Additional Sessions Judge, Ms. Neena Bansal Krishna, Director ADR, Govt. of NCT of Delhi, Ms. Shailender Kaur, Additional Sessions Judge, Master Trainers, Ms. Anju Bajaj Chandna, Presiding Officer, MACT, Mr. V.K. Bansal, Additional Sessions Judge, Trainers were resource persons. Ms. Deepa Sharma, Principle Judge, Family Courts, Coordinator of the training programme, also guided the participants.

Sh. P.K. Saxena and Sh. A.K. Arya, Additional Sessions Judges/Trainers also attended the Training Programme as observers.

During the Training Programme, the participants were explained the 'Relevance of Training', 'ADR: Its Relevance with special reference to section 89

CPC, Different Types of ADR', 'Mediation: Definition and Components', 'Benefits of Mediation', and 'Conflict Management and Resolution'. The participants were explained various techniques of mediation such as 'Communication- Verbal and Non-Verbal' 'Negotiation- Definition, Approaches to Negotiation, Barriers to Negotiations', 'Bargaining', 'Disputes which can be referred for mediation', 'Qualities of a Good Mediator', 'Impasse-Causes and Techniques to Break Impasse'. The participants were also apprised about 'Professional Ethics', 'Use of Apology in Mediation', and 'Mediation Management'. The participants were also apprised about the various others issues related to Mediation such as 'Role and Responsibilities of Referral Judges U/s 89 CPC', 'Importance of passing of Referral Order', 'Mediation and Conciliation Rules 2004', 'Mediation and Spirituality'. Role-Plays were also conducted to give the participants practical inputs of various techniques of Mediation. Documentary Film prepared by Delhi Mediation Centre was also screened. The participants were also shown slides on positive thinking and attitude which were appreciated by the participants.

The Valedictory Function was presided over by Hon'ble Mr. Justice Madan B. Lokur, Acting Chief Justice, High Court of Delhi. Hon'ble Mr. Justice Sanjiv khanna, Hon'ble Mr. Justice S.N. Dhingra, and Hon'ble Mr. Justice M.C. Garg, Judges, High Court of Delhi/ Chairman & Members, Monitoring Committee to see the Functioning of all District Mediation Centers in Delhi also graced the valedictory function.

Hon'ble Mr. Justice M.C. Garg was of the view that Training Programme would help the participants to become good referral judges since the success of mediation also rests on good Referral Judges. Hon'ble Justice Madan B. Lokur informed the participants that initially there was a resistance to meditation from the members of the Bar and acknowledged the contribution of Judge Mediators during initial period of two years. His Lordship informed the participants that every month 700 cases are settled through mediation. His Lordship further apprised the participants that the 15 % cases can be settled in mediation centers which may go up to 20 %. His lordship was of the view that this Training Programme would change the thinking pattern of the participants. His Lordship guided the participants that there is a need to focus on the problem before a judicial officer and there is no need to go for lengthy cross examination or arguments. His Lordship informed the participants that training program would have positive impact on the way of delivering justice of the participants and urged the judicial officer to look at the entire issue in the positive manner. Inaugural and Valedictory Functions were also attended by Sh. I. S. Mehta, District Judge IX, Dwarka Courts.

The participants at the end of the Training Programme were satisfied about the quality and methodology of the training programme. There was positive change in mindset, approach, attitude, and perception of the participants.

**Delhi Mediation Centers till 31-05-2010 have settled 21,755 cases including 5553 connected cases amicably reflecting efficacy of Mediation in resolution of disputes.**

**The General Statistical Reports for the month of May, 2010 are as under:-**

Delhi Mediation Centre, Tis Hazari Courts (01-05-2010 to 31-05-2010)	Delhi Mediation Centre, Rohini Courts (01-05-2010 to 31-05-2010)	Delhi Mediation Centre, Karkardooma Courts (01-05-2010 to 31-05-2010)	Delhi Mediation Centre, Rohini Courts (01-05-2010 to 31-05-2010)
Case Referred - 436 Case Disposed of - 419 Case Settled - 318 (Settled Cases include 05 cases U/s 125 Cr. P.C., 73 cases U/s 138 N.I. Act, 27 suits of Mandatory/Permanent injunction, 07 suits of Possession and Damages, 26 Matrimonial disputes, 67 Recovery suits and 01 Rent disputes, 10 MACT cases besides other cases).	Case Referred - 271 Case Disposed of - 197 Case Settled - 145 (Settled Cases include 09 cases U/s 125 Cr. P.C., 36 cases U/s 138 N.I. Act, 03 suits of Mandatory/Permanent injunction, 23 Matrimonial disputes, 29 Recovery suits, 6 MACT cases and 1 Rent disputes besides other cases).	Case Referred - 350 Case Disposed of - 221 Case Settled - 180 (Settled Cases include 13 cases U/s 125 Cr. P.C., 21 cases U/s 138 N.I. Act, 13 Suits of Mandatory/Permanent injunction, 46 Labour & Management disputes, 41 Matrimonial disputes, 14 Recovery Suits, 17 MACT cases and 2 Rent disputes besides other cases).	Case Referred - 134 Case Disposed of - 144 Case Settled - 68 (Settled Cases include 04 cases U/s 125 Cr. P.C., 32 cases U/s 138 N.I. Act, 03 Suits of Mandatory / Permanent) injunction, 03 Matrimonial disputes, 10 Recovery Suits, 03 MACT cases besides other cases).
Connected Cases - 160 Total Cases - 478	Connected Cases - 42 Total Cases - 187	Connected Cases - 104 Total Cases - 284	Connected Cases - 36 Total Cases - 104

**Notes: i) Referred Cases do not include previous pendency.  
ii) Disposed cases include disposal of pending cases.**