

MEDIATION NEWSLETTER

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13.11.2009: An Orientation Course on '*Principles of Mediation, Importance & Role of Referral Judges and Case Management*', conducted by the Delhi Judicial Academy at The Bristol Hotel, Gurgaon. Seen addressing the 100 Judicial Officers is Hon'ble Mr. Justice R. V. Raveendran, Judge, Supreme Court of India and Chairman of the Mediation & Conciliation Project Committee. Seen seated are also (L-R): Mr. Niranjn Bhatt, Sr. Advocate and Founder of AMLEAD, Hon'ble Mr. Justice A.K. Sikri, Judge High Court of Delhi and Prof. (Dr.) Ved Kumari, Chairperson, Delhi Judicial Academy.



14.11.2009: Some of the participants during the Orientation Course on '*Principles of Mediation, Importance & Role of Referral Judges and Case Management*' conducted by the Delhi Judicial Academy at The Bristol Hotel, Gurgaon.



22.11.2009: A Mediation and Awareness Programme for Referral Judges, conducted at Aurangabad (Mah.). Seen seated are (L-R): Mr. Alok Agarwal, Addl. Sessions Judge and Master Trainer of the Delhi Mediation Centre. Hon'ble Mr. Justice A.B. Nigude, Hon'ble Mr. Justice P.V. Hardas, both Hon'ble Judges of the Aurangabad Bench of the High Court of Judicature at Bombay and Ms. B.P. Jakhade, Advocate

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Often disputants though interested in resolving their disputes, do not find any agreement. Mediation is a voluntary process whereby a neutral third party i.e. a mediator uses specialized negotiations and communication techniques, to assist the parties to a dispute to arrive at an amicable settlement. The process of mediation helps the people keep working happily together whereby they can benefit and grow from mutual exchange. Mediators' aim at working with those in conflict to incorporate into the communication, view-points of both whereby the basic pivots on which mediation revolves i.e. **self-determination and confidentiality are discreetly and consistently maintained. The power of self-determination conferred on litigants through the process of mediation, makes the mediation settlement arrived at workable and enforceable, for if the process of mediation has been fairly and diligently followed, disputants who arrive at a self-determined negotiated settlement consciously abide by it.** Mediation, thus, is per se a revolution whereby the power of the State of imposing decisions is moving to the masses resulting into self-determined solutions of problems and conflicts solved together. In the words of Hon'ble Mr. Justice V.R. Krishna Iyer, laid down in **Aggarwal Engineering Co. v. Technoimpex Hungarian Machine Industries, Foreign Trade Co.**, AIR 1977 SC 2122-23 that "A legal adjudication may be flawless but heartless, but a negotiated settlement will be satisfying even if it departs from strict law". This was the year 1977. The amendment in the Code of Civil Procedure w.e.f 1.7.2002 and the constitutional validity of Sec. 89 of the CPC have however since been upheld by the Hon'ble Supreme Court in **Salem Bar Advocates Association T.N. Vs. Union of India**, (2005) 6 SCC 344. Referrals to one of the modes of ADR prescribed u/s 89 CPC where there exists an element of settlement in a pending litigation has thus become a mandate of the law. *The facilitated discussions that take place between the parties to a lis directly or by communication with each other through the mediation, with the mediator assisting the parties in identifying issues, reducing misunderstandings, clarifying priorities exploring areas of compromise, generating options in an attempt to solve the dispute and with parties being responsible themselves for making decisions which affect them, being the essence of mediation at the Delhi Mediation Centre is resulting into chronic disputes between litigants being amicably settled.*

The factum that 17191 cases (including 4216 connected cases) have been amicably and finally settled at the three limbs of the Delhi Mediation Centre since its inception on 2nd August, 2005 speaks volumes of the efficacy of mediation. The Delhi Mediation Centre under the aegis of The Mediation & Conciliation Project Committee, Supreme Court of India continues to strive to take the benefits of mediation across the country through various training programmes/awareness programmes and refresher courses:-

7-8.11.2009: Bhayander (Distt. Thane): The Maharashtra Judicial Academy & the Indian Mediation Centre & Training Institute, High Court of Bombay, on 7th & 8th November, 2009 organized a "Mediation Awareness and Referral Training Programme" under the aegis of the Mediation and Conciliation Project Committee, Supreme Court of India at the Academy. It was arranged coinciding with the completion of a 10 weeks Induction-1 training programme of 100 newly recruited Judicial Officers. Hon'ble Mr. Justice R.V. Raveendran, Judge, Supreme Court of India and Chairman

of the Mediation and Conciliation Project Committee, Hon'ble Mr. Justice Swatanter Kumar, the Chief Justice, High Court of Bombay and other Hon'ble Judges of the High Court of Bombay, Members of the Bombay Bar Association, Judges of City Civil Courts & other legal luminaries graced the occasion. The report of Dr. Sudhir Kumar Jain, AD & SJ and Master Trainer of the Delhi Mediation Centre says it all:-

"On 7.11.2009 Hon'ble Mr. Justice Bilal Nazki, Judge, High Court of Bombay delivered the Introductory Address and emphasized upon the need for institutionalization of the Mediation Process.

Hon'ble Mr. Justice Swatanter Kumar delivered the Presidential Address and highlighted the need to create an interest in the mediation process and for making it effective, whereby overall judicial skills would also be improved. Hon'ble Mr. Justice R.V. Raveendran, delivered the Inaugural Address and guided the participants on the aspects of - what is mediation, how mediation is important, why it is relevant, when mediation should be resorted to, how cases are to be referred to, and cases suitable for reference to mediation.

The First Session, on the subject of "Basics of Mediation and Qualities of Mediator" was chaired by Hon'ble Mr. Justice A.M. Khanwilkar with speakers Mr. Rafique Dada, Mr. M.P.S. Rao, and Dr. Sudhir Kumar Jain, AD&SJ and Master Trainer Mediator of the Delhi Mediation Centre. Shri Rafique Dada, Senior Counsel & President Bombay Bar Association guided the participants as to how it is important to select right cases for referring to mediation and the right stage at which cases are to be referred. Sh. M.P. S. Rao, Senior Member, Bombay Bar Association, made the participants aware of the Mediation Rules framed by the High Court of Bombay. Dr. Sudhir Kumar Jain apprised the participants about the basic concepts of Mediation including its process, definition, components of mediation, Stages of mediation, Difference between Mediation on one hand and Lok Adalat, Arbitration, Litigation, Panchayat on other hand.

The Refresher Course for Trainers was held in the Conference Hall. The participants were guided by Hon'ble Mr. Justice R.V. Raveendran, Judge, Supreme Court of India, Hon'ble Mr. Justice Swatanter Kumar, Chief Justice, High Court of Bombay and other Hon'ble Judges of the High Court of Bombay about the effective implementation of Mediation. The successes of the Delhi Mediation Centre were also highlighted to bring forth the effectiveness of Mediation. A role play which proved to be a very effective exercise to make the participants aware of the process of mediation and their importance as referral judges was conducted by Dr. Sudhir Kumar Jain and Mr. Bharat Joshi Advocate.

On 8.11.2009, the second session on 'Effective Implementation of ADR Mechanism' was chaired by Hon'ble Mr. Justice R.V. Raveendran. Hon'ble Mr. Justice Swatanter Kumar, Chief Justice and Hon'ble Dr. Justice D.Y. Chandrachud, Judge, High Court of Bombay also graced the occasion. Ms. Sheela Balsari, Mr. Bharat Joshi, Advocates and Dr. Sudhir Kumar Jain were the speakers. Hon'ble Mr. Justice R.V. Raveendran apprised the participants about why ADR is necessary, consequences of delay in access to justice, reduction in institution of civil cases, increasing resort to extra judicial remedies in resolution of disputes and growing terrorism due to delay in access to justice and guided the participants about implementation of mediation in a systematic manner. His Lordship also pointed out the deficiencies in the language of Section 89 of the Code of Civil Procedure, 1908. His Lordship guided the Trainee Judges to be good Referral Judges and to make ADR as a part of the judicial mechanism.

Hon'ble Mr. Justice Swatanter Kumar, guided the participants to take recourse to Section 89, CPC before commencement of trial. Ms. Sheela Balsari, Advocate highlighted the necessity of public awareness campaigns, benefits of mediation and emphasized the role of media for the same and the necessity of appropriate diploma courses in mediation. Dr. Sudhir Kumar Jain, AD&SJ and Master Trainer Mediator of the Delhi Mediation Centre highlighted that mediation provides speedy justice without the rigours of trial. Hon'ble Dr. Justice D.Y. Chandrachud, Judge, High Court of Bombay emphasised that mediation is designed to change the social structure and is an acceptable tool of justice for social transformation. The third session on the topic "Referral Judges Training" was chaired by the Hon'ble Mr. Justice A.A. Sayad, Judge, High Court of Bombay. Shri Sambhaji Mohite, Shri Prathamesh Popat, Advocates and Dr. Sudhir Kumar Jain, AD&SJ and Master Trainer were the speakers. The Ld. speakers guided the participants to make an objective assessment of the case to ascertain the element of cases at the time of referral and of the necessity of brief interaction with litigants at the time of referral as also about the relevance of execution of settlement in accordance with law. As reported by Dr. Sudhir Kumar Jain, at the end of the training programme there was a phenomenal change in the perception of the participants about 'mediation' and its feasibility to develop as a tool of effective dispute resolution.

14&15, 21&22 and 28 & 29 November, 2009: Chandigarh:

An 'Intensive Mediation Training Programme of 40 hours' was conducted under the aegis of the Mediation and Conciliation Project Committee, Supreme Court of India, for 22 Judicial Officers of the States of Punjab & Haryana at the Chandigarh Judicial Academy. The target group was bifurcated into Group A & B consisting of 11 trainees in each group. Sh. Dinesh Sharma, AD&SJ and Mediator Trainer and Ms. Shalinder Kaur AD & SJ and Master Trainer of the Delhi Mediation Centre were the Resource Persons for Group A for the first phase. Ms. Shalinder Kaur & Ms. Nisha Saxena, AD & SJs and Master /Trainers were the Resource Persons for the Second and Third phase of the training for this group. Sh. Sanjay Kumar and Ms. Aditi Chaudhary, AD & SJs, Mediator/Trainers were the Resource Persons for Group B, for the first and second phase. Sh. Sanjay Kumar and Sh. Rajiv Mehra, AD& SJs, Mediator/Trainer were the Resource Persons for the 3rd phase of the training for this group. The report of Ms. Shalinder Kaur is as follows:- "*Awareness was generated amongst the participants about relevance of a training programme and principles of learning vis-a-viz, adult learners. They were told about the alternative dispute resolution mechanism and conflict management. The participants were also guided in detail about Mediation, its meaning, components, the process of mediation and the role of a mediator, communication skills and techniques to be used by a Mediator during mediation, bargainings and negotiations. They were explained about impasses created in the process and techniques to break the same. The participants were guided about Mediation Management and were also made aware about the types of disputes which can be referred to mediation and the types which cannot be referred.*

In the last phase of the training, specific emphasis was laid on the role of the Referral Judge in mediation. The participants took a keen interest in the deliberations with respect to role of spirituality in mediation as well as ethical principles for a mediator. In order to achieve complete and undivided attention of the participants various teaching aids like demonstrations, group discussions, interactive sessions

and role plays were used throughout the training programme. The groups vibrantly participated in all the sessions and ensured that they grasped all the techniques explained to them. They raised several questions and showed a keen interest in the entire training programme. The participants also expressed that the mediation techniques learned by them would be useful not only in conducting mediations but would also be helpful in holding their Courts more effectively as well as in their personal lives."

15.11.2009: Bodhgaya: A 'Mediation Awareness Programme and The Protection of Children Rights Conference' was conducted at the Conference Hall, Magadh University, Bodhgaya by the Bihar State Legal Services Authority under the aegis of the National Legal Services Authority. There were two sessions for the Awareness Programme on Mediation for which the target group comprised of Judicial Officers of all Cadres posted at Patna, Gaya and adjoining areas besides practicing advocates in the High Court and District Courts at Patna, Gaya and adjoining areas and the participants numbered more than 400. Hon'ble Mr. Justice Tarun Chatterjee, Judge, Supreme Court of India & Executive Chairman, National Legal Services Authority, Hon'ble Mr. Justice Shiva Kirti Singh, Hon'ble the Acting Chief Justice-cum-Executive Chairman, Bihar State Legal Services Authority, Hon'ble Ms. Justice Mridula Mishra, Judge, Patna High Court, Hon'ble Mr. Justice Navin Sinha, Judge, Patna High Court. Mr. Dharmesh Sharma, AD&SJ & Master Trainer of the Delhi Mediation Centre and Mr. Sampat Sinha, Chairman, Child Care, an NGO were the Resource Persons. The concept of Mediation as distinguished from conventional litigation, arbitration, Lok Adalat as well as Conciliation was explained. Slides were shown bringing out the difference between mediation and other modes of settlement of disputes. The concept of 'confidentiality' as maintained in Mediation and how it enables the parties to reach a settlement was also emphasized upon. The relevant scenes in the audio-visual documentary of the Delhi Mediation Centre were shown to depict the crucial role of Referral Judges and how Mediation is a structured process contemplated to be done in different sessions in a congenial atmosphere. The benefits of mediation with illustrations were also explained to the participants. As reported by Sh. Dharmesh Sharma, 24 Judicial Officers in the cadre of the Higher Judicial Services and 6 Advocates have undergone 40 hours Mediation training and Mediation Centres are being established at Patna, Gaya, Chhapra, Muzaffarpur, Purnia, Bhagalpur, Darbhanga and Ara, in Bihar.

14-16. 11.2009: Durg (Chattisgarh): The 'Second phase of the 40 hours intensive mediation training programme' for 16 Judicial Officers and 16 Advocates was conducted at Durg, High Court of Chattisgarh. The first phase of this programme had been conducted from 19-21 September, 2009. The report of the Resource Persons, Ms. Neena Bansal Krishna and Dr. Sudhir Kumar Jain, both AD&SJs and Master Trainers of the Delhi Mediation Centre is as follows:- "*The training was inaugurated by Hon'ble Mr. Justice Satish K Agnihotri, High Court of Chattisgarh and Chairman of the Monitoring Committee, Mediation Centre, Hon'ble Mr. Justice Sharma, and Hon'ble Mr. Justice Chandrakar Judge High Court and Members, Monitoring Committee, High Court of Chattisgarh also graced the occasion.*

Hon'ble Mr. Justice Agnihotri in his keynote address began by stating that the country succeeds if the citizens of its country get justice. Reference was made to the report of Justice Malinah which became a basis of introduction of Section 89 in the Code of Civil Procedure whereby mediation as an ADR

mechanism was given statutory recognition. It was highlighted that mediation was not an alternative but an "Additional Resolution Mechanism". Besides referring to the benefits of the mediation process being economical, informal, confidential and bringing in harmony which results in a win-win situation for both the parties and maintaining the relationship between them, it was pointed out that in fact mediation trains a person to have a more modulated speech, adopt better communication techniques and use softer language and thereby mediation makes a person "a good man". It was highlighted that mediation calls for a change in attitude.

The participants consisting of 16 participants in all were split into two groups of eight judges and eight lawyers respectively. The resource persons for one group was Ms. Neena Bansal Krishna, Trained Mediator/Trainer/AD&SJ: New Delhi, while for the other group was Dr. S.K. Jain Master Trainer/Mediator/ Addl. Sessions Judge, Delhi.

During the second phase of the training the important topics of negotiations, impasse and breaking of impasse were taken up. Ethics and the Mediation and Conciliation Rules were also discussed at length with the participants. A joint session was taken on the role of Referral Judges wherein the importance of reference of appropriate cases to the mediation was impressed as a *sine qua non* for the success of resolution of case through mediation.

All the sessions were highly interactive in which there was equal participation of the participants in understanding the concepts. A role play was also done to give a practical exposure of how mediation is done.

In addition, nine actual mediation cases were taken up by the Trainers as well as by the participants. These cases ranged from matrimonial disputes to the dispute between the family and the money disputes. Out of these nine referred cases, seven cases got settled which was a clear demonstration of how well the training had been received and imbibed by the participants.

It is the aim of every training to take a person from "I Can't" to "I Will". This objective was fully achieved after the training of 40 hours and was also reflected by the success rate of the actual cases which were taken up for the mediation." It has been recommended further that the training of 40-hours should be taken up continuously and if it is not so possible then the gap between the two phases should not be large.

22.11.2009: Aurangabad: A 'Mediation Awareness and Referral Judges Training Programme' was conducted at the Conference Hall, Aurangabad Bench, High Court of Bombay. The target group here comprised of 40 nominated judicial officers and 20 advocates. This programme was organized by the Maharashtra State Legal Services Authority. As reported by Mr. Alok Aggarwal, AD&SJ and Master Trainer of the Delhi Mediation Centre in his report which is as follows, the participants took a keen interest in the programme and many of them expressed eagerness to be trained as mediators. "A one day awareness programme and training session for referral judges was organized at the Aurangabad Bench of the Hon'ble Bombay High Court, by the Maharashtra State Legal Services Authority on 22 November, 2009. "The programme was inaugurated by Hon'ble Mr. Justice P.V. Hardas, the Senior Most Judge at the Aurangabad Bench. The occasion was graced by Hon'ble Mr. Justice Naresh H. Patil, Hon'ble Mr. Justice B.R.Gavai, Hon'ble Mr. Justice A.V. Nirgude, Hon'ble Mr. Justice A.V.Potdar, Hon'ble Mr. Justice S.P.Davare and

Hon'ble Mr. Justice R.K. Deshpandey. In his inaugural speech Hon'ble Mr. Justice P.V. Hardas highlighted the benefits of disposal of cases through mutual settlements between the parties. His Lordship apprised the house about the high rate of success of Adalats conducted by the High Court Legal Services Committee and expressed a hope that Mediation would achieve similar success at Aurangabad. The programme was divided into four sessions. The first session on 'Basics of Mediation and Qualities of a Mediator' was chaired by Hon'ble Mr. Justice P.V. Hardas. The other speakers were Hon'ble Mr. Justice A.N. Nirgude, Sh. Alok Agarwal, Addl. District & Sessions Judge, Delhi and Smt. B.P. Jhakhade, Advocate. Hon'ble Mr. Justice A.N. Nirgude introduced the concept of Mediation to the participants and gave a lively power point presentation. His Lordship emphasized that a settlement arrived at through mediation does not only dispose of one case but it results in ending all disputes between the parties and consequently disposal of other connected cases if any and avoidance of further litigation between them. Sh. Alok Agarwal, Addl. District & Sessions Judge, Delhi explained in detail the process of mediation and its unique features namely the right of self determination, confidentiality, which makes it more effective as compared to other form of ADR. It was demonstrated to the participants that the process of Mediation is structured in a way so as to elicit maximum information from the participants with regard to their actual interests, which results in a large number of options being created for the parties to choose from and that this accounts for the success of Mediation, the world over. Smt. VP Jhakhade Advocate explained the process of mediation to the participants and highlighted the qualities required to be a good mediator. By the end of the session, the participants appeared to be convinced about the efficacy of the mediation as a mode of resolution of disputes.

The second session on "Effective implementation of ADR mechanisms" was chaired by Hon'ble Mr. Justice N.H. Patil. The other speakers were Hon'ble Mr. Justice S.P. Davare and Sh. S.J. Rao Mohite, Advocate. In this session, the speakers appeared to the referral judges to make more effective referrals. The speakers discussed the modes of implementation of the 'Civil Procedure Code, 1908, Alternative Dispute Resolution and Mediation Rules, framed by the Bombay High Court.

Hon'ble Mr. Justice S.P. Davare traced the chronology of introduction of ADR Mechanism by the legislature. His Lordship lucidly explained the chief characteristic of each mode of ADR and encouraged the participants to look into the possibility of settlement in each case that they come across whether as a Lawyer or Judge through one of the modes of ADR which might be most suitable considering the nature of the case. Sh. S.J. Rao Mohite, Advocate spoke in Marathi, the local language and requested the Referral Judges to spend a little time on each case to determine to which mode of ADR would be the most suitable for that particular case. In his concluding remarks Hon'ble Mr. Justice N.H. Patil reminded the participants of the rules framed by the Bombay High Court which mandated reference of each case where elements of settlement exist, to one or the other mode of ADR after recording admissions and denial of documents.....

After lunch there was an interactive session during which Hon'ble Mr. Justice B.R. Gavai, Mr. Alok Agarwal, Smt. VP Jhakhade and Sh. S.P. Rao Mohite replied to the queries raised by the participants. The participants showed keen interest in the process of mediation but raised a few queries and difficulties. Referral Judges pointed out that no credit is given in disposal of a case when a case referred to them to mediation or Adalat is settled. It was also pointed out that there were no trained mediators available at the District

Quarters other than Aurangabad and Taluka places all over the State. It was also pointed out by the participants that Rule 3 framed by the Bombay High Court provided for appointment of persons authorized to take decisions for the Union of India, State Government, Local Authorities and Public Sector Undertakings. It was however, learnt that no such authorised persons have yet been appointed and a fear was expressed that cases pertaining to the Government and the State Authorities would not be settled in the absence of any authorized person taking the responsibility.

Hon'ble Mr. Justice B. R Gavai chairing the session assured the participants that all their concerns would be taken up by the High Court at appropriate levels. In the meanwhile, it was suggested by Sh. Alok Agarwal, that more advocates be got trained in Mediation at all district places. The Courts at taluka places may fix one or two days in a week for all cases referred for mediation and may invite trained mediators available at the districts on those week days. Similarly, in respect of appointment of authorized persons it was suggested that pending such authorization by all State Authorities, the Courts may ask Advocates appearing for the said parties to have officials authorized to enter into settlements in each particular case.

The last session of three hours was the Referral Judges Training Programme conducted by Sh. Alok Agarwal. The topics covering selection of cases for referral, conference to be held by the referral judges by the parties and their advocates to explain the process and the components of an effective referral order were discussed.

The participants informed that in the whole of the year 2008 only one case was reported to have been referred to mediation at Aurangabad although there were 8 trained mediators available at the High Court. It was obviously gross lack of referral that was coming in the way of success of the process. The fear of the participants that their insistence on referral to mediation may invite complaints against them was allayed by reminding them that the same is a statutory mandate under section 89 CPC. The participants were shown slides of the analysis made at the Delhi Mediation Centre, in order to help them select the cases which were more appropriate for mediation and the stage at which the said matters should be referred.....

The participants evinced a great interest in the session and appeared keen on improving the quality of referrals made by them. A vote of thanks was proposed by Sh. S.B. Savle, Registrar, Aurangabad Bench, Bombay High Court."

28-29.11.2009: Surat (Gujarat): An 'Awareness Programme' was conducted in the Auditorium of the Law College, Surat, Gujarat. About 45 lawyers practicing in the District Courts, Surat attended the programme. Mr. Harish Dudani, AD&SJ and Master Trainer and Mr. Ajay Mehta, Advocate Mediator/Trainer, both of the Delhi Mediation Centre were the Resource Persons. Sh. B.S. Upadhyaya, Presiding Officer, Fast Track Court, Surat, Gujarat, a trained Mediator and Coordinator of the Mediation Centre at the District Court Surat, was also present and trained Mediator lawyers participated in the programme. Ms. Jagurti Patel, Principal of the Law College who attended the awareness programme and took a keen interest in the programme and asked number of questions As reported by Mr. Harish Dudani, many of the lawyers who participated in the programme expressed their desire to also undergo the 40-hours mediation training programme. On 29.11.2009 a 'Referral Judges Training Programme' was conducted at

the Conference Room of the District Courts, Surat, Gujarat wherein the target group was Judicial Officers. Mr. Harish Dudani, AD&SJ and Master Trainer and Mr. Ajay Mehta, Advocate Trainer, both of Delhi Mediation Centre were the Resource Persons. Sh. R.P. Dholaria, Principal District Judge, Surat inaugurated the training programme and expressed his faith in the process of mediation and cited certain examples in favour of the mediation process in order to generate interest amongst the officers in the programme & belief in the process of mediation.

Delhi:

3.11.2009: Karkardooma Mediation Centre: 27 Trainee officers of the DJS visited the Karkardooma Mediation Centre. The process of mediation and the achievements of the Centre were brought across to them by the then Ld. Judge Incharge of the Karkardooma Mediation Centre Mr. A.K. Chawla, AD&SJ presently Secretary General, Delhi High Court Arbitration Centre (DAC).

7.11.2009: A Refresher Course for Referral Judges of the North-East District of the Karkardooma Courts was conducted in the Conference Hall of the Karkardooma Courts. Mr. R.P. S. Teji wherein the Ld. ASJ, and Officiating Judge-in-charge (since 3.11.2009), KKD Mediation Centre, Sh. D.S. Punia, Ld. ADJ, Judge Mediator, and Sh. Manmohan Sharma, Ld. ADJ, Judge Mediator were the Resource Persons.

21.11.2009: An Awareness programme for Lawyers was conducted on 'Mediation as a Tool of Responsive and Timely Justice'. Sh. R.P.S. Teji, Ld. ASJ, Officiating Judge-in-charge, Sh. Manmohan Sharma, Ld. ADJ, Judge Mediator and Sh. Ajay Mehta Advocate Mediator/Trainer were the Resource Persons. More than 40 lawyers attended the programme and not only was the wider concept of mediation explained, but their queries, doubts and reservations on the subject were clarified.

Tis Hazari Mediation Centre: 7.11.2009: A Refresher Course on Mediation for Referral Judges (dealing with criminal matters) (CMM/ACMMS/MMs) was conducted. Mr. O.P. Gupta, AD&SJ/Judge Incharge Mediation Centre and Mr. Alok Aggarwal were the Resource Persons.

22.11.2009: An Awareness Programme for Advocates was conducted. Mr. O.P. Gupta, AD&SJ/Judge Incharge Mediation Centre and Ms. Poonam Mendiratta were the Resource Persons.

Visitors:-Coordinators/Nodal Officers of the Mediation Centres at Punjab, Haryana and Union Territory Chandigarh who are senior officers of the rank of ADJs visited the Tis Hazari Mediation Centre. The distinguished visitors were Mr. R.C. Godara and Mr. Vimal Kumar on 9.11.2009 and Ms. Raj Rahul Garg, Mr. Lalit Batra and Mr. Virinder Aggarwal on 16.11.2009.

13-15.11.2009: An Orientation Course on the 'Principles of Mediation, Importance & Role of Referral Judges and Case Management' for 100 officers (both DHJS & DJS) was conducted by the Delhi Judicial Academy at the Bristol Hotel, Gurgaon under the aegis of the Hon'ble High Court of Delhi. Hon'ble Mr. Justice R.V. Raveendran, Judge Supreme Court of India & Chairman, Mediation & Conciliation Project Committee, Supreme Court of India on 13.11.2009 emphasized the necessity of resort to the ADR mechanism, especially to mediation in view of the spate of litigation to ensure effective delivery of justice within a reasonable time frame to the litigants to sustain the faith reposed by the masses in judiciary. During the 2½ days programme, the participants were apprised of the benefits of mediation, conflict management, differences between various disputes resolution process i.e. arbitration, mediation, Lok Adalat, negotiation, conciliation and judicial settlement in contrast qua mediation where the self-determination of disputants gives rise to harmonious and acceptable final

solutions. The crucial role of the Referral Judge in mediation from the stage of pre-referral conference between judge, lawyer and litigant, cautious assessment of existence of an element of settlement, in a lis, presence of persons with an authority at the mediators table, passing of a referral order and execution of the settlement agreement was highlighted. The co-relation between mediation and case management and necessity of resort to mediation during the dormant stage of a civil trial after framing of issues till the recording of evidence were also emphasized upon. It having been brought across through this programme that **e-courts** are soon to become reality in the District Courts Delhi, the days of online mediation would soon take the benefits of paperless, expeditious and convenient mediation to the litigants. Hon'ble Mr. Justice Madan B. Lokur, Hon'ble Mr. Justice A.K. Sikri and Hon'ble Mr. Justice Vipin Sanghi, Judges of the High Court of Delhi guided the participants on the importance of appropriate referrals and effectiveness of mediation which evoked the goodness of man, leading thereby to amicable resolution of disputes, keeping at bay vengeance, ill-will and hurt feelings. Hon'ble Mr. Justice Sanjay Kishan Kaul, Hon'ble Mr. Justice Badar Durrez Ahmed and Hon'ble Dr. Justice S. Muralidhar, Judges of the High Court of Delhi guided the participants qua the effective use of docket and case management technology and the application of Information and Communication Technology in the District Courts which would enhance the speed and efficacy of the justice delivery system which lead to effective dispute resolution. The other Resource Persons were Mr. Niranjan Bhatt, Sr. Advocate and Founder of AMLEAD, a renowned Mediator, Mr. J.P. Sengh, Sr. Advocate and Ms. Sadhna Ramchandran, Advocate, both Trainer Mediators of the Delhi High Court Mediation & Conciliation Centre, Mr. Brij Bihari Dasa @ Brian Bloch, Head of ISKCON Resolve, Ms. Aparna Vasu, Mediator

Master Trainer of the Tamil Nadu Mediation Centre, Ms. Deepa Sharma, Principal Judge, Family Courts, Dwarka, Delhi, Ms. Anu Malhotra, AD&SJ & presently Director of the Delhi Judicial Academy and Mr. Harish Dudani, AD&SJ, all Master Trainers of the Delhi Mediation Centre. Mr. Devender Kumar Jangala and Mr. Sumit Dass, both officers of the Delhi Judicial Service, shared their expertise and experience of appropriate referrals.

27.11.2009: The Delhi Dispute Resolution Society, established by the Govt. of NCT of Delhi in order to provide speedy and inexpensive justice and to reduce the backlog of pending cases in Courts was formally registered on 27.11.2009. This is a unique combined effort of both the Government and the Judiciary to take the benefits of mediation in the form of community mediation to the masses, both at the pre-litigative stage and post-litigative stage. The Patron-in-Chief of the Society is the Hon'ble Chief Minister of Delhi Ms. Sheila Dixit. 19 community mediation centres are likely to come up within next six months.

28.11.2009: A consultative meeting of national trainers was held at the Supreme Court under the guidance of the Hon'ble Mr. Justice Cyriac Joseph, Judge Supreme Court of India, and Member of the MCPC, to revise and bring about national uniformity in the national mediation training manual. The other participants were:- Hon'ble Ms. Justice Chitra Venkataraman, Judge, High Court of Madras, Ms. Uma Ramanathan, Advocate Mediator from the Tamilnadu Mediation Centre, Ms. Laila Olapally, Advocate Mediator Trainer of the Bangalore Mediation Centre, Mr. Niranjan Bhatt Advocate/Mediator Trainer, Ahmedabad, Ms. Sadhana Ramchandran, Advocate Mediator Trainer, Delhi High Court Mediation & Conciliation Centre, Mr. M.L. Mehta, District Judge and Principal Secretary, Dept. of Law, Justice & Legislative Affairs, Govt. of Delhi, Ms. Anu Malhotra, AD & SJ, Dr. Sudhir Kumar Jain, AD & SJ all Master Trainers of the Delhi Mediation Centre.



3.11.2009: A batch of the Trainee Officers of the Delhi Judicial Service visited the Karkardooma Mediation Centre. Seen addressing the Trainee Officers is Mr. A.K. Chawla, AD&SJ the then Judge-in-charge Mediation Centre and, presently, Secretary General, Delhi High Court Arbitration Centre (DAC).

ACCOMPLISHMENTS TILL 30.11.2009

The Delhi Mediation Centre has till 30.11.2009 settled 17191 cases (including 4216 connected cases) amicably and finally. The statistics this month reflect the continuously increasing expeditious efficacy of the benefits of mediation:-

Tis Hazari Mediation Centre (01.11.2009 – 30.11.2009)	Rohini Mediation Centre (01.11.2009 – 30.11.2009)	Karkardooma Mediation Centre (01.11.2009 – 30.11.2009)
Cases Referred - 613	Cases Referred - 225	Cases Referred - 233
Cases Disposed of - 374	Cases Disposed of - 134	Cases Disposed of - 183
Cases Settled - 196	Cases Settled - 95	Cases Settled - 149
(Significantly, these include 29 matrimonial matters, 14 petitions for maintenance U/s 125 Cr.P.C 22 suits for injunction/ possession/ damages, 66 suits for recovery, 1 Probate case, 7 suits for partition, 3 custody and guardianship matters and 11 other civil suits.)	(Significantly, these include 26 matrimonial matters, 5 MACT matters, 2 suits for injunction/possession/ damages, 26 cases under Section 138 of NI Act, 18 Criminal Compoundable cases, 11 suits for recovery and 2 other civil suits.)	(Significantly, these include 25 matrimonial matters, 9 MACT matters, 12 suits for recovery, 2 Criminal Compoundable cases, 29 cases under Section 138 of NI Act, 6 suits for injunction/possession/ damages, 40 labour and management disputes, 5 other civil suits.)
Connected Cases Settled - 63	Connected Cases Settled - 42	Connected Cases Settled - 54
Total settled - 259	Total settled - 137	Total settled - 203