

MEDIATION NEWSLETTER

NEWSLETTER OF THE DELHI MEDIATION CENTRE

(September, 2007)



15.09.2007 – Seen are Hon'ble Mr. Justice Madan B. Lokur, Hon'ble Ms. Justice Geeta Mittal and Hon'ble Mr. Justice S. N. Dhingra, Judges, High Court of Delhi, New Delhi and Sh. Satnam Singh, District & Sessions Judge, Delhi, Sh. Sunil Gaur, Judge Incharge, Tis Hazari Mediation Centre, Delhi during an interaction with the Judicial Mediators and Advocate Mediators at the Tis Hazari Mediation Centre.

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This is the *ninth Newsletter (September, 2007)* of the Delhi Mediation Centre with its two limbs at the Tis Hazari and Karkardooma Courts.

A Mediation and Conciliation Centre at the District Courts at Rohini was inaugurated on 01.10.2007 by Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India and Executive Chairman of the National Legal Services Authority in the benign presence of Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India, Hon'ble Dr. Justice Mukandakam Sharma, Chief Justice, High Court of Delhi and Patron in Chief of the Delhi Legal Services Authority, Hon'ble Mr. Justice T. S. Thakur, Executive Chairman, Delhi Legal Services Authority and Hon'ble Mr. Justice Manmohan Sarin, Chairman, High Court Legal Services Committee and other Companion Judges of the High Court of Delhi. This Mediation and Conciliation Centre has been set up at the Rohini Courts complex at the initiative of the Bar, which sought the setting up of such a Centre to take the already entrenched benefits of mediation, depicted through the increasing settlements arrived at the Delhi Mediation Centre to the door steps of litigants, whose cases are pending in the Rohini Courts complex. This spells explicitly that mediation has taken root in the legal fraternity in Delhi and is here to stay as one of the most vibrant and peaceful modes of complementary dispute resolution. The Rohini Court Mediation and Conciliation centre is the **fourth** Mediation Centre to be set up in Delhi since the Mediation Centres were established at the Tis Hazari Courts and at the Karkardooma Courts by the Delhi Mediation Centre under the direct supervision of the Hon'ble Supreme Court, and after the setting up of the Mediation and Conciliation Centre at the High Court of Delhi. *The Mediation Centres of the Delhi Mediation Centre were initially manned exclusively by Judicial Officers, but they*

were then joined in by Advocate Mediators from January, 2007. The Delhi High Court Mediation Centre is run, and the Rohini Courts complex Mediation and Conciliation Centre is to be exclusively managed by Advocates, fortifying the cooperative efforts of the Judiciary and the Bar as the wheels of the chariot of dispensing justice.

The Delhi Mediation Centre is providing its expertise to 35 Advocates in a training programme on the Techniques on the Techniques of Mediation at this newly established Centre at Rohini through its three expert Master Trainers Sh. G. P. Mittal, former Judge Incharge, Tis Hazari Mediation Centre, Sh. M. L. Mehta, present Judge Incharge, Karkardooma Mediation Centre and Dr. Sudhir Kumar Jain, ADJ/Mediator.

To impart awareness on the benefits of mediation, its nuances and techniques, at the National Judicial Academy, North Zone Regional Judicial Workshop on 'Techniques and Tools for Enhancing Timely Justice' held at Delhi from 28.09.2007 to 30.09.2007, Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi explained how multiple litigations in several Courts arising out of disputes between litigants were amicably resolved through the process of mediation. Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, High Court of Delhi also, at this very Judicial Workshop expressed how Early Neutral Evaluation (ENE) as a fore runner to mediation proceedings could help in resolving disputes between litigants amicably and harmoniously. Hon'ble Ms. Justice Geeta Mittal, Judge, High Court of Delhi also shared how her Ladyship and other Hon'ble Judges of the High Court of Delhi were increasingly involved in the dispensation of substantive justice to the satisfaction of all parties to the lis through the process of mediation taken up by the Hon'ble Judges suo moto. This is a part of the emerging judicial consciousness in the spirit of Section 89 of

the CPC and the verdict of the Hon'ble Supreme Court in Salem Bar Association TN Vs. Union of India, 2005 (6) SCC 344, the implementation of which is the need of the hour, to resolve litigations amicably and harmoniously keeping all feelings of vengeance at bay, resulting also thereby into implicit reduction of backlog of pending cases in the Courts.

The Delhi Mediation Centre has settled 3593 cases and 1278 connected cases i.e. a total number of **4871** litigations amicably and finally since August, 2005, when **Judicial Mediation** was first institutionalized. Most of the cases settled were highly complex with some pending for a few decades. The Delhi Mediation Centre believes not only in quantity but also quality.

On 15.09.2007, the Judicial Mediators and Advocate Mediators at the Tis Hazari Mediation were enriched by the guidance given to them by Hon'ble Mr. Justice Madan B. Lokur, Hon'ble Ms. Justice Geeta Mittal and Hon'ble Mr. Justice S. N. Dhingra, Judges of the High Court of Delhi during an interaction on the ongoing benefits and future modes of implementation of mediation as a timely tool in dispensation of substantive justice. It was deliberated with consensus amongst the participants that the dormant period after the stage of framing of issues till the recording of evidence in the Courts, be utilized to refer civil suits where there existed an element of compromise pending before the Civil Judges of District Courts at Delhi, compulsorily to mediation in the spirit of Section 89 of the CPC, 1908 and the verdict of the Hon'ble Supreme Court in Salem Bar Association TN Vs. Union of India.

The Delhi Mediation Centre has through its in house Master Trainers taken the benefits of mediation to several parts of the country, as is reflected through its following outreach :-

Outreach of the Delhi Mediation Centre	
Training Sessions	Name of the Resource persons
07.04.2006 to 12.04.2006 – Workshop at the National Judicial Academy, Bhopal.	Dr. Sudhir Kumar Jain of the Delhi Mediation Centre.
8th and 9th July, 2006 at the Judicial Officers Training and Research Institute at Jabalpur.	Mr. G. P. Mittal and Dr. Sudhir Kumar Jain of the Delhi Mediation Centre.
11th and 12th November, 2006 – Workshop on Mediation at the Karkardooma Mediation Centre.	Mr. B. B. Chaudhary, Mr. G. P. Mittal, both previously Judges Incharge of the Delhi Mediation Centre, Tis Hazari and Mr. M. L. Mehta, Judge Incharge, Karkardooma Mediation Centre, Ms. Deepa Sharma, Dr. Sudhir Kumar Jain, Mr. A. K. Arya, Mr. Dharmesh Sharma, Mr. Vinay Kumar Gupta, Ms. Shailender Kaur, all trained Mediators.
17.11.2006 to 20.11.2006 – Workshop on Mediation at the Judicial Academy, Jharkhand, Ranchi.	Mr. M. L. Mehta and Dr. Sudhir Kumar Jain, expert trainers of the Delhi Mediation Centre.
20.03.2007 to 27.03.2007 – At the Mediation Centre at Bangalore.	Mr. M. L. Mehta, Judge Incharge, Karkardooma Mediation Centre.

24.03.2007 – North Eastern Judicial Officers Training Institute at Guwahati.	Dr. Sudhir Kumar Jain of the Delhi Mediation Centre.
04.05.2007 to 05.05.2007 – At the Federation of Indian Chambers and Commerce and Industries, New Delhi.	Mr. M. L. Mehta and Ms. Deepa Sharma of the Delhi Mediation Centre.
28th and 29th July, 2007 – At the National Judicial Academy, Bhopal, during training to 30 newly recruited Officers of the Higher Judicial Service of different parts of the country on Alternate Dispute Resolution, with mediation being one of its modes.	Dr. Sudhir Kumar Jain, Delhi Mediation Centre.
18th and 19th August, 2007 – At the Training and Research Institute of the Madhya Pradesh High Court at Gwalior.	Mr. M. L. Mehta and Ms. Deepa Sharma of the Delhi Mediation Centre.
31.08.2007 – At a meeting organized by the Rotary Club of Delhi at Oberoi Maidens, Delhi.	Mr. M. L. Mehta, Judge Incharge, Karkardooma Mediation Centre, who explained how the process of mediation would help resolve family and commercial disputes amicably.

ACCOMPLISHMENTS TILL 30.09.2007

The Delhi Mediation Centre has till date settled 4871 cases (1278 connected cases) amicably and finally. The statistics this month speak of the increasing expeditious efficacy of the benefits of mediation :-

Tis Hazari Mediation Centre (01.09.2007 – 30.09.2007)	Karkardooma Mediation Centre (01.09.2007 – 30.09.2007)
Cases Referred – 346	Cases Referred – 161
Cases Settled – 126	Cases Settled – 72
(Significantly, these include 14 matrimonial matters, 6 petitions for maintenance, 2 custody matters, 20 suits for injunction, 38 suits for recovery, and 4 suits for partition).	(Significantly, these include 20 labour management disputes, 7 suits for recovery, 6 matrimonial matters and 4 petitions for divorce, 24 cases under the Negotiable Instruments Act and 9 suits for injunction)
Connected Cases Settled – 51	Connected Cases Settled – 13

The Delhi Mediation Centre thus hopes to fulfill the cherished dream of Hon'ble Justice S. B. Sinha, the present Chairman of the Mediation and Conciliation Project Committee, - the untiring spirit and force behind the initiation of mediation as an effective timely tool of the complementary dispute resolution mechanism.