

Mediation & Conciliation Committee

1. Hon'ble Mr. Justice S.J. Vazifdar, Acting Chief Justice, Punjab & Haryana High Court, Chandigarh.
2. Hon'ble Mr. Justice Ajay Kumar Mittal, Chairman,
3. Hon'ble Mr. Justice Ajay Tiwari, Member
4. Hon'ble Mr. Justice K. Kannan, Member
5. Hon'ble Mr. Justice G. S. Sandhwalia, Member
6. Sh. Atul Lakhanpal, Sr. Advocate & Member

Director, Mediation & Conciliation Centre

Mr. Puneesh Jindia,
Registrar(Rules)

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MESSAGES

Alternative Dispute Resolution is a very important step in our aim to achieve access to justice for all. Mediation is one of the patent techniques for dispute resolution, which has been judicially recognized by virtue of Section 89 of the Code of Civil Procedure. It has inherent advantages over all other dispute resolution techniques. In Mediation, unlike Litigation, the parties themselves play an active role in settling their disputes. It is one of the modes for attainment of peace. This News Letter is an attempt to highlight the activities of the Mediation Centre of this Court with the object of bringing the same to the notice of all stakeholders.

Hon'ble Mr. Justice S.J. Vazifdar,
Acting Chief Justice

There is a conflict of interest amongst individuals, Communities, regions, religions and States. All these factors give rise to litigations either for enforcement of claims and rights or protection thereof. The resources with the Judicial System being limited to meet the growing litigation resulting in backlog of cases and delay in the administration of Justice, Alternative Disputes Resolution Techniques have been devised to reduce the weight of Judicial System. With the introduction of Section 89 in the Code of Civil Procedure vide amendment Act 46 of 1999, these Alternative Disputes Resolution Techniques provide a further Judicial shelter apart from existing system.

The Concept of Mediation has the advantage over all other disputes resolution techniques and now it is one of the accepted mode of the alternative disputes resolution globally. It is a process of amicable/synergistic solution to a dispute/conflict leading to a win win situation.

The mediation & Conciliation Centre, Punjab & Haryana High Court was set up in March, 2008 and since then it has taken great steps to take the concept of mediation forward. Seeing the enthusiasm being displayed by the Members of the Bar to become Mediators, the Centre is likely to see a much more resolute success.

I am glad that the third issue of newsletter is being released containing the overall results achieved by the Centre including all the activities, programmes etc. undertaken in the recent past. I wish the Mediation Centre a grand success in the years to come.

Hon'ble Mr. Justice Ajay Kumar Mittal,
Chairman

MEDIATION & CONCILIATION CENTRE PUNJAB & HARYANA HIGH COURT, CHANDIGARH

Since mediation is an important aspect of ADR mechanism, in order to make it effective, the first Mediation & Conciliation Centre at Punjab & Haryana High Court, Chandigarh was set up on 17th March, 2008 and was inaugurated by Hon'ble Mr. Justice S.B.Sinha, Judge, Supreme Court of India, the then Chairman, Mediation & Conciliation Project Committee, with an infrastructural support of 6 cabins for individual mediation deliberations.

Keeping in view a sizeable volume of references for Mediation, another Mediation Centre, namely Mediation & Conciliation Centre-II was inaugurated by Hon'ble Mr. Justice A.K.Sikri, the then Chief Justice of this Court, on 21st March 2013. Mediation & Conciliation Centre-II consists of 11 sound-proof and centrally air conditioned Cabins. There are now 21 cabins for Mediation and one hall for joint sessions.

In order to create friendly atmosphere and instill confidence with the litigant parties, following facilities have been provided in the Mediation Centres:-

Waiting Area	The area outside the Mediation & Conciliation Centres with air conditioning has been developed as Waiting Area and sofa sets have been placed there for the seating arrangements of litigants coming to attend the Mediation proceedings.
Kids Corner	To keep the children of parties busy, a Kids Corner has been set up in the Mediation & Conciliation Centre-I. It has been decorated in order to give a look of distinct place to be used exclusively for playing of kids. Eatables like candies/ biscuits/juices etc. are being provided to kids free of cost.
Tea/Coffee vending machines	Tea/Coffee vending machines have been installed in each of the Mediation Centre to serve tea/coffee to the Advocate-Mediators as well as litigants coming in the Mediation Centre. There are no charges for this facility.
water dispensers & Fly killers	Water dispensers and fly killers have been provided in each of the Mediation Centre to keep the environment of the Mediation Centre neat and clean.
LEDs	LEDs with Dish Connection have been installed in each of the Mediation Centre and in the Waiting area outside the Mediation Centres for the litigant parties to maintain environment public friendly. Slides containing information regarding Mediation process have been got prepared, which are regularly displayed on the LEDs showing the details regarding concept and benefits of Mediation.
Newspapers & Magazines	Two English Newspapers (The Tribune & Indian Express), One Hindi Newspaper (Dainik Bhaskar), One Punjabi Newspaper (Ajit) & 4 Magazines, (India Today, Out Look, Grah Laxmi and Grah Shobha) are regularly available in the Mediation Centres of this Court for the litigants.
Room Heaters	Room heaters, have been purchased for use during the winter season.

MEDIATION & CONCILIATION COMMITTEE



Hon'ble Mr. Justice S.J. Vazifdar, Acting Chief Justice, Punjab & Haryana High Court, Chandigarh.



Hon'ble Mr. Justice Ajay Kumar Mittal, Chairman,



Hon'ble Mr. Justice Ajay Tiwari, Member



Hon'ble Mr. Justice K. Kannan, Member



Hon'ble Mr. Justice G. S. Sandhawalia, Member



Sh. Atul Lakhnpal, Sr. Advocate & Member

The Mediation Centres in the High Court are being run by well qualified 80 Mediators including two retired Judicial Officers, who have been imparted necessary Mediation Training.

Updated Work Done Statement of Mediation & Conciliation Centre, Punjab & Haryana High Court, Chandigarh w.e.f. March, 2008 upto the month of January, 2016

	Total
Total No. of Cases referred for Mediation	9498
No. of Cases unfit for Mediation	419
No. of Balance Cases	9079
No. of Disposed of Cases	8571
No. of Cases Settled	1886
No. of Cases not Settled	6685
No. of Connected cases settled	321
No. of Pending Cases at the end of Month	508

Note: Out of 508 pending cases, 239 are those which have been sent to the Court Concerned for extension of time or for some actual date and have not been received so far.

ACTIVITIES UNDERTAKEN BY HON'BLE MEDIATION & CONCILIATION COMMITTEE IN THE RECENT PAST TO PROMOTE THE CONCEPT OF MEDIATION.



In the year, 2016, calendar of Mediation Centre has been got printed containing pictures of the Punjab & Haryana High Court complex from different angles and views.

Remuneration to the Advocate-Mediators.

To encourage the Advocate-Mediators and to ensure their active involvement in the settlement of disputes by way of mediation, Hon'ble Mediation & Conciliation Committee of this Court organized four cheque distribution functions during the year, 2014-2015 i.e. on 28.05.2014, 26.02.2015, 28.05.2015, and 24.12.2015. During these

four functions, cheques worth ₹37,10,000/- were distributed as honorarium for total 819 cases settled by Mediators.

Printing of Table Calendar for the year, 2015 and 2016.

On the pattern of Calender of 2014, table Calendars for the year 2015 were got prepared by Hon'ble Mediation & Conciliation Committee which contained cartoons regarding Mediation. Sketches of all these Cartoons were from "Love is" series of Cartoons by Kim Casali and were adapted by Hon'ble the then Chairman, Mediation and Conciliation Committee.



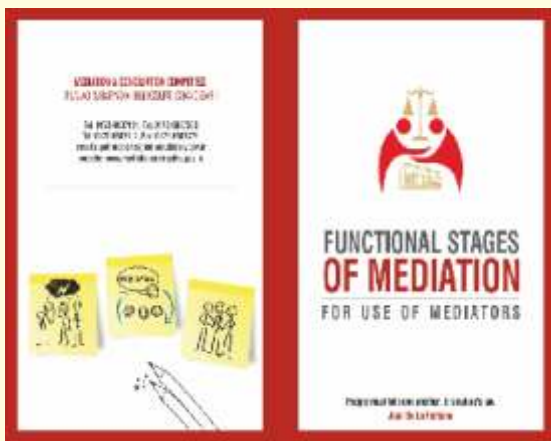
Booklet for Referral Judges

Hon'ble Mediation & Conciliation Committee, Punjab & Haryana High Court, Chandigarh got prepared a booklet containing information on the role of Referral Judges in Mediation, in which Mediation & Conciliation Rules, 2003 were also included. The booklet was released by Hon'ble Mr. Justice Sanjay Kishan Kaul, the then Chief Justice on 21.07.2014. The booklet has been distributed amongst the Hon'ble Judges of this Court.



Booklet on Functional Stages of Mediation for the Mediators

Hon'ble Mediation & Conciliation Committee, Punjab & Haryana High Court, Chandigarh got prepared a small pocket size booklet containing functional stages of Mediation for the Mediators so that they can refresh themselves with functional stages of Mediation as and when required. The booklet was released by Hon'ble Mr. Justice Sanjay Kishan Kaul, the then Chief Justice on 04.07.2014. The booklet has been distributed amongst the Mediators of Mediation & Conciliation Centre of this Court.



Contribution for the Flood Victims of Jammu & Kashmir

Hon'ble Mediation & Conciliation Committee and Advocate-Mediators of Mediation & Conciliation Centre of this Court contributed an amount of ₹65,500/-, for the flood victims of Jammu & Kashmir.



Awareness Programmes for the Law students.

Hon'ble Mediation & Conciliation Committee, Punjab & Haryana High Court, Chandigarh organized Awareness Programmes on Mediation for the law students of University Institute of Legal Studies, Panjab University, Chandigarh on 26th & 27th September, 2014, Army Institute of Law, Mohali on 31st October & 1st November, 2014, Rajiv Gandhi National University of Law, Patiala on 22nd November, 2014 & Department of Laws, Panjab University, Chandigarh on 21st March, 2015, to create awareness about Mediation



Awareness about Mediation through FM Radios

To generate awareness about Mediation amongst the general public, Hon'ble Mediation & Conciliation Committee of this Court got prepared special jingles/advertisements in Hindi and Punjabi Languages. These jingles were aired from time to time on the different radio Stations and on different dates. The detail is as under:-

Sr. No.	Radio Station	Period
1	92.7 Big FM	19.02.2014 to 18.04.2014
2	92.7 Big FM	24.09.2014 to 22.11.2014
3	92.7 Big FM	17.01.2015 to 18.03.2015
4	107.2 FM (All India Radio)	31.01.2015 to 31.03.2015.
5	94.3 My FM	05.09.2015 to 04.11.2015.
6	92.7 Big FM	26.11.2015 to 27.01.2016.

Interview of Hon'ble Chairman, Mediation & Conciliation Committee on FM Radios.

During all these campaigns on 92.7 Big FM, 94.3 My FM and 107.2 All India Radio, an Interactive Session was held with Hon'ble Chairman, Mediation & Conciliation Committee of this Court and recorded interview was aired, in which, Hon'ble Chairman, shared his views regarding the concept of Mediation and Pre-Litigation Mediation.

Advertisements on PVR Cinemas in Chandigarh

To promote the concept of Mediation, the Committee resolved to give Ads on PVR cinemas through animated films on Mediation and Pre-litigation Mediation, which were displayed on the 12 screens (4 screens of Centra Mall and 8 screens of Elante Mall) for 28 days from 23.01.2015 to 19.02.2015.

Regional Conference on Mediation from 22nd to 23rd August, 2015.

A Regional Conference on Mediation was organized by Hon'ble Mediation & Conciliation Committee of this Court under the aegis of Hon'ble Mediation & Conciliation Project Committee, Supreme Court of India on 22nd & 23rd August, 2015. Hon'ble Mr. Justice Madan B. Lokur, Judge, of Supreme Court of India and Judges & Mediators from Himachal Pradesh High Court, Jammu & Kashmir High Court and Uttarakhand High Court and Punjab & Haryana High Court, participated in the Conference.



Pre-Litigation Mediation

Hon'ble Mediation & Conciliation Committee, in its meeting held in October, 2014, launched the concept of Pre-litigation Mediation on the parameters of Delhi High Court Mediation Centre. As per this concept of Mediation, disputes, which arise out of legal relationships, cases/matters of civil nature, money matters, contractual disputes etc., may be received under Pre-litigation in the Mediation & Conciliation Centre, prior to registration of FIR or filling of civil case in any court of law.



Awareness Film on Mediation

Hon'ble Mediation & Conciliation Committee got prepared an Awareness feature film on Mediation "Aao Raah Aasaan Karein", which was released by Hon'ble Mr. Justice Madan B. Lokur, Member, Mediation & Conciliation Project Committee, Supreme Court of India in the Inaugural Session of Regional Conference on Mediation on 22nd August, 2015.



Refresher Course for the Mediators

Hon'ble Mediation & Conciliation Committee of this Court organized a Refresher Course for the Advocate-Mediators of Mediation & Conciliation Centre of this Court on 16th & 17th November, 2015 at Chandigarh Judicial Academy, Sector 43, Chandigarh, which was conducted by Mr.Sriram Panchu, Sr. Advocate Ms. Uma Ramanathan, Mr. A.J. Jawad and Mr. Bharatha Chakravarthy, Trainers from Chennai Mediation Centre.



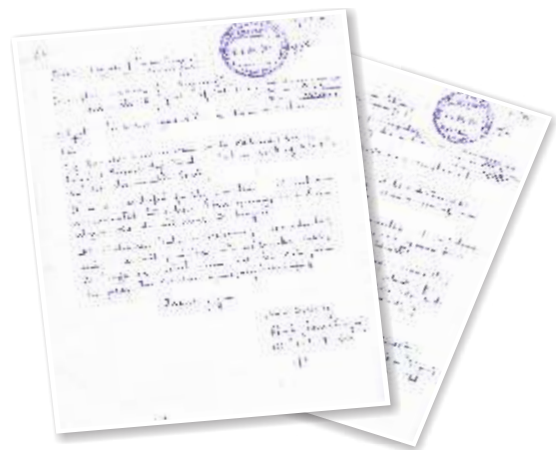
Word of Appreciation

Hon'ble Mediation & Conciliation Committee, Punjab & Haryana High Court, Chandigarh invited Mr.Victor Schachter, Mr.John A. Koeppel and Ms.Jennifer L. Brandt, Trainers from America along with Mrs. Laila T. Ollapally, Coordinator, Bangluru Mediation Centre, to conduct auditing of Mediation & Conciliation Centre of this Court and for their suggestions to further improve the working of the Mediation Centres. In response thereto, a report was submitted by Mr. Victor Schachter, Ms. Laila Ollapally, Mr. John A. Koeppel and Ms. Jennifer L. Brandt, in which they thanked Hon'ble the then Chief Justice Sanjay Kishan Kaul, the Members of the High Court Committee and other Hon'ble Judges, the Director, the Bar Association, and the Mediators for their warm hospitality, assistance, cooperation and openness to sharing their ideas and listening to suggestions for improvement of the mediation program.

In the end the Trainers observed as under:-

“We thank you once more for the time, cooperation and warm hospitality. We learned much during our visit and felt genuinely welcomed. Our time with you and in Chandigarh has left indelible impressions. We look forward to the opportunity to collaborate again. To its credit, the High Court has created and fostered a successful mediation program with a well-informed overseeing Committee, committed and well-trained mediators, good facilities and an administrative staff who understands the importance of the program. These factors provide a solid foundation for expansion of mediation into the District Courts of both Punjab and Haryana. Case referrals and success rates appear to be increasing. New mediators have been trained and will shortly come on board. Current mediators are clamoring for more cases to handle. This program has the potential to transform the civil litigation landscape in Punjab/Haryana. All the key components appear to be in place. It is becoming a model for other states throughout India to follow, and we commend you.”

Further, recently, a letter addressed to Hon'ble Mr.Justice Shiavax Jal Vazifdar, the Acting Chief Justice, was received from Sh.A. Singh (Senior Citizen) in which he appreciated the Mediation Centre & the facilities being provided in it.



20 hours Capsule Course for the Advocate-Mediators

Hon'ble Mediation & Conciliation Committee of this Court under the aegis of Hon'ble Mediation & Conciliation Project Committee (MCPC), Supreme Court of India, organized a 20 hours Capsule Course on Mediation for the 20 Advocate-Mediators of Mediation & Conciliation Centre of this Court on 22nd to 24th January, 2016 at Chandigarh Judicial Academy, Sector 43, Chandigarh. The Course was conducted by Sh.V.K.Bansal, and Ms.Renu Aggarwal, Trainers, deputed by Hon'ble MCPC.



Divorce Mediation

In my experience of over 7-8 years, as a Mediator, I have gauged that a divorce mediation succeeds only if the couple drop their acrimonious charges. Once a spouse is afraid of personal safety, the participation drastically drops down.

A mediator, throughout the mediation proceedings, endeavours to make the spouses realize that it would be in the best interest of their offspring if they resolve their differences and change their mind-set. The warring parties are urged to give their marriage a second chance. I am reminded of a reference made in a habeas corpus petition filed by a mother seeking custody of her minor son, who was with the father. The reference mentioned that the mediator be assisted by a child counsellor. I was fortunate to be associated in this case as a mediator. The child was taken to the Child Welfare Wing of the Psychology Department, GMCH, Sector-32, Chandigarh for counselling. After 2/3 sessions, the counsellor gave her report. The report did reflect the mental state of the child and it was rather clear that the child was wanting love and care from both the parents. I have been a Psychology student and could read in between the lines (though the father interpreted it differently).

Every time I met the child, he appeared to be very shy, disturbed and would not open up. Any mention of his mother gave a prompt 'No' and he would start crying. Sadness was a pervasive response. These episodes were quite disturbing for all of us in the Mediation Centre. Some of the staff members wanted me to convey all this to the referral judge. But, unfortunately, my hands were tied and was helpless.

To relieve some of the effects of difficult child custody battle in a divorce case, Mediation can be and should be a very effective tool. The child's misery was their to be seen by all, but the father was inflexible and resultantly mediation had reached a stalemate.

Dr. Amarpreet Kaur Sandhu
Mediator

(मेरी कल्पना की दुल्हन)

बलि के बकरे की तरह
मत सजाओ नई दुल्हन को,
सजाना है तो सजा लो
इक नव निर्माण के लिए।
बिन्दिया लगा दो माथे पर
ज्ञान की ज्योति की,
झूमर पहना दो मस्तक पर
स्वाभिमान के लिए।
काजल लगा दो आंखों में
समाज के सुन्दर सपनों का,
आंचल ओढा दो तिरंगा
आत्म सम्मान के लिए।
मेंहदी लगा दो हाथों में
देश के सुन्दर भविष्य की,
माहवर रचा दो पैरों में
सफल संग्राम के लिए।
'प्रीतम संघर्ष' के सामने
अखियां झुकाने को न कहो,
उसको तो मरकर जीना है
फिर पुनर्उत्थान के लिए।
उसको तो मरकर जीना है
फिर पुनर्उत्थान के लिए।

सरिता सांगर
एडवोकेट मिडिएटर

(मध्यस्थता-आशा की नई किरण)

कोर्ट के फैसले, न मेरे न आपके,
चढ़ते फैसलों की सीढियां
कुछ मिला, कुछ गवाया
चैन फिर भी न पाया।
साल बीते, तारीखें बीती
कागज कह रहे थे आपबीती
कुछ सही था, कुछ गलत था
इसी द्वन्द में पिस रहा जीवन था।
जज महोदय ने मध्यस्थता का रास्ता दिखाया
जीवन में आशा की नई किरण को जगाया।
सौहार्दपूर्ण, विश्वसनीय, निजि वातावरण
न कानूनी भाषा, न लगा धन।
चन्द मुलाकातें, जिसमें कही दिल की बातें
मध्यस्थ ने स्मरण कराए पुराने पल और रिश्ते नाते
कड़वाहट का जहर धुलने लगा
शान्त मन नये हल ढूँढने लगा
आपसी सहमती और अपनी मर्जी से चुना फैसला
जो मेरा था और था आपका
"संपूर्ण समाधान" से झगड़े को निपटाया
मध्यस्थता से जीवन की नयी राह पे
कदम बढ़ाया

मोनिका जलोटा
एडवोकेट-मिडिएटर-ट्रेनर

