



***Mediation and Conciliation
Project Committee
Supreme Court of India***

MEDIATION

***An ounce of mediation
is worth a pound of
arbitration and a ton of
litigation.***

Joseph Grynbaum

MEDIATION AND CONCILIATION PROJECT COMMITTEE

Hon'ble the Chief Justice of India set up the Mediation and Conciliation Project Committee(MCPC) in 2005 for encouraging amicable resolution of disputes pending in the courts in accordance with Section 89 of the Code of Civil Procedure.

The MCPC initiated a court integrated mediation process which has proved very successful. Encouraged by the results the MCPC has conducted 40 hours Mediation Training Programme, Training of Trainers, Awareness Programme/Referral Judges Training Programme. The Mediation and Conciliation Project Committee has conducted following programs since its inception in different states till June 2015

1. 40 hours Mediation Training Programme : 304
2. Awareness Referral Coaching & Mentoring: 80
3. Advanced Training Programme : 16
4. Training of Trainers : 05
5. Awareness Programme/Referral Judges Training Programme : 379

The MCPC has the ready and willing services of about 147 expert trainers from Delhi, Bengaluru, Chennai, Jharkhand, Maharashtra, Kerala, Punjab & Haryana.

WHAT IS MEDIATION

Mediation is a voluntary, binding process in which an impartial and neutral mediator facilitates disputing parties in reaching a settlement. A

mediator does not impose a solution but creates a conducive environment in which disputing parties can resolve all their disputes.

Mediation is tried and tested alternative method of dispute resolution. It has proved to be a great success in the cities of Delhi, Ranchi, Jamshedpur, Nagpur, Chandigarh and Aurangabad. Litigants participating in the mediation process have unequivocally endorsed it.

Mediation is:

A structured process where a neutral person uses specialized communication and negotiation techniques.

A process of facilitating parties in resolving their disputes.

A settlement process whereby disputing parties arrive at a mutually acceptable agreement.

WHO CAN MEDIATE

Any person who undergoes the required 40 hours training as stipulated by the Mediation and Conciliation Project Committee of the Supreme Court can be a mediator. He also needs to have at least ten mediations resulting in a settlement and at least 20 mediation in all to be eligible to be accredited as a qualified mediator.

WHAT HAPPENS IN A MEDIATION SESSION

1. Introduction :- Mediator introduces himself to the parties, explains the mediation process and establishes his neutrality. He explains the ground

rules and initiates the confidential process of dispute resolution.

2. Joint Session :- Mediator gathers information about the factual background and interests of the parties, establishes interaction between them and creates a suitable environment for an amicable settlement.

3. Individual (Separate) Sessions:- When it becomes necessary, a mediator allows the disputing parties to further explain their grievances, continues to gather information, persuades individual parties to share confidential information and helps them to create options for an amicable settlement.

4. Agreement:- Mediator confirms and clarifies the terms of settlement and reduces the settlement into a clear, complete, concise and binding agreement.

WHAT DOES A MEDIATOR DO

- Mediator is impartial and neutral.
- Manages interaction between the parties.
- Facilitates communication between the parties.
- Identifies barriers to an agreement.
- Identifies interests of the parties.
- Develops terms of agreement.

HOW IS MEDIATION DIFFERENT

- Mediation is an informal process.
 - There are no strict or binding rules of procedure.
 - Mediation is a completely confidential process.
 - Mediation enables disputing parties to interact even on one-to-one basis.
-

- Mediation is a completely voluntary process.
- Mediation enables the parties to be the key players in the dispute settlement process.
- It is an inexpensive and speedy mode of dispute resolution.
- Mediation is interest based rather than rights based.
- Mediation enables parties to settle their own terms of agreement.

WHAT ARE THE BENEFITS OF MEDIATION

Mediation is :

- Quick and responsive.
- Economical.
- There is no extra cost.
- Harmonious settlement.
- Creating solutions and remedies.
- Confidential and informal.
- Parties controlling the proceedings.

The plaintiff is entitled to refund of full court fees as per Section 16 of the Court Fees Act, 1870 if the dispute is settled through the process of mediation.

MEDIATION VERSUS LITIGATION

There is:

- No loss of time in mediation.
 - No financial investment is required in mediation
 - Mediation preserves ongoing business or personal relationships.
 - Mediation allows flexibility, control and participation of the disputing parties.
-

Mediation is a far more satisfactory way of resolving disputes as compared to litigation. There is no appeal or revision in a mediated case and all disputes get finally settled.

IMPACT OF MEDIATION

There is no doubt that mediation has had a significant impact on dispute resolution all over the world.

In Bangladesh, mediation has been extremely successful in delivering justice to the poor sections of the society.

In America, mediation is the norm of dispute resolution and litigation is the exception.

In England, the courts do not award costs if a litigant unreasonably rejects mediation as an alternative dispute resolution mechanism.

In India, mediation has shown significant result in dispute settlement, which is evident from the statistic below :

- | | | |
|---|---|----------|
| 1. No. of mediation centre in India | : | 839 |
| 2. No. of mediators trained by MCPC | : | 6480 |
| 3. No. of Cases referred to the centres since inception (Upto June, 2015) | : | 9,37,995 |
| 4. Settled | : | 3,36,455 |
| 5. Connected case | : | 38,764 |

MEDIATION IS FREE OF COST
