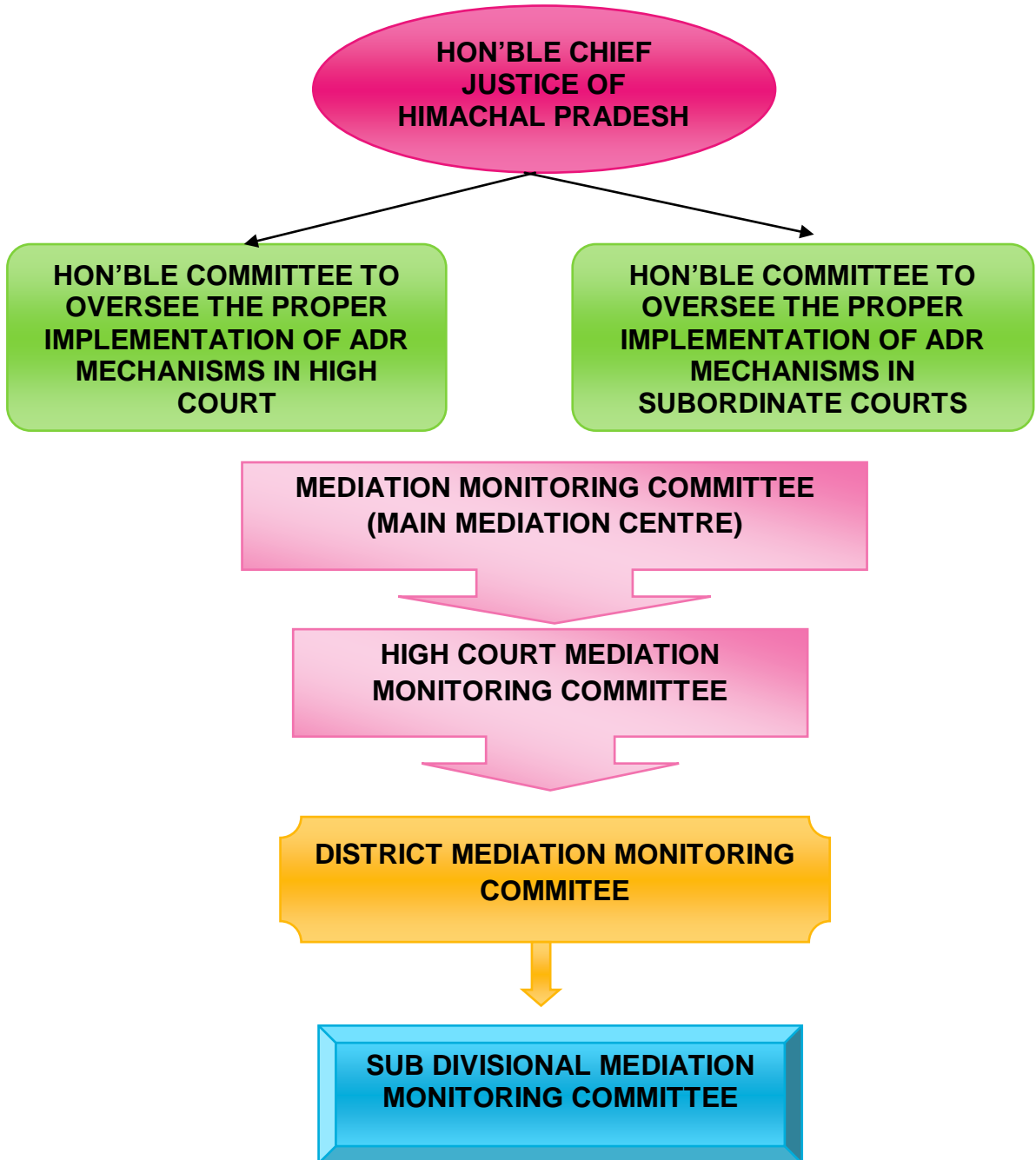


**ORGANISATIONAL STRUCTURE OF MEDIATION MONITORING COMMITTEE (MAIN MEDIATION CENTRE), HIGH COURT MEDIATION MONITORING COMMITTEE, DISTRICT MEDIATION MONITORING COMMITTEES AND SUB DIVISIONAL MEDIATION MONITORING COMMITTEES IN STATE OF HP**



**Mediation Monitoring Committee  
(Main Mediation Centre)**

1	Hon'ble Mr. Justice Sanjay Karol	Chairman
2	Hon'ble Mr. Justice Rajiv Sharma	Member
3	Hon'ble Mr. Justice V.K. Sharma	Member
4	Member Secretary, HPSLSA	Coordinator

**Functions of Mediation Monitoring Committee (Main Mediation Centre)**

- To lay down the policies and principles to facilitate the court-annexed mediation as contemplated u/s. 89 of CPC.
- To frame more effective and economical schemes for the purpose of making available court annexed mediation in the State of Himachal Pradesh.
- To utilize the funds available at its disposal and make appropriate allocation of funds to other court-annexed mediation centres in the State of Himachal Pradesh.
- To organize Mediation Awareness Programmes as well Mediation Training Programmes to enhance the mediation activities by increasing the strength of panel of Mediators and of Referral Judges.
- To facilitate smooth functioning of the Mediation centres and to encourage settlement of disputes amicably through mediation.
- To endeavour for disseminating awareness of the concept of Mediation and to arrange for production of publicity material, literature, publication, pamphlets, handbooks, brochures, etc. relating to mediation activities.
- To identify the potential Districts where there is large number of pending cases and to provide adequate facilities for success of mediation programme.
- To ensure that there are sufficient number of trained mediators at each mediation centre.
- To perform such of the functions as may be assigned by the MCPC, Delhi as may be expedient for smooth administration of mediation centres.

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## High Court Mediation Monitoring Committee

1	Hon'ble Mr. Justice Sanjay Karol	Chairman
2	Hon'ble Mr. Justice Rajiv Sharma	Member
3	Shri Rajinder Dogra, representative of Bar Council of H.P.	Member
4	The Govt. Pleader/ Public Prosecutor, High Court of H.P.	Member
5	Shri B.C. Negi, President, High Court Bar Association	Member
6	The Member Secretary, H.P. State Legal Services Authority, Shimla	Coordinator

### Functions of High Court Mediation Monitoring Committee

- To give effect to the policies and directions of the Mediation Monitoring Committee (Main Mediation Centre), High Court.
- To supervise and monitor the activities and performance of District Mediation Monitoring Committees located within the State of H.P.
- To perform all such functions and to organize Mediation Awareness and Training Programmes in co-ordination with the Mediation Monitoring Committee (Main Mediation Centre), High Court.
- To liaison with the District Mediation Monitoring Committees for effective and efficient functioning of the Mediation Centres located within the State of H.P.
- To take review and remedial steps pertaining to the functions and activities of the District Mediation Monitoring Committees located within the State of H.P.
- To make recommendations or give suggestions to the Mediation Monitoring Committee (Main Mediation Centre), High Court to ensure effective implementation of various schemes in the State of Himachal Pradesh.

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**District Mediation Monitoring Committee**  
**(At every District Headquarters)**

1	The Hon'ble Guardian Judge of the Concerned District	Chairman
2	The District & Sessions Judge	Member
3	The representative of Bar Council of H.P.	Member
4	The District Attorney-cum-Public Prosecutor of the Concerned District	Member
5	The President, District Bar Association of the concerned District	Member
6	The Secretary, DLSA of the concerned District	Coordinator

**Functions of District Mediation Monitoring Committee**

- To give effect to the policies and directions of the Mediation Monitoring Committee (Main Mediation Centre) High Court under supervision and guidance of High Court Mediation Monitoring Committee.
- To perform all such functions to make available court annexed mediation and to organize Mediation Awareness and Training Programmes in co-ordination with the High Court Mediation Monitoring Committee.
- To supervise and monitor the activities and performance of Sub Divisional Mediation Monitoring Committees located within the District.
- To utilise the funds received from the Main Mediation Centre, High Court and make appropriate allocation of part of the funds to the court annexed mediation centres of Sub Divisional Courts located within the District.
- To take review and remedial steps pertaining to the functions and activities of the Sub Divisional Mediation Monitoring Committees located within the District.
- To make recommendations or give suggestions to the High Court Mediation Monitoring Committee to ensure effective implementation of various schemes in the District.

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**Sub Divisional Mediation Monitoring Committee  
(At every Sub Divisional Headquarters)**

1	The District & Sessions Judge of the concerned District	Chairman
2	The Senior most Judge of the concerned Sub Division	Member
3	The representative of Bar Council of H.P.	Member
4	The Senior most Assistant District Attorney-cum-Assistant Public Prosecutor of the concerned Sub Divisional Court	Member
5	The President, Advocates Bar Association of the concerned Sub Divisional Court	Member
6	The Secretary, DLSA of the concerned District	Coordinator

**Functions of Sub Divisional Mediation Monitoring Committee**

- To perform such of the functions to make available court annexed mediation at the concerned station in coordination with the District Mediation Monitoring Committee.
- To supervise and monitor the functions, activities of the court annexed mediation centre of the concerned station.
- To organise Mediation Awareness and Training Programme in coordination with the District Mediation Monitoring Committee.
- To make recommendations or give suggestions to the District Mediation Monitoring Committee to ensure effective monitoring and implementation of the various mediation schemes in the Sub Division.
- To perform such of the functions as may be assigned by the District Mediation Monitoring Committee or the functions as may be expedient for smooth administration of mediation centre.

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# **SCHEMES**

- (a) Scheme for Court Annexed Mediation Organizing Committee
- (b) Scheme for Selecting Advocates for Mediators' training
- (c) Guidelines for Mediators' Training for Advocates
- (d) Scheme for Mediation Judge
- (e) Scheme for Identification of cases for Mediation Reference
- (f) Scheme for felicitation of Judge/ Advocate Mediators and Referral Judges
- (g) Mediation Clinic Scheme

**(a) Scheme for Court Annexed Mediation Organizing Committee**

1. The "Court Annexed Mediation Organizing Committee" consisting of Senior most Judicial Officer and ten Advocate Trained Mediators at station will have to be constituted. In case, sufficient number of Advocate Trained Mediators are not available, the Advocate-Mediators having 15 years of standing practice be considered.
2. The Senior most Judicial Officer at Station shall be the Chairman of Organizing Committee.
3. The Senior most Judicial Officer in consultation with the President of Local Bar Association and Trained Mediators constitute a Organizing Committee at each Mediation Centre.
4. As far as possible, 50% of the Committee Members be female members.
5. The Organizing Committee should assist the Court Annexed Mediation Monitoring Committee for effective and efficient functioning of mediation activities within the jurisdiction of concerned Committee.
6. Each organizing Committee Member should monitor the Mediation activities of particular court and also progress of cases referred for mediation.
7. The District & Sessions Judge should allocate the Court to the organizing Committee members which they have to monitor.
8. The organizing Committee should scrutinize and identify the categories of matters which are pending in particular Court, whether those matters are fit for references and the report the same to the Concerned Mediation Monitoring Committee.
9. The organizing committee should meet eight days prior to meeting of Mediation Monitoring Committee meeting and submit court wise report regarding mediation activities to the concerned Mediation Centre.
10. The Committee may utilize Mediation Centre for conducting their monthly meetings with permission of Co-ordinator of concerned Mediation Centre.
11. The Committee should perform such other functions as may be assigned by the concerned Mediation Monitoring Committee for smooth administration of Mediation Centre.

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**Structure of Court Annexed Mediation Organizing Committee at  
District Level**

1	The District & Sessions Judge	Chairman
2	Shri _____ Trained Advocate Mediator	Member
3	Shri _____ Trained Advocate Mediator	Member
4	Shri _____ Trained Advocate Mediator	Member
5	Shri _____ Trained Advocate Mediator	Member
6	Smt. _____ Trained Advocate Mediator	Member
7	Smt. _____ Trained Advocate Mediator	Member
8	Smt. _____ Trained Advocate Mediator	Member
9	Smt. _____ Trained Advocate Mediator	Member
10	Smt. _____ Trained Advocate Mediator	Member



**(b) Scheme for Selecting Advocates for Mediators' Training**

1. In High Court, Hon'ble Mediation Monitoring Committee shall select the Advocates who are desirous to undergo Mediators' Training.
2. In District, "Mediator's Scrutiny Committee" consisting of District & Sessions Judge, President of District Bar Association, a Senior Lady Advocate and two other members from District Bar Association interested in Mediation activities be constituted at each District Mediation Centre.
3. The District & Sessions Judge shall be the Chairman of the said Committee.
4. As far as possible, 50% of the Committee Members to be female.
5. Applications received from Advocates who are desirous to undergo Mediators' Training shall be placed before the Committee for scrutiny.
6. The Committee should ensure that the names of Advocates who are fulfilling the eligibility criteria to act as Mediator as per rule 4 of Mediation Rules be considered.
7. The Committee should call Advocates and ascertain their interest in the subject and explain them the importance and benefits of said training and recommend the names of only those Advocates who are willing to undergo for 40 hours Intensive Mediators Training. Moreover, the Advocates who are of high caliber, competence and integrity and of good repute in Bar as well in society only be recommended.
8. The Committee while doing scrutiny, should ensure that the services of the Advocates whose names are to be recommended for training be useful for mediation activities/Mediation Centre in future.
9. The Committee should verify, scrutinize and short list the names of trainees for training programme and then only forward the said list to the Main Mediation Monitoring Committee.
10. In case of difference of opinion regarding any name of Advocate, the opinion of District & Sessions Judge shall be final.
11. After scrutiny, the Committee should forward the names of the Advocates to be considered for Mediators' Training as required by the Main Mediation Monitoring Committee alongwith their note/remarks for recommending the names of Advocates under the signature of the Chairman of Mediators' Scrutiny Committee.

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**Structure of Mediators' Scrutiny Committee**

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|----|---|----------|
| 1. | The District & Sessions Judge             | Chairman |
| 2. | The President Local Bar Association       | Member   |
| 3. | The Representative of Bar Council of H.P. | Member   |
| 4. | One Senior Lady Advocate                  | Member   |
| 5. | Smt. _____ Advocate                       | Member   |
| 6. | Shri _____ Advocate                       | Member   |

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**Recommendations of the Committee**

### **(c) Guidelines for “Mediators’ Training Scheme” for Advocates**

1. **Primary Training**

Primary Training for three days be given to 10 to 15 Advocates from different Districts during weekend i.e. on Friday, Saturday and Sunday for atleast six to seven hours per day.

2. **Advance Training**

There shall be Advance Mediation Training for advocates who completed primary training. On completion of primary training, said Advocate Mediators should get associated with the trained mediators in the mediation process in minimum 10 cases. They shall be then called for Advance Training.

The period of Advance training should be for three days during weekends i.e. on Friday, Saturday and Sunday for atleast six to seven hours per day.

3. **Refresher’s Training**

There shall be Refresher Training for advocates who have completed Advance Training. On completion of Advance Training and on having mediated atleast ten cases as a Mediator, the Refresher’s Training be given to said Advocate Mediators.

The Refresher Training should be atleast for a period of two days.

4. **Places of Training**

The Mediators’ Training should be organized at three places in Himachal Pradesh on every weekend on the above days only. It may be either Primary, Advance or Refreshers Training. This schedule of training be organized region-wise.

5. The aforesaid training programmes should be organized by the District & Sessions Judge and Co-ordinator of the concerned District Mediation Monitoring Committee in the District where the training is to be organized. Said schedule of training shall be conducted under the supervision of Main Mediation Monitoring Committee, H.P. High Court.

6. The aforesaid Training is to be organized preferably in District Court Premises/Hall. Otherwise, the said training should be organized in a suitable Hall of Government organization.

7. The above training is to be conducted by the Mediators nominated by the Mediation Monitoring Committee, Main Mediation Centre, H.P. High Court.
8. The participants in the above training programme shall be the Advocates from different Districts and the number of participants per batch be limited to 20/25 Advocates.
9. The District & Sessions Judge in consultation with the President of concerned District Bar Association shall forward the names of the proposed participants for the aforesaid Mediators' Training Schedule to the Main Mediation Monitoring Committee. While proposing the names of the Advocates, it is necessary to consider that only those who are interested in mediation activities and willing to act as a Mediator shall only, be nominated. Main Mediation Monitoring Committee will finalize the proposed names.
10. The honorarium payable to the Trainers and expenses for stay, travel, food of the Trainers and Trainees will be borne by the Main Mediation Monitoring Committee from the funds allocated under 13th Finance Commission.
11. The stay arrangements of the trainers/participants shall be preferably made in Government Guest House. In case of non-availability of Government Guest House, then accommodation be made in Hotels having reasonable charges.
12. All expenses for organizing the training programmes will be borne by the Main Mediation Monitoring Committee from the funds allocated under 13th Finance Commission which will be provided by the H.P. State Legal Services Authority to the concerned DSLA from the grants received under 13th Finance Commission.

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**(d) Scheme for 'Mediation Judge'**

1. At every District place, atleast one working Judicial Officer who is a trained Mediator (out of the available Judges who have already undergone the 40 hours Intensive Training Programme) be posted.
2. The said Judicial Officer should be known as 'Mediation Judge'.
3. The Judges working in the concerned Districts may refer the matters for mediation to the Mediation Judge.
4. The Mediation Judge should sit on every court working Saturday to deal with the matters referred for Mediation and act as mediator in the matters which are referred for Mediation to the Mediation Judge. On such working Saturdays, the Mediation Judge must give preference to the mediation work than the regular judicial work.
5. The Mediation Judge should engage himself through out the working Saturdays for mediation work. In case, there is insufficient mediation work to keep himself engaged for the whole day, in that case he may use the remaining working hours for judicial work.
6. If the mediation Judge is posted at Sub Division level, his services as a mediation Judge should be utilized at District places on every working Saturdays. In such cases, the concerned District Judges may pass necessary orders in that behalf.
7. If there is sufficient mediation work on working Saturdays at Sub Division level for the Mediation Judge who is posted at Sub Division level in that case, he should do mediation work at Sub Division level only.
8. If there are more than one working Judicial Officers who are trained as Mediators in a District, in that case, District Judge may fix any other day for mediation work "in addition to" the working Saturdays to assign mediation work to those Judges by rotation.
9. The Judicial Officer who has discharged his duties as Mediation Judge, should be given weightage of one day for the disposal purpose for each day on which he worked as Mediation Judge.
10. It will be useful to clarify that only because the Mediation Judge is available in a District or Sub Division level, it does not mean that every matter for mediation should be referred to the Mediation Judge. The Referral Judges are free to refer the matters for mediation to the empanelled mediators, if the parties so desire. In

other words, if the parties are unwilling to appoint their own mediator or empanelled mediator, the Referral Judges may refer such cases to the Mediation Judge (s) of the District.

11. The mediation Judge should not hear the matters, which are assigned to his Court, in which he has acted as a Mediator Judge. Besides, whenever he wants to refer the matter pending in his Court for mediation, he should refer the matter for mediation to any other empanelled Mediator/Mediation Judge.
12. The Mediation Judge should not accept any kind of fees/consideration from the parties for mediation work.
13. In District or Sub-Division where no mediation Judge is available, the Referral Judge should refer the mediation work to the empanelled mediators.
14. The record of day to day working regarding matters received for Mediation, matters taken up for mediation, time spent on each matter should be maintained.
15. The Mediator Judge should forward the detail of monthly report alongwith statistical data to the Coordinator, District Mediation Monitoring Committee, who in turn will consolidate the same and forward it to the Mediation Centre, High Court, of Himachal Pradesh.

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**(e) Scheme for Identification of cases for Mediation Reference**

1. Initially Panel of 15 Mediators amongst the empanelled Mediators of the High Court be constituted to identify cases which are fit for Mediation reference having some element of settlement.
2. The above said panel be finalized by the Main Mediation Monitoring Committee.
3. The work of identifying suitable cases by the nominated Mediator must be done in the Board Departments/Sections at the place where sitting arrangements are made available by the concerned Departments/ Sections.
4. The Registrar (Judicial) to assign not more than 10 cases at a time to the Mediator for examination and shall provide supporting staff working in concerned department/section. That staff should keep cases ready for examination well in advance
5. Each Mediator should identify at least 10 cases per month from pending/admitted matters in the High Court, which are not likely to reach for hearing at least for one year.
6. On examination of cases, Mediator should submit the list of identified cases to the Coordinator, High Court Mediation Centre.
7. On receipt of list of identified cases, the Coordinator shall call the parties to the office and verify if the parties are willing to for mediation process or not ?
8. If parties are ready for mediation, the Coordinator shall ensure that the parties agree on the name of same mediator who has identified the case.
9. If parties do not agree for mediation or on the name of mediator, then the Coordinator shall place the note before the concerned Court for referral order.
10. After referral order, the Coordinator shall consider the nature of case, area and specialisation of Mediator and appoint appropriate Mediator in that particular matter. As far as possible, Mediator who has examined the case may be appointed as a Mediator in that matter.
11. On appointment of Mediator the Coordinator shall issue letters to the concerned parties and their Advocates.

12. To have control and smooth functioning of said scheme and also considering paucity of space in Board Department the maximum number of Mediators visiting the Board Department on a day, shall not exceed two.
13. The Coordinator shall prepare a Calendar for each month indicating the dates on which particular Mediators would visit the departments/Sections.

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**(f) Scheme for felicitation of Judge /Advocate Mediators and Referral Judges**

1. The object of Scheme is to felicitate and appreciate Judges and Advocates who have performed best in mediation activities during the year. Also to encourage the other Judicial Officers and Advocates to perform well in mediation process.
2. The Main Mediation Monitoring Committee, High Court of Himachal Pradesh may analyze the annual performances of Judicial Officers and Mediators.
3. The Judicial Officers who make maximum references in a year and whose maximum referral cases ended up in settlements be felicitated in the Conference.
4. The trained Judge Mediator who settles maximum number of cases out of cases referred to him in a year be felicitated in the Conference.
5. The trained Advocate Mediator who settles maximum number of cases referred to him be felicitated in the Conference.

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### **(g) Mediation Clinic Scheme**

1. At every District Court, there should be a Mediation Clinic.
2. Mediation Clinic should be located in the premises of ADR Centre/DLSA office.
3. Work of mediation clinic will be monitored by the District & Sessions Judge and Coordinator of concerned District Mediation Monitoring Committee.
4. District & Sessions Judge should depute one clerk from District Court establishment to look after all the clerical work of mediation clinic and said clerk should work at District Mediation Centre and Mediation Clinic on full time basis.
5. Mediators on the panel of District Mediation Centre should visit and sit at Mediation Clinic during working hours and deal with the litigants visiting at Mediation Clinic.
6. Schedule of visit of the mediators be fixed by the Coordinator, of concerned District Mediation Centre.
7. Records/Registers of Mediation Clinic be maintained separately.
8. Matters which are referred by Court for mediation will not be taken in mediation clinic.
9. Mediators shall deal with any matters (pre-litigation or pending matters not referred by the Court for mediation) in Mediation Clinic.
10. In case of pending matters, if litigants approach to Mediation Clinic and Mediator finds that the case is fit for mediation, he should advice to the parties to request the concerned Court to refer their case for mediation.
11. In case of pre-litigation matters, if any person who has any dispute with some other person may submit application containing the names, address and telephone numbers of parties, brief facts of disputes, etc.
12. On receipt of application, in case of pre-litigation matter, it should be numbered as Pre-litigation Case No. \_\_\_\_\_.

13. On registration, the Coordinator, will assign the said case to the appropriate Mediator and will fix date and venue with his consultation and issue notices to the parties asking them to remain present accordingly before concerned Mediator.
14. On referring pre-litigation matter to the Mediator by the Coordinator, Mediator should follow the settled principles of mediation and conduct the mediation process.
15. On settlement of pre-litigation dispute, settlement be recorded in writing and obtain the signature of the parties concerned on it.
16. Mediator should report about settlements to the Coordinator and advise to the parties to approach to the Coordinator for further directions.
17. Copy of settlement be kept at Mediation Clinic.
18. On receipt of settlement report, Coordinator should call the parties and advise them that their matters may be kept and get compromised before pre-litigation Lok Adalat and send the matter to Secretary, DLSA for keeping said matter before pre-litigating Lok Adalat on scheduled date.
19. Such Lok Adalat shall record the compromise between parties and pass appropriate award contemplated u/s. 21 of Legal Services Authorities Act, 1987 by following procedure as per law.
20. In case of non-settlement of disputes before mediator, mediator should report about failure of Mediation to the Coordinator.
21. Coordinator should take endorsement of the same in the register maintained at Mediation clinic.
22. No Mediator shall be held liable for anything done bonafidely or omitted to be done during mediation process.
23. No Mediator shall be summoned by any party in a court of law to testify in regard to information received by him or action taken by him in respect of drafts or records prepared by him or perused by him during the mediation process.

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