

# Mediation NEWSLETTER

ISSUE : II



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# Mediation NEWSLETTER

ISSUE : II



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### Office Bearers of Mediation and Conciliation Committee, High Court, Calcutta

### State Legal Services Authority, West Bengal

#### **Sri Anirban Das**

Registrar (Vigilance) and Member Secretary,  
Mediation and Conciliation Committee,  
High Court, Calcutta

#### **Dr. Subhasish Muhuri**

Officer-in-Charge, Mediation Centre,  
High Court, Calcutta

#### Former Officers

#### **Sri Sourav Bhattacharya**

Judge, Commercial Court, Asansol  
Former Member Secretary,  
Mediation and Conciliation Committee, High Court, Calcutta

#### **Mrs. Shampa Dutt Paul**

District & Session Judge, Howrah  
Former Member Secretary  
Mediation and Conciliation Committee, High Court, Calcutta

#### **Smt. Durga Khaitan**

Member Secretary  
State Legal Services Authority, West Bengal

#### **Sri Arindam Datta**

Registrar cum Deputy Secretary  
State Legal Services Authority, West Bengal

#### Former Officers

#### **Sri Ajay Kumar Gupta**

District Judge, Uttar Dinajpur  
Former Member Secretary  
State Legal Services Authority, West Bengal

#### **Dr. Moumita Bhattacharya**

Additional District & Sessions Judge, F.T.C., Siliguri  
(Former Registrar and Deputy Secretary, SLSA, WB)



*Thottathil B. Radhakrishnan*

*Chief Justice*

*Patron-In-Chief*

*West Bengal State Legal Services Authority*



*High Court at Calcutta*

06<sup>th</sup> March, 2020

## **MESSAGE**

Mediation, as an effective tool for resolution of disputes, otherwise than through adjudication, is gaining immense popularity worldwide. I notice that the Mediation and Conciliation Committee, High Court, Calcutta is effectively carrying forward requisite initiatives and programmes to make mediation happen, qualitatively and quantitatively, in the larger interest of public, particularly the litigants. I extend my best wishes as the Committee proceeds to issue its Newsletter.

(Thottathil B. Radhakrishnan)







## MEDIATION AND CONCILIATION COMMITTEE, HIGH COURT, CALCUTTA

(BETWEEN 04.04.2019 AND 16.10.2019)



The Hon'ble Thottathil B. Radhakrishnan,  
Chief Justice and Patron-in-Chief



The Hon'ble Justice Biswanath Somadder,  
Patron



Hon'ble Justice Harish Tandon, President



Hon'ble Justice Soumen Sen, Member



Hon'ble Justice Sahidullah Munshi, Member



Hon'ble Justice Subrata Talukdar, Member



Hon'ble Justice Arijit Banerjee, Member



Hon'ble Justice Madhumati Mitra, Member





## MEDIATION AND CONCILIATION COMMITTEE, HIGH COURT, CALCUTTA

(BETWEEN 17.10.2019 AND 26.04.2020)



The Hon'ble Thottathil B. Radhakrishnan,  
Chief Justice and Patron-in-Chief



The Hon'ble Justice Dipankar Datta,  
Patron



Hon'ble Justice Harish Tandon, President



Hon'ble Justice Soumen Sen, Member



Hon'ble Justice Sahidullah Munshi, Member



Hon'ble Justice Subrata Talukdar, Member



Hon'ble Justice Arijit Banerjee, Member



Hon'ble Justice Madhumati Mitra, Member







## MEDIATION AND CONCILIATION COMMITTEE, HIGH COURT, CALCUTTA

(PRESENT)



The Hon'ble Thottathil B. Radhakrishnan,  
Chief Justice and Patron-in-Chief



The Hon'ble Justice Sanjib Banerjee,  
Patron



Hon'ble Justice Harish Tandon, President



Hon'ble Justice Soumen Sen, Member



Hon'ble Justice Sahidullah Munshi, Member



Hon'ble Justice Subrata Talukdar, Member



Hon'ble Justice Arijit Banerjee, Member



Hon'ble Justice Suvra Ghosh, Member









## From the desk of The Hon'ble Biswanath Somadder, Chief Justice, High Court of Meghalaya

Mediation is a simple and efficacious method of dispute resolution which envisages a mechanism of third-party facilitated negotiation in order to resolve a dispute between conflicting parties. This emerges as an effective method of dispute resolution in the present day scenario of ever-increasing number of pending cases and causes an end to protracted litigations within a reasonable time-frame.

Corporate users are large scale users of the mediation process. Mediation builds confidence amongst the disputed parties, encouraging them to open their mind and participate in the process and reach a 'win-win' situation faster than the conventional method of dispute resolution. Individual disputes, especially matrimonial, can also find quicker and efficacious settlement through the process of mediation.

Mediation being one of the effective modes of handling docket explosion, an increasing need has been felt to sensitize the stakeholders with regard to the beneficial aspects of mediation. To augment this process, mediation training is the need of the hour.

The State Judicial Academy, under the aegis of the Mediation and Conciliation Committee, High Court, Calcutta, has conducted Judicial Officers' Awareness and Sensitization Programmes, Referral Judges' Training Programmes under the guidance of MCPC, Supreme Court of India. This, in turn, has put in place the mechanism of mediation, effectively.

The observance of 'Mediation Week / Mediation Fortnight Programmes' in all the districts of West Bengal under the aegis of the Mediation and Conciliation Committee, High Court, Calcutta, has further stimulated sensitisation in the districts leading to a successful enhancement of referrals

and settlements. Even distribution of mediation referrals to all the Mediators has always been given impetus.

The Member Secretary, Mediation and Conciliation Committee, as well as Secretaries of the District Legal Services Authority, acting as Coordinators, must ensure to evenly distribute the cases to the Mediators as per the guidelines / instructions from MCPC, Supreme Court of India, so that all the Mediators in the panel get some scope to excel their performance.

Often, mediation becomes a non-starter when one of the parties remain absent before the Mediator without sufficient reason in spite of receipt of notice. The Referral Court, in such cases, may take stern action against the said party by imposing costs in terms of relevant Rule of the Calcutta High Court Mediation Rules.

The basic requirement for access to justice and dispute resolution systems through the process of mediation is to make the system contemporary and user-friendly. A time bound mediation process is the essence of mediation and this should always be encouraged.

The world, at present, is facing a very unprecedented situation. In this critical period, when Courts have been forced to function in a limited manner, mediation can be the most sought after mechanism for quick and efficacious dispute resolution. A rise in online mediation globally has been felt of late. Given the situation of increasing tenant-landlord disputes, as also conflicts in business relationship in this pandemic situation, online mediation can be the obvious solution.

The efforts in publishing this newsletter will help develop meaningful communication on the relevant issues amongst the stakeholders and will remove stumbling blocks, which include static mindset of people, lack of positive approach and general apathy to try out mediation as an effective alternative to conventional dispute resolution mechanism. This, in turn, will set in place the mode of mediation as an effective alternate forum of dispute redressal.





## From the desk of The Hon'ble Justice Harish Tandon, President

The concept of mediation though archaic/ancient received legal recognition under the amended provisions of Section 89 of the Code of Civil Procedure. It was and still is one of the effective tools in resolving the disputes in more effectful manner percolating a sense in the litigating parties that the rigorous provision of procedural law and untimely disposal of the cases are avoided.

The seminal concept of mediation distinguished from formal adjudication of the dispute is active participation of the litigants who virtually controls the proceedings and not to depend wholly upon the services of the legal experts.

The legal experts may also participate in the mediation process to act as a catalyst but does not dominate the process which is in effect controlled by the litigants themselves. By the passage of time and advancement of techniques of mediation propelled the speedy and timely disposal of the disputes in most informal way. The mediation is one of the alternative dispute resolution process and widely distinct from the other processes than the formal way of adjudication and have achieved a goal in better service of the litigants.

By passage of time the disputes at the nebulous stage can also be conveniently resolved through a process of mediation.

Recently, the mediation has been made mandatory in a commercial dispute under Section 12A of The Commercial Courts Act. Confidentiality is secured in a process of mediation and is an integral part thereof.

I was little bit sceptical about the concept of mediation but after being put into a committee and entrusted with the onerous responsibility and the privilege extended to me by The Hon'ble Chief Justice, I perceived this mode of alternative dispute resolution as the best suited mode to bring a sense of reprieve in the litigants. In the trying hours of Covid, the Committee uniformly excelled the online mediation process on experimental basis and such exploration is aimed to continue in difficult times to achieve the object.

Such innovative efforts has shown a positive result and I am hopeful that it would continue in future and its immense success can only be seen in history.

The committee have tirelessly worked together in Covid period and the process of mediation has been put in motion through a virtual platform maintaining the guidelines issued from time to time by the government. To further the mediation process several programmes were organised by the Committee involving the best experts working in this field both indigenously and globally.

I profoundly believe that the process of mediation will continue eternally not only benefitting in presence but to our prosperity as well.





From the desk of  
The Hon'ble Justice Soumen Sen,  
Member

## MEDIATION

“The deadening drag of status quo-ism” frightened Frank Sander, Professor Emeritus of Harvard University to coin the phrase “alternative dispute resolution” in an attempt to rescue lawyers and litigants immersed in the only dispute resolution process they knew, namely, litigation. It came as a beckon light and brought about a phenomenal change in the legal system. In the words of Sir Alan Ward, Chairman of the Civil Mediation Council: His concern – plus change! – about congested court lists, the heaping of pressure on the judiciary, delays and burgeoning costs caused him to propose entry to multi-door courtroom where cases were appropriately directed to arbitration, early neutral evaluation, mediation or negotiation. Four decades later, Lord Dyson MR was able to write in his foreword to The Jackson ADR Handbook, “ADR is now a well-established part of every lawyer's practice. .... The effective promotion of ADR is unquestionably in the public interest.” ADR can now justly be seen to be litigation's invaluable twin.

“Neutrality, Party Autonomy, Confidentiality and Finality” are the four pillars on which the edifice of mediation stands. Although the concept of mediation as an alternative dispute resolution was mooted much earlier and found place in Section 89 of the Code of Civil Procedure, 1998

with effect from July 2002, but sadly this mode of dispute resolution was not perused diligently and with sincerity by all the stakeholders. It was viewed with suspicion and largely misunderstood.

Mediation is a consensual procedure rooted in party autonomy and by default, the parties can at any point of time agree to initiate mediation process during their relationship. The challenge lies with the understanding of the concept and methodology of mediation. All the stake holders in the mediation, namely, the litigant, the advocate, the judge and the mediator have an important role to play in making it a success. It is a duty of the referral judge to refer only those kinds of cases that are capable of being decided in the mediation. The lawyers are very much part of a mediation process and unless they guide the litigants properly and participate in mediation the process of mediation may likely to fail. The role of mediator is equally important. He is a facilitator and advisor but not a decision maker. He acts as a catalyst. His appearance, communication skills, impartiality, techniques and overall disposition must create an inspiration amongst the participants. The public authorities have an important role to play in order to make it effective. It is important that public authorities should give mediation in commercial disputes,







## MEDIATION

the final push by using mandatory mechanisms such as imposing a legal obligation to mediate as a pre-condition of access to the courts, in some cases (via out of court mediation); establishing mediation as a requirement during legal proceedings (via court refer or court annexed mediation). In fact, Section 12A of the Commercial Court Act has made pre-litigation mediation mandatory in relation to commercial disputes. Under the aegis of the Hon'ble Supreme Court trainings are imparted to advocates to qualify as mediators. The Mediation Conciliation Projects Committee, Supreme Court of India has published mediation training manuals for encouraging lawyers to learn the art and techniques of mediation so that they can take an active role in mediation. They can also pursue as profession. The Committee decided 40 hours mediation training and 10 actual mediations as the essential qualification required for a mediator to be assigned with the task of mediation. I am glad to share that as on date we have 271 numbers of active mediators all over West Bengal. We hold regular training programmes conducted by MCPC nominated and/or approved trainers. Recently Mr. Victor Schachter, founder President, FSRI, California, USA, an internationally acclaimed mediator along with Mrs. Laia Ollapally, founder Director CAMP Arbitration and Mediation Practices, Bengaluru, Karnataka have visited Kolkata and participated in discussion with lawyers, litigants, mediators and judges in which they shared their views and experiences as mediators and trainers. The Calcutta High Court framed its alternative dispute resolution rules which was notified and published in the Kolkata Gazette on 7<sup>th</sup> December, 2006. The said rule has been recently amended on 21<sup>st</sup> September, 2017.

People with problems, like people with pain, want relief as expeditiously as possible. 'Mediations' can give to the litigants or prospective litigants, in

the shortest possible time such relief with the assurance of finality. Mediation is conducted in a less formal friendly atmosphere with the active participation of the litigants which is not possible in court litigation.

Adjudication offers the least degree flexibility to the parties, since both the court's jurisdiction and the process is determined by the applicable law. The other oft-cited advantages of mediation include that it is cheaper and faster than any other mode of dispute resolutions. Mediation is also appropriate for disputes that involve very sensitive issues and where the parties wish to retain control of the outcome, including notably when the claimant seeks more than compensation. Mediation has also the potential to improve personal and business relationships. It can be used as an opportunity not only to solve their dispute but also to share information about their needs and interests and build trust in each other. Experience shows that it increases the predictability and validity of the outcome and/or provides various social benefits ranging from creative and collaborative solutions to publicly accountable procedures. The mediation is still in its nascent stage and required to reach every nook and corner of the country so that the litigants for whom it is introduced can take the benefit of this mode of dispute resolutions. Third party facilitation of disputes has gone on since people first established communities, in the earliest societies around the world and now that with the development of civilised society and the courts in place a reformed third party facilitation with the nomenclature "mediation" is used as an effective tool to resolve essentially civil, commercial and family disputes.

The advantages of mediation are well known. Mediation is voluntary. The parties are the masters of the game drive the process and have control over the outcome and through an impartial facilitator tried to resolve their disputes. I sincerely hope that this Newsletter will inspire all the stake holders to encourage mediation as an additional mode of dispute resolutions.





## From the desk of The Hon'ble Justice Sahidullah Munshi, Member

Concept of Mediation has seen light of the day by virtue of the Civil Procedure (Amendment) Act, 1999 when Section 89 was added to the Code and placed under Part V of the Code effective from 01.07.2002. Amending Act provided for settlement of disputes outside the Court. This Clause was based on the recommendations made by the Law Commission of India and Malimath Committee, where it was suggested that the Court may require attendance of any party to the suit or proceedings appear in person with a view to arriving at an amicable settlement of disputes between the parties and to make an attempt to settle the dispute between them. The recommendation was to make a provision obligatory for the Court to refer the dispute, after issues were framed for settlement either through arbitration or through conciliation or through mediation or through judicial settlement or through Lok Adalat. If any of the aforesaid alternative disputes resolution method fails then the suit or proceeding could proceed further and this is how Section 89 came into being in the Code to provide for alternate dispute resolution.

The aim and object of Section 89 can be looked into in the famous saying of Abraham Lincoln "Discourage litigation. Persuade your neighbours

to compromise where you can. Point out them how the nominal winner is often the real loser - in fees, expenses and waste of time."

The Honble Apex Court observed in M/S. Afcons Infra. Ltd. & Anr. vs M/S Cherian Varkey Construction Co. (p) Ltd. & Ors. reported in (2002) 8 SCC 24 shows clear guidelines about the Alternative Dispute Redressal process within the meaning of Section 89 of the Code, which is rather a pathfinder for the mediation process. We all are aware that Our Constitution has provided for speedy trial and the Honble Apex Court reiterated the scope and ambit of speedy trial within the meaning of Article 21 of the Consitution right from the decision in Hussainara Khatoon & Ors -vs. - Home Secretary, State Of Bihar, Patna reported in (1980) 1 SCC 81, which involved under trials who were in jail for a period of longer than the maximum sentence that could be imposed for conviction. Justice Bhagabati observed that "Although, the right to speedy trial is not specifically mentioned as a fundamental right, it is implicit in the broad sweep as contained in Article 21."

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Section 89 of the Code refers to five types of ADR Procedures, made up of one adjudicatory process (arbitration) and four negotiatory (non adjudicatory) processes, (1) conciliation, (2) mediation, (3) judicial settlement and (4) Lok Adalat settlement.

The object of Section 89 is that settlement should be attempted by adopting proper Alternative Dispute Resolution (ADR) Process before the case proceeds to trial. However, neither Section 89 nor Rule 1A of Order X of the Code is intended to supersede or modify the provisions of the Arbitration and Conciliation Act 1996 or the Legal Services Authorities Act, 1987. In this regard We may consider the decision of Hon'ble Supreme Court reported in 2010 AIR SCW 4983. For 'Mediation', the Courts shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of Legal Services







Authorities Act, 1987 shall apply as if the disputes were referred to Lok Adalat under the provisions of that Act.

For 'Judicial Settlement', the Court shall effect a compromise between the parties and follow such procedure as may be prescribed.

Section 89 has to be read with Rule 1A of Order X which requires the Court to direct the parties to opt for any of the five modes, of alternative dispute resolution processes.

Even though language of Section 89 does not mandate that consent of party has to be taken but that does not mean that a Court can resort to a short cut without forming the terms of possible settlement, refer subject matter of dispute to an alternative resolution forum. It is to be kept in mind that there should not be any pressure, force, coercion or threat to litigants to settle disputes against their wishes. Decision in B.P. Moideen Sevamandir & Anr. -Vs. - A.M. Kutty Hassan reported in 2009 (2) SCC 198 is important to take note of.

Under CPC trial Procedure is very complex one. It starts with filing a plaint opposed by defendant's pleading (W.S.). Then through a cumbersome procedure of trial and intervened by various suits arising from orders passed by Courts at different stages of the suit. Ultimately, when the plaintiff gets a decree, doubts may arise in the mind of the litigant about its finality through execution.

Again execution is not an easy process and it goes through various complicated stages of CPC. Execution, in CPC has different complexes. Such complex situation at times becomes so high, it

renders the decree virtually infructuous.

Now, we, as responsible officers of the Justice Dispensation System can give a ray of hope in the mind of the litigant and we can remove their frustration. Is it not our social duty as an elite class to remove burden of the toiling masses of the country who spend their lives in Court to get justice. Being a social member should we not strive to lessen the burden of the common men.

When you are involved in a conflict that causes you to consider going Court, you are confronted with a range of questions. Should you sue ? Do you need to hire a lawyer? How much would he charge as his fees? How long will it take? What will happen if are unsuccessful. Whether your opponent will be revengeful if you loose the battle. Will it give rise more criminal cases for your successes? All these questions a man/litigant has to consider. If you do not go for these what is the alternative?

Then obviously we think for an Alternative Dispute Resolution – ADR.

Its a process, that affords people the opportunity to resolve legal disputes without having recourse to litigation:-

1) Mediation is one of such processes- where a neutral third party, called a mediator, who meets with the disputing parties to resolve the disputes amicably.

2) Arbitration -Very common process today, which can be made applicable in all sphere of life.

3) Collaborative Law:- A relatively new form of ADR, its a process where parties agree to sit together and settle the differences without filing law suits. Here also lawyers can be invited in the negotiation.





**4)Negotiation:** To resolve disputes and differences by communicating your mind e,g,. Give a phone call to your wife that you want a mutual divorce and other such problems also.

**(5) Areas where ADR has its applicability:**

- (i) Family Law
- (ii) Employment Law
- (iii) Consumer Law
- (iv) Constitution Law
- (v) Trade
- (vi) Taxes

**Advantage of ADR**

- (i) Reduce expenses
- (ii) Speed
- (iii) Broader access for those with less lime and fewer Resources
- (iv) Less stress
- (v) Confidentiality
- (vi) Constructiveness
- (vii)Lack of Restrictions
- (viii)Mediator Expertise

**Disadvantages**

- (1) No guaranteed outcome.
- (2) Lack of consistency
- (3) Limited scope
- (4) Limited judicial involvement.
- (5) Unequal Parties
- (6) It is voluntary.

The prime importance in a mediation to be kept in mind is as follows :

- 1. Party should participate voluntarily.
- 2. Confidentiality in the process should be maintained.
- 3. Mediator should be impartial.
- 4. Agreement should be settled by the mediator with the satisfaction of the parties.
- 5. Mediation is without prejudice to other procedures.





From the desk of  
**The Hon'ble Justice Subrata Talukdar,**  
**Member**

A key issue which prevents early dispute resolution is the mindset or, in other words, the ego of the contesting parties. After spilling of much legal blood, the opposing parties are handed a judgement which seeks to forge a legally acceptable consensus. During the process of mediation the parties have an opportunity of discovering an identity which is removed from the legal formalism that attaches with courts. This contributes to early dispute resolution on the basis of reciprocity of interests. The mantra of mediation should be given an honest and long appraisal by all stakeholders. Maybe then courts would not be seen as an avoidable word.







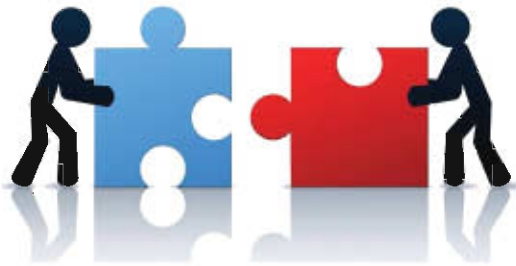
## From the desk of The Hon'ble Justice Arijit Banerjee, Member

The Judge –Population ratio which should be 50:1 Million in India 19:8 Judges per million as in 2018. The pendency of cases as of now is a whopping 3.26 Crores. In such a situation mediation is an effective administrative and Judicial solution. Market based or state control economies survive on the systems of contract. And where there is a contract there is bound to be a dispute. And in such a scenario an effective redressal system is a must. In its absence the citizens and corporations alike suffer irreparably. It is heartening to see that ' Mediation and Conciliation Committee, High Court, Calcutta under the guidance of the Hon'ble Supreme Court of India , is making sustained efforts to concretize the very process of mediation. I would also like to extend my heartiest congratulations to those countless lawyers and Judges working in our state of West Bengal. Their hard work I must say has not gone with the winds. It must be added that mediation, conciliation and arbitration are not new to our collective social fabric. Panchayats in the village level has also been in existence. It is only now that the legislature along with other organs of the state has taken serious interest in developing such mechanism that ensures that justice is not only done but it is done in a timely manner. It seems that slowly but surely the wheel of this mediation process is moving. As per data available a total of 9413 cases were referred to mediation during 19 February, 2019- December, 2019. Out of these 3222 cases have been successfully resolved through mediation. It is roughly one third of the total. We need to

continue with our struggle. Mediation can be an effective tool for the purpose of administration of justice. We need to dispel the fog of ignorance that surrounds the whole thing at the moment. The concept of mediation should be popularised as much as possible. Mediation is after all a process of adjudication where the parties need not feel ill at ease. It is a cheap, quick, and thus far the most effective mechanism of settling disputes which are mostly in the nature of right in personam.

I would like to express my gratitude to all my fellow brother judges and staffs of the High Court, at Calcutta for extending their help to me. I am glad that through this Committee I too have been able to make my humble contribution towards fostering a new culture of mediation and conciliation in our state.





## Mediation NEWSLETTER

ISSUE : II

# THE YEAR AT A GLANCE



## The Year at a glance

### CHRONOLOGY OF EVENTS

- 20.12.2018** : High Court, Calcutta Mediation Newsletter, Issue-I was inaugurated & published by the then Hon'ble Chief Justice Debasish Kargupta.
- 12.01.2019 to 21.09.2019** : Mediation fortnight were observed at different districts of West Bengal & Andaman & Nicobar Islands.
- 01.02.2019 to 01.06.2019** : Referral Judges training/sensitisation programme.
- 09.05.2019** : Regional level Mediation awareness & workshop in association with CAMP, Bengaluru, Karnataka.
- 14.06.2019 to 18.06.2019** : 40 hours Mediation training at Bankura.
- 25.06.2019 to 29.06.2019** : 40 hours Mediation training at W.B.J.A.
- 18.07.2019** : Seminar on "effectiveness of Mediation in India at Mediation Centre, High Court, Calcutta.
- 05.08.2019 & 06.08.2019** : Residential Mediation training programme for the Secretaries of the DLSAs.
- 23.08.2019 to 25.11.2019** : Hon'ble Justice Biswanath Somadder visit to Andaman & Nicobar Islands for "stock taking"
- 15.11.2019 to 18.11.2019** : Mediation Awareness cum Workshop programme was organised in association with F.S.R.I., California, U.S.A. & CAMP Bengaluru, Karnataka.
- 18.12.2019 to 20.12.2019** : Advance Course Capsule Course at W.B.J.A.
- 06.01.2020 to 17.01.2020** : One day pre-litigation Mediation training for Commercial disputes.
- 20.01.2020 to 25.01.2020** : 40 hours Mediation training at W.B.J.A.
- 29.01.2020 to 09.02.2020** : Kolkata International BookFair, 2020, stall No.139.
- 03.02.2020 to 07.02.2020** : 40 hours Mediation training at Jalpaiguri Sadar.
- 10.02.2020** : Meeting with the Secretaries of State of West Bengal for providing necessary infrastructure for pre-and post litigation mediation in Commercial and non-commercial matters
- 25.02.2020 to 27.02.2020** : 20 hours Refresher Course training programme at the Mediation Centre, High Court, Calcutta

Actually, it was a period more than a year since December, 2018, when the Hon'ble Mediation Committee, High Court, Calcutta took every possible step to augment the process of mediation in West Bengal and Andaman & Nicobar Islands.

Since the publication and inauguration of the first issue of Calcutta High Court Mediation Newsletter, till the compilation of data for the second issue, it has been a saga of events and programmes of state, national and international standard.



During this period, the Hon'ble Committee decided to observe "Mediation Fortnight" instead of "Mediation week" in order to attract more and more stakeholders into the realm of mediation and to allow the Mediators more time to interact with the litigants.

To fulfil the gap and shortage of number of adequate trained Mediators in different districts and sub-divisions, the Committee took up the issue with the MCPC, Hon'ble Supreme Court of India and organised as many as four training sessions of 40 hours each, thereby producing

another batch of 96 trained mediators to spearhead the mediation process in West Bengal. Amongst them five willing and eligible Advocates were also trained for the Jalpaiguri Circuit Bench of the High Court, Calcutta.

To sensitise the Referral Judges of the state and encourage more mediation referral in deserving cases an one day sensitisation programme was organised at WBJA, Kolkata from 01.02.2019 to 01.06.2019, i.e. continuously for about five months period. More than 800 Referral judges took part in this programme.







It was lately felt on the part of the Hon'ble Committee, that there had been some confusions on the administrative level between the Committee, the Mediators at different districts of West Bengal and Andaman and Nicobar Islands and the SLSA, WB and the other stakeholders. To eradicate this atmosphere of confusion, the Committee arranged for a two day residential training programme for all the DLSA Secretaries of West Bengal and Andaman & Nicobar Islands. Sri Apurba Sinha Roy, District Judge, Bankuar, Md. Shabbar Rashidi, District Judge, North 24 Parganas, Ms. Durga Khaitan, Member Secretary, SLSA, WB and Sri Sourav Bhattacharya, Judge, Commercial Court, Asansol were deputed by the Committee as the resource persons for this training programme.

#### CALENDAR OF MEDIATION FORTNIGHT

Sl. No.	Districts	Time Schedule
1.	Howrah & Kolkata (City Civil Court, City Sessions Court, Presidency Small Causes Court)	12/01/2019 to 25/01/2019
2.	East Midnapore & West Midnapore	09/02/2019 to 23/02/2019
3.	Birbhum, Bankura, Purba Burdwan & Paschim Burdwan	09/03/2019 to 23/03/2019
4.	Hooghly & Purulia	06/04/2019 to 20/04/2019
5.	Darjeeling, Jalpaiguri & Cooch Behar	11/05/2019 to 25/05/2019
6.	North Dinajpur & South Dinajpur	08/06/2019 to 22/06/2019
7.	Nadia, Malda & Murshidabad	06/07/2019 to 20/07/2019
8.	Andaman & Nicobar Islands	17/08/2019 to 31/08/2019
9.	South 24 Parganas & North 24 Parganas	07/09/2019 to 21/09/2019



The Hon'ble Committee attached so much of importance to this training programme that the Hon'ble The Chief Justice cum Patron-in-Chief and Hon'ble Justice Biswanath Somadder, Patron themselves interacted with the DLSA Secretaries.



The programme was a grand success in as much as the targetted group of Officers went back to their respective districts with much more clear understanding and comprehensibility about administrative management of the mediation process in the districts.

Foundation for Sustainable Rule of Law Initiatives (FSRI) and NGO of international repute working mainly in California, U.S.A. under the leadership of Mr. Victor Schachter, the internationally acclaimed expert Mediator was invited to look into the infrastructural and procedural facilities of mediation in West Bengal and to recommend specific step(s) to further augment the process of mediation in this region.





FSRI, along with CAMP, Bengaluru, Karnataka met with the stake holders of the three adjoining districts of Kolkata, North and South 24 Parganas in a four day programme and they recommended various step(s) which are currently under the process of implementation by the Hon'ble Committee.

The Commercial Court administration and judges also took part in the aforesaid programme and the concept of online dispute resolution was for the first time explained to the stakeholders.

The programme received a huge media coverage and publicity.



The entire team of Resource persons with the Hon'ble Committee Judges of High Court, Calcutta

Between, 18<sup>th</sup> of December, 2019 and 20<sup>th</sup> of December, 2019 the MCPC, Hon'ble Supreme Court of India conducted the 3 days-20 hours Advance Course (Capsule Course) at the West Bengal Judicial Academy, New Town, Rajarhat to test the suitability of the experienced Mediators of West Bengal for becoming MCPC approved trainers.

Thirteen trained and experienced Mediators of West Bengal took part in the course along with Mr. Dharmendra Rana, the then Member Secretary, Mediation and Conciliation Project Committee, took part in the training programme.







Mr. Suman Saha, Advocate Mediator &  
first selected candidate for TOT



Training at West Bengal Judicial Academy

Mr. Sunil Kumar Agarwal and Mr. Harish Dudani were deputed by the MCPC as the trainers for the aforesaid course. Fortunately, this time Mr. Suman Saha, Advocate Mediator from Sadar Jalpaiguri emerged as the only and the first selected candidate /Mediator from West Bengal to become an MCPC recognised trainer.

Mr. Saha was facilitated by the District and Sessions Judge, Jalpaiguri on 7<sup>th</sup> February, 2020 in an Mr. Suman Saha, Advocate Mediator august gathering at Raninagar Jalpaiguri District and Panchayat Training Centre for his success and achievement.

Then there was the season for book fair and the 44<sup>th</sup> Kolkata International Book Fair, 2020 will always remain as a milestone in the mediation history of Calcutta High Court. Because, this was the first time that the Mediation Committee of High Court, Calcutta decided to spread the message of mediation to the common masses through its stall no.139, hired at the Book Fair venue at Central Park, Salt Lake, Kolkata.



Mediators at the Book Fair Stall





The last but not the least, was the 20 hours Refresher training programme at the Mediation Centre, High Court, Calcutta, 5, Council House Street, Ground floor, Kolkata-700001.



### **Mediation Centre, High Court, Calcutta**

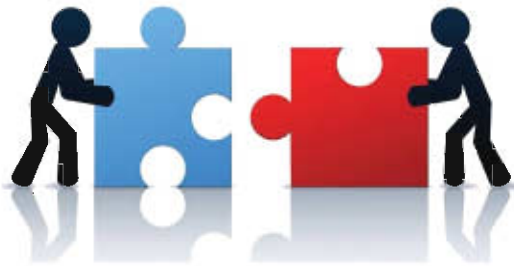
Through this programme, the Mediation Centre Calcutta High Court, emerged as the latest self sufficient training facility of national standard, if not international. Currently process is on to redevelop the centre as per the suggestion of FSRI, California, U.S.A. and also make it a centre of international standard with all latest technological facilities and gadgets. Video conferencing facility, self sufficient conference hall, separate sound proof mediation cubicles, separate waiting chambers for the petitioner and defendant parties, adequate drinking water and toilet facilities, library, photocopier, fax, internet, video recording and CCTV surveillance will be some of the facilities those will available in this Mediation Centre which will act as a model for the entire state.

The Committee has also taken the initiative of making Mediation documentary and animation films for the awareness of the mass people of West Bengal and Andaman and Nicobar Islands, which is currently under process.

As such, the intervening period was one of the most eventful and encouraging period in the history of mediation movement of West Bengal and Andaman & Nicobar Islands as the referral and success statistics will also corroborate.







# Mediation NEWSLETTER

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## SUCCESS STORIES :



## Success Stories

### High Court, Calcutta :-

#### SLP(Crl.) Diary No. 10721 of 2018



Mediation Centre, High Court, Calcutta

Hon'ble Justice Prabir Kumar Samanta (Retd.) was pleased to act a Mediator in this case. This case involved an issue of selling a land and landed property by forging the signature of the actual owner. The property was situated in Hariyana. A case of forgery was pending in Haryana along with a suit for declaration praying for declaring the relevant deed of sale as void.

Several sittings were held at diverse dates at the Mediation Centre, High Court, Calcutta under which jurisdiction the complaint was residing. Ultimately the complainant was agreeable to withdraw all complaints and cases filed against the accused, if an acceptable sum of money was paid to

him as compensation, but then also settlement discussion was going on about the final amount of compensation to be paid. The Hon'ble Mediator was sending interim reports with primarily agreed terms between the parties.

Finally by an order dated 12/02/2019, the Hon'ble Apex Court accepted the outcome of the Mediation proceeding and the parties agreed to settle their dispute for an amount of Rs.40 lakh.

#### Case No. C.O. 3139 of 2013

The Hon'ble High Court, Calcutta was pleased to refer this case for mediation by its solemn order dated 11.03.2019.

The matter involved a family dispute regarding the death benefits of the son of the original plaintiff who filed a title suit against her daughter –in-law before the Civil Judge (Senior Division) at Durgapur sub-division of Paschim Bardhaman district of West Bengal being Title Suit No. 69 of 2012. The mother-in-Law and daughter-in-law were entangled in a legal battle for years together. The father and the daughter of the deceased were amongst the affected persons.

Prolonged mediation proceeding and repeated sessions with the parties ultimately were successful in bringing them down to a common agreement for settlement. Another family bonding survived.

The Hon'ble Referral Court was kind enough to drop the proceeding by its solemn order dated 27.02.2020.





## Success Stories

### District and Sub-divisional Courts :-

#### **Mediation No.138/19**

#### **Case No. Act.viii-2 of 2018 –Bankura(Visitation right)**

The above mentioned case was referred by the Ld. District Judge, Bankura for placing before the mediation board and the same was placed before the trained mediator Sri Kunal Kanti Ghosh. The dispute in between husband and wife was long pending before the court & their two minor kids were the worst sufferers for their parents and they were deprived of visiting to their mother since last 7/8 years.

Accordingly the mother was compelled to file the aforesaid proceedings before the Ld. District judge, Bankura. In two sittings the said matter was settled through mediation process and the minor kids got the chance to visit their mother's house on every third Sunday of each month. Finally the kids got back their mother's love and affection through the process of mediation.



**Bankura ADR Centre**







## Success Stories



Darjeeling ADR Centre

### OC Case No. 21/2009- Darjeeling (Suit for Eviction)

The aforesaid suit was filed in the year 2009 in the Court of the Ld. Civil Judge (Sr. Divn.), Darjeeling for eviction of the defendant from the scheduled property. Subsequently, the evidence was started. In the year 2018 the matter was referred to Mediation Centre for settlement through mediation. thereafter, by constant effort of the Ld. Mediator and after three(03) sittings between the parties the case was settled in terms of Memorandum of Agreement dated 02/08/2018.

### Case of Bidya Agarwal and Sultan Singh Mangal : Jalpaiguri

Mediation conducted by Sri Sutirtha Banerjee, Ld. Chief Judicial Magistrate, Jalpaiguri.

In this case, the marriage between the parties was solemnized on 26/04/1993 according to Hindu rites and customs. The parties have one daughter out of their wedlock. Since, a long time, the parties were residing separately without maintaining any conjugal life and the daughter was all along in the custody of the wife. Following their acute incompatibility and contrasting lifestyles and frequent quarrels and skirmishes which intensifies over time, there had been a total breakdown and cessation of marital relationship between the parties concerned and they had not nourished any desire to perform marital obligations. One matrimonial suit under section 13 of the Hindu Marriage Act being No. 52/2017 was thereafter filed by the first party/wife and the same was pending in the Court of the Ld. District Judge, Jalpaiguri and the instant matter was referred from the Ld. Concerned Court.

Mediation was conducted in the matter on various dates between the parties who were present on all dates. Reconciliation between the parties was attempted on several occasions but it did not yield fruitful results. During the course of mediation, the parties



Jalpaiguri ADR Centre

decided upon certain terms in respect of alimony and maintenance and for cessation of all pending cases; and in order to avoid all future disputes and differences that might crop up between them, they agreed on a settlement terms, which included filing for divorce by mutual consent. After due mediation, both the parties decided to withdraw the allegations leveled by them against each other and they also agreed to withdraw all criminal cases pending against both of them.

Hence, this mediation procedure was successful in case of these parties where there was absolutely no scope for any re-conciliation earlier.







## Success Stories

### C.R. Case No. 387 /2017 (Negotiable Instrument) - Hooghly

This case was referred by the Ld. Judicial Magistrate, 4<sup>th</sup> Court, Serampore, Hooghly in connection with a case under section 138 of the Negotiable Instrument Act for settlement in between the claimant, Sri Manik Chand Somani and the accused, MBL Infrastructure Limited & Ors. In order to pay the amount of a cheque of Rs. 67,98,008/- dishonoured by the banker of the accused. On referral by the Ld. Court the matter was allotted to the Ld. Trained Advocate Mediator Sri Manas Santra. The Mediation proceeding took place on several dates before the Ld. Mediator, whereupon the mediation resulted in a success on the terms of claim amount relating to the case. The accused stated as per settlement arrived at mediation that the accused will be paying the cheque amount by 27 equal monthly instalments in favour of the complainant. Amicably the parties reached at the settlement abiding by all the legal formalities in view of Section 24 of Calcutta High Court Civil procedure Alternative Dispute Resolution and Mediation Rules, 2006.



Serampore Court - Hooghly

### Title Suit No. 38/2018 – (Partition) Coochbehar

A partition suit being Title Suit No. 38/2018 was filed before the Ld. Civil Judge (Sr. Div.), Cooch Behar between twelve parties on 30.07.2018. The valuation of properties involved was Rs. 1,80,000,00/-. Amongst the said properties was a property situated at Rajasthan as well. On 28.05.2019 the Ld. Court referred the matter for settlement through mediation. The parties appeared before the advocate mediator at ADR Centre, Cooch Behar and in two sittings the dispute amongst the parties could be amicably settled

by way of mediation. A memorandum of settlement was prepared by the mediator along with the parties and on 19.06.2019 the matter was settled before the mediator.

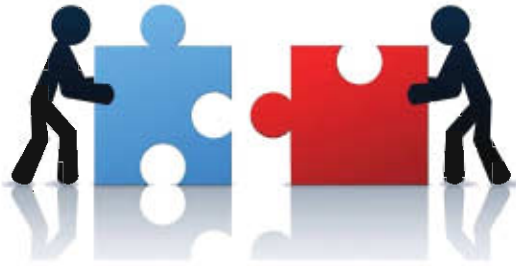
Thereafter the memorandum of settlement was placed before the Ld, Court and on 19.07.2019 the case was finally disposed off. Thus this case, involving around twenty properties, could be settled by way of mediation in less than one year from the date of filing of the said suit.



Cooch Behar District Court







# Mediation NEWSLETTER

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# STATISTICS



## STATISTICS

### Mediation disposal statistics of West Bengal

<i>Year</i>	<i>Cases Referred</i>	<i>Cases settled</i>	<i>Cases not settled</i>
2012	78	05	09
2013	854	291	317
2014	842	144	410
2015	1046	55	451
2016	393	63	427
2017	7122	1328	4850
2018	11685	4796	5569
2019	10334	3771	4683

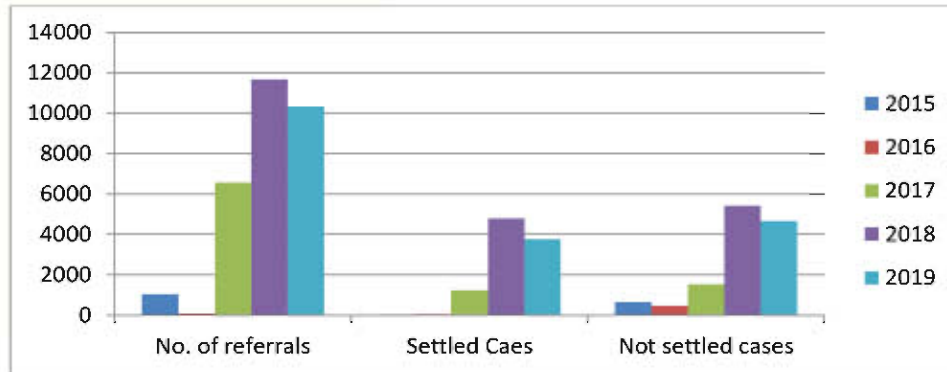
### District wise Mediation disposal statistics of West Bengal for the year 2019:

<i>Sl No.</i>	<i>District</i>	<i>Cases Referred</i>	<i>Cases settled</i>	<i>Cases not settled</i>	<i>Non starters</i>	<i>Pending at the end of the year</i>
1.	Darjeeling	244	38	200	--	15
2.	Kalimpong	25	09	--	--	--
3.	Coochbehar	389	50	87	52	--
4.	Jalpaiguri	403	62	337	05	81
5.	Uttar Dinajpur	182	24	133	--	--
6.	Dakshin Dinajpur	37	0	8	--	--
7.	Malda	402	33	305	00	--
8.	Murshidabad	485	232	240	--	--
9.	Nadia	191	113	54	--	--
10.	Bankura	631	114	142	307	68
11.	Purulia	242	23	213	--	--
12.	Birbhum	248	88	160	--	--
13.	Purba Medinipur	1864	1439	57	368	08
14.	Paschim Medinipur	1046	527	501	--	75
15.	Jhargram	--	--	--	--	--
16.	Purba Bardhaman	739	431	291	--	33
17.	Paschim Bardhaman	--	--	--	--	--
18.	Hooghly	885	98	585	00	202
19.	Howrah	219	55	42	84	80
20.	North 24 Parganas	937	147	371	--	--
21.	South 24 Parganas	2506	205	2105	00	196
22.	Kolkata	420	251	168	--	--





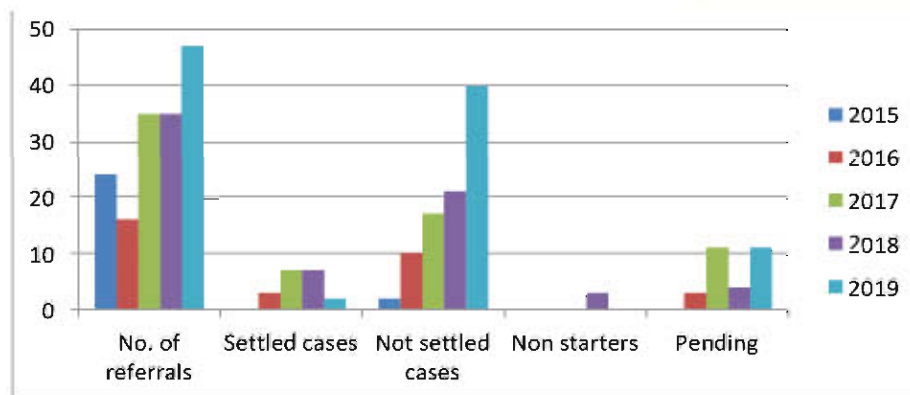
### A graphical representation of mediation disposal in West Bengal since recent years



### Calcutta High Court mediation disposal statistics :

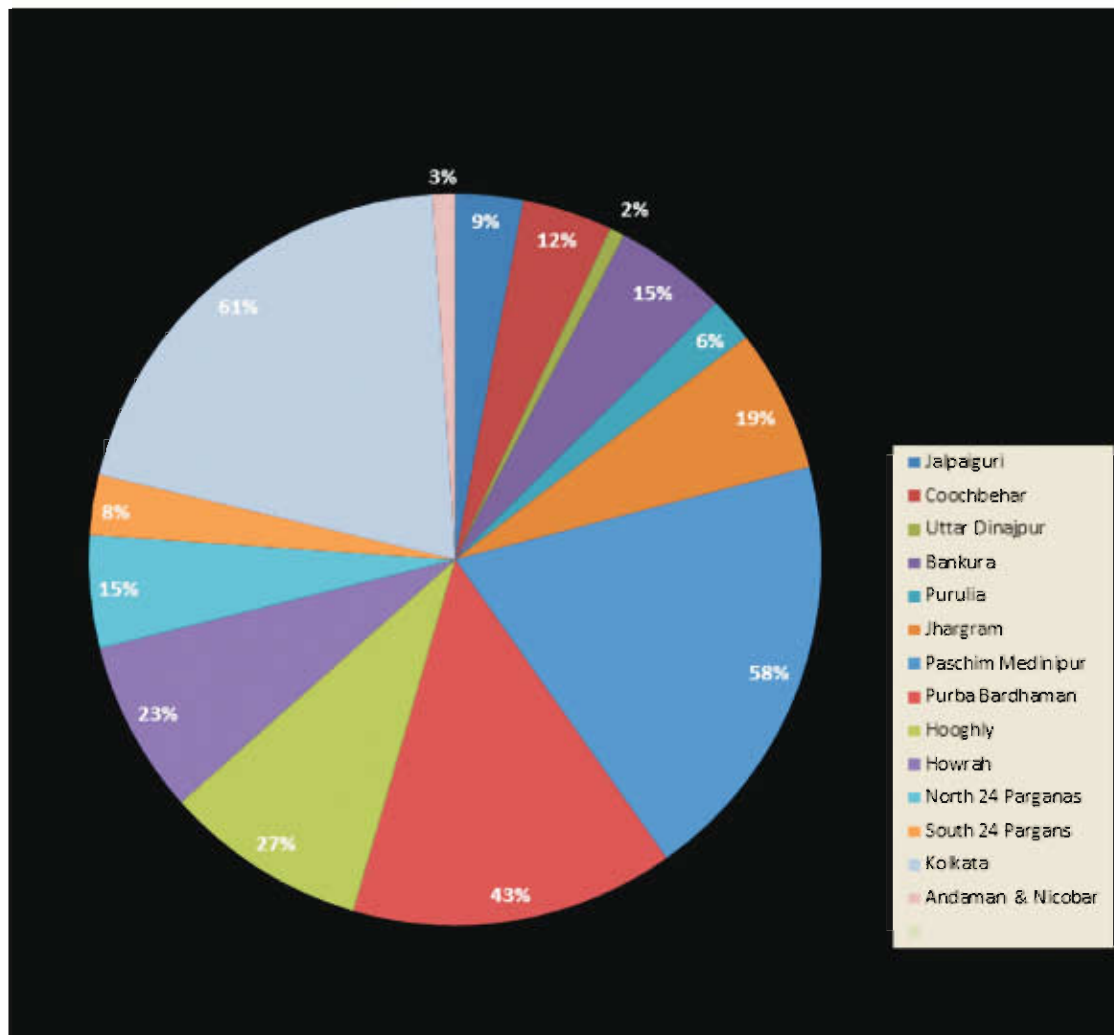
Year	Cases Referred	Cases settled	Cases not settled
2012	18	05	13
2013	42	09	16
2014	36	11	09
2015	24	00	02
2016	16	03	13
2017	35	07	17
2018	35	07	21
2019	47	02	40

### A graphical representation of mediation disposal at High Court, Calcutta since recent years





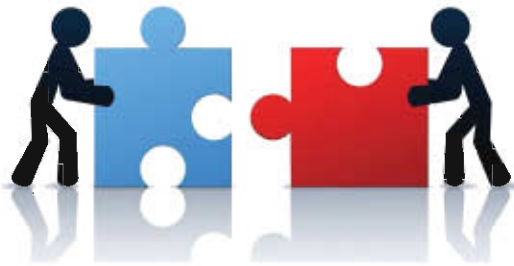
### Performance pie chart for the 'Mediation Fortnight' - 2019 in the district of West Bengal



### Mediation disposal statics of Andaman & Nicobar Islands:

<i>Year</i>	<i>Cases Referred</i>	<i>Cases settled</i>	<i>Cases not settled</i>
2018	193	22	36
2019(upto 02.08.2019)	58	31	40
December,2019	25	04	04
January,2020	20	10	09





## Mediation NEWSLETTER

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# USEFULNESS OF MEDIATION





## Usefulness of mediation

Mr. Victor Schachter, FSRI, California, USA

I am pleased to have the opportunity to write about the usefulness of mediation and how advocates will benefit by embracing the mediation process. Having just completed a visit to the Calcutta Mediation Center as part of a delegation from my NGO, the Foundation for Sustainable Rule of Law Initiatives (FSRI), in coordination with India's Center for Advanced Mediation Practice (CAMP), I learned a great deal about the operation of the mediation center, its promise and challenges. Since FSRI has been promoting the establishment of sustainable mediation centers around the world since 2012, we have gained many insights and valuable experiences about the key elements for a viable and sustainable mediation program. After observing the operations of the Calcutta Mediation Center, I believe it provides an excellent framework for a sustainable mediation program in Calcutta, with the continuing support on the High Court Mediation Committee. Critical to its success is a full appreciation of the usefulness of mediation, and the manner in which advocates and their clients will benefit from the utilization of this process. I am devoting this article to a fuller explanation of these concepts.

To appreciate the unique benefits of the mediation process, it is important to understand how mediation differs from the traditional training of lawyers as advocates. In essence, lawyers are professionally trained to aggressively advocate to "win" the case for their clients, and defeat their opponents- the win/ lose scenario. Very often, the formalities of court litigation, the long process of appeals, the uncertainty of the outcome, and the limited remedies available to the court, make even a "victory" an unsatisfactory

outcome. The adversarial process in court always presents the possibility of losing and considerable cost, and often results in the destruction of the business or familial relationship of the litigating parties.

In contrast, mediation is a non-adversarial process facilitated by a skilled third party neutral to resolve the dispute. It is not a litigation trial; it is not arbitration. It is a process in which the parties voluntarily reach agreement on their terms. The parties design the terms of the agreement, and implement the agreement. It is a win-win process and the focus is on the solving the problem, not who is the winner or the loser. The mediator, as a qualified facilitator, trained to work with each of the parties and focus on their real interests, helps the parties to formulate solutions to the real problems, and, if possible, to restore the business or family relationship going forward. In mediation, the emphasis is not on who is right and wrong- the central focus is on identifying how the parties, voluntarily, can formulate a solution to their issues, and effectively go forward with their respective lives in a cost-effective and mutually satisfactory manner. In short, the essence of this process is not "rights based", but it is "interests based". This uniquely allows the parties, who are most knowledgeable about the issues and the facts, to determine the outcome, rather than a judge or arbitrator, operating under formal rules and who is unfamiliar with the facts or the parties. The beauty of the process is that the outcome has been voluntarily achieved by the parties, with the assistance of their counsel, to their satisfaction, consistent with their understanding of the facts and the real issues to be resolved.





## Usefulness of mediation...

How does the mediator accomplish this?

Unlike a judge or arbitrator who determines the facts and issues for the parties, the mediator works with the parties through joint and private caucuses, maintaining the full confidences of the parties as requested, to ascertain what they really want to resolve the dispute and help formulate a resolution consistent with their desires. The mediator works with each of the parties and their counsel to help them formulate realistic proposals, exchanges these proposals with each of the parties' consent, helps the parties to create new options for resolution when there is an impasse, and then works with the parties and their counsel to incorporate the resolution in a written and binding agreement. Most importantly, a qualified mediator is trained in the art of "active listening", which enables each of the parties to fully and comfortably convey their desires, feelings, and hopes for a meaningful resolution, all of which is important in family, commercial, business, employment and contract disputes. Further, when this process is successful, it is quite common for the parties to reconstitute their relationship and move forward together, rather than find themselves in a win-lose situation, imbued with bitterness, considerable costs, and frustration by a highly formalized and lengthy court proceeding.

Undoubtedly, certain cases need to go to litigation through the traditional adversarial process where a third-party decision-maker is necessary to resolve the dispute. However, as I have observed in my work around the world, the overwhelming majority of cases can benefit from mediation, since they resolve at a high success rate where the parties proceed in good faith. This very process is being promoted at the Calcutta Mediation Center, and I believe it can be a great success, as we have seen elsewhere in India.

What is the benefit of this process for the client?

Clearly, the mediation process provides the client with an important alternative to lengthy, costly and uncertain litigation. It is faster, less costly, provides better remedies, allows parties to focus on solving the problem (and not who is the winner and loser), and also reduces the court backlog so judges can focus on necessary litigation. In addition, and very importantly, this process does not waive the right of a client to go to trial if mediation is unsuccessful, since the parties can return to court and continue formal litigation if a resolution is not achieved in mediation. Accordingly, you can comfortably use mediation to try and resolve the dispute without in any way losing your right to proceed with litigation if necessary.

What is the role of, and benefit to advocates, in this process?

As we have learned in our work around the world, in both mature and less developed economies, the attorney plays a truly critical role in advising and representing the client in the mediation process. Briefly, there are many key aspects of this representation. The attorney prepares the client for the mediation process, carefully identifying the legal and factual issues, and strategizing on how to present the best positions to the mediator; identifies the client's true underlying interests necessary to resolve the matter; prepares the client to move forward to a possible resolution, aside from who is right and wrong; the attorney prepares a persuasive presentation of the facts and law at the mediation, gathering credible evidence to support the client's case; determines and controls what is to be maintained confidentially through the proceeding so as not to unduly compromise the client's case; prepares the client for private caucuses with mediator to formulate the best





### Usefulness of mediation...

possible proposals; creatively develops options which make a resolution possible if an impasse is reached; prepares good faith offers and demands for productive mediation; and if a settlement is reached, prepares the settlement agreement and oversees its complete and proper enforcement. This only summarizes the extensive role of counsel in the mediation process. Unquestionably, it is an important, vital and profitable service to clients, for which they are most willing to pay competitive legal fees. Further, when satisfied with their experience, they will enthusiastically recommend counsel skilled in mediation to other clients. We have repeatedly seen this successful outcome for clients and lawyers over the years.

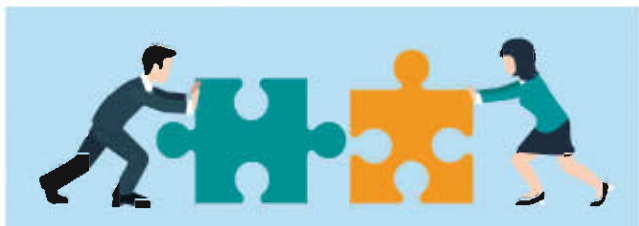
Two final observations that are critical to the success of the program. First, the mediators must be properly trained and qualified to provide a positive mediation experience and process. Second, lawyers must learn the skills on how to advocate on behalf of their clients in a mediation, which is greatly different then advocating in court before judge. As noted above, it requires a lawyer to focus on reaching a resolution in good faith, and creatively, in a constructive process, to reach a voluntary resolution, rather than to "rip the other party apart." This is a critical and different mindset then traditional litigation-- but it is an essential one for success.

I hope these observations are helpful in briefly explaining the usefulness of mediation and how advocates benefit by adopting this process as part of their practice. I can assure you that attorneys and their clients around the globe are benefiting greatly from the implementation of these mediation programs, and I hope that you will successfully benefit from them as well.

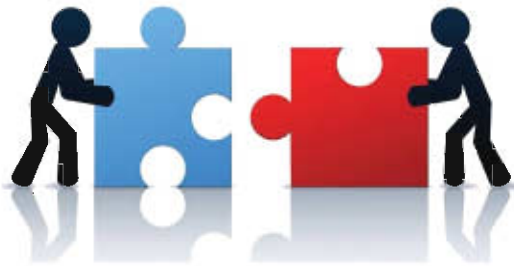


"An ounce of mediation is worth a pound of arbitration and a ton of litigation" -

Joseph Grynbaum







# Mediation NEWSLETTER

ISSUE : II

# LAWYERS CAN WIN IN MEDIATION



## Lawyers can win in Mediation

Laila T. Ollapally

Ms. Ollapally is founder, CAMP Arbitration and Mediation Practice Pvt. Ltd. She is the Founding Coordinator of the Bangalore Mediation Centre.

I am one of the founding coordinators of the Bangalore Mediation Centre, the Court annexed program of the High Court of Karnataka. A few months after we started the mediation program, a young advocate walked into my office and could not contain her excitement. She had experienced a successful mediation and exclaimed 'A silent revolution is happening in our courts. We now have a forum for quick, cheap and efficient resolutions. Most importantly, the parties are in control of the outcome'. Today, after 12 years, the mediation program in the Bangalore courts has grown and almost 150 cases are being mediated every day. There are many lawyers like the young lady advocate, who are developing the skills to use mediation in both court and private mediation and are enthused by a steady growth in their legal practice.

What is mediation? It is a process where a mediator who is a third party neutral, helps disputants to try to come to a consensus and find a mutually acceptable outcome. A mediator understands the differing perspectives of parties without judging, explores their underlying interests, allows them to vent their feelings and when they are ready to negotiate, facilitates a negotiation between them. The skills and expertise of the mediator is critical for a positive experience at mediation.

In an adversarial process, it is the third party, the Judge, who decides the outcome. The process includes pleadings, evidence, arguments and layers of appeals. It is structured in a manner that requires parties to be wedged into positions and lawyers argue on behalf of their clients. The

lawyers are required to polarize parties to enable the Judge to decide who is right and who is wrong, who is liable and who is not.

As the processes are very different, advocacy in mediation differs from advocacy in an adjudicative/adversarial proceeding. Mediation is assisted negotiation and the lawyer's role is to coach their clients to negotiate and take decisions that are selfdetermined. As in any negotiation, parties need to determine the point at which they need to 'walk away' if necessary, from mediation. This is achieved through a knowledge of the time, cost, possible outcome and its consequences in alternative processes like arbitration and litigation. As the mediator is a neutral, it is the lawyers who provide this information in mediation. Lawyers also work with their clients to persuade the other side for best possible terms in the negotiation without antagonizing the other side. They ensure that the settlement terms arrived at in mediation are legal and enforceable.

The two processes are clearly different and the lawyers are integral to both processes. The skills required of a lawyer in mediation are transferable from the skills used in adjudicative practices. However, lawyers need the awareness that they are wearing a different hat. A deep understanding of the process with training in 'advocacy in mediation' and a mindfulness and willingness to adapt, are important pre requisites for a lawyer for effective advocacy in mediation.





### Clients like Mediation

The Global Pound Conference held for over 2 years in 24 countries is an electronically conducted survey of all the stake holders of a dispute. The India conference was held in 2017 at Chandigarh. Thousands of stakeholders to a dispute were interviewed worldwide. 70% of the interviewed litigants stated that they wanted their lawyers to have a changed approach to dispute. They wanted their lawyers to give them appropriate resolution in acceptable time frames and at realistic costs. They wanted the dispute resolution framework to include adjudicative and non- adjudicative processes. The quest for 'appropriate' and the need for the availability of 'non-adjudicative processes' clearly signals the need for change in approach to dispute resolution in the 21st century. Disputants are progressively requiring their lawyers to give them a choice of adjudicative and non-adjudicative processes while deciding on the dispute resolution mechanism for their dispute.

This survey also brought out an existing anomaly between the need/expectation of the litigants regarding the role of their lawyers and the perception of the lawyers as to what their clients want from them. 67% of the lawyers interviewed saw their role as 'arguing for clients'. A lawyer who envisages his/her role as 'arguing' often misses exploring the immense potential for the non-adjudicative processes like mediation. There is a high probability that mediation could provide the appropriate solution within a reasonable time frame and at realistic costs to the clients. Another interesting finding of the GPC survey is that lawyers are reluctant to use mediation, not because they are fearful of diminishing revenue, but they are unfamiliar with the mediation process. The skills to argue and the skills to reconcile are both necessary skills that a lawyer is bound to possess.

India is integrating both Domestic and Cross Border Mediation into the dispute resolution system

1) India's response to the changing dispute resolution landscape around the world was by introducing Section 89 to the Civil Procedure Code in 2002. Since then the litigant has a choice of litigation, arbitration, conciliation, mediation and lok adalat, to resolve disputes.

2) Almost all High Courts in the Country have a Court Annexed Mediation program. Free mediation services are available in the courts, serving the multitude of litigants who need cheap access.

3) Private Mediation is beginning to take root in the country. When market forces are allowed to operate, clients can choose their mediator and consequently, services improve. Complex and sensitive cases, and multiparty disputes are being mediated.

4) Commercial Court Act, Company's Act, Consumer Protection Act, Real Estate Law include mediation.

5) India has signed to the Singapore Mediation Convention which gives enforceability to cross border (international) mediated settlements.

Why lawyers 'must try' mediation in most civil disputes?

1) Some clients want to wage war but most eventually want peace. However the only way clients are aware of achieving this peace is through war. They are so relieved when lawyers can show them another way.







2) Clients are satisfied when the outcome has been determined by them. They settle only if their real needs are addressed to the best possible extent. As a result compliance is high. Less than 1% of mediated settlements reopen.

3) Negotiation in mediation involves in-depth discussions, jointly and privately, to explore underlying interests of parties. There is space for emotions to be expressed. The different possibilities for settlement are explored. After this exercise, when parties take a decision, all involved in the mediation have a good understanding of the dispute and the available possibilities for settlement. A subsequent trial, if it has to be, is much more mindful.

4) Even if the case does not resolve, lawyers get an opportunity to test the trial theories on a mediator who is not judging, less threatening and less risky.

5) Lawyers are keeping abreast of the developments in their profession. Almost all civil disputes in several developed countries are mediated.

#### Heroes that bring Change:

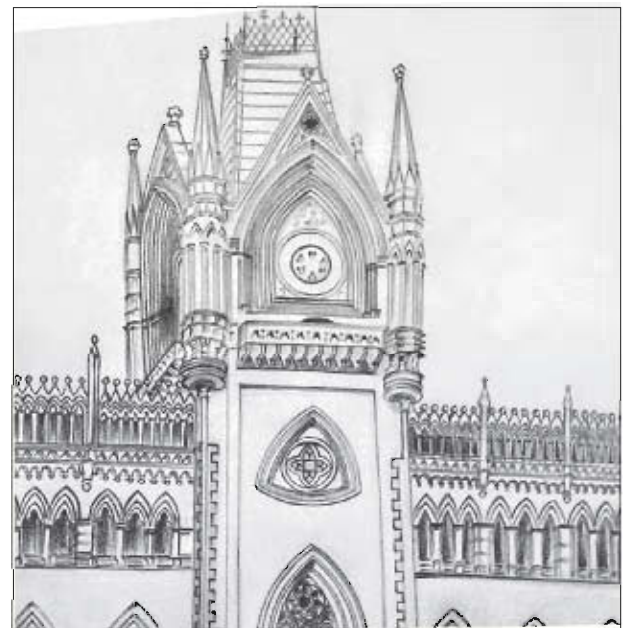
A Judge recently narrated an incident in his court. A junior lawyer in his court was persuaded by him to go for mediation. The lawyer resisted as this was his only file and he needed it to keep his profession going. The judge insisted and used section 89 of the CPC to refer the case for mediation. 6 months later, the lawyer was back in the same court. He excitedly informed the judge that since the earlier case was a bank dispute, his clients were so happy with the settlement, they referred another 25 cases to him.

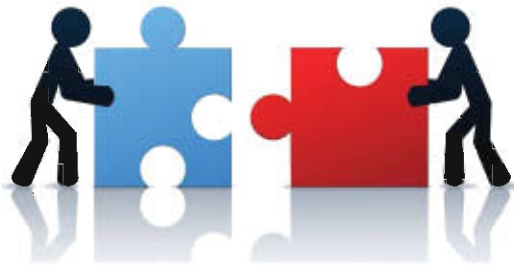
Four heroes: The judge who managed his cases and had the skill to recognize possibilities for

settlement and thereby expand the rule of law; the lawyer who adapted to the additional role as a problem solver and demonstrated that he could skillfully wear different hats in the different processes to get a resolution for his client ; the mediator who is competent and earned the trust of the parties; and the bank taking a decision to use both adjudicative and non- adjudicative processes to resolve their cases.

#### Conclusion:

The search for Justice in the 21st century is 'appropriate solution'. The choice cannot be singular any more. The restlessness for choice is palpable everywhere in today's world and when lawyers provide a choice of adjudicative and non-adjudicative processes, they become most sought after. A word of advice: 'Early bird catches the worm'.





Mediation  
NEWSLETTER

ISSUE : II

# 40 HOURS MEDIATION TRAINING PROGRAMMES







## 40 Hours Mediation Training Programmes



West Bengal Judicial Academy

In the last one year, 40 hours mediation training programmes were organized by the Hon'ble Mediation and Conciliation Committee, High Court Calcutta in four separate phases between 14<sup>th</sup> to 18<sup>th</sup> June, 2019 at Bankura, between 25<sup>th</sup> to 29<sup>th</sup> June, 2019 and between 20<sup>th</sup> January, 2020 and 25<sup>th</sup> January, 2020 at West Bengal Judicial Academy, New Town, Rajarhat and lastly between 3<sup>rd</sup> February, 2020 and 7<sup>th</sup> February, 2020 at Jalpaiguri Sadar.

In total one hundred and eight (108) participants from different districts and sub-divisions of West Bengal including seven Judicial Officers from West Bengal Judicial Service took part in the training under the aegis of the MCPC, Hon'ble Supreme Court of West Bengal.

With the completion of these training programmes the total number of trained Advocate Mediators in the different districts of West Bengal and Andaman & Nicobar Islands reached 184 (164 from West Bengal and 20 from Andaman & Nicobar Islands).



Jalpaiguri 40 hours Training

All the programmes were immensely successful chiefly due to the whole hearted cooperation of the resource persons and the organizing authorities which helped the participants to clear out their confusions and get into the new world of mediation with full enthusiasm and objectivity.





With more such programmes in the pipeline the Hon'ble Mediation and Conciliation Committee, High Court, Calcutta has taken the initiative to provide adequate number of trained mediator under each of the subdivisions of West Bengal and Andaman & Nicobar Islands.



WBJA training programme -2020

The MCPC, Hon'ble Supreme Court of India extended complete cooperation for organizing the aforesaid training programmes and deputed their best and nationally acclaimed trainers for imparting training upon the participants. Some of them were Mr. Kishore Jaiswal and Mr. Abhijit Nandgaokar from Mumbai, Maharashtra, Ms. Santha Chellapa, Ms. Sheela Krishna, Ms. Sudha S.N., Sh. Lakhsmeesh Rao, Mr. Prasahant Chandra, Ms. Beena Devaraj and Ms. Brindha Nandakumar from Bengaluru Karnataka, Mr. Sreelal Warriar from Kerala. Sh. Monmohan Sharma & Sh. V.K. Bansal from New Delhi were deputed as observers.



Bankura Training programme



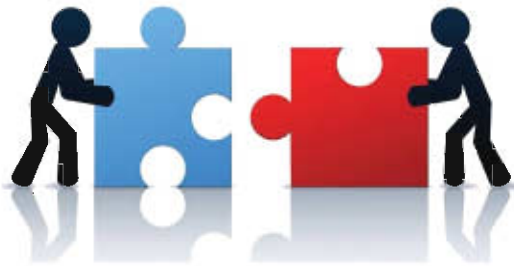
Jalpaiguri Training programme



WBJA Training programme-2019







# Mediation NEWSLETTER

ISSUE : II

**LIST OF ACTIVE  
MEDIATORS  
OF WEST BENGAL  
AND ANDAMAN &  
NICOBAR ISLANDS  
AS ON 31/03/2020**





## LIST OF ACTIVE MEDIATORS OF WEST BENGAL AND ANDAMAN & NICOBAR ISLANDS AS ON 31/03/2020

### HIGH COURT, CALCUTTA :

1. Hon'ble Justice Tirthankar Ghosh, Judge, High Court, Calcutta
2. Hon'ble Justice Kausik Chanda, Judge, High Court, Calcutta
3. Hon'ble Justice Prabir Kumar Samanta (Retd.)
4. Hon'ble Justice Pradipta Ray (Retd.)
5. Hon'ble Justice Alope Chakraborti (Retd.)
6. Hon'ble Justice Pranab Kumar Chattopadhyay (Retd.)
7. Hon'ble Justice Sailendra Prasad Talukdar (Retd.)
8. Hon'ble Justice Toufique Uddin (Retd.)
9. Hon'ble Justice Debi Prosad Dey (Retd.)
10. Hon'ble Justice Tapash Mookherjee (Retd.)
11. Hon'ble Justice Sidhartha Chattopadhyay (Retd.)
12. Hon'ble Justice Indrajit Chatterjee (Retd.)
  
13. Mr. Syama Prosad Sarkar, Sr. Advocate, High Court, Calcutta
14. Mr. Jishnu Saha, Sr. Advocate, High Court, Calcutta
15. Mr. Probal Mukherjee, Sr. Advocate, High Court, Calcutta
16. Mr. Anil Kumar Gupta, Advocate, Bar Library, High Court, Calcutta
17. Mr. Sondwip Mukherjee, Advocate, Bar Library, High Court, Calcutta
18. Mr. Ramesh Sharma, Advocate, Bar Library, High Court, Calcutta
19. Mr. Pradip Kumar Drolia, Advocate, Bar Library, High Court, Calcutta
20. Mr. Rabindranath Basak, Advocate, Bar Library, High Court, Calcutta
21. Mr. Om Prakash Dubey, Advocate, Bar Library, High Court, Calcutta
22. Mr. Debajyoti Datta, Advocate, Bar Library, High Court, Calcutta
23. Mr. Sayantan Basu, Advocate, Bar Library, High Court, Calcutta
24. Sri Kallol Mondal, Advocate, Bar Library, High Court, Calcutta
25. Sri Debasish Kar, Advocate, Bar Library, High Court, Calcutta
26. Sri Rishad Medora, Advocate, Bar Library, High Court, Calcutta
27. Sri Mohit Gupta, Advocate, Bar Library, High Court, Calcutta
28. Sri Kumar Gupta, Advocate, Bar Library, High Court, Calcutta
29. Sri Santipada Pahari, Advocate, Bar Association, High Court, Calcutta
30. Sri Milan Kumar Maity, Advocate, Bar Association, High Court, Calcutta





31. Smt. Anjushree Mukherjee, Advocate, Bar Association, High Court, Calcutta
32. Smt. Debarati Sen (Bose), Advocate, Bar Association, High Court, Calcutta
33. Smt. Sushama Dutta (Mondal), Advocate, Bar Association, High Court, Calcutta
34. Smt. Debamitra Chanda Bharadwaj, Advocate, Bar Association, High Court, Calcutta
35. Sri. Goutam Narayan Bhattacharya, Advocate, Bar Association, High Court, Calcutta
36. Smt. Debjani Mitra (Neogy), Advocate, Bar Association, High Court, Calcutta
37. Smt. Suchitra Saha, Advocate, Bar Association, High Court, Calcutta
38. Smt. Koyeli Bhattacharyya, Advocate, Bar Association, High Court, Calcutta
39. Sri. Tapan Kumar Saha, Advocate, Bar Association, High Court, Calcutta
40. Sri. Siddhartha Lahiri, Advocate, Bar Association, High Court, Calcutta
41. Smt. Mala Sen Chowdhuri, Advocate, Bar Association, High Court, Calcutta
42. Smt. Aparna Banerjee, Advocate, Bar Association, High Court, Calcutta
43. Sri. Biswabrata Basu Mallick, Advocate, Bar Association, High Court, Calcutta
44. Smt. Ananya Das, Advocate, Bar Association, High Court, Calcutta
45. Smt. Rituparna Banerjee, Advocate, Bar Association, High Court, Calcutta
46. Dr. Jyotirmoy Adhikary, Advocate, Bar Association, High Court, Calcutta
47. Sri. Subhabrata Das, Advocate, Bar Association, High Court, Calcutta
48. Sri. Amartya Ghose, Advocate, Bar Association, High Court, Calcutta
49. Smt. Suvashree Ghosh, Advocate, Bar Association, High Court, Calcutta
50. Smt. Rituparna De Ghose, Advocate, Bar Association, High Court, Calcutta
51. Sri. Biswaroop Bhattacharya, Advocate, Bar Association, High Court, Calcutta
52. Smt. Sreemoyee Mitra, Advocate, Bar Association, High Court, Calcutta
53. Smt. Chinmoyee Bhattacharya, Advocate, Bar Association, High Court, Calcutta
54. Sri. Avirup Chatterjee, Advocate, Bar Association, High Court, Calcutta
55. Sri. Sankar Singh, Advocate, Bar Association, High Court, Calcutta
56. Sri. Iqbal Hussain, Advocate, Bar Association, High Court, Calcutta
57. Smt. Reshmi Ghosh, Advocate, Bar Association, High Court, Calcutta
58. Sri Vipul Kundalia, Incorporated Law Society, High Court, Calcutta
59. Smt. Rajashree Venket Kundalia, Incorporated Law Society, High Court, Calcutta
60. Smt. Debjani Ghosh, Incorporated Law Society, High Court, Calcutta

#### **Calcutta High Court Circuit Bench at Jalpaiguri**

61. Sri Sudipta Kanta Bhowmik, Advocate, Circuit Bench Br Association, Jalpaiguri
62. Sri Rahul Hoare, Advocate, Circuit Bench Br Association, Jalpaiguri
63. Sri Narendranath Das, Advocate, Circuit Bench Br Association, Jalpaiguri
64. Sri Chanchal Lahiri, Advocate, Circuit Bench Br Association, Jalpaiguri
65. Sri Somyajyoti Dutta, Advocate, Circuit Bench Br Association, Jalpaiguri





## JUDICIAL OFFICERS :

66. Sri Ajoy Mukherjee- Registrar, Inspection-II, High Court, Appellate Side, Calcutta
67. Smt. Nabanita Ray - Registrar Administration (General Infrastructure & Management), High Court, Appellate, Side, Calcutta
68. Sri Sarajit Majumder - Additional District Judge, 1<sup>st</sup> Court, Chinsurah, Hooghly
69. Sri Apurba Sinha Roy- District Judge, Bankura
70. Sri Supratim Bhattacharya – Registrar Inspection -1, High Court, Appellate Side, Calcutta
71. Sri Jiban Kumar Sadhu – Additional District Judge, Lalbagh, Murshidabad
72. Sri Kallol Kumar Das - Additional District Judge, Bolpur, Birbhum
73. Sri Manojyoti Bhattacharya - Additional District Judge, 1<sup>st</sup> Court, Bankura
74. Sri Subhradip Mitra - District and Sessions Judge, Paschim Medinipur
75. Smt. Sonia Majumder – District Judge, Jhargram
76. Sri Arun Kumar Nandy – ADJ(FTC) 5<sup>th</sup> Court, Barasat, North 24 Pargans
77. Sri Mukul Kumar Kundu- Additional District Judge, 3<sup>rd</sup> Court, Suri, Birbhum
78. Sri Rajesh Tamang, Additional District Judge, Alipore, South 24 Parganas
79. Smt. Kumkum Singha, Additional District Judge, 4<sup>th</sup> Special Court, Kolkata
80. Sri Kamal Sarkar- Additional District Judge, 1<sup>st</sup> Court, Alipore
81. Sk. Mohammad Reza, Additional District Judge, Gangarampur at Buniadpur, D. Dinajpur
82. Smt. Durga Khaita,- Additional District Judge, 1<sup>st</sup> Court, Coochbehar
83. Sri Sudhir Kumar – Additional District Judge, 2<sup>nd</sup> Court, Siliguri
84. Smt. Manjushree Mondal - A.D.J., Amta, Howrah
85. Sri Subhendu Saha – ADJ, (F.T.C.) 1<sup>st</sup> Court, Hooghly Sadar
86. Sri Bishnu Baran Mondal - A.D.J., 3<sup>rd</sup> Court, Sadar Purulia
87. Sri Priyabrata Datta - A.D.J., Basirhat, North 24 Parganas
88. Sri Rohan Sinha – Registrar Recruitment, High Court, Appellate Side, Calcutta
89. Sri Satya Arnab Ghosal, Judge, Commercial Court, Siliguri
90. Sri Sourav Bhattacharya, Judge, Commercial Court, Asansol
91. Dr. Moumita Bhattacharya, Additional District Judge, (F.T.C.), Siliguri
92. Sri Saugata Chakraborty – Additional District Judge, 5<sup>th</sup> Court, Berhampore, Murshidabad
93. Sri Dinanath Prasad - A.D.J., F.T.C.-1, Kandi, Murshidabad
94. Smt. Ratna Roy (Biswas), ADJ (FTC), Balurghat, D. Dinajpur
95. Smt. Srimayi Kundu, ADJ (FTC-1), Barasat, North 24 Parganas
96. Sri Sandip Karmakar – ADJ, FTC, Coochbehar
97. Sri Deepto Ghosh - ADJ, FTC, 1<sup>st</sup> Court, Purba Bardhaman
98. Smt. Madhumita Basu – ADJ, FTC, Krishnanagar, Nadia
99. Sri Abhijit Som- Secretary, West Bengal Assembly
100. Sri Rintu Sur - CJM, Paschim Medinipur
101. Sri Annada Sankar Mukhopadhyay, CJM, Murshidabad at Berhampore
102. Sri Uday Rana – Civil Judge (Sr. Divn.),, Raigainj, Uttar Dinajpur
103. Smt. Sangita Dutta - Civil Judge (Sr. Divn.),, Burdwan
104. Sri Sibsankar Ghosh - Civil Judge, Senior Division, 1<sup>st</sup> Court, Rampurhat, Birbhum
105. Sri Anupam Sarkar - A.C.J.M., 2<sup>nd</sup> Court, Kalyani, Nadia





106. Sri Suman Kumar Ghosh- Secretary, DLSA, Purba Medinipur
107. Smt. Mou Ghatak Majumder- Civil Judge (Sr. Divn.), Lalbagh, Murshidabad
108. Sri Mayukh Mukherjee – A.C.J.M. Khatra, Bankura
109. Sri Prabir Mahaparta – ACJM, Bishnupur, Bankura
110. Sri Suvadip Chowdhury – CJM, Alipore
111. Sri Raja Mukherjee – Civil Judge (Sr. Divn.), Baruipur, South 24 Parganas
112. Smt. Mahua Ray (Basu) – ACJM. Islampur, Uttar Dinajpur
113. Smt. Tanushree Dutta – Registrar, Civil Court, Howrah
114. Sri Sandip Kumar Kundu- Civil Judge (Sr. Divn.), Bishnupur, Bankura
115. Sri Vishal Mangrati – Civil Judge (Sr. Divn.), Kalna
116. Smt. Atrayee Manna – Civil Judge (Sr. Divn.), Jalpaiguri
117. Sri Sutirtha Banerjee – CJM, Jalpaiguri
118. Sri Sarad Kumar Chhetri – ADJ, FTC, 2<sup>nd</sup> Court, Berhampore, Murshidabad
119. Sri Dhiman Burman- CJM, Port Blair
120. Sri Subrata Ghosh – Secretary, DLSA, Murshidabad
121. Sri M.S. Dwivedi (Retd.) –
122. Sri N.K. Sarkar (Retd.) -

## **DISTRICT AND SUB-DIVISIONAL COURT ADVOCATES :**

### **DARJEELING**

- |      |                     |                        |
|------|---------------------|------------------------|
| 123. | Sri Roshan Pariyar  | - Sadar Darjeeling     |
| 124. | Sri Nirmal Rai      | - Sadar Darjeeling     |
| 125. | Md. Shadab          | - Sadar Darjeeling     |
| 126. | Smt. Kanchan Bhadra | - Sadar Darjeeling     |
| 127. | Ms. Pinki Mitra     | - Siliguri, Darjeeling |
| 128. | Smt. Susmita Bose   | - Siliguri, Darjeeling |

### **KALIMPONG :**

- |      |                   |             |
|------|-------------------|-------------|
| 129. | Smt. Sinora Thapa | - Kalimpong |
| 130. | Sri Nawin Sharma  | - Kalimpong |

### **COOCHBEHAR :**

- |      |                             |               |
|------|-----------------------------|---------------|
| 131. | Sri Bibekananda Chakraborty | - Sadar       |
| 132. | Sri Ahasan Habib            | - Sadar       |
| 133. | Sri Shyamal Kumar Roy       | - Sadar       |
| 134. | Sri Arun Singh              | - Sadar       |
| 135. | Smt. Archita Chakraborty    | - Tufangaunge |
| 136. | Sri Dharendra Nath Sarkar   | - Tufangaunge |







- |      |                        |                 |
|------|------------------------|-----------------|
| 137. | Smt. Namadipti Roy     | - Mathabhanga   |
| 138. | Sri Santiago Roy       | - Mathabhanga   |
| 139. | Sri Nihar Ranjan Gupta | - Dinhata       |
| 140. | Smt. Sukla Basak       | - Dinhata       |
| 141. | Sri Pradip Biswas      | - Mekhligauange |
| 142. | Sri Bibek Bitan Roy    | - Mekhligauange |

### **JALPAIGURI :**

- |      |                             |                    |
|------|-----------------------------|--------------------|
| 143. | Sri Ashok Kumar Singhi      | - Sadar Jalpaiguri |
| 144. | Sri Utpal Roy               | - Sadar Jalpaiguri |
| 145. | Sri Suman Saha              | - Sadar Jalpaiguri |
| 146. | Sri Probal Chakraborty      | - Sadar Jalpaiguri |
| 147. | Sri Premangshu Sekhar Nandy | - Sadar Jalpaiguri |
| 148. | Sri Sudipta Ghosh           | - Alipurduar       |
| 149. | Sri Ranjit Kumar Sarkar     | - Alipurduar       |
| 150. | Sri Supendra Nath Das       | - Alipurduar       |
| 151. | Sri Dulla Chand Prasad      | - Malbazar         |

### **UTTAR DINAJPUR :**

- |      |  |         |
|------|--|---------|
| 152. | Smt. Dipa Chowdhury                            | - Sadar |
| 153. | Sri Gouranga Bhowmik                           | - Sadar |
| 154. | Sri Ranabrata Adhikary                         | - Sadar |
| 155. | Ruhul Amin Sarkar                              | - Sadar |
| 156. | Sri Gobinda Kundu                              | - Sadar |
| 157. | Smt. Dipanwita Agarwal                         | - Sadar |
| 158. | Sri Prabir Kumar Dey                           | - Sadar |
| 159. | Smt. Moumita Mondal (Roy Chowdhury) – Islampur |         |

### **DAKSHIN DINAJPUR :**

- |      |                           |                   |
|------|---------------------------|-------------------|
| 160. | Sri Anish Das             | - Sadar Balurghat |
| 161. | Sri Debraj Chakraborty    | - Sadar Balurghat |
| 162. | Sri Santanu Dey           | - Sadar Balurghat |
| 163. | Sri Amit Deb              | - Sadar Balurghat |
| 164. | Sri Badshah Guha Biswas   | - Sadar Balurghat |
| 165. | Sri Mrityunjoy Singha Roy | - Sadar Balurghat |





### **MALDA :**

- |      |                           |               |
|------|---------------------------|---------------|
| 166. | Sri Manbendra Narayan Das | - Sadar Malda |
| 167. | Sri Tridip Siddhanta      | - Sadar Malda |
| 168. | Sri Arabinda Banerjee     | - Sadar Malda |
| 169. | Sri Manotosh Burman       | - Sadar Malda |
| 170. | Sri Joy Narayan Chowdhury | - Sadar Malda |
| 171. | Sri Shyam Prakash Gupta   | - Sadar Malda |
| 172. | Sri Tapas Roy             | - Sadar Malda |
| 173. | Md. Khairul Islam         | - Chanchal    |
| 174. | Sri Golam Mustafa Kamal   | - Chanchal    |

### **MURSHUDABAD :**

- |      |                              |              |
|------|------------------------------|--------------|
| 175. | Sri Sujit Mukherjee          | - Berhampore |
| 176. | Smt. Sukla Bhowmik           | - Berhampore |
| 177. | Sri Prashanta Kumar Singha – |              |
| 178. | Sri Animesh Saha –           |              |
| 179. | Sri Debabrata Sarkar –       |              |
| 180. | Sri Koushik Dey –            |              |
| 181. | Mr. Chowdhury Md. Sajid      | - Kandi      |
| 182. | Sri Prasanna Chatterjee      | - Jangipur   |

### **NADIA :**

- |      |                                  |                |
|------|----------------------------------|----------------|
| 183. | Sri Asish Kumar Saha             | - Krishnanagar |
| 184. | Smt. Mournita Das                | - Ranaghat     |
| 185. | Sri Chiranjib Mukhopadhyay –     |                |
| 186. | Sri Abhijit Kumar Gangopadhyay – |                |
| 187. | Sri Dilip Kyumar Biswas –        |                |
| 188. | Smt. Chaitali Sarkar –           |                |
| 189. | Sri Aniket Joardar –             |                |
| 190. | Sri Snehasish Banerjee           | - Kalyani      |
| 191. | Sri Rajib Biswas                 | - Tehatta      |

### **PURULIA :**

- |      |                                |         |
|------|--------------------------------|---------|
| 192. | Sri Sudhangshu Sekhar Banerjee | - Sadar |
| 193. | Sri Prasanta Kumar Sen         | - Sadar |
| 194. | Sri Baban Mishra               | - Sadar |
| 195. | Sri Sunil Majhi                | - Sadar |





### **BANKURA :**

- |      |                                 |             |
|------|---------------------------------|-------------|
| 196. | Sri Abhisek Biswas              | - Sadar     |
| 197. | Sri Kunal Kanti Ghosh           | - Sadar     |
| 198. | Sri Padmanava Biswas            | - Sadar     |
| 199. | Sri Manodipta Chowdhuri         | - Bishnupur |
| 200. | Sri Asutosh Das                 | - Bishnupur |
| 201. | Sri Malay Kumar Mukherjee       | - Khatra    |
| 202. | Sri Biswaranjan Sinha Mahapatra | - Khatra    |

### **BIRBHUM :**

- |      |                              |          |
|------|------------------------------|----------|
| 203. | Sri Sujoy Das                | - Suri   |
| 204. | Sri Bikash Paitandi          | - Suri   |
| 205. | Hazi Abul Basar Khan         | - Suri   |
| 206. | Sri Ananda Gopal Chakraborty | - Suri   |
| 207. | Sri Sandip Mukhopadhyaya     | - Bolpur |

### **PASCHIM MEDINIPUR :**

- |      |                            |                   |
|------|----------------------------|-------------------|
| 208. | Sri Raghunath Bhattacharya | - Sadar Midnapore |
| 209. | Sri Naba Kumar Dandapath   | - Sadar Midnapore |
| 210. | Md. Sarif Mollah           | - Sadar Midnapore |
| 211. | Sri Subal Chakraborty      | - Sadar Midnapore |
| 212. | Sri Subhasish Chakraborty  | - Ghatal          |
| 213. | Sri Gouri Sankar Mondal    | - Ghatal          |

### **PURBA MEDINIPUR :**

- |      |                          |          |
|------|--------------------------|----------|
| 214. | Sri Dilip Kumar Mitra    | - Tamluk |
| 215. | Sri Subrata Kumar Maity  | - Tamluk |
| 216. | Sri Tanumoy Paloi        | - Tamluk |
| 217. | Sri Biswajit Samanta     | - Tamluk |
| 218. | Sri Radhakrishna Sahoo   | - Contai |
| 219. | Sri Sasanka Sekhar Maity | - Contai |
| 220. | Sri Biswajit Samanta     | - Haldia |
| 221. | Sri Debsankar Panigrahi  | - Haldia |

### **JHARGRAM :**

- |      |                           |            |
|------|---------------------------|------------|
| 222. | Sri Murari Krishna Mahata | - Jhargram |
| 223. | Sri Suman Sen             | - Jhargram |





### **PASCHIM BARDHAMAN :**

- |      |                             |            |
|------|-----------------------------|------------|
| 224. | Sri Prabir Chakraborty      | - Asansol  |
| 225. | Sri Sunil Kumar Chakraborty | - Asansol  |
| 226. | Sri Partha Pratim Chowdhury | - Asansol  |
| 227. | Smt. Monobrata Roy          | - Durgapur |
| 228. | Sri Chandan Banerjee        | - Durgapur |

### **PURBA BARDHAMAN :**

- |      |                               |                   |
|------|-------------------------------|-------------------|
| 229. | Sri Deb Krishna Sinha         | - Sadar Bardhaman |
| 230. | Sri Medha Bhattacharya        | - Sadar Bardhaman |
| 231. | Smt. Bandhupriya Bandopadhyay | - Katwa           |
| 232. | Sri Biswajit Ghosal           | - Katwa           |

### **HOWRAH :**

- |      |                      |                |
|------|----------------------|----------------|
| 233. | Sri Haider Ali       | - Sadar Howrah |
| 234. | Sri Sukumar Mudi     | - Sadar Howrah |
| 235. | Sri Shanwaj Ali Khan | - Sadar Howrah |
| 236. | Sri Susanta Banerjee | - Sadar Howrah |
| 237. | Smt. Santwana Bag    | - Sadar Howrah |

### **HOOGLY :**

- |      |                               |  |
|------|-------------------------------|--|
| 238. | Sri Ashok Kumar Banerjee      | - Sadar                                |
| 239. | Sri Malay Ghosh- Sadar        |  |
| 240. | Sri Pradip Kumar Bhattacharya | - Chinsurah (Retired Judicial Officer) |
| 241. | Sri Manas Santra -            |  |
| 242. | Sk. Firoj Rahaman -           |  |
| 243. | Sri Mrinal Kanti Panja -      |  |
| 244. | Sri Sambhulal Dhar            | - Chinsurah                            |
| 245. | Sri Rathindranath Paul        | - Chandernagore                        |

### **NORTH 24 PARGANAS :**

- |      |                             |                                      |
|------|-----------------------------|--------------------------------------|
| 246. | Sri Shyamal Gupta           | - Barasat (Retired Judicial Officer) |
| 247. | Smt. Binita Kanjilal        | - Barasat                            |
| 248. | Smt. Aloka Deb Roy          | - Barasat                            |
| 249. | Sri Partha Pratim Sarkar    | - Barasat                            |
| 250. | Sri Bipul Chandra Roy       | - Bidhannagar                        |
| 251. | Smt. Rajasree Paul          | - Barrackpore                        |
| 252. | Sri Chandan Rajak           | - Barrackpore                        |
| 253. | Sri Shyamal Kumar Biswas    | - Bongaon                            |
| 254. | Sri Pradip Kumar Chatterjee | - Bongaon                            |







### **SOUTH 24 PARGANAS :**

- |      |                          |                   |
|------|--------------------------|-------------------|
| 255. | Sri Dilip Kumar Ghosh    | - Alipore         |
| 256. | Sri Biswadeb Chatterjee  | - Alipore         |
| 257. | Sri Jayanta Mukherjee    | - Alipore         |
| 258. | Sri Bimalendu Mondal     | - Alipore         |
| 259. | Smt. Dyutimala Bagchi    | - Alipore         |
| 260. | Sri Suparna Kanti Mondal | - Baruipur        |
| 261. | Sri Lilamay Mondal       | - Baruipur        |
| 262. | Smt. Bina Das            | - Kakdwip         |
| 263. | Sri Nalini Ranjan Roy    | - Kakdwip         |
| 264. | Sri Sunil Kumar Mondal   | - Diamond Harbour |
| 265. | Sri Mausuma Khatun       | - Diamond Harbour |

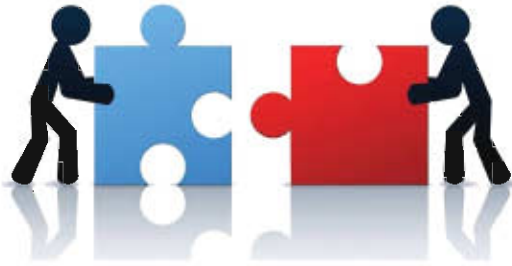
### **KOLKATA :**

- |      |                      |                                       |
|------|----------------------|---------------------------------------|
| 266. | Sri Dulal Chandra De | - Retired Judicial Officer            |
| 267. | Sri Surjendu Biswas  | - Retired Judicial Officer            |
| 268. | Smt. Kalpana Bej     | - Advocate, City Civil Court, Kolkata |
| 269. | Sri Dilip Kumar Basu |                                       |

### **ANDAMAN & NICOBAR ISLANDS :**

- |     |                          |                          |
|-----|--------------------------|--------------------------|
| 1.  | Sri Maheswar Lall        | - South Andaman          |
| 2.  | Sri Rakesh Pal Gobind    | - South Andaman          |
| 3.  | Sri Mohammed Siddique    | - South Andaman          |
| 4.  | Smt. Anjili Nag          | - South Andaman          |
| 5.  | Miss A. S. Zinu          | - South Andaman          |
| 6.  | Smt. Yasmeen Begum       | - South Andaman          |
| 7.  | Miss Tasneem Abid        | - South Andaman          |
| 8.  | Sri Tapan Bepari         | - North & Middle Andaman |
| 9.  | Sri Feroz Quazi          | - North & Middle Andaman |
| 10. | Sri Biswajit Mondal      | - North & Middle Andaman |
| 11. | Sri Mohammed Tabraiz     | - South Andaman          |
| 12. | Sri Krishna Rao          | - South Andaman          |
| 13. | Sri C.S. Yasir           | - South Andaman          |
| 14. | Sri R. K. Nandy          | - South Andaman          |
| 15. | Sri V.D. Sivalan         | - South Andaman          |
| 16. | Sri Ananda Halder        | - South Andaman          |
| 17. | Sri Pradeep Kumar Bala   | - South Andaman          |
| 18. | Sri Subrata Kumar Bawali | - North & Middle Andaman |
| 19. | Smt. Monisha Ganguly     | - South Andaman          |
| 20. | Sri E. Murugan           | - North & Middle Andaman |





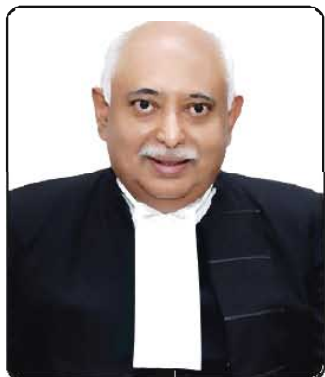
## Mediation NEWSLETTER

ISSUE : II

# MEDIATION STOCK TAKING AT PORT BLAIR

# Mediation Stock Taking at Port Blair

The Andaman & Nicobar Judiciary was observing the scheduled Mediation Fortnight between 17<sup>th</sup> August, 2019 and 31<sup>st</sup> August, 2019. It was nearly one year since 15 Advocates from Port Blair and 5 Advocates from Mayabunder were trained by the MCPC, Hon'ble Supreme Court of India to become 40 hours trained Mediators from the Islands and help the local judiciary to dispose of the pending cases.



Hon'ble Justice Biswanath Somadder  
as His Lordship then was.

Hon'ble Justice Biswanath Somadder, the then Patron, Mediation and Conciliation Committee, High Court, Calcutta and the Executive Chairman, State Legal Services Authority, West Bengal decided to assess the progress of mediation movement in the islands since its inception last year.

On 23<sup>rd</sup> August, 2019, His Lordship convened a meeting with the trained Mediators of, Andaman & Nicobar Islands where interactive session was held to grasp the mediation movement in the islands as well as the difficulties the Mediators were facing in discharging their function.

Another meeting with various other stake holders was chaired by Hon'ble Justice Somadder at Port Blair on the 24<sup>th</sup> August, 2020. The meeting was attended by the District & Sessions Judge cum Chairman Hon'ble Justice Biswanath Somadder District Legal Services Authority, Andaman & Nicobar Islands as well as all the Judicial Officers of Andaman District court and Mayabunder.





Several other dignitaries, like Sri Sudipta Kumar De, Member Secretary, SLISA, and Secretary, Law, A & N, Sri Dhihman Barman, Secretary, DLSA and CJM, Andaman, Sri Sanjib Kumar Mondal, Adhyakhs, Z.P.S.A., Smt. Anusia Devi, Chairperson, PBMC, Sri Someswar Rao, Councillor, Smt. S. Selvi, Councillor, Sri Dharmendra Narayan, Councillor, Sri Yuvraj, Member, CWC-SA, the present and former Member Secretary, Mediation and Conciliation Committee, High Court, Calcutta were present in the meeting amongst others. Justice Somadder instructed the Secretary, DLSA to immediately set up a hotline as link between general public and the local mediation cell.

In a separate meeting Hon'ble Justice Somadder met with the Principal Secretary (Revenue), Shri Vikram Dutt and Secretaries of various departments of A & N Administration and apprised them about the deficiencies in the office of the DLSA of the Islands.

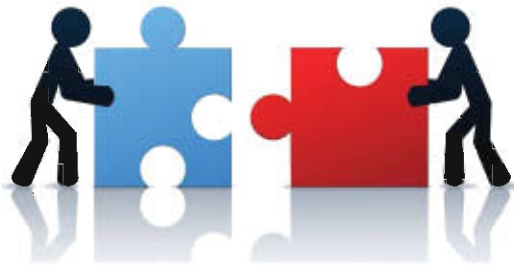


Justice Somadder informed them that creation of the post of a full fledged Secretary with unit staff for DLSA was a statutory mandate. Justice Somadder also asked the Legal Services Institutions of those Islands to make wide publicity through banners, leaflets, flex, Cable TV networks, audio visual CDs, All India Radio, Doordarshan and involving genuine NGOs about the importance of mediations in resolving their disputes pending in different courts as well as at pre-litigation stage through mediation.









## Mediation NEWSLETTER

ISSUE : II

# MEDIATION - A WRITE UP



## Mediation - A write up

Md. Shabbar Rashidi

District & Sessions Judge, North 24 Parganas cum  
Chairman, District Legal Services Authority,  
North 24 Parganas

The long-drawn nature of litigations which paradoxically results in subversion of the ends of justice due to delay, often makes it reasonable for the litigating parties to resort to alternate dispute resolution mechanism.

Alternate Dispute Resolution method of resolving the disputes is comparatively new trend in India. It is a low cost, keeping the matters, especially family matters secret among three parties, the two litigating parties and the mediator. The solution rather an agreement, is not imposed on any party, it is a solution that both the parties thrash out after actively participating in the process. It, thus gives an effective solution in a peaceful manner.

Section 89 of Code of Civil Procedure empowers the civil courts to refer matters to alternative dispute resolution methods. Arbitration, Conciliation, judicial settlement including Lok Adalat and mediation are the ADR mechanism recognized by Section 89.

Section 89 came into being in its current form following the promulgation of the CPC (Amendment) Act, 1999 which took effect on 1/7/2002. At the commencement of the Code, a provision was provided for Alternate Dispute Resolution.

Later on, the provision was repealed by the enactment of the Arbitration Act (Act 10 of 1940) under Section 49 and Sch. 10. The old provision had reference only to arbitration and its procedure under the Second Schedule of the Code. It was believed after the enactment of the Arbitration Act, 1940 that the law is consolidated and the provisions of Sec 89 of the Code of Civil Procedure are superfluous.

But, Section 89 was invigorated with new alternatives and not only restricted to arbitration. A new Section 89 came to be incorporated in the Civil Procedure Code by Section 7 of the CPC Amendment Act, 1999 to resolve disputes without going to trial in pursuance of the recommendations of Law Commission of India and Malimath Committee report.

Section 89 lays down an edict upon the courts to refer the matter to one of the ADR mechanism where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties. At the same time the provisions under ORDER X Rule 1A of the Code of Civil Procedure casts a duty upon the courts to direct the parties to the suit, to opt either mode of the settlement outside the court as specified in sub-section (1) of section 89. On the option of the parties, the court shall fix the date of appearance before such forum or authority as may be opted by the parties.

Besides the Civil Procedure Code, Section 23 of the Hindu Marriage Act and Section 9 of the Family Courts Act also ordains that Before proceeding to grant any relief, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties and to that end the courts shall assist and persuade the parties in arriving at a settlement in respect of the subject-matter of the suit or proceeding:







The Hon'ble Calcutta High Court has been pleased to formulate and adopt the Civil Procedure Alternative Dispute Resolution and Mediation Rules, 2006. The aforesaid Rules provides for a dictum upon the courts to provide guidance to guide the litigating parties in deciding the appropriate method of alternative dispute resolution while directing the parties to exercise option for the modes of settlement by drawing their attention to the relevant factors which parties will have to take into account, before they exercise their option as to the particular mode of settlement.

The Rules further provides that where there is a relationship between the parties which requires to be preserved, the parties may be advised that it may be in the interest of parties to seek reference of the matter to conciliation or mediation

The mediation process in India is not a newly invented procedure for dispute resolution. It is an age old process practiced since Vedic period. It is beneficial for both the sides – on one hand, the courts are being eased of the huge burden of pendency of cases, and on the other hand, the litigants get their issue resolved more quickly with less harassment in a smooth way.

Mediation is a private process where a neutral third person called a mediator lends a hand to the parties discuss and try to resolve their dispute.

The parties have the opportunity to portray the issues, argue their own interests, understandings, and mind-set; afford each other with information and discover ideas for the resolution of their dispute.

Even though, the courts can mandate referral of certain cases to mediation, the process remains completely "voluntary" in so far as the parties are not obliged to come to an agreement necessarily. The mediator does not have the authority to formulate a decision for the parties. He can apply his techniques to assist the parties stumble on a resolution which is acceptable to all the litigating parties. It is the parties themselves who can resolve the dispute through mediation.

A settlement through mediation has advantages in so far as in mediation, Control is vested not with a judge or jury, but the parties themselves and helps them in reaching a mutually agreeable solution which results in the settling of related and connected issues and disputes.

Mediation is Consent-based process founded on voluntary consent, it allows any party to opt out at any stage if they find mediation to be unaccommodating.

Mediation allows the parties to directly participate in the negotiation and present the case in their own perspective. It is more economical. Mediation takes less time to resolve disputes than standard legal channels.

In the case of Afcons Infrastructure Ltd. and Anr. V. Cherian Varkey Construction Co. Pvt. Ltd. and Ors., the Supreme Court has been pleased to lay down guidelines pertaining to the selection of suitable cases that can be referred for ADR.

It ruled that the following nature of cases would be considered unsuitable for ADR:-

1. Representative suits under Order 1 Rule 8 CPC which involve public interest or interest of numerous persons who are not parties before the court.
2. Disputes relating to election to public offices.
3. Cases involving grant of authority by the court after enquiry, as for example, suits for grant of probate or letters of administration.
4. Cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion etc.
5. Cases requiring protection of courts, as for example, claims against minors, deities and mentally challenged and suits for declaration of title against government.
6. Cases involving prosecution for criminal offences.

All other civil suits and cases were to be considered suitable for ADR,

There are a number of different ways that mediation can proceed upon.

Most mediations start with the parties together in





a joint session. The mediator describes how the process works, explains the mediator's role and will help establish ground rules and an agenda for the session. Generally, parties then make opening statements. Some mediators conduct the entire process in a joint session. However, other mediators will move to separate sessions, shuttling back and forth between the parties. If the parties reach an agreement, the mediator assists reduce the agreement to a written contract, which may be enforceable in court.

The main characteristics of mediation are that it provides; a voluntary, non-binding, confidential and interest-based procedure. Parties are free to terminate mediation at any time after the first meeting. No decision can be imposed on the parties involved. They may or may not agree upon a negotiated settlement.

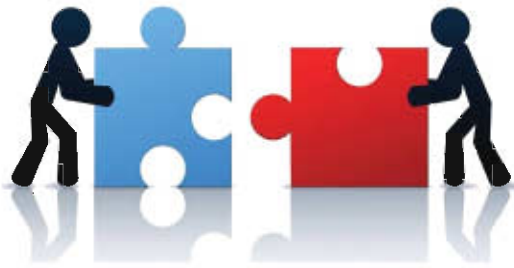
The confidentiality principle assures that any options the parties discuss will not have consequences beyond the mediation process. Interest-based procedure means that the criteria established to reach resolution does not solely adhere to the law, instead, it can include considerations concerning financial, business and personal interests as well.

The role of the mediator is to assist the parties in reaching a negotiated agreement. Unlike an arbitrator, the mediator is not a decision-maker.

In a facilitative mediation, the mediator merely assists the parties in their communication and negotiations as with the advent of a dispute the parties may not be in talking terms with each other.

In all capacities, there should be an honest endeavour for dispute resolution through such an effective mode which not only results in resolution of disputes but may also go to preserve the relations.





## Mediation NEWSLETTER

ISSUE : II

# Mediation: Its importance and application as ADR system



# Mediation: Its importance and application as ADR system

Prof. Shachi Chakrabarty  
Dean, Faculty of Law,  
University of Calcutta

## Introduction :

Several alternatives to litigation are available to resolve disputes and resorted only when the parties cannot resolve their disputes through their own. Mediation is one of the alternatives to Court Litigation<sup>1</sup>. In the present trend it can be largely observed that most of the nations encourage mediation which is considered to be effective in resolving disputes.

Mediation provides the opportunities to the parties to decide a dispute dealing directly with each other<sup>2</sup>, which they might not be interested in the battle of litigation. The effective strategy for Mediation encroaches the sharing and exchanging of complete information for an acceptable settlement.

## The Alternate Dispute Resolution Systems and Settlement of Disputes:

ADR or "Alternative Dispute Resolution" is an endeavour to devise machinery which ought to be fit for giving a contrasting option to the ordinary techniques for settling disputes between the parties<sup>3</sup>. ADR aims to resolve the disputes of the litigants who are not able to come down to any negotiation or settlement.

ADR initially began as a journey to discover answers<sup>4</sup> for the confounding issue of the continually expanding load on the courts. It was an endeavour made by the lawmakers and judiciary alike to accomplish the constitutional goal of accomplishing Complete Justice.

It is a fast track system of dispensing justice<sup>5</sup>. There are various ADR techniques namely; arbitration, mediation, conciliation, negotiation, etc. Where the parties fail to get their disputes settled through any of the Alternative Dispute Resolution techniques, the suit would return to continue further in the Court it was documented.

## The advantages of Alternative Dispute Resolution System

The main advantages of choosing the alternative dispute settling techniques are enumerated hereunder;

- \* It takes less time for a case to get settled.

- \* It is comparatively less expensive than traditional methods of court proceedings.
- \* It is free from the various technicalities involved in court cases.
- \* Parties freely discuss their divergent opinions with each other without any fear of being exposed unlike in cases of court cases.
- \* Cases solved through the ADR techniques are often at a win-win situation for both the parties. So there is a sense of grievance redressal and at the same time nothing to lose as such for either of the parties.

## The Concept of Mediation

It is a process that seeks to assist two or more parties to come to a settlement through a facilitated negotiation. The distinguishing feature of this process is that the parties to the case themselves decide the terms of their agreement rather than any third party imposing the same upon them by identifying the key interests that are most important to them in resolving their dispute, and then helps them work toward a settlement that is acceptable to both of them<sup>6</sup>. The role of the mediators is only to use appropriate techniques and skills to improve the conversation between the parties and help them in arriving at an agreement. In mediation, the mediator makes a recommended decision which is highly recommended and influential.

The mediator's suggestions are non-binding; the parties don't have to accept the mediator's suggestions and can in fact reject any proposals if they feel their own interests aren't served. The mediator can meet with both parties at once or with each party separately.

## Basic Principles of Mediation

- \* Confidentiality;
- \* Impartiality and neutrality of the mediator;
- \* Willingness of the parties;
- \* Equality of parties;
- \* Legality in the eyes of law in dispute settlement;
- \* Inexpensiveness;
- \* Assistance to lay clients;
- \* Speedy resolution.

## Disputes unsuitable for mediation

Mediation is a process of self- determination and people

<sup>1</sup> Peckham, R. F. (1984). A judicial response to the cost of litigation: Case management, two-stage discovery planning and alternative dispute resolution. *Rutgers L. Rev.*, 37, 253.  
<sup>2</sup> Blankenburg, E. (1994). The infrastructure for avoiding civil litigation: Comparing cultures of legal behavior in the Netherlands and West Germany. *Law & Soc'y Rev.*, 28, 789.  
<sup>3</sup> Main, T. O. (2005). ADR: the new equity. *U. Cin. L. Rev.*, 74, 329  
<sup>4</sup> Fladjo, A. (2013). *Alternative dispute resolution: a developing world perspective*. Routledge.  
<sup>5</sup> Zakos, G. I. (2008). The Role of Courts and ADR in the Rule of Law. *ICFAI Journal of Alternative Dispute Resolution*, 7(3).





can't make up their own mind if they are feeling frightened or threatened by the other person. If there has been family or other violence or threats the mediator has to evaluate the situation carefully.

If there is a major imbalance of power mediation may not be suitable unless the person with more power genuinely wants a resolution and will not be coercive in the way they approach the negotiation.

### **Applicability of Mediation in resolving commercial disputes**

Generally speaking, any dispute whether commercial or personal, can be resolved through mediation regardless of the subject matter, so long as doing so would not be categorically illegal.

Commercial disputes can, and often are mediated by an impartial third party in settlement conferences. In case of large commercial disputes, the process has many levels<sup>7</sup>. They may attempt many rounds of mediation before resorting to a process that places the actual decision making power with the impartial third party/ parties.

### **Mediation and Indian Judiciary**

According to Justice V.V. Rao, "it will be 2330 by the time Indian courts, working at the current pace, clear the backlog of cases that exists today". In order to accord statutory recognition to ADR including mediation, the Law Commission in its 129th Report made recommendation for making it obligatory for the Court to refer the dispute to ADR including mediation for settlement.

In the words of Hon'ble Justice Mr. Cyriac Joseph, "One of the parameters to fathom success of justice delivery system in any society is to ascertain how quickly and efficiently the disputes between the contesting parties are settled".

Hon'ble Supreme Court of India going in the same pace pronounced a landmark decision in Salem Advocate Bar Association, Tamil Nadu v. Union of India (2005) where it was held that reference to mediation, conciliation and arbitration are mandatory for court matters. This will really help in the acceptance of mandatory mediation as a solution to existing problems in our legal system.

Hon'ble Mr. Justice R.V. Raveendran opined that "Section 89 apparently was drafted in a hurry. It is not very happily worded. It is not very practical. But the object behind Section 89 is sound". He further observed: "the need of

the hour is to reduce adversarial adjudicatory litigation and at the same time, give speedy, satisfactory and cost-effective justice. That is where alternative dispute resolution processes with the active participation of the Bar, become relevant and urgent"<sup>8</sup>.

An instance of successful mediation in international politics was Camp David Accords in 1978,<sup>9</sup> where US President Jimmy Carter was successful in mediating an agreement between Egypt's Anwar Sadat and Israel's Menachem Begin. Sadat and Begin shared the 1978 Nobel Peace Prize for the Agreements that were brokered out of those Accords.

### **Conclusion**

Mediation, in the modern day, is considered to play a pivotal role in the redressal of disputes and is held to be one of the most sought-after ways of resolving disputes through alternative means. It consists of a neutral third party who assists the parties to the dispute to arrive at an amicable settlement through communication and dialogue. His role in this process carries great momentum as he is a process expert who manages to understand the dispute at ease and thereby performs his role successfully. After the Salem Advocate Bar Association case, more specifically referred to as the Salem I case, the role of mediation in the amicable settlement of disputes stands more fervently established. The Civil Procedure Code has also undergone necessary amendment and thereby granted due recognition to mediation in resolving civil cases. It was after the Salem II case, in 2005, that case management guidelines were issued and adopted which helped court-connected mediation to flourish in India. In the recent past, The Consumer Protection Act, 2019 has also granted statutory recognition to mediation to resolve consumer disputes amicably between the parties. In the international arena, though, mediation has been extensively used in the settlement of both commercial and international disputes. However, the scenario in India towards the acceptance of mediation as a tool of change has not met with great success. Despite such statutory efforts being undertaken, mediation remains lesser used as a mechanism to resolve disputes. Institutional and management reforms couples with intense legislative reforms are necessary to establish mediation as a game changer in the faster and adequate resolution of disputes in India.

<sup>6</sup> Galanter, M., & Cahill, M. (1994). "Most Cases Settle": Judicial Promotion and Regulation of Settlements. *Stanford Law Review*, 1339-1391.

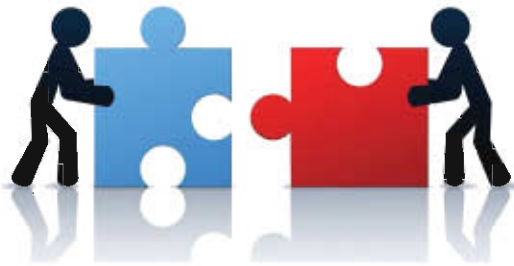
<sup>7</sup> Maute, J. L. (1990). Public values and private justice: A case for mediator accountability. *Geo. J. Legal Ethics*, 4, 503.

<sup>8</sup> Section 89 CPC: Need for An Urgent Relook, by Justice R.V. Raveendran, (2007) 4 SCC J23

<sup>9</sup> Strieff, D. (2015). Desperate Diplomacy and the Egypt-Israel Treaty (October 1978-March 1979). In Jimmy Carter and the Middle East (pp. 141-160). Palgrave Macmillan, New York.







## Mediation NEWSLETTER

ISSUE : II

# MEDIATION AND RESTORATIVE JUSTICE



# Mediation and Restorative Justice

Dr. Debdatta Das<sup>1</sup>

## 1.1 Mediation

Mediation, as a mode of Alternative Dispute Resolution, is a very unique method where the parties voluntarily enter into mediation for settlement of their dispute. Here the dispute is fundamentally settled through exchange and agreement between the parties concerned. The role of the mediator is limited to that of a facilitator, who helps the parties concerned to interact and communicate but does not influence or insist in considering mediation as an alternative mode of resolving the dispute or arriving at any settlement. The role of a mediator is completely of a neutral third party who acts without any bias or interest in the matter. In words of D.Y. Chandrachud, J., "The essence of mediation is that it (i) focuses upon the parties' own needs and interests, (ii) provides for a full disclosure of competing interests and positions (iii) confers upon the parties a right of self determination, (v) allows for procedural flexibility and (vi) maintains privacy and confidentiality. The mediator, it is well settled, is the guardian of the process and it is the mediator who has to ensure that parties maintain complete confidence in the proceedings."<sup>2</sup>

## 1.2 Restorative Justice : A panacea of Criminal Justice system

'Restorative Justice' has become the term generally used for an approach to criminal justice that emphasizes restoring the victim and the community rather than punishing the offender. The UN Working Party on Restorative Justice: Alliance of NGOs on Crime Prevention & Criminal Justice conceived the Tony Marshall (1996) definition for Restorative Justice as a

process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future.<sup>3</sup> Different Restorative Justice Processes or techniques adopted to ensure compliance with the fundamental elements of restorative Justice in the course of delivering wholesome justice are victim offender mediation, victim offender panels, conferencing programme, circles, victim assistance programmes, restitution, victim compensation, ex offender assistance, representative boards, and community service. However, we will mainly deal with Victim Offender Mediation and to some extent with the concept of Circles, as they are most relevant for our discussion.

### Victim-Offender Mediation:

Victim Offender Mediations are conducted through meeting between the victim and offender. Such meetings are facilitated by mediators who are specially trained. With the help and cooperation of the mediator, the victim and offender try to settle the conflict and ensure justice for the particular crime committed, as, each of them are given the opportunity to express themselves. The mediation meetings ultimately try to reach agreement on steps that the offender ensures to take "to repair the harm suffered by the victim and in other ways to "make things right"". Participation by the victim as well as the offender is voluntary. Although, the offenders may "volunteer" to avoid more serious punishments or outcomes that may, otherwise be imposed upon him. Unlike in case of arbitration, in these cases, the mediator does not impose any specific outcome. Instead, the mediator's role is to facilitate interaction between the victim and

<sup>1</sup> Teacher-In-Charge & Assistant Professor, Department of Law, The University of Burdwan.

<sup>2</sup> Available at [http://lawcommissionofindia.nic.in/adr\\_conf/chandrachud3.pdf](http://lawcommissionofindia.nic.in/adr_conf/chandrachud3.pdf), last visited on 27/2/2020





offender in which each assumes a proactive role in achieving an outcome that is perceived as fair by both. VOMs involve active involvement by the victim and the offender, giving them the opportunity to mutually rectify the harm done to the victim in a process that promotes dialogue between them. The technique of 'Mediation', in such practices is used as a peace-making or conflict-resolution process.<sup>4</sup>

**Circles:** Circles are similar to victim-offender mediation, but apart from offender and victim, their family members, community members, and government representatives, are also part of it. As discussed in the United Nations Handbook on Restorative Justice Programmes (UN, 2006), in circle sentencing the participants who include the judge, defence counsel, prosecutor, police officer, the victim and the offender and their respective families, and community residents, sit face to face in a circle.<sup>5</sup>

### 1.3 Mediation as a mode of Restorative Justice in India

Mediation is being utilized to resolve civil disputes. The reluctance of parties and attorneys to utilize the services of a neutral third party to facilitate settlement negotiations is slowly fading away and mediation is becoming an accepted part of the administration of civil disputes, especially as an alternative solution to the big challenges of ever increasing figures of pending cases and other infrastructural and practical limitations. As the criminal justice system too is plagued with the same concern and hurdle, incorporation of techniques like that of mediation within the justice delivery system irrespective of civil or criminal categorization may be a welcome initiative, subject to the scope of its adoptability.

Traditionally, it was opined that mediation as a concept is completely not in alignment with the basic tenets of criminal justice system. Mediation was "expressly discouraged in criminal offences with the justification that its nature is such that it is a wrong against the society, rather than a private individual. This perspective on crime is a central feature of the adversarial system in common law followed in India. Such a model does not stress on concepts such as forgiveness or reconciliation, with the result that the needs of some of the stakeholders remain ignored. Thus, the system fails on two fronts – firstly, it does not recognize that some crimes, such as criminal defamation, are essentially private in nature. And secondly that it excludes the victim from the process and undermines the role of apologies and pardons".<sup>6</sup>

Though, the Hon'ble Supreme Court in *Afcons Infrastructure v. Cherian Varkey Construction*<sup>7</sup> stated that criminal cases were unsuitable for mediation. However, there are a certain types of cases like property disputes, landlord-tenant disputes, family disputes, matrimonial disputes, first time offenses, petty incidents involving students etc where mediation may be applied to ensure peaceful resolution of conflict or peaceful settlement of interest. Various countries like the UK, the US, Singapore and Australia have set up successful VOM programmes. This process is applied in cases where the ends of justice would be best served through the involvement of the offender and the victim, as in juvenile justice cases. The Indian criminal justice system too, specially in matrimonial cases has relied on amicable settlements against the conventional criminal justice approach. In *B.S. Joshi*,<sup>8</sup> *u. State of Haryana*, the Supreme Court, opined that the mutual willingness of the parties to settle their differences amicably, rendered any subsequent court proceeding contrary to the objective of sec 489-A of the IPC. Similarly, in *Ashok Sadarangani u. Union of India*,<sup>9</sup> it was observed,

<sup>4</sup> Debdatta Das (2017), "Restorative Justice: A medicine to heal" In: R. Narayana, V. Nirmala and V.S.Rani (eds), *Justice Triumphs*, Hyderabad, India: Asia Law House, p-315





“the subsistence of criminal court proceedings in light of a compromise having been arrived at between the parties is “an exercise in futility”, thus empowering the Supreme Court to quash the FIR in exercise of Article 142 of the Constitution”. In *Sreelal v. Murali Menon*,<sup>10</sup> mediation was proposed for determination of the quantum of compensation for compounding the registered criminal offence.

#### 1.4 Conclusion

To conclude, it can be said that, like compounding, practice of plea bargaining, mediation too is a very fruitful and potent tool to respond to the challenges of contemporary criminal justice system. The inclination of the Government to rely more and more on the technique of mediation can very well be witnessed from the plan of the Government to involve mediation techniques in settlement of tax disputes or appointment of mediators in the PIL filed in the Supreme Court for removal of protestors from Shaheen Bagh (New Delhi).<sup>12</sup> The conceptual opposition of involving mediation in criminal cases can be responded by adopting a rational and scientific approach where mediation can be applied in cases where it serves the maximum interest of all the parties concerned and at the same time help solve the biggest challenge of pending cases that the judiciary is facing. The basic objective of contemporary criminal justice system is not merely deterrence or retribution but it is primarily reformation and reintegration with adoption of not an exclusive accused centric system but internalizing a victim centric orientation. Thus, restorative justice practices are encouraged more and more and mediation is a very successful instrument of ensuring the fundamental objectives of restorative justice.

<sup>4</sup> <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/victim-offender-mediation/#sthash.7ftCMkrH.5cs5PXDE.dpbs>

<sup>5</sup> Christie, N. (1984) “Crime, Pain and Death” New Perspectives on Crime and Justice, Mennonite Central Committee available at: [www.restorativejustice.org/articlesdb/articles/1080](http://www.restorativejustice.org/articlesdb/articles/1080)

<sup>6</sup> <https://imwpost.com/mediation-in-criminal-disputes-in-india-enhancing-the-justice-system-through-restorative-principles/>

<sup>7</sup> (2010) 8 SCC 24, 25

<sup>8</sup> (2003) 4 SCC 675, 676

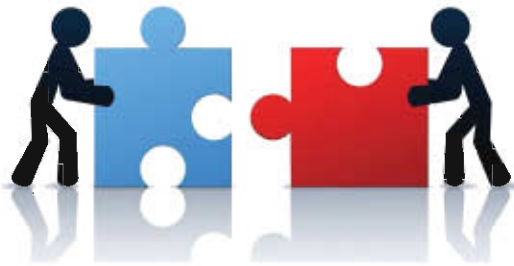
<sup>9</sup> (2013) 1 SCC (Civ) 298

<sup>10</sup> (2014) 3 KLT 536, 539

<sup>11</sup> Available at <https://economictimes.indiatimes.com/news/economy/policy/govt-mulls-meditation-to-solve-tax-issues-with-companies/articleshow/73537586.cms?from=mdr>, last visited on 27/2/2020

<sup>12</sup> Available at <https://www.hindustantimes.com/india-news/who-are-the-3-mediators-appointed-by-supreme-court-to-talk-to-shaheen-bagh-protesters/story-6lz5DkcsQUlrJcSimF6PJ.html>, last visited on 27/2/2020





Mediation  
NEWSLETTER

ISSUE : II

# MEDIATION AWARENESS CUM WORKSHOP PROGRAMMES





## MEDIATION AWARENESS CUM WORKSHOP PROGRAMMES



The Hon'ble The Chief Justice delivering speech at the valedictory session on 18.11.2019 at High Court Auditorium

A four days Mediation Awareness cum Workshop programme of international standard was organized in three districts of West Bengal between 15<sup>th</sup> November, 2019 and 18<sup>th</sup> November, 2019 under the aegis of the Hon'ble Mediation and Conciliation Committee, High Court, Calcutta.

The programme was organized in association with the Foundation of Sustainable Rule of Law Initiative (FSRI), California, U.S.A. and CAMP Arbitration and Mediation Practices Pvt. Ltd. Bengaluru, Karnataka. The programme was organized to augment the mediation movement in the state of West Bengal and Andaman and

Nicobar Islands in view of the huge pendency of cases in Higher and sub-ordinate Courts of West Bengal and Andaman and Nicobar Island and to sensitize the Bar and other stakeholders about the utility of Mediation as an effective tool for alternative dispute resolution.

The legendary mediation personality of U.S.A. Mr. Victor Schachter, the Founder President of FSRI, California, U.S.A., came over here with his other team members- Jennifer Brandt- Ambassador, FSRI and Neil Chatterjee – Independent Attorney and Mediator U.S.A.

Ms. Laila T. Ollapally- Founder Director CAMP led the team of CAMP along with Ms. Rukmani Menon.



Victor Schachter







The districts of Kolkata, North 24 Parganas and South 24 Parganas were chosen primarily for this phase of awareness programme which were attended by the Referral Judges, Mediators, litigants, Advocates and other stake holders of the society including the Govt. departments and financial institutions operating in West Bengal.

The valedictory session on 18<sup>th</sup> of November, 2019 was attended by several Hon'ble Judges of Calcutta High Court and Retires Judge Mediators where a brief interactive session was held.

The Resource persons suggested some short and long term remedies for the solution of the pendency problems and ways to get higher settlement percentage in mediation proceedings.



Liala T. Ollapally



Hon'ble Justice Harish Tandon

(Photo courtesy Telegraph India)

On 20<sup>th</sup> November, 2019, Hon'ble Justice Harish Tandon, President, Mediation and Conciliation Committee, High Court, Calcutta held a press conference on the utility and success of the programme which was attended and reported by the leading press houses and electronic media of India.

Another Awareness cum workshop programme was organized on 18/01/2020 in association with the Department of Law, University of Burdwan at the DDE Auditorium, University of Burdwan, Golapbag Campus.

Several law colleges affiliated under Burdwan University along with their faculty members and students participated in the workshop besides the main campus faculty staffs and students.



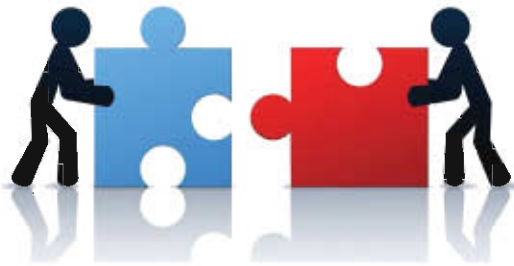


Burdwan University Workshop

Hon'ble Judges of Calcutta High Court and the Vice –Chancellor of the University of Burdwan graced the occasion. In their eloquent speeches the Hon'ble Justice Sahidullah Munshi and Hon'ble Justice Madhumati Mitra explained the role and need of mediation and mediators to the audience. The interactive session was highly participative in nature and the University authority vowed to spread the message of 'mediation' amongst their students in future.

Extensive branding, Mediation workshop at Burdwan Universitys advertisements, press conference and press releases were done so that the meassage reached the maximum targeted section of the society.

Hope these initiatives will usher a new dawn in the field of mediation in West Bengal and Andaman & Nicobar Islands in near future.



## Mediation NEWSLETTER

ISSUE : II

# ONE DAY PRE-LITIGATION MEDIATION TRAINING PROGRAMME FOR COMMERCIAL DISPUTES





## One day Pre-litigation Mediation Training programme for Commercial disputes

This training programme was organized by at the West Bengal Judicial Academy, Rajarhat, New town between 7<sup>th</sup> January, 2020 and 17<sup>th</sup> January, 2020, by the Hon'ble Mediation and Conciliation Committee, High Court, Calcutta under the aegis of the Mediation and Conciliation Project Committee, Supreme Court of India.

On nine diverse dates 163 trained Mediators of West Bengal including Retired High Court Judges, sitting Judicial Officers and Advocates of both High Court and District/sub-divisional Court Bar Association took part.



Member Secretary and Registrar, Commercial  
Courts Division with the Trainer and Trainees

It was a huge step forward on the part of the Hon'ble Mediation and Conciliation Committee, High Court, Calcutta to materialize and implement the legislative intent as enshrined under section 12A of the Commercial Court (Amendment) Act, 2018.

The MCPC, Hon'ble Supreme Court of India extended their hand of support by approving the aforesaid training programme and deputing expert trainers/ resource persons for each of the training day.



Trainees with the Ld Trainers



Member Secretary with Registrars of  
Commercial Courts Division at WBJA

All the candidates, received this training absolutely free of cost and even they were provided with accommodation and conveyance facilities as and where required.

After, getting a panel of 163 trained Mediators, it was just a wait for few days when actually Pre-litigation mediation for Commercial disputes would set rolling in West Bengal.







## **\*PANEL OF ADVOCATE MEDIATORS FOR PRE -LITIGATION MEDIATION IN COMMERCIAL DISPUTES**

<b>Sl. No</b>	<b>Name of the Advocate Mediator</b>	<b>District/ Sub-division</b>	<b>Date of Training</b>	<b>Name of the MCPC trainer(s)</b>
1	Premangshu Sekhar Nandy	Jalpaiguri	07.01.2020	Sri J.P.Sengh
2	Probal Chakraborty	Jalpaiguri	07.01.2020	DO
3	Suman Saha	Jalpaiguri	07.01.2020	DO
4	Narmada Bhusan Roy	Jalpaiguri	07.01.2020	DO
5	Utpal Roy	Jalpaiguri	07.01.2020	DO
6	Ashoke Kumar Singhi	Jalpaiguri	07.01.2020	DO
7	Susmita Bose	Siliguri	07.01.2020	DO
8	Pinki Mitra	Darjeeling	07.01.2020	DO
9	Kanchan Bhadra	Darjeeling	07.01.2020	DO
10	Roshan Pariyar	Darjeeling	07.01.2020	DO
11	Nirmal Kr. Rai	Darjeeling	07.01.2020	DO
12	Mohammad Sadab	Darjeeling	17.01.2020	Mr. K.K. Makhija & Dr. Renu Aggarwal
13	Bibekananda Chakraborty	Cooch Behar	07.01.2020	Sri J.P.Sengh
14	Ahasan Habib	Cooch Behar	07.01.2020	DO
15	Shyamal Kumar Roy	Cooch Behar	07.01.2020	DO
16	Anish Das	Dakshin Dinajpur	07.01.2020	DO
17	Debraj Chakraborty	Dakshin Dinajpur	07.01.2020	DO
18	Santanu Dey	Dakshin Dinajpur	07.01.2020	DO
19	Nawin Sharma	Kalimpong	07.01.2020	DO
20	Sukla Bhaumik	Berhampore	08.01.2020	J.P.Sengh & Surender Singh
21	Koushik Dey	Murshidabad	08.01.2020	DO
22	Debabrata Sarkar	Murshidabad	08.01.2020	DO
23	Animesh Saha	Jangipur Court Murshidabad	08.01.2020	J.P.Sengh & Surender Singh
24	Prashanta Kumar Singha	Murshidabad	08.01.2020	DO
25	Sujit Mukherjee	Murshidabad	08.01.2020	DO





Sl. No	Name of the Advocate Mediator	District/ Sub-division	Date of Training	Name of the MCPC trainer(s)
26	Aniket Joardar	Nadia	08.01.2020	DO
27	Dilip Kumar Biswas	Nadia	08.01.2020	DO
28	Chaitali Sarkar	Nadia, Kalyani	08.01.2020	DO
29	Chiranjib Mukhopadhyay	Nadia	08.01.2020	DO
30	Ashis Kumar Saha	Nadia	08.01.2020	DO
31	Abhijit Kumar Gandopadhyay	Nadia	10.01.2020	Surender Singh & Ms. Varuna Bhandari Gugnani
32	Ranabrata Adhikary	Uttar Dinajpur, Raiganj	08.01.2020	J.P.Sengh & Surender Singh
33	Prabir Kumar Dey	Uttar Dinajpur	08.01.2020	DO
34	Ruhul Amin Sarkar	Uttar Dinajpur	08.01.2020	DO
35	Prabir Chakraborty	Asansol	08.01.2020	DO
36	Sunil Kumar Chakraborty	Paschim Bardhaman	08.01.2020	DO
37	Bandhupriya Bandyopadhyay (Mukherjee)	Katwa	08.01.2020	DO
38	Medha Bhattacharyya	Purba Baddhaman	08.01.2020	DO
39	Deb Krishna Sinha	Purba Bardhaman	08.01.2020	DO
40	Surjendu Biswas	Retired Distt. Judge, Howrah	09.01.2020	Surender Singh & Ms. Varuna Bhandari Gugnani
41	Sk. Haidar Ali	Howrah	09.01.2020	DO
42	Dilip Kr. Das	Howrah	09.01.2020	DO
43	Sukumar Mudi	Howrah	09.01.2020	DO
44	Sahanwaj Ali Khan	Howrah	09.01.2020	Surender Singh & Varuna Bhandari Gugnani
45	Sushanta Banerjee	Howrah	09.01.2020	DO
46	Santwana Bag	Howrah	09.01.2020	DO
47	Bimalendu Mondal	Alipore	09.01.2020	DO
48	Sunil Kumar Mondal	Diamond Harbour	09.01.2020	DO
49	Bina Das	Kakdwip	09.01.2020	DO
50	Suparna Kanti Mondal	Baruipur	09.01.2020	DO





SL. No	Name of the Advocate Mediator	District/ Sub-division	Date of Training	Name of the MCPC trainer(s)
51	Biswadeb Chatterjee	South 24 Parganas	09.01.2020	DO
52	Dulal Chandra De	South 24 Parganas	09.01.2020	DO
53	Jayanta Mukherjee	Alipore	09.01.2020	DO
54	Dilip Kr. Ghosh	Alipore	09.01.2020	DO
55	Rajasree Paul	Barrackpore	09.10.2020	DO
56	Shyamal Kr. Biswas	Bangaon	09.01.2020	DO
57	Pradip Kr. Chatterjee	Bangaon	09.01.2020	DO
58	Aloka Debray	Barasat	09.01.2020	DO
59	Binita Kanjilal	Barasat	09.01.2020	DO
60	Kalpana Bej	Kolkata	09.01.2020	DO
61	Ananda Gopal Chakraborty	Birbhum	10.01.2020	DO
62	Sujay Das	DO	10.01.2020	DO
63	Bikash Paitandi	DO	10.01.2020	DO
64	Abul Basar Khan	Birbhum	10.01.2020	Surender Singh , Varuna Bhandari Gugnani
65	Subal Chakraborty	Paschim Mednapore	10.01.2020	DO
66	Md. Sarif Molla	Paschim Mednipore	10.01.2020	DO
67	Raghunath Bhattacharya	Paschim Mednipore	10.01.2020	DO
68	Naba Kumar Dandapat	Paschim Mednipore	10.01.2020	DO
69	Ajit Kumar Mallik	Paschim Mednipore	10.01.2020	DO
70	Subrata Kumar Maiti	Purba Medinipore	10.01.2020	DO
71	Sasanka Kumar Maiti	Purba Mednipore	10.01.2020	DO
72	Dilip Kumar Mitra	Tamluk	10.01.2020	DO
73	Biswajit Samanta	Purba Medinipore	10.01.2020	DO
74	Biswajit Samanta	Haldia	10.01.2020	DO
75	Malay Kumar Ghosh	Hooghly	13.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta





Sl. No	Name of the Advocate Mediator	District/ Sub-division	Date of Training	Name of the MCPC trainer(s)
76	Asok Kumar Banerjee	Hooghly	13.01.2020	DO
77	Sk. Firoj Rahaman	Hooghly	13.01.2020	DO
78	Mrinal Kanti Panja	Hooghly	13.01.2020	DO
79	Manas Santra	Hooghly	13.01.2020	DO
80	Kunal Kanti Ghosh	Bankura	13.01.2020	DO
81	Manodipta Chowdhury	Bankura	13.01.2020	DO
82	Padmanava Biswas	DO	13.01.2020	DO
83	Abhishek Biswas	Bankura	13.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
84	Biswaranjan Sinha Mahapatra	Khatra	13.01.2020	Do
85	Maloy Kr. Mukherjee	DO	13.01.2020	Do
86	Ashutosh Das	DO	13.01.2020	Do
87	Sudhangshu Sekhar Banerjee	Purulia	17.01.2020	Sri K.K.Makhija & Dr. Renu Aggarwal
88	Prasanta Kumar Sen	DO	17.01.2020	Do

### PANEL OF HIGH COURT MEDIATORS FOR PRE-LITIGATION MEDIATION IN COMMERCIAL DISPUTES

Sl. No	Name of the Advocate Mediator	District/ Sub-division	Date of Training	Name of the MCPC trainer(s)	
1.	Hon'ble Justice Taufique Uddin (Retd)	Former High Calcutta	Judge, Court,	14.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
2.	Hon'ble Justice Debi Prosad Dey	Former High Calcutta	Judge, Court,	14.01.2020	DO
3.	Hon'ble Justice Tapash Mookherjee(Retd.)	Former High Calcutta	Judge, Court,	14.01.2020	DO
4.	Hon'ble Justice Siddhartha Chattopadhyay	Former High Calcutta	Judge, Court,	14.01.2020	DO







Sl. No	Name of the Advocate Mediator	District/ Sub-division	Date of Training	Name of the MCPC trainer(s)
5.	Probal Kr.Mukherjee	High Court	17.01.2020	Sri K.K.Makhija & Dr. Renu Aggarwal
6.	Sondwip Mukherjee	High Court	17.01.2020	DO
7.	Anil Kumar Gupta	High Court	14.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
8.	Pramod Kumar Drolia	High Court	14.01.2020	DO
9.	Om Prakash Dubey	High Court	14.01.2020	DO
10.	Ms. Durga Khaitan	Member Secretary, SLSA, W.B.	14.01.2020	DO
11.	Gautam Narayan Bhattacharya	High Court	13.01.2020	DO
12.	Kallol Mondal	High Court	15.01.2020	DO
13.	Debjyoti Datta	High Court	17.01.2020	Sri K.K.Makhija & Dr. Renu Aggarwal
14.	Siddhartha Lahiri	High Court	15.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
15.	Debarati Sen (Bose)	High Court	15.01.2020	DO
16.	Suchitra Saha	High Court	16.01.2020	DO
17.	Debjani Mitra (Neogy)	High Court	17.01.2020	Sri K.K.Makhija & Dr. Renu Aggarwal
18.	Tapan Kumar Saha	High Court	16.01.2020	DO
19.	Koyeli Bhattacharyya	High Court	15.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
20.	Vipul Kundalia	High Court	13.01.2020	DO
21.	Rajashree Kundalia	High Court	13.01.2020	DO
22.	Mala Sen Chowdhury	High Court	13.01.2020	DO
23.	Amarta Ghose	High Court	15.01.2020	DO
24.	Rituparna De Ghose	High Court	15.01.2020	DO
25.	Ananya Das	High Court	15.01.2020	DO
26.	Debjani Ghosh	High Court	15.01.2020	DO
27.	Aparna Banerjee	High Court	14.01.2020	DO
28.	Suvasree Ghose	High Court	15.01.2020	DO
29.	Rituparna Banerjee	High Court	13.01.2020	DO
30.	Sreemoyee Mitra	High Court	13.01.2020	DO





Sl. No	Name of the Advocate Mediator	District/ division	Sub- Division	Date of Training	Name of the MCPC trainer(s)
31	Kumar Gupta	High Court		13.01.2020	DO
32	Rishad Medora	High Court		16.01.2020	Sri K.K.Makhija & Dr. Renu Aggarwal
33	Chinmoyee Roy Bhattacharya	High Court		16.01.2020	DO
34	Iqbal Hussain	High Court		17.01.2020	DO
35	Reshmi Ghosh			16.01.2020	DO

**PANEL OF JUDICIAL OFFICER MEDIATORS FOR PRE-LITIGATION  
MEDIATION IN COMMERCIAL DISPUTES**

Sl. No	Name of the J.O. Mediator	Designation	Date of Training	Name of the MCPC trainer(s)
1	Ajoy Kumar Mukherjee	Registrar, Inspection-II, Calcutta High Court.	13.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
2	Ratna Roy (Biswas)	A.D.J. (Fast Track), Balurghat, Dakshin Dinajpur	13.01.2020	DO
3	Sk. Mohammad Reza	ADJ, Gangarampur, Dakshin Dinajpur	13.01.2020	DO
4	Mukul Kumar Kundu	Addl. District & Sessions Judge, 3 <sup>rd</sup> Court, Suri, Birbhum	13.01.2020	DO
5	Annada Sankar Mukhopadhyay	Chief Judicial Magistrate, Murshidabad at Berhampore	13.01.2020	DO
6	Dr. Moumita Bhattacharya	Additional District & Sessions Judge, Siliguri	13.01.2020	DO
7	Srimayi Kundu	ADJ/FTC-I) Barasat, 24 Parganas (North)	13.01.2020	DO
8	Kumkum Singha	Judge, 4 <sup>th</sup> Special Court, Kolkata	13.01.2020	DO
9	Kallol Kumar Das	Addl. District & Sessions Judge, Bolpur, Birbhum	14.01.2020	DO
10	Jiban Kumar Sadhu	Addl. District & Sessions Judge, Lalbagh, Murshidabad	14.01.2020	DO





Sl. No	Name of the J.O. Mediator	Designation	Date of Training	Name of the MCPC trainer(s)
11	Satya Arnab Ghosal	Judge, Comm. Court at Siliguri	15.01.2020	DO
12	Sourav Bhattacharya	Judge, Commercial Court at Asansol	15.01.2020	DO
13	Sonia Majumdar	ADJ, 2 <sup>nd</sup> Court, Alipore	15.01.2020	DO
14	Deepto Ghosh	ADJ, FTC, 1 <sup>st</sup> Court, Purba Bardhaman	15.01.2020	DO
15	Subhendu Saha	ADJ (F.T.C.), 1 <sup>st</sup> Court, Hooghly, Sadar	15.01.2020	DO
16	Arun Kr. Nandy	ADJ (FTC), 5 <sup>th</sup> Court, Barasat, North 24 Parganas.	15.01.2020	DO
17	Manojyoti Bhattacharyya	ADJ, 1 <sup>st</sup> Court, Bankura	15.01.2020	DO
18	Sarajit Mazumder	ADJ, 1 <sup>st</sup> Court, Chinsurah	15.01.2020	DO
19	Saugata Chakraborty	ADJ, 5 <sup>th</sup> Court, Berhampore, Murshidabad	15.01.2020	DO
20	Apurba Sinha Roy	District Judge, Bankura	15.01.2020	Sri Sunil Kumar Aggarwal & Ms. Pusshp Gupta
21	Raja Mukherjee	Civil Judge (Sr. Divn.), 1 <sup>st</sup> Court, Baruipur, South 24 Parganas	16.01.2020	Sri K.K.Makhija & Dr. Renu Aggarwal
22	Suman Kumar Ghosh	Secretary, DLSA, Purba Medinipore	16.01.2020	DO
23	Sandip Kumar Kundu	Civil Judge (Sr. Divn.), Bishupur, Bankura	16.01.2020	DO
24	Uday Rana	Civil Judge (Sr. Divn.), Raiganj, Uttar Dinajpur	16.01.2020	DO
25	Sarad Kr. Chhetri	Addl. District Judge, 2 <sup>nd</sup> FTC, Berhampore	16.01.2020	DO
26	Tanusree Dutta	Registrar, Civil Court, Howrah	16.01.2020	DO
27	Mou Ghatak Majumdar	Civil Judge (Sr. Divn.), Lalbagh, Murshidabad	16.01.2020	DO
28	Sangita Dutta	Civil Judge (Sr. Divn.), Burdwan	16.01.2020	DO
29	Supratim Bhattacharya	Reg. Inspection(I), Calcutta High Court	16.01.2020	DO
30	Abhijit Som	Secretary, WBLA	16.01.2020	DO





Sl. No	Name of the J.O. Mediator	Designation	Date of Training	Name of the MCPC trainer(s)
31	Suvodip Chowdhury	CJM, Alipore, 24 Parganas (South)	16.01.2020	DO
32	Subrata Ghosh	Secretary, DLSA, Murshidabad	17.01.2020	DO
33	Sutirtha Banerjee	CJM, Jalpaiguri	17.01.2020	DO
34	Subhradip Mitra	ADJ, Nadia	17.01.2020	DO
35	Dinanath Prosad	ADJ, FTC-1, Kandi, Murshidabad	17.01.2020	DO
36	Prabir Mahapatra	ACJM, Bishnupur, Bankura	17.01.2020	DO
37	Mayukh Mukherjee	ACJM, Khatra, Bankura	17.01.2020	DO
38	Mahua Roy Basu	ACJM, Islampur, Uttar Dinajpur	17.01.2020	DO
39	Manjusri Mondal	ADJ, Amta, Howrah	17.01.2020	DO
40	Dhiman Barman	CJM, Port Blair, A&N Island	17.01.2020	DO

"When you change the way you look at things, the things you look at change."

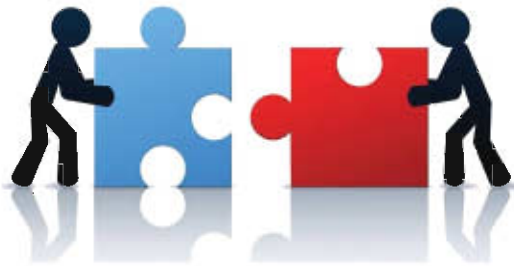
Wayne Dyer

#### 10 Reasons to Keep Out of Court:

1. Focus is on resolution, not battle
2. Create win-win agreements
3. Avoid unpredictable outcomes
4. Costs far less than litigation
5. Go at your own pace
6. Improve communication
7. Preserve relationships
8. Maintain your privacy
9. Tell your story and be heard
10. Less stress - No judges or juries







## Mediation NEWSLETTER

ISSUE : II

# KOLKATA INTERNATIONAL BOOK FAIR 2020



## KOLKATA INTERNATIONAL BOOK FAIR -2020

In a first, the Hon'ble Mediation and Conciliation Committee, High Court, Calcutta participated and hired a stall in the Kolkata International Book Fair-2020, organized by the Publishers & Booksellers Guild, Kolkata at the Salt Lake Central park, beside Karunamoyee Metro station.

The Book fair took place between 29<sup>th</sup> of January, 2020 and 9<sup>th</sup> of February, 2020. It was really really a great opportunity for the Hon'ble Committee to spread the message of mediation through the common masses of Kolkata, West Bengal

and beyond who visited the book fair during that time. Leaflets were distributed on every day of the fair, TV shows were arranged and in-stall counseling was done by the qualified and trained mediators of High Court and different district Courts of West Bengal. Every day hundred of visitors, common men, legal experts visited the stall number 139 of High Court, Calcutta with lots of inquisitiveness and wonders. Their queries, their spontaneity and their smile told the story of success for the Hon'ble High Court, Calcutta for this unique venture.







## KOLKATA INTERNATIONAL BOOK FAIR -2020



Hon'ble Justice Soumen Sen at Book Fair

Hon'ble Justice Soumen Sen, Member, Mediation and Conciliation Committee, High Court, Calcutta was pleased to visit the High Court book fair stall. Besides, several other Judicial Officers of West Bengal Judicial Service, Officers and staffs of Calcutta High Court visited the stall during the fair. Last but not the least & worth mentioning here, that the entire book fair stall of Kolkata High Court was managed and run with the cooperation of the District Legal Services Authority, North 24 Parganas. Officers and staffs of the Calcutta High Court Mediation Centre and several Para Legal Volunteers and trained Mediators offered their selfless services for this noble cause.

This unique attempt on the part of the Hon'ble Committee placed the concept and current message of Mediation from Calcutta High Court into an international platform.

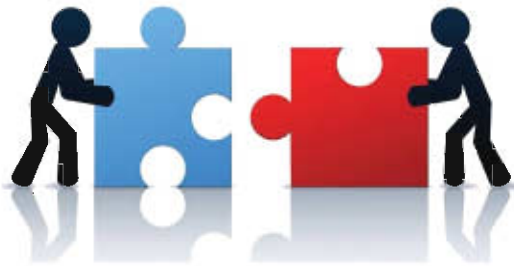


Mediator counselling parties









Mediation  
NEWSLETTER

ISSUE : II

# 20 HOURS REFRESHER TRAINING PROGRAMME



## 20 hours Refresher Training Programme

In another first, the Hon'ble Committee successfully organized a twenty hours-3days Refresher training programme on Mediation at the Mediation Centre, High Court, Calcutta under the aegis of the MCPC, Hon'ble Supreme Court of India.



### 20 HOURS REFRESHER TRAINING PROGRAMME

**25<sup>th</sup> - 27<sup>th</sup> February, 2020**

**Venue:** Mediation Centre, High Court, Calcutta

**Organised by:**  
The Mediation and Conciliation Committee,  
High Court, Calcutta

**Under the Aegis of:**  
The Mediation & Conciliation Project Committee,  
Supreme Court of India

The programme took place between 25<sup>th</sup> day of February, 2020 and 27<sup>th</sup> day of February, 2020. The Hon'ble Supreme Court of India deputed Ms. Brindha Nandakumar & Mrs. Beena Devaraj from Bengaluru Karnataka as the trainers for the aforesaid programme while Mr. K.K. Mukhija was deputed as the observer for the programme.





**Hon'ble Committee Judges at the High Court Mediation Centre Training session**

On the closing day of the training Hon'ble Justice Soumen Sen, Hon'ble Justice Sahidulla Munshi and Hon'ble Justice Madhumati Mitra were pleased to visit the training arena and interacted with the trainees and the trainers.



**During Training at the Mediation Centre, High Court, Calcutta**

In total fifteen(15) trainees comprising of 40 hours trained Judicial Officers from West Bengal Judicial Service and 40 hours trained Advocate Mediators from different parts of West Bengal underwent the training and most importantly the Mediation Centre, High Court, Calcutta, 5, Council House Street, Ground floor, Kolkata-700001 emerged as a new and yet another venue for Mediation training in West Bengal.









# Mediation NEWSLETTER

ISSUE : II



## REGIONAL CONFERENCE ON MEDIATION



Participating Districts: Bankura, Purulla & Paschim Bardhaman

**11<sup>th</sup> January, 2020**

**Venue:** Rabindra Bhavan Auditorium, Bankura, West Bengal

**Organised by:**

The Mediation and Conciliation Committee, High Court, Calcutta

**In Association with:** DLSA Bankura, Purulla and Paschim Bardhaman

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CamScanner



## Regional Conference on Mediation - Cluster Meet

In the month of December, 2019, the Hon'ble Mediation and Conciliation Committee, High Court, Calcutta conceived a very unique idea of Regional Conference on Mediation /cluster meet with the Referral Judges, Mediators, local Bar Association, litigants, Government representatives and other stakeholders of some adjoining districts, on periodical basis to sensitise and clear the confusion amongst them, by lectures as well as interactive sessions.



The Hon'ble Judges during Bankura Regional Conference



Branding for the Regional Conference at Bankura

The first of such Conference was organised at the Rabindra Bhaban Auditorium of Sadar Bankura on 11<sup>th</sup> of January, 2020. Judicial Officers, Advocates, Litigants and other stakeholders of the three adjoining districts of Bankura, Purulia and Paschim Medinipur took part in the programme.

As many as seven Hon'ble Judges of the High Court, Calcutta graced the occasion including the Hon'ble Committee judges.

State of the art branding and advertisement, separate sessions for each category of stakeholders and spontaneous and overwhelming participation from the targeted groups, made the programme a great success. News and tele-media covered the programme with apt reporting.







Participation at the Regional Conference at Bankura



Hon'ble Judges during Regional Conference at Burdwan

The second programme was held at the historic bardhaman town hall on the 9<sup>th</sup> day of February, 2020 for the districts of Purba Bardhaman, Hooghly and Howrah.

Two of the Hon'ble Committee Judges, namely Hon'ble Justice Soumen Sen and Hon'ble Justice Subrata Talukdar reached the venue one day in advance to look after the preparation for the meet and to sense and catalyse the enthusiasm of the participants and organisers. With their Lordships amongst them, the participants and the organisers were very much elated and put forth their best to make the programme a grand success.

Early on the programme day other Hon'ble Judges from High Court, Calcutta and Referral Judges, Advocates and Mediators from the adjoining districts reached the venue and the programme started right at 10:30 a.m.





**Glmpses of Burdwan Conference**

In separate sessions, Hon'ble Judges delivered their speeches explaining the importance of Mediation process in the present legal framework and their Lordships were kind enough to answer all the queries of the participants and the stakeholders in the interactive session.

Mediation leaflet bundles were handed over to the respective DLSA Secretaries for being distributed amongst the stakeholders within their respective jurisdictions.

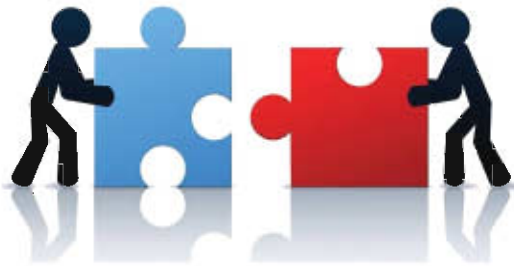
The next meet was scheduled to be held at the beautiful island of Andaman on the 14<sup>th</sup> of March, 2020. However, this unique movement was paused and temporarily halted due to the outbreak of COVID 19 CORONA virus and the Central Health ministry directive relating to that. We all hope that everything will be normalised sooner than expected and the Hon'ble Court will further resume the scheduled Conferences.



**Burdwan Town Hall**







# Mediation NEWSLETTER

ISSUE : II

## PHOTO GALLERY



## PHOTO GALLERY

HIGH COURT, CALCUTTA

*Moments.....*



Newsletter Issue I opening at Hon'ble Judges Lounge, High Court, Calcutta



M.S. with Ms. Bina Ralli at Samadhan



Mr. Sourav Bhattacharya delivering lecture at WBJA



Meeting at Lalit Great Eastern



At West Bengal Judicial Academy







## PHOTO GALLERY

*Moments.....*



The Hon'ble The Chief Justice with Hon'ble Justice Soumen Sen



Trainer Mr. K. K. Makhija



Mr. Anirban Das, Member Secretary



Mr. Dharmendra Rana



Mediators during discussion at Book Fair



At WBJA, after Training Session





## PHOTO GALLERY

*Moments.....*



FSRJ, California Team at High Court, Calcutta



Hon'ble Committee members in meeting



40 hours Trainees with Trainers outside WBJA



Role play during training







## PHOTO GALLERY



The Hon'ble Chief Justice alongwith other Hon'ble Judges at the Mediation Centre, Calcutta



Hon'ble Committee Judges with the Registry and WBSLSA Officers



Interactive session with Assistant Professor Ashutosh Acharya from the University of Delhi





## PHOTO GALLERY

*Moments.....*

### District window



40 hours Mediation training at Bankura Circuit House



40 hours Mediation training at Jalpaiguri

Bidhannagar Fair



ADR Centre, Nadia



ADR Centre, Coochbehar



Basirhat Book Fair



Panihati Book Fair



Workshop at Alipore, South 24 Pgs.



ADR Centre, Purba Medinipur







## PHOTO GALLERY

*Moments.....*



Hon'ble Speakers at North 24 Parganas District Workshop



Jennifer Brandit at Aurobindo Sangrahasala, Alipore



Alipore Workshop with Referral Judges and Advocates



Circuit Bench, Jalpaiguri



Bankshall Court, Kolkata



City Sessions Court, Kolkata



Barasat District Court



Purulia District Court



Chanchal Court, Malda







# PRESS CORNER

## HC push to resolution through mediation

SUBRAJOY ROY

Calcutta: The high court has sent 25 cases filed before it for mediation since July and wants to start pre-litigation mediation across the state soon, a judge of Calcutta High Court said on Wednesday.

Justice Harish Tandon said that under the existing infrastructure only court-referred cases were going for mediation. Infrastructure is being upgraded so that parties can directly go for mediation before they move court.

Legal professionals said that in mediation, a neutral mediator helped contesting parties reach a mutually agreed settlement. The crucial advantage of mediation over adjudication and arbitration is that in the former a settlement is reached only when the contesting parties agree to the terms and conditions of the settlement, while in arbitration and adjudication it is the arbitrator or judge who pass an order, they said.

If mediation gains traction it can reduce the number of pending cases and several disputes could see quicker resolution.

Rukmanjit Mehta, an experienced mediator from Bangalore, said:



Justice Harish Tandon

He told Metro that mediation had to be completed within 30 days. "The mediation process cannot go beyond 90 days, whereas a court case can drag on for two or three years. Even after that, if one of the parties appeals against the judgment, the matter will drag on further," she said.

Mediation is both time and cost effective, she added. "In mediation, the settlement agreement (the final settlement) is drafted based on what the parties say, unlike in adjudication where a judge passes a judgment based on evidence and argument. The contesting parties sign the settlement agreement in case of mediation, which is possible

only if the final agreement is acceptable to them," said Mehta, explaining that the chance of any one of the parties asking for the matter to be reopened after signing a settlement agreement was almost nil in case of mediation.

Mehta was one of those who conducted a workshop organised by Calcutta High Court on mediation for all stakeholders such as mediators, litigants, advocates, law firms and judges of district and subdivision courts from Friday to Monday.

Justice Tandon said commercial, matrimonial and property disputes were some of the matters that could be settled through mediation. He added that the Supreme Court had in a judgment mentioned the matters that could be settled through mediation.

The judge also said that mediation became important against the backdrop of the huge backlog of cases in Indian courts. "The primary and most important problem plaguing the judiciary is the huge backlog of cases that needs to be tackled. The process of mediation is an effective tool to reduce disputes," the judge told a news conference on Wednesday.

The Telegraph 21.11.2019

## মধ্যস্থতাকারী নিয়োগে প্রশিক্ষণ

নিজস্ব সংবাদদাতা  
জলপাইগুড়ি

উত্তরবঙ্গে সংখ্যা বাড়ছে আইনি মধ্যস্থতাকারীদের। কের্মারির গোড়াতেই ২৭ জনকে বেছে নিয়ে বিশেষ প্রশিক্ষণের ব্যবস্থা করছে কলকাতা হাইকোর্ট। বাছাইসের মধ্যে বিচারক এবং আইনজীবীরা রয়েছেন। জলপাইগুড়ি ছাড়াও, কোচবিহার, আলিপুরদুয়ার, দুই দিনাজপুর, মালদহ এবং পাহাড়ের প্রতিনিধিত্ব থাকবে। প্রশিক্ষণে সহযোগিতা করছে জলপাইগুড়ি জেলা আইনি পরিষেবা কর্তৃপক্ষ। শহর লাগোয়া ব্রানিংগরে প্রশাসনিক প্রশিক্ষণ কেন্দ্রে সাতদিনের শিবির হবে। এ ছাড়াও প্রতিটি মহকুমায় মধ্যস্থতা করার পরিকল্পনামেও তৈরি হতে চলছে।

সব জেলা আদালতেই মামলার সংখ্যা বাড়ছে। বিচারবিভাগ মনে করে, সব ক্ষেত্রেই মামলা দায়ের করার প্রয়োজন হয় না। কিছু বিবাদ আইনি ভাবে মধ্যস্থতা করেও মিটে যায়। হাইকোর্টে আইনি মধ্যস্থতা এবং সমঝদারের বিষয়টি দেখার পৃথক কমিটি

রয়েছে। জলপাইগুড়িতেও ৬ জন আইনি মধ্যস্থতাকারী রয়েছেন। যদিও মধ্যস্থতার জন্য আসা মামলার সংখ্যা দিনদিন বাড়ছে, তা ছাড়া সব মহকুমায় মধ্যস্থতাকারী নেই। জলপাইগুড়ি জেলা আইনি পরিষেবা কর্তৃপক্ষের সচিব অমিতা সমাজদার বলেন, "জলপাইগুড়ি জেলা বিচারবিভাগের অধীনে থাকা মালদহ, আলিপুরদুয়ার দুই মহকুমাতাই মধ্যস্থতা করার পরিকল্পনামে তৈরি হচ্ছে।" ৩-৭ ফেব্রুয়ারি হবে প্রশিক্ষণ, আইনি মধ্যস্থতাকারী হতে গেলে ৪০ ঘণ্টার একটি প্রশিক্ষণের প্রয়োজন হয়। সাত দিন আট ঘণ্টা করে প্রশিক্ষণ হবে।

যে বিবাদগুলি খুব একটা জটিল নয় সেখানে সংশ্লিষ্ট ব্যক্তিরা মধ্যস্থতার জন্য আবেদন করতে পারেন। এছাড়া, কোনও বিচার্যীয় মামলাকে সংশ্লিষ্ট বিচারক মধ্যস্থতার জন্য পাঠাতে পারেন। সচিবের কথায়, "মধ্যস্থতার নিশ্চিন্তি মানে কারও জয় বা কারও পরাজয় এমন নয়। দু'জনের দাবির কিছু কিছু বজায় রেখে মধ্যস্থতা সূত্র বেঁধে হয়। পুরোটিই আইন মেনে হয়।"

Uttarbanga Sangbad 18.01.2020

4/7/2020

Focus on mediation to reduce pending cases - Times of India

Printed from  
THE TIMES OF INDIA

## Focus on mediation to reduce pending cases

THI Nov 21, 2019, 04:31 AM IST



KOLKATA: With an aim to reduce the number of pending cases, Calcutta High Court is promoting out-of-court settlement through mediation. It brought in experts from the US between November 15 and 19 and held workshops for creating awareness among judges, lawyers and mediators.

In the workshop held for judges at the Calcutta HC on Monday, Chief Justice TB Nair Radhakrishnan had pointed out the need for mediation as an important tool for solving disputes. Workshops were also held at Alipore and Barasat courts. At the Alipore court workshop, some litigants who had got help from mediators were also present at the initiative district Judge Raj Chatteropadhyay.

Justice Harish Tandon, president of mediation and conciliation committee of Calcutta High Court, said on Wednesday that the aim of the workshops was to make mediation popular and reduce the number of pending cases. He said the experts have suggested several initiatives to make reforms in the mediation process. "Mediation is a win-win situation for both the parties," Justice Tandon said.

Victor Schacter, president, foundation for sustainable role of law initiatives, said they discussed ways to improve the mediation system and give quick relief to litigants. "There is a myth that in mediation, the lawyers will lose money. But it is not. Mediation expert Lalla Olipally said mediation can be effective if cases can be solved within 60 days.

https://timesofindia.indiatimes.com/bhaskar/india-on-focus-on-mediation-to-reduce-pending-cases/articleshow/7295671.cms

Times of India 21.11.2019

## ডিভোর্স সহ অন্যান্য মামলার নিষ্পত্তিতে রাজ্যে প্রথম বাঁকুড়ায় মিডিয়েশন বেঞ্চের সূচনা হল

ডিভোর্স, বাঁকুড়া এবং অন্যান্য মামলার ক্ষেত্রে সেরে নিজে নিজে সমাধান খুঁজে বের করার উদ্দেশ্যে বাঁকুড়া জেলা আদালতের ডায়ালগ টেবিলে মিডিয়েশন বেঞ্চের সূচনা করা হয়েছে।

কর্তৃপক্ষের আশঙ্কায় মিডিয়েশন বেঞ্চের সূচনা করা হয়েছে। ডায়ালগ টেবিলে মিডিয়েশন বেঞ্চের সূচনা করা হয়েছে।

জাজের এই উদ্যোগের ফলে বাঁকুড়ায় মিডিয়েশন বেঞ্চের সূচনা করা হয়েছে। ডায়ালগ টেবিলে মিডিয়েশন বেঞ্চের সূচনা করা হয়েছে।



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# PRESS CORNER

## Business Standard

### Calcutta HC stresses on mediation to reduce 229,000 pending cases

The high court is encouraging litigants involved in various disputes, from commercial to matrimonial issues, to go for mediation to resolve their differences

Press Trust of India | Kolkata November 24, 2019 Last Updated at 09:05 IST



Representative image

With the number of pending litigations before it touching 229,000 the Calcutta High Court is stressing on alternative dispute redressal mechanism like mediation to reduce the backlog.

The high court is encouraging litigants involved in various disputes, from commercial to matrimonial issues, to go for mediation to resolve their differences, instead of fighting their cases in the courts that may take a long time before any outcome is reached.

As Justice Manish Tandon of the Calcutta High Court put it, "Mediation is an effective tool for redressal of disputes between contesting litigants, where parties can settle their differences in a win-win situation."

"We have been facing problem in tackling huge pendency of cases," Justice Tandon said in an interaction with mediators on mediation as an effective alternative dispute redressal system.

Though the Arbitration and Conciliation Act has been in place since 1996, giving settlement of disputes through mediation a legal sanction, it has not been quite popular among the people, mainly owing to a lack of knowledge about it.

To raise awareness among people, the Mediation and Conciliation Committee of the high court organised a four-day workshop from November 15 in association with the Foundation for Sustainable Rule of Law Initiatives (FSRL) of the USA and CAMP Arbitration and Mediation Practices of Bengaluru.

The programme was aimed at augmenting the process of mediation across West Bengal and Andaman and Nicobar Islands and bringing down the ever-increasing pile of pending cases in different courts within this region, Justice Tandon said.

It was designed to spread awareness and interact with all kinds of stakeholders in the field of mediation, including the mediators themselves, the litigants, advocates, law firms and referral judges of different district and sub-divisions of West Bengal.

"The concept of pre-litigation mediation in the field of commercial and matrimonial disputes were also discussed," he said.

To achieve the desired exposure of mediation as an effective tool for dispute resolution, the stakeholders decided that awareness programmes would be held to sensitize people at the grassroots level, he said.

On June 30 this year, there were 229,103 cases pending before the Calcutta High Court, of which the majority were civil cases at 1,89,976, according to data provided in its website.

A little over 2.22 lakh cases were pending before the high court as on December 31, 2017, as per official data.

Out of a sanctioned judge strength of 72, the Calcutta High Court at present has 40 judges.

Out of the 40, two judges are permanently on rotation at the Andaman and Nicobar circuit bench of the high court and another two judges at the Jalpaiguri circuit bench.

## Regional Conference on Mediation at Port Blair

Port Blair, Mar 11: The Hon'ble Mediation and Conciliation Committee, High Court, Calcutta will organize "Regional Conference on Mediation" at Port Blair on 14.03.2020 (Saturday) involving the Hon'ble Judges and Judicial Magistrates within the jurisdiction of Andaman and Nicobar Islands, representatives of the concerned local Bar Association, Trained Mediators of Andaman and Nicobar Islands, Govt. and Semi Govt. organisation representatives, litigants and other stake holders. The venue of the conference has been fixed at Megapode, Port Blair on 14.03.2020 (Saturday) on and from 11.30 am to 4.00 pm. Six Hon'ble Committee Judges of Hon'ble High Court, Calcutta and The Hon'ble Zonal Judge of Andaman & Nicobar Island being the Executive Chairman, State Legal Services Authority are expected to visit Port Blair for the conference including the Member Secretary with Officer-in-charge, Mediation and Conciliation Center, High Court, Calcutta.

CM K

## দেওয়ানি মামলা মিটমাটের চেষ্টা

নিজস্ব সংবাদদাতা  
বাঁকুড়া

দীর্ঘদিন ধরে চলতে থাকা দেওয়ানি মোকদ্দমা আসোচনার মাধ্যমে মিটমাটের ব্যবস্থা করতে মধ্যস্থতা প্রক্রিয়া শুরু হতে চলছে বাঁকুড়া, খাতড়া ও বিষ্ণুপুর আদালতে। কলকাতা হাইকোর্টের মিডিয়েশন ও কনসিলিয়েশন কমিটির নির্দেশে বাঁকুড়া জেলা আইনি পরিষেবা কর্তৃপক্ষের পরিচালনার ৯-২৩ মার্চ পর্যন্ত মধ্যস্থতা প্রক্রিয়া চলবে। বাঁকুড়া জেলা বিচারক তথা বাঁকুড়া জেলা আইনি পরিষেবা কর্তৃপক্ষের চেয়ারম্যান অরুণ সিংহ রায় এক নির্দেশে জানিয়েছেন, মধ্যস্থতা প্রক্রিয়ার মাধ্যমে বিচারপ্রার্থীরা সিনা

থরতে তাঁদের দেওয়ানী মোকদ্দমাগুলি এক জন প্রশিক্ষণপ্রাপ্ত মধ্যস্থতাকারীর উপস্থিতিতে আসোচনার মাধ্যমে মিটিয়ে মামলাটি নিষ্পত্তি করার সুযোগ পাবেন। বাঁকুড়া জেলা আইনি পরিষেবা কর্তৃপক্ষের সম্পাদক অনিরুদ্ধ সাহা জানান, জেলার তিনটি আদালতে এখনও পর্যন্ত ১৫৭টি দেওয়ানি মোকদ্দমা মধ্যস্থতা প্রক্রিয়ার মধ্যমে মিটিয়ে নেওয়ার জন্য বিচারপ্রার্থীরা আবেদন জানিয়েছেন। জানানো হয়েছে, মধ্যস্থতা প্রক্রিয়া চলারতীন অন্য কোনও বিচারপ্রার্থীও এই পদ্ধতিতে মামলা নিষ্পত্তির জন্য আবেদন জানাতে পারবেন। জেলা আদালতকে বার আসোসিয়েশনের সভাপতি অরুণ সিংহ রায়ের মাধ্যমে বিচারপ্রার্থীরা সিনা

## মামলার চাপ কমাতে মধ্যস্থতায় জোর কোর্টের

এই বছর কোর্টের বিভিন্ন আদালতে মামলা চাপ কমাতে মধ্যস্থতা প্রক্রিয়া শুরু হতে চলছে বাঁকুড়া, খাতড়া ও বিষ্ণুপুর আদালতে। কলকাতা হাইকোর্টের মিডিয়েশন ও কনসিলিয়েশন কমিটির নির্দেশে বাঁকুড়া জেলা আইনি পরিষেবা কর্তৃপক্ষের পরিচালনার ৯-২৩ মার্চ পর্যন্ত মধ্যস্থতা প্রক্রিয়া চলবে। বাঁকুড়া জেলা বিচারক তথা বাঁকুড়া জেলা আইনি পরিষেবা কর্তৃপক্ষের চেয়ারম্যান অরুণ সিংহ রায় এক নির্দেশে জানিয়েছেন, মধ্যস্থতা প্রক্রিয়ার মাধ্যমে বিচারপ্রার্থীরা সিনা

Ananda Bazar Patrika 08.03.2019

Ei Samay 22.11.2019





হাই কোর্টের বিচারপতিরা মামলা  
কমাতে মধ্যস্থতার ওপর জোর দিলেন

নিম্নস্থ সংবাদভাষ্য, বর্ধমান : শনিবার বর্ধমান বিশ্ববিদ্যালয়ের দৃষ্টিগত বিভাগের অডিটোরিয়ামে মেডিয়েশন সন্থার আলোচনাসভার মধ্যস্থতার মাধ্যমে মামলার নিষ্পত্তি ওপর প্রকৃত সিঙ্গেল কনকলার হাই কোর্টের বিচারপতিরা। তাঁরা ভদ্রনর, আলগাভাবে অনেক মামলা ভাঙে রয়েছে। মনুবা উইলি বিচার পানেন না। এ সেখানে মনবা করণ শব্দ। হুইটিন মনুবা মামলা করছেন। প্রতিবর্ত মামলার সংখ্যা বাড়ছে। সেখা জনসংখ্যার বৃদ্ধির কারণে বিভাগের দাবী অনেক বধ। শপথ বিভাগক না থাকার কারণে সেখি হচ্ছে বধে মামলা করেন। নিচেরাশি শব্দভাষ্য হলি।

অগোচরসভার বিশেষ কলকাতা হাই কোর্টের  
জিডারপতি শহিদুল্লাহ মুন্সি ও জিডারপতি মুনব্বতী মির,  
হাই কোর্টের অতিরিক্তান সচিবের প্রেসিডেন্সি অধিদপ্তর  
দস, বর্ধমান বিশ্ববিদ্যালয়ের উপাচার্য ডাঃ নিরঞ্জন সান্না,  
বর্ধমানের অতিরিক্ত জেলাশাসক (সহকারী) অধিদপ্তর  
নিরঞ্জণী, অতিরিক্ত পুলিশ সুপার (মহান কোয়ার্টার)  
বিহারতী, ভারত, জেলা প্রশাসনের কর্তার সহ বর্ধমান  
বিশ্ববিদ্যালয়ের আইন বিভাগের প্রাক্তনিকীরা।

ଅମିନ ଆହିନ ନିକାଶନ ଥାଉନି ମୁହାଁ ଗୁଣ୍ଡା ଗାନ୍ଧୀ

এবনের এই আসোচনা অত্যন্ত প্রচলিত। কারণ, নিজস্ব পরিচয় বা কণে শোষণ, প্রতিরোধ অথবা কণের মিলে গঠনশীল। এদিন জিজ্ঞাসিত শ্রুতিমুদ্রার মুখি বলেন, “কলকাতা হই কোটো ৩০০০ বিজাপতি বঙ্গা উচিত। কিন্তু এখন প্রায়শঃই তা ৪৩০০। কণে হই কোটো মাল্যাপ্য বসে থাকবে। মানুষের কাছে চটপট নিজের শৌখে গিয়ে নিজের ব্যবস্থা বদল করছে। সেখা মায়া প্রাণেই অম্বাহুতার মাধ্যমে বিরোধের নিষ্পত্তির কথা ভাবা হয়েছে। সেখানে কাঁপনীর সেপেন ১০০ টি করা হয়েছে। মানুষের কাছে চটপট নিজের শৌখে গিয়ে এঁই বদল আনা হয়েছে। সেখানে বিকল্প ব্যবস্থার বিরোধের নিষ্পত্তির এগার জোরে দেখা হয়েছে। বিজাপতি ও নিজস্বকণের মেতিরেশন নিয়ে প্রশিক্ষণ দেওয়া হচ্ছে। এটি এমন বাস্তব, যেখানে মানুষের মাধ্যমে বিরোধের চটপট নিষ্পত্তি করা হচ্ছে। অম্বাহুতার মাধ্যমে বিরোধের নিষ্পত্তির সাধারণ মানুষের হুসরানি অনেক কণে। বসন্তও কণে। এতে অম্বাহুতার প্রকার ভগ্ন অথবা কণে।” জিজ্ঞাসিত মনুভূতি ব্রিত মেতিরেশনে মাধ্যমে সীতাবে মানুষের কাছে চটপট নিজের শৌখে গিয়ে সেওরা সন্তান, তা বাস্তব করেন।

## যুগশব্দ



নিজস্ব প্রতিনিধি, কলকাতা: রাজ্যে চালু হতে চলেছে নুতন আইনি পরিষেবা। যার নাম মেডিয়েশন বা মধ্যস্থতা প্রথা। বিবাদ মীমাংসা পদ্ধতি। দু'বার একটি সাংবাদিক সম্মেলনে কলকাতা হাইকোর্টের পক্ষে বিচারপতি হরিশ ট্যান্ডন একথা জানান।

এনিয়ো তিনি আরও জানান, 'আইনী পরিষেবার ক্ষেত্রে একটি নতুন শিখা দেখাবে মেডিয়েশন। মধ্যস্থতাকারী দুই পক্ষকে একসঙ্গে বসিয়ে দ্রুত মামলার নিষ্পত্তি করে দিতে পারবেন। যার ফলে মামলা দীর্ঘায়িত না হয়ে অনেক কম সময়েই নিষ্পত্তি হবে। তিনি বলেন, পৃথিবীর অন্যান্য দেশে এই আইনী পরিষেবা চালু আছে। সুপ্রিম কোর্টের নির্দেশে আমাদের দেশেও এই পরিষেবা চালু হয়েছে। ইতিমধ্যেই আমাদের রাজ্যেও এই পরিষেবা চালু হচ্ছে। আপাতত কলকাতা ও দুই ২৪ পরগনায় সামনের ম থেকেই পরিষেবা চালু হতে চলেছে। এনিয়ো মধ্যস্থতা বা

Jugashankha 21.11.2019

شادی یا کاروبار کا تنازع اب ثالثی کے ذریعہ حل ہوگا: ہائی کورٹ

کچھ آدمی اس کے ساتھ ہی بار بار بیٹھیں تو  
 کی۔ اس نے کرسٹل ایٹم کے مدخل  
 کا کاباں کورٹ کا کافی گہرے شروع  
 ہونے جارہا ہے۔ سارا  
 کے لئے کافی گہرے والوں کا ایک جھیل تار  
 ہوا ہے۔ تھابہ کیوں کو براہ راست  
 اس جھیل سے رہو گئے ہو، جو کہ لٹلا  
 عدالت کے لئے جو کافی بیٹھیں  
 ہے۔ کی۔ یہ سب سے پہلے  
 ممالک میں 1980 سے اس طرح  
 کے ذریعہ تار کے کچھ کچھ ہوا ہے۔ اس  
 کو سمجھا جاتا ہے کہ اس سسٹم  
 کے تحت جانے لے رہے ہیں اور اس کا بیان  
 سننے کے بعد عدالت سے کرتے ہے۔



دے گی۔ اگر یہ لوگ متفق ہوئے تو جج حل کرنے کا راستہ تیار کریں گے۔ ہائی کورٹ کے جج ہریش منیڈن نے جہم

کوئٹہ 20 نومبر: کوئٹہ ہائی کورٹ کے جج جبریل مینڈی نے کہا ہے کہ شادی کا مسئلہ ہو یا پھر کاروباری مسئلہ ہو۔ اب

ٹیپا برج سے 21 کیلو گرام  
گانجہ سمیت 2 افراد گرفتار

[illegible]

بلکہ صل ہوگا۔ پھر سے ملک میں یہ سسٹم شروع ہوا ہے۔ فی الحال کمال کے تھیں نظام سے یہ سسٹم شروع ہوگا۔ کوالٹا، کوالٹی اور جیس پرگنڈ، ان تھیں نظام میں سب سے پہلے یہ سسٹم شروع ہونے والا ہے۔ تاہم یہ لوگ عدالت اور جرنل طرز کا نہیں ہوگا۔ مقدمہ کے شروع میں عدالت دونوں فریق کو تجویز

‘মধ্যস্থতা’য় জমে থাকা  
মামলা নিষ্পত্তিতে জোর

निजय मर्यादामां  
वर्धमान

[illegible][illegible]

ସମାଜର ବିକାଶପଥ ଉପରେ  
 ଶ୍ରମରେ, ସମୁଦାୟ ଶାନ୍ତି ଓ ଶାନ୍ତି  
 ଲାଭ କରିବା ପାଇଁ କାମ କରନ୍ତୁ। ସମାଜ  
 ସୁଧାର ପାଇଁ ସମସ୍ତଙ୍କର ସହଯୋଗ  
 ଆବଶ୍ୟକ। ସମାଜର ବିକାଶ  
 ପାଇଁ ଶାନ୍ତି ଓ ଶାନ୍ତି ରଖିବା  
 ଆବଶ୍ୟକ। ସମାଜର ବିକାଶ  
 ପାଇଁ ଶାନ୍ତି ଓ ଶାନ୍ତି ରଖିବା  
 ଆବଶ୍ୟକ।

হওয়া মনোভাৱ সাধাৰণ পুৰুষৰ মন  
সিদ্ধান্তটোৱা উচিত প্ৰকাশ কৰিব।  
কোন সময়ত মানৱ প্ৰাণেৰে হ'লে, সে  
প্ৰাণেৰে বিচাৰকৰে সৈত্ৰি সিদ্ধান্ত  
নিত হ'লে হ'লেও জননে হ'লি।  
অন্তৰ প্ৰাণৰ, বিচাৰকৰ নিশ্চয়ত  
অন্তৰপ্ৰাণৰ আধুনিক পুৰুষৰ প্ৰাণ।  
সৈত্ৰি হ'লে পুৰুষৰ প্ৰাণৰ অন্তৰ  
হ'লে।

[illegible]



# Focus on mediation to reduce pending cases

Debasish Konar  
@timesgroup.com

**Kolkata:** With an aim to reduce the number of pending cases, Calcutta High Court is promoting out-of-court settlement through mediation. It brought in experts from the US between November 15 and 19 and held workshops for creating awareness among judges, lawyers and mediators.



In the workshop held for judges at the Calcutta HC on Monday, Chief Justice TB Nair

## THE WIN-WIN WAY

► **Mediation process:** Courts refer a case to a mediator who helps litigants to settle the dispute without spending money

► **Cases referred by HC for mediation between January and October:** 39

► **Cases Settled:** 2

► **Districts with good performance in settlement through mediation:** Burdwan, Malda, Bankura, E Midnapore

► **Matrimonial disputes** are given preference for mediation

► **Commercial cases** are now also considered for mediation

Radhakrishnan had pointed out the need for mediation as an important tool for solving disputes. Workshops were also held at Alipore and Barasat courts. At the Alipore court workshop, some litigants who had got help from mediators

were also present at the initiative district judge Rai Chattopadhyay

**Justice Harish Tandon**, president of mediation and conciliation committee of Calcutta High Court, said on Wednesday that the aim of the

workshops was to make mediation popular and reduce the number of pending cases. He said the experts have suggested several initiatives to make reforms in the mediation process. "Mediation is a win-win situation for both the parties," Justice Tandon said.

Victor Schacter, president, foundation for sustainable role of law initiatives, said they discussed ways to improve the mediation system and give quick relief to litigants. "There is a myth that in mediation, the lawyers will lose money. But it is not." Mediation expert Laila Ollapally said mediation can be effective if cases can be solved within 60 days.

Times of India 21.11.2019

## জমে থাকা মামলার নিষ্পত্তিতে 'মধ্যস্থতা'র ভাবনা

নিজস্ব সংবাদদাতা

পশ্চিমবঙ্গের জমে থাকা মামলার দ্রুত নিষ্পত্তি করতে 'মধ্যস্থতা' (মিডিয়েশন) পদ্ধতির পাশে হাইকোর্ট রাইসে কলকাতার হাইকোর্ট। সুপ্রিম হাইকোর্টের বিচারপতি হরিশ টান্ডন জানান, দুই ২৪ শতাংশ এবং কলকাতার এই প্রক্রিয়া শুরু হয়েছে। এ নিয়ে তিনটি জেলার কর্মশালাও হয়েছে।

সূত্রের খবর, শুধু কলকাতার হাইকোর্টেই জমে থাকা মামলার সংখ্যা প্রায় ২ লাখ ৩০ হাজার। এর পাঁচের প্রায় দুই লাখ মামলা হয়ে থাকে। তার মধ্যে বাকিগুলিও নিয়ে সেরাভাবে সে সব মামলা হয়েছে, সেগুলির দ্রুত নিষ্পত্তি করতে উদ্যোগী হচ্ছেন কর্তৃপক্ষ। বিচারপতি টান্ডন জানান, এখন হাইকোর্ট এবং নিম্ন আদালতগুলিতে প্রচলিত মধ্যস্থতা প্রক্রিয়ার 'প্যানেল' তৈরি হয়েছে। মধ্যস্থতা কেন্দ্র গড়ে তোলা হয়েছে প্রায় সব জেলায়।

মাদ্রাসী সিনে প্রায়ের দিকে লক্ষ্য করে 'মধ্যস্থতা' নিয়ে আরও কর্মশালা হবে বলে এ সিনে জানান বিচারপতি টান্ডন। কীভাবে বিচারপ্রার্থীরা আদালতে যাওয়ার আগেই বিবাদের নিষ্পত্তি করতে পারবেন, মামলা চালাকারীরা বা কীভাবে বিবাদ মেটাতে পারবেন, তার বিস্তারিত উদাহরণ করে একটি 'গাইড' প্রস্তুত রাখার পরিকল্পনা হয়েছে বলে বিচারপতি জানান।



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মুম্বাই নির্বাণী প্রায়ের দিকে লক্ষ্য করে 'মধ্যস্থতা' (মিডিয়েশন) পদ্ধতির পাশে হাইকোর্ট রাইসে কলকাতার হাইকোর্ট। সুপ্রিম হাইকোর্টের বিচারপতি হরিশ টান্ডন জানান, দুই ২৪ শতাংশ এবং কলকাতার এই প্রক্রিয়া শুরু হয়েছে। এ নিয়ে তিনটি জেলার কর্মশালাও হয়েছে।

## মামলার পাহাড় কমাতে মিডিয়েশনে গতি বাড়াতে চায় হাইকোর্ট

নিজস্ব প্রতিনিউ- মামলার পাহাড় কমাতে সুপ্রিম কোর্টের নির্দেশে মিডিয়েশন পদ্ধতি বাড়তে চায় কলকাতার হাইকোর্ট কর্তৃপক্ষ। ইতিমধ্যেই গত ১৫ এবং ১৮ নভেম্বর মিডিয়েশন নিয়ে আইনজীবীদের সাথে কর্মশালা হয়েছে জিলাদ/জিলাদগিরে। সুপ্রিম দুই ২৪ শতাংশ এবং কলকাতার এলাকার আইনজীবীদের নিয়ে এই কর্ম শালা হয়েছে। সুপ্রিম বিবেকে কলকাতার হাইকোর্টের নত ভরনে এক সাংবাদিক সন্মেলনের মাধ্যমে মিডিয়েশন কমিটির সভাপতি তথা কলকাতা হাইকোর্টের জিলাদগির হরিশ টান্ডন মিডিয়েশনের প্রতিশ্রুতি সহ মূল সভা নিয়ে বিস্তারিত তথ্য প্রদান করেন। তিনি কলকাতা হাইকোর্টের রেজিস্ট্রার জেনারেল (অফিসিয়াল সাইট) তথা মিডিয়েশন কমিটির মেম্বর সেলেক্টেড অফিসার বন মন্ডল। মিডিয়েশনের মাধ্যমে দ্রুত নৈতিক, দেওয়ানী এবং বারিষিক মামলাগুলি দ্রুত নিষ্পত্তি হবে। এই আইনি প্রক্রিয়া গত ২০১৬ সালে উদ্যোগ নেওয়া

হাসলও গতি ছিল মধ্য। আই মন্ডল আদালত থেকে জেলা আদালত সর্বপ্রথম কলকাতার হাইকোর্টের আওতাধীন বৈধিক, দেওয়ানী এবং বারিষিক (অফিসি অফিসিয়াল সাইট) মামলাগুলি মিডিয়েশনের মাধ্যমে দ্রুত নিষ্পত্তি করেন সর্বপ্রথম মামলার বিবেকে। আদালত সূত্রে প্রকাশ, বিভিন্ন নিম্ন আদালতে আইনি পরিষেবা কেন্দ্রের ঘরে মিডিয়েশন (আদালত নিযুক্ত আইনজীবী) সার্ভিসেসিং এর মাধ্যমে স্বাধী এবং বিদ্যাবী পক্ষের নিয়ে মামলা নিষ্পত্তি করার অনুরোধ সর্বপ্রথম এলাদগিরে জিলাদগিরে কাছে পিটিশনের মাধ্যমে নিম্নের। রাতে মামলা নিষ্পত্তি খসে। উদ্যোগ, মিডিয়েশনের টার চালিশ দ্বারা এই বিষয়ে প্রিন্সে নিয়ে এই আইনি প্রক্রিয়ার দ্রুত হয়েছে। এই আইনি প্রক্রিয়ার জন্য স্বাধী বিদ্যা বিদ্যাবীকে কেন কি লাগে। মুম্বাই বিবেকে মিডিয়েশনে গতি বাড়তে কলকাতার হাইকোর্টের জিলাদগির হরিশ টান্ডন এই বিষয়ে সাংবাদিক সন্মেলন করেন।

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2.	DLSA, Bankura	ADR Centre, Bankura, District Judge's Court Compound, Bankura, Dist. - Bankura, Pin - 722101	03242-254593 8584859845 dlsabankura@gmail.com
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5.	DLSA, Burdwan (Purba)	ADR Centre, Purba Burdwan, District Judge's Court Compound, Burdwan, Dist. - Burdwan, Pin - 713101	0342-2665670 8584859837 dlsaburdwan2014@gmail.com
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12.	DLSA, Kolkata	ADR Centre, Kolkata, City Civil Court Building (8th Floor) Kolkata - 700001	033-2248-1828 8584859841 dlsakolkata2015@gmail.com
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16.	DLSA, North 24 Parganas	ADR Centre, North 24 Parganas, Zilla Adalat Bhawan, P.O. - Barasat, Dist. - North 24 Parganas, Pin - 700124	033-2552-6987 8584859833 dlsanorth24pgns@gmail.com
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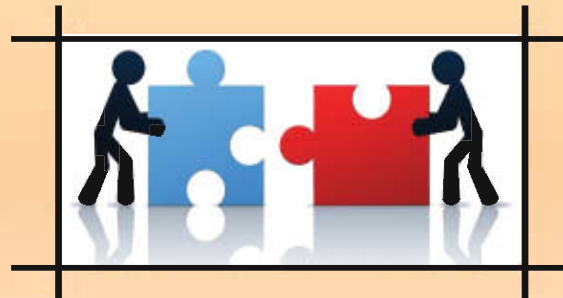


# Mediation NEWSLETTER

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*"The most important thing in communication  
is to hear what isn't being said"*  
.....Peter Ferdinand Drucker



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