

Madhya Pradesh Community Mediation Programme

1. Object: Community mediation is a mechanism promoted and implemented jointly by Madhya Pradesh State Legal Services Authority and Main Mediation Monitoring Committee to provide for mediation and settlement of conflicts in society at grass root level using the volunteers sponsored by social groups and trained by MP SLSA.

In every society there may be conflict between individuals and groups. Citizens may not be aware of the resources within themselves to resolve the conflict. Trained volunteers can assist the disputing parties in arriving at a mutually acceptable solution to their dispute. By settling the conflict at grass root level at the beginning of the conflict itself harmony and peace in society can be maintained. Community mediation programme is designed to achieve this objective.

2. Definition. - In these rules, unless the context otherwise requires:-

- (a) 'CMV' means Community Mediation Volunteers
- (b) 'CMC' means the Community Mediation Centres
- (c) 'DLSA' means the District Legal Services Authority
- (d) 'MMMC' means the Main Mediation Monitoring Committee
- (e) 'Nodal Officer' means the Secretary of the DLSA concerned and in event of non- availability means the District Legal Aid Officer
- (f) 'PLP' means Pre Litigation Petition
- (g) 'SLSA' means the State Legal Services Authority
- (h) 'SSO' means the Sponsoring Social Organization

3. Sponsoring Social Organization (SSO)

Different social, religious, cultural groups and organizations like NSS, SNDP, Muslim, Christian Parsis, Residence Associations, Flat owners society, etc. can nominate persons to Potential Trainers at MP SLSA to act as Community Mediation Volunteers. They will be imparted with 20 hours training by MMMC as to the techniques and skills in mediation. On completion of the training they will function as Community Mediation Volunteers, preferable in the Community Mediation Centre run by the SSO.

4. Community Mediation Volunteers (CMVs)

They are persons nominated by SSO to be trained by MP SLSA and to work as Community Mediation Volunteers under the auspices of the SSOs.

5. Qualification of Community Mediation Volunteers (CMVs)

1. Persons aged above 25
2. Preferably graduates.
3. Having good reputation in society and interested in social well being and have no criminal antecedent be nominated for training by SSOs.

6. Training

The CMVs will be imparted with 20 hours training by MP SLSA. The volunteers will be taught of basic concept, theories and practice of mediation to enable them to act as Community Mediation Volunteers.

7. Community Mediation Centre (CMC)

The SSOs may establish, at their own expense. Community Mediation Centres to facilitate community mediation. Each CMC shall have sufficient enclosed space to conduct interactive session by the CMV with the parties. Similarly the SSO shall provide necessary facilities such as furniture, drinking water etc at CMC.

8. Role of CMVs

1. The MP SLSA trained CMVs may be deputed by the Community Mediation Centre in the SSO. Any individual or group who has any sort of conflict can approach the CMC. The CMV at the Centre shall secure presence of the opposite side, mediate the conflict and try to resolve the conflict in a mutually acceptable manner to both sides; a settlement agreement, if necessary, also can be executed. Likewise, CMVs can sou moto, on getting information about conflict between individuals, groups or organizations, initiate mediation by approaching the parties in conflict.
2. CMVs shall not be the representative of MP SLSA, MMMC, DLSA but they shall be volunteers of SSO only. No honorarium shall be paid to CMVs by MP SLSA/DLSA. They shall not project themselves as representative of MP SLSA/DLSA, They shall mediate the matter purely as volunteers of SSO, within their community.

9. Community Mediation Settlement, if remains for execution

As far as possible CMVs shall try to settle the conflict completely without leaving anything for execution. If anything requires execution, either party can file a PLP before DLSA- it is to be referred to the Lok Adalat – an award is to be passed in terms of the settlement agreement which can be executed.

10. Role of DLSA vis-à-vis CMVs (protocol)

1. CMVs shall never be the representatives of DLSA. They shall be the volunteers of SSO only.
2. CMVs shall not be paid with any honorarium by DLSA. They shall not project themselves as representatives of DLSA.
3. If CMVs require assistance of mediators of DLSA, they shall contact the Nodal Officer who will direct them to the Centre Coordinator who will provide assistance of any of the mediator in that centre.

11. Confidentiality of Community Mediation Process

1. CMV having personal interest shall not act as mediator in the conflict. If interested in the conflict the CMV must disclose at the outset.
2. Parties shall not call the CMV who mediated in a conflict as witness in any judicial proceeding arising out of the conflict which was mediated by the CMV.
3. CMVs shall always keep confidential the information received from the parties.

12. Removal of CMVs

1. CMVs shall always be the Volunteers of SSO rendering voluntary service to the SSO.
2. In case of any unbecoming conduct of CMV the SSO shall remove him/her from the panel of CMVs. Being elders and responsible persons in society CMVs shall always conduct themselves as wise and prudent men.
3. MP SLSA/MMMC, DLSA shall never be responsible for the conduct of CMVs.

13. Implementation of the Programme

The Community Mediation Programme shall be implemented in each district by the DLSA & MP SLSA will provide trainers to impart training to CMVs. On completion of training the SSO will open, at its expense, CMCs at various places where the CMVs to work as volunteers. DLSA will supervise the opening of CMC by SSOs and shall monitor the successful running of the programme.

(Giribala Singh)
Member-Secretary