

Mediation Clinic Scheme

1. At every District Court Mediation Centre, there should be a Mediation Clinic to cater to the prospective litigants visiting the office of Legal Services Authority for legal assistance.
2. Mediation Clinic should be located in the premises of ADR Centre/DLSA office. The office expenses of the Mediation Clinic will be borne from the funds of Legal Services Authority earmarked for legal awareness and settlement of pre-litigation disputes.
3. The Mediation Clinic shall strictly observe that matters referred by Court for mediation will not be processed in the Mediation Clinic. Those cases must be processed only by the Court Annexed Mediation Centre.
4. The Principal District Judge and Co-ordinator of concerned District Mediation Monitoring Committee shall monitor the work of Mediation Clinic.
5. Principal District Judge should depute one clerk from District Court establishment to look after all the clerical work of Mediation Clinic. The said clerk must work at District Mediation Centre and Mediation Clinic on full time basis.
6. Schedule of visits of Mediator(s) on the panel of District Mediation Centre must be prepared by the Co-ordinator in consultation with the concerned empanelled Mediator who is willing to remain in attendance in the Mediation Clinic during the court working hours to attend to the prospective litigant visiting the Mediation Clinic. The number of Mediators must be commensurate with the average inflow of cases in the Mediation Clinic on a given day. However, at any given point of time, during the working hours of the Mediation Clinic, there must be at least one Mediator in attendance.
7. Records/Registers of Mediation Clinic be maintained separately, in the prescribed format appended hereto.
8. Mediators shall deal with any matters (pre-litigation or pending matters not referred by the Court for mediation) in Mediation Clinic.
9. In case of Court pending matters, if litigants approach Mediation Clinic on their own and the Mediator is of the opinion that the case is fit for mediation, he should advice the party/parties to request the concerned Court to refer their case for mediation. A separate register must be maintained in respect of Court pending matters in Form No.1 appended hereto.
10. In case of pre-litigation matters, the person desirous of taking assistance of the Mediation Clinic must submit information in writing in Form No.2 appended hereto. A separate register of pre-litigation matters must be maintained in Form No.3 appended hereto.
11. On registration of the case under respective category, the Co-ordinator, as far as possible, on the same day, must assign it to the Mediator in attendance and if that is not possible, must record reasons therefor in the register and assign the case to the Mediator in

attendance on the following working day or on such other day convenient to the party and fix the date, time and venue and inform the party accordingly. If the request is received through post, the Co-ordinator shall issue notice to the parties not later than three days from the receipt of such request informing the party about the date, time and venue when his meeting with the Mediator in the Mediation Clinic is arranged.

12. On referring pre-litigation matter to the Mediator by the Co-ordinator, Mediator should follow the settled principles of mediation and conduct the mediation process and observe the Code of Conduct for Mediation specified in Mediation Rules, 2006.
13. On settlement of pre-litigation dispute, settlement be recorded in writing and signatures of the parties concerned be obtained thereon.
14. Mediator shall then report about settlement to the Co-ordinator and advise the parties to approach the Co-ordinator for further directions.
15. Copy of settlement be kept at Mediation Clinic.
16. On receipt of settlement report, Co-ordinator should call the parties and inform them the date on which their matter will be placed before pre-litigation Lok Adalat for recording compromise. The Co-ordinator shall then send the papers to the Secretary, DLSA for keeping the said matter before pre-litigating Lok Adalat on scheduled date.
17. The Lok Adalat may then record compromise between parties and pass appropriate award contemplated u/s. 21 of Legal Services Authorities Act, 1987 or according to National Legal Services Authority (Lok Adalat) Regulation 2009 by following procedure as per law.
18. In case of non-settlement of disputes before mediator, mediator should report about failure of Mediation to the Co-ordinator.
19. Co-ordinator should take endorsement of the same in the register maintained at Mediation clinic.

[This may be part of declaration in the application to be filled in by the party]

20. No Mediator shall be held liable for anything done bonafidely or omitted to be done during mediation process.
21. No Mediator shall be summoned by any party in a court of law to testify in regard to information received by him or action taken by him in respect of drafts or records prepared by him or perused by him during the mediation process.

APPENDIX
FORM - I

Sr.No.

:-

Date

:-

Case No.

:-

Name of Court

:-

Name of Parties

:-

Approach to Clinic

:-

Name of Mediator in Attendance :-

Remarks

:-

FORM II

Name

:-

Age

:-

Address

:-

Contact No.

:-

Nature of Dispute

:-

Name of Adverse Party

:-

Date

Signature

Official Use

Name of Mediator in attendance

:-

Next date for attendance of Parties

:-

Co-ordinator

FORM NO. III

Sr.No. :-

Date :-

Name of Parties :-

Approach to Clinic :-

Name of Adverse Party :-

Nature of Dispute :-

Name of Mediator in Attendance :-

Remarks :-