OFFICE OF THE JUDGE IN- CHARGE, MEDIATION CENTRE
SAKET COURTS, NEW DELHI

CIRCULAR

In compliance of the directions of Hon'ble High Court of Delhi, the Mediation Centre, Saket Courts, Delhi is functioning through Video Conferencing in accordance with the Uniform Draft Protocol approved by the Hon'ble Monitoring Committee to Oversee the functioning of all the Medication Centres in Delhi.

The Judicial Officers posted in South & South East Districts are requested to inform the concept and benefits of Mediation to the parties during the Virtual / Physical hearing of cases and refer suitable cases for mediation through Video Conferencing by getting the necessary details of the parties and their Counsel filled up in FORM – B which shall be forwarded at **virtualmediationskt@gmail.com.**

The Pre- institution Commercial cases may be forwarded for Mediation through Video Conferencing by the District Legal Service Authority, South & South East Districts, by attaching soft copy of application moved by the applicant with duly completed FORM -B, at the aforesaid e-mail address.

The Settlement / report of Mediation shall be forwarded on the email to the Ld. Referral Courts.

This issued with the approval of Ld. District & Sessions Judges (S) & (SE).

(SAVITA RAO)
Judge In-charge, Mediation Centre
Saket Court Complex
Saket, New Delhi

No. _____/SR/MC/SKT Dated :- _____

Copy forwarded for information and necessary action to :-

1. Ld. District & Sessions Judge (South), Saket Courts, New Delhi
2. Ld. District & Sessions Judge (South- East), Saket Courts, New Delhi
3. Ld. Principal Judge, Family Court (South), Saket Courts,New Delhi.
4. Ld. Principal Judge, Family Court (South -East), Saket Courts, New Delhi
5. All the Ld. Judicial officers posted in South & South East Districts Saket Courts, New Delhi.
6. The Secretary, South District Legal Service Authority, Saket Courts, New Delhi.
7. The Secretary, South-East District Legal Service Authority, Saket Courts, New Delhi
8. The President/ Secretary, Saket Bar Association, Saket Court Complex, Saket, New Delhi.
9. Branch In-Charge, Computer Branch, Saket Court Complex, Saket, New Delhi for upload the circular immediately on the website of South & South East District, Saket Courts, New Delhi
10. Guard File.

(SAVITA RAO)
Judge In-charge, Mediation Centre
Saket Court Complex
Saket, New Delhi

Uniform draft Protocol to be followed by all the District Mediation Centres in Delhi for conducting Mediation proceedings through Video Conferencing.

1. The Mediation Centres shall conduct mediation proceedings through Video Conferencing by using approved Cisco Webex Meetings software only (or other/further app/software as may be approved by Hon'ble High Court) in matters wherein all the referred parties agree for it.
2. All other matters where such one or more referred party/ies do not agree for mediation through Video Conferencing, shall be taken up only by way of physical mediation after lifting of the lockdown, by observing social distancing norms and other precautions for the safety of all the stake holders.

Obtaining consent for Mediation in Pending cases:-

3. The officials of Mediation Centres shall contact the parties and their counsels at their telephone numbers available on the referral forms in pending matters for informing them about the availability of mediation facility through video conferencing and obtaining their consent/willingness for participating in the same.
4. On both sides and their Advocates, if any, exhibiting willingness for participating in mediation through VC, their further details such as e-mail addresses and convenient date & time for mediation may be taken down by the concerned official in **Form A** (enclosed)and inform the Judge In-charge.

Mediation Referrals in fresh cases:-

5. Where the parties express their willingness to go for mediation through Video Conferencing in a matter being virtually heard by the court , the Reader/Steno of the court will obtain the consent of parties and their Counsels and details in **Form B** (enclosed)viz. Names, mobile numbers and e-mail addresses and convenient date & time for mediation and put his/her own signatures with employee code.
6. The concerned court official shall thereafter scan the completed **Form B** and forward it at dedicated e-mail ID of the concerned District Mediation Centre.

e-mail ID	Court Complex	Judicial Districts
virtualmediationthc@gmail.com	Tis Hazari Court	Central & West
virtualmediationkkd@gmail.com	Karkardooma Court	East, North-East & Shahdra
virtualmediationskt@gmail.com	Saket Court	South & South-East
virtualmediationdwk@gmail.com	Dwarka Court	South-West
virtualmediationrhn@gmail.com	Rohini Court	North-West & North
virtualmediationphc@gmail.com	Patiala House Court	New Delhi

7. Where the parties being physically heard by the Court, express their willingness for mediation through video conferencing, **Form B** shall be got filled and signed by them which shall be authenticated by the Referral Judge by putting his signatures. The Reader/Steno of the court shall forward its scanned copy at the dedicated e-mail of the concerned District Mediation Centre.

8. The Official/s of the District Mediation Centre who may be deputed by the Judge In-charge shall check the dedicated e-mail of the Mediation Centre from time to time and intimate the Judge In-charge about referral/s received from Court/s.

Proceeding for Mediation:-

9. The Judge In-charge shall then assign the matter/s (fresh referrals as well as pending matters) to a Mediator who is available on the date & time for which parties have consented, and taking into account his/her aptitude, experience and suitability in respect of the case/s.

10. An official of the District Mediation Centre, as may be specified by the Judge In-charge, shall schedule the mediation meeting by video conferencing for the agreed date and time and forward the link of meeting, meeting number & password to the Mediator, Parties and their Advocates on their respective e-mail Ids as well on their mobile number.

11. The meeting link shall contain the following instructions/agenda (with or without variations and such other instructions as may be deemed essential) for the participants:-

(i) *The Video Conferencing meeting is time bound. The participants are requested to observe punctuality.*

(ii) *The participants should be soberly dressed to maintain the dignity of process.*

(iii) *Participants joining the meeting in representative capacity shall forward a copy of their authorization through email at virtualmediation @gmail.com under the subject case title, before the start of session.*

(iv) *Mediation is a confidential process. Recording of mediation proceedings by any means is prohibited. Violation by anyone may entail consequences.*

(v) *Choose a quiet & secure place for the meeting to ensure privacy and avoid unnecessary interference.*

(vi) *Use of headphones is recommended for better audio quality.*

12. The concerned official of the Mediation Centre shall start the meeting at the appointed hour and after ensuring that all concerned have joined the Meeting, introduce himself and also introduce the Mediator to the parties. Thereafter he shall make the Mediator 'host of the meeting' and himself leave the virtual room.

13. The Mediator shall then be the master of the proceedings and shall conduct mediation strictly as per the Mediation & Conciliation Rules framed by the Hon'ble High Court. He may also assist in overcoming technical glitches, if any, being faced by the participants and ensure that they are visible and audible to others.

14. The Mediator can hold joint and single sessions with the parties. For the purpose of holding single sessions, he can request a party to wait in 'lobby' about which the parties shall be informed at the beginning of the session.

15. The Mediator shall ensure that nobody is sent to 'lobby' for a long time without being told so in advance, lest the party in 'lobby' becomes restless and lose interest in the proceedings and end up leaving the meeting, thereby frustrating the very purpose of mediation.

16. Parties desirous of showing/producing some documents can either send them through e-mail or by sharing their screen with the Mediator and the other side.

17. Where the discussions between parties remain inconclusive and the matter is deferred for further deliberations, the meeting for agreed date and time be scheduled by the official of Mediation Centre in the same manner.

Settlement writing & signing:-

18. On the parties arriving at a settlement pursuant to mediation through Video Conferencing, the Mediator shall orally narrate the agreed terms to them for their confirmation and keep the matter after some time or another day for getting the settlement drafted.

19. The Mediator shall thereafter dictate the settlement to the Stenographer of the Mediation Centre, over telephone who shall prepare it to the satisfaction of the Mediator and screen share it with the parties.

20. After seeking affirmation of the parties by incorporating the changes as may be mutually agreed upon by the parties, the settlement shall be ready for ratification.

20A. The mediator (host) shall re-admit the authorised official of the mediation centre to the video conferencing meeting and make him the'host'who shall'record'the proceedings and in these proceedings both the parties shall make a statement that they have heard and understood the settlement and agree to it and will appear before the referral court.

20B. The ratified settlement and a copy of the recorded verbal confirmation/ statements of parties shall be sent to the referral court for full/part disposal of the case.

21. Settlement can also be got signed digitally, if the facility is available with the parties and concerned Advocates. Other modes of signing settlements shall be adopted on being approved by Hon'ble High Court of Delhi.

Forwarding the settlement/not settled report to the Referral Court:-

22. The settlement or where the parties could not reach any consensus, not- settled report shall be sent to the Referral Court in physical form, if the Court is found to be physically functional, otherwise a scanned copy shall be sent through e-mail, for the date and time mutually decided by the parties.

Residuary:-

23. If any roadblock is felt for conducting mediations through video conferencing, or interpretation of these Protocols is required, the same shall be resolved by the Judge in Charge of the Mediation Centre.

Pre-Steps for commencing Mediation through Video Conferencing :-

1. In order to conduct effective mediation through video conferencing, the staff of mediation centres and the mediators in separate groups are being imparted online training of Cisco Webex Meetings software by the computer branch

2. Initially the mediation work shall be assigned to the mediators who are well versed with video conferencing software. The advocate trainers shall be assisting the other mediators through online program, in briefing them the nuances of online mediation and precautions/safeguards to be taken.

3. To enable the mediators gain confidence and experience initially 'single relief matters' viz. Money Recovery cases, IPR cases & Criminal complaints under S.138 NI Act, Pre-Institution Commercial cases, Injunction simplicitor suits shall be carved out of pending cases. Gradually other categories of pending cases shall also be taken up for mediation

4. Since social distancing norms are likely to continue even after lifting of lockdown, the district mediation centres require adequate number (4 each to begin with) of necessary hardware, software and internet bandwidth for conducting mediation through video conferencing in a seamless manner.

***

DELHI MEDIATION CENTRE,
TIS HAZARI COURTS,
DELHI

Case No._____ **N.D.O.H**_____

Name of Referral Court/Authority:_____

Title of Case:-_____

Nature of Case:-_____

(FORM-B)

(To be filled at the time of Referral)

We do hereby convey out consent for participating in Mediation through Video Conferencing on_____(date) at_____am/pm (time). We will install the necessary software/app in our Computer/Mobile Phone for the purpose of Video Conferencing.

_____(FIRST PARTY)

1. Name:-_____
2. Mobile No._____
3. Email id_____

_____(SECOND PARTY)

1. Name:-_____
2. Mobile No._____
3. Email id_____

_____

ADVOCATE OF FIRST PARTY

1. Name:-_____
2. Mobile No._____
3. Email id_____

_____

ADVOCATE OF SECOND PARTY

1. Name:-_____
2. Mobile No._____
3. Email id_____

Signature of the Referral Court/
Reader/Steno of the Referral Court

_____