

Mediation is a voluntary, party-centric, negotiation process where a neutral, third person, known as a 'Mediator', assists the parties in resolving their disputes using specialised communication and negotiation methods. The parties themselves decide if they want to settle and the terms of settlement; the decision is not of the mediator. Once the terms of settlement are agreed and signed by the parties and mediator, they are binding & enforceable like a Court Order. Mediation is not bound by rules of evidence or procedure. The discussions are confidential, without prejudice and cannot be used in courts.

The parties can always go back to Courts or Arbitrator if there is no settlement in Mediation.

WHY CHOOSE MEDIATION ?

- Fast, easy & efficient resolution of disputes within a fixed timeline
- Cost effective compared to court or arbitration
- Flexible and informal as not bound by rules of evidence or procedure
- Confidentiality of discussions in mediation
- Improves and mends on-going relationships
- Can be held virtually or physically
- Opportunity to negotiate agreed terms
- Offers discussed are without prejudice
- Voluntary settlement by parties
- Option of going back to Court or for arbitration if mediation does not result in settlement
- Settlement before a Mediator is binding and enforceable in law like a Decree/Award.
- Avoids litigation stress and is win-win for all
- It is supported by Courts and Judges

STEP-WISE PROCESS OF MEDIATION

Step 1:

At the request of parties, Court can refer the matter for Mediation. The mediator meets all the parties to the disputes in a joint, opening session and explains the process of mediation, including its voluntary & confidential nature, that the terms of agreement cannot be imposed upon parties by him, but once terms are agreed and signed, it is legally binding upon parties. The parties share in brief their perceived reason for the disputes.

Step 2:

The mediator thereafter usually sits in single session with each party to avoid direct conflict. Mediator actively listens in detail to understand the underlying interests and concerns of parties and explore options for settlement. Separate single session is also a face-saving mechanism as offers are not made directly so can be altered by the party.

Step 3:

Mediator conveys the perspectives and offer of one party to the other, rephrases any harsh words, guides parties to develop fresh options keeping both the parties' interests in mind and avoids a stalemate.

Step 4:

When an oral agreement is reached between parties to their satisfaction & in accordance with law, the Mediator put in the settlement in writing & it is signed by the parties and mediator so it is legally binding and enforceable.

Who can go for Mediation

Any person, company or group seeking to avoid or end disputes/possible disputes relating but not limited to:

- Commercial disputes
- Consumer disputes.
- Matrimonial or family conflicts
- Contract works and payments
- Broadcasting & Telecom disputes
- Employment, or workplace disputes
- Cheque return
- Tenancy or property disputes
- Certain criminal disputes etc.

Where, When & How to go for Mediation:

- **Where:** Supreme Court Mediation Centre annexed to the Court OR to another Mediation Institute or Mediator, as directed by the Court.
- **When & How:**
During pendency of litigation – Parties in litigation before a Court or an Arbitrator can, at any stage, agree to go for mediation and request the Court to send matter for mediation to the court annexed mediation centre or any other mediation institute or a reputed mediator.

Supreme Court Mediation & Conciliation Project Committee (MCPC)
B-Block, New Additional Building Complex,
Supreme Court of India, New Delhi- 110001