

STATUS REPORT

ON MEDIATION IN THE STATE OF JHARKHAND



Prepared by
Jharkhand State Legal Services Authority
on the occasion of
National Consultation on Challenges in Mediation
and Way Forward

This Report is also available on official website of JHALSA "www.jhalsa.org"



Hon'ble Mr. Justice T.S. Thakur
Chief Justice of India cum Patron-in-Chief, NALSA



Hon'ble Mr. Justice Anil R. Dave
Judge, Supreme Court of India & Executive Chairman, NALSA



Hon'ble Mr. Justice J.S. Khehar
Judge, Supreme Court of India &
Chairman, MCPC



Hon'ble Mr. Justice Dipak Misra
Judge, Supreme Court of India



Hon'ble Mr. Justice M.B. Lokur
Judge, Supreme Court of India &
Member, MCPC

MEDIATION IN JHARKHAND AT A GLANCE

Mediation Data (July - August, 2016)

Month	Name of the State/District	Success Rate
July, 2016	Jharkhand High Court Mediation Centre	75%
August, 2016	Jharkhand High Court Mediation Centre	74%
August, 2016	Jamshedpur	72.34%
July, 2016	Jamshedpur	71.42%
August, 2016	Ranchi	71.30%
July, 2016	Ranchi	64%
August, 2016	State of Jharkhand	58%
July, 2016	State of Jharkhand	56%

Comprehensive Report for the month of from the month of January, 2016 to August, 2016 on the basis of the details related to Mediation cases received from all DLSAs and Jharkhand High Court Mediation Centre

No. of Mediation Centres	Settled (a)	Unsettled (b)	Non-Starters (c)	% of Success [a / (a+b+c)-c] x 100
Sahibganj	33	8	75	80.48%
Chaibasa	29	9	14	76.31%
Godda	85	40	51	68%
Giridih	86	47	37	64.66%
Ranchi	496	284	166	64% (Approx)
Jamshedpur	233	135	92	63.31%
Seraikella	17	10	18	63% (Approx)
Gumla	25	15	3	62.5%
Chatra	25	27	16	48.07%
Simdega	13	15	5	46.42%
Deoghar	137	165	40	45.36%
Lohardagga	33	40	59	45.20%
Bokaro	173	212	162	45% (Approx)
Koderma	29	36	21	45% (Approx)
Hazaribagh	66	85	87	44% (Approx)
Palamau	83	126	43	40% (Approx)
Dumka	57	87	41	39.58%
Khunti	10	16	1	38.46%
Dhanbad	125	208	217	37.53%
Latehar	14	24	5	37% (Approx)
Pakur	39	67	16	37% (Approx)

Garhwa	109	206	48	34.60%
Jamtara	8	19	7	29.62%
Total	1925	1881	1224	51% (Approx)

	Settled (a)	Unsettled (b)	Non-Starters (c)	% of Success [a / (a+b+c)-c] x 100
Jharkhand High Court Mediation Centre	94	46	30	67.14

Mediation Data from January 2016 to August, 2016

State of Jharkhand Success Rate - **51% (Approx)**

Jharkhand High Court Mediation Centre Success Rate - **67.14%**

Mediation Data from 2015

State of Jharkhand Success Rate - **45%**

Jharkhand High Court Mediation Centre Success Rate - **52%**

Mediation data for Experts, Professionals, Retired Senior Bureaucrats and Retired Senior Executive till 31.08.2016

SI. No.	Name of the Participants	No. of cases allotted	Cases Settled	Cases Unsettled	% of Success
1	Dr. Ashok Kumar Singh	6	3	1	75%
2	Dr. Prakash Chandra Oraon	9	4	2	66.66%
3	Ms. Jahan Ara	8	3	3	50%
4	Sri P.C. Tripathi	9	2	4	33.33%
5	Sri Pancha Nan Singh	53	21	13	61.76%
6	Sri Ram Pravesh Singh	45	16	13	55.17%
7	Sri Girish Malhotra	34	15	8	65.21%
8	Sri Apurva Mohan	4	2	2	50%
9	Dr. Rashmi	32	14	6	70%
10	Sri Suman Kumar Shrivastava	46	20	9	69%
11	Dr. Kaptan Singh Sengar	9	6	3	66.66%
12	Dr. Subodh K. Sinha	8	3	5	37.5%
13	Sri Ashok Kumar Saboo	14	5	1	83.33%
14	Dr. Hemlata S. Mohan	21	13	6	68.42%
15	Sri N. Muralidharan	19	2	7	22.22%
16	Sri Prem Chand Tiwary	39	13	6	68.42%
17	Dr. Jaya Moitra	3	1	2	33.33%
18	Smt. Meena Kumari	29	9	11	45%

NATIONAL CONSULTATION ON CHALLENGES IN MEDIATION AND WAY FORWARD

Programme

10.00 AM	:	Lighting of Lamp
10.05 AM	:	Presentation of Potted Plants
10.10 AM	:	Welcome Address by Hon'ble Mr. Justice Anil R. Dave , Judge, Supreme Court of India & Executive Chairman, NALSA
10.20 AM	:	Special Address by: Hon'ble Mr. Justice Dipak Misra , Judge, Supreme Court of India
10.30 AM	:	Keynote Address by Shri Ravi Shankar Prasad , Hon'ble Minister for Law & Justice and Electronics and Information Technology
10.45 AM	:	Launch of NALSA Website and Web Portal
11.00 AM	:	Presentation and Release of NALSA Theme Song
11.10 AM	:	Inaugural Address by Hon'ble Mr. Justice T.S. Thakur , Chief Justice of India & Patron-in-Chief, NALSA
11.25 AM	:	Vote of Thanks by Hon'ble Mr. Justice Madan B. Lokur , Judge, Supreme Court of India
11.30 AM	:	High Tea

12.00 Noon to 1.15 PM	:	<p>Session-I:</p> <p>Chair : Hon'ble Mr. Justice Anil R.Dave</p> <p>Co-Chair: Hon'ble Mr. Justice Madan B.Lokur</p> <p>To discuss the requirement and availability of funds for Mediation in various States, including honorarium to the mediators in the District Courts.</p>
1.15 PM to 2.00 PM	:	Lunch
2.00 PM to 2.45 PM	:	<p>Session-II:</p> <p>Chair:</p> <p>Co-Chair: Hon'ble Mr. Justice Madan B.Lokur</p> <p>Hon'ble Dr. Justice D.Y.Chandrachud</p> <p>To discuss training of Judicial Officers as Mediators for District Courts.</p>
2.45 PM to 3.30 PM	:	<p>Session-III:</p> <p>Chair:</p> <p>Co-Chair: Hon'ble Mr. Justice Madan B.Lokur</p> <p>Hon'ble Mr. Justice A.M.Khanwilkar</p> <p>To discuss the working and management of Mediation Centres.</p>
3.30 PM to 4.00 PM	:	Tea Break
4.00 PM to 4.45 PM	:	<p>Session-IV</p> <p>Chair:</p> <p>Co-Chair: Hon'ble Mr. Justice Madan B.Lokur</p> <p>Hon'ble Mr. Justice A.K.Sikri</p> <p>To discuss how to increase referrals to mediation and giving appropriate units to Judicial Officers for every case that is successfully settled through mediation.</p> <p>To discuss the participation of State Judicial Academies in conducting awareness and referral judges training programmes.</p>
4.45 PM to 5.15 PM	:	Concluding Remarks

NATIONAL CONSULTATION ON CHALLENGES IN MEDIATION AND WAY FORWARD

Venue: Kothari Stadium, DRDO, New Delhi

Date 1-10-16

**Session –I
12:00 PM to 1:15 PM**

Issue : To discuss the requirement and availability of funds for mediation in various states, including honorarium to the mediators in the District Courts.

Status in the State of Jharkhand:

- The Honorarium to mediators are given @ fixed by Hon'ble MCPC i.e Rs.2000 for successful mediation at district courts and Rs.500 for unsuccessful mediation. Rs.3000/- for successful mediation at High Court level and Rs. 500 for unsuccessful mediation.
- The Mediation fee is given from out of the fund allotted by Govt of Jharkhand.
- The allotment and expenditure chart is as follows Allotment made by Govt. of Jharkhand for Mediation Fees to the Mediators (2014, 2015 and 2016-17)

	Allotment	Expenditure
2014	60,00,000/-	28,99,025/-
2015	50,00,000/-	25,38,400/-
2016	1,00,00,000/-	

(the allotment letter is in the appendix - 1, 1A and 1B)

**Session-II
2:00 Pm to 2:45 PM**

Issue : To discuss training of judicial officers as mediators for district courts.

Status in the State of Jharkhand :

- There are 112 judicial officer mediators trained by MCPC
- There are 187 advocate mediators trained by MCPC
- There are 20 expert mediators (Retd IAS, IPS, Doctors, Engineers, CA's and Entrepreneurs)
- Initiative: Hon'ble MCPC has been kind enough to accord sanction for 2nd batch of expert mediators in the State of Jharkhand (the letter of Hon'ble MCPC according approval for 1st and 2nd batch of expert mediators is enclosed in appendix - 2 and 2A)

Session-III
2:45 PM to 3:30 PM

Issue: To discuss the working and management of mediation centres.

Status in the State of Jharkhand:

- Secretaries of the DLSAs have been nominated to function as coordinator for their districts mediation centre in the state of Jharkhand.
- Hon'ble High Court of Jharkhand in Arbitration Appeal No.4/2014 (Steel Authority of India Ltd. Vs M/s Goel Roadways, Kolkata), author of judgment Justice D.N Patel has given the following guidelines (the order dt 12-8-16 is attached in the appendix - 3).
 - I. The name of advocates with their mobile nos. And the name of their client with their mobile no ought to be mentioned in the referral order so that the mediator/secretary, DLSA can intimate the parties to attend the mediation.
 - II. Approx 15% of the matters are non-starters .Therefore, the name detail and mobile no Of the advocate and client is necessary.

Session-IV
4:00 PM to 4:45 PM

Issue: To discuss how to increase referrals to mediation and giving appropriate units to judicial officers for every case i.e successfully settled through mediation.

Status in the State of Jharkhand:

- Jharkhand High Court vide Order No.1/R&S dt 31-1-12 has given guidelines for reference to mediation (Order attached in appendix)
- Following type of Referral Judges training have been organised for sensitizing the judicial officers and other stakeholders for increasing reference.
 - I. Pilot Mediation Programme at Ranchi and Jamshedpur
 - II. Awareness , Coaching , Referral and Mentoring Programme at Ranchi, Jamshedpur, Deoghar and Dhanbad.
 - III. One day Awareness programme on mediation
 - IV. One and Half day awareness, coaching and mentoring programme for judicial officers and other.
 - V. Three day Refresher Training Programme for Judicial officer, mediator and others. (The syllabus for one day, one and half day and three day programmes is enclosed in appendix - 4)

SUCCESS STORIES

Company Petition NO. 08/2015

M/s. Vikrant Forge Ltd., Kolkata vs. M/s Heavy Engineering Corporation Ltd., Ranchi

This highly commercial Matter was referred by the Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand vide order dt: 04/04/16 to Jharkhand High Court Mediation Centre for Mediation. The mediation was conducted by chartered accountant mediator namely Sri. A. K. Saboo. The Mediation proceeding commenced on 21/04/16 and on further dates on 3/5/16, 17/5/16, 11/6/16, 18/6/16, 4/7/16 and 16/7/16 and both parties amicably settled their dispute on following terms and conditions:

The parties agreed to settle for Rs. 21,22,794/- (Twenty One Lakhs Twenty Two Thousands and Seven Hundred Ninety Four) only in the manner specified in details herein below as full and final settlement as against the admitted outstanding dues amounting to Rs. 39,11,762/- (Thirty Nine Lakhs Eleven Thousands and Seven Hundred Sixty Two) only as on 30th June 2015 as claimed by the petitioner against the respondent in GP no. 08/2015

- Applicant M/s Vikrant Forge Ltd. received Rs.19,97,094/- (Nineteen lakh Ninety Seven Thousand and Ninety Four) only vide RTGS dated 12.05.2016 in the Account (No.20096218155) of Vikrant Forge Ltd and duly acknowledged by M/s Vikrant Forge Ltd.
- M/s Vikrant Forge Ltd. received a Cheque bearing No. 544136 dated 04.07.2016 of Rs. 57,600/- (Rupees Fifty Seven Thousand Six Hundred) only and Cheque bearing No. 544137 dated 04.07.2016 of Rs. 68,100/- (Sixty Eight thousand One Hundred) only as and final payment which applicant has duly acknowledged.
- M/s Vikrant Forge Ltd. undertook that no other payment on any account other than above will be claimed by them in future.
- In view of the above the M/s. Vikrant Forge Ltd. took a decision to withdraw the case and dispose it off as withdrawn without any direction on either Party.

Company petition no. 13 of 2015

in HDFC Bank Limited Vs. M/s. Everest Electrical and Engineering Company and Ors.

and Company petition no. 14/2015

in HDFC Bank Limited Vs. M/s. Indico Automotive Pvt. Ltd. And ors.

This highly commercial matter was referred by the Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand vide order dt; 17/03/16 to Jharkhand High Court Mediation Center. The mediation was conducted by chartered accountant mediator namely Sri. A. K. Saboo. The Mediation proceeding commenced on 7/4/16 and on further dates 3/5/16, 17/5/16, 11/6/16, 18/6/16, 4/7/16 and 11/7/16, the mediation proceeding was conducted and on 11/7/16 both parties amicably settled their dispute on following terms and conditions :

1. The parties agreed to settle for Rs. 714.19 lakhs to be paid on or before 31/3/17 as full and final settlement against the outstanding dues of Rs. 9.28 crores.
2. The petitioner bank agreed to accept proposal of Rs. 714.19 lakhs towards full and final settlement in the manner as follows:
 - (i) Rs. 200 lacs on or before 30.06.16 (from sale of property described below);
 - (ii) Rs. 14.19 lacs on or before 31.07.16

- (iii) Rs. 60 lacs on or before 31.08.16;
- (iv) Rs. 250 lacs on or before 30.09.16 (final payment – from sale of property described below)
- (v) Rs. 75 lacs on or before 30.11.16
- (vi) Rs. 85 lacs on or before 28.02.17
- (vii) Rs. 30 lacs on or before 31.03.17

Success Story - 1 (High Court Mediation Centre)

Company Petitioner No. 12 of 2015

***Sutco Bearings India Private Limited...Petitioner Vs. Heavy Engineering Corporation Limited...
Opp. Party***

This highly commercial money suit type company petition was referred by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand vide order dated 11th March, 2016 and directed both the parties to appear before the Mediator of High Court Mediation Centre on 19th May, 2016. The matter was taken up for mediation by the Mediator Sri Premchand Tiwari. This Company Petition was referred for recovery of Rs. 42, 87, 740/- plus interest. On 19.05.2016 both the parties appeared before the Mediator and thereafter the further mediation took place on 18.06.2016, 16.07.2016 and 30.07.2016 and ultimately the dispute was settled on the following terms and conditions:

- i) The Respondent Heavy Engineering Corporation Limited agreed to pay Rs. 27,33,836/- only and the Petitioner Sutco Bearings India Private Limited, Kolkata became ready to accept the same as full and final settlement.
- ii) The payment was agreed to be paid within one month.
- iii) Both parties agreed that there will be no further claim against each other.

Success Story - 2 (High Court Mediation Centre)

Company Petition No. 15 of 2015

***Yashpal Kanotra, partner of Castwell Metal Industries, a manufacturer of Lead and Lead Alloys components firm, having its registered office at 1A, Vinayak, 5, Mullen Street, Kolkata-700020
...Applicant Vs. Mis Trident Metal energy Pvt. Ltd, having its registered office at 2F, Vatika Apartment, Line Tank Road, P. O.- G.P.O., P.S. Kotwali, Ranchi...Respondent***

This highly commercial money suit type company petition was preferred for dues of Rs. 21,07,470/- plus interest. This highly commercial money suit type company petition was referred to High Court Mediation Centre by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand for mediation vide order dated 24 June, 2016 and the dispute was referred to successful entrepreneur Mediator Sri Girish Malhotra and the mediation proceeding was conducted on 29.07.2016 and 01.08.2016 and the dispute was amicably settled through mediation on following terms and conditions:

- i) The Respondent M/s Trident Metal Energy Pvt. Ltd. Agreed to pay Rs. 21,07,470/- and the interest amount in lump sum amounting to Rs. 14,92,530/- and the petitioner agreed to settle the dispute on payment of aforesaid amount.
- ii) The total amount to be paid to petitioner by the Respondent was Rs. 36 lacs.
- iii) Respondent agreed to pay Rs. 6 lacs by way of bank draft dated 01.08.2016 and the rest amount of Rs. 30 lacs was agreed to be paid in six equal instalments of Rs. 5 lacs each.

F.A. No. 38 of 2014

Sri Ram Lakhan Rana...Appellant Vs. Shambhu Nath Mishra... Respondent

Order No. 3635 dated 16/08/2016 of the Hon'ble High Court, the Hon'ble Court referred to matter being F. A. No. 38/2014 before Jharkhand State Legal Service Authority for mediation between the disputing parties. In compliance of the said Order No. 3635 dated 16/08/2016 both the respective parties were physically present on the date fixed that is on 26/08/2016 and 29/08/2016 at JHALSA, Ranchi in furtherance thereof, the mediation proceeding commenced and the parties Agreed to commence settlement talks. Accordingly, thereby in the view of the settlement talks, mediation was conducted on 26/08/2016 and 29/08./2016.

During mediation, both parties amicably settled their disputes and have agreed by mutual consent without any pressure/coercion on the following terms and conditions.

1. The parties agreed to settle at Rs. 8, 50,000 (Eight Lakhs Fifty Thousand) only in the manner specified in details herein below as full and final settlement as against the admitted outstanding dues as claimed by the respondent against the appellant in F.A. No. 38/2014.
2. The appellant will pay the entire amount within 30 days to the respondent.
3. That in case the appellant did not pay the above amount to the respondent within 30 days. The appellant will pay the above settled amount along with the interest there on at the rate of 10% P.A in diminishing method.
4. However the entire amount is to be paid within 36 months after the expiry of first 30 days.
5. Till the appellant pay the entire amount as aforesaid mentioned the property (factory) of the appellant will remain mortgage with the respondent. The property (factory) details of the appellant are as follows: - M/S INDIA ALLOY B - 14 Phase 1 Industrial Area Balidih P.O. & P.S. Balidih, District - Bokaro Jharkhand Pin - 827014.

T.S. No. 10/15 (Hazaribagh)

Manoj Kumar S/o Late Parmeshwar Ram, Village - Parasi, P.S.-Ichak, District-Hazaribagh & Ors. ...Plaintiff Vs. Banshi Prasad Mehta S/o Late Chaman Mehta, Village-Dariya, P.S.-Ichak, District - Hazaribagh ...Defendant

It is really a matter of great pleasure that through mediation a very complicated litigation has been miraculously settled. The matter relates to a land dispute wherein there was four plaintiffs and one defendant. The plaintiffs brought T.S. No. 10/15. The suit was referred to mediation centre from the court of Learned Civil Judge (Junior Division) Hazaribagh and the same was assigned to Md. Moazzam, Mediator. Both the parties appeared before the mediation centre on 08.04.2016 and they appreciably co-operated mediation. Plaintiffs agreed to give up their claim in favour of the defendant amicably and without there being any element of fear or pressure. Accordingly, the mediation ended in success with mutual agreement between both the parties and the matter was returned to the learned referral court with a report, "Mediation Successful".

ABP 590/16 (Hazaribagh)

Sadar (Lohsinghna) P.S. Case No. 382/16, State through Shikha Verma Vs. Sitaram Prasad & Others u/s-498 (A)/34 IPC

The matter was referred to Mediation centre from the court of Learned Sessions Judge, Hazaribagh on 27.07.2016 and Sri Krishna Kumar Verma, Mediator was nominated to conduct the mediation. The matter with regard to conjugal disharmony resulting in institution of case under section 468(A)/34 of IPC. There was mediation at length, and by virtue of mediation wife and husband arrived at mutual settlement and as such breaking of family has been prevented. The spouses have two children Vaishnavi and Satyam. The future of children have also been saved.

It is a case of union and creation.

Success Story - 1 (Jamshedpur)

A matrimonial dispute between the husband and wife in the form of Matrimonial Suit bearing no. 383 of 2011 (Deepak Pandey Vs. Jyotsna Pandey) filed by the husband Under Section 13 1 (ia) & (ib) of the Hindu Marriage Act was referred to me by the Court of the Principal Judge, Family Court at Jamshedpur.

On the first date fixed in the Mediation none of the parties appeared rather their Advocates appeared and informed me that as the parties have separated since more than 5 years having no connection or concern with each other and staying at Kolkata and are in job as such there is no scope of Mediation even during the course of reconciliation amongst them before the Principal Judge, Family Court the parties have not agreed to any of the proposal/ solution offered there, however on my request the respective Advocates after consulting their respective clients over phone took a date.

On the said date both the parties alongwith their fathers appeared before me at Mediation Centre, after formal introduction I explained the parties in details about the procedure of Mediation and advantages of Mediation in settling matrimonial disputes like their matrimonial disputes. The husband has been working as Senior Manager in IDBI Bank Ltd., Kolkata and the wife has also been working as Senior Office assistance in a private firm and they have got an 8 year old son. They had a rather

long-standing parenting time dispute and a strong animosity between each other and their family members. Both the parties agitated their grievances against each other initially in joint session and thereafter on single session, I fixed the next date in the Mediation on the consent of both the parties with a request to appear before me at an early so that much time could be given to them, During the course of Mediation I noticed that the parties are being controlled by their respective fathers in each and every petty matters so I also involved them and give importance to them in the Mediation proceeding and side by side I encouraged both the parties to arrived into an amicable settlement as the matter was pertaining to their own marital life and was also concerned with the future of their only son.

During the course of Mediation I also requested the Wife to bring the son with her and fixed the date accordingly so that he should not loss the school day and on that day I again conducted joint session amongst the wife and husband and when the son of his own went to father and sat on his lap the whole atmosphere changed dramatically the father/husband who had a long list of grievances against the wife became mum and even the wife stopped agitating any grievance against her husband, I suggested the parties if they wish they can visit to a nearby park with their son and we can sit on second half to which proposal both of them gladly accepted and they turned-up in the second half before me and informed me that they are willing to reside together and the husband has agreed to withdraw the divorce suit filed by him so also the wife agreed to with draw the

Maintenance case filed by her against the husband however the lawyer of the husband handed over me a copy of an agreement containing various undertaking and allegations against the wife therein and while settling the mutual terms of settlement I enquired the husband will it be looking good about mentioning such allegations against his wife in the settlement agreement with whom he is going to lead a happy marital life, immediately the husband realised his mistake and felt sorry for the same and then and there they started to prepare and note down the mutually agreed terms and conditions, however in mean time the respective fathers of the parties who were sitting in the waiting hall just besides the Mediation room started to argue with each other in loud voice and immediately I requested the parties to request their respective parents to come inside the Mediation room and their the wife herself started to council her father-n-law so also the husband started to council his father-in-law and finally the agreement was prepared by the parties and was supported by their respective father all these matter were observed by the Advocates of both the parties and there was not a dry eye in the Mediation room except me as my trick for rebounding the fractured relationship work like a miracle in the instance case and lastly after giving thanks to the parties, their relatives and senior advocates without their cooperation the aforesaid settlement in Mediation was not possible. This is one of my favorites amongst other.

Success Story - 2 (Jamshedpur)

As a Mediator, I have conducted more than 200 Successful Mediation and succeeded in settling different nature of disputes like Civil, Matrimonial, Criminal, Financial etc. but presently, it can be found that maximum number of cases on matrimonial disputes are being referred to the mediation centre for mediation towards the amicable settlement. In this series, I remember a Complaint Case pending in the court of SDJM, Jamshedpur. Complainant Mini Prasad @ Mini Mitra filed a complaint case U/s. 498 (A) of IPC against her husband Dipanjan Mintra, her mother-in-law Shubhra Mitra, her sister-in-law and husband of sister-in-law, which has been registered as C-1/2731 of 2015. She also had filed a case for her maintenance allowance before the Principal Judge, Family Court, Jamshedpur,

registered as Misc. Case no. 182 of 2015. Anticipatory bail on behalf of the husband and his mother was filed before the Principal District & Sessions Judge, East Singhbhum, Jamshedpur and found a chance to resolve the dispute between the parties (Husband & Wife). The Ld. Court referred the matter to the mediation centre to make an effort to resolve the dispute between the parties amicably and I have been entrusted to conduct the process of mediation as a mediator into the matter.

On the date fixed for mediation, both the parties along with their parents and respective counsels appeared before me at mediation centre, after formal introduction, I have started the process and explained the parties in details about the procedure of mediation, its features, benefits and ground rules of the mediation and started joint session. In joint session, both the parties as usual made allegations and counter allegations against each other, particularly the involvement of the father of the complainant was so negative and he was adamant not to send his daughter to her matrimonial house. Finding the situation is going to be out of control, immediately I took a break and started single session one by one. During discussion it revealed that the marriage between the parties solemnized on 28.12.2004 was an inter-caste love marriage solemnized before the marriage Registrar at Asansol, West Bengal without the wilful consent of the parents of each party and particularly the father of the complainant was annoyed and cut off the relation with his daughter at that time as because the boy belong to a Bengali family and the girl of a Bihari family. The parties have been living together for 10-11 years and out of their wedlock, they were blessed with two sons but after that dispute arose between the parties for some general cause and specially for a doubt in the mind of wife that her husband have an extra marital affairs with another woman.

At the first outset of mediation as mediator, I had tried to dissolve the animosity, wrangle and feud between the husband and wife but on the first date an emotional obstacles, the parties were antagonistic to each other and the father of the complainant was also interfering and adamant, which was the barrier of the settlement between the parties but after 3-4 sittings my efforts became commendably successful and it revealed that under lying interest of the wife and her father was to get the property, (stands in the name of the father of the husband) in the name of the husband of the complainant as another property at Durgapur has already been transferred in the name of the sister of the husband. It is also revealed that the love and affection between the parties still exists but the property, doubt of extra marital affairs of husband in the mind of the wife and also the interference of the parents of the parties were the impediments towards the happy conjugal life and due to the above matters, the disputes between the husband and wife developed to worst, and for that the husband had also filed a suit for dissolution of marriage by a decree of divorce against the complainant (wife) at Asansol, West Bengal vide Mat. Suit no. 232 of 2015, pending in the court of Ld. ADJ-III, Asansol, West Bengal. As my knowledge, under the process it had convinced the parties during the discussion to live and lead conjugal life separately then their parents at least for few months, considering the welfare of their children and the parents of the parties were advised not to interfere into the conjugal life of the parties for the interest of their future happy life.

Being convinced with the advise and proposals made by the parties in the discussion during the mediation, both the parties and their respective parents satisfied and sort out all their disputes and the parties agreed to live together with their children to lead a happy conjugal life and settled their all dispute amicably. On the next date, they appeared before me together with smiling face and satisfaction including their parents and children. Finally, an agreement was made and signed by both the parties witneseth by their respective parents, result of which; the dispute between the parties settled and resolved amicably at the intervention of the mediation centre and respective lawyers of the parties.

By this way, in the process of mediation; all three cases as filed by the parties against each other in different court of law as mentioned above have been settled and resolved once for all at a time and hope, the parties have restored their good relationship and will live happily to lead a happy conjugal life in future and secure the welfare of their children, which made me happy and proud and gave me pleasure and satisfaction as “Mediator”.

Success Story - 1 (Lohardaga)

(Mediation Case No. 52/2016 arising out of Complaint Case no. 253/2015)

Priyanka Nandni Ekka has filed a case against her husband Shashank Kujur relating with an offence u/s 498(A) I.P.C and in the said husband and his family member has filed an Anticipatory bail bearing A.B.P. No. 97/2016 before learned Sessions Judge, Lohardaga and accordingly the same was sent to Mediation to resolve their dispute by learned Session Judge and accordingly Sri Nasim Ansari, Mediator was appointed for Mediation by Secretary, DLSA, Lohardaga and Sri Ansari had taken sincere effort and as such in final sitting dated 21.07.2016 the matter was ultimately resolved where the parties agreed to reside separately and husband also agreed to pay a sum of Rs. 1,50,000/- in lieu of full and final settlement and accordingly the matter was intimated to the Sessions Judge, Lohardaga.

Address- Priyanka Nandni Kujur wife of Shashank Kujur (daughter of Emmanuel Ekka resident of village- Seranghatu, P.S- Senha, District- Lohardaga.

Address- Shashank Kujur son of Late Binod Kujur resident of G.E.L Mission Compound, P.S- Lohardaga, District- Lohardaga.

Success Story - 2 (Lohardaga)

(Mediation Case No. 51/2016 arising out Complaint Case No. 02/2016)

Petitioner wife Saniya Parveen had lodged a complaint against her husband Shahnawaj Alam and other family members of her in law's U/s 498(A) of I.P.C along with other sections of Indian Penal Code and Md. Ibrar Alam and others had filed an Anticipatory bail bearing A.B.P No. 101/2016 before learned Sessions Judge, Lohardaga and accordingly learned Sessions Judge vide order dated 08.07.2016 referred the matter for Mediation to resolve their dispute by way of settlement and accordingly Secretary, DLSA, Lohardaga had appointed mediator Sri Hemant Kumar Sinha and Sri Sinha had taken sincere effort and resolve the matter where the parties agreed to resides separately and in the said mediation it was also decided that the husband Shahnawaj Alam will pay a sum of Rs. 2,01,000/- and also the household articles given at the time of marriage to his wife and as such submitted a successful mediation report before Secretary DLSA, Lohardaga. Further vide Letter No.-JHALSA/1619, dated 18.06.2016 this matter was referred for mediation, in which the matter was mediated by the Secretary, DLSA, Lohardaga himself and by his sincere effort the matter was resolved and accordingly the aforesaid amount was paid through demand draft and also hand over the household articles as agreed between the parties to the opposite party.

Address- Shahnawaz Alam son of Ibrar Alam resident of New Road Attar Colony, P.S-Lohardaga, District- Lohardaga.

Address- Saniya Parveen daughter of Md. Alim Khan resident of Railway Crossing Powergunj, P.S- Lohardaga, District- Lohardaga.

Success Story - 3 (Lohardaga)

(Mediation Case no. 21/2016 arising out of G.R. Case no. 624/2013)

Informant Jagmani Devi had lodged a case U/s 498(A) of I.P.C and Section 3/4 of Dowry Prohibition Act where the court sent to the matter for Mediation and accordingly Sri Hemant Kumar Sinha appointed as mediator and accordingly the matter was settled between the parties where it was decided by the mediator that the opposite party Chandra Deo Mahto would pay of Rs. 4000/- per month to the petitioner and his children and also decided that an amount of Rs. 65,000/- would be deposited in the name of his elder daughter Radhika Kumari in Bank of India, Burmu Branch till her majority. It was also decided by the mediator that the house situated at khata no.32 plot no. 735/ new plot no. 912 where the petitioner and his children will reside at there and also given visitation right to the opposite party Chandra Deo Mahto occasionally.

Address- Jagmani Devi wife of Chandra Deo Mahto resident of Village- Barwatoli Pandra, P.S- Kuru, District- Lohardaga.

Address- Chandra Deo Mahto son of Kolha Mahto resident of village- Chakme, P.S- Burmu, District- Ranchi.

DLSA CM No. 189/2016

A Title Suit no. 122/2015 was referred to the Mediation Centre for mediation from the court of the Civil Judge (Senior Division) No. II, Deoghar for mediation.

The Plaintiff was :-Basudeo Raut

The Defendants were:- 1. Murari Kumar Raut alias Yadav, 2. Mahadeo Raut, 3. Chandni Kumari, 4. Naresh Raut, 5. Babita Devi

The Plaintiff Basudeo Raut had adopted Defendant no. 1 Murari Kumar Raut through Registered Deed no. 31/2004. Murari Yadav was the own nephew of the plaintiff. Thereafter the plaintiff had also taken in adoption Chandni Kumari on 31.05.2005 through registered Adoption Deed No. 134/2005. Chandni Kumari was the granddaughter of the plaintiff.

The plaintiff filed the case for cancellation of both the adoption deeds.

The case was referred to the Mediation Centre on 27.04.2016. The parties appeared in the mediation centre and single and joint sessions were held. After mediation the parties resolved that due to lack of knowledge of the First Adoption Deed the Second Adoption Deed was executed and both Murari Kumar Raut and Chandni Kumari never resided with the plaintiff as his adopted son or daughter. Both Murari Kumar Raut @ Yadav and Chandni Raut also never resided as adopted son or daughter of plaintiff Basudeo Raut. Neither Basudeo Raut wants to keep Murari Raut or Chandni Kumari as his adopted son or daughter nor Murari Raut and Chandni Kumari want to reside with Basudeo Raut as his adopted son or daughter.

Both the parties agreed to cancel the adoption deeds. A settlement to that effect was recorded and the case record with mediation report was returned to the court.

APPENDIX - 1

पत्र संख्या-बी0/बी0 टी0-04/2014-165/जे0

झारखण्ड सरकार
विधि (न्याय) विभाग
झारखण्ड मंत्रालय, धुर्वा, राँची- 834004

29/1/15

प्रेषक,
बी0 बी0 मंगलमूर्ति
प्रधान सचिव-सह- विधि परामर्शी,
विधि (न्याय) विभाग, झारखण्ड, राँची ।

सेवा में, ✓
सदस्य सचिव
झारखण्ड राज्य विधिक सेवा प्राधिकार, राँची ।

राँची, दिनांक-27 जनवरी, 2015

विषय:- वित्तीय वर्ष 2014-2015 में गैर योजना मुख्य शीर्ष-2014-न्याय प्रशासन-लघु शीर्ष-114-विधि सलाहकार और परामर्शदाता (काउंसिल)-उपशीर्ष-02-निर्धनों को कानूनी सहायता-मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन द्वितीय अनुपूरक आगणन के माध्यम से विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न सूची के अनुसार) उपबंधित राशि से व्यय हेतु अतिरिक्त निधि का आवंटन ।

महाशय,
उपर्युक्त विषयक मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन द्वितीय अनुपूरक आगणन के माध्यम से विभिन्न मदों में व्यय हेतु कुल 1,18,00,000/- (एक करोड़ अठारह लाख रुपये मात्र) अतिरिक्त निधि का आवंटन स्वीकृत किया जाता है, जो वित्तीय वर्ष-2014-2015 के बजट उपबंध के अंतर्गत है ।

- 2 आवंटित राशि के व्यय का विकलन गैर योजना मुख्य शीर्ष-2014-न्याय प्रशासन-लघु शीर्ष-114-विधि सलाहकार और परामर्शदाता (काउंसिल)-उपशीर्ष-02-निर्धनों को कानूनी सहायता- मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन द्वितीय अनुपूरक आगणन के माध्यम से विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न सूची के अनुसार) उपबंधित राशि से वित्तीय वर्ष 2014-2015 में होगा ।
- 3 यह आवंटन वित्त विभाग के परिपत्र संख्या-2561/वि0 (2) दिनांक- 17/04/1998 तथा पत्र संख्या-1800 (वि0), दिनांक 15/07/2003 के आलोक में निर्गत किया जा रहा है । अतएव आवंटित राशि की निकासी उक्त परिपत्र में उल्लिखित प्रक्रिया एवं शर्तों के आलोक में की जायेगी ।
- 4 आवंटित राशि का उप-आवंटन अपने अधीनस्थ कार्यालय को किया जाय तथा आवंटित राशि के व्यय से संबंधित व्यय विवरणी प्रत्येक अगले माह की 10 तारीख तक टी0 बी0 नं0 एवं तिथि के साथ अनिवार्य रूप से महालेखाकार, झारखंड, पो0-डोरण्डा, राँची/वित्त विभाग, बजट शाखा, झारखंड, राँची/ तथा विभागीय बजट शाखा को भेजी जाय
- 5 निकासी एवं व्ययन पदाधिकारी, स्थापना से संबंधित विपत्रों पर मुख्य शीर्ष/लघु शीर्ष/उपशीर्ष/प्राथमिक इकाई तथा विपत्र कोड का सुस्पष्ट मुहर अनिवार्य रूप से अंकित करेंगे, ताकि विपत्र की निकासी तथा महालेखाकार के कार्यालय के द्वारा लेखा संधारण का कार्य सही लेखा शीर्ष के अंतर्गत किया जा सके ।
- 6 निकासी एवं व्ययन पदाधिकारी पूर्णतः सुनिश्चित हो लेंगे कि व्यय की सीमा किसी भी परिस्थिति में आवंटित राशि से अधिक नहीं हो । किसी भी प्रकार की गलत निकासी या अधिकाई व्यय की पूरी जवाबदेही संबंधित निकासी एवं व्ययन पदाधिकारी की होगी ।
- 7 निकासी एवं व्ययन पदाधिकारी, संबंधित शीर्षान्तर्गत हुए व्यय का सत्यापन नियमानुसार त्रैमासिक रूप से महालेखाकार, झारखंड, पो0-डोरण्डा, राँची के साथ निश्चित रूप से कराते रहेंगे तथा व्यय प्रतिवेदन एवं सत्यापन प्रतिवेदन विभागीय बजट शाखा को भी समर्पित करेंगे ।

कृपया पत्र प्राप्ति की सूचना दें ।

विश्वासभाजन,

27.01.15

(बी0 बी0 मंगलमूर्ति)

प्रधान सचिव-सह-विधि परामर्शी
विधि (न्याय) विभाग, झारखण्ड, राँची ।

Stall

APPENDIX - 1A

पत्र संख्या-बी0/बी0 टी0-04/2015-735/जे0

झारखण्ड सरकार
विधि (न्याय) विभाग
झारखण्ड मंत्रालय, धूर्वा, राँची- 834004

Am
07/4/15

प्रेषक,

बी0 बी0 मंगलमूर्ति
प्रधान सचिव-सह- विधि परामर्शी,
विधि (न्याय) विभाग, झारखण्ड, राँची ।

सेवा में,

सदस्य सचिव
झारखण्ड राज्य विधिक सेवा प्राधिकार, राँची ।

राँची, दिनांक-07 अप्रैल, 2015

विषय:- वित्तीय वर्ष 2015-2016 में गैर योजना मुख्य शीर्ष-2014-न्याय प्रशासन-लघु शीर्ष-114-विधि सलाहकार और परामर्शदाता (काऊंसिल)-उपशीर्ष-02-निर्धनों को कानूनी सहायता-मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न विवरणी के अनुसार) उपबंधित राशि से व्यय हेतु निधि का आवंटन ।

महाराज,

उपर्युक्त विषयक मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न विवरणी के अनुसार) व्यय हेतु कुल **4,62,19,000/- (चार करोड़ बासठ लाख उन्नीस हजार रुपये मात्र)** निधि का आवंटन स्वीकृत किया जाता है, जो वित्तीय वर्ष-2015-2016 के बजट उपबंध के अंतर्गत है।

- 2 आवंटित राशि के व्यय का विकलन गैर योजना मुख्य शीर्ष-2014-न्याय प्रशासन-लघु शीर्ष-114-विधि सलाहकार और परामर्शदाता (काऊंसिल)-उपशीर्ष-02-निर्धनों को कानूनी सहायता-मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न विवरणी के अनुसार) उपबंधित राशि से वित्तीय वर्ष 2015-2016 में होगा।
- 3 यह आवंटन वित्त विभाग के परिपत्र संख्या-2561/वि0 (2) दिनांक- 17/04/1998 तथा पत्र संख्या-1800 (वि0), दिनांक 15/07/2003 के आलोक में निर्गत किया जा रहा है। अतएव आवंटित राशि की निकासी उक्त परिपत्र में उल्लिखित प्रक्रिया एवं शर्तों के आलोक में की जायेगी।
- 4 आवंटित राशि का उप-आवंटन अपने अधीनस्थ कार्यालय को किया जाय तथा आवंटित राशि के व्यय से संबंधित व्यय विवरणी प्रत्येक अगले माह की 10 तारीख तक टी0 बी0 नं0 एवं तिथि के साथ अनिवार्य रूप से महालेखाकार, झारखण्ड, पो0-डोरण्डा, राँची/वित्त विभाग, बजट शाखा, झारखण्ड, राँची/ तथा विभागीय बजट शाखा को भेजी जाय
- 5 निकासी एवं व्ययन पदाधिकारी, स्थापना से संबंधित विपत्रों पर मुख्य शीर्ष/लघु शीर्ष/उपशीर्ष/प्राथमिक इकाई तथा विपत्र कोड का सुस्पष्ट मुहर अनिवार्य रूप से अंकित करेंगे, ताकि विपत्र की निकासी तथा महालेखाकार के कार्यालय के द्वारा लेखा संचारण का कार्य सही लेखा शीर्ष के अंतर्गत किया जा सके।
- 6 निकासी एवं व्ययन पदाधिकारी पूर्णतः सुनिश्चित हो लेंगे कि व्यय की सीमा किसी भी परिस्थिति में आवंटित राशि से अधिक नहीं हो। किसी भी प्रकार की गलत निकासी या अधिकाई व्यय की पूरी जवाबदेही संबंधित निकासी एवं व्ययन पदाधिकारी की होगी।
- 7 निकासी एवं व्ययन पदाधिकारी, संबंधित शीर्षान्तर्गत हुए व्यय का सत्यापन नियमानुसार त्रैमासिक रूप से महालेखाकार, झारखण्ड, पो0-डोरण्डा, राँची के साथ निश्चित रूप से करार रहेगा तथा व्यय प्रतिवेदन एवं सत्यापन प्रतिवेदन विभागीय बजट शाखा को भी समर्पित करेंगे।
- 8 वित्त विभागीय पत्राक-300/बजट दिनांक-30.03.2015 के आलोक में दिनांक-15.11.2000 के बाद का बकाया वेतन एवं चिकित्सा प्रतिपूति मद का भुगतान वेतन मद में आवंटित निधि से करने की कार्यवाई सुनिश्चित की जाए।
- 9 ऑनलाईन आवंटन संलग्न सूची के क्रमांक-11 (एक्सेस संख्या-420) सहायता अनुदान मद में आवंटित निधि को वित्त विभाग के परामर्श के आलोक में एकमुश्त निकासी के बजाय नियमित व्यय किया जाए।

कृपया पत्र प्राप्ति की सूचना दें।

विश्वासभाजन,

B
07.04.15

(बी0 बी0 मंगलमूर्ति)

प्रधान सचिव-सह-विधि परामर्शी
विधि (न्याय) विभाग, झारखण्ड, राँची ।

APPENDIX - 1B

पत्र संख्या-बी0/बी0 टी0-04/2016-829/जे0

झारखण्ड सरकार
विधि विभाग
झारखण्ड मंत्रालय, धूर्वा, राँची- 834004

प्रेषक,

बी0 बी0 मंगलमूर्ति
प्रधान सचिव-सह-विधि परामर्शी,
विधि विभाग, झारखण्ड, राँची ।

सेवा में,

सदस्य सचिव
झारखण्ड राज्य विधिक सेवा प्राधिकार, राँची ।

राँची, दिनांक-01 अप्रैल, 2016

विषय:- वित्तीय वर्ष 2016-2017 में गैर योजना मुख्य शीर्ष-2014-न्याय प्रशासन-लघु शीर्ष-114-विधि सलाहकार और परामर्शदाता (काऊंसिल)-उपशीर्ष-02-निर्धनों को कानूनी सहायता-मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न विवरणी के अनुसार) उपबंधित राशि से व्यय हेतु निधि का आवंटन ।

महाशय,

उपर्युक्त विषयक मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न विवरणी के अनुसार) व्यय हेतु कुल 6,18,42,000/- (छह करोड़ अठारह लाख बयालिस हजार रुपये मात्र) निधि का आवंटन स्वीकृत किया जाता है, जो वित्तीय वर्ष-2016-2017 के बजट उपबंध के अंतर्गत है।

- आवंटित राशि के व्यय का विकलन गैर योजना मुख्य शीर्ष-2014-न्याय प्रशासन-लघु शीर्ष-114-विधि सलाहकार और परामर्शदाता (काऊंसिल)-उपशीर्ष-02-निर्धनों को कानूनी सहायता-मांग संख्या-27 के विभिन्न विस्तृत शीर्षों के अधीन विभिन्न मदों में (ऑनलाईन आवंटन के संलग्न विवरणी के अनुसार) उपबंधित राशि से वित्तीय वर्ष 2016-2017 में होगा।
- यह आवंटन वित्त विभाग के परिपत्र संख्या-2561/वि0 (2) दिनांक- 17/04/1998 तथा पत्र संख्या-1800 (वि0), दिनांक 15/07/2003 के आलोक में निर्गत किया जा रहा है। अतएव आवंटित राशि की निकासी उक्त परिपत्र में उल्लिखित प्रक्रिया एवं शर्तों के आलोक में की जायेगी।
- आवंटित राशि का उप-आवंटन अपने अधीनस्थ कार्यालय को किया जाय तथा आवंटित राशि के व्यय से संबंधित व्यय विवरणी प्रत्येक अगले माह की 10 तारीख तक टी0 भी0 नं0 एवं तिथि के साथ अनिवार्य रूप से महालेखाकार, झारखंड, पो0-डोरण्डा, राँची/वित्त विभाग, बजट शाखा, झारखंड, राँची/ तथा विभागीय बजट शाखा को भेजी जाय
- निकासी एवं व्ययन पदाधिकारी, स्थापना से संबंधित विपत्रों पर मुख्य शीर्ष/लघु शीर्ष/उपशीर्ष/प्राथमिक इकाई तथा विपत्र कोड का सुस्पष्ट मुहर अनिवार्य रूप से अंकित करेंगे, ताकि विपत्र की निकासी तथा महालेखाकार के कार्यालय के द्वारा लेखा संधारण का कार्य सही लेखा शीर्ष के अंतर्गत किया जा सके।

निकासी एवं व्ययन पदाधिकारी पूर्णतः सुनिश्चित हो लेंगे कि व्यय की सीमा किसी भी परिस्थिति में आवंटित राशि से अधिक नहीं हो। किसी भी प्रकार की गलत निकासी या अधिकाई व्यय की पूरी जवाबदेही संबंधित निकासी एवं व्ययन पदाधिकारी की होगी।

(कृ०पृ०उ०)

APPENDIX - 2

MEDIATION AND CONCILIATION PROJECT COMMITTEE

Member Secretary,
Ms. Jasmine Sharma,
Deputy Registrar,
Supreme Court of India.

Old Building,
Supreme Court of India,
New Delhi-110001.
Phone No. 011-23073970
E-mail- mcpc@sci.nic.in

1 /MCPC/2016

To,
The Member Secretary,
Jharkhand State Legal Services Authority.

February 10, 2016

Sir,

In continuation of MCPC previous letter dated: 27th January, 2016, I am to inform you that Sh. Vinay Kumar Gupta, (DHJS) [9910384701] and Ms. Anupama C. Narang, (Advocate Trainer) [9811104904] trainers of Mediation and Conciliation Project Committee have been deputed to conduct the 40 hours MTP for a fresh batch of 20 persons from 27th February to 2nd March, 2016 at Nyaya Sadan, Ranchi, Jharkhand.

As you have mentioned in your letter that the entire expenses of the training including to and fro journey from Delhi-Ranchi-Delhi of the Master Trainers, their food, lodging etc will be borne by Jharkhand State Legal Services Authority, you are requested to do the needful. In this context may I request you to please get in touch with the trainers and make necessary arrangements for the programme.

Please make arrangements for 2 Laptops, a projector along with screen, white board and audio amplifier for the programme.

You are further requested to place the matter before the High Court Mediation Monitoring Committee.

Regards


Jasmine Sharma,
Deputy Registrar &
Member Secretary, MCPC.

APPENDIX - 2A

MEDIATION AND CONCILIATION PROJECT COMMITTEE (MCPC)

Jasmine Sharma,
Member Secretary,
MCPC
Supreme Court of India

Old Building,
Supreme Court of India,
New Delhi-110001.
Phone No. 011-23073970
E-mail- mcpc@sci.nic.in

383/MCPC/2016

23rd September, 2016

To,
The Member Secretary,
Jharkhand State Legal Services Authority.
Respected Sir,

This is to inform you that, Hon'ble Mr. Justice J.S. Khehar, Hon'ble Chairman, Mediation and Conciliation Project Committee has received a letter from Hon'ble Mr. Justice D.N. Patel, Hon'ble Executive Chairman, Jharkhand State Legal Services Authority, with a request to provide intensive 40 hours training at State of Art District Mediation Centre, Jamshedpur (vide letter no. JHALSA-2183, dated: 1 September, 2016).

In this context, it is submitted that, the Competent Authority has been pleased to accept the request of Hon'ble Executive Chairman, JHALSA.

1 Trainer from Delhi, 2 Trainers from Maharashtra and 3 Trainers from Jharkhand, will be conducting the programme on suitable dates as and when intimated by JHALSA.

You are requested to, intimate the suitable dates as soon as possible so that name of trainers deputed from Delhi and Maharashtra is intimated well in advance for making necessary arrangements.

You are requested to depute 3 trainers of Jharkhand from the 5 trainers mentioned below, so that they may gain experience.

1. Sri. Madhusudan Ganguly
2. Sri. K.K. Sinha
3. Sri. Rajesh Dash
4. Sri. Shiv Shanker Prasad
5. Sri. Tarit Baran Kar

All the arrangements such as lodging, boarding, travelling and local transport of the trainers will be made by Jharkhand State Legal Services Authority.

You are also requested to get in touch with Dr. Sudhir Kumar Jain, Judge In-Charge, Delhi Mediation Centre, [Mobile No. 09910384693] (e-mail: jainjsudhir@yahoo.co.in) and with Mr. S.K. Kotwal, Co-ordinator, Main Mediation Centre, High Court of Bombay, [Mobile No. 09869088444] (e-mail: main.mediation@gmail.com).

This is for your kind information and necessary action please.

Regards,
Sd/-
Jasmine Sharma

Copy to: Judge In-Charge, Delhi Mediation Centre, Tis Hazari Court, New Delhi.
Co-ordinator, Main Mediation Centre, High Court of Bombay.

APPENDIX - 3

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Arb. Appeal No. 13 of 2010

1. Jharkhand Urja Vikas Nigam Limited, Ranchi, having its office at Engineering Building, H.E.C. Campus, P.O. Dhurwa, District Ranchi
2. The Secretary, Jharkhand Urja Vikas Nigam Limited, having his office at Engineering Building, H.E.C. Campus, P.O. Dhurwa, District Ranchi

Plaintiffs/Appellants

Versus

1. M/s Brenda Sales Private Limited, having its office at 4B/S, Mayur Apartment, 3A, Loudon Street, Kolkata-700017
2. Bihar State Electricity Board, Patna, having its office at Vidyut Bhawan, Bailey Road, Patna

Defendants/Respondents

CORAM: HON'BLE MR. JUSTICE D.N. PATEL

For the Appellants: M/s Nipun Bakshi, Advocate
Mrinal Singh, Advocate
For the Respondents: M/s M.S. Mittal, Sr. Advocate
Rahul Lamba
Navin Kumar

29/Dated 12th August, 2016

1. Learned counsels appearing for the parties have submitted that there are chances of settlement of the dispute between the parties and therefore, this matter may be referred to mediation.
2. Having heard counsel for both sides and looking to the dispute between the parties to this Arbitration Appeal, it appears that there are chances of settlement of the dispute. I, therefore, refer the matter for mediation and direct the Member Secretary, Jharkhand State Legal Services Authority, Nyay Sadan, Doranda, Ranchi to assign this matter to an efficient Mediator, who is well conversant with the commercial aspect of the matter.
3. Registrar General is directed to send a photocopy of the memo of this Arbitration Appeal along with all annexures and affidavits to the Member Secretary, Jharkhand State Legal Services Authority, Nyay Sadan, Doranda, Ranchi
4. It is assured by both sides that they will remain present before the Mediator. Details of the parties and counsels representing them, who shall remain present before the Mediator, are as under:

	Name of the parties	Counsel for the parties	Mobile No. of the counsels for the parties
Appellant	Mr. Mithilesh Kumar, Law Officer, JUVNL, Mob. No. 9431135505	1. Mr. Nipun Bakshi, Adv. 2. Mrinal Singh, Adv.	Mob No.9939174546 Mob. No. 9709128212
Respondent		Mr. Rahul Lamba	Mob. No.7781010188

5. The parties and the counsels representing them shall remain present before the Member Secretary, Jharkhand State Legal Services Authority, Nyay Sadan, Doranda, Ranchi on 19th September, 2016 between 11 am to 1 pm.

6. Registrar General of this Court is directed to send a copy of this order to all the Principal District Judges so that in turn, this type of reference may be made under Section 89 of the Code of Civil Procedure. The details of the Advocates and their parties, i.e. their names and mobile numbers, ought to be mentioned in the order referring the matter so that concerned Mediator/Secretary, District Legal Services Authority can intimate the concerned parties to attend the mediation.

7. It would be pertinent to mention here that in the State of Jharkhand approximately in 15% of the matters referred to Mediation or Lok Adalat, the parties do not attend the Mediation or Lok Adalat. Such matters are known as "Non-Starter matters". These types of Non-starter Matters ought to be reduced and hence, details of Advocates, i.e. their names and mobile numbers must find a mention in the order

8. This order may be circulated by the Principal District Judges to all the Judges in their respective judgeships.

9. This matter is adjourned to be listed after 60 days.

(D.N.Patel, J.)

APPENDIX - 4

AWARENESS PROGRAMME

DURATION : (1 DAY)
PARTICIPANTS : (JUDICIAL OFFICERS, ADVOCATES,
LITIGANTS, STUDENTS ETC.)

DAY - 1

TIME	SESSIONS	STUDY TOPIC
10.30 PM TO 1.30 PM	SESSION I	ADR : Relevance with special reference to Section 89, Code of Civil Procedure, 1908: Types of ADR Mediation: Definition Components Difference between mediation and judicial process Difference between Mediation and Lok Adalat Difference between Mediation and Panchayat Benefits of Mediation Role of Mediators
2.15 PM TO 3.15 PM	SESSION II	ROLE OF DIFFERENT STAKE HOLDERS INCLUDING LAWYERS IN MEDIATION
3.15 PM TO 3.30 PM	SESSION III	SCREENING OF DOCUMENTARY
3.30 PM TO 4.30 PM	SESSION IV	INTERACTIVE SESSION WITH THE PARTICIPANTS

Note : Lunch : 1.30 PM TO 2.15 PM

AWARENESS, COACHING AND MENTORING PROGRAMME

DURATION : (1-½ DAY)
PARTICIPANTS : (JUDICIAL OFFICERS, ADVOCATES,
LITIGANTS, STUDENTS ETC.)

DAY - 1

TIME	SESSIONS	STUDY TOPIC
10.30 PM TO 1.30 PM	SESSION I	ADR : Relevance with special reference to Section 89, Code of Civil Procedure, 1908: Types of ADR Mediation: Definition Components Difference between mediation and judicial process Difference between Mediation and Lok Adalat Difference between Mediation and Panchayat Benefits of Mediation Role of Mediators
2.15 PM TO 3.15 PM	SESSION II	ROLE OF DIFFERENT STAKE HOLDERS INCLUDING LAWYERS IN MEDIATION
3.15 PM TO 3.30 PM	SESSION III	SCREENING OF DOCUMENTARY
3.30 PM TO 4.30 PM	SESSION IV	INTERACTIVE SESSION WITH THE PARTICIPANTS

Note : Lunch : 1.30 PM to 2.15 PM

DAY - 2

TIME	SESSIONS	STUDY TOPIC
TIME: AM TO 12.30 PM	SESSION - I	LIVE MEDIATION SESSIONS (COACHING AND MENTORING SESSION OF THE MEDIATORS WITH THE TRAINERS)
MT TO 1.30 PM	SESSION - II	INTERACTIVE SESSION OF MEDIATORS WITH TRAINERS

CURRICULUM OF REFRESHER PROGRAMME

Duration : 20 Hours (3 Days)
Participants: Maximum 20
Mediators/Trainers

DAY - 1

TIME	SESSIONS	STUDY TOPIC
TIME: 10.00 AM TO 1.30 PM	SESSION - 1	UNDERSTANDING AND REFINING SKILLS AS TRAINERS i) Presentation- Practical Exercises(Power Point & Lectures) Note : Pre training preparation is required Proposed topics for presentations are annexed as Annexure 'A'
TIME: 2.15 PM TO 5.00 P.M	SESSION - II	MEDIATION : DEFINITION, PROCESS & FUNCTIONAL STAGES

Lunch Break: 1.30 PM to 2.15 PM
 Tea Break : 11.30 AM to 11.45 AM
 3.15 PM to 3.30 PM

DAY - 2

TIME	SESSIONS	STUDY TOPIC
TIME: 10.00 AM TO 1.15 P.M	SESSION - I	UNDERSTANDING AND REFINING SKILLS AS TRAINERS ii) Facilitation- Practical Exercises Note : Pre training preparation is required Proposed topics for Facilitation are annexed as Annexure 'B'
2.00 PM to 5 PM	SESSION - II	i) COMMUNICATION SKILLS USED IN MEDIATION PROCESS ii) BARGAININGS AND NEGOTIATION ROLE PLAY (ANITA V SURESH) Note : To understand how to conduct Role Plays

Lunch Break: 1.15 PM to 2.00 PM
 Tea Break : 12 Noon to 12.30 Noon
 3.15 PM to 3.30 PM

TIME	SESSIONS	STUDY TOPIC
TIME 10.00 AM to 1.30 PM	SESSION – 1	UNDERSTANDING AND REFINING SKILLS AS TRAINERS iii) Designing of a Training Programme Proposed Topics are annexed as Annexure 'C' iv) To develop characteristics of a Faculty
TIME: 2.00 PM TO 4.00 P.M	SESSION – II	IMPASSE UNDERSTANDING AND MANAGEMENT

Lunch Break: 1.30 PM to 2.00 PM

Tea Break : 11.45 AM to 12.00 NOON

Suggested/Proposed Topics for Presentation Exercises

ANNEXURE 'A'

Topics
Mediation - Definition and Process
Components of Mediation Process
Importance of introduction in Mediation Process
Joint Session – its Objective and Techniques
Different stages of Mediation
Relevance of single session in Mediation
Anger Management in a single session
Precautions to be taken at the time of Drafting of Agreement
Perceptive Barrier in negotiation
Relevance of Lateral Thinking in Breaking Impasses
Ethical Principles for a Mediator
Relevance of Active Listening
Different Types of Bargaining in a Negotiation
Relevance of Logical Thinking (Real Testing in Mediation Process)
Role of Apology in Mediation
Right of self-determination is an important component of Mediation Process
Role of Mediator in a Mediation Process
Relevance of understanding – non verbal communication in Mediation
Confidentiality: An important attribute to Mediation Process
Role of Parties in Mediation

Suggested/Proposed Topics for Facilitation Exercises

ANNEXURE 'B'

Topics
Relevance of Confidentiality in Mediation
Benefits of Mediation
Facilitation Role of a Mediator in Mediation Process
Qualities of a good Mediator
Difference between Judicial Process, Mediation
Types of Non-verbal Communication used in Mediation
Role of Lawyers in Mediation Process
Benefits of introduction in Mediation Process
Role of Referral Judge U/s. 89 CPC
Precautions to be taken at the time of referral of a case
Role of Parties in Adjudication and Mediation
Difference between Mediation and Lok Adalat
Importance of ADR in Justice Delivery System
Types of cases suitable for Mediation
Types of cases not suitable for Mediation
Difference between Mediation and Panchayat
Right of Self determination of parties in Mediation Process
Objects of Joint Session in Mediation Process
Relevance of introduction in Mediation Process
How to motivate and prepare parties for Mediation

Suggested/Proposed Topics for Facilitation Exercises

ANNEXURE 'B'

Topics
Relevance of Confidentiality in Mediation
Benefits of Mediation
Facilitation Role of a Mediator in Mediation Process
Qualities of a good Mediator
Difference between Judicial Process, Mediation
Types of Non-verbal Communication used in Mediation
Role of Lawyers in Mediation Process
Benefits of introduction in Mediation Process
Role of Referral Judge U/s. 89 CPC
Precautions to be taken at the time of referral of a case
Role of Parties in Adjudication and Mediation
Difference between Mediation and Lok Adalat
Importance of ADR in Justice Delivery System
Types of cases suitable for Mediation
Types of cases not suitable for Mediation
Difference between Mediation and Panchayat
Right of Self determination of parties in Mediation Process
Objects of Joint Session in Mediation Process
Relevance of introduction in Mediation Process
How to motivate and prepare parties for Mediation

Suggested/Proposed Topics for Designing a Training Session

ANNEXURE 'C'

Topics
Refresher Course on "Techniques of Mediation for Advocate Mediators"
Sensitization Programme on "Referral of Cases for Referral Judges"
Awareness Programme on "Benefits of Mediation for Advocates"
Awareness Programme on "Concept of Mediation for Law Graduates"
Advance Course on "Techniques of Mediation for Advocate Mediators"
Awareness Programme on "Benefits and Concepts of Mediation for newly recruited Judicial Officers"
Awareness Programme regarding Role of Lawyers in Mediation for Senior Advocates of the District Bar
Awareness Programme regarding the Benefits of Mediation in Govt. Cases for Govt. Officials
Awareness Programme on Role and Responsibility of a Referral Judge U/s 89 CPC for Addl. District & Sessions Judges.

Prepared by

Jharkhand State Legal Services Authority

Nyaya Sadan, Near A.G. Office, Doranda, Ranchi

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This Booklet is also available on official website of JHALSA "www.jhalsa.org"