

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 13.02.2014

Subject No. 1- **Preparing data base and requisite software for  
Mediation Proceedings**

Necessary software needs to be created for regular updation and accessibility in the public domain for better transparency and to encourage faith in Mediation Proceedings. The whole process of Mediation requires to be placed at a prominent place on the website of the High Court of M.P.

Subject No.2- **Meeting of Mediators**

Meeting of Mediators may be conducted atleast once in every three to four months wherein Mediators can themselves express their experiences and suggestions to the High Court Mediation Monitoring Sub-Committee, Jabalpur.

Subject No. 3- **Mechanism for ensuring attendance of Parties**

Suitable mechanism for ensuring attendance of parties for atleast three sittings of Mediation should be prepared because in absence of both the parties mediation cannot be possible. Parties concerned and Mediators may provide their respective mobile numbers to each other so as to remain in touch about time of Mediation proceedings. It is also proposed that District Judges may be directed to devote extra time for mediation activities on every non-working Saturdays of the month.

Subject No. 4- **Referral of cases**

More and more cases should be referred to Mediation. Failed cases in Lok Adalat may be taken up in Mediation Proceedings.

Subject No. 5- **Training Programme**

There is an urgent need for more training in this field.

Subject No. 6- **Awareness of Mediation Proceedings**

Concept of Mediation may be properly advertised among the public at large through paper publication, Electronic Media, Camps, Nukkad Nataks at Tehsil & District Level. Public Awareness Camps for mediation may be held from time to time.

Subject No. 7- **Revision of List of Mediators**

The present list of mediators is outdated because of various reasons. New names, who are interested in it, may be incorporated.

Subject No. 8- **Any other matter with the approval of Hon'ble the Chairman**

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Sd/

(VIJAY CHANDRA)

Coordinator

High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING dt. 16.02.2014 OF  
HIGH COURT MEDIATION MONITORING SUB-  
COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Justice Shri Sanjay Yadav, Chairman*
2. *Shri Radhelal Gupta, Adv. & Member*
3. *Shri Purushaindra Kaurav, Addl. Adv. Gen. & Member*
4. *Shri Adarshmuni Trivedi, Sr.Adv. & Member*
5. *Shri D.K.Dixit, Adv. & Member*
6. *Shri Vijay Chandra, Reg.cum Secretary & Co-ordinator*

Subject No. 1- **Preparing data base and requisite software for  
Mediation Proceedings**

It is resolved to prepare data base & requisite software for High Court Mediation Monitoring Sub-Committee, Jabalpur. All mediation schemes and other details will be placed on the website of High Court of M.P.

Subject No.2- **Meeting of Mediators**

Matter is discussed.

Subject No. 3- **Mechanism for ensuring attendance of Parties**

Matter is discussed.

Subject No. 4- **Referral of cases**

It is resolved to prepare proforma of an application in simple words for willing advocates and litigants. This application can be given in Hon'ble Court by parties who are willing to settle their matter through mediation.

Subject No. 5- **Training Programme**

It is noted that some training programme on mediation is going on but there is a need for more training to a large number of Judges and Advocates.

Subject No. 6- **Awareness of Mediation Proceedings**

The mediation mechanism is a win-win situation for both the parties. Hence, there is an urgent need for wider publicity and awareness about mediation programmes. It is resolved to prepare booklet and pamphlet in simple words for wider circulation and awareness of the subject.

Subject No. 7- **Revision of List of Mediators**

It is noted that the present list of mediators is outdated. Hence, it should be revised immediately. A request be send to Main Mediation Centre for the list of new trained mediators based in Jabalpur.

Sd/  
(VIJAY CHANDRA)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 16.05.2014

- Subject No. 1- *To consider modalities, proposed date and time for the release of Mediation Handbook and Action Plan 2014 in all Districts and Tehsils across the State of M.P.*
- Subject No.2- *Review of status of construction of Mediation Centres in various District of the State of Madhya Pradesh.*
- Subject No. 3- *Review of reports of number of referral and successful mediations in the all districts*
- Subject No. 4- *Review of progress of Awareness Programmes from the Monitoring Sub Committee and to review progress of publicity programmes.*
- Subject No. 5- *To impress upon the coordinator of the sub committees to ensure that compliance report received from various districts complied and forwarded to the Main Mediation Centre within time.*
- Subject No. 6- *Any other subject with the permission of Hon'ble the Chairman.*

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING dt. 16.05.2014 OF**  
**HIGH COURT MEDIATION MONITORING SUB-**  
**COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman*
2. *Shri Radhelal Gupta, Adv. & Member*
3. *Shri Adarshmuni Trivedi, Sr.Adv. & Member*
4. *Shri Anand Kumar Tiwari, Reg.cum Secretary & Co-ordinator*

It has been resolved in the Meeting dt. **16.05.2014** of High Court Mediation Monitoring Sub-Committee, Jabalpur that letters may be issued to the State Bar Council MP to be circulated in all the Districts & Tehsils Bar Association about effective participation of litigants and lawyers in Mediation Proceedings. It has been also resolved that awareness for Mediation may be advertised through the Daily Cause List published by the High Court and various Bar Associations. It has been further resolved that Mediation Rules, 2006 is required to be upgraded which shall be put forth in the next meeting of Main Mediation Monitoring Committee State of M.P. Lastly, it has been resolved that cases arising from Family Courts be identified and parties be invited for settlement of dispute through mediation to be placed before the Mediators for proceedings which shall be processed as early as possible.

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 16.05.2014**  
**OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman*
2. *Shri Radhelal Gupta, Adv. & Member*
3. *Shri Adarshmuni Trivedi, Sr.Adv. & Member*
4. *Shri Anand Kumar Tiwari, Reg.cum Secretary & Co-ordinator*

Subject No. 1- **To consider modalities, proposed date and time for the release of Mediation Handbook and Action Plan 2014 in all Districts and Tehsils across the State of M.P.**

The Hon'ble Chairman & the learned members were informed about the publication and release of mediation hand book & action plan 2014, that the same is ready for publication to be release on the date fixed by the Hon'ble Chief Justice.

Subject No.2- **Review of status of construction of Mediation Centres in various District of the State of Madhya Pradesh.**

Matter was discussed. It was brought to notice of committee that on account of the elections, requisite information from the State Govt. had not been received. Therefore, the Committee resolved that District Judges be directed to oversee the construction of the Mediation Centres where the funds have been received and reminders be issued to the State Govt. for requisite budgetary allocation for the remaining districts.

Subject No. 3- **Review of reports of number of referral and successful mediations in the all districts**

It has been resolved that all district of Jabalpur zone have been asked to submit consolidated report of referred and successful mediation cases.

Subject No. 4- **Review of progress of Awareness Programmes from the Monitoring Sub Committee and to review progress of publicity programmes.**

After discussing in this matter it has been resolved that Secretary, State Bar Council, Jabalpur has been informed about the publicity of awareness in mediation programs. Further publicity of Mediation Programs be made through media, pumplets and advertisements.

Subject No. 5- **To impress upon the coordinator of the sub committees to ensure that compliance report received from various districts complied and forwarded to the Main Mediation Centre within time.**

All reports regarding mediation received from various district shall be sent to the Member Secretary SLSA in three days advance of the meeting of Main Mediation Monitoring Committee, Jabalpur.

Subject No. 6- **Any other subject with the permission of Hon'ble the Chairman.**

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Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur



# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 05.08.2014

- Subject No.1- *Scheme for Identification of Cases for Mediation Reference.*
- Subject No. 2- *Permission for provision of light instrumental music in all Mediation Centres.*
- Subject No. 3- *Inclusion of PLVs in Mediation Awareness Programmes and to depute services of such trained PLVs in Pariwar Paramarsh Kendra at Police Stations and District Levels.*
- Subject No. 4- *Review of statistical reports of Mediation at each Bench, District and Tehsil levels and consideration of the synopsis of the proposals forwarded by High Court Mediation Monitoring Sub Committees.*
- Subject No. 5- *Consideration of the guidelines of MCPC pertaining to the honorarium of mediators under the term of three effective sittings.*
- Subject No. 6- *Any other subject with the permission of Hon'ble The Chairman.*

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 05.08.2014**  
**OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR**

PRESENT :

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman*
2. *Shri Radhelal Gupta, Adv. & Member*
3. *Shri Adarshmuni Trivedi, Sr.Adv. & Member*
4. *Shri R.P. Agrawal, Sr. Adv. & Member*
5. *Shri Anand Kumar Tiwari, Reg.cum Secretary & Co-ordinator*

Subject No. 1- **Scheme for Identification of Cases for Mediation Reference.**

The matter was discussed. It has been resolved that consent may be obtained from the Mediators in writing or oral for their service to identify the cases from record room to be listed in court so that it may be referred for Mediation. After obtaining the consent penal of mediator for the aforesaid purpose may be finalized.

Subject No.2- **Permission for provision of light instrumental music in all Mediation Centres.**

The matter was discussed. All the Hon'ble Members unanimously approved grant of permission for provision of light instrumental music in all Mediation Centres.

Subject No. 3- **Inclusion of PLVs in Mediation Awareness Programmes and to depute services of such trained PLVs in Pariwar Paramarsh Kendra at Police Stations and District Levels.**

The matter was discussed. All the Hon'ble Members unanimously approved the inclusion of PLVs in Mediation Awareness Programmes so that their services could be availed in Pariwar Paramarsh Kendras at Police Stations and at the District Levels.

Subject No. 4- **Review of statistical reports of Mediation at each Bench, District and Tehsil levels and consideration of the synopsis of the proposals forwarded by High Court Mediation Monitoring Sub Committees.**

The matter was discussed. Hon'ble Members approved of the proposal to increase number of referrals per Court up to 5 along with expansion of Mediation activities at the district and tehsil levels.

Subject No. 5- **Consideration of the guidelines of MCPC pertaining to the honorarium of mediators under the term of three effective sittings.**

The matter was discussed. Hon'ble Members unanimously approved that three effective sittings would entail presence of mediator in all three sittings including at least one coordinate sitting which should be in the presence of parties or their counsel.

Subject No. 6- **Any other subject with the permission of Hon'ble The Chairman.**

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Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 25.09.2014

- Subject No.1- *Confirmation of the minutes of last meeting  
“Proposed Resolutions of the Mediation  
Monitoring Committee.*
- Subject No. 2- *Any other subject with the permission of Hon’ble  
The Chairman.*

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 25.09.2014**  
**OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman*
2. *Shri Radhelal Gupta, Adv. & Member*
3. *Shri Adarshmoni Trivedi, Sr.Adv. & Member*
4. *Shri R.P. Agrawal, Sr. Adv. & Member*
5. *Shri Purushendra Kaurav, Addl. Adv. General & Member*
6. *Shri Anand Kumar Tiwari, Registrar cum Secretary & Coordinator*

Subject No.1- **Confirmation of the minutes of last meeting**  
**“Proposed Resolutions of the Mediation**  
**Monitoring Committee.**

The Hon’ble Chairman and the learned members of the Sub-Committee have confirmed the minutes of the last meeting.

Subject No. 2- **Any other subject with the permission of Hon’ble**  
**The Chairman.**

The Hon’ble Chairman discussed the outcome of mediation proceedings commencing in the State of Madhya Pradesh and abreast the learned members about the rise in figures of successful cases through mediation proceedings. The Hon’ble Chairman also discussed about the website of Main Mediation Centre wherein the litigants or lawyers can resolve their queries regarding cases of mediation proceedings. The Interaction amongst the mediators through meeting once in a month was also appreciated by the learned members. The proposed conference of mediation in the State on 22<sup>nd</sup> October 2014 was also discussed informing that the facilitation of mediators giving best results would be conducted in the conference.

Sd/

(ANAND KUMAR TIWARI)

Coordinator

High Court Mediation Monitoring Sub-Committee,  
Jabalpur

# **AGENDA**

## **FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 13.11.2014**

- Subject No.1- **Confirmation of the minutes of last meeting.**
- Subject No. 2- **Consideration of the report prepared by Shri Anand Kumar Tiwari, Registrar cum Secretary, High Court Legal Services Committee, Jabalpur on available infrastructure of Principal Seat at Benches.**
- Subject No. 3- **Consideration of the modalities and other details for the Regional Conference dated 29<sup>th</sup> November, 2014.**
- Subject No. 4- **Any other subject with the permission of Hon'ble the Chairman.**

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 13.11.2014**  
**OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Justice Shri Sanjay Yadav, Chairman*
2. *Shri Radhelal Gupta, Adv. & Member*
3. *Shri Adarshmuni Trivedi, Sr. Adv. & Member*
4. *Shri R.P. Agrawal, Sr. Adv. & Member*
5. *Shri Purushendra Kaurav, Addl. Adv. General & Member*
6. *Shri Anand Kumar Tiwari, Registrar cum Secretary & Coordinator*

Subject No.1- **Confirmation of the minutes of last meeting.**

The minutes of the last meeting dated 25.09.2014 was confirmed by the kind permission of Hon'ble Chairman and the learned members of the Committee.

Subject No. 2- **Consideration of the report prepared by Shri Anand Kumar Tiwari, Registrar cum Secretary, High Court Legal Services Committee, Jabalpur on available infrastructure of Principal Seat at Benches.**

The report regarding the available infrastructure at the Mediation Centre situated at M.P. High Court, Principal Seat, Jabalpur was discussed in the meeting. The Hon'ble Chairman suggested successfully that well equipped Mediation Centre should be situated at such a place where the litigant parties and their counsels could have an easy access, so that the persons participating in the Mediation Proceeding are not put to inconvenience and their valuable time is saved. All the learned members were ad-idem with the suggestions of the Hon'ble Chairman. Learned member Shri Adarsh Muni Trivedi expressed his inclination to provide addition facility in the Bar Room or its vicinity so that the Mediation Centre could be establish in an easy accessible place of High Court premises.

Subject No. 3- **Consideration of the modalities and other details for the Regional Conference dated 29<sup>th</sup> November, 2014.**

The Learned members were apprised about the Regional Conference scheduled to be held and conducted on 29.11.2014 at Jabalpur. The particulars of the regional conference and participant were also discussed. The Hon'ble Chairman alongwith the Learned Members have appreciated the laudable objects and purpose of the Regional Conference.

Subject No. 4- **Any other subject with the permission of Hon'ble the Chairman.**

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Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee,  
Jabalpur



**AGENDA**  
**FOR THE MEETING OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR TO BE HELD ON 21.01.2015**

- Subject No.1- **Confirmation of the minutes of last meeting.**
- Subject No. 2- **Consideration of the proposal for training of Advocates having 10 years experience as Mediator. Resolved in the Main Mediation Monitoring Committee vide meeting held on 19.01.2015**
- Subject No. 3- **Any other subject with the kind permission of Hon'ble the Chairman.**

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 21.01.2015**  
**OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Justice Shri Sanjay Yadav, Chairman*
2. *Shri Adarshmuni Trivedi, Sr. Adv. & Member*
3. *Shri R.P. Agrawal, Sr. Adv. & Member*
4. *Shri Purushendra Kaurav, Addl. Adv. General & Member*
5. *Shri Anand Kumar Tiwari, Registrar cum Secretary & Coordinator*

Subject No.1- **Confirmation of the minutes of last meeting.**

The minutes of the last meeting dated 13.11.2014 was confirmed by the kind permission of Hon'ble Chairman and the learned members of the Committee.

Subject No. 2- **Consideration of the proposal for training of Advocates having 10 years experience as Mediator. Resolved in the Main Mediation Monitoring Committee vide meeting held on 19.01.2015**

The Hon'ble Chairman and the learned members discussed the issue and were concordant that instead of the existing 15 years period required under Rule 5(b) of the Mediation Rules 2006, legal practitioners with 10 years standing may be considered for empanelment under Rule 4 of the Rules.

Subject No. 3- **Any other subject with the kind permission of Hon'ble the Chairman.**

With the permission of the Hon'ble Chairman, the issue of participation of State Government in Mediation Proceedings was discussed in the meeting. The Learned Member representative of the Advocate General, Shri Purushendra Kaurav, Addl. Advocate General apprised before the Sub-Committee that State Government is in the process of framing scheme to identifying cases which can

be resolve through Mediation Proceedings and Lok Adalat, particularly trivial matters should be identify and disposed of the mediation at early stage or any stage. He has informed that the State Litigation Policy 2011 framed by the Government of M.P. Department of Law and Legislative Affairs is already in vogue. The said policy speaks about constitution of Monitoring Committee, wherein, the committee headed by the Advocate General will scrutinize the cases on behalf of government which have become infructuous and would send proposal to the concerned department for necessary action suggesting future course of actions.

According to him the cases, wherein, mediation can take place and in Lok Adalat Settlement may arrive, if are also approved by such Committee, this will increase mediation cases and also the settlement of cases in Lok Adalat. He also informed that on 18.12.2014 vide DO No. 20663 he has informed all concerned including the Chief Secretary and Principal Secretary, Law Department that the Litigation Policy of the State Government should be reframed so that the same may become workable. The issue is mentioned in his above letter as point no. J which is annexed herewith.

Further information provided by him is that there was a meeting held at Bhopal in the presence of Chief Secretary and other senior secretaries, wherein, discussion has taken place on the said letter and there was a decision to act upon the same, i.e. to reframe the State Litigation Policy.

The Hon'ble Chairman informed the Learned Members that the Main Mediation Monitoring Committee, is incorporating provisions in the Handbook and Action Plan on Mediation, 2015 for undertaking the task of identifying appropriate cases at pre-litigation stage which would be coordinated by the Para-legal Volunteers in the meeting held at the Collector Office and after identification of suitable cases, the same would be placed for mediation proceedings at the Mediation Clinic in accordance with the schemes.

The meeting was concluded with a vote of thanks and regards extended to the Learned Members who participated in the meeting.

Sd/  
(ANAND KUMAR TIWARI)  
Coordinator  
High Court Mediation Monitoring Sub-Committee,  
Jabalpur

# AGENDA

FOR THE MEETING TO BE HELD ON 15.04.2015

- Subject No.1- *Confirmation of the minutes of last meeting.*
- Subject No. 2- *Ensuring implementation of resolutions of Main Mediation Monitoring Committee, Jabalpur held on 07.04.2015*
- Subject No. 3- *Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.*
- Subject No. 4- *Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gajendra Singh)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 15.04.2015**  
**OF HIGH COURT MEDIATION MONITORING**  
**SUB-COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri Adarshmuni Trivedi, Sr. Adv.(President M.P.High Court Bar Association)& Member*
3. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
4. *Shri Manoj Sharma, Adv. (Representative of M.P. Advocate's Bar Association)&Member*
5. *Shri Purushendra Kaurav, Addl. Adv. General, (Representative of Advocate General) & Member*
6. *Shri Gajendra Singh, Registrar cum Secretary & Coordinator*

**Subject No.1- Confirmation of the minutes of last meeting.**

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 15.01.2015 .

**Subject No. 2- Ensuring implementation of resolutions of Main Mediation Monitoring Committee, Jabalpur held on 07.04.2015.**

Hon'ble Chairman and the learned Members resolved to implement the resolutions of Main Mediation Monitoring Committee held on 07.04.2015.

**Subject No. 3- Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.**

The matter was discussed.

In the meeting of Sub-Committee held on 15.01.2015 it was informed by Addl. Advocate General Shri Purushendra Kaurav that the State Litigation Policy, 2011 framed by the Government of M.P., Department of Law and Legislative Affairs, mentions regarding constitution of

Monitoring Committee headed by the Advocate General with one Secretary from the Law and Legislative Affairs Department with two Law Officers of the Advocate General Office and Director of Prosecution, as members of the committee who will scrutinize the cases on behalf of the Government which have become infructuous and send its proposal to the concerned department for necessary action suggesting the future course in the cases. It was suggested by Shri Kaurav that if cases suitable for mediation and Lok Adalat are also approved by such committee, this will increase mediation cases and also the settlement of cases in Lok Adalat. Referring letter dated 18/12/2014 it was informed that there is a decision in a meeting held in Bhopal to reframe State litigation Policy so that the same may become workable.

In this meeting Shri Purushendra Kaurav informed that from 15.01.2015 no other meeting could be organized due to one or other reason, so there is no progress in reframing the State Legislation Policy. But Shri Purushendra Kaurav insisted the need for **comprehensive mediation policy** by State and assured that by the next meeting of Main Mediation Monitoring Committee, which is scheduled in near future, Government will put before committee steps/progress taken in this regard.

Shri Kaurav also informed that the Department of Law and Legislative Affairs, Government of M.P. is exploring to reformulate the State Litigation Policy, so a copy of resolution should be forwarded to Department of Law and Legislative Affairs so that information regarding progress on reframing of State Litigation Policy and inclusion of mediation as a part of reframed policy could be put before next meeting of main mediation monitoring committee.

Committee resolved to forward a copy of resolution to Department of Law and Legislative Affairs, Government of M.P. with a request to inform the committee regarding progress on reframing of state litigation policy and inclusion of mediation as a part of reframed litigation policy by the next meeting of Main Mediation Monitoring Committee.

**Subject No. 4- Any other subject with the kind permission of Hon'ble the Chairman.**

With the kind permission of Hon'ble Chairman two matters were discussed in the meeting.

First, relate to preparation of **performance appraisal record** of mediators. The record of the mediators would help the centre to assign further cases to mediators and assess the progress of mediation activities in centre. Record would be prepared about cases assigned, No. of successful, unsuccessful and pending referrals. Time devoted to mediation proceeding, efforts for mediation, preference shown towards referred cases by mediators and adjournment taken by mediator for personal reason.

Second issue was regarding the approval of panel of mediator for identification of cases for mediation reference. In the meeting of 5<sup>th</sup> August, 2014 as subject no. 01 was resolved to obtain the consent of panel of the mediators for their service to identification of the cases from record room to be listed in the court so that they may be referred for mediation. In compliance of that resolution a list of 15 mediators was prepared.

Name of mediators were discussed and the list was approved in the meeting. As per the Scheme 3(e), the said panel shall be finalized by the Main Mediation Monitoring Committee on the recommendation made by this committee, so committee resolved to recommend the name of approved mediators for finalization by Main Mediation Monitoring Committee.

Sd/  
(Gajendra Singh)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur



**AGENDA**  
**FOR THE MEETING TO BE HELD ON 14.07.2015**

- Subject No.1- **Confirmation of the minutes of last meeting.**
- Subject No. 2- **Ensuring implementation of resolutions of Main Mediation Monitoring Committee, Jabalpur held on 24.06.2015**
- Subject No. 3- **Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.**
- Subject No. 4- **Any other subject with the kind permission of Hon'ble the Chairman.**

Sd/  
(Gajendra Singh)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 14.07.2015**  
**OF HIGH COURT MEDIATION MONITORING SUB-**  
**COMMITTEE, JABALPUR**

PRESENT :

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
3. *Shri R.P.Agrawal, Sr.Adv. (President of M.P. Advocate's Bar Association) & Member*
4. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocate General) & Member*
5. *Shri Gajendra Singh, Registrar cum Secretary & Coordinator*

**Subject No.1- Confirmation of the minutes of last meeting.**

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 15.04.2015.

**Subject No. 2- Ensuring implementation of resolutions of Main Mediation Monitoring Committee, Jabalpur held on 24.06.2015.**

Hon'ble Chairman and the learned Members resolved to implement the resolutions of Main Mediation Monitoring Committee held on 24.06.2015.

In compliance of Item no. 3 of resolution of Main Mediation Monitoring Committee, calendar for next three months is being prepared indicating the dates on which particular mediator would visit sections to identify cases fit for mediation reference amongst the cases assigned by Registrar Judicial.

**Subject No. 3- Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.**

The matter was discussed.

In the meeting of Sub-Committee held on 15.01.2015 it was informed by Addl. Advocate General Shri Purushendra Kaurav that the State Litigation Policy, 2011 framed by the

Government of M.P., Department of Law and Legislative Affairs, mentions regarding constitution of Monitoring Committee headed by the Advocate General with one Secretary from the Law and Legislative Affairs Department with two Law Officers of the Advocate General Office and Director of Prosecution, as members of the committee who will scrutinize the cases on behalf of the Government which have become infructuous and send its proposal to the concerned department for necessary action suggesting the future course in the cases. It was suggested by Shri Kaurav that if cases suitable for mediation and Lok Adalat are also approved by such committee, this will increase mediation cases and also the settlement of cases in Lok Adalat. Referring letter dated 18/12/2014 it was informed that there is a decision in a meeting held in Bhopal to reframe State litigation Policy so that the same may become workable.

In the meeting of Sub-Committee held on 15.04.2015 Shri Purushendra Kaurav informed that from 15.01.2015 no other meeting could be organized due to one or other reason, so there is no progress in reframing the State Legislation Policy. But Shri Purushendra Kaurav insisted the need for **comprehensive mediation policy** by State and assured that by the next meeting of Main Mediation Monitoring Committee, which is scheduled in near future, Government will put before committee steps/progress taken in this regard.

Shri Kaurav also informed that the Department of Law and Legislative Affairs, Government of M.P. is exploring to reformulate the State Litigation Policy, so a copy of resolution should be forwarded to Department of Law and Legislative Affairs so that information regarding progress on reframing of State Litigation Policy and inclusion of mediation as a part of reframed policy could be put before next meeting of main mediation monitoring committee.

Committee resolved to forward a copy of resolution to Department of Law and Legislative Affairs, Government of M.P. with a request to inform the committee regarding progress on reframing of state litigation policy and inclusion of mediation as a part of reframed litigation policy by the next meeting of Main Mediation Monitoring Committee.

In compliance of that a copy of resolution was dispatched to Principal Secretary, Department of Law and Legislative Affairs, Government of M.P. with a request to inform the committee regarding progress in this matter. No written information is received by the committee but Addl. Advocate General Shri K.S. Wadhwa informed the committee that the matter is under consideration and government is reframing the state litigation policy. It will be prepared very soon.

Committee expects that the same will be prepared with promptitude and put before next meeting of the Main Mediation Monitoring Sub - Committee.

**Subject No. 4- Any other subject with the kind permission of Hon'ble the Chairman.**

With the kind permission of Hon'ble Chairman matter regarding the report of mediator was discussed in the meeting.

It was observed by the Hon'ble Chairman that where the matter could not be processed due to non-appearance of parties (due to non receipt of proper intimation or due to reasons beyond their control), in those cases also mediator submit the report of failure of mediation.

Committee suggested that these cases are not failure of mediation but in those cases proper report should be that the matter could not be processed due to non appearance of parties and matter should be placed before the court for proper order. Committee resolved that attention of mediators should be invited to this aspect while dwelling upon the mediation.

Sd/  
(Gajendra Singh)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

# AGENDA

FOR THE MEETING TO BE HELD ON 27.11.2015

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gajendr Singh)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE Xth MEETING OF HIGH COURT  
MEDIATION MONITORING SUB-COMMITTEE,  
JABALPUR DATED 27.11.2015**

PRESENT :

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri R.P. Agrawal, Sr. Adv. (Representative of M.P. Advocate's Bar Association) & Member*
3. *Shri Samdarshi Tiwari, Govt. Adv., (Representative of Advocate General) & Member*
4. *Shri Gajendra Singh, Registrar cum Secretary & Coordinator*

Office of Shri Adarshmuni Trivedi, Sr. Adv. (President M.P. High Court Bar Association) & Member intimated that due to personal reason Shri Trivedi is unable to attend the meeting and Shri Radhelal Gupta, Sr. Adv. (Representative of M.P. State Bar Council) & Member intimated that he is out of station (in Delhi) and could not attend the meeting scheduled on 27<sup>th</sup> Nov. 2015.

Agenda No. 3 (**Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.**) was discussed with Shri Samdarshi Tiwari, Govt. Adv. & Shri Samdarshi Tiwari informed that serious efforts are being made by the State Govt. to formulate Comprehensive mediation policy and by the next meeting of the Committee, which is scheduled in near future, Government will put before committee Status Report of progress in formulating comprehensive mediation policy.

Sd/  
(Gajendr Singh)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

# AGENDA

FOR THE MEETING TO BE HELD ON 02.02.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.*
- Subject No. 3- Review of reports of number of referral and successful mediation in all 28 districts falling in territorial jurisdiction of High Court Mediation Monitoring Sub-Committee, Jabalpur.*
- Subject No. 4- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
High Court Mediation Monitoring Sub-Committee  
Jabalpur

**MINUTES OF THE MEETING DATED 02.02.2016**  
**OF HIGH COURT MEDIATION MONITORING SUB-**  
**COMMITTEE, JABALPUR**

PRESENT :

5. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
6. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
7. *Shri Manoj Sharma, Adv. (Representative of M.P. Advocate's Bar Association)&Member*
8. *Shri Purushendra Kaurav, Addl. Adv. General, (Representative of Advocte General) & Member*
9. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

***Subject No.1- Confirmation of the minutes of last meeting.***

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 27<sup>th</sup> November, 2015.

***Subject No. 2- Discussion on the initiatives of State Government regarding Mediation Policy in the State Litigation Policy 2011.***

The matter was discussed.

In the meeting of Sub-Committee it was informed by Addl. Advocate General Shri Purushendra Kaurav that the State Litigation Policy, 2011 framed by the Government of M.P., Department of Law and Legislative Affairs, mentions regarding constitution of Monitoring Committee headed by the Advocate General with one Secretary from the Law and Legislative Affairs Department with two Law Officers of the Advocate General Office and Director of Prosecution, as members of the committee who will scrutinize the cases on behalf of the Government which have become infructuous and send its proposal to the concerned department for necessary action



suggesting the future course in the cases. It was suggested by Shri Kaurav that if cases suitable for mediation and Lok Adalat are also approved by such committee, this will increase mediation cases and also the settlement of cases in Lok Adalat. Referring letter dated 18/12/2014 it was informed that there is a decision in a meeting held in Bhopal to reframe State litigation Policy so that the same may become workable.

In the meeting of Sub-Committee held on 15.04.2015 Shri Purushendra Kaurav informed that from 15.01.2015 no other meeting could be organized due to one or other reason, so there is no progress in reframing the State Legislation Policy. But Shri Purushendra Kaurav insisted the need for **comprehensive mediation policy** by State and assured that by the next meeting of Main Mediation Monitoring Committee, which is scheduled in near future, Government will put before committee steps/progress taken in this regard.

Shri Kaurav also informed that the Department of Law and Legislative Affairs, Government of M.P. is exploring to reformulate the State Litigation Policy, so a copy of resolution should be forwarded to Department of Law and Legislative Affairs so that information regarding progress on reframing of State Litigation Policy and inclusion of mediation as a part of reframed policy could be put before next meeting of main mediation monitoring committee.

Committee resolved to forward a copy of resolution to Department of Law and Legislative Affairs, Government of M.P. with a request to inform the committee regarding progress on reframing of state litigation policy and inclusion of mediation as a part of reframed litigation policy by the next meeting of Main Mediation Monitoring Committee.

In compliance of that a copy of resolution was dispatched to Principal Secretary, Department of Law and Legislative Affairs, Government of M.P.

with a request to inform the committee regarding progress in this matter.

Committee expects that the same will be prepared with promptitude and put before next meeting of the Main Mediation Monitoring Sub - Committee.

**Subject No. 3- Review of reports of number of referral and successful mediation in all 28 districts falling in territorial jurisdiction of High Court Mediation Monitoring Sub-Committee, Jabalpur.**

The matter was discussed.

It has been resolved that all 28 district falling in territorial jurisdiction of High Court Mediation Monitoring Sub-Committee, Jabalpur have been asked to submit consolidated report of referred and successful mediation cases.

**Subject No. 4- Any other subject with the kind permission of Hon'ble the Chairman.**

With the kind permission of Hon'ble Chairman matter regarding the brief article may be called by Shri V.K. Dubey, District & Session Judge, Betul and Shri H.P. Singh, Chairman, S.T.A.T., Gwailor which was best mediation proceeding conduct by them so that the same may be published in the magazine of M.P. State Bar Council, Jabalpur.

It was asked by Addl. Advocate General Shri Purushendra Kaurav that which type of cases may be referred to mediation therefore, the information about the same is being sent him separately.

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C. Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 24.02.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Procedure to be adopted for execution of the  
Scheme of Identification of cases for mediation.*
- Subject No. 3- Any other subject with the kind permission of  
Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

**MINUTES OF THE MEETING DATED 24.02.2016**  
**OF HIGH COURT MEDIATION MONITORING SUB-**  
**COMMITTEE, JABALPUR**

PRESENT :

10. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
11. *Shri Nitin Gupta, Adv.(Representative of M.P.High Court Bar Association) & Member*
12. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
13. *Shri R.P. Agrawal, Sr. Adv. (Representative of M.P. Advocate's Bar Association) & Member*
14. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocete General) & Member*
15. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

***Subject No.1- Confirmation of the minutes of last meeting.***

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 02.02.2016.

**Compliance-** Letter has been issued to Shri V.K. Dubey, District & Session Judge, Betul and Shri H.P. Singh, Chairman, S.T.A.T., Gwailor to sent a brief article on best mediation proceeding conduct by them so that the same may be published in the magazine of M.P. State Bar Council, Jabalpur.

***Subject No. 2- Procedure to be adopted for execution of the Scheme of Identification of cases for mediation.***

The matter was discussed.

For successful implementation of the I.C.M.R. Scheme and with a view that its process could be executed smoothly & in a easy going way,

this process has been prepared for Co-ordinator (Registrar, High Court Legal Services Committee), Mediators & Staff. Procedure was put up before HCMMSC. It was discussed that the procedure be sent to MPSLSA for taking up before upcoming meeting of MMMC and after approval by MMMC it will be sent to all members of HCMMSC, Jabalpur.

*Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

With the kind permission of Hon'ble Chairman, Shri Radhelal Gupta , Sr. Adv.(Representative of M.P. State Bar Council) & Member was expressed that the brief article on best mediation proceedings is received from only District Judge, Betul and not from Shri H.P. Singh, Chairman, S.T.A.T., Gwailor. Therefore, it was resolved that in this respect a letter be sent to Shri H.P. Singh, Chairman, S.T.A.T., Gwailor, so that the same may be published in the magazine of M.P. State Bar Council, Jabalpur.

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 22.03.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on cases regarding services matters between Government Servants and State may be put under the scheme of Identification of Cases for Mediation Reference.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

**MINUTES OF THE MEETING DATED 22.03.2016 OF  
HIGH COURT MEDIATION MONITORING SUB-  
COMMITTEE, JABALPUR**

**PRESENT :**

7. Hon'ble Shri Justice Sanjay Yadav, Chairman.
8. Shri Radhelal Gupta, Sr. Adv. (Representative of M.P. State Bar Council) & Member
9. Shri R.P. Agrawal, Sr. Adv. (Representative of M.P. Advocate's Bar Association) & Member
10. Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocate General) & Member
11. Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator

**Subject No.1- Confirmation of the minutes of last meeting.**

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 24.02.2016.

**Compliance-** The copy of scheme of Identification of Cases for Mediation Reference is sent to Member Secretary, M.P.S.L.S.A. for necessary action.

A letter has been issued again to Shri H.P. Singh, Chairman, S.T.A.T., Gwailor to send a brief article on best mediation proceeding conduct by them so that the same may be published in the magazine of M.P. State Bar Council, Jabalpur.

**Subject No. 2- Discussion on cases regarding services matters between Government Servants and State may be put under the scheme of Identification of Cases for Mediation Reference.**

Looking to large number of cases regarding service

matters, pending before the Hon'ble High Court, those cases may be decided under the scheme of Identification of Cases for Mediation Reference (ICMR). Since, there is a single sitting of Lok Adalat while the Mediation Proceedings are arranged by way of many sittings. Due to this reason these matters are not decided in Lok Adalat while the mediation can give more time and effective results.

The office of Advocate General may prepare the list of cases of service matters between Government Servant and the Government regarding trifling disputes like *Transfer, Increment and Pension* etc. wherein relief is sought from Government specially matters covered by the judgment of Hon'ble Supreme Court. A list of some other cases also be prepared whereby the moto of cases has failed due to lapse of "Vast Span of Time" during pendency. Thereafter such list may be sent to the concerned department for sending the proposals for compromise on all or material issues. This work may be done on priority basis by the office of A.G.

After collecting information from concerned departmental heads, the A.G. office should sent the list to Mediation Centre for consideration in scheme of Identification of Cases for Mediation Reference.

*Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

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(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur



# AGENDA

FOR THE MEETING OF HIGH COURT MEDIATION MONITORING  
SUB-COMMITTEE, JABALPUR TO BE HELD ON 20.04.2016

27

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- How to encourage and make sincere efforts for promotion and development of Mediation Proceedings amongst the public at large.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

**MINUTES OF THE MEETING DATED 27.04.2016 OF  
HIGH COURT MEDIATION MONITORING SUB-  
COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri Radhelal Gupta, Sr. Adv. (Representative of M.P. State Bar Council) & Member*
3. *Shri R.P. Agrawal, Sr. Adv. (Representative of M.P. Advocate's Bar Association) & Member*
4. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocate General) & Member*
5. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

**Subject No.1- Confirmation of the minutes of last meeting.**

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 22.03.2016.

**Compliance-** A letter has been sent to the office of Advocate General prepare the list of cases of service matters between Government Servant and one of the party is State regarding trifling disputes like *Transfer, Increment and Pension* etc. wherein relief is sought from Government specially matters covered by the judgment of Hon'ble Supreme Court.

**Subject No. 2- How to encourage and make sincere efforts for promotion and development of Mediation Proceedings amongst the public at large.**

The matter was discussed. Shri Radhe Lal Gupta, Representative of State Bar Council MP has stated

that the State Bar Council of M.P. may circulate a letter to all the Districts & Tehsils Bar Association about effective participation of litigants and lawyers in Mediation Proceedings. He further assured that keen interest shall be taken by State Bar Council of M.P. to make sincere efforts for promotion and development of mediation proceedings. Mr. Gupta further stated that publicity/awareness for mediation may be advertised through the Daily Cause List published by M.P. High Court Bar Associations.

Representative of office of Advocate General, Shri K. S. Wadhwa, Addl. Adv. General, has assured that they would comply the minutes of previous meeting dated 22.03.2016. He has further stated that the office of Advocate General would participate while organizing Mediation Awareness Programme for Advocates, Litigants and Government Officials etc.

It has been resolved that cases arising from Family Courts be identified and parties be invited for settlement of dispute through mediation to be placed before the Mediators for proceedings in this respect the scheme of 3(e) of Handbook and Action Plan on Mediation, 2014 has already been proceed.

In the Mediation Centre, High Court of Jabalpur there are 81 Trained Mediator from MCPC, wherein 18 Mediators are Social Worker and 63 Mediators are Advocate but out of 18 Social Worker Mediators only 04 are active same as out of

63 Advocate Mediators only 18 are active. Therefore, it has resolved that a letter may be written to Member Secretary (Coordinator), State Legal Services Authority, Jabalpur to provide 40 hours Mediation Training to other Social Workers and Advocates so that the proceedings of mediation will be increase.

Lastly it has been resolved that, for organizing Mediation Awareness Programme/Camp as per the guidelines published in Handbook and Action Plan on Mediation, 2014 at page no. 99 in the 28 districts falling under the Jabalpur Zone. Letter be sent to all the 28 districts falling in the territorial jurisdiction of Jabalpur Zone. It is essential to arrange mediation awareness programme in co-ordination with Local Bar Association amongst the public and litigants to take interest in mediation proceedings. Judicial officials, advocates and social workers may be included to take part in Mediation Awareness Programme/Camp so that awareness about mediation may be developed amongst public and litigants.

Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.

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Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 22.06.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion regarding implementation of resolution of previous meetings in respect of including the Mediation Policy in the State Litigation Policy 2011.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

**MINUTES OF THE MEETING DATED 22.06.2016 OF  
HIGH COURT MEDIATION MONITORING SUB-  
COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri S.C. Datta, Sr. Adv.(President M.P. High Court Bar Association) & Member*
3. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
4. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocate General) & Member*
5. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

**Subject No.1- Confirmation of the minutes of last meeting.**

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 27.04.2016.

**Subject No. 2- Discussion regarding implementation of resolution of previous meetings in respect of including the Mediation Policy in the State Litigation Policy 2011.**

With regard to reframing of the State Litigation Policy, Committee,-2011, for including the mediation policy, thereon the Mediation Monitoring Sub-Committee, Jabalpur, passed resolutions on 02.02.2016 wherein it was informed by the representatives of learned Advocate General that the Department of Law and Legislative Affairs, Bhopal has been apprised of the said proposals.

It is now informed that the Departmental Committee is constituted under the Chairmanship of Advocate General to monitor the matter which

could be sorted out and resolved through mediation. It is informed that a decision to that effect is being taken by the Cabinet.

Accordingly, it is suggested by Shri K.S. Wadhwa, Additional Advocate General that once the said Mediation Committee come into operation the matters could be sorted out and can be disposed off through Mediation. It is submitted by learned Additional Advocate General that no sooner an order is passed by the State Government as to constitution of said Committee, the same will be placed before this Committee.

Subject No. 3-

Any other subject with the kind permission of Hon'ble the Chairman.

With the kind permission of Hon'ble Chairman, Shri S.C. Datta, Sr. Adv.(President M.P. High Court Bar Association) & Member has stated that parties do not appear in the mediation proceedings attempt should be made to ensure the attendance of both the parties so that the mediation may be more successful. This suggestion of Shri S.C. Datta, should be placed in the meeting of Main Mediation Monitoring Committee, Jabalpur. The resolutions may be sent to the office of State Legal Services Authority, Jabalpur for kind information and necessary action.

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 20.07.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on the points to be kept in mind while preparing settlement agreement by the Mediator after the mediation proceeding are successful.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur



**MINUTES OF THE MEETING DATED 20.07.2016 OF  
HIGH COURT MEDIATION MONITORING SUB-  
COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri S.C. Datta, Sr. Adv.(President M.P. High Court Bar Association)& Member*
3. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
4. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocete General) & Member*
5. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

**Subject No.1- Confirmation of the minutes of last meeting.**

The Hon'ble Chairman and the learned members of the Committee confirmed the minutes of the last meeting dated 22.06.2016.

**Subject No. 2- Discussion on the points to be kept in mind while preparing settlement agreement by the Mediator after the mediation proceeding are successful.**

Discussion on the points to be kept in mind by the mediator while preparing Settlement Deed after the mediation proceeds are successful.

It is essential for a mediator to prepare Settlement Deed with the consent of both the parties after mediation proceedings succeed, because the Order and Decree is prepared by the Court on the basis of Settlement Deed itself. The Settlement Deed shall have the effect under the provision of Order 23, Rule 3 CPC and further it shall have the effect of a Decree of Civil Court under section 21 of the Legal Services Authority Act, 1987 (Afcon Judgment Para 27-28). Hence, the mediator should bear in mind the provisions of Rule 25 of Civil Procedure Mediation Rules, 2006

The mediator should keep in mind the following guidelines during the mediation proceedings succeed and while preparing the Settlement Deed:-

Sr. No.	What Mediator to do	What Mediator should not do
1	There should be obvious solution with regard to the dispute in the Settlement Deed.	There should not be ambiguity in the Settlement Deed.
2	The language of Settlement Deed should be clear and evident.	The language in the Settlement Deed should not be ambiguous or doublespeak.
3	In case of the disputes more than one issue, there should be individual and issue-wise mention of the solution in the Settlement Deed.	Settlement Deed should not contain anything ultra-vires to the law or anything which could not be acted upon. Further, contents of the Settlement Deed should not create legal difficulty in preparing Decree. Provision of section 23 Contract Act be kept in mind. <i>(Section 23 Contract Act- What considerations and objects are lawful and what not.- The consideration or object of an agreement is lawful, unless- (a) it is forbidden by law; or (b) is of such nature that, if permitted, it would defeat the</i>

		<p><i>provisions of any law; or (c) is fraudulent; or (d) involves or implies injury to the person or property of another or; (e) the Court regards it as immoral, or opposed to public policy. In each of these cases, the consideration or object of an agreement is said to be unlawful. Every agreement of which the object or consideration is unlawful is void.)</i></p>
4	Decision may be taken to resolve the entire issue.	It shall not be decided in part.
5	A Settlement Deed must be prepared on the basis of conditions accepted by the parties with their consent.	A mediator is neither supposed to give his advice in the Settlement Deed nor any condition be imposed by him therein. He must remember that he is only a facilitator and not adjudicator.
6	After successful mediation, the mediator should send Settlement Deed immediately alongwith his report to the Court.	If mediation remains unsuccessful, then the mediator will inform the Court and will not disclose the reasons of failure of mediation. All notes taken by him be destroyed.
7	The Mediators will have to maintain confidentiality of	The Mediators will not disclose the facts of mediation proceedings

mediation before any third  
proceedings and person even before the  
contents of referral judge.

Settlement Deed

- 8 The Settlement Deed The Settlement Deed  
must contain the should not be prepared  
consent and by the mediator in  
signatures of all absence of both the  
necessary parties parties nor without  
alongwith signature their consent.  
of mediator and  
counsel of both the  
parties.

The mediator must send his report to the concerned  
Court in light of the above points.

The matter should be placed in the meeting of  
Main Mediation Monitoring Committee, Jabalpur.  
The resolutions may be sent to the office of State  
Legal Services Authority, Jabalpur for kind  
information and necessary action.

Subject No. 3-

Any other subject with the kind permission of  
Hon'ble the Chairman.

Nil

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

# AGENDA

## FOR THE MEETING OF HIGH COURT MEDIATION MONITORING SUB-COMMITTEE, JABALPUR TO BE HELD ON 24.08.2016

- Subject No.1- Confirmation of the minutes of last meeting.*
- Subject No. 2- Discussion on the reconstitution of the panel of 15 Mediators under the scheme of Identification of Cases for Mediation Reference.*
- Subject No. 3- Any other subject with the kind permission of Hon'ble the Chairman.*

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur

**MINUTES OF THE MEETING DATED 24.08.2016 OF**  
**HIGH COURT MEDIATION MONITORING SUB-**  
**COMMITTEE, JABALPUR**

**PRESENT :**

1. *Hon'ble Shri Justice Sanjay Yadav, Chairman.*
2. *Shri S.C. Datta, Sr. Adv.(President M.P. High Court Bar Association)& Member*
3. *Shri T.S. Ruprah, Sr.Adv. (President of M.P. Advocate's Bar Association) & Member*
4. *Shri Radhelal Gupta, Sr. Adv.(Representative of M.P. State Bar Council) & Member*
5. *Shri K.S.Wadhwa, Addl. Adv. General, (Representative of Advocate General) & Member*
6. *Shri Gireesh Dikshit, Registrar cum Secretary & Coordinator*

***Subject No.1- Confirmation of the minutes of the last meeting.***

The Hon'ble Chairman and the learned members of the Committee have confirmed the minutes of the last meeting dated 20.07.2016.

***Subject No. 2- Discussion on the reconstitution of the panel of 15 Mediators under the scheme of Identification of Cases for Mediation Reference.***

As per the Mediation Scheme 3(e) of Handbook & Action Plan on Mediation, 2014 at page no. 89, a panel of 15 mediators was constituted earlier to identification of cases for mediation reference and out of which nine mediators are not active to work under the said scheme and they have shown their inability to do the said work.

Therefore, in aforesaid situation, it would be appropriate to reconstitute the panel replacing the members (who are not willing to do the said work)

and add nine new members in their place in the said panel who have given their consent to do so. Hence, in order to reconstitution of the panel of 15 mediators, the proposal as mentioned above, is required to be placed before the Main Mediation Monitoring Committee, Jabalpur for consideration/finalization.

*Subject No. 3- Any other matter with the kind permission of Hon'ble the Chairman.*

With the kind permission of Hon'ble the Chairman the members of the committee have expressed that they don't have copy of the Handbook & Action Plan on Mediation, 2014. It is resolved that a copy of Handbook & Action Plan on Mediation, 2014 will be provided to all the members of committee.

Sd/  
(Gireesh Dikshit)  
Coordinator  
H.C.M.M.S.C., Jabalpur