

**GUIDELINES FOR MEDIATION CENTRES AND
MEDIATION SUB CENTRES**
&
MEDIATION MONITORING SUB-COMMITTEE (MMSC)

(The foregoing Amended Guidelines framed in accordance with the Principles as provided under Section 89 C.P.C., shall apply to the Mediation Centres, Mediation Sub Centres and Mediation Monitoring Sub Committee, in supersession of the former Guidelines)

1. MEDIATION MONITORING SUB-COMMITTEE (MMSC):

There shall be a Mediation Monitoring Sub-Committee (MMSC) for each Mediation Centre in the State of Tamil Nadu and Union Territory of Puducherry.

(a) For all mediation related activities, the overall control of MMSC shall vest with:-

- (i) THE DIRECTOR** - Tamil Nadu Mediation and Conciliation Centre.
- (ii) THE REGISTRAR (JUDL.)** - Madurai Bench of Madras High Court.
- (iii) THE PRINCIPAL DISTRICT JUDGE/DISTRICT JUDGE** – All Districts and Taluks.
- (iv) MEMBER SECRETARY** - Union Territory of Puducherry Legal Services Authority.

2. AIM AND OBJECTIVE:

The object of the MMSC is to ensure effective functioning of the Mediation Centres in the State of Tamil Nadu including Union

Territory of Puducherry. It shall also ensure prompt and timely action in the implementation of the Mediation Programme.

3. COMMITTEE MEMBERS:

The constitution of the MMSC shall be as under:

I. Tamil Nadu Mediation and Conciliation Centre (TNMCC), High Court of Madras:

- (i) The Director (TNMCC) as “**CHAIRMAN**” ;
- (ii) The Deputy Director (TNMCC) as “**CO-ORDINATOR**” ; and
- (iii) One Senior Trained Mediator empanelled with TNMCC as “**MEMBER**”.

II. Mediation Centre, Madurai Bench of Madras High Court, Madurai

- (i) The Registrar (Judl.) as “**CHAIRMAN**” ;
- (ii) The Deputy Registrar (Lok-Adalat and Mediation) as “**CO-ORDINATOR**” ; and
- (iii) One Senior Trained Mediator empanelled with TNMCC – Madurai Bench of Madras High Court as “**MEMBER**”.

III. Chennai City:

(A) City Civil Court Mediation Centre:

- (i) The Chairman, Permanent Lok Adalat as “**CHAIRMAN**” ;
- (ii) The Secretary, District Legal Services Authority as “**CO-ORDINATOR**”; and

- (iii) One Senior Trained Mediator empanelled with City Civil Court as **“MEMBER”**.

(B) Family Court Mediation Centre:

- (i) The Principal Judge, Family Court as **“CHAIRMAN”**
- (ii) The Second Additional Principal Judge, Family Court as **“CO-ORDINATOR”**; and
- (iii) One Senior Trained Mediator empanelled with Family Court Mediation Centre as **“MEMBER”**

(C) Labour Court Mediation Centre:

- (i) The Presiding Officer, Principal Labour Court as **“CHAIRMAN”**
- (ii) The Presiding Officer, Second Additional Labour Court as **“CO-ORDINATOR”**; and
- (iii) One Senior Trained Mediator empanelled with Labour Court Mediation Centre as **“MEMBER”**.

(D) Criminal Court Mediation Centre, Egmore:

- (i) The Chief Metropolitan Magistrate, Egmore as **“CHAIRMAN”**;
- (ii) The II Metropolitan Magistrate, Egmore as **“CO-ORDINATOR”**; and
- (iii) One Senior Trained Mediator empanelled with Criminal Court Mediation Centre, Egmore as **“MEMBER”**

IV. District Mediation Centres:

- (i) The Chairman, Permanent Lok Adalat as “CHAIRMAN” ;
(If no such post was created in a particular district and till creation of the said post, the Additional District Judge, Mahila Court will act as “CHAIRMAN”)
- (ii) The Secretary, District Legal Services Authority as “CO-ORDINATOR”; and
- (iii) One Senior Trained Mediator empanelled with Mediation Centre as “MEMBER”.

V. Mediation Sub Centre – Taluks:

- (i) The Senior Most Judicial Officer in the Taluk Level as “CHAIRMAN”
[In Additional District/Sessions Court or Special Court, if there is any post in the cadre of District/Sessions Judge, such Judge shall be the Chairman;

(or)

In Principal Sub-Court/Sub-Court or Special Sub-Court, if there is any post in the cadre of Senior Civil Judge, such Judge shall be the Chairman;

(or)

In Principal District Munsif Court/Munsif Court, if there is any post in the cadre of Civil Judge, such Judge shall be the Chairman;

(or)

In Judicial Magistrate Court/Courts, if there is/are any post/posts in the cadre of Civil Judge/Judges, the senior most Judge of such Judges shall be the Chairman]
- (ii) The next junior level Judicial Officer in the Taluk as “CO-ORDINATOR”;

[In Principal Sub-Court/Sub-Court or Special Sub-Court, if there is any post in the cadre of Senior Civil, such Judges shall be the Co-ordinator;

(or)

In Principal District Munsif Court/Munsif Court, if there is any post in the cadre of Civil Judge, such Judge shall be the Co-ordinator;

(or)

In Judicial Magistrate Court/Courts, if there is/are any post/posts in the cadre of Civil Judge/Judges, the senior most Judge of such Judges will be the Co-ordinator]

- (iii) One Senior Trained Mediator empanelled with Mediation Sub Centre in the Taluk as “**MEMBER**”

Note: In any particular Taluk, if only one Court has been established, sub-clause (i) and (ii) of clause 3(V) would not apply. Till establishment of another Court in the said Taluk, the Presiding Officer/Judge of the said Court shall act as Chairman of MMSC and the Head Clerk of the said Court shall act as Co-ordinator. It is made clear that as soon as two Courts are established in a particular Taluk, sub-clause (i) and (ii) of the clause 3(V) of the Guidelines would come into force.

VI. Mediation Centre, Union Territory of Puducherry:

- (i) The Member Secretary, Union Territory of Puducherry Legal Services Authority as “**CHAIRMAN**” and “**CO-ORDINATOR**”
- (ii) One Senior Trained Mediator empanelled with the Mediation Centre, District Court, Puducherry as “**MEMBER**”

4. ROLE OF MMSC:

A. GENERAL :

- a. To monitor the functioning of Mediation Centre and Mediation Sub-Centres in the District.
- b. To identify the need for creation of Sub-Centres in the Taluks and forward a proposal to the Committee for TNMCC through the Principal District Judge/District Judge.
- c. To suggest ways and means for increasing referral and settlement of more number of cases through Mediation.
- d. If the referral and settlement are not showing progress, the reasons therefor may be taken note of, such as, non-referral, non-co-operation of the Advocates / mediators / parties, etc. and suggestions can be made.
- e. To ventilate the grievances of the Mediation Centre or Mediation Sub Centres, such as, requirement / shortage of Man-power, infrastructure, Centre Display Board, etc.
- f. To create awareness on mediation among litigants and general public by issuing pamphlets and by displaying it in the Notice Boards or at prominent places in the Mediation Centres of the District / Sub Court / Taluk level.
- g. To identify the participants for attending One Day Awareness Programme on Mediation in the District / Taluks to sensitize the

Advocates, College Students and Litigants about Mediation and make necessary arrangements for conducting the Programme, as and when directions are issued by the Committee for TNMCC.

- h. The MMSC shall meet once in a quarter periodically, and submit a Report along with Minutes, to the Director, TNMCC, through the Principal District Judge / District Judge, on or before 10th day of every quarter, without fail.
- i. The said report along with minutes will be compiled and placed before the Committee for TNMCC. The directions, if any, issued by the Committee for TNMCC, will be duly intimated/communicated to the District concerned, which shall be strictly complied with and action taken thereof may be reported periodically.
- j. The MMSC shall have a meeting with the Trained Mediators once in a quarter, to have a discussion on mediation related topics. The issues arising thereof shall be taken up for consideration in the upcoming meeting of MMSC.

B. ROLE OF THE PRINCIPAL DISTRICT JUDGE/DISTRICT JUDGE- ALL DISTRICTS /MEMBER SECRETARY, UTPLSA:

The duties and responsibilities of the Principal District Judge/District Judge/Member Secretary shall be as follows:-

- (i) To monitor the overall arrangements for convening the One Day Orientation / Awareness Programme to Advocates,

College Students, Litigants and General public in the locality or any other Training Programmes, as may be directed by the Committee for TNMCC from time to time.

- (ii) To convene a meeting of all the Judicial Officers/Referral Judges in the District, atleast once in a quarter, and discuss all matters relating to mediation and issue suitable instructions for more referral to mediation.
- (iii) To convene a meeting with the MMSC(s) atleast once in a quarter to discuss about the progress made and to give suitable instructions / suggestions to uplift the mediation movement forward in the Districts.
- (iv) To nominate the Senior Trained Mediator attached with Mediation Centre, who shall also be an Active Mediator, for being a “Member” of the MMSC. His/her term of office shall be for a period of three years w.e.f. 01.04.2019, which may be renewable for another time thereafter, on satisfying his/her service.
- (v) However, the nominated senior trained Mediator shall not continue for more than two consecutive terms (i.e. six years). After a gap of one term, if he/she is otherwise found satisfactory, the name of such senior trained Mediator shall be considered for nomination.
- (vi) If the service of the “Member” of MMSC is not found satisfactory, the Principal District Judge/District Judge/Member Secretary, has to nominate another Senior Trained Mediator from the panel, after taking into consideration his/her active role in Mediation.

- (vii) The Principal District Judge has every right to change or remove the “Member”, in case, he/she is misusing his/her power in the capacity as “Member” or in the event of any complaint received against him/her.
- (viii) To look after the day-to-day activities of the Mediation Centre exclusively, the following persons shall be nominated:
 - (a) District Mediation Centres - one of the Sheristadars in the Principal District Court, in addition to his/her regular work.
 - (b) City Civil Court Mediation Centre, Chennai - one of the Sheristadars of the City Civil Court.
 - (c) Family Court Mediation Centre, Chennai - the Sheristadar of the Family Court.
 - (d) Labour Court Mediation Centre, Chennai - the Sheristadar or any other Senior Most Staff, other than the Chief Administrative Officer in the Labour Court.
 - (e) Criminal Court Mediation Centre, Egmore - the Sheristadar of the Criminal Court.
 - (f) Taluk level Mediation Sub-Centre - Senior Most Staff in the Taluk Court(s).
 - (g) District Court, Puducherry – Senior Most Staff from Union Territory of Puducherry Legal Services Authority.
- (ix) The Sheristadar/Senior Most Staff so nominated, shall be the “NODAL OFFICER” of Mediation Centre at District level / Mediation Sub Centre at Taluk level.

- (x) To follow the necessary procedures and forward list of selected persons, who are willing to undergo 40 Hours Mediation Training, for being empanelled as a Mediator, to the Committee for TNMCC, High Court, Madras.
- (xi) To ensure that the approved Panel of Mediators, is notified on the respective notice boards of the District Court / Sub Court and Taluk Courts and a copy of the same be forwarded to the Bar Association concerned.
- (xii) In respect of any complaint by and against the Mediator(s) in the District, upon receipt of a report from the Chairman, MMSC of the respective Centre, the Principal District Judge shall take final decision, in accordance with the procedure / guidelines to be issued in this regard from time to time, under intimation to TNMCC. In case any decision is taken to remove him / her from the Panel of Mediators, prior approval of the Committee for TNMCC must be obtained.
- (xiii) As far as Chennai District is concerned, the District Mediation Centre comprises of City Civil Court Mediation Centre, Family Court Mediation Centre, Labour Court Mediation Centre and Criminal Court Mediation Centre, Egmore. As regards the complaints by and against the Mediator(s) in respect of all the four Centres, upon receipt of a report from the Chairman, MMSC of respective Mediation Centre, the Principal Judge, City Civil Court, Chennai, shall take final decision in the manner as stipulated above.

C. CHAIRMAN, MMSC:

The duties and responsibilities of the Chairman, MMSC are as follows:

- i) To convene a meeting of MMSC, once in a quarter, periodically to have a discussion on mediation related topics.
- ii) To ensure that a copy of the minutes of the meeting alongwith Report is submitted to the Director, TNMCC, through the Principal District Judge / District Co-ordinator, for consideration of the Committee for TNMCC, every quarter without fail.
- iii) To convene a meeting of the Sub-Committee with the Trained Mediators atleast once in a quarter, where the Mediators may give suggestions / ideas to make mediation movement forward in their area.
- iv) To explore the possibility of establishing Sub-Centres wherever possible, in consultation with the Principal District Judge/District Judge. The criterion for establishing a Sub-Centre is to have atleast three Trained Mediators in a particular station. If no trained Mediator is available at that particular station, feasibility of sending a trained Mediator to that station from the nearby District / Sub Centre should be explored. This shall be done only with the consent of the Mediator concerned, as a temporary measure, until establishment of Sub-Centres on permanent basis.
- v) As regards the complaint by and against the Mediator(s) in any area of the District, the Chairman, MMSC along with the Co-ordinator, MMSC of such area shall interact with the Mediator

and parties concerned and submit a report to the Principal District Judge/District Judge for taking further action.

D. CO-ORDINATOR, MMSC:

The duties and responsibilities of the Co-ordinator, MMSC shall be as follows:-

- i) To allot cases to Mediators, as per roster and also to maintain a list of specialized / active / inactive mediators.
- ii) To see that all the mediators are allotted cases regularly. Roster shall be strictly followed for this purpose.
- iii) To ensure that atleast 3 to 4 Mediators are available at the Mediation Centre every day. The Mediators can opt a particular day of the week for mediation as per roster.
- iv) To recommend the name of the Senior Trained Mediator, who is also an Active Mediator, to the Principal District Judge, for being nominated as the Member, MMSC.
- v) As regards the complaint by and against the Mediator(s) in any area of the District, after obtaining necessary oral permission from the Principal District Judge, the Co-ordinator, MMSC of such area along with Chairman, MMSC, shall arrange for a meeting and interact with the Mediator and parties concerned for the purpose of submitting a report.

E. MEMBER, MMSC / SENIOR TRAINED MEDIATOR OF THE MEDIATION CENTRE:

(Nominated by the Principal District Judge)

The duties and responsibilities of the Member, MMSC shall be as follows:-

- i) Member / Senior Trained Mediator from the Mediation Centre, shall also be an Active Mediator, who is expected to be present in the Centre as and when required.
- ii) To act as the representative of the Mediators in voicing their difficulties/ problems faced during mediation.
- iii) To act as a Bridge between the Sub-Committee and Mediators to enable smooth functioning of the Centre.
- iv) To ensure active participation of Mediators during the meeting of Mediators with Sub-Committee, Training Programmes and Awareness Programmes.

F. NODAL OFFICER/SHERISTADAR AT DISTRICT LEVEL AND SENIOR MOST STAFF AT TALUK LEVEL:

Among other things, the duties and responsibilities of the Nodal Officer are as follows:-

- i) The Nodal Officer shall be available at the Mediation Centre/Mediation Sub Centre and attend the works, such as, receipt of referral orders, Data Entry, Maintenance of Proper Registers, Receiving Mediation Reports from the Mediator and forwarding the same to Court concerned and assist the Co-ordinator of MMSC in the day-to-day functioning of the Mediation Centre.
- ii) To ensure that the reports of the Mediators are received in every case within the prescribed time limit and sent back to Court without any delay.
- iii) To ensure that the monthly statistics of the Mediators are maintained properly and sent on or before 10th of every month

to TNMCC through the Principal District Judge / District Co-ordinator.

- iv) To ascertain that the Mediation Centre is maintaining proper feed-back forms for obtaining views from parties, so that complaints against the Mediators can be checked.

5. AMENDMENT / MODIFICATION / REPEAL EFFECT:

- (i) The MMSC shall scrupulously follow the above guidelines without any deviation
- (ii) This Guidelines shall go in line with the Guidelines already issued for Empanelment of Mediators.
- (iii) While applying this guidelines, any repugnancy arises, the same shall be referred/intimated to TNMCC, and the decision of TNMCC on it, shall be final.
- (iv) The above guidelines are subject to modification / substitution / amendment from time to time, as decided by the Hon'ble Committee for TNMCC.

//BY ORDER//

//TRUE COPY//



**DIRECTOR
TAMIL NADU MEDIATION AND CONCILIATION CENTRE**