GUIDELINES FOR JUDGE-MEDIATORS IN DISTRICT MEDIATION CENTRES IN THE STATE OF TAMILNADU AND UNION TERRITORY OF PUDUCHERRY

---

1. INTRODUCTION :

The 'Judge- Mediator' means a serving Judicial *Officer, in the State of Tamil Nadu and Union Territory of Puducherry,* who has undergone 40 Hours Mediation Training Programme conducted by Tamil Nadu Mediation and Conciliation Centre with approval of MCPC, and who satisfies the eligibility criteria, as found in Guideline No.3 infra.

2. APPOINTMENT OF JUDGE MEDIATORS:

The Principal District Judge, shall nominate, from among the serving Judicial Officers in the District concerned, including the Chairman, Permanent Lok Adalat and the Secretary, District Legal Services Authority, who satisfy the prescribed Eligibility Criteria to function as 'Judge-Mediator' in each District/Taluk, by maintaining a panel for this purpose.

The Principal District Judge may nominate more than two Judicial Officers in each District/Taluk, depending upon the requirement and availability of mediation trained Judicial Officers.

3. ELIGIBILITY CRITERIA :

(i) The 'Judge-Mediator' ought to have completed 40 years of age.

(ii) The 'Judge-Mediator' shall have at least ten years experience in the Judicial Service.

[**Explanation** :- The actual period of ten years of Judicial service includes the period of his past professional experience, as an Advocate.]

(iii) The 'Judge-Mediator' should have undergone 40 Hours Mediation Training under the aegis of Mediation and Conciliation Project Committee, Supreme Court of India.

4. ROLE OF PRINCIPAL DISTRICT JUDGE/DISTRICT CO-ORDINATOR:

(i) The Principal District Judge has to prepare a Panel of Judge-Mediators in his unit and constantly update a register of trained Judge Mediators including the details of transfer (or) Superannuation of the Judge Mediator in the unit. The updated list shall be circulated to all the Subordinate Courts in that jurisdiction to enable referral of cases to the said Judge-Mediator.

(ii) In the event of retirement/transfer/promotion or need for change of mediator, for any reasons, the Principal District Judge/District Co-ordinator shall allot the said case to any other 'Judge-Mediator', on roster basis, and intimate the same to the referral Judge. In the event of non availability of the Judge Mediator, the Principal District Judge may also send the case to the District Mediation Centre for allotment of the case to any other Mediator available on the roster of the District Mediation Centre.

(iii) Upon receipt of any complaint by and against the Judge–Mediator, the Principal District Judge/ District Co-ordinator shall look into the complaint and if circumstances so warrant, allocate the mediation case to some other available Judge –Mediator (or) send it to the District Mediation Centre for nomination of a Panel Mediator by the Co-ordinator as per the roster, under intimation to the Referral Judge and Mediation Monitoring Sub Committee (MMSC).

(iv) A separate Register with regard to the details of the reference to each Judge –Mediator and the result thereon, shall be maintained.

5. ROLE OF REFERRAL JUDGES:

(i) The Judicial Officers working in the concerned District may refer the matters for mediation. In such event, the Referral Order shall be

sent on the same day, to the Principal District Judge for referring the matter to a Judge –Mediator.

(ii) Immediately upon receipt of such referral order, the Principal District Judge shall nominate the Judge –Mediator, from the panel of Judge–Mediators, taking into consideration the fact that not more than 10 mediation cases are pending with each Judge –Mediator, at a given point of time and intimate the same to the Co-ordinator of the District and Taluks as per MMSC.

(iii) The Referral Judges may refer the long pending old cases, preferably more than 3/5/7 years old cases, to the Judge Mediator.

(iv) The Referral Judge shall forward a detailed monthly statistical data of mediation cases referred by him to the Co-ordinator of MMSC and the Principal District Judge. The Principal District Judge in turn, after ensuring that the same is updated in an appropriate Register as well as in Computer (until creation of a mediation portal in each District) shall forward the consolidated statement to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on or before 10th of every month, without fail.

6. DUTIES AND RESPONSIBILITIES OF JUDGE MEDIATOR:

(i) The Judge-Mediator should conduct mediation of the cases referred to him, on every working Thursday between 4.30 p.m and 5.30 p.m.

(ii) The Mediation Record of Proceedings Form shall be filled up by the Judge-Mediator himself which would be supplied by the Nodal Officer of the District Mediation Centre.

(iii) The Judge-Mediator has to conduct mediation session preferably in a Mediation Room or in any other convenient place within the Court Premises. If no space is available, the Judge-Mediator shall conduct the Mediation Session preferably by using a common table

from his Chamber (not an official table or official chair having paraphernalia).

(iv) Whenever the Judge-Mediator has been doing mediation work, he should not wear the Judge's robes and collar-band for the reason that the litigant should not feel that the Mediator is a Judge.

(v) The counsel, if any, appearing before the Judge-Mediator in connection with mediation work, shall be instructed not to wear their robes and collar-band and to appear only in a formal dress.

(vi) The Judge-Mediator has to follow the time limit of 60 days to complete the mediation process. In exceptional circumstances, at the request of both the parties, the Judge-Mediator may obtain extension of time by another 30 days from the Referral Judge, as directed by MCPC.

(vii) The Judge-Mediator shall not mediate a case which has been referred by him or which is pending in his Court. In such event, he shall intimate the fact to the Principal District Judge, with the request to allot the case to some other Judge-Mediator.

(viii) The Judge-Mediator will not be entitled to any remuneration for the mediation work. However, the Judge-Mediator shall be entitled for Points/Norms for the work done as Mediator, as per the norms fixed by the Hon'ble Norms Committee of the Hon'ble High Court.

(ix) Upon completion of mediation, the Judge-Mediator has to send the Mediation Report (along with settlement agreement, if any) directly to the referral Court, with a copy marked to the Principal District Judge/Co-ordinator.

(x) Whenever the Judge-Mediator is transferred or retired from service or unable to function as a Judicial Officer for any other reason or availing long leave, which would result in the pendency of Mediation case for more than 60 days in total, the mediation case

pending with him has to be returned to the Principal District Judge/ Presiding Officer of the Unit/Coordinator, for taking necessary further action.

(xi) The Judge-Mediator has to maintain a thorough record of mediation proceedings conducted by him on a case to case basis and the same shall be recorded in a Register.

(xii) All the particulars pertaining to mediation has to be filled up by the Judge-Mediator in his own hand-writing in the Register then and there for data purpose. The particulars of mediation work done by the Judge-Mediator have to be furnished as and when required by the High Court.

(xiii) In the event of transfer of the Judge-Mediator to any other district, the said Register shall be carried by him for the purpose of entering the data in respect of the mediation work undertaken by him in the new District.

(xiv) In case the Judge-Mediator is interested and willing to continue as Mediator even after his retirement on Superannuation, his performance as Judge-Mediator be assessed from the data maintained in the said Register for inclusion of his name in the Regular Panel of Mediators maintained by the District concerned. Therefore, the Register shall be kept under his safe custody for submission either to the TNMCC or to the District Mediation Centre concerned, whenever required for assessment purpose.

(xv) The Judge-Mediator shall participate in all the meetings, Awareness Camps, Workshops, discussions, if any, conducted by the District Mediation Centre or MMSC in the District concerned.

(xvi) The Judge-Mediator shall participate in the meetings to be convened by the MMSC/Principal District Judge with the Judicial Officers/ referral Judges in the District, once in a quarter, and shall put forth his suggestions, from and out of his experience

gained in handling mediation cases, for referral of suitable cases to mediation, where the chances of settlement are more.

(xvii) The Judge-Mediator shall forward a detailed monthly statistical data of mediation cases referred to him, settled, not settled, non-starters (unfit), pending cases, etc. to the Co-ordinator of MMSC and the Principal District Judge. The Principal District Judge in turn, after ensuring that the same is updated in an appropriate Register as well as in Computer (until creation of a mediation portal in each District) shall forward the consolidated statement to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on or before 10th of every month, without fail.

(xviii) The Judge-Mediator should not accept any kind of fees/ consideration / gift from the parties or counsels or from any other sources for the mediation work conducted by him. Any deviation would be dealt with as a case of misconduct and disciplinary proceedings would be initiated against him.

7. ROLE OF MEDIATION CENTRE:

(i) The Co-ordinator of the Mediation Centre in the Districts/Taluks as defined in the amended Guidelines for Mediation Monitoring Sub Committee has to maintain a Register to record the data pertaining to the allotment of a case to the Judge-Mediator, till its disposal.

(ii) The Nodal Officer of the District Mediation Centre has to supply adequate number of "Mediation Record of Proceedings" Forms well in advance to the Judge-Mediator, to enable the Judge-Mediator to fill up the particulars on the day of commencement of mediation proceedings.

(iii) From the cases referred to Mediation Centre, the Co-ordinator shall also allot cases to Judge-Mediator with the consent of Principal District Judge, in case more number of cases are received by the Centre.

(iv) As has been done in respect of regular mediation cases, the record of day-to-day working in respect of cases referred for Mediation to the Judge-Mediator, matters taken up for mediation, settled/ not settled by the Judge-Mediator, shall be updated/maintained by the Sheristadar / Nodal Officer.

(v) The Principal District Judge must ensure as far as possible not more than 10 cases are assigned to any one Judge-Mediator at a given point of time. Further, the mediation work be distributed equally amongst all the Judge-Mediators in the concerned District.

8. MODIFICATION / AMENDMENT/ EFFECT:

(i) The above guidelines are subject to modification / amendment from time to time, by the Hon'ble Committee for TNMCC.

(ii) Whenever any difficulty or doubt arises in applying and / or interpreting these guidelines, the decision of the Committee for TNMCC thereon shall be final.

//BY ORDER//

//TRUE COPY//



DIRECTOR

TAMIL NADU MEDIATION AND CONCILIATION CENTRE

DATED: 16.07.2021