

NOTICE

Main Mediation Monitoring Committee, Bombay High Court has proposed amendments in Civil Procedure Mediation Rules Part II of Civil Procedure – Alternative Dispute Resolution & Mediation Rules, 2006 as under:

Existing Rules	Proposed amendment
<p>Part II Of Civil Procedure – Alternate Dispute Resolution Mediation Rules, 2006 –</p> <p>Rule 3: panel of mediators:</p> <p>(a) The High Court Shall, for the purpose of appoint mediators between parties in suits and other proceeding prepare separate panels of mediators for the principal seat and each bench and publish the same on its notice board, within thirty days of the coming into force of these rules, with copy to the respective Bar Associations.</p> <p>(b) (i) The Courts of the Principal District and Sessions Judge in each District or the Courts of the Principal Judge of the City Civil Court or Courts of equal status and</p>	<p>Part II of Civil Procedure – Alternate Dispute Resolution Mediation Rules, 2006 –</p> <p>Rule 3: panel of mediators:</p> <p>(a) The High Court shall, for the purpose of appoint mediators between parties in suits and other proceeding prepare separate panels of mediators for the principal seat and each bench and publish the same on its notice board, within thirty days of the coming into force of these Rules, with copy to the respective Bar Associations.</p> <p>(b) (i) The Courts of the Principal District and Sessions Judge in each District or the Courts of the Principal Judge of the City Civil Court or Courts of equal status and</p>

<p>Family Courts shall, for the purposes of appointing mediators to mediate between parties in suits filed on their original side, prepare a panel of mediators, within a period of 60 days of the commencement of these Rules, after obtaining of the approval of the High Court to the names included in the panel, and shall publish the same on their respective Notice Board.</p> <p>(ii) Copies of the said panels referred to in clause (i) shall be forwarded to all the Courts of equivalent jurisdiction or Courts subordinate to the Courts referred to in sub clause (i) and to the Bar Associations attached to each of the Courts.</p> <p>(c) The consent of the persons whose names are included in the panel shall be obtained before empanelling them.</p> <p>(d) The panel of names shall contain a detailed annexure giving details of qualifications of the</p>	<p>Family Courts shall, for the purposes of appointing mediators to mediate between parties in suits filed on their original side, prepare a panel of mediators, within a period of 60 days of the commencement of these Rules, after obtaining of the approval of the High Court to the names included in the panel, and shall publish the same on their respective Notice Board.</p> <p>(ii) Copies of the said panels referred to in clause (i) shall be forwarded to all the Courts of equivalent jurisdiction or Courts subordinate to the Courts referred to in sub clause (i) and to the Bar Associations attached to each of the Courts.</p> <p>(c) The consent of the persons whose names are included in the panel shall be obtained before empanelling them.</p> <p>(d) The panel of names shall contain a detailed annexure giving details of qualifications of the</p>
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<p>mediators and their professional or technical experience in difference fields.</p>	<p>mediators and their professional or technical experience in difference fields.</p> <p>(e) That, the empanelment on the panel of mediators under Rule 3 shall normally be for a period of three years from the date of his/her empanelment. The MMMC or the District Monitoring Committee with the prior approval of MMMC, as the case may be, having regard to the performance of the Mediator, may give extension for time to time for empanelment of such mediators.</p>
<p>Rule 4: Qualifications of person to be empanelled under Rule 3</p> <p>The following shall be treated as qualified and eligible for being enlisted in the panel of mediators under Rule 3, namely:-</p> <p>(a) (i) Retired Judges of the Supreme Court of India; (ii) Retired Judges of High Court;</p>	<p>Rule 4: Qualifications of person to be empanelled under Rule 3</p> <p>The following shall be treated as qualified and eligible for being enlisted in the panel of mediators under Rule 3, namely:-</p> <p>(a) (i) Retired Judges of the Supreme Court of India; (ii) Retired Judges of High Court;</p>

<p>(iii) Retired District and Sessions Judges or retired Judges of the City Civil Courts or Courts of equivalent status.</p> <p>(b) Legal practitioners with at least 15 years standing at the Bar at the level of the Supreme Court or the High Court; or the District Courts or Courts of equivalent status.</p> <p>(c) Experts or other professional with at least 15 years standing; or retired senior bureaucrats or retired senior executives.</p>	<p>(iii) Retired District and Sessions Judges or retired Judges of the City Civil Courts or Courts of equivalent status.</p> <p>(b) Legal practitioners with at least 10 years standing at the Bar at the level of the Supreme Court or the High Court; or the District Courts or Courts of equivalent status and undergone intensive (40 hrs.) Mediation Training or having diploma/degree in Mediation.</p> <p>(c) Experts or other professional with at least 10 years standing; or retired senior bureaucrats or retired senior executives and undergone intensive (40 hrs.) Mediation Training or having diploma/degree in Mediation.</p>
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<p>(d) Institutions which are themselves experts in mediation and have been recognized as such by the High Court, provided the names of its members are approved by the High Court initially or whenever there is a change in the membership.</p>	<p>(d) Institutions which are themselves experts in mediation and have been recognized as such by the High Court, provided the names of its members <u>possessing the qualifications as provided in Rule 4 Sub-Rule b or c</u> are approved by the High Court initially or whenever there is change in membership.</p>
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In view of above, objections/suggestions, if any, of public at large in respect of the above mentioned proposed amendments may be addressed to the office of the Main Mediation Centre, High Court of Judicature of Bombay, Appellate Side, Bombay 400 032 by email (main.mediation@bhc.gov.in), on or before 31st January, 2024.

Date: 13.12.2023

Director/Co-ordinator,
Main Mediation Centre,
Bombay High Court