

Designing An Evaluation Programme for the Court-Annexed Mediation in India

by Professor Dr Ruhi Paul, National Law University, Delhi

Chaired by Professor Joel Lee, Faculty of Law, NUS

Thursday, 1 November 2018, 12pm to 1pm

Lee Sheridan Conference Room, Eu Tong Sen Building,
NUS (Bukit Timah Campus)

ABSTRACT

In India, Court-annexed mediation started with the introduction in 1999 of Section 89 to the *Code of Civil Procedure (CPC) 1908*. To implement Section 89, Mediation Centres were established throughout the country and Mediation Rules were framed by all the High Courts. Now, there is a need to initiate a second phase of reforms of the institutionalization of mediation practice. The court – annexed mediation programme in India lacks an evaluation mechanism. It is important to note that an evaluation of a court-annexed mediation system should not be looking only at the success rate in terms of the number of settlements as that would put undue pressure on mediators to achieve that success even at the risk of them adopting abusive conducts.

It is first necessary to identify the goals of the court-annexed mediation process. Such a programme may have many different goals, and stakeholders may also have different goals, some complementary and some possibly conflicting.

Once the goals of the mediation process have been established, it is then necessary to decide whether those goals are met. If success is determined by whether the process met its goals, what measures are available to determine if the goals are met? It is important to be very specific about what outcomes are evidence of achieving those goals.

There is a need to develop a sophisticated set of criteria for evaluating these programmes in order to foster their development and public accountability so that best models can be provided by the courts to the people of India.

ABOUT THE SPEAKER



Ruhi Paul is a Professor of Law in National Law University, Delhi. She has been teaching ADR courses both at the NALSAR, Hyderabad and at NLU, Delhi since 2006. She is the Director of the Centre for ADR at NLU, Delhi since 2008. Her interest in mediation dates back to her Master of Laws degree. Her dissertation was on Online Dispute Resolution which was a relatively new area of research in India in 2004. Her doctoral thesis was first of its kind in India. She undertook the study of the working of the Mediation Centres established in Delhi.

She has been regularly invited for delivering lectures on ADR Methods to the Judicial Academy and to Government Departments. She has been actively engaged in various research projects with various departments of the Government of India, which included Sub-National Governance, Legal Assistance Programme for Land, Village Peace Makers Programme, Pro-Bono work, among others. She is running a technology driven clinic on legal aid for women in distress along with the Ministry of Women & Child Welfare. She is a member of the drafting committee of the Global Educational Law Forum (GELF) for drafting a Global Agenda for Education Rights.

Her current research is on how to evaluate mediation services provided by the courts and how to address emerging challenges like ethics in mediation, regulation of private mediation, accreditation of mediators, necessity of a law on mediation, etc.

REGISTRATION

There is no registration fee for this seminar, but seats are limited. There is selected light lunch provided upon registration.

Closing Date: **Thursday, 25 October 2018**

For enquiries, please contact Chris Chan at asli@nus.edu.sg

To register, go to <https://goo.gl/9tMZZn>

Or scan the QR code

