

**COMPREHENSIVE STANDARD OPERATING PROCEDURE (SOP) FOR
MEDIATION AND SETTLEMENT TO BE PRACTICED IN THIS MEDIATION
CAMPAIGN**

OBJECTIVES

- The objective is to ensure settlement amongst parties to a *lis* and to reduce the burden present on the courts across the country by utilizing the mechanism, namely, Mediation, under the aegis of Mediation Centres, Legal Services Authorities. The Mediation Drive aims to ensure the reduction of time consumption and resources in disposal of cases by identifying the suitable cases for Mediation.

SCOPE & APPLICABILITY

- This SOP will come in to force w.e.f.01.08.2025.
- This SOP shall be made available to every Mediators and to the office bearers of the respective Advocates Associations' of every Districts and Talukas with a request to circulate it amongst the learned members of such Advocates' Associations.

IDENTIFICATION OF CASES

- Identification of cases shall continue even after 31.07.2025 till completion of the Mediation drive.
- The matters having elements of settlement including the matters pending under the categories of cases namely: matrimonial disputes, accident claim cases, domestic violence cases, cheque bounce related cases, commercial disputes, service matters, compoundable cases amongst criminal cases, consumer disputes, debt recovery related cases of debt recovery tribunals, cases relating to partition of properties, cases relating to eviction, land acquisition cases, and other matters suitable for Mediation should be referred.

MEDIATORS' APPOINTMENT & RESOURCES

- In District and Taluka Courts where a required number of Mediators are not available, the Courts and Legal Services

Institutions shall use the services of retired Judges available in the jurisdiction, so also the working Judges and advocates who have undergone “40 hours Mediation Training”, although not empanelled as Mediators with KSLSA or KMC.

MEDIATION PROCESS TIMELINE

- The Mediator shall complete the process of Mediation in the cases allotted to them within a period of two months from 01.08.2025 to 06.10.2025.

INFRASTRUCTURE & LOGISTICS

- Mediation Help Desks shall be established for the purpose of this Drive in the concerned courts/establishments.
- The existing court staff of each court across the State should assist the respective Judges and Mediators in the Mediation process without affecting regular court work.

LOCATION OF MEDIATION

- Mediation can be conducted in the Mediation Centre, Vacant Court halls in court complexes and such other places as the Principal District Judge may designate.
- Principal District Judges of each District and the senior-most Judge working in the Taluka, in consultation with the respective Principal District Judge, shall identify the place within their court premises for the purpose of Mediation.

MEDIATION PROCEDURE

- Mediators, during this Drive, shall ensure that the cases in which parties would be present shall be attended by lessening the investment of their time in a particular case without compromising with the quality of Mediation. Suffice to clarify that, time consumption should be planned by the Mediators in

each cases keeping in mind the number of cases pending for Mediation.

- If the parties to the dispute arrive at a settlement, the same shall be reduced into writing, signed by the parties to the dispute, their advocates and Mediator/s.
- The settlement arrived at during the present Drive shall have the same status and effect as if it were an agreement of Mediation prepared in a regular Mediation process.
- Parties who are willing to appear online should be allowed to stay present online during the Mediation process. Mediation process may be done completely in offline mode or completely in online mode or in hybrid mode. Respective Judges by availing the services of the concerned resources in the jurisdiction, should facilitate the online Mediation.
- During the drive stated herein above, the respective Mediators may avail the help of counselors and of subject matter experts, whenever required.
- For the purpose of online Mediation the Mediators are at liberty to make use of any of the platforms, namely JitsiApp, Google Meet, Zoom App, WhatsApp video call, etc.
- But in the opening portion of the agreement, the Mediators shall mandatorily state in a separate paragraph as to the mode of appearance of the parties and of their advocates in the Mediation process. Mediators, during online Mediation, shall ensure that the parties so also their advocates shall not face any connectivity issue, by availing the services of the technician available in the courts. The Mediation agreement shall include a paragraph in such agreement, the Mediator's satisfaction as to the quality of connectivity, in brief.
- Mediators shall ensure the presence of all the parties to the case prior to commencing the Mediation process either in VC or in person or in hybrid mode.
- Mediators shall enable the participants to choose to attend the Mediation based on their preferences and needs, ensuring that

everyone involved in a case shall participate in the above detailed manner.

- Mediators shall educate during their Mediation process that the parties to the case or their advocates need not pay any Mediation fee or any expenses as to Mediation to anybody, including to the Mediators as well.

DATA MANAGEMENT & REPORTING

- Respective Judges of the jurisdiction shall ensure that the entire data of cases settled during this Drive within the date stipulated, is transmitted appropriately to the concerned in a tabular chart containing case numbers, names of the parties, names of the referral courts, categories of the cases taken in Mediation, names of the Mediators, dates as to commencement of Mediation and date on which final results are obtained.
- On 4th, 11th, 18th, 25th August 2025 and on 1st, 8th, 15th, 22nd September 2025, the transmission of data as to matters settled through Mediation to MCPC by the SLSA on the dedicated email, shall be ensured by the concerned.

COURT'S ROLE IN REFERRING THE MATTERS / SETTLEMENT AND ITS ACCEPTANCE

- Every agreement which is to be prepared during this Drive should contain in the agreement in a separate clause that the agreements so prepared during this Drive would be subject to an order as to admissibility of the concerned court, to which the agreements are required to be submitted after Mediation.
- If any applications are pending in any matrimonial cases in which the reliefs for waiving off the statutory period, cooling period, etc., are sought, such applications in those cases shall be disposed of in accordance with law prior to passing of a referral order in each case.

- If any typographical and arithmetical errors are found in agreements as to Mediation during this Drive, such corrections may be done by the concerned court at the time of accepting such Mediation agreements without insisting the parties to appear before the Mediator again, so as to ensure that the valuable time of the court and of the Mediators are not wasted.
- Referral courts while passing any referral order shall ensure that the matter so referred is amenable for Mediation.
- While accepting the Mediation agreement the concerned court shall record its satisfaction in the very order sheet regarding the knowledge of the parties regarding the terms as to such Mediation agreements and shall obtain the signatures of the concerned parties to the order sheet and shall cross check whether all the parties to the matter, Mediator and respective advocates have affixed their signatures.
- In the referral order the referral court shall mention the date on which the parties and the respective advocates are expected to appear before the Mediator for the Mediation.

HANDLING FAILURES & ABSENCES

- During Mediation process if the photocopies of the pleadings of the respective parties are not furnished to the Mediators, in such an eventuality the Mediators are at liberty to use the photocopies of such petitions or pleadings of the respective parties available with the respective advocates.
- If the parties fail to reach a settlement, the Mediator shall inform the court regarding the same as “not settled” only. Apart from the above, nothing should be reported to the court by the Mediators regarding the reason for such failure. In case of absence of the parties to the case, the Mediator should report to the court as to the absence of the parties. Such absence shall not have any bearing on the adjudication of the case in the court, in accordance with law.

CONTINGENCY & RISK MANAGEMENT

- The concerned courts, Mediators, Legal Services Authorities may evolve strategies to ensure success of the campaign, in accordance with law, whenever they face any practical difficulty, without compromising the elements of the process of mediation.

PUBLICITY & STAKEHOLDER ENGAGEMENT

- Wide publicity should be given to the stakeholders regarding the Drive. The office bearers of Advocates' Association and regularly practicing advocates should be taken into confidence and the Member Secretaries of Legal Services Authority of each District shall ensure the referral of good number of cases during this drive, by conducting meetings with the concerned.
- Respective Judges, Officers of Legal Services Authorities of the jurisdiction shall ensure that wide publicity is given through their staff and concerned in regional language regarding the Mediation Campaign.
- Publicity shall be ensured through print and electronic media, social media, posters and local outreach drives.

MONITORING & SUPERVISION

- Mediation Monitoring Committee of the High Court may monitor the Mediation Campaign till the last date of the Campaign to ensure its success.
- At the Districts and Talukas, the respective DLSA-Member Secretaries shall monitor the drive under the supervision of the Chairman of the respective DLSAs.
- Principal District Judges shall nominate some senior mediators in the district and Talukas mediation centres' as coordinators for vetting the mediation settlements drawn by the mediators.

- All the district legal services authorities and Karnataka mediation centre shall send lists reporting about the number of cases mediated/settled and progress made in the process.

COMPLIANCE & ETHICS

- Mediators, as far as possible, shall extend their help to the parties to resolve their dispute, if their help is sought in this Mediation Drive even after office hours and on holidays as well.
- Even in this Drive, the neutrality of Mediator shall not be compromised and whatever may transpire during Mediation session, the same should not be disclosed to the court in which such case would be pending.

POST-DRIVE EVALUATION

- Keeping in mind the foregoing and after taking every minute details of Mediation Drive, the Chairpersons of concerned Legal Services Authorities in consultation with the SLSA, shall evaluate the totality of the Mediation Drive conducted and shall give their inputs with particular references to the challenges faced by them and steps taken to overcome them so that a more robust mechanism to implement such mediation campaigns can be evolved for the future.