

ORIENTATION PROGRAMME UNDER PROJECT SAMADHAN

**‘Justice does not always require black gowns & elaborate arguments,
future belongs to mediation’**

-CJI N V Ramana

Introduction: The Central District Legal Services Authority and West District Legal Services Authority under the aegis of National Legal Services Authority and Delhi State Legal Services Authority in association with District Administration (Central & West District), Delhi Mediation Center, Tis Hazari Court, and Faculty of Law, University of Delhi jointly organized the Orientation Programme under “PROJECT SAMADHAN” at the occasion of Azadi Ka Amrit Mahotsav on 8th December, 2021 at Tis Hazari Court, Delhi. Aman Chaudhary, Komal Bansal, Sandeep Sahu, Vikas Gangwar, Vivek Kumar of 3rd Year and Mehak Daga, Vishal Kumar Yadav of 2nd Year from Law Centre-1 participated in the orientation programme.



Objective: Its major objective was to enlighten the students about the SAMADHAN for pre-litigation mediation of disputes under Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Through this programme, the students were made to look into an important aspect of legal system, i.e., mediation, which allows the parties to focus on the underlying circumstances that contributed to the dispute rather than on narrow legal issues.

Discussion: The programme started with the Keynote Address of Sh. Dharmesh Sharma, Ld. Principal District and Sessions Judge (West), Tis Hazari Court, Delhi. He underlined the significance of Mediation as the futuristic and more efficient aspect of the legal system. He pointed out how the mediation plays a key role in the disputes related to Maintenance and Welfare of Senior Citizens.

Next to speak was Sh. Girish Kathpalia, Ld. Principal District and Sessions Judge (HQ), Tis Hazari Court, Delhi. He expressed his belief in the role of mediation in dispute resolution encouraging the students to learn the skills. He emphasised that courts should be the last resort

Schedule	Topic	Time	Resource Person
First	Brief Overview of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.	10:15 - 11:30	Mr. Sunil Gupta, Ld. Secretary, West DLSA.
	Brief Overview of The Protection of Women from Domestic Violence Act, 2005.		Ms. Neeti Suri Mishra, Ld. Secretary, Central DLSA.
	Challenges in executing orders passed under Maintenance and Welfare of Parents and Senior Citizens Act.		Mr Nagendra Tripathi, ADM Central, Delhi. Mr Dharmendra Kumar, ADM West, Delhi.
Second	Techniques of Mediation and Conflict Resolution in brief	11:45 - 01:00	Advocate Mediator
	Lunch Break	1:00- 02:00	
Third	Harmonious Construction of Competing Interests: Rights of Women under PWDV Act, 2005 and Rights of Parents under Senior Citizens Act, 2007.	02:00 - 03:00	Ms. Mahika Rajkotiya, Advocate

for dispute resolution, especially when the dispute is related to family matters.



The next speaker, Mr. Sunil Gupta, Ld. Secretary, West DLSA, gave a brief overview of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He spoke about the proposed amendments in the Act which needs to be legislated for the effective implementation of the Act and for balancing the rights of parents or senior citizens with those of children/relative so that everyone can live a dignified life.

Subsequently Ms. Neeti Suri Mishra, Ld. Secretary, Central DLSA talked about the legislative provisions of the Protection of Women from Domestic Violence Act, 2005. She highlighted the effective role which mediation can play in the disputes related to women abuse. She concluded by emphasizing the importance of protection of women against the physical, mental and emotional abuse which she undergoes in her matrimonial home.



Then, Mr. Dharmendra Kumar, ADM West, Delhi presented the practical challenges the mediation centre face in executing the orders passed under Maintenance and Welfare of Parents

and Senior Citizens Act, 2007. He talked about the cases when it is really hard for a child to pay a fixed maintenance to his/her parents when he/she himself/herself is not earning a decent amount, for instance, during the COVID pandemic.

By her experience as an Advocate Mediator, Ms. Pusshp Gupta spoke about the techniques of Mediation and Conflict Resolutions. She talked about the importance of a mediator to be sensitive towards the emotional needs of the senior citizens. She underscored that how a mediator needs to unfold the various layers of a dispute unlike the litigation process.

The orientation was concluded by the insightful session of the distinguished Advocate Malvika Rajkotiya who talked about the need for harmonious construction of competing interests of women under the Protection of Women from Domestic Violence Act, 2005 and rights of parents and senior citizens under Maintenance and Welfare of Parents and Senior Citizens Act, 2007. She emphasised that how should the judiciary bear the torch to sketch a balanced and harmonious approach to safeguard the conflicting rights of a woman in her matrimonial home and the rights of her-in-laws too.

Impact: The attendees learnt that how can the mediation play an effective role in shortening the process of dispute resolution and how it will become the future of Indian legal system. They learnt that mediation can be the right strategy for resolving disputes that could otherwise lead to litigation. The process can bring resolution more quickly and with lower costs than other options. When carried out well, mediation can leave all parties more satisfied than they would have been with other resolutions.