

“Certificate Course on Mediation: Transforming Conflict into Consensus”

Comprehensive Curriculum on Mediation, ADR & Dispute Resolution

Course Duration

03 Months

Total Duration

240 Hours

- * Theory Sessions – 144 Hours
- * Practical Training, Simulations & Role Plays – 48 Hours
- * Observation of Mediation Proceedings, Field Exposure & Institutional Visits – 48 Hours

Eligibility

Graduates in any discipline may apply. The course is also open to:

- * Law Students
- * Advocates
- * Judicial Officers
- * Social Workers
- * Professionals
- * NGOs & Counsellors
- * Public Servants
- * Administrative Officers
- * Members of Community Organisations
- * Any other interested individuals from different professional backgrounds

Course Objective

To provide comprehensive theoretical knowledge and practical training in Mediation and Alternative Dispute Resolution (ADR), with special emphasis on

the Mediation Act, 2023, court-annexed mediation, community mediation and professional mediation skills, enabling participants to effectively facilitate peaceful, participatory, efficient and accessible dispute resolution mechanisms.

The course aims to develop trained mediators equipped with communication, negotiation, ethical, psychological and settlement facilitation skills through practical exercises, role plays, simulations and live observation of mediation proceedings.

Month – I

Chapter 01 / Module 01

Introduction to ADR & Mediation

1. Concept of ADR
2. Arbitration, Conciliation, Negotiation & Mediation
3. History and Evolution of Mediation in India
4. Growth of Court-Annexed Mediation in India
5. Community Mediation in India
6. Importance of Access to Justice
7. Role of Mediation in Reducing Litigation
8. Background and Need of Mediation Act, 2023
9. Introduction to Mediation Act, 2023
10. Mediation Rules, 2016 & Amendment, 2022
11. Difference between Mediation and Judicial Process
12. Difference between Mediation and Arbitration
13. Difference between Mediation and Conciliation
14. Difference between Mediation and Lok Adalat
15. Difference between Mediation and Panchayat
16. Benefits and Advantages of Mediation

17. Components and Essential Elements of Mediation
18. Role of Mediators
19. Role of Mediation and Conciliation Project Committee (MCPC), Supreme Court of India
20. Role of Legal Services Authorities in Promotion of Mediation

Chapter 02 / Module 02

Principles of Mediation & Learning Skills

1. Principles of Learning
2. Adult Learning Techniques
3. Mediation Training Methodology
4. Voluntary Participation
5. Neutrality, Impartiality, Confidentiality & Party Autonomy
6. Duties and Responsibilities of Mediators
7. Role of Advocates in Mediation
8. Ethics and Professional Conduct of Mediators
9. Confidentiality and Trust Building
10. Good Practices in Mediation Proceedings

Chapter 03 / Module 03

Legal Framework of Mediation

1. Section 89 and Order X Rule 1-A of the Code of Civil Procedure
2. Mediation Act, 2023
3. Objectives, Scope and Salient Features of the Mediation Act, 2023
4. Pre-litigation Mediation under the Mediation Act, 2023
5. Commercial Courts Act and Commercial Mediation

6. Court Annexed Mediation
7. Community Mediation
8. Online Mediation
9. Enforcement and Registration of Mediated Settlement Agreements
10. Court Fees Act – Section 16
11. Role and Responsibilities of Referral Judges under Section 89 CPC
12. Role of Judiciary in Promotion of Mediation
13. Role of Mediation and Conciliation Project Committee (MCPC), Supreme Court of India
14. Development and Growth of Court-Annexed Mediation in India
15. Important Judgments of Hon'ble Supreme Court & High Courts relating to Mediation
16. Landmark Judgment – Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. Pvt. Ltd. and its impact on Section 89 CPC and mediation jurisprudence in India

Chapter 04 / Module 04

Psychology of Conflicts & Conflict Resolution

1. Perception and Human Behaviour
2. Conflict: Definition and Causes
3. Conflict Management and Resolution
4. Emotional Intelligence
5. Trust Building Techniques
6. Nature and Causes of Disputes
7. Behavioural Aspects in Mediation
8. Conflict Escalation and Resolution
9. Stress and Anger Management in Dispute Resolution

10. Social Skills in Mediation

Month – II

Chapter 05 / Module 05

Communication Skills in Mediation

1. Definition and Process of Communication
2. Effective and Ineffective Communication
3. Benefits of Effective Communication
4. Types and Modes of Communication
5. Verbal Communication
6. Non-Verbal Communication
7. Communication in Mediation
8. Active Listening
9. Paraphrasing
10. Summarizing
11. Neutral Reframing
12. Setting an Agenda
13. Body Language
14. Questions and Questioning Techniques
15. Empathy with Neutrality
16. Communication Barriers and Their Resolution
17. Interpersonal Skills in Mediation

Chapter 06 / Module 06

Negotiation, Bargaining & Mediation Techniques

1. Negotiation: Meaning and Importance

2. Negotiation Styles

- * Competitive Negotiation

- * Co-operative Negotiation

1. Negotiation Skills

2. Barriers to Negotiation

- * Strategic Barriers

- * Principal and Agent Issues

- * Cognitive Barriers

- * Reactive Devaluation

1. Effective and Ineffective Negotiators

2. Role of Mediator in Negotiation

3. Positional Bargaining

4. Distributive Bargaining

5. Integrative Bargaining

6. Interest-Based Bargaining

7. Stages of Mediation

8. Joint Sessions and Separate Sessions

9. Opening Statements

10. Identifying Issues and Interests

11. Settlement Facilitation Techniques

12. Drafting of Settlement Terms

13. Techniques for Managing Difficult Parties

14. Use of Technology in Mediation

Chapter 07 / Module 07

Impasse Management, Ethics & Professional Standards

1. Impasse: Meaning and Causes

2. Emotional, Substantive and Procedural Impasse

3. Stages of Impasse

4. Mediator's Reflections

5. Reality Testing

6. Role Reversal Techniques

7. Lateral Thinking

8. Brainstorming

9. Re-directing Mediation Process

10. Use of External Resources

11. Reshaping Physical Control of Mediation Process

12. False Impasse and Impasse Avoidance

13. Ethical Principles in Mediation

14. Self-Determination

15. Impartiality

16. Conflict of Interest

17. Competence of Mediators

18. Confidentiality and Fairness

19. Quality of Mediation Process

20. Termination of Mediation

21. Recording Settlement
22. Publicity and Advertising
23. Fees and Professional Responsibility
24. Legal Advice and Duties to Third Parties
25. Ethical Principles for Judicial Mediators
26. Ethical Principles for Advocate Mediators
27. Standards and Accreditation of Mediators

Month – III

Chapter 08 / Module 08

Practical Training & Specialized Mediation

1. Family Mediation
2. Matrimonial Disputes
3. Commercial Mediation
4. Labour & Workplace Disputes
5. Consumer Disputes
6. Community Mediation
7. Online Mediation
8. Mediation for Persons with Hearing Impairmen and for Persons with Disabilities
9. Mediation involving Tribal Communities, Customary Practices & Traditional Dispute Resolution Systems
10. Petty Offences
11. Workplace and Institutional Disputes
12. Role Play Based Mediation Sessions

Chapter 09 / Module 09

Drafting & Documentation

1. Settlement Agreements
2. Memorandum of Understanding
3. Mediation Reports
4. Recording Terms of Settlement
5. Documentation Standards in Mediation
6. Drafting Legally Enforceable Settlement Terms
7. Confidentiality in Documentation

Chapter 10 / Module 10

Observation of Mediation Proceedings, Practical Simulation & Field Exposure

1. Observation of Live/Court Annexed Mediation Proceedings
2. Observation of Pre-Litigation Mediation Proceedings
3. Observation of Online Mediation Sessions
4. Observation of Community Mediation Processes
5. Mock Mediation Sessions
6. Case Studies
7. Structured Role Play Exercises
8. Visits to Mediation Centres and Legal Services Institutions
9. Interaction with Senior Mediators and MCPC Trainers
10. Observation Diary and Reflective Learning Notes
11. Documentary Sessions on Mediation Practices
12. Project Work and Research Assignments

13. Practical Assessment and Feedback Sessions

14. Interactive and Concluding Sessions

Suggested Distribution of Observation & Practical Hours

* Live/Court Annexed Mediation Observation – 20 Hours

* Pre-Litigation & Community Mediation Observation – 08 Hours

* Online Mediation Observation – 04 Hours

* Institutional Visits & Interaction Sessions – 04 Hours

* Role Plays, Mock Sessions, Practical Simulations & Assessments – 12 Hours

Assessment Pattern

1. Written Examination – 50%

2. Practical Examination – 20%

3. Project & Practical Training – 20%

4. Attendance & Class Participation – 10%

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