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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**HIGH COURT AT CALCUTTA
APPELLATE SIDE**

NOTIFICATION

No. 1529-G - dated the 8th July, 2021—In exercise of the rule making power under Part X of the Code of Civil Procedure, 1908 (5 of 1908), read with clause (d) of sub-section (2) of Section 89 of the said Code, the High Court at Calcutta hereby makes the following amendments to the existing rule, contained in PART II under the heading ‘CIVIL PROCEDURE MEDIATION RULES, 2006’ promulgated under Court’s notification No. 4679-G dated 06.12.2006 and amended by Court’s notification No. 3116-G dated 08.09.2017.

Sl. No.	RULE AMENDED/MODIFIED	AMENDED/MODIFIED PROVISION IN THE SAID RULE
1.	3. (Panel of Mediators)	<p>The following clause to be inserted as under :-</p> <p>3. (aa) The High Court may prepare and publish a separate panel of “Online Mediators” who will be additionally qualified to conduct “Online Mediation” under these rules.</p> <p>3. (b) (ia) The Court of the District and Sessions Judge in each district or the Courts of the Chief Judge of the City Civil Court or courts of equal status may prepare and publish a separate panel of “Online Mediators” who are proficient in computer/smartphone for conducting “Online Mediation” under these rules.</p>
2.	4. (Qualifications of persons to be empanelled under Rule 3.)	<p>The following sentence shall be added in Rule 4.(d) (i) :- These institutions, if empanelled, shall be governed by the provisions of these rules;</p> <p>4. (e). Panel for Online Mediation:- Notwithstanding, anything contained under the provisions laid down hereinabove, the existing</p>

SI. No.	RULE AMENDED/MODIFIED	AMENDED/MODIFIED PROVISION IN THE SAID RULE
		empanelled Mediator having expertise and proficiency to conduct "Online Mediation" under these rules, shall be enlisted as "Online Mediators".
3.	6. (Venue for conducting mediation)	<p>The following clauses to be inserted as under :-</p> <p>(v)(i) For the purpose of "Online Mediation" the Mediators/Parties and/or their Advocates/Representatives may participate in the mediation process from any/several places of their choice through online/virtual mode.</p> <p>(v)(ii) Mediation Centres/ADR centres in each of the jurisdiction will however, provide sufficient infrastructural and technical support to conduct "Online Mediation" therefrom;</p> <p>(v)(iii) Software/Application/Website for Online Mediation:- The Mediator(s) will be at liberty to exercise his discretion to choose any Software/Application/Website for conducting "Online Mediation" subject to mutual consent of all the parties to the suit/proceeding and the same should be informed to the Mediation and Conciliation Committee, High Court, Calcutta and/or the concerned District Legal Services Authority, as the case may be, in order to get "prior approval" for this purpose. However, the Mediation and Conciliation Committee, High Court, Calcutta and/or the concerned District Legal Services Authority, as the case may be, will be at liberty to refuse permission of using any particular Software/Application/Website for Online Mediation on account of security and/or confidentiality and/or any other technical and/or legal ground;</p>
4.	11. (Procedure of mediation)	<p>The following lines to be added after the existing clause, as under :-</p> <p>11. (b) (v) Copies of pleading or documents or such other information as may be required by him in connection with the issues to be resolved may also be furnished through online mode;</p> <p>The following clause to be inserted as under :-</p> <p>11. (d) All communications including notice of appearance, notice of adjournment of proceeding, settlement agreement and any other relevant communication, in this regard may be made through approved virtual mode of communication, subject to approval of the competent authority in this regard.</p>
5.	23. (Communication between mediator and the Court)	<p>The following words to be inserted after the word "writing" and before the word "and" to be inserted as under :-</p> <p>23(b) in electronic form.</p>
6.	24. (Settlement agreement)	<p>The following clauses to be inserted as under :-</p> <p>24. (1) (a) In case of online mediation the link shall be shared to the parties by the concerned mediation centre having jurisdiction</p>