

ITEM NO.22

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).849/2020

YOUTH BAR ASSOCIATION OF INDIA & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH IA No. 76820/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 14-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. J.M. Sharma, Sr. Adv.
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Ms. Ayushi, Adv.
Mr. Amit Chauhan, Adv.
Mr. Akshat Sharma, Adv.
Mr. Amrit Pradhan, Adv.
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For Respondent(s) Mr. K M Nataraj, A.S.G.
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Ms. Apoorva Sharma, Adv.

Mr. Rahul Gupta, AOR

Mr. Gopal Jha, AOR
Mr. Shreyash Bhardwaj, Adv.

Ms. Surabhi Guleria, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Invoking the jurisdiction of this Court under Article 32 of the Constitution, the Youth Bar Association of India seeks certain mandatory directions in respect of pre-litigation mediation.
- 2 The reliefs which have been sought in the petition are:
 - “a) Direct the respondents to consider mandatory 'Pre-Litigation Mediation' and to take appropriate measures to provide for mandatory 'Pre-litigation' mediation; and
 - b) Issue guidelines or formulate a Standard Operating Procedure (SoP) so as to give immediate effect to the functioning of 'Pre-Litigation Mediation'; and
 - c) Direct parties in certain type of non-urgent matters such as commercial cases, partition suits, probation petitions and, such other categories as this Hon'ble Court may deem fit, to first exhaust mandatory pre-litigation mediation at a court annexed mediation centre or such other centre as this Hon'ble Court may deem fit.”
- 3 Provisions for pre-litigation conciliation and settlement are contained in Chapter VIA of the Legal Services Authorities Act 1987. Chapter IIIA of the Commercial Courts Act 2015 which incorporates Section 12A provides for pre-institution mediation and settlement. That apart, the attention of the Court has been drawn to the fact that the Mediation Bill 2023 was passed on 1 August 2023 by the Rajya Sabha and 7 August 2023 by the Lok Sabha.
- 4 In this backdrop, it is not necessary for this Court to entertain the petition under Article 32 since, in any event, many of the reliefs which have been sought essentially pertain to the legislative domain.
- 5 The petition is accordingly dismissed.

6 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR