

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISIDCTION
WRIT PETITION (CIVIL) NO. _____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF
INDIA)
(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

1. Youth Bar Association of India (Regd.)
Registered Office at: 2nd Floor,
Savitri City Center, Jail Road Chauraha,
Haldwani, District- Nainital, Uttarakhand.
Correspondence address at: B-3, LGF,
Jangpura Extension, New Delhi-110014,
Email: **youthbarassociationofindia@gmail.com**,
Phone number: 011-49874243.

...Petitioner No.1
 2. Sanpreet Singh Ajmani, Advocate

...Petitioner No.2
- Versus
1. UNION OF INDIA
Through, Hon'ble the Minister for
Law and Justice, Government of India;
New Delhi-11000

... Respondent No.1
 2. Allahabad High Court
Through Registrar
Nyaya Marg, Prayagraj
Uttar Pradesh 211 001

... Respondent No.2
 3. Andhra Pradesh High Court

- Through Registrar
Nelapadu, Amaravati, Andhra Pradesh 522237
... Respondent No.3
4. Bombay High Court
Through Registrar
Fort, Mumbai-32
Maharashtra
... Respondent No.4
5. Calcutta High Court
Through Registrar
3, Esplanade Row W, B.B.D. Bagh, Kolkata
West Bengal 700001
... Respondent No.5
6. Chhattisgarh High Court
Through Registrar
Raipur - Bilaspur Expressway Bodri, Bilaspur
Chhattisgarh 495220
... Respondent No.6
7. Delhi High Court
Through Registrar
Shershah Road, Justice SB Marg, New Delhi
Delhi 110503
... Respondent No.7
8. Gauhati High Court
Through Registrar
MG Road, Lataasil, Uzan Bazar, Guwahati
Assam 781001
... Respondent No.8
9. Gujarat High Court
Through Registrar
Sarkhej - Gandhinagar Hwy, Sola, Ahmedabad
Gujarat 380060
... Respondent No.9
10. Himachal Pradesh High Court
Through Registrar
The Mall, Ravenswood, Himachal Pradesh
171001
... Respondent No.10
11. Jammu & Kashmir High Court
Through Registrar
High Ct Ln, Noor Bagh, High Ct Ln, Shaheed Gunj

Srinagar, Jammu and Kashmir 190009

... Respondent No.11

12.Jharkhand High Court

Through Registrar

Ambedkar Chowk, near JAP Ground, Doranda

Ranchi, Jharkhand 834002

... Respondent No.12

13.Karnataka High Court

Through Registrar

Opp. to Vidhana Soudha, Ambedkar Veedhi

Bengaluru, Karnataka 560001

... Respondent No.13

14.Kerala High Court

Through Registrar

High Ct Rd, Marine Drive, Kochi

Kerala 682031

... Respondent No.14

15.Madhya Pradesh High Court

Through Registrar

53, Denning Rd, South Civil Lines, Jabalpur

Madhya Pradesh 482001

... Respondent No.15

16.Madras High Court

Through Registrar

High Ct Rd, Parry's Corner, George Town, Chennai

Tamil Nadu 600108

... Respondent No.16

17.Manipur High Court

Through Registrar

High Court Complex, Mantripukhri, Imphal

Manipur 795002

... Respondent No.17

18.Meghalaya High Court

Through Registrar

MG Road, Police Bazar, Shillong

Meghalaya 793001

... Respondent No.18

19.Orissa High Court

Through Registrar

Chandini Chowk, Cuttack, Odisha 753002

... Respondent No.19

20. Patna High Court
Through Registrar
Jawaharlal Nehru Marg, Veerchand Patel Road
Patna, Bihar 800028 ... Respondent No.20
21. Punjab & Haryana High Court
Through Registrar
Sector 1, Chandigarh ... Respondent No.21
22. Rajasthan High Court
Through Registrar
Jodhpur, Rajasthan 342034 ... Respondent No.22
23. Sikkim High Court
Through Registrar
Sungava, Gangtok, Sikkim 737101 ... Respondent No.23
24. Telangana High Court
Through Registrar
Ghansi Bazaar, Madina, Telangana 500066
... Respondent No.24
25. Tripura High Court
Through Registrar
New Capital Complex, Agartala
Tripura 799010 ... Respondent No.25
26. Uttarakhand High Court
Through Registrar
Mallital, Nainital, Uttarakhand 263002
... Respondent No.26

**WRIT PETITION UNDER ARTICLE 32 OF
THE CONSTITUTION OF INDIA TO ISSUE
APPROPRIATE WRIT, ORDER, DIRECTION
TO THE RESPONDENTS TO TAKE**

**APPROPRIATE MEASURES TO PROVIDE
FOR MANDATORY 'PRE-LITIGATION
MEDIATION' AND/OR FRAME GUIDELINES
QUA THAT.**

TO,

THE HON'BLE CHIEF JUSTICE AND HIS
COMPANION JUSTICES OF HON'BLE
THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF

THE ABOVE NAMED

PETITIONER

MOST RESPECTFULLY SHOWETH:

1. That, instant Writ Petition (PIL) is being filed in the larger Public Interest under Article 32 of the Constitution of India to issue appropriate Writ, Order, Direction to the respondent to consider the necessity of provision for 'Pre-Litigation Mediation' and take appropriate measures to provide for mandatory 'Pre-litigation' mediation; and/or issue guidelines or lay Standard Operating Procedure (SoP) as to that to give immediate effect the functioning of 'Pre-Litigation Mediation'.

1 A. That, the petitioner '**Youth Bar Association of India**' is an

association of public spirited, young and vigilant lawyers of India registered under Society Registration Act, 1860 bearing registration no. 24/2013-2014 and have Registered Office at: 2nd Floor, Savitri City Center, Jail Road Chauraha, Haldwani, District- Nainital, Uttarakhand and correspondence address at, B-3, LGF, Jangpura Extension, New Delhi-110014, Email: **youthbarassociationofindia@gmail.com**, Phone number: 011-49874243. The petition is being filed through its National President, Mr. Sanpreet Singh Ajmani, Advocate R/o- Ajmani Bhawan, Ambika Vihar, Haldwani, Nainital, Uttarakhand; the authority letter has been duly issued in his name on behalf of the society.

1 B. That the petitioner/‘Association’ have no personal gain or interest, or private/oblique motive in filling the instant petition. There is no civil, criminal, revenue or any litigation involving the petitioner/Association which has or could have a legal nexus with the issues involved in the PIL.

1 C. That, the access to justice is the fundamental right imbibed in the Part-III of the Constitution. Founding fathers of the Constitution aspired of not only justice for all, rather 'timely justice' was dreamt of. Denial of 'timely justice' amounts to

denial of 'justice' itself. 'Speedy disposal' of case is one of the facets of the rule of law. Non observance of 'rule of law' is discriminatory, per se, and violative of equality provisions of the Constitution enshrined under Article 14 of the Constitution. Mounting of arrears of cases in courts has been a cause of great concern for litigants as well as for the State. It is a fundamental right of every citizen to get speedy justice and speedy trial which also is the fundamental requirement of good judicial administration. In this petition the petitioner-Association has made proposal to make the 'Pre-Litigation' mediation mandatory which when given effect to, will be helpful not only in providing speedy justice but also in controlling frivolous, vexatious and luxurious litigations.

1 D. That, the petitioner state that neither any other similar petition has been filed by the petitioner either before this Hon'ble Court or before any Court in India nor is pending.

1 E. That, all the documents annexed herewith are in public domain

2. FACTS OF THE CASE:

1) That, total number of Cases pending before the Courts in India is 3.245 Billion as on 24 May, 2020, of which 32%

cases are less than one year old. As reported by LiveLaw, these data are issued by the 'National Judicial Data Grid' (NJDG) and shared by the Hon'ble Justice D. Y. Chandrachud, Judge Supreme Court of India in a talk at Webinar. As per the data issued by the NJDG out of total pending cases 9.114 million are civil cases in which 34.25 % cases are one year old; about 44.76% cases are 1-5 years old. The aggregate of cases that are 5-10 years old are 14.31%. There are cases which are pending for disposal for thirty years or more. The category of cases which falls in the range of 20 to 30 years constitute 1.15% of the pendency and 0.37% case falls in the category of cases that are more than thirty years old.

- 2) That, 71.06 % Civil cases are pending in 'Original Jurisdiction'. Majority of the cases forming pendency Original- side comes majorly from three areas- Civil Suits (57.75%), Motor Accidents Claim Petition (MACP) (16.84%) and Marriage Petition (12.38%). These three together constitute 86.97% of total pendency of civil case in Original Jurisdiction category. If we scrutinize the stage-wise pendency of the case, the data issued by the NJDG

reveals that about 24.2% case are pending at the appearance stage/service related stage i.e. either parties have not made appearance before the Court to pursue the case or notice have not been served to the opposite parties. In both the situations, it can be inferred, parties are reluctant to pursue the case despite that majority of the cases falls in the category wherein parties more or less are known to each other.

- 3) That, in the courts, arrears are mounting by leaps and bounds and there is no respite in sight. This is particularly because institution of cases is much more than their disposal at all the levels of judicial administration. The fundamental requirement of good judicial administration is speedy justice. Quite often, frivolous, vexatious and luxurious litigations come up and add to the mounting arrears. Such type of litigation has to be controlled, rather stopped. Efforts should be made to settle the disputes at the very threshold vide affording opportunity to the concerned parties to settle their disputes amicably. Mediation in general and 'pre-litigative' mediation in particular is a mode to settle the dispute amicably, and that too, at pre-litigative stage.

- 4) That, before a suit is instituted in the Court of law parties concerned should be brought face to face through an expert of their choice and opportunity be afforded to them to scrutinize the claim in respect of which the suit is proposed to filed; and efforts should be made to settle the dispute amicably without driving each other to institute the suit involving considerable expenditure and delay.
- 5) That, statutes providing and governing the Alternate Dispute Resolution Mechanism in India are Arbitration and Conciliation Act, 1996 and the Civil Procedure Code, 1908. Whereas, section 89 of the Civil Procedure Code deals with the mediation referred and handled by the Court, part-III of the Arbitration and Conciliation Act, deals with the private mediation.
- 6) That, 'mediation' as a mode of dispute settlement has been operational in India since Vedic time. Earlier, in India, disputes were settled by a council of village elders, known as a Panchayat. This was an accepted method of conflict resolution. However, to deal with the disputes of specific nature the Arbitration and Conciliation Act, 1899 was enacted, which was replaced by Arbitration Act, 1940

which in turn was replaced by the Arbitration and Conciliation Act, 1996. The mediation of informal nature was being adopted at the village level to resolve petty disputes from times immemorial. Nevertheless, in the year 1999 vide Code of Civil Procedure (Amendment) Act 1999; section 89 was introduced in the Code of Civil Procedure, 1908. With the introduction of these provisions, a mandatory duty has been cast on the civil courts to endeavour for settlement of disputes by relegating the parties to an ADR process. The object of introduction of section 89 was to ensure that Court make an endeavour to facilitate out-of-court settlement through any of the five ADR methods as referred to in section 89: (a) Arbitration, (b) Conciliation, (c) Judicial settlement, (d) Settlement through Lok Adalat, and (e) Mediation. Rules corresponding to the same were made as Rule 1A, 1B and 1C in Order X of the Civil Procedure Code.

- 7) That, section 89 of the Code of Civil Procedure, 1908 became effective from 01-07-2002. Since then it has been dispensing justice effectively, efficaciously and speedily. As per the data shown on the website of the Delhi State

Legal Services Authority, 2099 applications were received between October and December, 2019 for mediation under opt-out provision of the Commercial Courts and Commercial Division Act. Between January, 2019 and February, 2020 about 2725 cases were referred to for mediation out of which 952 cases were settled.

- 8) That, with advent of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018, pre-institution mediation came into existence. Section 12-A of the Act, 2018 made pre-litigation mediation mandatory except in the case where there is emergent need of interim relief from the court arises. Section 12A, chapter IIIA provides that:

“A suit, which does not contemplate any urgent interim relief under this act, shall not be instituted unless the plaintiff exhausts the remedy of pre-institution mediation in accordance with such manner and procedure as may be prescribed by rules made by the central government.”

Pre-institutional or we can say Pre-litigation mediation is nothing but an attempt to resolve the dispute among the

parties amicably with the help of neutral third party called Mediator before going in to the court or even before filing litigation or sending a notice. It gives a chance to both the parties to end the dispute in a win-win position.

- 9) That, Pre- litigation Mediation is simply a process preferred by the plaintiff and defendant to settle the issue in speedy manner by an unbiased third party. This is comfortable because, parties have the freedom to choose their mediators, who have an authority over the subject matter of the topics. And the final agreement of this settlement is legally binding.
- 10) That in it issues can be sorted out sooner and this process is inexpensive compared to the expenditure occurred at every stage of the case/issues in litigation. To reduce the number of pending cases, the Government should work on a mechanism to introduce a pre-litigation mediation process, so that avoidable cases can be prevented from reaching the courts and settle the issue effectively. It's a step sine qua non to improve the judicial system in India.
- 11) That, Pre-litigation mediation is one of the three main mediation methods; the other two are court-mandated mediation and post-filing mediation. Of the three, pre-

litigation mediation is the most productive offering the greatest amount of privacy as well as opportunity cost and other economic benefits. Privacy in a pre-litigation mediation comes in two forms. The first is the privacy retained by not filing court papers, for when a lawsuit is filed with the courts the dispute becomes a matter of public record. The second form is the confidentiality of the mediation process.

- 12) That, a dispute heard in pre-litigation mediation shall not be filed with the courts, thus information about the dispute will not be public. The privacy retained by not having the case in the public eye can be important especially when claimants do not want their identities disclosed and/or a business wants to avoid unnecessary scrutiny. If the potential exists for all phases of a trial and evidence presented to be available to the public, privacy is a strong incentive for disputing parties to enter the mediation process early in a legal dispute.
- 13) That, 'Banglore Mediaiton Centre' functioning under the aegis of High Court of Karnataka set up 'Pre-litigation

Mediation Centre (PLMC), first of its kind in the country following the Supreme Court dated February 22, 2013.

- 14) That 'Mediation and Conciliation Committee' of the Hon'ble Punjab and Haryana High Court launched pre-litigation mediation vide its meeting held in October, 2014. The committee resolved to operate 'pre-litigation' mediation on the parameters of the Delhi High Court Mediation Centre. As per the committee, disputes, which arise out of legal relationships, cases/matters of civil nature, money matters, contractual disputes etc., may be received under Pre-litigation in the Mediation & Conciliation Centre, prior to registration of FIR or filing of civil case in any court of law. Under this concept, the applicant has to fill a Pre-Litigation Mediation Information form in which he/she has to submit his/her details, the details of the second party, nature of dispute etc. and give undertaking with regard to compliance of certain conditions of Pre-Litigation Mediation. A True copy of resolution available at the website of the Punjab and Haryana High Court is annexed hereto and marked as **Annexure P-1 at pages 30 to 32.**

- 15) That, in a recent development towards the advancement of 'pre-litigation' mediation takes place when a first of its kind initiative among high courts across India the Bombay High Court has started 'Pre-Litigation Counselling Centre' for resolving matrimonial matters. The centre inaugurated by the Maharashtra State Legal Services Authority (MALSA) on February 27, 2018 and will be operational thrice a week, aiming to reduce litigation before they reach the court.
- 16) That, despite mandate of the Supreme Court of India vide judgment dated February 22, 2013 a few High Court/ States has shown their concern for the establishment of 'pre-litigation' mediation centre. So far, only Bangalore Mediation Centre, Karnataka, Punjab and Haryana High Court and the Bombay High Court have taken the initiative. Out of 25 High Courts and their benches in addition to; and 28 States and 8 Union Territories in India only by three High Courts have complied with the Apex Court directions.
- 17) That, although the Supreme Court of India has given some impetus to pre-litigation mediation in matrimonial cases, however, there exists no overarching framework for

these services. This results in a lack of uniformity across centers with only some offering pre-litigation mediation services. An institutionalized pre-litigation mediation model can supplement the court-connected model.

18) Hence, this Writ Petition.

3. GROUNDS

A. BECAUSE the object behind to make the ‘Pre-Litigation’ mediation mandatory is to avoid unnecessary delay in the litigation and save time and money by settling the claim without driving to institute the suit in the Court of law which is a cumbersome process.

B. BECAUSE mandatory ‘Pre-litigation’ mediation further the advancement of justice and secure public good by avoidance of unnecessary litigation.

C. BECAUSE the disposal of legal disputes at ‘Pre-litigative stage shall provides expense-free justice to the citizens of this country and also save Courts from additional and avoidable burden of petty cases, enabling them to divert their court-time to more contentious and old matters.

D. BECAUSE whereas Section 5 of the Family Courts Act, 1984 enables the Government to take assistance of the Social Welfare Organizations to help a Family Court to arrive at a settlement, the section 9 impose obligation upon the Family Court to make efforts for settlement before taking evidence in the case. This was provided with the view to promote conciliation in, and secure speedy settlement of, disputes relating to marriage and family affairs. This vision can be given advance effect if the parties are given opportunity to resolve their conflicts before the institution of the suit or 'pre-litigation' stage.

E. BECAUSE in our country the ratio between the population and the judges are unrealistic. Therefore, the judiciary is unable to cop up with the flood of litigation. This gap can be decreased firstly, by increasing the strength of judges in proportion to the population and secondly; by reducing the number of cases vide settling the dispute through Alternative Dispute Settlement Mechanism. The phenomena of 'Pre-litigation' mediation might prove beneficial in this regard.

F. BECAUSE this method is good for mental health and in

keeping their relationships healthy as the dispute being settled amicably by the parties themselves and quick solutions to their disputes arrived before falling into the vicious cycle of litigation. Both the parties will be at win-win position.

G. BECAUSE pre- litigation mediation shall facilitate the concerned parties to relook, review and adjust the scope of their conflict between them. In a suit the initial pleadings and rules of procedure firstly, limit the issues which a party can raise, and secondly, it being documented ultimately aggravate the bitterness amongst them due to allegation and counter allegation than to pacify; while in mediation, parties being not bound by the strict procedure of law and evidence they take their time to put their grievances without any fear of losing the case or to get any favor and say without prejudice. This flexibility makes it easier for negotiators to act as problem-solvers instead of adversaries.

H. BECAUSE there shall be no complex procedural or evidentiary rules that ought to be observed unlike litigation before the court. While most would agree that

a general rule of fairness applies, the maximum penalty a party can impose for foul play is to walk away from the mediation and take his chances in court.

I. BECAUSE mediation restore the parties to their actual position where they were before the arising of the dispute. Mediation, unlike judgment or decree passed by the Court of law which decides the case in favour of one party and against the other party; or stating differently, declares one party the winner and other loser of case, recognize the contesting parties as winner and place them to their position as agreed by them.

J. BECAUSE confidentiality is the most sought after virtue of the 'Pre-litigation' mediation. In pre-litigation mediation it is possible to keep the facts of the case and terms of settlement arrived at, private and confidential which is not possible either in litigation or in mediation referred by the court after the institution of the suit. Once the allegations and counter allegation made and the documents are supplied to the court, it becomes public document and falls in the public domain which any general public can access or go through. Therefore, in

the mediation conducted after the institution of the suit it shall not be possible to maintain the secrecy of the case or sanctity of the relationships. Whereas, pre-litigation mediation takes place before institution of suit and filing any written submission or document in the court. Hence, secrecy can be maintained.

K. BECAUSE while in litigation Courts allow for a limited participatory role for parties, in pre-litigation mediation parties can take part in the settlement of dispute (disposal of case). The judicial system is essentially based upon a presentation of submissions of parties before the Court through lawyers whom the parties appoint. The adversarial system conceives of the presentation of rival submissions of lawyers, involving conflicting view points, as a necessary adjunct to the effort of the Court to investigate facts, determine law and arrive at outcomes which are in consonance with justice. The individual client for whom the litigative system provides a remedy may however perceive a sense of being marginalized in the presentation of his viewpoints and interests before the Court. Going by the experience of

lawyers and Judges, parties in person pose special problems to justice dispensation. Bereft of legal advice, litigants who appear before the Court in person require the discharge of special duties and obligations in order to ensure that justice is done. Litigants who contest their cases in person are often times seen to give vent to their emotions, opinions, perceptions and interests. The Court is not necessarily concerned with all of these since the primary duty of the Court is to dispense justice according to law. The example of the party in person is, however, significant to the discourse on mediation because it emphasizes the expectation of the lay person that the judicial process should be simple, that it should be a process in which his emotions, interests and concerns receive empathy and that the process should be one in which there would be a practical as opposed to a formal legal resolution of the controversy. Accepted judicial remedies are not necessarily geared towards accommodating all the interests of litigating parties. Mediation provides a real alternative to litigation. At an instrumental level, mediation has the potential to relieve

the system of problems such as delay and expense. At a more intrinsic level, it would result in a process which is less

L. BECAUSE chance of appeal is greatly reduced in contrast to litigation as parties arrive at the settlement voluntarily.

M. BECAUSE “Dr. A. S. Anand, a former Chief Justice of India” the 222nd report of the Law Commission of India States “has wished that the next century would not be a century of litigation, but a century of negotiation, conciliation and arbitration. This dream has to be fulfilled for settling disputes both pending in courts as well as at pre-litigative stage.”

N. BECAUSE despite mandate of the Supreme Court of India vide judgment dated February 22, 2013 a few High Court/ States has shown their concern for the establishment of ‘pre-litigation’ mediation centre. So far, Bangalore Mediation Centre, Karnataka, Punjab and Haryana High Court and the Bombay High Court have taken the initiative. Out of 25 High Courts and their benches in addition to; and 28 States and 8 Union

Territories in India compliance of the direction of the Apex Court only by three High Courts are neither a good for judicial system nor the democracy.

4. PRAYER:

In view of the facts and circumstances stated aforesaid, it is most respectfully prayed that Hon'ble this court may graciously be pleased to:

- 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; and
- d) Pass such other and further order as this court may deem just and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS IN DUTY BOUND SHALL FOREVER PRAY.

DRAWN BY

FILED BY

Sanpreet Singh Ajmani
Varun Mishra
Advocates

Ajit Sharma
(Advocate for the Petitioner)

Place: New Delhi
Drawn On: 11.07.2020
Filed On: 11.07.2020

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISIDCTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

YOUTH BAR ASSOCIATION OF INDIA AND ANR.

...PETITIONERS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Sanpreet Singh Ajmani, S/o. Sardar Bhupendra Singh, aged about 35 years, R/o. Ajmani Bhawan, Ambika Vihar, Haldwani, Uttarakhand, do hereby solemnly affirm and state on oath as under:

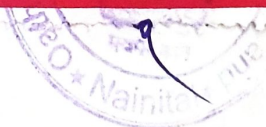
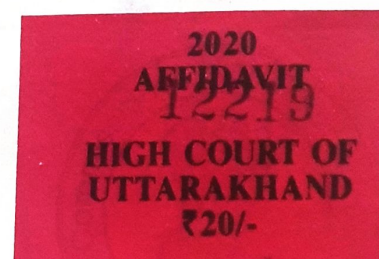
1. That I am National President of the petitioner No. 1 and petitioner no. 2 in the aforesaid petition. I, being fully conversant with the facts and circumstances of the case and duly authorized and competent to swear the instant affidavit.
2. That I have read the accompanying Writ Petition page no. 5 to 25 (para 1 to 4), Synopsis & List of dates (pages A to H) & I.A.'s and have understood the same explained to me and affirm that same are true and correct to the best of my knowledge and belief.



Sanpreet Singh
SANPREET SINGH AJMANI
Advocate, Supreme Court

National President
Youth Bar Asso. Of India

B-3, Basement, Jangpura
Extension, New Delhi - 14



3. That the annexure annexed to the petition are true, and correct copies of their respective originals formed part of the records of the forum below.



Sanpreet Singh
SANPREET SINGH AJMANI
Advocate, Supreme Court

DEPONENT
National President
Youth Bar Asso. Of India

B-3, Basement, Jangpura
Extension, New Delhi - 14

VERIFICATION

I, the deponent above named, do hereby verify that the contents of para 01 to 03 of the aforesaid affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Affirmed on this 6th day of June, 2020 at Nainital, Uttarakhand.



Sanpreet Singh
SANPREET SINGH AJMANI
Advocate, Supreme Court

DEPONENT
National President
Youth Bar Asso. Of India

B-3, Basement, Jangpura
Extension, New Delhi - 14



Ravi Bisht
RAVI BISHT
Regd. No. UK / 786 / 2016
Oath Commissioner
High Court of Uttarakhand
AL - NAINITAL
Sl. No. 12219
Dated 6/07/2020

APPENDIX

Article 21 of the Constitution of India

21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 32 of the Constitution of India

32. (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Article 48-A of the Constitution of India

48A. The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country

Article 51-A(g) of the Constitution of India

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures

//True Copy//

Annexure P-1**Pre-Litigation Mediation**

Hon'ble Mediation & Conciliation Committee, in its meeting held in October, 2014, launched the concept of Pre-litigation Mediation on the parameters of Delhi High Court Mediation Centre. As per this concept of Mediation, disputes, which arise out of legal relationships, cases/matters of civil nature, money matters, contractual disputes etc., may be received under Pre-litigation in the Mediation & Conciliation Centre, prior to registration of FIR or filling of civil case in any court of law. Further, in terms of section 74 of Arbitration and Conciliation Act, 1996, settlement agreement has the same status and effect as if it is an arbitral award on agreed terms on the substance of the dispute rendered by an arbitral tribunal under section 30.

Under this concept, the applicant has to fill a Pre-Litigation Mediation Information form in which he/she has to submit his/her details, the details of the second party, nature of dispute etc. and give undertaking with regard to compliance of certain conditions of Pre-Litigation Mediation. The proforma of Pre-Litigation Mediation Information form and condition of Pre-Litigation Mediation are at Annexure 'A' and 'B' respectively.

Pre-litigation Mediation Information Form

Name of the Applicant(s):

Address

Contact No. E-mail:-

Details of the person(s) with whom pre-litigation Mediation is sought for:

Nature/Details of Dispute:

Undertaking

I, the above mentioned applicant, do hereby solemnly affirm and declare as under:

1. That the case/dispute mentioned above, has arisen out of legal relationship.
2. That I desire to get my dispute resolved through Mediation in the Mediation & Conciliation Centre, Punjab & Haryana High Court, Chandigarh and would abide by the terms of settlement to be reached between the parties.
3. I also undertake to abide by the terms and conditions of Pre-litigation Mediation annexed herewith.

Dated:

Signature of the Applicant

Annexure'B'**Conditions for Pre-Litigation Mediation**

1. *Both parties together or singly shall pay Rs.1,000/- in all as administrative charges of the Mediation Centre;*
2. *The fee of the Mediator i.e. Rs.10,000/- in all, together or singly, shall be paid by the parties at the initial stage on appointment of the Mediator by depositing it with the Mediation Centre.*
3. *Both parties together or singly shall pay Rs.500/- per sitting for the use of the Mediation Centre.*
4. *The above amount/s shall be paid either in cash or through Pay Order/Demand Draft drawn in favour of the Mediation & Conciliation Committee, Punjab & Haryana High Court, Chandigarh.*
5. *Both parties together or singly shall pay additional fee of the Mediators, depending upon the nature of the dispute, which would be decided by Hon'ble Chairman.*
6. *That in terms of section 74 of Arbitration and Conciliation Act, 1996, settlement agreement would have the same status and effect as if it is an arbitral award on agreed terms on the substance of the dispute rendered by an arbitral tribunal under section 30 of the Act.*
7. *It would not be treated as Court Litigation.*
8. *That the settlement reached between the parties would be in the shape of decree and can be enforced.*

**Director,
Mediation & Conciliation Centre.**

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISIDCTION
I.A. No. ____ of 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF
INDIA)

YOUTH BAR ASSOCIATION OF INDIA AND ANR.

...PETITIONERS

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

**APPLICATION ON BEHALF OF THE PETITIONERS
SEEKING PERMISSION TO FILE A LENGTHY
SYNOPSIS AND LIST OF DATES AND EVENTS**

TO,

HON'BLE CHIEF JUSTICE OF INDIA AND HIS

LORDSHIP'S COMPANION JUDGES OF THE

SUPREME COURT OF INDIA.

HUMBLE PETITION OF THE PETITIONER ABOVE NAMED:

MOST RESPECTFULLY SHOWETH:

1. That the accompanying Writ Petition (PIL) is being filed in the larger Public Interest under Article 32 of the Constitution of India to issue appropriate Writ, Order, Direction to the respondent to consider the necessity of provision for 'Pre-

Litigation Mediation’ and take appropriate measures to provide for mandatory ‘Pre-litigation’ mediation; and/or issue guidelines or lay Standard Operating Procedure (SoP) as to that to give immediate effect the functioning of ‘Pre-Litigation Mediation’.

2. That the Petitioners are filing the accompanying petition in great urgency along with detailed synopsis and list of dates. That such detailed synopsis and list of dates are essential in this matter.

PRAYER

It is, therefore, prayed that this Hon’ble Court may graciously be pleased to grant permission to the Petitioners to file a detailed and lengthy synopsis and list of dates.

PETITIONERS

THROUGH



AJIT SHARMA

Advocates for the Petitioner

Place: New Delhi

Date: 11.07.2020

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISIDCTION
WRIT PETITION (CIVIL) NO. _____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF
INDIA)

YOUTH BAR ASSOCIATION OF INDIA AND ANR.

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Ajit Sharma

Date of Filing
 Filed on: 11.07.2020

Ajit Sharma
 Advocate on Record (Code: 2060)
 Advocate for Petitioner

IN THE SUPREME COURT OF INDIA

CIVIL / CRIMINAL / APPELLATE / ORIGINAL JURISDICTION

Writ Petition (Civil) No. of 2020

YOUTH BAR ASSOCIATION OF INDIA AND ANR.

... PETITIONERS

Versus

UNION OF INDIA AND OTHERS

... RESPONDENTS

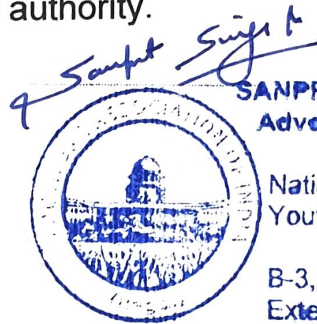
VAKALATNAMA

I/We Sanpreet Singh Ajmani (National President of Petitioner No. 1 & Petitioner No. 2) Petitioner(s) in the above Petition/Appeal/Suit do hereby appoint and retain, **AJIT SHARMA**, Advocate on Record of the Supreme Court of India to act and appear for me/us in the above Petition/Appeal/Suit and on my/our behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application(s) connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the above Petition/Appeal/Suit and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Accepted & Identified:

*Asharma***AJIT SHARMA**

Advocate on Record, Supreme Court

**SANPREET SINGH AJMANI**
Advocate, Supreme CourtNational President
Youth Bar Asso. Of IndiaB-3, Basement, Jangpura
Extension, New Delhi - 14**MEMO OF APPEARANCE**

To,
The Registrar,
Supreme Court of India,
New Delhi.

Sir,
Please enter my appearance on behalf of the Petitioner(s)/ Appellant(s)/
Respondent(s) in the above matter.

Yours faithfully,

Dated:

Asharma

Advocate for the Petitioner(s)

Code No.