

11 BIG PICTURE

INSIDE DELHI HIGH COURT'S MEDIATION CENTRE

An out-of-court experience

Separation, handshakes, hugs and walkouts — on the fourth floor of the court's administrative block, SOHINI GHOSH witnesses warring parties as they give peace a chance



Illustration: Mithun Chakraborty

33,406
cases referred to mediation centre from March 2006 till February 2023

8,617
or nearly 25% of cases have been settled by the centre so far
Source: Delhi High Court Mediation Centre

As he waits on one of the burdandy sofas for his estranged wife, the 30-something man opens a lunch box for his five-year-old son who sits beside him clutching a Spider-Man bag. In an adjacent room, peals of laughter spill into the corridor as a couple in the process of separation, play carom and eat pizza with their son.

Though the Delhi High Court's 30 court-rooms witness intense legal battles all week, in a small space on the fourth floor of the administrative block, warring parties — couples in the process of separating, families squabbling over properties and businesses, employers and employees in a tiff, and feuding firms, among others — are encouraged to settle disputes among themselves at the Delhi High Court Mediation Centre (DHCMC).

Named Samadhan (solution), the DHCMC was set up in March 2006 to reduce pendency and costs incurred by the court in settling cases. Apart from marriage breakdowns, child visitation rights and property cases, the centre also handles commercial matters, issues related to intellectual property rights and labour disputes. A few criminal cases too land here, though never those involving heinous crimes.

Of late, there has been an uptick in the number of cases referred to the centre: from just 1,216 cases in 2021 to 2,016 between January and July this year. Besides settling nearly 25% of the 33,406 cases referred to it by the court as of February 2023, data shared by the centre for the past three years indicates that it has settled nearly as many cases that were not referred to it by the court, including those related to ongoing disputes and requests for pre-trial intervention by lawyers. To keep up with the rising referral demand, the centre inducted 11 child counsellors in 2023, in addition to its existing 256 mediators. To work as a mediator at the centre, one is required to have a law degree and undergo specific training.

Justice Navin Chawla of the Delhi High Court, a member of the DHCMC Overseeing Committee that is responsible for framing the broader policy and guidelines for the centre's functioning, tells *The Indian Express*, "The primary reason governing the court in child matters is child rights and that they are protected at all costs. The panel of psychologists was expanded because we felt that when we are referring so many matters to the mediation centre, there must be a dedicated panel of experts as well."

Many recent Delhi High Court orders suggest that Justice Prathiba Singh, among other judges, often refers matters pertaining to feuding couples and child visitations to the DHCMC. She says, "Making the DHCMC a site for visitation has several reasons. There is no public gaze, there is a certain level of comfort and civility maintained when they know that there is an entire court machinery right next door. Additionally, supervised mediations help estranged parents behave well in front of their children. It has also been made family-friendly. Apart from child visitations, we have been able to make the DHCMC a neutral meeting ground in cases involving queer people."

Between harsh words and tears

From 10 am onwards, accompanied by their lawyers and a mediator, the feuding parties sit across a table in one of the 14 mediation rooms at the centre. A single session can stretch on for hours, even late into the night at times. Till the last draft of a settlement is drawn, after years of mediation, the sessions are either interspersed with harsh words, heated exchanges and accusations, or hugs, handshakes and, at times, tears of relief. However, mediation is considered a failure if the mediator's report says so or the parties concerned insist on fighting it out in court.

Unlike a courtroom, where client-lawyer relationship is limited to the case, mediators frequently deal with tempers running high or parties blowing hot and cold. While commercial and civil disputes are resolved much faster, mediators say family disputes are often more prolonged.

Over time, the DHCMC has become a safe space for children whose parents are undergoing separation. Delhi High Court's orders from 2018 show the centre has been its go-to choice as a neutral venue to facilitate meetings between children and their parents. At times, meetings are also organised between children and grandparents.

Back in the DHCMC's lobby, the five-year-old runs amok, declaring, "Mujhe yeh peena hai (I want to drink this)". Distracted by a phone

call, the man hands his son a fizzy drink as they wait for the boy's mother.

Anticipating the ensuing hunger pangs, the man — while juggling food packets, a tiffin, his son's Spider-Man bag and his phone, which is tucked between his ear and shoulder — takes his boy aside, opens a brown paper bag and starts feeding him a samosa. The mother, who has custody of the boy's younger sibling, arrives around 1 pm.

For the next two hours, she tries unsuccessfully

to bond with the child. When the boy refuses to acknowledge her presence, she changes tack. "I promise that we both will take a trip to Paris. I will only go with you. Mamma is learning French only for our Paris trip," she coos, hoping to catch the boy's gaze.

As she tries to wrap her arms around the child, he shrinks away. "Mere laddoo, idhar dekho (My sweetheart, look at me)," she says.

Minutes later, the estranged couple start throwing accusations at each other: the father

blames her for "beating" their son and calls her a "gold-digger", while the mother calls him a "bigamist" and a "cheater". The child looks on, his presence soon forgotten by his feuding parents.

Adjacent to the DHCMC lobby is a children's room, which has toys, board games, books, and sheets with doodles and crayons, where a visitation is underway. The estranged couple, in their 30s, remain cordial. The father, who has the son's custody, sips coffee as the trio play

carom. Soon, a pizza box is opened, much to the eight-year-old boy's delight.

The mother teases the son over a missed shot. With a slow grin, he manages to net a puck after three tries. He seals the win by fist bumping his mother and jumping off his seat, causing the father to break into a laugh. Instead of the mandated two hours, the visitation stretches to nearly four.

A mediator says, "When a marriage breaks down, parents often forget to prioritise the child over their hurt. It soon turns into a competition of who can do better for the child, often in materialistic terms... We had a couple where the mother was taking the child to the mall to buy him expensive toys, something the father did not have the means to do. In such cases, DHCMC serves well as a neutral ground."

Priyanka, a child psychologist at the centre for the past 1.5 years, says "rebonding" the child with alienated parents is a key exercise undertaken by them.

"The techniques and responses vary. We start with building a rapport and then draw up a course of action based on the individual. Younger children, at times, run away during sessions. We take a break and try to reconvene, but we cannot force them if they don't want to do a session. There may be cases where a parent is tutoring the child to behave in a particular manner. With older children, while their impulse control is better, they are also more aware of their parents' situation."

She says psychologists have sessions with both the child and parents, either individually or together. "For estranged parents, we recommend co-parenting since protracted rounds of litigation complicates the situation," says Priyanka.

The final settlement deed

On another Saturday, after a two-year mediation process, a joint family is close to finalising the resolution of a business dispute. Moments before the family is called inside a meditation room, a lawyer tells some in the group, "It's a process... you may not trust it, but you'll have to keep hoping that it is resolved."

After several drafts that never saw the light of day, a final settlement deed has now been drawn and nearly all family members have signed on the dotted line. As tears flow generously and people embrace each other, a young man touches his aunt's feet, leaving her teary-eyed.

Just then, an agitated man exits a room where the first session in a civil dispute case is being mediated. Standing in the lobby, he proclaims to his lawyer, "Chor hai woh, chor. Fraud hai ek number ka (He is a thief and a fraud)."

"The mediation process is full of ups and downs. There will be anger, breakdowns, reconciliation... a whole gamut of emotions. For us, as well as the parties, the reward is the final settlement deed being drawn, indicating the success of the process," says DHCMC organising secretary Veena Ralli, a mediator with 40 years of legal experience.

She is responsible for handling the daily affairs of the centre, including mapping mediation cases referred by the court to the appropriate mediators and child counsellors. She says she maps cases by gauging several indicators — age, address, socio-economic background and nature of dispute.

An estranged couple arrives at the centre with their two children, aged 8 and 10 years, and the maternal grandparents. A counsellor ushers the children into the playroom, where a furious colouring exercise begins. The counsellor says the children live with their mother, but were initially extremely hostile towards the father and the centre's staff. The counsellor says, "We have seen an improvement in the children during our bonding exercises. In the first few sessions, they would not open up and were resistant to participating in activities."

The parents too have a brief session each with the counsellor. Ralli adds, "It is a conscious choice to schedule most child visitations on Saturdays since the courts are closed. It is less intimidating with fewer people on campus and fewer lawyers in their black coats."

All about a girl: '6 years ago, there was silence when I walked into class'

Shekinah will be the first girl to graduate from Colonel Brown, an all-boys' school, in over 50 years

DEVYANI ONIAL & SUNANDA MEHTA
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actor Joy Mukherjee, music composer Madan Mohan and, more recently, reality TV star and dentist-turned-singer Meiyang Chang.

Shekinah still remembers that first day. "There was complete silence when I walked into the class. Not one boy seemed to know quite how to react to this new creature in their habitat. Then, the boys made some adjustments, as did I. To be honest, we are still making them. But I feel it was harder for them than it was for me," says Shekinah.

Her classmate interjects. "We talk to her, we chat. In the beginning we were a bit shy, what should we say in front of her, we had to manage that. Now we are managing well, we are friends. She's like us only," says Asad Ansari. "What do you mean just like you," Shekinah laughs.

"Maybe she's become too much like them," quips her father Vikas Mukhiya. For him, her leaving the room messy is one of the things that puts her in the boys' club.

She may be one of them, but there are things she misses about not being around girls. The art of conversation, for one. Shekinah, who was named by a family friend and whose name means 'glory of god' in Hebrew, says, "Boys can just talk on one topic at a time, while girls can move from one subject to another. Also, boys



Shekinah Mukhiya at the Dehradun school. Devyani Onial

don't go into topics in-depth."

"Initially, the boys would lower their voice when I would come near and change the topic of discussion. Any boy I would sit next to or engage in a conversation for long would be the butt of relentless teasing later. But soon enough it all settled down," says Shekinah, who wears the same uniform as the boys — green trousers, green-and-white striped shirt, and black shoes.

Over the years, the boys have learnt not to swear around her and she has learnt how to

give them relationship advice. "They ask me how to talk to girls they like and I advise them as if I know everything," laughs Shekinah, who is passionate about singing, and has been a part of a number of concerts and reality shows.

Music, in fact, is what led her to the school. After participating in *Voice India Kids*, a singing reality TV competition, in Delhi and Mumbai, and winning a gold medal in *Superstar Singer* on Sony TV at the age of 11, when Shekinah returned to Dehradun, the school she was at-

tending then refused to promote her from Class 6 to the next citing low attendance. "I had a tough time getting a school to accept her, even though we are teachers. It was very disheartening," says Mukhiya.

He and his wife finally turned to Colonel Brown, where he taught music and she taught History and English but which they hadn't considered previously since it was a boys' school. The school opened its classroom to Shekinah. Now, after her, three more girls, all children of staff members, have joined the school.

The school too had to make some adjustments. The morning assembly that began with the words "Good morning boys" was tweaked to "Good morning students" in deference to their new ward. "She's very level-headed and confident. Her parents live on the premises, so she's quite at home here, literally," says Tyagi.

Another special provision made for her, says Anil Sharma, a teacher and house master, was to allow her to use the staff room toilet as there was no separate washroom for girls.

The boys and the girl, meanwhile, have learnt to make some changes. "Before I came, all the girl roles were played by boys. Even after I joined, the boys still played female roles. I too play male parts," she says.

Her father, meanwhile, has been watching her back. The boys in school have had their share of crushes on her and a student from Thailand even proposed to her. "I told him to establish himself and come back," he laughs.

A singer, musician and event manager, Mukhiya gave up his job as a music teacher at the school to support her singing and accompany her to outstation concerts and recordings. Mukhiya and Shekinah have been using their music to raise funds for social causes, be it for a cancer patient in Mumbai or a widow with no support in Dehradun or a beleaguered school in a village in Kalimpong.

Shekinah, meanwhile, is busy balancing her studies with her music. "Though her attendance is never more than 50-60% due to her music commitments, she's been a topper. In her Class 10 boards, she scored the highest in the school at 95.6%. The expectations from her are high but there is no pressure from our side," adds her mother Deera.

Shekinah, who likes Queen, The Beatles, Elvis and, closer home, Amit Trivedi, is looking at a career in music, having done a duet with Shaan, sung for Himesh Reshammiya and having worked with well-known music directors, including Anand Milind and Shamir Tandon. She has 136K subscribers on YouTube and 166K followers on Instagram.

The father-daughter are working on an album that they hope to release once she completes school. Till then, it's back to class and the easy banter with the boys that has not changed. "The only thing is that the boys have shot up to 6 feet and I am at 4'11". So I get ragged about that, especially when they see me wearing Size 4 shoes sold by a kids' brand," she laughs.