

**No. C4-6136/2021/PHQ**  
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Dated: 09/01/2021

**Circular No. 01/2021**

**Sub: Police Dept. - Janamaithri Suraksha Project - Constitution of Community based Dispute Resolution Mechanism - Community Mediation Centre (CMC) at Police Stations – Reg.**

**Read:** 1) Ltr No. A1-23/JMSP/2020 dtd 19/03/2020 of IGP CB & SNO, JMSP.  
2) Ltr No: CMP/P-1/2020/KSMCC dtd 05/02/2020 of Kerala State Mediation and Conciliation Centre, High Court of Kerala.

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Consequent to the interaction with the Hon'ble judges of the High Court and the Director, Kerala State Mediation and Conciliation Centre (KSMCC); the Director, KSMCC has given us a proposal for **Community Mediation** which is mandated by the National Legal Service Authority (NALSA) and proposed to be followed up by the Hon'ble High Court of Kerala and NALSA. Collaboration of this initiative with the Community Policing initiatives of Kerala Police, i.e., Janamaithri Suraksha Project (JMSP) has been proposed by the KSMCC. The KSMCC proposes to train Community Mediation Volunteers (CMVs) from Sponsoring Social Organizations (SSOs) and train them for twenty hours in the concepts, theories and practice of mediation. The Sponsoring Social Organization which can be any voluntary organization or the Police. Janamaithri Suraksha Project shall establish Community Mediation Centre's (CMCs) at their own expenses with adequate enclosed space to conduct interaction between the parties in mediation, at the behest of the Community Mediation volunteer.

**02.** The Janamaithri Suraksha Project has 70 Community Police Resource Centres (CPRCs) and 64 Janamaithri Kendras which can effectively function as Community Mediation Centre's as envisaged by the KSMCC. All petitions, which do not reveal cognizable offences, can be dealt with by the SHO concerned, with the assistance of Community Mediation Volunteers who would be our Janamaithri Beat Officers in the Janamaithri Kendrams/CPRCs which could be designated as Community Mediation Centres by the KSMCC.

**03.** The Hon'ble Supreme Court mandates registration of FIRs for all petitions revealing cognizable offences, if submitted to a Police Station. In reality, in Kerala, the situation encountered is that, many a petition though revealing cognizable offences, in actuality, may be non-cognizable or a civil dispute, at best. This, at present, is being revealed only after investigation/enquiry. Mediation on such petitions would render lessening of the workload at the Police Stations, warranting registration of FIRs for only those petitions deserving investigation beyond mediation. Hence, as per the proposal of KSMCC, it is decided to establish Community Mediation Centre's at the behest of Janamaithri Suraksha Project in all Janamaithri Kendrams/CPRCs.

**04.** The KSMCC will facilitate training to all our Beat Officers on the basics and techniques of mediation, thereby rendering them capable and efficient Community Mediation Volunteers. This would go a long way in reducing unnecessary litigation related works in Police Stations and

litigation in the courts. Community Police relations also stand to benefit with positive Police interference in all minor disputes not warranting a detailed investigation and prosecution. The pending under investigation cases on compoundable offences may also be attempted to be settled through the Mediation Centre's.

05. Necessary permission has been granted to spruce up the existing Janamaithri Centre's, facilitating their effective existence as Community Mediation Centre's in due course. All the District Police Chiefs are hereby directed to effectively implement the programme in all Police Stations of the respective districts.

06. Community Mediation Centre's (CMC) and its constitution:-

Community Mediation Centres can be constituted in all Police Stations comprising of the following members;

- i) Inspector SHO – Chairman
- ii) Community Relations Officer (CRO) – Member & Facilitation Officer
- iii) Beat Officers – Member & Community Relation Volunteer
- iv) Invitees from KELSA/KSMCC – Member/Counsellor

#### **STANDARD OPERATING PROCEDURE**

- The Community Relations Officers (CROs) and Beat Police Personnel of Janamaithri Suraksha Project (JMSP) may be selected and sent for the Mediation Training of Kerala State Mediation and Conciliation Centre, Kochi.
- Community Police Resource Centres (CPRCs)/Janamaithri Kendras and its infrastructure shall be utilized for the project implementation. Upgradation of these infrastructures is possible using the funds earmarked for JMSP.
- The SHOs shall refer complaints to mediate and conciliate before the Community Mediation Centre to provide a balanced and neutral evaluation of the dispute. The SHOs shall mediate at the CMC's with the assistance of the trained mediation volunteers (CROs and Beat Officers) and resolve disputes amicably, unless they reveal cognizable offences.
- The committee shall convene its weekly meeting of Community Mediation Programme at the Centre's for amicably settling the issues through mediation and conciliation.
- CMC's shall not have jurisdiction on matters related to cognizable offences.
- Personal grievances such as family matters, marriage, divorce, parenting, matrimonial cases, partition suits, neighborhood disputes, workplace & everyday life issues and the processes designed to manage community tension, facilitating community development etc. may be included into the agenda of Community Mediation Centre's (CMC).

- If an agreement has to be made to the satisfaction of the parties concerned, it is necessary that no one should be forced to mediate, it should be in the hands of the parties and they have to decide whether they want to mediate or to go to the courts. Parties should have voluntary participation in the mediation process. Parties to the litigations are the best judges to resolve the dispute in a congenial manner. The responsibility for defining the problem, setting the agenda and agreeing to the solution rests with the people involved in the dispute. The mediation procedure can be started only if there is an agreement between the parties to resolve the same at the behest of the SHO and the mediation volunteers.
- The success of the process should be that by holding free and frank deliberations and negotiations across the table at the instance of an officer with no vested interest in the issue would ensure satisfaction, though, not fully to the contending parties.
- The CMC Committee shall act as an impartial and neutral third party/ counsellor/ mediator to assist the parties to dispute in reaching a mutually satisfactory and agreed settlement of the dispute. Impartiality of the CMC should ensure that the parties accept CMC as a Policing device sincerely dedicated to resolve the dispute and which favours both sides in the dispute, seeking solutions that would satisfy both sides in the dispute. The CMC does not impose a resolution on the parties. The basic principle in the process of mediation is that the mediation procedure should not harm the parties in any way, but should contribute to the resolution of their differences
- Confidentiality is of crucial importance in the process:- All information given in the mediation shall be kept confidential.
- The CMC Committee can interrupt in the mediation procedure, if it feels that the parties turn away from the solution or that are even more opposed than they were at the start of the mediation. If the parties do not arrive at any compromise or settlement, the parties may be advised to seek remedies through judicial courts. Parties have every right to approach the regular court when they fail to arrive at a settlement. In such instances, statements of the parties cannot be used as an admission in court proceedings if the parties fail to arrive at a settlement.
- After the mediation procedures, the mediation Committee members as well as both the parties agree on a mutually agreeable format specially designed for this purpose.
- Mediation Agreement:- Parties may submit their statement before the CMC describing the general nature and the points of the issue. Each party shall give the statement before the CMC and the CMC may request further details or may ask to meet the parties or communicate with the parties orally or in writing. Parties may even submit suggestions for the settlement of the dispute before the CMC. When it appears to the CMC that the elements of settlement exist, it can draw up the terms of a mutually satisfactory and agreeable settlement and present before the parties. If both the parties sign the settlement document, it shall be final and binding on both parties. A certified copy of mediation agreement shall be given to the parties to the dispute after the conclusion of the mediation procedures.

07. Procedure to be adopted in Community Mediation/Conciliation Programme:-

The functional stages in Mediation/Conciliation Programmes shall include the following;

- i) Introduction and opening statement/identification of issues.
- ii) Joint sessions of the parties.
- iii) Separate session(s) of parties.
- iv) Closing.
- v) Written submission of mutual agreement signed by the parties.
- vi) Registering and recording the proceedings.

08. All DPCs shall ensure that the CPRCs and Janamaithri Kendras are identified and spruced up for the purpose, utilising Janamaithri funds under the State Plan Scheme for the year, in consultation with the Janamaithri State Nodal Officer. The funds for the same have already been earmarked.

  
9.1.2021  
**Loknath Behera IPS**  
Director General of Police &  
State Police Chief, Kerala

Distribution:-

- 1) **ADGP CB & State Nodal Officer, Community Policing (Janamaithri Suraksha Project)** for n/a. - He can try to make an educative documentary film on the process & to explain the content of this Circular.
- 2) **All DPCs**, for n/a.

Copy for info & n/a :-

- All Officers in List A, B, C & D.
- All Unit Heads (including Spl. Units)
- All Officers in PHQ
- Dy. Dir, State Police Media Centre, PHQ – for giving due publicity.
- ED File / Police Website / D-Space / CA to SPC.

