

IN THE HIGH COURT OF KERALA AT ERNAKULAM
 PRESENT
 THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
 &
 THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Tuesday, the 6th day of January 2026 / 16th Pousha, 1947
WP(C) NO. 42844 OF 2025(R)

SUO MOTU WRIT PETITION (CIVIL) INITIATED BY THE HIGH COURT
 REGARDING LACK OF PROPER INFRASTRUCTURE IN THE MEDIATION
 CENTRES ACROSS THE STATE.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF LAW & JUSTICE, 4TH FLOOR, A-WING, SHASTRI BHAWAN, NEW DELHI - 110 001.
4. THE LAW SECRETARY, LAW DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
5. THE REGISTRAR (DISTRICT JUDICIARY), HIGH COURT OF KERALA, MARINE DRIVE, ERNAKULAM - 682 031.
6. THE MEMBER SECRETARY, KERALA STATE LEGAL SERVICES AUTHORITY, NIYAMA SAHAYA BHAVAN, OPPOSITE ADVOCATE GENERAL OFFICE, KOCHI, PIN - 682 031.
7. THE DIRECTOR, KERALA STATE MEDIATION AND CONCILIATION CENTRE, RAM MOHAN PALACE, HIGH COURT OF KERALA, KOCHI, PIN - 682 031.

Suo motu writ petition (civil) praying that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue necessary directions to the Government and other authorities concerned to provide the infrastructural requirements of each mediation sub centre as listed in Ext P3 as well as to ensure adequate support staff and regular office stationary.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 01/12/2025 and upon hearing the arguments of SRI.N.MANOJ KUMAR, STATE ATTORNEY for R1, R2 & R4, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R3, MS. SHIBI.K.P, Advocate for R5, SRI.LEO LUKOSE, Advocate for R6, MS. RAMOLA NAYANPALLY, Advocate for R7 and of SRI.ADARSH KUMAR, AMICUS CURIAE, the court passed the following:

P.T.O.

C.R.

Nitin Jamdar, C.J. & Syam Kumar V.M., J.

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Dated this the 6th day of January, 2026

ORDER

Heard Mr. N. Manoj Kumar, learned State Attorney, Ms. Shibi K.P., learned counsel for Respondent No.5, Mr. Leo Lukose, learned counsel for Respondent No.6, Ms. Ramola Nayanpally, learned counsel for Respondent No.7, and Mr. Adarsh Kumar, learned Amicus Curiae.

2. This suo motu petition deals with the issues relating to the inadequacy of infrastructural facilities at various Mediation and Alternative Dispute Resolution Centres in the State.

3. Rule. The petition is admitted.

4. The Kerala State Mediation and Conciliation Centre has 82 Mediation Centres in the State, including ADR centre in the High Court, 14 District Mediation Centres, 2 Additional District Mediation Centres, and 65 Mediation Sub Centres.

5. The primary issues affecting the mediation centres in the State are; lack of permanent place/venue for conducting mediation; inability to ensure privacy to parties to allow open communication; lack of physical infrastructure and digital infrastructure; inability to conduct online mediation because of lack of internet connectivity or video linkage

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equipment; lack of adequate permanent staff; and lack of basic necessities like drinking water, toilets and waiting area. Noting these issues, this suo motu petition was initiated on the Report submitted by the Mediation Centre.

6. When the petition came up on board on 1 December 2025, it was directed that a joint meeting of the Registrar General, the Member Secretary, Kerala State Legal Services Authority; the Additional Chief Secretary, Home Department; the Law Secretary, State of Kerala; and the Director, Kerala State Mediation and Conciliation Centre, be convened. It was also directed that while mediation rooms and infrastructure in all the places require intervention and measures, there may be some which require immediate attention, and it was directed to prepare a list accordingly.

7. Pursuant to the order dated 1 December 2025, a meeting was held on 22 December 2025 with the Law Secretary, Government of Kerala, the Member Secretary, Kerala State legal Services Authority, the Director, Kerala State Mediation and Conciliation Centre, and the Joint Secretary, Home Department to review the infrastructural issues faced by various Mediation Centres in the State and to finalise the steps to be taken. A priority list identifying the Mediation Centres requiring immediate intervention was prepared.

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8. It was noted that Kerala State Legal Services Authority and Kerala State Mediation and Conciliation Centre presently lack sufficient funds to meet essential infrastructural and staff requirements. The Law Secretary informed that necessary steps will be taken to prepare the estimate through Public Works Department for construction of cubicles and other facilities, and seek fund allocation from the Finance Department under a separate head, including annual allocations to meet the recurring expenses. Steps are also proposed for creation of posts of Nodal Officers in the Mediation Sub Centres and augmentation of facilities in the existing mediation centres. After detailed deliberations, it was decided in the meeting that the concerned Departments and Authorities shall take urgent steps in a time-bound manner to obtain possession of the identified buildings, ensure preparation of renovation estimates, provide necessary funds, and create adequate posts and infrastructure for the effective functioning of all Mediation Centres.

9. A Report is submitted by the learned Amicus Curiae addressing the infrastructural issues. It shows that basic facilities like fans, separate washrooms for men and women and a water purifier are also missing in many Sub Mediation Centres, which causes severe discomfort and prejudice to the parties seeking Mediation services. Most centres lack internet connectivity and even minimal digital infrastructure such as computers, laptops, UPS and printers. The Mediation Centres in some remote locations, including Peerumedu, Idukki, and Nedumkandom

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there is zero present stock of computers/laptops, UPS, printer, scanner, copier, Multi Function printer, almirah, fan, rack or water purifier and no Internet connectivity. A few exceptional urban centres like Ettumanoor also suffer from the debilitating situation of zero present stock of computers/laptop, UPS, printer, scanner, copier, Multi Function printer almirah, fan, rack or water purifier and no Internet connectivity and even no chairs and office tables; despite having 11 Mediators attached to the Mediation Centre. There is a lack of internet connectivity is a universal feature in almost all the Mediation Centres, barring a few that include the Kerala Court Mediation Centre, District Mediation Centres at Ernakulam, Kottayam, Pathanamthitta and Thrissur, Sub Mediation Centres at Cherthala, Vaikom and Changanassery. At certain places, it is seen that the old court rooms are being used for the conduct of mediation sessions, as in the case of Karunagappaly Mediation Centre. Many litigants, especially in matrimonial matters, attend mediation with young children. However, mediation centres lack designated waiting areas or child-friendly spaces. It is pointed out that the paucity of child-friendly spaces regularly creates severe difficulties for the litigants to participate effectively, resulting in frequent interruptions during sessions and stressful environments unfavourable for reconciliation and reduced outcomes even where the chance of a favourable outcome in mediation was otherwise possible. Confidentiality in mediation is lost, and the lack of basic amenities can affect the mediation.

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10. The Report of the Kerala State Mediation and Conciliation Centre also shows that several Mediation Centres, including District Mediation Centres, lack adequate space and essential infrastructure. With respect to the District Mediation Centre, Ernakulam, though an alternative building has been identified, possession has not yet been handed over and substantial renovation is required through the Public Works Department. Similar issues exist with the proposed District Mediation Centre at Thodupuzha and the Mediation Sub Centre at Ponnani, where suitable buildings have been identified but possession has not been transferred to the District Judiciary. A priority list has also been prepared identifying the areas where intervention is necessary. The list contains ten categories, namely; lack of proper venue for conducting mediation, as detailed in Annexure A; lack of Mediation Centres in certain court centres, as detailed in Annexure B; requires more cabins for the conduct of the mediation and enough space in the existing system, as detailed in Annexure C; infrastructures for newly established Mediation Centres, as detailed in Annexure D; shortage of Staff, as detailed in Annexure E; infrastructure for online mediation as detailed in Annexure F; space for aged, sick and differently abled persons at the ground floor, as detailed in Annexure G; new web portal for the management of mediation mechanism, as detailed in Annexure H; requirement of digital infrastructure facilities like Computers with UPS and Printer, as detailed in Annexure I; and lack of infrastructure facilities – Tables, chairs, fan, light, water purifier detailed in Annexure J. Some of the infrastructural

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issues faced by the mediation centres as highlighted in the priority list show that immediate and urgent measures are required in many places. There are insufficient facilities or cubicles for conducting mediation. Though Mediation Centres were started recently, new spaces with adequate infrastructure are yet to be identified and temporary arrangements are being taken. It is also highlighted that there is shortage of staff. The permanent post in the mediation centres is available only at 14 District Mediation Centres and 2 Additional District Mediation Centres, that too on deputation basis. No permanent staff is appointed at 65 Mediation Sub Centres. It is stated that in addition to the court works, the Court staff/office attenders who have no knowledge about ADR System are often temporarily appointed/given the additional charge of mediation in these centres for a shorter period and changed periodically/quarterly.

11. The Report shows that at present, only the High Court Mediation Centre has online facility. In other centres, when online mediation is required, mediators and parties participate through their mobile phones. Each Mediation Centre requires a dedicated room equipped with video conferencing facility, including a computer, camera, and sound system. In centres located on upper floors without lifts or ground-floor cubicles, differently-abled persons and senior citizens face difficulty in attending mediation sessions. Among the 83 existing Mediation Centres, only the High Court Mediation Centre has adequate infrastructure such as

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computers, printers, copying machines, and internet facilities. Other centres are using very old computers and printers, those are not functioning properly. Majority of the cubicles in these centres are narrow and congested. Some cubicles are poorly ventilated and fans are not working properly which causes discomfort to the parties and mediators, particularly during summer. The lack of proper infrastructure and privacy adversely affects the mediation process and leads to dissatisfaction among the parties.

12. The Reports of the Director of the Mediation Centre and the learned Amicus Curiae show that the situation is of serious concern. The importance of having adequate infrastructure for mediation centres cannot be emphasised enough. Both, the legislature and the judiciary have emphasised mediation as an appropriate dispute resolution mechanism to deal with the issue of pendency and for its other benefits. The new legislation on mediation is a step in that direction. A nationwide movement under the campaign “Mediation for the Nation” has also been launched. However, the success of mediation does not solely depend on the number of references made by the judges or the skill of the mediators, but also depends on the space where mediation takes place. The importance of physical space where mediation takes place is not given its due recognition. Without proper rooms, without privacy, effective mediation can face serious challenge. The failure to ensure proper confidentiality impedes the mediation process and the parties

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move away from effectively participating in mediation for want of privacy, especially in matrimonial disputes. The State has an obligation to provide this infrastructure.

13. In the joint meeting, the issues are now identified and tabulated. Priority list is also prepared. Thus basic foundation has been laid. Now steps need to be taken, and monitored. For that purpose, officers who participated in the meeting on 22 December 2025 formally can be constituted as a committee with inclusion of the representatives from Public Works Department and the Finance Department of the State Government. The learned State Attorney suggested the inclusion of the Additional Chief Secretary, Finance Department. Let the Additional Chief Secretary, Public Works Department also be made a part of the said Committee. This Committee can meet regularly, take decisions and implement them. Since the Committee will consist of the concerned officers of the State, the time lost in communication and paper work could be saved.

14. Accordingly, we direct as follows:

a) A 'Mediation Infrastructure Committee' is hereby constituted to address the issues of the infrastructural deficiencies and other in mediation centres across the State of Kerala. The Committee will have the following composition:

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- i) Registrar General, High Court of Kerala,
- ii) Member Secretary, Kerala State Legal Services Authority,
- iii) Director, Kerala State Mediation and Conciliation Centre,
- iv) Law Secretary, State of Kerala,
- v) Principal Secretary, Public Works Department, State of Kerala,
- vi) Additional Chief Secretary, Home Department, State of Kerala,
- vii) Additional Chief Secretary, Finance Department, State of Kerala,

b) The Director of the Kerala State Mediation and Conciliation Centre will also act as a Co-ordinator of the Mediation Infrastructure Committee.

c) The Committee will hold periodical meetings, preferably every two months, to take decision jointly and to monitor the progress of the decisions taken.

d) The report and minutes of the Committee meetings will be placed on record by the Co-ordinator of the Committee by way of a memo.

15. The Member Secretary, Kerala State Legal Services Authority and the Director, Kerala State Mediation and Conciliation Centre, will report the developments to the Executive Chairman, Kerala State Legal Services Authority, who is the Patron of the Kerala State Mediation and Conciliation Centre and the President of the Board of Governors, Kerala State Mediation and Conciliation Centre. The Director of the Kerala State Mediation and Conciliation Centre is granted liberty to take out an

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application in this pending petition if any intervention of the Court is required.

Sd/-

Nitin Jamdar
Chief Justice

Sd/-

Syam Kumar V.M.
Judge

ds 06.01.2026

