**The Consumer Protection (Mediation) Rules, 2019**

In exercise of powers conferred by sub-section (2) of section 101 read with clauses (r) and (zf) of the Consumer Protection Act, 2019 (35 of 2019), the Central Government hereby makes the following rules , namely:—

 **1. Short title and commencement.--**

1. These Rules may be called the Consumer Protection (Mediation) Rules, 2019.
2. They shall come into force on the date of their publication in the official Gazette.

 **2. Definitions-**

1. "Act" means the Consumer Protection Act, 2019 (35 of 2019);
2. “Consumer” means a consumer as defined under the Consumer Protection Act 2019.
3. “Commission” means District Commission, State Commission or National Commission, as the case may be;
4. ‘Mediation’ means mediation as defined under the Consumer Protection Act 2019.
5. ‘Mediator’ means a mediator as defined under the Consumer Protection Act, 2019.
6. “Panel” means the panel of mediators set up by the National Commission, the State Commission and the District Commission as per sub-section (1) of Section 75 of the Act.
7. “Party/Parties” means parties to the dispute and such person/persons having authority to represent the parties and settle the dispute.
8. “Settlement" means a settlement arrived at in the course of mediation proceedingin regard to all the issues in the suit or proceeding or some of the issues and includes a written agreement between the parties where such agreement has been signed by the parties thereto in such manner as may be prescribed under the Regulations notified by the National Commission and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Commission and the mediator.

**3. Mediation Cell.\_\_**

1. TheMediation Cell set up by the National Commission shall have a panel of mediators appointed by the National Commission and supporting staff comprising of a Coordinator, and such other supporting staff as the National Commission may deem fit and will be provided with all administrative assistance and infrastructure facilities by the National Commission.
2. A Mediation Cell shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of
3. any case pending before; or
4. any matter which is falling within the jurisdiction of, and is not brought before, any Commission for which the Mediation Cell is attached:

Provided that the Mediation Cell shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law as mentioned under Rule 4.

 **4****. Matters not to be referred to mediation.\_\_**The following matters shall not be referred to mediation, namely:—

1. the matters relating to proceedings in respect of medical negligence resulting in grievous injury or death;
2. the matters which relate to defaults or offences for which applications for compounding have been made by one or more parties;
3. cases involving serious and specific allegations of fraud, fabrication of documents forgery, impersonation, coercion etc;
4. cases involving prosecution for criminal and non-compoundable offences.
5. cases which involve public interest or interest of numerous persons who are not parties before the Commission

*Explanation: The above enumeration of cases is not exhaustive but illustrative which can be subjected to just exceptions or addition by the Commissions exercising its jurisdiction/discretion in referring a dispute/case to an ADR process.*

**5. Immunity.--** No mediator shall be held liable for anything bona-fide done or omitted to be done by him during the mediation proceedings for civil or criminal action nor shall he be summoned by any party to the suit or proceeding to appear in a Court of law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.

**6.** **Status and effect of settlement agreement**.-- Every order made by the Commission endorsing the Settlement Agreement shall be deemed to be a decree of a civil court and shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the Order.

**7.   Communication between mediator and the Commission.--**

1. In order to preserve the confidence of parties in the Court and the neutrality of the mediator, there should be no communication between the mediator and the Commission, except as stated in clauses (b) and (c) of this Rule.
2. If any communication between the mediator/conciliator and the Commission is necessary, it shall be in writing and copies of the same shall be given to the parties or the constituted attorney or the counsel.
3. Communication between the mediator and the National Commission shall be limited to communication by the mediator:

(i)      about the failure of the party to attend;

(ii)     about the consent of the parties;

1. regarding his assessment that the case is not suited for settlement through the mediation;
2. that the parties have settled the dispute(s).

**8. Refund of fee.\_** Where the Commission refers the parties to the suit to Mediation, the plaintiff shall be entitled to a certificate from the Commission authorising him to receive back, the full amount of application fee paid in respect of such complaint, where a settlement is reached between the parties.

**9. Resort to arbitral or judicial proceedings.\_\_** The parties shall not initiate, during the mediation under these rules, any arbitral or judicial proceedings in respect of a matter that is the subject-matter of the mediation, except that a party may initiate arbitral or Judicial proceedings, where, in his, opinion, such proceedings are necessary for protecting his rights.

**10. A settlement Agreement not to be discharged by death of party thereto**. –

(1) A settlement Agreementshall not be discharged by the death of any party thereto either as respects the deceased or as respects any other party, but shall in such event be enforceable by or against the legal representative of the deceased.

(2) The mandate of a Mediator shall not be terminated by the death of any party by whom he was appointed.

(3) Nothing in this section shall affect the operation of any law by virtue of which any right of action is extinguished by the death of a person.