

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO. 1315
TO BE ANSWERED ON FRIDAY, THE 9th FEBRUARY, 2024

Alternative Dispute Redressal Mechanism

1315. SHRI NAYAB SINGH:
PROF. RITA BAHUGUNA JOSHI:
DR. SHRIKANT EKNATH SHINDE:
DR. KRISHNA PAL SINGH YADAV:
SHRI UNMESH BHAIYYASAHEB PATIL:
DR. SUJAY RADHAKRISHNA VIKHE PATIL:
DR. HEENA VIJAYKUMAR GAVIT:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) the measures taken by Government in the field of alternative dispute resolution mechanism during the last ten years;
- (b) the main features of the India International Arbitration Centre Act, 2019;
- (c) the expected outcome in ease of doing business and pendency of cases in the regular Courts;
- (d) the manner in which the Ministry has contributed to the digitization of the Indian legal system; and
- (e) the steps taken by the Ministry to reduce the backlog of cases in traditional Indian Courts?

ANSWER
MINISTER OF STATE (INDEPENDENT CHARGE) OF THE
MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF
STATE IN THE MINISTRY OF CULTURE
(SHRI ARJUN RAM MEGHWAL)

(a) During the past decade, the Government of India has taken various initiatives in the realm of Alternative Dispute Resolution (ADR) mechanisms. Various initiatives have been taken to strengthen these mechanisms and make them user friendly, cost effective and expeditious. The major initiatives taken by the Government over the years in this regard include-

The Arbitration and Conciliation Act, 1996 (Act,1996) has been progressively amended in the years 2015, 2019 and 2020. These amendments aim at ensuring timely conclusion of

arbitration proceedings, neutrality of arbitrators, minimizing judicial intervention in the arbitral process and quick enforcement of arbitral awards.

The India International Arbitration Centre Act, 2019, was enacted to provide for the establishment and incorporation of the India International Arbitration Centre (Centre), a centre of national importance for the purpose of creating an independent and autonomous body, for facilitating institutional arbitration.

The Commercial Courts Act, 2015 was amended in the year 2018 to provide for Pre-Institution Mediation and Settlement (PIMS) mechanism.

The Mediation Act, 2023, enacted recently, lays down the legal framework for mediation.

(b) The key provisions of the India International Arbitration Centre Act, 2019 *inter-alia* include provisions relating to establishment of the Centre as an institute of national importance for domestic and international arbitration; composition of the Centre; objects and functions of the Centre; finance accounts and audit of the Centre; setting up a Chamber of Arbitration, for empaneling professional arbitrators at national and international level; setting up an Academy to train arbitrators and power to make rules and regulations for the functioning of Centre.

(c) The legislative reforms with respect to the Arbitration and Conciliation Act, 1996 have facilitated the minimization of court-intervention in arbitration, and cost effective settlement of commercial disputes thereby enabling ease of conducting business.

To ensure resolution of commercial disputes expeditiously, fairly and at reasonable cost the Commercial Courts Act, 2015, has been enacted.

The Mediation Act, 2023 is also expected to be a pivotal legislative intervention towards providing standalone law on mediation and enabling the growth of a culture of amicable settlement of disputes out of court .

(d) The eCourts Mission Mode project, as part of the National eGovernance Plan, is under implementation since 2007 for ICT development of the Indian Judiciary based on the “*National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary*”.

(e) The disposal of pending cases in courts is within the exclusive domain of the judiciary. The Government has no direct role in disposal of cases in courts.