

**GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF JUSTICE**

**LOK SABHA**

**STARRED QUESTION NO. \*160  
TO BE ANSWERED ON FRIDAY, THE 16<sup>TH</sup> DECEMBER, 2022**

**DISPOSAL OF CASES THROUGH ADR SYSTEM**

**\*160. SHRI JAGDAMBIKA PAL:  
SHRI VINCENT H. PALA:**

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

- (a) whether the Government is considering to dispose all compoundable cases older than 20 years through Alternative Dispute Resolutions (ADR) system;**
- (b) if so, the details thereof and if not, the reasons therefor;**
- (c) the details of the initiatives taken by the Government to reduce the burden of cases from the courts and also to make the system of delivering of justice to the citizens faster; and**
- (d) the details of the initiatives taken by the Government to promote ADR system in the country during the last five years?**

**ANSWER**

**MINISTER OF LAW AND JUSTICE  
(SHRI KIREN RIJJU)**

**(a) to (d):** A Statement is laid on the Table of the House.

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**STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (D) OF LOK SABHA STARRED QUESTION NO. \*160 FOR ANSWER ON 16.12.2022 REGARDING 'DISPOSAL OF CASES THROUGH ADR SYSTEM'.**

**(a) (b) & (d):** The Government has been at the forefront of promoting Alternative Dispute Resolution Systems. The enabling legal framework for resolution of disputes through Alternative Dispute Resolution (ADR) has been provided under Section 89, Civil Procedure Code, 1908. Section 89 recognises four modes of ADR namely, Arbitration, Conciliation, Judicial Settlement including settlement through Lok Adalat and Mediation. It provides for the court to refer a dispute for settlement by either of these modes, where it appears that there exist elements of a settlement, which may be acceptable to the parties.

The Mediation Bill, 2021, which has been introduced in the Parliament, stipulates a provision under Clause 7, which states that courts may, if deemed appropriate refer *inter-alia* any dispute relating to compoundable offences to mediation. However, the outcome of such mediation shall be further considered by the court in accordance with the law for the time being in force. Therefore, the provisions of the Mediation Bill, 2021 enable and recognise settlement of compoundable offences in terms of the provisions contained therein.

The Government is promoting ADR mechanisms including arbitration and mediation as these mechanisms are less adversarial and are capable of providing a better substitute to the conventional methods of resolving disputes. The use of ADR mechanisms is also expected to reduce the burden on the judiciary and thereby enable timely justice dispensation to citizens of the country. Some of the major initiatives over the years in this regard include:-

The Arbitration and Conciliation Act, 1996 was enacted to consolidate and amend the law relating to domestic arbitration, international commercial arbitration and

enforcement of foreign arbitral awards as also to define the law relating to conciliation and for matters connected therewith. To keep pace with current developments in the arbitration landscape and to enable arbitration as a viable dispute resolution mechanism, the Indian arbitration law has undergone significant changes in the years 2015, 2019 and 2021. The changes are enabled to signal a paradigm shift for ensuring timely conclusion of arbitration proceedings, minimizing judicial intervention in the arbitral process and enforcement of arbitral awards.

The Arbitration and Conciliation (Amendment) Act, 2015 provided for expeditious, fast track and time bound arbitral proceedings, neutrality of arbitrators and cost effective delivery mechanism. This was followed by the Arbitration and Conciliation (Amendment) Act, 2019 with the main objective of giving boost to institutional arbitration and to reduce the share of ad-hoc arbitration in the country. Further, Section 34 of the Act was amended vide the Arbitration and Conciliation (Amendment) Act, 2021, which provides for unconditional stay of enforcement of arbitral awards where the underlying arbitration agreement, contracts or making of the arbitral award are induced by fraud or corruption, besides giving power to Arbitration Council of India, to lay down qualifications, experience and norms for accreditation of arbitrators, by regulations.

The Commercial Courts Act, 2015 was amended in the year 2018 to provide for Pre-Institution Mediation and Settlement (PIMS) mechanism. Under this mechanism, where a commercial dispute of specified value does not contemplate any urgent interim relief, the parties have to first exhaust the mandatory remedy of PIMS before approaching the Court. This is aimed at providing an opportunity to the parties to resolve the commercial disputes through mediation.

Rooted in the tradition of “People’s Court”, the concept of Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987. Lok Adalat can take up any kind of Civil matters and all Criminal Compoundable matters, whether

pending in a court or at the Pre-Litigative stage. The award made by Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against the Award before any court. During the COVID pandemic, the Legal Services Authorities (LSAs) innovatively leveraged technology and introduced E-Lok Adalat, wherein affected parties could get their matter resolved without physically visiting the venue of the Adalat. E-Lok Adalat is a process to settle disputes, combining technology and alternative dispute resolution (“ADR”) mechanisms which offers a faster, transparent and accessible option.

(c): Disposal of pending cases in courts lies within the domain of the judiciary. No time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government has no direct role in disposal of cases in courts. Several factors come into play while disposing of the cases in courts, such as, availability of adequate number of judges and judicial officers, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures. Apart from these, other contributory factors that delay the disposal include, vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. The Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution and reducing pendency.

National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, *inter-alia*, involves better infrastructure for courts including computerization,

increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

The major steps taken during the last eight years under various initiatives are as follows:

**(i) Improving infrastructure for Judicial Officers of District and Subordinate Courts:** A Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary has been in operation since 1993-94. Under the Scheme, so far, Rs. 9291.79 has been released. The Centrally Sponsored Scheme (CSS) for Development of Infrastructure for Judiciary has been extended till 2025-26 at a total cost of Rs. 9,000 crores, out of which the central share will be Rs. 5,307 crores. The scheme covers construction of court halls, residential unit, lawyers halls, toilet complexes and digital computer rooms. There are 21,159 court halls and 18,557 residential units made available under the scheme so far.

**(ii) Leveraging Information and Communication Technology (ICT) for improved justice delivery:** Under the e-Courts Mission Mode Project under implementation throughout the country, information and communication technology outreach has been extended to the district and subordinate courts with WAN connectivity having been provided to 99.3% of court complexes. Apart from this, a new and user-friendly version of Case Information Software has been developed and deployed at all the computerized district and subordinate courts. All stakeholders, including judicial officers, now have access to plethora of information w.r.t judicial proceedings/decisions on the National Judicial Data Grid (NJDG). A series of IT enabled services such as eCourts web portal, Judicial Service Centres (JSC), eCourt Mobile App, SMS push and pull services have facilitated easy access to all sorts of

information such as case registration, cause list, case status, daily orders & final judgments to the litigants and advocates.

Video conferencing facility has been enabled between 3,240 court complexes and 1,272 corresponding jails. Virtual hearings have been effectively adopted during COVID-19 pandemic and as of now 21 virtual courts have been set up in 17 States/UTs as on 03.03.2022, these courts have handled more than 1.69 crore cases.

**(iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts:** From 01.05.2014 to 05.12.2022, 46 Judges were appointed in Supreme Court. 853 new judges were appointed and 621 additional judges were made permanent in the High Courts. Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1108 currently. sanctioned and working strength of judicial officers in district and subordinate courts has increased as follow:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
12.12.2022	25,011	19,192

However, filling up of vacancies in subordinate judiciary falls within the domain of the State Governments and high courts concerned.

**(iv) Reduction in Pendency through / follow up by Arrears Committees:** In pursuance of Resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in High Courts to clear cases pending for more than five years. Arrears Committees have been set up under District Judges too. Arrears Committee has been constituted in the Supreme Court to formulate steps to reduce pendency of cases in High Courts and District Courts. In the past, Minister of Law & Justice has taken up the matter with Chief Justices of High Courts and Chief Ministers drawing their attention to cases pending for more than five years and to take up pendency reduction campaign. The Department has developed an online portal for

reporting by all High Courts on the compliance of Arrears Eradication Scheme guidelines of the Malimath Committee Report.

(v) **Initiatives to Fast Track Special Type of Cases:** The Fourteenth Finance Commission endorsed the proposal of the Government to strengthen the judicial system in states which included, inter-alia, establishing Fast Track Courts for cases of heinous crimes; cases involving senior citizens, women, children etc., and urged the State Governments to use the additional fiscal space provided in the form of enhanced tax devolution from 32% to 42% to meet such requirements. As on 31.10.2022, 838 Fast Track Courts are functional for heinous crimes, crimes against women, and children etc. Further, the central government has approved a scheme for setting up 1023 Fast Track Special Courts (FTSCs) across the country for the expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. As on date, 28 States/UTs have joined the scheme.

(vi) In addition, to reduce pendency and unclogging of the courts, the Government has recently amended various laws like the Negotiable Instruments (Amendment) Act, 2018, the Specific Relief (Amendment) Act, 2018, and the Criminal Laws (Amendment) Act, 2018.

(vii) The government launched the Tele-Law programme in 2017, which provided an effective and reliable e-interface platform connecting the needy and disadvantaged sections seeking legal advice and consultation with panel lawyers via video conferencing, telephone and chat facilities available at the Common Service Centres (CSCs) situated in Gram Panchayat and through Tele-Law mobile App.

Category	Total Advice Enabled	%
SC	8,62,464	31.51%
ST	4,90,729	17.93%
OBC	7,94,986	29.04%
Women	9,19,389	33.59%
General	5,88,932	21.52%
As of 30th Nov 2022,		

(viii) Efforts have been made to institutionalize pro bono culture and pro bono lawyering the country. A technological framework has been put in place where advocates volunteering to give their time and services for pro bono work can register as Pro Bono Advocates on Nyaya Bandhu (Android & iOS and Apps). Nyaya Bandhu Services also available on UMANG Platform.

Pro Bono Panel of advocates have been initiated in 21 High Courts at the State level. Pro Bono Clubs have been started in 69 select Laws Schools to instill Pro Bono culture in budding lawyers.

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