

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS**

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**LOK SABHA  
UNSTARRED QUESTION NO. 3041  
TO BE ANSWERED ON FRIDAY, THE 13<sup>TH</sup> DECEMBER, 2024**

**Improvement of Legal Infrastructure**

3041. Shri Dineshbhai Makwana:  
Smt. Kamaljeet Sehrawat:  
Smt. Smita Uday Wagh:  
Shri Basavaraj Bommai:  
Shri Praveen Patel:

Will the **Minister of Law and Justice** be pleased to state :

- (a) the specific measures taken by the Government to improve legal infrastructure and promote Alternate Dispute Resolution (ADR) mechanisms across the country along with the outcome thereof;
- (b) the manner in which the Government enhanced the accessibility and efficiency of ADR mechanisms, such as mediation, arbitration and conciliation, particularly for marginalized communities;
- (c) the achievements which have been recorded as a result of the Government's efforts to strengthen ADR mechanisms in recent years; and
- (d) whether there are any State-specific initiatives or success stories in enhancing ADR mechanisms, particularly in Maharashtra, if so, the details thereof?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE  
MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN  
THE MINISTRY OF PARLIAMENTARY AFFAIRS**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (c) During the past decade, the Government of India has taken various initiatives in the realm of Alternative Dispute Resolution (ADR) mechanisms. 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. Various

initiatives have been taken to strengthen these mechanisms and make them more efficacious and expeditious. The major initiatives taken by the Central Government over the years in this regard include;

(i) The Arbitration and Conciliation 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 efficacious enforcement of arbitral awards. The amendments are further aimed at promoting institutional arbitration, updating the law to reflect best global practices and resolve ambiguities thereby establishing an arbitration ecosystem where arbitral institutions can flourish.

(ii) The India International Arbitration Centre Act, 2019, was enacted to provide for the establishment of the India International Arbitration Centre (Centre) for the purpose of creating an independent, autonomous and world class body for facilitating institutional arbitration and to declare the Centre to be an institution of national importance. The Centre has since been established and aims to inspire confidence amongst parties, both domestic and international, by providing a neutral dispute resolution platform for resolution of commercial disputes through arbitration. The Centre has also notified the India International Arbitration Centre (Conduct of Arbitration) Regulations, 2023 to facilitate conduct of domestic and international arbitrations with a focus on efficient and time-bound arbitration process. The Chamber of Arbitration established under Section 28 of the India International Arbitration Centre Act, 2019 continues to empanel reputed arbitrators, both for domestic and international arbitrations. The Centre is envisaged to become a model arbitral institution in the country, thereby paving the way for enhancing the quality of institutional framework for arbitration. The Centre, at present has 13 ongoing arbitration matters under its aegis.

(iii) The Commercial Courts Act, 2015 was amended in the year 2018 to provide *inter-alia* 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.

(iv) The Mediation Act, 2023, lays down the statutory framework for mediation to be adopted by parties to a dispute, especially institutional mediation, wherein various stakeholders have also been identified to establish a robust and efficacious mediation ecosystem in the country. Section 43 of the Mediation Act, 2023 which deals with community mediation aims at resolving

disputes likely to affect peace, harmony and tranquillity in any area or locality, specifically provides for representation of women and other class of person on the permanent panel of community mediators to be notified by the Authority constituted under the Legal Services Authorities Act, 1987 or the District Magistrate or Sub-Divisional Magistrate, as the case may be.

(v) The Legal Services Authorities Act, 1987 was enacted to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Section 4 of the Act *inter-alia* enables Central Legal Services Authority to encourage the settlement of disputes by way of negotiations, arbitration and conciliation. Lok Adalats have gained ground across the country as a forum available to citizens including marginalized communities, where the disputes or cases pending or at pre-litigation stage are settled amicably. Under the Legal Services Authorities Act, 1987, an award made by a 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 thereto before any court. Lok Adalat is not a permanent establishment and National Lok Adalats are organized including in taluks and districts on a pre-fixed date, from time to time.

(d) As the subject-matters of alternate dispute resolution including arbitration fall within the ambit of concurrent list of the Seventh Schedule of the Constitution of India, no state specific initiatives have been undertaken by the Government.

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