

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

LOK SABHA

UNSTARRED QUESTION NO.3905
TO BE ANSWERED ON FRIDAY, THE 25TH MARCH, 2022

ALTERNATE DISPUTE REDRESSAL SYSTEM

3905 SHRI N.K. PREMACHANDRAN:

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

- (a) whether the Government proposes to promote alternate Disputes Redressal System, if so, the details thereof;
- (b) whether the Government proposes to introduce new effective mechanism for redressal of disputes, if so, the details thereof;
- (c) whether the Government proposes to strengthen the activities of the Legal Services Authority, if so, the details thereof;
- (d) whether the Government proposes to permanently appoint Advocates as Prosecutors of Legal Service Authority for rendering service to the poor, if so, the details thereof;
- (e) whether the Government proposes to fix the experience and qualification for the appointment of Advocates for legal aid to poor, if so, the details thereof; and
- (f) whether the Government proposes to increase the income limit of persons to make them eligible for legal aid, if so, the details thereof and reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)

(a)& (b): Yes, the Government is promoting the Alternate Dispute Redressal System to supplement the traditional court system.

To promote Alternate Dispute Redressal System in India the Arbitration and Conciliation Act 1996 was enacted to consolidate 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 thereto. The above Act has

been amended thrice in 2015, 2019 and 2020 to further improve the arbitration process. The NDIAC Act 2019 has also been enacted for setting up of the New Delhi International Arbitration Centre.

As per amendments carried out in the Arbitration and Conciliation Act, 1996, faster timelines have been provided to make the arbitration process more effective along with provisions for fast tracking of arbitration disputes and to see that the process is cost effective.

Commercial Courts Act, 2015 has also been amended in 2018 to provide for the resolution of disputes through Pre-Institution Mediation and Settlement (PIMS) mechanism. According to section 12A of the Commercial Courts Act, 2015 the settlement agreement reached through the Pre-Institution Mediation and Settlement (PIMS) mechanism have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act, 1996.

The Government has introduced Mediation Bill, 2021 in the Rajya Sabha on 20.12.2021 to enact a standalone law on Mediation. The Bill aims to promote and facilitate mediation, especially institutional mediation, for resolution of disputes, commercial or otherwise, enforce mediated settlement agreements, provide for a body for registration of mediators, to encourage community mediation and to make online mediation as acceptable and cost effective process and for matters connected therewith or incidental thereto.

The Bill is presently under examination of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice.

(c) : The activities of the Legal Services Authorities have been strengthened by introducing by following initiatives:

- i. **Web Portal and launch of Mobile App:** A web portal has been created through the National Legal Services Authority (NALSA), to file applications online for getting legal assistance. Legal Services Mobile App has also been launched for Android and IOS version on 8th August, 2021 and on 9th November, 2021 respectively.
- ii. **Legal Services at Remand Stage:** 9834 Remand Advocates have been deputed in each of the Magisterial Courts and in the Sessions/Special Courts, where remand proceedings are held for providing legal services to the unrepresented under trials at the remand stage.
- iii. **Legal Services Clinics-** Legal services clinics have been opened in law colleges/ universities, villages, community centres, courts, jails, JJB/CWC/Observation homes etc. to provide legal assistance to the common people. Legal Services Clinics are manned by Para-Legal Volunteers (PLVs) and Panel Lawyers. As on January, 2022, 12110 Legal Services Clinics are established in the country.
- iv. **Legal Aid Defense Counsel System (LADCS) :-** Provision for Legal Aid Defense Counsel System consisting of lawyers exclusively dealing with legal aided cases has been made in some districts on pilot basis.
- v. **Legal aid to Convicts:** Legal Services Authorities have been providing legal aid to convicts also for filing their appeals in Sessions Courts, High Courts and Supreme Court.

- vi. Front Office:** Front Offices/ Consultation Offices are manned by the panel lawyers and one or more Para-Legal Volunteers (PLVs) available during office hours. The panel lawyers in the front office render service like drafting notice, sending replies to lawyers, noting and drafting applications, petitions etc.

Apart from above, the Government has, through NALSA, formulated 10 Schemes under Section 4 (b) of Legal Services Authorities Act, 1987, for the purpose of making legal services available under the provisions of the Act and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities which are as under:

- (a) Victims of Trafficking and Commercial Sexual Exploitation Scheme, 2015
- (b) Legal Services to the Workers in the Unorganized Sector Scheme, 2015
- (c) Child Friendly Legal Services to Children and their Protection Scheme, 2015
- (d) Legal Services to the Mentally Ill and Mentally Disabled Persons Scheme, 2015
- (e) Effective Implementation of Poverty Alleviation Scheme, 2015
- (f) Protection and Enforcement of Tribal Rights Scheme, 2015
- (g) Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace Scheme, 2015
- (h) Legal Services to Senior Citizens Scheme, 2016
- (i) Legal Services to Victims of Acid Attacks Scheme, 2016.
- (j) Legal Services for Differently Abled Children Scheme, 2021

(d): The lawyers are not on the regular roll of Legal Services Authorities and there is no specific number of posts as such for appointment of lawyers for providing legal assistance.

(e): The lawyers who are providing legal assistance to the people under the Legal Services Authorities Act, 1987 are known as 'Panel Lawyers' or 'Legal Aid Counsel'. These legal aid / panel lawyers are empanelled under the provisions of NALSA (Free and Competent Legal Services) Regulations, 2010, Regulations framed by the National Legal Services Authority under the Legal Services Authorities Act, 1987. The procedure for inviting application, selection and empanelment is prescribed under Rule-8 of the aforesaid Regulations which inter-alia provides that no legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.

(f): There is no proposal under consideration to increase the income limit to get free legal aid.
