

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

RAJYA SABHA
UNSTARRED QUESTION NO. 739
ANSWERED ON 08.02.2024

Disposal of older cases

739. Dr. Kanimozhi NVN Somu:

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

- (a) whether the Government is considering to dispose of 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 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) & (b): 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, Arbitration, Conciliation, Mediation and Judicial Settlement including settlement through Lok Adalat. 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.

Further, section 6 of the Mediation Act, 2023 enables the court to refer for mediation, if deemed appropriate, any dispute relating to compoundable offences including the matrimonial offences which are compoundable and pending between the parties. 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 Act, 2023 enable and recognise settlement of compoundable offences in terms of the provisions contained therein.

The disposal of pending cases in courts including those which are compoundable lies within the exclusive domain of the judiciary. The Government has no direct role in the disposal of cases in courts. The Government, however, has been making constant endeavors to provide an ecosystem for faster and efficient disposal of cases by the judiciary.

(c): It has been constant effort of the Government to reduce litigation in courts. A number of efforts over the years, have been initiated in the country with the vision to faster dispensation of Justice.

The National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 with the avowed 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.

Under the Centrally Sponsored Scheme for Judicial Infrastructure, funds are being released to States/UTs for construction of court halls, residential quarters for judicial officers, lawyers' halls, toilet complexes and digital computer rooms for aiding justice delivery. Since the inception of the said Scheme in the year 1993-94, Rs. 10035 crores have been released under the Scheme. The number of court halls has increased from 15,818 as on 30.06.2014 to 21,507 as on 30.11.2023 and number of residential units has increased from 10,211 as on 30.06.2014 to 18,882 as on 30.11.2023, under this Scheme.

Under the e-Courts Mission Mode Project, information and communication technology (ICT) has been leveraged for IT enablement of district and subordinate courts. Furthering computerization of the district and subordinate courts has been carried out with proper WAN connectivity, video conferencing facility, setting up of e-Sewa Kendras in the court complexes and virtual courts etc. under Phase-I and II of the eCourts project. Recently, the Cabinet on 13.09.2023 has approved Phase-III of eCourts with a budgetary outlay of Rs.7,210 crores. Taking the gains of Phase-I and Phase-II to the next level, the e-Courts Phase-III aims to usher in a regime of maximum ease of justice by moving towards digital, online and paperless courts. It intends to incorporate latest technology such as Artificial Intelligence (AI), Block Chain etc. to make justice delivery more robust, easy and accessible to all the stakeholders.

The Government has been regularly filling up the vacancies in the higher judiciary. From 01.05.2014 to 08.12.2023, 61 Judges were appointed in Supreme Court. Further, 965 new Judges were appointed and 695 Additional Judges were made permanent in the High Courts. The sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1114 presently. Over a period of time, the strength of district & subordinate judiciary has also seen a marked increase. The district judiciary's sanctioned strength of judicial officers has increased from 19,518 in the year 2014 to 25,423 in the year 2023 while the corresponding working strength increased from 15,115 in the year 2014 to 19,518 in the year 2023.

In pursuance of Resolution passed in Chief Justices' Conference held in April 2015, Arrears Committees have been set up in all 25 High Courts for reduction of pendency of

cases and to clear cases pending for more than five years. Similar Committees are also functional at district courts.

The Government has established Fast Track Courts for dealing with cases of heinous crimes, cases involving senior citizens, women, children, HIV/AIDS etc. and property related cases pending for more than five years. As of 31.10.2023, 848 Fast Track Courts are functional. A scheme for setting up Fast Track Special Courts (FTSCs) across the country for the expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act has also been set up. As of 31.10.2023, a total of 758 FTSCs including 412 exclusive POCSO (ePOCSO) Courts are functional in 30 States/UTs.

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.

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 application. As on 30th November, 2023 legal advice for 60,23,222 cases had been enabled through 2.5 lakh CSCs under the aegis of Tele Law and Tele Law Mobile App.

(d): ADR mechanisms including arbitration and mediation 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 take by the Government over the years in this regard include; the enactment of the Arbitration and Conciliation Act, 1996 with a view 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 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.

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.

The India International Arbitration Centre Act, 2019, was enacted to provide for the establishment and incorporation of 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, which has since been established is equipped with necessary infrastructure and professional management offering quality legal and administrative expertise and empaneling reputed arbitrators for conduct of arbitration under its aegis. The Centre shall be providing world class arbitration related services at its facilities in a cost effective manner for both domestic and international commercial disputes including requisite administrative support, in the smooth conduct of arbitral proceedings.

The Mediation Act, 2023, lays down the legislative framework for mediation to be adopted by disputing parties, especially institutional mediation where various stakeholders have been identified to establish a robust and efficacious mediation ecosystem in India. Mediation law will prove to be a pivotal legislative intervention towards providing comprehensive recognition to mediation and enabling the growth of a culture of amicable settlement of disputes, out of court.

Lok Adalats have come up as a viable Alternative Disputes Resolution Mechanism available to common people. It is a forum where the disputes/ cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably. Under the Legal Services Authorities (LSA) 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.
