

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

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**LOK SABHA**

UNSTARRED QUESTION NO.2175  
TO BE ANSWERED ON WEDNESDAY, THE 4<sup>TH</sup> MARCH, 2020

**PRE LITIGATION MEDIATION**

**2175.** SHRI SANJAY SADASHIV RAO MANDLIK:  
SHRI BIDYUT BARAN MAHATO:  
SHRI SHRIRANG APPA BARNE:  
SHRI SUDHEER GUPTA:  
SHRI GAJANAN KIRTIKAR:

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

- (a) whether any statute related to regulating pre-litigation mediation exists in the country and if so, the details thereof;
- (b) whether the Hon'ble Supreme Court has called for the introduction of a comprehensive legislation to make mediation compulsory pre-litigation;
- (c) if so, the details thereof and the response of the Union Government in this regard;
- (d) whether the Supreme Court has also called for efforts to explore the use of artificial intelligence in arbitration;
- (e) if so, the details thereof and the response of the Government in this regard; and
- (f) the steps taken/being taken by the Government to reduce the backlog of cases in courts and save the time of both the courts and litigants?

**ANSWER**

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND  
ELECTRONICS & INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)**

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (f) OF LOK SABHA UNSTARRED QUESTION NO. 2175 FOR 04.03.2020, REGARDING 'PRE LITIGATION MEDIATION' .

**(a):** Yes, sir. Section 12A under chapter IIIA of the Commercial Courts Act 2015, *inter-alia*, provides for mandatory Pre-Institution Mediation and Settlement in cases of commercial disputes, except where no urgent interim relief is sought by the plaintiff.

The Government has notified the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018 and authorised the State Authority and District Authority constituted under the Legal Services Authorities Act, 1987 (39 of 1987) for the purposes of pre-institution mediation and settlement by notification dated 03.07.2018.

**(b) & (c):** The Hon'ble Supreme Court of India, in its Judgement dated 05.03.2019 in Civil Appeal Nos. 2476-2477 of 2019, *inter-alia*, directed/ recommended the Government to consider the feasibility of enacting Indian Mediation Act to take care of various aspects of Mediation in general. The said matter was forwarded to Law Commission of India for examination. The 22<sup>nd</sup> Law Commission of India has, however, been constituted only on 21.02.2020.

**(d)&(e):**As informed by the Registry of Hon'ble Supreme Court of India, the Artificial Intelligence Committee of Supreme Court is not exploring usage of Artificial Intelligence in Arbitration as a subject.

**(f):** While the disposal of cases in courts is within the domain of the judiciary, the Union Government is committed to speedy disposal of cases and reduction in pendency of cases. The measures taken in this regard, *inter-alia*, includes:

- (i) improving infrastructure for Judicial Officers at District and Subordinate Courts;
- (ii) leveraging Information and Communication Technology (ICT) for better justice delivery;
- (iii) filling up of vacant positions of Judges in High Courts and Supreme Court;
- (iv) reduction in pendency through / follow up by Arrears Committees at District, High Courts and Supreme Court level;
- (v) emphasis on Alternate Dispute Resolution (ADR); and
- (vi) initiatives to fast track special type of cases.