CHAPTER-6

IMPLEMENTING ALTERNATIVE DISPUTE
RESOLUTION AT NATIONAL LEVEL

A. GENERAL

Alternative Dispute Resolution in India is an attempt made by the legislators and judiciary alike to achieve the "Constitutional goal" of achieving Complete Justice in India. In India, the quest for justice has been an ideal, which the citizens have been aspiring for generations down the line. Our Constitution reflects this aspiration in the Preamble itself, which speaks about justice in all its forms: social, economic and political. Justice is a constitutional mandate.

1. Development of Tribunals

The tribunals are presided over by the experts of the respective fields and the adjudication mechanism is cost effective, thus less costly in comparison to the regular courts and they are effectively resolving the disputes by taking much less time in comparison to the regular courts. With the acceptance of Welfare ideology, there was mushroom growth of public services and public servants. The courts particularly the High Courts were inundated with cases concerning service matters. The Swarn Singh Committee therefore, inter-alia recommended the establishment of Administrative Tribunals as a part of Constitutional adjudicative system. Resultantly the Constitution (42nd Amendment) Act 1976 inserted Part XIV-A to the Constitution of India consisting of Articles 323A and 323B. Article 323A provides for the establishment of Administrative Tribunals for adjudication or trial of disputes and complaints with respect to recruitment, conditions of service of persons appointed to public services and other allied matters. Article 323B makes provision for the creation of Tribunals for adjudication or trial of disputes, complaints or offences connected with tax, foreign exchange, industrial and labour disputes, land reforms, ceiling on urban property, election to Parliament and State Legislatures, etc. Parliament has power to enact any law under Article 323A while both Parliament and State Legislatures can make laws on matters of Article 323B, subject to their legislative competence. Therefore, in some cases, expert bodies like Central Administrative Tribunals constituted under Section 4 of the Administrative Tribunals Act
1985, have been empowered to adjudicate matters relating to service conditions etc. Similarly the Consumer Disputes Redressal Mechanism provided for better protection of the consumers, thereby providing for the establishment of the District Consumer Disputes Redressal Forum at district level, State Consumer Disputes Redressal Commission, at the State Level and National Consumer Disputes Redressal Commission at the National Level to adjudicate the Consumer Disputes/cases under the Consumer Protection Act, 1986. The Income-Tax Appellate Tribunal is empowered to hear appeals under Section 253 of the Income Tax Act, 1961, Central Excise and Gold Appellate Tribunal (now known as Central Excise and Service Tax Appellate Tribunal) is empowered to hear appeals under Section 35(b) of the Central Excise and Salt Act, 1944. The Debt Recovery Tribunals set up under the provisions of the Recovery of Debts due to Banks and Financial Institutions Act 1993 have been empowered to adjudicate cases relating to debts /loans of Commercial Banks and Financial Institutions. ¹

2. **Quest for ADR: Quest for Justice**

ADR first started as a quest to find solutions to the perplexing problem of the ever increasing burden on the courts. A thought-process that started off to rectify docket explosion, later developed into a separate field solely catering to various kinds of mechanisms which would resolve disputes without approaching the Formal Legal System (FLS). The reasoning given to these ADR mechanisms is that the society, state and the party to the dispute are equally under an obligation to resolve the dispute as soon as possible before it disturbs the peace in the family, business community, society or ultimately humanity as a whole. In a civilised society, principles of natural justice along with the “Rule of Law” should result in complete justice in case of a dispute. Rule of Law is defined as the state of order in which events conform to the law. It is an authoritative, legal doctrine, principle, or precept applied to the facts of an appropriate case. These definitions give us the indication that the Rule of Law is an authoritative concept which might lead to a win-lose situation in cases of dispute. Therefore, ADR uses the principles of natural justice in consonance with the Rule of Law, in order to create a favourable atmosphere of a win-win situation. This is much needed in countries like India where litigation causes a great deal of animosity between the parties due to the agony caused by the long-standing litigation. ADR, thus, gains its momentum in India today.²

¹ Dr. K.S. Chauhan- “Alternate Dispute Resolution in India”
Delay in justice administration is the biggest operational obstacle, which has to be tackled on a war footing. As Justice Warren Burger, the former Chief Justice of the American Supreme Court observed in the American context: "The harsh truth is that we may be on our way to a society overrun by hordes of lawyers, hungry as locusts, and bridges of judges in numbers never before contemplated. The notion that ordinary people want black-robed judges, well-dressed lawyers, and fine paneled courtrooms as the setting to resolve their disputes is not correct. People with legal problems like people with pain, want relief and they want it as quickly and inexpensively as possible." This observation with greater force applies in the Indian context. Therefore, this explains the need for Alternative Dispute Resolution in India. ³ In this chapter, the various efforts made at national level by Central Government and State Governments will be analyzed. Many organizations have come up to help in this ADR Movement in India; their contributions will be elaborately discussed. Further, important Conferences and Events organized on ADR in India will be evaluated.

B. ADR AT NATIONAL LEVEL

About half a century of the Constitution at work has tossed up many issues relating to the working of the judiciary; the most important being court clogging and judicial delays. Particularly disturbing has been the chronic and recurrent theme of a near collapse of the judicial trial system, its delays and mounting costs. Here, the glorious uncertainties of the law frustrated the aspirations for an equal, predictable and affordable justice is also a question, which crops up often in the minds of the people.

In a country, which aims to protect the socio-economic and cultural rights of citizens, it is extremely important to quickly dispose the cases in India, as the Courts alone cannot handle the huge backlog of cases. This can be effectively achieved by applying the mechanisms of Alternative Dispute Resolution.

(I) Implementing ADR in Different States

Alternative Dispute Resolution in India is founded on the Constitutional basis of Articles 14 and 21 which deal with Equality before Law and Right to life and personal liberty respectively.

These Articles are enshrined under Part III of the Constitution of India which lists the Fundamental Rights of the citizens of India. ADR also tries to achieve the Directive Principle of State Policy relating to Equal justice and Free Legal Aid as laid down under Article 39-A of the Constitution. The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987. Section 89 of the Civil Procedure Code, 1908 makes it possible for ADR proceedings to take place in accordance with the Acts stated above. Now the steps taken by State governments to implement ADR will be discussed.

1. **Andaman & Nicobar**

The Legal Services Week from 3rd - 9th November, 2004 was observed in a befitting manner. Legal Aid Clinic and Legal Awareness Camps were organized in the remote areas during the Week. Lok Adalats were organised for settlement of bank recovery matters at pre-litigative stage and 39 pending cases were also settled amicably. A Lok Adalat was also organized on 21st January, 2006 followed by the Legal Literacy Camp for settlement of Bank recovery cases and 60 cases were settled amicably. Hon'ble Mr. Justice Jayanta Kumar Biswas was the Chief Guest on this occasion and Hon'ble Mr. Justice Tappan Kumar Dutt graced the occasion.

The Authority organized camps for the Tsunami affected victims in 2005. A number of petitions were received from the Tsunami affected victims and disposed of by appropriate legal guidance. The Authority's officers also visited various relief camps at Port Blair, outer Islands, Havelock, Ferragunj, Chouldari and Manglututan etc. immediately after the Tsunami incident and also provided legal advice to the victims affected by Tsunami. A seminar was also conducted on "Medico Legal Rights Awareness" for the Tsunami affected citizens. A special cell was set up at the court premises from where Tsunami victims, who were deprived of any relief assistance, were helped in redressal of their grievances.

The State Legal Service Authority organized Legal Awareness Camp at Mayabunder and Diglipur on 4/11/2005 and 5/11/ 2005 respectively. Pramukhs, Pradhans and other elected representatives participated in the Legal Awareness Camps to make aware the Tribals, under privileged, indigents and disabled persons.

The Authority also organized a Lok Adalat on 5/11/2005 at Diglipur for settlement of pre-litigation disputes pertaining to State Bank of India, A & N State Cooperative Bank. 27 cases settled in the said Lok Adalat.

2. **Andhra Pradesh**

The State Legal Services Authority also organized a 'Gram Adalat' at Madhurapur Village of Shadnagar Mandal, in Mahabubnagar District on 10th October, 2004 (World Mental Health Day). The State Authority set up a Mediation and Conciliation Cell at Nyayaseva Sadan Building, City Civil Court, Hyderabad for settlement of matrimonial disputes at pre and post litigation stage and pending in the family court, Hyderabad.

A Mega Lok Adalat was also organized on 4rth March, 2006 for settlement of Criminal Compoundable offence cases. The Lok Adalat was inaugurated by Hon'ble Mrs. Justice Ruma Pal, Judge, Supreme Court of India and 1724 Criminal Compoundable offence cases were settled.

In 2005, the State Authority installed a Toll Free Telephone Facility No. 1800-425-4999 for providing free legal services to the public. The Authority has identified 2,480 persons to act as Para Legal Volunteers. They are being trained so as to act as bridge between the villagers and Legal Services Authorities and also to render advice/assistance to them.

Special Legal Assistance Cells have been constituted in the flood-affected districts for providing meaningful legal assistance to the needy persons. A scheme has been formulated for providing qualitative and affective legal assistance to the victims of rain and flood disaster. The State Authority in 2005 organised Pariwar Lok Adalat for family disputes, Parihar Lok Adalat for compensation cases, Prashant Lok Adalat for criminal cases, Parishkar Lok Adalat for civil disputes, Juvenile Lok Adalat for children and Pension Lok Adalat for Senior Citizens. The Authority has also constituted Lok Adalat Bench for settlement of Consumer Disputes.

The Authority on 9th - 10th September, 2006 has constituted Lok Adalats benches at Hyderabad and Visakhapatnam, for settlement of cases pending before Central Government Industrial Tribunal-cum-Labour Court.

The Authority in association with International Centre for Alternative Dispute Resolution (ICADR) organised a training workshop for the Chairmen and Secretaries of District Services Authorities and Chairmen, Permanent Lok Adalats from 12th to 14th August, 2006 for effective implementation of Section 89 CPC.
with impetus on Conciliation and Mediation. The Authority observed Excise Week from 24th - 31st 2006 for settlement of cases filed under Excise and Prohibition Act. During the week, 5780 cases pending before various courts were settled. The State Authority has appointed Full Time Secretaries in all the 23 District Legal Services Authorities. The Authority has also established Permanent Lok Adalats under Section 22B of the Legal Services Authorities Act for settlement of pre-litigation disputes of Public Utility Services.

3. Bihar

The State Authority organized 40 Legal Awareness and Legal Literacy Camps in remote and backward areas of the state in 2005. A special Lok Adalat concerning GPF cases was also organized wherein 4748 cases were disposed of.

4. Chandigarh

State Legal Services Authority, Union Territory, Chandigarh, observed the Legal Services Week during 3rd - 9th Nov., 2004. Legal Awareness Camps were organized in India, Colony, Manimajra and Colony No.5, Industrial Area during Week. A Lecture was also organized on legal awareness about Aims and Object of the Authority in the Law College. Special Lok Adalats were organized for pre-litigative stage cases, traffic cases and Compoundable Criminal Offence Cases. A Seminar was also organized in Maloya on this occasion. From April to June, 2004, Permanent Lok Adalats have settled 455 cases area and 3,32,33,240/- awarded as compensation in 75 MACT cases.

A special Lok Adalat was also organized on 5.6.2004 wherein out of 785 cases, 361 cases were settled and a sum Rs. 88,95,975/- was awarded as compensation in 52 MAC cases. There was recovery of Rs. 80,000/- as fine in summa cases. 10 special Lok Adalats of cases at pre-litigative stage were held. Out of 657 cases, 507 cases were settled and Rs. 15,63,000/- recovered on the spot.

From April to June, 2004, Permanent Lok Adalat (Public Utility Services) also settled 147 cases and an amount Rs. 4,13,322/- was awarded as compensation to the claimants.

5. Delhi

Delhi Legal Services Authority organized various legal Aid Programmes during the "Legal Service Week" involving students of the law colleges, Deptts. of Social Welfare. Legal Literacy Camps and Lok Adalats for settlement of Bank Recovery, MACT cases, Disputes with Telecommunication Companies and Matrimonial Disputes etc. were organized. Street plays were organized in association with Amity Law School. The
Authority also organized Ten Legal Awareness Camps on the occasion of World Mental Health Day.

Authority organised a Meet of the Executive Chairmen & Member Secretaries of the State Legal Services Authorities on 30.04.2004 & 1.05.2004. The Meet was inaugurated by Hon'ble Mr. Justice S. Rajendra Babu (Chief Justice of India designate & Executive Chairman, NALSA as His Lordship then was). Authority also organised a seminar on "The Challenges faced by the Free Legal Services Programme". Hon'ble Mr. Justice Arijit Pasayat and Hon'bie Mr. Justice S.B. Sinha, Judges, Supreme Court of India presided over the sessions of the Seminar.

On 3.4.2004 & 13.06.2004, 12 Legal Literacy Camps were organised in J.J. Colonies and Rural Areas in Delhi. Two Family Counselling & Legal Aid Centres were opened at Karol Bagh and Saboli (Nand Nagari). Legal Literacy Camps were organised from 14th June to 26th June 2004 in association with MARG throughout Delhi. Lok Adalats of cases at pre-litigative stage pertaining to HDFC, ICICI, Standard Chartered, Reliance Mobile, Tata Tele Services, and GE Countrywide etc. have been organised at the request of concerned Companies & Banks and got good response.

The Authority set up a Labour Welfare Centre at F-Block, Karam Pura, New Delhi. The Centre was inaugurated by Hon'ble Mr. Justice B.A. Khan, Executive Chairman, Delhi Legal Services Authority. The inaugural function was presided over by Sh. Mangat Ram Singhal, Hon'ble Minister for Labour and Industries, Govt. of N.C.T. of Delhi. The Authority also organized a Matrimonial Lok Adalat in a association with Delhi Commission for Women. The Lok Adalat was inaugurated by Hon'ble Mr. Justice B.C. Patel, the then Chief Justice, Delhi High Court and Patron-in-Chief, Delhi Legal Services Authority.

The Authority also celebrated International Women’s Day on 8th March, 2006 and organized a Special Lok Adalat for settlement of matrimonial cases on 12 March 2006 in which 31 cases were settled. The Authority in association, with Amity Law School launched Mobile Legal Services Van for rendering legal services to the people in remote areas of Delhi. The Authority also released a booklet on Marriage and Divorce “WO(W)MAN” and a booklet on “Consumer Rights”.

Mediation Programme in Delhi

Mediation Programme started in Delhi District Courts in the first week of August, 2005 with the help of ISDLS. ISDLS posted its Trainers for giving training to the Mediators. The training started on 8.8.2005. Initially six judicial officers from Delhi
Higher Judicial Service were nominated for training after ascertaining their willingness. After one week of theoretical training, the Trainer started practical training and they were asked to do mediation under the observation of trainer. Two mediation centres are functioning at Delhi.

6. Goa
The State Legal Services Authority organized various programmes on World Mental Health Day for the benefit of Mentally Challenged People. The Authority also celebrated Legal Services Week from 9th November, 2004. Legal Awareness Camps, Lok Adalats, Seminars and Workshops were organized during the week. People were made aware about their Legal Rights.

7. Gujarat
On 14.04.2004, a Legal Literacy Camp was organized Municipal School Board, Ahmedabad in coordination Gujarat State Legal Services Authority at Tagore hall, Ahmedabad on the occasion of celebration of Birth Anniversary of Dr. Baba Saheb Ambedkar. The camp was inaugurated by Hon’ble Dr. Justice J.N. Bhatt, Executive Chairman, Gujarat State Legal Services Authority. On 25.04.2001, District Legal Services Authority, Ahmedabad (Rural), in coordination with Bar Association of Ahmedabad (Rural) and Kuha Gram Panchayat organised Lok Adalat at Kuha village on the occasion of birth anniversary of Dr. Baba Sahib Ambedkar and successful completion of one year of Mobile Legal Service Unit. Gujarat State Legal Services Authority organized a Colloquium on the occasion of 'World Mental Health Day' at Permanent Legal Services Clinic. 41 Legal Literacy Camps for the benefit of Mentally Challenged People were also organized at different places throughout the State on this occasion. On 31st October, 2004, the State Authority celebrated Birth Anniversary of Iron Man- Sardar Vallabhbhai Patel. 241 Lok Adalats and 5707 Legal Literacy Camps were organized throughout the State to mark the occasion.

The State Legal Services Authority observed "Legal Services Week" from 3rd to 9th November, 2004 throughout the State. During this week, 4,767 Legal Literacy Camps at the District and Taluka Level were also organized. The Authority also observed the International Human Rights Day on 10th December, 2004. On this occasion 2302 Legal Literacy Camps and 163 Lok Adalats were organized throughout the State. 5419 number of cases were settled in these Lok Adalats.

A stall was put up in Vacation 2005 - a fair, held at Gujarat University Ground from 2nd May, 2005 to 6th June, 2005 to spread legal awareness amongst the lakhs of people.
who visited the fair. The stall was manned by the judicial Officers, Doctors, Social Workers, Psychologists, Advocates and officers of the State Authority and provided information regarding Free Legal Services, and benefits of Lok Adalats etc. The Authority also celebrated World Environment Day on 5th June, 2005. On this occasion, the Authority organized a workshop on the subject "Role of NGOs as a part of National Legal Literacy Mission in conservation and preservation of environment with special reference to water". In the workshop, people were made aware of the project "Jal Abhiyan" and "Jai Lok Adalat" from the environmental point of view. A Literacy Camp was also organized on this occasion and people were made aware of the importance of water and how we can preserve and conserve water for future generation. As part of the celebration of "World Environment Day" the Authority also organized a children rally in Ahmedabad City.

The Authority organized numerous programmes throughout the State to educate and awaken women on their rights during the Women's Week (2nd March to 8th March, 2005). The Authority organized 3504 Lok Adalats during the week and encouraged NGOs, Trusts and other organizations for participation and resolution of various disputes. The Authority also imparted para legal training to members of different sections of the society to propagate ADR system. The Mobile Legal Services Unit helped in speedy disposal of the cases and in organizing Legal Literacy Camps in remote villages of the State.

A two days' training programme for the Chairpersons and Secretaries of all the District Legal Services Authorities and Taluka Legal Services Committees was organized by the Authority on the subject of devices of Stress Management and Legal Aid on 8th and 9th October, 2005. The Authority also organized a Conclave on "Different Dimensions of Sexual Harassment at Work Place" on 19/10/2005. Professor Barbara S Bryant of United States of America, a renowned Speaker, Author, Professor of Law and Mediator for the last twenty years delivered the Keynote Address. The State Authority organized first of its kind Bal Lok Adalat at Observation Home.

8. Harvana

A Special Lok Adalat for petty criminal cases was organised on 11.04.2004 in the judicial Court Complex, Panchkula. In this Lok Adalat, 8 benches were constituted. The Special Lok Adalat was organised especially on Sunday for the convenience of the local residents of Panchkula and Chandigarh most of whom were Government servants who find it very convenient to attend the Lok Adalat
on Holiday. 8000 cases were taken up in the Lok Adalat and 4264 Criminal Cases were settled. A sum of Rs. 76,650/- was recovered as fine.

The State Legal Services Authority also celebrated "Legal Services Week" from 3rd to 9th November, 2004 throughout State. 67 Legal Literacy/Legal Awareness Camps and 45 Special Lok Adalats were held during the Week.

The State Authority organized 17 Rural Lok Adalats during the February, 2006 under the project 'People's Initiatives for justice to make the villages of Haryana as litigation free'. In these Lok Adalats 2564 cases were settled amicably. The State Authority organized a programme for sensitization of Legal Aid Functionaries on 12/11/2005 at Karnal to mark the National Legal Literacy Day. The function was inaugurated by Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India. A project 'People's Initiatives for Justice' was launched by Hon'ble Mr. Justice Ashok Bhan on this occasion. The object of project is to avail the services of prominent citizens of Haryana to settle the petty family and property disputes to make the villages of Haryana as Litigation Free.

A Book titled Aap our Aapka Kanoon containing information at special rights of women, children, labourers, persons in custody, duties of elected representatives etc. was also released Hon'ble Mr. Justice D.K. Jain on this occasion. Hon'ble Mr. Justice H.S. Bedi released a book titled Hand Book of Legal Services. The State Authority organized Rural Lok Adalats in village Umri, District Kurukshetra, Village Asandh, District Karnal and Village Nagura, District Jind. In these Lok Adalats, 812 cases were taken up and 311 cases were settled.

A workshop for Sarpanches, Panches, Executive Officers, Police Officers and Revenue Officers of Ballabhgarh and Faridabad Sub-Divisions was organised on 9th September, 2006 at Faridabad. The objective of the workshop was to seek the active and effective participation of People's Representatives in Access to justice. The Authority organised 10 Rural Lok Adalats at village level for settling the disputes of villagers at their door step. In these Lok Adalats, 1531 cases were settled.

(a) **Counselling and Conciliation Centres**

Counselling and Conciliation Centres have been established in all the district headquarters in all the District Head Quarters of Haryana for generating a spirit amongst the masses of settling their disputes amicably through the Counselling and Conciliation
Centres so that they may approach the regular courts only when such reconciliation attempts fail. Counsellors and Conciliators can play a very important role in guiding the poor, backward and weaker sections of the society to avoid such litigation which has no merit and in this manner spirit of goodwill and mutual trust can be fostered by motivating them to settle their disputes through negotiations and mediations which process should invariably be actively encouraged in all types of cases except those of serious nature in which conciliation would be against/policy, e.g., cases involving murder, rape, dacoity and attempts of the above referred categories of offences.

(b) Permanent Lok Adalats Pertaining To Utility Services.

Permanent Lok Adalats have been established by Haryana State Legal Services Authority vide Notification No. HSLSA/156/2003/518 dated 23.1.2003 after due concurrence of the Haryana Government in Administration of Justice Department as envisaged under clause (b) of Sub-Section (2) of Section 22-B of the Legal Services Authorities Act, 1987 (as amended Act No. 37 of 2002) in all the district headquarters in the State of Haryana pertaining to the matter at pre-litigative stage relating to Public Utility Services such as transport service, telegraph or telephone service, supply of power, light or water to public, system of public conservancy or sanitation, service in hospital or dispensary, insurance service and in which the Addl. District Judge (1) posted as such in any particular district has been appointed as Chairman of the said Lok Adalat. In these Lok Adalats only those matters can be settled wherein the value of the disputes does not exceed Rupees ten lakhs and only those offences which are compoundable under law can be taken cognizance of by such Permanent Lok Adalat for settlement by way of conciliation but in the event of this agreement it can decide the same on merits. The Authority established a Divisional Permanent Lok Adalat for settlement of cases pertaining to Public Utility Services on 1st April, 2006 at Hissar. Sh. Bhupinder Singh Hooda, Hon'ble Chief Minister, Haryana inaugurated the Lok Adalat.

9. Himachal Pradesh

The Himachal Pradesh State Legal Services Authority observed “Legal Services Week” from

5. The present researcher was present there. A Survey was conducted by the researcher w.r.t. “Lok Adalats and the People's Response” under the guidance of Dr. L.C.Dhingra, Principal- Director of C.R. Law College, Hisar. The researcher interviewed 70 litigants out of which 65 litigants were satisfied with the treatment received at lok adalats. Three persons said that too much emphasis on quick disposal is leading to denial of justice. Two persons did not respond. The survey was conducted with the help of the students of C.R. Law College, Hisar.
3rd - 9th Nov., 2004. Workshops, Lok Adalats and Legal Literacy Camps organized during the Week all over the State.

10. **Jammu & Kashmir**
The State Authority also rendered legal assistance to the Earthquake victims of 8th October 2005 by organising Lok Adalats/Awareness Camps in the affected areas like Baramulla, Kupwara and Poonch from 12th November 2005 to 21st December 2005. About 10641 cases were settled in these Lok Adalats.

11. **Jharkhand**
The Authority observed Legal Aid Week for Women during 2nd to 8th March, 2005. The Authority organized Legal Awareness Camps in all the Districts. 61 Lok Adalats were also organized. The Authority also organised a two days' Workshop & Symposium on "Role of Legal Services Authorities" on 10th December 2005 and 11th December 2005 at IICM Auditorium, Ranchi. Hon'ble Mrs. Justice Ruma Pal, Judge, Supreme Court of India & Executive Chairperson, NALSA, Hon'ble Mr. Justice Tarun Chatterjee, Judge, Supreme Court of India, Hon'ble Mr. Justice N. Dhinakar, Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice S. Mukhopadhaya, Judge, Jharkhand High Court & Executive Chairman of the State Authority, Judicial Officers and Advocates attended the Workshop. A two days' Workshop on 'Expeditious disposal of Motor Vehicle Accident Claim Cases' was also organised on 21st December 2005 & 22nd December 2005 at Judicial Academy, Ranchi. Judicial Officers of the State participate in the Workshop.

12. **Karnataka**
The State Authority organized a special Lok Adalat on 18/06/2005 for settlement of cases pending in the Debts Recovery Tribunal. There was recovery of debts to the tune of Rs. 9.7 crores. The State Authority organized a Brihat Lok Adalat on 28th January, 2006. Hon'ble Mr. Justice K.G. Balakrishnan, Judge, Supreme Court of India and Chairman, Supreme Court Legal Services Committee inaugurated the Lok Adalat. Hon'ble Mr. Justice S.B. Sinha and Hon'ble Mr. Justice R.V. Raveendran, Judges, Supreme Court of India were the Guests of Honour. A total number of 4913 cases were disposed of in the Lok Adalat. A Lok Adalat for settlement of cases pending in the High Court was organized on 18th November, 2005 at High Court Premises. 24 Benches of Lok Adalats were constituted and 434 cases out of 918 were settled.

A Lok Adalat for settlement of cases pending in the High Court was organized by
the High Court Legal Services Committee on 15th June, 2006. Hon'ble Mr. Justice Cyriac Joseph, Chief Justice, Karnataka High Court presided over the Lok Adalat with Sri. K. Suryanarayana Rao, Advocate. Hon'ble Mr. Justice K.L. Manjunath, Chairman, High Court Legal Services Committee was also present with Hon'ble the Chief Justice. Out of 16 Motor Accident Claim Cases, 15 cases were settled in the said Lok Adalat.

13. Kerala
The Authority also observed "Legal Services Week-2004 from 3rd - 9th November, 2004 throughout the State in association with NGOs, voluntary organizations and the Bar Associations. Quiz Competitions, Legal Literacy Camps, Seminars Lok Adalats were organized during the Week and 1408 were settled in Lok Adalats during this Week. The Authority set up a stall in the India International Trade Fair at Pragati Maidan, New Delhi in November 2004, stall was inaugurated by Hon'ble Mr. Justice N. Santosh, Judge, Supreme Court of India and Executive Chairman. NALSA.
During April to September, 2004, 52 Legal Literacy Camps were organised in remote areas in the State. 650 Lok Adalats were organised in different Districts and Taluks in the State and a sum of Rs.9,69,06,398/- was awarded as compensation in the cases pertaining to MACT. Lok Adalats of cases at pre-litigative stage were organised during the month of July, 2004 in 14 Districts & 63 Taluks. 496 cases were settled at pre-litigative stage in these Lok Adalats. Lok Adalats were also organised pertaining to the MACT, Matrimonial, Civil and Petty Criminal Matters in 14 Districts and 63 Taluks. Out of 5178 cases, 1492 cases were settled in these Lok Adalats. A sum of Rs.2,17,42,404/- was awarded as compensation in the cases pertaining to MACT in the month of July, 2004.
The Authority organized special Lok Adalats for the benefit of the Tsunami victims during the Women's Week (2nd to 8th March, 2005). On 7th May 2002 a beginning was made in Thrissur District of Kerala State where a village was declared as litigation free. A special mega lok adalat was organised by the State Authority on 7th October, 2006 at High Court premises for settlement of cases pending in the High Court of Kerala and MACT claims at prelitigation stage.

14. Madhya Pradesh
During the "Legal Services Week" the State Authority involved the Law Students and encouraged them to participate in the Legal Services Awareness Campaign. Street plays were enacted, Legal Aid Camps and Lok Adalats were organized. Stickers & balloons
were extensively used for publicity of activities of the Authority. A Workshop on "The Role of the Bench and Bar in Alternative Disputes Resolution Mechanism" was also organized on the occasion. During 2nd March to 8th March, 2005, the Authority organized Legal Literacy Camps and Lok Adalats. A book tilted Vidhi Aur Yojnayen-Ek Parichay" was published by the Authority to make general public aware about their legal rights. This book is being distributed amongst the villagers through Village panchayats. The Legal Literacy Mission was launched in the State on 16th March, 2005 by Hon'ble the Chief Justice of M.P. High Court and Patron-in-Chief of the Authority.

The State Authority in association with Judicial Officers Training & Research Institute, Madhya Pradesh organised two days' workshop on 'Foundation Training in Mediation Procedure' on 8th and 9th July, 2006 for judicial Officers and Senior Advocates. Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India was the Chief Guest on this occasion. The Authority also organised five days' training programme on “Foundation Training in Counselling Skills” from 25-21) September, 2006 for Counsellors to give them training in respect of psychological and social factors leading to family dispute and other relevant basic issues for the achievement of the aims and objects of the Family Court Act, 1984.

15. Maharashtra

The Authority hosted the 5th All India Meet of the State Legal Services Authority under the aegis of NALSA on 7th and 8th May, 2005. The Authority also organized a Special Lok Adalat on 22nd January, 2006 for settlement of cases at pre-litigation stage. The Lok Adalat was inaugurated by Hon'ble Mr. Justice Naresh H. Patil, Judge, Bombay High Court and 126 cases were settled in the said Lok Adalat. The Authority organized a Special Lok Adalat for Bank recovery matters on 11th March, 2006. The Lok Adalat was inaugurated by Hon'ble Mr. Justice D.G. Deshpande, Judge, Bombay High Court and 151 matters were settled in this Lok Adalat at the pre-litigative stage. A Special Municipal Tax Lok Adalat was also organized on 19th March 2006 at Ahmednagar and 378 Municipal Tax Appeals were settled.

The Authority organized a workshop on Cyber Crimes in association with Government Law College, Mumbai on "Capacity Building of Judicial Officers in the New Age Cyber Sexual and Social Crime against Women and Children" on 20th March, 2005. The Seminar was attended by 46 judicial officers from Mumbai, Thane, Pune, Panavel and Nasik. The Authority in May, 2006 also organized Pariwarik Mahila Lok Adalats at Thane and Sindhudurg-Oras. A total number of 98 matrimonial disputes were
settled in these Lok Adalat. The State Authority in association with Ahmednagar City Bar Association organised ADR Workshop at Ahmednagar on 23rd and 24th July, 2006. The judicial officers of Ahmednagar District, law teachers, law students and more than 900 lawyers participated in the training programme. The Authority also organised Pariwarik Manila Lok Adalat on 6th August, 2006 at Jalna and 80 matrimonial disputes were settled in the Lok Adalat.

16. **Meghalaya**

A Lok Adalat was organised by District Legal Services Authority, Shillong on the 8th May 2004 at Shillong Law College and out of 169 MACT cases, 38 cases were disposed of and a sum of Rs. 60,37,000/- was awarded as compensation. Hon'ble the Patron-in-Chief and Chief Justice of the Gauhati High Court was the Chief Guest on the occasion. Another Lok Adalat for the Deputy Commissioner's Court, East Khasi Hills District, Shillong was held on 29.5.2004 at Govt. Girls Higher Secondary School. Out of 196 cases, 38 cases were disposed of. Bail matters of the under-trial prisoners of Shillong, District jail were also taken up in the Lok Adalat and a number of under trial prisoners were granted bail. An important and interesting feature of this event was that the Hon'ble Law Minister, Meghalaya acted as a Conciliator in the Lok Adalat.

17. **Nagaland**

The State Authority celebrated National Legal Literacy Day and organized a Lok Adalat on 9/11/2005 at Deputy Commissioner Court Complex, Diampur. On this occasion, Mr. Yitachu, Parliamentary Secretary was the Chief Guest. Mr. Yitachu appraised the gathering about the importance and objective of National Legal Literacy Day.

18. **Orissa**

"Legal Services Week" from 3rd to 9th November, 2001 was observed throughout the State by the State Legal Services Authority. During this Week, Lok Adalats, Legal Literacy/ Awareness Camps, Seminars, Workshops, Rally, Meetings etc. highlighting activities of the Authority were organized. A Symposium on the problems relating to settlement of Motor Accident Claim cases was also organized. The students of Law Colleges were also involved in the publicity campaign of Legal Services and Programmes. To implement the National Legal Literacy Mission the State Authority organized Legal Literacy Camps in remote and interior parts of the State especially in places inhabited by Tribals and other Scheduled Castes and
Scheduled Tribes people. Hon’ble Justice P.K. Mohanty, Executive Chairman of the Authority, Hon’ble Mr. Justice B. P. Das, Hon’ble Mr. Justice L.M. Mohapatra, Hon’ble Justice P.K. Tripathy and Hon’ble Mr. Justice A.S. Naidu, Judges, Orissa High Court participated in the Legal Literacy Camps and the poor and tribal people were made aware of their rights and different progressive legislations such as migration of Labourers, Trafficking in women and Girls, Child Marriage, encroachment of government land, revenue laws, Orissa Forest Act, Excise Law, provisions relating to Matrimonial disputes, Dowry Prohibition Act etc. The people of the area put forth their grievances before the Hon’ble Judges and immediate steps were taken for redressal of some of those grievances by taking up the matter with the concerned official.

19. Punjab

The State Authority organized a Special Lok Adalat on 2006 at Amritsar. Hon’ble Mr. Justice Y.K. Sabharwal, the Chief Justice of India inaugurated the Lok Adalat wherein 13467 cases were settled. The Authority also set up Permanent Lok Adalat for Public Utility Services at Court Complex, Amritsar. Hon’ble Mrs. Justice Ruma Pal, Judge, Supreme Court of India and Executive Chairperson, NALSA inaugurated the Permanent lok Adalat

20. Rajasthan

The State Authority also observed 'Legal Services Week' from 3rd - 9th November, 2004. During this Week 216 Permanent Lok Adalats were organized across the State. 474 Legal Literacy Camps, 1 Seminar, 9 Conferences, 2 Rallies were organized also organized by the Authority during this Authority. The Authority has appointed 9189 "Legal Services Volunteers" in all gram Panchayats and 1382 villages have been identified as "LITIGATION FREE" in the State. The Authority celebrated National Legal Literacy Week for Women from 1-8 March, 2006. Lok Adalats, Debates, Street Plays, Rallies, Seminars, Workshops were organized in rural areas during E:C week in association NGOs, Local Sainik Board, NCC Cadets, Medical Colleges, Law Students etc. Special lok adalats were organised by the Authority for settlement of cases under Negotiable Instrument Act on 29th July, 2006 throughout the State. In these lok Adalats 13211 cases were settled.

21. Sikkim

The State Legal Services Authority also observed Legal Services Week from 3rd - 9th November, 2004. A number of Lok Adalat and Legal Literacy Camps at different
places including jail were held throughout the State. People were made aware about their Constitutional, Fundamental and other Rights. The State Legal Services Authority launched the Legal Literacy Mission (2005-10) at Mangan, North Sikkim on 25th June, 2005, Hon'ble Mr. Justice H.K. Sema, Judge, Supreme Court of India was the Chief Guest on the occasion. Hon'ble Mr. Justice N. Surjamani Singh, Executive Chairman of the Authority presided over the function and Hon'ble Mr. Justice A.P. Subba, Judge High Court of Sikkim and Sh. R. B. Subba, Hon'ble Minister, Law & Parliamentary Affairs, Tourism, Commerce and Industries were the guests of honour. The Authority in May, 2006 organized a Lok Adalat for settlement of cases pending in the High court in which 6 cases were settled.

22. **Tamil Nadu**

1031 Legal Literacy camps were organised in different Districts/Taluks in the State during the period April, 2004 to June, 2004 and 24157 beneficiaries were provided legal aid. 1337 Lok Adalats pertaining to the MACT, Civil Cases, patrimonial Cases, Land Acquisition, Revenue, Family Disputes, Balk Loans, Petty Criminal cases etc. were organised in different Districts/Taluks. 4511 cases were settled in these Lok Adalats and a sum of Rs.19,02,21,344/- was awarded as compensation in 288 MACT cases during April, 2004 to June, 2004.

On 20.06.2004, Hon'ble the Chief Justice inaugurated “Satta Udhavi Maiyam” building for the District Legal Services Authority, at Vellore. During August, 2004, 381 Legal Literacy and Awareness Camps were conducted at District and Taluk Levels in the State and 4325 applications were received for providing legal aid. 3278 cases were settled in the Lok Adalats organised during the month of August, 2004 at pre-litigative stage. 411 cases were also settled in the cases pertaining to MACT, Transport Corpn. Civil, Matrimonial, Family Disputes, NI Act, Electricity Board, Municipal Taxation Cases, Land Acquisition, Labour Cases, Bank Cases and DRT cases and a sum of Rs.79,81,100/- was awarded as compensation in 77 MACT cases during the month of August, 2004.

The Authority also organized a Maha Lok Adalat on 15th April, 2006 at Madurai Bench of High Court of Madras. The Lok Adalat was inaugurated by Hon'ble Mr. Justice A.P. Shah, Chief Justice Madras High Court. A total number of 8,185 cases were settled in the said Lok Adalat.
23. **Tripura**

13 Lok Adalats were organised for the cases pertaining to MACT, Land Acquisition, Matrimonial, Petty Criminal Matters and 55 cases were settled in these Lok Adalats during the period of April, 2004 to June, 2004. Two mobile Lok Adalats for the cases at pre-litigative stage were also organised.

24. **Uttar Pradesh**

The State Legal Services Authority organized a Legal Literacy Camp at Noormanzil Mental Hospital Lal Bagh Lucknow on 10/10/2004 to mark the observation of World Mental Health Day. Special leaflets prepared for the benefit of mentally ill people were distributed to the patients, their attendants and also general public to propagate awareness about mental health.

The Authority organized Legal Literacy Camps for senior citizens and people of Tharu tribes exclusively. Lok Adalats were organized in Education, Health/Medical end Transport Departments of State. A Tele Film was also got prepared and telecast on Doordarshan. The Authority launched its web site - www.upslsa.nic.in also. In March, 2005 the Authority organized departmental Lok Adalats in U.P. State Road Transport Corporation and Education department of the state.

There was a non-registration of FIRs by the Police about arson during the riots. The State Authority organised in Nov., 2005, a Special Legal Literacy Camp in Muslim Inter College Maunath Bhajjan Mau to help out victims of Mau riots. In all 750 persons from both communities attended this camp and 260 FIRs were registered overnight by the police.

25. **West Bengal**

The State Legal Services Authority organized Zonal Meets 2005 of all the District Legal Services Authorities and Sub Divisional Legal Services Committees on 14th May, 2005 at Silliguri, on 17th June, 2005 at Paschim Midnapore, on 25th June, 2005 at Burdwan, and on 3rd July at Salt Lake, Kolkata. The Zonal Meets were organized for orientation of the judicial Officers and review of the work done so far. The Judicial Officers, Members of District Legal Services Authorities and Sub- Divisional Legal Services, NGOs, Law Students and Members of Bar attended the meets.

The Authority also launched "Training of the Trainers" programme for implementing the National Legal Literacy Mission. In this programme, training for spreading legal literacy was imparted to the Community Development Project
Officers and Welfare Officers to enable them to train Anganwari and other village workers so that such village workers in turn could spread literacy to every home in every village. The Authority also organized Summer Training Camps during May-June 2005 for the Law Students of National Law University. A seminar on "The Nature of Judicial Decision Making" was organized on 24th March, 2005. Hon'ble Mrs. Justice Ruma Pal, Judge Supreme Court of India, Hon'ble Mr. Justice V.S. Sirpurkar, the Chief Justice, High Court of Calcutta Hon'ble Mr. Justice Douglas R. Campbell, Judge, Federal Court, Canada, were the prominent participants in the seminar. The State Authority organised a workshop on Mediation - Training and Trainers on 25th & 26th July, 2006. Smt. Geetha Ravindra, Director Department of Dispute Resolution Services, Supreme Court of Virginia and Mr. Sriram R. Panchu, Sr. Advocate and Organising Secretary of Tamil Nadu Mediation and Conciliation Centre participated in the workshop.

B. IMPORTANT CONFERENCES, SEMINARS AND WORKSHOPS ON ADR IN INDIA

We are a country of a billion people. The fundamental question before legal luminaries is: How do we design and structure a legal system, which can render justice to a billion people? The possibility of a justice-delivery mechanism in the Indian context and the impediments for dispensing justice in India is an important topic for discussion. Various conferences, seminars, symposium and workshops have been held in India on ADR, interalia:

1. International Conference on ADR and Case Management

The Law Commission of India, chaired by Justice M. Jagannadha Rao, held an international conference on Indian ADR (Alternative Dispute Resolution), including mediation and case management, on May 3 - 4, 2003 at New Delhi. The international conference was the most significant event undertaken to implement long-needed reforms to reduce the substantial backlog and delay in the civil justice process. There were 150 conference attendees including India's legal opinion leaders, including the Indian Supreme Court, the Chief Justices of all 22 State High Courts, the Presidents of the High Court Bar Associations, and the heads of the Bar Councils in each state.

6. Supra n. 4.
The Conference was conducted in collaboration with the Institute for the Study and Development of Legal Systems (ISDLS) a nonprofit, nongovernmental organization based in San Francisco, California, U.S.A. The ISDLS presented the American experience in the development and implementation of new mediation and case management procedures at the International conference.

Conference Structure:
The conference was attended by approximately 150 judicial officers and leading legal professionals, representing the Subordinate Courts and every High Court in India. The conference continued over two days on May 3-4, 2003 with two sessions each day. The four sessions covered:

(a) An assessment of backlog and delay in the Indian courts;
(b) The success of mediation and case management in the U.S.;
(c) Strategies for implementation of mediation and case management under section 89 of the Code of Civil Procedure; and
(d) Commentary on the draft rules circulated by the law commission, and planning for next steps (e.g., reporting, regional conferences, training programs, etc.).

The Conference was the result of the visit of the Judges of the Indian Supreme Court to U.S. in October 2002, during which they interacted with the members of the US Supreme Court and ISDLS on the upcoming Indian reform implementation process. Through this exchange, members of the US Supreme Court expressed their support for and offered a high-level international exposure to the developments in the Indian reform effort.

2. Workshop on Amendments in the Arbitration and Conciliation Act 1996
The Ministry of Law, Justice and Company Affairs, Govt. of India have recently sent the proposals for amendments in the Arbitration and Conciliation Act, 1996 as well as copy of the Arbitration and Conciliation (Amendment) Bill 2001. Since the proposals for amendment are quite substantive and in some cases quite sweeping, the Council, with a view to formulate its detailed comments on the new proposals is organising workshops in various centres.

A Workshop was organized on Ministry of Law's Proposals for Amendments in the Arbitration and Conciliation Act, 1996 on January 4, 2002 at Kolkata. Mr. Ajit Kumar Panja, Former Minister of State for External Affairs, Govt. of India inaugurated the Workshop. Mr. N G Khaitan, Member, ICA Governing Body welcomed the Chief Guest. Mr. Ajit Kumar Panja broadly agreed with comments on the Law Ministry's proposals for amendments in the Arbitration & Conciliation Act, 1996. Mr. Panja stressed the need for
a fixed time frame for conduct of arbitration proceedings. He also supported the use of arbitration particularly international commercial arbitration. Mr. N G Khaitan in his address suggested that no amendments to the basic features of the 1996 Act, especially those touching on the philosophy underlying the legislation such as Party Autonomy, minimum interference from Courts and Institutionalised Arbitration, should be undertaken in haste and without allowing further time for the provisions of the new law to get fully digested absorbed and 'worked' by the ultimate 'users' of the Act, viz., businessmen and others for whose benefit the Act has been enacted.

Mr. N G Khaitan chaired the Technical Session of the Workshop. Presentations were made by Mr. P K Ray and Mr. S P Sarkar, Bar-at-Law on the Law Ministry's proposals. The workshop was attended by more than 75 participants and was widely covered by the media.

The Council organized the second workshop in the series on "Ministry of Law's Proposals for Amendments in the Arbitration and Conciliation Act, 1996" on February 2, 2002 at the premises of the Rajasthan Chamber of Commerce & Industry, Jaipur. Mr. Justice M. R. Calla, Judge, Rajasthan High Court, inaugurated the workshop. Mr. U. N. Bhandari, Sr. Advocate delivered the inaugural address. Mr. Justice V. S. Dave, Judge (Retd), Rajasthan High Court, gave a special address. Mr. D. M. Popat, Former Vice President, ICA, proposed vote of thanks to the Chief Guest.

Mr. Justice Calla in his inaugural address stressed the need for appointing independent and impartial arbitrators to decide arbitration disputes. He also commented on the practice of appointing serving officials as arbitrators in government contracts with private parties. He advocated that the Courts should not interfere in the arbitration proceedings till the award is given. He felt the need for giving training to judicial officers on law and practice of arbitration and the techniques of conciliation. Mr. U. N. Bhandari, in his Welcome Address stressed that the choice of the parties to the arbitration agreement, what is known as "Party autonomy" should be fully respected. He requested Justice Calla to consider designating ICA as the appointing authority under section 11 of the 1996 Act.

Mr. Justice R. P. Saxena, Judge, (Retd.) Rajasthan High Court, Chaired the business session of the Workshop and Mr. D. M. Popat, Former Vice President ICA, Co-chaired the session. Mr. V. K. Singhal, Retd. Judge, Rajasthan High Court, addressed the workshop on the Ministry of Law's Proposals for Amendment of the 1996 Act. Presentations were made by Mr. U. N. Bhandari, Sr. Advocate, Jaipur, Mr. R. K. Sanghi, Sr. Advocate, New Delhi, Mr. Jagdeep Dhankar, Sr. advocate, Jaipur, Dr. P. C. Jain,
Advocate, Jaipur, Mr. Devashish Bharuka, Advocate, New Delhi, and Ms. Meghna Mittal, Advocate, New Delhi. Dr. K. L. Jain, Hony. Secretary General, RCCI, gave Vote of Thanks to participants and summed up the proceedings of the workshop. The workshop was attended by more than 100 participants and received good coverage in the Press.

3. **Meeting of the Eastern Regional Executive Committee of ICA**

At the time of the above Workshop, a meeting of the Eastern Regional Executive Committee of ICA was also held on January 4, 2002 at Kolkata. The meeting was chaired by Mr. N G Khaitan, Member, ICA Governing Body. The Executive Committee discussed the Law Ministry's proposals for amendments in the Arbitration & Conciliation Act, 1996 and the proposal to organize a National Conference on 'Dispute Prevention and Resolution' in April/May 2002 at Kolkata and other programmes in the eastern region. The Committee also suggested organizing a Training Programme for Arbitrators, non-lawyers in the eastern region sometime May/June 2002 at Kolkata.

4. **Interactive Meeting on ADR in Maritime Disputes**

Pursuant to the decision of the Ministry of Surface Transport, Government of India, to shift the venue of arbitration to India for settlement of Maritime disputes arising under charter parties of foreign flag vessels chartered by the TRANSchaRT, the Government of India has recommended to all Govt. departments and Public Sector Undertakings for the use of the ICA arbitration clause in the charter party contracts.

With a view to apprise the shipping organizations, Maritime Experts and others regarding the advantages of use of arbitration clause and the arbitration services provided by the ICA in Maritime disputes, the Council organized an Interactive Meeting on "ADR in Maritime Disputes-Few Challenges" on January 29, 2002 at the premises of India Merchants' Chamber, Mumbai. The meeting was presided over by Mr. D. M. Popat, Member ICA, and Government Body.

Presentations were made by Mr. S Venkiteswaran, Sr. Advocate and Maritime Expert and Capt. J. S. Gill on "Need for Improvement of Maritime Arbitration in India" and by Mr. Firdosh Karachiwala, Sr. Advocate, on "Techniques of Mediation - Maritime Disputes". The meeting also discussed how to promote the use of arbitration in maritime disputes. The meeting was attended by representatives of public sector undertakings concerned with chartering of ships, shipping organizations and other maritime experts.

5. **Interactive Meeting of Experts on Arbitration**

The ICA organized an Interactive of Experts on Arbitration on February 1, 2002—Jaipur of the at the premises of Chamber of Commerce & Industry. The Interactive Meeting
discussed various future programmes of ICA to be organized in the city of Jaipur and
other cities in the Rajasthan region during 2002. The meeting also discussed how to
popularise the use of ICA Arbitration Clause and its Services in the Rajasthan State. It
was decided that the Rules of Arbitration framed by the ICA may be taken by the local
chambers as model set of rules in order to have uniformity. The meeting was attended by
representatives of business organizations in Jaipur, members of the Bar and other expert
on arbitration including ret'd. Judges of the Rajasthan High Court.

6. **Workshop on “ADR and Section 89 of the CPC”**
The Andhra Pradesh State Legal Services Authority organized a workshop on
“Alternative Dispute Resolution Mechanism (ADRM) with special reference to
Section 89 of the CPC and Rules framed there under” Hon'ble Mrs. Justice
Ruma Pal, Judge, Supreme Court of India and Chairperson; NALSA inaugurated
the Workshop on 4th March, 2006 at Hyderabad.

7. **Seminar on “Counseling and Conciliation”**
The Haryana State Legal Services Authority on occasion of “Legal Services Week” from 3rd
to 9th November, 2004 organised a Seminar/Training Programme on "Counseling and
Conciliation" as a Mechanism of Alternative Disputes Resolution (ADR)" in association with
Mata Sita Rani Sewa Sanstha at Panipat. The Hon'ble Executive Chairman's, message was
broadcast on Chandigarh, Kurukshetra and Hisar station of AIR and telecasted on Doordarshan.

8. **Conference on ADR, Legal Literacy and Lok Adalat**
The Karnataka State Authority in 2005 organized Annual Conference of the
Chairman and Member Secretaries of District Legal Services Authorities and
Chairmen of Taluka Legal Services Committee. The conference was
inaugurated by Hon’ble Mr. Justice S.R.Nayak, CJI Chhattisgarh High Court.
Hon’ble Justice P. Vishwanatha Shetty, Executive Chairman, Karnataka State
Legal Services Authority delivered the key Note Address. The performance of the
District Legal Services Authorities and Taluka Legal Services Committees were
reviewed. Three working sessions namely (i) “Importance of Mediation and
Conciliation under Section 89 of amended CPC”, (ii) "Role of District Legal
Services Authorities and Taluka Legal Services Committees in spreading Legal
Literacy effectively" and (iii) “Organising Lok Adalat both in respect of pre-
litigation and pending cases” were organized in the Conference.
9. **Seminar on the “Role of Judicial Officers and Lawyers and ADR”**
The Tripura State Legal Services Authority organized a seminar/workshop on the 
“Role of Judicial Officers and Lawyers and Alternative justices System in Legal 
Services Programmes” was held on 20th June, 2004 at Conference Hall of Circuit 
House, Agartala. The Tripura State Legal Services Authority also organised a 
Seminar was on 3rd April, 2005 at Agartala wherein subjects like trafficking of 
women, ADR, Legal Aid and Free Counselling, Gender based discriminatory offences 
and role of judicial officers and lawyers in legal rights education were discussed.

10. **Workshop on “Mediation and Conciliation”**
The Tamil Nadu State Legal Services Authority organized a Workshop on 
“Mediation and Conciliation” on 8th April, 2006 at Coimbatore. Hon’ble Mr. Justice 
A.P. Shah, Chief Justice, Madras High Court inaugurated the Workshop. Hon’ble Mrs. Justice Chitra Venkatraman and Hon’ble Mr. Justice P.P.S. Janarthana Raja, 
Judges, High Court of Madras also participated in the Workshop.

11. **Symposium on Lok Adalats As A Mode of ADR”**
A symposium on “Permanent and Continuous Lok Adalats as a mode of ADR” in 
Orissa State was organized by Orissa State Legal Services Authority on 14th 
January, 2005. The Symposium inaugurated by Hon’ble Mr. Justice N. Santosh 
Hegde, Executive Chairman, NALSA. Hon’ble Minister of Law & Justice of the 
State, Hon’ble Judges, Judicial Officers, Advocates, Members of Bar and officers 
of insurance company also participated in the Symposium.

12. **Workshop on “ADR for Judicial Officers and Lawyers”**
The Maharashtra State Authority organized two days Workshop in association with 
Shivaji University Kolhapur on “ADR for judicial officers and lawyers” on 26th and 27th 
February 2005. The workshop was attended by 40 judicial officers and 200 
lawyers.

13. **Conference on “ADR, Conciliation and Mediation”**
The Maharashtra State Legal Services Authority co-hosted a conference on “Alternative 
Disputes Resolution, Conciliation and Mediation” in association with International 
Centre for Alternative Dispute Resolution (ICADR) on 20th November, 2004. Hon’ble Mr. Justice R.C. Lahoti, Chief Justice of India and Patron-in-Chief, NALSA inaugurated 
the Conference and Hon’ble Mr. Justice Dalveer Bhandri, Chief Justice Bombay High 
Court presided over the function. Dr. H.R. Bhardwaj, Hon’ble Union Law Minister, 
Sh. K. Venkatapathy, Hon’ble State Minister for Law & justice, Hon’ble Mr. Justice
B.P. Singh, Hon'ble Mr. Justice S.B. Sinha, Hon'ble Mr. Justice B.N. Srikrishna, Judges Supreme Court of India and Mr. Justice M. Jagannadh Rao, Chairman, Law Commission of India were the guests of honour.

14. **Seminar/Workshop on "ADR"**

The Maharashtra State Authority also organized a Seminar-cum workshop on ADR in association with Institute for the Study and Development of Legal Systems (ISDLS) on 21st November, 2004. The Seminar was inaugurated by Hon'ble Mr. Justice R.C. Lahoti, Chief Justice of India and Patron-in-Chief, NALSA. Hon'ble Mr. Justice Dalveer Bhandari, Chief Justice Bombay High Court presided over the function. Hon'ble Mr. Justice N. Santosh Hegde, judge Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice Y.K. Sabharwal, Judge, Supreme court & Chairman, Supreme Court Legal Services Committee, Hon'ble Mr. Justice S.N. Variava, Hon'ble Mr. Justice A.K. Mathur and Hon'ble Mr. Justice S.B. Sinha, Judges, Supreme Court of India were the guests of honour.

15. **Workshop on "Importance of Mediation in Resolving Matrimonial Disputes"**

The Maharashtra Authority organized a Workshop on "Importance of Mediation in Resolving Matrimonial Disputes" in association with Family Court Association on 5th December, 2004. Judges of the Family Courts, Eminent Lawyers and Marriage Counsellors participated in the Workshop. Two Marathi Booklets for spreading awareness especially amongst the women regarding the Laws concerning them were also released. These contained information regarding Laws of Maintenance & Criminal Laws.

16. **Workshop on "Alternative Dispute Resolution"**

The Maharashtra State Authority organized a two days' workshop on "Alternative Dispute Resolution" on 9th and 10th April, 2005 at Alibag in Datta Patil Law College. Hon'ble Mr. Justice A.P. Shah, Executive Chairman of Lute Authority inaugurated the workshop. Ms. Roshan Dalvi, Judge, City Civil Court, Mumbai, Sh. Firdosh Karachiwala, Sh. Sambhaji Mohite and Sh. M.P. Rao, Advocates presided over sessions of the workshop.

17. **Workshop on "Implementation of ADR"**

The Maharashtra State Authority also organized one-day workshop for implementation of ADR in district of Pune on 17th April, 2005. Hon'ble Mr. Justice D. B. Bhosale, Judge, Bombay High Court inaugurated the workshop.
18. **Seminar on ADR**
The Bombay High Court organized a seminar on ADR on 21-11-2004. Hon’ble Justice Y.K.Sabharwal, Judge Supreme Court of India delivered a lecture on ADR.

19. **International Conference on ADR**
International Conference on ADR, Conciliation, Mediation and Case Management was organised by the Law Commission of India at New Delhi on May 3-4, 2003. Special Address was delivered by Dr.S.Muralidhar, Part-time Member, Law Commission of India.

20. **Meetings of Law Ministers and Law Secretaries**
In 1994 government had convened a meeting of law ministers and law-secretaries that had resolved that disputes between the government and public sector under takings (PSUs), and one PSU and another PSU ought not to go to courts or tribunals; and that such disputes should be settled between the parties amicably. This unfortunately has not happened.

21. **Conference of Chief Ministers and the Chief Justices**
The ADR movement received a major fillip in India in 1993. A resolution adopted by the Chief Ministers and the Chief Justices on 4th December 1993 at New Delhi declared that courts were not in a position to bear the entire burden of justice system and that a number of disputes lent themselves to resolution by alternative modes such as arbitration, mediation and negotiation. It further emphasized the desirability of disputants taking advantage of ADR which provided procedural flexibility, saved valuable time and money and avoided the stress of a conventional trial.

22. **Conference of Chief Justices of High Courts and Chief Ministers of States**
A joint Conference of Chief Justices of High Courts and Chief Ministers of the states was held in 2004 at Vigyan Bhawan, New Delhi with a innovating theme “Envisioning Justice in the 21st Century”. Prime Minister Manmohan Singh and Hon’ble CJI R.C.Lahoti delivered the speeches.

(III) **NYAYA PANCHAYATS IN INDIA**
Gandhi Ji realised this need as early as 1920-21 during the Non-cooperation Movement, and advocated boycott of law courts and setting up of Panchayats in villages for settling disputes, and as a consequence the Congress made earnest attempts to set up Arbitration
Courts in different provinces. Regarding Panchayati justice system, Gandhi Ji firmly believed that: “Such a judicial system will not only be simple, prompt and cheaper but also just, because the details of civil and criminal cases will be more or less open secrets in the village and there shall be hardly any scope for fraud and juggleries.”

1. **General**

Panchayati justice is not a new idea. It is an old institution with its roots deep in the ethos of our country. Traditionally the Panchayats have played an important role in dispute resolution in the villages. Elders of the village by sitting in the Panchayat used to solve the disputes between the villages folk. The method of deciding the case is very significant. They used to solve the disputes in front of the entire village and the public opinion of the village used to act as a powerful influence on the parties to the dispute. Justice was delivered at the place of dispute and not at any other far off place. It used to be very inexpensive and expeditious. There was no concoction of evidence. In fact, all used to have faith and trust in the village elders which gave them strength to solve the disputes objectively and impartially. Now we shall examine Nyaya Panchayats in India, reasons for their failure and their necessity.  

2. **Nyaya Panchayats in India**

In different states different types of compositions of Nyaya Panchayats existed. 

In Kerala there was a combination of nomination and elections. Village courts under Kerala Village courts Act 1960 were constituted of elected Panches and their Chairman was appointed by the state government in consultation with the Panchayat.

In Rajasthan, the Naya Panchayat was elected indirectly. Under Rajasthan Panchayat Act 1953, a Nyaya Panchayat was constituted by the members elected from each Panchayat in the Panchayat circle. The Chairman was elected from amongst the panchayats. The Chairman constituted benches of three members to hear cases.

The Delhi Panchayati Raj Act 1954 envisaged a circle Panchayat for acting as Nyaya Panchayat. Every gaon sabha in such circle elected from its members a number of persons to act as panches of the circle panchayat. The sarpanch who was elected from amongst the panches created benches of five panches from the panel of circle panchayat to constitute a Panchayati Adalat for trial of cases.

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In Uttar Pradesh also, a Nayaya-Panchayat was constituted for each circle under the U.P. Panchayati Raj Act 1947. It consisted of a minimum of ten and maximum of 25 members. The Nayaya-Panchas were nominated out of panches of gaon panchayat by prescribed authority. The persons so nominated ceased to be members of gaon sabha and their vacancies in the gaon sabha were filled up by fresh elections. The Sarpancha and Sahayak Sarpancha were elected out of the panches so nominated. If they failed to elect the sarpancha, the sarpancha was nominated by prescribed authority.

In Bihar, under the Bihar Panchayati Raj (Amendment) Act 1959, the Panchayat court consisted of a sarpanch and eight other panchas. They were chosen in three different ways. The Sarpancha was elected by members of entire gaon sabha. Out of eight panchas, four were elected from four wards into which panchayat was divided for election purposes. Remaining four were chosen by the joint meeting of sarpancha, the elected four panchas, and the elected four members of the executive committee. It may be noted that the mukhiya had no hand in choosing the nominated panchas though his colleagues have.

There exist special arrangement for the representation of scheduled castes and scheduled tribes in the Nyaya Panchayat.

3. Failure of Nyaya-Panchyats: Analysis of Various Committees' Reports

We see from the discussion that Nyaya Panchayats in almost all the states except Kerala had adopted the indirect election principle in composing a Nyaya Panchayat. The Nyaya Panchayats though elected indirectly failed miserably to deliver justice to the poor and had become the tools in the hands of the powerful to exploit the poor villagers. The indirect election could not keep out evils of direct election. The political parties entered the villages and politicised even the justice system. The High Powered Committees on Panchayati Raj appointed by Govt, of Rajasthan in 1973 and Govt. of Maharashtra recommended the abolition of Naya Panchayats on the ground that they had failed to inspire the public confidence.

(a) Maharashtra Committee

The Maharashtra Committee found that out of 3446 Nyaya Panchayats in the state only 723 were functioning actively and the rest were ineffective. The committee felt strongly against the elective principle in Nayaya-panchayat and observed that entrustment of judicial functions, even of petty character, to such institutions set up at village level on the basis of democratic elections or otherwise seems out of place and unworkable. The committee feared that continuance of Nayaya-panchayats will adversely affect the functioning of
community dispute settlement institutions working in the villages on voluntary consent and not on the strength of law. It recommended that the whole concept of Nyaya Panchayats should be dropped and bodies abolished. Rajasthan committee however attributed failure of Nayaya-panchayats to separation of judiciary from executive at the grass root level. It recommended that functions of Nyaya Panchayat be entrusted to a sub-committee of Gram Panchayat having five members including the sarpanch as the ex-officio member chairman. One of the four members be a woman and one from Scheduled tribe or Scheduled caste.

The reasons for failures of Nyaya Panchayats offered by the two committees are contradictory. Maharashtra committee opposes elective element in judicial functions whereas the Rajasthan committee feels that the judicial functions be given to a sub-committee of Gram Panchayat which itself is an elected body. Will the Sarpanch or the members not be politically biased in such an arrangement? Almost in every state they are inactive. Nobody goes to them for justice and everyone runs to courts howsoever far they may be. It clearly shows that there was some irritating element either in the composition or procedures which eroded the credibility of Nyaya Panchayats. This loss of confidence in Nyaya Panchayats necessitated a serious rethinking regarding the composition and procedures of Nayaya Panchayats with a view to restore their credibility.

(b) The Study Team on Nayaya Panchayats

The study team on Nayaya panchayats had conceived of three modes of selecting judges for them i.e. (i) Nomination (ii) Election(iii) by a system of combining both nomination and election. The study team itself rejected the mode of nomination as it was against the objective of people’s participation in justicing and also made the authority for selection dependent upon the Sarpanch or its own subordinate officers who would have recommended their own men without caring for their integrity and education. The Election was also rejected by the study team as it created fractions in the society, was against the principle of judges being impartial and detached as the elected judges had to come from certain group. Moreover, during elections the Sarpanch has a significant role to play and he tries to push through his own men so that he becomes more powerful. But at the same time, the study team did not want to do away with election element. So it favoured indirect election.
(c) Gujrat Legal Aid Committee Report

Gujrat Legal Aid Committee Report, 1971 did not approve any type of election direct or indirect to the Nyaya-Panchayats. It suggested that Nyaya-Panchayats should consist of three members, one of them having knowledge of law, should be the chairman, and be called a Panchayat Judge. The Committee on “National Juridicare: Equal Justice-Social Justice” seems to be in line with Gujrat committee on this issue whereas the Express Committee on “Legal Aid, Processual Justice to the People”, 1973 was not in favour of Panchayat judge with experience or knowledge of law and favoured entrustment of whole affair to lay judges, selected by indirect election.

(d) Committee on National Juridicare

The Committee on National Juridicare suggested that a Nyaya-Panchayat should be constituted for a group of villages keeping in view the contiguity and administrative convenience. The Nyaya Panchayat should consist of three members. One of them having knowledge of law should be the chairman, and he should be called the panchayat judge. The committee viewed that, the advantage of having a person trained in law as chairman would ensure that justice is done objectively and dispassionately, without any predilections or prejudices. There may be one panchyat judge for each taluka or block and he would preside over all Nyaya panchayat in the taluka or block. The Govt. may appoint a retired judicial officer or a social service minded senior practising lawyer as the panchayat judge.

The other two members should be laymen not appointed on the basis of elective principle. The committee suggested two alternatives for appointment of lay judges. One was to create a panel of qualified persons fersons for a group of villages to be prepared by District judge and out of that panel four persons for each village comprised in the group may be chosen by majority vote of gram or village panchayats or gaon sabhas acting together as electoral college; and the persons so chosen shall constitute the Nyaya Panchayat panel or alternatively, the committee suggested, that each gram panchayat or gaon sabha may elect eight members from amongst the residents of the village, who are not members of gram panchayat and out of them four persons may be selected by the District judge for the Nyaya Panchayat panel. The committee opined that out of the panel from the village, at least one person should be from scheduled caste and two from women and working class. Committee disfavoured very rich persons to be on the panel. The panchayat judge would select two
persons from out of the Nyaya Panchayat panel, to act as lay members of the Nyaya
Panchayat in respect of any particular dispute before it.

The committee suggested that an office of Nyaya Panchayat be established at a central
place easily accessible from all the villages. The complainant should lodge the complaint
in the office where office incharge should always be present. The office incharge
should immediately forward a copy of the complaint to the panchayat judge at his
headquarters. The panchayat judge shall visit the centre after giving prior intimation to
the office incharge who should send the intimation of the date to the disputants. The
panchayat judge then would select two lay members from the panel to constitute the Nyaya-
Panchayat and hear the parties on the appointed day. First effort of Nyaya Panchayat would
be to bring settlement through compromise and if they feel necessary they may shift the
venue to the village in which the dispute arose and try to bring the settlement on the spot.
There would be no adjournments and case would be decided on the first hearing or at the
most second hearing.

(e) **Paper of Law Commission of India**

Law Commission of India circulated a paper on the subject of providing an alternative
forum for resolution of disputes at grassroot level. For delivery of justice at village level,
the paper envisaged a Nyaya Panchayat consisting of a Munsif, District Munsif or civil
judge as the president, to be known as Panchayat Judge and two lay judges. Whenever a
dispute would be brought before the panchayat judge, he would first select two lay justices
out of the panel of respectable and responsible people prepared by the District Judge by
nomination for the taluka or block. The paper required that inhabitat of the lay judges should
be as far away as possible from the geographical location of the dispute. The panchayat
judge will visit the areas of the disputes and try to settle them there itself. The panchayat
judge will be eligible for promotion to sub-judge and district judge etc. in the
subordinate judicial service and subject to control of the High Court.

The Nyaya Panchayat suggested by Law Commission shall have jurisdiction to decide
all civil disputes regarding tenancies, boundaries and encroachments, right to purchase,
use of common pasture, entries in revenue record, regulation and timing of water for
irrigation channel and disputes regarding possession of village and farm houses, sehan,
easements, water channels, right to draw water from a well or tubewell and family disputes
e.g. marriage, divorce, custody of children, inheritance and succession, share in
property and maintenance. The criminal jurisdiction of the proposed Nyaya panchayat
would be over all petty offences which a first class magistrate is competent to try.
Normally, the Nyaya panchatys will try to solve the dispute by consensus. If the consensus does not arrive, the decision will be by majority. Lawyers will not ordinarily be allowed. If allowed no, adjournment or change of venue of hearing shall be allowed just to accommodate the lawyer. Against the decision of Nyaya-Panchayat one revision petition to Distt. Court shall be provided.

The proposed Nyaya Panchayat was just like a circuit court or mobile court presided by an adversary judge trained in adversary system and having no knowledge of indigenous justice. Since his decisions will be subject to revision and he himself entitled for promotion, he will try to apply that law, follow that procedure and learn those judicial techniques which train him for the future promotions. The moment lawyers are allowed, all the defects of adversary system will emerge and objects of speed and informality frustrated. The only advantage of the proposed system appears to be that instead of villagers going to the court, now the court will go to villages.

Nomination of lay judges was against the principle of participatory justice because the common villagers had no participation directly or indirectly in the selection of the panel. Moreover, the condition that inhabitant of the lay judges should be far away from the location of the dispute, frustrates the basic principles of local knowledge of the dispute. Though lay judges might have knowledge of local customs and language, yet the self-knowledge of the reasons and issues of dispute can help better in arriving at the truth. It was apprehended that such nyaya panchayat shall become another court and the efforts of conciliation will not even be tried. Since mediation requires different type of training, a munsif will be unfit to act as panchayat judge. Only the law knowing persons with dedication and social service orientation can successfully settle the disputes in the amicable manner. Moreover the lay judges selected by panchayat judge may not be able to inspire confidence in the parties as the ones selected by parties themselves. Arbitration made by judges selected by parties with panchayat judge as the umpire as already suggested will certainly deliver justice to the satisfaction of the consumers of justice.

The decision of Nyaya panchayat should be final. The proposal of law commission for one revision petition to District Judge against the decisions of panchayat would frustrate the object of encouraging the settlements through conciliation. This provision would introduce unnecessary and dilatory legal technicalities which we want to avoid. Another suggestion from various corners for introducing two tier village judiciary and providing for appeal to appellate court constituted of panches' is also not tenable since it will complicate the matter. Introduction of revision or appeals against the decisions of
Nyaya panchayats will frustrate the ideal of simplicity, informality and speed.

4. **Jurisdiction of Nyaya Panchayats**

(a) **Civil Jurisdiction**

Generally the civil jurisdiction conferred upon existing Nayaya Panchayats which were constituted of lay judges only, by different states was regarding suits for money due on contract other than contracts in respect of immovable property, for recovery of moveable property or value of such property, for compensation for wrongfully taking or injuring movable property, for compensation for damages to property caused by cattle trespass. Some states added some more items. For example suit for recovery of rent, for damages for breach of contract not affecting immovable property, for recovery of minimum Wages including minimum wages by workers up to the limit of Rs.300, and for arrears of maintenance upto Rs. 300 like in Kerla.

Under U.P. Panchayat Raj Act 1947, the Nyaya Panchayats were also given the jurisdiction to try revenue case but later on Wanchoo Committee (U.P. Judicial Reform Committee) found that revenue disputes involved highly technical knowledge of law, expert survey and knowledge of Hindu and Muslim laws and felt that if revenue jurisdiction was not withdrawn immediately, it might lead to grave tensions within the village community.

Now, since the proposed nyaya panchayats will be presided over by the panchayat judge, a law knowing person, the civil jurisdiction of nyaya panchayats may be broadened to include almost every type of village dispute. The law commission in its paper has divided the disputes arising in villages in three categories:

(a) **Disputes arising out of implementation of agrarian reforms i.e.**

(i) Tenancies - protected and concealed and contested
(ii) Boundary disputes and encroachments,
(iii) Right to purchase,
(iv) Use of Common pasture,
(v) Entries in revenue record,
(vi) Regulation and timing of taking water from irrigation channel,
(vii) Disputes as to assessment;

(b) **Property Disputes: i.e.**

(i) Village and form house (possession),
(ii) Sehan
(iii) Easement right of way for men, cart and cattle to fields and courtyards
(iv) Water channels,
(v) Right to draw water from a well or a tubewell and
(c) Family Disputes: Marriage, divorce, custody of children, inheritance and succession - share in property and maintenance.

(b) Criminal Jurisdiction

All the states which had established Nyaya panchayats conferred upon them the jurisdiction to try minor and simple offences under IPC. (Sec. 52 of the original U.P. Panchayat Raj Act 1947) The Naya Pauchayat could try the following offences under Indian Penal Code 1860 i.e. wearing uniform or carrying token used by soldiers, affray, absconding to avoid service of summons or other proceedings, Non-obedience to the order of a competent authority, refusing to answer questions put by public servant, fouling water of a public spring or reservoir, rash driving or riding on public way, danger or obstruction on public way, negligent conduct with respect to fire or combustible mattes, negligence about explosives, negligence with respect to animals, public nuisance in cues not otherwise provided for obscene acts or songs, voluntarily causing hurt, causing hurt on provocation, act endangering life or personal safety of others, wrongful restraint, assault or use of criminal force otherwise than on grave provocation, assault in attempt to commit theft, assault or use of criminal force in attempt to confine a person wrongfully, assault or use of force on grave provocation, unlawful compulsory labour, theft, dishonestly receiving stolen property, mischief, mischief by Manning or killing animal of the value less than Rs. 10 mischief to irrigation works and wrongfully diverting water, criminal trespass, house trespass, intentional insult to provoke breach of peace, criminal intimidation, insulting the modesty of women, misconduct in public by a drunken person. Further Nyaya Panchayat might take cognizance of offences, such as being a member of unlawful assembly, knowingly joining or continuing in an unlawful assembly of five or more persons after it has been ordered to disperse, provocation with intention to cause riot.

In addition to offences under IPC, the Nyaya Panchayat could also take the cognizance of certain offences under section 24 of Cattle Trespass Act 1871 and offences connected with gaming house (sec. 3, 4, 7 of Public Gambling act 1867).

The Nyaya panchayats except in Bihar and Kerala could not inflict a sentence of imprisonment and can impose a fine only, can call upon a person to execute bond for certain amount for keeping peace for a fortnight and can punish for its contempt. Except Kerala, in no state a lawyer is permitted to appear before Nyaya Pauchayat. The provisions of Civil Procedure Code, Criminal Procedure Code, Indian Evidence
Act, Limitation Act were not applicable to Nyaya Panchayats. The Nyaya Panchayat was truly an inquisitorial Court which tries to find the facts for it and do the real justice. The defects of adversary system are absent. The complications of lawyering were not present and the justice was purely local, based on justice equity and good conscience. Here more emphasis is on justice and not on legalities. Almost in all the states viz MP, Rajasthan, Delhi, Himachal Pradesh, Madhya Pradesh, Bihar and Karala, similar type of criminal jurisdiction is conferred on Nyaya Panchayats.

5. **Need of Nyaya Panchayats**

It is being realised that indigenous justice delivery system through panchayats can very successfully serve the needs of the poor. The overwhelming majority of our nationals living in the villages if involved in legal disputes have to travel long distances to reach the courts, engage lawyers, pay them exorbitantly and waste time and money in going and coming on every date of hearing. It is mostly disproportionate to the stake involved in litigation. The institution of Nyaya Panchayats would be in conformity with the ideal of democratic decentralisation. It would ensure participatory, expeditious and inexpensive delivery of justice at the door steps of the villagers. It would save the poor from inconvenience, loss of time and wages due to absence from work and expenses on travelling, food and stay of witnesses.

The informal proceedings in the local language, devoid of intricate and sophisticated rules of procedure would inspire confidence in the poor villagers to assert their legal rights, Nyaya Panchayats would remove many of the defects of court system since they would be manned by people who would have knowledge of local customs, habits, attitudes and values and who would be familiar with the ways of thought and living of parties before them. Nyaya Panchayats would be able to discover the truth much more easily than ordinary courts because it is very difficult for a witness to tell a lie in the presence of fellow citizens who know the truth. In an ordinary court, the parties join issues and become permanent enemies at the end of litigation. In the Nyaya Panchayats the whole emphasis would be on conciliation and promotion of better relations, parties will come as foes but return as friends.

Nyaya Panchayats would make the system of administration of justice more relevant and meaningful to the poor masses and thereby generate greater confidence in them. The poor would feel that the authority which is administering justice to them is their own
and it is not part of an alien system which they neither understand on trust. Government of India appointed a study team on Nyaya Panchayats in 1960. The team studied the system of Nyaya Panchayats and recommended as follows:

1. Nyaya Panchayats are of respectable antiquity and their success in the past is a clear indication that by reviving and moulding them on the right lines, we will be taking a much needed step in the direction of making law and administration of justice reflect the spirit of the people and become rooted once again in the people.

2. The participation of laymen in the administration of justice in some of the leading countries of the world clearly reveals that with appropriate safeguards, it would not be difficult to make any institution of lay judges successful if the need for it is there.

3. The process of democratic decentralisation envisaged in Art. 40 of the Constitution of India and already introduced to some extent in different parts of the country has resulted in greater awakening of the people in the villages and in these circumstances, it is clear that given appropriate guidance, Nyaya Panchayats can fully work.

4. Nyaya Panchayats, wherever they exist, are servicing a real felt need of the villages by disposing of cases more expeditiously and with minimum inconvenience and expenses to the parties. Though some of the criticisms directed against Nyaya Panchayats may be justified, it is possible by suitable safeguards to remove the basis of any such criticism.

From the above observations of the Committee we can infer that Nyaya Panchayats are the true embodiments of participatory justice. Thus it is advisable to revive the old system of Nyaya Panchayats to enable the poor rural masses to have an access to justice.

(IV) GRAM NYAYALAYAS IN INDIA

For centuries, justice has been a fundamental requirement for human life and social order. In the democratic set-up, the importance of judiciary further increases. Judiciary has an important place in democracy. Dispensation of cheap and quick justice is a primary requirement of every citizen. However, undue delays in providing justice have become a part of our system.
1. **General**

In this scenario, the announcement by Union law minister, regarding the setting up of 7,000 village courts, raises new hopes in clearing the pending cases. Judiciary plays an important role in the maintenance of law and order and peaceful life. There is no doubt India's judicial system is strong and working but the complaints of the common people cannot be overlooked too. Bharadwaj has been a noted lawyer and has been a member of the Upper House for the last 24 years. Before coming into active politics, he has taken up many important cases concerning the nation. Having a long experience in the field of justice, Bharadwaj knows the problems being encountered in courts. Setting up of 7000 village courts is a golden chapter in India's judiciary system even though the scheme's implementation depends upon the individual state's consent. The minister has also tried to remove the fears of the governments by saying that the Union government would provide finances to meet the additional expenses. A lot of changes and reforms are necessary in the judicial procedures and the minister has admitted this truth. The changes however are not easy to come. If the village courts come into existence, then a large number of people could seek solution to their problems.  

2. **Gram Nyayalayas in India**

This is not a new concept. In ancient India justice was administered by Gram Panchayats. The Gram Nyayalaya Bill 2005 is a step towards strengthening the age old institutions.

(a) **Concept of Gram Nyayalayas**

The 'grameena nyayalayas' (village courts) are planned on the lines of Munsif Magistrate courts which enjoyed dual powers of civil and criminal justice delivery. They would function like mobile courts. The courts were proposed under a centrally sponsored scheme. He would take up the proposal with the Union Cabinet. The objective of the institution was to mitigate legal problems of poor who found it difficult to travel to district courts. The Union Law Ministry is considering a new tier of courts to take justice to the door-steps of people in rural areas.

(b) **Steps Taken By State Governments**

Some steps have been taken in various states.

(i) **Chhattisgarh**

In Chhattisgarh, Village courts to come in to force from 18th December, 2000 to coincide with the birth anniversary of revered Guru Ghasidas ji.

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8. Justice at the doors: Village courts to be set up; *Central Chronicle*, Oct.31, 2006
There would be one village court for every 10 gram panchayats. The Gram Nyayalaya Adhiniyam passed by the Madhya Pradesh Assembly is thus implemented for the first time.

(ii) **Meghalaya**

In Meghalaya, in legislative assembly held on 25 June 2001, Dr. Mukul Sangma, moved his cut motion. He discussed in details on the functioning of the department vis-a-vis administration of justice in the State. The mover mentioned that the people who filed cases at different levels are subjected to various in conveniences and psychological pressure due to the inordinate delay in clearing different cases in different courts and felt that it is pertinent for the Government to take corrective measures to ensure quick disposal of cases pending in different courts in the State in the best interest of the people for whom Government stands to give justice. He asked what corrective measures, Government would like to take from now on to give justice to the affected people. The mover of the cut motion also pointed out that no. of Government cases have not been disposed due to delay in payment of fees to the Government pleaders, which has resulted in the postponement of court cases from time to time and desired to know what action Government will take to clear those outstanding bills to Government pleaders. He suggested the revival of the traditional system of administration of justice being practiced in the past as enshrined under Para 4 of the Sixth Schedule to the Constitution of India and that all cases should be tried in the Village Courts appointed by the District Councils except in cases which fall under Para 5 of the Sixth Schedule to the Constitution. He said that so far Government has sidelined the very process of administration of justice and in order to strengthen the moral values, such village courts should be revived otherwise he felt it may tantamount to violation of the provision of the Sixth Schedule to the Constitution. Further, he mentioned that there has been overlapping in the process of administration of justice because of the attitude of the Government to approach the police station instead of traditional institutions and because of the infringement of the police into the jurisdiction of traditional institutions and requested the Government to come with a specific assurance to revive the traditional courts. In the tribal areas of Meghalaya, District Council Courts and other subordinate courts owe their origin to the Sixth Schedule of the Constitution of India. The hierarchy of these courts begins from the village courts presided over by Lyngdohs, Dolois or Headmen right up to the District Council Court at the apex which is presided by an officer designated as a Judge. The
District Council have jurisdiction to try only cases where all or both the parties are tribals resident in the area.

(iii) Madhya Pradesh

"Gram Swaraj", an innovative and bold experiment in Madhya Pradesh has come into force in the State from January 26, ushering in democracy and self-rule at the village level. The Chief Minister, Mr Digvijay Singh, has been toying with the idea of introducing "Gram Swaraj" to facilitate villagers' participation in the process of governance. The State Cabinet expectedly organized the shape of "Gram Swaraj" some time back and the new dispensation has come into force from Republic Day.

Under the scheme, there will be a "Gram Sabha" for each village and adult villagers will be its members. Reservation has been given to the Scheduled Castes and the Scheduled Tribes in proportion to their strength. Women have also been given reservation.

"Gram Sabha" will have limited administrative and financial powers. Government employees, including teachers, Veterinary Department employees, Public Health Engineering staff and employees pertaining to the executive who are posted in villagers will be accountable to the "Gram Sabha". Village schools will function directly under the control of the "Gram Sabha". Within the "Gram Sabha" also, committees will be constituted for joint forest management, forest protection, watershed management etc.

The Village Development Committee will be responsible for preparing development schemes for the village.

There is no doubt that "Gram Swaraj" is novel concept. But it remains to be seen whether the villagers rise to the occasion and function for the development of villages. It is well known that casteism has struck deep roots in Madhya Pradesh villages. Social prejudices may come in the way of effective functioning of "Gram Sabhas". Also, the village elites who are mainly landlords will be nullifying the very purpose of village democracy. Implementation of radical land reforms alone will create enthusiasm among villagers to play a participatory role in governance.

Interestingly, the village sarpanch will no longer be the centre of attention. Also, the three-tier panchayat system, which was implemented four years ago, will lose much of its delegated powers with effective functioning of the "Gram Sabhas".

The MP Government has also introduced village courts which is indeed a bold step. The State Government issued a notification on the eve of Republic Day enforcing the Madhya Pradesh Gram Nyayalaya Adhiniyam in the state, excluding scheduled areas, to facilitate setting up of village courts in the State from Republic Day.
For the setting up of village courts, ten or more than ten Gram Panchayats will be declared a circle. The court will comprise seven members and one of the members should have knowledge of law. The members are chosen unanimously by the Gram Panchayats. In case there is no unanimity, the State Government would nominate the members. The village court member should be a matriculate and in case of SC-ST member, the qualification will be relaxed.

(V) **LOK ADALATS IN INDIA**

The emergence of alternative dispute resolution has been one of the most significant movements as a part of conflict management and judicial reform, and it has become a global necessity. Obviously, this led to a search for an alternative complementary and supplementary mechanism to the process of the traditional civil court for inexpensive, expeditious and less cumbersome and, also, less stressful resolution of disputes. As such, ADR has been, a vital, and vociferous, vocal and vibrant part of our historical past.

1. **General**

The word Lok Adalat, if freely translated means a people's court. However, it is not a court of law (as existing anywhere in India) in its truest and accepted norm and connotation. “Lok Adalat” is defined “as a forum where effort aimed at bringing about settlement of disputes between the parties is made through conciliatory and pervasive efforts”. Undoubtedly, Lok Adalat (Peoples' Court) concept and philosophy is an innovative Indian contribution to the world jurisprudence. It has very deep and long roots not only in the recorded history but even in prehistorical era. It has been proved to be a very effective alternative to litigation.¹⁰

Lok Adalat (people's courts) established by the government settles dispute through conciliation and compromise. The First Lok Adalat was held in Gujarat in 1982. Lok Adalat accepts the cases which could be settled by conciliation and compromise and pending in the regular courts within their jurisdiction. The Lok Adalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. There is no court fee. If the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. The procedural laws and the Evidence Act are not strictly followed while assessing the merits of the claim by the Lok Adalat. Main condition of the Lok Adalat is that both parties in dispute should agree for settlement.

¹⁰. [http://www.dca.nic.in/cir/anr2gc1099.html](http://www.dca.nic.in/cir/anr2gc1099.html)
The decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat. Lok Adalat is very effective in settlement of money claims. Disputes like partition suits, damages and matrimonial cases can also be easily settled before Lok Adalat, as the scope for compromise through an approach of give and take is high in these cases. Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. Parliament enacted the Legal Services Authorities Act 1987 and one of the aims for the enactment of this Act was to organize Lok Adalat to secure that the operation of legal system promotes justice on the basis of an equal opportunity. The Act gives statutory recognition to the resolution of disputes by compromise and settlement by the Lok Adalats. According to Legal Services Authorities (Amendment) Act 1994 effective from 09-11-1995 has since been passed, Lok Adalat settlement is no longer a voluntary concept. By this Act Lok Adalat has got statutory character and has been legally recognized. Abraham Lincoln has observed: "Discourage litigation. Persuade your neighbours to compromise wherever you can. Point out to them how the nominal winner is often a real loser - in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough."  

2. **History of the Lok Adalat Movement**

The concept of Lok Adalat was pushed back into oblivion in last few centuries before independence and particularly during the British regime. This concept is, now, again very popular and is gaining historical momentum. Experience has shown that it is one of the very efficient and important ADRs and most suited to the Indian environment, culture and societal interests. The finest hour of justice is the hour of compromise when parties after burying their hatchet reunite by a reasonable and just compromise. This Indian-institutionalised, indigenised and now, legalized concept for settlement of dispute promotes the goals of our Constitution. Equal justice and free legal aid are hand in glove. It is, rightly said, since the Second World War, the greatest revolution in the law has been the mechanism of evolution of system of legal aid which includes an ADR. The statutory mechanism of legal services includes concept of Lok Adalat in the Legal Services Authorities Act. The legal aid, in fact, is a fundamental human right.

11. See the web address:  
Indian socio-economic conditions warrant highly motivated and sensitised legal service programmes as large population of consumers of justice (heart of the judicial anatomy) are either poor or ignorant or illiterate or backward, and, as such, at a disadvantageous position. The concept of legal services which includes Lok Adalat is a “revolutionary evolution of resolution of disputes”.13

The Lok Adalat Movement was started in Gujrat in March, 1982 and the first Lok Adalat was held at village Una in Junagarh district and presently reached the figure of 1000. Soon the Lok Adalat programme was adopted by other States. Millions of acres of land situated in 117 villages in Kurnool and Mahboobnagar districts of Andhra Pradesh were acquired under the Land Acquisition Act, 1894 in the year 1974. 40,000 families were uprooted for submersion in constructing Hydro-Electric project at Srisailam. Their cases pending for twenty years for payment of compensation were settled in a Lok Adalat. Compensation to the tune of 1510 million rupees was paid to the claimants on April 2, 1994 in the presence of the Prime Minister of India who participated in the Lok Adalat held at Nandikotkur. To establish Steel Plant at Visakhapatnam, lands spreading over 62 villages were acquired under the Land Acquisition Act. 22,000 claims were pending from 1974 to 1976. At a Lok Adalat held on March 31, 1989, a sum of 186.8 million rupees was paid in the Lok Adalat to all the claimants. For the supply of sugar cane by the growers to sugar factory at Bobbili in Vizianagram district of Andhra Pradesh, claims of 9046 cane growers and wages to 1,186 workers pending for over twenty years from 1975-76 onwards were settled in a Lok Adalat held on June 29. 1991 and a sum of 12 million rupees was paid to all the cane growers and the workers.

These are only illustrative of high magnitude, many more cases of smaller magnitude are being decided in the Lok Adalats organised in different parts of the country. One of the strategic legal aid programmes adopted by the Committee for Implementing Legal Aid Schemes (CILAS), constituted by the Government of with Mr. Justice P.N. Bhagwati as its Chairman on 26th September, 1980, pertaining to holding of Lok Adalats for settlement of disputes through conciliation.

The Lok Adalat Programme has been implemented in many forms in different states. The Himachal Pradesh Experience is novel one. In H.P. the system of pre-trial, in-trial and post-trial conciliations project is being followed since 1984.

13. Supra n.3 pp.38-41
Some other states like Rajasthan are holding Lok Adalats on a regular basis. The object of Lok Adalat, in Justice Bhagwati's words is very precise - to settle claims promptly, without bitterness or acrimony, and to the satisfaction of all concerned.

3. Methodology

Different methodology is adopted by different states according to the circumstances prevailing there, yet Gujrat model appears to be the best model. In Gujrat, where the Lok Adalats have been very successfully working at regular intervals, legal Aid Ambulance, in a Matador van visits Talukas and Districts where the Lok Adalat is to be held. Presiding Officer of Taluka Court is requested at least a month in advance to make arrangements for sitting of the Lok Adalat. The sitting of adalat is well publicised. Contact is established with sarpanches of the villages through Talukajudge, and pamphlets giving information regarding the aims, objectives as well as the methods of working of the scheme are distributed through them. The people are informed to submit their complaints to the Lok Adalat. If only single party complains, the respondent asked in writing to appear before the Lok Adalat. Gujrat experience shows that about 60% of the respondents respond to the notices and their problems are discussed in the court of Lok Adalat who hear them, give them proper guidance and resolve their disputes at the time of sittings. The main object of Lok Adalat is to give advice and through dvice persuade the parties to conciliate.

With regard to the cases which are already pending in the Courts, Civil matters, matrimonial matters and criminal matters involving compoundable offences are identified. Even the matters pending before Appellate Courts are identified. Regarding these cases the parties alongwith their lawyers are requested to be present in the Lok Adalat. The Lok Adalat divides itself into separate units, each unit dealing with a specific subject for example Civil, Criminal, Matrimonial, Revenue, Labour etc. Separate list of cases is prepared for each unit.

Students have a special role in Lok Adalats. They can help in preparing briefs, in interviewing the claimants at their places and impressing upon them the scope of Lok dalat and motivating them to attempt settlements through the Adalat. The students can, as well, give paralegal assistance to judges of the Adalat. This also helps the students learn some aspects of advocacy.

For preliminary work and for recording the conciliations or for preparing dockets, services of the retired ministerial staff of the area are utilised and they are paid some honorarium. And for the purpose of assisting the Lok Adalat in conciliation work, the tired ministerial staff of judicial department, or young advocates and students of law the areas are associated. The Lok Adalat conciliators discuss each matter with spective parties in the presence of the members of public. The conciliators listen to the parties patiently, get to the heart of the problem, and persuade the parties to resolve sir dispute by taking a common sense approach. For settlement, they also suggest alternative propositions. Free and frank discussion amongst the parties is encouraged that they talk out their heart and the tempers cool down. The members of voluntary organisations and the Legal Aid Committee and other individual lawyers who associate themselves with the Lok-Adalat only educate the parties on their rights and responsibilities under the relevant law, and the possible attitudes that the court may adopt under the circumstances, and thus persuade the parties to attempt a settlement. The settlement is never imposed; it is to be sorted out between the parties.

The most important is the informality and cordiality prevalent in the Lok Adalats, which helps the parties, their well wishers including advocates and public spirited citizens to participate in freely talking over the real and alleged differences between the disputants and reach a conclusion which leaves no bitterness. Thus Lok Adalats not only help in fair settlement of disputes but also in promotion of social harmony and good neighbourliness. It is cheaper and quicker than formal court procedure.

The Lok Adalat is open to the public. When the matter referred to Lok Adalat is compromised or settled, the compromise or settlement so arrived at is reduced into writing and signed by both the parties and exchanged if the case had not yet gone to the court. If the compromise was regarding the case already pending in the Court, the parties are taken into the concerned court for filing compromise according to law.

Even in criminal matters, the parties are persuaded to sink their differences, forget the past enmity and leave the Adalat without bitterness in their hearts, in the spirit of forgive and forget. When the criminal matter is settled, they are made to embrace each other and shake hands before presenting the compromise to the court and seeking the permission to compound the criminal cases in relation to compoundable offences.

There has been spurt of Lok Adalats for the last nine to ten years. They have helped in clearing the load of arrears in the courts. Lok Adalats have the potential to ultimately
eliminate two major snags in our judicial system - high cost of litigation and delayed justice due to mounting arrears.

Resolving disputes Lok Adalat not only minimises litigation expenditure, it saves valuable time of the parties and their witnesses and also facilitates inexpensive and prompt appropriately to the satisfaction of both the parties. Lok Adalats are organised by the State Legal Aid and Advisory Boards district Legal Aid Committees.

The days to conduct Lok Adalats are fixed a month in advance on Saturdays or only or holidays and given wide publicity. The students and social workers participate get letters of appreciation and commutation charges.

Senior Judicial Officers inaugurate Lok Adalats before the members of the bar, local officers and general public. Conciliator is the name given by Statute to members of Lok Adalat who are drawn from retired judicial officers, social workers and advocates. A compromise deed is drawn up, after settlement and signatures of parties are taken. Then, a decree is passed. In cases of motor vehicle accidents, compensation is ensured on the spot.

4. **Types of Cases at Lok Adalats**

The system of deciding cases through Lok Adalats benefits both the parties and the society. The cases which are of doubtful nature are rejected and left for the courts to be decided. The disputes settled in the Lok Adalats mostly are accident claims, insurance claims, mutations and some small claims which are straight and are without any complexities.

The beginning has been made with Accident claim cases and there are valid reasons for this. Firstly, the General Insurance Companies which are mostly the respondents in such cases have been mobilised to settle their cases through Lok Adalats. Secondly, petitioners in the accident claims are mostly from poor sections who are economically crippled because of the death or injury suffered by the breadwinner in the family. They cannot afford long drawn out litigation. Social justice demands immediate relief to the victims of motor accidents and their families. Thus it is priority area for legal aid. Thirdly, accident claims do not ordinarily involve complex questions of facts requiring elaborate recording of evidence and the principles for calculation of liability are settled and clear.

The types of cases dealt with generally are:

1. Mutation of land cases,
2. Compoundable criminal offences,
3. Encroachment on forest lands,
4. Family disputes,
5. Land acquisition disputes,
6. Motor accident claims, and
7. Cases which are not sub-judice.

5. **Resources and Achievements of Lok Adalats**

Lok Adalat lawyers can only expect gratitude of the people in distress in return. They must devote time for the cause of social justice and dedicate their services for its success. The Lok Adalats are generally organised in the premises of courts. The secretarial expenses are taken care of by States by allocating grants to Legal Aid Authorities. Lok Adalats can work as real good substitutes for settling cases which are pending in superior courts.

Encouraged by the response that Lok Adalats have been receiving at the District level, the State Legal Aid Boards have started organising Lok Adalats for cases pending in the High Courts. The Lok Adalats have also been organised even for cases pending in the Supreme Court. Lok Adalats are known as "People's festivals of Justice" because settlements are not always necessarily according to legal principles. Settlements have an eye mainly on:

(a) social goals like ending quarrels;
(b) restoring family peace;
(c) providing succour for destitutes.

Experience has been that indifference to Lok Adalats waned off and the efficacy of this novel and informal system becomes sprouted. Hence these are now helm demanded on "permanent basis" in the manner of regular law-courts. With a view, nicking them function more effectively and permanently, the need was felt to clothe Lok Adalats with more powers hence Legal Services Authorities Act. 1987 was enacted.\(^{15}\)

As such, ADR has been a vital, and vociferous, vocal and vibrant part of our historical past. Undoubtedly, Lok Adalat (Peoples' Court) concept and philosophy is an innovative Indian contribution to the world jurisprudence. It has very deep and long roots not only in the recorded history but even in prehistorical era. It has been proved to be a very effective alternative to litigation. Lok Adalat is one of the fine and familiar fora which has been playing an important role in settlement of disputes.

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The system has received laurels from the parties involved in particular and the public and the legal functionaries, in general. It also helps in emergence of jurisprudence of peace in the larger interest of justice and wider sections of society.

This movement will be further strengthened with more and more government litigations and disputes by and against the Government going to Lok Adalat since the Government is the largest litigant in this country. This olden but, now, legalised proven viripotent and vital mechanism of ADR, is covered by the statutory umbrella, the Legal Services Authorities Act, 1987, which has given it, a legal sanction and made it more effective and enforceable in different States. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions. Through this mechanism, disputes can be settled in a simpler, quicker and cost-effective way at all the three stages i.e. pre-litigation, pending-litigation and post-litigation.

The National Legal Services Authority constituted under the Legal Services Authorities Act, 1987, acts as the apex and nodal agency for laying down policies and principles for making legal services available under the Act. The ground level operations of “Lok Adalats” are handled by State-level, district-level and taluka-level agencies constituted in the respective States. Lok Adalat settlement is binding like an order, decree, judgment or award of a "court". It is executable and non-appealable. It brings an end only in one forum or stage and finality is achieved. It is proved inexpensive, easy, expeditious and simple ADR mechanism, particularly, for indigent, illiterate and ignorant sections of society. The concept of Lok Adalat is no longer an experiment in India, but it is an effective and efficient, pioneering and palliative alternative mode of dispute settlement which is accepted as a viable, economic, efficient, informal, expeditious form of resolution of disputes. It is a hybrid or admixture of mediation, negotiation, arbitration and participation. The true basis of settlement of disputes by the Lok Adalat is the principle of mutual consent, voluntary acceptance of conciliation with the help of counsellors and conciliators. It is a participative, promising and potential ADRM. It revolves round the principle of creating awareness amongst the disputants to the effect that their welfare and interest, really, lies in arriving, at amicable, immediate, consensual and peaceful settlement of the disputes.
STATEMENT SHOWING THE NO. OF LOK ADALATS HELD, CASES SETTLED, MACT CASES SETTLED & COMPENSATION PAID IN MACT CASES (AS ON 30.09.2006)

<table>
<thead>
<tr>
<th>State</th>
<th>No. of Lok Adalals</th>
<th>No. of MACT Cases</th>
<th>No. of Cases Settled (including MACT Cases)</th>
<th>Compensation paid in MACT Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>71,544</td>
<td>83,322</td>
<td>884,760</td>
<td>5,704,43,972</td>
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<tr>
<td>Arunachal Pradesh</td>
<td>92</td>
<td>382</td>
<td>2,141</td>
<td>13,228,272</td>
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<tr>
<td>Assam</td>
<td>2,594</td>
<td>16,327</td>
<td>115,051</td>
<td>708,033,327</td>
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<tr>
<td>Bihar</td>
<td>9,054</td>
<td>4,978</td>
<td>344,870</td>
<td>618,832,241</td>
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<tr>
<td>Chhattisgarh</td>
<td>1,785</td>
<td>3,200</td>
<td>28,906</td>
<td>236,163,774</td>
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<tr>
<td>Goa</td>
<td>355</td>
<td>4,653</td>
<td>6,506</td>
<td>239,035,690</td>
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<td>Gujrat</td>
<td>57,973</td>
<td>145,798</td>
<td>3,803,315</td>
<td>7,697,007,783</td>
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<td>Haryana</td>
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<td>24,851</td>
<td>542,421</td>
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<td>Himachal Pradesh</td>
<td>3,545</td>
<td>3,031</td>
<td>74,568</td>
<td>339,507,098</td>
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<tr>
<td>Jammu &amp; Kashmir</td>
<td>1,542</td>
<td>4,841</td>
<td>32,978</td>
<td>610,502,736</td>
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<td>Jharkhand</td>
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<td>1,554</td>
<td>57,782</td>
<td>190,267,693</td>
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<td>Karnataka</td>
<td>15,680</td>
<td>104,762</td>
<td>739,061</td>
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<td>Kerala</td>
<td>12,641</td>
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<td>172,914</td>
<td>3,158,444,845</td>
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<tr>
<td>Madhya Pradesh</td>
<td>14,881</td>
<td>73,075</td>
<td>1,463,986</td>
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<td>Maharashtra</td>
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<td>62,060</td>
<td>387,379</td>
<td>6,387,182,697</td>
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<td>Manipur</td>
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<td>379</td>
<td>3,559</td>
<td>18,048,500</td>
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<td>Meghalaya</td>
<td>63</td>
<td>889</td>
<td>5,298</td>
<td>87,331,714</td>
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<tr>
<td>Mizoram</td>
<td>477</td>
<td>240</td>
<td>686</td>
<td>6,094,080</td>
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<tr>
<td>Nagaland</td>
<td>10</td>
<td>374</td>
<td>370</td>
<td>58,779,050</td>
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<tr>
<td>Orissa</td>
<td>7,871</td>
<td>32,084</td>
<td>3,128,548</td>
<td>1,578,678,1,97</td>
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<tr>
<td>Punjab</td>
<td>3,258</td>
<td>14,771</td>
<td>296,910</td>
<td>1,119,834,501</td>
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<td>Rajasthan</td>
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<td>578,191</td>
<td>1,868,428</td>
<td>3,116,000,790</td>
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<tr>
<td>Sikkim</td>
<td>398</td>
<td>142</td>
<td>1,908</td>
<td>8,951,000</td>
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<tr>
<td>Tamil Nadu</td>
<td>220,151</td>
<td>117,078</td>
<td>306,426</td>
<td>10,169,164,200</td>
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<tr>
<td>Tripura</td>
<td>312</td>
<td>652</td>
<td>5,207</td>
<td>41,573,5,39</td>
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<tr>
<td>Uttar Pradesh</td>
<td>19,455</td>
<td>61,549</td>
<td>5,786,242</td>
<td>4,119,344,131</td>
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<tr>
<td>Uttarakhand</td>
<td>372</td>
<td>1,436</td>
<td>73,325</td>
<td>192,107,496</td>
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<tr>
<td>West Bengal</td>
<td>3,968</td>
<td>26,782</td>
<td>48,423</td>
<td>1,589,473,695</td>
</tr>
<tr>
<td>And. &amp; Nico. Islands</td>
<td>99</td>
<td>24</td>
<td>531</td>
<td>3,736,468</td>
</tr>
<tr>
<td>U.T. Chandigarh</td>
<td>608</td>
<td>6,666</td>
<td>71,532</td>
<td>437,125,059</td>
</tr>
<tr>
<td>D &amp; Nagar Haveli</td>
<td>5</td>
<td>92</td>
<td>700</td>
<td>8,490,699</td>
</tr>
<tr>
<td>Daman &amp; Diu</td>
<td>4</td>
<td>28</td>
<td>135</td>
<td>---</td>
</tr>
<tr>
<td>Delhi</td>
<td>3,715</td>
<td>15,658</td>
<td>29,808</td>
<td>2,541,827,942</td>
</tr>
<tr>
<td>Lakshadweep</td>
<td>8</td>
<td>5</td>
<td>66</td>
<td>435,000</td>
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<tr>
<td>Pondicherry</td>
<td>321</td>
<td>7,068</td>
<td>9,812</td>
<td>200,404,636</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>5,39,934</td>
<td>14,76,479</td>
<td>2,02,93,952</td>
<td>6217,65,61,978</td>
</tr>
</tbody>
</table>

(SOURCE: NYAYA DEEP VOL. VII, ISSUE 4, OCTOBER, 2006)
(VI) **MOBILE COURTS IN MADHYA PRADESH**

Another strategy for reaching the poor and delivery of justice on the spot evolved recently by the social service minded executive in Chindwara District of M.P. is Mobile Court.

1. **General**

This programme was launched in Chindwara in Dec. 1980 and since then every month (except Monsoon) in every tehsil one mobile court is organised. In the Tehsil, selection of place is done in advance with the consultation of staff of Tehsil and the Block and due publicity is made through patwaris, Kotwals and sometimes through posters. Tents are put up to accommodate Tehsil Court, SDM's Court and DM's Court. The court continues for three days.

The Mobile courts, though mainly revenue courts, also entertain complaints against sarpanch, patwaris or other authorities and other incidents of injustice against daughters by father, against tribals by rich zamindars etc. are enquired into on the spot and settled forthwith. Other small problems e.g. application for use of canal water, loans from govt. are also decided on the spot. Those cases which require civil or criminal procedure, or are already pending in the court are not accepted.

2. **Analysis of Mobile Courts**

<table>
<thead>
<tr>
<th>Case Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases taken up on the spot</td>
<td>135</td>
</tr>
<tr>
<td>Cases settled on the spot(new)</td>
<td>451</td>
</tr>
<tr>
<td>Revenue cases solved in the Mobile Court</td>
<td>7879</td>
</tr>
<tr>
<td>Amendment in the earlier registers and decided cases</td>
<td>2242</td>
</tr>
<tr>
<td>Transfer of title deed on land.</td>
<td>3558</td>
</tr>
<tr>
<td>Encroachment on Government land settled</td>
<td>758</td>
</tr>
<tr>
<td>Disputes on roads settled</td>
<td>29</td>
</tr>
<tr>
<td>Distribution of loan account pass books</td>
<td>3341</td>
</tr>
<tr>
<td>Permission given to the farmers for use of river water for irrigation purposes.</td>
<td>52</td>
</tr>
<tr>
<td>Recovery of land revenue</td>
<td>891222</td>
</tr>
<tr>
<td>Demarcation of Land.</td>
<td>2</td>
</tr>
</tbody>
</table>

3. **Impact of Mobile Courts**

The impact of these Mobile Courts in Chindwara has been as under:
(a) **Acess to Administrative Departments**

The government administrative departments have shed off their rigidity, formalities, and inapproachability and have come down to the people. Thus due to the mobile courts, the psychological barriers of people who have never seen a court or officer, are too much extent removed. And now the people do come forward with their grievances.

(b) **Building Confidence**

Exposure, experience and success even in small matters help them to get out of their helpless situation and assert their legitimate rights.

**(VII) CONCILIATION COURTS IN HIMACHAL PRADESH**

The Himachal High Court has started another experiment by setting up conciliation court in Shimla in September, 84, which resolved about 500 disputes amicably within one year. The senior sub-judge cum chief judicial magistrate was designated as the "Conciliation Court". The role of a judge acting as "Conciliation Court" is different from the classical concept of the judicial role of a judge. A traditional judge is passive and aloof from the controversies before him. Such 'aloofness' supposedly enables him to decide the case fairly and impartially. But the new role of judge as "Conciliation Court" is very active and one of involvement. The procedure of conciliation court in fact makes him duty bound to bring out reconciliation. He aids and assists the parties to resolve the dispute and ensures a speedy, just fair and lasting solution.

The success of the conciliation court can be seen from the number of cases resolved. This has encouraged the Himachal High Court to establish one conciliation court in every district. The Conciliation courts aim at reducing time, effort and money in litigation. The same judge at conciliation court can dispose much more cases than while at regular court, has been proved by Himachal Pradesh experience. This Himachal High Courts experiment of 'Conciliation Courts' is similar to the concept of "Pre-trial review" in England. Any case filed before the county court is first sent to the Registrar who is of the rank of assistant, for the "pre-trial review" and if the case is not settled by the Registrar, then it is sent for adjudication. The pre-trial reviews are mostly held in Chambers.

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16. Supra n.7 pp. 295-299. See also Wally Warfield- “Can you explain the difference between conciliation and mediation?” (Interview) 
Source: http://www.colorado.edu/conflict/civil_rights/topics/1950.html
Conciliation Courts are not a new concept for us. Industrial Disputes Act provides for conciliation through conciliation officers or Board of conciliations. In public utilities, if there is apprehension of any industrial dispute, it is the duty of conciliation officer to intervene and if he fails, only then the government may refer the dispute for adjudication. Moreover the code of Civil Procedure (Amendment) Act 1976 contains special provisions enjoining a duty upon courts to make efforts to assist parties in arriving at a settlement in certain categories of suits or proceedings, such as litigation by or against government or public officers in their official capacity and litigation relating to matters concerning, the family, guardianship and custody, maintenance, adoption, succession etc. These amendments were made vide order 27, Rule 5-B and order 32-A, Rule 3. Similar provisions are also found in Section 23 sub section (2) and (3) of Hindu Marriage Act, 1955, wherein the court is under a duty to make efforts to bring about a reconciliation or appoint a mediator to settle the dispute between the spouses. Justice Krishna Iyer, however is of the view that creation of separate conciliation cells and making it obligatory for the disputants first to go to the cell and only on failure to come to courts will only add to the delay because often there will be failure reports. He suggests that instead of sending them to conciliation courts, the judge of the regular court must first try to settle the dispute through mediation and if the parties do not compromise, he should proceed with the regular adjudication. But there is fear involved in this suggestion. When the judge mediates, he will form a prehand opinion about the case and if he has to adjudicate the same case he will be governed by his pre-conceived notions which will be against the principles of natural justice. The mediator and the adjudicator should be kept apart.

(VIII) CONTRIBUTION OF ORGANISATIONS

The need for a method providing quicker and economical resolution of disputes as against conventional method of litigation has given rise to the popularity of Alternative Dispute Resolution methods (ADR). Various Institutions have come up providing such services, interalia:

1. **ICADR- International Centre for Alternative Dispute Resolution**

In a conference held in New Delhi on 4th December 1993 under the chairmanship of Prime Minister of India and presided over by the Chief Justice of India, the following resolution was adopted by the Chief Ministers and Chief Justice of States in India. The Chief Ministers and Chief Justices were of the opinion that courts were not in a
position to bear the entire burden of justice system and that a number of disputes lent themselves to resolution by alternative modes such as arbitration, mediation and negotiation. They emphasized the desirability of disputants taking advantage of alternative dispute resolution which provided procedural flexibility, saved valuable time and money and avoided the stress of a conventional trial. There is no better option but to strive to develop alternative modes of dispute resolution by establishing facilities for providing settlement of disputes through Arbitration, Conciliation, Mediation, Negotiation, etc.

(a) General

It was against this backdrop that The International Centre for Alternative Dispute Resolution (ICADR) was established and registered as a society under the Societies Registration Act, 1860 on 31st May 1995. It is an independent non-profit making organization for the promotion and development of ADR facilities and techniques. The headquarters of ICADR at New Delhi was inaugurated by the Prime Minister of India Shri P.V. Narasimha Rao on October 6, 1995 in a function which was attended by more than forty delegates from the SAARC countries.

The ICADR is an autonomous organization working under the aegis of the Ministry of Law & Justice, Govt. of India with its headquarters at New Delhi and Regional Centres at Hyderabad and Bangalore. The Chief Justice of India is the Patron of ICADR. The Chief Justice of India Shri A.M. Ahmadi, while delivering the Patron's dress at the inauguration meeting on 6th October, 1995 observed that the ICADR was required because the changing pattern of business, the commercial transactions taking place between international organisations, etc. could be more effectively and expeditiously disposed of at the Centre.

(b) Objectives of ICADR

The International Centre is intended to spread ADR culture in this part of the world. The main objectives of ICADR are:

1. To propagate, promote and popularize the settlement of domestic and international disputes by different modes of ADR.

2. To establish, facilitate and provide administrative and other support services for holding conciliation, mediation and arbitration proceedings.

3. To promote reform in the system of settlement of disputes and its healthy development within the frame-work of the social and economic needs of the community.
4. To appoint conciliators, Mediators, Arbitrators and other ADR neutrals when so requested by the parties from among a panel of qualified and experienced ADR neutrals.

5. To undertake training/teaching in ADR and related matters and to award diplomas, certificates and other academic or professional distinctions.

6. To develop infrastructure for higher education and research in the field of ADR.

7. To arrange for fellowship, scholarships, stipends etc., with a view to developing professionalism in ADR.  

2. **Indian Council of Arbitration - India's Apex Arbitral Institution**

The Indian Council of Arbitration, established in 1965, is the premier arbitral institution whose arbitral clause is today relied upon by most public sector companies, government departments and several domestic and multi-national corporations amongst others. The Indian Council of Arbitration Delhi is a National Arbitration Institution set up by the Government of India and apex organisations such as FICCI, ASSOCHAM etc. It has its branches in Mumbai, Kolkata, Chennai, and State level offices at Bangalore, Bhubneshwar, Pune, Hyderabad and Ahmedabad.

(a) **General**

ICA has more than 4700 members, which includes the government, corporates and experts in various fields. ICA has taken the initiative in developing India as the Center of International Commercial Arbitration and for this purpose has entered into Mutual Cooperation Agreements, with over 42 international arbitral institutions. After having organized the ICCA Conference in 2000, ICA is, for the first time in India, organizing the Bi-Annual Conference of the International Federation of Commercial Arbitration Institutions, in the October of 2007. For over 38 years, the Indian Council of Arbitration has been providing users of arbitration with an unrivaled array of time-tested services that include ICA Arbitration, ICA Conciliation and ICA Maritime, as well as education and training programs. Coupled with quality case administration and panel of arbitrators, ICA is the one resource for all dispute resolutions needs. Indian Council of Arbitration as India's Apex Arbitral Institution has been given the responsibility of promoting ADR methods in India.

17. International Centre for Alternative Dispute Resolution, Trikoot-II, 3rd floor, Bikaji Cama Place, New Delhi, Ph. 6102805, 6102803, website: www.icadr.org

18. ICA Branch Offices / State Level Offices Indian Council of Arbitration Federation House, Tansen Marg, New Delhi - 110 001 Ph.: 23719103, 23319849, 23319760, 23738760-70(11lines) Fax: 23320714, 23721504; Website: www.bisnetworld.net/icanet
The Ministry of Commerce had recommended the use of ICA Arbitration Clause to PSU's and various government departments. This has certainly been the most important feather in the cap. A model Code of Conduct for the arbitrators has been launched. ICA has also started off setting up infrastructure facilities and requirements for providing Online Dispute Resolution Services. Yogendra Kr. Modi is the current President.

(b) Activities

The Indian Council of Arbitration (ICA) which is a recognised institute body in India, has suggested that the Indian traders or entrepreneurs ente into commercial contracts with Indian and foreign parties should incorporate arbitration clause to the effect that any disputes or differences whatsoever arising between the parties out of or relating to the construction, meaning and operation or effect of the contract or the breach thereof, shall be settled by arbitration in accordance with the rules of arbitration of ICA and the award made in pursuance thereof shall be binding on the parties.

It may be stated that a foreign party may not be agreeable to the inclusion of the above arbitration clause in the contract and may instead suggest arbitration in its own country or in some third country. In that event, an alternative arbitration clause may be incorporated in the commercial contract in consultation with the foreign counter part. The alternative arbitration clause may contain that any disputes and differences whatsoever arising under or in connection with the contract will be settled by arbitration in accordance with the Rules of arbitration of the UNCITRAL or the rules of conciliation and Arbitration of the International Chamber of Commerce (ICC). It must however be pointed out that in case of such alternative arbitration clause, the venue of arbitration will not be automatically applicable to the contract. Therefore, the concerned Indian party will have to negotiate with the foreign counterpart that the venue of arbitration will be in India and the law applicable to the contract will be the Indian law. Obviously, the foreign collaborator shall have to be convinced that since India has now enacted the Arbitration and Conciliation, 1996 which is based on the UNCITRAL Model Law of Arbitration, the Indian law of arbitration is equivalent to arbitration law in any other country.

It may be suggested that incorporation of a standard arbitration clause in the Act itself would have been more useful for the parties entering into international commercial transactions. The ICA has conducted following activities:
1. Colloquium on “Accelerating Institutional Arbitration” - January 6, 2004 - New Delhi
11. Interactive Meeting with Dr. Robert Briner, Chairman, ICC International Court of Arbitration - October 18, 2004 - New Delhi
13. Meeting of the ICA Western Regional Executive Committee - October 20, 2004 - Mumbai
14. Interactive Meeting on “India entering the main stream at International Arbitration and problems facing that entry” - October 20, 2004 – Mumbai
15. Conference on “Is This the Time to Review Arbitration Law in India?” - October 21, 2004 - Mumbai

(c) International Co-operation Agreements
The Council has established a high international profile and provide legal and arbitration facilities. ICA has signed cooperation agreements with 40 major arbitral centres around the world. India is a Signatory to the New York Convention.

19. See Appendix B.
3. **Malaviya Centre for Peace Research (MCPR)**

This Centre is based in the Faculty of Social Sciences of Banaras Hindu University. It aims to analyse and contribute to the peaceful resolution of intra and inter-state conflict. The MCPR involves in its activities faculty, students, representatives from the social activists and media. In addition to its academic domain, the MCPR has an extensive outreach program, involving nearly 150 active members, including opinion makers from different communities, representatives of NGO's and private citizens from different parts of Northern India, all interested in the issues of peace building and conflict transformation within and outside Indian borders.\(^{20}\)

4. **Meta-Culture**

(a) **General**

Since May 2005 Meta-Culture\(^{21}\) has been engaged in a very comprehensive training and consulting project with one of India's leading apparel manufacturing companies. Meta-Culture worked with the entire senior management team, over a six month period. Its mediators conducted a series of successful mediations between senior managers from different functional groups. Following an in-depth analysis of the organization's grievance procedures and conflict management techniques. It has designed a comprehensive conflict management system incorporating custom designed system of procedures, processes and mechanisms to address differences when they arise in the company.

(b) **Achievements**

The important achievements are;

(i) **Interactive Presentation on ADR**

On October 27, 2005, Interactive presentation on Alternative Dispute Resolution was held at The Institute for Social and Economic Change (ISEC) at The Center for Interdisciplinary Studies in Environment and Development (CISED), Bangalore. The presentation was well received and attended by senior social scientists and economists from both institutions.

(ii) **Presentation and Discussion on ADR**

On October 26, 2005, a Presentation and discussion on Alternative Dispute Resolution was held at the National Institute for Advanced Studies (NIAS), Bangalore. The audience comprised senior faculty, researchers and doctorate students of NIAS from a wide spectrum of fields including Strategic Studies and Defence, Agriculture and more.

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21. Meta-Culture # 3, Sharan, 1 High Street, Cooke Town, Bangalore 560005 India Ph.91-8041172421. Email: info@meta-culture.in
A lively and at times entertaining discussion followed the presentation.

(iii) **Conflict Resolution Day**

On October 15, 2005, Conflict Resolution Day was celebrated at the Alliance Francaise de Bangalore.

Meta-Culture designed an evening of education and entertainment to create awareness about Conflict Resolution Day, which was on Oct. 20th. Despite being a Saturday afternoon, the event was fairly well attended by professionals from the corporate world and non-profit organizations. The evening involved:

(i) A presentation by Mr. Ashok Panikkar, Founder and Director, Meta-Culture, on Alternative Dispute Resolution and Mediation; its benefits and applications in the globalized business environment, non-profit sector as well as everyday relationship management.

(ii) A presentation by Mr. Shiv Kumar, Founding Partner, Murthy & Kumar, on the current legal framework in the country and vistas for Alternative Dispute Resolution and Mediation within the existing framework.

(iii) A dramatization titled “SWITCH” by the theater group Masrah, developed for Meta-Culture centered on the theme of conflict resolution, collaboration and relationship building.

5. **International Chamber of Commerce, INDIA**

Set up in 1929, Indian National Committee of International Chamber of Commerce (INC-ICC) is one of the most active chapters of the ICC, the world's apex business organisation. In its fold, it has a large membership of enterprises, chambers of commerce, trade & industry associations. It is the forum, which makes it easier to do business internationally. It was rechristened as ICC INDIA, effective March 1, 1996. It helps members to avail services of ICC i.e. International Court of arbitration for the settlement of commercial disputes; the ATA Carnet System for temporary duty-free imports; the ICC Institute of International Business Law and Practice; the International Maritime Bureau, which combats maritime fraud; and Counterfeiting Intelligence Bureau. The Executive Committee of ICC India after its meeting on 23rd December, 1999, set-up a Grievance Redressal Cell for Banking Disputes.

22. International Chamber of Commerce, Federation House, Tansen Marg, New Delhi - 110001, INDIA , Phone: 91-11-23738760-70 (11 lines) 23322472(Direct), Fax : +91-1123320714, 23721504 , Email : iccindia@iccindiaonline.org
(IX) FUTURE OF ONLINE ADR IN INDIA

ADR in India, as compared to the western economy, is still at its initial stages. Though ADR is being gradually brought to use, litigation is still on the forefront and is made use of most of the times. One of the reasons is the inclination towards a right-based dispute resolution rather than interest-based. Right-based system prefers litigation whereas ADR is favored by the preachers of interest-based dispute resolution system. With the beginning of technically more complicated disputes involving the Information Technology companies, use of ADR for IT disputes becomes inevitable. In India researcher feels, handling IT disputes through online institutions is quite an ideal solution for cost-efficient and fast dispute resolution. Litigation goes on for years and sometimes even without a clear knowledge and understanding of the parties as to the other side's position.

Online ADR has a great future in India. 23 No developing country has benefited more from the digital revolution than India, whose software industry is expected to increase about eightfold, to $85 billion, by 2008 ... ... Indian companies have become world leaders in designing portals and web-based applications, and they have successfully sidestepped bureaucratic delays and outdated infrastructure by building their own telecommunications systems and beaming their software products by satellite around the world. With such recognition given by the Secretary General, United Nations, can we afford not to embrace such systems as will promote further IT growth and development. As the IT industry grows, disputes will grow. Litigation, though an alternative, is a costly and time-taking affair. With globalization and international competition, disputes are bound to arise. The Indian IT industry has to find its own solutions to those disputes. Making use of ADR can be a step in the right direction. India is all set to be one of the IT super-powers and providing a proper effective out-of-court dispute resolution system is what the IT industry requires.

1. General

The swift growth of e-commerce and web site contracts has increased the potential for conflicts over contracts which have been entered into online. This has necessitated a solution that is compatible with online matters and is netizens centric.

23. Devashish Bharuka- “On line Dispute Resolution”
See also Karnika Sawhney-“ADR to ODR”
See also Praveen Dalal-“The Culture of ADR in India”
This challenging task can be achieved by the use of ODRM in India. The use of ODRM to resolve such e-commerce and web site contracts disputes are crucial for building consumer confidence and permitting access to justice in an online business environment. These ODRM are not part and parcel of the traditional dispute resolution machinery popularly known as "judiciary" but is an alternative and efficacious institution known as ADRM. Thus ADR techniques are extra-judicial in character. They can be used in almost all contentious matters, which are capable of being resolved, under law, by agreement between the parties. They have been employed with very encouraging results in several categories of disputes, especially civil, commercial, industrial and family disputes. These techniques have been shown to work across the full range of business disputes like banking, contract performance, construction contracts, intellectual property rights, insurance, joint ventures, partnership differences etc. ADR offers the best solution in respect of commercial disputes.

2. Need of Online ADR in India
The researcher takes the stand that not just the traditional ADR (which itself sometimes has proven to be a lengthy process) but Online ADR is what should also be promoted and made use of by both the IT industry and the arbitral institutions. A few reasons to support these arguments can be put forth.

(a) Existence of A Well-Established Arbitral Institution
If we trace back our steps to the successful online ADR institutions presently working and direction in which AAA and ICC are moving, we find that behind most of these online institutions exists already a well-established arbitral institution which is merely making its services now available online e.g. BBBonline, clicknesttle.com, settleonline.com. It is necessary to build good will and consumer trust in case of online ADR. These institutions have already achieved that stage and they moved on to the medium of Internet merely for quicker and cheaper dispute resolution. This is why AAA went online, ICC is half-way through and European Union is testing its own Online Dispute Resolution Pilot Program on the lines of eResolution.com. I feel that Indian Council of Arbitration, with its own standing what it has today, has a big opportunity at hand to develop and promote an online dispute resolution system. This will be a welcome step for the IT industry.

(b) Less Costly Alternative
Online ADR definitely costs much less. In any traditional ADR, not only one has to bear the expenses for the services provided by the arbitral institution but also such expenses as traveling, accommodation, etc. in case the parties are at different places. India being a big
country, this is not a remote possibility. Conciliation, in such a situation, for IT disputes across the net through tele-talking or video conferencing can be a much more cost-effective alternative.

(e) **Lack of Legal Knowledge**

There is no dearth of laws, regulations, rules, notification, etc. in our country. Many a time, the parties are unaware of the law. Misunderstandings arise and there is no one really to guide them. Through online conciliation services, ICA can do a big service to the IT industry and its development. Parties can submit their dispute online and ICA, through its team of legal experts, can merely ascertain the legal standing of both the parties and indicate the probable decision in case of litigation. This in itself, I am sure, will prompt both the parties not to waste time and money in litigation but to settle the matter through ADR.

(d) **Need for Continuing Relationship**

The disputes in IT industry are mainly contractual in nature, maybe relating to hardware or software performance, or payment issues or relating to intellectual property right. However, common to almost all the disputes is the fact that both parties wish to continue their relationship. This being an important factor, parties would want to have a solution which not only looks into the future but is also helpful in restructuring the relationship. ADR is an ideal solution in such a situation. Online ADR goes a step further by providing not only the expected solution but providing it fast.

3. **Role of Indian Council of Arbitration**

How can the Indian Council of Arbitration play a crucial role in online arbitration institutional setup? Going through the ICA's website, the present researcher noticed that it provides lots of information regarding ADR. It can, the researcher feels, with proper technical support set up an online ADR webpage. Concentrating specially on negotiation to settle liability issues and conciliation for contractual and performance disputes will be a boon to the IT industry. Facilities like tele-talking and video-conferencing can be provided. Already, ICA has a panel of respected, well-know arbitrators-mediators-conciliators. The purpose is to facilitate dispute resolution from a distance so that persons in dispute, just because of the distance, should not be deprived of arbitration facilities. Many online ADR services failed not because they were not required or there was no market for it but because they were unable to generate confidence and trust in the people. Merely having an online status will not ensure success. This was also the reason why many e-commerce dotcoms failed. But of course, when one has already earned consumer
confidence, having an online presence contributes to that confidence. That is why online arbitral institutions like BBBonline or e-commerce websites like www.staples.com are doing well. ICA, in view of researcher, will not face any trouble in this regard.

4. **Support of IT Industry**

Also, required in online ADR is the support and assistance of the IT industry itself. The industry should be willing and interested in such a dispute resolution system. It can provide for technical expertise. It can give suggestions for better services, may by even industry-specific standards and rules to be applied. This is the reason why (as mentioned above) the top Seven companies in USA who call themselves the E-Commerce Group recently in a Federal Trade Commission Workshop presented the "Guidelines for Merchant-to-Consumer Transactio". It includes the standard which the industry believes and expects will help in further growth and development. It also includes clauses relating to online ADR. This shows that not only the arbitral institution but also the industry has to contribute substantially for a successful online ADR. Continuing on these lines, the IT industry can also arrange with the arbitral institution for having their technical personnel to sit as arbitrator/conciliators. One of the drawbacks of the Indian IT Act, researcher feels, was the constitution of Cyber Tribunal consisting of only one Judge and no technical persons to assist him/her. With the increase in technical complexities in IT disputes, technical persons on the panel is a must. Lastly, the IT industry can co-operate with the arbitral institution by honouring the award/agreements made thereunder.

C. **REVIEW**

With the acceptance of Welfare ideology, there was mushroom growth of public services and public servants. The courts particularly the High Courts were inundated with cases concerning service matters. The Swarn Singh Committee therefore, inter-alia recommended the establishment of Administrative Tribunals. The tribunal system was evolved in our country to provide an alternative to the regular courts. The tribunals are presided over by the experts of the respective fields and the adjudication mechanism is cost effective, thus less costly in comparison to the regular courts and they are effectively resolving the disputes by taking much less time in comparison to the regular courts. In India ADR first started as a quest to find solutions to the ever increasing burden on the courts. ADR is a collection of mechanisms which would resolve disputes without approaching the Formal Legal System (FLS). The reasoning given to these ADR mechanisms is that the society, state and the party to the dispute are equally under an
obligation to resolve the dispute as soon as possible before it disturbs the peace in the family, business community, society or ultimately humanity as a whole.

In India Legal Services Authorities have been created at National, District, Taluka levels to organize Lok Adalats, Legal Aid Clinics and Legal Awareness Camps. They are doing a commendable job. Various conferences, symposiums and workshops have been held in India for the promotion and development of ADR. There is no doubt that the system of justice which obtains today is too expensive for the common man. The small disputes must necessarily be left to be decided by a system of Panchayat Justice. Traditionally the Panchayats have played an important role in dispute resolution in the villages. Elders of the village by sitting in the Panchayat used to solve the disputes between the villages folk. In different states different types of compositions of Nyaya Panchayats existed. In Kerala there was a combination of nomination and elections. In Rajasthan, the Naya Panchayat was elected indirectly. The Delhi Panchayati Raj Act 1954 envisaged a circle Panchayat for acting as Nyaya Panchayat. In Uttar Pradesh also, a Nayaya-Panchayat was constituted for each circle under the U.P. Panchayati Raj Act 1947. The Nyaya Panchayats though elected indirectly failed miserably to deliver justice to the poor and had become the tools in the hands of the powerful to exploit the poor villagers. Generally the civil jurisdiction conferred upon existing Nayaya Panchayats which were constituted of lay judges only. Under U.P. Panchayat Raj Act 1947, the Nyaya Panchayats were also given the jurisdiction to try revenue case. All the states which had established Nyaya panchayats conferred upon them the jurisdiction to try minor and simple offences under IPC. In addition to offences under IPC, the Nyaya Panchayat could also take the cognizance of certain offences under section 24 of Cattle Trespass Act 1871 and offences connected with gaming house under Public Gambling act 1867.

The announcement by Union law minister, regarding the setting up of 7,000 village courts, raises new hopes in clearing the pending cases. Setting up of 7000 village courts is a golden chapter in India's judiciary system. Gram Nyayalayas in India is not a new concept. In ancient India justice was administered by Gram Panchayats. The Gram Nyayalaya Bill 2005 is a step towards strengthening the age old institutions. The 'grameena nyayalayas' (village courts) are planned on the lines of Munsif Magistrate courts which enjoyed dual powers of civil and criminal justice delivery. They would function like mobile courts.
Some steps have been taken in various states. In Chhattisgarh, there would be one village court for every 10 gram panchayats. In Meghalaya, in the tribal areas of Meghalaya, District Council Courts and other subordinate courts owe their origin to the Sixth Schedule of the Constitution of India. The hierarchy of these courts begins from the village courts presided over by Lyngdohs, Dolois or Headmen right up to the District Council Court at the apex which is presided by an officer designated as a Judge. The District Council have jurisdiction to try only cases where all or both the parties are tribals resident in the area. "Gram Swaraj", an innovative and bold experiment in Madhya Pradesh has come into force in the State from January 26, ushering in democracy and self-rule at the village level. The MP Government has also introduced village courts which is indeed a bold step. The State Government issued a notification on the eve of Republic Day enforcing the Madhya Pradesh Gram Nyayalaya Adhiniyam in the state, excluding scheduled areas, to facilitate setting up of village courts in the State from Republic Day.

"Lok Adalat" is defined "as a forum where effort aimed at bringing about settlement of disputes between the parties is made through conciliatory and pervasive efforts". Undoubtedly, Lok Adalat (Peoples' Court) concept and philosophy is an innovative Indian contribution to the world jurisprudence. The First Lok Adalat was held in Gujarat in 1982. The decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat. The disputes settled in the Lok Adalats mostly are accident claims, insurance claims, mutations and some small claims which are straight and are without any complexities.

In Chindwara District of M.P. Mobile Court programme was launched in Dec. 1980 and since then every month (except Monsoon) in every tehsil one mobile court is organised. This experiment has been quite successful. The Himachal High Court has started another experiment by setting up conciliation court in Shimla. This Himachal High Courts experiment of 'Conciliation Courts' is similar to the concept of "Pre-trial review" in England. Any case filed before the county court is first sent to the Registrar who is of the rank of assistant, for the "pre-trial review" and if the case is not settled by the Registrar, then it is sent for adjudication.

Various Institutions have come up providing ADR services, interalia; International Centre for Alternative Dispute Resolution, Indian Council of Arbitration, Malaviya Centre for Peace Research and International Chamber of Commerce, INDIA etc. The
present researcher thinks that the present arbitral institutions in the country will do well in providing ODR. It must be noted that every new project needs time to mature and become successful. Thus, the success of ADRM and ODRM depends upon a timely and early base building.

The researcher finds out that the ADR landscape in the States is multifaceted and diverse. The growth in both the use and the development of ADR mechanisms has resulted from initiatives at all levels and from all branches of government-executive, legislative, and judiciary - and from many corners of the private sector- community organizations, corporations and the bar. It is high time that we must build a base for not only offline ADRM but equally ODRM in India. With the increased inclusion of ADR clauses in domestic and international commercial agreements and more widespread publication of ADR successes, it is expected that ADR use in India will continue to expand.