

**No. J-11011/04/2009-JR
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House, New Delhi-11

(Forwarded to all Chief Justices by Hon'ble MLJ vide D.O.No.J-11011/4/2009-JR dated 6.01.2011 and to all Chief Secretaries by Secretary (Justice) vide D.O.No. J-11011/4/2009-JR dated 25.01.2011)

Establishment of District Alternative Dispute Resolution (ADR) Centres & Training of Mediators

1. Thirteenth Finance Commission (TFC) grants for setting up of a ADR centre in each judicial district. ADR centres would function as a hub for all mediation activities, Lok Adalats and other alternative dispute resolution mechanisms specified in S.89 CPC. Expenditure on the ADR procedures conducted at the District ADR Centres may be met by the State Governments (since the early settlement of disputes is in the interest of the society generally) and till such arrangements are made, the State Legal Services Authority may bear such expenses from the TFC grants.

The responsibility for setting up of ADR centres will be assigned to State Legal Services Authorities.

2. Infrastructure

The infrastructure requirements for ADR Centres would include adequate number of chambers for mediation, a common waiting area for the parties, cubicles / enclosed rooms for conducting discussions with the parties individually and jointly and adequate number of computers / printers / office equipment for carrying out day-to-day administrative tasks. In addition, the ADR centres may also customize the software developed for Delhi Mediation Centre or any other Centre for facilitating data management and supervision of ADR activities.

- 2.1 The infrastructure of ADR centre may be combined with that of an existing permanent Lok Adalat or mediation centre or Family Court building so that it becomes part of a multi-service centre. Such centres are in operation in some States as Nyaya Sadan.
- 2.2 Till such time that buildings for ADR centre are constructed, there may be a need for find alternate accommodation for running of these centres. For this purpose, suitable space belonging to law universities / colleges or other institutions can be temporarily hired in the interest of starting the ADR centre without any delay.

3. Location

It will be preferable that ADR centres set up by the State Legal Services Authorities should be at an accessible location and in the vicinity of the district centres.

4. Deadline for setting up ADR centres

The State Legal Service Authorities should set up ADR centres by June 30, 2011 so that the ADR centres become fully functional by end 2011.

5. Disbursement of Funds

The funds for setting up of ADR centres would be released in a phased manner depending upon the milestones achieved by the State Legal Services Authorities in creation of ADR centres.

6. Staff

State Governments will need to provide permanent staff for functioning of the ADR centres. Till this is done, there may be a need to provide some temporary staff on contract basis for the purpose.

7. Awareness Generation

ADR mechanisms would not be successful without generation of awareness among all the stakeholders regarding the same. While the common man and woman are required to be made aware of the existence of such mechanisms and their benefits, the lawyers and the judicial officers are also required to be sensitized towards ADR mechanisms. For this purpose, the State Legal Service Authorities may impart training to the lawyers and the judicial officers regarding the ADR mechanisms by holding conferences / symposiums, etc. or by organizing visits to successful ADR centres. In addition, a public awareness campaign, consisting of broadcast and print campaign or in any other manner considered effective as per the local conditions, may also be launched to create awareness regarding ADR mechanisms. **Up to 10% of the funds allocated for training of mediators may be utilized for creation of awareness regarding the ADR mechanism.** The States may also enter into arrangements with the local law universities / colleges to generate awareness regarding the ADR mechanisms.

8. TFC grant for ADR mechanism does not cover the fees payable to the mediators of cases under S.89 CPC and therefore, the States would be required to bear the same.

9. **Up to 5% of the amount earmarked by FC for setting up of ADR centres can be spent on hiring of accommodation, temporary staff and for other requirements that are essential for running of the ADR centres.**

10. Training of Mediators / Conciliators

- (a) It is proposed that 100 judicial officers and advocates be trained in each district over a period of five years to act as mediators / conciliators to provide the necessary services to the litigants.
- (b) The State Legal Services Authorities may utilize the services of the Trainers approved by the Mediation and Conciliation Committee of the Supreme Court of India (MCPC).
- (c) Training of mediators in various States may be undertaken as per the training modules and guidelines prepared by the MCPC, which can be made available on the website to be maintained by MCPC.
- (d) Database of mediators thus trained may be made available by the High Court so that the services of the trained mediators may be availed by the States and High Courts on a need basis.

LOK ADALATS

1. Funds allotted for Lok Adalats may be allotted to State Legal Services Authorities through the State Governments. The said allotment would in addition to the regular budget allocation to the State Legal Services Authorities.
2. The funds can be utilized towards holding daily Lok Adalats, fortnightly Lok Adalats and mega Lok Adalats near the district centres and for payment of honorarium to the members and Presiding Officers of such Lok Adalats. These may also be used to organize any other type of Lok Adalat considered useful by the States and High Courts.
3. In districts where Permanent Lok Adalats have already been established, the infrastructural facilities for the same may be utilized towards fortnightly / mega Lok Adalats.
4. The Lok Adalats should focus on reduction of pendency of the cases in the Courts and thus, the cases which have been in arrears in the regular courts should be given priority in the Lok Adalats. The SLSAs / DLSAs / TLSCs / HCLSCs shall request the courts concerned to refer more pending cases to Lok Adalats.
5. **The local self-governments, co-operatives, government departments, public sector undertakings and enterprises owned or controlled by the State Governments may be encouraged to adopt and popularize the ADR mechanisms.**
6. The TFC has set out a target of disposal of 75 lakh cases in a period of 5 years i.e. between 2010-2015 with the help of these grants by use of Lok Adalat mechanism. Since these grants are specifically targeted at reducing court pendencies, the SLSAs will fix targets and monitor the progress against such targets.
7. State Government officials who take part in the Lok Adalats should be suitably empowered by the State Governments to take decisions so that cases relating to Government are effectively disposed off in the Lok Adalats.

LEGAL AID

1. The State Governments may transfer funds allotted for Legal Aid to the State Legal Services Authorities. The said allotment would be in addition to the regular budget allocation to the State Legal Services Authorities.
2. The State Legal Service Authorities may utilize these funds for provision of legal services to the eligible persons as per an action plan that is prepared as per the guidelines of the National Legal Services Authority.
3. Among the eligible persons, priority should be given to providing legal aid to the under-trial prisoners who are often kept in judicial custody in the absence of legal aid. There should be a perceptible decline in the number of under-trial prisoners after this provision is effectively implemented.

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