TABLE OF CONTENTS

Chapter 1	Introduction	1-16
-	1. A general analysis of the case pendency in India	1
	1.1. General trend of litigation in India	4
	2. Analysis of cases pertaining to Delhi, Bangalore and Mumbai	6
	2.1. Analysis of data from the subordinate courts of Delhi	7
	2.2. Analysis of data from the high court of Karnataka	9
	2.3. Analysis of data from the subordinate courts in the State	10
	of Karnataka	10
	2.4. Analysis of data from High Court of Bombay	12
	· · · · · · · · · · · · · · · · · · ·	13
	2.5. Analysis of data from the subordinate courts of Maharashtra	15
	3. How long it takes for a dispute to be resolved through court litigation	13
	in India and at what cost?	1.5
	4.Conclusion	15
Chapter 2	Resolution of commercial and non-commercial disputes through	15 (
	ADR:A doctrinal analysis of law and policy	17-6-
	1. Introduction	17
	2. Traditional ADR methods	17
	3. Arbitration	18
	4. Arbitration and Conciliation Act, 1996: A new era	20
	5. The Arbitration and Conciliation Act, 1996: major policy issues: An	
	analysis	21
	5.1. Appointments and qualification of arbitrators	22
	5.1.2. Judicial interpretation	23
	5.1.3. Summary of the judgment in S.B.P. & Co. v. Patel	
	Engineering Ltd	25
	5.1.4.Implications of the decision in S.B.P. & Co. v. Patel	
	Engineering Ltd	27
	5.1.5. Accountability of arbitrators	29
	5.1.6. Recommendations with respect to appointments and	
	qualification of arbitrators	29
	5.2. Procedural justice to parties and legality of arbitral	
	awards	31
	5.2.1. Rules of procedure	31
	5.2.2. Party autonomy	32
	5.2.3. Venue and language of arbitration	32
	5.2.4. Recommendations with respect to procedural justice	
	to parties	34
	5.3. Validity of an arbitral award	35
	5.3.1. Choice of law in arbitration	36
	5.3.2. Parties' autonomy in choosing applicable law	37
	5.3.3. Parties specifying or not specifying a national law	38
	5.3.4. Recommendations with respect to legality of arbitral	23
	awards	39
	5.4. Finality and enforcement of arbitral awards	39 41
	5.4.1. Conditions for enforcement of arbitral awards	42
	5.4.1. Conditions for enforcement of arbitral awards	42
		43
	a. Incapacity of Parties and Invalidity of	43
	Arbitration Agreement	

	b. Improper Composition of Arbitral Tribunal or Violation
	of the Principles of Natural Justice by the Arbitrator
	c. Award Not Becoming Final
	5.4.3. Award in conflict with public policy
	5.4.4. Recommendations with respect to finality and
	enforcement of arbitral awards
	6. The incentive structure for various stakeholders in arbitration
	7. Scope and nature of dispute settlement through different methods of
	ADR
	7.1. Conciliation.
	7.2. Matrimonial disputes
	7.3. Intellectual property rights cases
	7.4. Section 89 of Civil Procedure Code, 1908
	7.4.1. Recommendations with respect to section 89 of
	CPC
	7.5. Mediation
	mediation
	7.6. Lok Adalats
	Adalats
	7.7. Plea-bargaining
	7.8. Tribunal system in India
	7.9. Consumer Disputes Redressal Agencies
	7.10. Ombudsman
	7 11 Foot toods subitaction
	7.11.Fast track arbitration
	7.11.Fast track arbitration
Chanter 3	8. Conclusion
Chapter 3	8. Conclusion Dispute resolution through mediation: Empirical analysis of its
Chapter 3	8. Conclusion
Chapter 3	8. Conclusion Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai
Chapter 3	8. Conclusion Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai 1. Introduction 2. Case study and analysis of mediation in Delhi
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre.
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee.
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at <i>Tis Hazari</i> and <i>Kar Kar</i>
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma.
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction 2. Case study and analysis of mediation in Delhi 2.1. Delhi High Court Mediation and Conciliation Centre 2.2. Delhi High Court Legal Services Committee 2.3. Court annexed mediation centres at <i>Tis Hazari</i> and <i>Kar Kar Dooma</i> 2.3.1. Setting up Mediation Centres at <i>Tis Hazari</i> and <i>Kar</i>
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma.
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at <i>Tis Hazari</i> and <i>Kar Kar Dooma</i> . 2.3.1. Setting up Mediation Centres at <i>Tis Hazari</i> and <i>Kar Kar Dooma</i> . 2.3.2. Statistical analysis of mediation in Delhi.
Chapter 3	8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction 2. Case study and analysis of mediation in Delhi 2.1. Delhi High Court Mediation and Conciliation Centre 2.2. Delhi High Court Legal Services Committee 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma 2.3.2. Statistical analysis of mediation in Delhi 2.3.3. Merits of Mediation Centres in Delhi
Chapter 3	 8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres.
Chapter 3	 8. Conclusion. Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at <i>Tis Hazari</i> and <i>Kar Kar Dooma</i>. 2.3.1. Setting up Mediation Centres at <i>Tis Hazari</i> and <i>Kar Kar Dooma</i>. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in <i>Tis Hasari</i> and <i>Kar Kar Dooma</i> Centres. 2.3.5. Success rates of mediation: Does it depend on the
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres. 2.3.5. Success rates of mediation: Does it depend on the referral stage?
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres. 2.3.5. Success rates of mediation: Does it depend on the referral stage? 2.4. Institutions imparting training in mediation in Delhi.
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction 2. Case study and analysis of mediation in Delhi 2.1. Delhi High Court Mediation and Conciliation Centre 2.2. Delhi High Court Legal Services Committee 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma 2.3.2. Statistical analysis of mediation in Delhi 2.3.3. Merits of Mediation Centres in Delhi 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres 2.3.5. Success rates of mediation: Does it depend on the referral stage? 2.4. Institutions imparting training in mediation in Delhi 3. Case study and analysis of mediation in Bangalore
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres. 2.3.5. Success rates of mediation: Does it depend on the referral stage? 2.4. Institutions imparting training in mediation in Delhi. 3. Case study and analysis of mediation in Bangalore. 3.1. Analysis of data from Bangalore.
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres. 2.3.5. Success rates of mediation: Does it depend on the referral stage? 2.4. Institutions imparting training in mediation in Delhi. 3. Case study and analysis of mediation in Bangalore. 3.1. Analysis of data from Bangalore. 3.2. Institutions imparting training at Bangalore.
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres. 2.3.5. Success rates of mediation: Does it depend on the referral stage? 2.4. Institutions imparting training in mediation in Delhi. 3. Case study and analysis of mediation in Bangalore. 3.1. Analysis of data from Bangalore. 3.2. Institutions imparting training at Bangalore. 4. Mediation programmes in Mumbai.
Chapter 3	Dispute resolution through mediation: Empirical analysis of its effectiveness in Delhi, Bangalore and Mumbai. 1. Introduction. 2. Case study and analysis of mediation in Delhi. 2.1. Delhi High Court Mediation and Conciliation Centre. 2.2. Delhi High Court Legal Services Committee. 2.3. Court annexed mediation centres at Tis Hazari and Kar Kar Dooma. 2.3.1. Setting up Mediation Centres at Tis Hazari and Kar Kar Dooma. 2.3.2. Statistical analysis of mediation in Delhi. 2.3.3. Merits of Mediation Centres in Delhi. 2.3.4. Comparison of the success rates in Tis Hasari and Kar Kar Dooma Centres. 2.3.5. Success rates of mediation: Does it depend on the referral stage? 2.4. Institutions imparting training in mediation in Delhi. 3. Case study and analysis of mediation in Bangalore. 3.1. Analysis of data from Bangalore. 3.2. Institutions imparting training at Bangalore.

	 2.3.6. Sunday Lok Adalats 2.3.7. Mega Traffic Lok Adalats 2.3.8. Special Adalats on Plea Bargaining 2.3.9. Lok Adalat for the settlement of cognizable and 	109 109 109
	compoundable cases at pre-litigation stage	110
	litigation stage	110 111
	2.5. Public Awareness about <i>Lok Adalat</i> as a dispute resolution	111
	mechanism in Delhi, Mumbai and Bangalore	114
	3. Conclusion	114
Chapter 6	Conclusion and suggestions. 1. Introduction	116-21 116 116
Annexures		122
1	Guideline for the researchers	123
2	Proforma for the collection of data from the case records	127
3	Questionnaire for studying about public awareness of ADR	128
4	Proforma for the collection of data regarding ADR training	129
5	Proforma for the collection of data regarding enforcement of arbitral	
	awards	130
6	Questionnaire for the collection of data from experts	131
7	Questionnaire for the collection of data from Lawyers, Arbitrators,	
	Mediators and Conciliators	132
8	Questionnaire for the collection of data on the comparative analysis of ad	
	hoc and institutional arbitration	133
9	National Consultation with the District and Sessions Judges	134-39
10	Report of National Roundtable Conference	140-43
11	Report of Bangalore Roundtable Conference	144-47
12	Report of Mumbai Roundtable Conference	148-50