

**Advantages of ADR:** Less time consuming, free from technicalities, parties are free to discuss their differences of opinion, improved enforcement, greater compliance,

### Online Dispute Resolution

- **Present status of ODR in India:** e-Court mission, e-Lok Adalats, hybrid modes adopted by various High courts, Covid-19 has instilled an urgent need for ODR
- **Benefits of ODR:** Improve legal health of the society, cost effective, convenient and quick dispute resolutions, increased access to justice
- **Challenges associated with ODR:** Archaic Legal Processes, digital infrastructure, digital Gender divide, lack of awareness regarding ODR, privacy issues
- **Way ahead:** Improving digital connectivity and digital literacy, capacity building

### Arbitration and Conciliation (Amendment) Bill, 2021

The Bill seeks to amend the Arbitration and Conciliation Act, 1996

#### Key features

- The Bill specifies that a stay on the arbitral award can be provided
  - The amendment Bill 2021 removes the Schedule for arbitrators and states that the qualifications, experience, and norms for accreditation of arbitrations will be specified under the regulations.
- **Issue with proposed bill:** Bill does not give comprehensive and clear meaning of fraud and corruption, can open floodgate of litigations, prolonged litigation process
- **Conclusion:** According to the World Bank's ease of doing business report, India continues to fall behind when it comes to contract enforcement. As a result, this measure may be a step in the right path in addressing the challenges by facilitating speedy contract enforcement and easy monetary claim recovery.

### LOCAL SELF-GOVERNMENT (PART IX, PART IX-A)

The **73rd** and **74th constitutional amendments** gave recognition and protection to local governments and in addition each state has its own local government legislation.

- **Issues and challenges faced by Panchayati Raj government:**

- **Fund:** Inadequate Funds, Conditional Grants, Inadequate powers to generate revenue
- **Functions:** Poor devolution of functions to local bodies, Unfunctional District Planning Committee, Women have token representation, Parallel Bodies
- **Functionaries:** Lack of staff, excessive control by bureaucracy, burdened with work of other departments, missing accountability mechanisms, delayed Elections

### Other issues related to panchayats in news

#### Right to recall

Haryana Assembly passed a Bill which provides the right to recall members of Panchayati Raj institutions

- **Issues with right to recall:** Tool to destabilize, Redundant if candidate gets re-elected:

**Conclusion:** A detailed study of Right to Recall need to be done at local before extending it to the Vidhan Sabha and Parliament.

#### Education criteria for panchayat elections

Recently, the Rajasthan Assembly passed two Bills which seek to end the minimum education criterion for panchayat and civic poll candidates

- **Protagonists:** Education criteria is relevant- The court opined that it is only education which gives a human being the power to discriminate between right and wrong, good and bad
- **Antagonists:** Ambedkar's view an illiterate person is not necessarily an unintelligent person literacy does not necessarily imports a higher level of intelligence or knowledge than what the illiterate possesses
- **Issues with education as criteria for election :** free education provisions were enforced late, participation is a tool of awareness, low literacy hampers, disenfranchisement of large section of people

**Conclusion:** Awareness of functions of representatives and training about it also devolution of fund, functions and functionaries will contribute to decentralisation in true sense with participation of people bringing democracy at grassroot level.

#### 25 years to Panchayat Raj – analysing numbers

- **Increased PIRs and ULB's:** There are about 250,000 PRIs and urban local bodies, and over