

# Alternative Dispute Resolution and Specialised Courts in India: Common Misconceptions and Facts



# Family Courts: Understanding Their True Role and Functions

## 1. Comprehensive Jurisdiction

- ✗ Family Courts only deal with marriage registration.
- ✓ They handle disputes arising out of family relations — maintenance, custody, matrimonial disputes, domestic violence and related reliefs.

## 2. Conciliatory Approach

- ✗ Family Courts are formal adversarial courts like regular civil courts.
- ✓ They follow a conciliatory, informal, less adversarial process with emphasis on mediation and counselling.

## 3. Appealable Orders

- ✗ Family Court judgments are non-appealable.
- ✓ Orders are appealable as provided by law — usual appellate routes apply.

## 4. Multi-Religious Application

- ✗ Family Courts exclusively apply personal law of a single religion.
- ✓ They apply relevant personal laws but aim to resolve family disputes irrespective of religion via equitable solutions.

## 5. Interim Relief Powers

- ✗ Family Courts can ignore interim reliefs.
- ✓ They routinely grant interim maintenance, custody and protection orders to secure parties' rights.

## 6. Flexible Representation

- ✗ Only lawyers can appear in Family Courts.
- ✓ Parties may be assisted by counsel or persons authorised; courts also use family counsellors and mediators.

## 7. Varied Procedures

- ✗ Family Courts have nationwide uniform procedure.
- ✓ Procedure varies — statutory framework + local rules; emphasis on flexibility and speed.

## 8. Domestic Violence Jurisdiction

- ✗ Family Courts cannot address domestic violence issues.
- ✓ They are one of the forums where domestic violence reliefs, protection orders and maintenance are sought.

## 9. Accessibility Focus

- ✗ Family Courts are only for urban areas.
- ✓ They are typically in districts/cities but the idea is accessibility — states may set up family courts where needed.

## 10. Child Welfare Priority

- ✗ Family Courts ignore children's welfare.
- ✓ Child welfare is a primary consideration in custody and guardianship matters.

# Family Courts: Advanced Functions and Capabilities

## 11. Mediation Integration

- ✗ Family Courts cannot do mediation.
- ✓ Mediation/conciliation is integral to most family court procedures.

## 12. Divorce Examination

- ✗ Family Courts automatically order divorce on petition.
- ✓ Divorce requires statutory grounds and examination of facts; courts explore settlement options first.

## 13. Privacy Protection

- ✗ Family Court hearings are always public.
- ✓ Many family matters are heard in camera or with restricted access to protect privacy.

## 14. Enforcement Powers

- ✗ Family Courts are toothless on enforcement of maintenance.
- ✓ Maintenance orders are enforceable like other court orders (contempt, execution).

## 15. International Coordination

- ✗ Family Courts cannot make custody arrangements involving foreign jurisdictions.
- ✓ They can coordinate with foreign courts (where necessary) and consider international norms in cross-border cases.

## 16. Criminal Coordination

- ✗ Family Courts only apply civil remedies.
- ✓ They may direct criminal complaints to appropriate fora (e.g., dowry, cruelty) and coordinate with criminal courts.

## 17. Distinct from Counselling

- ✗ Family Courts are the same as Family Counselling Centres.
- ✓ Counselling centres support but are distinct from adjudicatory Family Courts.

## 18. Monetary Settlements

- ✗ Family Court outcomes cannot include monetary settlements.
- ✓ Settlements often include maintenance, property division and monetary compensation.

## 19. Property Division Rules

- ✗ Family Courts automatically split joint family property equally.
- ✓ Property division follows evidence, applicable law and settlement terms — not automatic equal split.

## 20. Extended Jurisdiction

- ✗ Family Courts only handle married couples.
- ✓ They can handle related disputes such as domestic relationships, guardianship and sometimes adoption-linked matters (as per law).

# Family Courts: Settlement Focus and Specialised Features

## 21. Settlement Preference

✗ Family Courts always prefer litigation to settlement.

✓ The statutory and judicial thrust is to promote settlement and reconciliation where possible.

## 22. Expert Evidence

✗ Family Courts do not consider psychological evidence.

✓ Courts admit expert/psychological evidence and may use child psychologists, social workers.

## 23. Speed Focus

✗ Family Courts take years like regular civil suits.

✓ Designed for speedy disposal, though actual timelines vary by workload and state.

## 24. Educational Directions

✗ Family Courts cannot give direction on schooling/education of children.

✓ They can and do pass directions on custody, visitation and education in the child's best interest.

## 25. Visitation Orders

✗ Family Courts are not competent to pass contact orders or supervised visitation rules.

✓ They can frame visitation/contact regimes and supervision orders as required.

## 26. Arbitration Recognition

✗ Family Courts ignore domestic arbitration clauses.

✓ Where parties validly agree, alternative dispute resolution within family law may be upheld, subject to public policy.

## 27. Judicial Hierarchy

✗ Family Courts are outside the mainstream judicial hierarchy.

✓ They are a part of the judicial system and subject to appellate and supervisory review.

## 28. Gender Neutrality

✗ Family Courts are gender-biased institutions by design.

✓ They operate under gender-neutral legal frameworks, though social realities affect outcomes.

## 29. Civil Jurisdiction

✗ Family Courts can award punitive criminal sentences.

✓ They have civil and family jurisdiction, not sentencing powers for criminal offences beyond incidental directions.

## 30. Specialised Need

✗ Family Courts are unnecessary where family laws exist.

✓ They specialise in sensitive, relational remedies that ordinary civil courts are not structured to provide.

# ADR Mechanisms: Arbitration, Mediation, and Conciliation Fundamentals

## 1. Legal Enforceability

- ✗ ADR is informal talk; no legal effect.
- ✓ ADR processes like arbitration yield binding awards, and mediation/conciliation produce enforceable settlements if reduced to agreement.

## 2. Award Enforcement

- ✗ Arbitration award = automatically a court decree.
- ✓ An award must be filed and enforced; courts are involved in enforcement and review limited by statute.

## 3. Mediation Outcomes

- ✗ Mediation always results in settlement.
- ✓ Mediation facilitates settlement but parties can walk away and pursue litigation.

## 4. Court Referrals

- ✗ Courts cannot refer matters to ADR.
- ✓ Courts routinely refer parties to mediation/conciliation and may mandate ADR in suitable cases.

## 5. Dispute Scope

- ✗ ADR is only for commercial disputes.
- ✓ ADR is used in family, consumer, labour, community, commercial and administrative disputes.

## 6. Process Differences

- ✗ Mediation is identical to conciliation.
- ✓ Mediation is party-driven facilitation; conciliation may be more proposal-based and can be court-sponsored; differences depend on rules.

## 7. Judicial Review

- ✗ Arbitration bars any court challenge forever.
- ✓ Statute permits limited judicial review (public policy, jurisdiction, procedural irregularity).

## 8. International Distinctions

- ✗ Domestic arbitration law is same as international arbitration.
- ✓ Different rules and conventions apply; international arbitration involves treaties (e.g., New York Convention) and cross-border enforcement mechanisms.

## 9. Cost Considerations

- ✗ ADR is cheaper in every situation.
- ✓ Often cheaper, but complex arbitrations or long mediations can be expensive.

## 10. Confidentiality Limits

- ✗ Mediation confidentiality is absolute.
- ✓ Confidentiality depends on process rules and statute; exceptions exist for public policy and statutory disclosures.

# ADR Mechanisms: Appeals, Arbitrators, and System Integration

## 11. Appeal Possibilities

- ✗ ADR always spares parties from appeals.
- ✓ Settlement ends litigation; arbitral awards can be appealed/challenged within narrow grounds.

## 12. Arbitrator Impartiality

- ✗ Arbitrators are like judges and always impartial.
- ✓ Arbitrators must be impartial, but parties select them and conflicts may arise requiring challenge.

## 13. System Complement

- ✗ ADR is anti-litigation and weakens rule of law.
- ✓ ADR complements the court system by decongesting it and providing tailored remedies.

## 14. Mediation Enforcement

- ✗ Mediation lacks enforceability tools.
- ✓ Agreements from mediation, when reduced to consent orders or compromise decrees, are enforceable.

## 15. Privacy and Precedent

- ✗ All ADR outcomes are private and cannot be public law precedent.
- ✓ ADR is private, but settlements can be recorded as court orders and shape practice.

## 16. Public Interest Limits

- ✗ ADR cannot tackle public interest or constitutional issues.
- ✓ Typically private, but courts may direct ADR only in appropriate matters; public law issues usually need judicial determination.

## 17. Written Requirements

- ✗ Arbitration agreements are unenforceable without written form.
- ✓ Statute requires written agreements, but electronic records and agreements through conduct may qualify under rules.

## 18. Regulatory Framework

- ✗ ADR processes are unregulated and chaotic.
- ✓ Many statutory, institutional and court-supervised frameworks govern ADR (rules, accreditation).

## 19. Criminal Limitations

- ✗ Arbitral tribunals can create binding criminal liability.
- ✓ Arbitration cannot convict or award criminal sentences; it deals with private civil disputes and contractual remedies.

## 20. Public Compensation

- ✗ Settlement in ADR cannot include public compensation.
- ✓ Parties can agree on compensatory payments and restitution; public interest awards are constrained by law.

# ADR Mechanisms: Discovery, Awards, and Institutional Features

## 21. Discovery Flexibility

- ✗ ADR is not suitable for disputes requiring complex discovery.
- ✓ ADR can incorporate flexible evidence rules including admissible discovery-like processes by agreement.

## 22. Award Challenge Grounds

- ✗ Courts cannot set aside arbitral awards for mistaken law.
- ✓ Awards may be set aside on limited grounds (e.g., the award is against public policy or outside tribunal's jurisdiction).

## 23. Arbitration Types

- ✗ Ad hoc arbitration is always preferable to institutional arbitration.
- ✓ Both have pros & cons; institutional arbitration offers administrative support and rules, ad hoc provides flexibility.

## 24. Mediator Role

- ✗ Mediators decide the outcome.
- ✓ Mediators facilitate negotiation; they do not impose binding decisions unless the parties agree.

## 25. Vulnerable Party Protection

- ✗ ADR deprives vulnerable parties of protections.
- ✓ Properly designed ADR with legal representation and safeguards can protect vulnerable parties.

## 26. Award Finality

- ✗ All arbitration awards are final and unreviewable.
- ✓ Awards are final on merits but open to limited judicial review and challenge on specified statutory grounds.

## 27. Evidence Law Compatibility

- ✗ ADR is incompatible with evidence law.
- ✓ ADR can be designed to respect evidentiary needs; parties can agree on evidentiary rules.

## 28. Written Records

- ✗ Mediation means no written record.
- ✓ Mediation settlements are usually reduced to written agreements and can be made court orders.

## 29. Institutional Accountability

- ✗ ADR bodies have no accountability.
- ✓ Institutional ADR bodies operate under rules, ethics codes and mechanisms for challenge/recusal.

## 30. Delay Solutions

- ✗ ADR solves all delay problems overnight.
- ✓ ADR reduces delay but effectiveness depends on case complexity, parties' willingness and institutional capacity.

# Gram Nyayalayas: Rural Justice and Statutory Framework

## 1. Statutory vs Traditional

- ✗ Gram Nyayalayas are the same as traditional Panchayat justice.
- ✓ They are statutory rural courts created to provide accessible, speedy and inexpensive justice with simplified procedure.

## 2. Implementation Status

- ✗ Gram Nyayalayas are universally implemented across India.
- ✓ Implementation has been patchy; many states have limited roll-out.

## 3. Court Complement

- ✗ Gram Nyayalayas replace regular criminal courts entirely in villages.
- ✓ They provide summary jurisdiction for petty offences and minor civil disputes, complementing ordinary courts.

## 4. Civil Jurisdiction

- ✗ Gram Nyayalayas cannot handle civil disputes.
- ✓ They have limited civil jurisdiction for small causes and petty suits as per statute.

## 5. Simplified Procedure

- ✗ Gram Nyayalayas follow the full CrPC procedure.
- ✓ They use simplified and summary procedures to expedite cases.

## 6. Appeal Mechanisms

- ✗ Decisions of Gram Nyayalayas are final and non-appealable.
- ✓ Appeal mechanisms are provided — usually to the Sessions Court or specified appellate forum.

## 7. Legal Representation

- ✗ Litigants in Gram Nyayalayas must engage lawyers.
- ✓ Proceedings encourage self-representation and are meant to be non-lawyer-centric, though parties may have legal assistance.

## 8. Distinct from Lok Adalats

- ✗ Gram Nyayalayas are a substitute for Lok Adalats.
- ✓ They are judicial courts, while Lok Adalats are ADR bodies — functional difference.

## 9. Judicial Officers

- ✗ Gram Nyayalayas are presided by elected village elders.
- ✓ They are presided by designated judicial officers (as per statute), not elected elders.

## 10. Statutory Basis

- ✗ Gram Nyayalayas lack any statutory basis.
- ✓ Established under the Gram Nyayalayas Act (statutory) and state rules.

# Gram Nyayalayas: Jurisdiction, Enforcement, and Operations

## 11. Limited Criminal Jurisdiction

- ✗ Gram Nyayalayas can try severe offences (murder, rape).
- ✓ Jurisdiction is limited to petty offences; serious crimes remain for regular courts.

## 12. Formal Court Powers

- ✗ Gram Nyayalayas are only for informal settlements/mediation.
- ✓ They are formal courts with power to pass judgments, fines and limited sentences as per the enabling law.

## 13. Legal Enforceability

- ✗ Decisions in Gram Nyayalayas do not carry legal enforceability.
- ✓ Orders are enforceable like other judicial orders within statutory limits.

## 14. Cost Accessibility

- ✗ Gram Nyayalayas are expensive to access.
- ✓ Intended to be low-cost or free, with minimal procedural formalities.

## 15. Evidence Principles

- ✗ Gram Nyayalayas function without rules of evidence.
- ✓ They follow relaxed evidentiary norms but still apply basic principles of evidence and fairness.

## 16. System Integration

- ✗ Gram Nyayalayas were created to bypass High Courts.
- ✓ Created to complement judicial system and expand access at village level, not to bypass higher courts.

## 17. State Authority

- ✗ Gram Nyayalayas can be set up by any local NGO.
- ✓ Only state governments can establish them under statutory authority.

## 18. Judicial Review

- ✗ Gram Nyayalayas are immune from judicial review.
- ✓ Their actions are subject to review by higher courts as per law.

## 19. Delay Reduction

- ✗ Gram Nyayalayas eliminate delays in all rural disputes.
- ✓ They reduce delay for minor disputes, but do not solve systemic backlog entirely.

## 20. Contemporary Relevance

- ✗ Gram Nyayalayas are anachronistic and irrelevant today.
- ✓ They remain valuable for grassroots access, particularly for petty civil/criminal matters.

# Gram Nyayalayas: Procedures, Planning, and Challenges

## 21. Simplified Pleadings

- ✖ Gram Nyayalayas require full legal pleadings like district courts.
- ✓ Simplified pleadings and summary proceedings are the hallmark.

## 22. State Planning

- ✖ Gram Nyayalayas can be set up anywhere without state planning.
- ✓ State governments decide locations, subject to administrative planning and resource allocation.

## 23. Varied Outcomes

- ✖ Gram Nyayalayas always produce reconciliatory outcomes only.
- ✓ Outcomes include reconciliation, fines, small sentences and civil reliefs — tailored to law and facts.

## 24. Victim Rights

- ✖ Gram Nyayalayas ignore victims' rights in criminal matters.
- ✓ They are required to consider victims' interests and seek restorative remedies where appropriate.

## 25. Criminal Justice Integration

- ✖ Gram Nyayalayas are outside the criminal justice process.
- ✓ They operate within criminal justice framework but under summary jurisdiction.

## 26. Juvenile Cases

- ✖ Gram Nyayalayas can try juveniles as adults.
- ✓ Juvenile cases are governed by separate juvenile justice laws; special procedures apply.

## 27. Record Keeping

- ✖ Gram Nyayalayas do not maintain records.
- ✓ They maintain concise records and orders, often simpler than district courts.

## 28. Operational Challenges

- ✖ Gram Nyayalayas are immune to staffing problems.
- ✓ They face staffing, infrastructure and judicial availability challenges like other courts.

## 29. Customary Supplement

- ✖ Gram Nyayalayas are a replacement for customary dispute resolution.
- ✓ They supplement customary forums, often offering legal regularity and enforceability.

## 30. Political Sensitivity

- ✖ Gram Nyayalayas are politically uncontested.
- ✓ Their functioning can be politically sensitive (local power, perceptions of impartiality) and requires careful administration.

# Lok Adalats: Legal Status and Binding Nature

## 1. Legal Consequence

- ✗ Lok Adalats are informal gatherings with no legal consequence.
- ✓ Awards of Lok Adalats are deemed to be decrees of a civil court and are binding on parties.

## 2. Appeal Limitations

- ✗ Lok Adalat awards are always appealable on merits.
- ✓ Awards are final and binding; only limited recourse exists (challenge by initiating fresh litigation on narrow grounds like fraud).

## 3. Dispute Suitability

- ✗ Lok Adalats can decide complex commercial disputes.
- ✓ They handle pending and pre-litigation matters that are amenable to compromise — complex non-settleable disputes may not be fit.

## 4. Fee Structure

- ✗ Parties pay full court fees in Lok Adalat.
- ✓ No court fee is payable; if litigation pending, the fee paid is usually refunded on settlement.

## 5. Criminal Limitations

- ✗ Lok Adalats can award criminal punishments.
- ✓ They settle compoundable criminal cases by compromise; punitive criminal sentence is for courts, not Lok Adalats.

## 6. Procedure Simplicity

- ✗ Lok Adalat decisions require elaborate trial procedure.
- ✓ Proceedings are conciliatory and summary, with emphasis on mutual settlement.

## 7. Representation Flexibility

- ✗ Only lawyers can represent in Lok Adalats.
- ✓ Parties often appear in person or through representatives; legal aid and panel advocates may assist.

## 8. Institutional Variety

- ✗ Lok Adalats are ad hoc one-day events only.
- ✓ There are permanent Lok Adalats as well as periodic ones organized by legal services authorities.

## 9. Family Dispute Settlement

- ✗ Lok Adalats cannot settle family disputes.
- ✓ They settle matrimonial and family disputes where compromise is possible.

## 10. Statutory Framework

- ✗ Lok Adalats are state-run tribunals.
- ✓ They are organized under the Legal Services Authorities Act by legal services bodies and presided by judicial/legal members.

# Lok Adalats: Enforcement, Rights, and Scope

## 11. Self-Enforcement

- ✗ Lok Adalat awards need judicial endorsement to be enforceable.
- ✓ Awards are self-enforceable as a decree, no separate judicial endorsement needed.

## 12. Rights Protection

- ✗ Lok Adalat settlements reduce rights protections.
- ✓ Settlements preserve rights and are voluntary; vulnerable parties must have counsel/aid to avoid exploitation.

## 13. Evidence Procedures

- ✗ Lok Adalats take evidence like regular courts.
- ✓ They usually do not conduct elaborate evidence; settlement is negotiated.

## 14. Matter Types

- ✗ Lok Adalats handle only civil matters.
- ✓ Handle civil and compoundable criminal matters and motor accident claims, recovery matters, bank NPAs etc.

## 15. Value Considerations

- ✗ Lok Adalats are ineffective for large value disputes.
- ✓ They may handle large cases where parties opt for settlement, though institutional suitability varies.

## 16. Policy Impact

- ✗ Lok Adalats outcomes cannot impact precedent or policy.
- ✓ While not precedent, widespread settlement practices can influence dispute resolution norms.

## 17. Strategic Use

- ✗ Lok Adalats cannot be used strategically by rich parties.
- ✓ They can be used strategically, so safeguards and legal aid are important to ensure fairness.

## 18. Court Complement

- ✗ Lok Adalat presence removes need for regular courts.
- ✓ They complement courts by reducing caseloads but do not replace adjudication for non-settleable issues.

## 19. Award Finality

- ✗ Lok Adalat awards can be withdrawn at will.
- ✓ Awards are final; challenge only on limited grounds such as fraud or coercion by normal civil suits.

## 20. Impartial Benches

- ✗ Lok Adalats are quasi-government dispute forums with no impartiality.
- ✓ They are conducted by impartial benches comprising judicial and legal members aiming for fair compromise.

# Lok Adalats: Consent, Consumer Disputes, and System Integration

## 21. Consent Requirements

✗ Lok Adalats require both parties' prior consent to be constituted.

✓ For pending cases, courts can refer; for pre-litigation matters, consent is central for settlement.

## 22. Consumer Disputes

✗ Lok Adalats cannot handle consumer disputes.

✓ They frequently handle consumer disputes and are encouraged by consumer protection frameworks.

## 23. Settlement Balance

✗ Lok Adalat settlements always favour one side.

✓ Settlements are mutually negotiated; procedural fairness aims to avoid one-sided outcomes.

## 24. Geographic Scope

✗ Lok Adalats are only useful for rural dispute resolution.

✓ Used across urban and rural settings to expedite amicable settlements.

## 25. Judicial Review

✗ Lok Adalat awards are immune to judicial review.

✓ Subject to challenge if fraud, coercion or illegality is established, by filing appropriate proceedings.

## 26. Speed and Efficiency

✗ Lok Adalats are slow and bureaucratic.

✓ Designed for speed and informal settlement with minimal procedural barriers.

## 27. Legal Aid Integration

✗ Lok Adalats are a substitute for Legal Aid.

✓ They complement legal aid — Legal Services Authorities ensure representation for weak parties at Lok Adalats.

## 28. Award Status

✗ Lok Adalat awards are mere recommendations.

✓ They are binding awards with decree status under the statute.

## 29. Relief Limitations

✗ Lok Adalats can award remedies beyond parties' consent.

✓ Reliefs are by agreement; ad-hoc compensation beyond consent is rare without statutory basis.

## 30. System Integration

✗ Lok Adalats are anti-judiciary initiatives.

✓ They are institutionalised within the justice delivery system to improve access and reduce backlog.

# Tribunals: Specialised Jurisdiction and Judicial Review

## 1. Distinct Powers

- X** Tribunals are identical to courts in power and procedure.
- ✓** Tribunals are specialised quasi-judicial bodies with jurisdiction defined by statute; procedures may differ from courts.

## 2. High Court Review

- X** Tribunal decisions cannot be reviewed by High Courts.
- ✓** High Courts generally retain writ jurisdiction and supervisory control subject to statutory ouster clauses and judicial interpretation.

## 3. Judicial Scrutiny

- X** Tribunals are beyond judicial scrutiny because they're expert bodies.
- ✓** They are subject to judicial review on jurisdictional, procedural and constitutional grounds.

## 4. Delay Reality

- X** Tribunals always expedite justice and reduce delay.
- ✓** Intended to expedite, but vacancies, procedural glitches and appeals often delay outcomes.

## 5. Member Composition

- X** Tribunal members are always judges by training.
- ✓** Composition mixes judicial and technical/administrative experts depending on statute.

## 6. Appeal Routes

- X** Tribunal orders are final and not appealable.
- ✓** Most tribunal orders have statutory appeal routes (to HC or appellate tribunal) and limited review.

## 7. Criminal Jurisdiction

- X** Tribunals decide on criminal liability and can award imprisonment.
- ✓** Most tribunals impose civil/regulatory remedies; criminal jurisdiction is rare and statutorily specified.

## 8. Bias Challenges

- X** Tribunals are immune to charges of bias.
- ✓** Like courts, tribunals must maintain impartiality and are challengeable for bias.

## 9. Burden Sharing

- X** Tribunals reduce burden on ordinary courts entirely.
- ✓** They share caseload, but some matters still come to courts; tribunal proliferation can shift rather than reduce backlog.

## 10. Natural Justice

- X** Tribunal procedures cannot be challenged on natural justice grounds.
- ✓** Natural justice applies; tribunals must provide fair hearing and reasoned decisions.

# Tribunals: Service Conditions, Powers, and Accountability

## 11. Service Variations

- ✗ Tribunals have uniform service conditions nationwide.
- ✓ Service conditions vary by statute; issues of independence and tenure are recurrent concerns.

## 12. Removal Safeguards

- ✗ Tribunal members can be removed like ordinary employees.
- ✓ Removal usually involves statutory safeguards and is not simplistic.

## 13. Judicial Functions

- ✗ Tribunals are purely administrative and not judicial.
- ✓ Tribunals exercise judicial functions despite administrative origins.

## 14. Creation Authority

- ✗ All tribunals are constituted by the Centre only.
- ✓ Some are state tribunals, others central — creation depends on legislative competence.

## 15. Contempt Powers

- ✗ Tribunals have powers to punish for contempt like High Courts.
- ✓ Contempt powers vary; many tribunals lack full contempt jurisdiction and rely on courts for enforcement.

## 16. Language Usage

- ✗ Tribunals always work in English only.
- ✓ Language of tribunal is set by statute and may allow regional languages in practice.

## 17. Enforcement Mechanisms

- ✗ Tribunal awards are unenforceable without court action.
- ✓ Many tribunals have statutory enforcement machinery; sometimes enforcement requires court pathways.

## 18. Interim Relief

- ✗ Tribunals cannot grant interim relief.
- ✓ Most tribunals can grant interim orders to protect rights pending final adjudication.

## 19. Cost Considerations

- ✗ Tribunals are inexpensive relative to courts.
- ✓ Costs depend on procedures and representation; some tribunals are costly due to complexity.

## 20. Judicial Expertise

- ✗ Tribunals eliminate need for specialist judges in High Courts.
- ✓ They supplement but do not remove the need for judicial expertise in higher courts.

## 21. Creation Purpose

- ✗ Tribunals are created only for technical convenience.
- ✓ Created for expertise, specialisation, speed and sectoral regulation.

## 22. Qualification Requirements

- ✗ Tribunal members require judicial qualifications only.
- ✓ Statutes often require combination of legal and technical expertise.

## 23. Legislative Accountability

- ✗ Tribunals are not accountable to Parliament or State Legislatures.
- ✓ They are statutory bodies and can be reformed, reviewed or abolished by law; parliamentary oversight exists.

## 24. Policy Impact

- ✗ Tribunal orders cannot affect public policy.
- ✓ They can have significant policy impact within their specialised areas (tax, environment, corporate law).

## 25. Reorganisation Possibility

- ✗ Tribunals are permanent and cannot be reorganised.
- ✓ Tribunals can be restructured by legislation and reform processes.

## 26. Evidence Rules

- ✗ Tribunals must follow strict Evidence Act rules like courts.
- ✓ Many tribunals use flexible evidence rules suited to their statutory mandate.

## 27. Appointment Transparency

- ✗ Tribunal appointments are transparent and meritocratic everywhere.
- ✓ Appointment processes have varied transparency; reforms have aimed to improve selection.

## 28. Appeal Structure

- ✗ Tribunals have the same appeal and review structure nationwide.
- ✓ Appeal routes and review provisions differ widely by tribunal statute.

## 29. Reasoned Orders

- ✗ Tribunals never deliver reasoned orders.
- ✓ Tribunals are obliged to give reasons; lack of reasoned orders is a ground for judicial challenge.

## 30. Access to Justice

- ✗ The existence of tribunals means ordinary citizens cannot access justice.
- ✓ Tribunals increase access by offering specialised forums; ensuring accountability and fairness remains essential.