Mains Marathon

Compilation

18th to 23rd September, 2023

Mains Marathon Compilation for the Month of September, (Third Week) 2023

1. Analyze the significance of women-focused welfare schemes in shaping the political landscape of India. How have they impacted the perception of political parties among women constituents?

2. Analyze the potential impact of PM-WANI on India's digital public infrastructure. How does it compare to other initiatives like UPI in transforming the digital landscape of the country?

3. Critically evaluate the role of self-help groups in empowering women in rural and semi-urban settings. How have these groups influenced women's participation in local governance?

4. Discuss the role of the Cauvery Water Management Authority (CWMA) in resolving the water dispute. How can transparency and public awareness aid in dispelling misconceptions related to the issue?

5. In the context of the Antarctic Treaty and the Moon Agreement, how can nations strike a balance between exploration and preservation?

6. How can India ensure that its pursuit of strategic autonomy does not lead to isolation or conflict with major global powers?

7. What challenges and opportunities does the mandatory 'star rating' program present for the Indian fan market? How can India leverage its domestic market to promote energy-efficient products and reduce import dependence?

8. How can India balance its ambitious technological advancements with the pressing need to address socio-economic inequalities?

9. Analyze the symbolic significance of the new Parliament building in the context of India's democratic ethos. How does it reflect the changing dynamics of political governance in the country?

10. Compare and contrast mediation and commercial arbitration in India. How do recent legislative changes position them in the landscape of dispute resolution?

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1. **Analyze the significance of women-focused welfare schemes in shaping the political landscape of India. How have they impacted the perception of political parties among women constituents?**

> **Introduction:** Briefly explain the context.
> **Body:** Highlight the significance of such schemes & how they have impacted the perception of political parties.
> **Conclusion:** Way forward.

The significance of women-focused welfare schemes has played a significant role in shaping the political landscape of India. These schemes have played a crucial role in addressing gender disparities, empowering women, and influencing the perception of political parties among women constituents.

Significance of such schemes in shaping the political landscape of India:

- **Reduce gender disparities**: Women-focused welfare schemes, such as the "Beti Bachao, Beti Padhao" and "Mahila Shakti Kendra", have aimed to reduce gender-based inequalities in various sectors, including education, healthcare, and employment. These schemes have improved the lives of women and girls and contributed to reducing disparities.
- **Political empowerment:** Schemes like the "Pradhan Mantri Matru Vandana Yojana" and "Pradhan Mantri Ujjwala Yojana" have empowered women by providing them with financial assistance and resources. This empowerment often leads to increased political awareness and participation among women in society.
- **Greater political representation**: Women-focused schemes have contributed to increasing the representation of women in politics. Reservations for women in local governance (Panchayati Raj) institutions have provided women with opportunities to hold leadership positions, leading to better representation of their interests and concerns. The newly introduced Women's Reservation Bill, which seeks to provide a 33 percent quota to women in Parliament and state legislatures will be a landmark legislation in empowering women &ensuring greater representation of women.

Impact of such welfare schemes on the perception of political parties among women constituents:

- **Political Behaviour and Voting Patterns**: The impact of women-focused schemes on voting behaviour can vary. While these schemes may lead to increased support for parties that implement them effectively, voting decisions are influenced by a wide range of factors, including local candidates, party ideologies, and broader political issues.
- **Improve political party image**: Political parties that prioritize women's welfare are generally viewed more positively by women voters. Parties that champion women's rights and promote gender equality are seen as progressive and responsive to the needs of half the population. This can improve the image of such parties among women constituents. E.g., Dravidian parties of Tamil Nadu & JDU of Bihar.
- **Increased Trust and Support**: Effective implementation of women-focused welfare schemes has often led women to view political parties that prioritize these schemes more favourably. When women perceive that a political party is genuinely committed to improving their welfare and addressing their needs, they are more likely to trust and support that party.

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The Indian government has introduced various schemes to empower women and provide them with opportunities for growth and safety. Through these schemes, the government is actively working towards creating a more inclusive and secure environment for women in India.

2. **Analyze the potential impact of PM-WANI on India's digital public infrastructure. How does it compare to other initiatives like UPI in transforming the digital landscape of the country?**

> **Introduction**: Describe PM-WANI briefly.
> **Body:** Highlight its impact on DPI & comparison with UPI.
> **Conclusion:** Way forward.

PM-WANI (Prime Minister's Wi-Fi Access Network Interface) is an initiative launched in India to improve internet access and connectivity by promoting public Wi-Fi networks. It aims to transform India's digital landscape by making high-speed internet accessible to a wider population. The scheme envisages the setting up of public Wi-Fi networks and access points by local Kirana and neighborhood shops through public data offices (PDO) will be set up on the lines of Public Call Offices (PCOs)) that will not involve any license, fee, or registration.

Impact of PM-WANI on India's digital public infrastructure:

- **Improved Internet Access:** PM-WANI aims to provide high-speed internet access in public places such as markets, bus stops, railway stations, and rural areas. This can significantly enhance digital inclusion and access to online services for a larger population.
- **Reduced Data Costs**: By offering low-cost or free public Wi-Fi, PM-WANI can help reduce data costs for users, making it more affordable for people to access the internet.
- **Enhanced Education and E-Governance:** Improved internet access can benefit education, e-governance services, and telemedicine, especially in remote areas. It can also promote digital literacy and skill development.
- **Bridging the Digital Divide:** With a low home broadband penetration of around 10% in India, PM-WANI offers an opportunity to improve internet access, especially in underserved areas.
- **Boosting Local Economy:** Local shops and households can become PDOs, setting up Wi-Fi hotspots. This not only promotes affordable internet usage but also augments their earnings.

Comparison between UPI with PM-WANI:

- **Purpose**: PM-WANI's primary purpose is to improve digital connectivity and internet access, especially in rural and underserved areas through a network of public Wi-Fi hotspots. UPI on the other hand is a real-time payment system that facilitates digital transactions and money transfers.
- **Challenges**: PM-WANI faces challenges related to the effective implementation of public Wi-Fi networks, including issues of infrastructure, privacy, and security. UPI on the other hand faces challenges related to security and fraud, as the increased use of digital payments has attracted cybercriminals.
- **Economic Impact**: UPI has had a significant economic impact by boosting digital transactions, e-commerce, and fintech innovation. PM-WANI's economic impact is more indirect, as improved internet access can facilitate online economic activities.

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- **Implementation**: PM-WANI involves the setup of physical infrastructure (Wi-Fi hotspots) and may require more local-level involvement, whereas UPI primarily operates through digital platforms and apps.

Conclusion:

India's Digital Public Infrastructure (DPI) is a blend of scalability, interoperability, innovation, and frugality which advances a digitally inclusive future & country's commitment to leverage technology for the greater good.

3. **Critically evaluate the role of self-help groups in empowering women in rural and semi-urban settings. How have these groups influenced women's participation in local governance?**

> **Introduction:** Describe SHG.
> **Body:** What is role of SHG in empowerment of women and their influence in local governance?
> **Conclusion:** Way forward

Self-Help Groups (SHGs) are small voluntary associations of poor people, who come together to solve their common problems through self-help and mutual help. The SHGs usually comprise very poor people who do not have access to formal financial institutions. Self-help groups (SHGs) have played a significant role in empowering women in rural and semi-urban settings in India. However, their impact and influence on women's participation in local governance can vary depending on several factors.

Role of self-help groups in empowering women in rural and semi-urban settings:

- **Economic Empowerment**: SHGs have been effective in encouraging women in rural and semi-urban regions to become economically independent. Women now have access to loans and financial resources to launch small enterprises or take part in income-generating activities thanks to microfinance initiatives.
- **Social Empowerment**: Social engagement and networking among women rise frequently as a result of SHG participation. This aids in dismantling conventional barriers and norms, fostering higher levels of self-esteem and social empowerment.
- **Skill Development**: Many SHGs offer training and skill development programs, enabling women to acquire new skills, which not only improves their employability but also boosts their self-confidence.
- **Collective Bargaining**: SHGs empower women to negotiate better prices for their products and services, helping them earn more income. This collective bargaining power can be a significant force for economic empowerment.

Influence of SHG in influencing women's participation in local governance:

- **Representation**: SHGs can serve as a training ground for women to understand the workings of community organizations. However, direct participation in local governance can be limited because SHGs are primarily focused on economic and social issues rather than political matters. SHG women's interaction with panchayats through greater Gram Panchayats-SHG convergence can also provide a valuable civil society check on the working of the panchayats themselves.
- **Leadership skills**: While SHGs may not directly engage in politics, they often cultivate leadership skills among women. Some women who have been part of SHGs may eventually take an interest in local politics and run for elected positions.

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- **Influence local issues**: Some SHGs engage in advocacy efforts to influence policies and programs that affect their communities. They can lobby for better access to healthcare, nutrition, education, and infrastructure, indirectly impacting local governance.

Conclusion:

SHG should align its efforts to not just focus on economic empowerment alone but also social and political empowerment. Women's SHGs must be systematically oriented around women's rights, entitlements, legal remedies, and support systems; they should be actively educated about how to resist gender-based violence, discrimination, and exploitation. They should be supported to function as informal social networks of resilience and solidarity for their members.

4. **Discuss the role of the Cauvery Water Management Authority (CWMA) in resolving the water dispute. How can transparency and public awareness aid in dispelling misconceptions related to the issue?**

> **Introduction:** Describe CWMA briefly.
> **Body**: Highlight role of CWMA in resolving water disputes.
> **Conclusion:** Way forward

Cauvery Water Management Authority (CWMA) plays a pivotal role in resolving the long-standing water dispute between the states of Karnataka and Tamil Nadu in India. Its establishment was a result of a Supreme Court verdict in 2018, which aimed to ensure a fair and equitable distribution of Cauvery River water among the riparian states. (CWMA) lies under the administrative control of the Union Ministry of Jal Shakti.

Role of CWMA in resolving water dispute:

- **Water allocation**: CWMA is responsible for determining the annual allocation of Cauvery river water among Karnataka, Tamil Nadu, Kerala, and Puducherry based on the water availability and the needs of the states.
- **Reservoir Regulation**: It supervises the operations of reservoirs and the release of water to the downstream states to ensure that the allocated shares are met.
- **Dispute Resolution**: CWMA has the authority to resolve disputes arising between the riparian states regarding water-sharing. It provides a platform for states to address grievances and reach consensus.
- **Monitoring and Data Collection**: The authority collects data on rainfall, river flows, and reservoir levels to make informed decisions about water allocation.

How can transparency & public awareness aid in resolving water disputes?

- **Access to Information:** Ensuring transparency in the functioning of CWMA is crucial. Making information about water allocation, releases, and decisions easily accessible to the public can help dispel misconceptions and build trust.
- **Public Consultations:** CWMA can engage in public consultations and involve stakeholders, including farmers and local communities, in the decision-making process. This can provide insights and build consensus on water-sharing issues.
- **Educational Campaigns:** Promoting awareness campaigns about the Cauvery water dispute, the role of CWMA, and the importance of equitable water-sharing can help dispel misconceptions and foster a better understanding of the issue among the public.

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- **Media Engagement:** CWMA can actively engage with the media to ensure accurate and unbiased reporting on water-related matters. This can help prevent the spread of false information or biased narratives.
- **Conflict Resolution Workshops:** Organizing workshops and training programs on conflict resolution and negotiation can empower local leaders and officials to manage disputes at the grassroots level.
- **Technology and Data Sharing**: Utilizing technology to share real-time data on water availability and releases can enhance transparency and help stakeholders understand the ground realities.

Conclusion:

A positive step by CWMA would be to make the proceedings of all its meetings held so far available to the public on a website to dispel misconceptions in both States Cauvery water sharing issue. The water-sharing formula should be addressed rationally and objectively with officials and technical experts of CWMA.

5. **In the context of the Antarctic Treaty and the Moon Agreement, how can nations strike a balance between exploration and preservation?**

> **Introduction:** Describe the Antarctic Treaty & Moon Agreement.
> **Body:** How can nations strike a balance between exploration and preservation
> **Conclusion:** Way forward.

The urge to control resources over the South Pole and competition to dominate celestial bodies has raised questions of exploration & preservation in the context of agreements signed among nations to protect these resources. The Moon Agreement of 1979 is directed towards the use of the Moon and other celestial bodies & limits the scope of exploitation of resources from these celestial bodies. Such celestial bodies must only be used for peaceful purposes, with no state allowed to establish military bases or place weapons on celestial bodies. Antarctic Treaty on the other hand came into force in 1961 & aims to demilitarize Antarctica, establish it as a zone free of nuclear tests, & promote international scientific cooperation in Antarctica.

How can nations strike a balance between exploration and preservation?

- **Monitoring & Regulations**: Close monitoring systems regulate the activities of the countries with a presence in Antarctica to maintain their ecological integrity. These regulations should include strict guidelines on waste disposal, habitat protection, and sustainable resource use.
- **Peaceful & scientific research:** Nations should Encourage and prioritize scientific research in both regions. Scientific exploration often leads to a better understanding of ecosystems and celestial bodies, which can inform responsible practices. Nations should collaborate on research projects to minimize duplication and share knowledge.
- **Global cooperation:** Nations should work together to encourage international cooperation and coordination & reduce conflict. Collaboration can also lead to shared responsibility for preservation efforts. Eg success of Chandrayaan is the "***success of all of humanity".***
- **Off-limit zones:** UNGA should designate and maintain protected areas in Antarctica and on the Moon. These areas can serve as natural laboratories or cultural heritage sites that are off-limits to exploitation and development. These zones would help preserve unique ecosystems and historical sites.

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- **Educational awareness:** Nation-states can promote education and awareness about the importance of preservation in both Antarctica and on the Moon. Public support for conservation efforts can influence government policies and corporate practices.
- **Regular Review and Adaptation:** The need is to periodically review the treaties and agreements in place to ensure they remain relevant and effective. As technology advances and our understanding of these environments grows, it may be necessary to adapt regulations and practices accordingly.

Conclusion:

India's mature stance on the moon mission reflects India's stance on crafting a new chapter in balancing exploration & preservation of celestial bodies and the South Pole. India can cooperate with other nations to frame a new set of guidelines to protect outer space & south pole from debris & non-militarisation of outer space a non-negotiable arrangement.

6. **How can India ensure that its pursuit of strategic autonomy does not lead to isolation or conflict with major global powers?**

> **Introduction:** Define strategic autonomy.
> **Body:** How can India ensure its strategic autonomy is maintained in current environment?
> **Conclusion:** Way forward.

Strategic autonomy is the ability of a state to pursue its national interest and preferred foreign policy without being constrained by other states. It has to be formulated as per the security environment to ensure India's sovereignty and territorial integrity are maintained. India's NAM policy has been the root cause of its strategic autonomy.

Several strategies that can be used to ensure strategic autonomy:

- **Engagement with global powers**: India should actively pursue diplomacy & engage with major global powers like the US, EU, Russia, and China to prevent misunderstandings and conflict. India has to actively seek the cooperation of the US and the West to make a success of its economic reform & needed Western capital as well as technology for better access to markets. On the other hand, Delhi has to protect some of its core national interests from the threats of US intervention like the strategic nuclear program & Kashmir issue.
- **Cooperation on global concerns**: India can actively collaborate with major powers on global challenges such as climate change, pandemic response, poverty, hunger, and counterterrorism. Addressing these issues collectively demonstrates the responsible & global role played by India.
- **Atmanirbharta or self-reliance**: The policy of self-reliance is not about retreating from the world, but enhancing India's economic contribution to the global economy. When applied to the foreign policy framework, "self-reliance" becomes "strategic autonomy". India aims to achieve self-reliance by securing a critical supply chain, achieving competency in advanced technologies & enabling further diversification & indigenization of defence platforms.
- **Multilateral forums**: India should participate actively in multilateral forums like the United Nations, G20, BRICS, NAM, and ASEAN provide opportunities to collaborate with major global powers on common issues, fostering cooperation and reducing isolationist tendencies. For eg, India can engage with Global South and influence the global decision process through the reform of WTO, IMF, UNO & World Bank.

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- **Engaging new partners:** India should diversify its engagement globally by establishing strategic partnerships with countries like France & Central Asian Republics (CAR). India and France share a common view regarding defence cooperation &strengthening of global institutions like UNO. Cooperation with CAR can help secure future energy needs & reduce dependence on the Gulf.

Conclusion:

India's foreign policy is to be guided by realism with elements of confidence & objectivity combined with logic, reason, and clarity if we are to deal successfully with the world as it is. Today, more than ever we need to strengthen our autonomy while working with all the major powers and cooperating harmoniously with our neighbours.

7. **What challenges and opportunities does the mandatory 'star rating' program present for the Indian fan market? How can India leverage its domestic market to promote energy-efficient products and reduce import dependence?**

> **Introduction:** What is a star rating program?
> **Body:** Highlight challenges and opportunities related to the program.
> **Conclusion:** Way forward

The mandatory Standards and Labelling (S&L) program, popularly known as the 'star-rating' program was made mandatory for ceiling fans in May 2022. The program was implemented by the Bureau of Energy Efficiency (BEE) under the Ministry of Power, & aims to promote energy-efficient products and reduce energy consumption for appliances & electronics.

Some of the challenges of this program:

- **High cost:** Energy-efficient fans often come at a higher upfront cost. Consumers might be hesitant to pay more, even if it means long-term savings on electricity bills.
- **Import dependence**: A new type of fan like a brushless DC (BLDC) motor, which meets the '5-star' performance benchmark has a high import dependency for components.
- **Initial Resistance**: Implementing mandatory star ratings might face initial resistance from manufacturers and consumers who are accustomed to less efficient but cheaper products. Convincing them to invest in more energy-efficient fans may be a challenge.
- **Market Competition**: Indian manufacturers will face increased competition from international brands that have been producing energy-efficient products for a longer time. Local manufacturers may need to upgrade their technology and processes.

Some opportunities for the Indian fan market:

- **Energy Savings**: The primary objective of the star rating program is to reduce energy consumption. Energy-efficient fans can significantly lower electricity bills for consumers, making them an attractive option.
- **Environmental Benefits**: Promoting energy-efficient products aligns with India's goals of reducing carbon emissions and combating climate change. It contributes to a more sustainable future.
- **Technology Adoption**: The program can drive innovation and encourage manufacturers to develop more energy-efficient technologies, which can be a significant competitive advantage.

How can India leverage its domestic market to promote energy-efficient fans?

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- **Tech agnostic**: This policy offers manufacturers a free hand to offer different technologies to consumers so that they can compete and market transformation is cost-effective.
- **Quality Control and Standards**: Strengthen quality control measures, effective pricing mechanisms & balance, and standards to ensure that domestic products meet the required energy efficiency criteria.
- **Local manufacturing**: Under the Atmanirbharta program the need is to boost domestic manufacturing capacity for high-efficiency fans. Collaborations between government agencies, academic institutions, and private companies can lead to research in developing cutting-edge technologies for energy-efficient fans.
- **Export promotion**: India can leverage its massive domestic market to achieve economies of scale for finished products and components, and expand into the export market under "Made in India".

Conclusion:

Energy efficient fans are necessary to help the population with soaring electricity bills & heat stress while at the same time central to India's clean energy transition and can play a part in its economic growth.

8. **How can India balance its ambitious technological advancements with the pressing need to address socio-economic inequalities?**

> **Introduction:** Give a brief context of the question.
> **Body:** What ways can be considered to balance tech advancement with socio-economic inequalities.
> **Conclusion:** Way forward

The recent success of the Chandrayaan mission has once again reignited debate about balancing ambitious technological advancements with the pressing need to address socio-economic inequalities.

Several strategies that India can consider to strike a balance between these two important priorities:

- **Education & skill development**: India should fund extensive national digital literacy initiatives to guarantee that people from all socioeconomic backgrounds have access to technology and the know-how to use it efficiently. Vocational training programs can equip individuals with skills relevant to the modern job market, especially in technology-related fields.
- **Infrastructure**: The need is to continue investing in physical infrastructure development, such as transportation and energy, to support economic growth and reduce regional disparities. Digital infrastructure, including data centres and broadband networks, will facilitate technological advancements and support the growth of the digital economy.
- **Social security**: The government can explore the feasibility of implementing Universal Basic Income or targeted cash transfer programs to provide a financial safety net for those facing economic hardship, enabling them to participate in the digital economy. The need is to strengthen public healthcare and education systems to ensure that essential services are accessible to all, irrespective of socio-economic status.
- **Access to Technology**: Expand access to affordable and reliable internet services, especially in rural and remote areas, to bridge the digital divide and enable access to online education, job opportunities, and government services. Encourage the

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development and adoption of low-cost computing and communication devices, making technology more accessible to marginalized communities.

- **Responsible use of technology**: Establish and enforce regulatory frameworks that ensure responsible and ethical use of technology, including data privacy protections and safeguards against discriminatory algorithms. Complement these efforts with a framework to protect digital rights, ensuring that all citizens have equitable access to the benefits of technological advancements.

Conclusion:

The attempt towards technological advancements should be supplemented with generous state support which can play a vital role in infrastructure development, health & education, and agrarian reforms. The goal should be to harness the transformative power of technology to uplift marginalized communities and create a more inclusive and equitable society in India.

9. **Analyze the symbolic significance of the new Parliament building in the context of India's democratic ethos. How does it reflect the changing dynamics of political governance in the country?**

> **Introduction:** Give context to the question.
> **Body:** Significance of new building & how does it reflect changing political dynamics in the nation.
> **Conclusion:** Way forward

Recently, the Indian Prime Minister inaugurated India's new Parliament building, part of the revamped Central Vista project. The recently inaugurated new Parliament building is a remarkable achievement and a symbol of the nation's progress. The construction of the new building, designed by Architect Bimal Patel, began in 2019.

Significance of New Parliament building in India's democratic ethos:

- **Symbol of democracy**: The Parliament building serves as the nucleus of India's democratic system, providing a platform for elected representatives to convene, deliberate, and enact legislation. It signifies the perpetuation and strengthening of democratic values within the country.
- **Inclusivity**: The planning and construction of the new Parliament building can underscore inclusivity by addressing the requirements of an expanding community of parliamentarians, support staff, and visitors. This underscores the notion that democracy must be accessible to every citizen, and it demonstrates the government's proactive efforts to facilitate this accessibility.
- **Reflecting Indian heritage**: The building showcases the vibrance and diversity of modern India by incorporating cultural and regional arts and crafts, serving as an embodiment of Indian heritage. Eg, Lok Sabha Hall is based on the peacock theme, India's national bird. The Rajya Sabha is based on the lotus theme, India's national flower.

How does it reflect changing political governance dynamics in the country?

- **Sufficient seating space**: The new building has been designed to accommodate a bicameral legislature for a full-fledged democracy. With the likely rise in Lok Sabha seats post delimitation after 2026 there was a need for new space to accommodate new MPs, which also helped in organising joint sessions comfortably. This underscores the flexibility and adaptability of the country's democratic institutions.

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- **Technological advancements**: The new building offers secure and efficient office spaces equipped with the latest communication technology. It features large committee rooms with advanced audio-visual equipment and provides an enhanced library experience. It incorporates state-of-the-art facilities, advanced communication systems, and electronic surveillance for improved functionality and efficiency.
- **Enhanced legislative proceedings**: The new building provides well-engineered acoustics, a digitized voting system, and modern audio-visual systems to facilitate effective legislative proceedings. It ensures a more conducive environment for debates, discussions, and decision-making on matters of national importance.

Conclusion:

The new building, which stands alongside the existing Parliament House, *"reflects the aspirations of 135 crore Indians".* The old and new Parliament buildings *"will work together as an ensemble" to "facilitate smooth and efficient functioning of operations"* by adapting to the needs of a growing and evolving nation while upholding its democratic ethos.

10. **Compare and contrast mediation and commercial arbitration in India. How do recent legislative changes position them in the landscape of dispute resolution?**

> **Introduction:** Describe ADR briefly.
> **Body:** Compare mediation & arbitration and how they affect dispute resolution.
> **Conclusion:** Way forward

Recently President gave assent to The Mediation Bill, 2023 which encourages courts to refer the disputing parties to ADR procedures, including mediation. ADR or Alternate Dispute Resolution refers to a set of methods and processes used to resolve legal disputes outside of traditional courtroom litigation. ADR methods include negotiation, mediation, arbitration, and various other techniques that aim to facilitate the resolution of disputes more efficiently and cost-effectively than going to court.

Difference between mediation & commercial arbitration in India:

- **Definition:** Mediation is a voluntary and consensual process where a neutral third party (the mediator) assists disputing parties in reaching a mutually acceptable resolution. The mediator does not impose a decision but facilitates communication and negotiation. Commercial arbitration is a process where parties submit their dispute to one or more arbitrators, who render a binding decision called an arbitration award. It is often used for complex commercial disputes.
- **Control**: Parties have significant control over the outcome in mediation, as they actively participate in crafting the resolution. The mediator's role is to guide and facilitate the discussions. While parties have some control over the choice of arbitrators and the arbitration process, the final decision rests with the arbitrator(s). The process is more formal compared to mediation.
- **Legislation:** The Mediation and Conciliation Act, of 1996, & Mediation Act of 2023 govern mediation in India. The Arbitration and Conciliation Act, 1996 & Arbitration and Conciliation (Amendment) Act, 2019, governs arbitration in India.

How do recent legislative changes affect dispute resolution?

- **Necessary obligation**: The new legislative change proposes that regardless of any previous mediation agreement, the Act mandates both parties to engage in pre-

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litigation mediation as a preliminary step before resorting to the Indian court system. To facilitate this procedure, the Act will also necessitate courts and relevant institutions to establish a roster of qualified mediators.

- **Reduce the burden on courts**: The act's message is clear regarding commercial matters, that courts must no longer be the default venue for dispute resolution instead parties must go for ADR. Given the huge backlog of cases in courts the ADR mechanism can be an important tool in increasing access to justice by providing redress and settlement of disputes in a non-adversarial manner, free from the formalistic procedural practices of the law.

- **Institutionalized Services**: Both the Mediation Act & Arbitration and Conciliation Act emphasize institutional mediation. Mediation service providers would provide not only the services of a mediator but also all the facilities, secretarial assistance, and infrastructure for the efficient conduct of mediation.

Conclusion:

Both mediation and commercial arbitration have their roles in India's dispute resolution landscape. Recent legislative changes have sought to enhance the appeal and effectiveness of both methods, positioning them as viable alternatives to lengthy and costly court litigation, depending on the nature of the dispute and the preferences of the parties involved.

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