



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B./B.B.A.LL.B./LL.B.

Semester: VIII/VIII/IV

SUBJECT: Alternative Dispute

Resolution

SUBJECT CODE:

BAL803/BBL803/LLB401

NAME OF FACULTY: Mohammad Aqib

Lecture-24



LECTURE 24: Role of Conciliator and Communication between conciliator and Parties

Role of conciliator:-

1. The conciliator shall assist the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute.
2. The conciliator shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties, the usages of the trade concerned and the circumstances surrounding the dispute, including any previous business practices between the parties.
3. The conciliator may conduct the conciliation proceedings in such a manner as he considers appropriate, taking into account the circumstances of the case, the wishes the parties may express, including any request by a party that the conciliator hear oral statements, and the need for a speedy settlement of the dispute.
4. The conciliator may, at any stage of the conciliation proceedings, make proposals for a settlement of the dispute. Such proposals need not be in writing and need not be accompanied by a statement of the reasons therefore.

Communication between Conciliator and Parties [Section 69 (1)]: The conciliator may invite the parties to meet him or may communicate with them orally or in writing. He may do so with the parties together or with each of them separately.

1. **Commencement of conciliation proceedings [Section 62]:** The conciliation proceedings are initiated by one party sending a written invitation to the other party to conciliate. The invitation should identify the subject of the dispute. Conciliation proceedings are commenced when the other party accepts the invitation to conciliate in writing. If the other party inviting conciliation does not receive a reply within thirty days from the date he sends the invitation or within such period of time as is specified in the invitation, he may elect to treat this as rejection of the invitation to conciliate. If he so elects he should inform the other party in writing accordingly.
2. **Submission of statement to conciliation [Section 65]:** The conciliator may request each party to submit to him a brief written statement. The statement should describe the general nature of the dispute and the points at issue. Each party should send a copy of such statement to the other

party. The conciliator may require each party to submit to him a further written statement of his position and the facts and grounds in its support. It may be supplemented by appropriate documents and evidence. The party should send a copy of such statements, documents and evidence to the other party. At any stage of the conciliation proceedings, the conciliator may request a party to submit to him any additional information which he may deem appropriate.

- 3. Conduct of conciliation proceedings [Section 69 (1), 67 (3)]:** The conciliator' may invite the parties to meet him. He may communicate with the parties orally or in writing. He may meet or communicate with the parties together or separately.

In the conduct of conciliation proceedings, the conciliator has some freedom. He may conduct them in such manner as he may consider appropriate. But he should take into account the circumstances of the case, the express wishes of the parties, a party's request to be heard orally and the need of speedy settlement of the dispute.

- 4. Administrative Assistance [Section 68]:** Section 68 facilitates administrative assistance for the conduct of conciliation proceedings. Accordingly, the parties and the conciliator may seek administrative assistance by a suitable institution or the person with the consent of the parties.