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ROLE OF ADR IN SPEEDY JUSTICE SYSTEM IN INDIA

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ABSTRACT

The Indian judiciary is confronted with an increasingly mounting backlog of cases, compromising access to timely justice for millions of pending litigations in different courts. Not only does this delay justice, but it also violates the fundamental right of a person, there in the legal maxim, justice delayed is justice denied. In such a scenario, alternate dispute resolution mechanisms have proven to be a useful tool for resolving delays in the formal judicial process. ADR encompasses procedures like arbitration, mediation, conciliation and negotiation, which offers litigants quick, cost-saving and friendly solutions to disputes. These mechanisms facilitate quick resolution of disputes while easing the court workload. The current research explores the central role played by ADR in the Indian justice system and examines its impact on decreasing case pendency along with increasing accessibility of justice for weaker and marginal sections. The research gives an elaborate account of the legal provision that regulates ADR in India, including the arbitration and conciliation act, 1996, and the legal service authorities act, 1987, which formalized Lok Adalat.

Keywords – Cost effective, Friendly solutions, Arbitration and conciliation act, Legal service authorities act, Lok Adalat.

I. INTRODUCTION

The well-known saying "Justice delayed is justice denied" reflects a core legal principle: if a person suffers harm and is entitled to legal remedy, but that remedy is not provided promptly, it is as ineffective as having no remedy at all. As one of the world's largest democracies, India depends heavily on the trust of its people in the judiciary. This trust is rooted in the belief that justice will not only be delivered fairly but also within a reasonable time frame, in line with the ideals of the Rule of Law.

The Constitution of India guarantees justice for all its citizens and upholds fundamental rights like the right to life and personal liberty. The concept of the rule of law implies that everyone is equal in the eyes of the law and is entitled to the same legal protections. Although, in reality, not everyone is able to exercise these rights equally. This is primarily because enforcement often requires approaching the courts, and the current legal process - especially in criminal cases - is often seen as complicated, expensive, and slow-moving. Consequently, for many ordinary citizens, true access to justice remains out of reach.

India's judicial system, although well-structured and constitutionally guided, continues to grapple with the overwhelming issue of case pendency and slow judicial proceedings. With more than four crore cases awaiting resolution across different levels of the judiciary, traditional court litigation often proves to be time-consuming, expensive, and emotionally exhausting for those involved. In light of this, Alternative Dispute Resolution (ADR) has emerged as a practical solution to ease the load on courts and uphold the principle that justice should be timely to be meaningful.

ADR encompasses several dispute resolution methods like mediation, arbitration, conciliation, negotiation, and Lok Adalat, which function outside the conventional judicial setup. These methods, inspired by India's long-standing history of informal community-based conflict resolution as well as modern legal developments, offer quicker and more cost-efficient ways to resolve disagreements. They are particularly effective in resolving civil, commercial, and family-related disputes, where preserving personal or business relationships is often as important as the resolution itself. Legal backing for ADR approaches in India is provided by key legislations like A&C Act, and the Legal Services Authorities Act, 1987.

II. STATEMENT OF PROBLEM

In India, the judicial system is often burdened with an overwhelming number of cases, leading to delays and backlog in courts. This prolonged delay in the judicial process undermines the timely delivery of justice, often resulting in frustrated litigants and growing public dissatisfaction. One of the contributing factors to this inefficiency is the limited resources available for the conventional litigation process, which leads to slower hearings and judgments. The need for alternative approaches to resolve disputes efficiently and swiftly has become increasingly evident, and one such mechanism gaining prominence is ADR.

ADR methods, like arbitration, mediation, and conciliation, have the potential to significantly alleviate the burden on traditional courts. By offering out-of-court settlements, ADR ensures that cases are resolved faster, at a lower cost, and with greater flexibility. Although, in spite of its growing adoption, ADR still faces challenges in India, including a lack of awareness, limited infrastructure, and sometimes reluctance from parties to opt for these methods because of trust in conventional litigation. These factors hinder the effectiveness of ADR in facilitating speedy justice, thus preventing it from fully addressing the issues plaguing the judicial system.

The role of ADR in enhancing the speed and efficiency of justice delivery in India requires further exploration to address these challenges. Legal reforms, judicial support, and increased awareness about ADR method can help optimize its use, offering a viable solution to the problem of delayed justice. A robust integration of ADR into the Indian judicial system could significantly reduce case backlogs and improve access to timely and affordable justice for citizens. Therefore, it is crucial to assess how ADR can be better executed to contribute to a more efficient, timely, and accessible justice system in India.

III. LITERATURE REVIEW

Arpit Jain (2020)[1099] The advent of ADR has significantly influenced perceptions of the judiciary's role and its function within society. ADR has brought to the forefront the need for more efficient and accessible methods of resolving disputes. Ensuring access to justice is a vital component in the protection and enforcement of fundamental rights. Although, the existing legal system suffers from procedural complexities that contribute to an ever-growing backlog of cases, resulting in substantial delays and increased litigation costs. For the average citizen, navigating the traditional court system is not only financially burdensome but also time-consuming, often taking years to reach a resolution.

In response to the widespread criticism of these delays, ADR method - like Lok Adalats, arbitration, mediation, and conciliation - have been introduced and increasingly executed as viable alternatives. True access to justice is not achieved solely through equal treatment under the law; it also

[1099] Arpit Jain, Role of ADR in access to justice, 6, International Journal of Law (2020)

requires that individuals, regardless of economic inequality, have a practical and functional pathway to enforce their legal rights. Barriers that hinder individuals from effectively utilizing the justice system should be addressed to ensure inclusivity.

ADR offers a system for resolving disputes outside the confines of formal litigation. It provides parties in conflict with a platform to reach a mutually acceptable resolution, either independently. This paper critically examines how ADR has facilitated accessing to justice, mainly for the poor and marginalized, and explores the alternative avenues it provides for addressing legal disputes within society.

In his 2024 research, Caesar Roy presents a compelling analysis of ADR's impact on humanizing way in to justice in India. His work highlights the growing significance of methods like arbitration, mediation, and conciliation in alleviating the heavy caseload burden on Indian courts. These approaches offer quicker and more affordable means of dispute resolution. Nonetheless, Roy also identifies key challenges that hinder the widespread adoption of ADR, including a lack of public awareness, inadequate infrastructure, and scepticism among litigants toward these alternative processes. His study stresses the urgent need for systemic reforms - like greater judicial advocacy and the inclusion of ADR in legal education - to better integrate these approaches into the mainstream justice system. In conclusion, while ADR has immense potential to transform how justice is delivered, realizing that potential requires targeted efforts to address current limitations and promote equitable access for all members of society.

Nandini Gore (2021)[1100] In her book, the author offers an apparent examination of the inherent flexibility that defines the mediation process. Presented in an accessible and engaging style, the book serves as a foundational guide for readers, introducing them to the core principles of mediation, the techniques commonly employed, and the relevant legal system governing the practice. Mediation, as a form of conflict resolution, remains largely underutilized in the Indian context. Although it is frequently recommended by courts in matters related to family and matrimonial disputes, its application in areas like corporate, commercial, and criminal law remains limited. This work aims to bridge that gap by shedding light on the untapped potential of mediation across different legal domains, emphasizing its adaptability and value as an ADR method.

Tripathi (2012)[1101] The adoption of ADR as a strategy for conflict resolutions are comparatively new trend in India. Although, mediation as an approach of settle disputes is not a recent development in the Indian legal context - it dates back to ancient times, even as far as the Vedic period. Mediation offers a mutually beneficial solution: it helps reduce the burden on the judiciary and allows disputing parties to resolve their issues efficiently, with minimal complications and in a more amicable manner.

As a result, mediation has gained considerable significance within the Indian legal system. Unlike traditional litigation, which often focuses on assigning blame and proving fault with the expectation that the court will impose a decision, mediation in India emphasizes collaborative dialogue. It encourages parties to openly discuss their concerns and arrive at a solution that is acceptable to both sides, based on mutual understanding and voluntary agreement.

[1100] Nandini Gore, *Handbook on Mediation* 89-98, (1st ed., 2021)

[1101] S.C. Tripathi, *Alternative Dispute Resolution System*, (Central Law Publications, 2012) 58 – 64

India's broader ADR system includes different approaches like arbitration, conciliation, negotiation, and mediation. Among these, mediation stands out as the most widely utilized and preferred method because of its simplicity, effectiveness, and cooperative nature.

A Chowdhury and Jamila (2013)[1102] It is evident that the Constitution provides the foundational system necessary for the functioning of ADR approaches. What remains is for the state to execute proper legislation to support and operationalize this system. As a nation committed to safeguarding the broad spectrum of economic and social rights of its citizens, India should recognize the essential role that ADR plays in delivering justice, especially to those who are vulnerable or at risk.

Mediation, in particular, offers a cost-effective means of resolving disputes and helps alleviate the burden on the judiciary by promoting out-of-court settlements. Making participation in pre-litigation mediation mandatory could significantly reduce case backlogs and address the slow pace of case resolution in the courts. It is important to note, although, that such a mandate would only require parties to engage in the mediation process - not necessarily to reach a settlement. The involved parties would still retain the freedom to withdraw from mediation after attending two sessions, ensuring that participation does not compromise their autonomy.

Wadhwa and Richa Relhan (2023)[1103] Mandatory mediation as a method of dispute resolution involves requiring both parties in a conflict to participate in an initial mediation session. This approach focuses on addressing the needs of the disputing parties through a more organic and constructive process, aiming to resolve issues before they escalate into formal litigation.

IV. RESEARCH QUESTIONS

A. How does the execution of ADR mechanism contribute to reducing the case backlog in Indian courts?

B. What are the major factors affecting the effectiveness of ADR in providing speedy justice in India?

C. How do Indian citizens perceive the reliability and fairness of ADR processes compared to traditional court proceedings?

V. RESEARCH METHODOLOGY

For this project, the researcher has adopted the 'Doctrinal Method' of research, which involves an in-depth examination of existing literature like books, academic journals, news reports, articles, and different credible online publications. An extensive and detailed study was undertaken to provide analytical and critical backing to the arguments presented throughout the work. The content is systematically organized, with each section written in an active voice. The in general writing approach combines both descriptive and analytical styles. This research project is the result of comprehensive investigation, encompassing both the internal and external dimensions of the chosen subject matter.

VI. EVOLUTION OF ADR

ADR techniques have a long-standing history in India, with their origins tracing back to centuries before the Common Era. One of the earliest and most prominent forms of dispute resolution was the panchayat system. This traditional method involved a council of respected elders and influential individuals within a village who would collectively resolve conflicts among villagers. In some cases, when disputes arose amongst individuals from different villages, a neutral group - comprising

[1102] A Chowdhury and Jamila, "ADR Theories and Practices", (*London College of Legal Studies* 2013)

[1103] Amit Wadhwa and Relhan, "Mediation by necessity", (*Law Asia Journal*, 2023) 20

members from each of the concerned villages, a third village, or a mix of all - would be formed to act as a panchayat. The disputing parties were expected to present their grievances to this council, which would then work towards an amicable resolution.

Initial efforts to institutionalize ADR processes in a legislative framework can be traced to the Bengal Regulations enacted during the late 18th century - specifically in the years 1772, 1780, and 1781. These early statutes represent some of the first formal attempts by colonial authorities to integrate structured mechanisms for settling dispute outside the conventional judicial system.[1104]

Over time, as formal judicial institutions became more accessible and structured, the coexistence of the traditional panchayat system and the court system became commonplace. Even today, certain rural areas continue to rely on Nyaya panchayats, which serve clusters of villages and provide community-based dispute resolution.

In contrast, the modern adversarial legal system represents a significant departure from these indigenous practices. Unlike the panchayat model, which emphasizes collective wisdom and reconciliation, the adversarial system is more rigid and litigation-driven. Here, the role of the judge is limited to evaluating whether the prosecution has successfully substantiated the charges against the accused, with little room for the collaborative or reconciliatory approach that defined traditional Indian methods of justice.[1105]

In those earlier times, the functioning of the panchayat was so versatile and adaptive that it could not be neatly classified as mediators, conciliators, arbitral tribunals, or even a formal judicial authority. Its role shifted depending on the nature and context of the dispute at hand. When a dispute clearly involved a legal obligation or a breach of rights, the panchayat would assume a judicial role - deliberating on the matter, determining the legal entitlements of the parties involved, and enforcing its decision, often through some form of social or communal sanction.

Conversely, in cases where the complainant had no solid legal grounds but rather sought redress based on moral principles or ethical conduct, the panchayat would act more as a persuasive body. It would strive to convince the other party to act in a way deemed morally proper, thus helping to achieve a resolution rooted in conscience rather than legal compulsion. This method of resolving disputes can be viewed as an early form of conciliation in India - where the emphasis was placed on restoring harmony through mutual understanding rather than legal enforcement.

What remained constant, although, was the authority of the panchayat's decision. Regardless of the nature of the dispute or the approach adopted, the outcome determined by the panchayat was expected to be accepted and adhered to without question, reflecting the deep-rooted social trust and legitimacy it commanded within the community.

In recent times, panchayats have played an important part in identifying caste associated issues, and some of their functions bear a resemblance to the operations of 18th-century English guilds. This comparison stems from the historical roots of the caste system in India, which initially developed as a classification based on occupational roles within society.

During the era of Muslim rule in India, elements of Islamic jurisprudence were gradually absorbed into the Indian legal system. In this context, the Kazi was appointed as a judicial authority responsible for settling disputes amongst individuals. Numerous historical records indicate that Kazis often went beyond strict legal interpretation, opting instead to

[1104] Aishwarya Aggarwal, "Historical Background of ADR" available at https://lawbhoomi.com/historical-background-of-alternative-dispute-resolution/#

[1105] Ashwanie Kumar, Arbitration and ADR,(Universal Law Publishing, 2005) 21 – 24

guide disputants toward a mutually agreed resolution through informal means of conciliation. Interestingly, although these decisions were not formally presented as conciliatory settlements, they effectively served that purpose.

The Kazi's rulings carried legal enforceability within his jurisdiction, yet what made these outcomes particularly significant was their perceived fairness. By facilitating agreements that took into account the perspectives and interests of both parties, the Kazi ensured that neither side felt entirely defeated. As a result, disputants would often leave the proceedings with a sense that justice had been served and that the resolution was balanced - transforming the situation into a shared, meaningful victory for both sides involved.

The origins of formal ADR method in India can be outlined back to the Bengal Regulation Act of 1772. This legislation marked a significant shift by mandating that, in cases involving disputed financial accounts, the parties were required to submit their disagreements to appointed arbitrators. The decisions of these arbitrators were to be treated as binding decrees, with no further appeal permitted.[1106]

Following this, the Regulation Act of 1781 reinforced the idea of out of court settlement. It directed judges to encourage disputing parties to resolve their issues by referring them to an arbitrator mutually agreed upon by both sides. Furthermore, the law stipulated that the decisions, or awards, made by these arbitrators could not be overturned except in cases of blatant error or evident bias.

A major step toward systematizing arbitration came with the establishment of the second Law Commission by Sir Charles Wood. This commission was tasked with developing a consistent and uniform legal system for arbitration across British India.

Moving into more recent legal developments, we find provisions within the Criminal Procedure Code that further support the principles of ADR. Section 320 allows for the compounding of certain criminal offences - meaning that parties can reach a compromise to settle the case. In addition, Chapter XXI-A introduces the concept of plea bargaining, enabling accused individuals to negotiate their punishment by pleading guilty in exchange for a lighter sentence. These provisions have laid the foundation for the application of mediation even in the realm of criminal justice, representing a broader evolution of ADR in India's legal landscape. ADR offers a way for people to resolve their disputes in ways that are generally faster, more cost effective, and less formal than traditional courtroom proceedings. Because of these advantages, ADR is becoming more and more popular as the realistic choice to litigation, especially in situations where a quicker resolution is desirable.

While there is no universally fixed definition of ADR, it is generally understood as a method for settling disputes without resorting to formal court proceedings. Most ADR techniques are nonbinding, meaning that the outcome is not legally enforceable unless both parties agree to it. These processes usually involve a neutral third party, like a mediator or arbitrator, who facilitates communication and negotiation amongst the disputing sides.

ADR can also be described as a collection of techniques designed to bypass the rigid and often time-consuming nature of traditional litigation and arbitration. Instead of following strict legal procedures, ADR focuses on helping the parties arrive at a mutually beneficial or comparable resolution, often with significantly lower direct and indirect costs, including emotional, financial, and time-related expenses.

Consequently, ADR refers to the application of a variety of methods aimed at bypassing the time intense and costly nature of conventional court litigation. The major goals of ADR is to

[1106] Indu Malhotra, The Law and Practice of Arbitration, (Thomas Reuters, 3rd ed, 2014).

offer individuals with a way to achieve swift, efficient, and cost-effective justice. By using these alternative techniques, disputes can be resolved more smoothly, decreasing the trouble on court while addressing the concerns and needs of the parties involved in a more practical and accessible manner.

VII. CHARACTERISTICS OF ADR

ADR in India possesses several unique features shaped by the country's complex legal structure, cultural diversity, and socio-economic conditions. The following are the key characteristics that define the nature and application of ADR in Indian disputes:

A. Legal Diversity and Customary Integration:

India's legal system is a rich mix of statutory laws, customary traditions, and religious principles, which vary across regions and communities. ADR approaches in the country are specifically designed to accommodate this diversity, offering adaptable and inclusive methods that cater to the unique legal and cultural needs of different populations.

B. Strong Legislative Support:

The use of ADR in India is firmly backed by comprehensive legal provisions. Key among these is A&C Act, which provides the legal foundation for arbitration and conciliation processes. In addition, different rules and guidelines, like the Mediation Rules, govern how mediation is conducted, ensuring procedural clarity, legal recognition, and enforceability of outcomes.

C. . Court-Integrated Mediation Programs:

The Indian judiciary actively promotes ADR through structured court-annexed mediation initiatives. These programs encourage litigants to consider mediation as an alternative to a full trial. Judges may refer cases to mediation at multiple stages during litigation, giving disputing parties the opportunity to resolve matters amicably with the help of skilled mediators.

D. Growing Importance of Mediation:

Although arbitration remains popular for handling commercial conflicts, mediation is increasingly favored in a wide spectrum of cases. Mediation is appreciated for being a voluntary, confidential, and cooperative process. It allows the disputing parties to take control of the outcome by working collaboratively to find solutions that suit both sides.

E. . Cultural Relevance and Sensitivity:

ADR practices in India often incorporate cultural values and local traditions. Mediators and arbitrators tend to be mindful of the social and cultural context, which helps build trust and encourages active participation from parties belonging to different ethnic, religious, and linguistic communities.

F. Role of Dedicated Mediation Centers:

To streamline ADR processes, India has developed mediation centers within courts and through private initiatives. These centers provide necessary infrastructure, logistical assistance, and access to trained mediators, enabling efficient, low-cost dispute resolution.

G. . Community-Based Dispute Resolution:

Beyond formal ADR approaches, India has a longstanding tradition of resolving disputes through local community forums, like village panchayats and informal councils. These grassroots institutions emphasize consensus-building and community involvement, reflecting India's heritage of participatory justice.

H. . Legal Enforceability of ADR Outcomes:

Resolutions achieved through ADR - whether arbitral awards or mediated settlements - are legally binding and enforceable under Indian law. If necessary, parties can approach the courts to ensure compliance with these agreements, providing legal security and finality to the process.

In essence, ADR in India reflects a multidimensional approach that seamlessly blends formal legal systems with traditional

and community-driven practices. By fostering collaboration, reducing litigation burdens, and enhancing access to justice, ADR plays a vital role in resolving disputes across India's diverse social and legal landscape.

VIII. NEED FOR ALTERNATIVE DISPUTE RESOLUTION:

With the development of modern nation-states, the responsibility of resolving disputes gradually shifted to trained legal professionals appointed by the State. These adjudicators are tasked with ensuring fair and impartial resolution of conflicts. People who seek justice often turn to the courts with deep emotional distress, having endured legal hardships that may have caused them physical or mental suffering. In spite of their pain, they refrain from taking matters into their own hands, holding onto the belief that the judicial system will eventually provide them with fair and rightful justice.

In this context, the judiciary carries a fundamental responsibility - to ensure that justice is delivered promptly and affordably. It should strive to simplify procedures and eliminate unnecessary complexities so that those in need of justice can access it efficiently and without excessive burden.

In spite of the ideal of timely justice, the harsh reality is that obtaining a verdict through the traditional court system in India often involves considerable delays. This slow pace of litigation has naturally led to the exploration of alternative, complementary methods for dispute resolution - methods that are more cost-effective, quicker, and less complex or emotionally taxing than conventional civil court proceedings.

Although, in seeking these alternatives, it is vital not to compromise on essential values like fairness, impartiality, equality, and empathy. While the familiar phrase "justice delayed is justice denied" highlights the problem of delay, the counterpoint is equally important: justice should not be rushed to the point where it loses its integrity. The goal should not simply be to dispose of cases quickly, but to decide them thoughtfully and justly.

This creates a challenging balance - delivering justice that is both swift and substantively fair. Striking this balance is no simple task. The Indian judiciary continues to be held in high regard both in developing and developed nations, admired for its commitment to constitutional values and independence. Nonetheless, it faces ongoing criticism, particularly regarding its inability to efficiently manage and reduce the massive backlog of pending cases.

While discussions about the Indian judiciary often focus on the issue of case pendency, what frequently goes unnoticed are the impressive statistics related to annual case filings and disposals. Amongst 2001 and 2004, for instance, subordinate courts managed to dispose of an average of 13 million cases annually, while High Courts resolved approximately 1.5 million cases each year. During the same period, Fast Track Courts cleared around 370,000 cases, and the Supreme Court of India handled about 50,000 cases annually.

In spite of these efforts, the judicial system faces four major challenges:

Severe shortage of courts and judges across all levels,

Rising influx of cases triggered by numerous laws enacted by both central and state governments,

High litigation costs, including steep court fees, legal fees, and other related expenses, and

Delays in case resolution, which contribute to a growing backlog across all courts.

These issues are complex and do not lend themselves to quick fixes. Each problem has multiple underlying causes that require detailed attention, strong leadership, and sustained commitment over time. Until such

reforms are effectively executed, society should continue to function as best as it can. Disputes will inevitably arise, and if not addressed in a timely manner, they will continue to accumulate - ultimately burdening society and creating extensive distress.

In all civilizations, including India, the pursuit of justice is a natural and deeply rooted instinct, both on an individual and collective level. Every society aspires to achieve justice through its legal institutions. The effectiveness of a legal system can be judged by how well it channels this instinct and transforms it into a meaningful pursuit of justice. Although, not all legal systems succeed in fulfilling this objective. At times, the failure stems from flaws in substantive law, and at other times, from inefficiencies in procedural methods.

Fortunately, the Indian judicial system is well-structured, operates with considerable integrity, and has made significant strides by adopting and developing ADR methods. These approaches aim to address systemic issues and provide quicker, more accessible paths to justice for the people.

ADR has evolved into an international imperative. In recent years, it has emerged as a transformative force in the fields of conflict resolution and judicial reform. ADR is no longer viewed as merely an optional approach - it has become one of the most impactful developments in the way disputes are managed and resolved.

Across the globe, members of the legal community - including lawyers, law students, judges, and policymakers - have begun to approach dispute resolution from a fresh, more progressive perspective. The legal landscape has witnessed the emergence of multiple alternatives to conventional litigation, offering new pathways for settling conflicts.

As a result, ADR has firmly established itself as a core component of contemporary legal systems and jurisprudence. It now plays a crucial role not only in reducing the burden on traditional courts but also in promoting efficient, accessible, and amicable methods for resolving disputes in a variety of legal and social contexts.

IX. PRESENT STATUS OF ADR IN INDIA

Abraham Lincoln once urged legal professionals to discourage unnecessary litigation and to encourage neighbors to resolve their differences through mutual compromise whenever possible. Although, the value of such an approach was not limited to Western thinkers or leaders. Similar ideals were deeply embedded in Indian legal philosophy as well. Justice Bhatt, for instance, echoed this sentiment by asserting that the highest form of justice is achieved at the moment of reconciliation - when opposing parties set aside their conflicts and reach a fair and reasonable agreement, symbolically laying down their arms in the pursuit of harmony.

M.K. Gandhi believed that the true purpose of law is to bring conflicting parties together in pursuit of reconciliation. He emphasized that law should play a central role in resolving disputes, as this contributes significantly to maintaining peace, goodwill, and harmony within society. The global demand for swift and fair dispute resolution has prompted many countries, including India, to adopt different forms of ADR. With mounting judicial backlogs, ADR is increasingly seen as an essential component of the modern justice system - a necessity on an international scale.

ADR is far from a recent development in India. The idea of resolving conflicts with the help of chosen individuals, agreed upon by both parties, has deep roots in India's ancient legal and social traditions, as previously mentioned. Although, in modern times, the growing dissatisfaction with litigation - primarily because of its lengthy duration, high costs, and emotional strain - has led both developed and developing countries, including India, to explore more efficient alternatives. This shift has resulted in a notable rise in the adoption and institutionalization of ADR methods across

the country.

To accommodate this growing need for quicker and more cost-effective dispute resolution, Indian laws have been systematically restructured. The judiciary has actively promoted settlement outside the courtroom to help alleviate the ever-increasing backlog of cases. Several bodies have been established specifically for this purpose, like the ICA, the ICADR, consumer forums, and Lok Adalats - all of which are dedicated to executing ADR approaches effectively.

The major steps in this direction was the repeal of the outdated Arbitration Act of 1940, which was replaced by A&C Act of 1996. This modern legislation introduced a more efficient arbitration system inspired by the UNCITRAL Model Law. In addition, the LSA Act of 1987 has undergone multiple amendments to better support the institutional use of ADR techniques.

Moreover, the amendment of Section 89 of CPC in 2002 marked a crucial development, allowing courts to refer case for conciliations, mediations, or pretrial settlements. These reforms reflect a broader effort to ensure that disputes are resolved in a more timely, cost-effective, and amicable manner, while easing the burden on the formal judicial system.

ADR methods have proven to be valuable tools in resolving disputes efficiently and amicably. While ADR was once perceived merely as a voluntary option exercised at the discretion of the disputing parties, it has now been granted formal statutory recognition through different legislative instruments. These include CPC Amendment Act of 1999, the ACA, 1996, the LSA 1997, and the subsequent Legal Services Authorities (Amendment) Act of 2002.

Interestingly, even prior to the introduction of Section 89 in the CPC, certain legal provisions existed that allowed courts to refer cases for mediation. Although, such provisions were seldom invoked or executed in practice. With the growing emphasis on judicial efficiency and access to justice, ADR methods have become a more integral part of the Indian legal landscape, now supported by both legislative systems and judicial encouragement.

Section 23(2) requires that, before granting any relief under the Act, the court should initially attempt to facilitate reconciliation amongst the parties - provided that the situation and nature of the case allow for such an effort. In alignment with this goal, the Family Courts Act of 1984 was introduced to establish dedicated Family Courts. These courts aim to encourage conciliation and ensure the swift settlement of disputes related to marriage, family relationships, and associated matters. Unlike standard civil litigation, these courts follow a more specialized and conciliatory approach to handling family issues.

CONCLUSION

ADR plays a vital role in accelerating justice delivery in India, where the conventional judicial system often face massive case backlog and lengthy proceedings. Tools like arbitration, mediation, conciliation, and negotiation serve as effective and flexible alternatives to traditional court trials. These methods help shift the burden of civil and commercial disputes from the courts, allowing judges to prioritize complex and criminal matters.

One of ADR's most significant strengths lies in its ability to resolve disputes much faster than traditional litigation. Indian courts can take years to settle a case, whereas mediation and arbitration processes often conclude in just weeks or months. This efficiency not only saves valuable time and money for the disputing parties but also enhances public trust in the legal system by making it more accessible and less intimidating.

Moreover, ADR encourages communication, mutual understanding, and compromise amongst conflicting parties. Unlike courtroom litigation, which is usually adversarial, ADR

promotes cooperative problem-solving. This is particularly valuable in disputes involving families, labor, or businesses, as it helps preserve relationships and reduce the chance of ongoing hostility.

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