

Q. Highlight the various types of Alternative dispute Resolution (ADR) mechanism available in India. Discuss the contribution of ADR in reducing the burden of the courts in India.



Alternative Dispute Resolution (ADR) refers to settling of dispute/claims amicably mutually and peacefully outside the traditional court system.

Section 89 of civil procedure code provides for ADR mechanism in India.

* Types of ADR mechanism in India:-

1. Arbitration:-

When neutral arbitrator or a panel of arbitrators give a binding decision on a dispute, which is less formal than a trial.

2. Conciliation:-

An unbiased third party conciliator assist parties to reach agreement which voluntary and non-binding.

Used mainly in family dispute, labour dispute etc.

Both the Arbitration and Conciliation are governed by, The Arbitration and Conciliation Act of 1996.

~~* Scope of ADR mechanism in India *~~

3. Mediation :-

Similar to conciliation but involves mediator who helps in communication and negotiating between parties.

Recently passed Mediation Act of 2023, provides for pre-litigation mediation.

4. Lok-Adalats :-

Also known as "peoples courts", which are governed by Legal Service Authority Act of 1987, which encourage setting up of pending cases and pre-litigation disputes.

5. Negotiation :-

Informal method which encourage out of court settlement without, involvement of third party.

* Contribution of ADR in Reducing burden of Courts in India :-

1. Time and cost effective :-

As ADR process is speedy and less expensive than traditional court litigations.

This help in reducing backlog of cases in Indian courts

As of 2022, 4.7 cr. cases are pending in courts across different levels of judiciary.

2. Promotion of Access to justice :-

ADR provides equal justice and free legal aid as provided under article 39 of directive principles.

3. High Settlement rates :-

As per national legal service authority data more than 98,000 thousand cases were settled between 2018 to 2020 through mediation.

4. More flexible and feasible :-

Easy filing of cases and minimal cost of citizen, making citizen ADR mechanism friendly, leading to diverting from traditional court mechanisms.

Though ADR mechanism have made significant contribution in reducing the burden of courts, it needs to be reformed by making people aware, more party centre and more user friendly.