

Alternative Dispute Resolution (ADR) as a Strategic Solution for Reducing Case Pendency in India: Challenges, Impact, and Future Prospects

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ABSTRACT

In India, many legislations are enacted for the purpose of protecting and regulating the people's rights. In case of any violation or breach in their rights, they can file a case against the wrongdoer before the lower court to upper court. based upon the subject matter and Jurisdiction of the case. As of now there are 4,57,76,609 (as per the National Judicial Data Grid report) cases pending before the Indian Judiciary for settlement. There are many reasons for backlog the case before the Indian Judiciary. So, Alternative Dispute Resolution concept was introduced for reducing the number of cases before the Indian Judiciary and for speedy justice for people. In this paper researcher is going to discuss about the role of Alternative Dispute Resolution to reduce the case pendency in India.

Keywords: Rights, Speedy Justice, Lok Adalat, Settlement, Award.

Introduction:

“Justice delayed is Justice denied” – William E.

It means that a judicial decision is not valuable if it is not made within a reasonable time.

In India, due to the lengthy trial procedure in the courts, it is consuming the more time for delivering justice for the people. In the ADR mechanism the cases will be reduced quickly comparatively than traditional court practice. Under this mechanism people get justice without delay and mutually they are getting decision with parties consent.

Objectives:

The main object of this paper is:

1. To resolve the dispute between the parties in mutually.
2. To access the speedy justice for all.
3. To reduce the number of cases before the Indian Judiciary

Meaning and Types of ADR:

ADR system was introduced for the purpose of speedy disposal of cases which is outside of the court. Arbitration and Conciliation Act recognized this procedure and encourage the people to settle their dispute through this alternative method. It encouraging the cooperative dispute resolution.

- Arbitration
- Conciliation
- Mediation
- Negotiation
- Lok Adalat

Legal Recognition of ADR under Indian Laws:

1. Arbitration and Conciliation Act, 1996

Arbitration and Conciliation Act enacted in the year of 1996 for the purpose of consolidate and amend the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign awards and the law relating to conciliation. This legislation is divided into IV parts, arbitration, conciliation, enforcement of foreign awards and other supplementary provisions.

2. The Legal Services Authorities Act, 1987

The Legal Services Authorities Act was enacted in the year of 1987 for the purpose of providing free and competent legal services to the weaker section to ensure their social Justice for all. None of the citizens should not denied the legal services due to their economic conditions.

3. Code of Civil Procedure, 1908 - Section 89

In Code of Civil Procedure, ADR mechanisms are mentioned in section 89, Part V of the legislation. Code of Civil Procedure was amended in the 1999 and introduced the ADR in Civil matters, it came into effect on 2002. As per section 89 of the Code of Civil Procedure, the court should refer the parties for Arbitration, Conciliation, Judicial settlement including settlement through Lok Adalat or Mediation for settlement of disputes outside the court. the provisions of Arbitration and Conciliation Act, 1996 shall apply for arbitration and conciliation proceedings under section 89 of the Code of Civil Procedure.

4. The Mediation Act, 2023

This Act was enacted in the year of 2023 for the purpose of to improve the ADR mechanism Mediation for dispute resolution. Pre-litigation mediation, online mediation and community mediation are the types of mediation under this Act. Urgent interim relief under special circumstances by the tribunal or the court is a unique feature of the Act.¹

Role of ADR on Reducing Case Pendency:

1. Reduction of Judicial Burden

In this ADR mechanism, Arbitration, Conciliation, Mediation, Negotiation, Lok Adalat, encourage the parties to the dispute to settle their dispute quickly and it prevents unnecessary litigation. It will reduce the Judiciary burden also.

Settlement statistics:

In this paper author collected the data from the official website of **National Legal Services Authority**. Here author mentioned some report regarding the case settled by the Mediation and Lok Adalat.

- **Medication:**

Statistics report on cases settled by Mediation in India (In all states)

¹ Aadya, O.P. Jindal Global University – “Critical Analysis of The Mediation Act 2023: Implications for Alternative Dispute Resolution”, SSRN

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4902878#:~:text=The%20Mediation%20Act%20was%20enacted,resol ve%20disputes%20in%20the%20community. (2024)

Cases settled through mediation:

April 2018 to March 2019 – 98966

April 2024 to December 2024 – 72461

- **Lok Adalat:**

Statistics report on cases settled by Lok Adalat in India (In all states)

Disposal of National Lok Adalat held on 14.12.24 (All type of cases) – 27256254

Disposal of National Lok Adalat held on 14.09.24 (All type of cases) - 23231070

2. Cost-effectiveness

In this ADR mechanism, the dispute was settled by mutually. Disputes will be resolved in short period of time comparatively in court proceedings. In stage of the court proceedings, the parties should file petition and court fee for in case of any special request petition filed by the parties before the court. So, it will reduce the legal expenses, court filing process fee and it will reduce the financial loss between the parties.

3. Speedy Justice

The judicial officer must be trained to identify the case suitable for relying on a specific format of ADR.² It reduce the delays in Judicial system. It is speedily disposing the Civil and Commercial disputes between the parties.

4. Promotion of Amicable Dispute Resolution

In this ADR mechanism cases is settled by mutually between the parties. So, it is maintaining the party's relationship and it will lead to parties' cooperation between them and it will reduce the appeal cases also.

Conclusion:

Even though ADR recognized by the Indian Law, there is some issues in implementing the ADR in India. Many people unaware of this ADR. So, they are not follow this ADR. Government should educate the public also about the ADR and its effectiveness. Due to the Lack of legal literacy many of the litigants is not ready to adopt the Alternative Dispute Resolution system process. Lack of training of the Arbitrators, Mediators and Conciliators also will affect the effectiveness of the ADR process. So, the government should provide proper training to the Arbitrator, Conciliator and Mediator for speedy disposing of the case. Government should conduct the training programme for the Arbitrators, Mediators and Conciliators.

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