Importance of ADR

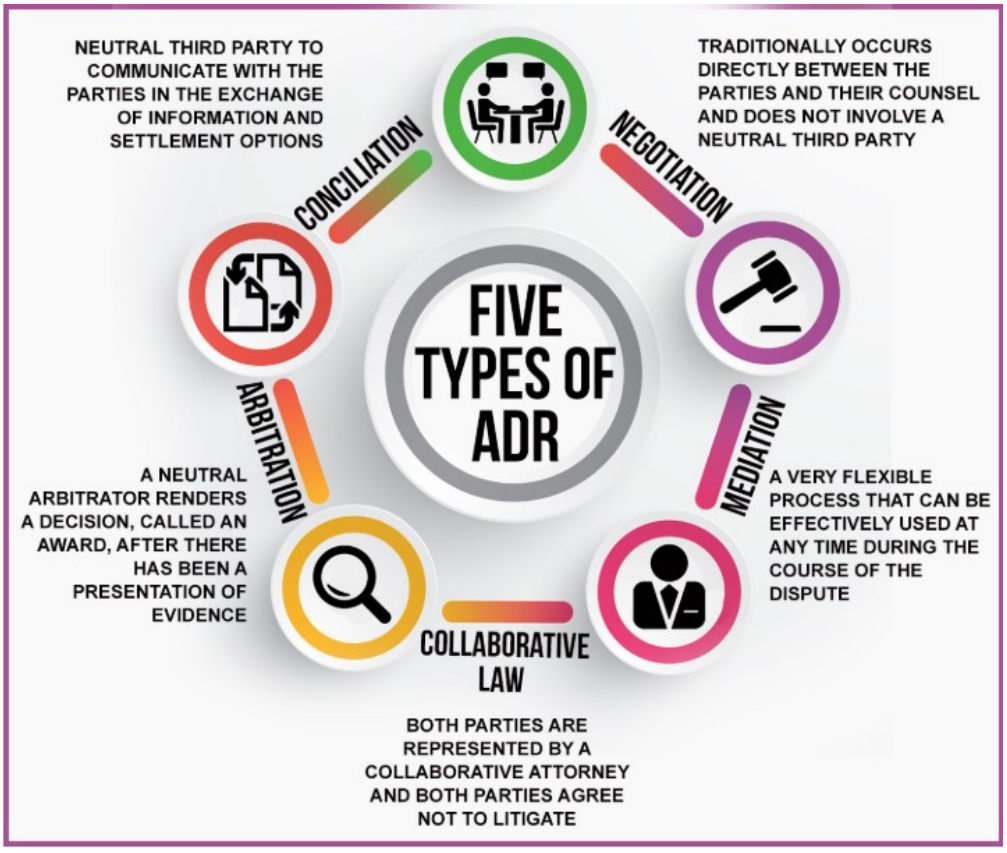
Mains: *GS II – Dispute Redressal Mechanisms and Institutions*

Why in News?

Recently the, Minister of Law and Justice reaffirmed the government's commitment to legal reforms rooted in India's civilisational ethos.

What is ADR?

- **ADR** – Alternative Dispute Resolution (ADR) refers to the methods and processes for resolving disputes or disagreements outside of formal court proceedings.
- **Benefits** – It provides a less expensive, faster, and more flexible alternative to traditional litigation.
- **Types**



What is the basis of ADR?

- **Constitutional basis** – It is enshrined in Article 39A, which mandates the state to provide equal justice and free legal aid.

- **Code of civil procedure** – Various ADR processes, such as arbitration, conciliation, mediation, and judicial settlement (Lok Adalat), are recognised under Section 89 of the Code of Civil Procedure, 1908.
- **Legal basis –** To regulate processes, these have been incorporated into law.
    - **For example**, under the Arbitration and Conciliation Act 1996 (amended in 2021), civil and compoundable offences like theft, criminal trespass, and adultery are resolved through a binding award or resolution, respectively.
- **The Arbitration Act, 2021** – It also mentions the establishment of an Indian Arbitration Council, giving legal backing to arbitration agreements.
- The law fixes a maximum period of 180 days for dispute resolution, ensuring faster justice.
- On many occasions, even after such a solution, if a party is dissatisfied, they can exit the process after two sessions of mediation.
- Pre-litigation mediation for resolving civil and commercial disputes will not increase the number of pending cases.

How do Lok Adalats function?

- **Governing law** – Lok Adalats are governed by the Legal Services Authorities Act, 1987, inspired by Article 39A.
- Apart from Permanent Lok Adalat (Section 22-B of the Act), provisions of the National Lok Adalat and e-Lok Adalat are directly helpful in strengthening the justice system.
- **1st lok adalat** – The first Lok Adalat in India was organised in Gujarat in 1999.
- **Feature** – The biggest feature of Lok Adalats is *that their decisions shall be final* and there is *no possibility of appeal*.
- This does not mean that the powers of these courts are absolute.
- The reason for no appeal is that these courts resolve disputes before litigation.
- In order to prevent any possible absoluteness, it is provided that the dissatisfied party can file a suit in a court.

Why is strengthening ADR crucial?

- **Tool for social change** – Mediation is a tool for social change, where social norms are brought in line with constitutional values through the exchange of views and flow of information.
- **Ensures true justice** – Solutions arrived at through invaluable discussions during mediation ensure true justice for individuals and groups on their terms, in a language they understand, and provide a platform that protects their sentiments.
- **Increases interaction** – It will also strengthen interpersonal relationships by increasing interaction at the social level.
- **Prevalence of interstate disparities** – The India Justice Report also highlights inter-State disparities in terms of the backlog of cases.
- The report says that pending cases have exceeded 5 crore, and High Courts and district courts are facing vacancy rates of 33% and 21% respectively.
- Judges in Uttar Pradesh, Himachal Pradesh and Kerala have workloads exceeding 4,000 cases.
- **Increased pendency of cases** – A substantial number of cases in High Courts and

subordinate courts have been pending for over 10 years.

- According to the *National Judicial Data Grid (NJDG)*, the total number of pending cases in India is 4,57,96,239.
- In the Supreme Court, the number of pending cases is 81,768, and in the High Courts, it is approximately 62.9 lakh.

***NJDG** provides real-time data on case pendency and disposal, offering a comprehensive view of the judicial system's performance across States and courts.*

- **Numerous challenges** – The India Justice Report 2025 highlights significant challenges in India's justice system, particularly including access, delays, and accountability.
- These delays often result in injustice, increasing the focus on ADR as a faster, cost-effective, and socially inclusive way to deliver justice.

***The India Justice Report** ranks States based on their performance on various aspects of the justice system, including case pendency, with other factors like court infrastructure and judge availability.It is initiated and released by Tata Trusts in collaboration with various civil society organizations and data partners*

- States like Andhra Pradesh, Uttar Pradesh, and Bihar have a considerable number of pending cases.
- This urgently demands rapid disposal and necessitates the strengthening of the ADR for effective per capita justice delivery.

What lies ahead?

- The law ministry stressed the need for ADR Citing the doctrine of *Panch Parmeshwar*.
  - This doctrine embodies the principle of collective consensus in dispute resolution.
- The ministry also called for global cooperation to strengthen Alternative Dispute Resolution (ADR) mechanisms

Reference

The Hindu| Alternative Dispute Resolution

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