
JUSTICE BEYOND INDIAN COURTS: THE ROLE OF ADR IN JUSTICE DELIVERY

Osia Varghese, REVA University, Bangalore

ABSTRACT

The pendency of cases in the Indian courts seriously affected the delivery of justice. When the mainstream court system faced bottlenecks in timely adjudication, the idea of Alternative Dispute Resolution (ADR) was emphasised and entertained. ADR is the settlement of disputes through dispute resolution channels that are outside the court. Such mechanisms enjoy the benefit of flexibility, confidentiality, and feasibility. The current article tries to trace the legislative framework of ADR in India and the benefits of ADR mechanisms. The paper also evaluates the role ADR plays in justice delivery by evaluating the drawbacks of the traditional court system. Dispute resolution through mediation, conciliation, arbitration and Lok Adalat aims for a cost-effective, time-effective, flexible, confidential, and less complicated process resulting in a win-win situation. Though its proper implementation will be fruitful for justice delivery, issues like improper infrastructure facilities, lack of training of skilled persons, questions as to the enforceability of the decision made, and the authority of the third party pose serious challenges. This paper aims to discuss such challenges and aid in formulating a suggestion for improvement.

Keywords: Alternative Dispute Resolution (ADR), Justice, India, Court, Law.

1. Introduction

To tackle the practical realities of Indian society, a robust justice delivery system is essential. The conventional court system, with the Supreme Court at the apex level followed by the high courts and the subordinate courts, witnesses a substantial workload day after day. This results in delays, seriously vitiating fundamental democratic ideals and the rule-of-law principles, as justice is not served. To solve this evident time disparity in filing a case and judgment delivery, the idea of Alternative Dispute Resolution is promoted.

The Alternative Dispute Resolution (ADR) mechanism is a way in which disputes are settled outside the court without any judicial intervention. The forms of ADR include Arbitration, Conciliation, Mediation and Lok Adalat. These methods will lift the burden from the courts and will boost the case settlement ratio. It also has an important role in binding justice to the illiterate, unaware and indigent population¹. The cost-effectiveness, relaxation in procedural laws and legal jargon, self-representation, and speedy adjudication are the features that make ADR stand out from ordinary legal proceedings. Thus, the current system requires a robust inculcation of the ADR system into the mainstream dispute settlement mechanisms. However, this requires more meticulous efforts as the current system is insufficient due to technical and infrastructural inadequacies.

2. Legislative Framework of ADR in India

The idea of settlement of disputes by a third person was there since the era of panchayats². This traditional setup was not codified by statute but was a simple collective form of dispute resolution. The parties would be presented before the council, and they would solve the dispute thereafter. Today, this setup has institutionalised into something called Lok Adalat/ Peoples Court. Other than Lok Adalat, there are other ADR mechanisms like arbitration, conciliation and mediation. The statutory framework of ADR was first included in the 18th century Bengal Regulation. This 1772 Act introduced the concept of an arbitrator for the first time. The decision made by this arbitrator was deemed final, and no appeals were entertained against it³.

¹Rahul G, Access To Justice For Rural People And Entrepreneurs: Challenges & Legal Reforms, LiveLaw (May 15, 2025, 7:58 Am), <https://www.livelaw.in/lawschool/articles/access-to-justice-rural-people-entrepreneurs-challenges-legal-reforms-292223>.

² Begum, M, A History of Alternative Dispute Resolution: Analyzing its Role and Significance, VII (III) Global Legal Studies Review 1-5 (2022).

³ Indu Malhotra, The Law and Practice of Arbitration, 3, THOMAS REUTERS (2014).

The second Law Commission headed by Sir Charles Wood were also assigned the responsibility of introducing the arbitration landscape in India.

On 20th August 2018, a positive move was made by amending the Commercial Courts Act of 2015. The Amendment made Pre- Institution Mediation and Settlement (PIMS) compulsory for disputes that are commercial in nature. Further, the existing Arbitration and Conciliation Act 1996 was amended in 2015, 2019 and 2021 with the aim of speedy settlement of disputes, reduced judicial intervention and timely settlement. The enactment of the Mediation Act in 2023 was also an effort in the right direction to promote mediation for civil and commercial matters⁴. Additionally, the Legal Service Authorities Act (LSA), 1987 promotes the use of Lok Adalat for cases that are pending in the courts or when they are in the pre-litigation stage. Thus, by channelising settlement through mechanisms outside the court, it not only lifts the burden of the conventional courts, but also statutorily enhances justice delivery.

3. Speedy Justice Delivery through Alternative Dispute Resolution

The conventional idea that a court system is essential for dispute resolution, combined with the lack of awareness of out-of-court mechanisms, influences a person's decision to file a complaint in the traditional court. This attitude results in the accumulation of filings before the court, ultimately creating a backlog of cases. The other reasons for the delay include Lack of proper infrastructure (courtrooms, office space, etc), insufficient staffing, ineffective case management, numerous adjournments and other legal & procedural complications⁵. This creates problems in the delivery of justice, as the instituted case will only be settled after years and years of struggle. The reliability and integrity of the Indian justice delivery system is deeply compromised in such a situation. During 2023, the pendency of cases in India increased to an approximate rate of 50.3 million from 32.2 million during 2010⁶. Some courts do not have enough judges to combat the issue. This web of challenges in the functioning of the traditional courts denies millions their right to justice as justice is delayed. Further, the number of undertrial prisoners will increase when there is more backlog⁷. Thus, the overall structure is

⁴ Vipul Singh, The Mediation Act, 2023: A New Era for Dispute Resolution in India, The Amicus Qriae, (June 16, 2025, 11:00 AM) <https://theamicusqriae.com/the-mediation-act-2023-a-new-era-for-dispute-resolution-in-india/>.

⁵ Janmejaya Singh, Dr. Taru Mishra, The Indian Justice Delivery System: An Evaluation of Access, Efficiency, and Equity, 44 LPI, 157-163 (2024).

⁶ National Judicial Data Grid, District court of India, https://njdg.ecourts.gov.in/njdg_v3/ (Accessed on 15th June 2025).

⁷ Pratyaksh Garg, Role Of ADR In Speedy Justice System In India, Indian Journal Of Legal Review, 5 (6) IJLR,

affected. ADR comes into the picture in this scenario when justice delivery is compromised. Rather than an option, many statutes mandate settlement through ADR in the initial stages. The following characteristics of the ADR mechanism make it the best choice for dispute settlement:

- i. Reduced cost for dispute resolution
- ii. Faster and hence less time-consuming
- iii. Flexible procedure with easy accessibility and management
- iv. Confidentiality is maintained
- v. They can represent without a lawyer, and the disputant can choose the issues that should be raised
- vi. Corruption will be less due to reduced political interference
- vii. The final decision is a result of mutual discussion by the parties and the third person
- viii. The decision made by the third party is statutorily valid.

These reasons explain the need to resort to and advocate for ADR mechanisms and thereby deliver speedy justice.

4. Panchayats and Justice Delivery through Lok Adalat

The predominance of information asymmetry was huge among the rural and semi-urban population. In order to bridge this problem and promote dispute resolution at the grassroots level, Lok Adalats were established through the Legal Service Authorities Act, 1987. These Lok Adalats have settled millions of cases, lifting the burden from the traditional courts at a minimal cost, helping the underprivileged⁸.

Lok Adalat has its historical roots in the idea of village panchayats that served as unofficial courts. The statutory backbone for Lok Adalat comes from the Legal Services Authorities Act 1987. According to section 19 of the Act, Lok Adalats are given power to settle disputes head

PG. 648-658, (2025).

⁸ Tripathi S.C., *Alternative Dispute Resolution (ADR)*, 3rd edn, Central Law Publication (2018), p. 101.

in any court or at the pre-litigation stage, if both parties agree to a settlement⁹. Later, in 2002, through an amendment made in the Legal Service Authorities Act, permanent Lok Adalats were established for Public Utility services. Further, family disputes and compounding offences are also settled through Lok Adalat.

Today, this mechanism plays a vital role in reducing the court burden to a greater extent. The best evidence is the Lok Adalat that happened in Telangana and Dharwad (Karnataka). According to reports, 1.93 lakh cases were settled during the national Lok Adalat in Telangana that was conducted on 14th June 2025¹⁰. Further, in the Adalat that occurred in Dharwad on March 8th 2025, a settlement of 72,609 cases was recorded. Yet another reformatory approach was taken by the Pune DLSA by launching a Mobile Van for Adalat, aiming for 'Justice at Doorsteps'¹¹. Further, Kerala launched a platform for filing cases online anywhere in the state¹². These recent examples show the vibrant efforts at the grassroots level to bridge the justice gap through Lok Adalat. In light of these achievements, it should be noted that the system is far from perfect. The functional difficulties and infrastructural imbalances have often hindered the smooth conduct of Adalat at many places.

5. Challenges in the way forward

The effectiveness of the ADR mechanism is often criticised as the third party has less authority. A mediator /conciliator cannot compel a party to appear or to provide a defence. The enforceability of the decision is also a grey area that needs more attention and clarification. Yet another practical difficulty when it comes to arbitration, Conciliation, Mediation and Lok Adalat is lack of proper infrastructure for the process. The government is also less supportive of the growth of ADR systems and in establishing mechanisms for its growth. Judicial intervention in the ADR proceedings is yet another area of concern. Through number of amendments are made in this regard, it's still a process that needs progress before reaching perfection. Even though proper institutions are made to conduct ADR proceedings, it is difficult to find arbitrators/ mediators/ conciliators who are skilled enough to handle the process. There

⁹ Legal Services Authorities Act, 1987, S. 19

¹⁰ <https://telanganatoday.com/telangana-over-1-93-lakh-cases-settled-in-national-lok-adalat>, accessed on 15th June 2025.

¹¹ <https://punemirror.com/pune/others/nyaya-aplya-dari-pune-dlsa-launches-mobile-van-to-deliver-justice-at-citizens-doorsteps/cid1749870918.htm>, accessed on 15th June 2025.

¹² <https://www.thehindu.com/news/national/kerala/kelsa-launches-online-filing-and-hearing-facility-for-permanent-lok-adalats/article69446680.ece>, accessed on 15th June 2025.

is no training provided to them. If untrained personnel are empanelled, there will be difficulty in reaching a mutual agreement, miscommunications, and dissatisfaction with the process. There are also chances that one party might influence another party throughout the process to secure an agreement in his favour. Thus, there are infrastructural and practical problems that need attention, as otherwise justice will not be properly delivered.

6. Conclusion and Suggestions

It's of no doubt that the Indian courts and the judicial system are overburdened with cases, which result in delayed justice. And there is no dispute that ADR is the best solution to lift the burden from the traditional courts. Thus, the best way forward is to address the stumbling blocks and challenges in the practical application of these methods. There should be proper institutions for the training of arbitrators/ mediators/ conciliators, the infrastructure for conducting ADR should be developed and maintained, strong legal aid frameworks should be developed, modern technological inputs should be used for the resolution of disputes, and the organisation and management of cases should be well executed. By addressing all these problems, an effective ADR system can be developed that will promote justice delivery without any divide or difference to all.

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