
ETHICS IN ADR – NAVIGATING THE INDIAN PERSPECTIVE

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ABSTRACT

ADR is an ever-changing form of dispute resolution mechanism that is proliferating in the judicial bubble of India, with its traces being in the United States of America. It has proven to be effective with the clientele and the general public of America. India has proven to be a testing ground for this mechanism, although the procedure is enumerated in a meticulous manner in the legislations which enable it, the problem mainly arises along the ethical lines as this functions in parallel with the Indian judiciary and the bureaucracy with the latter riddled with the ethical issues in the form of Red-Tapism and rampant corruption. Ethics in ADR also concerns itself mainly with the neutral third parties who are binding with various ethical codes based on the operation of their jurisdiction, these codes are derived from various principles of natural justice that are followed over a period of time and are dynamic in nature. This paper seeks to cater to the issues that are pertinent amongst the same ethical systems guarding the third-party neutrals and providing solutions that are given keeping in mind the Indian perspective, the solutions offered are to be implemented to all forms of ADR i.e. Arbitration, Mediation, Conciliation, Negotiation and specifically in the case of India- Lok Adalats.

Keywords: Deontology, Jus-naturale, Audi Alteram Partem, Centralization, Third-party neutrals, Moral Reasoning.

Introduction

Alternate Dispute Resolution or ADR is a pertinent form of the quasi-judicial medium of resolving disputes outside the traditional court systems. ADR in the Indian perspective came into the legal spectrum with the introduction of various legislations like that of the Arbitration Act, 1940 and the amended act of the same name and effect in 1960. However with the advent of ADR in India, its spread was disproportionate with the number of acts that were passed, with the introduction of the contemporary counterpart of the ADR was introduced in 1996, due to the introduction of the same there was a prominent rise in the amount of ADR methods used in the hemisphere of indigenous and global countries.

To indicate the gradual rise of ADR mechanisms in the country, a testament can be attributed to a 2013 PwC study that found that 47% of Indian companies had arbitration as their mode of settling disputes¹ so as to increase the chances of speeding the legal process associated with the corporate sector. With figures of 2023 showing growth strides as the number of cases increased from 6,373 to 9,707² indicates the ever growing importance, hence keeping this in mind the scope of violation of Ethics in ADR widens. To counter the same, prudent decisions need to be taken which are backed by able enactments that strengthen both - the mediation process and its efficiency in the sub-continent.

A quintessential role is played by neutrals in ADR who act as the mediator between the parties that are involved in a mediation, a neutral is the individual who looks to it that there is a equilibrium of justice and equity that is to be ensured between the stakeholders based on the dispute that has risen, owing to the fact that ADR aren't judicial, the role of neutral is open to interpretation by various jurists, paralegals and advocates alike which makes the role of implementing ethics amongst them even more important with the passage of each day. The following sections of the paper are going to explore the various problems associated with the ethics in ADR and its facets that can be holistically developed to ensure rapid modernization of the Judiciary in the country.

Ethics in ADR

Ethics in the judicial setup are homogeneous in nature i.e. the principles that bind the various

¹ Arbitration in India: Dispute resolution in the world's largest democracy | Herbert Smith Freehills | Global law firm

² Delhi International Arbitration Centre| Statistics (dhcdiac.nic.in)

judicial systems of the world aren't different from one and another. Georg Hegel was one of the foremost jurists who emphasized about the phenomena of reiteration with Hegelian dialectic coming into the picture as a means to correct a flawed concept by adding ethical values and principles, as a torchbearer to the same. The Ibero-American Code of Judicial Ethics sets out a model set of standards that are to be implemented in every judicial system of the world with the values of impartiality, justification, knowledge and skills, justice and equity, institutional responsibility, courtesy, integrity taking the forefront.³

Ethics in judiciary are in parallel to that of ADR but they are in the conformity of the mediation setup that exists, the holy grail which speaks about the ethics in the same is the Minnesota Rules of Professional Conduct (MRPC)⁴, for instance Paragraph (3) of the Preamble of the same states that the rules which are given applies to third-party neutrals as well as lawyers. Rule 2.4 of the bare act sheds light on the due diligence that needs to be considered by a lawyer who takes up the role of a third-party neutral in ADR setups⁵, this is in the form of-

- Responsibility- To be ensured during the briefing to the respective parties to avoid confusion.
- Integrity- To be ensured during the ongoing process of mediation to facilitate equality of the stakeholders.
- Candor- To be ensured as in order to give a fair and a judicial prudent decision.⁶

Ethics in Indian Arbitration can be found to be derived from the the American counterpart, Indian Arbitration also sources it's ethics and rules from the APCAM (Asia Pacific Centre for Arbitration and Mediation) which has innovative measures in it's inventory which can be seen in the form of Rule 22 of the Rule Book of the parent organization⁷. Rule 22 talks about the scrutiny of the award that takes place after the parties agree or reach to a settlement, the draft award in a given case will be handed over to the scrutiny board who may bring about modifications in a subtle manner that doesn't hinder the decision reached by the parties and at the same time gives solutions that come under the purview of the same. The board also is

³ <https://www.brennancenter.org/our-work/analysis-opinion/judicial-ethics-doesnt-bar-judges-speaking-out-about-diversity-and-racial>

⁴ <https://lprb.mncourts.gov/rules/Pages/MRPC.aspx>

⁵ <https://casetext.com/rule/minnesota-court-rules/minnesota-rules-of-professional-conduct>

⁶ https://www.revisor.mn.gov/court_rules/rule/prcond-toh/

⁷ Making India a Hub of Arbitration: Bridging the Gap Between Myth and Reality | SCC Times (sconline.com)

constrained by time as the comments and suggestions are to be done in a span of 15 days hence increasing the efficiency of the process.⁸

The Permanent Court of Arbitration also has played a role in ensuring that ethics are intact in the form of Article 11 of the Permanent Court of Arbitration Rules, 2012⁹ wherein it is rightly stated that wherein it places a responsibility on the arbitrator to inform a given piece of information that is deemed to be important to the parties at different stages of the arbitration, to ensure the steadfast implementation with no scope for confusion they have also given in the annexure of the same document the model statements of impartiality and independence that the arbitrators must pledge allegiance to in any given situation.

The very prominent UN Arbitration Rules which derives its roots from the UNICTRAL framework has also a designated part which caters to the ethics in the ADR mechanisms. This can be observed in the form of UNOAP (UNICTRAL Notes on Organizing Arbitral Proceedings)¹⁰ which acts as the handout for both of the former frameworks in the form of discussions and is often a known method of pedagogy for innovative ideas to flourish, Note 77 of the document emphasizes the “Redfern Schedule”¹¹ which re-defines the way document production is to be done, this schedule not only sets straight the schedule in which the documents concerned with a respective case are forwarded but they are also accompanied with the reasons of request and why a certain document is requested.

Hence the frameworks and mechanisms for an Utopian form of ADR exist, there are still some hiccups that occur in the way due to the complexities of the pursuance of this mode of judiciary which often results in hindrance in a country like India wherein the environment of ADR and the idea of out of court settlements are still alien.

Neutral

Neutrals in ADR play the most important role in the settlement of issues and ensuring that the conflict that has arisen reaches a definitive truce between the conflicted parties. ADR in India is prominently practised in 7 forms with those ranging from mediation to mini-trial and Online

⁸ https://www.livelaw.in/pdf_upload/287-ntpc-ltd-v-spml-infra-ltd-10-apr-2023-467739.pdf

⁹ PERMANENT COURT OF ARBITRATION ARBITRATION RULES 2012

¹⁰ <https://uncitral.un.org/en/texts/arbitration/contractualtexts/arbitration>

¹¹ Exploring the Use of UNCITRAL's Arbitration Rules and Materials in Indian Ad Hoc Arbitrations | SCC Times ([scconline.com](https://www.scconline.com))

Dispute Resolution (ODR), in all of these the commonality remains the third party neutral who are binded by their own set of ethics which helps them navigate in a fair manner throughout the case.¹²

When it comes to the arbitrator's responsibility in the process of arbitration, the Indian Council of Arbitration in it's annexure has given the ethics that is to be followed by the arbitrator in a given case wherein paragraph 4 speaks about the disclosure in writing about parameters like that of any existing relationship with the parties or their counsel that may affect their independence, this can be in regards to economic or personal interest.¹³ By doing so it is ensured that the neutral in every case is binded. Ethics as a third-party neutral is the Achilles Heel of every ADR, neutrals often find themselves in a tricky situation whilst overlooking a dispute as they need to uphold the primary principle inscribed in "Jus-naturale" that is the right "to provide equal opportunity of being heard" or Audi Alteram Partem.

Mediation in the Indian setup is often aided by ethical standards that are set by the apex court, this can be seen in the case of Moti Ram (D) Thr.L.Rs and Anr. Vs. Ashok Kumar and Anr (2010)¹⁴ wherein the bench placed the heavy responsibility on the conciliator to maintain the privacy of the parties and at the same time give a reasonable explanation of the proceedings that took place. The guarding legislation in regards to this which is the Arbitration and Conciliation Act, 1996 in Section 71¹⁵ talks about the co-operation of parties with conciliator wherein the parties will act in good faith to ensure the proceedings which are filled with transparency and brevity. Section 75 of the same talks about confidentiality in relation to the parties and involved and in particular the conciliator due to the volatility of the issues that are dealt with the risks involved if spread of confidential information.¹⁶

Another popular form of ADR in India is in the form of Lok Adalats which were first mentioned in the Legal Services Authority Act, 1987¹⁷. Lok Adalats are the amalgamated product of Law Commission Reports, Constitutional provisions and various views of jurists. Lok Adalats are often presided over by individuals who have attained comprehensive knowledge about the legal process and it's efficacy, these range from Judicial officers, social activists or members of legal

¹² Ch.24 – Neutrals – ADR.gov

¹³ <https://www.lexology.com/library/detail.aspx?g=c74be5b9-f8c1-4d5a-ae87-936d0ca6de8b>

¹⁴ <https://lc2.du.ac.in/DATA/Role%20of%20Arbitrator.pdf>

¹⁵ <https://www.lexology.com/library/detail.aspx?g=c74be5b9-f8c1-4d5a-ae87-936d0ca6de8b>

¹⁶ <https://www.tnsja.tn.gov.in/article/Cannons%20of%20Jud%20Ethics.pdf>

¹⁷ http://www.imlc.ac.in/minor_research_project/DPP/paper2.pdf

profession as the chairman.¹⁸ This form of ADR is popular amongst the masses with the ethics which binds both - the process and the third party neutrals are mainly derived from the other forms of ADR as Lok Adalat is the contemporary version of the Nyaya Panchayats.¹⁹

Negotiation is the most alienated form of ADR in the sense that it doesn't have a nodal legislation to look over the procedure, it merely has types and models according to which a neutral can construct an effective negotiation mechanism, an apt example of this can be the RAPDAC model²⁰ of negotiation wherein each of the letter in the word signifies the importance of the elements that make a negotiation comprehensive with those being-

- R stands for Rapport which implies that the clientele should get to know the third party that is involved and vice versa.
- A stands for Analysis which is needed to each others intentions to fulfill the goal of the negotiation.
- P stands for Propose which means that the parties involved and the third party neutral in all good faith will arrive at the best solution possible
- D stands for Debate pointing towards the direction of convincing both the sides to arrive at a middle ground for mutual benefit.
- A stands for Agreement as to which the involved parties must reach to ensure the success of the negotiation.
- C stands for Close which is important to in providing a gist of the issues involved and the solutions that were offered.²¹

This model is used throughout the globe by negotiators who act as the third party neutrals and set an ethical standard that is to be followed by them at a given point of time. A legislation for negotiation is of key importance in today's day and age considering the rapid rise of this instrument of ADR in India, initiating a legislation for the same would be beneficial for both- the parties that are involved and the third-party negotiator as their roles and responsibilities

¹⁸ http://www.adrcentre.in/images/pdfs/LOK_ADALATS_IN_H.P.-%20Final.pdf

¹⁹ <https://nalsa.gov.in/lok-adalat>

²⁰ <https://libertatem.in/articles/mediation-negotiation-and-lok-adalats-as-modes-of-adr/>

²¹ <https://adr.gov/guidance/adrguide-home/ch24/>

will be duly attached whilst the powers of the stakeholder would also be kept in check so as to not influence the final decision that is given by the negotiator.

ADR's Dilemma

ADR like every other mechanism is a mixed bag when it comes to the pros and cons, as this paper has already highlighted the significance and pros of ethics in ADR, it is equally important that the cons are highlighted to ensure the progress of the mechanisms that are concerned with ADR and further it's use and efficiency in the Indian scenario. Ethical dilemma often is a result of violation of code that exists between the client and the third-party neutral

In ADR there is a lot of scope for biasness that may exist during the enactment of the process, this is primarily due to the reason that the third-party neutral is a quasi-judicial officer and he is officiating the process on the mutual consent of both the parties which means that the judge, jury and executor in a given case isn't the one who is anonymous to the parties. This can take the form of implicit bias which is seen amongst the third-parties prominently in American Mediation Setup and is slowly trickling down to the Arbitration setup of India in the form of bifurcation between different classes of the country²². With the divide between the rich and poor getting wider, it is noticeable that the third-party neutrals in this case may have the scope to err in the decision that they uphold.

A problem that is rooted in philosophy arises in the case of ADR taking the shape of Double Deontology wherein the two doctrines of DDA (Doctrine of Doing and Allowing) and DDE (Doctrine of Double Effect)²³ are moral principles that are guarding the spectrum of ethics, this can be related to ethics in ADR in the sense that the third-party neutral are to be guided a distinct set of rules that are to be binding on them in a differential scenario, this problem will arise when the mechanisms of ADR are to be implemented in different playing fields²⁴ i.e. based on the jurisdiction, these principles will be affected so as to cause a sense of conflict to the third-party neutral when it comes to the implementation of ethical system to be followed. Ethical systems are different in pertinence to the jurisdiction and range from national to international level with each jurisdiction having it's own set of ethical values. The problem

²² <https://scholar.smu.edu/cgi/viewcontent.cgi?article=4700&context=smulr>

²³ <https://www.bbc.co.uk/ethics/introduction/doubleeffect.shtml>

²⁴ <https://arbitrationblog.kluwerarbitration.com/2019/12/12/rethinking-counsel-ethics-in-international-arbitration/>

stands due to the fact that there is no one homogenized ethical system that can be followed by the third party neutral.

The same problem will also lead on to the sensitive lines of cultural differences as moral reasoning is one of the principles that guards the working of the third-party neutrals and it's shown in the research paper titled "Universality and Cultural Diversity in Moral Reasoning and Judgement" wherein Richard Schweder expresses that the eastern societies mainly dwell on ethics on community and divinity as compared to the western societies pave the way for ethics for autonomy, thus in oriental societies i.e. The Indian sub-continent in particular is a one wherein the culture, traditions holds supreme over rationality, this principle will merge with the specifics of ADR leaving third-party neutrals in a position to discriminate sub-consciously.²⁵

To introduce shades of gray into ADR, a new mechanism that is implemented in various countries and is to be introduced in India is the hybrid version of Mediation and Arbitration termed as "Med-Arb" wherein the divergent modes of ADR are implemented to come to a more stable middle ground, but in the process there is an imperative risk in navigating the ethics as the neutral is the same in the rounds of Mediation and Arbitration hence opening up a huge scope for lack of creativity of the arguing parties as in convincing the third-party which eventually leads to square one - Is the process impartial? In the present case the answer is a convincing "no" with integrity and honesty being compromised eventually.

Although the concept of ADR is based on the fact that decisions are to be rendered in a more informal manner to speed up the process of access to justice, the lacunae arises in the place of documentation that binds the parties to the dispute. In ADR due to the excess lack of formalization of procedure, it often results in the reduction of accountability and increase in timelessness i.e. productive resources being used for unproductive exploits. This often results in the lack of ethics on the side of the third-party neutral and is in parallel to the red-tapism that is rampant in the bureaucracy of the country which encourages the accepting of bribes rather than endorsing and implementing the values that will bring about welfare and equity amongst the general masses. Documentation is found to be a meticulous way of tasking, bringing about documentation in ADR process is going to be a beneficial decision for the judicial mechanisms

²⁵ <https://www.jstor.org/stable/4195012>

in the country.

Solutions to the Dilemma

Although ADR is faced with distinct problems, there are a set of solutions that can be promulgated in order to bring about waves of change in the way ADR is conceptualized, given the fact that the process of ADR is dynamic in nature the solutions too have the maneuverability to cope with the said changes, the first of the many solutions that are derived is the centralization of the ADR setup in the country vis-a-vis a central body that regulates and monitors all aspects of ADR regardless of the jurisdiction so as to not cause any problems with the justiciability of the issues that arise. This can be ensured through the proper demarcation of the jurisdiction of ADR mechanisms.

The establishment of a centralized governing body to oversee those disputes at district, state, and national levels is grounded. The Central Authority that is responsible for formulating those policies and regulations to govern the operation must act throughout India uniformly. It then is tasked with ensuring uniformity in procedures and standards across the alternative dispute resolution mechanism. It's key responsibilities include a mechanism of structured procedure that includes²⁶:

1. Standardizing procedures and guidelines for the operation of different forms of dispute resolution via different neutrals.
2. Monitoring the functioning to ensure compliance with legal standards and ethics.
3. Facilitating training and capacity-building programs for members of dispute resolution and effective workshops.
4. Promoting public awareness about dispute resolution bodies and their benefits explicitly to all those of legal setups and para legals.
5. Regular evaluation on the performance of dispute resolution bodies and reporting on their effectiveness and the working progress timely.

²⁶ <https://www.cambridge.org/core/books/abs/international-dispute-settlement-in-an-evolving-global-society/centralizeddecentralized-dispute-resolution-system-for-the-international-community/DF3380A0F4A81C7FBA105A7A7BEF1AEC>

The establishment of a Central Authority is aimed at enhancing the efficiency and uniformity of alternative dispute resolution in a country in a very effective manner. An example can be taken for the same during the operation under a consistent framework, Lok Adalats can better promote the principles of justice, good conscience and equity enshrined in the Constitution, fostering a more accessible and efficient legal system for all citizens in India morally. To establish a centralized body for an alternative dispute resolution (ADR) system in a nation²⁷, it is very crucial to amend those existing laws to provide a clear legislative framework which is brief and lacks ambiguity. This framework should define the body's jurisdiction, powers, and operational guidelines, ensuring uniformity and legal clarity in the ADR process in a very better way.

The centralized body can be modeled according to the consumer protection forums in the country as the framework highlighted in the Consumer Protection Act has proven to be a success in the field of consumer disputes and has yielded in easy distribution of powers based on multiple parameters, the centralized body that is to shoulder the ADR mechanisms in the country should also set other laws which are in parallel in motion to allow transparency in the judicial setup.

The jurisdiction of this centralized body must be explicitly defined to encompass all forms of alternative dispute resolution, including mediation, arbitration, and conciliation, negotiation also specifying those types of disputes that fall under the body's purview, such as commercial, civil, family, and labor disputes. Outlining the geographical scope of the body's authority to ensure it operates uniformly across the nation effectively. Powers should be given to such a body to enact rules and regulations²⁸ that can govern the ADR processes. The body should be able to certify or regulate any mediator or arbitrator through setting professional standards and ethical codes for conduct. Such a body shall have powers to enforce decisions made through its ADR methods, giving a legal backing while at the same time retaining the amicable nature of the proceedings. Operational guidelines should be established to ensure transparency, efficiency, and fairness in the ADR processes and establish clear rules governing the conduct of ADR proceedings, including timeliness, communication protocols and documentation ensuring all discussions remain confidential, encouraging open dialogue.

²⁷ <https://www.legalserviceindia.com/legal/article-9199-an-analysis-on-the-effectiveness-of-lok-adalats-in-india-and-the-measures-that-can-be-taken-to-increase-their-efficiency.html>

²⁸ <https://www.pon.harvard.edu/daily/dispute-resolution/what-is-alternative-dispute-resolution/>

It should ensure that ADR services are accessible to all segments of the population, including provisions for those with disabilities or language barriers and if necessary make specific amendments to those existing laws to implement this framework.

Amendments to Civil Procedure Codes (1908) to integrate ADR processes into the formal legal system should be undertaken, allowing for seamless referrals to ADR by courts and also by Omni channel approach . Additionally , introduction of a dedicated ADR Act that outlines the establishment, powers and functions of the centralized body, resulting in a solid legal foundation should be introduced. It promotes a uniform approach to ADR across the nation, ultimately contributing to a more effective legal system and its enhancement in ethical approach.

It is essential to develop standardized procedures and customs that are uniform across all levels of the system which then ensure consistency and efficiency in alternative dispute resolution (ADR) processes that cover key aspects such as case referral, mediation processes, and settlement enforcement, and be clearly defined in legal terminology. A clear protocol for referring cases to the ADR system, that includes the criteria for determining which cases are suitable for ADR and its accountability should be established whilst developing a standardized referral form capturing all relevant information about the dispute and its facts, including the parties involved, the nature of the dispute, and any relevant documentation accessible to all parties, including those who may not have legal representation and legal knowledge. There should be a method which tries to assess the suitability of the case for mediation and gather relevant information and facts that coordinate the schedules of the parties engaged and the mediator while establishing guidelines for the conduct of the mediation session. It includes those roles and responsibilities of the mediator and the parties involved that any settlement agreements reached during the mediation process are clearly documented and legally binding is confidential taking appropriate action in the event of non-compliance and its accountability for being responsible enough in taking care of the things involved resulting in a amicable nature of the system.

It is of paramount importance that all those amendments and laws introduced would reflect legal terminology and structured concisely, where all procedures are regularly reviewed and updated to reflect changes in laws and regulations enhancing the effectiveness and consistency of alternative dispute resolution (ADR) processes, it is crucial to implement comprehensive

training programs for mediators and judicial officers. These training programs should focus on enhancing skills in conflict resolution and promoting adherence to best practices, while also incorporating the latest legal advancements in the field of arbitration process.

To promote alternative dispute resolution (ADR) effectively, public awareness campaigns plays a vital role in informing citizens about its benefits, merits and procedures which then these initiatives can significantly increase participation and understanding of ADR in a nation. Implementing educational initiatives that explain the various forms of ADR, such as mediation and arbitration highlight how ADR can save time and costs compared to traditional litigation, thereby making it an attractive option for dispute resolution. Organizing workshops and community events where citizens can learn about ADR firsthand²⁹. By engaging local leaders and stakeholders can help disseminate information and encourage community involvement. Utilize various media platforms, including social media, competitions, television, and print, to spread awareness about ADR.

All these campaigns must focus on real-life success stories and testimonials from individuals who have benefited from ADR processes, emphasizing confidentiality and the amicable nature of resolutions creating easily accessible materials, such as brochures and online resources, that outline the ADR process, its benefits, and how to initiate it. This information should be available in multiple languages to cater to diverse populations and categories with distinct culture and ethics by collaborating with legal institutions, educational organizations, and non-profits to amplify outreach efforts. Partnerships can help leverage resources and expertise to enhance the campaign's effectiveness by establishing channels for public feedback to continuously improve awareness efforts and understanding public perception and barriers to participation that can guide future initiatives.

By developing a set of key performance indicators (KPIs) which measures the efficiency and effectiveness of ADR processes. KPIs may include the time taken to resolve disputes, the satisfaction levels of parties involved, the rate of successful resolutions, and the cost-effectiveness of ADR compared to traditional litigation bringing about efficacy also by implementing a system of collecting and analyzing data related to ADR cases, including the nature of disputes, the parties involved, and the outcomes of the processes. They must also utilize data analytics tools to identify trends, patterns, and areas for improvement in ADR

²⁹ https://www.law.cornell.edu/wex/alternative_dispute_resolution

performance. Other instruments that may aid in the same can be conducting of surveys, interviews, and focus groups to assess the strengths and weaknesses of the ADR system from the perspective of stakeholders to realize the concerns better.

Amendment of existing laws or introduce of new legislation to provide legal recognition and enforceability to ADR settlements, including mediation agreements and arbitral awards have the same legal standing as court judgments, making them binding and enforceable through the judicial system via clear protocols for referring cases from the courts to ADR processes and vice versa³⁰, depending on the stage of the dispute and the willingness of the parties to engage in ADR. This can further be enhanced by developing a system for seamless transfer of case files and information between the courts and ADR bodies to maintain continuity and efficiency acting impartial.

It is to be ensured that the confidentiality of ADR processes is maintained, even when settlements are brought before the courts for enforcement that develop protocols for handling confidential information which limits the scope of judicial review to protect the integrity of ADR proceedings ensuring uniformity.³¹

Light should also be shed on the ideal training to judges and court staff on the legal framework governing ADR and the procedures for integrating ADR settlements into the judicial system. Conducting of awareness campaigns to notify the public and legal professionals about the legal status of ADR settlements and the process for enforcing them through the courts through various activities and competitions which then results in effective mechanism and innocuous procedures should be prioritized³².

Conclusion

ADR with it's prospects has a lot of potential to unravel into it's complete form and help individuals in the country who look for a solution outside the four walls of the court but with the evolution of this concept also comes the ethical facets that have an intrinsic link with the same as it is informal in nature and is binding by a higher ethical code than that of a judicial proceeding, to oversee the same it is quintessential to ensure that the problems are identified

³⁰ <https://emond.ca/Store/Books/ADR-for-Legal-Professionals-2nd-Edition>

³¹ <http://www.nadr.co.uk/background/lawyer.php>

³² <https://pib.gov.in/PressReleasePage.aspx?PRID=2003844>

and tackled in a necessary manner to ensure that the process is an easy one with no barriers in front of it. With this being ensured the scope of ADR in the country cannot be measured by a certain barometer and it will definitely be a hit considering that the awareness and the amendments are done in the same time frame.

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