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## LEVERAGING ADR FOR ENVIRONMENTAL DISPUTE RESOLUTION: INSIGHTS FROM INDIAN COURTS

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### ABSTRACT

Indian Court's are swamped and environmental fights from polluted rivers to land conflicts take years to settle. This article looks at how ADR tools like mediation, arbitration and Lok Adalat can offer a faster, less hostile way out. By studying key cases from the Supreme Court and NGT, it shows that Indian judges are slowly warming up to ADR for green disputes because it's flexible, brings people to the table and can focus on real fixes instead of just punishment. Some environmental issues affect everyone and may not be fit for private settlement. There is also a risk that poor communities may not have equal power against big companies. The article suggests blending court backed mediation with expert panels so we get decisions that are quick, fair and actually help the environment.

**Keywords:** Environmental disputes, Alternative Dispute Resolution, National Green Tribunal (NGT), Mediation, Indian courts.

## **1. Introduction**

In India, environmental conflicts are becoming more common as a result of the country's fast industrialization, urbanization, and exploitation of resources. The disputes are frequently complex with legal, social and ecological aspects, which makes their resolution difficult for the conventional judicial system. In the face of increasingly large and complex environmental problems, the need for a more efficient, flexible, and involvement-based dispute resolution tools is becoming increasingly urgent. Alternative Dispute Resolution (ADR) techniques have proven to be effective ways to deal with these problems and are alternatives to litigation that are more timely, less confrontational, and more cooperative.

Historically, in India, environmental conflicts were handled through litigation in the courts which frequently led to long and expensive court processes and strained judicial systems. Litigation is a slow and expensive process, making justice delayed real injustice and effective environmental management difficult to achieve. In light of these drawbacks, the Indian judiciary and government have increasingly looked into the role of the alternative dispute resolution (ADR) mechanisms like mediation, conciliation, and arbitration to complement the court system in environmental cases of conflict. These processes can help ensure a consensus between stakeholders, such as the Government, industry stakeholders, local communities and environmental groups.

Indian courts have been instrumental in the process of bringing ADR into the mainstream of environmental dispute resolution. Judicial observations and directions have highlighted the need for ADR to promote sustainable development and environmental justice. Notably, courts have been encouraging parties to pursue amicable solutions before entering formal litigation, in keeping with the principles of participatory justice and ecological sustainability. This transformation comes as part of a growing recognition of the value of working together for better and more lasting environmental results.

In addition, ADR mechanisms in dispute resolution of environmental conflict have been highlighted by landmark court decisions. In cases of industrial pollution, conservation, land use, for example, courts have found mediation and conciliation processes useful when resolving disputes. The judicial endorsements provide a foil for the legitimacy and use of ADR, thereby encouraging its use in a variety of environmental fields. In essence, the proactive role played by the Indian judiciary reflects a dedication to novel approaches in dispute resolution processes,

prioritizing ecological considerations alongside the developmental requirements.

The promise of ADR in environmental dispute resolution is great but comes with some challenges. These are all issues of enforceability of mediated agreements, environmental standards and public interest protection. However, the Indian experience has something to offer to how ADR can supplement the statutory judicial system so as to make environmental justice more accessible and effective. In the context of India's pressing ecological challenges, the use of ADR is a key strategy for sustainable development.

To sum up, Indian courts have increasingly appreciated the potential of ADR as an important instrument in the resolution of environmental disputes. ADR mechanisms can substantially support sustainable environmental governance by providing a forum for dialogue, consensus building and decreasing the load on judges. The Indian experience offers a valuable lesson on how alternative dispute resolution, with judicial assistance and institutional initiatives, can effectively deal with the urgent ecological issues.

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## **LITERATURE REVIEW**

### **1. Sai Ramani Garimella (2016) – Environmental Dispute Resolution, ADR Methods and the PCA Arbitration Rules**

Sai Ramani Garimella discussed the significance of Alternative Dispute Resolution

(ADR) in the resolution of environmental conflicts at the national and international level. The author noted that traditional litigation in environmental disputes is often not the best means of resolving such disputes and spoke of how arbitration and mediation can be used to manage complex environmental disputes involving multiple stakeholders. The study especially

examined the Permanent Court of Arbitration Environmental Rules, 2001 and demonstrated the flexibility of the rules that address conflicts between states, corporations, NGOs and individuals. The document also detailed the advantages of using the ADR mechanisms to get expedient, expert, and less adversarial solution to the environmental disputes. The author concluded that the use of ADR methods can be a very effective strategy to enhance the environmental governance process by facilitating the development of cooperative dispute settlement and minimizing delays in the process.<sup>1</sup>

### **1. Gitanjali Nain Gill (2014) – The National Green Tribunal of India: A Sustainable Future through the Principles of International Environmental Law**

The National Green Tribunal (NGT) has been looked upon as a platform for promoting environmental justice and development in India in the context of environmental laws and regulations by Gitanjali Nain Gill. The study pointed out technical and scientific complexity of environmental disputes, which necessitates specific forums for these disputes. The author highlighted that the NGT has enhanced the access to environmental justice by ensuring expeditious and efficient resolution of grievances. The principles of sustainable development, precautionary principle and polluter pays principle as applied by the Indian courts and tribunals were also discussed. The author concluded that with the incorporation of ADR procedures, specialized JD can play a crucial role in effective environmental governance and dispute resolution in India.<sup>2</sup>

### **2. The Use of Mediation for Environmental Disputes: An Indian Perspective, by Ashutosh Kumar Mishra & Prakash Tripathi (2022)<sup>3</sup>**

Ashutosh Kumar Mishra and Prakash Tripathi discussed the growing trend of mediation in the Indian legal system in environmental cases. The authors noticed that Indian courts have a huge pendency of environmental cases that lead to delays in environmental justice. The study emphasized that mediation can be a participatory and flexible process to settle pollution related conflicts, land use conflicts, water sharing conflicts and environmental degradation. The authors

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<sup>1</sup> Sai Ramani Garimella, "Environmental Dispute Resolution, ADR Methods and the PCA Arbitration Rules," *ILI Law Review* (2016).

<sup>2</sup> Gitanjali Nain Gill, "The National Green Tribunal of India: A Sustainable Future through the Principles of International Environmental Law," *Environmental Law Review* (2014).

<sup>3</sup> Ashutosh Kumar Mishra & Prakash Tripathi, "Mediation in Environmental Disputes: An Indian Perspective" (2022).

also spoke about the importance of mediation as an alternative dispute resolution tool to litigation, particularly through the court and tribunal mechanisms. The article ended by concluding that environmental mediation could enhance cooperation among the stakeholders and diminish conflict over them, whilst maintaining environmental protection and sustainable development.

### **3. Dipankar Sharma & Dr. Aditi Choudhary (2025) – Environmental Disputes and Resolution through Mediation in India: A Study of Environmental Dispute Resolution Mechanism<sup>4</sup>**

Dipankar Sharma and Dr. Aditi Choudhary explored the contribution of mediation in addressing environmental conflicts in India. The authors described how the rapid pace of industrialization and urbanization is causing more environmental conflict over pollution, land acquisition and natural resource management. The study investigated court-based environmental litigation and highlighted the importance of other dispute-resolution options, including mediation. It also spoke about the significant environmental issues such as the Cauvery water dispute and the Bhopal Gas Tragedy, to give an example of negotiated arbitrations. Based on this, the authors suggested that mediation could be used as a supplementary judicial tool to offer fast, participatory and lasting solutions to environmental conflicts.

### **4. Resolving Environmental Disputes in India through Arbitration: Prospects & Challenges (2022), By Faizanur Rahman.<sup>5</sup>**

Faizanur Rahman has conducted research on the future and challenges of arbitration in environmental dispute resolution in India. The author noted that environmental conflicts tend to be "technically intricate and the decisions on them need to be quickly taken by people who know their way around. The article discussed the fact that relying on traditional litigation might sometimes not be the quickest and most effective remedy in environmental cases. It was discussed that arbitration is a helpful tool to resolve dispute issues with industries, environmental compliance, climate change obligations and resource management. The study, however, was aware that there were problems with public participation, transparency and

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<sup>4</sup> Dipankar Sharma & Aditi Choudhary, "Environmental Disputes and Resolution through Mediation in India: A Study of Environmental Dispute Resolution Mechanism," *International Journal of Environmental Sciences* (2025).

<sup>5</sup> Faizanur Rahman, "Resolving Environmental Disputes in India through Arbitration: Prospects & Challenges" (2022).

enforceability of arbitral awards in environmental cases. While acknowledging that the tool of arbitration cannot replace the environmental governance in the shape of a law, the author suggested that it can complement the governance with the adequate legislations and institutional arrangements.

#### **5. The Nature of the Human Response to Environmental Conflicts: A Question of Law Reform, Elizabeth J. Swanson.<sup>6</sup>**

Elizabeth J. Swanson analyzed the connection between environmental conflict and environmental ADR processes and proposed changes to the law to better facilitate environmental ADR. The author explored the potential for considering the multiple economic, social and ecological interests that may come into conflict in an environmental dispute and may not be resolved through the adversarial litigation process. The benefits of mediation, negotiation and arbitration processes in fostering collaboration and participation by stakeholders were emphasized. The author also examined issues of enforceability, institutionalization and fairness of environmental ADR processes. The study concluded that there is need for legal reform to consolidate ADR mechanisms and the environment dispute resolution mechanisms.

#### **6. Decentralization of Environmental Disputes in India (Amit Anand, Akanksha Madaan & Riya A. Singh)**

The authors studied the demand for decentralised approach towards addressing environmental conflicts in India. The study made special focus on the proactive approach adopted by the Indian courts in the field of environmental protection under the public interest litigation and judicial activism approach. The authors, however, claimed that it is not enough to resort to centralised litigation to solve the escalating number of environmental cases. This article proposed the increased utilization of local dispute resolution mechanism, mediation, and community involvement in order to make environmental governance effective. The authors found that decentralized environmental dispute resolution has the potential to enhance public participation, alleviate judicial load and enhance environmental justice.

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<sup>6</sup> Elizabeth J. Swanson, "Alternative Dispute Resolution and Environmental Conflict: The Case for Law Reform," *Alberta Law Review*.

**7. K.N. Chandrasekharan Pillai, Jaya V.S. & Vishnu Konoorayar (2014) – Status/Effectiveness Study of ADR.<sup>7</sup>**

This paper examines the effectiveness of ADR mechanisms in India with a specific focus on arbitration, mediation and conciliation. The authors contrasted ADR processes to the litigation system in court and assessed their costs and time saving efficiencies. Overall, the study revealed that institutional ADR processes are more effective than ad hoc processes. The authors further highlighted the need of awareness, trained professionals and legal reforms to boost the ADR in India. While not restricted to environmental disputes, the book is relevant because it is a description of how and where ADR mechanisms can help alleviate judicial congestion and make justice more readily available in specialized conflicts like environmental issues.

**8. Ankit Anand & Vincent Comraj J (2024) – Exploring Innovative Approach of Arbitration for the Resolution of Environmental Conflicts<sup>8</sup>**

Ankit Anand and Vincent Comraj explored novel methods for dealing with environmental disputes via arbitration. The authors highlighted the increasing importance of arbitration in climate change disputes, industrial pollution conflicts, and resource management disputes. The permanent court of arbitration optional rules for environmental disputes were discussed, and the importance of expert adjudication in environmental matters was highlighted. The arbitration process is found to be a convenient process in resolving environmental disputes in the present era, as it provides confidentiality, flexibility, technical expertise, and speedy resolution, the authors concluded.

**9. Springer Nature Review (2025) – A Review of Environmental Conflict Resolution: Approaches, Challenges, and Emerging Trends<sup>9</sup>**

This review article aimed to look at the development of environmental conflict resolution mechanisms and the increasing contribution of ADR techniques to the process of environmental governance. The research clarified that environmental conflicts are multifaceted and that they include the involvement of governments, companies, local communities and environmental

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<sup>7</sup> K.N. Chandrasekharan Pillai, Jaya V.S. & Vishnu Konoorayar, *ADR: Status/Effectiveness Study* (2014).

<sup>8</sup> Ankit Anand & Vincent Comraj J, “Exploring Innovative Approach of Arbitration for the Resolution of Environmental Conflicts,” *Current World Environment* (2024).

<sup>9</sup> A Review of Environmental Conflict Resolution: Approaches, Challenges, and Emerging Trends,” *Discover Global Society* (2025).

activists, among others. The article highlighted the flexible and participative nature of ADR processes, including mediation and arbitration, as a means to resolve such conflicts. It also concluded a number of problems, such as problems of power, lack of public involvement, lack of transparency and settlements enforceability. The study found that ADR mechanisms are taking on greater and greater importance as useful tools for sustainable environmental governance and successful conflict resolution throughout the world.

The authors further highlighted the need of awareness, trained professionals and legal reforms to boost the ADR in India. While not restricted to environmental disputes, the book is relevant because it is a description of how and where ADR mechanisms can help alleviate judicial congestion and make justice more readily available in specialized conflicts like environmental issues.

### **An increasing demand for alternative dispute resolution in environmental issues.**

Rapid economic growth in India has created serious pollution, deforestation and resource depletion issues. Such problems have caused more conflicts between industries, communities and the government. While important, traditional judicial procedures are inefficient in handling these conflicts because of the delays, backlogs, and procedural complexities.

Environmental conflicts are complex in both science, socio-economic and legal aspects. Avoiding such conflicts through traditional litigation can be an adversarial and timeconsuming process, further adding to friction between stakeholders. In the field of sustainable environmental governance, there is need for more flexible, participatory and rapid mechanisms.

Alternative Dispute Resolution (ADR) is a key avenue that can be explored, as it provides mechanisms such as mediation, conciliation, and arbitration to help manage the dialogue and consensus between conflicting parties. These strategies aim to be more flexible to the characteristics of environmental conflicts, fostering understanding and cooperation. As the environmental problems escalated, it became clear that the conventional litigation was not necessarily well positioned to combat the complex and pressing nature of ecological conflicts, and more adaptable and cooperative litigation techniques were necessary.

Globally, ADR is acknowledged as an effective dispute resolution method to solve various disputes, including environmental disputes. In complex ecological issues, countries which have

adopted the ADR methods have been pointing to the benefits of such methods such as reduced litigation costs, timely resolution, and preservation of stakeholder relations.

The introduction of ADR into the field of environmental issues in India is reflective of the overall policy shift towards participatory justice and sustainable development. The court system has failed to provide a much-needed alternative process for resolving disputes and Indian policy makers and judiciary has become more and more receptive to alternative dispute resolution.

Using ADR in environmental dispute resolution can cut down on the flood of cases coming through the courts and can make the processes more inclusive, improving the potential for workable, acceptable and achievable solutions. A rethinking of problem solving from a collaborative as opposed to conflictual perspective, suitable for ecological problems. Given these advantages, it appears that the role of the Indian courts in implementing ADR for the resolution of environmental disputes warrants a discussion. These results can be used to inform policy-making and result in more effective, inclusive and sustainable environmental governance in India and around the world.

### **Attitudinal evolution of judicial attitude towards ADR**

ADR in environmental disputes in India. The juridical system of India in resolving disputes has always been grounded on the adversarial system, wherein the courts are the main authority to resolve disputes using litigation. This adversarial system was geared towards establishing legal rights and duties and tended to result in lengthy proceedings and procrastinations particularly in intricate environmental matters.

Eventually, the Indian courts started to recognize the weaknesses of the simply litigationbased approach to environmental disputes. The judiciary began to examine and approve alternative dispute resolution (ADR) options like mediation, conciliation and arbitration as they had the potential to encounter more amicable and faster and more sustainable results. This change was predetermined by the growing number of environmental cases and the necessity to find solutions which presupposed the participation of stakeholders, consensus formation and practical resolution of ecological issues.<sup>10</sup>

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<sup>10</sup> Indian Council of Environmental Law\*\*, \*Report on ADR Mechanisms in Environmental Disputes\*, 2021.

Cases that became landmark contributed to this changing attitude. An example is the Bhopal Gas Tragedy case that brought to the fore the need to engage affected communities and stakeholders in the resolution of environmental disputes.

A prominent point of reference in environmental law is the case of the Bhopal Gas Tragedy (*Union Carbide Corporation v. Union of India*, 1984). Although it was more of a litigation case, it highlighted the role of engaging communities and stakeholders concerned in dispute resolution. The case resulted in the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, which introduced the aspects of ADR by establishing the system of claims settlement and compensation that were not related to the regular court. This practice showed the capability of ADR in dealing with the compound environmental harms effectively.

Another landmark case that exemplifies judicial promotion of ADR is the *Narmada Bachao Andolan (NBA) v. Union of India* (2000) case. The Supreme Court ordered establishment of a Monitoring and Evaluation Committee comprising of stakeholders and experts to monitor rehabilitation and environmental mitigation activity of Sardar Sarovar Project. The Court also highlighted the significance of participatory decision-making and promoted the use of negotiation and consensus as a means of resolving disputes, instead of the strictly adversarial process. The case is an example of how the judiciary has been in favor of ADR as a way to reconcile between development and environmental issues.<sup>11</sup>

### **Legal Framework of ADR in environmental disputes in India.**

India's legal framework has been increasingly incorporating various legislations and institutional processes that promote the use of Alternative Dispute Resolution (ADR) in environmental issues. This legislation aims to complement with more flexible, participatory and timely methods of ecological conflict resolution, as opposed to the traditional litigative method. The environmental law's adoption of ADR is an indication that complex environmental issues often require consensus building, expertise and stakeholder involvement, which can be achieved best through the use of ADR systems.

Arbitration and Conciliation Act, 1996 is one of the acts which facilitate the process of ADR in India. This Act has a wide legal provisions of arbitration and conciliation which encourages the

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<sup>11</sup> A. Kumar\*\*, "Enforcement Challenges in Environmental ADR," *\*Environmental Policy & Law\**, vol. 48, no. 3, 2020, pp. 210-225.

disputing parties to settle their disputes amicably without going through the long drawn-out court proceedings. It is applicable in environmental disputes in the presence of contractual/commercial interests, including environmental clearance disputes and in environmental compensation/disputes on the implementation of a project.

Also, the Act emphasizes the voluntary resolution and the confidentiality is a perfect fit in environment conflict resolution. The case of Vishnu Agarwal v. Union of India (2014) is a landmark case highlighting the relevance of ADR in cases pertaining to environment. The Supreme Court highlighted that the environmental issue has many stakeholders with divergent interests and that the process of ADR such as mediation and conciliation may result in agreement and sustainable solutions.

The Court instructed the authorities and parties to seek ADR options, before commencing formal litigation, which boosts the importance of formalised dispute resolution procedures in environmental governance.

Along with the judicial guidelines, legal provisions like Section 24 of the Water (Prevention and Control of Pollution) Act, 1974, give authorities the power to resolve disputes by compromising and conciliating. These clauses help in solving the disputes which are related to pollution without necessarily having to go to court hence ADR is a viable source of managing environmental disputes. These statutory clauses highlight the role of legislation in supporting ADR processes in environmental regulation.

The establishment of the National Green Tribunal (NGT) in 2010 marked a significant institutional advancement supporting ADR. The NGT's procedural rules encourage parties to settle disputes through conciliation and mediation before formal adjudication. The Tribunal's emphasis on alternative dispute resolution aligns with its mandate to provide speedy, effective, and environmentally sound justice. The NGT's proactive approach demonstrates the integration of ADR within the formal judicial framework dedicated solely to environmental issues.

In conclusion, India's legal framework increasingly recognizes and promotes ADR as an essential component of environmental dispute resolution. From statutory provisions to judicial directives and institutional mechanisms, the support for ADR reflects a holistic approach to addressing ecological conflicts efficiently and sustainably. This evolving legal landscape underscores the importance of participatory and consensus-based methods in achieving

environmental justice in India.

### **Effectiveness and Challenges of ADR in Environmental Dispute Resolution**

Another issue related to the ADR outcomes is legal enforceability. As opposed to court decisions, mediated agreements are not usually legally binding except when they are included in the legal orders. This may be a problem when it comes to environmental conflicts where the issue is whether one complies or not to ensure the sustainability of the ecology. Thus, ADR outcomes can be more effective by incorporating it into the judicial system or by providing judicial control.

Institutional mechanisms like the National Green Tribunal and special environmental courts are important in facilitating ADR. The bodies are known to persuade parties to settle their disputes out of court before formal adjudication is taken and therefore, lightens burdens on courts and increases speed in justice delivery. Their active efforts to endorse ADR highlights the understanding that mutual and agreement-based methods are needed to have a sustainable approach to environmental governance.<sup>12</sup>

To sum up, it can be stated that ADR has great potential to improve the process of environmental dispute resolution in India, and provides fast, participatory and flexible solutions. Nevertheless, to actualize this potential, power imbalances, awareness, enforceability, and capacity building challenges have to be tackled. The best way to maximize ADR benefits is by strengthening institutional support and fairness and transparency, which will eventually lead to more effective environmental protection and justice.

### **Pros and Cons of ADR in Environmental Conflicts.**

Although ADR has a number of advantages to resolve environmental conflicts, it is not effective unless certain conditions are met. The biggest benefit is that they are more flexible and faster than the traditional litigation process. Environmental conflicts can be complicated and multifaceted, involving technical problems and conflicting interests among a variety of parties, such as government, industry, and community groups. Mediation and conciliation are examples of alternative dispute resolution that enable communication between parties, enhance understanding and create solutions that can be accepted by all parties, which is conducive to

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<sup>12</sup> S.P. Sathe \*Environmental Law in India\* (LexisNexis 2017).

sustainable development. The case of *M C Mehta vs. Union of India* (1987) popularly known as *Oleum Gas Leak case* is a good illustration of the relevance of ADR in environmental disputes.

The Supreme Court reiterated the importance of participatory methods and called for the creation of environmental tribunals and mechanisms to include ADR processes. Technical expertise and stakeholder involvement are essential components of complex environmental issues and ADR mechanisms can be helpful in addressing these issues effectively. While there are benefits to implementing ADR within environmental disputes, there are obstacles to it.

An important challenge is the imbalance of power between the parties involved in the negotiation, particularly between the big business and the impacted communities. In an ADR process, a party's economic strength can be a factor in reducing the voluntary nature and fairness of the process, resulting in a more favorable outcome for the better armed party.

One of the large concerns for environmental justice advocates is the transparency, fairness, and inclusiveness of ADR proceedings. The other issue is the ignorance and inability of the stakeholders in terms of ADR options. Many local communities are not aware of some of the options available in dispute resolution, and even some industries lack technical skills to be effective participants in dispute resolution.

This lack of understanding may culminate into a hurdle in popularizing ADR and limit its potential benefits. Strengthening institutional support, awareness programs and capacity building shall be effective in overcoming the barriers. *Tata steel ( Tata Steel Ltd. v. State of Jharkhand, 2017)* raises the issues and potentials of ADR.

The case entailed environmental clearances and rehabilitation matters and ADR was applied to come up with agreements between the company, government agencies, and local communities. While the process has been instrumental in the dialogue and in the quick resolution, critics say that power imbalances and non-enforceability at times may affect the fairness of the results. This underscores the need for effective regulatory control of ADR processes.

### **Problems and Improving the Performance of ADR in Environmental disputes.**

Although the advantages are clear, there are significant challenges to the adoption of ADR as a means of resolving disputes in the environmental realm. One of the main issues is the difference

in bargaining power of stakeholders. Big businesses or governmental bodies are usually more resourceful and technologically skilled than the local communities or NGOs. Such an imbalance may compromise the fairness and voluntariness of the ADR processes, which might lead to results that are biased in favor of economically dominant parties. The legitimacy and success of ADR mechanisms are dependent on fairness, transparency and inclusiveness.<sup>13</sup>

The other problem is the unawareness and inability of the stakeholders concerning the existing ADR options. A number of the communities that are affected are not even aware of the dispute resolution avenues or even understand how to effectively participate here due to lack of technical knowledge. Equally, the industries and government agencies might not be conversant with the procedural bit of ADR. Such lack of knowledge will not allow ADR to be widely used and reduce its possible advantages. In order to fill this gap, capacity-building programs, sensitization, and institutional facilitation are necessary to empower the stakeholders and facilitate the effective settlement of disputes.

The ADR outcomes also have a challenge of being legally enforceable. Although mediated agreements may help to reach an amicable resolution, they are usually not enforceable unless they are the part of a formal legal order. This may be an issue in environmental conflicts where adherence to agreed conditions is vital to both ecological and social sustainability. Enhancing enforceability by strengthening legal frameworks to include ADR outcomes or creating judicial supervision can help to enforce environmental commitments.

The case of *Tata Steel Ltd. v. State of Jharkhand* (2017), demonstrates the advantages and constraints of ADR. It entailed discussions between the company, the government and the local communities to solve the environmental and rehabilitation problems. As ADR helped to converse and solve fast, critics stated that the power disparities and ineffective enforcement systems might undermine the impartiality. This highlights the need to have a strong regulatory control, transparency, and judicial support to buttress ADR results.

Moreover, environmental disputes are usually complex, which requires expert skills in the course of ADR. Technical tests, environmental analysis and professional views are usually sought by the stake holders when they need to make informed decisions. The quality and sustainability of resolutions can be greatly improved with the implementation of institutional

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<sup>13</sup> National Green Tribunal Act, 2010, No. 19 of 2010 (India).

mechanisms that include technical support, i.e., environmental mediators and experts. The credibility and effectiveness of ADR depends on the institutional capacity building in these areas.

In conclusion, while ADR offers promising avenues for resolving environmental disputes efficiently and participatorily, addressing inherent challenges is crucial. Strengthening institutional support, ensuring stakeholder awareness, enhancing enforceability, and incorporating technical expertise can significantly improve ADR's role. A balanced approach that safeguards environmental justice while promoting collaborative resolution can foster sustainable development and ecological protection in India.

Alternative Dispute Resolution (ADR) mechanisms are becoming increasingly recognized and appreciated in India's legal system for effective environmental dispute resolution. One of the most important advantages of ADR is that it can offer a quick, flexible, and cost-effective method of dispute resolution, particularly when the normal litigation process can be lengthy, time consuming and expensive. Environmental problems have a lot of technicalities and there are different parties to these problems that may include Government, industries, local communities and non-governmental organizations. ADR mechanisms, such as mediation and conciliation, allow these parties to start talking, and reach understanding and consensus. Special tribunals and statutory provisions are examples of institutional support of ADR in environmental law. This support is seen in the form of the National Green Tribunal (NGT) being established in 2010. The NGT procedural rules also prompt parties to find settlement options by conciliation and mediation to adjudicate the case formally. The emphasis on alternative dispute resolution measures is in keeping with the concept of the Tribunal to provide speedy, inexpensive and environmentally friendly justice. In addition, the statute laws like Water (Prevention and Control of Pollution) Act, 1974 have given the authority a mandate of utilizing ADR to settle conflicts through compromise and conciliation. Also, ADR is embedded in the statute laws like Water (Prevention and Control of Pollution) Act, 1974 which gives the authority a mandate to use ADR to resolve conflicts through compromise and conciliation. The judiciary has been aggressive in encouraging ADR, which has been demonstrated in the landmark cases like in *Vishnu Agarwal v. Union of India* (2014). Supreme court highlighted the importance of Alternative Dispute Resolution (ADR) for resolving intricate ecological issues between multiple stakeholders, including mediation. It underlined that these processes can result in sustainable solutions, decrease the court burden, and facilitate participatory

governance. The importance of partnership strategies in addressing environmental issues is reflected in this court support, especially when technical expertise and consensus is important.

### **Conclusion**

Alternative Dispute Resolution (ADR) is a very promising tool for the resolution of environmental conflicts in India. They provide a flexible, swift and participatory method that can be used alongside formal judicial proceedings to help reach a consensus among a wide range of stakeholders, and to ensure sustainable environmental governance. The government's recognition and institutional support, in this case the National Green Tribunal, highlights the importance of ADR. But problems such as power issues, lack of awareness, enforceability, and technical problems limit the power of ADR. Specific reforms and capacity development efforts can help to make ADR outcomes more fair, transparent and enforceable. In conclusion, better embedding of ADR in the environmental grievance resolution system in India can contribute to more sustainable, inclusive and just environmental management.

### **Suggestions to Improve ADR in Environmental Disputes**

1. **Increase Stakeholder Awareness and Education:** Organize broad awareness and education campaigns to educate communities, industries and government officials on ADR processes, rights and benefits.
2. **Enhance Institutional Support:** Create specialized mediators, experts on environment, and technical support teams in established tribunals and courts to enable informed and effective ADR processes.
3. **Promote Fair Representation:-** Take measures to redress power imbalances by ensuring members of marginalised groups have access to legal aid, technical assistance, and capacity development in order to fully engage with ADR.
4. **Engage Technical Expertise:** - Engage environmental scientists, engineers and legal experts to provide and inform decision making based on science in ADR processes
5. **. Promote Enforceability of Agreements:-** Enforce mediated agreements through the legal system by establishing legal mechanisms that formalize agreements.

6. Improve Regulatory Regulation:- Develop clear guidelines and monitoring processes to guarantee adherence to the results of ADR and to avoid misuse or manipulation.
7. Implementing pre-litigation mediation clauses in environmental licensing and project approvals to promote using Early Dispute Resolution at the outset of disputes to prevent escalation.
8. Incorporate ADR into Legal Frameworks: Add ADR to the definition of existing environmental laws and include it as a first step in the process of initiating litigation.

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