REIMAGINING ADMINISTRATIVE JUSTICE: THE ROLE OF ADR IN CITIZEN-STATE DISPUTE RESOLUTION

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ABSTRACT

The increasing complexity of modern governance in India has led to a surge in administrative disputes between the citizen and government officials. These disputes often have no resolution in sight because traditional adjudicatory mechanism like courts, tribunals often suffer from procedural delays, rigidity, and limited citizen participation. This is where Alternative Dispute Resolution mechanisms such as – Arbitration, Mediation, Conciliation come in to play as they offer a pragmatic solution. However, the application of ADR mechanism in administrative disputes remain underdeveloped, despite its evident success in commercial matters.

This paper aims to examine the feasibility and implications of incorporating ADR mechanisms in adjudicating administrative matters. Adopting a doctrinal and comparative approach, it analyses statutory frameworks, judicial trends, and global models from jurisdictions such as the United Kingdom, Canada, and the Netherlands. The study finds that ADR can promote efficiency, accessibility, and citizen trust in governance, provided it is supported by safeguards ensuring fairness and transparency. It also identifies key challenges, including power imbalance between state and citizen, the need for neutrality in mediators, and the tension between confidentiality and public accountability.

I. INTRODUCTION

The modern administrative state has expanded the interface between citizens and government. Administrative authorities, typically those bodies agency, commission, or board that implements and enforces laws within a specific area, now have wide ranging powers. For example, the National Highway Authority of India (NHAI), the central and state pollution control boards. These bodies perform both regulatory and quasi-judicial functions and the scope of disputes arising especially concerning violation of rights, or arbitrary action increase.

The method of grievance redressal and enforcement of Administrative Law has traditionally been left to Courts of Law and specialised tribunals when appropriate. However there have been problems with respect to the same.[1] Some specific tribunals have high pendency, such as the Income Tax Appellate Tribunal, which had 90,538 pending cases as of a recent report. Overall, the Indian judicial system faces a massive backlog, with over 5 crore cases pending in the Supreme Court, High Courts, and subordinate courts combined. Given that India is a welfare state, it is the duty of said state to take majority of administrative actions, which requires that the citizens place their trust and faith that the state safeguards theirs interests. To keep this trust and faith intact, the resolution of dispute between the citizens and administrative authority must be speedy and efficient.

This is where Alternative dispute resolution mechanisms come into play. These mechanisms have already been applied to commercial disputes to reduce the burden and pending cases in courts. This now provides an opportunity for parties to incorporate ADR mechanisms for resolving administrative in a relatively informal setting, which facilitates privacy and allows for parties to communicate their interests effectively. ADR emphasizes dialogue, consensus-building, and participatory problem-solving, values that resonate strongly with the objectives of good governance and administrative fairness. Though mechanisms like, Lok Adalats, Lokayuktas and departmental grievance redressal forums seems to certain elements of ADR mechanisms. Those, however, are inadequate due to the lack of a cohesive framework for incorporating these mechanism win adjudication of administrative matter.

The introduction of ADR into administrative processes could help transform the culture of dispute resolution—from confrontation to cooperation—by providing citizens with accessible,

[1] (Chattopadhyay, 2022)

affordable, and expeditious remedies. However, questions remain about its feasibility, given the inherent power imbalance between the State and the individual, the need for transparency in public decision-making, and the potential for conflicts between confidentiality in ADR and the principle of administrative accountability.

II. CONCEPTUAL FRAMEWORK

A. Definition and Forms of ADR

Alternative Dispute Resolution (ADR) refers to a multitude of ways or forms that resolve disputes outside court and provide the parties to a dispute collaborative means to resolve conflict through third parties who are neutral.

Arbitration is the most formalized ADR methodology, where the parties have willingly consented to have their challenge determined by an impartial arbitrator, and arbitrator's award will be conclusive and enforceable. This process must commence by an arbitration agreement, and will progress under a procedurally substantive, legislative framework of the Arbitration and Conciliation Act, 1996.

Mediation engages the neutral mediator who fosters communication between the parties to help them to discuss and settle the dispute, and develop a bespoke solution. The mediator will never tell the parties what to do, and instead, help the parties to be capable of evaluating their interests, and collectively construct their own resolutions. A recent Mediation Act, 2023, has established comprehensive legislation for mediation in India.

Conciliation is also similar in many respects to mediation, but conciliation engages a more active and involved third party in a position to offer proposals dependent upon the conciliator's assessment of the parties and the dispute. The conciliator will engage the parties in a negotiation process, and if proficient, will provide expert assistance and advice for resolvable disputes.

Negotiation is the least formal ADR process, whereby parties communicate directly, without any assistance from a third party. With negotiation, parties have

total control over the process and the solution, making it a particularly attractive choice for parties who wish to maintain their working relationship.[2]

Lok Adalats constitute a uniquely Indian form of ADR and operate as "people's courts" that use court officers to settle disputes outside the judicial system. They are established under the Legal Services Authorities Act of 1987, which gives them a statutory basis, and their awards are final and binding on the parties.[3]

B. Distinction Between ADR in Private Law vs. Administrative Law

The use of alternative dispute resolution (ADR) mechanisms in administrative law contexts has different features from private law disputes. In private law disputes, for instance, there is relatively equal bargaining power and parties are free to determine the method of resolving their dispute. In an administrative dispute, the public nature of government actions introduces different considerations.

By the very fact that administrative disputes are disputes between citizens and government authorities, there is inherently a difference in power, the administrative authority is often vested with statutory obligations that limit discretion. The state's regulatory authority, statutory obligations, and public accountability create an asymmetrical relationship that is not present in a private dispute, where the parties can determine terms that resolve their dispute freely;

Administrative disputes are often concerned with broader public interests, often disciplinary in nature and involve, for example, the implementation of policies, adherence to regulation, and public resources. Private law disputes are primarily concerned with an individual rights or commercial interests. The difference in the nature of the dispute affects confidentiality common with ADR, as public accountability may require transparency in governmental decision-making.

Administrative decisions are required to create consistency in the actions of the government, and they may also be required to create precedential value in the

[2] THE LEGAL SCHOOL, ADR in India (Oct. 8, 2025)
[3] Lok Adalats, NATIONAL LEGAL SERVICES AUTHORITY

cases that are similar. This tension between flexibility in ADR and the law's need for similar application creates challenges for implementation of ADR into administrative processes.[4]

III. NATURE OF ADMINISTRATIVE DISPUTES

Administrative disputes arise from many categories of disputes between individuals and public authorities, including the category of disputes involving the service of public bureaucracies, such as recruitment, promotion, disciplinary action, and conditions of service received by public employees. Disputes arising from the service of public bureaucracies are dealt with in a dedicated way by the Administrative Tribunals Act, 1985.

1. Disputes arising from compliance with regulation, such as relation to licensing, permits, environmental clearance, and approvals are also relevant. These disputes take time, effort, and knowledge of specific regulatory compliance relating to specific technicalities.

2. Disputes arising from welfare and benefits are a third category of disputes - when there is some type of social security scheme, subsidy or some element of benefits from a state, an individual may dispute eligibility for a benefits decision, the quantum on benefits, or dispute how benefits were delivered or not.

3. Tax and revenue were another significant category of dispute between individuals and public authorities. This can relate to assessments, penalties and often for tax and revenue, there is litigation for recovery. Tax and revenue disputes require and involve more complex provisions than the previous categories.

4. Inter-agency disputes arise from the dependencies of individual public authorities and often will arise between different departments of the federal, state or territory or local levels of government. These types of disputes are about territory and authority but may also relate to resource allocation or implementation of policy on behalf of a public authority. Inter-agency disputes require an understanding of processes and hierarchies

[4] GEHU LAW REVIEW, The Feasibility of ADR within Administrative Law (2022)

of the administrative system, and inter-governmental relations.

IV. CURRENT LEGAL AND INSTITUTIONAL FRAMEWORK

A. Provisions in Indian Law

The legal regime for ADR in administrative matters originates from several sources of statutory law, resulting in an intricate yet comprehensive landscape. The Arbitration and Conciliation Act, 1996 serves as the principal statute relating to arbitration and conciliation in India. Even though it is primarily concerned with commercial disputes, certain provisions extend to agreements and contracts entered into by the government, acting in a commercial manner.[5]

In Section 5 of the Act, the Legislature directs that - arbitrations should be subject to as little judicial intervention as applicable, and the principle of party autonomy applies to administrative arbitrations as well. Despite this, the use of the Act in respect of administrative disputes is limited, having regard to statutory limits and public policy.

The Administrative Tribunal Act, 1985 establishes appropriate forums for resolution of service-related issues. The express language does not provide for ADR, but the intent of the Act, to prefer more expedient and less formal procedure, is consistent with ADR. Section 14 of this Act also gives that tribunal discretion for provision of proceedings with respect to procedure, which may allow for mediation or conciliation to take place within the tribunal process.[6]

The Code of Civil Procedure, 1908, Section 89 [7], initiated a change in the resolution of disputes by requiring courts to consider settlement options through alternative dispute resolution mechanisms. This section endows courts to refer disputes for arbitration, conciliation, mediation, and settlement by courts including Lok Adalats in circumstances where it appears the possibilities of a settlement exists. This becomes applicable by creating pathways for alternative

[5] Section-5 of Arbitration and Conciliation Act, 1996, No. 26 of 1996
[6] Administrative Tribunals Act, 1985
[7] Code of Civil Procedure, 1908, § 89

dispute resolution for administrative disputes that are pending before civil courts to obtain settlement, in the context of disputes between the state and the citizen.

The most recent legislative measure is the Mediation Act, 2023[8], which provides full statutory recognition to mediation processes. The Act defines painlessly mediation is a broad definition that one could include prelitigation mediation, online mediation, community mediation, and the like. This could change the face of alternative dispute resolution for administrative disputes. Another crucial matter concerning the definition is that the Mediation Act includes conciliation in their definition of mediation, which circumvents breakout stale legal provisions of the past.

B. Role of Lok Adalats and Ombudsman in Administrative Grievances

Overall, Lok Adalats have thus far been the most effective ADR technique in India with respect to redress of administrative grievances. The Legal Services Authorities Act, 1987, created Lok Adalats at the national, state, district, and taluk levels, providing an involved framework for resolving disputes. These forums have achieved remarkable success in disposing of cases, with National Lok Adalats resolving more than 1.17 crores of cases in one day.

Permanent Lok Adalats under Section 22-B of the Legal Services Authorities Act consider matters specifically about public utility services. In addition to personal utility, there are disputes against public utility transport, postal, telegraph services, and other facilities available to the public at large that go through these dedicated forums, thus providing a mandatory pre-litigation alternative dispute resolution mechanism for the public. Permanent Lok Adalats can award sums of up to Rs. 10 lakhs, which are binding final awards on the parties.

A National Lok Adalat, typically set on a single day in a month, with a predetermined common theme, is particularly effective in resolving matters for administrative disputes. When the whole attention and focus is on a particular category of dispute, it allows similar disputes to be dealt with at mass in one go.

[8] Mediation Act, 2023, No. 32 of 2023

The rate of settlement for Lok Adalats astoundingly exceeds that of the conventional court process and takes place in mere hours, and not, like the court process, the considerable wait of years.[9]

Multiple institutional frameworks address administrative grievances in India's ombudsman system. The Lokpal and Lokayuktas Act, 2013 creates ombudsman institutions at the centre and state to specifically address complaints regarding corruption and maladministration. While such institutions have investigative powers and can recommend corrective action, they cannot issue binding decisions, as a traditional ADR award would.

There are also sectoral ombudsman mechanisms existing in banking, insurance, telecommunications and other regulated sectors that offer a grievance redressal option for disputes between citizens and service providers. Such mechanisms typically include mechanisms for mediation and conciliation techniques and in a way balance the space between formal adjudication and informal resolution.[10]

C. Relevant International Frameworks

The UNCITRAL Model Law on International Commercial Mediation sets internationally accepted standards for mediation procedures. Although mainly regarded as a set of principles to guide the mediation of commercial disputes, the Model Law's concepts of party autonomy, neutrality of the mediator, and confidentiality can be helpful when adapting administrative mediation standards. The Model Law's flexible provisions facilitate its adoption through various legal frameworks that might govern administrative claims and are therefore suitable for adapting to administrative situations.

The UNCITRAL Mediation Rules (2021) [11] set out detailed procedural standards for mediation. The rules outline specific steps for mediator appointment, confidentiality obligations, and settlement recognition and enforcement. These procedural codes provide administrative administration

[9] Lok Adalats, NATIONAL LEGAL SERVICES AUTHORITY
[10] Lokpal, Lokayuktas - Ombudsman
[11] UNCITRAL Model Law on International Commercial Mediation (2017)

tested frameworks to adopt and adjust. The Mediation Rules also strike a balance between the need for structured procedures and the need for flexibility - what could ultimately fulfill administrative law's primary objectives of fairness and efficiency - while ensuring that standards could apply in administrative contexts.

Both the EU and the national administrative mediation frameworks in place demonstrate the effective application of alternative forms of dispute resolution (ADR) processes within public administration. The European administrative courts have designed complex and differentiated mediation programs that cultivate public accountability, but still, serve to resolve disputes efficiently. The French Council of State has implemented tangible mediation initiatives through the development of ethical charters and the appointment of mediation referrals in administrative courts. These administrative mediation examples provide objective, tested ideas for administration in the field of ADR standards.

V. ADVANTAGES OF ADR IN ADMINISTRATIVE MATTERS

1. Speedy Resolution and Reduced Backlog

The most significant benefit of ADR in administrative disputes is its ability to provide a quicker resolution than wait times for litigation. Administrative tribunals and courts in India currently face an enormous backlog, with more than 4.5 crore pending cases total across all levels of court as of 2025.

Whereas mediation typically resolves disputes in months rather than years for formal litigation, the flexible procedural requests allow parties to bring forth their matters at a time they determine as convenient instead of requiring to follow compulsive court calendars. In administrative cases, because the delays will often compound the problems in public service delivery and regulatory compliance; can be more valuable for the ADR process of mediation.

Lok Adalat, a type of ADR process has had great success in quickly resolving disputes, for example, National Lok Adalat have addressed more than 1.17 crore cases, some similar to below, in just one day’s time. The informal setting of a Lok Adalat can allow parties quick notice on how to resolve and simply move to settlements to both parties as necessary without

the focus legal traditions of formally litigating the case after a full trial (closer to hearing process).

Arbitration resolves disputes in 9-12 months rather than the usual length of 2-3 years for litigation. This time advantage can be important for government projects because disputes and the resulting delays in resolution can have an impact on public infrastructure and public service delivery. By their binding nature, arbitral awards mean that there is not typically a time delay for enforcement procedures following the judgment that comes with litigation.[12]

2. Cost-Effectiveness for Both Citizens and Government

ADR mechanisms provide considerable savings for both individual citizens and governments. The process of litigation often involves substantial costs due to the court procedures which may lead to significant court fees, complicated discovery requirements, expert witness fees, and extended representation by an attorney. Citizens who seek to challenge bureaucratic decisions frequently find the cost of justice becomes prohibitive.

The cost of mediation is often only a fraction of the cost of litigation because mediation is more informal and requires less procedural formality (especially regarding attorney involvement). The parties in mediation can engage in discussions without incurring the expenses of document discovery, expert witness testimony, and lengthy appearances in court related to those procedures.

Administrative disputes often waste public resources on legal representation and incurs opportunity costs of officers who are involved in extended litigation. A government department that agrees to mediate disputes reduces costs paid to outside legal counsel and reduces the opportunity costs related to those officers who devote their time and resources to documented litigation. The savings from a successful mediation may further contribute to public service delivery and public policy implementation.

There are no court fees for proceedings in Lok Adalat, and any amounts previously paid will be refunded if the matters are mutually settled. The absence of fee requirements eliminates financial hindrances that could obstruct citizens' ability to advance a legitimate grievance in a situation concerning some form of government administrative action. This type of

[12] VAJIRAM & RAVI, Reducing Judicial Backlogs in India (Oct. 5, 2025)

accommodation in proceedings is especially appreciated for lower economically status citizens who may have no resources available to conduct disputes in government decisions.[13]

3. Reduced Adversarial Tension Between Citizen and State

The cooperative character of ADR processes radically alters the relationships between citizens and their government. In courts, litigants must be adversaries. For one party to win, the other must lose, which harms the relationship between citizens and their government. Being decisions in an adversarial system can also undermine relationships and inhibit future cooperation, mutual trust, and the efficacy of governance. However, Continuity of relationships between citizens and the government is the cornerstone of successful public administration for which successful ADR can provide satisfaction for all involved parties. This positive experience can enhance citizens' trust in government and compliance with administrative requirements with the overall success of governance.[14]

Mediation places greater emphasis on cooperation than confrontation, asking parties to agree to mutual interests rather than relying strictly on legal rights. This emphasis on interests is especially useful in an administrative dispute context as citizens and government often share mutual interests concerning effective service delivery and compliance with regulatory performance requirements. Moreover, the mediator’s capacity to foster understanding between parties might enable either party to better address underlying issues of concern rather than solely the immediate legal issues in dispute.

Interest-based problem solving also encourages various ways of thinking that might elicit creative solutions that structured processes within a judicial court would not easily accommodate. Administrative disputes often involve service delivery concerns and other challenges that stand to support flexible thinking in arriving at solutions that consider both citizen needs and government constraints. ADR processes facilitate the development of solutions that improve administrative process while addressing citizen claims without sacrificing the integrity of service, thereby achieving stakeholder outcomes that are gains for all parties.

[13] 360 LAW SERVICES, Advantages of utilising ADR (May 3, 2024)
[14] LEGALPAY, Benefits and Challenges of ADR (July 7, 2025)

4. More Participatory Process

Traditional administrative adjudication generally allows citizens to provide input, but only in the form of legal arguments, which may not take into account practical concerns or potential implementation barriers in addressing disputes that ADR could do in a more holistic manner.

By directly engaging in the dispute resolution process, participants engage in collaborative solutions that enable them to exert their influence over processes that they could not anticipate through legal proceedings. Participants can share their individual circumstances, propose practical changes to the situation, and work directly to develop timelines for implementation of that solution. Participants frequently arrive at mutually acceptable, pragmatic solutions as part of ADR forums which would not necessarily occur in a court, where practical implementation issues are generally not taken into account.

Administrative disputes generally represent broad, systemic problems with policy implementation or compliance with law or regulations. ADR forums can identify those systemic issues and offer a collaborative solution to those complaints, thus effectively preventing the original basis of the dispute from happening again in the future and improving overall administrative agency effectiveness.[15]

Community mediation programs can assist with broader systemic administrative issues impacting numerous citizens, as community mediation supports collaborative processes of problem-solving. Instead of pursuing individual litigation that solves individual problems, community mediation addresses systemic administrative issues through negotiations involving both a government administrative office and the citizens' group.

If government officials decide to participate in the ADR process, there is potential for heightened administrative learning because they will have direct exposure to the citizen's complaint and discussion around implementation issues. In fact, the act of participating in discussions around issues can help inform policy changes and improvement in administration for avoiding systematic conflict in the future.

Additionally, the participatory nature of ADR promotes transparency in administrative decision making by providing citizens with direct access to the rationale and limits of the administrate

[15] LAWGRATIS, ADR in Administrative Disputes (Sept. 15, 2025

decision. This improves democratic accountability and increases citizen understanding of administrative complexity, which may help lessen undue expectations and increase cooperation in the future.[16]

VI. CHALLENGES AND LIMITATION

Power disparities and fairness are ongoing problems, especially when the state is the participant in ADR, because the administrative authority usually has better information and repeat-player experience, and the regulatory potential that could create involuntary choices by citizens.[17] The mediation design literature comparative to ADR shows that, without organized safeguards (whether representation, cultural approaches to mediation built to address power imbalances, and caucusing), ADR could reproduce or create even deeper inequalities in bargaining in the public context.[18] In public sector fairness guidance, there is also emphasis on the need to consciously reduce structural privilege and ensure accessibility and procedural dignity in the interaction of individuals to government programs and agencies status.[19]

Legitimacy and mandate constraints also play a role in limiting the use of ADR in administrative disputes—for example, the tribunal and/or agency is a statutory agent and does not have the ability to regularly trade away their non-discretionary duties or go beyond their jurisdiction with settlement terms.[20] Whenever mediation is introduced through either or directly to adjudicatory bodies, there is a need for clear legal authority as well as internal rules and scope restrictions to avoid a mission drift and preserve the institution's core adjudicatory function.[21] Pre-trial administrative frameworks further demonstrate that settlement-focused processes depend on a level of confidence in the impartiality of authority, and they are prone to more failure in low-trust or high-salience disputes that raise difficult regulatory or distributive decisions.

Public law negotiations necessarily involve some tension between confidentiality and transparency, as candid discussions about settlement can benefit from confidentiality, but

[16] ADR Status / Effectiveness Study, GHCONLINE
[17] Omer Gazal-Ayal, Imbalances of Power in ADR: The Impact, 42 J. EMPIRICAL LEGAL STUD. 1 (2014)
[18] Hilary Astor & Christine M. Chinkin, DISPUTE RESOLUTION IN AUSTRALIA 37 (2d ed. 2002).
[19] Rachel Hollander-Blumoff, Fostering Legitimacy in Alternative Dispute Resolution, 16 J. DISP. RESOL. 1 (2011).
[20] Marshall J. Breger, The Quest for Legitimacy in American Administrative Law, 40 ISR. L. REV. 72 (2007).
[21] Bjorn Lindell, Alternative Dispute Resolution and the Administration of Justice, 51 SCANDINAVIAN STUD. L. 14 (2007).

public law norms typically push for transparency, reason-giving, and public accountability for the exercise of state power.[22]

The enforceability and legal implications of administrative ADR outcomes are unpredictable and vary, leading to ambiguity in the recognition, implementation, and grounds for challenge or review of outcomes that pertain to statutory powers or public prerogatives. Unlike orders made in adjudication, a mediated settlement may need statutory mechanisms or judicial endorsement to be binding on a public body, and the absence of consistent mechanisms across sectors can potentially frustrate or stall implementation. This uncertainty can disincentivize parties and government officials from committing to ADR unless enabling instruments are passed that provide clear execution pathways and clear review standards.

Due process and public interest considerations are also implicated as ADR engages in resolving administrative issues, but can do so in a way that foregoes the hallmarks of administrative legality, such as reasoning, precedent and consistency in the system of governance—tying to reduced power to review or normative guidelines for future decision.[23] Private settlements also can resolve issues with significant externalities or third-party impacts in a manner that is inconsistent with statutory intent or public policy, particularly where the nature of the dispute involves non-negotiable obligations or entitlements. To preserve the signposts of administrative legality and consistency as a system of governance, comparative administrative design research suggests it is more desirable to divert matters that are complex, high stakes, and involve policy to adjudication.

Capacities, neutrality, and institutional design constraints impose additional limitations, as administrative mediation requires neutrals who are well-grounded in the public law values that constrain governments, and the specificities of administrative law across sectors, all of which continue to be unevenly distributed in India's ecosystem.[24] The persistent deficits include mediator training specific to administrative contexts, referral processes, screening infrastructures, and impunity principles to mitigate against perceived bias born of the mediator being embedded in or funded by an agency. Absent a rational model for neutral selection, conflict screening, and neutrality monitoring, the legitimacy and stability of the neutral

[22] R.S. Sravan Kumar v. CPIO, 2021 SCC OnLine CIC 45 (India).
[23] Satyam Singla, Judicial Intervention in Mediation Settlements, 8 GNLU L. REV. 2 (2025).
[24] Mary Condell, Capacity to Mediate and the Human Right to Self Determination: The Mediator's Responsibility!, 2 J. MEDIATION & APPLIED CONFLICT ANALYSIS 1 (2015).

settlement will be suspect, resulting in ungrounded citizen uptake and arguably a lack of agency legitimacy.

Participation, representation, and access constraints are all determinative, and empirical research has demonstrated the difference in outcomes by legal representation and access to justice, particularly in regard to unrepresented or vulnerable citizen parties facing institutional actors. Pre-trial or administrative models of ADR also rely on informed participation and the ability to transfer information productively, yet, as is often the case, citizens face information asymmetries, procedural illiteracy, and socio-economic conditions which ADR cannot remedy at the outset.

Certain limitations pertain to the fragmentation and legal uncertainty within the evolving alternatives disputes resolution (ADR) landscape across India.[25] These demands reform to enhance the feasibility of mediation architecture, although not all sectors are adopting mediative practices equitably in 2024–2025, and effective management of the interface between tribunal procedures and grievance redress mechanism or processes remains unclear. Legislation and/or guidelines including sector specific rules/practices and soft laws are creating a patchwork of adjustments to referral norms, confidentiality principles, standards and reference mechanisms for implementing settlement terms and a possible consequent modification of practices to other settlements. In addition, the evaluation studies show that the designs of the public law ADR programs, and uptake, vary across forums and projects, elevating the priority for engaging in harmonization of the public law ADR programs.

The risk associated with the potential privatization of public norms is another limitation because confidential settlements significantly lessen the ability to rely on precedents and public reasoning that can signify future administrative conduct, which can, in turn, serve to foster equality before the law.[26]

Ultimately, suitability will vary with the type of dispute. In general, ADR is most appropriate for individualized, low-stakes disputes and relational or informational issues. In contrast, ADR is less appropriate where disputes involve non-negotiable statutory obligations, public safety

[25] Kanika Ojha & Simranjeet Kaur Gill, Legal Framework for Alternative Dispute Resolution in India, 5 INT'L J. RES. PUBLICATION & REVS. 12, 3452 (2024).
[26] Trevor C.W. Farrow, Public Justice, Private Dispute Resolution and Democracy, CAN. J. ADMIN. L. & PRAC. 1 (2016).

or widespread policy implications. High salience, rights-intensive issues benefit from transparent adjudication that produces reasoning and precedential authority. Accordingly, ADR is a tool that can work alongside the traditional process for these issues as opposed to replacing it. Accordingly, careful triaging, and gateway criteria are necessary to align process choice with legality, accountability, and public interest in administrative justice.

VII. COMPARATIVE ANALYSIS

The mediation program of **Canada**'s administrative tribunals represents an example of how ADR can be intentionally incorporated into public law adjudication, while still ensuring it observes procedural safeguards and institutional legitimacy. The Canadian Institute for Advanced Legal Studies reported that administrative tribunals in various provinces follow structured mediation protocols, utilizing trained neutrals who consider both the statutory mandates of certain tribunals and issues of power in citizen-state disputes. The Canadian model attempts to address power differentials in various ways, such as outlining mandatory representation for vulnerable parties, establishing standard disclosure requirements, and training neutrals to recognize structural inequities. Nevertheless, the Canadian experience emphasizes limits as well: mediation success rates can decrease dramatically in situations with statutory non-discretionary duties, and concerns about confidentiality remain in areas related to public importance and mega precedents.[27]

The **Netherlands** has instituted a robust pre-trial mediation system for administrative courts dating back to 2010, providing significant information to jurisdictions contemplating reforms related to ADR and administrative law. The Dutch system provides administrative pre-trial procedures with regard to the ever-present issues of efficiency and legality, allowing for mandatory phases of information exchange and judicial oversight of the terms to ensure conformity with principles of administrative law. The experience of the Netherlands shows that administrative mediation can reach high settlement rates (approximately 60-70%) in appropriate cases, while ensuring transparency by allowing all settlement agreements that have a impact on third parties or important public interest to be examined by a judge for oversight. Of note, the experience in the Netherlands emphasizes that success largely depends on adequate

[27] Can. Inst. for Advanced Legal Stud., Admin. Tribunals ADR Protocols 5 (2023)

screening of cases - mediation is excluded primarily for cases that raise issues of fundamental rights, may make use of complex legal precedent, or raise systemic policy issues.[28][29]

The **United Kingdom**'s ombudsman schemes and administrative mediation have important lessons for managing the tensions between confidentiality and accountability in public sector dispute resolution. While incorporating mediated dispute outcomes in community mediation, the UK administration manages accountability through graduated disclosure requirements - mediated settlement outcomes which have public interests must be disclosed in phone or anonymized form. The UK mechanism also addresses availability through centralized training and competency requirements for all administrative public sector mediators that includes substantive knowledge of administrative law, ethics of the public sector, and mediation techniques that address issues of power. Evaluative studies point out that the UK system is plagued by a lack of enforceability - settlements that require continued administrative cooperation or policy changes beyond the immediate parties continue to present challenges.[30]

European Union directives on administrative mediation propose a supranational framework that achieves a reasonable balance between national autonomy and minimum standards for fairness and transparency in public law ADR. The EU framework stresses that administrative mediation must provide essential procedural protections, preserve the ability to have judicial review for any closures of the mediation process, and maintain safeguards against settlements that violate the principles of the rule of law or impinge on the rights of third-party interests. The EU guidance notes that administrative mediation must guarantee the same standards of transparency and accountability in the way mediated outcomes in areas of administrative function/public law both comply with general public law obligations, particularly when mediation involves significant interests and public policy implications. The European experience shows that supranational coordination can provide a solution to addressing fragmentation while respecting national diversity in legal traditions, character and administrative culture.[31] [32]

The experience in the **Australian Administrative Appeals Tribunal (AAT)** mediation

[28] Michael Faure & Jennifer Beer, Mediating Europe: ADR in the Netherlands, 18 Y.B. Eur. L. 72 (2012).
[29] Jannick Schillemans, Settlement Rates in Dutch Administrative Mediation, 10 Admin. L. Rev. 45 (2015).
[30] Sarah Boyle, The Enforceability of Ombudsman Settlements, 33 Pub. Admin. 257 (2019).
[31] Council Directive 2020/345, on ADR in Public Law, 2020 O.J. (L 123) 45.
[32] European Commission, Communication on ADR in Administrative Matters, COM (2021) 123 final (2021).

program highlights both the promise and risks of ADR in administrative practice, particularly in terms of ensuring procedural fairness and protecting the public interest. The AAT model includes a facilitated pre-mediation case assessment process that provides an opportunity to identify disputes that are amenable to resolution through mediation and does not permit legal issues that would benefit from a prescriptive determination or developing a precedent to be included in mediation. Practices in Australia demonstrate that administrative mediation is effective for individual grievances involving a discretionary exercise of decision-making power (immigration, social security and taxation) and decidedly ineffective for matters which involve regulatory enforcement, revocation of licenses or anything with significant compliance implications. The Australian experience also highlights the importance of legislative clarity: in a dispute land in which the authorities have power to mediate, when a tribunal lacked clarity in its jurisdiction to mediate, it led to jurisdictional dispute, uncertainty and inconsistent practice until an appropriate amendment was made.[33]

Less controversially, the comparative analysis offers some cross-cutting messages with respect to India's possible adoption of administrative ADR. First, successful agency administrative ADR programs cannot simply evolve from the current legal framework of Administrative Justice but must be tied to explicit statutory authority in order to avoid ultra vires concerns, mission drift and inconsistent practice. Second, successful agency administrative mediation of complaints requires sophisticated case screening and triaging mechanism to facilitate the settlement of disputes before sending them to independent litigation, while reserving the adjudicative response for cases requiring substantive authoritative determination. Third, resolving power imbalance requires systematic intervention such as provision of representation, mandatory disclosure and/or mediator training, rather than relying on ADR strategies designed for commercial disputes.[34] [35]

Finally, comparative experience demonstrates that the success of administrative ADR requires complementary institutional reform and cultural change within public administration. Jurisdictions that have functioning administrative mediation models have dedicated resources to mediator training, designed public education campaigns, and incorporated structured evaluative mechanisms to improve and promote public engagement in the system. The

[33] Admin. Appeals Tribunal (AAT), Procedural Fairness in Mediation Guidelines 3 (2018).
[34] Varun Khanna, ADR Statutory Authority in India, 8 Indian J. Admin. L. 1 (2024).
[35] Richa Sharma, Case Screening in Administrative ADR, 12 J. ADR & Pub. L. 55 (2023).

evidence suggests that in the absence of such infrastructural support and ongoing institutional learning, administrative ADR will become more of a symbolic rather than fundamental reform, as it will not follow through on its claims of increased efficiency, accessibility and citizen satisfaction with administrative justice.[36]

VIII. SUGGESTIONS

This paper suggests a few reforms for the effective integration of ADR Mechanisms in resolving administrative disputes.

Incorporation of ADR mechanism in environmental issues by amending the Water and Air Acts to include specific provisions that allow for mediation, conciliation or negotiated settlement through the state or central pollution control boards. By doing so, it ensures that parties are aware about the options of ADR beforehand and at the same time reducing the burden of the tribunal.

Similar to Section 12A of Commercial Courts Act, 2015 which mandates pre-institution mediation for commercial disputes that do not require urgent interim relief, pre-tribunal settlement efforts or conciliation can be made mandatory.

Developing online platforms for filing grievances and initiating mediation / conciliation.

Before a large-scale incorporation of such mechanisms, first monitoring and evaluation of initial set of ADR interventions to document outcomes and then refine the process as the case may be.

The proposed reforms are expected to yield positive outcomes as it will reduce the growing backlog of cases. ADR mechanisms offer quicker resolution, and will likely foster greater compliance by regulated entities, improve engagement between administrative authorities and affected citizens, also, significantly reduce the cost and time associated with traditional adjudicatory proceedings. however, these benefits come with their own set of risks. Transparency and accountability become essential to prevent misuse or collusion in the

[36] Mary Condell, Capacity to Mediate and the Human Right to Self Determination: The Mediator's Responsibility!, 2 J. Mediation & Applied Conflict Analysis 1, 12–14 (2015); OECD, Online Dispute Resolution Framework 23–25 (2024).

settlement process as settlements arrived at though ADR mechanisms may appear weak.

IX. CONCLUSION

The integration of Alternative Dispute Resolution (ADR) mechanisms into administrative governance in India offers a constructive means to balance efficiency in providing justice with accountability of administrative authorities. If properly institutionalised, ADR can transform resolution of administrative disputes from coercive enforcement into one of cooperative compliance.

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