ALTERNATIVE DISPUTE RESOLUTION (ADR) MECHANISMS IN INDIA

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ADR is a set of methods or techniques that allow parties to a dispute to reach an amicable settlement.

ADR can be instrumental in reducing the burden of litigation on courts.

ADR methods are now widely accepted and have been gaining recognition at the national as well as international level.
TYPES OF ADR

- Arbitration
- Conciliation
- Mediation
- Negotiation
- Lok Adalat
• The dispute is submitted to an arbitral tribunal which makes a decision called an "award" on the dispute that is mostly binding on the parties.
• There are odd number of Arbitrators in Arbitral Tribunal.
• It is less formal than a trial, and the rules of evidence are often flexible.
• Generally, there is no right to appeal an arbitrator's decision.
Types of Arbitration

- Ad Hoc Arbitration
- Institutional Arbitration
- Statutory Arbitration
- Fast track Arbitration
A non-binding procedure in which an impartial third party, the conciliator, assists the parties to a dispute in reaching a mutually satisfactory agreed settlement of the dispute.

The parties are free to accept or reject the recommendations of the conciliator.

However, if both parties accept the settlement document drawn by the conciliator, it shall be final and binding on both.
In mediation, an impartial person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute.

The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves.

Mediation leaves control of the outcome with the parties.
A non-binding procedure in which discussions between the parties are initiated without the intervention of any third party with the object of arriving at a negotiated settlement to the dispute. Most common method.

Negotiation occurs in business, non-profit organizations, government branches, legal proceedings, among nations and in personal situations such as marriage, divorce, parenting, and everyday life.
- It was introduced in 1982 and the first Lok Adalat was initiated in Gujarat.
- Used to relieve heavy burden on courts with pending cases.
- It is combination of the concepts of social justice, speedy justice, conciliated result and negotiating efforts.
- It assumed statutory recognition under the Legal Services Authorities Act, 1987.
Advantages of ADRs

- Resolution takes place usually in private so helpful in maintain confidentiality.
- It is more viable, economic and efficient.
- Procedural flexibility saves valuable time and money.
- Often results in creative solutions, sustainable outcomes, greater satisfaction and improved relationships.
- The provision of specialized expert appointment is available on the tribunal in the person of the arbitrator, mediator, conciliator or neutral adviser.
- Further, it offers greater direct control over the outcome. Personal relationships may also suffer less.
Disadvantages of ADR

- There is no guaranteed resolution.
- Arbitration decisions are final.
- Limits on Arbitration Awards.
- Discovery limitations.
- Fee for the Neutral.
Thank You