

LEGITIMACY, LIMITATIONS AND THE FUTURE OF ADR

AUTHOR:

DR. KIRTI DEVI, Student (Ph.D scholar)

INTRODUCTION

India is a democratic republic which is based upon the bedrock of “basic structure” and “separation of power”, Judiciary has always been an independent organ which works without the interference of any other organ of the government, independence of the judiciary is the most important principle that is essential to ensure that no external force or organ of the government is able to affect the daily working of the judicial system in India, but somehow the judiciary become overburdened with the number of cases which resulted in the pendency of legal cases, and as such a need to have an amicable and affordable system of justice delivery system was felt. In present times. In the present scenario such system of justice will reduce the workload on the judicial system of India and non-serious legal issues can be disposed of more amicably and cost efficiently.

The traditional justice delivery system is time consuming and costly and it is responsible for creating unnecessary and unwanted delays in the delivery of justice and amicable settlement of disputes. Alternate dispute resolution mechanism (ADR) provides a less time consuming and cost efficient system for resolution of disputes, ADR mechanisms include processes like Arbitration, Mediation and Conciliation. A civilized society is expected to have a judicial system that delivers justice to the ones seeking it without any unnecessary delay. An efficient judicial system means “protection to the rights of the innocent and punishment to the guilty”. The delivery of justice should be as swift as possible because the person seeking justice expects that the justice or relief provided to him/her should be satisfactory and less time consuming. A person seeking justice do everything possible to get a resolution of his/her disputes, the Judiciary of India on several fronts have tried to be more swift but the traditional justice delivery system despite revolutions prove to be inadequate in some cases as it is not cost effective

and time consuming, in India legal battles can last up to a life time and even up to the future generations, as such a person seeking justice will feel himself trapped within the cage full of legal complexities that will force him to dry out every single resource that he/she have which will result in financial crisis in that person's life. It can be rightly said that speedy trial is what makes a judicial system more effective, but speedy trial does not mean ignoring the technicalities that are considered important for the delivery of justice, as a matter of right the victim of any criminal case is eligible to get fair justice and person guilty of committing offence shall be punished without unwanted delays. A criminal should be punished within a reasonable time, and the innocent must be saved from the tiresome and time consuming litigation process, inadequacy of judicial system. ADR mechanism proved to be the solution to all the above mentioned problems. ADR simply means settlement of disputes outside the court room in a less time consuming and cost effective way. Lok adalat is responsible for delivering speedy justice to the ones seeking it through arbitration, mediation, conciliation and negotiation where by the adjudicating authority is the third impartial party which is appointed by the parties to a dispute, disputes are settled by way of agreements between the parties. ADR mechanism are used to settle industrial, civil, matrimonial and commercial disputes. The basic aim to adopt ADR as a Dispute resolution mechanism is to get speedy and cost effective justice, the procedure in ADR is less complicated and thus is adopted by more and more people in the present era. In order to tackle the issue relating to the pendency of criminal cases in India the Mallimath Committee introduced the concept of plea bargaining to ensure speedy disposal of cases, by following the recommendations of the committee ADR mechanism was introduced to deal with the criminal cases through “Criminal (Law) Amendment Act, 2005” chapter XXI of CrPC presently BNSS. But with advantages the ADR also have some

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disadvantages like ADR mechanisms is always used for the settlements of petty offences or disputes and not for serious offences. Thus this study focuses on the legitimacy of ADR mechanism and its legitimacy in the coming future and how can it be made more suitable and effective in the future.

LITREATURE REVIEW

- **ADR in India: Legislations and Practices, By S.Chaitanya Shashank, Kaushalya T. Madhavan, KIIT School of Law, KIIT University:** the author tries to discuss about the vast history pertaining to ADR mechanism and how the Arbitration and conciliation act 1996 makes the ADR mechanism more effective in terms of reducing the burden on Indian Judiciary.
- **Rise of Alternative Dispute Resolution: Stepping towards Efficient Justice System; Ashwini M.:** in this paper the author tries to discuss as to how the ADR mechanism can be made more efficient in tackling the pendency in the criminal cases, and how the mechanism can be used for amicable settlement of disputes while discussing its limitations and impact in future.
- **Navigating Disputes Beyond the Courtroom: An Examination of ADR Mechanisms and the Civil Procedure Code (CPC) in India, Rishi Sharma Kalinga Institute of Industrial Technology (KIIT University), KIIT School Of Law:** the author in this research paper discusses the relationship between ADR mechanism and CPC and observes as to how the ADR mechanism affects the traditional judicial system.

OBJECTIVE OF THE STUDY

- The objective of this study is to understand the concept of ADR.
- To study the limitations of ADR system.
- To study the legitimacy of ADR mechanism in the coming future and its efficiency.

METHODOLOGY

The research methodology involved in this research is purely doctrinal/ non empirical. In this research the researcher aims to analyze legitimacy,

limitations and future of ADR. The researcher will also take into consideration the laws relating to ADR. The understanding of the research is based on various publications as contained in books, journals, newspapers, Constituent Assembly Debates, websites and statutory provisions dealing with the aspect ADR mechanism in India. The method which we tend to follow during research will be a combination of more than one approach but the approach which resembles research the most will be doctrinal approach or analytical technique. It aims at providing deep knowledge of the subject matter. The main objective of this research is to provide a new source of information, knowledge and wisdom to the readers of this article. This research stays within the scope of the decided objectives.

ADR: DEFINATIONS

The arbitration is one of the methods that are being used in ADR system, arbitration in simple words is the settlement of dispute by a adjudicating authority who is known as arbitrator. The decision given by an arbitrator pertaining to a dispute is known as an award or arbitral award.

Section 2(1)(a) of the Arbitration and Conciliation Act, 1996 arbitration means any arbitration whether or not administered by permanent arbitral institution, it also includes arbitration by voluntary agreement of parties or by operation of any law being in force for the time being. The term arbitration is not defined in the arbitration and conciliation act, 1996, but by its literal meaning it is the settlement of disputes by mutual understanding and agreement and award by the arbitrator in such cases is binding upon the parties and such settlement is done before the arbitral tribunal and not before the court of law.

With the passage of time and growth in commerce and economic liberalization it was felt that the Indian arbitration act, 1940 is not a good fit for the present day requirements as a result of which The Arbitration and Conciliation ACT, 1996 was introduced to better suit the needs of the present day. Indian Parliament, based on the UNCITRAL Model Law on International Commercial Arbitration 1985 enacted the Arbitration and Conciliation Act, 1996 to make its law consonant and consistent with the position existing in the other jurisdictions as far as arbitration is concerned.

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Section 2(1) (c) of the arbitration and conciliation act, 1996 states that the “Arbitral Award” includes an interim award. *H. Lexicon* defines it as an instrument which is the decision of an arbitrator pertaining to a dispute that is referred to him.

Section 2(1) (d)¹ the term Arbitral Tribunal means a sole arbitrator or a panel of arbitrators, but the number of such arbitrators shall not be an even number.²

Conciliation is harmonizing process of dispute settlement which is discretionary and non-binding in nature, the adjudicating authority is known as conciliator in this ADR Method.

Mediation, in the process of mediation the adjudicating authority, the mediator helps the parties to a dispute to reach a settlement whereby he plays a advisory role and cannot impose his judgment on the parties

ADVANTAGES OF ADR

- **Cost Effective:** the ADR is cost effective mechanism because it does not include the tiring and lengthy process of litigation and other judicial processes.
- **Less time consuming:** ADR system prevents the persons from tiresome judicial process and litigation, judicial proceedings can take month or years of time to reach a conclusion but ADR takes days or weeks of time.
- **Flexibility:** the parties to a dispute have the freedom to choose the location, time and place of arbitration or mediation and they have the freedom to choose the adjudicating authority who will be the impartial third party for the settlement of disputes.
- **Confidentiality:** ADR mechanism is private and confidential in nature and is adopted by the parties who wish to keep their sensitive information away from the public eye.
- **Control over award:** the parties to a dispute have the control over the award from the adjudicating authority in ADR mechanism because the award in ADR is a result of mutual understanding

between the parties. Specialized ADR systems may be reformed in such a way so as to make it more efficient and satisfactory.

- **Justice for disadvantaged group:** due to scarcity of resources and poverty certain groups living in the society are deprived of justice because the litigation in courts is quite expensive and time consuming, being illiterate the disadvantaged groups find it more difficult to adopt the traditional justice system. ADR system can prove to be the best option for such people as it is less time consuming and cost effective.

ADR is less complicated and procedural in comparison to the traditional court proceedings system.

DISADVANTAGES OF ADR

- Not suitable for every type of disputes, it can lack on delivering justice in some cases.
- ADR mechanism in most cases is seen to be ineffective in comparison to the court proceedings.
- ADR mechanism is not always successful in delivering a resolution to a dispute with the exception of Arbitration other methods are not always able to settle the disputes and give a specific resolution.
- ADR mechanisms can only settle the disputes relating to money.
- No precedent is followed in ADR cases.
- The decision of the arbitrator or the mediator is not always binding upon the parties to a dispute.
- There is no scope for appeal in the ADR system.
- Power imbalance between the parties can affect the decision of the authority.
- ADR system fails to resolve multiparty disputes.
- ADR system do not have any educational impact on public at large.

ADR MECHANISM: THE NEED

The pendency of cases in the traditional judicial system is making the ADR mechanism widely acceptable, at present there are 5.1 crore pending cases in India from the last 30 years. This situation will lead a democratic nation like India to the situation

1 The Arbitration and Conciliation Act, 1996.

2 Section 10, Chapter II of, The Arbitration and Conciliation Act, 1996.

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of an absolute failure of administration of justice. The lack of judicial officers and court staff is the reason behind the backlog of cases. However a strong and systematic ADR mechanism can be designed in such a way that it reduces the burden of traditional judicial system.

ADR is needed because of the following reasons:

- The weight of pending cases in the Indian judiciary makes the delivery of justice obsolete and dead. In the present scenario there are very few cases that are being disposed of, the rising number of pending cases will result in the collapse of judicial system. The posts of judges in the higher judicial cadre are lying vacant, a handful of judges cannot decide or resolve all the disputes. The need of the hour is to explore and develop a more suitable alternate mechanism which can cope up with the needs of amicable settlement of disputes and timely delivery of justice.
- The repeated numbers of adjournments taken by the parties not only prolong the duration of litigation but is also unfair towards the party who is not financially sound and the lengthy court proceedings can render such person financially exhausted. The plaintiffs-petitioners' application for adjournment was rejected by the trial court vide Annexure No. 5 on the ground that earlier on three occasions plaintiffs such prayer of adjournment had been granted and in the light of proviso added to Order 17 Rule 1 C.P.C. No adjournment beyond three dates could be granted by the court. The petitioners subsequently moved the trial court with another application under Section 115 C.P.C. For permitting Ram Raj, one of the plaintiffs present in the court, to be cross examined by the defendant's counsel. But that application too has been dismissed by the trial court vide. Thereafter, only the petitioner approached the revisional court which also did not find favour of the court and has been dismissed.³
- Lack of infrastructure adds to the agony of the litigants that seeks timely justice, in this situation where the post of judges are lying vacant, adopt-

ing an alternative justice delivery mechanism is inevitable. It is need of the hour to reform the judicial system in such a way that new areas of effective justice delivery can be adopted, so that harassment of litigants can be prevented.

- Concentration of litigation on the shoulders of a single court officer or an advocate makes him/her overburdened which results In failure of getting a suitable resolution for his/her client as such ADR system becomes unavoidable. There are stages which delay the trial like delay at summoning stage, delay in framing of issues, delay at arguments, delay in execution of decree, arrears of pending cases in High Court and Supreme Court.

ADR CENTRES AND TRAINING PROGRAMME FOR LAWYERS

There are very few centers for ADR in cities and Delhi which are not sufficient keeping in view the rising disputes. The author of the present article is of the opinion that there should be one ADR center for ADR in each and every district court of India for running the machinery of ADR centers we need educated and well trained lawyers with techniques of negotiations, arbitration and mediation. Due to the rise in false cases based on misconceptions the precious time of the Hon'ble courts is lost in adjudicating the matters.

"Evidence suggests that an effective litigation management and cost and-delay-reduction programme should incorporate several interrelated principles – including – (A) the differential treatment of cases that provides for individualized and specific management according to their needs, complexity, duration and probable litigation careers; (B) early involvement of a judicial officer in planning the progress of a case, controlling the discovery process, and scheduling hearings, trials and other litigation events; (C) regular communication between a judicial officer and attorneys during the pre-trial process."⁴

According to Hon'ble Justice M.Jagnnath Rao, "there is a need to professionally train the lawyers and the the personnel who will man them, while training the lawyers the aim must be to train them

³ Shiv Nath Sahdeo and Anr. vs Bangai Sahdeo on 23 May, 2006. <https://indiankanoon.org/doc/370657/>

⁴ Manual for Litigation Management and Cost and Delay Reduction, Federal Judicial Centre, 1992, Washington DC

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keeping an emphasis upon moral values of delivering justice with less delay and cost effectively in the same manner awareness should be spread across the litigants to adopt a system which will ensure them cost effective and timely justice. The decision or the dispute resolution by these lawyers must be fair and reasonable, more technical and practical approach towards dispute resolution must be adopted, as such there is a need to train the lawyers and officers in charge in such a way that will contribute towards the growth of fair and amicable dispute resolution system.

MAJOR LIMITATIONS OF ADR SYSTEM IN INDIA

1. **No support from government:** India is a developing nation witnessing rapid growth but still the governments is not working towards the growth of ADR system.
2. **Lack of infrastructure relating to ADR centers:** even after the passing of Arbitration and Conciliation Act, 1996 there are no proper ADR centers due to which ADR mechanism is still not growing in India, litigants are still choosing courts for adjudicating their petty offences. Especially small cities and remote villages are not aware about alternate dispute settlement system as such they remain devoid of the ADR mechanism. ADR was meant for saving time and money of the litigants but lack of infrastructure defeats the very purpose.
3. **Interference of courts:** one of the main aims of the ADR system is to ensure that the litigants are able to choose the procedure and get a satisfactory resolution to their dispute but any sort of interference by courts creates hindrances in the autonomy of ADR mechanism and this interference of courts will render the ADR ineffective.
4. **Lack of execution mechanism:** even after getting a satisfactory resolution by ADR system the litigants have to approach the court for execution of the award passed by the ADR authority which defeats the purpose of reducing the work load on courts and to reduce the time in the settlement of disputes.
5. **Lack of skilled and educated man power:** most of the lawyers are not good arbitrators, mediators or negotiators because they have come through a common educational training which lacks the practicality of alternate dispute settlement mechanism due to which there is no awareness relating to the ADR system amongst students and the current generation. There are no proper institution for developing the skills relating to the ADR mechanisms.
6. **Court can set aside the ADR awards:** the court has the power to set aside the award delivered under ADR mechanism and such setting aside of the award defeats the very purpose of timely disposal of disputes. But after the ADR process the parties have very few remedies left.
7. **Lack of awareness:** people living in small cities and villages are not aware about the ADR system and this lack of awareness results in a large strata of people still adopting the traditional judicial system, the lack of legal education in India is the biggest obstacle in the growth of ADR in India.
8. **Confusion in the mind of parties:** due to the lack of awareness there is no proper promotion of the concept of ADR as such a large strata of populations still considers the conventional judicial system over the new and more efficient ADR system. It is the need of the hour to accept the new and more developed justice delivery system. There are many instances today where the courts themselves refer the cases to arbitration to reduce the time of litigation process.
9. **Influence of one party over the other:** there are chances of award being biased in favour of one party who is more influential, there are chances of weaker party being influenced by the more powerful party which will result in mockery of the justice system.
10. **Unable to settle disputes:** the ADR mechanism fails to settle a dispute where the parties don not want to settle their disputes by mutual agreement as a result of which the parties return back to conventional system of justice, it causes further delay in the dispute settlement process. Conduct of the parties is the factor upon which the certainty of ADR awards is based.
11. **Rapid increase in fee of ADR personnel:** due to the lack of skilled lawyers in ADR system,

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some lawyers and retired judges skilled in ADR mechanism create a monopoly and charge huge amount of fees for settling disputes as a result of which the very aim of cost effective settlement of disputes is defeated.

12. Absence of any concrete laws pertaining to ADR system.
13. ADR will fail if the dispute in question is related to a matter of substantial public interest.
14. Enforceability of ADR awards is highly questionable.

GROWTH OF ADR: HOW POSSIBLE

- By establishing more and more ADR centers so that the dispute settlement process is more effective and less time consuming.
- By creating awareness in the society especially in the small cities and remote villages.
- Government must initiate schemes to educate the legal professionals so that the skill of dispute settlement by ADR system is made more effective.
- There must be minimal or no court interference in the enforcement of ADR awards.
- There must be separate system for the execution of ADR awards so that the parties need not go to the courts for the execution of awards.

FUTURE OF ADR SYSTEM IN INDIA

Time and gain it is proved that in comparison with conventional judicial system ADR is more effective in terms of cost effectiveness and less time consuming, the integration of technical evolutions and ADR system is creating a scope for the rapid growth of ADR system in India.

Arb-Med-Arb (AMA) Model:

The *Arb-Med-Arb* model combines arbitration and mediation, allowing parties to first attempt mediation before resuming arbitration if mediation fails. This hybrid approach offers flexibility and efficiency, making it an attractive option for dispute resolution in India.

Legal provisions under the Arbitration and Conciliation Act, 1996, support this model, particularly with recent enhancements from the Mediation Act, 2023,

which promotes enforceability of mediated settlements. The blend of new technologies has made the ADR system more efficient these technologies include:

- Online dispute resolution platforms
- Virtual and hybrid hearings
- Remote hearing virtual arbitration
- Use of artificial intelligence
- Automation of routine tasks
- Online complaint registration portals
- Virtual awareness for ADR schemes.

The covid era gave rise to the ADR system converting to the online dispute resolution system (ODR) this is the most preferred type of ADR outside the courts whereby the parties settle their disputes mutually by the mediums like video conferencing and other social networking platforms. The need of the hour is that the courts must lead the way and introduce new schemes in order to promote the ADR system more efficiently, so that the public at large will not be hesitant in adopting a new system of dispute resolution. Reserve bank of India also introduced an online dispute resolution system for disputes regarding digital payments, MSME sector also introduced a portal called SAMADHAAN. The government is in favour of ADR faced ODR system and is supported by other legislations like The Arbitration and Conciliation act, 1996, CPC and The Information Technology Act, 2000.

Benefits of adopting ODR under the ADR system are as follows:

- Cost efficiency
- Less time consuming
- Reduce travel time and expenses
- Limits errors caused by human judgments
- Satisfactory remedy

The future of ADR is full of positive perspectives if the government is prepared enough to explore new fields of research in this topic, and is able to introduce new schemes and educational awareness in this regard.

ODR may assist in addressing a situation arising out of cross border e-commerce transactions, namely the fact that traditional judicial mechanisms for legal recourse may not offer an adequate solution for cross-border e-commerce disputes. It has further pointed out that ODR should be

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simple, less time consuming and efficient, in order to use it in real world setting it is important that it should not impose costs, delays and burdens that will be financially exhausting. Transparency, expertise and consent were also considered the main facets of an effective ODR regime.⁵

The Apex Court has suggested for a separation of legislations regarding arbitration and mediation, In *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*⁶

The literature surveyed and the preceding chapters show an increasing trend of claimants moving away from the conventional court settings to ADR. With the growth and development in, AI and related areas have brought ODR into play. ADR through ODR has proven to be more efficient in the access to justice schema and the capacity of an ODR finding being unbiased is crystal clear.⁷

RECOMMENDATION FOR BUILDING A BETTER FUTURE FOR ADR

As per the above research the researcher is of the view that there is a need to build proper infrastructure, judicial support and statutory backgrounds for building a better future for implementation of ADR which will in turn give way to the development of ODRM which is the future of the ADR, ODR is emerging as a pivotal mechanism for resolving disputes through digital platforms, leveraging technology to facilitate communication and negotiation without physical presence. This method is especially beneficial for low-value, high-volume disputes such as e-commerce transactions.⁸ In addition to the abovementioned the researcher has following recommendations;

- More and more acts should be made ADR and ODR friendly, provisions may be introduced so that the ADR mechanism can be adopted without any drawback.
- Challenges relating to privacy and safety must be properly addressed through specific regulations.
- Databases or library for maintaining the decisions of ODRM's and ADR mechanism must be

created so that a proper record system is created so that previous decisions can be used by the authorities delivering subsequent decisions.

- At national level the government should try to issue licenses to the ADR and ODRM'S offices for ensuring a more efficient work flow.
- Initiatives should be undertaken to introduce ways in which ODR can become more efficient and transparent.
- To make the arbitrators of various fields more aware and educated about the ODR system.
- More and more young talents must be appointed who are well aware about the technicalities of the ODR system and as such they can tackle the situations regarding the technicalities of the ODR system. The young talents should be appointed in such a way that they are able to initiate the important steps that are to be taken with respect to development in the ODRM system.
- The government must introduce new initiatives in order to aware the public about the pro and cons of the ODR system.
- ODRMS should be made a mixture of both private and government sectors so that the government and private sectors can work simultaneously for the positive growth of ODRM'S
- A committee should be formed to monitor the working of ODRM'S.
- New laws must be made in such a way that they contributes towards the growth of ODRM'S and the compatibility between the ODR mechanism and statutory laws can be achieved.
- ODR and ADR should be made part of the syllabus for law students in every possible university, so that at the very basic level the students become aware about the technicalities regarding this very subject.
- There must be sue-generis law governing the ADR and ODRM'S.
- The lack of uniform internet services must be dealt with equally in urban and local areas so that the lack of internet cannot deprive anyone of justice in a democratic country like India.
- An organization should be developed which will ensure the smooth functioning of the ODRM'S

5 UNCITRAL TECHNICAL NOTES ON ONLINE DISPUTE RESOLUTION (United Nations, 2017).

6 (2020) 15 SCC 493.

7 DESIGNING THE FUTURE OF DISPUTE RESOLUTION: THE ODR POLICY PLAN FOR INDIA (NITI AAYOG, 2021).

8 NITI AAYOG, DESIGNING THE FUTURE OF DISPUTE RESOLUTION; THE ODR POLICY PLAN FOR INDIA

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with the statutory law and as such a mechanism can be formed that can support the development of ODRM'S and ADR.

- Some laws are there which supports the very idea of ODRM'S and ADR the best example of it is section 442 of Companies Act, 2013 which promotes the thinking of settlement of disputes in a more efficient way, whereby a panel is formed for the purpose of dispute settlement.

CHALLENGES AHEAD

There are still many challenges towards the positive development of ADR and ODR:

1. A significant portion of the population lacks the necessary digital skills to engage effectively with ODR and ADR platforms.
2. There is a need for improved digital infrastructure to support widespread adoption of ODR across diverse regions in India.
3. Increasing awareness about ADR options among potential users is critical for its growth.

CONCLUSION

India at present is facing many challenges regarding the ADR system due to the lack of infrastructure and educational awareness. Due to delay in delivery of justice and pendency in cases it is the need of the hour to adopt more efficient system for the delivery of justice which will reduce the burden on the courts. The ADR system once properly implemented will reduce the expenditure on time and resources.

India is a developing nation and is performing well on several works but inefficiency in the dispute resolution system results in the failure of judicial machinery, which in turn renders the persons seeking justice disappointed and loose trust in the dispute resolution system of India. The need of the hour is to address the issues relating to the limitations of ADR and what will be its future, the innovations of new technologies will lead to a more efficient and reliable ADR system which will be more accessible to each and every section of the society.

Online dispute resolution system can prove to be a milestone in the path of development of ADR in a way that new areas relating to the ADR mechanism

can be explored and ODR can reach remote areas and villages of India without any hustle, creating awareness as such will build up trust in the mind of the society and will eventually lead in reducing the burden of traditional court system. It can be rightly said that both ADR and ODR system are the future of the dispute resolution system providing quick-fix for small disputes.

The integration of technologies and the ADR system will lead the dispute resolution system on the path of rapid growth which will ensure positive growth and development in future. We are moving towards the concept of "institutional arbitration" we are amending the Arbitration and Conciliation act, 1996 with the change in time, the most important change being setting a time limit for the passing of arbitration awards, with time ADR is becoming more cost effective and less time consuming as such the future for ADR in India holds some positive changes which are essential to protect the rights of the persons who seek justice with the expectation of timely resolution of disputes.

The government of India also launched **E-Courts Mission Mode Project** with the aim that justice should be delivered equally and fairly to all and should be made accessible to all by way of integrating it with the modern technologies. Even the lok adalats had transformed into E-Lok adalat which prevents any delay in delivering justice to the ones seeking it. The future of ADR lies in its integration with the modern and AI technologies most recent example of it being the ODR system, ODR system is beyond the ambit of resolving disputes it extends to providing equal and fair justice to all even in the remote areas and villages.

The researcher is of the opinion that ADR is a concept that needs to be addressed properly new initiatives should be formed by the government of India in order to develop the ADR system so that the Conventional Judicial System is not overburdened. 43.63,200 cases are pending in all High Courts of India it is the need of the hour to adopt an alternate system of dispute resolution so that the burden on the judicial system of India can be reduced and the failure of judicial administration can be prevented.

Online dispute resolution is the need of the present scenario. In India the Niti Ayog has tried to spread more awareness in the context of Alternate

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and online dispute Resolution. The higher judiciary has time and again taken steps to promote the concept of ADR mechanism, there is a need to ensure that recognition should be given to online redressal dispute resolution system. The boom in ODRM (online dispute redressal mechanism) has gained momentum in the B2B and B2C era. Parties adopting ADR as a dispute settlement mechanism are not ready to invest their time in the process of lengthy dispute resolution mechanism. The future of ADR is more sophisticated in form of ODR which is more efficient than ADR mechanism as ODR can tackle through the situation like COVID-19 time when the Judiciary was not able to hold the physical hearing of cases. Sometime ODRM is criticized for

being lacking human touch, but if we see it the other way lacking human touch will mean that there will be zero chances of human intervention and bias which will result in effective and amicable settlement of disputes.

The future of ADR looks promising in a developing country like India as day by day it evolves into a more efficient system of dispute resolution. With the integration of technology with the dispute settlement mechanisms, ADR and ODR mechanisms are gaining more and more popularity. The future of ADR holds the key to reduce the overall burden of judicial system and to enhance the dispute settlement system more efficiently.

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