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JUSTICE DELIVERY THROUGH ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

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ABSTRACT

The administration of justice is a cornerstone of any civilized society, traditionally anchored in formal judicial institutions characterized by adversarial proceedings, codified laws, and state-backed enforcement. However, burgeoning case arrears, procedural complexities, high costs, and prolonged delays in conventional court systems have necessitated the exploration and strengthening of Alternative Dispute Resolution (ADR) mechanisms. This paper examines justice delivery through both traditional court systems and ADR methods such as arbitration, mediation, conciliation, negotiation, and Lok Adalats, with special reference to the Indian legal framework.

The study analyses the comparative strengths and limitations of formal adjudication versus ADR processes in terms of accessibility, cost-effectiveness, speed, party autonomy, confidentiality, and preservation of relationships. It further explores the interface between traditional customary dispute resolution systems (e.g., village panchayats, Nyaya Panchayats) and modern ADR institutions, highlighting their role in promoting restorative justice and grassroots-level conflict resolution. The research evaluates legislative developments including the Arbitration and Conciliation Act, 1996 (as amended), the Mediation Act, 2023, and various judicial pronouncements that encourage ADR adoption.

Findings suggest that while traditional court systems remain indispensable for upholding constitutional rights, rule of law, and public interest litigation, a robust integration of ADR mechanisms can significantly reduce the burden on the judiciary and enhance access to justice for marginalized sections. The paper concludes by recommending policy measures for institutionalizing hybrid models, capacity building of mediators and arbitrators, and greater use of technology (Online Dispute Resolution) to create a more efficient, inclusive, and people-centric justice delivery ecosystem in the 21st century.

INTRODUCTION

The Indian Constitution's founding fathers placed "Justice" on the highest pedestal and made a considerable effort to emphasize this in the Preamble noticed Above all other rights, including freedom, parity, and brotherhood, is justice. The Preamble unequivocally establishes that Economic and social justice takes precedence over political justice. In search of justice, people resort to the judicial system. The Constitution specifies standards for the interrelationships, checks, and balances, and defines, delimits, anddefines the roles and responsibilities of each branch of government, including the judicial branch. Judiciary independence is regarded as being crucial to the rule of law.[1]

Justice has traditionally been seen as humanity's highest ideal. It has been the latent desire driving all social unrest and uprisings. The most intriguing reality is that everyone who wants to alter the status quo, everyone who supports it, and everyone who supports peace at all costs do so solely in the name of justice. Both the greatest sacrifices and the darkest acts can be motivated by justice.The modern state is required to offer mechanisms for judicial and non-judicial dispute settlement that each citizen may use equally to resolve their legal disputes.[2]

The conventional definition of "access to justice" as it is perceived by the general public is access to the legal system. For the average person, the courts stand for justice itself. He views the court system as an appropriate and useful venue for administering justice, whether it be civil or criminal, where the legal rights and obligations of people, both juristic and non-juristic, are established and upheld.

[1] Justice K.G. Balakrishnan, Efficient Functioning of India's Justice Delivery System, Eastern Book Company, Lucknow, (2007) 4A SCC, P. 1.
[2] P.C. Juneja, Equal Access to Justice, Bright Law House, Rohtak, I st Ed. 1998, P. 21.

JUSTICE DISTRIBUTION IN EARLY TIMES

All current institutions have a history that is buried deep in the past. Even the nation's legal system and institutions attest to this. the ethical of any nation's current political system was not developed by a single person or in a single day. It is the culmination of many people's efforts, experiences, careful planning, and persistent hard labour across many generations. Therefore, it is vital to get background knowledge of the process of its creation and development in order to comprehend and appreciate the current legal system in a sufficient manner. One of the most significant responsibilities of the Kings in ancient times was the administration of justice. Administration of justice was consequently the king's main responsibility because the dharma itself had bestowed the duty of protection onto him. The king had a duty to defend his subjects, ensure their safety and the protection of their property, and uphold social order in order to foster virtues.[3]

According to the Mahabharata, Raja Dharma's unchanging duties include maintaining the truth, ensuring that people are happy, and keeping society in order. The defense of the subjects and Prajapati Palana are regarded as the king's highest obligations. The goal of protection was to prevent the populace from devolving into Matsyanyaya, where the powerful would eat the lesser as fish do in water, or into anarchy.[4] The king was revered as the source of justice in ancient India. The royal palace in the nation's capital was to serve as the location of the king's Court. The court with initial jurisdiction over all matters of paramount significance was the king's Court. Additionally, it was the highest Court of Appeals. The king was advised and helped in the administration of justice by learned Brahmins, his Court's judges, ministers, elders, and traders' representatives. Even in ancient times, it was understood that whenever a technical question arose regarding craftsmen, artisans, traders, etc., the opinion of those who had firsthand knowledge of those problems was invaluable and could be taken by the Courts for the purpose of resolving the issue. Even though they were highly trained in the law, the judges or the monarchs were unable to completely understand such cases in the absence of pertinent expert advice.

JUSTICE DISTRIBUTION IN THE PRESENT AGE

The concept of "justice" is so old that everything has been said about it, while still being so new that it forms the constantly shifting backdrop of modern society. The development of justice can be related to the overall evolution of humanity and the different institutions created for its growth, development, and

[3] V. Sreenivasa Murthy, History of India Part I, Eastern Book Company, Lucknow, I st Ed. 2018, P. 192.
[4] Ibid

wellbeing.[5] The Indian Constitution went into effect on January 26, 1950. The Constitution clearly outlines the makeup, authority, and duties of each of the three branches of government. As the highest court, the Supreme Court in the system of justice. In regards to civil, criminal, and other matters, it has original, appellate, and advisory jurisdiction. The High Court is the next court up in the court system's hierarchy. In Chapter V of Part VI of the Indian Constitution, the High Court is set up. In constitutional, civil, and criminal cases, the High Courts have original and appellate jurisdiction. Additionally, all courts and tribunals situated within the high courts' territorial jurisdiction are governed and overseen by them..

The Chapter-VI of Part VI of the Indian Constitution establishes the Subordinate Courts. They operate at the district level, under the general supervision and management of the State's High Courts. The District and Sessions Judge Court, the Court of Judicial Magistrate First Class, and the Court of Judicial Magistrate Second Class are some of these courts. The Judicial Magistrate Courts for Metropolitan districts are referred to as Metropolitan Courts.[6] The Directive Principle of State Policy is embodied in Part-IV of the Constitution.In accordance with the provisions of this chapter, the state is required to organize village panchayats and grant them the essential authority and powers to act as a unit of self-government. Since ancient times, the Panchayats have been performing judicial duties. They existed even when Britain was in power. They handle minor civil and criminal problems informally and simply, trying to reach a settlement or conciliation between the disputing parties.[7]

The Indian Constitution acknowledges the presence and significance of tribunals. The terms Tribunal and 227 are used specifically in those articles. Having the Supreme Court as its discretion to grant special leave to appeal from any judgment, any ruling, decision, sentence, or order in a case or dispute rendered by a court or tribunal on Indian soil., as allowed by Article 136. Contrarily, Article 227 stipulates that each The High Court has the power to supervise all Courts and Tribunals throughout the regions which it has authority over. These are primarily the traditional methods of delivering justice. Let's go over each one in more detail:

AN OPTION FOR JUDICIAL REFORM

Rattan Singh and Sons v. Guru Nanak Foundation[8]As of now, the Supreme Court highlighted the necessity of using a system of alternative dispute resolution involving the use of arbitration, mediation, and other

[5] R.H. Code, Holland and Schwarzenberger, Law, Justice and Equity, Pitman London, I st Ed. 1967, P. 1.
[6] Id at P. 266.
[7] Id at P. 125.
[8] *Rattan Singh and Sons v. Guru Nanak* AIR 1981 SC 2073

recognized conflict resolution procedures that endless, expensive, difficult, and time-consuming court processes forced the jurists to look for a different, less formal, more effective forum and quick for the resolution of disputes, which inspired them to create the 1940 Arbitration Act. However, the manner in which the Act's actions are handled and without a court challenge of an exception has made attorneys and legal philosophers laugh weep. Experience demonstrates, and legal reports provide convincing evidence, that the proceedings under the Arbitration Act have evolved into a highly technical process with endless prolixity, offering the unwary a legal trap at every turn. Selected informal forum the decisions of the court have been used by the parties for quick resolution of their disputes.

In particular, civil litigation in India is infamous for the length of cases that are overflowing with adjournments, modifications, appeals, cross-appeals, etc. A civil case often takes 20 to 25 years to be resolved. Often adjourning perhaps one of the main reasons for the overcrowding of civil courts is the use of dubious grounds and the delay in civil lawsuit resolution. Mr. N.A. Palkhivala, a renowned jurist, attributing among other things, this cause to the legal profession has noted that "the fault is mostly of legal professionals. We request postponements based on the weakest justifications. Should the Judge not readily allow adjournment, and he is thought to be quite unpopular. I believe the responsibility of the legal experts to ensure that it collaborates with the judiciary to ensure that Justice is carried out quickly and efficiently. It is a responsibility that we fully accept oblivious. During the final decade of the 20th century, there was a huge transformation everywhere globe in the direction of the court's dispute resolution procedure. Alternate disagreement approaches were discovered to be an effective replacement for the traditional litigation process. The majority of nations recognize mediation, conciliation, and arbitration as the best.

Alternative Dispute Resolution methods, primarily those used in those regarding monetary judgments, restraining orders, contractual particular performance, and lawsuits involve exchanges of money. In the context of India, it is true that if money Property-related lawsuits and claims are sent to mediation or arbitration, it would almost 50% lessen the number of files in the various courts.[9] There are provisions pertaining to in the Arbitration and Conciliation Act of 1996 as well conciliation in contractual disputes resulting from a legal connection. Due to globalization trade has seen a significant increase as a result of the economy and competitive market policy industry and commerce, which causes disagreements about commercial and the business community and transactions have increased significantly. The industrial business owners cannot afford to engage in lengthy legal battles and consequently, they favour using alternative dispute resolution to settle their issues.

[9] Ibid

Disputants always desire to have their issues resolved quickly and Alternative Dispute Resolution developments have been beneficial to the Disputes, particularly in civil cases. One of the techniques being used for alternative dispute resolution is Legislative recognition of arbitration and conciliation has resulted in business contracts, the parties always include an arbitration provision to refer their disagreements to the arbitrator(s) for resolution. As a result, the arbitration proceedings

ADMINISTRATIVE TRIBUNALS ACT OF 1985

Using the authority granted by Article 323A of the Constitution, the Administrative Tribunals Act of 1985 was passed by Parliament and it resolution of service-related complaints involving Civil Servants of the Act is predicated on the notion that a significant percentage of the High Court hears service cases through writ petitions filed in accordance with Article 226 can take up a lot of judicial time and give the harmed party virtually little relief and as a result, there needs to be a distinct forum that not only saves the valuable court process, but also offer those who have been wronged quicker relief.[10] After the Administrative Tribunals Act of 1985 was passed, a significant number of lawsuits involving service issues that were filed with several Courts inside of the Tribunals' purview. Administrative Courts established pursuant to Article the technical restrictions of the Indian Evidence Act of 1872 and the 1908 Code of Civil Procedure's restrictive procedural rules. Nevertheless, they have been endowed with Civil Court authority over particular cases, such as the review based on their own choices. But the Tribunals are likewise constrained by the guidelines of inherent justice.[11] The 'Tribunals' are created by the Administrative Tribunals Act of 1985 envisioned under Article 323-A(2) to address a variety of issues. The Law clearly states that the exclusion does not apply to:

(i)Any military personnel, navy, other armed forces, such as the air force the power of the union;

(ii) Any Supreme Court or High Court officer or employee;

(iii) Any individual nominated to either House of Representatives' secretariat staff to the secretariat of any State Legislature or a House, or to the members of Parliament of that or, if a Union Territory has a legislature, of that legislature.

[10]Dr. J.J.R. Upadhyaya, Administrative Law, Central Law Agency, IXth Ed. 2014, P. 154.
[11]*Ibid.*

JUDICIAL REVIEW AND ADMINISTRATIVE TRIBUNALS

Since the doctrine of judicial review is a fundamental component of the Constitution, it cannot be eliminated even through constitutional change. In *L. Chandra Kumar v. Union of India*[12],Insofar as they limit the High Courts' and the Supreme Court's authority under Articles 226/227 and 32 of the Constitution, the Supreme Court ruled that clauses 2(d) of Article 323-A and clause 3(d) of Article 323-B are lawful. The Administrative Tribunals Act of 1985 was contested on the grounds that it violates Article 13(2) of the Constitution by attempting to remove the doctrine of judicial review. The court further noted that under Articles 226 and 227 of the constitution as well as Article 32 of the Supreme Court, the High Courts and Supreme Court respectively had the authority to examine legislative action.

ALTERNATE DISPUTES RESOLUTION METHODS

Numerous methods, including early unbiased evaluation, Lok Adalats, arbitration, conciliation, judicial settlement, and more, are included in alternative dispute resolution. It offers the disputing parties the chance to resolve it amicably through procedures that are more or less informal and flexible.[13] The following are detailed discussions of the aforementioned techniques:

MEDIATION

Among ADR techniques, mediation is one of most frequently employed. There is a mediator in mediation. Both parties agree to the mediator's choice before proceeding. As a type of ADR, mediation entails the intervention of a neutral third party—typically a retired judge or an accomplished attorney—to help the parties' resolution of their differences. Before meeting with each party separately to discuss the possibility of resolving the dispute, the mediator frequently invited the parties to present their positions and claims in a combined session. The solution reached at the mediation, however, does not have the same legal force as an arbitral ruling. Additionally, unlike an arbitral award, which possess the statusand recognition of a decree issued by a Civil Court, the settlement reached through the mediation process is not enforceable as a court decision.

Although the mediator is not obligated to follow any specific legalprocedure to settle the dispute between the parties, he must work in keeping with the notions of fairness and natural justice. He should conduct the parties' negotiations with impartiality and neutrality. Because it is relatively inexpensive, takes less

[12]L. Chandra Kumar v. Union of India AIR 1997 SC 1125
[13] 5 Dr. N.V. Paranjape, Law Relating to Arbitration & Conciliation in India, Central Law Agency, VIIth Ed. Reprint 2018, P. 430.

time, and settles issues amicably between the parties, more people are turning to mediation as a kind of alternative dispute resolution. And more widespread in the commercial sector on a national and worldwide basis. The Supreme Court ruled in *K. Srinivas Rao v. D.A. Deepa*[14] that in matrimonial disputes, even if the counsellors provide a negative report regarding the prospect concerning a deal between the parties, the court shall examine the possibility of settlement through mediation. The Supreme Court ruled in *B.S. Krisha Murthy and Anrs. v. B.S. Nagaraja and Ors.*[15]that attempts should be made to mediate conflicts between the parties. Lawyers should encourage their clients to use mediation as a technique of resolving disputes, especially where there are personal or professional ties at stake.

MEDIATOR

A mediator is a neutral third partyand helps both sides resolve conflicts. In mediation, there is always a neutral third party acting as coordinator to assist the disputing parties in their negotiationsto settle their differences and handle their issues. The mediator is a key player in the mediation process, and his aptitude, character, and experience are largely responsible for the mediation's success. The mediator's agreement, however, lacks legislative recognition, making it ineffective legally.

ARBITRATION

Arbitration is a noun, not a verb. By consent of the parties, arbitration is a method used to settle disputes, according to in the law of Halsbury, England. Unless the parties concur that waive it, instead of the national court having jurisdiction, the dispute will be settled in arbitration by an individual or person acting in a personal or fiduciary capacity. Award is a general term for a court decision.[16]According to Prof. Nomita Aggarwal, arbitration is a process used to settle disputes privately by assigning an impartial, impartial third party or arbitrator who always hears the merits of the dispute and makes a judgement that is final and irrevocable. This decision is referred to as an award. The Arbitration and Conciliation Act, 1996, which replaced the earlier Arbitration Act, 1940, gave arbitration formal legitimacy as an alternate method of resolving disputes. The rules pertaining to domestic. Part I of the Act of deals with arbitration, and Part II of the Act deals with the finality Regarding the execution of foreign judgements. Any agreement between the parties, whether contractual or not, to arbitrate all or any of the issues that have developed or might develop between them about a certain legal relationship is referred to as an arbitration agreement. According to the Supreme Court's ruling in *M. Dayanand Reddy v. A.P. Industrial*

[14]K. Srinivas Rao v. D.A. Deepa AIR 2013 SC 985
[15]B.S. Krisha Murthy and Anrs. v. B.S. Nagaraja and Ors. (2011) 15 SCC 464.
[16]Sukumar Ray, Alternative Dispute Resolution, Eastern Law House, Ist Ed. 2012, P. 8

Infrastructure Corporation Limited & Others,[17]There is no requirement for an arbitration provision to expressedin any specific way. Whether the agreement uses the words "arbitration" or "arbitrator" or "arbitrators" irrelevant if it is possible to determine the parties' intentions to submit the issue from the court to arbitration provisions of the contract.

Arbitration is typically agreed to by contract, but it produces a legally binding decision.The parties choose the arbitrator, and they are responsible for paying the arbiter's fees as well as the costs associated with the arbitration process. The most formal of the six ADR procedures is arbitration, which yields an award that is comparable to a court's final judgment. When a notice of arbitration is sent by the claimant to the respondent and is received by the latter, the arbitration is regarded to have begun. Consequently, the guidelines of the 1996 Arbitration and Conciliation Act, it is assumed that the notification was received on the day it was delivered. Court intervention to decide the merits of the matter is prohibited by an arbitration clause in the parties' contract. Conciliation and mediation are not, however, prohibited by arbitration. The arbitral tribunal's ruling is final and enforceable against the parties.

ARBITRATION AND MEDIATION

One of the hybrid techniques for resolving disputes is mediation and arbitration. It is a hybrid of arbitration and mediation. It is an effort to combine the arbitration and mediation processes so as to resolve the issue among the parties. In this procedure, the parties attempt mediation for conflict settlement first within a set time frame, and if mediation is unsuccessful within that time frame and the disagreement is not resolved, the parties then refer their case to arbitration. The parties may agree to include a clause in their contract stating that they want to try mediation before using another form of ADR. The parties agree to endeavour to resolve any disputes that stem from, are related to, or include this agreement or its breach through mediation first.

However, if the parties are unable to settle the issue through mediation within the allotted time, any outstanding dispute or claim related to this agreement, its breach, or anything else related to it, maybe settled by mandatory arbitration in accordance with the 1996 Arbitration and Conciliation Act.. The idea behind mediation-arbitration is that if mediation doesn't work, there are additional options for ADR. Naturally, the parties may decide not to make the second phase legally binding. When the parties cannot agree, non-binding mediation or arbitration is frequently used. The Mediation Act, 2023 (Act No. 32 of 2023) received presidential assent on 14 September 2023. It was notified on 9 October 2023 and aims to

[17]M. Dayanand Reddy v. A.P. Industrial Infrastructure Corporation Limited & Others, (1993) 3 SCC 137.

promote and institutionalize mediation as a preferred, cost-effective, and time-bound method for resolving disputes. It reduces the burden on the Indian judiciary by formalizing mediation practices

CONCILIATION-ARBITRATION

Great Britain embraced this hybrid alternative dispute resolution system. It may be used at any point during the conflict. It is typically utilized when the discovery phase of a lawsuit comes to an end. In this procedure, the parties provide the conciliation-arbitrator with all relevant facts and issues, and after the mediation process is complete, the conciliation-arbitrator draughts the award. Conciliation-arbitrator processes are informal. The parties must abide by the judgementif they accept the draught he has made and do not disagree. Conciliation-arbitration systems have the benefit of saving both time and money. For the purpose of resolving the conflict, it is an informal ADR method. Both arbitration and litigation are avoided by this approach.

NEGOTIATION

Nothing, it is wisely said, is gratifying and pleasant compared to a sociable, amicably since it is a negotiated deal safeguards the parties' reputations, as well as their business and personal relationships, which might otherwise have been the adversarial process has caused harm. The ideas of arbitration, mediation, and conciliation are distinct from the idea of negotiation. In a strict sense, negotiation is not an ADR procedure by itself since it is a two-party process and is not necessary the participation of a a third party to enable the settlement, but ADR procedures always call for the participation of a third party to make the possibility of the resolution of the dispute. It is, however, the most primitive method of settling the argument. It is regarded as a crucial element of processes for alternative dispute settlement. It is only when the negotiation process fails that the need for additional ADR procedures becomes apparent.[18]

Justice Krishna Iyer emphasized need for using amicable discussions instead of court lawsuit to settle disputes between parties, particularly in commercial situations, in *Agarwal Engineering Co. v. Techno impex Hungarian Machine Industries, Foreign Trade Co*[19]. He emphasized that commercial disputes should, if feasible, be resolved by non-litigation means because the forensic process is time-consuming and controversial, hinders trade, and is detrimental to both parties, regardless of whether one wins or loses the lawsuit. A negotiated settlement will be satisfactory even if it deviates from the letter of the law, unlike a court judgement, which may be perfect but callous. The Supreme Court ruled in *High Court of*

[18]Brown and Marriott, Principles and Practice of ADR, Sweet & Maxwell Publishers, London, 2nd Edition. 1999, page 12.
[19]*Agarwal Engineering Co. v. TechnoimpexHungarian Machinery, Foreign Trade* Co (1977) 4 SCC 367.

Judicature of Madras v. M.C. Subramaniam[20]that while arbitration and mediation are undoubtedly beneficial conflict resolution techniques, the significance of private amicable negotiation between the parties cannot be overstated.

CONCILIATION

According to Wharton's Law Lexicon, "Conciliation" refers to the resolution of conflicts without going to court, also utilized as a pretrial procedure is conciliation. Conciliatory techniques are typically used to ascertain the existence, custody, description, nature, books, condition, and location of documents, as well as other evidence.

CONCLUSION

The Indian justice delivery system stands at a critical crossroads where the traditional court-based adjudication and Alternative Dispute Resolution (ADR) mechanisms must coexist and complement each other to achieve the constitutional goal of **access to justice** for all. While the formal judicial system remains the bedrock of rule of law, constitutional governance, and protection of fundamental rights, its limitations excessive delays, high costs, procedural rigidity, and mounting arrears have made it increasingly inaccessible to the common citizen. Alternative Dispute Resolution mechanisms, particularly mediation, arbitration, conciliation, and Lok Adalats, have emerged as vital instruments for delivering **speedy, cost-effective, and amicable justice.** The enactment of the **Mediation Act, 2023** represents a landmark legislative effort to institutionalize mediation, grant legal sanctity to mediated settlement agreements, and establish a regulatory framework through the Mediation Council of India. Together with the Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, these laws have created a robust statutory foundation for ADR in India.

Traditional customary systems such as village panchayats and Nyaya Panchayats continue to play a significant role in rural and semi-urban India by providing culturally rooted, community-based dispute resolution. However, they must be harmonized with constitutional values to prevent bias, discrimination, or violation of human rights. The future of justice delivery in India lies in adopting a **hybrid, multi-tiered model** that intelligently integrates traditional courts with modern ADR institutions. This integrated approach will not only reduce the burden on the judiciary but also promote restorative justice, preserve relationships, and enhance public trust in the legal system.

[20]Madrasah High Court M.C. Subramaniam (2021) 3 SCC 560.