

# ADR And JUSTICE FOR ALL



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Semester :- 1<sup>st</sup>

## • Why You Choose This Topic :-

I chose the topic Alternative Dispute Resolution (ADR) and Justice for All because it is one of the most relevant and transformative areas in today's legal system. Courts around the world, including India, are burdened with long delays, and high litigation costs. As a result, many people especially the poor, marginalized, and those lacking legal knowledge struggle to access timely and affordable justice. This makes ADR an essential mechanism for achieving the constitutional promise of justice for all.

I found this topic important because ADR not only reduces the burden of courts but also encourages people to settle disagreements peacefully. It gives people more control, letting them work things out themselves instead of just relying on court procedures. I'm also interested in how law relates to social justice, human rights, and public policy.

I chose ADR and Justice for All because it looks at ways to make justice more accessible, inclusive, and efficient. The goal is to ensure everyone, no matter their background, can have fair ways to resolve disputes.

## • INTRODUCTION :-

India is the largest democratic nation with a legal system that prioritizes the idea of the rule of law. A democratic nation that values the rule of law needs to make every effort to quickly resolve the backlog of cases that have been waiting in courts for many years the importance of ADR by stating that a lawyer's main responsibility is to work towards resolving disputes between parties rather than presenting a case and the litigants for trial before the court.

Additionally, due to socioeconomic and cultural variables that affect their choices, some people of the society refrain from reaching out to courts to resolve their disputes. As a result, it is necessary to change the public's image of the court as the primary forum for dispute resolution. It shows that going to court to settle a dispute could be the final resort.

Democratic countries like India, the US, and the UK have found that the conventional court system is difficult and time-consuming. However, alternative dispute resolution (ADR) methods such as Lok-Adalat, mediation, arbitration, and conciliation are quick, less expensive, and offer a number of other advantages.

## • **Indian Constitutional Law :-**

Social justice is emphasized in the Indian Constitution's Articles 14, 22(1), 39A, 44, and 51A. It states that the legal system is required to guarantee that everyone obtains equal justice. All citizens must have access to the justice system.

The legal system is sometimes inaccessible to many individuals because of social, economic, and other obstacles. The administration of justice shouldn't be hindered by any kind of disability. "Equal treatment for all people is a core element of justice. To achieve all of these objectives, the State must give Alternative Dispute Resolution (ADR) appropriate consideration.

## • **The Legal Services Authorities Act of 1987 :-**

The LSA Act, which was approved by the Parliament in 1987, came into effect on September 11, 1995. The purpose of this legislation is to establish organizations that will offer consistently excellent, cost-free legal aid to India's underprivileged groups.

This goal is reflected in the slogan of the Legal Services Authorities, which promises "Access to Justice" for all and plans to set up the Lok Adalat to provide equal chance to everyone, regardless of their social or economic backwardness.

## • **NALSA (Lok Adalat) Regulation, 2009 :-**

Lok Adalat used to operate without a set of standard procedures. Different regions followed their own rules for the TLSC, DLSA, SLSA, and the HCLSC. To fix this the Supreme Court of India instructed NALSA to create rules that could be used by all Lok Adalat across India.

So, following section 29 of the LSA Act, 1987, NALSA created the NALSA (Lok Adalat) Regulations, 2009. These rules were published in the Indian Gazette on October 20, 2009. Now, there's a standard way to plan and run Lok Adalat everywhere in India.

These regulations cover things like the structure of the Lok Adalat, how to give notice, how to assign cases, jurisdiction, how to hold the Lok Adalat, summoning records, pre-litigation problems, how parties should communicate, confidentiality, awards, panel maintenance, keeping records, compiling results, and how lawyers can appear before the Lok Adalat.

## ● INDIAN ADR AND CHALLENGES :-

In India, the employment of ADR methods efficiently protects people from difficult legal processes. The old judicial systems have not been able to satisfy the need for prompt justice. ADR methods are more desirable to parties because they give rapid relief, are a cost-effective option, adopt the optimal strategy, and are simple to apply.

Nevertheless, there are a few challenges that make ADR enforcement complex.

There are two groups of barriers that may be distinguished. They are difficulties related to people and their inherent limits. Lack of a clearly defined method, inapplicability in non-compoundable cases, connection to other issues, and participation of several parties are only a few examples of the inherent constraint.

Contrarily, human-based constraints include competing interests of attorneys and clients, lack of cooperation from the parties, moral considerations, a lack of effective communication between the parties, misunderstandings about ADR systems, the jackpot syndrome, ignorance, and corruption.

## ● JUDICIAL PERSPECTIVES ON ADR :-

The Law Commission of India noted that while there are procedural regulations in place, their proper application or even complete non-observance results in court delays. Justice is ensured by the Indian judiciary.

The peaceful settlement of conflicts is one of the essential components of society. The Indian judicial system accepts arbitration as a method of resolving disputes. Arbitration rules were included in the Indian Arbitration Act of 1940. The Courts' primary focus was on overseeing Arbitral Tribunals, and they were particularly interested in figuring out if the arbitrator had overstepped his bounds while making a decision on the issue that had been put before him for arbitration.

It was made plain by the Supreme Court that the flaws needed to be fixed: "An independent and effective judicial system is one of the core components of our Constitution. We believe it is our constitutional duty to make sure the number of cases in the backlog is lowered and efforts are made to speed up case disposition

The Law Commission of India reports' research offers light on the elements causing delays and a sizable backlog of cases before the courts. Frequent adjournments at the request of clients and solicitors are the primary contributing factor [*Salem Advocate Bar Association, Tamil Nadu v. Union of India* (UOI), (2005) SCC 344].

Access to justice and a fair trial are both important human rights. In many countries, human rights legislation stipulates that a fair trial must take place within a reasonable amount of time. However, it is a basic right according to Articles 14 and 21 of the Indian Constitution. As a result, it is essential to take into account employing alternative conflict resolution procedures to exercise the human right to access justice.

## • CONCLUSION :-

ADR is a framework for organizing and cooperating towards a shared objective of resolving conflicts using strategies and abilities that can be learned and implemented. Mechanisms for alternative dispute resolution exist in addition to and outside of the traditional legal system. The administration of justice in India is under a lot of stress due to the large number of cases that are languishing in the courts for a number of different reasons. The necessity for alternate conflict resolution methods is highlighted by the enormous amount of court proceedings, which has increased significantly in recent years and led to delays and pendency.

