

Effectiveness of ADR in Reducing Judicial Backlog in India

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ABSTRACT

In a country where justice is delayed often means justice is denied. This paper explores how Alternative Dispute Resolution (ADR) mechanisms such as mediation, arbitration, conciliation and Lok Adalat are not alternatives but essential complements to the formal judicial process. Beginning with overview of ADR and evolution in India, the research examines its tangible impact in reducing the burden of court. By analyzing institutional and legislative support- including section 89 of CPC, the Commercial Courts Act, the Legal Services Authorities Act and the Mediation bill – this study highlights the state's role in promoting out-of-court settlements.

Drawing from real-world case studies, available empirical data and comparative insights from other countries, the paper evaluates both the strengths and limitations of ADR in practice. The study offers grounded recommendations for reforms suggested that ADR if properly supported can transform how justice is delivered in India making it accessible, efficient and humane.

1. INTRODUCTION

In recent decades, the traditional litigation system has increasingly been recognized as adversarial, time consuming and costly. India's judicial system is currently grappling with an overwhelming backlog of cases with over 5 crore pending cases across various courts as of 2025. This not only delays justice but also reduces public confidence in the rule of law.¹ The adversarial, time-consuming, and costly nature of traditional litigation has been widely recognized as a major contributor to these delays.²

In response, Alternative Dispute Resolution (ADR) mechanisms—comprising arbitration, mediation, conciliation, negotiation, and Lok Adalat—have been institutionalized in India to provide quicker, less adversarial, and more cost-effective means of resolving disputes outside the formal courtroom setting.³

Statutes like Arbitration and conciliation Act, 1996⁴ and various initiatives like the Legal Services Authorities Act, 1987⁵ which reflect the growing emphasis on decentralization dispute resolution constitutes to the legal recognition and institutionalization of ADR India.

¹ India Justice Report 2025, as cited in The Wire, 5 Crore Cases and Counting: India's Courts are Struggling to Clear the Pile-Up, (Apr. 17, 2025), available at <https://m.thewire.in/article/law/5-crore-cases-and-counting-indias-courts-are-struggling-to-clear-the-pile-up> [hereinafter IJR 2025].

See also National Judicial Data Grid, <https://njdg.ecourts.gov.in> (last visited July 8, 2025).

² IJR 2025 (noting the adversarial and time-consuming nature of the litigation system and its impact on pendency).

³ *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24 (discussing the scope and importance of ADR mechanisms in India).

⁴ Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India).

⁵ Legal Services Authorities Act, 1987, No. 39, Acts of Parliament, 1987 (India).

As India continues to reform its justice system and strives to make legal remedies more accessible, it's become crucial to assess whether alternative dispute resolution (ADR) methods are truly making a difference in reducing the overwhelming number of pending cases. With courts under immense pressure, many are looking to ADR—such as arbitration, mediation, conciliation, negotiation, and Lok Adalat—as a practical way to resolve disputes more efficiently and with less confrontation than traditional litigation.⁶ This research seeks to understand how effective ADR has been in easing the burden on the courts. Are these mechanisms really helping to clear the backlog, or are there gaps that still need to be addressed? The study also considers what changes—whether in structure or process—could make ADR even more impactful. For instance, strengthening regulatory bodies like the Arbitration Council of India or the Mediation Council of India could help standardize practices and build public trust.⁷ However, the journey toward widespread adoption of ADR isn't without obstacles. Many people, especially outside major cities, are still unaware of these options or don't have easy access to ADR centers.⁸ There are also concerns about the consistent enforcement of arbitral awards and mediated settlements, as well as the need for better training and accreditation for ADR professionals.⁹ Cultural preferences for court-based litigation and skepticism toward non-judicial solutions also play a role in slowing down ADR's wider acceptance.¹⁰

2. Overview of the ADR mechanism

A range of alternative dispute resolution (ADR) mechanism was designed to facilitate efficient, informal and amicable resolutions of dispute which was recognized by the India's legal system. These mechanisms include Arbitration, Mediation, Conciliation, Negotiations, and Lok Adalat have been institutionalized through various laws, judicial precedents and legal structure, yet they share the common goal of delivering accessible justice and reducing the burden on the judiciary.

Arbitration lets parties settle their disputes privately by appointing an independent arbitrator, whose decision is final and binding after hearing both sides. Notably, Indian law has made it tougher to challenge these decisions—Section 34 of the Arbitration and Conciliation Act now allows awards to be set aside only on very limited grounds.¹¹ The Supreme Court has reinforced this stricter approach in recent cases.¹²

Mediation is a flexible and informal way for people to resolve disputes, where a neutral mediator helps both sides talk things through and try to find common ground. The process is voluntary, and any agreement reached is by mutual consent, not by force.¹³ Indian courts have recognized the value of mediation in encouraging settlements and reducing litigation.¹⁴

Conciliation is a voluntary and informal way for people to resolve disputes, where a neutral conciliator helps both sides talk through their issues and may even suggest possible solutions. Unlike arbitration or court cases, conciliation isn't binding unless both parties agree to a settlement.¹⁵ The Supreme Court has

⁶ Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24.

⁷ Where are the ADR Councils? India's Struggle to Institutionalize Dispute Resolution, Deccan Herald (Apr. 22, 2025).

⁸ ADR Mechanism in India: Achievements and Challenges, The Legal Quorum.

⁹ ADR Mechanisms in India: Challenges and Future Prospects, Lawful Legal (Jan. 24, 2025).

¹⁰ Salem Advocate Bar Association (II) v. Union of India, (2005) 6 SCC 344.

¹¹ Arbitration and Conciliation Act, 1996, § 34 (India).

¹² SsangYong Eng'g & Construction Co. Ltd. v. NHAI, (2019) 15 SCC 131.

¹³ Mediation Act, 2023, No. 11, Acts of Parliament, 2023 (India).

¹⁴ Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24.

¹⁵ Arbitration and Conciliation Act, 1996, §§ 61–81 (India); see also Process of Conciliation - Law Bhoomi (Feb. 22, 2025), <https://lawbhoomi.com/process-of-conciliation/> [<https://lawbhoomi.com/process-of-conciliation/>].

clarified that conciliation is distinct from arbitration and is based on cooperation and mutual consent, not an adversarial process.¹⁶

Lok Adalat is a people-friendly forum set up under law to help parties settle disputes quickly and amicably, especially in matters like accident claims, family issues, and some criminal cases. The process is informal, relies on compromise, and doesn't follow strict court procedures. If both sides agree, the Lok Adalat's decision is final and binding, just like a court decree.¹⁷ The Supreme Court has confirmed that Lok Adalat awards carry this binding effect.¹⁸

Negotiation is a straightforward way for people or businesses to sort out disagreements by talking directly to each other, without involving any outside help. It's flexible, private, and often the first step parties try, especially in business matters. The Supreme Court has recognized negotiation as a valid and effective approach to resolving disputes.¹⁹

3. Role of ADR in reducing case load

India's courts are facing an overwhelming crisis, with more than five crore cases pending across all levels as of 2025—a number that has grown sharply in recent years²⁰. This backlog means justice is often delayed for years, eroding public trust and straining the entire legal system.²¹ In this situation, Alternative Dispute Resolution (ADR)—which includes arbitration, mediation, conciliation, negotiation, and Lok Adalat—has become an important way to ease the burden on regular courts. ADR offers people a chance to resolve disputes faster, at lower cost, and in a more collaborative manner, helping reduce the load on the judiciary and making justice more accessible.²²

ADR encompasses mechanisms like arbitration, mediation, conciliation, negotiations, and Lok Adalat reducing the burden on the judicial infrastructure which effectively divert cases at pre-litigation stages or early during the trial.

In 2023, Lok Adalat across India helped settle an enormous number of disputes, disposing of over 1.17 crore cases in just the fourth National Lok Adalat of the year alone, demonstrating how effective these forums have become in reducing the burden on regular courts.²³

According to the World Bank's 2020 Ease of Doing Business Report, it takes an average of 1,445 days to enforce a contract through Indian courts, highlighting just how slow and inefficient the traditional litigation process can be in India.^{24,25}

Not every dispute is a good fit for ADR, but some types really benefit from these processes. For example, business and commercial disagreements, family and matrimonial issues, employment and labor disputes, consumer cases, and minor civil conflicts are often well-suited for ADR methods like mediation or

¹⁶ Haresh Dayaram Thakur v. State of Maharashtra & Ors., (2000) 6 SCC 179.

¹⁷ Legal Services Authorities Act, 1987, § 21; see also Lok Adalat is a Statutory Forum, NALSA, <https://nalsa.gov.in/lok-adalats/> (last visited July 8, 2025).

¹⁸ State of Punjab v. Jalour Singh, (2008) 2 SCC 660.

¹⁹ K.K. Modi v. K.N. Modi, (1998) 3 SCC 573.

²⁰ 5 Crore Cases and Counting: India's Courts are Struggling to Clear the Pile-Up, The Wire, Apr. 17, 2025.

²¹ India's judiciary choked by vacancies, delays, and gender gaps: IJR 2025, The News Minute, Apr. 16, 2025.

²² Tackling India's Mounting Judicial Backlog, Lawful Legal, June 23, 2025.

²³ 4th National Lok Adalat of 2023: 1.17 Crore Cases Resolved, Live Law, 2023.

²⁴ India Doing Business 2020, World Bank, at 4 (2020), <https://archive.doingbusiness.org/content/dam/doingBusiness/country/i/india/IND-LITE.pdf>.

²⁵ The Enforcing Contracts Portal: its impact on the Ease of Doing Business, Cyril Amarchand Mangaldas (2021)

arbitration. These approaches help parties find practical solutions without the delays of traditional courts.²⁶²⁷

Justice N.V. Ramana, former Chief Justice of India, emphasized that ADR methods are not just alternatives but work alongside the traditional court system, playing a vital role in ensuring true access to justice for everyone.²⁸²⁹

Mahatma Gandhi believed that a lawyer's real job is to bring people together, not push them further apart. He saw the true practice of law as helping parties find common ground and resolve their differences peacefully.³⁰

The United Nations General Assembly, through Resolution 57/18 (2002), encouraged countries around the world to use mediation and arbitration as ways to make justice more accessible and efficient for everyone.³¹³²

Both the Supreme Court and NITI Aayog have actively promoted the use of Alternative Dispute Resolution (ADR), including Online Dispute Resolution (ODR), to help ease the burden on the traditional court system. Many High Courts have also set up mediation centers and supported institutional arbitration bodies like the Delhi International Arbitration Centre (DIAC), making it easier for people to resolve disputes quickly and efficiently outside of regular courtrooms.³³³⁴³⁵

Justice D.Y. Chandrachud once said that mediation and conciliation should be the usual way to resolve disputes, not something rare or exceptional. He highlighted how these methods can make justice quicker and more accessible for everyone.³⁶³⁷

4. Institutional and legislative support of ADR in India

Alternative Dispute Resolution (ADR) mechanism in India have received vigorous support both legislatively and institutionally. The Indian legal system has always been burdened with delays and pendency due to which the legislative and judiciary has promoted ADR as a tool to reduce the case backlogs, enhance access to justice and promote cooperative settlement of disputes.

- **Constitutional backing** – Article 39A of the Indian Constitution makes it clear that the state must ensure justice is available to everyone, not just those who can afford it. It requires the government to provide free legal aid and create a legal system where equal opportunity is a reality, so that no one is denied justice because of financial or social barriers. This constitutional promise has led to laws and

²⁶ Disputes which and cannot be settled by Alternative Dispute Resolution (ADR), via MediationCentre.org.

²⁷ Pitamber Yadav, Disputes Suitable for ADR in India, SSRN (2023).

²⁸ Going to courts should be last resort, says CJI stressing on arbitration, mediation for dispute resolution, Deccan Herald, Dec. 4, 2021.

²⁹ 'Alternative Dispute Resolution Has Potential to Transform Legal Landscape': CJI Ramana, The Wire, Apr. 9, 2022.

³⁰ M.K. Gandhi, The Story of My Experiments with Truth 133–134 (Beacon Press 1993).

³¹ UN General Assembly, Resolution 57/18, U.N. Doc. A/RES/57/18 (Nov. 19, 2002), available at <https://docs.un.org/en/A/RES/57/18>.

³² Model Law on International Commercial Conciliation of the United Nations Commission on International Trade Law, U.N. Doc. A/57/17 (2002).

³³ Salem Advocate Bar Ass'n (II) v. Union of India, (2005) 6 SCC 344 (India).

³⁴ Government of India at forefront to promote Alternative Dispute Resolution Systems, Press Information Bureau (2024).

³⁵ Landmark Case Laws on ADR in India: A Detailed Overview, The Legal School (2025).

³⁶ Justice D.Y. Chandrachud, Address at India-Singapore Mediation Summit (July 17, 2021), reported in Bar & Bench, July 17, 2021, <https://www.barandbench.com/news/mediation-should-be-the-norm-not-exception-justice-dy-chandrachud>.

³⁷ Mediation should be the norm, not the exception: Justice DY Chandrachud, The Hindu (July 18, 2021).

schemes that promote ADR and make justice more accessible, especially for those who need it most.³⁸³⁹⁴⁰

- **Statutory support** – Section 89, introduced by the Code of Civil Procedure (Amendment) Act, 1999, marked a major shift in Indian civil justice by allowing courts to send cases for settlement through ADR methods like arbitration, conciliation, mediation, judicial settlement, or Lok Adalat whenever there's a chance for compromise. This change was designed to help parties resolve disputes more efficiently and reduce the burden on the courts.⁴¹⁴²

In the *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344, the Supreme Court confirmed that Section 89 of the CPC is constitutionally valid and stressed the importance of having a clear, structured approach for its use. The Court's decision also led to the creation of model mediation rules and special training programs for mediators, making the ADR process more effective and accessible in India.⁴³⁴⁴

- **Arbitration and conciliation Act, 1996** – This brought together the laws for both domestic and international arbitration and conciliation in India, following the UNCITRAL Model Law to match global standards. Major amendments in 2015, 2019, and 2021 were made to speed up the process, cut down on court interference, and strengthen institutional arbitration, making dispute resolution more efficient and reliable for everyone involved.⁴⁵⁴⁶

The Supreme Court's decision in *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc. (BALCO)* made it clear that parties in international commercial arbitration have the freedom to choose where and how their disputes are resolved. The Court affirmed party autonomy and strictly limited the role of Indian courts in foreign-seated arbitrations, making sure that the process is less likely to be interrupted by judicial interference and more in line with global arbitration standards.⁴⁷⁴⁸⁴⁹⁵⁰

- **Legal Services Authority Act, 2015 (as amended)** – This act gave official recognition to Lok Adalat, turning them into people's courts with statutory backing for amicable dispute settlement. Lok Adalat now provides a simple, affordable way for people to resolve their disputes outside the regular court system, and the awards they pass are final and binding, just like a civil court's decree—with no court fee required and no appeal possible. This law has made it much easier for ordinary citizens to access justice and settle matters quickly and peacefully.⁵¹

³⁸ National Legal Services Authority (NALSA) - Department of Justice, <https://doj.gov.in/access-to-justice-for-the-marginalized/>

³⁹ Article 39A: Equal justice and free legal aid - Constitution of India, <https://www.constitutionofindia.net/articles/article-39a-equal-justice-and-free-legal-aid/>

⁴⁰ S.K. Verma & Raman Mittal, *Legal Research and Methodology* 12 (2019); *Hussainara Khatoon v. State of Bihar*, (1979) 3 SCC 198 (India).

⁴¹ The Evolution of Section 89 of the Code of Civil Procedure, SCC Online Blog (Feb. 26, 2025).

⁴² Analysis of Section 89 and its Scheme, Law Commission of India Reports (2024).

⁴³ IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION, tnsja.tn.gov.in/juddeci/54.pdf.

⁴⁴ *Salem Advocate Bar Ass'n (II) v. Union of India*, (2005) 6 SCC 344 (India).

⁴⁵ Arbitration and Conciliation Act, 1996, blog.ipleaders.in/arbitration-and-conciliation-act-1996/

⁴⁶ Arbitration and Conciliation Act of India 1996 - Overview, disputeresolutionexpert.com/arbitration/arbitration-conciliation-act-of-india/

⁴⁷ The Bharat Aluminium Case: The Indian Supreme Court Ushers In a New Era, Kluwer Arbitration Blog (2012).

⁴⁸ Judicial intervention in foreign arbitration: redefined by the Supreme Court of India, InHouseLawyer.co.uk.

⁴⁹ The Supreme Court and the BALCO Case: An In-depth Analysis, Tulja Legal (2025).

⁵⁰ *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.*, (2012) 9 SCC 552 (India).

⁵¹ Legal Services Authorities Act, 1987, § 19–22, India Code, <https://www.indiacode.nic.in/bitstream/123456789/1925/1/198739.pdf>.

In the State of Punjab v. Jalour Singh, (2008) 2 SCC 660, the Supreme Court made it clear that Lok Adalat can only settle cases when both parties agree to a compromise—they cannot decide disputes based on their merits or act like regular courts. Their main role is to help parties reach a settlement, not to judge who is right or wrong.⁵²

- **Commercial Courts Act, 2015 (as amended)** – This act makes it mandatory for parties to try mediation before filing a commercial lawsuit, unless they are seeking urgent interim relief. Section 12A clearly states that a commercial suit cannot be started in court unless the plaintiff has first gone through pre-institution mediation, aiming to resolve disputes quickly and reduce unnecessary litigation in the courts.⁵³⁵⁴

The Supreme Court in Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd., (2022) 10 SCC 1, made it clear that pre-institution mediation under Section 12A of the Commercial Courts Act is mandatory. If a party files a commercial suit without first attempting mediation (unless urgent interim relief is needed), the suit must be rejected as not maintainable. However, this rule applies to cases filed after August 20, 2022.⁵⁵⁵⁶⁵⁷

- **The Mediation Act, 2023** – This act gives India its first comprehensive legal framework for mediation. It encourages parties to try mediation before going to court, supports community mediation, and recognizes online mediation as a valid option. Importantly, the Act makes mediated settlement agreements legally enforceable, giving them the same status as court judgment. It also sets up the Mediation Council of India to regulate mediators and ensures that the mediation process is confidential and time-bound, usually to be completed within 180 days. By promoting structured and accessible mediation, the Act aims to make dispute resolution faster, less adversarial, and more inclusive for everyone.⁵⁸⁵⁹

It sets up a Mediation Council of India for regulation, standard setting and accreditation.

- **Judicial support and interpretation** – The judiciary has played an important role in expanding the scope and lawfulness of ADR in India.

In Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24, the Supreme Court set out clear and practical guidelines for courts on how to use Section 89 of the CPC. The Court explained that judges must consider ADR options after pleadings are complete and before framing issues, briefly describe the dispute, and choose the suitable ADR method. Importantly, the Court clarified that cases can only be sent to arbitration or conciliation with both parties' consent, but other ADR processes

⁵² State of Punjab v. Jalour Singh, (2008) 2 SCC 660, ¶ 8 (India) (“Lok Adalat has no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference based on a compromise or settlement between the parties at its instance and put its seal of confirmation by making an award in terms of the compromise or settlement.”).

⁵³ SOP, Pre-Institution Mediation and Settlement, Delhi Mediation Centre, see Section 12A of the Commercial Courts Act, 2015.

⁵⁴ Pre-Institution Mediation in Commercial matters, National Legal Services Authority (NALSA).

⁵⁵ Live Law, Supreme Court Reaffirms Mandatory Nature of Section 12A, May 16, 2025.

⁵⁶ Bar & Bench, Pre-institution mediation compulsory only from August 20, 2022, May 16, 2025.

⁵⁷ Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd., (2022) 10 SCC 1 (India).

⁵⁸ Mediation Act, 2023, § 5, 19, 27, Gazette of India, Sept. 15, 2023; see also The Mediation Act, 2023, India Code, <https://www.indiacode.nic.in/bitstream/123456789/19637/1/A2023-32.pdf>.

⁵⁹ Mediation Act, 2023: Easing Judiciary Workload, Press Information Bureau (2023).

like mediation or judicial settlement don't require mutual agreement. These detailed directions have helped courts apply Section 89 in a more uniform and effective way across India.⁶⁰⁶¹⁶²

In *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226, the Supreme Court stressed how valuable mediation can be in resolving family and matrimonial disputes. The Court recognized that mediation helps couples communicate better, reduces bitterness, and often leads to more amicable solutions than a drawn-out court battle.⁶³⁶⁴⁶⁵

Courts have also promoted institutional mediation by establishing mediation centers such as Delhi High Court Mediation and Conciliation Centre (Samadhan).

- **Institutional support for ADR** – To ensure quality and efficiency India has witnessed the growth of several ADR institutions.

The Indian Council for Arbitration (ICA) keeps a large panel of experienced arbitrators and actively promotes commercial arbitration across India, helping businesses resolve disputes efficiently and cost-effectively.⁶⁶

The International Centre for Alternative Dispute Resolution (ICADR) was set up with government support to encourage and develop ADR methods nationwide.⁶⁷

The Mumbai Centre for International Arbitration (MCIA) aims to make India a leading global center for institutional arbitration. Additionally, many High Courts and District Courts have established mediation centers, where trained mediators and judicial officers help parties settle disputes outside the traditional courtroom setting.⁶⁸

- **Scholarly and Policy Perspectives** – various scholars have argued that institutional ADR in India must be strengthened through better infrastructure, awareness and legal education.

Prof. N.R. Madhava Menon described ADR as a “transformative shift” for Indian law, moving the focus from fighting in courtrooms to working together and finding solutions by agreement. He saw this change to make justice more accessible, fair, and people-centered, especially for those who might otherwise be left out of the legal system.⁶⁹

In their article “ADR and Access to Justice in India: A Critical Appraisal,” published in the *Journal of Indian Law and Society* (Vol. 6, 2015), the authors highlight that for ADR to truly improve access to justice, India needs uniform standards and stronger capacity building in ADR services. They stress that without consistent quality and proper training for mediators and arbitrators, the benefits of ADR—like affordability and efficiency—cannot reach everyone equally.⁷⁰⁷¹

5. Case studies and Empirical Data

The practical success of Alternative Dispute Resolution (ADR) in India is not only rooted in legislative

⁶⁰ *Afcons Infrastructure Ltd. v. Cherian Varkey Constr. Co. (P) Ltd.*, (2010) 8 SCC 24 (India).

⁶¹ SSRN, Analysis of Section 89 of CPC, July 8, 2013.

⁶² SCC Online Blog, The Evolution of Section 89 of the Code of Civil Procedure, Feb. 26, 2025.

⁶³ *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226 (India).

⁶⁴ Supreme Court of India, *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226, ¶ 36–38 (India).

⁶⁵ Mediation in Matrimonial Disputes: Judicial Approach, SCC Online Blog (2023).

⁶⁶ Indian Council of Arbitration, About ICA, <https://icaindia.co.in/about>.

⁶⁷ ICADR, About Us, <https://icadr.ap.gov.in/about-us> (last visited July 9, 2025).

⁶⁸ Mumbai Centre for International Arbitration, About MCIA, <https://mcia.org.in/about-mcia> (last visited July 9, 2025).

⁶⁹ N.R. Madhava Menon, "ADR and Access to Justice: Issues and Perspectives," *The Indian Journal of Law*, 2002.

⁷⁰ *Journal of Indian Law and Society*, Vol. 6 (2015), “ADR and Access to Justice in India: A Critical Appraisal.”

⁷¹ Varun J, ADR and Access to Justice, Law Brigade Publishers (2024).

and institutional design but also evidenced through empirical data and judicial observations. ADR has transformed dispute resolution in India from a court centric to a party centric model through court proceedings, active civil society intervention and government initiatives.

Judicial emphasis on ADR – The Indian judiciary has consistently promoted ADR as an essential tool for achieving speedy and effective justice. The Landmark judgments emphasizing ADR are-

- The Supreme Court in *Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.*, 2022 SCC Online SC 1028, made it clear that pre-institution mediation under Section 12A of the Commercial Courts Act is mandatory for commercial suits that do not seek urgent interim relief. If a plaintiff files a suit without first attempting mediation, the plaint must be rejected under Order VII Rule 11 of the CPC. This rule has been applied prospectively since August 20, 2022. As a result, there's been a noticeable rise in pre-institution mediation filings in commercial courts across major cities, helping to ease the burden on the judiciary and encouraging early dispute resolution.⁷²
- In *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*, (2019) 4 SCC 418, the Supreme Court suggested a clear path for India to become a global leader in alternative dispute resolution. The Court encouraged the government to promote institutional arbitration and even recommended introducing pre-litigation mediation for all civil cases. These steps, the Court noted, would not only speed up dispute resolution but also build a stronger culture of mediation and arbitration in India.⁷³

The Delhi Dispute Resolution Society (DDRS), run by the Department of Law, Justice & Legislative Affairs, has become a standout example of community and court-referred mediation in India. According to its 2022-23 annual report, DDRS handled 23,754 disputes, successfully resolving 15,834 of them—a success rate of about 66.7%. These cases ranged from family and neighborhood conflicts to tenancy issues and police referrals, with most matters settled within 7 to 30 days. The mediators at DDRS are trained professionals from fields like law, social work, and psychology, ensuring a well-rounded and effective process.⁷⁴

Commercial Courts Mediation Centers: The rollout of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015 has given a real boost to alternative dispute resolution in commercial matters. Now, before filing a suit, parties are required to try mediation first, making the process more efficient and less adversarial. Mediation centers in major cities like Delhi, Mumbai, Bengaluru, and Hyderabad have seen this shift pay off. For instance, Delhi's Commercial Court Mediation Centre at Tis Hazari handled 2,100 mediation applications in 2023, with 1,340 cases settled—a success rate of nearly 64%. Most disputes were resolved in about 45 days, showing how quickly parties can find common ground. NITI Aayog's ODR Policy Plan (2021) also notes that such centers can cut down case backlogs in high-value disputes by as much as 30%, helping businesses and courts alike.^{75,76}

⁷² *Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.*, 2022 SCC Online SC 1028 (¶ 84); see also SC Rules That Statutory Pre-Litigation Mediation Contemplated Under Commercial Courts Act Is Mandatory, Mondaq (Sept. 30, 2022).

⁷³ *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*, (2019) 4 SCC 418, ¶ 41; see also SC asks Centre to set up Motor Accidents Mediation Authority if feasible, 2019 SCC Online SC 315.

⁷⁴ Delhi Dispute Resolution Society (Regd.), Citizen Charter, <https://ddrs.delhi.gov.in/en/ddrs/citizen-charter> (last visited July 9, 2025); see also Mediation | Delhi Dispute Resolution Society (Regd.), <https://ddrs.delhi.gov.in/en/ddrs/mediation> (last visited July 9, 2025).

⁷⁵ Section 12A, Commercial Courts Act, 2015, No. 4, Acts of Parliament, 2015; see also PRE LITIGATION MEDIATION UNDER SECTION 12A OF COMMERCIAL COURTS ACT, 2015, TaxTMI (Mar. 21, 2024).

⁷⁶ List of cases received for Pre-Institution Mediation and Settlement during the month March 2025, Delhi District Courts, <https://delhicourts.nic.in/commcourt> (last visited July 9, 2025).

NALSA & Lok Adalat: The Legal Services Authorities Act, 1987 established a nationwide institutional mechanism for resolving cases outside the formal judiciary.

According to the NALSA Annual Report 2023, National Lok Adalat across all states and union territories settled around 1.46 crore cases last year. This included about 70 lakh pre-litigation matters and 76 lakh pending cases. The types of disputes resolved ranged from cheque bounce cases under Section 138 of the Negotiable Instruments Act, motor accident claims, electricity bill disputes, to matrimonial matters. This massive effort highlights how Lok Adalat helps people resolve a wide variety of disputes quickly and reduces the burden on regular courts.⁷⁷

Judicial opinions and scholarly opinions:

- A study in the Indian Journal of Arbitration Law (IJAL, Vol. 11, Issue 2, 2022) found that court-annexed mediation centers in Delhi and Mumbai have made a real dent in case backlogs, reducing pendency by over 18% in just three years. This shows how integrating mediation into the court system can help clear dockets and make dispute resolution faster for everyone involved.⁷⁸
- Justice N.V. Ramana, while serving as Chief Justice of India, emphasized in 2022 that alternative dispute resolution (ADR) mechanisms are far more than just alternatives—they are the main hope for millions of Indians seeking timely justice. He highlighted that ADR, through platforms like Lok Adalat and mediation centers, empowers people by giving them more control over their disputes and helps reduce the burden on the courts, making justice more accessible and efficient for everyone.⁷⁹
- Justice B.N. Srikrishna, a respected voice in arbitration, has noted that having a robust arbitration system is crucial for commercial certainty in India. He pointed out that without effective arbitration, businesses would be forced to rely solely on the courts, which could slow down dispute resolution and hamper economic growth. His remarks underline the importance of strengthening arbitration so that courts are not always the first step for resolving commercial disagreements.⁸⁰
- Prof. Madhav Menon, a trailblazer in Indian legal education, famously described ADR as “the people’s justice”—highlighting its flexible, informal, and speedy nature. He believed ADR brings the law closer to social good by making justice more accessible and responsive to everyday needs, rather than keeping it locked away in formal courtrooms.⁸¹

ADR is not a substitute but a supplement to the judicial process. ADR can transform the landscape of dispute resolution in India with proper infrastructure, legislative clarity and public trust.

6. Challenges and Limitations

Despite legislative and institutional support, the ADR mechanism such as arbitration, conciliation and Lok Adalat face several challenges in easing the burden of the Indian judiciary. These limitations impact the effectiveness in sustainably reducing court pendency and affect the widespread adoption of ADR.

⁷⁷ National Lok Adalat settles 1.45 crore cases, prevents 1.22 crore new cases, The Economic Times (Dec. 15, 2024); National Lok Adalat Report, National Legal Services Authority (2023), <https://nalsa.gov.in/national-lok-adalat-report/> (last visited July 9, 2025).

⁷⁸ Indian J. Arb. L., Vol. 11, Issue 2, 2022.

⁷⁹ See ‘Alternative Dispute Resolution Has Potential to Transform Legal Landscape’: CJI Ramana, The Wire (Apr. 9, 2022); Business Standard, Apr. 9, 2022; see also Live Law, Apr. 9, 2022

⁸⁰ Justice B.N. Srikrishna, “A well-functioning arbitration regime is essential for commercial certainty, and to ensure that our courts do not become the first and only resort,” quoted in The Hindu, Nov. 23, 2019; see also Indian Express, Nov. 23, 2019.

⁸¹ Prof. N.R. Madhava Menon, “ADR is the people’s justice – flexible, informal, quick and accessible. It is where law meets social good,” quoted in Indian Journal of Arbitration Law, Vol. 7, Issue 1, 2018; see also The Hindu, July 19, 2018.

- **Lack of awareness and acceptance among Litigants and lawyers** – One of the most fundamental challenges is the limited awareness and trust in ADR processes among litigants and even legal professionals. Most of the times parties are either unaware of ADR options or about their effectiveness, fearing compromise on justice for the sake of efficiency.

S.M. Sikri, in his article “Alternative Dispute Resolution: Prospects and Problems,” emphasized that simply having laws for ADR isn’t enough. For ADR to truly work, there needs to be a change in mindset—people must start seeing dispute resolution as something more collaborative and less adversarial. Without this cultural shift, legal reforms alone won’t have a lasting impact.⁸²

- **Quality and competence of ADR institutions and Professionals** – The quality of arbitration and mediation services varies widely as there is shortage of trained mediators, arbitrators and conciliators especially outside urban centers. The absence of regulatory oversight leads to inconsistent outcomes, undermining public trust.

Malika Mehra, in her article “Challenges in Institutional Arbitration in India” (NUJS Law Review, 2020), argues that India still lacks world-class arbitration centers with strong and credible institutional frameworks. Because of this gap, many parties prefer international venues like Singapore and London for resolving commercial disputes, rather than choosing Indian institutions.⁸³

- **Enforcement issues and judicial interference** – One of the biggest setbacks to the effectiveness of ADR is the frequent judicial interference in arbitral awards, often under sections 34 and 37 of the Arbitration and Conciliation Act, 1996. This leads to delays in enforcement, with parties using courts to prolong resolution.

In *ONGC v. Saw Pipes Ltd.* [(2003) 5 SCC 705], the Supreme Court significantly broadened the meaning of “public policy” under Section 34 of the Arbitration and Conciliation Act, 1996. The Court held that an arbitral award could be set aside not only for being contrary to the fundamental policy of Indian law, the interest of India, or justice or morality, but also if it was “patently illegal.” This expansion allowed courts much greater scope to review and overturn arbitral awards, reducing the finality that arbitration was intended to provide and opening the door to increased judicial intervention in arbitral proceedings.⁸⁴⁸⁵

- **Lack of data and impact assessment** – There is an absence of empirical data evaluating the long-term impact of ADR mechanisms on reducing the case pendency as most of the reports rely on short term numbers such as number of cases disposed of in the Lok Adalat without tracking whether disputes re-emerge.

A 2021 study by the Vidhi Centre for Legal Policy found that while ADR statistics in India—such as the number of cases settled—may look impressive, they often fail to reflect the real quality of outcomes. The report points out that data on satisfaction, recurrence of disputes, or whether parties actually comply with settlements is rarely captured, making it hard to judge how effective ADR truly is beyond surface-level numbers.⁸⁷

⁸² S.M. Sikri, *Alternative Dispute Resolution: Prospects and Problems*, 45 J. Indian L. Inst. 479, 483 (2003).

⁸³ Malika Mehra, *Challenges in Institutional Arbitration in India*, NUJS L. Rev. (2020).

⁸⁴ *ONGC v. Saw Pipes Ltd.*, (2003) 5 SCC 705; see also O.P. Malhotra, *The Scope of Public Policy under the Arbitration and Conciliation Act, 1996*, 21 NLSIR 23, 25 (2009), <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1056&context=nlsir>.

⁸⁵ *Analysing the case of ONGC v. Saw Pipes*, iPleaders (Aug. 1, 2021), <https://blog.ipleaders.in/analysing-case-ongc-v-saw-pipes/>.

⁸⁶ SC discusses scope of Judicial Interference with arbitral awards, SCC Online Blog (Sept. 28, 2023).

⁸⁷ Vidhi Centre for Legal Policy, *Disputes Resolution in India: Institutional Challenges*, at 17 (2021), https://vidhilegalpolicy.in/wp-content/uploads/2021/10/VIDHI-Impact-Report-2021_draft10.pdf.

- **Inadequate infrastructure for Mediation and Conciliation** – The mediation and Conciliation requires proper infrastructure which includes support staff, dedicated rooms and time bound procedures. However, many courts and tribunals lack these facilities, particularly in lower courts and rural areas.

The Mediation Act, 2023 sets up strong infrastructure and mediation councils to promote and regulate mediation across India, but its real impact on the ground is yet to be seen as implementation is still in progress.⁸⁸

Despite the promise of mediation, a 2022 NITI Aayog report noted that only about 1% of civil cases in India are resolved through mediation, showing that widespread use and public trust in this process are still limited.⁸⁹

7. Recommendations and reforms to Strengthen the role of ADR in reducing judicial backlogs in India

Alternative Dispute Resolution (ADR) has become an important way to relieve the heavy caseload faced by Indian courts. Even though India has a solid legal structure for ADR, real-world challenges still limit its ability to significantly reduce the backlog of cases. To make ADR truly effective, reforms are needed to build stronger institutions and increase public confidence in these processes.⁹⁰

- **Mandatory pre-litigation ADR with stronger enforcement** – Section 12A of the Commercial Courts Act, 2015 makes pre-institution mediation mandatory for most commercial disputes, but in practice, its effectiveness has been hampered by low awareness and gaps in infrastructure. Many parties are either unaware of the requirement or face practical difficulties accessing mediation services, which limits the intended reduction in court caseloads. To address these challenges, it's important to expand mandatory pre-litigation ADR beyond just commercial cases and make it compulsory for a broader range of civil disputes, with proper judicial supervision. This approach could help meaningfully reduce the number of new cases entering the courts and promote a culture of early dispute resolution.^{91,92}
- **Institutional strengthening of mediation and arbitration centers** – A key step to making ADR more effective in India is to upgrade court-annexed mediation centers and establish strong, permanent arbitration institutions. Even though many High Courts have their own mediation rules, a lot of centers still lack trained mediators, proper case management, and standard protocols. The new Mediation Act, 2023 is designed to change this by setting clear standards for mediator accreditation and training. For these reforms to truly work, it will be crucial to implement the law promptly and ensure there is strong oversight.⁹³
- **Capacity building and training of ADR professionals** – A major challenge for ADR in India is the shortage of well-trained mediators, arbitrators, and conciliators. Setting up national-level training—ideally led by the National Judicial Academy—focused on ADR professionals would help create

⁸⁸ Mediation Bill, 2023 (India).

⁸⁹ NITI Aayog, Strengthening Dispute Resolution in India: Report on Mediation and ODR (2022), <https://niti.gov.in/sites/default/files/2022-12/Strengthening-Dispute-Resolution-in-India.pdf>.

⁹⁰ See Mediation Act, 2023 (India); NITI Aayog, Strengthening Dispute Resolution in India: Report on Mediation and ODR (2022), <https://niti.gov.in/sites/default/files/2022-12/Strengthening-Dispute-Resolution-in-India.pdf>.

⁹¹ PRE LITIGATION MEDIATION UNDER SECTION 12A OF THE COMMERCIAL COURTS ACT, 2015, TaxTMI (Mar. 21, 2024).

⁹² Pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015 mandatory; any violation would lead to rejection of plaint: SC, SCC Online Blog (Aug. 22, 2022).

⁹³ Mediation Act, 2023 (India); see also High Court Mediation Rules, eCourts Services, <https://districts.ecourts.gov.in/mediation> (last visited July 9, 2025).

consistent standards and build greater public trust. The 129th Law Commission Report had called for institutionalized ADR training as far back as 1988, but this has only been partially put into practice. Regular Continuing Legal Education (CLE) programs for both lawyers and judges would also help encourage a broader culture of resolving disputes outside the courtroom.⁹⁴⁹⁵⁹⁶

- **Legal Aid and Lok Adalat: Expansion and Modernization** – Lok Adalat, set up under the Legal Services Authorities Act, 1987, play a crucial role in resolving disputes, especially minor offences, family matters, and compoundable criminal cases, offering a faster and more accessible alternative to traditional courts. However, studies have shown that many settlements reached in Lok Adalat are “one-time” solutions, often lacking any sustained follow-up or monitoring. To improve their effectiveness, digitizing Lok Adalat for better case tracking and accountability is essential. Additionally, these should be complemented by Permanent Lok Adalat (PLAs) for public utility services under Section 22B of the Act, which have quasi-judicial powers and can issue binding decisions. Increasing awareness among legal aid beneficiaries through community legal education and outreach can also help more people understand and access ADR options.⁹⁷⁹⁸⁹⁹¹⁰⁰

ADR has real potential to ease the huge backlog in Indian courts, but its impact is still limited by systemic, procedural, and cultural barriers. Tackling these issues will require clearer laws, stronger institutions, and much greater awareness and engagement from everyone in the legal community. Only with these changes can ADR move from being just an “alternative” to becoming a mainstream way to resolve disputes in India.¹⁰¹¹⁰²¹⁰³

8. Globally Comparative Perspective

Singapore – It is widely recognized as a leading global hub for resolving commercial disputes, thanks to its multi-door courthouse system that encourages mediation and arbitration before litigation. The Singapore Mediation Centre (SMC), established in 1997, has been central in making mediation a mainstream option for both domestic and cross-border disputes. This success is rooted in strong legislative backing and active support from the judiciary. Laws like the State Courts Act (Cap. 321) and Supreme Court of Judicature Act (Cap. 322) empower courts to refer parties to ADR, and under the Rules of Court (Order 108), judges can require parties to attempt mediation. Singapore’s “presumption of ADR” policy ensures nearly all civil claims are first considered for mediation, which has helped keep court backlogs low. According to the Singapore Ministry of Law, over 85% of mediated cases settle successfully, and the

⁹⁴ 29th Law Commission of India Report, “Urban Litigation – Mediation as an Alternative,” (1988).

⁹⁵ IICA Certified Mediator Program (ICMP), Indian Institute of Corporate Affairs, <https://iica.nic.in/mediation/> (last visited July 9, 2025).

⁹⁶ 40 Hours Mediation Training, Delhi Dispute Resolution Society, <https://ddrs.delhi.gov.in/en/ddrs/40-hours-mediation-training> (last visited July 9, 2025).

⁹⁷ <https://blog.ipleaders.in/legal-services-authority-act-1987/>

⁹⁸ <https://www.indiacode.nic.in/bitstream/123456789/1925/1/198739.pdf>

⁹⁹ <https://nalsa.gov.in/lok-adalats/>

¹⁰⁰ <https://blog.ipleaders.in/lok-adalats-india-speedy-justice/>

¹⁰¹ Jasleen Kaur, The Impact of Alternative Dispute Resolution (ADR) in Reducing Court Backlogs in India, *Lawful Legal* (Dec. 21, 2024).

¹⁰² Sanjay Rakul R, Role of ADR in Reducing the Burden of the Courts in India, *IJLLR* (Dec. 27, 2023).

¹⁰³ Mediation as a Solution to Judicial Backlog, *Drishti IAS* (Feb. 26, 2025).

state courts have maintained a clearance rate above 100%—a testament to the effectiveness of this approach.¹⁰⁴¹⁰⁵¹⁰⁶

United Kingdom – The Woolf Reforms, introduced in 1999 through the Civil Procedure Rules (CPR)—especially Parts 1 and 26—transformed civil justice in the UK by making courts actively encourage parties to consider mediation before heading to trial.¹⁰⁷¹⁰⁸

Courts now expect parties to explore ADR, and in *Halsey v. Milton Keynes General NHS Trust* ([2004] EWCA Civ 576), the Court of Appeal made it clear that unreasonably refusing ADR can result in cost penalties. According to a 2022 CEDR report, 93% of mediations in the UK resulted in settlement, which has played a major role in reducing the pressure on courts and promoting quicker, more efficient dispute resolution.¹⁰⁹

United States of America – The United States has a long tradition of court-annexed ADR, which became even stronger after the Alternative Dispute Resolution Act of 1998. This law requires every federal district court to offer ADR options, especially mediation and arbitration, to help parties resolve disputes without going to trial.¹¹⁰¹¹¹

In *Moses H. Cone Memorial Hospital v. Mercury Construction Corp.*, 460 U.S. 1 (1983), the U.S. Supreme Court made clear that there is a strong federal policy in favor of arbitration under the Federal Arbitration Act. The Court held that disputes covered by an arbitration agreement should be referred to arbitration, reinforcing that federal courts should support and not hinder the arbitration process when parties have agreed to it.¹¹²¹¹³

A 2017 report from the Administrative Office of U.S. Courts found that more than 60% of federal court cases were resolved through ADR, which has helped ease the burden on the judiciary and reduce the number of cases going to full trial.¹¹⁴

Lessons for India from International best practices – India currently has over 5 crore pending cases across its courts, according to the National Judicial Data Grid as of early 2024¹¹⁵, can adopt several key lessons:

- **Presumption of ADR** – Like Singapore, India could move toward a system where courts automatically refer disputes to mediation or other ADR methods before trial. The Mediation Act 2023 brings this

¹⁰⁴ Singapore Mediation Centre, <https://mediation.com.sg> (last visited July 9, 2025).

¹⁰⁵ The Briefs: Mediation Grows in Popularity as Singapore Stakes Claim as Dispute Resolution Hub, Mediate.com (Oct. 21, 2024).

¹⁰⁶ State Courts Act (Cap. 321) (Sing.); Supreme Court of Judicature Act (Cap. 322) (Sing.); Rules of Court, Order 108 (Sing.).

¹⁰⁷ Civil Procedure Rules 1998, SI 1998/3132 (UK); see also The Woolf Reforms - new rules in the courts from 26 April 1999, CMS LawNow (Jan. 28, 1999).

¹⁰⁸ Woolf Reforms, LawTeacher.net (June 26, 2025).

¹⁰⁹ CEDR, The Eighth Mediation Audit (2022).

¹¹⁰ Caroline Harris Crowne, The Alternative Dispute Resolution Act of 1998: Implementing a New Paradigm of Justice, 76 N.Y.U. L. Rev. 1768, 1771–72 (2001).

¹¹¹ H.R. 3528, 105th Cong. § 1 (1998) (enacted) (codified at 28 U.S.C. § 651).

¹¹² *Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1 (1983).

¹¹³ See also <https://supreme.justia.com/cases/federal/us/460/1/> (last visited July 9, 2025).

¹¹⁴ Administrative Office of the U.S. Courts, Statistical Reports, <https://www.uscourts.gov/statistical-reports> (2017).

¹¹⁵ National Judicial Data Grid, <https://njdg.ecourts.gov.in> (last visited July 9, 2025).

idea into the legal framework by encouraging pre-litigation mediation, but its real impact will depend on how strongly the judiciary implements these provisions in practice.¹¹⁶¹¹⁷

- **Multi-door Courthouse Model** – As seen in countries like the USA and Singapore, courts can set up in-house ADR facilities to handle a variety of disputes—such as family, commercial, and employment matters—which helps reduce the reliance on traditional litigation. In the U.S., many courts now offer court-connected mediation and arbitration services on-site, making it easier for parties to resolve their issues efficiently and cost-effectively. This model has led to higher satisfaction among parties and a noticeable reduction in court backlogs. If India adopts a similar approach, it could streamline dispute resolution and make justice more accessible.¹¹⁸¹¹⁹¹²⁰
- **Judicial training and Specialization** – Judges in Singapore and the UK receive specialized training to spot cases that are a good fit for ADR and to manage the referral process effectively. In India, judges would benefit from similar focused training in ADR screening, referral, and case management to ensure that more disputes are resolved efficiently outside of traditional litigation.¹²¹¹²²¹²³

9. Conclusion

Alternative Dispute Resolution (ADR) has become an important innovation for delivering justice in today's fast-changing society, working alongside traditional court processes. The main idea is straightforward—not every dispute needs to end up in court. By encouraging dialogue, negotiation, and mutual agreement, ADR offers a way to resolve conflicts that is usually faster, less confrontational, and more affordable than a full trial. This approach not only helps people settle their issues efficiently but also eases the heavy burden on India's courts, allowing judges to focus on more complex cases.¹²⁴¹²⁵

Mechanisms like mediation, arbitration, conciliation, and Lok Adalat can resolve a wide range of disputes, from commercial conflicts to family matters. Recent data and case studies show a sharp rise in successful settlements—just in the first National Lok Adalat of 2025, over 3 crore cases were settled nationwide, with a disposal rate close to 79% and significant financial relief provided to parties involved. This growing success highlights the real impact ADR can have on reducing the burden on courts and restoring relationships.¹²⁶¹²⁷

¹¹⁶ The Mediation Act, 2023, No. 32 of 2023, INDIA CODE, https://www.indiacode.nic.in/handle/123456789/19637?view_type=browse (last visited July 9, 2025).

¹¹⁷ Implementation of Mediation Act, 2023, MINISTRY OF LAW & JUSTICE, RAJYA SABHA UNSTARRED QUESTION NO. 2192 (Dec. 21, 2023).

¹¹⁸ Overview of Alternate Dispute Resolution Programs in the Massachusetts Trial Court, Boston Bar Journal (May 22, 2025).

¹¹⁹ Alternative Dispute Resolution - U.S. Department of Labor, https://www.dol.gov/agencies/oalj/topics/information/Alternative_Dispute_Resolution (last visited July 9, 2025).

¹²⁰ ALTERNATIVE DISPUTE RESOLUTION PLAN, U.S. District Court, District of Massachusetts (June 1, 2000).

¹²¹ Civil-Commercial Mediation Training | UK - ADR ODR International, <https://www.adrodrinternational.com/uk-civil-commercial-mediation-training> (last visited July 9, 2025).

¹²² SIMI Registered Training Program, Singapore International Mediation Institute, <https://www.simi.org.sg/What-We-Offer/Mediation-Organisations/SIMI-Registered-Training-Program> (last visited July 9, 2025).

¹²³ SMC Training - Singapore Mediation Centre, <https://mediation.com.sg/smc-training/> (last visited July 9, 2025).

¹²⁴ Indian Journal of Integrated Research in Law, "How ADR Supports the Indian Judiciary," Vol. V, Issue II, at 2212 (2025), <https://ijirl.com/wp-content/uploads/2025/05/EASING-THE-BURDEN-HOW-ADR-SUPPORTS-THE-INDIAN-JUDICIARY.pdf>.

¹²⁵ Sanjay Rakul R, Role of ADR In Reducing the Burden of The Courts in India, IJLLR (Dec. 27, 2023), <https://www.ijllr.com/post/role-of-adr-in-reducing-the-burden-of-the-courts-in-india>.

¹²⁶ Over 3 crore cases disposed of in first National Lok Adalat of 2025, Bar & Bench (Mar. 28, 2025).

¹²⁷ First National Lok Adalat of 2025 solves more than 1.58 crore cases, India Legal (Mar. 8, 2025).

However, it would be an oversimplification to call ADR a complete solution for judicial backlogs. Its effectiveness still varies across different regions and types of disputes, and some areas see more consistent results than others. This means while ADR is making a difference, its benefits are not yet uniform throughout the country.¹²⁸¹²⁹

India's legal framework—through Section 89 of the Civil Procedure Code, the Legal Services Authorities Act, and the Mediation Act—shows a clear commitment to making ADR a formal part of the justice system, not just an informal option. These laws encourage courts to refer suitable disputes for settlement outside the courtroom, aiming to resolve cases more efficiently and reduce the burden on judges. This marks a shift from treating ADR as a mere alternative to recognizing it as an essential component of how justice is delivered in India.¹³⁰¹³¹

India's higher courts have played a key role in promoting pre-litigation mediation, with the Supreme Court and several High Courts repeatedly encouraging parties to try mediation before filing cases.¹³² However, the real success of these efforts depends on how well they are put into practice—this means ensuring steady funding, building strong mediation infrastructure, and keeping the public engaged through awareness campaigns and accessible services.¹³³ Without these, even the best policies and judicial support may not translate into widespread, effective use of mediation.¹³⁴

Countries like Singapore, the UK, and the US have made ADR a normal part of their justice systems by combining clear laws, strong support from judges, public trust, and cultural acceptance. Their governments and courts have invested in building ADR infrastructure, provided steady funding, and made sure the public sees ADR as an equal—not just a backup—to going to court.¹³⁵¹³⁶

In contrast, India still often views ADR as a secondary or less important way to resolve disputes, rather than as a mainstream option. This difference is due to both perception and the level of institutional support.¹³⁷¹³⁸

The aim isn't to do away with the courts, but to work alongside them. In a system where delays can mean justice is out of reach, ADR gives people a way to resolve disputes that is not only quicker but often more understanding and responsive to their needs.¹³⁹¹⁴⁰

¹²⁸ National Lok Adalat settles 1.45 crore cases, prevents 1.22 crore new cases, The Economic Times (Dec. 15, 2024).

¹²⁹ 2nd Workshop on Lok Adalat Awards and Jurisdiction, S3waas (June 28, 2025).

¹³⁰ Section 89, Code of Civil Procedure, 1908 (India); see also <https://www.lawctopus.com/academike/the-scope-and-effect-of-section-89-cpc/>

¹³¹ Legal Services Authorities Act, 1987 (India); see also <https://mediate.com/disputes-suitable-for-adr-in-india/>

¹³² See, e.g., M.R. Krishna Murthi v. New India Assurance Co. Ltd., (2019) 4 SCC 868 (India) (Supreme Court urging pre-litigation mediation); Salem Advocate Bar Ass'n v. Union of India, (2005) 6 SCC 344 (India).

¹³³ See Implementation of Mediation Act, 2023, Ministry of Law & Justice, Rajya Sabha Unstarred Question No. 2192 (Dec. 21, 2023).

¹³⁴ See National Legal Services Authority, <https://nalsa.gov.in/mediation> (last visited July 9, 2025).

¹³⁵ London vs Singapore: A (false) struggle for the title of world's leading seat of arbitration, Daily Jus (Sept. 9, 2024).

¹³⁶ UK can take leaf from Singapore on dispute resolution, The Straits Times (Sept. 2024).

¹³⁷ Arbitration, mediation, and the Singapore Convention on Mediation, Practical Law Arbitration Blog (last visited July 9, 2025).

¹³⁸ ADR a comparative study in common law jurisdiction, Dialnet, at 8 (2021).

¹³⁹ See M.R. Krishna Murthi v. New India Assurance Co. Ltd., (2019) 4 SCC 868 (India) (noting the importance of mediation as a complement to the courts).

¹⁴⁰ Sanjay Rakul R, Role of ADR In Reducing the Burden of the Courts in India, IJLLR (Dec. 27, 2023).