



FACULTY OF JURIDICAL SCIENCES

COURSE: B.B.A.LL.B.

Semester: VIII

SUBJECT: Alternative Dispute

Resolution

SUBJECT CODE: BBL803

NAME OF FACULTY: Mohammad Aqib

Lecture-2



LECTURE 2: ADR: Importance, Advantages and Disadvantages

Importance of ADR:-

- To deal with the situation of pendency of cases in courts of India, ADR plays a significant role in India by its diverse techniques.
- Alternative Dispute Resolution mechanism provides scientifically developed techniques to Indian judiciary which helps in reducing the burden on the courts.
- ADR provides various modes of settlement including, arbitration, conciliation, mediation, negotiation and lok Adalat. Here, negotiation means self-counseling between the parties to resolve their dispute but it doesn't have any statutory recognition in India.
- ADR is also founded on such fundamental rights, article 14 and 21 which deals with equality before law and right to life and personal liberty respectively.
- ADR's motive is to provide social-economic and political justice and maintain integrity in the society enshrined in the preamble.
- ADR also strives to achieve equal justice and free legal aid provided under Article 39-A relating to Directive Principle of State Policy (DPSP).
- ADR has proven successful in clearing the backlog of cases in various levels of the judiciary.
- Lok Adalats alone have disposed more than 50 lakh cases every year on average in the last three years.
- But there seems to be a lack of awareness about the availability of these mechanisms.

Advantages of ADR:-

- Less Time Consuming: people resolve their dispute in short period as compared to courts.
- Cost effective method: it saves a lot of money if one undergoes litigation process.
- It is free from technicalities of courts; here informal ways are applied in resolving dispute.
- People are free to express themselves without any fear of court of law. They can reveal the true facts without disclosing it to any court.
- Efficient way: there are always chances of restoring relationship back as parties discuss their issues together on the same platform.
- It prevents further conflict and maintains good relationship between the parties.
- It preserves the best interest of the parties.

Disadvantages of ADR:-

- ADR is not helpful where a dispute is to be decided on the basis of a precedent.
- When there is a need for court and interim orders, ADR would not be useful.
- ADR is less suitable when there is a need for enforcement.
- When there is a need for live and expert evidence and analysis in a case, then ADR would not be useful.
- When there is an imbalance of power, between the parties in the dispute, then ADR would not work.
- If the case is of a complex nature, then the adjudicating body must look into minor details and may need expert advice and suggestions. Here, ADR would probably not work.

