



Alternative Dispute Resolution at Delhi Mediating Centers: An Analytical Study

V. T. Vasagan*

ABSTRACT

Disputes can be resolved outside of the court system by using alternative dispute resolution (ADR). It serves as a means of resolving disputes between parties outside litigation. In India, 33.84 million cases are pending in district courts, while 4.57 million cases are pending in high courts. In addition, there is a huge shortage of judges in district and high courts. It is impossible to get a case resolved quickly in due to overcrowding. Besides, Indian judiciary is encouraging people to settle disputes through ADR system. The present study identified 6 mediating centers located at Delhi. It has been found that there is a positive impact of cases refereed for mediation on cases mediated and cases settled through ADR. Hence, it has been concluded that ADR has strong impact on the settlement disputes and mediating centers are well functioning in handling of disputes.

Keywords: *Alternative dispute resolution; Arbitration; Mediation; Conciliation and lok adalat.*

1.0 Introduction

Alternative Dispute Resolution is not a new concept of resolution of issues to Indian society. It is as old as Indus civilization. They were specialized tribunals prevalent in the Vedic Indian society as a 'Kula' to settle disputes of family, community, tribe, castes, and races, as a 'Shreni' to settle disputes of business, corporation of artisans and as a 'Puga' to settle the disputes of association of traders. There were various types of arbitral body like *Village Panhayat* existed in India, especially in rural areas. Panchayat

*Assistant Professor, Department of Management Studies, ICAI University, Dimapur, Nagaland, India (E-mail: vasant75@ymail.com)

decisions were accepted by people and treated as binding. In modern India, the means of ADR such as Arbitration, Mediation, Negotiation and Conciliation became instrumental to settle disputes outside court either amicably or discourteously. In *Okereke v. Nwankwo*¹, judgment, the supreme court of Nigeria has defined “*arbitration in dispute founded on the voluntary submission of the parties to the decision of the arbitrators who are either the chiefs or elders of the community*”. In general, the processes of resolution are classified into:

- Traditional Dispute Resolution
- Alternate Dispute Resolution
- Hybrid Dispute Resolution

The traditional dispute resolution process adopts a “communal” approach rather than an “individualistic” approach to settle dispute. In order to strengthen traditional systems of dispute resolution ‘Section 89’ has been introduced in the Code of Civil Procedure, 1908, which is reflected in the Arbitration and Conciliation Act, 1996. Alternative dispute resolution (ADR) is a process of resolving disputes without any trial. These processes are normally confidential, informal, and stress free than habitual court proceedings. Hybrid dispute resolution refers to a process in which two or more combined together to settle disputes.

2.0 Meaning of ADR

In short, ADR refers to a set of practices and techniques aimed at permitting amicable resolution of legal disputes outside courtrooms. It includes mediation, arbitration, negotiation, conciliation, and a variety of “hybrid” processes.

3.0 Types of Alternative Dispute Resolution

ADR process involves an independent person who assists citizens in resolving disputes. It is a flexible approach by which disputants settle their disputes outside of court. The different kinds of ADR practice in India² are:

3.1 Arbitration

A third party (the arbitrator) provides a binding solution to a disagreement between two parties through arbitration. This method saves both time and money by resolving disputes outside of the court³. In arbitration, disputes are resolved in the areas of criminal offences, Family Law matters, Matters related to Bribery/ Corruption Laws,

Fraud, Guardianship, Anti-trust/ Competition Laws, Insolvency, Eviction proceedings, Patents, Trademarks, and Copyrights⁴.

3.2 Mediation

Mediation became instrument of settlement under Section 89 of the Code of Civil Procedure enacted by the Parliament. It is a process in which impartial third party assists the disputing parties to creatively resolve their disputes without going to trial. This is divided into two categories (a) Facilitative and (b) Evaluative⁵.

3.2.1 Facilitative mediation

It is party-centric wherein the mediator maintains neutrality and does not offer a proposal for settlement nor evaluates the merits or demerits of dispute. Despite this, settlement is achieved because the mediator is well trained in communication skills, psychological behaviors of disputants, and negotiating skills.

3.2.2 Evaluative mediation

Evaluative mediation is a process that evaluates each party's claim and offer suggestions for settlement.

3.3 Negotiation

A negotiation is a result of the Latin expressions "negotiates" (the past participle of "negotiare" i.e. a business negotiation) and "Negotium" (doing business). It is a process in which two or more parties resolve a disagreement without involving a third party. This process exchanges ideas and viewpoints to resolve a disagreement (Jha, 2020).

3.4 Conciliation

In conciliation, a third party or parties are selected with consent of both parties' to resolve conflicts. That third party settles the disagreement by bringing the parties together. Confidence, trust, and faith are vital factors of conciliation.

3.5 Lok adalat

Lok Adalat is a sort of ADR that acts as a forum for the resolution for the cases pending in the courts through conciliation and negotiating. Lok Adalats have legislative status by Legal Service Act of 1987. In the Lok Adalat, the decision or award is treated as a civil court decree, and it is final and binding on all parties without right of appeal (Jha, 2020) .

4.0 Laws Related to ADR in India

4.1 Civil procedure code 1908

A dispute can be settled outside of court under section 89 of the civil procedure code. A section-89 as well as order 10 rules 1-A to 1-C of Code of Civil Procedure (Amendment) Act 1999 legalizes settlement. It is based on Malimath committee which recommends (Rao & Sheffield, 2015).

4.2 India arbitration act, 1899

A first arbitration act was passed in India on 1st July 1899 and was based on the British Arbitration Act of 1899. It was applied to the presidency towns of Calcutta, Bombay, and Madras. This act empowered arbitrator to settle disputes (Rao & Sheffield, 2015).

4.3 The arbitration (protocol and convention) act 1937

In 1937, the Arbitration (protocol and convention) Act was passed to enable the protocol to become operative in India. As a result of the Arbitration (Protocol and Convention) Act, 1937, the Geneva Protocol on Arbitration Clauses and the Geneva Convention on Foreign Arbitral Awards have been implemented in India. This energized ADR system in India (Rao & Sheffield, 2015).

4.4 The arbitration act of 1940

The more definite arbitration act was passed during colonial rule on 14th March 1940 and came into effect on 1st July 1940. It implies that it doesn't legally exist aside and provides for an application to set aside an award under section 30 and that is void under section 33(Rao & Sheffield, 2015).

4.5 Arbitration and conciliation act, 1996

This Act, 1996 was based on the UNCITRAL Model Law of International Commercial Arbitration, 1985. In view of non-uniformity of the law of arbitration procedures every country needs to incorporate in their legal system. Law commission of India has prepared a report based on this act and given several suggested to amend. Based on the recommendations of the commission, Arbitration and Conciliation (Amendment) Bill, 2003 was placed in the Parliament. The Act was amended in 2015 and further amended in 2019. This enabled arbitration procedure a suitable mode of settlement (Rao & Sheffield, 2015).

5.0 Review of Literature

Review of literature is a backbone of any research. ADR is not new rather prevalent in every rural villages of India. This has been influenced by caste system which diluted delivery of justice. The introduction of laws by British in respective of disputes delivered ethical justice. In recent time, due to various factors, the delay in litigation made ADR as alternative to litigation.

There are number of researches supported ADR procedure and its components. Studies initially focused on cost and time of litigation, found ADR is an alternative. This is supported by Landes, (1971) and Gould, (1973) in their research work. Later, Farber,(1980) and Ashenfelter & Bloom, (1984) introduced a model and a method of arbitration in their research work. The work of Hensler,(1986) emphasized on arbitration proceeding, Lax & Sebenius, (1986) on the method of negotiator. On other hand, Posner, (1986) in his research has outlined methods of ADR. Scholars Goldberg *et al.*, (1992) emphasized on processes of ADR system. In the same line, Hensler, (1992) exposed the views of court orders on arbitration. Mnookin, (1993) in his research identified the reasons behind the failures of negotiations to make ADR the best whereas Brown & Ayres, (1994), Shavell, (1995) rationalized this concept economically feasible. Ayres & Nalebuff, (1997) have provided common knowledge required for a negotiator and the barrier to negotiation. In the same line, Bordone, (1998) explored the potential, problems, of online ADR. In the studies of Beal, (2000) and Carrington, (2000) have emphasized on online mediation and virtual arbitration. These research works have enriched system, procedures, and outcomes of ADR error free and accepted all the sections of the society.

6.0 Gaps in the Literature

There are sufficient research work carried out in ADR, e-ADR, ODR and their benefit in settling disputes outside court. But there is no study pinch point the function and performance of mediating centers located in India. The present study attempts to explore the function and performance of mediating centers located in India, in settling disputes through ADR. Hence it is proposed to undertake a study under title on — ‘A Synoptic views of Alternative Dispute Resolution at Delhi Mediating Centers: Analytical Study’.

6.1 Statement of the problem

There are 33.84 million cases pending in district courts and 4.57 million cases pending in high courts. Furthermore, 35.6% judge post is vacant in high courts and

21.4% vacant in district courts. Courts in India are currently overcrowded, making it impossible to obtain prompt judgment. In addition, courts are pushing settlements out-of-court and supporting the ADR system⁶. Hence, ADR became an instrument to settle disputes outside court. People in India are becoming more aware of the benefits of ADR and parties themselves are looking forward to it. It is more flexible and consumes less time, energy and money. There are more than 35 arbitral institutions operative in India. The present study attempts to explore the performance of mediating centers located in Delhi in settling disputes through ADR.

7.0 Objectives of the Study

Given the survey of literature, statement of the problem and scope, the following objectives have been established for the purpose of the study is:

- To analysis the impact of mediation on settlement of disputes through ADR.
- To explore the impact of cases refereed for mediation and cases mediated through ADR.
- To review the impact of cases refereed for mediation and cases settled through ADR.

The present study attempts to explore the impact of mediation on settlement through ADR.

8.0 Hypotheses

Given the survey of literature, objectives and scope, the following hypotheses have been established for the purpose of the study is:

- There is no positive impact of cases refereed for mediation on cases mediated through ADR.
- There is no positive impact of cases refereed for mediation on cases settled through ADR.

9.0 Methodology

The present study has adopted explorative method of investigation and identified 6 mediating centers located at Delhi. The secondary data were collected from the records these ADR mediating centers and use both descriptive and inferential method of analysis to bring meaningful insight. The descriptive analysis summarizes the data and inferential analysis tests the hypothesis to draw a logical conclusion statistically.

10.0 Result and Discussion

The present study collected data from 6 mediating centers located at Delhi. The collected data are presented in the following Table 1 to 6.

Table 1: Tis Hazari Courts, Delhi

Report between the referring date 22/8/2005 to 31/07/2022		
1	Total no. of cases referred for mediation:-	119475
2	No. of cases which were not fit for mediation:	16799
3	No. of Cases Mediated:	102676
4	No. of cases pending for mediation:	1405
5	No. of Disposed Cases:	101271
6	No. of cases settled :	60641
7	No. of cases not settled	40630
8	No. of connected cases settled:	16106
9	Percentage of Success	59%

Source: <https://delhicourts.nic.in/dmc/statistical.htm>

The centre located at Tis Hazari has referred around 1,19,475 cases for mediation during 2005 – 2022. Of which 1,02,676 cases have been mediated. Of which 60,641 cases have been settled through ADR. The success rate was found to be 59%. Beside these, the centre able to settle 16,106 connected cases as well. Hence, this center had effectively settled cases through mediation. The next centre located at Karkardooma Courts is presented in the Table 2.

Table 2: Karkardooma Courts, Delhi

Report between the referring date 01/12/2005 to 31/07/2022		
1	Total no. of cases referred for mediation:	68821
2	No. of cases which were not fit for mediation:	15973
3	No. of Cases mediated:	52848
4	No. of cases pending for mediation:	1037
5	No. of Disposed Cases:	51811
6	No. of cases settled :	40033
7	No. of cases not settled :	11778
8	No. of connected cases settled:	16286
9	Percentage of Success	75%

Source: <https://delhicourts.nic.in/dmc/statistical.htm>

The center Karkardooma has referred around 68,821 cases for mediation during 2005 – 2022. Of which 52,848 cases have been mediated. Of which 40,033 cases have been settled through ADR. The success rate found to be 75%. Beside these, the center also able to settle 16,286 connected cases during the same period. Hence, the centre is effectively settled cases through ADR. The next Rohini Court is presented in Table 3.

Table 3: Rohini Courts, Delhi

Report between the referring date 02/02/2009 to 31/07/2022		
1	Total no. of cases referred for mediation:	55300
2	No. of cases which were not fit for mediation:	12368
3	No. of Cases Mediated:	42932
4	No. of cases pending for mediation:	633
5	No. of Disposed Cases:	42299
6	No. of cases settled :	25140
7	No. of cases not settled :	17159
8	No. of connected cases settled:	8412
9	Percentage of Success	58%

Source: <https://delhicourts.nic.in/dmc/statistical.htm>

The Rohini centre has referred around 55,300 cases for mediation during 2009 – 2022. Of which 42,932 cases have been mediated. Of which 25,140 cases have been settled through ADR. The success rate was found to be 58%. Beside these, the centre also able to settle 8412 connected cases during the same period. Hence, the centre is effectively involved in settling cases through ADR. The next centre located at Dwarka Courts is presented in Table 4.

Table 4: Dwarka Courts, Delhi

Report between the referring date 06/07/2009 to 31/07/2022		
1	Total no. of cases referred for mediation:	49841
2	No. of cases which were not fit for mediation:	10078
3	No. of Cases Mediated:	39763
4	No. of cases pending for mediation:	909
5	No. of Disposed Cases:	38854
6	No. of cases settled :	27150
7	No. of cases not settled :	11704
8	No. of connected cases settled:	6054
9	Percentage of Success	97%

Source: <https://delhicourts.nic.in/dmc/statistical.htm>

The Dwarka centre referred around 49,841 cases during 2009 – 2022. Of which 39,763 cases have been mediated. Of which 27,150 cases have been settled through ADR. The success rate was found to be 97%. Beside these, the centre also able to settle 6054 connected cases during the same period. Hence, it can be concluded that this centre is able settle cases effectively through ADR. The next centre located at Saket Courts is presented in the Table 5.

Table 5: Saket Courts, Delhi

Report between the referring date 30/04/2013 to 31/07/2022		
1	Total no. of cases referred for mediation:	42738
2	No. of cases which were not fit for mediation:	7410
3	No. of Cases Mediated:	35328
4	No. of cases pending for mediation:	509
5	No. of Disposed Cases:	34819
6	No. of cases settled :	21112
7	No. of cases not settled :	13707
8	No. of connected cases settled:	4685
9	Percentage of Success	59%

Source: <https://delhicourts.nic.in/dmc/statistical.htm>

The centre Saket has has referred around 42,738 cases during 2013 – 2022. Of which 35,328 cases have been mediated. Of which 21,112 cases have been settled through ADR. The success rate was found to be 59%. Beside these, the centre is also able to settle 4685 connected cases during the same period. Hence, it can be concluded that this centre is able settle cases effectively through ADR. The next centre located at Patiala House is presented in the Table 6.

Table 6: Patiala House Courts, Delhi

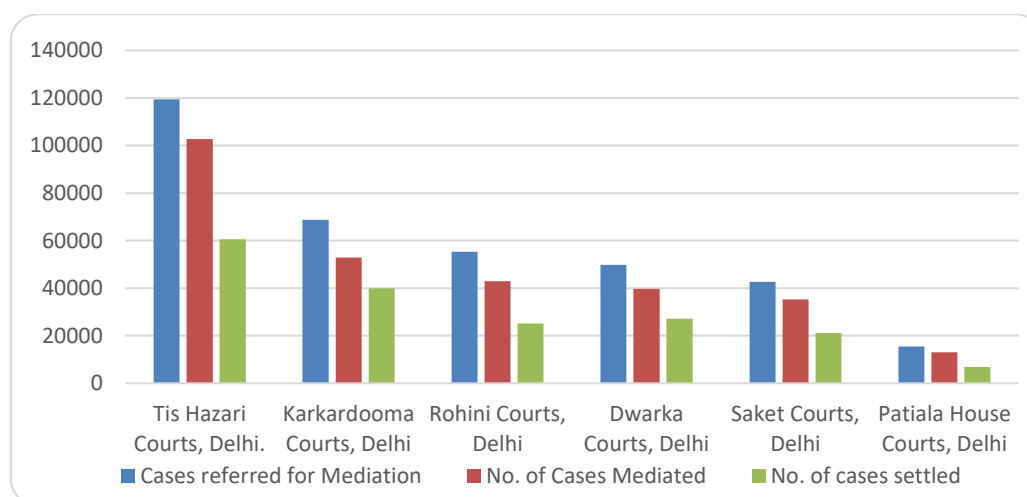
Report between the referring date 22/05/2015 to 31/07/2022		
1	Total no. of cases referred for mediation:	15469
2	No. of cases which were not fit for mediation:	2385
3	No. of Cases Mediated:	13084
4	No. of cases pending for mediation:	664
5	No. of Disposed Cases:	12420
6	No. of cases settled :	6790
7	No. of cases not settled :	5630
8	No. of connected cases settled:	1856
9	Percentage of Success	51%

Source: <https://delhicourts.nic.in/dmc/statistical.htm>

The centre Patiala has referred around 15,469 cases during 2015 – 2022. Of which 13,084 cases have been mediated. Of which 6,790 cases have been settled through ADR. The success rate was found to be 51%. Beside these, the centre also negotiated 1856 connected cases during the same period. Hence, it can be concluded that this centre able settle cases effectively through ADR. These data are presented in the Figures 1 & 2.

The bar graph presented in the Figure 1 disseminate that the centre Tis Hazari centre has handled highest number of cases better than other centers in respect of cases referred for mediation, cases mediated and cases settled through ADR. Besides these, the additional carried out many other ADR by these centers are presented in Figure-2.

Figure 1: ADR at Delhi

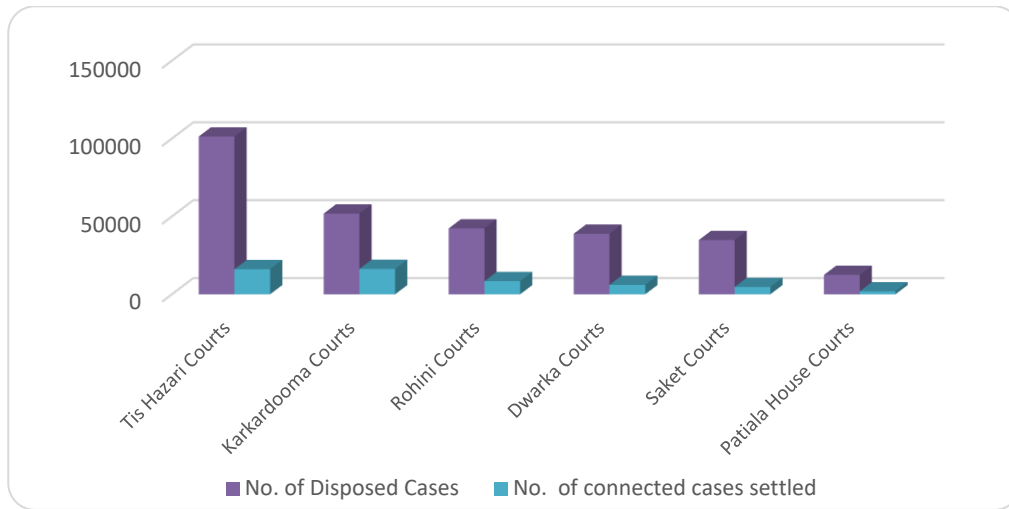


Source: Compiled from analysis of data

The Figure 2 indicates the number of cases disposed and the number of cases connected to mediation by each center. It is found that the center Tis Bazari has disposed highest number of cases. The performance of the each centre in handling cases has been presented in the Table 7.

This Table 7 indicates the years of service rendered by each center and the success rate of mediation. The success rate of Tis Hazari, Karkardooma, Rohini, Dwarka, Saket and Patiala House is 59%, 75%, 58%, 97%, 59% and 51% respectively. The average cases mediated by Tis Hazari center is mediated 6039 cases per year followed by Saket, Rohini, Karkardooma Dwarka and Patiala House with 3925, 3302, 3108, 3058 and 1869 respectively.

Figure 2: Cases connected with Mediation



Source: Compiled from analysis of data

Table 7: Performance of the Mediating Centers

S. No	Name of the Court	Duration of Service	No of Cases Mediated/year	Success Rate of Mediation
1	Tis Hazari Courts	17 yrs	6039	59%
2	Karkardooma Courts	17 yrs	3108	75%
3	Rohini Courts	13 yrs	3302	58%
4	Dwarka Courts	13 yrs	3058	97%
5	Saket Courts	9 yrs	3925	59%
6	Patiala House Courts	7 yrs	1869	51%

Source: Compiled from analysis of data

In order to tests the hypothesis to draw a logical conclusion statistically, inferential analysis has been used, the reliability statistics is presented as part of his analysis in the Table 8.

Table 8: Reliability Statistics of Mediation

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
0.966	0.996	3

Source: Compiled from analysis of data

From the Table 9, it is observed that scale considered for the study is reliable since calculated Cronbach's Alpha values are more than 0.70. In addition to this, the descriptive statistics of mediation of ADR is presented in the following table.

Table 9: Descriptive Statistics of Mediation

	Mean	Std. Deviation	N
No. of cases settled	30144.33	18378.519	6
No. of Cases Mediated	47771.83	29952.947	6
Cases referred for Mediation	58607.33	34669.094	6

Source: Compiled from analysis of data

This Table 9 represents the overall mean score of statistics of mediation of ADR. It is found that the average number of cases settled by each is 30,144, the average number of cases mediated is 47,771 and the average number of cases referred for mediation is 58,607.

[1] There is no positive impact of cases referred for mediation on cases mediated through ADR activities.

Based on hypotheses statements established for the purpose of the study, the data with Liner Regression summary model are analyzed to prove each hypotheses.

Table 10 show the R value represents the simple correlation which is 0.996 indicates a high degree of positive correlation between the variables. The R² value 0.993 indicates how much of the total variation in the dependent variable, number of cases mediated by the mediating centers which is explained by the independent variable, cases referred for mediation. Here, the significance value is 0.000 which is smaller than the table values of 0.05. Hence the null hypothesis is rejected. Therefore, there is a positive impact of cases referred for mediation against cases mediated through ADR activities. This is further discussed with the help of ANOVA analysis.

Table 10: Model Summary^b for Cases Referred for Mediation and Cases Mediated

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.996 ^a	.993	.991	2817.358	1.523
a. Predictors: (Constant), Cases referred for Mediation					
b. Dependent Variable: No. of Cases Mediated					

Source: Compiled from analysis of data

ANOVA Table 11 shows that the significant value which is smaller than 0.05, which means dependent variable cases mediated is significantly predicted by independent variable cases referred mediation at 95% of confident level.

Table 11: ANOVA^a for Cases Referred for Mediation and Cases Mediated

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	4454145128.227	1	4454145128.227	561.152	.000 ^b
	Residual	31750024.606	4	7937506.152		
	Total	4485895152.833	5			
a. Dependent Variable: No. of Cases Mediated						
b. Predictors: (Constant), Cases referred for Mediation						

Source: Compiled from analysis of data

Table 12: Coefficients^a for Cases Referred for Mediation and Cases Mediated

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower Bound	Upper Bound
1	(Constant)	-2683.450	2420.649		-1.109	.330	-9404.250	4037.351
	Cases referred for Mediation	0.861	0.036	0.996	23.689	0.000	0.760	0.962
a. Dependent Variable: No. of Cases Mediated								

Source: Compiled from analysis of data

The common regression equation is

$$Y = a + bX$$

Table 12 shows the impact of Cases referred for Mediation and Cases Mediated, is given by the regression equation, the regression Model for the study can be written as follows:

$$\text{Cases Mediated} = -2683.450 + 0.861 (\text{Cases referred for Mediation})$$

Since the model established for the study fit, the null hypothesis is rejected. Hence, there is a significant positive impact of cases refereed for mediation on cases mediated through ADR activities.

[2] There is no positive impact of cases refereed for mediation on cases settled through ADR activities.

Based on hypotheses statements established for the purpose of the study, the data with Liner Regression summary model are analyzed to prove each hypotheses.

Table 13 show R value represents the simple correlation which is 0.989 indicates a high degree of positive correlation between the variables. The R² value 0.978 indicates how much of the total variation in the dependent variable, number of cases settled which is explained by the independent variable, cases referred for mediation. Here, the significance value is 0.000 which is smaller than the table values of 0.05. Hence the null hypothesis is rejected. Therefore, there is a positive impact of cases refereed for mediation on cases settled through ADR activities. This is further discussed with the help of ANOVA analysis.

Table 13: Model Summary^b for Cases Referred for Mediation and Cases Settled through Mediation

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	0.989 ^a	0.978	0.973	3036.054	3.401
a. Predictors: (Constant), Cases referred for Mediation					
b. Dependent Variable: No. of cases settled					

Source: Compiled from analysis of data

ANOVA Table 14 shows that the significant value which is smaller than 0.05, which means dependent variable number of cases settled is significantly predicted by independent variable cases referred for mediation at 95% of confident level.

Table 14: ANOVA^a for Cases Referred for Mediation and Cases Settled through Mediation

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1651979226.830	1	1651979226.830	179.220	.000 ^b
	Residual	36870494.503	4	9217623.626		
	Total	1688849721.333	5			
a. Dependent Variable: No. of cases settled						
b. Predictors: (Constant), Cases referred for Mediation						

Source: Compiled from analysis of data

Table 15: Coefficients^a for Cases Referred for Mediation and Cases Settled through Mediation

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B		
	B	Std. Error	Beta			Lower Bound	Upper Bound	
1	(Constant)	-583.133	2608.551		-0.224	0.834	-7825.632	6659.366
	Cases referred for Mediation	0.524	0.039	0.989	13.387	0.000	0.416	0.633

a. Dependent Variable: No. of cases settled

Source: Compiled from analysis of data

The common regression equation is

$$Y = a + bX$$

Table 15 shows the impact of Cases referred for Mediation and Cases Settled is given by the regression equation, the regression Model for the study can be written as follows:

$$\text{Cases Settled} = 583.133 + 0.524 (\text{Cases referred for Mediation})$$

Since the model established for the study fit, the null hypothesis is rejected. Hence, there is a significant positive impact of cases referred for mediation on cases settled through ADR activities.

11.0 Limitation of the Study

There are as many as 35 ADR mediating centers functioning in India. This study has considered mediating centers located in and around Delhi. Based on available secondary data, the present study is conducted.

12.0 Findings and Recommendation

The centre located at Tis Hazari, Karkardooma, Rohini, Dwarka, Saket and Patiala house have found settlement of disputes of 60641, 40033, 25140, 27150, 21112 and 6790 respective through ADR. The success rate was found to be 59%, 75%, 58%, 97%, 59% and 51% respectively. Beside these, centers have mediated many numbers of cases through ADR. Hence, it has been conclude that there is impact of mediation on settlement of disputes through ADR. It has been also found that there is a positive impact of cases refereed for mediation against cases mediated and cases settled through ADR.

Thus, ADR become an alternative to litigation. Governments of states and centre need give much emphasis on e-ADR and ODR to settle disputes as it become more convent. Moreover, the mediating centers have to record and updated the cases handle by them time to time.

13.0 Conclusion

An alternative resolution approach substitutes conventional litigation for the resolution of disputes between parties. Especially in countries like India, where billions of cases are pending in court, which ultimately leads to frustration amongst the people and the court system. As a result, people are scared of the court system and forgoing their confidence in it. The trust in this process needs to be restored, and procedures that are less complicated but still have the same benefits and binding effects on the parties are needed. In India, ADR is proving to be instrumental in reducing the extra burden that is placed on the courts. It is neither replacement of nor supersession of the current legal system. In this respect John F. Kennedy made a statement:

“Let us never negotiate out of fear but let us never fear to negotiate.”

Endnotes

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