



# **A Research Paper on Enhancing Constitutional Right of Access to Justice: The Role of Alternative Dispute Resolution**

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## **Abstract**

In any democratic nation, there exists a moral right to obtain justice. Obtaining justice enables an individual to assert rights or seek redress for any harm incurred. However, traditional court systems frequently encounter congestion, elevated costs, and intricate procedures, which can hinder prompt access to justice. Mediation, arbitration, conciliation, and other alternative dispute resolution (ADR) techniques have evolved as viable solutions to these issues, offering a more flexible, inexpensive, and expedient means of settling disagreements. This article examines how constitutional law grants the freedom to utilise court institutions and how conflict resolution supports this right. We examine the legal and theoretical foundations of the right to access justice, along with its evolution and importance across various constitutional frameworks. The research emphasises the ideas and methodologies of Alternative Dispute Resolution (ADR), its compatibility with and contribution to the constitutional mandate of “access to justice” and “effective justice”. The paper has examined various regions to assess the efficacy of ADR in addressing deficiencies in traditional court systems. The regulatory framework authorises the state to exert control over individual rights, which inherently pertain to collective interests. Crucial findings indicate that Alternative Dispute Resolution (ADR) alleviates the court's load while enhancing the participatory nature and accessibility of justice, so reinforcing the Right to Access to Justice. Numerous specialists involved in the research also examined numerous critiques of Alternative Dispute Resolution. Similar to the quality and its voluntary nature. According to its stipulations, ADR will aid the court through appropriate regulatory structures and safeguards that uphold the requisite balance of justice. Altering this will result in a superior alternative judicial system that will deliver justice in accordance with the constitution. The report asserts that to fulfil the constitutional objective of ensuring accessible justice, it is imperative to incorporate Alternative Dispute Resolution (ADR) within the justice delivery system. The resolution advocates for the amendment of laws and educational initiatives to enhance awareness among all stakeholders regarding ADR and its implementation, so preserving and fortifying the constitutional right to seek justice in the current legal context.

The constitutional right to obtain justice is a fundamental principle of democratic countries, guaranteeing individuals the ability to pursue redress and assert their rights through legal avenues. Nevertheless, conventional court systems frequently encounter obstacles such as overcrowding, exorbitant expenses, and intricate procedures that may impede efficient access to justice. ADR processes, such as mediation, arbitration, and conciliation, have arisen as effective solutions to these challenges, providing more flexible, economical, and swift avenues for resolving disputes.

This research paper examines the convergence of the constitutional right to access justice and the function of Alternative Dispute Resolution in augmenting this right. The analysis commences with an exploration of the legal and theoretical underpinnings of the right to access justice, detailing its development and importance across diverse constitutional systems. The study subsequently examines the concepts and practices of ADR, emphasising how these mechanisms correspond with and uphold the constitutional need to deliver accessible and efficient justice.

The report evaluates the efficacy of ADR in addressing the deficiencies of traditional judicial systems through a comparative comparison of several jurisdictions. It examines case studies and empirical data to demonstrate the practical advantages and obstacles of adopting ADR within the constitutional framework. Essential findings indicate that ADR not only reduces the strain on courts but also fosters a more participatory and accessible approach to justice, hence strengthening the fundamental right to access justice. Furthermore, the research examines various critiques of ADR, including apprehensions regarding the quality of justice provided and the voluntary nature of involvement. It contends that with appropriate regulatory frameworks and protections, Alternative Dispute Resolution (ADR) may enhance the court, providing a balanced and comprehensive judicial system that maintains constitutional principles.

The research emphasises the imperative of incorporating ADR into the wider justice system to realise the constitutional commitment to accessible justice. It promotes legislative reforms and educational activities to improve the comprehension and application of ADR among stakeholders, so guaranteeing that the constitutional right to access justice is both maintained and reinforced in modern legal contexts.

## Introduction

The serious and severe effect of court delay not only achieving justice but has a contrary result on people in terms of their communal, economic and psychological conducts. Holding back of justice let litigants feel unsafe in the process of tracking justice. On the basis of that, it may encourage corruption<sup>1</sup>. The litigants are always concerned with receiving their disputes resolved as soon as possible in a cheaper and flexible way and not established on a stiff method of judiciary concepts. To put it differently, they require a considerable fair verdict and not the formal routine one. This issue has brought about the growth of a substitute of the structure of the court famously

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<sup>1</sup>Arun Mohan, Justice, Courts and Delays, Vol. 1, (New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2009) p. 19

called as Alternative Dispute Resolution (hereinafter referred as ADR) mechanism<sup>2</sup>, this new concept has become gradually important across all countries in the settlement of various types of conflicts. The main reason for this is the reality, according to which ADR is considered as a system which is compatible with petitioner as compare to normal courts. ADR has become in most countries as assistant to courts system and it has expanded the path to acquiring justice. The rank of India is substandard in attributes like timely and fair delivery of ruling because of inadequate number of judges for huge population.

## Concept of Access to Justice

The term obtainment of fair ruling is always connected to the term justice. On its turn, Justice has been given different definitions based on its uses. For each community the expression contains a distinct meaning. It might be unbiased according to some, however others may see it as benefit of the dominant. The idea of justice presents the rule of law, of the determination of conflicts, of institutions that make law and of those who enforce it; it expresses<sup>3</sup>. But the theory which is accepted in all interpretation of justice is to provide solution for the conflict. Although, the primary objective of conflict resolving system is to provide fair ruling, yet justice and conflict resolving system cannot be used as substitutes. The conflict resolving blueprint selected by a community shows the idea of fair ruling in that community, securing justice is a basic condition to attain the reification of rights. When an individual is seeking protection of their rights from violation, they request a procedure so that they can be given protection to their right. Without access to justice, justice is merely a misapprehension. An entry path to justice solicits that the government has applied systems in order which have the ability of providing justice. These systems are usually the courts of law. Anyone who has experienced the breach of their rights can proceed towards a court of law for attainment of justice. The importance of acquiring justice for both Government and citizens cannot be underestimated. An access to justice is a vital part of the rule of law and therefore of democracy. The rule of law signifies that laws that are passed by the government are implemented by court; that persons desiring to enforce the law should have reasonable access to the courts; that no person should be condemned unheard, and that judgment of court are enforced.

Understanding that concept access to justice is referred to approach to courts, developed increasingly. It was understood that the launching of courts would not per se deliver worthwhile justice. In addition to courts; litigants shall be in equal position to approach the courts for justice. Only the increment in the number of courts might not be enough.<sup>4</sup> It would also be essential to make sure that obtainment of justice was not postponed by factors such as territorial distance; fee, difficult methods, etc. and would not create complications for such petitioners.

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<sup>2</sup>John W. Bagby, E-commerce Law: Issues for Business, First edition (Ohio: West Legal Studies in Business, 2003) p. 38.

<sup>3</sup>Rawl, J., A Theory of Justice, Cambridge, Cambridge University press, Edition 1997, at 11.

<sup>4</sup>Modul :Access to justice concept :History Evolution [http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp\\_content/law/02.\\_access\\_to\\_justice/01.\\_concept\\_of\\_access\\_to\\_justice,\\_history\\_and\\_evolution\\_of\\_access\\_to\\_justice/et/5628\\_et\\_01et.pdf](http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/law/02._access_to_justice/01._concept_of_access_to_justice,_history_and_evolution_of_access_to_justice/et/5628_et_01et.pdf) 06/07/2021 (The Last visited on 22/05/2021).

Realizing the importance of access to justice not only as a right per se but also to protect other rights bestowed by law, provision for justice has its place in several Constitutions as a basic right. Moreover, many global organisations of individuals' rights preserve the right to speedy trial, the right to free legal assistance, the right to an unbiased trial and the right to a solution, all of these make procurement of justice more valuable. The human rights documents have thus highlighted the duty of the government to guarantee that individuals can proceed towards courts without limit their ability by procedural rules or financial and discouragement to approach courts considering their slow speed. The law revise movement in recent years has brought a large meaning to obtainment of justice. Therefore, procurement of justice has included the recognition of class actions, the right to free legal assistance, and ADR processes.

### **ADR as a Tool to Support Access to Justice**

An effective judicial system requires getting judicial judgment in reasonable time. The infrastructure of Indian courts is not suitable to handle the expanding lawsuit within defined time span. In spite of making the huge endeavours, a normal person may in several cases locate himself trapped in legal action for all his life time, and on some occasions, litigation continue to the next generation. Swift handling of lawsuits and administering of standard justice is a constant scheme for all those who are involved with authorities of justice. Therefore it is an immediate necessity to support the present framework of courts by ADR system. ADR can bring quality in functioning of the judicial system, most of countries are taking rapid measures for observing benefit of ADR mechanism for deciding pending disputes between parties and at pre-litigation period.<sup>5</sup> It does not appear that infrastructure of courts will be in a situation to handle the pressure in its entirety of the judiciary, the preamble of Constitution of India stated that the citizens of India have seriously committed to attain all its population's justice, societal, monetary and legislative, and to achieve this ideal in a coherent manner, The justice system in India has become more reacting quickly and positively by focusing on the interests and needs of the parties of disputes and not exclusively on the procedural justice.

Article 21 expressed about the Constitution of India that "no person shall be deprived of his life or his personal liberty except according to procedure established by law". Thus, the Supreme Court of India<sup>6</sup> in Hussainara Khatoon. Home Secretary, of Bihar correctly supported the right to a fast trial as a part of right to existence and personal freedom as pledged in Article 21 of Constitution. ADR, is a supplementary to the conventional conflict resolution via courts. It refers to a set of practice and techniques to resolve disputes outside the Courts. There are number of tools of resolving conflicts outside the courtrooms; such as reconciliation, and pacification, however, selecting of ADR tools depends on the agreement of the parties inter se and upon the nature of the dispute. ADR is considered as a conflict resolution system outside the Government courtrooms. Article 39A of the Constitution directs the State to be certain that the function of the judicial system encourages justice based on equal chance, and makes sure that it is not refuted to any individual by reason of monetary or other disablement. To attain justice

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<sup>5</sup>S.B.Sinha, ADR and Access to Justice :Issues and Perspective William Davis and Helga truku, Access to Justice and Alternative Dispute Resolution, Journal of Disputes Resolution, 2011.

<sup>6</sup>(1980) 1 SCC 81.

equal opportunity has to be afforded.<sup>7</sup> It is not adequate that the law regard everyone equally, regardless of the existing discrimination, but the law must operate in ways that everyone has proper direction to get justice despite having economic disparities. It is one of the main responsibilities of a welfare state to provide to all citizens judicial and non-judicial dispute resolution mechanisms for their legal fights and implementation of their basic and legal rights. Ignorance, destitution or societal disparities should not become impediment to it. The Maneka Gandhi theory, as pronounced by the Supreme Court of India, that basic rights do not establish distinct land masses unto themselves but create a landform escorted in what Krishna Iyer, J. terms the jurisprudence of access to justice,<sup>8</sup> he said:

"We should expand the jurisprudence of Access to Justice as an integral part of Social Justice and examine the constitutionalism of court-fee levy as a facet of human rights highlighted in our Nation's Constitution. If the State itself should travesty this basic principle, in the teeth of Articles 14 and 39A, where an indigent widow is involved, a second look at its policy is overdue. The Court must give the benefit of doubt against levy of a price to enter the temple of justice until one day the whole issue of the validity of profit-making"

### **ADR Advantage For access to justice for disadvantaged group**

The ADR system is supplementary to traditional legal system. The ADR system has come with comprehensive rules and regulation, therefore, people shall have good faith toward ADR system. Such resolution of disputes is essential for societal peace, amity, comity and harmony and easy access to justice.<sup>9</sup> The Advantages and disadvantages of ADR system shall be clear to all parties of dispute to be aware about its consequences. Alternative dispute resolution is based on direct participation by the disputants rather than being run by lawyer and judges. The participation of litigants in the dispute settlement proceedings, believe that it is most satisfactory with the outcome. Most of the ADR processes are based on integrative approach. They are most corporative and less competitive than the method of litigation of Courts. That is the main reason that ADR tends to generate less escalation and ill-will between the parties. This is the crucial advantage in situation where the parties must continue to communicate after settlement of disputes, such as in Commercial cases and labour management cases. Following are the advantageous of ADR

- a. Reducing the cost to parties many poor people are not able to access to justice simply because they are suffering from financial problem or they have less income which in turn prevent them to pay the registration and representation fees necessary to enter the formal legal system. Hence cost is probably the main impediment to litigate in formal courts for many individuals in developing countries
- b. Avoiding the long stiffness of the lawful procedure in law courts, numerous searches show that the long formality of law court systems threatens and prevent access to justice. In India, for instance, for failing a case before a court requires legal advocate who will represent the

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<sup>7</sup>D. M. Popat, ADR and India: An Overview, The Chartered Accountant, December 2004, p. 749.

<sup>8</sup>Law Commission, Need of justice Dispensation through ADR etc, Report No222, April 2009.

<sup>9</sup>John Rawl, *Theory of Justice* 11 (Harvard University Press, 5th edn., 2005).

parties, nevertheless most of parties may not be interested in interacting with lawyers from a different caste or class, for these reason, individuals accessing ADR programs have stated interest for submitting cases to arbitrators who belongs to same society and culture of locallitigants, who are satisfied by having their "issue" heard in an informal process. All of these points led to adoption of ADR system.

- c. Avoiding the impediment of illiteracy in fewnations, admission is efficientlycomplicated since the officialmechanismneeds a certain level of reading ability that many in the nation do not have. In such nations, the legal procedures are threatening for majority of illiterate civilians. The Madaripur Legal Aid Association was originally createdin Bangladesh to providelegal aid and depiction for the illiterate and poor. Their facilities arepresentlyspreading by their intercession and arbitration program, sinceparties found conciliation to be more efficient and available for this section of the population. ADR programs can be premeditated to depend onverbal representations. Oral agreements may be imposed by old-style modes of communal peer pressure, eradicating the necessity for printedcredentials or officialapplicationdevices.
- d. Serving villagepopulation: decreasingphysicaldistance of courts, the courtrooms are situatedfar away from the homes of people in need. One benefit of ADR system is the capacity to establish them near indigenous societies. The lokadalat ("people's court") system in India effectively reachedto ample ofinhabitantssince they were located in rural areas (see Whitson, 1992). Likewise, the Mediation Boards in Sri Lanka are dispersedacross rural locations, as well as biggerterritories. In China, more than ten lakhs People's Mediation Centers are set in remote areas and help parts of the population that could not effortlessly reach managementcourts.

## Alternative Dispute Resolution Framework

Modern systems of administration of justice and legal jurisprudence based on equality in so far as a man is unable to get access to a law court for having his complaints redressed or for protecting himself against aillegal charge, justice becomes unsatisfactory and rules which exist for his protection become worthless<sup>10</sup>.

Currently, there are over twenty different alternative proceedings for settling legal disputes. The types of ADR can be divided into three categories: adjudicative, evaluative, and facilitative.<sup>11</sup> Other jurist has divided ADR into two broad categories: based dispute resolution mechanisms and court-annexed options. Court-annexed ADR comprisesconciliation / mediation, in this method third party helpslitigants in reaching a mutually acceptable agreement as well as variations of early neutral evaluation, a summary jury trial, a mini-trial, and other techniques.Some argue that such methods declinetime and the cost of litigation, developingright of access to justice and decreasing court backlog, while at the same time preserving important

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<sup>10</sup>Law Commission of India, 14th Report on Reform of Judicial Administration, at 587

<sup>11</sup>Malikul S. Muhamad and J. Purushotham, "Alternative Dispute Resolution in India and the United States: A Comparative Analysis and Recommendations to Improve Efficiency and Effectiveness in Indian ADR" undated paper [https://svym.org/viis\\_publications/uploads/papercut/pdf\\_12.pdf](https://svym.org/viis_publications/uploads/papercut/pdf_12.pdf) (The Last visited 05-07-2021)

social relationships for disputants. Some terminologies of ADR also include commercial negotiation: cloistered combative proceedings, wherein an unbiased third party issues a compulsory decision such as arbitration. The parliament of India enacted the Arbitration and Conciliation Act, 1996 No.26 based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration, 1985, and whereas the General Assembly of the United Nations has recommended that all countries give due consideration to the said Model Law, in view of the desirability of uniformity of the law of arbitral procedures and the specific needs of international commercial arbitration practice;<sup>12</sup> the said Act, 1996 has made an arbitral award legally binding and granted broad rights to commercial parties choosing arbitration. But mediation, once well-thought-out as a substitute to lawsuit, is now faced by the same predicaments of administration courtroom-like high fee, intricacy, adjournment, and relay on authorized image.

### ➤ **Negotiation**

The term 'negotiation' denotes a process where two or more parties come together in an attempt to come to a mutually agreeable settlement in order to resolve their dispute. Negotiation is one of the many tools of ADR system. Negotiation systems create a structure to encourage and facilitate direct negotiation between parties to a dispute.<sup>13</sup> one can settle the disputes by discussing it with the opposing parties directly or through the representatives of the parties to the dispute.<sup>14</sup>

Negotiation occurs in various forms and shape depending upon the parties involved. It can either be in a formal setting or an informal environment like bargaining in a market place etc.

The process of negotiation provides a very flexible dispute resolution procedure to the parties involved. Here the parties are not entangled in any legal technicalities and other complexities.

Negotiation process is a communication-based procedure and involves effective two-way communication between the parties in order to arrive at a mutually agreeable outcome. The agreement arrived at in negotiation is not legally binding as negotiation as an ADR does not have statutory recognition in India.

The parties can invoke the option of negotiation if both parties mutually agree to do so and can also opt out of the process if no desirable outcome is agreed upon. The parties can then explore other methods of dispute redressal to resolve their dispute before approaching the civil courts.

### ➤ **Mediation**

Mediation is a procedure, where in an unbiased third party acceptable for disputing parties act as a moderator. The mediator unlike arbitrator does not impose binding adjudicatory decisions upon parties of disputes, he is a facilitator and provide non-binding evaluation of the merits of the

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<sup>12</sup>Preamble of Arbitration and Conciliation Act, 1996, No.26

<sup>13</sup>Nandkishor K. Ramteke, "Challenges before ADR (Alternative Dispute Resolution) Mechanism in India", Research Review International Journal of Multidisciplinary, Vo. 5, Issue 2, Feb. 2020, p. 5

<sup>14</sup>Singh, A., Law of Arbitration and Conciliation, Luknow, Eastern Book Co., 2009, at 345

disputes<sup>15</sup>. Another definition to mediation is a “flexible process in which neutral person assist the parties in working toward negotiated agreement of disputes or difference, with parties in ultimate control of decision to settle and terms of resolution.”<sup>16</sup> The consent of a party is not mandatory for referring a case to mediation. The parties decide the appointment of the mediator. The role of a mediator is to facilitate the mediation process and work in consonance with the parties in order to come to an agreeable outcome.

The mediator guides the parties throughout various stages of the mediation process and ensure that effective communication is maintained throughout the process. Mediation can happen before the trial or during the pendency of the trial. Confidentiality is the main essence of the mediation process.

### ➤ **Nyaya Panchayat**

Nyaya Panchayats in India are an effort to bring justice and people closer. It is an addition of the panchayat systems widespread in India before the British rule. As Article 50 of the Constitution leads the state to adopt measures to detach the judiciary from the managerial, Nyaya Panchayats can be observed as a completion of this order. Nyaya Panchayat commonly enfold a place including 7 to 10 villages and number of people from 14,000 to 15,000. It is an elected body which is voted by the Gram Panchayat that itself is a nominated body. The necessary aspects of the settlement technique of Nyaya Panchayats are: a. simple actions and flexibility in operating b. ideologies of natural impartiality to be undertaken in the hearings and no other mechanical routine rules are followed; c. rules of the restriction and evidence are not obligatory; d. grievances may be raised verbally or on paper; e. No lawful illustration is permitted, although in several public affairs litigants may be exhibited by a spokesman. f. At the phase of attainment of a ruling, petitioners are told to absent themselves; panchas discuss with one another and come to a verdict, which is announced in open courtroom. g. A sentence is printed which, after being declaimed in open court is undersigned by the litigants simplying the announcement of verdict to them. Testifiers, if any, are inspected on pledge or sincere declaration. Reification of control seems to rise from the experiential psychological fact that willingness of a person to submit to authority is raised by consciousness of similar submission by others, and reduced by consciousness their resistance. Hence, the non-submission by the maximum number of people to the verdict of Nyaya Panchayat will cut down the inclination of submission of others as well. Then there will be no depersonalized power as well. A study in Uttar Pradesh depicts that large groups within villages can impact the Nyaya Panchayat significantly in support of the influential segment, at the cost of justice ethics.<sup>17</sup> Thus here, even though Nyaya Panchayat is an established system, the authority is not depersonalized or transpersonalised. It is adapted power. In fact, the law commission in its fourteenth report discloses that chosen panchas may not order the entire assurance of the rural population; nominated panchas may be fair, but the nominating officer may

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<sup>15</sup>Rao, P. C. and Sheffield, W., *Alternative Dispute Resolution, What it is and how it works*, Delhi, Universal Law Publishing Co., 1997, at 211.

<sup>16</sup>Stella Vettori, *Mandatory Mediation: An Obstacle to access to Justice*, *African Human Right Law Journal*, 2015, P.357.

<sup>17</sup>Study team Report, *Nyaya Panchayat Road to justice*, Government of India, 1963, at 65, 72.



lack first-hand knowledge of indigenous matters. In that occasion the freely voiced will of the villagers, in concrete would be superseded by unreliable references of sub-ordinate officers. Thus there is abuse of Article 14 of the Constitution of India, because there is not any safeguarding of rules as this arbitrariness of Nyaya Panchayats. Thus Supreme Court in *E P Royappa v State of Tamil Nadu* was fair in maintaining equivalence is antithetic to uncertainty. In fact impartiality and arbitrariness are can never be compatible with each other; one comes from the rule of law in a Republic, whereas the other, to the urge and fancy of a real monarch.

## Arbitration

The procedure of arbitration is for clearing of disagreements impartially and rightfully through a person or persons or an official body without choice of lawsuit by the arguing parties pursuant to an agreement.<sup>18</sup> It may be ad-hoc, predetermined, established or legal<sup>19</sup>. An impartial third person selected by the parties to the clash settles the disagreements among the parties in arbitration. Though it looks like the court room-based compromise, it includes less method and parties' choice of arbitrator. It is present with the recognized less burdensome process and it is pretty advantageous in resolving various types of rows together with worldwide commercial arguments. Currently, arbitration is the lone lawfully obligatory and enforceable substitute to commonplace court trials. The arbitration cannot overthrow the authority of law court entirely. Thus, it is a different method from court case, but it does not supersede the usual judicial system in every facet.

## Conciliation

Conciliation is a private, unofficial progression, wherein an unbiased third person aids arguing parties to arrive to a conclusion. It is a method in which the parties, along with the support of the impartial third person or persons, methodically separate the problems tangled in the conflict, grows options, contemplates substitutions and reach a consensual arrangement that will serve their requirements. Generally, the intermediary in this development would autonomously examine into the row and draft his account demonstrating the technique of settlement of conflicts. Then it is left open to the parties themselves to arrive to a concluding settlement coordinated with the report of the mediator, with or without any changes to be decided by the parties. Hence, dissimilar to arbitration, the conciliator's statement would not be necessary for the parties.<sup>20</sup>

The procedure and manner of conducting a conciliation has been provided for under the Arbitration and Conciliation Act, 1996.

In conciliation, the consent of the parties is mandatory for referral of a case to conciliation. Confidentiality has to be maintained by the parties involved in the process respectively.

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<sup>18</sup>H. K. Saharay, *Law of Arbitration and Conciliation*, (Kolkata: Eastern Law House, 2001) p. 3; Phillip Capper, *International Arbitration: A Handbook*, Third edition, (London: Lovells, 2004) p. 2.

<sup>19</sup>Nomita Aggarwal, 'Alternative Dispute Resolution: Concept and Concerns', *Nyaya Deep*, Vol. VII, Issue 1, January 2006, pp. 68 - 81 at p. 73.

<sup>20</sup>Nomita Aggarwal, 'Alternative Dispute Resolution: Concept and Concerns', *Nyaya Deep*, Vol. VII, Issue 1, January 2006, pp. 68 - 81 at p. 73.

The agreement thereby agreed upon is enforceable as it amounts to a decree as per Section 74 of the Arbitration and Conciliation Act, 1996

## **Conclusion**

ADR is swift, cost effective, more user-friendly than formal legal system. It involves people in the course of resolving their rows amicably which cannot be done in community, official and combative justice mechanism professed which is subjugated by the cumbersome process of laid down procedure and difficult legal language. It offers choice of method, of procedure, of cost, of representation, of location. It can ease out the burden of huge pendency of cases before the courts and may help in saving the expenditure of both parties as well as taxpayers. Need of the hour demands that there are many things such as creating awareness and popularizing the methods of ADR are some which are required to be put in place for smooth functioning ADR mechanisms. The others may be involving NGOs and media to play their part in this respect. For Court-annexed intervention and pacification, vital staffs and essential set-up shall be required for which administration capital is necessary. Training curricula on the ADR system are of immense importance. National level legal schools can undertake the character of enabler for that purpose. While the Courts have never exhausted of granting availability of justice aimed at millions in this country, it would not be improper to declare that the motive would be unachievable without modification of the justice dispensation mechanism. There modification can be attained through several variations both at the organizational level as well as the functional level. The framework itself demands changes keeping in consideration the expectation of people regarding the justice delivery system prevailing in India and needs an investigation of the feasibility of the substitute structures for providing justice. The constitution does not provide a specific provision for arbitration, the Code of Civil procedure, 1908 in its Section 89 provides Settlement of disputes outside the court. The Arbitration and Conciliation Act, 1996 has been passed to consolidate and amend the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign arbitral awards as also to define the law relating to conciliation and for matters connected therewith or incidental thereto. Necessary amendments in the Constitution and the related statutes may be made to this effect in order to make it more viable in this regard. On the other hand, changes at the operational level require one to work within the framework trying to identify innovative ways of improving the effectiveness of the legal system. This will considerably reduce the load of the courts by providing inexpensive and swift justice at the door-step. It also helps in avoiding procedural technicalities and delays.