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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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MAPPING ADR EXPERTISE: EXPLORING NATION-SPECIFIC SPECIALISATIONS IN DISPUTE RESOLUTION

AUTHORED BY - MYMOONA REEMA. M*

Abstract

With time and population rising, disputes and conflicts are rising along with it. To cope with the situation, the Alternative Dispute Resolution (ADR) mechanism has gained prominence. Characterized by cost effectiveness, efficiency, accessibility, and flexibility, the ADR mechanism has been widely embraced and swiftly emerged as a primary tool for resolving conflicts. In no time, the evolution took the mechanism to attract almost all the countries and reach almost all the sectors such as commercial, employment, construction, and family law, addressing a variety of disputes ranging from contract issues to personal matters. However, more than being a one-size-fits-all tool, countries prioritize the tool for unique challenges. Its implementation reflects distinct priorities influenced by economic, legal and cultural factors. This paper brings out the diverse application of ADR across different nations. By mapping country-specific ADR specializations and contrasting them with global trends, the study identifies successful models and best practices in specific sectors across borders. This approach could contribute to much understandable, consistent and adaptable ADR practices globally, fostering smoother conflict resolutions in an increasingly interconnected world. To sum up, this paper aims to contribute to the global understanding of ADR's current landscape, while suggesting that a more collaborative and sector-focused approach could strengthen ADR's role in resolving disputes effectively across diverse global contexts.

Key words: *Alternative Dispute Resolution (ADR), conflict resolution, global trend, sectoral adoption.*

1. Introduction

Among the existence of many disputes resolving mechanism ranging from simple compromising to combat battles, extra-judicial dispute resolving mechanism remains the most civilized yet effective one. The Alternative Dispute Resolution methods are the mechanism used to resolve disputes in a formal and civilized way while cutting out the congested court

dockets. There are numerous forms practiced by diverse society to resolve disputes outside the court. Some are recognised globally while some exist in particular region which is influenced based on local culture, traditions, government policies and the country's attitude towards the conflict. The main forms of ADR used globally are negotiation, arbitration, mediation, and conciliation. In spite of the fact that most of the countries have stepped into a common ADR mechanism, quite a number of unique methods are being followed in solving internal conflicts. Such methods are analysed in this study on the basis of different geographies.

1.1 Arbitration: Nations have come up to the acceptance of situation by keeping up their law to be "arbitration friendly". Amidst the high profile, arbitration is the concept of simplest. In case of any dispute, parties involving in a contract submits their cases to the person, whom they both believe to be capable of handling their dispute. Such person is 'an arbitrator'. The arbitrator listens to facts and arguments from both the parties and reach the conclusion i.e., an award. The award passed by the arbitrator is binding on the parties.¹

1.2 Mediation: Mediation is the process through which a third party is appointed to assist the parties to resolve their disputes amicably. The mediator creates platform for the parties to communicate and reach a mutual settlement. The mediator acts as a facilitator as he has no power to impose an outcome. According to international and European trends, mediation is rapidly emerging as an effective and highly preferred form of ADR for private companies and governmental agencies for resolving disputes privately and promptly.²

1.3 Conciliation: Conciliation is the method where a friendly relationship is tried to be built between the parties. Generally, this form of ADR is practiced in civil law countries. Unlike mediator, conciliator assists finding the base problem and direct parties towards mutual satisfactory agreement.³ Based upon the research of Robert Coulson⁴, two third of the respondents said that they would be willing to engage in conciliation before arbitration, among that, some particularly felt that conciliation might encourage the parties to review the issues in an open forum as an effort to reach a possible settlement before arbitration. Agencies such as AAA have been encouraging such processes.

¹ Vikash Kumar Singh, "Arbitration in India: Recent Developments and Key Challenges" *2023 IJCRT, Volume 11, 2023, ISSN: 2320-2882*.

² Andrea Marighetto, "Arbitration, Mediation and Conciliation: Differences and Similarities from an International and Italian Business Perspective" *2004*.

³ *Id.* at 2.

⁴ Robert Coulson, "A New Look at International Commercial Arbitration" *14 Case W. Res. J. Int'l L.* 359, 1982.

2. Objective

1. The research aims to analyse the growth of ADR in global level and identify which form of ADR is most widely utilised across most of the countries.
2. The paper provides assistance in understanding country specific ADR mechanism. Additionally, this study analyses the rise of ADR in specific sectors which aids in utilising it in others.

3. Literature Review

Previous research literatures did not analyse the rise of ADR in specific sectors and lacks comparative analysis on ADR trends globally. This paper seeks to fill the gap by examining the growth patterns of ADR mechanisms across nations and identifying the sectors where ADR is most utilised. This helps to determine which form of ADR can be utilized in specific sectors.

4. Methodology

The study adopts analytical methodology. Both primary (statutes, case laws, interviews, etc.) and secondary sources (scholarly articles, books, legal databases) are used for the research. The research was based on qualitative data collected from conducting interviews with Judges and Senior Advocates.

Doctrinal method of research has been utilized to ascertain the widely employed form of ADR in particular country and qualitative data was collected to analyse the utilisation of ADR in specific sectors in India.

5. Emergence of ADR

Since past few years, Alternative Dispute Resolution Mechanism is taking the upper hand from minor conflicts to disputes involving huge backgrounds. But deep inside, extra-judicial resolution mechanism has always been in the history.⁵ Such dispute solving mechanism can be seen as the fora of choice in many cultures and ethnicities in days of yore. The practice of resolving disputes varied from place to place. By time, the evolving civilizations opted for institutionalized methods.

The United States has a great history in ADR involving Abraham Lincoln, Roscoe Pound. The

⁵ F. Kellor, American Arbitration: Its History, Functions and Achieve” *MEtS* 3-8, 1948.

emergence of current Alternative Dispute Resolution development was discussed by Pound in 1906 with American Bar Association where he submitted the concept of justice in informal way⁶. In 1926, the American Association for Arbitration (AAA) was designed to assist the arbitration proceedings. Congress established the Community Relations Service of Justice Department in the Civil Rights Act, 1964 to assist courts in settling intractable racial and community disputes. Jurists and lawyers expressed concerns about increasing expense and delay in justice system at the Pound Conference⁷ in 1976. Further, the AAA formed World Arbitration Institute in 1984 for the purpose of attracting more international arbitrations to the United States, more particularly, New York.

The Conciliation and Arbitration Act, 1904 is the paper evident to reflect the historic root of ADR in Australia. Australian courts and tribunals prefer this process in resolving disputes.⁸ Under this Act, Commonwealth Court of Conciliation and Arbitration was established to listen to the complaints of employers and employees. In 1956, the court was divided into two institutions: (i) Conciliation and Arbitration Commission, and (ii) the Industrial Court. In Australia, mediation was used as an alternative for civil litigation since 1970s.

Subsequently, In U.K, ADR emerged as a formal tool for dispute resolution in 1990. U.K has relied predominantly on mediation, especially in resolving consumer disputes. Ignition for contemporary ADR in Europe may be identified in the “European Commission Recommendation of 30 Mar., 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes”. Establishment of Family and Community Mediation Centre in 1993 promoted ADR mechanism for resolving family disputes.

Institution	No. of ADR cases (in 2023)
American Arbitration Association	11,553
Hong Kong International Arbitration Centre	500
International Chamber for Commerce	890
London Court of International Arbitration	377
Swiss Arbitration Centre	100

Table 1 Total No. of ADR Cases registered in 2023.

⁶ Auerbach. J, “Justice without Law” 1983 Oxford University Press, 1st Edition, p. 16 California Courts.

⁷ The conference named after Prof. Dean Roscoe bound honoured on the 70th anniversary of his presentation in 1906.

⁸ King. M, et. al, 2009.

6. ADR in India

In India, Arbitration is the widely used method, while mediation is emerging form of ADR. India has history of resolving disputes outside formal legal system, through conciliation methods. From ancient time to 20th century, Nyaya Panchayat system was in practice for resolving disputes, headed by village elders. The tradition of Nyaya Panchayats laid the groundwork for modern ADR system in contemporary India, which are more formalised and structured.⁹

6.1 Legal history of ADR in India

The roots of ADR in Indian legal system can be traced to Bengal Regulation Act, 1772 The Indian Arbitration Act, 1899 was the first formal statute recognizing the extra-judicial dispute resolving mechanism for the nation as whole. It was applicable only to Presidency towns of Madras, Bombay and Calcutta. Based on the English Arbitration Act, 1934, the Arbitration Act of 1940 came into force. The New Economic Policy of 1991 opened the door for foreign investments and international trade in India. However, India was failing to meet its foreign investors' expectations in availing simpler yet vibrant dispute resolving mechanism. To catch the wave, Indian Parliament enacted the Arbitration and Conciliation Act, 1996, based on the UNCITRAL Model Law on International Commercial Arbitration, 1985¹⁰. §89 of Civil Procedure Code recognise the elements of ADR and the same was upheld in many cases. Notable cases are *Afcons Infrastructure Limited v. Cherian Varkey Construction Co. Pvt. Ltd.*¹¹ and *Salem Advocate Bar Association v. Union of India.*¹²

6.2 Arbitration

Generally, arbitration is being used in commercial and corporate sectors. Arbitration plays a crucial role in governmental disputes. For example, disputes related to compensation in land acquisition cases are dealt by arbitrators. However, in the interview conducted by the author, Senior advocate of Madras High Court (Madurai bench) expressed dissatisfaction towards arbitration in PPP cases, stating that the ad-hoc arbitrators for such disputes are appointed by the government which opens door for impartiality. the Parliament passed the Indian

⁹ Malhotra, R., "Insights into the challenges faced by Lok Adalat and recommendations for integrating technology to improve efficiency" 2020.

¹⁰ Malik, R. S., "The History of ADR in India and its evolution from traditional panchayat systems to modern day Lok Adalat and other ADR mechanisms" 2014.

¹¹ 2010, 8 SCC 24.

¹² AIR 2003 SC 189 and AIR 2005 SC 3353.

International Arbitration Centre Act, 2019 with the view of creating an autonomous, independent and world class platform for resolving commercial disputes, both domestically and internationally. Recently, the Centre has notified the International Arbitration Centre (Conduct of Arbitration) Regulations, 2023.

6.3 Mediation

The then Chief Justice of India inaugurated the Ahmedabad Mediation Centre on 27th July, 2002, followed by Chennai Mediation Centre in 2005. 2018 amendment to the Commercial Courts Act, 2015 provides provision for Pre-Institution Mediation and Settlement (PIMS) mechanism. This mandates the parties to commercial disputes of specified value to first exhaust the remedy of PIMS to contemplate any interim relief. The Mediation Act, 2023 lays down statutory framework for mediation to be adopted by parties, especially institutionalised mediation.¹³

Generally, family disputes and money related cases are the most commonly addressed cases in mediation. The court plays the stock character, as most of the cases are directed from the concerned courts. Interviewing the Mediation Judge, in matrimonial cases, mediation creates opportunity for the parties to communicate. This gives more positive outcomes than from court. Furthermore, he explained that various cases of compoundable nature are dealt by trained mediators across nation.

As of property cases, the Hon'ble District Munsif of Tirunelveli stated that property disputes referred to mediation result in win-win situation. She further added that mediation in such cases benefits both parties while minimizing the potential losses. This shows the contributing role of a judge in growth of ADR.

During the interview with honourable Judge of Special Court for NI Act cases, Tirunelveli, he affirmed that monthly 10 to 15 cases are referred to mediation by him in average. He stated that after filing and obtaining surety, most of the cases are sent to mediation and a considerable number of cases are settled there. Additionally, motor accident cases are increasingly resolving via mediation.

¹³ Press Information Bureau, International Arbitration and Mediation, 13 Dec., 2024.

6.4 Conciliation

Labour disputes are the major focus in conciliation cases. An appointed labour inspector acts as conciliator in labour disputes. Most of the labour disputes are priorly heard by the conciliator before initiating formal proceedings.

6.5 Lok Adalat

One of the popular, unique ADR forms belongs to Indian system is Lok Adalat. It is a statutory body where the pending dispute or cases in court of law or at pre-litigation stage are settled or compromised amicably. Former Chief Justice of India N.H Bhagawati led the first comprehensive, formal inquiry into this dilemma. Under the Legal Services Authorities (LSA) Act, 1987, an award made by a Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against thereto before any court, except through filing a Special Leave Petition under Article 136 of the Indian Constitution.¹⁴ Honourable Judge of Principal District Munsif Court mentioned that 100 cases at least must be referred to mediation every 3 months from her court. There are few types of Lok Adalat, which operate for different sectors.

Types of Lok Adalat	Key features	Common Disputes Handled
Permanent Lok Adalat	Continuous operation; deals with public utility services	Transport, postal and utility disputes
Mobile Lok Adalat	Travels to rural areas; ensures access to justice	Land disputes, family issues
National Lok Adalat	Organized on specific days nationwide; mass case resolution	Civil and criminal matters.

Table 2. Types of Lok Adalat

Case Type	Location	Number of Cases Settled
Traffic Violations	Delhi	200,000
Family Disputes	Karnataka	1,500
Property/ Land Disputes	Gujarat	Multiple decade- old cases

Table 3. Cases settled by Lok Adalat

¹⁴ Press Information Bureau, Government of India at forefront to promote Alternative Dispute Resolution Systems, 8th Feb., 2024.

7. How ADR is utilized around the world

7.1 The United States: The United, being a party to the New York Convention and many other bilateral and multilateral treaties related to Arbitration, has showed its hospitality both legislatively and judicially. It was 1974, in the case of *Schrek v. Alberto Cluver Co.*,¹⁵ the Supreme Court recognised the importance of upholding arbitration in international trade holding contractual agreements. Even though the holding was not under the Convention, the Court was mindful to consider the recent assession of the State to New York Convention and the intent of legislation to do so:

“The contractual provision specifying in advance the forum in which disputes shall be litigated and the law to be applied is ... an almost indispensable precondition to achievement of the orderliness and predictability essential to any international business transaction ... A parochial refusal by the courts of one country to enforce an international arbitration agreement would not only frustrate this purpose, but would invite unseemly and mutually destructive jockeying by the parties to secure tactical litigation advantages.”¹⁶

7.2 The U.K.: Presently, in U.K, three components of ADR processes for resolving disputes have been discovered before going into litigation, those are negotiation, mediation and conciliation. The Family Law Act, 1996 introduced mediation to family disputes¹⁷ and the Tribunals, Courts and Enforcement Act, 2007 introduced informal resolution of administrative disputes. Directives 2009 issued by the European Union provides instruction for alternative dispute resolution in consumer disputes and other matters. *Halsey v. Milton Keynes General NHS Trust*¹⁸ is a notable case where the court emphasised the requirement of mediation.

7.3 Russia: Alternative dispute resolution in Russia shows the interconnection of different legal system in the modern world.¹⁹ Arbitration is the most widely used form of ADR in Russia, commercial disputes in particular. This was the result of well institutionalised ADR practice. In 1996, there was about 250 arbitration institutions where about 1500 arbitrators were at service.²⁰ The Conference held in Moscow on May, 2000 in which over 200 participants from

¹⁵ *Schrek v. Alberto Cluver Co.*, 1974 417 U.S 506., U.S.

¹⁶ *Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.*, 1985 105 S. Ct. 3346, 3355, U.S.

¹⁷ See Ministry of Justice, Final report, London,, 2011 Family justice review, p. 23.

¹⁸ *Supra* note 17 at 8.

¹⁹ Elena Nosyreva, “Alternative Dispute Resolution in the United States and Russia: A Comparative Evaluation, Annual Survey of International and Comparative Law” *Vol. 7: Iss. 1, Article 3, 2001.*

²⁰ Elena A. Vinogradova, “Alternative Dispute Resolution” *VESTN. VYSSH. ARB. SUDA RF n.8, 1997.*

different regions of Russian Federation participated, marked an official start in the direction of introducing alternative dispute resolution into the legal system of modern Russia. Currently Arbitration proceedings are inherent in civil trials.

7.4 Italy: In Italy there are many courses of ADR, from simple settlement agreement²¹ to judicial conciliation.²² For many years, arbitration, especially ad hoc arbitration, was successfully used as an alternative to the traditional system of resolving disputes. However, arbitration did not come economically handy for small scale businesses.²³ When a provision²⁴ authorizing the judge to explicitly formulate a proposal for mediation was inserted to the Code of Civil Procedure, mediation started paving its path into Italian legal system. This method has long been applied in labour and social security disputes.

7.5 Hong Kong: Hong Kong has its place among top 5 International Arbitration Centres. One of the first Asian Countries to adopt apology ordinance²⁵ in any matter except for matters in criminal nature. Besides, mediation is used as dispute resolving mechanism in various fields like employee's compensation cases, land dispute and family disputes, cases involving financial issues of company unless there is an arbitration agreement. Although mediation is recommended by the judiciary, parties are open to choose between arbitration and mediation.²⁶

7.6 Philippines: Philippines follow local level justice system called Barangay system or Katarungang Pambarangay.²⁷ These are grass-root level statutory institution established to avail easy and cost-effective access to poor communities.²⁸ Unlike usual mediation systems, this system utilizes three mediators.²⁹ It is the widely used for of ADR used to resolve general civil and criminal disputes.

7.7 Japan: In Japan, there are more than one ADR mechanism to solve disputes, like expert determination, arbitration, mediation and multi-task dispute resolution, i.e., combination of

²¹ See Italian Civil Code, Art. 1965 “*transazione*”.

²² See Code of Civil Procedure, Art. 185, Art. 320.

²³ Giuseppe Conte, “The Italian Way of Mediation” 6 *Y.B. Arb. and Mediation* 180, 2014.

²⁴ Art. 185-bis cod. Proc. Civ.

²⁵ L.N. 148 of 2017.

²⁶ Community Legal Information Centre, University of Hong Kong.

²⁷ Gerry Roxas Foundation, 1999.

²⁸ Rowena A. Pila, “The Implementation of Katarungang Pambarangay Judicial Service System in Mandaluyong City: Basis for Policy Recommendation, *International Review of Humanities and Scientific Research*” 2021.

²⁹ Gill Marvel P. Tabucanon, 2008.

more than one dispute resolving method. Both the Japanese legislation and judiciary has increasingly encouraged mediation as a foremost dispute resolving mechanism, especially in commercial disputes. The Japanese law requires the parties in commercial disputes to attend mediation or conciliation even before commencing commercial arbitration proceedings. Dispute resolution clause of some Japanese contracts explicitly stipulate “agree to negotiate in good faith” before taking any further steps.³⁰ Civil conciliation is also widely used, which is carried out by three or more conciliation commissioners.³¹

7.8 China: Arbitration is the major mechanism in resolving labour disputes. However, interviewing ADR specialised lawyer in China expressed the major drawback of arbitration in China as high cost associated with arbitration in non-labour disputes. Besides, Initiation of online litigation is one of the significant transitions in China during the COVID19 pandemic. In 2019, the Supreme People’s Court of China issued Chinese Court and Internet Judiciary, in which the court outlined China’s strategy to develop internet courts and online mediation.³² People’s Mediation System is the method followed in China.

7.9 Canada: Even though, multiple forms of ADR are practiced in Canada, the Canadian system mandates mediation before initiating formal proceedings. Some proceedings may even require mediation in pre-trial stage. Canada has administrative tribunals in federal as well as provincial levels, presided by adjudicators, for hearing disputes related to government rules and regulations.³³

7.10 Singapore: In Singapore, mediation has been widely adopted as alternative dispute resolving mechanism. Mediation is mandated by the law itself in particular cases while the court mandates mediation in many cases even after commencement of trial.³⁴ Professor Frank Sander distinguish the former as categorical referral and the latter as discretionary referral.³⁵ The imposition of modern mediation into Singaporean system has shifted adversarial form to

³⁰ Herbert Smith Freehills, *The Rise of ADR in Japan* 2013.

³¹ Mori Hamada, Matsumoto, “A General Introduction to Dispute Resolution in Japan” *Lexology*, 2024.

³² Qian Zhou, “Dispute Resolution in China: Litigation, Arbitration and Mediation” *China Briefing*, 2022.

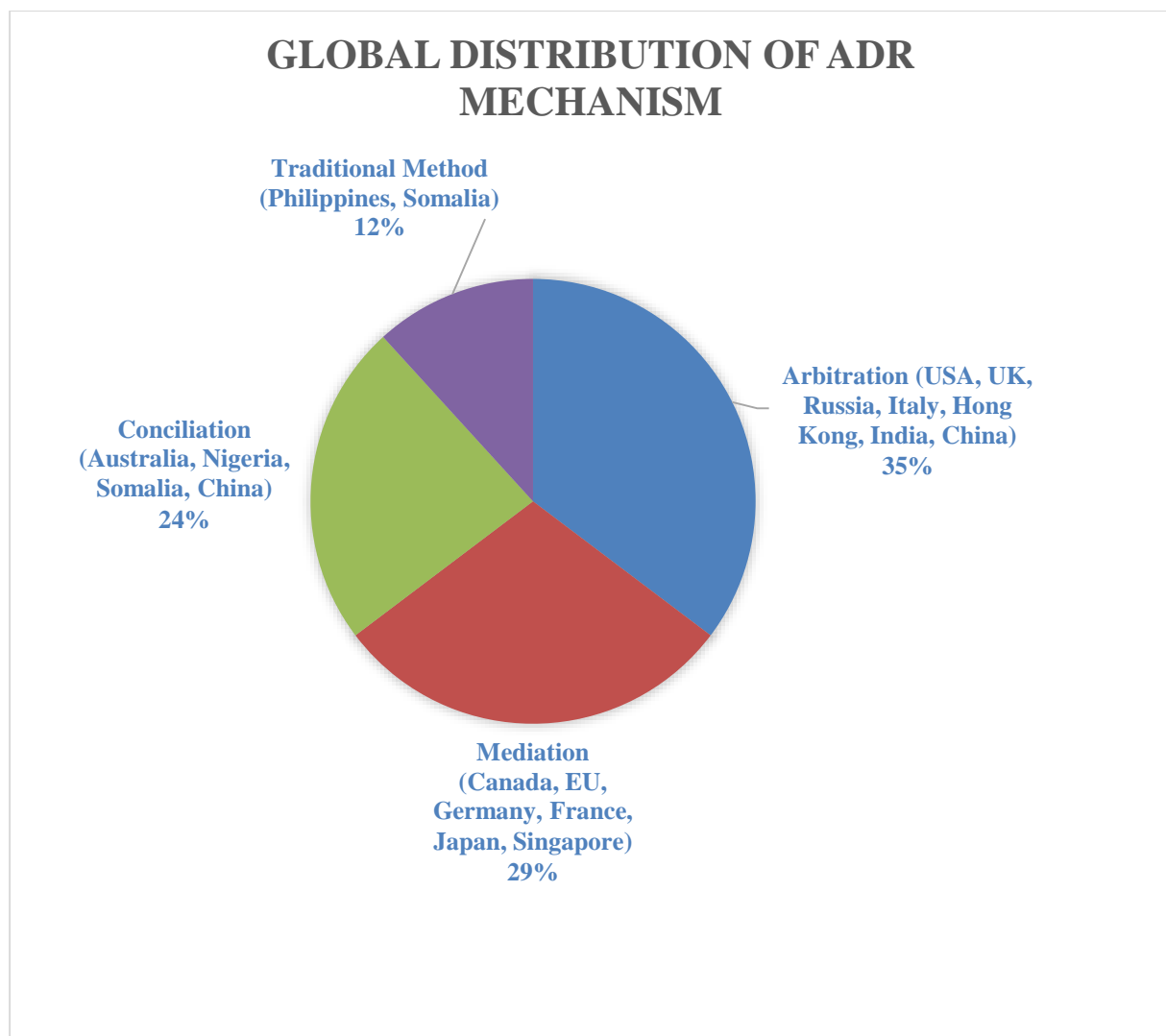
³³ Aniket Pandey, “Alternative Dispute Resolution: Comparative Analysis of Nations” 2020.

³⁴ Dorcas Quek, “Mandatory Mediation: An Oxymoron? Examining the Feasibility of Implementing a Court Mandated Mediation Programme” 2009.

³⁵ Frank E. A. Sander, H. William Allen & Debra Hensler, “Judicial, Misuse of ADR? A Debate” 27 *U. TOL. L. REV.* 885, 886, 1996; Frank E. A. Sander, “Another View of Mandatory Mediation” *DISP. RESOL. MAG.*, 16, 2007.

conciliatory form of justice.³⁶

7.11 Somalia: The Ministry of Justice in Somalia has established ADR Centres where they follow a customary method called Xeer and Sharia law. Xeer is a blend of arbitration, mediation and conciliation. These centres have jurisdiction over civil disputes and disputes of non-serious crimes.³⁷



8. Other Forms of ADR

8.1 Med-arbs: This concept was introduced by Clifford Evans in 1986. This is a hybrid process in which the parties in dispute try to settle it through mediation, and in failure, they will opt for the second process, that is, arbitration. This process requires mutual agreement of parties and

³⁶ Ojelabi LA, Noone MA, "Jurisdictional Perspective on Alternative Dispute Resolution and Access to Justice: Introduction" *International Journal of Law in Context*, 16(2:103-107, 2020).

³⁷ Accessing Justice: Alternative Dispute Resolution in Somalia, International Development Law Organisation.

a contractual clause which may be mentioned as multi-stage dispute resolution provision or as med-arb. A Dispute Resolution Adviser, which Clifford called as an ‘independent intervener’ makes suggestions to the parties for settlement of dispute.³⁸ The verdict of the Adviser will be compulsory until any one of the parties opt for the other procedure, i.e., arbitration for dispute resolution.

8.2 ODR: Online Dispute Resolution, developing mechanism since mid-1990s, is a method utilizing the application of technology in facilitating resolution of disputes³⁹. This form of ADR can be applied for both e-disputes and the other form which does not involve internet.⁴⁰ As per the Regulation⁴¹ passed by the European Council, free online platform was established and became accessible for all traders engaging within the EU. It is mainly focused in consumer disputes through e-commerce.⁴² In India, ODR surfaced after 2016 when the government and ministries pushed it into the system by establishing Online Consumer Mediation Centre (OMCM) by the Ministry of Consumer Affairs at National Law School of India, Bengaluru.⁴³ Subsequently, in 2020, VIVAAD SE VISHWAS scheme was launched by the Union Government of India to resolve tax disputes through ODR, which showed effectiveness when the Courts were closed due to COVID-19 pandemic⁴⁴. After the Supreme Court established an e-committee, launching the plan for ‘The ODR policy plan for India’ was pushed by NITI AAYOG in 2021. Other government institutions such as the Reserve Bank of India, Security and Exchange Board of India also support the use of ODR system.⁴⁵

8.3 E-ADR: In 2019, E-Alternate dispute resolution (E-ADR) was launched together with the help of legal experts and social and business leaders. The objective of this innovation is to enter the field of law and build an ADR platform that can resolve disputes with the help of advanced technology. The enterprise works for an igniting agent and has started building an IDR start-up Ecosystem throughout the country.⁴⁶

³⁸ Newman. P 1999; *See* Wall. C, 1992.

³⁹ Noam Ebner, John Zeleznikow, “No Sheriff in Town: Governance for Online Dispute Resolution” 2016.

⁴⁰ Enas Qutieshat, “Online Dispute resolution” 2017.

⁴¹ Regulation, Eu No 524/2013 of the European Parliament and of the Council of 21 May 2013.

⁴² Alternative Dispute Resolution after Brexit, UK Law Society, 2021.

⁴³ National Law School of India University, Bangalore.

⁴⁴ Press Information Bureau, 25 Jan., 2024.

⁴⁵ Press Information Bureau, Jan 25, 2024.

⁴⁶ Aditya AK, HumLab, Vayam, “ICICI Bank announce E-ADR Challenge” 2019.

9. Recommendations

1. India can adopt ADR mandates in consumer disputes similar to that of European Union's Consumer ADR Directive.
2. Besides family disputes, mediation should be pre-requisite in other cases like disputes related to financial institutions, petty accidents, negotiable instrument cases, etc., as in Italy and Brazil.
3. Singapore's model of ADR, being mostly institutionalised rather than ad hoc, shows higher rate of credibility and success. This can be followed in cases involving commercial and public-private partnership disputes.
4. Construction disputes can also be resolved efficiently by DRS similar to that of UK's adjudication system which reduces unwanted delays and additional expenses.
5. Arbitration system in India can be modelled after Hong Kong and Switzerland, which are well-known for their efficient arbitration rules and enforcement systems.
6. India should integrate digital platforms and technology into arbitration framework, mentioning the success of the U.S and Canada in implementing virtual arbitration courts. This makes it more accessible.
7. Psychological support and stress management should be included as a part in training mediators. This benefits the parties as well as safeguard mental health of the mediator. This can be similar of Australia's mediator training programmes.
8. Countries should adopt globally recognised mechanism to ensure consistency and mutual understanding. This improves credibility and compatibility in global trade. For this purpose, the enforceability of UNCITRAL Model Law on International Commercial Arbitration should be strengthened.

10. Conclusion

Alternative dispute mechanism has always been a part of dispute resolving mechanism. In recent decades, such extra judicial dispute resolution system has gained more attention. This might be due to globalisation, increase in consumerism, development of technology or even the growth of population. However, to surf with the wave, the initiatives in encouraging ADR is momentous. As the global legal system evolves, the advancement and integration of alternative dispute resolving mechanism holds comparable importance as that of international justice system. In conclusion, the alternative mechanism not only a favour for judiciary in sharing its burden, but also for the parties to foster amicable relationship.