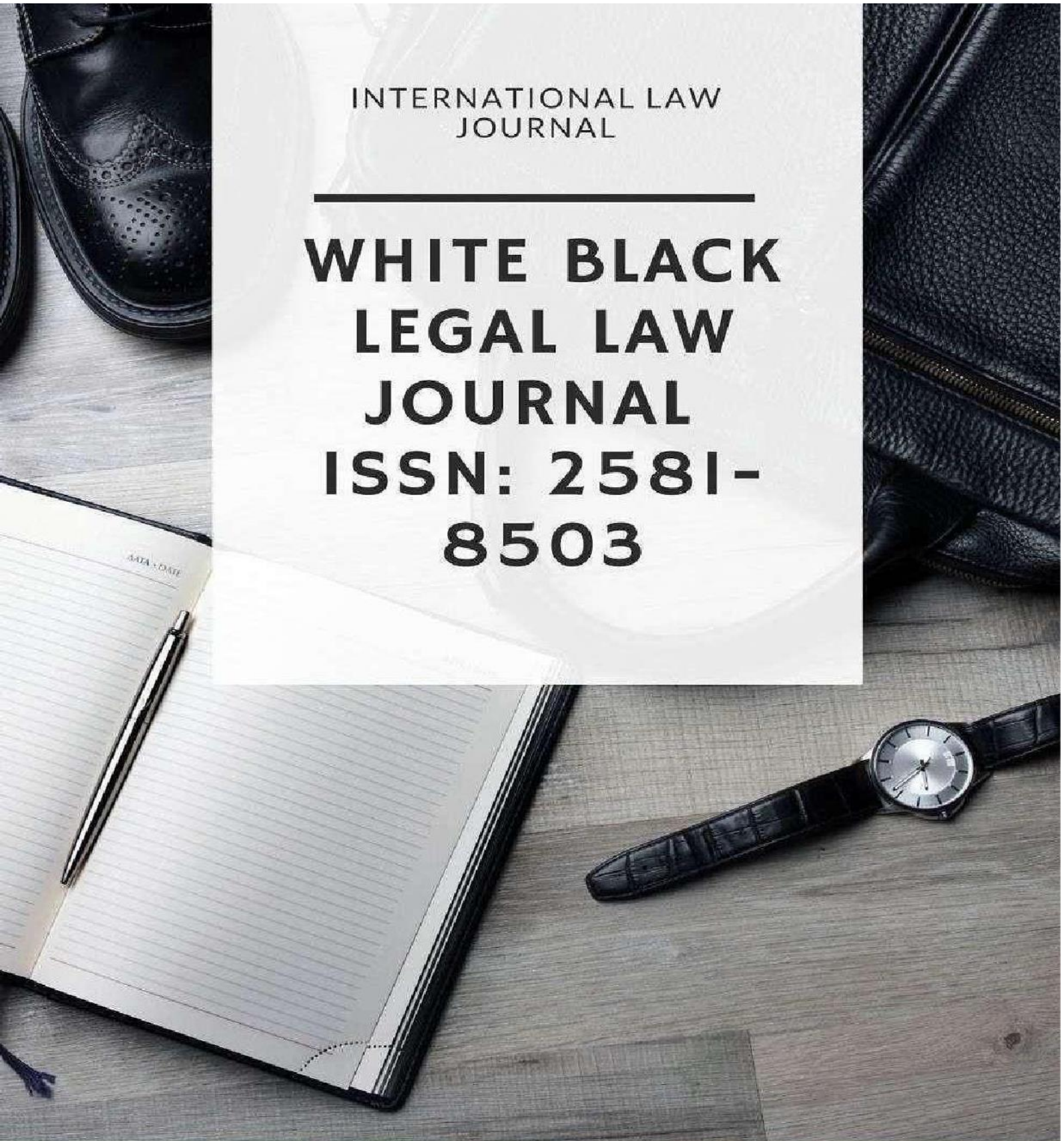




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ROLE OF ALTERNATIVE DISPUTE RESOLUTION IN REDUCING JUDICIAL BACKLOG IN INDIA

AUTHORED BY - MANISHI SHUKLA

ABSTRACT

India's court system is seriously overloaded these days, with a huge number of cases piling up and causing major delays in getting justice served. When legal flights stretch out over years- or even decades- it really shakes people's faith in the whole setup and completely goes against the core principle that justice needs to be prompt and fair for everyone involved.

To help fix this ongoing mess, Alternative Dispute Resolution (ADR) approaches have become a really useful way to handle disagreements without dragging everything through the full courtroom drama. ADR includes options like arbitration (where a neutral person decides the outcome), mediation (a facilitator helps both sides talk it out), conciliation (similar but with more suggestions from the neutral party), simple negotiation between the parties, and Lok Adalats- those informal, community- focused settlement camps that aim to wrap things up quickly and affordable.

In this paper, I take a detailed look at exactly how ADR is making a difference in cutting down India's enormous judicial backlog. It explores the main laws and rules that back these methods, the main laws and rules that back these methods, the organizations and centers that actually put them into practice, and the consistent support the judiciary has given to make ADR more mainstream.

Some of the most important legal foundations include the Arbitration and Conciliation Act, 1996, which modernized how arbitration and conciliation work; Section 89 of the Code of Civil Procedure, 1908¹, which actually gives courts the power (and sometimes the duty) to send suitable cases over to ADR processes instead of keeping them in the regular trial track; and the Legal Services Authorities Act, 1987, which created the framework for Lok Adalats and broader legal aid efforts to make justice reachable for more people.

¹ Code of Civil Procedure, No. 5 of 1908, § 89 (India).

The real advantages of going the ADR route stand out pretty clearly: disputes often get settled in a fraction of the time in a fraction of the time it would take in court, the overall expenses drop a lot for both sides (no endless lawyer hours or court fees piling up), everything stays confidential so sensitive details don't become public gossip, and- crucially- the whole cooperative intact rather than burning bridges forever, which is especially valuable in family matters, business partnerships, or neighbour disputes.

The paper also points out several key Supreme Court judgements that have really pushed ADR forward, giving it more legitimacy and encouraging judges across the country to refer cases where it makes sense. But it doesn't ignore the tough realities either: a lot of ordinary people and even some lawyers still don't know much about these alternatives or how they work: there aren't well-equipped mediation centers, especially outside big cities; and there's sometimes pushback from the legal community, where long trials can feel more familiar or even profitable. Ultimately, though, the outlook is optimistic with some practical steps in mind: if we invest in building stronger ADR institutions nationwide, run campaigns to educate the public about these faster options, and make sure law students and practicing lawyers get solid training in ADR techniques right from the start, India could seriously start reducing that massive case pile-up. The result would be a justice system that's not just quicker and less expensive, but genuinely more approachable and fair for everyday citizens who need it most.

INTRODUCTION

India's judiciary plays a central role in any democracy- it's responsible for delivering justice, settling conflicts, safeguarding people's rights, and keeping the rule of law strong and intact. Courts are where disputes get resolved, where fundamental freedoms are protected, and where society can trust that fairness prevails.

But right now, the Indian judicial system is dealing with one of its biggest headaches: an enormous backlog of pending cases that's grown to overwhelming levels.

According to the latest figures from the **National Judicial Data Grid (NJDG)**, as of early 2026², more than 4.67 crore cases are currently pending across all levels- covering the Supreme Court, the various High Courts, and the district and subordinate courts throughout the country.

² National Judicial Data Grid (NJDG), *Pending Case Statistics*, <https://njdg.ecourts.gov.in>

This massive pile-up means that justice often gets delayed for years, and in far too many instances, people wait decades for their cases to even reach a final decision.

These long delays stem from a bunch of interconnected problems: there simply aren't enough judges to handle the volume, court procedures can be overly complicated and rigid, parties frequently ask for (and get) adjournments, and the number of new cases being filed keeps rising steadily. On top of that, the traditional adversarial setup- where two sides fight it out aggressively- tends to lead to drawn-out trials, heaps of evidence hearings, cross-examinations, and then often multiple rounds of appeals, all of which just add more fuel to the backlog fire.

To try and ease this pressure on the formal courts, Alternative Dispute Resolution mechanisms have been gaining serious momentum as a smarter, more practical way to sort out disputes without forcing everything through the full courtroom process. ADR options tend to be quicker, more adaptable to the specific situation, and usually much less costly for the people involved. Over the years, India's legal framework has slowly but steadily come to recognize how valuable ADR can be in lightening the load on judges and courts. Important legislative changes- like the Arbitration and Conciliation Act 1996³, which brought modern rules for arbitration and conciliation in line with global standards, and Section 89 of the Code of Civil Procedure, 1908, which actually empowers (and in some cases encourages) courts to refer suitable disputes to ADR routes- have helped push this shift forward.

The judiciary hasn't just sat back either; through a series of landmark Supreme Court judgements, judges have actively promoted ADR, showing how it can serve as a real tool to cut down pendency and make justice more reachable for ordinary citizens.

All these efforts highlight a clear and growing understanding: ADR isn't just a side option- it's becoming a key part of making the system work better overall.

This research paper takes a close look at the specific role Alternative Dispute Resolution plays in tackling India's judicial backlog problem. It breaks down the current legal structure that supports ADR, weighs up its real benefits in practice, points out the ongoing challenges and roadblocks, and considers what the future might hold for these mechanisms if they're

³ Arbitration and Conciliation Act, No. 26 of 1996, India Code (1996).

strengthened and used more widely.

2. What ADR Actually Implies and the way it developed in India.

Alternative Dispute Resolution encompasses in a broad manner all the various methods that individuals can use in resolving their disputes without necessarily facing the formal court proceedings. Rather than a judge making all decisions after a protracted trial, parties may resort to such processes as negotiation (simply talking it through by themselves), mediation (a neutral person assists in facilitating the discussion), arbitration (where an appointed neutral expert listens to both sides and renders a binding decision), or any other similar method.

Overall, these ADR procedures are infinitely more casual and informal than typical court proceedings- they are more adaptable, quicker, and they allow the direct participants to be more involved in how all these matters are settled. The point is that it promotes collaboration: the conflicting parties collaborate, sometimes through the assistance of an uninterested third party, to reach the solution that will benefit both sides instead of a consensus in which one of the parties will be a winner, and the other will be a loser.

Interestingly. It is not a new brand in India. Traditional systems such as village panchayats dealt with local disputes over the centuries by open discussions and compromise and by seeking to bring harmony to the community- not by confrontation or punishment but by reconciliation. The force behind modern ADR actually began to accelerate when the courts began to become engulfed by a constantly-increasing case load. As the number of litigations was skyrocketing and backlogs were becoming a national epidemic, there was a great demand of faster and more effective alternatives that would not cause an increase in the congestion.

Among the most effective aspects of ADR is the focus on party autonomy- the people involved get to determine such issues as the method to be employed, rules to be followed, as well as the neutral facilitator/arbitrator, and even the place and manner of the process. The feeling of control tends to give results, which are more acceptable to all.

Nowadays, the ADR is established as the inseparable element of the Indian justice system. It is no longer an add- on, but a crucial component in ensuring that the process of resolving disputes becomes easier, cheaper and more accessible, and making the whole legal machinery

operate more effectively.

3. The ADR Mechanisms in India

In India, there are various important Alternative Dispute Resolution (ADR) mechanisms that individuals and companies actually resort to, in order to resolve their disputes, without engaging in lengthy courtroom fights. The processes differ in their formality and the type of result that they achieve though are all aimed at being faster and not necessarily less stressful than a traditional litigation process.

3.1 Arbitration

Arbitration is one of the most preferred options particularly in case of a business or commercial dispute. In essence, the disputing parties already settle beforehand to submit their conflict to a neutral third party (or a group of three) known as an arbitrator. This arbitrator hears both parties, reviews the evidence and then devises a final, binding ruling - known as an arbitral award - which must be adhered to by both parties, just as a court verdict.

In India, Arbitration and Conciliation Act, 1996 regulates the entire process. This legislation was introduced with the aim of updating and modernizing the operation of arbitration in this region to make it closer to the way it is done in other countries so that India can consider itself a trustworthy location in terms of adjudicating cross-border or high-value commercial disputes. The Supreme Court has intervened on numerous occasions to ensure that arbitration is more powerful and just. As an example, in the case of **Bharat Aluminium Co Vs Kaiser Aluminium Technical Services Inc**⁴, (the notorious BALCO case) the Court showed the application of the law within the territory of India and emphasized that the parties must be allowed to arrange their process freedom in the real sense, party autonomy is the key here.

Then there is the **ONGC Vs Saw Pipes Ltd** where the judges have enumerated the rare circumstances where the court can in fact reverse an arbitral award, just to ensure the equity and integrity of the entire arbitration process.

In the case of **Perkins Eastman Architects Vs HSCC (India) Ltd**⁵, the Supreme Court decided that when one of the parties is interested in the case, they cannot simply make the choice on the arbitrator by themselves- it would be unjust and unfair.

Such instances illustrate how courts continue to make efforts to establish trust in the arbitration

⁴ *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.*, (2012) 9 SCC 552.

⁵ *Perkins Eastman Architects DPC v. HSCC (India) Ltd.*, (2019) 9 SCC 389.

system as a reliable effective method of conflict resolution that does not overload the courts.

3.2 Mediation

Mediation is the opposite- it is entirely voluntary and the neutral party (mediator) does not make any decisions or pressurize a solution. Rather, the mediator will take the role of a guide or facilitator whereby he assists the two parties in openly discussing their own stances and getting to know and understand them better before eventually settling on an agreement that both can live with.

This strategy gleams in those circumstances in which maintaining a relationship of some sort is important such as family quarrels (divorce, child custody), work or business troubles, or even neighbourhood/community disputes. Through competition not through winning/losing, mediation is frequently effective in maintaining the current relationship between individuals.

In Salem Advocate Bar Association Vs Union of India, the Supreme Court gave mediation a massive boost as it hugely supported the concept and spoke about the reasons why the ADR Options in Section 89 of the Code of Civil Procedure are extremely critical in alleviating the burden on the courts.

The establishment of mediation centers within or even outside a court has simplified and increasingly popular over the years as several courts around India established special mediation centers within or even outside the court that have made it much easier to refer cases to mediation and record actual results.

3.3 Conciliation

Conciliation is quite comparable to mediation, only that the conciliator is hands-on. They can help not only to discuss- they can even propose to the parties what could be done to narrow the divide and make them meet halfway.

Part III of the Arbitration and Conciliation Act, 1996 is the source of rules of conciliation. In case the parties also arrive at a settlement through such a process, the settlement is legally binding and enforceable almost as a contract or decree.

It is particularly popular in such cases as labor or industrial conflicts, or business negotiations when the parties are interested in working further, preserving trust and relations, and conciliation contributes to it.

3.4 Lok Adalats

The Lok Adalats are most likely the most Indian-friendly and available type of ADR- they are

informal settlement forums established under **Legal Services Authorities Act, 1987**⁶. The entire intention is to bring quick and cheap justice by compromising and agreeing mutually, usually in one sitting or camp- style.

Such forums normally assume the cases such as motor act claims, family/matrimonial cases, simple civil cases and even some simple criminal cases that are compoundable. Individuals obtain fast solutions without excessive attorney charges and lengthy queues.

In **State of Punjab Vs Jalour Singh**⁷, the Supreme Court clarified what Lok Adalats could and could not do and it is quite obvious that their primary task is to promote voluntary settlement of the parties involved and not to behave like a straightforward court.

Lok Adalats have cleared millions and millions of cases across the country over the years- it is one of the largest contributors of actually relieving the burden of the formal judiciary and enabling ordinary people to get some closure not to mention years of litigation.

4 Legal Support of ADR in India.

The transition of India to ADR has not been an eventuality- it is supported with sound legislations and judicial positive reinforcements that have been cumulative over the years.

The Arbitration and Conciliation Act, 1996 provides a comprehensive and detailed framework of dealing with both arbitration and conciliation including all aspects of how proceedings commence up until the enforcement of the awards.

Section 89 of Code of Civil Procedure, 1908- one of the most effective tools- this section literally permits (is sometimes coercive) courts to relegate suitable cases out of the ordinary trial process, and refer to ADR mechanisms such as arbitration, mediation, conciliation, or Lok Adalat in case a viable settlement between the parties may be apparent.

This section was assisted to be viable by the Supreme Court in **Afcons Infrastructure Ltd. Vs Cherian Varkey Construction Co**⁸. as it provided the guidelines under which the judges were to refer cases to ADR to ensure that the process is not arbitrary and coercive.

⁶ Legal Services Authorities Act, No. 39 of 1987, India Code (1987)

⁷ *State of Punjab v. Jalour Singh*, (2008) 2 SCC 660 (India)

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

According to **M.R. Krishna Murthi Vs New India Assurance Co⁹**, the Court has emphasized the importance of ADR in reducing the backlog and getting justice more accessible to all and all, not to mention those who are unable to fly long distances to court.

In **K.K. Modi Vs K.N. Modi¹⁰**, the judges delved into the fundamentals of the ADR concepts and reaffirmed the relevance of powerful arbitration agreements to ensuring that court proceedings do not happen at all.

All these laws and judicial decisions have made a conducive environment and made people consider ADR a first- or at least serious consideration offloading huge pressure on India overburdened courts.

5. The Real-Life Benefits of ADR in Reducing the Indian Judicial Backlog.

The reason why people and even courts resort to Alternative Dispute Resolution (ADR) is one of the largest, as it is much quicker than the traditional court process. Frequent Indian litigation may be endless- consider a series of hearings, protracted evidence submissions, questions, and cross-examination, arguments, adjudication and eventual appeal all the way to the top. It is not unusual that a mere civil court dispute can require 5, 10 or 20 or more years.

ADR methods flip that script. Such procedures as mediation or arbitration deprive much of those cumbersome formalities. Endless adjournments and strict court schedules are not always needed, instead, the parties (with the assistance of a neutral person) can make their own schedule, concentrate on the actual problems and, more often than not, get everything over within weeks or several months. Criminals whose cases could have been pending in court are solved at an early stage which leaves more space on the judge's docket.

The Supreme Court itself has indicated the same in *Afcons Infrastructure Ltd. Vs Cherian Varkey Construction Co.* saying that ADR is not a luxury- it can actually be much better in terms of delays, in making the courts manage their very large cases more effectively, and in enabling the judges to focus on the harder, more difficult, precedent-setting questions of law rather than on the easy ones.

⁹ *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*, (2019) 4 SCC 177 (India)

¹⁰ *K.K. Modi v. K.N. Modi*, (1998) 3 SCC 573 (India).

The direct effect of ADR is taking the pressure off the judicial system and the courts by helping to steer appropriate disputes out of the formal system at the earliest opportunity (or even during the middle of a case through referrals). It will also imply that there will be fewer and fewer new cases accumulating every day and a better opportunity to allow the judiciary to serve the older ones.

5.2 Making Justice cheaper and more accessible.

Cases in Indian courts do not only take time, but are also insanely costly. Court fees, stamp duties, lawyers' fees (which accumulate over years), travel expenses to hearings, and all the paper work can destroy any savings, or put people into debt, even a simple dispute.

That equation is altered by ADR much. There are usually significantly fewer steps in mediation and conciliation- none of the big-discovery procedures, none of the mountains of paperwork- tests, no re-appearances in court- and so the bills remain very low. Even arbitration, which may cost a fortune in a serious commercial dispute (including the cost of arbitrator fees and venue), will still save money in general as it prevents years of court battle expenses and several levels of appeal.

This is an immense cost savings to ordinary individuals, small businesses, families or any other person who is not rich. It makes it to obtain a fair resolution realistic rather than a privilege of the rich, which has been directly connected to the constitutional promise of equal access to justice.

5.3 Maintaining Confidentiality and Security.

In contrast to an open court procedure where all things are publicly documented, the arguments, evidence, rulings, and even the notes, there is none of that in the ADR processes. None of those reporters, none of those public galleries, no internet judgements to hunt down.

And the privacy factor is a great benefit. This makes people feel more comfortable in opening up, in airing their actual concerns or even in confiding their own weaknesses without any fear that it will be seen in the papers and damage their own reputation or even reveal business secrets.

ADR processes enjoy great confidentiality, which is a great benefit as it attracts more candid talks and innovative settlements that otherwise could not have occurred in a court.

5.4 Maintaining Relationships as Opposed to Destroying Them.

The traditional litigation is made in the structure of a fight- one party wins, the other loses, maybe with bitter feelings that can be everlasting. ADR switches the initiative toward collaboration and resolution. It is not about defeating the other party but rather finding the middle ground that will be beneficial to both.

An example is family conflicts, where mediation allows married or family members to resolve divorce, custody, or property cases in a cooler manner and take into account all the needs (particularly those of children) without the scorched-earth strategy of court battles. In business, partners or suppliers with whom you are doing a continuing business can reach an agreement with each other without killing any further business- perhaps some compromises that ensure that the relationship does not die and the business continues to earn money.

This has been observed by the Supreme Court many times where it has been observed that ADR offers a more harmonious approach that is more in line with Indian ideals of reconciling and will not turn any disagreement into a lifetime battle¹¹.

All of this- speed, reduced costs, privacy, and preserving relationships- adds up to make ADR a potent instrument of whittling down the backlog. Once more cases are solved out of court, the whole system relaxes, pendency reduces, and justice becomes more truthful and accessible to common people. As mediation becomes even more compulsory with the tools such as the Mediation Act, 2023 requiring settlements to be enforced just like court orders and encouraging their use before the litigation process, the possibility to create a real imprint is never more possible.

6. The Major threats facing the adoption of ADR in India.

Although the benefits of Alternative Dispute Resolution (ADR) are numerous, including that it is faster, less expensive, offers more confidentiality and that it has more likely chances of maintaining the relationship between the parties involved, ADR has yet to be adopted fully in India. This is notwithstanding that ADR is not a new concept that has existed over a long period of time and the government has been providing the necessary statutory framework as well as the judiciary has been welcoming the adoption of ADR. This confirms the fact that ADR has some barriers to adoption.

To begin with, the most significant issue is that the general population has no awareness of

¹¹ *Salem Advocate Bar Ass'n v. Union of India*, (2005) 6 SCC 344 (India).

what ADR mechanisms are¹². As a matter of fact, most litigants especially in the smaller cities or in the rural regions are not aware of mediation, conciliation or Lok Adalats. The general population believes that the only method of conflict resolution is through litigation in the courts since it is the most commonly applied dispute resolution tools in the region.

Secondly, such an opposition of the ADR mechanism by some groups of the legal community is a significant contributing factor. The lawyers and even the judges to some extents are not fully on board with the ADR mechanism¹³. The protracted litigation procedures are usually linked with more hours to bill, appearances, and a feeling of job security under the traditional model. The shift towards ADR mechanism can be viewed as a loss of influence and/or compensation. One can also find an overall impression that the actual enforcement of rights is done through litigation. This, in itself, gives the impression of ADR as a diluted form of the same, which is not beneficial to the cause.

Third, there is the problem of infrastructure that is a significant issue beyond the large metropolitan areas such as Delhi, Mumbai, or Bengaluru¹⁴. In the smaller towns and country places there is an eye-catching lack of such facilities as mediation centers, arbitrators or well-equipped Lok Adalats. As an example, although the Mediation Act, 2023 has tried to move the system of structured mediation forward, even the online mediation has been a slow roll out. In the modern-day research, it is observed that despite the case being commercial, the proportions of cases resolved by way of mediation are low, at times as low as 2% in some classes of cases.

Enforcement may also go wrong especially in arbitral awards¹⁵. Although the law indicates that they are binding and courts are supposed to give them priority, there are cases where parties will appeal against awards despite having been made, and the court intervenes with the matter, and the parties revert to the very system ADR was to prevent. This may destroy the confidence in the efficiency of arbitration- people fear that despite the win through ADR, they will remain in court and collect the money.

Others current challenges are such issues as power disparities (e.g., in conflict situations when

¹² Law Commission of India, *Report No. 222: Need for Justice-Dispensation through ADR etc.* (2009)

¹³ Avtar Singh, *Law of Arbitration and Conciliation* (11th ed., Eastern Book Company)

¹⁴ Ministry of Law & Justice, Government of India, *Mediation Act, 2023 and the Development of Mediation in India*.

¹⁵ *ONGC v. Saw Pipes Ltd.*, (2003) 5 SCC 705 (India).

one party is far more powerful), shortage of neutral and well-trained mediators/arbitrators and culture-specific reasons to win the case in court instead of compromising¹⁶. Also, in certain kinds of cases- such as in certain cases of government-related or specialized tribunal affairs- the exclusions of the Act as a constraint on the generality with which ADR can be used to eradicate backlog¹⁷.

The combination of all these aspects implies that although ADR has a tremendous potential of helping to relieve the burden on courts, it is not living up to it as of yet. They would need more than mere laws to deal with- it would mean doing a genuine investment in training, outreach and accessible centers in every corner.

7. Conclusion

The figure of pending cases in India still remains huge, with the recent figures of the National Judicial Data Grid (As of early 2026) showing that there are more than 4.87 crore pending cases in the country- largely in the district courts (approximately 4.76 core), the High Courts (approximately 63-64 lakh), and the Supreme Court (approximately 92-93,000)¹⁸. Such prolonged delays not only irritate people but are gradually eroding the confidence in the justice system and hanging the ordinary citizens in the air over years.

One of the most successful ways of repairing this is through Alternative Dispute Resolution (ADR). It offers individuals quicker, less expensive, more confidential means of resolving disputes- via negotiations, mediation, conciliation, arbitration, or Lok Adalats- without increasing the court backlog and is frequently preserving relationships.

There are already solid laws: the Arbitration and Conciliation Act, 1996, Section 89 CPC, the Legal Services Authorities Act, 1987, and the Mediation Act, 2023¹⁹, in particular, which made the process of mediation more formal, binding and confidential. Judicial rulings by the Supreme Court have been in support of this push, as well.

But not laws but actual action. Begin with creating awareness: conduct campaigns, make use

¹⁶ Avtar Singh, *Law of Arbitration and Conciliation* (11th ed., Eastern Book Company)

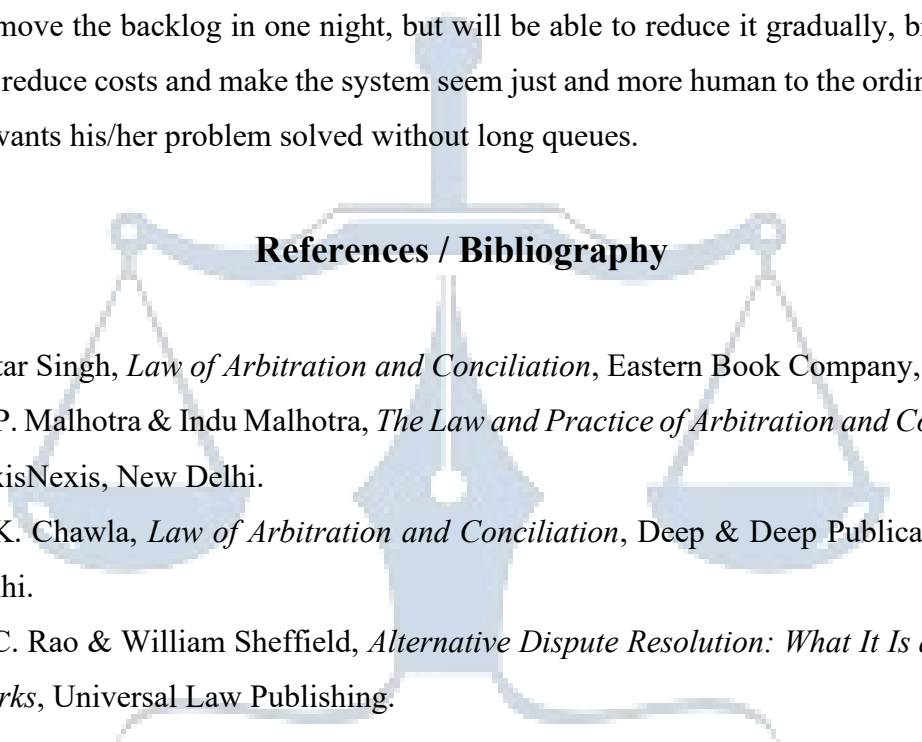
¹⁷ Law Commission of India, *Report No. 222: Need for Justice-Dispensation through ADR etc.* (2009)

¹⁸ National Judicial Data Grid (NJDG), *Pending Case Statistics*, <https://njdg.ecourts.gov.in>

¹⁹ Arbitration and Conciliation Act, No. 26 of 1996; Code of Civil Procedure, 1908, § 89; Legal Services Authorities Act, No. 39 of 1987; Mediation Act, No. 18 of 2023 (India).

of media, schools and legal aid centers to make sure ordinary people are aware of such options. Establish additional mediation and arbitration offices, particularly in small towns and villages, with proper investments, trainings and internet/hybrid facilities. Properly train lawyers and law students to make ADR not feel like a second-best approach. Include ADR provisions on more contracts, follow up on the number of cases that really settle, and accelerate enforcement.

ADR might begin to make a tangible difference should we actually go through with these measures- by repairing awareness gaps, creating infrastructural shortage and poor uptake. It will not remove the backlog in one night, but will be able to reduce it gradually, bring justice to it faster, reduce costs and make the system seem just and more human to the ordinary citizen who only wants his/her problem solved without long queues.



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