



ADR Methods



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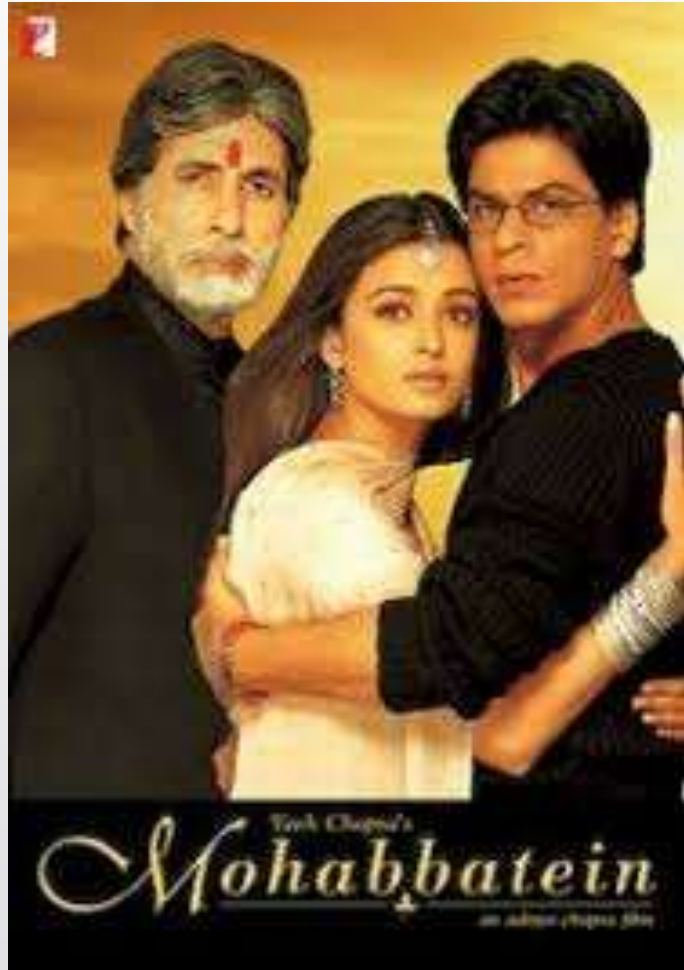
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NALSAR PG Diploma in ADR 2019-20

What do we do when
there is a dispute?



Philosophy behind ADR



What does Access to Justice mean to you?

Constitutional Mandate to ADR

Article 14

Equality before law

Equal protection of
laws within territories of
India

Citizens as well as
others

Article 21

Right to life and
personal liberty

Anita Kushwaha vs. Pushap Sudan (2016) 8 SCC 509

Bundle of rights makes
life worth living

Denial of access to
justice denies a certain
quality of life

Not just enforcement
of executive action but
court administered
justice

Article 39A

Promote justice
through equal
opportunity

Free legal aid



ADR in Indian Statutes



STATUTE	PROVISION	REFERENCE
The Company Act, 2013	S 442	Mediation
The Commercial Courts Act, 2015	S 12A	Mediation
The Arbitration and Conciliation Act, 1996	The Complete Act	Arbitration, Conciliation
Code of Civil Procedure	S 89	Mediation, Conciliation
The Real Estate (Regulation & Development) Act, 2016	S 32(g)	Mediation
The Legal Services Authorities Act, 1987	S 7	Lok Adalat
The Industrial Disputes Act, 1947	S 10A	Arbitration, Negotiation
Consumer Protection Act, 2019	Chapter V	Mediation



What is suitable for ADR?



Standard Philosophical Map

If one wins, the
other loses

Dispute is
resolved by
application of
law to facts

Lawyers are trained by law school “to put people and events into categories that are **legally meaningful**, to think in terms of **rights and duties** established by **rules**, to focus on **acts more than persons**.” - Leonard Riskin

Cases not suitable for ADR



Representative Suits/
Public Interest



Public Offices



Grant of Authority-
Probate/ Letter of
Administration



Fraud, Fabrication of
Documents, Forgery,
Impersonation, Coercion

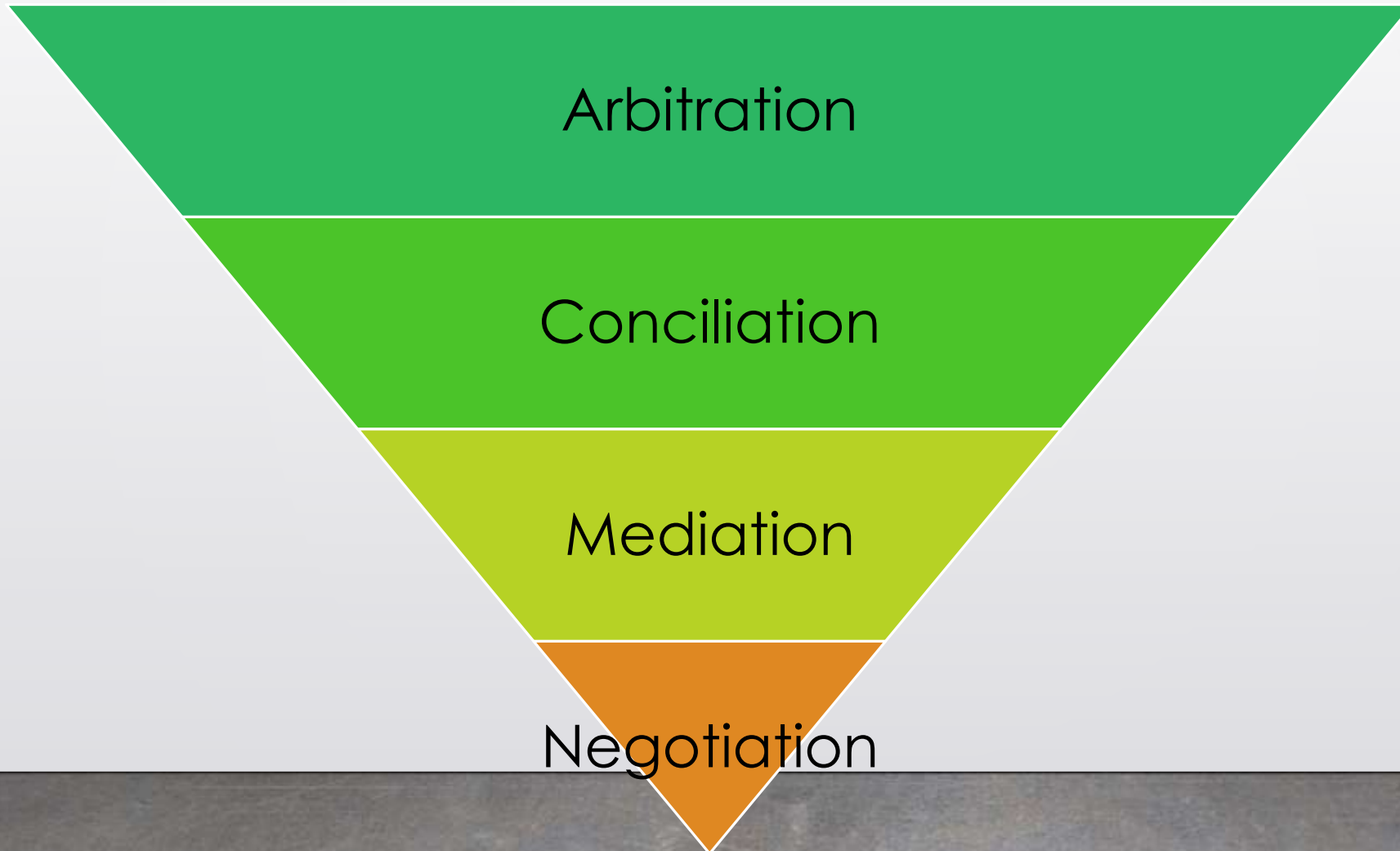


Protection of Court



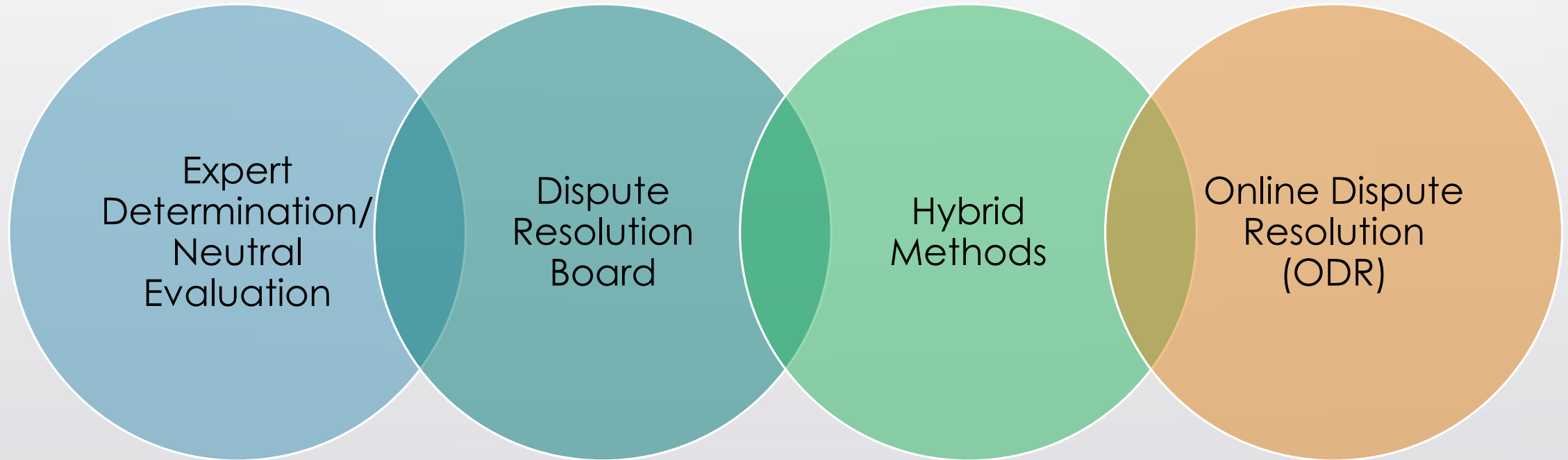
Criminal Offences

Introduction to ADR Methods



Level of Intervention

Contemporary ADR Methods





BRIDGE
Public Policy | Advocacy | Conflict Management
Capacity Building

Confidentiality

Neutrality

ADR Ethics

Party Autonomy

Means to End



BRIDGE

Public Policy | Advocacy | Conflict Management
Capacity Building

Transformative & Collaborative Lawyering



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