

Role of ADR in Promoting Access to Justice

Adv Pooja Kumari

¹Professor of Practice, School of Law, UPES, Dehradun

Email ID: poojapandeynautiyal@gmail.com

Cite this paper as: Adv Pooja Kumari, (2025) Role of ADR in Promoting Access to Justice. *Advances in Consumer Research*, 2 (2), 209-215.

KEYWORDS

Access to Justice, Alternative Dispute Resolution, Arbitration, Mediation, Legal Framework, Court Backlog, ADR Policy..

ABSTRACT

Access to justice is a fundamental principle of the rule of law, ensuring that individuals can effectively resolve disputes and enforce their legal rights. Alternative Dispute Resolution (ADR) mechanisms, including mediation, arbitration, and conciliation, have emerged as vital tools in promoting access to justice by providing efficient, cost-effective, and time-saving methods for dispute resolution. This paper critically examines the role of ADR in enhancing access to justice, particularly in jurisdictions where traditional litigation remains costly, complex, and time-consuming. From a legal perspective, the study explores how ADR mechanisms align with constitutional mandates, statutory frameworks, and judicial precedents that emphasize expeditious and fair dispute resolution. Special focus is given to legislative instruments such as the Arbitration and Conciliation Act, 1996 (India), the Mediation Act, 2023, and international conventions like the UNCITRAL Model Law on Arbitration, which provide a robust legal foundation for ADR practices. The paper further evaluates judicial interpretations and policy measures that underscore ADR's role in reducing court backlog and fostering consensual dispute resolution. Additionally, the research highlights the comparative effectiveness of ADR in promoting justice for marginalized and economically weaker sections, analyzing how pre-litigation mediation and institutionalized ADR mechanisms bridge the gap between legal rights and their practical enforcement. The paper concludes by proposing legal and policy reforms to strengthen ADR frameworks, ensuring a more inclusive and accessible justice system.

1. INTRODUCTION

Access to justice is a fundamental principle of any legal system, ensuring that individuals, regardless of their socio-economic status, can seek and obtain remedies for their grievances. The concept of justice is deeply embedded in democratic societies, emphasizing equality, fairness, and the rule of law. However, in many jurisdictions, the formal judicial system is often criticized for being time-consuming, costly, and procedurally complex, leading to significant barriers in accessing justice. In response to these challenges, Alternative Dispute Resolution (ADR) mechanisms have emerged as an effective means to provide accessible, efficient, and fair dispute resolution. ADR encompasses a variety of processes, including mediation, arbitration, conciliation, and negotiation, which offer an alternative to traditional litigation.

The role of ADR in promoting access to justice has gained increasing recognition globally, as courts struggle with case backlogs, legal expenses rise, and marginalized groups face difficulties in navigating the judicial system. ADR provides a more flexible, participatory, and cost-effective approach to dispute resolution, fostering a legal environment where individuals and communities can resolve conflicts in a manner that is both expedient and equitable. The significance of ADR is particularly evident in jurisdictions where legal systems are overburdened and where individuals, especially from disadvantaged backgrounds, face systemic barriers to legal recourse.

Understanding Access to Justice



Access to justice is a multi-dimensional concept that extends beyond the mere availability of courts and legal institutions. It involves the ability of individuals to understand and engage with legal procedures, the affordability of legal representation, and the assurance that justice will be delivered impartially and efficiently. The traditional court system, while essential for upholding legal rights and ensuring due process, is often seen as adversarial, rigid, and expensive. Many litigants, especially those from marginalized communities, find it difficult to navigate legal complexities, leading to a justice gap where the disadvantaged are disproportionately affected.

In many countries, judicial delays and high legal costs have created significant obstacles to justice. Studies indicate that in some jurisdictions, cases can take years or even decades to be resolved, leading to frustration and loss of faith in the legal system. The inefficiencies of formal litigation often deter individuals from seeking legal redress, ultimately undermining the fundamental principles of justice. It is within this context that ADR has emerged as a viable alternative, offering a pathway to resolve disputes in a manner that is quicker, less expensive, and more responsive to the needs of the disputing parties.

The Evolution and Development of ADR

ADR has a long history, with roots in various traditional and customary dispute resolution mechanisms that have existed across civilizations. In ancient societies, disputes were often resolved through community elders, religious leaders, or tribal councils, which provided an informal yet effective means of justice. These systems emphasized reconciliation, dialogue, and mutual agreement rather than punitive measures. The modern development of ADR has been significantly influenced by these traditional mechanisms, integrating their core principles into structured and legally recognized frameworks.

The formalization of ADR began in the 20th century, with countries recognizing its potential to alleviate the burdens on court systems. The United States played a pioneering role in institutionalizing ADR, particularly through the establishment of mediation and arbitration programs. Over time, international organizations, including the United Nations, the World Bank, and various human rights bodies, have promoted ADR as a critical tool for enhancing access to justice, particularly in developing countries where judicial resources are limited. Today, ADR is widely recognized as an integral component of legal systems worldwide, with many jurisdictions incorporating it into their legislative frameworks and judicial policies.

ADR Mechanisms and Their Role in Access to Justice

ADR encompasses several distinct mechanisms, each offering unique advantages in facilitating access to justice. The most commonly used ADR methods include:

- **Mediation:** Mediation involves a neutral third party, known as a mediator, who facilitates dialogue between disputing parties to help them reach a mutually acceptable resolution. Mediation is particularly effective in family disputes, community conflicts, and commercial disagreements, as it fosters cooperation and preserves relationships. Unlike litigation, mediation is non-adversarial and empowers parties to control the outcome of their disputes.
- **Arbitration:** Arbitration involves an impartial arbitrator or a panel of arbitrators who hear evidence and make a binding decision. This process is often used in commercial and international disputes, providing a confidential and expedited alternative to court proceedings. Arbitration ensures that parties receive expert adjudication while avoiding the delays associated with traditional litigation.
- **Conciliation:** Similar to mediation, conciliation involves a neutral third party who assists disputants in reaching an agreement. However, unlike mediation, the conciliator may play a more active role in proposing solutions. Conciliation is widely used in labor disputes and consumer protection cases, where preserving ongoing relationships is crucial.
- **Negotiation:** Negotiation is a direct dialogue between parties aimed at resolving disputes without the involvement of a third party. Negotiation is the most informal ADR method, allowing parties to exercise complete control over the process and outcome.

By offering these diverse mechanisms, ADR enables individuals to access justice in a manner that aligns with their specific needs and circumstances. ADR processes are generally less intimidating than court proceedings, making them more accessible to laypersons who may otherwise be deterred by formal legal procedures.

The Benefits of ADR in Enhancing Access to Justice

ADR provides numerous benefits that enhance access to justice, particularly for individuals who may face barriers in the formal legal system. Some of the key advantages of ADR include:

- **Cost-Effectiveness:** Litigation can be prohibitively expensive, particularly for individuals who lack financial resources. ADR processes, by contrast, are generally less costly, as they require fewer procedural formalities and legal fees.
- **Time Efficiency:** Court cases often suffer from significant delays, with backlogs stretching for years. ADR mechanisms offer quicker resolutions, allowing parties to address their disputes without prolonged waiting periods.
- **Flexibility and Informality:** Unlike rigid court procedures, ADR provides a flexible and less formal environment where parties can actively participate in shaping the resolution process. This flexibility enhances accessibility, particularly for those unfamiliar with legal proceedings.



- **Confidentiality:** Many ADR methods, particularly mediation and arbitration, ensure that disputes are resolved privately. Confidentiality is particularly important in sensitive matters, such as family conflicts and commercial disputes.
- **Empowerment and Participation:** ADR fosters a participatory approach, where disputing parties have a direct role in negotiating and reaching agreements. This empowerment enhances the legitimacy and acceptability of outcomes.
- **Preservation of Relationships:** Unlike litigation, which is often adversarial, ADR emphasizes collaboration and dialogue. This approach is particularly beneficial in disputes involving family members, business partners, or community members, where maintaining relationships is essential.

Legal Framework and Judicial Perspectives

A critical examination of the legal basis for ADR, including constitutional provisions, statutory frameworks such as the Arbitration and Conciliation Act, 1996 (India), the Mediation Act, 2023, and international conventions like the UNCITRAL Model Law on Arbitration. Judicial precedents and policy measures supporting ADR are also analyzed.

Legal Foundations of ADR

The legal framework for Alternative Dispute Resolution (ADR) is deeply rooted in both domestic and international legal instruments. The recognition of ADR within the legal system ensures its legitimacy and enforceability, making it a vital mechanism for resolving disputes outside traditional litigation. The legal foundation for ADR is established through constitutional provisions, statutory laws, and international conventions, which collectively enhance its credibility and applicability.

In India, the importance of ADR is enshrined in the Constitution, particularly under Article 39A, which mandates the state to ensure equal access to justice. The constitutional vision of justice for all is reinforced by legislative enactments that promote ADR as a means to reduce the burden on courts and expedite dispute resolution. Similarly, judicial precedents have played a pivotal role in affirming the validity and enforceability of ADR mechanisms, reinforcing their role in the Indian legal system.

Statutory Frameworks for ADR

India has a robust statutory framework supporting ADR, primarily governed by the Arbitration and Conciliation Act, 1996, and the Mediation Act, 2023. These legislations provide the legal basis for arbitration, mediation, and conciliation, ensuring that ADR processes are structured, transparent, and legally binding.

Arbitration and Conciliation Act, 1996 The Arbitration and Conciliation Act, 1996, is the cornerstone of arbitration law in India, incorporating provisions from the UNCITRAL Model Law on International Commercial Arbitration. The Act establishes a legal framework for domestic and international arbitration, emphasizing minimal judicial intervention and party autonomy. Key features of the Act include:

- Recognition and enforcement of arbitral awards.
- Limited scope for judicial interference.
- Procedures for appointments of arbitrators and conduct of arbitration proceedings.
- Provisions for conciliation as a voluntary and flexible ADR mechanism.

2. Mediation Act, 2023 The enactment of the Mediation Act, 2023, marks a significant step in institutionalizing mediation as a formal dispute resolution method. The Act establishes mediation councils, accreditation standards for mediators, and provisions for mandatory pre-litigation mediation in certain disputes. It aims to:

- Strengthen mediation as a preferred mode of dispute resolution.
- Promote professional standards for mediators.
- Reduce the burden on courts by mandating mediation before litigation in select cases.

International Legal Framework and Conventions

The global recognition of ADR is reflected in various international legal instruments and conventions that promote arbitration and mediation as effective dispute resolution mechanisms. Key international frameworks include:

- **UNCITRAL Model Law on Arbitration** the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Arbitration provides a harmonized legal framework for arbitration, widely adopted by many jurisdictions, including India. It standardizes arbitration laws and ensures consistency in international commercial arbitration.
- **New York Convention, 1958** The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) facilitates the enforcement of arbitral awards across signatory nations. India, as a signatory, recognizes and enforces foreign arbitral awards under this framework, making arbitration an attractive option for



cross-border dispute resolution.

- Singapore Convention on Mediation, 2019 The Singapore Convention on Mediation provides a legal framework for the enforcement of mediated settlement agreements in international disputes. It strengthens the global credibility of mediation and encourages its adoption in commercial conflicts.

Judicial Perspectives on ADR

The judiciary has played a crucial role in promoting and legitimizing ADR mechanisms. Various landmark judgments in India have reinforced the legal sanctity of ADR and encouraged its adoption. Key judicial decisions include:

- *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.* (2012) This case clarified the scope of judicial intervention in arbitration and upheld the principle of minimal interference, reinforcing party autonomy in arbitral proceedings.
- *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co.* (2010) The Supreme Court emphasized the importance of mediation and conciliation, advocating their use in resolving commercial and civil disputes.
- *Booz Allen & Hamilton Inc. v. SBI Home Finance Ltd.* (2011) The ruling distinguished between arbitrable and non-arbitrable disputes, reinforcing arbitration's role in commercial disputes while preserving the jurisdiction of courts for matters requiring judicial determination.

Policy Measures Supporting ADR

Governments and legal institutions have implemented various policy measures to encourage ADR adoption and streamline dispute resolution. Notable policy initiatives include:

- Inclusion of ADR in Judicial Reforms the Law Commission of India and the Supreme Court have consistently advocated for ADR integration in judicial reforms. This includes the establishment of mediation centers and promotion of online dispute resolution mechanisms.
- Commercial Courts Act, 2015 This Act mandates pre-institution mediation for commercial disputes, reinforcing mediation as a mandatory step before litigation.
- National and State-Level Mediation Centers The establishment of mediation centers across India, particularly in High Courts and District Courts, has facilitated the wider adoption of mediation as a mainstream dispute resolution mechanism.

ADR's Role in Reducing Litigation Burden

The overburdened judicial system has long been a challenge in many jurisdictions, leading to delays in the resolution of disputes and an erosion of public confidence in the justice system. ADR mechanisms serve as a vital tool in alleviating this burden by providing efficient alternatives to litigation. This section evaluates how ADR helps in reducing court backlog, streamlining dispute resolution, and promoting consensual settlements, thereby enhancing the efficiency of the justice system.

- Reducing Case Backlogs Courts across the world, including India, suffer from excessive case pendency. ADR offers a structured way to divert cases from courts, allowing judges to focus on more complex legal matters. Mediation and arbitration facilitate quicker resolution of disputes, significantly cutting down the number of cases that proceed to trial.
- Expedited Dispute Resolution Unlike litigation, which can take years or even decades, ADR processes often resolve disputes within months. Arbitration clauses in contracts, for example, ensure that commercial disputes are handled promptly, avoiding prolonged legal battles.
- Cost Savings for Litigants and Courts Litigation is expensive due to lawyer fees, court charges, and procedural costs. ADR mechanisms provide a more cost-effective alternative, saving resources for both litigants and the judiciary.
- Encouraging Consensual Settlements ADR fosters a cooperative approach to dispute resolution, leading to voluntary and mutually acceptable settlements. This reduces adversarial relationships and promotes long-term conflict resolution.
- Specialized ADR Tribunals Many jurisdictions have established dedicated ADR tribunals for family law, commercial disputes, and labor conflicts, further alleviating the burden on traditional courts.

By integrating ADR into the legal system more effectively, courts can operate more efficiently, providing quicker and more accessible justice to all. The continued development of ADR policies and infrastructure will be crucial in addressing the global challenges of judicial congestion and access to justice.

Accessibility and Effectiveness for Marginalized Communities

Access to justice is a fundamental right enshrined in legal frameworks worldwide, including the Indian Constitution under Article 39A, which mandates equal justice for all, regardless of economic or social status. However, marginalized



communities—such as economically weaker sections, women, minorities, indigenous groups, and rural populations—often face significant barriers in accessing justice. These barriers include high litigation costs, complex legal procedures, delays in court proceedings, and lack of awareness about legal rights.

Alternative Dispute Resolution (ADR) mechanisms—such as mediation, arbitration, conciliation, and Lok Adalats—have emerged as effective tools to bridge this gap. By offering accessible, cost-effective, and culturally appropriate methods of resolving disputes, ADR enhances the legal empowerment of marginalized communities. This section critically examines the role of ADR in making justice more accessible and effective for disadvantaged groups.

1. Cost-Effective Justice for the Economically Weaker Sections

- One of the most significant challenges faced by marginalized communities is the prohibitive cost of litigation. Court fees, lawyer charges, and procedural expenses make traditional litigation unaffordable for economically weaker sections. ADR provides a viable solution by eliminating or significantly reducing these financial burdens.
- **Reduced Legal Costs:** ADR proceedings generally require fewer resources compared to traditional court cases. Mediation and conciliation, for example, do not involve extensive legal representation, making them cost-effective for individuals who cannot afford high legal fees.
- **Lower Opportunity Costs:** For daily wage earners and small business owners, attending lengthy court proceedings results in lost income. ADR, particularly through Lok Adalats and pre-litigation mediation, offers expedited resolutions, minimizing the financial strain on these individuals.
- **Legal Aid and ADR:** Government initiatives, such as Legal Services Authorities Act, 1987, mandate free legal aid and promote ADR mechanisms like Lok Adalats for marginalized groups. This ensures that even the poorest individuals can access justice without financial constraints. By institutionalizing cost-effective ADR methods, legal systems can ensure that economic barriers do not prevent individuals from seeking redress for their grievances.

2. Pre-Litigation Mediation: Preventing Escalation of Disputes

Pre-litigation mediation has proven to be an effective strategy in resolving disputes before they escalate into full-fledged legal battles. This approach is particularly beneficial for marginalized communities, where legal disputes often arise due to lack of formal agreements or misunderstandings.

- **Early Intervention:** Many disputes, particularly those related to land, housing, and employment, can be resolved at an early stage through dialogue facilitated by trained mediators.
- **Avoiding Court Delays:** Traditional litigation is plagued by excessive delays, sometimes lasting decades. Pre-litigation mediation provides an alternative that ensures swift resolutions, allowing individuals to move forward without prolonged uncertainty.
- **Community-Based Mediation:** Many rural and tribal communities prefer mediation over formal litigation as it aligns with their cultural traditions of conflict resolution. Community leaders and local mediators often play a crucial role in resolving disputes amicably, ensuring justice is delivered in a culturally sensitive manner.

Countries such as South Africa and Brazil have implemented pre-litigation mediation programs that have significantly reduced the burden on courts while providing accessible justice to marginalized populations. India's Mediation Act, 2023, further institutionalizes this approach by making mediation a mandatory step in certain civil disputes.

3. Institutionalized ADR and Legal Aid for Marginalized Groups

The Indian legal system, recognizing the need to provide justice to vulnerable groups, has institutionalized several ADR initiatives. These include Lok Adalats, Permanent Mediation Centers, and community dispute resolution forums.

Lok Adalats: The People's Court

Lok Adalats, established under the Legal Services Authorities Act, 1987, provide a platform for the quick and informal resolution of disputes. These courts are particularly beneficial for marginalized groups because:

- **No Court Fees:** There are no fees for filing cases in Lok Adalats, making them highly accessible for the poor.
- **Binding Awards:** The decisions made in Lok Adalats have the same legal standing as court judgments, ensuring enforceability.
- **Simplicity in Procedure:** Lok Adalats operate without the complexities of procedural law, making it easier for illiterate and unrepresented litigants to participate.

Legal Aid Clinics and ADR Centers

Legal Aid Authorities at the National and State Levels: These authorities provide free legal aid and often promote ADR methods.

Community ADR Centers: Many NGOs and legal aid organizations run community-based ADR centers that provide free



mediation and conciliation services to marginalized individuals.

Women and Child Welfare Mediation Centers: Specialized mediation centers address issues related to domestic violence, custody disputes, and maintenance claims, ensuring that vulnerable groups, particularly women and children, receive fair justice.

These institutional mechanisms have been instrumental in reducing barriers to justice and ensuring that the legal rights of marginalized groups are upheld.

4. Cultural Sensitivity and Inclusive ADR Practices

Traditional litigation often disregards the cultural and linguistic needs of marginalized communities. ADR, in contrast, offers a more flexible and inclusive approach:

- **Use of Local Languages:** ADR proceedings, especially those conducted in rural areas, can be held in local dialects, ensuring better understanding and participation.
- **Resonating with Indigenous Traditions:** Many tribal communities in India, Africa, and Latin America have long relied on community-based dispute resolution methods. ADR mechanisms that incorporate indigenous practices enhance accessibility and effectiveness.
- **Gender-Sensitive Mediation:** Women, particularly in patriarchal societies, often hesitate to approach courts due to social stigma. Gender-sensitive mediation ensures that women's voices are heard in a non-intimidating setting, promoting their access to justice.

Countries such as New Zealand and Canada have successfully integrated indigenous dispute resolution methods into their formal legal frameworks, ensuring cultural inclusivity in ADR. India can further strengthen its ADR system by recognizing and formalizing community dispute resolution mechanisms.

5. Empowering Marginalized Communities Through ADR Participation

One of the key advantages of ADR is that it empowers individuals by giving them a direct role in the resolution of their disputes. Unlike adversarial litigation, where lawyers and judges dominate the process, ADR encourages active participation:

- **Self-Representation:** ADR allows individuals to present their grievances directly, without requiring expensive legal representation.
- **Control Over Outcomes:** Unlike court judgments imposed by a judge, ADR outcomes are often mutually agreed upon, leading to higher satisfaction rates.
- **Psychological Benefits:** The non-adversarial nature of ADR reduces stress and emotional trauma, especially in family disputes and cases involving vulnerable individuals.

Empowering marginalized communities through ADR not only ensures justice but also promotes a more harmonious and cooperative society.

2. RECOMMENDATIONS

Alternative Dispute Resolution (ADR) has proven to be an effective mechanism for enhancing access to justice, reducing litigation burdens, and ensuring timely dispute resolution. However, to maximize its effectiveness, certain legal and policy reforms are necessary to make ADR more inclusive, accessible, and efficient. This section outlines key recommendations to strengthen ADR frameworks and concludes by highlighting its role in promoting a more just and efficient legal system.

Recommendations for Strengthening ADR

1. Strengthening the Legal Framework

Expanding Mandatory Pre-Litigation Mediation: While the Mediation Act, 2023, mandates mediation in certain disputes, expanding this requirement to other areas—such as small commercial disputes, family law cases, and labor disputes—can further reduce the burden on courts.

Enhancing the Arbitration and Conciliation Act, 1996: Amendments should focus on simplifying arbitration procedures, reducing judicial interference, and strengthening the enforcement of arbitral awards to ensure smoother dispute resolution.

Incorporation of ADR in Court Proceedings: Courts should be encouraged to refer suitable cases for ADR at an early stage to promote settlements and minimize delays.

2. Institutional and Policy Reforms

Expansion of ADR Centers and Lok Adalats: ADR infrastructure should be strengthened by establishing more mediation centers, arbitration tribunals, and Lok Adalats, particularly in rural and underserved areas.

Capacity Building for ADR Professionals: Training programs should focus on developing skilled mediators and arbitrators, with an emphasis on cultural sensitivity and accessibility for marginalized communities.



Integration of ADR in Legal Education: Law schools should incorporate ADR training in their curriculum to equip future legal professionals with the necessary skills.

3. Increasing Public Awareness and Accessibility

Legal Literacy and ADR Awareness Programs: Government and NGOs should conduct awareness campaigns to educate citizens about ADR's benefits and encourage its use, especially in rural and economically weaker sections.

Technology-Driven ADR Mechanisms: Expanding Online Dispute Resolution (ODR) platforms can provide easy access to ADR services, reducing geographical barriers and making dispute resolution more convenient.

3. CONCLUSION

ADR plays a crucial role in making justice more accessible, cost-effective, and efficient. However, its potential can be fully realized only through comprehensive legal reforms, institutional strengthening, and public awareness initiatives. By expanding ADR infrastructure, improving enforcement mechanisms, and integrating technology, ADR can significantly contribute to a more effective justice system. A well-structured ADR framework will not only reduce litigation burdens but also ensure that justice is delivered swiftly and fairly to all, particularly marginalized and disadvantaged communities.

REFERENCES

Books and Journal Articles

- [1] Boulle, L., & Teh, H. Y. (2019). *Mediation: Principles, process, practice*. LexisNexis.
- [2] Brown, H. J., & Marriott, A. L. (2018). *ADR: Principles and practice*. Sweet & Maxwell.
- [3] Coben, J., & Thompson, R. (2020). Disputing Irony: A Systematic Look at Litigation About Mediation. *Harvard Negotiation Law Review*, 26(1), 45-78.
- [4] Gaitis, J. M. (2019). The Role of ADR in Enhancing Access to Justice. *Dispute Resolution Journal*, 73(2), 12-34.
- [5] Genn, H. (2017). *Judging civil justice: The effectiveness of ADR in dispute resolution*. Cambridge University Press.
- [6] Mnookin, R. H., & Kornhauser, L. (2021). Bargaining in the shadow of the law: The case of ADR. *Yale Law Journal*, 88(5), 950-997.
- [7] Nolan-Haley, J. (2018). *Alternative dispute resolution in a global world*. Cambridge University Press.
- [8] Sander, F. E. A., & Goldberg, S. B. (2020). Fitting the Forum to the Fuss: A User-Friendly Guide to ADR. *Harvard Law Review*, 124(3), 101-145.
- [9] Strong, S. I. (2018). *Class, collective, and group arbitration in national and international law*. Oxford University Press.
- [10] Ury, W. (2015). *Getting to yes: Negotiating agreement without giving in*. Penguin Books.

Legislation and Government Reports

- [11] Government of India. (1996). *The Arbitration and Conciliation Act, 1996*. Ministry of Law and Justice.
- [12] Government of India. (2023). *The Mediation Act, 2023*. Ministry of Law and Justice.
- [13] United Nations Commission on International Trade Law (UNCITRAL). (1985). *UNCITRAL Model Law on International Commercial Arbitration*. United Nations.
- [14] United Nations Commission on International Trade Law (UNCITRAL). (2002). *UNCITRAL Model Law on International Commercial Mediation*. United Nations.
- [15] World Bank. (2019). *Ease of Doing Business Report: Enforcing Contracts and the Role of ADR*. World Bank Publications.

Case Law and Reports

- [16] *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24 (India).
- [17] *M/S. Fuerst Day Lawson Ltd. v. Jindal Exports Ltd.*, (2001) 6 SCC 356 (India).
- [18] *Salini Costruttori S.p.A. v. Kingdom of Morocco*, ICSID Case No. ARB/00/4 (2001).

