CHAPTER - VI

CONCLUSION AND SUGGESTIONS

In any democratic set up, security of justice is synonymous with peaceful existence of the society. There has always been a challenge for the State to secure the basic rights of the citizen. Just administration of justice always remains the biggest parameter of the excellence of the government. For any egalitarian society, security of ‘justice’ is the foremost duty to be performed. In determining a nation's rank in political civilization, no test is more decisive than the degree in which justice, as defined by the law, is actually realised in its judicial administration as between one private citizen and another and as between private citizens and members of the Government.\(^1\)

Since democracy in itself is a ‘constant tension’ which is a positive signal, it cannot be devoid of the rightful claims or rightful defences. Rights are the vested interest over something and interest is required to be protected for flourishing the democracy. This situation may also be cited as one of the reasons of litigations, which keep on mounting day by day. Merely initiation of suit by knocking the single door of the court is not going to be solution for imparting justice. The problems like delay in justice, expensiveness of court proceedings, too much formality or technocratic procedural aspects have seized the justice. The mounting arrear of backlog pending before the courts in India works as a hindrance for achieving the ultimate goal of justice, which is required to be social, economic or political. So a democracy demands the proper protection of interest in the forms of rights as

\(^1\) O.P. Motiwal, Changing Aspects of Law and Justice, p. 10.
well as security of justice in all its aspects, be it social, economic and political. P. V. Narasimha once said:\footnote{While inaugurating the ICADR on 6-10-1995.}

Any democracy worth the name must provide for adequate and effective means of dispute resolution at a reasonable cost; otherwise, the rule of law becomes a platitude and people may take law into their own hands, disrupting peace, order and good government. Effective dispute resolution is also necessary to secure the smooth functioning of trade and commerce. In adversarial process, it is a settled principle that courts cannot go beyond what the parties have claimed. Sometime solutions that are imaginative could prove more appropriate as compared to the stereotype adjudication. Any dispute can be resolved at three levels, namely, power level, rights level and interest level.\footnote{According to W.L. Ury (1986).} ADR reflected by interest level is less costly and more beneficial for disputants than a rights approach, which in turn is less costly and more beneficial than a power approach.\footnote{Madhabhuni Sridhar, \emph{Alternative Dispute Resolution—Negotiation and Mediation} (2011), p. 161.} Richard Hill has rightly highlighted the very homely example of dispute over an orange when he said: two persons have a legitimate claim to an orange but neither of them is willing to accept half of the orange. If the claim is resolved in accordance with judicial paradigm, one of them will get some portion of the orange, and the other will get the remaining portion. But then, a mediator is called in: who asks each person what they intend to do with the orange. The first person answers that she intends to use the rind to make perfume, while the second answers that she intends to use the
pulp to make orange juice. The mediation process yields a solution that is fair and better satisfies the interests of the parties than any solution based on an adversarial process could.\(^5\) Since both the disputants got the desired interest, that’s why there is a win-win situation for both the parties. A dispute is a problem to be solved together, rather than a scuffle to be won. The wording of Woodrow Wilson represents the true nature of a dispute and gives solution when he said:

> If you come at me with your fists doubled, I think I can promise you that mine will double as fast as yours; but if you come to me and say, “Let us sit down and take counsel together; and if we differ from one another, [let us] understand why it is that we differ from one another [and understand] just what the points at issue are,”

We will presently find that we are not so far apart after all, that the points on which we differ are few and that if we only have the patience and the candor and the desire to get together, we will get together. (1916)

Best alternative to a settlement agreement may be to litigate. But if you don’t know what that alternative is, what its burdens are and how much it costs, you are not prepared to negotiate, not prepared to know whether the offer on the table is better or worse or to know to walk away from the offer on the table.\(^6\) So having

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knowledge of one’s own BATNA\(^7\) and WATNA\(^8\) is of paramount importance in order to sort out the existing dispute between two adversaries. What might happen if you litigate and lose, etc. is a primary driver towards settlement. If either or both parties to dispute are poor, that fact drives them to settlement.\(^9\)

Here it is equally important that the person, who negotiates, is impartial and follows the ethics of good negotiator. In India there is a saying about ‘monkey’s judgment’\(^ {10}\) means ‘monkey’s distribution’ which depicted that the third person who intervenes to negotiate between disputants will have to be fair, impartial, just or without interest. Some ethics should be determined and the mediator or negotiator is required to act under the umbrella of these ethics. So the adoption of ADR i.e. Alternative Dispute Resolution is the need of the present hour. A poet who translated Divine Vedas into colloquial Telugu language says that: “life is nothing but adjustment or adjustment itself is life.”\(^ {11}\) This is perhaps the true vision and need to be accommodated within the adversarial court proceedings also. The present adversarial system which became overburdened with the

\(^7\) Best Alternative to Negotiated Agreement.
\(^8\) Worst Alternative to Negotiated Agreement.
\(^9\) Supra note 6.

\(^{10}\) The ‘monkey’s judgment’ is based upon the story of two cats, who found a piece of bread and were fighting to each other, claiming the ownership of that bread. A monkey had seen all this and showed interest to intervene in order to settle the dispute between two cats. Both cats agreed to it and handed over the piece of bread to the monkey. Now monkey started the process of settlement and first of all made the bread into two pieces in such a way that both are not in equal proportionate. Further in order to bring the two pieces in to an equal proportionate, monkey started eating the larger piece and ate it in such a way that now it remained short of the other one. By this way monkey very smartly proceeds so on and ate maximum of bread. Observing the monkey’s attitude, at last cats pleaded that they are satisfied and demanded their remaining piece of bread. The monkey replied that: “this is my fee for sorting out the problem.” Therefore monkey left the cats hungry and helpless. So ADR does not mean to leave the disputants in a situation of helplessness. Hence some sort of mechanism is required to curb the unethical or malpractices by the mediator or arbitrator.

\(^{11}\) Dr. Dasarathi Rangacharya, as quoted by Madabhushi Sridhar, Op cit.
mounting arrears of cases needs a respite in the form of ADR. Alternative Dispute Resolution is not an alternative to court’s adversarial system in real sense. Sir Laurence Street once said that:\footnote{12}

[ADR] enable the court system to devote its precious time and resources to the more solemn task of administering justice in the name of sovereign.

In post-colonial period, India set out its goal of achieving justice—social, economic and political in the very Preamble of the Constitution of India. Further the Constitutional mandate of Article 21 of the Constitution of India as interpreted by Judiciary, read with Article 39A which provides for equal justice and free legal aid to economically backward classes, gives a space which really needs to be bridged in order to have access to justice. No doubt, the enactment of Legal Services Authority Act, 1987 and the Arbitration and Conciliation Act, 1996 and further the Code of Civil Procedure (Amendment) Act, 1999 played a remarkable role in order to make the reach towards justice a little bit speedy by dispensing with the technocratic legal procedure. But the research has witnessed some lacunae in the existing statutes which need to be healed. Further, it is important to note that ADR is not a panacea for all public sector disputes, it has its limitations and it is not always appropriate, like: in the cases which are criminal in nature and are so brutal and heinous, ADR cannot be approached. However, as noted by a former Attorney

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General of the United States:

ADR provides for effective public participation in government decisions, encourages respect for affected parties, and nurtures good relationships for the future. Every ADR proceedings that reduces time or litigation costs, or narrows issues, or averts future complaints enables us to conserve our limited resources which must accomplish so much.

India has witnessed the success of informal justice administration system in past. The adoption of colonial adversarial court system with its procedural barricades contributed in tardy, expensive, complicated and unreasonable approach to justice and it requires special attention of all the stakeholders for its healing. The present study favours and builds a strong case for the maximum utilization and upholding of ADR mechanism in India for the smooth functioning of justice delivery system. The words of Mr. Justice Jitendra N. Bhatt seem to be quite thought-provoking when he said:

We must be ever mindful that yesterday is not ours to recover, but tomorrow is ours to win or lose. And therefore, let us get together, stand united, and strengthen our Bench and Bar’s irrevocable unique partnership and make collaborative, concerted, cooperative, creative, collective and cohesive endeavours in popularizing, proliferating and pioneering, concept and philosophy of

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14 Bhatt, Jitendra N. “A Round Table Justice through LokAdalat (Peoples’ Court)—A Vibrant-ADR- in India” ICAJ Vol. XLVII (2010).
important institution—Alternative Dispute Resolution Mechanism—so as to strengthen our pluralistic Democratic values, Rule of Law and thereby invigorate the commandment, “Justice shall never be rationed.”

Suggestions

I. Arbitrator is the prominent figure under the existing Arbitration and Conciliation Act, 1996. Arbitrator is not supposed to be adjudicating in isolation rather an arbitrator must be vigilant enough to use different tools of ADR mechanism during the arbitral proceedings for reaching towards the amicable settlement, which is the ultimate goal/object of the Arbitration and Conciliation Act, 1996. The present Act is not silent over it; rather, it manifestly provides for the settlement between parties by using the different facets of ADR mechanism like mediation, negotiation, conciliation etc. by the arbitrator. The present research found that the attitude of an arbitrator towards using the other modes of ADR during the arbitral proceeding is very reluctant, which seems to be not in consonance with the objectives of the Arbitration and Conciliation Act, 1996. Hence, the reluctant attitude of arbitrators is required to be deconstructed and further reconstructed keeping in the view the objectives of the 1996-Act or the existing problems of judicial administration which demand a better solution by way of adopting ADR with full commitment and enthusiasm. To meet this suggestion, the researcher proposes a nationwide movement, for creating a special cadre of arbitrator hailing from different aspects of
life, by the Legal Services Institutions. This special cadre of the arbitrators may be given special training in the field of ADR by the expertise from home or abroad. This may be quite useful in generating such class of arbitrators, who can use their potential and by adopting the arbitration as well as other modes of ADR can be helpful in resolving disputes. So, the arbitrators should be encouraged to utilize all the effective tools of ADR mechanism. Since it is not only the “dispute” or “difference” between the parties that is addressed through ADR, but also the mindset of the parties, so with gradual change in the mindset both sides come to a meeting point.

II. The study has found that there has been a gross misuse of *Lok Adalats* in some cases where parties to the *Lok Adalat* avoid the registration fee or in likewise cases keep on using *Lok Adalats* a mode not to resolve dispute amicably; rather, with collusive motive or *mala fide* intention to escape from paying the fee to the concerned government authorities. The researcher has highlighted this concern in Chapter V also. The researcher proposes a pre-scrutiny of the matter before going to the *Lok Adalat* for checking the *mala fide* intention of the parties. The researcher also is of the view that there may be a provision for the filing of an affidavit by both the parties about the declaration to the effect that they are acting with *bona fide* intention for resolving their disputes outside the courts in an amicable manner, which may be used as legal instrument for avoiding the collusive matters.
III. One of the statutory provisions considered to be a revolutionary step taken towards strengthening the ADR mechanism in India is the inserting of section 89 in the Code of Civil Procedure, 1908 by amending the CPC in 1999. The researcher has found a number of ambiguities in section 89 of C.P.C., as also highlighted by the Supreme Court of India\(^\text{15}\) and changes recommended by the Law Commission of India\(^\text{16}\), which are required to be removed by amending the Code of Civil Procedure, 1908 for proper flourishing of the ADR system in India. Court intervention is required to be minimal for the proper thriving of the outside court settlement. Ministry of law and Justice’ proposal for some amendments in the 1996-Act for comply with the directions of the Supreme Court require to be given a shape in the form of enactment/amendment with a speedy move.

IV. Women are always considered to be the equal partner for the growth of any democratic set up but in Indian legal system, women do not seem to be sharing equal pie. There exists a wide gap between the percentage of male and female practicing lawyers. Only a negligible number of female advocates are practicing all over the country. Whereas the cases relating to women causes are on peak, which demand the need for encouraging women in the legal field. Women may be the best to have the sound negotiating art particularly in the cases related to the women, so that the women may play


a bigger role for intensification of the ADR system in India. Women should be given preference or incentives to become a part of ADR culture which is perhaps the need of the present hour. Women are the best to guide and counsel the female litigants indulged in family disputes etc. for taking recourse to the ADR mechanism. The proposed special cadre of ADR activists should have substantial proportion of women, be it in the Para legal volunteers, legal aid clinic, the panel of arbitrators, mediators, negotiators, Lok Adalat etc., which may prove to be an icebreaking stride for the augmentation of ADR in India.

V. Law schools can rightly be said as great contributors towards building the effective justice administration system by imparting the value-based legal education to the law aspirants at their initial stage of learning. Since the Anglo-Saxon jurisprudence, which the Indian legal study follows, provides for the teaching that makes the legal persons capable enough to tackle the adversarial court proceedings, it requires a new form of pedagogy to be designed by the law schools for the law students, so that the ADR system may be understood in the required shape as compared to the present attitude of the law persons towards the ADR. It needs to be imparted particularly amongst the fresh legal minds that the adversarial nature is not the only remedy for getting justice rather there are other modes under the umbrella of ADR which may prove strong pillars towards building the bridge of fair justice administration. The researcher proposes the requirement of a
bigger role for the law schools towards contributing in justice
delivery system by encouraging the fresh legal minds for
promoting and internalizing the ADR. This proposed
pedagogy may be inclusive of some form of empirical study
to be carried out at the very grassroots level by taking some
villages etc. as a target group. This kind of approach may be
of great worth by imparting the advantages of ADR
mechanism. Law students may be encouraged to take part in
ADR process mandatorily as on the panel of Lok Adalats, in
arbitral proceedings or in mini trials etc.

VI. The present study reveals that the scope of Arbitration and
Conciliation Act, 1996 has to be broadened. It should not be
limited to the commercial transactions or the cases of
corporate field only; rather, cases relating to family disputes,
property matters may also be the target group of the arbitral
and conciliation proceedings explicitly. The present Act
seems to be limited to the parameters laid down by the
UNCITRAL model which was just for the promotion of
smooth cross border contractual obligations. The researcher
believes that the tools of ADR like arbitration and
conciliation should not be chocked or treated into a
straightjacket formula and it should not only for the sake of
fulfilling international obligation on papers rather the in-
house needs of society are required to be reflected by the
concerning Act.

VII. The study has found that the Bar Council of India has started
the provision of oath-taking by the LL.B. degree holders
before getting registered with the Bar Council. Keeping in
view the present problems confronted by the legal system, the
researcher is of the view that the oath on enrollment in the
Bar Council should include the respect for and adoption of
ADR up to a large extent during practicing law in the
adversarial court system.

VIII. The researcher is also of the view that since majority of the
population in India lives in the villages, which are having
village Panchayats, chosen by the villagers in a democratic
way, then it is the need of the present Indian context to orient
the Sarpanch and Pachess representing the village pachayat,
about the worth of adopting ADR as a mode for resolution of
disputes. Not only this, after studying the present literature on
the subject the researcher is of the view that some groups of
villagers representing the various sections like Gram Sabha,
graders etc. should be given appropriate training in the field
of ADR or its various tools like mediation, negotiation etc., so
that they can be useful in sorting out the petty or
compoundable problems at their own level without seeking
the course of formal adversarial court system. For imparting
training, the services of the proposed legal aid clinics, which
are to be set up in every village, may be availed. These clinics
may also be given a special training in this regard by the
expertise selected by the legal services institution. At the
same time, para-legal volunteers should be given qualitative
training.
IX. The researcher firmly believes that for the development of any society, schools, as an agency for socialization, play a very crucial role. Schooling is that phase of life, in which a person develops a basic knowledge about its surroundings, so some basic knowledge of legal education and the importance of the ADR should be imparted at school level itself through innovative or interesting methods by altering the existing pedagogy. The researcher would like to acknowledge the efforts of the Haryana Legal Services Authority, which is following this method under the scheme of legal literacy mission.

X. The researcher has come to know about the unawareness of the public at large about the provisions of the settlement at Pre-litigation level, for which the Legal Service Authority Act, 1987 talks about and provides that the parties to the dispute may opt the channel of *Lok Adalat*, which is a very effective dispute resolution mechanism of ADR directly, without taking the recourse of the formal adversarial court system.\(^\text{17}\) Although there has been a number of initiatives taken by the legal services institutions but, it still needs to be expedited in this regard.

\(^\text{17}\) In order to see the practical proceedings, the researcher had visited a number of Legal Aid Clinics and attended so many *Lok Adalats*. Researcher also distributed the questionnaires and conducted the interviews at the District Court, of various persons ranging from judicial officers, Para-legal volunteers, disputants to the common man. This coming out with the shocking fact that there is lack of legal awareness among masses related to their legal rights as majority of disputants do not know about their right of Free Legal Aid. Same condition was found, rather more deteriorated, in cases of ignorance of disputants about the Pre-Litigation cases. There exists an ignorance that their cases can directly be taken up to the *Lok Adalat*. Majority of the disputants do not know that in case of their being a women, a child, SC, ST, a earner of less than one Lakh rupee per annum etc., make them eligible for the free legal services under Sec. 12 of Legal Services Authority Act, 1987 read with Rule 19 of the Haryana State Legal Services Authorities Rules, 1996. Even some of Para-Legal Volunteers are not in a position to reply the query regarding the meaning of legal services and the *Lok Adalat*. These findings make us to deconstruct the entire Legal Aid Movement once again and to reconstruct a constructive paradigm for the actual realization of our Constitutional goals.
should be encouraged and promoted by launching a special programme under the direction of legal services institutions.

XI. The present day world of liberalization, privatization and globalization demands the big role to be played by the corporate sectors including the multinational companies. This sector always needs a barrier free approach from the legal adjudication system for flourishing their business, which requires to be given a special treatment to them as far as their corporate matters are concerned. At present, section 15 of the Code of Civil Procedure, 1908 provides that every suit shall be instituted in the Court of the lowest grade competent to try it. This makes the big corporate houses particularly MNCs disinclined towards approaching adversarial court system in India. Hence the researcher proposes that the corporate disputes involving alien parties should be mandatorily required to be resolved outside the courts through ADR mechanism.

XII. Since there are two types of cases which go before the court of law i.e. civil and criminal, the present study reveals that the ADR system only is considered to be the best for the cases which are civil in nature but it is equally true that the cases which are criminal in nature are on peak as far as the pendency of the cases before the courts is concerned, which require a deconstruction of this attitude of the stakeholders and gives impetus to the need to have the inclusion of criminal offences of non-severe nature under the category of targeted group for resolving the petty scuffles amicably by
mediation or negotiation etc. The researcher firmly believes that there are a number of sections in the Indian Penal Code which can be put under the category of compoundable offences so that they can also be settled with the help of ADR mechanism. The Law Commission of India also proposes some changes in the Indian Penal Code in this regard through its 237th Report on Compounding of (IPC) offences.

XIII. The researcher is of the view that since mediation is a useful tool for resolving disputes but, till date there is as such no statutory provision dealing with the mediation except certain rules formulated by the concerned High Courts. The researcher proposes that there should be a separate statute dealing with all the provisions of mediation; which are more importantly based on the legal endorsement of right-based approach.

XIV. The researcher firmly believes that in India the legal aid movement which is deemed to be started in the early 1980s has proved to be an icebreaker in the field of securing justice within the society. The promotion of ADR is also the main agenda of the movement as it could be helpful in enacting Legal Services Authority Act, 1987 which inter alia provides for the Lok Adalats for settling the disputes by way of negotiation or mediation. Unfortunately, in today’s context the very legal aid movement seems to be considered as an event of history and is being neglected by the research scholars. It is only considered to be limited either to a few judgments of the Supreme Court of India particularly by the
mouth of Mr. Justice Krishna Iyer and Mr. Justice P.N. Bhagwati or some reports on the topic, or considered to be an outdated topic most of the times. The researcher is of the view that this perception is wrongly interpreted and needs to be deconstructed, which is possible only by giving a new height to this concept. Undoubtedly, the legal aid movement will be the genus including one of the species in the form of promoting ADR in India.

XV. Mini-trial is also a mechanism under the umbrella of ADR which needs to be promoted for breaking the mounting arrears of backlog of cases. Some jurists have suggested a reduction in the number of holidays of courts and an increase in the working days of the Courts. At present, the courts work for 210 to 230 days every year, with a fairly long summer vacation. If Court works for longer hours and days, litigation can be brought under control.\(^\text{18}\) The emergence of ‘evening courts’ is a welcome step taken by the judiciary for contributing towards realizing access to justice for all. These evening courts should devote their precious time in resolving disputes through ADR mechanism as far as possible.

XVI. Judiciary particularly the subordinate judiciary should give due importance to the use of ADR as a dispute resolving mechanism and should not resist the use of it.

XVII. Advocates, particularly the rookie one (young lawyers), should be given enough platform for contributing towards resolving the disputes and for this they should be given

proper training and reasonable fee by the legal service institutions in the field of ADR. Since advocates are the mouthpiece of society, they should be more concerned for the justice administration. Lord Brougham once said: “An advocate, in discharge of his duty, knows but one person in the entire world and that person is his client. To save that client by all means and expedients and at all hazards and costs to other persons and, among them, to himself, is his first and only duty; and in performing his duty he must not regard the alarm, the torrents, the destruction which he may bring upon others.”¹⁹

XVIII. The researcher firmly believes that the services of retired judicial persons should be availed as it has been used in fast track courts or permanent Lok Adalats so that judiciary can have a respite from the mounting arrears of backlog. At the same time the researcher is of the view that the retired judicial persons should not act as he/she used to do in adversarial court system rather their approach towards the disputes should be in tune with the objective of amicable settlement of disputes which can help in promoting access to justice. In this regard the respective High Courts may play a crucial role by giving necessary training to the retired judicial officers.

As far as backlog in subordinate courts is concerned, additional courts must be created and additional judicial officers must be appointed till the backlog is cleared. Ad hoc

¹⁹ As quoted in Hari Om Maratha, Law of Speedy Trial—Justice Delayed is Justice Denied (2008).
Judges under Article 224A of the Constitution of India should be appointed to clear the backlog in the High Courts for a period of five years or till the backlog is cleared.\textsuperscript{20} Furthermore, Article 247 of the Constitution enables Union Government to establish additional Courts for better administration of laws made by Parliament or of any existing law with respect to a matter enumerated in the Union List and this Article is specially intended to establish Courts to enable parliamentary laws to be adjudicated upon by subordinate courts, but it has not been resorted to so far.\textsuperscript{21}

XIX. Police authorities being the agency of maintaining law and order within a society, always play a very pertinent role by assisting the justice administration system. Since every case of criminal nature is mandatorily required to be investigated by the police authorities, so they may be the best judge to determine the scope of negotiation between the parties and contribute in arriving at an amicable settlement. At the same time it needs to be checked that no bogus or frivolous information is to be entertained by the police authorities for the purpose of harassing someone by adopting various ill methods. In this regard, the researcher is of the view that there is a need for opening of Legal Aid Clinic at every police station. This may prove as a check over the prevalent corruption and may make the disputants aware of the available remedies and of quick procedure for justice, which


\textsuperscript{21} Ibid.
inter alia will promote ADR philosophy. The ADR system definitely requires attention by all the stakeholders for amicable settlement of disputes as one should never negotiate out of fear but should never fear to negotiate. (Kennedy)

XX. Advocates should be oriented for treating the clients not as a customer of justice; rather, as partners for seeking justice and they should always encourage disputants for the outside Court settlement by adopting any mode of the ADR mechanism.

XXI. The law students as well as the Para legal volunteers must orient the public at large particularly the villagers through the medium of skits, exhibition in the mother tongue language about the benefits of adoption of ADR mechanism. To meet this end, the researcher is of the view that they should be given proper training by the experts in the field which may be selected lawyers on panel, law teachers, judicial officers including retired one etc.

XXII. All Courts should devote one full working day to the ADR mechanism in a week, so that Courts may provide a suitable platform wherein parties may settle the disputes amicably by adopting the tools of ADR mechanism in the name of ‘ADR Day’.

XXIII. Court should avoid the intervention as far as possible in the ADR process, so that the amicable settlement between the parties may prosper without confronting with the procedural hurdles.

XXIV. Courts like Gram Nyayalya should be made more regularize
for promoting the ADR. The target of establishing 5000 Gram Nyayalya requires to be given priority for realizing the access to justice at doorstep.

XXV. An autonomous body is required to be set up for flourishing the use of ADR for amicable settlement of disputes outside the Courts. Such body may be comprised of retired judicial persons, public spirited advocates, social activists, academician etc.

XXVI. Partners under the Partnership, agents under contract of agency, bailor-baillee under Bailment agreement should mandatorily be required opting for ADR mechanism in case of any disputes in future. Disputants who settle their disputes through ADR should be given incentives in the form of offering them for becoming the Para legal volunteers. Such persons may be used as a vehicle for orienting the public at large about the advantages of ADR.

XXVII. Appropriate education and training programmes for ADR practitioners should be carried out by the Universities on the pattern of other countries like US where many universities offer graduate, Master and Doctorate studies in mediation etc.

XXVIII. The demand for increasing the number of judges in subordinate judiciary to the tune of 50: 1 Million populations is much awaited. Law Commission of India in its 120th Report recommended that by the year 2,000 India should have at least 107 Judges per million of Indian population. This anticipatory vision of Commission seems to be an un-quenching thirst by
seeing the present ratio which is just 15.5: 1 Million.\textsuperscript{22} Though the deliberations held recently in a Joint Conference of CMs and CJJs held on 7\textsuperscript{th} April, 2013 to double the strength of existing judges in the next five years once again generated a ray of hope but it really needs to be backed by a strong political will of the policy makers. The judges of the subordinate judiciary, which can be termed as the root of our judicial system, must be able to inspire confidence in themselves and do justice to the society.\textsuperscript{23}

XXIX. The researcher founds that there is dearth of journals in the field of ADR in India which may be cited as one of the reasons behind non-utilization of this mechanism in the country. The researcher proposes an initiative, to be taken by various stakeholders, for launching some journals which inter alia cover the cases or instances wherein ADR contributes toward amicable settlement of disputes outside the Court. These cases or instances may be of great worth or act as precedents for the resembling cases in the near future. Like AIR, SCC there may be journal like AIADR (All India ADR Reporter) for the promotion of idea of ADR in India.

**Suggestions for Further Research**

Any research work may not be the final say for curbing the existing problems because it is always difficult for a researcher to touch at the all aspects of a problem. So the suggestions for further research in this direction cannot be kept out of place here. The present study has been confined to

\textsuperscript{22} Law Commission of India, 222\textsuperscript{nd} Report on Need for Justice-dispensation through ADR (April, 2009), p. 38.

\textsuperscript{23} *Ibid.*
doctrinal methodology of research. Similar study can be undertaken by conducting an empirical research. The researcher proposes a further research of empirical nature in the field of ADR covering the target group of cities/towns/group of villages from different parts of country.
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