

Alternative Dispute Resolution

Concepts and Methods

Dr. Kush Kalra



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Alternative Dispute Resolution (ADR): Concepts and Methods

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23, Daryaganj, New Delhi-110 002

Phones : 011-23281876, 23266105, 41625022 (*Showroom & Shop*)

011-23247051, 40234454 (*Office*)

E-Mail : sultanchand74@yahoo.com; info@sultanchandandsons.com

Fax : 011-23266357

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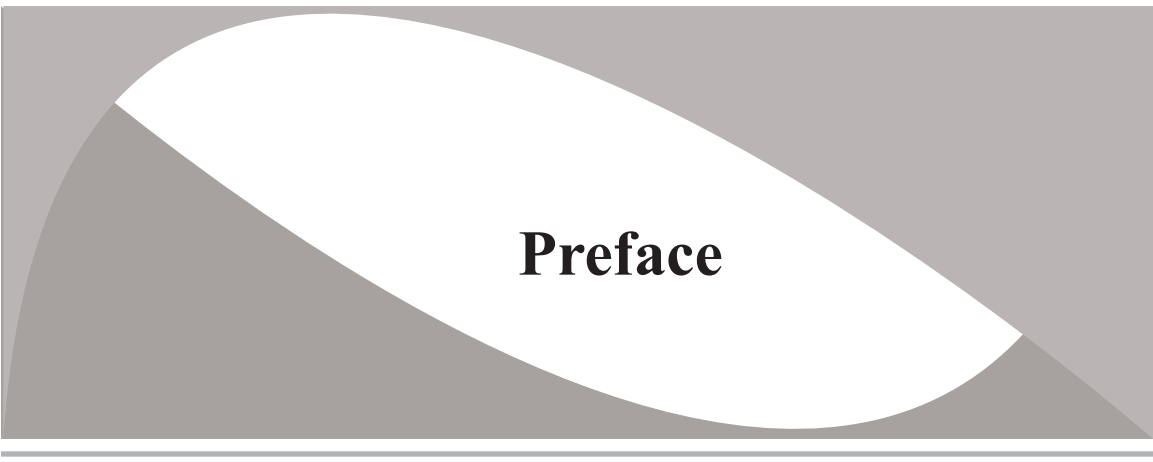
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Preface

The goal of Alternative Dispute Resolution is to resolve disputes between parties in a more cost-effective and timely manner. As the name implies, alternative dispute resolution (ADR) is a less adversarial method of resolving disputes than courts. The tedious processes of litigation, expense, and inadequacies of the five court system are the key reasons for the ADR's inception or need. It has the ability to deliver relief quickly and at a low cost. The current adversarial system is unable to provide true justice to the parties.

The party who comes to the Court of Justice in pain and anguish encounters a variety of issues and suffers physically, monetarily, and mentally. The current system fails to provide the parties rapid and economic relief. The technique is also quite difficult. As a result, a quest for an alternative mechanism that is low-cost, rapid, and complements the existing civil court process is underway. The elements of prudence, fairness, equality, and compassion, on the other hand, cannot be sacrificed for the sake of expediency. It's been stated that "justice delayed is justice denied," yet it's also been said that "justice hastened is justice buried."

The Hon'ble Supreme Court concluded in "*Fuerst Day Lawson Ltd v Jindal Exports Ltd*" that the goal of the Alternative Dispute Resolution Act, 1996 is to give a quick and alternative settlement to a dispute and avoid protracted litigation. The Act's provisions must be construed in this light. Alternative Dispute Resolution (ADR) encourages a peaceful resolution and aids in the preservation of relationships. There is no need for technical and formal procedures because the parties are directly involved in the settlement process. However, an amicable resolution does not imply a willingness to concede at any cost; rather, it is an element of acceptable compromise.

A wide range of processes are characterised as alternative dispute resolution processes. Conflict resolution processes that are not adjudicated through court proceedings are typically referred to as alternative dispute resolution procedures. These approaches usually involve a neutral third party, a competent assistant who either supports the parties in a dispute or conflict in reaching an agreement or enables the parties in the disagreement in finding a solution to the problem. Because of the methods adopted, the alternative conflict resolution mechanism can preserve and enhance

personal and business ties that would otherwise be harmed by the adversarial process. It is also adaptable since it allows combatants to select processes that are appropriate for the nature of the dispute and the business context in which it arises.

Various techniques of settlement, such as *Lok Adalats*, Arbitration, Conciliation, and Mediation, are included in the phrase “Alternative Dispute Resolution.” Many countries have adopted these method of Alternative Dispute Resolution to successfully resolve disputes.

Kush Kalra

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This book is supposed to be useful for Judges, Advocates, Lawyers and Law Students. The beauty of this book is that it will be of good use to one and all who are curious to know and study about the Alternative Dispute Resolution & Law.

About the Author

Dr. Kush Kalra is the recipient of National Youth Award by Ministry of Youth Affairs and Sports and was also awarded Duke of Edinburgh Award (Gold Standard). He has written many articles which are published in National and International Journals of repute. He believes that education can bring big difference to improve our lives. He also believes in Justice Krishna Iyer saying "Something was dead in all of us, what was dead is hope and positivity".



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