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## **"HUMAN RIGHTS AND ADR MECHANISM IN INDIA"**

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### **Abstract**

In the light of theory "access of justice" ADR mechanisms play very important role for protecting the fundamental human right of individual. ADR Mechanism system is very different other than traditional litigation proceedings of courts, under ADR system their proceedings are more creative, flexible and collaborative. ADR system has been developed deeply interconnect with fundamental human rights of individual.

The main purpose of research paper is to explain about the relationship between human rights and ADR mechanisms, **secondly**, under international platforms we use ADR methods (including arbitration, mediation, and negotiation) for resolving disputes quickly and efficiently.

**Thirdly**, focus on role of ADR system in resolving the problem of human rights disputes, and **fourthly**, to restorative justice as applying through a human rights approach and with help of ADR centers which are established by National Legal Aid Service Authority Act, 1987. Under this act, every state high court of our nation establishes an ADR Centre in our district courts.

This paper is using a non-doctrinal research methodology. This research paper also points out the international law related to ADR system and human rights laws.

This paper also focuses on provisions related to national laws for human rights and ADR procedures system of courts.

Papers also highlight the critical mechanism of this system of courts and how to court infringing the rights of individuals. **Lastly**, paper concluded and suggested that by using ADR methods for solving various issue.

**Keywords:** United Nations Organization, UDHR, International Human Rights Commission, Human Rights Act, 1993, National Legal Aid Service Authority, 1987 and ADR Mechanism etc.

***“Conflict and resolution are two sides of the same coin”- by Haresh Sippy, entrepreneur.***

### **Introduction-**

It sets out, in world history, that for the first time basic rights of human beings are protected by international agency (i.e. Universal Declaration of Human Rights). This is a landmark document for protecting rights of people of world. It recognizes basic inherent rights to individuals that are given by nature, this means dignity, equality, freedom and justice. It is also primary duty towards nations to protect, preserve and promote human rights in our land. While the UDHR is not a binding document, it imposes moral and political obligation towards on State that protect basic principle of human values. Now, all above milestones documents are cover under international customary law and Countries are adopt various international human rights treaties (including convention and covenants) which creates legal obligation, that protect the fundamental rights of people.

Simultaneously, in India also adopt and signature in UDHR. In the shadow of UDHR articles have also been seen under Part- III (Fundamental Rights) of the Indian Constitutional law (Articles 12-35), these rights binding legally and enforceable by Supreme Court under Article-32 and High Court under Article-226 of the Indian Constitutional law. But today judiciary has been a burden for resolving the disputes and providing justice. So, it creates a new method for resolving disputes, that is Alternate Dispute Resolution (ADR) Mechanism. These ADR and Mechanism are less adversarial and more capable of better substitution to resolve dispute outside the court and protect human right. ADR proceedings being a form principle of justice, the conduct of various proceedings such as due process, procedural fairness and provide the right to a free legal aid facility. In addition, it has been noted that every class of persons are using this method for resolving dispute and for weaker section free legal aid facility are provide

in our Article -39 A of Indian Constitutional Law. For access to justice ADR mechanisms play a different role and protect basic rights of individuals.

At present, every year millions of disputes resolve by using ADR method in India. Lok-Adalat's and Online Disputes Resolution are very useful for resolving millions of cases, reducing the burden of court backlogs. The ADR Statistics of 2025 -2026 is<sup>6</sup> that **National Lok Adalats** total cases disposed around over 14.84 crore case in 2025, **State Lok Adalats** in the period of 25<sup>th</sup> November 2025, state level Lok Adalats disposed of approximately 5.9 lakh case, **Permanent Lok Adalats** (Public Utility Services) Disposal numbers of the 2025-26 period (up to November 2025) were recorded at 1.68 lakh case. Pre-Institution Mediation (Commercial Disputes) while applications increased, a significant "non-starter" rate (approximately 88% in 2024-2025) persisted, with only 643 cases reaching settlement from 47,218 applications between April and September 2025. Institutional Arbitration: The Mumbai Centre for International Arbitration (MCIA) reported a 79% increase in cases in 2025.<sup>1</sup>

### **Evaluation of ADR System in India**

In India first time method of Alternative Dispute Resolution are used in ancient community member, in village councils is also called Panchayats, mostly village administration is governed by these types of panchayats, by applied various methods of settled disputes such as mediation method and conciliation method etc. After that, first time ADR rules are binded in form of act, the formal process started in the year 1940, through the Arbitration Act, 1940.

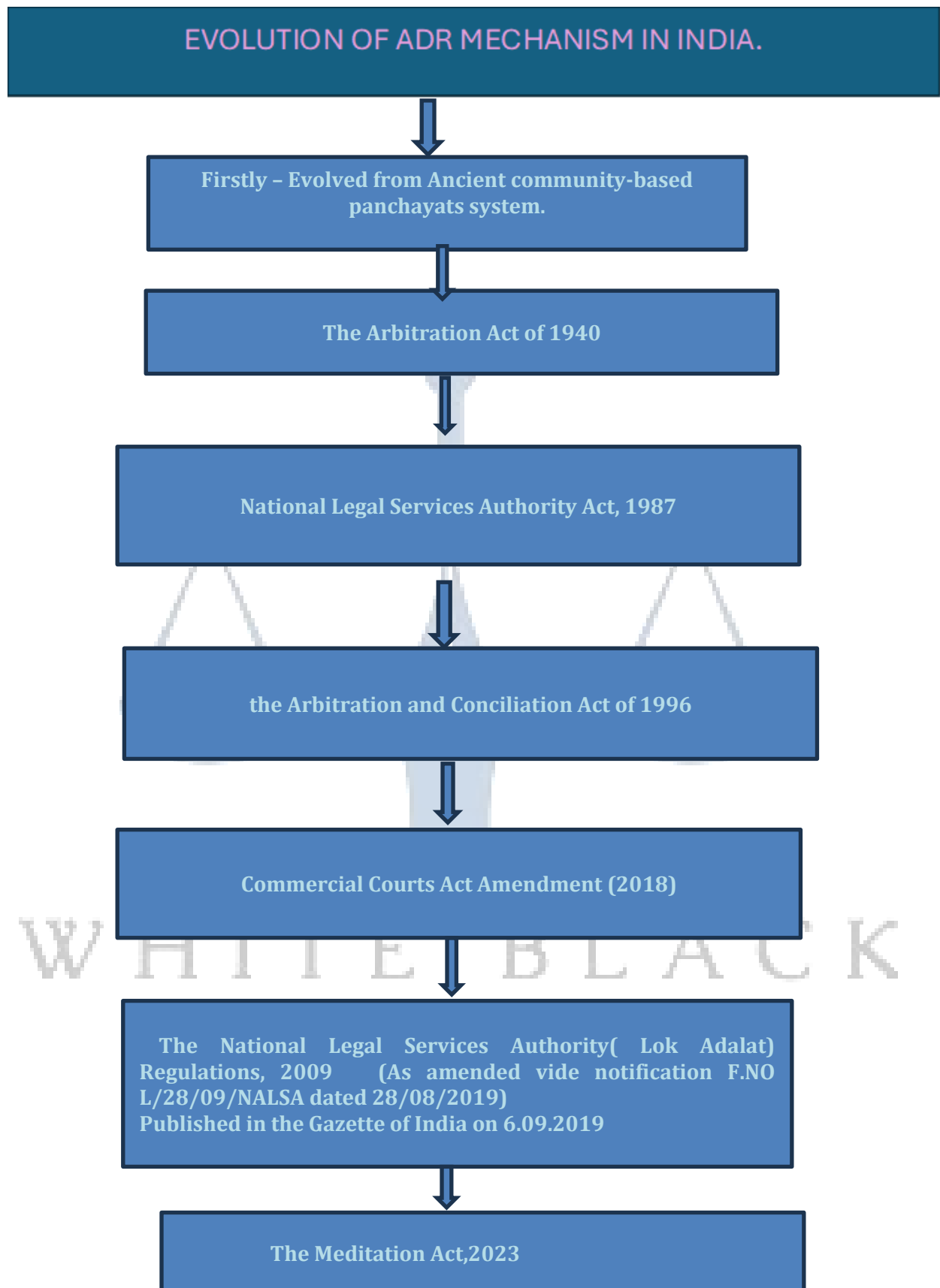
After becoming independent in the year 1987 new act, established by parliament of India that is National Legal Services Authority Act, 1987. (It is also famous for establishment of Lok Adalat's to promote free and speedy trial beyond courtyard.

In 1996, the new act was regulated is called the Arbitration and Conciliation Act of 1996.its (based on UNCITRAL models) this model is also amended in year of 2015/2019 and 2021.

Although, under Section 89 of Civil Procedure Code,1908 permits courts to refer to ADR methods pending civil disputes, this method is present loopholes, so new Mediation Act, 2023 is enacted.

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<sup>1</sup> Strategic Insights on ADR in India:2026 <https://www.studocu.com>



### **Research Objectives-**

- 1) To examine about the relationship between human rights and ADR mechanisms.
- 2) To analyses the applicability of using methods relating to ADR mechanisms (including arbitration, mediation, and negotiation) for resolving disputes quickly and efficiently.
- 3) To evaluate the adequate laws regarding ADR System.

### **Research Questions-**

1. ADR system how to resolving the problem of human rights disputes and protect the rights of individual?
2. Which type of legal framework is apply by court to resolving disputes between individuals?

### **Research Methodology-**

This paper only used non- doctrinal method. Secondary sources of data are use i.e. is academic literature related to ADR Mechanism, commentaries of book related to ADR, Journal are play very important role to completed my research paper, Reports of head office of Madhya Pradesh State Legal Aid Service Authority and online data is also very useful for completed my research paper.

### **Meaning of Alternative Dispute Resolution-**

Alternative dispute resolution (ADR) is a means of settling a dispute, conflict, or claim without courtroom litigation. Instead, the parties involved agree to use an ADR process such as mediation or arbitration.

Alternative dispute resolution has gained broad acceptance by the public and the legal profession. If both parties involved in a civil (non-criminal) dispute willingly sign a contract to do so, they are free to choose ADR to resolve the matter. When a lawsuit is pending, in some cases, courts encourage or require the litigants to use ADR to help settle disputes more amicably and reduce the court system's heavy caseload.<sup>2</sup>

Under ADR Mechanism, different types of processes were used for resolution disputes are

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<sup>2</sup> BambooHR <http://www.bamboohr.com>

settled by mutually based concepts, such as methods are as follows-

- 1) Negotiation.
- 2) Mediation.
- 3) Conciliation.
- 4) Arbitration.
- 5) Judicial Settlement.

### **1) Negotiation:**

A non-binding procedure in which discussions between the parties are initiated without the intervention of any third party with the object of arriving at a negotiated settlement to the dispute. It is the most common method of alternative dispute resolution. Negotiation occurs in business, non-profit organizations, government branches, legal proceedings, among nations and in personal situations such as marriage, divorce, parenting, and everyday life.

### **2) Mediation:**

In mediation, an impartial person called a "mediator" helps the parties try to reach a mutually acceptable resolution to the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Any person who undergoes the required 40 hours training stipulated by the Mediation and Conciliation Project Committee of the Supreme Court (SC) can be a mediator.

### **3) Conciliation:**

A non-binding procedure in which an impartial third party, the conciliator, assists the parties to a dispute in reaching a mutually satisfactory agreed settlement of the dispute. Conciliation is a less formal form of arbitration. The parties are free to accept or reject the recommendations of the conciliator. However, if both parties accept the settlement document drawn by the conciliator, it shall be final and binding on both.

### **4) Arbitration:**

The dispute is submitted to an arbitral tribunal which decides (an "award") the dispute that is mostly binding on the parties. It is less formal than a trial, and the rules of evidence are often relaxed. Generally, there is no right to appeal an arbitrator's decision. Except for some interim

measures, there is very little scope for judicial intervention in the arbitration process.<sup>3</sup>

### **5) Judicial Settlement.**

Through, Judicial proceeding various disputes are resolve such as divorce disputes, commercial disputes, workplace disputes and insurance claimed.

### **International Law related to Alternative Disputes Resolutions Systems:**

Considering customary international law, ADR methods are used to resolve international disputes including disputes regarding states, companies and individuals. This method is very useful, because it is faster, more flexible and less expensive, without going to traditional courtyards disputes are resolved or less time taken of parties.

There are various international conventions, and treaties are frame related to ADR mechanism, those are as follows-

- 1) New York Convention (1958).
- 2) ICSID Convention (1965)
- 3) UNCITRAL Model Law (2006)
- 4) Singapore Convention on Mediation (2019)

#### **1) New York Convention (1958).**

In the year of 1958, Convention on the (Recognition and Enforcement of Foreign Arbitral Awards) is also called “**New York Convention**” 1958. This is key instrument in subject regarding arbitration under international platform. This Convention also applies for the provision of recognition and enforcement of foreign arbitral awards and the recommendation to the arbitration courts.

#### **2) ICSID Convention (1965)**

International Centre for Settlement of Investment Disputes Convention 1965.under Article 2 there is describe about, the purpose of the Centre shall be to provide facilities for conciliation and arbitration of investment disputes between Contracting States and nationals of other Contracting States in accordance with the provisions of this Convention.<sup>4</sup>

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<sup>3</sup> Drishti IAS <https://www.drishtiias.com>

<sup>4</sup> Jus Mundi <https://jusmundi.com> (ICSID Convention 1965)

### **3) UNCITRAL Model Law (2006)**

Model Law 1986-2006 is designed to assist States in reforming and modernizing their laws on arbitral procedure to consider the features and needs of international commercial arbitration. It covers all stages of the arbitral process from the arbitration agreement, the composition and jurisdiction of the arbitral tribunal and the extent of court intervention through to the recognition and enforcement of the arbitral award. It reflects worldwide consensus on key aspects of international arbitration practice having been accepted by States of all regions and the different legal or economic systems of the world<sup>5</sup>

### **4) Singapore Convention on Mediation (2019).**

The United Nations Convention on International Settlement Agreements Resulting from Mediation has been enacted on 20<sup>th</sup> December 2018, and it was opened for signature on 7<sup>th</sup> August 2019 at Singapore is called Singapore Convention on Mediation, this was the first treaty, work with UN Commission on Trade Laws. India was also approved and signature in this Convention in July 2019. The main feature of this convention is the facilitation of international trade and in the promotion of meditation.

Hence, all the above conventions and treaties are essential for resolving disputes by using ADR Mechanism. Above all these convention and law model also protecting a basic value of right of people.

### **National Law related to Alternative Disputes Resolutions Systems –**

ADR Mechanism is a different mode of justice; it resolves disputes by using methodology of mutual understanding and cooperation among the parties. In India, ADR Mechanism are protected in our Constitutional law and other laws related to this mechanism, those are as follows-

- 1) provision given under Indian Constitutional law,
- 2) The National Legal Service Authority, 1987
- 3) Arbitration and Conciliation Act 1996
- 4) Commercial Courts Act Amendment (2018)
- 5) The National Legal Services Authority (Lok Adalat) Regulations, 2009 (As amended vide notification F.NO L/28/09/NALSA dated 28/08/2019) Published in the Gazette of India on 6.09.2019.

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<sup>5</sup> New York Convention <https://www.newyorkconvy> (UNCITRAL-MODEL LAW 1986-2006)

6) The Mediation Act, 2023.

**1) provision given under Indian Constitutional law.**

In India, ADR is established on the provision of constitutional law, firstly describe under Preamble Decoded – Liberty, Equality, Fraternity and Justice: Second, describe under fundamental rights in Article -14 (Equality before law) and Article-21 (Right to life and Personal liberty), Article 22(1): Provides protection to individuals arrested or detained, ensuring their right to legal consultation and representation. Thirdly describe under the directive principle of state policy, Article 39-A, describes the provision related to direction given to state ensure equal justice and free legal aid to citizens. It is a mandatory responsibility of state to provide free legal aid facilities and other relevant schemes to all weaker sections of society. Hence, all above things are essential to protecting and promotive for ADR system present in India.

**2) The National Legal Service Authority, 1987.**

The National Legal Service Authority, 1987 was enacted by Government of India for pursuant to Article 39-A of the Constitutional law of India, this act, came into force on 9<sup>th</sup> November 1995. the main aim of this act, is provides justice to economically weak, the backward, and the disabled are eligible to receive legal aid. The Concept of legal aid scheme, introduced by Justice P.N. Bhagawati.

This Institute has various levels; those are as follows-

- 1) National Legal Service Authority,
- 2) State Legal Service Authority,
- 3) District Legal Service Authority,
- 4) Taluka /Sub- Divisional / Tehsil Service Authority.

**1)The National Legal Service Authority, 1987** According to section-3(2), describe about, The Central Authority shall consist of-

- a) the Chief Justice of India who shall be the Patron-in Chief;
- b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
- c) such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.

According to Section- 4 of this act is described about, Functions of the Central Authority:

The Central Authority shall perform all or any of the following **functions**, namely: -

- a. lay down policies and principles for making legal services available under the provisions of this Act.
- b. frame the most effective and economic schemes for the purpose of making legal services available under the provisions of this Act.
- c. utilize the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities.
- d. take necessary steps by way of social justice litigations regarding consumer protection, environmental protection or any other matters of special concern to the weaker sections and for this purpose, give training to social workers in legal skills.
- e. organize legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of society as to their rights as well as encouraging the settlement of disputes through Lok Adalat's.
- f. encourage the settlement of disputes by way of negotiations, arbitration and conciliation.
- g. undertake and promote research in the field of legal services with special reference to the need for such services among the poor.
- h. to do all things necessary for the purpose of ensuring. commitment to the fundamental duties of citizens under Part IV A of the Constitution:
- i. monitor and evaluate implementation of legal aid programmer at periodic intervals and provide for independent evaluation of programs and schemes implemented as a whole or in part by funds provided under this Act.
- j. provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act.
- k. develop, in consultation with the Bar Council of India, programs for clinical legal education and promotion guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.
- l. take appropriate measures for spreading legal literacy and legal awareness amongst the people and to educate weaker sections of society, welfare legislation and other enactments as well as administrative programs and measures.
- m. make special efforts to enlist the support of voluntary social welfare institutions

working at the grassroots level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and

- n. coordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions and other legal services organizations and give general direction for the proper implementation of the legal services programmers.

## 2) STATE LEGAL SERVICES AUTHORITY

According to Section-6 of, this act is given provision about, Constitution of State Legal Services Authority:

- (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.
- (2) A State Authority shall consist of-
  - a) The Chief Justice of the High Court who shall be the Patron-in-Chief;
  - b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman and
  - c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court<sup>6</sup>.

Other Provision related to above act is also given in following sections those are as follows- There function is given under section -7 of this act, Similarly the composition of District Legal Service Authority is given under section -9 and section -10 describe about function of DLSA and Composition of Taluka /Sub- Divisional / Tehsil Service Authority given in section -11A and section -11B, describe about functions.

This act also protecting a basic principles of human right, because its primary duty of this institution is that to ensuring and providing right of individual, Therefore. National Legal Service Authority having an official motto and slogan of “**Access to Justice for All**”. This slogan reflects a dedication is that – to providing free legal services to weaker section of society and providing justice to all weaker sections.

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<sup>6</sup> Bare act of National Legal Service Authority Act,1987

In 19.12.2025 under National Lok Adalat t approx. 44572590 cases are taken up and approx. 37924150 pre-litigation cases are disposed of and approx. 7717359 cases of taken up and approx. 5485672 pending cases are disposed of.<sup>7</sup>

### **3) Arbitration and Conciliation Act 1996.**

The Arbitration and Conciliation Act, 1996 is regulated for domestic arbitration proceedings in India. This act was amended in 2015 and 2019.

### **4) Commercial Courts Act Amendment (2018).**

The commercial division and commercial appellate division of high courts amendment in 2018. This act, mainly, resolves the disputes relating to commercial from 1crore approximately.

### **5)The National Legal Services Authority (Lok Adalat) Regulations, 2009-**

The National Legal Services Authority (Lok Adalat) Regulations, 2009, provides the framework for organizing Lok Adalat's to settle disputes through conciliation, emphasizing an independent, impartial, and prompt approach. Key aspects include voluntary settlement, mandatory court fee refunds, strict no-fault/consent-based awards, and specific procedures for conducting proceedings<sup>8</sup>.

### **6) The Mediation Act, 2023**

This Act seeks to promote mediation, particularly institutional mediation, and provides a mechanism for enforcing mediated settlement agreements.<sup>9</sup>

Hence, all the above legal provisions are helpful for settlement of disputes by using ADR Mechanism and securing human rights of individual, that is reason both ADR system and Human Rights are deeply interconnected to each other.

## **Critically analysis of ADR Mechanism in India-**

- 1) Most of the people of our country do not know about ADR Mechanism, so in rural areas, lack of awareness is present.
- 2) ADR Mechanism process is slowly run, due to problem of Appointment of Arbitrators and excessive court interference under proceeding of Arbitration.

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<sup>7</sup> Disposal of National Lok Adalat held on 13/12/2025 (all Types of Cases)

<sup>8</sup> National Legal Service (<https://nalsa.gov.in>)

<sup>9</sup> Drishti IAS <https://www.drishtiiias.com>

- 3) ADR systems are framed by parliament of our country, but laws are not implemented properly.

### **Conclusion and Suggestions:**

In Indian peninsular, ADR Mechanism are helpful for securing rights of people, it is like a golden thread which preserve a justice. This mechanism reduces the burden of courts and accepts the challenges, crowding the courtroom. This mechanism is a pathway of equality, fairness, liberty and dignity, they are the safeguard of rights of people. “Announce of mediation is worth a pound of arbitration and a ton of litigation!” — Joseph Grynbaum these words are true because of speedy proceeding beyond courts.at present most of the countries are using alternative method for resolve the disputes. It is very essential to government of nation the rules and regulations are strictly implemented in us for resolution of disputes and reduce case lists.



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