**Introduction to ADR**

1. **What is ADR and its purpose?**

Alternate Dispute Resolution is simply an alternate route for resolving disputes between parties, not necessarily seeking justice or penalty for any illegality or wrongdoings, but rather solutions to the problems in hand. But what is it really an ‘alternate’ to? Solutions? Not quite. From a practical standpoint, its main purpose is to serve as a mitigating factor to the primary cons relating to the current legal system, and specifically to the only option that disputing parties can see, that is ‘litigation’. So, ADR acts as an alternate to litigation.

Litigation has become key in providing or rather ensuring the constitutional right of protection of law to all its citizens. But due to some reasons, access to justice through litigation by the vast majority of people is not as accessible in reality as it may seem. The reasons are inordinate delay, repetition, backlogging of cases, high cost, complex procedural rules, limited opportunity or incentives for consensual settlements reduce economic interest of the legal practitioners in the litigation etc. ADR caters to these problems of litigation and its accessibility. The term of ADR can refer to everything from facilitated settlement negotiations in which disputants are encouraged to negotiate directly with each other prior to some other legal process, to arbitration systems that look and feel very much like a courtroom process. Processes designed to manage community tension or facilitate community development issues can also be included within the rubric of ADR.

Historically these out of court settlements or negotiations were referred to as “Shalish” or “Mimangsha”. However, over the years this traditional concept became corrupted. In todays’ day and age ADR brings all the advantages of those traditional out of court settlements in a rather structured fashion, and at times under the supervision of court.

1. **How ADR can be beneficial to the disputing parties? What kind of impact will it have on the current legal system, specifically litigation?**
2. **Save Time:** A dispute often can be settled or decided much sooner with ADR; often in a matter of months, even weeks, while bringing a lawsuit to trial can take a year or more.
3. **Save Money:** When cases are resolved earlier through ADR, the parties may save some of the money they would have spent on attorney fees, court costs, and experts’ fees.’
4. **Increase Control over** **the Process and the Outcome:**In ADR, parties typically play a greater role in shaping both the process and its outcome. In most ADR processes, parties have more opportunity to tell their side of the story than they do at trial. Some ADR processes, such as mediation, allow the parties to fashion creative resolutions that are not available in a trial. Other ADR processes, such as arbitration, allow the parties to choose an expert in a particular field to decide the dispute.
5. **Preserve Relationships:** ADR can be a less adversarial and hostile way to resolve a dispute. For example, an experienced mediator can help the parties effectively communicate their needs and point of view to the other side. This can be an important advantage where the parties have a relationship to preserve.
6. **Increase Satisfaction:** In a trial, there is typically a winner and a loser. The loser is not likely to be happy, and even the winner may not be completely satisfied with the outcome. ADR can help the parties find win-win solutions and achieve their real goals. This, along with all of ADR’s other potential advantages, may increase the parties’ overall satisfaction with both the dispute resolution process and the outcome.
7. **Improve Attorney-Client Relationships:**Attorneys may also benefit from ADR by being seen as problem-solvers rather than combatants. Quick, cost-effective, and satisfying resolutions are likely to produce happier clients and thus generate repeat business from clients and referrals of their friends and associates.