International Journal of Law, Justice and Jurisprudence

E-ISSN: 2790-0681
P-ISSN: 2790-0673
www.lawjournal.info
IJLJJ 2025; 5(1): 421-429
Received: 02-04-2025
Accepted: 06-05-2025

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Tracing the evolution of dispute resolution and administration of justice from ancient period to the modern times

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DOI: https://doi.org/10.22271/2790-0673.2025.v5.i1e.206

Abstract
The present paper traces the Evolution of the Administration of Justice in detail. At the outset the paper discusses the concept and meaning of justice, its types including political, social, economic etc. Further, the paper the elaborates on the concept, significance and challenges of the Administration of Justice. Then the paper discusses Administration of Justice from the Ancient Period wherein the kings administered justice on the basis of dharma to the Mughal period from where we have origin of our present day court system along with alternative dispute mechanisms like panchayat system and further to the Britishers Period who focussed on the codification of laws and then to the Post-Independence era where constitution was the basis of administration of justice. Further, with the adoption of welfare state policy, as the number of disputes increased and society became complex it led to the growth and evolution of alternative dispute mechanisms including Mediation, Conciliation, Panchayat, Lok Adalats and Tribunal System. At the end the paper discusses how the Finance Act, 2017 has changed the landscape of the tribunal system in the country and examines the challenges posed by the said Act. The paper concludes by stressing on the need to reform the tribunal system and making it more effective and efficient in the administration of justice.

Keywords: Justice, administration, evolution, tribunals, dispute resolution, legal system

Introduction
Justice, an abstract notion, is examined through varied lenses across disciplines such as philosophy, law, economics, and public administration. Its meaning shifts depending on the context. As a foundational element of any civilized society, justice represents the essential ideals of fairness and equality. The word "Justice" originates from the Latin term *Jus*, which signifies 'right'. As defined by the Oxford English Dictionary, a 'just' individual is someone who acts in accordance with moral correctness, and the term 'fair' is considered a synonym for justice [1]. Justice is commonly understood as a virtue associated with righteousness. It serves as a standard for evaluating the rightness or wrongness of an individual's behavior, as well as the principles governing society and its institutions [2]. Justice holds the highest value among social institutions, just as truth does within systems of thought [3]. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust [4].

Justice is one of the most cherished goals of the civilized society. The concept of justice is understood differently in different times. It is one of the most challenging things to define what justice is, as one particular act may be considered just in one society while the same act may be considered unjust in another. Also, the concept is not static and is evolving with the change in time. Today what we concept of justice is not the same we had in ancient times. Philosophers and jurists have recognized their own ideals in the idea of justice. With the Sophits of ancient Greece, justice meant the interest of the stronger- of the social group which is militarily stronger and economically rich to impose its will on the other groups [5]. For Plato, justice means the ability of the individual to perform his duties with all his abilities and capabilities, thus he emphasized moral and ethical elements in justice. Thus, for him Justice is realization of good. Aristotle, in contrast, believed that justice involves giving equal shares to those who are equal and unequal shares to those who are unequal, distributing power and position propertionaltely to the worth or contribution of the individual [6]. For him

justice often refers to "righteousness." According to Salmond, without justice, an orderly society is unimaginable [7]. Nonetheless, Justice is the bedrock upon which laws are built, ensuring that individuals are treated impartially and that their rights are protected. At its core, justice seeks to rectify wrongs, uphold moral standards, and promote harmony within communities. Any government which is based on the principles of justice and liberty have the strongest chances of survival. The object of justice is to maintain equality, liberty and freedom of he individuals in society. The concept of Justice has numerous dimensions- Legal, Political, Social, Economic.

Concept of administration of justice

As in any other country, India too has three distinct organs, each assigned specific responsibilities: the legislature creates laws, the executive enforces them, and the judiciary ensures justice by settling disputes between parties. The administration of justice holds immense social and political importance, closely linked to the broader domain of public administration. An effective legal system fosters social harmony, contributes to a civilized society, and supports the nation's social and economic progress. A society that lives in peace and harmony tends to be more progressive and developed and to bring peace to society, the dispute-resolution system must be just, fair, and quick.

The administration of justice is essential to advancing the general welfare and upholding social order. Since the beginning, some kind of dispute settlement has been necessary. Dispensing justice requires an efficient conflict resolution mechanism. In India, the primary responsibility of the administration of justice lies on the Courts. The Constitution provides various Fundamental Rights to its citizens and the courts must ensure that these rights are protected and justice is administered to the people in case of violation of such rights.

One of the key objectives for the survival of a democratic and civilised state is the ability to access justice. Realizing justice has been a goal for humanity that has been pursued for generations.

In the ordinary sense, ‘administration’ means management and ‘justice’ means to have impartial treatment. Therefore, the administration of justice refers to the fair and unbiased delivery of justice. An efficiently managed legal system helps cultivate a more civilized society, strengthens social unity, and contributes to the nation's overall social and economic growth. We human beings are different from each other and conflict between us is bound to happen. In such a situation we need a system that can resolve our disputes fairly and expeditiously. Thus, creating a system that can settle conflicts that arise in the social order is the primary goal of the administration of justice. Nonetheless, every civilised community needs an efficient legal system to safeguard the rights of the general public against abuses committed by disruptive elements. Therefore, in order to preserve a peaceful way of life, every state needs an effective system for the administration of justice. In the simplest sense, administration of justice means administering justice according to law. The concept of administration of justice is not a simple one rather it is a multifaceted concept that has various components. As the administration of justice means administering justice according to law the first and foremost component of it is an efficient and fair legislative framework. The laws made by the legislature should be fair and reasonable so that one may say that justice has been administered fairly.

The Administration of Justice has very significant goals to achieve. Firstly, it helps in upholding the Rule of Law. Rule of Law is a sine qua non for any civilized and peaceful society. A society must be based on principles of law and not on the whims and fancies of the ruler as that would result in exploitation of the people. Thus it is imperative to make certain that the law is administered impartially, consistently, and without bias. This objective is essential to preserving public trust in the legal system and guaranteeing that all people are governed by the same laws. Secondly, the administration of justice also ensures fair and impartial treatment taking into account the interests of all parties involved, and that each person is treated equally. The people must have belief that the justice is administered to them without any bias and discrimination. Thirdly, it promotes public order and safety. This goal is achieved by two different branches of administration of justice i.e. civil and criminal. The civil administration of justice awards compensation to the aggrieved person against whom a civil wrong has been committed while the criminal justice administration gives punishment to the wrongdoer for the wrong that he has committed. In this manner, public order and peace is maintained by punishing the wrongdoer and thereby deterring the future offenders. Fourthly, access to justice is one of the most important goals of the administration of justice. All the above-discussed goals can only be achieved when at the very outset people have access to and opportunities to seek justice. All the barriers including socio-economic status, poverty, illiteracy, etc should be removed to make justice accessible to all. And lastly, there should be transparency and accountability of the people who are administering justice. As we know power corrupts and absolute power corrupts absolutely. Thus, the people who are responsible for administering justice must be responsive. A check must be kept on them to ensure that there is fair administration of justice. The administration of justice is a comprehensive system that involves various components working together to ensure the effective delivery of justice. To help achieve these objectives there are various components involved. To meet the goal of promoting public order and safety, it is essential that the law enforcement agencies discharge their functions efficiently and honestly. It is primarily the responsibility of the police to maintain public order in society by preventing and investigating crime, apprehending suspects, and enforcing laws. Apart from police other specialised agencies like CBI, FBI etc should perform their functions independenty and impartially to ensure that there is fair administration of justice. Furher the goal of Access to Justice can be fulfilled by the Courts and Other Alternative Dispute Mechanisims. It is the Courts who are primarily responsible for administering justice as they are manned by people who are well-trained in law. But as society as become complex and the courts are overburdened with the cases, it has led to the growth of specialized institutions that can provide quick and speedy justice. It is also argued that alternative dispute mechanisms like mediation, arbitration, conciliation, and Lok Adalats bring win-win situations for both parties and are also accessible to common people. In these systems,

people can get justice by avoiding the time-consuming and cumbersome procedures of the courts.

During Ancient Period

During the Ancient Hindu Period, it was the responsibility of the King to administer justice and he was considered as the representative of God. It was his sacred responsibility to reprimand the wrongdoers. In Hinduism, the two most essential concepts are karma and dharma. Dharmashastras states that the definition of dharma is responsibilities, rights, and responsibilities that men have that come from the Vedic texts. It can be considered as the standard of conduct and behavior of a member of the Hindu society [8]. The second feature of this time is karma. Karma is defined as an act performed by a man and the result that the man had to receive is based on that Karma. It can be said that as you sow so shall you reap [9]. The king discharged his pious duty of administration of justice with the advise and assistance of Brahmins and Pandits on the basis of dharma. The dharma consisted in observance of truth, non-violence and rightful code of moral conduct [10]. He was to take an oath at the time of his coronation as a king that he would protect the dharma as ordained by Vedas, Upanishadas and Smritis and shall fearlessly carry out the laws in accordance with dandaniti (penal policy) and never act capriciously [11]. In short, the king was described as the upholder of dharma. Thus Dharma was the real sovereign and not the king [12]. To uphold dharma it was considered as the personal responsibility of the king. The Directive Principles of State Policy as given in Part IV of the Constitution have its roots in various duties that the king was supposed to perform. Following the king in authority was the Court of the Chief Justice, known as the Pradvivaka [13]. The Court was supported by a panel of judges, primarily drawn from the three higher castes, especially the Brahmins. At times, some of these judges formed independent tribunals with defined territorial jurisdiction [14]. According to Brihaspati, there were four types of tribunals: stationary courts, mobile courts, courts convened under the royal seal when the king was absent, and commissions presided over by the king himself [15]. At village level, the administration of justice was performed by local village councils consisting of a board of five or more members. This system was similar to the modern-day system of panchayats. One of the essential conditions for administration of justice by the judges was that the judges were expected to be honest and people of high integrity. Even Brihaspathi says that "A judge should decide cases without consideration of personal gain or prejudices or bias, as in ancient time dishonesty was regarded as the most reprehensible crime [16]." Another significant characterstic was the application of the Rule of Law.

During Mughal Period

The introduction of Islam with the Muslim invasion was a turning point in the administration of justice in India. We were ruled by different rulers like Arabs., Turks, Afghans, Mughals, etc and amongst them Mughals had a deep impact on the foundation of the administration of justice in India. Among the Mughal rulers, Emperor Akbar sought to achieve perfect justice despite the divisions between Muslims and non-Muslims. Although a devout Muslim, he was deeply committed to secularism, as evidenced by his positive relations with non-Muslim leaders and his marriage to a Hindu princess [17]. One of the significant features of the administration of justice in the Mughal Period was the establishment of a hierarchy of courts and the independence of the judiciary. The Emperor's Court was the final authority that dealt with cases of significant importance and appeals from the lower courts. Further, it was the responsibility of the Qazi to administer justice according to *Sharia.* Qazi-ul-Quzzat was the chief justice of the empire, appointed by the Emperor. They presided over both civil and criminal cases and ensured that justice was administered according to Islamic principles. The judicial system was well organized which was famously known as *Adalat System* which included various courts like the Qazi's court (for property and religious affairs), Diwan's court (for revenue matters), and Faujdari courts (for criminal cases). Besides the regular courts, the Mughal judicial system also featured specialized tribunals designated to deal with specific types of cases [18]. For instance, the Sadr-us-Sudur tribunal was tasked with resolving disputes related to religious and charitable donations [19]. The Faujdari Adalats were military courts that dealt with cases that included soldiers and other members of the armed forces [20]. Thus, the present day tribunal system has its origin from the Mughal period. Apart from the court system, it also emphasized alternate methods like mediation and conciliation through the system of panchayats for amicable settlement of disputes. The system is also appreciated for the fact that it ensured access to justice to its subjects at all levels. However, the system also suffered from various shortcomings. The judicial system's integrity was significantly undermined due to widespread corruption, especially at the lower levels [21]. Further, in administering justice, Islamic principles were applied even to the non-muslims. Thus, this judicial system could not be fair to the non-muslim subjects.

During British Period

Beginning with the British era, the Britishers took some time to comprehend the existing legal system because, at that time, the Mughals had influenced every aspect of the legal system. They decided to eliminate whatever they believed to be illogical after observing a variety of issues with the prevailing justice system. The Mughals employed a system of justice delivery that combined personal laws, existing conventions, and numerous additional rules from other sources, but the British had the notion to establish universal criminal law in India that would grant the accused the opportunity to defend himself. At the outset This was the beginning of their attempt to codify universal rules in India, as they had not been any under the Mughal era. The Indian Penal Code was codified by the British and applied to all people, Hindu, Muslim, Sikh, or Christian—in other words, it covered everyone. The Indian Contract Act, which regulates economic transactions in our nation, was also codified by the British. Consequently, the British were primarily responsible for the formulation of laws and the founding of specific courts. To handle the civil cases District Diwani Adalats were established. The Appellate power was given to Sadar Diwani Adalat. While for the criminal cases District Fauzdari Adalats were established. The collector was responsible for the overall control of these adalats. The main aim of British administration was the maintenance of law and order and continuance of their Rule. In British India, the administration of justice was majorly dependent on Civil Service, Army and Police. However, it is

important to note that until the late 19th and early 20th centuries, the highest positions with decision-making power were exclusively held by the British, only then did Indians begin to enter the prestigious civil services [22]. In summary, the state of the judiciary in British India throughout the 17th and 18th centuries represented a serious endeavor that laid the foundation for subsequent legal advancements [23].

Post Independence

At the stroke of midnight on August 15, 1947, all members of the Constituent Assembly gathered in the Central Hall of Parliament to witness Viceroy Lord Mountbatten's official declaration marking the end of British rule in India and the country's emergence as an independent nation [24]. It was a historic moment, as India, after a millennium, finally gained the right to self-govern through its own elected representatives. The Drafting Committee under the chairmanship of Dr Amedkar was bestowed with the great responsibility of preparing the detailed draft of the Constitution. Ultimately, on January 26, 1950, the Constitution of India was enacted. Consequently, the administration of justice after Independence has been grounded in the Constitution. The objective of the Constitution, as outlined in its Preamble, states—

"WE, The People of India having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith, and worship;

Equality of status and of opportunity; and to promote among them all

fraternity assuring the dignity of the individual and the unity and integrity of the nation;

in our constituent assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this constitution."

The Preamble signifies that the government of India's authority and power originate from the people of the country. It serves as a guiding principle for judges of the High Court and Supreme Court when interpreting the laws. The Constitution is by the people and for the people. The essence of justice lies in the attainment of happiness and good of all as distinguished from the happiness of an individual or that of the majority [25]. Some of the distinguishing features of the constitution are- adoption of state welfare policy, secularism, federal form of government, Independent Judiciary, Judicial Review. In the Independent India, Courts were primarily responsible for the administration of justice. In the initial years, the administration of justice by the courts was effective and efficient but as the society became complex, the number of disputes increased and the courts started having mounting arrears of the cases this led to huge pendency and delayed administration of justice. It was realized that the duty of administration of justice cannot be solely discharged by the courts alone and we need to establish mechanisms that would supplement and complement the role of the courts. Thus, the quest for such mechanisms began and it was understood that we need to go back in times when traditional methods of dispute resolution was resorted to.

The need for Alternative Dispute Mechanisms was also reflected in the Law Commission Report [26] which stated, "There is a lot of flexibility in the use of ADR methods. The flexibility is available in the procedure as well as the way solutions are found to the dispute". Lok Adalats, Nyaya Panchayats, and Legal Services Authorities are also integral to the effort to bring justice closer to the people, ensuring equal access to justice for everyone despite obstacles such as social and economic disadvantages.

This realization was accepted by making amendments in the Constitution, bringing various legislations, and amending existing laws to accommodate such dispute resolution mechanisms that would help the courts in reducing their burden and also bring speedy justice to the litigants. With the 42nd Amendment, the Tribunals were given Constitutional Recognition by inserting Articles 323A and 323B. Further enactment of various legislations like Legal Services Authority Act, 1987 which establishes Lok Adalat for speedy and cheap settlement of disputes Mediation and Conciliation Act, 1996, Mediation Act, 2023, Amendemnt in Section 89 Civil Procedure Code, 1908 which encourages settlement of disputes by alternative dispute settlement mechanisms like Arbitration, Mediation, Conciliation and Lok Adalat.

State machinery for administration of justice

The people of any civilized society would expect atleast two things from its legal system for adjudication of its disputes i.e speedy and fair resolution of disputes. It is recognized that the State holds the primary duty of administering justice. To meet this end, each State has created a system a number of adjudication models. As a result, a number of State apparatuses, including courts of law, tribunals, panchayats, arbitrators, mediators, and conciliators, have all actively participated in the administration of justice. A brief discussion of these adjudicatory models is provided below.

In India, it is the courts which have significant role to play in administration of justice as they are considered as protectors of human rights and liberties. India's legal system is based on the adversarial system wherein the parties to the dispute present their respective arguments, adduce evidence and examine witnesses; the role of a judge in such a system is to administer justice fairly and impartially. However, with the adoption of the *laizze faire* policy and increasing complexities in society, the number of disputes between the people has increased manifold. This has led to the overburdening of the courts. Further, the court system is time-consuming, and the procedures are lengthy. Also, not every litigation ends in a satisfactory resolution. Both in terms of money and time, it is costly. Whether a suit is won or lost in court, it does not alter the attitude of the parties involved, who remain rivals and fight each other through multiple rounds of appeals. Further, the delay in the disposition of the cases undermines the trust in the effective and efficient administration of justice. As most of the population is ignorant, and lives in poverty and prevailing social inequalities, it becomes even more imperative for the welfare state to undertake measures to provide effective and equal access for people to resolve their disputes.

This has contributed to the expansion of the Alternative Dispute Resolution (ADR) system. The basis for ADR in India is rooted in Articles 14 and 21 of the Constitution, which guarantee equality before the law and the right to life and personal liberty. These Articles are part of Part III of the Indian Constitution, which outlines the fundamental rights of citizens. Additionally, ADR aims to realize the goals of Article 39-A under the Directive Principles of State Policy, which emphasizes equal justice and free legal aid.

The manner in which disputes are resolved by ADR mechanisms is very different from the court process. In ADR mechanisms, the disputes are resolved by a neutral third person, the proceedings are informal and the procedure is without any complexities. ADR includes within its ambit techniques like Mediation, Arbitration, conciliation, Panchayat, etc. Such techniques have a long history and tradition in India, where they are widely used in grassroots society. Village panchayats, an alternative to the court system in India, have existed since ancient times. The efficiency of ADR was also emphasized in the Law Commission Report [27].

ADR also helps the state to fulfil their mandate of providing Speedy Justice. A court system that is efficient and effective produces results that are not only just but also timely.

The need for Speedy Justice has also been emphasised by the Supreme Court in Hussainara Khatoon v. State of Bihar [28] where Justice Bhagwati observed, "No procedure which does not ensure a reasonably quick trial can be regarded as 'reasonable, fair or just' and it would fall foul of Article 21 of the Constitution. There can, therefore, be no doubt that speedy trial and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long period of time and convicting him after such trial would constitute violation of his fundamental right under Article 21."

ADR is an attempt to replace conflict with harmony and consensus, to emphasize compromise over win-lose outcomes, to encourage win-win solutions, and to ostensibly relieve the burden on the legal system. Over the years, a wide variety of ADR procedures have developed including Arbitration, Mediation, conciliation, Lok Adalat, Trbunals. Specialised Tribunals were established to share the workload of the courts. By 42nd Amendment, Article 323A and Article 323B were established to provide constitutional recognition to the Tribunals. Article 323A allows for the creation of Administrative Tribunals to resolve disputes and complaints related to recruitment, service conditions of public servants, and related issues. Article 323B provides for the establishment of Tribunals to adjudicate disputes, complaints, or offenses concerning matters such as taxation, foreign exchange, industrial and labor disputes, land reforms, urban property ceilings, and elections to Parliament and State Legislatures. Consequently, various tribunals like the Industrial Tribunal, National Green Tribunal, Central Administrative Tribunal, and National Company Law Tribunal were set up. Additionally, an amendment to Section 89 of the Code of Civil Procedure, 1908, mandates that if a court believes there are settlement possibilities acceptable to the parties, it should draft settlement terms, present them to the parties for feedback, and after considering their responses, may refer the matter for arbitration based on the proposed settlement. Therefore, the new Section brings in the idea of 'judicial mediation' in contrast to 'voluntary mediation [29]. he Legal Services Authority Act of 1987 was enacted to implement Article 39-A of the Indian Constitution, which requires the State to offer free legal services to the disadvantaged sections of society. The Act provides for the establishment of the Lok Adalats to provide speedy and cheap justice to the people. India is committed to providing justice even at the grassroots level. The enactment of the Gram Nyayalyas Act, of 2008 reflects such an intention. The Act establishes Gram Nyayalyas at the grassroots level to ensure that the citizens are provided with justice irrespective of any social, economic or any other barrier. The Arbitration and Conciliation Act, 1996 which provides comprehensive framework of settlement of disputes through Arbitration and Conciliation. Very Recently Mediation Act, 2023 has been enacted by the Parliament which encourages pre-litigation mediation which provides that parties must try to resolve their civil or commercial disputes through mediation before approaching the courts. The Act also provides for establishment of Mediation Council of India alongwith the provisions including Mediation Process, Appointment of Mediators etc.

However, it was not simple for a method of adjudication outside the conventional court system to get acceptability and recognition. The ADR System has more benefits than the traditional court system adjudication as this system allows the flexibility to adopt different procedures for adjudication of different types of disputes, it also leads to quick adjudication of disputes, the resolution of disputes is also cheaper as it does not require any hefty court fees or fees of the lawyer to be paid. Rigid procedural rules are not adhered to in the ADR process when resolving disputes. Nonetheless, some of the provisions of Arbitration and Conciliation Act, 1996 are applied. However, the system has its limitations. This mode of dispute resolution cannot be used in every type of dispute, there is also uncertainity and unpredictability of decisions as they are not bound by precedents, most of the time people are not aware of the existence of such type of dispute resolution. However, the benefits of this system outweigh its limitations. The ADR Mechanisms have been discussed below.

Arbitration

For centuries, arbitration has served as a method for resolving disputes in India; historical legal literature describes this system's use to settle conflicts between families, social groups, or the trading community. The Constitution of India under Article 51 (d) of Directive Principles of State Policy also provides for the settlement of international disputes by arbitration. Arbitration is defined as the process by which a party chooses or agrees upon a person or persons to resolve a dispute or settle disagreements between them. Arbitration is a strong alternative dispute resolution method that provides parties with an efficient and private means to resolve their conflicts outside of the formal court system. This form of dispute resolution has also been acknowledged by legislation, as stated in Section 2(1)(A)22 [30], Arbitration means any arbitration whether or not administered by a permanent arbitral Institution. The Act comprehensively deals with the provisions of the Arbitration Agreement [31], power to refer parties to arbitration where there is an arbitration agreement [32], Chapters III and IV deal with the Composition of the Arbitration Tribunal and the Jurisdiction of the Tribunal respectively., Chapters IV and V. However, over the years the Arbitration and Conciliation Act, of 1996 has undergone various changes to meet the changing needs of society. The significant changes were made by the Amendment of 2015 to expedite the arbitration process and reduce court intervention. In the year 2019 by Arbitration and

Conciliation (Amendment) Act, 2019 efforts have been made to make the system more efficient and cost-effective and streamline the arbitration process. Recently, The Arbitration and Conciliation (Amendment) Bill, 2021, was presented in the Lok Sabha on February 4, 2021. Its purpose is to amend the Arbitration and Conciliation Act, 1996, specifically concerning the qualifications required for arbitrators. The bill aims to remove the mandatory qualifications for arbitrators, which previously required them to be either (i) an advocate with at least 10 years of experience under the Advocates Act, 1961, or (ii) an officer of the Indian Legal Service, among others and also regarding automatic stay of awards. Arbitration can be used for almost any type of dispute that isn't related to criminal activity. Therefore, with a few exceptions, all civil matters of ongoing or potential disputes may form the topic of reference, but not a disagreement that started with or is based on an illicit transaction. Nonetheless, in cases where the law has granted specific tribunals exclusive authority to decide a subject and excludes other tribunals from doing so, they cannot be sent for arbitration. This method of resolution of disputes has several advantages- it provides speedy adjudication of disputes, it is flexible and cheap, the matter is kept confidential, and does not come into the public domain. However, the system suffers from various lacuna like lack of specialized arbitration benches, excessive judicial intervention, lack of expert arbitrators, lack of institutional support, inadequate enforcement of arbitral awards, and time-consuming and expensive.

Conciliation

Conciliation is a process in which a neutral third party assists the disputing parties in reducing the intensity of their conflict and helps them reach a mutually agreeable resolution. It involves the parties voluntarily appointing an impartial and unbiased third party who encourages them to come to an agreement through open discussion and dialogue [33]. Conciliation does not require any prior agreement to begin. The individual overseeing the process, called a conciliator, does not have the authority to issue awards, summon witnesses, or demand evidence. It is a voluntary process where the parties are free to work toward a mutually agreed settlement through conciliation. In the HALSBURY'S LAWS OF ENGLAND, the terms "arbitration" and "conciliation" have been differentiated as under: "*The term arbitration is used in several senses. It may refer either to a judicial process or to a non - judicial process is concerned with the ascertainment, a declaration, and enforcement of rights and liabilities, as they exist, in accordance with some recognized system of law. An industrial arbitration may well have for its function to ascertain and declare, but not to enforce,* what in the parties, *and such a function is non- judicial. Conciliation is a process of persuading parties to reach an agreement, and is plainly not arbitration; nor is the chairman of conciliation boards an arbitrator* [34]*."*

Because of the rising costs and complex procedures associated with arbitration, more people are opting for conciliation to settle their disputes. The same has also been observed by the Supreme Court in Guru Nanak Foundation vs Rattan Sing & Sons [35], it was observed: "Interminable, time-consuming, complex and expensive court procedures impelled jurists to search for an alternative forum, less formal more effective and speedy for resolution of disputes avoiding procedural claptrap and this led to Arbitration Act, 1940. However, the way in which the proceedings under the Act are conducted and without an exception challenged in the courts has made lawyers laugh and legal philosophers weep. Experience shows and law reports bear ample testimony that the proceedings under the Act have become highly technical accompanied by unending prolixity at every stage providing a legal trap to the unwary. Informal forum chosen by the parties for expeditious disposal of their disputes by the decisions of the court has been clothed with "legalese" of unforeseeable complexity."

The Law Commission of India acknowledged the importance of conciliation in its 77th Report in 1978, recommending the establishment of conciliation boards for petty cases involving amounts around Rs. 5,000/-. Before filing a suit for recovery of such amounts, parties should first approach these conciliation boards, and only if the dispute remains unresolved after three months should they proceed with litigation [36]. The Arbitration and Conciliation differ in the aspect that conciliation is a voluntary and non-binding process. The conciliation process may be ended by any party at any moment and without any reason. Another point of difference between the two is that in Arbitration the parties to the dispute are not involved in the decision-making process or making of an award.

Mediation

Mediation is a voluntary and confidential procedure where a neutral third party, known as the mediator, assists the parties in reaching a mutually acceptable resolution [37]. In some types of disputes like family and personal, mediation is considered one of the most preferred modes of dispute settlement over all other modes. In 1996, one of the serious attempts was made to bring mediation into the mainstream legal system. The Arbitration and Conciliation Act, 1996, replaced the Arbitration Act of 1940. However, to do way with the practical difficulties of the 1996 Act, the Arbitration and Conciliation (Amendment) Act, 2015 was enacted. Presently, we have Arbitration and Conciliation (Amendment) Act, 2021. More recently,

the Mediation Bill 2023 was passed by the Parliament to modernize the legal system and speed up the settlement of civil and business disputes. This groundbreaking law signifies a crucial shift that encourages mediation as the first line of dispute resolution before turning to the frequently expensive and drawn-out traditional judicial procedures. Mediation is superior to litigation and other alternative dispute resolution methods due to its unique characteristics, which include its informality, flexibility, and completely voluntary and non-binding nature. The success of mediation to a larger extent depends on the mediator. The mediator must possess certain qualities and skills in order to make parties come to an amicable settlement. The mediator must be impartial and neutral, he must act as a catalyst between the conflicting parties. However, mediation also faces certain limitations, such as the reluctance of many to participate, the absence of formal recognition of mediation as an alternative to litigation, and legal doubts regarding the confidentiality of the process.

Negotiation

The term "negotiate" originates from the Latin infinitive *negotiaari*, which means— "to trade or do business." [38] It's a non-binding process that involves the disputing parties

interacting directly with one another and offering a negotiated settlement that is founded on an unbiased evaluation of each other's positions. The Pepperdine University of USA has developed an explanatory definition for 'negotiation':

Negotiation is a process of communication aimed at reaching agreements or resolving disputes. It is a voluntary and non-binding method where the parties involved have control over both the outcome and the procedures used to arrive at an agreement. Since parties typically impose minimal restrictions on the negotiation process, it enables a broad spectrum of potential solutions, increasing the chances of mutual benefits [39].

This mode of dispute settlement has various advantages like it is quick, inexpensive, private, the parties have control over the procedure and outcome. However, there are ceratin prerequsities to make negotiation successful and effective which include the parties must be willing to cooperate and communicate effectively to meet the desired goals, the capabilities of the parties to identify the exact issue in dispute, they must also agree that their interests are not incompatible to others. Apart from the mindset of the parties to resolve the dispute amicably, the success of negotiation also depends on the qualities of the negotiator. The negotiator must be an effective communicator and capable of comprehending the entire problem. The negotiator must choose the right time and place to conduct negotiation proceedings. The positive attitude of the negotiator is imperative in the success of the negotiation. They are able to view conflict as normal and constructive [40]. This process of dispute settlement has several limitations as well. This process will be successful only if parties are willing to cooperate and communicate to fulfil the desired goals, the parties are aware that they have time limitations, the parties understand the significance of negotiation and realise that no other mechanism will produce the desired results, the ability of the parties to identitfy the issues that needs to be resolved and the parties also realise that their interest are not incompatible to each other.

Lok Adalat

In resolving conflicts between parties, Lok Adalats has been crucial to the administration of justice [41]. The idea of Lok Adalat is widely regarded as the brainchild of P. N. Bhagwati, the former Chief Justice of India [42]. The foundation of dispute resolution through Lok Adalat lies in the principle of mutual agreement and the voluntary acceptance of solutions facilitated by a conciliator [43]. A person can expect quick and, high-quality justice through Lok Adalats.

Lok Adalat is known as the "people's court". Gujarat in the year 1982 first introduced the institution of Lok Adalat and it got statutory recognition by the Legal Services Authority Act, 1987. The significance of Lok Adalat can be understood from the provisions of Legal services Authority Act, 1987 wherein it established the Permanent Lok Adalat for compulsory pre-litigation mechanism for conciliations and settlement of cases. The concept of Lok Adalat has moved beyond being an experiment in India and is now recognized as an effective, efficient, and innovative alternative method of dispute resolution. It is widely accepted as a practical, cost-effective, informal, and speedy way to settle disputes [44]. It is hybrid or admixture of mediation, negotiation, arbitration and participation [45]. The main problem with the Lok Adalat process seems to be that it doesn't look at the legal and factual aspects of the parties' disagreement or take into account underlying interests when trying to reach a settlement.

Panchayat

Panchayats have been an integral part of Indian village society for over 3,000 years, with the earliest references to these village councils appearing in the ancient Indian religious text, the Rig Veda, around 1200 BCE [46]. The Panchayat system in India predates human civilization by a great deal, and these institutions have been crucial to village governance, including the court system for resolving disputes between parties locally. Traditionally, the rulers have allowed the people to settle their differences among themselves, with the exception of matters of great public concern. As a result, it was clear that panchayats had exercised a great deal of power and had jurisdiction over the people's desired commitments. The British rulers initiated the panchayats system in Madras by passing the Village Courts Act, 1888, which was the first legislative action in this direction. Following that, numerous additional provinces created panchayat-related legislation. Furthermore, numerous sovereign states in India passed legislation concerning panchayat constitutions, including clauses pertaining to the establishment of distinct courts (known as Nyaya Panchayats) to carry out adjudicatory duties. After Independence, by the 73rd and 74th Amendments, the Panchayats were given Constitutional recognition. India has introduced a three-tier system of local self-government to its central framework and prioritised public participation in the nation's planning procedures, justice system, etc. through these Constitutional amendments. By this amendment Eleventh Schedule and Part IX has been inserted in the constitution which consists of 16 Articles. Thus, this ahs empowered Panchayats to perform various functions like imposing taxes, administarative control etc. In addition to this, it is also mandatory to hold elections in every 5 years for which State Election Commission has been established. It has also made provisions for reservations wherein 1/3rd reservation have been given to women. However, the biggest bfaikure of this institution is the failure in holding fair and transparent elections as mostly people from the ruling party are elected as members, also the practice is purchased vote is widely prevalent. The effectiveness of this institution is also undermined due to lack of awareness among people and non-fulfillment of the promises by the elected members.

Tribunals

Today, most of the decisions affecting human life come not from the courts but from the Administrative Tribunals. The major reason for this change is the adoption of welfare policy by the state. The adoption of the welfare policy led to an increase in governmental function. The policy radically changed the government's roles and functions and compelled the government to perform vast variety of functions. This led to an increase in number of disputes; these disputes were not limited to the legal issues but also concerned society at large. The Courts were thus burdened to adjudicate these issues, the procedural complexity also resulted in delayed adjudication thereby leading to a backlog of the cases in the judiciary. Further, the issues were complex in nature, which required experts to decide

the disputes effectively. This led to the creation of specialized adjudicatory bodies known as Tribunals which could decide the disputes efficiently and swiftly.

Tribunals are "Judgment seat; a court of justice; board or committee appointed to adjudicate on claims of a particular kind" [47]. Tribunals are the bodies established to perform quasi-judicial or adjudicatory functions. In a general context, the tribunal is any individual or authority having the power to decide claims or disputes [48]. Thus, it is an alternative system from the court system to decide disputes. It is an expert body which consists of members from judicial and technical fields to provide effective adjudication of disputes. The term Tribunal has not been statutorily defined. Administrative Tribunal or Administrative Courts are authorities outside the ordinary court system which interprets and apply the laws when acts of public administration are attacked in formal suits or by other established methods However, the core meaning of the term "tribunal," as derived from various Supreme Court rulings, is that tribunals are adjudicatory bodies (excluding ordinary courts) established by the State and vested with judicial and quasi-judicial powers, differentiating them from administrative or executive bodies [49].

The Supreme Court has time and again tried to define the term. The Supreme Court in *Durga Shankar Mehta v Raghuraj Singh* [50], the Supreme Court defined Tribunal in the following words:

"The expression "Tribunal" as used in Article 136 does not mean the same thing as "Court" but includes, within its ambit, all adjudicating bodies, provided they are constituted by the state and are invested with judicial as distinguished from executive or administrative functions."

In Bharat Bank Ltd. v Employees [51], the Supreme Court observed that "though tribunals are clad in many of the trappings of a court and though they exercise quasi-judicial functions, they are not full-fledged courts."

In the *Harinagar Sugar Mills case* [52] J, Hidayatullah,J.; while referring to the above observation of Mahajan.J. with approval, further clarified when a public agency, such as the Central Government in that instance, exercises the State's judicial authority to decide on the rights of parties involved in a civil dispute, it is clear that the agency functions as a Tribunal rather than an Executive body.

In 1976, with the insertion of Chapter IVA by 42nd Amendment, Article 323A and 323B were inserted which gave legislative competence to the Parliament to establish Tribunals. In pursuance of the same Parliament enacted Administrative Tribunal Act, 1985 which established Central Administrative Tribunal to decide dispute regarding servive matters. All other Tribunals owe their existence to Article 323B.

Tribunals are integral to the administration of justice, offering specialized, efficient, cost-effective, and accessible avenues for resolving disputes. Their role in alleviating the burden on traditional courts, promoting justice in specialized areas, and encouraging alternative dispute-resolution methods contributes significantly to the overall effectiveness and fairness of the legal system by complimenting the traditional courts.

Conclusion

The administration of justice is essential to advancing the general welfare and upholding social order. In India, in modern times, the task of administration of justice is bestowed on the judiciary, out of the three organs of the state namely; legislature, executive, and judiciary. The Constitution provides various Fundamental Rights to its citizens and the courts must ensure that these rights are protected and justice is administered to the people in case of violation of such rights. In the initial years of attaining Independence, the administration of justice by the courts was effective and efficient but as the society became complex, the number of disputes increased and the courts started having mounting arrears of the cases this led to huge pendency and delayed administration of justice. It was realized that the duty of administration of justice cannot be solely discharged by the courts alone and we need to establish mechanisms that would supplement and complement the role of the courts. This led to the growth and development of Alternate Dispute Mechanisms including Mediation, Conciliation, Panchayat, Lok Adalat and Tribunals. The Tribunals were given Constitutional recognition by 42nd Amendment with the insertion of Articles 323A and 323B. This led to the mushrooming growth of tribunals in India. As the functioning of the tribunals was regulated by each Parent Act which established the particular tribunals this led to a lack of uniformity in the working and functioning of the tribunals. To overcome this lacuna, an attempt was made by the Finance Act, 2017 to streamline the functioning of the tribunals in the country. However, the Act has faced several challenges as it has given wide and unregulated powers to the Central Government regarding the appointment and removal of tribunal members. Thus, in the present times, there is a need to make alternative dispute mechanisms more effective and efficient so that they can administer justice.

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