

THE RISING PROMINENCE OF ADR MECHANISM IN GLOBALIZATION

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ABSTRACT:

The promotion of Alternative Dispute Resolution (ADR) mechanisms is strongly linked to the idea of justice in the 21st century. "Alternative" dispute resolution is usually considered to be an alternative to litigation. National and international legislators and organisations increasingly offer new responses in this area with the aim of providing citizens with the opportunity to resolve their disputes outside courts. Due to extremely slow judicial process, there has been a big thrust on Alternate Dispute Resolution mechanisms in the world. However, such generic references to ADR mechanisms, differences in the use, regulation and underlying philosophy of ADR are developing in many countries of the world.

The importance of ADR mechanism can be aptly put in the words of Abraham Lincoln:

"Discourage litigation. Persuade your neighbours to compromise whenever you can. Point out to them how the nominal winner is often a real loser- in fees, expenses, waste of time."

This paper intends to explain the role of ADR mechanism in a globalising world and why it is prioritized over litigation. I will also address the heuristic approach of ADR and whether it is helping the market to curb the impasse resolutions, if so then how ADR *efficaciously* helps parties in reaching the amicable settlement. Finally the paper will also throw light on how ADR helping in implementing neo-liberalism ambition.

This paper further highlights whether the informal procedure of ADR helps the community to maintain harmony. Hence ADR is a more preferred means of dispute resolution in fields such as family issues, consumer rights, commercial and industrial disputes etc. Through this paper I intend to give the readers a broader perspective as to whether the ADR mechanism is gaining disciplinary status in a globalizing world.

KEYWORDS: idea, justice, Alternative Dispute Resolution (ADR).

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