

ABSTRACT

ALTERNATE DISPUTE RESOLUTION IN CRIMINAL JUSTICE SYSTEM

* NOMA TARIQ

“Discourage litigation. Persuade your neighbours, make composition whenever you can. As a peace maker one should encourage being a good human being. There will still be business enough.”

-Abraham Lincoln

Quality of justice suffers not only when an innocent person is punished or a guilty person is exonerated, but when there is enormous delay in deciding criminal cases.¹ To cater to the increasing rate of disputes and the excessive burden on the courts Alternative Dispute Resolution is an emerging socio-legal concept. It has been noted by commentators that Keeping in mind the delay and the limited number of Judges who are available, it has now become imperative that resort should be had to Alternative Dispute Resolution Mechanism with a view to bring to an end litigation between the parties at an early date.² Alternative Dispute Resolution is a term used for describing a process of resolving disputes in place of litigation and includes mediation, conciliation, expert determination, and early neutral evaluation.³ In addition to reducing the burden on the courts and providing speedy justice, these mechanisms promote the ideal of access to justice for all. These methods of dispute resolution have acquired a promising track record in the context of civil conflicts but has not been duplicated in its criminal counterpart. The main object of this paper is to discover the need, effects and efficiency of these alternative mechanisms as applied to our Criminal Justice System as opposed to traditional redressal mechanisms. This paper also seeks to look into the impact that these alternate methods of resolving disputes can have both on the accused and the victim.

¹ Ministry of Home Affairs ,Government of India, , *Report to the Committee on reforms of Criminal Justice System*, 2000

² Salem Advocate Bar Association V. Union of India AIR 2003 SC 189.

³ Halsbury’s Laws of England, Reissue, 5, (4th ed., 1977)