

# B.A.LL.B. X SEMESTER

## BL-914

### **Indian judicial system** BL 914 unit 5

#### **Alternative Dispute Resolution System**

Alternative Dispute Resolution System (ADR) is a term used to describe several different modes of resolving legal disputes. It is experienced by the business world as well as common man and that it is impracticable for many individuals to file law suits and get timely justice. To solve this problem of delayed justice ADR mechanism has been developed in response thereof.

ADR are two types which is formal and another is informal.

The formals are four types panchayat, terminal, lok Adalat, arbitration.

Informal are three types village panchayat, caste panchayat, religious dictates. The most common types of ADR for civil cases are arbitration, conciliation, mediation, judicial settlement and lok Adalat

The civil procedure Code by inserting section 89 as well as order 10 rule 1-A-1-C. Section 89 of the civil procedure codes provide for the settlement of disputes outside court.

#### **Section 89 of civil procedure code:-.**

A possible settlement and refer the same for

(a) Arbitration

(b) conciliation.

(c) judicial settlement individual settlement includes settlement through lok Adalat

(d) mediation.

**Arbitration** it is a form of ADR is a technique for the resolution of dispute outside the court, where the parties to a dispute refer it to one or more person arbitration, by whom decision they agree to be bound.

**Conciliation** it is an alternative dispute resolution process where by the parties to a dispute use a conciliator. Conciliation is a voluntary proceeding.

**Mediation** In the mediation process, each side meets with a experienced natural mediator. The mediator has no power to dictate his decision over the party.

**Judicial settlement** there are no written guidelines prescribed in India as to judicial system legal service authority act 1987 section 21 of the legal service authority act 1987 provide that every awards of the lok Adalat shall be deemed to be a decree of the civil court.

**Lok Adalat** section 89 of the civil procedure Code also provide as to referring the pending civil dispute to the lok Adalat.

Section 19 of the lok Adalat every State authority or district authority for the supreme court legal service committee for every High court legal service committee.

Section 21 award of lok Adalat every award of lok Adalat shall be deemed to be decree of a civil court.

**Nyaya panchayat** the village panchayat constitution very old and traditional

institution in India. It has judicial function both in civil as well as in criminal field. **Tribunal** it is a Quasi judicial institution that is set up to deal with problems such as resolving administration or tax related disputes in constitution the law of India under article 323 A deals with the administrative terminals and article 323 B deals with the terminals for other matter.

**Village panchayat** it is the only Grass root level of Panchayat Raj formulas local self government system in India. the panchayat raj function as a system of government in which the gram panchayat are the basic unit of local administration.

**Caste panchayat** is cast as a Council of its own known as Council/caste panchayat. The main function of cast panchayat is to solve case and punish the offenders among their cast member.

Dr. Susheel Kumar Sharma

Contact No. 7017178215

E-mail : pcsjsushil@gmail.com