

A Critical Assessment of the Alternative Dispute Resolution System (ADR) : Its implementation in Resolving the Common Matrimonial Disputes in India

By Sarojini Sahoo¹ and Prof. Dr. Sanjay Choudhury²

B.A., LL.M., Ph.D Scholar¹ and Guide²

Bhagawat University Ajmer, Rajasthan, India

I. INTRODUCTION

Abraham Lincoln is reputed to have said:

“Discourage Litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the normal winner is often the loser - in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough.”

This quote largely captures the predominant drawback is inherent in litigation and it is arguable that a shift from litigation will play a major role in enhancing the attainment of peace and justice in any society, Against this backdrop, this paper aims at emphasizing the gains of and continuing need for a paradigm shift from litigation. The drawbacks of the Court system in India are therefore addressed in clear terms and the achievements of the ADR initiatives within the short period of its adoption will be highlighted.

Similarly, the ritis of “Saptapadi” is regarded to be a most important custom of a Hindu wedding ceremony where in the newlywed couple takes seven steps together or seven round around the sacred fire, during the marriage solemnized. After the said 7th steps, the marriage of the couple is regarded to irrevocable. The vows made in the present of sacred fire are considered unbreakable, with Agnidev held asboth witnessing and blessing the couple’s union. And in according to the Vedas it is lords ritual of acceptance of soul.

- The first step is about the couple wishing to provide for their household, carry out their responsibilities and duties to one another, their tradition, and their families and stay in good shape.
- The second step is about developing their spiritual and mental powers.
- The third step revolves around wishing to increase their comfort and wealth by proper means and righteous.
- The fourth step is acquiring knowledge, harmony, and happiness by respect, mutual love, and trust.
- The fifth step is about being blesses contented family of heroic, virtuous, strong children.
- The sixth step is to bless them with long lives.
- The seventh step is to remain true companions and only committed to one another.

Therefore, in the Indian Society nobody wants to break the bondage of marriage and going to Court for divorce is taken as a last resort.