



Role of Alternative Dispute Resolution in Reshaping Matrimonial Disputes Redressal System: An Analytical Study.

Mrs. Rakhee Mehernosh Poonawalla^{1*}, Mrs. Anushri WU pase², Ms. Dhanya John³, Ms. Anuja Ashok Nehe⁴, Mr. Paresh Mangesh Shahane⁵

^{1*}Assistant Professor, School of Law, Sandip University, Nashik.

²Assistant Professor, School of Law, Sandip University, Nashik

³Assistant Professor, School of Law, Sandip University, Nashik

⁴Assistant Professor, School of Law, Sandip University, Nashik

⁵Assistant Professor, School of Law, Sandip University, Nashik

Citation: Mrs. Rakhee Mehernosh Poonawalla et.al (2024), Role of Alternative Dispute Resolution in Reshaping Matrimonial Disputes Redressal System: An Analytical Study..., Educational Administration: Theory And Practice, 30(4), 9692-9698
Doi 10.53555/kuey.v30i4.4937

ARTICLE INFO

ABSTRACT

The concept of ADR is not new in India. The ancient method of conflict settlement involved resolution of disputes related to family, trade and property. ADR is an alternative to litigations which involves various forms like Arbitration, Mediation, Negotiation, Conciliation etc. ADR mechanism is gaining importance due to its unique features like speedy disposal, less expensive and more flexible procedures. It has cropped up as the most widely used dispute resolution mechanism for resolving matrimonial disputes. It is because it maintains the family ties and helps to enhance cordial relationships. A family plays a very quintessential role in the development of society. There can be many conflicts in the families over issues pertaining to domestic disputes, restitution of conjugal rights, child custody, divorce, maintenance and inheritance. Under Section 89 Civil Procedure Code 1908, mandates that prior to commencement of trial the parties should be referred to an ADR process. In India, ADR mechanism gets its support from many legislative provisions which helps in smooth functioning of disputed matter without any delays. Indian judiciary has also played an important role in enhancing and encouraging outside Court settlement Matrimonial Disputes through ADR mechanisms. The Family Courts Act 1984, Civil Procedure Code 1858, The Hindu Marriage Act 1955, and the Legal Services Authorities Act of 1987 all contain references to mediation and conciliation in family disputes and encourages conciliation in resolving disputes relating to marriage, family problems, as well as other related matters, amicably. The Indian Constitution guarantees citizens "Speedy Justice" which can be achieved taking the recourse of ADR mechanisms. Article 21 mandates Right to speedy trial and Article 39A mandates for Free Legal Aid. Through this article the concept of an ADR and its role in resolving the matrimonial disputes is discussed by taking into account the country's diverse culture, and current legal and social situation. This Article is also focusing some drawbacks in ADR system while resolving matrimonial dispute and put light on Judicial Contribution for enhancement of ADR system to solve Matrimonial Disputes.

Key words: ADR, quintessential, Consensual, Matrimonial Disputes, Amicably.

Introduction

The philosophy of alternate dispute resolution systems is well made out by Abraham Lincoln's famous words: "discourage litigation, persuade your neighbors to compromise whenever you can. Point out to them how the normal winner is often a loser in fees, expense, cost and time." These words spell out grim reality and truth. Some of great leaders like Mahatma Gandhi, Abraham Lincoln and Nelson Mandela always supported the concept of amicable settlement through peaceful means. They also advised litigants to solve their disputes

through settlement. The jurisprudence of ADR is not very new in Indian system and is the need of the world today. Courts are overburdened and the amount of increasing cases in the Courts at the super fast speed have made Court helpless in rendering justice in all the cases pending before the Court. ADR is commonly understood as a process of resolving disputes outside Courtroom. In India case disposals are excruciatingly time consuming. Adjournments have become cancerous to justice. In the past pre-British era, the panchayat system was prevalent in India and played a paramount role in solving dispute at village level. The panchayat with five wise men were the representative of particular caste or community usually headed by senior most respected elder in the village. The panchas used to solve all matters related to Matrimonial disputes, torts, property matter, criminal offences related to murder and rape from time immemorial. The panchayats decision was final and binding in nature. Marriage and family are considered to be the most sacred and important pillar in a Indian society. Marriage is considered the foundation of a stable family and civilized society. When two individuals are married to each other, they bring in different thoughts, opinions, different interests, and goals into their relationship.¹ The disagreement between two individuals and difference of opinion may create hindrance to the sacred institution of marriage. When the dispute become aggravated and incapable of solving then it may lead to serious consequences of divorce and separation from each other leading to the disturbance of family ties. This may lead to matrimonial disputes which if not solved amicably will result into serious consequences. The use of ADR found favour in furtherance of matrimonial disputes rather than resorting the issues to the Court. The process adopted in ADR are mediation, conciliation, arbitration, negotiation and lok-adalat. This process helps to solve the dispute peacefully ensuring and maintain the relations between the individual.

Constitutional Mandates related to ADR

Constitution of India is a grundnorm of the country, it is the supreme law of the land. Preamble of Indian Constitution speaks about Social, Political and Economic justice. The legal system is implemented in society to maintain community harmony. To create a balance in the society social justice and economic justice should go hand in hand. If this balance is disturbed the individuals legal justice is also interrupted. It is the duty of the State to ensure access to justice for all by providing judicial and non-judicial institutions for protection of their legal and constitutional rights. The legal aid camps, family courts, mediation centers are facets of Alternative Dispute Resolution system. The eminent American jurists Dean Roscoe Pound while commenting on the functional role of law in modern society, has rightly observed that 'law should not be regarded as a negative and restraining force, but on the other hands, it is an active agent of social engineering and is basically meant for the progress of the society. Keeping this view the Constitution of India contains various Articles like 14, 21, 39A, 51(d) which relates to Alternative Dispute Resolution.

Article 14 of the Constitution envisages Right to Equality which is the most basic feature of the Indian Constitution. It contemplates that all are equal in the eyes of law and no man is above law. Hence, this Article makes it obligatory for the State to provide equality before law and justice to all its citizens.

Article 21 of the Constitution of India guarantees to all person right to life and personal liberty. Supreme Court has given a wide interpretation which includes right to marry, right to speedy trial and right to free legal aid. In the case of *Hussainara Khatoon vs Home Secretary, State of Bihar*² Supreme Court recognized that right of an indigent accused to legal aid in a criminal trial as also the right to speedy trial. In another landmark case of *Sheela Barse vs Union of India*³ The right to speedy trial is a fundamental right implicit in Article 21 of the Indian Constitution.

Article 39 (A) of Directive Principles of State Policy provides justice to all on the basis of equal opportunity. It enacts a duty upon the States to provide free legal assistance to the poor and pauper. In case of *M H Hoscot vs State of Maharashtra*⁴ The State must ensure free legal aid to people of under privileged community who are unable to pay Court fees.

Article 51 (d) of the Indian Constitution empowers the State to encourage settlement of international disputes through Arbitration. Family Arbitration is a well developed concept under which the Arbitration can cover matters pertaining to property, child and spousal support, parenting time, decision-making responsibility of children. But the Arbitrators cannot grant a divorce, annul a marriage and declare someone to be or not be someone else child. Family matters arbitration should be decided in the interest of the child.

Types of Alternative Dispute Resolution Mechanism:

Alternative Dispute Resolution Mechanism can be classified under the various forms:

- a. Arbitration
- b. Conciliation
- c. Mediation

¹<https://www.thelawgurukul.com/post/matrimonial-disputes-causes-and-remedies>

² AIR1979,SC1369

³ JT 1986 136 1986 SCALE(2)230

⁴ AIR 1978 SCC 1548

- d. Judicial Settlements
- e. Lok Adalat
- f. Negotiation

a. Arbitration :

Arbitration is a quasi-judicial adjudicatory process where the arbitrator is appointed by a court or by the parties to decide the dispute between the parties. The award issued during arbitration is binding on the parties and can be challenged only on a few specific grounds. Procedure and decision are governed, restricted, and controlled by the provisions of the Arbitration & Conciliation Act, 1996 Arbitration does not involve the payment of court fees.

b. Conciliation :

Conciliation is a confidential, voluntary, and flexible and interest based process in which an expert is appointed to facilitate the settlement between the parties. The parties are not bound by the decision of the conciliator. The conciliator facilitates the process by his active participation and is involved in discussing the issues and negotiating and bringing about and peaceful settlement.

c. Mediation :

A mediator is a person who tends to help negotiate between two conflicting parties . Mediation is one of the best and effective methods to resolve disputes voluntarily and amicably with the assistance of third neutral party called as the mediator. Mediation is the fastest growing method of ADR and is quickly recognized as a valuable tool in the area of Matrimonial disputes. A successful mediation depends upon the willingness of the parties to resolve dispute and the skill of mediator in guiding the parties to reach to peaceful settlement.

d. Judicial Settlement :

Judicial settlement as one of the Alternative Dispute Resolution mode is given under Section 89 of Civil Procedure Code, 1908. In case of Judicial settlement the concerned judge tries to settle the dispute between the parties amicably. After recording the admissions and denials, the Court shall direct the parties to the suit to opt either mode of settlement outside the Court, as specified in sub-section (1) of Section 89.⁵

e. Lok Adalat :

Lok Adalat was established under the Legal Services Authorities Act ,1987 . In LokAdalats, disputes in the pre-litigation stage could be settled amicably .LokAdalats also known as People's court and is based on Gandhian principles . The cases that are usually dealt with are related to compoundable criminal offences , land acquisition disputes ,matrimonial disputes, family disputes and commercial disputes etc.

f. Negotiation :

Negotiation is one of the modes of Alternative Dispute Resolution which is a Non-binding. In the process of Negotiation the parties involve into discussions without intervention of the third party. The basic object of negotiation is to arrive at a peaceful settlement without going to the Court of law.

The above modes of Alternative Dispute Resolution aim at bringing parties to good terms without damaging their good relation. The Alternative Dispute Resolution saves unnecessary delay and Court expenses and provides for cheap remedy. It tends to maintain confidentiality and is not accessible to public at large.The process involved in Alternative Dispute Resolution is very flexible and informal. Alternative Dispute Resolution System is faster than the judicial process; it is very economical and is final and binding just like the decree of the Court.

Role of Alternative Dispute Resolution in Matrimonial Disputes:

In India from time immemorial marriage is considered as a sacred bond and is regarded to last till eternity. Now due to change in times this concept is also vanishing and the new transformation is seen in the institution of marriage. Matrimonial disputes arise due to many reasons; it may be due to conflict in couples, difference of opinions, verbal and physical abuse resulting into divorce. Domestic violence, offences against marriage like bigamy or adultery and inability in solving these disputes may lead to broken relationship. Matrimonial disputes are a traumatic experience in the life of the couple and their children. Dispute that arises in marriage between the parties falls under the jurisdiction of the Family Court .The adversarial nature of litigants and scurrilous nature of arguments can worsen the situation in the families .The relationship is at scar whenever Court is involved as it is not an ideal place to maintain family ties. To maintain the family ties and have a healthy relationship theoption of outside Court settlement can be better option. Legal remedies available to resolve the matrimonial disputes are byMediation or Conciliation. These alternative dispute

⁵ O.P Tiwari , The Arbitration & Conciliation Act ,1996 ,Allahabad Law Agency

resolution methods can prove panacea in solving disputes through amicable settlement without impacting the relations of the party and their children. The Family Courts Act 1984, Civil Procedure Code 1908, The Hindu Marriage Act 1955, and the Legal Services Authorities Act of 1987 all contain references to mediation and conciliation in family disputes and encourages conciliation in resolving disputes relating to marriage, family problems, as well as other related matters, amicably.⁶ A Bloomberg Business week estimate states, "If the nation's judges nonstop battled their backlog — with no breaks to eat or sleep and closed 100 cases per hour, it will take more than 35 years to catch up." The non-adversarial approach offers benefit mostly in the field of family law and helps to avoid damaging the parental conflicts. Indian Courts are duty bound to enforce reconciliation methods in case of matrimonial disputes. The provisions involved to resolve the Matrimonial disputes are as follows,

The Family Court Act, 1984

The Act provides the establishment of Family Courts with the aim to encourage conciliation and to ensure speedy settlement of disputes pertaining to family matters and matters related to thereof. The approach is flexible and informal than the civil proceedings. Section 9 of the Family Court Act says that, "The family court has to aim for settlements in disputable marriages:

1. In every suit or proceeding, Endeavour shall be made by the Family Court in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist and persuade the parties in arriving at a settlement in respect of the subject-matter of the suit ; or proceeding and for this purpose a Family Court may, subject to any rules made by the High Court, follow such procedure as it may deem fit.
2. If, in any suit or proceeding, at any stage, it appears to the Family Court that there is a reasonable possibility of a settlement between the parties; the Family Court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.
3. The power conferred by sub-section (2) shall be in addition to, and not in derogation of; any other power of the Family Court to adjourn the proceedings."⁷

The Family Court has now been given the authority to delay the proceedings for any reasonable duration to allow attempts to reach an agreement to be made to effect settlement if there is a reasonable possibility.⁸ The approach of ADR system in Family Court in public interest helps a speedy settlement of disputes.

The Hindu Marriage Act, 1955

Section 13 (b) of the Hindu Marriage Act ,1955 was introduced in 1976 to introduce divorce via mutual consent , it provides a time frame of 18 months before a decree of divorce can be initiated through Section 13B(1), a judicial separation of one year . This is further followed by six months which is regarded as a cooling period to create harmony or reunion amongst the parties consenting divorce. During the given period of one year if there is reconciliation between the disputed parties then the council will issue a cancellation notice for divorce or else the parties can proceed for final hearing of divorce. In the case of **Amandeep Singh vs Harveen Kaur**⁹ and **Nikhil Kumar vs. Rupali Kumar**¹⁰ court held that bringing reconciliation between the parties is the primary object of the Court .In, **Bini v. K.V. Sundaran**¹¹, The High Court of Kerala had to decide a unique question: whether conciliation is compulsory after the introduction of Family Courts Act , 1984, even on the excluded grounds of conversion to another religion, renunciation of the world, mental instability, venereal illnesses, and leprosy. The High court held that :Though no attempt at reconciliation is required under The Hindu Marriage Act, 1955, in a petition for divorce on the grounds of conversion to another religion, or other grounds excepted under Section 13 (1) of the Hindu Marriage Act, 1955 or on similar or other grounds available under any other law, the Family Court is bound to make an endeavour for reconciliation and settlement after the introduction of the Family Courts Act, 1984. The requirement is mandatory. The Family Courts Act of 1984, which is a special statute, is responsible for this conceptual change.¹²

The Hindu Marriage Act, 1955 under **Section 23(2)** before proceeding to grant any relief under this Act, it is the duty of the court to make every endeavour to bring about reconciliation, in every case where it is possible to do so "consistently with the nature and circumstances of the case."

The amendment Act of 1976 has cast duty on Courts to make an endeavour to bring reconciliation between the parties to a marriage. In **Raghunath v. Urmila Devi**¹³, the Court held that the effort of reconciliation is to be made by the Court right from the start of the case and not only after the closure of final hearing of the

⁶ <https://www.mondaq.com/india/arbitration--dispute-resolution/1199420/alternative-dispute-resolution-as-a-solution-for-family-disputes>

⁷ Family Courts Act, 1984, Lawmanns ,kamala Publishers

⁸ <https://www.thelawgurukul.com/post/alternative-dispute-resolution-in-family-disputes>

⁹ AIR 2017 SC 4417

¹⁰ (2016) 13 SCC 383

¹¹ AIR 2008 Kerala 84

¹² <https://www.thelawgurukul.com/post/alternative-dispute-resolution-in-family-disputes>

¹³ AIR 1973 Allahabad 203, construing Section 23(2) of the Act

matter and before the Court proceeds to grant relief under the Act. It was also observed that the Court should not give up the effort for reconciliation merely on the ground that there is no chance for reconciliation. It was held that since the matter is very much personal to the parties, their appearance in person before the Court is all the more essential while the Court proceeds to bring about reconciliation between them. It is the duty of the Court to make sincere endeavour at reconciliation

In **Jagraj Singh v. Birpal Kaur case**,¹⁴ the Court held that ADR mechanism is mandatory under Section 23(2) of the Hindu Marriage Act .

The Special Marriage Act ,1954

Special Marriage Act ,1954 also seeks to bring reconciliation between the parties under Section 23(3) of the Act . "Section 23(3) of the Act : For the purpose of aiding the court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do, adjourn the proceeding for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report to the court as to whether a reconciliation can be and has been, effected, and the court shall, in disposing of the proceeding, have due regard to the report."¹⁵

Legal Services Authorities Act ,1987

The Legal Services Act ,1987 was enacted to fulfill the mandate given under Article 39 A of the Indian Constitution . The Act states that free legal aid counsel is available that will help in amicably settlement of disputes .Under section 19 of the Legal Services Authority Act , Lok Adalat is constituted at National Level, State Level , District Level and Taluk Level. Lok Adalat is based on the Gandhian principles .Lok Adalat is considered as a Alternative Dispute Mechanism that tends to be reliable ,friendly and efficient in terms of disputes pertaining to family matters . LokAdalt has jurisdiction to arrive at a settlement and compromise between the parties . It has jurisdiction to take cognizance of cases pertaining to family and matrimonial matters , Partition of property and it does not have jurisdiction to take up cases of non- compoundable offences .

Alternative Dispute Resolution can be evoked in Civil , Commercial and Family Disputes . Even if the Alternative Dispute Resolution procedure fails it is not a waste since it helps party to understand each other's point of view. The Role of Alternative Dispute Resolution system in matrimonial matters can be best achieved through Mediation and Conciliation and also through Family arbitration .

Mediation as a preliminary mode to settle disputes .

Mediation is a form of alternative dispute resolution. The conflicts are resolved through a third party who is known as a mediator. The focus of mediation proceedings is that it is neutral, flexible, cost effective, and fast. Mediation in divorce is an efficient process. As there are more than thousands of cases in courts which are not yet settled, by taking up mediation it reduces the burden on courts. Hence, it is very efficient process. Mediation is an informal judicial process, they do not pass judgements but they provide the couples with solution for repairing their marriage. After the mediation process is over the couples have an option either to give their marriage another chance or file a petition for divorce in the court. According to Section 9 of Family Courts Act, 1984, the parties are required to go through a mediation proceeding before they approach the court.

More particularly , Family and personal laws the Hindu Marriage Act and the Special Marriage Act require the Court in the first instance to attempt mediation between the parties. In India there is an urgent need to take care of matrimonial disputes .Ancient Indian jurist Patanjali “ Progress comes swiftly in Mediation for those who try hardest ,instead of deciding who was right and who was wrong”.Mediation is regarded as an excellent choice for resolving matrimonial disputes. The aim of law, like life itself, according to Bentham, is to achieve the greater benefit of the greater number of people.¹⁶The Supreme Court in a land marking judgment of **Salem Advocate Bar Association, Tamil Nadu Vs Union of India** ¹⁷held that Mediation, Conciliation and Arbitration must be used in court cases. Mediation in India is basically of two types Court referred Mediation and Private Mediation . Cases related to divorce , property cases and family matters are referred by Court through the process of mediation .Parties willfully settled their disputes making this process a part centric and neutral process . The third party being a neutral party act as a mediator and facilitate the process . The mediator act as an catalyst .One unique feature of mediation is that the statements made during the process cannot be used in Court of law against the conflicting party .The

¹⁴2007 (2) SCC 564

¹⁵ **Special Marriage Act, 1954 (as amended by Act 6 of 2019 and 34 of 2019),2022**

¹⁶ A.V. Dicey, Law & Public Opinion In England, 414 (Universal Law Publishing Co. Delhi, 3rd Indian Reprint, 2003).

¹⁷ (2003) 1 SCC 49

process is completely confidential and can be relied on. Mediation as an active ADR has been effectively recognized in solving matrimonial disputes.

Matters to which reconciliation does not apply:

Petition on certain fault grounds.- When a petition for divorce under the Hindu Marriage Act, 1955 is presented on the ground of change of religion [clause (ii) of section 13 (1)], unsoundness of mind [clause (iii) of section 13 (1)], leprosy [clause (iv) of section 13 (1)], venereal disease [clause (v) of section 13 (1)], renunciation of world [clause (vi) of section 13 (1)], or presumption of death [clause (vii) of section 13 (1)] reconciliation efforts need not be made, that is to say, the provisions of section 23 (2) do not apply. The proviso in Section 23(2) HMA exempts the mandatory requirement of attempting reconciliation between the parties when divorce is sought on any of the grounds in HMA above.

Similarly, when a petition for divorce is made under Special Marriage Act, 1954 on the ground of seven years sentence of imprisonment [clause (c) of section 27 (1)], unsoundness of mind [clause (e) of section 27 (1)], venereal disease [clause (f) of section 27 (1)], leprosy [clause (g) of section 27 (1)], or presumption of death [clause (h) of section 27 (1)], no efforts at reconciliation need be made. The proviso in Section 34(2) SMA exempts the mandatory requirement of attempting reconciliation between the parties when divorce is sought on any of the grounds in SMA stipulated above. However, it may be added out of abundant clarification that on all other grounds of divorce, both under HMA and SMA, the court has an obligation to make efforts at reconciliation¹⁸. This mandatory and statutory duty of the court cannot be waived.

The Supreme Court of India in the case *Baljinder Kaur V/s. Hardeep Singh*¹⁸ laid down that "stress should always be on the preserving the institution of marriage. That is the requirement of law. One may refer to the objects and reasons which lead to setting up of Family Courts under the Family Courts Act, 1984. For the purpose of settlement of family disputes emphasis is "laid on conciliation and achieving socially desirable results" and eliminating adherence to rigid rules of procedure and evidence."

Suitability Of Mediation For Domestic Violence Cases

Domestic abuse is dealt with in Section 498A of the Indian Penal Code, 1860 (hence referred to as the "IPC"). Domestic abuse, according to the 1908 Code of Criminal Procedure, is a non-compoundable offense (hereinafter referred to as CrPC). These are major violations that courts will not be able to mitigate. The courts, on the other hand, have taken a different approach. The courts have shown no aversion to using mediation to resolve marriage problems. In *Mohd. Mushtaq Ahmed vs. State*¹⁹ The wife filed a divorce petition along with an FIR under Section 498A IPC against the husband. The couple was ordered to go to mediation by the Karnataka High Court. The situation was resolved, and the wife chose to have the FIR dismissed. The High Court stated that in suitable instances, the court might cancel criminal proceedings, FIRs, or complaints in the exercise of its inherent jurisdiction to fulfill the purposes of justice. Even though the offenses are non-compoundable, the court concluded in *Gurudath K v State of Karnataka*²⁰ that Section 329 CrPC would not preclude the exercise of the authority of quashing of FIR. There is no problem if the parties have reached an amicable agreement. The accused in domestic violence cases would have lower odds of being convicted as a result of this shift by the Indian courts

Conclusion and Suggestion

Matrimonial Disputes are more in number and to harmonize the family ties and maintain peacefully relationships Mediation and Conciliation are the best Alternative Dispute mechanism that can be used as a tool. Marriages cannot be quickly dissolved as it involves not only the disputing parties but the future of the children is also in stake. They are very sensitive matters and should be handled very carefully by trained mediators or conciliators. This type of process not only save time but also maintains the cordial ties. Supreme Court has given many landmark judgments in case of SangeetavvsSureesh Kumar has observed significance of reconciliation in matrimonial disputes .It saves time and distress relationships are saved and help to build a optimistic bond between the parties.

Mediation, on the other hand, has its drawbacks. If the discussions fail, it might result in a waste of time, effort, and money. If the mediator is unskilled, the mediation may be incomplete or favour one spouse over the other. A clever partner may even conceal assets or income, leaving the weaker spouse bankrupt if the secret financial assets are not discovered. The settlement may be one-sided if one partner is dominant, and the other is submissive. As a result, the mediators must be well trained and competent.

¹⁸AIR 1998 SC 764

¹⁹(2015) 3 AIR Kant R 363.

²⁰Criminal Petition No 7258 of 2014.

In the lack of legislation governing mediation, procedures are conducted according to the guidelines established by each court.²¹ The Supreme Court, however, held in Salem Advocate Bar Association v. Union of India²² that there is a need for regulating mediation processes due to the lack of a framework, rendering Section 89 ineffectual. In the recent case of *M.R.KrishnaMurthi v. New India Assurance Co. Ltd and Others*,²³ the Supreme Court advised the government to create an Indian Mediation Act, stating that such legislation is urgently needed

The following suggestions can be incorporated,

1. There should be active participation of disputed couples in resorting to the Alternative Dispute Mechanism instead of going to the Court of Law .
2. Family Arbitration should also be a mode through which the parties can resolve their disputes.
3. Awareness campaigns like seminars, conferences and skit plays should be held to inform public the importance of Alternative Dispute Mechanism in solving problems related to Matrimonial Disputes .
4. Legal Education to raise awareness should be given to the law students so that they can implement through various campaigns.
5. NGOs ,Advocates, judges, law students, and volunteers must participate in the growth of mediation, Conciliation and Arbitration specifically in the area of Matrimonial disputes .

It is recommended by the authors to improve the participation of citizen in ADR mechanisms without their participation family arbitration cannot be properly used the citizen has to begin with restraining themselves using the tradition code litigation our constitution give us the right to speedy trial as not nearly affection the right should we give one it's due respect there is an urgent need for note only establishment of ADR market in urban areas but also in rural areas spouse, parents and couples need to recognize the advantage of arbitration in family disputes.

References

1. <https://www.thelawgurukul.com/post/matrimonial-disputes-causes-and-remedies>
2. O.P Tiwari , The Arbitration & Conciliation Act ,1996 ,Allahabad Law Agency
3. <https://www.mondaq.com/india/arbitration--dispute-resolution/1199420/alternative-dispute-resolution-as-a-solution-for-family-disputes>
4. Family Courts Act, 1984, Lawmanns ,kamala Publishers
5. <https://www.thelawgurukul.com/post/alternative-dispute-resolution-in-family-disputes>
6. <https://www.thelawgurukul.com/post/alternative-dispute-resolution-in-family-disputes>
7. Special Marriage Act, 1954 (as amended by Act 6 of 2019 and 34 of 2019),2022
8. A.V. Dicey, Law & Public Opinion In England, 414 (Universal Law Publishing Co. Delhi, 3rd Indian Reprint, 2003).
9. https://www.linkedin.com/pulse/role-arbitration-family-dispute-fastrack-legal-solutions/?trk=pulse-article_more-articles_related-content-card
10. Dr. J. N. Pandey, Constitutional Law of India, Central Law Agency, 57 editions
11. [https://www.webology.org/data-cms/articles/20220502113953amwebology%2019%20\(2\)%20-%20648%20pdf.pdf](https://www.webology.org/data-cms/articles/20220502113953amwebology%2019%20(2)%20-%20648%20pdf.pdf)

²¹Mediation Training Manual of India, Supreme Court of India

²²(2005) 6 S.C.C 344.

²³Civil Appeal nos. 2476–2477 of 2019.