



Study of Alternate Dispute Resolution system (ADR) during pre and post independence in India

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Abstract : Dispute resolution outside of courts is not new; societies world-over have long used non-judicial, indigenous methods to resolve conflicts. What is new is the extensive promotion and proliferation of ADR models, wider use of court-connected ADR, and the increasing use of ADR as a tool to realize goals broader than the settlement of specific disputes. Alternate Dispute Resolution system is not a new experience for the people of this country also. It has been prevalent in India since time immemorial. Legal history indicates that down the ages man has been experimenting with procedure for making it easy, cheap, unfailing and convenient to obtain justice². Procedure for justice is indicative of the social consciousness of the people. Anywhere law is a measuring rod of the progress of the community.

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Alternative Dispute Resolution during British Period:

The British East India Company opened their first trading centre at Surat, Gujarat in 1612. This was as per the deed of right Mughal Emperor Jehangir granted to them. Their first major interference with the internal politics of India was when they supported Mir Kasim, a minister of Bengal, militarily to sabotage Siraj-ud-Daula, the Nawab. On 23rd June, 1757, the Nawab was defeated by a joint military action of Robert Clive's troops and those of Mir Kasim in a battle at Plassey. And this was the turning point where the British formally entered the political arena of India and began to play a direct role in the administrative supremacy. They managed to bring under their administrative control most of the princely states of India either by direct annexation using force or by giving military support. They brought Punjab also under their control in 1849. Along with Punjab, the North West Frontier Province, which is now under Pakistan, was also brought under them. And in those states where a legitimate heir apparent to the crown was not available they were brought under the British rule. Sattara (1848), Udaypur (1852), Jhansi (1853), Tanjore (1853), Nagpur (1854), Oudh (1856) were some of the princely states the British