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EVALUATING ALTERNATIVE DISPUTE RESOLUTION FOR INHERITANCE DISPUTES

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Abstract

Inheritance disputes, although common, can persist for an extended duration, causing tension in family ties and depleting assets. Mediation, arbitration, and collaborative law are alternative dispute resolution (ADR) procedures that have gained increased recognition due to the tendency of traditional litigation systems to exacerbate conflicts. This research paper aims to look into how well these alternative dispute resolution (ADR) methods work at settling complicated property disputes. The objective is to acquire important knowledge about alternative dispute resolution techniques for efficiently settling inheritance problems.

Keywords: *Alternative Dispute Resolution, Inheritance Law, Family Settlement, Mediation in India, Comparative ADR, Hindu Succession Act*

Introduction

An inheritance dispute may arise when the heirs or beneficiaries of a deceased individual have differing opinions over the division of the person's property, assets, or money. Disputes can arise from several factors, including ambiguous intentions, inequitable distributions, intricate family relationships, and contradictory assertions. Disagreements of this nature can lead to relationship tension, mental distress, and financial difficulties.

Traditional inheritance lawsuit often escalates tensions. Engaging in litigation can be a lengthy and costly process, often leading to conflicts and putting additional strain on family relationships while also depleting the estate's financial resources. Many parties choose ADR methods as a more efficient and amicable way to resolve inheritance conflicts, acknowledging the limitations of litigation.

Alternatives to litigation like ADR offers flexibility, secrecy, and relationship preservation.

Mediation, arbitration, and collaborative law are typical inheritance dispute ADR methods¹. Every technique has pros and cons, requiring careful examination based on the dispute.

Mediation is a procedure wherein an impartial third person, known as a mediator, aids the conflicting parties in reaching a consensus via discussions. The fundamental objective is to facilitate reaching a mutually satisfactory agreement. Mediation facilitates open and honest communication by eliminating barriers, allowing parties to better understand one other and giving them more control over the resolution of their conflict.² Creating a harmonious setting for heirs to routinely discuss their concerns and interests often leads to significant positive outcomes and the maintenance of strong familial bonds through mediation.

By contrast, the process of arbitration involves the appointment of an impartial third party to examine the evidence and provide a definitive ruling in order to resolve the conflict.³ Arbitration empowers the arbitrator to make the final decision, unlike mediation where the parties have some influence over the outcome. Arbitration may lack the level of collaboration and flexibility that mediation offers due to its structured process and binding nature.

The objective of collaborative regulation is to facilitate the attainment of mutually agreeable solutions among parties and their legal representatives involved in a conflict. The foundation of collaborative regulation is built around three fundamental principles: promoting cooperation, preserving transparency, and sustaining connections.⁴ To foster a more collaborative and productive environment for dialogue, the parties mutually decide to resolve their differences outside of the legal system.

While ADR has several advantages, it is crucial to consider that different methods have distinct merits and drawbacks and may not be suitable for every inheritance issue. Several variables might influence the selection of the specific technique to resolve conflicts. These functions comprise the gravity of the issues at hand, the extent of collaboration between the parties

¹ Lambert A, 'Fundamentals of Alternative Dispute Resolution' (*Franchise Law Journal*, vol. 11, no. 4, 1992) pp. 99–103 <<http://www.jstor.org/stable/29541518>> Accessed 16 Mar 2024.

² Narain R and Sankaranarayanan A, 'Formulating a Model Legislative Framework for Mediation in India' (*NUJS LAW REVIEW*, 2018) <<https://nujlawreview.org/2018/04/07/formulating-a-model-legislative-framework-for-mediation-in-india/>> accessed 15 March 2024.

³ Lambert A, 'Fundamentals of Alternative Dispute Resolution' (*Franchise Law Journal*, vol. 11, no. 4, 1992) pp. 99–103 <<http://www.jstor.org/stable/29541518>> Accessed 16 Mar 2024.

⁴ *Ibid.*

concerned, and the time pressure to resolve the conflict. To enhance the effectiveness of the chosen ADR technique, it is advisable to use professionals who specialize in inheritance disputes, such as arbitrators or mediators. ADR methods provide a good foundation for resolving the difficulties of inheritance disputes by promoting open communication, maintaining connections, and encouraging events to seek mutually agreeable settlements.

The Dispute We All Want to Avoid: Inheritance

Property disputes have a long history in India, extending back to ancient times when royal families would struggle to defend their riches. These disputes have been going on for several centuries. At this point in time, the resolution of these disagreements is more frequently achieved through legal fights than by amicable accords. Majority of cases in Indian courts are concentrated upon property disputes, which impact people from all walks of life.⁵ These disagreements are exacerbated by a lack of awareness regarding inheritance rights, which highlights the need to have a solid understanding of inheritance terminology as well as legal rights.

As the name implies, Inheritance refers to the transfer of assets to a descendant following the death of the owner. Inheritance is the legal transfer of an individual's property, titles, obligations, and liabilities to their legal heir upon their death. This transfer can be done by a will or by following the rules of succession. The Hindu Succession Act categorizes the heirs of the deceased into many classes, from class I to class XI, with each class having a different share in the property.

The Class I heirs possess an inherent legal entitlement to inherit a portion of their father's and grandfather's assets by virtue of their birth. The Class I category comprises the close relatives of the deceased, such as the son, daughter, wife, mother, son of a deceased son, and so on. If there are no individuals in Class I, the inheritance is transferred to Class II. If there are no surviving members in Class II, it is then transferred to Class III, and so on.

Having comprehended the inherited rights bestowed to a lawful successor, let us now go further into the litigation that can be categorized under four conceivable possibilities:

⁵ Babwani S, 'Property Disputes: Family Settlement Better Option than Approaching a Court' (*The Economic Times*, 20 May 2013) <<https://economictimes.indiatimes.com/realty-trends/property-disputes-family-settlement-better-option-than-approaching-a-court/articleshow/20121849.cms?from=mdr>> accessed 10 March 2024.

Scenario 1: In the event that the deceased individual has created a legally binding document known as a will.

A will holds immense significance, serving as a practical means to settle disputes over property. When a property owner passes away and leaves a registered will, it is not uncommon for disputes to arise over the distribution of the deceased's assets. Drafting a legally binding will can potentially mitigate conflicts and animosity within families. However, it is important to note that the existence of a will does not guarantee a smooth resolution, as dissatisfied beneficiaries frequently contest wills in a legal setting. When there is a will, the situation becomes clearer and the process of settling becomes more straightforward.

Scenario 2: In the event that the property owner passes away without having drafted a will, often known as dying intestate.

In India, there has been a rise in disputes among siblings about the distribution of inherited property, particularly when the deceased individual has not left a valid will. Due to unforeseeable events such as the Covid-19 pandemic, which resulted in a significant number of fatalities, it is quite likely that the deceased individuals did not anticipate it and hence may not have made any preparations regarding their will. Typically, these proceedings adhere to the intestate succession process outlined in the Indian Succession Act for the distribution of property. According to the law, all legal heirs who belong to the same category have an equal right to claim the assets acquired by the dead.

Scenario 3: Property division through a family settlement.

A family settlement is a mutually agreed upon arrangement among all those who have a rightful claim to a portion of the property. This agreement determines how the assets will be divided by mutual understanding, in order to prevent delays and legal conflicts in court. Engaging a mediator, who remains impartial, typically streamlines the procedure, and facilitates the beneficiaries in reaching a mutually agreeable resolution. Nevertheless, in circumstances when a settlement cannot be reached, the sole recourse is to initiate a partition lawsuit.

Scenario 4: Filing a partition suit to settle the property dispute in the court of law.

When co-owners cannot agree, or stakeholders want to partition the property according to their shares, a lawsuit might be launched. A commissioner evaluates the assets and submits a report after the court orders an investigation. Based at the conclusions of the commissioner and the shares held by the co-owners, the belongings are legally divided.

There has been a noticeable increase in property disputes in India. Considering the immense worth and intricacy of real estate assets, it becomes crucial to safeguard the property through the **establishment of a will**. This not only helps in preventing potential disputes but also preserves the integrity of the family.

Tracing the Evolution of Alternative Dispute Resolution Legislation

India's utilization of ADR regulation is a manifestation of its extensive historical records and abundant cultural legacy. Ancient Indian civilization prominently included traditional conflict resolution processes such as panchayats and village councils. Active participation of the community and the process of reaching a consensus are highly esteemed in our well-established social customs. When it comes to colonial authority, the British criminal justice system showed a clear preference for formal court processes rather than conventional alternative dispute resolution (ADR) methods. In recent years, there has been a renewed interest in ADR in post-independence India. These changes are caused by the fact that the courts have too many cases and people want an easier way to get justice. The Arbitration and Conciliation Act of 1996⁶ is a significant piece of legislation that offers a robust legal framework for the implementation of arbitration and mediation. This is further supported by the existence of organizations such as the Mediation and Conciliation Project Committee (MCPC) and the Indian Council of Arbitration (ICA). India's ADR law integrates conventional procedures with modern solutions, aiming to achieve a harmonious blend of enduring values and legal principles.

Mediation is an alternate method of resolving disputes that can be launched through many avenues in India. Mediation clauses in contracts enable the use of both institutional and ad hoc mediation procedures. Moreover, Section 89 of the Code of Civil Procedure, 1908 ('CPC')⁷ confers the court with the power to refer civil disputes to mediation, particularly in cases when there is a possibility of reaching a resolution. Pre-litigation mediation is obligatory in accordance with Section 12A of the Commercial Courts Act⁸. It ensures that mediation takes place before any legal actions begin.

Also, in 2003, the Model Rules were put into place after the Supreme Court made a decision

⁶ Arbitration and Conciliation Act 1996.

⁷ The Code of Civil Procedure 1908 (Act 05 of 1908), s.89.

⁸ The Commercial Courts Act 2015 (Act 04 of 2016), s.12A.

in the Salem Advocate Bar Association v. Union of India case⁹. This case dealt with the controversial Section 89 of the Civil Procedure Code of 1908, which deals with resolving disputes outside of court. The judgment presented a comprehensive analysis by thoroughly examining the concerns surrounding the amendments to the Code and different aspects pertaining to alternative dispute resolution (ADR) and mediation under Section 89. This particular case holds significant importance, as it established a foundation for streamlining and increasing the affordability of the legal system. The objective was to decrease the number of court cases each year. The rules outlined in the model are highly compatible with ADR methods and the Indian judicial system and are strongly recommended for immediate implementation.

In addition, certain laws such as sec 37 of the Consumer Protection Act, 2019¹⁰, and Section 442 of the Companies Act, 2013¹¹, grant authority to specific organizations to facilitate mediation. The amendments made in 2018 to the Commercial Courts Act highlight the significance of mediation by introducing pre-institution mediation and settlement efforts¹². India's dedication to efficient conflict resolution is evident in this methodical approach to mediation.

Then there is the Hindu Personal Law and Special Marriage Act that are fundamental legislations that regulate matrimonial relationships in India, based on ancient Vedic customs. Alternative Dispute Resolution (ADR) is recognized and maintained under both the Special Marriage Act of 1954 and the Hindu Marriage Act of 1955. As per Section 23(2) of the Hindu Marriage Act¹³, courts are obligated to attempt reconciliation between spouses before offering any legal aid. This need is also evident in Section 34(2) and 34(3) of the Special Marriage Act¹⁴. Moreover, Section 9(1) of the Family Courts Act¹⁵ emphasizes the role of family courts in promoting the resolution of disputes through peaceful settlements. These components emphasize India's dedication to facilitating human collaboration in resolving conflicts and achieving mutually acceptable solutions in matters related to family law.

⁹ *Salem Advocate Bar Association v. Union of India* [2005] SC 3353, 4 BOM CR 839.

¹⁰ The Consumer Protection Act 2019 (Act 35 of 2019), s.37.

¹¹ The Companies Act 2013 (Act 18 Of 2013), s.442.

¹² The Commercial Courts Act 2015 (Act 04 of 2016), s.12A.

¹³ The Hindu Marriage Act 1955 (Act 25 of 1955), s. 23(2).

¹⁴ The Special Marriage Act 1954 (Act 43 of 1954), s. 34(2) & 34(3).

¹⁵ The Family Courts Act 1984 (Act 66 of 1984), s. 9(1).

T. S. Lakshminarayana Upadhyaya vs Geetha Devi¹⁶: A Case Study

After an elapsed period of almost 55 years, the property dispute initiated by the T Lakshmi Narayan Upadhyaya family in 1967 has ultimately been settled through the process of mediation. The disagreement, pertaining to the division of assets, saw the third and fourth-generation legal heirs of the family reaching an agreement to bring an end to the protracted legal conflict. The Mysuru District Legal Service Authority helped the resolution. The family, comprising nine children, had problems over the division of property, namely due to gender-based discriminatory clauses in the Hindu Succession Act, which caused disagreement. After experiencing early delays and continued debates, all conflicts within the family have been resolved through mediation, signifying the conclusion of a long and complex legal journey. The settlement entailed the fair allocation of assets among rightful beneficiaries and the resolution of disputes between property purchasers and sellers.

ADR is essential for Indian inheritance disputes for several reasons. First and foremost, typical legal actions for inheritance disputes are difficult and time-consuming. Long-running litigation can strain families and drain finances. The 1967 property division case by T Lakshmi Narayan Upadhyaya's family is an example. This legal struggle lasted approximately 55 years, demonstrating the difficulty of judicial arguments. Even after a 1982 order, legal issues delayed settlement. Adversarial judicial hearings can damage family connections and increase emotional distress.

Despite attempts to promote mediation and its inclusion into law education, awareness remains low. Parties without enthusiasm to undertake mediation face a major challenge. There are misunderstandings about mediation in India that make it difficult for attorneys and their clients to use it to resolve conflicts. Proposing or engaging in mediation is generally perceived as a show of weakness and lack of trial confidence. Both sides may delay acting, waiting for the other to act. Mediation is seen to generate less justice than litigation.

Many attorneys' mistrusts and avoid mediation due to a lack of knowledge and comprehension. In some cases, clients may want legal retaliation. Lawyers who advocate mediation may be seen as weak and lose the client's trust. Since Indian judges are conversant with ancient

¹⁶ *T. S. Lakshminarayana Upadhyaya vs Geetha Devi* [2021] W.P. no.35432 of 2016.

adjudicatory practices, they lack sufficient training.¹⁷ This hinders mediation and other alternative conflict resolution procedures.

These challenges require examination and resolution to ensure the effective application of ADR. We believe that ADR approaches, such as mediation, offer a cooperative and harmonious way to resolving disagreements. They promote productive discourse and aid in maintaining familial connections. The utilization of alternative dispute resolution (ADR) in resolving Upadhyaya's familial conflicts exemplifies the efficacy of mediation in fostering consensus and achieving a state of settlement. Moreover, it is essential to highlight the significance of promoting awareness with regards to ADR as a legitimate legal method for resolving inheritance disputes. When individuals are informed about the advantages of Alternative Dispute Resolution (ADR) and motivated to embrace it, it can alleviate the workload on the justice, expedite the settlement of conflicts, and diminish familial problems. By including Alternative Dispute Resolution (ADR) provisions into inheritance legislation and actively encouraging its use, India can accelerate the settlement of inheritance disputes, guaranteeing equity and promoting familial concord.

Recommendations

1. Regulatory Provisions needs to be looked upon:

Section 89 of the Civil Procedure Code, 1908, is a crucial step in establishing Alternative Dispute Resolution (ADR) as a formal part of the civil procedure. As part of this provision, civil courts have the power to direct civil disputes towards alternative dispute resolution (ADR) methods, such as mediation, if there are signs of a possible settlement that both parties find acceptable. One of the reasons for the limited success of mediation in India is the lack of clarity surrounding the enforceability of mediation outcomes. Section 89¹⁸ includes provisions for mediation, but it lacks clarity regarding the enforcement of outcomes. The *Afcons Infrastructure case*¹⁹ has provided valuable insights into this matter, specifically highlighting that mediation settlements referred by the courts are regulated by Section 21 of the Legal Services Authorities Act, 1987²⁰. Nevertheless, there are still lingering uncertainties, especially

¹⁷ Mathew D, 'Arriving at a Settlement under Family Court Act, 1984: Deconstructing the Role of the Judge of the Family Court and Counsellor' (SSRN, 31 March 2015) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2587599> accessed 15 March 2024

¹⁸ The Code of Civil Procedure 1908 (Act 05 of 1908), s.89.

¹⁹ *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. P. Ltd.* [2010] 8 SCC 24.

²⁰ The Legal Services Authorities Act, 1987 (Act 39 of 1987) s.21.

when it comes to settlements that are reached through mediations not mandated by the court. The lack of clarity in this matter often dissuades legal professionals from suggesting mediation as an option for their clients.

In this regard, two examples of the regulatory framework approach can be taken from the creation of the National Consultative Council on Family Mediation in France and the implementation of The Act on Promotion of Use of Alternative Dispute Resolution in Japan. The National Consultative Council on Family Mediation, established by a legislative decree, played a key role in the creation of a State Diploma and a code of practice for family mediators in France. The Council is responsible for setting the guidelines for mediators, determining the curriculum for training programs, accrediting training institutions, and establishing the required conditions for receiving public funds. While the Council assists in establishing a regulatory framework, it permits people and institutions to function within these established bounds.

In India, the regulation of mediation proceedings is not adequately addressed in legislation, despite the mention of mediation in certain laws. So, there is a need to take notes of the steps taken by France and Japan.

2. Italy's Approach to Mandatory Mediation as inspiration:

India has the potential to gain advantages by considering a modified version of Italy's opt-out model of mandatory mediation.²¹ Important components consist of:

1. A convenient 'Opt-out' system that enables parties to withdraw after attending the initial mandatory session.
2. It is essential for parties to have the support of legal counsels, as they provide valuable guidance and foster trust during the mediation process.
3. Focusing on limiting the types of cases that require compulsory pre-trial mediation, which would help alleviate the financial burden by implementing lower initial participation fees.

3. Pressing need for legislation:

Mediation provides disputants with the opportunity to customize the process to meet their specific requirements, resulting in confidential, cost-effective, and prompt resolutions. Pre-

²¹ Kinhal D and Apoorva, 'Mandatory Mediation in India – Resolving to Resolve' (INDIAN PUBLIC POLICY REVIEW, 2021) <<https://doi.org/10.55763/ippr.2021.02.02.004>> accessed 15 March 2024.

litigation mediation is in accordance with the Right to a Speedy Trial as stated in Article 21 of the Indian Constitution²², ensuring fairness and efficiency in the legal system. And the confidentiality of the mediation process is safeguarded by the Right to Information Act, 2005²³. This ensures that the information is not disclosed as it does not serve any public interest and there is a greater public interest in protecting the information. The principle was established in the case of *Rama Aggarwal v. Delhi State Legal Services Authority*²⁴.

The Supreme Court emphasized the importance of enacting the Indian Mediation Act²⁵ to regulate different aspects of mediation in the case of *M.R. Krishna Murthi v. The New India Assurance Co. Ltd.*²⁶. It is crucial to have an umbrella legislation in place, either as a standalone legislation or by making amendments to the Arbitration and Conciliation Act, 1996. It is advisable to implement mandatory mediation in a phased manner, starting with specific types of cases.

Conclusion

Alternative dispute resolution approaches are increasingly preferred over going to court due to their provision of additional flexibility, privacy, and the opportunity to preserve relationships. It is crucial to evaluate the benefits and drawbacks of each potential conflict resolution method, including mediation, arbitration, and collaborative legislation. The limits and concerns in India hinder the widespread use of ADR techniques, notwithstanding their advantages. Some of these issues encompass a deficiency in understanding mediation, uncertainties regarding its effectiveness, and perplexity surrounding its proper execution. The absence of legislation concerning mediation underscores the imperative for comprehensive regulation that can effectively support and supervise ADR procedures.

India can improve its own Alternative Dispute Resolution (ADR) system by studying the legal frameworks and necessary mediation procedures of France, Japan, and Italy. In order to enhance the effectiveness of inheritance dispute settlement, India should establish more explicit regulations for alternative dispute resolution (ADR) procedures, implement stricter criteria, and adopt a modified version of Italy's opt-out mandatory mediation program.

²² The Constitution of India (Act 44 of 2019) article.21.

²³ Right to Information Act 2005 (Act 22 of 2005).

²⁴ *Rama Aggarwal v. Delhi State Legal Services Authority* [2015] CIC/SA/A/2015/000305.

²⁵ The Mediation Act 2023 (Act 32 of 2023).

²⁶ *M.R. Krishna Murthi v. The New India Assurance Co. Ltd.* [2019] SC 5625.

In conclusion, inheritance disputes that incorporate alternative dispute resolution (ADR) clauses, promote inclusivity, and enhance understanding of ADR procedures which can help expedite the resolution of conflicts fairly and peacefully among families. By embracing Alternative Dispute Resolution (ADR) principles and actively addressing the issues outlined in this paper, India has the potential to transform its approach to resolving family disputes. This would usher in a new era of opportunities for friendly, collaborative, and efficient settlement of issues.

Bibliography

1. Folberg J, Milne A and Salem P, 'Divorce and Family Mediation: Models, Techniques, and Applications' (*Guilford Press*, 12 May 2004) <<https://www.guilford.com/books/Divorce-and-Family-Mediation/Folberg-Milne-Salem/9781593850029>> accessed 12 March 2024.
2. Menkel-Meadow C, 'The Trouble with the Adversary System in a Postmodern, Multicultural World' (*Wm. & Mary L. Rev.*, 1996) <<https://scholarship.law.wm.edu/wmlr/vol38/iss1/3>> accessed 12 March 2024.

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