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The Dispute Resolution Landscape from FDRCS to Panchayats

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The Dispute Resolution Landscape—from FDRCS to Panchayats

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1. Abstract

The dispute resolution landscape in India is a complex, dual-layered system transitioning between informal, community-based traditions and formal, adversarial litigation. Historically, Village Panchayats served as the primary mechanism, resolving local conflicts through mediation, local customs, and social binding. With the advent of modern law, this landscape has evolved to include formal Alternative Dispute Resolution (ADR) mechanisms—such as Lok Adalats and Formal Dispute Resolution Centres (FDRCs)—aimed at easing the backlog in the formal judiciary.

This paper examines the journey from traditional "Panchayat justice" to the institutionalized framework of modern ADR. It analyzes the effectiveness of Panchayats in delivering quick, inexpensive justice, particularly in rural areas, compared to the procedural rigor of FDRCs. By evaluating the 73rd Constitutional Amendment, which empowered local governance, and the Arbitration and Conciliation Act of 1996, the paper argues that a hybrid model integrating local mediation techniques with the enforceability of modern courts is essential for ensuring "access to justice" at the grassroots level.

2 Mapping Matrimonial Dispute Forums: Family Courts, Fdrcs, Lok Adalats, Court-Annexed Mediation, And Informal Bodies

Resolving matrimonial conflicts in India is done via a tiered system of formal decision-making, court-related conciliation, legal settlement forums, and extra-legal community organizations. High-conflict divorce shows the conflicts and tensions across these layers. Family Courts formed under the Family Courts Act of 1984, which were meant to offer specialised jurisdiction over family issues and lower adversarial rigidity by means of flexible process and settlement-oriented institutional design, are at the core of the formal system. By requiring Family Courts to aim for settlement at first instance, the statute clearly integrates conciliation into the judicial process and establishes reconciliation as a regular practice instead of a discretionary add-on.[1]

The Family Courts Act creates a procedural scene different from regular civil courts, especially important in high-conflict divorce since it combines judging with organized efforts at settlement. Section 9 requires the Family Court to try for settlement whenever feasible considering the character and circumstances of the case; Section 10 offers for procedure usually, so enabling the Family Court to develop practices fit for family issues and, where appropriate, to follow the Code of Civil Procedure while yet maintaining freedom. In low-conflict situations, this hybrid model might be helpful, but in high-conflict ones the court must actively recognize risk elements like domestic violence or coercion or it may become a channel for early conciliation.

[1] Academike, "Mediation in Matrimonial Disputes" Laxmikant Bhumkar, 2024 *available at*: https://www.lawctopus.com/academike/mediation-in-matrimonial-disputes/ (last visited March 16, 2026).

The Family Court environment is influenced in large part by the legislative stress on counselling assistance and welfare knowledge. The Family Courts Act allows counsellors and officers to be appointed to aid the court and allows association with social welfare organisations and, in suitable cases, enables medical and welfare specialists to be consulted. This structure supports in practice what many states refer to as Family Court-attached counselling/conciliation cells or Family Dispute Resolution Centres (FDRCs), even if their exact administrative form differs throughout High Court norms and States. For high-conflict divorce, the worth of such professional help relies on whether it is applied to reinforce safety and child-centred welfare evaluation instead of to "smoothen" conflicts via reconciliation pressure when rights protection is urgently needed.

In matrimonial cases, another significant channel is court-annexed mediation; its legal entrance is usually found in Section 89 of the Code of Civil Procedure, 1908, which permits courts to send conflicts for resolution outside court if there seem to be elements of settlement possible. By formally incorporating ADR into civil procedure, Section 89(2) clearly acknowledges referral methods including mediation, conciliation, and Lok Adalat. Section 89 acts as a procedural bridge in marital conflicts, guiding parties away from hostile trial toward negotiated settlement; but in high-conflict divorce, referral practice must be balanced by screening for violence and coercion since mediation may become a venue for intimidation when power imbalance is extreme.[2]

Under the Legal Services Authorities Act, 1987, Lok Adalats are a separate legislative settlement forum that are quite effective in "closing" family conflicts by way of compromise. According to Section 20, Lok Adalts must be aware of cases; Section 21 says that every decision is final and binding and cannot be appealed. It is also considered to be a decree of a civil court (or an order of any other court, as appropriate). In marital settings, this finality can provide speed and closure; in high-conflict divorce, the actual finality of a compromise judgment can increase risk when a settlement is reached under duress, without proper legal counsel, or without domestic violence and economic coercion safety screening.

3. The New ADR Era: Mediation Act, 2023 and the Enforceability of Mediated Settlements in Matrimonial Matters

From mediation as a sporadic court procedure to mediation as a codified legal institution with specified stages, standards, and enforceability, the Mediation Act 2023 marks a clear departure. Its value for marital issues is in changing mediated settlements into legally solid outcomes ready for implementation, so raising the stakes of what happens inside the mediation room rather than just in promoting resolution. Particularly important for high-conflict divorce, enforceability either protects parties by ensuring adherence to reasonable conditions or exacerbates inequity if a forced agreement is given great legal power free of appropriate checks and protections.

Subject to legal restrictions and suitability, a major structural aspect of the Act is its acknowledgment of pre-litigation mediation, therefore institutionalizing the concept that parties should try mediation before bringing particular civil or commercial disputes. While this orientation strengthens settlement culture, it also begs an urgent policy issue in family conflicts: whether the system can differentiate between cases fit for mediation from those where mediation might

[2] Bhumika Indulia, "The Evolution of Section 89 of the Code of Civil Procedure: From Case Law to Reform" SCC Times, 2025 *available at*: https://www.scconline.com/blog/post/2025/02/26/the-evolution-of-section-89-of-the-code-of-civil-procedure-from-case-law-to-reform/ (last visited March 16, 2026).

exacerbate coercion—especially in situations involving domestic violence, stalking, or financial abuse. Therefore, the Act should be read in conjunction with protective regulations such as the DV Act, 2005, as family conflicts are not only commercial; they are sometimes safety-sensitive and process design has to reflect this reality.[3] The most practically significant feature of the Act is its system governing mediated settlement agreements (MSAs). Section 19 describes a mediated settlement agreement as one in writing between some or all parties that arises from mediation, resolves some or all conflicts, and is certified by the mediator. This is not only a matter of formality: In matrimonial cases where unclear promises about upkeep, home, or child arrangements could lead to later dispute, it promotes documentation, authentication, and term clarity as the center of enforceability, therefore. For high-conflict divorce, Section 19's insistence on written, authenticated settlement terms can reduce ambiguity, but only if the process is voluntary and rights-informed rather than pressured and hurried.

Chapter VI, particularly Section 27, deals with enforceability. It says that a mediated settlement agreement signed by the parties and certified by the mediator is legally binding on the parties and anyone who claims under them, and it can be enforced in the way that is set out. Subject to the Act's challenge clauses, Section 27(2) suggests enforcement by the Code of Civil Procedure, 1908 in the same way as if it were a judgment or decree. For family conflicts, this legal change is quite significant: It implies that mediated results may turn into execution-ready tools, therefore lowering the "paper settlement" issue while also raising the possibility of a forced settlement being difficult to undo.

Section 26 of the Mediation Act also makes clear how it relates to Lok Adalats by barring Lok Adalats and Permanent Lok Adalats from applying there. In marital issues, this is especially important since it keeps a similar settlement system in place under the Legal Services Authorities Act of 1987, in which Lok Adalat rulings under Section 21 still have decree-like finality. This practically implies that family conflicts may be resolved via several institutional channels—court-annexed mediation, statutory mediation frameworks, and Lok Adalat compromise—each with varying safeguards and risks, especially for high-conflict situations.[4]

In marital conflicts, enforceability is sometimes regarded as a solution for non-compliance; yet, high-conflict divorce exposes that enforceability cannot replace safety and voluntariness at the moment of agreement. Where there is domestic violence, a settlement can be “signed” rather than be voluntarily selected; It may mirror dread, survival bargaining, or familial and mediator pressure to "save the marriage" or "settle for peace." The DV Act of 2005 is clear that domestic violence includes financial exploitation and forced deprivation (Section 3), and it grants quick temporary and ex parte redress (Section 23); These sections suggest that the law treats urgency and power disparity as inherent. A mediation law improving settlement enforceability has to be working in tandem with DV-sensitive screening or it runs the risk of creating enforceable injustice.

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[3] “Compulsory Pre-Litigation Mediation for Commercial Suits – A Boon or a Bane?,” India Corporate Law, 2022 *available at*: https://corporate.cyrilamarchandblogs.com/2022/10/compulsory-pre-litigation-mediation-for-commercial-suits-a-boon-or-a-bane/ (last visited March 16, 2026).

[4] “Section 26 of Mediation Act, 2023-Proceedings of Lok Adalat and Permanent Lok Adalat not to be affected – IBC Laws,” *available at*: https://ibclaw.in/section-26-of-mediation-act-2023-proceedings-of-lok-adalat-and-permanent-lok-adalat-not-to-be-affected/ (last visited March 16, 2026).

4. Formal ADR In Practice: Functioning of FDRCS, Counselors, And Court-Annexed Mediation—Success and Collapse Patterns

Family Courts Act's settlement obligation and welfare emphasis greatly influence the actual operation of official ADR in marital cases. Supported by a court culture in which counselling and mediation are usually viewed as standard initial steps, Section 9's settlement mandate together with procedural flexibility under Section 10 and privacy protections such as in-camera proceedings under Section 11 helps to define This structure can help parties reach workable arrangements and lower animosity for low-conflict separation; in high-conflict divorce, default referral without screening can wrongly identify coercive disputes as just "emotional," therefore subjecting victims to negotiation settings that increase fear and limit free will decision-making.

Usually acting as institutional interfaces between the judge and the parties, FDRCs and court counselling cells try to de-escalate argument and investigate paths to settlement. By clauses allowing counsellors and welfare specialists, including assistance of medical and welfare experts under Section 12, the Family Courts Act expects this supporting environment. In practice, counsellors can be quite important in child-centred planning, spotting communication problems, and supporting parenting arrangements; in high-conflict cases involving intimidation, their success relies on their training to spot coercive control, financial abuse, and litigation-stage retaliation rather than on treating reconciliation as the main goal.[5]

Court-annexed mediation, which is often used in Section 89 CPC referrals and High Court mediation rules, works on the idea that for relationship problems, organized negotiation can do better than going to court. Section 89(1) permits the court to investigate settlement factors and point to ADR; Section 89(2) expressly identifies mediation as a particular form. The enforceability structure of the Mediation Act enhances the dependability of mediated settlements in implementation by now supplementing this procedural gateway. Still, in high-conflict marital mediation, "success" cannot be gauged only by signature rates; it has to be assessed by sustainability, voluntariness, and compliance—particularly on terms pertaining to maintenance and safety.

Formal ADR often breaks down in high-conflict divorce for reasons that are not just personal but also structural: mistrust based on past violence, ongoing intimidation, non-disclosure of finances, and strategic litigation behaviour designed to delay rather than settle disputes. Negotiation becomes unbalanced where maintenance is disputed and one side has power; where protection claims exist, the possibility of coercion is high. The DV Act acknowledges in Section 3 that financial abuse is a need for real negotiations and offers financial help under Section 20 and temporary/ex parte relief under Section 23, therefore proving that economic stability and safety are needs for significant bargaining. Therefore, in high-conflict situations, the failure of mediation should not be seen as "parties are irrational"; it rather suggests that the disagreement calls for rights enforcement and safety stabilisation before any agreement offer can be morally acceptable.

Often a debated topic is whether lawyers should be in official ADR: While some mediation systems favor little lawyer involvement to maintain informality, others understand that rights complexity calls for legal help. Under Section 13, the Family Courts Act covers legal representation by

[5] "Section 12 of FCA – Section 12: Assistance Of Medical And Welfare," *available at*: https://kanoongpt.in/bare-acts/the-family-courts-act-1984/chapter-iv-section-12-c08109580735996e (last visited March 16, 2026).

permitting representation subject to court approval, therefore mirroring the institutional goal of striking a mix between informality and justice. In high-conflict divorce, limiting attorneys can occasionally make things worse since the weaker party could not know about maintenance rights, the effects of residential arrangements, or the enforceability of settlement terms. The proper course of action is to control professional behavior so that advocacy promotes legal outcomes without turning mediation into yet another arena of intimidation, rather than to rule out lawyers outright.

5. Lok Adalats and Compromise Culture: Speed, Settlement Pressures, and Risks In High-Conflict Disputes

Lok Adalats are highly regarded in India's access-to-justice system since they provide speedy, affordable resolution and lessen the load on formal courts. Under Section 20 of the Legal Services Authorities Act, 1987, Lok Adalats can hear cases that are still in court or that are about to go to court. Section 21 says that Lok Adalat awards are like civil court decrees or orders from other courts, and they are final and cannot be appealed. In marital conflicts, this procedural efficiency can help those tired by court; yet, the same speed becomes a risk when settlement is reached via social pressure, tiredness bargaining, or unfair negotiating conditions.[6]

In high-conflict divorce, compromise culture becomes particularly challenging because the state of "consent" is usually tainted by dependence and fear. The DV Act's structure revolves around protection orders (Section 18), residence orders (Section 19), monetary aid (Section 20), and interim/ex parte relief (Section 23), therefore the law expects courts to promptly provide safety and food. A Lok Adalat settlement that is reached without really considering these risks—especially without checking for coercion—may "resolve the case" while at the same time entrenching danger, for instance, by sending the wronged woman back to a dangerous home, lowering maintenance, or limiting her capacity to later seek protection.

Lok Adalat awards' decree-like ultimate nature has both benefits and drawbacks. It may improve compliance since the prize is legally binding like a court order; on the other hand, it could make it harder to rectify injustice when a settlement was reached under duress. High-conflict divorce often involves non-disclosure of income and asset structures, which means parties could agree to maintenance amounts that are either impossibly low or unworkable. Since Section 21 awards are final and binding, the system has to be cautious not to turn the Lok Adalat into a "closure machine" that values docket reduction above rights, especially in cases where the safety and survival of women and children rely on realistic and enforceable terms.

Section 89(2) CPC also links Lok Adalats to court referral policies, which especially acknowledges referral to Lok Adalat in line with the Legal Services Authorities Act. This means matrimonial courts can send disagreements to Lok Adalats as part of a compromise strategy. In high-conflict situations, referral decisions must be risk-sensitive: a disagreement with continuing threats or financial abuse calls for quick protective stabilisation, and the presence of settlement "elements" should not be taken for granted just because the court favors conciliation. Section 89's settlement

[6] "PIB Headquarters," *available at*: https://www.pib.gov.in/PressNoteDetails.aspx?NoteId=156468&ModuleId=3 (last visited March 16, 2026).

logic, therefore, has to be weighed against constitutional rights and protective laws, particularly the right to life and dignity under Article 21 and equality under Article 14.[7]

6. The Informal Shadow: Village/Khap Panchayats and the Prioritisation of "Reconciliation" Over Rights

Before couples get to formal courts, matrimonial conflicts are often filtered first through local community organizations like village assemblies, caste councils, and khap-style panchayats in many rural and semi-urban areas. These entities usually claim societal authority to "solve" marriage discord by forcing reconciliation, demanding compromise on residence and maintenance, or pressuring the woman to go back to the matrimonial home regardless of violence. These methods, which substitute community morality for statutory rights, directly weaken legally assured entitlements to protection and financial help by virtue of social governance systems that are not grounded in the Family Courts Act, the DV Act, or the mediation legislation.

The rights issue is systemic: while simultaneously exercising strong social pressure, informal bodies frequently run without proper process protections—no impartial judge, no reasoned decision, no efficient appeal, and no assured privacy. Directing outcomes in divorce-related conflicts might violate constitutional rights to equality and dignity as well as hinder women from reaching statutory protection measures under the DV Act. The DV Act expressly establishes legally binding rights to home (Section 17), residence orders (Section 19), protection orders (Section 18), and financial assistance (Section 20), and it makes violation of protection orders illegal (Section 31). As a result, informal instructions pushing "compromise" above these rights may function as extra-legal barriers to justice, hence reconciliation becomes a kind of coercion rather than choice.[8] Under Part IX of the Constitution, it is crucial to differentiate constitutionally acknowledged local self-government panchayats from khap-style or caste-based extra-constitutional councils. Under the constitutional framework, elected panchayats are essentially bodies of local government and development rather than courts of family law, and their validity is constrained by constitutional rights. Conversely, informal caste councils frequently assert control over marriage and divorce in ways that run counter to statutory safeguards and constitutional assurances. This differentiation is crucial for high-conflict divorce as parties may be pushed to accept "settlements" outside of the legal system that erase alimony rights and silence domestic violence allegations, hence transforming social conformity into a replacement for legal remedy.

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[7] VIA Mediation Centre, "ADR and Section 89 OF CPC " VIA Mediation Centre *available at*: https://viamediationcentre.org/readnews/MTM1NA==/ADR-and-Section-89-OF-CPC (last visited March 16, 2026).

[8] Editor, "DHC on in-laws' rights to residence under Domestic Violence Ac" SCC Times, 2025 *available at*: https://www.scconline.com/blog/post/2025/11/03/dhc-on-in-laws-rights-to-residence-under-domestic-violence-act/ (last visited March 16, 2026).

7. The Danger of Neutrality: Absence of Mandatory DV Screening and the Risk of Mediation as Coercion

A high-conflict divorce reveals the "danger of neutrality" in mediation: a method of treating both sides as equal bargainers might unintentionally legitimize coercion when one party has employed violence, threats, or financial dominance. The DV Act clearly states that home violence covers financial abuse (Section 3) and that temporary and ex parte orders can be issued for quick relief (Section 23), therefore suggesting that risk might be immediate rather than handled securely through lengthy consensual negotiation. Mediation can turn into a coercion channel when it goes on without strong screening for violence and coercive control, which means the victim is forced to give up safeguards for things like living, custody, or maintenance in exchange for temporary peace, so it becomes a place where the victim is pushed to give up things that would protect them. When courts see settlement as a default first step, the legal system's orientation toward settlement—especially under the Family Courts Act—increases this danger. Section 9 states that Family Courts should try to settle cases first "where it is possible to do so consistent with the nature and circumstances of the case," which suggests that settlement attempts should be based on the risk profile of the case. Divorce marked by high conflict usually entails continuous harassment, frequent defiance of interim orders, and parallel protective allegations; In these situations, "nature and circumstances" should raise red flags rather than send someone to automatic mediation. When this conditioning is disregarded, the settlement culture of the system may unintentionally give social harmony top priority above legal rights to safety and financial security.[9]

Under Section 89 CPC, court-affiliated mediation also calls for a close reading in high-conflict situations. Section 89 is triggered when the court finds elements of settlement that may be acceptable to parties; yet in coercive relationships, apparent "acceptability" may be produced by fear, dependency, or pressure rather than genuine agreement. Since Section 89(2) offers mediation and Lok Adalat referral options, the procedural framework can readily direct even violence-linked conflicts into resolution channels unless the court actively filters and sequences the process. Under DV Act Sections 18–23, the proper rights-centric approach is to first guarantee that protection and stabilisation measures are taken first where violence is claimed, before any discussion is tried.

The Mediation Act 2023 raises the stakes of screening as it improves enforceability of negotiated settlement agreements. Section 27, which permits statutory challenge grounds, makes mediated settlements final, binding, and enforceable through civil procedure as though they were decrees, so what happens in mediation may have execution-ready repercussions. In a high-conflict divorce, this might be helpful only if the procedure is guarded: otherwise, it runs the danger of turning stressed concessions into long-lasting, legally binding restrictions on women's residence and maintenance rights. Where domestic violence is suspected, the DV Act's protective structure implies that voluntarism is not taken for granted; rather, it is complex. This disorder has to be aggressively protected via screening, safe participation policies, and interim protection availability. Therefore, the lack of required DV screening in many mediation contexts is not a little administrative mistake; it is a fundamental rights gap. The DV Act obliges institutions and first-contact personnel to inform women of their rights and help them to obtain relief (Section 5). The Protection Officer framework is meant to support documentation and access (Sections 8–9). The

[9] "A Law Reform Commission Consultation Paper on Family Courts," *available at*: https://www.lawreform.ie/_fileupload/consultation%20papers/cpFamilyCourts.htm (last visited March 16, 2026).

Rules, 2006, give operational structure for domestic incident reports and service procedures. If mediation goes on without systematically detecting domestic abuse risk and without working with the DV Act support network, the procedure could replicate the same power dynamics the protective law was meant to challenge. In high-conflict divorce, screening and safety planning should be regarded as requirements before mediation rather than as voluntary finest practices.[10]

An rights-sensitive environment for dispute resolution hence calls for moral forum selection and sequencing. Where there is violence or coercive control, the system should give first priority to enforceable interim protection (DV Act Section 23), behavioural restraint (Section 18), residence stability (Sections 17 and 19), and monetary aid (Section 20), so that the person who is hurt can talk to the other person from a safe and free place, not from fear. Mediation and compromise meetings can function as tools of "managed surrender" in cases where such stability is lacking; their seeming objectivity becomes a means of injustice. This is why a rights-centric alignment of Family Court settlement culture, CPC referral powers, Lok Adalat compromise architecture, and the Mediation Act's enforceability regime is necessary in a high-conflict divorce, all based on constitutional guarantees of equality and dignified life.

[10] VIA Mediation Centre, "Mediation in the cases of domestic violence. " VIA Mediation Centre *available at*: https://viamediationcentre.org/readnews/NTI2/Mediation-in-the-cases-of-domestic-violence (last visited March 16, 2026).

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