

FROM TRADITIONAL COUNCILS OF ELDERS TO MEDIATION TABLES: A COMPARATIVE STUDY OF ADR IN TRIBAL MARITAL DISPUTES

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ABSTRACT

Alternative Dispute Resolution (ADR) has become a cornerstone of justice in India, offering participatory, accessible, and culturally sensitive mechanisms to resolve disputes. While statutory ADR frameworks such as family court mediation, conciliation, and Lok Adalats have gained prominence, the origins and essence of ADR are deeply embedded in India's tribal traditions, especially in the resolution of marital disputes. In tribal communities, marital conflicts are often resolved through traditional councils of elders, councils of elders that draw on centuries of collective wisdom, ethical principles, and restorative practices. These councils prioritize reconciliation, social harmony, and the dignity of both spouses, demonstrating that justice can be humane, participatory, and culturally resonant.¹

This research paper celebrates tribal ADR as the living source and inspiration for modern mechanisms in family law. Traditional Councils of Elders manage marital disputes with remarkable efficiency, ensuring fairness and restoring relationships without resorting to adversarial litigation. Their processes reflect many of the values now central to contemporary ADR: dialogue, consensus-building, voluntary participation, and restorative outcomes. By examining illustrative case studies from diverse tribal regions of India, the research paper

¹Ministry of Tribal Affairs, Government of India, Customary Laws and Usages (2018); James A. Wall Jr., Vairam Arunachalam & Ronda R. Callister, Third-Party Dispute Resolution in India and the United States, 38 Journal of Applied Social Psychology 3075 (2008).

shows how these traditional practices continue to resolve complex marital disputes successfully, even in contexts where formal courts may be distant, overburdened, or culturally alien.²

In juxtaposition, formal ADR mechanisms such as mediation tables, family courts, and Lok Adalats institutionalize many of the principles perfected by traditional councils of elders. The research paper presents a comparative perspective, not to critique tribal practices but to highlight how modern ADR in family law builds on indigenous wisdom, ensuring procedural safeguards while retaining the human and relational elements intrinsic to customary practices. It underscores how tribal methods can inform modern approaches to marital dispute resolution, providing lessons on cultural sensitivity, community engagement, and restorative justice that are highly relevant to contemporary family law.³

Ultimately, this research paper argues that effective ADR in marital disputes requires recognizing and learning from tribal traditions. From the deliberative discussions of traditional councils of elders to the structured negotiations of mediation tables, ADR in India embodies a continuum where culture, law, and human values intersect. By celebrating tribal dispute resolution as a source of modern ADR, the paper emphasizes the enduring relevance of customary practices in addressing marital conflicts, ensuring justice that is both equitable and deeply rooted in community ethics.⁴

Keywords: Alternative Dispute Resolution (ADR), Marital Disputes, Traditional Councils of Elders, Customary Law, Restorative Justice

I. Introduction

Alternative Dispute Resolution (ADR) has become an essential part of India's justice system, providing participatory, accessible, and culturally informed mechanisms for resolving disputes outside formal courts. While statutory frameworks such as family court mediation, conciliation, and Lok Adalats have institutionalized ADR, the origins of these mechanisms can be traced to India's tribal traditions, especially in resolving marital disputes. Tribal communities have long relied on traditional councils of elders, traditional councils of elders that combine centuries of

²Ministry of Tribal Affairs, Government of India, Customary Laws and Usages (2018).

³Wall Jr., Arunachalam & Callister, *supra* note 3.

⁴Ministry of Tribal Affairs, Government of India, *supra* note 3.

collective wisdom, ethical principles, and restorative practices to settle conflicts between spouses in a manner that preserves both relationships and community harmony.⁵

In tribal societies, marital disputes are deeply intertwined with family bonds, social relationships, and community cohesion. Traditional Councils of Elders embody a philosophy of justice that is participatory, reconciliatory, and deeply human. Decisions are reached collectively, after careful deliberation, balancing the rights and responsibilities of both parties, while giving precedence to restorative justice over punitive measures.⁶

The processes followed by traditional councils of elders—open deliberation, consensus-building, and culturally sensitive negotiation—prefigure the core principles of modern ADR in family law. Contemporary mechanisms, including family court mediation and Lok Adalats, echo these practices: encouraging voluntary agreement, prioritizing restorative outcomes, and maintaining relational integrity. By presenting tribal ADR as the source of modern marital dispute resolution, this research paper celebrates the effectiveness, adaptability, and cultural legitimacy of traditional councils of elders, highlighting how traditional wisdom continues to inspire contemporary practices.⁷

Through case studies from diverse tribal regions, the research paper demonstrates how traditional councils of elders resolve complex marital disputes—from property and maintenance issues to conflicts over marital obligations and familial responsibilities—with fairness and efficiency. These examples illustrate that customary ADR practices are not merely ceremonial; they deliver tangible, socially accepted outcomes that preserve marriages, strengthen families, and maintain community cohesion.⁸

This paper also situates these practices in conversation with formal ADR mechanisms, showing how modern systems institutionalize principles perfected by traditional councils of elders while introducing procedural safeguards, enforceability, and legal recognition. Far from diminishing tribal practices, the comparison underscores a continuum of ADR in India, where customary wisdom informs statutory frameworks, ensuring that justice in marital disputes is both culturally sensitive and constitutionally sound.

⁵Wall Jr., Arunachalam & Callister, *supra* note 3.

⁶Ministry of Tribal Affairs, Government of India, *supra* note 3.

⁷Wall Jr., Arunachalam & Callister, *supra* note 3.

⁸Ministry of Tribal Affairs, Government of India, *supra* note 3.

By emphasizing tribal traditions as the foundation of modern ADR, this research paper argues for the value of hybrid approaches in family law, where the participatory, restorative, and culturally grounded methods of traditional councils of elders inspire contemporary ADR initiatives. Training mediators in culturally informed techniques, integrating community voices, and promoting reconciliation as a primary goal are ways to honour indigenous practices while strengthening formal dispute resolution mechanisms.

In celebrating tribal ADR, this paper affirms that justice in marital disputes extends beyond statutes and courts. It resides in the wisdom, ethics, and collective conscience of communities, where reconciliation and harmony are valued as highly as legality. From the deliberations of traditional councils of elders to the structured negotiations of mediation tables, ADR in India reflects a rich interplay of tradition and modernity, demonstrating that the country's indigenous practices continue to illuminate the path toward participatory, equitable, and culturally resonant justice.

II. Modern ADR Frameworks in Marital Disputes

While traditional councils of elders have long provided effective, culturally resonant solutions to marital disputes, modern India has established formal ADR frameworks that institutionalize similar principles. These mechanisms ensure that marital disputes are addressed with legal enforceability, procedural safeguards, and wider accessibility, while still reflecting the participatory, restorative ethos perfected by tribal councils.⁹

1. Family Court Mediation

Established under the Family Courts Act, 1984, family court mediation focuses on resolving marital disputes such as divorce, maintenance, child custody, and property conflicts. Like traditional councils of elders, these mediation sessions emphasize dialogue, voluntary participation, and reconciliation. Family court mediators facilitate communication between spouses, encouraging cooperative solutions that preserve family integrity. Section 9 of the Family Courts Act expressly requires the Family Court to make efforts toward settlement where possible¹⁰

⁹The Mediation Act, 2023, No. 32 of 2023 (India).

¹⁰The Family Courts Act, 1984, No. 66 of 1984, § 9 (India); K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 226 (India).

2. Conciliation under the Code of Civil Procedure

Section 89 of the Code of Civil Procedure, 1908, provides a statutory framework for referring appropriate disputes to alternative modes of settlement, including conciliation, mediation, arbitration and judicial settlement, provide a flexible, voluntary method for resolving disputes. In marital matters, conciliation focuses on amicable settlements over maintenance, marital obligations, and property distribution, echoing the restorative approach of traditional councils of elders.¹¹

3. Lok Adalats and Permanent Lok Adalats

Lok Adalats, established under the Legal Services Authorities Act, 1987, provide a speedy, accessible, and low-cost forum for resolving marital disputes. Informal procedures, voluntary settlements, and culturally sensitive resolutions mirror the efficiency, moral authority, and social legitimacy of traditional councils of elders.¹²

4. Sector-Specific ADR Mechanisms in Family Law

Modern ADR frameworks increasingly tailor their approaches to marital and family disputes, drawing inspiration from tribal traditions through community mediation programs, court-annexed mediation, and counselling-based approaches emphasizing empathy and restoration.¹³

5. Harmonizing Tradition and Law

Formal ADR mechanisms, while codified and legally binding, can learn from tribal ADR to enhance effectiveness by emphasizing relationship restoration, adapting to cultural norms, and prioritizing participatory dialogue over adversarial confrontation.

III. Tribal ADR in Marital Disputes: The Role of Traditional Councils of Elders

In India's tribal communities, the resolution of marital disputes has traditionally rested in the hands of traditional councils of elders, councils of respected elders who serve as both mediators and custodians of community harmony. Far from being mere informal gatherings, traditional councils of elders embody centuries of accumulated wisdom, ethical norms, and cultural

¹¹The Code of Civil Procedure, 1908, No. 5 of 1908, § 89 (India); *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24 (India).

¹²The Legal Services Authorities Act, 1987, No. 39 of 1987, §§ 19–22E (India).

¹³The Mediation Act, 2023, No. 32 of 2023, §§ 4–7, 13–19 (India).

values, providing a model of dispute resolution that is participatory, restorative, and socially legitimate.¹⁴

Marital conflicts in tribal societies are understood as more than individual disagreements; they affect the entire family and community fabric. Traditional Councils of Elders recognize this interconnectedness and therefore approach disputes with the goal of restoring relationships, preserving family dignity, and maintaining social cohesion. Whether the matter concerns disagreements over dowry, marital responsibilities, property, or interpersonal misunderstandings, traditional councils of elders emphasize dialogue, mutual understanding, and voluntary agreement. The process is inclusive, ensuring that both spouses, their families, and other stakeholders are heard, creating a sense of ownership and acceptance of the outcome.¹⁵

The composition of a traditional council of elders is central to its legitimacy. Typically, it includes elders known for wisdom, impartiality, and deep knowledge of customary laws. In some regions, experienced women elders also participate, offering perspectives that are sensitive to the needs of wives and children. Decisions are made collectively, after careful deliberation, balancing the rights and responsibilities of both parties, while giving precedence to restorative justice over punitive measures.¹⁶

One of the most striking aspects of traditional councils of elders is their efficiency and adaptability. Tribal communities often reside in remote areas, where formal courts may be distant or difficult to access. Traditional Councils of Elders, embedded within the community, can convene quickly, mediate disputes, and produce resolutions that are swift, practical, and culturally appropriate. Their decisions are typically respected and adhered to, not because of coercion, but due to the moral authority and social legitimacy of the council.¹⁷

Illustrative examples demonstrate the effectiveness of traditional councils of elders in handling marital disputes. In one tribal community, a disagreement between spouses over family property was resolved in a single traditional council of elders meeting. Through dialogue facilitated by elders, both parties agreed to a division that honored customary rights and preserved marital relations, preventing prolonged conflict or family estrangement. In another instance, a couple on the verge of separation was guided by a traditional council of elders to

¹⁴Ministry of Tribal Affairs, Government of India, Customary Laws and Usages (2018).

¹⁵Ministry of Tribal Affairs, Government of India, *supra* note 3.

¹⁶Wall Jr., Arunachalam & Callister, *supra* note 3.

¹⁷Ministry of Tribal Affairs, Government of India, *supra* note 3.

reconcile differences, supported by suggestions from elders that emphasized mutual respect, compromise, and shared responsibility for the household and children. Such examples underscore the practical wisdom and enduring relevance of these councils.

Tribal traditional councils of elders also embody principles that modern ADR mechanisms in family law strive to achieve: voluntary participation, mutual consent, restoration of relationships, and culturally grounded resolutions. They illustrate that dispute resolution is not merely a procedural exercise but a living practice of social ethics, empathy, and human connection. By observing and learning from traditional councils of elders, modern ADR systems can draw inspiration for more effective, participatory, and culturally sensitive approaches, particularly in family and marital law contexts.

In sum, traditional councils of elders are not relics of the past but vibrant, effective institutions that offer valuable lessons for contemporary justice systems. They demonstrate that when communities are empowered to resolve disputes in ways that respect culture, relationships, and human dignity, justice becomes both meaningful and enduring. In the realm of marital disputes, traditional councils of elders stand as a shining example of tribal wisdom shaping the modern understanding of ADR, bridging tradition and law in the service of harmony, fairness, and community well-being.

IV. Modern ADR Mechanisms in Marital Disputes

While tribal communities have long relied on traditional councils of elders to resolve marital disputes, modern India has institutionalized similar principles through formal ADR mechanisms. Family court mediation, conciliation, and Lok Adalats offer structured forums where marital conflicts can be addressed efficiently, fairly, and with cultural sensitivity, echoing the values perfected in traditional councils.¹⁸

Family court mediation has emerged as a key instrument for resolving marital disputes in India. It emphasizes voluntary participation, dialogue, and reconciliation—principles that mirror the participatory nature of traditional councils of elders. Couples are encouraged to discuss their differences in a safe and neutral setting, guided by trained mediators who facilitate mutual

¹⁸The Family Courts Act, 1984, No. 66 of 1984, § 9 (India); The Code of Civil Procedure, 1908, § 89 (India); The Legal Services Authorities Act, 1987, §§ 19–22E (India).

understanding and cooperative problem-solving. Just as traditional councils of elders aim to preserve relationships and restore harmony, family court mediation prioritizes solutions that maintain family integrity and reduce adversarial conflict.¹⁹

Conciliation proceedings similarly reflect the wisdom of tribal ADR. In conciliation, parties voluntarily seek a settlement with the assistance of a neutral conciliator, often addressing disputes over maintenance, property, or marital obligations. The process is flexible, informal, and tailored to the needs of the family, ensuring that resolutions are practical and culturally appropriate. Here again, the core principles of participation, consensus, and restoration resonate strongly with the approach of traditional councils of elders.²⁰

Lok Adalats, known for their accessibility and speed, further exemplify the influence of tribal practices on modern ADR. These forums provide an alternative for couples who may not have easy access to family courts or mediation centers, much like traditional councils of elders serve communities in remote regions. The emphasis on consent, amicable resolution, and social acceptability ensures that outcomes are respected and upheld, paralleling the moral authority that traditional councils of elders command within tribal societies.²¹

The similarities between tribal ADR and formal mechanisms are striking. Both systems:²²

- Encourage dialogue and participation rather than adversarial confrontation.
- Seek restorative and reconciliatory outcomes rather than punitive measures.
- Adapt to the cultural and social context of the parties involved.
- Promote community harmony and relationship preservation, especially in the context of marital disputes.

Modern ADR, while formalized and codified, can be seen as institutionalizing the wisdom embedded in traditional councils of elders. By introducing procedural safeguards, legal recognition, and enforceability, contemporary mechanisms extend the reach of these principles beyond tribal communities, making them accessible to the broader population while retaining the human-centered ethos perfected over generations.

¹⁹The Family Courts Act, 1984, *supra* note 12; K. Srinivas Rao, (2013) 5 SCC 226.

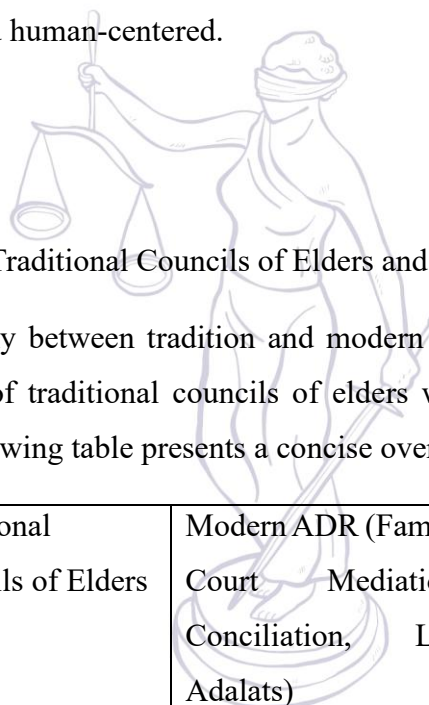
²⁰The Code of Civil Procedure, 1908, § 89 (India); Afcons Infrastructure Ltd., (2010) 8 SCC 24.

²¹The Legal Services Authorities Act, 1987, *supra* note 14.

²²Wall Jr., Arunachalam & Callister, *supra* note 3.

In celebrating these connections, it becomes clear that modern ADR does not replace tribal wisdom but builds upon it. The participatory deliberation, empathetic negotiation, and emphasis on reconciliation that characterize traditional councils of elders continue to inspire contemporary practices, demonstrating that effective dispute resolution in marital contexts is timeless, culturally grounded, and universally relevant.

Ultimately, modern ADR mechanisms in marital disputes stand as a testament to the enduring legacy of tribal dispute resolution. From the deliberative discussions of traditional councils of elders to structured mediation tables, the principles of participation, consensus, and restorative justice continue to guide the resolution of marital conflicts across India, ensuring that justice remains both effective and human-centered.



V. Comparative Insights: Traditional Councils of Elders and Modern ADR in Marital Disputes

To appreciate the harmony between tradition and modern law, it is helpful to compare the principles and practices of traditional councils of elders with formal ADR mechanisms in marital disputes. The following table presents a concise overview:

Aspect	Traditional Councils of Elders	Modern ADR (Family Court Mediation, Conciliation, Lok Adalats)	Celebratory Insights
Participation	Both spouses, families, and community elders	Mediators, spouses, and sometimes legal representatives	Both prioritize dialogue and inclusivity, ensuring solutions are mutually agreed and relationally grounded
Decision-making	Consensus-based, deliberative	Mediator-facilitated, guided by statutory frameworks	Emphasizes collaboration over adversarial victory
Restorative Approach	Focuses on reconciliation and	Encourages settlements that	Both preserve relationships and social dignity

	relationship preservation	restore family harmony	
Cultural Context	Deeply rooted in community customs and norms	Legal framework can adapt to cultural contexts	Tribal ADR provides living examples of culturally sensitive justice for modern systems
Efficiency & Accessibility	Rapid resolution within the community, low cost	Court-annexed mediation, Lok Adalats, flexible procedures	Modern ADR institutionalizes the speed and accessibility perfected by traditional councils of elders
Enforceability	Moral and social authority ensures compliance	Legal enforceability of agreements	Modern ADR strengthens tribal principles with legal recognition without losing human focus

Tribal traditional councils of elders and modern ADR are complementary rather than conflicting. Tribal wisdom provides participatory, restorative, and culturally grounded practices, while formal ADR adds legal recognition, procedural safeguards, and broader accessibility. Together, they exemplify a uniquely Indian approach to marital dispute resolution: one that is both rooted in tradition and dynamically modern, blending culture, law, and human-centered justice.

VI. Tribal ADR as Source and Inspiration for Modern ADR

Tribal traditional councils of elders are more than historical institutions—they are a living repository of dispute resolution wisdom, particularly in the realm of marital conflicts. Modern ADR mechanisms, including family court mediation, conciliation, and Lok Adalats, owe much of their philosophical and practical foundations to the principles perfected by these traditional councils. By examining these connections, it becomes evident that tribal ADR is not merely a parallel system but a source of inspiration and guidance for contemporary practices.

Core principles of tribal ADR resonate strongly with modern ADR frameworks:

1. Participation and Inclusivity:

Traditional Councils of Elders ensure that both spouses, their families, and sometimes community representatives are actively engaged in resolving the dispute. Similarly,

modern ADR mechanisms emphasize voluntary participation and inclusive dialogue, recognizing that lasting solutions require the active involvement of all stakeholders.²³

2. Restorative Justice:

Tribal councils prioritize reconciliation and restoration of relationships rather than punishment. Modern ADR, especially in family law, mirrors this approach by encouraging mediated agreements that maintain familial bonds, protect the dignity of both parties, and ensure equitable solutions.²⁴

3. Cultural

Sensitivity:

Traditional Councils of Elders are grounded in the customs, traditions, and social norms of the community. Modern ADR can learn from this approach by adapting processes to the cultural and social context of the parties, ensuring that outcomes are meaningful and widely respected.²⁵

4. Efficiency and Accessibility:

Tribal ADR is swift and locally available, often resolving disputes in a single sitting. Formal ADR mechanisms, inspired by these practices, aim to reduce delays and barriers, making justice accessible to all, particularly in family and marital disputes.²⁶

By framing tribal practices as a foundation for modern ADR, policymakers, practitioners, and scholars can develop hybrid models that combine the best of both worlds: the participatory, culturally resonant wisdom of traditional councils of elders with the procedural safeguards, enforceability, and broader reach of statutory mechanisms. For example:

- Mediators trained in community-informed techniques can bring empathy and relational understanding to formal mediation.
- Family courts can incorporate restorative approaches inspired by traditional councils of elders, emphasizing reconciliation and mutual respect.
- Lok Adalats can adopt flexible, culturally sensitive procedures that reflect the community-based legitimacy of tribal councils.

²³Wall Jr., Arunachalam & Callister, supra note 3.

²⁴Ministry of Tribal Affairs, Government of India, supra note 3.

²⁵Ministry of Tribal Affairs, Government of India, supra note 3.

²⁶Wall Jr., Arunachalam & Callister, supra note 3.

Such integration ensures that ADR in marital disputes is not only legally sound but also human-centered, culturally grounded, and socially sustainable. Tribal traditions, far from being relics of the past, continue to illuminate innovative pathways for contemporary justice delivery.

In celebrating traditional councils of elders as the source of modern ADR, this research paper emphasizes that justice in marital disputes thrives when tradition and law coexist. The deliberative discussions of elders, the focus on restoration, and the culturally resonant solutions of tribal councils provide enduring lessons for today's practitioners. By embracing these insights, modern ADR mechanisms can enhance participation, fairness, and reconciliation, ensuring that marital disputes are resolved in ways that honor both the law and human relationships.

Ultimately, the story of ADR in India—particularly in family and marital contexts—is a story of continuity, where centuries-old tribal wisdom informs contemporary practices. From the intimate gatherings of traditional councils of elders to structured mediation tables, the principles remain the same: dialogue, consensus, restoration, and community legitimacy. By acknowledging and learning from tribal ADR, modern dispute resolution in marital conflicts can remain effective, empathetic, and deeply connected to the communities it serves.²⁷

VII. Lessons and Pathways for Harmonization

The enduring success of tribal ADR in marital disputes offers invaluable lessons for modern dispute resolution mechanisms. By observing the principles and practices of traditional councils of elders, policymakers, mediators, and family law practitioners can design ADR systems that are efficient, culturally sensitive, and socially meaningful. This section highlights key lessons and pathways to harmonize tribal wisdom with formal ADR frameworks.

1. Emphasizing Participatory Dialogue

Traditional Councils of Elders prioritize the active engagement of both spouses, their families, and sometimes community members. Modern ADR can adopt this principle by encouraging inclusive mediation sessions where each party's voice is heard and valued. Structured yet flexible dialogue promotes understanding, facilitates compromise, and enhances acceptance of the outcome.

²⁷The Family Courts Act, 1984, § 9; The Code of Civil Procedure, 1908, § 89; The Legal Services Authorities Act, 1987, §§ 19–22E.

2. Prioritizing Restorative Outcomes

The primary goal of traditional councils of elders is reconciliation and restoration of relationships, rather than punishment or adversarial victory. Family court mediation, conciliation, and Lok Adalats can integrate restorative approaches more fully, ensuring that marital disputes are resolved in ways that preserve family bonds and dignity.

3. Incorporating Cultural Sensitivity

Tribal councils operate within a cultural and social framework that is familiar to the parties. Modern ADR can learn from this by adapting procedures to local customs and social norms, particularly in rural or marginalized communities. Cultural awareness fosters trust, enhances cooperation, and ensures that resolutions are meaningful to the participants.

4. Training Mediators in Community-Informed Practices

Professional mediators can benefit from training that emphasizes empathetic listening, ethical guidance, and participatory decision-making, drawing inspiration from the deliberative methods of traditional councils of elders. Such training ensures that mediation is not merely procedural but human-centered and relationally sensitive.

5. Developing Hybrid Models

Hybrid ADR models can combine the strengths of tribal and formal systems. For example:

- Community-led mediation with legal oversight: Mediators guided by both customary wisdom and statutory safeguards.
- Lok Adalats incorporating restorative practices: Fast-track resolution that respects relational and cultural factors.
- Family court pilot programs inspired by traditional councils of elders: Focused on dialogue, compromise, and long-term family harmony.

6. Enhancing Access and Flexibility

One of the strengths of traditional councils of elders is their accessibility and adaptability. Modern ADR mechanisms can learn from this by offering flexible scheduling, mobile mediation units, and alternative venues to accommodate parties in remote or underserved regions.

7. Policy Integration

Recognizing tribal ADR as a source of inspiration, governments and legal institutions can develop policies that:

- Encourage collaboration between community councils and formal ADR forums.
- Promote awareness of culturally grounded mediation practices.
- Support research on best practices from tribal dispute resolution, particularly in marital conflicts.

Conclusion of Section

By harmonizing tribal wisdom with modern ADR frameworks, India can cultivate a justice system that is not only legally robust but also empathetic, participatory, and culturally resonant. Tribal traditional councils of elders demonstrate that effective marital dispute resolution is achievable when the human, relational, and community dimensions are prioritized alongside legal safeguards. Modern ADR, informed by these lessons, can ensure that justice is accessible, equitable, and meaningful, bridging tradition and contemporary law in service of families and communities.

VIII. Conclusion

From the deliberative gatherings of traditional councils of elders to the structured processes of modern mediation tables, Alternative Dispute Resolution (ADR) in India reflects a continuum of justice rooted in human values, participation, and restoration. In the context of marital disputes, tribal councils exemplify the principles of dialogue, consensus-building, and reconciliation, offering lessons that modern mechanisms—family court mediation, conciliation, and Lok Adalats—have institutionalized and expanded.²⁸

This research paper has celebrated tribal ADR not as a relic of the past, but as a living source of wisdom and inspiration. By resolving marital conflicts efficiently, fairly, and with cultural legitimacy, traditional councils of elders demonstrate that justice is most effective when it honors relationships, community bonds, and ethical principles. Their methods provide insight into how participatory, restorative, and culturally grounded practices can enhance modern ADR in family law.²⁹

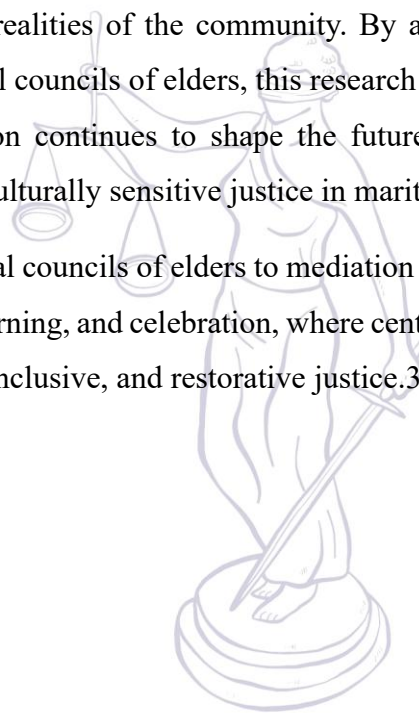
²⁸Ministry of Tribal Affairs, Government of India, *supra* note 3; Wall Jr., Arunachalam & Callister, *supra* note 3.

²⁹Ministry of Tribal Affairs, Government of India, *supra* note 3.

Modern ADR mechanisms, while formalized and legally enforceable, can draw directly from tribal practices. Incorporating empathetic mediation, restorative solutions, and community-informed approaches ensures that marital disputes are resolved in ways that are both legally sound and socially meaningful. Hybrid models that combine the cultural resonance of traditional councils of elders with statutory safeguards offer the potential to create ADR systems that are accessible, efficient, and deeply human-centered.³⁰

In essence, the resolution of marital disputes in India is strengthened by the synergy of tradition and modern law. Tribal ADR teaches that justice thrives when it is participatory, restorative, and attuned to the lived realities of the community. By acknowledging and celebrating the contributions of traditional councils of elders, this research paper underscores that the wisdom of tribal dispute resolution continues to shape the future of ADR, providing a model for effective, equitable, and culturally sensitive justice in marital conflicts.

Ultimately, from traditional councils of elders to mediation tables, the journey of ADR in India is a story of continuity, learning, and celebration, where centuries-old tribal practices illuminate the path toward modern, inclusive, and restorative justice.³¹



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³⁰The Mediation Act, 2023, No. 32 of 2023 (India).

³¹Wall Jr., Arunachalam & Callister, *supra* note 3; Ministry of Tribal Affairs, Government of India, *supra* note 3.