**Difference between adversarial and inquisitorial system.**

***Adversarial & Inquisitorial system.***

An adversarial system is that where the court act as a referee between the prosecution and the defence. The whole process is a contest between two parties. As regard crime these two parties are the state & the person accused .In this process court takes a non partisan role.

An inquisitorial system is a legal system where the court is actively involved in proof of facts by taking investigating of the case. This system resolving disputes and achieving justice for individuals and society.

Distinction between adversarial and inquisitorial system.

The following table outline contains the fundamental differences between typical adversarial and inquisitorial systems-

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| ***Adversarial System*** | ***Inquisitorial System*** |
| The adversarial system aims to get the truth through the open competition between the prosecution and the defence. | The inquisitorial system is generally aims to get the truth of the matter through extensive investigation and examination of all evidence. |
| In an adversarial system all parties determine what witnesses they call and the nature of the evidence they give. The court overseeing the process by which evidence is given. | In an inquisitorial system the conduct of the trial is in the hands of the court. The trial judge determines what witnesses to call & order in which they are to be heard. |
| In adversarial systems previous decisions by higher courts are binding on lower courts. | There is little use of judicial precedent in inquisitorial systems. This means Judges are free to decide each case independently of previous decisions by applying the relevant statutes. |
| In an adversarial system the rule of lawyers is active. | In an inquisitorial system the rule of lawyers is passive. |
| The judges pronounce judgment depending on the hearing, evidence or on the basis of examination & cross-examination. | The judge plays an active rule for questioing & hearing the parties directly. |
| In an adversarial system the rule of the judges are merely passive in nature. | In an inquisitorial system the rule of the judges is very active. |
| The case management does not depends upon the judges so the judges contribution is very low for the disposal of any case. | The case management depends upon the judges so the judges contribution is very high for the disposal of any case. |
| In an adversarial system all references are presented by the respective lawyers of both the parties. | In an inquisitorial system references also presented by the judge & they play’s an active rule. |
| The case management depends upon the lawyer’s of both the parties & they get unfattered opportunity for the case management upon there own wishes. | The case management depends upon the judges and the judges fixes the term for the disposal of any case. |
| In an adversarial system the hearing, evidence or examination & cross-examination done by the lawyer get priority. | In an inquisitorial system documents and information about the real facts get priority. |
| Case management is not effective under this system because the judges can not exchange views with the parties for taking any decision. So no initiative can be taken for speedy disposal of any case.  | Case management is effective under this system & the judges sits with the parties and can exchange views for taking any decision for speedy disposal of any case.  |
| In an adversarial system judges has discretionary power but that is not wide by the evidence. | In an inquisitorial system judges have wide discretionary power. |
| Repeated time petition (common practice) is permitted at the time of continuance of the case & the lawyer’s take the opportunity of making time petition. So delay occurs in disposal of any cases. | The main object of this system is to reduce the time for disposing a case and to ensure speedy justice. Judge plays an active role in deciding time petition & may honored or reject time petition. |

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