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Settlement of Matrimonial Disputes Through Mediation in India: A Modern Legal Perspective

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Abstract

Matrimonial disputes sometimes entail complicated family dynamics, delicate personal issues, and severe emotional confrontations. In India, the conventional litigation method for settling these kinds of conflicts has often been criticised for being emotionally taxing, combative, and time-consuming. Amidst these circumstances, mediation has become a contemporary, efficacious, and human-centered option for settling marital conflicts. The increasing legal recognition and significance of mediation in the Indian marital setting is examined in this abstract, which establishes it as a key element of modern family law practice. A neutral third person helps warring couples communicate and negotiate in order to reach a mutually agreeable settlement through the voluntary, private, and non-adversarial process of mediation. In contrast to judicial processes, mediation places more emphasis on communication than disagreement and on rapprochement rather than conflict. Mediation provides a more humane and effective route to justice in marital situations where marriages, children, and mental health are at risk.

Mediation has gradually been included into India's legal system's framework for resolving marriage disputes. Prior to adjudication, courts are expressly encouraged under the Family Courts Act of 1984 to attempt to reach a solution through conciliation or mediation. Additionally, courts are required under Section 89 of the Code of Civil Procedure, 1908, to refer appropriate matters to alternative dispute resolution (ADR), including mediation. Given its ability to maintain family ties and lessen the strain of litigation, the Supreme Court and other High Courts have also been influential in supporting mediation, especially in divorce cases. The use of mediation in family law has been further reinforced by institutional mechanisms including Lok Adalats, legal services agencies, and mediation centres annexed by family courts. These platforms assist couples settle divorce, child custody, alimony, and property division disputes more independently and with dignity by providing organised, affordable, and easily available services. There are a number of obstacles that mediation in marriage conflicts must overcome despite its increasing popularity. The efficacy of the procedure is frequently compromised by societal shame, ignorance, gender-based power disparities, and a shortage of mediators with the necessary training. Additionally, mediation might not be suitable in situations involving coercion or domestic abuse, when one party's rights and safety—typically the woman—may be jeopardised. Therefore, the effectiveness of the mediation process depends on ensuring its voluntariness, impartiality, and fairness.

Mediation does, however, have many advantages. It lessens psychological distress, safeguards privacy, and frequently leads to increased settlement compliance. By moving the emphasis from litigation to settlement, mediation helps achieve the larger goals of family law, such as fostering reconciliation, protecting children's interests, and lessening the negative effects of conflict on families. This paper makes the case that mediation is a contemporary legal movement that supports social peace and restorative justice. Policy changes, improved mediator training, public awareness campaigns, and a more robust legal system are all necessary to increase the effectiveness of mediation in marriage conflicts.

Keywords:

Mediation, Matrimonial Disputes, ADR, Family Law, Modern Legal Trends

Introduction

In India, marriage conflicts have historically been resolved inside the family unit, with community panchayats, religious leaders, and elders acting as informal mediators. These antiquated systems put societal peace and family unity ahead of individual liberties. But this environment has changed dramatically due to factors including urbanisation, nuclear families, women's economic empowerment, and growing legal knowledge. Intimate conflicts are brought into courtrooms that are not equipped to handle them, as modern couples increasingly turn to formal legal remedies when their marriages fail. Often lasting five to seven years, cases have terrible emotional and financial repercussions. There is conflict between traditional

reconciliation themes and contemporary ideas of individual liberty as a result of this court overcrowding and shifting social views on divorce and women's rights. Concerning the growing volume of cases in family courts, according to a media source, 40% of marriages in the past ten years have ended in divorce or separation.¹In light of this, structured mediation has become a viable solution that respects modern legal rights, addresses real-world court congestion issues, and incorporates traditional ideals of harmony.

Significance of the Study

Matrimonial issues include complex emotional, financial, and societal components that traditional adversarial litigation frequently fails to handle comprehensively. This study investigates how mediation, as a structured but flexible procedure, can provide more long-term and acceptable settlements while reducing court congestion. Understanding the legal foundation and practical application of marriage mediation is critical for lawyers, policymakers, and couples experiencing marital conflict.

Research Objectives

- To analyse the legal framework governing matrimonial mediation in India
- To evaluate the effectiveness of mediation compared to traditional litigation in matrimonial disputes
- To identify challenges in the implementation of matrimonial mediation processes
- To propose reforms to strengthen the matrimonial mediation system in India

Legal Framework for Matrimonial Mediation in India

1. Constitutional Foundations: While the Indian Constitution does not specifically mention mediation, it does include some core ideas that legitimise and encourage alternative conflict settlement. The Supreme Court has interpreted the provision of "life and liberty"² to include the right to prompt justice, which is routinely violated in overcrowded courts. Furthermore, equal protection clause³ encourages mediation as a way of making justice available to all individuals, regardless of financial condition. Provisions under Part IV – 'Directive Principles of State Policy' guarantees equal justice and free legal assistance,⁴ ideals promoted through cost-effective mediation. The constitutional ideal of social justice and human dignity is best served when marriage issues are settled amicably and quickly.

¹SC judge B V Nagarathna: Mindset change, mediation needed to check litigation in marital disputes, The Indian Express, Bengaluru | Updated: April 13, 2025 07:45 IST, <https://indianexpress.com/article/cities/bangalore/supreme-court-judge-mindset-change-mediation-needed-to-check-litigation-in-marital-disputes-9941162/>

²Constitution of India, Article 21

³Constitution of India, Article 14

⁴Constitution of India, Article 39A,

Several Supreme Court decisions, like *Hussainara Khatoon*⁵ and *Anita Kushwaha*⁶, have strengthened similar interpretations, showing that alternative procedures like mediation are not only legislative conveniences but constitutional imperatives in certain instances.

2. **The Civil Procedure Code (CPC):** Provisions of the CPC, adopted with the 2002 amendment, serves as the statutory foundation for court-referred mediation in India.⁷ When aspects of resolution appear to be viable, this provision gives courts the authority to draft settlement conditions and submit conflicts to other ADR methods, including mediation. This section is particularly relevant in marriage disputes since it empowers courts to redirect eligible situations away from aggressive litigation. Order XXXIIA of the CPC strengthens this approach expressly for family cases, instructing courts to make attempts for settlement in proceedings affecting issues like as divorce, support, and child custody. The modification was made in response to suggestions by the Malimath Committee and the Justice Jagannadha Rao Committee, both of which acknowledged the judiciary's excessive burden. The Supreme Court's Rules on Mediation and Conciliation of 2003 supplement Section 89 by offering procedural guidelines. Through these provisions, the CPC offers a structured framework that legitimises marital mediation while preserving judicial oversight—balancing parties' sovereignty with legal safeguards.
3. **Family Courts Act, 1984:** The Family Courts Act is a specialised piece of legislation that prioritises reconciliation and settlement in marriage conflicts. It specifically requires Family Courts to make attempts towards peaceful settlement before continuing with adversarial adjudication.⁸ Unlike ordinary civil courts, Family Courts follow modified processes meant to promote informality and accessibility. Section 4 necessitates the appointment of counsellors with experience in family dynamics, and Section 6 allows for the formation of social welfare organizations—provisions that foster an institutional climate suitable to mediation. The Act's Statement of Objects and Reasons emphasises the need to protect family structures and improve the welfare of children impacted by marriage conflict. Notably, Section 12 softens rigid norms of evidence and process, allowing for more flexible methods to conflict resolution. The High Courts' rule-making powers under Section 21 have allowed them to develop Family Court Rules that incorporate mediation into the process. The Act therefore establishes a specialised ecology where mediation becomes not only an alternative, but a favoured strategy to settling marriage problems.

Judicial Pronouncements

1. **Salem Advocate Bar Association, Tamil Nadu Case⁹:** This landmark Supreme Court decision, which upheld the constitutional validity of Section 89 of the CPC, cemented India's legal underpinning for mediation. The Court issued practical guidelines for

⁵*Hussainara Khatoon vs Home Secretary, State of Bihar, Patna, AIR 1979 Supreme Court 1369 (India)*

⁶*Anita Kushwaha vs Pushap Sudan* decided on 19 July, 2016 (India)

⁷The Civil Procedure Code, Section 89

⁸Family Courts Act, 1984, Section 9

⁹*Salem Advocate Bar Association, Tamil Nadu v. Union of India, AIR 2005 Supreme Court 3353 (India)*

implementing mediation, directing High Courts to draft rules and train mediators. Matrimonial disputes, according to Justice Raveendran, are "eminently suited for resolution by mediation" due to their emotional complexity. The judicial stressed that mediation might address fundamental concerns that judicial verdicts often leave unanswered. The judgement resulted in the formation of the Mediation and Conciliation Project Committee (MCPC), which developed model mediation rules that were later adopted by various High Courts, standardising matrimonial mediation procedures across jurisdictions.

2. **K. Srinivas Rao Case¹⁰**: This seminal judgement transformed the approach to divorce disputes including charges of cruelty under Section 498A IPC. The Supreme Court ruled that in all Section 498A cases, magistrates must submit the matter to mediation centres after guaranteeing the safety of the aggrieved parties. Justice Lodha's ruling acknowledged that criminal processes frequently intensify rather than resolve marital disputes. The Court remarked that many marriage problems result from communication failures and emotional concerns, which are best resolved via discourse than punishment. This decision was particularly noteworthy since it placed even criminal parts of marriage conflicts inside mediation's scope, offering a method for holistic settlement of complicated situations including both criminal claims and civil remedies.
3. **M/S. Afcons Infra. Ltd. Case¹¹**: Despite the fact that it sprang from a business dispute, Justice Raveendran's decision gave crucial clarification on the types of cases that are appropriate for mediation. The Court specifically recognised marriage conflicts including divorce, support, custody, and visitation rights as "suitable for ADR processes," separating them from problems that required adjudication. The decision provided a comprehensive structure for court referrals to mediation, emphasising that parties' permission, while desired, is not necessarily required for such referrals. The judicial decided that mediated settlements should be enforced in the same way that judicial rulings are. These concepts have directed Family Courts in systematically directing acceptable divorce issues to mediation, providing predictable channels for dispute resolution.

Mediation Rules

The Mediation and Conciliation Rules,¹² serve as the main source of the procedural framework for marriage mediation. The fundamental procedures that regulate mediation procedures across the country are established by these guidelines. The fundamental framework is provided by the Civil procedural Alternative Dispute Resolution and Mediation Rules, 2003, which include mediator nominations, procedural conduct, and confidentiality protections. There are state-specific modifications, such as the noteworthy advancements in Kerala's laws for kid involvement procedures in custody disputes and Maharashtra's regulations pertaining to domestic violence screening processes. These rules set deadlines that strike a balance between

¹⁰K. Srinivas Rao v. D.A. Deepa, AIR 2013 Supreme Court 2176 (India)

¹¹M/S. Afcons Infra. Ltd. vs M/S Cherian Varkey Construction Co. P. Ltd decided on 26 July, 2010 (India)

¹² Annexure-I, Civil Procedure Alternative Dispute Resolution and Mediation Rules, 2003, https://chdsla.gov.in/right_menu/rules_regulationsla/pdf_files/cpadrm-rules-2003.pdf

completeness and speed, usually 60 to 90 days with restricted extensions. Particular attention is paid to confidentiality clauses, with special exclusions for abuse concerns that can be reported. Jurisdictions have different criteria for mediators, although most require both specialised training and legal backgrounds. Fee systems mix sliding-scale, income-based party payments with court-subsidized elements. The method for documenting agreements and informing referring courts of results is specified by documentation standards. These regulations preserve enough flexibility to allow a variety of marriage situations throughout India's broad legal environment while yet offering the necessary framework.

Process of Matrimonial Mediation

- 1. Initiation of Mediation:** In India, matrimonial mediation takes several forms, each with its own set of procedural consequences. Court-referred mediation under Section 89 CPC is often held after first filings, when judges recognise reconciliation potential. Voluntary mediation, on the other hand, requires parties to seek mediation centres or private mediators directly, frequently before litigation begins. This route provides greater freedom, but it requires mutual cooperation. Legal counsel are increasingly recommending mediation during client sessions, recognising its merits for safeguarding relationships and privacy. Many attorneys now include "mediation-first" terms in their engagement letters. Prenuptial agreements that include mediation clauses requiring mandatory mediation attempts prior to litigation are becoming more and more common, particularly among metropolitan professionals. In order to greatly increase voluntary participation rates without sacrificing the principle of consent, some creative Family Courts have instituted preliminary mediation information sessions (PMIS), where couples are orientated about the advantages and procedures of mediation prior to adversarial hearings.
- 2. Selection of Mediator:** In marriage conflicts, choosing a mediator requires thorough evaluation of experience, style, and situational considerations. Judges allocate cases to mediators based on their experience and caseload, and court-appointed mediators usually originate from court-annexed mediation centres. Due to their standardised costs and judicial monitoring, these mediators' services are available to people from all socioeconomic situations. Equity problems are raised by the fact that private professional mediators, who are frequently chosen in high-asset divorces, offer specialised skills at premium fees. Mediation-trained solicitors contribute important legal expertise, but they must be careful not to adopt evaluative strategies that compromise party sovereignty. Mental health practitioners who act as mediators offer psychological perspectives that are especially helpful in custody conflicts, albeit they might need to be supplemented with legal expertise. In difficult situations, co-mediation approaches that link mental health and legal specialists have shown particularly promising results. Elders in the community serve as mediators in culturally sensitive conflicts in some creative ways, especially in rural regions. By developing mediator selection algorithms that match mediator experience with certain issue characteristics, the Bangalore Mediation Centre has greatly increased settlement rates and participant satisfaction. Other countries are rapidly adopting this methodology.

Stages of the Mediation Process

- (a) Pre-Mediation Phase:** The crucial cornerstone of a successful marriage mediation process is the pre-mediation stage. Initial screening interviews are conducted by mediators, usually one-on-one with each spouse, to determine the fitness of the case and to spot any possible obstacles. Particularly careful consideration is given to cases involving substance addiction, serious mental health conditions, or domestic violence in order to decide whether safeguards can facilitate safe mediation or whether judicial adjudication is more suitable. In-depth information on the marriage's history, particular conflicts, and expectations of the parties are gathered in the beginning.¹³ Mediators describe the process's voluntary nature, exceptions, and confidentiality safeguards. Power disparities are thoroughly assessed, regardless of whether they are emotional, economic, or the result of conventional gender roles that are common in Indian society. Supportive measures are used as needed, such as scheduling regular breaks, enabling advocates to be present, or implementing shuttle mediation. The basic principles for civil communication are set by mediators and are frequently recorded in pre-mediation agreements that are signed by both parties. The efficacy of the process is greatly impacted by the logistical concerns that are included in this phase, such as scheduling, paperwork requirements, cost structures, and accommodations for certain needs like language interpretation or handicap access.
- (b) Joint Sessions:** The foundation of matrimonial mediation is joint sessions, which provide controlled forums for open communication that are sometimes lacking during marital dissolution. The mediator usually sets the tone, procedure, and expectations at the start of these sessions. After then, each spouse gives their viewpoint without interruption; this is sometimes the first productive conversation that has taken place in months or even years. By fostering perspective-taking and rephrasing charges as concerns, mediators use active listening strategies. Joint sessions allow for direct communication with mediator direction, in contrast to court processes when parties communicate through counsel. After identifying issues, mediators assist in classifying worries into areas that may be negotiated, including as maintenance, parenting plans, and property partition. Cooperative brainstorming sessions are held, and mediators promote originality outside of the bounds of standard legal remedies. During these sessions, mediators uphold "controlled communication," permitting emotional expression but avoiding harmful tendencies. Session dynamics are frequently influenced by cultural and religious factors; skilled mediators modify their strategy accordingly, perhaps introducing cultural frameworks for reconciliation when necessary. Depending on the intricacy of the problems and the parties' emotional preparedness, joint sessions and caucuses may rotate across a number of meetings.
- (c) Caucus Sessions:** In the marriage mediation process, caucus sessions—private gatherings between the mediator and each party—offer vital safe spaces. Parties can share issues, priorities, and financial information in these private exchanges that they would be afraid to

¹³ Mahantesh G S, Mamatha R, Sunil Kumar L., Mediation In Matrimonial Disputes: A Judicial Perspective, Volume 19, Number 2, Webology 2022, [https://www.webology.org/data-cms/articles/20220502113953amwebology%2019%20\(2\)%20-%20648%20pdf.pdf](https://www.webology.org/data-cms/articles/20220502113953amwebology%2019%20(2)%20-%20648%20pdf.pdf)

bring up with their spouse. These sessions are used by mediators to examine emotional barriers, assess realistic settlement alternatives, and uncover hidden interests underneath positional demands. Caucuses provide especially beneficial chances to examine ideas without making any public concessions in the Indian setting, where maintaining one's dignity and family honour are still important factors. During caucuses, mediators must carefully control information, getting the opposite party's express approval before disclosing any particular material. During caucuses, mediators pay close attention to power relations and evaluate the ability of weaker parties to successfully argue for themselves in joint sessions. In addition to offering chances for reality testing, these private sessions assist parties in assessing their settlement options and comprehending probable court results. Caucuses have been successfully used to break deadlocks when they are strategically used at pivotal moments, such as when tensions are high or talks are stalling. Depending on the mediator's approach, caucus scheduling and frequency vary; some favour lengthy, distinct sessions, while others utilise them seldom.

(d) Agreement Formulation: The formation of agreements converts mediated understanding into legally enforceable instruments, necessitating careful consideration of procedural compliance as well as substantive justice. Mediators help parties define precise, all-inclusive, and legally binding language that cover all contentious areas. Agreements provide precise asset values, distribution procedures, and implementation schedules for property partition. The amount, length, adjustment procedures, and modes of payment are all covered in full in the maintenance provisions. Child custody agreements specify communication procedures, residency schedules, educational programs, and decision-making authority. Mediators make sure contracts are written precisely, avoiding any ambiguity that can lead to further disagreements. To ensure informed consent and legal compliance, draft agreements are reviewed by the parties' independent legal counsel prior to finalisation. Under Section 13B of the Hindu Marriage Act, which outlines the waiting time management, agreements may be the basis for a mutual consent divorce, especially in Hindu marriages. Religious criteria can be included into Islamic divorces through mediation while maintaining legal enforceability. According to some regulations, such as the Registration Act of 1908, agreements must formally adhere to registration criteria. Effective agreement creation strikes a balance between comprehensiveness and readability, producing papers that parties can comprehend and use without ongoing legal support.

Legal Status of Mediated Settlements: The enforceability and practicality of mediated marital settlements outside of the mediation room are determined by their legal standing. Settlements have the legal effect of court orders when they are submitted to courts as consent conditions under Order XXIII Rule 3 CPC, and violations may be considered contempt. Before incorporating these agreements into court orders, courts usually check them for legal conformity and the lack of compulsion. Mediated settlements frequently serve as the foundation for applications for mutual consent under personal laws in divorce proceedings, greatly accelerating the divorce process when the statutory waiting time is over. Under the Registration Act, certain settlements—especially those resulting from private mediation—may

be registered as legal agreements, producing written proof of conditions but necessitating distinct enforcement procedures in the event that they are broken. Settlements involving property are subject to the Specific Relief Act's requirements for specific performance. In order to facilitate enforcement through criminal provisions in the event that payments are not made, maintenance agreements may be recorded under Section 125 CrPC proceedings. "Continuing mandamus" is a recent judicial innovation in which courts maintain supervisory power over the execution of very complicated settlements. When agreements include clauses outside of the usual judicial remedies, such as behavioural obligations or extended family arrangements, enforceability issues continue to arise, underscoring the necessity of novel draughting strategies that harmonise creative solutions with well-established legal frameworks.

Advantages of Matrimonial Mediation in the Indian Context

- 1. Preservation of Relationships:** The role of mediation in family and matrimonial disputes is undeniably transformative, offering a beacon of hope and compassion amidst the emotional turmoil of conflict.¹⁴ Mediation promotes communication over confrontation, allowing couples to resolve issues without the antagonistic posture inherent in litigation. This technique retains vital co-parenting partnerships and extended family connections, particularly useful in Indian joint family systems because divorce impacts various kin relationships beyond the marriage, sustaining social support networks required for post-divorce adjustment.
- 2. Cultural Sensitivity:** Mediation incorporates varied cultural and religious traditions that influence marriage expectations. Mediators can include community-specific reconciliation customs, adhere to religious divorce regulations (such as Jewish Get or Islamic Talaq procedures), and respect caste-based inheritance issues. This cultural adaptation makes mediation especially helpful in India's diversified culture, as standardised judicial techniques frequently fail to meet community-specific problems.
- 3. Privacy and Confidentiality:** Court processes produce public records that may reveal private family facts, creating reputational damage in India's socially conservative setting. Mediation allows couples to avoid the risks of trial, protects confidentiality, and decreases stressful conflict.¹⁵ This privacy benefit is particularly useful for women, who frequently experience disproportionate societal stigma from divorce procedures, preserving their dignity and future aspirations.
- 4. Time and Cost Efficiency:** Mediation can be faster and less expensive than arbitration or litigation.¹⁶ In Indian courts, matrimonial litigation normally lasts 3-7 years, whereas mediation lasts only 2-6 months. This time efficiency considerably

¹⁴ Stuti Srivastava, The Role of Mediation in Family and Matrimonial Disputes, August 11, 2023, <https://legallyflawless.in/role-mediation-family-matrimonial-disputes/>

¹⁵ N Bhagya Lakshmi, Mediation: Marital Conflict Resolution Therapy, Bharati Law Review, Oct – Dec, 2016, p.75, 73- 87, <http://docs.manupatra.in/newslines/articles/Upload/F746CEA0-3EA6-4698-941C-A12F69D115.pdf>

¹⁶ Rajan Gupta, Role of Mediation in Matrimonial Issues, <https://lawdocs.in/blog/role-of-mediation-in-matrimonial-issues>

minimises psychological pain and financial load. Lower expenses make justice accessible across socioeconomic strata, removing a significant hurdle in India's judicial system where prolonged trials typically drain financial resources, notably disadvantageously for economically dependent spouses.

5. **Empowerment and Agency:** Mediation transfers decision-making authority from courts to the people involved, allowing couples to create solutions tailored to their own circumstances rather than standardised legal remedies. This autonomy is especially beneficial to women, who frequently feel disempowered in typical judicial settings. Self-determined results lead to higher compliance rates than imposed judgements, lowering enforcement processes that unfairly affect economically disadvantaged parties.
6. **Holistic Approach:** Mediation covers the personal, practical, and emotional aspects of marriage dissolution, in contrast to litigation's limited legal focus. This all-encompassing strategy works especially well when dealing with complicated problems that defy easy legal classification, such as family enterprises, intergenerational households, and religious traditions. Mediation provides a forum for resolving emotional complaints that, if ignored, can undermine court agreements and prolong hostilities.

Challenges and Limitations

1. **Power Imbalances:** In Indian society, systemic gender inequality frequently shows up in mediation sessions, even with procedural protections. The ability of weaker parties to negotiate may be hampered by cultural constraints, financial inequalities, and emotional threats. In situations when women are subjected to coercion under the pretence of familial pressure, mediators need specific training to identify subtle power dynamics and ensure that the results represent true consent rather than compliance under duress.
2. **Quality Control:** In India, mediator training varies widely, ranging from in-depth 40-hour courses to quick introductions. Inconsistent procedures are permitted by the lack of national certification criteria and performance measures. Some mediators don't know enough about the patterns of domestic abuse or gender relations. Monitoring systems are still in their infancy, and there are few feedback mechanisms to assess the efficacy of mediators or pinpoint those that need more oversight.
3. **Enforceability Concerns:** When parties later back out, mediated agreements—especially those from private mediations—can provide implementation difficulties. Sometimes, courts are reluctant to impose innovative solutions that deviate from accepted legal remedies. Inaccurate phrasing or dependent clauses in agreements make enforcement challenging. When third parties weren't official participants in the mediation process, mediated agreements including third-party obligations—such as extended family commitments—present unique enforceability issues. Interestingly even though mediation

was listed as a dispute resolution mechanism for all civil cases subsequent judicial and legislative interventions have altered the narrative significantly.¹⁷

4. **Cases Unsuitable for Mediation:** Mediation is not always beneficial in marriage issues. During in-person contacts, victims of severe domestic abuse run the danger of being re-victimized. Capacity to give informed consent may be compromised by serious mental illnesses. Reliability of commitment is frequently compromised by substance usage. Formal discovery procedures are necessary in cases involving concealed assets or wilful financial concealment. When one side essentially refuses to participate and uses mediation only to postpone legal proceedings, it becomes ineffective.
5. **Public Awareness and Cultural Resistance:** The availability and advantages of mediation are still unknown to many litigants. Some lawyers impede the investigation of mediation because they profit from protracted litigation. Traditional viewpoints that place a high value on "having a day in court" make people hesitant to use private resolution. Cultural norms around "fighting for honour" might occasionally clash with the cooperative nature of mediation. Compromise is sometimes seen as weakness rather than wisdom, especially when it comes to disagreements about alleged moral violations.

Future Directions and Recommendations

1. Legislative Reforms

- (a) **Mandatory Mediation Information Sessions:** Enforcing obligatory information sessions prior to litigation would introduce couples to the advantages of mediation without requiring them to participate in the actual process. Previously successful in pilot programs in Delhi and Mumbai, these 60- to 90-minute orientations clear up misunderstandings, clarify procedures, and empower participants to make well-informed decisions. This strategy strikes a compromise between raising awareness and maintaining voluntary involvement, boosting mediation uptake while respecting party autonomy.
- (b) **Comprehensive Mediation Act:** The mediation procedures used now are based on disjointed clauses from several legislation. Uniform requirements for mediator credentials, confidentiality safeguards, and settlement enforceability would be established by a specific mediation act. Although the forthcoming Mediation Bill, 2021, provides encouraging principles, its sections pertaining to marriage disputes need to be strengthened, especially when it comes to safeguards against power imbalances and culturally appropriate practice standards.

2. Institutional Strengthening

- (a) **Specialized Matrimonial Mediators:** The quality of services would be improved by creating a committed group of marital mediators with specialised training in addition to

¹⁷ Kritika Vohra, Mediating Matrimonial Disputes in India: Trends from the Bangalore Mediation Centre, *Economic and Political Weekly*, Vol. 52, No. 45 (November 11, 2017), pp. 57-64 <https://www.jstor.org/stable/26697843>

general mediation techniques. These experts need to be knowledgeable in domestic violence dynamics, child psychology, family law, and cultural sensitivity. Clear professional growth routes and suitable case-mediator matching would be established by a tiered certification system with basic, intermediate, and advanced qualifications.

(b) Community Mediation Centers: Increasing the number of mediation centres at the neighbourhood level will improve accessibility in underprivileged communities. Closer to communities, panchayat-affiliated centres in rural areas and municipality-supported centres in urban areas might offer culturally relevant services. In order to remove practical impediments that deter mediation participation, these centres should provide childcare facilities, flexible scheduling that accommodates working parties, and local languages.

3. Technology Integration

(a) Online Mediation Platforms: Accelerated by COVID-19 requirements, virtual mediation services are especially beneficial for parties who live in various places or in situations where in-person encounters cause emotional anguish. Purchasing safe, easy-to-use platforms with breakout rooms, document sharing, and electronic signature features would enable mediation to take place anywhere, while also cutting down on schedule issues and transportation expenses.

(b) Case Management Systems: Critical data for evidence-based improvements would be produced by creating integrated digital platforms that track mediation referrals, results, and participant feedback. Through post-agreement follow-ups, these systems ought to track settlement durability and pinpoint the elements that make implementation successful. While comparison data across jurisdictions would highlight regional best practices, analytics exposing mediator-specific performance measures would allow for tailored training interventions.

4. Educational Initiatives

(a) Legal Curriculum Reform: Law school curricula that include required ADR instruction would foster a new generation of practitioners who are focused on settlements. Clinical programs that provide supervised mediation practice would foster practical skills in addition to theoretical knowledge. In order to ensure that practicing attorneys comprehend and support the process they are required to traverse more and more, mediation components should be included in the Bar Council's continuing education requirements.

(b) Public Awareness Campaigns: Misconceptions regarding mediation would be addressed by strategic communications initiatives using social media, the media, and community outreach. Success stories that acknowledge the limitations of mediation while promoting its advantages should be included in the content. Informational materials and video testimonies must be available in family court waiting spaces. As powerful intermediaries who may encourage mediation within cultural contexts, religious and community leaders ought to be involved.

Conclusion

