
MEDIATION: AN ANSWER TO THE FAMILY LAW DISPUTES IN RURAL INDIA

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ABSTRACT

This paper explores the integration of meditation as a primary mechanism for resolving family law disputes. It also emphasises the cultural and historical alignment with Hindu law. Originating from ancient sources like the Dharmashastra and Vedic policies, Hindu law has historically utilised meditation through community-led Kula tribunals to settle family conflicts.¹

However, the modern justice system consisting family court establish under the Family Court Act 1984, faces significant challenges, including a backlog of cases, and an average delay of 2 to 4 years.

Through primary data obtained from interviews with legal officers, sarpanch and rural residents of Bihar and Rajasthan, along with secondary resources like Daksh report, the paper highlights issues of financial burden on litigants and adverse affect of prolonged litigation on women as well as overall delay in justice.

The courts in Uttarakhand's rural region are overburdened with pending cases, while a comparative study portrays a similar challenge to be existing in urban areas, with Gurugram reporting 13,100 pending cases in February 2025.²

The paper proposes mediation as an effective tool by taking inspiration from international examples like Minnesota, where 67 per cent of the custody disputes were resolved outside the court.³

In find a concrete solution for the disputes, meditation can be used, resulting in the reduction of the court's burden, speedy resolution and inclusion of cultural sensitivity in outcomes. It can be a boon for the vulnerable people.

¹ YLCC, <https://www.yourlegalcareercoach.com/history-of-adr-in-india-an-overview/> (last visited Jan. 13, 2026)

² National Judicial Data Grid, https://njdg.ecourts.gov.in/njdg_v3//?p=home&app_token= (last visited Jan. 12, 2026)

³ Marilyn S. McKnight, Access to Mediation Services for Rural, Low-Income, and Culturally Diverse Populations, [vol. 15], *MEDIATION QUATERLY*, 39, 49-50 (1997)

This paper also suggests creating a mediation body based on the Jan Shikshan Sansthan (JSS)⁴ that promotes a community-oriented solution. It highlights mediation's potential to enhance access to justice by minimising financial and social barriers, while aligning with India's traditional and historical conflict resolution methods, which are amicable.

Introduction:

The concept of family in India does not limit itself to an individual; extending from its cultural and religious roots, it emerges as a living organism that has a life of its own.

These features make the Hindu law in itself very diverse, complex and ever evolving. Hence, the use of mediation in Hindu law becomes an obvious answer due to its principle of resolving conflict through peaceful means required for inculcating the present complexities.

The Hindu law is considered one of the very first personal laws codified in ancient times, with the evidence of codification of the law dating back to 500 BCE. The law is found in the earliest source of the Dharmashastra, later becoming a part of the Veda and, with time, transforming into fundamentals for customary laws. Ancient Indian texts and scriptures offered guidance on mediation. The Vedic age in India has witnessed the use of mediation to solve family disputes under the specialised tribunal of Kula. Headed by the educated and informed seniors of the community, the tribunal had a responsibility to associate the prevalent customary practice of the time to resolve the instances of friction arising in the family and community.⁵

With the arrival of the British, colonial India saw a legal codification of the personal customs into law under Sir William Jones; debated by many, it did become a basis for the later development. After independence, the political leaders in 1955-56 decided to incorporate religiously motivated principles guiding marriage, inheritance, succession, adoption, and maintenance into numerous legislative acts reflecting upon diversity in the realm of Hindu law.⁶

The objective of this paper is to highlight the problems associated with the present justice delivery system through the adversarial methods, especially in family courts of India, while

⁴ Jan Shikshan Sansthan, <https://jss.gov.in> (last visited Jan. 13, 2026)

⁵ Hindu Law and The Constitution, A.M Bhattacharjee, 2 ed. 1994

⁶ Modern Hindu Law by Paras Diwan

on the other hand, taking a lesson from our past and proposing a solution by promoting mediation as a primary element in resolving family law disputes. Not undermining the judicial authority of Lok Adalat, this organisation will ease the burden of the court. By implementing the solutions presented in the paper, the outcome is expected to be an enhancement in the justice delivery system and, through inclusiveness, better representation of the marginalised society.

The primary data was collected through the interview with the public prosecutor, assistant public prosecutor and a judge of the district court of Bihar reflecting on the legal trends in family courts. The sarpanches of villages of Bihar and Rajasthan were also interviewed to understand the implementations and challenges arising in rural India from family law disputes. The residents of the area are also interviewed to enquire about the nature of disputes, how courts are unable to deliver the expected results and to understand the acceptability of the solutions suggested in this paper. Articles and papers published in law journals. News articles and data resource centres' reports like Daksh were used as secondary sources to understand the ground reality.

Problems:

Persisting Challenges Faced by Courts in India

Family courts in India were established under the Family Court Act of 1984; the aim was to provide a specialised forum for resolving family-related disputes with a focus on conciliation and speedy settlement. The number of functional family courts in India since 1984 has increased exponentially, with the present number reaching 822; however, the goals established alongside the courts have failed to meet even the basic benchmark. Just to give a vague idea in the context, the total pending number of cases in Indian family courts amounts to 11,95,738⁷. The fact that this data does not include pending inheritance cases in various civil courts and high courts depicts the urgency of the situation.

The problems prevalent in family court are not limited to its regionalism but have a national connotation. E.g., Uttarakhand, a state with a majority rural population, has 27 family courts divided among 13 districts and observed the filing of 16,633 cases at the start of November

⁷ National Judicial Data Grid, https://njdg.ecourts.gov.in/njdg_v3//?p=home&app_token= (last visited Jan. 12, 2026)

2024. The total number of disposed cases amounted only to 1,289, leaving behind a pile of pending cases amounting to 16,738, with the addition of previous backlog cases.⁸

The observation of the data can be explained by the logical explanation of a lack of infrastructure in rural areas. However, a similar situation of backlog cases is also observed in an urban setting like Gurugram. In February 2025, Gurugram family courts were dealing with 13,100 pending cases.⁹

The comparative analysis shows the drastic fall in the completion of cases when one moves from a court of an urban locality to a court functioning in rural and semi-rural areas. Access to justice is not just denied by delay but also by distant court infrastructure. A country that ensures the presence of electoral booths within a 2 km radius of every eligible individual¹⁰, has failed to portray the same efficiency while delivering justice, as 15.7% of Indians travel more than 50km to reach their nearest courts.¹¹

Justice Delayed is Justice Denied

The concluding factor of the data presented above is that the average family court case, irrespective of the provisions, stretches somewhere between 2 to 4 years in any average case.

The intensity of the problem mentioned above can be demonstrated by the case of the Udaipur royal family, where a dispute arises between the siblings of the family after the death of the father, the Maharana. The contested will assigns the ancestral property to the younger brother, while certain parts of the same should be transferred to the older brother through tradition. The presented demands from the brothers were challenged by the sister based on her right to the ancestral property. The case was filed in 1983, under the Udaipur district and sessions court. Due to the intrinsic complexities of the case, which the court was not able to accommodate, the judgment was delayed by thirty-seven years. The judgment given by the additional district judge in 2020 was contested on several grounds by the defeated party and was challenged in the high court. The original parties to the case died by 2025, leaving behind a still ongoing case

⁸ National Judicial Data Grid, https://njdg.ecourts.gov.in/njdg_v3/?p=home&app_token= (last visited Jan. 12, 2026)

⁹ Gurugram family court, Family_court_pendency_in_units No. 3097-G - dated the 16 Feb, 2025

¹⁰ Election Commission, https://ceodelhi.gov.in/PDFFolders/TrgMaterial/Polling_Stations.pdf

¹¹ Daksh, <https://www.dakshindia.org/access-to-justice-survey/> (last visited Jan. 11, 2026)

with no solution in sight. The generation original to the dispute ended, but not the case itself.¹²

In another case of Jhalawar, Rajasthan, we interviewed a woman of eighty years, who stated that she officially got divorced at the age of 67, even though she had been residing separately from her husband since the age of 22. The resulting situation was due to the interplay of social stigma, challenges in accessing legal help and the court's slow delivery of justice. The Ministry of Women and Child Development, in collaboration with an NGO, Bachpan, published data in 2017 which stated that any case relating to divorce, maintenance and custody, if prolonged for more than 3 years, has an increased chance of the judgement being unfavourable towards the women. The reason is the lack of financial and social backing, weakening the position of women in fighting court cases, this being especially true for women in rural areas.¹³

Justice: Luxury in India

Justice Brennan of the U.S. Supreme Court observed, "Nothing rankles more in the human heart than a brooding sense of injustice... when only the rich enjoy the law as a luxury and the poor, who need it the most, cannot have it because its expenses put it beyond their

reach."¹⁴ In the wake of the present statement, we observed a certain pattern while interviewing the candidates residing in the rural area, which concluded that the financing of the court cases was their primary concern. This includes the cost of transport, lawyers, and the expenses wasted over red tape, along with the daily income lost while attending the court trials. A prominent research organisation, Daksh, published data which stated that litigants in family matters and service cases spend more on each hearing than any other litigants.¹⁵

Moreover, the increasing number of cases in every court of India interferes with their ability to produce nuanced, individual-centric judgements; hence, the heavy expenses do not ensure the quality of justice delivered by the court.

The present problems have created a disconcerting situation where people accessing justice in India can resonate with the protagonist of the story, *The Trial*, by Kafka. The Indians, while

¹² Maharana Mahendra Singh Mewar Vs. Arvind Singh and Ors. S.B. Civil Writ Petition No. 7911 of 2014

¹³ Varsha Aithala, Ranthan Sudheer, Nandana Sengupta; Justice Delayed: A District-Wise Empirical Study on Indian Judiciary; *Journal Of Indian Law and Society*; [vol.12(1)]; 118-124(2021)

¹⁴ Parnika Malhotra, Alternate Dispute Resolution at the Grassroot Level, ADR Essay Competition 2008, Centre for Public Policy Research

¹⁵ Daksh, <https://www.dakshindia.org/access-to-justice-survey/> (last visited Jan. 12, 2026)

crossing the hurdles of the trials, have forgotten the primary goal of qualitative justice.

Solutions:

Mediation: A Solution for Family Disputes

The analysis of the challenges mentioned above repeatedly distinguishes the main problems, which in turn highlight a unique aspect of the nature of family disputes in India, which cannot be catered to by the rigid formal structure of the courts. The problem of overburden on the family court leads to delayed justice, while the people, especially women in rural areas, face financial draining, with the conclusion of the whole struggle not being standardised enough. Mediation is expected to address most of these problems. The judge presiding in a rural district court, when interviewed, emphasised that sixty to seventy per cent of the family dispute cases end with him enforcing the already mediated decisions by the panchayat.

If we look at the examples around the globe, the point made by the honourable judge is reemphasised. In the case study of Cooperative Solutions Incorporated (CSI) in Minnesota, 1993, made by the Blandin Foundation, along with the Supreme Court. We find that with an overseeing organisation in place facilitating mediation in the area between 1993 and 1997, more than 67% of the child custody cases were solved outside the court.¹⁶

Learning from these examples in India, disputes relating to guardianship of minors, custody of wards, coparcenary property, succession among heirs, customary inheritance, the share of property among dependents, maintenance of children and aged parents, and testamentary succession, along with restitution of conjugal rights, can be resolved through mediation.^{17 18 19}

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The Way Towards a Solution

The feasibility of the solutions draws its inspiration from a structure suggested in a recent

¹⁶ Marilyn S. McKnight, Access to Mediation Services for Rural, Low-Income, and Culturally Diverse Populations, [vol. 15], MEDIATION QUARTERLY, 39, 49-50 (1997)

¹⁷ Section 25, The Guardians and Wards Act 1890

¹⁸ Section 6, The Hindu Minority and Guardianship Act 1956

¹⁹ Section 6,7,8,9,10,30; The Hindu Succession Act 1956

²⁰ Section 20,21; The Hindu Adoption and Maintenance Act 1956

²¹ Section 9, The Hindu Marriage Act 1955

article²², where a mediation organisation is instituted parallel to a functional semi-government organisation, Jan Shikshan Sansthan (JSS)²³, which works under the skill ministry. The JSS in every district has two basic functions: they provide awareness about the vocational skills and their respective benefits, while facilitating a connection between those who want to learn a certain skill and someone who can teach it. The localised nature of the organisation helps in understanding the ground needs and wants of the residents, along with having a grasp on the social sensitivity of the area. The balance between efficiency and local accommodation in the district is achieved by the works of just fifteen administrators.

The same balance between expeditious judgements while providing space for the uniqueness of every family dispute will lead to individual-centric solutions with the organisation's help, designated to promote and facilitate mediation, working in accordance with JSS.

The expected outcome of the stated suggestions could be resolving the problems with the process of litigation that is identified in the paper through analysis. In addition, we found certain problems with the enforcement of the judgment of the family courts. Mediation is a community process; this nature makes its executive periphery highly localised. When the very nature and periphery of mediation are combined with the Indian features of a specific area's cultural sensitivity, the problem of enforcing mediation judgements is presumed to be nullified by social guidance and administration.

Conclusion:

The above analysis underscores the urgent need to reform the Indian family court system, which is flooded by a backlogs of cases and systematic inefficiency that delay justice for years.

Family courts struggle to resolve culturally complex family disputes. Mediation offers a compelling solution for this issue, as it can efficiently handle inheritance custody, restitution of conjugal rights and maintenance disputes that can reduce judicial pressure and enhance outcomes through local involvement.

This approach promises not only to clear backlogged cases, but also to enhance and restore

²² Jaiverdhan Singh & Astha Anupy, Reimagining Justice Beyond the Courtroom: Strengthening the Landscape of Rural Mediation Through Transformative Model of JSS, 3 *LawFoyer Int'l J. Doctrinal Legal Rsch.* 1773 (2025).

²³ JSS, <https://jss.gov.in> (last visited Jan. 12, 2026)

qualitative justice and address cultural sensitivity. Restoring India's heritage of a friendly dispute settlement process, like mediation, can be categorised as reclaiming the Indian way of justice.

India is moving forward with a bundle of aspiration and inspiration from the quote "yahi samay hai, sahi samay hai" coined by the present regime²⁴. Every structural and principal decision taken can establish or dismiss India's vision of Viksit Bharat in the coming years. Hence, the proposal for inaugurating mediation as one of the primary resolution methods in family disputes can become a groundbreaking decision for the future of the justice delivery system in India.

²⁴ Narendra Modi, 'Speech at Red Fort on 75th Independence Day' (Aug. 15, 2021)