

Family Mediation: The need to move beyond numbers and focus on preservation of relationship through Healing

¹ Prof.Dr.R.Thilagaraj, ² Dr.Remya.M.Raju

¹ Director (Academic).Centre for Excellence in Digital Forensics.Perungudi.Chennai, India,

²Assistant Professor, Department of Criminology&Police administration, DRBCCC Hindu College,Chennai.

Email - ¹ rthilagaraj@gmail.com , ² remorems@gmail.com

Abstract: *The process of mediation has emerged as one of the most significant movements as a part of conflict management and judicial reform throughout the world and it has been prevalent in India in one form or the other since ancient times. This paper focuses on the need to utilize the process of mediation as a progressive tool to settle the matrimonial disputes amicably and to restore the sanctity of marriage especially in our culture .The dispensation of justice must be beyond the reactive, adversarial and retributive approaches and must include notions such as healing, forgiveness and reintegration. The Indian judiciary system must look beyond the numbers and develop the process to restore the failing marriages and help our culture to progress into a mature society. Though statistics show that mediation is helping to reduce the pendency of cases, its potential as a conflict resolution method is yet to be fully realized. The primary objective of the mediation process must be reuniting the estranged couples and amicable separation must be the last resort. Mediation has significant potential, for bringing about qualitative change in the focus of the legal system from adjudication to amicable settlement of disputes. This paper discusses several elements that are crucial for healing and preservation of relationship among estranged couples. The paper also discusses other restorative approaches that can be utilized for family mediation*

Key Words: *Médiation, Matrimonial disputes, Divorce, Marriage*

'If there is one lesson I have learned from my years of research, it is that a lasting marriage results from a couples' ability to resolve the conflicts that are inevitable in any relationship' – Dr.Gottman (1994)

1. INTRODUCTION:

The process of mediation has emerged as one of the most significant movements as a part of conflict management and judicial reform throughout the world and it has been prevalent in India in one form or the other since ancient times. Mediation is based on the values of restorative justice. Among the most quoted definitions of mediation is that of Folberg and Taylor (1984): It can be defined as the

' process by which the participants together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs. Mediation is a process that emphasizes participants' own responsibility for making decisions that affect their lives. It is therefore a self empowering process'

Mediation operates within the purview of the Indian Judiciary system. The Supreme Court of India directed Family Courts and Criminal courts to refer parties to Mediation Centres to settle disputes through settlement under mediation. Family courts established under the Family Courts Act, 1984 emphasizes on resolving disputes amicably through mediation.

This paper focuses on the need to utilize the process of mediation as a progressive tool to settle the matrimonial disputes amicably and to restore the sanctity of marriage especially in our culture .The dispensation of justice must be beyond the reactive, adversarial and retributive approaches and must include notions such as healing, forgiveness and reintegration. The Indian judiciary system must look beyond the numbers and develop the process to restore the failing marriages and help our culture to progress into a mature society. Though statistics show that mediation is helping to reduce the pendency of cases, its potential as a conflict resolution method is yet to be fully realized. The primary objective of the mediation process must be reuniting the estranged couples and amicable separation must be the last resort. Mediation has significant potential, for bringing about qualitative change in the focus of the legal system from adjudication to amicable settlement of disputes. This paper discusses several elements that are crucial for healing and preservation of relationship among estranged couples.

2. Mediation in matrimonial dispute cases:

Matrimonial disputes are mounting in our country. Matrimonial disputes include divorce, maintenance, one-time settlement, and child custody and visitation rights. It may be due to any reason but they culminate into civil or criminal proceedings. Civil proceedings in matrimonial disputes are proceedings for grant of divorce, permanent alimony, maintenance, restitution of conjugal rights, child custody, visitation rights etc. Whereas criminal proceedings in matrimonial disputes can be proceedings under the anti-dowry laws for prosecution of the husband under Section 498A, 406 IPC, Section 125 of CrPC, proceedings under the Domestic Violence Act etc. Those matrimonial dispute cases under criminal proceedings generally do not move to the mediation centres in India due to the adverse implications unless both the parties ask for it.

It is imperative to have a reasonably good understanding of the problems that confront the couples especially for the mediators in particular while dealing with them during mediation. The dissolution of marriage has been quite common in the recent times leading to great socio-cultural implications. There has been a significant change in the views and attitudes towards sanctity of marriage. The marriage is no longer sanctified as it was believed in the past, and is viewed only as a bonding and nurturing life-long relationship and friendship. People are no longer willing to put up with the kinds of dissatisfactions and empty shell marriages that the previous generations tolerated.

Mediation in the context of matrimonial disputes is different in its form and content from other civil disputes on the account of presence of certain factors such as sentiments, the stability of the institution of marriage, the security for future life etc and not merely the monetary aspect. It must be handled delicately and the factors that weigh the decisions of the parties are emotional factors and not controlled by the rational factors. Experience has established that family mediation is a valuable option for many families because it can increase the self-determination of the participants and their ability to communicate; promote the best interests of children; and reduce the economic and emotional costs associated with the resolution of family disputes (Association of Family and Conciliation Courts, 2001).

The driving motivation behind mediation is to find a solution. Mediation need not be viewed as a process by which the mediator helps people come to a resolution. It could be viewed as a process by which the mediator helps people go to the next step; whether it is clarifying a thought process, communicating with another person, or simply organizing a person's thinking. The advantages of conducting mediation in matrimonial mediation includes: It allows parties to speak and vent emotions and articulate differences and put forward solutions. Solutions reached in mediation are far more likely to be honoured than verdicts from courts. It helps in restoring relationships in the future.

3. Family Mediation practice in other countries:

In most countries nowadays, mediation is becoming the preferred means of settling disputes rather than adversarial methods. In the realm of family disputes, for instance, England and Wales, Australia, New Zealand, Canada, the United States, Japan and Singapore have instituted the practice of mediation in the dispute resolution process over the past two years or so. With the emergence of the concept and practice of restorative justice in the past decade, mediation is also increasingly coming to be accepted as a method of dispute resolution in criminal law.

a. Australia

In Australia, family mediation is provided under the Family Law Act 1995, which states that parents may attend conciliation counselling and mediation services on a voluntary basis or, if proceedings have commenced, may be ordered to see mediators attempt to reach an agreement. In financial matters, the Family Law Rules provide that property and maintenance are dealt with by Registrars who are legally trained. Both groups of professionals are employed by the Family Court and form an integral part of the court's case management system.

b. Singapore

The Singaporean system of mediation is contained in the Women's Charter. In accordance with this Charter, during the divorce proceedings a judge may refer the parties for mediation or reconciliation counselling to attempt a harmonious resolution of the matters arising from disputes related to the divorce. The Family Court of Singapore employs trained personnel to undertake conciliation and mediation work. Its Registrars conduct conciliation conferences on property matters, supplemented by volunteers in the Court Support Group with backgrounds in law, social work, or psychology, who conduct mediation and counselling sessions on an ex gratia basis.

c. Canada

In Canada, family mediation is mentioned in the Divorce Act of 1985. The Act makes it mandatory for a lawyer to make known to his/her client the availability of mediation services. Most Canadian provinces provide for a mandatory education seminar for all those proceeding with divorce, but mediation is voluntary in Canada. In provinces like Ontario and Newfoundland, the legislation expressly authorizes the court to appoint a mediator to deal with any matter that the court specifies. However, the order appointing the mediator must be made at the request of the

parties, who also select the mediator. What usually happens is that the judge will strongly recommend that the parties attend mediation, and they usually comply.

d. England and Wales

In England and Wales, the Family Law Act of 1996 makes it compulsory for a party seeking a divorce who wishes to apply for state legal aid funding for legal representation to attend a mediation session. The purpose is to assess whether or not they are suitable for mediation before the application for state funding can be considered. The Act does not make family mediation compulsory. However, it allows the court to give a direction requiring each party to attend a meeting arranged to explain the mediation facilities available to them for settling their disputes and to provide an opportunity for each party to agree to take advantage of the mediation facilities.

e. France

In France, civil mediation, of which family mediation is a part, did not achieve statutory recognition until 1995. Under the French system, mediation remains independent vis-à-vis the court throughout the mediation service. Although the court may, on its own initiative or at the request of the parties, appoint a mediator to assist the parties to reach a solution to their disputes, a mediator is not required to submit a report to the court authorities. The French have not set up a public mediation service, since the voluntary sector has been proven to be best suited for the tasks delegated by the courts. The costs of mediation are normally borne by the users of the service. However, those with limited resources may apply for publicly funded legal aid.

f. European Community

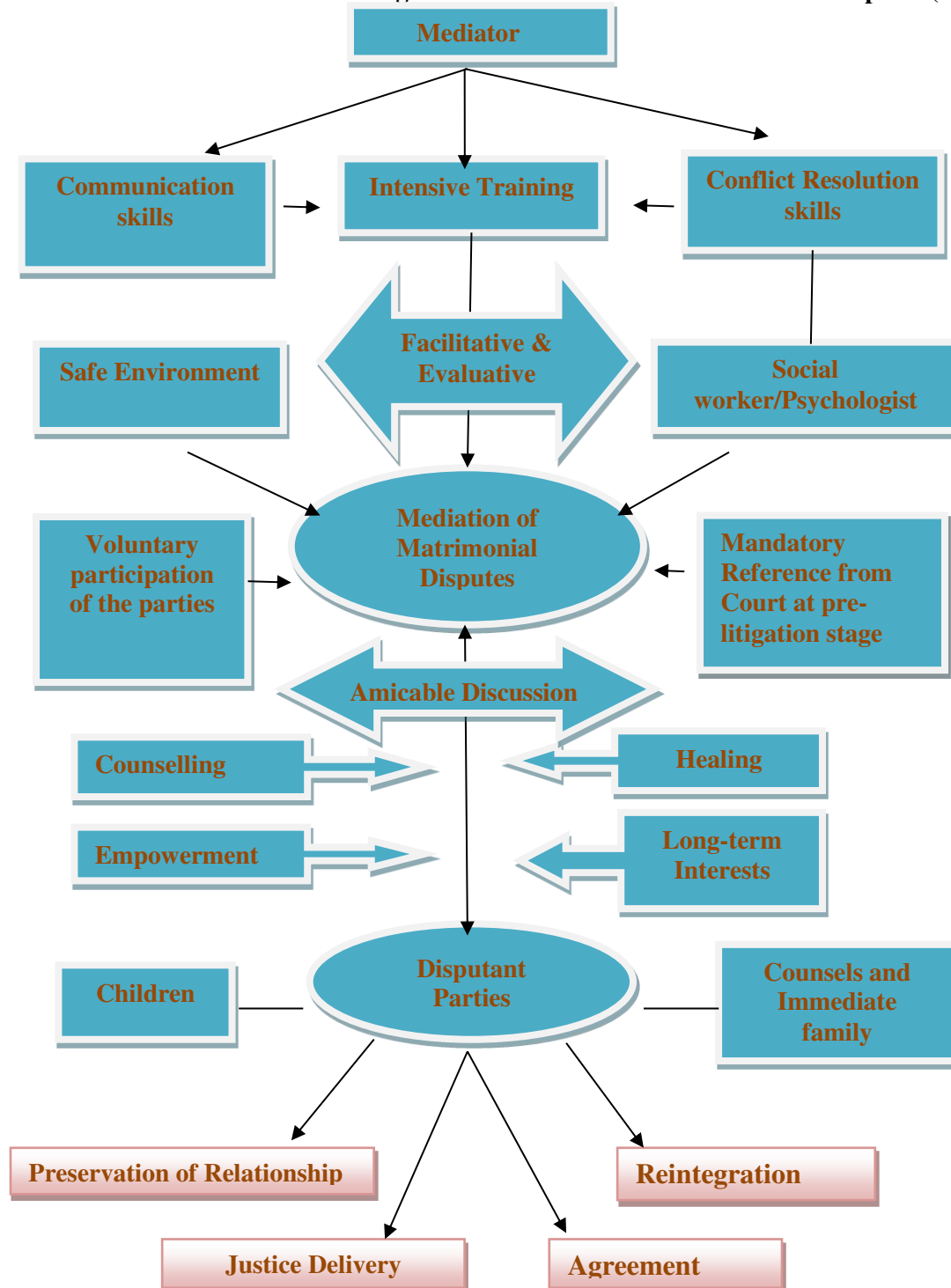
The development of family mediation in the European Community in recent years is worth mentioning. In 1998, the Council of Europe adopted recommendations on family mediation. It sets out the principles on the organization of mediation services, the status of mediated agreements, the relationships between mediation and proceedings before the judicial officials and other competent authorities, the promotion of, and access to mediation and, the use of mediation in international matters

4. Healing and Preserving relationships –Focal points in family mediation

In India, traditionally and from time immemorial, marriage has been considered as sacred; and marriage for most Indians is not merely a sacrament but is sacrosanct. Once the couple enters into the bond of marriage, the relationship is considered perpetual i.e., till death does them apart. In other words, marriage used to be for life and it worked as a bulwark against social vulnerabilities. It had an inbuilt system of checks and balances, and roles and priorities were defined by the society for the couple. What distinguished marriage in India from marriage in the West was the sanctity attached to marriage: a sense of perpetual bonding and an element of divinity in it (Ramachandrapa, 2012). In India, family disputes were resolved by the elders of the family who acted as conciliators or mediators. Even today, the elders of the family and in villages, the elder persons of the village have such a role. Panchayats also perform a similar function, and are preferred by villagers over courts due to their easy accessibility and prompt dispute resolution.

Mediation teaches couples to communicate and to work through their issues productively. Mediation is appropriate in family related matters because it encourages collaborative problem solving by the couples. Mediation offers an environment well-suited to identifying and addressing the strong emotional issues associated with divorce and parenting conflicts. Mediation is structured to focus parties on a common interest: the resolution of the disputed issues and when children are involved, the future of their children. The informality and flexibility of the mediation process allows issues to be discussed that might otherwise be raised in a more adversarial or narrowly-focused process. Mediation encourages consensus building and fosters the preservation of relationships among the couple. Gottman (1994) in his research said that a lasting marriage results from a couples' ability to resolve the conflicts that are inevitable in any relationship. Mediation facilitates the healing process of the couple through confrontation and dialogue. It must create space for remorse, apology, forgiveness, mercy and compassion. An important element in healing is an opportunity to tell their story about what happened. Transcendence of this experience means "restorying" one's life by telling the story in significant settings, often where it can receive public acknowledgment. Often too it is important for them to tell this story to the ones who caused this harm and to have them understand the impact of their actions (Zehr, 2003).

An Illustration of the Effective Functioning of Mediation to Resolve Matrimonial Disputes (Chart 1)



5. Elements required in a family mediation to unite estranged couples

The success of any family mediation depends on the combination of several elements put into motion to make the separated couples rethink about their decisions of separation and to resolve the conflicts amicably and they are discussed briefly below.

Element I: Role of Mediator

The major role of a mediator is to assist the participants to gain a better understanding of their own needs and interests and to facilitate agreement among the parties. Mediators do not take sides. They do not form judgements or give personal opinions about what any participant says. They help all the participants to maintain respect for each other and for each other's cultures. They listen attentively to what is said, repeating and reformulating what each participant is saying in order to ensure that there is no misunderstanding and that each party understands the point of view of the other. They observe reactions and ask questions that assist in advancing matters in a constructive way

towards solutions that work for everyone, reflecting the needs of different members of the family, and above all those of the children. At the end of the process, they summarise the proposed contents of the agreement between the parties and make sure that they are understood by all the participants. This agreement is generally called a mediated agreement. Mediators are ethically bound to maintain confidentiality and thus not to disclose to third parties any information that comes up during mediation.

In the context of matrimonial disputes the mediator cannot merely concentrate on the monetary or mundane aspects and overlook the emotional aspects involved in these disputes. The mediator must have the ability to relate effectively and impartially with the parties, to initiate and maintain a respectful process, and to understand what is happening and how to react in these often highly charged emotional situations.

The mediator must follow the facilitative nature which is the essence of the mediation as it helps to increase the self-determination of parties and their ability to communicate better in the future. The basic skills required of facilitators (UNODC, 2006) include:

- An ability to create an environment in which the parties may have free and safe interactions
- Communication skills
- Active listening skills
- Ability to manage and help people deal with emotional intensity
- Ability to help parties say and hear difficult things
- Ability to balance the interests/powers of participants
- Ability to express support and empathy

A survey conducted by Umbreit and Greenwood (1999) provides critical information regarding the mediator's roles. The findings indicate that the most important tasks for mediators included: 1) facilitating the dialogue between the victim and offender; 2) making the parties feel comfortable and safe; and, 3) assisting the parties in negotiating restitution plan. Their findings also revealed the centrality of in-person preparation to the effectiveness of the process. Bazemore and Umbreit (2001) emphasized the mediator's roles and skills: 1) conducting in-person preparation sessions with both parties to clarify issues to be resolved; 2) ensuring participants understand the process, values and principles; 3) contacting other stakeholders.

As opposed to mediation, emotional and irrational factors play an important role in matrimonial mediation. The considerations have to be weighed beyond the technical aspects. It is the job of the mediator to consider the emotional aspect as well. Unlike in litigation, the mediator who is the facilitator here is concerned with the happiness of the parties. Rather than reason, sentiments play an important role here. The role of the mediator is to arrive at a peaceful settlement that is not detrimental to the interests of either party. His/her job is not to reinforce his/her analysis on the couple but rather to prepare them to arrive at a solution. Mediator also has to act as a counsellor and a conciliator to help the parties go beyond their personal vendetta against each other.

Element 2: Intensive Training with special focus on communication skills and conflict resolution skills.

Mediation especially in matrimonial disputes requires friendly, articulate and assertive individuals who have good listening skills and practical experience of working with couples. According to Kelly (2000), the components of mediation training that are especially important in achieving competence include: communication theories and techniques, conflict theory, research, management, theories of power, empowerment, techniques, an exploration of differences in mediation models and their underlying assumptions, and what practices stem from these rationales. Each of these training components should include exercises and role-plays to develop competence. Other training components such as negotiation theory and technique, contracting for the mediation process, exploring mediator impartiality, and ethical standards of conduct are also important but are more universally included in mediation training.

Communication is the core of mediation. The Mediation training manual of India, a practical guide for the mediators discusses about communication in detail with examples: verbal and non verbal communication, requirements for effective communication, causes of ineffective communication and barriers to communication and communication skills in mediation which includes

- Active listening
- Listening with empathy
- Body language
- Asking the right questions

A relationship conflict is one where parties are connected to one another in a context wider than the immediate dispute. Such conflicts arouse strong emotions. In negotiating these conflicts, attention must be paid to the relationship. It is a part of the problem and could be a part of the answer (Panchu, 2011). The mediators handling matrimonial disputes require special capacities and skills. He / she must know how to handle hostility and difficult skills. Conflict resolution is conceptualized as the methods and processes involved in facilitating the peaceful ending

of conflict. The mediator must be trained to deal with the family conflicts. The researcher recommends that special workshops must be held periodically exclusively to train the mediators in conflict resolution skills.

Mediation helps to identify the disputed issues and to generate options that help the couples to reach a mutually-satisfactory resolution. Through mediation, many angry couples learn to put their anger aside so they can reach a settlement that is truly in their best interests and not one that satisfies a need for revenge or punishment. It is a relatively flexible process; and any settlement reached should have the agreement of all parties. In mediation, the couples deal with the problems and issues under dispute in a timely fashion and in privacy. It is a cooperative rather than an adversarial process, so couples are often able to repair their strained relationships. When they develop their own solutions, it reflects in their satisfaction with the outcome and these resolutions tend to be workable and long lasting. Mediation communication for people in divorce can involve unstructured, emotional discussion (Schreier, 2002). According to Umbreit (1997), most conflicts develop within a larger emotional and relational context characterized by powerful feelings of disrespect, betrayal, and abuse. Lund (2000) has shown that training to understand and manage strong emotions helps a mediator build tolerance for expression of emotion, reduction of stress, increased patience and promotion of settlement.

Element 3: Safe Environment

The environment in which the mediation occurs can strongly influence the success of the mediation. This environment includes the physical surroundings that affect people's bodily comfort levels. It also involves some less tangible elements: the parties' relative levels of power, their feelings of safety, and arrangements that convey respect. Everything done to make the environment comfortable and safe conveys respect for the parties to the mediation. Perhaps what people will find particularly respectful, however, is attention to their particular needs for space and an awareness of time as they perceive it (Madonik, 2001).

Element 4: Presence of Social worker /Psychologist and Counselling

The decision to end a relationship can be traumatic, chaotic, and filled with contradictory emotions for both the parties. It can be a stressful event. Sometimes the mediator may not be able to cater to all the needs of the parties especially their mental health. The researcher feels that the presence of a trained social worker or psychologist who has experience in the fields of family therapy, relationship conflicts can help the couples ease through the pain as a result of the dispute.

It is also important to consider the welfare of the children who are torn between their parents. It has been found that conflict can affect children's self-esteem, ability to adjust and cope, social competence and behaviour (Grych & Fincham, 1992). Therapy can be important for children whose parents are divorcing. Because parents may often be consumed with their own feelings during a divorce, they might overlook the emotional state of their children, who may be confused by the divorce or feel guilt, loss, pain, or abandonment. Children may not be sure which parent they should "choose," or be loyal to, and they might also worry that they are the cause of the divorce. When parents are aggressive toward each other, a child may feel even more fearful, and a child who often hears his or her parents argue about custody arrangements might feel as if he or she is unwanted by either parent, or as if he or she is to blame for the separation (Amato and Previti, 2003). The social worker or a psychologist can help both the parents as well as their children to cope with the pain and help them in reintegration.

The couples in the mediation have a direct, active and decisive role in arriving at an amicable settlement of their dispute. Mediation moves the parties from focusing on their individual bargaining positions to creating solutions that will meet their primary needs (Bailey, 1989). Mediation results in agreements that are better for the family unit as a whole.

Element 5: Amicable Discussion

Amicable discussion of the dispute is the essence of the mediation process. The mediator helps the couples to discuss the core issues of the disputes in an amicable manner. Majority of the parties had amicable discussion during the sessions. Very few cases involved bitter arguments beyond the control of the mediator. Mediation provides an opportunity for all the parties in a conflict to set out their points of view and voice their wishes and needs. It gives them an opportunity to take control of the process of separation instead of being ruled by the process itself. In mediation, the participants agree to listen to each other's views with the support of a third party, which creates a foundation for discussion on an equal basis and can help avoid escalation of the conflict.

Element 6: Empowerment

According to Bush and Folger (1994), Empowerment could be characterized as– the capacity to make decisions and act on them. As this capacity returns, people in conflict become less self-absorbed and can show recognition – the capacity to understand and take into account another's perspective. In mediation, empowerment represents individual growth and new found personal confidence and strength, as well as the acquisition of new skills. Effective conflict resolution supports a disputant's creative thinking towards resolution of the situation. It facilitates their empowerment. The mediator must be skilled in creating an environment in which each individual's growth is not only encouraged but fostered (Halem, 2014).

Element 7: Long –term interest

The mediator must consider the long –term interests of the parties while guiding them to reach an agreement especially when children are involved. Mediation participants are able to make their own choices, create better results and improve relationships for the future. The mediator helps them to focus on their disputes, as against the persons and brings out the underlying issues. The long term interest almost always helps in adopting harmonious methods of resolving disputes.

Element 8: Reintegration

In our traditional family system, the shaming effect is intense especially for divorcees and it has serious effects on women. According to Braithwaite (1989):

‘The best place to see reintegrative shaming at work is in loving families. Family life teaches us that shaming and punishment are possible while maintaining bonds of respect. Families are the most effective agents of social control in most societies partly because of this characteristic’

Properly understood, reintegrative shaming is definitely present in what are generally accepted (by both participants and observers) to be highly successful restorative justice meetings. This is especially the case where important people in the party’s lives are present as active participants in the meeting, such as in conferences and sentencing circles. Braithwaite’s theory explains what is confirmed in conferencing practice, time and time again: the importance of involving as many significant members - family and friends, their community of support and care.

If we apply this theory in the mediation of matrimonial dispute cases, the presence of significant and respected members in the parties (can be family, friend, close relatives) life who disapprove of the behaviour while at the same time show clear signs of respect and acceptance towards the parties as a person, positive impact on the parties is maximal. It is under such conditions that it becomes most likely that they will internalize the distinction between what they did and who they are. And, once this happens, they are almost certain to align themselves once again with their family and community and will not hesitate in unconditionally rejecting their own wrongful behaviour as clearly unacceptable, which is, perhaps, the most critical first step in the process of successful restoration and healing.

Reintegrative shaming happens when the person’s behaviour is condemned but their self-esteem and confidence are upheld through positive comments about them and gestures of forgiveness and (re-)acceptance. Moreover, restorative justice experience shows that, with rare exceptions, a feeling of deep shame is evoked naturally and automatically as they are confronted with the detrimental consequences of their actions. This confrontation with hurtful consequences is most powerful when the party hears directly from the opposite party, their supporters, as well as from their own supporters about the trauma, the tremendous emotional harm they all suffered as a consequence of their actions. The intense feelings of shame and remorse thus generated are further compounded by the explicit disapproval of the party’s behaviour by their own supporters, especially their close family and friends. All this happens quite naturally in the course of discussions about what happened and how people have been affected and the way they see the behaviour.

However deliberate and intentional shaming and humiliation must be avoided. To prevent it from happening, the often overwhelming experience of shame in a restorative justice meeting must be eased through reassuring and positive comments about the person by the participants. This is a crucial role, which must be played by the supporters in the meeting. Of course, sometimes even the most supportive families may fail to show adequate support in emotionally charged situations, which can be overwhelming. In such situations a skilled mediator must ensure through appropriate prompts that the requisite support for the party is forthcoming. Respect and acceptance expressed through such comments are the essence of their successful social reintegration, which, evidently, is a crucial element in the concept of reintegrative shaming.

Element 9: Use of other restorative approaches like family group conferences

The family group conferencing method is a meeting between a person who needs help and support—the ‘central’ person—and his social network, in which they discuss the person’s situation and possible solutions that build on the available strengths and capabilities, and in which they set up a support plan. It is a decision-making model which keeps or makes a person and his social network responsible for the existing situation and for ending solutions, and it gives people the right to make their own decisions. It is important to note that in the FGC context the social network is conceived of in the broad sense of the word and includes family members, friends, acquaintances, colleagues, neighbours, etc. Social workers can give information about the care options and facilitate the social network’s decisions. However, the plan is made by those who know the person and his situation best: the person himself and those closest to him.

The FGC originated in New Zealand and is now carried out in different ways across different countries such as Australia, America, Canada, Sweden and Norway. In most countries, the FGC is mainly applied in child care. However, various authors mention the use of FGCs for adolescents, adults, and older people, and in cases of social isolation, child abuse, debts and domestic violence.

6. CONCLUSION:

Mediation is a dynamic, complex and an evolving process. The structure and functioning of family mediation as restorative approach in India is still at the exploratory stage and more research on their functioning and efficacy is essential. Periodic review of the progress of its implementation, identifying the emerging issues, challenges, limitations and the ability to adapt to the changing needs is crucial to ensure the success of the family mediation in uniting the separated couples. It allows the parties to better deal with the conflicts that arise in positive cooperative fashion after the completion of mediation and deal with their conflicts. The researcher recommends the presence of a Social worker / Psychologist along with the mediators specialized in handling relationship conflicts, family counselling, and techniques of conflict resolution and child welfare considering the long-term interests of the parties. The current practice of mediation in India does help in the healing of relationship to a large extent. But for effective long term healing in order to preserve the relationship, it is necessary to include the professional help of a trained social worker or a psychologist. Different interventions must be adopted depending on the type of family disputes. It can initially begin as pilot projects, testing its viability periodically and if successful to be implemented as restorative programmes across the country.

REFERENCES:

Journal Papers:

1. Amato, P. R., & Previti, D, (2003): *People's Reasons for Divorcing: Gender, Social Class, the Life Course, and Adjustment: Journal of Family Issues*. 24(5), 602-626.
2. Bailey, M. J, (1989): *Unpacking the 'Rational Alternative': A Critical Review of Family Mediation Movement Claim: Canadian Journal of Family Law*.
3. Bazemore, G., & Umbreit, M. (2001): *A Comparison of Four Restorative Conferencing Models. U.S. Dept. of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention: Washington, DC*.
4. Grych, J.H., and Fincham, F.D, (1992): *Interventions for Children of Divorce: Toward Greater Integration of Research and Action: Psychological Bulletin*. 111 (3): p. 434-454.
5. Kelly, J. B, (2000): *Issues facing the family mediation field: Pepperdine Dispute Resolution Law Journal*. Vol. 1: 37.
6. Ramachandrappa, S, (2012). *Causes and Consequences of Divorce in Bangalore City - A Sociological Approach: IOSR Journal of Humanities and Social Science*. Volume 4 (4):p. 06-09.
7. Umbreit, M. S., & Greenwood, J, (1999): *National survey of victim-offender mediation programs in the United States: Mediation Quarterly*. 16(3). P.235-251.
8. Van Page'e, R, (2006): *Strengthening citizenship, Family Group conferences give families the directing back: Customization*, 7, 15-17.

Books:

1. Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press
2. Bush, R.A.B., and Folger, J.P. (1994). *The Promise of Mediation*. San Francisco: Jossey-Bass
3. Folberg, J., and Taylor, A.(1984). *Mediation. A Comprehensive Guide to Resolving Conflicts without Litigation*. San Francisco: Jossey-Bass.
4. Madonik, B, G. (2001). *The Strategic Use of Nonverbal Communication in Mediation*. San Francisco: Jossey-Bass.
5. Panchu, S. (2011). *Mediation Practice and Law: The path to successful dispute resolution*. 2nd edition. Lexis Nexis publication.
6. UNODC. (2006). *Handbook on Restorative Justice programmes*. Criminal Justice Handbook Series. New York: United Nations publications.
7. Zehr, H., and Gohar, L. (2003). *The Little book of Restorative Justice*. Pennsylvania, USA: Good books

Web References:

- Association of Family and Conciliation Courts. (2005). *Model Standards of Practice for Family and Divorce Mediation*. www.mediate.com
- Gottman, J. (1994). *Why marriages succeed or fail*. www.baltimoremediation.com
- Halem, L, C. (2014). *Mediation: A Process for Empowerment of Both Parties*. www.mediate.com.