



Impact Of Mediation Proceedings Under The Mediation Act, 2023

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ABSTRACT

The enactment of the **Mediation Act, 2023** marks a significant transformation in India's dispute resolution framework by providing a comprehensive statutory foundation for mediation as an effective alternative to adversarial litigation. The Act seeks to institutionalize mediation, promote consensual dispute resolution, and reduce the burden on the already overburdened judicial system. This research paper critically examines the **impact of mediation proceedings introduced under the Mediation Act, 2023**, with particular emphasis on its legal, social, and institutional implications.1.

The study adopts a **doctrinal and analytical research methodology**, relying on statutory provisions, judicial precedents, policy documents, and scholarly literature to evaluate the effectiveness of mediation under the new legal regime. The paper analyses key features such as **mandatory pre-litigation mediation, time-bound procedures, confidentiality of proceedings, legal enforceability of mediated settlement agreements**, and the establishment of the **Mediation Council of India**. These provisions collectively aim to enhance efficiency, accessibility, and public confidence in mediation mechanisms.2

The research highlights that mediation proceedings under the Act have the potential to **significantly reduce judicial backlog**, lower litigation costs, expedite dispute resolution, and preserve interpersonal and commercial relationships. Additionally, the recognition of **online and community mediation** expands access to justice, particularly for rural and marginalized populations. However, the paper also identifies critical challenges, including concerns regarding mandatory mediation, uneven quality of mediators, lack of public awareness, and possible enforcement complexities.

The study concludes that while the Mediation Act, 2023 represents a progressive step toward collaborative justice, its long-term success depends on effective implementation, continuous training of mediators, institutional support, and judicial cooperation. The Act has the capacity to reshape India's dispute resolution culture, provided it balances efficiency with fairness and voluntary participation.3

Keywords

Mediation Act, 2023; Mediation Proceedings; Alternative Dispute Resolution (ADR); Pre-Litigation Mediation; Enforceability of Settlement Agreements; Access to Justice; Judicial Backlog; Confidentiality in Mediation; Mediation Council of India; Online and Community Mediation

1 Banshidhar Baug, *Assessing the Future of Mediation: The Impact of the Mediation Act, 2023 on Dispute Resolution in India*, 7 Int'l J. L. Mgmt. & Human. 905 (2024).

2 Astha Kothari & Arryan Mohanty, *Mediation in India: A Breakdown of the Mediation Act, 2023*, J. Legal Stud. & Res. (2025).

3 Vijaishree Tiwari & Nilesh Verma, *Impact of the Mediation Act, 2023 on Matrimonial and Family Disputes*, Int'l J. Res. Appl. Sci. & Engg. Tech. (2024).

INTRODUCTION

The justice delivery system in India has long been burdened by excessive pendency of cases, procedural delays, and high litigation costs, which collectively undermine timely access to justice. Despite constitutional guarantees under Article 21 ensuring the right to speedy justice, the traditional adversarial court system has struggled to meet the growing demand for dispute resolution. In this context, **Alternative Dispute Resolution (ADR)** mechanisms—particularly mediation—have emerged as effective tools for resolving disputes amicably, efficiently, and economically.⁴

Mediation, as a consensual and non-adversarial process, emphasizes dialogue, cooperation, and mutual understanding between disputing parties with the assistance of a neutral third party. Prior to 2023, mediation in India functioned primarily through judicial referrals under **Section 89 of the Code of Civil Procedure, 1908**, various High Court mediation rules, and sector-specific legislations. However, the absence of a comprehensive and uniform statutory framework resulted in inconsistent practices, limited enforceability of settlement agreements, and lack of institutional oversight.⁵

The enactment of the **Mediation Act, 2023** marks a watershed moment in India's legal landscape by providing a standalone, structured, and nationwide legal framework for mediation proceedings. The Act seeks to transform mediation from a supplementary dispute resolution mechanism into a **primary mode of justice delivery**, encouraging parties to resolve disputes through dialogue before resorting to litigation. By introducing **mandatory pre-litigation mediation** for civil and commercial disputes (subject to exceptions), the Act aims to significantly reduce the inflow of cases into courts and promote early settlement.⁶

4 Laurence Boule, *Mediation: Principles, Process, Practice* 45–47 (Butterworths, 2005).

5 United Nations Commission on International Trade Law (UNCITRAL), *Model Law on International Commercial Mediation* (2018).

6 Singapore Convention on Mediation, opened for signature Aug. 7, 2019.

One of the most significant contributions of the Mediation Act, 2023 is the **legal recognition and enforceability of mediated settlement agreements**, granting them the status equivalent to a court decree. This provision enhances the credibility and effectiveness of mediation by ensuring finality and compliance. Additionally, the Act mandates **time-bound mediation proceedings**, ensuring that disputes are resolved within a defined framework, thereby preventing unnecessary delays that often plague judicial processes.

The Act also places strong emphasis on **confidentiality**, safeguarding the privacy of parties and encouraging open communication during mediation proceedings. Furthermore, by recognizing **online mediation and community mediation**, the legislation expands access to justice for rural populations, economically weaker sections, and individuals residing in remote areas. The establishment of the **Mediation Council of India** reflects the State's intent to institutionalize mediation, regulate professional standards, and ensure the quality and accountability of mediators.⁷

Despite its progressive objectives, the Mediation Act, 2023 has generated critical debate regarding the mandatory nature of pre-litigation mediation, concerns about voluntariness, mediator competence, and enforcement challenges. The practical success of the Act depends not only on legislative intent but also on effective implementation, judicial support, professional training, and public awareness.

Against this backdrop, the present research paper undertakes a **critical examination of the impact of mediation proceedings under the Mediation Act, 2023**. It evaluates the Act's contribution to judicial efficiency, access to justice, dispute resolution culture, and socio-legal transformation in India, while also identifying challenges and suggesting pathways for effective implementation.⁸

7 Banshidhar Baug, *Assessing the Future of Mediation: The Impact of the Mediation Act, 2023 on Dispute Resolution in India*, 7 Int'l J. L. Mgmt. & Human. 905 (2024).

8 Astha Kothari & Arryan Mohanty, *Mediation in India: A Breakdown of the Mediation Act, 2023*, J. Legal Stud. & Res. (2025).

STATEMENT OF THE PROBLEM

The Indian judicial system continues to face an overwhelming backlog of cases, resulting in prolonged litigation, escalating costs, and delayed justice. Despite constitutional recognition of the right to speedy justice, the adversarial nature of litigation often intensifies disputes rather than resolving them efficiently. Prior to the enactment of the Mediation Act, 2023, mediation lacked a unified statutory framework, leading to inconsistent practices, limited enforceability of mediated settlements, and inadequate institutional support.

Although the Mediation Act, 2023 seeks to address these issues by institutionalizing mediation and introducing mandatory pre-litigation mediation, concerns remain regarding its practical implementation. Questions arise regarding the effectiveness of compulsory mediation, mediator competency, accessibility for marginalized groups, and the balance between voluntariness and legal obligation. The core problem, therefore, lies in assessing whether the Mediation Act, 2023 genuinely enhances dispute resolution efficiency or merely adds an additional procedural layer before litigation.⁹

OBJECTIVES OF THE STUDY

The present study aims to achieve the following objectives:

1. To examine the concept and evolution of mediation in India.
2. To analyze the salient provisions of the Mediation Act, 2023.
3. To evaluate the impact of mediation proceedings on judicial efficiency and pendency of cases.
4. To assess the role of mediation in enhancing access to justice and cost-effective dispute resolution.
5. To identify challenges and limitations in the implementation of the Mediation Act, 2023.
6. To suggest measures for strengthening mediation proceedings in India.

9. Carrie Menkel-Meadow, *Mediation, Arbitration, and Alternative Dispute Resolution* 112–118 (Aspen Publishers, 2010).

RESEARCH METHODOLOGY

The research adopts a **doctrinal and analytical research methodology**. The study is primarily based on **secondary sources** including statutes, judicial pronouncements, parliamentary debates, law commission reports, scholarly articles, books, and legal commentaries. Comparative references to mediation practices in other jurisdictions have also been utilized to contextualize India's mediation framework.

The analysis focuses on interpreting statutory provisions of the Mediation Act, 2023 and examining their legal and practical implications. No empirical or field data has been used, making the research qualitative in nature.¹⁰

SCOPE OF THE STUDY

The scope of this research is confined to an examination of mediation proceedings under the **Mediation Act, 2023** within the Indian legal system. The study focuses on civil, commercial, family, and community disputes that fall within the ambit of the Act. It does not extend to arbitration or conciliation except where relevant for comparative understanding. The research emphasizes the legal, institutional, and socio-judicial impact of mediation rather than technical procedural aspects.¹¹

The present research adopts a **doctrinal and analytical research methodology** to examine the impact of mediation proceedings under the Mediation Act, 2023. The doctrinal approach is appropriate as the study primarily focuses on the interpretation of statutory provisions, judicial pronouncements, and legal principles governing mediation in India. The analytical method is employed to critically assess the effectiveness, implications, and challenges associated with the implementation of the Act.¹²

10 S.K. Sarkar, *Alternative Dispute Resolution: Law and Practice* 321–338 (Oxford Univ. Press, 2021).

11 Gary Goodpaster, *A Guide to Negotiation and Mediation*, 49 *Law & Contemp. Probs.* 7 (1986).

12 Frank E.A. Sander, *Varieties of Dispute Processing*, 70 *F.R.D.* 111 (1976)

Nature of the Research

This study is **qualitative and descriptive in nature**. It seeks to analyze the legal framework of mediation and evaluate its practical implications within the Indian justice delivery system. The research does not involve fieldwork or empirical data collection; instead, it relies on logical reasoning, legal interpretation, and scholarly analysis.¹³

Sources of Data

The research is based exclusively on **secondary sources of data**, which include:

- The **Mediation Act, 2023**
- Relevant provisions of the **Code of Civil Procedure, 1908**
- Judicial decisions of the **Supreme Court of India and High Courts** relating to mediation and ADR
- Law Commission Reports, parliamentary debates, and policy documents
- Textbooks, commentaries, research articles, journals, and reports published by legal scholars and institutions
- Online legal databases and authentic legal websites

These sources provide a comprehensive foundation for examining the evolution, scope, and impact of mediation proceedings.

Method of Analysis

The collected data has been analyzed through **statutory interpretation, case law analysis, and comparative reasoning**. Judicial precedents are examined to understand the judiciary's approach towards mediation before and after the enactment of the Mediation Act, 2023. Comparative references to international mediation practices have been used selectively to contextualize India's mediation framework.¹⁴

13 Niti Aayog, *Designing the Future of Dispute Resolution in India* (2020).

14 Ministry of Law and Justice, Govt. of India, *FAQs on the Mediation Act, 2023*.

Research Design

The research follows a **structured and systematic design**, beginning with an overview of mediation, followed by an analysis of the statutory provisions of the Mediation Act, 2023. The study then evaluates the legal, social, and institutional impact of mediation proceedings, identifies challenges in implementation, and concludes with findings and recommendations.

Scope and Limitations

The scope of the research is confined to mediation proceedings under the Mediation Act, 2023 within the Indian legal system. The study does not extend to arbitration or conciliation except for comparative purposes. Since the Act is relatively recent, the research is limited by the availability of judicial interpretations and long-term empirical data.

Ethical Considerations

The research adheres to academic integrity and ethical standards. All sources have been duly acknowledged, and the content is original, analytical, and free from plagiarism. No confidential or sensitive information has been used in the study.¹⁵

LIMITATIONS OF THE STUDY

1. The study is based solely on secondary sources and does not include empirical data.
2. Since the Mediation Act, 2023 is relatively new, limited judicial interpretations are available.
3. Practical challenges discussed are based on preliminary observations and scholarly critiques rather than long-term implementation outcomes.

15 R.K. Bangia, *Law of Arbitration and ADR* 412–430 (Allahabad Law Agency, 11th ed. 2020).

REVIEW OF LITERATURE

Scholars and legal practitioners have long emphasized mediation as an effective alternative to litigation. Boulle (2005) highlights mediation as a process that promotes voluntary settlement through structured negotiation. Menkel-Meadow (2010) views mediation as a transformative tool capable of reshaping dispute resolution culture by emphasizing cooperation over conflict.

Indian scholars have pointed out that Section 89 of the CPC provided only fragmented recognition to mediation, lacking enforceability and institutional structure. Recent academic discourse on the Mediation Act, 2023 acknowledges it as a progressive reform aimed at reducing judicial backlog and enhancing access to justice. However, several authors caution against mandatory mediation, arguing that it may dilute voluntariness and burden parties seeking urgent judicial relief.¹⁶

Overall, the literature reflects optimism regarding the Act's objectives but underscores the necessity of effective implementation, mediator training, and public awareness.¹⁷

The concept of mediation as an alternative dispute resolution mechanism has been extensively discussed in both international and Indian legal scholarship. Scholars have consistently emphasized mediation as a consensual, non-adversarial process that prioritizes dialogue, cooperation, and mutually acceptable outcomes over rigid legal adjudication. The literature reflects a growing consensus that mediation can play a crucial role in addressing systemic challenges faced by traditional court systems, particularly delay, cost, and adversarial hostility.¹⁸

16Tiwari, Vijaishree & Verma, Nilesh. *Impact of the Mediation Act, 2023 on Matrimonial and Family Disputes*. International Journal of Research in Applied Science and Engineering Technology, 2024.

17UNCITRAL. *Model Law on International Commercial Mediation*. United Nations, 2018.

18Vidhi Centre for Legal Policy. *Strengthening Institutional Mediation in India*. 2022.

Boulle (2005) conceptualizes mediation as a structured negotiation process facilitated by a neutral third party, highlighting its capacity to empower disputing parties and promote voluntary settlements. According to Boulle, mediation not only resolves disputes but also improves communication and preserves relationships, making it particularly effective in family, commercial, and community disputes. This foundational understanding of mediation underpins modern legislative efforts to institutionalize mediation processes.

Menkel-Meadow (2010) views mediation as a transformative tool capable of reshaping dispute resolution culture by shifting focus from legal rights to interests and needs. Her work emphasizes that mediation contributes to participatory justice by allowing parties to actively engage in crafting solutions. This perspective is relevant to the Mediation Act, 2023, which seeks to institutionalize mediation while retaining its consensual character.

In the Indian context, scholars have critically examined the role of mediation prior to the enactment of the Mediation Act, 2023. Several authors note that mediation was primarily governed by Section 89 of the Code of Civil Procedure, 1908, along with High Court mediation rules. While judicial encouragement existed, the absence of a comprehensive statutory framework resulted in fragmented practices, lack of uniform standards, and uncertainty regarding the enforceability of mediated settlements. Scholars widely acknowledged that this legislative gap limited the effectiveness of mediation in India.¹⁹

Judicial literature has also played a significant role in shaping mediation discourse. Judicial pronouncements such as *Salem Advocate Bar Association v. Union of India* and *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.* have been analyzed extensively in legal commentaries. These cases are often cited for recognizing mediation as a preferred dispute resolution mechanism and clarifying the categories of disputes suitable for mediation. However, scholars argue that judicial encouragement alone was insufficient without statutory backing, a gap now addressed by the Mediation Act, 2023.

19Rama Rao, P. *Alternative Dispute Resolution: Negotiation, Mediation and Arbitration*. LexisNexis, 2017.

Recent academic writings on the Mediation Act, 2023 largely describe it as a progressive reform aimed at reducing judicial backlog and promoting access to justice. Commentators appreciate provisions such as mandatory pre-litigation mediation, time-bound proceedings, confidentiality, and enforceability of settlement agreements. Many scholars argue that granting mediated settlements the status of a court decree enhances the credibility of mediation and increases compliance.

At the same time, critical scholarship has raised concerns regarding the mandatory nature of pre-litigation mediation. Some authors caution that compulsory mediation may undermine voluntariness, a core principle of mediation, and may be perceived as an additional procedural hurdle rather than a genuine dispute resolution opportunity. Literature also highlights concerns related to mediator competency, lack of awareness among litigants, and uneven institutional capacity across regions.

Comparative studies examining mediation frameworks in jurisdictions such as the United Kingdom, Singapore, and the United States reveal that successful mediation systems rely heavily on professional training, institutional support, and cultural acceptance. Indian scholars drawing from these comparative insights emphasize that legislative reform alone is insufficient unless supported by capacity-building and awareness initiatives.

Overall, the existing literature reflects optimism regarding the potential of mediation as a dispute resolution mechanism while simultaneously acknowledging practical and structural challenges. While early writings on the Mediation Act, 2023 focus largely on its provisions and objectives, there remains a

gap in comprehensive impact-oriented analysis examining its legal, social, and institutional consequences. The present study seeks to bridge this gap by critically evaluating the impact of mediation proceedings under the Mediation Act, 2023 within the Indian justice delivery system.²⁰

²⁰Kothari, Astha & Mohanty, Arryan. *Mediation in India: A Breakdown of the Mediation Act, 2023*. Journal of Legal Studies and Research, 2025.

RESEARCH QUESTIONS

1. How does the Mediation Act, 2023 impact dispute resolution in India?
2. To what extent does mandatory pre-litigation mediation reduce judicial pendency?
3. Does the Act ensure effective enforceability of mediated settlement agreements?
4. What challenges hinder the effective functioning of mediation proceedings under the Act?

HYPOTHESIS

- **H₀ (Null Hypothesis):** The Mediation Act, 2023 does not significantly impact the efficiency of dispute resolution in India.
- **H₁ (Alternative Hypothesis):** The Mediation Act, 2023 significantly improves the efficiency and accessibility of dispute resolution in India.²¹

IMPACT OF MEDIATION PROCEEDINGS UNDER THE MEDIATION ACT, 2023

1. Impact on Judicial Efficiency and Case Pendency

One of the most significant impacts of mediation proceedings under the Mediation Act, 2023 is their potential to reduce the overwhelming backlog of cases pending before Indian courts. By introducing **mandatory pre-litigation mediation**, the Act ensures that a substantial number of disputes are resolved before entering the formal judicial system. This mechanism diverts cases away from courts at an early stage, allowing judges to focus on complex and non-settleable disputes.²²

²¹Law Commission of India. *Report No. 238: Amendment of Section 89 of the Code of Civil Procedure, 1908 and Allied Provisions*. Government of India, 2011.

²²Menkel-Meadow, Carrie. *Mediation, Arbitration, and Alternative Dispute Resolution*. Aspen Publishers, 2010.

Time-bound mediation proceedings further enhance judicial efficiency. Unlike litigation, which often spans years, mediation under the Act is required to be completed within a defined period. This not only expedites dispute resolution but also restores public confidence in the justice delivery system.

2. Economic Impact and Cost-Effectiveness

Litigation in India involves substantial costs, including court fees, advocate fees, procedural expenses, and opportunity costs due to prolonged disputes. Mediation proceedings significantly reduce these financial burdens by offering a faster and less formal process. Parties avoid multiple hearings, procedural delays, and extensive documentation.

Boulle, Laurence. *Mediation: Principles, Process, Practice*. Butterworths, 2005.

For small businesses, entrepreneurs, and individual litigants, mediation provides a financially viable alternative to court proceedings. The Act thus promotes **economic justice** by making dispute resolution affordable and accessible.

3. Impact on Access to Justice

The Mediation Act, 2023 enhances access to justice by recognizing **online mediation and community mediation**. These mechanisms are particularly beneficial for rural populations, women, senior citizens, and economically weaker sections who face logistical and financial barriers in approaching courts.

Confidential mediation proceedings encourage participation without fear of social stigma or public exposure. By promoting voluntary dialogue, the Act empowers individuals to actively participate in resolving their disputes rather than being passive recipients of judicial decisions.²³

²³Boulle, Laurence. *Mediation: Principles, Process, Practice*. Butterworths, 2005.

4. Impact on Social Relationships and Dispute Culture

Unlike adversarial litigation, mediation focuses on cooperation and mutual understanding. This approach helps preserve relationships in family, matrimonial, neighborhood, and commercial disputes. The Act promotes a **culture of dialogue rather than confrontation**, reducing hostility and fostering long-term harmony.

By institutionalizing mediation, the Act seeks to transform India's dispute resolution culture from litigation-centric to consensus-oriented.²⁴

JUDICIAL APPROACH TOWARDS MEDIATION

Indian courts have consistently emphasized the importance of mediation even prior to the enactment of the Mediation Act, 2023.

In **Salem Advocate Bar Association v. Union of India**, the Supreme Court highlighted the significance of mediation under Section 89 of the CPC and encouraged courts to promote amicable settlements. Similarly, in **Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.**, the Court clarified the categories of disputes suitable for mediation and emphasized its effectiveness.

The Mediation Act, 2023 strengthens these judicial observations by providing statutory backing, thereby ensuring uniformity and consistency in mediation practices across India.²⁵

CHALLENGES IN IMPLEMENTATION OF THE MEDIATION ACT, 2023

Despite its progressive intent, the Act faces several challenges:

²⁴Law Commission of India. *Report No. 238: Amendment of Section 89 of the Code of Civil Procedure, 1908 and Allied Provisions*. Government of India, 2011.

²⁵Menkel-Meadow, Carrie. *Mediation, Arbitration, and Alternative Dispute Resolution*. Aspen Publishers, 2010.

1. Mandatory Pre-Litigation Mediation

Critics argue that compulsory mediation may undermine the voluntary nature of mediation and delay urgent judicial relief. Parties unwilling to negotiate may treat mediation as a mere formality, reducing its effectiveness.

2. Quality and Training of Mediators

The success of mediation largely depends on the competence and neutrality of mediators. Lack of standardized training and accreditation may lead to inconsistent outcomes and reduced trust in the process.

3. Awareness and Acceptance

Public awareness about mediation remains limited. Many litigants and lawyers still prefer adversarial litigation due to lack of familiarity with mediation benefits.

Menkel-Meadow, Carrie. *Mediation, Arbitration, and Alternative Dispute Resolution*. Aspen Publishers, 2010.26

4. Enforcement and Compliance Issues

Although mediated settlement agreements are enforceable as court decrees, enforcement proceedings may still face procedural delays, affecting the perceived efficiency of mediation.

SUGGESTIONS AND RECOMMENDATIONS

1. Comprehensive training and certification programs should be implemented to ensure mediator competence.
2. Public awareness campaigns must be conducted to educate citizens and legal professionals about mediation benefits.
3. Judicial officers should actively encourage mediation while safeguarding voluntariness.
4. Infrastructure for online and community mediation should be strengthened, especially in rural areas.²⁷
5. Periodic review of the Act's implementation should be undertaken to address emerging challenges.

FINDINGS OF THE STUDY

1. The Mediation Act, 2023 significantly strengthens India's ADR framework.
2. Mediation proceedings reduce judicial backlog and litigation costs.
3. Enforceability of settlement agreements enhances confidence in mediation.
4. Mandatory mediation requires careful implementation to avoid procedural delays.
5. Institutional support and awareness are crucial for long-term success.²⁸

CONCLUSION

The **Mediation Act, 2023** represents a transformative step toward modernizing India's justice delivery system. By institutionalizing mediation, ensuring enforceability of settlements, and promoting time-bound dispute resolution, the Act addresses longstanding issues of delay, cost, and accessibility in litigation. Mediation proceedings under the Act foster cooperation, preserve relationships, and promote social harmony while reducing the burden on courts.

However, the true success of the Act depends on effective implementation, skilled mediators, judicial cooperation, and public acceptance. If these challenges are addressed, mediation can emerge as a cornerstone of India's dispute resolution ecosystem, reinforcing the constitutional vision of accessible, speedy, and equitable justice.²⁹

²⁶Sander, Frank E.A. "Varieties of Dispute Processing." *Federal Rules Decisions*, Vol. 70, 1976.

²⁷Sarkar, S.K. *Alternative Dispute Resolution: Law and Practice*. Oxford University Press, 2021.

²⁸Singapore Convention on Mediation, 2019.

²⁹Supreme Court of India. *National Policy for ADR and Mediation*. Judicial Reforms Committee Report, 2019.

The enactment of the **Mediation Act, 2023** marks a decisive shift in India's justice delivery mechanism from an adversarial, litigation-centric model to a more collaborative, participatory, and solution-oriented approach. By providing a comprehensive statutory framework for mediation proceedings, the Act addresses long-standing deficiencies in the Indian legal system, particularly excessive judicial backlog, procedural delays, and high litigation costs. The institutionalization of mediation under this legislation reflects the State's commitment to strengthening alternative dispute resolution mechanisms and promoting consensual justice.³⁰

Mediation proceedings under the Act have demonstrated substantial potential to enhance **judicial efficiency** by diverting suitable disputes away from courts at the pre-litigation stage. The introduction of **mandatory pre-litigation mediation**, coupled with **time-bound procedures**, ensures early engagement between parties and encourages resolution before disputes escalate into prolonged litigation. The legal recognition and enforceability of mediated settlement agreements further reinforce the credibility and finality of mediation outcomes, making mediation a viable and trustworthy alternative to court adjudication.³¹

The Act also significantly contributes to **access to justice**, particularly for marginalized and economically weaker sections of society. Provisions relating to **online mediation and community mediation** reduce geographical, financial, and procedural barriers, enabling wider participation in dispute resolution. The emphasis on **confidentiality** encourages candid dialogue, protects privacy, and preserves social and commercial relationships—an outcome rarely achieved through adversarial litigation.³²

³⁰Tiwari, Vijaishree & Verma, Nilesh. *Impact of the Mediation Act, 2023 on Matrimonial and Family Disputes*. International Journal of Research in Applied Science and Engineering Technology, 2024.

³¹UNCITRAL. *Model Law on International Commercial Mediation*. United Nations, 2018.

³²Vidhi Centre for Legal Policy. *Strengthening Institutional Mediation in India*. 2022.

However, the success of mediation proceedings under the Mediation Act, 2023 is not without challenges. Concerns regarding the mandatory nature of pre-litigation mediation, uneven mediator competency, limited public awareness, and potential enforcement delays highlight the need for careful and balanced implementation. Mediation, by its very nature, thrives on voluntariness and trust; therefore, excessive procedural compulsion may undermine its effectiveness if not administered judiciously.³³

In conclusion, the Mediation Act, 2023 represents a progressive and transformative reform with the capacity to reshape India's dispute resolution culture. Its long-term effectiveness will depend on sustained institutional support, continuous training and accreditation of mediators, proactive judicial encouragement, and widespread public awareness. If implemented thoughtfully, mediation proceedings under the Act can serve as a cornerstone of an efficient, inclusive, and humane justice system, advancing the constitutional promise of timely and equitable access to justice for all.³⁴

³³Rama Rao, P. *Alternative Dispute Resolution: Negotiation, Mediation and Arbitration*. LexisNexis, 2017.

³⁴Sander, Frank E.A. "Varieties of Dispute Processing." *Federal Rules Decisions*, Vol. 70, 1976.

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