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A STUDY OF MEDIATION AS EMERGING MECHANISM OF ALTERNATIVE DISPUTE RESOLUTION IN INDIA

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Abstract
As far as India is concerned, mediation is emerging as an important form of Alternative Dispute Resolution (ADR) which is consensual, flexible and non-adversarial. With the pendency of cases, delays in the court process, the high cost of litigation, and the adversarial nature of litigation, mediation has become increasingly important in the Indian justice delivery system. The present study explores the development, legal provisions, functions and the developing importance of mediation in India with a doctrinal and analytical analysis. The study analyses the contribution of Section 89 of the Code of Civil Procedure, 1908, important judicial pronouncements, and the Mediation Act, 2023 towards the institutional development of mediation. The study concludes that the Mediation Act, 2023 has a comprehensive framework for pre-litigation, institutional, online and community mediation. But the key is training of mediators, robust institutions, and public awareness and continuing judicial support. The study concludes that mediation has a meaningful role to play in dispute resolution is accessible, efficient, participatory and harmonious in India.

Keywords: Mediation, Alternative Dispute Resolution, Mediation Act 2023, Access to Justice, Dispute Resolution

1. Introduction

In India, the adjudication of disputes via court proceedings has long been presumed as the hallmark of the administration of justice; however, the current landscape of high volumes of litigations, lengthy proceedings, complexity of the processes and high costs has created an urgent need for alternative, participatory and accessible dispute-resolving processes that are more efficient. Alternative Dispute Resolution (ADR) is thus given an increased importance in the Indian legal system in the form of arbitration, mediation, conciliation and Lok Adalats. Of these processes, mediation has become a very unique one because it does not force a resolution on the parties, it provides an environment where the parties enter into communication and negotiation with the help of a neutral third party that helps the parties reach a mutually agreeable decision. Caesar Roy (2023) notes that ADR marks a critical break from the purely confrontational approach to handling disputes and to an approach that is likely to offer more party-focused and timely resolution. Mediation came into being gradually in the Indian context, namely through indigenous consensual methods for resolving conflict, community-based conflict mechanisms, and eventually via court-annexed mediation centres, statutory frameworks and judicial mandates. However, mediation did not have a unified and comprehensive legislative framework for a long

time and the legal basis was fragmented in a variety of laws and procedural provisions. Section 89 of the Code of Civil Procedure, 1908 was of great significance in introducing the court referred ADR processes into civil litigation in India as well as judicial rulings like Salem Advocate Bar Association v. Union of India[1] and Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P)[2] Ltd., which helped clarify how mediation works and the extent to which it can be utilized in India. Hence, the enactment of the Mediation Act, 2023, marks another milestone in the path towards making mediation an established mechanism of alternative dispute resolution and incorporating it into the legal framework. The purpose of this purpose is reflected in the long title of the Act itself, which seeks to promote and facilitate mediation, especially institutional mediation, ensure the enforcement of a mediated settlement agreement, create a framework in relation to mediators, and encourage community mediation and recognise online mediation as a viable process that is acceptable and cost-effective (Government of India, 2023)[3]. Banshidhar Baug (2024) describes the legislation as 'potentially transformative' as it aims to make mediation a key element in India's new dispute-resolution framework instead of just a process that is carried out alongside litigation. In the same way, Payel Chatterjee and Shuchita Choudhry (2024) point out that mediation had not been systematically developed in the past due to the lack of a dedicated statutory framework, although there has been support from judicial and institutional quarters for consensual resolution. In order to fill this gap, the Mediation Act, 2023 aims to create a more streamlined and consistent framework for pre-litigation mediation, institutional mediation, community mediation and online mediation and to address the matters relating to confidentiality, conduct of mediation and the nature of mediated settlements. An appreciation of the growing significance of mediation has to be read against the background of the changing philosophy of justice. Access to justice is a concept that is now coming to the fore in modern dispute resolution, which does not necessarily require access to a formal courtroom and a judicial verdict but can also be gained through access to a process that is appropriate, fair and effective to facilitate resolution of disputes without loss of autonomy, relationship and confidentiality. The current mediation system is particularly relevant as it offers flexibility, confidentiality and a time-limited approach, which may render dispute resolution more responsive to parties' needs than traditional adversarial procedures, Sharma and Choudhary (2025) point out. A negotiated settlement is particularly useful in disputes when continuing relationships are significant, such as family, commercial, workplace, community and some civil disputes, where a negotiated settlement may serve the underlying interests of the parties that a strictly adjudicatory process may not resolve. The rise of mediation as a dominant ADR method also triggers some doctrinal issues of voluntariness, party autonomy, enforceability, confidentiality, institutional control and mediation and access to justice. More recent studies have also warned that, more than just about legislation, the success of the Mediation Act relies on the institutional implementation and development of a credible mediation ecosystem. For example, to achieve the transformative potential of mediation, it is crucial that the statutory architecture established by the Act is complemented by an effective institutional operationalisation, such as that by Himanshu Soni (2026). Similarly, Navin Kumar Shrivastava (2026) points out that the Mediation Act, 2023 could mark a paradigm shift, but also highlights the challenges in the practical implementation of the new framework. Hence, the current scenario of mediation in India is very critical as it is no longer just a settlement process or an informal tool but an independent and structured process within the ambit of ADR.

[1] *Salem Advocate Bar Ass'n, Tamil Nadu v. Union of India*, **(2003) 1 SCC 49** (India).
[2] *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, **(2010) 8 SCC 24** (India).
[3] Government of India. (2023). *The Mediation Act, 2023* (Act No. 32 of 2023). Ministry of Law and Justice.

2. Conceptual and Legal Framework of Mediation in India

One of the most important mechanisms of ADR is mediation, which is based on the principle that parties in a dispute should, wherever possible, have an opportunity to resolve their differences for themselves by means of a consensual and non-adversarial process. But mediation is different from litigation, in which a judge issues a final ruling; mediation is also different from arbitration, in which an arbitrator rules on the controversy. Mediation is conducted by an impartial third party who helps communicate and negotiate, but does not have the authority to impose a settlement. The key to the significance of the statutory definition under Section 2(h) of the Mediation Act, 2023 is that it is an inclusive definition that expands the definition of mediation to include pre-litigation mediation, online mediation, community mediation, conciliation and other words of similar effect and scope, as long as the parties have tried to reach an amicable resolution with the help of a mediator, who is not authorized to impose a settlement upon the parties. The introduction of Mediation Act, 2023, is therefore a significant shift from the current mediational landscape in India, which is fragmented, to a more uniform statute designed to cover the entire process.The Mediation Act, 2023 thus signifies an important shift in Indian law from a piecemeal approach to mediation to a more comprehensive approach. The basic principles of mediation are: party autonomy, informed consent, flexibility, neutrality and confidentiality, and voluntariness. The mediator helps the parties discover their interests, clarify and reduce points of conflict, and offer alternative solutions that they may accept or reject. This is a key difference between mediation and adjudicatory processes and is especially applicable to disputes where the relationship continues, such as disputes in the family, commercial, workplace and community contexts. The Government of India itself has referred to the Mediation Act, 2023 as a significant reform, aimed at fostering a culture of friendly and extrajudicial settlement and solidifying institutional mediation in India (Ministry of Law and Justice, 2023)[4].

Section 89 of the Code of Civil Procedure, 1908 is an integral part of the modern evolution of mediation laws in India. To facilitate such an idea, Section 89 provided for a statutory forum to consider the prospect of settlement and to refer different disputes to arbitration, conciliation, judicial settlement (including Lok Adalat) or mediation. The entire constitutional stance and practical implementation of this provision were given a lot of judicial consideration in the case of Salem Advocate Bar Association, Tamil Nadu v. Union of India, (2003) 1 SCC 49, popularly known as Salem Advocate Bar Association (II). In this case, the Supreme Court recognised the importance of Section 89 as a mechanism for reducing the burden on conventional courts and promoting consensual settlement. The Court also laid down suitable rules and methodology for the competent application of the ADR mechanisms such as mediation and hence gave a significant institutional impetus to the development of court-annexed mediation in India (Salem Advocate Bar Association v. Union of India, 2003). From a doctrinal standpoint, the ruling is significant because it made Section 89 a more than a ban on mere formality, and a mechanism that courts should take seriously when deciding to go for a settlement. As a result, judicial mediation centres started to be established, especially under the guidance of High Courts and District Courts.

The Supreme Court later in its judgment in Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24, gave a more detailed interpretation of Section 89. The main question before the Court was whether Section 89 allowed a court to order parties to arbitrate without their consent, and what the different arbitration processes listed in Section 89 mean. The Supreme Court clarified the difference in the types of ADRs and confirmed that the parties must consent to arbitration, as it is an adjudicatory and binding determination, and contrasted it with mediation, which is a facilitated settlement

[4] Ministry of Law and Justice, Government of India. (2023). *The Mediation Act, 2023: Statement of objects and reasons*. Department of Legal Affairs.

process with no adjudicatory, binding determination. The Court also provided guidance on types of cases that are likely to be appropriate or inappropriate for ADR, and suggested that the nature of the dispute and prospects for settlement should be a factor in determining whether to refer a case to ADR. The Afcons Infrastructure judgment is seen as a milestone for the evolution of mediation in India in that it brought much-needed clarity on Section 89, and reinforced the 'how-to' process of court referred mediation in India. The court's decision established mediation as an independent and significant dispute-resolution process, not just a facsimile of negotiation.

The Supreme Court has also noted the importance of mediation in matrimonial and family cases in K. Srinivas Rao v. D.A. Deepa (2013)[5] 5 SCC 226. The Court noted that the conflicts between the parties in a marriage can be emotional, social, and personal and are not always best handled in an adversarial manner. Thus it was a call to establishing and strengthening mediation centres and the role of trained mediators in trying to reconcile and settle the parties. The importance of this ruling is that mediation can help to maintain the family relationship and deal with issues that a court order cannot. Likewise, in M.R. Krishna Murthi v. New India Assurance Co. Ltd., (2019)[6] 4 SCC 177, the Supreme Court considered the possibility of adopting a more systematic approach to mediation in India and emphasised a need for an all-encompassing legislation on mediation. The Court recognized the universal relevance of mediation and the importance of establishing a viable institutional structure, as part of the policy and law-making process that led to the adoption of the Mediation Act, 2023.

The mediation landscape has changed significantly since the introduction of the Mediation Act, 2023. Mediation agreements, Pre-litigation mediation, Court or Tribunal referral to mediation, Mediators' appointment and duties, Confidentiality, Settlement agreement reached through mediation, Enforcement, Online, Community mediation, Service providers and Mediation council of India. Of course, Section 5 and Section 7 deal with pre-litigation mediation and/or referral by court or tribunal, and Sections 22 and 23 are designed to preserve confidentiality of mediation communication and limit admissibility and disclosure. One of the major concerns that used to impact confidence in mediation has been addressed with the provisions of section 27 and section 28, which provide for enforcement and challenges to mediated settlement agreements. The legislation also acknowledges that a mediated settlement agreement can be legally binding and that objections can only be made for limited reasons. This is an effort to achieve balancing of the consensual nature of mediation with a certainty and enforceability (Government of India, 2023).

The Mediation Act, 2023[7] must also be read in the background of the goal of access to justice in India. There is no substitute for the traditional judicial system where authoritative adjudication is required, but not all disputes need to be litigated, and it is not always necessary to have a prolonged adversarial trial. Eventually, mediation offers another option that the parties could consider to find solutions that are timely, confidential and relationship oriented. The Court has recognised, in the wake of the prevailing prejudice against arbitration, the enabling nature of Section 89 of the Code of Civil Procedure, 1908, which covers arbitration, conciliation, mediation and judicial settlement, and the Mediation Act, 2023 has been introduced to provide a more consolidated and structured regime on mediation (Ministry of Law and Justice, 2024). The increasing institutionalisation of mediation is also demonstrated by the ongoing

[5] *K. Srinivas Rao v. D.A. Deepa*, **(2013) 5 SCC 226** (India).
[6] *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*, **(2019) 4 SCC 177** (India).
[7] Shrivastava, N. K. (2026). The Mediation Act, 2023: A paradigm shift in India's dispute resolution landscape—A comprehensive analysis. *International Journal of Law and Management*. Advance online publication. https://doi.org/10.1108/IJLMA-10-2025-0453

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existence of the National Legal Services Authority and court-annexed mediation mechanisms that have seen mediation settlements and encouraged access to consensual dispute resolution.

Therefore, the concept and the legal framework of Mediation in India have developed over the years by incorporation of both traditional methods of mediation and statutory measures and judicial interpretation. Salem Advocate Bar Association introduced the concept of ADR in Section 89 of the Code of Civil Procedure, Afcons Infrastructure explained the nature and working of the ADR referral, and K. Srinivas Rao brought to the fore the specific utility of mediation in relationship-based disputes. M.R. Krishna Murthi also underscored the importance of a comprehensive legislation. At the end of this evolutionary process the Mediation Act 2023 aims to make mediation an institutionally supported and legally acknowledged process of conflict resolution. However, its effectiveness will rely on the implementation of the Act in practice, on the availability of competent and trained mediators, on the public awareness and on the institutional capacity and the capacity of courts and mediation service providers to maintain the key values of neutrality, voluntariness and party autonomy. In this respect, mediation in India has not become an alternative to the court, but has become a more and more significant supplemental process, which can play an important role in making access to justice more participatory, accessible and efficient.

3. The mediation as an alternative dispute resolution mechanism in India

The development of mediation in India can be traced back to the gradual shift from the traditional methods of resolving disputes through the community to a formal and legalized process in the contemporary judicial system. Indian society has traditionally used some consensual ways of settling issues by involving community elders, community and local institutions like Panchayats. These were the traditional instruments that emphasised the issues of reconciliation and compromise, so as to restore social harmony, rather than focus on a winner and a loser. Mediation, however, as a part of Alternative Dispute Resolution, began to be formally developed because of the volume of litigation and delays in the judiciary. An important piece of legislation affecting the field was the enactment of Section 89 of the Code of Civil Procedure, 1908, which provided courts with the authority to look into dispute settlement and to refer the right type of case to an appropriate settlement process, such as mediation. This provision paved the way for the establishment of mediation in the context of Indian courts.

This process was given a powerful boost by the Supreme Court. The Court in Salem Advocate Bar Association, Tamil Nadu v. Union of India, (2003) 1 SCC 49, stressed upon the need for the effective implementation of Section 89 and the need to frame rules for the ADR mechanisms. Later in its history, the Supreme Court had given relevant directions in Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24, that mediation is different from arbitration and other alternative modes of dispute resolution. The Court understood that mediation is a process well suited where there is the prospect of achieving a negotiated agreement and where relationships are of concern.

Judicial initiatives in certain special fields continued to foster the development of mediation. The Supreme Court in K. Srinivas Rao v. D.A. Deepa (2013) 5 SCC 226 reiterated the importance of mediation in matrimonial disputes and the establishment of mediation centres and trained mediators. In M.R. Krishna Murthi vs. New India Assurance Co. Ltd., (2019) 4 SCC 177, the Supreme Court in India emphasized on the necessity of enacting a comprehensive law for mediation in India. This judicial and institutional development culminated in the enactment of the Mediation Act, 2023, which seeks to put a statutory framework in place for pre-litigation, institutional, online and community mediation (Government of India, 2023).

According to recent scholarship, the Mediation Act has been considered a major step towards the institution and preservation of the consensual nature of mediation in India's dispute-resolution landscape.The recent scholarship on this Act considers the Act as stepping stone towards formalizing and preserving the consensual nature of mediation in Indian dispute-resolution mechanism. Therefore, mediation has changed from an ad hoc, non-formal means of settling disputes into a relatively institutionalized and legitimate structure of informal dispute resolution processes which provides the scope for ensuring timely, accessible and participatory justice in India.

4. Research Objectives

i. To discuss about the concept, nature and development of a new process of Alternative Dispute Resolution in India (Mediation).
ii. To examine the legal and institutional aspects of mediation in India, highlighting the Mediation Act, 2023, and relevant judicial precedents.
iii. To assess role, significance and problems of mediation in the speedy, accessible and effective dispute resolution in India.

5. Research Methodology

The method of research used is doctrinal and analytical. The research is mainly secondary, which means that the sources of data are statutes, judicious decisions, books, research articles, legal journals, government reports and other sources relevant to the research and published. Special focus is given to the Mediation Act, 2023, Section 89 of the Code of Civil Procedure, 1908 and key judicial decisions that have led to the evolution of mediation in India. The study is a systematic analysis and interpretation of statutory provisions and case laws in order to grasp the current situation and future development of mediation law. Current literature and scholarly publications which explore relevant developments, benefits and issues surrounding mediation are also examined. The material collected is analysed qualitatively using descriptive and analytical approach. No primary data or empirical survey is conducted, the study is doctrinal in nature. The methodology seeks to give a detailed knowledge of the concept of mediation and analyze the viability of mediation as an effective alternative dispute resolution mechanism in India.

6. Mediation as an effective tool for resolving disputes in the Indian context

Mediation has increasingly become an integral part of the Indian justice delivery system as an alternative dispute resolution mechanism that aims at settling disputes in a consensual and less confrontational manner. While the conventional court system is still vital for the protection and enforcement of legal rights, litigation can be lengthy and involve repeated hearings, significant costs, and even more relationships being strained among parties. The goal of mediation is to help resolve some of these concerns by providing a structured process where parties, with the help of a neutral mediator, can communicate their interests, and agree on a mutually acceptable resolution. For this reason, mediation is not just critical to the process of decreasing the number of cases going through long litigations, but it is also important to it being a more participatory form of justice.

An important benefit of mediation is that it can offer speedy resolution of disputes. The Mediation Act, 2023 is a piece of legislation aimed at encouraging settlement in a specified process, and at encouraging pre-litigation mediation in suitable cases. Early resolution can keep parties from the burden of financial and emotional costs of extended litigation. In Salem Advocate Bar Association, Tamil Nadu v. Union of

India (2005)[8], Supreme Court emphasized on the need for the effective implementation of the ADR mechanisms and the role played by section 89 of the code of civil procedure, 1908 in enhancing administration of justice. Likewise, in Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd. (2010) 8 SCC 24, the Court explained the function of mediation and highlighted the importance of pointing out the nature of the disputes which are suitable to be resolved through ADR. These judicial advancements bolstered mediation's role as a valuable alternative to the traditional court process.

Mediation is important in situations where ongoing personal, social or commercial relationships are involved. In family and marriage conflicts, a ruling from a judge could clarify legal rights but it will not necessarily resolve interpersonal and emotional tensions that may be at the root of the dispute. In K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 226, the Supreme Court underscored the utility of mediation in matrimonial disputes and urged an attempt at settlement and reconciliation, if feasible. Mediation is also an effective tool for resolving commercial conflicts, as it helps the parties to consider viable business results, and keeps the business relationships alive that could be irretrievably damaged by litigation.

The other significant qualities of mediation are confidentiality and party autonomy. Mediation is usually a relatively confidential process, whereas courtroom proceedings are not. The mediator does not make a decision, but helps those involved in the dispute to come up with a solution themselves. The Mediation Act, 2023 also includes provisions on confidentiality and mediated settlement agreements, which enhances trust in the mediation process. Finally, mediated settlements are legally recognized and enforceable, which helps to ensure that parties opting for mediation as a dispute resolution process have confidence in the process.

Mediation also helps to improve access to justice by providing a flexible process, which can be tailored to the nature of the dispute and the needs of the parties. The mention of online mediation in the Mediation Act, 2023 is especially significant in today's digital age where it has the potential to help with participation when in-person attendance is challenging. Community mediation also offers an opportunity to solve issues that impact on the peace and harmony in the community.

Therefore, mediation plays more and more an important role in the developing justice system in India. It should never be seen as an alternative to court, but as a tool to complement court which can be more flexible in delivering timely and confidential solutions that focus on the relationship in suitable cases. Public awareness, trained mediators, robust institutions, and the successful implementation of the Mediation Act 2023 will continue to be crucial for the success of mediation.

7. Problems and future prospects of Mediation in India

Although mediation is now recognized as an effective way of settling disputes through Alternative Dispute Resolution, there are a number of legal, institutional and practical issues that still need to be addressed in order to foster the successful development of mediation in India. The Mediation Act, 2023 has provided a substantial legislative underpinning, but laws will not yet allow for greater acceptance and practice of mediation. However, the effectiveness of the process relies on public trust, institutional arrangements and the presence of trained mediators as well as a general awareness of the benefits and barriers of consensual dispute resolution among parties and legal experts.

Public awareness of mediation is one of the main obstacles. There are many parties still opposing each other and considering litigation as the only method to ensure their rights. It may also be thought that settlement is a sign of giving in or weakness rather than a mutually beneficial outcome. An important part

[8] *Salem Advocate Bar Ass'n, Tamil Nadu v. Union of India*, **(2005) 6 SCC 344** (India).

of changing this perception lies in the hands of lawyers and legal professionals whose duty is to counsel clients on the appropriateness of mediation in certain disputes. In M R Krishna Murthi v. New India Assurance Co. Ltd., (2019) 4 SCC 177, Supreme Court has given importance to mediation as a means of dispute resolution and has emphasized the need for a structured legal and institutional mechanism for the development of mediation.

One of the other significant issues is the quality and training of mediators. A mediator must be more than just "knowledgeable" about the law; he or she must have communication skills, neutrality, patience, the ability to negotiate, and the social and psychological understanding of the nature of conflict. The credibility of mediation institutions will therefore depend to a large extent on the establishment of professional standards and relevant training procedures. No institutional structure is provided in the Mediation Act, 2023 and the successful operationalisation of such institutions will be essential to the long-term success of the legislation, which contains provisions to ensure that mediation service providers and the Mediation Council of India work together in this regard.

As the new legal regime is developed, there may be questions of implementation and interpretation of the Act. Courts will be crucial in resolving issues of mediation agreements, confidentiality, enforceability and challenge of mediated settlement agreements. At the same time, mediation must retain its fundamental voluntary and consensual nature. Too much formality in procedure can undermine the strengths of mediation compared to litigation. A balance thus needs to be struck between regulation and accountability on the one hand and party autonomy on the other.

The outlook of mediation in India, however, is upbeat. Recognizing pre-litigation mediation can incentivize parties to engage in settlement negotiation before entering the courts and online mediation can increase access via technology. Community mediation might also be a good way to resolve local conflicts and maintain social peace. Specialist mediation for commercial, family and workplace disputes could add to the ADR ecosystem.

Overall, the future of mediation in India will hinge on the successful implementation of mediation, and not just because it's recognized by law. Mediation could become an integral part of the justice delivery system if greater awareness is created and if there is an institutional capacity and consistent judicial support.Greater awareness, professional training, and institutional capacity, coupled with consistent judicial support, can help make mediation an important part of the justice delivery system. With the right kind of approach, the potential of mediation for accessible, efficient and harmonious dispute resolution in India is immense.

8. Conclusion

In India, mediation has become an important and increasingly relevant means of Alternative Dispute Resolution (ADR). The traditional methods of consensual dispute resolution, statutes, judicial activism and the recent reforms in the legislation have been an influence on the development of mediation in India as highlighted by the study. Judicial decisions like Salem Advocate Bar Association v. Union of India (2003), Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd. (2010), K. Srinivas Rao v. D.A. Deepa (2013) and M.R. Krishna Murthi v. New India Assurance Co. Ltd. (2019) were important to clarify, strengthen and promote mediation in the Indian legal system.

This development culminates in enacting the Mediation Act, 2023. India has for the first time in its history a comprehensive framework of legislation which is dedicated to the regulation and promotion of mediation. The Act acknowledges the use of pre-litigation, institutional, online and community mediation, and acknowledges a mediated settlement agreement. It also aims at enhancing confidentiality, party

autonomy and institutional structures for the effective operation of mediation. These trends show that there is a major reorientation of the notion of justice, from an exclusive reliance on adversarial adjudication to one that accepts consensual and collaborative processes of dispute resolution.

But mediation does not only depend on a statute. In order to implement effectively, sufficient institutional structures, trained and impartial mediators, increased awareness and support from the public and from courts and the legal profession are required. It is also crucial that the process is truly voluntary and that both parties have some autonomy over the process of settlement. Too much proceduralisation must not be allowed to compromise the flexibility and informality that is important to the strengths of mediation.

Thus mediation should be considered as an appropriate and complementary method of dispute resolution rather than a substitute to the existing judicial system. It can be particularly useful in situations where a fast solution, maintaining confidentiality and preserving relationships are critical. If the Mediation Act, 2023 and the promotion of a vibrant mediation culture are implemented effectively, mediation can make a huge difference in making justice more accessible and alleviating pressure on the courts. Mediation is therefore an important development in the field of dispute resolution that is more participatory, efficient, accessible and harmonious in nature in India.

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