

ISSN: 2583-8725

# Lex Scripta Journal

Quarterly Online and Print Edition

# Law & Policy

“Join the League of  
National & International Scholars”



## **EDITORIAL TEAM**

### ***DR. AJAY BHUPENDRA JAISWAL***

Professor & Former Head  
Department of Law  
V.S.S.D. College, Nawabganj,  
(C.S.J.M. University, Kanpur)

### ***DR. MEGHA OJHA***

Associate Professor | Legal Consultant  
| Author | KLEF College of Law

### ***PROF. DR. DEEVANSHU SHRIVASTAVA***

Founding Dean and Professor,  
GL Bajaj Institute of Law,  
Greater Noida

### ***DR. GAURAV GUPTA***

Assistant Professor,  
Faculty of Law, Lucknow

### ***MR. TUHIN MUKHARJEE***

Leadership Strategist | Business Coach  
| Author | Speaker

### ***MR. PRAKARSH PANDEY***

Author and  
Advocate, Allahabad High Court

### ***MR. AMARESH PATEL***

Assistant Professor  
at Law School,  
Amity University, Patna



**LEX SCRIPTA MAGAZINE OF  
LAW AND POLICY (VOL-4, ISSUE-1)**

Copyright © 2025, LexScripta

ISSN-2583-8725

Vol - IV, Issue - I

Published by INTEGRITY EDUCATION INDIA

**New Delhi**

First Floor, 4598/12-B, 1st Floor,  
Padam Chand Marg, Daryaganj,  
New Delhi, Delhi 110002

Phone: +91 98 11 66 62 16 (M)

Phone: +91 70 11 60 56 18 (M)

**Bengaluru**

Jallahalli East

Bengaluru, Karnataka. India.

Phone: +91 98 11 66 62 16 (M)

Email: publisher.integrity@gmail.com

**USA**

New Jersey

14 Grandview Ave, Upper Saddle River,  
NJ-07458, USA

Phone: +14805226504 (M)

**London**

37 Degree Media

64, Hodder Drive, Perivale, London UB68LL.  
United Kingdom.

Phone: +44 7950 78 18 17 (M)

Website: integrityeducation.co.in

---

© Lex Scripta Magazine Of Law And Policy, 2025

**Disclaimer**

All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (Lex Scripta Magazine of Law and Policy), an irrevocable, non-exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known. No part of this publication may be reproduced, stored, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

The Editorial Team of Lex Scripta Magazine of Law and Policy Issues holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not necessarily reflect the views of the Editorial Team of Lex Scripta Magazine of Law and Policy.

[© Lex Scripta Magazine of Law and Policy. Any unauthorized use, circulation or reproduction shall attract suitable action under application law.]

---

For any Query / Feedback  
Phone: +91 98 11 66 62 16 (Vineet Sharma)

---

Printed in India @ New Delhi

ISSN: 2583-8725

# Lex Scripta Journal

Quarterly Online and Print Edition

# Law & Policy

"Join the League of National  
and International Scholars"



# Lex Scripta Journal

---

## **AN ANALYTICAL STUDY OF THE RIGHT TO A CLEAN ENVIRONMENT SOLID WASTE MANAGEMENT AND HUMAN RIGHTS**

Author

Ankit Singh Rajput

Dr. Suhail Quershi



# Mediation Act, 2023: A New Era of Dispute Resolution in India

Neelakshi

LL.M (ADR)

Gitarattan International Business School, Delhi.

Indraprastha University

---

## Abstract

*The continued delays in resolving disputes in the Indian courts have forced the adoption of alternative mechanisms to ensure timely and effective justice. Simply put, alternative dispute resolution refers to mechanisms for settling disputes without going to court. Instead of the judge deciding, the parties work with a neutral person (such as an intermediary) to find a solution. It's faster, cheaper and less stressful than going to court. Mediation, as a non- adversarial and participatory process, has emerged as an important form of mediation in this respect. In India, the law and practice of private and transactional trade disputes without the intervention of a court date back to antiquity. Arbitration or mediation as an alternative to the municipal courts for resolving disputes has been practised in India since the Vedic era. The Mediation Act 2023<sup>1</sup> establishes a structured legal framework to promote mediation as the primary method of dispute resolution: this document reviews legislation.*

## Keywords

*Mediation Act, 2023 India Analysis; Alternative Dispute Resolution; Pre-litigation Mediation; Alternative Dispute Resolution (ADR), Mediation, Mediation Act 2023, Judicial Delay, Access to Justice, Non-Adversarial Process, Traditional Dispute Resolution, Arbitration, Legal Framework.*

## 1. Introduction

The effectiveness of any legal system is measured by its ability to deliver timely justice. In India, however, judicial delays have long undermined public confidence in the legal process. It is a technique to resolve disputes and disagreements between the parties by arriving at an amenable settlement through negotiations and discussions. In ADR some formal legal framework is mentioned in the Arbitration and Conciliation Act, 1996.<sup>2</sup> Litigation often involves prolonged procedures, substantial costs, and adversarial confrontation, which may further aggravate disputes rather than resolve them.

The Mediation Act, 2023<sup>3</sup> (formerly the Mediation Bill), Is a landmark Indian law that promotes and regulates out-of-court dispute resolution. It settled a foundation for willing, confidential, and time-bound mediation (usually within 180 days) for civil and commercial disputes before approaching courts. The law also formally recognizes online and community mediation, with agreements being binding, enforceable as court decrees, and enforceable within 90 days.

In this context, mediation presents a constructive alternative. It encourages dialogue, cooperation, and mutually acceptable solutions. Recognizing these advantages, the legislature enacted the

---

<sup>1</sup> The Mediation Act,

<sup>2</sup> Arbitration and Conciliation Act, 1996.

<sup>3</sup> Mediation Act,2023.

Mediation Act, 2023,<sup>4</sup> to provide a comprehensive legal foundation for mediators who facilitate discussions to help parties reach a mutually acceptable solution. The act reflects a conscious shift towards consensual dispute resolution mechanisms.

## **2. Research Methodology**

This study adopts a doctrinal method of research, relying primarily on interpretation towards consensual dispute resolution mechanisms. And judicial precedents. Secondary materials such as academic commentaries, law journal articles, and policy reports have also been examined. The research further employs an analytical approach to assess the practical implications of the legislation, along with a limited comparative perspective.

## **3. Literature Review**

Legal scholars and researchers have widely recognized mediation as an effective alternative to traditional litigation, especially in reducing delays, costs, and complexity in the Indian judicial system. Earlier studies highlight that although mediation existed in India through informal systems like panchayats and later under Section 89 of the Code of Civil Procedure, 1908, its implementation remained limited due to lack of awareness and institutional support.

Recent literature focuses on the Mediation Act, 2023, which is considered a significant step towards strengthening ADR in India. Scholars appreciate its key features such as pre-litigation mediation, enforceability of settlement agreements, and recognition of online mediation. These reforms are expected to reduce court burden and promote faster dispute resolution. However, some authors point out challenges like shortage of trained mediators, inadequate infrastructure, and the risk of making mediation less voluntary due to mandatory pre-litigation requirements. Comparative studies with countries like the USA and UK show that India still needs stronger institutional support and awareness.

Overall, the literature concludes that the Mediation Act, 2023 has strong potential to improve dispute resolution in India, but its success will depend on effective implementation and public acceptance.

## **3. Research Questions**

1. Whether the Mediation Act, 2023 effectively strengthens ADR mechanisms in India?
2. To what extent can pre-litigation mediation reduce the burden on courts?
3. What are the structural and practical challenges in the implementation of the Act?

## **4. Evolution of Mediation in India**

Before the enactment of a dedicated statute, mediation in India was governed by fragmented legal provisions and judicial initiatives. Section 89 of the Code of Civil Procedure, 1908,<sup>5</sup> enabled courts to refer disputes to alternative mechanisms, including mediation. Section 89 of the Code of Civil Procedure (CPC) was inserted in 1999 to facilitate extra-judicial settlements through participation

---

<sup>4</sup> *The Mediation Act, No. 32 of 2023, India Code (2023).*

<sup>5</sup> *Code of Civil Procedure, 1908, Section. 89 (India).*

of parties in alternate dispute resolution mechanisms (ADR) to alleviate the burden on courts and enable speedy resolution of disputes.<sup>6</sup>

Arbitration and Conciliation Act Section 89 reads as follows:

**89. Settlement of disputes outside the Court.**— (1) If the Court finds that there are components of a settlement that might be agreeable to the parties involved, it shall draft the terms of the settlement and present them to the parties for their feedback. After considering the parties' observations, the Court may revise the proposed terms of the potential settlement and send the revised version for::

- (a) Arbitration;
- (b) Conciliation;
- (c) Judicial settlement including settlement through Lok Adalat; and
- (d) Mediation.

(2) Where a dispute has been referred:

- (a) For arbitration or conciliation, the provisions of the **Arbitration and Conciliation Act, 1996<sup>7</sup> (26 of 1996)** shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act;
- (b) To Lok Adalat, the Court shall refer the same to the Lok Adalat in accordance with the provisions of **sub-section (1) of Section 20 of the Legal Services Authorities Act, 1987<sup>8</sup> (39 of 1987)** and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat;
- (c) for judicial settlement, the Court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the **Legal Services Authorities Act, 1987<sup>9</sup> (39 of 1987)** shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act; and
- (d) For mediation, the Court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.<sup>10</sup>

Judicial pronouncements significantly contributed to the development of mediation jurisprudence. **In Salem Advocate Bar Association v. Union of India<sup>10</sup>**, the Supreme Court emphasized the necessity of ADR mechanisms to address judicial backlog. Subsequently, **In Afcons**

---

<sup>6</sup> *Salem Advocate Bar Association v. Union of India*, (2003) SCC 49, para 9.

<sup>7</sup> *Arbitration and Conciliation Act, 1996*.

<sup>8</sup> *Legal Services Authorities Act, 1987*, S. 20.

<sup>9</sup> *Legal Services Authorities Act, 1987*.

<sup>10</sup> *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344.

**Infrastructure Ltd. v. Cherian Varkey Construction Co.**<sup>11</sup>, the Court clarified the categories of disputes suitable for mediation and laid down procedural guidelines.

Further, in **M.R. Krishna Murthi v. New India Assurance Co.**<sup>12</sup>, the Supreme Court highlighted the need for a robust institutional framework for mediation. These developments collectively underscored the importance of a comprehensive legislative framework, ultimately leading to the enactment of the Mediation Act, 2023<sup>13</sup>.

#### **4. Salient Features of the Mediation Act, 2023**

##### **4.1 Pre-Litigation Mediation**

The Mediation Act, 2023 introduces the concept of pre-litigation mediation, requiring parties to attempt resolution of disputes through mediation before initiating formal legal proceedings. This approach emphasizes early intervention, enabling parties to settle disputes amicably at an initial stage, thereby reducing the burden on courts and promoting efficient dispute resolution.

##### **4.2 Recognition of Online Mediation**

The Act formally acknowledges the role of technology by permitting the conduct of mediation proceedings through online platforms. This enhances accessibility, reduces logistical barriers, and ensures continuity of dispute resolution processes, particularly in cases involving parties located in different geographical regions.

##### **4.3 Confidentiality**

Confidentiality constitutes a fundamental principle of mediation under the Act. It ensures that all communications, disclosures, and documents exchanged during the mediation process remain protected. This legal safeguard promotes openness, trust, and candid dialogue between the parties.

##### **4.4 Enforceability of Mediated Settlement Agreements**

The Act confers legal enforceability upon mediated settlement agreements by granting them the status equivalent to a decree of a court. This provision strengthens the credibility and effectiveness of mediation outcomes, ensuring that such agreements are binding and executable.

##### **4.5 Institutional Framework**

The Act provides for the establishment of a structured institutional framework, including the regulation and accreditation of mediation service providers. This ensures standardization, professionalism, and fairness in the conduct of mediation proceedings.

#### **6. Critical Analysis**

While the Conciliation Act, 2023 shows a growing step, sure concerns demand cautious concern. Fundamentally, the necessary character of pre-prosecution reconciliation grant permission be believed as restricting body independence, that is a fundamental law fundamental ADR

---

<sup>11</sup> *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co.*, (2010) 8 SCC 24.

<sup>12</sup> *M.R. Krishna Murthi v. New Delhi Assurance Co.*, (2019) 4 SCC 177.

<sup>13</sup> *The Mediation Act, No. 32 of 2023, India Code (2023)*.

machines<sup>14</sup>. Irresistible bodies to take part in negotiation, even place skilled is little purview for conclusion, grant permission bring about procedural delays.

Second, the influence of the Act is with the understanding the chance of prepared mediators and enough foundation. Now, India faces a deficiency of skillful specialists and patterned reconciliation organizations.

In addition, social weakness for action and restricted knowledge about negotiation stretch to deter allure agreement. Thus, it is offered that law-making correct must be completed by bland and educational change.

## 7. Advantages of Mediation

Mediation offers several benefits compared to traditional litigation. It allows disputes to be resolved more quickly, reduces costs, ensures confidentiality, and promotes cooperation between parties. This approach helps preserve relationships and encourages mutually beneficial outcomes.

## 8. Comparative Analysis of Mediation Systems: India vs USA and UK

Mediation has increasingly become a preferred method of alternative dispute resolution (ADR) across jurisdictions due to its flexible, cost-effective, and party-centric nature. It enables disputing parties to reach mutually acceptable outcomes without resorting to adversarial litigation. In India, the enactment of the Mediation Act, 2023 marks a significant legislative step towards institutionalizing mediation as a formal dispute resolution mechanism.<sup>15</sup> However, when compared with jurisdictions such as the United States and the United Kingdom, where mediation systems are well-established and deeply integrated into legal practice, certain structural and practical limitations within the Indian framework become apparent.<sup>16</sup>

Historically, mediation in India was governed through fragmented statutory provisions, most notably under Section 89 of the Code of Civil Procedure, 1908,<sup>17</sup> which empowered courts to refer disputes to alternative dispute resolution mechanisms. The Mediation Act, 2023 seeks to consolidate the legal framework by formally recognizing mediation, introducing pre-litigation mediation, and granting enforceability to settlement agreements.<sup>18</sup> Despite these advancements, the practical implementation of mediation in India remains at a nascent stage, largely due to limited institutional infrastructure, lack of trained professionals, and low public awareness.<sup>19</sup>

In contrast, the United States follows a decentralized yet highly developed mediation system. While there is no single uniform national legislation, several states have adopted the Uniform

---

<sup>14</sup> *ADR Mechanisms of India*

<sup>15</sup> *The Mediation Act, No. 32 of 2023, Gazette of India.*

<sup>16</sup> *S.I Strong Beyond International Commercial Arbitration? The Promise International Commercial Mediation, 45 Wash. U.J.L. & Pol'y 11 (2014).*

<sup>17</sup> *Code of Civil Procedure, 1908, Sec.89 No. 5 of 1908 (India).*

<sup>18</sup> *Mediation Act, 2023, Sec. 5-8, (India).*

<sup>19</sup> *Law Commission of India, Report No. 238 (2011).*

Mediation Act,<sup>20</sup> which standardizes key aspects such as confidentiality and privilege in mediation proceedings. Courts in the United States frequently integrate mediation into the litigation process by mandating or strongly encouraging parties to attempt settlement prior to trial. This proactive judicial approach has significantly contributed to higher settlement rates and reduced judicial burden.

Similarly, the United Kingdom adopts a balanced approach that preserves the voluntary nature of mediation while promoting its use through judicial encouragement. In *Halsey v. Milton Keynes General NHS Trust*,<sup>21</sup> the Court of Appeal held that an unreasonable refusal to engage in mediation may lead to adverse cost consequences. This principle was further reinforced in *Dunnett v. Railtrack Plc.*,<sup>22</sup> where the court penalized a party for declining mediation. Such judicial attitudes create indirect compulsion while maintaining the consensual essence of mediation.

A comparative evaluation reveals that judicial involvement plays a crucial role in the success of mediation systems. In India, although courts possess the authority to refer disputes to mediation, the exercise of this power is inconsistent and largely discretionary. In contrast, courts in the United States actively incorporate mediation into case management practices, making it an integral part of dispute resolution. The United Kingdom, through cost sanctions and judicial guidance, ensures that parties meaningfully consider mediation before proceeding with litigation.

From an enforcement perspective, India provides strong statutory backing by treating mediated settlement agreements as equivalent to court decrees, thereby ensuring finality and ease of execution.<sup>23</sup> In comparison, both the United States and the United Kingdom generally treat mediated settlements as contractual agreements, enforceable through separate legal proceedings in cases of breach.<sup>24</sup> While this approach preserves contractual autonomy, it may involve additional procedural steps for enforcement.

Institutionally, India's mediation ecosystem is still evolving and largely dependent on court-annexed mediation centres. The absence of a uniform accreditation system for mediators affects the standardization and professionalism of the process.<sup>25</sup> In contrast, jurisdictions such as the United States and the United Kingdom have established professional bodies like the American Arbitration Association and the Civil Mediation Council, which ensure quality control, ethical compliance, and structured training for mediators.<sup>26</sup>

Another significant factor influencing the effectiveness of mediation is the prevailing legal culture. In India, there remains a strong preference for litigation, with parties often viewing adjudication as the primary mode of dispute resolution. Conversely, in the United States and the United Kingdom, a strong settlement culture exists, driven by considerations of cost efficiency, time

---

<sup>20</sup> *Uniform Mediation Act, (2001) (U.S.)*.

<sup>21</sup> *Halsey v. Milton Keynes Gen. NHS Trust, (2004) EWCA (Civ) 576 UK*.

<sup>22</sup> *Dunnet v. Railtrack plc, (2002) EWCA (Civ) 303 UK*.

<sup>23</sup> *Mediation Act, 2023 Sec.27 (India)*.

<sup>24</sup> *Stephen B. Goldberg et al., Dispute Resolution: Negotiation, Mediation, and other processes (7<sup>th</sup> ed. 2012)*.

<sup>25</sup> *Ministry of Law and Justice, India, Mediation Policy (Draft), 2021*.

<sup>26</sup> *American Arbitration Association, Mediation Procedures 2021*.

savings, and procedural convenience. This cultural inclination significantly enhances the success of mediation in these jurisdictions.

From a critical standpoint, while the Mediation Act, 2023 lays a strong legislative foundation, its success will depend on effective implementation and institutional support. The absence of mandatory mediation in all civil disputes may limit its overall impact.<sup>27</sup> Additionally, without adequate investment in infrastructure, training, and awareness programs, the practical utility of the Act may remain underutilized.

To strengthen its mediation framework, India must adopt a comprehensive approach that includes institutional capacity building, judicial training, and incorporation of mediation education within legal curricula. Drawing from international frameworks such as the UNCITRAL Model Law on International Commercial Mediation,<sup>28</sup> India can further align its system with global best practices.

In conclusion, while India has taken a progressive step by enacting the Mediation Act, 2023, the long-term success of mediation will depend on systemic reforms and cultural transformation. The experiences of the United States and the United Kingdom demonstrate that effective mediation systems require not only strong legal frameworks but also sustained judicial support, institutional development, and a shift towards a settlement-oriented approach.

## 5. Challenges in Implementation

Although mediation has gained recognition as an effective alternative dispute resolution mechanism, its practical implementation continues to face several challenges. In India, despite the enactment of Mediation Act, 2023, many structural and procedural obstacles remain.

**The implementation of the Act is likely to face several challenges:**

- **Lack of Public Awareness-** A large section of society is still unfamiliar with mediation as a legal remedy. Parties generally prefer traditional court litigation due to ignorance concerning the benefits of negotiation.
- **Inadequate mediation infrastructure-** Several courts and legal institutions lack dedicated mediation centres, technological support, and administrative facilities necessary for smooth conduct of proceedings.
- **Shortage of trained mediators-** Effective mediation depends upon skilled and neutral mediators. However, India faces a shortage of professionally trained mediators, specially in tinier towns and rural areas.
- **Resistance from traditional legal practitioners-** Many disputing parties consider mediation a sign of defect or compromise. This adversarial mindset often discourages voluntary participation.

---

<sup>27</sup> *Mediation Act, 2023 ( Critical Analysis).*

<sup>28</sup> *UNCITRAL Model Law on International Commercial Mediation (2018).*

- **Delay in Referral by Courts-** Although courts are empowered to refer the matters to mediation, such referrals are not always timely or consistent, reducing the effectiveness of early settlement.
- **Enforceability Concerns-** prior to recent reforms, uncertainty existed regarding enforcement of settlement agreements. Even now, practical implementation of enforcement mechanisms requires clarity.
- **Confidentiality Issues-** parties may hesitate to disclose facts openly if they fear misuse of something kept hidden in future prosecution.
- **Cultural and Social Factors-** On some cases, social hierarchy, power imbalance, or family pressure may affect free and fair negotiation during mediation.

## 6. Suggestions

The success of Mediation depends not merely on legislation but on awareness, trained professionals, judicial support, and public confidence. Addressing these challenges is essential to make mediation a reliable and effective dispute resolution in India<sup>29</sup>.

Mediation has become an important method for peaceful and efficient settlement of disputes. However, to make the mediation system more effective, continuous reforms and practical improvements are necessary. Proper implementation of mediation can reduce the burden on courts and promote speedy justice<sup>30</sup>. One of the foremost suggestions is to increase public awareness regarding mediation. Many people are still unaware of its benefits, such as low cost, confidentiality, and quicker resolution. Therefore, the government, legal services authorities, and educational institutions should organize awareness campaigns and legal literacy programmes<sup>31</sup>.

Another important suggestion is the professional training of mediators. The success of mediation largely depends on the skill, neutrality, and experience of the mediator. Regular training programmes, certification courses, and workshops should be introduced to ensure the availability of qualified mediators<sup>32</sup>. Institutional infrastructure must also be strengthened. Dedicated mediation centres should be established in courts, commercial institutions, and rural areas. These centres should have proper facilities, trained staff, and digital support for smooth functioning.

---

<sup>29</sup> *The Mediation Act, No 32 of 2023, Sec. 3 (India).*

<sup>30</sup> *Code of Civil Procedure, 1908, Sec. 89 (India).*

<sup>31</sup> *National Legal Services Authority (NALSA), Legal Awareness Programs (India).*

<sup>32</sup> *Mediation Act, 2023, S. 4 & S. 5 (training and accreditation of mediators).*

The judiciary should play an active role in encouraging mediation. Courts should refer appropriate cases to mediation at the initial stage of litigation. Early intervention can save time, reduce expenses, and help preserve relationships between parties<sup>33</sup>. Technology should also be used to modernize the mediation process. Online mediation platforms can help parties resolve disputes remotely, especially in commercial, family, and cross-border matters. This would make mediation more accessible and convenient<sup>34</sup>.

Confidentiality stands as a fundamental cornerstone of the mediation process. Strong legal safeguards should be provided to ensure that statements made during mediation are not misused in later court proceedings<sup>35</sup>.

To guarantee direct exercise of the Act, the following measures are submitted:

- Promotion of mediation through awareness campaigns
- Development of training and certification initiatives
- Integration of mediation in legal education
- Strengthening institutional support mechanisms
- Encouraging judicial referrals to mediation.

## 11. Conclusion

In conclusion, mediation can become a strong pillar of justice delivery if supported by awareness, trained professionals, institutional development, judicial encouragement, and legal certainty. Effective implementation of these suggestions will strengthen the mediation system in India<sup>36</sup>. There should be a clear and simple mechanism for enforcement of mediated settlement agreements. If parties are confident that settlements will be legally binding and enforceable, trust of mediation process will increase. Legal education must include mediation and negotiation studies. Law schools and universities should promote ADR training so that future lawyers and judges understand the importance of consensual dispute resolution<sup>37</sup>.

**The Mediation Act, 2023** represents a significant shift in India's dispute resolution framework. It embodies a transition from adversarial litigation to cooperative and participatory justice<sup>38</sup>.

However, the success of the Act depends upon its practical implementation, institutional readiness, and acceptance among stakeholders. With adequate support and awareness, mediation has the potential to redefine the administration of justice in India<sup>39</sup>.

---

<sup>33</sup> *Salem Advocate Bar Association v. Union of India*, (3005) 6 SCC 344.

<sup>34</sup> *UNCITRAL Model Law on International Commercial Mediation*, 2018.

<sup>35</sup> *Mediation Act, 2023 (Statement of Objects and Reasons)*.

<sup>36</sup> *Mediation Act, 2023, S. 22 (Confidentiality)*

<sup>37</sup> *Law Commission of India, Report No. 238 on ADR Mechanisms*.

<sup>38</sup> *Avtar Singh, Law of Arbitration and Conciliation (Eastern Book Company, 2021)*.

<sup>39</sup> *Mediation Act, 2023 (Statement of Objects and Reasons)*.

## References

- The Mediation Act, 2023, No. 32 of 2023, India Code (2023).
- Ministry of Corporate Affairs, Mediation and Conciliation, available at: <https://mca.gov.in>
- Ministry of Law and Justice, Statement of Objects and Reasons, Mediation Bill, 2021, Government of India (2021).
- M.R. Krishna Murthi v. New India Assurance Co. Ltd., (2019) 4 SCC 177 (India).
- Code of Civil Procedure, 1908, Section 89 (India).
- Supreme Court of India, Judgments on Mediation and ADR.
- Various scholarly articles and journals on Alternative Dispute Resolution (ADR).
- The Mediation Act, 2023, available at: <https://indiacode.in>
- Government of India, The Mediation Act, 2023, No. 32 of 2023, available at: <https://egazette.gov.in>
- “One of the Steps Towards the Dismissal of Prolonged Cases in Court by Mediation Act, 2023,” available at: <https://blog.ipleaders.in>
- “Legal Resources: Case Study Related to Mediation in India,” available at: <https://legalservicesindia.com>
- Afcons Infrastructure Ltd. V. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24 (India).
- Avtar Singh, Law of Arbitration and Conciliation, 12<sup>th</sup> ed., Eastern Book Company (2022).
- Government of India, Report on Mediation Reforms in India, Ministry of Law and Justice (2023).
- R.V. Kelkar, “Judicial Delays and the Need of ADR in India,” Journal of Indian Law Institute, Vol. 58, pp. 112–130 (2020).
- Law Commission of India, 129<sup>th</sup> Report on Urban Litigation and Mediation Mechanisms (1988).
- Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344 (India).
- Supreme Court Mediation and Conciliation Project Committee, Annual Report on Mediation in India (2022).
- S.K. Verma, Alternative Dispute Resolution in India, Oxford University Press (2019).
- “A Critical Analysis of Mediation Act, 2023,” available at: <https://ijcrt.org>.
- United Nations Commission on International Trade Law (UNCITRAL), Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018).
- Institute of Company Secretaries of India, “Mediation Act and Rules: Understanding Finer Nuances,” available at: <https://www.icsi.edu>.
- “Mediation Act, 2023 and Its Impact on India’s Dispute Resolution Landscape: Shifting Paradigms,” available at: <https://www.researchgate.net>.
- UNCITRAL, Model Law on International Commercial Mediation (2018).
- Stephen B. Goldberg et al., Dispute Resolution: Negotiation, Mediation, and Other Processes, 7<sup>th</sup> ed. (2012).
- Law Commission of India, Report No. 238 (2011).

## **EDITORIAL TEAM**

**PROF. (DR.) BANSHI DHAR SINGH**

Professor,  
Ex. Dean & Head,  
Faculty of Law,  
University of Lucknow

---

**DR. KALPESHKUMAR L GUPTA**

Founder ProBono India, Legal Start-ups,  
Law Teachers India

---

**DR. SUDHANSHU CHANDRA**

Assistant Professor, Manuu Law  
School, Maulana Azad National Urdu  
University (Central University),  
Hyderabad

---

**PROF. (DR.) SANJAY SINGH**

Director  
of IIMT College of Law

---

## **INTERNATIONAL EDITORIAL TEAM**

**PROF. DR. MARC OLIVER OPRESNIK**

President and CEO  
Opresnik Management Consulting  
and Opresnik Business School

---

**PROF. DR . COMRADE AMB.  
CHUKWUNONSO C  
HARLES OFODUM ESQ**

Chancellor, ALSA University.  
Legal Director for Nigeria, World  
Association for Humanitarian Doctors

## ABOUT LEX SCRIPTA JOURNAL

**Lex Scripta Magazine** is a premier peer-reviewed online and print journal dedicated to advancing scholarly research in law, policy, and social sciences. With the vision of promoting academic excellence and fostering a culture of intellectual exchange, the magazine provides a distinguished platform for academicians, researchers, legal professionals, and students to publish their original work and contribute to contemporary legal discourse.

Each submission undergoes a rigorous double-blind review process conducted by a panel of eminent national and international professors, ensuring the highest standards of quality and academic integrity. Lex Scripta not only encourages original and innovative research but also strives to bridge the gap between theoretical insights and real-world applications in the legal domain.

Contributors and editorial members receive global recognition through certificates and publication opportunities, while readers gain access to insightful, authoritative, and thought-provoking content across diverse areas of law and policy.

Now managed by Integrity Education India, Lex Scripta Magazine is committed to expanding its academic footprint through enhanced digital presence, global collaborations, and university partnerships. Upholding its ISSN identity, Lex Scripta continues to evolve as one of India's most trusted and respected journals in the field of legal research and education.

## KEY FEATURES

- | **Scholarly Insights** – Access in-depth, peer-reviewed research articles written by distinguished academicians and legal experts.
- | **Global Perspectives** – Explore diverse viewpoints on law, policy, and governance from national and international scholars.
- | **Authentic Content** – Read verified and academically sound articles that uphold the highest standards of research quality.
- | **Knowledge Enhancement** – Stay updated with emerging trends, case studies, and policy developments across multiple legal domains.
- | **Easy Accessibility** – Enjoy seamless access to online editions and exclusive hardcover issues for academic and professional use.



CONNECT WITH US **9811 666 216**  
**7011 605 618**

