

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

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## **MEDIATION AND CONSUMER DISPUTES IN INDIA**

AUTHORED BY - ARYAN CHECHI

### **DECLARATION**

My study, which is named "Mediation and Consumer Disputes in India," is one of a kind and has not been offered to any other institution for the purpose of academic or non-academic research by any other institution. I thus confirm that my research project is unique and has not been presented to any other institution. In addition to preventing acts of plagiarism, I have ensured that all of the sources have been appropriately attributed.

I understand that I could be held responsible and accountable for submitting information that is not detected later on.

### **Signature of the Candidate:**

A photograph of a handwritten signature in black ink on a light-colored surface. The signature is stylized and appears to read 'Aryan Chechi'.

Date: September 6<sup>th</sup>, 2025

## **ABSTRACT**

The use of mediation is often required in order to successfully resolve complaints lodged by Indian customers. Additionally, the “Consumer Protection Act of 2019” stresses mediation as a method of providing justice that is both cost-effective and efficient. The current legal environment, the advantages and disadvantages of mediation, and the function of mediation in consumer disputes are all topics that will be discussed in this article. As an additional point of interest, the study investigates the current situation of the legislation. To be more specific, it makes use of case studies to demonstrate that mediation may be valuable and practical when it comes to the protection of consumers. It also examines the methods of mediation that are used in other countries and the ways in which new technology may alter the situation in India. In conjunction with the examination of practices in other locations.

## **INTRODUCTION**

In economies that are driven by the market, customers are said to be "King" when they make a purchase. The presence of both consumers and companies ensures that conflicts will continue to exist till the end of time. Mediation is rapidly becoming the preferred form of conflict resolution. This is due to the fact that conventional litigation is famously contentious, time-consuming, and expensive. The use of customer conflict mediation as a method for expeditiously resolving problems raised by local consumers is obtaining the confidence it deserves in India. The method of mediation, as well as the practical and legal implications of this technique in the context of consumer dispute resolution, are the focal points. In addition, it investigates the ways in which technological improvements and international standards have the potential to significantly improve its effectiveness throughout the implementation process.

## **PROBLEM STATEMENTS**

When it comes to mediating consumer disputes, efforts are hampered by issues pertaining to the availability of information, infrastructure, and relevant skills. On the other hand, mediation is gaining more and more significance all the time. It is difficult to use mediation as a means of resolving customer conflicts while yet preserving the benefits of mediation in principle. There are issues with this. There has not yet been any research conducted in India that focuses on cutting-edge technology and the most successful techniques from across the globe.

## **QUESTIONS FOR RESEARCH**

1. Regarding the resolution of disagreements between consumers and business owners, how effective is the use of mediation in India?
2. What obstacles need to be conquered before mediation can be completely accepted as the principal technique for resolving conflicts between consumers?
3. What adjustments may be made to the administrative procedures of the legal system in order to make it simpler for customers to resolve their disagreements?
4. Is there any way that technology may enhance the effectiveness and efficiency of the mediation process?
5. How may the use of international mediation tactics contribute to the expansion of India's economy?
6. Are there any ways that you can think of that training in mediation might be helpful in conflict resolution?

## **OBJECTIVES AND AIMS**

1. One of the main goals of consumer rights protection is to safeguard consumers against commercial abuse and substandard products.
  - Treat consumers with respect and provide facts to help them decide.
  - Promoting fair corporate practices requires market transparency and accountability.
  - Sales and marketing fraud should be avoided.
2. Consumer redress processes make it cost-effective and time-efficient for consumers to seek compensation for defective products or services.
  - Establishing consumer forums and dispute resolution agencies like the National Consumer Disputes Redressal Commission or state forums is crucial.
3. Inform customers of their rights and responsibilities. Clients should know about the different complaint reporting options.
4. Customer concerns should be addressed quickly and legally to simplify dispute resolution.
  - Support mediation and peace initiatives.

- Mediation helps resolve consumer issues efficiently and effectively.
- Mediation speeds up consumer dispute resolution, reducing consumer court and forum backlogs.
- It facilitates informal problem-solving without conflict.
- Mediation is cheaper than litigation, thus more customers may participate. This makes mediation cheaper.
- Mediation protects the dispute resolution process's privacy, reducing the public's access to sensitive material.
- Due to its informal format, mediation makes the legal system more accessible to clients.
- Mediation may help firms and customers maintain economic relationships by focusing on mutual agreement.
- Mediation lets consumers voice their thoughts during conflict settlement. They may negotiate with corporations without a mediator.
- Mediation, unlike court rulings, encourages cooperation and long-term satisfaction for all parties. This is one motivation to support voluntary agreements.
- Mediation might lessen the judicial system's and other institutions' dispute resolution load, allowing them to employ resources more efficiently.

## **REVIEW OF LITERATURE**

1. The use of mediation as a method for resolving disagreements in a way that is acceptable to both parties<sup>1</sup>

A third party who is impartial works as a mediator throughout the mediation process. This person brings together the parties that are in dispute in order to address their disagreements. This action is taken with the purpose of making the process of discovering solutions more straightforward. According to the findings of a number of studies, it helps to maintain relationships, reduces the amount of time it takes to achieve a settlement, and reduces the costs associated with litigation. The academic world has a well-defined structure for achieving success, and there is a great lot of respect for those who are competent at mediating conflicts.

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<sup>1</sup> Melenko, O., 2020. Mediation as an Alternative Form of Dispute Resolution: Comparative-Legal Analysis. European journal of law and public administration, 7(2), pp.46-63.

2. Changes have taken place in the patterns of consumer disputes that have been occurring in India.<sup>2</sup>

Customers in India often express their dissatisfaction with items that are flawed, services that are of poor quality, and marketing that is not well communicated. The National Consumer Disputes Redressal Commission (NCDRC) has reached the conclusion that further remedies are required after hearing a number of complaints filed against the company. According to the data that have been acquired over the course of the last several years, mediation may be able to assist in reducing the backlog of cases that have not yet been opened.

3. The norms and regulations that have been set by legislation in order to manage the process of mediation<sup>3</sup>

Mediating disagreements has been a method of conflict resolution ever since the “Consumer Protection Act of 2019” gave it official status as a dispute resolution process. The purpose of mediation units at the municipal, state, and national levels is to make it easier for parties to come to a mutually agreeable resolution to resolve their differences. Furthermore, the Act stipulates the standards that must be met in order to designate mediators and to facilitate the management of situations that are associated with mediation.

## ANALYSIS

### Existing Legal Framework for Mediation

- The Consumer complaints must now be resolved via mediation under the “*Consumer Protection Act of 2019*”. Chapter V authorizes district, state, and national mediation cells.
- The Act's “Section 74” specifies mediation cell requirements and dispute resolution methodologies.
- Consumer commissioners may send conflicts to mediation if all parties agree under “Section 79.”
- “*2002 Civil Procedure Code amendments*” “Section 89” allows courts to refer cases to mediation or other alternative dispute resolution. This Act covers other civil court

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<sup>2</sup> Chawla, N. and Kumar, B., 2022. E-commerce and consumer protection in India: the emerging trend. *Journal of Business Ethics*, 180(2), pp.581-604.

<sup>3</sup> Sarkar, A., 2023. Mediation-An Effective Mechanism for Resolving Disputes in India. *Issue 1 Indian JL & Legal Rsch.*, 5, p.1.

consumer issues.

- The “*Arbitration and Conciliation Act of 1996*”. The Act establishes mediation-like conciliation laws. The Act affects mediation tactics but prioritizes arbitration.
- Several Indian “High Courts” have passed mediation laws. These laws establish mediation methods for higher court consumer disputes.

#### *Resolution of consumer conflicts via mediation and the role that mediation plays*

When compared to mediation, litigation is more confrontational and provides fewer options. It also gives less flexibility. It is possible to offer consumers greater power and speed up the process of issue resolution by providing them with a platform that enables direct connection directly with the company. This has a dual purpose:

- It improves the level of mutual understanding between parties and
- It reduces the burden placed on the judicial system.

#### *The Indian Mediation System: Overcoming Obstacles in the System*

- The number of individuals who are aware of mediation as a tool for conflict resolution is insufficient; a significant number of companies and customers are unaware that it is available. We need to take action in order to disseminate information about this method if we want it to find widespread use.
- The fact that there are no facilities that are capable of providing high-quality mediation services is one of the factors that contribute to the difficulty of mediation. Making investments in the digital as well as the physical components of the technological infrastructure is very necessary.
- A lack of expertise: there are not many mediators who are experts in helping consumers resolve their problems. This need could be able to be satisfied via programs that are designed to increase capacity.
- Additionally, there is a tendency toward cultural resistance. The fact that litigation is more highly valued in Indian society than other techniques to dispute resolution presents a significant challenge.

#### *An Analysis of the Data in Relation to Other Countries*

Both Singapore and the United Kingdom have successfully incorporated mediation into their own judicial systems. There is a great deal that India can learn from the actions taken by the

United Kingdom to increase awareness about mediation and from the actions taken by Singapore with its required mediation system. It is probable that the implementation of these measures will result in an increase in the effectiveness of India's regulatory framework for mediation.

*What are the ways in which technology operates within the context of communication?*

It is possible that mediation may undergo a significant transformation as a result of the emergence of alternative dispute resolution (ADR). For example, virtual mediation, digital documentation, and automated case administration are all examples of procedures that have the potential to be more accessible and efficient. It's possible that this will occur. With the use of artificial intelligence, it is possible to evaluate the practicability of a situation and to provide potential solutions to the problem.

*Training and credentials should be made available to those who have the potential to act as mediators.*

The quality of the mediation will be significantly improved if the mediator has a very high level of expertise on the matter at hand. In order for mediators to ensure that they are able to properly mediate consumer disputes, it is essential for them to participate in programs that provide training and certification options. In addition to having a strong understanding of the law and being sensitive to cultural norms, a person must be skilled in the art of dispute resolution. It would be beneficial for mediators to take refresher courses in mediation so that they can stay current with the always-evolving strategies and trends that are prevalent in the field.

*Mediated resolution makes it possible for consumers to make their own decisions.*

In the process of mediation, customers are given greater power since they are given the option to take part in the process of dispute resolution they are participating in. If consumers choose to engage in mediation rather than litigation, they have a greater chance of having their opinions heard and actively engaging in the process of developing solutions that are mutually acceptable to both parties. There is a possibility that consumers will have a better understanding of their rights and the benefits of mediation if they are made aware of the situation and get education.

Important consumer dispute legislation

- “Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co<sup>4</sup>.”. In civil action, the Supreme Court favors mediation and other alternative dispute settlement. This case paved the way for mediation in many situations.
- In “*Sundaram Finance Ltd. v. T. Thankam*<sup>5</sup>”, arbitration or mediation was found to be faster and cheaper than litigation.
- In “*M/S Emaar MGF Land Limited v. Aftab Singh*<sup>6</sup>”, the Supreme Court ruled that consumer disputes might be arbitrated, save in certain cases. Mediation of consumer disputes was enabled by this verdict.
- “*Salem Bar Association v. Union of India*<sup>7</sup>” demanded rules and skill development. It also highlighted the necessity for mediator training and Consumer Protection Act-compliant mediation cells.
- “*M R Krishna Murthi v New India Assurance Co Ltd*<sup>8</sup>”, The government was recently ordered by the Apex Court to investigate the possibility of passing an Indian Mediation Act. Uniformity in the process may be achieved by formalizing mediation via law. At this same moment, it is dispersed among several supplies. To get greater clarity and to encourage parties to Mediate (whether privately or via court-sanctioned mediation), complete legislation should be enacted to provide an institutional framework for mediation. Adopting a unified legal framework for mediation is more important than ever before to safeguard the interests of the parties and provide a quick and cost-effective way to implement settlement agreements.

**CONCLUSION**

The use of mediation as a means of resolving consumer disputes has a great deal of promise for the future. Fixing the industry's knowledge and infrastructure is an essential need, regardless of how strong the “Consumer Protection Act of 2019” may be. It is possible that the mediation process in India might be enhanced by using the most effective techniques and technical advancements from across the world. It is possible that mediation will become an essential component of consumer justice in a society that places a high weight on the peaceful settlement

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<sup>4</sup> (2010) 8 SCC 24

<sup>5</sup> 2015 (14) SCC 444

<sup>6</sup> 2019 (12) SCC 751

<sup>7</sup> (2003) 1 SCC 49; [2005] 6 SCC 344

<sup>8</sup> (2020) 15 SCC 493

of conflicts.

### **BIBLIOGRAPHY**

1. Kapoor, S., 2019. Mediation and Consumer Protection. IJCLP, 7, p.74.
2. Ayush, 2021. Mediation: Its Future Perspective in India. Indian JL & Legal Rsch., 2, p.1.
3. Taak, S. and Gandhi, R., 2022. Mediation as an Alternative Dispute Settlement Mechanism under the Consumer Protection Act 2019: An Analysis. Revista Brasileira de Alternative Dispute Resolution-Brazilian Journal of Alternative Dispute Resolution-RBADR, 4(8), pp.211-226.

