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ACCESS TO JUSTICE THROUGH MEDIATION: - A COMPARATIVE LEGAL: STUDY OF MEDIATION CENTRES IN METRO AND NON-METRO CITIES IN INDIA

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Abstract

Access to justice can be recognized as a fundamental basis of a democratic society. Access to justice helps in settling disputes efficiently, effectively, and at nominal costs. In India, challenges like procedural delays, high costs of litigation, case backlogs and inaccessibility still continue to plague the justice system. Concerns like these have consequently given impetus to Alternative Dispute Resolution mechanisms in India, and particularly mediation as a cheaper, faster, and human centric means of dispute resolution. Access to justice has become an integral and most significant goal of the judiciary, as mediation offers a swift, confidential, non-adversarial and voluntary forum for resolution of disputes. Access to mediation is further enhanced by the enactment of The Mediation Act, 2023 and increased judicial and institutional support. Successes of mediation centers in metropolitan cities like Mumbai, Delhi, Chennai and Bangalore have made an impact. Nevertheless, the non-metro centers for dispute resolution have been equally significant in extending these benefits to the semi-urban and rural populations.

This paper seeks to draw out a comparative legal analysis of the mediation centers in metro and non-metro areas by scrutinizing their legal framework, the institutional infrastructure at their disposal, the public access they provide, public awareness about mediation, their settlement rates and the operational issues they face. An effort has been made to critically assess mediation centers' role in increasing access to justice, and also their differences between urban and non-urban centers.

The concluding argument is that access to justice has been largely increased through mediation. However, there are discrepancies in infrastructure, public awareness, and professionalism between urban and rural mediation centers. The need to bolster regional mediation centers is crucial and standardisation in the services they offer is of utmost necessity.

Introduction

Access to justice is considered one of the key elements of present-day judicial systems. For justice to have its meaning, it must be accessible, inexpensive and capable of granting efficacious relief in a limited period. It reflects from articles 14, 21 and 39 A of the Constitution of India that the country is aiming to achieve equal access to justice for everyone, irrespective of their socio-economic status.¹

Despite these constitutional rights, the judicial system of India faces grave challenges with regard to the number of cases pending in various courts, which in turn makes access to justice a far-fetched concept and thus renders the remedies obtained largely ineffective. Procedural issues coupled with high litigation costs and lengthy legal proceedings have caused people to be unwilling to seek the assistance of the courts and therefore has led to an attempt to find alternative mechanisms of dispute resolution capable of assisting the traditional judicial system.

Mediation is the most efficient Alternative Dispute Resolution mechanism to tackle such issues. It involves a discussion among the conflicting parties mediated by a neutral third party where the disputants identify issues, explore potential solutions and find an amicable settlement. Mediation is a voluntary, confidential and inexpensive process and is extremely quick in nature as compared to litigation.

The mediation institutions in India have expanded manifold over the recent past, encompassing the Court-annexed mediation centres, private mediation institutions, community mediation centres and the emerging online mediation platforms. While metropolises are well-equipped with modern facilities with trained mediators, non-metro areas appear to be slower in the evolution of their mediation institutions.

These differing mediation centres (metro vs. Non-metro) in terms of the available infrastructure, public awareness, mediators' expertise and institution development raise questions with regard to the equal access to justice in both these contexts. A comparative analysis of mediation centres in metropolitan and non-metropolitan cities hence becomes crucial.

¹ INDIA CONST. arts. 14, 21, 39A.

Main Body

1. Concept of Access to Justice and the Role of Mediation

The access to justice refers to the ability to approach a formal or informal legal institution for redressal for the grievance by the individuals, in conformity with human rights standards. Access to justice is not restricted only to the access to the courts but also means access to effective means of dispute resolution capable of providing an effective solution to the conflict. The concept got its place in international arena through various legal and human rights documents focusing on equality before law and providing the injured a remedy for any injury done.² Indian constitution has time and again upheld this principle through various provisions as an integral part of rule of law and constitutional governance.

The mediation plays an important role in access to justice by lowering down the formal procedural bars of the court processes. Mediation is not an adversarial process like that of court litigation, it rather creates a forum for both the disputing parties to express their viewpoints and find out a mutually agreed solution. Instead of having a judgment imposed on them they make use of the process to reach on consensus and evolve the solution.

The major benefit of mediation is that it is a very economical tool for redressal of disputes. Litigation can involve substantial expenses in terms of court fees, legal costs and long protracted procedures which an individual from lower strata of society may not be able to afford. Mediation however involves minimum expenses.

The flexibility of mediation procedure is another advantage. Any dispute may be amenable to mediation. Family dispute, commercial disputes, consumer disputes, workplace disputes, neighborhood disputes, community disputes, etc can be amicably resolved.

Finally, the element of maintaining relations is a major attraction of the mediation. In family dispute, neighborhood dispute, employment dispute, business dispute, etc the parties are bound to interact again.

2. Evolution of Mediation in India

Mediation has a long history in India, in line with the country's traditions of resolving issues through mutual understanding and dialogue rather than legal dispute and aggression. It is a form of alternative dispute resolution which has now been established in India and it can be said that, in its simplest form, mediation and conciliation have been prevalent in India since time immemorial. Village councils (the Panchayats) have traditionally played a vital role in

² Universal Declaration of Human Rights arts. 7–8, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

settling various disputes among members of the community through negotiation and compromise;³ this practice aimed at the re-establishment of peace in the community instead of the imposition of punitive sentences on those involved in a dispute and reflected the general culture of amicably resolving differences.

As far as modern mediation practices were concerned, increasing judicial delays and pendency of cases in courts necessitated the exploration of alternative methods and it was in these circumstances that various alternative dispute resolution (ADR) techniques began to gain importance and be advocated as substitutes or complements to the judicial process.

A milestone was the passing of the Legal Services Authorities Act, 1987, under which Lok Adalats were encouraged and the practice of mediation and conciliation was promoted in various ways.⁴ Even though a Lok Adalat is not identical with mediation in all respects, it greatly contributed to the popularity of the concept of negotiated settlements. Following this, it was the report of the Malimath Committee on the Rationalisation of Procedures and the subsequent recommendations of the Law Commission of India, that the use of ADR systems began to be stressed more seriously in judicial reform processes and an important step was the insertion of Section 89 in the Code of Civil Procedure, 1908, through the Code of Civil Procedure (Amendment) Act, 1999.⁵ This provision permits courts, in appropriate cases, to refer a dispute for mediation, conciliation, arbitration and Lok Adalats.

The decision of the Supreme Court in Salem Advocate Bar Association v. Union of India was instrumental in giving force to the above provisions and a number of High Courts then began to establish court-annexed mediation centres and introduce their own mediation rules.⁶ The opening up of institutional mediation centers in the major metropolises, such as the Delhi High Court Mediation and Conciliation Centre (Samadhan), the Bangalore Mediation Centre, the Tamil Nadu Mediation and Conciliation Centre, etc., can be considered as the most prominent stage in the formal establishment of mediation in India. Finally, The Mediation Act, 2023, is the culmination of the effort to establish mediation as a primary mechanism for dispute resolution.⁷ It has codified and structured all aspects related to mediation; encompassing matters relating to pre-litigation mediation, enforcement of mediated settlement agreements, community mediation, online mediation and mediation councils.

³ M.P. JAIN, OUTLINES OF INDIAN LEGAL HISTORY 18–20 (7th ed. 2014).

⁴ Legal Services Authorities Act, No. 39 of 1987, §§ 19–22B, India Code (1987).

⁵ Code of Civil Procedure (Amendment) Act, No. 46 of 1999, § 7, India Code (1999).

⁶ Salem Advocate Bar Ass'n v. Union of India, (2005) 6 S.C.C. 344 (India).

⁷ Mediation Act, No. 32 of 2023, India Code (2023).

3. Legal Framework Governing Mediation in India

The successful use of mediation as a dispute resolution method is inherently tied to the presence of a clearly defined and favorable legal regime. India has gradually evolved an elaborate legal regime over the years that is encouraging of and supports mediation at judicial and institutional levels.

Perhaps one of the earliest legislations acknowledging mediation at the statutory level, is Section 89 of Code of Civil Procedure, 1908, which allows courts to refer disputes to various ADR methods including mediation if it appears likely that the parties can be brought to an amicable settlement.⁸ Mediation would thus seem to be the legislature's attempt to foster amicable settlement of disputes outside the courts and expedite litigation.

In indirectly encouraging mediation the Legal Services Authorities Act, 1987 promotes the concept of amiable dispute resolution through mechanisms such as Lok Adalats and Legal Aid Services and have thus given a fillip to alternative dispute resolution mechanisms throughout India.

Several other legislations specifically promote mediation as an alternate mode of dispute settlement. The Commercial Courts Act, 2015 laid down mandatory pre-litigation mediation for all commercial disputes of a specified pecuniary value, showcasing legislative trust in mediation as an efficacious alternative.⁹

Family disputes have also been encouraged to be solved through mediation as provisions in Family Courts Act, 1984 suggests that the Family Court should take appropriate steps to suggest and facilitate reconciliation of the parties in all matrimonial and allied matters.¹⁰

Under Consumer Protection Act, 2019, Consumer mediation cells have been formed which is essentially an institutional attempt to settle the disputes between consumers and service providers before such matters are litigated.¹¹

More recently the passing of the Mediation Act, 2023 which is the first statute of its kind in India exclusively for Mediation. This Act attempts to provide for a unified framework for mediation proceedings, institutions and the enforceability of mediated settlements. The Mediation Act, 2023 defines mediation expansively and recognizes all types including court-referred, pre-litigation, online mediation, community mediation and institutional mediation, among others, and provides legal recognition and enforceability of mediated settlement

⁸ Code of Civil Procedure, 1908, § 89, No. 5, Acts of Parliament, 1908 (India).

⁹ Commercial Courts Act, No. 4 of 2016, § 12A, India Code (2016)

¹⁰ Family Courts Act, No. 66 of 1984, § 9, India Code (1984).

¹¹ Consumer Protection Act, No. 35 of 2019, §§ 74–81, India Code (2019).

agreements. The Act also creates a Mediation Council of India responsible for regulating mediation institutes, mediators and the practice of mediation in the country.

All these legislations show the willingness of the legislature to foster and encourage mediation as a preferred mode of dispute settlement in India.

4. Establishment and Growth of Mediation Centres in India

The creation of mediation centres is arguably one of the most important institutional innovations that have occurred in the Indian landscape in its bid to expand access to ADR and improve the justice delivery system. In essence, mediation centres are facilities where disputing parties engage in a negotiated settlement under the guidance of an experienced mediator. The initial round of institutional mediation centres came up primarily in metropolitan cities. In their attempt to handle the sheer volume of mediation-friendly disputes reaching them, both the Delhi and Bombay High Courts as well as the District Courts situated in major cities began developing institutional frameworks for mediation.

The most significant example of this is the Delhi High Court Mediation and Conciliation Centre (known as Samadhan) which is not only supported by the judiciary but also run by legal professionals, resulting in the successful settlement of thousands of family, civil, commercial and property disputes.¹² Similar institutions were set up in Mumbai, Bengaluru, Chennai, Hyderabad and Kolkata which are, on average, better funded, better equipped and have a high number of highly trained mediators, many of whom are retired judges, practicing advocates and even domain experts.

It was this success in the metropolitan cities that led to the creation of mediation centres in non-metro cities and district headquarters by the State Legal Services Authorities, High Courts and District Courts with the intention of extending the reach of ADR facilities among the local population. These non-metro centres play a particularly crucial role in mediating family, property, village or community based disputes, small civil cases, contract disputes and similar small transactional and civil cases.

Due to their proximity, this approach helps keep travel costs down. A significant boost to mediation centres has also come in the form of judicial referrals; with increased appreciation from courts for the ability of mediation to reduce backlogs while maintaining parties' relationships, the number of referrals has been steadily on the rise. Another significant phenomenon in the development of mediation centres has been the advent of private mediation

¹² Delhi High Court Mediation & Conciliation Centre (Samadhan), Delhi High Court, New Delhi.

institutions and on-line mediation platforms which leverage technology to conduct virtual mediation sessions, helping to bridge geographical gaps (especially since the onset of the COVID-19 pandemic). Of course, numerous issues continue to plague these mediation centres in non-metro regions, such as a scarcity of trained mediators, lack of adequate infrastructure, insufficient public awareness and limited financial resources.

5. Mediation Centres in Metro Cities: Structure and Performance

Metropolitan cities have emerged as the primary hubs for institutional mediation in India. Some of the most developed mediation centres in the country are based in Delhi, Mumbai, Bengaluru, Chennai, Hyderabad, and Kolkata. The centers have played a major role in institutionalizing ADR and reducing the burden on traditional courts.

One of the biggest strengths of metro-city mediation centers is the institutional infrastructure that they offer. These centers are usually located within the High Courts or in specialized facilities, where they have mediation rooms, administrative staff, IT infrastructure, etc. These make the dispute resolution process efficient and accessible.

Another significant feature of metropolitan mediation centers is the presence of highly qualified and experienced mediators. The centers typically have panels which include retired judges, senior lawyers, professionals from the corporate world, academicians, psychologists, etc. This provides a variety of expertise to mediation sessions and allows for settlement of diverse disputes from commercial and IP issues to family and trans-boundary matters.

In metropolitan cities, there is generally a higher degree of awareness regarding mediation. Schools, educational institutions, legal associations and businesses are more proactive in promoting mediation as an ADR mechanism. Hence, the parties are more receptive to mediated settlements and voluntary participation.

The commercial disputes segment has seen significant growth and success in the metro-city context. This is largely due to the benefits that mediation offers in business transactions, i.e. Maintenance of business relationships, confidentiality, saving of cost and time. The mandatory pre-institution mediation as part of the Commercial Courts Act, 2015 has greatly benefited this domain.¹³

Family and matrimonial disputes also form a substantial part of cases that the metropolitan mediation centers deal with. Mediation in this segment allows for non-adversarial settlement of very sensitive matters relating to child custody, divorce and financial support.

¹³ Patil Automation (P) Ltd. v. Rakheja Eng'rs (P) Ltd., (2022) 10 S.C.C. 1 (India).

High rates of settlement, reported by many metropolitan mediation centers, is a clear indication of the success of institutional mediation. A large majority of the cases that are referred to mediation centers are successfully settled. This is vital in reducing backlog in traditional courts and bringing about swift resolution to disputes.

Technological integration in metro-city mediation centers has been remarkable. Online and hybrid mediation sessions can be held, and documentation and hearings are often done electronically. This has significantly increased the accessibility and efficiency of the process.

Despite their progress, metro-city mediation centers face several challenges. High caseloads and sometimes the lack of highly skilled mediators, training for which needs continuous upgradation, are a key issue. Also, as disputes get more complex, there is an increased need for mediation services to focus on niche sectors and provide specialized expertise.

Overall, the metro-city mediation centers are the most developed aspect of the Indian mediation landscape. They set a standard for mediation across the nation.

6. Mediation Centres in Non-Metro Cities: Structure and Performance

The development of non-metropolitan mediation centers has significantly impacted on both democratising justice delivery as well as bringing ADR services beyond metropolitan cities. These centers serve the population of small cities, towns and semi urban areas where physical access to the formal justice mechanism can be relatively low.

Non-metropolitan mediation centers, in contrast to their metropolitan counterparts, generally are based on rather basic infrastructure and resource base. Most of these centers are co-located in the premises of the District Courts and operated under the District Legal Services Authorities. Though they have opened new avenues of settlement for parties in dispute, but they are often limited by paucity of resources to operate to full potential.

Local context is the one most defining characteristics of the non-metropolitan centers. Local cases generally involved disputes in family matters, property issues, inheritance matters, neighborhood disputes, agricultural disputes and simple commercial disputes. Such issues typically require sensitivity to local nuances of culture, traditions and social factors.

The mediator community consists of local lawyers, retired judicial officers, social workers and community leaders who are aware of the social milieu and customs of the area. This facilitates building up of trust between the parties to the dispute.

Lack of awareness about mediation, however, continues to be quite acute in most of the non-metro areas. For a majority of litigants, litigation continues to be seen as the main means of redressal. This limits utilization of mediation services due to lack of awareness.

Training facilities for mediators also appear to be highly uneven in the non-metropolitan settings. While some have been aided by the High Courts and Legal Services Authorities in organizing trainings, shortage of adequately trained mediators continues in a number of centers. Inconsistent training standards can consequently impact the effectiveness of mediation proceedings.

Weak infrastructural setup is another issue that is largely encountered in non-metro mediation centers. These include absence of dedicated mediation rooms, modern communication technologies and specialized administrative support personnel. Such infrastructure issues can affect the ease of conducting mediation process.

Notwithstanding the above, non-metro mediation centers have had some significant successes in addressing local disputes effectively. Their potential to resolve disputes swiftly, help preserve social relationships and reduce the cost of dispute resolution makes them of immense value to the local community. Numerous cases have averted lengthy litigation that could have imposed heavy financial and emotional burdens.

The increasing use of on-line mediation and other digital platforms will help to expand dispute resolution beyond metropolitan centers further by reducing geographical limitations in accessing resources and professionally trained mediators.

Thus, though non-metro centers face severe handicaps, they remain critical agents of expanded access to justice in non-metro parts of India.

7. Comparative Analysis of Metro and Non-Metro Mediation Centres

Comparing the mediation centres that operate in metropolitan and non-metropolitan cities brings to light a series of commonalities alongside substantial discrepancies regarding institutional capacity, accessibility, and efficiency.

The differences become more pronounced with regard to infrastructure. Metropolitan mediation centres typically possess dedicated infrastructure, enhanced technology, expert administrative support, and a higher financial budget, as compared to many non-metropolitan centres that depend on district level judicial infrastructure with very limited resources.

There are variations in the availability of trained mediators, which often means that metropolitan mediation centres have an extended panel with mediators from various professions while many non-metro centres lack a sufficient number of highly trained professional mediators, although, their availability in local areas help with handling local issues, it is often due to shortages of expert mediators.

The disparities between the two categories of mediation centres with regard to public awareness

is quite noticeable as citizens in metropolitan areas have higher awareness of mediation and alternative dispute resolution (ADR) and are readily accepting mediation. While public awareness is at an infant stage and is significantly lower in non-metropolitan areas thereby, decreasing the number of voluntary cases received by the mediation centres.

Another key difference is that while metropolitan mediation centres are able to manage various types of high profile cases such as commercial, corporate, contractual, intellectual property and high value civil disputes, non-metropolitan mediation centres are usually dealing with disputes of a more local nature, such as family disputes, property disputes, land disputes, agricultural issues and other community related issues.

The settlement patterns of mediation centres are both common and uncommon. Settlement rate is relatively higher in the metropolitan areas due to the larger number of referral of cases as compared to non-metropolitan areas, despite the relatively lower number of referrals non-metropolitan mediation centres are often seen to be handling larger number of community related and family related issues successfully, which also builds social cohesion.

The adoption of technology is a stark contrast between both categories of mediation centres; the metropolitan mediation centres have increasingly adopted online mediation, virtual hearings and digital case management systems. However, non-metro centres continue to heavily rely on traditional methods although there is a growing tendency to improve it by increasing accessibility and using technology in non-metropolitan cities also.

The funding, financial and administrative support differs widely. The metropolitan mediation centres get greater attention from judicial authorities and there are a lot of networking opportunities among mediation professionals compared to mediation centres in non-metro regions. However, this doesn't necessarily make metropolitan mediation centres better than non-metropolitan mediation centres.

While the metropolitan mediation centres are able to meet all the demands with advanced infrastructure and experienced mediators, it is to be admitted that non-metropolitan areas possess inherent benefits by being familiar with the social culture of their locality which helps in building trust between the disputing parties as a result of which they feel much more comfortable, also in non-metropolitan areas the cultural and social acceptance of Mediation is much higher as there are a lot of ties within the community.

Both types of mediation centers make significant contributions to enhancing access to justice, metropolitan mediation centres offer advantages by means of having a better institutional infrastructure and professionalism, while non-metropolitan mediation centres provide insights into the importance of context and local networks in dispute resolution.

8. Challenges Faced by Mediation Centres in India

Notwithstanding the widespread acceptance of mediation as an effective mechanism of dispute resolution, there are still several limitations encountered by the mediation centers in India that hinder them to achieve the desired objective of providing access to justice. These are more prominent in the non-metropolitan area, but also exist in well-established metropolitan centers. Public awareness: A huge chunk of society does not know about mediation, the benefit that it entails, the legitimacy it carries. The notion of going to court still persists, thus many people do not wish to pursue mediation.

Lack of properly trained mediators: Mediation requires professional skills like negotiation, communication, conflict resolution and legal knowledge, which are yet lacking among most mediators. While a fair pool of skilled mediators are available in major metropolitan centers, the same is limited in the district level.

Poor Infrastructure: Many mediation centers do not have a designated place to conduct the sessions, do not have appropriate technology and administrative set up, and most importantly lack funds which limits their ability to deliver a high standard service.

Legal practitioner resistance: Lawyers are still not encouraging their clients to participate in mediation as it could lead to loss of litigation-driven work. This perception is however changing with increasing public awareness and training of lawyers, however, the perception is still largely present and must be countered with education.

Lack of uniformity in mediator accreditation and training: Prior to the enactment of mediation law, there were no universal standards as to mediator training and accreditation, thus, leading to disparity in mediation proceedings and effectiveness in different jurisdictions.

Enforcement worries: People previously lacked confidence on enforceability of mediated settlement agreements due to the lack of adequate law on mediation and were reluctant to opt for it.

Cultural and Social barriers: Existing social imbalances like power imbalances, social stratification, gender discrimination and economic disparities can hinder a fair outcome in mediated settlement.

Digital divide: Growing technology infrastructure gaps between urban and rural parts of India is an issue in effectively running of online mediation systems in India as awareness of the system and use of digital means are not prevalent in all areas of the country.

However, overhauling all these difficulties and working in coordination will go a long way in achieving and realizing the object of providing access to justice in India with the help of the institution of mediation centers.

9. Role of the Mediation Act, 2023 in Strengthening Access to Justice

The passing of the Mediation Act, 2023 has been a landmark event in the journey of Alternative Dispute Resolution in India. For the first time in the country, there is a dedicated and codified legislation on mediation which would be one of the first of its kind of legislation. This legislation promotes mediation as the primary means of resolving disputes and enhances access to justice for all strata of the society.

The greatest strength of the Act lies in giving statutory recognition to mediation as a legitimate and binding process. This provides statutory backing to the mediation process, which in turn may increase public confidence in the process of mediation and boost utilization.

The legislation defines different forms of mediation, namely pre-litigation mediation, court-referred mediation, institutional mediation, online mediation and community mediation. All these varied forms give scope to the citizens to access mediation at various stages of a dispute resolution process.

Encouragement for pre-litigation mediation has been specifically noted. By having disputes settled prior to any court proceeding, the intention is to lessen the burden on courts and at the same time have disputes settled speedily. This would further the cause of making justice accessible through efficient methods.

Legal enforceability of mediated settlement agreements have been dealt with under the Mediation Act, 2023. Mediation settlements if finalized as prescribed by the Act can be enforced in a manner similar to court decrees. This will give significant weight to mediated outcomes.

The establishment of the Mediation Council of India is another significant step which aims to regulate mediation institutions, standardize practices and promote quality assurance, training and awareness programs throughout India.¹⁴

Support for online mediation under the legislation aims at harnessing the increasing significance of digital technology in justice delivery, facilitating accessibility for individuals far from conventional legal infrastructure and reducing costs.¹⁵

Community mediation as a mechanism for local conflict resolution and to achieve social harmony have also been included under the ambit of the law. Strengthening this form of justice delivery may reach at the grassroots level.

The legislation has made efforts to promote the establishment of mediation institutions in

¹⁴ Mediation Act, No. 32 of 2023, §§ 31–40, India Code (2023).

¹⁵ Mediation Act, No. 32 of 2023, § 30, India Code (2023).

metropolises as well as non-metropolises, so as to ensure accessibility throughout the country. All these provisions are expected to contribute to transforming the system of justice delivery by making dispute resolution quicker, cheaper, and more approachable to the public at large.

10. Future Prospects and Reforms in the Indian Mediation System

The future for mediation in India seems bright, and many of the judicial, legislative, technological and social changes are positively contributing towards its growth as a cornerstone of dispute resolution. As a future priority, more efforts and investments are required in increasing the mediation infrastructure throughout India.

Though metropolitan cities have institutions with well-developed infrastructures, investment has to be channeled into strengthening mediation centres at the district level, semi-urban centers, and even in rural areas. Creating a public awareness campaign is equally important to inform and educate the general public of the usefulness, cost-effectiveness, confidentiality and efficiency benefits derived from opting for mediation. Universities and law schools need to support mediation by introducing it into the curriculum, creating a new cadre of mediation professionals, and cultivating a culture of reaching consensual agreements. Professional mediator training and accreditations need a significant boost with a need for standardized national frameworks.

The integration of technology can be highly beneficial, especially through online mediation platforms. There exists potential for expansion of specialized mediation services including commercial mediation, environmental mediation, healthcare mediation etc. And also continuing Government support. Last but not the least, integrating and learning from the best practices internationally is needed, while simultaneously adapting to the needs of the Indian context to create a dispute resolution culture at the national level.

Conclusion

Ensuring access to justice has been one of the most significant goals for all democratized legal systems. The effectiveness of any given legal rights and freedoms will be contingent on their formal acceptance, along with the existence of accessible, inexpensive and efficient mechanism to enforce those rights. Growing dockets, procedural delays and the mounting costs of litigation in India have underscored the critical need for other forms of dispute resolution to ensure people's access to the legal system.

This paper demonstrates that one of the most successful methods used to achieve this goal has

been mediation. Mediation is a dynamic and less adversarial mechanism that requires emphasis on cooperation, negotiation and win-win situations to find an agreeable solution. It saves money, time and relationships and contributes to a participatory method of justice.

In this study it is evidenced that while there are distinct achievements as well as differences between the operation of mediation centers in metropolitan and non-metropolitan cities, metropolitan mediation centers generally are provided with better infrastructure, awareness, technological facilities and adequate mediators than non-metropolitan mediation centers, the former while often struggling with paucity of resources plays an extremely vital role in providing dispute resolution services at the grass-root level.

The Mediation Act, 2023 is a groundbreaking achievement for the institution of mediation in India. The Act establishes concrete mechanisms for pre-litigation mediation, enforceability of mediated settlements, institutional mediation, online mediation, community mediation etc. Which have been considered crucial for making mediation more accessible.

Notwithstanding the successes achieved by mediation centers throughout India, shortcomings such as lack of awareness, inadequate infrastructure, improper training and inadequate capacity of mediation institutions, have impeded efficient service delivery. Efforts are needed to remove such deficiencies to achieve equitable access to the services by people all over the country.

In conclusion, mediation should not be seen as merely an alternative but as an indispensable part of the administration of justice and the focus of attention should be directed towards improving such institution, raising awareness, establishing high standards and making them accessible to people of all walks of life in India in order to move towards the realization of a constitutional goal of equal access to justice for all.

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