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THE MEDIATION ACT, 2023: TRANSFORMING INDIA'S DISPUTE RESOLUTION LANDSCAPE - A CRITICAL ANALYSIS OF ITS CONSTITUTIONAL, INSTITUTIONAL, AND PRACTICAL CHALLENGES

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ABSTRACT

The Mediation Act, 2023 represents India's first legislative effort to institutionalize Alternative Dispute Resolution (ADR), thereby establishing a paradigm shift in the country's overburdened justice delivery system. This paper offers a critical analysis of the Act's transformative nature through three interconnected perspectives-constitutional, institutional, and practical challenges.

The constitutional requirement for pre-litigation mediation (PLM), aimed at enhancing efficiency, raises considerable issues regarding its conformity with the basic Right to Access Justice outlined in Article 21. The PLM clause is perceived as a potential unreasonable procedural limitation unless courts guarantee genuine participation and maintain party autonomy in the face of legislative influence. Thus, the implementation of the new Mediation Act is inherently linked to the efficiency and timely formation of the Mediation Council of India (MCI), which is yet to be created. However, it poses a significant challenge: establishing rigorous, standardized accreditation for mediators, resolving jurisdictional conflicts with existing court-related centers, and bridging the considerable digital divide to ensure secure and accessible online mediation

Practically, the Act must contend the entrenched culture of adversarial legal practices in India. The ability to enforce mediated settlement agreements (MSAs) as court orders represents significant advancement, but this benefit may be reduced if enforcement procedures encounter extended, hidden contentious issues. Notably, one of its potentially transformative aspects will be a structurally delicate execution, dependent on constitutional endorsement, institutional advancement, and deliberate cultural reconfiguration of conflict resolution. These commitments, nonetheless, will materialize only with assertive judicial support, targeted government financing for institutional infrastructure, and deliberate cultural changes towards perceiving litigation as the typical means for settling conflicts.

KEYWORDS: *Pre-Litigation Mediation (PLM) , Access to Justice, Mediation Council of India (MCI), Alternative Dispute Resolution (ADR), Party Autonomy, Institutional Challenges*

1.INTRODUCTION

The flaws in India's judiciary, highlighted by persistent case delays and substantial backlogs, present a major risk to the constitutional guarantee of quick and accessible justice. This deficiency is termed as "docket exclusion" by legal theorists. Although alternative dispute resolution(ADR) has been acknowledged and supported by the judiciary historically, particularly following the incorporation of Section 89 into the Code of Civil Procedure, 1908 which legally encouraged courts to redirect cases to ADR while preserving a fragmented and voluntary procedural framework, mediation significantly lacked the unified, dedicated statutory identity essential for its national institutionalization. The enactment of The Mediation Act, 2023[1], therefore signifies an important legislative step that seeks not only to codify but also fundamentally alter the nation's dispute resolution system. The Act provides a comprehensive framework for structured consensual settlement and thus integrates India's commercial dispute resolution framework with global equivalents, especially those espoused by the Singapore Convention on Mediation which India has signed but not yet ratified. The Act incorporates an array of fresh provisions that are to have an immediate impact on the ecological system of justice. The most transformative reform under the Act is the introduction of Pre-Litigation Mediation (PLM) as a procedural prerequisite for certain civil and commercial disputes. While the Act encourages parties to attempt mediation before instituting proceedings, Section 5(2) preserves the right to withdraw after the first session, maintaining an element of voluntariness except in commercial disputes of specified value where pre-litigation mediation is mandatory under Section 12A of the Commercial Courts Act, 2015. It also institutionalizes the activity with the establishment of the Mediation Council of India (MCI), which is appointed as the main regulatory authority for mediator accreditation and online mediation (OM). Significantly, it makes Mediated Settlement Agreements (MSAs) possess finality and enforceability akin to that of a court decree in order to strengthen legitimacy and efficacy of the process. While progressive for the intended purposes of the 2023 Act, those purposes can only be a reality through comprehensive judicial scrutiny and overcoming considerable operational strains.

This paper undertakes a critical and multi-dimensional analysis to assess the Act's transformative potential against three distinct

[1] *The Mediation Act, 2023 (India).*

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but interconnected categories of challenges: Constitutional, Institutional, and Practical. At the heart of the research is the assertion that the ambitions of the 2023 Act cannot be realized unless legislators and adjudicators achieve a speedy establishment of a strong, non-conflicting institutional framework under the MCI; reconciliation of the statutory compulsion of PLM with the fundamental Right to Access Justice (Article 21), and the sanctity of party autonomy; and most importantly, effective mitigation of the all-pervasive inertia of India's adversarial legal culture during practical enforcement and execution phases. This will be the contribution of the paper not only to Indian jurisprudence but also to ADR scholarship. The analysis goes beyond just descriptive commentary and considers evidence-based prescriptive recommendations key to cementing the legacy of the Act as a real, durable structural reform.

2.STATEMENT OF THE PROBLEM

While the 2023 Mediation Act is absolutely hailed as a landmark statutory intervention transforming the dispute resolution landscape of India, the actual efficacy of the statute is impeded by inherent friction points-legal and operational that are not addressed by the legislative text. The primary problem lies in the unresolved tension between legislative mandate and constitutional guarantee. Particularly, in the case of compulsory Pre-Litigation Mediation (PLM), which from a pure administrative viewpoint makes rational docket control sense, but is most likely going to incur the serious scrutiny of its constitutional permissibility as a potential unreasonable procedural fetter on the fundamental Right to Access Justice (Article 21). This unresolved conflict risks generating judicial challenges that could fundamentally undermine the Act's ambitious objectives.

The Act has left a critical institutional vacuum though, tied in with the yet-to-operationalise Mediation Council of India (MCI). The non-existence in the immediate future of a standardised system of regulating mediator accreditation, quality control, and governing Online Mediation (OM) opens the doors to a risk of building a significantly fragmented, inconsistent, and therefore likely inferior mediation service and thus sacrificing the credibility without which systemic shift occurs.

However, perhaps the most profound challenge of all is the practical-operational integrity and cultural inertia. While the possibility exists for the Act to increase general enforceability concerning Mediated Settlement Agreements (MSAs), the buoyancy of the Act shall depend essentially upon the complete cultural shift away from the existing adversarial legal culture that has been entrenched in India. In other words, the problem is not that of mere passage of new law, but rather the lack of proven, integrated mechanisms ensuring that the compulsory procedure yields genuine settlements instead of simply being another time-consuming, expensive, and ultimately futile procedural step on the pathway to defeat by judgment. This paper addresses these three distinct failures—constitutional conflict, institutional lag, and cultural resistance-to critically assess the gap between the Act's aspirational mandate and its real-world viability.

3.RESEARCH OBJECTIVES

This paper intends to accomplish a rigorous, multidimensional critique of the Mediation Act, 2023 by narrow focus on the most critical friction points that bedevil its systemic effectiveness. The research seeks to:

1. To critically analyze whether the statutory requirement of Pre-Litigation Mediation (PLM) constitutes a reasonable limitation or an unreasonable procedural barrier to the fundamental Right to Access Justice (Article 21), thereby, focusing on the compelling need to safeguard party autonomy.
2. To analyze the regulatory blueprint and the current institutional vacuum surrounding the Mediation Council of India (MCI) and to determine the non-negotiable requirements for establishing standardized mediator accreditation, quality assurance protocols, and the necessary governance framework for accessible and secure Online Mediation (OM).
3. To systematically identify and evaluate the key ground-level challenges including the inertia generated by India's ingrained adversarial legal culture and propose mechanisms to strengthen the finality and swift enforcement of Mediated Settlement Agreements (MSAs) to preclude their re-litigation.
4. To go beyond purely theoretical critique and forward evidence-based actionable recommendations directed at legislative amendments, judicial interpretation, and institutional policy such that the Act's vision of transformation becomes a reality.

4.RESEARCH QUESTIONS

This study will address the following core, high-impact research questions, which form the structural backbone of the paper:

1. How significantly does the obligatory Pre-Litigation Mediation (PLM) requirement impact the Right to Access Justice (Article 21), and what particular constitutional criteria or interpretive guidelines should the Supreme Court set to guarantee that the process is inherently voluntary and upholds procedural due process?
2. What foundational requirements and regulatory authorities need to be promptly granted to the Mediation Council of India (MCI) in order to effectively standardize the quality of mediators and their accreditation, avoid jurisdictional conflicts with current court-annexed centers, and ensure inclusive governance for the future of Online Mediation (OM)?
3. What are the key operational obstacles created by the adversarial legal culture, and which specific legislative or procedural tools are necessary to ensure true finality and effective, unquestionable enforcement of Mediated Settlement Agreements (MSAs), reducing future execution disputes?

5.RESEARCH METHODOLOGY

This study utilizes a doctrinal approach that entails a thorough and critical evaluation of the current legal structure. Being a non-empirical study, it solely depends on secondary legal resources such as the Mediation Act, 2023, the Constitution of India, judicial precedents, and academic commentary. The

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approach is mainly analytical, progressing beyond mere descriptive statutory interpretation to evaluate the desired legal and institutional outcomes against possible conflicts, particularly the clash between the obligatory aspect of Pre-Litigation Mediation (PLM) and the essential Right to Access Justice (Article 21). Additionally, it includes a comparative legal analysis, citing global ADR best practices to foresee and address the institutional challenges posed by the forthcoming Mediation Council of India (MCI). This method ensures that the ensuing critique and proposed recommendations are firmly grounded in legal and jurisprudential principles.

6.LITERATURE REVIEW

Current research on the Mediation Act, 2023 is quite hopeful regarding the opportunities it presents for India's emerging dispute resolution framework, while also highlighting the essential constitutional, institutional, and operational shortcomings that could hinder its effective implementation. The mentioned section pertains to the contributions of Dr. Samina Nahid Baig, Dipankar Sharma, Dr. Aditi Choudhary, Vipul Singh, Nazuk Sood, and Ravi Prakash along with co-authors, and the prominent themes present in their works are: (i) Reforms in institutions and digital platforms-the Act; (ii) Tensions in legal and constitutional frameworks; (iii) Ongoing implementation challenges in infrastructure that jeopardize its sustainable success

A strong consensus exists among scholars that the Mediation Act, 2023 represents a landmark in India's efforts to institutionalize mediation and expand the reach of alternative dispute resolution (ADR). Baig and Singh commend the Act for codifying mediation into a structured statutory framework and for introducing Pre-Litigation Mediation (PLM) as a mechanism to reduce India's chronic judicial backlog.[2] The enforceability of Mediated Settlement Agreements (MSAs)-accorded the legal status of court decrees—is widely viewed as a vital reform enhancing public confidence in ADR. Sharma and Choudhary emphasize that the creation of the Mediation Council of India (MCI) signifies a pivotal institutional innovation designed to promote professionalism and standardization.[3] Similarly, Sood and Prakash et al. acknowledge that the Act's recognition of institutional, community, and online mediation mechanisms strengthens accessibility and efficiency while positioning India as a potential global mediation hub.[4]

Despite these achievements, scholars express significant constitutional and doctrinal concerns-chiefly regarding voluntariness and access to justice. Baig, Sharma, and Choudhary warn that mandatory Pre-Litigation Mediation could undermine the Right to Access Justice under Article 21[5] of the Indian Constitution by compelling participation in a process that must inherently remain consensual. Baig and Sood further highlight the issue of power asymmetry, noting that weaker parties may be pressured into settlements without adequate procedural safeguards, thereby eroding the fairness mediation seeks to achieve. Prakash, Singhal, and Sekhri expand on this critique, observing that the Act's narrow exclusion list and commercial focus risk marginalizing non-commercial disputes, limiting inclusivity in legal redress. These critiques underscore a key constitutional tension between procedural efficiency and individual autonomy, calling for legislative refinement and judicial oversight to ensure that mediation remains voluntary in both letter and spirit.

The third major theme in the literature relates to operational and implementation challenges, which collectively raise doubts about the Act's readiness for full-scale enforcement. Sharma and Choudhary emphasize severe infrastructural and administrative deficits-particularly in rural regions-that may restrict the MCI's effective functioning. Baig and Singh reinforce this view, highlighting the absence of a standardized accreditation and training framework for mediators, as well as limited government funding, as critical barriers to mainstreaming mediation practices. Sood critiques the Act's limited global integration, urging India to ratify the Singapore Convention on Mediation to ensure international enforceability of MSAs. Prakash and co-authors further contend that key subordinate legislation-covering mediator qualifications, online mediation procedures, and cost regulations-remains incomplete, rendering the Act operationally unfinished. Collectively, these operational critiques suggest that the Act's success depends heavily on the establishment of infrastructure, regulatory clarity, and long-term state investment.

The review of the scholarship on the Mediation Act, 2023 has led to the conclusion that it is widely regarded as progressive legislation, recognizing the necessity to change India's dispute resolution environment. Conversely, numerous constitutional vagueness, administrative shortcomings, and unresolved authority interactions continue to undermine the meaningful impact sought by this Act. None of the studies referenced here have tackled the empirical or legal issues regarding how these challenges could potentially be effectively resolved. Therefore, it is suggested to address this gap by conducting a thorough evaluation of the Act's constitutional legitimacy, institutional framework, and effective implementation to determine if it can fulfill its transformative potential within India's changing justice system.

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[2] *Dr. Samina Nahid Baig, A Critical Analysis of the Mediation Act, 2023, 13 INT'L J. CREATIVE RSCH. THOUGHTS 1, 3 (2025); Vipul Singh, The Mediation Act, 2023: A New Era for Dispute Resolution in India 5 (2024) (unpublished student paper, The ICFAI Univ., Dehradun).*

[3] *Dipankar Sharma & Aditi Choudhary, The Mediation Act, 2023 – Strengthening Alternative Dispute Resolution Mechanism, 23 LEX LOCALIS: J. LOCAL SELF-GOV'T 1, 3 (2025).*

[4] *Nazuk Sood, Mediation Act, 2023: An Analytical Study, 6 INT'L J. MULTIDISCIPLINARY RSCH. 1, 5 (2024); Ravi Prakash, C.S. Shivam Singhal & Siddhant Sekhri, The Mediation Act, 2023: Pioneering a New Paradigm in Dispute Resolution, CHART. SEC'Y 1, 2 (2024).*

[5] *India Const. art. 21.*

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7.CONSTITUTIONAL SCRUTINY OF PRE-LITIGATION MEDIATION AND THE RIGHT TO ACCESS JUSTICE

7.1. The Constitutional Ambit of Mandatory Pre-Litigation Mediation

The Mediation Act, 2023, praised for its systemic goals, nonetheless creates a significant conflict between legislative efficiency and fundamental rights law. The Right to Access Justice is not merely a legal provision. It is a recognized aspect of the Right to Life and Liberty enshrined in Article 21 of the Constitution of India. Thus, the mandatory Pre-Litigation Mediation (PLM) for certain disputes must undergo a stringent evaluation of reasonableness and proportionality. The main judicial investigation must ascertain if PLM is a valid procedural efficiency measure or an undue excess that delays or diminishes a party's timely access to formal legal proceedings. If the mandatory filter leads to significant delays or undue expense without yielding genuine settlements, the mechanism risks judicial scrutiny and potential invalidation on the grounds of creating docket exclusion rather than reducing docket load. If the State imposes mediation without ensuring uniform infrastructure or cost parity, it risks arbitrariness under Article 14, compounding rather than curing inequality of access.

7.2. Deconstructing the Tension Between Compulsion and Party Autonomy

The principle of party autonomy serves as the philosophical basis for mediation, where the resolution process must fundamentally be consensual. The outcome of mandatory PLM would be a forceful attack on the foundational principle of mediation, the authority to make choices, is therefore being affirmed. What necessarily follows requires careful scrutiny by the court, particularly with respect to matters where there is an inbuilt asymmetry of strength between the parties in dispute. Under such circumstances, compelling people to participate, certainly without strong procedural safeguards embedded and built into the granting of such a power, would simply amount to coercive settlements and not informed consent and would violate principles of fairness and equity. The important distinction is between the Legislature's right to mandate the initiation of the process (the procedural compulsion); a power that Supreme Court supported regarding Section 89 of the CPC in Salem Advocate Bar Assn. v. Union of India (2005) 6 SCC 344[6], where the Court expressly differentiated procedural compulsion from substantive coercion-a line which the Act 2023 dangerously blurs, and the absolute prohibition on mandating the outcome (substantive coercion). For PLM to be constitutionally valid, it must be ensured by the Judiciary that the process remains voluntary in spirit so that rights are protected from any punitive consequences beyond standard cost provisions.

7.3. Establishing Constitutional Benchmarks and Interpretive Standards for PLM

Therefore, to address possible constitutional issues and uphold the Act, the Supreme Court must establish rigorous interpretative criteria for PLM enforcement. To begin with, a court needs to establish a strong standard for "genuine participation." It should go far beyond just being physically present to include a substantial exchange of pertinent information, the involvement of individuals with complete decision-making power, and a documented effort at negotiating in good faith. Additionally, the court must rigorously uphold the Exclusionary Principle. The statement regarding matters addressed by mandatory PLM must be interpreted narrowly to explicitly exclude issues with substantial public policy implications, complex constitutional law questions, or the rights of vulnerable groups, ensuring that high-stakes conflicts consistently uphold public benefit in authoritative judicial decisions. These limitations would then serve as the sole legitimate means to affirm PLM as a suitable regulatory framework that upholds rather than undermines the fundamental right to access justice.

8. INSTITUTIONAL ANALYSIS: REGULATORY DEFICITS AND THE MEDIATION COUNCIL OF INDIA

8.1. The Institutional Vacuum and Regulatory Lag of the Mediation Council of India

The effectiveness of the Mediation Act, 2023 depends significantly on the swift and strong implementation of the Mediation Council of India(MCI), the apex regulatory body of the statute. The current institutional vacuum created by the non-functional status of the MCI represents a crucial regulatory lag in achieving the Act's primary objective which is national standardization. Mediation services are provided by various organizations with differing quality standards that threaten the validity of mediated results in the lack of centralized supervision. The lack of consistency in quality control leads to diminished confidence, potentially threatening public trust and the credibility that mediation needs to function as a systemic alternative to litigation.

8.2. Core Institutional Imperatives: Standardized Quality and Mediator Accreditation

The MCI's most pressing institutional necessity is the creation of a standardized and thorough accreditation system for mediators. A certification framework should go beyond mere educational achievements and incorporate specialized training in negotiation psychology, ethical behavior, and skills tailored to specific disputes. The accreditation process should be based on subject-matter expertise, confirmed through a national registry, associated with regular peer review, and sanctioned by the MCI, all designed after the Civil Mediation Council model from the UK. Importantly, the MCI must also establish and oversee a system of Continuing Mediation Education (CME) for ongoing professional growth to uphold the skills and ethical standards of the national mediator pool. Additionally, an Ethics and Disciplinary Committee should be established within the MCI that is autonomous, ongoing, and authorized to swiftly investigate and penalize unethical conduct, thereby ensuring a degree of accountability to the public and the judiciary.

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

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8.3. Resolving Jurisdictional Interplay and the Governance of Online Mediation

A significant institutional issue is the jurisdictional overlap between the newly established MCI and the existing Court-Annexed Mediation Centers that were originally created under the High Court's rules. The MCI needs to formulate regulations for its role as the apex regulator and standard-setter, ensuring that the court-connected centers function as a referral and administrative entity adhering to the uniform quality and ethical standards established by the MCI. Further, the gradual recognition of the Online Mediation (OM) mandates a governance framework. The MCI must establish guidelines that ensure confidentiality, security, and integrity of virtual proceedings concerning critical aspects such as data encryption, secure identity verification, and evidence preservation. Furthermore, the governance framework should explicitly target the prevention of the digital divide to guarantee that OM functions as an inclusive and accessible alternative, rather than a barrier to access for individuals in digitally underserved regions. Alternatively, this possible exclusion might lead to effectively denying access to justice, thereby significantly jeopardizing the rights established under Article 21.

9. PRACTICAL CHALLENGES AND FINALITY OF MEDIATED SETTLEMENT AGREEMENTS

9.1. Operationalizing Finality against Adversarial Legal Culture

The greatest operational friction point for the Mediation Act, 2023, stems from India's deeply ingrained adversarial legal culture. Legal practitioners and parties often view mediation as a tactical necessity-a procedural step to be cleared rather than a genuine platform for resolution. This mindset leads to bad faith participation, delays, and non-disclosure, ultimately compromising the quality and durability of any resulting agreement. While the Act confers Mediated Settlement Agreements (MSAs) with the enforceability of a court decree, this de jure (by law) finality is threatened by the potential for shift litigation. Parties may circumvent the spirit of the settlement by initiating protracted challenges during the execution stage, thereby neutralizing the Act's primary benefit of reducing docket load.

9.2. Strengthening Enforcement and Minimizing Challenge Pathways for MSAs

To ensure the finality of MSAs, the procedural and judicial frameworks must be tightened to preempt unwarranted challenges. The scope for challenging an MSA during execution must be strictly confined to the narrowest grounds, mirroring the principles established for challenging domestic arbitral awards under Section 34 of the Arbitration and Conciliation Act, 1996 (e.g., fraud, corruption, or conflict with fundamental public policy). Any broader grounds would invite re-litigation and nullify the settlement's purpose. Furthermore, a mechanism for the mandatory filing and verification of MSAs with the competent court within a short timeframe (e.g., seven days) is essential to establish an uncontestable legal record of the agreement's existence and terms. Courts must interpret the 'public policy' exception narrowly-limited to fraud, corruption, or manifest illegality-else PLM will degenerate into a mere pre-trial ritual.

9.3. Targeted Procedural Mechanisms for Efficient Implementation

The implementation process requires specific, targeted procedural mechanisms to overcome cultural inertia. Firstly, the Judiciary must notify Specialized Execution Benches dedicated to summarily dealing with the execution and challenges of MSAs. This administrative measure prevents MSAs from entering the long queue of general execution proceedings, ensuring swift and time-bound enforcement. Secondly, the rules of procedure must be amended to allow for the imposition of exemplary and high-value cost sanctions against any party that initiates a demonstrably frivolous or bad-faith challenge to a certified MSA. This powerful financial disincentive is crucial for re-orienting the legal culture away from tactical delay and toward genuine compliance with settled terms. The cumulative effect of these mechanisms will be to confer the necessary operational finality upon MSAs, ensuring the Act's practical success.

10. FINDINGS AND PRESCRIPTIVE RECOMMENDATIONS

10.1. Synthesis of Critical Findings

The multidimensional critique leads to conclusions where Mediation Act, 2023, is not entirely dispensable when the legislation is progressive in nature. There are three systemic friction points that could cause the entire Act to fail under certain conditions. High constitutional risk: the compulsory nature of PLM requires thorough judicial examination to ensure it does not deteriorate into another unjust procedural barrier that threatens autonomy and the essential right to access justice. Secondly, the institutional delay caused by the inactive MCI has led to a gap that renders it nearly impossible to ensure safety, quality standards, and national coherence, thus affecting the entire process. Thirdly, operational inertia caused by India's contentious legal culture poses the most significant practical obstacle, jeopardizing the finality of MSAs and risking a shift of protracted litigation from the trial to the execution stage.

10.2. Prescriptive Recommendations for Systemic Reform

In order to achieve its transformative objectives, the Act must be complemented by the following actionable recommendations for legislative, executive, and judicial policy:
Judicial Interpretation and Constitutional Safeguards
The Supreme Court needs to swiftly utilize its power to provide a definitive decision on the legality of Pre-Litigation Mediation (PLM) so that indicators can be recognized and interpreted as "genuine participation" for constitutional reasons. Thus, the mandate would suggest that true participation involves more than just being physically present; it necessitates the complete involvement of those with the power to resolve issues. It should also enable subsequent courts to apply meaningful, non-symbolic penalties on parties identified by the mediator as having engaged in bad faith, serving as essential deterrents against strategic misconduct. Completely without prejudice to the parties' fundamental right to seek further litigation if mediation is unsuccessful, it must utilize such powers within the limits of required mediation. If expenses had anticipated a form of clawback for insincere settlements or bad-faith participants in mediated agreements, public perception suggests it promotes numerous procedural abuse cases instead of

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preventing them and truly establishing processes that transition cases from filing to mediation.

Institutional Development and Quality Assurance
This requires immediate executive evidence of commitment by the Central Government in issuing an executive order to define a time-bound mandate (for example, 180 days) for the full operationalization of the Mediation Council of India (MCI). The first priority for the MCI must be the publication of core regulations regarding Accreditation, Ethics, and Online Mediation Security. The final stage of this procedure will occur when the MCI creates and enforces an extensive system of required tiered accreditation grounded in specialization and experience, coupled with obligatory Continuous Mediation Education (CME) for all practicing mediators, to ensure high-quality service for the public and build public trust. The integrated collaborative approach is non-negotiable for overcoming the existing institutional vacuum and realizing uniform national standards of quality.

Procedural Finality and Execution Efficiency
To ensure true conclusiveness for Mediated Settlement Agreements (MSAs), high courts should to be directed to establish Special Execution Benches proactively. These designated benches will hold exclusive jurisdiction to execute and address disputes related to MSAs. Moreover, a legal modification is required to formally establish a highly limiting challenge process for MSAs. This process should restrict the reasons for appeal solely to instances of demonstrated fraud and corruption or those clearly contrary to public policy. This tightening of the procedural framework is essential to prevent prolonged re-litigation of MSAs, which would consequently undermine their efficiency as decrees of court.

Cultural Shift and Judicial Sensitization
Therefore, there should be a mandatory and extensive comprehensive training program that need to be institutionalized for the judges and court administrators collectively This should make everyone aware of the essential spirit and transformative goals of the 2023 Act to actively promote finality and quick enforceability of mediated results. It becomes important that the courts will be trained not to treat the mediation process as an alternative peripheral channel, but as one in what is seen as an 'authentic' and respected channel for dispute resolution.

11. CONCLUSION

The Mediation Act, 2023 is a notable legislative measure aimed at transforming and redefining dispute resolution in India. Though it is structurally sound and aligned with global best practices regarding enforcement, its real effectiveness depends significantly on addressing various systemic challenges. This article has thoroughly analyzed and recorded the essential friction points: the need for reconciling procedural obligation with constitutional independence-urgency for addressing the institutional void caused by the non-functional MCI-and the necessity for combating the profound inertia of the confrontational legal culture-as needed for guaranteeing that intervention will truly result in the definitive finality of mediated results.

The core argument is this: The Mediation Act, 2023, can transform itself with no intrinsic changes in the text but rather on the real and rigorous enforcement of its provisions. If the MCI were not promptly implemented systematically or if the courts hesitated to enforce MSAs, the whole Act would merely turn into an administrative diversion, further distorting costs and time. In the absence of prompt institutional activation of the MCI and constitutional adjustment of PLM, the Mediation Act, 2023 is likely to transform into yet another legislative embellishment—completely progressive in wording but regressive in application. Mediation will only transition from theory to application when the judiciary ensures good faith engagement and the State invests in authentic infrastructure

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