

Chapter III - Mediation - One-page Cheat Sheet

Commencement gate: do not use any statutory consequence without checking S.O. 4384(E) and later Gazette notifications.

Chapter in 2 Minutes

- Test written consent, pre-litigation route, non-mediabile exclusions and court/tribunal referral powers.
- Provision-level commencement is the first legal gate: only 21 sections were commenced by S.O. 4384(E) on 9 October 2023 in the reviewed official record.
- Use the India Code Act and the Department of Legal Affairs Gazette files as controlling sources.
- Separate the Mediation Act from existing Commercial Courts, consumer, company, court-annexed and special-statute mediation rules.

Provision / control map

Gate	Status	Meaning	Action
Section 4	Not commenced under S.O. 4384(E) in reviewed official record	Requires a written mediation agreement and recognises contractual, electronic and incorporated forms subject to statutory conditions.	Prepare a clause and eligibility memo; identify the governing special law, urgent-relief need, exclusions and forum before sending the invitation.
Section 5	Not commenced under S.O. 4384(E) in reviewed official record	Provides a voluntary pre-litigation mediation route, while special statutes and commercial-court procedure may create separate obligations.	Prepare a clause and eligibility memo; identify the governing special law, urgent-relief need, exclusions and forum before sending the invitation.
Section 6	Not commenced under S.O. 4384(E) in reviewed official record	Excludes matters listed in the First Schedule and permits notified additions, subject to the provision becoming operative.	Prepare a clause and eligibility memo; identify the governing special law, urgent-relief need, exclusions and forum before sending the invitation.
Section 7	Not commenced under S.O. 4384(E) in reviewed official record	Allows a court or tribunal to refer parties in appropriate cases without removing its power to grant interim protection.	Prepare a clause and eligibility memo; identify the governing special law, urgent-relief need, exclusions and forum before sending the invitation.

Decision flow



Critical file

Contract, commencement/special-law memo, invitation/service, mediator disclosure, authority, protected and independent evidence indexes, settlement, stamp/tax, payment and enforcement records.

Canonical: <https://finin2min.com/laws/mediation-act-2023/chapters/03-meditation.html>
Sources: India Code Mediation Act, Department of Legal Affairs instruments and current Gazette. Verify event-date law.