

Chapter V - Mediation Proceedings

Build a complete case file from first appearance to settlement or termination, with confidentiality, authority, limitation and settlement-document controls.

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Commenced 9 October 2023; Not commenced under S.O. 4384(E) in reviewed official record

Source and commencement status: The official India Code page records the Act and all 65 sections, but section 1 footnote shows only a limited group commenced on 9 October 2023. This publication therefore identifies provision-level status and does not treat uncommenced provisions or Schedule amendments as operative. Open official Act PDF | Department of Legal Affairs instruments.

Dedicated Finin2min Summary - Chapter in 2 Minutes

- Build a complete case file from first appearance to settlement or termination, with confidentiality, authority, limitation and settlement-document controls.
- 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.
- Document consent, authority, limitation, confidentiality, settlement drafting, tax, stamp and enforcement before closing the file.

Section-by-section provision map

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
Section 13	Territorial jurisdiction to undertake mediation.	Not commenced under S.O. 4384(E) in reviewed official record	Connects mediation location and territorial jurisdiction to parties and subject matter.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 14	Commencement of mediation.	Not commenced under S.O. 4384(E) in reviewed official record	Identifies the legally relevant commencement point for limitation and procedural clocks.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 15	Conduct of mediation.	Not commenced under S.O. 4384(E) in reviewed official record	Sets the flexible, party-centred process framework subject to fairness,	Open a controlled case file with commencement date, authority confirmations,	First-appearance record, session log, process agreement,

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
			confidentiality and regulations.	session log, protected/non-protected evidence index, deadline calendar and settlement/ termination checklist.	authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 16	Role of mediator.	Not commenced under S.O. 4384(E) in reviewed official record	Defines the facilitator role and prohibits adjudication or imposed outcomes.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/ termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 17	Role of mediator in other proceedings.	Not commenced under S.O. 4384(E) in reviewed official record	Restricts the mediator from acting in incompatible roles or appearing as witness in connected proceedings.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/ termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
					settlement report.
Section 18	Time-limit for completion of mediation.	Not commenced under S.O. 4384(E) in reviewed official record	Sets a 120-day process period from first appearance, with a possible extension up to 60 days by agreement.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 19	Mediated settlement agreement.	Not commenced under S.O. 4384(E) in reviewed official record	Defines a written, authenticated mediated settlement agreement and permits settlement of some or all disputes.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 20	Registration of mediated settlement agreement.	Not commenced under S.O. 4384(E) in reviewed official record	Creates an optional registration route with a 180-day timing framework and	Open a controlled case file with commencement date, authority confirmations,	First-appearance record, session log, process agreement,

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
			late-fee mechanism.	session log, protected/non-protected evidence index, deadline calendar and settlement/ termination checklist.	authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 21	Non-settlement report.	Not commenced under S.O. 4384(E) in reviewed official record	Requires a non-settlement report without disclosing reasons, admissions or confidential negotiation content.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/ termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 22	Confidentiality.	Not commenced under S.O. 4384(E) in reviewed official record	Protects communications, proposals, documents and process confidentiality and prohibits audio/video recording.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/ termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
					settlement report.
Section 23	Admissibility and privilege against disclosure.	Not commenced under S.O. 4384(E) in reviewed official record	Creates evidentiary privilege and limits compelled disclosure, subject to statutory exceptions.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 24	Termination of mediation.	Not commenced under S.O. 4384(E) in reviewed official record	Specifies termination events including settlement, mediator declaration and party withdrawal.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 25	Cost of mediation.	Not commenced under S.O. 4384(E) in reviewed official record	Allocates mediation cost equally unless parties agree otherwise.	Open a controlled case file with commencement date, authority confirmations,	First-appearance record, session log, process agreement,

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
				session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	authority letters, submissions, document index, cost ledger, settlement or non-settlement report.
Section 26	Proceedings of Lok Adalat and Permanent Lok Adalat not to be affected.	Commenced 9 October 2023	Preserves Lok Adalat and Permanent Lok Adalat proceedings.	Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.	First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Finin2min clause-by-clause decode

Section 13 - Territorial jurisdiction to undertake mediation.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Connects mediation location and territorial jurisdiction to parties and subject matter.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 14 - Commencement of mediation.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Identifies the legally relevant commencement point for limitation and procedural clocks.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 15 - Conduct of mediation.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Sets the flexible, party-centred process framework subject to fairness, confidentiality and regulations.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 16 - Role of mediator.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Defines the facilitator role and prohibits adjudication or imposed outcomes.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 17 - Role of mediator in other proceedings.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Restricts the mediator from acting in incompatible roles or appearing as witness in connected proceedings.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 18 - Time-limit for completion of mediation.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Sets a 120-day process period from first appearance, with a possible extension up to 60 days by agreement.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 19 - Mediated settlement agreement.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Defines a written, authenticated mediated settlement agreement and permits settlement of some or all disputes.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 20 - Registration of mediated settlement agreement.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Creates an optional registration route with a 180-day timing framework and late-fee mechanism.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 21 - Non-settlement report.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Requires a non-settlement report without disclosing reasons, admissions or confidential negotiation content.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 22 - Confidentiality.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Protects communications, proposals, documents and process confidentiality and prohibits audio/video recording.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 23 - Admissibility and privilege against disclosure.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Creates evidentiary privilege and limits compelled disclosure, subject to statutory exceptions.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 24 - Termination of mediation.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Specifies termination events including settlement, mediator declaration and party withdrawal.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 25 - Cost of mediation.

Status: Not commenced under S.O. 4384(E) in reviewed official record

Allocates mediation cost equally unless parties agree otherwise.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Section 26 - Proceedings of Lok Adalat and Permanent Lok Adalat not to be affected.

Status: Commenced 9 October 2023

Preserves Lok Adalat and Permanent Lok Adalat proceedings.

Implementation: Open a controlled case file with commencement date, authority confirmations, session log, protected/non-protected evidence index, deadline calendar and settlement/termination checklist.

Evidence: First-appearance record, session log, process agreement, authority letters, submissions, document index, cost ledger, settlement or non-settlement report.

Finin2min implementation explanation

Create a matter control sheet that identifies the operative legal route, provision-level commencement, parties, subject matter, special law, mediator/provider, process rules, limitation, authority, evidence, settlement form and enforcement path. No team should rely on a page without the current source and event-date status.

Practical examples and calculations

- **Section 13:** Connects mediation location and territorial jurisdiction to parties and subject matter. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 14:** Identifies the legally relevant commencement point for limitation and procedural clocks. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 15:** Sets the flexible, party-centred process framework subject to fairness, confidentiality and regulations. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 16:** Defines the facilitator role and prohibits adjudication or imposed outcomes. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 17:** Restricts the mediator from acting in incompatible roles or appearing as witness in connected proceedings. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 18:** Sets a 120-day process period from first appearance, with a possible extension up to 60 days by agreement. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*

Timeline model: where an operative route adopts the Act model, separately calculate invitation/service, first appearance, 120-day process period, agreed extension up to 60 days, optional registration clock of 180 days, and challenge clock of 90 days plus a possible further 90 days. Do not apply these figures to an uncommenced provision.

Settlement value model: principal + agreed interest + tax adjustments + costs + security value - payments/credits/set-off, with milestone and default sensitivity.

Practical transaction application

Classify the dispute and contract, issue a source-controlled invitation, secure settlement authority before substantive bargaining, reconcile commercial and legal terms, and close only after signatures, tax/stamp treatment, payment/security, filings and retention are complete.

Authority, consent and execution controls

Verify legal entity names, capacity, board/partner/POA authority, monetary and non-monetary settlement limits, government approval hierarchy, lender/insurer/third-party consents and authority to sign, register, pay, release and withdraw proceedings.

Stamp duty and registration alerts

Stamp duty and registration are State- and instrument-specific. A settlement dealing with immovable property, transfer, release, security, guarantee, lease, partition, IP or other registrable rights requires a State-law memorandum before signature. Electronic execution does not remove stamp duty.

Evidence and document-retention checklist

Maintain two controlled indexes: protected mediation material and independently existing evidence. Preserve contract, authority, notices, service, process agreement, mediator disclosures, attendance, cost, settlement signatures, tax/stamp review, registration, payment, withdrawal and enforcement records.

- | | |
|--|--|
| • Contract and mediation clause | • Independent-evidence index |
| • Special-law and commencement memo | • Attendance and cost ledger |
| • Invitation, notice and service proof | • Settlement term sheet and approvals |
| • Party identity and legal capacity | • Signed/authenticated agreement |
| • Board/partner/POA authority | • Stamp and registration note |
| • Mediator appointment and disclosure | • GST/TDS/accounting working |
| • Process agreement and rules version | • Payment/security/withdrawal proof |
| • Protected-material index | • Challenge/enforcement/retention file |

Performance, delivery and payment controls

Translate each settlement promise into owner, amount, currency, tax, date, milestone, acceptance test, invoice/credit note, security, escrow, default interest, cure, set-off, release trigger and proof of completion.

Breach, loss, mitigation and remedy framework

Quantify principal, interest, admitted/disputed amounts, counterclaims, direct loss, avoided cost, mitigation, costs, tax and security. Select cure, variation, acceleration, termination, enforcement, fresh proceedings or insolvency strategy without double recovery.

Limitation and forum controls

Maintain a dated chronology for cause of action, invitation, statutory notice, first appearance, sessions, termination, settlement, challenge, acknowledgment and filing. Identify court/tribunal jurisdiction, commercial-court PIMS, special-statute forum and any exclusion or condonation rule.

Arbitration and mediation interface

Draft the interface between negotiation, mediation, expert determination, adjudication and arbitration. Preserve urgent interim relief and limitation. Avoid deadlock clauses with no transition, indefinite negotiation or contradictory seat/forum wording.

Company, partnership, GST and tax overlays

Check Companies Act/LLP/partnership authority, related-party and disclosure issues; GST price/credit-note and place-of-supply consequences; TDS, income recognition and deductibility; stamp/registration; FEMA for cross-border payments; IBC moratorium/claims; competition and sector approvals.

Chapter-specific decision flowchart

Chapter V - Mediation Proceedings - decision flow



Stop at any gate that lacks current law, consent, authority, limitation, evidence or executable settlement terms.

Finin2min Q&A

Is the entire Mediation Act operational because India Code shows an enforcement date of 9 October 2023?

No. The section 1 footnote identifies a limited list of commenced provisions. Apply a provision-level commencement matrix.

Can parties still mediate where a Mediation Act provision is uncommenced?

Often yes under contract, court-annexed rules, special statutes, institutional rules or general settlement law, but do not attribute uncommenced statutory consequences to the Act.

Is pre-institution mediation optional in every commercial dispute?

No. Commercial Courts Act section 12A and the PIMS Rules require separate current-law analysis, including the urgent interim-relief exception.

Does a signed settlement automatically have decree status under section 27?

Only when the relevant Mediation Act enforcement provisions are legally operative and conditions are met. Otherwise analyse contract, consent decree, arbitral consent award or special-statute routes.

Can the mediator decide who is right?

No. A mediator facilitates voluntary resolution and should not adjudicate or impose a settlement.

May mediation sessions be recorded?

The Act contemplates confidentiality and no audio/video recording, but confirm the operative legal and institutional rule set for the matter.

What authority is needed to settle for a company or LLP?

Use specific board, committee, partner, power-of-attorney or delegated authority covering amount, non-monetary terms, releases, security and tax consequences.

Does mediation stop limitation automatically?

Do not assume so. Calculate limitation under current operative law, special statutes, acknowledgements, exclusions and any standstill arrangement.

Is an online settlement valid with an electronic signature?

Potentially, subject to the IT Act, contract law, authority, platform integrity, electronic-signature method, stamp/registration and the operative mediation framework.

Are all rules and regulations under the Act now final?

The reviewed sources identify three final 2024 Council governance/accounts rules. The package separately flags regulations, schemes, guidelines and process rules that require current Gazette confirmation.