

FININ2MIN PROFESSIONAL LAW CORPUS - BATCH 04

Chapter XI - Miscellaneous

Control funding, accounts, directions, delegated legislation, transition, pending proceedings and the effective date of every consequential amendment.

Reviewed through 2026-07-18

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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

- Control funding, accounts, directions, delegated legislation, transition, pending proceedings and the effective date of every consequential amendment.
- 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 45	Mediation Fund.	Commenced 9 October 2023	Creates the Mediation Fund.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 46	Accounts and audit.	Commenced 9 October 2023	Requires accounts, annual statements and CAG audit; the 2024 accounts rules prescribe forms and manner.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 47	Power of Central Government to issue directions.	Commenced 9 October 2023	Allows Central Government directions to the Council on policy questions.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
				and commencement.	
Section 48	Power to frame schemes or guidelines.	Not commenced under S.O. 4384(E) in reviewed official record	Allows schemes or guidelines for implementation.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 49	Mediated settlement agreement where Government or its agency, etc., is a party.	Not commenced under S.O. 4384(E) in reviewed official record	Creates a framework for settlements involving government or its agencies, subject to the provision becoming operative.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 50	Protection of action taken in good faith.	Commenced 9 October 2023	Protects good-faith action under the Act.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
				and commencement.	
Section 51	Power to make rules.	Commenced 9 October 2023	Delegates rule-making power to the Central Government.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 52	Power to make regulations.	Commenced 9 October 2023	Delegates regulation-making power to the Council.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 53	Laying.	Commenced 9 October 2023	Requires rules and regulations to be laid before Parliament.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
				and commencement.	
Section 54	Power to remove difficulties.	Commenced 9 October 2023	Allows removal of difficulties within the statutory period.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 55	Provisions of Act to have overriding effect on mediation or conciliation contained in other laws.	Not commenced under S.O. 4384(E) in reviewed official record	Provides overriding effect, subject to the Second Schedule and commencement.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 56	Act not to apply to pending proceedings.	Commenced 9 October 2023	Excludes pending mediation/ conciliation proceedings from the Act.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
				and commencement.	
Section 57	Transitory provision.	Commenced 9 October 2023	Keeps existing court-annexed mediation rules operating until regulations are made, to the extent stated.	Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.	Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.
Section 58	Amendment of Act 9 of 1872.	Not commenced under S.O. 4384(E) in reviewed official record	Amends section 28 of the Indian Contract Act through the Third Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.
Section 59	Amendment of Act 5 of 1908.	Not commenced under S.O. 4384(E) in reviewed official record	Amends section 89 of the Code of Civil Procedure through the Fourth Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
Section 60	Amendment of Act 39 of 1987.	Not commenced under S.O. 4384(E) in reviewed official record	Amends the Legal Services Authorities Act through the Fifth Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/ legal approval, revised templates, training and control-testing evidence.
Section 61	Amendment of Act 26 of 1996.	Not commenced under S.O. 4384(E) in reviewed official record	Amends the Arbitration and Conciliation Act through the Sixth Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/ legal approval, revised templates, training and control-testing evidence.
Section 62	Amendment of Act 27 of 2006.	Not commenced under S.O. 4384(E) in reviewed official record	Amends the MSMED Act section 18 route through the Seventh Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/ legal approval, revised templates, training and control-testing evidence.
Section 63	Amendment of Act 18 of 2013.	Not commenced under S.O. 4384(E) in	Amends Companies Act section 442 through the	Do not update the target Act operationally until the	Official commencement and target-Act amendment

Provision / gate	Topic	Commencement / status	Finin2min decode	Implementation	Evidence / control
		reviewed official record	Eighth Schedule when commenced.	enabling amendment section is commenced and the target statute consolidation confirms the change.	source, board/ legal approval, revised templates, training and control-testing evidence.
Section 64	Amendment of Act 4 of 2016.	Not commenced under S.O. 4384(E) in reviewed official record	Amends Commercial Courts Act pre-institution mediation through the Ninth Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/ legal approval, revised templates, training and control-testing evidence.
Section 65	Amendment of Act 35 of 2019.	Not commenced under S.O. 4384(E) in reviewed official record	Amends Consumer Protection Act mediation provisions through the Tenth Schedule when commenced.	Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.	Official commencement and target-Act amendment source, board/ legal approval, revised templates, training and control-testing evidence.

Finin2min clause-by-clause decode

Section 45 - Mediation Fund.

Status: Commenced 9 October 2023

Creates the Mediation Fund.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 46 - Accounts and audit.

Status: Commenced 9 October 2023

Requires accounts, annual statements and CAG audit; the 2024 accounts rules prescribe forms and manner.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 47 - Power of Central Government to issue directions.

Status: Commenced 9 October 2023

Allows Central Government directions to the Council on policy questions.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 48 - Power to frame schemes or guidelines.

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

Allows schemes or guidelines for implementation.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 49 - Mediated settlement agreement where Government or its agency, etc., is a party.

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

Creates a framework for settlements involving government or its agencies, subject to the provision becoming operative.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 50 - Protection of action taken in good faith.

Status: Commenced 9 October 2023

Protects good-faith action under the Act.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 51 - Power to make rules.

Status: Commenced 9 October 2023

Delegates rule-making power to the Central Government.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 52 - Power to make regulations.

Status: Commenced 9 October 2023

Delegates regulation-making power to the Council.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 53 - Laying.

Status: Commenced 9 October 2023

Requires rules and regulations to be laid before Parliament.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 54 - Power to remove difficulties.

Status: Commenced 9 October 2023

Allows removal of difficulties within the statutory period.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 55 - Provisions of Act to have overriding effect on mediation or conciliation contained in other laws.

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

Provides overriding effect, subject to the Second Schedule and commencement.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 56 - Act not to apply to pending proceedings.

Status: Commenced 9 October 2023

Excludes pending mediation/conciliation proceedings from the Act.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 57 - Transitory provision.

Status: Commenced 9 October 2023

Keeps existing court-annexed mediation rules operating until regulations are made, to the extent stated.

Implementation: Maintain a delegated-legislation and transition register; link each rule, direction, scheme, guideline or regulation to its enabling section and commencement.

Evidence: Gazette notification, rule/regulation version, appointment/constitution record, accounts, minutes, directions, reports and source hashes.

Section 58 - Amendment of Act 9 of 1872.

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

Amends section 28 of the Indian Contract Act through the Third Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 59 - Amendment of Act 5 of 1908.

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

Amends section 89 of the Code of Civil Procedure through the Fourth Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 60 - Amendment of Act 39 of 1987.

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

Amends the Legal Services Authorities Act through the Fifth Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 61 - Amendment of Act 26 of 1996.

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

Amends the Arbitration and Conciliation Act through the Sixth Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 62 - Amendment of Act 27 of 2006.

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

Amends the MSMED Act section 18 route through the Seventh Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 63 - Amendment of Act 18 of 2013.

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

Amends Companies Act section 442 through the Eighth Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 64 - Amendment of Act 4 of 2016.

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

Amends Commercial Courts Act pre-institution mediation through the Ninth Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

Section 65 - Amendment of Act 35 of 2019.

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

Amends Consumer Protection Act mediation provisions through the Tenth Schedule when commenced.

Implementation: Do not update the target Act operationally until the enabling amendment section is commenced and the target statute consolidation confirms the change.

Evidence: Official commencement and target-Act amendment source, board/legal approval, revised templates, training and control-testing evidence.

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 45:** Creates the Mediation Fund. *Operational status: Commenced 9 October 2023.*
- **Section 46:** Requires accounts, annual statements and CAG audit; the 2024 accounts rules prescribe forms and manner. *Operational status: Commenced 9 October 2023.*
- **Section 47:** Allows Central Government directions to the Council on policy questions. *Operational status: Commenced 9 October 2023.*
- **Section 48:** Allows schemes or guidelines for implementation. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 49:** Creates a framework for settlements involving government or its agencies, subject to the provision becoming operative. *Operational status: Not commenced under S.O. 4384(E) in reviewed official record.*
- **Section 50:** Protects good-faith action under the Act. *Operational status: Commenced 9 October 2023.*

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