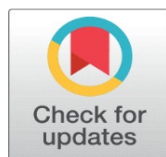


# MEDIATION AND LOK ADALAT: AN EXAMINATION OF CHALLENGES AND ISSUES

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## ABSTRACT

The global judicial landscape is increasingly strained by case backlogs, prolonged litigation, and escalating costs, prompting a shift toward alternative dispute resolution (ADR) mechanisms. In India, where the judiciary grapples with over 50 million pending cases (as of 2025), mediation and Lok Adalat have emerged as critical tools for delivering accessible, efficient, and equitable justice. These mechanisms aim to resolve disputes amicably, reduce court burdens, and promote social harmony, particularly for marginalized communities. However, despite their potential, both mediation and Lok Adalat face significant systemic, cultural, and operational challenges that limit their effectiveness. This article provides a comprehensive examination of mediation and Lok Adalat, their legal and operational frameworks, their benefits, and the key challenges and issues impeding their success. It concludes with detailed recommendations for reforms to enhance their efficacy in India's diverse and complex socio-legal landscape.

**Keywords:** Mediation, Lok Adalat, Challenges, Issues

## 1. INTRODUCTION

The global judicial landscape is increasingly strained by case backlogs, prolonged litigation, and escalating costs, prompting a shift toward alternative dispute resolution (ADR) mechanisms. In India, where the judiciary grapples with over 50 million pending cases (as of 2025), mediation and Lok Adalat have emerged as critical tools for delivering accessible, efficient, and equitable justice. These mechanisms aim to resolve disputes amicably, reduce court burdens, and promote social harmony, particularly for marginalized communities. However, despite their potential, both mediation and Lok Adalat face significant systemic, cultural, and operational challenges that limit their effectiveness. This article provides a comprehensive examination of mediation and Lok Adalat, their legal and operational frameworks, their benefits, and the key challenges and issues impeding their success. It concludes with detailed recommendations for reforms to enhance their efficacy in India's diverse and complex socio-legal landscape.

Understanding Mediation and Lok Adalat Mediation: A Collaborative Approach to Dispute Resolution. Mediation is a voluntary, non-binding process where a neutral third party, the mediator, facilitates dialogue between disputing parties to reach a mutually acceptable resolution. Unlike litigation, which is adversarial and court-driven, mediation emphasizes

collaboration, confidentiality, and party autonomy. It allows disputants to craft solutions tailored to their needs, preserving relationships and avoiding the winner-takes-all outcomes of traditional court processes. Mediation is widely used in civil, commercial, family, and community disputes, making it a versatile tool in the ADR ecosystem. In India, mediation has been formalized through various legal provisions. The Code of Civil Procedure, 1908 (Section 89) mandates courts to refer suitable cases to ADR mechanisms, including mediation, to reduce judicial backlog. The Mediation Act, 2023, marks a significant milestone by providing a structured legal framework for mediation, defining the roles and qualifications of mediators, and ensuring the enforceability of mediated settlement agreements. Court-annexed mediation centers, established under the aegis of High Courts and District Courts, have further institutionalized the process, making it an integral part of India's justice delivery system.

**Lok Adalat: The People's Court** Lok Adalat, translating to "People's Court" in Hindi, is a uniquely Indian ADR mechanism rooted in the principles of justice, equity, and accessibility. Established under the Legal Services Authorities Act, 1987, Lok Adalats aim to resolve disputes through conciliation and compromise, particularly for the underprivileged who lack access to formal courts. Operating at district, state, and national levels, Lok Adalats handle a wide range of cases, including matrimonial disputes, motor accident claims, public utility matters, and certain compoundable criminal cases. Lok Adalats are presided over by panels typically comprising retired judges, legal professionals, or social workers who facilitate settlements through negotiation. Unlike mediation, Lok Adalat awards are binding and equivalent to a court decree, with no provision for appeal unless procedural irregularities are evident. The system's informality, speed, and affordability make it a cornerstone of India's efforts to provide justice at the grassroots level. Mega Lok Adalats and National Lok Adalats, organized periodically, have resolved millions of cases, showcasing their scalability and impact. Benefits of Mediation and Lok Adalat Mediation and Lok Adalat offer significant advantages over traditional litigation, making them vital components of India's justice system: **Speed and Efficiency:** Both mechanisms resolve disputes faster than courts, where cases can languish for years. Mediation sessions typically conclude within a few meetings, while Lok Adalats often settle cases in a single hearing, providing swift relief to litigants. **Cost-Effectiveness:** With minimal or no fees, mediation and Lok Adalat are affordable, ensuring access for economically disadvantaged groups who cannot afford prolonged litigation.

**Preservation of Relationships:** By fostering dialogue and mutual agreement, these mechanisms help maintain personal, familial, and professional relationships, unlike adversarial litigation, which often escalates conflict. **Reduction of Judicial Backlog:** With India's courts overwhelmed by pending cases, mediation and Lok Adalat divert disputes to alternative forums, alleviating pressure on the judiciary. **Accessibility and Inclusivity:** Lok Adalats, in particular, are designed to reach rural and marginalized communities, ensuring justice at the grassroots level. Mediation centers, increasingly available in urban and semi-urban areas, also enhance access. **Flexibility and Party Autonomy:** Mediation allows parties to craft creative solutions tailored to their needs, while Lok Adalats encourage compromises that reflect mutual consent, offering flexibility absent in rigid court rulings. **Confidentiality:** Mediation ensures privacy, protecting sensitive information in commercial or family disputes. Lok Adalats, while less private, maintain a less formal environment than courts, reducing public exposure. Despite these benefits, both mediation and Lok Adalat face significant challenges that undermine their effectiveness.

The following sections provide a detailed analysis of these issues, categorized by systemic, cultural, operational, and legal dimensions. **Challenges in Mediation**

- 1) **Lack of Awareness and Cultural Resistance.** A primary barrier to mediation's success in India is the lack of public awareness. Many litigants, particularly in rural and semi-urban areas, are unaware of mediation as a viable dispute resolution option. Legal illiteracy and limited outreach efforts exacerbate this issue, with many perceiving mediation as an informal or less authoritative process compared to litigation. Cultural attitudes that prioritize adversarial outcomes—where one party "wins"—further hinder mediation's acceptance. For instance, in family disputes, parties often view compromise as a sign of weakness, preferring court battles to assert their rights. This cultural resistance is compounded by a lack of trust in mediation's efficacy. Unlike court judgments, mediated agreements are perceived as less enforceable, deterring parties from opting for the process. Awareness campaigns are sporadic and often limited to urban areas, leaving rural populations underserved.
- 2) **Inadequate Training and Quality of Mediators** The success of mediation hinges on the mediator's ability to facilitate constructive dialogue. However, India faces a shortage of trained mediators, particularly those with specialized skills in conflict resolution, cultural sensitivity, and handling complex disputes. While court-annexed

mediation centers have been established, training programs vary widely in quality and duration across states. Many mediators lack expertise in specialized areas such as commercial disputes, intellectual property, or cross-border conflicts, limiting mediation's applicability. Moreover, the selection process for mediators is often inconsistent, with some appointed based on seniority rather than competence. The lack of standardized accreditation and continuous professional development further undermines the quality of mediation services, leading to uneven outcomes and eroding public confidence.

- 3) **Voluntary Nature and Non-Compliance** Mediation's voluntary nature, while a strength, poses significant challenges. Parties may refuse to participate, withdraw mid-process, or fail to honor mediated agreements. Although the Mediation Act, 2023, provides for the enforceability of settlement agreements, courts often lack mechanisms to monitor compliance effectively. Non-compliance is particularly prevalent in disputes involving monetary payments, where one party may renege due to financial constraints or bad faith. The absence of mandatory participation also means that mediation is underutilized in cases where it could be effective. Courts sometimes fail to identify suitable cases for referral under Section 89, leading to missed opportunities for resolution. Additionally, power imbalances—such as in employer-employee or landlord-tenant disputes—can undermine the voluntary spirit, with weaker parties feeling coerced into unfavorable settlements.
- 4) **Limited Scope and Applicability.** Mediation is not suitable for all disputes, particularly those involving criminal matters, public policy, or non-compoundable offenses. This limitation restricts its applicability, and courts sometimes refer inappropriate cases to mediation, leading to inefficiencies. For example, complex commercial disputes involving large corporations often face resistance due to concerns over confidentiality, enforceability, or the need for detailed legal adjudication. The lack of clear guidelines on which cases are suitable for mediation results in inconsistent referrals. Additionally, the growing demand for mediation in international commercial disputes is hampered by India's limited infrastructure for cross-border mediation, despite its obligations under the Singapore Convention on Mediation (2019), which India has signed but not fully implemented.
- 5) **Infrastructural and Institutional Challenges** Court-annexed mediation centers often suffer from inadequate infrastructure, such as a lack of private mediation rooms, trained administrative staff, or digital tools for virtual mediation. The uneven distribution of mediation centers, particularly in rural areas, limits access for marginalized communities. Virtual mediation, while gaining traction post-COVID-19, is constrained by poor internet connectivity and digital literacy in many regions. Institutionally, mediation's integration into the judicial system is inconsistent. Some courts actively promote mediation, while others underutilize Section 89 referrals due to judicial overburdening or lack of awareness. The absence of a centralized authority to oversee mediation programs further hampers coordination and standardization.
- 6) **Gender and Social Sensitivities.** Mediation often involves sensitive disputes, such as those related to family or domestic violence, where gender dynamics and power imbalances play a significant role. Mediators may lack training in handling such cases, leading to outcomes that fail to address underlying issues or protect vulnerable parties. For instance, in matrimonial disputes, women may feel pressured to compromise due to societal expectations or economic dependence, undermining the fairness of the process. Challenges in Lok Adalat.
  - 1) **Limited Scope of Cases** Lok Adalats are effective for disputes where parties are willing to compromise, such as motor accident claims, matrimonial disputes, or public utility matters. However, their jurisdiction is limited, excluding serious criminal cases, complex commercial disputes, or matters requiring detailed legal interpretation. This restriction narrows their impact on reducing judicial backlog, as many high-stakes cases remain in courts. The requirement for mutual consent also limits Lok Adalats' applicability. If one party is unwilling to compromise, the case cannot proceed, leading to inefficiencies. For example, in property disputes, entrenched positions often prevent settlements, forcing parties back to litigation.
  - 2) **Perception of Coercion.** A significant criticism of Lok Adalats is the perception of coercion in settlements. The involvement of judicial or quasi-judicial figures, combined with the pressure to resolve cases quickly, can lead parties to feel compelled to agree to terms. This is particularly true for marginalized litigants, who may accept unfavorable settlements to avoid prolonged litigation, social stigma, or financial hardship. Such outcomes undermine the voluntary spirit of Lok Adalats and raise ethical concerns about fairness.

- 3) **Quality and Training of Panelists** Like mediation, Lok Adalats suffer from inconsistent training among panelists. While retired judges bring legal expertise, social workers or other panelists may lack the skills to handle complex disputes. In sensitive cases, such as matrimonial or labor disputes, inadequate training can lead to superficial resolutions that fail to address root causes. The lack of standardized training programs and continuous professional development further exacerbates this issue.
  - 4) **Lack of Follow-Up Mechanisms**, Although Lok Adalat awards are binding, there is often no robust mechanism to ensure compliance. If a party fails to honor the settlement—such as in motor accident claims where insurance companies delay payments—the aggrieved party must approach the courts again, negating the time and cost benefits of the process. This issue is particularly prevalent in cases involving monetary payments or ongoing obligations, where enforcement mechanisms are weak.
  - 5) **Infrastructural and Logistical Issues**. Lok Adalats, especially those organized in rural areas, face logistical challenges, including inadequate venues, lack of publicity, and limited participation. Mega Lok Adalats, while successful in resolving large numbers of cases, are often held sporadically, limiting their accessibility. The reliance on physical hearings restricts participation in remote areas, despite the potential of virtual platforms. Poor coordination between legal services authorities, courts, and local administration further hampers efficiency.
  - 6) **Over-Reliance on Quantitative Success**. Lok Adalats are often judged by the number of cases resolved rather than the quality of outcomes. This focus on statistics can lead to rushed settlements that prioritize closure over fairness. For instance, in motor accident claims, victims may accept lower compensation due to financial desperation, undermining the principles of equity. The pressure to achieve high settlement numbers also risks compromising the thoroughness of the conciliation process.
  - 7) **Limited Legal Aid Integration**. While Lok Adalats are designed to serve the underprivileged, their integration with legal aid services is often inadequate. Many litigants, particularly from marginalized communities, lack access to legal representation during Lok Adalat proceedings, which can lead to unbalanced settlements. The uneven availability of legal aid lawyers across regions further exacerbates this issue.
- Comparative Analysis: Mediation vs. Lok Adalat** While mediation and Lok Adalat share the goal of providing accessible justice, they differ in their approach, scope, and challenges:
- Nature of Process:** Mediation is voluntary and non-binding until a settlement is reached, offering parties greater control but risking non-compliance. Lok Adalat awards are binding with no appeal, providing finality but potentially less flexibility.
  - Scope of Disputes:** Mediation is more versatile, applicable to a broader range of disputes, including commercial and international matters. Lok Adalats are better suited for simpler, local disputes, such as motor accident claims or matrimonial cases.
  - Training and Expertise:** Both systems suffer from inconsistent training, but mediation requires specialized facilitation skills, while Lok Adalats rely on the authority of judicial or quasi-judicial figures.
  - Enforcement:** Mediated agreements face enforcement challenges due to their voluntary nature, while Lok Adalat awards are enforceable but lack robust follow-up mechanisms.
  - Cultural Fit:** Mediation aligns with global ADR trends but struggles with cultural acceptance in India. Lok Adalats, rooted in Indian ethos, are more culturally resonant but face issues of perceived coercion.
  - Scalability:** Lok Adalats, through Mega and National Lok Adalats, have greater scalability, resolving millions of cases annually. Mediation, being more individualized, is less scalable but offers deeper engagement.

### 1) Case Studies and Real-World Insights

**Case Study 1: Mediation in Family Disputes** In a 2023 case in Delhi, a matrimonial dispute involving property division and child custody was referred to a court-annexed mediation center. The mediator, trained in family dispute resolution, facilitated three sessions, leading to a comprehensive settlement agreement. However, six months later, one party failed to comply with the financial terms, citing economic hardship. The lack of a dedicated enforcement mechanism forced the other party to seek court intervention, highlighting mediation's enforcement challenges. This case underscores the need for robust monitoring systems to ensure compliance with mediated agreements.

**Case Study 2: Lok Adalat in Motor Accident Claims** A 2024 Mega Lok Adalat in Uttar Pradesh resolved over 10,000 motor accident claims in a single day, showcasing the system's efficiency. However, a follow-up study revealed that 15% of settlements were not honored due to delays by insurance companies. Victims, often from low-income backgrounds, faced financial distress, underscoring the need for better compliance mechanisms. This case highlights the tension between Lok Adalats' quantitative success and the quality of outcomes.

**Case Study 3: Mediation in Commercial**



Disputes In a 2024 commercial dispute in Mumbai involving a contract breach, mediation was attempted but failed due to one party's refusal to participate, citing concerns over confidentiality and enforceability. The case returned to court, prolonging the dispute and increasing costs. This illustrates the challenges of applying mediation to high-stakes commercial matters, where parties may prefer litigation for its perceived authority. Statistical Insights According to the National Judicial Data Grid (2025), Lok Adalats resolved over 7 million cases in 2024, primarily in public utility, motor accident, and matrimonial matters. However, mediation centers reported a lower success rate, with only 30% of referred cases resulting in settlements, largely due to lack of awareness, non-participation, or unsuitable case referrals. The Supreme Court of India noted in its 2024 annual report that mediation centers resolved 1.2 million cases, but the potential for greater impact remains untapped due to systemic issues.

**Global Perspectives:** Lessons for India To contextualize India's challenges, it is useful to examine ADR systems in other jurisdictions:

**United States:** Mediation is widely used in civil and commercial disputes, supported by robust training programs and accreditation systems. The U.S. employs mandatory mediation in certain cases, increasing participation rates. India could adopt similar mandatory referrals for suitable cases, with safeguards to preserve voluntariness.

**Singapore:** A global hub for mediation, Singapore's success lies in its advanced infrastructure, trained mediators, and integration of technology. India could emulate Singapore's virtual mediation platforms to enhance access in rural areas.

**Australia:** Community-based mediation programs in Australia emphasize cultural sensitivity and inclusivity, particularly for indigenous populations. India could adopt similar approaches to address gender and social sensitivities in mediation and Lok Adalat.

- 2) Recommendations for Reform To address the challenges facing mediation and Lok Adalat, the following reforms are proposed across systemic, operational, and cultural dimensions:
  1. Enhancing Awareness and Cultural Acceptance Nationwide Campaigns: Launch multimedia campaigns through television, radio, social media, and community outreach to educate the public about mediation and Lok Adalat. Highlight success stories to build trust and acceptance. Community Engagement: Partner with NGOs, local leaders, and self-help groups to promote ADR in rural and marginalized communities, addressing cultural skepticism. Educational Integration: Incorporate ADR concepts into school and college curriculums to foster a culture of collaboration from an early age.
- 3) Improving Training and Capacity Building Standardized Training Programs: Develop national standards for mediator and Lok Adalat panelist training, focusing on conflict resolution, cultural sensitivity, and legal knowledge. Collaborate with institutions like the Indian Institute of Arbitration and Mediation to design curricula. Continuous Professional Development: Mandate regular workshops, certifications, and peer reviews to ensure mediators and panelists stay updated on best practices. Specialized Training: Introduce modules for handling complex disputes, such as commercial, cross-border, or gender-sensitive cases, to enhance mediator competence.
- 4) Strengthening Enforcement Mechanisms Mediation Act Implementation: Establish dedicated monitoring units under High Courts to track compliance with mediated agreements, with clear timelines for enforcement. Lok Adalat Follow-Up: Create a centralized digital database to monitor compliance with Lok Adalat awards, enabling swift action against defaulters. Legal Aid Integration: Enhance legal aid services during mediation and Lok Adalat proceedings to ensure fair representation, particularly for marginalized litigants.
- 5) Expanding Scope and Applicability Hybrid Models: Introduce mediation-arbitration (med-arb) models for complex disputes, combining mediation's flexibility with arbitration's binding nature. Wider Jurisdiction for Lok Adalats: Allow Lok Adalats to handle a broader range of civil disputes, with safeguards to prevent coercion and ensure fairness. International Mediation: Fully implement the Singapore Convention on Mediation to strengthen India's framework for cross-border mediation, attracting commercial disputes.
- 6) Leveraging Technology Virtual Platforms: Expand virtual mediation and Lok Adalat hearings, supported by investments in internet infrastructure and digital literacy programs, to improve access in remote areas. Case Management Systems: Implement digital tools to streamline case referrals, track progress, and monitor outcomes, ensuring transparency and efficiency. AI and Data Analytics: Use AI to identify suitable cases for mediation and Lok Adalat, optimizing referrals and reducing judicial backlog.

- 7) Ensuring Quality Over Quantity Outcome Evaluation: Shift the focus from the number of cases resolved to the quality of settlements, with regular audits to assess fairness, satisfaction, and compliance.
- 8) Feedback Mechanisms: Introduce anonymous feedback systems for parties to report their experiences, enabling continuous improvement in mediation and Lok Adalat processes. Ethical Guidelines: Develop codes of conduct for mediators and Lok Adalat panelists to prevent coercion and ensure equitable outcomes.
- 9) Addressing Gender and Social Sensitivities Gender-Sensitive Training: Train mediators and panelists to handle cases involving gender dynamics, domestic violence, or power imbalances, ensuring protection for vulnerable parties. Inclusive Representation: Increase the participation of women and marginalized groups as mediators and panelists to enhance trust and cultural resonance.
- 10) Strengthening Institutional Frameworks Centralized Authority: Establish a national ADR authority to oversee mediation and Lok Adalat programs, ensuring standardization, coordination, and resource allocation. Infrastructure Development: Invest in mediation centers and Lok Adalat venues, particularly in rural areas, with private rooms, trained staff, and digital tools. Judicial Support: Encourage judges to actively refer cases to mediation and Lok Adalat, supported by training on ADR suitability and benefits.

## 2. CONCLUSION

Mediation and Lok Adalat represent transformative approaches to dispute resolution, offering accessible, efficient, and equitable alternatives to India's overburdened judicial system. Their ability to resolve disputes quickly, preserve relationships, and serve marginalized communities makes them indispensable tools for justice delivery. However, challenges such as lack of awareness, inadequate training, enforcement issues, limited scope, and infrastructural constraints hinder their potential. By implementing targeted reforms—enhancing awareness, improving training, strengthening enforcement, expanding scope, leveraging technology, prioritizing quality, addressing social sensitivities, and bolstering institutional frameworks—India can unlock the full potential of mediation and Lok Adalat. As the country strives to deliver justice to its diverse population, these mechanisms can play a pivotal role in creating a more inclusive, efficient, and equitable justice system, provided their challenges are systematically addressed.

## CONFLICT OF INTERESTS

None.

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None.

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