

# The Role of Mediation in Restorative Justice: A New Approach to Criminal Cases

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**Abstract**— The advantages conferred by mediation upon litigation are manifold. They include the alleviation of court backlogs, the empowerment of communities, and the promotion of more expedient and cost-effective resolutions. Central to the application of mediation in criminal contexts are principles derived from restorative justice, which prioritize communication, accountability, and mutual comprehension. The article further investigates the adaptability of mediation in addressing a spectrum of issues, including minor domestic disputes, professional conflicts, juvenile delinquency, and compoundable criminal offenses, while distinguishing its application in criminal matters from that in civil disputes.

Moreover, the global relevance of mediation is illustrated through various international practices, such as alternative dispute resolution (ADR) in employment scenarios within the United States, juvenile mediation initiatives in Georgia, and restorative justice frameworks in Canada. The necessity for stringent legal provisions and heightened public awareness regarding the contemporary significance of mediation is highlighted, alongside considerations for reforming mediation practices and the overarching ADR mechanism.

In conclusion, mediation is positioned as an essential instrument for promoting justice, reconciliation, and systemic efficacy. The article advocates for its broader incorporation into India's judicial framework, aimed at mitigating the challenges associated with prolonged litigation and societal discord.

**Index Terms**—Justice reform, Restorative Practices, Compoundable criminal offences, Juvenile justice, Victim offender mediation, Court efficiency, Quash proceedings.

## LINTRODUCTION

In the contemporary, rapidly evolving society, various dimensions of life are experiencing swift development, whether in a positive or negative manner. This includes the regrettable sharp rise in crime that society has had to deal with, as well as the protracted litigation that follows. A staggering 39 million cases from the previous ten years were still pending as of January 2025[1]. Justice denied is justice delayed as stated by William Edward Gladstone. In the pursuit of establishing India as a prime venue for the dispute resolution and expediting problem-solving processes, the implementation of alternative dispute resolution mechanisms has emerged as a significant development.

If one understands the nuances of negotiations, the idea of mediation is just a steppingstone in the way of efficient dispute resolution. Since mediation can be understood as an advanced negotiation. It is one-of-a-kind process where a third neutral party who is called as mediator assist the parties to come to a mutually agreement. The mediator here plays role in helping booth the parties discuss their disputes by agendas and resolve them. Such a process is predominantly utilized in scenarios where a continued relationship between the parties is desired, yet

consensus remains elusive. The mediator, unlike a judge in court of law, does not possess the authority to render a legally binding decision, direction and/or order; instead, the conclusion is reached amicably by the parties.

Mediation, a practice with historical roots extending back centuries, cannot be regarded as a contemporary phenomenon arising from legislative actions, laws, or amendments. Broadly defined, mediation encompasses the strategies individuals typically employ to attain favorable resolutions, such as addressing conflicts with authority figures, including parents or educators. The formal endorsement of mediation as a viable approach to resolving legal disputes, however, was initiated with the amendment number 104 of the Code of Criminal Procedure Act in 1999. Following this change, mediation was formally established as a conflict resolution process with the addition of Section 89 to the Civil Procedure Code (CPC), 1908[2].

The most effective alternative conflict resolution process is mediation. The described procedure constitutes an effective approach to the management of interpersonal relationships, with the primary objective of fostering benefits for both individual participants and the larger community. At the heart of this methodology, mediation functions as a critical element that facilitates communication between the parties involved, thus allowing for the achievement of a resolution that is acceptable to all. A report detailing the mediation efforts from April 2024 to September 2024 indicates that a total of 48,480 cases were resolved through mediation across various regions in India [3].

The adoption of mediation processes presents a multitude of benefits. These include a decrease in the backlog of court proceedings, the empowerment of individuals and communities, and the provision of more suitable environments for conflict resolution, in contrast to the conventional adversarial legal system. In numerous family courts, the protocol involves the referral of cases to mandatory pre-litigation mediation prior to the formal progression of the case. States including Delhi, Karnataka, and Tamil Nadu have developed well-established mediation centers that are integrated with family court systems [4]. This framework facilitates an initial resolution phase that precedes traditional legal proceedings.

Such benefits affirm the efficacy of mediation as a preferred method for resolving disputes. In all disputes, a juncture is present at which an accord may be achieved by the involved parties. The responsibility of the mediator is to facilitate the identification of this juncture [5].

## II.THE GROWTH OF MEDIATION IN CRIMINAL DISPUTES.

Arguably the concept of mediation in criminal conflicts is not new, it is not being carried out more rapidly even in such instances. The operational dynamics of the criminal justice system can be influenced by the effective referral of a variety of cases to mediation, despite the fact that it may appear impractical or like a relatively new development. The integration of mediation practices into the criminal justice systems has commenced in various nations, including the United States, the United Kingdom, Canada, and the United Arab Emirates. This trend reflects an increasing acknowledgment of the relevance and advantages associated with mediation in judicial processes [6].

The emergence of mediation in the context of criminal trials has been marked by two significant instances, thus indicating a gradual shift toward this alternative dispute resolution method. Between January 2023 and December 2023, a total of 49,126 cases were only referred to mediation [7], across different states in India. However, it remains to be observed how effectively mediation is implemented in the various cases that are adjudicated daily. Concurrently, mediation is progressing as a viable option for resolving disputes, both in civil and criminal contexts, serving as a final recourse aimed at achieving amicable settlements and expediting resolution processes.

The High Court has the authority to quash the trail and the FIR (First Information Report) once the dispute is amicably resolved. In the matter of B.s. Josh v. State of Haryana (2003) [8], the Supreme Court established that

the jurisdiction of the High Court, as stipulated in section 482 of Code of Criminal procedure, permits the annulment of criminal proceedings, which encompasses the First Information Report (FIR) or any corresponding complaint. Such annulment is contingent upon the condition that it serves the interests of justice. Furthermore, the court elucidated that the authority to quash proceedings is not exclusively limited to cases involving compoundable offenses or those delineated in Section 359 of Bhartiya Nagarika Suraksha Sanhitha. Rather, the High Court retains the discretion to terminate proceedings even in scenarios where disputes have been amicably resolved between the involved parties. This delineation of powers illustrates the courts' commitment to ensuring that justice is prioritized, regardless of the nature of the offenses or the statutory stipulations that might typically govern the quashing of legal actions.

The circumstances under which the court may utilize the authority to quashing the offenses; it found that the power may be used when the victim and the perpetrator have settled their differences peacefully, even if the offense was not compoundable as observed in the case of *Gian Singh v state of Punjab* (2012) [9], the judgement stated a distinction between quashing of criminal cases under section 482 of Code of Criminal Procedure (528 of Bhartiya Nagarika Suraksha Sanhitha) and compounding of offences under section 320 of Code of Criminal Procedure (359 of Bhartiya Nagarika Suraksha Sanhitha). The section 482 of Code of Criminal Procedure holds a broader power to be exercised to hold the ends of justice and it has no limitations under section 320 of Code of Criminal Procedure. Before quashing, the high court must take the offense's seriousness and nature into account. Quashing is generally improper for serious offenses or activities that have a large impact on society, even if the parties are thought to have achieved a settlement. It will affect public confidence in the legal system whether or not the parties have reached a settlement [10].

### III. A COMPARATIVE ANALYSIS OF MEDIATION IN CRIMINAL AND CIVIL CASES

The restorative justice tenets are the emphasis of mediation's execution in criminal cases. This strategy aims at advocating a settlement that necessitate into account the victim's emotional and psychological suffering while additionally rendering the criminal liable for their actions. By emphasizing dialogue and mutual agreement, mediation aims to reconcile the interests of both parties, ultimately contributing to a more holistic understanding of justice [11]. Under section 359 of Bhartiya Nagarika Suraksha Sanhitha (320 of CRPC), mediation is allowed under the prospect of criminal cases, where the parties can resolve their disputes amicably with the consent of the court. The process of mediation is increasingly recognized as a valuable mechanism in criminal cases, particularly in instances such as defamation and non-serious injury [12]. Furthermore, this method is especially applicable in situations that entail interpersonal relationships among the parties involved. Such examples illustrate the utility of mediation in addressing compoundable offences within the realm of criminal law.

The use of mediation in matrimonial offenses such as dowry harassment under section 498A of the IPC (section 89 of Bhartiya Nyaya Sanhita) was also recognized in the case of *K. Srinivas Rao v. D.A. Deepa* [13]; the settlement was encouraged to maintain family unity. However, as both rape and murder are categorized as crimes against society as a whole, mediation is not permitted in a certain set of conditions [14]. The legal premise that only compoundable offenses or situations with little societal consequence are appropriate for mediation was reaffirmed in *State of Madhya Pradesh v. Laxmi Narayan & Ors* [15].

The process of mediation serves as a significant alleviator of the burdens faced by the judicial court system [16]. However, its application remains comparatively limited in the context of criminal cases. Despite this, it has a border scope in civil matters. Under section 89 of the Civil Procedure Code of 1908, mediation is governed by the requirement that the courts urge the parties to settle their differences peacefully. The judicial system recommends the selection of any approach encompassed by the framework of Alternative Dispute Resolution (ADR). This framework includes various methodologies such as arbitration, mediation, conciliation, negotiation, and Lok Adalat [17].

Giving to focus on mediation as it includes settlement of disputes by mutually consenting the parties by retaining the litigation time of the victim and by successfully aiding to the solution. In the case of Salem advocates bar association v. Union of India [18], the Supreme Court have stated the guidelines for the implementation of section 89 of CPC, concentrating on the importance of mediation as a significant tool for abbreviating the judicial backlog. Additionally, in the instance of Afcons infrastructure ltd. V. Cherian Varkey construction co.(p) ltd., [19] the court have clarified that disputes involving public rights or criminal offenses were unsuitable for mediation but encouraged mediation in private and commercial disputes. Furthermore, family courts in India actively promote mediation for cases involving divorce and custody, as mentioned in the case of S.N. Pandey v. Rakhi Pandey [20], where the Allahabad High Court appreciated mediations' role in resolving sensitive family disputes.

The distinctions between criminal mediation and civil mediation are significant and warrant examination. In the context of criminal mediation, challenges often arise due to societal resistance towards the pursuit of reconciliation. This resistance can impede the effectiveness of mediation efforts. Conversely, civil mediation encounters its own set of obstacles, which frequently include a deficiency in knowledge and inadequate infrastructure to support the mediation process. These factors contribute to the complexities faced in the realm of civil disputes, thereby differentiating it from the issues experienced in criminal mediation [21].

#### IV. THE INTRICACY OF MEDIATION IN OTHER COUNTRIES

The United States, Canada, the United Kingdom, Australia, and many other nations have witnessed notable increases in the use of mediation. Mediation is acknowledged as a structured method utilized to resolve both civil and criminal conflicts.

The notion of restorative justice is one of the most widely utilized processes across the globe. As Prof. Carrie Menkel-Meadow stated by, "Restorative justice is more of an idea, philosophy, set of values, or sensibility than a single concrete and uniform set of practices or processes." [22].

The implementation of restorative justice within the judicial system originated in North America, specifically in Canada during the 1970s, focusing on cases involving young individuals charged with vandalism. This initiative laid the groundwork for contemporary restorative justice practices, although it did not fully correspond with the current three-pillar framework [23].

Three main components serve as the foundation for restorative justice:

1. Restorative justice understands the harms caused by the act and it seeks to address the need of all parties that are included, the victim, responsible party and their families including the community. Which involves for the harmed party to gain their information and tell their story. And as same for the responsible party it includes accountability, to address the harm caused and encouragement. Coming to the last the community needs include to rebuild the trust and ensure safety.
2. Restorative justice gives importance to obligations and responsibilities. It states that all the parties have an obligation to correct the wrongful act. Which include, the accused party to amend and repair the harm caused.
3. Restorative justice encourages- engagement and participation among the responsible party, victim and the community [24].

The concept of restorative justice is employed in the United States to address disputes outside of the courtroom. It is applied in various contexts, including juvenile cases, conflicts among students, and numerous other situations. This approach can be utilized at any stage of a case.

Mediation is a mandatory provision for juvenile cases in GEORGIA. They mainly focus on the rehabilitation and reintegration of juvenile offenders into society with the help of mediation programs, which mainly focuses on bringing a reconciliation between the offender the victim. Georgia recognized the need to mandate the provision

of mediating the offences in juvenile code [25]. It also mentioned that mediation process is significantly limited to juveniles but the process of restorative justice can also be applied to some criminal cases to some extent depending on the context. Even the Juvenile Justice (Care and Protection of Children Act, 2015) [26], signifies the importance of rehabilitation and social reintegration of juveniles into the society but it does not mention the need to mandate the ADR mechanism.

In an effort toward promoting the use of restorative justice, KOSOVO, a country in Southeastern Europe incorporated mediation as an alternative conflict resolution method in its legal frameworks. This approach will aim to rekindle damage and transform communities impacted by misconduct [27].

The UNITED ARAB EMIRATES disclosed mediation in their criminal justice system through Federal Law No. 18 of 1993 [28]. The potential for employing mediation in criminal proceedings, especially with respect to minor offenses, was established. Subsequently, this framework was further developed through the incorporation of provisions in the UAE Penal Code alongside other pertinent regulations. These enhancements served to expand the application of mediation, particularly in cases related to financial disputes, theft, and personal injury.

In the year 2017, the UAE made subsequent long steps by establishing the Dubai Courts' Mediation Centre and outlining well established guidelines for mediation within the criminal justice system. In order to resolve conflicts outside of the conventional judicial system, the UAE also promoted the use of mediation as an arbitration mechanism for minor offenses and conflicts. This approach emphasizes restorative justice while accomplishing to help mitigate the level of congestion in law enforcement [29].

The UAE has implemented mediation in criminal justice in the years of 1993 and made it as a legal provision by understanding the underlying and significant principles that mediation holds to resolve the disputes. But India still lacks for a stringent provision that legally binds on courts to use alternative mechanisms.

The European union directive 012/29/EU, which established minimum standards on the rights of victims of crime, it majorly demonstrates for the use of mediation and restorative justice with giving importance to the victims' rights and holding courteous resolutions. Although mediation is not obligated by this EU directive, it endorses states to furnish victims with the chance to engage in strategies for restorative justice which could involve victim-offender mediation were beneficial [30]. EU framework on restorative justice (2001/220/JHA) comes along with the directive by implementing a legal basis for the use of restorative justice practices, mediation in criminal matters. This judgement signifies the independent nature of mediation, confidentiality and important need to safeguard both victim and offender [31].

In criminal law, mediation serves to settle disputes between parties and give victims and offenders a chance to escape public prejudice. Mediation additionally furnishes the offender an opportunity to gain perspective from errors they commit and escape public prejudice.

## V. CRIMINAL CASES THAT CAN BE REFERRED TO MEDIATION

Numerous criminal cases present opportunities for mediation. Various nations worldwide have begun to adopt mediation and restorative justice as alternative mechanisms for resolving criminal disputes. In contrast, India has not progressed to the same extent in implementing these procedures or in fostering public awareness regarding the benefits of amicably resolving conflicts through such alternative methods. The process of mediation can be utilized to address a variety of criminal cases.

1) Section 359 of Bhartiya Nagarika Suraksha Sanhitha gives us a list of compoundable offences. Compounding refers to the process by which both parties involved in specific offenses negotiate a settlement while legal proceedings are ongoing. Upon reaching a conclusion or agreement, subsequent actions in the case are halted. Such offenses, characterized by the possibility of settlement, are classified as compounding offences. Examples of



these include, but are not limited to, offenses such as causing hurt, assault, engaging in mischief, wrongfully confining an individual, committing fraud, perpetrating cheating, and criminal breach of trust [32].

A great technique to stop the misuse of the legal system and ensure the goals of justice is to halt the procedures of non-compoundable offenses and resolve disagreements amicably. As observed in the case of Ramgopal & Anr. V. the state of Madhya Pradesh [33], a dispute arose out of personal enmity between the parties, which paved the way to criminal case.

However, between of the trial both parties have negotiated and settled their disputes. A request was subsequently made to the court for the annulment of the ongoing proceedings. In response to this request, the court engaged in an examination of the legitimacy of quashing the criminal case predicated on a settlement achieved between the involved parties. Furthermore, the Supreme Court considered whether the classification of the case as either compoundable or non-compoundable would impact the determination regarding the annulment of the trial. The Supreme Court quashed the criminal proceeding by highlighting these points nature of the offence, settlement between the parties, and considering the peace and harmony of the public at large [34]

2) Section 291 of Bhartiya Nagarika Suraksha Sanhitha allows the court to dispose cases on the mutually satisfactory of the parties. This points out to a situation where the courts signify the case to be solved through mediation or restorative justice other than the traditional trial proceedings [35].

The 142nd and 154th law commission reports, as well as the Malimath committee report [36], promulgated the idea of plea bargaining in order to advance alternative dispute resolution (ADR) in criminal law [37]. The question on the validity of plea bargaining was pointed out in the case of Murlidhar Meghraj Loya Etc. v. State of Maharashtra [38], this case taken place when the provision of plea bargaining is not legally validated. The facts of the case include accusing appellants for criminal misappropriation of funds. But during the trial the accused started pleading guilty in expectations of a lighter sentence and the trial court accepted the guilty pleas and reduced his order. The case then got before the Supreme Court of India on the question of practice of plea bargaining, the Supreme Court stated that the practice [39], and the judgement also highlighted that the duty of the state is to look after the adherence of society. The Supreme Court also added that plea bargaining should not be introduced to the Indian penal system.

In other circumstance the court have acknowledged plea bargaining as observed in the case of Thippeswamy v. State of Karnataka [40] the appellant was being accused of offences under section 324 (section 118 of Bhartiya Nyaya Sanhita) and 326 (section 118(2) of Bhartiya Nyaya Sanhita) Of IPC. The Karnataka High Court accepted the accused's guilty plea and lowered his punishment subsequent to he later admitted his wrongdoing and began plea negotiations.

### 3) Juvenile offences

When juveniles commit offenses or crimes, mediation can be used and is very important for aiding the youngster mitigate the prejudice against him in society. Juvenile offenses are crimes committed by minors under the age of fourteen, with the maximum limit being eighteen. Such behaviors include underage drinking, bullying, truancy, and stealing [41]

### 4) Family and Domestic disputes

Domestic violence, abuse, and dowry harassment are examples of family conflicts that fall within the criminal category. Even though mediation would be a major way to reduce the burden on courts and resolve the problems, there is no mandatory provision that states that family and domestic disputes ought to be settled through alternative dispute resolution (ADR) mechanisms.

Nevertheless, mediation would play a significant role in settling disputes and fostering family relationships. There is a difference between mediation as a solution in family courts as compared with property and commercial disputes. The subject would be difficult to promote mediation in cases like domestic abuse since they are not cognizable, non-compoundable, or subject to bail [42]. As demonstrated in the *Srinivas Rao v. D.A. Deepa* [43] case, non-compoundable family offenses can also be sent to mediation and settled. the case is a matrimonial dispute Deepa have registered a complaint against her husband, K. Srinivas Rao and his relatives in accordance with IPC sections 498-A and 506 (section 89 and 351(2)/(3) of Bhartiya Nyaya Sanhita respectively).

The ruling states that, even if the offense is not compoundable, the conflict should be composed to mediation throughout a settlement if both parties are willing to do so and the court determines that there appears to be a resolution. Additionally, it said that once the court is pleased with both parties' settlement, the lawsuit may be dismissed [44]

#### 5) Minor Drug offences

Low-level, non-violent drug-related offenses that don't require significant criminal intent or extensive operations are categorized in this category. In cases of minor drug offenses, mediation would help us comprehend the rehabilitative process, address the root causes of drug use, and create a network of support. In addition to the Mediation Act of 2023 [45], mediation's involvement in small drug offenses is limited in India. does not employ mediation in this case since it is regarded as an individual's harm against society as a whole. In Portugal, those found guilty of minor drug offenses are referred to "dissuasion commissions," which use mediation-style procedures to assess the person's health and recommend them to counseling, rather than facing criminal penalties [46]

#### 6) School and Workplace conflicts

When workplace issues like bullying, harassment, and minor theft arise, mediation is a good choice. addressing such issues to mediation helps to maintain a positive organizational atmosphere by facilitating the amicable resolution of disputes. There is a workplace alternative dispute resolution (ADR) program in the US that uses mediation to settle conflicts. The intricacies of interpersonal disputes can be successfully handled with this strategy, encouraging a cooperative and respectful work environment [47]

#### 7) Hate crimes and Neighbor disputes.

Mediation in these cases would offer a way to resolve the disputes and can educate the offenders understand about the harm caused and restore the trust of the community and it would also help to maintain the relationship among the people. Neighbour related disputes in Singapore are settled by a commission that is aimed on solving neighbor discrepancies. The Community dispute resolution tribunal (CRDT) which foster mediation between the neighbors to nurture flourishing connections. The parties may be required to go through and resolve their differences through mediation or counseling at any time during the CRDT [48].

#### 8) Cybercrimes

Cybercrimes include Hacking, cyberbullying and online abuse and many more which are unlawful practices in the segment of cybercrimes [49]. Mediation in this scenario, provides a opportunity to both the victim and the offender would meet in a safe environment for victim-offender mediation, it would allow the accused to discuss the issues and repercussions the victim has experienced. This would not only allow the victim to inform the perpetrator what happened, but it would also help the offender realize the adverse effects of his actions. The victim offender mediation would bring about a positive impact. Which would reduce the burden on mainstream judiciary system [50]

## 9) Defamation

Making false statements that harm someone else's reputation is referred to as defamation in a broad sense. Online libel and defamation have increased in frequency as internet usage has expanded. Indian law considers libel and slander as criminal offences [51]. Furthermore, expediting the resolution of cases in this field, mediation would help maintain the issue's anonymity. According to the guidelines in The Information Technology, 2021 [52], a grievance officer must be appointed in order to handle complaints about online content and to establish a body to resolve issues. The significance of alternative dispute resolution procedures in online material is emphasized by these regulations [53].

## VI. WHY SHOULD MEDIATION BE IMPLEMENTED IN CRIMINAL AREA?

Mediation in criminal cases has endorsed significant advantages, especially within the framework of restorative justice [54]. It indicates reconciliation between the victim and offender, encouraging mutual understanding and accountability [55]. The Supreme Court of Canada, for instance, emphasized the value of alternative methods in conjunction with mediation in the case of *R. v. Gladue* [56] in order to address the fundamental causes of illicit conduct, notably among Indigenous offenders. accordance with the Supreme Court of West Virginia's verdict in *State v. Shockey* [57], mediation serves as a tool to promote recuperation and limit relapse, which further illustrates the vital importance of alternative dispute resolution in India [58], the Supreme Court of West Virginia highlighted mediation as a means to cultivate healing and reduce relapse. Focusing on the prerequisite of mediation in criminal cases associated with personal disputes, the Supreme Court of India stated in the *Gian Singh v. State of Punjab* [59] case that a settlement between parties can result in an expedited outcome and mitigate the load on the judiciary. This accentuates the prevalent adoption of mediation in criminal cases in India. Additionally, In order for sustained justice and harmony, the Supreme Court of India therefore sanctioned mediation in non-severe criminal cases in the *Narinder Singh v. State of Punjab* [60] verdict. Factual evidence supports that mediation can lead to higher victim relief and compliance with resolutions, as imitated in studies analyzed by Mark Umbreit in “Victim-Offender Mediation in Criminal Justice [61].

Community-based mediation revolves around those supported the Legal Services Authorities, aims to address disputes at the grassroots level [62]. Mediation enhances public trust and reinforces the legitimacy of the judicial systems, and the court acknowledged the judiciary's commitment to fostering methods of alternative dispute resolution by fostering a feeling of community ownership in the justice process, stated in the *Salem Advocate Bar Association v. Union of India* case [63].

In summary the advantages and of mediation in criminal area includes restoring justice, it also helps in resolving the cases at a quicker pace which just not save the times of the courts but the parties. It is an economically feasible solution for victims and offenders. It ensures confidentiality of the problem at hand; it reduce the burden on courts and contributes significantly to legal system. It gives among the victims and offenders a chance to there to be heard. It makes us understand the nature of the offenders and take particular care among them rather punishing them. Mediation supports both the well-being of the offenders as well the victims.

## VII. CRITICAL EVALUATION

The scope of mediation or Alternative Dispute Resolution mechanism in India remains significantly constrained. Several elements contribute to this limitation encompassing the absence of stringent legislative amendments that would strengthen the recognition and reliability of mediation as a viable resolution method for the public. Furthermore, there is a significant lack of technological resources and public knowledge about the existence of alternatives to litigation.



On the contrary several countries around the world, such as united states, united arab emirates, have acknowledged the value of mediation and ADR process within their societies. These countries have passed a number of laws designed to encourage and support the use of these methods, giving their citizens easier access to the legal system.

India has taken significant steps to integrate mediation into its legal framework, by the introduction of the Mediation act, 2023 [64]. The effective adoption of mediation practices could significantly benefit the community by providing an alternative to traditional litigation.

## CONCLUSION

The emerging alternative resolution is mediation. The serious problem of backlogs in cases in the India judiciary system can be addressed by the mediation. In addition to relieving the strain on the legal system mediation provides offenders with numerous advantages by giving them the chance to comprehend their actions more thoroughly. It is crucial to make clear though that mediation should not be seen as a substitute for litigation but rather as an additional strategy that frees up resources for more serious and egregious crimes. ADR mechanisms are still not widely used despite their potential given the daily volume of cases that is growing at a rapid pace. Legislative provisions must be established in order to improve the effectiveness and reach of ADR in India. These clauses could mandate mediation in cases involving juvenile offenses and introduce victim-offender mediation. If these steps were taken mediations scope would be greatly expanded allowing for the resolution of conflicts in a way that is not only quicker but also more profitable and friendly.

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