



## FROM MEDIA ROOMS TO VIRTUAL PLATFORMS: THE RISE OF ONLINE DISPUTE RESOLUTION

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### Abstract

In today's digital world, the way disputes are resolved has gradually shifted from physical meeting rooms to virtual platforms, changing the entire approach to conflict resolution. Mediation, which traditionally relied on face-to-face interaction, has now adapted to technology-driven environments. Online Mediation, an important part of Online Dispute Resolution (ODR), witnessed significant growth, particularly after the COVID-19 pandemic, when courts and legal systems were compelled to move online to ensure that access to justice was not disrupted. This transition not only kept systems running but also opened up new possibilities for resolving disputes more efficiently. This paper explores the evolution, structure, and future scope of online mediation by combining theoretical analysis with insights drawn from real case studies. It highlights the many advantages of online mediation, such as flexibility in scheduling, reduced costs, and the convenience of participating from any location. At the same time, the paper does not ignore the limitations of this system. Issues such as risks to confidentiality, concerns around data protection, and challenges in ensuring procedural fairness in a virtual setting are carefully examined. Further, legislative frameworks in India and across the world are evolving to accommodate this shift, focusing on ensuring enforceability of outcomes, maintaining neutrality, and improving accessibility. It also discusses the growing role of Artificial Intelligence and automation in shaping ODR processes, which, while enhancing efficiency, also brings forward new ethical and legal concerns that need careful consideration. While online mediation cannot be seen as a complete replacement for traditional dispute resolution methods, it holds strong potential as a practical and reliable supplement to the existing justice delivery system, making dispute resolution more inclusive, efficient and adaptable to modern needs.

**Keywords:** Online Mediation, ADR, Case Studies, Access to Justice, Artificial Intelligence.

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## I. Introduction

In today's digital world, technology has quietly reshaped almost every aspect of daily life, including the way people communicate, conduct business, and resolve disputes. What was once a process confined to courtrooms, legal offices, and formal meeting spaces is now gradually shifting into virtual environments. Dispute resolution is no longer dependent on physical presence, and this shift has made the system more dynamic and adaptable. Online Mediation, as a part of Online Dispute Resolution (ODR), reflects this change by combining legal principles with technological tools to create a more flexible and accessible method of resolving conflicts. The impact of the COVID-19 pandemic played a major role in accelerating this transition. During this time, physical movement was restricted, and courts across the world faced serious challenges in functioning through traditional methods. As a result, virtual hearings, online filings, and digital communication became essential rather than optional. This period showed that justice systems could continue to function effectively even without physical interaction. More importantly, it highlighted that technology could simplify processes, reduce delays, and make dispute resolution more approachable for individuals who may otherwise hesitate to engage with formal legal systems. Over the years, the movement from physical spaces to digital platforms has not just been about convenience it has also changed how people experience justice. Online mediation allows parties to participate from their own homes or workplaces, reducing the stress and cost associated with travel and formal proceedings. It also creates opportunities for quicker resolution, especially in disputes that may not require lengthy litigation. At the same time, this shift raises important concerns. The absence of physical interaction can affect communication, and issues such as confidentiality, data security, and fairness become more complex in an online setting. These challenges make it necessary to carefully balance the benefits of technology with the need to protect the integrity of the process<sup>1</sup>.

In India, the relevance of online mediation is particularly strong due to the increasing burden on courts and the need for faster dispute resolution mechanisms. Efforts to promote digital infrastructure, along with legal developments such as the Mediation Act, 2023, indicate a growing recognition of the role technology can play in improving access to justice. Online mediation has the potential to reach individuals in remote areas, reduce procedural delays, and offer a more user-friendly approach to resolving disputes. However,

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<sup>1</sup> UNCITRAL, *Technical Notes on Online Dispute Resolution*, 2017

its success depends on factors such as digital awareness, trust in online systems, and the ability to ensure equal access for all sections of society. Globally, there has also been a move toward recognising and supporting mediation through legal frameworks and international instruments. Developments such as policy initiatives on dispute resolution and international agreements on mediated settlements reflect a broader effort to strengthen alternative dispute resolution mechanisms and make them more effective across borders <sup>2</sup>.

At the same time, it is important to understand that online mediation is not suitable for every type of dispute. While it works well for many commercial and consumer-related conflicts, certain sensitive matters may still require face-to-face interaction and greater procedural safeguards. The real value of online mediation lies in using it thoughtfully where it can improve efficiency, reduce costs, and make justice more accessible without compromising fairness or trust <sup>3</sup>.

## II. Research Methodology

This study is based on a qualitative and doctrinal research methodology.

## III. The Emergence of Online Mediation in India

India's journey toward online mediation has not been sudden; rather, it has evolved over time through a mix of necessity, innovation, and a gradual willingness to accept technology within legal processes. For years, the Indian judiciary has struggled with an overwhelming backlog of cases, leaving many disputes unresolved for long periods. This reality pushed courts, policymakers, and legal professionals to look for alternatives that could deliver quicker, more flexible, and less adversarial outcomes. In this context, online mediation began to emerge as a practical solution, aligning closely with the broader vision of creating a more accessible and technology-driven justice system. The roots of technology-enabled dispute resolution in India can be traced back to the enactment of the Information Technology Act, 2000. This legislation was significant because it gave legal recognition to electronic records and digital signatures, making it possible to authenticate agreements without relying on physical documents. What may have seemed like

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<sup>2</sup> NITI Aayog, *Designing the Future of Dispute Resolution*, 2022; United Nations, *United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention)*, 2019

<sup>3</sup> Ethan Katsh & Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes*, 2017

a technical reform at the time eventually became the foundation for conducting legal processes in virtual spaces. By recognizing the validity of digital communication, the law opened the door for dispute resolution mechanisms to move beyond physical boundaries <sup>4</sup>.

At the same time, the Arbitration and Conciliation Act, 1996 played an equally important role in shaping the framework for mediation and conciliation in India. Although enacted before the rise of digital platforms, its provisions were broad enough to accommodate online processes. In particular, Sections 73 and 74 provide that a settlement agreement reached through conciliation has the same status and enforceability as an arbitral award. These provisions do not depend on physical presence, which means that agreements reached through online mediation, if properly recorded and authenticated, carry full legal validity<sup>5</sup>. This flexibility allowed existing legal frameworks to adapt to technological changes without requiring immediate legislative overhaul. Judicial support has also been a key factor in the growth of online mediation. Section 89 of the Code of Civil Procedure, 1908 empowers courts to refer disputes to alternative dispute resolution mechanisms, including mediation, whenever appropriate. Over time, courts have increasingly encouraged parties to explore settlement outside the traditional litigation process, recognizing the benefits of faster and more amicable resolutions <sup>6</sup>. The introduction of Section 12-A under the Commercial Courts Act, 2015 further strengthened this approach by making pre-institution mediation mandatory in certain commercial disputes.

The Supreme Court, in *M/s Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.*, clarified that this requirement is compulsory unless urgent relief is sought, reinforcing mediation as a necessary first step rather than a mere option <sup>7</sup>. Earlier, in *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, the Court provided useful guidance on the types of disputes that are well-suited for alternative dispute resolution, helping courts identify matters where mediation can be most effective <sup>8</sup>. Together, these decisions have strengthened the position of mediation within the Indian legal system and indirectly supported its transition into the online space. In addition to legislative and judicial developments, executive and institutional efforts have played an equally important role in advancing online mediation in

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<sup>4</sup> Information Technology Act, No. 21 of 2000, §§ 3, 5 (India)

<sup>5</sup> Arbitration & Conciliation Act, No. 26 of 1996, §§ 73–74 (India)

<sup>6</sup> Code of Civil Procedure, 1908, § 89 (India)

<sup>7</sup> *M/s Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.*, (2022) 10 SCC 1

<sup>8</sup> *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24

India. The Supreme Court’s e-Committee has been instrumental in promoting the digitization of courts by introducing e-filing systems, virtual hearing infrastructure, and standardised digital processes. These developments have created the basic technological environment required for online mediation to function effectively<sup>9</sup>. Without such infrastructure, the idea of resolving disputes online would remain theoretical rather than practical.

Sector-specific initiatives have further demonstrated the usefulness of ODR in India. For instance, the Reserve Bank of India introduced an ODR framework for digital payment disputes in 2020, encouraging financial institutions to adopt technology-driven mechanisms for resolving customer grievances. This move showed how ODR could be implemented at scale in regulated sectors, offering quicker and more efficient redressal mechanisms while reducing the burden on traditional forums<sup>10</sup>. It also highlighted how online mediation can be tailored to suit the needs of different industries.

A major recent development is the enactment of the Mediation Act, 2023, which marks a significant step toward formalising mediation in India. The Act establishes the Mediation Council of India, recognises pre-litigation mediation, and creates a structured framework for the conduct of mediation proceedings. Importantly, it reflects an openness toward the use of online tools and platforms, signaling that the future of mediation in India will likely involve a strong digital component<sup>11</sup>. By setting standards for mediators and institutions, the Act also aims to build trust and ensure quality in mediation processes, whether conducted online or offline.

What makes online mediation particularly interesting is the role played by technology itself in shaping the process. Digital platforms do more than simply host conversations; they organize communication, manage documents, schedule sessions, and sometimes even guide parties through structured negotiation steps. In this sense, technology acts almost like an additional participant in the process, influencing how disputes are handled and resolved. Scholars have described this as the emergence of a “fourth party” in dispute resolution, where the platform becomes an active element in facilitating outcomes<sup>12</sup>. Overall, India’s approach to online mediation reflects a combination of legal recognition, judicial encouragement, and

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<sup>9</sup> Supreme Court of India, e-Committee Reports (2020–21)

<sup>10</sup> Reserve Bank of India, ODR for Digital Payments (2020)

<sup>11</sup> Mediation Act, No. 21 of 2023 (India)

<sup>12</sup> Cortés, *The Fourth Party in ODR* (2020)

policy support. The legal system now acknowledges both the validity of settlement agreements and the digital means through which they are created and executed. While challenges such as digital access, awareness, and trust still remain, the foundation for online mediation in India is steadily strengthening. As technology continues to evolve, online mediation is likely to play an even greater role in making dispute resolution more efficient, inclusive, and responsive to the needs of modern society.

## **IV. Structure and Formats of Online Mediation**

### **Process architecture**

Online mediation preserves the canonical phases intake and agreement to mediate; mediator appointment; opening and agenda setting; joint sessions and caucuses; negotiation and option-generation; documentation and closure but executes them across secure video, asynchronous messaging, and shared document vaults. Good platforms scaffold the journey with timed prompts, shuttle caucus rooms, and e-signing, while logging a defensible audit trail.<sup>13</sup>

### **The “fourth party”**

Technology is not a passive conduit. It shapes turn-taking, frame, and even the emotional climate of interaction. Properly designed, it can increase inclusion (captioning, multilingual chat), reduce dominance moves (time-boxed speaking turns), and enable data-informed mediator preparation. Poorly designed, it can confuse, intimidate, or bias. Treating the platform as a “fourth party” foregrounds design ethics and due process at the interface layer.<sup>14</sup>

### **Synchronous and asynchronous modes.**

#### **a) Synchronous mediation**

It takes place in real time, usually through video conferencing platforms where all parties, along with the mediator, interact simultaneously. In many ways, it closely resembles traditional, face-to-face mediation. Participants can speak directly to each other, observe tone and facial expressions, and respond instantly to

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<sup>13</sup> EU Directive 2008/52/EC, Preamble ¶6; UNCITRAL, Technical Notes (2017)

<sup>14</sup> Cortés, The Fourth Party in ODR (2020)

questions or proposals. This immediacy helps in building rapport and trust, which are often crucial in resolving disputes involving multiple issues or heightened emotions. The mediator can also conduct private caucus sessions during the process, just as they would in a physical setting, allowing for confidential discussions and more focused negotiation. Because of its interactive nature, synchronous mediation is particularly effective for complex disputes where quick clarifications, emotional understanding, and dynamic problem-solving are required.

### **b) Asynchronous mediation**

On the other hand, asynchronous mediation follows a more gradual and flexible approach. Instead of real-time interaction, parties communicate through structured formats such as written submissions, online forms, or private message threads over a period of days or even weeks. This method allows participants to reflect on their positions, think through their responses carefully, and avoid the pressure of having to react instantly. For many individuals, especially those who may feel intimidated in live discussions, this can create a more comfortable and balanced environment. It also makes scheduling much easier, as parties are not required to be available at the same time, which is particularly useful in cross-border disputes or situations involving busy professionals. Another advantage of asynchronous mediation is that it reduces the performative aspect that sometimes arises in live sessions, where parties may become defensive or overly reactive. By slowing down the process, it encourages more thoughtful communication and can lead to more considered and lasting agreements. However, it may lack the immediacy and emotional connection that synchronous mediation offers. In practice, many online mediation processes use a hybrid approach, combining real-time sessions with asynchronous exchanges to balance efficiency, flexibility, and effective communication.<sup>15</sup>

### **Automated negotiation and decision support**

Certain ODR systems offer “blind bidding,” automated mid-point matching, and structured deal-builders that turn preferences into packages. The best tools do not decide; they propose and visualize trade-offs, keeping the mediator in control.<sup>16</sup>

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<sup>15</sup> Ebner & Zeleznikow, *Fairness, Trust and Security in ODR* (2016)

<sup>16</sup> Rule, *ODR for Business* (2002); Smartsettle, *Decision-Support Overview*.

### **Legal formalities online**

Settlement memoranda are circulated digitally, executed with recognized digital signatures, and stored with hash or timestamp anchors to preserve integrity. Authentication protocols must align with the IT Act and evidence rules on electronic records.<sup>17</sup>

## **V. Practical Models and Case Studies in Online Mediation**

India's experience with online mediation can be better understood by looking at how institutions have actually implemented it on the ground. One of the most notable examples is the Online Consumer Mediation Centre (OCMC) at NLSIU, which has played a pioneering role in demonstrating how structured digital processes can make mediation faster and more efficient. What makes OCMC stand out is its commitment to resolving suitable consumer disputes within a defined timeline often aiming for completion within 21 days from the appointment of the mediator. This is made possible through a carefully designed system that combines e-filing, initial case screening by trained case managers, allocation to a panel of mediators, and the use of standardised settlement templates. By filtering cases at the entry stage, OCMC ensures that only those disputes with a genuine possibility of settlement proceed to mediation, thereby saving time and preserving the energy of mediators. This model highlights how thoughtful design and process management can significantly improve the success rate of online mediation<sup>18</sup>.

A related but slightly different approach can be seen in the financial sector, particularly through the Reserve Bank of India's framework for Online Dispute Resolution in digital payments. While these systems do not always involve mediation in the traditional sense, they still play an important role in reducing disputes before they escalate. By creating user-friendly digital platforms where customers can file complaints, track their progress, and follow structured escalation mechanisms, the RBI has encouraged banks and payment operators to resolve issues quickly and efficiently. This approach reduces the burden on courts and demonstrates how sector-specific ODR systems can handle large volumes of small-value claims without formal adjudication. It shows that even without direct mediation, technology-driven resolution mechanisms can improve access to justice by making grievance redressal simpler and more

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<sup>17</sup> Information Technology Act, 2000; Indian Evidence Act, 1872, §§ 65A–65B.

<sup>18</sup> OCMC Mediation Rules, r. 9(7) (2016)

immediate<sup>19</sup>.

Globally, one of the earliest and most influential examples of ODR comes from e-commerce platforms like eBay and PayPal. These platforms developed systems capable of handling millions of disputes between buyers and sellers, most of which involved relatively small amounts but occurred at a very high frequency. Instead of relying on traditional legal processes, they used structured negotiation tools, automated prompts, and algorithm-based suggestions to guide parties toward resolution. This model proved that a large number of disputes often referred to as the “long tail” of low-value conflicts can be resolved efficiently without formal litigation. Building on this experience, platforms like Modria extended these tools to public sector disputes, including property tax and regulatory matters, showing that ODR systems can be adapted beyond private commercial contexts<sup>20</sup>. Singapore offers another strong example through its Community Justice and Tribunals System (CJTS), which integrates e-filing, e-negotiation, and e-mediation into a single platform. What makes this system particularly effective is its user-centric design. Instead of focusing only on the legal outcome, it guides users’ step by step through the process, using tools such as eligibility checks, document prompts, and structured negotiation pathways. This makes the system accessible even to individuals without legal training and ensures that users understand each stage of the process. Singapore’s model demonstrates that the success of online mediation depends not only on legal frameworks but also on how intuitively the process is designed for users<sup>21</sup>.

Another interesting development in online mediation is the use of decision-support tools. Platforms like Smartsettle use visual interfaces and structured bargaining techniques to help parties explore possible outcomes. These tools do not replace the mediator but assist in expanding the range of possible solutions by identifying overlaps in parties’ preferences. By presenting options in a clear and organised way, they encourage more informed decision-making and can help parties reach agreements that might not have been immediately obvious. This shows how technology can complement human judgment rather than replace it (Smartsettle Documentation). At the same time, experiences within India also highlight certain challenges. Data from mediation centres in Tamil Nadu and Puducherry between 2016 and 2018 shows a significant increase in the number of cases referred for mediation. While the absolute number of

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<sup>19</sup> Reserve Bank of India, ODR for Digital Payments (2020)

<sup>20</sup> Katsh & Rifkin, *ODR: Resolving Conflicts in Cyberspace* (2001); Tyler Technologies–Modria resources

<sup>21</sup> Singapore Judiciary, CJTS; State Courts Media Release (Jan. 4, 2019)

settlements also rose, the overall success rate varied, and a notable proportion of cases did not proceed beyond the initial stage. Larger centres, such as those associated with the Madras High Court, were able to handle higher volumes more effectively, while smaller districts faced difficulties in achieving consistent settlement rates. These patterns suggest that factors such as proper case screening, pre-mediation counselling, and the quality of mediator training play a crucial role in determining outcomes. They also indicate that operational and infrastructural limitations, not just the nature of disputes, can influence the effectiveness of mediation <sup>22</sup>.

Taken together, these examples show that online mediation is not a uniform process but a flexible system that can be adapted to different contexts. Whether through institutional models like OCMC, sector-specific frameworks like the RBI's ODR system, or global platforms like eBay and CJTS, the core idea remains the same: to make dispute resolution faster, more accessible, and better suited to the needs of modern society.

## **VI. Why Online Mediation Often Proves the Better Option**

Online mediation offers a refreshing alternative to traditional modes of dispute resolution by removing many of the barriers that have long limited access to justice. It allows parties from different cities or even different countries to communicate, negotiate, and settle disputes without being physically present in the same space. This virtual accessibility saves both time and cost, which are among the biggest hurdles in India's congested legal system. Individuals no longer need to take days off work or spend money on travel, lawyers, and court fees. Instead, they can log in from their homes or offices and engage in a flexible, structured dialogue guided by a neutral mediator. This efficiency makes online mediation particularly effective for consumer, commercial, and cross-border matters where quick settlements are crucial to preserve business relationships and prevent losses. Beyond convenience, online mediation also promotes psychological comfort and fairness. Many participants find it easier to express themselves openly in a virtual environment, free from the pressures of face-to-face confrontation or intimidating courtroom settings. The option to join from familiar surroundings often reduces tension, encouraging more candid discussions and better cooperation between parties. Moreover, digital platforms can record timelines, track

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<sup>22</sup>Data on file with authors (2016–2018)

submissions, and document agreements with greater accuracy, reducing procedural confusion and ensuring accountability. When properly managed, these systems enhance transparency and empower individuals who might otherwise feel disadvantaged in traditional legal proceedings. Thus, online mediation is not just a faster or cheaper alternative it is a more adaptable, humane, and inclusive approach that reflects the needs of a connected and rapidly evolving society.

**Access to justice at scale** - For citizens who cannot take days off, travel, or hire counsel, online mediation converts “justice as a place” into “justice as a service.” Well-designed mobile interfaces and multilingual channels expand reach to first-time users.<sup>23</sup>

**Time and cost compression** - Virtual sessions, short asynchronous cycles, and standardized settlement templates reduce elapsed time from months to weeks; flat-fee models for simpler cases make costs predictable.<sup>24</sup>

**Reduced performative pressure, increased candor** - Without the social theater of a physical room and with the option of asynchronous caucusing many parties feel safer disclosing interests, exploring face-saving proposals, and requesting private mediator reality-testing.<sup>25</sup>

**Better confidentiality control** - Electronic caucuses with strong authentication and encrypted storage can surpass privacy conditions in crowded courthouse mediation centers if platforms meet baseline security standards and forbid unauthorized recording.<sup>26</sup>

**Fit for cross-border commerce** - When time zones, travel costs, and choice-of-law questions loom, online mediation provides a neutral “anywhere” room. When ratified, the Singapore Convention adds enforceability backbone for international settlements.<sup>27</sup>

**Data for system learning** - ODR generates structured process data (cycle times, settlement ranges, non-starter reasons). Anonymized analytics enable institutions to refine triage and training rather than rely on

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<sup>23</sup> Article 39-A, Constitution of India; e-Committee reports.

<sup>24</sup> OCMC Rules; NITI Aayog Policy Paper (2022).

<sup>25</sup> Ebner & Zeleznikow (2016)

<sup>26</sup> EDPB, Guidelines on Virtual Hearings (2021)

<sup>27</sup> Singapore Convention (2019)

anecdotes.<sup>28</sup>

## VII. Challenges, Safeguards and Ethics

### A. Digital divide and procedural justice:

While online mediation promises accessibility, it also risks deepening existing inequalities if not handled carefully. Not everyone has access to stable internet, updated devices, or the digital skills needed to navigate online platforms. In such situations, the party with better connectivity or technical familiarity may unintentionally gain an advantage, which can affect the fairness of the process. To address this, ODR systems must be designed with inclusivity in mind. This includes providing assisted access points, such as kiosks or support centres, offering low-bandwidth options like audio dial-ins combined with shared documents, and ensuring that human assistance is available when needed. The goal is to ensure that technology does not become a barrier but rather a bridge to justice<sup>29</sup>.

### B. Voluntariness and informed consent online:

In a digital setting, the idea of consent can easily become superficial. Simply clicking “I agree” does not always mean that a party fully understands the nature of mediation or their rights within the process. For mediation to remain fair and voluntary, platforms must go beyond basic consent forms. Information should be presented in clear, simple language, supported by short explanatory videos or guided steps that explain what mediation involves, its benefits, and its limitations. Parties should also be clearly informed about their rights, including confidentiality boundaries and the option to pause proceedings or seek legal advice. This ensures that participation is genuinely informed and not just procedural<sup>30</sup>.

### C. Confidentiality, privacy, and cyber risk:

One of the biggest concerns in online mediation is maintaining confidentiality in a digital environment. Unlike physical rooms, online platforms are exposed to risks such as unauthorized recordings, phishing attacks, or accidental sharing of sensitive information. To minimise these risks, strong safeguards must be

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<sup>28</sup> Katsh & Rabinovich-Einy (2017)

<sup>29</sup> UNDP, *Bridging the Digital Divide* (2021)

<sup>30</sup> ABA, *Model Standards of Conduct for Mediators* (2005)

in place. These include using secure platforms with proper encryption, controlling recording permissions, verifying the identity of participants, and setting clear rules against misuse of information. Legal frameworks in India already recognise electronic records and signatures, but there is a growing need to align data protection standards with the realities of online mediation platforms <sup>31</sup>.

#### **D. Mediator competence in the digital space:**

Online mediation requires mediators to adapt their skills to a different environment. Without the benefit of full body language and physical presence, mediators must rely more on tone, pauses, and verbal cues to understand the parties. They also need to manage technical aspects such as breakout rooms, screen sharing, and participant engagement, all while ensuring that the process remains balanced and effective. This means that training for mediators must evolve to include digital competencies, and institutions should encourage continuous learning in this area. Developing these skills is essential to maintaining the quality and credibility of mediation in an online setting <sup>32</sup>.

#### **E. Case triage and suitability:**

Not all disputes are equally suited for online mediation. While it works well for many commercial and consumer-related conflicts, certain sensitive matters may require a more personal and controlled environment. Disputes involving strong emotional elements, power imbalances, or safety concerns such as family conflicts or cases involving harassment may need additional safeguards or even in-person processes. Proper case screening becomes crucial in this context. Clear guidelines and checklists can help identify which cases are appropriate for online mediation and which require alternative approaches, ensuring that the process remains fair and effective for all parties <sup>33</sup>.

#### **F. Cross-border enforceability and the Singapore Convention:**

When disputes involve parties from different countries, enforcing mediated settlements can become more complex. While India has a strong framework for enforcing settlements within its jurisdiction, cross-

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<sup>31</sup> Information Technology Act, 2000; Indian Evidence Act; proposed DPDP Act frameworks

<sup>32</sup> Mediation Act, 2023; IMI Competency Standards

<sup>33</sup> Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd. (2010) 8 SCC 24; UN Women, *Handbook on Justice for VAW*

border enforcement still lacks complete uniformity. The Singapore Convention on Mediation aims to address this gap by providing a framework for recognising and enforcing international mediated settlements. However, until India fully adopts and implements such international mechanisms, parties may need to rely on alternative methods, such as converting settlements into arbitral awards or court decrees, to ensure enforceability<sup>34</sup>.

### **G. AI assistance—promise and caution:**

Artificial Intelligence is increasingly being integrated into ODR systems, offering tools that can summarise documents, suggest possible settlement options, and even assist in drafting agreements. These features can make the process faster and more efficient. However, they also raise important concerns. AI systems may lack transparency, carry biases, or be relied upon too heavily, which can affect the fairness of outcomes. To address this, clear safeguards must be established. Parties should be informed when AI tools are being used, given the option to opt out, and assured that final decisions remain under human control. Maintaining human oversight is essential to ensure that technology supports, rather than replaces, the core principles of mediation<sup>35</sup>.

## **VIII. Conclusion**

Online mediation has clearly moved beyond being just an experimental idea and has now become a meaningful part of modern dispute resolution. The focus is no longer on whether it works, but on how it can be strengthened and integrated more effectively into the justice system. Its advantages such as accessibility, speed, and cost-efficiency are evident, especially in a country like India where delays in traditional litigation are a persistent concern. At the same time, certain challenges still need careful attention, particularly ensuring that consent is genuinely informed, addressing the digital divide, and improving the enforceability of settlements in cross-border situations. India already has a strong legal foundation to support the growth of online mediation. The recognition of electronic records and digital signatures, the enforceability of conciliation settlements, the push for pre-institution mediation in commercial disputes, and the enactment of the Mediation Act, 2023 all provide a solid starting point.

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<sup>34</sup> United Nations, *Singapore Convention on Mediation* (2019); Arbitration & Conciliation Act, 1996, §§ 73–74

<sup>35</sup> Sourdin, *Judges, Technology and AI* (2021); Goodman & Flaxman, *Algorithmic Accountability* (2017)

However, the next stage of development requires more than just legal provisions; it calls for consistent standards, better technological integration, and a focus on fairness and accountability in practice.

Moving forward, a practical approach would involve strengthening systems at multiple levels. There is a need for better case screening mechanisms so that disputes are directed to the most suitable mode of resolution, whether online, hybrid, or in person (Code of Civil Procedure, 1908, § 89; Mediation Act frameworks). Training and accreditation of mediators must also evolve to include digital skills, ensuring that professionals are equipped to handle the unique challenges of virtual environments (Mediation Council of India standards). At the same time, transparency in data such as settlement rates, timelines, and user satisfaction can help shift decision-making from assumptions to evidence-based policy<sup>36</sup>. Ensuring inclusivity is equally important. Creating accessible points such as digital assistance centres in courts and community spaces can help bridge the gap for those who lack technological resources (Digital India initiative; Supreme Court e-Committee Reports (2020–21)). On the international front, steps toward recognising mediated settlements across borders, including engagement with frameworks like the Singapore Convention, will be important for building trust in global transactions<sup>37</sup>. The role of technology, especially Artificial Intelligence, should be approached with caution and clarity. While AI can assist in improving efficiency, it must remain a supportive tool rather than replacing human judgment, with safeguards in place to ensure fairness and transparency<sup>38</sup>.

Ultimately, online mediation is not meant to replace courts but to complement them. Courts will continue to play a crucial role in resolving complex disputes and setting legal precedents. However, for everyday conflicts that require quick and practical solutions, online mediation offers a pathway that is efficient, accessible, and less adversarial. In this sense, it reimagines justice not as something confined to physical spaces, but as a service that is flexible, responsive, and within reach for all<sup>39</sup>.

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<sup>36</sup> NITI Aayog, *Designing the Future of Dispute Resolution*, 2022

<sup>37</sup> United Nations, *Singapore Convention on Mediation* (2019); Arbitration & Conciliation Act, 1996, §§ 73–74

<sup>38</sup> Sourdin, *Judges, Technology and AI* (2021); Goodman & Flaxman, *Algorithmic Accountability* (2017)

<sup>39</sup> Katsh & Rabinovich-Einy, *Digital Justice* (2017); Supreme Court e-Committee Reports (2020–21))