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Evaluating the Effectiveness of Online Mediation in India: Legal Gaps, Technology & Trust

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ABSTRACT

This research paper explains with an emphasis on its voluntary, consensual, non-coercive, confidential, and participant-controlled aspects, this study also assesses the efficacy of online mediation, the ADR modality with the fastest rate of growth. The study also looks at the current legal theories, statutes, case law, and policy frameworks controlling internet mediation in India and other comparable jurisdictions using a doctrinal legal research technique. To ascertain what the law is, how it has been interpreted, and its normative justification, the doctrinal method—which is defined as the methodical examination and synthesis of legal sources, including statutes, regulations, court decisions, and secondary commentary—is employed. When it comes to online mediation, the doctrinal approach consists of (i) describing pertinent legal texts (such as the Mediation Act, 2023, and the confidentiality provisions of the Indian Evidence Act), (ii) deriving legal principles regarding confidentiality, mediator neutrality, and enforceability, (iii) systematizing these principles by organizing them into coherent themes, and (iv) interpretivism, which examines the normative justifications for statutory gaps or judicial inconsistencies. This legal analysis is enhanced by an examination of regulatory instruments, platform-specific protocols, and academic opinion. The doctrinal basis allows for a thorough assessment of how well existing legal frameworks support the risk-free, ethical, and confidential nature of online mediation as well as its many stages (problem-defining, joint sessions, caucus, resolution). In the context of the legal framework, it also enables comparison of mediation techniques (facilitative, evaluative, and transformative). The research paper contributes doctrinally based revisions, including explicit acknowledgment of voluntary participation protocols, statutory confidentiality mandates, and a clarification of the legal status of ODR. Robust policy design for efficient online ADR systems is informed by this doctrinally grounded study.

Keyword: Online mediation, Legal gaps, Technology, Jurisdiction, Trust, Enforceability.

INTRODUCTION:

An estimated 37 million cases are still pending in India's court system, which is forcing an immediate investigation of alternative dispute resolution (ADR) procedures. In light of this, mediation-based Online Dispute Resolution (ODR) has quickly become a viable, tech-enabled alternative to traditional courts that provides easily accessible, effective, and affordable justice. Online mediation is now closely in line with India's constitutional duty of providing everyone with equitable access to justice, thanks to the Digital India program and court support. This momentum is further supported by statutory measures. As long as parties give written consent, the Mediation Act of 2023 expressly recognizes online mediation and grants virtual processes through video conferencing, secure chat, or encrypted email—the same enforceability as in-person mediation. Furthermore, pre-litigation mediation referrals are supported by provisions in the 1996 Arbitration and Conciliation Act and Section 89 of the Code of Civil Procedure, strengthening institutional support for ADR procedures. By combining doctrinal legal analysis of statutory and judicial frameworks with normative evaluation of its conformity to fundamental mediation principles—voluntariness, neutrality, confidentiality, and participant control this paper seeks to assess the efficacy of online mediation in India. It also suggests doctrinally based reforms to enhance the role of ODR in India's ADR ecosystem.

RESEARCH QUESTIONS:

1. What effects will internet mediation have on India's conflict resolution process, and how is it addressed by the Mediation Act, 2023?
2. Which Indian laws are most important for online mediation, and how do they handle the issues of procedural integrity and enforceability?
3. Which technical tools and platforms are most frequently utilized in India for online mediation, and how do they affect the process's accessibility and efficiency?
4. What part do privacy and data security play in fostering trust among Indian users of online mediation platforms?
5. What can be gained from the efficiency of online mediation in India in comparison to other nations with well-established online dispute resolution systems?

RESEARCH OBJECTIVES

The purpose of the research paper gives brief explanation about the following concepts

1. To have indepth knowledge in the digital mediation
2. Comparison of Traditional mediation and digital mediation
3. To know more about the mediation act 2023.
4. To have indepth knowledge about how mediation plays a vital role in reduction of court's burden
5. To Know more about about the digital mediation in India and other country

REVIEW OF LITERATURE

1. Judicial evolution of mediation: Bridging the gap in conflict resolution. By M Singh – 2024 – maadhyaminternational.com¹

This paper gives a brief explanation about the ADR's development and current state in India—highlighting significant legal precedents and legislative frameworks while speculating on the possibilities of online and mediated dispute resolution in the future. In order to guarantee that mediation can provide equitable and easily accessible justice for both individuals and society, it also critically analyzes the obstacles to the successful application of ADR and ODR and advocates for improved infrastructure, legal governance, and policy alignment.

2. Digitizing Justice: The case for dedicated online dispute resolution legislation in india. By P Yadav- SSRN 4840167, 2024 – papers.ssrn.com²

This paper gives a brief explanation about the urgent need for quicker, more affordable, and digitally accessible dispute resolution in a country with significant judicial and socioeconomic complexity makes the incorporation of ODR into India's legal system a transformative imperative.

3. Online dispute resolution mechanism as an effective tool for resolving cross- border consumer disputes in the era of e- commerce by Patel, R Ranjan, RK Kumar, N Ojha – International journal of law and management(2025)³

This paper gives a brief explanation about examine the necessity of safeguarding the rights of international online shoppers, the existing Indian dispute resolution process for cross-border consumer transactions, its shortcomings, and the future.

4. Assessing the future of mediation: The impact of the Mediation act, 2023 on Dispute resolution in india by B. Baug- Issue 5 International J.L. Mgmt. & Human. 905(2025).⁴

This paper gives a brief explanation about in order to decrease the backlog of cases in India's courts and promote peaceful resolutions, mediation was made official by the Mediation Act, 2023. It emphasizes mediation's historical foundation, important clauses, difficulties, and prospects for the future, especially online dispute settlement.

5. A Comparative Analysis of legal aid services in the UK, USA, and India: Exploring the role of alternative dispute resolution (ADR) Methods in enhancing access to justice by Shipa B.P.⁵

The article highlights how alternative dispute resolution (ADR) techniques like mediation and arbitration can increase underprivileged groups' access to justice by comparing the legal aid systems in the UK, the USA, and India. It comes to the conclusion that incorporating ADR within robust legal aid systems is essential to lowering obstacles, clearing backlogs, and promoting more inclusive and fair justice.

RESEARCH METHODOLOGY:

This research paper is purely based on the secondary data. Various opinions from experts in the field is also considered.

RESULTS AND DISCUSSION:

Impact of Online Mediation on the Mediation Act of 2023 and India's Conflict Resolution Procedure

There are some places wherever the Judiciary might lack technical facet or perhaps time. In such circumstances, the alternative Dispute Resolution comes into play. There are varied styles of mediation that's been dispensed in India.⁶

¹<https://www.maadhyaminternational.com/pdf/JUDICIAL%20EVOLUTION%20OF%20MEDIATION-%20BRIDGING%20THE%20GAP%20IN%20CONFLICT%20RESOLUTION.pdf>

²https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4840167

³<https://www.emerald.com/insight/content/doi/10.1108/IJLMA-07-2024-0245/full/html>

⁴https://heinonline.org/hol/cgi-bin/get_pdf.cgi?handle=hein.journals/ijlmhs31§ion=68

⁵<https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=09701052&AN=185633000&h=ukEUrdJF9FFJSq6dw%2FNGG5J9Qd%2B3HBhMuEliyo7ejKJsv%2BUJswl%2FzJS%2FpegEgREx1gok495siRGwB0BNgfO5eg%3D%3D&crl=c>

The landscape of conflict resolution in India has changed dramatically with the introduction of internet mediation. Justice has historically been postponed due to the Indian judicial system's crippling backlog of cases. Online mediation presents a viable substitute by enabling more rapid, economical, and easily accessible dispute resolution. Online mediation is acknowledged and institutionalized by the Mediation Act of 2023, which also establishes a legal framework that guarantees its legitimacy and enforceability. Section 30 of the Act recognizes the importance of technology in contemporary dispute resolution by permitting mediation to take place online with written authorization from all parties.

This legal certification is crucial because it ensures that online mediation has the same legal weight as in-person sessions, bridging the gap between traditional mediation procedures and the digital age. Additionally, the Act's creation of the Mediation Council of India seeks to standardize and regulate mediation procedures, particularly those conducted online, in order to increase their legitimacy and public trust.

Important Indian Laws Controlling Online Mediation and How They Address Enforceability and Procedural Integrity

Online mediation is governed by a number of intersecting Indian laws, each of which addresses certain issues to guarantee a strong and trustworthy framework.

As was previously said, the Mediation Act of 2023 establishes the fundamental legal framework for online mediation by placing a strong emphasis on permission, secrecy, and the enforceability of mediated agreements.

The Information Technology Act of 2000 ensures that agreements made through online mediation are recognized and enforceable by law by regulating digital signatures and electronic records.

As long as they contain the necessary components of a legitimate contract, agreements made through online mediation are guaranteed to be enforceable under the Indian Contract Act, 1872.

By governing the handling of personal data, the Digital Personal Data Protection Act, 2023, allays privacy concerns and promotes user confidence in online mediation platforms.

The Effects of Indian Technological Tools and Platforms for Online Mediation on Efficiency and Accessibility

The technology tools and platforms used have a significant impact on how well online mediation works. A number of platforms have surfaced in India to support digital dispute resolution:

Legal India Online: Being a top Online Dispute Resolution (ODR) platform, it provides quick, clear, and reasonably priced legal options, opening up mediation to a wider range of people.

Sama: An online dispute resolution tool that offers arbitration and mediation guidelines with the goal of expediting the process

JCAM: Provides a digital platform for parties to settle disputes, facilitating effective and economical dispute settlement.

These platforms conduct mediation sessions using a variety of technology methods, including digital signatures, secure document sharing, and video conferencing. By removing geographical restrictions and enabling participation from any location, the integration of these tools improves accessibility. Digital platforms also expedite the mediation process, saving time and money compared to more conventional approaches.

Building trust among Indian users of online mediation platforms through privacy and data security

Privacy and data security are paramount in online mediation, as sensitive personal and financial information is exchanged during the process. The Digital Personal Data Protection Act, 2023, is India's first comprehensive data protection law, offering a legal framework for handling digital personal data, with the goal of safeguarding individual privacy while permitting lawful data processing⁷. It also plays a crucial role in addressing these concerns by regulating the processing of personal data and mandating organizations to implement measures that ensure data security.

Additionally, the Mediation Act of 2023 mandates that online mediation be carried out in a way that maintains secrecy, protecting the parties' privacy.

Together with the use of safe technology, these legislative provisions aid in establishing and preserving user trust, which promotes broader acceptance and involvement in online mediation.

Comparison of the Effectiveness of Online Mediation in India and Other Developed ODR Systems

The efficiency of India's online mediation framework and its potential for improvement can be better understood by contrasting it with other nations' systems.

United States: With a strong legal foundation, mediation has a lengthy history in the United States. In the United States, online mediation is advantageous due to its sophisticated technological infrastructure and broad public support.

United Kingdom: The UK now offers online venues for a variety of dispute kinds and has included online mediation into its legal system. The legality of online mediation agreements is ensured by the legal framework, which supports their enforceability.

⁶<https://viamediationcentre.org/readnews/MTQzMQ==/Various-Laws-Regarding-Mediation-in-India-and-Their-Impact>

⁷<https://www.drishtias.com/daily-updates/daily-news-analysis/dpdp-act-2023-and-dpdp-rules-2025>

Singapore: Well-known for its effective conflict settlement procedures, Singapore has created an extensive internet mediation system that its residents trust and utilize frequently.

CONCLUSION

In conclusion, India's approach to dispute resolution has advanced significantly with the introduction of internet mediation. Online mediation has a full framework according to the Mediation Act of 2023, as well as supporting legislative frameworks, technology instruments, and privacy rules. Online mediation has significant potential advantages in terms of accessibility, effectiveness, and cost-effectiveness, even though there are still obstacles to overcome, especially with regard to digital literacy and infrastructure. India can create a cutting-edge online mediation system that meets the demands of its diverse populace by adapting to global best practices and keeping up with technological and legal advancements.

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