



A Study on Effectiveness of Online Mediation in Resolving Commercial Disputes in India

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ABSTRACT

Commercial disputes can be complex and time-consuming, often leading to significant financial losses for businesses. By leveraging technology, online mediation allows parties to engage in dispute resolution remotely, facilitating efficient communication and negotiation. This study aims to contribute to the existing body of knowledge on online mediation by evaluating its effectiveness in the context of commercial dispute resolution in India. Online mediation is effective on resolving commercial disputes in India. Online mediation is more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. Although there are challenges unique to online mediation. The challenges include technological issues, limited non-verbal cues, confidentiality, and security, concerns, limited physical presence, language, and cultural differences, power, imbalance, and intimidation, limited control over the environment and lack of personal interaction. Use of advanced technology for better communication and collaboration can improve better address the unique challenges of resolving commercial disputes in online mediation. The findings will provide valuable insights for businesses, legal practitioners, policymakers, and online mediation platforms, enabling them to make informed decisions regarding the use and promotion of online mediation as an alternative dispute resolution mechanism.

Keywords: Online mediation, commercial disputes, Alternate Dispute Resolution, Effectiveness, Conflict resolution.

1. Introduction

Commercial disputes can be complex and time-consuming, often leading to significant financial losses for businesses. Traditional litigation methods are frequently burdensome, costly, and can cause delays in resolving disputes. Online mediation offers an alternative approach that aims to expedite the resolution process while reducing costs and enhancing party autonomy. By leveraging technology, online mediation allows parties to engage in dispute resolution remotely, facilitating efficient communication and negotiation. Section 442 of the Companies Act, 2013, read with the Companies (Mediation and Conciliation) Rules, 2016, provides for referral of disputes to mediation by the National Company Law Tribunal and Appellate Tribunal. The Mediation and Conciliation Project Committee (MCPC) was established by the Supreme Court in April 2005 to oversee the effective implementation of mediation. The endeavour of the MCPC was to give a boost to court-annexed mediation and to help mediation in growing not as an 'alternative resolution mechanism', but as 'another effective mode of dispute resolution'. The availability and quality of technological infrastructure, including internet connectivity, hardware, and software, play a crucial role in determining the effectiveness of online mediation. The willingness of parties to engage in online mediation and their understanding of its benefits and limitations can impact the success of the process. The competence and training of mediators in online dispute resolution techniques are vital for achieving successful outcomes. Confidentiality is a critical aspect of mediation, and online mediation raises concerns about the security and privacy of information exchanged during the process. Online mediation has gained significant acceptance and adoption across various jurisdictions and industries. The COVID-19 pandemic played a significant role in accelerating the shift toward online dispute resolution methods, including mediation. Many organizations, courts, and mediation providers have embraced online platforms as a viable option for resolving disputes remotely. Rapid advancements in technology, particularly in communication and collaboration tools, have improved the functionality and user experience of online mediation platforms. Online mediation has the potential to improve access to justice by reducing geographical barriers and making dispute resolution more affordable and efficient. Parties can engage in mediation remotely, eliminating the need for travel and associated costs. This trend has the potential to provide access to mediation services for individuals and businesses in remote areas or those facing financial constraints. The United States has been at the forefront of adopting online mediation in various sectors, including commercial disputes, family law, and employment disputes. Online mediation platforms and providers have gained popularity, offering parties a wide range of options to engage in virtual mediation. The UK has embraced online mediation as a viable alternative to traditional dispute resolution methods. Singapore has actively promoted online mediation as part of its efforts to establish itself as a leading dispute resolution hub. The Singapore Mediation Centre has developed an online mediation platform and provides comprehensive services for parties engaged in virtual mediation. The main aim of the study is to analyse the effectiveness of online mediation in resolving commercial disputes in India.

Objectives

- To analyse the challenges unique to commercial disputes in online mediation.
- To study the convenience of online mediation compared to traditional face-to-face mediation.
- To examine the effectiveness of online mediation in India.

Review of Literature

(Keltner 1987) The working definition of "mediation" is any moderated conflict resolution discourse, regardless of the procedures, methods or tools applied. That is, except for the mere presence of a mediator, our definition does not place any requirements on the mediation procedure. This definition of mediation distinguishes it from other forms of discourse, such as deliberation or argumentation, not on the basis of features of a particular procedure, but rather on the basis of its goal: conflict resolution. (Alam et al. 2022) While the majority of studies so far have examined the effectiveness and benefits of electronic settlement applications, this study explores factors that affect the adoption and use of online mediation services. To this end, structural equation modeling analysis was applied to data obtained from users and mediators involved in an online mediated dispute. Subject perceptions regarding an overall mediation system including information technology and a human mediator were assessed. The findings suggest that while perceived usefulness of the information system explains the variance in attitude towards online mediation, the perceived usefulness of the mediator does not shape this attitude. Thus, mediators are being conceptualized as external to the service and their characteristics do not affect attitudes towards online mediation services, nor the intention to adopt it. This phenomenon is explained using biases in attribution. (Frank 2021) Mediation does indeed permit a high quality of participation in decision-making processes, though only for a few chosen representatives according to the representation principle. Even if mediation does not pursue mass participation, the number of active participants is limited to 20 to 25 and, therefore, participation is seen as central weakness of the mediation method. The fact that this "inside" group of people is relatively small and closed complicates any feedback from or communication with the "outside" group of players, i.e. the interest groups represented by the members of the mediation group or the interested public. This applies all the more if mediation procedures extend over longer periods of time and the ways leading to potential results and decisions (design rationale) thus become hardly understandable or completely incomprehensible for people outside the group. (Rule 2003) As commerce and other transactions and communications move onto the Internet, intuitively, methods to resolve disputes arising from this trend also must move onto the Internet. Mediation, being less formal than other methods of dispute resolution, especially litigation and arbitration, better lends itself to the Internet. Internet commerce sets up the probability that its merchants, suppliers and customers will not exist in the same legal jurisdictions. The confusing application of laws and wide geographical dispersion of these parties will necessitate a faster and cheaper dispute resolution methodology. Internet parties will find a way to obviate the legal risk of submitting their disputes to foreign laws and proceedings as well as the costs of traveling to and supporting these proceedings. (Kaufmann-Kohler and Schultz 2004) Online alternative dispute resolution (online ADR) has the potential to be the primary method of dispute resolution in many cases, at the very least for online disputes. Inevitably this will have an impact on the practice and culture of mediation. The time can be foreseen when online communication will attain the ubiquity of the telephone. It is not a question of whether mediators will be confronted with online ADR: it is a question of when and how. (Perrault and McPhail 2023) Consider learning a decision support assistant to serve as an intermediary between (oracle) expert behavior and (imperfect) human behavior: At each time, the algorithm observes an action chosen by a fallible agent, and decides whether to accept that agent's decision, intervene with an alternative, or request the expert's opinion. For instance, in clinical diagnosis, fully-autonomous machine behavior is often beyond ethical affordances, thus real-world decision support is often limited to monitoring and forecasting. Instead, such an intermediary would strike a prudent balance between the former (purely prescriptive) and latter (purely descriptive) approaches, while providing an efficient interface between human mistakes and expert feedback. In this work, we first formalize the sequential problem of online decision mediation---that is, of simultaneously learning and evaluating mediator policies from scratch with abstentive feedback: In each round, deferring to the oracle obviates the risk of error, but incurs an upfront penalty, and reveals the otherwise hidden expert action as a new training data point. Second, we motivate and propose a solution that seeks to trade off (immediate) loss terms against (future) improvements in generalization error; in doing so, we identify why conventional bandit algorithms may fail. (Bhatti et al. 2022) There is widespread agreement about the need of alternative dispute resolution procedures to address the overflow of litigation that is received by courts. There is also agreement about the convenience of supporting some of these ADR procedures through on-line dispute resolution technologies. This paper explores these two matters through the design of a generic mediation platform that may be tailored to the specific needs of different mediation domains and modalities. The platform we propose is based on the notion of electronic institution and assembled through the EIDE tools developed in the IIIA.

(Hattotuwa and Tyler 2006) New information and communication technologies such as the internet offer new capabilities for mediators. Online dispute resolution (ODR) refers to dispute resolution: processes such as mediation assisted by information technology, particularly the internet. At least 115 ODR sites and services have been launched to date, resolving more than 1.5 million disputes. A number of these online dispute resolution services have been launched in the Asia Pacific including examples from China, the Philippines, Malaysia, Singapore, Australia and Sri Lanka. (Baruch Bush 2010) Dubbed the pandemic-proof process, mediation has shown itself to be highly adaptable to legal, economic, political and socio-cultural changes. As a dispute resolution mechanism, mediation is characterized by its procedural agility, cultural responsiveness, focus on party autonomy, and collaborative principles of negotiation and decision-making. Mediation offers a client-centered dispute resolution procedure, which features diverse practice models and the capacity for parties and their lawyers to have input into the design of each mediation process. This chapter places the spotlight on mediation and examines the considerations that institutional service providers (ISPs) of mediation need to take into account in making the shift to digitising mediation services. The central question explored in this chapter is: How can the transition from live to online mediation practice take place in a manner that upholds the integrity of the mediation process? What efforts should be made in this transition to enhance the user experience beyond the technical exigencies that externalities impose on personalized engagement? The analysis culminates in a call to action to include both the service providers and the users themselves

in the larger narrative surrounding this conscious endeavor to see technology and digitising move beyond expedience and embrace contextual mediation imperatives. (Carrel and Ebner 2019) As technology impacts every aspect of our lives, all professions are exploring how to benefit from use of technology. Mediation is no exception. Since, the mid-1990s, the field has explored applying technology to resolve conflict. At an early point this exploration narrowed in on substituting physical convening with wholly-online processes. Conflating "technology" with "online," however, left an entire practice area unaddressed, a gap we need to mind: application of technology to support traditional, in-person mediation processes. Indeed, today, most mediation processes are largely bereft of technology. (Hansberry and Hansberry 2017) Since many years, different educators, recently also the mediation trainers and associations, have explored the idea how to convey a mediation training online. As this became a kind of necessity in the VUCA world and especially according to the pandemic in 2020, another dimension of discussion and efforts for a qualified and sustainable training offer seems to be irrevocable. Therefore, the following contribution presents one possible way to design and to provide mediation training online and invite the colleagues to further discussion. It will also answer the question what attitude and competencies are needed: both by trainers as well as by training participants when online. (Rule 2003) Nowadays, the Spanish administration of justice is in crisis. The increase of lawyers, the workload of the administration staff and the current economic crisis are some reasons for the emergence of relational justice as an alternative. Therefore, Alternative Dispute Resolution (ADR) and particularly Online Dispute Resolution (ODR) have become a relevant issue for both citizens and governments. In this work we introduce two different applications that are included in the Ontomedia project, whose main target is to allow users and professionals to meet in a community-driven web platform. The first one is called MediWeb and is implemented to run in classical browsers; the second application is called MediApp and is implemented to run in a Smartphone. Both applications are devised to: 1) the user would be able to consult the regulations, both soft and hard law rules that are in force in Spain; 2) offer different services to the platform users taking advantage of the smartphone devices; and 3) consult a Frequently Asked Questions repository. (Macduff 2016) Traditional mediation is conducted in person with all affected parties at a physical 'table' with a session is orchestrated by the mediator with the parties and their representatives, often utilizing both joint and caucus sessions. Techniques as subtle as non-verbal cues, and techniques as overt as removing one party from the mediation room can be used. Online dispute resolution (ODR) takes place in 'cyberspace', described by the US Supreme Court as the virtual world 'located in no particular geographic location but available to anyone, anywhere in the world, with access to the Internet. (Archerd 2023) The mediation movement has developed from a mere private business to be an integral part of the judicial structure. While the judiciary has embraced the process of mediation through court-annexed and court-referred mediations, private mediations are largely held by business organisations, consumer associations, non-profit bodies, governmental agencies and international organisations, Law Schools across the world have also been active participants in supporting and encouraging mediation as an alternative to dispute resolution. Online mediation has emerged as a technology equivalent to the traditional mediation mechanisms. The article brings forth the role played by universities in the development and application of mediation as a conflict resolution process. The article begins with comprehending the need for online mediation in conflicts relating to business-to-consumer transactions. The article further expands to explore the different forms of online mediation tools for assisting the mediation process. Though the article's objective is not to weigh the advantages and disadvantages of online mediation, the paper attempts to bring forth some of the legal and technical challenges in making online mediation an effective tool for resolving consumer disputes. The last part of the article discusses the ways in which universities and education centers across the world have contributed towards dispute resolution through the mediation tool. (Jiang et al. 2022) A year before the pandemic, I was leading discussion groups on the merits and drawbacks of online mediation. In those groups, many practitioners expressed discomfort with the idea of mediating online, while a few often extolled the ease and efficiency of an online mediation practice. By the middle of 2020, few mediators were left with much of a choice about whether to conduct their sessions remotely-with public health guidelines preventing even small groups from gathering in many locations and buildings shutting down, mediators and their clients were forced to either postpone their mediations or develop socially distanced alternatives. (Nylund, Ervasti, and Adrian 2018) Review of the mediation literature from the past decade, utilizing a cybernetic mediation paradigm to organize the material. In this paradigm, we note that the type of conflict, country, culture, and mediation institutions affect the mediation process. Within this process, the mediator and disputants interact with each other, attempting to reach their own goals. This interaction produces outcomes for the disputants, the mediators, and other parties. The literature organized using this paradigm indicates that mediation is frequently practised in many venues; the literature also provides an exhaustive list of mediation goals, describes many mediation strategies, and reports manifold mediation outcomes. Unfortunately, the number of studies examining the relative effectiveness of specific strategies (e.g., pressing, relational, and analytic) seems insufficient. Few studies have used control groups or reported observations of mediator and disputants' behaviour in actual mediations. (Boileau 2014) The mediation myth is the false belief that mediation is actually estimated in the typical mediation analysis. This myth is based on a trifecta of shortcomings: the typical mediation study relies on an inadequate design; the researcher uses a flawed analysis strategy; and there is scant attention to assumptions that are required when estimating mediation. These problems stem from overgeneralizing the classical product method for estimating mediation and overreliance on statistical significance testing as a decision criterion in mediation analysis. The goals of this article are to raise awareness of these difficulties among researchers and provide a roadmap about design and analysis options for a more rigorous and scientifically valid approach to mediation analysis. (Beardsley 2011) Mediation has become a common technique for terminating violent conflicts both within and between states; while mediation has a strong record in reducing hostilities, it is not without its own problems. In *The Mediation Dilemma*, Kyle Beardsley highlights its long-term limitations. The result of this oft-superficial approach to peacemaking, immediate and reassuring as it may be, is often a fragile peace. With the intervention of a third-party mediator, warring parties may formally agree to concessions that are insupportable in the long term and soon enough find themselves at odds again. (Menkel-Meadow 2018) It is characteristic of the experienced mediator that he often proceeds most effectively to his goal, especially during the early stages of his efforts, by circumlocution and indirection. Perhaps I may be forgiven, therefore, if my approach to the subject of mediation itself displays something of those qualities. I have, in any event, thought it expedient to preface my analysis by putting mediation in the wider context of some assumptions of methodology that appear to shape our efforts to comprehend social phenomena generally. (Schwerin 1995) Potential political biases against environmentalists in the mediation process are examined: (1) the possibility that the congenial atmosphere created by mediators serves to disarm and co-opt environmentalists; (2) a power imbalance between the two parties may yield unfair concessions from environmentalists to pro development interests; and (3) the possibility that the mediation process itself tends to redefine environmental issues in a way that favors pro development interests.

Suggestions are discussed for avoiding the bias factor in mediation. It is suggested that in certain disputes, (for example, nuclear power, where compromise is not appropriate) the problem of definitional bias may not allow for the discussion of workable solutions. The mediator should keep in mind that each issue involves a mixture of negotiable and nonnegotiable issues.

Methodology

The aim of the study is to analyse the effectiveness of online mediation in resolving commercial disputes in India. The study is based on both secondary and primary data. The primary data for the study was collected from 204 sample respondents by using a well-structured questionnaire. The sampling method used in the study is convenient sampling. The independent variables are age, educational qualification, occupation and place of living. The dependent variable is the effectiveness of online mediation in resolving commercial disputes in India. The tools of analysis used in the study are charts, graphs, percentages and chi square tests for meaningful analysis.

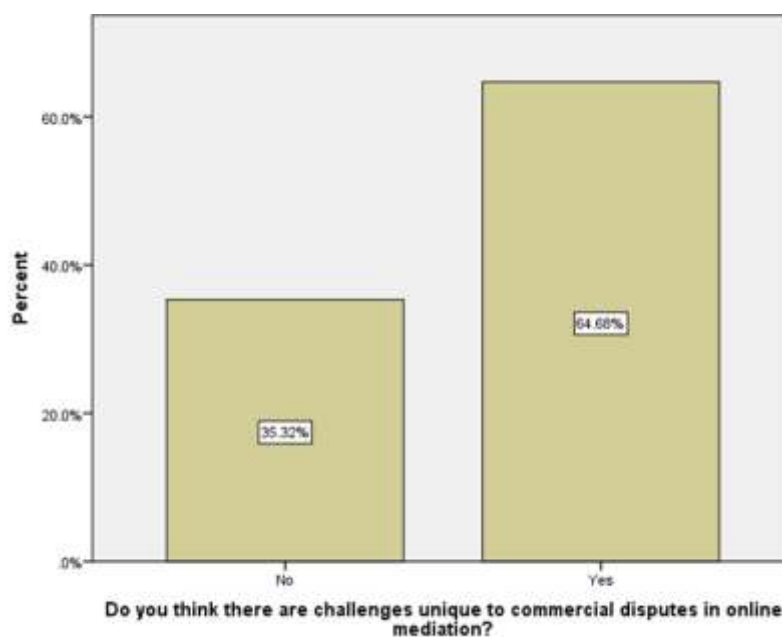
HYPOTHESIS

H0: There is no significant relationship between the acceptance of the sample respondents on there are challenges unique to commercial disputes in online mediation and their educational qualification.

H1: There is a significant relationship between the acceptance of the sample respondents on there are challenges unique to commercial disputes in online mediation and their educational qualification.

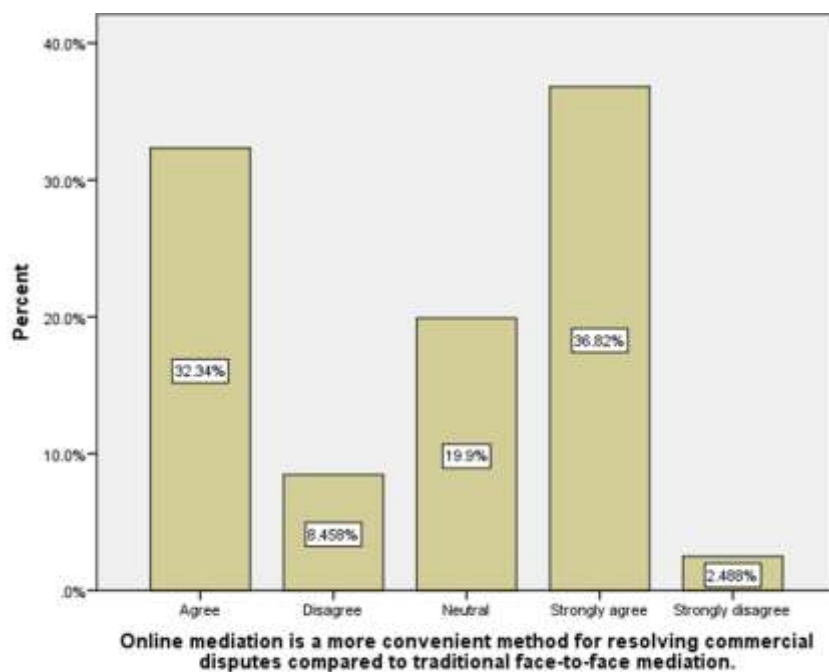
Analysis

Figure 1



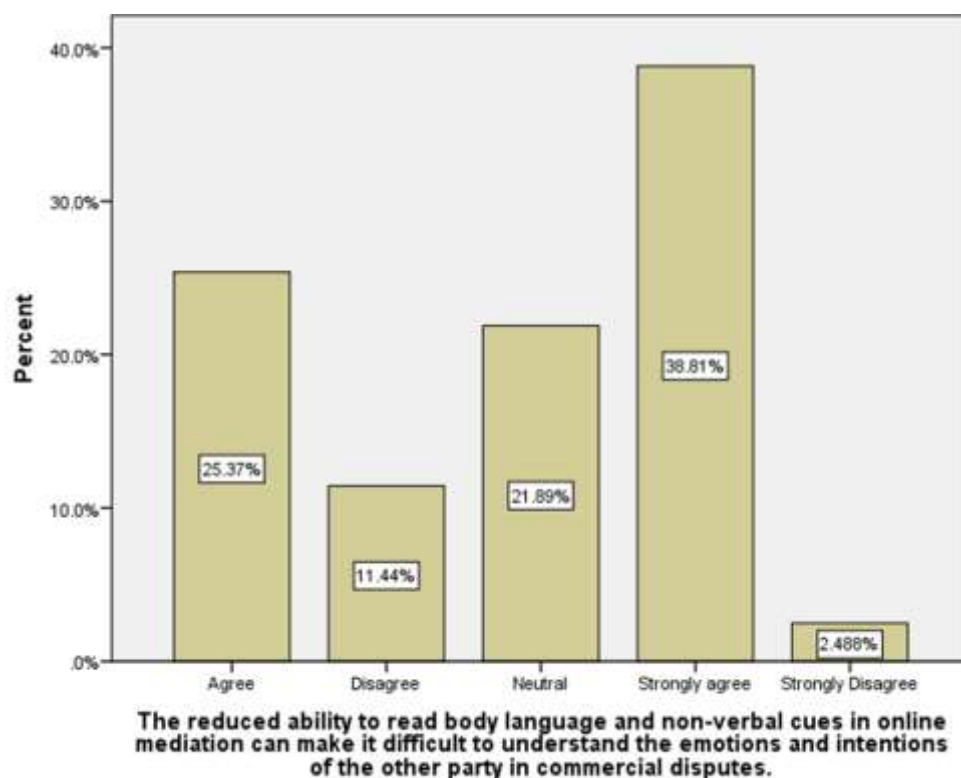
Legend: Figure 1 showing the acceptance of the sample respondents on the challenges unique to commercial disputes in online mediation.

Figure 2



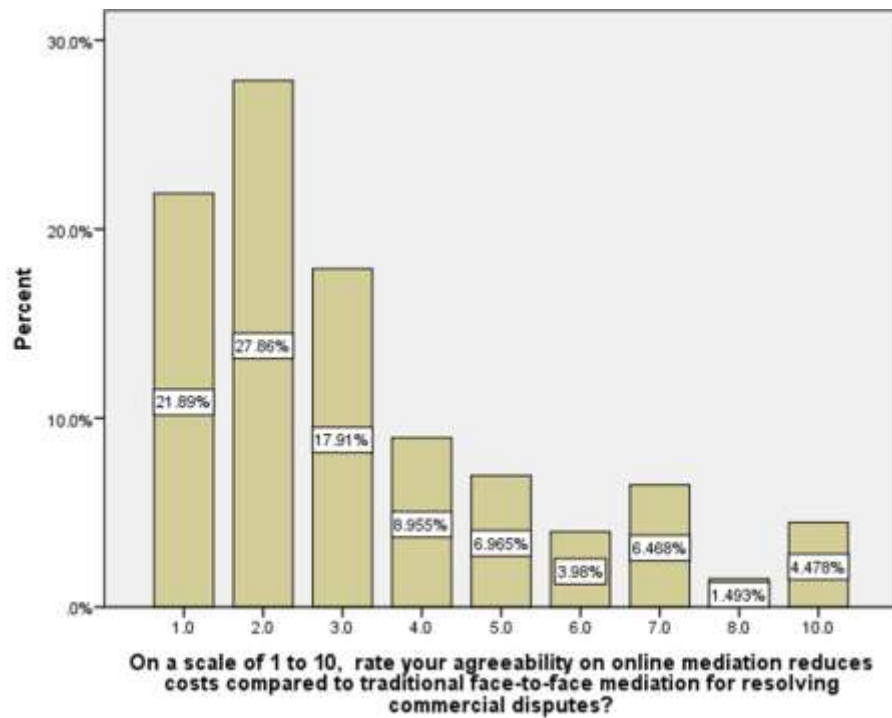
Legend: Figure 2 showing the agreement of the sample respondents on online mediation being a more convenient method for resolving commercial disputes compared to traditional face-to-face mediation.

Figure 3



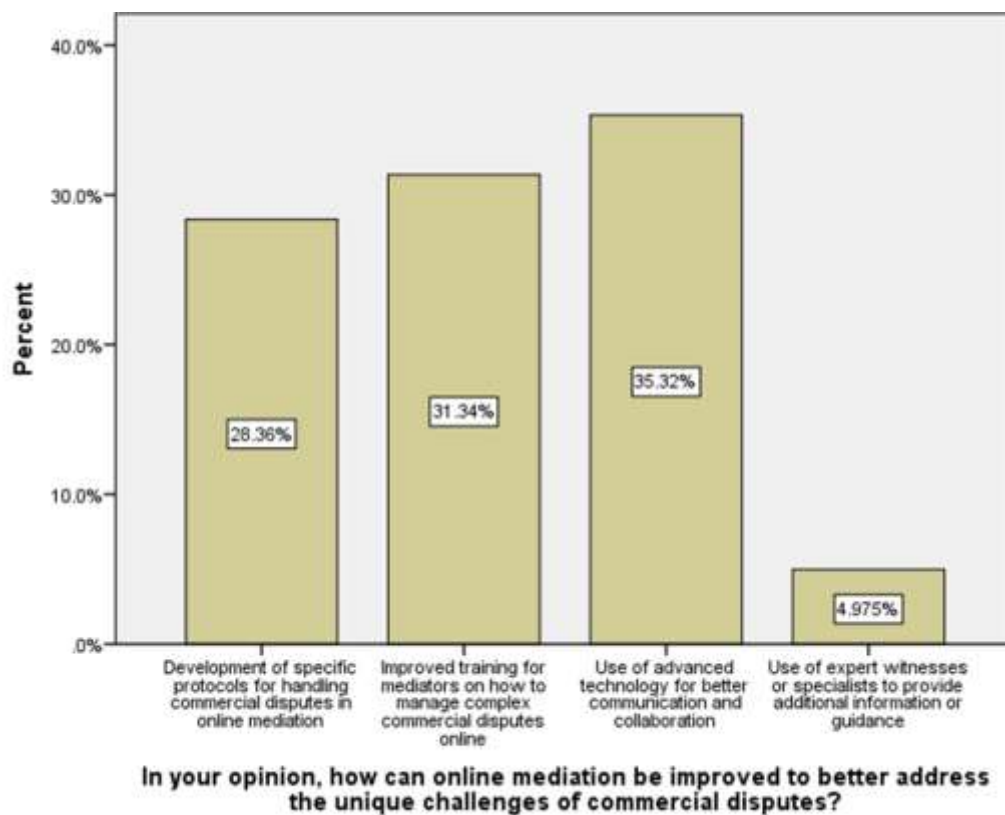
Legend: Figure 3 showing the agreement of the sample respondents on the reduced ability to read body language and non verbal cues in online mediation can make it difficult to understand the emotions and intentions of the other party in commercial disputes.

Figure 4



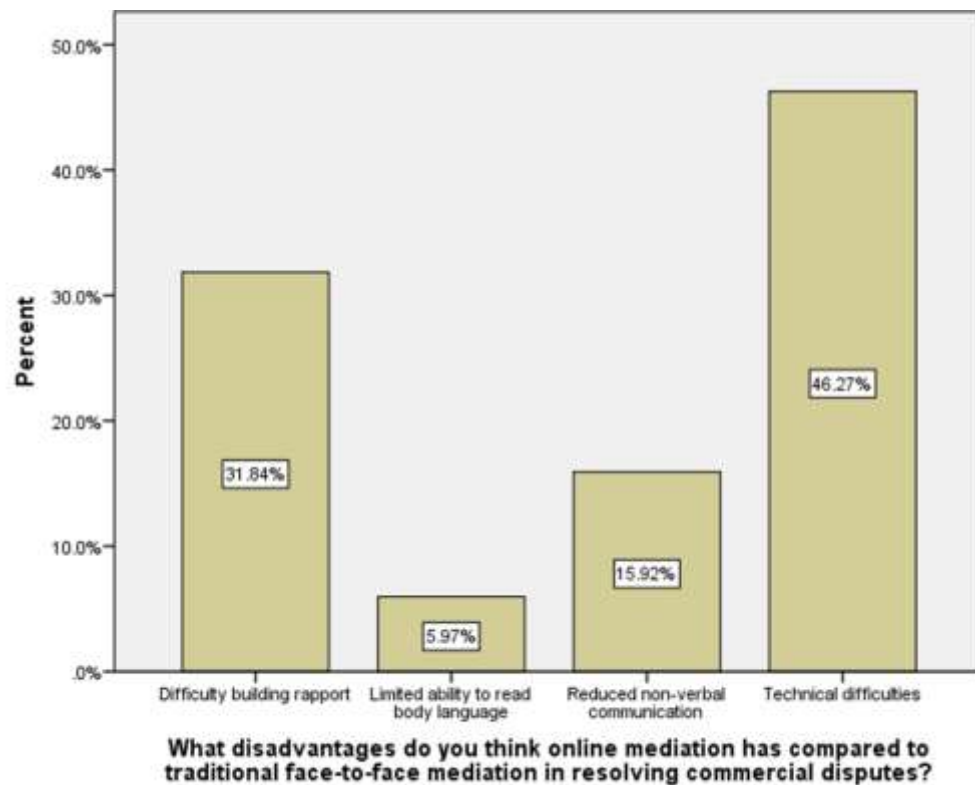
Legend: Figure 4 showing the agreement of the sample respondents on online mediation reducing costs compared to traditional face-to-face mediation for resolving commercial disputes.

Figure 5



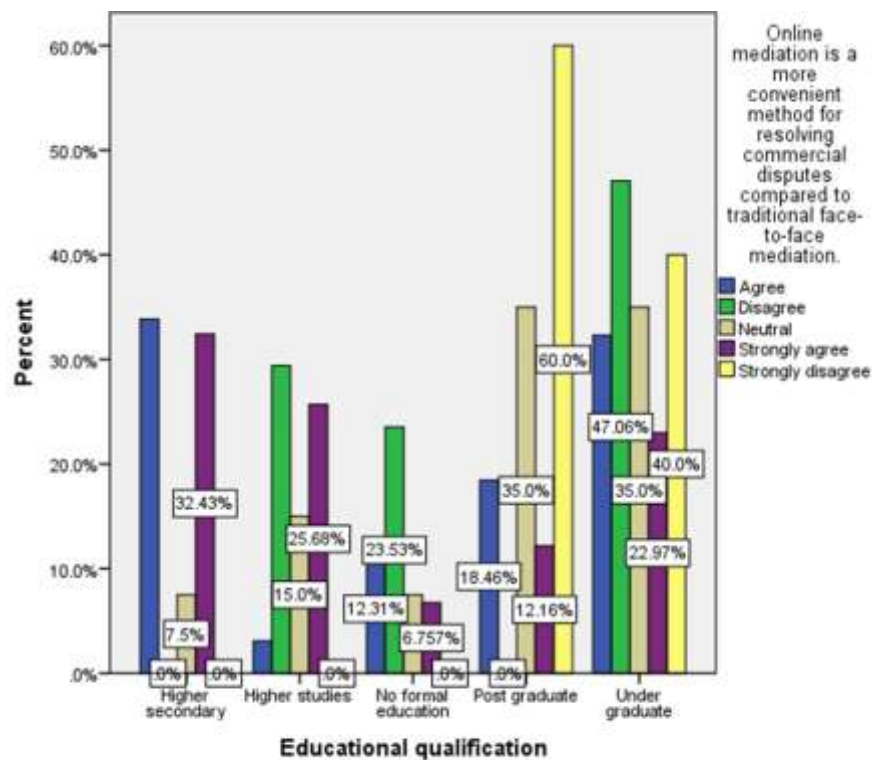
Legend: Figure 5 showing the opinion of sample respondents on how can online mediation be improved to better address the unique challenges of commercial disputes.

Figure 6



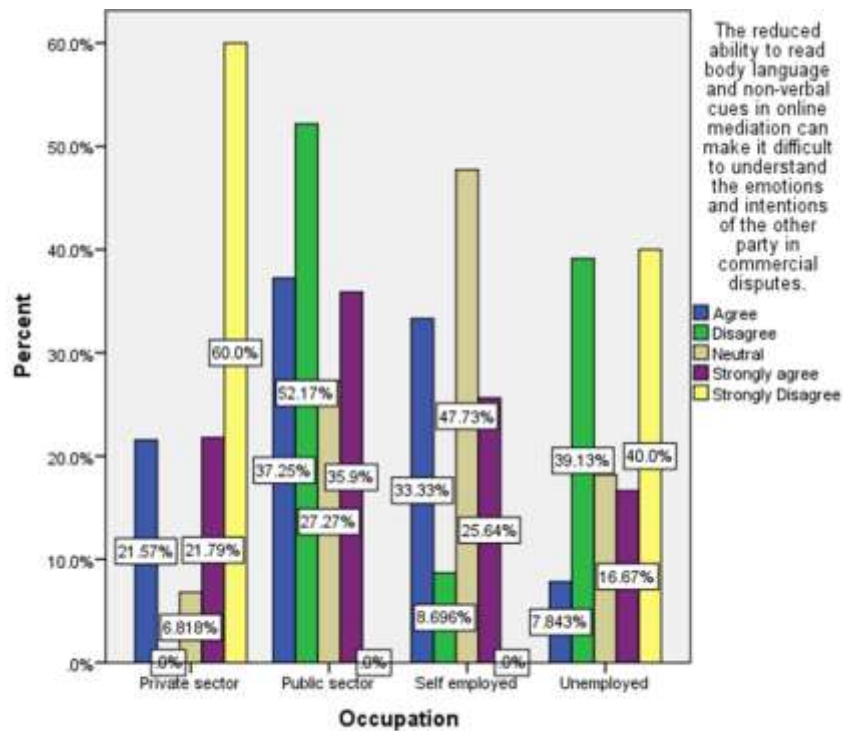
Legend: Figure 6 showing the opinion of the sample respondents on the disadvantages of online mediation as compared to traditional face-to-face mediation in resolving commercial disputes.

Figure 7



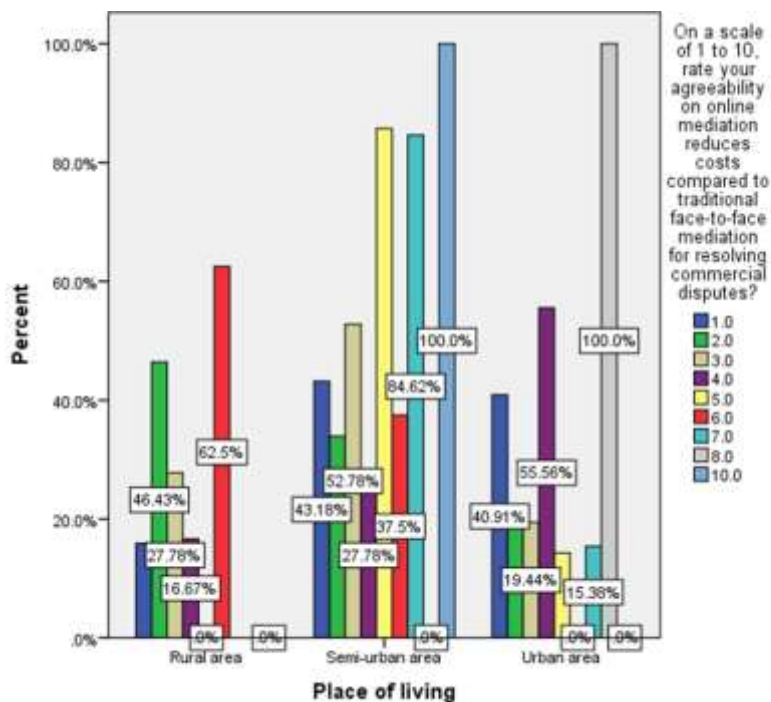
Legend: Figure 7 showing the agreement of the sample respondents on online mediation being a more convenient method for resolving commercial disputes compared to traditional face-to-face mediation and their educational qualification.

Figure 8



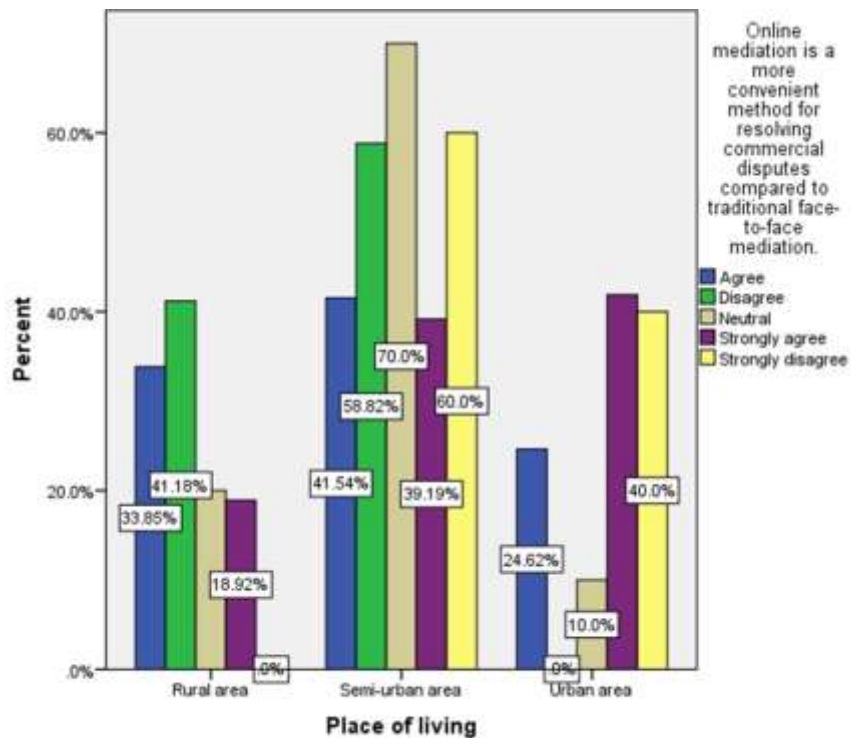
Legend: Figure 8 showing the agreement of the sample respondents on the reduced ability to read body language and non verbal cues in online mediation can make it difficult to understand the emotions and intentions of the other party in commercial disputes and their occupation.

Figure 9



Legend: Figure 9 showing the agreement of the sample respondents on a scale from 1 to 10 on online mediation reducing the costs compared to traditional face-to-face mediation for resolving commercial disputes and their place of living.

Figure 10



Legend: Figure 10 showing the agreement of the sample respondents on online mediation being a more convenient method for resolving commercial disputes compared to traditional face-to-face mediation and their place of living.

Table 1

Educational qualification * Do you think there are challenges unique to commercial disputes in online mediation? Crosstabulation

Count		Do you think there are challenges unique to commercial disputes in online mediation?		Total
		No	Yes	
Educational qualification	Higher secondary	11	38	49
	Higher studies	19	13	32
	No formal education	12	8	20
	Post graduate	15	23	38
	Under graduate	14	48	62
Total		71	130	201

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	21.682 ^a	4	.000
Likelihood Ratio	21.513	4	.000
N of Valid Cases	201		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.06.

Inference: Table 1 showing the significant relationship between the acceptance of the sample respondents on there are challenges unique to commercial disputes in online mediation and their educational qualification.

Results

(From figure 1) It is revealed that the majority of the sample respondents accepted on there are challenges unique to commercial disputes in online mediation. (From figure 2) It is revealed that the majority of the sample respondents strongly agree on online mediation is more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. (From figure 3) It is revealed that the majority of the sample respondents strongly agree on the reduced ability to read body language and non-verbal cues in online mediation can make it difficult to understand the emotions and intentions of the other party in commercial disputes. (From figure 4) It is revealed that the majority of the sample respondents chose 2 on a scale of 1 to 10 on the agreement on online mediation, reducing cost compared to traditional face-to-face mediation for resolving commercial disputes. (From figure 5) It is revealed that the majority of the sample respondents chose use of advanced technology for better communication and collaboration and how can online mediation be improved to better address the unique challenges of commercial disputes. (From figure 6) It is revealed that the majority of the sample respondents chose technical difficulties as the disadvantage of online mediation as compared to traditional face-to-face mediation in resolving commercial disputes. (From figure 7) It is revealed that the majority of the postgraduates among the sample respondents strongly disagree on online mediation being a more convenient method for resolving commercial disputes compare to traditional face-to-face mediation. (From figure 8) It is revealed that the majority of the sample respondents from the private sector, strongly disagree on the reduced ability to read, body language and non-verbal cues in online mediation can make it difficult to understand the emotions and intentions of the other party in commercial disputes. (From figure 9) It is revealed that the majority of the sample respondents from the urban and semi urban areas agree on online mediation, reducing the cost compared to traditional face-to-face mediation for resolving commercial disputes. (From figure 10) It is revealed that the majority of the sample respondents living in semi urban areas are neutral on online mediation. Being a more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. (From Table 1) It is revealed

that there is a significant relationship between the acceptance of the sample respondents on there are challenges unique to commercial disputes in online mediation and their educational qualification.

Discussion

(From figure 1) Challenge is unique to online mediation includes technological issues, limited non-verbal cues, confidentiality, and security, concerns, limited physical presence, language, and cultural differences, power, imbalance, and intimidation, limited control over the environment and lack of personal interaction. It is revealed that the majority of the sample respondents accepted on there are challenges unique to commercial disputes in online mediation. (From figure 2) Online mediation allows parties to participate from any location, eliminating the need for travel and reducing logistical challenges. This convenience can be particularly beneficial for parties located in different cities or countries. It is revealed that the majority of the sample respondents strongly agree on online mediation is more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. (From figure 3) In some cases, the absence of physical presence during online mediation may affect the emotional connection and rapport-building between parties and the mediator. Building trust and establishing a comfortable environment virtually can be more challenging compared to face-to-face interactions. It is revealed that the majority of the sample respondents strongly agree on the reduced ability to read body language and non-verbal cues in online mediation can make it difficult to understand the emotions and intentions of the other party in commercial disputes. (From figure 4) Online mediation can potentially result in cost savings for parties as it eliminates travel expenses and reduces the need for physical meeting spaces. This affordability can be especially advantageous for small and medium-sized enterprises (SMEs) or individuals with limited financial resources. It is revealed that the majority of the sample respondents chose 2 on a scale of 1 to 10 on the agreement on online mediation, reducing cost compared to traditional face-to-face mediation for resolving commercial disputes. (From figure 5) It is revealed that the majority of the sample respondents chose use of advanced technology for better communication and collaboration and how can online mediation be improved to better address the unique challenges of commercial disputes. (From figure 6) Online mediation heavily relies on technology, and technical difficulties can pose challenges. Issues such as poor internet connectivity, audio or video disruptions, or platform glitches can disrupt the mediation process and hinder effective communication between parties. It is revealed that the majority of the sample respondents chose technical difficulties as the disadvantage of online mediation as compared to traditional face-to-face mediation in resolving commercial disputes. (From figure 7) It is revealed that the majority of the postgraduates among the sample respondents

strongly disagree on online mediation being a more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. **(From figure 8)** It is revealed that the majority of the sample respondents from the private sector, strongly disagree on the reduced ability to read, body language and non-verbal cues in online mediation can make it difficult to understand the emotions and intentions of the other party in commercial disputes. **(From figure 9)** It is revealed that the majority of the sample respondents from the urban and semi urban areas agree on online mediation, reducing the cost compared to traditional face-to-face mediation for resolving commercial disputes. **(From figure 10)** It is revealed that the majority of the sample respondents living in semi urban areas are neutral on online mediation. Being a more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. **(From Table 1)** The use of technology varies with educational qualification and profession. People from specific profession would feel technological development of law to be more convenient while others would deny on the same. It is revealed that there is a significant relationship between the acceptance of the sample respondents on there are challenges unique to commercial disputes in online mediation and their educational qualification.

Limitations & Scope of the Study

The utilization of the convenience sampling method through google forms gave out a biased output that cannot be avoided. The sample respondents were common public and not specified to the area of research. As there was a very short span of time to conduct and complete the research, the respondents were not on a large scale. There are no specific government initiatives on online mediation which could not be covered in the study.

Conclusion

Use of advanced technology for better communication and collaboration can improve better address the unique challenges of resolving commercial disputes in online mediation. The findings will provide valuable insights for businesses, legal practitioners, policymakers, and online mediation platforms, enabling them to make informed decisions regarding the use and promotion of online mediation as an alternative dispute resolution mechanism.

Commercial disputes can be complex and time-consuming, often leading to significant financial losses for businesses. Traditional litigation methods are frequently burdensome, costly, and can cause delays in resolving disputes. Online mediation offers an alternative approach that aims to expedite the resolution process while reducing costs and enhancing party autonomy. By leveraging technology, online mediation allows parties to engage in dispute resolution remotely, facilitating efficient communication and negotiation. This study aims to contribute to the existing body of knowledge on online mediation by evaluating its effectiveness in the context of commercial dispute resolution in India.

Online mediation is effective on resolving commercial disputes in India. Online mediation is more convenient method for resolving commercial disputes compared to traditional face-to-face mediation. Online mediation reduces cost compared to traditional face-to-face mediation for resolving commercial disputes. Although there are challenges unique to online mediation. The challenges include technological issues, limited non-verbal cues, confidentiality, and security, concerns, limited physical presence, language, and cultural differences, power, imbalance, and intimidation, limited control over the environment and lack of personal interaction. Use of advanced technology for better communication and collaboration can improve better address the unique challenges of resolving commercial disputes in online mediation. The findings will provide valuable insights for businesses, legal practitioners, policymakers, and online mediation platforms, enabling them to make informed decisions regarding the use and promotion of online mediation as an alternative dispute resolution mechanism.

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