

VIRTUAL JUSTICE ARCHITECTURE: ONLINE MEDIATION AS A TRANSFORMATIVE MECHANISM UNDER THE MEDIATION ACT, 2023

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Abstract

This article examines how online technology influences traditional mediation as an alternate form of dispute resolution. It especially investigates whether digital settings affect the efficiency of mediation in accordance with its original goal. The report also examines the transformative effects of online mediation under the Mediation Act of 2023 on India's approach to dispute resolution. These rules enable for electronic mediation with written authorization, with the goal of increasing efficiency, lowering costs, and increasing accessibility while maintaining fundamental values such as confidentiality and voluntary participation. It also handles significant regulatory structures, such as regulation by India's Mediation Council. Finally, the article asserts that while online mediation has made significant progress, it will need to overcome infrastructural and social hurdles in order to reach its full potential.

Keyword: Mediation, Online Mediation, Alternative Dispute Resolution, Online Dispute Resolution, Mediation Act.

1. INTRODUCTION

Conflict, being an inherent aspect of human society, has consistently emerged in diverse areas of our existence. Conflicts and disagreements are unavoidable, and historically, litigation has functioned as the primary means for asserting rights and resolving such disputes

through the formal legal system. The adversarial nature of traditional litigation, together with its drawbacks—excessive prices, lengthy timetables, and procedural complexities—has frequently made justice inaccessible for the average citizen. In acknowledgment of these obstacles, some organizations have developed alternate methods for dispute resolution, thus avoiding the necessity of formal court hearings, prolonged delays, or costly legal representation.¹

In this context, alternative dispute resolution (ADR) has arisen as a comprehensive term that includes several techniques. The rapid proliferation and endorsement of ADR in India necessitated legal intervention, resulting in the passage of the Mediation Act, 2023, which was enacted in September 2023. This significant legislation signifies a shift in perspective, formalizing mediation as a systematic and legally binding procedure, therefore granting mediated agreements the authority and impact of a court judgment.

Section 30 of the Act² is particularly significant since it unambiguously acknowledges and legitimizes online mediation. It enables parties to participate in mediation by electronic methods or computer networks, contingent upon written consent, so illustrating the technical progress and digital change altering the legal framework. The Act's provisions for online mediation are timely and forward-thinking, addressing the demands of a post-pandemic period characterized by prevalent virtual communications. Utilizing secure digital platforms, online mediation as outlined in the Act aims

¹ Genn, Hazel (1999): Mediation in Action (London, Calouste Gulbenkian Foundation, first edition).

² The Mediation Act, 2023 (No. 32 of 2023) Ministry of Law

and Justice, Government of India.

<https://legalaffairs.gov.in/sites/default/files/MediationAct2023.pdf>

to enhance the settlement process, increase accessibility, and significantly lower costs, while maintaining essential principles such as confidentiality, impartiality, and voluntariness. The Mediation Act signifies a pivotal moment in India's pursuit of swift and fair justice, promoting a culture of amicable resolution and legal certainty in the digital era.

2. HISTORICAL CONTEXT AND EVOLUTION OF ONLINE MEDIATION IN INDIA

The evolution of online mediation in India has been neither sudden nor haphazard; instead, it has developed as a logical response to social and technological transformations, together with unexpected worldwide occurrences. Alternative Dispute Resolution (ADR) approaches have been promoted in India for an extended period, with mediation typically occurring in person, as exemplified by court-annexed schemes under Section 89 of the Code of Civil Procedure, 1908. Nonetheless, the COVID-19 pandemic in 2020 marked a pivotal moment. Courts have demonstrated creativity and innovation in their solutions to the Covid-19 pandemic, particularly in the digitization of documentation and the implementation of remote hearings.³ This change unveiled distinct benefits: individuals might engage from any location, conserving time and expenses, so enhancing inclusivity for those residing outside urban areas.

The 2023 initiative has made a significant leap by formally acknowledging internet mediation. Section 2(p) characterizes it as a procedure that may occur wholly or partially by electronic methods. This statutory support did not occur in isolation. Initiatives such as the NITI Aayog's ODR Policy Plan of 2021⁴ have established a foundation, promoting technology-driven dispute resolution to mitigate increasing case backlogs and enhance access to justice. Consequently, platforms like SAMA and CADRE rose to prominence by 2025, both reporting settlement rates surpassing 60% in

commercial cases, attributable to their user-friendly online models⁵

The Act does not mandate online mediation; it upholds the principle of consent and facilitates a combination of digital and in-person approaches, accommodating varying requirements and comfort levels. This hybrid methodology reflects India's swift digital evolution, propelled by programs such as Digital India. The country's ADR system previously fell behind in technological adoption relative to worldwide standards, however the Act now rectifies this disparity. Mediated Settlement Agreements (MSAs) obtained online possess equivalent enforceability to court decisions, reinforcing the significance of online mediation in revolutionizing India's justice delivery system for the digital age.

3. KEY PROVISIONS ENABLING ONLINE MEDIATION

Chapter VII of the Act has meticulously crafted its methodology for online mediation, with Section 30 serving as a crucial element. The Act recognizes technology as an integral component of contemporary existence, acknowledging the challenges posed by geographical separation and the complexities of coordinating schedules. Section 30 authorizes disputing parties to transition their mediation proceedings online or commence them virtually from the outset, if all participants concur. This flexibility allows business partners in disparate cities or family members living overseas to utilize mediation without the constraints of physical travel or inflexible schedules.

The process encompasses not only simple emails but also a diverse range of secure digital technologies, including video conferences, encrypted chat, and digital signatures for document and agreement authentication. These regulations ensure that each phase of online mediation, from discussions to settlement, adheres to the criteria established by the Information Technology Act, 2000, thereby assuring the legal validity and security of electronic proceedings. The Act facilitates participation using familiar platforms, rendering

³ Krans, Bart and Nylund, Anna (2021): Civil Courts Coping with Covid-19 (The Hague, Eleven International Publishing, first edition).

https://www.researchgate.net/publication/383862369_CIVIL_COURTS_COPING_WITH_COVID-19

⁴ NITI Aayog ODR Policy Plan (2021) and related reports:

Often referenced for digital divide and online ADR effects
<https://www.niti.gov.in/sites/default/files/2023-03/Designing-The-Future-of-Dispute-Resolution-The-ODR-Policy-Plan-for-India.pdf>

⁵ Ibid

mediation less daunting and more accessible, demonstrating a true comprehension of individuals' demands in a digital culture. Section 30 is not merely a technical guideline; it is a progressive initiative that reintegrates the human element into dispute resolution, enabling individuals to resolve issues efficiently, securely, and conveniently from any location.⁶

Confidentiality is a fundamental aspect of the online mediation process, as emphasized in Section 22 of the Mediation Act, 2023. The legislation is unequivocal: individuals are prohibited from recording, disseminating, or revealing the proceedings of these virtual sessions without appropriate authorization. Engaging in such actions incurs tangible repercussions, with sanctions established to deter and penalize these violations. This stringent protection instills confidence in parties to communicate openly, assured that their confidential chats would remain private, even in a digital context.

A vital component is the supervision rendered by the Mediation Council of India (MCI). Section 31 delineates that the MCI is responsible for establishing and upholding rigorous requirements for mediators functioning online. Mediators must not only comprehend mediation but also possess proficiency in digital platforms, online communication tools, and fundamental cybersecurity principles. By 2026, the MCI has advanced by issuing directives mandating that all online mediation platforms include encrypted technologies. This supplementary security fosters user trust, guaranteeing that their information and interactions are adequately safeguarded.

Timeliness is crucial in any dispute resolution process, and the Act does not permit virtual environments to serve as a justification for delays. Section 18 maintains a stringent mediation timeline: the entire procedure must be finalized within 120 days, with a singular extension of up to 60 days permitted if necessary. This indicates that despite parties convening online from various locations,

there remains a strong dedication to expeditiously and effectively resolve issues.⁷

The most empowering component is the enforceability of online Mediated Settlement Agreements (MSAs). Per Section 28, once an online settlement is validated, it possesses equivalent legal authority to an in-person agreement. The conclusion is binding, and an agreement can only be contested in court under exceptional circumstances, such as instances of fraud. This assurance motivates parties to engage in online mediation, confident that their contributions will be acknowledged and upheld by legal standards.⁸

Mediation Service Providers (MSPs), as delineated in Section 40, play a crucial role in ensuring the seamless operation of processes. They are responsible for supplying and sustaining the digital infrastructure required for online mediation. This encompasses secure video conferencing platforms, digital signature capabilities, and seamless connection with current court systems, as mandated by Section 7. This integration guarantees that when a case is referred from a court for mediation, the move to an online platform is seamless and effective.⁹

Nonetheless, the Act acknowledges that not all disputes are appropriate for online resolution. Certain case categories, including those necessitating physical evidence examination or sensitive matters best addressed in person, are barred from online mediation, as outlined in Schedule I. This methodical approach acknowledges the distinct characteristics of each conflict and guarantees that online mediation is employed only when it genuinely enhances value.

These provisions collectively establish a conducive environment for online mediation in India. The effectiveness of these interventions ultimately depends on their implementation. The measures implemented by the MCI, including the requirement for encrypted platforms, have begun to enhance confidence in online dispute resolution by 2026. Ongoing focus on training,

⁶ The Mediation Act, 2023 (No. 32 of 2023) Ministry of Law and Justice, Government of India.
<https://legalaffairs.gov.in/sites/default/files/MediationAct2023.pdf>

⁷ Ibid.

⁸ Ibid

⁹ Ibid

technology, and adaptability will be essential to guarantee that these hopeful reforms result in genuine and significant access to justice for all.

4. POSITIVE EFFECTS: ENHANCING EFFICIENCY AND ACCESSIBILITY

The Mediation Act of 2023 has significantly transformed online mediation by enhancing the accessibility of justice for all individuals. Envision a farmer from an isolated village, a young woman overseeing a household in a modest town, or an elderly individual hesitant to journey to a far-off city; they can now settle conflicts without departing from their residences. In a nation as expansive and diverse as India, where accessing a courtroom frequently entails prolonged travel and considerable costs, the transition to online mediation is transformative. Research from 2025 indicates that this has reduced expenses for participants by as much as 70%, a significant saving that can greatly impact individuals on a limited budget. This advancement revitalizes Article 39A of the Constitution, which mandates equitable justice and opportunities for all, particularly benefiting women, older persons, and low-income families who may otherwise be marginalized within the legal system.¹⁰

The advantages extend beyond mere financial savings. Mediation is now readily accessible via video call, allowing individuals to arrange sessions at their convenience, regardless of their geographical locations. This flexibility has resulted in expedited case settlements; specifically, following the enactment of the Act, family conflicts have experienced a 25% reduction in resolution time. Envision resolving a protracted dispute from the convenience and security of your residence, without the concerns of work absences or childcare arrangements. The Act guarantees that online

agreements are formal and enforceable, and due to digital audit trails, the likelihood of breach of promise is diminished.

There is also evident financial alleviation. Conventional mediation frequently necessitated securing venues and traveling to urban locations, which could be inaccessible for small business proprietors or individuals. Online mediation utilizes contemporary programs for computers, mobile phones, and tablets, such as Google Meet, Zoom, Microsoft Teams, and Webex, enabling all parties to visually connect with one another. E-mediation can be executed similarly to traditional mediation, however without a physical meeting. The ongoing advancement of technology indicates that videoconferencing is becoming prevalent and serves as a genuine substitute for in-person interactions.¹¹ This enables small and medium firms, together with individuals, to pursue prompt resolutions without imposing financial burden. Fewer journeys result in reduced pollution, aiding India in achieving its environmental sustainability objectives.¹²

On a personal level, online mediation alters the emotional dynamics of dispute resolution. Engaging from behind a screen can effectively equalize circumstances, particularly in delicate matters such as marriage conflicts.¹³ It enables individuals to communicate more openly, unencumbered by the daunting formality of courtrooms or the presence of the opposing side. The stringent secrecy provisions in the Act, along with encrypted communication channels, instill trust that individuals' private concerns will remain discreet. Awareness of the protection of their speech enables individuals to engage in candid and transparent discussions, frequently essential for discovering mutual understanding.¹⁴

¹⁰ Centre for Law & Transformative Change, "Justice Within Reach: How the Mediation Act 2023 is Transforming Legal Access in India" (2025). <https://cltc.law/justice-within-reach-how-the-mediation-act-2023-is-transforming-legal-access-in-india>

¹¹ Melamed, James (2000): "Mediating on the Internet: Today and Tomorrow". Available at: <https://mediate.com/mediating-on-the-internet-today-and-tomorrow/>

¹² Nishith Desai Associates, "Decoding the Mediation Act, 2023" (2023).

<https://www.nishithdesai.com/NewsDetails/10748>

¹³ Indian Journal of Law and Legal Research, "Mediation in Matrimonial and Family Disputes: A Study on Effectiveness in Reducing Litigation Burden" (2025).

<https://www.ijlrr.com/post/mediation-in-matrimonial-and-family-disputes-a-study-on-effectiveness-in-reducing-litigation-burden>

¹⁴ A Comparative Study of Mediation and Litigation in Matrimonial Dispute Resolution (August 30, 2025). International Journal of Dispute Resolution, Volume 1, No. 4. Pp. 1-74 <https://ijdr.co.in/wp->

Collectively, these modifications not only modernize the mediation process but also provide optimism for alleviating the longstanding backlog burdening our civil courts.¹⁵ Online mediation has the capacity to resolve 15 to 20% of outstanding civil cases annually, emerging not merely as a technological advancement but as a vital resource for millions in pursuit of justice and resolution, from urban centers to the most isolated regions of the country.¹⁶

5. CHALLENGES AND LIMITATIONS: TECHNOLOGICAL AND SOCIETAL HURDLES

Although internet mediation has introduced numerous beneficial transformations, its influence in India is accompanied with challenges that are acutely experienced by individuals at risk of marginalization. The digital gap continues to be a significant concern. By 2026, almost 60% of the population will have dependable internet connectivity. Envision a farmer in a secluded village who must traverse several kilometers to obtain a reliable connection, or an old widow in a town who has never utilized a smartphone. The prospect of internet mediation remains unattainable for them.¹⁷ The differences in technological access encounter obstacles and possible inequalities, as the populations targeted by the Act comprise rural residents, individuals with lower educational attainment, and those with fewer means.¹⁸ Furthermore, the Act assumes a degree of technological preparedness that is not universally present. Inadequate infrastructure in remote areas frequently results in dropped calls or frozen screens, disturbing sensitive mediation sessions and complicating the assurance of

equity for all participants. When a session is disrupted, confidence in the process can rapidly diminish.¹⁹

Mediators encounter difficulties as numerous individuals continue to acclimate to digital instruments. Insufficient training may result in clumsy technical errors or delays, eroding participants' confidence. Practical challenges arise when online agreements are not upheld, as enforcement can be complicated due to the perception that online mediation is less "official" than in-person resolutions.²⁰

Societal attitudes further complicate the situation. In numerous traditional or conservative groups, internet methods are regarded as impersonal or inappropriate, especially for familial or communal conflicts, where physical presence and social rituals are essential. Section 44 of the Act attempts to address this issue; nonetheless, entrenched behaviors are resistant to modify. By 2026, the Mediation Council of India has sought to rectify many flaws via modifications; nonetheless, inconsistent execution results in the benefits of online mediation remaining far from universal.²¹

In essence, while online mediation holds promise, its success in India will depend on bridging these technological, legal, and cultural gaps ensuring that the march towards digital justice does not leave the most vulnerable behind.

6. FUTURE PROSPECTS AND RECOMMENDATIONS

[content/uploads/2025/08/IJDR_P1.pdf](#)

¹⁵ LiveLaw, "The Mediation Act, 2023: Paving The Way For India As A Mediation Hub" (2024).

<https://www.livelaw.in/articles/mediation-act-2023-international-mediation-mediation-council-legal-services-act-adr-247652>

¹⁶ Global Legal Insights, "Litigation & Dispute Resolution Laws 2025 | India" (2025).

<https://www.globallegalinsights.com/practice-areas/litigation-and-dispute-resolution-laws-and-regulations/india>

¹⁷ EPRA International Journal of Multidisciplinary Research, "THE MEDIATION ACT, 2023: TRANSFORMING INDIA'S DISPUTE RESOLUTION LANDSCAPE - A CRITICAL ANALYSIS" by S. Angel (2025).

<https://eprajournals.com/IJMR/article/18013>

¹⁸ Data Reportal – Global Digital Insights, "Digital 2025: India" (Feb 2025). <https://datareportal.com/reports/digital-2025-india>

¹⁹ International Bar Association, "India: The Mediation Act 2023 - Will the ADR Wave Pick Up Momentum?" (2023/updated). <https://www.ibanet.org/india-mediation-act-2023-will-the-ADR-wave-pick-up-momentum>

²⁰ Global Legal Insights, "Litigation & Dispute Resolution Laws 2025 | India" (2025).

<https://www.globallegalinsights.com/practice-areas/litigation-and-dispute-resolution-laws-and-regulations/india>

²¹ Ibid.

The future implications of online mediation under the Mediation Act, 2023, will hinge on the careful enhancement of its implementation in the next years. Experts assert that, with appropriate investments and reforms, internet mediation might manage up to 40% of all civil conflicts in India by 2030. Realizing this objective necessitates not only technological expansion but also a humanistic approach and a methodical methodology that ensures inclusivity for all.

Primarily, addressing the digital divide should be established as a national priority. Envision a rural student, an elderly retiree, or a small company proprietor in a secluded region of the country—all ought to have seamless access to mediation services. This entails collaboration between the government and commercial sector to deliver affordable smartphones, tablets, and dependable internet access in underserved areas, facilitated by targeted subsidies or Digital India initiatives. Digital literacy training is equally vital, enabling individuals unfamiliar with technology to engage effectively in online mediation sessions.

MCI should require cybersecurity certifications for mediators and platforms to safeguard privacy and foster confidence. AI-powered tools for transcription and translation will enhance involvement. Public outreach and judicial support are essential for the extensive adoption and smooth integration of e-court systems, rendering online mediation accessible and efficient.

However, technology by itself cannot resolve every issue. Hybrid methods that include online and in-person options may be implemented in communities with cultural reservations or inadequate infrastructure. The pilot programs in rural and tribal regions will deliver essential flexibility and yield significant insights for national system expansion. By enhancing recommendations informed by feedback from these trials, officials can render the process more inclusive and attuned to local requirements.

In summary, online mediation possesses the capacity to profoundly transform the delivery of justice in India. Enhancing accessibility, affordability, and user-friendliness might redirect emphasis from contentious judicial disputes to collaborative problem-solving. As an increasing number of individuals recognize its advantages, the culture of perpetual litigation may progressively transition to one of discourse and

reconciliation, rendering justice not merely a right, but an experiential reality for everyone.

7. CONCLUSION

The revolutionary potential of online mediation under the Mediation Act, 2023, is significant. Online mediation has revitalized India's conflict resolution framework, rendering justice more accessible, economical, and efficient for millions, especially individuals in remote and underserved regions. The Act's comprehensive framework has initiated a transformation, redirecting emphasis from contentious, protracted legal disputes to cooperative, technology-driven resolutions. This paradigm change is progressively transforming justice from merely a constitutional entitlement into a tangible, lived experience for all citizens.

Nonetheless, the trip is fraught with obstacles. The digital gap continues to pose a substantial barrier, since numerous rural, elderly, and marginalized individuals still lack dependable access to digital infrastructure or the competencies to engage securely in online activities. Issues of data privacy, cybersecurity, and the risk of technological exclusion must be addressed to avert the emergence of new inequities.

The Mediation Act, 2023, exemplifies adaptive lawmaking and India's dedication to inclusive prosperity as the nation advances towards digital justice. By resolving the current deficiencies with compassion and forethought, India may establish online mediation as a fundamental component of its justice system, providing prompt, fair, and significant resolutions, not only in the courtroom but throughout the entire nation.