

Digitization of ADR in India Post-COVID: Temporary Fix or Paradigm Shift?

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Abstract

The COVID-19 pandemic ushered in an era of accelerated digitization across the legal landscape, with Alternative Dispute Resolution (ADR) mechanisms experiencing a swift and unprecedented shift from traditional, in-person processes to virtual formats. Arbitration, mediation, and conciliation proceedings were rapidly adapted to digital platforms as an emergency response to ensure continuity of justice. However, three years on, the question remains: was this transformation a temporary fix, or has it triggered a paradigm shift in how ADR will operate in India?

This research critically examines the trajectory of digitization in ADR post-COVID, evaluating both its functional viability and systemic implications. The paper begins by mapping the timeline of technological adoption within ADR institutions and forums in India, including online arbitration centers and court-annexed mediation programs. It then assesses the legislative and procedural accommodations made to facilitate virtual proceedings, such as amendments in institutional rules and judicial support through key judgments.

A doctrinal and policy-oriented analysis is conducted to explore the efficacy, accessibility, and enforceability of digital ADR. Issues surrounding digital equity, cybersecurity, procedural fairness, and the preservation of confidentiality are analyzed in detail. Furthermore, the research investigates whether digitization has substantively enhanced access to justice, particularly for parties located in remote or underserved regions—or whether it has deepened the digital divide. Drawing from comparative practices in jurisdictions such as Singapore, the UK, and the EU, the paper assesses India's position in the global ADR ecosystem and examines whether the post-pandemic digital infrastructure can support long-term institutionalization of online ADR. The study concludes with forward-looking policy suggestions for sustaining a hybrid or fully digital ADR model that balances efficiency, equity, and procedural integrity.

Keywords: Online Dispute Resolution, COVID-19, Arbitration, Mediation, Access to Justice

Introduction

Contextualizing the Rise of Digital ADR in India

The advent of the COVID-19 pandemic in early 2020 precipitated a tectonic shift in the functioning of legal institutions across the globe. In India, a country traditionally reliant on physical presence and courtroom-centric dispute resolution, the pandemic posed an unprecedented challenge to the continuity of legal services. With courts, tribunals, and dispute resolution fora rendered inaccessible due to lockdowns and public health protocols, the justice delivery system faced an existential disruption. The pandemic did not merely expose the fragility of the physical infrastructure but also underscored the urgency of adopting technologically integrated models of adjudication and dispute resolution.

In this climate of uncertainty, Alternative Dispute Resolution (ADR) mechanisms—especially arbitration, mediation, and conciliation—emerged as pivotal instruments for sustaining legal processes. Characterized by procedural flexibility, consensual frameworks, and relative insulation from the rigidities of formal litigation, ADR mechanisms lent themselves more readily to digitization. What was initially conceived as an exigent, stopgap adaptation soon evolved into a systemic shift, as virtual dispute resolution began to demonstrate both functional viability and procedural resilience.

The integration of digital platforms into ADR proceedings was swift and multifaceted. Arbitral institutions, mediation centers, legal tech startups, and even courts began to adopt video conferencing tools, e-filing systems, digital signature protocols, and cloud-based documentation practices. Organizations such as the Mumbai Centre for International Arbitration (MCIA), Delhi International Arbitration Centre (DIAC), and Centre for Mediation and Conciliation (CMC) swiftly transitioned to online formats, issuing procedural guidelines to facilitate virtual hearings. Simultaneously, private platforms such as Presolv360, Sama, and ODRways witnessed a surge in demand, offering scalable, user-friendly digital interfaces for resolving civil, commercial, and consumer disputes.

This rapid transition was not without historical precedent. Discussions surrounding Online Dispute Resolution (ODR) had been percolating in academic and policy circles for over two decades, with sporadic efforts to institutionalize its use—particularly in domains such as e-commerce and cross-border trade. However, until the onset of the pandemic, ODR had remained largely peripheral to mainstream legal discourse in India. The inertia could be attributed to a confluence of factors: technological skepticism, institutional inertia, lack of regulatory clarity, and a general preference for in-person proceedings grounded in oral advocacy and judicial demeanour.

The pandemic, however, catalyzed a reconfiguration of this status quo. The Supreme Court of India, through a series of suo motu orders and practice directions, endorsed the use of virtual hearings and encouraged subordinate courts and tribunals to adopt similar practices. Notably, the Supreme Court's E-Committee, in collaboration with the Department of Justice, issued protocols for e-filing, virtual conferencing, and digital notarization. While these developments primarily concerned litigation, they inadvertently legitimized the broader use of technology in legal processes, including ADR.

Within the ADR landscape, the transition to online modes was driven by both necessity and innovation. In arbitration, for instance, the ICADR and MCIA facilitated remote evidentiary hearings, cross-examinations via secure video links, and online submission of written pleadings. Mediation, traditionally viewed as an intensely personal and trust-based process, also found expression in digital form, albeit with certain adjustments. Mediators adapted their techniques to account for the absence of physical cues and resorted to virtual caucusing, breakout rooms, and real-time collaboration tools. Even conciliation proceedings under statutory frameworks, such as those governed by the Industrial Disputes Act, were conducted in hybrid or fully virtual formats under the aegis of conciliatory officers and government-appointed boards.

One of the most significant outcomes of this digital pivot was the democratization of access to ADR. Virtual hearings obviated the need for geographical proximity, thereby enabling parties from rural, semi-urban, or remote areas to participate in proceedings without incurring prohibitive travel and accommodation costs. Similarly, practitioners and neutrals located outside metropolitan hubs could engage in proceedings without being disadvantaged by logistical constraints. This realignment holds transformative potential for decentralizing legal services in a country marked by uneven infrastructural development and acute urban-rural disparity.

At the same time, the digital shift also foregrounded a series of concerns and contradictions. Questions arose regarding the integrity of virtual proceedings, confidentiality of sensitive information, reliability of technology, and enforceability of digital awards and settlements. Procedural fairness, particularly for self-represented litigants or parties with limited digital literacy, emerged as a pressing issue. Moreover, the absence of a consolidated legislative or regulatory framework governing virtual ADR proceedings led to fragmentation, with different institutions adopting varied protocols and standards.

Yet, it is this very tension between opportunity and ambiguity that makes the post-COVID landscape of ADR in India a fertile ground for scholarly exploration. Has the digitization of ADR evolved into a permanent structural transformation, or does it merely constitute a reactive adjustment to an extraordinary crisis? Can virtual mechanisms replicate the nuanced, interpersonal dynamics that underpin consensual dispute resolution, particularly in complex or emotionally charged matters? Will digital ADR become the norm in commercial disputes, while remaining peripheral in other domains?

This research seeks to interrogate these questions by examining the legal, institutional, and socio-technical dimensions of digital ADR in India. By situating the Indian experience within a comparative framework that draws insights from jurisdictions such as Singapore, the United States, and the European Union, the study endeavours to map both the trajectory and tenability of online ADR as a long-term alternative to traditional formats.

In doing so, the research aspires not only to assess the implications of digital ADR for access to justice and legal efficiency but also to offer concrete policy suggestions for developing a cohesive, inclusive, and technologically resilient dispute resolution ecosystem in India. Ultimately, this inquiry is guided by the understanding that while technology may not replace the

human element of justice, it can certainly be harnessed to amplify its reach, accessibility, and efficacy—provided the transformation is underpinned by thoughtful regulation and inclusive design.

Legal and Institutional Responses to Digitization

Regulatory Changes, Court Guidelines, and Institutional Rules

The digitization of Alternative Dispute Resolution (ADR) in India did not occur in an institutional vacuum. The COVID-19 pandemic, while abrupt in its onset, prompted a responsive and gradually maturing legal and regulatory ecosystem. Courts, government bodies, arbitral institutions, and mediation centers were compelled to recalibrate their operational norms to adapt to a new digital paradigm. This section explores the way institutional rules, judicial directions, and regulatory interventions facilitated this transition and helped create a framework within which digital ADR could evolve and function with a degree of legitimacy.

At the forefront of this shift were the Indian judiciary and associated regulatory authorities, which recognized the need to sustain the justice delivery system amidst lockdowns. One of the earliest and most significant interventions came from the Supreme Court of India, which, via its order dated 6 April 2020 in *In Re: Guidelines for Court Functioning through Video Conferencing during COVID-19 Pandemic*, laid down broad principles for the use of video conferencing in judicial proceedings. While this order pertained primarily to courts, it had a cascading impact on ADR forums, which began modelling their own procedural adaptations on similar lines.

The E-Committee of the Supreme Court, chaired by Justice D.Y. Chandrachud (former Chief Justice of India), released the Phase II E-Courts Project Vision Document, which included guidelines for integrating technology in all facets of dispute resolution. This document encouraged digital filing, e-summons, and video conferencing as key procedural tools. Although not binding on ADR processes, the vision provided institutional legitimacy and a policy cue for other bodies to emulate. It marked a conceptual shift in the judiciary's approach, from passive observer to active enabler of technological change.

The Arbitration and Conciliation Act, 1996 was not amended specifically to introduce digital procedures; however, its inherent flexibility—particularly under Section 19, which allows parties and tribunals to determine their own procedure—enabled virtual hearings to be incorporated with minimal friction. Further, Section 24's provision for oral hearings was interpreted by several tribunals to include virtual proceedings, thereby giving a statutory imprimatur to digital arbitration. Case law evolved accordingly, with courts upholding the validity of online hearings and awards in cases such as *Quippo Construction Equipment Ltd. v. Janardan Nirman Pvt. Ltd.* (2020), wherein the Delhi High Court ruled that non-participation in a virtual hearing cannot be a ground to challenge an award if due notice was served.

Simultaneously, several arbitral institutions revised their rules to incorporate provisions facilitating online proceedings. The Mumbai Centre for International Arbitration (MCIA), for instance, released its “Best Practices Guidelines” for virtual hearings, covering aspects such as digital evidence submission, remote witness examination, and e-award issuance. Similarly, the

Delhi International Arbitration Centre (DIAC) and Indian Council of Arbitration (ICA) issued operational circulars encouraging digital filing and virtual case management conferences.

On the mediation front, pre-litigation and court-annexed mediation centres in Delhi, Bengaluru, Mumbai, and Chennai began using video conferencing tools such as Zoom, Cisco Webex, and Google Meet to conduct virtual mediations. The process was legitimized by administrative orders from various High Courts which expressly permitted online mediation as a valid procedural alternative, subject to the consent of both parties. The Tamil Nadu Mediation and Conciliation Centre, for example, conducted over 1,500 mediations online between 2020 and 2022, with a reported settlement rate of 65%, thereby demonstrating the practical efficacy of digital modes.

In addition to institutional and judicial responses, governmental schemes and legal tech platforms also played a critical role in mainstreaming digital ADR in India. One such initiative is SAMADHAN, a digital conciliation and mediation portal developed under the aegis of the Department of Legal Affairs, Ministry of Law and Justice. Aimed primarily at reducing the backlog of commercial and contractual disputes involving public sector undertakings (PSUs), SAMADHAN offers a structured interface for online resolution through trained mediators and conciliators. The platform has been commended for its user-centric design and has resolved hundreds of government-related disputes since its launch.

Similarly, CAMP Arbitration and Mediation Practice, a Bengaluru-based private initiative, pivoted swiftly to digital mediation during the pandemic. It introduced online scheduling systems, secure document repositories, and private breakout rooms for caucuses. Notably, CAMP maintained its emphasis on ethical and interest-based mediation, adapting techniques to suit the limitations and opportunities of virtual communication. Its success in commercial and workplace disputes—particularly involving technology companies—has become a model for other practitioners.

Another prominent player in the digital ADR space is ODRways, a tech-driven platform offering online arbitration and mediation services. ODRways focuses on consumer and e-commerce disputes and has built partnerships with fintech companies, logistics providers, and e-marketplaces. Its AI-assisted dispute intake mechanism and use of standardized templates for negotiation and settlement have made it attractive for high-volume, low-stakes disputes—traditionally under-served by conventional legal systems.

Presolv360 and Sama are two other platforms that exemplify the convergence of law and technology in the ADR ecosystem. Presolv360, incubated by the Maharashtra State Innovation Society, provides end-to-end ODR services and has received recognition from NITI Aayog for its work in financial dispute resolution. Sama, on the other hand, operates on a scale, having partnered with the Department of Consumer Affairs to resolve digital consumer grievances. Both platforms employ real-time dashboards, smart contract templates, and digital evidence protocols, enabling speedier, paperless, and more inclusive dispute resolution.

These platforms are not just service providers but also catalysts for regulatory evolution. They often participate in consultations with the Law Commission, Bar Council, and Ministry of Law and Justice, thereby influencing policy discourse. Their practical experience offers empirical insights into the efficacy and limitations of digital ADR, which can be invaluable in designing future legislation and institutional frameworks.

Despite these advances, challenges remain. The absence of a uniform legislative framework for online ADR leads to fragmentation and inconsistency. Procedural standards, data protection norms, and digital security requirements vary significantly across platforms and jurisdictions. This lacuna has prompted calls for a dedicated Online Dispute Resolution Bill or the inclusion of ODR-specific provisions within the Arbitration and Conciliation Act, 1996, or the Mediation Act, 2023.

In conclusion, the legal and institutional response to digitization of ADR in India reflects a complex interplay of adaptation, innovation, and improvisation. Courts, arbitral institutions, governmental schemes, and private platforms have responded with agility to the demands of a rapidly changing landscape. Yet, to transform this digital shift from a reactive adjustment into a sustainable structural feature, a cohesive policy and regulatory architecture is essential. This will require harmonization of procedural rules, integration of ADR with national digital infrastructure (e.g., DigiLocker, e-Sign), and robust safeguards for equity, security, and enforceability. Only then can digital ADR realize its full potential as a reliable, inclusive, and future-ready alternative to traditional dispute resolution.

Critical Challenges in Virtual ADR Proceedings

Technological Barriers, Confidentiality, Enforceability, Procedural Fairness and Digital Literacy Concerns

While the rapid digitization of Alternative Dispute Resolution (ADR) mechanisms in India during and after the COVID-19 pandemic demonstrated notable adaptability and innovation, it simultaneously exposed a range of structural and procedural challenges that threaten to undermine its long-term viability. These challenges span technological infrastructure, procedural equity, data confidentiality, enforceability of outcomes, and digital literacy. A critical examination of these issues is essential to determine whether the rise of virtual ADR represents an inclusive and robust evolution or a precarious patchwork of convenience.

1. Technological Barriers and Infrastructure Inequity

A foundational impediment to effective digital ADR in India is the unequal access to reliable technology. While urban commercial entities and legal professionals in metropolitan areas may operate seamlessly with broadband internet and advanced digital tools, the same cannot be said for parties in rural, semi-urban, or economically weaker sections. According to TRAI's 2023 report, although internet penetration in India is growing, approximately 40% of the rural population still lacks stable connectivity. ADR, particularly mediation and arbitration, often relies on real-time audio-visual interaction and document sharing—practices that become unfeasible in regions with bandwidth constraints or power outages.

Additionally, disparities in device quality (e.g., outdated smartphones, lack of webcams, or insufficient memory for virtual platforms) compromise the quality of participation and, by extension, procedural integrity. These infrastructural asymmetries render virtual ADR inaccessible to a large section of potential users, risking an inadvertent reinforcement of existing socio-economic divides in access to justice.

2. Confidentiality and Cybersecurity Concerns

ADR processes are typically private and confidential, a feature that distinguishes them from litigation and forms a key reason for their popularity among corporate and individual stakeholders. However, digitization introduces new vulnerabilities. Virtual hearings conducted over third-party platforms (such as Zoom, Google Meet, and Webex) often involve data transmission through external servers. Unless platforms are end-to-end encrypted and compliant with data protection norms, there is an increased risk of unauthorized data access, eavesdropping, or information leakage.

Furthermore, cloud-based storage of documents, digital signing tools, and screen recording capabilities introduce questions about data integrity and record tampering. The absence of a dedicated data protection law in India—despite the introduction of the Digital Personal Data Protection Act, 2023—means that ADR participants are still operating in a semi-regulated digital environment. The risk of cybersecurity breaches or misuse of confidential data could dissuade parties from opting for virtual formats, especially in high-stakes commercial disputes.

3. Enforceability of Digital Outcomes

While the Arbitration and Conciliation Act, 1996 and the Mediation Act, 2023 do not prohibit the use of virtual platforms, ambiguities remain regarding the enforceability of online awards and settlements. A key concern lies in the authenticity and verifiability of electronic records and digital signatures. Though the Information Technology Act, 2000 gives legal recognition to electronic signatures, there is no uniform protocol for submitting or verifying these in ADR contexts.

In cases of cross-border disputes, the enforceability of virtual arbitral awards becomes even more complex. Questions may arise regarding the situs of arbitration, applicable procedural law, and recognition under international conventions such as the New York Convention (1958). Parties may also challenge online proceedings on grounds of technical glitches, non-participation due to connectivity failures, or procedural irregularities—jeopardizing the finality and binding nature of the outcomes.

Moreover, in mediation, while the Singapore Convention on Mediation (2019) offers a global framework for the enforcement of international mediated settlement agreements, India is yet to ratify it. As such, enforceability depends on domestic contractual remedies or voluntary compliance, both of which may falter without judicial support or legislative clarity.

4. Procedural Fairness and Natural Justice

A significant normative concern in digital ADR is the perceived dilution of procedural fairness, particularly in adversarial settings like arbitration. The principle of *audi alteram partem*—the right to be heard—may be compromised in virtual hearings where parties face frequent disconnections, audio lag, or are unable to access shared exhibits. Witness examination, cross-questioning, and interpretation of demeanour are all more complex and potentially less reliable when conducted through screens. Moreover, parties unfamiliar with technology may feel at a disadvantage, especially if their opponents have professional legal representation or superior digital infrastructure.

For mediation, the lack of physical presence can undermine the emotional and psychological dimensions of negotiation. Mediators often rely on body language, tone, and informal interaction to assess trust, sincerity, and emotional readiness—subtleties that are muted or lost in virtual formats. As a result, virtual mediation may risk becoming mechanical or superficial, particularly in cases involving sensitive interpersonal disputes.

5. Digital Literacy and Accessibility

Digital ADR presupposes a baseline familiarity with technology—a presumption that may not hold true across India's diverse litigant population. For individuals unaccustomed to operating online platforms, managing digital files, using virtual backgrounds, or navigating breakout rooms, the ADR process can become intimidating and exclusionary. Language barriers, visual or hearing impairments, and lack of digital etiquette training further compound the problem, especially for self-represented parties.

Though many ADR platforms have made commendable efforts to incorporate user-friendly designs and regional language support, the reality remains that digital literacy is unevenly distributed, both across regions and socio-economic strata. Unless virtual ADR is accompanied by capacity-building initiatives—such as digital literacy workshops, legal awareness drives, and inclusive interface design—the shift to digital risks replicating, rather than resolving, access inequalities.

The digitization of ADR in India, while promising in terms of efficiency and accessibility, faces formidable challenges that warrant serious consideration. From infrastructure deficits and confidentiality risks to questions of procedural fairness and enforceability, the current framework reveals significant gaps. These challenges are not insurmountable, but they require a proactive, coordinated response involving legal reforms, technological safeguards, and user-centric design. Unless these structural and procedural issues are addressed holistically, digital ADR may fall short of its transformative potential. Rather than becoming an equalizer of justice, it may inadvertently create a dual-track system where only the digitally privileged can fully participate. The next section explores global practices and comparative perspectives to better understand how other jurisdictions have navigated similar challenges in integrating technology into dispute resolution.

Comparative Jurisprudence and Global Trends

Lessons from Singapore, the UK, and UNCITRAL ODR Models

The digitization of ADR has not been a uniquely Indian phenomenon. Globally, several jurisdictions and institutions have embraced the integration of technology into dispute resolution, with varying degrees of success. Among them, Singapore, the United Kingdom, and UNCITRAL stand out for their forward-thinking models and robust regulatory support. Examining these jurisdictions provides valuable insight into how India might enhance its own digital ADR ecosystem by borrowing best practices while tailoring them to local realities.

4.1 Singapore: Institutional Leadership and Regulatory Foresight

Singapore has long been a global leader in international arbitration and mediation. The city-state's approach to digital ADR combines regulatory clarity, institutional competence, and government support. The Singapore International Mediation Centre (SIMC) and the Singapore International Arbitration Centre (SIAC) were among the earliest adopters of virtual proceedings, facilitated by strong IT infrastructure and clear procedural rules.

During the COVID-19 pandemic, the Singapore Mediation Act (2017) and the Singapore Convention on Mediation proved invaluable. The legislation provided a statutory basis for enforcing mediated settlements, including those reached through online modes. Furthermore, SIMC adopted the 'Arb-Med-Arb' protocol, which seamlessly integrated arbitration and mediation processes, making digital transitions smoother.

The Singapore courts also supported online hearings. In the case of *Re Bumi Armada Offshore Holdings Ltd.* [2020] SGHC 173, the Singapore High Court recognized the validity of remote hearings and reiterated that technological innovations must not erode the principles of natural justice. Notably, Singapore's judiciary, legislature, and ADR institutions function in harmony—an approach India may emulate to avoid fragmented progress.

In addition, Singapore's ODR sandbox initiatives, supported by the Infocomm Media Development Authority (IMDA) and Ministry of Law, have encouraged legal tech startups to experiment with AI-driven ODR platforms, including chatbot-led negotiation tools. The country's measured and incentivized innovation ecosystem exemplifies how policy can foster sustainable digital growth.

4.2 United Kingdom: Judicial Support and Pragmatic Innovation

The UK has shown considerable resilience in digitizing its legal and dispute resolution systems. Even prior to the pandemic, the Civil Justice Council and Online Court Reform Programme had envisioned the transition toward digital processes, including mediation and adjudication for small claims and consumer disputes.

With the onset of COVID-19, the UK's judiciary, including the Technology and Construction Court (TCC) and Commercial Court, swiftly moved to virtual formats. In *National Bank of Kazakhstan v. The Bank of New York Mellon* [2020] EWHC 916 (Comm), the High Court

validated remote hearings in complex commercial matters, noting that justice should not be sacrificed due to technical challenges when they can be reasonably addressed.

In terms of ADR, the Centre for Effective Dispute Resolution (CEDR) and the Chartered Institute of Arbitrators (CI Arb) issued comprehensive protocols for online mediation and arbitration, including secure platform guidelines, e-disclosure standards, and protocols for handling vulnerable witnesses. The emphasis on procedural fairness, especially for unrepresented parties, remains a hallmark of the UK approach.

Importantly, the UK's civil procedure rules (CPR) allow significant flexibility, which ADR practitioners leveraged to build hybrid models. Moreover, online mediation has been made mandatory in certain categories of disputes—most notably in family and small claims tribunals—reflecting a shift from optional to institutionalized ODR.

4.3 UNCITRAL and the Promise of Cross-Border ODR

The United Nations Commission on International Trade Law (UNCITRAL) has long advocated for harmonizing legal frameworks for cross-border dispute resolution. In 2016, UNCITRAL adopted Technical Notes on Online Dispute Resolution, offering a non-binding but detailed guide to the design and operation of ODR systems.

These Notes stress the importance of:

- **Modularity** in design (negotiation, then mediation, and finally arbitration)
- **Automation** of procedural steps (e.g., digital notifications, pre-filled templates)
- **Neutral platforms** that are independent of either disputing party
- **Accessibility** for linguistically and technologically diverse populations

UNCITRAL's model offers a framework for India, especially for cross-border e-commerce disputes, where low-value claims often go unresolved due to jurisdictional and logistical hurdles. Moreover, aligning with UNCITRAL models could strengthen India's credibility in international commercial dispute resolution, thereby complementing its broader aspiration to become a global ADR hub.

Conclusion and the Way Forward: Building a Sustainable Digital ADR Ecosystem Hybrid Models, Policy Recommendations, Capacity-Building Initiatives

The digital pivot in ADR, while prompted by necessity, has now reached a threshold where it must be reassessed not merely as a temporary mechanism, but as a structural component of the legal ecosystem. This requires a forward-looking strategy that addresses current deficiencies while institutionalizing innovation. The future of ADR in India will likely rest on the adoption of hybrid models, comprehensive policy interventions, and sustained capacity-building efforts.

5.1 Embracing Hybrid ADR Models

Experience from India and abroad suggests that a hybrid model—blending digital and in-person processes—is most likely to ensure accessibility, efficiency, and procedural integrity. For instance, preliminary hearings, document exchanges, and procedural conferences may be conducted online, while final arguments or witness examination in sensitive cases could be reserved for physical interaction.

Hybrid models also help balance stakeholder comfort with technological convenience. In mediation, hybrid formats allow rapport-building and trust-building exercises in person while enabling the rest of the negotiation process to be conducted digitally. For arbitration, hybrid proceedings optimize costs and reduce delays while maintaining procedural rigour.

India's institutional rules—especially those of DIAC, MCIA, and NCLT—should be updated to formally include hybrid modes, with model clauses and procedural guidance to ensure consistency and legal validity.

5.2 Policy Recommendations

To facilitate a resilient digital ADR ecosystem, a series of interlinked policy reforms are recommended:

1. **Codification of Digital ADR Procedures**

Incorporate explicit provisions in the Arbitration and Conciliation Act, 1996 and Mediation Act, 2023 allowing and regulating digital proceedings, including recognition of e-signatures, video testimony, digital awards, and remote witness management.

2. **Standardization of Platform and Procedural Norms**

A unified technical and ethical protocol should be developed by a central authority, such as the Ministry of Law and Justice or NITI Aayog, to govern virtual ADR proceedings across private and public platforms.

3. **Enforceability Clarity and Integration with Digital India**

The enforceability of virtual awards and settlements should be clarified through judicial pronouncements or statutory amendment. Integration with e-Courts services, DigiLocker, and India Stack would enable a seamless flow from dispute resolution to enforcement.

4. **Adoption and Ratification of International Frameworks**

India should consider ratifying the **Singapore Convention on Mediation**, thereby boosting the international enforceability of its mediated settlements and enhancing investor confidence.

5. **Creation of a National ODR Framework**

A comprehensive “ODR India Framework,” akin to the National Digital Health Mission, can map the roles of stakeholders, minimum technology standards, dispute categories, and grievance redressal mechanisms for platform conduct.

5.3 Capacity-Building and Inclusion

The success of digital ADR rests heavily on the **human capital** that sustains it. Therefore, capacity-building should be undertaken at multiple levels:

- **Training Programs for Practitioners and Neutrals**

Continuous education on digital tools, virtual communication techniques, and ethics in online ADR should be institutionalized through bar councils, universities, and judicial academies.

- **Digital Literacy Drives for Users**

Targeted workshops for MSMEs, consumer groups, and rural populations can demystify ODR processes and encourage voluntary adoption.

- **Technological Support Units**

ADR centers may house “digital facilitation units” that assist parties and neutrals with technical support, thereby preventing proceedings from being derailed by minor glitches.

- **Multilingual and Accessible Interfaces**

ODR platforms should ensure interfaces are available in major Indian languages and comply with accessibility standards for persons with disabilities, thereby fostering true inclusivity.

5.4 Ethical Considerations and Long-Term Vision

Digitization must be grounded in ethical and constitutional values. Care must be taken to ensure:

- Consent is meaningful, especially for weaker parties
- Confidentiality is not compromised by surveillance or data-sharing practices
- Power imbalances are not exacerbated by digital disparities

Ultimately, digital ADR must serve the core purpose of dispute resolution—delivering fair, timely, and cost-effective outcomes. Its institutionalization must not be driven solely by convenience or cost-saving, but by a commitment to justice, equity, and rule of law.

Conclusion

India stands at a crossroads in its ADR journey. The pandemic-era shift to virtual modes demonstrated that digitization is not only feasible but, in many cases, desirable. However, a sustainable transformation requires more than technological adaptation. It demands an integrated framework that balances innovation with inclusion, flexibility with structure, and efficiency with justice.

The international experiences of Singapore, the UK, and UNCITRAL offer a wealth of models that India can draw upon—provided these are calibrated to India's unique constitutional, infrastructural, and socio-legal realities. A robust and inclusive digital ADR framework can, if developed thoughtfully, enhance India's standing in the global legal arena while deepening access to justice for its citizens.

The time is ripe not only to ask whether digitization is a temporary fix or a paradigm shift—but to actively shape the answer.

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