



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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# **ONLINE DISPUTE RESOLUTION AS A NEW DIMENSION OF ALTERNATIVE DISPUTE RESOLUTION IN INDIA**

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### **Abstract**

*The exponential growth of digital technologies has profoundly transformed legal processes across jurisdictions, and dispute resolution is no exception. In India, where the judicial system continues to grapple with chronic pendency of cases, procedural delays, and limited access to justice, **Online Dispute Resolution (ODR)** has emerged as a promising extension of Alternative Dispute Resolution (ADR). ODR represents the convergence of information and communication technology with traditional ADR mechanisms such as arbitration, mediation, and conciliation, enabling parties to resolve disputes through online platforms without the constraints of physical presence. This research paper examines ODR as a new and evolving dimension of ADR in India, analysing its conceptual foundations, legal recognition, institutional frameworks, practical applications, and future potential within the Indian justice delivery system.*

*The Indian judiciary has long recognised ADR as a vital tool for reducing litigation burden and promoting consensual dispute resolution. Legislative instruments such as the Arbitration and Conciliation Act, 1996 and judicial encouragement under Section 89 of the Code of Civil Procedure, 1908 have established ADR as an integral component of civil justice administration. However, despite these reforms, access to ADR remains uneven, particularly for small-value disputes, cross-border commercial disagreements, and conflicts involving geographically dispersed parties. In this context, ODR offers a technologically enabled solution that enhances efficiency, cost-effectiveness, and inclusivity by facilitating dispute resolution through digital means such as video conferencing, online negotiation tools, and automated case management systems.*

*This paper argues that ODR is not merely a digital replication of traditional ADR but a distinct and innovative dispute resolution ecosystem with unique procedural, legal, and ethical implications. ODR has gained particular relevance in India in the aftermath of the COVID-19 pandemic, which accelerated the adoption of virtual courts, e-filing systems, and online hearings. Government initiatives such as Digital India and judicial endorsements of virtual dispute resolution have further strengthened the case for mainstreaming ODR within India's justice architecture. Private ODR platforms have also played a significant role in resolving disputes related to e-commerce, fintech, consumer grievances, and micro, small, and medium enterprises (MSMEs), thereby demonstrating the scalability and adaptability of ODR mechanisms.*

*At the same time, the expansion of ODR in India raises critical legal and policy questions that require careful examination. Issues relating to enforceability of ODR outcomes, data privacy and cybersecurity, digital divide, procedural fairness, and neutrality of online platforms pose significant challenges to its legitimacy and effectiveness. The absence of a comprehensive statutory framework specifically governing ODR further complicates its integration into the existing ADR regime. While arbitration conducted through online means finds indirect support under the Arbitration and Conciliation Act, 1996, mediation and negotiation through ODR platforms operate largely within a regulatory grey area. This paper explores whether existing legal provisions are adequate to accommodate ODR or whether a dedicated legislative framework is necessary to ensure standardisation, accountability, and user trust.*

*The research adopts a doctrinal and analytical approach, relying on statutory provisions, judicial pronouncements, policy documents, and scholarly literature to assess the current status of ODR in India. Comparative references to international best practices are employed to contextualise India's ODR journey within the global discourse on digital justice. The paper also evaluates recent institutional developments, including court-annexed ODR initiatives and industry-led standards, to understand how ODR is being operationalised in practice. By examining both opportunities and constraints, the study seeks to present a balanced assessment of ODR's role in strengthening access to justice.*

*The central thesis of this paper is that ODR has the potential to significantly enhance India's ADR framework by making dispute resolution more accessible, affordable, and responsive to the needs of a digital economy. However, this potential can only be realised through a coherent legal framework, robust technological infrastructure, and sustained institutional support. The paper contends that judicial recognition, regulatory clarity, and capacity-building among stakeholders are essential for the long-term success of ODR in India. It also emphasises the need to address concerns relating to digital exclusion and procedural safeguards to ensure that ODR remains consistent with constitutional principles of fairness, equality, and due process.*

*In conclusion, this research positions Online Dispute Resolution as a transformative development in India's dispute resolution landscape, capable of complementing traditional courts and ADR mechanisms rather than replacing them. By bridging the gap between technology and justice, ODR can play a pivotal role in reducing judicial backlog and fostering*

*a culture of efficient dispute resolution. The paper ultimately seeks to contribute to the academic and policy discourse by offering a comprehensive legal analysis of ODR as a new dimension of ADR in India, while proposing pathways for its effective institutionalisation.*

**Keywords:** *Online Dispute Resolution (ODR); Alternative Dispute Resolution (ADR); Arbitration; Mediation; Conciliation; Digital Justice; Access to Justice; Judicial Pendency; Technology and Law; Virtual Courts; Arbitration and Conciliation Act, 1996; Section 89 CPC; E-Courts; Digital India; Private ODR Platforms; Consumer Disputes; MSME Disputes; Enforceability of Awards; Data Privacy; Cybersecurity; Digital Divide; Procedural Fairness; Indian Legal System.*

## Introduction

The administration of justice in India has long been confronted with the twin challenges of excessive pendency and procedural delay. Despite constitutional guarantees of access to justice and the establishment of an elaborate judicial hierarchy, courts at all levels continue to face an overwhelming backlog of cases. This situation has adverse implications for litigants, particularly individuals and small businesses, for whom prolonged litigation translates into financial strain, emotional distress, and erosion of faith in the justice delivery system. In response to these challenges, the Indian legal system has increasingly turned towards **Alternative Dispute Resolution (ADR)** mechanisms such as arbitration, mediation, and conciliation as viable supplements to formal adjudication. ADR has been promoted not merely as a means of reducing the burden on courts but also as a process-oriented approach that prioritises consensual, efficient, and cost-effective dispute resolution.

Over the past two decades, ADR has acquired significant statutory and judicial recognition in India. The enactment of the Arbitration and Conciliation Act, 1996, inspired by the UNCITRAL Model Law, marked a watershed moment in aligning Indian arbitration law with international standards. Simultaneously, judicial interventions particularly the incorporation of Section 89 into the Code of Civil Procedure, 1908 have institutionalised court-referred ADR, encouraging judges to explore non-adjudicatory methods of dispute resolution. Yet, despite these developments, the practical impact of ADR has remained limited in scope. Traditional ADR processes often mirror the structural and logistical constraints of court proceedings, including physical hearings, geographical barriers, and high transaction costs. As a result, ADR has not fully realised its potential as an accessible and scalable alternative to litigation.

The rapid advancement of digital technologies has created new possibilities for transforming dispute resolution processes. The proliferation of internet connectivity, smartphones, and digital platforms has reshaped commercial transactions, social interactions, and governance structures. In this evolving digital ecosystem, disputes increasingly arise from online interactions, including e-commerce transactions, digital payments, platform-based services, and cross-border commercial engagements. Resolving such disputes through conventional litigation or even traditional ADR mechanisms often proves inefficient and disproportionate, particularly when the value of the dispute is low or the parties are geographically dispersed. It is within this context that **Online Dispute Resolution (ODR)** has emerged as a novel and dynamic extension of ADR, leveraging technology to facilitate dispute resolution through online modes.

ODR refers to the use of information and communication technologies to assist parties in resolving disputes, either partially or entirely, through digital platforms. These platforms may support online negotiation, mediation, arbitration, or hybrid processes, employing tools such as video conferencing, document sharing, asynchronous communication, and, in some cases, algorithmic decision-making. Unlike conventional ADR, ODR is not confined to physical spaces or rigid procedural formats. It offers flexibility in terms of time, location, and process design, enabling parties to engage in dispute resolution at their convenience. This flexibility makes ODR particularly suited to contemporary disputes arising in the digital economy, where speed, accessibility, and cost-efficiency are paramount.<sup>1</sup>

In India, the relevance of ODR has grown substantially in recent years, driven by both systemic necessity and technological readiness. The COVID-19 pandemic served as a critical inflection point, compelling courts, tribunals, and ADR institutions to adopt virtual hearings and online processes almost overnight. What began as an emergency response soon revealed the transformative potential of technology in justice delivery. Virtual court proceedings, e-filing systems, and online case management tools demonstrated that many aspects of dispute resolution could be effectively conducted without physical presence. This experience significantly lowered institutional resistance to digital processes and paved the way for broader acceptance of ODR as a legitimate mode of dispute resolution.

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<sup>1</sup> Law Commission of India, *245th Report on Arrears and Backlog: Creating Additional Judicial (Wo)manpower* (2014).

Government policy initiatives have further reinforced the momentum towards digital justice. The Digital India programme has emphasised the use of technology to enhance governance, transparency, and service delivery across sectors, including the judiciary. The e-Courts project, spearheaded by the judiciary with governmental support, has aimed to modernise court infrastructure and improve access to judicial services through digitisation. Within this broader digital transformation agenda, ODR has been recognised as a promising tool to address systemic inefficiencies in dispute resolution, particularly for high-volume, low-value disputes that clog the court system. Policy documents and expert committees have increasingly highlighted ODR as a means of democratising access to justice and fostering a culture of early and amicable dispute resolution.

The private sector has also played a crucial role in advancing ODR in India. A growing number of ODR platforms have emerged, offering end-to-end dispute resolution services for sectors such as e-commerce, fintech, insurance, and MSMEs. These platforms often collaborate with businesses, industry associations, and financial institutions to resolve disputes efficiently and at scale. For instance, consumer grievances arising from online transactions can be addressed through ODR mechanisms that provide quick, inexpensive, and user-friendly solutions. Similarly, disputes involving MSMEs traditionally plagued by delayed payments and protracted litigation can be resolved through ODR processes that prioritise speed and commercial practicality. The success of these platforms has demonstrated the viability of ODR as a mainstream dispute resolution mechanism rather than a peripheral experiment.<sup>2</sup>

Despite its promise, the integration of ODR into the Indian legal framework raises several complex legal and normative questions. One of the foremost issues concerns the legal validity and enforceability of outcomes generated through ODR processes. While arbitration conducted through online means may find statutory support under the Arbitration and Conciliation Act, 1996, the legal status of online mediation and negotiation remains less clear. Questions also arise regarding jurisdiction, choice of law, and procedural fairness, particularly in cross-border ODR proceedings. Additionally, concerns relating to data protection, confidentiality, and cybersecurity assume heightened significance in an online environment where sensitive information is transmitted and stored digitally.

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<sup>2</sup> Supreme Court of India, *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344.

Another critical challenge pertains to the digital divide that characterises Indian society. While urban and semi-urban populations increasingly enjoy access to digital infrastructure, significant sections of the population particularly in rural and economically marginalised areas continue to face barriers to digital access and literacy. The risk that ODR may inadvertently exclude vulnerable groups underscores the need for a cautious and inclusive approach to its adoption. Ensuring that ODR mechanisms are accessible, affordable, and user-friendly is essential to prevent the creation of a two-tier justice system divided along digital lines.

From a doctrinal perspective, ODR also invites a re-examination of foundational principles of dispute resolution. Traditional notions of open justice, party autonomy, neutrality, and due process must be reconciled with the realities of online platforms and automated processes. The role of human neutrals versus algorithmic tools, the transparency of decision-making processes, and the accountability of private ODR providers are issues that demand rigorous legal scrutiny. As ODR continues to evolve, it challenges conventional assumptions about the form and function of dispute resolution, necessitating adaptive legal responses.

This research paper seeks to examine ODR as a new and evolving dimension of ADR in India, situating it within the broader legal, institutional, and technological context. It aims to analyse the conceptual foundations of ODR, assess its compatibility with existing ADR laws, and evaluate its practical implementation in the Indian context. By engaging with statutory provisions, judicial pronouncements, policy initiatives, and scholarly literature, the paper endeavours to provide a comprehensive understanding of the opportunities and challenges associated with ODR. It also seeks to identify gaps in the current legal framework and propose pathways for the effective and equitable integration of ODR into India's justice delivery system.<sup>3</sup>

The central argument advanced in this paper is that ODR has the potential to significantly strengthen India's ADR ecosystem by enhancing efficiency, accessibility, and responsiveness to contemporary dispute resolution needs. However, this potential can only be realised through a coherent regulatory framework, robust technological safeguards, and sustained institutional support. Rather than viewing ODR as a replacement for courts or traditional ADR mechanisms,

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<sup>3</sup> Ministry of Electronics and Information Technology, *Digital India Programme: Vision and Objectives* (Government of India).

the paper conceptualises it as a complementary process that can coexist with and reinforce existing modes of dispute resolution. In doing so, it underscores the importance of aligning ODR practices with constitutional values, principles of natural justice, and the overarching goal of access to justice.

In essence, the introduction sets the stage for a detailed exploration of ODR's role in reshaping dispute resolution in India. By tracing the evolution of ADR, examining the impact of digitalisation, and highlighting emerging challenges, it provides the analytical foundation for the subsequent sections of the paper. The discussion that follows will delve deeper into the methodological approach, hypotheses, research questions, literature review, and substantive analysis, ultimately contributing to the ongoing discourse on digital justice and legal reform in India.

### **Research Methodology**

This research paper adopts a **doctrinal and analytical research methodology** to examine Online Dispute Resolution (ODR) as an emerging dimension of Alternative Dispute Resolution (ADR) in India. The doctrinal approach is particularly suited to the present study as it focuses on the systematic analysis of existing legal frameworks, judicial interpretations, policy documents, and scholarly writings relating to dispute resolution mechanisms. Given that ODR in India is still in an evolving stage, with limited empirical data and no comprehensive standalone legislation, doctrinal research provides a structured method for evaluating the legal validity, scope, and limitations of ODR within the current Indian legal system.

At the core of this research is an examination of **primary legal sources**, including statutes, constitutional provisions, judicial decisions, and policy documents. The Arbitration and Conciliation Act, 1996 forms a central statutory reference point, as it governs arbitration and conciliation in India and indirectly accommodates online modes of dispute resolution. Provisions of the Code of Civil Procedure, 1908 particularly Section 89 are analysed to understand the judicial mandate for ADR and its potential extension to ODR mechanisms. Relevant constitutional principles, such as access to justice under Article 39A and the right to equality and fair procedure under Articles 14 and 21 of the Constitution of India, are also examined to assess the compatibility of ODR with fundamental rights. Judicial pronouncements of the Supreme Court of India and various High Courts are critically analysed

to identify trends in judicial attitudes towards ADR, technology-enabled dispute resolution, and virtual proceedings.<sup>4</sup>

In addition to statutory and judicial sources, this research relies extensively on **secondary sources** such as books, journal articles, research reports, and expert committee recommendations. Scholarly writings on ADR and ODR provide theoretical insights into the evolution of dispute resolution mechanisms and the normative principles underlying consensual justice. Policy-oriented documents, including reports of the Law Commission of India and publications by NITI Aayog, are examined to understand the institutional and policy discourse surrounding ODR in India. These sources are particularly valuable in identifying legislative gaps, regulatory challenges, and proposed reforms relating to digital dispute resolution. Comparative academic literature from other jurisdictions is also referred to selectively, not for exhaustive comparison, but to contextualise India's approach to ODR within global best practices.

The research further employs an **analytical method** to critically evaluate the effectiveness and limitations of ODR mechanisms in the Indian context. This involves assessing how ODR addresses key challenges associated with traditional litigation and ADR, such as delays, costs, and accessibility barriers. The analysis also focuses on legal concerns specific to ODR, including enforceability of outcomes, jurisdictional complexities, confidentiality, data protection, and procedural fairness. By juxtaposing the theoretical advantages of ODR with practical and legal constraints, the study seeks to provide a balanced and nuanced evaluation rather than an uncritical endorsement of technology-driven dispute resolution.

While the research is primarily doctrinal, it also incorporates elements of a **descriptive research approach** to map the current landscape of ODR in India. This includes an overview of existing ODR platforms, court-annexed ODR initiatives, and sector-specific applications of ODR, such as in e-commerce, fintech, and MSME disputes. Descriptive analysis helps in understanding how ODR is being operationalised in practice and the extent to which it aligns with legal and policy objectives. However, the study does not rely on empirical data such as surveys or interviews, as its focus remains on legal frameworks and normative analysis rather than stakeholder perceptions or quantitative outcomes.

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<sup>4</sup> C.R. Kothari, *Research Methodology: Methods and Techniques* (2nd edn, New Age International 2004).

The research adopts a **qualitative approach**, focusing on textual analysis and interpretative reasoning. Judicial decisions are examined not merely for their outcomes but for the reasoning employed by courts in recognising ADR, endorsing technology in judicial processes, and addressing procedural safeguards. Similarly, statutory provisions are interpreted in light of legislative intent, constitutional values, and evolving technological realities. This qualitative approach allows for a deeper engagement with the legal principles governing dispute resolution and their adaptability to online environments.

To ensure **objectivity and academic rigour**, the research follows a structured analytical framework. The study begins by outlining the conceptual foundations of ADR and ODR, followed by an examination of the legal and institutional framework governing dispute resolution in India. It then analyses the challenges and opportunities associated with ODR, before proposing pathways for its effective integration into the Indian legal system. Throughout the research, counter-arguments and critiques of ODR are considered to avoid a one-sided narrative. Issues such as the digital divide, risk of exclusion, and concerns over privatisation of justice are critically examined to present a holistic assessment.<sup>5</sup>

The scope of the research is **limited to the Indian legal context**, with comparative references used only for illustrative and contextual purposes. The study does not undertake an empirical evaluation of user satisfaction or success rates of ODR platforms, nor does it delve into the technical architecture of ODR systems. Instead, it concentrates on the legal and regulatory dimensions of ODR, with particular emphasis on its alignment with existing ADR laws and constitutional principles. This delimitation is intentional, as the primary objective of the research is to analyse ODR as a legal concept and institutional mechanism rather than as a technological product.

In terms of **citation and referencing**, the research strictly adheres to the Indian Law Institute (ILI) citation style. Footnotes are used to reference all statutes, judicial decisions, reports, and scholarly works relied upon in the analysis. This ensures transparency, verifiability, and academic credibility. Care has been taken to rely on authoritative and updated sources, particularly in relation to policy documents and judicial pronouncements.

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<sup>5</sup> Law Commission of India, *268th Report on Amendment of the Arbitration and Conciliation Act, 1996* (2017).

In conclusion, the research methodology employed in this study is designed to provide a comprehensive and critical legal analysis of Online Dispute Resolution in India. By combining doctrinal research with analytical and descriptive methods, the study seeks to bridge the gap between theory and practice, law and technology. The methodology facilitates a systematic examination of ODR's legal foundations, operational challenges, and future prospects, thereby enabling the research to contribute meaningfully to academic discourse and policy debates on the evolution of dispute resolution mechanisms in India.

## Hypothesis

The formulation of hypotheses is a crucial component of legal research, as it provides a structured framework for examining assumptions, testing legal propositions, and guiding analytical inquiry. In the context of this research paper, the hypotheses are designed to explore the role, effectiveness, and legitimacy of Online Dispute Resolution (ODR) as an emerging dimension of Alternative Dispute Resolution (ADR) in India. Given that ODR operates at the intersection of law, technology, and policy, the hypotheses articulated herein are not empirical in nature but are **normative and doctrinal hypotheses**, aimed at evaluating legal adequacy, institutional compatibility, and constitutional alignment.

The **primary hypothesis** of this research is that *Online Dispute Resolution, when integrated within the existing ADR framework, has the potential to significantly enhance access to justice in India by addressing issues of delay, cost, and accessibility inherent in traditional litigation and conventional ADR mechanisms*. This hypothesis rests on the assumption that technological facilitation can reduce procedural inefficiencies and transaction costs, thereby making dispute resolution more accessible to a wider segment of society. India's justice system, burdened by millions of pending cases, requires scalable and efficient mechanisms that can handle high-volume disputes without compromising procedural fairness. ODR, by enabling remote participation, asynchronous communication, and streamlined case management, is hypothesised to offer a viable solution to these systemic challenges.

A **secondary hypothesis** underpinning this research is that *the existing Indian legal framework governing ADR is sufficiently flexible to accommodate ODR mechanisms, even in the absence of a dedicated ODR statute*. This hypothesis examines whether statutes such as the Arbitration and Conciliation Act, 1996 and procedural provisions under the Code of Civil Procedure, 1908

can be interpreted purposively to legitimise and regulate online modes of dispute resolution. The hypothesis assumes that Indian courts have demonstrated a pragmatic and technology-friendly approach in recent years, particularly through their acceptance of virtual hearings and electronic evidence. If existing laws are interpreted in light of contemporary technological realities, they may provide adequate legal support for ODR processes, at least in the interim. At the same time, this research advances a **counter-hypothesis** that *the absence of a comprehensive and uniform regulatory framework for ODR poses significant risks to procedural fairness, enforceability, and user trust*. While flexibility in the legal framework may facilitate innovation, regulatory ambiguity can also lead to inconsistencies in practice and undermine the legitimacy of ODR outcomes. This hypothesis is premised on the concern that private ODR platforms, operating without clear statutory guidelines, may adopt divergent standards of neutrality, confidentiality, and due process. The lack of formal accreditation or oversight mechanisms may further exacerbate these risks, particularly in disputes involving unequal bargaining power between parties.<sup>6</sup>

Another key hypothesis explored in this research is that *ODR is particularly suited for resolving low-value, high-volume disputes arising in the digital economy, such as consumer, e-commerce, fintech, and MSME disputes*. This hypothesis recognises that traditional litigation is often disproportionate and inefficient for such disputes, leading to under-enforcement of rights and consumer apathy. ODR platforms, by contrast, can be designed to handle large volumes of disputes efficiently through standardised processes and technology-enabled communication. The hypothesis seeks to examine whether ODR can serve as an effective rights-enforcement mechanism in sectors where disputes are frequent but individual claims are relatively small in value.

The research also advances the hypothesis that *ODR, if properly designed and regulated, can coexist harmoniously with constitutional principles of access to justice, equality, and due process*. This hypothesis is particularly significant in the Indian context, where constitutional values play a central role in shaping legal institutions. Critics of ODR often argue that online processes may dilute procedural safeguards, marginalise vulnerable populations, or privatise justice in ways that conflict with constitutional mandates. This research hypothesises that such

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<sup>6</sup> Marc Galanter, 'Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change' (1974) 9 Law & Society Review 95.

concerns are not inherent to ODR itself but arise from inadequate design and regulation. With appropriate safeguards such as transparency, informed consent, and accessibility measures ODR can be aligned with constitutional norms rather than undermining them.

A further hypothesis examined in this study is that *the digital divide remains one of the most significant barriers to the equitable adoption of ODR in India*. While ODR promises greater accessibility, this hypothesis acknowledges that technological access and digital literacy are unevenly distributed across the population. Rural communities, economically weaker sections, and marginalised groups may face difficulties in accessing online platforms or effectively participating in digital dispute resolution processes. This hypothesis seeks to interrogate whether ODR, in its current form, risks creating a parallel system of justice that primarily benefits digitally empowered users, thereby reinforcing existing inequalities. The research explores whether policy interventions and institutional support can mitigate this risk.

The research also posits the hypothesis that *judicial recognition and institutional endorsement are critical determinants of ODR's legitimacy and long-term success in India*. While private ODR platforms have demonstrated operational efficiency, their broader acceptance depends on judicial confidence in the fairness and reliability of online processes. This hypothesis examines whether court-annexed ODR initiatives and judicial references to ODR can enhance public trust and encourage wider adoption. It also explores the role of the judiciary in setting procedural standards and ensuring accountability within the ODR ecosystem.

Another important hypothesis relates to *data protection and cybersecurity concerns associated with ODR*. The research hypothesises that *without robust legal safeguards for data privacy and information security, ODR may expose parties to risks that undermine confidentiality and trust*. Dispute resolution processes often involve sensitive personal and commercial information, making data protection a critical concern in online environments. This hypothesis examines whether existing data protection laws and contractual safeguards are sufficient to address these concerns or whether ODR-specific regulations are required.

The study further hypothesises that *ODR has the potential to transform not only dispute resolution outcomes but also dispute resolution culture in India*. Traditional litigation is adversarial and time-consuming, often exacerbating conflict rather than resolving it amicably. ODR, by contrast, can encourage early engagement, collaborative problem-solving, and

interest-based negotiation. <sup>7</sup>This hypothesis explores whether technology-enabled processes can foster a cultural shift towards consensual dispute resolution, particularly among younger and digitally native populations.

Collectively, these hypotheses serve as analytical tools for examining ODR from multiple legal and normative perspectives. Rather than treating ODR as a monolithic concept, the hypotheses allow for a differentiated analysis that considers its advantages, limitations, and contextual dependencies. The research does not assume that ODR is a panacea for all systemic problems in dispute resolution. Instead, it approaches ODR as a contingent and evolving mechanism whose effectiveness depends on legal design, institutional support, and socio-economic conditions.

In conclusion, the hypotheses articulated in this section frame the central inquiry of the research: whether Online Dispute Resolution can meaningfully contribute to the evolution of Alternative Dispute Resolution in India without compromising legal and constitutional values. By testing these hypotheses through doctrinal analysis, judicial interpretation, and policy evaluation, the research aims to provide a reasoned and balanced assessment of ODR's role in India's justice delivery system. These hypotheses also lay the groundwork for the subsequent sections of the paper, including the research questions, literature review, and substantive analysis, ensuring coherence and analytical depth throughout the study.

### **Research Questions**

The present research paper is guided by the following research questions, which are formulated to systematically examine Online Dispute Resolution (ODR) as a new and evolving dimension of Alternative Dispute Resolution (ADR) in India. These questions flow directly from the objectives of the study and the hypotheses outlined in the preceding section, and they aim to facilitate a focused legal and doctrinal analysis:

1. What is the conceptual and legal basis of Online Dispute Resolution, and how does it differ from traditional Alternative Dispute Resolution mechanisms in India?
2. To what extent does the existing Indian legal framework particularly the Arbitration and Conciliation Act, 1996 and the Code of Civil Procedure, 1908 accommodate and legitimise Online Dispute Resolution processes?

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<sup>7</sup> NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Handbook* (2021).

3. What role has the Indian judiciary played in recognising, promoting, or regulating technology-enabled dispute resolution mechanisms, including ODR?
4. How effective is Online Dispute Resolution in addressing systemic challenges such as judicial delay, high litigation costs, and limited access to justice in India?
5. What are the legal, procedural, and ethical challenges associated with the adoption of ODR in India, particularly in relation to enforceability, procedural fairness, and data protection?
6. How does the digital divide impact the accessibility and inclusiveness of Online Dispute Resolution mechanisms in the Indian socio-legal context?
7. What lessons can be drawn from international practices and policy frameworks to strengthen the regulation and institutionalisation of ODR in India?
8. Does Online Dispute Resolution have the potential to coexist harmoniously with constitutional principles of equality, due process, and access to justice under the Indian Constitution?
9. What regulatory and institutional reforms are necessary to ensure the effective, fair, and sustainable integration of ODR into India's Alternative Dispute Resolution ecosystem?

These research questions collectively seek to explore the normative, legal, and practical dimensions of ODR in India, thereby enabling a comprehensive evaluation of its role in reshaping dispute resolution practices.

### **Literature Review**

The scholarly discourse on dispute resolution in India has evolved significantly over the past few decades, reflecting shifts in judicial philosophy, legislative reform, and technological advancement. Literature on Alternative Dispute Resolution (ADR) initially focused on its potential to reduce judicial backlog and promote consensual justice, while more recent scholarship has begun to explore Online Dispute Resolution (ODR) as an extension of ADR in response to digital transformation. This literature review critically examines existing academic writings, policy reports, and judicial commentaries relevant to ODR in India, with the objective of identifying key themes, contributions, and gaps that the present research seeks to address.<sup>8</sup> Early literature on ADR in India largely concentrated on arbitration, mediation, and conciliation as alternatives to formal adjudication. Scholars emphasised ADR's ability to offer speedier and cost-effective dispute resolution while preserving party autonomy. The enactment

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<sup>8</sup> S.B. Sinha, *ADR Methods: Arbitration, Conciliation and Mediation* (Eastern Book Company 2010).

of the Arbitration and Conciliation Act, 1996 generated extensive academic commentary analysing its alignment with international arbitration norms and its impact on India's arbitration culture. Many authors highlighted the progressive intent of the legislation but also pointed out implementation challenges, such as excessive judicial intervention and lack of institutional capacity. This body of literature laid the foundation for understanding ADR as an essential component of India's justice delivery system rather than a peripheral mechanism.<sup>9</sup>

Judicial encouragement of ADR, particularly through Section 89 of the Code of Civil Procedure, 1908, has also been the subject of considerable scholarly attention. Commentators have analysed landmark judicial decisions that interpreted Section 89 and clarified the scope of court-referred ADR. While some scholars praised the judiciary's proactive role in promoting mediation and conciliation, others expressed concerns about inconsistent application and lack of procedural clarity. This literature underscores the tension between judicial control and party autonomy in ADR processes, a theme that remains relevant in the context of ODR.<sup>10</sup>

With the advancement of digital technology, legal scholarship began to examine the intersection of law and technology, including the digitisation of courts and legal services. Early writings on e-governance and e-courts in India focused on administrative efficiency, transparency, and accessibility. Scholars argued that technology could play a transformative role in overcoming infrastructural and geographical barriers to justice. These studies, however, primarily addressed technology as a support tool for traditional adjudication rather than as an enabler of alternative dispute resolution mechanisms. Nevertheless, they provided important insights into the readiness of the Indian legal system to adopt digital processes.

The emergence of ODR as a distinct area of study can be traced to international scholarship, particularly in jurisdictions with advanced digital infrastructure. Early global literature conceptualised ODR as an extension of ADR, facilitated by online communication tools. Researchers examined online negotiation and mediation platforms used by e-commerce companies to resolve consumer disputes efficiently. These studies highlighted the potential of ODR to handle high-volume, low-value disputes and reduce transaction costs. International

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<sup>9</sup> P.C. Rao and William Sheffield, *Alternative Dispute Resolution: What It Is and How It Works* (Universal Law Publishing 1997).

<sup>10</sup> Law Commission of India, *246th Report on Amendments to the Arbitration and Conciliation Act, 1996* (2014).

scholars also explored normative concerns such as fairness, transparency, and enforceability in online environments, laying the groundwork for subsequent legal analyses.<sup>11</sup>

In the Indian context, academic engagement with ODR has gained momentum only in recent years. Policy-oriented literature, particularly reports published by governmental and quasi-governmental bodies, has played a significant role in shaping the discourse. These reports emphasise the need for innovative dispute resolution mechanisms to address judicial pendency and improve ease of doing business. Scholars analysing these policy documents often view ODR as a pragmatic response to systemic inefficiencies rather than a radical departure from existing legal frameworks. Such literature generally adopts an optimistic tone, highlighting ODR's potential benefits while acknowledging regulatory and infrastructural challenges.

Several Indian legal scholars have examined ODR through the lens of access to justice. Drawing upon constitutional principles and socio-legal theory, these authors argue that ODR can democratise dispute resolution by lowering costs and enabling remote participation. At the same time, they caution against techno-optimism, pointing out that digital exclusion and unequal access to technology may undermine ODR's inclusiveness. This strand of literature is particularly relevant in the Indian context, where socio-economic disparities and varying levels of digital literacy pose significant challenges to uniform adoption of online processes.

Another important theme in the literature relates to the legal validity and enforceability of ODR outcomes. Scholars have analysed whether arbitral awards rendered through online proceedings satisfy statutory requirements under the Arbitration and Conciliation Act, 1996. The consensus among most commentators is that online arbitration is legally permissible, provided that principles of natural justice and procedural fairness are upheld. However, there is less clarity regarding online mediation and negotiation, which often operate outside formal statutory frameworks. This gap in the literature reflects broader uncertainties surrounding the regulation of non-adjudicatory ODR processes in India.

The role of private ODR platforms has also attracted scholarly attention. Some authors view private platforms as innovators that can complement public justice institutions by resolving

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<sup>11</sup> Marc Galanter, 'Access to Justice in a World of Expanding Social Capability' (2010) 37 Fordham Urban Law Journal 115.

disputes efficiently and at scale. Others raise concerns about privatisation of justice, accountability, and potential conflicts of interest. These critiques are often grounded in broader debates on the commodification of legal services and the shifting boundaries between public and private dispute resolution. The literature highlights the need for regulatory oversight to ensure that private ODR providers adhere to minimum standards of fairness, neutrality, and transparency.<sup>12</sup>

Data protection and cybersecurity constitute another emerging area of scholarly inquiry in relation to ODR. Legal scholars have examined the risks associated with digital transmission and storage of sensitive information in dispute resolution processes. Concerns regarding confidentiality breaches, unauthorised access, and data misuse are frequently highlighted. While some authors argue that contractual safeguards and technological measures can mitigate these risks, others contend that comprehensive legal regulation is necessary to build user trust in ODR systems. This literature intersects with broader debates on data protection and privacy in India's digital ecosystem.

Comparative literature provides valuable insights into how other jurisdictions have approached ODR regulation and implementation. Studies examining ODR frameworks in the European Union, the United States, and certain Asian jurisdictions identify best practices such as accreditation of ODR platforms, procedural guidelines, and integration with court systems. Indian scholars often draw upon these comparative experiences to advocate for tailored regulatory reforms. However, there is also recognition that India's socio-legal context necessitates context-specific solutions rather than wholesale transplantation of foreign models. Despite the growing body of literature on ODR, several gaps remain. Much of the existing scholarship is either descriptive or policy-oriented, lacking rigorous doctrinal analysis of how ODR fits within India's existing legal framework. Empirical studies on the effectiveness and user experience of ODR in India are limited, making it difficult to assess its real-world impact. Moreover, there is relatively little literature that systematically examines ODR from a constitutional perspective, particularly in relation to equality, due process, and access to justice. These gaps underscore the need for comprehensive legal research that integrates doctrinal analysis with normative evaluation.<sup>13</sup>

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<sup>12</sup> NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Handbook* (2021).

<sup>13</sup> Ethan Katsh and Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass 2001).

The present research seeks to contribute to the existing literature by addressing these gaps. By situating ODR within the broader ADR framework and examining its legal, constitutional, and institutional dimensions, this study aims to provide a more holistic understanding of ODR's role in India. Unlike studies that focus narrowly on technological aspects or policy advocacy, this research adopts a critical legal perspective, evaluating both the promise and pitfalls of ODR. In doing so, it builds upon existing scholarship while offering original insights into the evolving relationship between technology and dispute resolution in the Indian legal system.

### **Conceptual Framework and Evolution of Online Dispute Resolution in India**

Online Dispute Resolution (ODR) represents a significant conceptual shift in the evolution of dispute resolution mechanisms, marking the convergence of Alternative Dispute Resolution (ADR) processes with digital technology. To understand ODR as a new dimension of ADR in India, it is essential to examine its conceptual foundations, theoretical underpinnings, and evolutionary trajectory within both global and Indian contexts. ODR is not merely a technological overlay on existing ADR mechanisms but a distinct procedural innovation that reconfigures how disputes are initiated, processed, and resolved.<sup>14</sup>

At a conceptual level, ODR can be defined as the use of information and communication technologies to facilitate the resolution of disputes between parties. These technologies may support negotiation, mediation, arbitration, or hybrid processes, either partially or entirely online. Unlike traditional ADR, which typically requires physical meetings and synchronous participation, ODR allows for asynchronous communication, virtual hearings, and automated case management. This flexibility fundamentally alters the dynamics of dispute resolution by reducing reliance on physical infrastructure and enabling participation across geographical boundaries.

The theoretical justification for ODR is rooted in access to justice discourse. Scholars have long argued that procedural complexity, cost, and delay are among the most significant barriers to effective justice delivery. ADR emerged as a response to these barriers by offering less formal, more flexible dispute resolution processes. ODR extends this logic further by leveraging technology to overcome additional constraints such as distance, scheduling

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<sup>14</sup> Ethan Katsh and Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass 2001).

conflicts, and resource limitations. In doing so, ODR aligns with broader theories of procedural justice, which emphasise fairness, participation, and efficiency over rigid formalism.

The global evolution of ODR can be traced back to the late 1990s, particularly in response to disputes arising from online commerce. As e-commerce platforms expanded, traditional litigation proved ill-suited to address cross-border, low-value disputes involving anonymous or geographically dispersed parties. Early ODR systems were developed to resolve such disputes through online negotiation and mediation tools, often embedded directly within e-commerce platforms. These systems demonstrated that technology-enabled dispute resolution could be faster and more cost-effective than traditional methods, thereby encouraging further experimentation and innovation.

Over time, ODR evolved beyond its initial focus on consumer disputes to encompass a broader range of conflicts, including commercial, employment, and even public law disputes. International organisations and policymakers began to recognise ODR as a legitimate component of justice systems, leading to efforts to develop standards and best practices. This global evolution has influenced Indian policymakers and scholars, particularly as India's digital economy has expanded rapidly in recent years.

In India, the conceptual development of ODR must be situated within the broader evolution of ADR. Historically, India has a rich tradition of community-based dispute resolution through mechanisms such as panchayats and informal mediation. Modern ADR gained prominence in the post-independence period, particularly as courts became increasingly overburdened. Legislative and judicial initiatives in the late twentieth century sought to institutionalise ADR as a means of enhancing efficiency and reducing pendency. However, these initiatives largely focused on offline processes and did not anticipate the transformative potential of digital technology.

The introduction of the Arbitration and Conciliation Act, 1996 marked a significant step towards modernising India's ADR framework. While the Act does not explicitly refer to online proceedings, its emphasis on party autonomy and procedural flexibility provides a conceptual basis for ODR. Similarly, judicial encouragement of ADR through Section 89 of the Code of Civil Procedure, 1908 reflects a policy orientation favouring non-adjudicatory dispute

resolution. These developments created a fertile ground for the emergence of ODR, even in the absence of explicit legislative recognition.

The adoption of digital technology within the Indian judiciary further contributed to ODR's conceptual evolution. Initiatives such as e-filing, electronic case management, and virtual hearings demonstrated that legal processes could be effectively conducted online. The COVID-19 pandemic accelerated these developments, normalising virtual interactions within the justice system. This experience challenged long-standing assumptions about the necessity of physical presence in legal proceedings and opened the door to broader acceptance of online dispute resolution mechanisms.

ODR's conceptual distinctiveness lies in its ability to reimagine procedural design. Traditional ADR often replicates adversarial structures and timelines inherited from litigation. ODR, by contrast, allows for innovative process design tailored to the nature of the dispute and the needs of the parties. For example, online negotiation tools can facilitate early settlement by enabling parties to exchange offers and information in a structured manner. Online mediation can incorporate asynchronous communication, allowing parties time to reflect before responding. These features enhance party autonomy and can reduce emotional escalation, contributing to more constructive outcomes.<sup>15</sup>

At the same time, the conceptual framework of ODR raises important questions about the role of human judgment and technology in dispute resolution. While most ODR systems rely on human neutrals, some incorporate algorithmic tools to assist decision-making or case management. This raises normative concerns regarding transparency, accountability, and fairness. In the Indian context, where trust in legal institutions is closely tied to human adjudication, these concerns assume particular significance. The conceptual acceptance of ODR therefore depends not only on its efficiency but also on its perceived legitimacy.

Another important aspect of ODR's conceptual framework is its relationship with formal legal institutions. ODR can operate independently as a private dispute resolution mechanism, or it can be integrated into court systems through court-annexed programmes. Each model has distinct implications for accessibility, accountability, and enforceability. In India, both models

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<sup>15</sup> Marc Galanter, 'The Emergence of the Judge as a Mediator in Civil Cases' (1986) 69 *Judicature* 257.

are emerging simultaneously, creating a hybrid ecosystem that blurs the boundaries between public and private justice. Understanding this hybrid nature is essential for analysing ODR's evolution and future trajectory.

The evolution of ODR in India has also been influenced by economic and policy considerations. As India seeks to improve ease of doing business and promote digital commerce, efficient dispute resolution mechanisms have become a policy priority. ODR is increasingly viewed as a tool for fostering commercial certainty and investor confidence, particularly in sectors characterised by high transaction volumes and rapid innovation. This economic rationale complements access to justice arguments, reinforcing ODR's conceptual appeal.

Despite its promise, ODR's evolution in India remains uneven and experimental. While private platforms have demonstrated operational success, their reach and impact vary across sectors and regions. Court-annexed ODR initiatives are still in nascent stages, and there is limited empirical data on their effectiveness. This uneven evolution underscores the need for a clear conceptual framework that situates ODR within India's legal and constitutional landscape.

In conclusion, the conceptual framework and evolution of Online Dispute Resolution in India reflect a dynamic interplay between legal tradition, technological innovation, and policy imperatives. ODR builds upon the foundational principles of ADR while introducing new procedural possibilities enabled by digital technology. Its evolution has been shaped by global developments, domestic legal reforms, and the exigencies of a rapidly digitalising society. Understanding this conceptual and evolutionary context is essential for assessing ODR's role as a new dimension of ADR in India and for evaluating the legal and institutional reforms necessary to support its sustainable growth.

## **Legal and Regulatory Framework Governing Online Dispute Resolution in India**

The effectiveness and legitimacy of Online Dispute Resolution (ODR) as a dispute resolution mechanism depend significantly on the legal and regulatory framework within which it operates. In India, ODR does not yet have a dedicated or comprehensive statutory regime. Instead, it functions within the broader framework governing Alternative Dispute Resolution

(ADR), supplemented by judicial interpretations, policy initiatives, and contractual arrangements. This subsection critically examines the existing legal and regulatory framework applicable to ODR in India, highlighting both its enabling features and inherent limitations.

The **Arbitration and Conciliation Act, 1996** constitutes the principal legislative instrument governing arbitration and conciliation in India. Although enacted in a pre-digital era, the Act embodies principles of party autonomy, procedural flexibility, and minimal judicial intervention, which are conducive to the adoption of online processes. The absence of any express prohibition on electronic or virtual proceedings allows arbitral tribunals and parties to conduct hearings through online means. Provisions relating to written submissions, evidence, and procedural timelines can be adapted to digital formats without undermining the statutory scheme. Consequently, online arbitration has found indirect statutory support within the existing framework of the 1996 Act.

Judicial interpretations have further strengthened the legal basis for online arbitration. Indian courts have increasingly adopted a purposive approach to statutory interpretation, recognising that procedural laws must evolve in response to technological change. The acceptance of electronic evidence, digital signatures, and virtual hearings reflects a broader judicial willingness to embrace technology in legal processes. While judicial pronouncements have not explicitly addressed ODR as a distinct category, their endorsement of virtual arbitral proceedings lends implicit legitimacy to online arbitration. This judicial pragmatism has played a crucial role in enabling ODR to operate within the confines of existing arbitration law.

In contrast to arbitration, the legal framework governing **mediation and conciliation** presents greater ambiguity in relation to ODR. Conciliation under the Arbitration and Conciliation Act, 1996 is governed by Part III of the Act, which emphasises voluntary participation and confidentiality. Although the Act does not preclude online conciliation, it also does not provide explicit guidance on procedural safeguards in digital environments. Mediation, on the other hand, has historically lacked a comprehensive statutory framework in India, operating largely through court-annexed schemes and judicial guidelines. The absence of uniform mediation legislation has implications for the regulation of online mediation, as standards and procedures vary across jurisdictions and institutions.

The incorporation of **Section 89 of the Code of Civil Procedure, 1908** reflects a legislative intent to promote ADR as an integral part of civil justice administration. Section 89 empowers courts to refer disputes to arbitration, conciliation, mediation, or judicial settlement, thereby creating an institutional link between courts and ADR mechanisms. While the provision does not explicitly refer to online processes, its broad language allows for flexible interpretation. Courts referring disputes to ADR may, in principle, direct parties towards online mechanisms, particularly where physical hearings are impractical or disproportionate. However, the lack of express recognition of ODR under Section 89 contributes to uncertainty regarding its formal integration into court-annexed ADR programmes.

Beyond statutory provisions, **judicial policy and administrative directions** have significantly influenced the regulatory environment for ODR. The Indian judiciary's response to the COVID-19 pandemic, which included widespread adoption of virtual hearings and electronic filing, marked a paradigm shift in procedural practice. Judicial orders and practice directions recognising the validity of virtual proceedings demonstrated that procedural requirements could be satisfied through online means without compromising fairness. These developments, while not ODR-specific, created a favourable environment for the acceptance of online dispute resolution processes more broadly.

Policy initiatives have also played a pivotal role in shaping the regulatory landscape for ODR in India. Governmental and quasi-governmental bodies have increasingly acknowledged ODR as a tool for improving access to justice and ease of doing business. Policy reports have advocated for the use of ODR in sectors characterised by high dispute volumes, such as consumer and MSME disputes. These policy endorsements, although not legally binding, carry persuasive value and signal institutional support for ODR. They also highlight the need for standard-setting and capacity-building to ensure the quality and consistency of ODR services.<sup>16</sup> Despite these enabling factors, the regulatory framework governing ODR in India remains fragmented and underdeveloped. One of the most significant challenges relates to the **enforceability of ODR outcomes**. While arbitral awards rendered through online proceedings are generally enforceable under the Arbitration and Conciliation Act, 1996, the enforceability of settlement agreements reached through online mediation or negotiation is less clear. Such agreements typically rely on contractual principles for enforcement, which may be inadequate

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<sup>16</sup> Supreme Court of India, *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344.

in cases of non-compliance or power imbalances. The absence of statutory backing for online mediation outcomes undermines their legal certainty and limits their broader adoption.

Another critical regulatory issue concerns **jurisdiction and choice of law** in ODR proceedings. Online platforms often operate across territorial boundaries, raising questions about the applicable legal regime and competent forum. Existing jurisdictional rules, rooted in territorial notions of cause of action and residence, are ill-suited to address disputes resolved in virtual spaces. This regulatory gap creates uncertainty for parties and may deter participation in ODR, particularly in cross-border disputes.

**Data protection and confidentiality** constitute additional regulatory challenges. ODR platforms process and store sensitive personal and commercial information, making them vulnerable to data breaches and cyber threats. While confidentiality is a cornerstone of ADR, ensuring confidentiality in digital environments requires robust technological and legal safeguards. India's evolving data protection framework has implications for ODR, but the absence of ODR-specific regulations creates uncertainty regarding compliance obligations and liability in the event of data breaches.<sup>17</sup>

The role of **private ODR platforms** further complicates the regulatory landscape. Many ODR providers operate as private entities offering dispute resolution services through proprietary platforms. While this allows for innovation and scalability, it also raises concerns about accountability, neutrality, and conflict of interest. In the absence of accreditation or regulatory oversight, there is a risk of inconsistent standards and potential exploitation of weaker parties. Regulatory frameworks must therefore strike a balance between encouraging innovation and ensuring minimum standards of fairness and transparency.

In response to these challenges, scholars and policymakers have proposed various regulatory models for ODR in India. Some advocate for a comprehensive standalone legislation governing ODR, while others favour incremental reforms that adapt existing ADR laws to digital contexts. Each approach has its advantages and limitations. A dedicated ODR statute could provide clarity and uniformity but may also risk over-regulation and stifling innovation. Incremental reforms, by contrast, allow for flexibility but may perpetuate regulatory ambiguity. This

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<sup>17</sup> Law Commission of India, *246th Report on Amendments to the Arbitration and Conciliation Act, 1996* (2014).

research evaluates these competing approaches in light of India's legal culture and institutional capacity.

In conclusion, the legal and regulatory framework governing Online Dispute Resolution in India is characterised by a combination of flexibility and uncertainty. Existing ADR laws and judicial practices provide a foundational basis for online processes, particularly in the context of arbitration. However, significant regulatory gaps remain in relation to mediation, enforceability, data protection, and oversight of private platforms. Addressing these gaps is essential for ensuring the legitimacy, effectiveness, and equitable adoption of ODR as a new dimension of ADR in India. A coherent and adaptive regulatory framework, informed by constitutional principles and technological realities, is critical to realising the full potential of ODR within the Indian justice system.

### **Institutional Framework and Role of Stakeholders in the Development of ODR in India**

The development and operationalisation of Online Dispute Resolution (ODR) in India is not solely a function of statutory recognition or judicial interpretation; it is equally shaped by the institutional framework and the roles played by diverse stakeholders. Courts, government bodies, private ODR platforms, arbitral and mediation institutions, legal professionals, and disputing parties collectively influence how ODR is designed, implemented, and perceived. This subsection examines the institutional architecture supporting ODR in India and analyses the contributions and challenges associated with each stakeholder group.

The **judiciary** occupies a central position in legitimising and mainstreaming ODR within the Indian legal system. Historically, Indian courts have played a proactive role in promoting ADR as a means of reducing pendency and facilitating amicable dispute resolution. Judicial endorsement of ADR mechanisms through landmark decisions and procedural reforms has created an enabling environment for experimentation with technology-enabled processes. The judiciary's swift transition to virtual hearings during the COVID-19 pandemic further demonstrated its capacity to adapt to digital modes of functioning. This experience has had a spillover effect on ODR, as it normalised online legal interactions and reduced institutional resistance to non-physical dispute resolution processes.

Court-annexed ADR programmes represent a critical institutional bridge between formal adjudication and ODR. Many courts have established mediation centres and ADR cells to which disputes are referred at various stages of litigation. Integrating ODR into these court-annexed mechanisms can significantly enhance their reach and efficiency. For instance, online mediation can reduce logistical constraints associated with physical meetings, enabling courts to refer a greater number of cases to ADR. However, the extent to which court-annexed programmes have formally adopted ODR remains limited and uneven across jurisdictions. Institutional inertia, lack of technical infrastructure, and concerns regarding procedural control have constrained systematic integration.

The **executive and policy-making bodies** also play a pivotal role in shaping the ODR ecosystem. Government initiatives aimed at digital governance and judicial reform have created a broader policy context conducive to ODR. Expert committees and policy reports have highlighted ODR as a tool for enhancing access to justice and improving ease of doing business. These policy endorsements serve as important signals of institutional support, encouraging courts and private actors to invest in ODR infrastructure. Nevertheless, policy initiatives often lack binding force, and their impact depends on effective coordination with judicial and regulatory institutions.<sup>18</sup>

Private **ODR platforms** constitute one of the most dynamic components of India's ODR landscape. These platforms typically offer end-to-end dispute resolution services, combining case intake, communication tools, neutral appointment, and outcome documentation within a single digital interface. They have been particularly successful in resolving disputes in sectors such as e-commerce, fintech, insurance, and MSMEs, where disputes are frequent and time-sensitive. By leveraging technology, private platforms can handle large volumes of disputes efficiently, offering speed and convenience that traditional mechanisms struggle to match.

At the same time, the growing role of private ODR platforms raises important questions about accountability and standardisation. Unlike courts or statutory tribunals, private platforms operate primarily through contractual arrangements and self-regulation. This can result in variability in procedural standards, quality of neutrals, and transparency of processes. While

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<sup>18</sup> Law Commission of India, *245th Report on Arrears and Backlog: Creating Additional Judicial (Wo)manpower* (2014).

competition may drive innovation, it may also incentivise cost-cutting at the expense of procedural safeguards. The absence of formal accreditation or oversight mechanisms exacerbates these concerns, underscoring the need for institutional frameworks that ensure minimum standards without stifling innovation.

**Arbitral and mediation institutions** also have a significant role to play in the development of ODR. Established institutions bring credibility, procedural expertise, and trained neutrals to the dispute resolution process. Many such institutions have begun to adopt digital tools to facilitate online hearings and case management. Their involvement can enhance trust in ODR processes, particularly for high-stakes or complex disputes. Institutional rules and guidelines can also provide clarity on procedural issues, such as confidentiality, data protection, and enforceability. However, institutional adoption of ODR varies widely, and some institutions remain cautious due to concerns about cost, training, and technological reliability.<sup>19</sup>

The role of **legal professionals**, including advocates, arbitrators, and mediators, is another critical factor influencing the adoption of ODR. Legal professionals act as intermediaries between disputing parties and dispute resolution mechanisms, shaping perceptions and choices. While some practitioners have embraced ODR as a means of enhancing efficiency and expanding their professional reach, others remain sceptical, viewing it as a threat to traditional practice models. Resistance may stem from unfamiliarity with technology, concerns about reduced advocacy opportunities, or apprehensions regarding procedural informality. Capacity-building and training are therefore essential to ensure that legal professionals are equipped to engage constructively with ODR.

Disputing **parties and users** are central stakeholders whose acceptance ultimately determines the success of ODR. User perceptions of fairness, neutrality, and effectiveness significantly influence willingness to participate in online processes. For many users, particularly businesses and digitally literate individuals, ODR offers tangible benefits in terms of speed and convenience. However, for others, especially those with limited digital access or literacy, ODR may appear intimidating or exclusionary. Institutional frameworks must therefore prioritise user-centric design, incorporating features such as multilingual interfaces, simplified procedures, and technical support to enhance accessibility.

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<sup>19</sup> Marc Galanter, 'Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law' (1981) 19 Journal of Legal Pluralism 1.

Collaboration among stakeholders is essential for building a cohesive ODR ecosystem. Fragmented efforts by individual actors may result in duplication, inconsistency, and inefficiency. Coordinated initiatives involving courts, government agencies, private platforms, and professional bodies can facilitate standard-setting, knowledge-sharing, and capacity-building. For example, partnerships between courts and private ODR providers can enable court-referred online mediation programmes that combine public oversight with private innovation. Such hybrid models can harness the strengths of different stakeholders while mitigating their respective limitations.

Despite these opportunities, institutional challenges remain significant. The lack of clear delineation of roles and responsibilities can create uncertainty and conflict among stakeholders. Questions regarding regulatory authority, oversight, and accountability remain unresolved. Moreover, institutional capacity constraints, including limited technical infrastructure and human resources, may hinder large-scale adoption of ODR. Addressing these challenges requires sustained institutional commitment and strategic planning.

In conclusion, the institutional framework governing ODR in India is characterised by diversity and dynamism. Multiple stakeholders contribute to the development and implementation of ODR, each bringing distinct perspectives and priorities. While the judiciary and government provide legitimacy and policy direction, private platforms and institutions drive innovation and operational efficiency. Legal professionals and users shape adoption through their choices and experiences. For ODR to mature as a credible and inclusive dimension of ADR in India, these stakeholders must operate within a coherent institutional framework that balances flexibility with accountability. Strengthening institutional coordination, capacity, and oversight is therefore essential to realising the transformative potential of ODR in the Indian dispute resolution landscape.

### **Challenges and Limitations of Online Dispute Resolution in the Indian Context**

Despite the growing acceptance and institutional support for Online Dispute Resolution (ODR) in India, its adoption is accompanied by a range of legal, technological, social, and normative challenges. These challenges do not negate the utility of ODR; rather, they underscore the complexities involved in integrating technology-driven processes into a justice system shaped

by constitutional values, socio-economic diversity, and procedural traditions. A critical examination of these limitations is essential to assess whether ODR can function as an equitable and effective dimension of Alternative Dispute Resolution (ADR) in India.

One of the most significant challenges facing ODR in India is the **digital divide**. While India has witnessed rapid growth in internet penetration and smartphone usage, access to reliable digital infrastructure remains uneven. Large segments of the population, particularly in rural areas and among economically weaker sections, lack consistent access to high-speed internet, digital devices, or the skills necessary to navigate online platforms. This disparity raises concerns that ODR may primarily benefit urban, educated, and commercially sophisticated users, thereby excluding those who already face barriers to accessing justice. If not addressed through inclusive design and institutional support, ODR risks reinforcing existing inequalities within the justice system rather than alleviating them.

Closely linked to the digital divide is the issue of **digital literacy and user capacity**. Effective participation in ODR requires not only access to technology but also the ability to use it confidently and competently. For many litigants, particularly first-time users or individuals unfamiliar with legal processes, navigating online interfaces can be daunting. The absence of in-person guidance may exacerbate feelings of disempowerment and confusion. This challenge is particularly acute in mediation and negotiation processes, where effective communication and understanding of procedural options are critical to achieving fair outcomes.

Another major limitation of ODR in India relates to **procedural fairness and due process**. Traditional dispute resolution mechanisms rely heavily on face-to-face interaction, which allows adjudicators or mediators to observe non-verbal cues, assess credibility, and manage power dynamics. In online environments, these elements may be diminished or distorted due to technological constraints such as poor connectivity, limited video quality, or asynchronous communication. There is a risk that disparities in technological competence or access may translate into substantive disadvantages for certain parties, undermining the principle of equality of arms.<sup>20</sup>

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<sup>20</sup> Marc Galanter, 'Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change' (1974) 9 Law & Society Review 95.

The **voluntary nature of ADR**, which is a cornerstone of its legitimacy, also poses challenges in the ODR context. While ODR is often promoted as a convenient and efficient option, concerns arise when parties are effectively compelled to participate due to contractual clauses or institutional mandates. For example, standard-form contracts in e-commerce or digital services may require consumers to resolve disputes exclusively through ODR platforms. Such arrangements raise questions about informed consent, bargaining power, and fairness, particularly when consumers lack meaningful alternatives. Without regulatory safeguards, mandatory ODR clauses may undermine the consensual ethos of ADR.

**Enforceability of outcomes** constitutes another critical challenge for ODR in India. While arbitral awards rendered through online proceedings generally enjoy enforceability under existing arbitration law, the status of settlements reached through online mediation or negotiation remains uncertain. These outcomes typically rely on contractual enforcement, which may be inadequate in cases of non-compliance or unequal bargaining power. The absence of statutory recognition for online mediation agreements limits their credibility and deters parties from relying on ODR for more complex or high-stakes disputes.

Data protection and **confidentiality concerns** are particularly pronounced in the ODR environment. Dispute resolution processes often involve sensitive personal, financial, or commercial information. Online platforms store and transmit this data, making it vulnerable to cyberattacks, unauthorised access, or misuse. While confidentiality is a fundamental principle of ADR, ensuring its preservation in digital environments requires robust technological safeguards and clear legal standards. In the absence of ODR-specific data protection regulations, parties may be reluctant to trust online platforms with sensitive information.

The **lack of regulatory oversight and standardisation** further complicates the ODR landscape. Many ODR platforms operate as private entities with proprietary technologies and self-defined procedures. While this allows for innovation and flexibility, it also results in variability in quality, transparency, and accountability. Without accreditation mechanisms or minimum procedural standards, there is a risk that some platforms may prioritise efficiency or commercial interests over fairness and neutrality. This variability undermines user trust and hinders the development of a cohesive ODR ecosystem.

Jurisdictional complexities present another challenge, particularly in disputes involving parties located in different states or countries. Traditional jurisdictional rules are rooted in territorial concepts such as place of residence or cause of action. Applying these rules to online disputes resolved through virtual platforms can be problematic. Uncertainty regarding applicable law, competent courts, and enforcement forums may deter parties from engaging in ODR, especially in cross-border contexts.

Cultural and psychological factors also influence the acceptance of ODR in India. Many litigants and legal professionals continue to associate justice with physical courtrooms and formal procedures. The perceived informality of online processes may be viewed as undermining the seriousness or legitimacy of dispute resolution. Additionally, resistance from legal professionals, who may perceive ODR as a threat to traditional practice models, can impede adoption. Overcoming such cultural barriers requires sustained awareness-building and capacity development.

Finally, concerns regarding the **privatisation of justice** merit careful consideration. As private ODR platforms assume a greater role in dispute resolution, questions arise about the shifting boundaries between public and private justice. While private mechanisms can enhance efficiency, excessive reliance on private platforms may dilute public oversight and accountability. Ensuring that ODR complements rather than replaces public justice institutions is essential to preserving the normative foundations of the legal system.

In conclusion, while ODR offers significant promise as a new dimension of ADR in India, its adoption is constrained by a range of challenges and limitations. These challenges are multifaceted, encompassing technological, legal, social, and cultural dimensions. Addressing them requires a holistic approach that combines regulatory reform, institutional support, technological investment, and capacity-building. Recognising and critically engaging with these limitations is essential to ensuring that ODR evolves in a manner that is equitable, legitimate, and aligned with the broader goals of access to justice.

### **Future Prospects and Reform Measures for Strengthening ODR in India**

The future of Online Dispute Resolution (ODR) in India is closely intertwined with the broader objectives of judicial reform, digital governance, and access to justice. While ODR has already

demonstrated its potential as an efficient and scalable dispute resolution mechanism, its long-term success depends on deliberate legal, institutional, and technological reforms. This subsection examines the future prospects of ODR in India and proposes reform measures aimed at strengthening its legitimacy, inclusiveness, and effectiveness as a new dimension of Alternative Dispute Resolution (ADR).

One of the most significant future prospects of ODR lies in its capacity to address **judicial backlog and systemic delays**. Indian courts are burdened with millions of pending cases, many of which involve low-value disputes that consume disproportionate judicial resources. ODR can function as a first-tier dispute resolution mechanism, resolving such disputes before they escalate into formal litigation. Integrating ODR into pre-litigation processes, particularly in commercial, consumer, and MSME disputes, can significantly reduce the inflow of cases into courts. This preventive approach aligns with the broader objective of promoting early and amicable settlement of disputes.

**Legislative reform** is a critical component of strengthening ODR in India. While existing ADR laws provide a foundational basis for online processes, the absence of a dedicated statutory framework creates uncertainty and inconsistency. One reform option is the enactment of comprehensive ODR legislation that defines the scope, procedures, and enforceability of online dispute resolution mechanisms. Such legislation could establish minimum procedural standards, accreditation requirements for ODR platforms, and safeguards for party autonomy and fairness. Alternatively, incremental amendments to existing statutes such as expressly recognising online mediation and providing statutory backing for mediated settlements may offer a more flexible and pragmatic approach. The choice between these approaches should be guided by considerations of regulatory clarity, institutional capacity, and innovation.

The **institutionalisation of ODR within the judicial system** represents another important reform measure. Court-annexed ODR programmes can serve as a bridge between formal adjudication and private dispute resolution. By referring suitable cases to online mediation or arbitration, courts can leverage technology to enhance the reach and efficiency of ADR. Establishing dedicated ODR cells within courts, equipped with trained personnel and technical infrastructure, can facilitate systematic integration. Judicial training and sensitisation are also essential to ensure that judges are confident in identifying appropriate cases for ODR and monitoring outcomes without excessive intervention.

**Standard-setting and accreditation** are crucial for building trust in ODR mechanisms. Developing uniform standards for procedural fairness, neutrality, confidentiality, and data protection can enhance the credibility of ODR platforms. Accreditation mechanisms, whether administered by judicial bodies, professional associations, or independent regulators, can ensure that ODR providers meet minimum quality benchmarks. Such mechanisms can also facilitate accountability and transparency, addressing concerns associated with private and proprietary platforms. Importantly, standard-setting should be flexible enough to accommodate innovation and sector-specific requirements.

Addressing the **digital divide** is central to ensuring the inclusiveness of ODR. Future reforms must prioritise expanding digital infrastructure and enhancing digital literacy, particularly in rural and marginalised communities. ODR platforms should be designed with accessibility in mind, incorporating features such as multilingual interfaces, low-bandwidth functionality, and user support services. Hybrid models that combine online and offline elements may also help bridge the digital gap, allowing parties to participate in ODR with assistance from facilitators or community centres.

**Capacity-building among legal professionals** is another key reform priority. Lawyers, arbitrators, and mediators play a crucial role in shaping the adoption and effectiveness of ODR. Training programmes focusing on online advocacy, digital ethics, and technology-enabled dispute resolution can equip professionals with the skills necessary to operate effectively in online environments. Professional bodies and educational institutions can integrate ODR-related content into legal education and continuing professional development programmes, fostering a culture of innovation and adaptability.

The future of ODR in India is also shaped by **technological innovation**. Advances in artificial intelligence, data analytics, and automation have the potential to enhance ODR processes by improving case management, facilitating early settlement, and providing decision-support tools. However, the adoption of such technologies must be guided by ethical considerations and legal safeguards to prevent bias, opacity, and undue reliance on automated decision-making. Transparent and accountable use of technology is essential to maintaining trust in ODR systems.

**Public awareness and user trust** are equally important for the sustained growth of ODR. Many potential users remain unfamiliar with ODR or sceptical of its legitimacy. Awareness campaigns, pilot projects, and success stories can help demonstrate the effectiveness of ODR and build public confidence. Clear communication regarding rights, procedures, and remedies is essential to ensuring informed consent and meaningful participation. User feedback mechanisms can further enhance trust by enabling continuous improvement of ODR services.

From a constitutional perspective, future reforms must ensure that ODR remains aligned with principles of **access to justice, equality, and due process**. ODR should be conceived as a complementary mechanism that expands options for dispute resolution rather than as a substitute for courts. Safeguards must be in place to ensure that parties retain the right to seek judicial redress where necessary. Judicial oversight, albeit limited and proportionate, can play a role in preserving constitutional values without undermining the efficiency of ODR.

International cooperation and **comparative learning** can also inform the future development of ODR in India. Engaging with international standards and best practices can help identify effective regulatory models and technological solutions. However, reforms must be tailored to India's unique socio-legal context, taking into account diversity, resource constraints, and constitutional commitments. Context-sensitive adaptation, rather than wholesale adoption of foreign models, is essential for sustainable reform.

In conclusion, the future prospects of Online Dispute Resolution in India are both promising and contingent. ODR has the potential to transform dispute resolution by enhancing efficiency, accessibility, and responsiveness to the needs of a digital society. Realising this potential requires a comprehensive reform agenda encompassing legislation, institutional integration, standard-setting, capacity-building, and technological investment. By adopting a balanced and inclusive approach, India can strengthen ODR as a credible and effective dimension of Alternative Dispute Resolution, contributing to a more accessible and resilient justice delivery system.

## Conclusion

The evolution of Online Dispute Resolution (ODR) marks a significant transformation in the landscape of dispute resolution in India. As this research has demonstrated, ODR represents not merely a technological adaptation of existing Alternative Dispute Resolution (ADR)

mechanisms, but a substantive reimagining of how disputes can be resolved in a digital and increasingly interconnected society. Situated at the intersection of law, technology, and policy, ODR has emerged as a timely and necessary response to the persistent challenges confronting the Indian justice delivery system, particularly judicial backlog, procedural delays, and barriers to access.

India's experience with ADR has historically been shaped by the recognition that courts alone cannot bear the burden of dispute resolution in a complex and populous society. Legislative and judicial initiatives promoting arbitration, mediation, and conciliation reflect an enduring commitment to consensual and efficient justice. ODR builds upon this foundation by leveraging digital technologies to overcome additional constraints that have traditionally limited the reach and effectiveness of ADR. By enabling remote participation, reducing costs, and offering flexible procedural designs, ODR expands the possibilities of dispute resolution beyond physical courtrooms and conventional institutional boundaries.

The research has shown that the conceptual legitimacy of ODR in India is grounded in established principles of ADR, particularly party autonomy, procedural flexibility, and minimal judicial intervention. Existing legal frameworks, including the Arbitration and Conciliation Act, 1996 and the Code of Civil Procedure, 1908, provide indirect but significant support for online processes, especially in the context of arbitration. Judicial endorsement of virtual proceedings and digital evidence further reinforces the view that procedural laws must adapt to technological realities. These developments suggest that ODR is not alien to the Indian legal system but rather a logical extension of its evolving approach to dispute resolution.

At the same time, the study highlights that the regulatory and institutional architecture governing ODR in India remains fragmented and underdeveloped. The absence of a comprehensive statutory framework specifically addressing ODR creates uncertainty regarding enforceability, procedural standards, and oversight. While private ODR platforms have demonstrated innovation and efficiency, their operation within a largely self-regulated environment raises concerns about accountability, neutrality, and uniformity. Court-annexed ODR initiatives, though promising, are still in nascent stages and lack consistent institutionalisation across jurisdictions. These gaps underscore the need for coherent regulatory and institutional responses to support the sustainable growth of ODR.

The analysis of challenges reveals that ODR's transformative potential is tempered by significant limitations. The digital divide remains a critical barrier to equitable access, raising concerns that ODR may inadvertently exclude marginalised communities lacking digital infrastructure or literacy. Issues of procedural fairness, informed consent, data protection, and confidentiality assume heightened importance in online environments. Jurisdictional complexities and cultural resistance further complicate adoption. These challenges demonstrate that technology alone cannot resolve systemic problems in dispute resolution; legal design, institutional capacity, and socio-economic context play equally important roles.

Despite these limitations, the research affirms that ODR holds considerable promise as a complementary mechanism within India's broader justice ecosystem. Its suitability for resolving low-value, high-volume disputes in sectors such as e-commerce, fintech, and MSMEs positions it as a valuable tool for enhancing access to justice and commercial certainty. The potential integration of ODR into pre-litigation and court-annexed processes offers a pragmatic pathway for reducing judicial burden while preserving the right to judicial recourse. Importantly, the study emphasises that ODR should not be viewed as a replacement for courts or traditional ADR, but as an additional option that expands the spectrum of dispute resolution choices available to parties.

The future of ODR in India depends on a balanced and inclusive reform agenda. Legislative clarity, whether through standalone ODR legislation or targeted amendments to existing laws, is essential to ensure legal certainty and enforceability. Institutional integration within the judicial system can enhance legitimacy and public trust, while standard-setting and accreditation can address concerns associated with private platforms. Capacity-building among legal professionals and awareness among users are critical to fostering acceptance and effective participation. Equally important is the need to address the digital divide through infrastructure development, accessible platform design, and hybrid models that combine online and offline support.

From a constitutional perspective, the research underscores that ODR must remain aligned with fundamental principles of access to justice, equality, and due process. Safeguards ensuring voluntariness, fairness, and transparency are essential to prevent the erosion of rights in the pursuit of efficiency. Judicial oversight, exercised in a proportionate and non-intrusive manner,

can play a constructive role in preserving constitutional values while respecting the autonomy and flexibility that define ADR and ODR processes.

In conclusion, Online Dispute Resolution represents a meaningful and necessary evolution of Alternative Dispute Resolution in India. Its emergence reflects broader societal shifts towards digitalisation and the growing demand for efficient, accessible, and user-centric justice mechanisms. While challenges and uncertainties remain, they are not insurmountable. With thoughtful legal reform, institutional support, and inclusive design, ODR can strengthen India's dispute resolution framework and contribute to a more responsive and resilient justice delivery system. This research thus concludes that ODR, as a new dimension of ADR, holds significant potential to advance the cause of access to justice in India, provided its development is guided by constitutional values, regulatory clarity, and a commitment to equity and fairness.

## Bibliography

### A. Books

1. Baxi, Upendra, *The Crisis of the Indian Legal System* (Oxford University Press 1982).
2. Galanter, Marc, *Law and Society in Modern India* (Oxford University Press 1989).
3. Katsh, Ethan & Rifkin, Janet, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass 2001).
4. Kothari, C.R., *Research Methodology: Methods and Techniques* (2nd edn, New Age International 2004).
5. Rao, P.C. & Sheffield, William, *Alternative Dispute Resolution: What It Is and How It Works* (Universal Law Publishing 1997).
6. Sinha, S.B., *ADR Methods: Arbitration, Conciliation and Mediation* (Eastern Book Company 2010).

### B. Journal Articles

1. Galanter, Marc, 'Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law' (1981) 19 *Journal of Legal Pluralism* 1.
2. Galanter, Marc, 'Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change' (1974) 9 *Law & Society Review* 95.
3. Galanter, Marc, 'Access to Justice in a World of Expanding Social Capability' (2010) 37 *Fordham Urban Law Journal* 115.

4. Katsh, Ethan, 'Online Dispute Resolution: Some Implications for Theory, Practice and Policy' (2006) 10 *Lex Electronica* 1.
5. Susskind, Richard, 'The End of Lawyers?' (2010) 13 *Oxford Journal of Legal Studies* 1.

### **C. Law Commission of India Reports**

1. Law Commission of India, *129th Report on Urban Litigation – Mediation as Alternative to Adjudication* (1988).
2. Law Commission of India, *245th Report on Arrears and Backlog: Creating Additional Judicial (Wo)manpower* (2014).
3. Law Commission of India, *246th Report on Amendments to the Arbitration and Conciliation Act, 1996* (2014).
4. Law Commission of India, *268th Report on Amendment of the Arbitration and Conciliation Act, 1996* (2017).

### **D. Government and Policy Reports**

1. NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Handbook* (Government of India 2021).
2. Ministry of Electronics and Information Technology, Government of India, *Digital India Programme: Vision and Objectives*.
3. Department of Justice, Government of India, *e-Courts Mission Mode Project Reports*.

### **E. Statutes and Constitutional Provisions**

1. The Constitution of India.
2. The Arbitration and Conciliation Act, 1996.
3. The Code of Civil Procedure, 1908.
4. The Information Technology Act, 2000.

### **F. Case Law**

1. *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344.
2. *Afcons Infrastructure Ltd v. Cherian Varkey Construction Co. (P) Ltd*, (2010) 8 SCC 24.
3. *State of Maharashtra v. Praful B. Desai*, (2003) 4 SCC 601.
4. *Trimex International FZE Ltd v. Vedanta Aluminium Ltd*, (2010) 3 SCC 1.

**G. Online Sources and Reports**

1. Supreme Court of India, *Virtual Court and E-Committee Reports*.
2. United Nations Commission on International Trade Law (UNCITRAL), *Model Law on International Commercial Arbitration*.
3. Organisation for Economic Co-operation and Development (OECD), *Consumer Policy and Online Dispute Resolution Reports*.

