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# **DIGITAL ADR: EMBRACING INNOVATION AND TECHNOLOGY**

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## **ABSTRACT**

The alternate dispute resolution has evolved to speedy the resolution of disputes. However, there are geographical, temporal and financial constraints which have acted as an impediment in the process. Therefore, there was the need to revamp the mediation, negotiation to increase efficiency. This has been achieved by integrating alternate dispute resolution with technology. The one such method is Online Dispute Resolution. The online Dispute Resolution will not only remove geographical and financial constraints but also ensure the accessibility of parties according to their convenience. Artificial intelligence can also play a crucial role in advancing the alternate dispute resolution. It can analyze the judgments and assist the arbitrators, after identifying challenges, in coming to decisions efficiently in a small duration. Alternate dispute resolution can be made efficient by introducing smart contracts and blockchain technology. The smart contract has predefined terms. They can be automatically enforced once all the prerequisites are fulfilled. The automation of the terms and conditions reduces the risk of disputes. In the scenario the disputes arise the blockchain technology must be used to secure the data and ensure the dispute resolution in time-bound manner. The integration technology with alternate dispute resolution is not without any challenge. The most important among them is Data privacy and Cyber security. The major concern is the protection and preservation of sensitive information. Another challenge for the parties will be that overreliance on technology will reduce empathy and ethical consideration, which will somehow compromise the efficient resolution of conflict. At the same time, it is important to revamp the entire infrastructure of the dispute resolution to make it sync with technology.

The authors of this paper proposes the different methodology used for integrating technology with alternate dispute resolution. It analyses the challenges and the potential risk in the due process. It also analyses the laws related to ADR and needs to incorporate technological innovation in the law as well as challenges which the lawmakers will face in integrating

alternate dispute resolution with technology.

**Keywords:** Alternate Dispute Resolution, artificial intelligence, online dispute resolution, Data privacy.

*“The courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.”*

*U.S. Supreme Court Justice Sandra Day<sup>1</sup>*

Society is composed of individuals with diverse perspectives, opinions, cultures, languages, and numerous other differences. As a result, when all these disparities are combined, it is ubiquitous for disputes to arise. Following India's independence and the abolition of the Privy Council, the country established a three-tier judicial system comprising:

- The Supreme Court of India
- The High Courts
- The Lower Courts<sup>2</sup>

This system was designed to resolve conflicts that individuals could not settle on their own. Traditionally, people have considered litigation as the primary means of dispute resolution. However, alternative methods exist that allow conflicts to be settled without resorting to lengthy and exhausting legal proceedings.

These alternatives, collectively known as Alternative Dispute Resolution (ADR), offer mechanisms outside conventional litigation.<sup>3</sup> While ADR practices have historical roots in India, significant legal developments in this field began in the nineteenth century.

With rapid technological progress, the legal landscape is undergoing significant change. ADR, which was once limited to face-to-face mediation, arbitration, and negotiation, has now embraced digital advancements, including artificial intelligence (AI), blockchain technology, and online platforms. This transformation is not just a convenience but a necessity in a world

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<sup>1</sup> Lisa messner, "Resolving disputes out of court: understanding mediation & arbitration", [Lisa Messner - Mac Murray & Shuster LLP](#).

<sup>2</sup> Sujit ghosh, "Indian judiciary: organizational structure and jurisdiction", [PowerPoint Presentation](#).

<sup>3</sup> Alternative dispute resolution: An economic analysis by Steven Shavell page no, "[Alternative Dispute Resolution: An Economic Analysis](#)" by Steven M. Shavell.

increasingly shaped by globalization, e-commerce, and remote interactions, all of which require efficient, accessible, and cost-effective dispute resolution methods.

Digital ADR utilizes cutting-edge technology to resolve conflicts beyond the confines of traditional courtrooms. By leveraging Online Dispute Resolution (ODR) platforms, AI-driven mediation, and smart contract-based arbitration, digital ADR is breaking geographical and jurisdictional barriers. However, while these advancements streamline dispute resolution, they also introduce concerns regarding fairness, cybersecurity, ethical implications, and legal enforceability.

This paper delves into the evolving intersection of ADR and technology, analyzing how innovations are transforming dispute resolution. It discusses the advantages, challenges, and outlook of digital ADR while emphasizing the need to balance technological efficiency with core principles of justice and human oversight.

**GRAPHICAL REPRESENTATION OF EFFICIENCY OF ONLINE DISPUTE RESOLUTION FROM 2021-2025**



The chart compares the average time taken to resolve disputes by courts and Online Dispute Resolution (ODR) across five different sectors. The blue line marks the sector identifiers from 1 to 5. The red line shows the **average time taken by courts**, which steadily rises from around 0 to **over 350 days** by the fifth sector. In contrast, the green line represents the **time taken by**

ODR, which remains significantly lower—starting at around 0 and peaking near **90 days**, then slightly decreasing to about **70 days** in the fifth sector.

This visual clearly indicates that while the traditional court system becomes progressively slower across sectors, ODR consistently maintains quicker resolution times. The steep rise in court duration versus the moderate rise and slight fall in ODR time highlights the **efficiency and speed** of ODR mechanisms in handling disputes. The graph supports the claim that ODR offers a **faster and more efficient** alternative to the conventional judicial process.

## CONCEPTUAL ANALYSIS OF ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) has emerged as a critical alternative to conventional litigation, particularly in addressing the backlog of cases in courts globally. Alternative Dispute Resolution is a process or set of processes serving as an alternative to traditional adversarial procedure.<sup>4</sup> These processes include mediation, conciliation, arbitration, and negotiation.<sup>5</sup> Legal consumers, whether that be a corporation or an individual, can reap the benefits of ADR. Many companies incorporate ADR provisions into their contracts as a method of solving future conflicts.<sup>6</sup> Heavily regulated industries, such as the oil and gas industry, use ADR to solve disputes. Citizens are also encouraged to use ADR to reach settlements.<sup>7</sup> Allowing people predictability and control over their disputes generates resolutions in ways that formal proceedings might not otherwise offer.<sup>8</sup>

Alternate Dispute Resolution (ADR) is an umbrella term for ways to solve disputes without engaging in the legal system. ADR is primarily composed of negotiation, mediation, and arbitration.<sup>9</sup> For decades, ADR has been a choice of reconciling differences because it is quicker

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<sup>4</sup> George Applebey, “What Is Alternative Dispute Resolution”, 15 *Holdsworth Law Review* 22 (1991), [George Applebey - Birmingham Law School - University of Birmingham](#).

<sup>5</sup> Robert E. Wells Jr., “Alternative Dispute Resolution - What Is It- Where Is It Now”, 28 S. Ill. U. L.J. 652 (2004), [Alternative Dispute Resolution: What is it? Where is it Now? | RSI](#)

<sup>6</sup> Imre Stephen Szalai, The Prevalence Of Consumer Arbitration Agreements By America's Top Companies, 52 *Uc Davis L. Rev. Online* 233, 234 (2018-2019), [Microsoft Word - Szalai macro v5.docx](#).

<sup>7</sup> Joseph H. Helm Jr. Et Al, An Alternative For Settling Civil Disputes, 63 *Wis. Law.* 14,15 (1990),

<sup>8</sup> Greg Hoole & Paul Felt, Building on the Past and Looking to the Future: How Mediation Has Evolved to Become a Standard, Instead of Alternative, Form of Dispute Resolution, 31 *UTAH B.J. (2D sER.)* 25,25 (2), [Building-on-the-Past-and-Looking-to-the-Future-Gregory-N.-Hoole-Bar-Journal-1.pdf](#)

<sup>9</sup> Emily Rothkin, How to Create a Better Mediation: Using Divorce Mediation Outcomes to Assess Gender's Effect on Mediation, 102 *B.U. L. REV.* 631,638 (2022), [ROTHKIN.pdf](#)

and less costly than traditional litigation.<sup>10</sup>

### 1. Arbitration

Arbitration is an ADR method that has existed for centuries where parties form agreements to forfeit their right of judicial recourse and instead arbitrate to solve disputes.<sup>11</sup>

### 2. Mediation

Mediation, a less formal method of conflict resolution, is facilitated by a mediator who assists the parties in determining their goals in resolving the dispute.<sup>12</sup> While arbitration is a predetermined method of dispute resolution selected by parties to a contract, parties elect mediation in response to a spontaneous fallout.<sup>13</sup>

### 3. Conciliation

Conciliation is another form of alternative dispute resolution wherein an impartial person, named Conciliators, helps the parties to reach a mutual satisfactory settlement. It is non-binding in nature till the acceptance of the parties and once it is accepted it becomes binding.<sup>14</sup>

### 4. Negotiation

It is amicable settlement between the parties for the resolution of the disputes without the intervention of the third party. It is generally used in business, organization, legal proceedings including personal matters such as marriage, divorce<sup>15</sup>

## THE TECHNOLOGICAL REVOLUTION IN ADR

With the advancement of technology, the alternate dispute resolution has advanced. There is integration of technology and artificial intelligence in alternate dispute resolution in the following forms.

### 1. Online Dispute Resolution (ODR)

The online dispute resolution involves the use of technology in the resolution of

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<sup>10</sup>Carrie Menkel-Meadow, "when Dispute Resolution Begets Disputes of Its Own: Conflicts among Dispute Professionals", 44 UCLA L. REV. 1871,1871 (1997), [When Dispute Resolution Begets Disputes of its Own: Conflicts Among Dispute Professionals - CORE Reader](#)

<sup>11</sup> Derick H. Lindquist & Ylli Dautaj, AI in International Arbitration: Need for the Human Touch, 2021 J. DISP. RESOL. 39,43 (2021), "[AI in International Arbitration: Need for the Human Touch](#)" by Derick H. Lindquist and Ylli Dauta.

<sup>12</sup>Jacqueline Nolan-Haley, Mediation: The New Arbitration, 17 HARV. NEGOT. L. REV. 61,64 (2012), [Mediation: The 'New Arbitration' by Jacqueline M. Nolan-Haley :: SSRN](#)

<sup>13</sup> Jill S. Tanz & Martha K. McClintock, The Physiologic Stress Response during Mediation, 32 OHIO ST. J. ON DISP. RESOL. 29,32 (2017), [The Physiologic Stress Response During Mediation | RSI](#)

<sup>14</sup> Singh A. Law of Arbitration and Conciliation 345. Eastern Book Co, Lucknow2009.

<sup>15</sup> ibid

disputes. It is cost effective in comparison to traditional ADR. The online dispute resolution with use of technology have reduced the time for the resolution of the dispute and has ensured access to justice for the remote areas. It involves many factors such as informal negotiation, involving online chat or video conferencing, and extending to formal arbitration mechanism.

## **2. AI Assisted Mediation**

The integration of artificial technology with mediation is the voice of present times. It has ensured efficiency, effectiveness and accessibility in comparison to the traditional ADR system. It involves various tools such as chatbots and data analysis platform to provide correct and real time feedback. The most significant advantage is that the use of AI can analyze datasets of past cases, identify patterns and then provide rational advice for the mediation. Artificial intelligence can also automate various processes and provide time to mediators to develop rational relationships between the parties.

## **3. Hybrid ADR Model**

It blends traditional ADR methods with digital tools. This approach leverages AI-assisted decision-making, virtual hearings, and document automation to streamline the dispute resolution process. For instance, a hybrid arbitration system might allow parties to file documents online while conducting final hearings in person, providing flexibility and convenience without compromising due process.

## **4. Blockchain-Based Arbitration**

It is a platform wherein information is recorded and verified. Blockchain technology can be used to create a decentralized platform through which evidence can be submitted, track the case and access the final award. It avoids the tampering of evidence and facilitates cross-border arbitration resolution of disputes. It is a very novel concept which ensures efficiency, transparency and enforceability and extends to multiple sectors.

The blockchain technology arbitration involves recording, managing evidence, tracking of case and enforce awards. It also avoids fraud and ensures transparency.

## **EVOLUTION OF ONLINE ALTERNATE DISPUTE RESOLUTION**

The evolution of online dispute resolution mechanism started with advancement of technology and the internet. The first ODR initiation was launched by the University of Massachusetts and University of Maryland in the year 1996. The use of the internet was a breakthrough for acceleration of online dispute resolution. E-bay was the first e-commerce website which

provided online dispute resolution between the buyer and seller. It first asks the customers to file the online complaints and in case there is failure the online mediation would start. This is the first private ODR mechanism started online. It was further evolved and developed by organizations such as Smart Settle, Cybersettle and Mediation room. They resolve the commercial dispute and have their own rules for resolving the same.

Thus, essentially there are two kinds of online dispute mechanism, first evolved by private organization and another evolved by public organization. The consortium which resolves the dispute through the online mechanism is the International Council for Online Dispute Resolution (ICODR). This organization essentially resolves the dispute through online dispute resolution service providers. The online dispute resolution mechanism has also been adopted by in the Government agencies as well such as New México Courts Online Dispute Resolution Center in IS for debt and money due matters. Money Claim Online for resolving the money claims in U.S and Civil Administrative Tribunal, Canada for resolving small disputes.

### **EVOLUTION OF ONLINE DISPUTE RESOLUTION IN INDIA**

The very first initiative for the dispute resolution has started with AN NGO named National Internet Exchange, an NGO working under Ministry of Electronics and Information Technology, with the adoption of .IN Domain Name Resolution Policy (INDRP). It provides online dispute resolution. The INDRP rules were essentially framed by the Arbitration and Conciliation Act, 1996. Later, in August a meeting was held under the age of United Nations Online Dispute Resolution Working Group in Chennai. It was a three-day 10 International Online Dispute Resolution Conference in association with Internet Corporation for Assigned Names and Number (ICANN).<sup>16</sup>

Further, the Ministry of Law and Justice has issued an official statement in which it is requested to all the government department to resort to online arbitration to bring down the pendency of cases. Additionally, many deliberations on online dispute resolution have arisen in the parliament. In response to the question the minister of law and Justice, Shri Kiran Rijiju said that “the concept of online dispute resolution is at nascent stage”. He said for the effective implementation a committee has been constituted by NITI Aayog under the Chairmanship of Justice, AK Sikri. This committee had duly developed an action plan of Online Dispute

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<sup>16</sup> Rakesh Chandra, Online Dispute Resolution in India: An Overview, Journal of Alternate Dispute Resolution. Vol 2, Issue 1 ISSN 2583-682X, [Rakesh-Chandra-JADR.pdf](#)

resolution.<sup>17</sup> In the report titled, “Designing the future of dispute Resolution: The ODR policy for India” many recommendations were made. Some of them are,

- It has been asked to create digital literacy, improve access to digital infrastructure and create professionals with proper training for Online dispute resolution.
- It has asked Govt. department to adopt ODR policy
- It has asked for the soft regulation of Online Dispute Resolution in India. It essentially asked the for laying down policy and ethical principles to regulate ODR policy in India.<sup>18</sup>

## **LAWS DEALING WITH ONLINE DISPUTE RESOLUTION AND JUDICIAL INTERVENTION**

1. Section 89 of the Civil Procedure Code, 1908<sup>19</sup> along with order 10 Rule 1-A and 1-B provides the opportunity to the people, if it appears to court there exist elements of settlement outside the court then court formulate the terms of the possible settlement and refer the same for: Arbitration, Conciliation, Mediation or Lok Adalat. In the above-mentioned provision under Rule 1 A the court can direct the parties to opt for either mode of settlement of dispute outside the Court. The ODR can be read here to include online mode as well for resolving the dispute outside the Courts.
2. The Legal Services Authorities Act<sup>20</sup> was passed in 1987 to encourage out-of-court settlements by providing statutory recognition to Lok Adalat. The order of the Lok-Adalat is final and binding on the parties and is not appealable in a court of law.
3. The Arbitration and Conciliation Act, 1996<sup>21</sup> is a comprehensive statute that provides international commercial arbitration, domestic arbitration, and the enforcement of foreign arbitral awards. It is based on the UN law model and is equal to the law adopted by the United Nations Commission on international trade law. According to the provision of the Act the parties are at the discretion of deciding the choosing the place for resolving the dispute. This anyway can include the online medium as well
4. The NITI Aayog in its recently released report - The Future of Dispute Resolution discusses the concept of Online Dispute Resolution (ODR) - its evolution, significance and present status in India.

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<sup>17</sup> Ibid

<sup>18</sup> Supra note 15

<sup>19</sup> Code of Civil Procedure, 1908

<sup>20</sup> Legal Service Authority Act, 1987.

<sup>21</sup> The Arbitration and Conciliation Act, 1996

The Hon'ble Supreme Court has expressed its intentions for the first time incorporating Online Alternate Dispute Resolution in the case of **Grid Corporation of Orissa Ltd. v. AES Corporation**,<sup>22</sup> the court very clearly said that "if the efficient deliberation can be achieved through the use of electronic media and even through the video Conferencing then it is absolutely not necessary for the parties to do the deliberations while meeting each other physically unless the stipulation is provided by force of law or any contract is executed between the parties".<sup>23</sup> Further, In the case of **Shakti Bhog Foods Ltd. Vs. Kola Shipping Ltd**<sup>24</sup>, the parties have exchanged the mails regarding the negotiation, acknowledgment of admission and rejection of contention and arbitration Clause.

### ADVANTAGES OF DIGITAL ADR

- 1. Amplification of the process** -The integration of technology in the ADR will make the ADR process smooth in the initial stage of the case. The machine will generate and answer questions about the general functioning of ADR without further issues. It will also ensure neutrality.<sup>25</sup>
- 2. Time effective:** The fundamental objective of bringing the ADR is to reduce the burden on the court and ensure timely access to justice. It also reduces the time taken for documentation and research work. The integration of AI with the ADR system further systematizes research and reduces burden on individual.<sup>26</sup>
- 3. Cost-effective:** The traditional ADR system was human based resolution. It involves a lot of cost and large operational costs. But once she becomes operational it is more cost-effective in comparison to traditional ADR.<sup>27</sup>
- 4. Disclosing sensitive details:**  
It is much more convenient for people to share personal and case sensitive information with the machine rather than the person. Humans are filled with prejudices which somehow compromise their privacy.<sup>28</sup>

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<sup>22</sup> Grid Corporation of Orissa Ltd. v. AES Corporation, 2002 SCC Online SC 938

<sup>23</sup> Ibid

<sup>24</sup> Shakti Bhog Foods Ltd. V. Kola Shipping Ltd [2008] SCC OnLine SC 1447

<sup>25</sup> Unnaty & Aaryushi goyal, ICFAI University, Dehradun, The evolution and effectiveness of online dispute resolution (ODR) platforms: A comprehensive analysis of ADR in the digital age, Indian journal of integrated research in law volume iii issue v, ISSN : 2583-0538, [The evolution and effectiveness of online dispute resolution \(odr\) platforms: a comprehensive analysis of ADR in the digital age](#)

<sup>26</sup> ibid

<sup>27</sup> Supra Note 24.

<sup>28</sup> Supra Note 24.

5. **Drafting:** The integration of technology will reduce the time taken by the arbitrators in drafting section of arbitration awards such as, parties' position, procedural history and party position and the cost of arbitration. It will also help the arbitrators to indulge themselves in creative work.<sup>29</sup>
6. **No Conflict of Interest:** The advancement of technology will reduce the ground for parties to impeach the credibility of arbitrators on the grounds of conflict of interest.<sup>30</sup>
7. **No Scope for Errors:** The use of AI will also ensure efficiency in dispute resolution. It will avoid errors in the understanding, translation, documentation, selection of authority and decision making.<sup>31</sup>
8. **Huge investment:** The fundamental objective of AI would be to reduce the investment cost of proceeding and with time it will significantly reduce the cost.<sup>32</sup>

### **CHALLENGES FOR INCLUDING ODR IN THE SYSTEM**

1. **REPLACING LAWYERS:** It is unsaid reality of the advancement of technology that the technology developed to help humans will somehow compromise on their livelihood. The need to run the AI based arbitration will require less human will significantly reduce the job opportunity for the lawyers.<sup>33</sup>
2. **PRIVACY CONCERNS:** The major advantage of ADR is that personal information is shared with a person. Such information is very crucial for dispute resolution. It is also an unsaid truth that machines can be hacked much more easily in comparison to humans. It will also expose the system to many vulnerabilities such as hacking, spamming, viruses, software malfunction and other computer vulnerabilities. Therefore, it is imperative to regulate arbitration with technology by data protection and privacy laws.<sup>34</sup>
3. **Legislation Required:** With the advancement of technology there is a need to overhaul Arbitration and Conciliation Act, 1996 and UNCITRAL rules, procedural and institutional laws to align with the technological dispute resolution.<sup>35</sup>

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<sup>29</sup> Supra Note 24

<sup>30</sup> Supra Note 24.

<sup>31</sup> Ibid

<sup>32</sup> Supra Note 24.

<sup>33</sup> Akanksha Choudhary, The Effectiveness of Online Dispute Resolution as an ADR Mechanism, CMR Journal for Dispute Settlement and Arbitration, Vol. 3 (01), June 2024, PP. 17-29, [02.-The-Effectiveness-of-Online-Dispute-Resolution-as-an-ADR-Mechanism.pdf](#).

<sup>34</sup> Ibid

<sup>35</sup> Ibid

4. **Ethical considerations:** All legal systems around the world ensure the right to a fair and just trial. This necessitates human involvement, as humans can blend rigid legal rules with the principles of equity and moral fairness. In contrast, a robot lacks understanding of these nuanced and fundamental concepts.<sup>36</sup>

### **RECENT PRACTICES ON ONLINE DISPUTE RESOLUTION**

**WeVaad:** It is a platform established in the year 2021. It essentially covers dispute resolution on money matters, cheque bounce cases, divorce, family disputes and property disputes. It covers online hearing, filling and document management. It resolves the disputes within 30-90 days.<sup>37</sup>

**SAMA:** It resolves the disputes between landlords and tenants, employers and workers, companies and consumers. It offers legal consultation, mediation, arbitration and other legal services. It has headquarters in Bangalore.<sup>38</sup>

**The Indian Dispute Resolution Centre (IDRC):** It is subsidiary of Not-for – Profit Organization International Dispute Resolution Council, it is a company registered with ministry of Corporate Affairs, Government of India and registered with NITI Aayog. It essentially provides online alternate dispute resolution in the form of arbitration, mediation, and conciliation in the online mode to the Government Ministries, Department, Organization and Public Sector Undertakings. It provides highly professional, skilled services in a time-bound manner.<sup>39</sup>

**E-Jagriti:** It was launched by National Consumer Dispute Redressal Commission in 2020. It offers an online platform for filling Consumer Complaints under Consumer Protection Act, 2019. It facilitates also online and offline complaints, including digital payment, for ensuring the speedy justice delivery system from anywhere across India.<sup>40</sup>

**Jupitice:** It offers digital platform for addressing alternative Commercial dispute resolution. It

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<sup>36</sup> Supra Note 24.

<sup>37</sup> [WeVaad - Online Dispute Resolution in India.](#)

<sup>38</sup> [Sama](#)

<sup>39</sup> [About us | IDRC](#)

<sup>40</sup> [e-jagriti Platform: Ministry of Consumer Affairs, Food, and Public Distribution, Government of India.](#)

covers e-commerce and cross-border disputes.<sup>41</sup>

**SAMADHAAN Portal:** It was launched by Ministry of MSME in the year 2018. It addresses the issues such as delayed payment for micro and small enterprises. It also resolves the disputes of payment of MSME.<sup>42</sup>

Additionally, many of centers have been established which offers unique services and operates in different ways such as the Online Consumer Mediation Centre,<sup>43</sup> Consumer Online Resource and Empowerment Centre,<sup>44</sup> Techno Legal Centre of Excellence for Online Dispute Resolution in India.<sup>45</sup>

## **SOME OF GOVERNMENT BODY ADOPTING ONLINE DISPUTE RESOLUTION**

- **National** Internet Exchange adopted have started adopting online dispute resolution policy for resolving the disputed relating to domain names. It has adopted the policy in the name, called IN Domain Name Dispute Resolution Policy (INDRP). It is regulated by the arbitration and Conciliation Act, 1996.<sup>46</sup>
- RBI has also introduced a policy for online dispute resolution for all the payments that are made digitally.<sup>47</sup>
- The MSME sector has also started a portal called SAMADHAAN resolving the disputes through the online means.<sup>48</sup>

### **SUGGESTION:**

The following factors can accelerate the ODR system in India.

#### **1. Build Digital Infrastructure:**

The courts should work together with the government to bring the digital infrastructure

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<sup>41</sup> [Leading Digital Justice Services | Settle Disputes Online - Jupitice](#)

<sup>42</sup> [MSME SAMADHAAN - Delayed Payment Monitoring System](#)

<sup>43</sup> [Home | Department of Consumer Affairs | Ministry of Consumer Affairs Food and Public Distribution | Government of India](#)

<sup>44</sup> [Website of Consumer Online Resource and Empowerment Centre| National Portal of India](#)

<sup>45</sup> [Techno Legal Online Dispute Resolution Services In India | Techno Legal Online Dispute Resolution In India](#)

<sup>46</sup> Prayansh Garhwal, SCOPE OF ONLINE DISPUTE RESOLUTION IN INDIA: A COMPREHENSIVE ANALYSIS, Journal of Legal Research and Juridical Sciences, Vol 3 Issue 4, ISSN (O) 2583-0066, [174.-Prayansh-Garhwal.pdf](#)

<sup>47</sup> Ibid

<sup>48</sup> Supra Note 24

in India. The physical access to technology is imperative for strengthening online dispute resolution mechanism in India. Indian Government have already adopted two significant steps in that direction such as, National Broadband Mission and National Digital Communication Policy.<sup>49</sup>

## **2. Acceleration of Digital Literacy:**

The online dispute resolution mechanism will become a great success only when the population in general become more tech-Savy. It is imperative that even the most marginalized population have access to technology. The government has no doubt taken significant steps in that direction such as Pradhan Mantri Gramin Digital Saksharta Abhiyaan (PMGDISHA). Further, there is a need of the tech-savvy team to manage the ODR system as well. For such purposes an ODR training can be made available through government schemes such as Study Webs of Active-Learning for Young Aspiring Minds(SWAYAM).<sup>50</sup>

## **3. Work on Cyber Security:**

With the incorporation of the technology in the online arbitration system it is imperative to work on cyber-security. In the year 2024, the total figure is 5.2 million.<sup>51</sup> Therefore, there is need to mandate the end-to-end encryption for platform such as SAMA and Presolv 360. At the same time, it is important to incorporate stringent penalties under the Information Technology Act.

## **4. Innovation:**

In-order to make the ODR system more accessible it is important to innovate digital technology by keeping in mind the mobile application system. One such initiative is a tool called LIMBS, it essentially helps the federal government to track cases efficiently and effectively. It is the project managed by the Dept. of legal Affairs (DoLA) of the Ministry of Law and Justice.<sup>52</sup>

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<sup>49</sup> Akanksha Choudhary, The Effectiveness of Online Dispute Resolution as an ADR Mechanism, CMR University Journal for Dispute Settlement and Arbitration Vol. 3 (01), June 2024, PP.17-29, [02.-The-Effectiveness-of-Online-Dispute-Resolution-as-an-ADR-Mechanism.pdf](#).

<sup>50</sup>ibid.

<sup>51</sup> Ministry of Communications, 'BharatNet Status Report' (2024) 10; NITI Aayog (n 60) 35

<sup>52</sup> Supra Note 27

## 5. Regulatory Changes

It is imperative that proper regulatory changes should be made, keeping in view the ODR technology. There should be proper mandate of ODR system in legal provision. For instance, there should be legal provisions for the mandatory pre-litigation online mediation in certain cases. In recent times a panel of minister was established for creating GST Appellate Tribunal with ODR capability.<sup>53</sup>

## 6. E-Stamping Commonality:

It is imperative that common stamping should be established to avoid procedural difficulty. It is done mostly to handle inter-state disputes involving different jurisdiction.<sup>54</sup>

## CONCLUSION

The alternate dispute mechanism has been evolved to reduce the burden of litigation on the courts. However, for the effective implementation of the above mechanism it is imperative to integrate technology with alternate dispute resolution mechanisms. Although the online dispute resolution mechanism has been effective to combat territorial and jurisdictional issues, they have raised concerns regarding fairness, cybersecurity, ethical implications and legal enforcements. The integration of technology in ADR is reflected in the form of online Dispute Resolution, AI Assisted Mediation, Hybrid ADR model, Blockchain-based arbitration. The online dispute resolution no doubt helps in avoiding pendency of litigation but also reduce the element of bias in a dispute. The online dispute mechanism also makes the arbitrators engage much in the creative task of truly analyzing the judgments. Additionally, it also reduces the scope of errors in the dispute. However, there is a flip side as well, the integration of AI in the dispute resolution might replace the legal opportunity for the lawyers and compromise the privacy rights of people. Hence the integration of technology in the alternate dispute resolution mechanism is although marred with challenges but a seamless and sustainable balance between the digital literacy, regulatory adaptation is need of an hour.

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<sup>53</sup>Supra Note 27

<sup>54</sup>Supra Note 50.