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Online Dispute Resolution and Judicial Efficiency: A Pathway to Good Governance in The Digital Era

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1. Introduction

Online Dispute Resolution (ODR) refers to the use of digital technology and internet-based platforms to resolve disputes outside traditional courtrooms. It is an extension of Alternative Dispute Resolution (ADR), incorporating tools such as video conferencing, artificial intelligence, and automated negotiation systems. In an era where judicial systems face heavy backlogs, ODR emerges as a transformative solution to enhance efficiency and accessibility in justice delivery. So online dispute resolution (ODR) is a form of dispute resolution which uses technology to facilitate the resolution of disputes between parties.

It primarily involves negotiation, mediation or arbitration, or a combination of all three.¹ In this respect it is often seen as being the online equivalent of alternative dispute resolution (ADR). However,

¹ S.C Tripathi, "Alternative Dispute Resolution" (Allahabad: Central Law Publications, 2022) 38.

ODR can also augment these traditional means of resolving disputes by applying innovative techniques and online technologies to the process.²

Good governance is founded on principles such as transparency, accountability, participation, and the rule of law. However, conventional dispute resolution systems often struggle to meet these ideals due to inefficiencies and delays. With the advancement of technology, Online Dispute Resolution (ODR) has emerged as an innovative mechanism that integrates information and communication technologies (ICT) with alternative dispute resolution (ADR) methods like negotiation, mediation, and arbitration. ODR has gained prominence globally and in India as a means to reduce the burden on courts and provide timely justice. It aligns closely with the objectives of good governance by making dispute resolution more accessible and efficient.³

2. Concept and Evolution

ODR originated from e-commerce disputes, where cross-border conflicts required quick and cost-effective resolution mechanisms. Over time, its scope expanded to include civil disputes, consumer complaints, family matters, and even small commercial claims. With increasing digital penetration, especially in countries like India, ODR has gained recognition as a viable supplement to traditional courts.⁴

ODR is a wide field, which may be applied to a range of disputes; from interpersonal disputes including consumer to consumer disputes or marital separation; to court disputes and

² Ela Kumar, "Artificial Intelligence" (New Delhi: Dreamtech Press, 2020) 250.

³ Parag Kulkarni and Prachi Joshi, "Delhi: Prentice Hall India Learning Pvt Ltd., 2015) 398.

⁴ Utpal Chakarabarty, "Artificial Intelligence" (Delhi: BPB Publications, 2020) 95.

inter-state conflicts. It is believed that efficient mechanisms to resolve online disputes will impact in the development of e-commerce. While the application of ODR is not limited to disputes arising out of business to consumer online transactions, it seems to be particularly apt for these disputes, since it is logical to use the same medium (the internet) for the resolution of e-commerce disputes when parties are frequently located far from one another. Designing an appropriate ODR system requires attention to the interests of both consumers and companies as well as a deep understanding of the requirements of procedural justice.

The proliferation of digital interactions has fundamentally reshaped how disputes originate and how remedies are sought. Contracts, exchanges and disagreements increasingly arise from online platforms and cross-border transactions with little or no physical contact between parties. Traditional enforcement paradigms such as, court hearings, paper-based records and in-person proceedings are struggling to match this new reality. Against this backdrop, ODR has emerged not simply as an alternative to conventional adjudication, but as a vital complement to enforcement.⁵

It is pertinent to mention that in 2016, United Nations Commission on International Trade Law (UNCITRAL) adopted Technical Rules that provide a baseline for addressing cross-border commercial disputes, underscoring the need for interoperable and technology-enabled dispute frameworks. ODR therefore, represents the intersection of justice and technology, offering structured, transparent and accessible mechanisms that reinforce and render more effective formal enforcement systems.⁶

⁵ *Ibid.*

⁶ Harmeet Kaur, "Artificial Intelligence" (Delhi: BPB Publications, 2020) 110.

3. Concept of Online Dispute Resolution (ODR)

ODR refers to the use of digital platforms to facilitate the resolution of disputes without requiring physical presence. It includes:

- i. **E-Negotiation** – Parties communicate digitally to reach a settlement.
- ii. **E-Mediation** – A neutral third party assists online.
- iii. **E-Arbitration** – Binding decisions are delivered electronically.

ODR platforms are widely used in sectors such as e-commerce, banking, and consumer protection.⁷

So, Access to justice is a cornerstone of democratic societies, yet for millions in India, it remains a distant ideal. With over 50 million cases pending across Indian courts and the legal process often being complex, time-consuming, and expensive, there has been a growing shift toward alternative means of dispute resolution. Among these, Online Dispute Resolution (ODR) has emerged as a transformative approach, integrating technology with traditional methods such as mediation, arbitration, and negotiation to resolve disputes outside the courtroom.⁸

The COVID-19 pandemic marked a turning point in India's justice delivery system. Courts have rapidly adopted digital tools, including video conferencing, e-filing, and virtual hearings. What began as an emergency response demonstrated the long-term feasibility of technology-driven justice? This transition revived discussions around mainstreaming ODR as a permanent, scalable, and efficient dispute resolution mechanism.⁹

⁷ Avtar Singh, "Arbitration and Conciliation" (Lucknow: EBC, 2021) 234.

⁸ Sumitra Arora, "Artificial Intelligence" (New Delhi: Dhanpat Rai and Co., 2023) 160.

⁹ Shivani Jain, "Artificial Intelligence" (Delhi: Kips Learning Pvt. Ltd., 2023) 150.

4. Concept of Good Governance

Good governance involves the effective management of public resources and institutions in a manner that is:

- i. Transparent
- ii. Accountable
- iii. Efficient
- iv. Inclusive
- v. Responsive to citizens' needs

International organizations like the United Nations emphasize governance that ensures access to justice and protection of rights.¹⁰

5. The changing landscape of dispute resolution and enforcement

Technology can be said to be double-edged for justice. On one hand, it facilitates impersonation, identity fraud and new forms of cross-border wrongdoing, yet it also enables more agile, transparent and inclusive forms of dispute resolution. ODR platforms create a controlled digital space for participation, verification, continuous monitoring and complete audit trails. These mechanisms improve procedural integrity and create verifiable, immutable records that support post-resolution enforcement.¹¹

It is noteworthy that ODR complements traditional instruments by enhancing accessibility and speed for litigants who would otherwise confront protracted court processes. Traceability and auditable records produced by digital systems strengthen the evidentiary foundation needed for enforcement. Furthermore, ODR outcomes can be transformed into enforceable decrees, arbitral awards or settlement agreements if they comply with

¹⁰ *Ibid.*

¹¹ John Paul Mueller, "Artificial Intelligence" (New Jersey: Wiley, 2018) 190.

the procedural norms established by the Arbitration and Conciliation Act, 1996.¹²

6. Scope and Benefits

ODR refers broadly to the use of information and communication technologies to resolve disputes outside conventional court processes. It encompasses electronic Alternative Dispute Resolution (ADR) but increasingly includes Artificial Intelligence (AI), machine learning and data analytics to prevent disputes, facilitate negotiation and expedite resolution.¹³

ODR's principal benefits include cost reduction through the minimization of travel and procedural overhead. Compressed timelines that can convert years-long litigation into resolutions within weeks or days, expanded accessibility enabling participation regardless of geographic or physical constraints and the potential to reduce bias by structuring decision-making around verifiable evidence rather than status. By decongesting courts, ODR also contributes positively to the broader health of the legal system. It was the COVID-19 Pandemic which illustrated ODR's practical value, as digital mechanisms, maintained continuity of dispute resolution when physical hearings were infeasible.¹⁴

7. Role in Enhancing Justice Delivery or What are the advantages of Online Dispute Resolution?

ODR significantly improves justice delivery in the following ways:

¹² *Ibid.*

¹³ Dheeraj, "Basics of Artificial Intelligence and Machine Learning" (Chennai: Notion Press, 2019) 40.

¹⁴ Hema Dhingra, "The textbook of Artificial Intelligence (Delhi: Goyal Brothers Prakashan, 2020) 170.

- i. **Accessibility** – Parties can resolve disputes from any location without physical presence.
- ii. **Reduction of Case Backlog:** By diverting minor disputes from courts, it helps reduce pendency.
- iii. **Inclusivity:** Provides access to justice for people in remote or underserved areas.
- iv. **User-friendly Process:** Simplified procedures encourage participation even without extensive legal knowledge.
- v. **Convenience:** ODR allows parties to resolve disputes from anywhere, anytime, and without the need for physical presence. This is particularly useful for parties who are geographically dispersed or unable to travel due to health or financial reasons.
- vi. **Cost-effective:** ODR is often more affordable than traditional methods of dispute resolution, as it eliminates the need for travel, lodging, and other related expenses.
- vii. **Time-efficiency:** ODR can often lead to faster resolution of disputes compared to traditional methods. With ODR, parties can avoid lengthy court proceedings and settle their disputes in a matter of days or weeks. Automated systems and virtual hearings accelerate dispute resolution.¹⁵
- viii. **Increased access to justice:** ODR makes dispute resolution accessible to a wider range of people, including those who are economically or socially disadvantaged. It also eliminates barriers to justice, such as language and literacy issues, by offering translation and other support services.

¹⁵ Shivani Jain, “Artificial Intelligence” (Delhi: Kips Learning Pvt. Ltd., 2023) 155.

- ix. **Improved confidentiality:** ODR provides a more private and confidential environment for parties to resolve their disputes, as it eliminates the need for public court proceedings and allows for secure communication channels.
- x. **Sustainability:** ODR is often more sustainable than traditional methods of dispute resolution, as it reduces the need for paper-based documentation and travel-related emissions.¹⁶

8. International Perspective of Online Dispute Resolution System

Several international organizations such as United Nations Commission on International Trade Law (UNCITRAL), Organization for Economic Co Operation and Development (OECD), International Mediation Institute (IMI), and the International ODR Forum have been working towards the development of ODR globally. The European Union, USA, Australia, Singapore, and China have also taken steps to implement ODR for consumer disputes. The Beijing court is notable for its use of AI in dispute resolution.¹⁷

So, ODR has already been integrated in several jurisdictions, such as the US, Canada, Brazil, and the UAE, wherein the government, the judiciary, and private institutions are working together to exploit the benefits of ODR towards enabling greater access to justice. The reason for ODR's success can be attributed to its cost-effective and convenient nature, which also broadens the possibilities of remote resolution. In India, platforms such as Presolv360, Sama, and Agami are building digital ecosystems for consumer, banking, and MSME

¹⁶ B. Dwarakanath and M. Navaneetha Krishnan, "Artificial Intelligence: A Modern Approach" (Chennai: Notion Press, 2021) 119.

¹⁷ Hema Dhingra, "The textbook of Artificial Intelligence (Delhi: Goyal Brothers Prakashan, 2020) 170.

disputes. Their work demonstrates that structured ODR systems can handle high case volumes efficiently. How TMWala can help businesses leverage these platforms is by providing end-to-end advisory support from pre-dispute strategy and negotiation to online mediation representation and arbitration enforcement, ensuring that clients benefit fully from digital resolution mechanisms.¹⁸

9. ODR in India

India has witnessed growing adoption of ODR, especially after the COVID-19 pandemic. Platforms for online mediation and arbitration have been promoted by institutions, startups, and even government initiatives.

The judiciary has also supported digital transformation through e-courts, virtual hearings, and encouragement of ADR mechanisms.¹⁹

Legal and Judicial Context in India

Speaking of the adaptability of technology in court proceedings it is noteworthy that the Supreme Court in *Amar Jain v. Union of India*²⁰ pronounced that digital access as an intrinsic part of the right to life under Article 21 is a transformative step toward digital inclusion in India. By interpreting Article 21 to encompass access to digital platforms, the Court has reaffirmed its commitment to adapting fundamental rights to contemporary challenges. Another shining example of how judiciary has actively embraced technological reforms in justice delivery is the judgment of Supreme Court in *Swapnil Tripathi v. Supreme Court of India*²¹ which affirmed live

¹⁸ Sumitra Arora , “Artificial Intelligence” (New Delhi: Dhanpat Rai and Co., 2023) 167.

¹⁹ Harmeet Kaur, “Artificial Intelligence” (Delhi: BPB Publications, 2020) 120.

²⁰ W.P. (C) No. 49 of 2025.

²¹ AIR 2018 SC 4806.

streaming of proceedings as an instrument of transparency and access. Another step towards embracing technology is reflected in *Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.*²² which upheld the validity of arbitration agreements formed by electronic communications, forging a doctrinal basis for digital dispute resolution.

Although ODR is not yet explicitly enshrined in Indian statute, it intersects with the Arbitration and Conciliation Act, 1996, the Civil Procedure Code, 1908 and the Evidence Act. It is to be noted that the National Institution for Transforming India (NITI) Aayog's 2020 Report on ODR proposes a phased approach to institutionalize and mainstream ODR, emphasizing legislative reform, capacity building and technological standards so as to integrate in judicial technology as well.

NITI Aayog's Phased Roadmap and Institutional Alignment

Focusing on NITI Aayog's recommended three-phase roadmap, it provides a practical and gradual path for adopting ODR across the country. In the first phase, the main goal is to build strong digital infrastructure and use the existing strengths of ADR centres, legal institutions and online platforms. This stage also includes creating user-friendly platforms, improving internet connectivity, spreading awareness among citizens, and introducing simple pilot projects to test the process.²³

In the second phase, the focus will shift to making ODR a regular and trusted part of the justice system. This requires suitable legal and procedural changes, recognition of ODR outcomes, financial and institutional support, capacity building, and training for judges, lawyers, mediators, arbitrators and other stakeholders. Awareness campaigns, digital literacy

²² AIR 2009 SC 12.

²³ Sumitra Arora, "Artificial Intelligence" (New Delhi: Dhanpat Rai and Co., 2023) 171.

programmes and clear standards for privacy, ethics and data protection are also needed.²⁴

The final phase looks at ODR becoming a primary and widely accepted method of dispute resolution. At this stage, technology such as AI, blockchain and machine learning will be used not only to manage cases but also to analyse dispute patterns, prevent conflicts, predict outcomes, and help parties reach faster settlements. ODR may then operate as a parallel and equal justice pathway available to all, especially for simple, small-value and time-sensitive disputes.

Interestingly, these recommendations align with ongoing national initiatives such as the e-Courts Mission Mode Project, Reserve Bank of India's ODR framework for digital payments, and the Micro, Small, and Medium Enterprise (MSME) Samadhaan Portal, all of which show a strong policy push toward building an inclusive, efficient and technology-driven justice system.²⁵

10. What is the need for Online Dispute Resolution in India?

Increasing caseload and backlog in courts: The need for online dispute resolution stems from the fact that India has a huge backlog of court cases, which is only increasing with time. For instance, As of March 2022, there are 4.70 crore cases pending across courts in India. More than 70,000 of those are pending in the Supreme Court. 40 per cent of these have been pending for more than five years. This backlog leads to delayed justice, which in turn erodes public confidence in the

²⁴ G.K. kwatra, "Arbitration and Conciliation Law of India" (New Delhi: Indian Council of Arbitration, 2004) 220.

²⁵ Shivani Jain, "Artificial Intelligence" (Delhi: Kips Learning Pvt. Ltd., 2023) 155.

judiciary. ODR can help alleviate this problem by providing an alternative and efficient way of resolving disputes.²⁶

Number of digital interactions and transactions increased so did the number of disputes: According to a report, India currently has around 350 million online transacting users across e-commerce, shopping, travel and hospitality, and OTT and the number is set to double by 2030. In this scenario, disputes were bound to outpace resolutions without a technology-infused effective mechanism in place. ODR can provide a convenient and efficient option for resolving disputes.²⁷

11. Understanding ADR and ODR

ADR, which stands for Alternative Dispute Resolution, refers to a range of methods used to resolve conflicts outside of traditional court litigation. Its scope encompasses many techniques, such as negotiation, mediation, and arbitration, which aim to facilitate the resolution of disputes more efficiently and cost-effectively. ADR comprises a range of methods that enable the resolution of disputes without resorting to the formal court process. Such as:²⁸

- i. Mediation is a consensual procedure in which an impartial mediator assists the involved parties in reaching a mutually agreeable resolution. Conciliation, akin to mediation, entails a conciliator who convenes with the parties individually and collectively to settle their disputes.

²⁶ B. Dwarakanath and M. Navaneetha Krishnan, “Artificial Intelligence: A Modern Approach” (Chennai: Notion Press, 2021) 120.

²⁷ *Ibid.*

²⁸ Ela Kumar, “Artificial Intelligence” (New Delhi: Dreamtech Press, 2020) 257.

- ii. Lok Adalat, often known as “People’s Court,” is a local method of alternative dispute resolution (ADR) in India. It aims to settle issues by negotiation and agreement, typically within a day, under the guidance of a judicial authority.²⁹

Online Dispute Resolution builds upon ADR by integrating digital platforms and communication technologies. However, ODR is often simplistically understood to mean e-ADR or ADR that is enabled through technology. However, its potential benefits extend far beyond its parent system, namely ADR. ODR can help in not just dispute resolution but also in dispute containment, dispute avoidance, and promotion of the general legal health of the country.³⁰

12. ODR v. Court Litigation

ADR stands as the complete opposite of court litigation when solving disputes. ADR operates based on flexibility and rapid dispute resolution, but court litigation is a formal, structured mechanism with enforceable legal decisions. The major distinctions between ADR and Court Litigation exist in their process and desired outcomes.³¹

- i. **Process:** ADR includes mediation and arbitration, which are informal and collaborative, guided by neutral third parties. Arbitration allows an arbitrator to make a final decision. Court litigation follows strict rules of evidence and procedure, with set deadlines, filings, and hearings.

²⁹ S.P. Gupta, “The Arbitration and Conciliation Act” (Faridabad: Allahabad Law Agency, 2003) 35.

³⁰ Parag Kulkarni and Prachi Joshi, “Delhi: Prentice Hall India Learning Pvt Ltd., 2015) 340.

³¹ Utpal Chakaraborty, “Artificial Intelligence” (Delhi: BPB Publications, 2020) 98.

- ii. **Cost:** ADR is cost-effective due to its faster and simpler procedures, making it suitable for businesses and individuals with limited resources. Court litigation is expensive, involving court fees, attorney costs, and long durations.
- iii. **Time:** ADR is faster, usually resolving disputes within weeks or months, depending on complexity. Court cases often take years due to heavy caseloads and procedural delays.
- iv. **Privacy:** ADR is confidential, helping parties protect reputations and sensitive information. Court proceedings are generally public unless sealed.
- v. **Flexibility:** ADR allows parties to choose mediators/arbitrators and design the process. Court litigation is rigid, with the judge controlling the case's progression.
- vi. **Enforceability:** Arbitration awards are legally binding, while mediation outcomes are enforceable only if parties agree. Court judgments are legally enforceable through judicial measures, including penalties for non-compliance.³²

13. Government Litigation and the Need for Reform

Government litigation contributes to about 46 per cent of all litigation in the country. Litigation by public enterprises and Government Departments contributes not only to the court's burden but also imposes high costs on the public exchequer. In 2017-18, the expenditure incurred by the Central Government in contesting cases in the Supreme Court alone was Rs. 47.99 Crore. According to the Legal Information Management and Briefing System (LIMBS) portal, as on 23 September 2020, the

³² Hema Dhingra, "The textbook of Artificial Intelligence (Delhi: Goyal Brothers Prakashan, 2020) 181.

Government has 5,80,132 cases pending in different courts across the country. Past initiatives, such as the High Powered Committee (1991) and the Permanent Machinery of Arbitrators, attempted to reduce inter-departmental disputes but faced structural inefficiencies. The Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD) replaced earlier mechanisms, yet procedural delays continue.

The Draft ODR Policy Plan by NITI Aayog recognizes that mainstreaming ODR as the preferred mode of dispute resolution for the Government will help unclog the courts for citizens' grievances while also unlocking a large number of Government projects stuck due to litigation. Sector specific customization and institutional readiness are essential for success.³³

How TMWala can help in this context is by advising government contractors, public sector entities, and private businesses on incorporating ODR clauses in agreements, streamlining documentation, and ensuring procedural compliance to reduce future litigation risks.

14. How ODR is differ from E-Courts

Online Dispute Resolution (ODR) and E-Courts (or Virtual Courts) are both digital methods for handling legal disputes, but they differ significantly in their approach, formality, and legal standing. ODR acts as an alternative to the traditional court system (using negotiation/mediation), while E-Courts act as a digital version of traditional courts.³⁴

Core Differences between ODR and E-Courts³⁵

³³ Parag Kulkarni and Prachi Joshi, "Delhi: Prentice Hall India Learning Pvt. Ltd., 2015) 347.

³⁴ Shivani Jain, "Artificial Intelligence" (Delhi: Kips Learning Pvt. Ltd., 2023) 155.

³⁵ Utpal Chakaraborty, "Artificial Intelligence" (Delhi: BPB Publications, 2020) 98.

Sr. No.		ODR	E-Courts/Virtual Courts
1.	Definition and Approach	Uses digital tools (video, chat, AI) to resolve disputes without going to court, focusing on mediation and arbitration.	Represents the judicial system conducting hearings virtually. It is a formal court proceeding held online.
2.	Formality	Usually informal, collaborative, and focuses on preserving relationships.	Adversarial, public record, and follows strict legal procedures similar to physical courts.
3.	Control	Parties have control over the process, timing, and choice of mediator/arbitrator.	The judge or court controls the process, procedure, and final decision.
4.	Suitability	Ideal for high-volume, low-value disputes like e-commerce, consumer complaints, and MSME payments.	Used for regular litigation, including traffic violations, civil, and criminal matters.

15. Future Prospects

The future of ODR is promising with integration of emerging technologies like Artificial Intelligence and blockchain. Government support, policy reforms, and increased digital literacy can further strengthen its role. ODR can evolve into a

mainstream dispute resolution mechanism, complementing traditional courts and ensuring timely justice.

16. What are the various initiatives taken in India to promote ODR?

(A) Government Initiatives:

1. **National Centre for Dispute Resolution:** The Ministry of Law and Justice has established the National Centre for Dispute Resolution (NCDR) to promote alternative dispute resolution mechanisms, including ODR.
2. **The Online Consumer Mediation Centre (OCMC):** It is established at NLSIU, Bengaluru, under the aegis of the Ministry of Consumer Affairs in 2016. The Centre aims to provide for a state-of-the-art infrastructure for resolving consumer disputes both through physical as well as online mediation through its platform.³⁶
3. **Digital India:** The government's flagship program, Digital India, aims to transform India into a digitally empowered society and knowledge economy. ODR is a key component of this program.
4. **SAMADHAAN portal:** It aims to address the delay of payment disputes involving Micro and Small Enterprises by the Ministry of MSME in 2018.
5. **National Internet Exchange of India (NIXI):** The concept of ODR was introduced into the Indian judicial system as early as 2006 when the National Internet Exchange of India (NIXI) was adopted. This was done under the Domain Name Dispute Resolution Policy (INDRP). The policy dictated dispute resolution based

³⁶ B. Dwarakanath and M. Navaneetha Krishnan, "Artificial Intelligence: A Modern Approach" (Chennai: Notion Press, 2021) 120.

on written complaints submitted online regarding registration and use of .in Domain Name. The procedure provided an effective way for an out-of-court settlement.³⁷

6. **The E-Courts Integrated Mission Mode Project:** The Government of India has launched the E-Courts Integrated Mission Mode Project in the country for the computerization of District and subordinate courts with the objective of improving access to justice using technology.
7. **E- Lok Adalat:** During the Covid-19 pandemic, Chhattisgarh state high court organized the nation's first state-level E-Lok Adalat and resolved cases through mutual agreement through video conferencing.³⁸

(B) Private initiatives:

1. **E-Alternate Dispute Resolution (E-ADR) Challenge:** Technologists, legal experts, and social and business leaders together launched E-ADR Challenge in 2019. The objective of this challenge was to welcome innovation to the field of law and build an ADR platform that could accelerate the process of dispute resolution with the help of advanced technology.³⁹
2. Private companies and platforms have taken the lead in providing ODR services in India. Some of the popular

³⁷ Ela Kumar, "Artificial Intelligence" (New Delhi: Dreamtech Press, 2020) 257.

³⁸ Harmeet Kaur, "Artificial Intelligence" (Delhi: BPB Publications, 2020) 118.

³⁹ Shivani Jain, "Artificial Intelligence" (Delhi: Kips Learning Pvt. Ltd., 2023) 155.

ODR platforms in India include ODR ways, SAMA (sama.live) and Presolv360.⁴⁰

17. Introduction of Online Dispute Resolution (ODR) Portal by SEBI for members of the Company

The Securities & Exchange Board of India (“SEBI”) vide its circular dated 31st July, 2023 (updated on August 04, 2023) has introduced a common Online Dispute Resolution Portal (“ODRP”) which harnesses online conciliation and online arbitration to facilitate online resolution of disputes arising in the Indian Securities Market. The ODRP provides members with an additional mechanism to resolve their grievances. Any unresolved issues pertaining to any service-related complaints between members and listed entity including its Registrar and Share Transfer Agents in the securities market, will be resolved in accordance with the abovementioned SEBI Circular.

In order to make members aware about the ODR mechanism, the process is given below:⁴¹

Level 1 - Raise with the Company / Link Intime India Private Limited (Registrar and Transfer Agent (“RTA”)):

Initially, all grievances/ disputes/ complaints against the Company/RTA are required to be directly lodged with the Company / RTA. Members may lodge the same by sending an email to legal@bajelprojects.com / rnt.helpdesk@linkintime.co.in or by sending physical correspondence at:

Link Intime India Private Limited Unit: Bajel Projects limited

Address: C-101, 247 park, LBS Marg, Vikhroli (W), Mumbai-400 083

⁴⁰ Sumitra Arora, “Artificial Intelligence” (New Delhi: Dhanpat Rai and Co., 2023) 167.

⁴¹ Parag Kulkarni and Prachi Joshi, “Delhi: Prentice Hall India Learning Pvt Ltd., 2015) 340.

E-mail Address : rnt.helpdesk@linkintime.co.in **Website:** <https://linkintime.co.in/>

Level 2 - SEBI Complaints Redress Systems (“SCORES”):

The grievances/ disputes/ complaints which remain unresolved at Level 1, or if the member is not satisfied with the resolution provided by the Company/ RTA, then a complaint may be raised on SCORES platform of SEBI which can be accessed at <https://scores.sebi.gov.in> by clicking on “Sign in/ Sign up” on the top right-hand side corner and then click on Register. While filling in the registration form, details like Name of the investor, Permanent Account Number (PAN), date of birth for PAN verification are required. Upon successful verification of PAN, further details like address, mobile number, email id are required to be provided for effective communication and speedy redressal of grievances. Upon successful registration, a unique user id and a password shall be generated and communicated through an acknowledgement email to the complainant.

Level 3 - ODR Platform: In case the member is not satisfied with the resolution provided at Level 1 or 2, then the online dispute resolution process can be initiated through the ODR portal.

Important notes with respect to ODR portal are as under:

- a. The link to access the ODR Portal as well as modalities and operational guidelines of the ODR Portal including timelines for review/resolution of complaints filed through the portal, manner of proceedings to be conducted by the ODR institutions, roles and responsibilities of Market Infrastructure Intermediaries, Code of conduct for Conciliators and Arbitrators etc. as provided in the SEBI Circular(s) are hosted on our website at: Online Dispute Resolution (www.bajelprojects.com)
- b. It may be noted that the dispute resolution through the ODR portal can be initiated only if such complaint / dispute is not

pending before any arbitral process, court, tribunal, or consumer forum or if the same is non-arbitrable under Indian Law.

c. There shall be no fees for registration of a complaint/dispute on the ODR portal, and the fees for conciliation or arbitration process including applicable GST, stamp duty etc. shall be borne by the Investor/Company/other market participant as the case may be.

d. For any queries on the above matter, investors may contact the Company's Registrar and Share Transfer Agent, Link Intime India Private Limited at rnt.helpdesk@linkintime.co.in or the Company at legal@bajelprojects.com.

17. Challenges in Implementation

Despite its advantages, ODR faces several challenges:

- i. **Digital Divide/ Technical Difficulties:** Limited internet access in rural areas restricts usage. ODR systems rely heavily on technology and require robust infrastructure to ensure their smooth functioning. Technical difficulties such as slow internet connections, system crashes, and other technical glitches can significantly hinder the effectiveness of ODR.
- ii. **Lack of Awareness:** One of the significant challenges in developing effective ODR systems is a lack of awareness among the general public about the existence and benefits of these systems. Many people are unaware of ODR mechanisms. Lack of access to justice for remote and underprivileged communities: Many people in India, especially those living in remote areas or belonging to underprivileged communities, do not have easy access to justice. They may face multiple barriers such as high travel costs, lack of transportation, and language barriers. ODR can help overcome these

- barriers by providing a platform for parties to resolve their disputes without the need for physical travel.
- iii. **Data Security Concerns:** Risk of privacy breaches and cyber threats. Confidentiality and security are major concerns in ODR as sensitive information is shared electronically. It is vital to ensure that ODR systems are secure and tamper-proof, and information exchanged between parties is protected.
 - iv. **Legal Framework:** Need for clearer regulations and enforceability standards. There is a lack of a comprehensive legal framework for ODR in India, which can create confusion and uncertainty for both parties in a dispute.
 - v. **Cultural and Linguistic Differences:** ODR systems must be sensitive to cultural and linguistic differences. Language barriers and cultural differences can make it challenging to resolve disputes in an online setting effectively.
 - vi. **Trust Issues:** Many people may not trust ODR platforms and prefer to resolve disputes through traditional methods like courts and tribunals.
 - vii. **Accessibility Issue:** ODR platforms may not be accessible to people with disabilities or those who lack digital literacy.
 - viii. **Implementation Issue:** Even if ODR platforms are developed, there may be challenges in their implementation due to resistance from traditional dispute resolution mechanisms, lack of trained mediators, and the need for continuous technological updates.

18. Policy Recommendations for Mainstreaming ODR in India

Howsoever, these challenges can be overcome by making some policy changes and functionality changes. A future-ready ODR

platform must focus on fairness, transparency, and the ability to grow and adapt. It should include clear steps to reduce algorithm bias, explain how key digital decisions are made, handle large numbers of cases, and protect user data with secure and standard systems. It must also connect smoothly with courts and enforcement authorities so that decisions and settlements can be easily enforced.

Along with technology, strong professional standards and proper training for ODR practitioners are very important. Close cooperation between the government, justice institutions, and private legal-tech companies will help maintain quality and trust. Setting up a self-regulatory organization (SRO) for ODR providers may also be useful, as it can monitor ethical practices and ensure responsibility across the sector.⁴²

19. Suggestions

Some of the key suggestions to further widen the implementation of ODR in the country are:

- i. **Amend the Law:** Amend the Arbitration and Conciliation Act and the Civil Procedure Code to provide express pathways for conversion of ODR outcomes into enforceable decrees.
- ii. **Mandate minimum Technical Standards** for ODR platforms such as covering digital KYC, audit logs, encryption and blockchain time-stamping while ensuring data protection and privacy compliance.
- iii. **Simplify the Process:** The ODR process must be simplified so that it is easily accessible and understandable to people. The language used in online platforms should be simple and clear. Also enact statutory clarifications that recognize ODR processes

⁴² Parag Kulkarni and Prachi Joshi, "Delhi: Prentice Hall India Learning Pvt. Ltd., 2015) 340.

- and outcomes and specify procedures for enforcement of digital awards and settlements.
- iv. **Enhance Infrastructure:** The government can invest in better infrastructure to improve the ODR platform's performance, speed, and security. This can increase people's trust in the system and encourage them to use it more frequently.
 - v. **Encourage Participation:** The government can introduce incentives for parties to participate in the ODR process, such as reduced fees or faster resolution times. This can help increase the number of cases being resolved through ODR.
 - vi. **Develop Specialized Platforms:** Specialized ODR platforms can be developed for different sectors such as e-commerce, insurance, banking, and so on. This will ensure that the ODR process is tailored to the specific needs of each sector.
 - vii. **Expand ODR to More Sectors:** ODR can be extended to more sectors such as real estate, labor, and family disputes. This will enable people to resolve disputes quickly and efficiently without having to go through lengthy court procedures.
 - viii. **Collaborate with Other Countries:** The Indian government can collaborate with other countries to develop ODR infrastructure, exchange knowledge and expertise, and enhance cross-border ODR mechanisms.
 - ix. **Provide Legal Aid:** Invest in digital inclusion initiatives to ensure equitable access for underserved populations and provide legal aid that supports participation in ODR.
 - x. Promote algorithmic transparency and external audits of AI systems used in ODR to prevent bias and build public trust.

20. Conclusion

Online Dispute Resolution represents a paradigm shift in the justice delivery system. By making dispute resolution faster, affordable, and accessible, ODR has the potential to address systemic inefficiencies and democratize access to justice. With proper infrastructure and regulatory support, it can become a cornerstone of modern legal systems.

ODR marks a paradigmatic shift at the intersection of law and technology. By embedding verification, auditability and traceability into dispute resolution, it complements enforcement and enhances the legitimacy and enforceability of outcomes. For our country, a coordinated program of legislative reform, judicial openness, institutional investment and technological standards will be critical to ensure that ODR matures into a dependable component of the justice system. Ultimately, ODR should not be seen as a substitute for enforcement but as its essential complement, thereby ensuring that judicial pronouncements are not only made but meaningfully performed.