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Reimagining Access to Justice in India: Online Dispute Resolution as a Functional Extension of the Courts

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Over a period of time, the Judicial system has been showcasing its concern regarding a large number of pending disputes. These persistent backlogs have led to systemic delays and structural imbalances at all levels of the judiciary. However, methods like Alternative Dispute Resolution have tried to address the existing problems of courts. With changing times, ADR has evolved, and a shift towards online dispute resolution is seen. At present, ODR works as an extension of conventional courts. Judicial recognition of virtual hearings, e-filing and court-annexed mediation has strengthened the institutional framework of ODR. It is a cost-effective system that reduces geographical barriers, making justice delivery more efficient and inclusive. Despite its merits, there are certain challenges such as the digital divide, privacy concerns and a lack of a regulatory framework. This paper analyses the ODR as an extension of the Courtroom and the regulatory framework required to make it an institutional mechanism.

Keywords: *online dispute resolution, access to justice, digital court, digital justice.*

INTRODUCTION

As of September 2025, India's judicial system has faced over 53 million pending cases across all court levels, in direct contrast to the foundational maxim “justice delayed is justice denied.” The traditional justice delivery system, though structured and constitutionally sound, has struggled to provide timely relief to every citizen. In this regard, the idea of Online Dispute Resolution (hereinafter, ODR), a digital evolution of traditional Alternative Dispute Resolution (hereinafter, ADR) mechanisms, has emerged as a ray of hope. Imagine a freelancer from India settling their payment dispute with a German Company through a traditional courtroom, facing significant delays and structural barriers. On the other hand, ODR principles guide these modern-day crises with efficient solutions. The system of ODR is based on algorithmic justice and digital efficiency. According to the NITI Aayog Report, ODR alone can solve more than 5 lakh consumer cases, along with significantly reducing resolution time by 70 to 80%. ADR is a process of solving disputes between parties outside traditional court litigation, with the help of neutral third parties who assist the parties in reaching a voluntary agreement. e-ADR or ODR is the form of ADR that refers to the use of information and communication technology, especially the Internet, to facilitate the resolution of disputes outside the court.¹

In the time of globalisation, where disputes travel faster than people, it is no longer feasible to be solely dependent on traditional courtrooms. In such a situation, ODR emerges as a solution to this global crisis of justice delivery in the age of digitalisation and modernisation. Although efficient and inclusive, upholding the principle of transparency, fairness and due process is still a significant challenge in the field. In India, ODR cannot be merely seen as an innovation, but procedural development in the system of ODR shall be done to address complex legal and ethical questions in the justice delivery mechanism.

FROM ADR TO THE BIRTH OF ODR

Institutionalisation of ADR in India has been done through mechanisms such as Arbitration, Conciliation, Mediation, and Lok Adalats. These methods have been recognised under the Arbitration and Conciliation Act, 1996, the Legal Services Authorities Act, 1987 and the

¹ Kartikey Raja, ‘Online Disputes Resolution (ODR): The Future of Justice in India’ (2020) 3(4) International Journal of Law Management and Humanities 2171 <<https://ijlmh.com/online-disputes-resolution-odr-the-future-of-justice-in-india/>> accessed 09 August 2026

Mediation Act, 2023, which are designed to reduce the burden on the courts and promote amicable settlements.

However, the number of cases increased, and the COVID-19 pandemic disrupted the physical hearings.² The court began experimenting with virtual hearings, and legal startups like Sama,³ Presolv360,⁴ CODR (Centre of Online Dispute Resolution),⁵ and Agami⁶ conduct or support legally valid online arbitration and mediation under the Arbitration and Conciliation Act, 1996, using digital technology. These platforms marked the rise of ODR, which aims to make justice faster, cheaper, and more accessible.

In 2020, NITI Aayog published a policy paper on ODR,⁷ which emphasised that ODR has the potential to resolve millions of small-value disputes, especially in sectors like banking, e-commerce, and consumer protection, without overburdening courts.

LEGAL RECOGNITION OF ODR IN INDIA

India does not have explicit laws for ODR, but its foundation lies within the Arbitration and Conciliation Act, 1996, whose Section 19⁸ permits parties to decide the procedure of arbitration, and Section 24⁹ allows hearings through video conferencing or electronic communication.

The Information Technology Act 2000 also supports ODR by giving legal validity to electronic records and digital signatures. Hence, online agreements, notices, and awards are legally recognised under Indian law. The judiciary further catalysed ODR adoption through the *Salem*

² Dhatri Singh and Kalpana Devi, 'Online Dispute Resolution (ODR): A Paradigm Shift in Access to Justice' (2025) 7(2) International Journal For Multidisciplinary Research 1 <<https://www.ijfmr.com/research-paper.php?id=40938>> accessed 09 August 2026

³ 'Reimagining the Way India Resolves Disputes' (Sama) <<https://www.sama.live/about-sama>> accessed 09 August 2026

⁴ "Son, your father started this case and your child will conclude it" This remark by a Supreme Court judge was the eureka moment which led to the inception of Presolv360' (Presolv360) <<https://presolv360.com/about-us>> accessed 09 August 2026

⁵ 'A Dispute Resolution Institution for the Digital Age' (Centre for Online Resolution of Disputes (CORD)) <<https://resolveoncord.com/>> accessed 09 August 2026

⁶ 'We're building an innovation ecosystem to power better justice experiences for every Indian' (Agami) <<https://www.agami.in/>> accessed 09 August 2026

⁷ NITI Aayog Expert Committee on ODR, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* (NITI Aayog 2020)

⁸ Arbitration and Conciliation Act 1996, s 19

⁹ *Ibid* s 24

*Advocate Bar Association v Union of India*¹⁰ judgment, which mandated courts to refer disputes to ADR under Section 89 of the Civil Procedure Code (CPC).¹¹

ODR AS AN EXTENSION OF ARTICLE 21: REIMAGINING ACCESS TO JUSTICE

Article 21 of the Indian Constitution is the fundamental right that guarantees the right to life and personal liberty.¹² With the passing of time, the Supreme Court of India expanded the scope of Article 21, which includes several rights that are essential for living life with dignity. Access to justice is one of the rights that is now formally recognised as an integral part of Article 21. As Article 21 is an indirect provision of the Indian Constitution that recognises this access to justice as a fundamental right through various judicial precedents, Article 39A¹³ which was added by the 42nd Amendment Act of 1976, is a Directive Principle of State Policy and is the most direct provision related to access to justice by providing legal aid to people who are unable to hire a lawyer.

Access to justice means that every individual must have a fair opportunity to seek legal remedies. Contrary to this, the reality is that the Indian judicial system has been marked by prolonged delays, rising litigation costs and procedural complexities, which often make access to justice difficult in practice. The constitutional provision of Article 21 becomes a merely symbolic representation of access to justice if the disputes remain unsolved for years.

The Supreme Court of India has consistently held that delay in the delivery of justice is a violation of the fundamental right of access to justice, which is part of Article 21. In *Hussainara Khatoon v State of Bihar*, the Supreme Court held that the right to speedy justice is an integral part of the right to life and liberty under Article 21.¹⁴ Similarly, in *Anil Rai v State of Bihar*, the court observed that unreasonable judicial delays hamper public confidence and defeat the purpose of the justice delivery system.¹⁵ These precedents unequivocally established that timely justice delivery is not a matter of convenience but a constitutional requirement.

¹⁰ *Salem Advocate Bar Association, Tamil Nadu v Union of India* (2005) 6 SCC 344

¹¹ Code of Civil Procedure 1908, s 89

¹² Constitution of India 1950, art 21

¹³ *Ibid* art 39A

¹⁴ *Hussainara Khatoon and Ors v Home Secretary, State of Bihar* (1980) 1 SCC 81

¹⁵ *Anil Rai v State of Bihar* (2001) 7 SCC 318

Online dispute resolution may strengthen the constitutional framework by addressing the limitations of traditional courts. By adopting ODR mode for resolving disputes, it reduces cost, delivers justice promptly, and removes geographical barriers that often prevent citizens from approaching courts. This ensures the constitutional goal of speedy and effective justice.

Access to justice under Article 21¹⁶ is closely linked with online dispute resolution, which promotes affordable justice. Traditional litigation involves expenses related to travel and court fees, which impose a financial burden on individuals who are economically weak, and these costs act as a barrier to justice. ODR reduces such financial burden by allowing parties to participate in proceedings remotely through online modes. Therefore, ODR cannot be merely seen as a technological development or an administrative reform; rather, it shows the constitutional response towards the challenges faced by the traditional justice system. ODR strengthen the practical enforcement of Article 21 by making justice faster, more affordable and more accessible.

INTERNATIONAL PERSPECTIVE ON ODR

Online Dispute Resolution (ODR) has emerged as a globally recognised mechanism for resolving disputes in the digital age, particularly in cross-border commercial, consumer, and e-commerce contexts. The expansion of international trade and online transactions has made traditional dispute resolution methods increasingly inefficient, leading to the adoption of technology-enabled alternatives. At the international level, the United Nations Commission on International Trade Law (UNCITRAL) has formally acknowledged ODR through its 2017 Technical Notes on Online Dispute Resolution, which provide a non-binding but globally influential framework for fair, accessible, and cost-effective online dispute resolution, especially for low-value cross-border consumer disputes.¹⁷

These Technical Notes emphasise principles such as neutrality, transparency, accessibility, and due process, setting foundational standards for global ODR systems. The United States has played a pioneering role in ODR, particularly through private sector initiatives. Major online platforms such as eBay and PayPal resolve millions of disputes annually using automated and

¹⁶ Constitution of India 1950, art 21

¹⁷ *UNCITRAL Technical Notes on Online Dispute Resolution* (United Nations 2017)

technology-assisted resolution mechanisms.¹⁸ Additionally, ODR has been integrated into public legal institutions in areas such as small claims, family law mediation, and traffic adjudication, demonstrating its scalability and efficiency in high-volume dispute environments (Katsh & Rifkin, 2001). In the European Union, ODR has been institutionalised through Regulation (EU) No. 524/2013, which established the EU Online Dispute Resolution Platform. This platform allows consumers and traders across Member States to resolve cross-border disputes digitally, strengthening consumer trust, harmonising legal standards, and improving access to justice in the EU internal market (European Parliament, 2013).¹⁹ The EU's framework represents one of the most comprehensive regional ODR models. China has adopted one of the most advanced judicial ODR systems through its Internet Courts in Hangzhou, Beijing, and Guangzhou.²⁰ These courts conduct entire legal proceedings online, including filing, hearings, evidence authentication, and judgments. They utilise artificial intelligence, blockchain-based evidence verification, and automated mediation tools, marking a major innovation in digital justice and court-based ODR (Zhang, 2019). Beyond state-driven initiatives, several international private institutions have integrated ODR into commercial and intellectual property dispute resolution.

Organisations such as the World Intellectual Property Organisation (WIPO), the International Chamber of Commerce (ICC), and the American Arbitration Association (AAA) offer online arbitration and mediation services for cross-border business and IP disputes, thereby strengthening global enforcement mechanisms and procedural flexibility (WIPO, 2020). ODR has also become a crucial mechanism for sustaining trust in cross-border e-commerce, as it provides fast, low-cost, and jurisdiction-neutral remedies without requiring physical travel or formal litigation in foreign courts.²¹ This has positioned ODR as a key infrastructure component for the global digital economy (Rule, 2002). From an international perspective, ODR offers multiple benefits, including reduced costs, faster dispute resolution, elimination of geographical barriers, multilingual accessibility, procedural flexibility, and environmentally sustainable

¹⁸ Ethan Katsh and Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass Inc Pub 2001)

¹⁹ Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) [2013] OJ L165/1

²⁰ Wei Gao and Lu Xu, 'Internet Courts in China: A New Model for Digital Justice' (2025) 25(1) China Review <<https://www.researchgate.net/publication/377272212> Online Courts in China A New Hybrid Model for Access to Justice> accessed 10 August 2026

²¹ *Guide to WIPO Arbitration* (World Intellectual Property Organization 2020)

paperless processes.²² It also enhances legal inclusion by offering simplified procedures for individuals and small businesses that might otherwise lack access to formal justice systems.²³

However, the global expansion of ODR also presents challenges. Key concerns include the digital divide limiting access for technologically disadvantaged populations, cybersecurity and data protection risks, potential algorithmic bias in AI-driven decision-making, lack of uniform international enforcement standards, and concerns over fairness, transparency, and procedural legitimacy (Cortés, 2017).²⁴ These issues highlight the need for stronger international cooperation, regulatory oversight, and ethical frameworks.

Overall, ODR is increasingly recognised as the future of international dispute resolution, particularly in the context of globalisation, digital commerce, and evolving justice systems. International organisations, governments, and private institutions continue to advocate for the formal integration of ODR into national and transnational legal frameworks, positioning it as a core pillar of modern global justice (UNCTAD, 2020).²⁵

GOVERNMENT - LED INNOVATIONS IN ODR

There are various Government initiatives in pursuance of ODR –

The E-Daakhil: Online Case Filing System: The e-Daakhil portal²⁶ is a government-backed ODR system for consumer disputes, which was launched by the Department of Consumer Affairs under the *Consumer Protection Act, 2019* to allow consumers to file and manage their complaints online before Consumer Commissions (District, State, or National levels). A significant feature of e- Daakhil is that instead of bypassing the judicial process, it digitalises the existing consumer court structure. Consumer Commissions have adjudicatory authority, and the orders passed by them during online proceedings are legally enforceable. It allows end-to-end digital handling of a case from filing a complaint, paying the fee, uploading evidence, to

²² Colin Rule, *Online Dispute Resolution for Business: B2B, E-Commerce, Consumer, Employment, Insurance, and Other Commercial Conflicts* (Jossey-Bass Inc Pub 2002)

²³ Ethan Katsh and Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (OUP USA 2017)

²⁴ Pablo Cortés, *The Law of Consumer Redress in an Evolving Digital Market* (Cambridge University Press 2017)

²⁵ UNCTAD, *Digital Economy Report 2021 Cross-border Data Flows and Development – For Whom the Data Flow* (United Nations 2020)

²⁶ 'eFiling (Consumer Commission) by Department of Consumer Affairs' (*National Portal of India*) <<https://www.india.gov.in/services/details/efiling-consumer-commission-by-department-of-consumer-affairs>> accessed 10 August 2026

attending hearings online. Parties (consumers and companies) can also receive notices, track case progress, and get judgments digitally.²⁷

As per the data published by the Department of Consumer Affairs, a significant number of consumer complaints have been disposed of through online hearings, which are particularly related to e-commerce, defective goods, and service deficiencies, especially during or after the COVID-19 pandemic. In these cases, parties were located in different cities, but through ODR, they were able to participate in a hearing without any physical travel.²⁸ Therefore, e-Daakhil, without acting as an alternative forum, shows how digital platforms can extend the reach of the court without diluting the authority of the courts.

INGRAM Portal: The INGRAM²⁹ (Integrated Grievance Redressal Mechanism) portal was launched by the Department of Consumer Affairs to make it easier for consumers to report problems, especially against e-commerce companies, service providers, or product sellers. The main function of the INGRAM portal is to resolve consumer grievances at the pre-litigation stage. Consumers can lodge their grievances, and the concerned company or government department can respond and settle the issue online, without going to court. It also helps create awareness and encourages citizens to use digital platforms for resolving disputes quickly and conveniently.

The government reports show that a significant number of grievances that have been filed on INGRAM have been resolved through online communication itself without moving to the consumer courts.³⁰ This mechanism is particularly useful for disputes that involve defective products, delays in refunds and service complaints against the e-commerce platforms.

The INGRAM does not strictly resolve the disputes, but rather it reduces the number of cases that reach the formal courts. By resolving the disputes earlier, it indirectly aligns with the

²⁷ Nilaya Varma et al., *Can ODR be the Game Changer for the Digital Economy?: Recommendations to Empower the Digital Nagriks* (Primus Partners 2024)

²⁸ 'E-Daakhil Portal: Ministry of Personnel, Public Grievances and Pensions' (*National Portal of India*) <<https://www.india.gov.in/category/justice-law-grievances/subcategory/courts-tribunals/details/e-daakhil-porta>> accessed 10 August 2026

²⁹ 'NCH | Official Logins' (*National Consumer Helpline*) <<https://consumerhelpline.gov.in/officiallogin/>> accessed 23 September 2026

³⁰ 'Department of Consumer Affairs Launches National Consumer Helpline under GST Reforms' (*News on AIR*, 20 September 2023) <<https://newsonair.gov.in/department-of-consumer-affairs-launches-national-consumer-helpline-under-gst-reforms/>> accessed 10 August 2026

broader objective of the court, which is ‘access to justice.’ Therefore, it shows that ODR complements the traditional court rather than competing with it.

Grievance Appellate Committees (GAC): Under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which are framed under the Information Technology Act, 2000, the Grievance Appellate Committees³¹ (GAC) were established. These committees resolve the grievances of the users against social media platforms and digital intermediaries through an online mechanism. If a user is aggrieved by the decision of a platform’s Grievance Officer, they can file an appeal online before the GAC.

Online Mediation through Court-Annexed Mediation Centres during COVID-19: To prevent the complete disruption of the justice delivery system during COVID-19, several High Courts in India encouraged online dispute resolution through online mediation. Court-annexed mediation centres adopted digital platforms (like video conferencing through Zoom or Google Meet) to resolve disputes related to family matters, commercial transactions and contractual disagreements.

For instance, the mediation centres attached to the Delhi High Court and Karnataka High Court resolve disputes by conducting online mediation through video conferencing under judicial supervision. Parties participated in online mediation, and mediators ensured the confidentiality and fairness throughout the procedure. Settlements reached through online mediation were later recorded by the court and treated as binding.³² This case study highlighted that online mediation was not a replacement for traditional courts; rather, it was used as a court-supported mechanism that was integrated into the existing procedural framework. By accepting the settlement reached through online mediation, the judiciary shows its trust in online dispute resolution.

³¹ “Three Grievance Appellate Committees (GACs) Notified on the recently amended “IT Rules 2021”” (*Press Information Bureau*, 28 January 2023) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1894258>> accessed 10 August 2026

³² ‘VIRTUAL COURTS’ (*e-Committee, Supreme Court of India*) <<https://ecommitteesci.gov.in/service/virtual-courts/>> accessed 10 August 2026

ODR IN COMMERCIAL AND CONSUMER DISPUTES: A PRACTICAL SHIFT

In the area of commercial and consumer disputes, which particularly involve low-value but high-volume claims, ODR has had a strong impact. These disputes include issues related to e-Commerce transactions, banking services, digital payments, insurance claims and consumer grievances. Detailed evidence and prolonged hearings are usually not required in these matters, which makes them well-suited for dispute resolution through a digital platform.

Traditional courts are often slow and costly for resolving small-value disputes. For businesses, bringing such claims to court would not be viable, and consumers may hesitate to approach court due to expenses and time. ODR addresses these issues by providing a cost-effective and quick dispute resolution mechanism.

For businesses, “time is money.” Therefore, the Pre-Institutional Mediation and Settlement (PIMS) has been made mandatory by the Commercial Courts Act, 2015,³³ which was amended in 2018. ODR make this process speedier and more cost-effective, and the settlement reached by it has the same status as a decree of a court under the Arbitration and Conciliation Act, 1996.³⁴

The Consumer Protection Act 2019³⁵ provided a digital approach for addressing grievances. For instance, a consumer can now file a complaint from anywhere in India through e-Daakhil.³⁶ Hearings have been conducted by District, State and National Commissions through video conferencing, which makes consumers able to attend these hearings without taking any leave from their job to travel to court. The importance of consumer-friendly dispute resolution mechanisms has been recognised by the Supreme Court in various cases. In *M/S Meters and Instruments Pvt. Ltd. v Kanchan Mehta*, the court observed that, particularly in commercial and consumer disputes, the modern dispute resolution method should focus on speed, efficiency and cost-effectiveness.³⁷ Therefore, the increasing use of ODR in commercial and consumer disputes shows the practical shift in the justice delivery system which prioritises accessibility and efficiency over procedural formalism.

³³ Commercial Courts Act 2015

³⁴ Arbitration and Conciliation Act 1996

³⁵ Consumer Protection Act 2019

³⁶ E-Daakhil Portal: Ministry of Personnel, Public Grievances and Pensions (n 29)

³⁷ *M/s Meters and Instruments Pvt Ltd and Anr v Kanchan Mehta* (2018) 1 SCC 560

ADVANTAGES OF ODR

The integration of Information and Communication Technology (ICT) into dispute resolution processes, known as Online Dispute Resolution (ODR), presents several significant advantages.

Accessibility: ODR removes geographical barriers. Parties from different cities or even countries can resolve disputes without travelling.

Affordability: ODR eliminates venue costs and travel expenses, making it cheaper than traditional litigation and making justice accessible and affordable to all.

Speed: ODR platforms often resolve cases within weeks or months, compared to years in courts. It streamlines procedures, establishes fixed timelines, and eliminates the need for physical presence, making it especially beneficial for cross-border disputes and e-commerce entities.

Confidentiality: Proceedings are private, and parties can control how much information is shared. Therefore, confidentiality has been maintained between the parties.

Flexibility: ODR is a flexible process of solving disputes where parties can choose mediators, methods, and schedules convenient to them.

Environmental Benefits: By reducing paperwork and travel time, ODR contributes positively to environmental sustainability. Online filing of documents and virtual communication without going to court by transportation reduce carbon emissions caused by it. Therefore, in this way, ODR plays a significant role in delivering justice by ensuring environmental sustainability.

DATA PROTECTION AND PRIVACY CONCERNS IN ODR PROCEEDINGS

Though ODR offers various advantages, it also raises concerns regarding data protection and privacy, which cannot be overlooked. In ODR proceedings, there is an exchange of sensitive personal and commercial information, including identity details, financial records, contracts, and confidential communication between the parties.

The risk of hacking, data leaks, and unauthorised access is always associated with ODR. As disputes are resolved through ODR on a digital platform, inadequate cybersecurity measures can

violate the parties' privacy. Such risk may lead to a trust deficit in the ODR mechanism, especially among individuals who are unfamiliar with technology.

ODR rely on private service providers for maintaining records of digital proceedings of dispute resolution, unlike the physical court proceedings' records maintained within a controlled judicial environment. Without lucid safeguards, parties may hesitate to share sensitive information during online proceedings for resolving disputes.

The Supreme Court, in the case of *Justice K.S. Puttaswamy (Retd) v Union of India*, held that informational privacy is an essential part of the right to life and personal liberty under Article 21.³⁸ Therefore, any dispute resolution taking place on any digital platform must ensure that personal data is protected against misuse and unauthorised access.

Though the Digital Personal Data Protection Act, 2022³⁹ provides a framework for data protection, there is still a need for ODR-specific regulatory safeguards. Clear guidelines on data encryption, confidentiality obligations, and platform accountability are sine qua non to build trust in the ODR system.

For the long-term success of ODR, addressing privacy and data protection is significant. Without proper safeguards, the benefits of speed and accountability may be overshadowed by the fear of insecurity and misuse of data. Therefore, a balanced approach is required that, while promoting innovation, simultaneously ensures data protection to make ODR trustworthy and reliable.

CHALLENGES FACED IN THE ADOPTION OF ODR

Despite ODR having the potential to resolve disputes in a time-bound manner, it faces multiple hurdles:

Digital Divide: For ODR to work well, people need to know how to use digital tools and have a good internet connection. But in India, people's digital skills are different depending on their age, background, and where they live. To make ODR available to everyone and not just to people in cities, this digital gap must be reduced.

³⁸ *Justice KS Puttaswamy (Retd) and Anr v Union of India and Ors* (2017) 10 SCC 1

³⁹ Digital Personal Data Protection Act 2023

Digital Infrastructure: For widespread adoption of ODR, it is crucial to have a strong technological infrastructure nationwide. This means ensuring the availability of computers, smartphones, and stable medium-to-high-speed internet connectivity for the entire duration of virtual hearings. However, individuals lacking such digital access may find themselves at a disadvantage in participating effectively.

Lack of Awareness Regarding ODR: ODR is still a new concept in India and works much like traditional ADR, but through technology. Since most people are not yet familiar with using digital tools to settle disputes, it is important to spread awareness about ODR. Along with improving the existing ADR systems, efforts should also be made to help people understand and trust this new online method.

Trust Deficit in ODR Services: Another major challenge for ODR is the lack of trust among people. Many are doubtful about how reliable technology-based dispute resolution can be, and whether its results will be legally valid. To make ODR more accepted, these trust issues must be handled carefully. Like any new technology, people may hesitate to use ODR because they worry about its fairness, data safety, and the absence of face-to-face interaction.

Lack of Trained Professionals: With the expansion of Online Dispute Resolution, the demand for Neutrals who understand technology and can efficiently manage virtual proceedings will increase. It is, therefore, important to establish a solid training framework for ADR and ODR professionals.⁴⁰

THE WAY FORWARD

To strengthen ODR in India, the following steps can be taken:

Statutory Recognition: One of the significant limitations of ODR in India is the absence of a comprehensive framework that governs ODR's functioning. Currently, ODR has been governed by the *Arbitration and Conciliation Act, 1996*⁴¹ and the *Information Technology Act, 2000*.⁴² Though these laws provide flexibility in procedures and communication, they do not address the

⁴⁰ 'The Rise of Online Dispute Resolution (ODR) in India' (*JurisCentre*, 14 February 2024)

<<https://juriscentre.com/2024/02/14/the-rise-of-online-dispute-resolution-odr-in-india/>> accessed 11 August 2026

⁴¹ Arbitration and Conciliation Act 1996

⁴² Information Technology Act 2000

ODR-specific issues like platform accountability, standard procedures and data protection. Therefore, there is a need to enact a dedicated ODR framework that defines procedures, enforceability, and jurisdiction. As recommended in NITI Aayog's 2020 policy paper on ODR, a regulatory framework is needed to ensure the consistency and credibility of ODR platforms.

Increase Access to Digital Infrastructure: Improving access to ODR depends on both the Government and the Judiciary. The Government, through projects like *Digital India*, *BharatNet*,⁴³ and the *National Broadband Mission*,⁴⁴ aims to provide internet to all rural and semi-urban areas. The Judiciary, through the e-Courts project, promotes the digitisation of case records, enables e-filing and conducts virtual hearings. The court-linked ODR facilitation centres may be established at district courts' premises, legal services authorities and *Common Service Centres (CSC)* in order to ensure equitable access. These centres may assist those litigants who lack access to the internet and digital devices. Together, these efforts will create the foundation for expanding ODR across India, not only exclusive to urban or technologically advanced users.

Increase Digital Literacy: Having access to technology is not enough - people also need to know how to use it. The Government started the *Pradhan Mantri Gramin Digital Saksharta Abhiyan*⁴⁵ (*PMGDISHA*), which was launched in March 2019 to improve digital skills. This program trained over 2 crore people, and more than 30 lakh centres have been established to teach digital skills in rural areas. This scheme can also be used to teach people how to use basic ODR tools like video calls, chats, and online communication, helping more people take part in online dispute resolution.

Trained Professionals: The effectiveness and efficiency of the ODR system will depend upon the competent mediator, arbitrator, and conciliator who handle the proceedings. They help build trust among people, businesses, and the government. Data from NALSA shows that India does have sufficient trained mediators, but when it comes to the quality of these ADR and ODR professionals, the data is not helpful. Therefore, various training programs should focus on both

⁴³ 'BharatNet: Extending Internet Access, Expanding Rural Progress' (*Press Information Bureau*, 21 April 2025) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2123137>> accessed 11 August 2026

⁴⁴ 'NATIONAL BROADBAND MISSION 2.0 2025-30' (*Department of Telecommunications, Government of India*) <<https://www.dot.gov.in/static/uploads/2025/07/c7c060d6fec6ac6bb73230c65f134909.pdf>> accessed 11 August 2026

⁴⁵ 'Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA)' (*Common Service Centres SPV*) <<https://jaankari.csccloud.in/pmgdisha-course.html>> accessed 11 August 2026

the number of professionals and the improvement of their skills.⁴⁶ The NITI Aayog's 2020 policy paper on ODR has recommended that there should be a set of uniform training standards to upskill ADR professionals to become ODR professionals. It also recommended that the training standards for ODR professionals should consist of Basic training, which includes knowledge of all types of ODR and knowledge of communication through ODR; training on ethics, which requires ODR professionals to be neutral for both parties; and training on practical skills, which teaches professionals the technique of audio, video, and text-based communication and how to manage time and party expectations and encourage their participation. Through collaboration, the Government, Universities, Bar Councils, and Judicial Academies may offer the training and certification programs, including online and remote courses, in order to make people ODR professionals. Platforms like *SWAYAM*⁴⁷ (Study Webs of Active-Learning for Young Aspiring Minds) provide these courses for free and make them available in multiple languages, which ensures the maximum reach of these courses and provides equal learning opportunities.

Public Awareness: A significant hurdle in adopting ODR is the lack of awareness and public trust in ODR. Litigants were bamboozled about fairness, legal validity and enforcement of the online dispute resolution outcomes. To gain the trust of the people, government-led awareness programs may be started through television, radio and digital media, which play a very important role in explaining how ODR works, its legal recognition, and its benefits over traditional litigation. Showing real-world success stories will be helpful in building trust among people, and conducting free awareness sessions on weekends will increase the reach of ODR. The government may also increase the reach of the ODR system in rural areas by increasing awareness through the *National Digital Literacy Mission*,⁴⁸ and, with the help of the paralegal volunteers, may also conduct awareness campaigns at the panchayat level.

Phase-wise Implementation of ODR in India: The online dispute resolution should be implemented in a gradual and phased manner, as NITI Aayog recommended. This shows that

⁴⁶ 'Settlement through Mediation Report' (National Legal Services Authority) <<https://nalsa.gov.in/lams/nologin/lamsMediationInformationReportGenerateView.action>> accessed 11 August 2026

⁴⁷ 'About SWAYAM' (Swayam) <<https://swayam.gov.in/about>> accessed 11 August 2026

⁴⁸ 'NDLM' (NIELIT, 02 October 2015) <<https://www.nielit.in/content/national-digital-literacy-mission>> accessed 11 August 2026

even though India has made a significant advancement in technology, ODR is still in a developing phase and requires time to mature.

The First phase focuses on a foundational framework for ODR, which includes building infrastructure, training of professionals and early adoption of ODR in specific categories of disputes. At this phase, the government and judiciary should encourage private sector innovation in developing cost-effective ODR platforms and promote the use of ODR for low-value disputes and consumer complaints. The aim of this phase is not the large-scale implementation of ODR, but rather to check the readiness of the system.

The Second phase integrates the ODR firmly into the legal and institutional framework. This phase expands the scope of disputes that can be resolved by using the ODR system. Key steps that could be taken in this phase are the deployment of digital infrastructure in the court's premises, training of professionals and lawyers, amending existing laws to formally and legally adopt ODR, introducing incentives for individuals and businesses to choose ODR as a dispute resolution mode and making pre-litigation mediation mandatory for specific categories of disputes. So, this phase normalised ODR as a commonly recognised method.

The Third phase focuses on making ODR the primary mode of dispute resolution. Measures that could be taken are the development of National ODR Platforms managed by the government, setting up mandatory standards for ODR service providers and encouraging innovation and research in ODR technology. Therefore, by adopting these measures, ODR can effectively resolve disputes and maintain the public trust by ensuring fairness.

CONCLUSION

ODR is not only a technological innovation but also a major step toward making justice faster, easier, and more accessible in India. It signals a transformative shift in the way justice is imagined, accessed, and delivered. In the era of digitalisation, ODR reduces the discrepancies of the traditional legal system and addresses modern societal needs. With courts overloaded with cases, ODR not only helps to resolve disputes quickly using technology, especially for smaller matters, removing geographical barriers, and providing cost-effective methods, but also helps reimagine a new method of justice delivery by removing conventional barriers of traditional courts. To make it successful, India must strengthen its digital infrastructure, improve internet

access, and promote digital awareness. Proper training for mediators and legal professionals is also essential. By working together, the Government, the Judiciary, and private bodies can build public trust and make ODR an effective part of the justice system. In the future, ODR can make justice delivery truly affordable, efficient, and accessible to all.

At its core, ODR democratizes justice by eliminating procedural complexities, lowering financial burden, and removing geographical barriers. ODR tries to make justice delivery a lived reality rather than a distant dream for the middle class and small businesses. With rampant efforts in digitalisation, the next step in the ODR system is to make it inclusive and accessible to marginalised and rural India and allow them to have effective remedies for their legal problems. ODR is a system that is based on negotiation, mediation, and conciliation that accelerates collaborative behaviours among parties rather than a disputing nature. ODR tries to make the justice delivery system more participative and restorative, based on fairness and due process. However, in a country like India, there are significant challenges in the effective implementation of ODR, such as the digital divide, cybersecurity risks, data privacy and algorithmic bias. In order to make the system of ODR effective, these ethical and legal concerns need to be addressed first. Apart from this, the general public is still unaware of the benefits of ODR. Continuous effort to promote and create awareness regarding the use of ODR could help in making the system popular among the public. In a country like India, where Judicial backlog is a significant problem, ODR can be an effective tool of dispute resolution only if followed by a proper legal framework that ensures its transparency, equality, fairness and inclusivity. Online dispute resolution is a potential that needs a robust mechanism that safeguards the dignity of those accessing and delivering justice through ODR.