



• सानिगु पुष्य राणग •

avantika
UNIVERSITY



AVANTIKA PUBLIC POLICY & LAW REVIEW

SCHOOL OF LAW AND PUBLIC POLICY

VOLUME 01, ISSUE 02 (June/July 2026)

Patron

Dr Nitin Rane
Vice Chancellor, Avantika University

Managing Editors

Dr Prakhar Puranik
Ms Divya Ann Samuel



महोदय उदरते



OUR EDITORIAL BOARD

Patrons



Dr. Nitin Rane

Vice Chancellor,
Avantika University

Managing Editors



Dr. Prakhar Puranik



Ms. Divya Ann Samuel

Student Coordinators

Ms. Disha Parmar, Ms. Rashika Sharma



ADVISORY BOARD

Our Advisory Board



**Ms. Sawita
Thongwitokomarn**

Judge
Sikhio Provincial Court, Thailand



**Prof. Dr. Bir
Pal Singh**

Professor, Panchayat
Administration & Nyaya Panchayat
NLIU Bhopal



**Prof. Dr. Mona
Purohit**

Dean, Department of Law
Barkatullah University, Indore



ADVISORY BOARD

Our Advisory Board



**Prof. Dr. J. S.
Bisht**

Dean, Faculty of Law
Soban Singh Jeena University,
Almora



**Prof. Dr. Namita
Singh Malik**

Founding Dean
GL Bajaj Institute of Law



Dr. Krati Rajoria

Associate Professor
NLIU Bhopal



ONLINE DISPUTE RESOLUTION IN INDIA: AN EMERGING MECHANISM FOR ACCESS TO JUSTICE

-By Shriyanshi Tiwari

Abstract

In order to prevent social and economic disadvantages from limiting access to justice, the Indian Constitution's Article 39A requires the state to guarantee equal justice and offer free legal aid. However, the traditional court litigation continues to face significant challenges particularly regarding the growing backlog of cases. According to National Judicial Data Grid (2023) more than 43 million cases are pending in Indian courts highlighting the need for affordable and efficient dispute resolution mechanisms.

The overworked legal system was partially relieved by the emergence of alternative dispute resolution (ADR) mechanisms like arbitration, mediation, and conciliation. Initiatives like Lok-adalat and private ODR platforms like SAMA demonstrate the increasing acceptance of digital dispute resolution in India. The Covid-19 pandemic further accelerated the adoption of ODR supported by judicial recognition in cases like M/S Meter and Instrument PVT Ltd. VS Kanchan Mehta and Trimix International FZE versus Vedanta Aluminium Ltd.

The development of ODR, its conformity to UNCITRAL norms and ADR principles, and its potential to improve access to justice by offering quicker technology-driven dispute resolution procedures are all critically examined in this paper.

Key Words- Lok-Adalat, Online Dispute Resolution (ODR), and Access to Justice

Introduction

The 1990s liberalization, privatization, and globalization changes have been crucial to global trade and e-commerce. The rise of online business platforms, digital transaction has led to increase in digital disputes relating to commercial contracts, labor disputes and consumer transactions.

Since many of these disputes arise between individuals and organizations that are located in different jurisdictions, resolving their dispute through traditional dispute resolution mechanisms. Conventional dispute resolutions methods such as, litigation and arbitration, often

faces challenges in addressing such conflicts due to the jurisdictional issues, procedural rigidity.

These limitations became more evident during covid-19, pandemic. which disrupted court proceedings and delayed judicial processes across several jurisdictions. The pandemic demonstrated the urgent need for alternative mechanisms that could ensure continuity despite physical restriction.

In response, Online Dispute Resolution is a cutting-edge extension of alternative dispute resolution (ADR) that incorporates digital communications, e-filing systems, and virtual hearings.

Statement of Problem

In the modern economy, the digitalization of commerce and communication has transformed the nature of disputes. While traditional and alternative dispute resolution methods have reduced the burden on courts, they often face challenges in addressing online disputes involving cross- border transactions and digital interactions.

The enforcement of ODR raises several concerns regarding its legal framework, institutional acceptance, technological accessibility and procedural effectiveness. Issues such as digital divide, regulatory uncertainty and the enforcement of online settlements continue to hinder its effective adoption.

Despite the Emergence of several global ODR platforms and various initiatives in India, the formal dispute resolution system's use of ODR is very restricted and in its infancy. In order to support ODR's credibility and dependability in the context of the digital economy, the current study critically investigates its creation and practical application.

Research Objective

1. To examine how ODR has changed over time, as well as its legislative structure and technological advancements in the digital economy.
2. To assess how well ODR improves access to justice while recognizing the technological and institutional obstacles to its application.

Scope of Inquiry

1. How has online dispute resolution (ODR) changed dispute resolution procedures in the digital economy and online marketplace?
2. What opportunities and challenges arise in implementing ODR to ensure effectiveness and accessible dispute resolution?

Hypothesis

Compared to traditional court-based conflict resolution methods, the use of online dispute resolution platforms in India improves access to justice by lowering litigation costs and procedural delays.

Research Methodology

The study is qualitative in nature and uses a doctrinal and analytical research technique and it uses ,Statutory provisions, court rulings, academic articles, policy studies, official publications, and pertinent scholarly commentary on online dispute resolution are among the secondary sources on which the research mostly depends. In addition to international norms like UNCITRAL recommendations, the report examines India's alternative dispute resolution and digital dispute resolution system. To assess how ODR improves access to justice in the digital economy, a comparative method is also used.

Literature Review

In their work on Online Dispute settlement, Ethan Katsh and Janet Rifkin describe ODR as a technology-driven expansion of traditional dispute settlement that lowers geographical boundaries and boosts dispute resolution effectiveness.

Pablo Cortes also emphasizes the relevance of ODR in consumer protection, especially when it comes to settling high-volume and low-value disputes resulting from online transactions.

In order to increase efficiency and access to justice, NITI Aayog's ODR Policy framework in India supports technology-based dispute resolution procedures. At the international level, frameworks such as UNCITRAL¹ 'Technical notes on Online Dispute Resolution' furthermore contributed significantly to the development of international standards for ODR systems.

¹ United Nations Commission on International Trade Law (UNCITRAL), *Technical Notes on Online Dispute Resolution* (2016), available at <https://uncitral.un.org/en/texts/online/dispute>

Evolution of ODR framework

The growth of the internet and the growing need for easily available dispute resolution procedures in the digital age have coincided with the development of online dispute resolution.

The development of the World Wide Web in 1989 and the launch of Internet service providers in 1992 significantly expanded digital transactions and online communication, leading to virtual conflicts that required creative solutions. In 1996 universities of University of Massachusetts and Maryland pioneered experimental ODR projects.

E-commerce growth accelerated adoption such as eBay launched its pilot ODR system in 1999, effectively handling 60 million disputes annually and demonstrating technology driven scalability. In the late 1990s and the early 2000s, saw platforms like Cyber Settle and Smart Settle introduce automated negotiation and mediation, with over 115 ODR services by 2004. Government also adopted several initiatives like Rechtwijzer in the Netherlands for family dispute, the European Union ODR platform and the British Columbian civil resolution tribunal. The Uniform Domain Name Dispute Resolution policy was introduced by the Internet Corporation for Assigned Names and Numbers to settle domain name disputes via online arbitration procedures.

Adoption and development of ODR in India

S. No.	Year	Development / Initiative	Description
1	1980	UNCITRAL Conciliation Rules	- The United Nations Commission on International Trade Law (UNCITRAL) approved it. - It established an international framework for modern dispute resolution mechanisms.

2	1985	UNCITRAL Model Law for International Business Arbitration	It is noteworthy that the model law was adopted and later endorsed by United Nations General Assembly, influencing arbitration legislation worldwide and promoting uniform arbitration standards.
3	1996	Act of 1996 Conciliation and Arbitration (India)	The UNCITRAL Model Law served as the foundation for the Act's enactment in India. It emphasized party autonomy, minimum judicial intervention and efficient dispute resolution, thereby laying the foundation of ADR and later ODR mechanisms
4	2002	Code of Civil Procedure, Section 89: Strengthening	The Salem Advocate Bar Association v. Union of India ruling by the Supreme Court encouraged courts to submit cases to alternative dispute resolution

			(ADR) processes like arbitration, mediation, conciliation, and Lok Adalats.
5	2006	.IN Policy for Resolving Domain Name Disputes (INDRP)	The National Internet Exchange of India (NIXI) implemented the policy, which established an online dispute resolution process, within a domain name system.
6	2018	MSME Samadhaan Portal	The Ministry of MSME launched the portal to provide an online platform to settle payment disputes affecting micro and small businesses.
7	2019	NITI Aayog ODR Challenge	It was implemented to foster innovation and support the growth of ODR start-ups in India.
8	2020	NITI Aayog ODR Committee	To encourage and broaden the use of ODR in India, the government established a

			committee led by Justice (Retd.) A.K. Sikri.
9	2020	First Virtual Lok Adalat	A virtual Lok Adalat was conducted in Chhattisgarh, providing conciliation and mediation services through online platforms during the COVID-19 pandemic.
10	2020	Parliamentary Standing Committee Recommendation	The committee recommended integration of technology into arbitration and conciliation processes to enhance efficiency.
11	2021	RBI Digital Payments ODR Framework	The Reserve Bank of India introduced an Online Dispute Resolution framework to handle disputes related to digital payment transactions.

Meaning of ODR

ODR is defined in Article 2 of the United Nations Commission on International Trade Law Working Group III proposed procedural rules as a method of resolving disputes made possible by electronic communication, other information, and other technology. It generally involves three stages

1. Negotiation
2. facilitated settlement by neutral
3. Arbitration conducted through online platforms

Types of Online Conflict Settlement

Online Negotiation

During this procedure, to settle disagreements without the use of a third party, parties speak directly via digital platforms. Communication tools such as messaging system help parties exchange proposal and reach a mutually acceptable settlement.

Automated Negotiation

It uses algorithms or blind- bidding system where parties confidentially submit settlement amounts. If the offers fall within an acceptable range, the System automatically generates a settlement.

Assisted Negotiation

In assisted negotiation, the ODR platform does not decide the dispute but provide Technical Support such as Signature communication, agent preparation and document exchange, where parties negotiate directly.

Online Mediation (E -mediation)

It involves an impartial third person known as a mediator who helps parties reach a voluntary settlement by facilitating contact between them via digital platforms.

Online Arbitration (E- Arbitration)

It is a formal ODR process when an arbitrator conducts hearing through digital platforms and deliver a legally binding decision after reviewing the evidence.

Process of Online Dispute Resolution (ODR)²

Dispute arises between parties



Agreement to resolve dispute through an ODR platform



Case registration and submission of documents online



Online Negotiation

(Parties communicate directly and evaluate settlement options considering BATNA and WATNA)



If dispute not resolved



Online Mediation / Facilitated Settlement

(Neutral mediator assists parties through digital communication)



If still unresolved



Online Arbitration

(Arbitrator reviews digital evidence and gives a binding decision)



Final digital settlement or arbitral award

Top ODR platforms in India³

² Srishti & Anubhab Banerjee, *Online Dispute Resolution System – A Way Toward Hassle Free Dispute Resolution and a Road into the Future*, iPleaders Blog

³ ivelaw.in/lawschool/articles/future-of-justice-technology-alternative-dispute-resolution-260027-

The need for quicker and more effective dispute resolution procedures has grown due to the swift expansion of e-commerce in India's e-commerce market is predicted to reach USD 120.01 by 2025, with an annual growth rate of roughly 18% since 2021, according to research released by Global research. With this expansion in online trade, Disputes between consumer and businesses have also increased.

According to data published by the Department of Consumer Affairs, the e-commerce industry accounts for over 22% of consumer complaints in India. This growing number of disputes indicates the importance of adopting technology- based dispute resolution systems such as online dispute resolution.

As a result, companies are increasingly adopting ODR through independent service providers and internal digital dispute resolution platform

The creation of alternative dispute mechanisms and the digitization of the dispute resolution process are also supported by trade associations like the Confederation of Indian Industry.

Several platforms and institutions are now working to promote ODR in India:

1. Agami

It is a non- profit organization that promotes innovation in the legal system. It actively supports the development of ODR ecosystem in India by encouraging collaboration, research and technological solution for dispute resolution.

2. CADRE

It is an easy- to -use online arbitration platform for resolving social and commercial disputes. It aims to make transparent dispute resolution cost- effective and efficient.

3. Presolv360

It is a secure cloud -based platform that manages the dispute resolution process from case initiation to final settlement. It uses automation and digital communication tools to make the process faster and more efficient.

4. Sama

It provides multiple services on single digital platform including online mediation, arbitration and Lok Adalat. It focuses on making dispute resolution simple and accessible for everyone.

5. Jupitice

It offers a comprehensive digital platform for dispute resolution. It deals with E-commerce, B2B, B2C and cross-border dispute using advanced technological solutions.

6. JustAct

It was developed by legal professionals to help parties resolve disputes outside courts through negotiation, mediation and arbitration.

India's laws and Regulations governing Online Dispute Resolution

India is supported by a growing legal and policy framework that recognizes the importance of technology in modern conflict resolution. While India has yet to establish a comprehensive standalone law specifically for ODR, various statutory provisions, court rulings and regulatory measures collectively offer the legal foundation and operational framework for digital dispute resolution systems.

Statutory Foundations Supporting ODR-

1.Information Technology Act 2000⁴

Online contracts and digital communications used in ODR proceedings are validated by this legislation, which gives legal status to electronic records and digital signatures under Sections 4, additionally, the Indian Evidence Act of 1872's section 65B permits the admissibility of electronic evidence in court, which is crucial for disputes involving internet platforms.

2. The 1996 Arbitration and Conciliation Act

Its foundation is the UNCITRAL Model Law, which offers arbitration procedural flexibility. While Section 19 gives parties the freedom to choose their own process, allowing for virtual hearings and online arbitration, Section 7 facilitates arbitration agreements through electronic communication.

3.Section 89 of CPC 1908

⁴ Medha Singh, Online Dispute Resolution: Future of Mediation in India, Indian Journal of Law and Legal Research, Vol. VII, Issue IV (2024), available at https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_ac8787dd7aa04b13b5f802ec5c80d564.pdf

It permits courts to send disputes to various alternative dispute resolution (ADR) methods, including arbitration, conciliation, and mediation, and encourages parties to resolve disputes outside of the conventional court system.

4.The legal service authorities at 1987

It formally established lok-adalat, promoted settlement through conciliation, thereby improving access to justice for public.

5.Section 12 A of Commercial Court Act 2015

It established the need for pre-institution mediation in some business disagreements prior to filing a lawsuit with the goal of resolving issues as soon as possible.

6.The Mediation Act 2023

It has also developed a thorough strategy framework for mediation in India and offers a clear process to support and encourage mediation as a successful dispute settlement technique.

7. The 2019 Consumer Protection Act The law also included provisions that permitted online mediation to settle conflicts and the internet filing of complaints. recognizing the increasing popularity of online marketplaces, it also requires the creation of a framework for settling disputes resulting from e-commerce transactions. E-commerce companies must set up efficient grievance redressal procedures in accordance with section 94(1)(g).

8.Policy development and Government initiatives

Judiciary has also supported technology innovation and dispute resolution. Under the direction of Justice DY Chandrachud, the Supreme judicial's E-Committee has taken a number of steps to digitize judicial processes and encourage the use of online platforms for mediation and arbitration. The foundation for the growth of ODR in India is the Law Commission of India's 222nd Report, which highlighted the importance of bolstering ADR processes including arbitration, mediation, and conciliation to lessen the court backlog.

Additionally, the Supreme Court introduced the Integrated Case Management System in 2017 to modernize court administration. ICMS⁵ enables E- filings of cases, electronic summons and

⁵ NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* (2021), available at: <https://www.niti.gov.in/sites/default/files/2023-03/Designing-The-Future-of-Dispute-Resolution-The-ODR-Policy-Plan-for-India.pdf>

digital case tracking, which helps build the digital infrastructure necessary for large scale online dispute resolution.

Furthermore, the SEBI⁶ Master Circular on audio on ODR institutionalized digital dispute resolution in securities market by mandating the use of platforms such as Smart ODR platform portal for resolving investor grievances.

Statistical Evidence of ADR and Technology-Enabled Dispute Resolution in India

Table1. The Commercial Courts Act's Pre-Institution Mediation (2018–2026)

Period	Applications Received for Mediation	Applications Where Mediation was Non-Starter	Cases Successfully Settled Through Mediation
July 2018 – March 2019	3,680	1,660	25
2019 – 2020	18,080	14,470	167
2020 – 2021	18,364	14,014	186
2021 – 2022	32,335	28,441	368
2022 – 2023	46,412	41,898	1,449
2023 – 2024	51,019	47,185	1,139
2024 – 2025	59,568	52,730	877
2025 – 2026 (Up to September 2025)	47,218		

⁶ Akash Gupta & Apoorva Dixit, A Critical Analysis of Online Dispute Resolution in India: Justice in the Digital Age, Journal of Informatics Education and Research, Vol. 5, Issue 4 (2025), available at <https://jier.org/index.php/journal/article/view/3497/2792>

Table2. Recent Data on ADR and Technology-Enabled Dispute Resolution in India

Year / Period	Mechanism / Initiative	Key Data / Outcome	Source
2024	National Lok Adalats	10,45,26,119 cases settled through Lok Adalats.	PIB
2023	National Lok Adalats	8,53,42,217 cases disposed of through ADR mechanisms.	PIB
2025	National Lok Adalat (single national session)	Approximately 2.59 crore disputes resolved in one National Lok Adalat event.	Legal reports / NALSA updates
2024–2025	RBI Ombudsman Digital Complaint System	Around 29.6 lakh complaints received through RBI's digital grievance redress system.	Reserve Bank of India (RBI)
2021 onwards	RBI Online Dispute Resolution (ODR) Framework for Digital Payments	Introduction of an online system for resolving disputes related to digital payment transactions.	

The statistical data shows how the Commercial Courts Act's pre-institution mediation and Lok Adalats are resolving a rising number of conflicts. It also discusses digital grievance redressal methods, including the RBI ODR framework, which show how technology is gradually being used into dispute settlement.

Judicial recognition of technology and dispute resolution

By encouraging the growth of ODR, the Indian judiciary has been instrumental in acknowledging the use of technology and the dispute settlement process.

➤ 1.Dr Praful B Desai VS State of Maharashtra

Recognizing that contemporary communication technology is a legitimate means of conducting legal processes, The Supreme Court, decided that video conferencing evidence recording is legally acceptable.

➤ AES Corporation against Grid Corporation of Orissa Ltd. (2002)

The court recognized that consultations and arbitration -related communication can take place through electronic and remote conferencing methods, facilitating technology enabled arbitration proceedings.

➤ **Shakti Foods Ltd versus Kola Shipping Ltd (2009) and Trimex International FZE Limited Versus Vedanta Aluminum Ltd 2010)**

The Honorable Supreme Court acknowledged the importance of technology and the arbitration process by ruling that agreements reached through electronic communications, such emails, are legitimate and enforceable.

➤ **Booze Allen & Hamilton incorporation versus SBI Home Finance Ltd (2011), Ayya Swamy versus a Parasmaivam and Vidya Drolia versus Durga Trading Corporation (2020)**

This ruling enhanced Indian courts' pro-arbitration stance and defined the parameters of arbitrable disputes, both of which directly aid in the growth of online arbitration and ODR procedures.

➤ **Kross Television India Private Limited versus Vikhyat Chitra production, Tata Suns Limited versus John Doe, and the Central Electricity Regulatory Commission versus National Hydroelectric Power Corporation Limited**

The court recognized the validity of service of summons and legal notices through electronic modes such as emails and instant messaging applications, further promoting digitalization of digital procedures.

Global Structure for Online Conflict Settlement

A centralized ODR platform has been established in the EU to settle consumer disputes resulting from online transactions, especially those involving cross-border e-commerce.

Through the ODR portals, which link them to the relevant ODR bodies in the EU, consumers can electronically file complaints. The system provides a fast, cost- effective and accessible mechanism especially for low -value disputes.

By setting up Internet courts in places like Beijing, Hangzhou, and Guangzhou, China has taken a modern approach to resolving conflicts pertaining to online service contracts, e-commerce, and digital intellectual property. The entire process including filing, evidence and submission and hearing is conducted online. This model demonstrated how ADR can be integrated into formal judicial institutions.

The United Kingdom introduced Financial Ombudsman Service to resolve disputes between consumer and financial institution. Consumers can file complaint online regarding banking, insurance, financial services. The dispute is first examined by investigators who attempt informal settlement if unresolved that ombudsman issues a binding decision.

In United States the ODR has developed mainly through private sector innovation particularly in e-commerce. A well-known example is eBay Resolution Center which resolves dispute between buyers and sellers through automated negotiation and mediation tool. Another example is the Federation Mediation and Conciliation Service which provides online mediation for labor disputes.

Institutional and Regulatory development in ODR in India

- To settle disagreements over unsuccessful transactions, unlawful transfers, and payment delays, the Reserve Bank of India set up an ODR framework for digital payments.
- The E-courts - mode projects aim to digitalize the judicial system through ICT tools such as E-filings, digital records and virtual hearings.
- The Ministry of Micro, Small, and Medium Enterprises launched the MSME Samadhan site to handle late payments for these businesses.
- In a similar vein, customers can file complaints and monitor procedures online through the Department of Consumer Affairs' E-Daakhil portal.
- The Ingram portal further serves as a centralized consumer grievance redress platform connecting consumers, companies and regulators.
- Furthermore, the Grievance-Appellate Committee, which was established under the Information Technology Rules 2021, offers an online framework to hear appeals against decisions made by digital intermediaries, while the Online Conciliation and Mediation Centre encourages online mediation for consumer issues.

Role of technology in ODR

In order to strengthen online dispute resolution procedures, technology is essential. Through digital support systems, dispute analysis, and automated negotiation tools, artificial intelligence helps mediators and arbitrators resolve disputes more quickly and effectively. Technologies such as machine learning, big data analytics, and blockchain enhanced transparency enable enforcement through smart contracts, and improve digital record management.

Initiatives like the proposed National AI-ODR platform seek to use AI technologies for digital mediation and conflict analysis in order to increase technological integration in ODR. To guarantee openness and equity in AI-based dispute resolution, the creation of an AI Ethics Committee has been proposed.

Additionally, in order to boost the ODR ecosystem, AI-ODR Innovation grants under programs like Startup India aim to encourage entrepreneurs to create tools like blockchain-based dispute management solutions, AI-driven negotiation platforms, and natural language processing systems.

Role of Arbitration Institution in Technology- Driven Dispute Resolution

- The India International Arbitration Center established under Indian Arbitration Center Act 2019 aims to strengthen dispute resolution in India. The center promotes institutional arbitration through digital case management system, online hearings and electronic document management, thereby supporting technology enabled dispute resolution.
- International arbitration institution has also adopted specific technology driven practices-
- In order to conduct arbitration processes entirely online, the Singapore International Arbitration Centre (SIAC) implemented digital case management tools, electronic document filing, and remote arbitration hearings.
- For remote dispute resolution, the Hong Kong International Arbitration Centre (HKIAC) implemented digital evidence management systems, secure online document repositories, and virtual hearing services.

Comparative Analysis of the Indian Framework with International Standards

country / Region	ODR Platform / System	Key Feature	Example in India
European Union	EUODR Platform	Resolves consumer e- commerce disputes	E-Daakhil Portal allows online filing of

		through online ADR bodies.	consumer complaints.
China	Internet Courts	Handles e-commerce and internet disputes through fully online court procedures.	Virtual Courts and e-Courts Project promote digital justice.
Canada	Civil Resolution Tribunal	Resolves small claims and consumer disputes through online negotiation and binding decisions.	Online mediation and ADR initiatives.
United Kingdom	Financial Ombudsman Service	Provides online complaint resolution for financial disputes.	RBI Digital Payments ODR Framework.
United States	eBay Resolution Centre	Uses automated negotiation and mediation for e-commerce disputes.	Online grievance systems of e-commerce platforms.
Singapore	Community Justice and Tribunals System	Provides digital filing and online hearings for	E-Courts services and

		small claims disputes.	online ADR platforms.
India	NITI Aayog ODR Policy Plan	Promotes technology-based dispute resolution systems.	Implemented through NITI Aayog initiatives.

Increasing the availability of justice via online dispute settlement

-
- The Indian Constitution's Article 39A ensures access to justice, which is the cornerstone of the rule of law. It describes a person's capacity to see and acquire remedies for the defence of their rights through formal or legal institutions. It ensures justice is not denied on the basis of economic, social and geographical barriers.
- Access to justice has been acknowledged as a fundamental right in a number of significant rulings. For example, in *Hussain Ara Khatoon v. State of Bihar*, the Supreme Court recognized the right to a speedy trial as part of Article 21 of the Indian Constitution. Similarly, in *Anita Kushwaha v. Pushpa Sudan*, the court made it clear that access to justice is a fundamental right derived from Articles 14 and 15 of the Constitution. With the increasing integration of technology in daily life, the concept of ODR promoted by NITI Aayog represents an important step towards, addressing the limitation of India's traditional dispute system. Delays in the administration of justice are caused by the court system's heavy caseload.
- In response, to this challenge ODR has emerged not only as an alternative mechanism but a modern approach that integrates technology into justice delivery system.
- **The NITI Aayog policy highlights different level of adoption of ODR-**
- **Structural level** -The focus is on strengthening digital infrastructure, improving digital literacy and ensuring access to internet services. An example is MSME Samadhan portal where small businesses can file complaint against buyers who delay payments. This platform also allows disputes to be handled digitally and helps smaller enterprises receive payment faster. The policy also recommends the training programs for arbitrators and mediators, so that they can effectively conduct online dispute process.

- **Behavioral level-** It suggests that it is necessary to encourage individuals and institutions to trust ODR system, when government departments adopt ODR mechanism, it also encourages private organization and individuals to use the same system.
- **Regulatory level -** In order to guarantee justice, accountability, and effectiveness in the settlement of disputes, the ODR framework advises that services rendered through ODR adhere to ethical standards and open processes.

Example

1. ICICI Bank and the E-ADR Difficulty

Background

ICICI Bank⁷ is one of the largest private banks providing retail banking, loans and financial services to millions of customers. With the growth of digital banking and loan transactions, the bank faced a large number of small- value financial and legal disputes particularly related to loan recovery. To address these challenges efficiently, ICICI bank collaborated with Agami to promote online dispute resolution through E-ADR The challenge launched in 2019.

2. Framework / Process Used (Flowchart)

ICICI Bank ODR Process

Dispute arises between borrower and bank

↓

Complaint or claim submitted through an ODR platform

↓

Initial screening and verification of documents

↓

Appointment of neutral mediator/arbitrator

↓

⁷ Aditya A.K., *HumLab, Vayam, ICICI Bank announce E-ADR Challenge 2019*, Bar & Bench (Mar. 13, 2019), available at: <https://www.barandbench.com/news/humlab-vayam-icici-bank-announce-e-adr-challenge-2019>

Online negotiation or mediation session conducted digitally

↓

If settlement is reached → Digital settlement agreement

OR

If unresolved → Arbitrator issues final award

Outcome and importance

The outcome of this initiative demonstrated that ODR can resolve a large number of financial disputes faster and at lower cost compared to traditional litigation. This case study illustrates that banks and financial institutions can adopt ODR for high-volume, low volume disputes thereby reducing courts burden and improving access to justice.

2.CORD

Background

Established in 2019, the Centre for Online Dispute Resolution is an online arbitration organization that settles conflicts pertaining to fintech firms and NBFC's digital lending. ODR through digital platforms was used as a result of the increase in digital loan defaults, particularly during the COVID-19 pandemic.

Process (Flowchart)

Dispute arises between lender and borrower

↓

Case registered on CORD ODR platform

↓

Document verification and compliance review

↓

Appointment of neutral arbitrator

↓

Online hearing and submission of evidence

↓

Dispute arises between lender and borrower

↓

Case registered on CORD ODR platform

↓

Document verification and compliance review

↓

Appointment of neutral arbitrator

↓

Online hearing and submission of evidence

↓

Final digital arbitral award or settlement

Outcome

This process shows that Fintech and financial disputes can be resolved faster and at lower cost than traditional litigation highlighting the role of technology -enabled dispute resolution.

India's recent advancements in online dispute resolution

India has taken significant steps towards strengthening Online Dispute Resolution through sector-specific frameworks, particularly in the securities market and for micro, small and medium enterprises.

SEBI ODR Framework: Expanding Scope and Time-Bound Resolution

To resolve disagreements between investors and market intermediaries, the Securities and Exchange Board of India (SEBI) has implemented a thorough Online Dispute Resolution (ODR) system.

The framework establishes a time-bound grievance redressal mechanism, requiring that complaints be initially addressed within 21 days at the intermediary level. In case of non-

resolution, disputes are mandatorily referred to online conciliation and arbitration through SEBI-recognized ODR platforms.

A key development is the expansion of scope, as the framework now covers all SEBI-registered intermediaries, including stock brokers, depositories, and mutual fund entities. This ensures uniformity and consistency in dispute resolution across the securities market.

Further, the process is conducted entirely through a digital platform, from filing of complaints to final adjudication, thereby ensuring efficiency, transparency, and accessibility. By offering an organized and affordable dispute resolution process, the framework greatly improves investor protection.

MSME ODR DELAYED PAYMENT FRAMEWORK

Micro, small, and medium-sized businesses can use the MSME Samadhaan Portal as a digital dispute resolution tool for late payments.

In compliance with the terms of the MSME Development Act, 2006, it allows MSMEs to register complaints online against purchasers who do not make timely payments. The system facilitates dispute resolution through negotiation, conciliation, and arbitration, all conducted through an online interface.

This framework plays a crucial role in ensuring timely payments, improving liquidity for small businesses, and reducing dependency on traditional litigation. It promotes ease of doing business by offering a transparent, accessible, and efficient dispute resolution mechanism.

ODR's Challenges in India

There are a number of obstacles to Online Dispute Resolution's adoption and execution in India.

Digital divide in infrastructure gaps⁸

The efficient use of ODR platforms is hampered by low digital literacy and limited internet connection, especially in rural areas.

⁸ Namita Dwivedi, *Online Dispute Resolution (ODR) as a Crucial Complement to Enforcement*, SCC Online Blog (Dec. 18, 2025), available at: <https://www.scconline.com/blog/post/2025/12/18/online-dispute-resolution-complement-to-enforcement-india/>

Lack of awareness and trust

Many litigants, lawyers and businesses remain unfamiliar with ODR mechanism and are often skeptical about technology -based dispute resolution due to limited training and understanding.

Legal and regulatory ambiguity

The absence of clear statutory framework especially governing ODR creates uncertainty regarding procedures, institutional adoption and enforcement.

Legal Culture and Resistance to ADR

In Many jurisdictions, parties continue to rely heavily on traditional court litigation, which slows the acceptance of mechanism such as ODR and contributes to court backlog.

Privacy and data security concerns

Digital dispute resolution involves sharing sensitive information online, creating risk related to confidentiality, cyber security and data breaches.

The enforcement challenges

The enforcement of ODR outcomes may still require court intervention, which can reduce the efficiency that ODR seeks to achieve.

Solutions

- India should adopt a dedicated legal framework for ODR to standardize procedures and ensures enforceability of settlement similar to EU- ODR regulations.
- Expanding digital infrastructure through programs like Bharat Net and improving Internet accessibility can ensure wider participation in ODR.
- ODR platform must implement strong encryptions, secure digital system and regulatory safeguards to protect confidential information.
- Training programs for mediator, lawyers and litigants should be expanded to improve familiarity with ODR platforms and technology.
- Artificial intelligence and other emerging technologies can help with case management, dispute triaging, and increasing the effectiveness of the ODR system.

Recommendations

- The government should collaborate with private ODR platforms and legal tech startups to develop innovative and efficient dispute resolution mechanisms. Government

departments, businesses and courts should actively adopt ODR mechanism to resolve dispute at the pre- litigation stage and reduce the burden on judicial system.

- To encourage quicker and more economical dispute settlement, the ODR mechanism should be expanded to areas like consumer disputes, e-commerce, family issues, and small business claims.
- Strong cyber security measures and data protection standards should be implemented for ODR platforms to ensure confidentiality, privacy and securing handling of digital evidence and communication.

Conclusion

Online Dispute Resolution has transformed dispute resolution in digital economy by integrating technology with traditional ADR mechanisms, enable foster, Cost-effective accessible resolution of dispute rising from e-commerce and digital transactions. The study demonstrates the increasing use of technology-based dispute resolution in India through programs including the RBI ODR Framework, the NITI Ayog ODR policy, and the Private ODR Platform. However, obstacles including the digital divide, unclear regulations, and low awareness still hinder its successful application. to guarantee that ODR improves access to justice and support and an effective dispute resolution system in India, it is imperative to strengthen digital infrastructure, provide a complete legal framework, and encourage institutional use.

References

1. _Kalpana Devi, Online Dispute Resolution (ODR): A Paradigm Shift in Access to Justice, available at: https://www.researchgate.net/publication/393798075_Online_Dispute_Resolution_Odr_A_Paradigm_Shift_in_Access_to_Justice
2. *Online Dispute Resolution: An Evolutionary Step in Indian Dispute Resolution*, Law Journals, Vol. 8, Issue 3 (2022), available at: <https://www.lawjournals.org/assets/archives/2022/vol8issue3/8-2-57-395.pdf> (last visited 15 Mar. 2026).
3. EBSCO Database, *Online Dispute Resolution and Access to Justice* (Scholarly Article), available at: <https://openurl.ebsco.com/EPDB>