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An Analysis of Online Dispute Resolution in India with Special Emphasis on the Impact of Covid-19: Opportunities and Obstacles

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The Internet is the most innovative creation of mankind, as in the 21st century it encompasses almost every aspect of human activity. It has become increasingly necessary to design efficient mechanisms for resolving disputes because traditional mechanisms, such as litigation, can be time-consuming, expensive, and raise jurisdictional problems. Arbitration has been moving online over time with the growth of the Internet and Online Dispute Resolution ("ODR"), which includes the use of technology to assist online negotiation, mediation, arbitration, and variations thereof. In the wake of our struggle with the pandemic "COVID-19" and the various travel and social restrictions it has brought, there has surfaced invigorated interest in online dispute resolution ("ODR") in India. COVID-19 has accelerated the growth of Online dispute resolution as it has become an important element in Alternative Dispute Resolution (ADR) of the judicial system in recent years since it allows for swift settlements and frequently results in outcomes that are beneficial to both parties and is used to help formulate de lege ferenda stipulations. ODR is essentially e-alternative dispute resolution ("ADR") where interactions take place online using technology and resolution can take place through asynchronous communication. Thus, it is contended that an analysis be conducted to study the potential opportunities and obstacles for functioning alternative forms of dispute resolution through digital transformation. The article is an in-depth study of this field, discussing the strengths and weaknesses of ODR which has a wide application and can be used as a mechanism to resolve a wide variety of disputes varying from simple civil disputes to even certain compoundable criminal and commercial matters.

Keywords: *online dispute resolution, negotiation, mediation, covid-19, alternative dispute resolution.*

INTRODUCTION

The emergence of traditional Alternative Dispute Resolution (hereinafter ADR) methods, such as arbitration, mediation, and negotiation, was envisioned as bypassing litigation to resolve disputes quickly and efficiently. ADR is one option for resolving some conflicts outside of the courts. Even with the prevailing litigation methods, which will always prevail for some inexplicable reason, the load on the courts of dispute cases has not been able to be resolved and thus it needs innovation to cope with society and its needs.

The advancement of digital technologies at a breakneck pace has wholly changed the daily life of people, moving the latter from the physical world to the virtual one. Online dispute resolution, also known as ODR, is a process for settling conflicts through the use of electronic correspondence. ODR generally refers to the electronic medium of various types of ADR processes. It (ODR) is a branch of ADR with a technical spin. Emails, telecom application software, and other communication tools are all examples of electronic interactions that can be used for ODR. Although ODR can be used in the majority of legal and business conflicts, cases involving electronic transactions or those that involve the Internet are best suited because electronic proof can be readily filed via the Internet on the ODR platform. ODR offers an alternative to conventional conflict resolution methods that is more effective, adaptable, and efficient¹.

Technical development in ODR stretches on the delivery of settlement with the hope of finding better ways to help the clients. ODR offers limitless options right from choosing the suitable agent to adjudicate the dispute to solving the dispute from the comfort of your home or office. To implement arbitration or settlement deals and format online written interactions as part of the ODR process, cutting-edge technologies may be used to prevent growing conflict between

¹ 'Designing the Future of Dispute Resolution' (NITI Aayog, 12 June 2020)
<<https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>> accessed 05 April 2023

the parties involved in the disagreement. In the post-Covid era, where the moment of the body is restricted concerning the primal health of the individual. ODR can result in substituting the approach we prefer for resolving our disputes.

ODR has surpassed conventional ADR as one of the most common techniques for resolving international business legal conflicts that span borders. This is primarily because ODR has the potential to be advantageous. After all, it is a quick, affordable, and binding procedure.

EVOLUTION OF ADR IN INDIA

ADR's history can be linked to our past course. Before the king arrived to settle disputes, early conflicts were settled amicably by Kulas (family or clan assemblies), Srenis (guilds of men engaged in the same occupation or gatherings of craftsmen and tradesmen from various tribes), and Parishads (assemblies of learned men versed in law). However, during the Mughal era, distinct legal institutions were created, including political courts presided over by subahdars, faujdars, and kotwal, courts of secular law presided over by administrators, etc.

It was during British rule, the first regulations were enacted in the year 1772, 1781, and 1782 in Bengal which made the buildup for promoting arbitration in India. In 1899, following the passage of several different clauses, the Indian Administration Act was enacted; it was modeled after the English Arbitration Act of 1889. This was the first effort to provide real legislation on the topic of arbitration, but it only applied in the three cities that made up the presidency: Calcutta, Bombay, and Madras. It was also highly critiqued and had numerous problems. In light of this, in 1940, the government of India enacted a new law called "The Arbitration Act of 1940," which superseded the Indian Arbitration Act of 1899. Until the Arbitration and Conciliation Act of 1996, this was the only applicable legislation regarding arbitration in both British India and the independent Indian nation.

However, the Legal Services Authorities Act of 1987 introduced the concept of Lok Adalats, or people's courts, ensuring quick and affordable justice in both rural and metropolitan regions of India. Whereas a decision made by a Lok Adalat has the same power and effect as a civil court ruling, is final and binding on all parties, and cannot be challenged in court. The Lok Adalat

procedure itself is an abstraction of the traditional idea of resolving a problem or disagreement through negotiation, conciliation, mediation, or arbitration, also known as the "Nyaya Panchayat" judgment. Because of the overwhelming number of cases in the courts and the urgent need to provide for their expeditious settlement, India's law of arbitration underwent significant revisions to address defects and make arbitration an effective alternative dispute resolution instrument.

The Arbitration and Conciliation Act, of 1996, which replaced the Indian Arbitration Act of 1899, was passed because it was more responsive to modern demands and was modeled after the model law on international commercial arbitration adopted by the United Nations Commission on International Trade Law (UNCITRAL) in 1985 and its set of conciliation rules adopted in 1980. An important feature of the said UNCITRAL Model Law and Rules² is that they incorporate universally applicable provisions because they harmonize concepts on arbitration and mediation from various legal systems around the world.

It included the 1996 Arbitration and Conciliation Act, which streamlined and updated the rules governing domestic arbitration, international commercial arbitration, and the recognition and enforcement of judicial awards rendered abroad. The economic-legal environment in India has undergone a pleasant shift as a result of this legislation, making it the most trustworthy and efficient ADR method in the country. Although there are other ADR methods available in India, arbitration, and mediation have historically been the most common ways to settle private conflicts, particularly those involving business or economic matters.

GENESIS OF ODR IN INDIA AND THE IMPACT OF THE COVID-19 PANDEMIC

It was during this time when access to the Internet was becoming widely accessible that people began using email and other forms of online communication. Online conflict settlement was used to start the process. Both physical and internet conversation conflicts are resolved by ODR. Despite the convenience that technology provides, people have been choosing it for a while.

² Kartikey Raja, 'Online Dispute Resolution (ODR): The Future of Justice in India' (2020) 3(4) IJLMH <<https://www.ijlmh.com/wp-content/uploads/Online-Disputes-Resoultion-ODR-The-Future-of-Justice-in-India.pdf>> accessed 05 April 2023

Even though technology has been present in the law in many ways, the main cause of this is that once a pattern is formed, people are reluctant to submit to change unless it is necessary. Online arbitration, online conciliation, and even blockchain-based adjudication are now all possibilities. In recent years, these ADR techniques also referred to as "ODR," have become more and more prevalent throughout the globe.

The conventional conflict settlement approach and the ODR System are essentially equivalent. The primary distinction between the two notions is not between their core ideas but rather between their modes/mediums of application. The methodologies or tactics of ODR are essentially the same as those of ADR, though we could add an "E" to them and name them things like "e-mediation," "e-conciliation," "e-arbitration," "e-ministerial," and so on. Considering that the ODR system is completely internet-based, users may carry out the processes via a service or content provider's website or their own. The parties can trade information online over private channels and submit requests by filling out electronic forms with the assistance of digital communication tools. Through radio and visual equipment, as well as technological means, the sides and neutrals interact. The technology features automated alerts, among other things.

ODR is being used for the first time in India, but it is beginning to acquire popularity. In addition to making ODR technically and legally feasible, a joint reading and interpretation of the Indian Evidence Act of 1872, the Information Technology Act of 2000, and the Arbitration and Conciliation Act of 1996 help to overcome jurisdictional issues³, eliminate geographic barriers, mechanize executive tasks, increase professional efficiency, and promote eco-friendly procedures. This results in a swift, affordable, and cost-effective resolution of disputes.

Recent remarks in *Meters and Instruments Private Limited and Anr. v Kanchan Mehta* of 2017 were taken into account by the Supreme Court of India in a *Suo Moto* writ appeal titled "Expeditious trial of cases under Section 138 of N. I. Act, 1881."⁴, that: "*Utilization of contemporary technology must be taken into account not only for automated courts but also to lessen judicial congestion. There seems to be a need to take into account types of cases that can be partially or completely resolved*

³ Information Technology Act 2000

⁴ *Meters and Instruments Private Limited and Anr V Kanchan Mehta* (2018) 1 SCC 560

"online" without the actual presence of the parties by streamlining processes where significantly contested issues do not need to be decided. "

This decision reveals the severe truth of the constraints placed on the courts, including not only the congestion of courts but also other multifaceted problems that impede justice. ODR must be used to resolve the need for prompt justice. Globally, the number of COVID-19 instances has risen. This illness is brought on by the SARS-CoV-2 virus. Alternative conflict settlement procedures and the Indian courts are both affected.

The Supreme Court of India issued an order on March 23, 2020, taking quasi-moto notice of the difficulties plaintiffs across the nation were experiencing due to the coronavirus about the statute of limitations under various statutes. The supreme court decided that the March 15, 2020 decision should be followed until any further orders are made by the court regarding the extension of the statute of limitations in all cases before any court or tribunal⁵. This made sure that the restriction period would not in any way affect the current procedures. The Indian judiciary began using video conferences to discuss significant issues. even began using electronic filing techniques.

According to the eCourts website, there are 4.46 million cases before the High Courts and approximately 33.47 million fresh cases waiting at the Regional High Court. In comparison to the District Courts, the High Courts have a higher percentage of vacant positions (35.6%). Similar problems occur when the established commission makes use of technical know-how to lessen the number of judges needed, adding more time to the resolution of disputes⁶. The COVID-19 pandemic and the resulting need for measures to remove society have caused all the forms of resolving disputes mentioned above to operate in suboptimal ways, compounding already challenging circumstances. Mediation, negotiation, reconciliation, and Lok Adalat have

⁵ Megha Shawani & Shubhangi Tiwari, 'Impact of COVID 19 on Arbitration Proceedings; Online Dispute Resolution a Way Forward' (2020) 19 *Supremo Amicus* 285 <<https://supremoamicus.org/wp-content/uploads/2020/07/A1-37.pdf>> accessed 05 April 2023

⁶ Code of Civil Procedure 1908, s 89

also somewhat fallen short of addressing issues that the conventional Indian legal system has partially resolved.

ODR will play a much larger part than merely re-creating the current ADR process online in the modern world where data-driven solutions are standard. The fundamental job that innovation should play in conveying an agreeable type of equity has been reinforced by the epidemic. To avoid an entire closure of India's courts, steps have already been made to conduct virtual judicial proceedings. In the future months, there will probably be an abundance of judicial cases, especially in the areas of financing, credit, property, trade, and shopping, that need to be arbitrarily settled. ODR is a tool that banks, NBFCs (Non-Banking Financial Companies), and even households can use⁷. As a result, ODR would give people easy access to a "mechanism of justice" that is cheap and readily available. By settling many conflicts outside of court and, most significantly, by making dispute resolution more affordable and efficient, a robust ODR system in India may be able to alleviate the burden on the judiciary and decrease the number of cases that must be handled in court.

In this area, recent advancements in India have been numerous. The number of ODR firms and companies eager to try out ODR as an option to conventional conflict settlement methods has increased. On the institutional side, Coronavirus prompted constraints that constrained courts and Lok Adalats to change to an internet-based mode, the Reserve Bank of India directed payment systems operators to implement ODR for disputes involving failed payments, and the NITI Aayog released a draft ODR Policy Plan⁸.

The ODR Handbook states that by the middle of 2020, there will be 13 new ODR start-ups, up from 3 in 2018. This includes companies that specialize in providing technology solutions to others, like CREK ODR and Resolve Disputes Online, as well as operators like Presolv360, Centre for Online Resolution of Disputes (CORD), and SAMA, which provide online arbitration and mediation services directly.

⁷ Amitabh Kant, 'NITI Aayog and the SC judges' meeting on ODR' (*The Daily Guardian*, 30 June 2020) <<https://thedailyguardian.com/niti-aayog-and-the-sc-judges-meeting-on-odr/>> accessed 05 April 2023

⁸ Designing the Future of Dispute Resolution (n 1)

One of the first instances of ODR usage in India can be seen in a trial initiative that ICICI Bank started in partnership with SAMA. Before the implementation of the loan ban linked to COVID-19, 200 conflicts involving loan payback was settled using this method, as indicated by the ODR Handbook. The bank purportedly set aside a great deal of cash and time thus; the amount of time needed to resolve each case was reduced from six-person days to just one and a half. Another instance is the SAMA's recent organization of the Suljhav Manch e-conciliation camp⁹, which included firms like ICICI Housing Finance, Snapdeal, and Udaan as participants. Over 8,000 debt and client conflicts were logged overall for online settlement, and 1,860 of those claims have already been resolved.

The COVID-19 scenario has also sparked formal usage through online applications, digital judicial proceedings, and the staging of e-Lok Adalats in several states. Additionally, the National Payments Corporation of India (NPCI) recently made its online dispute settlement system available to users of the BHIM UPI app, by RBI guidelines for payment providers to implement ODR. Other players in the finance sector are anticipated to soon follow suit.

The Income Tax Department has also introduced a Faceless Assessment Scheme¹⁰ that is intended to make the assessment process more user-friendly and transparent. Another interesting development was the Supreme Court's declaration that, despite the parties' prior agreement, it would be illegal for a party interested in the dispute to select an arbitrator alone. This could lead to a change away from the common practice of consumer-facing businesses selecting judges in large numbers for low-value, high-traffic conflicts and towards the inclusion of ODR provisions in commercial deals.

The NITI Aayog recently hosted a webinar on ODR in India, where the experts discussed how the demand for ODR post-Covid-19 will grow, as well as methods to enhance the process across

⁹ Rashika Narain and Smriti Parsheera, 'Online Dispute Resolution in India: Looking beyond the Window of Opportunity' (*The Leap Blog*, 14 April 2021) <<https://blog.theleapjournal.org/2021/04/online-dispute-resolution-in-india.html#gsc.tab=0>> accessed 05 April 2023

¹⁰ Ashish Aggarwal and Sandeep Bhalla, 'Faceless assessments: A paradigm shift in interacting with Indian revenue authorities' (*International Tax Review*, 29 September 2020) <<https://www.internationaltaxreview.com/article/2a6a6xqsdyvp89w2udhj4/faceless-assessments-a-paradigm-shift-in-interacting-with-indian-revenue-authorities>> accessed 05 April 2023

the country. In the continuing epidemic, Indian courts have gone out of the traditional litigation procedure with the advent of e-Courts and online hearings through videoconferencing. Due to the spread of Covid-19, the traditional justice delivery system is tentatively on pause. Recently, the Apex Court opened the door to e-Court hearings for urgent issues, and several High Courts and District Courts soon followed¹¹. The Apex Court has now included the e-filing of cases and petitions to its list of services. Arbitration is a less complex and more flexible method of settling disputes, and it is becoming increasingly popular in the legal community across the world. The commercial business is massive now, as are the conflicts that arise from it, and these multi-billion-dollar issues prefer to be resolved through arbitration for obvious reasons. Also, Cross-border conflicts are on the rise as a result of globalization, and at the moment, owing to Covid-19, nations are under limited transit movement owing to limited travel options. In such situations, ODR is the ideal approach to resolving a dispute.

India has excelled in the litigation field, with the Supreme Court changing the path of justice in the aftermath of the Covid-19 outbreak when physical courts were rendered impractical. Indian courts have heard more cases and issued more judgments than courts in the United Kingdom and Canada, according to statistics. Covid-19 has currently challenged the Indian judicial system to the point that online or virtual administration of justice has become necessary. ODR is currently the talk of the town; now and then, either judges or distinguished practitioners remark on the importance of ODR in the current and post- Covid19 scenarios.

Following Covid, there will be an increase in property, lending, credit, and commerce disputes, which ODR can address. ODR is the next step up from ADR. It is not only urgent, but it would also be a significant route for post-Covid conflict resolution. In India, ADR (ADR) is a growing and widely used procedure by many large corporations and entities, and utilizing ODR for outstanding cases with the parties' permission will offer more credence to out-of-court settlements with much more flexibility incorporating technology.

¹¹ Vishwam Kumar and Ritesh Verma, 'Rise of Online Dispute Resolution amidst Covid-19' (2021) 4(5) IJLMH <<https://doij.org/10.10000/IJLMH.112104>> accessed 05 April 2023

PROSPECTIVE OPPORTUNITIES FOR ODR IN INDIA

ODR brings about the revolution in the present set of the judicial structure owing not only due to the necessities brought in by the Covid-19 Pandemic which has now unarguably become an endemic but also due to the advancement of technology and the irresistible pressure on courts for the speedy dismissal of pending cases which invariably are a burden even for the institutions like that of Lok Adalats.

Besides, ODR resolves e-conflicts and traditional disputes quickly and at a low cost by utilizing information technology. The types of conflicts that it resolves include commercial conflicts, contractual efficacy, partnerships, production, contractual arrangements, defamatory disputes, family disputes, intellectual property protection, enterprise, financial services, healthcare coverage, confidentiality disputes, and other B2B, B2C, and C2C disputes. E-negotiation, electronic mediation, E-arbitration, and hybrid mechanisms such as "Medola, Compact Proceeding, Med-Arb, fast-tracked adjudication, Impartial Audience Consensus, Council-Arbitration" etc. are all instances of ODR. It can make a judgment enforceable or quasi on the parties using an adjudicatory or non-adjudicative approach. Some of the opportunities that are brought about with the aid of ODR can be listed as follows:

Cost Effectiveness: As a cost-effective, hassle-free alternative to traditional dispute resolution methods, ODR lowers not only the need for unneeded travel and the amount of time it takes to resolve disputes, yet additionally the expense of playing out the debate goal process for both the disputant and the go-between. Here in ODR, the gatherings split the expense of the process and pay evenly, with the impartial assessor having an interest in both the result and the process. Due to its quick, affordable issue settlement, ODR is the ideal choice for high-volume, low-cost deals¹².

Appropriate, Swift, and Reliable Source of Dispute Resolution: ODR, in contrast to judicial processes, has been a useful instrument to provide a speedier process for settling conflicts and lacks any complex procedures or set timelines. The adoption of Covid-19 has created a pathway

¹² Designing the Future of Dispute Resolution (n 1)

for alternative dispute resolution (ODR) mechanisms to offer technology-based flexible tools that are intended to accomplish a proficient and optimal debate goal for all gatherings. With the appearance of online dispute resolution (ODR), alternative conflict resolution (ADR) methods can provide disputing parties with a more individualized and effective means of resolving their differences¹³. This dispute resolution organization has proven to be a trustworthy source given the increased knowledge of prejudice and conventional decision-making processes because it eliminates implicit bias and the worry of impartiality while settling disputes¹⁴.

Easy and convenient recourse to justice: By supporting the active involvement of the parties who would not otherwise be able to join a real in-person gathering because of any type of impairment or budgetary problems, ODR can greatly contribute to the fast and simple access to justice of various conflict resolution processes¹⁵. As a result, parties choose ODR as a customized, technologically facilitated means of resolving their conflicts, increasing the availability of justice. In this epidemic scenario, where face-to-face interactions and social gatherings are prohibited, it has been observed to be growing quickly.

Legality as to ODR procedures in the Indian scenario: The first official step towards the creation of Internet resolving disputes in India is the report by the High Nilekani Panel¹⁶ on the 2019 Recommendations of both the High-level Commission on Digital Payments which establishes ODRs for the dispute over electronic payments¹⁷. Even in the 2012 case of *Shakti Bhog v Kola Shipping*, the Supreme Court ruled that online arbitration settlements are acceptable as the basic criteria of a case within Sections 4 and 5 of the Information Technology

¹³ Colin Rule, 'Is ODR ADR?' (2016) 1(3) International Journal of Online Dispute Resolution <<https://www.colinrule.com/writing/ijodr.pdf>> accessed 05 April 2023

¹⁴ Designing the Future of Dispute Resolution (n 1)

¹⁵ Charlotte Austin, 'Online dispute resolution- An introduction to online dispute resolution (ODR) and its benefits and drawbacks' (*Government center for Dispute Resolution*, February 2017) <<https://www.mbie.govt.nz/assets/00ddeb604/online-dispute-resolution-report-2018.pdf>> accessed 06 April 2023

¹⁶ N V Narendra Kumar et al., 'The payment systems revolution: India's story' (2020) 14(4) Journal of Payments Strategy & Systems <<https://hstalks.com/article/6013/the-payment-systems-revolution-indias-story/>> accessed 06 April 2023

¹⁷ 'Statement on Developmental and Regulatory Policies' (*Reserve bank of India*, 06 August 2020) <https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=50176> accessed 06 April 2023

Act¹⁸. Read section 65B of the Act of Evidence. However, even after this legal and judicial preparation, some important logistical and infrastructural sectors require special attention.

OBSTACLES TO BE DEALT WITH ODR IN INDIA

Online dispute resolution was an excellent strategy during the epidemic and has become so ingrained in the system that it will only continue to expand in the future. Numerous businesses and groups have embraced the online working method because it is more practical, effective, and cost-effective. While there are many advantages to doing so, there are also a few drawbacks to using ODR as a conflict settlement method. Online Dispute Resolution being the growing idea in the general set of laws has a list of reasons that hold back its implementation and activation to the core. Challenges regarding ODR are as follows:

Lack of cognizance: In India, ODR is only in its very early stages. Even though it has been assisting in the settlement of disputes between the parties, it is currently lagging behind ADR due to a lack of knowledge among all parties. The NITI gathering was told that to have a significant effect, adjustments must be made to the legal system and digital infrastructure, as well as a shift in people's attitudes towards change¹⁹. Therefore, there is a need to take cognizance of these obstacles to successfully implant ODR in India.

Lack of trust and faith in ODR: ODR raises concerns about privacy and secrecy breaches because the idea behind it is built on internet assistance. Various documents and files are shared online which fear being stolen, tampered or altered. A structure that integrates transparency, fairness, ethics, and auditability into its operation is necessary to build confidence in the digital world. Therefore, pursuing the approval of a private rule of behavior that helps foster community confidence should be another top goal at this point²⁰. Instead of being imposed by the State through compulsion, a code of conduct of this nature ought to develop and be put into

¹⁸ *M/S Shakti Bhog Foods Limited v Kola Shipping Limited* (2018) Civ App No 5796/2008

¹⁹ Designing the Future of Dispute Resolution (n 1)

²⁰ Deepika Kinhal et al., 'ODR: The Future of Dispute resolution in India' (VIDHI Centre for Legal Policy, 28 July 2020) <https://vidhilegalpolicy.in/wp-content/uploads/2020/07/200727_The-future-of-dispute-resolution-in-India_Final-Version.pdf> accessed 06 April 2023

practice within the ODR ecology. It's critical to stay away from unreasonable focal preparation in the mechanical plan of ODR frameworks in addition to worries about excessive legislation impeding creativity. This might lead to the adoption of particular technologies and protocols, which would hurt the ODR industry's long-term chances.

Tussle arising from the non-implication of ODR outcomes: The implications of the ADR procedures' conclusion can be hazy at times similar to the case of *Afcons Infrastructure Ltd. v Cherian Varkey Construction*²¹ the Supreme Court said that the mediation proceedings initiated by the court shall be deemed as Lok Adalat and enforceable under section 21 of Legal Services Authority, 1987. As a result, if the court-initiated mediation procedures are viewed in that light, then the execution of the ones that are not court-initiated may encounter difficulties. However, the results of the settlement process are viewed as a deal or contract, and any violations will result in legal action. Additionally, it can be deduced that the ADR process, which has not yet been completely realized in India, needs to be reinforced to genuinely establish ODR. As an illustration, consider the fact that India uses the optional "opt-in" technique of conciliation²². According to Justice Indu Malhotra²³, A blend of the two approaches will function well in India instead of the "opt-out" approach, which would make mediation obligatory and undermine the purpose of mediation. Giving ADR in India a firmer footing is essential to ensure that ODR can be maintained.

Lack of well-developed digital Infrastructure: The country's online infrastructure is still not at its finest level, which is necessary for the ODR procedure to run smoothly. For a productive resolve exercise, you need a high-speed internet link that lasts for a while. The digital gap in India is a fact,²⁴ which includes concerns about societal standards, gadget possession, digital knowledge, and connectedness. Different degrees of digital usage across ethnic groups are ultimately produced by the interaction of these variables. While industries that serve an already

²¹ *Afcons Infrastructure Ltd v Cherian Varkey Construction Co (P) Ltd* (2010) 8 SCC 24

²² Designing the Future of Dispute Resolution (n 1)

²³ *Ibid*

²⁴ Parsheera Smriti, 'India's on a Digital Sprint That Is Leaving Millions Behind' (*BBC*, 17 October 2019)

<<https://www.bbc.com/news/world-asia-india-49085846>> accessed 06 April 2023

digitally savvy populace, like e-commerce and digital payments, are more receptive to ODR usage, a more widespread policy drive towards obligatory ODR may wind up disenfranchising some segments of the population. For instance, the Tax Department's impersonal evaluation program has come under fire for denying individuals the chance to present their cases in person and for requiring technological expertise and infrastructure facilities that some people lack to conform with the online procedures.

Digital Literacy: The high rate of digital ignorance in India can be a hurdle for ODR procedures depending on age and geographic factors. Another concern is how to encourage company and individual usage of the ODR environment by fostering confidence within it. Others have talked about interventions like raising awareness of the procedure, certifying neutrals, and having an ethics code as mechanisms to support trust, while some contend that a specific measure of government mediation and control is essential to the process of building trust.

Creation of Monolithic Technical Architectures: In India, the desire to establish a state-mandated monopoly is all too common. Examples of such monopolies include the Unified Payments Interface (UPI), which is governed by the government, and the Monopoly Vendor, which is also governed by the government. (e.g. the NPCI). According to the preliminary report from NITI Aayog, the ODR industry should follow a comparable course. It contends that the government should help create a "scalable platform using technology" so that businesses can make apps and websites that run on free and open-source software developed by the government.

CONCLUSION

The way forward is the restructuring of the conflict resolution ecosystem for it to adapt with technology to the increasing requirements of Justice, the development of Online Dispute Resolution has released the court of cases, but the efficiency of the judgments was not up to par due to the lack of appropriate Technology and infrastructure. Only individuals who were technologically savvy and had access to quality equipment might profit. Only Covid-19 made people aware of what can be done electronically and that disagreements can be addressed

online. Despite this, the government's recent efforts make up for previous shortcomings, and this can be stated that ODR has a bright future in India. Since ODR is still in its infancy in India and faces many challenges in its implementation, it may be concluded that although it has not yet shown exceptional results, it will be in one future when cybercrime and other connectivity issues are resolved as the most crucial factor.