
ONLINE DISPUTE RESOLUTION (ODR): THE FUTURE OF MEDIATION

BY PRAGATI KUMARI¹ & ADITYA AMAN²

ABSTRACT

The exponential growth of digital commerce, coupled with the chronic backlog afflicting traditional court systems, has catalysed a fundamental transformation in dispute resolution mechanisms worldwide. Online Dispute Resolution (ODR), which leverages digital technologies to facilitate negotiation, mediation, and arbitration, has emerged as a critical innovation in the administration of justice. This article undertakes a comprehensive examination of ODR as the prospective future of mediation, tracing its conceptual evolution, analysing its legal foundations within the Indian jurisdiction, and evaluating its practical implementation across diverse sectors. The analysis encompasses the statutory framework governing ODR in India, including the Arbitration and Conciliation Act, 1996, the Information Technology Act, 2000, and the recently enacted Mediation Act, 2023, which has accorded formal recognition to online mediation processes. The article critically assesses the advantages and limitations of ODR, examines the transformative role of artificial intelligence and digital platforms, and undertakes a comparative analysis with jurisdictions such as the United States and the European Union. Through this multidimensional inquiry, the article argues that while ODR presents an unprecedented opportunity to democratize access to justice and alleviate judicial pendency, its realisation as the definitive future of mediation is contingent upon addressing structural challenges, including digital infrastructure deficits, data security concerns, and the imperative for comprehensive regulatory standardisation.

Keywords: Online Dispute Resolution, Mediation, Alternative Dispute Resolution, Mediation Act 2023, Access to Justice, Digital Platforms, Artificial Intelligence in Law

¹ The author (I) is a law student at Chanakya National Law University.

² The author (II) is a law student at Chanakya National Law University.

I. INTRODUCTION

The administration of justice in contemporary legal systems confronts an existential challenge: the irreconcilable tension between the exponential growth of disputes and the finite capacity of traditional adjudicatory mechanisms to resolve them expeditiously. In India, this challenge assumes particularly acute dimensions, with approximately 50 million cases pending across various tiers of the judicial hierarchy, distributed among roughly 21,000 judges.³ This staggering backlog translates into unconscionable delays, with litigants frequently enduring years, sometimes decades, before obtaining resolution of their disputes. Such systemic inefficiency not only undermines the constitutional guarantee of access to justice enshrined in Article 21 of the Constitution of India but also imposes substantial economic costs on individuals, businesses, and the national economy.

Against this backdrop, Alternative Dispute Resolution (ADR) mechanisms, particularly mediation, have gained prominence as viable alternatives to conventional litigation. Mediation, characterised by its consensual nature, procedural flexibility, and emphasis on preserving relationships, offers parties an opportunity to resolve disputes through facilitated negotiation rather than adversarial adjudication.⁴ However, traditional mediation, conducted in physical settings with the mandatory presence of all parties, retains certain inherent limitations relating to geographical accessibility, temporal constraints, and associated costs.

Online Dispute Resolution represents a paradigmatic evolution of ADR mechanisms, harnessing digital technologies to transcend the spatial and temporal limitations of conventional dispute resolution processes. ODR encompasses the resolution of disputes through electronic communications, video conferencing, artificial intelligence-assisted negotiation, and dedicated online platforms.⁵ The COVID-19 pandemic served as an inflection point in the adoption of ODR, compelling judicial institutions worldwide, including the Supreme Court of India, to transition to virtual proceedings virtually overnight, thereby demonstrating the viability and necessity of technology-enabled justice delivery.⁶

³ National Judicial Data Grid, njdg.ecourts.gov.in (last accessed Mar. 24, 2026); see also Debarshi Roy Choudhury, *Online Dispute Resolution (ODR): The Future of ADR in a Digital Economy*, VINTAGE LEGAL (Dec. 26, 2025).

⁴ CARRIE MENKEL-MEADOW ET AL., *DISPUTE RESOLUTION: BEYOND THE ADVERSARIAL MODEL* 263–65 (2d ed. 2011).

⁵ Ethan Katsh & Janet Rifkin, *ONLINE DISPUTE RESOLUTION: RESOLVING CONFLICTS IN CYBERSPACE* 2–3 (2001).

⁶ *Online Dispute Resolution (ODR) Growing Role In India's Courts*, LAWCURB (Oct. 14, 2025)

This article undertakes a comprehensive examination of ODR as the prospective future of mediation. It traces the conceptual evolution of ODR, analyzes its relationship with traditional mediation, examines the legal framework governing ODR in India, evaluates its advantages and challenges, and critically assesses whether ODR represents the definitive future of dispute resolution or merely a supplementary mechanism within a broader ecosystem of justice delivery.

II. MEANING AND EVOLUTION OF ONLINE DISPUTE RESOLUTION

A. CONCEPTUAL FRAMEWORK

Online Dispute Resolution may be defined as a branch of dispute resolution that utilises technology to facilitate the resolution of disputes between parties.⁷ It encompasses any dispute resolution process, including negotiation, mediation, arbitration, and hybrid mechanisms, that is conducted substantially or entirely through digital means. The United Nations Commission on International Trade Law (UNCITRAL) Technical Notes on Online Dispute Resolution describes ODR as a mechanism for resolving disputes through electronic communications and technology, particularly for disputes arising from cross-border electronic commerce transactions.⁸

The conceptual foundation of ODR rests upon the integration of three constituent elements: dispute resolution processes, information technology infrastructure, and human expertise. The dispute resolution processes encompass traditional ADR mechanisms adapted for digital environments; the technology infrastructure includes platforms, communication tools, and increasingly, artificial intelligence systems; and human expertise involves mediators, arbitrators, and technical support personnel trained to operate within digital environments.⁹

B. HISTORICAL EVOLUTION

The genesis of ODR may be traced to the early 1990s, coinciding with the commercialization of the internet and the emergence of electronic commerce. The National Center for Automated Information Research (NCAIR) convened one of the earliest conferences on ODR in 1996, catalyzing academic and professional interest in technology-enabled dispute resolution.¹⁰ The

⁷ PABLO CORTÉS, ONLINE DISPUTE RESOLUTION FOR CONSUMERS IN THE EUROPEAN UNION 53 (2011).

⁸ U.N. Comm'n on Int'l Trade L., Technical Notes on Online Dispute Resolution, U.N. Doc. A/71/17, at 3 (2016).

⁹ Daniel Rainey et al., Introduction to Online Dispute Resolution, in ONLINE DISPUTE RESOLUTION: THEORY AND PRACTICE 1, 3–5 (Mohamed S. Abdel Wahab et al. eds., 2012).

¹⁰ Ethan Katsh, *Online Dispute Resolution: Some Lessons from the E-Commerce Revolution*, 28 N. KY. L. REV. 810, 814 (2001)

subsequent establishment of the Virtual Magistrate Project and the Online Ombudsman Office represented pioneering experiments in digital dispute resolution.

The commercial imperative for ODR crystallized with the exponential growth of e-commerce platforms. eBay's establishment of its internal dispute resolution mechanism in 1999, which eventually evolved into a system capable of resolving over 60 million disputes annually, demonstrated the scalability and commercial viability of ODR.¹¹ This evolution established a paradigm wherein technology platforms incorporated dispute resolution mechanisms as integral components of their commercial infrastructure.

In India, the evolution of ODR has followed a more recent trajectory. The digitisation of Lok Adalats, the establishment of e-Courts under the e-Courts Project initiated by the Supreme Court, and the emergence of private ODR platforms such as SAMA, Presolv360, and Centre for Online Resolution of Disputes (CORD) represent significant milestones.¹² The NITI Aayog's constitution of a committee to develop an ODR policy framework and the publication of "Designing the Future of Dispute Resolution: The ODR Policy Plan for India" marked the formal recognition of ODR as a component of national infrastructure for justice delivery.¹³

III. ODR AS A FORM OF MEDIATION

A. THE RELATIONSHIP BETWEEN ODR AND TRADITIONAL MEDIATION

Mediation, in its traditional formulation, constitutes a structured process wherein an impartial third party, the mediator, assists disputing parties in reaching a mutually acceptable resolution through facilitated communication and negotiation.¹⁴ The mediator does not impose a decision but rather guides the parties toward identifying their interests, generating options, and ultimately arriving at a consensual settlement. The essential characteristics of mediation include voluntariness, confidentiality, party autonomy, and the neutrality of the mediator.

ODR does not constitute a distinct form of dispute resolution but rather represents the technological enablement of existing dispute resolution mechanisms, including mediation. When mediation is conducted through digital means, via video conferencing platforms, asynchronous text-based communication, or AI-assisted negotiation tools it transitions into the

¹¹ Colin Rule, *Technology and the Future of Dispute Resolution*, DISP. RESOL. MAG., Winter 2015, at 4, 5.

¹² Rama Dutt, *The Evolution of Online Dispute Resolution (ODR) in India: Opportunities and Legal Challenges*, INDIAN J.L. & LEGAL RSCH. (May 30, 2025).

¹³ NITI AAYOG, DESIGNING THE FUTURE OF DISPUTE RESOLUTION: THE ODR POLICY PLAN FOR INDIA 2–3 (2021).

¹⁴ KIMBERLEE K. KOVACH, MEDIATION: PRINCIPLES AND PRACTICE 26–28 (3d ed. 2004).

realm of online mediation, which constitutes a subset of ODR.¹⁵ The fundamental principles of mediation remain operative; however, the modality of interaction between parties and the mediator undergoes transformation.

B. DISTINCTIVE FEATURES OF ONLINE MEDIATION

Online mediation presents distinctive features that differentiate it from traditional face-to-face processes while preserving the essential character of mediation. First, online mediation operates asynchronously, permitting parties to communicate and engage with the process according to their schedules rather than requiring simultaneous physical presence.¹⁶ This asynchronous dimension enhances accessibility for parties across different time zones or with demanding schedules.

Second, online mediation introduces a layer of technological intermediation that can both facilitate and complicate the communication process. Video conferencing replicates many features of face-to-face interaction but may attenuate non-verbal cues; text-based communication eliminates visual cues entirely but provides a written record of exchanges.¹⁷ Skilled online mediators must adapt their techniques to these altered communicative environments.

Third, online mediation enables the incorporation of technological tools that may enhance the resolution process. Document sharing platforms, secure communication channels, and AI-assisted analysis of proposals can augment the mediator's facilitative capacity.¹⁸ Certain platforms employ algorithms to identify zones of possible agreement between parties' positions, thereby accelerating the negotiation process.

IV. LEGAL FRAMEWORK GOVERNING ODR IN INDIA

A. THE ARBITRATION AND CONCILIATION ACT, 1996

The Arbitration and Conciliation Act, 1996, constitutes the primary legislative framework governing arbitration and conciliation in India. While the Act does not explicitly address online dispute resolution, its provisions are sufficiently capacious to accommodate technology-

¹⁵ S. Vaishakanth & Mr. Ragupathi, *Technology and Online Mediation: The Future of Dispute Resolution*, 6 INT'L J. RSCH. PUB. & REVS. 7061, 7062 (2025).

¹⁶ Leah Wing, *Ethical Principles for Online Dispute Resolution: A GPS Device for the Field*, 3 INT'L J. ONLINE DISP. RESOL. 12, 14 (2016).

¹⁷ Noam Ebner & John Zeleznikow, *No Sheriff in Town: Governance for the ODR Field*, 32 NEGOT. J. 297, 301 (2016).

¹⁸ Amy J. Schmitz, *Building Trust in Ecommerce Through Online Dispute Resolution*, in RESEARCH HANDBOOK ON ELECTRONIC COMMERCE LAW 353, 360 (John A. Rothchild ed., 2016).

enabled processes. Section 3 of the Act, which addresses communication of written communications, provides that any written communication is deemed to have been received if it is delivered by any means including electronic mail, providing the first statutory recognition of electronic communications in the ADR context.¹⁹

The 2015 amendments to the Act, introduced through the Arbitration and Conciliation (Amendment) Act, 2015, sought to modernize arbitral proceedings and reduce delays. While these amendments did not directly address ODR, they established a policy orientation favoring efficiency and expedition that is consonant with the objectives of ODR.²⁰ The Act's provisions governing interim measures, the appointment of arbitrators, and the conduct of proceedings may be interpreted to permit virtual hearings and electronic evidence, though explicit statutory authorisation would enhance legal certainty.

B. THE INFORMATION TECHNOLOGY ACT, 2000

The Information Technology Act, 2000, provides the foundational legal framework for electronic transactions and digital communications in India. Section 4 of the Act grants legal recognition to electronic records, providing that information rendered or made available in an electronic form shall not be denied legal effect solely on the ground that it is in electronic form.²¹ Section 5 extends similar recognition to electronic signatures, which are essential for the execution of settlement agreements in online mediation.

The evidentiary provisions of the Information Technology Act acquire particular significance for ODR. Section 65B, read with the Bharatiya Sakshya Adhinyam, 2023 (which has replaced the Indian Evidence Act, 1872), establishes the framework for the admissibility of electronic records as evidence.²² For online mediation, this framework ensures that communications exchanged during the mediation process, settlement agreements executed electronically, and records maintained on ODR platforms can attain legal validity.

C. THE MEDIATION ACT, 2023

The Mediation Act, 2023, represents the most significant legislative development for ODR in India, according explicit statutory recognition to online mediation for the first time. Section 3(1)(h) of the Act defines "online mediation" as mediation conducted with the aid of any

¹⁹ The Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), § 3.

²⁰ The Arbitration and Conciliation (Amendment) Act, 2015, No. 3, Acts of Parliament, 2016 (India).

²¹ The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India), § 4.

²² The Bharatiya Sakshya Adhinyam, 2023, No. 47, Acts of Parliament, 2023 (India), § 63; Information Technology Act, 2000, § 65B.

electronic form or computer, or any other technical means.²³ This definitional recognition establishes online mediation as a legally cognizable process equivalent to traditional mediation.

Section 3(1)(i) of the Act defines "pre-litigation mediation" as mediation undertaken before filing any suit or proceedings before any court or tribunal, establishing a statutory framework for parties to resolve disputes through mediation, including online mediation before initiating litigation.²⁴ This provision aligns with the policy objective of reducing judicial pendency by diverting disputes to alternative mechanisms at the earliest stage.

Section 27 of the Act specifically addresses the conduct of mediation through electronic means. The provision authorizes mediation to be conducted electronically when parties consent to such proceedings, subject to compliance with provisions of the Information Technology Act, 2000.²⁵ The Act thereby establishes online mediation as a consensual process, preserving party autonomy while ensuring compliance with applicable technology legislation.

The enforcement provisions of the Mediation Act enhance the legal efficacy of online mediation. Section 20 provides that a mediated settlement agreement shall be final and binding on the parties and may be enforced as if it were a decree of a civil court.²⁶ This provision applies equally to settlement agreements arising from online mediation, ensuring that the outcomes of technology-enabled processes possess equivalent legal force to traditional mediation outcomes.

D. REGULATORY GUIDELINES AND INSTITUTIONAL FRAMEWORK

Beyond primary legislation, several regulatory instruments and institutional initiatives shape the ODR landscape in India. The NITI Aayog's ODR Policy Plan articulates a tripartite strategy encompassing awareness generation, capacity building, and infrastructure development.²⁷ The policy envisions ODR as essential national infrastructure for improving ease of doing business and governance efficiency.

The e-Courts Project, initiated by the Supreme Court of India and implemented by the Department of Justice, has created digital infrastructure supporting online case management, virtual hearings, and electronic filing.²⁸ While primarily directed at court proceedings, this

²³ The Mediation Act, 2023, No. 32, Acts of Parliament, 2023 (India), § 3(1)(h).

²⁴ *Id.* § 3(1)(i).

²⁵ *Id.* § 27.

²⁶ *Id.* § 20.

²⁷ *Online Dispute Resolution (ODR) in India: Opportunities, Challenges, and Future Prospects*, THE AMIKUS QRIAE (Sept. 11, 2025).

²⁸ E-COURTS PROJECT, SUPREME COURT OF INDIA, ecourts.gov.in (last visited Mar. 24, 2026).

infrastructure provides a foundation upon which ODR mechanisms may be constructed and integrated.

V. ADVANTAGES OF ODR

A. ENHANCED ACCESSIBILITY AND INCLUSIVITY

The paramount advantage of ODR lies in its capacity to transcend geographical barriers that constrain access to traditional dispute resolution mechanisms. Parties located in remote areas, small towns, or regions with limited legal infrastructure can access ODR platforms with merely an internet connection, obviating the necessity for travel to urban centres where mediators and arbitrators typically operate.²⁹ This geographical liberation assumes particular significance in India's context, where vast distances and uneven distribution of legal services create substantial access disparities.

ODR further enhances temporal accessibility by enabling asynchronous participation. Parties need not synchronise their schedules for simultaneous presence; instead, they can engage with the process during hours convenient to them.³⁰ This feature particularly benefits individuals with demanding professional obligations, family responsibilities, or health limitations that constrain their availability during conventional business hours.

B. COST-EFFECTIVENESS AND EFFICIENCY

ODR substantially reduces the direct and indirect costs associated with dispute resolution. Direct cost reductions arise from the elimination of venue charges, travel expenses, and accommodation costs that accompany physical proceedings.³¹ Indirect cost reductions accrue from diminished time expenditure, reduced opportunity costs, and accelerated resolution timelines that permit parties to redirect resources toward productive activities.

The efficiency gains from ODR derive not merely from logistical simplifications but from technological enhancements to the resolution process itself. AI-assisted analysis can rapidly identify common ground between parties' positions; automated scheduling eliminates administrative delays; electronic document management accelerates information exchange.³²

²⁹ JULIA HÖRNLE, CROSS-BORDER INTERNET DISPUTE RESOLUTION 18–20 (2009).

³⁰ Angie Raymond & Scott Shackelford, *Technology, Ethics, and Access to Justice: Should an Algorithm Be Deciding Your Case?*, 35 MICH. J. INT'L L. 485, 492 (2014).

³¹ Rule, *supra* note 9, at 6.

³² Dory Reiling, *Technology for Justice: How Information Technology Can Support Judicial Reform*, 117 (2009).

These efficiencies compound to produce substantially accelerated resolution timelines compared to traditional processes.

C. SCALABILITY FOR HIGH-VOLUME DISPUTES

Certain categories of disputes, particularly those arising from e-commerce transactions, telecommunications services, financial services, and consumer complaints, occur in volumes that traditional dispute resolution mechanisms cannot feasibly address.³³ ODR platforms designed for such disputes can process thousands of cases simultaneously through standardised procedures, automated communications, and AI-assisted resolution suggestions.

The scalability of ODR has been demonstrated most dramatically by e-commerce platforms. eBay's ODR system, at its peak, resolved over 60 million disputes annually a volume that would overwhelm any conceivable configuration of traditional dispute resolution infrastructure.³⁴ In India, platforms such as SAMA and Presolv360 have successfully processed high volumes of consumer and commercial disputes, demonstrating similar scalability potential.

D. PROCEDURAL FLEXIBILITY AND PARTY AUTONOMY

ODR preserves and potentially enhances the procedural flexibility that distinguishes ADR from formal adjudication. Parties may select communication modalities that suit their preferences, video conferencing for complex negotiations, text-based communication for simpler matters, or hybrid approaches combining multiple channels.³⁵ The technology infrastructure accommodates rather than constrains party choices.

VI. CHALLENGES AND LIMITATIONS OF ODR

A. THE DIGITAL DIVIDE AND INFRASTRUCTURE DEFICITS

The efficacy of ODR is contingent upon the availability of digital infrastructure. reliable internet connectivity, appropriate devices, and a stable power supply, which remains unevenly distributed across India's population.³⁶ The digital divide between urban and rural areas, between affluent and disadvantaged populations, and between younger and older demographics

³³ EUROPEAN CONSUMER CENTRE NETWORK, ADR IN EUROPE: OVERVIEW OF THE ALTERNATIVE DISPUTE RESOLUTION LANDSCAPE 25 (2019).

³⁴ Colin Rule & Chittu Nagarajan, *Leveraging the Wisdom of Crowds: The eBay Community Court and the Future of Online Dispute Resolution*, 2 ACR RESOL. 4, 5 (2010).

³⁵ Susan S. Raines, *Can Online Mediation Be Transformative? Tales from the Front*, 22 CONFLICT RESOL. Q. 437, 440 (2005).

³⁶ Roy Choudhury, *supra* note 1; *Online Dispute Resolution (ODR) in India*, *supra* note 25.

creates access inequalities that may paradoxically render ODR less accessible than traditional mechanisms for certain segments of the population.

While India has made substantial progress in expanding internet penetration, significant gaps persist. Approximately 45 per cent of India's population remains without internet access, and connection quality varies substantially across regions.³⁷ For ODR to fulfil its promise of enhanced accessibility, concurrent investment in digital infrastructure and digital literacy programs is imperative.

B. DATA SECURITY AND PRIVACY CONCERNS

ODR platforms necessarily process sensitive information, personal data of parties, confidential commercial information, and communications that may contain admissions or settlement proposals. The security of such information against unauthorized access, data breaches, and misuse constitutes a paramount concern.³⁸ The confidentiality that parties legitimately expect in mediation proceedings may be compromised if ODR platforms lack robust security infrastructure.

The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, and the proposed Digital Personal Data Protection Act establish data protection obligations for entities processing personal information.³⁹ ODR platforms must ensure compliance with these frameworks, implementing encryption, access controls, and data minimisation practices commensurate with the sensitivity of information processed.

C. DUE PROCESS AND PROCEDURAL FAIRNESS CONCERNS

The transposition of dispute resolution to digital environments raises concerns regarding the preservation of procedural fairness and due process protections. The capacity to assess credibility, gauge emotional responses, and facilitate nuanced communication may be attenuated in virtual settings.⁴⁰ Parties with limited technological proficiency may find themselves at a disadvantage relative to more technologically sophisticated counterparts.

³⁷ TELECOM REGULATORY AUTHORITY OF INDIA, INDIAN TELECOM SERVICES PERFORMANCE INDICATORS 1–2 (2024).

³⁸ Orna Rabinovich-Einy & Ethan Katsh, *Technology and the Future of Dispute Systems Design*, 17 HARV. NEGOT. L. REV. 151, 178 (2012).

³⁹ The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, Gazette of India, pt. II sec. 3(i).

⁴⁰ Andrea Schneider, *Perception, Reputation, and Reality: Building Skills for Online Negotiation and Dispute Resolution*, in ONLINE DISPUTE RESOLUTION: THEORY AND PRACTICE, *supra* note 7, at 185, 190.

Ensuring informed consent to ODR presents particular challenges. Parties must comprehend not merely the substantive implications of participating in mediation but also the technological dimensions, how their communications will be recorded, how data will be stored, and what security measures protect their information.⁴¹ The complexity of these disclosures may overwhelm parties unfamiliar with digital environments.

D. ABSENCE OF UNIFIED LEGAL STANDARDS

Despite the enactment of the Mediation Act, 2023, India lacks a comprehensive, unified regulatory framework specifically governing ODR. The existing framework comprises provisions scattered across multiple statutes, supplemented by institutional guidelines and platform-specific terms of service.⁴² This fragmentation creates uncertainty regarding applicable standards, complaint mechanisms, and accountability frameworks.

International harmonisation of ODR standards remains similarly incomplete. While UNCITRAL has developed technical notes on ODR for cross-border e-commerce disputes, these remain non-binding and have not been uniformly implemented.⁴³ Disputes involving parties from multiple jurisdictions encounter particularly complex questions regarding applicable law, enforceability, and regulatory compliance.

VII. ROLE OF TECHNOLOGY IN ODR

A. DIGITAL PLATFORMS AND COMMUNICATION INFRASTRUCTURE

The technological foundation of ODR comprises digital platforms that provide integrated environments for case management, party communication, document exchange, and process administration. Platforms such as SAMA, Presolv360, ODR, ways, and CORD in India offer varying configurations of these functionalities, designed for different dispute types and user categories.⁴⁴

Video conferencing technology enables synchronous communication that approximates face-to-face interaction. Platforms such as Zoom, Microsoft Teams, and specialised legal technology solutions have been widely adopted for virtual mediations.⁴⁵ These platforms typically

⁴¹ Riikka Koulu, *Dispute Resolution and Technology: Revisiting the Justification of Conflict Management*, 17 J. INT'L COMMERCIAL L. & TECH. 1, 15 (2016).

⁴² Dutt, *supra* note 10.

⁴³ U.N. Comm'n on Int'l Trade L., *supra* note 6.

⁴⁴ SAMA, sama.live (last visited Mar. 24, 2026); PRESOLV360, presolv360.com (last visited Mar. 24, 2026).

⁴⁵ Vaishakanth & Ragupathi, *supra* note 13, at 7063.

incorporate features including screen sharing, breakout rooms for private caucuses, and recording capabilities.

B. ARTIFICIAL INTELLIGENCE AND ALGORITHMIC ASSISTANCE

Artificial intelligence represents the frontier of technological innovation in ODR. AI applications in ODR span several functions: automated case assessment to determine suitability for ODR; chatbots providing information and guiding parties through processes; natural language processing to analyse communications and identify potential agreement points; and predictive analytics to forecast likely outcomes.⁴⁶

The application of AI in ODR raises both opportunities and concerns. AI can enhance efficiency, consistency, and accessibility; however, algorithmic decision-making may encode biases, lack transparency, and diminish the human judgment that parties value in mediation.⁴⁷ The appropriate role of AI in ODR remains a subject of ongoing debate among scholars and practitioners.

C. BLOCKCHAIN AND SMART CONTRACTS

Emerging technologies, including blockchain and smart contracts, present potential applications in ODR. Blockchain technology can provide immutable records of ODR proceedings and settlement agreements, enhancing trust and reducing disputes regarding the content of agreements.⁴⁸ Smart contracts can automate the execution of settlement terms, ensuring compliance without requiring further intervention.

VIII. ODR IN INDIA: GROWTH, CASE STUDIES, AND PRACTICAL IMPLEMENTATION

A. INSTITUTIONAL INITIATIVES AND GOVERNMENT SUPPORT

The Indian government has demonstrated increasing commitment to ODR as a component of judicial reform and digital governance. The NITI Aayog's constitution of the ODR Committee and publication of the ODR Policy Plan signalled high-level policy recognition.⁴⁹ The Ministry of Law and Justice has encouraged courts to utilise ODR mechanisms, and several High Courts have issued practice directions authorising virtual mediations.

⁴⁶ Jochen Albiez, *Artificial Intelligence in Alternative Dispute Resolution*, in *ARTIFICIAL INTELLIGENCE AND THE LAW* 267, 275 (Giovanni Sartor & Jaap C. Hage eds., 2022).

⁴⁷ Frank Pasquale, *Secret Algorithms Threaten the Rule of Law*, *MIT TECH. REV.* (June 1, 2017).

⁴⁸ Aaron Wright & Primavera De Filippi, *Decentralized Blockchain Technology and the Rise of Lex Cryptographia*, *SSRN* (Mar. 10, 2015).

⁴⁹ NITI AAYOG, *supra* note 11, at 15.

The e-Courts Project has created foundational digital infrastructure supporting online proceedings. The National Service and Tracking of Electronic Processes (NSTEP) application, e-Courts Services mobile application, and Case Information System constitute elements of this infrastructure that support the broader ODR ecosystem.⁵⁰

B. PRIVATE ODR PLATFORMS IN INDIA

Private ODR platforms have emerged as significant actors in India's dispute resolution landscape. SAMA, established with support from the Department of Justice, focuses on consumer disputes, insurance claims, and commercial matters, having facilitated the resolution of thousands of disputes.⁵¹ Presolv360 specialises in financial sector disputes, particularly loan recovery matters, utilising technology-assisted negotiation processes.

The Centre for Online Resolution of Disputes (CORD), established under the aegis of Nani Palkhivala Arbitration Centre, represents an institutional initiative combining traditional ADR expertise with technological capabilities.⁵² These platforms demonstrate the viability of ODR across diverse dispute categories within the Indian context.

C. SECTORAL APPLICATIONS

ODR has found particular application in sectors characterised by high-volume, low-value disputes where traditional resolution mechanisms prove economically unviable. The e-commerce sector utilises ODR for marketplace disputes between buyers and sellers; the banking and financial services sector employs ODR for loan recovery, insurance claims, and customer complaints; and the telecommunications sector has experimented with ODR for service quality disputes.⁵³

The Reserve Bank of India's Online Dispute Resolution system for digital payments represents a significant regulatory initiative in sectoral ODR. Established in 2021, this system mandates that payment system operators implement ODR mechanisms for customer complaints relating to digital payment transactions.⁵⁴

⁵⁰ E-COURTS PROJECT, *supra* note 26.

⁵¹ *Online Dispute Resolution (ODR) Growing Role*, *supra* note 4.

⁵² CENTRE FOR ONLINE RESOLUTION OF DISPUTES (CORD), cord.in (last visited Mar. 24, 2026).

⁵³ *Online Dispute Resolution (ODR) in India*, *supra* note 25.

⁵⁴ Reserve Bank of India, *Online Dispute Resolution System for Digital Payments*, Circular No. RBI/2020-21/62 (Aug. 6, 2020).

IX. COMPARATIVE ANALYSIS

A. ODR IN THE UNITED STATES

The United States has been at the forefront of ODR development, with both private sector innovation and court-annexed programs contributing to a mature ODR ecosystem. Court-annexed ODR programs operate in numerous states, with particularly notable implementations in Ohio, Michigan, and Utah.⁵⁵ These programs typically address small claims, debt collection, and family law matters that benefit from simplified, accessible resolution processes.

Private sector ODR in the United States encompasses both platform-specific mechanisms, such as eBay's resolution centre and PayPal's dispute resolution process, and independent ODR service providers. The American Arbitration Association's Modria platform and the International Centre for Dispute Resolution's virtual case management exemplify institutional ODR offerings.⁵⁶

B. ODR IN THE EUROPEAN UNION

The European Union has adopted a regulatory approach to ODR, establishing an EU-wide ODR platform under Regulation (EU) No. 524/2013 on online dispute resolution for consumer disputes.⁵⁷ This platform, operational since 2016, provides a portal through which consumers can submit complaints against traders, which are then directed to certified ADR entities in member states.

The EU framework requires online traders to provide links to the ODR platform on their websites, thereby increasing consumer visibility of ODR mechanisms. While utilisation has been lower than anticipated, the regulatory framework establishes a model for government-facilitated ODR infrastructure.⁵⁸

C. COMPARATIVE ASSESSMENT

Compared to these jurisdictions, India's ODR development remains in relatively nascent stages but demonstrates rapid advancement. The Mediation Act, 2023, provides statutory recognition comparable to EU regulations, while private sector platforms demonstrate innovation comparable to US developments.⁵⁹ India's particular challenges, the scale of pending litigation,

⁵⁵ DAVID LARSON, *The Emergence of Online Dispute Resolution in the United States*, in ONLINE DISPUTE RESOLUTION: THEORY AND PRACTICE, *supra* note 7, at 285, 290.

⁵⁶ American Arbitration Association, *Online ADR Services*, adr.org (last visited Mar. 24, 2026).

⁵⁷ Regulation (EU) No. 524/2013 of the European Parliament and of the Council of 21 May 2013 on Online Dispute Resolution for Consumer Disputes, 2013 O.J. (L 165) 1.

⁵⁸ European Commission, *Report on the Functioning of the European ODR Platform* (2022).

⁵⁹ *Online Dispute Resolution (ODR) in India*, *supra* note 25.

digital infrastructure gaps, and linguistic diversity, necessitate context-specific solutions rather than direct transplantation of foreign models.

X. WHETHER ODR IS THE FUTURE OF MEDIATION: A CRITICAL ANALYSIS

A. ARGUMENTS SUPPORTING ODR AS THE FUTURE OF MEDIATION

Several compelling arguments support the proposition that ODR represents the future of mediation. First, demographic trends favor digital adoption; as younger generations, who are digital natives, comprise increasing proportions of the disputing population, preferences for technology-enabled processes will intensify.⁶⁰ The path-dependence created by pandemic-era adoption has accelerated familiarity with and acceptance of virtual interactions.

Second, the volume and complexity of disputes in a digitally interconnected economy increasingly exceed the capacity of traditional mechanisms. E-commerce disputes, cross-border transactions, and technology-related disagreements require resolution mechanisms commensurate with their digital origins.⁶¹ ODR provides natural alignment between dispute origin and resolution modality.

Third, the imperative of access to justice in resource-constrained environments necessitates scalable, cost-effective mechanisms. Traditional mediation, while valuable, cannot feasibly address the quantum of disputes requiring resolution in populous jurisdictions like India. ODR offers the only viable path to dispute resolution at scale.⁶²

B. ARGUMENTS CAUTIONING AGAINST PREMATURE PROCLAMATION

Countervailing considerations counsel against premature proclamation of ODR as the definitive future of mediation. First, mediation's value substantially derives from human connection, the capacity to build trust, express empathy, and navigate emotional dimensions of disputes. Technology mediates and potentially attenuates these essentially human interactions.⁶³

Second, the digital divide creates systematic exclusion risks that may render ODR inaccessible to precisely those populations, rural residents, economically disadvantaged individuals, and

⁶⁰ Schmitz, *supra* note 16, at 365.

⁶¹ Orna Rabinovich-Einy, *Balancing the Scales: The Ford-Firestone Case, the Internet, and the Future Dispute Resolution Landscape*, 6 YALE J.L. & TECH. 1, 50 (2003).

⁶² Dutt, *supra* note 10.

⁶³ Nancy Welsh, *The Thinning Vision of Self-Determination in Court-Connected Mediation: The Inevitable Price of Institutionalization?*, 6 HARV. NEGOT. L. REV. 1, 50 (2001).

older persons who most require accessible dispute resolution.⁶⁴ Rather than democratizing access, ODR may deepen existing inequalities if implementation proceeds without concurrent attention to infrastructure and literacy gaps.

Third, certain dispute categories remain ill-suited to online resolution. Family disputes involving children, employment disputes requiring assessment of workplace dynamics, and disputes where credibility assessment proves critical may benefit from face-to-face interaction that ODR cannot replicate.⁶⁵

C. SYNTHESIS: A HYBRID FUTURE

The most defensible conclusion is that ODR represents not the singular future of mediation but rather a significant expansion of the mediation ecosystem. The future of mediation likely comprises a hybrid model wherein ODR mechanisms address high-volume, lower-complexity disputes; specialized online platforms serve particular sectors; and traditional face-to-face mediation continues for disputes requiring intensive human interaction.⁶⁶

This hybrid model acknowledges both the transformative potential of ODR and the enduring value of human-centered dispute resolution. The critical task for policymakers, institutions, and practitioners is to construct an ecosystem that appropriately matches dispute characteristics with resolution mechanisms, ensuring that parties access the modality most conducive to fair and efficient resolution of their particular disputes.

XI. CONCLUSION AND SUGGESTIONS

Online Dispute Resolution represents a transformative development in the landscape of dispute resolution, offering unprecedented potential to enhance access to justice, reduce costs and delays, and address the chronic backlog afflicting judicial systems globally and in India particularly. The technological enablement of mediation through ODR preserves the fundamental virtues of consensual, party-driven resolution while transcending the spatial and temporal constraints of traditional processes.

The legal framework governing ODR in India has achieved significant maturation through the enactment of the Mediation Act, 2023, which accords explicit statutory recognition to online mediation. However, challenges remain regarding the digital divide, data security, procedural

⁶⁴ Roy Choudhury, *supra* note 1.

⁶⁵ Llewellyn Joseph Gibbons et al., *Cyber-Mediation: Computer-Mediated Communications Medium Massaging the Message*, 32 N.M. L. REV. 27, 45 (2002).

⁶⁶ Rainey et al., *supra* note 7, at 375.

fairness, and the absence of unified regulatory standards. The realisation of ODR's transformative potential is contingent upon addressing these structural challenges through coordinated policy intervention.

Several recommendations emerge from this analysis. First, substantial investment in digital infrastructure, particularly in rural and underserved areas, is essential to ensure that ODR enhances rather than exacerbates access inequalities. Second, comprehensive regulatory standards for ODR platforms, addressing data security, mediator qualifications, and procedural safeguards, should be developed and implemented. Third, digital literacy programs should be undertaken to ensure that potential users of ODR possess the capabilities necessary to participate effectively in technology-enabled processes. Fourth, institutional capacity building through training programs for mediators in online techniques and certification of ODR platforms should be prioritised. Fifth, research and evaluation mechanisms should be established to assess the effectiveness, fairness, and accessibility of ODR implementations, permitting evidence-based policy refinement.

The question of whether ODR represents the future of mediation admits no categorical answer. ODR will undoubtedly constitute an increasingly significant component of the dispute resolution ecosystem, particularly for high-volume, lower-complexity disputes arising in digital contexts. However, the future of mediation writ large will likely comprise a hybrid model integrating online and offline mechanisms, human judgment and technological assistance, and standardised processes and contextual adaptation. The challenge for India's legal system is to construct an ecosystem that harnesses the transformative potential of ODR while preserving the humanistic values at the core of mediation autonomy, dignity, and the possibility of reconciliation.
