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## Integration of Technological Advancements in Alternative Dispute Resolution Mechanisms in India: A Paradigm Shift in Justice Delivery

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# Integration of Technological Advancements in Alternative Dispute Resolution Mechanisms in India: A Paradigm Shift in Justice Delivery

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## **Abstract**

*The integration of technological advancements into Alternative Dispute Resolution (ADR) mechanisms marks a significant transformation in the landscape of justice delivery in India. Traditionally perceived as a faster and less formal alternative to litigation, ADR has evolved further with the incorporation of digital tools such as Online Dispute Resolution (ODR) platforms, artificial intelligence, blockchain technology, and virtual hearing systems. This research paper examines whether such technological integration constitutes a paradigm shift in the Indian justice delivery system or merely an extension of existing ADR frameworks.*

*The study adopts a doctrinal approach by analysing statutory provisions including the Arbitration and Conciliation Act, 1996, the Information Technology Act, 2000, and relevant policy initiatives such as the E-Courts Project and NITI Aayog's ODR framework. It further evaluates judicial responses to technology-driven dispute resolution, particularly in the context of enforceability of electronic agreements, digital signatures, and online arbitral awards. The paper also incorporates an empirical dimension by assessing stakeholder perspectives—comprising legal professionals, arbitrators, and disputants—on the efficiency, accessibility, and reliability of technology-enabled ADR processes.*

*The findings indicate that technological integration has significantly enhanced efficiency by reducing procedural delays, lowering costs, and expanding access to justice, particularly in commercial and consumer disputes. However, challenges such as digital divide, concerns over data privacy and cybersecurity, lack of uniform regulatory standards, and questions regarding procedural fairness continue to hinder its full potential. The study also highlights the need for capacity building among stakeholders and greater institutional support to ensure effective implementation.*

*The paper concludes that while technology-driven ADR mechanisms have the potential to revolutionize dispute resolution in India, their success depends on a balanced approach that safeguards principles of natural justice, transparency, and accountability. It advocates for a robust regulatory framework, increased digital infrastructure, and policy coherence to ensure that technological advancements translate into a truly inclusive and efficient justice delivery system.*

**Keywords:** *Alternative Dispute Resolution, Online Dispute Resolution, Artificial Intelligence, Justice Delivery, Arbitration, Digital Courts, India, Legal Technology.*

## 1.1. Introduction

In his autobiography, Gandhiji emphasizes the significance of Alternative Dispute Resolution (ADR) by stating that throughout his two decades of practicing law, he discovered that the major role of a lawyer is not to bring a case and parties to trial before the courts, but rather to make efforts to bring people together. Gandhiji asserts that legal disputes can be resolved if lawyers acquire the ability to empathize with the parties involved and discern their more virtuous qualities. According to Gandhiji, he employed this approach and achieved success in resolving over 100 instances without incurring any losses, both financially and spiritually. Legal conflicts disturb tranquillity and result in legal proceedings. Disputes not only impede the advancement of the people involved, but also affect individuals who are directly or indirectly associated with them, such as their children, parents, relatives, mutual acquaintances, neighbours, and those in commercial or professional relationships with the parties. Disputes of this nature hinder growth and disrupt a significant portion of society. Objectively, no one desires the presence of disagreements. Every individual wishes for disputes to be handled by any means available, whether through legal proceedings or alternative methods. The disputes I am now researching are those that arise from a party's legal rights and duties. They primarily occur as a result of violations of legal and moral obligations. The Courts are the most prevalent and widely accepted means of resolving issues, leading people to consider them as the principal option for resolving conflicts. However, it is a truth that multiple alternative strategies for resolving disagreements exist in every group, civilization, and country. There are several individuals who have never visited the Courts. That does not imply that they never had any disagreement. However, it is true that they have independently discovered the solution without resorting to legal proceedings. The process of resolving conflicts through "Courts Trial" is considered a last resort rather than the primary one. Even in the present day, there exist communities, tribes, and disenfranchised individuals that have disagreements, yet they refrain from seeking resolution through legal courts. The factors contributing to this phenomenon include their economic situation, social standing, cultural heritage, and so on. This is not only the case in India, but also in industrialized countries such as the USA, France, UK, and Canada. Some individuals lack familiarity with the Court system as well. When identifying the causes, it should not be inferred that these individuals had no disagreements and thus did not seek legal recourse. Denying people justice is the result of drawing such a decision. Similarly, we cannot assert that the nature of their conflicts is incapable of being resolved. It would be incorrect to imply that they have the ability to resolve their conflict. A committee has been established by these individuals and groups to listen to and resolve their conflicts. For these reasons, their approach to resolving the disagreement might be referred to as an additional technique of dispute resolution rather than an "alternative". There are typically two types of conflicts that are brought before the courts for resolution or judgments. These conflicts might be generally referred to as "legal disputes". Therefore, we are exclusively addressing disputes that are inherently legal, meaning they arise from the infringement of legal rights or the failure to fulfil legal obligations, and for which the law has established specific remedies. The scope of this includes all criminal matters that can be compounded, as well as some specific criminal matters that cannot be compounded (such as 498A IPC). These matters, due to their nature and the applicable laws (including precedents), have the potential to be resolved peacefully.

It is accurate to state that just as change is always present, so are conflicts. Over time and with advancements in society and technology, the methods and processes of resolving disputes have undergone changes. The methods of resolving conflicts have progressed from feuds and wars to the use of litigation. Litigation has facilitated the development of several alternative conflict resolution procedures, such as negotiation, arbitration, and mediation. ADR is referred to as ADR precisely because it deviates from the established and contentious methods of litigation. It is evident that ADR has effectively kept up with advancements in technology, and currently

the use of ADR is the norm rather than the exception in most legal systems. The parties ensure and prefer little human interference. Online enabled Alternative Dispute Resolution processes or Online Dispute Resolution processes are anticipated to provide a prompt, efficient, and cost-effective solution to the disagreements between the parties. In this context, the concept of territorial jurisdiction has been rendered obsolete due to the rapid advancement of technology, which aligns with the principle of "fitting the forum to the fuss" in ADR.

### **1.2 “Fitting the Forum to the Fuss” – The Early Roots of ADR**

In 1977, Harvard Law School Professor Frank Sander described a courtroom with many entrances, allowing litigants to address their issues quickly and efficiently. A "forum designed to meet the fuss" behind each door allowed for a rapid and effective remedy in the multidoor courtroom.<sup>1</sup> In family courts, negotiation became a preferred technique, while industrial issues were resolved through mediation and negotiation. These strategies aimed to avoid costly and time-consuming litigation, where parties were essentially gambling with their money and time. Additionally, the rise of personal computers, AI, and information technology uncontrollable ICT. For most transactions, such as parking, paying fees, viewing movies, and registering land, selling our houses is possible online. The speed of transactions has outpaced the time needed to resolve issues that may arise from a transaction gone wrong. According to Colin Rule, technology has eliminated time and space constraints, and we will never return to them.<sup>2</sup> In the digital age, individuals lack patience and need for sluggish justice processes. They prefer not to engage in traditional, political, and time-consuming conflict resolution methods offered by outdated legal systems. Given this, online ADR becomes a realistic solution. Advantages of ODRMs include flexibility and cost, although concerns remain about safety, security, and confidentiality breaches. The thesis examines both sides of the debate, focusing on ensuring justice, efficiency, and transparency for the technology and technology provider.<sup>3</sup> Online forums are inevitable in today's society, notwithstanding any objections. A modern forum requires an internet, ICT or IA platform. The topic of how conventional ADR can adapt to the dynamic ODR is crucial in the current setting.

### **1.3. Latest Reports on ODR in India and ODRMs in the Pandemic Situation**

A report by Niti Aayog and eight organizations in April 2021 found that ordinary litigants view litigation as time-consuming, costly, and burdensome.<sup>4</sup>

The data indicates that 1.1 million cases were filed during and after the lockdown, contributing to an additional 80,000 pending cases. The report advocates for streamlining ODRMs as follows:

- a. Establish standards,
- b. Select ODRM service providers
- c. Create a strong ODR pilot and effectively integrate it into dispute resolution using the four-step road map for ODR in ADR.

A July 2020 report by the Justice Access and Lower Delays in India (JALDI) division of the Vidhi Centre for Legal Policy and Research criticized the Supreme Court's ADR initiatives in *Afcans Infrastructure Limited v. Cherian Varkey Construction Company (Pvt.) Limited and Salem Bar Association (II) v. Union of India* for not yielding results. The paper recommends

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<sup>1</sup> Frank E. Sander & Stephen B. Goldberg, *Fitting the Forum to the Fuss: A User-Friendly Guide to Selecting an ADR Procedure* NEGOTIATION JOURNAL (1994)

<sup>2</sup> Colin Rule, *Online Dispute Resolution and the Future of Justice*, ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 16(2) 277-292, 277 (2020).

<sup>3</sup> Abhishek Rathore & Ankit Bhandari, *The Mechanism of Online Dispute Resolution*, 6 GNLU J.L. DEV. & POL. 94 (2016).

<sup>4</sup> ONLINE DISPUTE RESOLUTION: SHIFTING FROM DISPUTES TO RESOLUTION (Niti Aayog, 2021)

ODR as the standard, especially given about the challenges of litigation in our country and COVID-19 shutdown. The report indicates that the current pendency situation is unsustainable suggests ODR as the best cure.

In his essay "Justice: Technology will Deliver Exponential Efficiency," Justice B N Srikrishna cites Shakespeare<sup>5</sup> to argue that the Indian judiciary capitalized on the COVID-19 lockdown. He hopes beyond e-filing. Technology will aid ODR, with AI playing a significant part as the Indian population is already accustomed to digital operations.

The Apex Court has held that the internet is a crucial tool for trade and business. India has become a worldwide IT hub due to globalization and rapid improvements in information and technology, creating new business opportunities. Some trades are entirely dependent on the internet. The liberty to trade online promotes consumer choice and choice. There is constitutional protection for trade and business on the internet under Article 19(1)(g), subject to restrictions under Article 19(6).<sup>6</sup>

Even the Supreme Court is preparing an ODR/ODRM system. The Committee chaired by Justice D Y Chandrachud in the e-courts vision plan is relevant. COVID-19 has heightened the need for digital capabilities and opened up new opportunities for change.

Achieving a shift requires a fundamentally different approach from Phases I, II, and III, while building on its foundations. To address the diverse needs of users and evolving technology, justice administration should evolve from a sovereign function to a service that mitigates, contains, and resolves disputes among courts, public, private, and citizen sector actors. Adopting a 'ecosystem approach' that promotes scalability, speed, and sustainability is crucial for success. Instead of generating all solutions, Phase III of the e-courts initiative will foster an ecosystem for rapid solution emergence, creating a multiplier effect for change. The policy suggests harnessing the ecosystem's joint strength to increase adoption and effect.

49 During the epidemic, ODR can reduce pendency and facilitate filing, promoting justice. Overall limitations have been loosened due to COVID-19.<sup>7</sup> AI integration into Indian adjudication is a groundbreaking move by the Supreme Court. The Supreme Court has authorized "SUVAS" (Supreme Court Vidhik Anuvaad Software), an AI-powered application that translates Supreme Court rulings into 9 languages (Assamese, Bengali, Hindi, Kannada, Marathi, Odiya, Tamil, Telugu, and Urdu). Cases involving labor, rent, land acquisition, service, compensation, criminal law, family law, civil law, personal law, religious and charitable endowments, simple money, mortgage, eviction under the Public Premises Act, land law, agriculture tenancies, and consumer protection are being translated. Although the SC has authorized the use of AI in the judicial sector, it has not allowed AI to make decisions without human assistance. The role of AI in ODR adjudication is unclear due to legislation and guidelines requiring mediators, arbitrators, and conciliators to meet specified requirements and credentials. The courts appear to be accepting AI as a useful tool for supplementary activities. Its use as a 'adjudicatory authority' is yet to be determined.

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<sup>5</sup> B. N. Srikrishna, Justice: Technology Will Deliver Exponential Efficiency, in GAUTAM CHICKERMANE, INDIA 2030 - RISE OF A RAJASIC NATION (2021)

<sup>6</sup> Anuradha Bhasin v. Union of India AIR 2020 SC 1308.

<sup>7</sup> In Re: Cognizance for Extension of Limitation (Suo Moto Writ Petition (Civil) 2/2020).

#### 1.4. Different Online Dispute Resolution Definitions

According to UNCITRAL, 'ODR' refers to a fast, flexible, and secure method of dispute resolution that does not require physical presence at a meeting or hearing. This includes ombudsmen, complaints boards, negotiation, conciliation, mediation, and arbitration.<sup>8</sup>

1. ODR is primarily used in countries with a significant online presence transaction.<sup>9</sup> ODR is an implementation of existing ADR methods that allows for their use. Internet mechanisms."<sup>10</sup> ODR is recognized as private conflict resolution based on consent, similar to ADR approaches.<sup>80</sup>
2. ODR is a dispute resolution method that employs technology to help parties resolve disagreements. It mostly involves negotiation, mediation, arbitration, or a mix of all three. This is generally viewed as the internet version of ADR.
3. According to Colin Rule, ODR encompasses conflict resolution procedures, ranging from full party control to third-party control of both process and outcome. ICT enables these dispute resolution strategies.
4. Alvaro believes that conducting most of the dispute resolution process online, including initial filing, neutral appointment, evidentiary processes, oral hearings, online discussions, and binding settlements, is known as online dispute resolution (ODR).
5. ODR is a unique way to resolve conflicts while adhering to due process norms. Katsh and Rifkin argue that ODR emerged from the combination of ADR and ICT to resolve online conflicts where traditional methods were ineffective or unavailable.
6. Enas Qutieshat (2017) described ODR as an online dispute resolution approach using alternative methods and technology, taking place partially or wholly online. In dispute resolution, 'disruptive' technology has changed the process.

If ADR is deemed more effective than traditional conflict resolution, ODR is the most efficient technique in ADR, given the advancements in technology. ODR reduces access obstacles, improves effectiveness, smartens software, provides faster justice, halves legal costs, and challenges some ADR features. The new economy has fluctuated, but interest in ODR has increased. Sela stated that ODR evolved due to pragmatic and ideological causes. One of the key factors driving the birth of ODR was the increase in online activities and services, led by e-commerce and advanced communication, and the rise of computation and AI technology. According to him, "E-commerce is important, and perhaps, inevitable."<sup>11</sup> The second trigger for ODR was the rise of the "effective access to justice" movement, the "efficiency paradigm" in conflict resolution, and the use of ADR procedures. All of the foregoing created a new horizon and uncharted field for us. With the rise of e-commerce, computer speeds, and AI, new disputes occurred that the conventional system couldn't resolve. Technology enables forum shopping to address the increased need for cost and time reduction in dispute resolution. Service providers in this new category sought online expansion. The rise of internet communication has brought new obstacles and opportunities for both accessing justice and lowering barriers.<sup>12</sup> ODR became a dispute resolution model in the early 2000s. ADR practitioners often emphasize the need of adhering to agreed values, such as standards, best practices, conventions, and principles. In the past two decades, technology, soft skills, and

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<sup>8</sup> UNCITRAL ODR, Part II, Sections 1, 2.

<sup>9</sup> Zhang Juanjuan, On China Online Dispute Resolution Mechanism: Following UNCITRAL TNODR and Alibaba Experience, 4 IJODR 14 (2017).

<sup>10</sup> Susan Nauss Exon, The Next Generation of Online Dispute Resolution: The Significance of Holography to Enhance and Transform Dispute Resolution (2010) 12(19) CARDOZO J. OF CONFLICT RESOLUTION 20 (2010).

<sup>11</sup> Adrienne J. Breslin, Electronic Commerce: Will It Ever Truly Realize Its Global Potential, 20 PENN ST. INT'L L. REV. 275, 275-78 (2001)

<sup>12</sup> ETHAN KATSH AND ORNARABINOVICH - EINY, DIGITAL JUSTICE: TECHNOLOGY AND THE INTERNET OF DISPUTE 45-54 (2017)

the internet have been used to resolve disputes.<sup>13</sup> ODR has extended to include both online and offline conflicts.

The ICANN dispute resolution system, mentioned in the following pages, is an effective example of ODRMs for resolving conflicts. Other potential stakeholders include Amazon, eBay, credit card companies, financial intermediaries, and banks. ODR resolves disputes in and out of cyberspace, using ADR techniques to resolve issues. ODR resolutions require four parties: an initiating party (claimant), a responder, a neutral party, and a technology-based intermediary (known as the “fourth party”). The full divergence from convention defines ODR. The reliance on typewriters has been replaced by video conferencing, internet platforms, complex case management systems, and legal AI.<sup>14</sup> ODR can handle a variety of conflicts, from simple to complicated, involving spouses or corporations, with ease and precision. Time and money savings are achieved through effective dispute settlement.

Modern ODR has overcome all disadvantages. Former weaknesses are now viewed as advantages. Heavily documented. Time-consuming depositions, ego disputes, and other issues that hindered ADR have been resolved, making ODR seamless, omnipresent, and a permanent reality.

### **1.5. Legal provisions in India**

It are governed by the law and regulations set forth by the Indian government. This thesis analyzes four statutes to assess the viability of Online Dispute Resolution Mechanisms (ODRMs) for Alternative Dispute Resolution (ADR) in India and the pertinent clauses contained within. The following regulations are:

1. The Arbitration and Conciliation Act of 1996, also known as the A & C Act, 1996,
2. The Code of Civil Procedure, 1908 (CPC),
3. The IT Act, 2000, also known as the Information Technology Act, 2000, is a legislation that governs the use and regulation of information technology in India.
4. The Evidence Act of 1876, namely Sections 65A and 65B, which were added in the year 2000.

An analysis of the historical basis of arbitration in India has already been conducted in Chapter Two of his document and one intriguing clause that exists in the Indian setting is Section 89 of The Code of Civil Procedure of 1908. The 1908 version of the CPC included a distinct chapter for a specific legal procedure that encompassed provisions for resolving lawsuits through arbitration. This provision preserved the records of cases initiated under the Arbitration Act, 1899, which remained in effect. The Second Schedule of the Arbitration Act, 1940 was implemented. Given the rise in legal disputes and the constraints of the Arbitration Act of 1940, Section 89 was revived through an amendment in 1999 and became effective in 2002. Resolution of The use of arbitration, conciliation, mediation, and Lok Adalat for resolving disputes was permitted. Order X was placed.

The subject currently under consideration by the Court is being referred for arbitration, and the full A & C Act of 1996 is applicable. The term "the proceedings" is used as if it refers to proceedings under that specific Act. Section 89 is an exceptional clause that is absent in both the European and American contexts. The purpose of the section seems to have three distinct aspects. First and foremost, its primary objective is to expedite the resolution of legal disputes. Furthermore, it promotes alternative dispute resolution (ADR). Significantly, it has bestowed the official endorsement of the judiciary. ADR settlements and similar settlements carry the

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<sup>13</sup> Leah Wing, Ethical Principles for Online Dispute Resolution: A GPS Device for the Field, 3 IJODR 12 (2016).

<sup>14</sup> Riikka Koulu, Dispute Resolution and Technology: Revisiting the Justification of Conflict Management (UNIVERSITY OF HELSINKI CONFLICT MANAGEMENT INSTITUTE) 94, (2016)

same legal weight as court orders. It is necessary. It should be noted that these provisions do not directly offer ODR a boost. Amidst the pandemic, courts have transitioned to online platforms. The future outcome of this shift is still to be determined. As time progresses, practice will persist and become the standard. The Arbitration and Conciliation Act of 1996, which superseded its heavily criticized predecessor, The 1940 statute covers the areas of jurisdiction and arbitrability, as well as the stay of a lawsuit. Judicial authority to intervene Offers a wider range of opportunities for alternative dispute resolution (ADR) beyond traditional arbitration and reconciliation as mandated by the law. Emphasis on reconciliation and the capacity to utilize these processes at any point, including when the matter is currently being considered by the Court as sub-judice. This Act is a significant achievement in Indian Alternative Dispute Resolution (ADR). The implementation of the Information Technology Act, 2000 was a significant turning point in terms of The use of Alternative Dispute Resolution (ADR) via the Online Dispute Resolution Management System (ODRMS) was a matter of concern. The complete range of electronic records replacing the use of paper records was acknowledged, and it was possible to carry out an entire proceeding using them. Digitally signed electronic records. Both electronic records and digital signatures were utilized. The Act of 2000, namely Sections 5 and 6, legally established the recognition of the contract. Digitally executed contracts, including agreements for arbitration or other alternative dispute resolution methods.

ODRMs have been legally utilized for alternative dispute resolution (ADR) since the year 2000, following the implementation of this specific legislation. This The statute under consideration is very empowering in the context of this argument and significantly influences the Most profound influence. India's expanded network coverage, engagement in ecommerce, and Online Dispute Resolution (ODR) and Alternative Dispute Resolution Mechanisms (ADRM) are both facilitated by this Act. It is encouraging to observe that we have matched America's recognition of digital records. Signatures are still relevant in today's rapidly evolving world of technological progress. India and the US are equal in status or rank. Europe was slower in implementing digital recognition and online dispute resolution (ODR) processes in this area. ADR was implemented only in 2013. In order to provide more momentum to the field of information technology, the Evidence Act was simultaneously modified in the year 2000. Segment Sections 65A and 65B pertain to the acceptability of electronic records and the specific method related to them were presented. Through these revisions, the inclusion of ATM receipts, audio CDs, and video recordings is proposed.

Conferencing procedures are legally acceptable as evidence, which greatly boosts the use of Online Dispute Resolution (ODR) via Adverse Drug Reactions (ADR) in our nation. The majority of jurisdictions have not implemented congruent and simultaneous measures.

They made changes to their procedural and evidence laws in order to stay updated with advancements in online technology. Impeding Online Dispute Resolution Mechanisms in Alternative Dispute Resolution. India currently has multiple online mediation centers and online arbitration systems, with a limited number. Some of these are examined as case studies in the following chapter. This has been achieved through the aforementioned regulations are deemed insufficient, thus necessitating the implementation of a sui generis system to control Online Dispute Resolution Mechanisms (ODRMs) in Alternative Dispute Resolution (ADR). The current necessity is to ensure that we are adequately prepared in this field as technology continues to progress.

## **1.6. eBay Case Study**

eBay started out as an online marketplace for products sales and purchases in 1995, and it has since expanded to rank among the top international internet markets. eBay commemorated its 25 years in 2020 birthday. There are 190 markets in which eBay and its brands are present the world. eBay's overseas operations account for almost 59% of its revenue, and the company has 13,300 employees worldwide, of which around 6,600 work in the United States USA. In Q3 2020, eBay's Gross Merchandise Volume (GMV) surpassed \$25 billion. GVM is the one that the total amount of all user transactions on the platform that have been successfully closed. Considering disagreements are certain to arise given these huge volumes. eBay has applied technology well to oversee and settle conflicts that may arise between its customers and vendors. Buyers and sellers must devise a mechanism for resolving disagreements. Online Dispute resolution is therefore a suitable element for addressing the problems resulting from business dealings.

## **1.7. eBay's ODRM**

eBay stated that it offers the most amazing and practical online dispute resolution system. the firm's strategy is effective, and that countries like Wales and England ought to follow suit in order to avoid the different civil court procedures. The settlement of disputes system run by eBay handles more than 60 million complaints from small companies annually year. 90% of the disagreements have not arisen because of the company's technique. eBay's dispute resolution procedure addresses a range of problem concerns and uses distinct method to deal with them. eBay had the biggest ODR program in the world in 2016 globe. ODR via eBay's ADR resolves buyer payment concerns following a successful bid. The vendor who has not received money is the one who usually starts a dispute. Other concerns include goods not arriving after a successful transaction, sometimes even after a fair amount of time. In this instance, the customer raises the dispute. Items that are misrepresented: When a customer receives an item that differs significantly from what was as stated in the listing. In this instance, the customer raises the dispute. Here, comments pertaining to There are problems at hand. This typically happens when the customer is dissatisfied with the results of the exchange. Since it has an impact on the seller, this is frequently brought up to delete the feedback using a procedure for redressing feedback.

## **1.8. eBay's ODR Systems and Procedures**

eBay has established a number of mechanisms to settle the four different kinds of conflicts that carrying out transactions online. Square Trade is an eBay partner, and an analysis has been started in the second chapter.

1. Identification of the Issue
2. Launch a Technology-Assisted Negotiation
3. Real-world tech-assisted negotiation
4. If the resolution is not met, it will escalate.

The disagreement is examined for Diagnosis of the Problem, where a number of systems are produced emails that aim to remove complaints based on widespread misperceptions. For instance, when a buyer file a "Item Not Received" claim inside a shorter Less than 24 hours following the conclusion of the auction, the bidder will be informed that no single The vendor is able to package, process, and dispatch products in a timely manner.

Should the disagreement not be settled in the preceding Step of Problem Diagnosis, the parties will conduct a "Tech Assisted Negotiation," in which the seller and the purchase will receive pre-programmed emails from the customer service team that are intended to in the direction of getting the claimant a real settlement.

An assisted technology negotiation is the next phase. The procedure doesn't result in a formal resolution, however mediation between the contending parties is recommended using the assistance of a separate dispute resolution business that has teamed up with eBay.

If the claimant believes they are correct, they have the option to go to the fourth phase which is to intensify the conflict even further. By doing this, the matter will be directed to the customer care representatives of the business who will follow the postal trail between the sides who feel wronged, and subsequently decide which side is right.

Generally speaking, eBay Teams responsible for customer service are taught to handle claims to a certain extent. eBay is not a firm that engages in direct sales or purchases of items. It gives consumers a platform and sellers, thus it's important to project impartiality. Consequently, the approach it has taken has gained the confidence of vendors and customers. The model has received a lot of praise in addition to considered as a role model for other online retailers. One of the main reasons the ODR eBay's strategy has been effective because it serves as a third party that is impartial and wants to guarantee a seamless transaction between the provider and the buyer. Additionally, eBay has drastically lowered the price of settling complaints pertaining to internet transactions. It is uncommon for disagreements to be resolved in court because there are resources accessible to settle the disagreement before it gets to that point. Every year, eBay settles over 1.5 million disputes year utilizing its strategy of utilizing the online-assisted SquareTrade negotiating technology and platform for mediation. Because the procedure is simple, the system is made to function at very minimal costs managed automatically by systems that rely on technology. Consequently, the eBay delivery model of services and speedy dispute resolution have become the standard for e-commerce businesses who aspire to increase the support and trust of their constituents, which includes both consumers and sellers.

### **1.9. PayPal Case Study No. 2**

PayPal is the industry leader in digital payments; it is a worldwide online payment company that enables users to transfer money online and make payments. It was established by technology in 1998 business partners Peter Theil and Max Levchin founded Confinity and X.com, respectively were combined. It sought to give customers inexpensive, nearly seamless digital payments and companies. The company's main office is in Mountain View, California. Numerous physical stores, including Home Depot and BestBuy, as well as online content providers, such Humble Additionally, Bundle and Valve accept PayPal for in-store purchases and top-ups of digital wallets. approach. Additionally, it now uses PayPal or NFC-enabled mobile devices to make payments. card at registers for purchases. As of Q1, there were 392 million PayPal users worldwide2021. PayPal was spun out in 2002 after being purchased by eBay for \$1.2 billion 2015. Transaction fees are how PayPal makes money, and the company is regarded as the pioneer of the market for mobile and online payments. According to records, PayPal made \$21.4 billion in sales in 2020 with a \$936 billion payment volume and a \$4.2 billion profit. The volume of transactions cause disagreements that must be settled as amicably as possible while also lowering the expenses incurred by this approach. Human mistake may be the cause of these differences' miscommunications or the deliberate actions of those wishing to commit fraud. a range of fields payments, unauthorized transactions, receipt of items, item quality, and feedback, for example Disagreement may emerge due to intellectual property and accuracy.

### **1.10. PayPal's ODRM**

Consumers at the dispute resolution center can quickly categorize the type of discrepancy, and carry out the same resolution. The most prevalent problems concern:

- a. I order something, but it never comes
- b. Unauthorized Exchanges
- c. When the order arrives, it's not what you expected.

The platform enables both parties to arbitrate and settle a disagreement between the buyers and sellers to cooperate in order to resolve their differences and determine what transpired. In case the If the two parties are unable to come to an amicable solution together, then one of them may utilize the Process of Resolving Disputes. The fundamental idea is to resolve communication problems and miscommunication. The following guidelines serve as the foundation for resolving these:

1. Assume sincerity. It can just be a case of misunderstandings or basic human error.
2. Be helpful. Strive for a mutually respectful resolution.
3. Remain solution-focused.
4. Consider the long run.
5. Avoid arguments.

### **1.11. Conclusion**

Due to its inherent flaws, the traditional method of resolving conflicts through litigation has proven to be excessively expensive, prejudiced, time-consuming, and even frustrating for litigants. The first people to use ADR were litigants. ADR was first used for minor, low-value conflicts, but it has now developed into the preferred method for even major, multimillion-dollar disputes. The rise of B2B and B2C trade, the internet, and artificial intelligence have made ODRMs the preferred method of resolving disputes. The economics of B2B and B2C transactions over the internet are estimated to be in the trillions of dollars as of right now, and the parties are unwilling to engage in time-consuming and costly dispute resolution procedures. As a result, ODR has emerged as the preferred method of conflict settlement available today. The "human touch," or the benefits of having a face-to-face component in dispute and conflict resolution and management, is something that ODR and ODRMs are frequently accused of lacking. This critique may have some merit, but the benefits of ODR—such as its speed and objectivity—far exceed the need for human interaction. In a conflict situation, the human touch frequently makes the inherent bias that comes with it worse. Negotiations between close friends and acquaintances tend to be less successful than those involving unfamiliar internet dispute resolution systems. The very fact that ODR and ODRMs owing to the online component are more quickly brought down the pendency that is frequently brought about by the well-intentioned but, in this case, risky human touch.

Modern technology advances more quickly than the judicial system. Studies indicate that ODR and ODRMs are replacing conventional modalities. In order to ensure the feasibility and efficiency of ODR and ODRMs, it is imperative for each jurisdiction to assess its infrastructure, legal system, and stakeholders' demands in order of importance. According to UNCITRAL, "any ODR process must be based on the principles of fairness, transparency, due process, and accountability." The fact that traditional judicial systems for legal recourse might not be able to provide a sufficient resolution for cross-border e-commerce disputes is a circumstance that ODR may help with. This situation arises out of cross-border e-commerce transactions. It has also been noted that in order for ODR to be applied in a "real world setting," it must be easy to use, quick to complete, and efficient. It must also not impose expenses, delays, or hassles that are out of proportion to the economic value at risk. The key components of a successful ODR regime were likewise seen to be transparency, expertise, and consent. Six These foundational

ideas have developed into a kind of ODR *jus cogens*. An earlier analysis in the thesis examined the ICANN regulation and its application to ADR issues, particularly in IPR settings. Only ODR and ODRMs can properly handle the ICANN experience, the global shift to the internet for "everything," and the issues that follow. Less than three decades have passed since the above-mentioned ideas were tested, and they have proven to be resilient. Amazon and E Bay are considerably later comers. It is unclear how the system as a whole will recover from this boom to guarantee stability over time. Nonetheless, it is evident that ODRMs and ODR are driving this transformation and will significantly contribute to giving the system the much-needed stability and vigor. In terms of B2B and B2C online transactions, the researcher is certain that ODR is here to stay, even though the concept's viability has not yet been thoroughly evaluated. In this case, there is no going back or looking for an alternative to ADR through ODRMs. While it's possible that ODR could change and adapt in the near future to handle more traditional disputes between parties, ODR and ODRMs as they exist now serve as the foundation for eCommerce and the internet of things.

It should be kept in mind that, in the end, the responsible authority of the relevant department in any sector will decide the question of feasibility in and of itself.<sup>7</sup> ODRM should be a policy that also be feasible from an economic standpoint.<sup>8</sup> Examining every potential alternative for policy is the third indicator of feasibility. A thorough analysis of any potential risks, damages, conflicts, or uncertainties resulting from any suggested measure is the fourth indicator of feasibility.<sup>10</sup> "Technological feasibility" is the fifth indicator of the same, which refers to whether the current infrastructure is sufficient to implement the new policy measure or, conversely, if the planned upgrade from the current infrastructure is a feasible goal.<sup>11</sup> The study indicates that ODR and ODRM satisfy the majority of these requirements.

### **1.12. Suggestions**

1. The use of ADR is permitted by numerous laws in the nation. Some examples of these laws are the Industrial Disputes Act of 1948, the Companies Act of 2013, and the Family Courts Act of 1984. Enhancing the ADR resolution process under these statutes and concurrently incorporating ODR into the ADR settlement processes are also necessary. Actually, the pandemic and lockdowns have accelerated digitization, so now may be the greatest moment to attempt integrating ODRMs into the ADR mechanisms outlined in this legislation.
2. There are certain legal obstacles in the way of our nation's ODR and ODRM implementation. Two of these issues are privacy and security, which call for appropriate regulation. To guarantee that ODRMs have the correct foothold in the system, these issues should be tackled aggressively.
3. The nation's ODRM resources must be compiled into a centralized database. This will make it easier for clients and dispute resolution providers to use ODR and ODRMs in the event of a dispute. Additionally, this database will support regulation, grant ODRM practitioners' official sanction, and foster public and client trust.
4. One should also consider licensing ODRM materials. In addition to increasing public trust, this bodes well for the government's revenue and gives those applying for licenses further recognition.
5. The government should simultaneously push for ADR and ODR resources, including information about the ODRM process and its benefits and drawbacks, to be freely available to the public, even as licensing is being considered.

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