
ACCESS TO JUSTICE IN THE DIGITAL AGE: A STUDY OF ODR IN CONSUMER DISPUTES

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ABSTRACT

Digital transformation of society has had a dramatic impact on the delivery of justice, especially in the context of consumer dispute resolution. The number of consumer complaints of faulty products, unfair trade practices, late delivery and online fraud has risen significantly in the era of advance ecommerce and digital payment system. Traditional DRAs often have difficulties with procedural delays, litigation costs, geographical barriers, and judicial backlog, meaning that consumers have limited access to DRAs. Online Dispute Resolution (ODR) is in this context also an innovative technology-based system for the resolution of disputes quickly, cheaply and easily.

This research paper focuses on examining the role of ODR with a critical perspective to better access to justice in consumer disputes in the digital age. The study involves an analysis of the functioning, evolution and concept of the ODR mechanisms, such as internet negotiation, mediation and arbitration. It also analyses the legal regime of ODR in India including the Consumer Protection Act, 2019, the Arbitration and Conciliation Act, 1996 along with the Information Technology Act, 2000. The paper also explores the increasing acceptance of virtual hearings and electronic proceedings in Indian courts.

The paper concludes that ODR can change the face of consumer justice system with its promise of supplying consumer with quick and cheap remedy, after analysing the related case laws, policy reports, and literature. India, however, needs more legal control, institutional assistance, technological inclusivity, and advocacy to promote awareness among consumers for effective impenetration. The study concludes that ODR can and should be a valuable tool in the toolbox of traditional courts and can play a significant role in enhancing access to justice in the rapidly evolving digital economy.

Introduction

The use of digital technology has greatly revolutionized the administration of justice worldwide. Although these dispute adaptation procedures work in principle, they are frequently characterized by procedural delays, excessive litigation cost, geographic obstacles and cumbersome formalities. These challenges are further accentuated in consumer conflicts, where consumers typically expect fast, cheap and easily available solution for issues involving these factors, such as lack of quality products, services, e-commerce fraud, electronic payments and unfair practices.¹

The volume of disputes that occur in the virtual marketplace has actually risen significantly as Internet commerce has been expanding and digital transactions have been undertaken. In the face of so many cases, conventional consumer courts are often hard pressed to work through the cases in a timely and efficient manner. This has led into a great need to look for alternative mechanisms that can provide prompt and economical justice. Online Dispute Resolution (ODR) has become an important innovation in the legal system in this context.

One such type of settling conflicts outside the courtroom is known as ODR or Online Dispute Resolution. It integrates the use of Alternative Dispute Resolution (ADR) techniques, including negotiation, mediation and arbitration, with information and communication technology (ICT) of the Internet. Consumer disputes have been an area in which the relevance of ODR has been growing, as they tend to involve small monetary claims, and additional litigation may not be necessary.²

The significance of ODR has gained in India in the wake of digital governance measures, ecommerce boom, and virtual hearing systems during COVID-19 pandemic. The introduction of e-filing systems, the setting up of e-Daakhil websites and digital mediation are indicative of a gradual shift towards technology-based justice delivery in the Consumer Protection Act, 2019.³

Nevertheless, there are important legal and practical concerns with ODR. Digital literacy, data

¹ Ethan Katsh, *Technology and Alternative Dispute Resolution*, 15 HARV. NEGOT. L. REV. 143, 147–50 (2010)

² Anuroop Omkar & Kriti Mehra, *Online Dispute Resolution in India: Challenges and Opportunities*, 12 INDIAN J. ARB. L. 45, 49–52 (2021).

³ Consumer Protection Act, No. 35 of 2019, §§ 35–38 (India).

privacy, enforcing online settlements, cybersecurity risks, technological accessibility, procedural fairness and lack of awareness have remained as challenges to the effective implementation of it to date. Also, not having a comprehensive statutory framework specifically for ODR introduces uncertainty in the areas of jurisdiction, standardization, and accountability.

The purpose of the present research paper is to critically analyze the role of mediation in providing justice by enabling easy consumer access to justice. It explores the efficacy, obstacles, legal landscape, and potential evolution of ODR in India and international ODR advancements and judicial frameworks regarding digital dispute resolution systems.

Review of Literature

The development of ODR in modern justice systems has been studied by several scholars and legal experts and made the target of policy-making by several policy institutions.

Ethan Katsh, one of the leading scholars in the field of ODR studies, has claimed that a new “fourth party” is now present in the field of dispute resolution – technology, which aids in communication, diminishes procedural hurdles and increases efficiency in the process. He has shown particular interest in the ability of digital platforms to impact the way that low valuable issues are sorted out.⁴

According to Colin Rule, ODR will play an ever increasing part in e-commerce disputes as an essential ingredient of an online e-commerce transaction, off-line remedies cannot be easily accessible. Digital dispute settlement systems lower costs and promote customer trust in e-markets, he said.⁵

When considering the future of courts, Richard Susskind calls for a more efficient system capable of greater accessibility through the use of technology. These digital courts and online mechanisms are needed in a modern society that has so many demands for the law, he argues.⁶

The possibility of ODR in the context of access to justice has also been studied in India. Justice

⁴ ETHAN KATSH & JANET RIFKIN, ONLINE DISPUTE RESOLUTION: RESOLVING CONFLICTS IN CYBERSPACE 5–7 (Jossey-Bass 2001).

⁵ COLIN RULE, ONLINE DISPUTE RESOLUTION FOR BUSINESS 12–18 (Jossey-Bass 2002).

⁶ RICHARD SUSSKIND, ONLINE COURTS AND THE FUTURE OF JUSTICE 22–30 (Oxford Univ. Press 2019)

D.Y Chandrachud has mentioned the role of technology and how it helps in reducing pendency and making access to justice. In India, ODR is identified by NITI Aayog's report on ODR as a very important mechanism to solve the dispute in between consumer and MSMEs and the dispute in the digital commerce industry.⁷

Studies on the consumer dispute mechanism suggests that in the case of consumer forums in India, it appears that despite the design of this forum as a 'speedy' mechanism, it is often found to be the case that there are delays in when such consumer fora receive the consumer's application or dispute, and when the actual dispute is resolved. In an attempt to make ODR more efficient and accessible, scholars have thus proposed to incorporate ODR into consumer protection systems.

But the literature also alludes to grave concerns in relation to digital exclusion, absence of internet infrastructures in rural areas, the cyber security risks associated with the use of such technology, unequal bargaining power between corporations and consumers and the lack of the procedural safeguards that are standardized. The use of AI might raise questions about procedural justice and oversight, according to some experts.

The current body of literature mostly deals with the technological and practical aspects of ODR. The complete legal evaluation of its constitutional, regulatory, enforceability and consumer rights implications in India are still required.

Objectives of the Study

1. Explore the idea and development of Online Dispute Resolution (ODR) as it applies to consumer disputes.
2. To do a brief study of the legal framework of ODR in India.
3. To learn how ODR can enhance access to justice for consumers.
4. To lay emphasis on the problems and constraints of ODR mechanisms.
5. To assess different approaches of the judges to digital dispute resolution

⁷ AVTAR SINGH, LAW OF ARBITRATION AND CONCILIATION 3-5 (11th ed. 2018).

systems.

6. To recommend improvements for strengthening of ODR in India.

Research Questions

1. Why does ODR have a meaning in consumer disputes ?
2. What's the role of ODR in the digital age? How does it help achieve access to justice?
3. What are the key legal and practical issues that currently attains ODR Mechanisms in India?
4. If the current legal system is suitable for the regulation of ODR in consumer disputes.
5. What needs to be reformed to facilitate effective implementation of ODR systems?

Research Methodology

It is an doctrinal, analytical and descriptive research. The study is mostly carried out in examining the legal and institutional and practical aspects of Online Dispute Resolution (ODR) in Consumer disputes and its relevance to access to justice in the digital era. An analysis of the development of ODR mechanisms, current situation in India, judicial developments and challenges of digital dispute resolution systems.

Primary and Secondary sources of data are used in the study. Primary sources are constitutional provisions, laws, law case decisions, government notifications and policy frameworks related to ODR and consumer dispute resolution. This study mentions the Constitution of India, Consumer Protection Act, 2019, Arbitration and Conciliation Act 1996 and Information Technology Act 2000, which are significant pieces of legislation. Some of the Court's pronouncements in the wake of COVID-19 issued by the Supreme Court and several High Courts on virtual hearings, electronic evidence, online arbitral systems and digital justice systems have also been analysed.

Secondary sources comprise books, articles in legal publications and journals, research papers, conference papers and reliable online databases, reports of the NITI Aayog and Law Commission of India, government publications etc. An intensely consultation of academic literatures on Alternative Dispute Resolution (ADR), Online Dispute Resolution (ODR), consumer protection laws, e-governance and access to justice have been checked to draw understanding about the study in theoretical and practical aspects.

The research uses qualitative approach in analyzing the effectiveness of the application of ODR mechanisms for consumer complaints. Selected comparative international practice and notions of digital justice have also been taken into account to grasp how ODR globally is developing. The study examines the impact of ODR on the accessibility, affordability, efficiency and the concept of procedural fairness in delivering justice to consumers in India, and critically analyses the advantages, limitations, legal challenges and future prospects of ODR in the Indian context.

Additionally, an analytical analysis of the case laws and policy initiatives is conducted to subsequently gauge the suitability of the existing legal framework for supporting technology-oriented dispute resolution. The goal of this study will be to offer a well-rounded view of the potential and pitfalls of ODR and recommend changes for enhancing digital access to justice in India.

Discussion / Analysis

1. Concept and Evolution of Online Dispute Resolution (ODR)

Online Dispute Resolution" ("ODR") is the attempt to resolve disputes through online means and processes. It is an ally of what's known as Alternative Dispute Resolution (ADR), and incorporates strategies like online negotiation, mediation, conciliation, and arbitration. The overarching goal of ODR is to deliver a faster, cheaper, flexible and convenient means of justice that minimises costs of the traditional system in terms of procedure.⁸ODR has gained a greater sense of importance in respect to consumer disputes and e-commerce disputes where immediate and cost-effective resolutions are wanted.⁹

⁸ ETHAN KATSH & JANET RIFKIN, ONLINE DISPUTE RESOLUTION: RESOLVING CONFLICTS IN CYBERSPACE 5–7 (Jossey-Bass 2001).

⁹ COLIN RULE, ONLINE DISPUTE RESOLUTION FOR BUSINESS 12–15 (Jossey-Bass 2002).

There are many sources of ODR's development, but it can be traced back to the evolution of alternative dispute resolution mechanisms that arose as less time-consuming and expensive alternatives to the court. Traditional modes of ADR were gradually transformed to operate in an electronic manner as the way e-commerce proliferated in the late twentieth century.¹⁰ With the emergence of internet technology, arbitration and mediation became appealing tools for the amicable resolution of disputes whilst placing less strain on the judicial system. Originally ODR was basically a way to settle cross-border e-commerce issues where a physical court case was impossible because of geographic distance and jurisdiction issues, but over time more digital dispute mechanisms have been incorporated into consumer protection, banking disputes, insurance claims and online commercial transactions.

The surge in e-commerce and online marketplaces greatly accelerated the worldwide expansion of ODR. Consumers became increasingly aggrieved with the sale of defective products, failure to deliver products and/or services, requests for refunds, online fraud and lack of service due to online shopping platforms, internet-based service and digital payment systems. Traditional litigation was felt to be inappropriate for low value and high volume disputes due to delays and costs, which led to the development and use of alternative ODR mechanisms to handle these types of disputes in an efficient manner that is relatively easy for consumers. The online act of filing complaints and the use of electronic communication and a digital settlement process allowed consumers to easily solve a dispute without having to go personally to a court or a tribunal.

Technologies have transformed the justice delivery system today. Also, technology such as video conferencing, electronic filing systems, artificial intelligence, cloud storage, and online communication platforms has streamlined the legal process, making it more efficient and accessible.¹¹ Technology has helped eliminate geographic barriers and made it easier for parties to attend dispute resolution proceedings remotely, helping to keep costs and procedures lower. Other advantages include the increasing transparency and convenience of virtual hearings and digital documentation in the legal process. Yet, the growing adoption of technology for dispute resolution presents concerns around cybersecurity, data privacy, digital exclusion and even procedural fairness, thus requiring robust legal protection and regulatory controls to ensure a

¹⁰ AVTAR SINGH, *LAW OF ARBITRATION AND CONCILIATION* 3–5 (11th ed. 2018).

¹¹ RICHARD SUSSKIND, *THE FUTURE OF LAW* 89–94 (Oxford Univ. Press 1996).

fair dispute resolution process.

After the COVID-19 pandemic, ODR saw a great boost in India. During this time the judiciary has heavily used video conferencing systems, e-filing systems, and online communication platforms in order to maintain the continuity of the functioning of courts and tribunals.¹² Recently, with the rise in the number of digital dispute resolution mechanisms and with the push towards digitization by government initiatives like the e-Daakhil portal under the Consumer Protection Act, 2019 and by policy institutions like NITI Aayog focused on the reduction of the judicial backlog and increasing access to justice, ODR is likely to be an essential part of India's dispute resolution framework in the years to come.

2. ODR and the Promotion of Access to Justice in Consumer Disputes.

Online Dispute Resolution (ODR) has been an important opportunity for improving access to justice in consumer matters by making them quick, cheap and efficient using online tools and resources. Many consumers are reluctant to even contemplate consumer litigation because it is a long process, they have to appear in court numerous times, and the cost is significant, particularly if the amount in issue is small. ODR can help meet these challenges by allowing disputes to be resolved online in a more cost-efficient manner and in a faster time than traditional litigation channels.¹³

The benefit of ODR is minimizing the procedural hassles of conventional court proceedings. Conventional litigation requires the consumers to go through a lot of formalities, physical documentation and hearings before the consumer forum or court. Use of technology streamlines these procedures and facilitates more efficient and convenient dispute resolution processes, such as through the ability to submit complaints electronically, exchange evidence electronically and communicate online.²

ODR also streamlines filing processes and virtual hearings, revolutionizing how consumer disputes are handled. Consumers have the option of making a complaint electronically, online, via digital portals, without having to physically go to a consumer commission or legal institutions. Virtual hearings includes video conferencing platforms designed to further enable parties, lawyers, mediators and adjudicators to participate in hearings remotely which was even

¹² NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* 14–18 (2021).

¹³ COLIN RULE, *ONLINE DISPUTE RESOLUTION FOR BUSINESS* 12–18 (Jossey-Bass 2002).

more important during the COVID-19 pandemic when the physical functioning of courts and tribunals was severely compromised. During these virtual hearings, there was a success story, which proved that technology-based justice systems in India are viable.

Another important aspect of ODR is to make it easier for consumers to obtain justice where they live, often in a remote or geographically distant location. In rural and underdeveloped areas, traditional dispute resolution methods can be challenge to consumers because of the time and expense it takes to travel, or legal systems are so weak that courts are not easily accessible. This is an added advantage as parties can engage in the ODR process remotely, allowing them to access via the internet, reducing geographical hurdles, particularly for those consumers who are less economically well off and likely could not otherwise obtain legal relief due to financial and logistical difficulties.¹⁴

Another advantage of ODR is that it helps to alleviate the burden on consumer courts and judicial institutions. There is also good reason to doubt whether the delays in adjudication and poor efficiency in delivering justice are routinely encountered by several consumer forums in India due to huge backlog of pending cases. In the field of consumer conflicts, ODR can help drastically cut cases from cases before consumer commissions and before courts as far as pendency and the resolution of easy and uncontroversial transactions involving low-settlement amounts are involved.¹⁵ With grappling of easy and uncontroversial cases of refunds, failure and defects of products, delay and failure of delivery, deficiency in online services etc., successful and efficient ODR can free judicial institutions to focus on more complicated cases.

Finally, beside enhancing efficiency, ODR can also lead to some increase in convenience and flexibility for the parties of the conflict. This means that the attendees of the proceeding should not have to physically meet to make proceedings possible and could do so at times convenient to all concerned, thereby minimizing any disruption of professional or personal activities. Digital dispute resolution also fosters less contentious ways of reaching amicable resolutions and cooperative problem solving, which may be more desirable for consumers and businesses.¹⁶

¹⁴ ETHAN KATSH & JANET RIFKIN, ONLINE DISPUTE RESOLUTION: RESOLVING CONFLICTS IN CYBERSPACE 25–31 (Jossey-Bass 2001).

¹⁵ In Re: Guidelines for Court Functioning Through Video Conferencing During COVID-19 Pandemic, *Suo Motu Writ (C) No. 5/2020 (India)*.

¹⁶ RICHARD SUSSKIND, ONLINE COURTS AND THE FUTURE OF JUSTICE 67–73 (Oxford Univ. Press

However, the realization of ODR needs proper technological literacy, cybersecurity measures, and a fair procedure, as well as the right technology. However, it has significant potential to enable a more democratic access to justice by improving mechanisms of consumer dispute resolution in the digital age with respect to access, cost and efficiency.

3. Legal Framework Governing ODR in India

Online Dispute Resolution (ODR) in India is currently regulated by the amalgamation of various existing laws such as consumer protection laws, arbitration laws and information technology laws. Currently, there exists no specific law that governs ODR in its entirety in India, rather there are numerous of laws that indirectly aid the instruments of resolution in the digital domain.¹⁷

Digital filing of complaints and mediation processes for speedy resolution are important changes in Consumer Protection Act, 2019 for the inclusion of digital consumer justice.¹⁸ Electronic filing of complaints is facilitated through the e-Daakhil portal which enables the consumers to file complaints online, and participate in the proceedings digitally, making it more accessible and convenient.

ODR is also supported by the Arbitration and Conciliation Act, 1996 by its recognition of arbitration agreements made in an electronic manner and the flexible nature of arbitral procedures, allowing the use of online arbitration and virtual hearings.¹⁹

Legal recognition of electronic records, digital signatures, and electronic communication, such as by the Information Technology Act, 2000, is also crucial to establish the validity of the online agreements, electronic documentation, and electronic evidence relied upon in ODR procedures.

The Indian courts have also further enhanced the foundation of ODR by accepting virtual proceedings and video conferencing systems. During Covid-19, when courts moved towards virtual hearing systems, the public response was broad leading to a great acceptance of the online dispute resolution method in the institutions. In *State of Maharashtra v. Praful B. Desai*,

2019).

¹⁷ NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* 18–22 (2021).

¹⁸ Consumer Protection Act, No. 35 of 2019, §§ 35–38 (India).

¹⁹ Arbitration and Conciliation Act, No. 26 of 1996, §§ 7, 19 (India).

the Supreme Court found that recording of evidence by video conferencing was valid and that advancement in technology has played a major role in the delivery of justice.²⁰ Exhibiting the importance of technology advancement in the delivery of justice, the Supreme Court in *State of Maharashtra v. Praful B. Desai* also spoke about recording evidence through video conferencing, which was upheld as valid during the Covid-19 pandemic.

Despite this progress, no comprehensive statutory regime for ODR has yet been established, and this leads to some uncertainty as to how the process should be conducted and, in particular, how enforceable, confidential and/or whether a process may be subject to jurisdiction is.

4. The Difficulties and Barriers to ODR in consumer disputes

Online Dispute Resolution (ODR) has challenges that impedes the effective resolution of consumer disputes. One of the most serious challenges is the absence of technology and critical skills of the consumers specially in the rural and less economically advanced areas of the countries. Many people don't have access to digital devices, the internet and basic technological information needed to engage in online submissions.²¹

Poor infrastructure development of the internet is also a challenge for good functioning of ODR. There are barriers in connectivity and lack of technological resources which could prevent consumers from accessing online platforms and participating in virtual hearings efficiently.

A significant issue is cyber security and data privacy protection. The platforms utilize in ODR are associated with the holding and transferal of personal and monetary data, and they feel the danger of hacking, data break, and unapproved accessibility. This is where robust cybersecurity safeguards and data protection measures are crucial.

A lack of a general law that contains specific provisions concerning ODR also raises a number of implementation issues, such as standards of procedure, confidentiality, enforceability of e-settlements and issues of procedural justice and equal opportunity in particular instances, for example if one party has a better access to and knowledge of the technology than the other.

Moreover, one of the new challenges is the use of Artificial Intelligence (AI) in dispute

²⁰ *State of Maharashtra v. Praful B. Desai*, (2003) 4 SCC 601 (India).

²¹ NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* 30–32 (2021).

resolution procedures. While AI can streamline the processes, there are concerns about potential implications on transparency, accountability, and human oversight in legal matters, especially if overrelied upon.

Thus, ODR can certainly play a great role in bettering the consumer justice system, but it needs to be legally, technically and institutionally more well regulated.²²

Case Laws / Case Analysis

State of Maharashtra v. Praful B. Desai

This was a landmark judgment where the Supreme Court of India accepted the concept of recording evidence via video conferencing as lawful and acceptable. The Court ruled that the meaning of presence in the criminal procedure law is not necessarily physical but it could be virtual via technological means. The judgment highlighted that the developments of various scientific and technological tools should be harnessed for enhancing the mechanism of delivering justice and minimising procedural inconveniences. This ruling was instrumental in the development and transgression of virtual hearings and digital justice systems in India, and in turn indirectly became the precursor to the introduction of Online Dispute Resolution (ODR) systems that make use of technology to resolve disputes in the system.²³

The Court, in addition, noted that the use of technological tools can guarantee a fast-constructed judicial system with a complete fair process. This decision showed a forward-thinking attitude from judges to incorporate digital infrastructure into dispute resolution processes, especially because of logistical difficulties of physical locations.

Trimex International FZE Ltd. v. Vedanta Aluminium Ltd.

The Supreme Court in this case held that contracts entered into by electronic communications (e-mail and electronic correspondence) were proper. The Court held that, if the parties agree by electronic communication to terms that are necessary to constitute a contract, a contract is formed even if no agreement is signed.²⁴

²² COLIN RULE, *ONLINE DISPUTE RESOLUTION FOR BUSINESS* 52–54 (Jossey-Bass 2002).

²³ *State of Maharashtra v. Praful B. Desai*, (2003) 4 SCC 601 (India).

²⁴ *Trimex Int'l FZE Ltd. v. Vedanta Aluminium Ltd.*, (2010) 3 SCC 1 (India).

This judgment has significant implications for ODR as the primary functioning of digital dispute resolution mechanisms relies on electronic agreement, consent and communication between parties. The ruling reinforced the lawfulness of electronic transactions and the judicial acceptance of today's business methods in the age of electronic commerce.

The Court also emphasised the need for commercial certainty and technological adaptability in today's business dealings. This ruling further allows the valid enforcement of digital arbitration clauses and online settlements in disputes between consumer and consumer.

Shakti Bhog Foods Ltd. was the party involved.

In this context, the Supreme Court referred to the basic principle of minimal judicial interference with arbitration proceedings, under the Arbitration and Conciliation Act, 1996. The Court noted the need for arbitration as an effective and quick mode of resolution of disputes.²⁵

While not directly an ODR case, the case is significant as online arbitration is one of the key elements of digital dispute resolution mechanisms. The Court indirectly enhanced the legal setting underpinning ODR mechanisms through the reinforcement of party autonomy and the facilitation of arbitration-friendly interpretation.

The judgment also showcased judicial approval of alternative dispute settlement mechanisms that have proven useful for the reduction of the pendency of court proceedings and improved the efficiency of commercial dispute settlement.

M/s Meters and Instruments Pvt. Ltd. v. Kanchan Mehta

In this one, the Supreme Court paid attention to the requirement for a pragmatic, technology based and simplified method in dispute resolution mechanisms. The Court promoted modern technologies to lessen delays and enhance access to justice.²⁶

The vulnerability of inferior laws in the form of procedures obstructing efficient justice delivery was acknowledged and courts were asked to adjust themselves to the technological reality. This judicial process is conducive to the development of ODR mechanisms with respect

²⁵ Shakti Bhog Foods Ltd. v. Kola Shipping Ltd., (2009) 2 SCC 134 (India).

²⁶ M/s Meters & Instruments Pvt. Ltd. v. Kanchan Mehta, (2018) 1 SCC 560 (India).

to consumer claims in particular where the amounts are not high and normal litigation can result in the disruption of time and costs.

The decision was also an expression of the judiciary's intentions to modernize dispute resolution processes to enhance the efficiency and alleviate the burden on courts.

Findings

The study shows that Online Dispute Resolution (ODR) has a significant potential with regards to the importance of enhancing access to justice in consumer conflicts, especially in the context of a rapidly digitized economy. ODR is an efficient way to resolve disputes through technology and mechanisms that are increasingly emerging as an alternative to more traditional litigation structures, particularly those that grow out of ecommerce transactions and digital service transactions.

The study highlights some of the key findings that digital dispute settlements tools are notably superior with respect to time, procedures and costs of conventional court proceedings. Consumers who bring traditional consumer litigation have to appear several times, document a lot, and wait for a long time to adjudicate low-dollar claims, if they choose to do so at all. Through the various online filing processes, virtual hearings, electronic communications and documentations of ODR makes the process easier and more accessible and affordable.

The study also reveals that the COVID-19 pandemic has been instrumental in briskly speeding up the judicial endorsement of Virtual Courts and Online Justice Delivery in India. The courts and tribunals continued to maintain their operations by using video conferencing and other electronic tools, especially during the period of COVID-19. This shift signified the viability and success of technology-driven dispute resolution and led to a deeper acceptance of technology-driven dispute resolution within institutions.

Further, it is noteworthy that while India is yet to have a comprehensive law for Regulation of ODR, there are numerous laws which indirectly support ODR in the country. Investment in electronics in filing consumer complaints is facilitated by Consumer Protection Act, 2019, which also provides for mediation processes, and IT Act, 2000, which validates electronic records and digital signatures. At a similar fashion, the Arbitration and Conciliation Act, 1996, has introduced clause that enables the recognition of Electronic Arbitration Agreements and

Online Arbitration proceedings. In sum, these statutory developments create a limited legal framework for ODR practices in India.

Nevertheless, the authors note that one serious drawback of the study is the lack of a distinct legal and regulatory structure for ODR. Uncertainty about jurisdiction, enforceability of an online settlement, confidentiality, accountability and procedural fairness arises from the lack of standardized procedural guidelines. This legal uncertainty can deter more successful implementation of ODR systems and undermine consumers' trust in online justice systems generally.

Research also reveals that digital illiteracy and technological disparity are still the key challenges before the effective implementation of ODR in India. There is still a high proportion of the people (especially the weaker sections of society or rural areas) who don't have proper access to the internet infrastructure, digital devices and the related knowledge of technology. The digital divide can result in vulnerable groups being potentially marginalized from full participation in online justice systems.

A key discovery is data protection and cybersecurity issues with ODR platforms. The exchange of sensitive personal, financial, legal information is done electronically during ODR processes making concerns about data breach, hacking, ID theft and misuse of information quite relevant. The study emphasizes the importance of more robust data protection security measures and improved cybersecurity requirements to promote trust and reliability in electronic processes of dispute resolution.

The study also notes that a benefit of using ODR is that it is well suited to low-value consumer complaints and e-commerce commercial issues where litigating using traditional methods may be impractical. ODR provides a convenient and efficient solution to obtain relief in relation to refund claims, defective products, delayed deliveries and digital payment disputes and can lighten the burden of courts while providing protection to consumers.

The study suggests that, in general, ODR has the potential to revolutionise the face of Consumer Dispute Resolution in India, as it makes the process more accessible, affordable, efficient and convenient. However, its successful implementation must have other related points in the legal framework: a technological inclusivity, institutional support, user awareness, and procedural safeguards to guarantee fairness and accountability in providing digital justice.

Recommendations / Suggestions

The critical nature and significance of use of Online Dispute Resolution (ODR) in consumer justice regime compel that several reform and policy variables are required in order to effectively implement and regulate the process of ODR in India.

Among the primary recommendations of the study is that India should have a specific law with respect to ODR. Presently, the laws concerning ODR are distributed in the Consumer Protection Act, 2019, Arbitration and Conciliation Act, 1996 and Information Technology Act, 2000. A dedicated legislation would assist with the setting standards of procedure issues regarding the jurisdiction, enforceability, confidentiality, online settlement, cybersecurity requirements, and accountability of the ODR services provider. This kind of law would also supply public faith in technology-based dispute settlement systems.

The study also proposes that broad consumer awareness education initiatives be arranged and organized to educate consumers about the existence, operation and advantages of ODR platforms. There do not seem to be effective grievance redressal mechanisms that are in place in the digital world to which many consumers are unaware and stick with traditional litigation processes. Education and awareness raising via institutions, legal aid organizations, consumer organizations, and online media can help raise awareness and participation in ODR systems, and enhance access to justice.

A key recommendation is around the enhancement of digital infrastructure, especially in rural and remote areas. Stable internet access is essential to a successful implementation of ODR, as are access to digital devices and technological literacy. The government should increase efforts towards strengthening the digital infrastructure by expanding access to broadband internet connectivity, making internet connectivity affordable, setting up public digital access centres, and organizing carry out digital literacy programmes to ensure that all, even the economically weaker and rural population groups, are not left out of the benefits of the online justice systems.

Good cyber security and data protection measures will also be encouraged to be promoted in ODR platforms. Digital Dispute Resolution processes include the electronic transmission and storage of sensitive personal and financial data, so ODR processes must make use of developed encryption systems, secure authentication and strict confidentiality procedures. Relatively comprehensive data protection laws and cybersecurity mandates are critically important to stop

data breaches, identity theft, and abuse of consumers' data.

Of vital concern is also that the implementation of ODR mechanisms with consumer commissions and existing judicial institutions be reinforced by institutional support and policy coordination. Consumer forums could incorporate a hybrid dispute resolution methodology that incorporates a mix of online filing, digital mediation, and in-person hearings along with the classic adjudicatory system. This kind of integration can be helpful in time saving for consumer justice administration and lessen the cases that are pending in justice.

Lastly, the study suggests that there is a need for specialized training for judges, lawyers, mediators, arbitrators and administrative staff about ODR technologies and procedures. Capacity building activities can enhance technological expertise among legal professionals and be used to ensure successful management of ODR. Ongoing legal education and training would also assist the legal system to keep up with the new technology developments in dispute resolution.

In general, these recommendations are intended to create a safe, inclusive and user-friendly ODR ecosystem that has the potential to enhance access to law and justice in the digital era.

Conclusion

The right to access the justice is one of the underpinning principles of rule of law and democratic governance. With the growing digitisation of everyday life- transactions, communication systems and public services in today's society, traditional systems of justice delivery need to be updated to cater for the new challenges posed by the digital economy. Remedies for consumer conflicts are needed which are swift, cheap, available and with technological efficiency, arising from electronic commerce transaction, digital payment system, online services and virtual marketplaces. In this context, Online Dispute Resolution (ODR) is coming up as a transformative mechanism which has potential of modernization of Consumer justice system.

The study illustrates the many benefits of using ODR over the current court-based litigation processes. ODR combines technology with dispute resolution processes, which lessens the administrative delay, litigation costs, geographical limitations, and the process of litigation. Negotiation, mediation, and arbitration dispute resolution services online are options for

consumers to settle disputes without having to wait for lengthy, physical court proceedings. ODR can be very effective in settling lower dollar consumer disputes, where traditional litigation might be cost prohibitive.

The study also uncovers that India has achieved remarkable success in the implementation of digital justice delivery solutions including online mediation methods, online filing platforms called e-Daakhil, e-filing plans, and virtual courts. The advent of video conferencing and taking proceedings virtually even in this period of the Covid-19 pandemic and in the post-Covid era has paved a solid healthy ground for technologically centric dispute resolution systems in the Indian context.

The conclusion of the study is the need for consumer dispute resolution to balance technology and legal protections going forward. When used responsibly and inclusively, ODR has great potential to help create a more accessible, transparent, affordable, and efficient justice system to meet the needs of the digital age.

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