

# Technological Advancement in Online Dispute Resolution: Challenges & Limitation



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**Abstract.** Online Dispute Resolution (ODR) is an alternate dispute redressal technique to resolve the disputes without meeting a person necessarily. ODR is beyond e-ADR or ADR enabled through technology which can help in avoidance, resolution and containment of dispute because of its features of cost effectiveness, convenience and remote resolution eliminating the physical presence of parties. Multi-tiered online dispute resolution models have been adopted by countries to maximize the benefits of ODR providing for an alternative ODR solution. The ODR systems offer a new method to resolve disputes by reducing costs and eliminating the travel time, ensuring equality in access to justice. A test project was started by eBay in 1999 for online mediation to resolve disputes between buyers and sellers. The rapid growth of the internet and success of eBay ODR platform led to the launch of 115 ODR programs by 2004. India has its own platform like Sama, a Bengaluru-based ODR platform, established in 2015 for integrating mediation and conciliation into India's corporate and legal systems in sectors like matrimonial, e-commerce, insurance, banking, and property. In the era of E-Commerce, ODR Mechanism can be an effective tool for resolving Cross-Border Consumer Disputes but it faces constraints including jurisdictional variability, rapid technological changes, limited data availability, diverse user experiences and language barriers. This paper analyzes the challenges and limitations in ODR considering the technological advancements.

**Keywords:** OnlineDispute Resolution (ODR), Online Platforms, Technology, Justice, National Legal Services Authority (NALSA), Alternate Dispute Resolution (ADR).

## 1 Introduction

“*Online Dispute Resolution*” (ODR) refers to resolution of dispute through online medium globally as an alternate dispute redressal technique. It is another procedure of “*Alternate Dispute Resolution*” (ADR) that if the discord happened between the parties, it would be resolved fast and impactful in a digital world. [1] ODR was developed to resolve disputes without meeting a person necessarily.

ODR is beyond e-ADR or technology enabled ADR which can help in dispute avoidance, dispute resolution and dispute containment. Government, judiciary and private institutions of US, Canada, Brazil, and the UAE together are experimenting to derive the benefits of ODR to ensure access to justice. Its main features include cost effectiveness, convenience and remote resolution eliminating the requirement of the in-person presence of parties/individuals. [2]

A virtual meeting, organized by *NITI Aayog* with *Omidyar Network India* and *Agami* on June 6, 2020, Justice (Retd) DY Chandrachud, spoke on “technology and access to justice” mentioned that mind-set need to be changed to look on dispute resolution as a service that is availed of. Justice (Retd) A.K. Sikri on the basis of convenience,

accuracy, time-saving, and cost-saving emphasized on the advantages of ODR. Justice (Retd) Sanjay Kaul stressed on the need of ODR for disputes resolution quickly and cost efficiently. Justice (Retd) Indu Malhotra advocated for making ODR or ADR mandatory for specified categories. Law Secretary to GOI- Anoop Kumar Mendiratta spoke of the need to ensure the complement of Private ODR and ADR to ensure its reach in different parts and industries of the country. [3]

ODR expanded during Covid-19, which required decisive action in disputes before the courts in property, lending, credit, commerce, and retail. [3] In 2019, the Nilekani panel, set by the Reserve Bank of India, suggested the establishment of ODR systems for digital payment-related complaints. Courts have recognized the applicability of ODR mechanisms, in commercial disputes, consumer, business and family disputes. Justice Bobde advocated for the mediation agreements binding effect, virtual court proceedings and artificial intelligence (AI). The technology can be used for dispute resolution, assured after the introduction of AI translator “SUVAS”. [4]

*NITI Aayog* and *MeitY* along with e-commerce and fintech are leading to the development of a hub for ODR ecosystem through regulation and access to equal justice. India is enabling cost-efficient and time-bound resolution of dispute with ODR platforms in areas including consumer redressal for E-commerce disputes, real estate, banking, insurance, and telecom. [5]The global organization of “*ODR researchers and service providers*”, “*the International Council for Online Dispute Resolution (ICODR)*” promotes ethical guidelines to monitor ODR services at global level and investigate complaints against individual ODR platforms to ensure accessibility, impartiality, confidentiality and security. Multi-tiered online dispute resolution models have been adopted by countries to maximize the benefits of ODR providing for an alternative ODR solution. The following Table 1 gives name of different models. [2]:

**Table 1.** ODR models across countries.

Country Name	Model features	Objective
Hong Kong	Negotiation, mediation and then arbitration	To resolve the dispute effectively
Zhejiang, China	The platform named “Online Dispute Diversification Resolution” offers digital consultation, digital evaluation, online and offline mediation, arbitration and litigation in online mode.	To resolve disputes by filtering them through multiple ODR processes
Brazil, Mexico, European Commission	Government-run ODR Platforms	To provide efficient consumer dispute redress

The benefits of ODR are given in Figure 1 below.

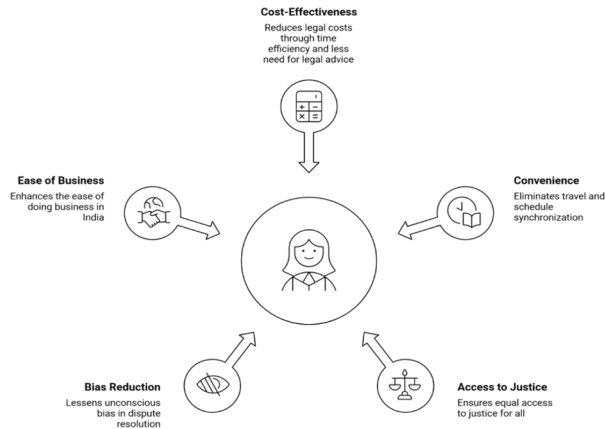


Fig. 1. Benefits of ODR

### 1.1 Emergence of ODR techniques

ODR assists parties in resolving their disputes by using technology. [6] ODR is ahead in time in comparison to other dispute redressal techniques because it uses the latest AI techniques in resolving legal disputes, eventually resulting in reduced work pressure, timing and more engagement. [7] Consumers who are using E-platforms will not prefer conventional courts due to more expenses, procedural compliance, and time taking and moreover ODR saves time and also the mutual relationship of the business world. ODR is a companion to ADR procedures focusing particularly on e-disputes under a digital environment. [1] For online consumer disputes, eBay Resolution Centre, established in 1995 and Square Trade established in 1999, both being an independent private company, provided online dispute resolution services to promote customer faith in doing business through online services. [8] The ODR service of Square Trade was replaced in 2008 by the eBay Dispute Resolution Centre. [9]

A test project was started in 1999 by eBay to provide online mediation facilities for buyers and sellers disputes resolution, which handled two hundred disputes in two-weeks on its platform. Private ODR services Square Trade provided ODR services to eBay till 2008 and it was taken over by eBay which handled 60 million disputes per year through its ODR Platform by 2010. The rapid growth of the internet and success of eBay ODR platform led to the launch of 115 ODR programs by 2004. [10] Influenced by the success of ODR, City of New York, in 2004, adopted *Cybersettle*-an ODR system provided its service to American Arbitration Association, to clear their backlog, reduce the cost of resolving claims and accelerate the claim settlement, which resulted in 66 percent settlement rate within 30 days of dispute submission and 85 percent reduction of settlement time. *Online Schlichter*, a Germany based ODR platform, provided between 2009 and 2019 for online mediation services, receiving 859 cases in 2012, 1142 cases in 2013, and around 1500 cases in the year 2014. In 2014, a similar private ODR entity '*Youstice*', established in Slovakia, provided service for dealing with customer complaints related to E-commerce for framing arguments.

In 2011, a Private ODR platform- *Modria* was established in the United States providing online purchase disputes resolution service to eBay and PayPal for prompt resolutions. These ODR services at eBay & PayPal processed 60 million cases per year. [11] In 2017, Tyler Technologies acquired *Modria* to provide access to justice and service to courts. [12] Year 2011 has seen growth in public ODR services in the

United Kingdom, where drivers can appeal against notice for penalty charges issued by local authorities in England and Wales. Since 2016, in the European Union, the ODR platform has been available to channelize E-commerce disputes between consumers and traders but has been permanently discontinued in 2025 under Regulation (EU) 2024/3238 as per Article 2(4). The Civil Resolution Tribunal, the first ODR platform of Canada, provided quick resolution of disputes to parties and its decision has binding effect. [13] Lastly, in the United Kingdom, traditional courts proceeding through virtual mode are another approach for resolving online issues, where parties and judges participate using online methods of communication and evidence may be assessed digitally. [14] The process of resolving disputes online United Kingdom is given in Figure 2.

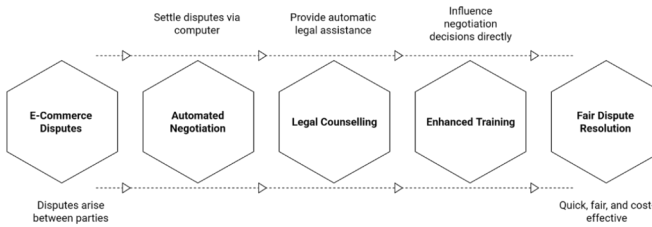


Fig. 2. Resolving E-commerce disputes online in United Kingdom

In case of any dispute related to E-Commerce, the ODR provides more viable solutions including cost effectiveness, convenience and accessibility. Under the UK’s Digital Markets, Competition, and Consumers Act 2024 (DMCCA), rules were framed to curtail unfair commercial practices, disclosure of the details on webpage including amount, quality and profits, and for misleading information consumers have right to get redressal through a consumer protection agency. [15] In the UK, platforms like eBay and PayPal also provide a reliable and effective mechanism for its users to settle disputes through peer-to-peer algorithms automatically. [16] Both platforms utilize automated negotiation to settle disputes. Failing to reach any solution, it is handed over to experts through the platform. Another way of ODR is where counsel is allotted by platform and these tools aid parties in comparing the results with expenses and make their choices for a settlement. [1]The progress in regulation of ODR developments is given in Table 2. [12]

Table 2. Regulation of ODR

Regulatory Authority	Regulation of ODR developments
<i>China International Economic and Trade Arbitration Commission</i>	International Economic and Trade Arbitration Commission (CIETAC) Arbitration Rules, 2009 CIETAC Online Arbitration Rules, 2014
<i>American Arbitration Association</i>	Mediation Procedures, 2013
<i>International Centre for Dispute Resolution</i>	Virtual Hearings Guide for Virtual Hearing, Arbitrators and Parties, 2020
<i>London Court of International Arbitration</i>	Arbitration and Mediation Rules, 2020
<i>Australian Centre for International Commercial Arbitration (ACICA)</i>	ACICA Practice & Procedures Toolkit, 2016 Online Arbitration Guidance Note, 2020

The ODR systems offer a new method to resolve disputes by reducing costs and eliminating the travel time. This resulted in ensuring efficient and inclusive dispute resolution. ODR highlights the need for technology infrastructure including Internet access, software and data centers. [17]

## 2 Emergence of various platforms for ODR in India

ODR platforms are Cadre, Sama, Coder, Agami, Resolv360, WeVaad, Online legal India, Jupetise, Crek ODR, SamaaveshiPathsala, Nixi ODR, Loiolapse. India has its own platform like Sama, 2015 established ODR platform based in Bengaluru, collaborated with Legal Services Authority, Delhi and integrated mediation and conciliation into legal and corporate systems in India in sectors including banking, insurance, matrimonial, E-commerce, and property. Key Milestones in ODR's development is shown in Figure 3 below.

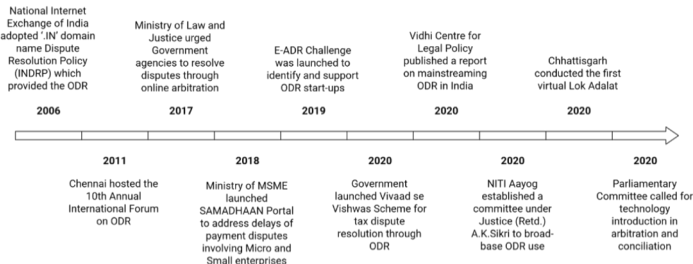


Fig. 3. Key Milestones in ODR's development

- i. **Presolv360 ODR:** ODR platform based in Mumbai, instituted in 2017, providing arbitration, mediation, AI-assisted mediator selection, conciliation and digital evidence submission services in disputes including commercial, fintech, and loan default. It was established with the aim to resolve disputes using technology blended with human intelligence.
- ii. **SAMADHAAN Portal:** 2017 setup portal by *Ministry of Micro, Small and Medium Enterprises (MSME)* for e-filing and online settlement of MSMEs dues against state including Government of India, Government of States, Public Sector Enterprises, private enterprises and proprietorship which accounted for nearly 94 per cent of the dues. Portal assisted in disposal of payment due complaints approximately Rs. 721.59 Crores counting to 3982 cases since its launch. [18]
- iii. **Jupitice ODR**, based in Chandigarh, founded in 2018, offers fast track settlement which is secure, confidential, and enforceable dispute resolution. Parties have the option to choose different tier of dispute resolution. The first option is to choose either mode of settlement *negotiation, mediation, or arbitration*. The second option is to start with mediation and then go for arbitration. The last option is to start with negotiation and then move to mediation to arbitration.[19] In 2019, a High Level Committee headed by Nandan Nilekani on "Deepening Digital Payments", established by the RBI and recommended the setting up of a two-tiered ODR system for digital payments related complaints. The first tier is based on a machine learning automated system and the second tier is based on human intervention. After the 2019 enactment of Consumer Protection Act, **E-daakhil portal** was introduced in the Consumer Dispute Redressal Commissions for e-filing for the protection of consumer interest. It is now known as E-Jagriti. RBI introduced ODR in 2020 for disputes and grievances redressal of customers with zero or minimal manual intervention. [20]
- iv. **CADREODR (Centre for Advanced Dispute Resolution Excellence)** is Mumbai based, since 2019, focused on the dispute resolution of MSMEs, logistics, real

estate, manufacturing, and commercial management, available at affordable price, is user friendly and customized settlement for specific sectors. [21]

- v. **CREK**, based in New Delhi and founded in 2022, a tribute to *ODR Godfathers Colin Rule and Ethan Katsh*, with the objective to provide an effective and accessible ODR to resolve disputes by blending the ODR system with innovation to streamline conflict resolution through technology. [19] Figure 4 shows the other ODR platform of India.

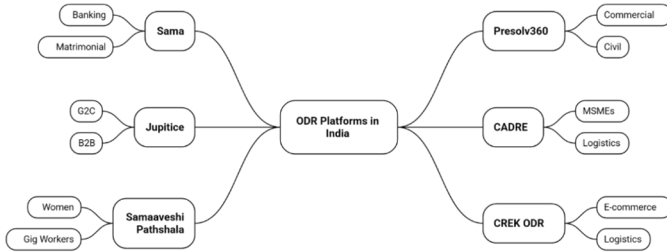


Fig. 4. ODR platforms in India

## 2.1 Factors responsible for emergence of ODR

- i. **Agami ODR Platform** was, set up in 2018, designed to foster innovation in the ODR and as part of PUCAR Mission since 2023, building an innovation ecosystem for better justice delivery experience. It aims to bring innovation in the law and justice system to enhance their ODR solutions.
- ii. **NIXI** (National Internet exchange of India) an initiative by Government of India to ensure equal access to internet technology in an inclusive way, address domain name disputes through arbitration panels, a cyber-security checklist for claimants, ensuring secure and efficient dispute resolution. It has evolved a policy named .INDRP (.IN Domain Name Dispute Resolution Policy) on the basis of the Arbitration & Conciliation Act, 1996.
- iii. **LokAdalat** integration with ODR platforms, raised during Covid-19 when the Supreme Court of India promoted use of technology in the legal system of India. SLSA (State Legal Services Authority) organized LokAdalat across the country online with the technical support of *Sama* (an ODR platform incorporated under *Odrways Solutions Private Limited* since 2015), ensuring accessibility, legal enforceability and justice at doorstep. *Sama* technical support included sending notice to parties, Video conferencing support for pre counselling sessions, support in E-signature, administrative assistance to the counselors and Compiling report of total cases based on its progress. [22]

In recent years, digital technologies including block-chain, artificial intelligence, cloud computing, social media, encrypted data and information, and electronic forensic evidence have grown to optimize data protection. The block-chain technology maintains the anonymity of all parties and arbitrators and an arbitral award may be implemented by using private keys. But giving private keys to an arbitration may impose risk to relevant digital assets and thus, necessary security guidelines must be developed for an automated dispute resolution process. [23]

### 3 Case laws resolved through ODR

The Supreme Court of India has actively contributed to the integration of ODR in the legal system of India. In the case of *State of Maharashtra v Praful Desai* [24], deciding the validity of videoconferencing for obtaining evidence and witness testimonies described ‘virtual reality’ as the actual reality. The effectiveness of electronic media and consultation through video conferencing was acknowledged in the case of *Grid Corporation of Orissa Ltd. v AES Corporation*. [25]

The apex court advocated for ODR cases like traffic challans and cheque bouncing in the case of *M/S Meters and Instruments Pvt. Ltd. v. Kanchan Mehta* [26] for paperless courts, and reducing overcrowding of courts by avoiding physical presence of parties. The validity of online arbitration agreements was endorsed in cases such as *Trimex International v. Vedanta Aluminium* [27] subject to the compliance of Sections 4 and 5 of the *Information Technology Act, 2000* read with Section 65B of the *Indian Evidence Act, 1872* (now Section 63 of *Bharatiya Sakshya Adhiniyam*) and *Arbitration and Conciliation Act, 1996*. This shows a strategic movement of dispute resolution from traditional court system to technology based ODR. [12]

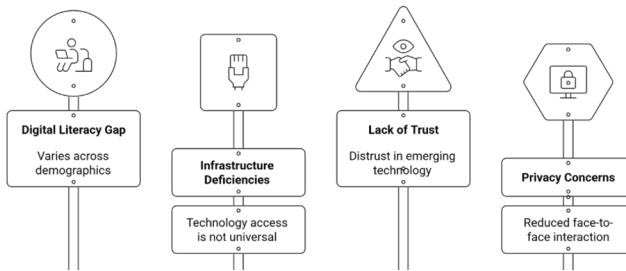
Late 1990s raised the demand for domain names with the rise in the internet, where the *Internet Corporation for Assigned Names and Numbers* (ICANN) created the global ODR system “*Uniform Domain-Name Dispute-Resolution Protocol* (UDRP)”. Rise in Disputes on domain names, created an opportunity for ICANN for creation of the UDRP program in 1999. [28] The technology growth and its integration in the legal system has changed the manner of dispute resolution. ODR is an efficient mechanism, more advanced than ADR and a complement for the enforcement of awards. On one hand, technology creates convenience, saves time, paperless mechanism, expeditious solution, data storage, and is more inclusive but on the other hand, it poses challenges like data privacy, cyber security, access to internet, and technology. The guarantee of “*Right to digital access*” as a fundamental right under Article 21 of the Constitution of India by the Supreme Court in case of *Amar Jain v. Union of India* (2025) is an act of judicial activism toward digital inclusion in the legal system of India to meet contemporary challenges. [29]

### 4 Challenges & Limitations in ODR

In the era of E-Commerce, ODR Mechanism can be an effective tool for resolving Cross-Border Consumer Disputes but it faces constraints including jurisdictional variability, rapid technological changes, limited data availability, diverse user experiences and language barriers. ODR was established for efficient and quick resolution of disputes through technology. Certain challenges include:

- i. **Digital infrastructure:** ODR requires access to computers, smart phones and internet connection across the country to ensure equality in access to justice through technology. [30] Growing internet usage, energy shortages, and high bandwidth for the computer, limits the reach of online purchasers. [31] *National Digital Communication Policy, 2018* for broadband connectivity universally, [32] *National Broadband Mission 2019* for broadband access service to all rural areas are the initiatives by Government of India for developing digital infrastructure. [33]
- ii. **Digital literacy:** In India, only one third of subscribers use the internet in rural areas as compared to urban areas. The number of internet subscribers in India exceeds 743.19 million, but a significant digital gap exists in rural areas and urban areas with 285.97 million users (38.48%) and 457.23 million users (61.52%) respectively. The internet users in rural areas are less than one third of the urban users. [34] Only 5, 69,897 inhabitants out of a total 5, 97,618 residents in rural areas, as per the Census 2011, have access to mobile networks. [2] Digital literacy has expanded throughout all corners of the country to enable ODR adoption.

- iii. **Language barrier:** Language barrier among e-consumers is a barrier for accurate information and preventing misunderstandings like ODR benefits those who are technically proficient. The development of user-friendly interfaces in local languages and training of both legal professionals and the general public, can reduce language barriers.
- iv. **Access to technology:** The digital division can be seen on a gender basis. National Family Health Survey (2019-2021) shows that when compared to men, only one in three women in India have ever used the internet. [35] Internet India Report 2019 highlights the usage of the internet in India: only one-third of total internet users are women, out of which 28 per cent are in rural India lower than the urban users (51%) and only 15 percent of internet users are above 40 years. [36]
- v. **Internet security:** Technology requires data and it creates new challenges of privacy and confidentiality. [37] The security concern may extend to tampering of digital evidence, agreements and threat to digital assets. Due to the lack of governmental oversight was another limitation of ODR.
- vi. **Legislative Framework:** There is no adequate legislative framework for the resolution of commercial disputes through ODR. [37] Lack of uniform technical norms for all nations pose a challenge for adoption of ODR.
- vii. **Enforcement of ODR awards:** The settlement agreements between the parties help in enforcement of settlements. There has been uncertainty regarding enforcement of mediation settlements. Breach of agreement leads to further judicial proceedings for enforcement of award. [33] The court-initiated mediation proceedings are deemed as *LokAdalat* by the Supreme Court of India and settlements are enforceable under S. 21 of *Legal Services Authorities Act, 1987*. [38] Challenges are summarized in Figure 5.



**Fig. 5.** Challenges of ODR

#### 4.1 Role of WIPO, AI-ODR & issues of machine translation

The International Forum on ODR convened in Victoria, British Columbia in 2008 with objectives to increase ODR awareness, incorporate ODR in the legal systems, and business. Activities during the conference aimed to resolve disputes, promote information-sharing, use of information communications technology (ICT) and mentor between developed and least developed countries. [39] WIPO mediation services assist parties in resolving disputes related to content that has been published online on social media platforms without authorization that may infringe intellectual property rights of others. [15]

Globally, Europe, United States, Canada, and Australia have adopted *AI-ODR* in disputes related to family matters, facing challenges of transparency, bias, and data privacy. Defined as the use of technology (e.g., mobile phones, computer-mediated communication) for negotiation, mediation, and arbitration, ODR introduces "*technology as a fourth party*" in dispute resolution process [40] and the

service providers facilitating ODR act as fifth Party, complementing human mediators and arbitrators.

The integration of AI with ODR enhances dispute resolution efficiency as AI can process vast legal data, identify patterns in case outcomes, and even assist in generating settlement proposals. Many citizens and even legal professionals remain unfamiliar with ADR options, creating a challenge for adoption of ODR. The digital literacy and infrastructure gaps, significant technological and infrastructural, reliable internet connectivity remain obstacles. Public-private partnerships in developing the necessary technological infrastructure and promoting widespread adoption. [41] Sustainable hybrid model of AI and Human-Integrated Mediation for resolving commercial as well as other disputes.

## 5 Conclusions and suggestions

ODR India established in 2004, continued till 2025 with adoption of AI advancements. Dedicated portals are available for redressing the consumer complaints, digital payment disputes, investments complaints, cyber offences, etc. Periods between 2013 to 2025 have been crucial for growth of ODR in India with an increase in the number of access to network services and internet users across the country. Access to the internet is now a fundamental right under Article 21. Platforms like Sama, Agami, CADRE were established. E-commerce expanded and so the disputes have risen. There has been a significant rise in digital services along with disputes related to digital space. This might load the traditional courts but ODR came as saviour.

ODR can be a transformative tool across multiple sectors including Consumer dispute, Banking and Financial disputes using platforms like Presolv360 and Sama, E-commerce and Retail complaints related to refunds, product issues, and delivery using platforms like CREK. ODR ensures prompt dispute resolution especially in consumer related disputes, reducing cost and time, maintaining customer trust and lowering charges. ODR can be extended to diverse sectors including gig workers and contractual workers. It is advanced and more efficient than traditional courtrooms. The challenges mentioned must need to be addressed through enforcement mechanisms. A uniform rules and system must be developed to address jurisdictional concerns, both at national and international level considering the *Arbitration and Conciliation Act* in alignment with the UNCITRAL model. A standard policy for privacy and confidentiality issues must be drafted and focus should be on making the ODR platforms user-friendly, translations in regional languages and keeping in mind the needs of people with disabilities.

There is a need for standard guidelines of ODR usage and training for ODR practitioners. AI tools can help in selecting mediators/arbitrators, drafting settlement templates and language translation in countries like India with diverse languages. Other measures to scale up ODR include digital literacy, investments in internet infrastructure, digital security, data security, adherence to global privacy norms, and digital awareness through partnership of different stakeholders including educational institutions, framework for the enforcement of ODR settlement awards and standardizing ODR procedures at the national level. ODR assists in resolution of disputes through technology integration in courts and it cannot grow without a support system and access to technology both of infrastructure as well as digital literacy. Investment in digital infrastructure, coordinated and systematic efforts by all stakeholders is the necessity of time.

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