ONLINE DISPUTE RESOLUTION IN INDIA

Introduction:

India, a developing country with a population crossing over a billion people, is currently at a stage in technological advancements, where a huge jump can be witnessed in the usage of smartphones and internet, this is a great time to dive into and explore the prospects of digital platforms used as a means to solve disputes between parties. Online Dispute Resolution is one such mechanism.

Online Dispute Resolution (ODR) is a dispute solving process that includes using technology and digital means in its problem-solving process. ODR, emphasises on the usage of online platforms to facilitate communication between parties in a dispute.

In the current times, cases pending in the Indian courts range over 1,82,000 (as of May 2022). [1]This not only shows the inefficiency of the present legal system in India but also puts a lot of pressure on the courts, which can lead to hasty judgements.

With the current developments and achievements in technology, it is high time that India makes a shift towards online dispute resolving methods which will not only lessen the burden on the courts, but will also improve the efficiency of the judicial system.

Emergence of the concept of Online Dispute Resolution in India:

The arrival of the Covid-19 pandemic in the world, was a reality check phase for the entire world. India in particular had a learning experience through this pandemic. Our country not only made a vaccine to fight the contagious virus, it also distributed the vaccines to other countries, to help them overcome the situation. While health care sector wise, the pandemic helped India realise its potential, it also made us realise the need to digitalise our judicial workings and adopt digital methods in our judiciary system, for the justice system to remain

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[1] Drishti IAS, https://www.drishtiias.com/ (last visited Jan 17, 2024)

stable during crisis is an essential requirement. The pandemic made us realise to adopt digital initiatives in our judicial system.

Benefits of Online Dispute Resolution:

1. Easier Accessibility:

Online Dispute Resolution provides a convenient, less complicated and an accessible platform for resolving disagreements, allowing the concerned parties to take part in the proceedings from anywhere with a stable internet connection.

2. Cost-Effectiveness:

ODR tends to be more cost-effective than the existing traditional dispute resolving methods, as it decreases the need for physical meetings, reduces paperwork, and lessens the burden of extensive legal procedures. The cost-effective serves as a plus point since many people do not have the sufficient monetary resources to pursue legal measure, and ODR helps with that by being easy on the pockets.

3. Efficiency:

Online dispute resolving processes may often lead to faster solutions, reducing the time and resources required to reach an agreement between the concerned parties. Burdens on courts will be reduced and hence efficiency of the Indian legal system will also be improved.

4. Convenience:

The disputing parties can engage in the dispute resolution process according to their convenience, ODR helps in facilitating constructive participation of the parties without them needing to spend extensive amount of money on travel or face any kind of loss by taking time off work.

5. User-Friendly Interface:

ODR platforms can be designed to be user-friendly, making the dispute solving process more approachable for individuals and general public who may not be acquainted with legal proceedings or are not so familiar with the workings of technology.

6. Documentation and Transparency:

With ODR systems, it will be easier to manage and maintain records. This will also help maintain accountability and improve transparency and since online platforms are well designed, documentation will also be made easier, hence providing a clear trajectory of communication and decisions.

7. Multilingual Support:

Since technology has advance a lot over the years and continues to evolve, it provides us with the opportunity to make online dispute resolving platforms more inclusive, especially is a diverse country like India, where language is not just limited to Hindi or English. Many ODR platforms are designed to offer multilingual support, making it inclusive and more approachable for participants who may not speak the same language.

8. Scalability:

ODR systems have the ability to smoothly handle a large volume of cases simultaneously, making them scalable for different types and levels of disputes, and making it easier for the courts to manage their workload efficiently.

9. Environmental Impact:

By minimizing the requirement for physical travel and paperwork, ODR contributes to a more environmentally friendly dispute resolution process. Also considering the fact that court cases in India take many years, even decades to reach to any conclusion, adapting online dispute resolving techniques can be a positive change for the environment.

These benefits collectively contribute to the effectiveness, efficiency and appeal of online dispute resolution in various aspects.

Challenges India will have to overcome before making the shift to Online dispute resolution:

Digital literacy pre-requisite:

Implementing ODR techniques requires a basic level of digital literacy as a prerequisite. Disparities in technology related knowledge, can create an imbalanced and unfair to the people, especially for those who do not have access or are not familiar with online/digital workings.

Digital infrastructure:[2]

For matters as important as legal matters, it is essential that the online platforms used for dispute resolution are well designed and equipped to handle them. Strong internet base and proper approaches to make sure that this initiative is approachable and accessible, is very important. For a country like India, with such a huge and diverse population, a wider adoption of ODR will require a properly designed digital infrastructure across the country.

Enforcement of decisions:

It will be an imminent requirement to make sure that the decisions that are made through online platforms, are enforced as per the order, this can prove to be challenging, since opinions regarding ODR are still not very favourable, trust in this system of practicing justice is still unstable, and convincing the people will require making people aware about the intricacies of ODR.

Privacy and confidentiality concerns:

Online dispute resolution will require sharing of private and sensitive information, which raises important question regarding data security. It will be crucial to ensure that digital platforms comply with data security measures and regulations. Confidentiality protection should be the number one priority.

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[2] Byjus, https://byjus.com/ (last visited Jan 19, 2024)

Conclusion:

Online dispute resolution is a new and fresh concept that aims to reduce the burden on the courts and improve the efficiency of the existing legal system, while also making the process of dispute resolving more accessible and approachable for the general public. After the introduction of Covid-19, in the world, that posed a great security threat to the world, it is high time that India starts adopting initiatives that are ready to be used in times of national emergency, so that the governance and administration system of the nation is not affected, and more chaos and panic like situation can be prevented. It is important to address the challenges that come with this concept, as is the case with any new subject, with careful consideration, so that this system is well equipped to handle legal matters and provide efficient results. The introduction of ODR in the Indian Legal system can prove to be very efficient and can have a positive impact on the society, when it is designed after careful consideration and with the aim to provide smooth service to the general public.