



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

ARTIFICIAL INTELLIGENCE AND ONLINE DISPUTE RESOLUTION: THE FUTURE OF ALTERNATIVE DISPUTE RESOLUTION IN INDIA

AUTHORED BY - SAMIKSHA JAYASWAL,
ADV. PREKSHA JAYASWAL & ADV. SAKSHAM JAYASWAL

Abstract

The development of technology has transformed traditional dispute resolution methods by introducing Online Dispute Resolution (ODR) as an effective alternative to conventional litigation. In India, where courts face challenges such as delays, increasing case backlogs, and high litigation costs, ODR provides a faster, affordable, and accessible method of resolving disputes. The integration of Artificial Intelligence (AI) into ODR has further enhanced its potential through automated case management, legal analysis, negotiation assistance, and efficient dispute settlement.

This research examines the role of AI in shaping the future of Alternative Dispute Resolution (ADR) in India. It analyses the benefits of AI-based ODR, including speedy justice, reduced costs, and improved accessibility, while also addressing challenges such as algorithmic bias, data privacy, transparency, and the need for human supervision. The paper argues that AI should support, rather than replace, human decision-making in dispute resolution. The study concludes that with proper regulation, ethical safeguards, and digital infrastructure, AI-powered ODR can strengthen the ADR mechanism in India and contribute to a more efficient and accessible justice system.

Keywords

Artificial Intelligence, Online Dispute Resolution, Alternative Dispute Resolution, Digital Justice, Arbitration, Mediation, Access to Justice, Indian Legal System.

1. Introduction

Alternative Dispute Resolution (ADR) has become an important method of resolving disputes outside traditional courts in India. Mechanisms such as arbitration, mediation, conciliation, and negotiation aim to provide speedy, affordable, and flexible justice. The increasing burden on Indian courts due to delays, high litigation costs, and procedural complexities has highlighted the need for effective alternative mechanisms. With technological advancement, **Online Dispute Resolution (ODR)** has emerged as a digital form of ADR that enables parties to resolve disputes through online platforms. ODR provides faster and more accessible dispute resolution, especially in commercial and consumer disputes.

The integration of **Artificial Intelligence (AI)** has further transformed ODR by assisting in case management, document analysis, legal research, and negotiation processes. However, the use of AI also raises concerns related to transparency, data privacy, algorithmic bias, and the importance of human involvement. This research examines whether AI-powered ODR can enhance access to justice in India while maintaining fairness and accountability. The **NITI Aayog's ODR Policy Plan** has recognised the importance of digital platforms, technological infrastructure, trained dispute resolution professionals, and ethical principles for developing an effective ODR framework in India.

2. Research Problem

The Indian justice system faces significant challenges, including:

- Delay in disposal of disputes.
- Increasing litigation costs.
- Limited access to legal services.
- Shortage of trained mediators and arbitrators.
- Lack of awareness regarding ADR mechanisms.

3. Research Objectives

1. To examine the concept and evolution of Online Dispute Resolution in India.
2. To analyse the role of Artificial Intelligence in transforming ADR mechanisms.
3. To study the legal framework governing AI-based ODR in India.
4. To evaluate the benefits and challenges of AI-driven dispute resolution.

4. Research Questions

1. What is the role of Artificial Intelligence in Online Dispute Resolution?
2. Can AI-based ODR improve access to justice in India?
3. Whether existing Indian legal frameworks are sufficient to regulate AI-driven dispute resolution?

5. Conceptual Framework of ADR and ODR

5.1 Meaning and Nature of ADR

Alternative Dispute Resolution (ADR) refers to methods of resolving disputes outside traditional courts. It includes **arbitration, mediation, conciliation, and negotiation**. ADR focuses on providing speedy, cost-effective, confidential, and flexible dispute resolution while maintaining party autonomy.

5.2 Evolution of Online Dispute Resolution

Online Dispute Resolution (ODR) represents the technological transformation of Alternative Dispute Resolution (ADR), where disputes are resolved through digital platforms instead of traditional physical proceedings. The growth of e-commerce, digital transactions, and advancements in communication technology has increased the need for online mechanisms that provide quick and efficient dispute settlement. ODR uses various technological tools such as **video conferencing, electronic filing systems, digital evidence management, online negotiation platforms, and automated communication tools** to facilitate dispute resolution. It enables parties, lawyers, mediators, and arbitrators to participate remotely, reducing time, cost, and geographical barriers. The emergence of Artificial Intelligence (AI) has further strengthened ODR by assisting in document analysis, case management, legal research, and settlement recommendations. However, effective use of AI-based ODR requires transparency, data protection, and human supervision to ensure fairness. In India, the **NITI Aayog ODR Policy Plan** recognises ODR as a technology-enabled mechanism capable of improving access to justice by developing digital infrastructure, supporting dispute resolution professionals, and promoting ethical standards for online dispute settlement.

6. Role of Artificial Intelligence in Online Dispute Resolution

6.1 AI-Based Case Management

Artificial Intelligence plays an important role in improving the efficiency of Online Dispute Resolution by automating various administrative tasks. AI tools can assist in **categorising disputes, preparing and managing documents, scheduling hearings, and organising dispute workflows**. This reduces procedural delays and allows dispute resolution professionals to focus on essential legal issues.

6.2 AI-Assisted Mediation

AI can support mediation processes by analysing statements and identifying key issues between parties. It can help in finding common interests, suggesting possible settlement options, and assisting mediators in reaching mutually acceptable solutions. AI does not replace mediators but enhances their ability to manage disputes effectively.

6.3 Predictive Analytics

AI-based predictive analytics can examine previous legal decisions and dispute patterns to provide insights regarding possible outcomes, settlement probabilities, and potential legal risks. This helps parties make informed decisions and encourages early settlement of disputes.

6.4 Natural Language Processing (NLP)

Natural Language Processing (NLP) enables AI systems to understand and process human language. In ODR, NLP can assist in analysing legal documents, simplifying complex legal language, translating information, and summarising case materials. These functions improve accessibility and efficiency in dispute resolution.

Recent developments show that AI has significant potential in ODR through automated negotiation assistance, document analysis, and support for mediators. However, its application must ensure transparency, accuracy, and human oversight to maintain fairness in the dispute resolution process.

7. Legal Framework Governing AI-Based ODR in India

7.1 Arbitration and Conciliation Act, 1996

The **Arbitration and Conciliation Act, 1996** provides the legal foundation for arbitration and conciliation in India. Although the Act does not specifically regulate AI-based dispute

resolution, its provisions support the use of technology in arbitration and online proceedings. The use of AI in ODR raises important issues such as the **validity of AI-assisted decisions, the role of human arbitrators, and recognition of electronic dispute resolution processes.**

7.2 Information Technology Act, 2000

The **Information Technology Act, 2000** provides legal recognition to electronic transactions and digital processes. It supports ODR mechanisms by recognising **electronic records, electronic communications, and digital authentication**, which are essential for conducting online dispute resolution proceedings.

7.3 Digital Personal Data Protection Act, 2023

AI-based ODR platforms involve the collection and processing of large amounts of personal and legal information. The **Digital Personal Data Protection Act, 2023** plays an important role in ensuring the protection of **personal data, confidential dispute documents, and sensitive legal information**. Proper data protection measures are necessary to maintain trust and security in AI-driven dispute resolution systems.

8. Advantages of AI-Based ODR in India

8.1 Faster Dispute Resolution

AI-based ODR systems can reduce delays in dispute resolution by automating repetitive tasks such as document processing, case management, and scheduling. This helps in achieving quicker settlement of disputes.

8.2 Affordable Justice

Online platforms reduce the financial burden associated with traditional dispute resolution by lowering **travel expenses, administrative costs, and legal processing time**. This makes justice more economical and accessible.

8.3 Increased Accessibility

AI-powered ODR can improve access to justice by allowing parties to resolve disputes remotely. It can particularly benefit **rural litigants, small businesses, consumers, and individuals who face difficulties in approaching courts** due to geographical or financial barriers.

8.4 Improved Efficiency

AI assists legal professionals by managing large volumes of information, analysing documents, and supporting decision-making processes. This enhances the overall efficiency of ADR mechanisms while allowing human experts to focus on complex legal issues.

9. Challenges and Ethical Concerns

9.1 Algorithmic Bias

AI systems may produce biased outcomes if they are developed using incomplete or biased data. Such biases can affect fairness and equality in dispute resolution processes.

9.2 Lack of Transparency

AI-generated recommendations and decisions may lack clarity regarding how conclusions are reached. Ensuring transparency and explainability is essential to maintain trust in AI-based ODR systems.

9.3 Data Privacy Concerns

ODR platforms handle confidential legal documents and personal information. Therefore, strong data protection and cybersecurity measures are necessary to prevent misuse or unauthorised access.

9.4 Digital Divide

Limited access to technology, internet connectivity, and digital literacy may prevent certain sections of society from benefiting from AI-based ODR, particularly vulnerable and disadvantaged groups.

9.5 Human Judgment and Accountability

Dispute resolution requires human understanding, negotiation skills, and consideration of social and emotional factors that cannot be fully replaced by AI. Therefore, AI should assist human decision-making rather than replace the role of mediators, arbitrators, or judges.

10. Comparative Analysis

10.1 United States

The United States has witnessed significant growth in Online Dispute Resolution through

private ODR platforms and technology-based dispute settlement services. AI-assisted negotiation tools are increasingly used to analyse disputes, suggest settlement options, and improve the efficiency of mediation processes. The U.S. approach focuses on innovation, flexibility, and private sector participation in developing digital dispute resolution systems.

10.2 India

India is gradually developing its ODR ecosystem to improve access to justice and reduce the burden on courts. Initiatives such as technology-based dispute resolution platforms and policy frameworks aim to promote digital justice. However, India requires clear legal regulations, ethical standards for AI use, and stronger digital infrastructure to ensure effective and fair implementation of AI-based ODR mechanisms.

Basis	India	United States
Development of ODR	ODR is at a developing stage and is being promoted to reduce court delays and improve access to justice.	ODR has developed significantly through private platforms, courts, and technology-based dispute resolution services.
Legal Framework	Governed indirectly through laws such as the Arbitration and Conciliation Act, 1996, Information Technology Act, 2000, and Digital Personal Data Protection Act, 2023. A specific AI-based ODR law is yet to be developed.	ODR operates through a combination of federal and state laws, arbitration regulations, consumer protection laws, and private platform standards.
Role of Government	Government initiatives such as NITI Aayog's ODR Policy Plan promote digital infrastructure and online dispute resolution mechanisms.	Government and private organisations actively support ODR through court-based digital systems and private dispute resolution platforms.
Use of Artificial Intelligence	AI use in ODR is emerging, mainly involving case management, document analysis, and legal assistance.	AI-assisted negotiation, automated settlement tools, and predictive analytics are more developed and widely used.

Major Applications	Used mainly for online consumer disputes, commercial disputes, and digital transactions.	Used in consumer disputes, e-commerce disputes, workplace disputes, and commercial matters.
Accessibility	ODR aims to benefit rural litigants, small businesses, and individuals facing barriers in accessing courts.	ODR provides wider accessibility due to advanced digital infrastructure and higher technological adoption.
Challenges	Faces challenges such as digital divide, limited technological awareness, lack of specific AI regulations, and data privacy concerns.	Challenges include algorithmic bias, privacy issues, cybersecurity risks, and accountability of AI systems.
Human Involvement	Emphasises human supervision and the role of mediators and arbitrators in ensuring fairness.	AI tools assist dispute resolution professionals, while human decision-making remains important.
Future Prospects	Requires stronger regulations, ethical AI guidelines, digital literacy, and secure ODR platforms for effective implementation.	Focuses on improving AI capabilities, transparency, and integration of technology with justice systems.
Overall Approach	India follows a developing technology-assisted ADR model focusing on improving access to justice.	The U.S. follows an innovation-driven ODR model with greater private sector participation and technological advancement.

11. Judicial Perspective in India

Indian courts have consistently recognised the importance of Alternative Dispute Resolution (ADR) as an effective mechanism for reducing litigation burden and promoting speedy justice.

1. Salem Advocate Bar Association v. Union of India (2005)

The Supreme Court emphasised the importance of ADR mechanisms and supported the use of mediation, arbitration, and conciliation to ensure faster and more efficient dispute resolution.

2. Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (2010)

The Supreme Court clarified the scope of court-referred mediation and settlement processes under ADR, highlighting the role of mediation in resolving suitable disputes outside courts.

3. **M.R. Krishna Murthi v. New India Assurance Co. Ltd. (2019)**

The Supreme Court recognised the need to strengthen mediation in India and encouraged the development of effective ADR infrastructure for improving access to justice.

12. Critical Analysis

AI-based Online Dispute Resolution (ODR) has the potential to bring significant changes to the ADR system in India by making dispute resolution more efficient, affordable, and accessible. The use of Artificial Intelligence can reduce procedural delays, automate routine tasks, assist in legal analysis, and help parties reach settlements more effectively. For a country like India, where courts face a heavy burden of pending cases, AI-powered ODR can serve as an important tool for improving access to justice.

However, the integration of AI into dispute resolution also raises several legal and ethical concerns. Complete reliance on automated systems may affect principles of fairness, transparency, and natural justice. AI systems may face issues such as algorithmic bias, lack of explainability, and difficulties in understanding human emotions and social circumstances involved in disputes. Moreover, disputes often require negotiation, empathy, and contextual judgment, which cannot be fully replaced by technology.

Therefore, the future of AI-based ODR should be based on a **“human-controlled AI-assisted dispute resolution”** model. In this approach, AI should function as a supportive tool that enhances the efficiency of mediators, arbitrators, and legal professionals rather than replacing them. Maintaining human supervision, ethical standards, and accountability mechanisms will be essential to ensure that AI contributes to a fair, transparent, and effective dispute resolution system in India.

13. Conclusion

Artificial Intelligence and Online Dispute Resolution represent a significant advancement in the future of Alternative Dispute Resolution in India. AI-based ODR has the potential to

transform the dispute resolution process by reducing delays, lowering costs, and improving accessibility to justice. However, the adoption of technology must be guided by the principles of fairness, equality, transparency, accountability, and natural justice.

For the effective implementation of AI-based ODR, India needs a comprehensive legal framework regulating its use, along with ethical guidelines to ensure responsible application of AI technologies. Transparency of algorithms, protection of personal data, and continuous human supervision are essential to maintain trust and fairness in the system. Additionally, improving digital literacy, developing secure government-supported ODR platforms, and providing technological training to lawyers and mediators are necessary steps for creating an inclusive digital justice system.

The future of ADR in India does not lie in replacing human mediators, arbitrators, or legal professionals with machines. Instead, it lies in creating a balanced **human–AI collaboration model**, where artificial intelligence supports human expertise and enhances the efficiency of dispute resolution. With proper regulation, ethical safeguards, and technological development, AI-powered ODR can become a powerful tool for achieving faster, affordable, and accessible justice in India.

References

Books

1. Ethan Katsh & Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (Oxford University Press, 2017).
2. Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press, 2019).
3. Karim Benyekhlef & Nicolas Vermeys, *Online Dispute Resolution: Theory and Practice* (Lex Electronica, 2011).
4. Amy J. Schmitz & Colin Rule, *The New Handshake: Online Dispute Resolution and the Future of Consumer Protection*, 62 American University Law Review (2013).

Statutes and Legal Materials

1. The Arbitration and Conciliation Act, No. 26 of 1996, India Code (1996).
2. The Information Technology Act, No. 21 of 2000, India Code (2000).

3. The Digital Personal Data Protection Act, No. 22 of 2023, India Code (2023).
4. The Mediation Act, No. 32 of 2023, India Code (2023).

Reports and Policy Documents

1. NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* (2021).
2. United Nations Commission on International Trade Law (UNCITRAL), *Technical Notes on Online Dispute Resolution* (United Nations, 2016).
3. World Economic Forum, *The Future of Artificial Intelligence in Law and Dispute Resolution* (2020).
4. International Chamber of Commerce, *Artificial Intelligence and Arbitration: Current Applications and Future Possibilities* (2023).
5. Ministry of Electronics and Information Technology, Government of India, *Digital Personal Data Protection Act, 2023: Framework and Guidelines*.

Journal Articles

1. Andrew J. Schoenbaum, *Online Dispute Resolution and the Future of Justice*, 22 Harvard Negotiation Law Review (2017).
2. Bhavana Dhoundiyal & Akash Tyagi, *Integration of Artificial Intelligence in Online Dispute Resolution Platforms: Legal and Ethical Implications*, Indian Journal of Legal Review, Vol. 5 (2025).
3. Shubhankar Dam & Prateek Sharma, *Artificial Intelligence and the Future of Legal Technology in India*, National Law School of India Review.

Cases

1. *Salem Advocate Bar Association, Tamil Nadu v. Union of India*, (2005) 6 SCC 344.
2. *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24.
3. *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*, (2019) 4 SCC 177.

Online Sources

1. NITI Aayog, *Online Dispute Resolution Policy Plan for India*, <https://www.niti.gov.in>.
2. United Nations Commission on International Trade Law (UNCITRAL), *Online Dispute Resolution Resources*, <https://uncitral.un.org>.

3. Ministry of Electronics and Information Technology, Government of India,
<https://www.meity.gov.in>.
4. India Code, Digital Laws and Statutes, <https://www.indiacode.nic.in>.

