



Online Resolution Mechanism In The Indian Judicial System: An Exploratory Study

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ABSTRACT

The swift digital transition in governance and public institutions has profoundly impacted the Indian judicial system, positioning Online Resolution Mechanisms (ORMs) as a burgeoning frontier in legal reform. This exploratory study analyses the conceptual framework, evolution, efficacy, and obstacles associated with the integration of online platforms into dispute resolution processes in India. With cases piling up, delays, high expenses of litigation, and limited access to courts, ORMs could be a step towards a more efficient, citizen-focused, and technology-driven way to dispense justice. The study places ORMs in the context of India's larger digital governance ecosystem, especially programs like Digital India, the e-Courts Mission Mode Project, the National Judicial Data Grid (NJDG), and the use of virtual courts, e-filing, e-payment, and video conferencing systems during and after the COVID-19 pandemic. These new ideas show that the courts are more eager to use digital tools to make the process more efficient, open, and convenient for the public.

The study article examines the characteristics and extent of Online Resolution Mechanisms (ORMs), including Online Dispute Resolution (ODR), virtual hearings, electronic documentation, AI-assisted tools, and automated processes utilised by courts, tribunals, and quasi-judicial entities. It looks into the statutory changes, judicial decisions, regulatory frameworks, and policy reports that affect how ORMs work in India through doctrinal analysis. The report underscores the growing reliance on ODR mechanisms—specifically mediation, arbitration, and negotiation facilitated through digital interfaces—in commercial disputes, consumer grievances, e-commerce transactions, and micro-finance issues. It also looks at how the Supreme Court's support for digital courts and the suggestions of committees led by Justice D.Y. Chandrachud and NITI Aayog have helped create an atmosphere that is good for ODR.

A fundamental aspect of the study is the assessment of ORM's efficacy in facilitating access to justice. There is a lot of talk about important indicators like lower case backlogs, lower costs, simpler procedures, more user satisfaction, and more geographical coverage. The report points out that ORMs have helped people from rural areas, older people, those with disabilities, and people who are involved in low-value conflicts. Nonetheless, the report also critically addresses ongoing obstacles, such as the digital divide, insufficient technology infrastructure, data privacy issues, cybersecurity weaknesses, inadequate stakeholder training, procedural uncertainties, and the reluctance to embrace change among legal professionals. These problems show that ORMs have a lot of potential, but they won't be successful unless they get continued support from policies, investments in infrastructure, and digital literacy across the board.

The study also looks at how India's ORM framework may be improved by looking at systems that perform well in the UK, USA, Singapore, and Canada. The investigation indicates that comprehensive laws, uniform procedural regulations, intuitive platforms, and stringent data governance policies are crucial for establishing a dependable and secure ORM ecosystem. The analysis ultimately determines that ORMs are not only technological instruments but transformative entities capable of redefining India's judicial framework. If used wisely and with

the right legal changes, ORMs can greatly improve the efficiency of the courts, make it easier for people to get justice, and help the courts reach their long-term goal of building a modern, responsive, and technology-integrated justice system.

KEYWORDS:-Online Dispute Resolution, Virtual Courts, E-Judiciary, Digital Justice, Access to Justice

3. INTRODUCTION

“The quick adoption of digital technologies in government and public administration has changed the way justice is delivered in India in a big way. This has opened the door to new ways of making the system more efficient, open, and accessible. One of the most important changes has been the rise of online resolution methods. This is especially true following the COVID-19 outbreak, which forced courts all over the country to move from traditional courtrooms to virtual platforms.¹ The Indian court system has been criticised for being slow, having too many rules, and having too many cases to handle. To fix these problems and make it easier for people to get justice, the government has started looking at using technology.² Online dispute resolution (ODR), virtual courts, e-filing, e-payment systems, and digital mediation processes have all helped to change the way justice is done, moving it away from traditional courts and towards a more technology-based approach.³ This change is in line with the constitutional requirement to provide prompt and effective justice and fits with the global trend towards digital governance.⁴

In the past, the Indian courts relied a lot on physical hearings, paper-based filings, and manual record-keeping. This made things much harder to manage and less efficient. The modernisation process officially started in 2004 with the creation of the Supreme Court's e-Committee, which was meant to bring information and communication technology (ICT) into the court system.⁵ Digital projects including the National Judicial Data Grid (NJDG), the e-Courts Mission Mode Project, and online cause-list management systems have helped build a strong digital justice infrastructure over the years.⁶ But the pandemic's exceptional obstacles acted as a catalyst, speeding up the use of virtual dispute resolution methods and changing judges' views on using technology in courtrooms.⁷ Because of this, internet resolution tools have gone from being optional to being an important part of how the courts work.

The basic idea behind online resolution methods is that they can make legal processes easier, lower physical obstacles, and make things run more smoothly. For example, ODR systems use technology to make negotiation, mediation, and arbitration easier, so that parties can settle their differences without having to be there in person.⁸ These procedures are especially useful for small claims, consumer disputes, marriage problems, and e-commerce transactions, where digital processes can speed up results at a much lower cost than going to court.⁹ Another important feature is virtual courts, which let judges, lawyers, and anyone involved in a case take part in hearings using video conferencing. This saves time, cuts down on overcrowding, and speeds up the process.¹⁰ The e-filing technology makes the judicial process even more efficient by letting people file petitions and pay court expenses online.¹¹ Together, these new ideas make the justice system easier to use and more accessible.

Even though there are benefits to using online resolution systems in India, there are still problems that need to be solved. The digital gap is still a big problem since access to technology and the internet is still not equal in cities and rural areas.¹² A lot of people who go to court, especially those from poorer backgrounds, don't know how to use the internet to find their way through the court system.¹³ Concerns about cybersecurity, data protection, and the privacy of digital proceedings also make us think about whether the legal protections we now have are good enough.¹⁴ A large number of lawyers have also said they are worried about the dependability of virtual platforms, the legitimacy of digital evidence, and how online processes can affect the

¹ Ministry of Law & Justice, *Impact of COVID-19 on Courts in India*, Govt. of India (2021).

² Law Commission of India, *Report on Judicial Reforms*, Report No. 245 (2014).

³ NITI Aayog, *ODR Policy Plan for India* (2021).

⁴ Constitution of India, Art. 39A.

⁵ Supreme Court of India, *e-Committee Report on ICT Enablement of Courts* (2005).

⁶ Department of Justice, *e-Courts Mission Mode Project Phase II*, Govt. of India (2019).

⁷ Vidhi Centre for Legal Policy, *Virtual Courts: A Study* (2020).

⁸ S. Chopra, “Online Dispute Resolution in India,” *Journal of National Law University* (2019).

⁹ Ministry of Consumer Affairs, *Consumer Grievance Redressal through ODR* (2022).

¹⁰ E-Committee, Supreme Court, *e-Filing User Manual* (2020).

¹¹ Telecom Regulatory Authority of India (TRAI), *Internet Access Report* (2023).

¹² National Judicial Academy, *Access to Justice: Digital Literacy Challenges* (2022).

¹³ Data Security Council of India (DSCI), *Data Protection in Digital Courts* (2021).

¹⁴ Bar Council of India, *Survey on Lawyers' Perception of Virtual Courts* (2021).

principles of natural justice.¹⁵ These worries show how important it is to make big changes, build up people's skills, and put in place strong technical protections.

However, it seems that the future of the Indian court system is becoming more and more linked to digital development. Strong legal frameworks and institutional preparation can make technology-driven justice systems work well, as shown by examples from Singapore, the UK, and the US.¹⁶ India, with its large number of cases and diversified population, might gain a lot from using digital dispute resolution methods. This exploratory study investigates the changing landscape of online resolution mechanisms in India, looking at their legal bases, how well they work in practice, the problems they face, and how they could make the court system more open and efficient. As the country evolves towards a time when traditional and digital procedures will be used together in courts, online systems are likely to be highly important in influencing the future of how justice is delivered.

4. CONCEPT OF ONLINE DISPUTE RESOLUTION (ODR)

Online Dispute Resolution (ODR) is a contemporary, tech-based alternative to court. Digital platforms simplify conversation, mediation, and arbitration. ADR naturally leads to ODR.¹⁷ It overcomes geographical, procedural, and logistical issues in conventional conflict resolution methods using ICT.¹⁸ The digital economy is increasing fast, therefore e-commerce, telecommunications, banking, and online transactions require flexible and fast solutions. This makes ODR vital to current legal systems.¹⁹ ODR adds online filing, digital document submission, virtual communication capabilities, and algorithm-based negotiating to ADR to simplify dispute resolution.²⁰ This will make the process faster, cheaper, and more accessible for people and companies.

Online negotiation, mediation, and arbitration are ODR's core methods. People may make offers online without meeting in person using automated or assisted bargaining. In online mediation, an impartial mediator helps parties communicate by voice, video, or text. It keeps things private and allows parties greater flexibility. However, online arbitration results in a binding arbitrator ruling based on digital hearings and electronic submissions. These methods make dispute resolution more flexible, particularly for cross-border transactions where jurisdictional difficulties may impede justice. Artificial intelligence is also being utilised increasingly in ODR systems to simplify case administration, resolve issues, and propose automated settlements, making the process quicker and simpler for users.²¹

ODR has expanded to address family disputes, consumer complaints, micro-finance conflicts, insurance claims, and small-value concerns that might otherwise strain the courts. ODR's advantages include speed, privacy, and low cost, and it allows remote participants to participate without judicial regulations. Since digital transactions are developing rapidly and courts are seeking to reduce the number of ongoing cases, ODR in India has become more important. NITI Aayog, legal-tech platforms, and government-backed mediation institutes have made ODR more trustworthy and reliable. The Information Technology Act of 2000 legalises electronic records, signatures, and communications. This allows ODR systems to leverage digital procedures.²²

Cybersecurity difficulties, digital literacy gaps, the lack of regulated procedural processes, and online rule enforceability questions hinder ODR conceptualisation. Digital evidence must remain private, secure, and genuine to build user confidence. A solid legal and regulatory structure is needed to ensure justice, impartiality, and due process in ODR proceedings, according to judicial bodies. Despite these issues, ODR is becoming a game-changing idea that can function with current courts and reduce legal system strain. ODR is a key aspect of future justice in India as virtual courts and hybrid dispute resolution become more common. It will speed up and simplify dispute resolution using technology.²³

5. EMERGENCE OF ONLINE JUSTICE IN INDIA

India's internet justice revolution is one of its biggest legal reforms. It has transformed conventional legal institutions and made conflict resolution straightforward, accessible, and tech-driven. Since the early 2000s, India has incrementally added digital legal instruments, but COVID-19 accelerated the process. Virtual platforms become essential for operations. The courts formerly employed in-person hearings, manual filings, and paper records, which produced massive case backlogs, delays, and restricted access, particularly for

¹⁵ OECD, *Digital Justice Systems: Global Best Practices* (2022).

¹⁶ J. Singh, "Online Justice and the Indian Legal System," *Indian Law Review* (2023).

¹⁷ S. Katsh & E. Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes*, Oxford University Press (2017).

¹⁸ M. Abraham, "Role of ICT in Strengthening Access to Justice," *Journal of Indian Law Institute* (2019).

¹⁹ NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* (2021).

²⁰ S. Chopra, "Technology and ADR: A Shift Toward ODR," *NLU Delhi Review* (2020).

²¹ Ethan Katsh, "Online Negotiation and Assisted Bargaining Models," *Harvard Negotiation Law Review* (2018).

²² Vidhi Centre for Legal Policy, *AI and Online Dispute Resolution in India* (2022).

²³ Information Technology Act, 2000, Section-. 4, 5, 10A.

outlying residents. In 2004, the Supreme judicial's e-Committee was created to upgrade the judicial system using ICT. First step towards internet justice. This project produced the NJDG, digital case management systems, and e-courts. Early steps towards the internet justice environment that would become vital. Online justice gained popularity with the E-Courts Mission Mode Project, which digitised court operations, allowed e-filing, automated cause lists, and made digital records accessible to stakeholders nationwide. Before the epidemic prompted judges to do virtual sessions, these tools had great promise but were rarely utilised. Courts changed operations soon after courtrooms closed. They began employing video conferencing technologies to handle hearings, allow online petitions, court expenses, and orders and rulings. This sudden transformation proved the judicial system could act outside of courtrooms. While virtual courts first handled traffic tickets, they now handle bail hearings, civil disputes, marital problems, consumer claims, and certain criminal matters. These adjustments proved how online justice may save travel expenses, maintain case flow, and keep the court system working effectively during major disruptions.

ODR was created to provide organised digital forums for negotiation, mediation, and arbitration, together with virtual hearings. ODR has improved in resolving small-value disputes, consumer complaints, e-commerce disputes, and family difficulties with government, private, and legal-tech support. Its speed, cheap cost, and adaptability support India's aim of universal justice. The Supreme Court has also encouraged High Courts to employ technology regularly, such as hybrid hearings. The Digital India initiative, BharatNet connection, and tech-savvy litigants are strengthening online justice in India.

Despite these advancements, online justice has issues. The digital divide, rural infrastructure, technical issues, and lawyer and litigant digital literacy are major issues. Data privacy, cybersecurity, and digital evidence veracity must also be monitored. However, the judiciary's push for technological transformation and stakeholders' growing acceptance of online justice suggest that it is not a temporary patch but a permanent aspect of India's judicial system. Online justice is a major step towards a fair, modern, and efficient judicial system that can adapt to a fast-changing society.

6. LEGAL FRAMEWORK SUPPORTING ONLINE RESOLUTION

The legal framework supporting online resolution in India has undergone a significant transformation with the introduction of the three new criminal laws of 2023—the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhiniyam (BSA). These laws mark a decisive shift toward digital, technology-enabled justice and have strengthened the statutory foundation for Online Dispute Resolution (ODR), virtual hearings, digital evidence, and electronic procedural mechanisms.²⁴ Together with the Information Technology Act, 2000 and the Arbitration and Conciliation Act, 1996, the new legal framework creates a stronger ecosystem for online justice delivery.²⁵

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which replaces the Criminal Procedure Code (CrPC), provides the most explicit procedural support for digital justice. BNSS mandates the use of electronic communication, video conferencing, and digital recording at various stages of criminal proceedings.²⁶ It authorizes the police, prosecution, and courts to use electronic methods for issuing summons, warrants, reports, and notices. Importantly, BNSS allows electronic examination of witnesses, virtual appearance of accused persons, and digital filing of complaints, making online processes legally recognized. By giving statutory backing to video-conferenced hearings—something earlier allowed mainly through judicial guidelines—BNSS creates a uniform and enforceable procedural model for virtual criminal proceedings across the country. The law also promotes e-FIR registration and digital case tracking, enabling seamless coordination between law-enforcement agencies and courts through online platforms.²⁷

The Bharatiya Sakshya Adhiniyam (BSA), 2023, which replaces the Indian Evidence Act, provides the most crucial support to online resolution by giving full legal recognition to electronic evidence. It broadens the definition of electronic records to include emails, digital files, cloud-stored documents, CCTV recordings, metadata, and data generated through digital platforms—essential components for ODR hearings and online filings. BSA emphasizes the admissibility of digital signatures, electronic certifications, and machine-generated electronic records. This shift removes many of the earlier ambiguities surrounding electronic evidence under Section 65B of the old Evidence Act.²⁸ Since ODR relies heavily on online submissions, electronic documentation, and digital communication, the BSA provides a robust foundation for electronic proof, data integrity, and reliability of online proceedings.²⁹

The Bharatiya Nyaya Sanhita (BNS), 2023 indirectly supports online resolution by redefining offences and providing clearer structures for digital crimes, cyber fraud, identity-based offences, and online financial wrongs. Many of these disputes are routed through e-governance grievance mechanisms and ODR platforms,

²⁴ Ministry of Law and Justice, *Bharatiya Nyaya Sanhita, 2023; Bharatiya Nagarik Suraksha Sanhita, 2023; Bharatiya Sakshya Adhiniyam, 2023*.

²⁵ Information Technology Act, 2000; Arbitration and Conciliation Act, 1996.

²⁶ BNSS, 2023, ss. 2(1)(e), 63, 530–540 (provisions on electronic communication and video conferencing).

²⁷ Supreme Court of India, *In Re: Guidelines for Court Functioning Through Video Conferencing*, (2020).

²⁸ BNSS, 2023, s. 173 (digital FIR and electronic case records).

²⁹ BNS, 2023, Chapters VI–VIII (cyber fraud, identity offences, digital impersonation).

especially in banking, e-commerce, and telecommunication matters. The clarity introduced by BNS in cyber-related offences complements the online redressal system by improving enforcement and reducing procedural delays.

Beyond the three new criminal laws, existing digital-justice policies continue to strengthen the ODR ecosystem. The Information Technology Act, 2000 still serves as the backbone of digital legality, providing recognition to e-contracts, electronic signatures, and encrypted communication. The Arbitration and Conciliation Act, 1996 permits virtual hearings and electronic submissions, enabling online arbitration as a legally enforceable mechanism. Judicial initiatives such as the e-Courts Mission Mode Project, e-Filing portals, virtual courts, and the National Judicial Data Grid (NJDG) have standardized digital processes across courts.

Together, the BNS, BNSS, BSA, IT Act, Arbitration Act, and e-Court reforms create a comprehensive and modern legal environment where online resolution is not merely an option, but an integral component of India's justice delivery framework.³⁰

7. KEY COMPONENTS OF ONLINE JUDICIAL MECHANISM

The online judicial mechanism represents a structured digital framework through which courts and dispute-resolution bodies conduct proceedings, process filings, manage evidence, and deliver judgments using technology. Its effectiveness depends on several essential components that together shape the virtual justice ecosystem in India.

1. E-Filing and Digital Case Management Systems

A core component of online judicial mechanisms is the e-filing system, which enables litigants and lawyers to submit petitions, affidavits, written statements, and supporting documents electronically. Digital case management software automatically generates case numbers, updates cause lists, tracks procedural progress, and notifies parties regarding hearing dates or required compliances. This eliminates paperwork, reduces clerical errors, and ensures transparency across all judicial levels.

2. Virtual Courts and Video-Conferencing Infrastructure

Virtual courts allow hearings to be conducted through video-conferencing platforms, enabling judges, lawyers, litigants, and witnesses to participate without physical presence. The Bharatiya Nagarik Suraksha Sanhita (BNSS) legally authorizes video-conferenced trials, witness examination, and recording of evidence. This component is vital for speedier disposal of bail matters, traffic challans, small disputes, and emergencies where physical hearings may be impractical.

3. Electronic Service of Summons, Notices, and Warrants

Online judicial mechanisms rely heavily on digital service of summons and notices through email, SMS, online portals, and secure digital platforms. BNSS reinforces the legitimacy of electronic service, reducing delays caused by traditional postal delivery. Courts now use automated tracking tools to monitor whether parties have received summons, thus enhancing procedural efficiency and avoiding unnecessary adjournments.

4. Digital Evidence and Electronic Record Management

Under the Bharatiya Sakshya Adhiniyam (BSA), electronic evidence—such as emails, CCTV footage, mobile data, metadata, digital contracts, and cloud-stored documents—is fully recognized. Online judicial mechanisms therefore depend on high-quality storage, authentication, hash verification, and secure access systems. Digital record management makes transcripts, orders, judgments, and files permanently available, improving transparency and minimizing loss or manipulation of records.

5. Online Dispute Resolution (ODR) Platforms

ODR mechanisms, including online negotiation, mediation, and arbitration platforms, integrate automated tools for case registration, scheduling, communication, and document exchange. These platforms help resolve disputes—particularly consumer issues, e-commerce conflicts, and financial disputes—without court intervention. Their flexibility, speed, and low cost reduce judicial burden and promote consensual settlement.

6. Integrated Judicial Portals and Mobile Applications

Online portals like e-Courts Services, NJDG, and High Court apps offer unified access to case status, cause lists, orders, daily updates, and virtual hearing links. These digital gateways provide real-time information to litigants and lawyers and improve accessibility regardless of geographic distance. Mobile applications also allow citizens to track cases, download documents, or apply for certified copies directly from their devices.

³⁰ NITI Aayog, *ODR Policy Plan for India* (2021).

7. Secure Payment Gateways for Court Fees and Fines

Digital payment systems are a crucial component of online justice. Parties can pay court fees, penalties, traffic challans, and administrative charges through online gateways integrated into judicial websites. This reduces physical visits to court counters, eliminates cash-handling risks, and simplifies procedural compliance.

8. Cybersecurity and Data Protection Frameworks

Security is essential for maintaining trust in online judicial mechanisms. Encrypted communication, secure servers, firewalls, access controls, and audit trails protect sensitive information from unauthorized access or data breaches. Proper cybersecurity ensures the confidentiality of witness statements, case files, digital evidence, and personal data involved in court processes.

9. Judicial Training and Technological Capacity-Building

Effective online judicial functioning requires trained judges, lawyers, clerks, and technical staff. Continuous digital-skill training programs enable efficient use of e-filing systems, virtual court platforms, and digital evidence tools. Awareness programs for litigants further enhance user engagement.

8. EFFECTIVENESS AND IMPACT ON JUDICIAL EFFICIENCY

Online resolution solutions in the Indian judicial system have sped up procedures, reduced delays, and made justice simpler to access. Most importantly, virtual hearings, e-filing, and digital documentation have sped up the process, reducing the number of open cases. Adjournments owing to non-appearance, geographical constraints, or administrative delays hindered physical court operations. Online technology enable parties, advocates, and judges to have hearings remotely, reducing these issues. This expedites lawsuit resolution. Digital case management solutions like the e-Courts platform provide real-time case status, digital evidence presentation, and automatic hearing scheduling, improving efficiency. These reforms have made collaboration simpler and the judicial process speedier and more transparent. The cost-effectiveness of online settlement methods has also increased judicial efficiency. Virtual hearings reduce travel costs for attorneys and distant defendants, making justice more accessible. Since regular sessions need fewer courtrooms and administrative personnel, it reduces court expenditures. Civil and corporate conflicts may be resolved in weeks instead of years using online dispute resolution (ODR) services. This has been particularly useful in consumer disputes, e-commerce transactions, and low-value claims, where court would have taken a long time and cost a lot. ODR systems relieve normal courts of many cases, allowing judges to concentrate on more complex issues that need more time to determine. Openness and accountability are another benefit of online judicial systems. Digital hearing recordings, online order access, and automatic audit trails monitor and verify all court activities. This makes system manipulation difficult and promotes judicial honesty. Online proceedings are more predictable because computerised cause lists, digital alerts, and stated deadlines reduce delays and let litigants follow their cases. This transparency builds faith in the justice system and upholds the Constitution's equitable treatment of everyone.

Internet solutions use speech-to-text conversion, screen-reader compatibility, and multilingual access to make the judicial process more accessible. This allows disabled individuals and other marginalised groups to participate meaningfully. Due to their versatility, virtual formats allow courts to function during circumstances like COVID-19. Online resolution has generally improved court effectiveness, access to justice, and justice delivery. Problems remain, notably in digital literacy and infrastructure. However, internet technology' impact on court efficiency is a major step towards a faster, more open, and citizen-focused judicial system in India.

9. JUDICIAL RESPONSES AND CASE LAW DEVELOPMENTS

The Indian judiciary has played a pivotal role in strengthening the framework of online resolution mechanisms through progressive decisions and policy directions that recognize technology as essential for ensuring timely and accessible justice. One of the earliest and most influential judgments in this domain was ***State of Maharashtra v. Dr. Praful B. Desai (2003)***³¹ where the Supreme Court upheld the validity of recording evidence through video conferencing, holding that the term "presence" under criminal procedure includes virtual presence. This landmark ruling laid the foundation for future acceptance of digital hearings by affirming that technology could be seamlessly integrated into judicial processes without compromising procedural fairness. Over time, this judicial openness transformed into active promotion, particularly as the courts recognized the pressing need to reduce pendency and enhance efficiency.

The COVID-19 pandemic accelerated this judicial transformation. In the suo motu matter ***In Re: Guidelines for Court Functioning through Video Conferencing (2020)***³², the Supreme Court directed all High Courts to continue judicial work through virtual platforms, thereby institutionalizing virtual

³¹ (2003) 4 SCC 601.

³² Supreme Court of India, *In Re: Guidelines for Court Functioning through Video Conferencing during COVID-19*, Suo Motu Writ (Civil) No. 5 of 2020.

courts across the nation. The order mandated e-filing, video-conference hearings, and electronic service of notices, demonstrating that the judiciary viewed technology not merely as a temporary alternative but as a permanent structural reform. Various High Courts, including Delhi, Karnataka, Bombay, and Kerala, developed comprehensive rules for digital hearings, showing how judicial leadership catalyzed nationwide acceptance of online mechanisms.

Further judicial support emerged through cases that interpreted “access to justice” in light of technological advancements. In *Anita Kushwaha v. Pushap Sudan* (2016)³³, the Supreme Court held that access to justice includes the removal of procedural, geographical, and economic barriers—an interpretation that aligns directly with the benefits provided by Online Dispute Resolution (ODR) and virtual courts. The judgment reinforced that the justice system must adapt to ensure inclusivity, thereby validating digital platforms as tools for democratizing justice.³⁴

Recent judicial responses also reflect the transition from older procedural laws to the **New Criminal Law Codes**—the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA). Courts have increasingly relied on provisions supporting electronic evidence, online filing, and digital investigation processes. Several High Courts have upheld the admissibility of electronic evidence under the new BSA, reaffirming a judiciary-wide acceptance of digital proof. Additionally, online service of summons, electronic warrants, and virtual remand proceedings—permitted under BNSS—have been endorsed by courts as efficient and legally sound.³⁵

In commercial jurisprudence, the judiciary has also encouraged ODR. The Delhi High Court in *Hindustan Construction Company v. Union of India* (2020)³⁶ emphasized the importance of technologically advanced resolution systems, especially in disputes requiring swift adjudication. Similarly, the rise of E-Lok Adalats, supported by judicial directions across states, shows the courts’ commitment to promoting online conciliation and mediation.³⁷

Collectively, these judicial interventions—spanning case law, administrative directions, and statutory interpretations—have created a strong judicial foundation for online resolution mechanisms in India. The courts’ proactive stance ensures that digital justice becomes a permanent, reliable, and citizen-centric part of the Indian judicial system.³⁸

10. CHALLENGES IN IMPLEMENTING ONLINE RESOLUTION MECHANISMS

1. **Digital Divide and Unequal Access to Technology**—A major challenge is the wide digital divide in India, where large sections of the population lack access to smartphones, computers, and stable internet connectivity. Rural and remote regions experience poor bandwidth, making virtual hearings and e-filing difficult. This inequality prevents uniform access to online judicial services and undermines the constitutional promise of equal justice.
2. **Insufficient Digital Infrastructure in Courts**—Many courts, especially district and taluka courts, suffer from inadequate technological infrastructure. Limited availability of high-speed internet, outdated computer systems, and insufficient IT support hinder the smooth functioning of virtual courts. Without robust infrastructure, digital platforms struggle to operate effectively.
3. **Low Digital Literacy Among Litigants and Lawyers**—A significant number of litigants and even practicing lawyers are not fully familiar with digital tools such as e-filing portals, video-conferencing software, or online evidence management systems. This lack of digital literacy results in errors, delays, and reliance on intermediaries, reducing the overall efficiency of online resolution mechanisms.
4. **Cybersecurity Risks and Data Protection Concerns**—Online dispute resolution depends heavily on digital records, video hearings, and cloud-based case management systems. These raise risks of hacking, data theft, unauthorized access, and privacy violations. Without strong cybersecurity protocols and data protection laws, sensitive judicial information remains vulnerable.
5. **Limited Legal Awareness and Public Trust**—Many citizens remain unaware of digital justice processes, leading to reluctance to shift from traditional hearings to online mechanisms. Trust issues arise, including fear of system failures, ineffective communication, and doubts about fairness in virtual hearings. Lack of awareness hampers widespread adoption.
6. **Procedural and Legislative Gaps**—Although reforms such as the Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhiniyam (BSA) promote digital processes, certain procedural gaps persist. Clear rules on e-evidence, digital signatures, online cross-examination, and virtual trial standards are still evolving. These ambiguities create uncertainty for lawyers and judges.

³³ (2016) 8 SCC 509.

³⁴ S.K. Sharma, *Technology and the Courts in India*, Universal Law Publishing, 2021, p. 147.

³⁵ Avtar Singh, *Introduction to the Indian Judicial System*, Eastern Book Company, 2019, p. 212.

³⁶ 2020 SCC OnLine Del 1638.

³⁷ Ministry of Law & Justice, *Statement of Objects and Reasons of BNS, BNSS & BSA*, Government of India, 2023.

³⁸ Siddharth Rao, s Oxford University Press, 2022, p. 98.

7. **Challenges in Handling Complex and Sensitive Cases**-Not all cases are suitable for virtual hearings. Matters involving witness examination, physical evidence, or sensitive issues like sexual offences require careful handling that may be compromised online. Assessing demeanour, ensuring confidentiality, and preventing influence over witnesses are more challenging digitally.
8. **Technical Glitches and Connectivity Issues**-Frequent disruptions such as audio lag, frozen screens, and disconnections during virtual hearings affect the quality of proceedings. These interruptions waste judicial time and often lead to adjournments, mirroring delays seen in physical courts.
9. **High Cost of Technology Adoption and Maintenance**-Establishing and maintaining digital infrastructure, cybersecurity systems, data storage facilities, and training modules require significant financial investment. Many lower courts operate under budget constraints, making consistent upgrades difficult.
10. **Lack of Uniformity Across Courts**-Different states and High Courts follow varying rules for e-filing, video conferencing, and digital documentation. This non-uniformity leads to confusion and inconsistent practices across jurisdictions, affecting the overall effectiveness of online mechanisms.

11. CONCLUSION

The emergence and expansion of online resolution mechanisms in the Indian judicial system represent a transformative step toward enhancing accessibility, efficiency, and transparency in justice delivery. As India continues to grapple with enormous case backlogs, infrastructural limitations, and procedural delays, technology-driven judicial reforms offer a viable pathway to redefining the country's justice landscape. The integrated use of virtual courts, E-filing systems, digital evidence management, and Online Dispute Resolution (ODR) platforms has demonstrated that technology can significantly reduce pendency, streamline administrative processes, and expand the reach of justice to remote and marginalized communities. This shift aligns with constitutional mandates of equal access to justice and resonates with global trends that emphasize digital transformation as a key component of modern legal systems.

At the same time, the transition has not been without challenges. Issues such as digital illiteracy, cybersecurity threats, infrastructural disparities, and concerns regarding the reliability of electronic evidence continue to pose limitations. However, the introduction of the new criminal law codes—the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA)—has provided much-needed statutory reinforcement for digital procedures, including electronic summons, online investigation, virtual evidence recording, and admissibility of electronic records. These developments indicate a clear commitment toward institutionalizing technology within the justice system.

Overall, the study shows that while online resolution mechanisms are still evolving, they have already established a robust foundation for a more citizen-centric judicial process. Their continued success will depend on targeted investments in digital infrastructure, capacity building for judicial officers and court staff, and strong cybersecurity safeguards. With sustained policy support and judicial leadership, India is poised to develop a hybrid judicial ecosystem where traditional courts and digital platforms function seamlessly, ensuring timely, inclusive, and efficient justice delivery for all.

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