JRLA, 3(5), May, 2026: 1-18 *Online ISSN: 3048-667X*

JOURNAL OF THE ROYAL LAUREATES ACADEMY

www.rlaindia.org

HARNESSING THE ROLE OF AI FOR ONLINE MEDIATION: OPPORTUNITIES, CHALLENGES, AND IMPLICATIONS FOR CONSUMER DISPUTES IN INDIA

Rita Pandey
Research Scholar, Faculty of Law, Graphic Era Hill University, Dehradun

Dr. Farha Khan
Assistant Professor, Faculty of Law, Graphic Era Hill University, Dehradun

ABSTRACT

The COVID-19 pandemic has accelerated India's adoption of online mediation, and artificial intelligence (AI) is a crucial element in enhancing dispute resolution processes. This study examines the potential and difficulties of using AI-powered online mediation to settle consumer disputes, emphasising the advantages of greater accessibility, cost-effectiveness, and efficiency. But it also highlights drawbacks, such as the requirement that parties have sufficient digital literacy, data security issues, and technological obstacles. The study also looks at how social and cultural elements affect how well AI-powered online mediation works in different parts of India. The study suggests creating precise regulatory frameworks and guidelines to guarantee the effective integration of AI in online mediation. Online mediation can develop into a useful instrument for resolving consumer disputes in India if the potential of AI is fully realised and its drawbacks are resolved.

Keywords: AI, Online Mediation, consumer disputes, technology, security, privacy, rules

E-mail: *editor.jrla24@gmail.com*

INTRODUCTION

The historical underpinnings of mediation and the social milieu in which it operates ought to be the first areas of investigation. The core idea of mediation has its origins in antiquated customs that are seen in many different civilizations across the globe. Mulla's Hindu Law states that the search for legal principles in ancient India began around 4000–1000 years B.C., during the Vedic period. It is possible that Vedic hymns predate 4000 B.C. in some cases. With their youthful vibrancy and austere simplicity, the early Aryans seemed full of life, having lived through ages of civilized living and contemplation. They relied mainly on the unwritten rules of divine reason, wisdom, and caution—rules they thought to apply to both heaven and earth. The original philosophies of mediation were wisdom, reason, and prudence, and Western countries continue to apply them today. Our customs of administering justice have been modernized and revitalized by contemporary institutions. With the advancement of technology and the internet, mediation has evolved from a physical setting to an online (virtual) one. The process of resolving conflicts between parties via email, video conferencing, and instant messaging online is known as virtual or online mediation.

"It's untrue to say that most people prefer courtrooms with elegant panels, well-dressed attorneys, and judges in black robes to settle their disputes. Like those who suffer from pain, those who are troubled want relief as soon as possible and at the lowest possible cost."

Warren E. Burger
Former Chief Justice
U.S. Supreme Court

The state of mediation in India

Justice has long been served in India through amicable resolutions. The Vedas, a collection of ancient Hindu literature written before 1500 BCE, contain one of the oldest references to mediation in India. During the Vedic period, two crucial organs were established: the Sabha and the Samiti. These gatherings became increasingly well-known in later Vedic books like the Veda Samhitas, having first appeared in early Vedic literature like the Rigveda. These assemblies are thought to have held debates and made judgments on a range of issues, which the whole population then agreed upon. The Vedas also go into detail about a process of resolving disputes known as "Samadhan," which entailed

E-mail: *editor.jrla24@gmail.com*

designating an impartial third person to assist in mediating conflicts between people or organisations. The Buddha's teachings helped to further develop the idea of mediation in ancient India. He emphasised the importance of considering all perspectives in a dispute and reaching a decision that is equitable and fair for all parties involved.

The most massive democracy in the world, India, is confronted with a serious problem: a backlog of cases that impedes the efficient administration of justice in its legal system. The country's populace is anticipated to outnumber China's by 2028, and factors such as a more materialistic lifestyle and a lower tolerance threshold have contributed to an increase in both criminal and civil proceedings. Consequently, the count of cases that are still remaining in Indian courts has skyrocketed to an incredible 42,532,381. Consumer disputes are likewise in the same state. It is quite alarming to learn that there are currently over 6.36 lakh cases pending in the different consumer commissions, according to data from the Department of Consumer Affairs. The primary goal behind establishing consumer courts was to provide consumers with accessible and prompt remedies. However, the obscurities of the legislation resulted in a growing number of consumers opting for legal representation, contributing to numerous adjournments that impeded the overall adjudicative process. To help consumers and deal with the pandemic-induced situation, it became essential to enable online filing after it was realised that efficiency was necessary, particularly in light of the “Consumer Protection Act of 2019” and the difficulties posed by the COVID-19 pandemic.

In our country, mediation and arbitration have been widely used for many years. The guidelines were first incorporated into a number of laws, including the “Code of Civil Procedure”. The “Indian Arbitration Act,” originally passed in 1899, was abrogated by the “Arbitration Act of 1940.” After that, the 1996 Arbitration and Conciliation Act replaced it. Section 23(2) of the “Hindu Marriage Act, 1955”; Section 9 of the “Family Courts Act, 1984”; and the “Industrial Disputes Act, 1947” all contain similar provisions. We can also look for and assume similar laws in the CPC, 1908, Section 80, Order XXVII, Rule 5-B, Order XXIII, Rule 3, Order XXXII-A, and Order XXXVI.

Since ancient times, villages have used informal mediation to resolve minor disputes. The judiciary gradually took proactive measures to fortify it, and in the 1970s and 1980s, Lok Adalats gained popularity as a means of resolving court disputes as a result of the

E-mail: ***editor.jrla24@gmail.com***

judiciary's innovative actions in different states. With the official legitimacy granted by the "Legal Services Authorities Act, 1987", "Lok Adalats" and "Legal Aid Schemes" are now able to play a vital role in the administration of justice. The Hon'ble Supreme Court has consistently advocated for the development of a dedicated framework for ADR as a conflict resolution method. The court rendered a significant decision in the Afcons Infrastructure Ltd. case. In this instance, the court found that "all consumer conflicts—including those in which a supplier, manufacturer, trader, and service provider try to protect their reputation, professional image, or the demand for their product—as well as disputes involving customers-suppliers, customer-bankers, and customers-developers—are suitable for alternative dispute resolution (ADR) procedures. The Supreme Court emphasised the value of mediation in the "Geeta Iron and Brass Works Ltd." case, holding governments responsible for the needless litigation expenses that the community had to pay as a result of their inaction.

Online Mediation under the "Consumer Protection Act of 2019" and the "Mediation Act of 2023"

To protect the security, well-being, and other factors of consumers, numerous laws have been passed both in India and around the world. Among the laws focusing on consumer protection are the Indian Contract Act of 1872, the Drugs and Cosmetics Act of 1940, the Sale of Goods Act of 1930, the Legal Metrology Act of 2009, the Prevention of Food Adulteration Act of 1954, the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act of 1980, and others. These laws helped create the Consumer Protection Act of 1986, which gave consumers quick, easy, and accessible remedies through a three-tiered quasi-judicial redressal system at the District, State, and federal levels. However, the Act's full potential was not realised, so the new Consumer Protection Act of 2019 replaced it. While adding new ideas like product liability, e-commerce, unfair contracts, and fines for deceptive advertising, among others, the new legislation mostly kept the provisions of the previous one. A major revolution in consumer protection occurred with the introduction of alternative dispute resolution (ADR) tools for resolving disputes, which were not present in the previous legislation. The new act pioneers mediation as an alternative approach for amicably settling disputes. Diverging from conventional consumer commissions, mediation is characterised by its cost-effectiveness, swift resolution, impartiality, and confidentiality. A mediator, who is an impartial third party, facilitates talks between the parties in order to reach a win-win agreement in which neither party is harmed or loses anything. Once an agreement is reached through mediation, it holds legal validity, and there is no recourse for further appeal.

Consumer commissions may refer disputes to mediation cells if there is a chance of resolution. This method is frequently called "court-annexed mediation." All consumer disputes are eligible to be referred to mediation, with the following exceptions:

a) The matters pertaining to medical negligence that cause serious harm or death.
b) Matters pertaining to offences for which requests for compounding have been submitted by one or multiple parties.
c) Matters with particular and severe accusations of coercion, fraud, document fabrication, forgery, and impersonation.
d) cases where non-compoundable criminal charges are being prosecuted.
e) Matters that encompass public interest.

The process of mediation outlined in the Act of 2019 is straightforward. According to Section 37 of the Act, "The District Commission, State Commission, or National Commission, as the case may be, refers the disputes for settlement by mediation under the Mediation Act, 2023, at any stage of proceedings." It indicates that the Mediation Act of 2023 will apply to the mediation process. The legal foundation for disputing parties to adopt mediation is established by this Act, 2023. It places special emphasis on institutional mediation and identifies different stakeholders in order to establish a strong and efficient mediation system in India. Apart from the conventional mediation process, online mediation is also prioritised by the Act. According to its introductory statement, it is "an Act for promotion and facilitation of mediation, specifically institutional mediation, for resolving disputes, commercial or otherwise; enforcing mediated settlement agreements; providing for a body for registration of mediators; encouraging community mediation; and making online mediation an acceptable and cost-effective process and for matters connected therewith or incidental thereto." The Act includes the term "online mediation" within the definition of "mediation" under section 3(h). As per section 13 of the Act, "All mediation under this Act shall be conducted within the territorial jurisdiction of the court or tribunal having jurisdiction to decide the subject matter of dispute: Provided that mediation may be conducted at any location outside the court or tribunal's territorial jurisdiction, or by way of online mediation, upon the consent of the parties." Section 30 further provides that:

(1) Under this Act, mediation can be conducted at any point with the parties' written consent. This includes using computer networks or electronic forms, such as secure chat rooms, encrypted electronic mail services, or video or audio conferences, or both.

(2) The online mediation procedure must be carried out in a way that may be specified.

(3) Online mediation must be conducted in a way that guarantees the confidentiality and integrity of the proceedings every time. The mediator is free to take any necessary steps in this regard that he deems suitable.

(4) In accordance with the other provisions of this Act, the communications that take place during online mediation must ensure the confidentiality of the mediation.

These clauses make it clear that consumer disputes are among the best dispute types for which online mediation can be utilised. Online mediation should be promoted as a widely accepted alternative dispute resolution process by the disputing parties. In terms of cost, privacy, and honesty, online mediation should be regarded as being on par with traditional mediation. “The Mediation Act, 2023” and the “Consumer Protection Act of 2019” both allow online mediation of consumer disputes, it can be concluded. Notably, the governments of Mexico, Brazil, the European Commission, and others have established specialised government-run ODR platforms to offer efficient consumer dispute resolution. PayPal and eBay are examples of private sector pioneers in making internal processes and technical solutions for managing customer complaints. Additionally, a sizable portion of private ODR platforms is devoted to settling consumer disputes exclusively, if not exclusively.

Meaning and Importance of AI-assisted Online Mediation

The advancements of information technologies have revolutionised various facets of modern life. People who sit in one part of the world conduct business and trade with people on the other side of the world. Everything is available at a click of the mouse. The utilisation of technology witnessed a significant upswing, particularly after the COVID-19 pandemic. Today, domains such as education, health, and commerce have embraced online modes in addition to traditional methods. Consequently, everything falling under the purview of technology, dispute resolution is no exception to this trend. Indeed, one of the reasons the Mediation Act, 2023 includes provisions for online mediation is to address the changing landscape and the increasing reliance on digital solutions in consumer disputes.

Before delving further, it is important to know what AI is. Artificial intelligence (AI) is the use of data, algorithms, and processing power to simulate human intelligence functions such as learning, reasoning, and problem-solving. Machines can now process data, identify patterns, and make decisions that are comparable to those made by the human brain thanks to advancements in artificial intelligence, which range from rule-based programs to cutting-edge algorithms. Examples of practical applications of AI include auto-complete emails, text translation, video transcription, and report generation.

AI is changing mediation techniques by improving the process with new tools and approaches. AI-assisted negotiation and communication is one important path. Using natural language processing (NLP), AI can analyse party discourse and identify key themes, sentiments, and trends. This provides mediators with crucial information to aid in the development of effective resolution strategies. In online mediation, issues between parties are resolved through online communication tools like video conferencing, instant messaging, and electronic mail. According to the "American Bar Association Task Force on E-commerce and ADR," ODR is a general term that includes a variety of alternative dispute resolution (ADR) techniques that use websites, email correspondence, streaming media, the Internet, and other information technology as a component of the dispute resolution process." When using ODR, parties might never have a face-to-face meeting. Instead, their communication may be limited to virtual means.

Using technology, an unbiased mediator assists two or more parties in resolving their disagreements or disputes. The mediator guides the parties in identifying and resolving the fundamental issues and concerns that are fueling the conflict by facilitating an organised process of discussion and negotiation. Reaching a consensus that satisfies the wishes and needs of all parties involved is the ultimate goal of online mediation. In traditional mediation, the mediator is able to break an impasse in mediation by bringing down a third party's intensity, offering a channel for productive conversation, revealing lesser-known interests, making face-saving suggestions, and so on. But what happens if the other person lives in another country or the disagreement stems from an online purchase? Or is it that

E-mail: *editor.jrla24@gmail.com*

the other person is scary, and as a result, sitting in front of him personally makes one uneasy? Online mediation is the answer to every one of the aforementioned problems.

American author C. Rule lists the following advantages of AI-assisted online dispute resolution:

1) Efficacy and accessibility
2) Cost-effectiveness
3) Participant satisfaction
4) Cooling distance, i.e., parties can review their responses before acting hastily
5) Asynchronous interactions
6) Preliminary Communication Reframing
7) Concurrent Video Conferencing
8) Messages are stored
9) Automated Processes

In Online Dispute Resolution (ODR), information management often involves more than just actual people. It also includes computers and software. Information and communication technology is sometimes referred to as the "fourth party," as it has the ability to drastically impact and change the conventional three-party model. This fourth party is most frequently deployed by the third party as a mechanism to facilitate the conflict resolution process. In addition to organising information and sending automated responses, the ODR platform, the fourth party, can also constructively rewrite conversations to avoid using offensive language. In addition, it has the capacity to plan meetings, track progress, define goals and interests, and more.

The UN resolution states that "the preferred way to protect the rights of consumers is online dispute resolution." Entrepreneurs are also interested in the creation of online platforms for online dispute resolution since it gives them the chance to deal directly with customers and settle disagreements without having to spend time or money on litigation."

Online dispute resolution (ODR) is the only way to get justice in some circumstances, especially when using conventional ways of conflict settlement would be too expensive. Furthermore, ODR frequently provides more convenient access to the legal system. People are able to participate in the process, for instance, from their homes or offices. Typically available twenty-four hours a day, seven days a week. The beauty of mediation is that decision-making authority is retained by the parties.

The dynamics of parties' interactions are changed when ICT is used to settle conflicts. The use of ICT has advantages and disadvantages. The rule states that the goal is to create ODR systems with as few drawbacks as possible. ODR provides a quick, easy, economical, and effective non-judicial resolution to conflicts resulting from online transactions. Nevertheless, presently there are insufficient procedures that enable traders and consumers to settle these kinds of disagreements electronically; this hurts consumers, hinders cross-border online transactions in particular, and puts traders on an unfair playing field, all of which impede the growth of online commerce as a whole. Author Pablo Cortes listed the following benefits of ODR:

1) Time Savings: - As online dispute resolution offers parties greater freedom than asynchronous conversations, it can expedite the process. This is due to ODR's ability to let parties collaborate whenever it's convenient for them, i.e., outside of set meeting times or court hours.
2) Convenient Procedure: Asynchronous online mediation is the most often used type of online mediation because it allows schedule flexibility and expedites the resolution of disputes in comparison to the conventional mediation method.
3) Savings: Compared to traditional in-person mediation, online mediation is typically less expensive. There are no out-of-pocket costs for participants to attend an in-person mediation session, including travel and lodging.
4) Litigation: - ODR offers a greater advantage over litigation. Parties have more autonomy over the procedures to be followed. Instead of having an agreement forced upon them, they can work together to draft their own. The parties are at liberty to choose the impartial third party and process. Lawyers and witnesses are not necessary because these impartial third parties are subject-matter experts. Additionally, no provisions of evidence are applied; hence, the whole process becomes more flexible.

5) Control over results: By giving the parties greater control and authority over the resolution process, consensual ODR increases the alternatives available for resolving conflicts and encourages enforcement. Parties can come to an agreement without legal restrictions. Voluntary agreements between parties also have a higher chance of being followed than court-imposed rulings, which leave one party dissatisfied. Also, judicial decisions are expensive and time-consuming.
6) Appropriate tool: Ponte and Cavenagh noted that the global web community is searching for ways to resolve disputes that are as quick and effective as the Web. To believe that ODR is a magic bullet for consumer conflicts would be misguided, though in actuality, ODR's execution is fraught with challenges.

On June 6, 2020, NITI Aayog hosted a stakeholders' meeting with the theme "*Catalysing Online Dispute Resolution in India*." Judge D.Y. Chandrachud noted that ODR is a useful tool for accessing justice and that by using technology, it may help advance an inclusive justice system. He noted that ODR may provide services for dispute containment and avoidance in addition to dispute resolution. Justice Sanjay Kishan Kaul further noted the possibility of ODR to resolve disputes resulting from personal and business conflicts. In a similar vein, Justice (Retd.) A. K. Sikri emphasised the necessity for incentives to be offered to parties who choose to use pre-litigation ODR.

Challenges of AI-assisted Online Mediation

Even while ODR has a great deal of promise to facilitate effective and efficient conflict settlement, there are various obstacles to overcome before it can fully integrate into the mainstream dispute resolution ecosystem.

1) Absence of in-person communication: - Essential elements of communication include facial expressions, voice, and body language. Lack of nonverbal clues can encourage identity theft and result in misunderstandings.
2) Difficulties in language: - The majority of ODR services available now exclusively speak English, which can make it more challenging to convey precise information

E-mail: *editor.jrla24@gmail.com*

and prevent misunderstandings. Both non-speakers and those who use the language as a second or third language may find this to be a barrier.

3) Technical issues: Due to its reliance on technologies such as video conferencing, online mediation may face issues with access to computers and smartphones, a poor internet connection, audio or visual problems, or document transfer.
4) Legal Barriers: In "Garware Walls Ropes Ltd. v Coastal Marine Constructions & Engineering Ltd.", the Supreme Court ruled that the agreement reached through arbitration loses its legal force if the stamp duty is not paid. Although the central government has simplified the process for stamp duty payment with e-Stamps and online payment, the state governments' regulations still require parties to attach a copy of the e-Stamp certificate to the agreement as proof of stamp duty payment. The antiquated procedure hinders ODR and does not integrate effectively with the end-to-end online dispute settlement process.
5) Requirement of party consent: Some parties might not be tech-savvy; hence, it's possible that they won't readily consent to online mediation.
6) Confidentiality: It is crucial because there may be a risk to the parties' privacy during online mediation. Online platforms could be subject to security lapses or hackers.
7) Variations in time zones: Parties to an online mediation may be in various time zones, which might complicate scheduling and force certain parties to attend mediation at inconvenient hours.
8) Digital Awareness: Widespread proficiency in digital technology is a requirement for ODR. This digital literacy in India frequently differs according to age, race, and location. Online mediation is futile when consumers are unaware of it. So proper advertisement remains a challenge.
9) Choosing impartial third parties: Selecting a mediator is still a challenging undertaking, particularly when the issue is settled online. Finding a mediator with the necessary training and experience to resolve conflicts in an online forum is still challenging.
10) Lack of trust: People frequently choose to use consumer commissions and courts to settle their conflicts rather than using the quick and inexpensive ODR option. Ignorance or a lack of faith in the online mediation process could be the cause.

11) Enforcement of online mediation agreement: The implementation of mediation settlements has been questioned for a very long time. According to the Mediation Act of 2023, a mediated settlement agreement will be enforceable in line with the Code of Civil Procedure of 1908, just like a court judgment or decree would be. This clause implies that the agreement will only be enforced in court, which could again be a laborious procedure and cause delays for the parties. An intricate procedure like this runs counter to ODR's goals of offering quick and easy dispute resolution.

    The aforementioned problems have been categorised as AI-assisted mediation challenges rather than disadvantages because the majority of them are avoidable or lessened with the right procedures, tools, and legal framework.

International Framework for ODR

ODR has grown at an exponential rate over the past 20 years all over the world. The ODR platforms have proven useful in settling traditional conflicts like tenancy disputes, labour disputes, etc., in addition to challenges originating from online transactions. This section examines the most well-known ODR efforts globally, evaluating their offerings and efficacy.

1. Consumidor.gov—It is a government-run ODR service in Brazil. Customers can use the ODR Platform to settle disagreements with businesses listed on this website.
2. The “European Online Dispute Resolution Platform”—it is established by the European Commission. Links to the ODR Platform must be posted on all online traders' websites.
3. COVID-19 Online Dispute Resolution Scheme – It is established by Hong Kong. The program aims to resolve disputes brought on by the COVID-19 pandemic that involve at least one party living in Hong Kong and a sum of HKD 500,000 (roughly INR 47 lakhs) or less.
4. Conciliant by the Federal Consumer Prosecutor's Office—It is established in Mexico. Concilianet offers a free online dispute resolution (ODR) platform. The manufacturer or the service provider must be present for conciliation if a customer lodges a complaint about a good or service; otherwise, a fine could be applied.

5. E-Commerce Mediation Committee (ECMC)— It is established in South Korea. The ECMC provides dispute resolution using a variety of communication channels, such as in-person, online, via letter, and over the phone.
6. UK Financial Ombudsman—based in the UK and requiring the customer to give the company a chance to handle the claim on their own. The company has eight weeks to resolve the problem. The customer has the option to submit a complaint to the UK Financial Ombudsman if the company is unable to address the problem.

The aforementioned platforms are all controlled by the government. Additionally, there are court-connected ODR platforms that try to resolve motor vehicle injury cases, such as the "British Columbia Civil Resolution Tribunal." China's Beijing Internet Court was formed to adjudicate administrative and civil cases involving the internet and e-commerce. Parties can resolve disputes online with the assistance of a court mediator through the "Singapore State Courts' e-negotiation and e-mediation platforms". If both parties agree, the relevant tribunal sets up an online mediation dialogue between the individuals and a court mediator.

Private ODR platforms managed and run by private e-commerce entities are also doing a commendable job to address disputes arising during the conduct of business. The China-based Alibaba Online Dispute Settlement Mechanism can be mentioned in this category. Alibaba Group, which includes "Taobao and Tmall," which facilitate "business-to-consumer" and "consumer-to-consumer" transactions, respectively, has put in place a four-step process to resolve online consumer disputes. Any of these procedures might be chosen by the buyer to achieve effective dispute resolution. The "Dubai Chamber of Commerce and Industry" settles disagreements over unpaid invoices and defective products. PayPal, eBay, Smartsettle, and Cybersettle are a few private ODR services in the US that effectively settle disputes and save time and money.

Potential of AI-Powered Mediation

As this paper is being written, ODR portals like Smart Settle are resolving conflicts, demonstrating their past success. While online mediation may not be as convenient for family disputes like divorce and custody, where a more traditional mediation process is still necessary, it may be a more accessible option for consumer conflicts that do not require the same level of emotional engagement as family disputes. Online mediation

undoubtedly has a number of benefits, but the main one is that it enables communication at a distance, which eliminates the need for travel and lowers expenses. Therefore, there is a good chance that online mediation will increase consumer access to the legal system.
Online mediation serves as a substitute for the inability to access justice, not a replacement for the traditional court system, despite its shortcomings.

India has demonstrated early promise in the integration of ODR at every level—the judiciary, the government, and the executive—despite being in its early phases of ODR development. Some of the early innovations were very useful during the lockdown caused by COVID-19, when physical courts and other dispute resolution organisations were severely limited in their ability to operate. The Ministry of MSME established the SAMADHAN platform in 2018 to address late payments involving micro and small enterprises. The E-ADR Challenge was introduced in February 2019 to find and assist ODR startups. A report on the mainstreaming of ODR in India was published in July 2020 by the "Vidhi Centre for Legal Policy". The "Department of Consumer Affairs" launched the "Integrated Consumer Grievance Redressal Mechanism (INGRAM)" program in August 2016 to give consumers a way to directly resolve their disagreements and grievances with companies that have actively collaborated with NCH. The Department has also unveiled a "Consumer App" to allow users to file concerns and receive fast resolution. This is further strengthened by the "Consumer Protection (E-Commerce) Rules, 2020", which encourage e-commerce businesses to collaborate with the NCH campaign using their "best efforts". ODR venues, such as the "Centre for Online Dispute Resolution (CODR)," "SAMA," and the "Centre for Alternate Dispute Resolution Excellence (CADRE)," are already quite effective in resolving conflicts on online platforms. With values as large as INR 20 lakh, ICICI Bank has resolved close to 10,000 disputes using Sama as the ODR platform. Under the auspices of the "Ministry of Consumer Affairs", the "National Law School of India University" established the "Online Conciliation and Mediation Centre (OCMC)" with the goal of advancing online mediation as the primary option for settling consumer disputes. With the creation of the e-daakhil portal, which facilitates e-filing, the government has made great strides toward deploying ICT within the "Consumer Dispute Redressal Commissions" since the implementation of the "Consumer Protection Act of 2019". These kinds of programs can help ODR become more widely accepted within the consumer protection system.

Additionally, the judiciary utilised technology by creating the “Supreme Court Vidhik Anuvaad Software (SUVAS)”. In “Grid Corporation of Orissa Ltd. v. AES Corporation”, the Supreme Court permitted virtual media interaction and remote conference calls between the parties to determine an arbitrator. The Supreme Court affirmed the practice of obtaining a foreign doctor's expert guidance through video call in “Balram Prasad v. Kunal Saha and Ors”. In the “Central Electricity Regulatory Commission v. National Hydroelectric Power Corporation Ltd.” case, the Supreme Court permitted summonses to be transmitted by email. In “M/S Metres and Instruments Pvt. Ltd. vs. Kanchan Mehta”, the Supreme Court pointed out that one could totally depend on technological tools to resolve disputes. According to the court, some problems could be handled entirely or in part "online," and it recommended applying online methods to simple problems like traffic tickets and returned checks. A project to integrate internet-based mediation in virtual NI courts was recently initiated by the “Delhi High Court”.

CONCLUSION AND RECOMMENDATIONS

Indian consumer dispute resolution could be reorganised through online mediation, which would also allow innovative thinkers from various cultural backgrounds to create customised online mediation processes for successfully settling disputes. These focused solutions will address the particular difficulties that communities confront in resolving conflicts and answer the need for the resolution of conflicts in our varied society. Information technology advancements and the need for an effective dispute resolution system have made India uniquely positioned to become the hub for these developments in out-of-court settlement (ODR). Despite the fact that online mediation has expanded rapidly in recent years, these advancements are just the start. ODR in India has a promising future, despite the several obstacles that were noted in the preceding paragraphs. The realisation of ODR requires collaboration from all parties involved. As a result, several recommendations have been made, and they are aimed not only at the government but also at other interested parties who have the capacity to effect change and encourage the growth of ODR in India, particularly with regard to consumer disputes. The following recommendations have been identified, keeping in view the international best practices for online mediation or ODR ecosystems.

1. Better Access to Digital Infrastructure: Since rural residents of India are more vulnerable to injustice than their urban counterparts, all rural areas, not just the cities, should have dependable internet access. The Common Service Centres ("CSCs") established under the Digital India Program can also be utilised by the government to offer ODR services to the local community. The entire country can be connected to the internet through collaboration between the public and private sectors.
2. Awareness of online mediation: Mediation is probably unknown to most individuals because it was introduced in the Consumer Protection Act in 2019. I only learned about this concept a few years ago as a researcher. There could be a lot of reasons. There's no suitable awareness campaign, commercial, etc. How can someone learn about online mediation, which was only made available a few years ago by the Mediation Act of 2023, in a time when mediation in itself is unknown? Therefore, to increase the reach of ODR, a strong national awareness campaign must be started. The parties should be made aware by judges and legal experts that online mediation is a good way to settle their disagreements. For this purpose, the mediation cells attached to the Consumer Commissions can be equipped with adequate technical infrastructure, including video equipment and fast Internet access.
3. Proper guidelines for the process of online mediation: Section 30 of the Mediation Act 2023 provides for the conduct of online mediation; however, it doesn't outline the specifics of the mediation procedure. No information is provided about the ICT platform that will be used for this type of mediation. Is the government or any private entity better suited to run it? Creating consistent guidelines in this area across the country is advised to avoid any ambiguity. And all consumer commissions, whether they are district, state, or national, ought to follow these established criteria.
4. Upgradation in legal education: the Bar Council of India's mandate that alternative dispute resolution be taught as a required subject in law curricula; educational institutions are not adhering to the regulations in either substance or letter. In addition, most universities do not teach the Consumer Protection Act separately. Instead, it comes after the Law of Torts. As a result, students focus more on tort law than on the Consumer Protection Act. It's also unclear how long it will take for the Mediation Act of 2023 to be taught in Indian university legal curricula as a separate subject, given that it was only recently implemented. Universities may receive circulars from the

E-mail: ***editor.jrla24@gmail.com***

Department of Legal Affairs and the University Grants Commission encouraging them to provide several elective courses on ADR, including ODR.

5. Personnel's training: The president and other members make up a Consumer Commission. "The Consumer Protection Act, 2019" specifies in its section 46 that the additional officers and staff may be appointed to aid the Commission in carrying out its duties. One of the main duties of the commission is to refer disputes to mediation. Because of this, it becomes crucial that the Commission and every member get thorough mediation process training. They also need to receive specialised training periodically when it comes to online mediation.
6. Qualification and training of mediators: It is currently evident that appointment as a mediator tends to favour judicial and legal professionals. The years of experience are the primary determinant of the qualifying requirements. It is time to choose a mediator who possesses knowledge of AI and other technological tools in addition to expertise in a particular field. Additionally, after consulting with a number of experts, a definitive training manual for mediators should be created.
7. Consumer Mediation Cell to be equipped with technology: - Even if the mediation cells are still in the early phases of development, it makes sense to arm them with AI tools from the start. It is possible to create a specialised platform for each mediation cell that ensures privacy and secrecy for conversation and document submission throughout the mediation process.
8. Mandatory Mediation for Certain Categories of Consumer Disputes: Certain types of minor consumer disputes may be required by the government to be settled exclusively through mediation procedures, preferably online. In addition to saving money and time, this will lessen the case load associated with consumer commissions.
9. Online conduct of community mediation: “Section 43” of the “Mediation Act, 2023,” provides for “community mediation”. It states that, “with the prior consent of both parties, community mediation may be used to resolve any conflict that could jeopardise peace, harmony, and tranquillity among the families or residents of any area or locality.” It is implied by this section that community mediation is not used in significant disputes. Furthermore, there is no mention of how community mediation will be conducted in the Act. Thus, at the very least, community mediation can be conducted online.

Online mediation is no longer regarded as "science fiction" and has the tendency to be a big aspect of the dispute settlement process. Advances in technology and an increase in cross-border transactions are driving the need for AI dispute resolution systems. The future of ODR development looks promising. Although it faces difficulties, AI has the potential to improve traditional ADR techniques and streamline legal procedures. However, ODR is not solely dependent on ICT growth; it also depends on factors like developing appropriate legal norms that have the support of the legal community and courts. Therefore, the government should take a proactive stance in utilising new technologies to optimise benefits while simultaneously taking a cautious stance to mitigate the risk involved in weaving technology into dispute resolution.

E-mail: ***editor.jrla24@gmail.com***