

LEGAL STRUCTURES OF ODR IN DIGITAL PAYMENTS: INDIA AND GLOBAL PERSPECTIVES

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ABSTRACT

The COVID-19 pandemic ushered in sweeping changes to how people lived, worked, and socialised globally. A key transformation includes the growing reliance on digital platforms for both everyday activities and commercial exchanges. As a natural outcome, the public's dependence on digital payment methods has surged. Although efficient and convenient in many ways, digital payment methods precipitate their own set of issues and challenges. To tackle these, the Reserve Bank of India on 6th August 2020 introduced the Online Dispute Resolution (ODR) System on Digital Payments. The primary aim of the ODR System is to redress consumer grievances arising from failed electronic transactions. It is a transparent and impartial system, involving negligible human interference. It attempts to create a customer-friendly framework to deal with complaints arising out of failed digital payments.

The primary focus of this article is to analyse various aspects, provisions and procedures relating to the new Online Dispute Resolution System on Digital Payments. Furthermore, the study delves deep into the associated responsibilities and duties of the authorised Payment System Operators and Payment System Participants. The author, through this work, intends to highlight different issues that may emanate from this policy of the Reserve Bank of India.

Keywords: Online Dispute Resolution (ODR), Digital Payment Systems, RBI, UNCITRAL, Grievance Redressal.

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INTRODUCTION

The Reserve Bank of India (hereinafter, ‘RBI’) introduced the Online Dispute Resolution (hereinafter, ‘ODR’) System on Digital Payments¹ (hereinafter, ‘the System’) in its statement on Developmental and Regulatory Policies.² Under this system, all Payment System Operators (hereinafter, ‘PSOs’)³ and Payment System Participants (hereinafter, ‘PSPs’)⁴ whether banks or non-banks are encouraged to develop an online mechanism to redress customer grievances. The purpose behind introducing such a system was to establish a mechanism for fast and effective resolution of customer disputes that stem from failed transactions.⁵ Such a system would ensure transparency, be system and user-driven, and set up an unbiased means to resolve consumer issues involving minimal human intervention.⁶

Over the past few years, India has seen a significant evolution of the payment and settlement systems. Continuous efforts have been made under the Payment and Settlement Systems Act 2007 to develop systems that are secure and proficient. This is being done under the guidance of several vision documents published by the RBI relating to the payment and settlement systems since 2002.⁷

On 15 May 2019, the RBI published ‘Payments and Settlements System in India: Vision 2019-2021’ that emphasised the importance of developing a dispute redressal system that is technology-based, convenient to use and transparent.⁸ The fundamental idea in this vision document was ‘Empowering Exceptional (E)payment Experience’⁹ so as to provide the citizens

¹ ‘The Online Dispute Resolution (ODR) System on Digital Payments RBI/2020-21/21’ (*Reserve Bank of India*, 6 August 2020) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11946&Mode=0> accessed 13 September 2021.

² ‘Statement on Developmental and Regulatory Policies’ (*Reserve Bank of India*, 6 August 2020) <www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=50176> accessed 13 September 2021.

³ ‘Framework for authorisation of pan-India Umbrella Entity for Retail Payments’ (*Reserve Bank of India*, 18 August 2020) <www.rbi.org.in/scripts/FS_Notification.aspx?Id=11954&fn=9&Mode=0> accessed 13 September 2021.

⁴ Payments and Settlement Systems Act 2007, s 2(1)(p).

⁵ ‘Harmonisation of Turn Around Time (TAT) and customer compensation for failed transactions using authorised Payment Systems RBI/2019-20/67’ (*Reserve Bank of India*, 20 September 2019) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11693&Mode=0> accessed 13 September 2021.

⁶ ‘Online Dispute Resolution (ODR) System on Digital Payments RBI/2020-21/21’ (*Reserve Bank of India*, 6 August 2020) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11946&Mode=0> accessed 13 September 2021.

⁷ ‘Payment and Settlement Systems in India: Vision – 2019-2021 Empowering Exceptional (E)payment Experience’ (*Reserve Bank of India*, 15 May 2019)

<www.rbi.org.in/Scripts/PublicationVisionDocuments.aspx?Id=921> accessed 13 September 2021.

⁸ *ibid.*

⁹ ‘Payment and Settlement Systems in India: Vision – 2019-2021 Empowering Exceptional (E)payment Experience’ (*Reserve Bank of India*, 15 May 2019)

<www.rbi.org.in/Scripts/PublicationVisionDocuments.aspx?Id=921> accessed 13 September 2021.

with a number of digital payment choices which are risk-free, consumer-friendly, expeditious, efficient, and cheap.

Sodiq O. Omoola and Umar A. Oseni, in their paper, have explained the concept, evolution, and development of ODR over the years.¹⁰ The authors have highlighted the successful use of ODR in resolving consumer and financial disputes by citing ODR instances of the eBay/SquareTrade, Cybersettle.com, SmartSettle and clickNsettle. The paper also discusses other dispute resolution models that are used at the national as well as regional levels. These models include a separate ODR platform at the national level, a regulated framework as in the case of the European Community and a national alliance by public ODR providers in the region of the Organisation of American States. It is apparent that India already has the essential elements of willingness and expertise required to launch a detailed structure integrating technology in the procedure for dispute resolution. The author suggests that in the times ahead, a strategised approach providing for innovation and development needs to be introduced, which takes care of various immediate and future requirements. Kinhal, *inter alia*, discusses extensively the status of ODR and its usage around the world.¹¹ In the context of India, their paper quotes Justice N.V. Ramana and then Chief Justice S.A. Bobde, who have argued in favour of ODR. While Justice Ramana has pointed out that ODR can be an effective mechanism to resolve family, consumer, business and commercial disputes, Justice Bobde explained the importance of ODR in light of the pandemic and emphasised the need for artificial intelligence as a substitute to the current system. This seems to be the correct approach in today's scenario, as technological involvement in dispute resolution systems is not only becoming a more effective, efficient, affordable and speedy alternative, but is also the need of the hour.

Palanissamy and Kesavamoorthy talk about how technology is increasingly taking over the legal domain.¹² The focal point of the authors is business-to-consumer disputes, and the role of ODR thereof. Their approach is to highlight the need for a shift from the traditional method of adjudication to a more digitalised approach that would, in their opinion, surely fetch the benefits of transparency, promptness, uniformity, time saving and speedier access to justice. The paper additionally examines the existing and prominent ODR platforms that handle digital

¹⁰ Sodiq O Omoola and Umar A Oseni, 'Towards an Effective Legal Framework for Online Dispute Resolution in e-Commerce Transactions: Trends, Traditions and Transitions' (2016) 24(1) International Islamic University of Malaysia Law Journal 257.

¹¹ Deepak Kinhal and others, 'ODR: The Future of Dispute Resolution in India' (*Vidhi Centre for Legal Policy*, 28 July 2020) <www.vidhilegalpolicy.in/research/the-future-of-dispute-resolution-in-india/> accessed 25 June 2021.

¹² Ayyappan Palanissamy and R Kesavamoorthy, 'Automated Dispute Resolution System (ADRS)- A Proposed Initial Framework for Digital Justice in Online Consumer Transactions in India' (2019) 165 Procedia Computer Science 224.

payments, and the United Nations Commission on International Trade Law (hereinafter, 'UNCITRAL Model Law'). The proposed ODR structure enables aggrieved persons to have easy and quick access to justice, which can take place online in its entirety, subject to the guidelines and legal standards laid down by the government. Such execution would not only ensure the effectiveness of the framework but also gain the trust and confidence of the customers while carrying out different activities digitally in an e-commerce environment.

Drawing from the above arguments and using the key indicators, the further part of the paper explores the recent developments on the subject.

MAPPING THE DEVELOPMENTS

Judge Arthur M. Monty Ahalt (Retd.)¹³ has defined ODR as "*a branch of dispute resolution which uses technology to facilitate the resolution of disputes between parties. It primarily involves negotiation, mediation or arbitration, or a combination of all three. In this respect, it is often seen as being the online equivalent of ADR*".¹⁴

ODR is the process of resolving disputes between parties using a digital platform. The concept of ODR is only two decades old, originating in the works of American professors *Ethan Katsh and Janet Rifkin*.¹⁵ It integrates the use of various alternate dispute resolution mechanisms with digital technology, to make the procedure of settlement of conflicts more accessible, convenient and cost-efficient. ODR as a mechanism of resolving disputes has gained popularity, more so in the situation of the COVID-19 pandemic. It has demonstrated itself as a cost-effective, swift, and readily accessible approach to resolving disputes. Not only customers, but Courts have also acknowledged and accepted ODR as an alternative to settle disputes between parties.

The Apex Court in *Grid Corporation of Orissa Ltd. v. AES Corporation*¹⁶ noted that it is not mandatory for the parties to sit together in one place if the parties can engage in an effective

¹³ Arthur M Monty Ahalt, 'About Monty Ahalt' (*Monty Ahalt*) <www.montyahalt.com/about-us/> accessed 8 June 2020.

¹⁴ Arthur M Monty Ahalt, 'What You Should Know About Online Dispute Resolution' (*Monty Ahalt*, March 2009) <[www.montyahalt.com/know-about-online-dispute-resolution/#:~:text=Monty%20Ahalt%20\(ret.\),federal%20and%20state%20trial%20courts.](http://www.montyahalt.com/know-about-online-dispute-resolution/#:~:text=Monty%20Ahalt%20(ret.),federal%20and%20state%20trial%20courts.)> accessed 25 June 2020; Rakhi Singh Chouhan, 'Streamlining Online Dispute Resolution with Alternate Dispute Resolution: Chances and Challenges' (2020) 17(7) PalArch's Journal of Archaeology of Egypt/Egyptology <www.archives.palarch.nl/index.php/jae/article/view/2773> accessed 25 June 2020.

¹⁵ Ethan Katsh and Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass, 2001).

¹⁶ *Grid Corporation of Orissa Ltd v AES Corporation* 2002 AIR SC 3435.

consultation using online platforms and remote conferencing unless it is stipulated otherwise either in law or in the agreement between the parties.

In *Meters and Instruments (P) Ltd. v. Kanchan Mehta*,¹⁷ the SC stated that using modern technology is important for a move towards paperless courts and preventing unnecessary crowding of courts. The Court acknowledged the necessity to conduct certain cases partially or wholly online by simplifying the procedure in matters where “*disputed questions are not required to be adjudicated*”. It was further stated that the requirement of physical appearance can be precluded by filing documents, issuing process and paying the specified amount online. If the accused contests and the parties are required to appear, the same can also be done through videoconferencing. Therefore, where viable, personal appearances can be dispensed with.

In the cases of *Trimex International FZE Ltd. v. Vedanta Aluminium Ltd.*¹⁸ and *Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.*,¹⁹ the SC held that communication and acceptance taking place through e-mail, letters, telex, telegram, etc., are valid means of communication.

The Apex Court in *State of Maharashtra v. Dr. Praful B. Desai*²⁰ accepted the use of video conferencing to record statements of witnesses, permitting the constructive presence of the parties.

Evidently, legislative provisions coupled with Supreme Court decisions in multiple cases support leveraging digital technologies and ODR for resolving disputes. The judiciary has led the path with various pivotal initiatives through the *eCourts Mission Mode Project*, whose impact will percolate both vertically and laterally.²¹

PRE-COVID-19 LANDSCAPE

Although India is making fast strides in digitalisation today, the journey started slowly.

Almost twenty years ago, with the introduction of facilities such as the National Electronic Fund Transfer (NEFT), Real-Time Gross Settlement (RTGS) System and Electronic Clearing Services (ECS), people increasingly leaned toward using digital payment options.

Implementation of Unified Payments Interface (UPI) based payments, coupled with the development of numerous app-based payments, expanded the scope of digital payments enormously and brought about a change in customer preferences from cash to digital payments.

¹⁷ *Meters and Instruments (P) Ltd v Kanchan Mehta* (2018) 1 SCC 560.

¹⁸ *Trimex International FZE Ltd v Vedanta Aluminium Ltd* (2010) 3 SCC 1.

¹⁹ *Shakti Bhog Foods Ltd v Kola Shipping Ltd* AIR 2009 SC 12.

²⁰ *State of Maharashtra v Dr Praful B Desai* (2003) 4 SCC 601.

²¹ Justice Madan Lokur, ‘COVID-19, Technology and Access to Justice’ (*United Nations Organisation of Drugs and Crime*, 23 March 2020) <www.unodc.org/dohadeclaration/en/news/2020/04/covid-19--technology-and-access-to-justice.html> accessed 15 October 2020.

However, the most important developments which encouraged people to shift to digital payments were the demonetisation policy introduced by the Government of India in 2016²², and the popularisation of the vision of ‘digital India’ and a ‘cashless economy’.²³ The policy was successful as there was a sharp increase in the audience for digital payments.²⁴

Following this,²⁵ a High-Level Committee on Deepening Digital Payments²⁶ was constituted by the RBI in 2019, under the chairmanship of Shri Nandan Nilekani. It proposed many methods to enhance and improve the state of digital payments in the nation. One such recommendation was the introduction of an online mechanism for redressing grievances.²⁷ Subsequently, the Online Dispute Resolution System on Digital Payments was implemented.²⁸

SITUATION IN THE PANDEMIC-AFFECTED WORLD

The relevance and need of the ODR system in today’s world cannot be ignored. As the COVID-19 pandemic took over, nationwide lockdowns were implemented across the globe, and norms of social distancing were practised. This resulted in customers using online portals for social media, purchasing products, online calls and conferences, using over-the-top (OTT) platforms, etc. Consequently, this led to escalated e-commerce²⁹ transactions.

According to Redseer’s Report, ‘Indian Mobile Payments: 5x growth by 2025’, the digital payments industry of India is presently valued at Rs. 2,153 trillion and is expected to stand at Rs. 7,092 trillion by the year 2025.³⁰

²² Shreya Nandi, ‘Demonetization 3rd anniversary: How Digital Payments Picked Up Post Note Ban’ *Mint* (8 November 2019) <www.livemint.com/politics/policy/demonetization-3rd-anniversary-how-digital-payments-picked-up-post-note-ban-11573199358135.html> accessed 12 September 2021; ‘RBI Instructions to Banks RBI/2016-17/112’ (*Reserve Bank of India*, 8 November 2016)

<www.rbi.org.in/Scripts/NotificationUser.aspx?Id=10684&Mode=0> accessed 12 September 2021.

²³ Manisha Lodha, Ritu Soni and Shilpa Vardia, ‘Demonetization: A Push towards Digitalization- A Study of Udaipur City’ (2018) 11(1) *Pacific Business Review International* 102, 104.

²⁴ *ibid.*

²⁵ ‘Report of the High-Level Committee on Deepening of Digital Payments’ (*Reserve Bank of India*, 17 May 2019) <www.rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/CDDP03062019634B0EEF3F7144C3B65360B280E420AC.PDF> accessed 12 September 2021.

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ Reserve Bank of India, ‘Annual Report 2019-20’ (*Reserve Bank of India*, 21 August 2020) <www.rbidocs.rbi.org.in/rdocs/AnnualReport/PDFs/0RBIAR201920DA64F97C6E7B48848E6DEA06D531BA0DF.PDF> accessed 12 September 2021.

²⁹ World Trade Organisation, ‘Work Programme on E-Commerce’

<www.wto.org/english/tratop_e/ecom_e/ecom_work_programme_e.htm> accessed 12 September 2021.

³⁰ ‘Digital payments in India to grow three-fold to Rs. 7,092 trillion by 2025: RedSeer Report’ (*Redseer*, 25 August 2020) <www.redseer.com/product/indian-mobile-payments-5x-growth-by-2025/> accessed 13 September 2021.

As India speedily switched to a digital environment, several issues arose regarding fraudulent practices³¹ and cybersecurity. A large number of cases were reported with complaints of bugs in digital payment mechanisms, faulty systems and various other vulnerabilities in the available payment systems.³² Therefore, there was an urgent need to identify and detect the threats and develop a mechanism to deal with them and resolve any consequent disputes.

LEGAL FRAMEWORK LAID DOWN BY RBI

The RBI has introduced the following legislation over the years to monitor and control the payment systems in India.

THE PAYMENTS AND SETTLEMENT SYSTEMS ACT, 2007

The payment systems in India are administered and regulated by the Payments and Settlement Systems Act, 2007 (hereinafter, ‘P&SS Act’).³³ For all such matters relating to payment systems, the P&SS Act designates RBI as the authority.³⁴ A policy-making body known as the Board for Regulation and Supervision of Payment and Settlement Systems was constituted under the P&SS Act.³⁵

A ‘payment system’ here implies a framework that enables payment to take place between a player and a beneficiary. The three significant functions of clearing, payment, and settlement services should be performed by such a payment system.³⁶ The Act further explains in detail the procedure relating to the authorisation of payment systems,³⁷ the scope of the regulatory and supervisory powers of the RBI,³⁸ rights and duties of a system provider,³⁹ process of settlement of disputes,⁴⁰ and offences and penalties.⁴¹

Chapter VI of the P&SS Act codifies the law for the settlement of disputes relating to payment systems.⁴² Section 24 stipulates that the system provider should provide for the creation of a

³¹ George Cherian and Simi T B, ‘Protecting the Digital Consumers: Challenges and Possible Solution’ (2019) 7 International Journal on Consumer Law and Practice 85, 89.

³² ‘Securing India’s Digital Payment Frontiers’ (*Data Security Council of India*, 9 March 2018) <www.dsci.in/resource/content/securing-indias-digital-payment-frontiers-0> accessed 14 September 2021.

³³ Payments and Settlement Systems Act 2007.

³⁴ Payments and Settlement Systems Act 2007, s 3(1).

³⁵ *ibid* s 3(2).

³⁶ *ibid* s 2(i).

³⁷ *ibid* ss 4, 9.

³⁸ *ibid* ss 10, 19.

³⁹ *ibid* ss 20, 23.

⁴⁰ *ibid* ss 24, 25.

⁴¹ *ibid* ss 26, 31.

⁴² *ibid* ch VI.

panel to resolve disputes regarding any issue linked to the functioning of payment systems, comprising of at least three system participants, other than those who are party to the ongoing dispute.⁴³ In case of a dispute involving a system participant and a system provider, or among system providers, or in a situation where the system participant is not content with the decision, the dispute would be referred to the RBI for further adjudication.⁴⁴

OMBUDSMAN SCHEME FOR DIGITAL TRANSACTIONS, 2019⁴⁵

Section 18 of the P&SS Act 2007 empowers the RBI to make such rules and regulations which it deems necessary for the benefit of the public, the management of payment systems, or any other related agency. In pursuance of the same, the Ombudsman Scheme for Digital Transactions (hereinafter, ‘the Ombudsman Scheme’) was introduced.⁴⁶ It defines an ombudsman as an officer of the RBI who has been appointed under clause 4 of the Scheme.⁴⁷ The Ombudsman Scheme offers a grievance redressal mechanism that is prompt and cost-free, concerning situations of inadequacy of client administration in computerised exchanges led by a ‘system participant’. A ‘system participant’ signifies any individual other than a bank partaking in a payment system and excludes a ‘system provider’.⁴⁸ A ‘system provider’ refers to a person who operates an authorised payment system.⁴⁹

The complainant should initially make a written representation to the appropriate system participant. Only when the system participant rejects the representation, fails to reply to the representation, or gives an unsatisfactory reply, can the complainant approach the ombudsman with their grievance.⁵⁰ The ombudsman to whom such a complaint is to be made is the one in whose jurisdiction the branch or office of the system participant who is complained against is situated.⁵¹

It is pertinent to note here that a complaint may be made only in respect of the grounds laid out in clause 8 of the Ombudsman Scheme. It may be filed by the complainant himself or by an authorised representative who is not an advocate.⁵² Further, the complaint should be in writing,

⁴³ *ibid* s 24(1).

⁴⁴ *ibid* s 24(3).

⁴⁵ ‘Ombudsman Scheme for Digital Transactions 2019’ (*Reserve Bank of India*, 31 January 2019) <www.rbi.org.in/Commonperson/english/scripts/Notification.aspx?Id=2845> accessed 14 September 2021.

⁴⁶ *ibid*.

⁴⁷ *ibid* cl 3(6).

⁴⁸ *ibid* cl 3(1).

⁴⁹ Payments and Settlement Systems Act 2007, s 2(q).

⁵⁰ Ombudsman Scheme for Digital Transactions 2019, cl 9(3).

⁵¹ *ibid* cl 9(1).

⁵² Ombudsman Scheme for Digital Transactions 2019, cl 9(1).

duly signed by the complainant or his authorised representative, and to a possible extent, be in the form as given in ‘Annexure A’ of the Scheme.⁵³

ONLINE DISPUTE RESOLUTION (ODR) SYSTEM ON DIGITAL PAYMENTS, 2020

The High-Level Committee on Deepening Digital Payments, in its report⁵⁴ suggested establishing a two-layered ODR framework to deal with grievances arising out of digital payments. It was recommended that the first layer of the ODR framework should be founded on a mechanised framework driven by AI, and the subsequent level should be founded on human intercession. Additionally, it suggested giving contesting parties a choice to appeal against the result of the ODR procedure to an ombudsman body.⁵⁵

Consequently, RBI, through a notification dated August 6th 2020,⁵⁶ introduced the ODR System on Digital Payments, several aspects of which are discussed hereunder.

APPLICABILITY AND IMPLEMENTATION OF THE SYSTEM

This authorised ODR framework applies to all the PSOs, regardless of whether they are banking or non-banking, and also to their partaking individuals.⁵⁷ For a body established after January 1, 2021, it is compulsory to have this ODR framework set up.⁵⁸

The ODR system is initially designed to operate only with respect to failed transactions.⁵⁹ Based on the experience and results of the implementation of the policy, the ODR framework would subsequently be applied to other kinds of disagreements and complaints. The PSOs were directed to execute an ODR framework before the end of 2020.⁶⁰

⁵³ ibid cl 9(2)(a).

⁵⁴ ‘Report of the High-Level Committee on Deepening of Digital Payments’ (*Reserve Bank of India*, 17 May 2019)

<www.rbidocs.rbi.org.in/rdocs/PublicationReport/Pdfs/CDDP03062019634B0EEF3F7144C3B65360B280E420AC.PDF> accessed 12 September 2021.

⁵⁵ ‘Designing the Future of Dispute Resolution: The ODR Policy Plan for India- The Draft for Discussion’ (*NITI Aayog*, October 2020) <www.niti.gov.in/sites/default/files/2020-10/Draft-ODR-Report-NITI-Aayog-Committee.pdf> accessed 14 September 2021.

⁵⁶ ‘The Online Dispute Resolution (ODR) System on Digital Payments RBI/2020-21/21’ (*Reserve Bank of India*, 6 August 2020) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11946&Mode=0> accessed 13 September 2021.

⁵⁷ ibid.

⁵⁸ ibid cl 3.

⁵⁹ ibid.

⁶⁰ ibid.

STRUCTURE OF THE SYSTEM

Clause 3 of the Annex⁶¹ sets out a structure for the ODR framework for every PSO and its respective participants, the PSPs. The PSOs are mandated to provide the PSPs with access to an ODR System. The PSO and its PSPs shall make available to users a platform for lodging disagreements and complaints that relate to failed transactions, whether these are ‘on-us’ or ‘off-us’ in nature.⁶²

TYPES OF TRANSACTIONS COVERED UNDER THE SYSTEM

The RBI has indicated that for now, the system will be restricted uniquely to questions and complaints emerging out of failed online transactions, including those that have not been concluded due to communication links, unavailability of cash in an ATM, time-out of sessions, etc.⁶³ It will also incorporate those transactions wherein the sum has not been credited to the beneficiary's account due to a lack of adequate information or a delay in the initiation of a reversal transaction.⁶⁴

For the applicability of the ODR System, the aggrieved party is required to prove that the Bank, the PSO or the payment so made did not conform to the provisions mentioned in the ‘Harmonisation of Turn Around Time and customer compensation for failed transactions using authorised Payment Systems’.⁶⁵

The RBI, after discussing with various stakeholders, finalised the structure for turnaround time for failed transactions and compensation thereof, which aims at assuring compensation for failed transactions to the consumer, as well as enabling a consistent process to deal with failed transactions.⁶⁶ The Annexure to the circular gives various instances that can be grounds for a customer to lodge a complaint. It further provides a timeline for the reversal of such failed transactions⁶⁷ and the compensation payable to the complainant in the event of a delay in crediting the amount.⁶⁸

⁶¹ ibid.

⁶² ‘Concept Paper on Card Acceptance Infrastructure’ (*Reserve Bank of India*, 8 March 2016) <www.rbi.org.in/Scripts/PublicationReportDetails.aspx?UrlPage=&ID=840#> accessed 14 September 2021.

⁶³ ‘Harmonisation of Turn Around Time (TAT) and Customer Compensation for Failed Transactions Using Authorised Payment Systems RBI/2019-20/67’ (*Reserve Bank of India*, 20 September 2019) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11693&Mode=0> accessed 13 September 2021.

⁶⁴ ibid.

⁶⁵ ibid.

⁶⁶ ibid.

⁶⁷ ibid.

⁶⁸ ibid.

PROCESS OF LODGING A COMPLAINT UNDER THE SYSTEM

Clause 5 of the Annexure of the System⁶⁹ details the procedure to be followed for instituting a complaint under the System, under which a customer has different options to register and pursue the complaint filed by them. A means to access or connect to the ODR system must be made available to the customers by the PSPs, PSOs and the issuer associated with them. The customers may also be provided with a digital or physical complaint form. The PSOs must formulate the necessary provisions to make dispute resolution accessible to the customers. A significant pre-requisite here is that third-party application providers have to offer clients the option to institute and register a complaint through the same mobile application through which the payment was made.⁷⁰

The process of lodging a complaint should not be complex and should only require essential information from the complainant. The ODR framework should be able to generate information about the failed transactions mechanically, based on the details given by the complainant. Upon institution and registration of the complaint, the complainant has to be provided with a reference number that is unique to them. Using this, they can check the status of their grievance. Here, it is also important for the PSOs to put in place sufficient measures to ensure the privacy of information.

ADVANTAGES OF THE SYSTEM

The following may be a few of the advantages of the ODR mechanism:

1. Adopting the ODR mechanism to address grievances arising out of failed online transactions, involving mostly small and medium value amounts, can prove to be a very efficient and affordable method to resolve disputes.
2. The entirety of the procedure being online results in a speedy grievance redressal process.
3. The System provides an inexpensive method to the aggrieved parties.
4. The System provides a framework that establishes an unbiased dispute resolution mechanism, having minimal human intervention.

⁶⁹ 'The Online Dispute Resolution (ODR) System on Digital Payments RBI/2020-21/21' (*Reserve Bank of India*, 6 August 2020) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11946&Mode=0> accessed 13 September 2021.

⁷⁰ *ibid* cl 5.2.

5. In comparison to judicial adjudication of disputes, the System lays down a framework that is more flexible, prompt, economical, and convenient.
6. Customers are provided with varied options to lodge complaints, including web-based or paper-based complaint forms, IVR, mobile applications, call centres, SMS, and through branches or offices.⁷¹
7. The System requires only the basic essential details relating to the customer and the transaction to be filled in while lodging a complaint, thereby ensuring that there is no breach of privacy of the customer, and the confidentiality of their data is maintained.
8. Each customer is allocated a unique reference number under the System, using which they can easily track the status of the complaint.

DISADVANTAGES OF THE SYSTEM

1. The ambit of grievances covered by the System is very narrow, as it is limited to only failed transactions.
2. The System provides that if the dispute is not resolved within one month, the aggrieved party can approach the appropriate ombudsman and seek redressal under the Ombudsman Scheme.⁷² However, this may not be an effective alternative, since a banking ombudsman's decisions are not binding. Further, approaching a banking ombudsman is not a mandatory statutory requirement; rather, it depends upon the customer's preference. It is also pertinent to note here that in several cases, parties that are not satisfied with the decision of the banking ombudsman have later moved to courts, thereby defeating the entire purpose of establishing a separate redressal mechanism and settling disputes outside of courts.

ISSUES AND CHALLENGES

The unavailability of the internet and proper connectivity pose a substantial hindrance to adopting digital payments and online settlement of disputes. Some customers might not have adequate technology and, therefore, may be unable to access the remedy provided under the System. Moreover, since there is no physical interaction between the parties, the System may

⁷¹ 'The Online Dispute Resolution (ODR) System on Digital Payments' (*Reserve Bank of India*, 6 August 2020) <www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11946&Mode=0> accessed 13 September 2021.

⁷² Ombudsman Scheme for Digital Transactions 2019, cl 9(3)(a)(ii).

be viewed as a less personal mechanism of dispute resolution. Proper management tools should be employed to ensure smooth implementation of the System and to achieve the goal of making dispute resolution processes predictable, transparent, consistent, and efficient. Further, ensuring the confidentiality of the data collected from customers is another important concern. The System should not only securely store such information but also ensure that such information is not intercepted by a third party during transmission. Finally, there exists uncertainty regarding the enforceability of ODR awards⁷³ passed by the banking ombudsman. Due to the lack of proper legislation on ODR and other dispute resolution mechanisms, such as mediation and negotiation, there is a grey area relating to the enforceability of ODR awards.

INTERNATIONAL DEVELOPMENTS

The concept of ODR has gained traction globally and is now firmly on the exploratory radar of eminent institutions, like the World Intellectual Property Organisation (hereinafter, ‘WIPO’), the Hague Conference on Private International Law, the United States Department of Commerce etc., to name a few.

The UNCITRAL and the Asia-Pacific Economic Corporation (hereinafter, ‘APEC’) have been constantly making efforts to develop e-commerce and resolve disputes that arise therefrom. In 1996, the United Nations approved the UNCITRAL Model Law on Electronic Commerce,⁷⁴ which is intended to provide a common legal platform for all countries to mould their domestic legislation. Its purpose is to enable and facilitate electronically conducted business by providing a set of internationally accepted standards that can be integrated into national legislation. A notable feature of the Model Law is that it provides recognition to digital signatures, data messages and parties to data messages.

Following this, the UNCITRAL Model Law on Electronic Signatures was enforced in 2001,⁷⁵ providing some reliability to trade conducted using electronic signatures. In 2005, the United Nations Convention on the Use of Electronic Communications in International Contracts was held in New York, which laid down certain measures for the use of electronic communications that correspond with the formation or performance of a contract between parties operating business from different states.⁷⁶ More recently, in 2016, UNCITRAL introduced UNCITRAL’s

⁷³ *ibid* cl 3(3).

⁷⁴ UNCITRAL Model Law on Electronic Commerce 1996.

⁷⁵ UNCITRAL Model Law on Electronic Signatures 2001.

⁷⁶ United Nations Commission on International Trade Law, ‘United Nations Convention on the Use of Electronic Communications in International Contracts’ (UNCITRAL, 23 November 2005)

Technical Notes on ODR to give directions to states regarding the development of their ODR platforms.⁷⁷ In 2017, the UN approved the UNCITRAL Model Law on Electronic Transferable Records.⁷⁸ In recent times, various agencies offering and using ODR have been set up, like the Online Consumer Mediation Centre, Consumer Online Resource and Empowerment Centre, Techno Legal Centre of Excellence for Online Dispute Resolution in India, Perry4law, ODR India, Myshikayat, Yesettle, Grievancesolutions, ODRways, Preslov360, etc.⁷⁹ Each of them offers unique services and operates in different ways. Even government bodies, such as the National Internet Exchange of India, are using ODR for domain name disputes' resolutions.⁸⁰

SINGAPORE

Singapore has set up legal tech hubs and actively worked towards increasing its Ease of Doing Business parameters. The Singapore Academy of Law (hereinafter, 'SAL') set up the Future Law Innovation Programme (hereinafter, 'FLIP'), which is an industrywide initiative for the following two-pronged strategies:

- to drive innovation, and
- to encourage the adoption of new technology across the legal sector.

USA

The National Centre for Technology and Dispute Resolution, US, makes available links to numerous ODR platforms across the world. In February 2010, the Organisation of American States proposed to set up a structure for consumer protection.⁸¹

EUROPEAN UNION

The European Union has also instituted an online portal to assist discontented consumers in identifying a neutral dispute resolution body, which would help and guide them in resolving

http://www.uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications accessed 13 September 2021.

⁷⁷ UNCITRAL Technical Notes on Online Dispute Resolution 2017.

⁷⁸ UNCITRAL Model Law on Electronic Transferable Records 2017.

⁷⁹ Pallavi Modi, 'Online Dispute Resolution: The Future of Dispute Resolution in India' (*Mapping ADR*) www.jgu.edu.in/mappingADR/online-dispute-resolution-the-future-of-dispute-resolution-in-india/ accessed 11 June 2021.

⁸⁰ *ibid.*

⁸¹ Louis Del Duca, Colin Rule and Zbynek Loebl, 'Facilitating Expansion of Cross-Border E-Commerce - Developing a Global Online Dispute Resolution System (Lessons Derived from Existing ODR Systems – Work of the United Nations Commission on International Trade Law)' (2012) 1(1) Penn State Journal of Law & International Affairs 59 www.elibrary.law.psu.edu/jlia/vol1/iss1/4 accessed 11 June 2021.

their grievances. Mexico has also developed an ODR platform that is government-operated, for customers who have disputes with companies.⁸²

CHINA

In Hangzhou, China, the world's first court, which specialises in internet-related cases, was inaugurated in August 2017 to handle growing cases of online trade disputes and copyright claims.⁸³ As China brings its attention to rebuilding its economy in the context of COVID-19, launching new or reinforcing the existing ODR mechanisms has been advised by its government. The Ministry of Justice published a guideline in March 2020 that underlines the significance of ODR in accomplishing its dual objective of recovery of the economy and maintaining a check on the spread of COVID-19. It also asked for the accelerated development of China's internet arbitration system.⁸⁴

With the 3rd Annual United Nations ODR Working Group organised in Melbourne in July 2004, the number of ODR providers in Asia grew immensely. The recent APEC framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes 2019 has further encouraged APEC nations to adopt ODR practices.⁸⁵

BRAZIL

In Brazil, ODR mechanisms gained popularity and success over a period of time and are increasingly being used to resolve disputes. Legislation endorsing ODR and the expansion of e-commerce are the two major factors that have led to the growth of ODR in Brazil.⁸⁶ ODR is being preferred for smaller and simpler disputes. For this purpose, the Brazilian government

⁸² Antonia Menezes, Nina Mocheva and Sagar Siva Shankar, “Under Pressure”: Integrating Online Dispute Resolution Platforms into Pre insolvency Processes and Early Warning Tools to Save Distressed Small Businesses’ (2020) 45(2) VIKALPA: The Journal for Decision Makers 79
<www.ideas.repec.org/a/sae/vikjou/v45y2020i2p79-92.html> accessed 11 June 2021.

⁸³ ‘China launches First Cyber Court in e-Commerce Hub’ *The Hindu* (18 August 2017),
<www.thehindu.com/sci-tech/technology/internet/china-launches-first-cyber-court-in-e-commerce-hub/article19518603.ece> accessed 14 September 2021.

⁸⁴ Vincent Chow, ‘China Pushes for Increase in Online Dispute Resolution as It Reboots Economy’ (*The National Centre for Technology & Dispute Resolution*, 24 March 2020) <www.odr.info/china-pushes-for-increase-in-online-dispute-resolution-as-it-reboots-economy/> accessed 14 September 2021.

⁸⁵ Asia Pacific Economic Cooperation, ‘APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes – Endorsed’ (APEC, August 2019)
<www.mddb.apec.org/documents/2019/ec/ec2/19_ec2_022.pdf> accessed 11 June 2021.

⁸⁶ Ricardo Vieira de Carvalho Fernandes and others, ‘The Expansion of Online Dispute Resolution in Brazil’ (2018) 9(2) International Journal for Court Administration 20
<www.researchgate.net/publication/329933233_The_expansion_of_online_dispute_resolution_in_Brazil> accessed 11 June 2021.

has developed public and private platforms for consumer grievance redressal known as “consumidor.gov.br” and “reclameaqui.com.br” respectively.⁸⁷ Brazil has been able to accomplish and put in place an ODR mechanism that is economically viable and time-efficient. The Brazilian Civil Rights Framework for the Internet,⁸⁸ a new procedure code,⁸⁹ mediation laws⁹⁰ and General Data Protection law⁹¹ have been developed to supervise and afford legal confidence to the public, private entities and other bodies in ODR by putting in place the framework within which the ODR system would operate and ensure privacy and data protection.⁹²

HONG KONG

Hong Kong is a member of APEC, which assigns immense importance to the advancement of ODR in the country. An entire day was spent discussing ODR at the APEC Economic Committee held in August 2017, in Ho Chi Minh City, highlighting the significance of ODR in the region.⁹³

With global as well as local developments in the field of ODR, Hong Kong launched the Electronic Business-Related Arbitration and Mediation (eBRAM) Platform,⁹⁴ that provides a proficient, economical and safe space for parties to resolve their disputes amicably.⁹⁵

On 8 April, 2020, the Hong Kong Government declared a relief package worth HK\$137.5 billion for instruments that help the corporations and citizens of Hong Kong to endure the difficulties posed by the COVID-19 pandemic.⁹⁶ Out of these, two relief measures involving the Hong Kong legal sector are:

⁸⁷ Andrea Maia and Gustavo Caneiro, ‘The New Brazilian General Data Protection Law and ODR’ (*Kluwer Mediation Blog*, 9 March 2020) <www.mediationblog.kluwerarbitration.com/2020/03/09/the-new-brazilian-general-data-protection-law-and-odr/> accessed 14 September 2021.

⁸⁸ Brazilian Civil Rights Framework for the Internet 2014.

⁸⁹ Brazilian Civil Procedure Code 2015.

⁹⁰ Brazilian Mediation Act 2015.

⁹¹ General Data Protection Regulation 2018.

⁹² Brazilian Civil Rights Framework for the Internet 2014.

⁹³ Thomas So, ‘Online Dispute Resolution’ (*The Law Society of Hong Kong*, November 2017) <www.hk-lawyer.org/content/online-dispute-resolution> accessed 14 September 2021.

⁹⁴ ‘COVID-19 Online Dispute Resolution Scheme Launched Today’ (*The Government of Hong Kong Special Administrative Region*, 29 June 2020) <www.info.gov.hk/gia/general/202006/29/P2020062900651.htm> accessed 14 September 2021.

⁹⁵ ‘Online Dispute Resolution (ODR) and LawTech’ (Department of Justice, Government of Hong Kong Special Administrative Region, 22 September 2020) <www.doj.gov.hk/en/legal_dispute/online_dispute_resolution_and_lawtech.html> accessed 14 September 2021.

⁹⁶ Simon McConnell and others, ‘COVID-19 Hong Kong: Government Announces HK\$137.5 Billion Economic Relief Package’ (*Mondaq*, 4 May 2020) <www.mondaq.com/hongkong/employment-and-workforce->

- i. Allocating around HK\$40 million to establish a “LawTech Fund” which would help in enabling law offices to improve their IT systems for enhanced facilities and smooth conduction of online hearings;⁹⁷ and
- ii. Allocating around HK\$70 million to launch the ‘COVID-19 Online Dispute Resolution (ODR) Scheme’ for resolving disputes connected with or emerging from COVID-19.⁹⁸ It provides a rapid and affordable method to handle disputes associated with COVID-19, particularly those that involve micro, small and medium-sized enterprises (MSMEs).⁹⁹

This is of immense significance as it prioritises cases associated with MSMEs, which would have otherwise faced ambiguities and postponement due to delays and accumulation of cases due to the closure of courts amidst the pandemic. The COVID-19 ODR Scheme employed the eBRAM facility for speedy and mutual resolution of disputes.¹⁰⁰

The intensive utilisation of innovation in business exchanges and the development of e-commerce requires legitimate administrations that are unhindered by social, geographical and language limitations. While ODR was growing beyond its infancy stage and gaining immense support across the globe, the pandemic further sped up the process of adoption of this method of dispute resolution by making technology a part and parcel of nearly all kinds of activities. Every state made its best effort to encourage the disputing parties to adopt the ODR mechanism and came up with innovative means to make this transition smooth. Additionally, the state governments could have analysed the recourses taken by other states and applied the same in their local jurisdiction with suitable modifications.

India, for example, can learn from the Brazilian model. Brazil has opted for a unique public-private partnership in ODR. While the involvement of the government would gain public trust, the private players can provide the required technology. States like Hong Kong and China have

wellbeing/926962/covid-19-hong-kong-government-announces-hk1375-billion-economic-relief-package> accessed 14 September 2021.

⁹⁷ Hilda Chan and Janet Wong, ‘The HKSAR Government’s Measures to Assist Businesses in the COVID-19 Crisis (Part II)’ (*JDSupra*, 20 April 2020) <www.jdsupra.com/legalnews/the-hksar-government-s-measures-to-41778/> accessed 14 September 2021.

⁹⁸ James Choi, ‘5 Things You Should Know About Hong Kong Government’s “COVID-19 Online Dispute Resolution (ODR) Scheme”’ (*Ellalan*, 14 April 2020) <www.ellalan.com/news/5-things-you-should-know-about-hong-kong-governments-covid-19-online-dispute-resolution-odr-scheme/> accessed 14 September 2021.

⁹⁹ ‘COVID-19 Online Dispute Resolution (ODR) Scheme’ (eBRAM) <www.ebram.org/covid_19_odr.html> accessed 14 September 2021.

¹⁰⁰ James Choi, ‘5 Things You Should Know About Hong Kong Government’s “COVID-19 Online Dispute Resolution (ODR) Scheme”’ (*Ellalan*, 14 April 2020) <www.ellalan.com/news/5-things-you-should-know-about-hong-kong-governments-covid-19-online-dispute-resolution-odr-scheme/> accessed 14 September 2021.

promptly responded to the COVID-19 pandemic, and taken decisions in support of ODR. As discussed above,¹⁰¹ these countries have announced relief measures as well as developed schemes to enhance technology and deal with new disputes in relation to the pandemic. Following the same can be helpful in the Indian context as well.

To ensure maximum effectiveness and efficiency from e-commerce transactions, nations across the world are trying to eliminate issues arising from digital transactions. Failed digital transactions are one such problem that the RBI seeks to overcome through the recently launched ODR system in India. Consumer disputes are largely viewed as a class of disputes wherein ODR can be conveniently adopted and implemented.¹⁰² Several States have therefore put in place ODR platforms operated by the government to provide efficacious consumer grievance redressal.

THE WAY FORWARD

As the utilisation of internet services, e-commerce, and online transactions increases steadily, during and even after the pandemic, customers must have access to an advanced mechanism that helps them resolve their disputes efficiently and effectively. The ODR System introduced by the RBI is one such mechanism and is likely to help gain the trust of the general public in online payment options, along with ensuring that if and when they face a problem in the online payment procedure, it will be resolved immediately.

The RBI has given a free hand to market players and allowed them to make the ODR System available via several channels, and to even come up with their own ODR Systems.¹⁰³ This

¹⁰¹ Andrea Maia and Gustavo Caneiro, ‘The New Brazilian General Data Protection Law and ODR’ (*Kluwer Mediation Blog*, 9 March 2020) <www.mediationblog.kluwerarbitration.com/2020/03/09/the-new-brazilian-general-data-protection-law-and-odr/> accessed 14 September 2021; ‘COVID-19 Online Dispute Resolution Scheme Launched Today’ (*The Government of Hong Kong Special Administrative Region*, 29 June 2020) <www.info.gov.hk/gia/general/202006/29/P2020062900651.html> accessed 14 September 2021; ‘Online Dispute Resolution (ODR) and LawTech’ (*Department of Justice, the Government of Hong Kong Special Administrative Region*, 22 September 2020) <www.doj.gov.hk/en/legal_dispute/online_dispute_resolution_and_lawtech.html> accessed 14 September 2021; Simon McConnell and others, ‘COVID-19 Hong Kong: Government Announces HK\$137.5 Billion Economic Relief Package’ (*Mondaq*, 4 May 2020) <www.mondaq.com/hongkong/employment-and-workforce-wellbeing/926962/covid-19-hong-kong-government-announces-hk1375-billion-economic-relief-package> accessed 14 September 2021; Hilda Chan and Janet Wong, ‘The HKSAR Government’s Measures to Assist Businesses in the COVID-19 Crisis (Part II)’, (*JDSupra*, 20 April 2020) <www.jdsupra.com/legalnews/the-hksar-government-s-measures-to-41778/> accessed 14 September 2021; James Choi, ‘5 Things You Should Know About Hong Kong Government’s “COVID-19 Online Dispute Resolution (ODR) Scheme”’ (*Ellalan*, 14 April 2020) <www.ellalan.com/news/5-things-you-should-know-about-hong-kong-governments-covid-19-online-dispute-resolution-odr-scheme/> accessed 14 September 2021.

¹⁰² Consumer Protection Act 2019, s 2(7).

¹⁰³ Sanjay Khan Nagra, Prashanth Ramdas and Aarthi Sashikumar, ‘RBI rolls out Framework for Online Dispute Resolution Systems for Digital Payments’ (*Khaitan & Co*, 14 August 2020) <www.khaitanco.com/thought-leadership/2020/08/rbi-rolls-out-framework-for-online-dispute-resolution-systems-for-digital-payments/>

provides scope for innovation in the transaction procedure and would eventually help develop an automated instrument to resolve disputes within a short period. However, the Arbitration and Conciliation Act 1996 is the law governing the procedural aspects of alternative dispute resolution practices in India. Currently, it includes no provision regarding ODR.

SUGGESTIONS

The practice of ODR is on a steady rise in India due to various technological advances and an increase in its acceptance. The Arbitration and Conciliation Act 1996 should be amended to include ODR within its ambit, allowing arbitration and conciliation proceedings to be conducted online through video conferencing, while still being governed by the provisions of the statute. This would make the process of dispute resolution easier for parties, especially when arbitration as a mode of dispute resolution is popular among international parties as well. Also, a separate code for ODR dedicated to banking transactions should be drafted, which will provide for the law governing the online conduction of arbitration, mediation, conciliation, negotiation and all other modes of dispute resolution. The ambit of this legislation can be extended to include all kinds of banking transactions involving medium and small amounts in dispute, to be resolved online. The code can include provisions relating to various aspects of virtual proceedings such as the admissibility of evidence, production of witnesses, recording statements, confidentiality of proceedings, establishing the identity of the parties, securing digital signatures and all other sensitive information and/or documents, enforceability of the award and appeal mechanisms.

It would be fascinating to see the development of new designs and ideas, and other innovative ways used to make the existing system more effective, along with taking care of issues such as digital literacy, privacy and security concerns, smooth functioning of the system, etc. Further, the governmental support for ODR frameworks could positively affect online businesses and also help reduce the substantial burden on courts. As an initial start in legislation, pre-litigation mediation has been introduced through Section 12A of the Commercial Courts Act, 2015 and Commercial Courts (Pre-institution Mediation and Settlement) Rules, 2018.¹⁰⁴

[leaderships/RBI-rolls-out-framework-for-online-dispute-resolution-systems-for-digital-payments>](#) accessed 14 September 2021.

¹⁰⁴ Commercial Courts Act 2015, s 12A; Commercial Courts (Pre-institution Mediation and Settlement) Rules 2018.

CONCLUSION

The digital transformation has enabled faster, more efficient, and globally connected commerce, reshaping how businesses and consumers interact. In light of this environment, resolving conflicts stemming from online payments has become imperative.

The usage and implementation of ODR in India is at an early stage, even though its use has escalated massively over the past few years. It has proven to be an easy, effective, efficient and cheap method to resolve disputes related to digital payment. ODR has also received legal recognition as a binding method of dispute resolution.

As more and more cases are anticipated to emerge due to the escalating effects of the pandemic, ODR is predicted to play a critical role in transforming the digital arena, as its inclusion digitalises the entire process of a transaction. NITI Aayog's ODR blueprint, along with the court's stance on ODR, indicates a proactive approach towards transforming the justice system and addressing the limitations of traditional court-based systems.¹⁰⁵ The MSME sector introduced the SAMADHAAN portal, and the Department of Legal Affairs is in the process of collating the details of ODR service providers across the country.¹⁰⁶

While ODR has a plethora of advantages, its execution comes with a decent number of disadvantages too, particularly in a country like India, where not everyone has easy internet access and is familiar with technology or its usage. Issues relating to confidentiality, security and technical aspects are likely to arise. The regulation, enforcement and recognition of the ODR System is also a cause for concern. Nevertheless, the status of ODR mechanisms and their increasing popularity point towards a bright future for the system. It is pertinent for the private and public sectors to work in harmony and consonance to further develop the system and maintain the current situation. Artificial Intelligence (AI) and Machine Learning (ML) tools would further strengthen the ODR mechanism and would take this beyond dispute resolution to embark on a journey of enhanced health and socio-legal awareness.

The future that William Gibson referred to in his famous quote – “The future has already arrived - it is just not evenly distributed as yet.”¹⁰⁷

¹⁰⁵ NITI Aayog, ‘Designing the Future of Dispute Resolution: THE ODR POLICY PLAN FOR INDIA’ (October 2021) <www.niti.gov.in/sites/default/files/2023-03/Designing-The-Future-of-Dispute-Resolution-The-ODR-Policy-Plan-for-India.pdf> accessed 11 June 2021.

¹⁰⁶ *ibid*.

¹⁰⁷ William Gibson, *Neuromancer* (Ace Books 1984); Rahul Matthan, ‘The Future is here. It is just not evenly distributed yet’ (*Live Mint*, 31 December 2019) <www.livemint.com/opinion/columns/opinion-the-future-is-here-it-is-just-not-evenly-distributed-yet-11577733442732.html> accessed 15 October 2020.