

ARTICLES

ODR Rising: The Resolution Revolution

22nd International ODR Forum March 17-18 2023 in Bengaluru, India

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Abstract

The 22nd International Online Dispute Resolution Forum took place in Bangalore, India on 17 and 18 March 2023. The Forum covered a wide array of themes, including ODR and new-age technologies like conversational AI; ODR's usage in business, government, grassroots, as well as court-annexed resolution mechanisms; adoption of online resolution by courts; regulating ODR; supporting dispute resolution professionals in the ODR ecosystem, adoption of Digital Public Goods in the ODR ecosystem, amongst other themes. This article aims to share some of the ideas discussed during the Forum by the participants and speakers.

Keywords: ODR Forum, Online Dispute Resolution, Online Courts, India, regulating ODR, digital public goods, ODR and grassroots, court-annexed ODR, Artificial Intelligence and ODR.

1 Introduction

There was no better time than now to bring the 22nd International ODR Forum to India for the global ODR community to explore together what is possible for ODR around the world.

In 2020, we witnessed ODR become a national priority for all stakeholders in India. Two high-powered meetings in 2020 comprising representatives from the Judiciary and Government laid the ground for Online Dispute Resolution (ODR) in India. Soon after, NITI Aayog – Government of India's public policy think tank in association with Agami and Omidyar Network India launched the ODR Handbook

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to provide an introduction and the why, what, how of ODR. NITI Aayog went on to publish the ODR Policy Plan for India: Designing the Future of Dispute Resolution.¹

With 15+ ODR institutions, 100+ enterprises, and many government departments adopting ODR, ODR in India is growing by leaps and bounds. Regulators such as the Reserve Bank of India and Digital Public Infrastructures such as the UPI, and even entire ecosystems such as the Open Network for Digital Commerce (ONDC), and Sahamati Account Aggregators ecosystem, are now adopting ODR. As of date, over 3.6 million disputes of myriad categories have been resolved through ODR platforms.

The 22nd International ODR Forum was about this and so much more. It was a celebration of the work happening in India and globally. A celebration of the ideas and changemakers transforming the future of dispute resolution. A recognition that we are at the cusp of transformative possibilities for the future of dispute resolution globally. Possibilities where the user of the justice system is at the centre; where citizen-agency and access can be finally attained through cutting-edge technologies and other enabling factors; and where all of us have a role in justice-making processes.

Agami was proud to bring this prestigious event to India in collaboration with the National Center for Technology and Dispute Resolution, an organization spearheading the growth of ODR in the United States – a two-day gathering to participate in workshops, showcases, playgrounds, dialogues, talks and more.

In the following chapters, we highlight some of the sessions from the Forum and their contribution to the field of ODR. But before that, we share in the following pages a short note on the art at the ODR Forum.

2 Art at the ODR Forum: A Short Note²

Art was as essential to the ODR Forum experience as were the various sessions at the Forum. We used the Japanese artform of *Kintsugi* as our inspiration for the visual of the broken pot we used across the venue at the 22nd International ODR Forum 2023 – a metaphor that very aptly represented the story of ODR for us.

Kintsugi

(n.) means “to repair with gold”. It is the centuries-old Japanese art of repairing broken pottery and ceramics with gold lacquer. The flaw represents the object’s journey and history, adding to its beauty.

When we think of ODR, so much of the image formed in our head is that of technology being used to resolve disputes online. Yet, at the heart of ODR is the need for healing of relationships. Human relationships are complex and disputes are inevitable – our ways and means of navigating these relationships are imperfect.

1 <https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>.

2 Transcribed and adapted from Ayera and Varun Hemchandran, The Story of the Pot, available here, <https://notes.agami.in/p/the-story-of-the-pot>.

We need processes like ODR that give us the tools to heal these relationships and navigate these imperfections.

When we wanted to tell the ODR narrative, we needed a visual that really captured the need to not hide these imperfections, but celebrate them, and also celebrate the processes and the tools that help us navigate these imperfections. The best real-world metaphor that came to mind was the Japanese art form of *Kintsugi*. It is an art form that highlights the cracks and fissures in the pot pieces and uses something beautiful to bring all the pieces together. We used a green coloured 'binding agent' to bring these pieces together which is representative of the ecosystem in the ODR field and which has made it what it is today. This binding glue includes the army of case managers, mediators, arbitrators, the many ODR institutions who are innovating, coming up with new ideas and ways of solving disputes, new permutations and combinations of ODR, new classes of cases that can now be resolved, storytellers, students and so on. The green stuff represents all those justice-makers.

Throughout the Forum, we used many different shapes of pots, to show that relationships can take many shapes and forms, business relationships, employer-employee relationships, and so on. The motif of the broken pot put together using *Kintsugi* represented ODR beautifully for us. We hope that it sticks and helps people better understand and appreciate the ODR process.

3 ODR in Business

Enterprises, particularly enterprises in the finance sector, were one of the first in India to adopt ODR. Agami in collaboration with ICICI Bank hosted an e-ADR Challenge in 2018. Over the last 5 years, ICICI Bank has been championing ODR for many kinds of disputes. For instance, they saw the average time of resolution for their retail loan disputes drop from 3 years in a court to 45 days in ODR.³ The average effort put in each case also declined from 6 person days to 0.5 days, with the average cost per case dropping to INR 3500 per case.⁴ ICICI Bank, which began its endeavour to adopt ODR by seeking additional consent for ODR from its customers in legacy contracts, now incorporates an ODR clause in its contracts by default.

As of today, over 100 organizations in India have adopted ODR at an enterprise level, and reduced the time, effort and resources they spend in resolution of disputes. There has also been a rise in digital-first businesses in India, and this in turn has led to a preference for digital-first dispute resolution mechanisms such as ODR. Representatives from ICICI Bank and other enterprises such as Udaan and Bajaj Alliance Life shared their experience and ideas that will further advance adoption of ODR.

Efforts are underway in India to create a unified ODR protocol that enables an enterprise to connect with multiple ODR institutions at once, allowing these

3 ODR Handbook, page 61.

4 *Ibid.*, page 61.

enterprises to tie up with multiple ODR service providers. A Protocol for Unified Legal Services (PULSE) has since been published to enable enterprises to connect.⁵

4 Unpacking AI Building Blocks for ODR

Over the years, Artificial Intelligence has found many applications in dispute resolution, including for predicting outcomes, early neutral evaluation, online legal guidance, speeding up research and its accuracy, identifying relevant issues and laws, drafting pleadings and other documents and so on. The introduction of conversational AI like ChatGPT has, however, introduced a wholly new dimension to the use of AI in dispute resolution in a little over 6 months. Conversational AI, as the name suggests, enables a person to ask questions to an AI and receive responses in a humanlike manner. The knowledge that the conversational AI uses to answer queries can even be limited to a trusted source, reducing ‘hallucinations’ or errors in its functioning.

The Jugalbandi chatbot⁶ is an example of the combinatorial power of conversational AI with building blocks such as language translation,⁷ and text-to-audio ability. Jugalbandi is a chatbot that one can interact with by using text or voice in multiple Indian languages. Jugalbandi answers the questions it is asked over WhatsApp⁸ using a trusted database of information fed into the bot’s system for this purpose. The ability to converse using audio in vernacular languages using messaging apps that can be utilized by using a phone means that it can reach audiences that may not necessarily know how to read and write. A few use cases of Jugalbandi include an ability to check whether one is eligible for various government schemes and entitlements in India and understand the process of applying for these schemes. It is also being used to assist the victims of domestic violence understand their rights and available legal recourses. One need not pose one’s queries as legal questions – the bot is intelligent enough to use the facts put to it and make connections with the relevant laws. Jugalbandi is a particularly powerful tool given that it is free and open – anyone can use the underlying tech for one’s own use.

Furthermore, conversational AI is also being experimented with to automate certain kinds of dispute resolution.⁹ Similarly, internal processes of companies, for example, processing of claims by insurance companies, can be automated – completely or with little human intervention. This has a potential to bring down the cost of resolution, reducing costs for the parties, in turn increasing the number of parties that can access legal information.

Facilitated by the team from OpenNyAI (Sachin Malhan, Saurabh Karn, Smita Gupta), the attendees participated in a workshop to unlock the possibilities of AI

5 <https://github.com/beckn/PULSE-Specification/tree/main/docs>.

6 <https://www.jugalbandi.ai/>.

7 <https://bhashini.gov.in/ulca/model/explore-models>.

8 Or any other messaging app it is integrated with.

9 <https://www.pegasoft.com/about/news/press-releases/pegasoft-infuses-ai-pegasoft-smart-dispute-streamline-chargeback-processes>.

and use cases that are relevant to them. The OpenNyAI team also launched a challenge along with Amazon Web Services at the ODR Forum to catalyse, identify and support a new generation of ODR tools that utilize cutting-edge AI, particularly large language models (LLMs), to create radically better experiences for users in and around informal and formal dispute resolution systems.¹⁰

5 ODR for Healthcare Disputes

Healthcare is an enormously complex industry. It involves a wide variety of public and private stakeholders (including patients, providers, payors and regulators). Technology is already changing the healthcare industry worldwide, particularly in the wake of the pandemic, so it is only natural that technology would also be used to resolve disputes that arise in the healthcare industry.

Healthcare disputes are particularly amenable to ODR for a couple of reasons. First, health disputes often involve multiple parties, including the hospital, the patient, the doctor and any other professionals. Second, the underlying documents of these disputes are increasingly available in an electronic format. Third, these disputes involve professionals who may not always be free at the same time, requiring asynchronous modes of communication and resolution. Colin Rule, Dhvani Mehta, Ujjvala Balal Shetty, Shirish Deshpande and Archana Sabnis explored these possibilities at the Forum. The discussion helped frame healthcare as a niche area ripe for ODR-uptake, similar to financial disputes.

6 Citizen-Centric Courts: Insights from Global Change-Leaders

The pandemic saw many courts embrace technology in resolving disputes. While the adoption of technology began with more simple technology such as video conferencing, courts all over the world are now experimenting with technology as truly a fourth party to the dispute, embracing technology in its more innovative capacity.

Justice Suraj Govindaraj, Justice A. Muhamed Mustaque, Caroline Sheppard OBE, Judge Anderson de Paiva Gabriel, Sudhir Krishnaswamy, Graham Ross, Supriya Sankaran, and Ayushi Singhal were a part of this session at the Forum and we are laying down a few trends in this regard that were discussed at the ODR Forum.

- 1 Courts are increasingly adopting user-centricity as a lens to court transformation, where the users are not limited to the lawyers and judges alone, but include parties to the dispute, court staff, witnesses, and other stakeholders. For example, the High Court of Kerala in India worked with each stakeholder of the court right from the inception of its transformation project, adopting a collaborative approach. The idea was to not impose any new processes on the user, and instead work with the users to design the new processes keeping in mind their needs. A gradual phased process of

¹⁰ <https://opennyai.org/harnessing-ai-for-next-generation-online-dispute-resolution-odr/>.

implementation was adopted to avoid any sudden impact on the lives of users, which was complemented by iteratively updating through regular feedback. Through this approach, the users do not adapt to technology, but the technology adapts in accordance with the needs of users.

- 2 An outcome of user-centricity has been what Caroline Sheppard calls “unbundling the bundle”. In popular culture, we often see lengthy bundles of case files being carried around in a wheelbarrow in the court premises. The judges often do not require so many documents to decide cases, only a few relevant facts. On the other hand, to their dislike, lawyers typically spend hours and days creating these huge case bundles, this long journey making them completely invested in the case. The UK Traffic Penalty Tribunal replaced these bundles with convenient online communication between the court and the parties. The parties including the traffic authority fill in simple forms online submitting only the relevant information needed to decide the case. To their surprise, the UK Traffic Penalty Tribunal found that this made it possible to mediate even the traffic penalty cases! It was easy for the parties to quickly find the relevant information and arrive at a compromise. The time parties and lawyers invested in the case no longer dissuaded a compromise – parties and lawyers were no longer attached to a favourable outcome, but to a fair one.
- 3 Courts are seeing a movement from synchronous to asynchronous hearings, where the parties, judges and witnesses do not have to make their submissions at the same time and place. Parties can log into their computers or phones and make submissions at their own time. In the UK Traffic Penalty Tribunal, for instance, parties can even comment on the photos shared as evidence by the other party, making court submissions as simple as ordering a cab on Uber or texting on WhatsApp. Apart from reducing the strict format of pleadings, this is also accompanied by embracing multimodal means of communication as suited to the parties, text, videos/ photos, audio and so on.
- 4 Jurisdiction as a concept is an outcome of the physical spaces within which the courts and the parties to the case operate. As the importance of physical spaces decreases, the concept of jurisdiction is starting to lose relevance. Brazil, for example, has experimented with 100% virtual courts called the Justice 4.0 Courts that have a wider jurisdiction than the corresponding jurisdiction of physical courts. These courts are fully remote, and the parties, judges and other stakeholders in these courts attend the court remotely participating in a 100% digital proceeding.
- 5 Many countries in the world have a division of judicial powers between the centre (or federal government) and the constituent state governments. The practices of state judiciary differ, and increasingly so in diverse countries such as India and Brazil. Uniformity can be a quick solution that ensures easy coordination between these courts but sometimes disregards local needs of state courts, and requires revamping of the existing systems in place. Courts in Brazil have tackled this issue by taking a platform-based approach, where the local courts maintain their diverse approaches, while at the same time exchange information amongst one another and with the federal courts by ensuring

interoperability of their systems. The new functionalities that the court creates are also available in the form of APIs.

- 6 More courts are now managing their data in a way that supports the use of AI and allows for evidence-based decision making within the judiciary. For example, Kerala is using data to reduce the time that judges spend on supervising their court staff.
- 7 Courts are also partnering with private enterprises to provide extended services, for example, by enabling people to represent themselves with help, or by working with ODR institutions for out-of-court mediation. These service-providers work as satellites around the court system, enhancing the role of the court to suit the needs of its users. A few questions the ODR Forum participants held in this regard were about the court's role in ensuring fair competition in this marketplace to ensure that more players can offer these associated services.

An important learning in the efforts of courts to embrace technology has been to not try to fix the past record of cases. Instead of identifying ways in which legacy cases can also be onboarded to the new digitally powered courts, the courts are realizing that it is better to deal with the two (old cases that have already been filed and new cases) separately. This reduces a lot of effort that is required in integrating the cases already filed with the new process, and also enables designing the new process from scratch.

7 ODR for Court-Annexed Resolution

Written by Deepika Kinhal, Senior Resident Fellow and team lead for the JALDI (Justice, Access and Lowering Delays in India) initiative at Vidhi Centre for Legal Policy, an independent think tank in India, and also facilitator of this session at the ODR Forum.

The other speakers in this session were Justice Kannan Krishnamoorthy, Justice Ashok Kumar Jain, Leonardo D'Urso and Tanu Mehta.

Courts in India are overburdened with millions of civil disputes that are amenable for settlement. However, due to lack of awareness regarding mediation, many avoidable disputes enter courts, only to languish for several years. Private ODR platforms in India have now started resolving lakhs of disputes outside the public court system in partnership with financial/business enterprises. However, the huge potential of resolving crores of various categories of disputes that enter the courts remains untapped due to the siloed way of working of private ODR platforms and the public court system. One avenue where there is a possibility of the two worlds meeting is through the Court annexed Mediation Centres (CMC).

CMCs are currently understaffed, with several administrative issues. They are also lacking in adequate quality mediators. Because the private ODR platforms are vigorously training new mediators and arbitrators, a partnership between private ODR platforms and CMCs will go a long way in reducing the number of cases that enter the court by unlocking the potential of technology enabled, seamless mediation experience for millions of litigants'

Some steps that can be taken towards this are to:

- 1 Initiate conversation on formal engagements between CMCs and ODR platforms for augmenting training capacity, increasing the pool of mediators and unlocking the potential of technology to reduce cases entering the courts.
- 2 Identify potential challenges in enabling such partnerships by deep-diving into administrative roadblocks or mindset issues. These barriers need to be systematically tackled through external and internal measures.
- 3 Identify initial successes in ODR platforms partnering with CMCs in India to chalk out a strategy to enable more such partnerships for courts and tribunals across the country.
- 4 Learn from jurisdictions such as Italy where private mediation centres regularly work with courts to resolve disputes at the pre-litigation stage. If a country like Italy can have millions of disputes being mediated, Indian numbers are just a tip of the iceberg aka huge potential for disruption through ODR in CMCs.

8 Regulating ODR: A Community Dialogue

Written by Srijoni Sen and Sachin Malhan, who were also facilitators of this session at the ODR Forum.

8.1 Introduction

The rapid growth of online dispute resolution (ODR) services in India has ushered in a new era of resolving conflicts in the digital realm. Between 2018 and 2023 the number of disputes onboarded to online providers touched 5 crores (50 million), the number of online dispute resolution (ODR) start-up providers grew from 3 to 15+, and the number of enterprises piloting ODR grew from 1 to 120. ODR extended its application to areas including central and state online *Lok Adalats*, traffic-related cases, tax offices, customs offices, and many more state forums. Private ODR services are now widely used by banks, Non-Banking Financial Companies (NBFCs), e-commerce companies, and more. New digital ecosystems and public infrastructure, such as Account Aggregators in finance, UPI in digital payments, and the Open Network for Digital Commerce in e-commerce, have native ODR solutions that users can take recourse to, picking their choice of providers. With this rapid growth of ODR, attention is being drawn to the possible need for some form of regulatory mechanism to address fears that include inconsistent quality, lack of adherence to procedure and unethical practices compromising the neutrality of ODR providers.

On the other hand, over-regulation at an early stage may prevent the ODR ecosystem from growing to its full potential.

8.2 Recognizing Existing Regulatory Frameworks

Although there is no specific legislation dedicated solely to ODR, it is crucial to acknowledge that ODR services are already subject to regulation through various existing laws. Legal frameworks such as the Arbitration and Conciliation Act 1996, the Information Technology Act 2000, the Contract Act 1872 and the recently

legislated Mediation Act 2023 already provide a legal framework within which ODR must operate. At its crux, nearly 40% to 50% of present day ODR is actually arbitration or conciliation that is taking place online. Additionally, the forthcoming new data protection legislation is likely to further strengthen the regulatory landscape for ODR. Thus, it may be preferable to leverage existing legal mandates to ensure that ODR services can thrive whilst being held accountable.

8.3 Acknowledging De Facto Stakeholder Oversight

Even without any specialized regulatory framework, ODR service providers are subject to oversight from multiple, often highly regulated, stakeholders involved in the dispute resolution process. The first, and largest, user of ODR in India has been the banking and financial services sector. This highly regulated sector already has a framework for data management and customer privacy that their preferred ODR providers must then satisfy. Further, state partners to ODR, such as *Lok Adalats*, Motor Vehicles departments and so on have their own protocols – for example, who can be an arbitrator or conciliator of their disputes – that bind the providers. Each stakeholder group brings its own set of regulations and governance mechanisms, ensuring that ODR remains accountable and operates within ethical boundaries. Recognizing and encouraging this existing stakeholder oversight strengthens the integrity of the ODR ecosystem.

8.4 Developing Self-regulation Mechanisms

Another aspect is the potential for self-regulation within the ODR community. The International Council for Online Dispute Resolution (ICODR) is an example of this. A nonprofit consortium, incorporated in the United States, it drives the development, convergence and adoption of open standards for ODR. ICODR's open standards offer the potential to lower cost, stimulate innovation, protect consumers and citizens, and protect the right of free access to justice. By establishing a set of peer regulations through ICODR or ICODR-like approaches, ODR service providers can proactively define best practices and continuously improve their operations. This approach, rooted in self-regulation principles, allows for flexibility while ensuring transparency and accountability. Involving industry experts, practitioners and stakeholders in the development of peer regulations enables addressing the unique challenges and requirements of ODR effectively. At the 22nd International ODR Forum in Bengaluru, over two-thirds of the ODR providers in India pledged to form an association that would, amongst other things, develop such standards.

8.5 In Conclusion – Fostering a Robust Regulatory Landscape

A measured approach to regulation strikes a balance between oversight and flexibility within the ODR field. Leveraging existing legal frameworks guarantees essential aspects such as data protection, confidentiality and procedural fairness. Simultaneously, stakeholder oversight ensures quality standards and addresses concerns related to the conduct of ODR companies and professionals. To enhance the regulatory landscape further, collaborative efforts between ODR providers, government bodies, legal experts, and industry representatives are necessary. This

can help identify gaps in the current regulatory framework and facilitate the development of guidelines specifically tailored to ODR. Ongoing dialogue and knowledge-sharing among stakeholders is vital for the evolution of effective regulations that keep pace with the dynamic nature of online dispute resolution while not stymieing it.

9 Unpacking ODR for Complex Social Disputes

India is at a critical inflection point of new use cases adopting ODR. For instance, police departments across two states in India, Madhya Pradesh and Punjab, are collaborating with an ODR institution each. Cases, particularly domestic violence cases, in all 52 districts in Madhya Pradesh can be filed for online mediation on an ODR platform. It reduces the burden on police officials and ensures that parties can resolve their disputes with the help of professional mediators. Over 2500 cases in the state have been successfully resolved through this police department initiative.

In Punjab, an exclusive ODR platform, annexed to the police station, is set up to encourage complainants to settle their cases out of court where possible. The Dispute Intervention & Legal Awareness through Social Alliance (DILASA) is being piloted with the *Saanjh Kendras* that were set up to create people-friendly police stations in Punjab. Globally, ODR is used for matrimonial and domestic violence disputes too.

Supriya Sankaran facilitated a learning circle on unlocking ODR for Complex Social Disputes. Bringing together ODR entrepreneurs, changemakers on the ground with expertise working on domestic violence cases in particular, and with testimonials from on the ground, the group explored the challenges of ‘settlement’ of disputes and ‘enforcement’ of the settlement order. They shared key learnings and best practices, explored collaborations – all with the intention to combine the scale technology offers and the insights that working on the ground offers.

10 ODR by the State

Government departments are also overburdened with disputes while under-resourced to be able to address these disputes. Recognizing that ODR can facilitate and ease resolution of disputes, they are exploring use cases for ODR. For example, the State Commission for Persons with Disabilities, Goa is working with an ODR service provider to set up a new notice management system to disseminate information, monitor and evaluate stakeholder feedback and enforce compliance with statutory/regulatory provisions. National and State Legal Service Authorities across India have adopted ODR for small cause disputes, resolving hundreds of thousands of disputes in the last 3 years.

In a session facilitated by members from the Piramal Foundation that works closely with government departments, representatives from the State Commission for Persons with Disabilities, Goa; the National Legal Services Authority and Madhya Pradesh Police shared their experience of adopting ODR and the opportunities available. They shared that ODR has helped them reach more people,

that it eased their administrative and dispute resolution burden. They are keen to work with more government representatives, conduct more pilots, and mainstream adoption of ODR.

11 Unpacking Digital Public Goods and Digital Public Infrastructure for Dispute Resolution

India is at the cusp of a digital evolution across sectors. Leveraging Digital Public Goods (DPG) and Digital Public Infrastructure (DPI), India is enabling innovation, inclusion and interconnectivity, and empowering communities across social welfare delivery, health, finance, commerce and other sectors. Under India's G20 Presidency this year, the G20 Digital Economy Working Group also identified DPI as a key priority area. Innovation and learnings from leveraging DPG and DPI are equally transformative for law and justice too. Recognizing this, the ODR Forum hosted three sessions over the two days covering (i) Learnings from IndiaStack (ii) Power of Open-Source Platforms and (iii) Interoperability enabling seamless dispute resolution services.

12 Learnings from IndiaStack

Pramod Varma, Chief Architect of Aadhar, India's digital identity program, was in conversation with Rahul Matthan. Pramod Varma shared a few key learnings in designing large scale digital infrastructure systems.

One, to take a horizontal stack-based approach, instead of a vertical solution-based approach. What this means is that instead of solving each problem through a different portal or application (vertical solutioning), building a common horizontal layer that forms the underlying basis for all individual solutions, and enables data sharing between all the solutions that are built on top of it. This horizontal layer includes shared data registries (e.g. a list of lawyers, arbitrators, or legal cases) and a data exchange layer.

The individual solutioning then can be unbundled and made interoperable. We can understand this by using the example of a house. When one is building a house, the door knob seamlessly fits in the door, the door fits in the house and yet neither of them is built by the same person, as long as they coordinate on the specifications for interoperability. This ensures designing for efficiency, fungibility and evolvability. In case the door knob is spoiled, one can easily change the door knob, while keeping the rest of the house intact.

When the public or market forces are solving for individual parts of the problem, they can coordinate on the specifications, enabling innovation and multiple use cases. For example, as long as the players in the market of mouse and laptops coordinate on the specifications that enable the mouse to plug with the laptop, each individual player can come up with its own mouse, without worrying about making it for a specific laptop.

This approach of sharing data registries and data exchange ensures several benefits. First, it accelerates sharing of information and reduces the amount of coordination required and the cost of integration. Second, it ensures greater visibility to administrators across departments. Third, it results in more effective outcomes and decisions due to the completeness of the data available. Such an approach increases the overall trust in the ecosystem and reduces disputes.

Two, to ‘credentialize’ the documents and other evidence at the source at the same time as it is created, in a non-tamperable, verifiable manner. These documents can then subsequently also be used as evidence in the court. For example, the COVID-19 vaccine certificates in India come with a QR code that can be scanned to verify and authenticate the certificate.¹¹ Similarly, the DigiLocker is a “secure cloud based platform for storage, sharing and verification of documents & certificates” that provides “access to authentic digital documents to citizens” through a “digital document wallet”.¹² This reduces the need, for example, to call one’s school principal to prove a graduation certificate stored on the wallet, vastly reducing the time and effort on evidence in the court. This also reduces the scope of dispute that the judge needs to apply her mind to.

Private persons can also create such credentialized evidence using digital signatures to sign off their documents much before the dispute even arises. For example, when a bank cheque is digitally signed at the source in a non-tamperable manner, the last party in the chain can say with certainty that nothing was done to this packet, making subsequent workflows easy and auto-adjudication possible. Once you digitally sign the cheque, the fact that the cheque was issued is no more a complex dispute that the court needs to resolve.

These ideas form the next frontiers of innovation in the space of dispute resolution.

13 The Power of Open-Source Platforms to Create Impact at Scale: The Story of DIGIT

DIGIT¹³ is an open-source platform for service delivery and governance built by eGov Foundation in India. Built on the same principles of unbundled and interoperable problem solving mentioned earlier, DIGIT aims to enhance State Capacity and catalyse market participation. Manish Srivastava, CTO, eGov Foundation, took the participants through the thinking behind building reusable, modular, extendable building blocks as part of the platform. He went on to break down the underlying Digital Public Infrastructure powered by a data registry layer and data exchange layer that can enable various government services. Being leveraged across Health, Education, Water, Sanitation, Finance – collaborators have begun imagining a case management system on top of DIGIT.

11 <https://verify.cowin.gov.in/>.

12 <https://www.digilocker.gov.in/>.

13 <https://core.digit.org/>.

14 Interoperable Networks for Seamless Dispute Resolution

We can say with fair certainty that no single solution, platform, or programme can meet the legal needs of 1.3 billion Indians or everyone across the globe. Across different sectors, we are starting to see the emergence of networks of solutions that can meet population scale needs. These community and accountability driven networks enhance access, availability of localized solutions and information flow.

Building on top of the last two sessions, this session was focused on the need for interoperability across platforms and organizations. Co-created along with Rajesh Menon from Foundation for Interoperability in Digital Economy (FIDE), the session included a presentation by Sujith Nair, FIDE followed by a workshop on interoperable (i) legal services (ii) legal information and (iii) ODR. Sujith highlighted the development and adoption of Beckn Protocol – an open resource discovery protocol across different use cases, such as commerce (ONDC), mobility (*Namma Yatri*) and health.

India is at a particular inflection point. Institutions (including digital ecosystems, government or judicial institutions, etc.) are keen to integrate with multiple ODR service providers. Recognizing this, the ODR Institutions in India have since begun working on publishing a unified ODR Protocol to enable such adopters to integrate with multiple ODR service providers in a simplified manner. The Protocol will allow the adopters to make ODR service providers easily discoverable.

15 Expanding the ODR Tribe – Nurturing Lawyers in ODR

Written by Mohit Mokal, a dispute resolution professional from India who also facilitated the session

The session aimed to emphasize the importance of nurturing upcoming lawyers in the field, focusing on career opportunities, and understanding recruitment policies of ODR institutions. It focused on the pivotal role of educational institutions in preparing a competent ODR Bar. Integrating ODR into existing law school curricula and organizing competitions and training sessions were highlighted as effective methods to introduce ODR to students.

A substantial portion of the session was dedicated to exploring diverse career opportunities in the field of ODR. The speakers objectively presented various roles available, including Case Managers, Mediators, Arbitrators, ADR Advocates, ODR developers, business development professionals, policy developers, ODR support staff, coordinators, administrators, and training specialists. Attendees were advised to focus on gaining relevant skills and experience through internships and training to excel in these roles.

Perspectives from case managers representing various ODR institutions shed light on the challenges and growth prospects in their respective roles. These insights provided a realistic understanding of the responsibilities and demands faced by professionals working in ODR.

To offer a practical outlook on ODR career opportunities, representatives from the ODR institutions also shared their recruitment policies and future plans. These institutions reiterated their active investment in nurturing ODR talent and that they seek individuals with specific skill sets to contribute effectively to the field.

By offering objective insights into various career opportunities within the ODR domain, the session motivated attendees to prepare themselves for the evolving legal landscape. Perspectives from experienced case managers and representatives from private institutions added practicality and depth to the discussion.

As ODR continues to gain global recognition, nurturing and empowering the next generation of ODR professionals is of paramount importance for the legal community worldwide.

16 Generating Actionable Insights for ODR Growth

Rachele Beretta and Susan Thomas were presenters at this session that was facilitated by Surya Prakash.

We have come a long way for ODR with many millions of disputes being onboarded with ODR institutions and many new kinds of dispute-types being considered for ODR. Transparent data about functioning of these ODR institutions can offer us valuable and systemic insights about the ODR ecosystem, and encourage further adoption of ODR. Transparent data about functioning of ODR institutions also becomes relevant in the context of their public function of dispensing justice.

This session focused on making visible existing insights and ODR impact through data, including the successes, opportunities, gaps, and so on of ODR in India. It was also an opportunity for the various ODR institutions to come together to align where they could go from here to develop a transparent and robust ODR ecosystem using data, including through ideas like open data, shared data standards, and so on.

17 Conclusion

The ODR movement in India began a little over 5 years ago, and is at a critical inflection point now. This has been possible due to the collective efforts of citizens, businesses, service providers, regulators, digital ecosystems and *Lok Adalats* or the small cause courts in India. The future of ODR in India also includes access to justice at the grassroots, including robust mechanisms for grievance redressal pertaining to government schemes. The ecosystem is also moving towards developing a more inclusive ODR system, taking into account the diverse nature of disputes, geography, language, and digital divide in India. The journey so far and going forward is powerful because there is a *growing community of innovators* committed to changing how we approach and resolve our disputes – indicating a shift in culture that could be important for the future of the country and for the world.

