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# Alternative Dispute Resolution in Family Law: Institutional Limits, And the Emerging Scope of Online Dispute Resolution

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**How to cite this article:**

Narula A, et, al, Alternative Dispute Resolution in Family Law: Institutional Limits, And the Emerging Scope of Online Dispute Resolution. *J Int Commer Law Technol.* 2026;7(1):527-535.

**Received:** 26-12-2025

**Revised:** 16-01-2026

**Accepted:** 28-01-2026

**Published:** 17-02-2026

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**Abstract:** The Indian family justice system, historically burdened by protracted litigation, has increasingly turned to Alternative Dispute Resolution (ADR) mechanisms such as mediation, conciliation, and Lok Adalats to resolve matrimonial and familial conflicts. These methods, anchored in statutes like the Family Courts Act, 1984, and the recent Mediation Act, 2023, promise swifter, cheaper, and more consensual outcomes. However, the institutionalisation of ADR in the family law domain faces significant structural and socio legal constraints. These include a severe shortage of trained mediators, inadequate infrastructure, deep seated cultural resistances, and persistent gender power imbalances that often undermine the voluntariness and fairness of the process. Concurrently, the digital transformation of dispute resolution presents a paradigm shift. Online Dispute Resolution (ODR) – the use of digital platforms to conduct mediation, arbitration, or negotiation – emerges as a potent tool to overcome many of these institutional limitations. By enabling remote participation, reducing costs, and offering scalable solutions, ODR holds the potential to dramatically enhance access to justice in family matters. Yet, its integration into the Indian legal landscape is nascent and fraught with challenges, including concerns over digital literacy, data privacy, the enforceability of online settlements, and the need for a robust regulatory framework. This paper critically examines the existing ADR ecosystem in Indian family law, identifying its institutional gaps through a doctrinal lens. It further undertakes a comparative analysis with jurisdictions such as the United Kingdom, the United States, and Australia, where ADR and ODR are more mature, to distil actionable lessons. Finally, the study explores the burgeoning scope of ODR in India, evaluating its legal underpinnings, practical applications, and the policy reforms required to harness its full potential.

**Keywords:** Alternative Dispute Resolution (ADR), Family Law, India, Institutional Limits, Online Dispute Resolution (ODR), Mediation, Comparative Analysis.

## INTRODUCTION

Family disputes, encompassing divorce, child custody, maintenance, and property division, are among the most emotionally charged and socially complex legal conflicts. In India, where family structures are deeply intertwined with cultural and religious norms, traditional litigation often exacerbates animosity, prolongs suffering, and drains

financial resources. Recognising these pitfalls, the Indian legal system has, over the past four decades, progressively incorporated Alternative Dispute Resolution (ADR) mechanisms as a preferred pathway for resolving family matters. The establishment of Family Courts in 1984<sup>1</sup>, the provision for court-annexed mediation in the Code of

<sup>1</sup> The Family Courts Act, 1984, No. 66, Acts of

Parliament, 1984 (India).

Civil Procedure<sup>2</sup>, and the recent enactment of the Mediation Act, 2023, collectively signify a policy shift towards consensual, non-adversarial justice.<sup>3</sup>

Despite this favourable legal framework, the ground reality reveals a gap between promise and performance. ADR institutions in India suffer from chronic under-resourcing, a dearth of professionally trained neutrals, and socio-cultural barriers that limit their reach and effectiveness. These institutional limits are particularly acute in family disputes, where power imbalances, gender inequality, and emotional vulnerability require exceptionally skilled intervention.<sup>4</sup>

In this context, the rapid evolution of information and communication technology has ushered in a new frontier: Online Dispute Resolution (ODR). ODR extends the principles of ADR into the digital realm, using platforms that facilitate negotiation, mediation, or arbitration entirely or partially online.<sup>5</sup> For a geographically vast and digitally connected country like India, ODR offers a compelling solution to many systemic constraints—offering scalability, cost-effectiveness, and remote accessibility.<sup>6</sup>

This research article aims to provide a comprehensive analysis of the interplay between ADR and ODR in Indian family law. It will first map the existing legal architecture of ADR, highlighting its strengths and, more critically, its institutional limitations. The article then engages in a comparative examination of family-law ADR in selected common-law jurisdictions (the United Kingdom, the United States, and Australia) to identify transferable best practices. Finally, it delves into the emerging scope of ODR, assessing its current deployment, legal recognition, and the challenges that must be overcome to realise its transformative potential. The ultimate objective is to contribute to the ongoing discourse on reforming family dispute resolution in India by advocating for a hybrid model that strengthens traditional ADR institutions while strategically embracing digital innovation.<sup>7</sup>

## THE LANDSCAPE OF ALTERNATIVE DISPUTE RESOLUTION IN INDIAN FAMILY LAW

<sup>2</sup> The Code of Civil Procedure, 1908, No. 5, Acts of Parliament, 1908, § 89 (India).

<sup>3</sup> The Family Courts Act, 1984, No. 66, Acts of Parliament, 1984 (India).

<sup>4</sup> Abhijaty Dubey & Dr. Juhi Saxena, The Effectiveness of Alternative Dispute Resolution in Family Disputes in India, 8(2) INT'L J.L. MGMT. & HUMAN. 3134 (2025).

<sup>5</sup> Sommya Kashyap, *International Perspective on Gender Justice in Family Dispute Resolution: A Comparative Analysis and Lessons for India*, 8(3) INT'L J.L. MGMT. & HUMAN. 3331 (2025).

<sup>6</sup> Ibid

<sup>7</sup> Bishnanand Dubey & Dr. Laxmikanta Das, *Legal Framework for Mediation in Family Disputes in India:*

## Legal and Institutional Framework

The integration of Alternative Dispute Resolution (ADR) into Indian family law is not a product of a singular reform but a gradual evolution, driven by legislative intervention, judicial activism, and a growing recognition of the limitations of adversarial litigation in intimate familial conflicts.<sup>8</sup> This landscape is characterized by a complex, sometimes overlapping, legal framework where traditional, community-based justice mechanisms coexist with formal, state-sponsored processes.<sup>9</sup>

## Historical Evolution and Philosophical Underpinnings

The modern ADR movement in Indian family law finds its roots in two parallel streams. The first is India's ancient tradition of *Panchayati* justice—community-led, conciliatory forums aimed at restoring social harmony. The second is the 20th-century global recognition of mediation as a superior tool for family disputes, which influenced Indian law reformers. The primary philosophical shift has been from a "rights-based" adjudicatory model to an "interest-based" reconciliatory model. The judiciary, in landmark cases like *K. Srinivas Rao v. D.A. Deepa* (2013)<sup>10</sup> and *Moti Ram v. Ashok Kumar* (2011)<sup>11</sup>, has repeatedly emphasized that family disputes are "sociological problems" requiring "healing touch" and "therapeutic approach" rather than a strictly legalistic one.

## Analysis of Institutional Mechanisms

- **Family Courts and Their Settlement Mandate:** The Family Courts Act, 1984, remains the cornerstone. The unique feature of these courts is the role of the "Family Court Judge" as an active settlement facilitator, not a passive arbiter. Judges are empowered to adopt any procedure they deem fit to effect a settlement (Section 10). This has led to the widespread adoption of "**chamber mediation**" or "**judge-led conciliation**," where the judge, in the privacy of chambers, attempts to broker a

*Analysis of Statutes, Case Laws, and Mediation Mechanisms*, 8(3) INT'L J.L. MGMT. & HUMAN. 4476 (2025).

<sup>8</sup> Sommya Kashyap, *International Perspective on Gender Justice in Family Dispute Resolution: A Comparative Analysis and Lessons for India*, 8(3) INT'L J.L. MGMT. & HUMAN. 3331 (2025).

<sup>9</sup> Abhijaty Dubey & Dr. Juhi Saxena, *The Effectiveness of Alternative Dispute Resolution in Family Disputes in India*, 8(2) INT'L J.L. MGMT. & HUMAN. 3134 (2025).

<sup>10</sup> *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226 (India).

<sup>11</sup> *Moti Ram v. Ashok Kumar*, (2011) 1 SCC 466 (India).

deal before the trial commences. While often effective, this model blurs the line between judicial authority and facilitative mediation, potentially creating coercion.<sup>12</sup>

- **Court-Annexed Mediation Centres (CAMCs):** Established under the guidance of the Supreme Court in *Salem Advocate Bar Association v. Union of India* (2005)<sup>13</sup>, CAMCs are located within court premises but function independently. They employ trained mediators, often retired judges, lawyers, or social workers.<sup>14</sup> The referral to a CAMC is typically made under Section 89 of the CPC.<sup>15</sup> The process is confidential, and if a settlement is reached, it is recorded as a decree. CAMCs represent the most structured form of mediation in India but suffer from massive backlogs due to under-capacity.<sup>16</sup>
- **Lok Adalats in Family Matters:** Lok Adalats operate under the National Legal Services Authority (NALSA). For family disputes, "Permanent Lok Adalats" and specially organized "Family Lok Adalats" are common. The process is conciliatory, with the Lok Adalat panel (usually a judge, lawyer, and social activist) actively persuading parties to compromise. The greatest advantage is the finality of the award—it is binding and non-appealable.<sup>17</sup> However, the focus on rapid compromise can sometimes overlook underlying power dynamics and the nuanced needs of children.<sup>18</sup>
- **The Paradigm Shift: The Mediation Act, 2023**<sup>19</sup>

This Act is a game-changer, providing the

first standalone national framework for mediation. Key provisions relevant to family law include:<sup>20</sup>

- **Pre-litigation Mediation:** Parties are encouraged, though not universally mandated, to attempt mediation before approaching a court or tribunal.
- **Enforceability:** A mediated settlement agreement (MSA) attained after the commencement of mediation can be enforced as a court decree or a judicial order, lending it tremendous legal weight.
- **Confidentiality:** The Act provides robust protections for communications during mediation, with limited exceptions, creating a safe space for dialogue.
- **Institutional Mediation:** It promotes the growth of mediation service providers, which can bring professional standardization.<sup>21</sup>

#### Documented Benefits and Judicial Endorsement

The judiciary has been a strong proponent of ADR. The Supreme Court of India, in a series of judgments, has emphasised that family disputes are best resolved through dialogue and reconciliation rather than contested litigation.<sup>22</sup> The benefits are well-documented: reduced time (cases can be resolved in months versus years in court), lower costs, greater party autonomy, confidentiality, and outcomes that are often more sustainable and less damaging to family bonds.<sup>23</sup>

<sup>12</sup> The Family Courts Act, 1984, No. 66, Acts of Parliament, 1984 (India).

<sup>13</sup> *Salem Advocate Bar Ass'n v. Union of India*, (2005) 6 SCC 344 (India).

<sup>14</sup> FAIK AK, *Mediation in Family Courts: Balancing Legal Formality and Emotional Realities*, LEGAL SERV. INDIA (Nov. 16, 2025), <https://www.legalserviceindia.com/Legal-Articles/mediation-in-family-courts-balancing-legal-formality-and-emotional-realities/>.

<sup>15</sup> The Code of Civil Procedure, 1908, No. 5, Acts of Parliament, 1908, § 89 (India).

<sup>16</sup> Abhijatya Dubey & Dr. Juhi Saxena, *The Effectiveness of Alternative Dispute Resolution in Family Disputes in India*, 8(2) INT'L J.L. MGMT. & HUMAN. 3134 (2025).

<sup>17</sup> Bishnanand Dubey & Dr. Laxmikanta Das, *Legal Framework for Mediation in Family Disputes in India: Analysis of Statutes, Case Laws, and Mediation Mechanisms*, 8(3) INT'L J.L. MGMT. & HUMAN. 4476 (2025).

<sup>18</sup> The Legal Services Authorities Act, 1987, No. 39, Acts of Parliament, 1987 (India).

<sup>19</sup> The Mediation Act, 2023, No. 32, Acts of Parliament, 2023 (India).

<sup>20</sup> FAIK AK, *Mediation in Family Courts: Balancing Legal Formality and Emotional Realities*, LEGAL SERV. INDIA (Nov. 16, 2025), <https://www.legalserviceindia.com/Legal-Articles/mediation-in-family-courts-balancing-legal-formality-and-emotional-realities/>.

<sup>21</sup> Bishnanand Dubey & Dr. Laxmikanta Das, *Legal Framework for Mediation in Family Disputes in India: Analysis of Statutes, Case Laws, and Mediation Mechanisms*, 8(3) INT'L J.L. MGMT. & HUMAN. 4476 (2025).

<sup>22</sup> Sommya Kashyap, *International Perspective on Gender Justice in Family Dispute Resolution: A Comparative Analysis and Lessons for India*, 8(3) INT'L J.L. MGMT. & HUMAN. 3331 (2025).

<sup>23</sup> Abhijatya Dubey & Dr. Juhi Saxena, *The Effectiveness of Alternative Dispute Resolution in Family Disputes in India*, 8(2) INT'L J.L. MGMT. & HUMAN. 3134 (2025).

**Table 1: Key Legal Provisions for ADR in Indian Family Law**

Statute	Key ADR Provision	Primary Mechanism	Applicability to Family Disputes
Family Courts Act, 1984 <sup>24</sup>	Section 9 – Duty to attempt settlement	Court-referred Mediation/Conciliation	Primary statute for matrimonial disputes
Code of Civil Procedure, 1908 <sup>25</sup>	Section 89 & Order XA – Reference to ADR	Mediation, Conciliation, Arbitration, <i>Lok Adalat</i>	All civil suits, including family matters
Mediation Act, 2023 <sup>26</sup>	Entire Act – Framework for mediation	Institutional & private Mediation	All civil/commercial disputes, including family
Legal Services Authorities Act, 1987 <sup>27</sup>	Chapter VI – <i>Lok Adalats</i>	Conciliation and compromise	Wide range, including family disputes

### INSTITUTIONAL LIMITS OF ADR IN INDIAN FAMILY LAW

Despite a supportive legal framework, the effective delivery of ADR services is hampered by several entrenched institutional limitations.

#### Infrastructure and Resource Deficits

There is a severe shortage of dedicated mediation centres and family-court-annexed mediation cells, particularly in rural and semi-urban areas. Even where they exist, they often lack basic facilities,

administrative support, and technological tools, creating an environment that fails to inspire confidence in the process.

#### Scarcity of Trained and Specialised Mediators<sup>28</sup>

The shortage of mediators is acute, but the crisis is one of **quality and specialisation**, not just quantity.

- **Training Deficit:** There is no uniform national curriculum for family mediator training. Training programs often focus on legal knowledge and generic mediation skills, neglecting critical areas like:
  - Child development and psychology.
  - Dynamics of domestic and intimate partner violence.
  - Financial disclosure and valuation of marital assets.
  - Mental health first aid and trauma-informed practice.
- **The "Retired Judge" Model:** Heavy reliance on retired judges as mediators can import an adjudicative, evaluative mindset into a process meant to be facilitative. They may prematurely suggest outcomes based on what a court *would* do, rather than empowering parties to find their own solutions.<sup>29</sup>

#### Cultural and Social Barriers

- **The Stigma of Breakdown:** The social and religious sanctity of marriage in India makes "settlement" often synonymous with "reconciliation," even in irreparably broken marriages. This pressure can trap parties, especially women, in harmful relationships.
- **The Family as a Collective:** In Western individual-centric models, mediation involves the spouses. In India, extended families often insist on participating, complicating the dynamics and sometimes overpowering the voices of the primary parties.
- **Religious Personal Laws:** The application of different personal laws (Hindu, Muslim, Christian) to family matters can create confusion in mediation. Mediators need cross-cultural competency to navigate these

<sup>24</sup> The Family Courts Act, 1984, No. 66, Acts of Parliament, 1984 (India).

<sup>25</sup> The Code of Civil Procedure, 1908, No. 5, Acts of Parliament, 1908, § 89 (India).

<sup>26</sup> The Mediation Act, 2023, No. 32, Acts of Parliament, 2023 (India).

<sup>27</sup> The Legal Services Authorities Act, 1987, No. 39, Acts of Parliament, 1987 (India).

<sup>28</sup> FAIK AK, Mediation in Family Courts: Balancing Legal Formality and Emotional Realities, LEGAL

SERV. INDIA (Nov. 16, 2025), <https://www.legalserviceindia.com/Legal-Articles/mediation-in-family-courts-balancing-legal-formality-and-emotional-realities/>.

<sup>29</sup> Sommya Kashyap, *International Perspective on Gender Justice in Family Dispute Resolution: A Comparative Analysis and Lessons for India*, 8(3) INT'L J.L. MGMT. & HUMAN. 3331 (2025).

differing legal norms and community expectations.<sup>30</sup>

### Power Imbalances and Gender Bias

This is the most significant institutional limit. Indian family mediation often occurs in the shadow of profound gender inequality.

- **Economic Dependence:** A large percentage of women litigants are financially dependent on their spouses. The fear of economic destitution can force them into unfavorable settlements regarding maintenance or property.
- **Social and Emotional Coercion:** Threats of losing child custody, social ostracization, or protracted litigation are used as leverage. A mediator untrained in identifying these coercive tactics may mistake silence for consent.
- **The "Unequal Bargaining Table" Critique:** Scholars like Dr. Flavia Agnes have argued that in a patriarchal society, mediation on an "equal footing" is a myth. The process may simply provide a veneer of legitimacy to pre-existing power imbalances.

### Enforcement and Legal Uncertainty

While the Mediation Act, 2023, strengthens enforceability, in practice, parties sometimes renege on mediated agreements, leading to fresh litigation. The ambiguity regarding the finality of settlements, especially those reached outside strict statutory frameworks, remains a concern.<sup>31</sup>

**Table 2: Institutional Limits of ADR in Indian Family Law**

Limitation Category	Specific Challenges	Impact on ADR Efficacy
<b>Infrastructural</b>	Lack of dedicated spaces, poor administrative support, digital divide.	Reduces accessibility and professional credibility of the process.
<b>Human Resource</b>	Insufficient number of mediators; lack of specialisation in family	Leads to poorly facilitated sessions and potentially unjust outcomes.

<sup>30</sup> Bishnanand Dubey & Dr. Laxmikanta Das, *Legal Framework for Mediation in Family Disputes in India: Analysis of Statutes, Case Laws, and Mediation Mechanisms*, 8(3) INT'L J.L. MGMT. & HUMAN. 4476 (2025).

<sup>31</sup> Bishnanand Dubey & Dr. Laxmikanta Das, *Legal Framework for Mediation in Family Disputes in India: Analysis of Statutes, Case Laws, and Mediation*

	dynamics.	
<b>Socio-Cultural</b>	Stigma around family breakdown; patriarchal norms; reluctance to compromise.	Inhibits voluntary participation and genuine consent.
<b>Substantive</b>	Inability to effectively handle power imbalances and gender bias.	Risks entrenching inequality and violating principles of fairness.
<b>Systemic</b>	Weak enforcement mechanisms for settlements; overlap with litigation.	Undermines finality and encourages forum-shopping.

### COMPARATIVE ANALYSIS: LEARNING FROM GLOBAL MODELS

A nuanced comparison reveals that successful jurisdictions combine compulsion with support, and professionalism with accessibility.<sup>32</sup>

#### United Kingdom: The Mandatory Gateway and Robust Support<sup>33</sup>

- **Mediation Information and Assessment Meeting (MIAM):** Since 2014, anyone applying to court for most private family law orders must first attend a MIAM with a certified mediator. The mediator assesses suitability, explains options, and can issue a form allowing the applicant to proceed to court if mediation is unsuitable (e.g., in cases of domestic abuse).
- **Public Funding:** While legal aid for court is severely restricted, government funding for mediation remains available for eligible individuals, ensuring access.
- **Lesson for India:** India can institute a **mandatory "First Orientation Session"** in family disputes, exempting cases with documented violence. This would

*Mechanisms*, 8(3) INT'L J.L. MGMT. & HUMAN. 4476 (2025).

<sup>32</sup> Katherine Muldoon, *Arbitration Trends in Family Law: A Global Perspective*, RESOLUTION (THE REV.) (Resolution, Apr. 2025), <https://www.spencerwest.com/news/arbitration-trends-in-family-law-a-global-perspective/>.

<sup>33</sup> Ibid

educate parties without forcing mediation, increasing informed uptake.<sup>34</sup>

**United States: Specialisation and Market-Driven Innovation**

- **High Degree of Specialisation:** States like California require mediators handling child custody to have advanced training in family dynamics. Many mediators hold dual qualifications in law and psychology or social work.
- **Diverse Practice Models:** From evaluative to transformative mediation, various models are practiced. The private sector drives innovation, including early adoption of ODR.
- **Lesson for India:** India must move beyond generic mediator accreditation to create a **specialist credential for "Family Mediator."** Collaboration with psychology and social work councils is essential.

**Australia: A Holistic, Child-Centered, Publicly Funded Ecosystem**

- **Family Dispute Resolution (FDR):** This is a broader term than mediation, encompassing a range of child-focused practices. It is compulsory for parenting disputes.
- **Family Relationship Centres (FRCs):** These are the linchpin. Government-funded, community-based, they provide free or low-cost FDR, information, and advisory services. They decouple the dispute resolution process from the court system entirely in the first instance.
- **Lesson for India:** This is the most replicable model. India's vast network of **Legal Services Authorities** could be mandated to establish "Family Resolution Centres" in every district, offering free initial mediation and support services, acting as a filter before courts.

**Table 3: Detailed Comparative Matrix on Addressing Power Imbalances**

Jurisdiction	Safeguard Against Power Imbalance	Screening for Domestic Violence	Support for Vulnerable Parties
India	Largely	Inconsistent	Limited;

<sup>34</sup> Sai Ramani Garimella & Dharmita Prasad, *India*, in CHOICE OF LAW AND RECOGNITION IN ASIAN FAMILY LAW (Bloomsbury Publishing Plc. 2023).

<sup>35</sup> Sai Ramani Garimella & Dharmita Prasad, *India*, in CHOICE OF LAW AND RECOGNITION IN ASIAN FAMILY LAW (Bloomsbury Publishing Plc. 2023).

	mediator-dependent; no standard protocol.	nt; often overlooked in pursuit of settlement.	party can bring a lawyer or support person, but no state-funded support.
UK	MIAM mediator assesses suitability; separate rooms ("shuttle mediation") used.	Stringent; clear exemptions from mediation; safe procedures if mediation proceeds.	Legal aid available for mediation; support persons allowed.
Australia	FDR practitioners specifically trained; intake assessment is rigorous.	Mandatory screening tools; non-negotiable exclusion criteria.	Free FRC services; referral to support agencies for counselling, legal advice.

**THE EMERGING SCOPE OF ONLINE DISPUTE RESOLUTION**

ODR in family law is not merely "mediation over Zoom." It is a distinct methodology leveraging technology to redesign the dispute resolution journey.<sup>35</sup>

**Typology of ODR Tools in Family Law<sup>36</sup>**

- **Communication-Facilitation Tools:** Secure video conferencing (with breakout rooms), encrypted chat, and document-sharing portals.<sup>37</sup>
- **Process-Empowerment Tools:**
  - **Intake and Screening Bots:** AI-powered questionnaires that can triage cases, screen for red flags like violence, and collect basic information.
  - **Issue Identification and Agenda Setting Tools:** Platforms that help parties anonymously list their concerns and priorities before joint sessions.

<sup>36</sup> Heard, Bickerdike & Opoku, Remote family dispute resolution services for COVID and post-COVID times, 60(2) FAM. CT. REV. 220 (2022)

<sup>37</sup> Ibid

- **Blind Bidding Systems:** For financial disputes, algorithms can facilitate settlement by having parties make confidential offers within a range.
- **AI-Assisted Neutral Tools:** These are not decision-makers but aids for the mediator, such as tools that analyze communication patterns for heightened emotion or that help draft settlement agreements from key terms.<sup>38</sup>

#### The Indian ODR Landscape: Pioneers and Pilots<sup>39</sup>

- **Private Platforms:** Companies like **Presolv360** and **SAMA** have developed ODR platforms used by corporations and are now venturing into family disputes. They offer structured workflows, e-signing, and neutral management.
- **Government and Judicial Initiatives:** The **Delhi High Court's Mediation and Conciliation Centre** successfully conducted online mediations during the pandemic. The **National Internet Exchange of India (NIXI)** has also launched an ODR project. The **Tele-Law** initiative connects clients to lawyers via video, which could be extended to mediation.
- **The ODR Rules Project:** The **India-Singapore ODR Committee** has proposed a comprehensive set of rules for ODR, which could inform national policy.

#### A Critical Analysis of Advantages in the Indian Context

- **Overcoming Geography:** Crucial for serving non-resident Indians (NRIs) embroiled in cross-border family disputes, and for connecting parties in remote areas to specialist mediators in cities.
- **Lowering Emotional Confrontation:** The physical separation can reduce the "heat" of confrontation. Text-based communication can allow parties to pause and reflect before responding.
- **Efficiency and Record-Keeping:** Automated scheduling, digital document management, and the creation of a

verifiable audit trail of the process enhance efficiency and transparency.

#### Addressing the Challenges Head-On

- **Bridging the Digital Divide:** ODR cannot be the only option. Public investment in **ODR kiosks** at Legal Services Authorities, post offices, or *Panchayat* offices, with assisted access, is essential.
- **Data Security and Jurisdiction:** Data must be stored on servers within India to comply with the law. End-to-end encryption and strict access controls are non-negotiable. The **Digital Personal Data Protection Act, 2023**, will provide the regulatory framework.<sup>40</sup>
- **Preserving Humanity and Trust:** Mediators must be trained in "virtual empathy." Techniques like longer pre-caucus sessions, deliberate use of names, and allowing time for informal check-ins are vital to build rapport online.<sup>41</sup>
- **Regulatory Sandbox Approach:** A regulatory body (perhaps a joint committee of the Law Ministry and NITI Aayog) should create a "sandbox" to pilot different ODR models, assess their outcomes, and then formulate evidence-based standards.<sup>42</sup>

**Table 4: SWOT Analysis of ODR in Indian Family Law**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>- Unmatched geographical reach</li> <li>- Cost and time efficient</li> <li>- Appeals to tech-savvy younger generation</li> <li>- Creates digital audit trail</li> </ul>	<ul style="list-style-type: none"> <li>- Excludes the digitally illiterate/poor</li> <li>- Impersonal, may hinder trust-building</li> <li>- Cybersecurity and privacy risks</li> <li>- Unclear standards for platform quality</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>- Integrate with Aadhaar for identity verification</li> <li>- Use AI for intelligent triage and support</li> <li>- Become a global hub for cross-border family ODR</li> <li>- Decongest family</li> </ul>	<ul style="list-style-type: none"> <li>- Commercialization creating a two-tier justice system</li> <li>- Poorly designed platforms forcing bad process</li> <li>- "One-size-fits-all" tech solution ignoring socio-cultural nuance</li> </ul>

<sup>38</sup> Zeleznikow, Using Artificial Intelligence to provide Intelligent Dispute Resolution Support, 30(4) GROUP DECISION & NEGOTIATION 789 (2021)

<sup>39</sup> Schindeler, *Unanswered Questions – Family Dispute Resolution in the Shadow of the Law*, 44(1) J. SOC. WELFARE & FAM. L. 84 (2022)

<sup>40</sup> The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

<sup>41</sup> Zeleznikow, Using Artificial Intelligence to provide Intelligent Dispute Resolution Support, 30(4) GROUP DECISION & NEGOTIATION 789 (2021)

<sup>42</sup> NITI AAYOG, DESIGNING THE FUTURE OF DISPUTE RESOLUTION: THE ODR POLICY PLAN FOR INDIA (Draft Discussion Paper, Oct. 2020).

courts dramatically	- Legal ambiguity undermining enforceability
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### THE FUTURE TRAJECTORY: A BLUEPRINT FOR INTEGRATED REFORM

The future requires a synergistic, two-pronged national strategy: **Strengthen and Expand** (traditional ADR) and **Innovate and Integrate** (ODR).

#### Phase I: Strengthening the Core ADR Infrastructure (1-3 Years)

- **National Family Mediation Council:** Establish a statutory body under the Mediation Act to:
  - Set **National Standards for Family Mediator Training and Accreditation.**
  - Maintain a **public register of accredited family mediators.**
  - Develop **Model Protocols** for screening domestic violence, child-inclusive practice, and ethical conduct.
- **Family Resolution Centres (FRCs):** Mandate each District Legal Services Authority to set up an FRC, staffed with accredited family mediators and counsellors, offering free first sessions and low-cost services.

#### Phase II: Building the ODR Ecosystem (2-5 Years)

- **National ODR Platform for Family Disputes (Family Resolution Portal):** Develop a state-sponsored, open-access platform (like Singapore's Community Justice Centre). This would:
  - Provide a **gateway** to information, screening, and triage.
  - Host a **panel of vetted online mediators.**
  - Offer **assisted ODR access** through village-level entrepreneurs or paralegals.
  - Integrate with the **National Judicial Data Grid** for seamless case referral and decree recording.
- **Legal and Procedural Reforms:**
  - Amend the **Family Courts Act** and **CPC** to explicitly recognize and regulate online referrals and ODR processes.
  - Issue **Practice Directions** by the Supreme Court for the adoption of ODR across all family courts.

#### The Hybrid "Omni-Channel" Vision

A citizen-centric system would allow a party to:

1. Walk into a **Family Resolution Centre** for an in-person intake.
2. Be assessed for suitability for ADR/ODR.
3. Choose (with guidance) a process: fully online (if comfortable), blended (intake online, key sessions in person), or fully in-person.
4. Have their settlement, once reached, digitally signed and automatically forwarded to the relevant court for a decree, with minimal physical interface.

This integrated model leverages technology not to replace human judgment and empathy, but to amplify its reach and efficacy. It promises a family justice system that is finally capable of delivering on the constitutional promise of access to justice for all, in a manner that is swift, affordable, and just.

#### CONCLUSION

The trajectory of family dispute resolution in India stands at a critical crossroads. The institutional architecture of Alternative Dispute Resolution, despite three decades of legislative support and judicial endorsement, remains hamstrung by deep-seated structural deficits—inadequate infrastructure, a critical shortage of specialised mediators, and the persistent failure to adequately address profound power asymmetries rooted in gender and socio-economic inequality. These are not peripheral shortcomings but existential limitations that cap the transformative promise of ADR. While mechanisms like court-annexed mediation and Lok Adalats have undoubtedly provided relief to countless families, their reach remains uneven, their quality variable, and their capacity to deliver genuinely consensual, fair outcomes in complex, high-conflict disputes remains contested. The Indian family justice system, therefore, cannot simply persist with a strategy of incremental expansion of existing ADR models; it requires a fundamental reimagining of how dispute resolution services are designed, delivered, and regulated.

It is within this context of institutional exhaustion that Online Dispute Resolution emerges not as a mere technological novelty but as a potential systemic disruptor. ODR offers a viable pathway to transcend the geographical, infrastructural, and resource constraints that have long plagued traditional ADR. By enabling remote participation, automating administrative processes, and providing scalable platforms for negotiation and mediation, ODR can democratise access to family justice in ways previously unimaginable.

Yet, this research has also underscored that ODR is not a panacea. Its integration into the Indian legal ecosystem must be deliberate, cautious, and ethically grounded. Unchecked commercialisation, inadequate data protection frameworks, and the exclusion of digitally marginalised populations risk creating a

two-tiered justice system where the wealthy benefit from seamless online resolution while the poor remain tethered to overburdened, under-resourced physical courts. The challenge, therefore, is not whether to adopt ODR, but how to adopt it responsibly—embedding principles of accessibility, fairness, transparency, and human-centric design into its very architecture.

Ultimately, the future of family dispute resolution in India lies not in choosing between traditional ADR and ODR, but in forging an integrated, hybrid ecosystem that leverages the strengths of both. This demands a bold, multi-stakeholder reform agenda: urgent investment in physical ADR infrastructure and specialised mediator training; the establishment of publicly funded Family Resolution Centres modelled on Australia’s pioneering framework; the development of a secure, state-sponsored national ODR platform; and, above all, the creation of robust regulatory safeguards to protect vulnerable parties from coercion and exploitation in both physical and digital spaces.