



Revolutionizing Matrimonial Justice: The Case For Implementing ODR In India

Rishi Kumar^{1*} and Dr. Nidhi Saxena²

¹Ph.D Scholar, Department of Law, Sikkim University

²Assistant Professor, Department of Law, Sikkim University & Supervisor of the Scholar

Citation: Rishi Kumar, et.al (2023), Revolutionizing Matrimonial Justice: The Case For Implementing Odr In India, *Educational Administration: Theory and Practice*. 29(4), 4875 - 4884

Doi: 10.53555/kuey.v29i4.9824

ARTICLE INFO ABSTRACT

Marriage, regarded as a sacred and essential social institution in India, is increasingly facing strain due to evolving individual values and personal liberties. When marital relationships turn toxic, marked by emotional abuse, control, and psychological harm they severely impact the well-being of individuals and their families, especially children. Prolonged matrimonial disputes not only violate human dignity and privacy but also suffer from delays due to an overburdened judicial system, with over 8 lakh cases pending in family courts.

This paper which is a part of my ongoing Ph. D. research work for the thesis titled "Matrimonial Dispute Resolution in India: A Study with Special Reference to Online Mechanism" conducted under the supervision of Dr. Nidhi Saxena and with the support of my thesis committee explores the growing crisis within marital relationships and examines the inefficiencies of the traditional court-based dispute resolution system. It highlights the urgent need for a mechanism that offers both **speed and privacy** in resolving sensitive matrimonial issues. Through a review of literature and secondary data, the study proposes **Online Dispute Resolution (ODR)** as a promising alternative, capable of addressing delays, reducing stigma, and ensuring safer, more dignified outcomes for individuals in distressed marriages.

Key Words: Alternative Dispute Resolution (ADR), Online Dispute Resolution (ODR)

Introduction

In Indian Society, marriage is considered as the one of the Sixteen Sanskar in Hinduism and placed as a sacred ritual of life. Similarly, it is an equally respected and socially recognised institution in other religions also. Methods for solemnizing marriage might be different among various religions, or communities, but the basic concept of social acceptance can be said to have common among all human societies.

Marriage is a relationship which is considered necessary in a civilised society, wherein two individuals come together to fulfil their physical, biological, financial and social needs. Every partner in a marriage has a certain defined role according to the norms of the society they belong to. However, with the evolution of liberalism, aspects of human rights, personal liberty are strengthened and conventional ideology regarding marriage got weakened. Now people have started valuing personal life and liberty greater than marriage and marital liability.

It is true that when two individuals get married, they are actually two personalities having different thoughts, opinions, interests, and goals. In a marriage both agree to compromise to some extent with their differentiation, but with time, these interests, goals, and opinions may get changed or the priority of the partner may change in married life.

At some point of time, the interests, thoughts, opinions, and goals of these two individuals no longer align, leading to a sense of repulsion. This repulsion can give rise to suspicions and egotistical regarding their own interests, which can breed resentment towards one another. These negative attitudes can escalate, resulting in disagreements and giving birth to matrimonial disputes. If their differences deepen further, a stage will come where they are unable to reconcile their conflicts, separation and divorce may become unavoidable.

And when a marriage comes to this stage in most of the cases the relationship becomes toxic and toxicity in the marriage can harm individuals from outside to inside. For example, constant criticism, manipulation, control, and emotional abuse etc. With the passage of time, these behaviors can erode a person's self-esteem, self-worth, and overall mental well-being. It can lead to feelings of anxiety, depression, and emotional instability also. Further, In toxic relationships, trust is often broken through lies, deceit, or infidelity. The lack of trust creates a constant state of suspicion, insecurity, and doubt, which can be emotionally draining and detrimental to the relationship.

Toxic relationships often involve isolating behaviors, where one party may restrict the other's interactions with family and friends and this isolation can lead to feelings of loneliness, helplessness, and a loss of one's personal identity. The isolated party may feel trapped and dependent on the toxic partner, exacerbating the harmful dynamics of the relationship.

Prolonged exposure to stress, anxiety, and emotional unrest in a toxic relationship can have detrimental effects on physical health too. Chronic stress can lead to conditions such as high blood pressure, weakened immune system, insomnia, and increased risk of cardiovascular problems¹. The constant strain can also contribute to the development or worsening of mental health disorders also.

Toxic relationships often hinder personal growth and development. The toxic partner may discourage or undermine the other's ambitions, dreams, and personal goals. This can result in a lack of fulfillment, a sense of being trapped, and a loss of individuality within the marriage.

This toxic relationship gets worse when there are children involved in a toxic marriage, they are also likely to be affected. Witnessing a toxic relationship can have long-lasting negative effects on children's emotional well-being and their ability to form healthy relationships in the future. It can lead to behavioral problems, low self-esteem, and difficulties with trust and intimacy. In some cases, toxic relationships can escalate to physical violence or domestic abuse. This poses serious risks to the safety and well-being of both parties involved, often requiring intervention and support from outside sources. Therefore, considering the above, it is quite necessary for the state or the society to accept the truth of the marriage and allow the individual to get separated if they are unable to reconcile or they have to live with each other with suffocation. State should provide the facility to get relief from this without any delay, because of these two reasons in my opinion, first is it is fully individual choice to whom he or she wants to live, it is his/her basic natural right or can say Human right. No one should bind the individual to live with others forcibly. Secondly, in India also, our constitution provides fundamental rights such as Right to Life which also include Right to Privacy and Right to marriage also provide the right to each and every individual to decide with whom he/she wants to live.

In accordance with Section 9 of the Hindu Marriage Act, 1955, individuals can seek the restoration of conjugal rights by filing a petition with the District Court. If the spouse in question fails to adhere to the court's order, their property can be attached, and if non-compliance continues, the court has the authority to penalize them for contempt of court. However, it is important to note that the court is not empowered to compel the non-compliant spouse to consummate the marriage under any circumstances. This clearly endorses the contention that no one can be compelled to live unwillingly².

A toxic relationship can destroy a person mentally as well as physically and in such a relationship if one person in marriage is doing wrong then by delaying in resolution is not only harassing the other innocent person but also violating his/her human rights to live with dignity, esteem, privacy etc. Thus, there is a need for speedy justice in case of matrimonial disputes.

The pending of cases in family courts in India as on Mar 2023 is 8,74,445 in Family courts only³. The data shows the situation of pendency of family disputes in India, and the lives of such a large number of people are getting spoiled due to huge pendency in our courts. Achieving quick and affordable justice for all is a fundamental objective of any justice system. However, due to the large size and population of the country, coupled with a growing number of disputes in society, the litigation rate has skyrocketed, placing an overwhelming burden on the Judiciary. Moreover, the low judge-to-population ratio⁴ and numerous unfilled judicial vacancies at all levels have exacerbated the situation. The caseload has reached an unmanageable level, as indicated by the data provided by the Government.

¹ M. R.Salleh ". *Life events, stress and illness* " MJMS 15 (4), (2008).

² Restitution of Conjugal Right: A Comparative Study Among Indian Personal Laws by Paluck Sharma, an article published on Indian National Bar Association.

<https://www.indianbarassociation.org/restitution-of-conjugal-right-a-comparative-study-among-indian-personal-laws/#:~:text=The%20decree%20of%20restitution%20of%20conjugal%20rights%20can%20be%20enforced,erring%20spouse%20to%20consummate%20marriage>.

³ Data retrieved from Department of Justice Website's portal for number of cases pending family court cases on 30 Jun 2023. <https://dashboard.doj.gov.in/family-court-cases/>

⁴ Union Law Minister Kiren Rijju informed the Lok Sabha by a written reply in response to parliamentary question, that the nation currently has 21.03 judges per million population as on 31 Oct 2021.

Therefore, there is a need for an alternative solution for matrimonial disputes on an urgent basis who can cater the dispute effectively without prejudicing the rights of the parties.

Beside this, another reason also found demanding alternative solutions than the traditional courts in matrimonial dispute is that many people want divorce but they are ruining their life because of fear of publicity for the name of divorce, especially when they are known to the public at large. As soon as the case reaches the court, the personal life of the party to the case which is personal in nature becomes public and thus creates unrest in the mind of the party with social stigma also. Therefore, again the solution is to find an alternate dispute resolution system who can cater the problem of confidentiality also.

When look around about such solution, one solution which we can found is Online Dispute Resolution (ODR), that can cater these two problems in matrimonial dispute i.e. Speedy Justice and maintaining privacy of the case. Therefore, an attempt has been made to this study to explore an effective alternative solution to the matrimonial dispute and will try to find out the suitability of the Online Dispute Resolution system for the matrimonial dispute.

Significance of the study

Matrimonial disputes are complex and emotionally charged, often requiring extensive legal processes to reach resolutions. Traditional court litigation can be time-consuming, costly, and adversarial, potentially exacerbating conflicts between parties. Therefore, there is a need to explore alternative dispute resolution mechanisms, specifically online dispute resolution (ODR) systems, to assess their suitability in providing efficient, cost-effective, and accessible means of resolving matrimonial disputes. However, there is limited research on the effectiveness, acceptance, and potential challenges associated with implementing ODR systems. Therefore, this study aims to investigate whether an online dispute resolution system can indeed serve as a suitable alternative in resolving matrimonial disputes, addressing key considerations such as efficiency, accessibility, fairness, privacy, and the perspectives and experiences of the parties involved, including both the individuals in dispute and legal professionals who play a crucial role in the resolution process. By understanding these factors, this research seeks to contribute to the development of informed strategies and guidelines for the integration and utilization of ODR systems in the broader legal system to enhance the resolution of matrimonial disputes.

Research Methodology

For conducting the research for the objective, a doctrine approach will be adopted. The primary and secondary resources will be examined. The primary sources include various laws, court judgements, Act, Rules, Order, by-laws, international instruments, will be analysed. The research will be based on analysis of the existing national and international legal instruments applicable on Marriage, Matrimonial dispute, Human Rights, ADR and ODR. The researcher referred to a number of articles available on the system of ODR, looked at various laws of India related to the issue, tried to understand the ODR system in resolving matrimonial disputes and articles of scholars related to this topic.

Matrimonial Disputes & its Impact

Long pending litigation adversely impacts the persons involved emotionally, financially, physically as well as mentally to and gets worse in case of divorce cases, which is often a stressful and emotionally challenging process due to exposure with personal relation. Since lengthy court proceedings result in increased legal fees, court costs, and other expenses, which can further strain the financial resources of the parties involved, thus matrimonial disputes, including divorce cases, have not an exemption from it. Speedy justice ensures that individuals can move forward with their lives and begin the healing process sooner. Speedy justice reduces the financial burden and allows individuals to plan their future more effectively. In divorce cases involving children, the timely resolution of the dispute is crucial for the well-being and stability of the children. Speedy justice ensures that child custody and support matters are addressed promptly, minimizing the disruption and uncertainty in the children's lives. A prolonged legal battle prolongs the uncertainty and ambiguity surrounding the future for both parties. Speedy justice provides closure and finality, allowing individuals to move on with their lives and make necessary arrangements for their future. Overall, speedy justice in matrimonial disputes, particularly in divorce cases, is essential to minimize the emotional, financial, and psychological burden on the parties involved, and promote stability for children. Delay in granting a divorce from a toxic or abusive marriage can also be understood as a violation of human rights, particularly when it results in ongoing harm and denial of basic rights and freedoms. Individuals have the right to choose their marital status and to live free from interference, violence, or abuse

and these rights are protected under various international human rights instruments, such as the UDHR ⁵ and ICCPR ⁶.

Limitations of traditional courts

Matrimonial disputes often involve sensitive personal information and intimate details about the parties' personal lives, including financial matters, child custody arrangements, and allegations of misconduct. Confidentiality safeguards the privacy of the individuals involved, ensuring that their personal information and sensitive issues are not exposed to unnecessary public scrutiny. Confidentiality measures help protect the reputation and dignity of the parties involved, as well as their children, by preventing the dissemination of potentially damaging or private information to the public. Since, our traditional family courts proceedings are open to the public also, the parties to the matrimonial dispute have to bear with the scrutiny of the public, which results in embarrassment to the parties. Further, rigidity in the procedure of the case in traditional courts also play a major role in delay in the justice in matrimonial cases, beside this Indian Judiciary is already under-staffed which leads to the pendency of the cases. In addition, in matrimonial disputes, not all the cases are of such nature so they demand the end of the relationship, instead they need proper counseling, mediation so that the dispute may be resolved at the pre-litigation stage but the traditional courts does not provide such a facility resulting pendency of family cases remains maintained. Traditional courts are bound by the rigid procedural rules and thus it took a long time to arrive at a decision in traditional courts cases and thus pendency in family court remains always high.

Effectiveness & Challenges of ODR in resolving Matrimonial Dispute

There are a number of literature available that explain the Online Dispute Resolution as an effective dispute resolution mechanism providing enhanced access to justice with the cost effectiveness, speedy justice and also confidentiality. However, all this literature mostly explores the western countries and does not explain from the perspective of the Indian judicial system. A few researchers investigated the various issues in implementing the ODR in the Indian Judicial system and other countries but not exclusively in matrimonial disputes. After reading a number of research papers, reports, Hon'ble Courts Judgement, and surveys etc. the review of literature has been organized in the way and manner which this research aims to fulfill. Literature review has been set around the three main sub-themes; firstly, ADR as an alternative to traditional courts in matrimonial disputes; Secondly, benefit of Online-ADR (ODR) over traditional justice system; and thirdly, Existing ODR in Family disputes and its designing to ensure fairness, transparency, and protection of vulnerable parties.

ADR as alternative to the traditional courts in matrimonial disputes

"Family Disputes in Administration of Estates: Analysis on Mediation As Effective Dispute Resolution Mechanism in Malaysia" by Muhammad Amrullah Drs

Nasrul, Wan Noraini Mohd Salim and Wan Noraini Mohd Salim (2019), discusses the challenges in resolving family disputes and highlights the limitations of litigation, such as its failure to address the emotional distress experienced by the parties involved, as well as its time-consuming and costly nature. In contrast, mediation is presented as a promising alternative for resolving family disputes due to its effectiveness in addressing the underlying issues. Overall, this article explains the importance of mediation as an alternative dispute resolution mechanism in family disputes and advocates the use of it in family disputes. However, it did not discuss O-ADR i.e. online dispute resolution in family disputes.

"Mediation in Matrimonial Disputes – Indian Perspective " by Surbhi Soni and Ruchika Sharma (2019) acknowledges the increasing frequency of conflicts and disputes in civil and matrimonial matters in India, which has burdened the judiciary and hindered the delivery of timely and fair justice. It explains that mediation has emerged as the preferred method for resolving marital disputes due to its benefits, such as confidentiality, cost-effectiveness, informal procedures, parties' control over the outcome, and the adherence to the principle of timely justice and thus can play a crucial role in resolving disputes outside of court, saving time and costs particularly in the context of matrimonial disputes in India.

"Mediation and Family Dispute Resolution Mechanism: A Case Study on Clinical Legal Education" by Dr. Ritu Gautam (2021) effectively presents advantages of mediation over traditional adjudication methods. *By explaining the effective use of mediation, the paper encourages a wider adoption of alternative dispute resolution mechanisms, ultimately contributing to a more efficient and accessible justice system.*

⁵ UDHR - Universal Declaration of Human Rights.

⁶ ICCPR International Covenant on Civil and Political Rights.

"Rise of Alternative Dispute Resolution: Stepping Towards an Efficient Justice System " by Ashwini M. & Ors. highlights the significance of speedy trial as a necessity in the criminal justice system and the fundamental right to a speedy trial guaranteed by the Constitution. It acknowledges the inadequacy of courts, the lengthy litigation process, and the high cost of litigation, which have contributed to the emergence of ADR mechanisms. The objective of introducing ADR in criminal cases is to provide a cost-effective and accessible remedy, particularly for offenders involved in minor offenses, and to address the issue of delay in the traditional litigation process. Overall, the article offers insights into the importance of ADR in the pursuit of an efficient justice system in India. However, it does not explore the use of ADR in India but still it is useful in considering the importance of ODR in matrimonial disputes.

Research Gap - *These articles explain the advantages of mediation over traditional adjudication methods due to its benefits, but do not do not provide any mechanism. The article also informs that the Indian system of medication is being used under courts through referring the cases but failed to provide the desired result.*

ODR - Introduction & benefits than face to face justice systems

"Online Dispute Resolution: Theory and Practice," by Abdel Wahab M. S. Katsh M. E. & Rainey D. (2012) which provides an overview of the current state of Online Dispute Resolution (ODR) in Europe. The introduction highlights the significant contribution of Europe to the initial phase of ODR deployments, discusses the challenges faced in achieving the full potential of ODR, and emphasizes Europe's role in ODR research and legislation. The article examines the present situation of ODR in Europe, analyzes challenges, and proposes future scenarios and does not explain the Indian perspective but still it will be helpful in understanding the present and future challenges in implementation of ODR.

"Pendency in Indian Courts - An Idea of Online Dispute Resolution " by Chitranjali Negi (2015) highlights the challenges faced by the Indian judicial system due to the increasing number of disputes pending in the courts. It emphasizes the need for alternative mechanisms to address the backlog of cases and enhance access to justice. The article suggests that Information and Communication Technology (ICT) can play a crucial role in alleviating the burden on the judicial system and thus argues that incorporating ODR and e-courts into the governance and judicial processes can prevent unnecessary cases from entering the system and improve access to justice. Overall, this article addresses the pressing issue of pendency in Indian courts and explores the potential of ICT solutions, specifically ODR and e-courts, to address this problem but it does not categorically explain the use of ODR in matrimonial dispute prospective.

"Access to Digital Justice: Fair and Efficient Processes for the Modern Age" by Orna Rabinovich-Einy and Ethan Katsh (2016) provides a comprehensive overview of the evolution of access to justice and the rise of ADR as an alternative to traditional court proceedings. The article highlights the shortcomings of the court system, including overcrowding, slow pace, and high costs, which have necessitated the exploration of alternative avenues for dispute resolution, especially in the contemporary society where online transactions dominate, ODR as a potential solution. The article provides a comprehensive overview on the use of ODR in delivering justice, however, the article talks about in general use of ODR and not specifically in which field ODR can be more used effectively and provide speedy justice such as in matrimonial dispute and how ODR can be effectively used in matrimonial dispute concerning its complexity.

"How Much Justice Can You Afford ?" by Elayne E. Greenberg (2020) explores the concept of ODR and its impact on the accessibility and affordability of justice. The author emphasizes that traditional legal services are often unaffordable for many individuals, leaving them without the justice they need. However, ODR provides an alternative that is more cost-effective and accessible to those who cannot afford traditional legal representation. The article discusses how courts around the world are increasingly adopting ODR to address the access to justice crisis by conducting court operations online, eliminating the need for in-person interactions. Overall, the article explores the potential of ODR to provide affordable justice options and transform the legal services market. However, this article also provides the information about how ODR can enhance the access to justice and role of lawyer in shaping the concept of ODR.

"The Future of Online Dispute Resolution (ODR): Definitions, Standards, Disability Accessibility, and Legislation " by David Allen Larson (2022) highlights the increasing adoption of Online Dispute Resolution (ODR) by jurisdictions worldwide. The article emphasizes the importance of having a clear definition of ODR, considering its potential benefits in improving access to justice

as well as the potential risks it poses. The article focuses on the need for standards that protect ODR users and suggests key elements that should be included in those standards. The article analyzes user-protective legislation enacted in Ontario, Canada, and its rejection by the United States Congress. Overall, the article examines the future of ODR, emphasizing the importance of clear definitions, protective standards, accessibility considerations, and relevant legislation in shaping the development and implementation of ODR systems. Thus, this article can be a foundation for setting up an ODR mechanism for matrimonial disputes.

"Researching Online Dispute Resolution to Expand Access to Justice " by Amy J. Schmitz, Lola Akin Ojelabi, and John Zeleznikow (2022) discuss the global access to justice crisis and the potential of ODR to improve access to justice (A2J). The article highlights the advantages of ODR, including its ability to eliminate barriers such as travel costs, time constraints, and biases often associated with in-person processes. Well-designed ODR platforms can empower self-represented litigants, prevent disputes from escalating, and facilitate consensual resolutions. However, the authors caution that the rush to digitize justice systems raises concerns about fairness and effectiveness. In summary, the article advocates for empirical research to inform the development of government-sanctioned ODR programs, aiming to make them fair, accessible, and user-friendly while expanding access to justice. This article also explains potential information about the future development of ODR in India.

"ODR and the Justice System" by Larry W. Bridgesmith (2022) provides an insightful analysis of the role of Online Dispute Resolution (ODR) in the context of the justice system, particularly in light of the COVID-19 pandemic. The article inquires about the potential of ODR to bring efficiency and address the deeper needs of justice in a technology-driven culture. Overall, the article provides an analysis of ODR and its relationship to the justice system. It highlights the importance of leveraging technology to enhance access to justice, particularly in times of crisis. The article offers valuable insights and sets the scope for further discussions and advancements in the field of ODR. Therefore, in totality, this article is helpful in research related to the use of ODR in the justice system which can be utilized while proposing the ODR platform for resolution in matrimonial disputes.

"The Future of Dispute Resolution: Online ADR and Online Courts" by Michael Leg (2016) provides a comprehensive introduction to online dispute resolution (ODR) and emphasizes the potential of this technology in improving access to justice. The article emphasizes that ODR/O-ADR, being more flexible in design, has greater freedom to adapt to the needs of its users. Flexibility within ODR allows for innovative approaches to dispute resolution. The article also appreciates Online Courts to some extent in dispute resolution recognizing the constraints faced by online courts, which are bound by institutional norms and legal requirements associated with the judicial function. Overall, this article introduces ODR as the future of dispute resolution as well as consider the Online Court System as an important tool for dispute resolution. However, this article does not explain the use of ODR in the Indian Judicial System and how it can be implemented in matrimonial disputes.

"Diversity by Design: Improving Access to Justice in Online Courts with Adaptive Court Interfaces " by Ayelet Sela (2021) explores the potential of online courts to enhance access to justice and procedural justice for self-represented litigants (SRLs) through the implementation of diversity accommodating features in the technological design of court platforms. In summary, the article provides a thought-provoking exploration of the potential of adaptive court interfaces in online courts to improve access to justice and procedural justice for diverse SRLs. Basically this article is for the future action in the implementation of the Online Court which tells about how to build the user interface of the Online court user friendly, but at present in Indian situation where Online Courts have not even started, this article does not serve the fruitful purpose however, it will be helpful after the inauguration of online courts in Indian Judicial System.

"Introduction: The Future of Access to Justice - Beyond Science Fiction " by Alexandre Biard, Jos Hoevenaars, Xandra Kramer, and Erlis Themeli (2021) discusses the challenges and opportunities in access to civil justice by presenting a futuristic scenario where technology and innovation have transformed the justice system. They describe a world where mobile phones, robots, and virtual assistants play a crucial role in providing personalized legal advice, and where disputes are efficiently resolved through out-of-court settlement bodies such as ADR, ODR or online courts. Overall, this article explains the futuristic judicial system will be equipped with the advanced management systems and artificial intelligence will be widely accepted and self-representation will become common with the support of digital technologies. However, the article does not explain the use of ODR in matrimonial disputes particularly.

"Judicial Perspectives on ODR and Other Virtual Court Processes " by JTC established by the COSA, NACM and NCSC explores the adoption of technology in US courts. The article highlights the potential benefits of virtual hearings and Online Dispute Resolution (ODR) in addressing access to justice issues. The article underscores the positive impact of technology adoption in the US court system. It highlights the scalability and flexibility of these digital processes to provide courts with the means to manage increased filings efficiently. In summary, the article portrays a positive outlook on the adoption of virtual hearings and ODR, highlighting their potential to address access to justice challenges and adapt to future demands. However, this article explains about the adoption of ODR in the USA courts and not directly in the Indian context especially in matrimonial disputes, but it can be useful in designing the ODR platform for resolving matrimonial disputes.

Research Gap - *Above referred Articles explain the benefits and success of ODR in delivering justice as alternative mechanisms to provide potential of ODR to provide fair, user-friendly affordable justice options and to address the backlog of cases but these do not explain the suitability of ODR in matrimonial disputes.*

Existing ODR in Family disputes and its designing to ensure fairness, transparency, and protection of vulnerable parties

"Towards an Online Family Dispute Resolution Service in Australia" by Wilson-Evered, E., Macfarlane, D., Zeleznikow, J., & Thomson, M. (2011) explores the potential of online family dispute resolution (OFDR) services in the context of changing family circumstances and the emergence of new technologies. This article demands for skill enhancement of the Family Dispute Resolution Practitioners in OFDR also pre-FDR education to the disputant also so that it can potentially improve outcomes through more informed, aware and knowledgeable disputants.

"Designing and Implementing a State Court ODR System: From Disappointment to Celebration " by David Allen Larson (2019) discusses the process and challenges involved in developing an Online Dispute Resolution (ODR) system for the New York State Unified Court System. The author explains that extensive research, stakeholder engagement, and coordination with court staff were conducted to draft a comprehensive conceptual design for the ODR system. The article highlights the difficulty of seamlessly integrating ODR into an existing court management system that is not fully digitized, requiring a combination of digital and manual processes. Overall, the article provides a comprehensive overview of the design and implementation considerations for a state court ODR system, offering practical insights and lessons learned from the New York experience, but still it is a challenge to mould the same in Indian perspective.

"Court Innovations and Access to Justice in Times of Crisis " by Tania Sourdin, Bin Li, and Donna McNamara (2020) examines the impact of the COVID-19 pandemic on the justice system and explores the transition from traditional face-to-face court proceedings to online court processes. The article raises critical points about the need for innovation and adaptation in the justice system, particularly during times of crisis. In conclusion, the article offers a comprehensive examination of the challenges and opportunities presented by the transition to online court processes and a strong argument for the adoption of innovative technologies. As the Indian Courts are ever overburdened and have similar situations in family courts, this article can help in designing an ODR platform to resolve matrimonial disputes.

"Public Courts versus Private Justice: It's Time to Let Some Sunshine in on Alternative Dispute Resolution " by Laurie Kratky Dore (2006) explains the role of confidentiality in the resolution of dispute and considers one of the causes for the selection of ADR. However, the article also questioned the present confidentiality and transparency in ADR. The Article suggests that there is a need for a more comprehensive system for the confidentiality of ADR, ODR etc. Overall, this article provides a strong reason for implementation of ODR in disputes seeking confidentiality and which can also be applicable in the matrimonial disputes in dispute resolution.

"Case Studies in ODR for Courts: A view from the front lines " by JTC, NACM & NCSC (2017) highlights the successful use of ODR in the dispute resolution process for over twenty years. Despite its proven effectiveness, ODR is still underutilized in the United States. The article emphasizes the potential of ODR in increasing fairness, access to justice, and reducing costs for both courts and disputing parties. The paper draws on the expertise of ODR pioneers, scholars, and practitioners to provide insights and case studies on current ODR initiatives. Overall, the article seeks to provide valuable information and practical guidance for courts considering the adoption of ODR. However, this article is based on the USA perspective and not in the Indian Judicial system but yet it can provide insight on the potential use of ODR in dispute resolution especially for matrimonial disputes.

"Expanding Access to Remedies through E-Court Initiatives " by Amy J. Schmitz (2019) explores the shift towards online dispute resolution (ODR) and the potential of e-courts to improve

access to justice. The author highlights international initiatives promoting ODR, such as the European Union's ADR Directive and ODR Regulation. It emphasizes the requirement of physical presence of individuals in an increasingly wireless world to resolve disputes online, especially for minor cases where the costs and risks associated with traditional court processes are not justified. Here, the present article provides a background on ODR, explores examples of ODR implementation in the United States and internationally, however, the research and suggestions can be utilised with required changes according to the needs of the Indian Judicial System for providing speedy access to justice in many cases like commercial case, petty offences and especially for my concern i.e. in speedy resolution to the matrimonial disputes.

"Dangers of Digitizing Due Process " by Amy J. Schmitz (2020) explores the benefits and potential risks associated with digitizing courts and implementing online dispute resolution (ODR) systems. The author acknowledges that technology has revolutionized various aspects of our lives, including dispute resolution, and that ODR offers efficiency, accessibility, and cost-effectiveness. The article critically examines the ODR and emphasizes the need for caution and careful consideration when implementing technology in the legal system. It highlights the importance of maintaining human judgment and creativity in certain dispute resolution contexts. Overall, the article provides a critical analysis on the digitization of due process, recognizing both the benefits and risks associated with technological advancements in dispute resolution and however, these concepts are designed in context of the USA courts system, however still it will be beneficial in study of ODR as an alternative for matrimonial disputes.

Research Gap - These articles discuss the potential of Online Dispute Resolution redressal in matrimonial disputes and also explain about the success of the Online Dispute Resolution Mechanism model in their respective countries such as Australia, Canada, the U.S.A. However, these countries are having different social culture and values from India and in such a situation it has to be reviewed from the Indian perspective.

Conclusion

In conclusion, the paper recommends that the Government of India should seriously consider the implementation of ODR in matrimonial disputes, especially in light of the alarming rise in crimes within marriages i.e. from infidelity to domestic violence and even homicides. Timely, confidential, and accessible redressal mechanisms are no longer optional but a necessary step toward upholding human dignity, justice, and personal freedom in the institution of marriage.

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