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GLOBAL METAMORPHOSIS IN THE REGULATORY FRAMEWORK OF ARTIFICIAL INTELLIGENCE AND ITS PANOPTIC IMPLICATION IN REALM OF ALTERNATE DISPUTE RESOLUTION

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Abstract

This article presents a comprehensive overview of contemporary artificial intelligence (AI) usage, encompassing the global legal framework, particularly in India, while emphasizing the imperative for enhanced regulation. It scrutinizes the legal void surrounding deepfake technology and its impact on data privacy. Additionally, it explores the panoptic implications of AI in the legal domain, specifically in alternate dispute resolution (ADR) worldwide and in India, substantiated by contemporary examples and statistics. Examining the escalating use of AI in the legal realm, the article provides insights into its application within the Indian context. Furthermore, it delves into the intricacies of the Arbitration and Conciliation Act and the recently enacted Mediation Act 2023, highlighting the symbiotic relationship between AI and dispute resolution practices. In advanced English, this article succinctly navigates the multifaceted landscape of AI in law, addressing global and Indian perspectives, regulatory needs, and practical applications within a concise word limit.

Introduction: A revolutionary Technology

In the present epoch, we find ourselves entrenched in the twenty-first century, a juncture wherein the tenacity of the human species has endured and triumphed. Through the relentless exercise of intellectual prowess and unparalleled capacities, distinct from any other terrestrial life form, mankind has orchestrated a symphony of achievements. From the humble inception of the wheel to the revolutionary advent of the printing press, the luminescence of the electric bulb, and the ubiquitous utilization of motor vehicles across diverse areas, the annals of history bear witness to our ingenuity.

In this contemporary milieu, it would not be incongruous to designate Artificial Intelligence (AI) as the seminal instrument of the twenty-first century. Its transformative potential looms large,

poised to redefine the very essence and efficacy of our antecedent creations. Indeed, AI emerges as the vanguard, beckoning forth an epoch where the dynamics of human ingenuity and technological evolution converge in unprecedented harmony.

While its multifaceted role as a savior and a versatile tool across diverse domains, ranging from complex medical procedures to serving as a personalized assistant, artificial intelligence has undeniably etched its mark on contemporary society. However, amidst its laudable applications, the proverbial "other side of the coin" emerges, thrusting concerns into the spotlight. Issues such as personal data breaches, the insidious emergence of deep fake technology generating fabricated videos, and the propagation of misinformation underscore the dark underbelly of AI.

Delving into the ramifications of this technological juggernaut, it becomes imperative to scrutinize the intricacies of its implications, the regulatory frameworks that seek to tether its potential abuses, and its intricate relationship with alternate dispute resolution methods within the realm of law.

Why do we need to regulate the use of Artificial Intelligence?

Artificial intelligence represents a paradigm shift in technological advancement, purportedly surpassing the cognitive capabilities of even the most astute human minds. Its distinction lies not solely in its capacity to execute intricate tasks swiftly but predominantly in its autonomous operation, marking a pivotal milestone in technological evolution unparalleled by preceding interventions.

Defining artificial intelligence resists encapsulation within a singular definition due to its multifaceted nature. Its operation spans diverse modalities, encompassing symbolic rules and numerical models while exhibiting adaptability based on established software precedents. Furthermore, AI may operate within defined algorithms while also demonstrating the awe-inspiring attribute of autonomous functionality, thus representing a paradigmatic feature of this cutting-edge technological era.

The augmented capacity for autonomous decision-making in AI technology presents a dual-edged impact on humanity, serving both as a blessing and a curse. While AI adeptly mirrors human intelligence and work patterns, it remains deficient in comprehending and honoring the intricate realm of human emotions—an imperative factor in navigating ethical quandaries on a grand scale. This deficiency underscores a critical limitation as AI lacks the innate capability to process

subjective emotional nuances, particularly consequential in addressing ethical dilemmas of significant magnitude.

Existing legal framework and regulations around the world regarding AI.

Today, we find ourselves at a pivotal juncture in a valley, wherein our trajectory regarding artificial intelligence will intricately shape its role in our lives and society for the foreseeable future. As we expedite the formulation of regulations and laws pertaining to artificial intelligence, it is noteworthy that certain legal frameworks are already in place governing its utilization and applications.

In the worldwide landscape of appraising and enacting regulations for AI as a revolutionary technological instrument, the People's Republic of China emerges as the vanguard in establishing exemplary benchmarks in this dynamic sphere.

In the realm of AI and data science, China boasts a legal framework adorned with various regulatory stipulations currently in effect. The principal overseer in this regulatory landscape is the Cybersecurity Administration of China, wielding authority over the dynamic arena of AI and data. The Cybersecurity Administration of China (CAC) assumes a pivotal role as the principal regulator, diligently overseeing the comprehensive domain of digital security, accentuated by the emergence of advanced Generative AI and its associated algorithms.¹ China's regulatory environment is adorned with a substantial array of compliance requirements, imposing rigorous obligations on companies engaged in AI technology, encompassing meticulous record filing and various other regulatory responsibilities.

In the realm of AI technology, recent discussions have revolved around the intersection of Scientific and Technological (Sci-tech) Ethics and the discourse surrounding AI-generated content (AIGC). In the year 2022, China initiated a landmark development by unveiling its inaugural national-level guidance document, known as the Sci-tech Ethics Opinions, dedicated to regulating ethical considerations in science and technology. This comprehensive framework encapsulates pivotal principles that prioritize the welfare of humanity in the age of AI, encompassing life rights and steadfast adherence to principles of justice and fairness.² This initiative is reflective of China's

¹ Global Legal Insights, "AI, Machine Learning and Big Data Laws and Regulations in China," <https://www.globallegalinsights.com/practice-areas/ai-machine-learning-and-big-data-laws-and-regulations/china/amp>

² Frank Zhou, Summer Sun, Summer Sun, "China Regulates AI in Life Science," International Bar Association

proactive stance in addressing ethical dimensions associated with advancing technologies, contributing to the global discourse on responsible AI development.

Another notable provision that garnered attention is the Administrative Provisions on Deep Synthesis in Internet-based Information Services, unveiled in the same year, 2022. This regulation was implemented to counteract the improper application of generative AI, specifically aimed at addressing the significant challenges posed by deepfakes, particularly in the context of privacy concerns.

Conversely, in the United States, policymakers are actively crafting comprehensive laws to govern artificial intelligence. While there are existing guidelines, such as the non-binding AI Bill of Rights blueprint, and certain state-level regulations, like those addressing deepfakes in California, there is yet to be a unified national framework³.

On the global stage, the European Union has proposed the AI Act, awaiting approval from the European Parliament⁴. This act aims to regulate the applications of artificial intelligence by categorizing them based on the risks they pose to users. Although there are no direct, all-encompassing laws governing AI, the European Union relies on various acts and legislations, including the GDPR, Digital Services Act, and Digital Markets Act.

The Organisation for Economic Co-operation and Development (OECD) developed principles on AI to promote trustworthy AI that respects human rights and democratic values. The “OECD AI Principles,” formally known as the Recommendation of the Council on Artificial Intelligence, were adopted in May 2019 by OECD member countries and are the first such principles signed on to by governments (OECD 2019a). Beyond OECD members, other countries, including Argentina, Brazil, Costa Rica, Malta, Peru, Romania and Ukraine, have already adhered to the OECD AI Principles, with further adherents anticipated. The OECD AI Principles set standards for AI that complement existing OECD standards in areas such as privacy, digital security risk management and responsible business conduct⁵.

³ Blueprint for an AI Bill of Rights, White House, October 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/10/Blueprint-for-an-AI-Bill-of-Rights.pdf>

⁴ <https://www.europarl.europa.eu/news/en/headlines/society/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>

⁵ Scharre, Paul, et al. “What Is Artificial Intelligence?” *ARTIFICIAL INTELLIGENCE: What Every Policymaker Needs to Know*, Center for a New American Security, 2018, pp. 4–9. JSTOR, <http://www.jstor.org/stable/resrep20447.5>.

Artificial intelligence and Alternate Dispute resolution

“Technology is here to stay for the future, forever.”-Hon'ble Chief Justice DY Chandrachud

Within the ADR framework, conceive of AI as an instrumental collaborator – an adept aide proficiently navigating the intricacies of legal terrain. Picture it as a maestro orchestrating a legal symphony, adept at distilling critical details and presenting practitioners with a meticulously arranged dossier for case evaluation. Yet, the pivotal impact lies in its ability to alleviate the human workload in many ways. In this strategic partnership, AI emerges not merely as a time-efficient tool but as a liberator, affording practitioners the cognitive bandwidth to delve deeply into core issues – an invaluable asset in our time-conscious milieu.

In pushing the boundaries of this strategic collaboration, China has elevated the integration of AI in the practical delivery of justice. They've taken a bold step by entrusting AI with tasks that were conventionally deemed solely within the human realm. It's an innovative venture, challenging the norms and exploring new horizons for AI's role in reshaping the landscape of dispute resolution.

In December 2019, in a revolutionary stride, China has reshaped the landscape of justice through "Internet courts," where millions of cases find resolution without the need for citizens to step into a courtroom. These courts go beyond convention, featuring AI-driven non-human judges, offering a digital haven for participants to register and resolve cases online. This visionary leap extends the reach of Alternative Dispute Resolution (ADR), turning digital platforms into accessible arenas for settling legal matters.

Whereas, alternate dispute resolution (ADR) encompasses scenarios where parties, faced with the need to settle a dispute, frequently opt for methods beyond the state-sanctioned approach of courtroom trials. These alternatives include arbitration, abbreviated trial procedures, and mediation. Collectively, these methodologies constitute the realm of alternate dispute resolution⁶.

The interconnection between AI and ADR can be scrutinized or comprehended as the utilization of artificial intelligence as a tool within the realm of contemporary alternate dispute resolution, which provides for online arbitration and mediation. This involves deploying AI algorithms and data to facilitate the dispensation of fair and expeditious justice, ensuring a proficient resolution of conflicts and the dispensation of appropriate compensatory rewards. In the field of Alternative

⁶ Shavell, Steven. "Alternative Dispute Resolution: An Economic Analysis." vol. 24, *The Journal of Legal Studies*, no. 1, 1995, pp. 1–28. *JSTOR*, <http://www.jstor.org/stable/724588>.

Dispute Resolution (ADR), the customized capabilities of A.I stand as an indispensable asset uniquely suited to the intricacies of conflict resolution.

Its indispensability in the ADR sector primarily lies in its potential to perform the role of a problem solving-ally to the practitioners. As stated above, with its advanced complex data analytics, AI helps to navigate the expansive seas of databases, transforming what might seem a Herculean, time-consuming task into a smooth undertaking. In doing so, it not only furnishes ADR practitioners with nuanced key insights but also extends a visionary lens, offering glimpses into potential outcomes specific to the case at hand. Further, the intrinsic virtues of AI, notably its impartiality and absence of emotional bias, stand as pillars that significantly bolster objective decision-making. This, in turn, nurtures a resolution process that embodies fairness and equity, the very principles that strengthen the foundations of a judicious and even-handed dispute resolution framework.

Artificial Intelligence in Online mediation

Mediation is an intricate conflict resolution technique orchestrated by an impartial third party, commonly referred to as a mediator. This skilled intermediary plays a pivotal role in guiding and facilitating communication between disputing parties, aiming to navigate them towards a consensus on terms that are mutually agreeable. Unlike an arbiter, the mediator does not impose decisions but rather encourages constructive dialogue, enabling the involved parties to identify common ground and explore collaborative solutions. This sophisticated approach to conflict resolution finds application across diverse arenas, including legal disputes, workplace conflicts, familial issues, and community disagreements, emphasizing cooperation and consensus over adversarial approaches like litigation.

Artificial intelligence in the mediation process can be applied to facilitate communication and negotiation. Natural language processing(NLP) with the help of AI technology can help the communication between parties, identifying patterns, emotions and other important issues. All this can help the mediators understand the dynamics of the dispute and develop more effective strategies for resolution⁷.

⁷ Medeiros, Maya, and Centre for International Governance Innovation. "Public and Private Dimensions of AI Technology and Security." *MODERN CONFLICT AND ARTIFICIAL INTELLIGENCE*, Centre for International Governance Innovation, 2020, pp. 20–25. JSTOR, <http://www.jstor.org/stable/resrep27510.6>.

The role and application of artificial intelligence exhibit immense potential, a potential that is ceaselessly expanding and reshaping the landscape of dispute resolution. As we delve deeper into this technological frontier, we witness a transformative influence on the traditional methods of resolving conflicts. AI's capacity for innovation holds promise in revolutionizing the very essence of how disputes are navigated and ultimately settled.

Globally, artificial intelligence is employed as a tool, and being developed by many institutions such as Lex Machinia, Arbilex, Arbitrator Research Tool (ART), and Arbitrator Intelligence for case management, forecasting and other efficient uses⁸.

In a recent interesting development, a 'robot mediator' in the UK, managed to resolve a legal dispute concerning purportedly unpaid payments of approximately 2,000 pounds for individual counseling sessions by employing an online dispute resolution (ODR) technology, developed in British Columbia, named the 'SmartSettle ONE' that used algorithms to understand and learn the priorities, and bidding strategies of the disputing parties and assist them in coming to a resolution⁹.

Whereas, The Singapore International Arbitration Centre (SIAC), uses its own Artificial Intelligence tool called the 'SIAC AI' to find out various relevant issues by studying and analyzing legal papers using the natural language processing resulting in resolving the legal disputes between parties more efficiently and economically.

Different uses of Artificial Intelligence in Mediation

- 1. Analyzing loads of data:** Mediation, with the aim to resolve disputes, involves a large amount of data and information as well as intense legal research on various issues and topics. AI can turn out to be a very efficient and magical tool in segregating different desired data and information, it can also help in research without any human bias and potential errors for the purpose of mediation. It can also help in finding and accessing the existing information and specific data with the use of basic tools like one word search, such as treaties, statutes, mediational guides etc¹⁰.

⁸ Arno R. Lodder and John Zeleznikow, 'Developing an Online Dispute Resolution Environment: Dialogue Tools and Negotiation Systems in a Three Step Mode' (2005) 10 Harvard Negotiation Law Review

⁹ Tara Vasdani, 'From Estonian AI judges to robot mediators in Canada, U.K.' (Law 360 Canada, 13 June 2019) <[https://www.law360.ca/articles/12997/from-estonian-ai-judges-to-robot-mediators-in-canada-u-k->](https://www.law360.ca/articles/12997/from-estonian-ai-judges-to-robot-mediators-in-canada-u-k-)

¹⁰ Mansi Jain Garg, AI and Mediation: A Threat or Helpful Tool for Mediators - An Indian Perspective, 3.4 JCLJ (2023) 175

- 2. Appointment of Mediators:** one of the basic and primary steps in mediation is the appointment of mediators. The practice of appointing a mediator can be made more efficient with the use of an AI based tool by analyzing the background of parties, case data, and nature of conflict with appropriate qualifications and experience that matches the case at hand. For instance, it can set the number of arbitrators, language, specific experience, arbitrator knowledge, the field of matter, availability, or even the independence and impartiality of the parties¹¹.
- 3. Natural Language Processing:** Natural Language Processing (NLP) is the field dedicated to the automated analysis and computation of both verbal and non-verbal communication aspects exhibited by human beings. This encompasses a wide array of elements, including but not limited to commentaries, speech, documents, texts, and gestures. By leveraging the capabilities of AI-enabled systems, NLP empowers the examination and extraction of meaning from vast and intricate documents, unveiling insights that may prove pivotal in various contexts. This advanced and creative application of NLP transcends traditional language understanding, offering a transformative approach to handling the complexity of human communication in today's information-rich world.

Artificial Intelligence in Arbitration

The use of Artificial intelligence technology holds considerable promise as a versatile tool applicable to both offline and online arbitration. Its current applications range from basic functions such as transmitting videos, files, and messages to more complex tasks, including the intricate tracking of information and files in substantial disputes. The integration of AI in arbitration, whether conducted in traditional offline settings or the evolving online sphere, is profoundly entrenched and continues to shape the landscape of dispute resolution.

Due to its efficiency and further capitalization on AI technology, it is being used widely in different disputes as well as e-commerce disputes.

AI relies on facts and algorithmic formulae to resolve disputes and reward compensation to parties. In a very debated and famous litigation in the USA, known as the 'Loomis Case',¹² It used facts and algorithmic formulae to sentence a person who attempted to flee an officer and operate a

¹¹ Azael Socorro Marquez, 'Can Artificial Intelligence be used to appoint arbitrators?' (2020) Anuario Venezolano de Arbitraje Nacional e Internacional <<https://avarbitraje.com/wp-content/uploads/2021/03/ ANAVI-No1-A12-pp-249-272.pdf>>

¹² *State v. Loomis*, 881 N.W. 2d 749, 66, 68 (Wis. 2016).

vehicle without the owner's consent with the help of a software titled COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) defined as a "web-based tool designed to assess offenders' criminogenic needs and risk of recidivism."¹³

Smart contracts: A smart contract functions as a tool that autonomously enacts the specified terms of an underlying contract. It is essential to recognize that the smart contract itself does not constitute the legal agreement; rather, the contract is established through mutual agreement between the involved parties. The smart contract program serves as the mechanism to carry out the predetermined actions as stipulated in the overarching contractual arrangement¹⁴.

Alternate Dispute Resolution in India

As of March 2017, India grapples with a staggering backlog of 32 million pending cases¹⁵, a mammoth challenge exacerbated by the current judiciary's limited capacity. The existing cadre of judges, given the prevailing circumstances, faces an insurmountable task that would span centuries to resolve the accumulated caseload¹⁶. Considering this formidable predicament, the imperative for swift and cost-effective justice underscores the pivotal role of Alternative Dispute Resolution (ADR) methods. An example of ADR in India is Lok Adalats, a distinctive facet of India's justice system, serving as a shining example of ADR integration, deeply rooted in our historical narrative. These forums gracefully intervene in cases open to conciliation and compromise, offering a swifter resolution compared to their counterparts in regular courts.

The awards handed down by Lok Adalats carry the weight of court decisions, achieved through a simpler and less legally intricate method of conciliation, steering clear of the traditional court arguments. The Supreme Court's ruling in *Bola vs. B.D. Sardana* (2004) underscored the pivotal role of Lok Adalats in fostering amicable dispute resolutions, alleviating the burden on the conventional court system. This judgment resonates as a clarion call for the promotion of ADR mechanisms within the fabric of Indian jurisprudence.

As of 2022, the impact of Lok Adalats echoes across the nation. In four National Lok Adalats, an

¹³ Joe Forward, *The Loomis Case : The Use of Proprietary Algorithms at Sentencing*, STATE BAR OF WISCONSIN, Oct. 14, 2018,, <https://www.wisbar.org/NewsPublications/InsideTrack/Pages/Article.aspx?Volume=9&Issue=14&ArticleID=25730>.

¹⁴ "Why Smart Contracts are Valid under Existing Law and do not Require Additional Authorization to be Enforceable", Chamber of Digital Commerce, January 2018, <<https://digitalchamber.org/wp-content/uploads/2018/02/Smart-Contracts-Legal-Primer-02.01.2018.pdf>>

¹⁵ Supreme Court of India (2017), "Court News : January to March 2017", *Supreme Court of India*, vol. 12 : 1.

¹⁶ B.D. Agarwal, "Judiciary and Underinvestigation Prisoners (UIPS)", (2014) 3 SCC J-1

impressive 1,27,87,329 cases found closure, embracing both an extensive number of pending cases (55,81,117) and a record count of pre-litigation cases (72,06,212). These substantial figures attest to the commendable success of Lok Adalats, positioning them as a beacon of efficacy in the Indian pursuit of justice, complementing the traditional court system seamlessly.¹⁷

Presently, ADR practices in India find their legal foundation in the Indian Arbitration and Conciliation Act of 1961, a legislative framework subject to multiple amendments. The recent legislative landscape is further enriched by the enactment of the Indian Mediation Act of 2023. It introduces innovative provisions, including Online Dispute Resolution (ODR) mechanisms, signaling a progressive approach to dispute resolution within the Indian legal realm.

Arbitration and conciliation Act, 1996

In the intricate tapestry of dispute resolution, Arbitration emerges as a prominent thread, weaving together parties embroiled in both international and domestic commercial disputes. To illuminate this path of resolutions, we delve into the Arbitration and Conciliation Act of 1996, a legislative masterpiece that governs the art of reaching adjustments, compromises, and settlements. Born out of the Arbitration and Conciliation Ordinance, this act received the Presidential assent on August 16, 1996, with retrospective effectiveness from January 25, 1996.

Composed of 86 sections, the act is intricately divided into four parts, wherein: Part I harmonizes general provisions on arbitration, Part II delves into the enforcement of specific foreign awards, Part III deals with conciliation, and Part IV adds supplementary provisions to the composition.

The act is concerned with domestic as well as international commercial arbitration in addition to providing for the enforcement of foreign arbitral awards, which can be interpreted through its preamble.

The objectives of the act can be clearly read along the following lines:-

- Encompassing both global and domestic business conflicts with precision.
- Ensuring meticulous explanation of decisions by the arbitral tribunal, thereby fostering transparency.
- Empowering the arbitration tribunal to employ methods such as mediation to facilitate dispute resolution.

¹⁷ Press Information Bureau, Government of India, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1789360>

- Designating awards from countries within international conventions, such as the New York and Geneva Conventions, as foreign awards for enforcement purposes.

Typically, disputing parties delegate the arbitration process to specialized institutions, responsible for overseeing proceedings, facilitating arbitration facilities, and offering a roster of arbitrators (Institutional Arbitration). Alternatively, parties have the option to bypass these institutions, opting to directly nominate arbitrators and provide necessary facilities for the arbitration process (Ad-hoc Arbitration).

Before 1996, arbitration in India was primarily regulated by three laws: (1) The Arbitration Act, 1940; (2) The Arbitration (Protocol and Convention) Act, 1937; and (3) The Foreign Awards (Recognition and Enforcement) Act, 1961. However, the ACA, 1996, stands as a comprehensive legislation, necessitating an understanding of its key features.

- The legislation facilitates the enforcement of arbitral awards while clearly defining the scope of court involvement. Section 5 of the Act stipulates, "Notwithstanding anything contained in any other law for the time being in force, in matters governed by this part, no judicial authority shall intervene except where provided in this part."
- The conclusiveness of arbitral awards is established by Section 35, stating that an arbitral award shall be ultimate and obligatory on the involved parties and those asserting rights under them. Consequently, the Act under Section 36 confers finality upon arbitral awards and their enforcement without the need for judicial intervention.
- The preceding legislation of 1940 exclusively addressed arbitrations and conciliations transpiring within the territorial confines of India. In contrast, the 1996 Act extends its scope to encompass all international commercial arbitrations with a seat in India, in addition to domestic arbitrations.
- By the provision provided under section 11 of the ACA, 1996, it is apparent that the act takes a more participatory approach involving the parties, allowing them to influence the appointment of arbitrators. Section 11 of the Act explicitly empowers parties to participate in selecting arbitrators by mutually agreeing on a procedure. This departure from the 1940 Act, which mandated court involvement in arbitrator appointments, signifies a deliberate limitation on the court's role in the process.
- The Arbitration and Conciliation Act of 1996 incorporates a temporal framework for the completion of arbitration proceedings, outlined in Section 29A. This provision mandates

arbitrators to render their award within 12 months, with a permissible extension of six months subject to the consent of the involved parties.

Several landmark cases have significantly influenced the legal framework surrounding arbitration within the provisions of the ACA, 1996, offering insights into critical issues and setting precedents for future disputes. The BALCO case, a pivotal moment in Indian arbitration, addressed the delicate balance between judicial intervention and party autonomy. The Supreme Court's decision emphasized the principle of minimal interference by the judiciary in arbitration proceedings, asserting that arbitral awards should be respected unless blatantly illegal or against public policy.

Mediation Act, 2023

Stepping towards setting up and bringing some impactful developments, the government recently introduced the Mediation Act, 2023 which can be proved to be a game changer in Alternate Dispute Resolution in India.

The act defined mediation as the process whereby parties attempt to reach an amicable settlement of their dispute with the assistance of a third person referred to as mediator, who does not have the authority to impose a settlement upon the parties to the dispute, including expression mediation, pre litigation mediation, online mediation and, community meditation.¹⁸

The Mediation act, 2023 applies to mediation conducted in India and where (i) all or both parties reside/are incorporated in India; (ii) the mediation agreement provides that any dispute shall be resolved in accordance with the Act; (iii) international mediation; (iv) where the Government is a party to a commercial dispute; or (v) to any other dispute if notified where the Government is a party.

Some prominent features of the act includes:

Institutional Mediation: The Act promotes the creation of mediation service providers tasked with overseeing mediation proceedings between involved parties. These mediation service providers are required to fulfill the following functions:

- a) Accredited mediators and manage a panel of qualified mediators;
- b) Offer the services of a mediator to facilitate the mediation process;
- c) Supply all necessary facilities, secretarial assistance, and infrastructure to ensure the

¹⁸ Mediation Act 2023, No. 32 of 2023, 2023, <https://www.arbitrationindia.com/pdf/medact.pdf>

effective execution of mediation;

- d) Advocate for professional and ethical behavior among mediators;
- e) Streamline the registration process for mediated settlement agreements; and
- f) Undertake any other functions as explicitly specified.

International Mediation: According to the Act, international mediation is defined as the mediation conducted under the provisions of the Act concerning a commercial dispute arising from a legal relationship, be it contractual or otherwise, governed by any prevailing law in India. This applies specifically to situations where at least one of the involved parties is:

- (a) An individual who is a national of, or habitually resides in, any country other than India;
- (b) A body corporate, including a limited liability partnership of any nature, with its place of business situated outside India;
- (c) An association or body of individuals whose place of business is located outside India; or
- (d) The Government of a foreign country.

The Act underscores that the forthcoming Mediation Council of India, established under its provisions, should actively strive to encourage international mediation by formulating pertinent guidelines.¹⁹

Online Mediation: The Act allows for the facilitation of online mediation, encompassing pre-litigation mediation, at any juncture of the mediation proceedings as governed by the Act. Such online mediation can be conducted upon the explicit written consent of the involved parties, utilizing electronic forms or computer networks. The scope of online mediation is broad, extending to various methods, including but not limited to encrypted electronic mail services, secure chat rooms, or video and audio conferencing modes, either individually or in combination.

Conclusion

One of the most significant technological advances of our day, artificial intelligence, has affected nearly every element of human existence. However, there is a unique situation when this state-of-the-art technology and the legal system collide. In this field, artificial intelligence (AI) has the potential to make enormous strides and bring about beneficial change that will genuinely benefit the entire population. AI has two sides to it, just like any other technology that has ever been used

¹⁹ ibid

in society. Given the degree of uncertainty that AI entails, it is crucial to limit the application of generative technologies such as AI in a world ruled by humans. Regulations then become relevant and show how to make the most out of the ambiguity that these technologies entail. Regulations enter the picture here and show how to make the most of this marvel of human creation. Notwithstanding the absence of a legally mandated framework on a global scale. With the legal sector ranking among stakeholders' top objectives, some nations have taken the lead in drafting legislation to regulate the utilization of AI in different domains.

However, the integration of artificial intelligence (AI) within the legal sector has garnered significant interest and intrigue. Numerous efforts have been undertaken to incorporate AI into the legal landscape, including the implementation of pilot projects and the development of AI systems tailored to assist law practitioners, courts, and individuals seeking justice. Notably, alternative dispute resolution (ADR) stands out as a compelling application, gaining attention for its ability to provide a more amicable and reasonable approach to resolving disputes, thereby alleviating the burdensome backlog experienced by courts. Recognizing the limitations of human efficiency, AI emerges as a valuable collaborator, expanding the confines of human potential, as human efficiency has its limits. The harmonious partnership between ADR and AI creates a symphony where justice is pursued through a more hands-on approach, transcending the simplistic win-lose paradigm. This synergy leads to improved case outcomes and reinforces the role of justice within a country's legal system. The acknowledgment of this imperative has been underscored by the reports and subsequent initiatives of the Government of India, as exemplified by a publication by the NITI Aayog titled "Designing the Future of Dispute Resolution: The ODR Policy Plan for India." The aim is to enhance the scalability of online dispute avoidance, containment, and resolution.²⁰ This document notably emphasizes the fortification of the existing legislative framework governing Online Dispute Resolution (ODR) through the introduction of requisite statutory amendments. This emphasis is necessitated by the recognition that the mere introduction of transformative technology is insufficient; rather, it must be accompanied by a clear and directive legal framework to fully realize its potential. Therefore, fostering discussions and debates surrounding the establishment of frameworks, guidelines, and comprehensive domestic laws is deemed imperative to harness the true potential inherent in this dynamic convergence of law and technology.

²⁰ Press Information Bureau, Government of India, <https://pib.gov.in/PressReleasePage.aspx?PRID=1776202> (Feb. 13, 2024)

In the realm of legal practice, a plethora of AI tools has emerged, demonstrating commendable assistive and autonomous decision-making capabilities. However, it is imperative to recognize that AI predominantly relies on extensive datasets for its learning, thereby necessitating human oversight. Human intervention offers a unique advantage in navigating emotions, distinct situations, and nuanced facts, which may require diverse strategies for resolution. Ethical considerations surrounding AI usage must be addressed to bolster efficiency, mitigate bias, and uphold access to justice. Ensuring fairness and impartiality in these systems is paramount to fostering equitable outcomes. To facilitate the effective implementation of AI, poised to revolutionize conflict resolution methodologies, meticulous attention must be paid to responsible operation, privacy preservation, and the preservation of human agency in legal proceedings. This endeavor warrants comprehensive laws and regulations at both international and domestic levels. By striking a harmonious equilibrium between technological advancement and the preservation of fundamental human values, the true potential of AI within the legal sphere, particularly in the realm of Alternative Dispute Resolution (ADR), can be fully realized, heralding a transformative shift in the broader justice system.

