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Redefining Dispute Resolution: The Intersection of Alternative Dispute Resolution and Artificial Intelligence in Law

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ABSTRACT

In the modern legal world just like milky way, Law is expanding like never before. With the intersection of Alternative Dispute Resolution (ADR) Mechanism and Artificial Intelligence (AI), from Courtroom to virtual room hearings certainly, judicial system has come a long way. The transformation is witnessed in the traditional Legal methods due the convergence of ADR and AI, the synergy between these two domains is bringing together different capabilities such as flexibility and efficiency, offering a gamut of methods including mediation, arbitration, and negotiation that facilitate out-of-court settlements. Meanwhile, AI introduces advanced capabilities such as predictive analytics, automated decision-making, and virtual arbitration platforms. This research paper provides a comprehensive analysis of how touch of AI can enhance ADR processes by improving access to justice, reducing costs, and accelerating resolution times and ultimately benefiting the judiciary as well as the alternative dispute resolutions' forums, to lay off the backlog of cases in an organized manner. It also seeks addresses potential challenges, such as ethical considerations and the need for regulatory frameworks to govern AI applications in legal contexts. The present research manuscript will definitely, provide a guiding light and illuminate on sub topics such as meaning and definition of both the terms, as well as their historical backgrounds, along with the present intersection between the two, the pros and cons, along with addressing the ethical considerations and tracking the jurisprudential trajectory of the much-needed interdisciplinary functional aspect of ADR and AI.

Keywords: ADR; AI; Law; Dispute Resolution; Court; Automated Decision making; Legal Challenges.

I. INTRODUCTION

The 21st century has discovered a genie, in the form of Artificial Intelligence from the magical Pandora box of Digital Era, it has powers such as data analysis, data computation, digital calculations, generative AI etc., this genie when used by the so-called 'Aladdin' in the form of

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ADR (Alternative Dispute Resolution) get access to the multiple superpowers in order to make world better place, as in the field of Law by reducing the backlog of cases and resolving disputes amicably out of courts. Well, here we are, talking about the main characters of our story, ADR and AI. Humans out of their inherent nature tend to associate or socialize or stay in groups, which eventually lead to the formation of a society, organized version of which is termed as a civilization, today we call it a 'Country or Nation' with its citizens. Now, with the existence of groups, different factors come into force such as political, socio, economic issues in the background often leading to differences, which technically can be named as *dispute*, as defined by *Cambridge Dictionary*³, *Merriam Dictionary*⁴ and *Collins Dictionary*⁵. 'Dispute' exists in various forms and kinds such as in personal life like matrimonial dispute, family dispute, professional differences for instance as in commercial partnerships etc. Disputes could also be witnessed in the public domain as violation of fundamental rights or crimes committed, which come under the domain of criminal justice system.

To put it simply for the sake of our understanding and study, *dispute* is basically a difference amongst opinions, mindset or understanding of two parties. This difference when unresolved, turns into dispute or point of altercation amongst individuals, Companies, partnerships, within the organization etc., initially every dispute is tried to be resolved informally by engaging in conversation directly or sometimes through a relied third party, as generally observed in matrimonial disputes, family comes as first round of arbitrators or mediators to settle the issue as soon as it arises. However, dispute unresolved becomes *conflict*, a bit complicated problem, leading the affected party to approach a court by way of Litigations. Once in the Court, it takes years to get the dispute resolved by way of proper adjudication and trial involving lot of investment of the parties be it mentally, emotionally, or financially apart from years of life passed by in going to courts or meeting the Lawyers. Which is made easier now a days by way of ADR Mechanism, as it offers following procedures such as consensus building, negotiated rule-making, early neutral evaluation, summary jury trials, mediation, arbitration, judicial settlements.

The emergence of ADR in the 1970s led to the broad institutionalization of the mediation process in American courts and, subsequently, in several other jurisdictions throughout the

³ Dispute, CAMBRIDGE DICTIONARY (Dec. 10, 2024, 12:01 PM), <https://dictionary.cambridge.org/dictionary/english/dispute>.

⁴ Dispute, MERRIAM WEBSTER DICTIONARY (Dec. 10, 2024, 12:02 PM), <https://www.merriam-webster.com/dictionary/dispute>.

⁵ Dispute, COLLINS DICTIONARY, (Dec. 10, 2024, 12:02 PM), <https://www.collinsdictionary.com/dictionary/english/dispute>.

globe. In India, ADR featuring in the Civil Procedure Code, 1973 under **Section 89**⁶, is a fast-track alternative to the traditional court system in India. Introduced by *the Arbitration and Conciliation Act, 1996*, ADR aims to reduce the burden on the Indian judiciary by offering arbitration, conciliation, negotiation, and mediation methods. The aim is to provide speedy and effective justice to all citizens, but challenges persist, including potential detriments. In the past, the field of dispute resolution has depended on in-person human settlement as in 'khaap' panchayats, wherein decisions were taken by the elders of the village (Sarpanch and five panch). Hence, the speed at which decisions are made by people and the ability of physical courts to settle disputes have been through various modifications in modern times so as to make the institution more secular and justice an easy phenomenon as now a days we have '*The Lokpal and Lokayuktas Act, 2013*, holding '*Lok Adalat*' frequently as on every Fridays or Saturdays in the District Courts in order settle the dispute involving element of resolution sooner than going through the entire process of the formal adjudication. It is also a mode of ADR, quite prevalent these days, in contrast to Lok Adalats, which are periodic in nature, Permanent Lok Adalats⁷ (PLA) are recognized organizations by way of 2002 amendments made to *the Legal Services Authorities Act, 1987* thereby adding '*Chapter VI-A for pre-litigation conciliation and dispute settlement*', with the goal of achieving the constitutional promise of justice to all in a cost-effective, timely, and efficient manner. By institutionalizing a forum for mandatory pre-litigation re-conciliation and settlement of disputes pertaining to public utility services, such as those related to transportation, postal service, sanitation, education, dispensary, banking, insurance, housing and real estate, power, light, water, etc., this amendment, which gave rise to the PLA system, was an attempt to further strengthen the system of Lok Adalat in India. These features have made resolving disputes expensive, time-consuming, and unaffordable for many especially in the domain of commercial arbitration and agreements. Considering the complexity of court procedures, per se litigation had been an unappealing option, even if few could afford the high costs of litigation. It is obvious that those with authority, wealth, and the necessary skills and knowledge benefited from such an environment as in big corporate houses.

In present times, internationally there is also a clamor of '*Online Dispute Resolution (ODR) in the context of courts is a digital forum open to the public where parties can meet to settle their differences or settle cases*⁸' Court-related ODR is a unique form of technology-supported

⁶ The Code of Civil Procedure, 1908, S. 89.

⁷ Permanent Lok Adalat- An Indian Model of Institutional ADR Based upon principles of Gram Swaraj, SCC ONLINE (Dec. 10, 2024, 12:09 PM), <https://www.sconline.com/blog/post/2020/06/12/permanent-lok-adalat-an-indian-model-of-institutional-adr-based-on-the-principle-of-gram-swaraj/>

⁸Online Dispute Resolution, NCSC (dec. 10, 2024, 12:12 PM) <https://www.ncsc.ortools#:~:text=Court%2Drelated%20Online%20Dispute%20Resolution,resolve%20their%20di>

dispute resolution that operates exclusively online, focuses on assisting litigants in resolving their disputes, and is hosted by the judicial branch. ODR offers various methods and tools to assist in dispute resolution, including discovery exchange, direct settlement negotiations, mediation support, and technology-supported adjudication. It can also populate standard settlement agreement forms for successful resolutions and provide seamless entry to traditional dispute resolution if unsuccessful. However, the design and implementation of court-related ODR programs is through a challenge, which should not compromise due process or access to justice. This brings us to the interesting part of the story, how Artificial intelligence along with ADR can be a game changer in the arena of providing access to justice, a bit faster and simultaneously reaching to the large number of people in shortest span of time.

II. INTERSECTION OF ALTERNATIVE DISPUTE RESOLUTION AND ARTIFICIAL INTELLIGENCE

Justice Uday Umesh Lalit, the chairman of the National Legal Services Authority and a judge of the Supreme Court, introduced the 'AI- and blockchain-powered Digital Lok Adalat' during the '18th All India Legal Services Authorities' meeting held in Jaipur in July⁹. On 13th August 2022, saw Jupitice (Claiming to be World's First Justice Technology Company) conducted the first-ever National Digital Lok Adalat for Rajasthan and Maharashtra, making history by recording 6.9 million cases online¹⁰. This digital Lok Adalat experience is a classic example of intersection of AI with ADR as aimed to simplify the legal system and make it easier for regular people to access justice from the comfort of their homes. Coming to basic knowledge of AI, Artificial intelligence is the technology that makes it possible for computers and other devices to mimic human autonomy, creativity, problem-solving, learning, and comprehension. It is basically the idea and practice of creating computer systems that can do tasks like speech recognition, decision-making, and pattern recognition that traditionally needed human intelligence. Natural language processing, machine learning, deep learning, and other technologies are all included under the broad term artificial intelligence. It is clear that artificial intelligence is profoundly changing every part of our life as we are surrounded by Alexa, ChatGPT, automated switches for home appliances operating from click over mobile etc. However, the majority of us are largely ignorant of AI and its workings apart from the things of daily use. The concepts such as AI algorithms, learning algorithms, deep learning, machine

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⁹NCSC, (Dec. 10, 2024, 12:58 PM), <https://www.ncsc.org/odr/guidance-and-adr>.

¹⁰ ANALYTICS INDIA MAGAZINE, (Dec. 10, 2024; 12:58 PM), <https://analyticsindiamag.com/ai-breakthroughs/indias-1st-digital-lok-adalat-fights-case-pdf>.

learning, and more are intricate and not always easily distinguished. Although their meanings overlap, they are not all the same especially from persons not coming from science background, or even law students, lawyers, judges etc., who are not tech savvies, it is a task to comprehend and imagine the intersection of AI and ADR. With the use of the SUVAS (*Supreme Court Vidhik Anuvaad Software*), which translates court documents, orders, and judgments from English into nine regional languages, the Honourable Supreme Court has taken advantage of artificial intelligence¹¹.

In the first instance of its kind, the Punjab and Haryana High Court used ChatGPT, an AI chatbot created by OpenAI, for its opinion on a bail application in order to obtain a more comprehensive understanding of global bail law. In order to evaluate the global jurisprudence on the concept of bail in case of murder, *Justice Anoop Chitkara's* bench¹² in the case law of *Jaswinder Singh @ Jassi vs. State of Punjab and another*¹³ employed artificial intelligence. This shows the adaptability to the technology taken by the judges, who are of the view that humans must go hand in hand with technology and maximize the potential of it for the welfare of the people so why should Law and Justice stay away from the miracles of AI. Honorable *Chief Justice of India, D.Y Chandrachud* has rightly remarked that '*Technology is here to stay for the future, forever*¹⁴'. The *COVID-19 pandemic* has also led to the integration of technology in justice delivery systems worldwide, transforming justice as a '*service*' provided at parties' convenience. In India, the judiciary has led the way in adopting technology solutions to keep the system accessible. Online Dispute Resolution (ODR) is a potential transformation in the justice delivery framework, enabling dispute resolution, containment, avoidance, and promotion of legal health. ODR's success is attributed to its cost-effectiveness, convenience, and asynchronous communication, eliminating the need for physical presence and unconscious bias. Given the constraints placed on the court system, it is now time to mainstream ODR in India, *The NITI Aayog Expert Committee on ODR*, having published its report¹⁵ in October 2021, The Chairman of the Committee to Formulate an Action Plan for Online Dispute Resolution, NITI Aayog, *Justice (Retd.) AK Sikri*, identifies the existing and potential challenges, laying out a roadmap for broad-based online dispute resolution in the Indian context.

¹¹ MONDAQ, (Dec. 10, 2024, 12:58 PM), <https://www.mondaq.com/india/arbitration-dispute-resolution/1186812/artificial-intelligence-in-the-field-of-pdf>.

¹²LIVE LAW (Dec. 10, 2024, 12:58 PM), <https://www.livelaw.in/news-updates/punjab-and-haryana-high-court-chatgpt-reply-bail-jurisprudence-world-224929?fromIpLogin=24753.546615549316>.

¹³ 2023 LIVE LAW (PH) 48.

¹⁴ BAR AND BENCH (Dec. 10, 2024, 12:58 PM), <https://www.barandbench.com/law-firms/view-point/artificial-intelligence-arbitration-analysis-indian-jurisprudence>.

¹⁵ ODR POLICY PLAN OF INDIA, (Dec. 10, 2024, 12:58 PM), <https://www.niti.gov.in/sites/default/files/2023-03/Designing-The-Future-of-Dispute-Resolution-The-ODR-Policy-Plan-for-India.pdf>.

This report thoroughly examines the current status of ODR globally and in India paving the way forward in this direction in an organized manner.

Apart from Permanent Lok Adalat and ODR encompassing the interaction with AI, another domain comes which is ‘*Arbitration,*’ Artificial Intelligence by way of firstly, automated smart agreements based upon the predefined clauses as per the data stored and processed by the Machine Learning software. Secondly, ‘*Predictive Analysis*¹⁶’ is a method wherein data in the form of various arbitration case laws and jurisprudence around the globe is stored in the software, which can help in predicting the present facts of the case and giving future prediction based on the details of stored information. A fully automated AI Arbitrator can be appointed but it is not advised as Human interference or presence would be required at all the stages of the arbitration since there are decisions which require empathy, compassion, and application of experience of the arbitrator itself which he/she has gained through years of his professional expertise which a machine cannot replicate. There is still a lot of room to grow in terms of integrating technology into the legal system. For example, blockchain-driven arbitration procedures may be created in order to create smart contracts. Computer code-based smart contracts can transfer rights and duties and employ technology to automate enforcement. This helps with the administration of blockchain arbitration-based settlement in these types of smart contracts. The main legal frameworks that enable blockchain contracts are *the UNCITRAL Convention on Electronic Communications in International Contracts (2007)* and the *UNCITRAL Electronic Model Law on Electronic Commerce, both from 1996*. Hence, a legal framework within India is must which can add or modify the UNCITRAL (United Nations Commission on International Trade Law) rules and regulations over the subject matter of Arbitration so as to reduce the challenges and to make the best use of the technology is made possible. This leads us to the crucial aspect of the story that is the ethical and moral implications of involving AI in ADR as theoretically speaking, AI almost seems like miracle to the problems of the world but important question that arises is whether it is just a feast to eyes or reality.

III. ETHICAL CONSIDERATIONS AND CHALLENGING DYNAMICS

“Technology involvement increases benefits for both participants and practitioners alike, but no benefit is without cost. The use of AI increases the risks for all parties involved in the action. Of particular issue are the unique ethical concerns that AI poses to its inclusion in the legal field, such as bias, the imposition of standard judgments on non-standard conflicts, a lack of transparency and accountability, and potential violations of the ethical standards and licensing

¹⁶ *Ibid.*

requirements that bind traditional lawyers¹⁷”

It is a trite in law that legal formulations must be ethically sound and jurisprudentially upright in the eyes of law, if they wish to stand the test of time. Alternative Dispute Resolution is, as aforementioned, a method to solve the legal disputes in an alternate manner. The jurisprudential thought behind these is that the disputes that are landed in the court must be solved, but those which can be defrictionalised without going to the court, must be solved in the outside periphery of the court only. Early on in the history of the concept of dispute resolution, the common masses realised that going into the legal encirclements of the jargons of laws was not an intelligible task. Even today, in the Indian scenario, voices are raised that the disputes are not settled within the time limit, or have a limitless timeline of resolution. Indeed, this is the fact; but also, what needs to be understood is that the Indian judicial and governance system accepted (and that too respectfully as well as rightfully) an adversarial method of justice delivery and grievance redressal. The systematic legal apparatus of the Indian judicial landscape is such that it allows room to both- litigation as well as alternative dispute resolution systems to exist harmoniously, side by side. Alternative Dispute Resolution is an effective mechanism to solve the complex legal problems that arise in today’s world. However, an interesting connection (as aforementioned) comes in the form of artificial intelligence, which is a revolutionary technology that comes to fore in solving the disputes. In recent times there have been calls to revolutionize and modernize the whole conflict resolution arena by intermingling the alternative dispute resolution or other dispute resolution mechanisms, with the artificially intelligent technology and upcoming computerized techniques, that further the ease of living and justice delivery. It must be noted that alternative dispute resolution mechanisms can be applied effectively across a number of disputes and arenas, because they comprise of arbitration, conciliation, and mediation. Whether it is high- stakes business and corporate matters or a simplistic family issue that requires urgent yet steady handling, alternative dispute resolution systems have it all. To aid it, if artificial intelligence or one might say, generative artificial intelligence can be used positively and optimistically-while staying in the confines of law and legal jurisprudence- then litigation will significantly come down and courts will be eased out of the huge burden that rests on their honorable shoulders. In a recent report by the Press Information Bureau of India (PIB), the Honourable President of India as well, talked about the huge burden on the judicial system of India and the need to have effective case management for

¹⁷ Artificial Bias: The Ethical Concerns of AI-Driven Dispute Resolution in Family Matters, MISSOURI LAW SCHOLARSHIP (Dec. 10, 2024, 12:58 PM), <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1917&context=jdr>.

better redressal of grievances. The report states, *“The President said that the feeling of faith and reverence towards justice has been a part of our tradition. She referred to her address on a previous occasion and reiterated that people consider every judge in the country as God. Every judge and judicial officer of our country has the moral responsibility to respect dharma, truth, and justice. At the district level, this moral responsibility is the lighthouse of the judiciary. The President said that pendency and backlog of cases is a big challenge before the judiciary. She stressed the need to ponder upon the serious issue of cases remaining pending for as long as over 32 years. She emphasised that programmes such as special Lok Adalat week should be organised more frequently¹⁸”*

In the recent past, many judges, advocates, and senior jurists, along with seasoned politicians as well as common masses have voiced their support for the usage of arbitration, conciliation, mediation for conflict management. Former Justice (Retd.) Justice Sanjay Kishan Kaul is the foremost champion of alternative methods of dispute resolution. He is often heard at valedictory ceremonies and legal lectures, advising the common masses as well as the government to accept these alternative dispute resolution mechanisms, as the best way to further their claims and rebuff liabilities. In his own words, *“It is my belief and I must say so that the mediation process is one of the better solutions to the problem. It is simply because instead of a pre-conceived legal principle framed by somebody else applying to the facts of a case, the parties have a say in how they find a solution and not (have) a solution thrust on them.¹⁹* The present Honourable Chief Justice of India, Dr. Justice D.Y. Chandrachud has also batted for the inclusion of alternative dispute resolutions mechanisms in the administration of justice. In his own words, *“Our judiciary functions on the mantra that no case is small or big. Every aggrieved person who approaches the doors of the judiciary has the right to a just remedy. In attending to these grievances, the courts in India perform their plain constitutional duty. The width of our jurisdiction was designed to ensure the widest access to justice. But surely every case need not find a remedy before a court, with emerging forms of dispute resolution such as arbitration and mediation gaining acceptance.²⁰”* He further added, *“In recent years, institutions such as the India International Arbitration Centre and Mumbai and Delhi International Arbitration Centers have been set up and are seeing a steady flow of arbitration matters. But the mere creation of*

¹⁸ PRESS INFORMATION BUREAU, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2050673>.

¹⁹ Mediation one of the better ways to take pressure off the courts, ECONOMIC TIMES (Dec 10, 2024, 12:58 PM) <https://legal.economictimes.indiatimes.com/news/litigation/mediation-one-of-the-better-solutions-to-take-pressure-off-courts-says-Sc-judge/103328888>.

²⁰ Need To Ensure that arbitration Institutions are not controlled by ‘self-perpetrating clique’, INDIAN EXPRESS ONLINE (dec. 10, 2024, 12:58 PM). <https://indianexpress.com/article/india/ensure-arbitration-institutions-not-controlled-self-perpetrating-clique-cji-9377993/>.

institutions is not sufficient. We have to ensure that these new institutions are not controlled by a self-perpetrating clique. These institutions must be based on the foundation of robust professionalism and the ability to generate consistent arbitral processes.²¹” Thus battling for alternative dispute resolution mechanisms, he also pointed a legal compass towards the ethical values that must be followed jurisprudentially in any kind of conflict resolution. This is the major principle which needs to be kept in mind while dealing with the now emergent issues of artificial intelligence being added to the scenario of alternative dispute resolutions.

For the sake of brevity, and as it has been already mentioned above, artificial intelligence is defined as, “the study and development of machine-based human intelligence. It is an umbrella term for an area of technology that encompasses computer science, mathematics, philosophy, psychology, economics, neuroscience, linguistics, and biology. It includes simple systems such as the GPS used by programs like Waze and Google Maps, as well as more powerful (but still user-friendly) systems like the augmented form of machine learning used by Intuit’s TurboTax. More complex systems, such as those that rely on rule or case-based reasoning, or neural networks, have fewer apparent consumer uses but have several current and proposed uses in the legal field. In the context of this note, the term AI-based lawyering refers to the use of processes and programs, performed by computer software instead of an attorney, that mirror the outcome of a case in which a practitioner performed the work manually. The most substantial programs, in terms of both widespread use and level of advanced technology, are e-discovery and document management programs. Traditionally, legal discovery involved countless hours and countless interns to manually review documents, extract needed data, and compile it into a readable collection of information. Now, discovery has moved that process to electronic databases where programs can identify, collect, review, research, and preserve information while producing readable documents ready for attorney review. What previously took dozens of labor-intensive hours can now be done quickly, efficiently, and with a greater accuracy than before. Most e-discovery programs use software that filters documents and electronically stored information through databases that search for keywords that either the attorney or the agency has determined to be relevant. These databases are made up of massive legal knowledge bases, hand-coded by engineers and developers, and modeled after logic systems that represent legal knowledge as a set of rules.²²”

However, one must be very cautious in actual usage of artificial intelligence mechanisms in the

²¹ *Ibid.*

²² Artificial Bias: The Ethical Concerns of AI-Driven Dispute Resolution in Family Matters, MISSOURI LAW SCHOLARSHIP (Dec. 10, 2024, 12:58 PM), <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1917&context=jdr>.

resolution of disputes via the alternative dispute resolution mechanisms. One must understand that AIINT (artificial intelligence) cannot take the place of HUMINT (human intelligence); and since dispute resolution requires emotional understanding of legal disputes, the generalized mechanism of artificially intelligent machines can never achieve that. And therefore, there are certain ethical considerations that must be kept in mind while using artificial intelligence in a way that modifies or intermingles with the physically simulated human intervention in alternative dispute resolution settings. The various ethical considerations that may arise are listed below with their brief explanations:

1. Lack of Emotional Intelligence and Emotional Quotient: It must be noted that although artificially intelligent systems are varied and are useful in tackling generalized problems, specific problems cannot be dealt with the computerized systems. Basically, in the real-physical world, which is less of virtual and more of actuality, persons and in general, the masses need to be dealt with sensitivity and basic human sense. Say, for example, there is a mediation matter whereby a matrimonial dispute is to be solved. Artificially intelligent systems can only tackle with the rights and claims of the parties in such a case and not the basic essence of the dispute. It cannot understand that there can be ego issues, or deep-seated anger or resentment that might have led to clashes, that are now present in the form of divorce proceedings in front of the mediation panel. This can only be noticed in the expressions, body language and the very eyes of the two people sitting in front of the panel. That is why artificial intelligent system apparatus cannot be used to effectively and completely tackle the real-world problems. Of course, they may guide one towards the law that exists in a particular matrix or they may help in recognizing the issues of the extra-territorial jurisprudence existing on the same, but they cannot aid in rooting out the problem, completely. Artificial intelligence and related systems lack emotional intelligence and the emotional quotient to deal with the abstract nature of humans and understand the spiritual science behind the actions of humans. According to scientists, “Emotional intelligence (AKA EI or EQ for "emotional quotient") is the ability to perceive, interpret, demonstrate, control, evaluate, and use emotions to communicate with and relate to others effectively and constructively. This ability to express and control emotions is essential, but so is the ability to understand, interpret, and respond to the emotions of others. Some experts suggest that emotional intelligence is more important than IQ for success in life.²³” Thus,

²³ Emotional Intelligence: How we Perceive, Reflect and Evaluate our Emotions, VERY WELL MIND (Dec. 10, 2024, 12:58 PM) <https://www.verywellmind.com/what-is-emotional-intelligence-2795423>.

artificial intelligence cannot aid in whereby emotions of the humans are needed, to see things in a clear prism of the challenging, yet fulfilling life, that we lead.

2. Increased Bias: There is an increased bias that is inbuilt in the artificial intelligent systems, because they carry the machine programming and internal machinery of the jurisdictions that has created it or made it. Artificially intelligent systems are made by specific countries and specific companies, although now the jurisdictional bias is decreasing. Still, the internal mechanism or the thought process that is ingrained in the system via the large language modules, it is impossible to rule out bias in the systems. This is problematic. Why? This is because the person who made that machine or trained that machine to behave in a specific manner, did that according to his/her own ingrained systems of values, ethics, behaviours, and morals. He or she did not do it to cater to the universal audience. Each and every society is different and so are their values, ethics, and morals. One cannot compare any two societies and say that one is correct and the other is wrong. That is why this system might not work in the context of alternative dispute resolutions, completely and effectively because knowledge of one legal system or one cultural milieu, does not guarantee understanding of all cultural milieu and environs. “Just as a chain is only as strong as its weakest link, AI is only as good as the data used to create it. Incomplete or inadequate training data, flawed programming, and errors in algorithm developments can render the results produced by such systems so inaccurate as to render it ineffective for a client’s purpose. More concerning, however, is that these flaws in the data may create a feedback loop within the algorithm that perpetuates biases and may result in unintentional discrimination that puts both the client and the practitioner at risk for significant consequences. Algorithm bias, which occurs when an algorithm produces prejudiced results due to flawed programming and biased or incomplete data, represents a new threat to judicial fairness that begs the attention of both practitioners and students alike. Biases in machine learning software can grow exponentially, as they become further incorporated into the system’s predictive patterns. These pattern systems—which the AI uses to identify relevant predictive features of a case and match those features to outcomes in cases with similar fact patterns to determine the likely outcome—offer several paths for bias to infect the system. The two most common paths are (1) the incomplete and/or biased data sets used to train the algorithm and (2) the way that the algorithm is designed.²⁴” Adding to the same, many reports have suggested that, “case-based systems that use historical data to predict outcomes may also unwittingly perpetuate biases by relying on the data and information those cases provide. For example, a

²⁴ Artificial Bias: The Ethical Concerns of AI-Driven Dispute Resolution in Family Matters, MISSOURI LAW SCHOLARSHIP (Dec. 10, 2024, 12:58 PM), <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1917&context=jdr>.

male client participating in an AI- facilitated mediation against a female client to determine custody arrangements for their child may be placed at a disadvantage, as historical data tends to favor mothers in custody arrangements, albeit only slightly. The use of historical data in an age of rapid social change also begs the question as to whether these knowledge bases will be able to account for the shift in social norms and judicial attitudes. While bias has arguably lessened its grip on judicial precedent over time, the exclusive use of historical data to decide modern cases can lead to biased output if the data used reflects patterns of historical discrimination rather than the merits of the existing case.²⁵

Apart from these challenges and noted ethical considerations, there are many more to the integration of alternative dispute resolution mechanisms and the artificially intelligent system apparatus. These include

- a. The ignorance of artificial agreements, of the issues, interests and conflicts that are entirely specific to both the parties, individually.
- b. The rising challenge of black box of lack of emotions and logical reasoning coupled with human vulnerabilities.

Thus, the present stated integration is positively empowering and will definitely aid in speedy delivery of justice and disposal of cases, but can also be liable for reduced understanding of humanized side of conflicts, thus leading to repeated and multiple litigations.

IV. CONCLUSION AND WAY FORWARD

From the aforementioned discussions and data produced, it is effectively established that the very integration and intermingling of the two extreme spheres of artificial intelligence and the alternate dispute resolution mechanisms, the justice delivery system of the nation will definitely improve. The various calls and voices raised by the senior members of the bar and the bench, the political side, and the diplomatic spheres, as well as the common masses, one thing is clear- that the nation is ready for a change. The various effective steps that have been undertaken by the judiciary and the executive in integrating technology and various artificial intelligence-driven mechanisms for better justice delivery, are indeed laudable and they have not stopped yet. However, the many ethical considerations and the challenges that are raised by the amalgamation of both these concepts is indeed something to be looked into. The policy formulation of the government agencies as well as the judiciary and the national security

²⁵ Artificial Bias: The Ethical Concerns of AI-Driven Dispute Resolution in Family Matters, MISSOURI LAW SCHOLARSHIP (Dec. 10, 2024, 12:58 PM), <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1917&context=jdr>.

agencies must be so, that it aids in furthering the cause of justice. This must be done without impinging upon the various principles of natural justice and the constitutional philosophy that India strives to uphold. Technology integration and the expansion of institutional arbitration are changing the face of alternative dispute resolution (ADR) in India. These developments present previously unheard-of chances to raise the efficacy, efficiency, and transparency of conflict settlement procedures. ADR has the potential to become a more fair and effective dispute resolution process that benefits people, companies, and the country as a whole as it develops²⁶. But, similarly in all the situations the main thing that needs to be kept in mind is the basic principle of justice, equity and good conscience that is meant to be upheld by the principles and mandates of constitutional governance, effective policy implementation, strict rules, and regulations' regime, as well as the legal and ethical philosophy that India strives to uphold. Then only, India can truly and absolutely become a nation that integrates both the humanized side of conflict resolution and the fast-developing technologies, in the most harmonious and the most justiciable manner, that is possible.

²⁶ Reshaping the Future of ADR in India Through Integration of Technology and Institutional Arbitration, CII BLOG (Dec. 10., 2024, 12:55 PM), <https://ciiblog.in/reshaping-the-future-of-adr-in-india-through-integration-of-technology-and-institutional-arbitration/>.