

The Role of AI in Streamlining Arbitrator Appointment.

Abstract

The core objective of arbitration under the Arbitration and Conciliation Act, 1996, has always been to provide an efficient, cost-effective alternative to litigation and to reduce the heavy burden on Indian courts. However, the current process for appointment of arbitrators often results in judicial intervention, delays, and increased case backlogs. This article examines how the integration of Artificial Intelligence (AI) as a supportive tool in the arbitrator appointment process can realign arbitration with its original intent.

By introducing AI-driven platforms, courts can automate the identification, vetting, and shortlisting of impartial, qualified arbitrator candidates, significantly reducing judicial time and administrative costs. The use of AI not only promises to expedite appointments and address systemic inefficiencies but also brings greater transparency by relying on objective data points rather than closed networks or subjective preferences. This approach expands the pool of potential arbitrators, curtails unconscious biases, and strengthens diversity and fairness in arbitral appointments.

Ultimately, the responsible adoption of AI in the arbitrator appointment process can help Indian courts reduce their administrative load, foster robust procedural transparency, accelerate dispute resolution, and reinforce India's status as an arbitration-friendly jurisdiction.

Introduction: Appointment of Arbitrators in India: The Role of Courts

The bedrock of the Indian Arbitration and Conciliation Act, 1996, is party autonomy, yet it also provides for judicial intervention, notably under Section 11 of the Arbitration & Conciliation Act, 1996 for the appointment of arbitrators when parties fail to agree. The Supreme Court has historically played a central role in this process, particularly for international commercial arbitrations. Over the years, amendments like the 2015 and 2019 Amendment Acts have sought to expedite this process, with the latter aiming to shift the responsibility from courts to graded arbitral institutions. However, this transition is pending, and delays in the appointment process continue to undermine the very advantage of arbitration its speed and efficiency. This article suggests that Artificial Intelligence AI offers a powerful solution to this challenge. By leveraging AI to analyze vast datasets and automate procedural tasks, we can significantly reduce the time and effort required for the first listing and final disposal of Section 11 applications, moving arbitration closer to its promise of a swift and streamlined dispute resolution mechanism.

Arbitration can be categorized into two types: ad hoc and institutional. Ad hoc arbitration is conducted independently, without oversight by an arbitral institution. In contrast, institutional arbitration is administered by a recognized body and is often preferred for its efficiency, confidentiality, and flexibility.

In India, parties generally opt for ad hoc (as opposed to institutional) arbitration, which means that the disputing parties determine all aspects of the proceedings. There is no culture of designating institutions for the appointment of arbitrators. The appointment of arbitrators is primarily the right of the parties to the dispute; this is referred to as party autonomy.

Courts play multifarious roles in the arbitral process, from assisting, supporting to supervising. In the event of a deadlock, the parties' only recourse is to approach the High Court or Supreme Court under Section 11 of the Act. Typically, this includes (i) failure to prescribe a procedure for the appointment of arbitrators, (ii) failure to adhere to the procedure prescribed under the arbitration agreement, or (ii) failure to reach consensus on such appointment.

In such cases, the Court's role is to provide timely assistance by either appointing an arbitrator or designating a person or arbitral institution. This is an important intervention contemplated under the Act. It is both crucial and expedient to the initiation of the arbitration process. The absence of a prescribed time limit for the courts to dispose of such applications has led to severe delays in the process, which undermine the purpose and spirit of arbitration.¹

Identifying the real problem

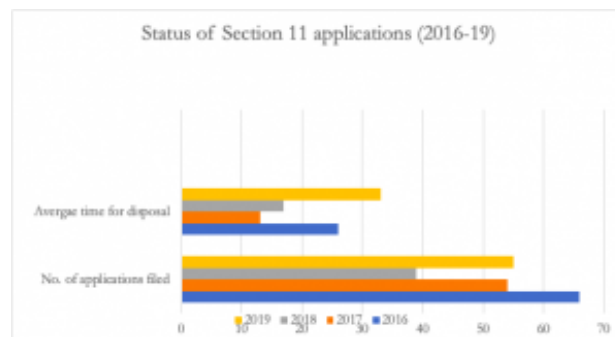
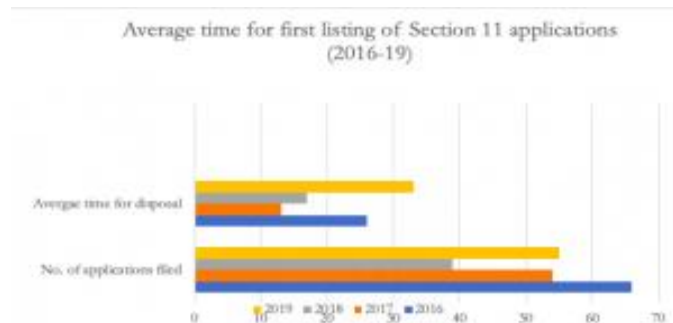
A perceived benefit of arbitration over litigation before a court is the ability of parties to select the finder of fact and law². The foundational objective of arbitration under India's Arbitration and Conciliation Act, 1996, was to create a swift, cost-effective, and private alternative to conventional court litigation. By providing a streamlined mechanism for dispute resolution, the Act sought to not only benefit businesses and individuals but also to alleviate the heavy burden on the nation's judiciary. However, in a paradoxical turn, this very process, particularly the appointment of arbitrators, has become a significant source of delay and judicial intervention, defeating the core purpose of arbitration itself. India has taken significant steps to promote technology and AI in arbitration and dispute resolution. The Supreme Court has also in case like *M/S Arif Co. Ltd VS M/S Aptech Ltd.*³ notice that the period of three years is an unduly long period for filling an application under section 11 of the Arbitration and Conciliation Act, 1966 and against the very spirit of the Act, 1966 which provides for expeditious resolution of commercial disputes within a time-bound manner. Various amendments to the Act, 1996 have been made over the years so as to ensure that arbitration proceedings are conducted and concluded expeditiously. These long process for appointing the Arbitrator is something that can be dealt with introducing an AI platform which will help the courts and in making the procedure of the Appointment of the Arbitrator.

¹ Time is of the essence: Judicial Interpretation in the appointment of arbitrators.

² Sarah R. Cole, Arbitrator Diversity: Can it be Achieved?, 98 Wash. U. L. Rev. 965, 974 (2021).

³ Arbitration Petition No. 29 of 2023.

This article has reviewed the data available on the Supreme Court's Website⁴. The graphs below indicate the average time taken for the first listing of a Section 11 application before the Supreme Court and the average time taken for final disposal⁵:



The data from 2016 to 2019 reveals significant delays in the appointment of arbitrators under Section 11 of the Arbitration and Conciliation Act. Despite the initial listing of applications being determined by software with minimal human intervention, the time for first listing has fluctuated considerably. In 2016, the average time was 25.86 days, which dropped to 12.95 days in 2017 before increasing to 16.87 days in 2018 and almost doubling to 32.98 days in 2019.

The final disposal of these applications paints a more concerning picture, with the average time for resolution often taking several months. In 2016, the average disposal time was a staggering 385.95 days. While the average time improved in subsequent years to 204.42 days in 2017 and 159 days in 2018, the number of pending cases remains high. In 2019, the average disposal time for the 15 cases resolved was 180.93 days, with 40 applications still pending. This protracted process effectively undermines the fundamental advantage of arbitration as a quick and efficient dispute resolution method.

⁴ The data was gathered from <https://main.sci.gov.in/case-status>.

⁵ Appointment of arbitrators under Section 11 by the Supreme Court: A time intensive phenomenon

The Supreme Court of India recently passed an important order in *M/s Shree Vishnu Constructions Vs The Engineer in Chief, Military Engineering Service & Ors.*⁶, which addresses the issue of delays in the appointment of arbitrators by High Courts. The order fills a gap in the Arbitration and Conciliation Act, 1996, which does not prescribe a time limit for the appointment of arbitrators. Firstly, the Court said that all applications filed under Sections 11(5) and 11(6) of the Act that have been pending for more than a year from the date of filing must be decided within six months from the date of this order. To this end, it directs the Registrar General of the respective High Court to submit a compliance report. Secondly, it noted that all efforts must be made by High Courts to dispose of such applications “*at the earliest and preferably within a period of six months from the date of filing of the applications*”.

The Supreme Court's move to prescribe a timeline for the appointment of arbitrators marks a significant stride toward streamlining the process, it is a crucial step in fulfilling arbitration's promise as a swift, low-burden alternative to traditional litigation.

However, despite these efforts, the current system still faces substantial delays. The data on Section 11 applications reveals that court intervention, intended to facilitate the process, often ends up extending it, thus defeating arbitration's core purpose.

To truly address this issue and realize the full potential of these reforms, our judiciary must embrace a more technologically advanced solution. The integration of AI-powered software for arbitrator appointments is the logical next step. While the Supreme Court's prescribed timeline is a positive development, AI can ensure these deadlines are met consistently and efficiently. By automating the procedural aspects of arbitrator selection, an AI system can drastically reduce the time and judicial workload associated with these applications. This is not a new concept; courts are already leveraging AI in other areas to enhance efficiency. By adopting this technology, the judiciary can not only meet its prescribed timelines but also free up valuable resources, allowing judges to focus on more substantive legal matters. This strategic use of AI would not only complement the Supreme Court's forward-thinking reforms but also finally align the arbitrator appointment process with the founding principles of arbitration itself.

Technology in Arbitration: The Indian Perspective.

Integrating AI in arbitration can revolutionize dispute resolution. One of the most significant impacts of AI is the substantial increase in efficiency and speed by automating repetitive tasks, reducing case processing time, and eliminating backlogs in overburdened legal systems. India has taken significant steps to promote technology and AI in arbitration and dispute resolution. The Supreme Court, in cases like *Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.*⁷ and *Trimex International FZE Ltd. v. Vedanta Aluminium Ltd.*,⁸ has acknowledged the legitimacy of using

⁶ CIVIL APPEAL NO. 3461 OF 2023 (@ SLP (C) NO. 5306 OF 2022)

⁷ (2009) 2 SCC 134

⁸ (2010) 3 SCC 1.

technology in arbitration and recognition of arbitration agreements through emails and other means of communication. In *Grid Corpn. of Orissa Ltd. v. AES Corpn.*⁹, the Supreme Court held that notice of appointment to the third arbitrator could be emailed and did not need to be submitted physically or in writing. Furthermore, the Court recognized the validity of arbitration agreements through emails without their physical signing, amending Section 7(4)(b) of the Arbitration and Conciliation Act, 1996 to include “**electronic means**” as one of the ways to form arbitration agreements. The Court also introduced an e-Filing portal under the Mission Mode Project¹⁰, allowing the signing of documents electronically.

We examine how the integration of Artificial Intelligence (AI) can realign the arbitrator appointment process with its original intent. While the Indian judiciary has already taken steps to embrace technology in arbitration as seen in cases. By using AI-driven platforms, courts and parties can automate the identification, vetting, and shortlisting of qualified and impartial arbitrator candidates. This approach promises to not only expedite appointments and address systemic inefficiencies but also to introduce a new level of transparency and fairness. By relying on objective, data-driven analysis rather than closed networks or subjective preferences, AI can expand the pool of potential arbitrators, mitigate unconscious biases, and foster greater diversity in arbitral appointments. Ultimately, the responsible adoption of AI can help Indian courts reduce their administrative load, foster robust procedural transparency, and reinforce India’s status as a leading arbitration-friendly jurisdiction.

AI in selecting the Arbitrator: Transitioning from Tradition to Technology.

Consider a scenario where an individual with an extensive background as a judge in criminal matters is nominated to serve as an arbitrator in a highly complex commercial dispute. Despite their impeccable record in criminal law, this individual has minimal experience in commercial arbitration. The traditional appointment process, often dependent on personal networks or judicial discretion, might overlook this nuance, potentially leading to an appointment that does not align with the substantive needs of the dispute. This raises a critical question: is a person with little or no commercial law experience truly the optimal choice to adjudicate commercial matters? Selecting such an arbitrator can risk procedural inefficiency, misapplication of commercial principles, and even parties confidence in the process.

When we are talking about the appointment of arbitrator it is important to talk about the qualifications to be an Arbitrator. In realm of arbitration in India, two crucial qualifications for arbitrators have consistently emerged in jurisprudence: subject-matter expertise and independence/impartiality.

In India usually the Courts appoint the Arbitrator on the basis of the Independence and impartiality. An Analysis of Indian Courts judgements reveals that Independence and impartiality have received

⁹ 2005 SCC OnLine Ori 78.

¹⁰ Ministry of Electronics & Information Technology, Government of India, Mission Mode Projects.

significantly greater emphasis than subject matter expertise in arbitrator appointment. The Hon'ble Supreme Court in case *Perkins Eastman Architects DPC & Anr. v. HSCC (India) Ltd.*¹¹ emphasized that “independence and impartiality of arbitrators are the hallmarks of any arbitration proceedings”. The Court highlighted that the rule against bias is one of the fundamental principles of natural justice which applies to all judicial and quasi-judicial proceedings, including arbitration.

The Court beautifully articulated this position by citing the UK Supreme Court's decision in *Hashwani v. Jivraj*¹² “the dominant purpose of appointing an arbitrator or arbitrators is the impartial resolution of the dispute between the parties in accordance with the terms of the agreement and, although the contract between the parties and the arbitrators would be a contract for the provision of personal services, they were not personal services under the direction of the parties.”

In *Jaipur Zila Dugdh Utpadak Sahkari Sangh Limited & Ors. v. M/s Ajay Sales & Suppliers*¹³, the Hon'ble Supreme Court reaffirmed that arbitrators who might be seen as having a conflict of interest with one of the parties should be considered ineligible to serve. This continued the trend of prioritizing independence and impartiality over other considerations.

A review of recent judgments makes it abundantly clear that Indian courts have consistently placed paramount importance on the independence and impartiality of arbitrators, considering these qualities as non-negotiable, while subject-matter expertise, though significant, remains a secondary consideration. This priority is reflected across most legal pronouncements dealing with arbitrator qualifications. The introduction of AI into the arbitrator selection process promises to further strengthen this commitment to independence and impartiality. Not only can AI reinforce these core values, but it can also enhance efficiency by leveraging comprehensive data on arbitrators, including their backgrounds, experiences, and past awards. Such data-driven insights can assist courts and arbitral institutions in choosing the most suitable arbitrator for each case. In view of these benefits, it is imperative that our judiciary should embrace technological advancements to enhance transparency in arbitration proceedings. While AI should be viewed as a powerful assistive tool not a substitute for human judgment its adoption in the selection process has the potential to make the process both easier and more effective.

AI-powered selection platforms address this very issue by making the vetting process data-driven and transparent. Using these platforms, appointing courts gain access to detailed analytics about potential arbitrators including the volume and nature of cases previously handled, areas of substantive expertise, and performance metrics in relevant sectors. An AI tool can instantly flag that the nominee, despite extensive judicial experience, has little to no practical exposure to commercial disputes, and can suggest more suitable candidates with a robust commercial background. This ensures that only the most appropriately qualified and experienced professionals

¹¹ AIR 2020 SC 59.

¹² (2011) 1 WLR 1872; 2011 UKSC 40

¹³ Special Leave Petition (Civil) No. 13520 of 2021

are shortlisted for each case, thereby increasing transparency, building parties confidence, and reducing the likelihood of inappropriate appointments. The process not only saves judicial time but also advances the core objective of arbitration delivering fair and efficient dispute resolution by the best-suited arbitrators.

The Role of AI-Powered Platforms in Arbitrator Selection

AI streamlines arbitration operations through advanced case management and arbitrator selection. Platforms like Modria and Casefox automate scheduling, documents filing, and deadline tracking, reducing errors. The SIAC's AI-based system processed 600 cases in 2023, achieving 30% faster turnaround times¹⁴. In India, the Mumbai Centre for International Arbitration (MCIA) adopted CaseFox in 2024, cutting administrative costs by 25% for 300 cases¹⁵.

Arbitrator selection benefits from AI tools like Arbitrator Intelligence, which analyzes expertise and past awards using anonymized feedback, ensuring impartial appointments¹⁶. The MCIA's 2024 AI pilot matched arbitrators to energy and infrastructure disputes, improving selection accuracy by 40%¹⁷. The case *Halliburton Co. v. Chubb Bermuda Insurance Ltd. (2020)*¹⁸ highlighted the need for unbiased selection, which AI addresses through data-driven transparency. Kluwer Arbitration's Arbitrator Tool predicts availability, reducing scheduling conflicts by 35% in LCIA arbitrations¹⁹. In India, AI could analyze arbitrator performance in telecom disputes, which comprised 60% of MCIA cases in 2024²⁰.

AI Powered Outcome Prediction

AI Leverages predictive analytics to forecast arbitration outcome using historical data, enabling risk assessment and strategy optimization. A study by University College London, the University of Pennsylvania, and the University of Sheffield achieved a 79% accuracy rate in predicting outcomes for cases under Article 3, 6, & 8 of the European Convention on Human Rights²¹. Ravel Law's AI platform, aggregate data from over 400 law firms, provide detailed predictions, enhancing decision- making.²²

Predictive coding was advanced in *Pyrrho Investments Ltd. Vs MVB Property Ltd (2016)* managing over three million documents and outperforming manual review²³. In *Brown v. BCA*

¹⁴ SING. INT'L ARB. CTR., 2023 Annual Report15 (2024).

¹⁵ MUMBAI CTR. INT'L ARB., AI Integration Strategy 2024 10 (2024).

¹⁶ Arbitrator Intelligence, AI Driven Arbitrator Analytics, [https:// www.arbitratorintelligence.org](https://www.arbitratorintelligence.org).

¹⁷ MUMBAI CTR. INT'L ARB., AI Pilot Report 2024 8 (2024).

¹⁸ [2020] UKSC 48 (Eng.).

¹⁹ Kluwer Arbitration, Arbitrator Tool feature

²⁰ MUMBAI CTR. INT'L ARB., 2024 Sectoral Dispute Report 14 (2024).

²¹ Nikolas Aletras et al., Predicting Judicial Decisions of the European Court of human Rights: A Natural Language Processing Perspective.

²² Ravel law, Case Analysis and Insights, [http:// www.ravellaw.com](http://www.ravellaw.com)

²³ [2016] EWHC 256 (Ch) (Eng.)

Trading Ltd. (2016), predictive coding reduced review time by 40%²⁴. LexisNexis' CaseMap analyzes arbitrator behavior and sector-specific trends in disputes like energy or intellectual property²⁵. Arbitration's confidentiality limits data access, with the ICC and Hong Kong International Arbitration Centre (HKIAC) publishing only anonymized summaries. The GAR Arbitrator Research Tool aggregates data from 185 countries, supporting predictive modeling. The ICC's 2023 digital award library pilot anonymized 10,000 awards⁶⁴.

In India, predictive analytics requires a secure database that is compliant with the Arbitration and Conciliation Act 1996 and the Personal Data Protection Act 2023. The Indian Council of Arbitration could lead, with Lawyered reporting a 65% surge in predictive tool demand in 2024. SIAC algorithms predicted a 72% settlement probability in construction disputes, while LCIA AI models estimated case durations with 85% accuracy in 2024.

Problems in the Existing Arbitrator selection

One of the central criticisms of court appointed arbitrator selection in India is its lack of transparency. Although the Arbitration and Conciliation Act, 1996, envisions an efficient and impartial process, practical realities often undermine these ideals.

It is widely acknowledged that arbitrators in India are frequently appointed through informal channels or “back door negotiations” which are not part of any formal or accountable process. This lack of standardized, data-driven procedures means appointments can be influenced by personal networks or subjective preferences, rather than merit or suitability. Such practices compromise both the impartiality and perceived legitimacy of the arbitral process, breeding mistrust among parties and diminishing confidence in arbitration as an alternative to litigation.

Another key issue is that court appointed arbitrators are not always experts in the relevant subject matter. Courts often prioritize considerations of independence and impartiality, but may overlook the importance of substantive expertise. For instance, there have been cases where arbitrators with little commercial or technical experience have been assigned to highly complex commercial or technical disputes, leading to inefficiency, misapplication of legal or technical principles, and a general lack of confidence in the outcome. In the Indian context, jurisprudence confirms that although independence is paramount, subject-matter knowledge is often not sufficiently weighed in practice

AI-Driven Solutions

AI-powered platforms can radically transform the arbitrator selection process by providing a transparent, data-driven alternative to traditional practices. These platforms analyze comprehensive and objective data sets, minimizing the possibility of bias, favoritism, or back-

²⁴ [2016] EWHC 256 (Ch). (Eng).

²⁵ LexisNexis, Case Map: AI-Driven Legal Analytics.,

channel negotiations. This empowers courts and parties to make informed decisions grounded in facts rather than networks or reputation

The advent of Artificial Intelligence (AI)-driven platforms is fundamentally changing how arbitrator due diligence is conducted, offering transformative improvements in efficiency, transparency, and objectivity. Concrete examples illustrate how these platforms are already streamlining the selection process.

AAAI Panelist Search, developed by the American Arbitration Association (AAA)²⁶, is a leading-edge tool leveraging generative AI to assist in the discovery and vetting of arbitrators from its roster. Through advanced semantic search, this software reviews and contextualizes the substance of arbitrator resumes beyond a simple keyword match surfacing candidates with relevant and possibly overlooked experience. For courts and institutions, this means generating impartial and highly targeted lists in a matter of minutes, enabling faster appointments while upholding rigorous standards of independence and diversity. Though the system harnesses sophisticated algorithms, human decision-makers retain the final say, reviewing AI-driven recommendations within the bounds of judicial or institutional criteria.

Similarly, Arbitrator Intelligence²⁷ gathers worldwide data and practitioner feedback to offer robust, data-driven reports on arbitrator performance, style, and substantive expertise. Courts and institutional case managers using this platform can access critical analytics that go beyond personal references, providing insight into an arbitrator's past procedural decisions, duration of cases, and even tendencies on key issues. This level of transparency reduces informational asymmetry and better equips all parties and the institutions advising them to move away from opaque selection practices and toward objective, diverse, and more predictable appointments.

Also, The Global Arbitration Review (GAR) is recognized internationally as a leading source for news, analysis, and intelligence in the field of arbitration. While GAR is primarily known as an authoritative publication, it has developed several technology-driven resources and tools that enhance transparency and efficiency in global dispute resolution. Of particular note is GAR's GAR-ART (Arbitrator Research Tool), which can serve as a valuable adjunct for courts and institutions involved in arbitrator selection.

Global practice demonstrates that the use of AI-driven platforms in arbitrator selection has become standard in many jurisdictions, providing substantial benefits to courts and arbitral institutions. The integration of AI in this context does not entail replacing human arbitrators with artificial intelligence. Rather, the sole focus is on utilizing AI as an advanced tool to assist in the vetting, shortlisting, and selection of suitable arbitrators. AI serves as an impartial, data-driven support mechanism that enables courts to make more informed decisions, enhances the pool of qualified candidates, and strengthens the integrity of the arbitration process. The appointment of the

²⁶ <https://www.adr.org/>

²⁷ <https://arbitratorintelligence.vercel.app/>

arbitrator remains a human function, with AI acting only as an assistive resource in ensuring that the best-qualified, independent, and impartial arbitrators are selected.

A comprehensive analysis of Artificial Intelligence's (AI) role in arbitrator selection in India reveals a landscape of transformative potential balanced by significant legal, ethical, and practical challenges, necessitating a robust regulatory framework that prioritizes confidentiality, transparency, human oversight, and party autonomy.

Legal and Ethical Concerns in AI Adoption

Confidentiality and Data Privacy: A primary concern with using AI in arbitration is the protection of sensitive and confidential information. Arbitration proceedings often involve trade secrets and privileged data. Many publicly available AI tools, especially generative AI platforms, may use the data they process to train their models, creating a significant risk of data breaches and violations of confidentiality²⁸. This is a critical issue as some third-party AI tools can retain and reuse information, potentially exposing confidential details to unauthorized parties.

The use of AI must comply with the Digital Personal Data Protection Act (DPDPA), 2023, which governs the processing of digital personal data and mandates security safeguards against data breaches. AI platforms acting as data fiduciaries must obtain explicit consent from users and adhere to data protection measures. The challenge is that AI systems rely on vast amounts of data, which can conflict with the stringent requirements of data protection laws like the DPDPA. To mitigate these risks, arbitration participants must use robust encryption, vet AI tools for their data retention and security policies, and consider proprietary or closed-system AI tools where data is not used for external training.

Regulatory and Institutional Guidance

Role of Institutions: Arbitral institutions play a critical role in guiding the responsible use of AI. Globally, institutions like the American Arbitration Association (AAA) have published guidelines and principles on AI in dispute resolution²⁹. For instance, the AAA developed the AAAi Panelist Search tool, which uses generative AI to help parties vet and select arbitrators from its roster. Similarly, the Global Arbitration Review offers the GAR-ART (Arbitrator Research Tool) as a valuable aid for selection.

In India, there is a growing need for institutions like the Indian Council of Arbitration (ICA), the Delhi International Arbitration Centre (DIAC), and the Mumbai Centre for International Arbitration (MCIA) to develop their own rules or guidelines for AI usage. The Indian government has also shown interest in AI governance through bodies like the Ministry of Electronics and

²⁸ AI and Confidentiality protection in International Commercial Arbitration: Analysis of the existing legal framework

²⁹ Regulating artificial intelligence in international arbitration.

Information Technology (MeitY) and NITI Aayog, which has acknowledged AI's potential in its policy plans for Online Dispute Resolution (ODR).

Potential Risks and Limitations of AI

Overreliance on Technology and AI Incorrectness: There is a risk of over-relying on technology and delegating the core judicial function of decision-making to an algorithm. The consensus is that AI should be an assistive tool to augment, not replace, human judgment. The final appointment must remain a human function. Another limitation is the phenomenon of AI incorrectness, where generative AI tools produce manifestly wrong or non-existent information, such as fake case citations. This highlights the critical need for human oversight and verification of any AI-generated output. This was also highlighted in the case *Mata v. Avianca*³⁰ where results produced the AI can be manifestly wrong, generating non existence case citations and quotes.

Party Autonomy and Consent

Party autonomy is a key principle in arbitration, giving parties the freedom to shape how their dispute is resolved. This includes deciding whether and how AI is used in the process especially when it comes to selecting an arbitrator.

Arbitral institutions should encourage parties to discuss the use of AI at the start of the proceedings. Clear frameworks, such as opt-in or opt-out options, can help parties tailor the process to their needs and comfort levels. Ultimately, if parties have not consented to the use of AI, an award rendered with its assistance could be challenged on the grounds that the procedure was not in accordance with their agreement.

Training and Awareness

For AI to be integrated responsibly into the Indian arbitration ecosystem, comprehensive training for all stakeholders is essential. Arbitrators, legal professionals, and judges require education on AI technologies, their capabilities, their limitations, and the associated ethical considerations. In India, the judiciary has already started adopting AI-powered tools like SUVAS (for translation) and SUPACE (for research assistance), signaling a move towards technological integration that necessitates training and awareness initiatives.

Conclusion

The integration of AI in arbitrator selection represents a watershed moment for Indian arbitration. As this article has demonstrated, AI offers powerful solutions to longstanding challenges in the appointment process, promising greater efficiency, transparency, and objectivity. By leveraging data-driven insights rather than relying solely on subjective preferences or closed networks, AI can

³⁰ Inc. 22-cv-1461 (PKC) (S.D.N.Y. Jun. 22, 2023)

expand the pool of qualified arbitrators while ensuring that appointments are based on merit, expertise, and impartiality.

The current arbitrator selection process in India, while well-intentioned, often fails to achieve its core objectives. Delays, excessive judicial intervention, and lack of transparency undermine the very purpose of arbitration as an efficient alternative to litigation. AI-powered platforms offer a pragmatic path forward, allowing courts to automate routine aspects of the vetting and shortlisting process while preserving essential human oversight and judgment.

However, the responsible adoption of AI requires careful navigation of legal, ethical, and practical challenges. Data privacy concerns, the risk of algorithmic bias, and the fundamental principle of party autonomy must all be addressed through thoughtful regulation and institutional guidance. The development of a robust framework that balances technological innovation with procedural safeguards is essential for maintaining the integrity of the arbitral process.

India stands at a pivotal moment in its arbitration journey. With proactive leadership from courts, arbitral institutions, and policymakers, AI can be harnessed to strengthen the arbitrator selection process and realign it with the core promise of arbitration: efficient, expert-driven, and impartial dispute resolution. By embracing these technological tools while maintaining human oversight, India can not only address current inefficiencies but also position itself as a global leader in modern arbitration practice.

The future of arbitration in India need not be constrained by the limitations of the past. Through the thoughtful integration of AI in arbitrator selection, we can build a more accessible, diverse, and efficient dispute resolution ecosystem that truly serves the needs of parties and reinforces India's status as an arbitration-friendly jurisdiction. The time has come to move beyond traditional approaches and embrace the transformative potential of technology in service of justice.