Research Paper

Artificial Intelligence & Transformation of Indian Judicial System: A Study

Dr. Priyanka Mittal[1]

The wheels of justice need to keep rotating. If a spoke gets loose, the entire machinery is taken for a toss and leads to justice not reaching the needy at a time when needed. Due to delay in disposal of cases by the Indian judiciary, AI has become an important talking point. Judiciary in some parts of developed countries like U.S.A and Canada has already deployed AI systems to assist the judges on taking a call on matters like granting of bail and release of offenders on parole. The rapid technological changes and computational power available in AI have made the judiciary embrace it. As Artificial Intelligence has already proved its worth in different fields such as medicine by assisting doctors in conducting surgeries, transportation in the shape of self-driving cars, marketing by tracking consumer buying patterns, etc., it will definitely be a blessing to ensure sustainable and speedy justice delivery system. Therefore, use of Artificial Intelligence in decision making in courts is a viable solution for bringing down the pendency of cases not only in India but also in other jurisdictions and ensuring speedy and sustainable justice delivery systems across the world. However,unambiguously stating that judicial artificial intelligence is never a replacement for human judges is crucial. The study aims to investigate the relationship between AI and Indian judicial system, investigating significant implications, benefits and obstacles when these two areas merge.By emphasizing the improvement of efficiency, precision and ethical concerns this piece explores the potential for AI to bring about transformative changes in different facets of the Indian judicial system.

Keywords*: Artificial Intelligence, Judiciary, Transformation, Indian Judicial System.*

I.   Introduction

The massive backlog of unresolved cases at all judicial levels, from Lower Courts to the Hon'ble Supreme Court of India, is currently the main issue facing the Indian legal system. It has recently been discussed that if early action is not taken, the legal system would implode and become almost worthless. Worse than that, the general public's faith in the judicial system will be lost. Justice must be served promptly as "justice postponed is justice denied."[2] To overcome this problem, various steps are being taken like pressing for Alternative Dispute Resolution (or ADR) mechanisms and scrapping of redundant laws. Nut on addition to the conventional ones it is necessary to think of out of the box solutionsto restore the effectiveness and efficiency of the justice delivery system and make the same sustainable. One such solution is putting Artificial Intelligence to use in disposing judicial matters. Since courts in India are already undergoing a transformational change by going digital, the emerging domain of science called 'Artificial Intelligence' or 'AI' may help in surprising ways to ensure sustainable justice delivery and reduce the backlog of pending cases.[3]AI can be used to cull out the crux of many decisions and the reasoning used to make those decisions which in turn can improve the decision-making process and prevent biases that creep into judicial decision making.This article delves into the multifaceted applicability of AI in the judicial domain, examining its potential benefits and the considerations that come with this ground- breaking integration. The intersection of artificial intelligence (AI) and the legal system has been a subject of increasing relevance globally, and India is no exception. As the country strides towards technological advancement, the integration of AI in the legal domain has the potential to revolutionize how justice is administered, while also posing unique challenges that require careful consideration.

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[1] Guest Faculty, University Institute of Legal Studies, Panjab University.
[2] J.A Saini, 'Empowering Justice: Exploring The Applicability of AI in The Judicial System', (2021) 1 JLLRD 24.
[3]Parth Jain, 'Artificial Intelligence for Sustainable and Effective Justice Delivery in India' [2018] SSRN 65.

II.   Artificial intelligence: Clear Terminology

Due to the popularity of the topic, the term 'artificial intelligence' is widely known and heavily loaded with different preconceptions and assumptions. Therefore, it is important to provide clear terminology from the beginning when discussing aspects of AI. For the sake of this article, artificial intelligence is a non-biological autonomous entity.[4] In the simplest terms, AI can be described as the ability of a machine to not only think like humans but also mimic their actions that would otherwise be done solely due to the intelligence of humans. Artificial Intelligence has impacted various aspects of society ranging from health care to automated vehicles. However, it is only since the last few decades that the disciplines of AI and Law have coincided, resulting in AI still not being effectively utilized in the legal arena.[5] Another major reason for the slow adoption of AI into law is due to the complexities in law namely ethics, reasoning or even norms of society.

III.   Need of Artificial Intelligence in Judiciary

The use of technology is changing many facets of people's lives. In the legal profession, disruptive technology is also fostering improved culpability and reducing the length of litigation. Since the COVID-19 outbreak, India has also developed into a country with virtual courts that provide exceptional services. With a populace of higher than 135 crores (1.35 billion), India is the leading democracy across the world and struggles with a lack of resources in almost every industry, including the judiciary. A civil as well as criminal trial can take ages to be decided due to the issue of a judge shortage and the persistent increase in the numeral of cases filed, in contrast to developed nations where trials can be concluded in a matter of days. The end result is justice being delivered slowly and ineffectively, which is not very beneficial for any society. A statistical data analysis approach may be useful for comprehending historical data on the verdict decisions by the categories of cases filed in India. Repetition of this type of analysis is possible for courts of law that base their decisions on judgements, such as session's courts and lower courts.[6]The District, Taluka, and high courts are currently handling the majority of cases. Such awaiting cases have a domino consequence that harms the judiciary's efficiency and, in turn, restricts the public's access to justice.

IV.   Artificial Intelligence and its effect on Judiciary

Judges can use AI-powered machines, just like lawyers, to expedite various stages of a case, which will ultimately result in a shorter overall time for decision-making. It is possible to prevent the issues of "dissimilar judgements in parallel cases" and "inconsistent use of law" to the greatest extent promising, which is helpful for the harmonisation of local judicial principles and the avoidance of discriminating judgements. In typed cases with unambiguous facts, unambiguous laws, and few conflicts, such as cases involving the payment of traffic damages, the lending of money by a bank, and the disclosure of public information, the automatic generation of judgement documents can significantly reduce the workload of judges. The collective wisdom of judges has increased to the point where it straightforwardly exceeds the "critical point" of human perception. Similar or parallel cases can result in alike or like outcomes when the law is applied equally and consistently, which means that a standard judicial ruling that "related cases are decided correspondingly" should be made. Artificial intelligence could indeed extract criteria on the same case components, consistent computation modelling work, and standardised parallel processing operations, helping to ensure the referee's consistency with a comparable or equivalent algorithmic outcome for identical or similar cases. Artificial intelligence is only the first phase of intellectual imitation. AI is already proving to be a time and money saver for legal professionals like law firms and attorneys. For instance, to facilitate quick drafting and note-taking, automation speech processing software is now used by lawyers like Dragon. Similarly to this, AI-powered machines are assisting lawyers in more efficiently and quickly reviewing documents, particularly contracts, than it would normally take for a human. The software for this purpose is called Contract Intelligence, or COIN. However, despite resources using AI techniques has its challenges.[7]Judiciary artificial intelligence application still has some issues, including a lack of application, concentration, and actual impact. Even though current artificial intelligence is capable of deep erudition, the learning approach and track are still determined by the programme that the designer had previously written. Only in situations with a single knowledge system, distinct accurate and incorrect responses, and discernible underlying patterns and structures can artificial intelligence are used.

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[4]Thomas Julius Buocz, 'Artificial Intelligence in Court Legitimacy Problems of AI Assistance in the Judiciary' (2018)https://static1.squarespace.com/static/59db92336f4ca35190c650a5/t/5ad9da5f70a6adf9d3ee842c/152422 6655876/Artificial+Intelligence+in+Court.pdf accessed 19 March 2024.

[5]L. P. Gorlamudiveti and S. G. Sethu, 'Role of Artificial Intelligence in the Indian Judicial System', [2023] ICCIKE 305, 310.

[6] M. Sharma, 'India's Courts and Artificial Intelligence: A Future Outlook'(2023) 15 JLE 103.

[7]Ibid.

V.   Artificial Intelligence and its challenges

Although AI has been widely used in industries like healthcare, finance, education, transportation, courts, homes, and more, no single definition of AI is accepted worldwide. However, it has its own legal concerns also. What penalties would be meted out to people for AI's misdeeds? AI systems, unlike trained attorneys, do not have to acquire a license to practice law and therefore will not be subject to ethical standards and professional codes of conduct. If an AI system provides inaccurate or misleading legal advice, the question arises as to who should be made responsible or accountable.Concerns about data security, privacy, human rights, and ethics will present new difficulties as AI technology advances and will necessitate significant self-regulation on the part of those who develop it. AI systems generally rely on large amounts of data to learn and make predictions. Such data may include sensitive information, such as personal or financial data. AI algorithms that require this type of data to train effectively may create problems for organizations to comply with data protection laws.Potential bias in AI systems whilst training can reflect in the outcome. The results from AI can simply reflect current social, historical imbalances stemming from race caste, gender and ideology, producing outcomes that do not reflect true merit.[8] The judiciary, through judicial review and constitutional standards, as well as the legislature, through statute, rules, and regulation, will also need to regulate it from the outside. It might be difficult to determine who is responsible for technological blunders in the legal sphere. The consequences of AI system mistakes will have a significant impact on people's freedom and quality of life. Hence, it's critical to keep in mind that artificial intelligence should support legal work, not replace it.[9]

VI.   Conclusion

The integration of AI into India's legal system presents an exciting opportunity for efficiency and innovation. However, it necessitates a balanced approach that addresses ethical considerations, ensures data security, and promotes the responsible use of technology. As India navigates this evolving frontier, a collaborative effort between legal experts, technologists, and policymakers is essential to harness the full potential of artificial intelligence in the service of justice. The issues and difficulties associated with AI include security issues, privacy violations, bias, discrimination, and ethical conundrums. Jurisdictions including the UK, USA, and EU have policies, guidelines, and white papers aimed at removing algorithmic biases and evaluating algorithmic impact. Recently, the Artificial Intelligence Act that was presented was amended by the European Parliament. The proposed amendment would forbid the use of artificial intelligence (AI) in biometric surveillance, with the exception of law enforcement, and would permit generative AI systems such as ChatGPT to reveal content generated by AI, with judicial authorization. Thus, it is high time that India too approach Artificial Intelligence in global level.

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[8]L. P. Gorlamudiveti and S. G. Sethu, 'Role of Artificial Intelligence in the Indian Judicial System', [2023] ICCIKE 305, 310.

[9] Michael legg and Felicity Bell, *Artificial intelligence and the legal profession*(Bloomsbury Publishing, 1st edn, 2020) 232-237.