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EMPOWERING EFFICIENCY: EXPLORING AI'S ROLE IN STREAMLINING THE INDIAN JUDICIARY

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ABSTRACT:

One of the most serious concerns for the judicial system of India is a huge pending case that delays justice to all. This research paper attempts to analyse the potential of Artificial Intelligence (AI) in improving the efficacy of the Indian judiciary and explains how AI technologies can increase the efficiency of the legal process at different stages, beginning from case management to legal research and analysis. The research is focused mainly on the possible advantages of AI, such as a reduction in the backlog of cases, increasing access to justice, and improvement in the quality of court judgments and rulings, and also the problems associated with the use of AI. Artificial intelligence can accelerate the dispensation of justice by minimizing repetitive tasks, facilitating smooth proceedings in courts, and increasing the speed in decision-making. This paper seeks to contribute to a soberly informed discussion about the responsible integration of AI with changing efficiency in the Indian judicial system by bringing in a critical look at the prospects and challenges also delves into the connection between technology and the judiciary, with a particular focus on the potential applications of Artificial Intelligence (AI) in courts to alleviate judge workloads, expedite case resolution, and enhance the efficacy of the judicial system in India.

Keywords: Artificial Intelligence, Judicial system, Technology, Justice.

INRODUCTION:

The Indian judiciary, burdened by a vast backlog of cases and a complex legal system, is at a crossroads. However, there's a new possible ally in the works: artificial intelligence (AI). AI provides a number of techniques that have the potential to completely transform India's legal system. The article explores the benefits and problems that this relationship brings as it delves into the fascinating interaction between AI and the Indian judiciary. On the one hand, AI promises to significantly improve efficiency. Artificial intelligence (AI) systems with the capacity to scan through a large body of case law and find pertinent precedents could speed up

the time-consuming process of legal research for judges and attorneys. Furthermore, ongoing administrative duties like scheduling, case management, and document translation can be automated by AI-powered systems, saving up significant court time. An important worry in the Indian legal system is the number of cases pending, which might be greatly decreased by this increase in efficiency.

The Indian court system with the largest legal system in the world is struggling through the growing volume of cases that it has to process as a primary issue. Currently, there are more than 35 million lawsuits that are actively being heard in various courts. Alongside, there is the urgent need for innovation in facilitating the legal processes and efficiency in the justice administration because of the accumulated backlog and ineffective procedures. In this light, artificial intelligence (AI) becomes a powerful instrument, which may totally change the Indian law. The Indian judiciary has embraced AI at an early stage¹. The e-Courts Mission Mode Project (e-Courts project) laid the foundation for courts to be outfitted with basic computing hardware, and in the last two years, the Indian judiciary has made great strides toward realizing the full potential of cutting-edge AI technology. The esteemed Chief Justice of India, has often emphasized the significance of utilizing artificial intelligence (AI) technology to improve institutional effectiveness.

METHODOLOGY:

The doctrinal research approach is used in this paper. Secondary and tertiary statistics from sources like books, periodicals, essays, e-sources, newspapers, and other sources are used. Numerous magazines, articles, newspapers, journals, e-books, specific legislation acts, conventions, policies, regulations and schemes were referenced. By following this research methodology, the study aims to contribute a comprehensive understanding of the efficiency of AI and how to implement AI in the Indian judicial system.

OBJECTIVES OF THE PAPER:

1. To investigate the potential of AI to improve efficiency in the Indian judiciary system.
2. To assess the recent growth of Artificial Intelligence in the Indian legal field.
3. To evaluate the potential benefits and drawbacks of implementing AI in the Indian

¹ Said, G., Azamat, K., Ravshan, S., & Bokhadir, A. (2023). Adapting Legal Systems to the Development of Artificial Intelligence: Solving the Global Problem of AI in Judicial Processes. *International Journal of Cyber Law*, 1(4).

judiciary system.

4. To propose a framework for the responsible and effective implementation of AI in the Indian judiciary system.
5. To identify specific areas within the Indian judiciary where AI can be implemented to automate tasks and reduce backlogs.

This paper aims to determine the effectiveness of Artificial Intelligence (AI) in improving the efficiency of the Indian judiciary, particularly in light of the massive backlog of cases across the court system. The analysis will explore the potential benefits and challenges associated with implementing AI in the legal system, ultimately evaluating whether it represents a viable solution for streamlining case management and reducing backlogs.

AI AND THE BUZZ AROUND IT:

Artificial intelligence (AI) has become a term that's everywhere these days, grabbing attention and sparking conversations in various fields. But with so much information and hype surrounding AI, it can be easy to lose sight of what it can actually do and what its limitations are. In this section, we'll dive into the current buzz around AI, break down its core principles, and emphasize the importance of approaching its development and implementation with a critical mindset. Currently the term artificial intelligence (AI) has achieved almost mainstream status, but the definition of what is meant by AI is yet to be universally agreed upon. Essentially, AI can be understood as involving with machines attempting to perform tasks that mimic humans; for example, thinking, problem solving, and making decisions. AI is a considerably broad sphere of activity which involves a range of techniques, such as machine learning, deep learning, and natural language processing, that facilitate how machines can process information, discern patterns, and predict future scenarios with ever increasing accuracy. Many people are very enthusiastic about the widespread adoption of AI technologies, but it is important to remember that AI technology is a constantly-evolving field, and its applications are not without limitations and ethical considerations.²

The digital age has integrated tech helpers like Google, Alexa, Siri, and ChatGPT into our lifestyles. It is quite evident that technology has transitioned into a mainstay of our existence, so understanding what AI is all about in this digital era is significant. The term "Artificial Intelligence" (AI) was actually generated in 1955 by the wise Stanford Professor, John

² Beyond the hype : Navigating the impact of AI in business: Andrew gough, blog.12 June 2023, accessed on July16, 2024, at 10.00a.m.

McCarthy. He defined it as "the science and engineering of making intelligent machines". The objective was to invent machines that could condense human tasks, and now we are at a position where we are headed towards making machines that could be trained to learn and take on tasks the way we humans do. The fact that AI has become a household term is actually remarkable.³ AI has an impact on various fields, including product making, robotics, law, medical diagnosis, stock trading, and scientific studies.

AI technology's progress is causing a revolution in the creation of computers that can think through legal issues on their own to find solutions. In the future, expert systems will predict court outcomes with decent accuracy. A key feature of expert systems is their ability to explain their analysis or advice. This means AI could help create smart systems to aid courts in reaching fair verdicts without depending on fixed sentencing rules. Instead of making predictions, these systems would offer guidance. They'd make suggestions based on in-depth analysis looking at the crime details, factors that make it worse or better, and what the accused person is like.

JUSTICE DELAYED-THE CHALLENGES OF PENDENCY OF CASES IN THE INDIAN JUDICIARY:

According to the National Judicial Data Grid (NJDG)⁴ on pending cases in Indian courts. As of July, 2024, there are over 110 million cases pending across all levels of courts in India. This includes over 69.8 million criminal cases. The vast majority (over 45 million) are pending in district and taluk courts, the lowest level of the court system. This represent a significant challenge for the Indian justice system. The backlog of cases contributes to delays in delivering justice, which can be frustrating for both plaintiffs and defendants. The reasons that cause the delay of judicial affairs are intricate, due to the lack of judges, the very high number of new cases being registered each year, and the long-lasting court processes. The Indian government set up more courts and appoint more judges in their new effort to clear the backlog. Yet it's certain that more improvements are required. The major reason for backlog of cases are:

- **Shortage of judges:** There is a shortage of judges in the Indian judiciary. Since there is a backlog of cases that need to be heard, this causes delays in the decision of cases.
- **Lack of resources and infrastructure:** Many Indian courts are inadequate to handle the volume of cases they receive. Delays in case resolution may result from this.

³ Stanford University, 'Artificial Intelligence Definitions', <<https://hai.stanford.edu/sites/default/files/2020-09/AI-Definitions-HAI.pdf>> accessed on July 15, 2024, at 01:15 a.m

⁴ NJDG, from <https://njdg.ecourts.gov.in/njdgnew/index.php>, last visited on 19.07.2024 on 08.00pm.

- **Complexity of cases:** Resolving difficult issues might take a significant amount of time and resources. This can delay litigation judgment.
- **Procedural delays:** Problems with finding witnesses or getting evidence might cause delays in the legal procedure.
- **Weak enforcement of court orders:** Court orders can fail to be consistently followed, which may cause additional delays in the processing of cases.
- **Raised Legal Awareness:** A greater number of cases have been filed as a result of raised Legal Awareness. Furthermore, more claims are being filed as a result of contemporary procedures like Public Interest Litigation (PIL).

One way to tackle this problem is by using AI in different areas of the legal system. AI could play a big role in reducing the backlog of cases and making the Indian courts work better. By using AI tools, the system can speed up tasks like document analysis, case management, and legal research. This would take a lot of work off the shoulders of judges, lawyers, and court staff letting them focus more on the important parts of judicial duties and making decisions.

WHY DOES THE INDIAN COURT SYSTEM NEED AI?

The biggest challenge to the Indian justice system is, therefore, the accumulation of case backlogs and consequent delays in disposing of them⁵. This apart, the deteriorating reputation of the judiciary also affects the social and economic conditions of the nation. With years of wait, parties lose confidence in the judiciary, and it makes them turn towards violence and corruption. Then begins a cycle of endless lawsuits and cases. High pendency encourages those who disturb the peace and tranquil functioning of the nation by lowering the fear of deterrent penalties imposed by the law. The extent of adoption of technology in the Indian judicial system is very low; everything is done manually, hence leading to ineffective and delayed delivery of justice. Therefore, to maintain the sustainability of the justice delivery system and its effectiveness and efficiency, out-of-the-box thinking is required in addition to the conventional remedies. Artificial intelligence can be a great way to alleviate case backlogs in courts and provide quick justice delivery systems.

Artificial intelligence can radically enhance the decision-making process by increasing the speed, accuracy, and efficiency of decisions. AI can assist judges by enabling them to quickly

⁵ Jain P. Artificial Intelligence for sustainable and effective justice delivery in India. OIDA International Journal of Sustainable Development, 2018:11(06):63- 70.

access relevant information and make well-informed rulings. Millions of cases are still pending in the courts of India; there are many steps the Supreme Court of India has taken to solve this. The need to find a way to speed up the legal system is pressing. Fearing this, the Supreme Court had formed an Artificial Intelligence Committee in 2019. The Artificial Intelligence Committee has since taken charge of research in AI-based solutions and their implementation in the legal sector. The committee acknowledges the value of AI in facilitating policy decisions, helping with legal research, translating court papers, and enhancing case tracking. It hopes, through the adoption of AI, to address issues with the volume of cases, geographical complexity, and the requirement for effective justice dispensation.⁶ Artificial intelligence (AI) has the ability to address a number of issues and boost overall effectiveness in the Indian legal system. The Indian legal system may use artificial intelligence (AI) in the following ways:

Legal Case Analysis and Research: Artificial intelligence (AI) has made it possible for legal professionals to quickly and effectively obtain relevant information from large legal databases, which has made comprehensive case analysis easier.

Virtual Assistance for Legal Inquiries: AI-powered virtual assistants can help the public by answering frequently asked questions, providing legal information, and assisting with legal proceedings.

Automated Transcription and Court Reporting: Artificial Intelligence can automate the transcription of court proceedings, thereby reducing the workload for stenographers and ensuring that the records produced are accurate.

Alternative Dispute Resolution (ADR): Through Artificial Intelligence, ADR goes online, where it provides parties with a platform to quickly resolve their differences outside conventional court settings.

E-filing and Online Case Management: Online case management platforms can make case access easier for parties to legal disputes. AI-enabled electronic filing systems can facilitate the process of filing cases.

Cyber-security Measures: The AI-powered cybersecurity programmes are able to keep surveillance on and identify possible threats to the accuracy of legal databases, hence ensuring privacy measures for sensitive data.

These application cases illustrate, in different ways, how AI can contribute to the reduction of backlogs and the facilitation of greater access to justice in the Indian legal system. The proper

⁶ Using Artificial Intelligence in Judiciary: It's already more than You Think," Tech Law Dialogue <https://www.techlawdialogue.net/2021/03/use-of-artificialintelligence-as-courts-tools-injudiciary%20.html>.

integration of AI within the legal area requires careful consideration of the ethical, legal, and social impacts.⁷

AI-Streamlining Justice Delivery in the Indian Courts:

Artificial intelligence could help to become a useful ally of the Indian judiciary in fighting against ever-mounting case-loads and demands for greater transparency. These will be cases of applications that demonstrate how AI can help in the betterment of the legal system in India by reducing backlogs and giving more access to justice. The proper integration of it in the area of law would require thoughtfulness. During the Covid-19 lock-down, the Indian judiciary adopted remote collaboration, online dispute settlement, and virtual hearings. The live telecast of court proceedings strengthened the public's trust and added to transparency. It is during the pandemic period that the Madras High Court made optimum use of technology and achieved impressive case clearance rates of 93.17 percent in 2020 and 98.12 percent in 2021—against the national average of 76.75 percent and 83.70 percent for all other high courts during that period. Trial courts in Tamil Nadu, too, showed CCRs of 85.02 percent and 95.18 percent during the pandemic-stricken years of 2020 and 2021 respectively—against the corresponding all-India figures of 62.60 percent and 81.12 percent for district courts. The Indian Judiciary can use technology to the benefit of legal research, case management, and predictive analytics. It was the E-court initiative, a part of the National e-Governance Plan, where the modernization movement began, aiming to provide computerization of judicial processes and networking support. National Judicial Data Grid can provide real-time information related to pending and resolved cases.

It has further been suggested that artificial intelligence is very promising with regards to system efficiency. Therefore, it can offer assistance in automatic case prioritization, classification, scheduling, and docket management; analysis of documents; translation of proceedings; record-based recommendation making; outcome prediction; and data-driven suggestion creation. Justice M Sundar has been appointed as the head of the computer committee in the Madras High Court that oversees e-initiatives. With 6,234 documents translated from English to Tamil — more than double the number of apex court rulings translated into Tamil by any other high court — the high court has left others far behind. Besides this, the Madras High

⁷ van Ettehoven, B. J., & Prins, C. (2018). Data analysis, artificial intelligence and the judiciary system. In Research handbook in data science and law (pp. 425-447). Edward Elgar Publishing, last accessed on 17.07.2024 on 10.00am.

Court has put in place an advocate information and management system, display board service, e-filing, officers' management system and recruitment software. Expressing interest over these e-initiatives, Chief Justice S V Gangapurwala said during a meeting at the court's Madurai bench, "The paperless courts are intended to be a big leap in enhancing judicial efficiency and transparency." The various modes of AI in Indian judiciary system are:

The Supreme Court Portal for Assistance in Court Efficiency (SUPACE):

On the initiative of the Artificial Intelligence Committee, a Supreme Court of India-driven state-of-the-art AI tool called SUPACE⁸ (Supreme Court Portal for Aid in Courts Efficiency) was developed. This tool integrates machine learning to handle and process large amounts of case data and feed it with relevant information to the judges for help in decision-making. The AI part of this platform is not of the decision-making type; rather, it is an aiding tool in terms of the dispensation of information. The AI-driven workflow at SUPACE comes with a four components such as chatbot, logic gate, notepad, and file preview. Case files typically available in PDF format, are transformed into text and the chatbot produces a succinct voice and text summary relating to the case. A fact retrieval system can retrieve relevant data including judgments, chronologies, and case summaries. Integrated word processing makes document drafting smooth, thereby completing SUPACE as an end-to-end solution.

Supreme Court Vidhik Anuvaad Software (SUVAS):

India is a multilingual country, and there is a variety of languages spoken here. However, the translation of such legal rulings into vernacular languages is a substantial barrier, at least for non-native English speakers. The new AI-powered innovation brought out by the Supreme Court of India is the Supreme Court Vidhik Anuvaad Software (SUVAS)⁹. By simplifying the translation of English judicial domain papers into vernacular languages and vice versa, SUVAS tackles a major legal domain challenge. This feature makes sure that those who are more at ease speaking in common languages can understand and interact with legal documents, rulings, and court processes. Through the utilisation of Artificial Intelligence.¹⁰

⁸ AI PORTAL SUPACE, available at: <https://www.drishtias.com/daily-news-analysis/aiportal-supace>, last accessed on 17.07.2024 on 09.00pm.

⁹ Supreme Court E-committee, "Digital Courts Vision & Roadmap Phase III of the eCourts Project," https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a8_1ab/uploads/2021/04/2021040344.pdf, last accessed on 17.07.2024 on 07.00pm

¹⁰ Harshul Gupta, "Scope of Artificial Intelligence as a Judge in Judicial Sector", Indian Journal of Law, Polity and Administration, last accessed on 16.07.2024 on 01.00pm.

E-Courts project:

Through utilising technology to improve access to justice, the e-Courts project is a revolutionary endeavour that has transformed the Indian legal system. The project's wide variety of offerings, which include electronic filing, virtual courts, and sophisticated case management systems, have greatly increased the judiciary's effectiveness and transparency. To enable plaintiffs and advocates to participate in hearings remotely, the establishment of virtual courts is one of the main goals of the e-Courts initiative. By doing away with the necessity for in-person court attendance, this digital method reduces logistical difficulties and saves time and resources. In order to guarantee that justice is administered effectively and equitably, the Indian judiciary must continue to adopt new technologies and incorporate them into its daily operations.

**OBSERVATION MADE BY THE JUDICIARY RELATED TO AI
IMPLEMENTATION IN INDIAN JUDICIAL SYSTEM:**

Chief Justice of India D Y Chandrachud stated that the use of artificial intelligence (AI) in contemporary systems, such as court proceedings, presents complex ethical, legal, and practical issues that require careful analysis. The artificial intelligence (AI) had revolutionised the field of legal research, providing practitioners with never before possible levels of accuracy and efficiency. The introduction of ChatGPT has sparked a discussion on whether or not to rely on AI to decide a case, according to the CJI. These incidents demonstrate that the issue of AI's application in judicial adjudication cannot be avoided. The incorporation of artificial intelligence (AI) into contemporary procedures, such as legal proceedings, presents intricate ethical, legal, and practical issues that require careful analysis.

According to him, there are two key phases in the AI world where indirect discrimination can appear: first, during the training phase, when incorrect or incomplete data could produce prejudiced results; and second, during data processing, which frequently takes place inside opaque "black-box" algorithms that hide the decision-making process from human developers. The term "black box" describes algorithms or systems whose inner workings are concealed from users or developers, making it challenging to comprehend how choices are made or the reasons behind particular results. The CJI stated that because face recognition software is inherently intrusive and has the potential to be abused, it is a prime example of high-risk artificial intelligence.

In the case of *Jaswinder Singh v. State of Punjab*¹¹, the Punjab & Haryana High Court rejected a bail petition due to allegations from the prosecution that the petitioner was involved in a brutal fatal assault. The presiding judge requested input from ChatGPT to gain a wider perspective on the granting of bail when cruelty is involved. However, it is important to note that this reference to ChatGPT does not express an opinion on the case's merits, and the trial court will not consider these comments. The reference was solely intended to provide a broader understanding of bail jurisprudence when cruelty is a factor.

In *Christian Louboutin SAS & Anr. v. M/s The Shoe Boutique – Shutiq*¹², the Delhi High Court ("DHC") held that, given current technological advancements, artificial intelligence ("AI") cannot replace human intellect in the adjudication process. It was emphasised that judgment rendered by AI chat-bots cannot serve as the basis for factual or legal arguments in court. There were some raised eyebrows when the Supreme Court used the term "common-law marriage" from Wikipedia to define "relationship in the nature of marriage" under the Protection of Women from Domestic Violence Act, 2005. The case was *D. Velusamy vs. D. Patchaiamma*¹³. We don't even know where ChatGPT's bail jurisprudence originated in this case. The P&H High Court's reference to ChatGPT jurisprudence was not required at all. Courts of justice ought to be keenly alive to the fact that they are not to do anything which would hazard the life, liberty, or property of a human being.

In US Artificial Intelligence tools, like COMPAS (Correctional Offender Management Profiling for Alternative Solutions), help courts assess risk by analysing past criminal activity, socioeconomic status, and psychological state to predict reoffending¹⁴. The US sentence Commission uses AI to establish and apply sentence recommendations that are just and rational. The US court system uses chatbots to answer frequently requested questions on court procedures, schedules, and other related issues. This increases information accessibility for all parties while reducing the workload of court workers.

In 2020, the UK Ministry of Justice adopted the Digital Case System for crown courts. To reduce paper use, it offers real-time case updates, remote court participation, and the option to present evidence online. Criminal law barristers can use the internet portal using the

¹¹ 2007(3) RCR 1052.

¹² (CS (COMM) 583/2023)

¹³ (2010)10 SCC 469

¹⁴ <https://doc.wi.gov/Pages/AboutDOC/COMPAS.aspx>, ast accessed on 18.07.2024 on 09.30am.

instructions supplied by the Bar Council's Ethics Committee¹⁵.

In China's Smart Court system utilises AI to aid judges by researching past cases and recommending applicable legislation and precedents. Additionally, it can suggest sanctions based on precedent-setting cases, allowing judges to make timely and accurate decisions while upholding justice. Chinese courts employ artificial intelligence to study legal cases. The artificial intelligence-powered 'China Judgment Online' service allows judges to easily locate relevant court records¹⁶.

A Colombian judge caused controversy by admitting he used ChatGPT, an AI tool, to decide an autistic child's medical coverage. While the judge used previous rulings to support his decision, critics worry about the reliability of AI for legal matters. ChatGPT can provide inaccurate information and is not designed to replace judges. The judge sees AI as a tool to improve efficiency, but some argue it should only be used to assist human judges, not replace them.¹⁷ A Supreme Court judge believes AI will become commonplace in law, but emphasizes the importance of human judgment. Even ChatGPT itself advises against using it for legal rulings.

INDIAN GOVERNMENT STAND ON AI:

India has been very much a part of the global dialogue processes with regard to the regulation of AI. As a member of GPAI, a global organization promoting safe and human-centered development of AI, India has had significant contributions. The Minister of MEITY¹⁸ was to have represented India virtually during the GPAI meeting in Tokyo for the ceremonial transfer from France. There is, however, no legislation in force at this point in time over the use of AI and ML in India. Niti Aayog, a major Indian research tank, has developed seven responsible AI principles, including safety, equality, privacy, openness, and responsibility. India intends to defend the public interest, promote innovation, and increase trust in AI technologies by following these principles.

¹⁵ <https://www.gov.uk/guidance/crown-court-digital-case-system-guidance>, last accessed on 16.07.2024 on 11.00am.

¹⁶ Changqing Shi, Tania Sourdin and Bin Li, 'The Smart Court – A New Pathway to Justice in China?' (2021) 12(1) International Journal for Court Administration 4. DOI: <https://doi.org/10.36745/ijca.367>,

¹⁷ <https://www.theguardian.com/technology/2023/feb/03/colombia-judge-chatgpt-ruling>, last accessed on 18.07.2024 on 11.00am.

¹⁸ MeitY proposes data-sharing framework; plans on data monetisation. Analytics India Magazine. Retrieved from <https://analyticsindiamag.com/meity-proposes-data-sharingframework-plans-on-data-monetisation/> last accessed on 19.07.2024 on 09.30am.

AI is at the edge of technical breakthroughs across the world and has the potential to transform businesses, economies, and societal systems. Realizing the power of such a revolution in the realm of AI, India worked out a comprehensive strategy known as the National Strategy for Artificial Intelligence. The Government of India—under the leadership of NITI Aayog—released an ambitious strategy on using AI for sustainable and equitable growth in June 2018, with a view to make India a leader in AI. It is based on the philosophy of "AI for All," by enriching and empowering different segments of Indian society with the advances in AI.

India is embracing AI across various sectors. The government is engaged with AI companies in various projects in education, agriculture, and health-care. The purpose of the collaboration is to improve these vital areas. To further drive the development of AI in India, a special committee was formed within the Department of Telecommunications. This committee works on forming interface standards and indigenous AI infrastructure to strengthen India's overall AI capabilities. Recognizing the potential of AI for improved operations, regulatory bodies are also jumping on board. The Securities and Exchange Board of India (SEBI) created an AI system called "Picture-based Information News Accumulator and Key Information Analyser" (P-INKA). This system monitors various stock market broadcasts and gathers a database of recommendations. P-INKA assists SEBI in its regulatory duties by providing valuable insights. Similarly, advanced analytics, AI, and machine learning are planned for use by the Reserve Bank of India in handling its extensive data for improved regulatory supervision over banks and NBFCs. It will also help the central bank analyze this data for stronger data-driven surveillance and ensure effective regulatory oversight. In other words, AI is fast changing the way these regulatory bodies function.

CHGALLANGES FACED BY INDIAN JUDICIARY WHILE IMPLEMENTING AI:

The use of Artificial Intelligence in the legal system both opportunities and challenges. While AI has the potential to increase efficiency and decision-making, there are still difficulties to be overcome. The following are the obstacles of integrating AI in judiciary:

Concerns about Bias and Fairness: AI systems may unintentionally perpetuate or increase prejudices in previous legal data, creating concerns about justice and bias.¹⁹ AI algorithms can

¹⁹ Rocha C, Carvalho J. Artificial Intelligence in the Judiciary: Uses and Threats. EGOV-CeDEM-ePart 2022, 183. ast accessed on 18.07.2024 on 06.30pm.

provide biased outcomes, resulting in unfair or discriminating choices and violations of fundamental rights.

Lack of Transparency: AI algorithms are often opaque, making it challenging for humans to understand their decision-making processes. Concerns about accountability may develop due to AI systems' lack of transparency. Lack of transparency can negatively affect both litigants and judges.

Information Security and Privacy Risks: Sensitive legal data provides significant security and privacy risks, as harmful actors may exploit weaknesses in AI systems.

High Maintenance and Cost: AI systems are costly to develop, install, and maintain due to their high resource requirements. For AI technologies to be broadly and fairly embraced in the legal system, their price and flexibility must be carefully considered.

Limitations and Errors: AI systems are imperfect and subject to errors of judgment. The AI system may be unaware of legislative changes or perceive them wrongly. Artificial intelligence (AI) systems, like any other technology, might include flaws or malfunctions that result in incorrect findings or prediction.

The Human Touch in Justice: A Significant hurdle in implementing AI within the Indian judiciary lies in the inherent human aspects of legal judgment. Unlike a human judge who can consider factors like sympathy, empathy, and extenuating circumstances, AI currently lacks the ability to process and account for these emotional nuances. Legal decisions in India often involve a delicate balance between strict adherence to the law and the judicious application of mercy petitions, which allow for reductions in punishment based on specific criteria. AI systems, driven by pre-programmed algorithms and vast database, may struggle to navigate these complexities. For instance, AI might struggle to understand the remorse shown by a defendant or the impact of a harsh sentence on a particular family. Especially in criminal cases where witness testimony and cross-examination are crucial for uncovering the truth, human involvement in the legal process remains irreplaceable by AI.

Furthermore, the Indian legal system empowers judges with discretionary power in both civil and criminal cases. This grants judges the authority to tailor verdicts based on the specifics of each case, a quality that may be difficult to replicate in an AI system. While AI could potentially analyze vast amounts of legal precedents and identify patterns, it might not be able to exercise the same level of discernment and flexibility as a human judge when applying the law to individual situations. The potential benefits of AI in the Indian judiciary, such as increased efficiency in case processing and reduced judicial backlog, are undeniable. However,

overcoming the challenge of integrating AI's analytical strengths with the very human aspects of judgment remains a critical obstacle. Finding a way to leverage AI as a powerful tool to assist human judges, rather than replace them entirely, will be key to successfully implementing AI within the Indian judicial system.

WAY FORWARD:

A strong legal framework to control and guide India's AI agenda is urgently required. India lacks a comprehensive statutory framework for AI, with the recently enacted Digital Personal Data Protection Act, 2023, Information Technology Act, 2000, and Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011,²⁰ serving as the primary regulations for the cyber and data protection sectors. There is no explicit legislation or regulation controlling AI-powered software or technologies. While there are no laws in India governing AI, the government obviously wishes to promote its use - India ranks among the top ten countries in terms of investment in AI by both government and private organisations²¹. In a historic first, the Punjab and Haryana High Court rejected a plea using ChatGPT, an artificial intelligence chatbot developed by OpenAI. More recently, the Supreme Court allowed the court's proceedings to be transcribed in real time using Teres, a technology commonly used to transcribe arbitration hearings. Indian courts are eagerly embracing AI, as indicated by the increasing use of artificially intelligent technologies in their jurisprudence and daily operations.

Furthermore, it is critical to develop robust infrastructure, promote equitable and sustainable industry, and encourage innovation. India's legislative framework for AI-based technologies is currently in the conceptualization stage, with NITI Aayog and technology partners working to implement AI policies across many sectors. Intellectual property laws, particularly patent laws, must be considered in order to support innovation and connect with SDG 9's goals of building resilient infrastructure, promoting inclusive and sustainable industrialization, and fostering innovation. AI can be employed as an in addition to the judiciary,²² but it is far from replacing it completely. Adapting to the characteristics of the Indian court system is still in its

²⁰ Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, Ministry of Electronics and Information Technology, Government of India. last accessed on 19.07.2024 on 09.00 pm

²¹ [Shouvik Das](#), India among top 10 global AI adopters, poised to grow sharply: Study, MINT, Published: 20 Jan 2022, last accessed on 17.07.2024 on 7.00 pm.

²² General Data protection Regulation (2016) OJ L 127, last accessed on 18.07.2024 on 10.30.am.

early stages. India's courts follow a vertical hierarchy. The petition is submitted in the lowest forum, and the aggrieved may appeal to the highest forum following consecutive orders. This also contributes significantly to the case load that Indian courts encounter.

With the implementation of AI decision-making tools at the lowest levels of the judiciary, the workload can be decongestant and distributed equally²³. While some countries like the US and Estonia are exploring AI for bail applications and legal processes, India's judicial system is approaching it cautiously. The need to convert vast amounts of legal data into a format usable by AI and the inherent conservatism of the Indian legal system advocating for human judges necessitates a more measured approach. However, AI and machine learning might find fertile ground in tribunals where decisions rely on documented evidence rather than courtroom inquiry of witness testimonies and cross-examinations. To ensure the fair and ethical use of AI in the justice system, it is critical to address difficult issues such as transparency, accountability, and potential prejudice. Establishing consultative methods can improve transparency and accountability, leading to more equitable decisions. The use of AI can improve the performance of the judiciary in initial stage of the proceeding such as framing of fact, summarizing, case filing²⁴, case arrangements, but it must be done responsibly and ethically.

CONCLUSION:

Incorporating Artificial Intelligence into the justice system of India will be one of the giant transformations that holds potential for the legal framework of the country. There is a fast-growing caseload that India is currently grappling with, and striving to improve access to legal services, AI is becoming a significant force in this field, with both benefits and challenges. AI in the Indian court system can turn around the justice delivery system. The projects like SUPACE, SUVAS, and E-Court are an expression of how AI can allow easier access to justice, better administration efficiency, bring decision-making of a higher order, and reduce case arrears. Technological progress has lent speed, transparency, and inclusiveness to the legal system. Creating legal and regulatory frameworks for AI is crucial. These frameworks must priorities openness, accountability, and the protection of human values, while also

²³ Krishna Agrawal & Neha Dixit, 'Civil Justice in India' (2016) 3 BRICS LJ 71, last accessed on 16.07.2024 on 08.30.pm.

²⁴ Supreme Court E-committee, "Digital Courts Vision & Roadmap Phase III of the eCourts Project," https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a8_1ab/uploads/2021/04/2021040344.pdf, last accessed on 17y.07.2024 on 08.00am

safeguarding data privacy and security through the implementation of a thorough Data Protection Act. AI-powered tools and systems, including case management, legal research, and virtual courts, have increased administrative efficiency, freeing up judicial staff to focus on complex legal work. AI automates regular operations to eliminate errors, improve accuracy, and speed up case settlement, saving time and resources for both courts and litigants.

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