

Empowering Justice: Exploring The Applicability of AI in The Judicial System

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Abstract

The constant increase in the number of pending cases in Indian courts has been a cause of concern for the legislative, executive and the judicial wings of the country. To address this issue, several measures have been taken, including pushing for Alternative Dispute Resolution (ADR) mechanisms and eliminating unnecessary laws, but using the recently discovered field of Artificial Intelligence to address this dilemma is still unexplored. A civil or criminal trial can take years to be settled, in contrast to industrialised countries where trials can be completed in a few days. This is due to the issue of a judge scarcity and the rising number of cases being instituted. The end outcome is inefficient and delayed justice delivery, which is not beneficial to any society. Therefore, in addition to traditional answers, creative thinking is required to bring back the efficacy and efficiency of the justice delivery system and ensure its sustainability. Using artificial intelligence to decide legal cases is one such solution. Since India's courts are already undergoing a radical transition as a result of turning digital, the newly-emerging field of study known as "Artificial Intelligence," or "AI," may be able to provide long-term justice delivery and clear the backlog of unresolved cases in unexpected ways. AI systems have already been used by the judiciaries in several developed nations, like the United States and Canada, to support the judges. Artificial intelligence will undoubtedly be a blessing to ensure a sustainable and efficient justice delivery system, as it has already shown its value in a number of industries, including marketing by tracking consumer purchasing patterns, self-driving cars, medical, and transportation. In this research, the benefit of using artificial intelligence to make decisions in court is a workable way to reduce the backlog of cases in India and other jurisdictions while also guaranteeing quick and long-lasting justice delivery systems globally.

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1. 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. "justice postponed is justice denied¹." Millions of people fail to prevent or find solutions to

their most serious justice-related issues each year. Their demands for justice are not sufficiently met by the formal justice structures. According to HiIL's Justice Needs and Satisfaction Surveys (JNS), which were carried out in more than 16 countries, just 33% of people are able to fully resolve their legal issues on average. 31% still struggle with justice issues, while 11% are able to address them to some extent. 22% cannot find a solution². Both formal and informal dispute resolution procedures are used in a typical dispute settlement process. Nearly 80% of people use informal justice systems to handle their legal issues, according to data from

¹ *Martin Luther King Jr.*, used the phrase in the form "justice too long delayed is justice denied" in his "[Letter from Birmingham Jail](#)", smuggled out of prison in 1963,

² Data from HiIL's Justice Needs and Satisfaction Surveys as displayed on the Justice Dashboard.

JNS surveys³. These could be religious leaders, family members, three neighbours, friends, or elderly residents of the area. It is still difficult to understand how formal and informal judicial institutions are related to one another. It is challenging to assess the efficacy of the informal justice procedures due to a lack of data on their results. In a study titled "Subordinate Judiciary-Access to Justice 2016⁴," the Supreme Court of India claims that the primary cause of the high degree of pendency is capacity constraints. The paper outlines the causes, stating that one compelling reason is that not all subordinate courts have benefited from modernization and computerization, which has left the subordinate judiciary operating under a shortage of courtrooms and judicial officers. As a result, the backlog of cases in subordinate courts has been growing. Consequently, justice is delivered in a delayed and inefficient manner that is not beneficial to any society. In the 21st century, the legal landscape is witnessing a transformative wave with the integration of Artificial Intelligence (AI). As technology continues to advance, the judicial system in India is poised for a significant shift. This article delves into the multifaceted applicability of AI in the judicial domain, examining its potential benefits and the considerations that come with this groundbreaking 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 consideration⁵.

2. AI APPLICATIONS IN THE LEGAL SYSTEM

Artificial Intelligence as the theory and development of computer systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.⁶ Artificial intelligence is, to put it briefly, the capacity of a machine to think and behave like a human being or to mimic "cognitive" processes like "learning" and "problem solving" that are associated with human minds. Almost every industry, including but not limited to healthcare, education, marketing, and defence, has benefited from artificial intelligence. AI is assisting with medication management, drug formulation, treatment planning, health record management, and medical diagnostics.

The Various means by which AI is used in Legal System are,

- Legal Research and Analysis: AI-powered tools have significantly enhanced legal research capabilities. Machine learning algorithms can sift through vast databases of case law, statutes, and legal precedents to

provide lawyers with more comprehensive and rapid insights. This accelerates the process of legal analysis, enabling practitioners to make well-informed decisions⁷.

- Contract Review and Due Diligence: In India, AI is increasingly being employed for contract review and due diligence processes. AI algorithms can quickly review contracts, identify potential risks, and ensure compliance, thus saving time and resources for legal professionals.
- Legal Process Automation: AI is streamlining routine legal tasks through automation. Legal process automation involves the use of AI to handle repetitive and rule-based tasks, such as document drafting, case management, and scheduling. This not only reduces the burden on legal professionals but also minimizes the likelihood of errors and improves overall workflow efficiency.
- E-Discovery and Data Management: In the age of digital information, AI plays a crucial role in e-discovery and data management. AI algorithms can quickly and accurately sift through massive volumes of electronic data to identify relevant information for legal cases. This expedites the discovery process and ensures that pertinent evidence is presented in a timely manner.
- Virtual Legal Assistants and Chatbots: Virtual legal assistants and chatbots powered by AI are becoming increasingly prevalent. These tools assist legal professionals by handling routine inquiries, providing legal information to clients, and offering guidance on procedural matters. While not a replacement for human expertise, these AI applications enhance accessibility and improve client interactions.
- Predictive Analytics: AI tools leverage predictive analytics to forecast legal outcomes based on historical case data. While this can assist lawyers in strategizing their cases, it also raises questions about the interpretability and fairness of such algorithms, especially in the context of India's diverse legal landscape⁸.

3. MODES OF ARTIFICIAL INTELLIGENCE IN JUDICIARY

3.1 India Software's Using AI

On the basis of a paper named "National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005," the eCourts Mission Mode Project is a pan-Indian initiative for district courts. The project aims to improve judicial

³ *Employment Justice, Land Justice and Family Justice page on the Justice Dashboard.*

⁴ <https://main.sci.gov.in/pdf/AccessToJustice/Subordinate%20Court%20of%20India.pdf>

⁵ B. Copeland, Artificial Intelligence Encyclopedia Britannica, [online] Available: <https://www.britannica.com/technology/artificial-intelligence>.

⁶ Oxford Dictionary

⁷ S. G. Sethu, "The Inevitability of an International Regulatory Framework for Artificial Intelligence", International Conference on Automation Computational and Technology Management (ICACTM), pp. 367-372, 2019.

⁸ "Artificial Intelligence and Law: Stepping Stones to a Model of Legal Reasoning", The Yale Law Journal 1981, [online] Available: <https://www.jstor.org/stable/796679>.

productivity by equipping courts with ICT and automating procedures to bring transparency to the Indian judiciary. The project's first phase, which ran from 2011 to 2015, involves getting several court buildings and judicial service centres ready for the district courts to go computerised. Union Law Minister Kiren Rijiju recognised that new, cutting-edge technologies like artificial intelligence (AI) must be used in order to implement Phase-III of the project, which started in 2015, since Phase-II is coming to an end. Building on the developments of the previous phases, Phase III of the project envisions features including paperless courts, extending the reach of Virtual Courts, and analysing case pendency using AI and Optical Character Recognition (OCR)⁹. Even though the glacial pace at which AI technology has been incorporated into the legal system in comparison to other countries like China and the USA, significant progress has been made in recent years. A significant turning point was the Supreme Court's 2021 launch of the first artificial intelligence (AI) portal, SUPACE (Supreme Court Portal for Assistance in Court Efficiency). This portal aims to identify judicial processes that necessitate automation and help the Court reduce pendency and increase efficiency by compiling judicial processes that can be automated through AI. In India the Supreme Court has been employing an AI-controlled instrument to process data and provide justices with it for decision-making since 2021. It abstains from taking part in the process of making decisions. The Supreme Court of India also uses SUVAS (Supreme Court Vidhik Anuvaad Software), a technology that translates judicial documents from English into regional tongues and vice versa¹⁰.

The Punjab & Haryana High Court denied a bail request in the case of Jaswinder Singh v. State of Punjab¹¹ because the prosecution claimed the petitioner had participated in a vicious, lethal assault. In order to obtain a broader viewpoint on the granting of bail when cruelty is involved, the presiding judge asked ChatGPT for opinion. It's crucial to remember that the trial court will not take these remarks into consideration, and that the mention of ChatGPT does not represent an opinion on the case's merits. The reference was only meant to offer a more comprehensive grasp of bail jurisprudence in situations where cruelty is a contributing factor.

The Delhi High Court ("DHC") ruled in *Christian Louboutin SAS & Anr. v. M/s The Shoe Boutique – Shutiq*¹² that artificial intelligence ("AI") cannot take the role of human intellect in the adjudication process at this point in technical advancement. It underlined that decisions made by AI chatbots cannot be used as the foundation for factual or legal disputes in court.

When the Supreme Court defined "relationship in the nature of marriage" under the Protection of Women from

Domestic Violence Act, 2005, by citing "common-law marriage" in Wikipedia, there were some raised eyebrows. The case was *D. Velusamy v. D. Patchaiahmmal*¹³. We don't even know where ChatGPT's bail jurisprudence originated in this particular instance. As such, the ChatGPT jurisprudence reference made by the P&H High Court was unnecessary. Courts have an honourable responsibility to administer justice, thus they should abstain from actions that put someone's life, liberty, or property in grave danger.

3.2 *Predictive Analysis in United States*

Artificial Intelligence-driven instruments, such COMPAS (Correctional Offender Management Profiling for Alternative Solutions), aid courts in evaluating risk by examining variables including past criminal activity, socioeconomic status, and psychological state to forecast the probability of reoffending. AI is also used by the US Sentencing Commission to develop and implement sentencing guidelines that ensure equitable and reasonable punishment¹⁴. Chatbots are used by the US court system to respond to often asked queries from the public regarding court procedures, timetables, and other related topics. This improves information accessibility for all parties and lessens the workload of court employees.

3.3 *Smart Court in China*

Judges are assisted by AI systems in China's Smart Court system, which can research previous cases and recommend relevant legislation and precedents. In addition, it can suggest punishments based on precedent-setting cases, enabling judges to render judgements with speed and accuracy and to carry out justice¹⁵. AI is used by Chinese courts for legal study. The artificial intelligence-driven 'China Judgements Online' portal enables judges to locate pertinent court papers with ease.

3.4 *Digital Case System in UK*

In 2020, the Digital Case System was implemented by the UK Ministry of Justice for the crown courts. In order to cut down on paper use, it provides real-time case updates, remote court participation, and the ability to submit evidence digitally. The internet portal is accessible to criminal law barristers through instructions provided by the Bar Council's Ethics Committee.

3.5 *Colombia ChatGPT Judgment*

A Columbian court named Justice Juan Manuel Padilla recently delivered a ruling via the ChatGPT AI tool. He was working on an insurance claim involving a youngster with autism. The ChatGPT bot responded to Justice Padilla's question, "Is an autistic minor exonerated from paying fees for their therapies?" in a way that he found acceptable, and Justice Padilla included the

⁹ <https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/#:~:text=The%20eCourts%20Mission%20Mode%20Project,Dist,riect%20Courts%20across%20the%20country.&text=To%20provide%20efficient%20%26%20time%2Dbound,in%20eCourt%20Project%20Litigant's%20Charter.>

¹⁰

<https://main.sci.gov.in/pdf/Press/press%20release%20for%20law%20day%20celebratoin.pdf>

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¹¹ 2007(3) RCR 1052

¹² (CS (COMM) 583/2023)

¹³ (2010)10 SCC 469

¹⁴ <https://doc.wi.gov/Pages/AboutDOC/COMPAS.aspx>

¹⁵ 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>

exchange in his ruling. Thus, he rendered the decision that an autistic youngster was not required to pay for therapy in accordance with Colombian legislation. Additionally, Judge Padilla said that judges are still sentient individuals and are not replaced by AI¹⁶.

4. LEGISLATIVE FRAMEWORK AND ARTIFICIAL INTELLIGENCE

There are currently no laws in India that specifically address AI regulation. The executive agency for AI-related strategies is the Ministry of Electronics and Information Technology (MEITY), which established committees to develop an AI policy framework. Seven responsible AI principles—privacy and security, equality, inclusion and non-discrimination, responsibility, transparency, and the preservation and upholding of human values—have been established by the Niti Ayog¹⁷. Enforcing fundamental rights, such as the right to privacy, is a constitutional responsibility for the Supreme Court and higher courts. The Information Technology Act and its implementing regulations serve as India's main data protection laws. Furthermore, MEITY has introduced the Digital Personal Data Protection Act 2023, which protects the information regarding the data that is gathered about them by government and private organisations, as well as the techniques used to handle and preserve it.

5. CHALLENGES IN THE CONTEXT OF THE LEGAL SECTOR AND ITS RECOMMENDATIONS

- Data Privacy and Confidentiality - 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.
- Bias in Artificial Intelligence - 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 merit¹⁸.
- Accountability on Licensing - 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. The usage of AI in the judiciary also poses a problem even if judges retain ultimate decision-making authority.

It is not uncommon to become overly reliant on technology-based recommendation due to automated bias.

A New York attorney used ChatGPT for legal research, according to a recent news item, and included six case citations in a brief that was submitted to the court. Opposing counsel, however, was unable to locate any of the cases, and the attorney was forced to acknowledge that he had not independently verified their validity. The offending solicitors were sanctioned by the judge, and their legal practice was fined \$5,000 altogether. As a result, while employing generative AI for legal research, attorneys should exercise caution¹⁹.

- Other issues

AI can function without the assistance of programmers or coders thanks to its capacity for self-learning. But this might lead to economic and technological differences that aren't fully understood now. These discrepancies have the potential to cause data misuse and to upset the foundation that the Competition Act of 2000 put in place. 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. Legislators and business leaders in the legal and other domains can, however, take proactive steps to establish accountability and establish clear lines of authority when utilising AI in their work. It's critical to keep in mind that artificial intelligence should support legal work, not replace it. While AI is capable of streamlining laborious and time-consuming processes, it is not capable of handling legal counsel, strategic decision-making, or sophisticated legal analysis.

6. 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. A multinational consortium of data scientists and AI specialists has released a new voluntary framework for creating safe AI products in response to these threats and problems. There are 25,000 members of the World Ethical Data Foundation (WEDF), including employees of major digital companies including

¹⁶ <https://www.theguardian.com/technology/2023/feb/03/colombia-judge-chatgpt-ruling>

¹⁷ <https://niti.gov.in/sites/default/files/2019-01/NationalStrategy-for-AI-Discussion-Paper.pdf>

¹⁸ L. P. Gorlamudiveti and S. G. Sethu, "Role of Artificial Intelligence in the Indian Judicial System," 2023 International Conference on Vol 01 Issue 01; Jan-2021; Pg-24-28

Computational Intelligence and Knowledge Economy (ICCIKE), Dubai, United Arab Emirates, 2023, pp. 305-310, doi: 10.1109/ICCIKE58312.2023.10131795.

¹⁹ <https://www.reuters.com/legal/new-york-lawyers-sanctioned-using-fake-chatgpt-cases-legal-brief-2023-06-22/>

Samsung, Google, and Meta. When beginning an AI project, developers should consider the 84 questions in the framework²⁰.

However, as the use of AI increases, there is a rising need for specific legislation to regulate the technology, remove ingrained or acquired prejudice, and address ethical issues. 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 to approach Artificial Intelligence in global level.

7. CONFLICT OF INTEREST

Conflict of interest declared none.

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²⁰ <https://www.information-age.com/84-questions-to-ask-before-training-an-ai-model-123505738/>