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ARTIFICIAL INTELLIGENCE (AI) AND INDIAN JUDICIAL SYSTEM: IMPLICATIONS AND CHALLENGES

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ABSTRACT: Artificial intelligence can be referred to as computer or robots having capacity to do multiple tasks that require human intelligence. It helps masses to complete different as well as difficult tasks within a short span of time. It compares to human-level thinking and allows people to concentrate more on tasks that can't be done by computers. It is the science of teaching computers how to study reason, recognize, suppose, communicate, and make decisions like humans do. It has both pros and cons as it helps in doing or completes various tasks efficiently and effectively but on the other hand, it can literally seize the employment of thousands of people. A combination of the concept of artificial intelligence along with law involves the use of computer and mathematical techniques to make the law more logical, convenient, helpful, handy, or predictable. Artificial intelligence brings the skill to search for concepts like contract review and analysis for due diligence, to recognize changes in tone of email communications, even to draft where the computer understands what needs to be drafted and prepares the document. In India, artificial intelligence is finding ways to improve the quality of work. As practised, computers and robots are not able to replace the lawyer's role in court but it has the power to do research work and to draft a document. The office role of lawyers might be reduced to a great extent. As the tools developed through artificial intelligence helps in drafting various legal documents. In this article researcher analyses the role of Artificial Intelligence in Indian Judicial System along with its implications and challenges.

Key Words: Artificial Intelligence, Communicate, Computer, document, robots etc.

INTRODUCTION:

The adoption of Artificial Intelligence (AI) in Indian Judicial system has become a need of an hour. AI offers evolutionary probabilities in case management, legal research, and document analysis. While some Indian courts have embraced ChatGPT for various legal tasks, there is variability among High Courts in their acceptance and utilization of such AI technologies within the legal framework. The Manipur High Court mentioned its reliance on Google and ChatGPT for additional research while adjudicating a case, highlighting a growing trend of AI utilization in Indian courts, albeit with a prevailing sense of caution akin to global judicial sentiments regarding AI integration.¹ This decision follows the pioneering initiative of the Punjab & Haryana High Court, which implemented this innovative approach to conduct legal research last year.² The Supreme Court of India has adopted the use of Artificial Intelligence (AI) language technology in translation of judicial documents as well as in legal research and process automation etc. AI has also been deployed for transcribing oral arguments, particularly in Constitution Bench matters since February 2023. A Committee headed by Hon'ble Judge of the Supreme Court of India has been constituted to monitor the translation of important Supreme Court and High Court judgments into vernacular languages. The Committee is having regular meetings with the Sub-Committees of High Courts comprising Hon'ble Judges to expedite the process of translation. The AI Translation Committees of the High Courts are monitoring the entire work relating to translation of the Supreme Court and High Court Judgments into vernacular language. As on date, 8 High Courts have already started e-High Court Reports (e-HCR) and other High Courts are in the process of launching e-HCR. The AI Committees of the High Courts have been informed to request the respective State Governments to translate all the Central and State Legislation, Rules, Regulations, etc. into regional language and put it on the State website so as to help the common man to read it in the regional language. It has also been impressed upon all the State Governments to extend full support to the respective High Courts in the exercise of translation of judgments, since it is part of 'access to justice' as envisaged under the Constitution of India. Till 5th August 2024, 36,271 Supreme Court Judgments have been translated in Hindi language and 17,142 Judgments of Supreme Court have been translated in other 16 regional languages and the same are available on the e-SCR portal. No separate fund has been sanctioned to Supreme Court for this translation project.³

MEANING OF ARTIFICIAL INTELLIGENCE: McCarthy defined Artificial Intelligence as “the science and engineering of making intelligent machines”.⁴ Following other definitions can be considered to understand the meaning of Artificial Intelligence: Artificial intelligence is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is frequently applied to the project of developing systems endowed with the intellectual processes

¹ Retrieved from <https://www.livelaw.in/high-court/manipur-high-court/artificial-intelligence-manipur-high-court-uses-chat-gpt-to-conduct-research-on-service-law-matter-pass-order-258742>

² Ibid.

⁴ Rajaraman V. John McCarthy—Father of artificial intelligence. Resonance, 2014:19:198-207. Copeland J. Artificial intelligence: A philosophical introduction. John Wiley & Sons, 1993.

characteristic of humans, such as the ability to reason, discover meaning, generalize, or learn from experience.⁵ Artificial Intelligence is 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 a branch of computer science dealing with the simulation of intelligent behavior in computers.⁷ Artificial intelligence is a type of computer technology which is concerned with making machines work in an intelligent way, like the way the human mind works.⁸ In brief, Artificial Intelligence (AI) is a fast-growing area of computer science. The term Artificial Intelligence (AI) refers to the development of computer systems that can perform tasks that normally require human intelligence. These tasks include reasoning, understanding natural language, problem solving, learning, visual perception and speech recognition. The primary objective of Artificial Intelligence (AI) is to create machines or systems that can replicate human intelligence, including the ability to analyze data, make decisions, adapt to new information, and carry out some autonomous tasks. Artificial intelligence (AI) comprises several subfields, such as natural language processing, machine learning, computer vision and expert systems.

NEED OF ARTIFICIAL INTELLIGENCE IN THE INDIAN JUDICIAL SYSTEM: Indian Courts In every nation, the judiciary is very crucial to the administration of justice. However, when it comes to the Indian legal system, the situation is appalling because due to country's large population there is a constant rise in institution of cases which has increased the burden on our judicial system.⁹ Because of shortage of judges, millions of cases are still pending in all the Indian courts, from the lowest courts to the highest courts and various measures are being taken to address this issue, such as advocating for Alternative Dispute Resolution (ADR) procedure and eliminating unnecessary laws, but it is still unknown that how to use the recently discovered field of artificial intelligence to solve this problem.¹⁰ The Indian court system exhibits a low level of technological adoption, with all work being completed by hand which ultimately leads to inefficient and delayed justice delivery. Therefore, in addition to traditional solutions, creative thinking is required to bring back the efficacy and efficiency of the justice delivery system and ensure its sustainability. The use of Artificial Intelligence in courts is a great solution to bring down the pendency of cases and also to ensure speedy justice delivery system.

⁵ . Copeland J. Artificial intelligence: A philosophical introduction. John Wiley & Sons, 1993.

Artificial Intelligence, available at: https://www.oxfordreference.com/display/10.1093/oi/a_uthority.20110803095426960 (last November 10, 2023).

⁶ Artificial Intelligence, available at: https://www.oxfordreference.com/display/10.1093/oi/a_uthority.20110803095426960 (last November 10, 2023).

⁷ Artificial Intelligence, visited available [https://www.merriam on at: webster.com/dictionary/artificial%20intelligence](https://www.merriam-on-at:webster.com/dictionary/artificial%20intelligence) (last visited on November 10, 2023).

⁸ Collins H. Artificional intelligence: against humanity's surrender to computers. John Wiley & Sons, 2018.

⁹ Navneet Kaur and Manpreet Kaur, Role of artificial intelligence in the Indian courts, International Journal of Law, Policy and Social Review, Volume 6, Issue 1, 2024, Page No. 17-20.

¹⁰ Jain P. Artificial Intelligence for sustainable and effective justice delivery in India. OIDA International Journal of Sustainable Development, 2018;11(06):63 70.

TYPES OF ARTIFICIAL INTELLIGENCE USED IN INDIAN COURTS:

1. Supreme Court Vidhik Anuvaad Software (SUVAS): An official application based on Artificial Intelligence (AI) have been released by the Supreme Court of India to translate legal documents and orders written in English into nine vernacular languages. In terms of Artificial Intelligence, this is the first action our judiciary has taken.¹¹

2. Supreme Court Portal for Assistance in Court's Efficiency (SUPACE): It is also recently launched by Supreme Court of India as a tool that collects relevant facts and laws and makes them available to a judge. It will yield outcomes customized to the specific requirement of the case and the way the judge thinks.¹²

3. The Official Multilingual Mobile Application of the Supreme Court of India: With the help of the National Informatics Centre, our nation's highest court has launched an app that will enable the citizens to authentically access cases, judgements, important circulars, display boards and a plethora of other crucial information with just a single click.¹³

4. An Artificial Intelligence System created at IIT Kharagpur to read Court Orders An AI-assisted technology that can read court orders and judgements has been developed by IIT Kharagpur researchers. It also uses machine learning to identify laws that are being violated.¹⁴

5. Kira Systems by Cyril Amarchand Mangaldas: By collaboration with Canadian AI helper Kira Systems, Indian company Cyril Amarchand Mangaldas is now using AI for contract analysis and review¹⁵.

SCOPE OF ARTIFICIAL INTELLIGENCE IN THE INDIAN JUDICIAL SYSTEM:

1. Legal Research and Analysis: AI systems can quickly analyze vast databases of legal precedents, statutes, and case laws to provide judges with relevant information. This can significantly speed up the legal research process, ensuring that judges have access to comprehensive and up to-date information when making decisions [16].¹⁶

2. Accelerating the delivery of justice: In India, it is observed that the adjudication of a criminal as well as civil trial often takes years. Ultimately, this leads to ineffective and delayed justice delivery. This can be minimized, and by handling more cases at a faster pace, more cases can be handled, and justice can be served to citizens more quickly.¹⁷ This gives citizens a better experience as they spend less time waiting for decisions that will have a significant impact on their lives and businesses.

3. Predictive Analytics: By examining past case data, AI systems are able to forecast possible case outcomes. One of the biggest problems faced by the judiciary is the volume of cases that are still pending and the lack of judges to decide on those motions. Therefore, to resolve these issues, courts may utilize

¹¹ Harshul Gupta, "Scope of Artificial Intelligence as a Judge in Judicial Sector", Indian Journal of Law, Polity and Administration.

¹² AI PORTAL SUPACE, available <https://www.drishtiiias.com/daily-news-analysis/ai-portal-supace> (last visited on November 11, 2023).

¹³ Harshul Gupta, "Scope of Artificial Intelligence as a Judge in Judicial Sector", Indian Journal of Law, Polity and Administration.

¹⁴ Ibid.

¹⁵ Jain P. Artificial Intelligence for sustainable and effective justice delivery in India. OIDA International Journal of Sustainable Development, 2018;11(06):63-70.

¹⁶ Kabir MS, Alam MN. The Role of AI Technology for Legal Research and Decision Making. Title of the Journal, 2023.

¹⁷ Srivastava SK. AI for Improving Justice Delivery: International Scenario, Potential Applications & Way Forward for India. Informatica, 2023, 47(5).

predictive analytics to show the likely outcomes to the parties involved in a dispute and persuade them to reach an out-of-court settlement.¹⁸ This will save the court's time as well as assist the parties to avoid the long and complicated trial procedures.

4. Document Review: By highlighting important details and finding relevant information, AI-powered technologies can help with the review of legal documents. This makes it easier for judges to quickly understand the key facts of a case and concentrate on the important points at the time of hearings.¹⁹

5. Case Management: Judges can better arrange and prioritize their caseload by using AI to expediate case management procedures. Automated systems can help with scheduling, monitoring due dates, and improving workflow management more efficiently.²⁰

KEY CHALLENGES OF ARTIFICIAL INTELLIGENCE TO THE NATIONAL JUDICIAL/LEGAL SYSTEM:

- **Substantive Legal Deficiency:**

The existing legislative framework demonstrates a profound absence of comprehensive legal provisions that adequately circumscribe the potential constitutional infringements arising from AI-powered surveillance technologies.

The Digital Personal Data Protection Act of 2023 provides broad governmental exemptions that fundamentally undermine individual privacy protections.

- **Constitutional Incongruence:**

The deployment of AI surveillance mechanisms directly contravenes the principles established in *K.S. Puttaswamy v. Union of India* (2017), which explicitly recognized privacy as a fundamental right. The current regulatory approach fails to implement the proportionality principle, thereby creating a legal vacuum that permits potentially unrestricted data collection and processing.

- **Procedural Inadequacy:**

The absence of mandated judicial oversight, transparent consent mechanisms, and specific restrictions on high-risk AI activities creates a systemic legal vulnerability. This procedural deficit enables potential systematic violations of informational privacy without meaningful legal recourse.

- **Regulatory Arbitrariness:**

The lack of a risk-based regulatory framework, in contrast to international standards like the European Union's Artificial Intelligence Act, exposes citizens to unchecked surveillance mechanisms without established legal safeguards or accountability measures.

¹⁸ Jain P. Artificial Intelligence for sustainable and effective justice delivery in India. *OIDA International Journal of Sustainable Development*, 2018;11(06):63-70.

¹⁹ Xu Z. Human Judges in the era of artificial intelligence: challenges and opportunities. *Applied Artificial Intelligence*, 2022;36(1):2013652.

²⁰ Coglianese C, Dor LMB. AI in Adjudication and Administration. *Brook. L. Rev.*, 2020;86:791.

CONCLUSION:

The integration of AI into society holds immense promise for innovation and progress. However, realizing its full potential requires a careful balancing of technological advancement with legal and ethical considerations. By developing robust regulatory frameworks, fostering interdisciplinary collaboration, and promoting responsible AI development, we can navigate the complex intersection of law and AI while maximizing the benefits and minimizing the risks for society as a whole. As we continue to chart the course of technological evolution, addressing the legal challenges and ethical dilemmas inherent in AI remains essential for shaping a future that is both innovative and equitable. As artificial intelligence continues to reshape the practice of law, legal systems must adapt to these technological advancements while also safeguarding fundamental principles of justice and fairness. By addressing challenges such as bias, transparency, and accountability, and embracing opportunities for collaboration and education, the legal profession can harness the transformative potential of AI to enhance access to justice, improve legal outcomes, and uphold the rule of law in the digital age. The intersection of law and artificial intelligence represents a pivotal frontier in the ongoing evolution of the legal profession. While AI holds the promise of transformative change, it also presents complex challenges that demand thoughtful consideration and proactive intervention. By navigating these challenges with foresight and integrity, we can harness the power of AI to build a more just, equitable, and accessible legal system for all.