ARTIFICIAL INTELLIGENCE AND JUDICIAL SYSTEM OF INDIA

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The adoption of Artificial Intelligence (AI) in India's judiciary is on the rise, offering transformative possibilities 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 3.5 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.This decision follows the pioneering initiative of the Punjab & Haryana High Court, which implemented this innovative approach to conduct legal research last year.

In 2023, a Manhattan federal judge fined a lawyer $5,000 for submitting fictitious legal research generated by ChatGPT. The lawyer included fictitious cases like "Varghese vs China Southern Airlines" and "Shaboon vs Egypt Air" in a personal injury suit involving Avianca, a Colombian airline. In December of the same year, the UK judiciary issued guidelines on generative AI in courts. While judges were permitted to employ ChatGPT for basic tasks such as summarizing texts,creating presentations, or drafting emails, they were cautioned against using AI for legal research or analysis.

These instances underscore the legal and ethical considerations surrounding the use of AI-generated content in judicial proceedings both in the United States and the United Kingdom. Thereare no specific guidelines in India regarding the use of generative AI, like ChatGPT, in judicial proceedings.

Use of Technology in Judiciary

Virtual Hearing:

Over the course of the Covid-19 pandemic, the use of technology for e-filing, and virtual hearings has seen a dramatic rise. SUVAS (Supreme Court Vidhik AnuvaadSoftware): It is an AI system that can assist in the translation of judgments into regional languages. This is another landmark effort to increase access to justice. SUPACE (Supreme Court Portal for Assistance in Court Efficiency): SUPACE wasrecently launched by the Supreme Court of India. Designed to first understand judicial processes that require automation, it then assists the Court in improving efficiency and reducing pendency by encapsulating judicial processes that have thecapability of being automated through AI.

Scope for Adopting Artificial Intelligence (AI) within the Judicial System

Research Tool: AI virtual assistants expedite legal research by processing vast amounts of data like case law, aiding legal professionals and researchers in efficient information retrieval.

Systemic Augmentation: Court systems can benefit from AI upgrades, similar to UK initiatives,enhancing case management, organization, and administrative tasks through automation and streamlined workflows.

Translation: Advanced AI translation tools, like SUVAS (Supreme Court Vidhik Anuvaad Software), break language barriers in the judicial system, facilitating the translation of legal content, thereby promoting equity, transparency, and broader access to justice.

AI Prediction: Predictive AI applications analyze case trends and sentencing, enhancing decision-making processes within judicial systems. However, responsible usage is paramount to ensure fairness and accountability, addressing ethical concerns and algorithmic biases.

Challenges for Adopting Artificial Intelligence (AI) within the Judicial System

Accuracy: AI technologies aren't infallible, as acknowledged by tech companies themselves. OpenAI, for instance, highlights in its terms of use that output may not always be accurate and shouldn't be relied upon as the sole source of truth or professional advice.

AI System Bias and Risk: Inherent biases in AI systems pose significant risks, particularly in areas like crime mapping and prediction. Studies in the US have revealed racial profiling and disproportionate targeting of minorities. Dependence on AI for legal tasks could challenge the principles of equity, justice, and fairness.

Protection of Rights: Ambiguities and challenges persist regarding the safety, privacy, ethics, and protection of fundamental rights like the right to life when applying AI within legal systems. These complexities underscore the need for careful consideration and ethical oversight in AI integration.

AI for transcription of hearings

During a hearing in February related to the political power struggle in Maharashtra, the Supreme Court used AI to transcribe its proceedings that were aired live. A screen displaying the live transcription of the proceedings was placed in the court of Chief Justice of India DY Chandrachud.

A Bengaluru-based company called Technology Enabled Resolutions (TERES), which had earlier provided AI-enabled transcription services to arbitration practitioners, helped the apex court develop this facility.

Lawyer and tech expert Vikas Mahendra was among those who were behind the AI-based transcription tool. The CJI pursuit of solutions for streamlining the administration of justice led to the Mahendra and his team conceptualising the idea.

AI to tackle pendency

The Supreme Court's first brush with AI was exactly a year ago when its Artificial Intelligence Committee launched a portal called the Supreme Court Portal for Assistance in Courts Efficiency (SUPACE). Among other things, SUPACE was aimed at providing digital infrastructure to further the purpose of the digitisation of the court process.

Artificial intelligence procedures such as natural language processing, machine learning, and data analytics have flagged the way for automated legal research, case prediction, document analysis, and even simulated judges. This brief scrutinizes the role and impact of AI in justice, and highpoints the potential of AI to enhance the competence, accuracy, and equality of legal proceedings.

This brief provides a balanced calculation of the benefits and concerns associated with AI in justice and considers the need for strict enforcement, human oversight, and human oversight to ensure the responsible and effective integration of AI technology in the pursuit of justice.

The emergence of artificial intelligence is transformed many fields, and law enforcement were no exception. However, the overview of artificial intelligence in the judicial system also carries some challenges, including ethical considerations, transparency, and potential bias.

The Interactions between AI and Fundamental Rights

AI could simply be defined as "systems that act like humans". Machines which can reason enough to have intelligence – such as problem-solving, arriving at conclusions, etc., are said to be artificially intelligent. With an endlessly upward development trend owing to accelerating change, it is no surprise that AI seems to be foraying into the judicial setup. The Punjab and Haryana High Court's judgment is but a nod towards the same. With astonishing speed and accuracy,

such an introduction is predictable. However, such an inclusion ought to be looked at cautiously, especiallybecause law and ethics seem to be unable to keep pace with technology.

AI and its inclusion in the judicial system raises the 'centaur's dilemma' which deals with the extent of human control over AI. This terminology, which has been borrowed from defence circles,refers to the conundrum of either having less control over AI to allow it to do what it does best without undue interference or having more control over it to ensure the results produced are just and reasonable. While envisioning the use of AI systems in judicial proceedings, it is incumbent to address the repercussions of such inclusion on the fundamental rights of the parties involved. According to Cesare Becarria, there are four core values that any modern constitutional democracy subscribes to with regard to criminal trials – due process, equal treatment, fairness and transparency, all of which are encapsulated under Articles 14 and 21 of the Indian Constitution.The"garbage-in, garbage-out" principle in the use of AI-based predictive models in criminal law associated with judicial decision-making brings social prejudices into the process.

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