

## “ARTIFICIAL INTELLIGENCE IS A BOON FOR JUSTICE DELIVERY SYSTEM”

**AUTHOR** – DR. HINA GUPTA, ASSISTANT PROFESSOR AT SHRI RAM COLLEGE OF LAW, MUZAFFARNAGAR, UTTAR PRADESH, INDIA

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### **ABSTRACT**

Artificial Intelligence has changed the approach of the technology in 21<sup>st</sup> Century now. It would not be wrong to call it the **Technological Revolution – 2024**. AI can become the boon for human race by its positive use or a curse if it is not carefully handled. Artificial Intelligence has its origin since 1950s but it was not as much developed as today. Primarily, it was purely based on **Turing Test** only, but now we are living with the developed form of AI. ‘The pendency of Cases’ and ‘Delay in justice delivery’ are two main issues on which India must work and consequently can provide a better shape to Indian Justice Delivery System. AI is actually the up-gradation in technology, with which we all have to live with. Every new thing has some merits and demerits and so as AI has. By providing audio translating system and audio-typing system etc. our respected **Judicial officers** are becoming more efficient and justice delivery system is becoming more transparent. After adopting this form of AI in our judicial system the Clients can now read any order or Judgment in their own native language. In this paper, the Author is highlighting the features of AI, which are helping Judicial System and simultaneously the solutions of few gaps in execution of AI in Justice Delivery.

**Keywords:** AI, AI a boon, Justice, Justice delivery system, Technological revolution.

### **1. INTRODUCTION**

Justice delivery system is an important mechanism to maintain law and order in the society. It is also an important tool for keeping democracy intact. Justice is not a thing which belongs to a particular section of the society. According to the Preamble of The Constitution of India ‘Justice’ includes Social, Economic and Political Justice. It equally belongs to everybody, irrespective of his wealth, religion, race, caste, sex, descent or residence or any other criteria. The basic purpose of this paper is discussing some of the technological changes supported by AI system, which may be a game changer in Justice delivery system in India. Justice is the outcome of many persons, evidences, circumstances, arguments and other things. Vital role is of **Judiciary**. Judicial system involves so many persons other than **A**

**Probationary Officer**. Thus, they are not only the judges who make the whole system i.e. A Judiciary. There are so many nuts and bolts of this whole system those together make the system workable. They are:

- i. Courts;
- ii. Advocates;
- iii. Litigants;
- iv. Infrastructure;
- v. Contemporary technology used in judicial proceedings;
- vi. Institutional hierarchy;
- vii. Justice delivery system and many more as part and parcel of judiciary.

We are living in the era of technological revolution 2023, in which Artificial Intelligence system is playing a very important role. It depends on us, how one can use this

technology in the development of his Country. Any tool can ever be used for the disaster but cleverness is hidden in using the tools for the development with all available resources. There is no doubt that AI system can be used to improve efficiency of the judicial system that will surely dispose of cases more quickly. This will maintain the trust of the public in **Judiciary**. Our society and technology is continuously changing and developing. Therefore, as the time runs, Justice delivery system should also be developed in order to cope up with changed scenarios. Some observations and suggestions is being discussed hereinafter to find out the problems in present justice delivery system and what we may improve upon to achieve its pious goal i.e. justice.

## 2. METHODOLOGY

In this research paper the author has adopted the Analytical approach to make her paper more connective and practical to the reader. Here, the availability of primary data is an impossible task in the legal field. But the only approach could be taken was the observation of instances happening in the society. Thus, the observations are also the basis of this research paper. For analytical approach the Author has gone through many AI tools in the system, books, newspapers, magazines, Research Articles, essays and Journals etc.. Thus, the present Research paper is based on maximum of the Secondary Data only.

## 3. HUMAN RESOURCE

No one can take place the human working in any field but Indian Courts are overburdened with work-load. However, most of the Courts do not have sanctioned strength of staff. Due to unavailability of staff, Courts are unable to perform their work efficiently. In some Courts, a single person is performing the work of office clerk as well as Peshkar. Recruitment process for Court staff is very slow and attrition rate of already appointed staff is high. In a scenario, where outsourcing is common in every Government Department, this concept should also be brought into Courts. An outsourcing agency may be identified who will arrange man

power as per requirements of the Court in accordance with the guidelines framed by Competent Authority in this behalf. If outsourcing is allowed in Courts, it will be cost effective and problem of shortage of staff will be solved instantly.

Artificial Intelligence is a tool that can change our lives by many ways. The main concern with AI and Machine learning is the handling of this tool with due care. If it has been used to make the judicial work easy and to make Justice transparent and approachable to the common man, than such **'AI tool is Boon for Justice delivery System'** but if such AI tool is misused than it will become Curse to the whole system. Thus, the need of the hour is to make AI system as helping tool to the judicial system, so that the lacking of human resources could be used appropriately. No one cannot deny the truth of the system that Indian Judicial system has the low human resources and this impact to the Justice provided. The only necessity is to boost-up Human Resources in Indian Judicial System.

## 4. PROBLEMS AND CHALLENGES

For delivering Justice and to make it effective so many problems and challenges have to be faced by the Judiciary. The effective solutions of such problems and challenges depend on the problems and various dimensions. Some of practical problems and challenges are as follows:

1. One of the challenge before the Judiciary is **to provide speedy justice** to the common men. This challenge comes to the result of **delay in justice** and negative impact on public at large; and
2. Another challenge before the Judiciary is rise in load of court proceedings and other work simultaneously. This is because of lack of flexibility or options for their probable solutions and most importantly relief to litigants. This also gives space to the ineffective justice which creates lots of misconceptions in public at large for **Judiciary**.
3. One most important challenge before Judiciary is to make a difference between

financially weak and financially strong group of society. Now, question before Judiciary is – How justice could be provided to the needy one?. Consequently, such kinds of situations also leave a doubt on the working of The **Judiciary**.

4. The greatest issue before Judiciary is to enhance the credibility of Judiciary and to buildup trust among common men, which is actually the outcome of most of the challenges and problems before the **Judiciary**.

5. Another big issue would be to update the whole Indian Judicial System with AI tools and Machine learning, so that the whole system could be run accordingly and Indian Judicial system can also go with the updated technology.

6. The respective problem related to the above one is, to educate and to make familiar each and every person of Indian Judicial System with AI tools and techniques.

#### **5. INSTANCES AND POSSIBILITIES PRIOR TO 'AI' ERA**

Technology must be fully exploited in order to improve efficiency of justice delivery system. Technology is playing a pivotal role in reforming judicial system and also in judicial proceedings. Recording of evidences and statement of witnesses are very important for trial of any case as well as for disposal of any suit or criminal proceedings. Sometimes it has been observed that court has summoned some witnesses or any other purpose for court proceedings but due to some problems or circumstances, he is not able to come physically before the concerned court, in such cases video conferencing or through mobile applications, his appearance before Court may be ensured as well as his statement can be recorded or proceeding may be further carry out. This may also end possibility of false adjournments on the ground of unavailability of witness or summoned persons. Procedure for recording such kind of witness should be formulated in such a manner that it would be easy adoptable and should be devoid of complexities.

Use of internet enabled video conferencing or web / mobile applications for online video conferencing should be encouraged and promoted in true sense. Further, there are so many software or web / mobile applications are available which can automatically convert one's oral statement into typed form. One is only required to utter words from the mouth and the same shall be automatically typed by the software or web / mobile application in required format like "word document" or "Libre office document" or any other format. This will lower dependency on steno/clerical staff. Small and routine orders may get typed through this way. Wi-fi zone for internet connectivity should be made available in court room and chambers during court working hours. Good quality android or windows based mobile phones or tabs may be made available to all judicial officers having good quality front camera so that in case internet service is down, court proceedings continue without interruption. All the judicial proceedings in court should be video recorded and recording should be kept intact for a period of 03 months. This methodology may ensure the proper working and conduct of stake holders in justice delivery system i.e. Judge, Advocate and Litigants.

#### **6. HISTORY AND DEFINITION**

John McCarthy is considered as the Father of Artificial Intelligence. He was born in Boston. He organized a conference in 1956, in which he first introduced everyone with the words 'Artificial Intelligence'.<sup>11</sup> In that conference, he introduced it as an artificial machine with science and engineering. On the other hand, Geoffrey Hinton is known as the Godfather of AI, Professionally he was a computer scientist.

#### **TURING TEST**

Turing test is one of the key to know and identify any machine with artificial intelligence. According to Allan Turing, There must be two windows. One for a human and another for AI

<sup>11</sup> <https://www.ibm.com/topics/artificial-intelligence#:~:text=1956%3A%20John%20McCarthy%20coins%20the,ever%20running%20AI%20software%20program.>

machine, for this test, there must be a third person for the observation of the answers given by both side widows and at the last he will draw a report with the conclusion- from which window he has got the most appropriate answers. If AI machine has given the maximum correct or nearby answers than that machine would qualify the Turing Test as it can compete with a human.

In 2019 OECD Defines Artificial Intelligence system in the following words:

*“An Artificial Intelligence system is a machine based system that is capable of influencing the environment by producing an output (predictions, recommendations or decisions) for a given set of objectives. It uses machine and/or human based data and input to..... Artificial Intelligence systems are designed to operate with varying levels of autonomy”<sup>12</sup>*

That was the time, when AI was limited to such machines only. ChatGPT, face-recognition or thumb impression recognition system, Bio-matric machines, Auto-generated Ids etc. are examples of updated AI system. Banking Sector is also availing AI system facilities in productive manner as we all are witnessed to see the growth of this sector. AI is the refined form of technology which is giving its best output with the combination of 5G technology in India. Artificial Intelligence and Machine learning make balance for the best output of doing anything. In India, Reliance is going to launch its own GPT data base i.e. **BharatGPT**.<sup>13</sup>

## 8. CYBER CRIME AND AI

There are two factors of Cyber crime, one is a Computer and other one is its network. In many cases, it has been observed that the computers and technology have been used to commit an offence. Cyber crime includes to threat any person to effect a nation's security and also to

the economic and financial status. The specific definition of cyber crime is impossible to explain but it can be defined as:- ‘Offences committed against any person or a group of persons with the intention to hit the social status or reputation or physical or mutual trauma with the help of electronic means.’ In the present scenario, we are so much connected and involved in virtual life which includes- chat-rooms, emails, social-media platforms, blogs and groups etc. and telecommunications and few mobile-phone sharing - like SMS, MMS and blue-tooth etc. are also effective by cyber crime.

### Cyber-Crime: A Grave Offence

Cyber crime hits the privacy of individual, privacy concern surroundings but when the sensitive or very personal information have been shared or intercepted in public, it becomes a grave offence. It might be possible that such data may be related to any Government documents, military authorities and private data of any public personality. Cyber crime is not only about the crime against an individual, but it is a crime against the society, even though it is committed against an individual only. As per the data shared by CSIS<sup>14</sup>, close to 600 billion dollars cyber security firm concludes that nearly 1% of global G.D.P. is lost to cyber crime each year.<sup>15</sup> In India, in 2000 the IT Act covers various types of crime relating to cyber law, some of them are as follows:

1. Identity Theft
2. Cyber terrorism
3. Cyber Bulling
4. Hacking
5. Defamation
6. Trade Secretes
7. Freedom of Speech
8. Harassment
9. Stalking

Under the IPC, in 2008, an amendment has been done by IT Act, 2000.

<sup>12</sup> THE IMPACT OF ARTIFICIAL INTELLIGENCE ON THE FUTURE OF WORKFORCES IN THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA; An economic study prepared in response to the US-EU Trade and Technology Council Inaugural Joint Statement; TTC-EC-CEA-AI- Report- 12052022-1.pdf ; <https://www.whitehouse.gov/cea/written-materials/2022/12/05/the-impact-of-artificial-intelligence/>; visited on 14<sup>th</sup> August 2023; 11: 28 am IST.

<sup>13</sup> <https://awbi.in/reliance-jio-bharat-gpt-launch-date-release-date-registration-form/>

<sup>14</sup> Center for Strategic and International Studies

<sup>15</sup> <https://www.csis.org/analysis/economic-impact-cybercrime>

## 9. CONSTITUTIONAL PROVISIONS

The Constitution of India includes three lists in VII schedule, such as Union List, State List and Concurrent List. Unfortunately, Computer technology and Cyber Law are not subjects of any of the lists, such subjects are called residuary subjects. There are few subjects, which are not listed in these three lists, and they are called residuary subjects. According to Article 248, of the Constitution of India-

***“248. Residuary powers of legislation. –***

***(1) [Subject to article 246A, Parliament]<sup>16</sup> has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.***

***(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.<sup>17</sup>***

Thus, there is no as such Constitutional provision regarding Artificial Intelligence. But in this matter Parliament has power to make laws and in this consequence few enactments have been passed but they are based on either cyber law or Computer technology, not specifically on Artificial Intelligence. In the case of ***K.S.Puttaswamy Vs. Union Of India<sup>18</sup>***, the Supreme Court Of India held that the right to privacy is covered under the Fundamental Rights of The Constitution Of India but at the same time the personal data must be protected from AI system. It means to say that it must be the priority to prevent any personal data by using any software or any application.

## 10. AI AND WORKING HOURS IN COURTS

If Government and Judiciary are serious for lowering down pendency of the cases in courts, it should formulate a procedure to remain open Courts maximum time in day. For this purpose Evening Courts or night Courts may be opened as a second shift of the Court. Alternatively, timings of the Court should increase. Further,

there should be 6 days week working days. This will help in early disposal of cases as more time would be available to the judges for hearing and court proceedings. Mechanism may be formulated to compensate those judicial officers who actively participate in such Courts. **E-Court system** should be adopted and new technology should be introduced not only in High Courts and the Supreme Court Of India but in the lower courts of India too, so that the Indian Judicial System can impart justice quickly and can develop faith among the people of India. E-Court and Mobile Court system with AI technology can help the Indian Judicial System to low down the pendency of cases and slow processing of cases in Indian Courts. Thus, Indian Judicial System should be upgraded with AI technology.

## II. ROLE OF 'AI' IN JUSTICE DELIVERY SYSTEM

### RECENT POSITION IN INDIA

The Government of India has taken many steps for the growth and governance of Artificial Intelligence, so that the working of the whole system could not be interrupted by any means. Thus, **INDIAai<sup>19</sup>** portal had been launched by The Ministry of Electronics and Information Technology. The good thing of AI is that it is based on the data, which does already exist and AI system answers only to those questions which have been asked before it and such answers are only of predictive and probable approach. This revolutionary phase of technology has a very big backdrop i.e. dependency of human beings on technology is higher than earlier. The industry of Law is also not beyond the touch of AI. Due to entry of AI this industry is facing new situations either in passing of an Order or pronouncement of any Judgment. There are so many questions before the Judiciary, which are needed to solve immediately for the establishment of a civilized society. Such questions may be related to privacy, ethical values or

<sup>16</sup> Subs. by the Constitution (One Hundred and First Amendment) Act, 2016, s. 3, for "Parliament" (w.e.f. 16-9-2016).

<sup>17</sup> <https://ltdashboard.legislative.gov.in/sites/default/files/COI...pdf>

<sup>18</sup> AIR 2018 SC (SUPP) 1841

<sup>19</sup> National AI portal of India

responsibility for use of such data. This kind of use of AI system is going to be threat for this sector and would be the reason for loss of integrity and loss of faith by the common men. AI will definitely raise so many questions not only in front of Judicial Officers but before the clients and the lay-man. Such type of situations may create anarchy and disorder in society. The makers of law change law according to the changing dimensions in society so that they can show a better way to the common man. Any transformation often based on various researches and their outcomes. It has been argued that 'it would make it fairer, and moreover, unlike human judges, AI does not get tired and does not depend on its glucose levels to function.'<sup>20</sup>

## 12. FUTURE POSSIBILITIES E-COURT PROJECT Phase-3

Under the National e-Governance Plan, this E-Court projects will take place from 2023 onwards. The objects of this project are to update Indian Judiciary by developing ICT in it. This step if Government of India and The Supreme Court Of India will surely enhance the accessibility of Justice delivery system in India and will make the Justice cost effective and maintain the transparency to the common men. This is going to give a new pace to the Justice Delivery System in India.<sup>21</sup>

In United States of America e-discovery is used for investigations by using Artificial Intelligence. E-discovery is a form of digital investigation that attempts to find evidence in email, business communications and other data that could be used in litigation or criminal proceedings.<sup>22</sup> There is a framework for E-Discovery, which must be followed. Such as – *Identification, Preservation, Collection, Processing, Review, Analysis, Production, Presentation*. India must also have such kind of investigation process so

that the Justice delivery system can be made easier and flexible. Artificial Technology can also be used to reduce workload in courts and on Judges by making such software based on AI. This will also help the decision making and speed of Justice Delivery in India. If it would have been possible then the efficiency of the Court Staff would definitely improve. Moreover, this will also enhance the accuracy in implementing any Law and execution of Judgments.

The biggest question is – What AI can do in courts in place of human beings? AI can be considered as a luxurious and high-tech tool in Indian Courts. On the other hand the difference between a human and an AI tool is that it can not get tired in comparison to a human being. Further, AI can never take the place of a Judicial Officer but it is just a helping tool. For instance, AI can help the human in courts in the following ways, such as-

- a. predictions of maximum possible Judgments; and
- b. to advice client or Advocate in the matter; and
- c. to organize all the gathered or available information in the system.

## 13. CONCLUSION AND SUGGESTIONS

How delay occurs when there is abuse of procedures provided in Civil Procedure Code, Criminal Procedure Code or in any other law in force in India. We can understand this through a simple example. A suit is filed by a plaintiff. Now after disposal of the case, aggrieved party has an option to file appeal generally before superior Court of the District concerned. If there is provision of second appeal before High Court concerned, after disposal of appeal, aggrieved party may approach High Court concerned by way of Second appeal. If there is no provision of such second appeal, aggrieved party may approach High Court concerned through Writ Petition under Article 226 of the constitution of India. Even if the Writ is disposed of, any aggrieved party may move to Supreme Court by way of Special Leave Petition (SLP). Thereby Justice becomes an endless game for the

<sup>20</sup> <https://iacajournal.org/articles/10.36745/ijca.343#n5> D. Kahnemann, Thinking, fast and slow, London: Penguin 2011 p. 43.

<sup>21</sup> <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1983570>

<sup>22</sup> <https://www.proofpoint.com/us/threat-reference/e-discovery#:~:text=E%2Ddiscovery%20is%20a%20form,in%20litigation%20or%20criminal%20proceedings>

litigants. Now, as a suggestion, what would be if there is procedure for only institution of case and appeal? There should be no provision for second appeal. Further, an aggrieved party should be given opportunity either to approach High Court or Supreme Court under Writ Jurisdiction and once the forum is finalized by the parties; he may be barred to approach other. If this system will take the benefit if AI tools than definitely, Justice would be easy and transparent to the common men.

***“If there is disease, there is a vaccine.”***

Mean to say that if one AI tool can be miss-used to misguide the system than any other AI tool can be used to detect and heal such gaps. But there are so many countries such as France, who banned **ChatGPT** in their Nation for Nation's safety and security purposes. An Indian GPT AI tool is going to be launched soon by Reliance Group named **BharatGPT**<sup>23</sup>. This would be a big development in the field of AI in India.

Further, appeal is a statutory right. There are some cases, which is ultimately and always reaches to the Supreme Court. Glaring example of these cases are cases relating to terrorists. As per the Criminal Procedure Court, High Court can try any case. Therefore, as suggestion, there should be a permanent bench of High Court concerned which try such cases and decision of whose may be made appealable only to Supreme Court whose decision shall be made final. It may save years of time spend in trial, appeal, revision, SLP etc. and may result in disposal of these cases in a very short period.

Artificial Intelligence can be used in many ways but there are few examples of **'AI-generated Fake cases and rulings'**<sup>24</sup>. China and Canada are two countries those had faced such situations. Though, the Advocates had no such intention to deceive the Court but knowingly or unknowingly misguided the Court. Thus, it would be proper to mention that AI can make someone's work easy and on the other hand it can create hurdles on the way of a well

established system. But, the other side of the coin is that AI and Machine learning can create so many opportunities and jobs in every sector and industry. Thus, AI and Machine learning can become a boon for the Justice delivery system. It will not only provide jobs in India but also give hype to the working of Indian Judicial system. It will enhance the working efficiency of each and every person of the legal industry and give a better shape to the Justice delivery system in India.

<sup>23</sup> Id. Pg. 7

<sup>24</sup> <https://globalnews.ca/news/10318427/ai-fake-cases-b-c-court-costs/>