

Paper Presentation

On

***“Modernising Judicial Governance : the role of AI and
technological advancement”***



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Modernising Judicial Governance : the role of AI and technological advancement

1. Introduction

“Any sufficiently advanced technology is equivalent to magic.”

-Sir Arthur Clark

Nowadays, Technology is strengthening each and every field as well as Judiciary and we are moving towards Digital India as well as ejudiciary. We are working since 2012 towards project of paperless courts and technological advancement has speed up the process of turning this dream into reality. Role of technology in legal system is reshaping and evolving speedy administration of justice. Artificial Intelligence (AI) has significant impact in new technological era. It will be beneficial to use AI in courts to ensure a long term and efficient justice system. The introduction of AI into the judicial administration would reveal more information, improve the efficiency of the legal system, and relieve the officials of some of their workload.

Though AI has its blessings with limitation as science. AI systems may enhance the accuracy of the data as well as the actual legal procedures. AI systems are not used to take the role of human decision-makers. Instead, they aid in enhancing human productivity and decision-making ability. Fortunately, it is clear that AI should support judges rather than take their place.

2. Meaning of AI

Artificial intelligence is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. Its two constituent words, "Artificial" and "intelligence" mean a thinking ability created by humans. The term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as

the ability to reason, discover meaning, generalize, or learn from experience. 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. It is a branch of computer science dealing with the simulation of intelligent behavior in computers.

3. Definition of AI

Defining AI is a challenging task, as it has no universal meaning.

S. No.	Name of Source	Definition
1	Oxford Dictionary	Defines 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.
2	Haugeland	Defines AI as who possess a mind and are capable of thinking.
3	Charniak and McDermott	Defines AI as systems that think rationally by means of computer generated models.
4	Bellman	Defines AI as automating human activities like thinking, decision-making, problem solving, learning.
5	Winston	Defines AI as the domain of study which deals with computer generated models that make it possible to perceive, reason and act.
6	Kurzweil	Defines AI as an art of developing machines that can behave intelligibly like humans.
7	Rich and Knight	Define AI as the field of study that engages in the development of machines that can perform tasks better than human.

Upon assimilation of all the aforementioned definitions, what emerges out is a practical and useful definition of AI. Where AI can be understood as 'using computer technology to solve problem or make automated decisions or predictions for tasks that, when thought or done by humans, typically require intelligence.'

4. Difference between AI and AGI

AGI is the subcategory of AI and there is difference between both of them.

Artificial Intelligence	Artificial General Intelligence
<ul style="list-style-type: none">• Computer system designed to perform a specific task or set of task based on provided instructions	<ul style="list-style-type: none">• Theoretical development of AI, that would have human like intelligence, able to learn and understand any intellectual task without being programmed specifically for each one.
<ul style="list-style-type: none">• Artificial intelligence is often trained on data to perform specific tasks or a range of tasks limited to a single context. Many forms of AI rely on algorithms or pre-programmed rules to guide their actions and learn how to operate in a certain environment	<ul style="list-style-type: none">• AGI, on the other hand, is able to reason and adapt to new environments and different types of data. So instead of depending on predetermined rules to function, AGI embraces a problem-solving and learning approach — similar to humans.
<ul style="list-style-type: none">• AI is typically focused on solving specific problems	<ul style="list-style-type: none">• while AGI aims to perform any human task and exhibit Intelligence across various areas without human intervention, with a performance equal to or better than humans in problem-solving.
<ul style="list-style-type: none">• No self awareness, consciousness, ability to think.	<ul style="list-style-type: none">• Single, general intelligence that possess common sense and creativity and express emotions
<ul style="list-style-type: none">• Not capable of independent decisionmaking or problem solving beyond the assigned task	<ul style="list-style-type: none">• Would be capable of independent decision making and statement without human intervention.
<ul style="list-style-type: none">• AI is in practical use today.	<ul style="list-style-type: none">• AGI is theoretical and yet to be made into reality.

5. What is the need of AI in judiciary

The judiciary is very crucial to the administration of justice. However, when it comes to the Indian legal system, the situation is troubling 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. 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. 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.

6. Examples of Artificial intelligence in Indian Legal System

i. **e courts** -E-Courts is a pan India project monitored and funded by the Department of Justice,

Ministry of Law and Justice, Government of India. One of most significant advancements brought about by the judicial reforms is the availability of all pertinent information about court orders and judgements online for free. The establishment of an E-Court resulted in quick disposal of cases, ease of record maintenance, reliability of the evidence recorded and more transparency in the functioning of courts.

ii. **e-SCR** – The e-committee of supreme Court of India took an initiative to provide digital version of the judgments of the supreme court and in result e-SCR (electronic version of the supreme court report) was launched. The e-SCR (electronic Supreme Court Records) system revolutionizes the management of Supreme Court case files by providing a centralized digital platform for accessing, filing, and storing legal documents. This system enhances efficiency by facilitating rapid retrieval of case information and reducing the need for physical paperwork, which not only streamlines the judicial process but also significantly cuts costs related to document handling and storage.

iii. **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 give results customized to the specific requirement of the case and the way the judge thinks. Launched in 2020, SUPACE aims to modernize and streamline the judicial process by providing

an integrated system for accessing court records, filing documents, and managing cases electronically.

iv. 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.

v. Virtual Courts –Virtual Courts are an innovative development in the legal system, allowing court proceedings to take place online rather than in a traditional physical courtroom. It aims at eliminating presence of litigant or lawyer in the court and adjudication of cases online. By virtual courts facility is provided for Litigants to file the plaint electronically through e-Filing and also pay the Court Fees or Fine online through various channels created for service delivery. Virtual court is truly an online court which completely eliminates the need for physical presence of litigant and judge in the court. Citizens can access the virtual court public web portal and settle their cases online at <http://vcourts.gov.in/> . In the portal of virtual court challan can be searched by mobile number, CNR number, party name or challan/vehicle no. Once the details of the case open user can pay the fine by choosing the option ‘ I wish to pay the proposed fine’ or if he wants contest the case by choosing the option ‘ I want to contest the case’ .

vi. N Step - The service of summons and processes by traditional methods are often a cause for inevitable delay in speedy disposal of cases. NSTEP is a centralised process service tracking application comprising of a web application and a complementary mobile app designed to streamline the process.

vii. NJDG - NJDG is a national repository of data relating to cases pending and disposed of in all district and taluka courts of the country and also the High Courts which Enables efficient case management and monitoring of cases leading to effective disposal of cases. Data uploaded and collated on the portal can be accessed and analysed in all parameters. NJDG gives the consolidated figures of cases instituted, disposed and the pendency of cases in all courts across the country.

viii. JustIS App –This app is a digital tool for court management available for Judges in district court which gives access to case details, case management and data analysis. This comprehensive digital platform enables seamless case management through its robust features. Users can effortlessly track their cases in real-time, receiving instant updates on court proceedings, hearing dates, and case outcomes.

ix. Digital Courts 2.0 – It is an Application under the e-courts project to make court records available to the judges of the district court in the electronic form. This is coupled with AI for transcribing speech to text on a real time basis.

x. E-FIR –First Information Report can be filed online. CIPA (common Integrated Police Application) gives a platform whereby anyone can file a online FIR which saves time of a person .

xi. E-challan – it is an efficient use of technology in providing an easy, efficient and comprehensive traffic enforcement system. It helps in Nation-wide data sharing and lead to better traffic discipline and road safety. Issuance of traffic challans, managing records/ back-end operations, tracking offence history, payments, reports etc. by leveraging latest technologies and Connecting all the stakeholders through a common system which is ensuring data integrity, reliability and transparency. It helps Minimizing time and efforts of citizen in making payments or follow-up actions which they face after getting challan on road.

xii. CIS -CIS means Case Information System. The Case Information System (CIS) software represents a major advancement in the e-committee's effort to enhance transparency and user-friendliness within the Indian Judiciary. With the help of CIS judges can do their various daily activities which makes their work easy and less time consuming. Following are some example of them -

A.Roznama -Roznamais also called as order sheet. To define roznama or order sheet is nothing but faithful recording of the businness that occurred before the court on a given date. This roznama will generate a document file wherein the entire business transacted on a given date will be generated in a ODT form. CIS has

option of roznama under the head of case proceeding where it generates roznama of all the listed cases which can be downloaded.

B. Bail orders – CIS has the Bail order templates under the head pretrial which has the options of barelyailable offences, nonailable offences, bail order under section 167(2) of Crpc and intimation to police station regarding bail. with the help of these templates bail order for the cases can be generated.

C. Remand orders – CIS has the option of remand order template under the head of pretrial under which if we put the FIR number, name of accused and what type of remand whether police remand or judicial remand the accused is to be send and the days for which accused is given remand it generates the remand order automatically. It gives us options of extension of police remand, remand to juvenile board and voluntary surrender request too.

D. Framing of Charge Template – One interesting enhancement under CIS is the digital Templates which comes with auto generated forms which can be further customised according to the needs of the court. Judges can frame the charge in a case with the help of AI. The option of framing of charge is available under the case proceedings. Under the option of case proceeding if we click at the option of framing charge it automatically generates the charge in a given case.

E. Framing of IssuesTemplate–This option is available under the court proceedings whereby one can frame the issues for the particular case. While choosing the option it should be ensured that the issues can be framed only when the case is posted on the same date. Once under case proceedings the generate template is clicked then issue template is generated and it frames the issues for the case.

F. Certificate under section 428 Crpc – CIS has the option of Undertrial information under the head of case proceeding and if we go to that option and click on the option UT Prisoner Report then it will calculate the period that the undertrial person has undergone and make a certificate for set-off.

G. Daily proceeding – Daily proceeding under CIS has been improvised with many features like VC (Video Conference) proceeding, Convicted particulars,

Purpose wise view, Time Table, Exhibit Keep Dormant/sine die,. Posting the daily proceeding is one of the most important work in CIS because only when daily proceedings are posted we can generate a diary and from A diary any litigant can know the status and the progress of the case on the hearing date.

H. Process Generation-The option of generating summons and warrants are available under process generation. For generating any process through the process module the first prerequisite is the case proceeding of that case should be completed and the next date must be assigned. By clicking on process generate template and after selecting the case number it automatically generates process for the case.

I. work done statement – work done statement profarma is given to every court. This profarma calculates the average per day unit of a Judge with the help of AI. It has the prescribed unit for every work and when the case detail is entered it automatically calculates the units earned for the work. It automatically calculates the bonus unit for old cases as well.

7. AI system in governance and administration of Law

Artificial Intelligence (AI) has the potential to benefit judges in many ways by improving the general judicial process, efficiency and accuracy, and overall effectiveness. Here are some ways that judges can benefit from Artificial Intelligence (AI) -

i. **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 upto-date information when making decisions. Some examples are SCC Online, Live Law, e-SCR.

ii. **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. AI can accelerate delivery of

justice by scheduling hearings, managing documents. It can quickly analyse voluminous legal documents and help with legal research resulting in saving time.

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

vi. **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.

v. **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.

vi. **Remote Proceedings and Virtual Courts** - Artificial Intelligence (AI) technologies enable secure video conferencing, real-time transcription, and language translation, among other features that make virtual courtrooms and remote proceedings run more smoothly. This is especially important when it comes to circumstances requiring remote hearings.

vii. **Decision Support Systems-** Artificial Intelligence (AI) systems have the potential to serve as decision support tools by providing judges with relevant information, precedents, and legal analyses to aid in their decision-making process. However, it is crucial to stress that Artificial Intelligence (AI) is only an auxiliary tool and that the final decision rests with the judge in all matters.

8. AI use by lawyers and legal practitioners

Lawyers have been an integral part of every legal system. They are traditionally incharge of various roles from client counselling, to gauging the strength of legal positions, to drafting contracts, complaints and other documents, to legal research and document review and analysis, avoiding risks, pursuing litigation, to name just a few. Some of these tasks now face the risk of partial or complete automation by AI.

9. AI use by the Judges

The possibility of using AI system to assist judges in speedily disposing off a case is being explored now all over the world. Government official systems are using AI to make substantive legal or policy decisions. For countries like India, which suffer from huge backlog of cases in the judiciary, the administration and governance of law and justice in the courthouses are in tatters. It's imperative to use AI systems to speed up the justice delivery process, making it more transparent and efficient, thereby reducing the arrears. For this the judges are employing AI tools to quantify the risk of reoffending or running-away. The machine learning algorithm attempts to make a prediction based on past crime data, which is then presented to a judge in the form of a score.

10. Artificial Intelligence's Positive Effect

Judges can use AI-powered machines, just like lawyers, to expedite various stages of a case, which will ultimately result in a shorter overall time for decision-making. It might facilitate quicker and more efficient trial processes for judges, resulting in a decrease in case pending times. It will help attorneys spend more time refining their legal arguments, legal debates, and legal interpretations. Legal artificial intelligence has produced some successes. To address the issue of fewer cases coming before the courts, artificial intelligence machinery in jurisdictional decision-making is directly applied. The entire process has become cheaper, less time consuming and most importantly far more transparent than it ever was. While

a litigant can access court documents, including orders and judgements online, lawyers can opt for virtual hearings and cut down on the time required to move from one court to another. Even undertrials need not be physically present in court but appear through video conference from custody. A litigant would be able to move a court of law, attend hearings and get his/her matter disposed of without visiting the court physically.

11. Artificial Intelligence's Negative Effect

Artificial intelligence is only the first phase of intellectual imitation . Despite resources, using AI techniques has its challenges. Artificial intelligence is a technology with two distinct sides. The data's lack of structure presents a challenge to the judiciary. Judges present information in an individualistic manner even though the cases involve similar time periods and have a general structure. Similar facts have been the subject of conflicting rulings that support various legal precedents. As a result, AI-based solutions may give unreliable results. Similar cases that are not resolved in a manner consistent with judicial authority and social recognition will cause even more harm. Judiciary artificial intelligence application still has some issues, including a lack of application, concentration, and actual impact.

12. Usage of AI by different courts

On different occasions the different Hon'ble High Courts and also the Hon'ble Supreme Court have used the AI . Some of the instances are as following -

i . In Subhash Desai vs Governer of Maharashtra [2023 SCC Online SC 607]

- This case is also known as the Maharashtra political case . In this case The Hon'ble supreme court of India used an AI based transcript system TERESfor the first time in a court hearing. This technology helped the court transcribe the court arguments into text in real time during the live proceeding of the constitution bench hearing.]

ii. In MD. Zakir Hussain vs State of Manipur and two others [2024 LiveLaw(Man)4][WP(C) No. 70 of 2023] – In this case Manipur High court used

ChatGPT to research about the Village Defence Force (VDF) and found all the information relating to VDF and came across an office memorandum on the service conditions of VDF personnel.

iii. In Jaswinder Singh @ jassi vs State of Punjab and another [2023 Live Law(PH) 48][CRM-M No. 17918 of 2024] It was the first case where the High Court used ChatGPT. The bench of Justice Anoop Chitkara used the AI and asked questions from ChatGPT about jurisprudence of bail when the assailants assaulted with cruelty? ChatGPT provided a general overview of the factors that judges consider when deciding whether to grant bail in such cases, including the severity of the assault, the defendant's criminal history, and the strength of the evidence.

However, the Court clarified that any reference to ChatGPT was neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments and that it was only intended to present a broader picture of bail jurisprudence, where cruelty is a factor.

Essentially, the bench had the occasion to refer to the AI chatbot while dealing with the bail plea of one Jaswinder Singh @ Jassi who has been accused of brutally assaulting the deceased along with his accomplices leading to his death.

13. Challenges of using AI

The application of Artificial Intelligence in the legal system brings with it both opportunities and challenges. Following are the challenges associated with implementing Artificial Intelligence (AI) in courts.

i. Concerns about Bias and Fairness - AI systems may unintentionally reinforce or even worsen biases found in past legal data, raising questions about fairness and bias. AI algorithms may generate biased results, resulting in unfair or discriminatory decisions and violation of fundamental rights.

ii. Absence of Transparency - Many AI algorithms function as "black boxes", making it difficult for humans to understand how they make decisions. Concerns regarding accountability may arise from AI system's lack of transparency. The

absence of openness may have a direct impact on litigants and can cause trouble for judges.

iii. Information Security and Privacy Risks - It is extremely difficult to ensure the security and privacy of sensitive legal data, especially since malicious actors may be able to take advantage of holes in AI systems.

iv. High Resource Requirements and Costs - Development, implementation and maintenance of AI systems can be expensive. For AI solutions to be widely and fairly adopted within the legal system, their affordability and scalability need to be carefully evaluated.

v. Technical Limitations and Errors - Artificial Intelligence (AI) systems are not perfect and are susceptible to mistakes. It is possible that the AI system will not be aware of legal changes or will interpret legal statutes incorrectly. Moreover, an Artificial Intelligence (AI) system may experience bugs or glitches that lead to inaccurate decisions or predictions, just like any other technology.

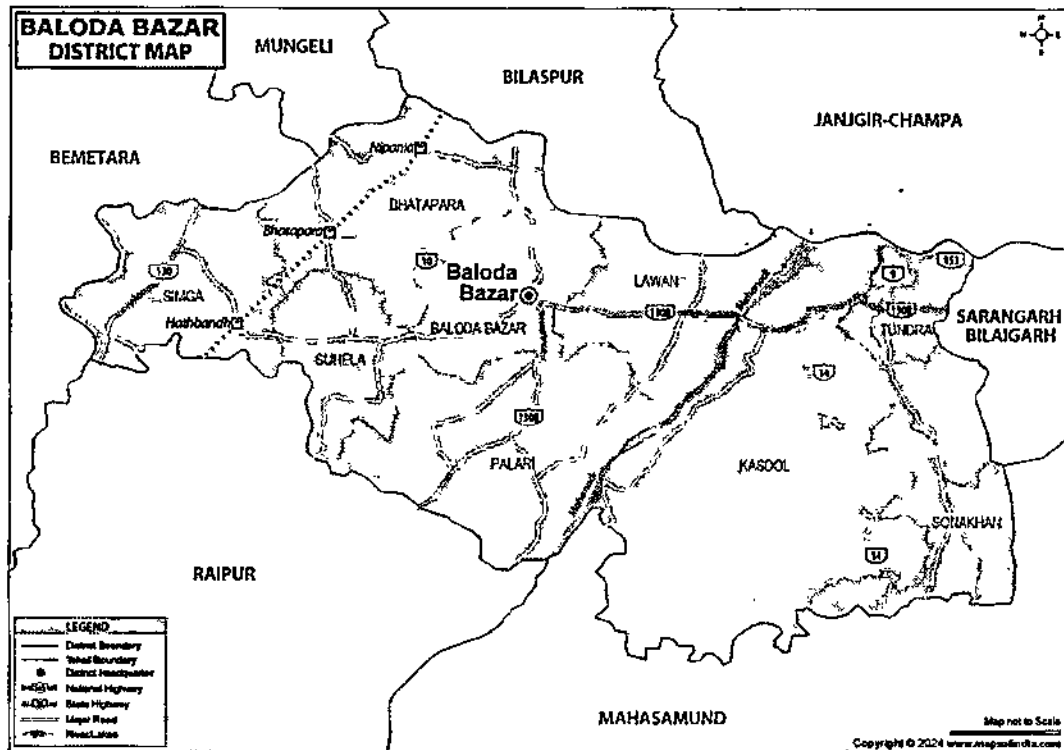
vi. Acceptance by Judges - The integration of Artificial Intelligence (AI) in legal proceedings is also influenced by judges' acceptance or rejection of it. Judges who use AI technology these days tend to be younger judges. The senior judges believe that AI technology will not assist judges in handling cases, so they are unwilling to accept it. Some judges think that it is emotionally inappropriate to give cold robots control over litigation cases that require social interaction.

14. Conclusion

Artificial intelligence has unique abilities to perform tasks with great speed and accuracy. It holds the potential to reform the legal system, reduce arrears and backlog of cases, enhance the capacities of judges and lawyers and serve justice to the litigants' at-their-door-steps but AI technologies have certain limitations. It is not good in dealing abstract thinking, open ended discussion, policy matters which are value laden, judgment oriented decision making. In general, integrating AI into the judicial system is a very delicate process. Instead of rushing through efficiency maximisation at all costs, it necessitates caution and patience.

Naturally, no technology, no matter how advanced, could ever take the place of human mind of a judge . However, they could support judges in the decision-making process and ensure that the process of dealing with a large volume of cases does not compromise justice, which could ultimately help to reduce the average duration of a trial. In conclusion, it can be said that nothing can be compared with the human mind. Though the AI is in existence, it can only speed up the proceeding and expediate the trial.

DISTRICT:- BALODABAZAR (C.G.)



Outstations of Judicial District Balodabazar:-

1. Civil Court Bhatapara
2. Civil Court Simga
3. Civil Court Kasdol