AI IN INDIAN JUDICIARY

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ABSTRACT

Artificial intelligence is the present and future of every nuance of society. It's a righty quote by G.B. Shaw, 'Those who cannot change their minds cannot change anything.' AI like computers is spreading like wildfire(healthcare[1], finance[2], transportation, architecture, engineering, and entertainment, etc are donning AI gradually) and, the day isn't far when it'll be omnipresent and be in every shade of our lives like smartphones. This study delves into shedding light on the lucrativeness of amalgamating AI with the Indian Judiciary. The Judiciary is an unconventional, perpetual, and living dimension of any nation, with the precedents of many notable steps of the former, ranging from increasing the bench size of the Supreme Court from eight judges to 34 judges as per the need of the hour, exemplifies its resolution to evolve with time. As an epitome of its advanced perceptions and agility, the Supreme Court of India[3] like other nations has adopted a novel AI module known as SUPACE to stimulate its workings. The Supreme Court is the highest judiciary body in Bharat but its modernity can't suffice the argument of an advanced and AI-driven Indian judiciary because it's the lower courts that hold the onus of interacting with the public pleas directly and providing them justice. The pendency of various cases in the lower courts showcases the obsoleteness of the Indian Judiciary. This issue of the pendency of cases in the judiciary can be weighed down with the catalysing of the judiciary with the AI facility. The primary focus of my study would be to provide a way to expedite the Judiciary with the help of AI.

Keywords: AI, Courts, Judiciary.

RELEVANCE OF AI IN INDIAN JUDICIARY

In this tech-savvy world, all countries strive to amalgamate myriad facets of governmental and non-governmental organs with AI to stimulate the pace of work. Emulating the developments of other systems, the legal profession is also trying to infuse AI into its process. Indian judiciary

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[1] healthcare<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6616181/>

[2] finance<https://cloud.google.com/discover/finance-ai>

[3] Article 124

walking head to head with the technology, propounded National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005[4] which later conceptualised the concept of eCourts, executed in three distinguished phases with a vision of ICT-enabled courtrooms.

PHASE 1: In Phase-I, since the initiation of 2007, many Court Complexes, Computer Server Rooms, and Judicial Service Centres were modernized by the installation of computers in the District Courts. The District and Taluka Court Complexes covered in Phase-I were computerized with the installation of hardware, LAN, and Case Information Software (CIS), for providing basic case-related services to the litigants and the lawyers.

PHASE 2[5]: Phase II got the government's sanction for the execution of the project on 4th August 2015. In Phase II, the concerned courts were equipped with additional hardware with (1+3) systems per courtroom, the uncovered Courts of Phase I and the newly established Courts with (2+6) systems per Court Room, and the Court Complexes were supplied hardware, LAN, etc.

The Infrastructure Model is rigged for adopting Cloud Computing Architecture which is efficient and cost-effective, while retaining the present server rooms as Network Rooms and Judicial Service centres as Centralized Filing Centres. The Phase II of the project emphasizes providing sublime services to the litigants, lawyers, and other stakeholders. The websites will be Accessible Compliant and the information will be available in the local languages to the extent possible. Mobile phones, SMS, and email applications are used as platforms for disseminating information. A kiosk will be provided for every Court Complex. Certified emulated documents will be provided online and ePayment Gateways will be put forward for making deposits, payment of court fees, fines, etc.

In continuation with the application of Free and Open Source Solutions (FOSS), Phase II has prepared for the Core-Periphery model of Case Information Software, the core being Unified as the National Core, while the periphery developed according to requisitions of each High Court, with NIC, Pune setting itself to be the Centre for Software Development and pertaining equipment, stimulating software compatibility and interoperability with the data including

[4] National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005<https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>
[5]Phase2<https://ecourts.gov.in/ecourts_home/static/manuals/FINAL%20INNOVATIONS%20IN%20PHASE%20II.pdf>

metadata to be harmonized. With emphasis on the Capacity Building of Judicial Officers and Process Re-Engineering, Phase II yields a Judicial Knowledge Management System girding an Integrated Library Management System and the use of Digital Libraries.

The E-Courts system[6] was inaugurated and produces a pedestal for Case Status and cause lists online with many of the District Courts and Talukas also updating about orders/judgments on the platform. At present, data of more than 7 crore pending and disposed of cases and 3.3 crore orders/judgments of District Courts in India is available on NJDG.

PHASE-3[7]: The Union Cabinet under the mentorship of Prime Minister Narendra Modi approved the eCourts Project Phase III as a Central Sector Scheme spanning four years (2023 onwards) with a financial outlay of Rs.7210 crore.

The major component of Phase 3 is that it is aimed at achieving the Sustainable development goals while fostering the judiciary. Its components are as follows-

1. Phase 3 aims at making provisions for eSewa Kendras for people to minimize the digital division while stimulating Digitization. It aims at making the legal process more environmentally amiable by minimizing paper-based filings and reducing the physical movement of documents.

2. Skyrocketing eFiling for discouraging the time and effort required to file documents. Thereby minimizing human errors as documents are automatically checked and also preventing further creation of paper-based records. The use of the latest technologies like AI and its subsets Machine Learning (ML), Optical Character Recognition (OCR), and Natural Language Processing (NLP) provides a smoother user experience by building a "smart" ecosystem.

3. Payment of court fees, fines, and penalties can be made from any corner and at any hour. Registries will have less data entry and minimal file scrutiny facilitating better decision-making and policy planning. It envisages smart scheduling, an intelligent system that enables data-based decision-making for judges and registries and allows for greater predictability and optimization of the capacity of judges and lawyers.

[6] e-courts<https://ecourts.gov.in/ecourts_home/static/manuals/PolicyActionPlanDocument-PhaseII-approved-08012014-indexed_Sign.pdf>
[7] Phase3 <https://doj.gov.in/phase-iii/#:~:text=Taking%20the%20gains%20of%20Phase,of%20e%2DFiling%2F%20e%2D>

4. Expansion of virtual courts beyond the adjudication of traffic violation cases, thereby eliminating the presence of litigants or lawyers in the court.

5. Emphasis on automated delivery of court summons by further expanding the NSTEP (National Serving and Tracking of Electronic Processes), hence drastically reducing the delays in trials.

6. The utilization of emanating technologies in court processes will make them more efficient and effective, hence contributing significantly towards the reduction of pendency cases.

From the Phase 3 roadmap, we can conclude that India is looking forward to an AI-driven Judiciary that advocates for an expedient and aggrieved patron system.

AI IN OTHER NATION'S JUDICIARY

AI can set a novel horizon for the human race just like computers did. All nations are striving to get their judiciary donned in AI. Some of the practical utilisation examples of AI in other countries are as follows-

Austria [8]

Austria has been utilizing some core AI disciplines such as Natural language processing[9] (NLP) / analytics, Machine Learning[10], Deep Learning, big data, Data Science, and Analytics.

AI For Analysing Incoming Mail

Automated routing of all incoming documents (structured and unstructured, scanned and via ELC), without manual processing of the administration staff of the courts. AI helps in analyzing the input documents and extraction of metadata, it helps in directly allocating the files and recognizing the procedure type of the incoming documents without file number including intelligent allocation, creation of files, and assignment. AI also categorizes the scanned dossiers and prepares a proposal for document descriptions and names.

[8] Austria's AI judiciary <https://rm.coe.int/how-is-austria-approaching-ai-integration-into-judicial-policies-/16808e4d81>

[9] NLP<https://www.sas.com/en_in/insights/analytics/what-is-natural-language-processing-nlp.html>

[10] ML<https://www.ibm.com/topics/machine-learning#:~:text=Granite%20is%20IBM's%20flagship%20series,%2C%20code%2C%20legal%20and%20finance.&text=Learn%20the%20fundamental%20concepts%20for,the%20best%20open%20source%20projects.&text=AI%20technology%20has%20been%20rapidly,businesses%20are%20implementing%20AI%20today.&text=Explore%20how%20machine%20learning%20projects,data%20and%20predict%20the%20future.>

AI For Digital File Management

For comprehensive file management, incoming unstructured documents

should be processed uniformly and metadata should be adopted automatically. The intelligent digitization of existing paper files should also be supported. AI is used in detecting the “first pages” of single documents after bulk scanning and separation of entries. It also determines the description, categorization, adoption, and harmonization of documents’ titles. It also curates the Intelligent creation of the digital file structure (for scanned files) including table of contents and object-oriented views (f.e. documents of the first party).

AI For Analysis In Investigation Data

Analysis, classification, and extraction of metadata from any form of "data" as well as recognition of relationships and communication flows.

The AI aids in preparing magnanimous data for the detection of semantic correlations.

It also extracts information from documents automatically. It stimulates knowledge creation without manual intervention and traces information’s origins. It also encourages collaborative discovery and visualization of fraud patterns and configuration and adaptation to specific questions without pre-installed coding.

AI also ensures the anonymization of court decisions securing privacy which is given great importance in today’s time.

Online Dispute Resolution(Odr): USA,EU[11]

Online Dispute Resolution (ODR) is an online platform that allows aggrieved individuals to settle disputes through an online interface. ODR has been implemented in myriad nations in various forms and pivotally it's being applied in the European Union’s Nations. ODR in contrast to other online platforms which foster court proceedings(eg,e-filling), provides a platform for the aggrieved parties to interact and conciliate with each other like a traditional court proceeding.

[12]ODR is like another courtroom which is frugal, and time-efficient and ensures the resolving

[11] ODR in other countries<https://www.ncsc.org/__data/assets/pdf_file/0023/40982/ODR-101.pdf>
[12] ODR utilisation<https://www.aboutrsi.org/special-topics/online-dispute-resolution#ODR-Considerations>

of the cases at a good pace and providing complete justice to both the parties. In ODR, if the parties feel a requisite for a mediator, personnel for mediation is provisioned. ODRs are flexible and are very effective in dealing with civil cases. [13]For instance, a conflict between a landlord and tenant can be resolved on the platform as both parties can arrange a rendezvous with a consensus and can annotate the document and pinpoint the lacunae in the document. In this way, they'll reduce the pendency on the court. In the Netherlands, in cases of divorce, parties can decide the terms and conditions of separation as per their will keeping in mind the legalities for which they can demand a mediator. The most pertinent feature of this ODR is that it's under the court's supervision and if the parties aren't satisfied with the ODR they can also appeal in the traditional courts. At times, during a traditional case, the judge can ask for ODR intervention as per the requisites of the case.

EFFECTIVENESS OF ODR IN INDIA

The NITI AAYOG[14] published a paper in October 2021 to analyse the effectiveness of ODR in India. The ODR was introduced as a concept to the world when 'by eBay[15]', in 1999 to resolve disputes between traders and buyers. This concept was later taken forward by New York to expedite the procedure of settling personal disputes and decrease the pendency of cases. The COVID-19 pandemic introduced the ODR to the Indian judiciary and helped the judiciary comprehend its effectiveness. The enforcement of the ODR is hindered by myriad issues like the technology divide which procrastinates its implementation. ODR would help entrust the citizens with an unwavering belief in the court of justice and would reduce the dispute avoidance tendency in the citizens.

OTHER GLOBAL INITIATIVES AND THEIR LIMITATIONS

1. COMPAS[16] (Correctional Offender Management Profiling for Alternative Sanctions) AND HART((Harm Assessment Risk Tool)[17]The former software has an algorithm that is used to assess the criminogenic risk of an offender and create a unified planning system. The software requires an algorithm which needs to be installed which makes it amoral and it loses the human

[13] JTC Bulletin< https://www.ncsc.org/__data/assets/pdf_file/0033/39579/JTC-Resource-Bulletin-Case-Studies.pdf>
[14] NITI Aayog on ODR<https://www.niti.gov.in/sites/default/files/2023-03/Designing-The-Future-of-Dispute-Resolution-The-ODR-Policy-Plan-for-India.pdf>
[15] eBay<https://www.ebay.com/>
[16] COMPAS <https://doc.wi.gov/Pages/AboutDOC/COMPAS.aspx>
[17] HART< https://www.tandfonline.com/doi/full/10.1080/13600834.2018.1458455#d1e327>

touch which makes it prejudiced and can yield unfair decisions. The latter functions similarly and has the criticism of opacity, prejudice, inadequate evidence and irrational claims.

2. Estonia[18] has introduced AI robots for mediating petty cases which can be further appealed to a human judge. China, Russia and Mexico have provisioned AI for providing legal advice. Singapore uses AI for transcribing court hearings in real-time.

3. Columbia and Argentina have developed software called 'Prometea[19]' which should be developed more and promoted across the globe. The software helps in identifying the urgent cases which resolves to providing immediate justice rather than lingering on the cases for decades.

Our government should takeaways from the AI experiments done in various parts of the world and curate their mode which is suitable for the country's demographic and geographic conditions while implementing Phase 3.

AI APPLICABILITY IN INDIA

In India, the Ministry of Law and Justice issued a press release apprising the citizens about the adoption of AI by the apex court on 9 August 2024[20]. The Supreme Court of India had first experimented with AI while dealing with the Subhash Desai Vs Principal Secretary, Governor of Maharashtra & Ors. 2023. [21] The case became the epitome of the utilisation of AI in court proceedings. The AI translator was used to translate the court arguments into myriad regional languages, enabling the court's proceedings to be available for all citizens overshadowing the language bar. AI was introduced in Phase 3 of the National Judiciary Development Plan because AI can expedite the judiciary process. In India at present [22], around 6.02 Million cases are pending in High Courts and 45.43 Million cases in District and Taluk Courts. Among them,

[18] Estonia<https://www.lexisnexis.ca/en-ca/ihc/2019-06/from-estonian-ai-judges-to-robot-mediators-in-canada-uk.page#:~:text=Estonia's%20pilot%20%E2%80%9CAI%E2%80%9D%20judge%20arrived,of%20less%20than%207%2C000%20Euros.>
[19] PROMOTEA<https://core.ac.uk/download/pdf/322501055.pdf>
[20] Ministry of Law and Justice's press release<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2043476#:~:text=The%20Supreme%20Court%20of%20India,Bench%20matters%20since%20February%202023.>
[21] <Subhash Desai Vs Principal Secretary, Governor of Maharashtra & Ors. 2023>https://main.sci.gov.in/supremecourt/2022/20234/20234_2022_1_1502_44512_Judgement_11-May-2023.pdf
[22] Pending cases< https://ecourts.gov.in/ecourts_home/>

1,10,06,873(approximate)[23] civil cases are left out of which 60% are more than a year old.

Pre-trial and pre-litigation cases are approximately 11,25,713 out of which 60% of cases are a year old. This reflects a weary state of the institutions of justice. This amplifies the need for a catalyst to expedite our judicial process otherwise the people of our county may lose their belief in justice. The decisions of the apex court are pivotal for the nation. Still, a common man always asks what has this country given to me when it comes to fighting the injustices he faced in his lifetime, he always looks to the courts for justice at the district level. Still, the fright of a lifetime spent knocking on the courts' doors compels him to acquiesce with the injustice. This is an absurd state of the contemporary judiciary as it seems that the judiciary is unintentionally promoting injustice due to its delay.

Civil cases to a great extent can be resolved with the aid of AI.

The most pertinent area where there's a huge requisite for a system like AI that are the village courts. In villages, we don't have proper judicial infrastructure so it leads to a huge amount of delay in the court proceedings. The provision of AI for resolving land-related disputes can be resolved with the help of ODR systems.

In case of dispatching a challan-related case, the aegis of AI would expedite the resolution of petty cases and reduce the procrastination and burden on the courts. One of the major shortcomings experienced by the judges is the time spent in getting briefed about a particular case, the judges have to go through a big fat dossier which completely extracts away the essential time and energy of the judge, the AI can be utilized to give the key points of the case and make it facile for the judge to conclude. To brief, the SUPACE[24] has been introduced in the apex courts and now it's the need of the hour to make it available at the grassroots level. In a court, we have a person assigned with the duty of typing the orders which can be expedited with the AI. The burden on the reader in the court can be reduced if there is a proper online interface available in the court which makes it easier to conclude a case as reference to any case can be done with a command to AI.

In the field of Alternate Dispute Resolution[25], AI can be proven a masterstroke to bring the

[23] National JudiciaL Data Grid<https://njdg.ecourts.gov.in/njdg_v3/>
[24] SUPACE<https://webcast.gov.in/events/MTI1MQ--/session/MzE1MA→>
[25] ADR press release by MInistry of Law and Justice<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2003844#:~:text=The%20enabling%20legal%2

parties to a consensus ad idem. We can immaculate some of Austria's approach towards AI. The daily exercise of manually allocating the cases to respective courts, this exercise can be done by AI and AI applicability in categorising the cases and their efficient file management. AI can also be used to provide free legal advice to citizens and enable them to resolve petty ground cases without crowding the courts. AI can also be utilised to identify urgent cases while ensuring the pertinence of the court of law. AI has great potential it only needs to be yielded and accepted by society.

CONCLUSION

AI is the future and will revolutionize all the nuances of human society. Judiciary isn't a conventional profession instead its impact on society carves the norms. AI as a tool can expedite this impact. Every coin has two sides, amalgamating the Judiciary with AI shouldn't be perplexed with becoming a rampant slave of technology rather it should be treated as an assistant to the judges and the advocates. In our quest to own luxuries, we shouldn't be negligent towards the needs of the marginalized sections and began seeing AI as a roadblock. AI is artificial should be remembered and is always dependent on natural intelligence. Phase 3 aims at re-instilling and reinvigorating public faith in the Indian Judiciary through the introduction of AI. AI would act as fuel to the weary state of our judiciary and would facilitate human development while keeping in mind sustainable development goals. AI has one of the biggest disadvantages is that it can turn prejudiced at any time, this hindrance can be overcome by using AI for neutral purposes and human supervision till the time we don't have a well-equipped AI model for the judiciary. In a nutshell, the goal should be to expedite the delivery of justice to the people.

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