

**Course Name – Artificial Intelligence, Law and Justice**  
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**Lecture – 04**

AI, Judicial System in India - Part-II

 **Artificial Intelligence, Law and Justice** 

**Session 5**

AI, Judicial System in India – Part-II

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0:21 / 38:53

A video player interface showing a slide from a lecture. The slide has a light green background with a decorative orange and white wave at the top. It features the NPTEL logo on the left and the NALSAR University of Law logo on the right. The main title is 'Artificial Intelligence, Law and Justice' in a large, bold, orange font. Below it, 'Session 5' is written in a smaller orange font. The subtitle is 'AI, Judicial System in India – Part-II' in a dark grey font. The speaker's name and title are listed in a dark grey font. A small video inset of the speaker is visible in the bottom right corner. The video player controls at the bottom show a progress bar at 0:21 / 38:53.

Artificial Intelligence Law and Justice Course This is session 5 and the second part of the session on artificial intelligence and the judicial system in India.

AI, Judicial System in India - Part-II

 **Recap – AI in Judicial System** 

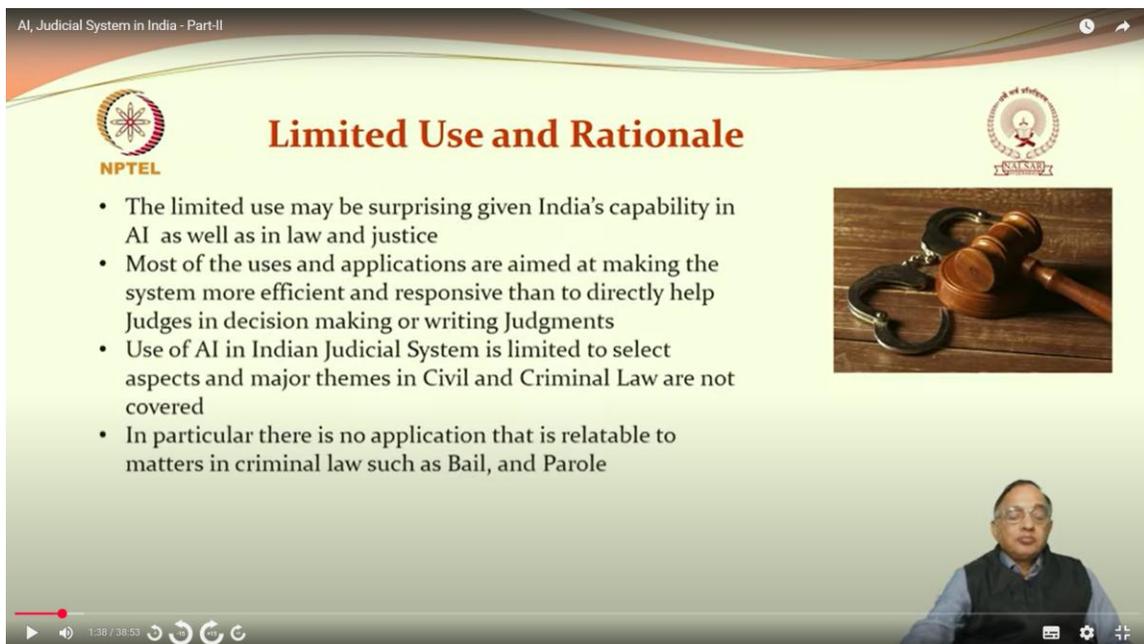
- In the last session we discussed the use of AI in India's Judicial System particularly in the Supreme Court
- Highlighted various concerns in using AI tools for writing Judgments or passing orders , including hallucination .
- Learnt about various applications based on AI in E-courts
- Contextualized AI in Judicial System as part of Modernization and Digitization

0:36 / 38:53

A video player interface showing a slide from a lecture. The slide has a light green background with a decorative orange and white wave at the top. It features the NPTEL logo on the left and the NALSAR University of Law logo on the right. The main title is 'Recap – AI in Judicial System' in a large, bold, orange font. Below it, there is a bulleted list of four points in a dark grey font. A small video inset of the speaker is visible in the bottom right corner. The video player controls at the bottom show a progress bar at 0:36 / 38:53.

We will do a recap. In the last session, we discussed the use of AI in the judicial system,

particularly in the Supreme Court. We also highlighted various concerns about using AI tools for writing judgments or passing orders, including hallucination. And we also learnt about various applications based in the e-courts. Further, we contextualised AI in the judicial system as part of the modernisation and digitisation, and we also discussed why AI in the Indian judicial system is in very preliminary stages but then there are concerns, which have been repeatedly mentioned, particularly on account of the hallucination and then fake citations so why has the Supreme Court taken a very cautious approach in deploying AI. In this session, we will develop some of these ideas further and also look at some of the critical perspectives on the use of AI in the Indian judicial system, as well as identify which factors are the most important for us to address when we discuss AI in the Indian judicial system.



The screenshot shows a video lecture slide with the following content:

- NPTEL logo on the left.
- Central title: **Limited Use and Rationale**
- Right side: Logo of the Ministry of Education, Government of India, and a photograph of a wooden gavel and handcuffs on a wooden surface.
- Bottom right: A small video feed of a man in a blue shirt and dark vest.
- Bottom left: Video player controls showing a progress bar at 1:38 / 28:53.

The slide text reads:

- The limited use may be surprising given India's capability in AI as well as in law and justice
- Most of the uses and applications are aimed at making the system more efficient and responsive than to directly help Judges in decision making or writing Judgments
- Use of AI in Indian Judicial System is limited to select aspects and major themes in Civil and Criminal Law are not covered
- In particular there is no application that is relatable to matters in criminal law such as Bail, and Parole

Now, it should be really puzzling that given the huge capacity in India in AI as well as in law and justice, why the applications related to AI in the justice system are very limited, and that too pertains to High Courts and the Supreme Court only. Why has AI not been widely adopted across the country in all sorts of courts, including various tribunals and other fora? In fact, the limited use also tells us that the approach has been very cautious and is not part of a larger AI per se project, but rather only part of the modernisation of the digitisation process, so it is a surprising one. However, we will see why this makes sense and what the rationale for it is.

As of now, the applications that you are using AI for in the Supreme Court are the ones that are targeted more towards increasing the efficiency of the system and making it more responsive than directly helping the judges in decision-making or writing judgments; in other words, if you really look at it, the most important user of this system in the Supreme Court is the Supreme Court Registry rather than their judges per se. Similarly,

in the High Courts, we find a very similar situation: an important use has been translating judgments into different languages rather than the massive adoption of AI across the High Courts for different purposes. So the point here is that the use of AI in the Indian system is limited to select aspects, and major themes in civil and criminal law are not even covered, which means that we are now focusing more on the administrative side and on increasing the interface between the court and the people who come to court to file petitions, the advocates, and others, rather than going into serious matters in civil and criminal law, using the enormous case law available or the distant resources for developing applications related to them. In particular, there is no AI-application that is relevant to the matter in criminal law, such as bail or parole. This will again appear very strange because, as we know, the Supreme Court often hears petitions on bail, which normally need not happen because a petition on bail need not even reach the Supreme Court.

It could be settled at the level of the High Court itself. But in recent years, the Supreme Court is hearing more and more cases of bail. So, yeah, under such circumstances, it would strike anyone that in such mundane affairs where a bail should be given or not, which again is based on the facts and the circumstances of the case, and then the precedent of the person who is seeking bail, wouldn't it be easier for the Supreme Court to use an AI-based tool to decide on that rather than having the judges spend their valuable and precious time settling matters that are very mundane and could be disposed of by the other courts in no time? So, this is a puzzle, but then there is a reason why the Supreme Court has not gone to the level of even using AI in mundane matters like bail and parole.

The screenshot shows a video lecture slide with the following content:

- Although it is technically feasible, Supreme Court is not envisaging use of AI or ML-based prediction systems regarding court proceedings
- This cautious and perhaps what some would consider as conservative approach is rooted in the apparent consensus on use of AI tools with a nuanced understanding of risks
- For example the CJI Mr. Gavai has stated "Relying on AI for legal research comes with significant risks, as there have been instances where platforms like ChatGPT have generated fake case citations and fabricated legal facts," <https://www.medianama.com/2025/03/223-justice-gavai-flags-ai-risks-when-chatgpt-gets-legal-facts-wrong/>

The slide also features the NPTEL logo, the Indian National Emblem, and an illustration of a person looking at a laptop screen displaying the word 'FAKE' in a red circle. A video player interface is visible at the bottom, showing a progress bar at 5:16 / 38:53 and a small video feed of the speaker in the bottom right corner.

Although it is technically feasible, the Supreme Court does not envisage the use of AI or

ML-based prediction systems regarding court proceedings. As we all know, and as we will see later, these prediction systems help us, particularly lawyers, understand what the probable outcome of a case could be. Because these prediction systems are ML-based systems, they do a lot of pattern matching; they scrutinize hundreds and thousands of cases, they also look at the arguments, they map the argumentation space, they map the cases, and then they can reasonably tell which cases and which precedents were more cited or were taken to be binding precedents or how judges responded to the different arguments and evidence produced before them. So based on this factual analysis, prediction systems can, in fact, predict the most probable outcome of a given case when it is filed before the court and then taken up for decision-making by a bench or by a single judge.

Because these particular systems not only how individual judges give arguments, respond to arguments, and look at the binding precedents, and then write judgments. In other words, these particular systems can give us an idea or a peek into the working minds of the judges. Although we cannot simply say that the prediction systems are always right, using prediction systems is one of the major applications of AI in law and justice. This cautious and perhaps somewhat conservative approach is not without reason, because there is an apparent consensus among all the judges in both the Supreme Court and the High Court that the use of AI tools should come with a nuanced understanding of the risks. For example, the CJI, Mr. Gavai, recently stated, "Relying on AI for legal research comes with significant risks, as there have been instances where platforms like ChatGPT have generated fake citations and fabricated legal facts."

In the earlier session, we saw two examples, but there could be many more examples where the lawyers themselves would have realized that they really used ChatGPT, but they were misled, or the AI tool they used resulted in some sort of fake citations, fabricated facts, or arguments, or presented evidence or data that was not at all there. So, this level of caution is required when the Supreme Court wants to adopt AI for its various purposes. But, as he says, even for legal research, there are risks. But legal research is a foundation on which many advocates build their cases, not only to argue but also to counterargue. So even for the mundane purpose of legal research, the use of AI has some serious limitations.

AI, Judicial System in India - Part-II



## Limited Use and Rationale

- The credibility and acceptance of the Judicial System is based on the accuracy and veracity of what is stated in the Judgments and orders.
- Unreliable AI tools when used can result in Judgments and Orders that may read prima facie correct, but riddled with non-existent cases and facts.
- Further as AI tools are black boxes the questions of accountability, responsibility and liability cannot be wished away
- The problem will be all the more acute when such tools are used in Criminal Justice System



8:38 / 38:53

The credibility and acceptance of the judicial system are based on the accuracy and veracity of what is stated in the judgments and orders. It should be very obvious because nobody expects that the judgments and orders are based on wrong data or misleading information. Now, the problem with unreliable AI tools is that if they are used, they can result in judgments and orders that may appear to be fantastically well-written but are factually incorrect or misleading. They may present a lot of non-existent cases or facts, fake citations, and then provide non-existent or misleading information, or produce evidence that is totally irrelevant.

There are many possible ways in which AI tools can mislead a judge or anyone who uses them to gain an understanding and then write a judgment or even conceptualise how to write a judgment in a particular case, especially if the case is particularly complex. Moreover, as AI tools, we know they are black boxes in the sense that nobody can exactly say how they work or why they came up with the decision, and what the rationale was behind each of the decisions or each of the steps they took. So, these being black boxes, the questions of accountability, responsibility, and liability cannot be wished away.

Now, in the case of translation or other things, AI tools are being used; however, for those applications, it is relatively easy to fix the problem or even to understand them. But when we have AI systems that are totally black boxes, it becomes more challenging. In specific applications, questions of accountability and responsibility cannot be simply wished away by putting the blame on the AI tools, the developers, or those who tested and vetted them and then said they were worthy enough to be incorporated. So, the problem will be all the more acute if such tools are used in the criminal system. Why we say that it is all the more acute will be discussed later, particularly when we examine

cases where the use of AI tools has been controversial in the criminal justice system, particularly in the grant of parole, the grant of bail, as well as in other applications.

So, the criminal justice system is a very sensitive system, where the outcome is not simply a question of throwing dice. It could be something like life and death; it could be long periods in jail; or it could be an acquittal or a conviction. So, given the sensitivity of that, when such tools are used, the problems of accountability, responsibility, and liability will be all the more acute.

The screenshot shows a video player interface for an NPTEL lecture. The title is "Innovation, Risk and Accountability". The NPTEL logo is on the left, and the Indian Council of Medical Research logo is on the right. The main content is a list of bullet points. To the right of the text is an image of a hand tipping a row of wooden blocks, with the word "RISK" written vertically on one of the blocks. At the bottom right, there is a small video inset of a man speaking. The video player controls at the bottom show a progress bar at 11:44 / 38:53.

AI, Judicial System in India - Part-II

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## Innovation, Risk and Accountability

- As we will see in the subsequent sessions not all uses or AI systems deployed in Judicial or Justice related matters have been success or non-controversial
- While there is great scope to innovate and deploy, many issues plague adoption of AI in critical and sensitive sectors like Judiciary
- Judicial System is an autonomous one and operates on the basis of core principles of Rule of Law
- But if careless wider adoption of AI system results in risks and crisis in accountability of the Judicial System that impacts not just the Judicial System and Judiciary but also the Rule of Law

RISK

11:44 / 38:53

So, the question will be, what do you do? Can we balance innovation, risk, and accountability without losing our sense or without losing sleep? In the course, we are going to see many applications of AI deployed in judicial systems, particularly in the criminal justice system, where matters have not been successful or are non-controversial. There have been many controversial applications.

There have been applications that have been questioned and contested. There have been applications that were deployed but then withdrawn because they were not only found to be controversial, but also because there were a lot of other problematic issues behind them. So, AI systems deployed in judicial and justice-related matters have not always been 100% successful or have not always met the objectives for which they were deployed in the first place. So, there is a great scope to innovate and deploy solutions for many issues plaguing the adoption of AI in critically sensitive sectors like the judiciary, for the reasons are very obvious. So, the scope to innovate and deploy is very tempting.

Why can't we try this? Why can't we do that? Why can't we develop an AI-based tool that will help the judges quickly, you know, make decisions, write decisions, I mean summaries of the arguments, look at the analysis, and then come up with a whole lot of

judgments that could be easily delivered? Then judges can render them quickly without losing efficiency. Normal people will think like that. But the judicial system is an autonomous one and operates on the basis of the core principle of the rule of law. Now, the rule of law, as we all know, also states that it is not a question of equality alone. It is also much more than that.

And then the rule of law, when it is the fundamental principle on which the autonomous system should operate, should have 100% accountability, 100% reliability, and 100% veracity. So, the judicial system's very credibility can become questionable if the AI systems used by it make mistakes or if the system relies on them carelessly. So, the issue here is that a careless wider adoption of the system will not only bring in results that could be risky, but it can also lead to a crisis in accountability, and in the long run or short run, it will raise huge questions about the credibility and relevance of the judicial system and the rule of law. So, the Supreme Court or any institution as part of the judicial system has to take a very cautious approach when it comes to the deployment of AI tools. But there is a need to balance innovation and risk with accountability.

But that need has also been taken into account in the larger context. Because innovation, in some contexts and in some senses, is very important, but if the innovation is going to create more problems than it solves, or if the problems created by the innovation itself become too huge to be solvable in the long run, then the very idea of the innovation being the solution becomes questionable. And then the question of risk and accountability always goes together, particularly when it comes to matters like the criminal justice system; we cannot simply take any risks and then say there are bound to be some errors in these AI applications or machine learning-based applications, so we have to live with that.

AI, Judicial System in India - Part-II

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**Innovation, Risk and Account**

- Hence the approach of beginning with limited use of AI systems but in critical areas to improve efficiency and access makes sense
- As India is yet to develop and apply a governance framework for AI it is better to wait and watch and then respond than to rush in haste where angels fear to tread
- Similarly the Data Governance Framework is not yet fully in place
- Hence while the current pace of deploying AI is steady and certain it has more merits and demerits




15:44 / 38:53

Hence, the approach of beginning with limited use of AI systems in critical areas to improve efficiency and access makes sense. So, the idea here is that we will use them first where there is a need to improve administrative efficiency, which, of course, will impact judicial efficiency indirectly, but it will not impact the decision-making capacity of the judges.

So, India is yet to come up with a governance framework for AI in the sense that we do not have a comprehensive governance framework for AI, and as of now, what we have is a patchwork framework for the governance of AI, partially governed by the DPDP Act and the Information Technology Act. Of course, there are rules and guidelines, but all these put together form only a patchwork of governance mechanisms. There is no coherent governance framework for AI in India. So, it will be too premature to develop and apply AI systems on a wider scale in the judiciary when the governance framework for AI itself is not very clear. There are also issues relating to the data governance framework in India because the DPDP Act has been notified, the rules have been notified and operationalized, but not all aspects of the DPDP Act have been covered, and not all aspects for which the rules have been framed have been fully put into place; for example, the major authority is yet to be made fully functional or notified, so the data governance framework is there but not fully complete.

In the absence of an AI governance framework and a data governance framework that is fully developed, operational, and tested, it does not make sense to deploy AI applications on a larger and wider scale in the Supreme Court, in the Higher Courts, or in the judicial system itself. So, the system, as of now, is steady and certain. So, this approach has both merits and demerits. In fact, it has more merits than demerits.

AI, Judicial System in India - Part-II

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**Capacity Building and Other Factors**

- While there has been good progress in digitization of Judicial System it has been uneven
- Using AI has helped to a great extent in addressing issues in translating from English to other languages , most of the judgements written and pronounced in other languages remain untranslated or not digitized
- Judges and Judicial Officers need to be made aware of and trained in using AI in Judicial System
- Many of the stakeholders of the law and justice system are yet to be familiarized with AI and its deployment



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So, what are the major things that we can say need to be done, or what are the things we need to really pay more attention to? First of all, there has been very good progress in digitisation, but it has been uneven in the sense that not all High Courts have been equally digitised.

Some High Courts have made fantastic progress in digitisation, but not all. So, the progress is good, but it is uneven. AI has been a great tool and has been used in a fantastic way in translating judgments from English to other languages. But the problem here is that there are lakhs and lakhs of judgments written in other languages and pronounced in courts that are not High Courts, the Supreme Court, various tribunals, and other fora where English is the operational language. So many of the judgments pronounced in other courts remain untranslated or not fully digitized.

But these are also important because if we have to really make a large language model based on the judgments delivered in India, taking into account the translations as well as the untranslated ones, we need to have a much larger corpus of judgments available. So, AI, if it is to be fully effective and very efficient, requires the available translations, but they are not fully sufficient. But judges and judicial officers need to be made aware of and trained in using AI in judicial systems. This is again a major, important factor because, irrespective of the adoption rate and the applications, judges and judicial officers need to be made aware of and trained in using AI in the systems. More importantly, they should be fully made aware of the benefits as well as the risks, and then they should also know what the risks are that they would be facing if they use AI, even in a casual manner, without realizing that they could be misled or that they are entering into a territory where they can go wrong or things can go haywire for them.

Another important factor is that most of the stakeholders in the system understand that the law is just a system. They are not yet fully compliant with AI systems, have not even started using AI tools, or have not even begun applying AI to day-to-day practices, deployments, or applications. Therefore, if you look at the AI adoption rate in the Indian law and justice system, as we will see in the subsequent classes, it is very minimal as of now. However, what has been done in this justice system is quite significant. But here is a question that is very important for us to understand as well as to think about.

When all the stakeholders in the system are not fully equipped, should that be a reason that others should not progress or that massive deployment of AI should not happen? No, that is not the argument; rather, the argument here would be that just as we talk of the digital divide, there is also a law divide and a justice divide in terms of technology, so these divides have to be first acknowledged and addressed. Making use of AI systems on a massive scale will be very helpful; in fact, it will also help to address the divides in the system, so we need to bring together all the stakeholders, familiarise them, and train them on understanding AI, starting with judges, but not stopping with them.

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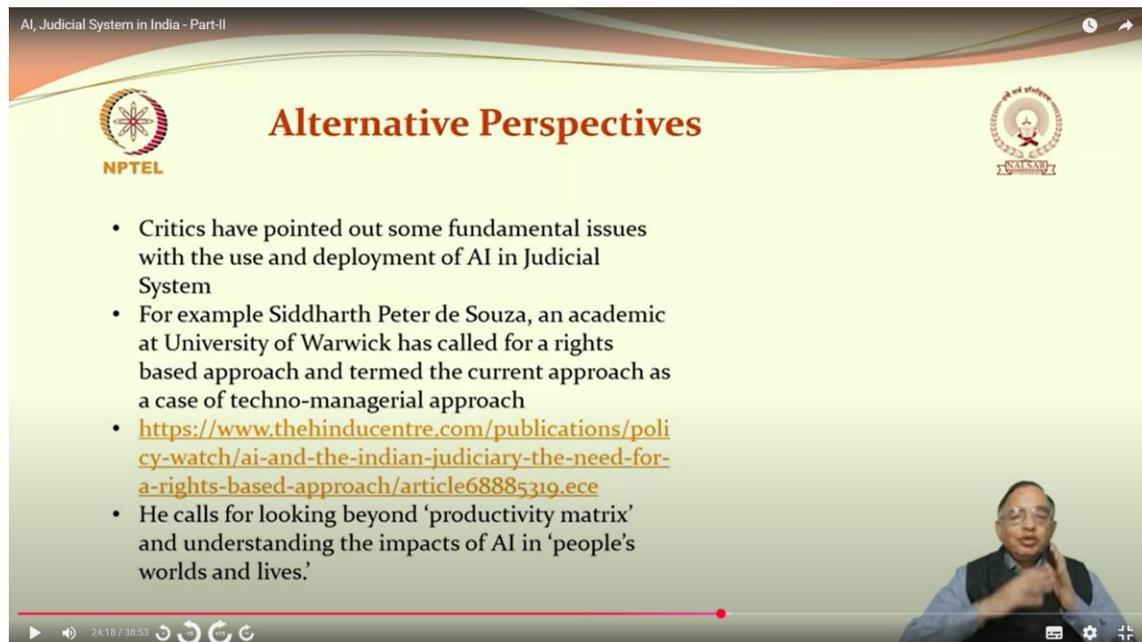
- NPTEL logo on the left and the Indian Judiciary logo on the right.
- Section title: **Capacity Building and Other Factors**
- Bullet points:
  - There are initiatives like 24 hour online courts but they do not seem to be fully AI based
  - <https://www.newindianexpress.com/states/kerala/2024/Nov/21/first-in-india-24-hour-online-court-opens-in-keralas-kollam>
  - Digitization and fully integration of AI tools in them will take time as there are technical and other issues
  - Use of AI in other applications like Online Mediation and Arbitration is uneven
- An illustration of a courtroom scene with a judge at a podium and several people seated at a table.
- A small video inset in the bottom right corner showing a man speaking.
- Video player controls at the bottom, including a progress bar and a timestamp of 22:02 / 38:53.

On the other hand, there are very interesting initiatives like 24-hour online courts, but they do not seem to be fully AI-based. For example, a recent story said that an online court has been opened in Kollam and that this online court is functional 24 hours a day in the sense that everything has been digitised. One can simply log in and file a complaint.

It will be automatically recorded and registered, and it will be numbered. And then, since it's a virtual court working 24 hours, it is something that anyone can access at any time, but there are not many such initiatives, and we are not sure whether all these initiatives are fully AI-based or not, because to run a 24-hour online court, AI could be used, but

that is not really a must. As there are many applications in courts that could be done through digital technologies without fully using AI, the technologies that are already available can be used effectively in such a way that the 24-hour online courts are functional, but use technologies to a limited extent, and digitisation and full integration of the tools will take a long time due to technical and other issues. The use of AI in other applications like online mediation and arbitration is uneven, as we will see in subsequent classes. Both online mediation and arbitration have huge potential to deploy AI, and in fact, when AI is deployed effectively and efficiently in online mediation and arbitration, it can also reduce the burden on the courts and help ensure this.

The justice system delivers judgments and then the outcomes to people in a faster and more efficient way. But why it is not happening is that the online and mediation systems in India are not fully developed. So, although there have been some initiatives, there have been some startups that have been working on this, the application, adoption, and other aspects are not fully developed, or the pace is very uneven.



AI, Judicial System in India - Part-II

**Alternative Perspectives**

- Critics have pointed out some fundamental issues with the use and deployment of AI in Judicial System
- For example Siddharth Peter de Souza, an academic at University of Warwick has called for a rights based approach and termed the current approach as a case of techno-managerial approach
- <https://www.thehinducentre.com/publications/policy-watch/ai-and-the-indian-judiciary-the-need-for-a-rights-based-approach/article68885319.ece>
- He calls for looking beyond 'productivity matrix' and understanding the impacts of AI in 'people's worlds and lives.'

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24:18 / 38:53

Having said that, having looked at all these things, we viewed them from a very positive perspective. We also reasoned why this approach taken by the Supreme Court is correct and why it makes sense for the court to focus first on efficiency and administrative matters rather than simply jumping into issues that are hot and critical, such as the criminal justice system, the use of AI systems to write judgments, or the use of AI in decision-making, particularly for legal research purposes.

Since the adoption of AI systems in India has not yet reached a very critical stage or critical mass, there are not many studies that discuss them. Another issue that we really need to figure out is that these systems have not been fully examined or analysed in terms

of their efficiency versus what was promised and what was delivered in terms of their functioning. In the sense that there has been no evaluation, assessment of these things done by a third party, or an independent evaluation of them has not been done. So whatever data we get or whatever information we get is only from the sources that emanate from the same institutions that are running the system or that are also part of the development of the system. But there are alternative perspectives that also look at this whole question of the adoption of AI in the Indian Judicial System from a critical perspective, discuss the pros and cons, and suggest solutions.

In this class, we will look at only three such perspectives, which we call alternative perspectives. The critics have pointed out that there are fundamental issues with the use and deployment of AI in the judicial system. And these fundamental issues, according to them, are not merely technical or simply related to using some applications for certain purposes. They are, according to them, very deeply fundamental and perhaps deeply problematic as well. For example, Siddharth Peter D'Souza, an academic based at the University of Warwick, has really questioned the way the Supreme Court has gone about it and then said that the Supreme Court should have gone for a rights-based approach rather than the current approach, which he calls the Techno-Managerial approach, which, as we saw, is focused more on increasing efficiency, streamlining matters, helping the registry to function effectively, and also using tools like Boschini to do massive translations of the judgments.

His argument is that the Supreme Court should adopt a rights-based approach because when we look only at the productivity aspect, we do not see the larger context and do not understand the larger impact of that. So, he says don't look at the productivity matrix, what he calls it, and also understand the impact of AI on people's lives and worlds. He wants to broaden the thinking on the application of AI in the judicial system and says that a rights-based approach will be much more preferable than the current approach that focuses on a narrow objective and then gives AI-related tools to selected institutions in the Supreme Court.

AI, Judicial System in India - Part-II



## Alternative Perspectives

- Similarly **Urvashi Aneja and Dona Mathew** in their paper call for “We also need upstream interventions to foster a culture of responsible innovation. These may be anchored around five values – purposeful openness, community-led design, capacity strengthening, responsible investment, and iterative accountability”
- [https://assets-global.website-files.com/60b22d40d184991372d8134d/646315ae7153859ff45652c0\\_DFL%20FINAL%20web.pdf](https://assets-global.website-files.com/60b22d40d184991372d8134d/646315ae7153859ff45652c0_DFL%20FINAL%20web.pdf)



Another perspective has come from Urvashi Aneja and Donna Matthew in their paper, which extensively looks at the pros and cons of AI deployment in the judicial system in India and also discusses how other countries have dealt with this issue, besides taking a very broad view of the fundamental, conceptual, and then practical aspects of deploying AI in various branches of law as well as for different purposes.

They came up with this conclusion. We also need upstream interventions to foster a culture of responsible innovation. These may be anchored around five values: purposeful openness, community-led design, capacity strengthening, responsible investment, and iterative accountability. As the paper is available on the web and you can easily download and read it, I am not elaborating further on the points, but what we need to note here is that they talk about something very critical, which we will discuss in subsequent classes: "responsible innovation." They say the Supreme Court should foster a culture of responsible innovation. What is responsible innovation in AI, and what is responsible innovation in AI in the context of law and justice? We will discuss this later, but the idea of responsible innovation itself is very new, in the sense that it is hardly 15 years old.

It emanates from the European Commission's understanding of the theory and practice of responsible research and innovation, which we will see in greater depth in the subsequent classes. So, we have seen two critiques now.

AI, Judicial System in India - Part-II



## Alternative Perspectives

- Vidhi Center in its' paper outlined a strategy outlining medium term and long term steps to be taken in integrating AI in Judicial System .
- It considered the potential benefits and risks and cautioned against the risks posed by unmindful application of AI that could alter the role of Judiciary
- <https://vidhilegalpolicy.in/research/responsible-ai-for-the-indian-justice-system-a-strategy-paper/>



29:48 / 38:53

The third critique which has emanated from the Vidhi Center is also interesting because it talks about a strategy outlining medium-term and long-term steps to be taken to integrate AI into the judicial system. Mind you, none of the critics are questioning the deployment of AI. None of the critics is saying that we should not go for AI at all.

Instead, the problem arises not from AI per se as a technology, but from the way it is being deployed and the Supreme Court's understanding of using AI for judicial systems. So, the question here is not the use of AI or integrating AI per se; the question here is what could have been better options, what could have been better approaches, and more importantly, how to integrate AI in the system in a broader way or taking into account the factors that call for public participation and stakeholder engagement based on the principle of responsible innovation. So, this report took into account the potential benefits and risks and cautioned against the risks posed by the unmindful application of AI that could alter the role of the judiciary. Now, can we say that the application of AI really alters the role of the judiciary? Is that not a very far-fetched, unimaginable, laughable claim? It may appear so, but it is not. Why? Because when we say "unmindful application of AI," it means that AI, if it is applied across the courts in all sorts of applications and that too in an unmindful or careless way, can negatively impact the role of the judiciary.

The reason this concern is expressed is that the role of the judiciary is not that of something that relies on tools to deliver justice; rather, the role of the judiciary is something that is independent of any other institution in the country, including tools, technologies, and other things that facilitate functioning. So, the role of the judiciary is something we consider to be very profound and fundamental, at the same time, a role that should not be blemished or tainted by the application of AI or any other tool. So, with utmost caution only we need to approach it. But can this really happen? Can AI really

alter the role of the judiciary? This is a big question which we will address in subsequent classes.

AI, Judicial System in India - Part-II

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## AI and Judicial System

- Our discussion on use of AI and its use in Judicial System indicates that AI is here to stay and will be part and parcel of Judicial System
- India has taken a steady but cautious approach in deploying AI
- There are merits as well as demerits with this approach but this is a reasonable approach given the risks of using AI and unresolved issues in deploying AI
- What will be Responsible AI in the context of Judicial System
- Is AI a panacea for all problems with the legal and Judicial System

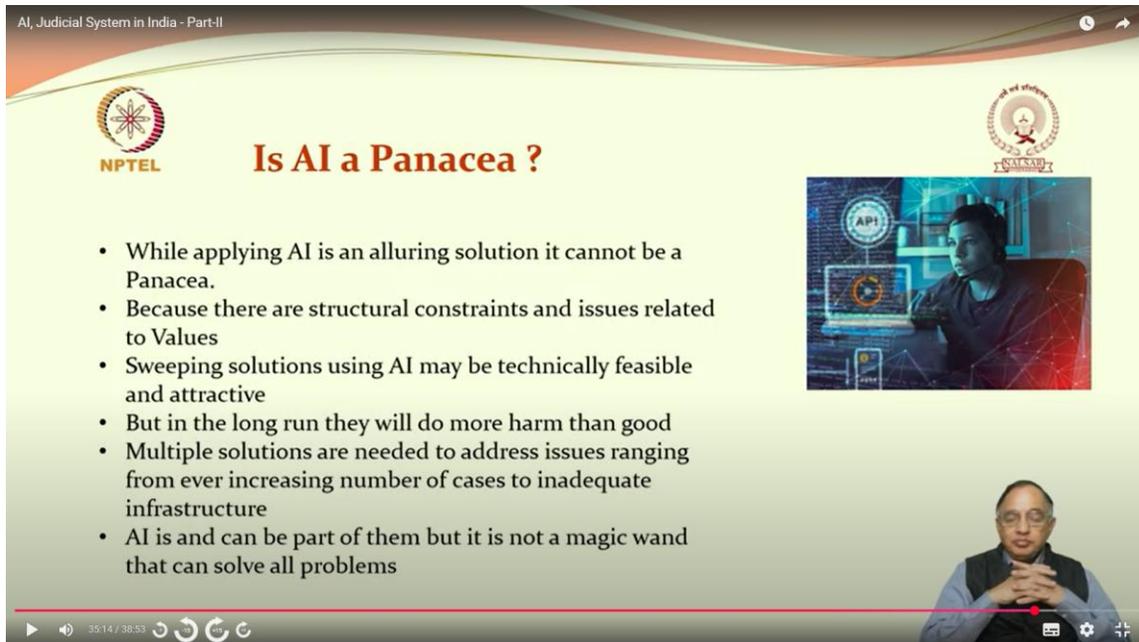
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So, in these two sessions, we have looked at how the judicial system has been using AI, what the various applications are, at what level they have been implemented, and why the pace is very uneven and slow.

So, it is very clear that AI is here to stay, and it is going to be part of the judicial system. So, we can simply say there has been a steady but cautious approach; there are merits as well as demerits, but this is a reasonable approach given the risks and the use of AI, particularly in the law and judiciary context. So, the key question here would be: what will responsible AI look like in the context of the judiciary system? Or put another way, is there a consensus on what we mean by responsible AI in the context of the judicial system? Or, in other words, can we define specific parameters and then indicators as to what is responsible AI in law and justice, particularly in the delivery of justice? This, again, we will delve into in depth in subsequent classes. But keep in mind, responsible AI is not an idea or a practice that has been universally accepted or put into practice. It has been accepted and put into practice in Europe because of the endorsement of the European Commission.

But the idea has been deployed and used in various other technologies in different contexts, including countries like China. But is it the case that anyone can argue that AI is the most fundamental technology or the most cutting-edge emerging technology that could solve many problems across sectors? Can we say that AI is a panacea for all problems within the legal and judicial system in the sense that it can be a panacea, if not the best panacea? Can it really make a big, impactful difference if it is deployed wisely

and carefully? We do not have great answers to that because we really do not know, but we can safely say that AI cannot be a panacea, and no technology will be a panacea for all the problems within the legal and justice system.



AI, Judicial System in India - Part-II

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## Is AI a Panacea ?

- While applying AI is an alluring solution it cannot be a Panacea.
- Because there are structural constraints and issues related to Values
- Sweeping solutions using AI may be technically feasible and attractive
- But in the long run they will do more harm than good
- Multiple solutions are needed to address issues ranging from ever increasing number of cases to inadequate infrastructure
- AI is and can be part of them but it is not a magic wand that can solve all problems

35:14 / 38:53

But when we say, "Is AI a panacea?" what are we talking about? We need to understand that AI is a technology, but there are other issues as well. There are structural constraints and issues related to value. So, it will be very tempting to use sweeping solutions with AI, which could be technically feasible and attractive, or what these are called, technically sweet solutions that could be easily deployed, that can deliver a lot, promise a lot, and can also achieve a lot.

But in the long run, they have a huge potential to do more harm than good because, as we saw, however well-developed AI today is, it is not a non-controversial technology, and it is a technology that has proven again and again that there could be hallucinations, false citations, misleading facts, misleading evidence, and more importantly, AI can mimic and imitate human writing skills, human writing style, and the human way of thinking. So, when we know that there are issues and matters of concern, multiple solutions are needed to address various concerns that range from an ever-increasing number of cases to inadequate infrastructure. So, AI can be a part of the solutions, but AI can never be a magic wand that solves all problems, no matter how much we think that the deployment of AI will quickly enable the justice system to deliver judgments very quickly and very efficiently. Because delivering judgments very quickly and efficiently is necessary but not sufficient, the justice system has much broader objectives, and in a justice system, it is not the ends that matter; it is also the means that matter. Yes, AI can be a tool that serves the system well in both ways, but AI can also be a system that can really mislead the judiciary into bias or into a catch-22 situation.

AI, Judicial System in India - Part-II



## Next Session

- In the next session we will discuss the use of AI in legal sector in India
- Highlight the range and scope of AI applications
- Discuss on how AI based innovations are impacting the legal sector
- Contextualize that in light of global developments



37:29 / 38:53

So, in the next session, we will discuss the use of AI in the legal sector in India. We will highlight the range and scope of AI applications. We will also discuss how AI-based innovations are really impacting the legal sector in more than one way, and we need to conceptualise that in light of global developments. So, the next session will deal with the use of AI in the legal sector in India, but the broader idea of the use of AI in law or the legal sector, in particular, the legal sector, and then the scope of AI applications. These aspects will be dealt with in two sessions, focusing on various intricate aspects, as well as looking at them in the broader context of legal tech or legal technology startups in India and the evolution of legal tech in India. So, just as we discussed, AI and the judiciary, the next topic will also be discussed and taught in two sessions, one after another. Sequencing of them will be done in such a way that we begin with fundamental ideas and then move forward. And then in the final session or the second session, we get a broader idea of the global developments and also evaluate where India stands in light of them. Thank you.