



Analysing the concept of artificial intelligence in the Indian legal system

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Abstract

The imitation of human intellect in devices created to act and think like humans is known as Artificial Intelligence (AI). The term can also be used to describe any machine that has cognitive abilities similar to those of a human, such as learning and problem-solving.

Undoubtedly, a significant portion of the public appears to be interested in Artificial Intelligence (AI), given the almost limitless opportunities it presents. It integrates, advances, and presents difficulties for practically every field of study, including the social sciences, economics, law, philosophy, and cognitive science. Any system or sector can become more efficient by utilising AI and Machine Learning (ML). When applied properly, it has the power to gradually alter several sectors' ecosystems and completely change them. But before using such technology, it's critical to pinpoint the issues and difficulties that exist in each industry and create precise strategies for maximising the impact of the AI architecture.

AI is currently upsetting almost every industry and profession. However, automated contract evaluation, legal research, transcribing services, etc. are currently the only uses of AI in the Indian legal industry.

The benefits of incorporating AI technology into the legal area will be discussed in the article, along with its effects, the rules governing its use, and potential roadblocks.

Keywords: Artificial intelligence (AI), Indian legal system, machine learning (ML)

Introduction

Recently, there has been a fast-expanding consensus that artificial intelligence has the potential to drastically transform human existence in all domains, including surpassing the growth of machinery during the Industrial Revolution. Although the definition and understanding of artificial intelligence (AI) vary throughout individuals.

What is Artificial Intelligence

Artificial Intelligence is the ability of a computer system to perform tasks that would typically need human intelligence. These artificial intelligence systems are frequently driven by deep learning, rules, and machine learning. Artificial intelligence (AI) is more than just a catchphrase; it's a game-changing concept that has impacted several industries, including the legal domain. The technology has progressed from following (executing) pre-planned and pre-configured codes to a more advanced final result with intelligence akin to that of a person. This is what makes it truly capable of revolutionising legal systems across the globe. The use of AI in the legal system is changing the nature of legal practice and the services offered by legal practitioners in India, a nation with a long history of legal development.

Algorithms and machine learning (ML) technologies have been widely used to increase procedural efficiency, facilitate decision-making, and even forecast outcomes that are consistent with historical patterns. Intending to reduce human arbitrary decision-making and judgement within the broader justice system, predictive justice technologies are arguably the most sophisticated application of intelligent machines within the formal legal system. In reality, there is a solid consensus among legal scholars—many of whom have responded to an ongoing survey—that artificial intelligence (AI) will play a major role in judicial decision-making over the next quarter of a century.

AI Application in the Judiciary: A Comparative Study

Globally, the application of AI in courts is growing at an exponential rate, and new advancements are being made every day. So much so that UNESCO has introduced a whole course on "AI and the Rule of Law" intending to teach students, academics, lawyers, and policymakers about the most recent developments in digital AI and how justice systems are implementing them.

However, some oppose the application of AI in the legal field. For example, earlier this year, the creator of the DoNotPay app, Joshua Browder, was compelled to put an end to his attempt to create the first AI lawyer in history—one that could represent human clients in court. Browder said that he was threatened repeatedly by several prosecutors on the validity of the project.

USA

Artificial Intelligence-driven instruments, such as COMPAS (Correctional Offender Management Profiling for Alternative Solutions), aid courts in evaluating risk by examining variables including past criminal activity, socioeconomic status, and psychological state to forecast the probability of reoffending. AI is also used by the US Sentencing Commission to develop and implement sentencing guidelines that ensure equitable and reasonable punishment. Chatbots are used by the US court system to respond to often-asked queries from the public regarding court procedures, timetables, and other related topics. This improves information accessibility for all parties and lessens the workload of court employees.

China

Judges are assisted by AI systems in China's Smart Court system, which can research previous cases and recommend relevant legislation and precedents. In addition, it can suggest punishments based on precedent-setting cases,

enabling judges to render judgements with speed and accuracy and to carry out justice.

Chinese courts employ AI for legal research. The artificial intelligence-driven 'China Judgements Online' platform enables judges to locate pertinent court documents with ease.

United Kingdom

In 2020, the Digital Case System was implemented by the UK Ministry of Justice for the crown courts. To cut down on paper use, it provides real-time case updates, remote court participation, and the ability to submit evidence digitally. The internet portal is accessible to criminal law barristers through instructions provided by the Bar Council's Ethics Committee.

Columbia

A Columbian court named Justice Juan Manuel Padilla recently delivered a ruling via the ChatGPT AI tool. He was working on an insurance claim involving a youngster with autism. Justice Padilla cited the ChatGPT bot's question, "Is an autistic minor exonerated from paying fees for their therapies?" in his judgement. and the AI responded with a response he could accept. Thus, he rendered the decision that an autistic youngster was not required to pay for therapy following Colombian legislation. Additionally, Judge Padilla said that judges are still sentient individuals and are not replaced by AI.

Indian Perspective

There are currently no laws in India that specifically address AI regulation. The executive agency for AI-related strategies is the Ministry of Electronics and Information Technology (MEITY), which established committees to develop an AI policy framework. Seven responsible AI principles—privacy and security, equality, inclusion and non-discrimination, responsibility, transparency, and the preservation and upholding of human values—have been established by the Niti Ayog. It is the constitutional duty of the Supreme Court and lower courts to uphold fundamental rights, such as the right to privacy. The Information Technology Act and its implementing regulations are India's main pieces of legislation about data protection.

The Indian courts were among the first to use AI. Through the eCourts Mission Mode Project (eCourts project), the Indian judiciary set the groundwork for e-courts outfitted with basic computing hardware. However, in the last two years, the judiciary has made a significant stride towards realising the full potential of cutting-edge AI technology. The Hon. Chief Justice of India, Justice Sharad Bobde has highlighted time and time again the necessity to use AI-driven technology to increase institutional efficiency. AI entered Indian courts formally on November 26, 2019, the national Constitution Day, when Justice Bobde unveiled the beta version of SUVAAS, a neural translation tool. Likewise, Justice L. Nageswara Rao, the leader of the Supreme Court's AI Committee, said last year that AI will be employed for administrative functions and to speed up the legal system.

The Changing Face of Legal Research and Analysis

Legal research and analysis are two areas where AI's effects on the Indian legal system are most noticeable. Artificial intelligence (AI)-driven technologies are transforming the

legal industry by enabling legal practitioners to quickly sort through enormous volumes of data. This guarantees a more precise extraction of pertinent legal material, legislation, and case laws in addition to improving efficiency. Legal research was traditionally a laborious process, but these days it's driven by technology and simplified.

Efficiency and Precision in Contract Review: AI technologies are shown to be quite helpful in the processes of due diligence and contract review. AI solutions assist lawyers in quickly identifying possible dangers and irregularities by automating the contract assessment process. Lawyers can concentrate on more intricate facets of their work due to the time saved on this mundane task, which encourages a more strategic and sophisticated approach to the practice of law.

Legal Predictive Analytics: AI excels in predicting case outcomes and evaluating legal risks. Artificial intelligence (AI) systems analyse past case data to give legal practitioners in India insights that help them craft winning legal strategies. This predictive analytics method can have a big influence on decision-making procedures by providing a data-driven viewpoint on how lawsuits will probably turn out.

Document Management Reinvented: AI makes it easier to organise and handle enormous amounts of legal papers. Legal practitioners may search, categorise, and retrieve information with formerly unprecedented speed and precision thanks to sophisticated algorithms. This might completely transform legal procedures that need a lot of paperwork by making sure that information is always available when needed.

The Rise of Legal Chatbots and Virtual Assistants: For the public, access to legal information is essential. Chatbots and virtual assistants driven by AI are quickly becoming essential technologies that help the general public by offering information and support. The purpose of these technologies is to handle common legal queries and increase the accessibility of legal materials for a wider range of users, rather than to completely replace human expertise.

Challenges and Considerations: Although there are many advantages to integrating AI into the Indian judicial system, there are drawbacks as well. It is necessary to address ethical issues, such as data privacy and the possibility of algorithmic biases. The legal arena requires ethical and equitable use of artificial intelligence (AI), which requires regulatory frameworks to keep up with technical breakthroughs. For legal professionals to fully utilise AI technologies, there is also an urgent need for continual capacity building and training.

Here are some of the key challenges

- 1. Regulatory Framework:** One of the primary challenges is the lack of a comprehensive regulatory framework governing the use of AI in the legal system. Clear guidelines and regulations are needed to ensure the ethical and responsible deployment of AI tools.
- 2. Data Privacy and Security:** AI systems in the legal domain often rely on vast amounts of sensitive data,

including personal information and case files. Ensuring the privacy and security of this data is crucial to maintain public trust and comply with existing data protection laws such as the Personal Data Protection Bill.

3. **Bias and Fairness:** AI algorithms can inherit biases present in the data they are trained on, leading to unfair or discriminatory outcomes, particularly in areas like sentencing and decision-making. Addressing algorithmic bias and ensuring fairness in AI applications is a significant challenge for the Indian legal system.
4. **Interpretability and Transparency:** The opacity of AI algorithms poses challenges to the transparency and interpretability of legal decisions. Judges and legal professionals may struggle to understand the rationale behind AI-generated recommendations or rulings, raising concerns about accountability and due process.
5. **Access to Justice:** While AI has the potential to improve access to justice by automating routine tasks and providing legal assistance, there is a risk that it may exacerbate existing disparities in access to legal services. Ensuring equitable access to AI tools and technologies is essential to prevent widening the justice gap.
6. **Ethical Considerations:** AI raises complex ethical questions, particularly in sensitive legal areas such as criminal justice and human rights. The Indian legal system must grapple with ethical dilemmas surrounding AI, including issues of accountability, transparency, and the delegation of decision-making authority to machines.
7. **Education and Training:** There is a need to equip legal professionals with the necessary knowledge and skills to effectively leverage AI technologies in their practice. Training programs and continuing education initiatives can help bridge the gap between legal expertise and technological proficiency.
8. **Resource Constraints:** Implementation of AI technologies in the legal system requires significant financial investment and technological infrastructure. Resource constraints may hinder the adoption of AI tools, particularly for smaller law firms and public institutions.

Addressing these challenges will require a collaborative effort involving policymakers, legal practitioners, technologists, and civil society to develop appropriate regulations, ethical guidelines, and capacity-building initiatives that ensure the responsible and equitable integration of AI into the Indian legal system.

Conclusion

The concept of Artificial Intelligence in the Indian legal system is a paradigm shift that promises increased efficiency, accessibility, and accuracy. However, it demands a careful balancing act to navigate ethical concerns and regulatory challenges. As India embraces the future of legal

practice, a collaborative effort involving legal professionals, technology experts, and policymakers is essential to ensure that AI becomes a force for good, enriching the legal landscape and serving the interests of justice and fairness.

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